

Considered: _____

WATER PERMIT NO. 5681-3

Phone: 338-3376

Name of Applicant: St. Michael's Cemetery

Post Office Address: 3001 N Cliff, Sioux Falls SD 57104

Amount of Water Claimed: 0.067 cfs (30 gpm) Total Acres: NA

Source of Water Supply: groundwater (2 wells)

Water to be used for: commercial County: Minnehaha

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received: 7-1-92 Fee: \$50 Remarks _____

Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Point: NE 1/4 SE 1/4 Sec 4-T101N-R49W

Land to be Irrigated: _____

			4	⊗	⊗

Well Log: Driller: Lacey Well Drilling Licensed YES _____ NO _____

Depth of Well: 27' REMARKS Information for the old well is not

available

Type of Map: aerial PREPARED BY: Greg Johnston Reviewed and the Number

Assigned on 7-1-92 By Karen Schlaak

No. 5681-3 Hydrologic Unit 10170203
 Map No. _____ Basin Sioux River
 Newspaper Argus Leader, PO Box 5034

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

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

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐

☒ Amend Permit No. 5160-3 with old priority date retained

Change diversion point(s) ☒ Add diversion point(s) ☐ Other ☐ _____

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____

☐ Construction to use water reserved by Future Use Permit No. _____

1. Name of Applicant St. Michaels Cemetery Phone No. 338-3376

Post Office Address 3001 N Cliff Sioux Falls State SD Zip Code 57104
(Street, RR or Box) (City)

2. Amount of water claimed (c.f.s.) 0.067 or 30 GPM (no add'l)

3. Source of water supply Big Sioux - South Aquifer (Zwells)

4. Location of point of diversion Well #1 (new) - 2600' N and 1313' W of SE corner
(NE 1/4 SE 1/4). Well #2 (old) - 2576' N and 660' W of SE corner
(NE 1/4 SE 1/4) both in Section 4 - T101N - R49W County Minnehaha

5. Counties where water will be used Minnehaha

6. Annual period during which water is to be used Jan. 1 - Dec. 31

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

Water from the two wells used for shop and office as well as periodic watering of flowers and trees in cemetery; hydrants located in cemetery used for visitors as well.

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

STATE OF SOUTH DAKOTA)
 County of Minnehaha)^{ss}

I, James J. Steffensmeier, Superintendent of St. Michael Cemetery, 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 James J. Steffensmeier

Subscribed and sworn to before me this 30th day of June 1992

Carol P. Johnson
 Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5681-3**

Date of first receipt of application July 1, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5681-3 to St. Michael Cemetery, 3001 N Cliff, Sioux Falls SD 57104 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. 5681-3 authorizes an additional diversion point and specifies the correct water source authorized by Water Permit No. 5160-3. Water Permit No. 5160-3 appropriates 0.2 cubic feet of water per second (cfs) from one well 27 feet deep to irrigate 40 acres. The well and acreage to be irrigated are located in the NE 1/4 SE 1/4 Section 4-T101N-R49W. An inspection of Permit No. 5160-3 found 0.067 cfs being diverted from two wells to periodically irrigate graves, trees and flowers and provide water to the office. This permit authorizes an additional well located in the NE 1/4 SE 1/4 Section 4-T101N-R49W and serves to identify the correct water source. Water Permit No. 5160-3 incorrectly indicated that the well was constructed into the Big Sioux:South Aquifer. The correct water source for both wells is the Big Sioux:Sioux Falls Management Unit. The water will also be used in the cemetery's shop. This permit does not authorize any increase in the diversion rate or acres irrigated.
2. The water appropriated shall be used for the purpose of supplying water to the cemetery's complex and may not exceed the amount of water needed for beneficial use for commercial 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. 5681-3 is September 10, 1992.
5. The date from which applicant may claim right is September 25, 1987.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

