

Considered: _____

WATER PERMIT NO. 5726-3

Phone: _____

Name of Applicant: City of Sioux Falls

Post Office Address: 224 West 9th Street, Sioux Falls, SD 57102

Amount of Water Claimed: 0.97 cfs Total Acres: N/A

Source of Water Supply: Middle Skunk Creek Aquifer

Water to be used for: municipal County: MA / IN

About 1 miles NW of Lyons

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: ¹⁰1/23/92 Fee: \$50 Remarks received 12/23/92

Corrected Application Received _____ Period of Annual Use April - Oct. 31

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

WI-1 Description same as Application YES _____ NO _____ REMARKS transfer WR No. 2923-3

from irrigation use to municipal use and change well location of WP No. 5613-3

Diversion Point: W1/2 SE1/4 Section 7, T103N,

R50W

Land to be Irrigated: _____

		7			
			x		

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: _____ PREPARED BY: Lyle Johnson Reviewed and the Number

Assigned on 11/12/92 By Eric Gronlund

SOUTH DAKOTA WATER PERMIT NO. 5726-3

Date of first receipt of application October 23, 1992.

Date of return to applicant for corrections, amendments or changes November 6, 1992.

Date of receipt of corrected application December 23, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5726-3 to the City of Sioux Falls, 224 West 9th St, Sioux Falls SD 57102 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. 5726-3 transfers the use of water appropriated by Water Right No. 2923-3 for irrigation use to municipal use by the City of Sioux Falls. Water Right No. 2923-3 appropriates 0.97 cubic feet of water per second (cfs) from one well (Middle Skunk Creek Aquifer) located in the SW 1/4 SE 1/4 Section 7 to irrigate 68 acres located in the W 1/2 SE 1/4 Section 7; all in T103N-R50W. This permit transfers 0.97 cfs from this well to municipal use with an annual volume limitation of 66 acre-feet annually during a period from April 1 through October 31. The August 24, 1976, priority date established by Water Right No. 2923-3 for use of the 0.97 cfs is retained by the City.

This permit changes the point of diversion of a well authorized by Water Permit No. 5613-3 to the existing irrigation well. Water Permit No. 5613-3 authorized construction and placement to beneficial use of 2.40 cfs (605 acre-feet annually) from water appropriated and reserved by Future Use Permit No. 5522-3. The Permit authorized construction of two wells (Middle Skunk Creek) located in the SW 1/4 SW 1/4, NW 1/4 SW 1/4 Section 8-T103N-R50W. This permit changes the location of the well to be located in the NW 1/4 SW 1/4 Section 8 to the irrigation well located in the SW 1/4 SE 1/4 Section 7-T103N-R50W.

2. The water appropriated shall be used for the purpose of supplying water to the city of Sioux Falls and may not exceed the amount of water needed for beneficial use for municipal purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 5726-3 is February 16, 1993.
5. The date from which applicant may claim right is August 24, 1976 for transferring the use of water appropriated by Water Right No. 2923-3 and August 22, 1991 for change of the point of diversion of the well authorized by Water Permit No. 5613-3.
6. One-fifth of the construction is to be completed on or before August 2, 1995.
7. All construction is to be completed on or before February 16, 1998.
8. Water is to be put to beneficial use on or before February 16, 2002.

continued

9. 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. Qualifications for transfer the use of water appropriated by Water Right No. 2923-3 from irrigation use to municipal use.
 - a. Approval of Permit No. 5725-3 transfers the use of 0.97 cfs with a total annual diversion of 66 acre-feet of water annually from April 1 through October 31 for water appropriated by Water Right No. 2923-3.
 - b. Diversions under Permit No. 5726-3 may not interfere with existing water rights in effect prior to approval of No. 5726-3 or any domestic rights.
 - c. The amount of water with an August 24, 1976, priority date is 0.97 cfs during the period of April 1 through October 31.
 - d. Approval of Permit No. 5726-3 retires the irrigation of 68 acres in the NW 1/4 SE 1/4, SW 1/4 SE 1/4 Section 7, T103N, R50W.
3. Qualifications for the change of the point of diversion of a well authorized by Water Permit No. 5613-3 to the existing irrigation well.
 - a. Approval of Permit No. 5726-3 authorizes a change in the point of diversion of one of the two wells authorized by Permit No. 5613-3 to the existing well located in the SW 1/4 SE 1/4 Section 7, T103N, R50W.
 - b. The amount of water with an August 22, 1991, priority date is 2.4 cfs (605 acre-feet annually) from the two wells during the period of January 1 through December 31.
 - c. If development and pumping of the August 22, 1991, priority, Middle Skunk Creek Aquifer water authorized by Water Permit No. 5726-3 results in adverse impairment of adequate domestic wells or adequate wells having prior water rights, reduction of withdrawals or mitigation may be necessary. SDCL 46-1-5(1), in giving preference to domestic use over appropriative rights does so without regard to 1) whether lowered groundwater levels are due to drought, 2) the location of domestic wells in the aquifer, or 3) the thickness of the water bearing sands and gravel; subject to compliance with minimum requirements for adequate wells as defined by Board Well Construction Standards, Chapter 74:02:04.

continued

4. The City of Sioux Falls shall report to the Chief Engineer annually the amount of water withdrawn each year from the Big Sioux:Middle Skunk Creek Aquifer.
5. That the irrigation well construction to be used under Permit No. 5726-3 be brought into compliance (as necessary) with Water Management Board Well Construction Rules, Chapter 74:02:04 for public water supplies.

WATER MANAGEMENT BOARD

By: _____


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

MAR 26 1993

date

No. 5726-3 Hydrologic Unit 10170203
 Map No. _____ Basin Big Sioux River
 Newspaper Argus Leader, SE of Sioux Valley News,
Canton



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

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

Type of Application: Check one or more of the following

New ☐ Vested Right ☐ Future Use ☐ Change Use ☐☒ Amend Permit No. 2923-3 with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☒ Change from irrigation to municipal use.☒ Application to: Change diversion point(s) ☒ Add diversion point(s) ☐ on Permit No. 5613-3☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant City of Sioux Falls Phone No. (605)339-7025Post Office Address 224 West 9th Street, Sioux Falls State SD Zip Code 57102
(Street, RR or Box) (City)2. Amount of water claimed (c.f.s.) ~~360 acre ft. (Permit No. 2923-3)~~ 0.97 cfs (660 ac-ft)3. Source of water supply Middle Skunk Creek Aquifer4. Location of point of diversion Change location of Well #110 from NW1/4 of SW1/4 of Section 8, T103N, R50W to W1/2 of SE1/4 of Section 7, T103N, R50W

_____ County _____

5. Counties where water will be used Minnehaha and Lincoln6. Annual period during which water is to be used ~~January 1 through December 31~~ April 1 - Oct 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)

Location of Well #110 will be existing irrigation well licensed under Permit No. 2923-3.

