

Considered: _____

WATER PERMIT NO. 5698-3

Phone: 339-7060

Name of Applicant: Sioux Falls Park and Recreation Dept.

Post Office Address: 600 East 7th St. Sioux Falls SD 57105

Amount of Water Claimed: 2.4 cfs Total Acres: 170 acres

Source of Water Supply: Big Sioux River

Water to be used for: irrigation 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: 7-20-92 Fee: \$250 Remarks _____

Corrected Application Received 8-3-92 Period of Annual Use April 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED 8-11-92 APPROVED/CONDITIONAL (Circle one)

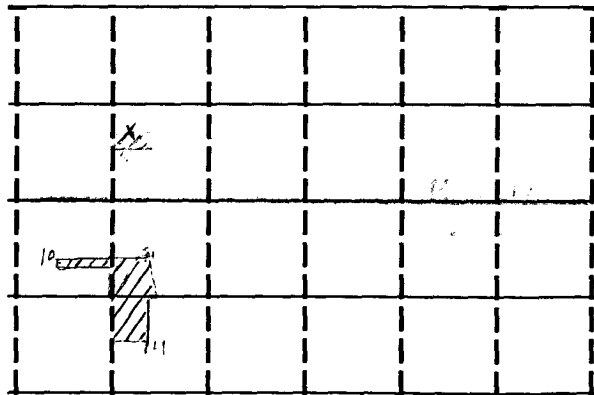
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: SW 1/4 NW 1/4 Sec 33-T101N-R49W

Land to be Irrigated: SW 1/4, W 1/2 SE 1/4 Sec 11;

NW 1/4 Sec 14; N 1/2 SE 1/4 Sec 10; all in T100N-

R50W; S 1/2 NW 1/4 Sec 33-T101N-R49W



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: topo PREPARED BY: Bruce Jennings Reviewed and the Number

Assigned on 8-12-92 By Karen Schlaak

**SOUTH DAKOTA
WATER PERMIT NO. 5698-3**

Date of first receipt of application July 20, 1992.

Date Soil/Water Compatibility Permit received August 11, 1992.

Date of return to applicant for corrections, amendments or changes July 24, 1992.

Date of receipt of corrected application August 3, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5698-3 to Sioux Falls Park and Recreation Department, 600 East 7th St, Sioux Falls 57105 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. 5698-3 appropriates 2.4 cubic feet of water per second (cfs) from the Big Sioux River located in the SW 1/4 NW 1/4 Section 33-T101N-R49W to irrigate the 170 acres authorized by Water Permit No. 5605-3. Water Permit No. 5605-3 appropriates 1.5 cfs from five wells (Big Sioux:South Aquifer) approximately 25 feet deep located in the S 1/2 NW 1/4 Section 33-T101N-R49W to irrigate 170 acres located in the SW 1/4, W 1/2 SE 1/4 Section 11; NW 1/4 Section 14; N 1/2 SE 1/4 Section 10; all in T100N-R50W and the S 1/2 NW 1/4 Section 33-T101N-R49W. This permit also includes the SE 1/4 SE 1/4 Section 11-T100N-R50W to the area being irrigated by Water Permit No. 5605-3. The water is to be used for irrigation of an 18 hole golf course and 10 soccer fields. This permit also includes a storage retention pond (15 acre feet capacity) located in the NW 1/4 SE 1/4 Section 11-T100N-R50W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is July 20, 1992.
4. The date of approval of Permit No. 5698-3 is November 4, 1992.
5. One-fifth of the construction is to be completed on or before May 4, 1995.
6. All construction is to be completed on or before November 4, 1997.
7. Water is to be put to beneficial use on or before November 4, 2001.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

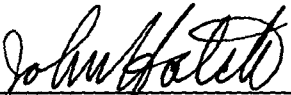
1. The City of Sioux Falls has priority rights to this water under Future Use Permit Nos. 3981-3 and 3981A-3 for municipal use, and this permit is subject to these prior rights if or when the city develops the reserved municipal water supply.

Approval of Water Permit No. 5698-3 authorizes storage in a 15 acre-feet retention pond facility.

(continued)

3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. The diversion rate from Water Permit Nos. 5605-3 and 5698-3, combined, shall not exceed the statutory limit of 1 cfs per 70 acres and 2 acre-feet per acre annually.
5. Permit No. 5698-3 does not authorize pumping from the Big Sioux River unless at least 20 cfs is being bypassed when pumping.

WATER MANAGEMENT BOARD

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

MAR 17 1993

date

(See instructions)

No. 5698-3 Hydrologic Unit 10170203
Basin Big Sioux River
Newspaper Argus Leader, PO Box 5034

Sioux Valley News, Box 255, Canton

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
 Applicant Sioux Falls Park and Recreation Department
City of Sioux Falls Phone No. _____
 Post Office Address 600 East 7th Street Sioux Falls State S.D. 57105
 (Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 2.4 Total acres irrigated 170
 3. Source of Water supply Big Sioux River
 4. Location of point of diversion SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 33 - T101N - R49W

Retention dugout NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 11-T100N-R50W County Minnehaha

5. Counties where water will be used Minnehaha and Lincoln
 6. Annual period during which water is to be used April 1 - October 31
 7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
SW $\frac{1}{4}$ 11-100-50	60
NW $\frac{1}{4}$ 14-100-50	50
W $\frac{1}{2}$ SE $\frac{1}{4}$ 11-100-50	25 24
N $\frac{1}{2}$ SE $\frac{1}{4}$ 10-100-50	25

Land Description	No. Acres Irr.
S $\frac{1}{2}$ NW $\frac{1}{4}$ 33-101-49	10
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 11-100-50	1

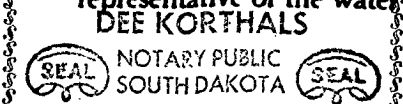
Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ (Specify) _____
 9. Crops to be Irrigated: Turf
 10. Give a description of proposed project. (Attach sheet if more space is needed)
 Project will provide irrigation for an eighteen hole golf course and 10 soccer fields. River diversion will be pumped to irrigated area through buried pipelines. River diversion will also be used to recharge buried aquifer beneath S $\frac{1}{2}$ of NE $\frac{1}{4}$, Sec. 33-T101N - R49W.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps of source information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Minnehaha) ss

I, Lower Schuett, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.



Signed [Signature]

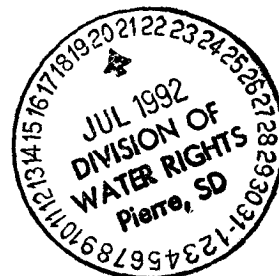
Subscribed and sworn to before me this 17th day of July 1992

[Signature]
Notary Public



Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

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

2. Dugout Information Estimates

- a) Surface Dimensions Approx. 2 acres Depth 10 - 14 feet
- b) Depth to water (ground surface to water level) 5 - 9 feet



3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

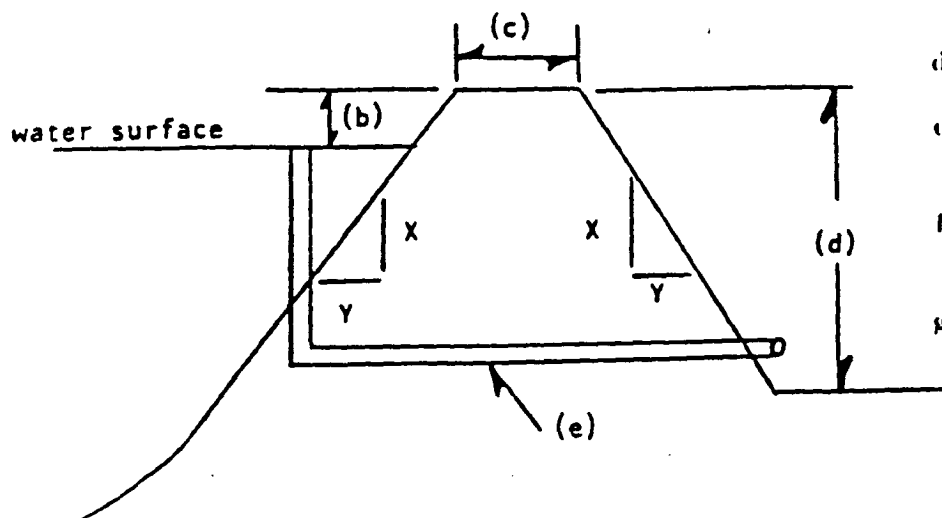
g) X & Y Slope
Upstream _____

Downstream _____

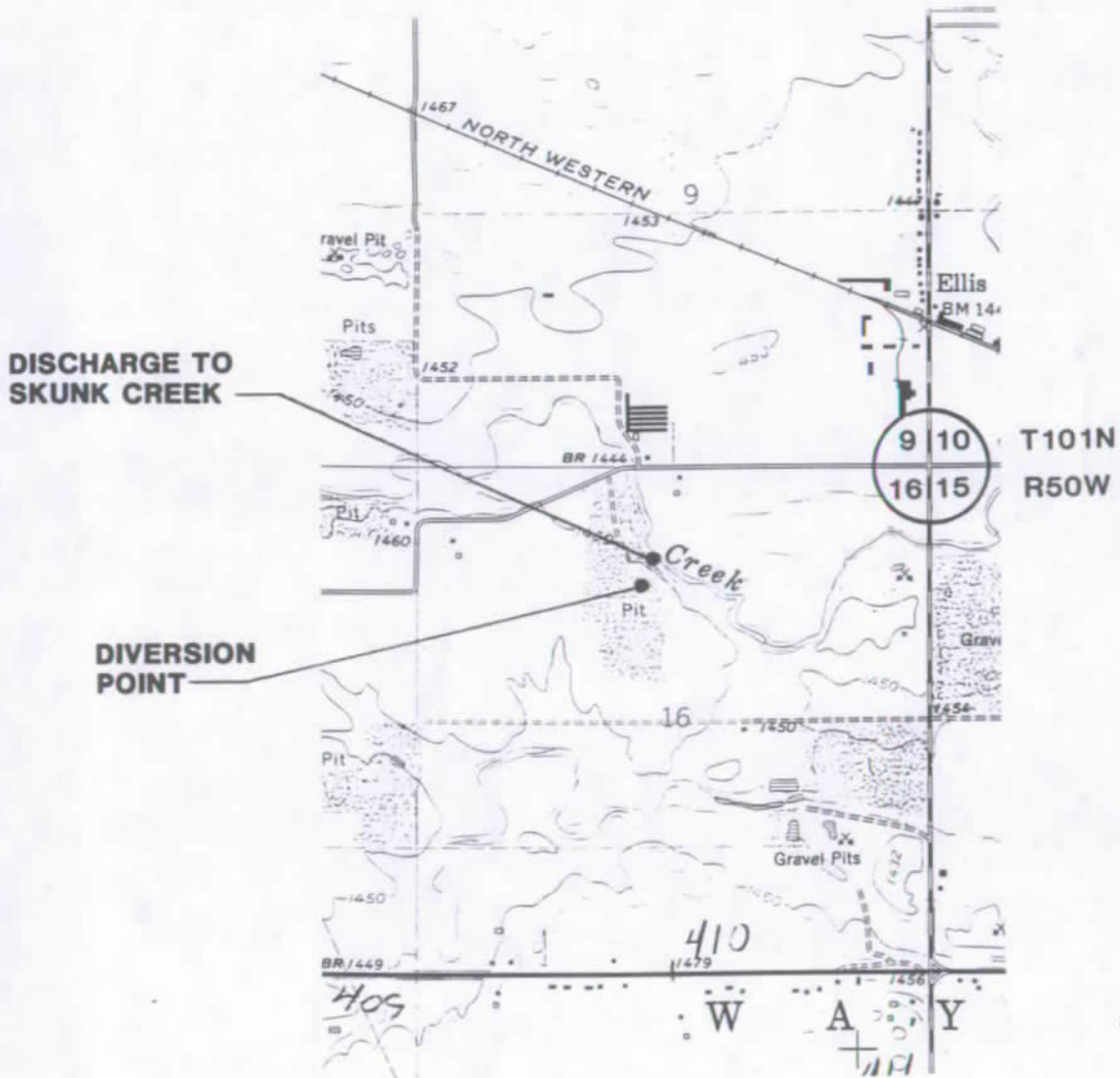
Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____



I hereby certify that this plan, specification, or report was prepared by me or under my direct personal supervision, and that I am a duly Registered Professional Engineer under the laws of the

State of South Dakota Registration No. 3812

By Bruce Penning Date July 6, 1992

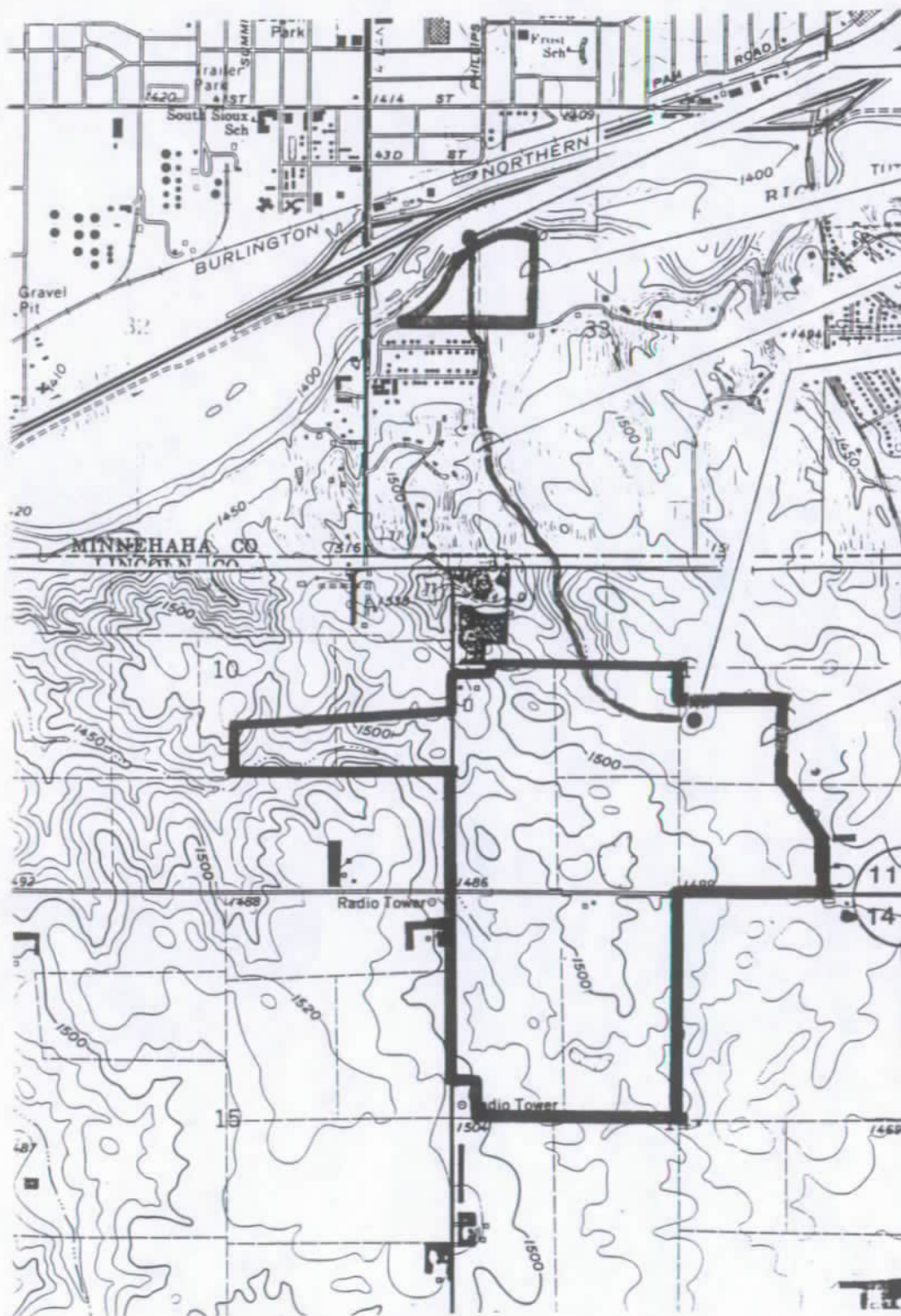


DeWild Grant Reckert
and Associates Company
Rock Rapids, Iowa
Sioux City, Iowa
Sioux Falls, South Dakota

Date 7-92
Drawn By
Approved
Revised
PROJ. 42055

CITY OF SIOUX FALLS
PARKS AND REC. DEPT.
PRAIRIE GREEN IRRIGATION

5698-3



**BIG SIOUX RIVER
DIVERSION
POINT**

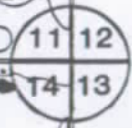
**BOUNDARY OF
IRRIGATED AREA**

**PROPOSED
PIPELINE**

**PROPOSED
EQUALIZATION/
STORAGE POND**
(4.5 ACRES SURFACE,
15 AC.-FT. STORAGE)

**MINNEHAHA CO.
LINCOLN CO.**

**BOUNDARY OF
IRRIGATED AREA**



T100N
R50W



I hereby certify that this plan, specification, or report was prepared by me or under my direct personal supervision, and that I am a duly Registered Professional Engineer under the laws of the

State of South Dakota Registration No. 3812

By [Signature] Date July 6, 1992, REV. 7-30-92

1" = APPROX. 2000'



DeWild Grant Reckert
and Associates Company
Rock Rapids, Iowa
Sioux City, Iowa
Sioux Falls, South Dakota

Date 7-92
Drawn By
Approved
Revised
PROJ. 42055

CITY OF SIOUX FALLS
PARKS AND REC. DEPT.
PRAIRIE GREEN IRRIGATION

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4721

WR#

SIoux FALLS PARK & RECREATION DEPT.

OWNERS NAME: _____ OWNERS ADDRESS: 600 E 7TH STREET

SIoux FALLS, SD 57105

COUNTY LAND LOCATED IN: MINNEHAWHA & LINCOLN PHONE: _____

LEGAL DESCRIPTION:

SW 1/4 K5

☐ Well

☒ Surface

1. LOCATION: NE 1/4 NW 1/4 16-T101N-R50W

Depth: _____

Legal Description	Acres	Legal Description	Acres
SW 1/4 11-T100N-R50W	60	SE 1/4 NW 1/4 33-T101N-R49W	10
NW 1/4 14-T100N-R50W	50		
W 1/4 SE 1/4 11-T100N-R50W	25		
NE 1/4 SE 1/4 10-T100N-R50W	25		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: UNDERGROUND SPRINKLER (Specify)

3. CROPS TO BE IRRIGATED: TURF

WATER QUALITY:

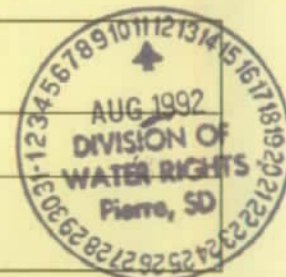
4. WATER SAMPLE NUMBER: BIG SIOUX RIVER

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): _____

8. PERCENT SODIUM: _____

6. SODIUM (SAR): _____



Requirements: The areas mapped as Shindler-Egan Complex, 9-15% slope, eroded (SkD2); Crofton-Nora silt loams, 9-17% slope, eroded (CpD2) and Moody-Nora silty clay loams, 6-10% slope, eroded (HcC2) are all subject to severe erosional hazards. These areas shall not be irrigated on slopes greater than 9% and additional measures should be taken to control erosion on slopes less than 9% slopes.

The area mapped Alcester clay loam channeled (Af) should be maintained as a buffer strip and shall not be irrigated.

The areas mapped Tetonka silty clay loam (Te); Chancellor-Tetonka silty clay loam (Ca) and Chancellor-Viborg silty clay loam are subject to wetness and ponding. These areas shall not be irrigated, unless adequately drained; i.e., tile drainage.

A buffer strip shall be maintained and shall not be irrigated along the Big Sioux River in Section 33.

Please be advised, we do not consider the Swampbuster or Wetland Provisions in developing our recommendations. Before undertaking any drainage project, please contact your local Soil Conservation Service office.

APPROVED

REQUIREMENTS

DISAPPROVED

WAIVER

Director, Division of Conservation

AUGUST 6, 1992

Date

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

RECEIPT

413378

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, August 19, 19 92

RECEIVED OF City of Sioux Falls, Parks & Recreation Dept., 600 E 7th,
the following amount in fees for services rendered as provided for by law: Sioux Falls SD

Fee for Application for Permit No. <u>5698-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	250	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	250 00

By John Hatch (RS)
Chief Engineer
JOHN HATCH



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

* I N V O I C E *

Invoice No. 20411-7-22

City of Sioux Falls
Parks & Recreation Dept.
600 East 7th
Sioux Falls SD 57102

Your Purchase Order #: 43432

Application for Permit to Appropriate Water Within the State of South Dakota	\$250.00
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Application for Permit to Appropriate Water Within the State of South Dakota	\$250.00
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Please pay this amount:	\$500.00
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Karen Schlaak
KAREN SCHLAACK
Natural Resources Analyst
Water Rights Division
605 773-3352



DeWild Grant Reckert and Associates Company
Consulting Engineers

315 First Avenue
Rock Rapids, Iowa 51246
(712) 472-2531

July 31, 1992

South Dakota Department of Environment and Natural Resources
Division of Water Rights
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

Attn: Ron Duvall

Re: City of Sioux Falls Park Department
Prairie Green Irrigation
DGR File No. 42055



Dear Ron:

We enclose the City of Sioux Falls Park and Recreation Department Water Rights Application which were originally received by your office July 20, 1992. We have revised the location plan for the Big Sioux River diversion to show the location of a proposed small flow equalization pond for the project. Water will be diverted from the river to this pond and will be pumped from the pond for irrigation purposes.

The City of Sioux Falls Park and Recreation Department will develop a golf course in the irrigated area as shown on the plan. A part of the golf course construction will be several small ponds to be used for storm water control and golf course water hazards. None of these will exceed 25 acre feet of water storage. We will coordinate with the City of Sioux Falls to file location notices for these ponds when golf course plans are finalized.

Please call if you need additional information. We anticipate that the city will forward the check for the filing fee separately.

Sincerely,

DEWILD GRANT RECKERT
& ASSOCIATES COMPANY


Bruce A. Jennings, P.E.

BAJ:par

cc: Lowen Schuett

42055006.LTR



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 24, 1992

City of Sioux Falls
Park and Recreation Department
Lowen Schuett
600 East 7th St
Sioux Falls SD 57105

Dear Mr. Schuett:

In regard to the two water permit applications received on July 20, 1992, the following information needs to be submitted in order to process the applications.

One of the applications needs to include the location and size of any natural or constructed ponds that 1) water is diverted to either from the Big Sioux River or the gravel pit, 2) water is diverted from for irrigation, or 3) construction ponds exceeding a storage capacity of 25 acre-feet of water. The legal description of these ponds will need to be included on the application and the ponds also need to be located on the map.

A location notice may be filed for any ponds storing less than 25 acre-feet of water and storing runoff in place (no diversion to or from the ponds). No water permit is needed for any structures that qualify for a location notice filing. Enclosed are location notice forms. The filing fee for a location notice is \$10.00. If additional forms are needed, please contact this office.

Enclosed is an invoice for \$500.00 which is the filing fee for the two applications. The water permit application can not be considered until the application is complete and a soil/water permit is obtained from the Department of Agriculture. Upon receipt of the above, further processing of your application will continue.

If you have any questions, please contact Ron Duvall of this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures

File No. 5699-3 & 5698-3
Water Rights Division - DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Sioux Falls Park and Recreation Dept.

ADDRESS: 600 East 7th St. Sioux Falls 57105 COUNTY: MA

DATE: 9-10-1992

TELEPHONE: 339-7060

RE: additional land not covered by Water Permit No. 5605-3

COMMENTS:

Spoke with Bruce Jennings to determine which map was the correct map submitted for the applications. The new map for the applications is slightly different then the map submitted for Water Permit No. 5605-3.

9-11-1992

Mr. Jennings called back stating that the map submitted with the new applications was the correct map. I told him there was more area covered under the new map which was not marked on the Water Permit No. 5605-3 and that we would need a breakdown of the lands in the SE 1/4 before we could continue. Mr Jennings stated that there was approximately 1/2 acre in the S 1/2 E 1/2 SE 1/4 of Section 11-T100N-R50W and that the rest of the legals were correct.

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.