WATER MANAGEMENT BOARD

By: _____

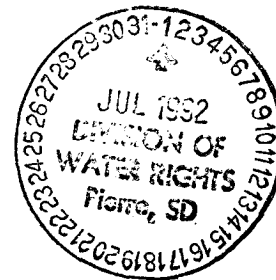
John Hatch, Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

NOV 17 1992

date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) Approx 29'
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

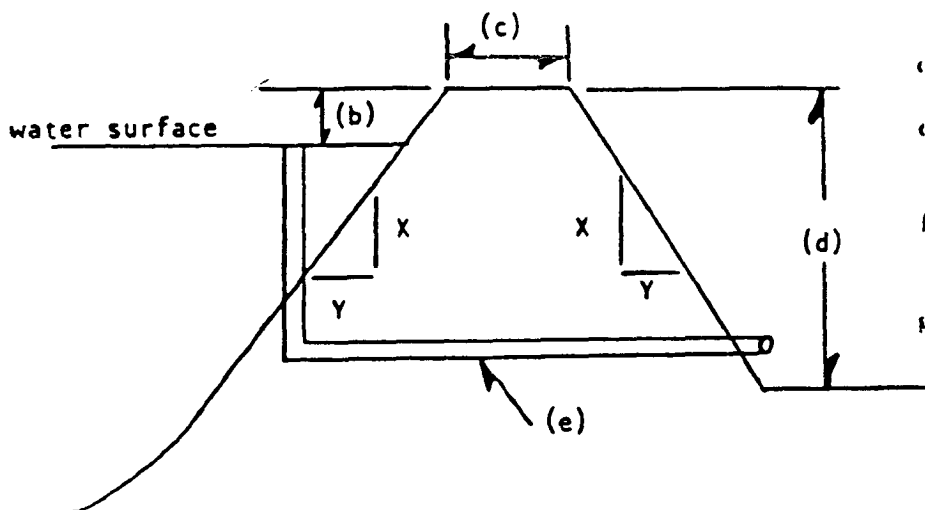
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



James S. Deftumier
Signature of Applicant





ST. MICHAEL CEMETERY

3001 NORTH CLIFF
SIOUX FALLS, SOUTH DAKOTA 57104

338-3376

May 15, 1992

Greg Johnston
Joe Foss Bldg.
523 East Capitol
Pierre, SD 57501-3181



Lacey Well Drilling told me to send you a copy of this regarding the new well.

This is all the information we have on the old well.

Sincerely,

ST. MICHAEL CEMETERY

James J. Steffensmeier
James Steffensmeier,
Superintendent



ST. MICHAEL CEMETERY

3001 NORTH CLIFF

SIOUX FALLS, SOUTH DAKOTA 57104

338-3376

Frankmin Pump 10 G.P.M.
Model 2801070103
W.P. 3/4 Volt 230
Nertg 60
Max amp. 8.0 S.F.I.S.
RPM 3450 Phase 1
1/2 horse - July 6, 1984

by Sioux Well Drilling

Old East Well



GRUNDFOS®

5 Year Performance



1/3 through 1 1/2 HP Submersible Pump Protection Application

Dear Grundfos Dealer:

To make certain your customer's Grundfos submersible pump is fully covered under the supplemental *Performance PLUS* protection program, **READ AND FOLLOW THESE INSTRUCTIONS CAREFULLY.** Please type or print clearly.

Complete this policy application in full. Then sign and date the application.

Your customer should keep the top white copy of the application. Keep the yellow copy for your records and send the two remaining copies (pink and goldenrod) to your Grundfos distributor.

Should the pump fail due to any of the conditions specified under *Performance PLUS* prior to the expiration of the 5-year term of the policy, your customer should contact you. You then pull the pump and determine if the cause of failure is within the terms of the *Performance PLUS* policy. If it is, Grundfos will repair or replace the pump at no charge through your distributor. ***Performance PLUS* does not cover the labor charges involved in pulling and reinstalling the pump.**

The *Performance PLUS* protection policy covers all Grundfos domestic submersible pumps up through 1 1/2 HP. It is limited to the original owner of the pump and is non-transferable.



