

5326A-3 originally was an application submitted by the City of Lennox on August 24, 1992.

The application was withdrawn by the City of Lennox on December 1, 1992.

5326-3 was issued to the City of Lennox and then transferred to South Lincoln RWS.

Unaware of the withdrawn application No. 5326A-3, the number was assigned to an application for change of use submitted by South Lincoln RWS on August 17, 2018.

The withdrawn application and correspondence regarding the original 5326A-3 are located at the end of this pdf file.

WATER PERMIT NO. 5326A-3

Name of Applicant: South Lincoln RWS Inc.

Address: 28647 472nd Ave, Beresford SD 57004

Phone: 605 777-9905

Amount of Water Claimed: no add'l

Total Acres: NA

Source of Water Supply: 2 well – Dakota Formation

Water to be used for: rural water system use

County: Lincoln

Type of Waste Disposal System:

Location: approximately 4 miles southeast of Lennox

PRIORITY

Date Received: 8-17-18

Application/License Fee: \$ 100

Corrected Application Received:

Period of Annual Use: Jan 1 – Dec 31

Remarks: Change of use from municipal to rural water

Diversion Point: SW 1/4 SW 1/4 & NE 1/4 NW 1/4

Sec 12-T98N-R51W

Land to be Irrigated: NA

Depth of Well:

Well Driller:

Remarks:

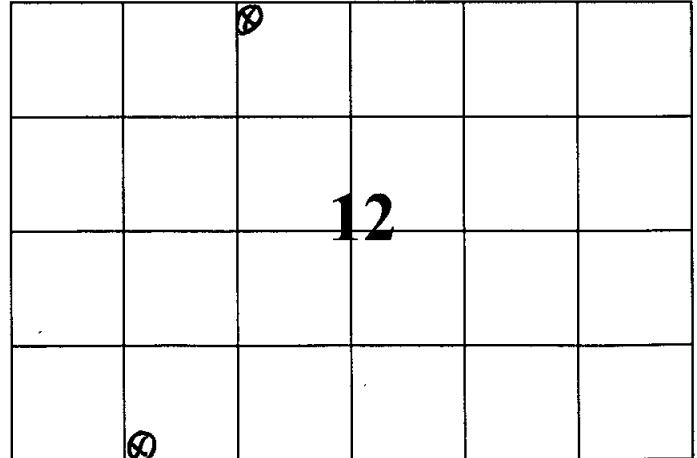
Type of Map:

Prepared by:

Reviewed and the Number Assigned on: 8-17-18

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>5326A-3</u> (office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion R</u>
	Newspaper <u>see list</u>

RECEIVED

AUG 17 2018

WATER RIGHTS
PROGRAM**Application For Permit To Appropriate Water Within The State Of South Dakota****Check use(s) of water:**

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☒ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other _____	

Type of Application:

(check one)

☐ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☒ Amendment/Correction to Permit No. <u>5326-3</u>		

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

Change of use on Water Right No. 5326-3 from municipal to rural water system use1. Name to Appear on Water Permit South Lincoln Rural Water System Inc.Mailing Address 28647 472nd Ave Beresford SD 57004
(Address) (City) (State) (Zip Code)Phone 605 777-9905 Mobile _____ Email Tom@slrws.com2. Amount of water claimed no add'l *CFS or _____ **GPM and _____ ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)3. Source of water supply groundwater - two wells4. Location of point of diversion SW 1/4 SW 1/4 & NE 1/4 NW 1/4 Sec 12-T98N-R51W County Lincoln
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☒ Yes ☐ NoIf "Yes," where will water be used? Lincoln, Union, Turner, Minnehaha Counties
(example - NW1/4 section 12-T104N-R53W)5. County or counties where water will be used Lincoln, Union, Turner, Minnehaha6. Annual period during which water is to be used January 1 - December 31

7. Give a description of the 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)

I, Thomas Douch, GM, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

SOUTH DAKOTA
WATER PERMIT NO. 5326A-3

Date of first receipt of application August 17, 2018.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5326A-3 to South Lincoln Rural Water System, Inc., 28647 472nd Ave, Beresford SD 57004 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. 5326A-3 changes the municipal use authorized by Water Right No. 5326-3 to rural water system use. Water Right No. 5326-3 appropriates 232 acre-feet of water annually from two wells (Dakota Aquifer) located in the SW 1/4 SW 1/4 and the NE 1/4 NW 1/4 Section 12-T98N-R51W.
2. The water appropriated shall be used for the purpose of rural water system use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 5326A-3 is October 15, 2018.
5. The date from which applicant may claim right is March 31, 1989 (established by Permit No. 5326-3).
6. 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 wells approved under this Permit are located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit 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. Water Permit No. 6778A-3 which incorporates Water Right Nos. 5326-3, 5753-3 and 6778-3 and Water Permit Nos. 5326A-3, 5753A-3 and 6778A-3, authorizes a maximum annual withdrawal of up to 517 acre feet of water from the Dakota Formation.
3. That South Lincoln Rural System report to the Chief Engineer annually the amount of water withdrawn each year from the Dakota Formation.

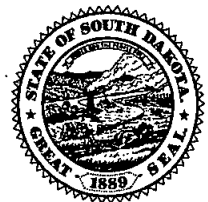
WATER MANAGEMENT BOARD

By: _____

Jeanne Goodman
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 29 2019

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 17, 20 18

RECEIVED OF South Lincoln Rural Water System 28647 472nd Avenue Beresford SD 57004

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

Fee for Application for Permit No. <u>5326A-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	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 _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100 00

No. **08744**

By Jeanne Goodman
Chief Engineer
7412

SOUTH LINCOLN RURAL WATER SYSTEM, INC.

28647 472ND AVE.
Beresford, SD 57004

RECEIVED

Phone: 605-777-9905
Email: Tom@slrws.com

AUG 02 2018

**WATER RIGHTS
PROGRAM**

July 25, 2018

PMB 2020
DENR – Water Rights Program
523 E Capitol Avenue
Pierre, SD 57501-3182

Re: Transfer of Ownership, Permits #5356-3, 5753-3 and 6778-3

Madman or Sir,

On October 13, 2017 I received a copy of a letter from Mr. James Feeney sent to The Honorable Orville Wiebers, Mayor of the City of Lennox. This letter was sent in response to Mayor Wiebers' letter of September 7, 2017 and the city's intentions of selling its wells to South Lincoln Rural Water System. The letter from Mr. Feeney concluded the city could sell its wells to South Lincoln Rural Water System.

Mr. Feeney mentioned in his response, that once the sale had been completed, South Lincoln would need to transfer ownership. Additionally, the water rights will have to be amended, changing the water use from municipal to rural water system use.

Enclosed are copies of the NOTICE OF TRANSFER OF OWNERSHIP, one for each of the six wells. I have enclosed a check in the sum of \$300 (six wells, \$50.00 each) to pay for the recording of these transactions.

Once our request has been granted and a new license has been assigned, I would ask the Department of Environment and Natural Resources to internally change the water use status from "municipal" to "rural water" use. If there is a charge for making this modification, I would ask the Department to email me an invoice at tom@slrws.com and I will expedite the payment for this service.

Should you require additional information, please do not hesitate contacting me at your earliest convenience.

Respectfully yours,



Thomas Rausch,
General Manager
South Lincoln Rural Water System, Inc.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 10, 2018

South Lincoln Rural Water System Inc.
c/o Thomas Rausch, Manager
28647 472nd Ave
Beresford SD 57004

Dear Mr. Rausch:

We have received the Transfer of Ownership forms for Water Right Nos. 5326-³~~2~~, 5753-3 and 6778-3. The transfers have been completed and the water rights formerly listed in the name of the City of Lennox are now listed in the name of South Lincoln Rural Water System Inc. Enclosed are the receipts in the amount of \$50 each for filing the transfers.

As stated in your phone conversation with Eric Gronlund, enclosed are three applications to change the use from municipal to rural water system for each of the above listed water rights.

Please review each application for accuracy, sign and return. The application filing fee for each application will be \$100. You originally submitted a check for \$300. Each transfer required a \$50 fee (\$150 total for the three permits). The remainder (\$150) will be applied to the change of use applications. Please submit an additional \$150.

If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NOS. 5326A-3, 5753A-3 and 6778A-3
South Lincoln Rural Water System Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application Nos. 5326A-3, 5753A-3 and 6778A-3, South Lincoln Rural Water System Inc., c/o Thomas Rausch, 28647 472nd Avenue, Beresford SD 57004.

The Chief Engineer is recommending APPROVAL of Application Nos. 5326A-3, 5753A-3 and 6778A-3 with the incorporation of these applications, if approved, and Water Right Nos. 5326-3, 5753-3 and 6778-3 into one water permit entitled Water Permit No. 6778A-3 since these water rights are associated with one well field because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The wells approved under this Permit are located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit 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. Water Permit No. 6778A-3 which incorporates Water Right Nos. 5326-3, 5753-3 and 6778-3 and Water Permit Nos. 5326A-3, 5753A-3 and 6778A-3, authorizes a maximum annual withdrawal of up to 517 acre feet of water from the Dakota Formation.
3. That South Lincoln Rural System report to the Chief Engineer annually the amount of water withdrawn each year from the Dakota Formation.

