

WATER PERMIT NO. 5720A-3

Name of Applicant: **Big Sioux Community Water Corporation**

Address: **Box 158, Egan SD**

Phone: **605 997-2098**

Amount of Water Claimed: 1.1 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: rural water system use

County: **Brookings, Moody, Lake & Minnehaha**

Type of Waste Disposal System: NA

Location: 1 mile east of Egan

PRIORITY

Date Received: 3-22-1995

Fee: \$50.00

Corrected Application Received: 4-17-96

Period of Annual Use: **January 1 - December 31**

Remarks: **Change the location of the diversion point authorized by Permit No. 5720-3**

Diversion Point: SW 1/4 SW 1/4 Sec 8-

T106N-R48W

Land to be Irrigated: NA

Depth of Well: **50 feet**

Well Driller: Lacey Well Drilling

Remarks:

Type of Map: topographic

Prepared by: **Daryl C. Englund, P.E.**

Reviewed and the Number Assigned on: **4-17-96**

By: **Karen Schlaak**

Notice of Hearing - date to intervene:

A 6x6 grid with a small circle containing an 'X' in the bottom-left cell and a larger circle containing an 'S' in the center cell.

No. 5720A-3 Hydrologic Unit 10/70203
Map No. _____ Basin Big Sioux
Newspaper See attach list

Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

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

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

Type of Application: Check one or more of the following:

New ☐ Vested Right ☐ Future Use ☐ Change Use ☐

☒ Amend Permit No. 5720-3 with old priority date retained.

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

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

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



1. Name Of Applicant Big Sioux Community Water Corporation Phone No. 605-997-2098

Post Office Address Box 158, Egan State South Dakota 57024
(Street, RR, or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 1.1 cfs. (478 acre-feet volume limitation)

3. Source of water supply Well - Big Sioux Moody Aquifer

4. Location of point of diversion SW 1/4, SW 1/4 Sec. 8, T106N R48W

5. Counties where water will be used Brookings, Moody, Lake and Minnehaha

6. Annual Period during which water is to be used January 1 through December 31

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

Supplement water supply for Big Sioux Community Water Corporation Rural Water System.

Alternate well location was selected because high nitrate concentrations were encountered at original well site.

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

STATE OF SOUTH DAKOTA)
County of MOODY ss

I, MARTIN JARRETT, MANAGER 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.

Subscribed and sworn to before me this 21st day of MARCH 1995

Signed [Signature]
Daniel L. [Signature]
Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 5720A-3**

Date of receipt of completed application April 17, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5720A-3 to Big Sioux Community Water Corporation, Box 158, Egan SD 57024 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. 5720A-3 changes the location of the diversion point authorized by Water Permit No. 5720-3. Water Permit No. 5720-3 authorized construction and placement to beneficial use 1.1 cubic feet of water per second (478 acre-feet annually) from one well (Big Sioux:Moody Aquifer) reserved for future use by Permit Nos. 3984-3 and 3984A-3. This permit authorizes the change in the well location from the SE 1/4 NE 1/4 Section 7-T106N-R48W to the SW 1/4 SW 1/4 Section 8-T106N-R48W. No increase in the diversion rate is authorized by this permit.
2. The water appropriated shall be used for the purpose of supplying water to the Big Sioux Community Water Corporation and may not exceed the amount of water needed for beneficial use for rural water system use.
3. The water is to be used during the following described annual period: January 1 - December 31
4. The date of approval of Permit No. 5720A-3 is June 14, 1996.
5. The date from which applicant may claim right is June 6, 1977.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

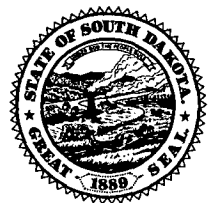
1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Water Permit Nos. 5720-3 and 5720A-3, combined authorize a total diversion of 478 acre-feet of water annually.
3. The Big Sioux Community Water Corporation shall report to the Chief Engineer annually the amount of water withdrawn each year from the Big Sioux:Moody Aquifer.

WATER MANAGEMENT BOARD

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

JUL 8 1996

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 20 inch Depth 50 ± feet
- b) Casing Type steel Diameter 12 inch Thickness 3/8 inch
- c) Screen Type stainless steel Diameter 12 inch Thickness 3/8 inch
- d) Gravel Pack Thickness 4 inches Length of Gravel Pack 30 feet
- e) Depth to Top of Water Bearing Material 30 feet
- f) Depth to Water (ground surface to water level) 30 feet
- g) Distance to nearest existing domestic well:
 On applicants property 800 feet On property owned by others 1/4 mile

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____

Signature of Applicant

07-92

Date: 11-14-94

Big Sioux Community Water Corporation

43-381 50 SHEETS 1 SQUARE
43-382 100 SHEETS 4 SQUARE
43-383 200 SHEETS 16 SQUARE
43-384 300 SHEETS 36 SQUARE
43-385 400 SHEETS 64 SQUARE
43-386 500 SHEETS 100 SQUARE
43-387 600 SHEETS 144 SQUARE
43-388 700 SHEETS 196 SQUARE
43-389 800 SHEETS 256 SQUARE
43-390 900 SHEETS 324 SQUARE
43-391 1000 SHEETS 400 SQUARE
43-392 1100 SHEETS 484 SQUARE
43-393 1200 SHEETS 576 SQUARE
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43-816 43500 SHEETS 760504 SQUARE
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43-820 43900 SHEETS 774616 SQUARE
43-821 44000 SHEETS 778164 SQUARE
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43-835 45400 SHEETS 828676 SQUARE
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43-866 48500 SHEETS 946104 SQUARE
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43-901 52000 SHEETS 1087924 SQUARE
43-902 52100 SHEETS 1092120 SQUARE
43-903 52200 SHEETS 1096324 SQUARE
43-904 52300 SHEETS 1100536 SQUARE
43-905 52400 SHEETS 1104756 SQUARE
43-906 52500 SHEETS 1108984 SQUARE
43-907 5260

STATE OF SOUTH DAKOTA
COUNTY OF BROOKINGS SS

I, DARYL ENGLUND, A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA DO HEREBY CERTIFY THAT AT THE REQUEST OF THE BIG SIOUX COMMUNITY WATER, EGAN, SOUTH DAKOTA, I DID PREPARE THE MAP ON THIS SHEET FROM EXISTING INFORMATION AND THAT SAID MAP IS A TRUE REPRESENTATION OF THE WELL LOCATION FOR WATER PERMIT NO. 8780-3 TO WITHDRAW UNDERGROUND WATERS FOR RURAL WATER SUPPLY PURPOSES IS MADE, AND THAT THIS MAP IS A TRUE REPRESENTATION THEREOF.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 15th DAY OF March, A.D. 19 95.

Daryl C. Englund Reg. No. 2846
REGISTERED LAND SURVEYOR

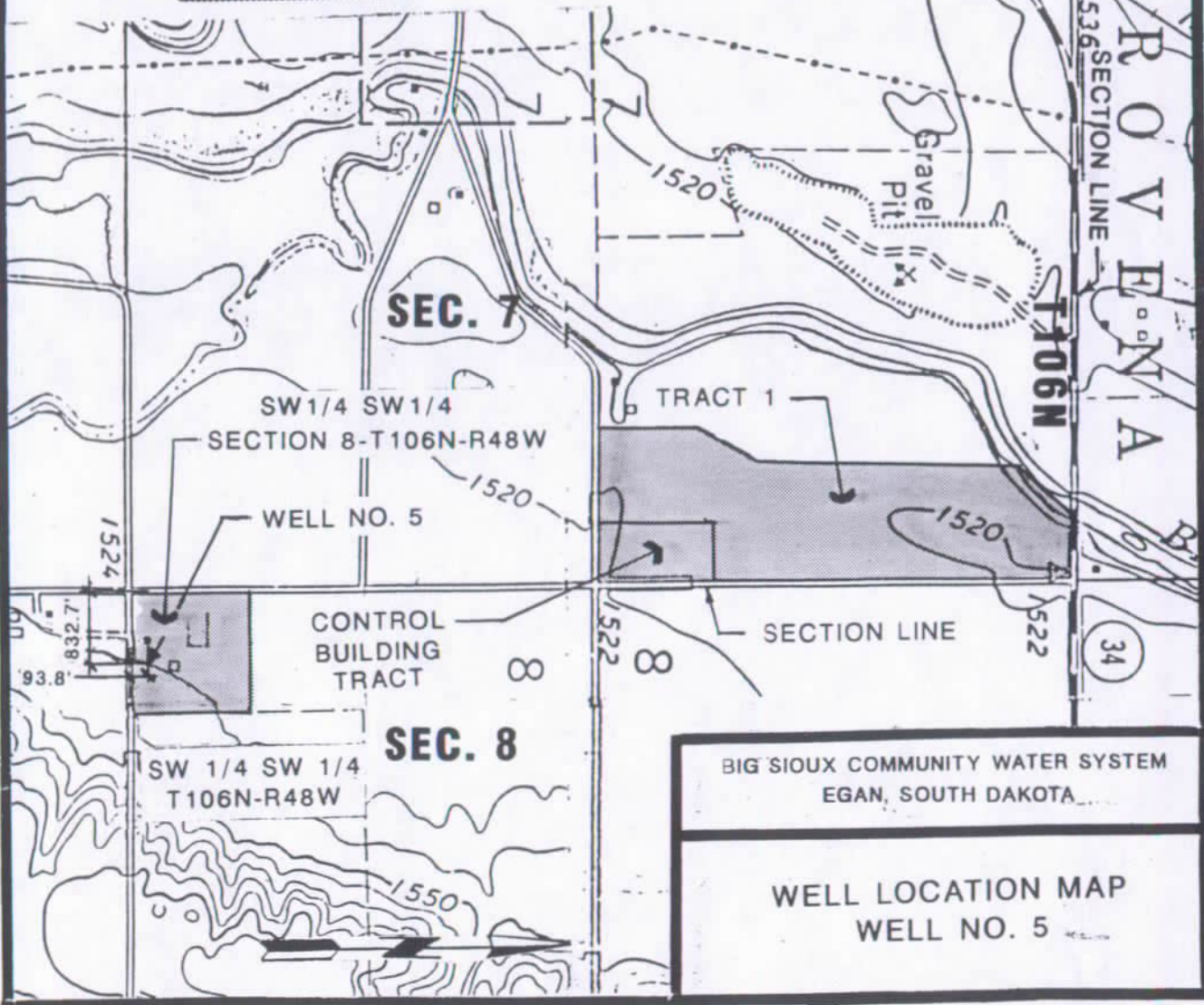
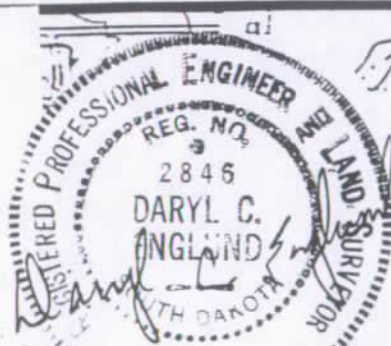
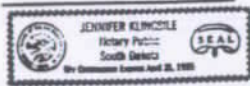
STATE OF SOUTH DAKOTA
COUNTY OF BROOKINGS SS

