

WATER PERMIT NO. 6027-3

Name of Applicant: City of Brandon

Address: PO Box 95, Brandon SD 57005

Phone: 605 582-6515

Amount of Water Claimed: 2.23 cfs (968 acre-feet)

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: municipal use

County: Minnehaha

Type of Waste Disposal System:

Location: Within the city limits

PRIORITY Date Received: 11-19-1997

Fee: \$400.00

Corrected Application Received: 11-24-1997

Period of Annual Use: January 1 - December 31

Remarks:

Diversion Point: SW 1/4 NE 1/4

Sec 3-T101N-R48W

Land to be Irrigated: NA

Depth of Well: approximately 290 feet

Well Driller:

Remarks:

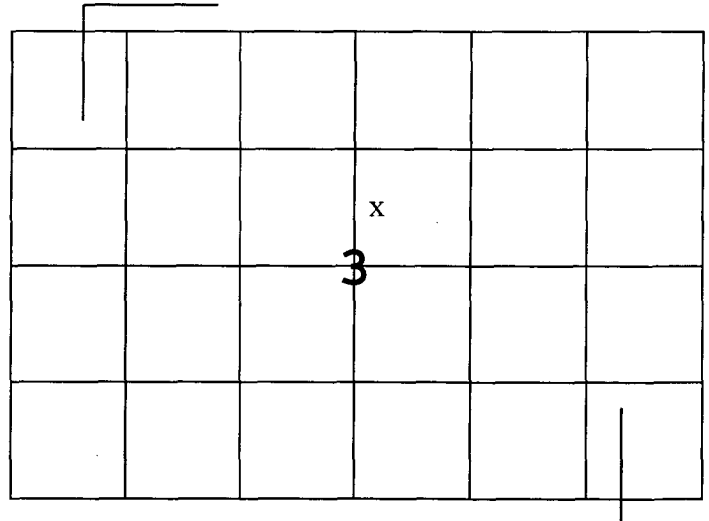
Type of Map: plat

Prepared by: Steve Brockmueller

Reviewed and the Number Assigned on: 11-24-1997

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6027-3

Date of first receipt of application November 19, 1997.

The Water Management Board approved Water Permit Application No. 6027-3 on February 25, 1998 for City of Brandon, PO Box 95, Brandon SD 57005 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. 6027-3 appropriates 2.23 cubic feet of water per second (968 acre-feet of water annually) from one well (Split Rock Creek Aquifer) approximately 290 feet deep located in the SW 1/4 NE 1/4 Section 3-T101N-R48W.
2. The water appropriated shall be used for the purpose of supplying water to the City of Brandon and may not exceed the amount of water needed for beneficial use for municipal use 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 November 19, 1997.
5. One-fifth of the construction is to be completed on or before August 25, 2000.
6. All construction is to be completed on or before February 25, 2003.
7. Water is to be put to beneficial use on or before February 25, 2007.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The 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. The well authorized by Permit No. 6027-3 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 City of Brandon shall report to the Chief Engineer annually the amount of water withdrawn each year from the Split Rock Creek Aquifer.

WATER MANAGEMENT BOARD

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

APR 23 1998
date



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. 6027-3 Hydrologic Unit 10170203
Basin Sink River
Newspaper Argus Leader
(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. _____
☐ 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 Brandon Phone 605/582-6515
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 95 Brandon State SD 57005
(Street, RR, or Box) (City) (Zip Code)
2.23 (New)
- Amount of water claimed 4.46 (Future use) OFS or 968 **GPM 968 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Split Rock Creek Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
1 well in SW 1/4 NE 1/4 Sec. 3 T101-R48W (new)
1 well in SW 1/4 NW 1/4 Sec. 2 T101 R48W (future use) County Minnehaha
- County or counties where water will be used Minnehaha
- Annual period during which water is to be used January thru 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)
See 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 Minnehaha ss

I, Michael Schultz, 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 Michael Schultz

Subscribed and sworn to before me this 17th day of November 19 97

My Commission Expires 1-26-01

Notary Public

Application for Permit to Appropriate Water
Attachment to Form 2

7. This project will involve the construction of a new 1000 gpm well into the SRC Aquifer. The well will be constructed in Aspen Park. A new water treatment plant will be constructed in the vicinity and will treat the water from the SRC Aquifer well and existing shallow wells (Big Sioux South Aquifer). The water from the new SRC well will be blended with shallow wells to provide a finish water that is lower in nitrate. The existing well No. 3 in the SRC Aquifer will be maintained as a standby well; however, it will not be piped to Aspen Park for treatment. Disinfection will be provided at the well site. The new well will provide a treated water that is lower in nitrates than the shallow wells and will provide additional firm capacity for the system.