The priority dates for the diversion rate and annual volume of water will be retained as established by the respective originating water rights.

See report on application for additional information.

A handwritten signature in cursive script that reads 'Jeanne Goodman'.

Jeanne Goodman, Chief Engineer
September 27, 2018

REPORT ON PERMIT APPLICATION NOS. 5326A-3, 5753A-3 and 6778A-3
SOUTH LINCOLN RURAL WATER SYSTEM INC.

September 17, 2018

Application No. 5326A-3 proposes to change the municipal use authorized by Water Right No. 5326-3 to rural water system use. Water Right No. 5326-3 authorized the diversion of 0.62 cubic feet of water per second (cfs) (232 acre-feet annually) from two wells completed into the Dakota aquifer (636 and 567 feet deep) located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12-T98N-R51W with a priority date of March 31, 1989.

Application No. 5753A-3 proposes to change the municipal use authorized by Water Right No. 5753-3 to rural water system use. Water Right No. 5753-3 authorized the diversion of 0.36 cfs (156 acre-feet annually) of water from one well completed into the Dakota aquifer (624 feet deep) located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13-T98N-R51W with a priority date of August 27, 1986.

Application No. 6778A-3 proposes to change the municipal use authorized by Water Right No. 6778-3 to rural water system use. Water Right No. 6778-3 authorized the diversion of 1.11 cfs (129 acre-feet annually) of water from three wells completed into the Dakota aquifer (526, 560, and 558 feet deep) located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14; all in T98N-R51W with a priority date of August 27, 1986.

Pursuant to South Dakota Codified Law 46-5-30.4 any water permit or right holder may apply for a change of use of water as long as the water permit or right does not increase the rate of diversion or increase the volume of water to be appropriated under the original water permit or right. The amendment may not impair existing rights. No increase in the diversion rate is requested by these applications. The site of the existing six wells is approximately 4 miles southeast of Lennox, SD in Lincoln County.

Aquifer: Dakota aquifer (DKOT)

Hydrogeology

The Dakota Formation is composed of light-brown to reddish-brown, fine-to-medium grained friable quartz, minor feldspar sandstone with interbeds of gray to dark-gray shale, Thin discontinuous beds of lignite, gray silty clay with siderite pellets, medium-to coarse-grained quartz sandstone with thin shaly intervals (less than 5 feet) (Hedges, Burch, Iles, Barari, & Schoon, 1982). The areal extent and recoverable water of the Dakota Formation in Lincoln County, SD was estimated by Hedges, Burch, Iles, Barari, & Schoon (1982) to be 484 square miles and 4,297,900 acre-feet respectively. In the vicinity of these water rights, the water table of the Dakota aquifer is expected to be approximately 105-225 feet below grade with a general direction of groundwater movement to the south with the top of the formation at approximately 390-430 feet below grade and the aquifer having an average thickness of 180-240 feet (Water

Rights, 2018a; Water Rights, 2018c; Niehus, 1994). The Dakota aquifer is confined in the area of Water Right Nos. 5326-3, 5753-3, and 6778-3.

Observation Well Data

The DENR-Water Rights Program monitors 46 observation wells completed into the Dakota aquifer (Water Rights, 2018c). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. Water Right Nos. 5326-3, 5753-3, and 6778-3 are within a reasonable distance of several Dakota aquifer observation wells. There are five nearby observation wells that can be used for analysis: LN-77A, LN-79D, LN-92A, LN-77F, and LN-80I as seen in Figure 1. The hydrographs for these observation wells are shown in Figure 2. These observation well hydrographs are representative of the Dakota aquifer and show that the aquifer responds well to hydrologic conditions, recharging during wetter periods and declining during drier periods.

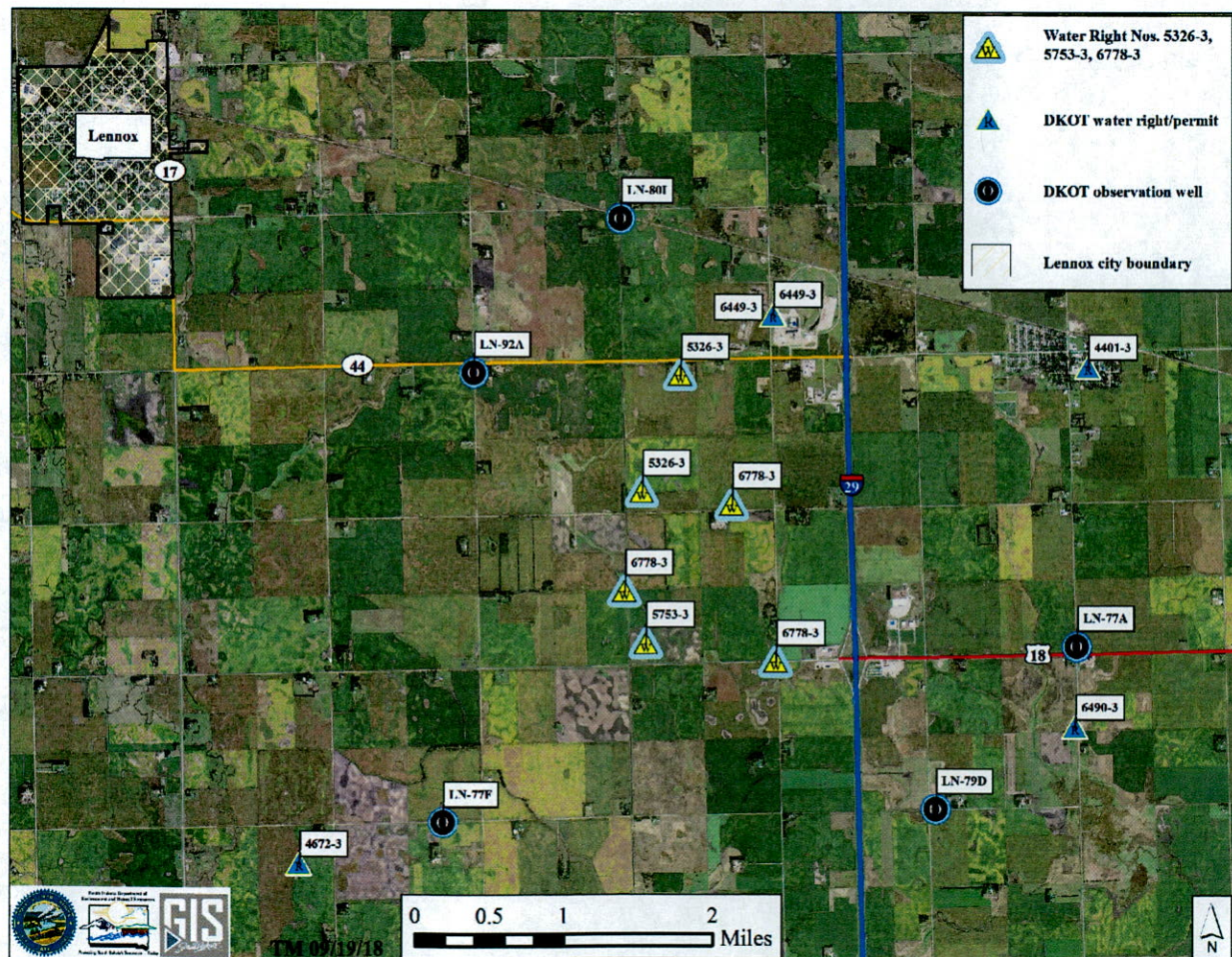


Figure 1: Map showing observation wells used for analysis, diversion points for Water Right Nos. 5326-3, 5753-3, and 6778-3 and nearby water rights/permits completed into the Dakota aquifer (DKOT) (Water Rights, 2018a; Water Rights, 2018c).

The water levels in the observation wells show that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping condition. Therefore, recharge to, and natural discharge from the Dakota aquifer can be captured for pumping.