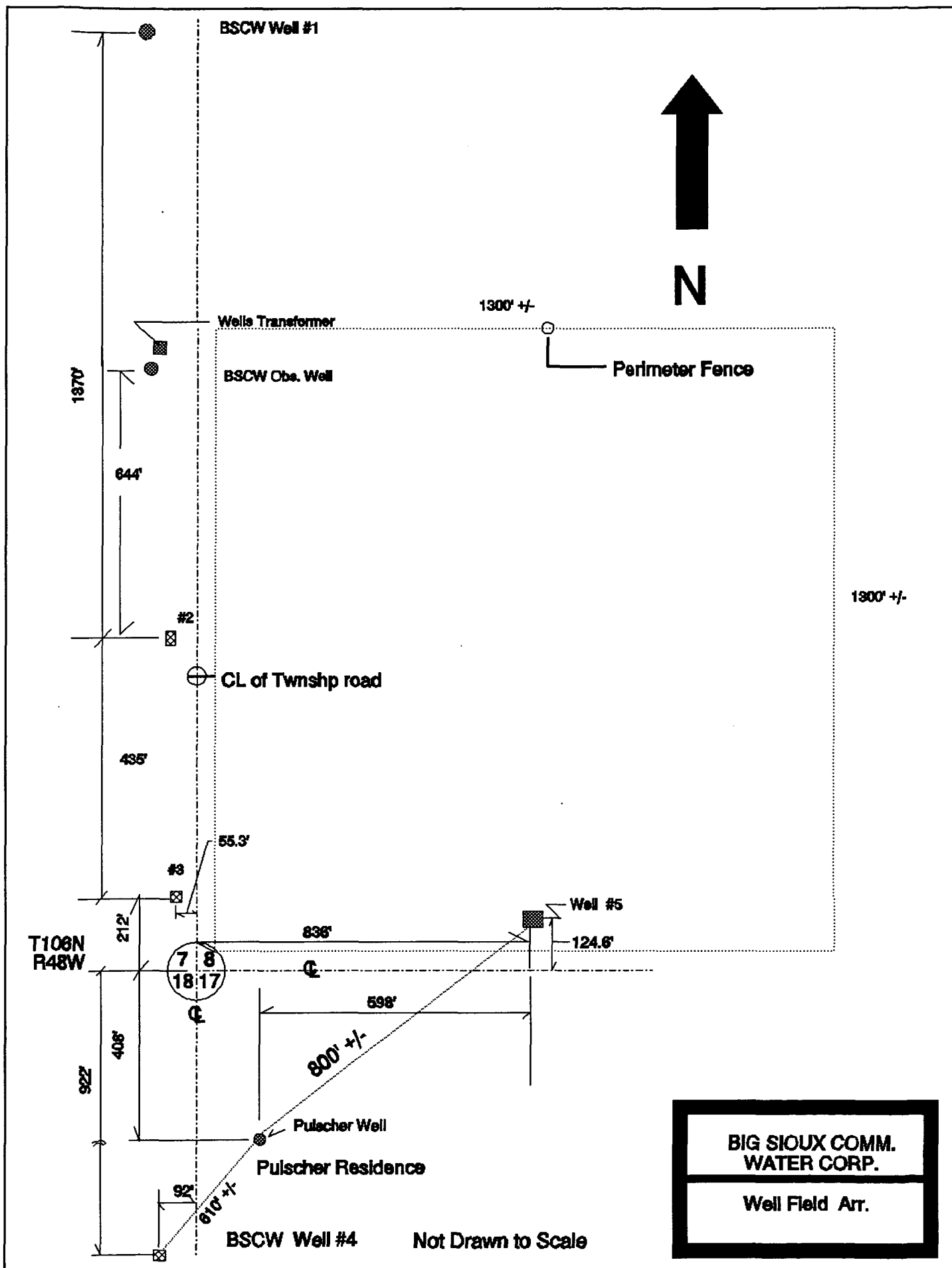
ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED DARYL ENGLUND, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

WITNESS MY HAND AND SEAL THIS 15th DAY OF March, A.D. 19 95.

Jennifer Klingholz
NOTARY PUBLIC

MY COMMISSION EXPIRES





LETTER OF TRANSMITTAL

BANNER ASSOCIATES, INC.
409 22nd Ave. S. - P.O. Box 298
BROOKINGS, SOUTH DAKOTA
(605) 692-6342

DATE: 04/07/95	JOB NO. 7452-04
ATTENTION: Eric Gronlund	
RE: Big Sioux Community Water - Well #5	

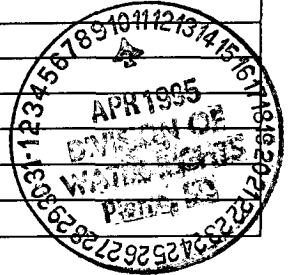
TO : Division of Water Rights
Department of Environment and Natural Resources
Foss Building
Pierre, SD 57501

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

☐ Shop Drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications

☐ Copy of letter ☐ Change order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
1			Map of Well Location



THESE ARE TRANSMITTED as checked below:

☐ For Approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval

☒ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution

☒ As requested ☐ Returned for corrections ☐ Return _____ corrected prints

☐ For review and comment ☒ For records pursuant to Water Right # 3984-3

☐ FOR BIDS DUE _____ 19 _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS

The enclosed map shows the relative locations of each of the five wells in the Big Sioux Wellfield.

The approximate location of the private well on the Pulscher residence is also shown in the drawing.

Measurements to locate the private well were made by BSCW Staff.

COPY TO File

Martin Jarrett, Big Sioux Community Water

SIGNED :

David Odens

If enclosures are not as noted, kindly notify us at once.

STATE OF SOUTH DAKOTA
COUNTY OF BROOKINGS

I, DARYL ENGLUND, A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE BIG SIOUX COMMUNITY WATER, EGAN, SOUTH DAKOTA, I DID PREPARE THE MAP ON THIS SHEET FROM EXISTING INFORMATION, AND THAT I DID SURVEY AND LOCATE THE SITES FOR WHICH APPLICATION FOR AN APPROPRIATIVE WATER RIGHTS TO WITHDRAW UNDERGROUND WATERS FOR RURAL WATER SUPPLY PURPOSES IS MADE, AND THAT THIS MAP IS A TRUE REPRESENTATION THEREOF.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 9th DAY OF September, A.D. 1992.

Daryl C. Englund
REGISTERED LAND SURVEYOR

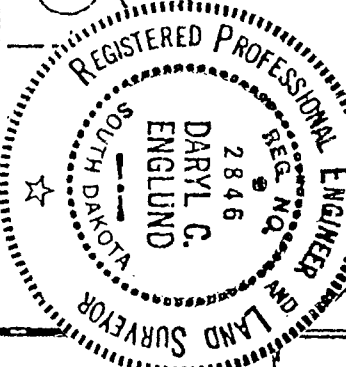
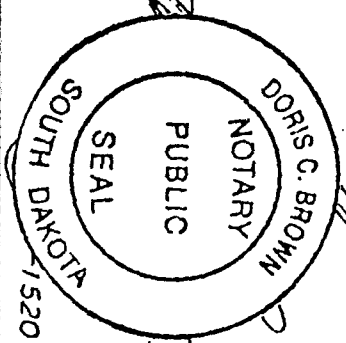
STATE OF SOUTH DAKOTA
COUNTY OF BROOKINGS

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED DARYL ENGLUND, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

WITNESS MY HAND AND SEAL THIS 9th DAY OF September, A.D. 1992.