Norma C. Job

NORMA C. JOB

Natural Resources Engineer II
DENR, Water Rights Division



**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 2, 1992

Lowen Schuett
Sioux Falls Park & Recreation Department
600 East 7th Street
Sioux Falls, SD 57105

Dear Mr. Schuett:

Enclosed please find a copy of the report and recommendation on Water Permit
Application No. 5698-3.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

cc: Bruce Jennings, DGR, 315 First Ave, Rock Rapids, IA 51246

REPORT ON WATER PERMIT APPLICATION NO. 5698-3
CITY OF SIOUX FALLS, PARK AND RECREATION DEPARTMENT
OCTOBER 1, 1992

Application No. 5698-3, City of Sioux Falls, Park and Recreation Department, proposes to appropriate 2.4 cubic feet of water per second (cfs) from the Big Sioux River. The diversion point is located in the SW 1/4 NW 1/4 Section 33-T101N-R49W. Water will be pumped into a storage retention pond (15 acre-feet capacity) located in the NW 1/4 SE 1/4 Section 11-T100N-R50W through a buried pipeline. Water will be pumped from the pond to irrigate 160 acres located in the SW 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 11; NW 1/4 Section 14; N 1/2 SE 1/4 Section 10; all in T100N-R50W for an 18 hole golf course. The 10 acres for 10 soccer fields located in the S 1/2 NW 1/4 Section 33-T101N-R49W will be irrigated directly from the Big Sioux River diversion point.

This application proposes to irrigate all the lands authorized by Water Permit No. 5605-3. Water Permit No. 5605-3 authorizes 1.5 cfs from five wells (Big Sioux:South Aquifer) approximately 25 feet deep located in the S 1/2 NW 1/4 Section 33-T101N-R49W to irrigate 170 acres located in the SW 1/4, W 1/2 SE 1/4 Section 11; NW 1/4 Section 14; N 1/2 SE 1/4 Section 10; all in T100N-R50W and the S 1/2 NW 1/4 Section 33-T101N-R49W.

Water Permit No. 5605-3 and this application, combined, may not exceed the statutory limit of 1 cfs for each 70 acres irrigated and 2 acre-feet per acre annually.

The diversion point is located in Minnehaha County and the irrigated lands are located in Lincoln and Minnehaha County.

Water Source - Big Sioux River

The proposed diversion of water is from the Big Sioux River downstream from the Skunk Creek drainage and upstream from the Split Rock Creek drainage. A 9-year period of record hydrograph for the North Cliff Avenue gaging station, Attachment I, shows that 70% of the time there is at least 62 cfs and 90% of the time there is at least 19.77 cfs during the irrigation season. The North Cliff Avenue gaging station contains a telemark which allows the Division of Water Rights to monitor the gage on a regular basis during the irrigation season. This station is located approximately six river miles downstream from the proposed diversion point and approximately 1/4 of a mile downstream from the confluence of the Big Sioux River Diversion Canal. The Sioux Falls Wastewater Treatment Facility discharge point is located approximately 11 river miles downstream from the proposed diversion point and discharges between 11.23 to 15.38 million gallons per day, which equates to 17.4 to 23.8 cfs respectively, into the Big Sioux River.

Water is to be pumped from the Big Sioux River into a holding pond, 15 acre-feet capacity, (4.5 acres surface area). The water is then to be diverted from the pond onto the golf course. The soccer fields will be irrigated directly from the Big Sioux River.

Review Existing Water Rights/Permits

A total of 63.45 cfs is appropriated from the Big Sioux River below this application to the Missouri River. Non-irrigation water rights/permits, assuming 60 percent pumping time, could divert up to 5,591 acre-feet per year. At this time, irrigation water rights/permits authorize irrigation of 3,540.60 acres. Two water permits for the City of Sioux Falls, one for irrigation and one for municipal use were considered for cancellation during the September 30, 1992 Water Management Board meeting. These permits were canceled. The following is a table of the past three years of irrigation water use from the Big Sioux River in all of Minnehaha, Lincoln and Union Counties.

Actual Reported Irrigation Water Use From the Big Sioux River

<u>Year</u>	<u>County</u>	<u>No. of permits</u>	<u>No. of permits diverting</u>	<u>Reported Acre-feet</u>
1989	LN	5	3	156.00
	MA	6	3	89.00
	<u>UN</u>	<u>17</u>	<u>8</u>	<u>648.20</u>
Subtotals		28	14	893.20
1990	LN	4	3	184.00
	MA	6	3	68.20
	<u>UN</u>	<u>17</u>	<u>9</u>	<u>473.50</u>
Subtotals		27	15	725.70
1991	LN	4	2	189.00
	MA	6	2	59.55
	<u>UN</u>	<u>16</u>	<u>9</u>	<u>387.00</u>
Subtotals		26	13	635.55

The proposed diversion point is located below the mouth of Skunk Creek and above the North Cliff Avenue gaging station. There is 4.98 cfs appropriated in this stretch of the river. Water is usually available from the Big Sioux River except during extreme dry conditions. Municipal use by the City of Sioux Falls from the Big Sioux River is upstream from this application. The City of Sioux Falls holds reserves from the Big Sioux River in Future Use Permit Nos. 3981-3 and 3981A-3. The points of diversion for the future use permits are located near the junction of the diversion canal and the Big Sioux River. The amount available in reserve at this time is 40,000 acre feet annually and 156.20 cfs. This permit has a 50 cfs bypass qualification. Water Permit No.

5334-3 was approved from the future use permit for 13.8 cfs and 10,000 acre feet and has a 20 cfs bypass qualification. The Sioux Falls Wastewater Treatment Facility discharge point into the Big Sioux River is located in the N 1/2 of Section 36-T102N-R49W and is approximately 2 1/2 river miles downstream from the North Cliff Avenue gaging station. There is 7.42 cfs appropriated between the proposed diversion point to the discharge point of the Sioux Falls Wastewater Treatment Facility.

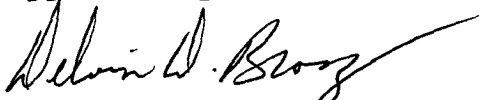
Conclusions

1. During normal periods there will be water available for Application No. 5698-3 from the Big Sioux River.
2. Interference with downstream water rights/permits would only occur during extreme dry conditions.
3. If Application No. 5698-3 is approved, it should have the following qualifications:
 - A. Application No. 5698-3 should not authorize pumping from the Big Sioux River unless at least 20 cfs is being bypassed when pumping.
 - B. Subject to the irrigation questionnaire being submitted each year.
 - C. Approval of No. 5698-3 would be subject to Future Use Permit Nos. 3981-3 and 3981A-3 for 40,000 acre-feet of water from the Big Sioux River annually.



Norma C. Job
Natural Resource Engineer II

Approved by:



Delvin D. Brosz, PE
Natural Resource Engineer IV

References

- Job, Norma C., 1991, Report on Application No. 5512-3, City of Sioux Falls, Parks and Recreation Dept., SD DENR, Water Rights Division, Pierre, SD 57501.
- Lindgren, R.J., Colin A. Niehus, 1992, Water Resources of Minnehaha County, SD, USGS, Water Resources Investigations Report 91-4101, Huron, SD, 57350.

ATTACHMENT I

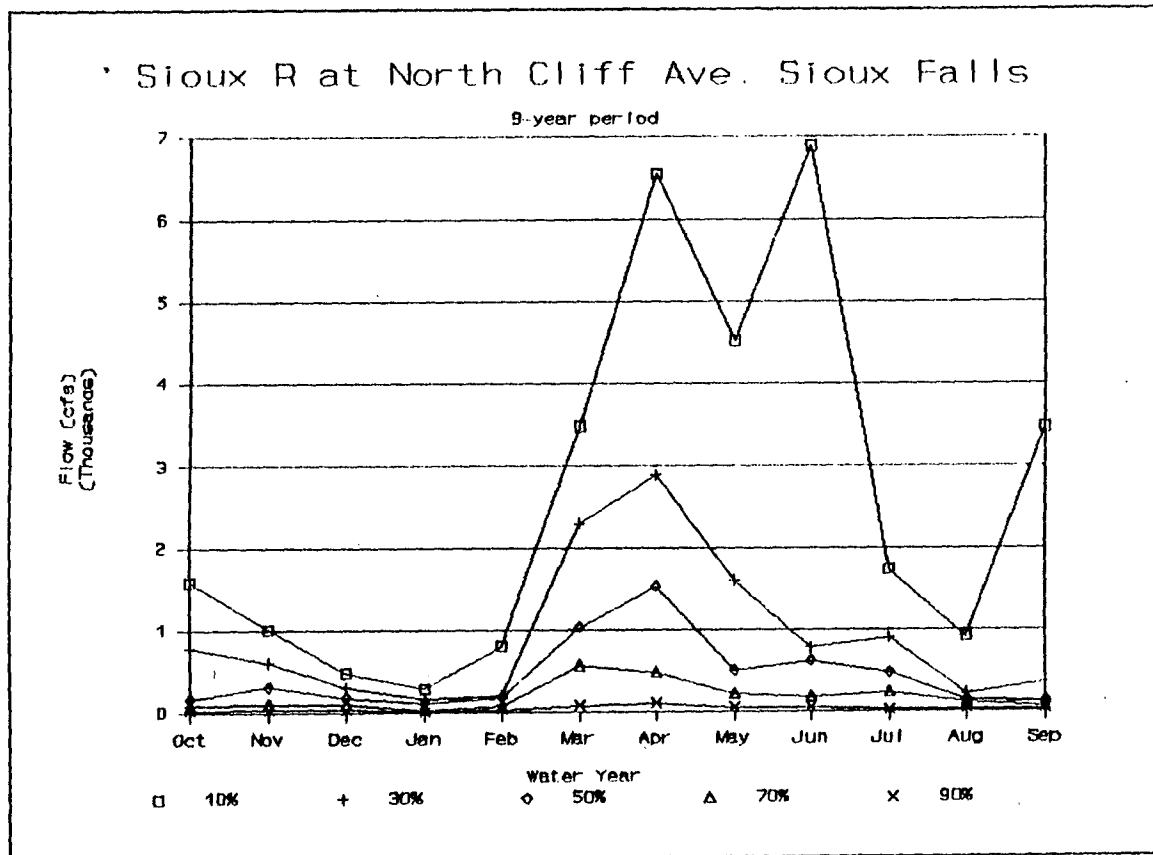


FIGURE 1. Sioux River at North Cliff Ave. at Sioux Falls

Sioux River at North Cliff Ave. at Sioux Falls SD 9 years of record

	10%	30%	50%	70%	90%
Oct	1580.32	781.83	168.32	90.8	30.83
Nov	1008.9	601.43	317.66	105.33	41.26
Dec	476.38	302.64	185.8	98.25	36.32
Jan	289.25	172.42	118.54	32.25	6.26
Feb	798.17	199.78	179.6	75.67	32.25
Mar	3478.61	2295.48	1025.06	562.45	77.06
Apr	6543	2884.66	1524.1	477.03	106.73
May	4516.12	1600.03	499.51	223.42	55
Jun	6880.16	778.23	617.1	185.7	53.6
Jul	1729.96	888.12	470.45	236.38	19.77
Aug	912.22	217.61	141.74	114.38	33.03
Sep	3467.66	354	124.46	62	28

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5698-3, Sioux Falls Park and Recreation Dept.

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. 5698-3, Sioux Falls Park and Recreation Dept., c/o Lowen Schuett, 600 East 7th Street, Sioux Falls, SD 57105.

The Chief Engineer is recommending APPROVAL of Application No. 5698-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The City of Sioux Falls has priority rights to this water under Future Use Permit Nos. 3981-3 and 3981A-3 for municipal use, and this application is approved subject to these prior rights if or when the city develops the reserved municipal water supply.
2. Approval of Water Permit Application No. 5698-3 authorizes storage in a 15 acre-feet retention pond facility.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. The diversion rate from Water Permit Nos. 5605-3 and 5698-3, combined, shall not exceed the statutory limit of 1 cfs per 70 acres and 2 acre-feet per acre annually.
5. Permit No. 5698-3 does not authorize pumping from the Big Sioux River unless at least 20 cfs is being bypassed when pumping.

See report on application for additional information.

John N. Selken
for JOHN HATCH, Chief Engineer
October 2, 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 2, 1992

Lowen Schuett
Sioux Falls Park & Recreation Department
600 East 7th Street
Sioux Falls, SD 57105

Dear Mr. Schuett:

Water Permit Application No. 5698-3 for irrigation 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 Canton Sioux Valley News printed at Canton, SD (Ph # 987-2631) and the Argus Leader printed at Sioux Falls, SD (Ph # 331-2200). For your information, a copy of the notice and letters to the newspapers are enclosed. A copy of the report and recommendation will be sent to you in the near future. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspapers have 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 /ks

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: Bruce Jennings, DGA, 315 First Ave, Rock Rapids, IA 51246



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 2, 1992

Canton Sioux Valley News
Box 255
Canton, SD 57013

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5698-3 to be published twice. Please publish the first notice on October 8, 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 Sioux Falls Park and Recreation Department, 600 East 7th Street, Sioux Falls, SD 57105 (Ph # 339-7060).

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 /ks

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 2, 1992

Argus Leader
PO Box 5034
Sioux Falls, SD 57117

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5698-3 to be published twice. Please publish the first notice on October 8, 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 Sioux Falls Park and Recreation Department, 600 East 7th Street, Sioux Falls, SD 57105 (Ph # 339-7060).

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Eric Gronlund /ks

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

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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 October 8, 1992 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5698-3 to Appropriate Water

Notice is given that Sioux Falls Park and Recreation Department, 600 East 7th St., Sioux Falls, 57105 has filed for a water permit to appropriate 2.4 cfs from the Big Sioux River located in the SW1/4 NW1/4 Section 33, T101N, R49W to irrigate the 170 acres authorized by Water Permit No. 5605-3. Water Permit No. 5605-3 appropriates 1.5 cubic feet of water per second (cfs) from five wells (Big Sioux:South Aquifer) approximately 25 feet deep located in the S1/2 NW1/4 Section 33, T101N, R49W to irrigate 170 acres located in the SW1/4, W1/2 SE1/4 Section 11; NW1/4 Section 14; N1/2 SE1/4 Section 10; all in T100N, R50W and the S1/2 NW1/4 Section 33, T101N, R49W. This notice also serves to include the SE1/4 SE1/4 Section 11, T100N, R50W to the area being irrigated by Water Permit No. 5605-3. The water is to be used for irrigation of an 18 hole golf course and 10 soccer fields. This application also proposes a storage retention pond (15 acre feet capacity) to be located in the NW1/4 SE1/4 Section 11, T100N, R50W. The diversion rate from Water Permit No. 5605-3 and Application No. 5698-3, combined, shall not exceed the statutory limit of 1 cfs per 70 acres and 2 acre feet per acre annually.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends Approval of Application No. 5698-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. 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 October 26, 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. 5698-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for November 4, 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 November 4, 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 November 4, 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 October 26, 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 October 26, 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; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, }
COUNTY OF MINNEHAHA } SS.

..... 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

Thursday, the 8 day of October, 1992

Thursday, the 15 day of October, 1992

_____, the _____ day of _____, 19____

_____, the _____ day of _____, 19____

_____, the _____ day of _____, 19____

_____, the _____ day of _____, 19____

_____, the _____ day of _____, 19____

and that \$136.39 was charged for publishing the same including a \$2.00 affidavit fee.

M. Devish

Subscribed and sworn to before me October 15, 1992.

Nancy A. Buckley
Notary Public, South Dakota



NOTICE OF HEARING
on Application No. 5698-3
to Appropriate Water

Notice is given that Sioux Falls Park and Recreation Department, 600 East 7th St., Sioux Falls, 57105 has filed for a water permit to appropriate 2.4 cfs from the Big Sioux River located in the SW1/4 NW1/4 Section 33, T101N, R49W to irrigate the 170 acres authorized by Water Permit No. 5605-3. Water Permit No. 5605-3 appropriates 1.5 cubic feet of water per second (cfs) from five wells (Big Sioux: South Aquifer) approximately 25 feet deep located in the S1/2 NW1/4 Section 33, T101N, R49W to irrigate 170 acres located in the SW1/4, W1/2 SE1/4 Section 11; NW1/4 Section 14; N1/2 SE1/4 Section 10; all in T100N, R50W and the S1/2 NW1/4 Section 33, T101N, R49W. This notice also serves to include the SE1/4 SE1/4 Section 11, T100N, R50W to the area being irrigated by Water Permit No. 5605-3. The water is to be used for irrigation of an 18 hole golf course and 10 soccer fields. This application also proposes a storage retention pond (15 acre feet capacity) to be located in the NW1/4 SE1/4 Section 11, T100N, R50W. The diversion rate from Water Permit No. 5605-3 and Application No. 5698-3, combined, shall not exceed the statutory limit of 1 cfs per 70 acres and 2 acre feet per acre annually.

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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; 46-5-38 thru 46-5-40; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:24 thru 74:02:01:25.

Robert E. Roberts, Secretary
Department of Environment and
Natural Resources
222 Oct. 8, 15, 1992

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Lincoln)

I, Sandra Lundstrom

certify that the attached printed Notice

from the STIOUX VALLEY NEWS

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

City _____ of _____ Canton _____

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

October 8, 1992

October 15, 1992

Sandra Lundstrom
 (Signature)

Bookkeeper

(Title)

October 15, 1992

(Date Signed)

Cost of Printing: \$76.41

**NOTICE OF HEARING
 On Application No. 5698-3
 To Appropriate Water**

Notice is given that Sioux Falls Park and Recreation Department, 600 East 7th Street, Sioux Falls, 57105 has filed for a water permit to appropriate 2.4 cfs from the Big Sioux River located in the SW 1/4 NW 1/4 Section 33, T10N, R49W to irrigate the 170 acres authorized by Water Permit No. 5605-3. Water Permit No. 5605-3 appropriates 1.5 cubic feet of water per second (cfs) from five wells (Big Sioux: South Aquifer) approximately 25 feet deep located in the

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(10-8, 15)



MAR 17 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

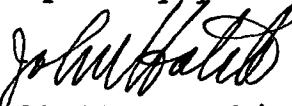
Lowen Schuett
Sioux Falls Park & Recreation Dept
600 East 7th Street
Sioux Falls, SD 57105

Dear Mr. Schuett:

Enclosed is Water Permit No. 5698-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

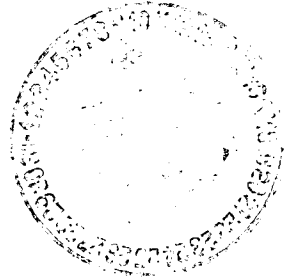
Very truly yours,


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

enclosures

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

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

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date December 1, 1994

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Park and Recreation Department
City of Sioux Falls 600 East 7th Street
(name) (address)
Sioux Falls SD 57102 605-339-7060
(city) (state) (zip) (phone)

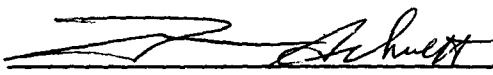
I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5698-3.

Water Permit No. 5698-3 states that the diversion system is to be constructed by November 4, 1997, and that the water is put to beneficial use by November 4, 2001.
(date) (date)

The diversion system was completed on May 25, 1993.
(date)

Applying the water to beneficial use was completed on see below.
(date)

Pumping to irrigation from storage pond begin in August 1993.
Pumping from the Big Sioux River to the storage pond begin in April 1994.
You may schedule an inspection so that the Water License may be issued.


(signature)



November 8, 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

City of Sioux Falls
Parks and Recreation Department
600 East 7th St
Sioux Falls SD 57103

Attn: Dee

On July 24, 2002, Lynn Beck, a staff engineer accompanied by Diane Gildemaster conducted investigations of several of the Parks and Recreation Dept. water permits, including the extent of application of water to beneficial use, as developed under the permits. The final water right documents, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for each investigation and issuance of the water license. Enclosed is an invoice for a total of \$200.00. The check or money order for the fee should be made payable to the "Water Rights Program".

The licensed water right will be similar to a property right that can not be lost as long as the water use continues and the city abides by the permit requirements.

If you have any questions regarding the water permits, investigation of the water use systems or payment of the fee, please contact me.

Sincerely,

Karen Schlaak
Karen Schlaak
Water Rights Program
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

* INVOICE *

Invoice No. 20411-110802

City of Sioux Falls
Parks and Recreation Department
600 East 7th St
Sioux Falls SD 57103

Fee for investigation of the following water permits:	No. 5416-3	50.00
	No. 5512-3	50.00
	No. 5698-3	50.00
	No. 5775-3	50.00

PLEASE PAY THIS AMOUNT:	\$200.00
-------------------------	----------

Karen Schlaak
Karen Schlaak
Environmental Scientist
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 30, 2002

RECEIVED OF City of Sioux Falls, 224 West Ninth Street, Sioux Falls SD 57104-6407

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	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. <u>5698-3</u>		
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. _____	50.00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No. 000005

By Darlene White

Chief Engineer gsw

Permit Nos. 5605-3 & 5698-3**Big Sioux River - Water District****Report of Examination of Works and/or Application of Water to Beneficial Use**

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

I have this day, July 24, 2002, made a thorough examination of the water use system constructed by Sioux Falls Parks and Recreation Department of 600 East 7th St., Sioux Falls, SD 57105 holder of Permit No. 5605-, bearing the priority of December 26, 1991 authorizing the diversion of 1.5 cu. ft. per second of the waters of Big Sioux: South Aquifer for irrigation purposes, in Minnehaha and Lincoln Counties. Also holder of Permit No. 5698-3, bearing the priority of July 20, 1992 authorizing the diversion of 2.4 cu. ft. per second of the waters of Big Sioux River and the storage of 15 acre-feet of the waters of Big Sioux River and Big Sioux: South Aquifer for irrigation purposes, in Minnehaha and Lincoln Counties.

Inspection contact & relationship
to permit holder, if applicable:

**Diane Gildemaster, Sioux Falls Parks and Recreation District
Park Supervisor – (605) 367-7016.**

**Cory Borgen, Prairie Greens Golf Course Superintendent –
(605) 367-6083.**

A. Works used to divert the water:

Well Information: - Well Drilling Firm: <u>Lacey Well Drilling</u> - No. of Wells <u>1</u> - Depth(s) <u>25</u> feet - Well log is available <u>yes</u> - Comment: <u>Not an official well log, written comments and test pump info from Lacey.</u> Casing: - Diameter <u>8</u> inches - Length <u>25</u> feet - Type <u>steel</u> Screen: - Type <u>stainless steel</u> - Length <u>10</u> feet - Static water level <u>16</u> feet	River Diversion Point Information: Pump: - Make <u>Layne & Bowler</u> - Model - Size - Capacity <u>500</u> GPM Motor: - Make <u>G.E.</u> - Model No. <u>5KS2860MM4J-4A</u> - Horsepower rating <u>30</u> hp Storage Pond Diversion Point Information: Pump #1: - Make <u>Griswald</u> - Model - Size - Capacity <u>250</u> GPM
--	--

Pump: 1) Make <u>Layne & Bowler</u> 2) Model <u>6 GH 4 stage</u> 3) Size <u>6"</u> 4) Capacity <u>300</u> GPM Motor: 1) Make <u>Franklin</u> 2) Model No. <u>7M</u> 3) Horsepower rating <u>20</u> hp	Motor: 1) Make <u>U.S. Electric</u> 2) Model No. <u>2683A</u> 3) Horsepower rating <u>15</u> hp Pump #2: 1) Make <u>Griswald</u> 2) Model 3) Size 4) Capacity <u>500</u> GPM Motor: 1) Make <u>Balcor</u> 2) Model No. _____ 3) Horsepower rating <u>75</u> hp
--	--

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

Tomar Park Soccer Fields and Prairie Green Golf Course

- | | | |
|----------------------|-----------------------------|------------------------------|
| 1) Type <u>steel</u> | 2) Size <u>4</u> inches | 3) Length <u>480</u> feet |
| 1) Type <u>steel</u> | 2) Size <u>6</u> inches | 3) Length <u>150</u> feet |
| 1) Type <u>pvc</u> | 2) Size <u>3 - 4</u> inches | 3) Length <u>18,045</u> feet |
| 1) Type <u>pvc</u> | 2) Size <u>8</u> inches | 3) Length <u>6,600</u> feet |

C. Works used to apply water to beneficial use:

Turf Sprinkler systems

Chemigation Equipment:

- 1) Does chemigate no

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes
- 3) Exceptions to compliance are: none

Report of Examination of Works

Permit No. 5605-3 and 5698-3

The system is in good condition with the point(s) of diversion located as follows: Big Sioux River diversion point is located 900' E and 3,375' N and the well diversion point is located 1,180' E and 2700' N of the SW corner Section 33-T101N-R49W; storage pond diversion point is located 2,480' E and 1,645' N of the SW corner Section 11-T100N-R50W. The works are capable of diverting and conveying to the place of use 1.11 cu. ft. per second of water from the Big Sioux River; 0.67 cu. ft. per second of water from the Big Sioux: South Aquifer well; 1.67 cu. ft. per second of water from the storage pond; and storing 15 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Prairie Green golf course

T100N-R50W

Section 10

N½ SE¼ 14 acres

Section 11

SW¼ 32 acres

SE¼ 14 acres

Section 14

NW¼ 40 acres

Tomar Park soccer fields

T101N-R49W

Section 33

S½ NW¼ 17 acres

comprising a total of 117 acres of land and the license should be issued for 1.11 cfs from the Big Sioux River, 0.67 cfs from the well, combined diversion not to exceed 1.67 cfs; 15 acre-feet of storage.