~~The future use will be to construct and additional well in the SRC Aquifer:
This well will be approximately 3000 feet from Aspen Park and will be piped
to the site for treatment.~~

A copy of a report on Water Treatment Recommendations for Brandon dated April 1995 is attached.



Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 20" Min. Depth ± 290'
- b) Casing Type Steel A53-906 Diameter 16" Thickness 0.375"
- c) Screen Type Stainless steel Diameter 12" Thickness ± 7/8"
- d) Gravel Pack Thickness Natural Development Length of Gravel Pack NA
- e) Depth to Top of Water Bearing Material 146'
- f) Depth to Water (ground surface to water level) 18.3'
- g) Distance to nearest existing domestic well:

On applicants property 600' to shallow wells in Big Sioux South Aquifer
 On property owned by others 300' to shallow wells in Big Sioux South Aquifer
3000' to well in Split Rock Creek Aquifer

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

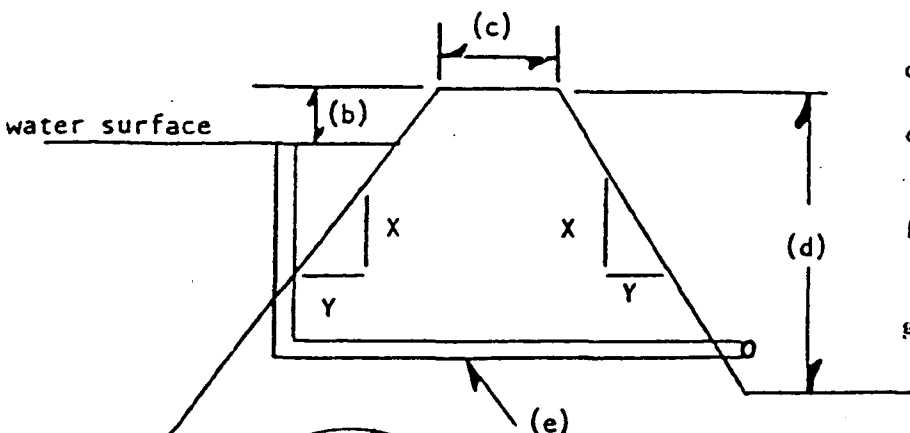
g) X & Y Slope
 Upstream _____

Downstream _____

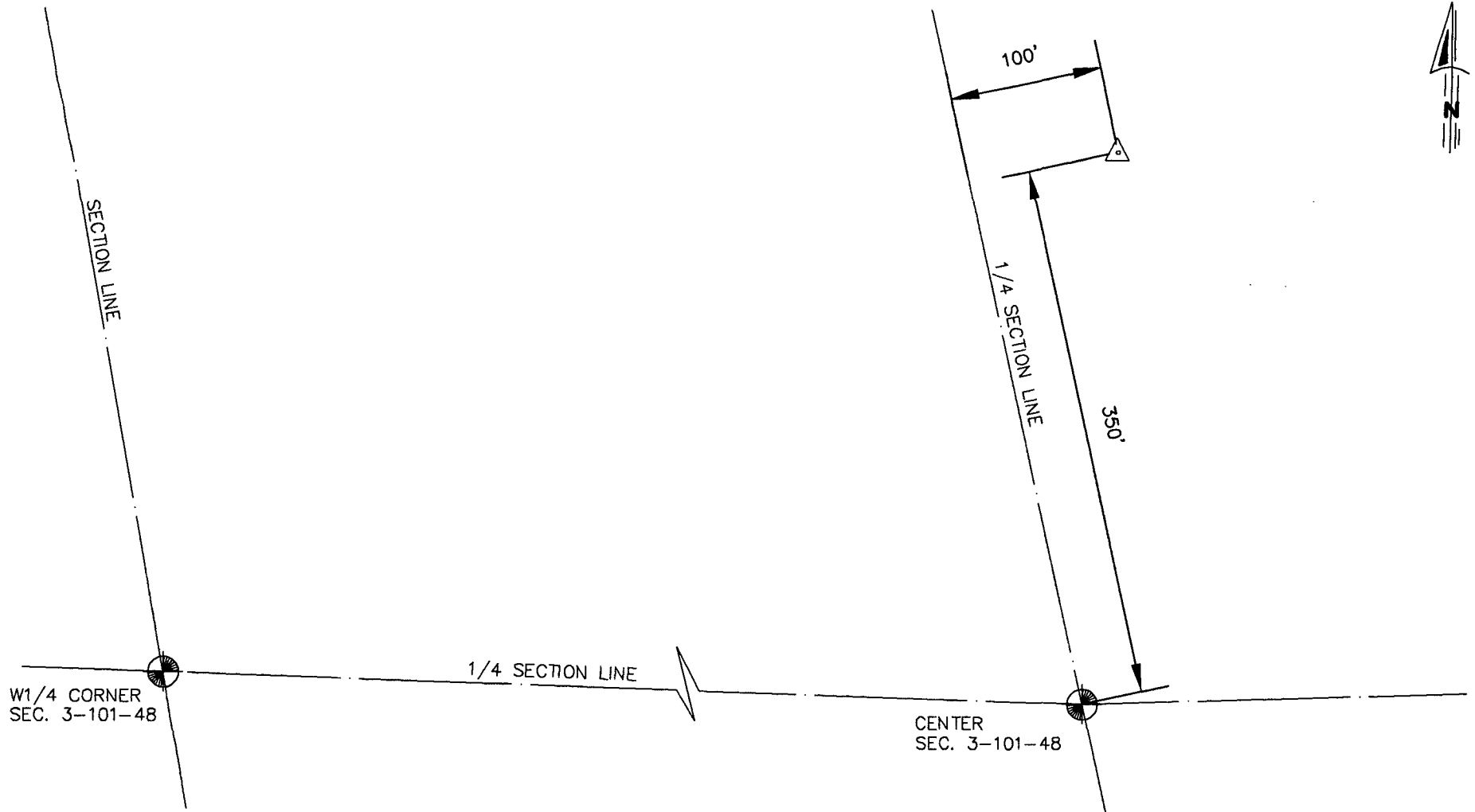
Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant



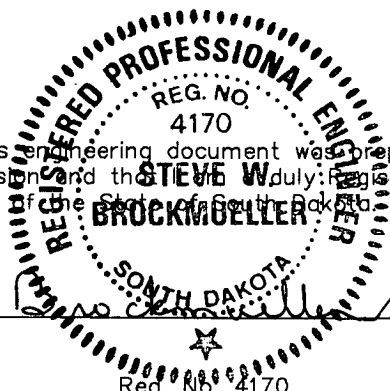
W1/4 CORNER
SEC. 3-101-48

CENTER
SEC. 3-101-48

I hereby certify that this engineering document was prepared under my direct supervision and that I am duly Registered Engineer under the laws of the State of South Dakota.

By: Steve W. Brockmueller
Steve Brockmueller

Date: 11-20-97 Reg. No. 4170



WELL LOCATION
SW1/4SW1/4NE1/4 SEC. 3-T101-R48
APPLICATION FOR WATER PERMIT
CITY OF BRANDON

NOVEMBER 17, 1997

SHEET 1 OF 1

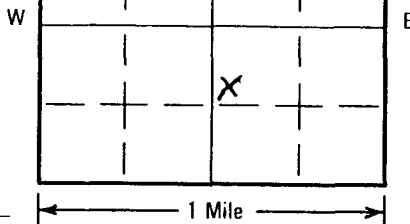
6027-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

6027-36156-3
07-92

Location NW 1/4 SE 1/4 Sec 3 Twp 101 Rg 48
County MINNEHANA
North

Please mark well location with an "X"



Well Completion Date

10-1-98

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
<u>94.62 LB/FT</u>	<u>24 IN</u>	<u>0 FT</u>	<u>60 FT</u>	<u>28 IN</u>
<u>70.59 LB/FT</u>	<u>18 IN</u>	<u>+2 FT</u>	<u>161 FT</u>	<u>23 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>NEAT CEMENT</u>	<u>69</u>	_____ lb./gal	<u>0</u> ft	<u>60</u> ft
<u>" "</u>	<u>69</u>	_____ lb./gal	<u>10</u> ft	_____ ft

Describe grouting procedure Pumped

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 12 IN Length 114 FEET

Material STAINLESS

Slot Size 30 Set From 161 Feet to 275 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: WATER
JETTED
WITH CHLORINE

Laboratory sent to for water quality analysis

Well Owner: CITY OF BRANDON

Business Name: CITY OF BRANDON

Address: 304 MAIN AVE
BRANDON S.D. 57005

WELL LOG:

FORMATION

DEPTH

FROM

TO

SEE LOG

STATIC WATER LEVEL 22

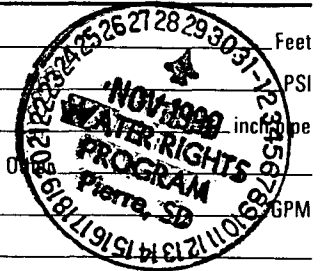
If flowing: closed in pressure _____

GPM flow _____ through _____

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____

Can well be completely shut in? _____



WELL TEST DATA:

☒ Pumped

Describe: TEST pump

☐ Bailed

☐ Other _____

Pumping Level Below Land Surface

111.65 ft. After 8 Hrs. pumped 2210 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 381

And this report is true and accurate.