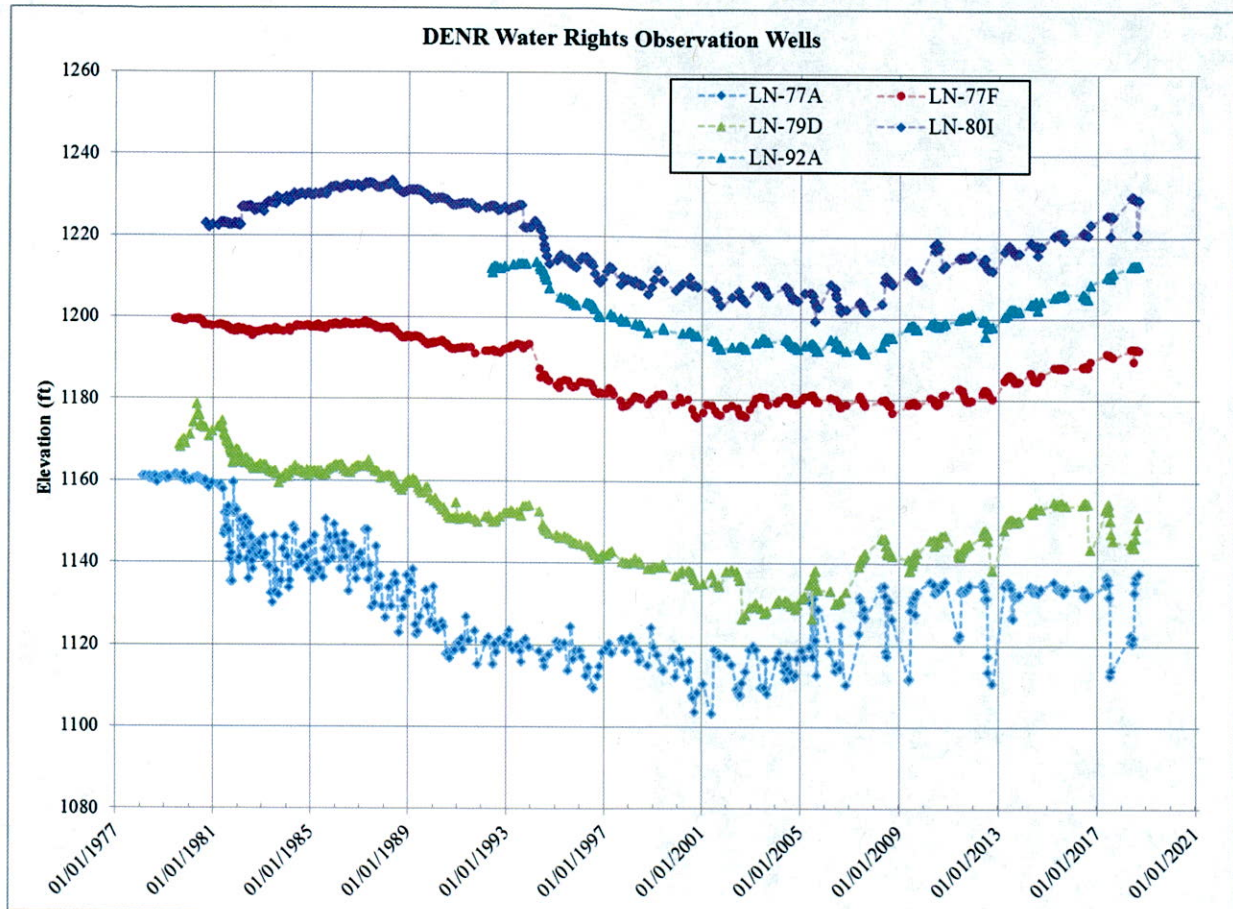


Figure 2: Hydrographs for Observation Wells LN-77A, LN-79D, LN-92A, LN-77F, and LN-80I (Water Rights, 2018c)

Existing Water Rights

Currently, there are 292 water rights/permits appropriating water from the Dakota aquifer (Water Rights, 2018a). There are 4 diversion points for water rights/permits currently authorized to withdraw water from the Dakota aquifer located within approximately 3.5 miles of Water Right Nos. 5326-3, 5753-3, and 6778-3 listed in Table 1 and illustrated in Figure 1. The nearest water right/permit not owned by the applicant and completed into the Dakota aquifer is located approximately 0.75 miles to the northeast of Water Right No. 5326-3. There are a number of domestic wells on file with the SD DENR-Water Rights Program within 3.5 miles of the well sites. However, none of them appear to be completed into the Dakota aquifer (Water Rights, 2018b).

Table 1: Water rights/permits appropriating water from the Dakota aquifer in the vicinity of Water Right Nos. 5326-3, 5753-3, and 6778-3 (Water Rights, 2018a).

Permit No.	Name	Status	Use	Rate (cfs)	Annual Maximum Volume (ac-ft)
4401-3	Town Of Worthing	LC	MUN	0.17	65
4672-3	Cliff/Phyllis Elcock	LC	COM	0.05	
6449-3	Eastern Farmers Cooperative	LC	COM	0.02	
6490-3	South Lincoln Rws	LC	RWS	1.89	1,048
LC = water right, MUN = municipal, COM = commercial, RWS = rural water system					

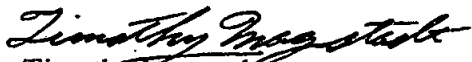
The Dakota aquifer is confined in this area, so drawdown from pumping can extend a fair distance. Over the period of record, the water levels shown in the hydrographs for observation wells LN-77A, LN-79D, LN-92A, LN-77F, and LN-80I (Figure 2) have remained stable. Thickness of the Dakota aquifer in this area is expected to be 180-240 feet and fully saturated with the water rising an average of 245 feet above the top of the formation. This would allow sufficient saturated thickness for a pump to be placed 20 feet below the top of the aquifer. An adequate well should not be adversely impacted by pumping at this proposed diversion rate.

An adequate well as defined in South Dakota Administrative Rule 74:02:04:20(6):

“A well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.”

Conclusions

1. Water Permit Application Nos. 5326A-3, 5753A-3, and 6778A-3 propose to change the municipal use authorized by Water Right Nos. 5326-3, 5753-3, and 6778-3 to rural water system use.
2. The aquifer is confined in the area of Water Right Nos. 5326-3, 5753-3, and 6778-3. However, there is sufficient aquifer thickness and head for an adequate well to not be adversely impacted by pumping at this diversion rate.
3. The wells for this application appear to have been constructed in accordance with the SD Well Construction Standards.
4. No increase in the diversion rate is authorized by the application.


Timothy Magstadt

Natural Resources Engineer
SD DENR – Water Rights Program

References

- Hedges, L. S., Burch, S. L., Iles, D. L., Barari, R. A., & Schoon, R. A. (1982). *Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa*. Department of Water and Natural Resources, Office of Geological Survey.
- Niehus, C. A. (1994). *Water Resources of Lincoln and Union Counties, South Dakota, Report 93-4195*. U.S. Geological Survey.
- Water Rights. (2018a). *Water Right/Permit Files*. Joe Foss Bldg., Pierre, South Dakota.: SD DENR-Water Rights Program.
- Water Rights. (2018b). *Well Completion Report Files*. Joe Foss Bldg., Pierre, South Dakota.: SD DENR-Water Rights Program.
- Water Rights. (2018c). *Observation Well Database*. Joe Foss Bldg., Pierre, South Dakota.: SD DENR-Water Rights Program.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

SS

COUNTY: UNION

CITY: BERESFORD

NEWSPAPER: BERESFORD REPUBLIC

Allyson M. Hill, being first duly sworn, on oath, says that the BERESFORD REPUBLIC IS a weekly newspaper published in said city and county, State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, and has met all the requirements for at least one year next prior to the first publication of the attached public notice, and that said notice, a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper

1 time(s) as follows: that the first publication of said notice in said newspaper aforesaid was on Thursday the

4 day of October, 2018, and that the succeeding publications were severally on

Thursday, the _____ day of _____, 2018;

Thursday, the _____ day of _____, 2018;

Thursday, the _____ day of _____, 2018

Affiant further says that the full amount of the fees charged for the publication of said notice inures to the benefit of the publishers of said newspaper; that no agreement of understanding for the division thereof has been made with any other person, that no part therefore has been agreed to be paid to any person whomsoever; and that the fees charges for the publication thereof are:

DOLLARS \$ 37³⁰

x Allyson M. Hill, Allyson M. Hill

Subscribed and sworn to before me this 31 day of October, 2018.

[Signature]
Notary Public

My commission expires 11/14/2018.

RECEIVED

NOV 26 2018

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION NOS. 5326A-3, 5753A-3 and 6778A-3 to Amend Water Right Nos. 5326-3, 5753-3 and 6778-3

Notice is given that South Lincoln Rural Water System Inc., c/o Thomas Rausch, 28647 472nd Ave, Beresford SD 57004 has filed the following applications to change use from municipal to rural water system use. The Water Rights were held by the city of Lennox but have been transferred to South Lincoln Rural Water System.

Application No. 5326A-3 proposes to change the municipal use authorized by Water Right No. 5326-3 to rural water system use. Water Right No. 5326-3 appropriates 232 acre-feet of water annually from two wells (Dakota Aquifer) located in the SW 1/4 SW 1/4 and the NE 1/4 NW 1/4 Section 12-T98N-R51W with a March 31, 1989 priority date.

Application No. 5753A-3 proposes to change the municipal use authorized by Water Right No. 5753-3 to rural water system use. Water Right No. 5753-3 appropriates 156 acre-feet of water annually from one well (Dakota Aquifer) located in the SW 1/4 SW 1/4 Section 13-T98N-R51W with an August 27, 1986 priority date.

Application No. 6778A-3 proposes to change the municipal use authorized by Water Right No. 6778-3 to rural water system use. Water Right No. 6778-3 appropriates 129 acre-feet of water annually from three wells (Dakota Aquifer) located in the NE 1/4 NE 1/4 Section 24, SW 1/4 SE 1/4 Section 12 and the NE 1/4 SE 1/4 Section 14; all in T98N-R51W with an August 27, 1986 priority date.

Water Right Nos. 5326-3, 5753-3 and 6778-3, combined, authorize a maximum annual withdrawal of 517 acre-feet of water annually from the Dakota Aquifer. No additional water appropriation is authorized by these applications. The site of the existing six wells is approximately 4 miles southeast of Lennox SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5326A-3, 5753A-3, 6778A-3, and incorporating these Applications with Water Right Nos. 5326-3, 5753-3 and 6778-3 into one Water Permit No. 6778A-3 since these water rights are associated with one well field and because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water; and 3) it is in the public interest.