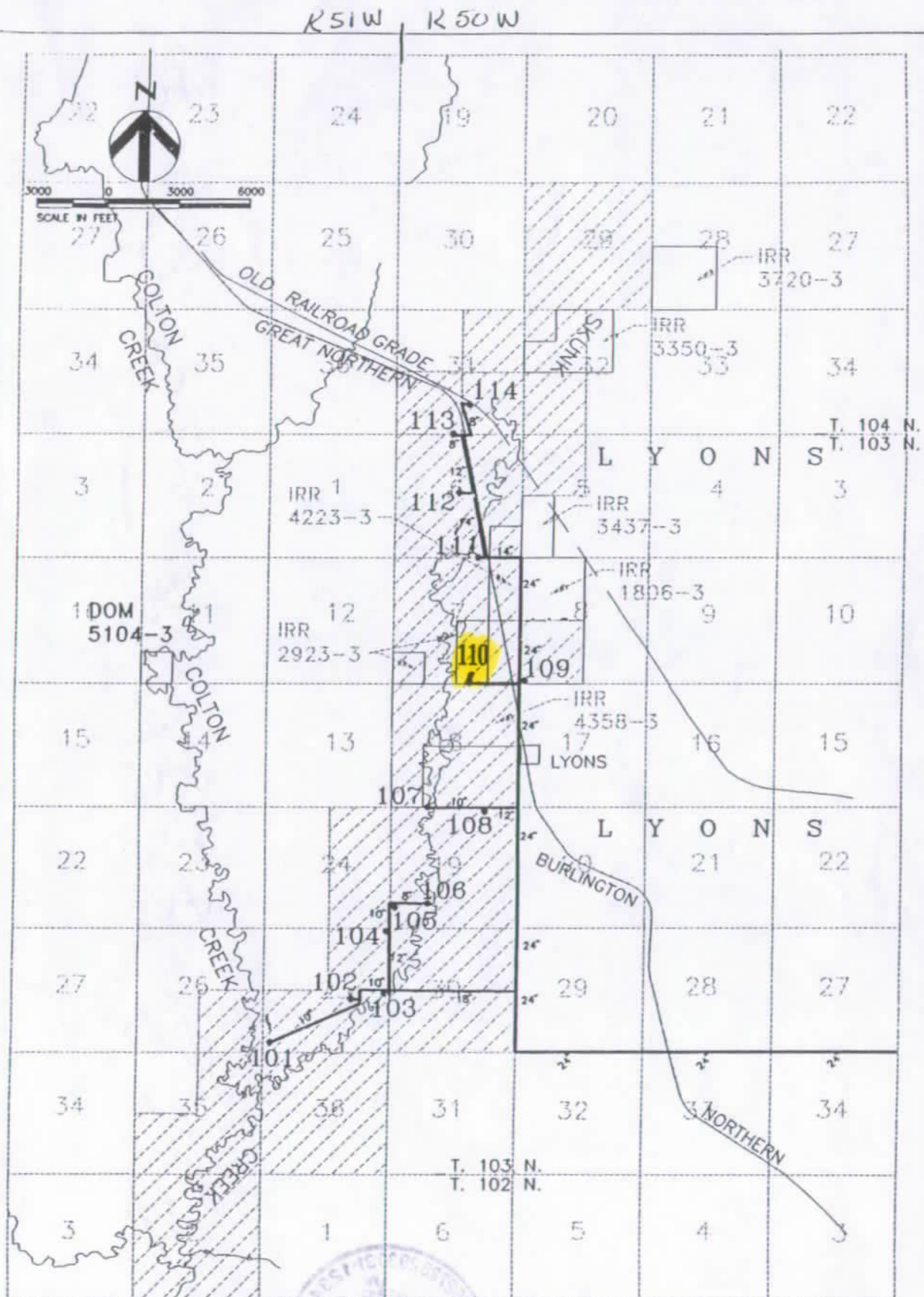
Request is also to add appropriated water under Permit No. 2923-3 to Permit No. 5613-3.

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

STATE OF SOUTH DAKOTA
County of Minnehaha) ssI, Jack White, Mayor, City of Sioux Falls

the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Jack White OCT 19 1992
MAYORSubscribed and sworn to before me this _____ day of OCT 19 1992Dianne MetliNotary Public
DIANNE METLI, Notary Public
My Commission Expires Dec. 3, 1992



HDR

HDR Engineering, Inc.

**MIDDLE SKUNK CREEK
WELL FIELD PLAN**

John O. Johnson, PE #3861

Date

NOV 91

Figure

1



CITY OF SIOUX FALLS UTILITIES

October 22, 1992



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

Dear Mr. Hatch:

The City of Sioux Falls is currently in the process of purchasing 80 acres of land in the area of the Middle Skunk Creek Aquifer. The purchase agreement includes the land, an irrigation well and the irrigation water rights (Permit No. 2923-3). The City would like to amend the water rights for Permit No. 2923-3 from irrigation to municipal use. Our records indicate the permit allows a withdrawal rate of 1.70 cfs and a total annual withdrawal of 360 acre-feet per year.

The City would also like to amend Permit No. 5613-3 for the relocation of Well #110 to the land we are purchasing. The location of Well #110 would move from the NW1/4 of the SW1/4 of Section 8, T103N, R50W to the W1/2 of the SE1/4 of Section 7, T103N, R50W. The relocation of Well #110 is the result of negotiations with land owners in the area. Well #110 will be the existing irrigation well covered by Permit No. 2923-3 if pump testing shows the yield of the well to be adequate.

We are interested in applying the water reserved under Permit No. 2923-3 to Permit No. 5613-3. I have enclosed a completed Water Permit Application and map for your consideration.

If you have any questions or need further information, please contact me.

Sincerely,

Lyle D. Johnson, PhD, P.E.
Water/Wastewater Manager

Enclosures

Utility Office
224 West Ninth Street
Sioux Falls, SD 57102
(605) 339-7031

Water Purification
2100 N. Minnesota Ave.
Sioux Falls, SD 57104
(605) 339-7025

Fax
(605) 338-7801

Water Reclamation
4500 N. Sycamore Ave.
Sioux Falls, SD 57104
(605) 339-7088

AN EQUAL OPPORTUNITY EMPLOYER

Lights
2000 N. Minnesota Ave.
Sioux Falls, SD 57104
(605) 339-7150

Hearing Impaired
(605) 339-7039

Maint./Svc. Division
668 Algonquin Avenue
Sioux Falls, SD 57104
(605) 339-7020



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 6, 1992

Lyle Johnson, Water Wastewater Manager
City of Sioux Falls Utilities
224 West Ninth Street
Sioux Falls, SD 57102

Dear Mr. Johnson:

I am writing regarding the City of Sioux Falls water permit application to change the use of Middle Skunk Creek Aquifer water appropriated by Water Right No. 2923-3 from irrigation to municipal use. This application also proposes to change the location of one of the wells authorized by Water Permit No. 5613-3 to this existing irrigation well.

