

WATER PERMIT NO. 5880A-3

Name of Applicant: City of Vermillion

Address: 25 Center St, Vermillion SD 57069

Phone: 605 677-7050

Amount of Water Claimed: no additional

Total Acres: no additional

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Clay

Type of Waste Disposal System:

Location: city golf course

PRIORITY

Date Received: 8-20-04

Application/License Fee: \$200

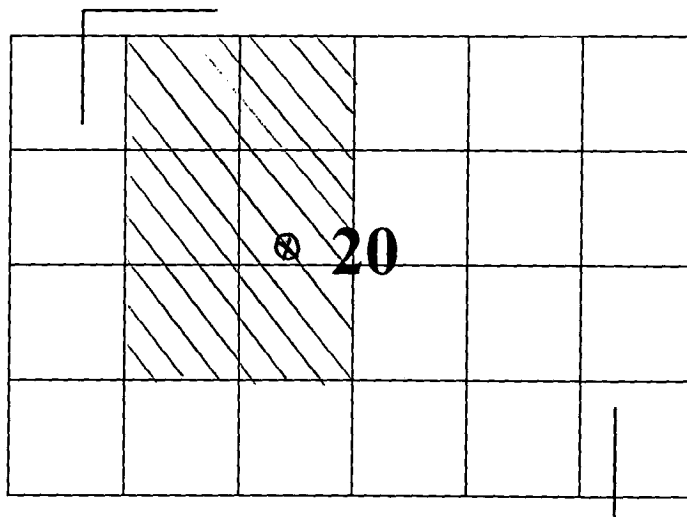
Corrected Application Received:

Period of Annual Use: May 1 – September 30

Remarks: Amends Permit No. 5880-3 by increasing the diversion rate from the pond to the golf course and annual volume of 3 acre-feet per acre delivered to the land.

Diversion Point: SE ¼ NW ¼ Sec 20-T92N-R51W

Land to be Irrigated: NW ¼, N ½ SW ¼ Sec 20-T92N-R51W



Depth of Well: 200

Well Driller: : Wetmore Drilling

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 8-23-04

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

RECEIVED

AUG 20 2004

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only) No. <u>5880A-3</u> Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Plain Talk</u>

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. WP No. 5880-3
(Use predates Mar 2, 1955)

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

amend water permit to authorize an application rate of 1200 gpm from pond to the golf course and an annual volume of three acre feet per acre delivered to the land. Three acre feet is needed because of turf requirements

1. Name of Applicant City of Vermillion Phone (605) 677-7050

(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 25 Center Street, Vermillion State SD 57069
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed *CFS or **GPM ***AF Total Acreage no additional
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply well (Lower Vermillion:Missouri Aquifer and incidental surface runoff to the pond)4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County ClaySE 1/4 NW 1/4 Section 20, T92N, R51W (Lat/Lon W-096.89770 N42.772317)5. County or counties where water will be used Clay6. Annual period during which water is to be used May 1 - September 30

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

Land Description	Acres	Land Description	Acres
same as on Water Permit No. 5880-3			

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

SEE ATTACHMENT

STATE OF SOUTH DAKOTA) SS

County of Clay

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)

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

Applicant's signature Harold HolachSubscribed and sworn to before me this 9th day of August 2004

Muhaf Alkham
Notary Public signature
com exp 7-5-05

ATTACHMENT AMENDMENT TO WATER PERMIT NO. 5880-3

Permit No. 5880-3 was issued in 1995 with Condition No. 4 which limits diversion from the pond to 1.05 cfs (470 gpm) for irrigation of 73.4 acres at the golf course. The current system is capable of diverting 2.67 cfs (1200 gpm) from the pond to the turf. Pursuant to SCL 46-5-6, the City requests a greater diversion rate than the 1.05 cfs because of the time constraints on diversion of water and the method of irrigation. A golf course is limited in the periods when water may be applied to the turf and the type of irrigation equipment it uses to efficiently irrigate the golf course.

In addition, the city requests an annual volume of 3 acre feet per acre delivered to the land. This is necessary because of the watering requirements of turf.