All structures, wells and lands on map yes

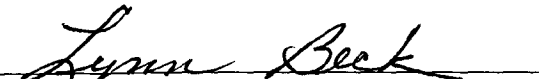
Comments or other permit(s) associated with the project:

5698-3 diverts water from the Big Sioux River to apply directly to 17 acres that make up the soccer fields in Tomar Park and to a storage pond at the Prairie Green Golf Course. The storage pond diverts to 100 acres at the golf course. The river capacity is 1.11 cfs.

5605-3 diverts water from the well to the storage pond at the golf course. The well capacity is 0.67 cfs.

The combined diversions from 5605-3 and 5698-3 for the acres irrigated shall not exceed 1.67 cfs.

Appropriation not to exceed 2 acre feet annually for each acre of land irrigated.


Lynn Beck

Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: October 7, 2002

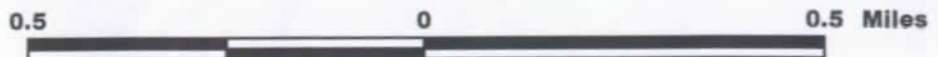
**WATER RIGHT NOS. 5605-3 AND 5698-3
SIOUX FALLS PARK AND REC. DEPT.**



Lynn Beck

Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program
October 7, 2002

scale



pump house well



well



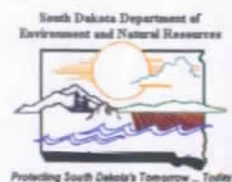
8" pvc



4" - 6" steel



3" - 4" pvc



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5698-3

(1) The City of Sioux Falls, Parks and Recreation Department, 600 East 7th St, Sioux Falls SD 57105 made Application No. 5698-3, July 20, 1992 for a water permit to divert 2.4 cubic feet of water per second (cfs) from the Big Sioux River and a 15 acre-feet storage pond for irrigation purposes in Minnehaha and Lincoln Counties. Permit No. 5698-3, with a priority date of July 20, 1992 was approved November 4, 1992 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 4, 1997 and for the application to beneficial use of water on or before November 4, 2001.

Water Permit No. 5605-3, with a priority date of December 26, 1991 authorizes 1.5 cfs from 5 wells to irrigate the same acreage authorized by No. 5698-3. The applicable portions of No. 5605-3 are incorporated into No. 5698-3.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 5698-3 is issued a license, bearing priority dates of July 20, 1992 (Big Sioux River and 15 acre-feet storage pond) and December 26, 1991 (1 well).

The system is capable of diverting 1.11 cfs from the Big Sioux River to a storage pond which is then used to irrigate 100 acres at the Prairie Green golf course or the river water is diverted directly to irrigate 17 acres at the Tomar Park soccer fields. The well is capable of 0.67 cfs which is diverted to the storage pond which is then used to irrigate the 100 acre golf course. Based on the acreage developed for irrigation, the combined diversion rate from the two water sources is limited to the statutory limit of 1 cfs per 70 acres for irrigation of 117 acres. Therefore, Water License No. 5698-3 is issued for combined diversion rate from the river and well of 1.67 cfs.

The diversion points are located as follows: Big Sioux River – 900 feet east and 3,375 feet north (SW ¼ NW ¼); well – 1,180 feet east and 2,700 feet north (SW ¼ NW ¼); both from the southwest corner of **Section 33-T101N-R49W**; storage pond – 2,480 feet east and 1,645 feet north (NE ¼ SW ¼) from the southwest corner of **Section 11-T100N-R50W**. The acres authorized for irrigation are as follows:

Prairie Green Golf Course			Tomar Park Soccer Fields		
Sec 10-T100N-R50W	N ½ SE ¼	14 ac	Sec 33-T101N-R49W	S ½ NW ¼	17 ac
Sec 11-T100N-R50W	SW ¼	32 ac			
	SE ¼	14 ac			
Sec 14-T100N-R50W	NW ¼	40 ac	Total 117 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 5698-3 including the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized pursuant to this Permit shall be constructed by a licensed well driller and construction shall comply with Management Board Rules, Chapter 74:02:04.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

(continued)

- The City of Sioux Falls has priority rights to this water under Future Use Permit Nos. 3981-3 and 3981A-3 for municipal use, and this permit is subject to these prior rights if and when the city develops the reserved municipal water supply.
- Water Permit No. 5698-3 authorizes storage in a 15 acre-feet retention pond facility.
- The diversion rate from Permits Nos. 5605-3 and 5698-3, combined, shall not exceed the statutory limit of 1 cfs per 70 acres and 2 acre-feet per acre annually.
- Permit No. 5698-3 does not authorize pumping from the Big Sioux River unless at least 20 cfs is being bypassed when pumping.

Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 20 2003

date



Amendment to the qualifications contained in Water Right No. 5698-3

Deleted Qualification:

- Permit No. 5698-3 does not authorize pumping from the Big Sioux River unless at least 20 cfs is being bypassed when pumping.

New Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

May 22, 2018

NOTICE OF ENTRY OF ORDER

5512-3 5698-3 6210A-3

City of Sioux Falls
Kelby Mieras
100 E 6th St
Sioux Falls SD 57104

Dear Ms. Mieras:

I am writing in response to action taken by the Water Management Board on May 3, 2018, regarding the Hearing to Amend the Bypass Qualifications on Big Sioux River water rights.

Attached is the qualification that was deleted from your water right and the new qualifications.

This amendment designates a US Geological Survey gaging station as the measuring point to determine if pumping is allowed. The gaging station has real time flow information that can be accessed online at <https://waterdata.usgs.gov/sd/nwis/rt>. However, the water right is also subject to written orders of the Chief Engineer regardless of the bypass criteria.

If you have questions concerning the Board action or your water right(s), please contact Mark Rath with our program at 605 773-3352 or mark.rath@state.sd.us.

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program

enclosure

cc: Diane Best, Assistant City Attorney, City of Sioux Falls

CERTIFICATION

I hereby certify that on May 22, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice of Entry of Order dated May 22, 2018 regarding amending bypass qualifications on Big Sioux River water rights addressed as stated below:

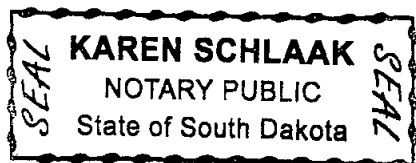
Elaine Ahlers, PO Box 186, Flandreau SD 57028
Adam Wiese, Operator, 22603 479th Ave, Flandreau SD 57028
Chad Anderson, 47880 244th St, Dell Rapids SD 57022
Ronnie J Boever, 47948 232nd St, Flandreau SD 57028
Brian Burkhardt, 24482 482nd Ave, Dell Rapids SD 57022
Jim Czech, Operator, 45767 177th St, Watertown SD 57201
Marvin & Maxine Czech, 45848 176th St, Watertown SD 57201
Dell Rocky Run Golf Course, 47364 Golf View Drive, Dell Rapids SD 57022
Allen Fugere, Operator, 700 N Main, Estelline SD 57234
W J Sanderson & Alan Blum, 703 1st Ave S, Estherville IA 51334
Darren & Allison Hamilton, 22615 480th Ave, Flandreau SD 57028
Wayne Headrick, 47926 SD Hwy 32, Flandreau SD 57028
Mrs. Raymond D Jensen & Scott Jensen, Operator, 24348 478th Ave, Dell Rapids SD 57022
Larry J Jorgenson, 24048 477th Ave, Trent SD 57065
Ted Lacey, 24064 478th Ave, Trent SD 57065
Thomas A & Patricia K Munk Revocable Living Trust, 15683 State Hwy 105, Austin MN 55912
City of Sioux Falls, Greg Anderson, 224 W 9th St, Sioux Falls SD 57102
City of Sioux Falls, Kelby Mieras, 100 E 6th St, Sioux Falls SD 57104
Diane Best, Assistant City Attorney, City of Sioux Falls, PO Box 7402, Sioux Falls SD 57117-7402

Vickie Maberry
Vickie Maberry
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 22nd day of May, 2018.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2019





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

JUN 20 2003

City of Sioux Falls
Diane Gildemaster
Parks and Recreation Department
600 East 7th St
Sioux Falls SD 57103

Dear Ms. Gildemaster:

Enclosed are Water License Nos. 5416-3, 5512-3, 5698-3 and 5775-3 for the Parks and Recreation Department. A map prepared by Lynn Beck is also included for each permit as well as receipts for payment of the license fees.

These are the final water right documents completing the city's process of obtaining Water Rights.

As long as the Parks and Recreation Department uses the water beneficially, as stated in the Water Licenses, State Water Laws provide a continuing right to use the water.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

NOTE: The applicable portions of No. 5605-3 are incorporated into Water License No. 5698-3.

enclosures

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

500 East Capitol Avenue
Pierre, South Dakota 57501-5070
Phone (605) 773-3215
FAX (605) 773-4106
www.state.sd.us/atg

LARRY LONG
ATTORNEY GENERAL

MARK BARNETT
CHIEF DEPUTY ATTORNEY GENERAL

RECEIVED
DEC - 8 2004
WATER RIGHTS
PROGRAM

December 7, 2004

Mary Dirksen
Attorney at Law
P.O. Box 5027
Sioux Falls, SD 57117-5027

RE: Soil Water Compatibility Permits

Dear Ms. Dirksen:

This letter is in response to your correspondence of November 2, 2004. You inquired about the process for the State to release Soil Water Compatibility Permits.

By statute, the permits were issued by the South Dakota Department of Agriculture, Division of Conservation in the early 1990's. The permits were the initial step in obtaining the authority to irrigate from the State of South Dakota. The permits in question were required to be filed with the Register of Deeds. The permits are recorded since they are a perpetual permit issued by the State of South Dakota and run with the land. However, in the mid 1990's, the State's authority to issue Soil Water Compatibility Permits (and corresponding authority to revoke them) was repealed.

As mentioned, the permits were the threshold permits required to obtain authority to irrigate from the State. The second part of this process is a permit to appropriate water obtained from the South Dakota Water Management Board. I am enclosing a copy of the water license issued to the City of Sioux Falls Parks and Recreation Department for the irrigation at this site. As you can see, the license was issued for irrigation of 100 acres of the Prairie Green Golf Course and 17 acres at the Tomar Park soccer fields. This license is still in effect and is still held by the city. The Water Board still holds authority over this permit.

If your client and the city wish to abandon irrigation rights and associated soil water compatibility rights at the location in question, I would suggest that your client and the city file documents abandoning the rights and disclaiming the right to irrigate this property. The document would need to be filed with

Mary Dirksen
December 7, 2004
Page 2

the Register of Deeds (for the Soil Water Compatibility Permit side) and with the South Dakota Department of Environment and Natural Resources (for abandonment of the appropriative water rights). A document abandoning the appropriate water rights for this specific parcel should be addressed to Garland Erbele, Chief Engineer, Foss Building, 523 E. Capitol Avenue, Pierre, South Dakota, 57501. By filing these documents, you would be giving up all right and interest in irrigating the property you have described. Please note that this letter addresses the issue of abandoning a soil water compatibility permit and acreage covered under an appropriative water right at the same time. Because the water rights were granted as part of a two-step process, I would suggest that you and the city abandon or disclaim the rights at the same time.

This letter does not answer the further question of whether a landowner is entitled to simply abandon Soil Water Compatibility Permits but continue to irrigate the property in question under a water license. It is not clear to me how that would be done. In your situation, however, it appears to me that the current owner of the property would seek to discontinue irrigation under the existing city permit anyway, so both permits could be disclaimed or abandoned.

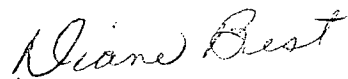
I recognize that your client would still wish to water the lawn. Your client is entitled to domestic use of water as defined in SDCL 46-1-6(7). Domestic use of water includes watering for lawns of less than one acre in size.

As far as the city is concerned, it can abandon part of the water right and still maintain the license for other acreage.

You have also inquired about the release of vested drainage rights reserved to former owners of the property. Based on the document you sent, I cannot tell whether your client is the dominant or servient owner. In either event, the State would not be the entity to carry out the release of drainage rights. Drainage rights are administered by the counties.

Hopefully this response is helpful to you.

Sincerely,


Diane Best
Assistant Attorney General

DB:dp

Enclosure

✓ bcc: Eric Gronlund



5698-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

October 30, 2006

Galynn Huber
Sioux Falls Parks & Rec Dept
100 E 6th St
Sioux Falls SD 57104-5929

RE: Water Right or Permit Nos. 4231-3, 5416-3, 5512-3, 5556-3, 5698-3, 6157-3

Dear Mr. Huber:

Enclosed is a "Notice" dated October 20, 2006 concerning the 2006 irrigation questionnaires. The notice was originally mailed to 600 E 7th St, Sioux Falls SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures



5698-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

July 27, 2012

NOTICE OF SHUTOFF ORDER

TO: Kelby Mieras
Sioux Falls Parks & Rec Dept
100 E 6th Street
Sioux Falls SD 57103

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: Big Sioux River Shutoff Order

Shutoff Order for Water Right Nos. 5512-3 & 5698-3.

The flow in the Big Sioux River is below 20 cubic feet per second (cfs) at the USGS gaging station at Sioux Falls Western Ave, SD. A qualification under Water Right Nos. 5512-3 and 5698-3 states that diversions from the Big Sioux River are authorized only when flow past the diversion point is at least 20 cfs while pumping under this permit. Therefore, effective immediately, no diversion of water from the Big Sioux River is authorized under Water Right Nos. 5512-3 and 5698-3.

Flow in the Big Sioux River has dropped to the point where domestic use of water, which includes livestock watering from the river and diversions for senior water rights, have become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river. If you have any questions, please contact Lynn Beck or Mark Rath with the Water Rights Program at (605) 773-3352. Thank you.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

July 27, 2012

NOTICE OF SHUTOFF ORDER

TO: Don Kearney
Sioux Falls Parks & Rec Dept
100 E 6th Street
Sioux Falls SD 57104

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: Big Sioux River Shutoff Order

Shutoff Order for Water Right Nos. 5512-3 & 5698-3.

The flow in the Big Sioux River is below 20 cubic feet per second (cfs) at the USGS gaging station at Sioux Falls Western Ave, SD. A qualification under Water Right Nos. 5512-3 and 5698-3 states that diversions from the Big Sioux River are authorized only when flow past the diversion point is at least 20 cfs while pumping under this permit. Therefore, effective immediately, no diversion of water from the Big Sioux River is authorized under Water Right Nos. 5512-3 and 5698-3.

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I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river. If you have any questions, please contact Lynn Beck or Mark Rath with the Water Rights Program at (605) 773-3352. Thank you.

CERTIFICATION

I hereby certify that on July 27, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 27, 2012 regarding shut off orders addressed as stated below:

Big Sioux River Shutoff Order Addresses:

Allen Fugere 1812-3
700 N Main
Estelline SD 57234

WJ Sanderson & Alan Blum 1812-3
703 1st Ave S
Estherville IA 51334

Kelby Mieras 5512-3 & 5698-3
Sioux Falls Parks & Rec Dept
100 E 6th Street
Sioux Falls SD 57103

Don Kearney 5512-3 & 5698-3
Sioux Falls Parks & Rec Dept
100 E 6th Street
Sioux Falls SD 57103

Richard Schmit 7350-3
45924 179th Street
Castlewood SD 57223


Gail Jacobson

Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

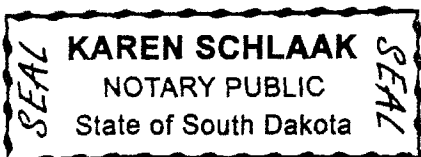
Sworn to, before me, this 31st day of July, 20 12.



Karen Schlaak

Notary Public

My Commission expires April 1, 2013





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

August 6, 2012

Dear Water Right Holder;

Due to low flows I am advising water right holders on the Big Sioux River of the possibility of shutoff orders in 2012 for the river reach from Watertown through Sioux Falls. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Big Sioux River basin remain well below the historical average. The forecast for improved conditions for the near future is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing real-time river flows at 159 stream gauging stations across the state including three gages sites on the Big Sioux River. To access this information go to <http://waterdata.usgs.gov/sd/nwis/rt> and click on the link "Statewide Streamflow Current Conditions Table".

Thank you for your cooperation. If you have any questions, please contact Lynn Beck or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on August 6, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated August 6, 2012 regarding shut off warnings on Big Sioux River addressed as stated below:

permitno	fname	lname	addrss2	city	state	zip
1696-3	DONALD G	AHLERS	22920 SD HWY 13	FLANDREAU	SD	57028
5530-3	TERRY & DENISE	ANDERSON	47558 237TH ST 26534 N SHORE PLACE	TRENT	SD	57065
6192-3	BERNE B	BAHNSON	PO BOX 366	HARTFORD	SD	57033
3806-3	BERNARD	BERGDALE	47948 232ND ST	ALCESTER	SD	57001
1175-3	HAROLD	BOEVER	4162 BIRCH AVE	FLANDREAU	SD	57028
4895-3	BILL B	BOYER	403 16TH ST	HAWARDEN	IA	51023
284-3	LUKE	BOYER, MGR	24482 482ND AVE	HAWARDEN	IA	51023
7110-3	BRIAN	BURKHART	32650 480TH AVE	DELL RAPIDS	SD	57022
5760-3	BRIAN	CHICOINE	29509 488TH AVE	ELK POINT	SD	57025
2255-3	JAMES H	COLE	47364 GOLF VIEW DR	HUDSON	SD	57034
6124-3		DELLS ROCKY RUN GOLF COURSE		DELL RAPIDS	SD	57022
4969-3	JOHN GILMAN	FRAZIER FARMS	BOX 423	PARKSTON	SD	57366
4969-3	JOHN TROY D & SANDY F	GILMAN	4162 BIRCH	HAWARDEN	IA	51023
249-3	DARREN & ALLISON	HAHN	6762 SMITH DR	WENTWORTH	SD	57075
2065-3		HAMILTON	22615 480TH AVE	FLANDREAU	SD	57028
2952-3, 956-3	WAYNE	HEADRICK	47926 SD HWY 32	FLANDREAU	SD	57028
279-3	ROBERT	JAGER, MGR	48495 299th ST	HAWARDEN	IA	51023
1350-3, 6042-3	RAYMOND D	JENSEN	24348 478TH AVE	DELL RAPIDS	SD	57022
1302-3	LARRY J	JORGENSEN	24048 477TH AVE	TRENT	SD	57065
1500-3, 213-3	TED	LACEY	24064 478TH AVE	TRENT	SD	57065
	EUGENE	MOLLET	48011 332ND ST	JEFFERSON	SD	57038
3433-3	VIRGIL L	MOLLET JR	47991 334TH ST	JEFFERSON	SD	57038
1801-3	GAIL	MUNK	803 DAKOTA	DELL RAPIDS	SD	57022
113-3	PATTI	NASH	21660 469TH AVE	BROOKINGS	SD	57006
3914-3	OMAR F	PETTERSON	48378 276TH ST	CANTON	SD	57013
2350-3		RIVER VALLEY FARMS	PO BOX 486	ALCESTER	SD	57001
1801-3	HARVEY JOHN T & MELISSA R	SCHMIDT, OPERATOR	47528 244TH ST	DELL RAPIDS	SD	57022
1454-3		SCHUTTE	47973 W 5TH ST 47844 COUNTY RD 1B	CANTON	SD	57013
5814-3	PATRICK V	WALSH, OPERATOR	11726 NORWAY ST NW	ELK POINT COON RAPIDS	SD MN	57025 55448
597-3	DAN & JUDY	WHIPPLE WILLOW RUN MANAGEMENT COMPANY	8000 E HWY 42	SIoux FALLS	SD	57110
5055-3		XCEL ENERGY	7100 E RICE ST	SIoux FALLS	SD	57110
519-3A		NORTHERN STATES POWER COMPANY	414 NICOLLET MALL	MINNEAPOLIS	MN	55401
43-3, 519-3 5698-3, 6210-3	GREG ANDERSON	CITY SIOUX FALLS	224 W 9TH ST	SIoux FALLS	SD	57102

Gail Jacobson

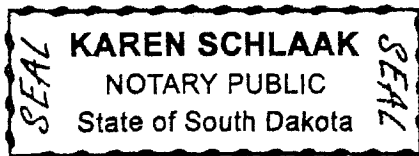
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 6th day of August, 2012.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2013





5698-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

August 10, 2012

Dave Fischer, Assistant Director
Sioux Falls Parks and Recreation Department
100 East Sixth Street
Sioux Falls SD 57104

Dear Mr. Fischer:

I am writing in regard to a request for an additional diversion point for Water Right No. 5698-3 for irrigation of Prairie Green golf course and Tomar Park soccer fields.

Water Right No. 5698-3 appropriates 1.11 cubic foot of water per second (cfs) from the Big Sioux River and 0.67 cfs from a 27 foot deep well completed into the Big Sioux River for direct irrigation or to a 20 acre feet storage pond prior to application. Both the Big Sioux River diversion point and well are located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T101N, R49W. The storage pond is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T100N, R50W. There are 117 acres authorized for irrigation in the N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 10, portion of the SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 11 and the NW $\frac{1}{4}$ Section 14; all in T100N, R50W and the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 33, T101N, R49W.

Due to drought conditions, the Big Sioux River has approached the 20 cfs flow threshold when pumping is not authorized. Therefore the city may need to rely solely on the well to supply irrigation. City personnel have indicated that the existing 27 foot deep well is not producing sufficient quantity. There is a 39 foot deep well drilled recently for dewatering purposes approximately 380 feet to the northeast in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T101N, R49W. The city requests to authorize this additional well to Water Right No. 5698-3.

Upon review of the request and pursuant to SDCL 46-5-13.1, the additional well is authorized without application or publication of a notice of hearing. No additional appropriation above the amounts authorized by Water Right No. 5698-3 is authorized. If more than a combined total of 0.67 cfs (300 gpm) is diverted from the two wells a new water right permit is required. Prior to use, the top three feet of the 39 foot deep well must be grouted to meet South Dakota well construction standards.

The additional well and this new well will be in close proximity to each other. Pumping both at the same time may result in interference. However, DENR views the operation of these two wells as a management issue for the city.

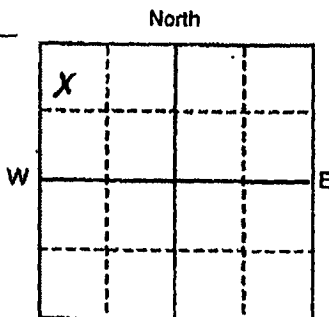
If you have any questions, please contact Eric Gronlund at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW 1/4 NW 1/4 Sec 23 Twp 101 N Rg 49 WCounty MinnehahaPlease mark well
location with an "X"

Well Completion Date

6/19/12

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from _____ (Identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well
METHOD OF DRILLING: Bucket Drill

CASING DATA:

If other describe ☒ Steel ☐ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>23</u> LB/FT	<u>12.75</u> IN	<u>-1</u> FT	<u>23</u> FT	<u>36</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA: None

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	Ft	Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 12.750 inches Length 16 Feet
Material STEEL
Slot Size 060 Set From 23 Feet to 39 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?
☒ No, Why Not? IRRIGATION WELL
 Lab to which water quality sample sent for analysis
Well Owner: City of Sioux Falls

Business Name:

Address: 224 W. NINTH ST.City, State, Zip: Sioux Falls, SD 57117

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Topsoil</u>	<u>0</u>	<u>1</u>
<u>CLAY</u>	<u>1</u>	<u>4</u>
<u>SANDY LOAM</u>	<u>4</u>	<u>15</u>
<u>SANDY MEDIUM TO COARSE</u>	<u>15</u>	<u>39</u>

STATIC WATER LEVEL 7 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: 5HP Submersible
☐ Bailed
☐ Other

Pumping Level Below Land Surface

25 Ft. After 8 Hrs. pumped 200 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 200 GPM

REMARKS

well was used for dewatering City Project - City will keep for irrigationThis well was drilled under license # 581 and this report is true and accurate.Drilling firm: Northern Dewatering, Inc.