Policy

No. A 24605

Customer Name St. Michael Cemetery

Address 1301 East Austin

City Sioux Falls State SD Zip 57103

Grundfos Dealer Name Lacey Well Drilling

Address Box 796

City Trent State SD Zip 57065

Pump Model:	Serial Number:
<u>SP4-10</u>	<u>7086827</u>
Phase & Volts:	Horsepower:
<u>220V. 1Ø</u>	<u>1 HP</u>
Date Installed:	Application:
<u>Dec. 1, 1987</u>	<u>Domestic</u>
Pumping Water Level:	Pump Setting:
<u>15'</u>	<u>27'</u>
Well Inside Diameter:	Depth:
<u>6"</u>	<u>30'</u>
Flow (GPM):	Lightning Arrestor Type:
<u>20</u>	
New Installation or Replacement:	Brand of Pump Replaced:
<u>1</u>	

I certify that a proper lightning arrestor has been installed with this Grundfos submersible, and that the unit has been installed in accordance with the Grundfos Installation and Operating Instructions.

Dealer Signature: Joan Redden Date: Dec 1, 1987



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 26, 1992

Jim Steffensmeier
St. Michael Cemetery
3001 N. Cliff Avenue
Sioux Falls, SD 57104

Dear Mr. Steffensmeier:

Water Permit No. 5160-3 is a permit for irrigation at St. Michael Cemetery. According to your letter sent November 15, 1988, you are not irrigating. Instead, you are periodically watering flowers and trees and watering graves until the grass is established. You also mentioned in the letter that you use the water in your shop and office.

When I inspected the cemetery on May 22 1992, I discovered that the old well located near the shop was not covered under a water permit. It is necessary to apply for a new water permit because the water from the new well is not being used for irrigation, and the old well is not permitted. The new permit will include both wells under non-irrigation use.

Enclosed is a partially completed application form with an instruction sheet. The items that are highlighted on the instruction sheet are the ones you need to include with the application. The fee will be \$50.00 for 0.067 cfs (30GPM), which is the capacity of both wells. Please complete, notarize and submit the application with the fee as soon as possible.

Your immediate response is greatly appreciated, and if you have further questions, please feel free to contact me.

Sincerely,

Gregory C. Johnston
Natural Resources Engineer
Water Rights Division
(605) 773-3352

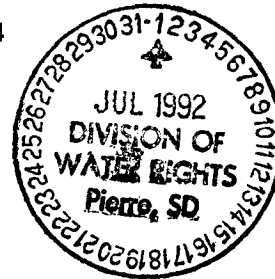
encl

ST. MICHAEL CEMETERY

3001 North Cliff Ave.
SIOUX FALLS, SOUTH DAKOTA 57104

338-3376

June 30, 1992



Mr. Gregory C. Johnston
Natural Resources Engineer
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Johnston,

This is in regard to your letter regarding our application on the old well. The only information on our records show from our disbursements that we paid Grimshaw Drilling for a new well in May 1956.

In 1984 Sioux Well Drilling of Sioux Falls put in a new submersible pump for us - a 1/2 horse. It is a Sand Point Well. On the control box is the following information:

Franklin Electric Submersible Motor Control Box
Model 2801070103 H.P. $3\frac{3}{4}$ Volt 230
Phase I $\frac{1}{2}$

Approximately 29 feet below ground level, we hit water as of today.

Sincerely,

ST. MICHAEL CEMETERY

James J. Steffensmeier
James J. Steffensmeier,
Superintendent

JJS/et

I, James J. Steffensmeier, Superintendent of St. Michael Cemetery 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

James J. Steffensmeier
Carol P. Johnson
Notary Public

Subscribed and sworn to before me this 30th day of June 1992.