SHANE HILL



NOTARY PUBLIC
SOUTH DAKOTA



The Chief Engineer's recommendation with qualifications, the applications, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting the applications or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is

"Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by October 15, 2018.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the applications is received, the Chief Engineer shall act on the applications pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner,
Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$37.38

RECEIVED

OCT 09 2018

WATER RIGHTS
PROGRAM

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF TURNER

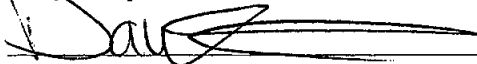
I, Dawn Rye, of the City of Parker, County of Turner, State of South Dakota being first duly sworn on oath, deposes and says: The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, New Century Press, publishers, and has been such legal newspaper during the times here in after mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice here unto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned, The affiant, is the Office Manager of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

N1004-4 Notice of application Nos. 5326A, 5753A, 6778A-3

once printed copy of hereto attached, is printed and published in the said newspaper for one successive week, one each week and on the same day of the week, on the following dates, to wit:

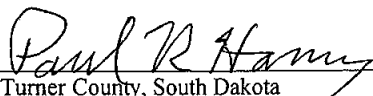
On Thursday, the 4th day of October 2018

That \$53.79 being the full amount of the fees for publication of the attached notices insures solely for the benefits of the publishers of the said newspaper, that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.



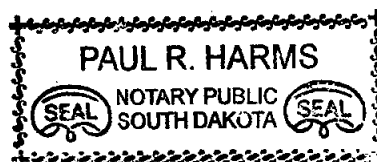
Subscribed and sworn to before me this

Day of October 2018


Notary Public, Turner County, South Dakota

My Commission Expires: April 24, 2024

Publication Fee \$53.79
Notary Fees \$
Total \$53.79



RECEIVED

OCT 09 2018

WATER RIGHTS
PROGRAM

Notice of application Nos.
5326A-3, 5753A-3
and 6778A-3

to Amend Water Right Nos.
5326-3, 5753-3 and 6778-3

Notice is given that South Lincoln Rural Water System Inc., c/o Thomas Rausch, 28647 472nd Ave, Beresford SD 57004 has filed the following applications to change use from municipal to rural water system use. The Water Rights were held by the city of Lennox but have been transferred to South Lincoln Rural Water System.

Application No. 5326A-3 proposes to change the municipal use authorized by Water Right No. 5326-3 to rural water system use. Water Right No. 5326-3 appropriates 232 acre-feet of water annually from two wells (Dakota Aquifer) located in the SW 1/4 SW 1/4 and the NE 1/4 NW 1/4 Section 12-T98N-R51W with a March 31, 1989 priority date.

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Application No. 6778A-3 proposes to change the municipal use authorized by Water Right No. 6778-3 to rural water system use. Water Right No. 6778-3 appropriates 129 acre-feet of water annually from three wells (Dakota Aquifer) located in the NE 1/4 NE 1/4 Section 24, SW 1/4 SE 1/4 Section 12 and the NE 1/4 SE 1/4 Section 14; all in T98N-R51W with an August 27, 1986 priority date.

Water Right Nos. 5326-3, 5753-3 and 6778-3, combined, authorize a maximum annual withdrawal of 517 acre-feet of water annually from the Dakota Aquifer. No additional water appropriation is authorized by these applications. The site of the existing six wells is approximately 4 miles southeast of Lennox SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5326A-3, 5753A-3, 6778A-3, and incorporating these Applications with Water Right Nos. 5326-3, 5753-3 and 6778-3 into one Water Permit No. 6778A-3 since these water rights are associated with one well field and because: 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

The Chief Engineer's recommendation with qualifications, the

Capitol, Pierre SD 57501 (605 773-3352)* and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by Monday, Oct. 15.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the applications is received, the Chief Engineer shall act on the applications pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$53.79 (N1004-4)

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OCT 09 2018

WATER RIGHTS
PROGRAM

CUSTOMER NUMBER:	055347	Argus Leader	
INVOICE NUMBER:	3181665		
RUN DATES:	10/4, 2018	P.O. Box 677349, Dallas, TX 75267-7349	
		LINES: 157	AMOUNT DUE: \$98.92

South Lincoln Rural Water System, Inc.
c/o Thomas Rausch
28647 472nd Ave
Beresford, SD 57004

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

Water Permit

AFFIDAVIT OF PUBLICATION-

Customer Number: 055347

South Lincoln Rural Water System, Inc.

Invoice Number: 3181665

Argus Leader

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Sara Kruse being duly sworn, says: That the **Argus Leader** is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-2.1, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Thursday, the 4 day of October, 2018

_____, the _____ day of _____, 2018

_____, the _____ day of _____, 2018

_____, the _____ day of _____, 2018

_____, the _____ day of _____, 2018

_____, the _____ day of _____, 2018

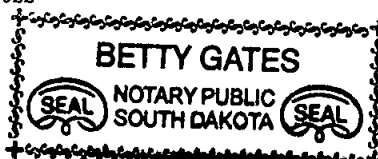
_____, the _____ day of _____, 2018

and that \$98.92 was charged for publishing the same.

Sara Kruse
Subscribed and sworn to before me 1/25/18

Betty Gates
Notary Public, South Dakota

My Commission expires March 11, 2022



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The Chief Engineer's recommendation with qualifications, the applications, and staff report are available at <http://denr.sd.gov/pub> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below. Any person interested in opposing or supporting the applications or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by October 15, 2018. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the applications is received, the Chief Engineer shall act on the applications pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and one person filing a petition, Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the approximate cost of \$98.92.

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NOS. 5326A-3, 5753A-3 and 6778A-3
to Amend Water Right Nos. 5326-3, 5753-3 and 6778-3
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3181665 Oct. 4, 2018

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

TERESA WILCOX

being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that he is and during all of said time was publisher of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Notice of Application South Lincoln Rural Water

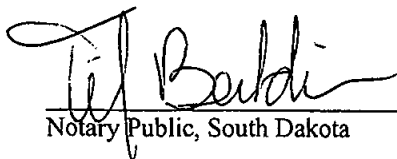
a printed copy of which is hereto attached, was printed and published in said newspaper for ONE successive week(s) upon the following dates, to-wit:

October 4, 2018

that the full amount of the fees charged for publishing the same to-wit: the sum of \$42.09 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.



Ascribed and sworn to before me this 4th day of
October, 2018.


Notary Public, South Dakota

(Seal)



My Commission Expires
January 12, 2024

NOTICE OF APPLICATION NOS. 5326A-3, 5753A-3 and 6778A-3 to Amend Water Right Nos. 5326-3, 5753-3 and 6778-3

Notice is given that South Lincoln Rural Water System Inc., c/o Thomas Rausch, 28647 472nd Ave, Beresford SD 57004 has filed the following applications to change use from municipal to rural water system use. The Water Rights were held by the city of Lennox but have been transferred to South Lincoln Rural Water System.

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RECEIVED

OCT 17 2018

WATER RIGHTS
PROGRAM

Water Permit No. 6778A-3 since these water rights are associated with one well field and because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

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Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published in the Sioux Valley News on October 4, 2018, at the total approximate cost of \$42.09.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

September 28, 2018

South Lincoln Rural Water System Inc.
c/o Thomas Rausch, Manager
28647 472nd Ave
Beresford SD 57004

Dear Mr. Rausch:

Water Permit Application Nos. 5326A-3, 5753A-3 and 6778A-3 for rural water system use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the following papers:

Sioux Valley New, Canton SD	605 764-2000
The New Era, Parker SD	605 297-4416
Beresford Republic, Beresford SD	605 763-2006
Argus Leader, Sioux Falls SD	605 331-2200

You will need to contact the newspapers and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the applications 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the applications.

NOTICE OF APPLICATION NOS. 5326A-3, 5753A-3 and 6778A-3
to Amend Water Right Nos. 5326-3, 5753-3 and 6778-3

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Any person interested in opposing or supporting the applications or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by October 15, 2018.

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Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

MAR 29 2019

South Lincoln Rural Water System Inc.
c/o Thomas Rausch
28647 472nd Ave
Beresford SD 57004

Dear Mr. Rausch:

Enclosed are Water Permit Nos. 5326A-3, 5753A-3 and 6778A-3 authorizing the change of use from municipal to rural water system. As stated in the qualifications, Permit Nos. 5326A-3 and 5753A-3 have been incorporated into Water Permit No. 6778A-3 authorizing a total diversion rate of 2.09 cubic feet of water per second and a maximum annual withdrawal of up to 517 acre-feet of water annually from the Dakota Formation.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Joanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Withdrawn

Considered: _____

WATER PERMIT NO. 5326A-3

Phone: _____

Name of Applicant: City of Lennox

Post Office Address: PO Box 228, Lennox, SD 57039

Amount of Water Claimed: no add'l Total Acres: N/A

Source of Water Supply: Dakota Formation

Water to be used for: Municipal County: Lincoln

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 8/24/92 Fee: \$50 Remarks Change the

point of diversion of one of the three wells authorized by WP No. 5326-3

Corrected Application Received 9/16/92 Period of Annual Use _____

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

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

Diversion Point: _____

NW1/4 SW1/4 Section 12, T98N, R51W

Land to be Irrigated: _____

	X		12		

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: 660' REMARKS _____

Type of Map: Plat PREPARED BY: Bernard Smucker Reviewed and the Number

Assigned on 9/18/92 By Eric Gronlund

FORM 2: Application for uses other than irrigation

(type or print)

Replaced by appl.



Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. _____ Hydrologic Unit Received 8/24/92
Basin _____
Newspaper _____
(office use only)

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

Check use of water:

☒ Municipal _____ Suburban Housing _____ Recreational _____ Institutional _____
☐ Rural Water System _____ Commercial _____ Fish & Wildlife _____ Geothermal Heat _____
☐ Domestic _____ Industrial _____ Other _____
(over 18 gpm)

Type of Application: _____ New _____ Vested Right (Use predates Mar 2, 1955) _____ Future Use Reservation
(check one) _____ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☒ Amendment/Correction to Permit No. 5326-3

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) Change di-
version point from NW 1/4 of NE 1/4 of Section 14, T 98 N, R 51 W to the SE 1/4 of
the NE 1/4 of Section 14, T 98 N, R 51 W, all in Lincoln County.

- Name of Applicant City of Lennox Phone 647-2286
Mailing Address 220 S Main Street Lennox State SD
(Street, RR, or Box) (City) (Zip Code)
Annual
- Amount of water claimed 0.62 *CFS or _____ **GPM Withdrawl 232 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Dakota Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Total of 3 wells located
in: SE 1/4 of the NE 1/4 of Section 14, SW 1/4 of the SW 1/4 of Section 12, and the NE
1/4 of the NW 1/4 of Section 12, T 98 N, R 51 W County Lincoln
- County or counties where water will be used Lincoln
- Annual period during which water is to be used January 1 - December 31
- Give a description of the 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)

Information already on file with SD-DENR.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Lincoln)^{ss}

I, Floyd Beach, 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 _____

Subscribed and sworn to before me this 10 day of Aug. 19 92

Sharon C. Allen

Notary Public

MY COMMISSION EXPIRES OCT. 1, 1997

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter ^{20" to formation} 12" to total depth Depth 660' +/-
- b) Casing Type Steel (Sched 40) Diameter 12" Thickness 0.375"
- c) Screen Type Stainless Steel Diameter 6" Thickness *
- d) Gravel Pack Thickness * Length of Gravel Pack Estimated +/- 125'
- e) Depth to Top of Water Bearing Material 420' (Estimated)
- f) Depth to Water (ground surface to water level) 40' +/- (Estimated)
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others 2,000'

2. Dugout Information

- 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 for each dam. The locations of the dams need to 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

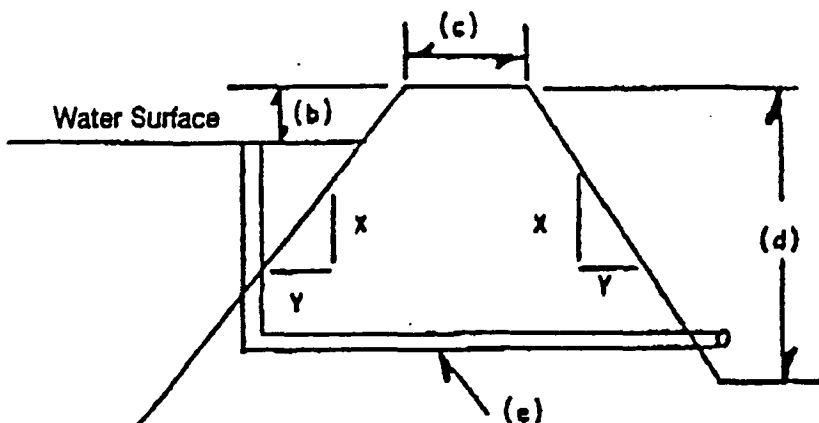
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area above Dam _____ Acres



* To be determined by formation analysis.

FORM 2: Application for uses other than irrigation

(type or print)

Withdrawn



Mail to:

Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. _____ Hydrologic Unit _____
Basin _____
Newspaper _____
(office use only)

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

Check use of water:

☒ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☐ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☐ Domestic ☐ Industrial ☐ Other _____
(over 18 gpm)

Type of Application:

(check one)

☐ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☒ Amendment/Correction to Permit No. 5326-3

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) Change diversion point from NW 1/4 of NE 1/4 of Section 14, T 98 N, R 51 W to the NW 1/4 of the SW 1/4 of Section 12, T 98 N, R 51 W, Lincoln County

- Name of Applicant City of Lennox Phone 647-2286
Mailing Address 220 South Main Street, PO Box 228 Lennox State SD 57039-0228
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.62 *CFS or 232 **GPM (annual withdrawal) (***Acres - storage capacity of dam/dugout or annual use if applicable)
(*Cubic Feet per Second) (**Gallons per Minute) (***Acres - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Dakota Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Total of three wells
located in: NW 1/4 of the SW 1/4 of Section 12; SW 1/4 of SW 1/4 of Section 12 and
the NE 1/4 of the NW 1/4 of Section 12, T 98 N, R 51 W County Lincoln
- County or counties where water will be used Lincoln
- Annual period during which water is to be used January 1 - December 31
- Give a description of the 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)
Information already on file with DENR.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Lincoln)ss

I, Floyd Beach, 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.

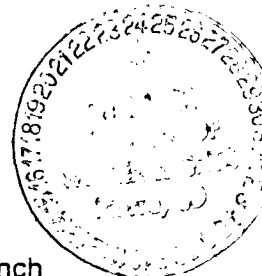
Signed

Floyd BeachSubscribed and sworn to before me this 21 day of August 19 92Sharon Ackles

Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 20" to formation, 12" to total depth Depth 660 ft +/-
- b) Casing Type Steel (Sched 40) Diameter 12 inch Thickness 0.375 inch
- c) Screen Type Stainless Steel Diameter 6 inch Thickness *
- d) Gravel Pack Thickness * Length of Gravel Pack Estimated 125 feet +/-
- e) Depth to Top of Water Bearing Material 420 feet (estimated)
- f) Depth to Water (ground surface to water level) 140 ft (estimated)
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others Greater than 2,000 ft.

2. Dugout Information

- 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 for each dam. The locations of the dams need to 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

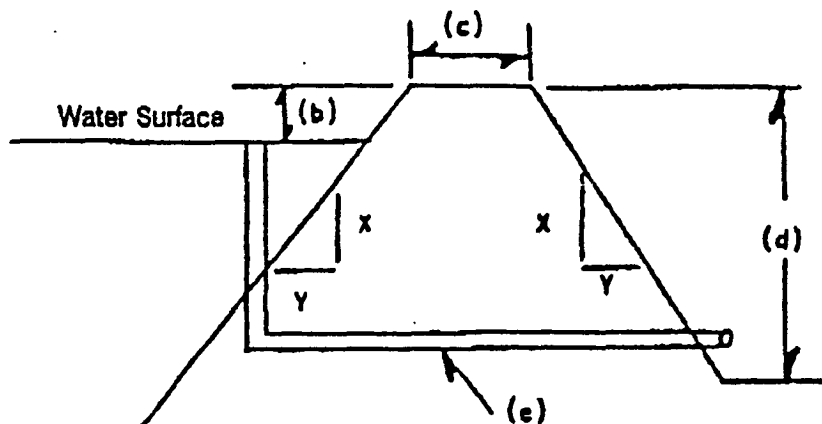
Upstream _____

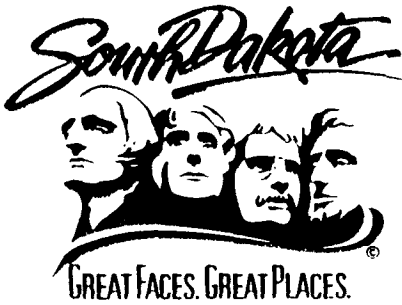
Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area above Dam _____ Acres





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 28, 1992

Bernie Schmucker
Schmucker, Paul, Nohr and Assoc.
P.O. Box 398
Mitchell, SD 57301

Dear Mr. Schmucker:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, the City of Lennox is authorized to construct a test well into the Dakota Aquifer, in the Section 14, T98N-R51W, prior to approval of a water permit. The test well must be constructed in accordance with the South Dakota Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the South Dakota Well Construction Standards.

Very truly yours,

JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

August 11, 1992

BOX 398

MITCHELL, S. DAK. 57301

PHONE (605) 996-7761

Jim Goodman
Dept of Environment and Natural Resources
Foss Building
523 East Capitol
Pierre SD 57501



RE: Water Supply and Distribution Project
Lennox, South Dakota
CDBG #9191307 SPN #5176

SCHMUCKER, PAUL, NOHR & ASSOCIATES

**ENGINEERS
SURVEYORS**

Dear Mr. Goodman:

Enclosed please find three (3) completed applications from the City of Lennox that request a change in location of one of the wells currently under construction. The pilot hole drilled at the site in the NW 1/4 of the NE 1/4 of Section 14, T 98 N, R 51 W indicated insufficient water bearing material to support the flows necessary for the City. The City is requesting to change the location of this well to the SE 1/4 of the NE 1/4 of Section 14, T 98 N, R 51 W.