The application as applied for by the city proposes a change in use of 360 acre feet annually at a maximum withdrawal rate of 1.70 cubic feet of water per second (cfs) from irrigation use to municipal use. These numbers were based on the original Water Permit No. 2923-3; however, this permit was licensed for 0.97 cfs to irrigate 68 acres. A copy of Water License No. 2923-3 is enclosed.

The change of use can only be processed for the amount the water permit was originally developed. This would mean for a maximum diversion rate of 0.97 cfs. The annual volume of water should be based on the consumptive water use by the crop. In this case, a review of irrigation questionnaires submitted under this permit indicate water was applied in a lift of 1.6, 6.5 and 9 inches in 1991, 1990, and 1988, respectively. Assuming 9 inches as the historical annual application rate would constitute a annual volume of water of 51 acre feet annually.

This 51 acre feet annually is not the true consumptive water use by the crop. There are losses attributable to evaporation and recharge to the groundwater. In order to be consistent with similar change in use applications processed for Rapid City from surface water, this division is going to need to determine how to proceed in determining the annual volume of water allowed to be transferred. My initial reaction is that recharge to the groundwater is relatively insignificant when compared to return flows to Rapid Creek dealt with in Rapid City's change of use applications. However, this is probably best addressed in the report prepared by a staff engineer.

Lyle Johnson
November 6, 1992
Page 2

Please inform me if you have any suggestions or comments concerning the use of the withdrawal rate with an annual volume annually determined by historic use of water by the permit. The change of the location of one of the wells authorized by Water Permit No. 5613-3 to the existing irrigation well can be processed as set forth in the application.

I realize this may be somewhat confusing, please feel free to contact me if you have any questions.

Sincerely,



Eric Gronlund
Water Rights Division
605 773-3352

enclosure

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: City of Sioux Falls

ADDRESS: 224 West Ninth Street COUNTY: Minnehaha

DATE: 11/10/92 TELEPHONE: _____

RE: Sioux Falls Application to change irrigation use to municipal use

COMMENTS:

Lyle Johnson called regarding the City of Sioux Falls' application to transfer the use of Water Right No. 2923-3 from irrigation to municipal use. He agreed with the diversion rate of 0.97 cfs and that the annual volume be determined during the report writing process. He understood that we needed to be consistent how we handle other application to change irrigation use to municipal use. I stated that whoever prepared the report may need to contact him for additional information. I told him prior to making a formal recommendation we would contact him on the annual volume of water the staff believes is transferrable.

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 Hemlund



**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 11-16-92

Finance Department
City of Sioux Falls
224 West 9th St
Sioux Falls SD 57102

Your Agreement #: 557-92

Application for Permit to Appropriate Water
Within the State of South Dakota

\$50.00

(to amend Water Permit No. 2923-3 from irrigation
use to municipal use and to change the location
of the diversion point on Water Permit No. 5613-3)

Please pay this amount:

\$50.00

Karen Schlaak
KAREN SCHLAACK
Natural Resources Analyst
Water Rights Division
605 773-3352

12.22.12

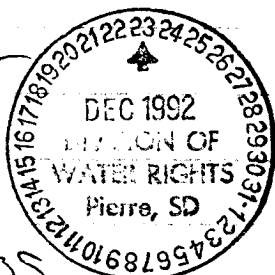
Karen:

Please find
enclosed ck # 046143
for \$50.00 for
water permit payment.

I will send the \$150.00
payment on to you
as soon as I receive
it.

Thanks for your
patience.

Shannon Hulsebos
City Water Plant



RECEIPT

Division of Water Rights

413555

South Dakota Department of Environment and Natural Resources

Pierre, _____ December 23, 19 92

RECEIVED OF City Water Plant, City of Sioux Falls, Sioux Falls, SD

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

Fee for Application for Permit No. <u>5226-3</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 Hatch

WATER PERMIT APPLICATION NO. 5726-3
CITY OF SIOUX FALLS
NOVEMBER 23, 1992

The City of Sioux Falls has filed an application for a water permit pursuant to SDCL 46-5-34.1 to transfer the use of water appropriated by Water Right No. 2923-3 for irrigation use to municipal use by the City of Sioux Falls. Water Right No. 2923-3 appropriates 0.97 cubic feet of water per second (cfs) from one well (Middle Skunk Creek Aquifer) located in the SW 1/4 SE 1/4 Sec.7 to irrigate 68 acres located in the W1/2 SE1/4 Sec.7; all in T103N-R50W. This application proposes to transfer 0.97 cfs from this well to municipal use with an annual volume limitation of 66 acre-feet per year.

This application also proposes to change the point of diversion of a well authorized by Water Permit No. 5613-3 to the existing irrigation well. Water Permit No. 5613-3 authorized construction and placement to beneficial use of 2.40 cfs (605 acre-feet annually) from water appropriated and reserved by Future Use Permit No. 5522-3. The Permit authorized construction of two wells (Middle Skunk Creek Aquifer) located in the SW1/4 SW1/4, NW1/4 SW 1/4 Sec. 8, T103N-R50W. This application proposes to change the location of the well to be located in the NW1/4 SW1/4 Sec. 8 to the irrigation well located in the SW1/4 SE1/4 Sec.7, T103N-R50W.

AQUIFER: Big Sioux: Middle Skunk Creek

AQUIFER CHARACTERISTICS:

The Middle Skunk Creek Management Unit of the Big Sioux Aquifer is an alluvium mantled, glacial outwash deposit, restricted to approximately 18,300 acres along the Skunk Creek Alluvial Valley. The management unit's northern boundary is the Northern Skunk Creek Aquifer and the southern boundary of the management unit is an outcrop of Sioux Quartzite. The sand and gravel is approximately 1 mile wide in most places and has a maximum thickness of approximately 60 feet. The average saturated thickness of the Middle Skunk Creek Aquifer is estimated to be 30 feet (HDR, 1991). The saturated thickness of the aquifer is 20 feet or less over an area of approximately 4,000 acres or 22% of the areal extent of the aquifer. The aquifer is under unconfined (water table) conditions and the average specific yield of the Middle Skunk Creek Management Unit is assumed to be 20 percent (Ohland, 1990). Estimates for hydraulic conductivity of the aquifer range from 80 - 1980 ft/day with the average hydraulic conductivity estimated to be 400 ft/day (HDR, 1991). The recoverable water in storage in the Middle Skunk Creek Aquifer is estimated to be 41,180 acre-feet (Hedges, 1982).