Doris C. Brown
NOTARY PUBLIC

MY COMMISSION EXPIRES 12-9-97



BANNER ASSOCIATES, INC. - CONSULTING ENGINEERS & ARCHITECTS
409 22ND AVENUE SOUTH - P.O. BOX 298 - BROOKINGS, SD 57006 - (605) 692-6344

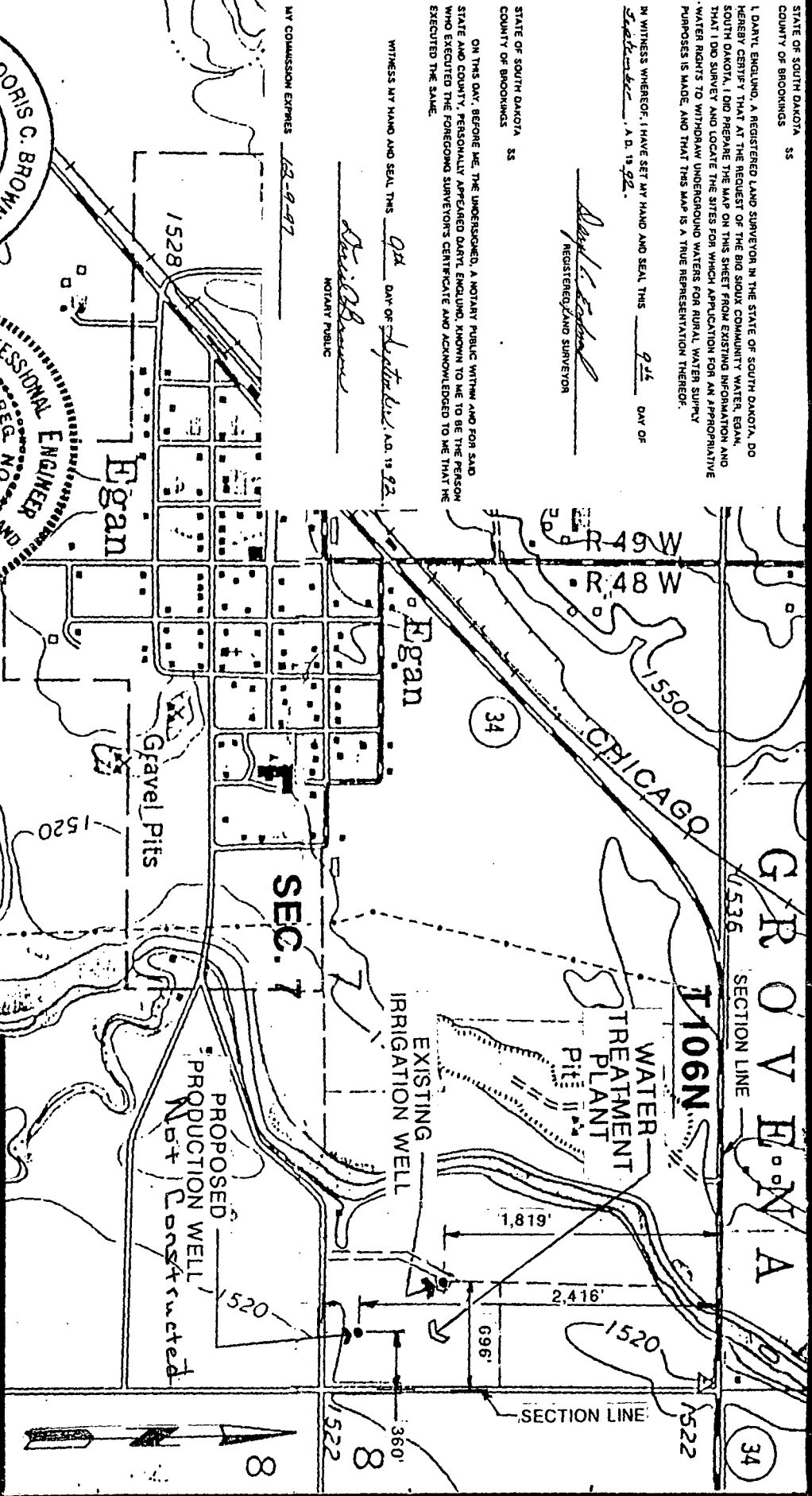
BANNER

BIG SIOUX COMMUNITY WATER SYSTEM

EGAN, SOUTH DAKOTA

PROPOSED WELL
LOCATION MAP

FIGURE NO. F



STATE OF SOUTH DAKOTA SS
COUNTY OF BROOKINGS

I, DARYL ENGLUND, A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA DO HEREBY CERTIFY THAT AT THE REQUEST OF THE BIG SIOUX COMMUNITY WATER, EGAN, SOUTH DAKOTA, I DID PREPARE THE MAP ON THIS SHEET FROM EXISTING INFORMATION, AND THAT SAID MAP IS A TRUE REPRESENTATION OF THE TRACT(S) OF LAND FOR WHICH APPLICATION FOR A FUTURE WATER RIGHT TO WITHDRAW UNDERGROUND WATERS FOR RURAL WATER SUPPLY PURPOSES IS MADE, AND THAT THIS MAP IS A TRUE REPRESENTATION THEREOF.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 20th DAY OF November, A.D. 1992.

Daryl C. Englund
REGISTERED LAND SURVEYOR

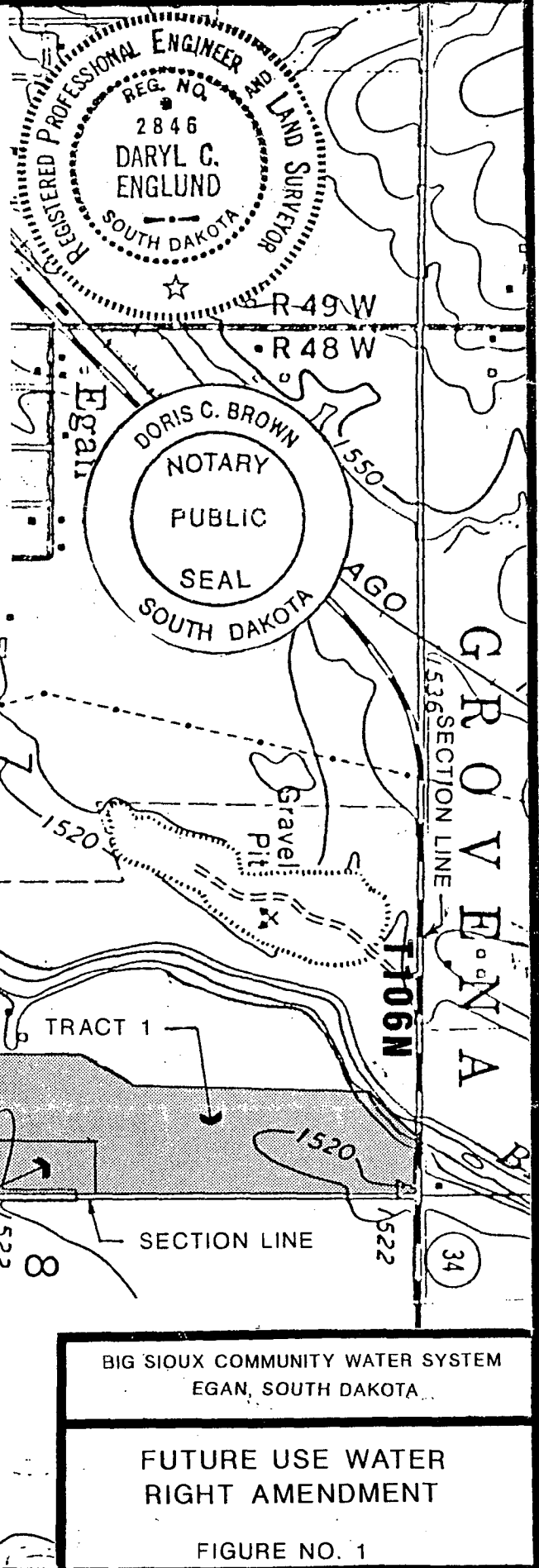
STATE OF SOUTH DAKOTA SS
COUNTY OF BROOKINGS

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED DARYL ENGLUND, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

WITNESS MY HAND AND SEAL THIS 20th DAY OF November, A.D. 1992.

Doris C. Brown
NOTARY PUBLIC

MY COMMISSION EXPIRES 12-9-97



LETTER OF TRANSMITTAL

BANNER ASSOCIATES, INC.
409 22nd Ave. S. – P.O. Box 298
BROOKINGS, SOUTH DAKOTA
(605) 692-6342

DATE: 02/15/95	JOB NO. 7452-04
ATTENTION: Eric Gronlund	
RE: Big Sioux Community Water – Well #5	

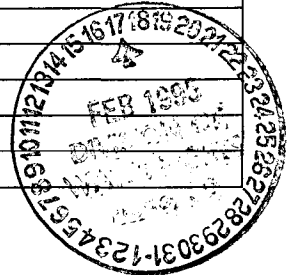
TO : Division of Water Rights
Department of Environment and Natural Resources
Foss Building
Pierre, SD 57501

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

☐ Shop Drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications

☐ Copy of letter ☐ Change order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
2			Well Completion Report (Submitted by Lacey Drilling)
1			Map of Well Location (Figure F)
1			Map of Future Use Water Rights areas (Figure 1)



THESE ARE TRANSMITTED as checked below:

☐ For Approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval

☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution

☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints

☐ For review and comment ☒ For records pursuant to Water Right # 3984-3

☐ FOR BIDS DUE _____ 19 _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS

The Big Sioux Community Water System completed construction of Well #5 at a location different from the one originally planned (See Figure F attached). The new location is in Section 8 T106N-R48W. The site identified in Figure 1 attached. The new location was necessary due to nitrate levels discovered at the original site.