Drilling firm LTP ENTERPRISES, INC.

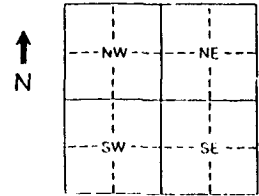
Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____



FARGO, N.D.
HUTCHINSON, MN.



Sec. _____ T. _____ R. _____

DRILLERS LOG

Drilled for City of Brandon, SD By Fargo Office

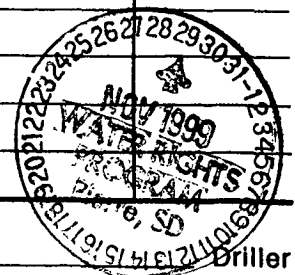
Location of Test Hole Legal SE SW NW SE Sec. 3 T101N R48W

South East corner of Park Test Hole No. 1-98 Well No. _____

Size of test hole 6 3/4 Date started 9-1-98 Date completed 9-1-98 Total Hours _____

FORMATIONS DRILLED

TYPE OF FORMATION	COLOR OF FORMATION	STARTED AT WHAT DEPTH	ENDED AT WHAT DEPTH	THICKNESS OF FORMATION
Top Soil	Black	G.L.	4	4
Clay	Brown	4	12	8
Sand	Brown	12	15	3
Gravel	Colored	15	27	12
Rock-gravel	Colored	27	34	7
Clay (hard)	Gray	34	46	12
Sand	Colored	46	58	12
Clay w/small lenses of clay	Gray	58	75	17
Sand w/lenses of clay (poor sample)	Gray	75	89	14
Rock & Sand	Colored	89	91	2
Sand & gravel	Colored	91	96	5
Silt Stone & shale (hard)	Blk, Gray	96	124	28
Shale (Brittle)	Blk, Gray	124	145	21
Fine Sand (drilled dirty)	Gray	145	151	6
Sand (drilled fair) w/lenses of Clay	Gray	151	161	10
Sand (drilled good)	Pink Gray	161	238	77
Dirty sand & Shale	Blk, Gray, PK	238	243	5
Finer sand (drilled fair) took water	Pink	243	275	32
Shale w/small sand lenses	Gray, Blk	275	280	5



Signed Don Heitmanek Driller

RECEIPT

415536

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ November 20, 19 97

RECEIVED OF City of Brandon, P.O. Box 95, Brandon, SD 57005

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

Fee for Application for Permit No. <u>6073</u> to Appropriate Water, to construct and to put water to beneficial use _____	592 56 400 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
	400 00 592 56

By Jean Hatch
Chief Engineer

PAYMENT REQUEST FORM

PAYEE: City of Brandon
P.O. Box 95
Brandon, SD 57005

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Originally paid \$592.50 for new application fee, but only owes \$400.00; therefore, a difference of \$192.50 needs to be refunded.

AMOUNT: \$192.50

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION: _____

John H. H. H.

11-20-97

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



Stockwell Engineers, Inc.

211 East 14th Street • Suite 200 • Sioux Falls, South Dakota 57104-6913
Telephone (605) 338-6668 • Fax (605) 338-8750

TRANSMITTAL

Eric Gronlund
Dept. of Environment & Nat. Res.
Water Rights Program
Joe Foss Building
523 E. Capitol Pierre, SD 57501-
3181

Date: 11-20-97
Proj. No.: 7097
Re: Brandon Water System
Improvements

TRANSMITTED:	☐ prints	☐ specifications
	☐ reproducible drawings	☐ change order
	☐ shop drawings	☐ _____
FOR:	☐ approval	☐ as requested
	☐ review & comment	☐ _____
	☐ your use	☐ _____
ACTION:	☐ none	☐ note markings
	☐ sign _____ copies	☐ provide comments
	☐ return _____ copies	☐ _____

Quantity:	Description:
<u>1</u>	<u>Map of well location</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Remarks: Eric; Please attach this map to the recent
water permit application for the City of Brandon.

Best Regards,

Steve Brockmuller

cc: _____



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

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: City of Brandon's water right permit application

ADDRESS: P.O. Box 95, Brandon, SD COUNTY: Minnehaha

DATE: 11/20/97 TELEPHONE:

RE: Discussion with consulting engineer, Steve Brockmueller, Stockwell Engineers (338-6668)

COMMENTS:

I contacted Mr. Brockmueller with question on the City of Brandon's application.