The Division of Water Rights monitors 7 observation wells completed into the Middle Skunk Creek Aquifer. Water level measurements indicate fluctuations in response to seasonal and climatic variations. The highest annual water level occurs

around April, and the lowest annual water level occurs around August. The decline of water levels during the summer months is due to increased evapotranspiration and pumpage. Water levels rise during the late winter and spring due to recharge, if available. Since no long-term water level declines have occurred in the aquifer, it is apparent that existing development has not adversely affected the aquifer.

DISCUSSION:

SDCL 46-2A-12 allows a change in use or a change in point of diversion "only if the change does not unlawfully impair existing rights and is for a beneficial use and in the public interest."

SDCL 46-5-34.1 allows for the transfer of irrigation water rights apart from the land to municipal use when the transfer can be made without causing detriment to existing rights having a priority date before July 1, 1978, or to individual domestic use rights.

Existing Water Rights/Permits:

There are two water rights/permits appropriating water from the Middle Skunk Creek Management Unit with older priority dates than Water Right No. 2923-3, they include:

1806-3	Ronald Thompson
2918-3	Robert Dressen

There are 5 irrigation rights from the management unit which are junior to No. 2923-3, they include:

3350-3	J.P. Burggraff
3437-3	Ronald Thompson
4223-3	Donald Fladmark
4358-3	McCrossan Foundation, Inc.
5676-3	Tri Valley School Dist.

The City of Sioux Falls currently has five permits appropriating water from the Middle Skunk Creek Management Unit (including Permit No. 5613-3). These permits authorize development from Future Use Permit No. 5522-3. The future use permit was approved in 1992, and reserved 5,000 ac-ft annually, with 183 ac-ft/yr still in reserve.

Unlawful Impairment:

Unlawful impairment of groundwater rights may be due to "well interference", which is the overlapping of drawdown cones of depression of two or more wells; or by the lowering of the water level throughout the entire aquifer, as the result of an extended interim between withdrawal and recharge causing an "overdraft" from storage.

Well Interference:

This application proposes to change the use of an existing well from irrigation use to municipal use. The August 24, 1976 priority date established by Water Right No. 2923-3 is to be retained by the city for 0.97 cfs for use from April 1 through

October 31. The pumping cycles or duration of pumping for municipal use may be different from the historic irrigation use of this well; however, the change should not increase the probability of well interference caused by pumping 0.97 cfs from this well. Since this well has been in use for several years with no reported controversy, the change in the well's historic diversion rate is not expected to increase the likelihood of adverse impacts due to well interference.

This application also proposes to change the point of diversion of a well authorized by Water Permit No. 5613-3 to the existing irrigation well. If this application is approved, a portion of the authorized diversion rate of 2.40 cfs may be withdrawn from this well. Since drawdown caused by individual well pumping is not expected to be significant except in the immediate vicinity of the production well, this change should not have a measurable effect on other users.

Cumulative Affect:

Since recharge to any aquifer is not instantaneous with withdrawals, water must be taken from storage in the interim. During this interim, the amount of water in storage in an aquifer may be reduced to less than "normal". If water levels are lowered even a small amount, wells completed into thin portions of the aquifer may be deprived of needed water. It is impossible to forecast when water levels will be below "normal" or identify a single contributing factor to lowered water levels. Water levels may be low as the result of below normal recharge, and/or above normal pumping in relation to recharge.

This change of use can be made without increasing the chance of lowering water levels if the amount of water transferred is not greater than what has historically been used by the existing water right.

Reported pumpage from Water Right No. 2923-3 is as follows:

YEAR	ACRE-FEET
1977	65.8
1978	33.5
1979	2.7
1980	27.6
1981	56.9
1982	15.5
1983	0
1984	0
1985	0
1986	0
1987	0
1988	52.7
1989	37
1990	0
1991	10

Water Right No. 2923-3 did not use water in 1983 because the

acreage to be irrigated was withdrawn from use for participation in a federal program. Water was not put to beneficial use during the period 1984 through 1987 due to high precipitation.

Since a large portion of the Middle Skunk Creek Management Unit is relatively thin, the Water Management Board recognized the potential for difficulties in the aquifer and placed the following qualification on Future Use Permit No. 5522-3 and permits developed from that future use.

"If development and pumping of Middle Skunk Creek Aquifer water reserved by Future Use Permit No. 5522-3 results in adverse impairment of adequate domestic wells or adequate wells having prior rights, reduction of withdrawals or mitigation may be necessary. SDCL 46-1-5(1), in giving preference to domestic use over appropriative rights does so without regard to 1) whether lowered groundwater levels are due to drought, 2) the location of the domestic wells in the aquifer, or 3) the thickness of the water bearing sands and gravel; subject to compliance with minimum requirements for adequate wells as defined by Board Well Construction Standards, Chapter 74:02:04."

CONCLUSIONS:

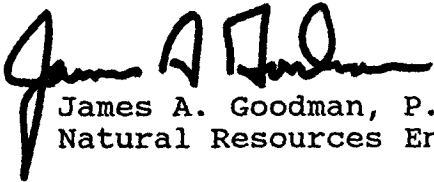
1. This application proposes to change the use of water appropriated by Water Right No. 2923-3 from irrigation use to municipal use by the City of Sioux Falls.
2. This application also proposes to change the point of diversion of a well authorized by Water Permit No. 5613-3 to the existing irrigation well.
3. SDCL 46-5-34.1 allows for the transfer of irrigation water rights apart from the land to municipal use when the transfer can be made without causing detriment to existing rights. SDCL 46-2A-12 allows a change in use "only if the change does not unlawfully impair existing rights and is for a beneficial use and in the public interest."
4. The well to be used for this permit has been in use for several years with no reported controversy.
5. In order for this transfer to be made to the City of Sioux Falls without increasing the probability of adversely impacting existing water rights, the August 24, 1976 priority date established by Water Right No. 2923-3 should only be applied to 0.97 cfs from April through October, and for the maximum volume of water historically used (66 acre-feet).
6. The effect of approval of this transfer will be to retire the Tellinghuisen property from irrigation. The applicable portions of Water Right No. 2923-3 should be incorporated into Water Right No. 5726-3.

7. The change of the point of diversion from the well authorized by Water Permit No. 5613-3 should not adversely affect existing water rights.
8. No information is available to evaluate the construction of the irrigation well. The City of Sioux Falls will be required to bring the well into compliance with SD Well Construction Standards.



Ken Buhler
Natural Resources Engineer

Approved by:



James A. Goodman, P.E.
Natural Resources Engineer

REFERENCES:

- Division of Water Rights, 1977-1992, "Irrigation Summary by Aquifer," DENR-Division of Water Rights, Joe Foss Building, Pierre, SD 57501
- Division of Water Rights, 1992, "Observation Well Files," DENR-Division of Water Rights, Joe Foss Building, Pierre, SD 57501
- Division of Water Rights, 1992, "Water Permit Files," DENR-Division of Water Rights, Joe Foss Building, Pierre, SD 57501
- HDR Engineering, Inc., 1991, Middle Skunk Creek Aquifer Study, prepared for the City of Sioux Falls South Dakota
- Hedges, L.S.. D. Ileus, R.Burrower, R.Schoon, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, U.S. Army Corps of Engineers Contract DACW 45-80-C-0185, SD Dept. of Water and Natural Resources, Office of Geological Survey, Vermillion, SD 57069
- Ohland, G.L., 1990, Appraisal of the Water Resources of the Skunk Creek Aquifer in Minnehaha County, South Dakota, U.S.G.S Water Resources Investigations Report 87-4156

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5726-3, City of Sioux Falls

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. 5726-3, City of Sioux Falls, 224 West 9th Street, Sioux Falls, SD 57102.

The Chief Engineer is recommending APPROVAL of Application No. 5726-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use, and 3) it is in the public interest with the following qualifications:

1. 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. Qualifications for transfer the use of water appropriated by Water Right No. 2923-3 from irrigation use to municipal use.
 - a. Approval of Permit No. 5726-3 transfers the use of 0.97 cfs with a total annual diversion of 66 acre-feet of water annually from April 1 through October 31 for water appropriated by Water Right No. 2923-3.
 - b. Diversions under Permit No. 5726-3 may not interfere with existing water rights in effect prior to approval of No. 5726-3 or any domestic rights.
 - c. The amount of water with an August 24, 1976, priority date is 0.97 cfs during the period of April 1 through October 31.
 - d. Approval of Permit No. 5726-3 retires the irrigation of 68 acres in the NW 1/4 SE 1/4, SW 1/4 SE 1/4 Section 7, T103N, R50W.
3. Qualifications for the change of the point of diversion of a well authorized by Water Permit No. 5613-3 to the existing irrigation well.
 - a. Approval of Permit No. 5726-3 authorizes a change in the point of diversion of one of the two wells authorized by Permit No. 5613-3 to the existing well located in the SW 1/4 SE 1/4 Section 7, T103N, R50W.

- b. The amount of water with an August 22, 1991, priority date is 2.4 cfs (605 acre-feet annually) from the two wells during the period of January 1 through December 31.
 - c. If development and pumping of the August 22, 1991, priority, Middle Skunk Creek Aquifer water authorized by Water Permit No. 5726-3 results in adverse impairment of adequate domestic wells or adequate wells having prior water rights, reduction of withdrawals or mitigation may be necessary. SDCL 46-1-5(1), in giving preference to domestic use over appropriative rights does so without regard to 1) whether lowered groundwater levels are due to drought, 2) the location of domestic wells in the aquifer, or 3) the thickness of the water bearing sands and gravel; subject to compliance with minimum requirements for adequate wells as defined by Board Well Construction Standards, Chapter 74:02:04.
- 4. The City of Sioux Falls shall report to the Chief Engineer annually the amount of water withdrawn each year from the Big Sioux:Middle Skunk Creek Aquifer.
 - 5. That the irrigation well construction to be used under Permit No. 5726-3 be brought into compliance (as necessary) with Water Management Board Well Construction Rules, Chapter 74:02:04 for public water supplies.

See report on application for additional information.



for JOHN HATCH, Chief Engineer
January 4, 1993



**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.

January 14, 1993

Lyle Johnson, Water/Wastewater Manager
City of Sioux Falls
224 West 9th Street
Sioux Falls, SD 57102

Dear Mr. White:

Water Permit Application No. 5726-3 for municipal use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Argus Leader printed at Sioux Falls, SD (Ph # 331-2348) and the Publisher of the Sioux Valley News at Canton, SD 57013 (Ph # 987-2631). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 1993

Argus Leader
Box 5034
Sioux Falls, SD 57117-5034

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5726-3 to be published twice. Please publish the first notice on January 21, 1993, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Sioux Falls, 224 West 9th Street, Sioux Falls, SD 57102 (Ph # 339-7025).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

January 14, 1993

Sioux Valley News
Box 255
Canton, SD 57013

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5726-3 to be published twice. Please publish the first notice on January 21, 1993, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Sioux Falls, 224 West 9th Street, Sioux Falls, SD 57102 (Ph # 339-7025).

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.

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Sincerely,

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Lincoln) ss

I, Sandra Lundstrom

certify that the attached printed Notice was

taken from the _____

SIOUX VALLEY NEWS

printed and published in Canton

County of Lincoln and State of

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

January 21

January 28, 1993

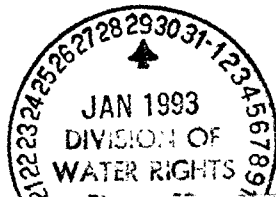
Cost of Printing: \$84.15

Sandra Lundstrom
(Signature)

Bookkeeper
(Title)

January 28, 1993
(Date Signed)

VERNON R. THORSON
My commission expires
January 20, 1995.



NOTICE OF HEARING on Application No. 5726-3 to Transfer Use of Water Appropriated by Water Right No. 2923-3 and to Amend Water Right No. 5613-3

Notice is given that the City of Sioux Falls, 224 West 9th Street, Sioux Falls, SD 57102 has filed an application for a water permit pursuant to SDCL 46-5-34.1 to transfer the use of water appropriated by Water Right No. 2923-3 for irrigation use to municipal use by the City of Sioux Falls. Water Right No. 2923-3 appropriates 0.97 cubic feet of water per second (cfs) from one well (Middle Skunk Creek Aquifer) located in the SW 1/4 SE 1/4 Section 7 to irrigate 68 acres located in the W 1/2 SE 1/4 Section 7; all in T103N-R50W. This application proposes to transfer 0.97 cfs from this well to municipal use with an annual volume limitation of 66 acre-feet annually during a period from April 1 through October 31. The August 24, 1976, priority date established by Water Right No. 2923-3 for use of the 0.97 cfs is to be retained by the city.

This application also proposes to change the point of diversion of a well authorized by Water Permit No. 5613-3 to the existing irrigation well. Water Permit No. 5613-3 authorized construction and placement to beneficial use of 2.40 cfs (605 acre-feet annually) from water appropriated and reserved by Future Use Permit No. 5522-3. The Permit authorized construction of two wells (Middle Skunk Creek) located in the SW 1/4 SW 1/4, NW 1/4 SW 1/4 Section 8, T103N, R50W. This application proposes to change the location of the well to be located in the NW 1/4 SW 1/4 Section 8 to the irrigation well located in the SW 1/4 SE 1/4 Section 7, T103N, R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5726-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT A HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given

above. A petition filed by either an interested person or the applicant must be filed by February 8, 1993. 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 purpose of publishing 1) the notice of hearing on Application No. 5726-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for February 16, 1993, 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 February 16, 1993, 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 February 16, 1993, 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 February 8, 1993.