It is my understanding the Big Sioux Community Water System had applied for a diversion permit for the original location.

The capacity of the original wells is less than the permitted capacity since head conditions were changed.

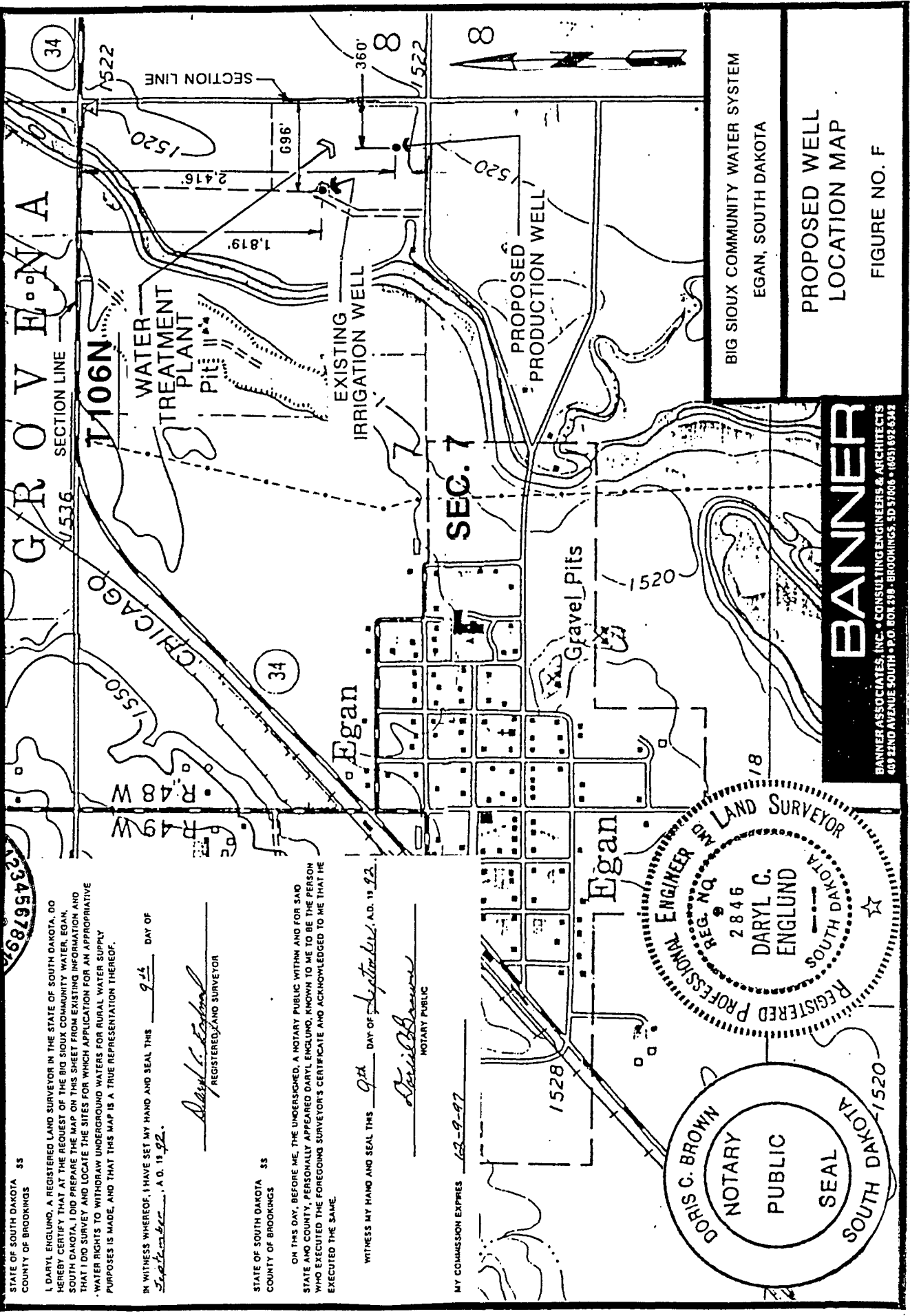
Please advise which forms are required for either extending the existing diversion permit to the new site or applying for a new diversion permit for well #5.

COPY TO File
Dave Bennett, Big Sioux Community Water

SIGNED : _____

If enclosures are not as noted, kindly notify us at once.

SEP 1992
DIVISION OF
WATER RIGHTS
Pierre, SD



STATE OF SOUTH DAKOTA
COUNTY OF BROOKINGS

I, DARYL ENGLUND, A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF THE BIG SIOUX COMMUNITY WATER, EGAN, SOUTH DAKOTA, I DID PREPARE THE MAP ON THIS SHEET FROM EXISTING INFORMATION AND THAT I DID SURVEY AND LOCATE THE SITES FOR WHICH APPLICATION FOR AN APPROPRIATIVE WATER RIGHTS TO WITHDRAW UNDERGROUND WATERS FOR RURAL WATER SUPPLY PURPOSES IS MADE, AND THAT THIS MAP IS A TRUE REPRESENTATION THEREOF.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 9th DAY OF September, A.D. 1992.

Daryl C. Englund
REGISTERED LAND SURVEYOR

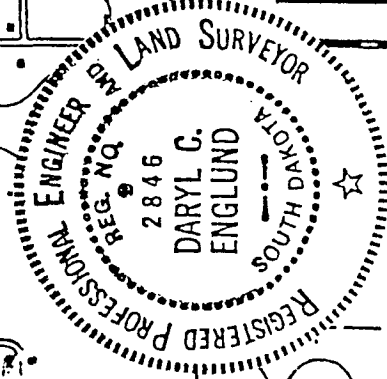
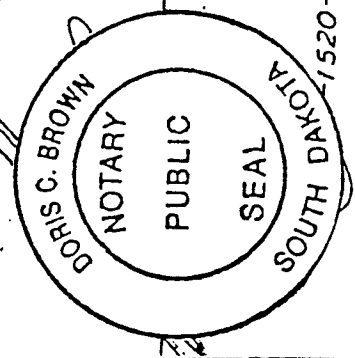
STATE OF SOUTH DAKOTA
COUNTY OF BROOKINGS

ON THIS DAY, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED DARYL ENGLUND, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING SURVEYOR'S CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

WITNESS MY HAND AND SEAL THIS 9th DAY OF September, A.D. 1992.

Doris C. Brown
NOTARY PUBLIC

MY COMMISSION EXPIRES 12-9-97



BIG SIOUX COMMUNITY WATER SYSTEM
EGAN, SOUTH DAKOTA

PROPOSED WELL
LOCATION MAP

FIGURE NO. F

BANNER
BANNER ASSOCIATES, INC. • CONSULTING ENGINEERS & ARCHITECTS
607 22ND AVENUE SOUTH • P.O. BOX 318 • BROOKINGS, SD 57006 • (605) 692-6342

March 27, 1995

Water Rights Division

File Document

RE: Big Sioux Community Water Corporation request to change the point of diversion under Water Permit No. 5720-3.

AQUIFER - BIG SIOUX MOODY (BS-M)

1. The source of water remains the Big Sioux Moody aquifer.
2. The new well has already been drilled and is completed in accordance with SD Well Construction Standards. The well location was changed because of water quality problems at the original site.
3. The nearest existing permitted diversion is also for the BSCWC. Interference should not be a concern.
4. Permit No. 5720-3 appropriates 1.1 cfs (478 acre feet annually). It appears that the new well will be set up to produce 250 gpm. If this is the case then, the annual acre feet limitation should around 242 acre feet. It really doesn't matter, the water not put to use will revert to Future Use Permit No. 3984A-3. But this should be made clear in the Chief Engineer's Recommendation.
5. The Chief Engineer's Recommendation should reiterate the qualifications placed upon Water Permit No. 5720-3.
6. Using 46-5-13.1 in authorizing this change in diversion point is not appropriate in my opinion. There is always the possibility for increasing the potential for interference by changing a ground water diversion point. Inserting the word adverse into the statute may be reasonable from a technical point of view but it simply is not there. If nothing else the potential for domestic well problems change and I feel advertising the change is appropriate.

James A Goodman
Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 20, 1995

Martin Jarrett, Manager
Big Sioux Community Water Corporation
Box 158
Egan, SD 57024

Dear Mr. Jarrett:

I am writing in regard to Big Sioux Community Water Corporation's request for a change in the location of Well No. 5. Water Permit No. 5720-3 authorized construction and placement to beneficial use of 1.1 cubic feet of water per second (478 acre-feet annually) reserved by Future Use Permit Nos. 3984-3 and 3984A-3. The well was to be located in the SE1/4 NE1/4 Section 7, T106N, R48W. Well No. 5 is constructed in the SW1/4 SW1/4 Section 8, T106N, R48W (approximately 3,000 feet south east of its permitted location). The change in the point of diversion was because of the high nitrate concentrations at the original well site.

SDCL 46-5-13.1 allows for changes in the location of a diversion point without application or publication of the notice of hearing if the chief engineer is contacted and makes a finding that the change does not increase the potential for interference with existing diversions. However, Well No. 5 is constructed approximately 800 feet from a domestic well. Additionally, the domestic well is now located directly between Well No. 4 (610 feet SW) and Well No. 5 (800 feet NE).

For these reasons, the change in diversion point will require a formal application process to amend Water Permit No. 5720-3 including publication of a notice of hearing. The only requirement remaining to complete the application is the application filing fee of \$50. Once the fee has been submitted, a report and chief engineer's recommendation will be prepared prior to publication of a notice of hearing the the counties served by the water system.