Thank you for your prompt attention to this request. Please call if you have any questions.

Sincerely,

SCHMUCKER, PAUL, NOHR & ASSOCIATES

Jay A. Larson, Project Administrator

JAL:rf

Enclosures

cc: Sharon Albers, City Finance Officer w/enc



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 13, 1992

Jay A. Larson, Project Administrator
Schmucker, Paul, Nohr & Associates
Box 398
Mitchell SD 57301

RE: Water Permit Application for City of Lennox

Dear Mr. Larson:

In regard to the water permit application submitted on behalf of the City of Lennox, the following information needs to be submitted in order to process the application.

1. A map showing the location of the diversion points in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties.
2. The filing fee for this application will be \$50.00.

Upon receipt of the above, further processing of the application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

cc: Floyd Beach, City of Lennox

Conversation or File Documentation

NAME OF PERSON OR FILE: Jay Larson - City of Lennor

ADDRESS: _____ COUNTY _____

DATE: 8-19-92 TELEPHONE _____RE: City of Lennor appl

COMMENTS:

Mr. Larson stated the test holes drilled for Lennor were dry and they would be submitting an application for another area.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

August 19, 1992

BOX 398

MITCHELL, S. DAK. 57301

PHONE (605) 996-7761

Ms Karen Schlaak, Natural Resources Analyst
Dept of Environment and Natural Resources
Water Rights Division
Foss Building
523 East Capitol
Pierre SD 57501

RE: Water Supply and Distribution Project - Change in Diversion Point
Lennox, South Dakota
Permit #5326-3 CDBG #9191307 SPN #5176

SCHMUCKER, PAUL, NOHR & ASSOCIATES

**ENGINEERS
SURVEYORS**

Dear Ms. Schlaak:

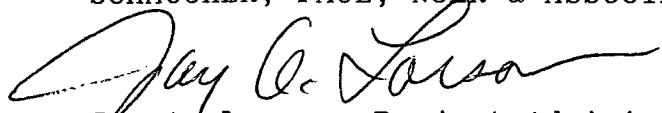
Enclosed with this letter is an application to change the point of diversion for the new municipal well being constructed by the City of Lennox. This application will replace an earlier application that is referenced in your August 13, 1992, letter to me. Test holes at both previous sites have proven that insufficient quantities of water bearing materials exist at those locations. It is believed that the proposed site will prove to be acceptable as it is located between the two wells that have been drilled.

A location map of the site will be forwarded when the site survey is completed.

Thank you for your cooperation in this matter. If you have any questions or comments, please feel free to contact our office or the City of Lennox.

Sincerely,

SCHMUCKER, PAUL, NOHR & ASSOCIATES



Jay A. Larson, Project Administrator

JAL:rf

Enclosures





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

August 25, 1992

Jay A. Larson, Project Administrator
Schmucker, Paul, Nohr & Associates
Box 398
Mitchell SD 57301

RE: Water Permit Application for City of Lennox

Dear Mr. Larson:

We have received the water permit application submitted on behalf of the City of Lennox, which replaces the one submitted August 12, 1992.

As stated in the August 13, 1992, letter the following information needs to be submitted in order to process the application.

1. A map showing the location of the diversion points in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties.
2. The filing fee for this application will be \$50.00.

Upon receipt of the above, further processing of the application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

cc: Floyd Beach, City of Lennox

City of
LENNOX, SOUTH DAKOTA

PROUD OF WHAT IT OFFERS YOU AND YOURS

From the Office of the
Finance Officer

Phone (605) 647-2286



September 3, 1992

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

Greetings:

Enclosed is the \$50.00 fee for the change in decision point application for the City.

If you have any questions, please feel free to call us at 647-2286.

Sincerely yours,


Sharon Albers
Finance Officer

RECEIPT

413410

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, September 8, 19 92

RECEIVED OF City of Lennox, Lennox, SD 57039

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

Fee for Application for Permit No. <u>5326A-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	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 _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch/gmu
Chief Engineer

September 15, 1992

BOX 398

MITCHELL, S. DAK. 57301

PHONE (605) 996-7761

Karen Schlaak, Natural Resources Analyst
Dept of Environment and Natural Resources
Foss Building
523 East Capitol
Pierre SD 57501-3181



RE: Water Supply and Distribution Project
Lennox, South Dakota
CDBG #9191307 SPN #5176

SCHMUCKER, PAUL, NOHR & ASSOCIATES

**ENGINEERS
SURVEYORS**

Dear Ms. Schlaak:

Please find enclosed three (3) copies of a map of the location of test wells for the City of Lennox. I believe this completes the necessary information so that Lennox's water permit amendment can be processed.

Please call or write if you need additional information.

Sincerely,

SCHMUCKER, PAUL, NOHR & ASSOCIATES

Jay A. Larson, Project Administrator

JAL:rf

Enclosures

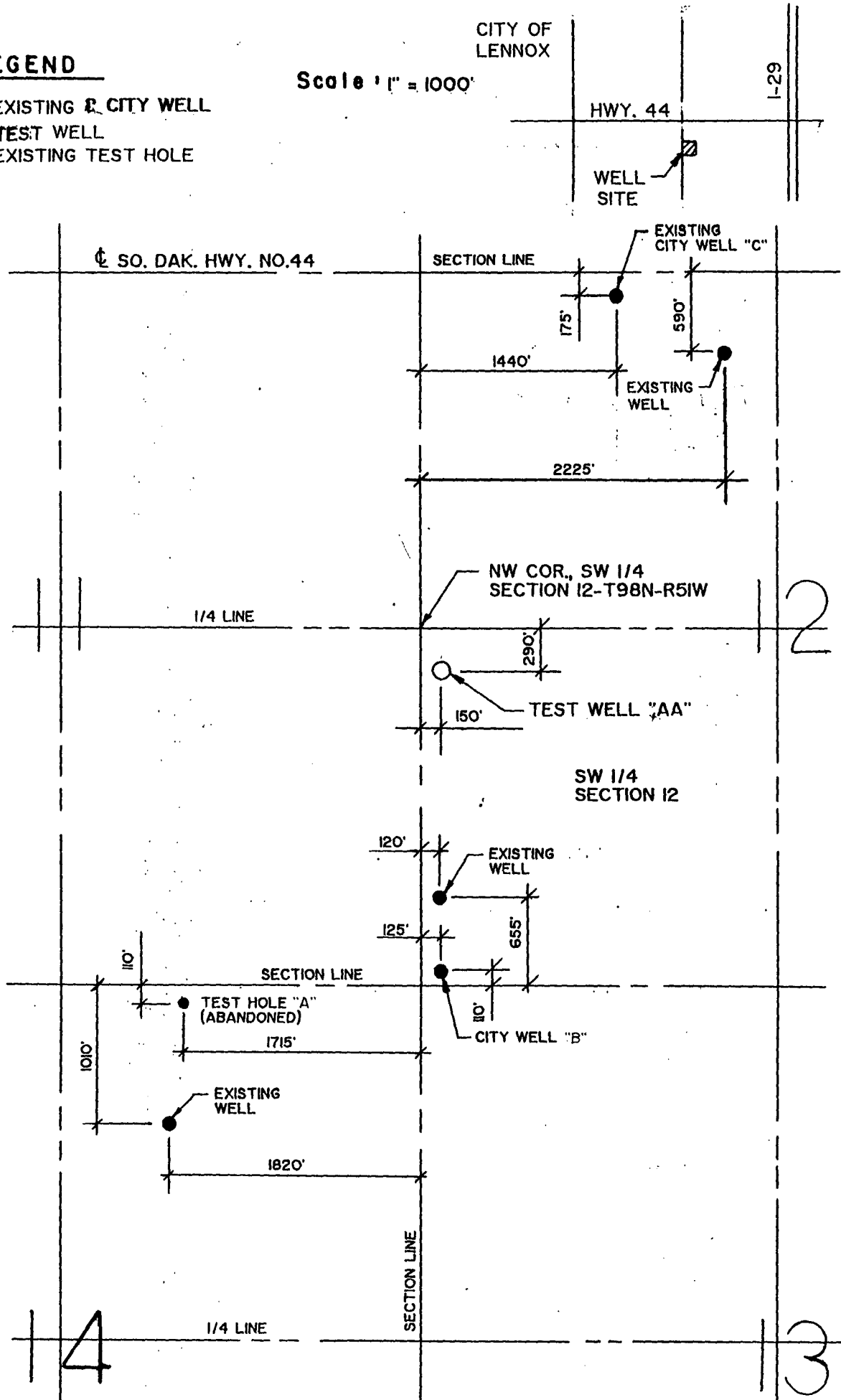
April 11, 1966.

VICINITY MAP

VICINITY MAP

Scale : 1" = 1000'

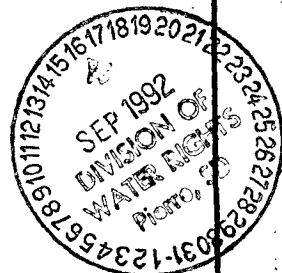
- ANN



LAWS OF THE STATE OF SOUTH DAKOTA
Bernard S. Osburn
 REGISTERED LAND SURVEYOR

NUMBER: 663

MITCHELL, S. D.