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 February 8, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; 46-5-38 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. (1-21-28)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss
 County of Minnehaha)

I, M. Devish

certify that the attached printed Notice was

taken from the Argus Leader

printed and published in Sioux Falls

County of Minnehaha and State of

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

Thursday, Jan. 21, 1993

Thursday, Jan. 28, 1993

Cost of Printing: \$144.84

M. Devish
 (Signature)

Controller
 (Title)

1/21/93

(Date Signed)

NOTICE OF HEARING on Application No. 5726-3 to Transfer Use of Water Appropriated by Water Right No. 2923-3 and to Amend Water Right No. 5613-3

Notice is given that the City of
 Sioux Falls, 224 West 9th Street,
 Sioux Falls, SD 57102 has filed an
 application for a water permit pur-
 suant to SDCL 46-5-34.1 to transfer
 the use of water appropriated by
 Water Right No. 2923-3 for irriga-
 tion use to municipal use by the
 City of Sioux Falls. Water Right No.
 2923-3 appropriates 0.97 cubic feet
 of water per second (cfs) from one
 well (Middle Skunk Creek Aquifer)
 located in the SW 1/4 SE 1/4
 Section 7 to irrigate 68 acres
 located in the W 1/2 SE 1/4 Section
 7; all in T103N-R50W. This applica-
 tion proposes to transfer 0.97 cfs
 from this well to municipal use with
 an annual volume limitation of 66
 acre-feet annually during a period
 from April 1 through October 31.
 The August 24, 1976, priority date
 established by Water Right No.
 2923-3 for use of the 0.97 cfs is to
 be retained by the city.

This application also proposes to
 change the point of diversion of a
 well authorized by Water Permit
 No. 5613-3 to the existing irrigation
 well. Water Permit No. 5613-3
 authorized construction and place-
 ment to beneficial use of 2.40 cfs
 (605 acre-feet annually) from water
 appropriated and reserved by Per-
 mit No. 5522-3. The
 Permit authorized construction of
 two wells (Middle Skunk Creek
 located in the SW 1/4 SW 1/4, NW
 1/4 SW 1/4 Section 8, T103N,
 R50W. This application proposes to
 change the location of the well to
 be located in the NW 1/4 SW 1/4
 Section 8 to the irrigation well
 located in the SW 1/4 SE 1/4
 Section 7, T103N, R50W.

Pursuant to SDCL 46-2A-2, the
 Chief Engineer recommends AP-
 PROVAL of Application No. 5726-3
 because 1) existing rights will not
 be unlawfully impaired, 2) it is a
 beneficial use of water, and 3) it is
 in the public interest. Unless a
 petition is filed opposing the applica-
 tion or the applicant files a
 petition contesting the chief engi-
 neer's recommendation, the Water
 Management Board will NOT CON-
 DUCT a HEARING to consider this
 application and the chief engineer
 will issue the permit as recom-
 mended. Petitions filed in support
 of the application will NOT require
 the Board to hear the application.

Any person interested in op-
 posing or supporting this applica-
 tion 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
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 interested person or the applicant
 must be filed by February 8, 1993.
 The petition may be informal, but
 must include a statement de-
 scribing the petitioner's interest in
 the application, the petitioner's rea-
 sons 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.

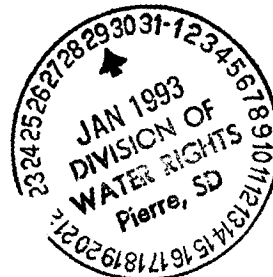
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 E Capitol, Pierre SD. If this applica-
 tion is opposed or the recommen-
 dation is contested, the February
 16, 1993, hearing date will be
 rescheduled for a regularly sched-
 uled Board meeting. Notice of the
 time and place of the rescheduled
 hearing before the Board will be
 given by First Class Mail to the
 applicant and persons filing peti-
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 but interested in attending the
 hearing, may contact the Division of
 Water Rights to confirm a hearing
 date and location. The February 16,
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 matic delay must be filed by Feb-
 ruary 8, 1993.

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 Engineer's recommendation is not
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 The Board is authorized to 1)
 approve, 2) approve with qualifica-
 tions, 3) defer, or 4) deny this
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 presented at the public hearing.
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 proceeding. Any person filing a
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 lawyer and may present evidence
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 preme Court as provided by law.
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 of information pertaining to this
 application, to assure access to the
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 obtain an interpreter for the hearing
 impaired.

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 to SDCL 46-1-1 thru 46-1-9, 46-1-12
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 46-2-11, 46-2-13, 46-2-17; 46-2A-1
 thru 46-2A-10, 46-2A-12, 46-2A-14,
 46-2A-15, 46-2A-20, 46-2A-21;
 46-5-1 thru 46-5-11, 46-5-13 thru
 46-5-15, 46-5-24, 46-5-25, 46-5-
 30.2, 46-5-30.4, 46-5-31; 46-6-3,
 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13,
 46-6-14, 46-6-26; 46-5-38 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
 Jan. 21, 28, 1993

143



Instruction to Newspaper - Publish first Notice on January 21, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5726-3 to Transfer Use of Water
Appropriated by Water Right No. 2923-3 and to Amend Water Right No. 5613-3

Notice is given that the City of Sioux Falls, 224 West 9th Street, Sioux Falls, SD 57102 has filed an application for a water permit pursuant to SDCL 46-5-34.1 to transfer the use of water appropriated by Water Right No. 2923-3 for irrigation use to municipal use by the City of Sioux Falls. Water Right No. 2923-3 appropriates 0.97 cubic feet of water per second (cfs) from one well (Middle Skunk Creek Aquifer) located in the SW 1/4 SE 1/4 Section 7 to irrigate 68 acres located in the W 1/2 SE 1/4 Section 7; all in T103N-R50W. This application proposes to transfer 0.97 cfs from this well to municipal use with an annual volume limitation of 66 acre-feet annually during a period from April 1 through October 31. The August 24, 1976, priority date established by Water Right No. 2923-3 for use of the 0.97 cfs is to be retained by the city.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5726-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 8, 1993. 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.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 26 1993

Lyle Johnson
Water/Wastewater Manager
City of Sioux Falls
224 West 9th Street
Sioux Falls, SD 57102

Dear Mr. Johnson:

Enclosed is Water Permit No. 5726-3 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

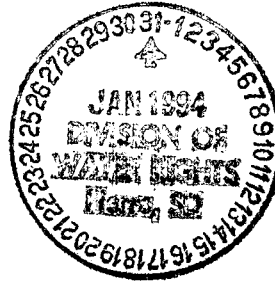
enclosures

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.