No increase in the diversion rate from the well or the number of acres irrigated is requested.

SOUTH DAKOTA
WATER PERMIT NO. 5880A-3

Date of first receipt of application August 20, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5880A-3 to the City of Vermillion, 25 Center St, Vermillion SD 57069 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. 5880A-3 authorizes an increase in the diversion rate from the pond to irrigate the golf course. Water Permit No. 5880-3 appropriates 1.11 cubic feet of water per second (cfs) from one well completed into the Lower Vermillion Missouri Aquifer (200 feet deep) located in the SE ¼ NW ¼ Section 20 to irrigate 73.4 acres located in the NW ¼, N ½ SW ¼ Section 20; all in T92N-R51W. The water is pumped from the well to a holding pond (26 acre-feet storage capacity) at a diversion rate of 1.05 cfs. This permit increases the diversion rate from the holding pond to the irrigated acres from 1.05 cfs to 2.67 cfs. No increase in the diversion rate from the well is requested.
2. The amount of the appropriation may not exceed 3 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is August 20, 2004.
4. The date of approval of Permit No. 5880A-3 is November 15, 2004.
5. 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints or type of soils so requires, Permit Nos. 5880-3 and 5880A-3, combined, authorize a maximum diversion rate of 2.67 cfs from the pond for the irrigation of 73.4 acres with an annual volume not to exceed 3 acre feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JAN 18 2005

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 4, 2004

Harold Holoch
City of Vermillion
25 Center Street
Vermillion SD 57069

Dear Mr. Holoch:

I was dusting off some water right files and discovered that we had some unfinished business on Water Permit No. 5880-3. This is the water permit which authorizes irrigation of the Bluffs golf course. If you recall, I conducted an onsite visit in 2002 for the purpose of licensing the permit for the amount developed.

Water Permit No. 5880-3 (copy enclosed) appropriates 1.11 cubic feet of water per second from one well (Lower Vermillion:Missouri Aquifer) to irrigate 73.4 acres at the golf course. Water from the well is pumped into a pond prior to application to the turf. Based on my inspection, there was some question on the well's production. We put the issue on hold until the city conducted maintenance on the well. You contacted me in 2003 after the well was test pumped indicating it produced 351 gpm (0.78 cfs). The water permit file got set aside until I recently picked it up.

During my on-site visit, the diversion rate from the pond to irrigate the turf totaled 2.67 cfs (1,200 gpm). This was the cumulative total from the three pumps used to pressurize the sprinkler system. However, this is a greater diversion rate than what is authorized by the water permit. Specifically, Condition No. 4 which states the permit is limited a diversion rate of 1.05 cfs (470 gpm) from the pond. This amount was the statutory amount (1 cfs per 70 acres) allowed in 1995 for the irrigation of 73.4 acres.

The permit can not be licensed to authorize a diversion rate from the pond greater than what was originally approved. However, the law has changed since 1995 and now, if applied for, allows a permit to be granted for greater than the statutory limit if the method of irrigation, time constraints or type of soil so requires. A golf course certainly has time constraints on watering.

In order to bring the water use into compliance with the law, I believe the city of Vermillion will need to apply to amend the permit to authorize this greater diversion rate. I have enclosed application forms and a partially completed application form to use as an example. I think it is also in the city's best interest to apply for a volume of water of 3 acre feet of water per acre each

year. Currently, the water permit only allows 2 feet of head to be applied to the ground. We have found that golf courses generally need more water because of the turf requirements.

The filing fee for applying for this amendment is \$200 (\$150 application fee + \$50 licensing fee).

Harold, sorry for taking so long to get back to you on this issue. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Gronlund", with a stylized flourish at the end.

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

enclosure

V City of VERMILLION

25 CENTER STREET
VERMILLION, SOUTH DAKOTA 57069
www.cityofvermillion.com

PHONE: (605) 677-7050



August 9, 2004

RECEIVED

AUG 20 2004

WATER RIGHTS
PROGRAM

Eric Gronlund
Water Rights Program
DENR
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Amended Irrigation Water Rights Permit Application for Bluff's Golf Course

Dear Mr. Gronlund:

Enclosed is the amended application for permit for irrigation water rights at the Bluff's Golf Course (WP No. 5880-3), and a check for the application and licensing fee of \$200.00.