Signature of License Representative:

Jeffrey L. Mah

Signature of Well Owner or Equitable Property Holder:

[Signature]

Date: _____

City of
Sioux Falls



Providing a Better Quality of Life for You!

Parks and Recreation Administration
100 East Sixth Street, Sioux Falls, SD 57104-5929
www.siouxfallsparks.org

605-367-8222 • FAX 605-367-8234
TTY/Hearing Impaired 605-367-7039

August 8, 2012

Mr. Eric Gronlund
Water Rights Program, DENR
523 East Capital
Pierre, SD 57501-3182

Dear Mr. Gronlund:

Subject: New Diversion Point for Water Rights Permit 5698-3

The City of Sioux Falls Parks and Recreation Department is requesting to add a new diversion point for the existing water rights permit 5698-3 per attached information. The location of the well on the well completion report is incorrect. The correct location is on form 2, with the actual location in the SE1/4 NW 1/4 of Section 33-T101N-R49W.

The top 3 feet of the well has not been grouted to date as is required, but will be grouted by Northern Dewatering Inc. as soon as the pipe connection is made to hook into our existing system. That work should be completed within the next week.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Fischer".

Dave Fischer
Assistant Director, Sioux Falls Parks and Recreation Department



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only) No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 5698-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
Add diversion point to permit number 5698-3 pursuant to FDCL 46-5-13.1

1. Name of Applicant City of Sioux Falls Parks and Recreation Department Phone 605-367-8217
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 100 East 6th Street Sioux Falls SD 57104-5929
(Address) (City) (State) (Zip Code)

2. Amount of water claimed 0.67 *CFS or _____ **GPM _____ ***AF _____ Total Acreage 117
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Big Sioux River South Aquifer

4. Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) County Minnehaha
New Diversion Point- well- 1384 feet east and 2987 feet north(SE 1/4 NW 1/4) from the southwest corner of Section 33-T101N-R49W

5. County or counties where water will be used Minnehaha and Lincoln Counties

6. Annual period during which water is to be used April to mid-November

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
Prairie Green Golf Course		Sec 14-T100N-R50W NW 1/4	40
Sec 10-T100N-R50W N1/2 SE 1/4	14	Tomar Park Soccer Fields	
Sec 11-T100N-R50W SW 1/4	32	Sec 33-T101N-R49W S1/2 NW 1/4	17
Sec 11-T100N-R50W SE 1/4	14		

8. Give a description of the project. (Attach sheet if more space is needed)

Add a new diversion point to the existing permit number 5698-3. The new diversion point is a 39' well that will be connected to the existing system. The existing system is capable of diverting 1.11 cfs from the Big Sioux River to feed a storage pond at Prairie Green Golf Course to irrigate 100 acres, or diverted directly to irrigate 17 acres at the Tomar Park soccer fields. The existing well is capable of 0.67 cfs which is diverted to Prairie Green.

STATE OF SOUTH DAKOTA)
County of Minnehaha) SS

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

I, Dave Fischer, 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.

Applicant's signature _____

Subscribed and sworn to before me this 8th day of August 20 12



My Commission Expires
March 29, 2018

Rita Meyer
Notary Public signature

Request for Additional Diversion Point

NAME: City of Sioux Falls Parks and Recreation Department**ADDRESS:** 100 East 6th Street, Sioux Falls SD 57104-5929**DATE:** August 9, 2012 **COUNTY:** Minnehaha **TELEPHONE:**

Water Right No. 5698-3 appropriates 1.11 cubic foot of water per second (cfs) from the Big Sioux River and 0.67 cfs from a 27 foot deep well completed into the Big Sioux:South Aquifer for direct irrigation or to a 20 acre feet storage pond prior to application. Both the Big Sioux River diversion point and well are located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T101N, R49W. The storage pond is in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, T100N, R50W. There is 117 acres authorized for irrigation in the N $\frac{1}{2}$ SE $\frac{1}{4}$ Section 10, portion of the SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 11 and the NW $\frac{1}{4}$ Section 14; all in T100N, R50W and the S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 33, T101N, R49W.

Due to drought conditions, the Big Sioux River has approached the 20 cfs flow threshold when pumping is not authorized. Therefore the city may need to rely solely on the well to supply irrigation. However, city personnel have indicated that the existing 27 foot deep well is not producing sufficient quantity. There is a 39 foot deep well drilled approximately 380 feet to the northeast that was used for dewatering purposes in a construction project. The city requests to authorize this 39 foot deep well as an additional diversion point to Water Right No. 5698-3.

The well completion report states the well was completed on June 19, 2012 to a depth of 39 feet. The report states the well was not grouted which does not meet well construction standards. To meet standards the top three (3) feet will need to be grouted. The city's letter acknowledges the well not being grouted but indicates the well will be grouted by the driller as soon as a pipe connection is made to hook the well into the irrigation system.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source remains the Big Sioux:South Aquifer. The city's current well is 27 foot deep and the completion report states the additional well is 39 foot in depth. No additional water is to be appropriated by this request. The well authorized by Water Right No. 5698-3 appropriates 0.67 cfs (300 gpm) from the aquifer. The submitted request reflects the additional well and existing well will not exceed the authorized 0.67 cfs.

- **Review of Existing Diversions**

The Water Rights Program's database of well completion reports was reviewed for domestic wells less than 60 foot deep in the area. The nearest domestic well on file is approximately 14,700 foot to the northwest. There are numerous reports for monitoring wells in the vicinity but since they are not supply wells they will not be adversely impacted by the additional well.

The water rights database was also reviewed. The nearest water right from the Big Sioux:South Aquifer are shown in the table below.

Water Right	CFS	Use	Depth	Approximate Distance from Water Right No. 5698-3
5591-3	0.24 cfs	Groundwater remediation	29 ft	3,900 foot to the west
6157-3	0.17 cfs	Irrigation	25 ft	8,850 foot the northeast
6861-3	1.53 cfs	Irrigation	74 ft	11,650 foot northwest

The close proximity of the additional new well and the existing well authorized by Water Right No. 5698-3 may result in interference. However, since they are both held by the city this becomes a management decision by the water right holder. The additional well which was recently completed for a completed dewatering project is being requested in preparation that the existing well will not be able to produce the requested amount in the future.

CONCLUSION

- The additional well does not appropriate additional water.
- The additional well is to be completed into the Big Sioux:South Aquifer.
- Interference is not expected to be a concern.
- Existing domestic wells will not be adversely impacted by authorizing this additional well.
- The city may continue to use the original and the additional well in conjunction with each other to supply the needed 0.67 cfs.
- The urgency is a result of low flows in the Big Sioux River resulting in the city not being authorized to pump surface water for irrigation.
- The additional well does not currently meet well construction standards for grouting but the well will be grouted to standards once the pipe connection to the existing irrigation system is made.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the additional diversion point be authorized pursuant to SDCL 46-5-13.1.



Eric Gronlund, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This additional diversion point does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 31, 2018

5512-3 5698-3 6210A-3

CITY OF SIOUX FALLS
KELBY MIERAS
100 E 6TH ST
SIOUX FALLS SD 57104

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear Mr. Mieras,

I am writing to inform you of an effort the SD Dept. of Environment and Natural Resources Water Rights Program is undertaking to review and update a number of water right permits authorized to pump water from the Big Sioux River. When a number of these permits were issued, they contained a qualification requiring a minimum flow bypass before the user is able to pump water from the river. The bypass qualification was placed on these permits to protect the use of water by downstream senior priority water right holders and domestic water users, which includes livestock watering. The review found, with the passage of time, a number of senior water right permits have been cancelled due to abandonment or forfeiture. Consequently, it may be possible to lower the flow bypass limitation on the remaining permits. In other words, the amount of flow in the river can be lower and pumping will still be allowed. The review also found an inconsistency between permits on where the bypass flow is to be measured.

The intent of this effort is to standardize and make consistent the bypass requirements for the remaining water users. In most cases, the proposed changes will reduce the flow bypass requirement on the individual permits. To make the permits consistent, the bypass measuring point will also be designated at a United States Geological Survey (USGS) stream gaging station. The USGS maintains a real-time stream gaging network on the Big Sioux River. Current river flow information can be easily accessed from the internet at the following internet address:

<https://waterdata.usgs.gov/sd/nwis/rt>

In order to amend a qualification on an existing water right permit, formal action by the SD Water Management Board is needed. In the next few weeks, you can expect to receive official notification scheduling a hearing before the Water Management Board. If you wish to participate in the hearing you can, but you are not required to. There will be instructions with the notification on how to participate in the hearing if you so choose.

If you have any questions concerning this effort, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 12, 2018

5512-3 5698-3 6210A-3

City of Sioux Falls
Kelby Mieras
100 E 6th St
Sioux Falls SD 57104

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear Ms. Mieras:

The SD Department of Environment and Natural Resources has evaluated the minimum flow bypass condition on water rights that pump from the Big Sioux River. The Chief Engineer is recommending amending the bypass qualification on 21 Big Sioux water rights. The intent is to bring uniformity to the bypass requirement placed on water rights in past years. Water Right(s) that you own or operate are included in those proposed to be amended.

Attached is the qualification to be deleted from the water right(s) and the proposed new qualifications.

The proposed amendment to your water right will not impose a more restrictive condition than currently is in place on your water right. In some cases the bypass requirement remains the same but generally the proposed amendment decreases the minimum bypass that must exist before a user is able to pump water from the river. The amendment does designate a US Geological Survey gaging station as the measuring point to determine if pumping is allowed. The gaging station has real time flow information that can be accessed on-line at <https://waterdata.usgs.gov/sd/nwis/rt>. Many, but not all, water rights referenced the bypass being located at the pump site where there isn't real time flow information.

A hearing before the Water Management Board is scheduled at 11:30 AM, Wednesday, March 7, 2018 in the Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. Enclosed is the notice to be published on or before February 15, 2018, in one newspaper from each of the seven counties that the Big Sioux River flows through. This notice provides information on filing a petition in either support or opposition to the propose amendment. The filing of a petition must be postmarked by February 26, 2018. Additionally filing a petition affords you the opportunity to participate in the March 7th hearing before the Board if you choose.

The staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Mark Rath at 605 773-3352 or mark.rath@state.sd.us. If you have questions, please call. DENR is willing to work to answer any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosure

Proposed Qualification Revisions

In order to standardize the qualifications for the 5 existing water rights/permits containing bypass qualifications in the Big Sioux River reach between the USGS stream gaging station near Dell Rapids downstream to the USGS stream gaging station at North Cliff Avenue at Sioux Falls, the following changes are proposed.

Amendment to the qualifications contained in Water Right No. 5698-3

Delete Qualification:

- Permit No. 5698-3 does not authorize pumping from the Big Sioux River unless at least 20 cfs is being bypassed when pumping.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Review of Big Sioux River Water Rights and Report on Proposed Amendments

February 13, 2018

Introduction

The Big Sioux River is a prairie stream with headwaters located in the northern prairie coteau in southern Roberts, eastern Day and eastern Clark counties, in northeastern South Dakota. The river drains glacial till and outwash plains as it runs southward to its junction with the Missouri River near Sioux City, Iowa. The Big Sioux River physical geography is characterized by glaciated terrain and rolling plains. Rivers commonly follow the valleys formed by glacial lobes, which were glaciated as recently as 14,000 years ago. Drainages in this region formed after retreat of glaciers and are therefore poorly established in parts of the watershed. The poorly established drainage patterns are accompanied by numerous areas of internal drainages, or “potholes,” and are commonly referred to as the “Prairie Pothole Region” (Hoogestrat and Stamm, 2015).

As is typical of prairie streams in South Dakota, the peak runoff occurs during the spring months due to plains snowpack melt and from runoff of larger rain events. Runoff tends to decrease in the late summer months going in to fall and winter.

Qualification Status

A review of Water Right Program files shows there have been 163 water right permits (water permits) issued for the Big Sioux River, some with priority dates going back to statehood. Many of these have been cancelled due to abandonment or forfeiture, some have been incorporated into other water permits and some remain active. An examination of water right files found the Water Resources Commission placed the first bypass qualification, 20 cubic feet per second (cfs) bypass at the diversion point, on a Big Sioux River water permit in Moody County in 1960 (Water Rights, 2018).

After the Water Resources Commission placed the first bypass qualification on a Big Sioux River water permit in 1960, it appears from then until the mid-1990’s, with the advent of real-time accessible stream gaging, the management of water permits from the Big Sioux River was primarily addressed on a river reach basis and the presence of senior priority water permits. Water permits issued in a similar reach with relatively similar priority dates would have the same bypass requirements. Later when water permits were issued, the bypass requirement would be incrementally increased to account for protection of the senior priority water permits (Water Rights, 2018).

The northern most river reach, from the headwaters in southern Roberts County to the Brookings – Moody county line, only has a hand full of permits issued since 1960. Bypass qualifications range from 5 cfs for those water permits issued in the mid-1960’s to 35 cfs for those issued more recently (Water Rights, 2018).

In the Big Sioux River reach from the northern border of Moody County to Dell Rapids, which has the most water permits issued, the 20 cfs bypass requirement was placed on Big Sioux River water permits from 1960 until 1966 when the bypass requirement was raised to 30 cfs for new permits issued. In 1968 the bypass requirement was raised to 35 cfs and was then incrementally increased to 50 cfs by 1976. Many of these water permits have subsequently been cancelled due to abandonment or forfeiture. The most recent water permits issued in this reach contained a 43 cfs bypass requirement (Water Rights, 2018).

In the Big Sioux River reach immediately to the south between Dell Rapids where the Big Sioux River crosses Cliff Avenue on the eastern side of Sioux Falls there have been multiple water permits issued. These contain a 20 cfs bypass requirement. Earlier issued water permits require a 20 cfs bypassed at the diversion point while the later issued ones require a 20 cfs bypass at the United States Geologic Survey (USGS) stream gaging station at North Cliff Avenue in Sioux Falls (Water Rights, 2018 and USGS, 2018).

The southernmost river reach from where the river crosses North Cliff Avenue in eastern Sioux Falls to the confluence with Missouri River in southern Union County does not have any water permits with bypass requirements. This reach, even during drier climatic conditions has sufficient flow exceeding demand. The additional flow is attributed to effluent discharge from the Sioux Falls waste water treatment plant and contributions from downstream tributaries such as Split Rock Creek near Brandon (Water Rights, 2018).

Currently there are 59 active water permits authorized for the Big Sioux River from the headwaters in Roberts County to the mouth in Union County, Figure 1. There have been 49 water permits issued since 1960, when the first bypass requirement was enacted, to present which have subsequently been cancelled due to abandonment or forfeiture. Currently 21 of the existing water permits contain some sort of flow bypass qualification. When the water permits were issued with bypass qualifications, it was done because the senior priority water permits were active and being used, so the amount of the bypass requirement placed on the water permit was based on a level to protect senior priority water use. Since there has been significant attrition in the number of active water permits using Big Sioux River water since 1960, with many of them being cancelled, this leaves a somewhat disjointed system of bypass requirements for the remaining water permits. In addition, the City of Sioux Falls holds two active future use permits with 1977 priority dates reserving 30,000 acre-feet of Big Sioux River water in the river reach between the Dell Rapids gage and the North Cliff Avenue gage (Water Rights, 2018 and USGS, 2018).

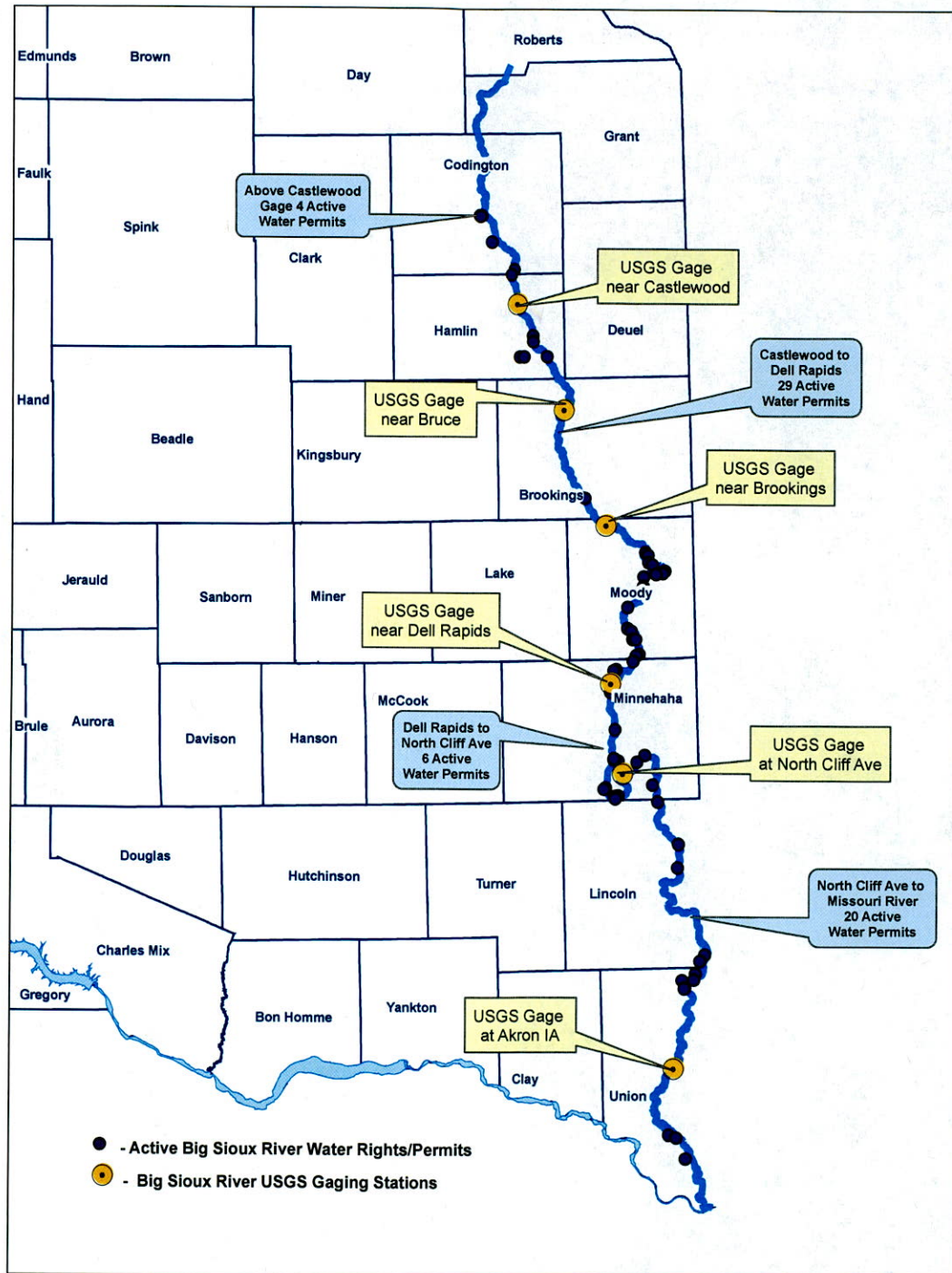


Figure 1. Area map of the Big Sioux River showing the locations of the active water rights/permits and USGS Big Sioux River stream flow gaging stations (Water Rights, 2018 and USGS, 2018).

It is proposed that the existing bypass qualifications for each of the active water permits be reviewed, taking into account the amount of bypass required, the presence of existing rights, the location of the diversions points, and the historical river flow conditions along the various reaches of the river. This review will determine if it is justified to recommend modifications of the existing bypass qualifications.

Authority

SDCL 46-1-14 gives the Water Management Board the authority to amend water right permits. Water permits issued by the board may be amended by the board with priority retained upon amendment. The board may alter terms, conditions, restrictions, qualifications or quantifications.

South Dakota Codified Law

46-1-14. Terms and conditions of permits and licenses--Amendment. The Water Management Board may issue any permit or license subject to terms, conditions, restrictions, qualifications, quantifications, or limitations on perpetuity consistent with this chapter which it considers necessary to protect the public interest and which are related to matters within the jurisdiction of the board. Water rights issued pursuant to this section may be amended by the board and priority is retained upon amendment. Upon amendment the board may alter terms, conditions, restrictions, qualifications, or quantifications consistent with this chapter.

46-2-3.1. Delegation of authority to chief engineer--Restrictions. The Water Management Board may delegate to the chief engineer authority to act on its behalf concerning the quasi-judicial functions of interpreting, applying, and enforcing existing rules and laws and ordering action or abatement of action. The board may not delegate any other quasi-judicial functions as defined in § 1-32-1, except as otherwise provided by law. The board may promulgate rules pursuant to chapter 1-26 to delegate to the chief engineer the authority to issue permits pursuant to § 46-1-14.

46-2-17. Chief engineer's general enforcement authority. The chief engineer may:

- 1) Investigate the use of the waters of the state and compliance with the provisions of water permits, licenses, rules, regulations, and laws relating to water rights;
- 2) Institute enforcement and other proceedings before the Water Management Board;
- 3) Enforce orders of the board; and
- 4) Perform other acts authorized by statute or regulation.

46-2-18. Chief engineer's authority to order discontinuance of water use. The provisions of chapter 1-26 notwithstanding, the chief engineer may, after appropriate investigation, issue an order to any person to shut off or limit the person's use of surface or groundwater, or to plug or otherwise control a well. The order may be issued only to protect another user who has higher or earlier priority or to cause a user of water to discontinue the use of water to which the user has no legal right. Upon a refusal to obey the order, the chief engineer may request a court of proper jurisdiction to issue a temporary restraining order or injunction to effectuate the provisions of the order.

The 21 remaining active water permits authorized to divert water from the Big Sioux River having bypass requirements are subject to SDCL 46-2-3.1, 46-2-17, and 46-2-18, as are all water permits. These statutes give the Chief Engineer the ability to issue written orders within the context of authority granted under the statutes. The remaining 37 active water permits without any bypass requirements authorized to use Big Sioux River water either have priority dates senior to 1960 or are located in the river reach between the North Cliff Avenue gage and the confluence with the Missouri River. There is no intent with this effort to place bypass qualifications on these 37 water permits that do not currently have bypass qualifications.

Evaluation of the Existing Flow Bypass Qualifications and River Reach

The active Big Sioux water permits containing bypass qualifications vary on where the flow bypass is to be measured. The ones with earlier priority dates require a minimum flow past the diversion point. Because it is

impractical for the water user to measure flow at their pump site the more recently issued permits contained bypass qualifications referenced to a nearby United States Geological Survey (USGS) stream flow gaging stations.

In the section of river from southern Codington County to a point where the Big Sioux River crosses North Cliff Avenue in eastern Sioux Falls, three of the USGS gaging stations allowing access to real-time stream flow information have been used as measuring points for bypass limits from the river. See Table 1 (USGS, 2018).

Station Number	Station Name	Years Operated
06479525	Big Sioux River near Castlewood SD	1977-2017
06481000	Big Sioux River near Dell Rapids SD	1949- 2017
06482020	Big Sioux River at North Cliff Ave at Sioux Falls SD	1972- 2017

Table 1. USGS Big Sioux River stream flow gaging stations located near Castlewood, near Dell Rapids and at North Cliff Avenue in Sioux Falls SD (USGS, 2018).

The USGS has collected daily flow data at these gaging stations over several years. The USGS maintains an archive of historical flow and statistical flow data for these gaging stations that can be accessed by the public. A major concern in setting bypass qualifications is to identify the times when the river is experiencing lower flows and also to identify when those lower flows occurred. A review will focus on events when a particular stream segment experiences the lower half of the daily flow. Median, otherwise referred to as 50 percentile (50%), is used to help understand the central tendency of a set of statistical results with the lower half of measured daily flow values being at or less than the 50% value. Based on the period of record for each gage site, the daily flow value or less would be expected to occur on average 10 out of 20 years. At the 25 percentile (25%) flow value, the daily flow would be expected to be at or below that value an average of 5 out of 20 years. At the 10 percentile (10%) flow value, the daily flow would be expected to be at or below that value an average of 2 out of 20 years, (USGS, 2018).

Analysis and Proposed Qualification Revisions

A fresh look was taken of the original bypass requirements to determine whether the original bypass levels would be effective limits for the existing active water rights. The review took into consideration the existing water rights, the qualifications, the authorized use, the location of the diversion points, the annual period of use, and historic stream flow data.