One point that needs to be clarified is the production of Well No. 5. Permit No. 5720-3 appropriated 1.1 cfs with an annual volume limitation of 478 acre feet of water based on a sixty percent continuous pump rate from the well. The well completion report states the well is set up to produce 0.56 cfs. Applying the same criteria, the annual volume limitation for a well producing 0.56 cfs would be 242 acre feet of water annually with 236 acre feet of water (478 ac-ft minus 242 ac-ft) reverting back to Future Use Permit No. 3984A-3. I believe the quantifying of the Water Corporation's water use under Water Permit No. 5720-3 can be accomplished during this application process or during the future inspection and subsequent licensing process for Water Permit No. 5720-3.

If you have any questions, please feel free to contact me.

Sincerely,


Eric Gronlund
Water Rights Division
605 773-3352

c: David Odens, Banner Associates, P.O. Box 298, Brookings, SD 57006



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 1, 1996

Martin Jarrett, Manager
Big Sioux Community Water Corporation
Box 158
Egan, SD 57024

Dear Martin:

Please find enclosed an invoice for the application fee to amend Water Permit No. 5720-3. The application is to change the location of Well No. 5. Once payment is received, the application will be processed.

If you know of any other changes to the system that require water permitting action, this may be an opportune time to address them. The publication notice can include any other necessary amendments, hence killing two birds with one stone.

If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

*** INVOICE ***

Invoice No. 20211-28-04/01/96

Martin Jarrett, Manager
Big Sioux Community Water Corporation
Box 158
Egan, SD 57024

Application fee for change of diversion point to Water Permit No. 5720-3.

PLEASE PAY THIS AMOUNT:

\$50.00


CHERYL F. FROST
Secretary
Water Rights Program
(605) 773-3352

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Big Sioux Community Water Corp. -- WP No. 5720-3

ADDRESS: COUNTY:

DATE: TELEPHONE: 997-2098

RE: Call regarding change of div. point to Water Permit No. 5720-3

COMMENTS:

I call Martin Jarrett regarding the status of the change of diversion point of Well No. 5. We had discussed Well No. 5 approximately 1 year ago. (see April 20, 1995 letter and April 26, 1995 file documentation).

Mr. Jarrett stated they will move forward with the application for Well No. 5. We will send him an invoice for the \$50 application filing fee.

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

NAME: Eric Hansen

RECEIPT

414908

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 17, 19 96

RECEIVED OF Big Sioux Community Water, Inc., P. O. Box 158, Egan, SD 57024

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

Fee for Application for Permit No. <u>5720A-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

John Waterhouse

REPORT ON WATER PERMIT APPLICATION NO. 5720A-3
for Big Sioux Community Water Corporation
May 13, 1996

Application No. 5720A-3 proposes to change the location of the diversion point authorized by Water Permit No. 5720-3. Water Permit No. 5720-3 authorized construction and placement to beneficial use of 1.1 cfs (478 acre feet annually) from one well approximately 50 feet deep. The water was reserved for future use by Water Permit Nos. 3984-3 and 3984A-3. This application requests to change the well location from the SE 1/4 NE1/4 of section 7, T106N R48W to the SW 1/4 SW 1/4 of section 8, T106N R48W in Moody County. No increase in the diversion rate is authorized by this application. The water will be used to supply the Big Sioux Community Water Corporation.

AQUIFER - BIG SIOUX MOODY (BS-M)

The Big Sioux Moody is a surficial glacial outwash (sand and gravel) which is under predominantly unconfined or water table conditions in Moody County. The aquifer underlies 58 square miles and contains an estimated 163,000 acre feet of water in storage in Moody County (Hansen, 1986). The aquifer is hydraulically connected to the Big Sioux Brookings aquifer to the north in Brookings County, to the Big Sioux Sioux Falls aquifer to the south in Minnehaha County and to the Big Sioux River.

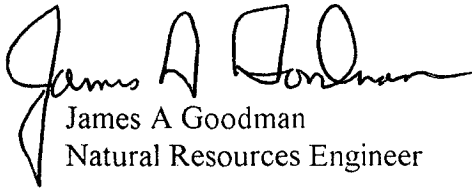
The Water Rights Program monitors two observation wells, MY-82E and MY-82F, completed into the Big Sioux Moody aquifer and located about one mile north and less than one quarter mile west of this application, respectively. Water levels respond to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1996). Hydrographs for these two observation wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one other Water Right No. 2153-3 and one other Water Permit No. 3640-3 both located about one-half mile north of this application. The Water Permit is subject to cancellation because it was never developed and the Water Right is active. The closest existing well is No. 3 for the Big Sioux Rural Water System. Well No. 3 is located about 900 feet west of this application. Interference is not expected to be a concern. Drawdown caused by pumping should not significant very far from the individual production wells. This is also shown by the hydrograph for observation well MY-82F which is located in the southeast corner of section 7 about 200 feet south of Well No. 3. There is a domestic well in the area however, the addition of Well No. 5 should not adversely affect the water supply from the aquifer or adequately constructed domestic wells.

CONCLUSIONS

1. Water is available from the Big Sioux Moody aquifer.
2. Interference is not a concern. The observation well record confirms this conclusion.
3. The well for this application is constructed and is completed in accordance with SD Well Construction Standards.
4. This application is simply a change in the point of diversion. The water for this application was appropriated by Future Use Permit Nos. 3984-3 and No. 3984A-3 and any water not put to beneficial use will revert to future use.



James A Goodman
Natural Resources Engineer

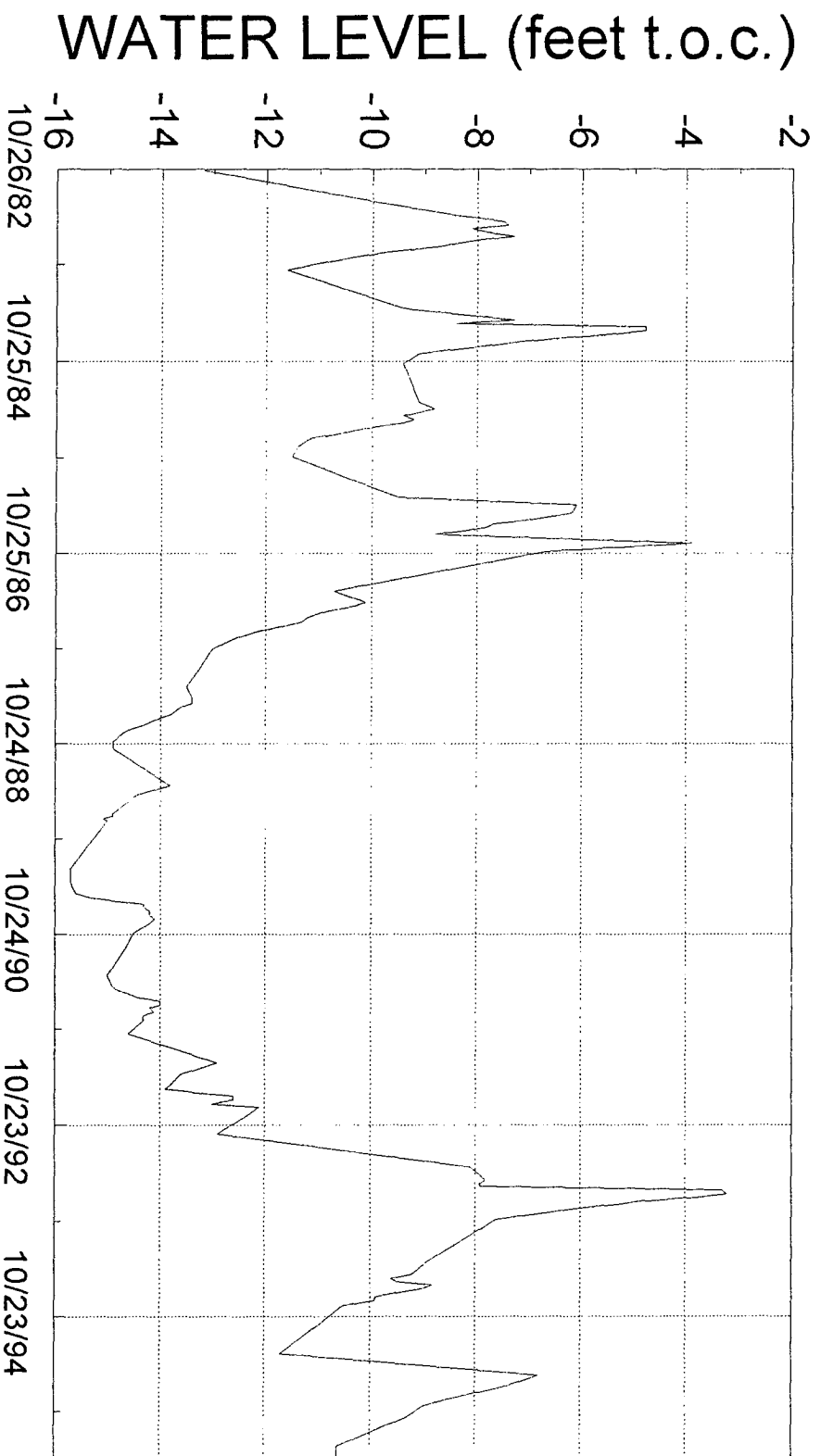
BIBLIOGRAPHY

Hansen, D.S., 1986, Water Resources of Lake and Moody Counties, South Dakota, USGS WRI 84-4209, USGS, Huron, SD, 57350.