Thank you for your assistance in making the application.

Sincerely,

Harold Holoch, P.E.
Utilities Engineer

Enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date August 23, 20 04

RECEIVED OF City of Vermillion 25 Center St, Vermillion SD 57069

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

Fee for Application for Permit No. <u>5880A-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5880A-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	200.00

No. 44-20-2-0007

By Harland Erbelev

Chief Engineer (145)

REPORT ON WATER PERMIT APPLICATION NO. 5880A-3
For the City of Vermillion
October 5, 2004

Application No. 5880A-3 proposes to increase the diversion rate from the pond to irrigate the golf course. Water Permit No. 5880-3 appropriates 1.11 cfs (500 gpm) from one well completed into the Lower Vermillion Missouri aquifer (200 feet deep) and located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 20 to irrigate 73.4 acres located in the NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ of section 20; all in T92N R51W in Clay County. The water is pumped from the well to a holding pond (26 acre-feet of storage capacity) and limited to a diversion rate of 1.05 cfs. This application proposes to increase the diversion rate from the holding pond from 1.05 cfs to 2.67 cfs. The applicant is requesting a diversion rate greater than the statutory limit of one cfs per 70 acres and an annual volume of three acre-feet per acre. No increase in the diversion rate from the well is requested.

AQUIFER – UPPER VERMILLION MISSOURI (UVM)

The Upper Vermillion Missouri is a buried outwash (sand and gravel) that is under artesian conditions at this site. The aquifer underlies 100,800 acres and contains an estimated 1.512 million acre-feet of recoverable water in storage in Clay County (Hedges, 1982). The aquifer is hydraulically connected to the Missouri Elk Point aquifer to the south and to the Missouri and Vermillion Rivers. Ground water movement is from north to south in this area (Christensen, 1967). The driller's log submitted with the application indicates the aquifer top at 117 feet with sand and gravel to a depth of 200 feet below land surface. The completed well was capable of producing 256 gpm with only three feet of drawdown which equates to a specific capacity of 85 gpm/ft of drawdown.

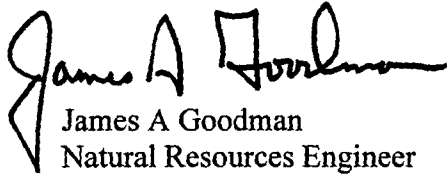
The Water Rights Program monitors three observation well completed into the Upper Vermillion Missouri or Missouri Elk Point and within three miles of this application. Observation well CL-66B is located about three miles northeast of this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2004). A hydrograph for CL-66B is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water right is about one-half mile distant. Interference is not a concern. The aquifer is thick and large specific capacities are common. Drawdown created by should not be significant nor extend very far from the individual production well.

CONCLUSIONS

1. Water is available from the Upper Vermillion Missouri aquifer.
2. Interference is not a concern. This is an existing well and has been in use for many years with no apparent problems.
3. This well has been constructed in accordance with SD Well Construction Standards.
4. This application requests an increase in diversion rate above the one cfs per 70 acres. This is acceptable for this facility design. Also this application requests to increase the annual volume of water which can be used to three acre-feet per acre. This is also a reasonable request.