Based upon this review, the river was broken into four separate bypass management reaches. The upper most reach is from the headwaters down to the Castlewood gage. The next reach is from the Castlewood gage to the Dell Rapids gage. The third reach is from the Castlewood gage to the North Cliff Avenue gage at Sioux Falls, and the final reach is from the North Cliff Avenue gage to the confluence with the Missouri River at North Sioux City.

The bypass qualifications originally adopted in the 1960's by the Water Resources Commission of 5 cfs for the reach north of Castlewood and 20 cfs for the reach between Castlewood to Dell Rapids were based on Water Rights staff recommendations. The recommendations were based on water use and flow history for each of those reaches. The 20 cfs bypass requirement for the river reach between Dell Rapids and Sioux Falls was first placed on a water permit in 1989 by the Water Management Board, a successor to the Water Resources Commission, following a low flow analysis by Water Rights staff for the Big Sioux River in that reach (Water Rights, 2018).

Of the 21 existing water permits containing some sort of flow bypass qualification all but two are for irrigation use. The two permits not for irrigation are for municipal use and are held by the City of Sioux Falls. Since most of the water permits having bypass qualifications were issued for irrigation, the following discussion

references a typical crop irrigation season of May 1 to October 15. The analysis focused on the typical irrigation season because this is characteristically when water management actions, such as issuing of shutoff orders by the Chief Engineer, would occur.

The irrigation season for grasses, as would be grown on golf courses and parks, may extend outside the typical irrigation season and run from the early April through late October. Of the four existing water permits for irrigation one is for a golf course at Dell Rapids and three are for irrigating golf courses and soccer fields in Sioux Falls (Water Rights, 2018).

Headwaters to Castlewood Reach

On the upper Big Sioux River there are four existing water permits, two are for storage in lakes Pelican and Kampeska and the other two are for irrigation. The two irrigation water permits containing a bypass qualification both are located approximately five miles upstream from the USGS stream gaging station near Castlewood. The total current authorized diversion rate for this reach is 4.26 cfs. Figure 2 shows the total annual appropriated volume and reported usage volume for the years 1983 to 2016 (Water Rights, 2018).

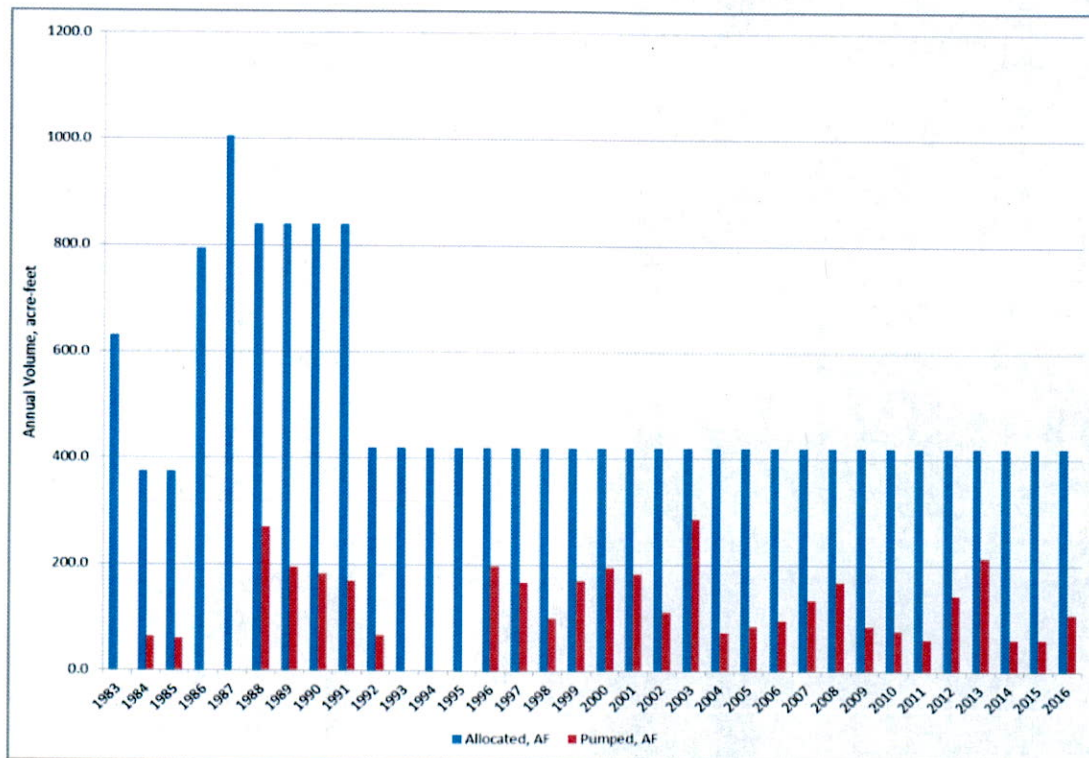


Figure 2. Total irrigation allocation and reported use from the Big Sioux River for the river reach upstream from the USGS gaging station near Castlewood (Water Rights, 2018).

On November 8, 1967, the Water Resources Commission set the initial bypass limit of 5 cfs on a water permit located in the upper river reach north of the Castlewood gage. The application for this water permit had been opposed at a previous meeting so the Commission deferred action and directed staff to investigate. At that time, staff determined excess water was available most years May through July, sometimes available in August and seldom available in September and October. In 2012, a permit was issued in this reach with a 35 cfs bypass qualification. This bypass requirement was the same one

previously placed on a downstream senior priority water permit located in the Castlewood to Dell Rapids reach (Water Rights, 2018).

Figure 3, is a hydrograph for the Castlewood gage showing the 50, 25 and 10 percentile daily flows for the 41 year period of record, 1977 to 2017. In Figure 3, the 10 percentile curve is above the 5 cfs line from the beginning of the irrigation season until the last 10 days of July. The 25 percentile curve is greater than 5 cfs throughout the irrigation season.

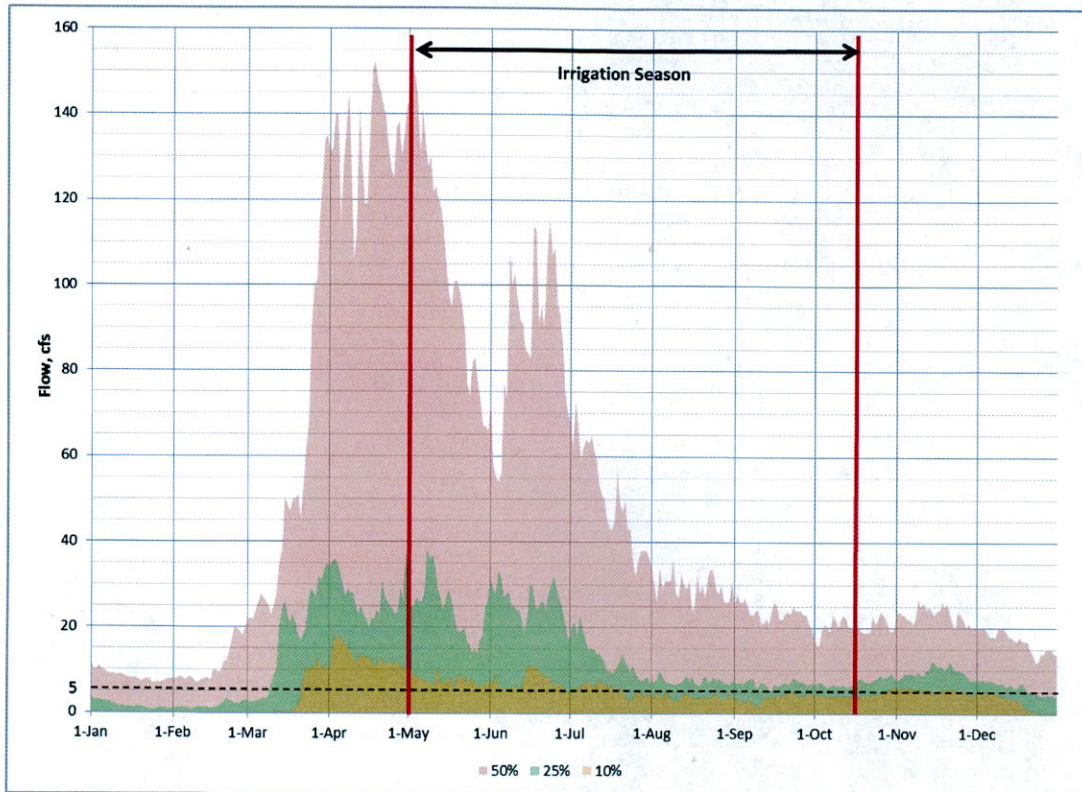


Figure 3. Daily percentile flow hydrographs for the USGS Big Sioux River near Castlewood 1977-2017, contributing drainage area 579 mi² (USGS, 2018).

The frequency of low flow events in the upper most river reach was examined by considering how many actual days the average daily flow was less than 5 cfs during the typical irrigation season of May through mid-October over the 41 year period of record. During that time frame 9.2% of the days that had flow less than 5 cfs fell within the May to mid-October irrigation season (USGS, 2018).

Figure 4 shows for the period of record at the Castlewood gage, the total number of days each year the average daily flow in the Big Sioux River was less than 5 cfs. This figure indicates this reach experiences dry climatic conditions causing several day periods of low flow less than 5cfs. The figure also shows there are many more years when the 5 cfs threshold is not met.

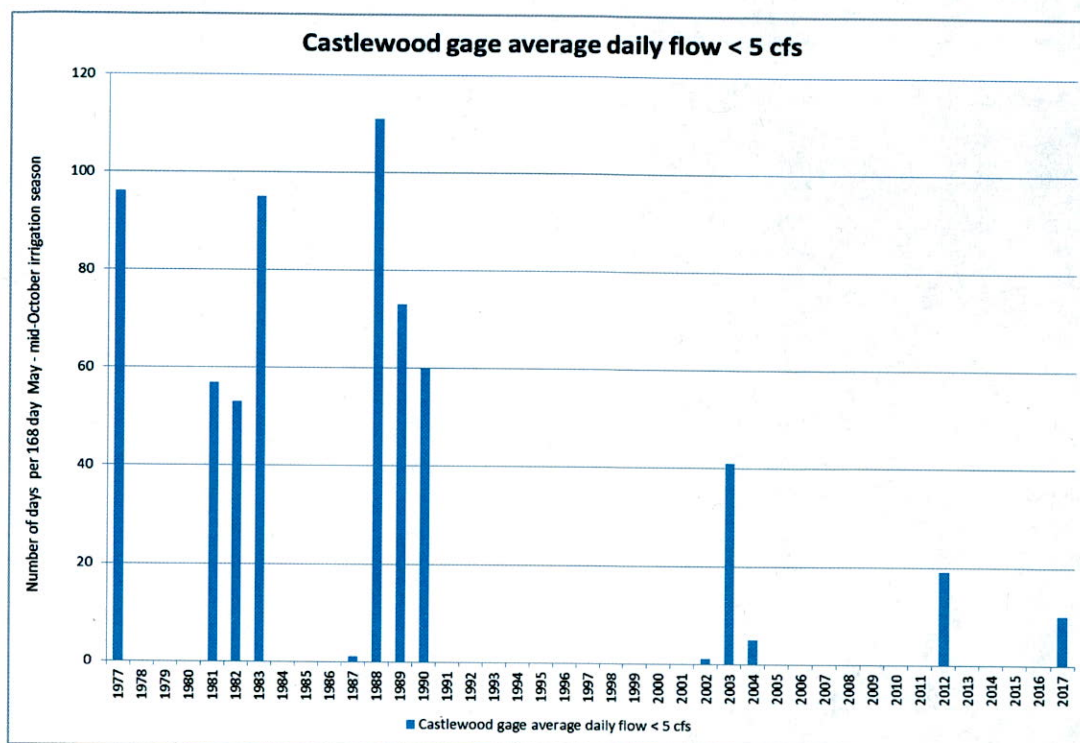


Figure 4. Total number of days for each year during the period of record the average daily flow in the Big Sioux River measured at the USGS gaging station near Castlewood was less than 5 cfs (USGS, 2018).

In this reach it is proposed for both of the existing irrigation water permits, the existing bypass qualification be amended to:

- Low flows as needed for downstream domestic use including livestock water and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 5 cfs is flowing past the USGS Gaging Station No. 06479525 near Castlewood, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

Castlewood to Dell Rapids Reach

The river reach between the Castlewood gage and the Dell Rapids gage contains 29 active water permits. One of existing water permits is for flood flow diversion, two are for storage in Poinsett and Dry lakes and two water permits are for instream storage in Flandreau Dam and Dell Rapids Dam. The remaining 24 existing water permits are for irrigation, with 14 water permits containing bypass qualifications. The total current authorized diversion rate for this reach is 31.86 cfs. Figure 5 shows the total annual appropriated volume and reported usage volume for the years 1983 to 2016 (Water Rights, 2018).

In this Big Sioux River reach the original 20 cfs bypass requirement was placed on Big Sioux River water permits in April of 1960 by the Water Resources Commission based upon Water Rights staff review and recommendation to set bypass levels on permits. The bypass requirement was raised in 1966 to 30 cfs and was incrementally increased to 50 cfs by 1976. As stated earlier, many of these water permits have subsequently been cancelled due to abandonment or forfeiture (Water Rights, 2018).

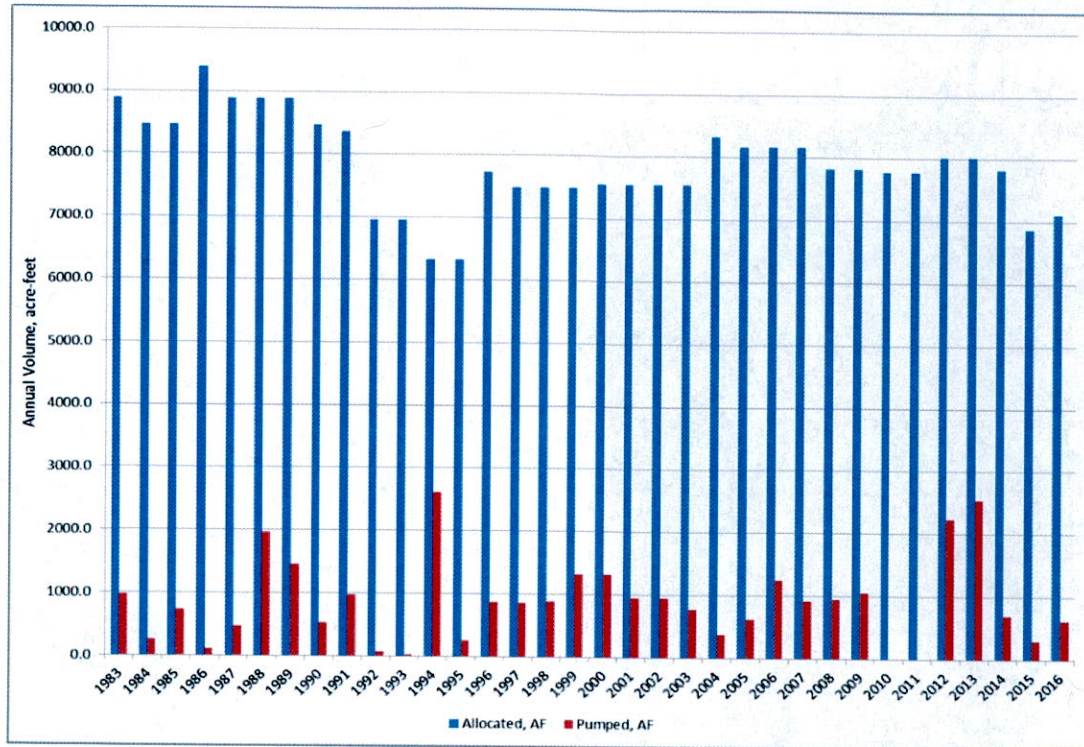


Figure 5. Total irrigation allocation and reported use from the Big Sioux River for the river reach between the USGS gaging stations near Castlewood to the gaging station near Dell Rapids (Water Rights, 2018).

The current bypass limits on existing water permits in this reach range from 20 cfs to 50 cfs with some of the limits set at the diversion point and some measured at the Dell Rapids gage. Using the original 20 cfs bypass as the benchmark, this bypass level was compared to the historic flow record for the Dell Rapids gage. Figure 6 shows the daily percentile flow hydrographs for a 68 year period of record dating back to 1948 for the USGS stream gaging station near Dell Rapids. The 10 percentile curve is above 20 cfs value from the beginning of the irrigation season until the last ten days of August (USGS, 2018).

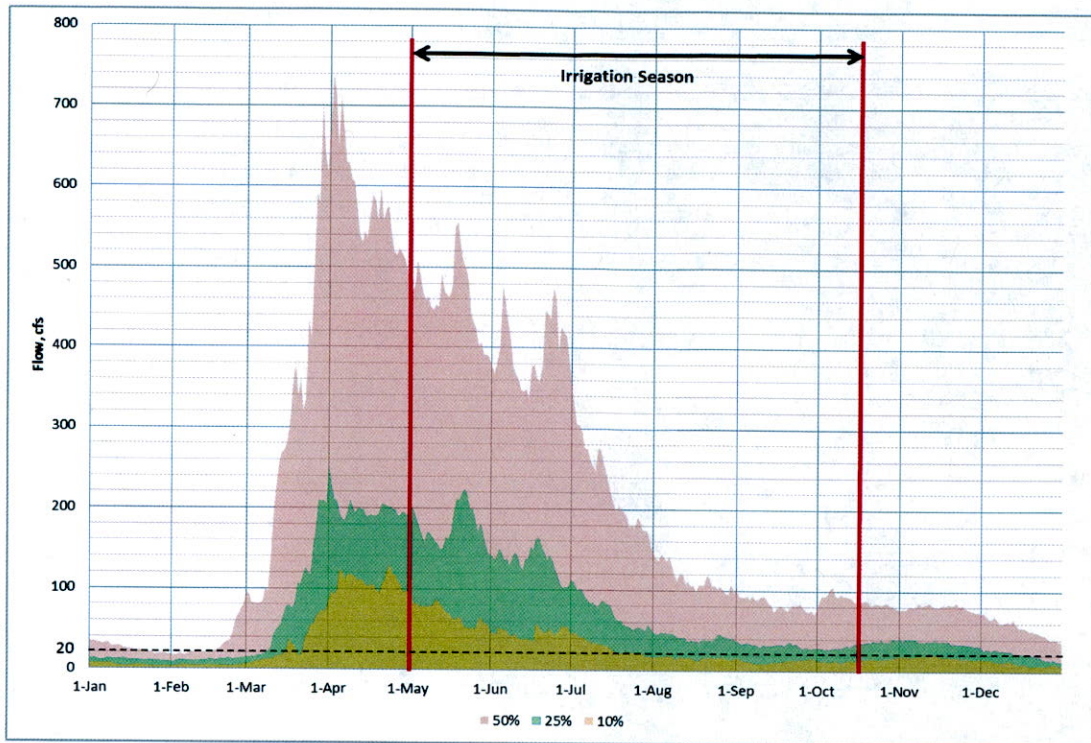


Figure 6. Daily percentile flow hydrographs for the USGS Big Sioux River gage near Dell Rapids 1949-2017, contributing drainage area 3057 mi² (USGS, 2018).

The frequency of low flow events in this reach was examined by considering how many actual days the average daily flow was less than 20 cfs during the typical irrigation season of May through mid-October over the 69 year period of record. During that time frame 7.2% of the days had flow less than 20 cfs within May to mid-October irrigation season (USGS, 2018).

Figure 7 shows for period of record at the Dell Rapids gage the total number of days for each year the average daily flow in the Big Sioux River was less than 20 cfs. Similar to what is seen in the upstream reach, this reach also experiences dry climatic conditions causing several days of low flow less than 20 cfs. The figure also shows there are many more years when the 20 cfs threshold is exceeded.

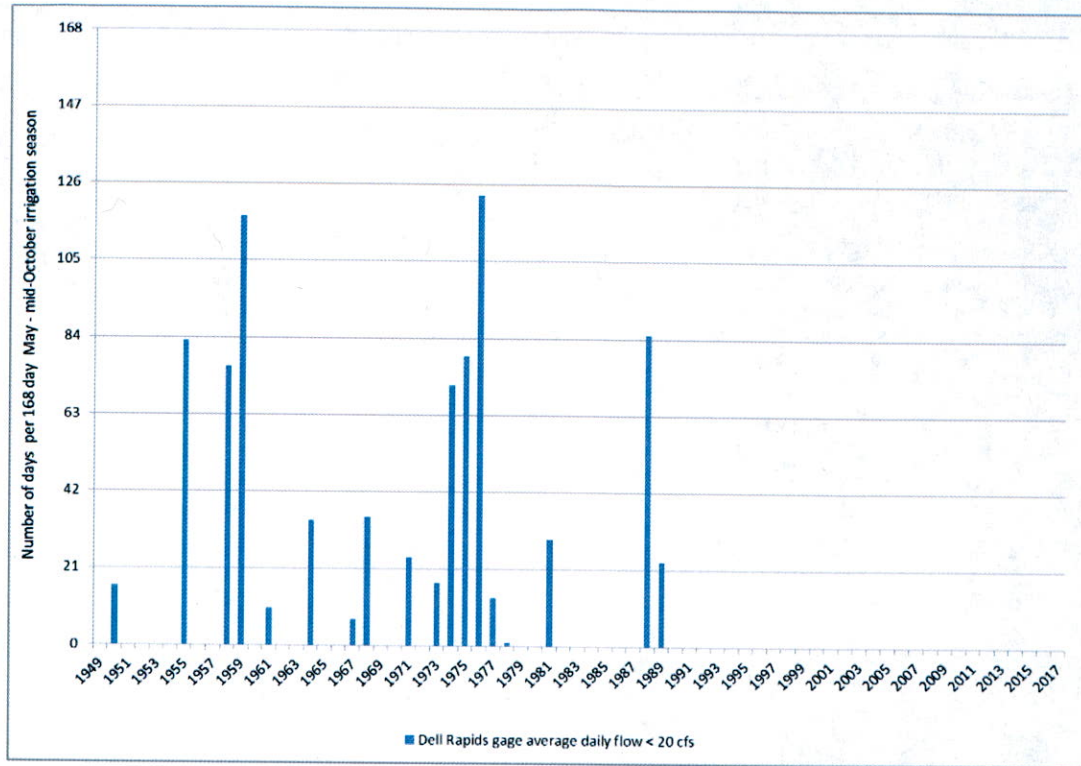


Figure 7. Total number of days for each year during the period of record the average daily flow in the Big Sioux River measured at the USGS gaging station near Dell Rapids was less than 20 cfs (USGS, 2018).

In this reach it is proposed for the 14 existing irrigation water permits the existing bypass qualification be amended to:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

Dell Rapids to North Cliff Avenue at Sioux Falls Reach

In the river reach between the Dell Rapids gage and the North Cliff Avenue at Sioux Falls gage there are six existing water permits. The total current authorized diversion rate for this reach is 87.33 cfs. One right is for instream storage at Baltic Dam, two of the existing rights are for municipal use, and three are for irrigation. The bypass requirement for five existing rights with qualifications is 20 cfs. Three of the water permits require 20 cfs bypassing the diversion point and two requiring measurement of the flow bypass at the North Cliff Avenue gage. It should also be noted the City of Sioux Falls holds two future use permits located in this reach reserving up to 30,000 acre-feet from the Big Sioux River. The Water Management Board did a seven year status review of these permits in July of 2016. The Board ruled to allow these future use permits to remain in effect for the full 30,000 acre-feet for an additional seven years. Figure 8 shows the total annual appropriated volume and reported irrigation usage volume for the years 1983 to 2016, and Figure 9 shows the total annual appropriated volume and reported municipal usage volume for the years 1983 to 2016 in this reach (Water Rights, 2018).