Water Rights, 1996, Unpublished Observation Well Data for Moody County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

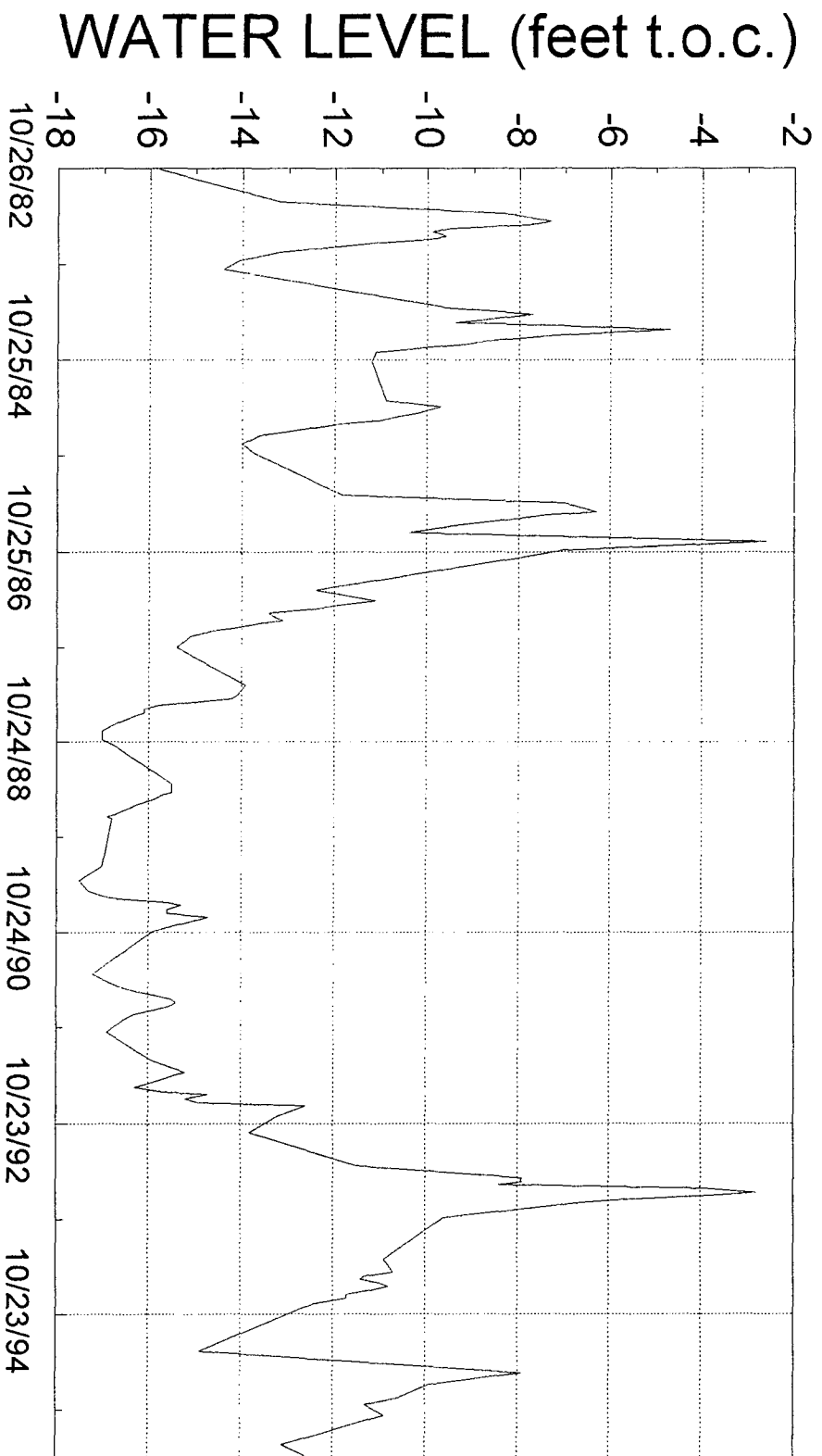
WATER RIGHTS OBSERVATION WELL

MY-82E



WATER RIGHTS OBSERVATION WELL

MY-82F



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5720A-3, Big Sioux Community Water Corporation**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5720A-3, Big Sioux Community Water Corporation, %Martin Jarrett, Manager, Box 158, Egan, SD 57024.

The Chief Engineer is recommending APPROVAL of Application No. 5720A-3 because 1) the proposed diversion has been developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. 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.
2. Water Permit Nos. 5720-3 and 572-A-3, combined authorize a total diversion of 478 acre feet of water annually.
3. The Big Sioux Community Water Corporation shall report to the Chief Engineer annually the amount of water withdrawn each year from the Big Sioux:Moody Aquifer.

See report on application for additional information.



JOHN HATCH, Chief Engineer
May 16, 1996



**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 NEWSPAPERS RIGHT AWAY.

May 16, 1996

Martin Jarrett, Manager
Big Sioux Community Water Corporation
Box 158
Egan, SD 57024

Dear Mr. Jarrett:

Water Permit Application No. 5720A-3 for rural water system 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 Publishers of the Brookings Register printed at Brookings, SD (Ph # (605) 692-6271), Moody Co. Enterprise printed at Flandreau, SD (Ph # (605) 997-3194), Daily Leader printed at Madison, SD (Ph # (605) 256-4555), and the Argus Leader printed at Sioux Falls, SD (Ph # (605) 331-2200). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

A handwritten signature in cursive script that reads 'Eric Gronlund'.

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 16, 1996

Brookings Register
P.O. Box 177
Brookings, SD 57006-0177

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5720A-3 to be published twice. Please publish the first notice on May 28, 1996, 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 Martin Jarrett, Manager, Big Sioux Community Water Corporation, Box 158, Egan, SD 57024 (Ph # (605) 997-2098).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
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

May 16, 1996

Moody Co. Enterprise
Box 71
Flandreau, SD 57028-0071

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5720A-3 to be published twice. Please publish the first notice on May 28, 1996, 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 Martin, Jarrett, Manager, Big Sioux Community Water Corporation, Box 158, Egan, SD 57024 (Ph # (605) 997-2098).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

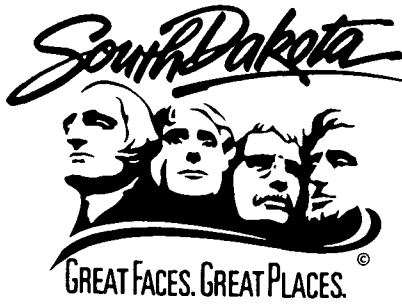
No. _____

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

May 16, 1996

Daily Leader
P.O. Box 348
Madison, SD 57042-0348

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5720A-3 to be published twice. Please publish the first notice on May 28, 1996, 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 Martin Jarrett, Manager, Big Sioux Community Water Corporation, Box 158, Egan, SD 57024 (Ph # (605) 997-2098).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
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

May 16, 1996

Argus Leader
P.O. Box 5034
Sioux Falls, SD 57117-5034

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5720A-3 to be published twice. Please publish the first notice on May 28, 1996, 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 Martin Jarrett, Manager, Big Sioux Community Water Corporation, Box 158, Egan, SD 57024 (Ph # (605) 997-2098).

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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
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 May 28, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5720A-3 to Appropriate Water
and Amend Water Permit No. 5720-3

Notice is given that Big Sioux Community Water Corporation, Box 158, Egan, SD 57024 has filed an application for a water permit to change the location of the diversion point authorized by Water Permit No. 5720-3. Water Permit No. 5720-3 authorized construction and placement to beneficial use 1.1 cubic feet of water per second (478 acre-feet annually) from one well (Big Sioux:Moody Aquifer) reserved for future use by Permit Nos. 3984-3 and 3984A-3. This application requests to change the well location from the SE 1/4 NE 1/4 Section 7-T106N-R48W to the SW 1/4 SW 1/4 Section 8-T106N-R48W. No increase in the diversion rate is authorized by this application. The water will be used to supply the Big Sioux Community Water Corporation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5720A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 14, 1996.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Moody) SS

1. Angela Nibbelink

certify that the attached printed Notice was

taken from the Moody County
Enterprise

printed and published in Flandreau

County of Moody and State of

South Dakota. The notice was published in
 the newspaper on the following two dates:

May 29, 1996

June 5, 1996

Cost of Printing: \$ 39.49

Angela Nibbelink
 (Signature)

Bookkeeper
 (Title)

6-5-96
 (Date Signed)

NOTICE OF APPLICATION NO.

5720A-3 to Appropriate Water
and Amend Water Permit No. 5720-3

Notice is given that Big Sioux Community Water Corporation, Box 158, Egan, SD 57024 has filed an application for a water permit to change the location of the diversion point authorized by Water Permit No. 5720-3. Water Permit No. 5720-3 authorized construction and placement to beneficial use 1.1 cubic feet of water per second (478 acre-feet annually) from one well (Big Sioux: Moody Aquifer) reserved for future use by Permit Nos. 3984-3 and 3984A-3. This application requests to change the well location from the SE 1/4 NE 1/4 Section 7-T106N-R48W to the SW 1/4 SW 1/4 Section 8-T106N-R48W. No increase in the diversion rate is authorized by this application. The water will be used to supply the Big Sioux Community Water Corporation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5720A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

(May 29 & June 5, 1996)



SS.

Received Payment.