James A Goodman
Natural Resources Engineer

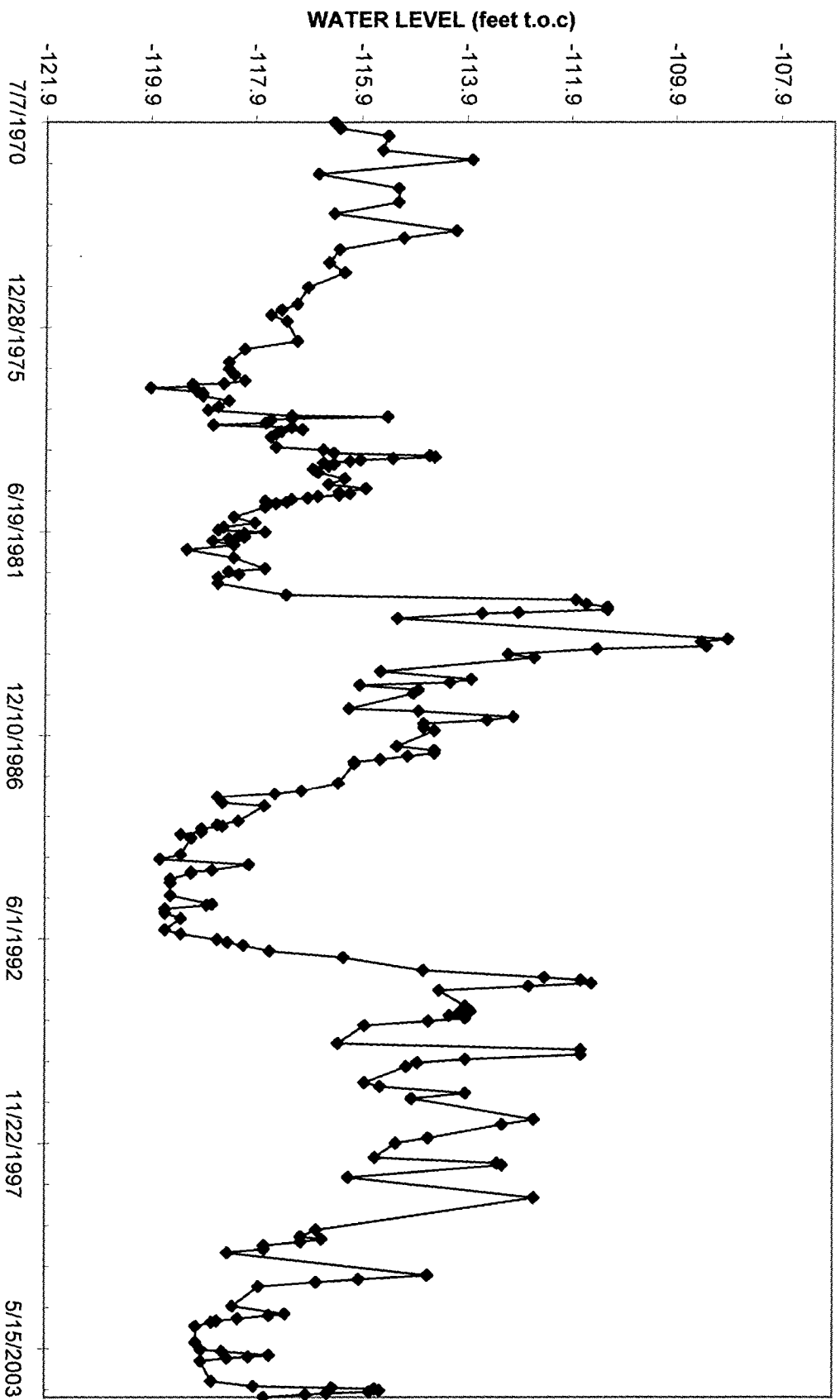
BIBLIOGRAPHY

Christensen, C.M., J.C. Stephens, 1967, Geology and Hydrology of Clay County South Dakota, Bulletin 19, SD DENR, SDGS, Vermillion, SD, 57069.

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

Water Rights, 2004, Unpublished Observation Well Data for Clay County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
CL-66B





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5880A-3, City of Vermillion**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5880A-3, City of Vermillion, c/o Harold Holoch, 25 Center Street, Vermillion SD 57069.