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413273

Pierre, July 1, 1992

RECEIVED OF St. Michael Cemetery, 3001 N Cliff Ave, Sioux Falls, SD 57104

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

Fee for Application for Permit No. <u>5681-3</u> to Appropriate Water, to construct works 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 Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	50	00

By John Hatch
Chief Engineer

REPORT ON APPLICATION NO. 5681-3
FOR St. Michael Cemetery
August 4, 1992

Application No. 5681-3 requests an additional diversion point and to correct the the water source authorized by Water Permit No. 5160-3. Water Permit No. 5160-3 appropriates 0.2 cfs from one well approximately 27 feet deep to irrigate 40 acres. The well and the acreage to be irrigated are located in the NE 1/4 SE 1/4 of section 4 T101N R49W. This application is for an additional well also located in the NE 1/4 SE 1/4 of section 4, T101N R49W and also identifies the correct water source. Water Permit No. 5160-3 incorrectly indicated as obtaining water from the Big Sioux South aquifer. Both wells are completed into the Big Sioux Sioux Falls aquifer and the water will also be used at the cemetery shop. This application does not authorize any increase in the diversion rate or acres irrigated.

AQUIFER - BIG SIOUX SIOUX FALLS (BS-SF)

The Big Sioux Sioux Falls aquifer is an alluvium mantled outwash (sand and gravel) which is predominantly under unconfined (water table) conditions. The Big Sioux Sioux Falls underlies 22,900 acres and contains an estimated 103,050 acre feet of recoverable water in storage in Minnehaha County (Hedges, 1982). The aquifer is hydraulically connected to the Big Sioux River and potentially to the Split Rock Creek aquifer and the Sioux Quartzite.

The Division of Water Rights monitors 14 observation wells completed into the Big Sioux Sioux Falls aquifer. Water levels for these wells show good correlation with climatic conditions, that is, quickly rising water levels during wet years and gradually declining water levels during dry years. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1992).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

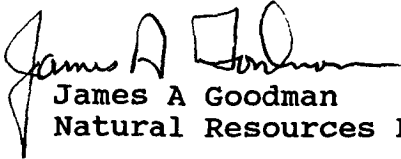
The Water Management Board has limited the water use from the Big Sioux Sioux Falls aquifer to 32,200 acre feet per year (Declaratory Ruling, November 14, 1991). There are no other nearby water permits/rights in this area. Interference is not expected to be a concern. The nearest city well for Sioux Falls is over 1/2 mile to the west.

CONCLUSIONS

1. Water is available from the Big Sioux Sioux Falls aquifer.
2. Interference is not expected to be a concern.
3. St. Michael Cemetery already holds Water Permit No. 5160-3 which authorizes a diversion of 0.2 cfs from one well for irrigation of the cemetery. During an inspection of that permit, it was determined that permanent irrigation of the grass was not the

purpose of the permit application. Also another well was being used to supply water. As a result of the inspection, Permit Application No. 5681-3 was filed to accurately represent what was being done at the cemetery. If application 5681-3 is approved then water permit No. 5160-3 can be cancelled. This will result in less water appropriated from the aquifer.

4. No new wells will be drilled. There is no information in the application to determine if the old well is constructed in accordance with SD Well Construction Standards. The new well drilled in 1987 is constructed in accordance with the Standards.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

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

Water Rights, 1992, Unpublished Observation Well Records for Minnehaha County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

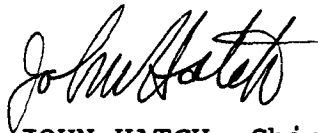
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5681-3, St. Michael Cemetery

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. 5681-3, St. Michael Cemetery, c/o James Steffensmeier, 3001 North Cliff Avenue, Sioux Falls, SD 57104.

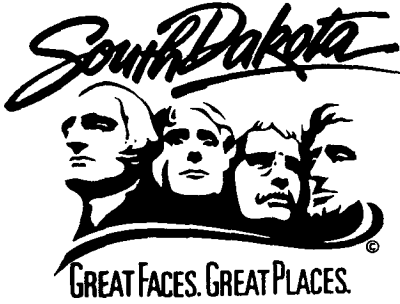
The Chief Engineer is recommending APPROVAL of Application No. 5681-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

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

See report on application for additional information.