Affidavit of Publication

Exhibit "A"

State of South Dakota

ss

County of Brookings

Nancy P. Skyberg of said county, being first duly sworn, on oath, says: That she is the legal ad coordinator 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 next prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed in the office maintained at said place of publication; and that

Legal 367

Big Sioux Community Water Corp. (Notice of Application No. 5720A-3 to Appropriate Water and Amend Water Permit No. 5720-3)

a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit "A," and is made a part of this affidavit, was published in said newspaper for two (2) consecutive weeks, to-wit:

May 28, 1996

June 4, 1996

That the full amount of the fee charged for the publication of said Exhibit "A" inures to the sole benefit of 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:

forty-one dollars and ninety-nine cents

\$41.99



Subscribed and sworn to before me this 4th day of June, 1996.



Notary Public in and for the County of Brookings, South Dakota.

My Commission expires January 28, 1999



Legal 367, 2x, May 28, June 4

NOTICE OF APPLICATION
NO. 5720A-3 TO APPROPRIATE
WATER AND AMEND WATER
PERMIT NO. 5720-3

Notice is given that Big Sioux Community Water Corporation, Box 158, Egan, SD 57024 has filed an application for a water permit to change the location of the diversion point authorized by Water Permit No. 5720-3. Water Permit No. 5720-3 authorized construction and placement to beneficial use 1.1 cubic feet of water per second (478 acre-feet annually) from one well (Big Sioux: Moody Aquifer) reserved for future use by Permit Nos. 3984-3 and 3984A-3. This application requests to change the well location from the SE 1/4 NE 1/4 Section 7-

T106N-R48W to the SW 1/4 SW 1/4 Section 8-T106N-R48W. No increase in the diversion rate is authorized by this application. The water will be used to supply the Big Sioux Community Water Corporation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5720A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 14, 1996.

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 counsels if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Nettie H. Myers, Secretary
Department of Environment and
Natural Resources.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Minnehaha)

I, D. Reicher

certify that the attached printed Notice was

taken from the _____

Argus Leader

printed and published in City of

Sioux Falls

County of Minnehaha and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

Tuesday, May 28, 1996

Tuesday, June 4, 1996

Cost of Printing: \$85.50

D Reicher
(Signature)

Assistant Controller
(Title)

6/4/96
(Date Signed)

NOTICE OF APPLICATION NO. 5720A-3 to Appropriate Water and

Amend Water Permit No. 5720-3

Notice is given that Big Sioux Community Water Corporation, Box 158, Egan, SD 57024 has filed an application for a water permit to change the location of the diversion point authorized by Water Permit No. 5720-3. Water Permit No. 5720-3 authorized construction and placement to beneficial use 1.1 cubic feet of water per second (478 acre-feet annually) from one well (Big Sioux Moody Aquifer) reserved for future use by Permit Nos. 3984-3 and 3984A-3. This application requests to change the well location from the SE 1/4 NE 1/4 Section 7-T106N-R48W to the SW 1/4 SW 1/4 Section 8-T106N-R48W. No increase in the diversion rate is authorized by this application. The water will be used to supply the Big Sioux Community Water Corporation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5720A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 14, 1996.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

2731

May 28; June 4, 1996



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 8 1996

Martin Jarrett, Manager
Big Sioux Community Water Corp.
Box 158
Egan, SD 57024

Dear Mr. Jarrett:

Enclosed is Water Permit No. 5720A-3 authorizing the change in location of the diversion point authorized by Water Permit No. 5720-3.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 27, 1996

Martin Jarrett, Manager
Big Sioux Community Water Corporation
Box 158
Egan SD 57024

Dear Martin:

I am writing in response to my investigation of the rural water system's water right permits completed on June 12, 1996. The purpose of the investigation is to license the permits for the amount of water actually developed under each permit. As we discussed during our meeting, there are some issues that need to be addressed.

Water Permit No. 2054-3 was approved March 20, 1974, for construction of up to 4 wells in the E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ section 7-T106N-R48W. Construction of the wells authorized by No. 2054-3 was to be completed by March 20, 1977. Based on the investigation, it was determined that well Nos. 3 and 4 were both constructed after the 1977 completion date. Well No. 3 was completed on May 13, 1978, and well No. 4 was completed on July 18, 1981 according to well completion reports filed by Lacey Well Drilling. I suspect that no one paid attention to the permitted completion date and well construction continued since No. 2054-3 was originally issued for four wells. No other permits are on file that authorize completion of well Nos. 3 and 4 after March 20, 1977.

There are several ways to handle covering well Nos. 3 and 4 by a water permit. I propose you use one of the following two options.

1. Complete a permit application for well No. 3 to place water to use that is currently reserved under Future Use Permit Nos. 3984-3 and 3984A-3. Well No. 3 is located within the future use area and, if approved, well No. 3 would take a priority date of June 6, 1977. Another permit application would be needed for Well No. 4 which is outside of the future use area. Therefore, well No. 4 would take a new priority date as of the date the application is received.
2. The second option involves applying for another expansion of the future use area to include the location of well No. 4. If the future use expansion is approved, then an application could be submitted for both Well No. 3 and 4 to place water to use from future use reserves. This option would result in well Nos. 3 and 4 both receiving a priority date of June 6, 1997. As you may recall, this is the same procedure that was used for well No. 5. The future use area was expanded by No. 3984A-3 and water was placed to beneficial use from well No. 5 by Permit No. 5720A-3.

After deciding how you want to proceed, let me know and I will complete the needed applications to the extent possible. I will then send the applications to you for your review, signature, and any other information that may be needed. I will also prepare the maps for the applications.

August 27, 1996

Martin Jarrett

Page 2 of 2

In order to complete the licenses for Permit Nos. 2054-3, 5720-3, 5720A-3, and 4943-3 (near Brandt Lake), I will need the following items in addition to the information I received during our meeting.

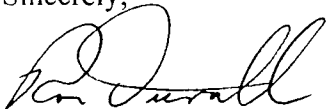
- Please provide the peak rate (gallons per minute) at which water can be treated at the treatment plant using well Nos. 1 through 5.
- Please provide the maximum pump rates (gallons per minute) for each well.
- I have a copy of the well completion reports filed by Lacey Drilling for well Nos. 3, 4, and 5. I do not have any information on the well construction for well Nos. 1 and 2. Please provide a copy of the well completion reports from Lacey Drilling, if available, otherwise complete as much of the following information as possible.

Casing:	Well No. 1		Well No. 2	Screen:	Well No. 1		Well No. 2
Type (eg steel)	Steel		Steel	Type	Stainless steel		Stainless steel
Length (ft)	23 FT		23 FT	Length (ft)	10 FT		10 FT
Diameter (in)	12 inches		12 inches				

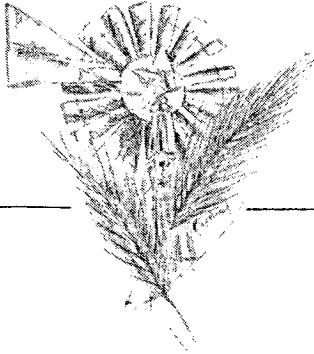
- Permit Nos. 5720-3 and 5720A-3 (Well No. 5) place to beneficial use up to 478 acre-feet (AF) of water annually reserved for future use under Future Use Permit Nos. 3984-3 and 3984A-3. The difference between 478 AF of water and the amount actually being placed to use will be returned to the future use permits (478 AF minus actual use AF = amount returned to future use reservation.) Please specify the maximum annual volume of water that will be diverted from well No. 5. Also, please provide the size and type of submersible unit installed in well No. 5.

If you have any questions or concerns, please let me know. I can be reached at (605) 773-3352. Thank you for taking the time to show me around.

Sincerely,



Ron Duvall
Natural Resources Engineer
Water Rights Program



Big Sioux

Community Water System, Inc.

BOX 158 • EGAN, SOUTH DAKOTA 57024 • (605) 997-2098



Ron Duvall, Nat. Res. Engineer
Water Rights Program, DENR
Joe Foss Bldg.
523 East Capital
Pierre, SD 57501-3181

September 4th, 1996

Dear Ron,

Thank you for your letter of August 27th, 1996. In answer to your suggestions I propose that we follow alternative one. Complete a permit application for well No. 3 under permit nos. 3984-3 and 3984A-3, taking a priority date of June 6, 1977. Complete another application for well no. 4, unfortunately having to take a new priority date.

To answer your questions on the second page of your letter, the peak rate at which water from wells 1-5 can be treated is 1150 gpm.

The maximum pump rates of the wells are as follows:

- Well 1 : 195 gpm
- Well 2 : 325 gpm
- Well 3 : 200 gpm
- Well 4 : 425 gpm
- Well 5 : 140 gpm

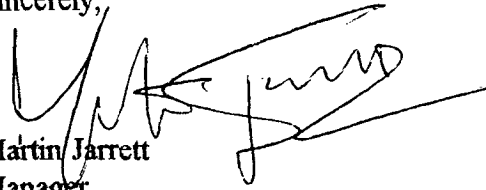
The discrepancy between total well production and maximum treatable is due to head loss in delivering water to plant when all wells are running.

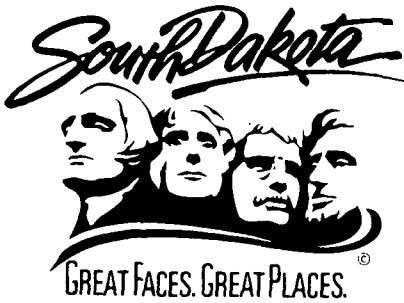
I have enclosed a copy of the second page of your letter outlining the information you needed on well 1 & 2. Finally, with respect to well No. 5, the maximum we can expect from well 5 is 150 acre feet per year. The production from this well is nowhere near the expected capacity, and therefore I recommend you return 328 acre feet to our future use reservation.