WATER PERMIT APPLICATION NO. 5326A-3
CITY OF LENNOX
OCTOBER 5, 1992

Water Permit application No. 5326A-3 proposes to change the diversion point of one of the three wells authorized by Water Permit No. 5326-3. Water Permit No. 5326-3 appropriates 0.62 cubic feet of water per second (232 acre-feet of water annually) from 3 wells (Dakota Formation) to be located in the NW 1/4 NE 1/4 Sec.14; SW 1/4 SW 1/4, NE 1/4 NW 1/4 Sec.12; all in T98N-R51W. This application proposes to change the location of the well which was to be located in the NW 1/4 NE 1/4 Sec. 14, T98N-R51W to the NW 1/4 SW 1/4 Sec.12, T98N-R51W. This application, if approved, does not authorize any increase in the diversion rate.

AQUIFER: Dakota Formation

DISCUSSION:

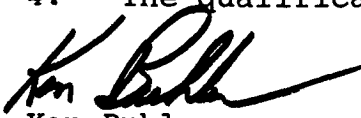
The Dakota Formation is composed of interbedded sand, sandstone, shale and sandy shale. The formation underlies approximately 484 square miles of Lincoln County and contains an estimated 4,297,900 acre-feet of recoverable water in storage in the county (Hedges, 1982). The formation attains a maximum thickness of 238 feet in the vicinity of this proposed well site, but "pinches out" against the quartzite surface within a short distance to the west (the formation is not present under most of the town of Lennox) (Hammond, 1989).

The Division of Water Rights monitors 39 observation wells completed into the Dakota Formation in Lincoln County. The Dakota Formation is under confined hydrologic conditions and measurements taken from observation wells indicate the water level fluctuates in response to withdrawals from the aquifer. The nearest observation well to this proposed well site is LN-80I which is located approximately 1.5 miles to the north.

The diversion point proposed by this application will be approximately 1/2 mile from the site that was approved by Water Permit No. 5326-3. Changing the location of this well from the location specified by the original application will not affect the distance between existing Water Right/Permit holders and wells authorized by Permit No. 5326-3 and this amendment. The well site proposed by this amendment is no longer within the area reserved for South Lincoln Rural Water System's future use by Permit No. 4817-3, as was the original well site. There are domestic wells in this area that may be closer to this new well site than they were to the original well site. Two domestic users have recently contacted the Division of Water Rights expressing concern over well locations. Drawdowns that result from pumping this well should not adversely affect adequate wells or impair water availability from the aquifer. The relocation of this well site as proposed, should not increase the potential for adverse impacts on existing water rights/permits.

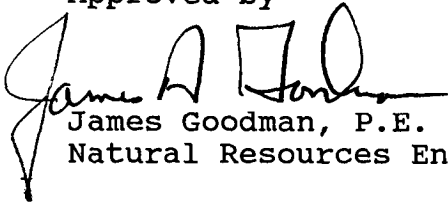
CONCLUSIONS:

1. This application proposes to change the location of the well authorized by Permit No. 5326-3 approximately 1/2 mile (from the NW 1/4 NE 1/4 Sec.14, T98N-R51W to the NW 1/4 SW 1/4 Sec.12, T98N-R51W).
2. The Dakota Formation aquifer is under confined conditions and water level fluctuations due to pumping this well are expected. This fluctuation should not adversely affect area domestic users with adequate wells.
3. Withdrawals from this well should not adversely affect existing Water Permit/Right holders.
4. The qualifications placed on Permit No.5326-3 are sufficient.



Ken Buhler
Natural Resources Engineer

Approved by



James Goodman, P.E.
Natural Resources Engineer

REFERENCES:

Division of Water Rights, 1991, "Observation Well Files", SD
DENR-Division of Water Rights, Joe Foss Building, Pierre, SD,
57501

Division of Water Rights, 1991, "Water Permit Files", SD DENR-Division
of Water Rights, Joe Foss Building, Pierre, SD, 57501

Hammond, P.D., 1989, Investigation of the Extent and Ground Water
Quality of the Dakota Formation Near Lennox, South Dakota, Open
File Report 56-UR, SD DENR-Division of Geological Survey,
Vermillion, SD 57069

Hedges, L.S., S. Burch, D.Iles, R.Barari, R.Schoon, 1982, Evaluation
of Ground-Water Resources Eastern South Dakota and Upper Big
Sioux River, South Dakota and Iowa, U.S. Army Corps of Engineers
Contract DACW 45-80-C-0185, SD Department of Water and natural
Resources, Office of Geological Survey, Vermillion, SD 57069

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5326A-3, City of Lennox

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5326A-3, City of Lennox, c/o Mayor Floyd Beach, PO Box 228, Lennox, SD 57039-2286.

The Chief Engineer is recommending APPROVAL of Application No. 5326A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. That the City of Lennox report to the Chief Engineer annually the amount of water withdrawn each year from the Dakota Formation.
2. The well authorized by Permit No. 5326A-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. 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.
4. Approval of Permit Nos. 5326-3 and 5326A-3, combined, authorizes maximum annual withdrawals of up to 232 acre-feet annually.
5. Thermoplastic casing may not be used for test wells or production wells constructed pursuant to Permit No. 5326A-3, unless approved by the Chief Engineer.
6. The approval of Permit No. 5326A-3 and Permit No. 5326-3, authorize construction of three wells.

See report on application for additional information.



for JOHN HATCH, Chief Engineer
October 19, 1992



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

October 28, 1992

Jay A. Larson, Project Administrator
Schmucker, Paul, Nohr & Associates
Box 398
Mitchell, SD 57301

Dear Mr. Larson:

Water Permit Application No. 5326A-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 Lennox Independent printed at Lennox, SD (Ph # 647-2284). 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 Hearing 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

cc: Floyd Beach, Mayor, City of Lennox, PO Box 228, Lennox, SD 57039



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 28, 1992

Lennox Independent
Box 76
Lennox, SD 57039

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5326A-3 to be published twice. Please publish the first notice on November 4, 1992, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Lennox, PO Box 228, Lennox, SD 57039 (Ph # 647-2284).

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE

No. _____

Date _____

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

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 November 5, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5326A-3
to Amend Water Permit No. 5326-3

Notice is given that the City of Lennox, PO Box 228, Lennox, SD 57039 has filed an application for a water permit to change the diversion point of one of the three wells authorized by Water Permit No. 5326-3. Water Permit No. 5326-3 appropriates 0.62 cubic feet of water per second (232 acre-feet of water annually) from 3 wells (Dakota Formation) to be located in the NW 1/4 NE 1/4 Section 14; SW 1/4 SW 1/4, NE 1/4 NW 1/4 Section 12; all in T98N-R51W. This application proposes to change the location of the well which was to be located in the NW 1/4 NE 1/4 Section 14-T98N-R51W to the NW 1/4 SW 1/4 Section 12-T98N-R51W. This application, if approved, does not authorize any increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5326A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 23, 1992. 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 the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 am, December 2, 1992, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. If a hearing is held, 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. The December 2, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 23, 1992.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact Eric Gronlund by November 23, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-2A-20, 46-2A-21; 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, 46-6-26; 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA }
COUNTY OF LINCOLN }

ss.

Kris Van Zee

being first duly sworn, disposes and says: That (he) (she) is a resident of the County of Lincoln and State of South Dakota; that the LENNOX INDEPENDENT is a weekly legal newspaper of general circulation, printed and published in Lennox, in said County and State, and is now, and has been such newspaper continuously, during all the times hereinafter mentioned; that the affiant is affiliated with said newspaper as employer or employee and has personal knowledge of all the facts stated in this affidavit, and the notice and advertisement headed Notice of Hearing

on Application No 5326A-3

to Amend Water Permit No. 5326-3

a printed copy of which is hereonto attached and made a part hereof, was printed and published in the said newspaper 2 successive issues. That the first publication of said notice in said newspaper aforesaid was on Thursday, the 5th day of Nov. A.D., 1992 and that the succeeding publication was severally

on Thursday the 12th day of Nov. A.D., 1992

on Thursday the _____ day of _____ A.D., 19____

on Thursday the _____ day of _____ A.D., 19____

on Thursday the _____ day of _____ A.D., 19____

on Thursday the _____ day of _____ A.D., 19____

on Thursday the _____ day of _____ A.D., 19____

that the fees charged for the printing and publication of said notice and advertisement in said newspaper as aforesaid were 62

Dollars 94 Cents, and that said fees for the printing and publishing of said notice and advertisement, and for the affidavit as aforesaid, have been fully paid; that the full amount of the fee charged for the publishing of the said attached and annexed notice and advertisement inures to the benefit of the publishers of the said Lennox Independent, that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person, whomsoever.

Kris Van Zee

Subscribed and sworn to before me this _____ day of

_____, 19____.

Notary Public.
Lincoln County, South Dakota.

My Commission expires _____, 19____.