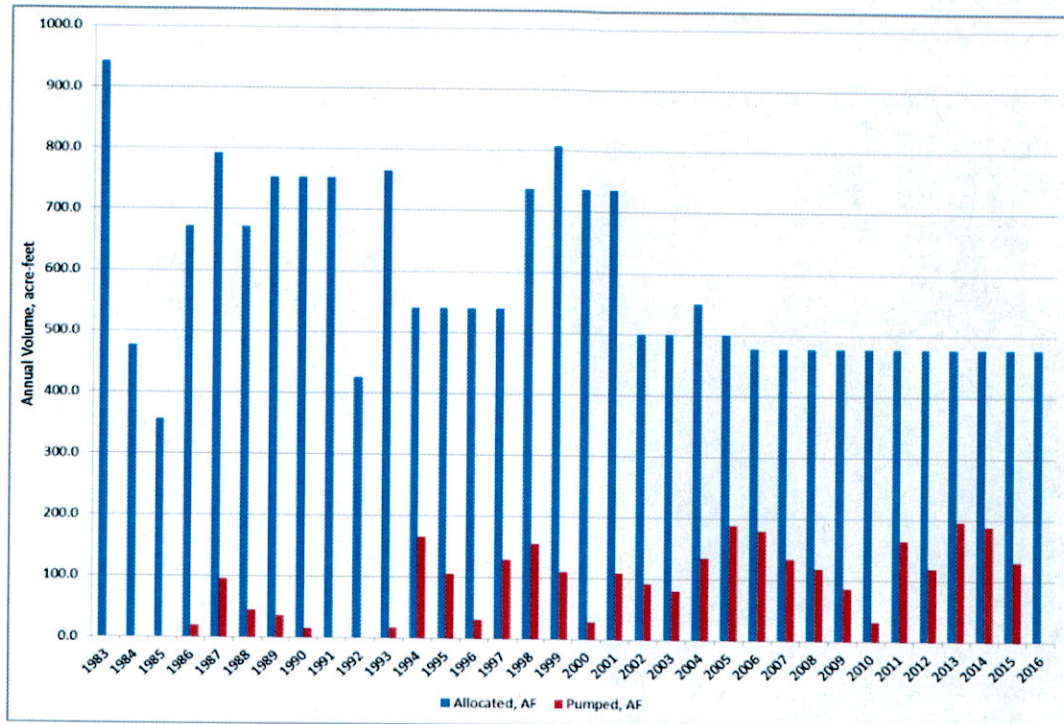


Figure 8. Total irrigation allocation and reported use from the Big Sioux River for the river reach between the USGS gaging stations near Dell Rapids to the gaging station at North Cliff Avenue at Sioux Falls (Water Rights, 2018).

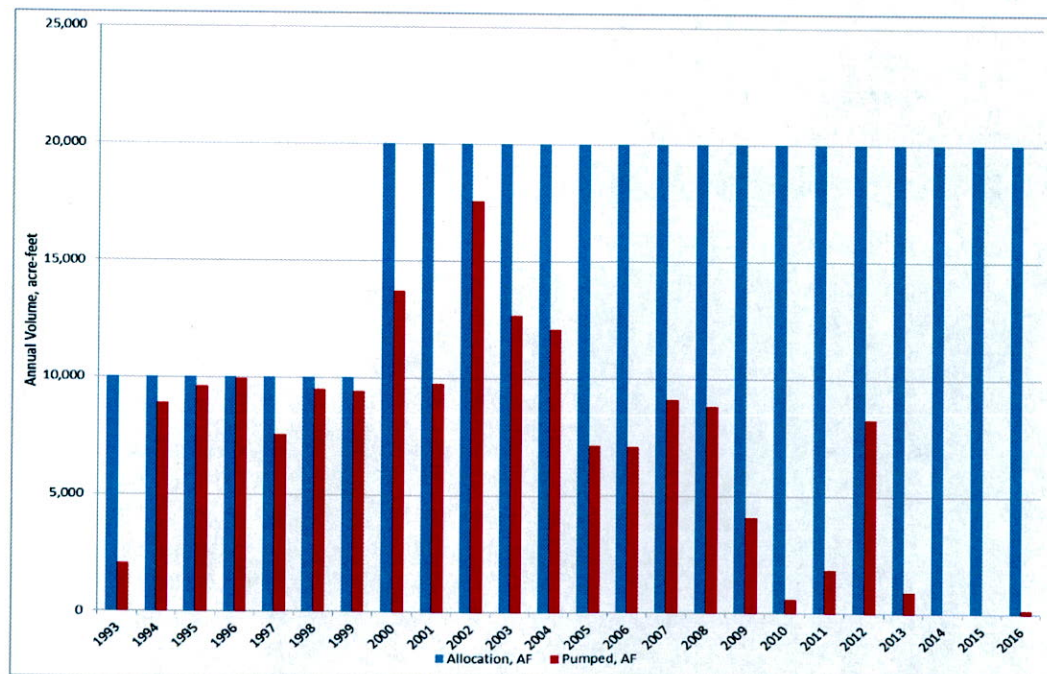


Figure 9. Total municipal allocation and reported use from the Big Sioux River for the river reach between the USGS gaging stations near Dell Rapids to the gaging station at North Cliff Avenue at Sioux Falls (Water Rights, 2018).

Figure 10 shows the daily percentile flow hydrographs for a 45 year period of record dating back to 1971 for the USGS stream gaging station at North Cliff Avenue at Sioux Falls. The 10 percentile curve is above 20 cfs value from the beginning of the irrigation season until the curve drops slightly below 20 cfs line for a few days the first part of September before rising above 20 cfs for the remainder of the irrigation season (USGS, 2018).

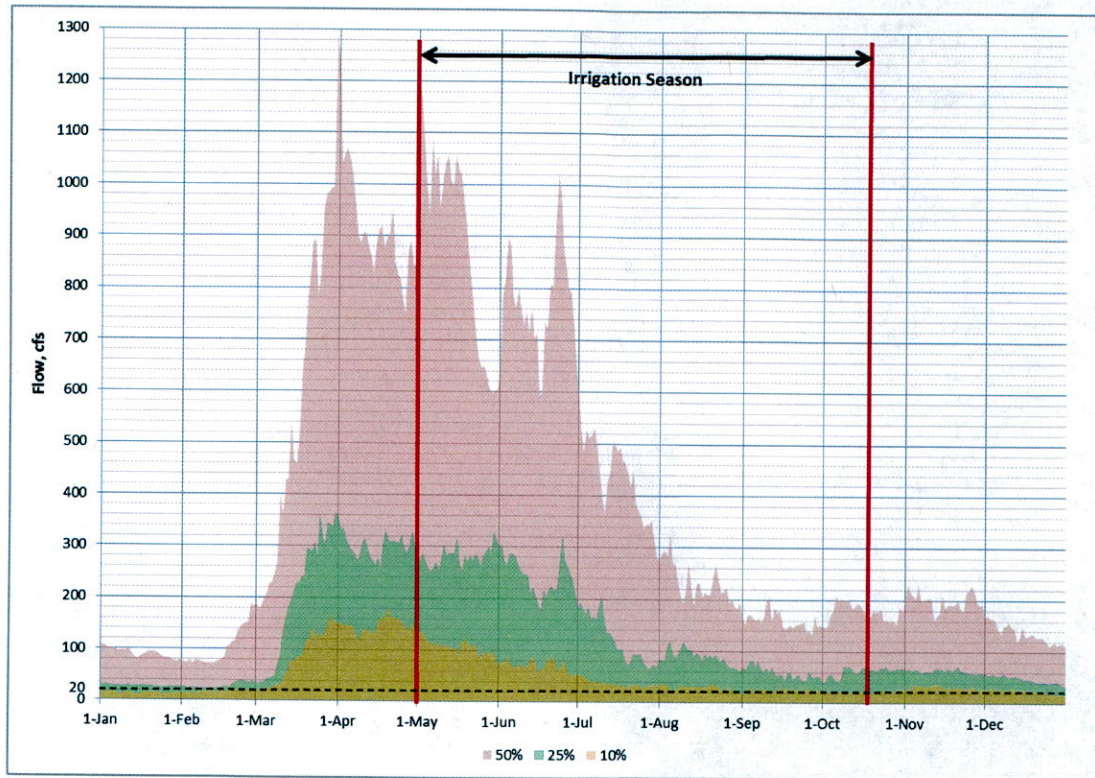


Figure 10. Daily percentile flow hydrographs for the USGS Big Sioux River gage at North Cliff Ave at Sioux Falls 1971-2017, contributing drainage area 3778 mi² (USGS, 2018).

The frequency of low flow events in this reach was examined by considering how many actual days the average daily flow was less than 20 cfs during the typical irrigation season of May through mid-October over the 45 year period of record. During that time frame 2.6% of the days had flow less than 20 cfs fell within May to mid-October irrigation season (USGS, 2018).

Figure 11 shows for period of record at the North Cliff Avenue gage the total number of days for each year the average daily flow in the Big Sioux River was less than 20 cfs. Similar to what was experienced in the upstream reaches, this reach can also experience during dry climatic conditions causing several day periods of low flow less than 20 cfs. The figure also shows there are many more years when the 20 cfs threshold is exceeded.

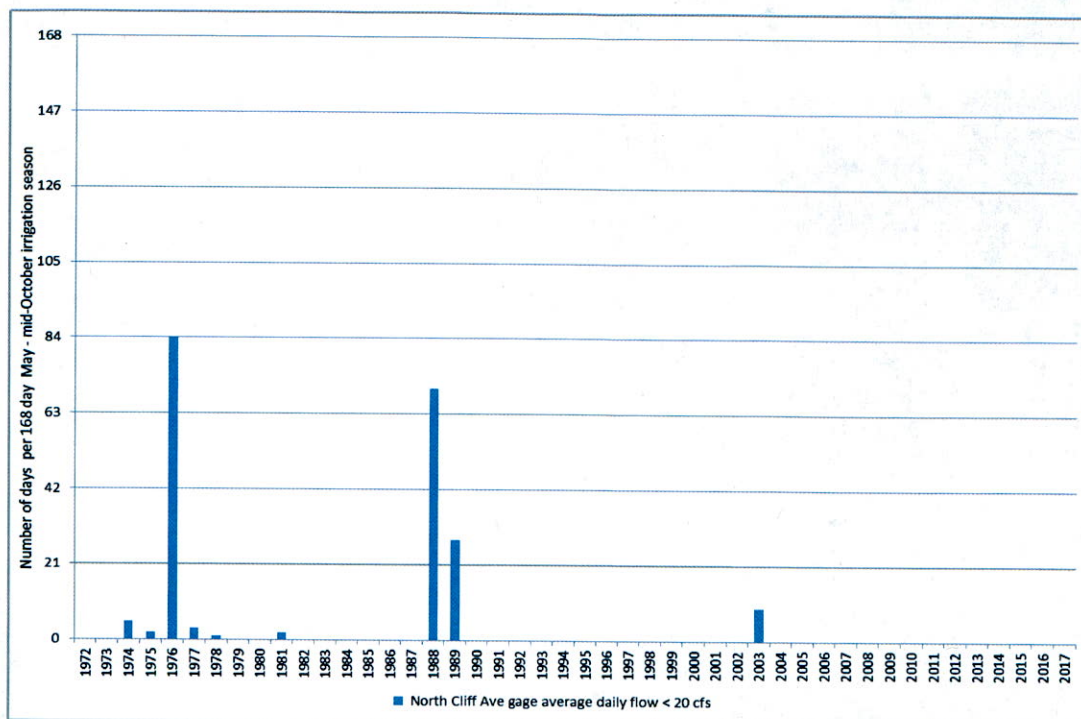


Figure 11. Total number of days for each year during the period of record the average daily flow in the Big Sioux River measured at the USGS gaging station at North Cliff Avenue at Sioux Falls was less than 20 cfs (USGS, 2018).

The five existing water permits in this Big Sioux River reach all contain a 20 cfs bypass requirement. The earlier issued water permits required 20 cfs bypassed at the diversion point while the later issued ones required a 20 cfs bypass at the USGS gaging station at North Cliff Avenue in Sioux Falls (Water Rights, 2018). In this reach it is proposed the existing bypass qualification on these five permits retain the 20 cfs bypass requirement but the qualification be amended to:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

North Cliff Avenue at Sioux Falls to the Missouri River Confluence Reach

The southern reach of the Big Sioux River from the North Cliff Gage to the confluence with the Missouri River in southern Union County does not have any active water permits having bypass qualifications. As shown in Figure 12, the 10 percentile curve is above 50 cfs value throughout the entire irrigation season. This reach has not historically experienced a water shortage, and the Chief Engineer has not had to issue shutoff orders for any of the existing water permits located in this reach. There is not a proposal to amend any of the existing water permits in this lower reach of the Big Sioux River (USGS, 2018).

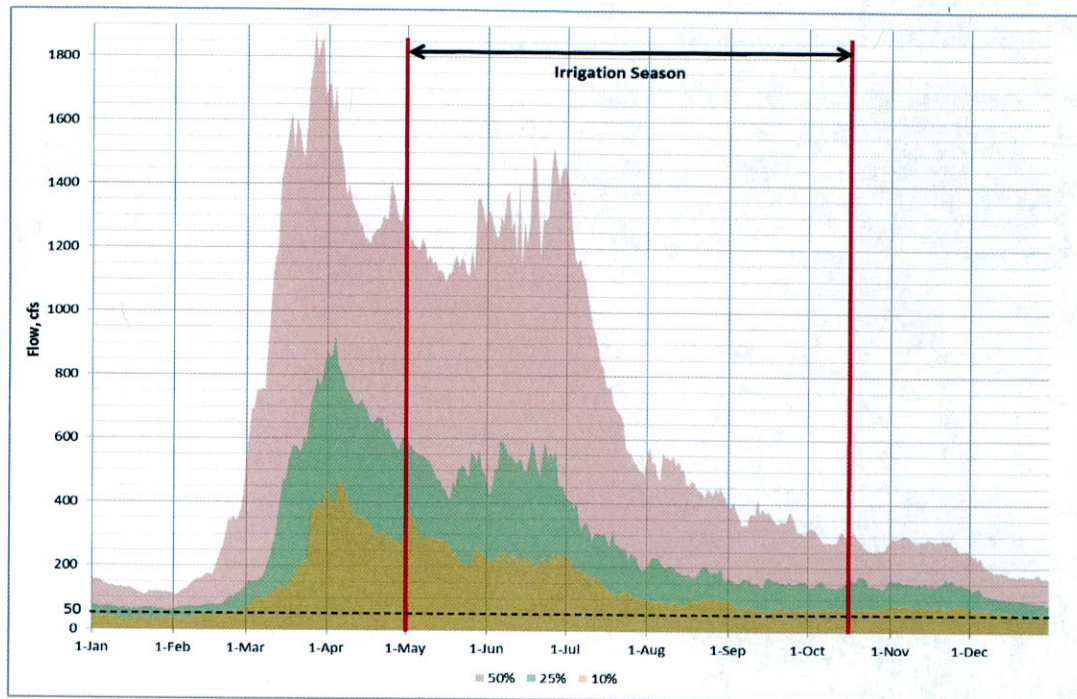


Figure 12. Daily percentile flow hydrographs for the USGS Big Sioux River gage at Akron IA 1971-2017, contributing drainage area 6995 mi² (USGS, 2018).

Considering Future Water Use

Anticipating future water demands from the Big Sioux River and climatic conditions may change over time. Particularly with the City of Sioux Falls holding two future use permits bearing a 1977 priority date reserving up to 30,000 acre-feet of water. It is proposed the following qualification be placed on all of the water permits being amended:

- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

The existing water permits without bypass qualifications and not targeted to be amended by this effort, will continue to be managed based upon their individual priority dates and location along the river.

Specific Proposed Qualification Revisions by Water Permit

In order to standardize the bypass qualifications for the existing water permits containing bypass qualifications in the Big Sioux River reach upstream from the USGS stream gaging station near Castlewood, the following changes are proposed.

Amendment to the qualifications contained in Water Right No. 1437-3

Delete Qualification:

- Diversions of water under this permit can only be made when there is flow of 5 or more cubic feet per second of water flowing at the diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 5 cfs is flowing past the USGS Gaging Station No. 06479525 near Castlewood, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Permit No. 7350-3

Delete Qualification:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 35 cfs is flowing past the USGS Gaging Station No. 06479525 near Castlewood, unless written orders have been issued by the Chief Engineer.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 5 cfs is flowing past the USGS Gaging Station No. 06479525 near Castlewood when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

To standardize the bypass qualifications for the 14 existing water rights/permits containing bypass qualifications in the Big Sioux River reach between the USGS stream gaging station near Castlewood downstream to the USGS stream gaging station near Dell Rapids, the following changes are proposed.

Amendment to the qualifications contained in Water Right No. 956-3

Delete Qualification:

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This Permit is granted allowing withdrawals of water whenever 20 cfs or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1175-3

Delete Qualification:

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This Permit is granted allowing withdrawals of water whenever 20 cfs or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1302-3

Delete Qualification:

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This Permit is granted allowing withdrawals of water whenever 20 cfs or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1350-3

Delete Qualification:

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This Permit is granted allowing withdrawals of water whenever 30 cfs or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids

when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1500-3

Delete Qualification:

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This Permit is granted allowing withdrawals of water whenever 30 cfs or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1696-3

Delete Qualification:

- Natural flows in the Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This Sioux River portion of this permit is granted allowing withdrawals of water whenever 35 cfs of water or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1801-3

Delete Qualification:

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This permit is granted allowing withdrawals of water whenever 35 cfs of water or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 1812-3**Delete Qualification:**

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This permit is granted allowing withdrawals of water whenever 35 cfs of water or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 2065-3**Delete Qualification:**

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This permit is approved allowing withdrawals whenever 45 cfs of water or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 2952-3**Delete Qualification:**

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This permit is approved allowing withdrawals whenever 40 cfs of water or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 6042-3

Delete Qualification:

- Low flows as needed for downstream domestic use, including livestock water and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River unless at least 41 cfs is flowing past the Dell Rapids USGS Gaging Station, or unless written orders have been issued by the Chief Engineer. Diversions under this Permit are shall be in accordance with any written orders issued by the Chief Engineer.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 6124-3

Delete Qualification:

- Natural flows in the Big Sioux River are not a dependable source of water during the latter part of the summer. Prior appropriative rights and downstream domestic use must be respected. This permit is approved allowing withdrawals whenever 50 cfs of water or more is flowing past your diversion point.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 7110-3

Delete Qualification:

- Low flows as needed for domestic use, including livestock water and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 43 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, or unless written orders have been issued by the Chief Engineer. Diversions under this permit are shall be in accordance with any written orders issued by the Chief Engineer.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 8195-3

Delete Qualification:

- Low flows as needed for downstream domestic use, including livestock water and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 20 cfs is flowing at the North Cliff Avenue USGS Gaging Station No. 06482020 and 43 cfs is flowing at the Dell Rapids USGS Gaging Station No. 06481000, unless written orders have been issued by the Chief Engineer. Diversions under this Permit are shall be in accordance with any written orders issued by the Chief Engineer.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

To standardize the qualifications for the 5 existing water rights/permits containing bypass qualifications in the Big Sioux River reach between the USGS stream gaging station near Dell Rapids downstream to the USGS stream gaging station at North Cliff Avenue at Sioux Falls, the following changes are proposed.

Amendment to the qualifications contained in Water Right No. 5431-3

Delete Qualification:

- Permit No. 5431-3 does not authorize pumping from the Big Sioux River unless at least 20 cfs can be bypassed when pumping.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 5512-3

Delete Qualification:

- Permit No. 5512-3 does not authorize pumping from the Big Sioux River unless at least 20 cfs is being bypassed when pumping.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 5698-3

Delete Qualification:

- Permit No. 5698-3 does not authorize pumping from the Big Sioux River unless at least 20 cfs is being bypassed when pumping.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 6210-3

Delete Qualification:

- Low flows as needed for downstream domestic use, including livestock water and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River,

when pumping, unless at least 20 cfs is flowing at the Cliff Avenue USGS Gaging Station, or unless written orders have been issued by the Chief Engineer.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Amendment to the qualifications contained in Water Right No. 6210A-3

Delete Qualification:

- Low flows as needed for downstream domestic use, including livestock water and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 20 cfs is flowing at the North Cliff Avenue USGS Gaging Station No. 06482020, or unless written orders have been issued by the Chief Engineer. Diversions under this Permit are subject to senior water rights and any written orders issued by the Chief Engineer.

Add Qualifications:

- Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
- The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

Conclusions

1. Currently there are 58 active water permits authorized for the Big Sioux River from the headwaters in Roberts County to the mouth in Union County. Currently 21 of the existing water permits contain some sort of flow bypass qualification.
2. Since many water permits have been cancelled over the years, the system of various bypass requirements on several existing Big Sioux water permits are not putting water to beneficial use to the highest extent possible for the current water permit holders. The system is also difficult to manage for the Water Rights Program.
3. A fresh look was taken of the original bypass requirements to determine whether the original bypass levels would be effective limits for the existing active water rights. The review was completed of the original bypass requirements taking into consideration the existing water rights, the qualifications placed on them, their authorized use, the location of their diversion points, their annual period of use and historic stream flow data.

4. Based upon this review, the river was broken into four separate bypass management reaches and standardized qualifications are proposed for each of these reaches.
5. Anticipating future water demands from the Big Sioux River and climatic conditions may change over time, the amendments to the water permits being amended should also contain a qualification allowing the Water Management Board to retain jurisdiction to address future issues if as necessary.
6. On the reach upstream from the Castlewood gaging station, for the two water permits containing bypass requirements replace those qualifications with:
 - Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 5 cfs is flowing past the USGS Gaging Station No. 06479525 near Castlewood, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
 - The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.
7. On the reach between the Castlewood gaging station and the Dell Rapids gaging station, for the 14 water permits containing bypass requirements replace those qualifications with:
 - Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
 - The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.
8. On the reach upstream from the Dell Rapids gaging station to the North Cliff Avenue gaging station, for the five water permits containing bypass requirements replace those qualifications with:
 - Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06482020 at North Cliff Avenue when pumping, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
 - The Water Management Board is retaining jurisdiction of this permit in the event additional information shows that adjustments need to be made to the bypass requirements.

9. The existing water permits without bypass qualifications and not targeted to be amended by this effort, will continue to be managed based upon their individual priority dates and location along the river.



Mark D. Rath
Natural Resources Engineer III

References

Hoogestraat, G.K. and J. F. Stamm, 2015. Climate and Streamflow Characteristics for Selected Streamgages in Eastern South Dakota, Water Years 1945–2013. USGS Scientific Investigations Report 2015-5146.

USGS. 2018. United States Geological Survey, National Water Information System – Stream Gaging Station Network for South Dakota.

Water Rights. 2018. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

NOTICE OF HEARING ON CHIEF ENGINEER'S RECOMMENDATION FOR BIG SIOUX RIVER WATER RIGHTS

Notice is given that the Water Rights Program, Department of Environment and Natural Resources, 523 E Capitol Avenue, Pierre SD 57501 proposes that the Water Management Board amend conditions placed on many Big Sioux River water rights in South Dakota. The objective is to bring consistency among water rights from the river and the ability for the Chief Engineer to issue written orders to allow pumping to continue if climatic conditions are favorable. The amendments will not increase either the authorized diversion rate or number of irrigated acres authorized under existing Big Sioux River water rights.

Currently, water rights differ in the amount of water that must be bypassed at the pump site or at a United States Geological Survey (USGS) gaging station in order for pumping to occur. The Water Rights Program has reviewed all Big Sioux River water rights and determined that the conditions can be modified to a standard bypass at one of three gaging stations depending on the stream segment where the water right is located. It is proposed that the bypass condition along the river is best managed in three segments identified by USGS gaging stations as follows:

1. River reach upstream from the USGS gaging station near Castlewood;
2. River reach between USGS gaging station near Castlewood downstream to gaging station near Dell Rapids;
3. River reach between USGS gaging station near Dell Rapids downstream to gaging station near North Cliff Avenue in Sioux Falls.

Water rights that currently have a bypass condition will be amended such that those water rights upstream of the Castlewood gaging station will have a 5 cubic feet of water per second (cfs) bypass requirement. Those water rights in the two other reaches described above will have a 20 cfs bypass requirement referenced to either the Dell Rapids or North Cliff Avenue gaging station depending on the location of the water right. Water rights with senior priority dates that do not currently have a bypass requirement will see no change.

The proposed amendment will not impose any conditions more restrictive than the conditions currently in place on any water right. Big Sioux River water right holders whose bypass condition is proposed for amendment will be provided personal notice of the proposed amendment to their water right.

The Chief Engineer recommends that the Water Management Board approve deletion of the existing bypass condition on applicable water rights and add the following qualifications specific to the bypass flow at a referenced gaging station depending on the location of the water right.

1. Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This water right does not authorize diversion of water from the Big Sioux River, when pumping, unless at least "X" cfs is flowing past the USGS Gaging Station "IDENTIFY APPLICABLE STATION" unless written orders have been issued by the Chief Engineer. Diversions under this water right shall be in accordance with any written orders issued by the Chief Engineer.
2. The Water Management Board is retaining jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements.

Any interested person opposing or supporting the proposed amendment and intending to participate in the hearing shall file a petition with the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". A petition filed by either an interested person or a water right holder must be filed by February 26, 2018.