The pump installed in well no. 5 is a J-Line 7.5 hp. water cooled, 460 volt, 3 phase submersible.

If I can be of any further assistance, please contact me at the above address,

Sincerely,


Martin Jarrett
Manager



October 1, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Martin Jarrett, Manager
Big Sioux Community Water Corporation
Box 158
Egan SD 57024

Dear Martin:

I am writing in response to your letter received September 6, 1996. Thank you for completing the information I requested in my August 27 letter.

In accordance with your letter, I have partially-completed two permit applications for your review. The draft applications are enclosed along with blank forms in the event you need to make changes. I have also enclosed a copy of the maps I prepared for your review. The following items (denoted by red checks on the applications) need to be completed on the enclosed applications:

- Since water is being placed to beneficial use reserved by your future use permit, the maximum annual volume of water (acre-feet) diverted from well No. 3 needs to be completed for question No. 2. This number of acre-feet will then be deducted from the amount of water reserved by Future Use Permit No. 3984-3.
- If you wish, you may also identify a maximum annual number of acre-feet to be used from well No. 4. This will reduce the application fee somewhat since the fee is based on how much water is being appropriated.
- To the best of your knowledge, please specify the distance to the nearest domestic well owned by someone other than the rural water system (question No. 1g on Form 2A.)

After completing the questions on applications and signing the applications in the presence of a notary, return the applications with the maps and application fees. The fee structure is outlined on the enclosed instruction sheet.

Please contact me at (605) 773-3352 if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 26, 1997

2054-3

4943-3

5720A-3

5962-3

5963-3

Big Sioux Community Water Corp.
Martin Jarrett, Manager
P.O. Box 158
Egan, SD 57024

Dear Mr. Jarrett:

The investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 2054-3, 4943-3, 5720A-3, 5962-3 and 5963-3, have been completed. Your final water right documents, the Water Licenses, can now be issued. Upon licensing, the applicable portions of Water Permit No. 5720-3 will be incorporated into 5720A-3.

Statutes require that we charge a \$50.00 fee per license for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee per license (\$250.00 total) from you, we will begin processing your Water Licenses.

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

Sincerely,

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 11, 1997

Martin Jarrett, Manager
Big Sioux Community Water Corp.
PO Box 158
Egan SD 57024

Dear Martin:

I am writing in response to our conversation on September 10, 1997, concerning the amount of the fees for licensing your water permits.

Two or more permits may, under certain conditions, be combined into one water license. This occurs when the permits involve diversion works that are included on each of the permits. For example, the rural water system holds Permit Nos. 5720-3 and 5720A-3 which both concern well No. 5. These two permits will be incorporated into one license and subsequently only one license fee of \$50.00 is needed. Your other permits all involve separate wells which is the reason for issuing separate licenses for the following permits.

- Permit No. 2054-3 covers well Nos. 1 and 2 (Nos. 3 and 4 were developed after the construction period)
- Permit No. 5962-3 covers well No. 3
- Permit No. 5963-3 covers well No. 4
- Permit No. 4943-3 covers the well located in Lake county.

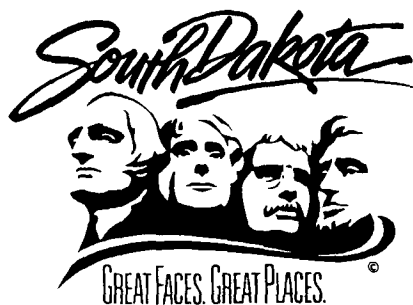
Well Nos. 3 and 4 were not included on the same permit because one well places water to use reserved under a future use permit while the other well is located outside of the future use area.
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Therefore, the total fee for the five licenses is \$250.00. However, based on our conversation about moving well No. 5, you may want to wait with licensing Nos. 5720-3 and 5720A-3. Permit No. 5720-3 was approved for use of 1.10 cfs (495 gpm) with an annual volume of 478 acre-feet. If licensed now, the diversion rate will be reduced to the current pump capacity of 0.31 cfs (140 gpm) with an annual volume limit of 150 acre-feet. Therefore, if a well relocation is approved and the relocated well produces more than 0.31 cfs (150 acre-feet annually), it would be advantageous to wait and license the permit for the greater diversion rate and volume. The time period to place water to beneficial use under No. 5720-3 does not expire until March 3, 2002.

Please let me know how you want to proceed. If you have any questions concerning this letter or any other issues, I can be reached at 605 773-3352. I will try to assist in any way possible.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

April 21, 1999

Permit No. 5720B-3

Big Sioux Community Water, Inc.
%Martin Jarrett, Manager
P.O. Box 158
Egan, SD 57024

Dear Mr. Jarrett:

The investigation of your water use system was conducted on August 11, 1998, by Mark D. Rath, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit Nos. 5720-3, 5720A-3 and 5720B-3. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit Nos. 5720-3 and 5720A-3 will be incorporated into 5720B-3.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

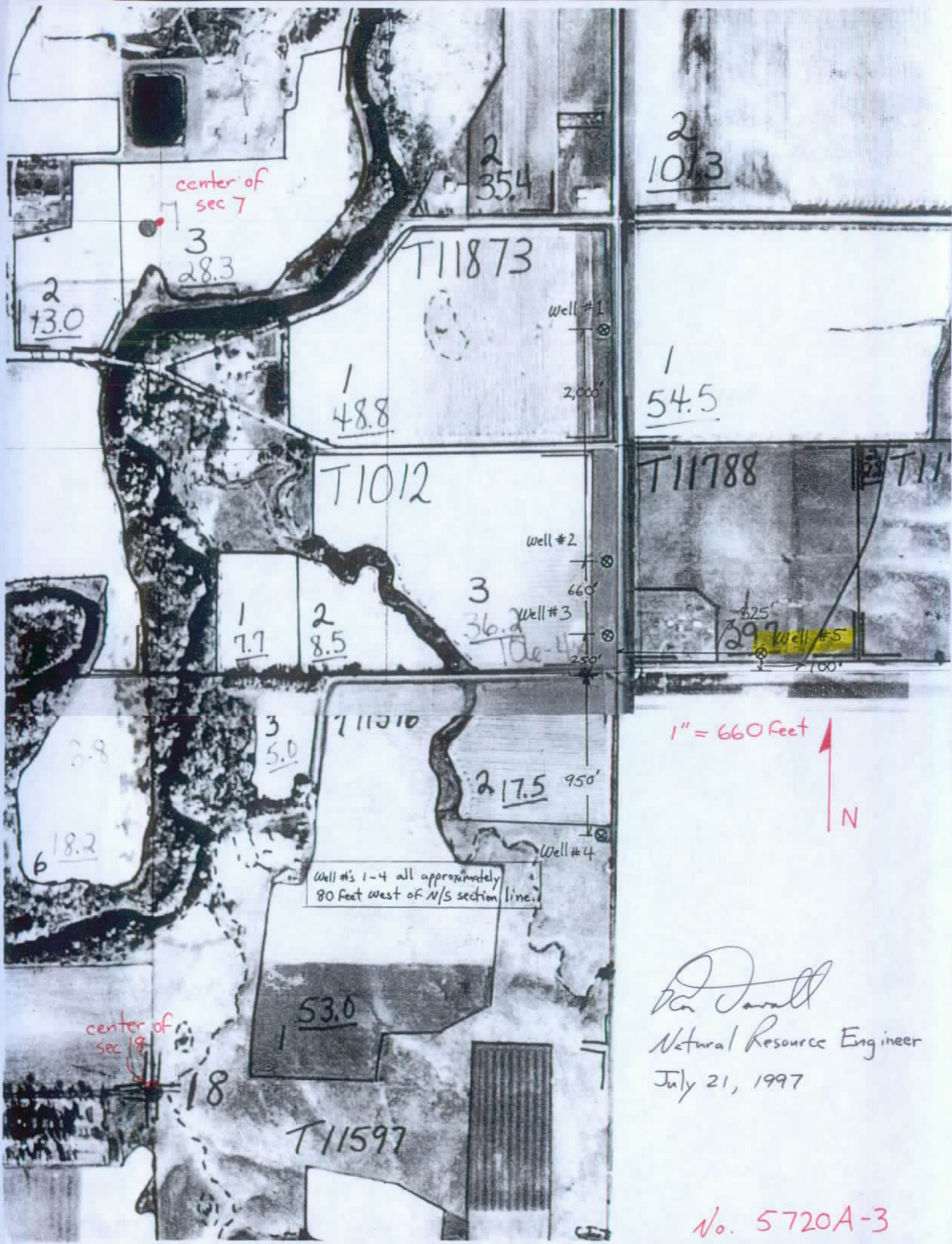
**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

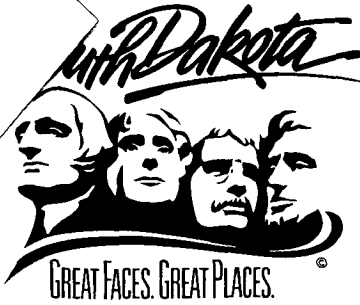
Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

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



Don Javall
Natural Resource Engineer
July 21, 1997

No. 5720A-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

MAY 20 1999

5720B-3

Big Sioux Community Water, Inc.
%Martin Jarrett, Manager
P.O. Box 158
Egan, SD 57024

Dear Mr. Jarrett:

Enclosed is Water License No. 5720B-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416112 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5720B-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

ks
enclosures

NOTE: The applicable portions of Nos. 5720A-3 and 5720-3 are incorporated into No. 5720B-3.