The future use portion component of the application is deleted at this time. They plan to file for the future use application at a later date.

The volume of water to be appropriated by this application 968 acre feet of water annually at a maximum diversion rate of 2.23 cfs.

The fee for an application appropriating 968 acre feet of water annually is \$400. Mr. Brockmueller requested that we cash that check and refund the overpayment.

Mr. Brockmueller will be sending a signed map to the Water Rights Program.

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: Eva Lund

REPORT FOR
WATER PERMIT APPLICATION NO. 6027-3
CITY OF BRANDON
JANUARY 14, 1998

Application No. 6027-3 proposes to appropriate 2.23 cubic feet of water per second (cfs) (968 acre-feet annually) from one well (Split Rock Creek Aquifer) approximately 290 feet deep located in the SW¼ NE¼ Section 3, T101N-R48W. The water is for municipal use.

AQUIFER: Split Rock Creek (SRKC)

AQUIFER CHARACTERISTICS:

The Split Rock Creek aquifer is composed of the interbedded sand, siltstone, shale, and claystone of Split Rock Creek Formation. The aquifer overlies, and is probably hydraulically connected to the Sioux Quartzite; and is generally overlaid and confined by glacial till. The Split Rock Creek Aquifer underlies approximately 139 square miles and contains an estimated 855,000 acre-feet of recoverable water in storage in Minnehaha County (Lindgren, 1992). Water levels of wells completed in the Split Rock Creek Aquifer range from above ground surface to more than 195' below ground surface. The direction of water movement in the aquifer is generally towards discharge areas along the Big Sioux River and Split Rock Creek (Lindgren, 1992). Possible sources of recharge to the Split Rock Creek aquifer include 1) infiltration of precipitation falling on outcrops of Sioux; 2) streamflow loss from Split Rock Creek; and 3) inflow from the Valley Springs Aquifer (Lindgren, 1992).

The Water Rights Program monitors 13 observation wells completed into the Split Rock Creek Aquifer (Water Rights, 1998). Four of these wells (MA-87E, MA-87F, MA-87H, and MA-87I) are located within approximately 2.5 miles of this well site. A typical observation well hydrograph for the Split Rock Creek Aquifer is shown in figure 1.

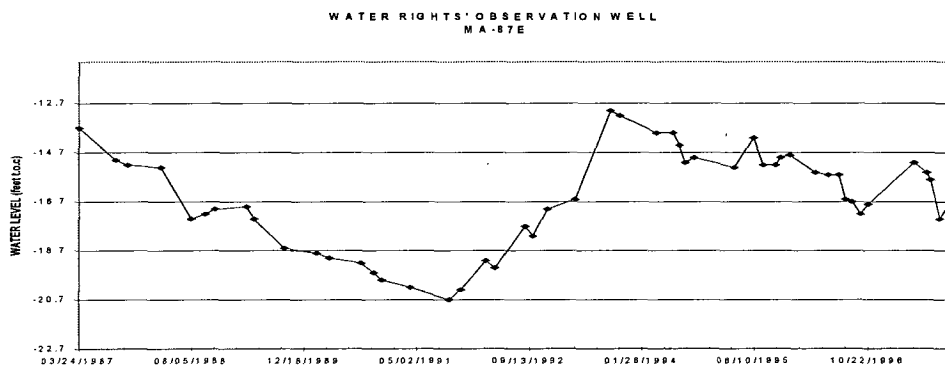


Figure 1

The hydrograph shows the aquifer responds well to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. At the current level of development from the aquifer, it is not possible to distinguish between natural water level fluctuations and the effects of pumping. The water level record indicates that the aquifer is capable of sustaining additional withdrawals.

The saturated thickness of the Split Rock Creek Aquifer is extremely variable. Although the average cumulative thickness of the Split Rock Creek Aquifer is about 48 feet, the maximum thickness is 222 feet (Lindgren, 1992).

A test hole log was not included with this application. However, a map of the saturated thickness of the Split Rock Creek (Figure 2) indicates the well proposed by this application is in a thick, (approximately 200 feet), and thus presumably highly productive portion of the aquifer portion of the aquifer).