The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest, the petitioner's reasons for opposing or supporting the proposed change, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided above.

The Water Management Board will consider the proposed changes at 11:30 a.m. on March 7, 2018, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) modify, 3) defer, or 4) deny the proposed amendments after it reaches a conclusion based on facts at the public hearing. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

The March 7, 2018 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from any person who has filed a petition to oppose or support the proposed change. The request for an automatic delay must be filed by February 26, 2018. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-18.3, in any contested case, if the amount in controversy exceeds \$2,500.00 "or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." If you choose to use the Office of Hearing Examiners rather than the hearing procedure before the Water Management Board set forth above, you need to notify the Chief Engineer (Water Rights Program, 523 E Capitol Avenue, Pierre SD) by February 26, 2018.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at an approximate cost of_____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, February 09, 2018 8:36 AM
To: allegals@argusleader.com
Subject: Notice of Hearing - Big Sioux River Water Rights
Attachments: BigSiouxWRqualif.wmb.docx; FORM8.FRM.doc

Attached is a notice to be published on February 15, 2018.

The Water Rights Program will pay for this publication.

Please send the affidavit or return the attached Proof of Publication form and the invoice as soon as possible to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, February 09, 2018 8:37 AM
To: mce6@mcisweb.com
Subject: Notice of Hearing - Big Sioux River Water Rights
Attachments: BigSiouxWRqualif.wmb.docx; FORM8.FRM.doc

Attached is a notice to be published on February 14, 2018.

The Water Rights Program will pay for this publication.

Please send the affidavit or return the attached Proof of Publication form and the invoice as soon as possible to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, February 09, 2018 8:35 AM
To: svn@siouxvalleynewsonline.com
Subject: Notice of Hearing - Big Sioux River Water Rights
Attachments: BigSiouxWRqualif.wmb.docx; FORM8.FRM.doc

Attached is a notice to be published on February 15, 2018.

The Water Rights Program will pay for this publication.

Please send the affidavit or return the attached Proof of Publication form and the invoice as soon as possible to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, February 09, 2018 8:34 AM
To: Hamlin County Publishing (hcp@itctel.com)
Subject: Notice of Hearing - Big Sioux River Water Rights
Attachments: BigSiouxWRqualif.wmb.docx; FORM8.FRM.doc

Attached is a notice to be published on February 14, 2018 in the Hamlin County Republican, Castlewood SD.

The Water Rights Program will pay for this publication.

Please send the affidavit or return the attached Proof of Publication form and the invoice as soon as possible to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, February 09, 2018 8:32 AM
To: legals@thepublicopinion.com
Subject: Notice of Hearing - Big Sioux River Water Rights
Attachments: BigSiouxWRqualif.wmb.docx; FORM8.FRM.doc

Attached is a notice to be published on February 15, 2018.

The Water Rights Program will pay for this publication.

Please send the affidavit or return the attached Proof of Publication form and the invoice as soon as possible to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, February 09, 2018 8:37 AM
To: registerclassifieds (registerclassifieds@brookingsregister.com)
Subject: Notice of Hearing - Big Sioux River Water Rights
Attachments: BigSiouxWRqualif.wmb.docx; FORM8.FRM.doc

Attached is a notice to be published on February 15, 2018.

The Water Rights Program will pay for this publication.

Please send the affidavit or return the attached Proof of Publication form and the invoice as soon as possible to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, February 09, 2018 8:38 AM
To: G5 (leader1@iw.net)
Subject: Notice of Hearing - Big Sioux River Water Rights
Attachments: BigSiouxWRqualif.wmb.docx; FORM8.FRM.doc

Attached is a notice to be published on February 15, 2018.

The Water Rights Program will pay for this publication.

Please send the affidavit or return the attached Proof of Publication form and the invoice as soon as possible to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



CUSTOMER NUMBER:	78306	Argus Leader P.O. Box 677349, Dallas, TX 75267-7349
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		AMOUNT DUE: \$162.36

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FEB 20 2018
WATER RIGHTS PROGRAM

Attn: Karen Schlaak
 Water Rights Program
 523 E. Capital - Jose Foss Building
 Pierre, SD 57501-0000

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AFFIDAVIT OF PUBLICATION

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 Invoice Number: 902065

523 E. Capital - Jose Foss Building

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	15	day of	February	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	,
	the		day of		2018	,

and that \$162.36 was charged for publishing the same

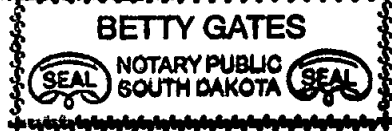
Sara Kruse

Subscribed and sworn to before me 2/15/18

Betty Gates

Notary Public, South Dakota

My Commission expires March 14, 2023



amendments will not increase either the authorized diversion rate or number of irrigated acres authorized under existing Big Sioux River water rights. Currently, water rights differ in the amount of water that must be bypassed at the pump site or at a United States Geological Survey (USGS) gaging station in or near the water right. The Water Rights Program has reviewed all Big Sioux River water rights and determined that the conditions can be modified to a standard bypass of one of three gaging stations depending on the stream segment where the water right is located. It is proposed that the bypass condition along the river is best managed in three segments identified by USGS gaging stations as follows:

1. River reach upstream from the USGS gaging station near Castlewood;
2. River reach between USGS gaging station near Castlewood downstream to gaging station near Dell Rapids;
3. River reach between USGS gaging station near Dell Rapids downstream to gaging station near North Cliff Avenue in Sioux Falls.

Water rights that currently have a bypass condition will be amended such that those water rights upstream of the Castlewood gaging station will have a 5 cubic feet per second (cfs) bypass requirement. Those water rights in the two other reaches described above will have a 20 cfs bypass requirement referenced to either the Dell Rapids or North Cliff Avenue gaging station depending on the location of the water right. Water rights with senior priority dates that do not currently have a bypass requirement will see no change.

The proposed amendment will not impose any conditions more restrictive than the conditions currently in place on any water right. Big Sioux River water right holders whose bypass condition is proposed for amendment will be provided personal notice of the proposed amendment to their water rights in South Dakota. The objective is to bring consistency among the Water Rights Program and the ability for the Chief Engineer to issue written condition orders to allow pumping to continue if climatic conditions are favorable. The referenced gaging station depending on the location of the water right.

1. Low flows as needed for downstream domestic use, including livestock water, and prior rights must be bypassed. This water right does not authorize diversion of water from the Big Sioux River, when pumping, unless at least "X" cfs is flowing past the USGS Gaging Station "IDENTIFY APPLICABLE STATION" unless written orders have been issued by the Chief Engineer.
2. The Water Management Board is retaining jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements. Any interested person opposing or supporting the proposed amendment and intending to participate in the hearing shall file a petition with the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501 (605 773-3352)". A petition filed by either an interested person or a water right holder must be filed by February 26, 2018.

The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest, the petitioner's reasons for opposing or supporting the proposed change, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if the hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided above.

The Board will consider the proposed changes at 11:30 a.m. on March 7, 2018, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave, Pierre SD. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to: 1) approve, 2) modify, 3) defer, or 4) deny the proposed amendments after it reaches a conclusion based on facts of the public hearing. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

The March 7, 2018 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from any person who has filed a petition to oppose or support the proposed change. The request for an automatic delay must be filed by February 26, 2018. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting. The Chief Engineer's and personal notice will be provided to all petitioners regarding the time, date and location.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-18.3, in any contested case, if the amount in controversy exceeds \$2,500.00 "or if a party's right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." If you choose to use the Office of Hearing Examiners rather than the hearing procedure before the Water Management Board, you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by February 26, 2018.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once on an approximate cost of \$162.36. 2727212 Feb 15, 2018

NOTICE OF HEARING ON CHIEF ENGINEER'S RECOMMENDATION FOR BIG SIOUX RIVER WATER RIGHTS
 Notice is given that the Water Rights Program, Department of Environment and Natural Resources, 523 Big Sioux River water right E. Capitol Avenue, Pierre SD 57501 proposes that the Water Management Board amend conditions placed on many Big Sioux River water rights in South Dakota. The objective is to bring consistency among the Water Rights Program and the ability for the Chief Engineer to issue written condition orders to allow pumping to continue if climatic conditions are favorable. The

February 20, 2018

PAYMENT REQUEST FORM

PAYEE: Argus Leader
PO Box 677349
Dallas, TX

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Affidavit of Publication

AMOUNT: \$162.36

FUNDING SOURCE:

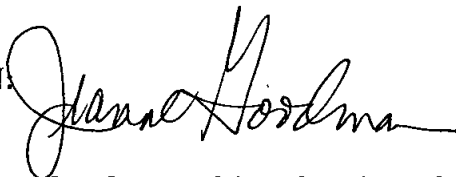
GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:



I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

RECEIVED

MAR 07 2018

WATER RIGHTS
PROGRAM

Affidavit of Publication

State of South Dakota

Exhibit "A"

ss

County of Brookings

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

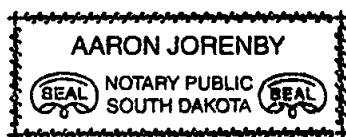
Leg#164 Notice on Hearing

same was published, is hereto attached marked Exhibit said newspaper for _____ 1 times, to-wit:

February 15, 2018

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

Sixty-Seven Dollars and Seventy-Three Cents \$67.73



KM Foiles

26 day of

February

2018

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2020.

Legal 164, 1x, 2/15
NOTICE OF HEARING
ON CHIEF ENGINEER'S RECOMMENDATION FOR BIG SIOUX RIVER WATER RIGHTS

Notice is given that the Water Rights Program, Department of Environment and Natural Resources, 523 E Capitol Avenue, Pierre SD 57501 proposes that the Water Management Board amend conditions placed on many Big Sioux River water rights in South Dakota. The objective is to bring consistency among water rights from the river and the ability for the Chief Engineer to issue written orders to allow pumping to continue if climatic conditions are favorable. The amendments will not increase either the authorized diversion rate or number of irrigated acres authorized under existing Big Sioux River water rights. Currently, water rights differ in the amount of water that must be bypassed at the pump site or at a United States Geological Survey (USGS) gaging station in order for pumping to occur. The Water Rights Program has reviewed all Big Sioux River water rights and determined that the conditions can be modified to a standard bypass at one of three gaging stations depending on the stream segment where the water right is located. It is proposed that the bypass condition along the river is best managed in three segments identified by USGS gaging stations as follows:

1. River reach upstream from the USGS gaging station near Castlewood;
 2. River reach between USGS gaging station near Castlewood downstream to gaging station near Dell Rapids;
 3. River reach between USGS gaging station near Dell Rapids downstream to gaging station near North Cliff Avenue in Sioux Falls.
- Water rights that currently have a bypass condition will be amended such that those water rights upstream of the Castlewood gaging station will have a 5 cubic feet of water per second (cfs) bypass requirement. Those water rights in the two other reaches described above will have a 20 cfs bypass requirement referenced to either the Dell Rapids or North Cliff Avenue gaging station depending on the location of the water right. Water rights with senior priority dates that do not currently have a bypass requirement will see no change.
- The proposed amendment will not impose any conditions more restrictive than the conditions currently in place on any water right. Big Sioux River water right holders whose bypass condition is proposed for amendment will be provided personal notice of the proposed amendment to their water right.
- The Chief Engineer recommends that the Water Management Board approve deletion of the existing bypass condition on applicable water rights and add the following qualifications specific to the bypass flow at a referenced gaging station depending on the location of the water right.
1. Low flows as needed for downstream domestic use, including livestock water, and prior rights must be bypassed. This water right does not authorize diversion of water from

the Big Sioux River, when pumping, unless at least "X" cfs is flowing past the USGS Gaging Station "IDENTIFY APPLICABLE STATION" unless written orders have been issued by the Chief Engineer. Diversions under this water right shall be in accordance with any written orders issued by the Chief Engineer.

2. The Water Management Board is retaining jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements.

Any interested person opposing or supporting the proposed amendment and intending to participate in the hearing shall file a petition with the Chief Engineer.

The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". A petition filed by either an interested person or a water right holder must be filed by February 26, 2018.

The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest, the petitioner's reasons for opposing or supporting the proposed change, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided above.

The Water Management Board will consider the proposed changes at 11:30 a.m. on March 7, 2018, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17.

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773-3352.

Under SDCL 1-26-18.3, in any contested case, if the amount in controversy exceeds \$2,500.00 "or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." If you choose to use the Office of Hearing Examiners rather than the hearing procedure before the Water Management Board set forth above, you need to notify the Chief Engineer (Water Rights Program, 523 E Capitol Avenue, Pierre SD) by February 26, 2018. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$67.73.

March 7, 2018

PAYMENT REQUEST FORM

PAYEE: Brookings Register
PO Box 177
Brookings, SD 57006-0177

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Notice of Hearing

AMOUNT: \$67.73

FUNDING SOURCE:

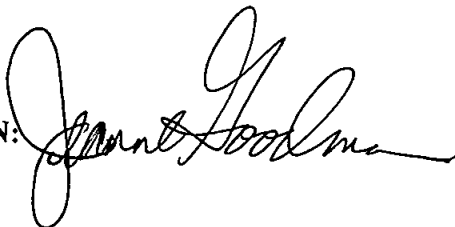
GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:



I declare and affirm under the penalties of perjury that this claim is in all things, true and correct.
I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

312 5TH ST
P.O. BOX 177
BROOKINGS, SD 57006-0177
Phone (605) 692-6271 Fax (605) 692-2979

WATER RIGHTS PROGRAM

CUSTOMER NUMBER 106003

SD-WATER RIGHTS PROGRAM
ATTN: ERIC GRONLUND
523 E CAPITOL- JOE FOSS BLDG
PIERRE SD 57501-3181

A FINANCE CHARGE OF 1-1/2% PER MONTH WHICH IS AN ANNUAL PERIODIC RATE OF 18% PER YEAR WILL BE ADDED TO AMOUNTS NOT PAID WITHIN 30 DAYS OF INVOICE DATE.

AMOUNT ENCLOSURE \$

DOCUMENT	DATE	TYPE	REFERENCES	AMOUNT													
372411	02/15/18	INVOICE	Leg164 Notice on Hearing	67.73													
<table border="1"> <thead> <tr> <th rowspan="2">CURRENT</th> <th colspan="3">PAST DUE AMOUNTS</th> <th rowspan="2">AMOUNT DUE</th> </tr> <tr> <th>OVER 30 DAYS</th> <th>OVER 60 DAYS</th> <th>OVER 90 DAYS</th> </tr> </thead> <tbody> <tr> <td>67.73</td> <td>.00</td> <td>.00</td> <td>.00</td> <td>67.73</td> </tr> </tbody> </table>					CURRENT	PAST DUE AMOUNTS			AMOUNT DUE	OVER 30 DAYS	OVER 60 DAYS	OVER 90 DAYS	67.73	.00	.00	.00	67.73
CURRENT	PAST DUE AMOUNTS			AMOUNT DUE													
	OVER 30 DAYS	OVER 60 DAYS	OVER 90 DAYS														
67.73	.00	.00	.00	67.73													

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF MOODY) SS

MARY LYNN HEADRICK, of said county, being first duly sworn on oath says that she is the bookkeeper of the Moody County Enterprise, a weekly newspaper printed and published in said county of Moody and State of South Dakota, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least 200 copies weekly, and has been published within said county for 52 consecutive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the advertisement headed:

*Notice of hearing on Chief
Engineer's Recommendation
for Big Sioux River Water Rights*

a printed copy of which, taken from the newspaper in which the same was published, is attached to this sheet and is made a part of this affidavit, was published in said newspaper at least once in each week for 1 successful weeks, on the day of each week on which said newspaper was regularly published, to wit:

2-14-18

that the full amount of the fee charged for the publication of said Notice inures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever, and that the fees charged for the publication thereof are

\$ 75⁶²

M. Headrick bookkeeper
Subscribed and sworn to before me this

15th day of February AD 2018

Notary Public, County Moody, South Dakota
ROGER W. JANUSSEN

NOTARY PUBLIC
SOUTH DAKOTA

My commission expires 2/14/18

RECEIVED

FEB 28 2018

WATER RIGHTS
PROGRAM

NOTICE OF HEARING ON CHIEF ENGINEER'S RECOMMENDATION FOR BIG SIOUX RIVER WATER RIGHTS

Notice is given that the Water Rights Program, Department of Environment and Natural Resources, 523 E Capitol Avenue, Pierre SD 57501 proposes that the Water Management Board amend conditions placed on many Big Sioux River water rights in South Dakota. The objective is to bring consistency among water rights from the river and the ability for the Chief Engineer to issue written orders to allow pumping to continue if climatic conditions are favorable. The amendments will not increase either the authorized diversion rate or number of irrigated acres authorized under existing Big Sioux River water rights.

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on any water right. Big Sioux River water right holders whose bypass condition is proposed for amendment will be provided personal notice of the proposed amendment to their water right.

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1. Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This water right does not authorize diversion of water from the Big Sioux River, when pumping, unless at least "X" cfs is flowing past the USGS Gaging Station "IDENTIFY APPLICABLE STATION" unless written orders have been issued by the Chief Engineer. Diversions under this water right shall be in accordance with any written orders issued by the Chief Engineer.

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Any interested person opposing or supporting the proposed amendment and intending to participate in the hearing shall file a petition with the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". A petition filed by either an interested person or a water right holder must be filed by February 26, 2018.

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The staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the

County of _____

AFFIDAVIT OF PUBLICATION

Filed in the office of _____

on the _____ day

Attorney for _____

Water Rights Program address provided above.

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Under SDCL 1-26-18.3, in any contested case, if the amount in controversy exceeds \$2,500.00 "or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." If you choose to use the Office of Hearing Examiners rather than the hearing procedure before the Water Management Board set forth above, you need to notify the Chief Engineer (Water Rights Program, 523 E Capitol Avenue, Pierre SD) by February 26, 2018.

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

Published once at approximate cost of \$76

March 2, 2018

PAYMENT REQUEST FORM

PAYEE: Moody County Enterprise
PO Box 71
Flandreau, SD 57028

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Notice of Hearing

AMOUNT: \$75.62

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION: 

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Invoice
Moody County Enterprise
PO Box 71
Flandreau, SD 57028

Water Rights
523 E Capitol
Pierre SD 57501

Date	Item advertised	Rate
2-14-18	Notice of Hearing	75.62
Total		\$75.62

Payment can be sent to us at the above address.
Thank you

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

ANDY WILCOX

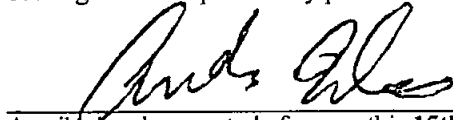
being first duly sworn on his oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and 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:

**DENR Water Rights Program
Notice of Hearing**

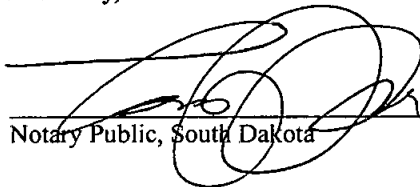
a printed copy of which is hereto attached, was printed and published in said newspaper for ONE successive week(s) upon the following dates, to-wit:

February 15, 2018

that the full amount of the fees charged for publishing the same to-wit: the sum of \$72.47 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.

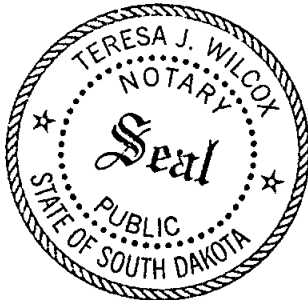


Ascribed and sworn to before me this 15th day of
February, 2018.



Notary Public, South Dakota

(Seal)



**NOTICE OF HEARING
ON CHIEF ENGINEER'S
RECOMMENDATION FOR BIG
SIOUX RIVER WATER RIGHTS**

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Any interested person opposing or supporting the proposed amendment and intending to participate in the

My Commission Expires
December 9, 2020

RECEIVED

FEB 26 2018

**WATER RIGHTS
PROGRAM**

hearing shall file a petition with the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". A petition filed by either an interested person or a water right holder must be filed by February 26, 2018.

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

Published in the Sioux Valley News
on February 15, 2018, at the total
approximate cost of \$72.47.

February 26, 2018

PAYMENT REQUEST FORM

PAYEE: Sioux Valley News Inc.
PO Box 255
Canton, SD

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Affidavit of Publication-Big Sioux River

AMOUNT: \$72.47

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:



I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Sioux Valley News Inc.
213 East 5th St P O Box 255
Canton SD 57013

Statement	2/22/2018	50
	DATE	NUMBER

Phone Number: (605) 764-2000
Please return yellow copy
with payment.

Next Closing Day March 29, 2018

ID# 541

Dept of Environment & Natural Resou
Attn: Karen Water Rights Program
523 East Capitol, Joe Foss Building
Pierre SD 57501

We now offer online Subscriptions!
www.SiouxValleyNewsOnline.com

Balance Due: 72.47

Date	Description	Units	Debit	Credit
02/15/2018	Legals		72.47	
	Big Sioux River Notice			
	Balance Due		72.47	

Current	30	60	90	90+
72.47	0.00	0.00	0.00	0.00

Service charge of 1-3/4% per month (21% per year) on accounts 30 days past due. Minimum charge \$30.
In addition, costs and reasonable attorney's fees for collection may be charged.

RECEIVED

FEB 22 2018

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Codington) SS

I, Jackie Wettstad

certify that the attached printed Notice was taken

from the Watertown

Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was published

in the newspaper on the following date:

February 15, 2018

Cost of Printing \$131.01

Jackie Wettstad
(Signature)

Accounting Clerk
(Title)

2/19/18
(Date Signed)

DEPT OF ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF HEARING
ON CHIEF ENGINEER'S
RECOMMENDATION FOR BIG
SIOUX RIVER WATER RIGHTS
Notice is given that the Water
Rights Program, Department
of Environment and Natural
Resources, 523 E Capitol Avenue,
Pierre SD 57501 proposes that
the Water Management Board
amend conditions placed on
many Big Sioux River water rights
in South Dakota. The objective is
to bring consistency among water
rights from the river and the ability
for the Chief Engineer to issue
written orders to allow pumping to
continue if climatic conditions are
favorable. The amendments will
not increase either the authorized
diversion rate or number of
irrigated acres authorized under
existing Big Sioux River water
rights.

Currently, water rights differ in
the amount of water that must be
bypassed at the pump site or at a
United States Geological Survey
(USGS) gaging station in order
for pumping to occur. The Water
Rights Program has reviewed all
Big Sioux River water rights and
determined that the conditions
can be modified to a standard
bypass at one of three gaging
stations depending on the stream
segment where the water right is
located. It is proposed that the
bypass condition along the river is
best managed in three segments
identified by USGS gaging
stations as follows:

1. River reach upstream from
the USGS gaging station near
Castlewood;
2. River reach between USGS
gaging station near Castlewood
downstream to gaging station
near Dell Rapids;
3. River reach between USGS
gaging station near Dell Rapids
downstream to gaging station
near North Cliff Avenue in Sioux
Falls.

Water rights that currently have a
bypass condition will be amended
such that those water rights
upstream of the Castlewood
gaging station will have a 5 cubic
feet of water per second (cfs)
bypass requirement. Those water
rights in the two other reaches
described above will have a 20 cfs
bypass requirement referenced to
either the Dell Rapids or North Cliff
Avenue gaging station depending
on the location of the water right.
Water rights with senior priority
dates that do not currently have
a bypass requirement will see no
change.

The proposed amendment will
not impose any conditions more
restrictive than the conditions
currently in place on any water
right. Big Sioux River water right
holders whose bypass condition
is proposed for amendment will
be provided personal notice of
the proposed amendment to their
water right.

The Chief Engineer recommends
that the Water Management
Board approve deletion of the
existing bypass condition on
applicable water rights and add
the following qualifications specific
to the bypass flow at a referenced
gaging station depending on the
location of the water right.

1. Low flows as needed for
downstream domestic use,
including livestock water, and
prior rights must be by-passed.
This water right does not
authorize diversion of water
from the Big Sioux River, when
pumping, unless at least "X"
cfs is flowing past the USGS
Gaging Station "IDENTIFY
APPLICABLE STATION" unless
written orders have been
issued by the Chief Engineer.
Divisions under this water right
shall be in accordance with any
written orders issued by the
Chief Engineer.

2. The Water Management
Board is retaining jurisdiction
of this water right in the
event additional information
shows that adjustments need
to be made to the bypass
requirements.