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

JOHN HATCH, Chief Engineer
August 5, 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.

August 7, 1992

James Steffensmeier
St. Michael Cemetery
3001 North Cliff Avenue
Sioux Falls, SD 57104

Dear Mr. Steffensmeier:

Water Permit Application No. 5681-3 for commercial 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 Argus Leader printed at Sioux Falls, SD (Ph # 331-2200). 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 7, 1992

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5681-3 to be published twice. Please publish the first notice on August 14, 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 St. Michael Cemetery, 3001 N. Cliff, Sioux Falls, SD 57104 (Ph # 338-3376).

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
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on August 14, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5681-3 to Appropriate Water

Notice is given that St. Michael Cemetery, 3001 North Cliff, Sioux Falls, SD 57104 has filed an application for a water permit for an additional diversion point and to specify the correct water source authorized by Water Permit No. 5160-3. Water Permit No. 5160-3 appropriates 0.2 cubic feet of water per second from one well 27 feet deep to irrigate 40 acres. The well and acreage to be irrigated are located in the NE 1/4 SE 1/4 Section 4-T101N-R49W. This application is for an additional well also located in the NE 1/4 SE 1/4 Section 4-T101N-R49W. This application also serves to identify the correct water source. Water Permit No. 5160-3 incorrectly indicated that the well was constructed into the Big Sioux:South Aquifer. The correct water source for both wells is the Big Sioux:Sioux Falls Management Unit. The water will also be used in the cemetery's shop. This application does not authorize any increase in the diversion rate or acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5681-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. 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 August 31, 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.

For purposes of publishing 1) the notice of hearing on Application No. 5681-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for September 10, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the September 10, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The September 10, 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 August 31, 1992.

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. 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 August 31, 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; 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,

SS.

COUNTY OF MINNEHAHA

M. DEVISH

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

Friday, the 14 day of August, 19 92

Friday, the 21 day of August, 19 92

, the day of , 19 ,

, the day of , 19 ,

, the day of , 19 ,

, the day of , 19 ,

, the day of , 19 ,

and that \$140.74 was charged for publishing the same including a \$2.00 affidavit fee.

M. Devish

Subscribed and sworn to before me August 21, 19 92

Nancy A. Buckley
Notary Public, South Dakota



NOTICE OF HEARING
on Application No. 5681-3
to Appropriate Water

Notice is given that St. Michael Cemetery, 3001 North Cliff, Sioux Falls, SD 57104 has filed an application for a water permit for an additional diversion point and to specify the correct water source authorized by Water Permit No. 5160-3. Water Permit No. 5160-3 appropriates 0.2 cubic feet of water per second from one well 27 feet deep to irrigate 40 acres. The well and acreage to be irrigated are located in the NE 1/4 SE 1/4 Section 4-T101N-R49W. This application is for an additional well also located in the NE 1/4 SE 1/4 Section 4-T101N-R49W. This application also serves to identify the correct water source. Water Permit No. 5160-3 incorrectly indicated that the well was constructed into the Big Sioux: South Aquifer. The correct water source for both wells is the Big Sioux: Sioux Falls Management Unit. The water will also be used in the cemetery's shop. This application does not authorize any increase in the diversion rate or acres irrigated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5681-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. 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 this 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 August 31, 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.

For purposes of publishing 1) the notice of hearing on Application No. 5681-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for September 10, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the September 10, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The September 10, 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 August 31, 1992.