UTILITIES DEPARTMENT

Hearing Impaired (605) 339-7039



January 27, 1994

Ron Duvall, Natural Resources Engineer
DENR - Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Duvall:

This letter is in response to your request regarding the City of Sioux Falls' total 1993 pumpages from our existing water supply sources.

Please review the attached Sioux Falls water supply summary. We have listed the total diverted water amounts from the Big Sioux Aquifer, Split Rock Creek Aquifer, Southern Skunk Creek Aquifer, and the Big Sioux River.

Please note that we have not, as of this time, diverted any water for our use from the Middle Skunk Creek Aquifer.

If you have any questions concerning this information, please contact Lyle Johnson at 339-7088 or contact me at 339-7040.

Sincerely,

Randy Janssen, Water Superintendent

gls
attachments
cc: Lyle Johnson, Water/Wastewater Manager

Utility Office
224 West Ninth Street
Sioux Falls, SD 57102
(605) 339-7031
FAX (605) 338-8490

Water Purification
2100 N. Minnesota Ave.
Sioux Falls, SD 57104
(605) 339-7025
FAX (605) 338-7801

Water Reclamation
4500 N. Sycamore Ave.
Sioux Falls, SD 57104
(605) 339-7088
FAX (605) 338-8484

Lights
2000 N. Minnesota Ave.
Sioux Falls, SD 57104
(605) 339-7150
FAX (605) 339-7006

Maint./Svc. Division
668 Algonquin Avenue
Sioux Falls, SD 57104
(605) 339-7020
FAX (605) 338-7883

SIOUX FALLS WATER SUPPLY SUMMARY

BIG SIOUX AQUIFER

Well No.	Permit No.	Total 1993 Pumpage	
		Acre-Ft.	Million Gals(MG)
3	256-3	19	6.19
4	257-3	30	9.78
10	259-3	18	5.87
11	260-3	27	8.80
12	261-3	28	9.13
13	262-3	91	29.66
14	263-3	8	2.61
15	264-3	241	78.54
17	266-3	17	5.54
18	267-3	93	30.31
20	269-3	277	90.27
21	270-3	482	158.06
23	272-3	57	18.58
24	273-3	53	17.27
25	274-3	329	107.22
26	275-3	265	86.36
27	276-3	286	93.21
28	298-3	491	160.01
29	299-3	758	247.03
30	300-3	133	43.34
31	395-3	380	123.84
32	396-3	639	208.24
33	397-3	187	60.94
34	1305-3	125	40.74
36	2018-3	412	134.27
37	2019-3	349	113.74
38	2747-3	388	126.45
39	2886-3	97	31.61
42	4098-3	322	104.94
43	4099-3	242	78.87
44	4100-3	370	120.58
46	4812-3	638	207.92
47	4811-3	389	126.77
48-53	5115-3	632	205.96
54-58	5127A-3	757	246.70
60-65	5235-3	<u>326</u>	<u>106.24</u>
Total		9956	3245.59



Split Rock Creek Aquifer

Well	Permit	Acre-Ft.	MG
67	5213-3	261	85.05
NSP	5213-3	<u>265</u>	<u>86.36</u>
Total		526	171.41

Southern Skunk Creek Aquifer

Well	Permit	Acre-Ft.	MG
66	5214-3	<u>58</u>	<u>18.90</u>
Total		58	18.90

Big Sioux River

Well	Permit	Acre-Ft.	MG
Intake Sioux River Pump Station	5431-3	<u>6287</u>	<u>2049</u>
Total		6287	2049





5726-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 13, 1994

Lyle D. Johnson
City of Sioux Falls
224 W 9TH Street
Sioux Falls, SD 57102

Dear Mr. Johnson:

Pursuant to qualifications on Water Permit/Right No. 5726-3 (Big Sioux:Middle Skunk Creek Aquifer) & 5710-3 (Big Sioux:Sioux Falls Aquifer), and an annual water use limit from the Big Sioux River on Nos. 5334-3 and 5431-3, I am requesting that the City of Sioux Falls report the total amount of water diverted from each of these water sources during 1993. Please respond by January 31, 1994.

If you have any questions concerning this or other water rights questions, please contact Barry McLaury, Natural Resources Analyst, (605) 773-3352.

Sincerely,

RON DUVAL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division



**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
Public Works Adm.
224 W 9th St
Sioux Falls SD 57102

Attn: Darla

On July 24, 2002, Lynn Beck, a staff engineer accompanied by Randy Janssen conducted investigations of several of the City of Sioux Falls 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 \$400.00. 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
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. 20411-110602

City of Sioux Falls
Public Works Adm.
224 W 9th St
Sioux Falls SD 57102

Fee for investigation of the following water permits:	No. 5213-3	50.00
	No. 5214-3	50.00
	No. 5431-3	50.00
	No. 5611-3	50.00
	No. 5612-3	50.00
	No. 5614-3	50.00
	No. 5615-3	50.00
	No. 5726-3	50.00

PLEASE PAY THIS AMOUNT:

\$400.00

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

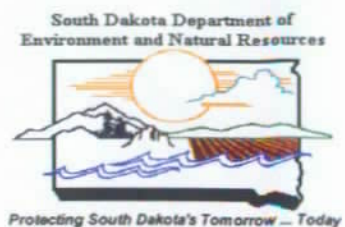
WATER RIGHT NOs. 5613-3 & 5726-3

City of Sioux Falls



Lynn Beck

Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program
October 17, 2002



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 19, 2022

RECEIVED OF City of Sioux Falls, 224 West Ninth, 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		
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>5726--3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

000358

By

Darla D. Ebele
Chief Engineer *gm*

Permit Nos. 5613-3 & 5726-3**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 **City of Sioux Falls** of **224 West 9th St., Sioux Falls SD 57102** holder of Permit Nos. **5613-3 & 5726-3**, bearing the priority of **August 22, 1991 and August 24, 1976** authorizing the diversion of **2.4 and 0.97** cu. ft. per second and/or **605 and 66** acre-feet annually of the waters of **Big Sioux: Middle Skunk Creek Aquifer** for **municipal use** purposes, in **Minnehaha** County.

Inspection contact & relationship
to permit holder, if applicable:

Randy Janssen, Water Superintendent for the City of Sioux Falls.

A. Works used to divert the water:**Well Information: City Well #109 in SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 8-T103N-R50W.**

- 1) Well Drilling Firm: Layne Western Co.
- 2) Depth(s) 36.5 feet
- 3) Well log is available yes
- 4) Comment: _____

Casing:

- 1) Diameter 36 inches
- 2) Length 16.1 feet
- 3) Type steel

Screen:

- 1) Type stainless steel
- 2) Length 20.4 feet
- 3) Static water level 1.6 feet

Pump:

- 1) Make Layne & Bowler
- 2) Model Verti-Line
- 3) Size 6"
- 4) Capacity 600 GPM

Motor:

- 1) Make U.S. Electric
- 2) Model No. _____
- 3) Horsepower rating 50 hp

Well Information: City Well #110 in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 7-T103N-R50W.