NOTICE OF HEARING

on Application No. 5326A-3
to Amend Water Permit No. 5326-3

Notice is given that the City of Lennox, PO Box 228, Lennox, SD 57039 has filed an application for a water permit to change the diversion point of one of the three wells authorized by Water Permit No. 5326-3. Water Permit No. 5326-3 appropriates 0.62 cubic feet of water per second (232 acre-feet of water annually) from 3 wells (Dakota Formation) to be located in the NW 1/4 NE 1/4 Section 14; SW 1/4 SW 1/4, NE 1/4 NW 1/4 Section 12; all in T98N-R51W. This application proposes to change the location of the well which was to be located in the NW 1/4 NE 1/4 Section 14-T98N-R51W to the NW 1/4 SW 1/4 Section 12-T98N-R51W. This application, if approved, does not authorize any increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5326A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 23, 1992. 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 the petitioner's legal counsel, if legal counsel is obtained.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 a.m., December 2, 1992, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. If a hearing is held, 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. The December 2, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 23, 1992.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact Eric Gronlund by November 23, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-9, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30, 46-5-30.4, 46-5-31; 46-6-2, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; 46-5-20.1, 46-5-8.1 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources. (L112/Nov. 5 & 12)

PARTIES OF RECORD

WATER PERMIT APPLICATION NO. 5326A-3, City of Lennox

Applicant

Mayor Floyd Beach
City of Lennox
PO Box 228
Lennox, SD 57039

Petition of Opposition

John Sievers, Manager
South Lincoln Rural Water System
Box 155
Canton, SD 57013

Douglas L. Kuper
RR 4, Box 51
Lennox, SD 57039

Clifford Brian Abbas
RR 1, Box 105
Worthing, SD 57077



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 28, 1992

Brian Abbas
RR 1 Box 105
Worthing, SD 57077

Dear Mr. Abbas:

Enclosed, for your information, is a copy of the Report,
Recommendation and Notice of Hearing on Water Permit Application
No. 5326A-3.

Sincerely,

Jaci R. Konop
Senior Secretary
Water Rights Division

/jmk

Enclosures



Clifford Brian Abbas
RR1 Box 105
Worthing SD 57077

I am hereby filing a petition of opposition to application No. 5326A-3 to amend water permit No. 5326-3.

My interest in this application stems from the fact that I have a domestic well in the area. It is located on the Farmstead on the Northeast Quarter of Section 13 T.98N - R.51W.

I oppose the issuing of a permit for the new location because it places the well halfway between 2 wells already developed for the city of Lennox. This greatly reduces the overall area of drawdown. Placing the well there puts it between two wells neither of which produced during the test pumpings near initial expectations, but were considered adequate for normal pumping needs of the city of Lennox. The North well on the 24 hr test pumping had a rather large drawdown and did not to my understanding even reach a stable point of drawdown. The possibility of problems with one or more well would put a large stress on the remaining wells, which I question could handle the extra pumping necessary. What if we had an extended period of summer heat or other high demand needs could the wells being what they are and where they are cover the need

11-18

without a large drawdown in the immediate area which in turn would definitely have a negative effect on the existing wells, domestic and other.

a large drawdown in this area which according to the formations found is an area that could have a slower recharge again points toward a possible problem.

I believe that after they hit two holes south and west that were considered dry holes and being on the North fringe of the Dakota Aquifer, maybe we are at the edge of a restricted area in the Aquifer and heavy pumping in a limited area might have a negative affect on the existing wells.

I don't believe that the whole project from the start followed the recommendations of the S.D. Geological Survey very closely. There ~~was~~ ^{was} no test drilling done first to find the best location for the Kennor well field or they wouldn't be where they are and wouldn't be dealing with dry hole and questionably adequate wells. During the test pumping of the wells already developed no side holes were drilled to monitor the drawdown in the area. The actual monitoring of the casing during test pumping does not give an overall picture of the area drawdown so I don't believe anyone really has a true picture of what will happen

when the wells are being pumped on a full time basis.

In conclusion I hope the permit is not approved because I truly believe a wider spread between the wells would give a less noticeable drawdown in any area and the recharge of any of the areas involved could be much quicker, thereby reducing risk of problems for all concerned.

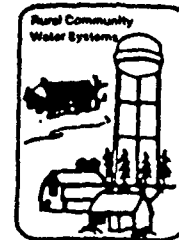
Sincerely Concerned

Brian Abbas

South Lincoln Rural Water

Box 155

Canton, South Dakota



Ph. 372-4211

November 18, 1992

Water Rights Division
Foss Building
523 East Capitol
Pierre, SD 57501

Dear Sir/Madam:

South Lincoln Rural Water would like to reserve the right to speak at the Lennox Water Right hearing.

Although South Lincoln feels there will be little or no effect on our ability to serve our customers we feel the City of Lennox should start following guidelines set out by the Geological Survey Study developed for the City of Lennox.

The City of Lennox did not do any further test drilling to find an area suitable for a Municipal well field. Also Geological Survey required a 72 hour test pump of the well field.

With draw down of over 200 feet when pumping only one well for 24 hours, South Lincoln sees a need to pump all 3 wells for 72 hours to establish draw down levels and if there is any effect to local wells in the area.

South Lincoln had many restrictions on its original permit, draw down was one of the restrictions. We had to prove the well field was adequate to serve our needs and also have no effect on local water users.

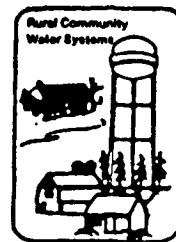
If that was a concern in our area where the sands of the Dakota Aquifer are thicker it also should be a concern in the Lennox area where the sands are thinner. Also our wells had to be spaced 2 miles apart to lessen draw down but all 3 Lennox wells are all located in a one mile area. Only 1/2 mile apart adding to the draw down problem.

We at South Lincoln feel that this permit should be given to Lennox only after a 72 hour pump test of all wells and show no effect to area well owners. Because if in the future damage is caused by draw down all the work South Lincoln Rural Water had done to lessen the effect of draw down will be out the window and all future water right permits in the area will be protested by area well owners as in the past.

South Lincoln Rural Water

Box 155

Canton, South Dakota



Ph. 372-4211

Water Rights Division
November 18, 1992
page 2

We feel this can be avoided by proper spacing of wells and test drilling of the area before a withdrawal permit is issued.

The City of Lennox has had several dry wells within a half mile of their present wells also indicating that their wells are not in the main channel of the aquifer but on the edge of the aquifer.

We at South Lincoln feel the majority of Lennox's problems could have been avoided if their engineer would have followed the criteria established by the Geological Survey.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Sievers".

John Sievers
Manager
South Lincoln Rural Water System, Inc.

JS:jls



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 20, 1992

The Honorable Floyd Beach
Mayor of the City of Lennox
P.O. Box 228
Lennox, SD 57039

Dear Mayor Beach:

A petition to intervene in the City of Lennox's Water Permit Application No. 5326A-3 has been submitted by John Sievers, Manager of the South Lincoln Rural Water System. Water Permit Application No. 5326A-3 proposes to change the location of a well authorized by Water Permit No. 5326-3. A copy of the petition to intervene is enclosed.

A hearing before the Water Management Board to consider this application will be held, as published, on December 2, 1992, at 10:00 am in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave., Pierre, SD.

I will send a letter to all parties reminding them of the hearing after the November 23, 1992 deadline to file petitions has past. If you have any question about the upcoming hearing, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Division
(605) 773-3352

enclosure

cc: Jay Larson, Schmucker, Paul & Nohr & Associates
John Sievers, South Lincoln RWS, Box 155, Canton, SD 57013

on finding the problem that I
had on the pumping of their first
well. They have brought people out
to look at the well and have taken
various water samples. I have not
heard any results from the samples yet.
I truly hate to oppose this third
well because the city is in need
of good water very badly. But I
also have to look out for myself also.
That's why I think another location
maybe better for everyone just in
case the final well does have an effect
on mine. I hope you will give
this some consideration.

Sincerely,
Douglas L. Kuper

Phone No. 647-2769
Address R.R. 4 Box 51
Lennox S.D. 57839



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 25, 1992

The Honorable Floyd Beach
Mayor of the City of Lennox
P.O. Box 228
Lennox, SD 57039

Dear Mayor Beach:

Additional petitions to intervene in the City of Lennox's Water Permit Application No. 5326A-3 have been submitted by Clifford Abbas and Douglas Kuper. Water Permit Application No. 5326A-3 proposes to change the location of a well authorized by Water Permit No. 5326-3. A copy of these petitions to intervene and a list of the Parties of Record are enclosed.

This letter is being sent to you and Parties of Record to remind everyone of the hearing before the Water Management Board. The Water Management Board will consider this application as published in the Notice of Hearing on December 2, 1992, at 10:00 am in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave., Pierre, SD.

If there are any questions regarding the application or the upcoming hearing, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Division
(605) 773-3352

enclosure

cc: Jay Larson, Schmucker, Paul & Nohr & Associates
John Sievers, South Lincoln RWS, Box 155, Canton, SD 57013
Douglas Kuper, RR 4, Box 51, Lennox, SD 57039
Clifford Brian Abbas, RR 1, Box 105, Worthing, SD 57077

Attention Kent Buhler

the City of Linn is here by
Withdrawn Our Application for Water
Permit Number 5326A-3 for the
City of Linn

Sincerely yours
Roger Almond Water Supt.

Fax # 773-6035