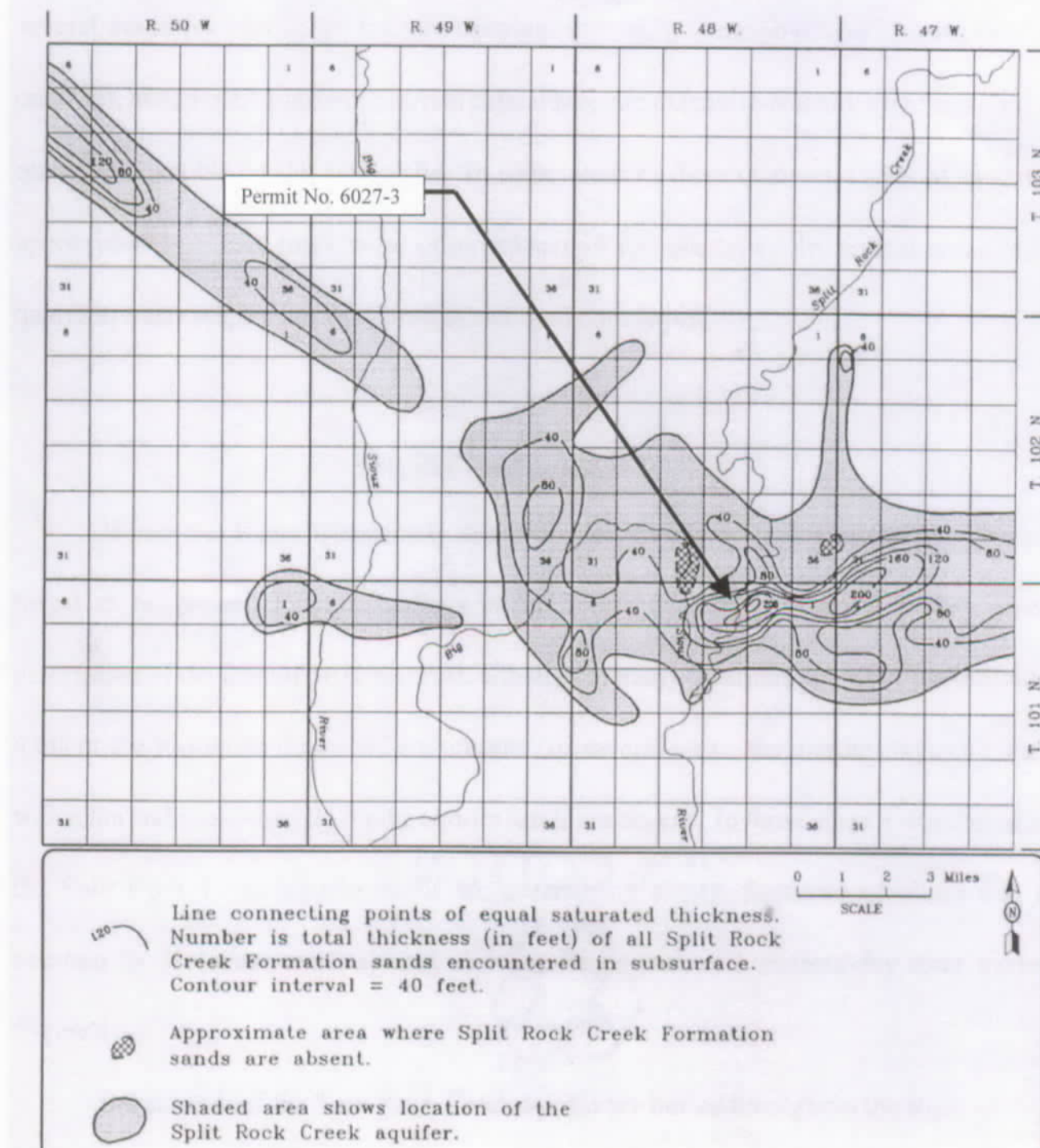


Figure 2. - Saturated thickness of the Split Rock Creek Aquifer (modified from Pence, 1997)

In 1995, the City of Sioux Falls, through their consultants Howard R. Green Company, conducted an aquifer test to evaluate the hydraulic properties of the aquifer, determine the production capability of the aquifer, and examine the water quality of the aquifer. The Summary of the Split Rock Creek Aquifer Study is currently in the process of being published as part of Open File Report 87-UR. However, the draft of the report (Pence, 1996) indicates "the aquifer appears to have an overall potential to yield in excess of 5 mgd" (5,610 acre-feet annually).

Although recharge was not quantified, this seems to be a very conservative number (less than one percent of the estimated water in storage in the aquifer).

Review of Existing Water Permits/Rights:

Currently, there are 15 Water Permits/Rights appropriating water from the Split Rock Creek Aquifer representing a total appropriation of 13.052 cfs (Water Rights, 1998). Appropriated uses include municipal (7 permits/rights), (Valley Springs, Brandon, and Sioux Falls), suburban housing development (2 permits/rights), industrial (5 permits/rights) and one permit for fire protection. The major users from the aquifer are the City of Sioux Falls and the City of Brandon. In 1997, Sioux Falls used two wells (#67 and #68) for a total of 123,843,400 gallons (380 acre-feet), (Stefanich, 1998). The City of Brandon reportedly pumped one well 163,427,200 gallons (501 acre-feet) from the Split Rock Creek Aquifer in 1997 (Olson, 1998). The total pumpage from the aquifer is expected to be less than 1,000 acre-feet per year.