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. 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 August 31, 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Robert E. Roberts, Secretary
Department of Environment and
Natural Resources
2400 Aug. 14, 21, 1992

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: St. Michael Cemetary, WP No. 5160-3 and Appl. No. 5681-3

ADDRESS: 3001 No. Cliff, Sioux Falls COUNTY: Minnehaha

DATE: 9/17/92 TELEPHONE: _____

RE: _____

COMMENTS:

In reviewing Water Permit No. 5681-3 prior to issuance, the question arose whether Water Permit No. 5160-3 is subject to cancellation. There is still periodic watering of graves, trees and flowers which does constitute irrigation, so Water Permit No. 5160-3 is not subject to cancellation. I believe that Water Permit Nos. 5160-3 and 5681-3 can be incorporated into one water license.

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.

NAME: Eric Hunkeler



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 17 1992

James Steffensmeier
St. Michael Cemetery
3001 N Cliff
Sioux Falls, SD 57104

Dear Mr. Steffensmeier:

Enclosed is Water Permit No. 5681-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures

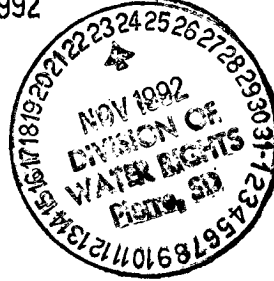


COPY

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
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NOV 17 1992



James Steffensmeier
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Very truly yours,

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

enclosures

\$50.00 enclosed

RECEIPT

413515

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ November 23, 19 92

RECEIVED OF St Michael Cemetery, 3001 N Cliff Ave., Sioux Falls, SD 57104

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5681-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

REPORT ON INSPECTION OF PERMIT NUMBER 5681-3

DATE 11/20/92

Other permit(s) associated with the project Incorporate No. 5610-3

DIVERSION POINT LEGAL LOCATION: Two wells; No.1 is 2600'N and 1313'W; No. 2 is 2576'N and 660'W; both from the SE corner of Section 4-T101N-R49W, Minnehaha County

WELL INFORMATION: Well Drilling Firm Lacey Well Drilling/Grimshaw Well Drilling

No. of Wells 2 Depth(s) 25.7/29 feet

a) Casing: 1) diameter 8/Unknown inches

2) length 22.5/unknown feet

3) type Plastic c) Pump

d) Static Water Level 12/unknown feet

e) Motor:

1) make Grundfos/Franklin

2) model No. SP4-10/2801070103

3) horsepower rating 1/0.5 hp

b) Screen: 1) type Slotted Plastic

2) length 5/unknown feet

1) make Grundfos/Franklin

2) model SP4-10/2801070103

3) size 6"/unknown inches

4) capacity 20/10 GPM

5) turbine pump - No. of stages 4/unknown

6) operating pressure 30/40-50 PSI

DISTRIBUTION LINES OR CANALS:

a) type PVC

b) size 1/3 inches

c) length 1200/2640 feet

System Type:

a) Cemetery watering and office water supply: 24 hydrants spaced throughout the east half of the cemetery for watering flowers and young trees. Water only fresh graves with moveable sprinklers to start grass growth; do not irrigate graves once grass established. Also supplies water to shop and office.

CHEMIGATION EQUIPMENT:

a) does chemigate N (Y/N)

PERMIT QUALIFICATIONS AND REGULATIONS:

a) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y (Y/N)

b) Special qualifications to permit being abided by Y (Y/N)

c) All structures, wells and lands on map Y (Y/N)

d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A (Y/N)

Water Permit No. 5681-3 authorizes an additional diversion point (Well No. 2) and 0.067 cfs from both wells.

Permit No. 5681-3

Big Sioux River Water District

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

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

I have this day made a thorough examination of the water use system constructed by St. Michaels Cemetery of 3001 N. Cliff Ave., Sioux Falls, SD 57104 holder of Permit No. 5681-3, bearing the priority of September 25, 1987 authorizing the diversion of 0.067 cu. ft. per second of the waters of Big Sioux Aquifer-Sioux Falls Management Unit for flower, tree and grave watering and office water supply purposes, in Minnehaha County.