The Chief Engineer is recommending APPROVAL of Application No. 5880A-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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints or type of soils so requires, Permit Nos. 5880-3 and 5880A-3, combined, authorize a maximum diversion rate of 2.67 cfs from the pond for the irrigation of 73.4 acres with an annual volume not to exceed 3 acre feet of water per acre per year.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
October 18, 2004



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

October 19, 2004

City of Vermillion
% Harold Holoch Utilities Engineer
25 Center St
Vermillion SD 57069

Dear Mr. Holoch:

Water Permit Application No. 5880A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Plain Talk printed at Vermillion, SD (Ph # 605-624-2695). You will need to contact the newspaper and authorize publication of this notice. 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 and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also 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 57501-3182
www.state.sd.us/denr

October 19, 2004

Plain Talk
Box 256
Vermillion SD 57069-0256

ATTENTION: Legal Public Notice

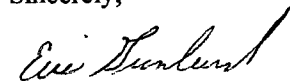
Enclosed is a Notice on Application No. 5880A-3 to Appropriate Water to be published twice. Please publish the first notice on October 29, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 City of Vermillion, % Harold Holoch, Utilities Engineer, 25 Center St, Vermillion (Ph # 605-677-7050).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 5880A-3

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

Date _____

We are in receipt of your letter of October 19, 2004 enclosing Notice to Appropriate Water by Application No. 5880A-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on October 29, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5880A-3 to Appropriate Water
And Amend Water Permit No. 5880-3

Notice is given that the City of Vermillion, c/o Harold Holoch, Utilities Engineer, 25 Center St, Vermillion SD 57069 has filed an application for a water permit to increase the diversion rate from the pond to irrigate the golf course. Water Permit No. 5880-3 appropriates 1.11 cubic feet of water per second (cfs) from one well completed into the Lower Vermillion Missouri Aquifer (200 feet deep) located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 20 to irrigate 73.4 acres located in the NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 20; all in T92N-R51W. The water is pumped from the well to a holding pond (26 acre-feet storage capacity) at a diversion rate of 1.05 cfs. This application proposes to increase the diversion rate from the holding pond to the irrigated acres from 1.05 cfs to 2.67 cfs. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres and an annual volume of 3 acre-feet of water per acre irrigated. No increase in the diversion rate from the well is requested.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5880A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 15, 2004.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

Tina Coulston

Being first duly sworn, deposes and says: That he/she is a resident of the County of Clay and State of South Dakota; that

THE PLAIN TALK

is a legal newspaper of general circulation, printed and published in Vermillion, in said County and State, by Broadcaster Press, Inc., and is now and has been such newspaper continuously during all the times hereinafter mentioned; that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

NOTICE OF APPLICATION

NO. 5880A-3 TO APPROPRIATE WATER

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

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

was on Friday, the 29th day of October, 20 04, and that the succeeding publications were severally

on Friday, the 5th day of November, 20 04,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

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

Forty-nine dollars and 46 cents

and that said fees for the printing and publishing of said notice and advertisement have been fully paid; that the full amount of the fee charged for the publishing of the said attached annexed notice and advertisement inures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Tina Coulston

Subscribed and sworn to before me

this 5th day of Nov., 2004

Joan E. Wilcox

My Commission Expires
April 17, 2005

Notary Public

NOTICE OF APPLICATION NO. 5880A-3 to Appropriate Water And Amend Water Permit No. 5880-3

Notice is given that the City of Vermillion, c/o Harold Holoch, Utilities Engineer, 25 Center St, Vermillion SD 57069 has filed an application for a water permit to increase the diversion rate from the pond to irrigate the golf course. Water Permit No. 5880-3 appropriates 1.11 cubic feet of water per second (cfs) from one well completed into the Lower Vermillion Missouri Aquifer (200 feet deep) located in the SE 1/4 NW 1/4 Section 20 to irrigate 73.4 acres located in the NW 1/4, N 1/2 SW 1/4 Section 20; all in T92N-R51W. The water is pumped from the well to a holding pond (26 acre-feet storage capacity) at a diversion rate of 1.05 cfs. This application proposes to increase the diversion rate from the holding pond to the irrigated acres from 1.05 cfs to 2.67 cfs. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres and an annual volume of 3 acre-feet of water per acre irrigated. No increase in the diversion rate from the well is requested.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5880A-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 15, 2004.