- 1) Well Drilling Firm: Layne Western Co.
- 2) Depth(s) 38 feet
- 3) Well log is available no
- 4) Comment: irrigation well under WR 2923-3 transferred to the City of Sioux Falls for municipal purposes.

Casing:

- 1) Diameter 30 inches
- 2) Length 22.6 feet
- 3) Type steel

Screen:

- 1) Type stainless steel
- 2) Length 10 feet
- 3) Static water level 6.4 feet

Pump:

- 1) Make Layne & Bowler
- 2) Model Verti-Line
- 3) Size 6"
- 4) Capacity 750 GPM

Motor:

- 1) Make U.S. Electric
- 2) Model No. _____
- 3) Horsepower rating 50 hp

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

1) Type pvc 2) Size 8 inches 3) Length 395 feet

C. Works used to apply water to beneficial use: Water treatment plant and storage that provides a municipal water supply for the City of Sioux Falls.

D. Compliance with Permit Requirements:

1) Permit qualifications being abided by yes

The system is in good condition with the point(s) of diversion located as follows: well #109 is located 110' N and 155' E and well #110 is located 50' N and 1,505' W of the SE corner of Section 7-T103N-R50W. The works are capable of diverting and conveying to the place of use 3.0 cu. ft. per second of water and/or 671 acre-feet of water which is to be used for municipal purposes. Water has been put to beneficial use to the maximum extent as follows: **Municipal water supply for the City of Sioux Falls.**

The license should be issued for 3.0 cfs and/or 605 acre-feet annually and 66 acre-feet April 1 through October 31.

All structures, wells and lands on map yes

Comments or other permit(s) associated with the project: **Permit No. 5613-3 places to beneficial use 605 acre-feet annually from Future Use Permit No. 5522-3. Permit No. 5726-3 places to beneficial use 66 acre-feet annually by transferring the use of water appropriated by Water Right No. 2923-3. Combining these permits leaves a priority date of August 24, 1976, for 66 acre-feet during the period of April 1 through October 31 and a priority date of April 22, 1991 for 605 acre-feet annually.**



Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: October 18, 2002

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5726-3

(1) The City of Sioux Falls, 224 W 9th St, Sioux Falls SD 57102 made Application No. 5726-3, October 23, 1992 for a water permit to transfer the use authorized by Water Right No. 2923-3 and change the location of the well authorized by Water Right No. 5613-3 located in Minnehaha County, South Dakota for municipal purposes. Permit No. 5726-3, with priority dates of August 24, 1976 and August 22, 1991 (established by Future Use No. 5522-3) was approved February 16, 1993 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 16, 1998 and for the application to beneficial use of said water on or before February 16, 2002.

The applicable portions of Nos. 2923-3 and 5613-3 have been incorporated into No. 5726-3.

(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 Water Right No. 5726-3 is issued a license, bearing priority dates of August 24, 1976 (66 acre-feet annually during the period of April 1 – October 31) and August 22, 1991 (605 acre-feet annually) to appropriate 3.00 cubic feet of water per second from groundwater (two wells) for municipal purposes.

The diversion points are located as follows: all in **T103N-R50W**.

Well # 109 – 110 feet north and 155 feet east of the southeast corner Section 7 (SW ¼ SW ¼ Section 8);

Well # 110 – 50 feet north and 1,505 feet west of the southeast corner Section 7 (SW ¼ SE ¼ Section 7).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5726-3 including the following now applicable qualifications:

- The well approved under this Permit will be located near domestic wells which may obtain water from the same aquifer. The well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Qualifications for the transfer of use of water appropriated by Water Right No. 2923-3 from irrigation use to municipal use.
 - ❖ Permit No. 5726-3 transfers the use of 0.97 cfs with a total annual diversion of 66 acre-feet of water annually from April 1 – October 31 for water appropriated by Water Right No. 2923-3.
 - ❖ Diversion under Permit No. 5726-3 may not interfere with existing water rights in effect prior to approval of No. 5726-3 or any domestic rights.
 - ❖ The amount of water with an August 24, 1976, priority date is 0.97 cfs during the period of April 1 – October 31.
 - ❖ Approval of No. 5726-3 retires the irrigation of 68 acres in the NW ¼ SE ¼, SW ¼ SE ¼ Section 7-T103N-R50W.

(continued)

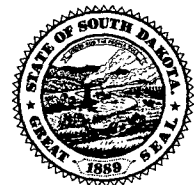
- Qualifications for change of the point of diversion of a well authorized by Water Permit No. 5613-3 to the existing well.
 - ❖ Approval of Permit No. 5726-3 authorized a change in the point of diversion of one of the two wells authorized by Permit No. 5613-3 to the existing well located in the SW ¼ SE ¼ Section 7-T103N-R50W.
 - ❖ The amount of water with an August 22, 1991 priority date is 2.03 cfs (605 acre-feet annually) from the two wells during the period of January 1 – December 31.
 - ❖ If development and pumping of the August 22, 1991, priority, Middle Skunk Creek Aquifer water authorized by Water Permit No. 5726-3 results in adverse impairment of adequate domestic wells or adequate wells having prior water rights, reduction of withdrawals or mitigation may be necessary. SDCL 46-1-5(1), in giving preference to domestic use over appropriative rights does so without regard to 1) whether lowered groundwater levels are due to drought, 2) the location of domestic wells in the aquifer, or 3) the thickness of the water bearing sands and gravels; subject to compliance with minimum requirements for adequate wells as defined by Board Well Construction Standards, Chapter 74:02:04.
- The City of Sioux Falls shall report to the Chief Engineer the amount of water withdrawn each year from the Big Sioux:Middle Skunk Creek Aquifer.
- That the irrigation well to be used under Permit No. 5726-3 be in compliance with Water Management Board Well Construction Rules, Chapter 74:02:04 for public water supplies.

Garland Erbele

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

JUN 20 2003

date





**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

Randy Jenssen
Sioux Falls Water Superintendent
2100 N Minnesota Ave
Sioux Falls SD 57104

Dear Mr. Jenssen:

Enclosed are Water License Nos. 5213-3, 5214-3, 5431-3, 5611-3, 5612-3, 5614-3, 5615-3, 5726-3, 6210-3, 6214-3 and 6215-3 for the City of Sioux Falls. 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 city 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. 5334-3 are incorporated into Water License No. 6210-3.
The applicable portions of Nos. 2923-3 and 5613-3 are incorporated into Water License No. 5726-3.

enclosures