In addition, there are two future use permits reserving water from the aquifer. All of the water reserved by Future Use No. 4929-3, (Corson Village Water), has been appropriated and 188 ac-feet annually remains reserved for future use by Permit No. 5444-2, (Valley Springs). The board has denied one future use appropriation from the Split Rock Creek Aquifer (No. 5084-3, East Dakota Water Development District), basically because the district could not demonstrate a need for the appropriation.

The City of Brandon's Split Rock Creek production wells are all located within approximately ½ mile of this well site. In addition, the City of Sioux Falls completed a 12-inch diameter well into the Split Rock Creek Aquifer in the NW¼ SW¼ NW¼ Sec.2, T101N-R48W (approximately ½ mile from the site proposed by this application). A temporary permit was issued to run a seven day, 1500 gpm aquifer test with this well, but a permit to appropriate water was never issued for the well. Since the Split Rock Creek Aquifer is under confined (artesian) conditions in this area, interference may occur between wells located within ½ mile of each other. Although the interference may be measurable, it would not be adverse. The next nearest permit (No. 5276-3, Brandon Wood Preserving), is located approximately 1.5 miles from this well site, (a distance sufficient to minimize any potential effects).

CONCLUSIONS:

1. Water Permit Application 6027-3 proposes to appropriate 2.23 cfs (968 acre-feet/year) from the Split Rock Creek Aquifer for municipal use.
2. There is a reasonable probability unappropriated water is available for this appropriation.
3. There is a reasonable probability this appropriation can be made without adversely affecting existing rights.
4. Although the city of Sioux Falls has constructed a nearby well in the Split Rock Creek Aquifer (over \$100,000+ investment), a permit to appropriate from this well has never been issued.

5. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



KEN BUHLER

Natural Resources Engineer

approved by



JAMES GOODMAN, P.E.

Natural Resources Engineer

REFERENCES:

Lindgren, R., and Niehus C., 1992, Water Resources of Minnehaha County, South Dakota: U.S. Geological Survey Water Resources Investigations Report 91-4101

Olson, D., 1998, Personal Communication

Pence, S, 1996, Summary of the 1995 Split Rock Creek Aquifer Test, DENR-Geologic Survey, Draft Copy

Pence, S, 1997, Hydrogeology and Recharge to the Split Rock Creek Aquifer, Southeastern South Dakota, University of North Dakota MS Thesis

Stefanich, T., 1998, Personal communication

Water Rights Program, 1998, "Observation Well Files", DENR-Water Rights Program, Joe Foss Building, Pierre, SD

Water Rights Program, 1998, "Water Permit/Right Files", DENR-Water Rights Program, Joe Foss Building, Pierre, SD

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6027-3, City of Brandon**

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. 6027-3, City of Brandon, c/o Mayor Michael Schultz, P.O. Box 95, Brandon, SD 57005.

The Chief Engineer is recommending APPROVAL of Application No. 6027-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The 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. The wells authorized by Permit No. 6027-3 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 City of Brandon shall report to the Chief Engineer annually the amount of water withdrawn each year from the Split Rock Creek Aquifer.

See report on application for additional information.



JOHN HATCH, Chief Engineer
January 14, 1998



**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.**

February 22, 1998

City of Brandon
Dennis Olson, Finance Officer
P.O. Box 95
Brandon, SD 57005

Dear Mr. Olson:

Water Permit Application No. 6027-3 for municipal use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Argus Leader printed at Sioux Falls, SD (Ph # (605) 331-2200). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

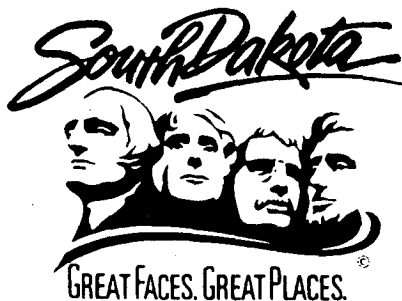
Sincerely,

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.

C: Steve Brockmueller, Stockwell Engineers, Inc., 211 East 14th St., Suite 200, Sioux Falls, SD 57104-6913.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 1998

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

ATTENTION: Legal Department

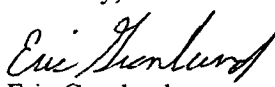
Enclosed is a Notice of Hearing on Application No. 6027-3 to be published twice. Please publish the first notice on January 29, 1998, with the second publication 7 days later.