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Publish: October 29 & November 5, 2004

RECEIVED

NOV 12 2004

WATER RIGHTS
PROGRAM

FIELD INVESTIGATION REPORT FOR PERMIT NO. 5880-3

DATE OF INVESTIGATION:	June 19, 2002
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Harold Holoch, Utilities Engineer City of Vermillion 25 Center Street Vermillion SD 57069
NAME & ADDRESS OF PERMIT HOLDER	City of Vermillion
DIVERSION POINT LEGAL LOCATION	SE ¼ NW ¼ of Section 20, T92N, R51W

WATER SUPPLY

Source: Lower Vermillion:Missouri Aquifer

Well Information:

- 1) Well Drilling Firm: Wetmore
- 2) No. of Wells 1
- 3) Depth(s) 200feet
- 4) Well log is available yes

Casing:

- 1) Diameter 8 inches
- 2) Length 170 feet
- 3) Type plastic

Screen:

- 1) Type PVC
- 2) Length 30 feet
- 3) Static water level 106 feet

Pump & Motor in well:

- 1) Make Submersible (no other information available)
- 2) Model
- 3) Size
- 4) Capacity 351 GPM **
- 5) Horsepower rating 25 hp

Pump & Motor in Pump House: Three Pumps that divert water from pond

- 1) Make US Electric
- 2) Model
- 3) Size
- 4) Capacity 1200 GPM total.
- 5) Horsepower rating 20, 50 & 50 hp

Pond (primary pond which water from the well is discharge and then used for irrigation)

- 1) Surface area approx. 3.7 acres
- 2) Depth approx. 10 – 12 feet
- 3) Storage capacity approx. 26 acre feet

Other two ponds that are not part of the irrigation system but are located on the golf course and receive surface water runoff from the city's storm sewer system. These are not a part of the City's water right and because of their size do not need to be permitting.

- 1) Surface area approx. 4.3 and 2 acres
- 2) Depth approx. 10 – 12 feet
- 3) Storage capacity approx. 17 and 8 acre feet

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by No
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

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, **June 19, 2002**, made a thorough examination of the water use system constructed by **City of Vermillion** of **25 Center Street** holder of Permit No. **5880-3**, bearing the priority of **August 25, 1995** authorizing the diversion of **1.11** cu. ft. per second of the waters of **Lower Vermillion:Missouri Aquifer** for **irrigation** purposes, in **Clay** County.

Water Permit No. **5880A-3** bearing a priority of **August 20, 2004** authorizes an increase in the diversion rate from the holding pond to the irrigated acres from 1.05 cfs to 2.67 cfs (1.62 cfs additional). The June 19, 2002 investigation led to the need to obtain Permit No. 5880A-3.

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

A. Works used to divert the water:

Well with a 25 Hp submersible pump diverts water to a 3.7 surface acre pond.

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

Water is pumped from the pond at a pump house locate near the well, The pump house has three US Electric motors and pumps (20 HP, 50 HP & 50 HP).

C. Works used to apply water to beneficial use:

From the pump house water is transport in a 6 inch line to pressurize an underground sprinkler system for the golf course. The sprinkler system consists of 7 zones with 14 heads operating at 110 psi

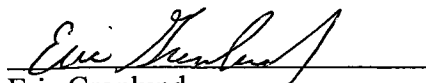
The system is in the following condition **excellent**. The point of diversion are located as follows: **approximately 2,535 feet south and 1,895 feet east of the NW corner (SE ¼ NW 1/4) of Section 20, T92N, R51W. -- Lat/Lon W-096.89770 N42.772317**

The works are capable of diverting and conveying to the place of use **0.78 cfs (351 gpm) from the well and 2.67 cfs (1,200 gpm) from the pond to apply water to the golf courser** which is to be used for **irrigation purposes on the following 73.4 acres all in Section 20, T92N, R51W:**

NW ¼ NW ¼ - 17.0 acres	SE ¼ NW ¼ - 16.8 acres
NE ¼ NW ¼ - 13.3	NW ¼ SW ¼ - 8.6
SW ¼ NW ¼ - 7.9	NE ¼ SW ¼ - 9.8

Applicable permit qualifications have been complied with: **No**

Exceptions to compliance are: **Yes** Date Report Completed: **December 17, 2004**


Eric Gronlund
Natural Resources Engineer
DENR, Water Rights Program

Water Permit No. 5880-3, City of Vermillion
(irrigation of The Bluffs Golf Course)

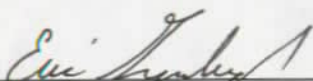


0 370 740 1,480 2,220 2,960 Feet

Well located approximately 2535 feet south and 1896 feet east of the NW corner of Section 20, T92N, R51W.