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

A. Works used to divert the water:

Two wells - Well No. 1 is 27.5' deep with 22.5' of 8" Plastic casing and 5' of Slotted Plastic screen, Grundfos submersible pump, Model No. SP4-10, 6", 4 stages, 20 GPM @ 30 PSI, 1 HP motor; Well No. 2 is 29' deep with unknown type and length of casing and screen, Franklin submersible pump and motor, model No. 2801070103, 10 GPM @ 40-50 PSI

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

1200' of 1" and 2640' of 3" PVC pipe

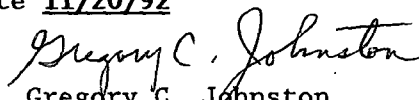
C. Works used to apply water to beneficial use:

System consists of 24 hydrants distributed throughout the east half of the cemetery; garden hose and moveable sprinklers for fresh grave, flower and tree watering and supply lines to shop and office.

The system is in the following condition good. The point of diversion is located Well No. 1 - 2600'N and 1313'W; Well No. 2 - 2576'N and 660' W; both from the SE corner of Section 4-T101N-R49W. The works are capable of diverting and conveying to the place of use .067

cu. ft. per second of water of water which is to be used for lawn, tree and flower watering and shop and office use. Water has been put to beneficial use. The license should be issued for 0.067 cfs.

Applicable permit qualifications have been complied with X Yes No
Exceptions to compliance are: None Date 11/20/92


Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

App. No. 5681-3

NOT TO SCALE



NO. 5681-3
St Michael's Cemetery
Sioux Falls, SD

Drawn by:
Gregory C. Johnston
Natural Resources Engineer II
Water Rights Division, DENR
11/20/92

Center of Section 4 - T101N-R49W



St. Michael Cemetery

East half of cemetery
contains 24 siphons
for flower watering
and visitor use.

5681-3

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5681-3

(1) St. Michael Cemetery of 3001 N Cliff Ave., Sioux Falls, SD 57104 made Application No. 5681-3, July 1, 1992 for a water permit to divert no additional cubic feet of water per second from groundwater (two wells), Minnehaha County, South Dakota, for commercial purposes. Permit No. 5681-3, with a priority date of September 25, 1987 (established under Water Permit No. 5160-3) was approved September 10, 1992 and issued to the applicant(s) for diversion of water with construction of the described water supply system completed and application to beneficial use of said water completed.

Water Permit No. 5681-3 authorizes an additional diversion point, corrects the type of water use, and specifies the correct water source authorized by Water Permit No. 5160-3. No. 5681-3 did not authorize an increase in the diversion rate. The applicable portions of Water Permit No. 5160-3 have been incorporated into this Water License No. 5681-3.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.067 cubic feet of water per second for beneficial use. The location of the diversion point is Well #1: 2600 feet N and 1313 feet W; Well #2: 2576 feet N and 660 feet W; both from the SE corner of Section 4 T101N-R49W (NE1/4 SE1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for watering trees and newly seeded grass on graves in the cemetery. Water is also used in the office and cemetery's shop.

(4) Pursuant to South Dakota Water Law 46-5-30.1 St. Michael Cemetery of 3001 N Cliff Ave., Sioux Falls, SD 57104 the holder(s) and/or owner(s) of Incorporated Water Permit No. 5681-3 is issued a license to appropriate water, the right to divert 0.067 cubic feet of water per second from groundwater (two wells) with a priority date of September 25, 1987 (established under Water Permit No. 5160-3) from the location specified in (2) of this license. The water is to be used for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5681-3 and subject to South Dakota State Law.



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

OCT 15 1993



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 15 1993

5681-3

James Steffensmeier
St. Michael Cemetery
3001 N. Cliff Ave.
Sioux Falls, SD 57104

Dear Mr. Steffensmeier:

Enclosed is Water License No. 5681-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413515 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5681-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

rd
enclosures

NOTE: The applicable portions of Water Permit No. 5160-3 have been incorporated into this Water License No. 5681-3.