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 City of Brandon, Dennis Olson, Finance Officer, P.O. Box 95, Brandon, SD 57005 (Ph # (605) 582-6515).

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 23, 1998

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

Dear Mr. Johnson:

The city of Brandon submitted a water right permit application proposing an appropriation of water from the Split Rock Creek Aquifer. Enclosed is a copy of the notice of hearing, report and recommendation. The notice of hearing is scheduled to be published January 29 and February 5, 1998, in the Argus Leader.

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

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures

Instruction to Newspaper - Publish first Notice on January 29, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6027-3 to Appropriate Water

Notice is given that the City of Brandon, PO Box 95, Brandon SD 57005 has filed an application for a water permit to appropriate 2.23 cubic feet of water per second (968 acre-feet of water annually) from one well (Split Rock Creek Aquifer) approximately 290 feet deep located in the SW 1/4 NE 1/4 Section 3-T101N-R48W. The water is for municipal use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6027-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

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 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 February 16, 1998. 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 Water Management Board will consider this application at 1:15 p.m. (cst), February 25, 1998, 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 February 25, 1998, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by February 16, 1998.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by February 16, 1998, at the above Water Rights Program 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

**PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA)
 County of Minnehaha) SS

I, Joan Stane

certify that the attached printed Notice was taken

from the Argus
Leader

printed and published in Sioux Falls

County of Minnehaha and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

January 29, 1998

February 5, 1998

Cost of Printing \$109.35

Joan Stane
 (Signature)

Legal Billing Clerk
 (Title)

February 5, 1998
 (Date Signed)

Miscellaneous

**NOTICE OF
 APPLICATION NO. 6027-3 to
 Appropriate Water**

Notice is given that the City of Brandon, P.O. Box 95, Brandon, SD 57005 has filed an application for a water permit to appropriate 2.23 cubic feet of water per second (968 acre-feet of water annually) from one well (Split Rock Creek Aquifer) approximately 290 feet deep located in the SW1/4 NE1/4 Section 3-T101N-R48W. The water is for municipal use.

Pursuant to SDCL 48-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6027-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

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 Program, Foss Building, 523 East Capitol Avenue, Pierre, SD 57501 (605) 773-3352 and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 16, 1998. 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 Water Management Board will consider this application at 1:15 p.m. (CST), February 25, 1998, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol Avenue, 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 February 25, 1998, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested

person opposing the application. The request for an automatic delay must be filed by February 16, 1998.

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 1-28. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by February 16, 1998, at the above Water Rights Program 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 48-1-1 through 48-1-9, 48-1-12 through 48-1-16; 48-2-3.1, 48-2-9, 48-2-11, 48-2-13, 48-2-17; 48-2A-1 through 48-2A-10, 48-2A-12, 48-2A-14, 48-2A-15, 48-2A-20, 48-2A-21; 48-5-1 through 48-5-11, 48-5-13 through 48-5-15, 48-5-24, 48-5-25, 48-5-30.2, 48-5-30.4, 48-5-31; 48-6-3, 48-6-3.1, 48-6-6.1, 48-6-10, 48-6-13, 48-6-14, 48-6-26; and Board Rules ARSD 74:02:01:01 through 74:02:01:15.

Nettie H. Myers, Secretary,
 Department of Environment and
 Natural Resources
 818 Jan. 29; Feb. 5, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 23 1998

City of Brandon
Dennis Olson, Finance Officer
P.O Box 95
Brandon, SD 57005

Dear Mr. Olson:

Enclosed is Water Permit No. 6027-3 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 Program
(605).773-3352

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.

C: Steve Brockmueller, Stockwell Engineers, Inc., 211 East 14th St., Suite 200, Sioux Falls, SD 57104-6913.

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

Date 1-6-00

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

FROM: Dennis E. Olson 304 S. Main Ave.
(name) (address)

Brandon SD 57005 605-582-6515
(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. 6027-3.

Water Permit No. 6027-3 states that the diversion system is to be constructed by February 25, 2003, and that the water is put to beneficial use by
(date)

February 25, 2007
(date)

The diversion system was completed on November 1, 1999.
(date)

Applying the water to beneficial use was completed on November 1, 1999.
(date)

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

Dennis E. Olson
(signature)

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 10 2004

6156-3

City of Brandon
% Wayne Fletcher Public Works Dir
PO Box 95
Brandon SD 57005

Dear Mr. Fletcher:

Enclosed is Water License No. 6156-3. This 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. 6027-3 are incorporated into Water License No. 6156-3

enclosures