Map shows the general location of the irrigation of the tees, greens and fairways that are irrigated.

The blue cross hatched areas represent ponds on the golf course


Eric Gronlund
Water Rights Program, DENR
Licensing Investigation -- June 19, 2003

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5880A-3

(1) The City of Vermillion, 25 Center St, Vermillion SD 57069 made Application No. 5880A-3, August 20, 2004 for a water permit to increase the diversion rate from the 26 acre-feet storage pond, Clay County, South Dakota for irrigation purposes. Permit No. 5880A-3, with a priority date of August 20, 2004 was approved November 15, 2004 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

Water Permit No. 5880-3, with a priority date of August 25, 1995, authorized diversion of 1.11 cubic feet of water per second (cfs) from one well diverted to a storage pond for irrigation purposes. The water was diverted from the pond to the golf course at a rate of 1.05 cfs. An investigation of the water use system found the city was diverting at a higher rate from the pond.

Water Permit No. 5880A-3 was obtained to increase the diversion rate from the pond from 1.05 cfs to 2.67 cfs. The applicable portions of No. 5880-3 have been incorporated into No. 5880A-3. A priority date of August 25, 1995 is retained for diversion of 1.05 cfs from the pond and a priority date of August 20, 2004 is retained for the increased diversion rate from the pond of 1.62 cfs

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Incorporated Water Right No. 5880A-3 is issued a license, bearing priority dates of August 25, 1995 and August 20, 2004 to appropriate 0.86 cfs from the well and 2.67 cfs from the holding pond (26 acre-feet storage capacity) to irrigate 73.4 acres.

The diversion point is located: 2,535 feet south and 1,895 feet east of the northwest corner of Section 20-T92N-R51W (SE ¼ NW ¼). The acres authorized for irrigation are as follows:

Section 20-T92N-R51W			
NW ¼ NW ¼	17.0 acres	NW ¼ SW ¼	8.6 acres
NE ¼ NW ¼	13.3 acres	NE ¼ SW ¼	9.8 acres
SW ¼ NW ¼	7.9 acres		
SE ¼ NW ¼	16.8 acres	Total 73.4 acres	

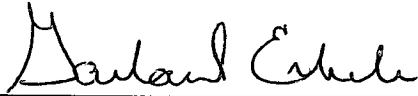
(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit Nos. 5880-3 and 5880A-3 including the following now applicable qualifications:

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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints or type of soils so requires, Permit Nos. 5880-3 and 5880A-3, combined, authorize a maximum diversion rate of 2.67 cfs from the pond for the irrigation of 73.4 acres with an annual volume not to exceed 3 acre feet of water per acre per year.

(continued)

Water License No. 5880A-3
City of Vermillion
Page 2

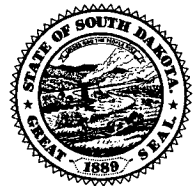
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. Water Permit Nos. 5880-3 and 5880A-3 authorize a pond with a storage capacity of 26 acre-feet of water.
The dam may be filled one or more times per year.



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

JAN 18 2005

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 18 2005

5880A-3

City of Vermillion
% Harold Holoch Utilities Engineer
25 Center St
Vermillion SD 57069

Dear Mr. Holoch:

Enclosed are Water Permit and Water License No. 5880A-3. The Water License is the final water right document completing your process of obtaining a Water Right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

NOTE: The applicable portions of No. 5880-3 are incorporated into Water License No. 5880A-3.

enclosures