Any interested person opposing
or supporting the proposed
amendment and intending to
participate in the hearing shall file
a petition with the Chief Engineer.
The Chief Engineer's address is
"Water Rights Program, Foss
Building, 523 E Capitol, Pierre SD
57501 (605 773-3352)". A petition
filed by either an interested person
or a water right holder must be
filed by February 26, 2018.

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

The hearing is an adversary
proceeding and any party has the
right to be present at the hearing
and to be represented by a lawyer.
These and other due process
rights will be forfeited if they are
not exercised at the hearing and
decisions of the Board may be
appealed to the Circuit Court and
State Supreme Court as provided
by law.

The staff report including affected
water rights and the proposed
changes is available at <http://denr.sd.gov/public> or contact Eric
Gronlund for this information, or
other information, at the Water
Rights Program address provided
above.

The Water Management Board
will consider the proposed
changes at 11:30 a.m. on March
7, 2018, in the Matthew Training
Center, Joe Foss Bldg, 523 E.
Capitol Ave, Pierre SD. The
hearing will be held pursuant to
the provisions of SDCL 46-1-14
and 46-2-17.

The Chief Engineer's
recommendation is not final or
binding upon the Board. The
Board is authorized to 1) approve,
2) modify, 3) defer, or 4) deny the
proposed amendments after it
reaches a conclusion based on
facts at the public hearing. The
Board has legal authority and
jurisdiction to consider this matter
pursuant to SDCL 46-2-9 and 46-
2-11.

The March 7, 2018 hearing date
will be automatically delayed
for at least 20 days upon written
request to the Chief Engineer
from any person who has filed a
petition to oppose or support the
proposed change. The request
for an automatic delay must be
filed by February 26, 2018. If
an automatic delay is requested,
the hearing will be rescheduled
for a future Board meeting and
personal notice will be provided to
all petitioners regarding the time,
date and location.

Notice is given to individuals with
disabilities that this hearing is be-
ing held in a physically accessible
place. Please notify the Depart-
ment of Environment and Natural
Resources at least 48 hours before
the hearing if you have a disabili-
ty for which special arrangements
must be made at the hearing. The
telephone number for making ar-
rangements is (605) 773-3352.

Under SDCL 1-26-18.3, in any
contested case, if the amount in
controversy exceeds \$2,500.00
"or if a property right may be
terminated, any party to the
contested case may require the
agency to use the Office of Hearing
Examiners by giving notice of the
request to the agency no later than
ten days after service of a notice of
hearing issued pursuant to SDCL
1-26-17." If you choose to use the
Office of Hearing Examiners rather
than the hearing procedure before
the Water Management Board
set forth above, you need to notify
the Chief Engineer (Water Rights
Program, 523 E Capitol Avenue,
Pierre SD) by February 26, 2018.
Steven M. Pinner, Secretary, De-
partment of Environment and Nat-
ural Resources.

Published once at an approxi-
mate cost of \$126.01.
(February 15, 2018)

February 22, 2018

PAYMENT REQUEST FORM

PAYEE: Watertown Public Opinion
120 3rd Avenue NW
Watertown, SD

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Notice of Hearing-Big Sioux River

AMOUNT: \$131.01

FUNDING SOURCE:

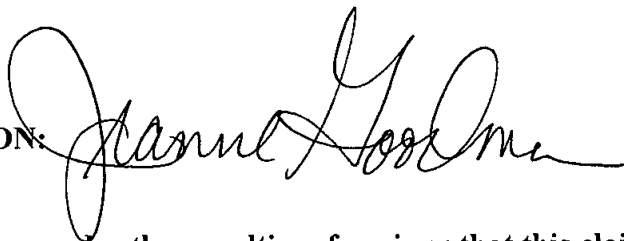
GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:

A handwritten signature in black ink, appearing to read "Hannah Goodman", is written over the "AUTHORIZATION:" label.

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

FEB 20 2018

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hamlin) SSI, LeeAnne Dufek

certify that the attached printed Notice was taken

from the Hamlin County
Republicanprinted and published in CastlewoodCounty of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following date:

Feb 14, 2018Cost of Printing \$69.09LeeAnne Dufek
(Signature)Owner
(Title)2-14-2018
(Date Signed)NOTICE OF HEARING ON CHIEF
ENGINEER'S RECOMMENDA-
TION FOR BIG SIOUX RIVER
WATER RIGHTS

Notice is given that the Water Rights Program, Department of Environment and Natural Resources, 523 E Capitol Avenue, Pierre SD 57501 proposes that the Water Management Board amend conditions placed on many Big Sioux River water rights in South Dakota. The objective is to bring consistency among water rights from the river and the ability for the Chief Engineer to issue written orders to allow pumping to continue if climatic conditions are favorable. The amendments will not increase either the authorized diversion rate or number of irrigated acres authorized under existing Big Sioux River water rights.

Currently, water rights differ in the amount of water that must be bypassed at the pump site or at a United States Geological Survey (USGS) gaging station in order for pumping to occur. The Water Rights Program has reviewed all Big Sioux River water rights and determined that the conditions can be modified to a standard bypass at one of three gaging stations depending on the stream segment where the water right is located. It is proposed that the bypass condition along the river is best managed in three segments identified by USGS gaging stations as follows:

River reach upstream from the USGS gaging station near Castlewood;

River reach between USGS gaging station near Castlewood downstream to gaging station near Dell Rapids;

River reach between USGS gaging station near Dell Rapids downstream to gaging station near North Cliff Avenue in Sioux Falls.

Water rights that currently have a bypass condition will be amended such that those water rights upstream of the Castlewood gaging station will have a 5 cubic feet of water per second (cfs) bypass requirement. Those water rights in the two other reaches described above will have a 20 cfs bypass requirement referenced to either the Dell Rapids or North Cliff Avenue gaging station depending on the location of the water right. Water rights with senior priority dates that do not currently have a bypass requirement will see no change.

The proposed amendment will not impose any conditions more restrictive than the conditions currently in place on any water right. Big Sioux River water right holders whose bypass condition is proposed for amendment will be provided personal notice of the proposed amendment to their water right.

The Chief Engineer recommends that the Water Management Board approve deletion of the existing bypass condition on applicable water rights and add the following qualifications specific to the bypass flow at a referenced gaging station depending on the location of the water right.

Low flows as needed for downstream domestic use, including live-stock water, and prior rights must be by-passed. This water right does not authorize diversion of water from the Big Sioux River, when pumping, unless at least "X" cfs is flowing past the USGS Gaging Station "IDENTIFY APPLICABLE STATION" unless written orders have been issued by the Chief Engineer. Diversions under this water right shall be in accordance with any written orders issued by the Chief Engineer.

The Water Management Board is retaining jurisdiction of this water right in the event additional information shows that adjustments need to be made to the bypass requirements.

Any interested person opposing or supporting the proposed amendment and intending to participate in the hearing shall file a petition with the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". A petition filed by either an interested person or a water right holder must be filed by February 26, 2018.

The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest, the petitioner's reasons for opposing or supporting the proposed change, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided above.

The Water Management Board will consider the proposed changes at 11:30 a.m. on March 7, 2018, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) modify, 3) defer, or 4) deny the proposed amendments after it reaches a conclusion based on facts at the public hearing. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

The March 7, 2018 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from any person who has filed a petition to oppose or support the proposed change. The request for an automatic delay must be filed by February 26, 2018. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-18.3, in any contested case, if the amount in controversy exceeds \$2,500.00, "or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." If you choose to use the Office of Hearing Examiners rather than the hearing procedure before the Water Management Board set forth above, you need to notify the Chief Engineer (Water Rights Program, 523 E Capitol Avenue, Pierre SD) by February 26, 2018.

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

Published Feb. 14, 2018, at total cost of \$69.09.

February 20, 2018

PAYMENT REQUEST FORM

PAYEE: Hamlin County Publishing Inc.
PO Box 50
Castlewood, SD 57223

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Notice of Hearing Big Sioux River

AMOUNT: \$69.09

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:



I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Statement

B 2 0 2018

Bill To
DENR Teresa Williams Air Quality Program 523 E. Capitol, Joe Foss Bldg. Pierre, SD 57501

[illegible]

Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	OVER 90 Days Past Due	Amount Due
\$69.09	\$0.00	\$0.00	\$0.00	\$0.00	\$69.09

AFFIDAVIT OF PUBLICATION

State of South Dakota)

:ss

County of Union)

Bruce L. Odson,

the publisher of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Hearing

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 15 day of February, 2018

and that the succeeding publications were

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 70.99, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.


Subscribed and sworn to before me

this 15 day of February, 2018

My commission expires 7-12-23

SUSAN ODSON
NOTARY PUBLIC
SOUTH DAKOTA

Notary Public

NOTICE OF HEARING ON CHIEF ENGINEER'S RECOMMENDATION FOR BIG SIOUX RIVER WATER RIGHTS

Notice is given that the Water Rights Program, Department of Environment and Natural Resources, 523 E Capitol Avenue, Pierre SD 57501 proposes that the Water Management Board amend conditions placed on many Big Sioux River water rights in South Dakota. The objective is to bring consistency among water rights from the river and the ability for the Chief Engineer to issue written orders to allow pumping to continue if climatic conditions are favorable. The amendments will not increase either the authorized diversion rate or number of irrigated acres authorized under existing Big Sioux River water rights.

Currently, water rights differ in the amount of water that must be bypassed at the pump site or at a United States Geological Survey (USGS) gaging station in order for pumping to occur. The Water Rights Program has reviewed all Big Sioux River

water rights and determined that the conditions can be modified to a standard bypass at one of three gaging stations depending on the stream segment where the water right is located. It is proposed that the bypass condition along the river is best managed in three segments identified by USGS gaging stations as follows:

1. River reach upstream from the USGS gaging station near Castlewood;

2. River reach between USGS gaging station near Castlewood downstream to gaging station near Dell Rapids;

3. River reach between USGS gaging station near Dell Rapids downstream to gaging station near North Cliff Avenue in Sioux Falls.

Water rights that currently have a bypass condition will be amended such that those water rights upstream of the Castlewood gaging station will have a 5 cubic feet of water per second (cfs) bypass requirement. Those water rights in the two other reaches described above will have a 20 cfs bypass requirement referenced to either the Dell Rapids or North Cliff Avenue gaging station depending on the location of the water right. Water rights with senior priority dates that do not currently have a bypass requirement will see no change.

RECEIVED

FEB 20 2018

WATER RIGHTS
PROGRAM

The proposed amendment will not impose any conditions more restrictive than the conditions currently in place on any water right. Big Sioux River water right holders whose bypass condition is proposed for amendment will be provided personal notice of the proposed amendment to their water right.

The Chief Engineer recommends that the Water Management Board approve deletion of the existing bypass condition on applicable water rights and add the following qualifications specific to the bypass flow at a referenced gaging station depending on the location of the water right.

1. Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This water right does not authorize diversion of water from the Big Sioux River, when pumping, unless at least "X" cfs is flowing past the USGS Gaging Station "IDENTIFY APPLICABLE STATION" unless written orders have been issued by the Chief Engineer. Diversions under this water right shall be in accordance with any written orders issued by the Chief Engineer.

2. The Water Management Board is retaining jurisdiction of this water right in the event additional information

shows that adjustments need to be made to the bypass requirements.

Any interested person opposing or supporting the proposed amendment and intending to participate in the hearing shall file a petition with the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". A petition filed by either an interested person or a water right holder must be filed by February 26, 2018.

The petition may be informal, but shall be in writing and shall include a statement describing the petitioner's interest, the petitioner's reasons for opposing or supporting the proposed change, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or

contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided above.

The Water Management Board will consider the proposed changes at 11:30 a.m. on March 7, 2018, in the Matthew Training Center, Joe Foss Bldg, 523 E. Capitol Ave. Pierre SD. The hearing will be held pursuant to the provisions of SDCL 46-1-14 and 46-2-17.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) modify, 3) defer, or 4) deny the proposed amendments after it reaches a conclusion based on facts at the public hearing. The Board has legal authority and jurisdiction to consider this matter pursuant to SDCL 46-2-9 and 46-2-11.

The March 7, 2018 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from any person who has filed a petition to oppose or support the proposed change. The request for an automatic delay must be filed by February 26, 2018. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the

time, date and location.

Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Under SDCL 1-26-18.3, in any contested case, if the amount in controversy exceeds \$2,500.00 "or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." If you choose to use the Office of Hearing Examiners rather than the hearing procedure before the Water Management Board set forth above, you need to notify the Chief Engineer (Water Rights Program, 523 E Capitol Avenue, Pierre SD) by February 26, 2018.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Publish Feb. 15, 2018
Published once the total approximate cost of \$70.99
7-4-231

February 20, 2018

PAYMENT REQUEST FORM

PAYEE: Southern Union County Leader-Courier
PO Box 310
Elk Point, SD

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Notice of Hearing-Big Sioux River

AMOUNT: \$70.99

FUNDING SOURCE:

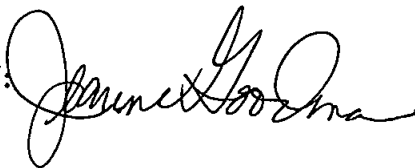
GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:



I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Southern Union County **LEADER-COURIER**

*The community newspaper of Dakota Dunes, Elk Point,
Jefferson, McCook Lake and North Sioux City.*

RECEIVED

FEB 20 2018

**WATER RIGHTS
PROGRAM**

**Water Rights Program
523 E Capitol Ave
Pierre, SD 57501**

2/15/18

DATE	INVOICE	DESCRIPTION	CHARGES	BALANCE
2/15/18	SJ073117	Notice of Hearing- Big Sioux River	\$70.99	\$70.99

Finance Charge \$0.00

AMOUNT DUE* \$70.99

*Includes finance charges on amounts more than 30 days past due.

**PO Box 310
Elk Point, SD 57025
Phone 605-356-2632
Fax 605-356-3626**

**PO Box 1457
North Sioux City, SD 57049
Phone 605-235-1914
Fax 605-232-3679**

FEB 26 2018

WATER RIGHTS
PROGRAMCity of
Sioux Falls

City Attorney

Providing a Better Quality of Life for You!

KAREN A. LEONARD
Deputy City Attorney
kleonard@siouxfalls.org

DANIEL J. BROWN
Assistant City Attorney
dbrown4@siouxfalls.org

RYAN J. SAGE
Assistant City Attorney
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605-367-8880

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Police and Fire Legal Advisor
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(Law Enforcement Center)
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P.O. Box 7402
Sioux Falls, SD 57117-7402
605-367-8880

605-367-7039 TTY
605-367-7330 FAX
www.siouxfalls.org

February 23, 2018

SENT VIA U.S. MAIL AND EMAIL TO: DENRINTERNET@STATE.SD.US

Ms. Jeanne Goodman
Chief Engineer
Water Rights Program, DENR
523 E. Capitol Avenue,
Pierre, SD 57501

Re: Big Sioux River Recommendations

Dear Ms. Goodman,

Please consider this letter as the City of Sioux Falls' Petition to Intervene in the pending Big Sioux River Water Rights matter now scheduled for March 7, 2018.

The City of Sioux Falls ("*Sioux Falls*") appreciates the the Department of Environment & Natural Resources ("*DENR*") objective of bringing consistency to the water right permits and their administration along the Big Sioux River ("*BSR*"). Changing the qualifications to ensure they are all based on USGS river gages is a good thing. Sioux Falls does have some concerns that it would like to share with the South Dakota Water Management Board ("*Board*").

The proposed new qualifications for each stretch of the BSR would be based on the next USGS gage below the water permit involved. For example, irrigation above the Castlewood gage would be allowed so long as the Castlewood gage was at 5 cfs or more. As such, this qualification would tend to assure these upstream irrigators have the right to irrigate so long as the stream gage below them meets a particular criteria, without regard to what is happening to senior users further downstream. Under this scenario, a junior irrigator above the Castlewood gage could irrigate if the Castlewood gage was at 5 cfs regardless of whether the gages at Dell Rapids and Sioux Falls were below 20 cfs. At the same time, a senior appropriator would be constrained by the 20 cfs qualification at the downstream gages. While I understand these qualifications are intended to provide for flexibility by the Chief Engineer and as such, the Chief Engineer could seek cooperation among the upstream junior appropriators, the language of these qualifications seems to reduce the legal means for the senior water right holders to take action against junior water right holders that impair water rights downstream.

Ms. Jeanne Goodman
Page 2
February 23, 2018

Sioux Falls would suggest all downstream gage criteria be incorporated in the qualifications. For the two permits above Castlewood, we would propose the qualification state as follows:

Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 5 cfs is flowing past the USGS Gaging Station No. 06479525 near Castlewood, at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids, and at least 20 cfs is flowing past USGS Gaging Station No. 6482020 at North Cliff Avenue in Sioux Falls, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

Similarly, for the 14 permits above Dell Rapids, we would propose the qualification state as follows:

Low flows as needed for downstream domestic use, including livestock water, and prior rights must be by-passed. This permit does not authorize diversion of water from the Big Sioux River, when pumping, unless at least 20 cfs is flowing past the USGS Gaging Station No. 06481000 near Dell Rapids, and at least 20 cfs is flowing past USGS Gaging Station No. 6482020 at North Cliff Avenue in Sioux Falls, unless written orders have been issued by the Chief Engineer. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

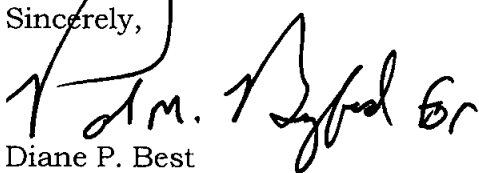
We appreciate the fact that administering these diversions during severe drought will be a challenge. We would respectfully submit, however, that the qualifications, as stated above, would protect the senior water rights and also be a better means to protect the flows in the river for the entire stretch impacted.

We also reserve our right to address any other issues that may be presented by other intervenors or the Board at a hearing.

At the hearing Sioux Falls may also address the extent to which releases from the Sioux Falls Water Reclamation Plant augment other available flows in the BSR.

Due to scheduling constraints, Sioux Falls is exercising its right to automatically delay the hearing for at least twenty (20) days as provided by state law.

Sincerely,



Diane P. Best
Assistant City Attorney

DPB/amr

Sioux Falls Ordinances

§ 53.015 USE OF PUBLIC SEWERS REQUIRED.

(a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable waste.

(b) It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with this subchapter, or permitted by the DENR or EPA.

(c) Except as provided in this subchapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

(d) The owner of each house, building or property used for human occupancy, employment, recreation or other purposes, in the city and abutting on any street, alley or right-of-way in which there is located or may be located a public sanitary sewer of the city, shall at the owner's expense install suitable toilet facilities therein, and connect the facilities directly with the proper public sewer in accordance with the provisions of this subchapter, within five years after the date of official notice to do so, provided that the public sewer is within 200 feet of the property line and reasonably accessible as determined by the city engineer.

(1992 Code, § 41-111) (Ord. 47-81, passed 6-1-1981; Ord. 57-93, passed 7-12-1993; Ord. 102-96, passed 9-3-1996; Ord. 48-03, passed 6-9-2003) Penalty, see § 53.999

§ 53.016 PRIVATE WASTEWATER DISPOSAL.

(a) Where a public sanitary sewer is not available under the provisions of § 53.015(d), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this subchapter and State of South Dakota Administrative Rules for individual and small on-site wastewater systems (ARSD Chapter 74:03:01).

(b) Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit signed by the city engineer. The application for the permit shall be made on a form furnished by the city which the applicant shall supplement by any plans, specifications and other information deemed necessary by the city. A permit and inspection fee established by ordinance shall be paid to the city when the application is filed.

(c) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the city engineer. The city engineer shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the city engineer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within three hours of the receipt of notice by the city engineer.

(d) The type, capacity, location and layout of a private wastewater disposal system shall comply with all recommendations of the state department of health. For persons with a public water supply, no permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than one-half acre. For persons with a private well, no permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than one acre. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(e) When a public sewer becomes available to a property served by a private wastewater disposal system, as provided in § 53.015(d), a direct connection shall be made to the public sewer within five years in compliance with this subchapter, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

(f) The owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city.

(g) No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by a health officer.

(1992 Code, § 41-112) (Ord. 47-81, passed 6-1-1981; Ord. 19-82, passed 3-8-1982; Ord. 57-93, passed 7-12-1993; Ord. 102-96, passed 9-3-1996; Ord. 48-03, passed 6-9-2003)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

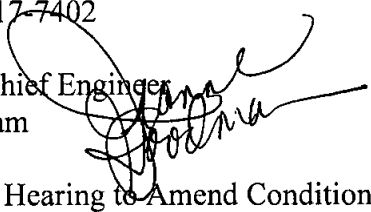
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 27, 2018

NOTICE

TO: Diane Best
Assistant City Attorney
City of Sioux Falls
PO Box 7402
Sioux Falls SD 57117-7402

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Automatic Delay of Hearing to Amend Conditions Placed on Many Big Sioux River
Water Rights

The city of Sioux Falls filed a petition to intervene in response to the public notice regarding the Water Management Board hearing to consider an amendment to the conditions on many Big Sioux River water rights. The city's petition included a request for an automatic delay of the March 7, 2018 hearing date. Therefore, the hearing on this matter is automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5 and will not be held on March 7, 2018.

The hearing to consider amendment to the conditions on many Big Sioux River water rights is tentatively scheduled for the Water Management Board meeting to be held May 2 - 3, 2018, in Pierre. The Board will formalize its next meeting date at their March 7th meeting. Future notice of the time and place of the hearing will be provided.

Please contact Eric Gronlund at (605) 773-3352 if you have questions regarding the hearing process.

c: Ann Mines Bailey, Assistant Attorney General

CERTIFICATION

I hereby certify that on February 27, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 27, 2018, regarding automatic delay of the hearing to consider amendment to the conditions on many Big Sioux River water rights, as addressed below:

Diane Best
Assistant City Attorney
City of Sioux Falls
PO Box 7402
Sioux Falls SD 57117-7402

Sent Inter-office to:

Ann Mines Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501



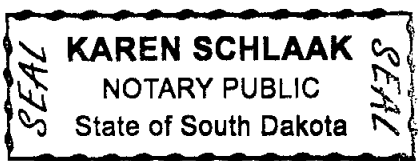
Eric Gronlund
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of February, 2018



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

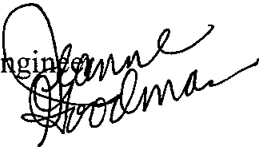
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

April 4, 2018

NOTICE

TO: Diane Best
Assistant City Attorney
City of Sioux Falls
PO Box 7402
Sioux Falls SD 57117-7402

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: Scheduling of Hearing to Amend Conditions Placed on Many Big Sioux River
Water Rights

The city of Sioux Falls filed a petition to intervene in response to the public notice published in the Argus Leader regarding proposed amendment to conditions placed on many Big Sioux River water rights. The March 7, 2018, hearing was postponed at the city's request. This notice reschedules the hearing for May 3, 2018.

The Water Management Board will now conduct a hearing to consider proposed amendment to conditions placed on many Big Sioux River water rights at 8:30 AM (Central Time) on Thursday, May 3, 2018, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The agenda time is an estimate and may be delayed due to prior items. Future notice will be provided to all parties if there is a significant change to the hearing time.

Applicable provisions of the public notice of hearing published in the Argus Leader on February 15, 2018, still apply.

Questions regarding the hearing process may be directed to Eric Gronlund, Water Rights Program at (605) 773-3352 or eric.gronlund@state.sd.us.

c: Ann Mines Bailey, Assistant Attorney General

CERTIFICATION

I hereby certify that on April 4, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 4, 2018, regarding scheduling of the hearing to consider amendment to the conditions on many Big Sioux River water rights, as addressed below:

Diane Best
Assistant City Attorney
City of Sioux Falls
PO Box 7402
Sioux Falls SD 57117-7402

Sent Inter-office to:

Ann Mines Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501



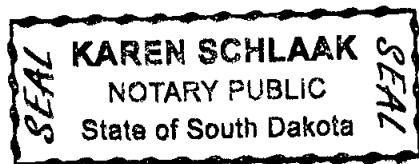
Eric Gronlund
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of April, 2018



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





5698-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 13, 2018

Kelby Mieras
Sioux Falls Parks & Rec Dept
PO Box 7402
Sioux Falls SD 57117-7402

RE: Water Permit/Right Nos. 4231-3, 5416-3, 5512-3, 5556-3, 5698-3, 6157-3, 6210A-3 & 7805-3

Dear Sir:

Enclosed is a "Notice" dated October 30, 2018 concerning the 2018 irrigation questionnaires.

The notice was originally mailed to 100 E 6th St, Sioux Falls. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures