

WATER PERMIT NO. 5753-3

Phone: 647-2286

Name of Applicant: City of Lennox

Post Office Address: 220 S Main St, Lennox SD 57039

Amount of Water Claimed: 0.7 cfs - 285 AF Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: municipal County: Lincoln

About 3 miles South, 4 East of Lennox

PRIORITY Date Received: 2-18-93 Fee: \$250 Remarks: Withdrawal

from Future Use Permit No. 5101-3

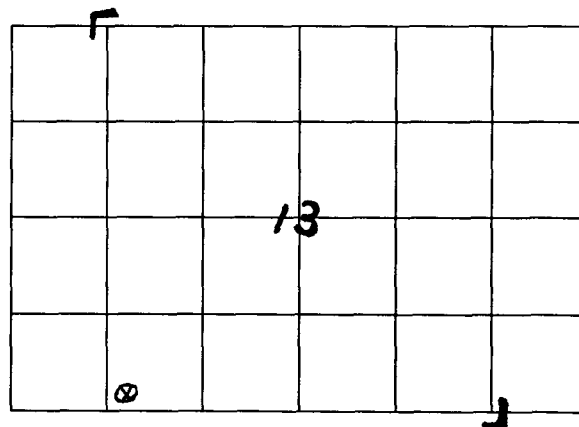
Corrected Application Received: 3-1-93 Period of Annual Use: Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED: NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: SW 1/4 SW 1/4 Sec 13-T98N-R51W

Land to be Irrigated: _____



Well Log: Driller: Layne-Western Co., Inc. Licensed YES ☒ NO ☐

Depth of Well: 624' REMARKS: _____

Type of Map: plat PREPARED BY: Harlan J Quenzer, P.E. Reviewed and the Number

Assigned on: 3-1-93 By: Karen Schlaak

FORM 2: Application for uses other than irrigation
(type or print)



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

No. 5753-3 Hydrologic Unit 10170102
Basin Vermillion River
Newspaper Lennox Independent, Box 79, Lennox
(office use only)

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

Check use of water:

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

Type of Application: ☐ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☒ Place to Beneficial Use Water Reserved by Future Use Permit No. 5101-3
☐ Amendment/Correction to Permit No. _____

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

- Name of Applicant CITY OF LENNOX Phone 647-2286
Mailing Address 220 S MAIN STREET LENNOX State SD 57039
(Street, RR, or Box) (City) (Zip Code)
ANNUAL
- Amount of water claimed 0.7 *CFS or WITHDRAWAL 285 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acres Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply DAKOTA AQUIFER
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) ONE WELL LOCATED IN:
SW 1/4 OF THE SW 1/4 OF SECTION 13, T 98 N, R 51 W
County LINCOLN
- County or counties where water will be used LINCOLN
- Annual period during which water is to be used JANUARY 1 - DECEMBER 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

INFORMATION ALREADY ON FILE WITH SD-DENR. SEE INFORMATION FILED IN RELATION TO
FUTURE USE PERMIT #5101-3.
TEST HOLE DRILLERS LOG ATTACHED.

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

STATE OF SOUTH DAKOTA)

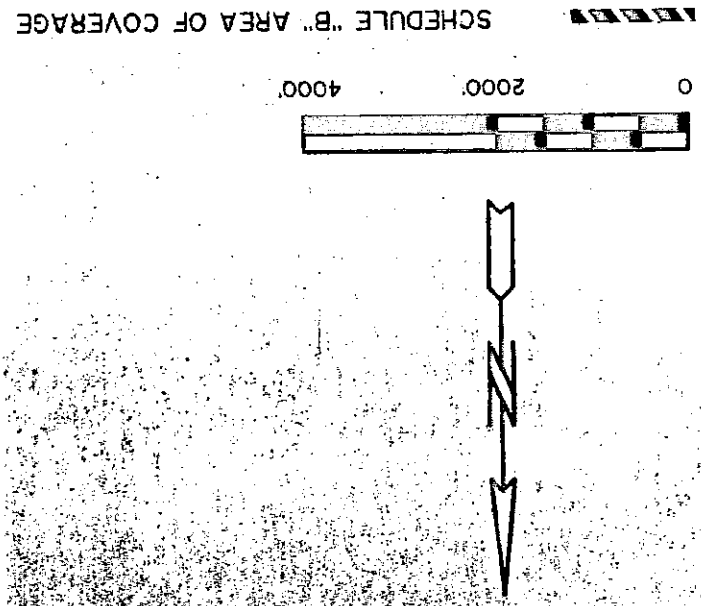
County of LINCOLN)^{ss}

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

Signed Floyd Beach

Subscribed and sworn to before me this 15 day of Feb 1993

Sharon Oliver
Notary Public



SCHEDULE "B" AREA OF COVERAGE

TOWNSHIP 98 NORTH
TOWNSHIP 99 NORTH

5753-3

Lynn Beck

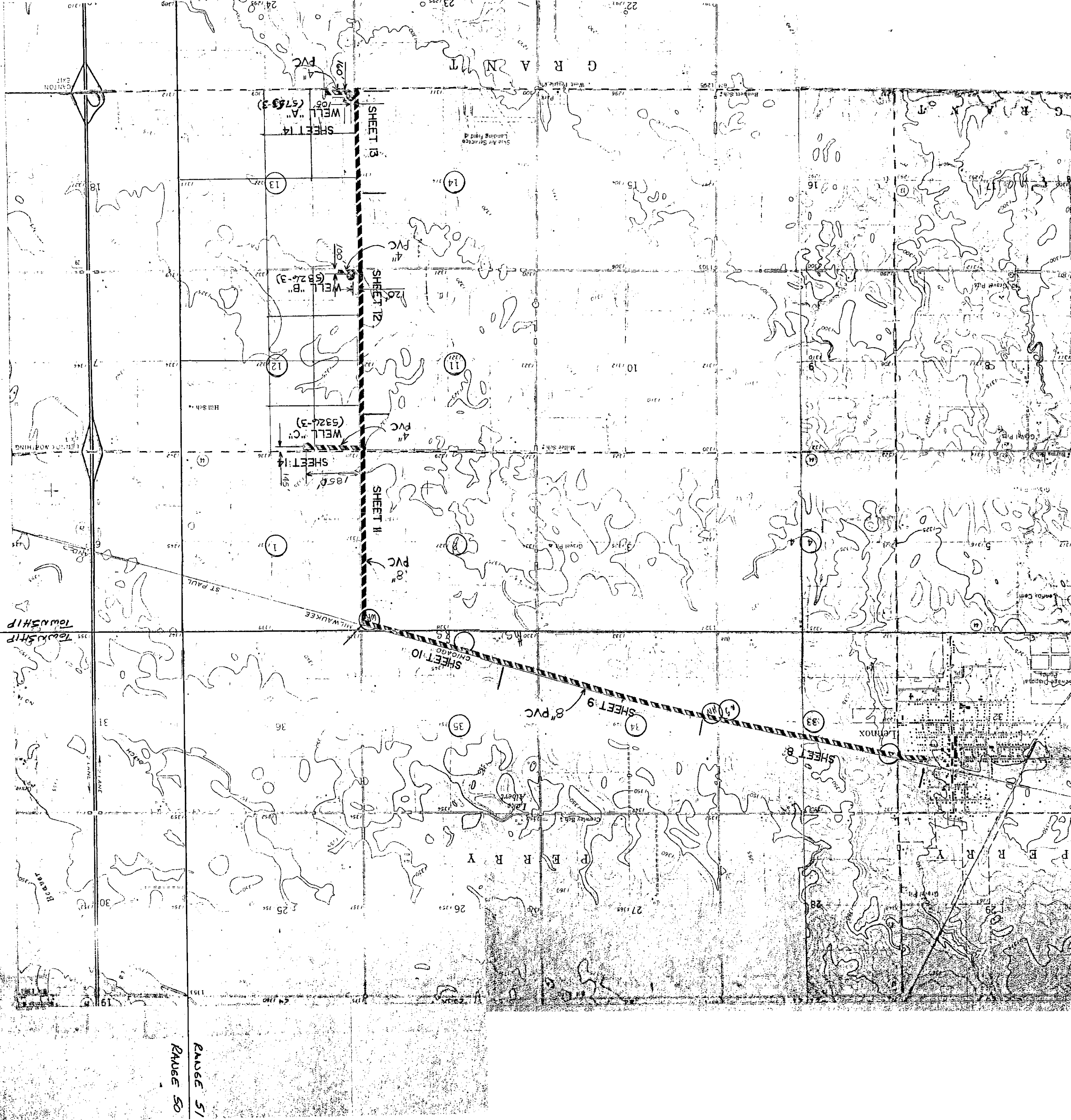
Lynn Beck

Natural Resources Engineer

DENR, Water Rights Program

9-19-97

5753-3



SOUTH DAKOTA
WATER PERMIT NO. 5753-3

Date of first receipt of application February 18, 1993.

Date of return to applicant for corrections, amendments or changes February 19, 1993.

Date of receipt of corrected application March 1, 1993.

The Water Management Board approved Water Permit Application No. 5753-3 on September 1, 1993 for the City of Lennox, 220 S Main Street, Lennox SD 57039 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. 5753-3 is to construct and place to beneficial use 285 acre-feet annually at a rate of 0.70 cubic feet of water per second from one well (Dakota Sandstone Aquifer) 624 feet deep located in the SW 1/4 SW 1/4 Section 13-T98N-R51W. The water was appropriated and reserved by Future Use Permit No. 5101-3.
2. The water appropriated shall be used for the purpose of supplying water to the City of Lennox 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 from which applicant may claim right is August 27, 1986.
5. One-fifth of the construction is to be completed on or before March 1, 1996.
6. All construction is to be completed on or before September 1, 1998.
7. Water is to be put to beneficial use on or before September 1, 2002.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. That the City of Lennox report to the Chief Engineer annually the amount of water withdrawn each year from the Dakota Formation.
2. The well authorized by Permit No. 5753-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28.
3. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

(continued)

4. Approval of Permit No. 5753-3 authorizes maximum annual withdrawal of up to 285 acre-feet annually.

WATER MANAGEMENT BOARD

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

FEB 1 1994
date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 12" TO TOTAL DEPTH ^{20' TO FORMATION} Depth 624' +/-
- b) Casing Type STEEL (SCHED 40) Diameter 12" Thickness 0.375"
- c) Screen Type STAINLESS STEEL Diameter 6" Thickness *
- d) Gravel Pack Thickness * Length of Gravel Pack ESTIMATED +/- 125'
- e) Depth to Top of Water Bearing Material 415' (ESTIMATED)
- f) Depth to Water (ground surface to water level) 40' +/- (ESTIMATED)
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others APPROXIMATELY 1,850'

2. Dugout Information

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

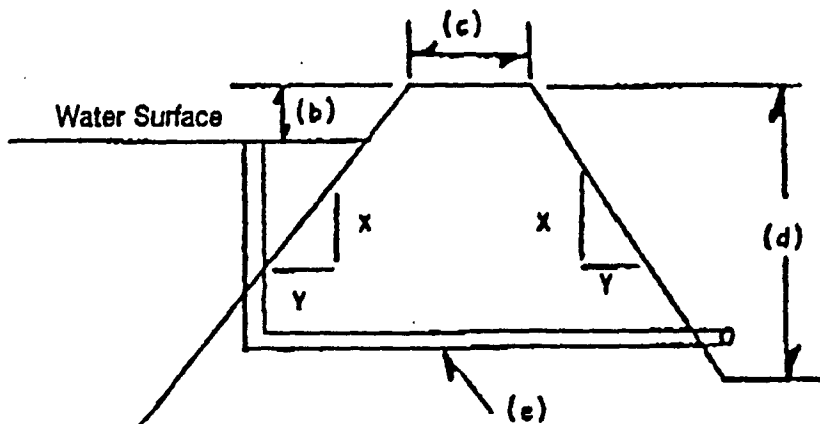
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area above Dam _____ Acres





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

* I N V O I C E *

Invoice No. 20411 2-19-93

City of Lennox
Floyd Beach, Mayor
220 S Main Street
Lennox SD 57039

Application for Permit to Appropriate Water
Within the State of South Dakota \$250.00

Please pay this amount: \$250.00

to: Water Rights Division
523 E Capitol
Pierre SD 57501-3181

Karen Schlaak
KAREN SCHLAACK
Natural Resources Analyst
605 773-3352

RECEIPT

Division of Water Rights

413656

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 1, 19 93

RECEIVED OF City of Lennox, PO Box 228, Lennox, SD 57039-0228

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

Fee for Application for Permit No. <u>5753-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	250	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	250 00

By John H. H. H.
Chief Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

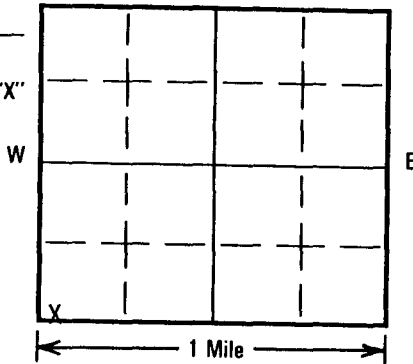
Location SW 1/4 SW 1/4 Sec 13 Twp 98 W Rg 51 W

County

North

LINCOLN

Please mark well location with an "X"

Well Completion Date October 25, 1994

LOCATION:

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

PROPOSED USE:

☐ Domestic/Stock ☒ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
49.56 LB/FT	12 IN	+2' FT	410' FT	20 IN
18.97 LB/FT	6 IN	_____ FT	_____ FT	11-7/8 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
Neat cement	_____	15 1/2 lb./gal	0 ft	410 ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure pressure grouted starting at the bottom continuously, to the topSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 6-5/8 IN Length 151 FEETMaterial stainless steelSlot Size .020 Set From 411 Feet to 542 Feet
585 605

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION:

Was well disinfected upon completion? ☒ YES, How: H.T.H
☐ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: The City of Lennox, South Dakota

Business Name: _____

Address: _____

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	2
Brown clay	2	22
Blue till w/ cobbles	22	104
Sand w/ broken chalk	104	142
Gray till, mostly sand	142	224
Blue till w/ pebbles	224	240
Gray shale	240	350
Gray shale, very hard	350	381
Sandstone	381	398
Gray shale	398	415
Sandstone	415	425
Shale w/ streaks of sandstone	425	441
Sandstone	441	458
Shale	458	462
Sandstone hard	462	484
Gray shale	484	500
Shale, sandy in places	500	560
Gray shale	560	571
Sandstone	571	574
Shale	574	588
Sandstone	588	600
Shale	600	611
Sandstone	611	624
Redrock (quartzite)	624	624 1/2

STATIC WATER LEVEL 145 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: _____
☐ Bailed _____
☐ Other _____

Pumping Level Below Land Surface

339 ft. After 24 Hrs. pumped 162 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 513

And this report is true and accurate.

Drilling firm LAYNE WESTERN COMPANY, A division of
LAYNE, INC

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 5-18-95



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 1993

Jay A. Larson
Schmucker, Paul, Nohr and Associates
P.O. Box 398
Mitchell, SD 57301

Dear Mr. Larson:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, the City of Lennox is authorized to construct test wells into the Dakota Aquifer, in the Section 13, T98N-R51W, prior to approval of a water permit. The test wells must be constructed in accordance with the South Dakota Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the South Dakota Well Construction Standards.

Very truly yours,

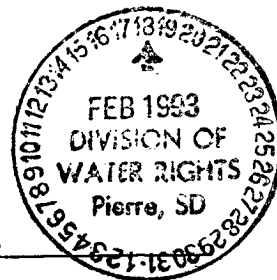
JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

Layne-Western Company, Inc.

4430 Commercial Avenue

Omaha, Nebraska

TEST WELL REPORT



City and State Lennox, South Dakota

Date January 28, 1993

Contract City of Lennox

Driller Mark Leslie/Dean Heldt

Test No. 93 - 6

Helpers Shawn Brown

Static Water Level Est. 150'

Test Log

<u>0 - 2</u>	<u>Top Soil</u>	<u>398 - 415</u>	<u>Gray Shale</u>
<u>2 - 22</u>	<u>Brown Clay</u>	<u>415 - 425</u>	<u>Sandstone</u>
<u>22 - 104</u>	<u>Blue Till w/ Cobbles</u>	<u>425 - 441</u>	<u>Shale w/ streaks Sandstone</u>
<u>104 - 142</u>	<u>Sand w/ Broken Chalk</u>	<u>441 - 458</u>	<u>Sandstone</u>
<u>142 - 224</u>	<u>Gray Till mostly Sand</u>	<u>458 - 462</u>	<u>Shale</u>
<u>224 - 240</u>	<u>Blue Till (pebbly)</u>	<u>462 - 484</u>	<u>Sandstone (hard)</u>
<u>240 - 350</u>	<u>Gray Shale</u>	<u>484 - 500</u>	<u>Gray Sahle</u>
<u>350 - 381</u>	<u>Gray Shale (very hard)</u>	<u>500 - 560</u>	<u>Shale (sandy in places)</u>
<u>381 - 398</u>	<u>Sandstone</u>	<u>560 - 571</u>	<u>Gray Shale</u>

Size Mud Pit—Length 12, Width 4, Depth 1 1/2

WATER BEARING FORMATION DATA

Depth	Wt. Mud Lbs. per Gal.	Inches Mud Taken from Pit	Drilling Time
<u>0</u> to <u>150</u>	<u>32</u>	<u>3</u>	
<u>150</u> to <u>400</u>	<u>30</u>	<u>0</u>	
<u>400</u> to <u>500</u>	<u>30</u>	<u>2</u>	
<u>500</u> to <u>624</u>	<u>32</u>	<u>1</u>	
<u> </u> to <u> </u>			
<u> </u> to <u> </u>			
<u> </u> to <u> </u>			

LOCATION: SW Corner of SW 1/4 Section 13 Twp 98N Range 51W

REMARKS: Test hole to be reamed out and made into a test well. Lost
water at 104-142 had to mix heavy mud to stop.

MAKE SKETCH ON BACK OF THIS SHEET SHOWING LOCATION TIEING IT INTO PERMANENT STRUCTURES AS MUCH AS POSSIBLE

4430 Commercial Avenue

Omaha, Nebraska

City and State Lennox, South Dakota

Date January 28, 1993

Contract City of Lennox

Driller Mark Leslie

Test No. 93 - 6 (Page 2)

Helpers Shawn Brown

Static Water Level Est. 150'

Test Log

FEB 1962
 DIVISION OF
 WATER RESOURCES
 Pierre, SD

571 - 574 Sandstone

574 - 588 Shale

588 - 600 Sandstone

600 - 611 Shale

611 - 624 Sandstone

624 - 624.5 Red rock (Quartzite)

Size Mud Pit—Length 12, Width 4, Depth 1 1/2

Depth

Wt. Mud
Lbs. per Gal.

Inches Mud
Taken from Pit

Drilling Time

[illegible]

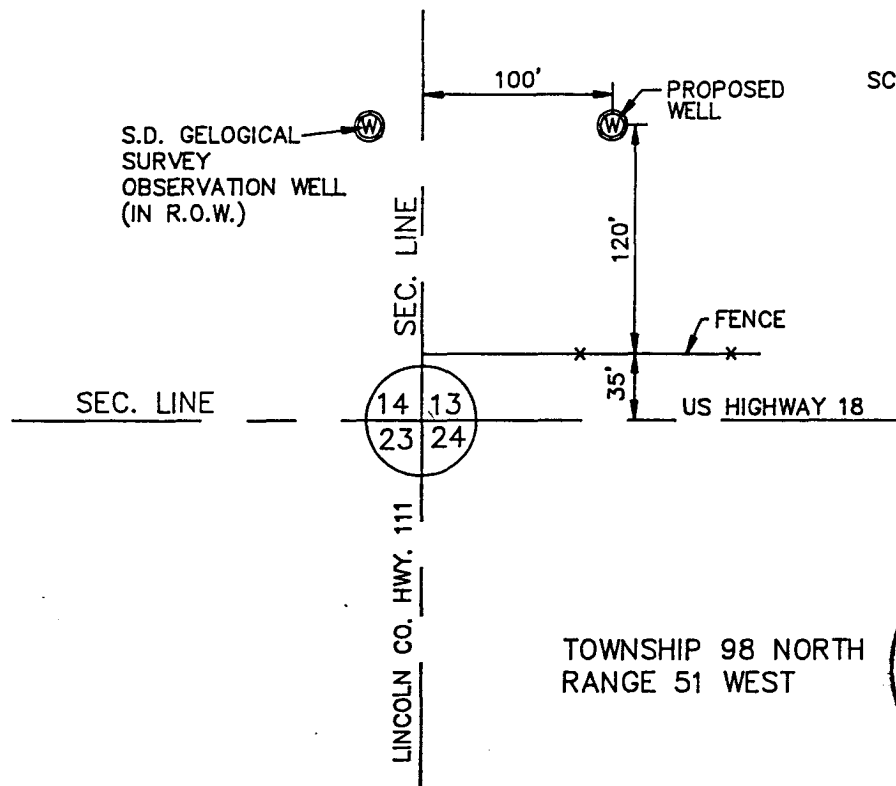
LOCATION: _____

REMARKS: _____

MAKE SKETCH ON BACK OF THIS SHEET SHOWING LOCATION TIEING IT INTO PERMANENT STRUCTURES AS MUCH AS POSSIBLE

PROJECT NO: SPN # 91 - 4496
DATE: FEBRUARY 15, 1993

SCALE: 1" = 100'



TOWNSHIP 98 NORTH
RANGE 51 WEST



Harlan J. Wenzel, P.E.
REGISTERED ENGINEER

2726
NUMBER

PREPARED BY: SCHMUCKER, PAUL, NOHR AND ASSOCIATES
CONSULTING ENGINEERS AND LAND SURVEYORS MITCHELL, SOUTH DAKOTA

Appl No. 5753-3

February 17, 1993

BOX 398

MITCHELL, S. DAK. 57301

PHONE (605) 996-7761

Eric Gronlund, Water Rights Specialist
SD Dept Environment & Natural Resources
Division of Water Rights
523 E Capitol
Foss Building
Pierre SD 57501



Re: Lennox Water System Study
Lennox, South Dakota
SPN #4496

SCHMUCKER, PAUL, NOHR & ASSOCIATES

**ENGINEERS
SURVEYORS**

Dear Mr. Gronlund:

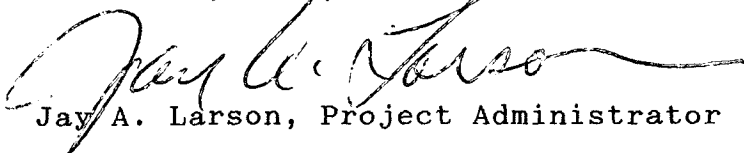
Enclosed please find three original signature copies of an application for the City of Lennox to place into beneficial use water reserved by Future Use Permit #5101-3. The City is requesting a withdrawal rate of a minimum of 0.7 CFS with a maximum annual withdrawal of 285 acre feet.

Please bill the City of Lennox for the appropriate fee.

If you have any questions, please feel free to contact any of the City Officials at the City of Lennox or our office.

Sincerely yours,

SCHMUCKER, PAUL, NOHR & ASSOCIATES



Jay A. Larson, Project Administrator

JAL:ms

Enclosures

cc: City of Lennox



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 1993

City of Lennox
Floyd Beach, Mayor
220 S Main Street
Lennox SD 57039

Dear Mr. Beach:

We received a water permit application for the City of Lennox on February 18, 1993. The filing fee for this application will be \$250.00. Enclosed is an invoice.

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

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352



Layne-Western Company, Inc.

3108 S. Covell Avenue • Sioux Falls, South Dakota 57105 • 605/335-7726

March 17, 1993

S. P. N. and Associates
P. O. Box 398
Mitchell, SD. 57301

RE: Lennox Water Supply Improvements
SPN-#5172 CDBG-#9191-307

Dear Harlan:

This letter is in response to your request. We will propose the following drilling schedule with weather and load limits permitting.

- 3-15-93 - Move-in, rig-up, dig pit, move all stored equipment to site and rewire fence. Haul water to fill pit per load limits.
- 3-22-93 - Reaming test hole for test well. Set Casing.
- 3-25-93 - Cement casing and leave set to cure for 72 hrs.
- 3-29-93 - Drill bottom into sandstone - set screen - set casing - gravel pack.
- 4-1-93 - Remove pump at Gedsteds and clean area
- 4-2-93 - Develop and clean well
- 4-5-93 - 72 hour pump test (recovery ?)
- 4-9-93 - Remove pump and clean area

This is a tentative schedule and will largely depend on the to access site with equipment as spring thaw begins. The estimate of time involved in each process will be governed by the formation encountered and time it takes to complete that particular drilling efforts.

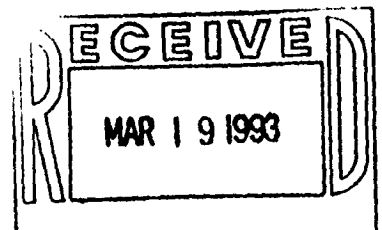
Sincerely,

LAYNE-WESTERN COMPANY

W. G. Grear
W. G. Grear, Sales Engineer.



PROFESSIONAL SERVICES FOR WATER SYSTEMS



March 22, 1993

BOX 398

MITCHELL, S. DAK. 57301

PHONE (605) 996-7761

Jim Goodman
Water Rights Division
SD Dept of Environment and Natural Resources
Foss Building
Pierre SD 57501



RE: Water System Improvements
Lennox, South Dakota
SPN #5176W

SCHMUCKER, PAUL, NOHR & ASSOCIATES

ENGINEERS
SURVEYORS

Dear Mr. Goodman:

This is in regard to our telephone conversation this date relative to the complaint you received from a landowner adjacent to the well site at the above project. I am enclosing herewith for your information a copy of the tentative schedule that I received from the contractor for the drilling, test pumping, etc., for this well. As you can see, it is impossible for the complainant's well to be affected by our test pumping procedure inasmuch as we have just started the drilling process and do not expect to initiate the test pumping until April 5.

If you have any questions or receive additional telephone calls from the landowner, I would appreciate notification.

Sincerely,

SCHMUCKER, PAUL, NOHR & ASSOCIATES

Harlan J. Quenzer, P.E.

HJQ:rh

Enclosure

cc: City of Lennox
David Buechler w/enc

Conversation or File Documentation

NAME OF PERSON OR FILE: BONNIE GETMANADDRESS: RR LENNOX COUNTY LINCOLNDATE: 22 MARCH 93 TELEPHONE 372-4748RE: WELL COMPLAINT (NW 24, T98N R51W)

COMMENTS:

(GRANT TWP)

SAYS FARM WELL HAS SAND PROBLEMS - WITH LENNOX PUMPS -

SAYS LENNOX IS PUMPING NOW (1/4 MILE NORTH) AND

THAT SHE IS OUT OF WATER - SAYS THAT EVERYTIME

LENNOX TESTED THEY HAD WELL PROBLEMS - SAND COMES IN
HER WELL: 480' FEET DEEP - W/L ABOUT 200'

CLYINDER PUMP - JUST FIXED LEATHONS (WEEK AGO).

- TALKED TO HER ABOUT 20 MINUTES - HARD TO GET INFORMATION -

I TOLD HER I WOULD GET AHEAD OF CITY + FIND OUT
WHAT WAS GOING ON.

I CALLED ENGINEER (HARLAN) IN MITCHELL AND ALSO CALLED
ROGER ALMOND (CITY OF LENNOX). ROGER WAS AT SITE -

THEY WERE DRILLING THE WELL NOT PUMPING IT - DOWN
ABOUT 50' - ROGER WAS WAITING FOR CORING CORNER -

THEY HAD PROPOSED TO GO TO THE GETMAN PLACE TO

GET A WATER SAMPLE - THEY WERE GOING TO DO

BEFORE AND AFTER SAMPLES TO TRY TO HEAD THE
PROBLEM OF.

* SOMEONE SHOULD GO DOWN AND SEE WHAT THEY HAVE -
I DON'T KNOW WHAT CAN BE SEEN BUT ?

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: JAG

Water Rights Division - DWNR
Conversation or File Documentation

5755-3
File No. LENOX

NAME OF PERSON OR FILE: ROGER ALMOND
ADDRESS: LENOX - WATER SUPERINTENDANT COUNTY LINCOLN
DATE: 23 MARCH 93 TELEPHONE _____
RE: GGTMAN COMPLAINT

COMMENTS:

ROGER CALLED TO LET ME KNOW HE HAD STOPPED AT
GGTMAN'S WITH G. CORREY TO GET A WATER SAMPLE THIS
MORNING (ABOUT 9:00).

MRS. GGTMAN SAID THEY HAD TROUBLE STARTING ON (LAST)
SATURDAY - SOMETIMES THEY WERE PUMPING AIR -

AGREEMENT TO ROGER - THEY HAVE A PITLESS MONITOR UNIT
THAT PUMPS TO PRESSURE TANK - HAVE A SAND FILTER -
HAD TO TAKE SAMPLE FROM BATH TUB - NO WAY TO SAMPLE
THE WELL - ROGER HAD STOPPED YESTERDAY BUT NAOMI WAS HOME.
ROGER THOUGHT WELL WAS ABOUT 468' DEEP - TWO SETS
OF LEATHERS (8' + BOTTOM) ?, 13 LENGTHS OF DROP PIPE
[EITHER 18' OR 21'] - 234' OR 273' OF PIPE -

IN A FIVE GALLON BUCKET ROGER REPORTED 25 TO 30 SAND X'S -
WELL DEFINITELY PRODUCES SAND -

ROGER REPORTED THAT THEY WERE DOWN 135' - DRILLING
BIG HOLE - HAD 20' OF SURFACE CASING SET (LAST THURSDAY)
BUT HAD DONE NO OTHER DRILLING LAST WEEK -

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: JAG.

City of
LENNOX, SOUTH DAKOTA

PROUD OF WHAT IT OFFERS YOU AND YOURS

From the Office of the
Finance Officer

Phone (605) 647-2286

March 24, 1993



Dear Sir:

This letter is to address some concerns brought by Mrs. Bonnie (Richard) Gettman on Monday, March 22, 1993. Mrs. Gettman called the South Dakota State Water Rights and said they were out of water now and well driller company Layne Western was working a 1/4 mile north of their farm. Jim Goodman of Water Rights contacted Water Superintendent, Roger Almond. Roger Almond contacted Gene Grear the well driller. Gene Grear told Water Superintendent, Roger Almond to contact farmers within one (1) mile square to see if after the test well was drilled if the well company could check water tables for drawdown in the vicinity of the test well, which was done one week prior to drilling. In stopping at the Richard Gettman farm, Mr. & Mrs. Gettman stated for the past five years they had trouble with their well pumping. Water Superintendent, Roger Almond informed the engineer and the well driller of Mr. & Mrs. Gettmans statement and on March 19, 1993 at 3:00 p.m., Gene Grear of Layne Western and Water Roger Almond went to the Gettman farm to take a water sample. No one was home.

On Friday morning Layne Western Company had put 20' of 30" casing down at the well site 1/4 mile north of the Gettman farm and was to start drilling on Monday, March 22, 1993 in the morning. On Monday, March 22, 1993 at 4:00 p.m. Jim Goodman from the State of South Dakota Water Rights again contacted Roger Almond about the call from Mrs. Gettman that he had received. Mr. Almond was at the well site at this time planning to meet Gene Grear to go and check the Gettman farm well. Mr. Grear was not at the well site because of delays in Sioux Falls. Gary McCracken and Roger Almond went to the Gettman farm and nobody was home. On Tuesday, March 23, 1993 at 9:30 a.m. Gene Grear and Roger Almond went to the Gettman farm and talked to Mr. & Mrs. Gettman. Roger Almond asked the Gettmans when the problem had started with the well. On more than one occasion the Gettmans said their well started having trouble with pumping sand and sometimes not even pumping water at all started March 20, 1993 before the well company had even started drilling the well 1/4 mile north of their farm. Also Mr. Gettman said to Roger Almond and Mr. Grear that five and a half years ago they had problems with their well pumping sand and until Saturday March 20, 1993 they and not had problems with their well. Mrs Gettman filled a five

City of
LENNOX, SOUTH DAKOTA

PROUD OF WHAT IT OFFERS YOU AND YOURS

From the Office of the
Finance Officer

Phone (605) 647-2286

gallon pail with water and in the pail there was 25 to 30 grains of sand the City kept a sample from the Gettmans farm. Roger Almond asked the well driller after talking to the Gettmans how deep the test well was at 10:00 a.m. on March 23, 1993 and Gary stated 125' deep at the time.

FOR YOUR INFORMATION

ROGER ALMOND
WATER AND SEWER SUPERINTENDENT
CITY OF LENNOX
LENNOX, SOUTH DAKOTA

REPORT ON APPLICATION NO. 5753-3
for City of Lennox
April 6, 1993

Application No. 5753-3 proposes to construct and place to beneficial use 285 acre-feet annually at a rate of 0.7 cfs (315 gpm) from one well (Dakota Formation) approximately 624 feet deep located in the SW 1/4 SW 1/4 of section 13, T98N R51W in Lincoln County. The water was appropriated and reserved by Future Use Permit No. 5101-3. The water is for municipal use by the City of Lennox.

AQUIFER - DAKOTA FORMATION (DKOT)

The Dakota Formation consists of interbedded sands, sandstone, clay and sandy clay. A more uniform layer of sand, as much as 100 feet thick, is sometimes found at the base of the formation (Iles, 1984). The Dakota Formation underlies 484 square miles and contains an estimated 4.298 million acre feet of recoverable water in storage in Lincoln County (Hedges, 1982). The aquifer is confined and under artesian conditions. The aquifer is laterally extensive into Iowa to the east, into Turner County to the west and into Union County to the south. Also the aquifer is hydraulically connected to buried glacial aquifers (Lennox and Upper Vermillion Missouri) to the west in Turner County and to the Sioux Quartzite to the north.

Test well data submitted with the application indicates that the top of the Dakota Formation was encountered at a depth of 381 feet and continued to a depth of 624 feet where Sioux Quartzite was encountered. The entire sequence of Dakota Formation is 243 feet thick with 94 feet sandstone, 76 feet sandy shale and the rest shale. The static water level was estimated at 150 feet below land surface.

Recharge to the Dakota Formation has not been quantified. However, recharge does occur as is evidenced by the observation well hydrographs. The Division of Water Rights monitors 36 observation wells completed into the Dakota Formation in Lincoln County. Observation wells LN-77F and LN-79D are located about 1 1/2 miles southwest and 2 1/4 miles southeast of this application, respectively. Water levels for these wells have declined primarily due pumping by the South Lincoln Rural Water System. Hydrographs for these wells are included with this report. In general the hydrographs indicate that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1993).

Historically, water development by the Rural Water System and by Lennox has been controversial. There have already been complaints concerning this application alleging loss of water to a domestic well even though the production well had not been completed.

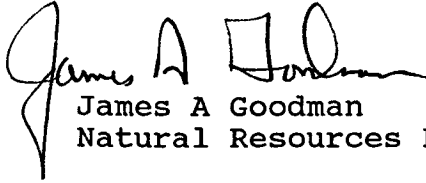
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permit is No. 5326-3 (Lennox). One well authorized by this permit is located about 1 mile north of this application. South Lincoln Rural Water System well #1 is located about 3 miles east of this application. Interference is not expected to be a concern. Drawdown is occurring as shown by the hydrographs, but should not affect the ability of the aquifer to supply water to adequately constructed wells.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. The Dakota Formation is confined and under artesian conditions at this site. Fluctuation will occur as a result of pumping. Drawdown caused by pumping is not expected to be significant very far from the production well.
3. Approval of this application will effectively use all the water allocated by Future Use Permit No. 5101-3. This application is to put the water reserved by the Future Use Permit to use.
4. Water levels for the Dakota Formation in this area show the effects of pumping, primarily by South Lincoln Rural Water System, and the effects of recharge. In general water levels have declined, with the magnitude of decline dependent upon the distance an observation well is from a production well. But recharge has also affected the hydrographs as is indicated by rising water levels during wet years. Also the hydrographs do show a tendency to stabilize in response to the demands of pumping.
5. SDCL 46-6-3.1 exempts water distribution systems from the average annual recharge criteria established for all other water uses. Permits can be granted in excess of the average annual recharge from the Dakota Formation for the City of Lennox. The evidence collected thusfar does not indicate recharge is being exceeded by present withdrawals even though water levels have declined.
6. Water quality has been an issue in the past. It has been established that the water recharging the Dakota Formation is chemically inferior to the water already there. This has

been going on for many years. Producing water from wells in the area will cause movement of water towards those wells. Arguable, in time, this could degrade the quality of water in the aquifer. These impacts cannot be assessed at this time. Certainly this would occur gradually over time.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

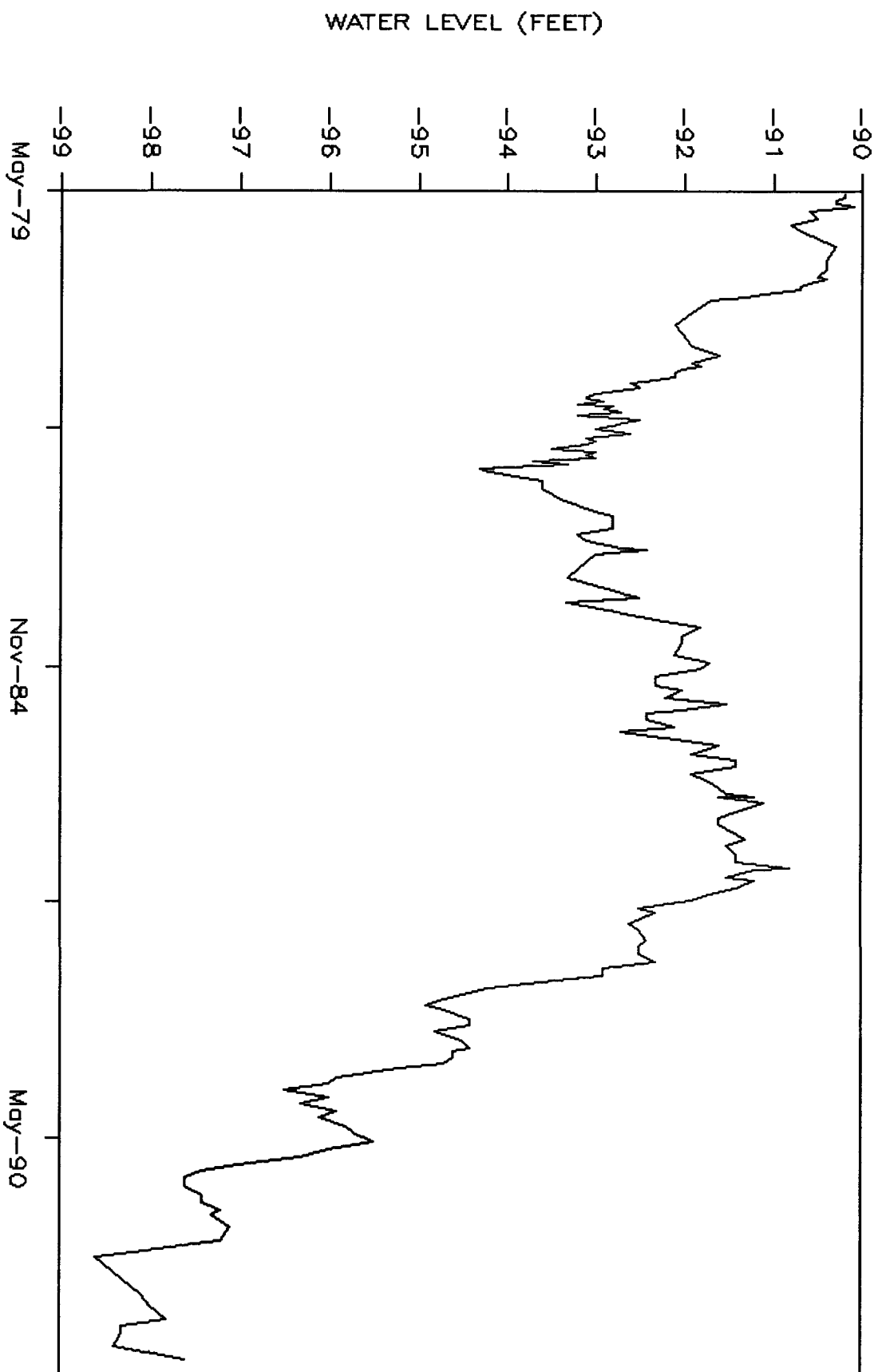
Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Iles, D.L., 1982, Pleistocene Recharge to Dakota Formation in Lincoln County, South Dakota, in Geohydrology of the Dakota Aquifer, Proceedings of the First C.V. Theis Conferences on Geohydrology, NWWA, Lincoln, Nebraska.

Water Rights, 1993, Unpublished Observation Well Data for Lincoln County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

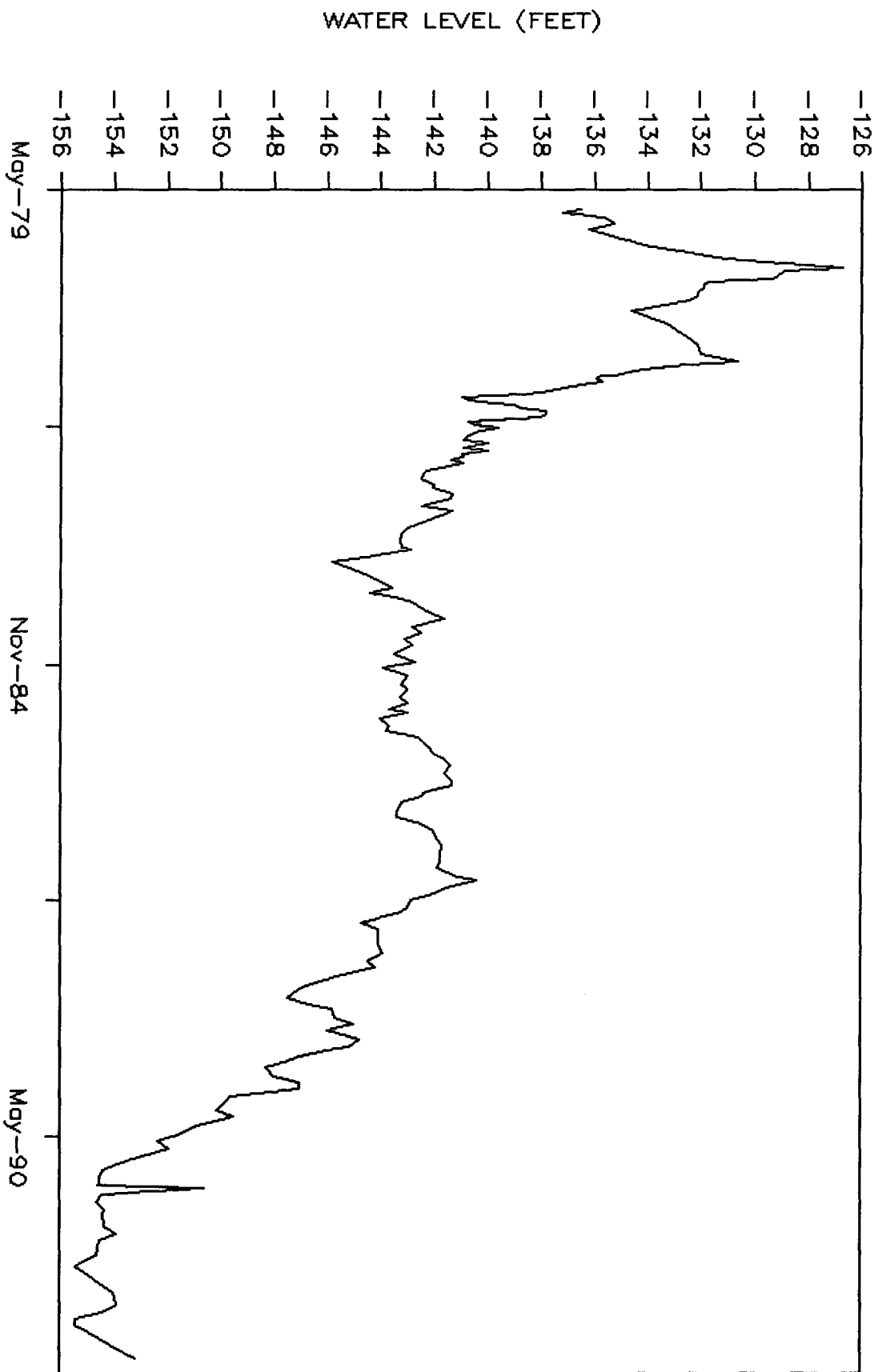
WATER RIGHTS OBSERVATION WELL

LN-77F



WATER RIGHTS OBSERVATION WELL

LN-79D



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5753-3, City of Lennox

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5753-3, City of Lennox, c/o Mayor Floyd Beach, PO Box 228, Lennox, SD 57039-2286.

The Chief Engineer is recommending APPROVAL of Application No. 5753-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. That the City of Lennox report to the Chief Engineer annually the amount of water withdrawn each year from the Dakota Formation.
2. The well authorized by Permit No. 5753-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:30.
3. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
4. Approval of Permit No. 5753-3 authorizes maximum annual withdrawal of up to 285 acre-feet annually.

See report on application for additional information.

for Eric Houlston
JOHN HATCH, Chief Engineer
April 16, 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.

April 29, 1993

Floyd Beach, Mayor
City of Lennox
PO Box 228
Lennox, SD 57039-0228

Dear Mr. Beach:

Water Permit Application No. 5753-3 for municipal use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Lennox Independent printed at Lennox, SD (Ph # 647-2284). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

cc: Sharon Albers, FO, City of Lennox, PO Box 228, Lennox, SD 57039-0228
Roger Almond, Water Super., City of Lennox, PO Box 228, Lennox, SD 57039-0228
Jay Larson, Schmucker, Paul, Nohr & Associates, PO Box 398, Mitchell, SD 57301



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 29, 1993

Lennox Independent
Box 79
Lennox, SD 57039

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5753-3 to be published twice. Please publish the first notice on May 6, 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 Lennox, PO Box 228, Lennox, SD 57039-0228 (Ph # 647-2286).

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

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

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on May 6, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5753-3 to Appropriate Water

Notice is given that the City of Lennox, 220 S Main Street, Lennox, SD 57039 has filed an application for a water permit to construct and place to beneficial use 285 acre-feet annually at a rate of 0.7 cubic feet of water per second from one well (Dakota Sandstone Aquifer) 624 feet deep located in the SW 1/4 SW 1/4 Section 13-T98N-R51W. The water was appropriated and reserved by Future Use Permit No. 5101-3. The water is for municipal use by the City of Lennox.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5753-3 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.

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 June 25, 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.

The Board will consider this application at 10:00 a.m. July 7, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The July 7, 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 June 25, 1993.

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 June 25, 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Lincoln) ss

I, Kris Van Zee

certify that the attached printed Notice was

taken from the The Lennox

Independent, May 6, 13

printed and published in Lennox

County of Lincoln and State of

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

May 6, 1993

May 13, 1993

Cost of Printing: \$46.41

Kris Van Zee
(Signature)

Publisher
(Title)

6-3-93
(Date Signed)

NOTICE OF HEARING

on Application No. 5753-3 to Appropriate Water

Notice is given that the City of Lennox, 220 S. Main Street, Lennox, SD 57039 has filed an application for a water permit to construct and place to beneficial use 285 acre-feet annually at a rate of 0.7 cubic feet of water per second from one well (Dakota Sandstone Aquifer) 624 feet deep located in the SW 1/4 SW 1/4 Section 13-T98N-R51W. The water was appropriated and reserved by Future Use Permit No. 5101-3. The water is for municipal use by the City of Lennox.

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person or the applicant must be filed by June 25, 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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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 June 25, 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.

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(L88/May 6, 13)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 30, 1993

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

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

Clifford Brian Abbas
RR 1 Box 105
Worthing, SD 57077

Gentlemen:

Enclosed is a copy of the report and recommendation for Water Permit Application No. 5753-3. Since you filed a petition to the previous City of Lennox application that was withdrawn, we thought you would be interested in this new application. The first notice of hearing will be published in the Lennox Independent on May 6, 1993, with the second publication 7 days later.

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

Sincerely,

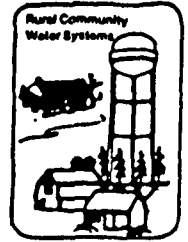
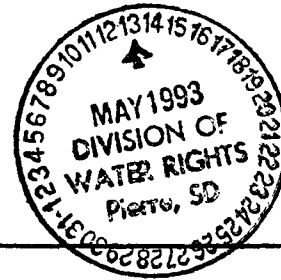
Jaci R. Konop
Senior Secretary
Water Rights Division

Enclosure

South Lincoln Rural Water

Box 155

Canton, South Dakota



Ph. 372-4211

May 10, 1993

Division of Water Rights
Dept. of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Sir/Madam:

South Lincoln Rural Water would like to speak at Lennox's water permit application No. 5753-3.

Although Lennox has placed its well in a better location than its original proposal, South Lincoln still is concerned about draw down levels.

It has been estimated that their well in section 13, T98N, R51W, in Lincoln County will produce 315 gpm. We will take exception to this. Historically a well with sand layers of only 76' produces approximately 152 gallons per minute.

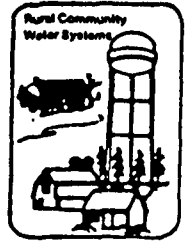
The first 2 wells Lennox drilled were poor producers and had considerable draw down that should not be acceptable. The other wells drilled in the area of well 1 and 2 were all dry holes.

We at South Lincoln realize at some point in time Lennox has to have water of good quality for its citizens and this can be accomplished with more wells over a larger area.

South Lincoln has went to great lengths to lessen draw down by well placement. If draw down wasn't a concern to us we could have increased pump and motor size in our existing wells and produced more but increased draw downs at those well sites.

Although F.O.S.D.A. has been very quiet lately more and more area farmers are calling about their concerns of water draw down in the area Lennox is drilling in. Many of these farm wells are not adequate wells being placed in the top 40' of the Dakota Aquifer. If draw downs for these farmers are a problem, F.O.S.D.A. will get a breath of life and all our problems will start all over again.

South Lincoln Rural Water



Box 155

Canton, South Dakota

Ph. 372-4211

Division of Water Rights
May 10, 1993
Page Two

South Lincoln would at this time say we have no problem with Lennox's placement of wells. We feel Lennox will have only minor effects on our well fields, but if Lennox is permitted to draw down their production well 150' to 200' there's going to be problems with area farm wells.

We would like to see the Water Rights Board use a common sense approach on draw down limits in this area.

We don't want to see a T & M - Hanson County situation develop in Lincoln County. Monitor wells should be placed in the top 40' of the Dakota 100' away from their production wells for informational purposes and air tubes placed in the wells itself. This would give us some idea what layers of the aquifer are yielding the larger portion of water and if the upper layer of the aquifer is being lowered to a point that well interference may occur to local farm wells. This would be a minor expense and would help to learn more about the aquifer in general.

Sincerely,

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

John Sievers
Manager
South Lincoln Rural Water System, Inc.

A handwritten signature in cursive script, appearing to read "Charles Kuehl".

Charles Kuehl
Chairman
South Lincoln Rural Water System, Inc.

JS:jls



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 13, 1993

Floyd Beach, Mayor
City of Lennox
PO Box 228
Lennox, SD 57039-0228

Dear Mayor Beach:

Please find enclosed a copy of the petition to the City of Lennox's Water Permit Application No. 5753-3 submitted by South Lincoln Rural Water. This application is scheduled to be considered by the Water Management Board at 10:00 am on July 7, 1993 in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave., Pierre, SD.

A notice reminding you of the hearing will be sent to all parties after the June 25, 1993 deadline to intervene in the hearing has past.

If you questions regarding the scheduling on the hearing before the Water Management Board, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

enclosure

cc: Diane Best, Assistant Attorney General
Sharon Albers, FO, City of Lennox
Roger Almond, Water Superintendent, City of Lennox
Jay Larson, Schmucker, Paul, Nohr & Associates



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 28, 1993

NOTICE

TO: Floyd Beach, Mayor
City of Lennox
PO Box 228
Lennox, SD 57039-0228
and Parties of Record (see attached list)

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

Subject: Hearing to Consider Water Permit Application No. 5753-3,
City of Lennox

A petition to intervene in the City of Lennox's Water Permit Application No. 5753-3 was submitted by South Lincoln Rural Water System. This notice is to serve as a reminder of the hearing. The Water Management Board will consider Application No. 5753-3 at 10:00 am on July 7, 1993 in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave., Pierre, SD.

The agenda time is an estimate and may be delayed due to prior agenda items. Applicable provisions of the notice of hearing published May 6 and 13, 1993 in the Lennox Independent will still apply at this hearing.

If you have any questions regarding the scheduling of the hearing before the Water Management Board, please contact Eric Gronlund at 773-3352.

cc: Diane Best, Assistant Attorney General
Sharon Albers, FO, City of Lennox
Roger Almond, WS, City of Lennox
Jay Larson, Schmucker, Paul, Nohr & Associates

CERTIFICATION

I hereby certify that on June 29, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated June 28, 1993, regarding Hearing to Consider Water Permit Application No. 5753-3, City of Lennox, along with a copy of the Parties of Record addressed as stated below, and on the attached list:

Floyd Beach, Mayor, City of Lennox, P.O. Box 228, Lennox, SD 57039-0228.

Sharon Albers, Finance Officer, City of Lennox, P.O. Box 228, Lennox, SD 57039-0228.

Roger Almond, Water Superintendent, City of Lennox, P.O. Box 228, Lennox, SD 57039-0228.

Jay Larson, Schmucker, Paul, Nohr & Associates, P.O. Box 398, Mitchell, SD 57301.

Copy Sent Inter-office To:

Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 30th day of June, 1993.



John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 7, 1993

NOTICE

TO: Floyd Beach, Mayor
City of Lennox
PO Box 228
Lennox, SD 57039-0228

John Sievers, Manager
South Lincoln RWS
PO Box 155
Canton, SD 57013

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

John Hatch

SUBJ: Preparation of Findings of Fact, Conclusions of Law and
Final Decision

The Water Management Board has directed John Guhin, the Board's attorney, to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision to approve Water Permit Application No. 5753-3, City of Lennox. The Board will consider the proposed Findings, Conclusions and Final Decision at 1:30 pm, September 1, 1993. The agenda time is an estimate. The actual time of consideration may be delayed due to prior agenda items.

The Board has requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member (copy of addresses enclosed) and the above Parties and City attorney by August 12, 1993. Any comments pertaining to the proposed Findings, Conclusions and Decision are to be mailed to each Board member, the Board attorney, the above Parties and City attorney by August 20, 1993.

The public hearing was completed July 7, 1993. No additional testimony will be received on September 1, 1993.

cc: John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General
Haven Stuck, Attorney, Box 8250, Rapid City, SD 57702
Harlan Quenzer, Schmucker, Paul & Nohr, 620 N. Lawler,
Mitchell, SD 57301
Roger Almond, WS, City of Lennox, PO Box 228, Lennox, SD
57039-0228

CERTIFICATION

I hereby certify that on July 7, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, First Class postage, prepaid envelopes containing a Notice dated July 7, 1993, regarding Preparation of Findings of Fact, Conclusions of Law and Final Decision to approve Water Permit Application No. 5753-3, City of Lennox addressed to:

Floyd Beach, Mayor
City of Lennox
PO Box 228
Lennox, SD 57039-0228

John Sievers, Manager
South Lincoln RWS
PO Box 155
Canton, SD 57013

and a copy of the Notice was sent to:

Haven Stock, Attorney, Box 8250, Rapid City, SD 57702
Harlan Quenzer, Schmucker, Paul & Nohr, 620 N. Lawler, Mitchell,
SD 57301
Roger Almond, WS, City of Lennox, PO Box 228, Lennox, SD 57039-
0228

A copy of the Notice was sent inter-office to:

John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General

Jaci R Konop
JACI R. KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 12th day of July, 1993.



John Hatch
Notary Public
JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

500 EAST CAPITOL
Pierre, South Dakota 57501-5070
Phone (605) 773-3215

MARK W. BARNETT
ATTORNEY GENERAL

LAWRENCE E. LONG
CHIEF DEPUTY ATTORNEY GENERAL

August 5, 1993



MEMORANDUM

TO: All persons listed on the Certificate of Service

FROM: John P. Guhin, Deputy Attorney General *John*

RE: In the Matter of the Application of the City of Lennox
for Water Permit No. 5753-3

As directed by the Board, I am enclosing a true and correct copy of proposed Findings of Fact, Conclusions of Law and Final Decision in the above entitled matter. This is intended as service by mail upon you.

Sincerely,

John P. Guhin
John P. Guhin
Deputy Attorney General

JPG:mjj
Enclosure

STATE OF SOUTH DAKOTA

BEFORE THE

SOUTH DAKOTA STATE WATER MANAGEMENT BOARD

IN THE MATTER OF THE	)	
APPLICATION OF THE CITY OF	)	FINDINGS OF FACT,
LENNOX FOR WATER PERMIT	)	CONCLUSIONS OF LAW AND
NO. 5753-3	)	FINAL DECISION

FINDINGS OF FACT

1. This is an application by the City of Lennox to place to beneficial use 285 acre feet annually at a rate of .7 CFS (315 gpm) from one well approximately 624 feet deep in Lincoln County.

2. The water sought to be put to beneficial use is reserved by Future Use Permit No. 5101-3 held by the City of Lennox.

3. The proposed purpose is for municipal uses.

4. This application is made by a water distribution system as defined by state law.

5. There are approximately 4.3 million feet of recoverable water in storage in the Dakota Sandstone Aquifer in Lincoln County. The Dakota Sandstone Aquifer is stratigraphically lower than the greenhorn formation.

6. The applicant has indicated that it is in the process of placing a monitoring well 95 feet away from the well under this application.

7. The closest domestic well is approximately 1/4 of a mile to the south of the proposed well. The uncontradicted evidence is that the cone of influence of the proposed well is approximately 1300 to 1500 feet. It is likely that the domestic

well will be impacted only on a short-term basis, if at all, that this impact will be less than two feet drawdown and that recovery would be quick.

8. South Lincoln Rural Water System has protested this permit at least in part on the ground that the City of Lennox has not utilized monitoring wells to measure drawdown with regard to two already permitted wells. The evidence indicates, however, that Lennox was able to use existing farm wells to perform the monitoring functions.

9. South Lincoln Rural Water System has also suggested that Lennox be limited to a fifty-foot drawdown from its well for the next two years. South Lincoln has not, however, indicated that the drawdown should be measured within the well itself or at some unspecified distance from the well. Nor has South Lincoln justified its suggestion for a fifty-foot restriction on any scientific basis.

10. South Lincoln also appears to protest the granting of this permit on the grounds that if any drawdown at all is caused from this well, it may inspire protest to future permits. The Board finds that the threat of protests is not a sufficient reason under the "public interest" or otherwise to deny a permit to an applicant which is otherwise entitled to it.

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter.
2. There is a reasonable probability that there is unappropriated water available to the applicant's proposed use.

3. The proposed diversion can be developed without the unlawful impairment of existing rights.

4. The proposed use is a beneficial use.

5. SDCL 46-6-3.1 exempts water distribution systems, including the applicant system here, from the average annual recharge established for other water uses.

6. The proposed diversion is in the public interest as qualified in the final decision.

FINAL DECISION

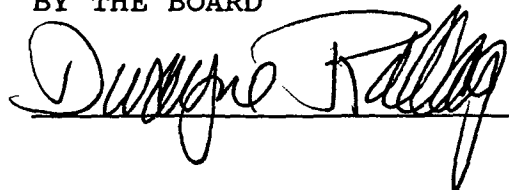
The application for Water Permit No. 5753-3

Is granted subject to the following qualifications:

1. That the City of Lennox report to the Chief Engineer annually the amount of water withdrawn each year from the Dakota Formation.
2. The well authorized by Permit No. 5753-3 shall be constructed by a licensed well driller and construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:30.
3. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
4. Approval of Permit No. 5753-3 authorizes maximum annual withdrawal of up to 285 acre-feet annually.

Dated this 2nd day of September, 1993.

BY THE BOARD



CERTIFICATE OF SERVICE

The undersigned hereby certifies that true and correct copies of proposed Findings of Fact, Conclusions of Law and Final Decision in the matter of The Application of the City of Lennox for Water Permit No. 5753-3, were served by United States mail, first class, postage prepaid upon:

Floyd Beach, Mayor
City of Lennox
P.O. Box 228
Lennox, SD 57039-0228

John Siever, Manager
So. Lincoln Rural Water Sys.
P.O. Box 155
Canton, SD 57013

Charles Kuehl, Chairman
So. Lincoln Rural Water Sys.
P.O. Box 155
Canton, SD 57013

Francis E. Brink
1214 S. Wells Street
Aberdeen, SD 57401

Rodney Freeman, Jr.
P.O. Box 176
Huron, SD 57350

Marian Gunderson
811 W. 3rd
Yankton, SD 57078

Bernita Loucks
219 42nd St.
Rapid City, SD 57702

Dwayne A. Rollag
320 Lincoln Lane South
Brookings, SD 57006

Joel Rickenbach
Box 97
Oelrichs, SD 57763

Leo Holzbauer
RR 1, Box 170
Wagner, SD 57380

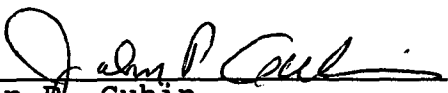
and by Inter Office Mail to:

John Hatch
DENR-Foss Building
523 E. Capitol
Pierre, SD 57501

and personally delivered to:

Diane Best
Assistant Attorney General
500 E. Capitol
Pierre, SD 57501-5070

on this 5th day August, 1993.


John P. Guhin
Assistant Attorney General



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 12, 1993

NOTICE

TO: Floyd Beach, Mayor John Sievers, Manager
 City of Lennox South Lincoln RWS
 PO Box 228 PO Box 155
 Lennox, SD 57039-0228 Canton, SD 57013

FROM: for John Hatch, Chief Engineer *Eric Lundberg*
 Water Rights Division
 605 773-3352

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and
 Final Decision

This is to notify you that a Final Decision, including Findings of Fact and Conclusions of Law, was adopted by the Water Management Board for Water Permit Application No. 5753-3, City of Lennox at the September 1, 1993, meeting.

A copy of the signed Final Decision, Findings and Conclusions is enclosed for the above Parties and the City's attorney. South Dakota Statutes provide that decisions of the Board may be appealed to the Courts.

enclosure

cc: John Guhin, Deputy Attorney General
 Diane Best, Assistant Attorney General
 Haven Stuck, Attorney, Box 8250, Rapid City, SD 57702

CERTIFICATION

I hereby certify that on November 12, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated November 12, 1993, regarding Adoption of Findings of Fact, Conclusions of Law and Final Decision, along with a copy of the Findings for Water Permit # 5753-3, City of Lennox addressed as stated below:

Floyd Beach, Mayor, City of Lennox, P.O. Box 228, Lennox, SD
57039-0228.

John Sievers, Manager, South Lincoln RWS, P.O. Box 155, Canton, SD
57013.

Haven Stuck, Attorney, Box 8250, Rapid City, SD 57702.

Copies Sent Inter-office to:

John Guhin, Deputy Attorney General, Capitol Building.

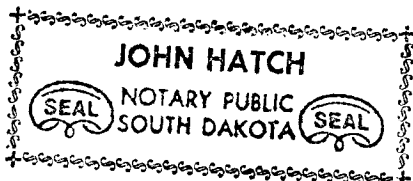
Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of November, 1993.



John Hatch
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 1 1994

Roger Almond, Water Superintendent
City of Lennox
PO Box 228
Lennox, SD 57039-0228

Dear Mr. Almond:

Enclosed is Water Permit No. 5753-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

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

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

NOTICE OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE



Date 9-15-97

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

FROM:

City of Pierre 220 S. Main
(name) (address)
Pierre S.D. 57039 647-2222
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5753-3

Water Permit No. 5753-3 states that the diversion system is to be constructed by

_____, and that the water is put to beneficial use by
(date)

_____.
(date)

The diversion system was completed on _____.
(date)

Applying the water to beneficial use was completed on Oct 1994.
(date)

You may schedule an inspection so that the Water License may be issued.

Roger Blum
(signature)

PARTIES OF RECORD

WATER PERMIT APPLICATION NO. 5753-3, CITY OF LENNOX

APPLICANT

Floyd Beach, Mayor
City of Lennox
PO Box 228
Lennox, SD 57039-0228

PETITIONERS

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

Charles Kuehl, Chairman
South Lincoln Rural Water System
Box 155
Canton, SD 57013

Water Rights Program - File Documentation

NAME: City of Lennox

ADDRESS: 11-5-1997

RE: Amount of water remaining in future use permit

COMMENTS:

Water Permit No. 5753-3 authorizes	0.70 cfs	285 AF
Licensed for	<u>- 0.36 cfs</u>	<u>156 AF</u>

Reverting back to future use	0.34 cfs	129 AF
-------------------------------------	-----------------	---------------

Future Use Permit No. **5101-3** should be scheduled for review since water was reverted back to future use

Karen Schlaak

Karen Schlaak
Environmental Scientist

REPORT ON INSPECTION OF PERMIT NO. 5753-3

DATE OF INSPECTION: 9-11-97

Other permit(s) associated with the project: 5080-3 standby wells, 5326-3, and Future Use Permit No. 5101-3

NAME & ADDRESS OF INSPECTION CONTACT: Roger Almond, 220 S. Main St., Lennox SD 57039.

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: City Utilities Superintendent

NAME & ADDRESS OF PERMIT HOLDER: City of Lennox, 220 S. Main St., Lennox SD 57039 (605) 647-2286.

DIVERSION POINT LEGAL LOCATION: 5753-3 Well A - 160' N and 105' E of the SW corner Section 13.

WELL INFORMATION:

- 1) Well Drilling Firm: Layne Western Company
- 2) No. of Wells 1
- 3) Depth(s) 624feet
- 4) Well log is available yes

Casing:

- 1) Diameter 12 inches
- 2) Length 410feet
- 3) Type steel

Screen:

- 1) Type stainless steel
- 2) Length 131 and 20 feet
- 3) Static water level 145 feet

Pump:

- 1) Make submersible Goulds
- 2) Model 6CLC
- 3) Size 10"
- 4) Capacity 162GPM (well capacity)

Motor:

- 1) Make Franklin
- 2) Model No. #
- 3) Horsepower rating 40 hp

DISTRIBUTION LINES OR CANALS: Mainline to town.

- 1) Type PVC 2) Size 4 3) Length 2075 feet
- 1) Type PVC 2) Size 8 3) Length 32,600 feet

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes

Permit No. 5753-3
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, September 11, 1997 made a thorough examination of the water use system constructed by City of Lennox of 220 S. Main St., Lennox SD 57039 holder of Permit Nos. 5753-3, bearing the priority of August 27, 1986 authorizing the diversion of 0.70 cu. ft. per second or 285 acre-feet annually of the waters of the Dakota Formation for municipal purposes, in Lincoln County.

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

A. Works used to divert the water:

Well A is 624 feet deep with 410 feet of 12 inch steel casing and two sections of stainless steel screen 131 feet and 20 feet; Goulds submersible pump model no. 6CLC; Franklin motor rated at 40 hp; well capacity is 162 gpm.

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

Mainline to town is 2,075 feet of 4 inch pvc and 32,600 feet of 8 inch pvc.

C. Works used to apply water to beneficial use:

100,000 gallon cement reservoir and a 50,000 gallon water tower hooked to the municipal water system.

The system is in the following condition good. The point of diversion is located well A - 160' N and 105' E of the SW corner Section 13-T98N-R51W. The works are capable of diverting and conveying to the place of use 0.36 cu. ft. per second of water or 156 acre feet of water annually which is to be used for municipal purposes.

Water has been put to beneficial use to the maximum extent as follows:

Municipal water system for the City of Lennox.

The license should be issued for 0.36 cfs and 156 acre-feet annually.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none

COMMENTS: **Licensing of 156 acre-feet annually will leave 129 acre-feet under Future Use Permit No. 5101-3.**

Lynn Beck
Lynn Beck
Natural Resources Engineer
DENR, Water Rights Program

9-23-97
Date

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5753-3

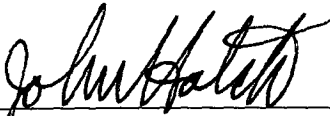
(1) The City of Lennox, 220 S Main St., Lennox SD 57039 made Application No. 5753-3, February 18, 1993 for a water permit to divert 0.70 cubic feet of water per second (285 acre-feet annually) from groundwater (one well), Lincoln County, South Dakota for municipal use purposes. Permit No. 5753-3, with a priority date of August 27, 1986 (established by Future Use Permit No. 5101-3) was approved September 1, 1993 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 1, 1998 and for the application to beneficial use of said water on or before September 1, 2002.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on September 18, 1997. The *Notice* stated the diversion system was completed and the water placed to beneficial use October, 1994.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.36 cubic feet of water per second (156 acre-feet annually) for beneficial use. The location of the diversion point is: Well A - 160 feet north and 105 feet east (SW 1/4 SW 1/4) from the SW corner Section 13-T98N-R51W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the City of Lennox, 220 S Main St, Lennox SD 57039 the holder and/or owner of Water Permit No. 5753-3 is issued a license to appropriate water, the right to use 0.36 cubic feet of water per second (156 acre-feet annually) from groundwater (one well) with a priority date of August 27, 1986 (established by Future Use Permit No. 5101-3) from the location specified in (2) of this license, for the purpose of municipal use. This license is subject to any limitations or qualifications listed in Water Permit No. 5753-3 and subject to South Dakota State Law.



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

APR 23 1998

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 15, 1997

5080-3
5326-3
5753-3

Roger Almond, City Utilities Superintendent
City of Lennox
220 S. Main Street
Lennox, SD 57039

Dear Mr. Almond:

The investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 5080-3, 5326-3 and 5753-3, has been completed. Your final water right documents, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee per license (\$150.00 total) for the investigation and issuance of the Water Licenses. Upon receipt of the \$50.00 fee per license (\$150.00 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.

RECEIPT

415514

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ November 3, 19 97

RECEIVED OF City of lennox, P.O. Box 228, Lennox, SD 57039-0228

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>5753-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 23 1998

5080-3
5326-3
5753-3

Roger Almond, City Utilities Superintendent
City of Lennox
220 S. Main Street
Lennox, SD 57039

Dear Mr. Almond:

Enclosed are Water License Nos. 5080-3, 5326-3 and 5753-3. These are the final water right documents completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 415512, 415513 and 415514 in the amount of \$50.00 each which you paid for the investigation and issuance of the Water Licenses.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 5080-3, 5326-3 and 5753-3, 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 Licenses, 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

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

AUG 02 2018

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 5753-3Date: July 24, 2018I/We request that Water Right/Permit No. 5753-3 formerly owned by:City of Lennox

be transferred to:

New Owner Name: South Lincoln Rural Water System, IncAddress: 28647 472nd AvenueCity, State, Zip Beresford SD 57004 Telephone No. 605-777-9905

Title to the following described land(s)/property has been transferred as described above:

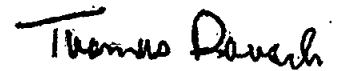
Lot A in the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4SW1/4SW1/4) of Section Thirteen(13), Township Ninety-eight (98) North, Range Fifty-one (51) West of the 5th P.M., Lincoln County, South Dakota, According to the recorded plat thereof.

- ☒ I understand that the validity of Water Right/Permit No. 5753-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, South Lincoln RW By Thomas Rausch, GM, the new owner, certify that the above information is true and correct.



(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date **August 10**

20 **18**

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

RECEIVED OF _____

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form 5753-3		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No. **08739**

By

Jeanne Goodman
Chief Engineer

Jem



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 10, 2018

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

Dear Mr. Rausch:

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

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

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

If you have any questions, please contact me.

Sincerely,

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

enclosures