

WATER PERMIT NO. 6468-3

Name of Applicant: City of Alpena

Address: PO Box 75, Alpena SD 57312

Phone: 605 350-0560

Amount of Water Claimed: 0.22 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: municipal

County: Jerauld

Type of Waste Disposal System:

Location:

PRIORITY Date Received: 11-20-03

Application/License Fee: \$275

Corrected Application Received: 02-11-04

Period of Annual Use: Jan 1 – Dec 31

Remarks:

Diversion Point: SW ¼ SE ¼ Sec 14-T108N-R63W

Land to be Irrigated: NA

Depth of Well: 990 feet deep

Well Driller: : Pullman Well Drilling

Remarks:

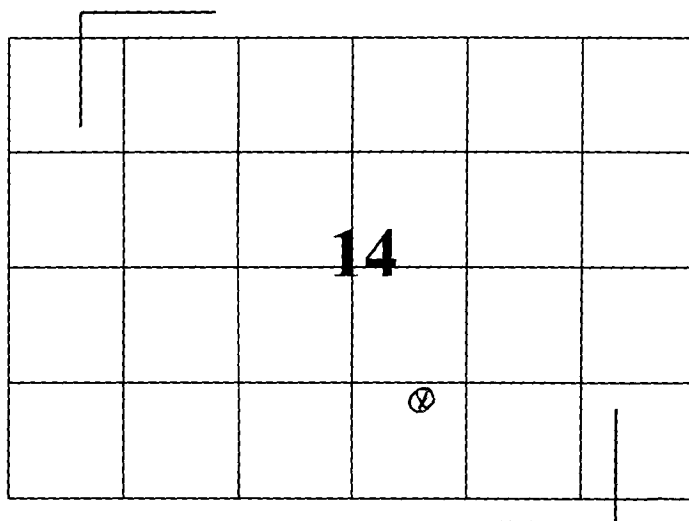
Type of Map: plat

Prepared by: Paul J Reiland, RLS

Reviewed and the Number Assigned on: XX

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6468-3</u>	(office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	
	Newspaper <u>True Dakotan, Wessington</u>	

RECEIVED
NOV 20 2003
WATER RIGHTS
PROGRAM

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

Check use(s) of water:

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

Type of Application: (check one)
☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ 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.)

1. Name of Applicant CITY OF ALPENA ATT RICHARD ^{SMALL} Phone 605-350-0560
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address CITY OF ALPENA PO BOX 75 State S.D. 57312
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.22 *CFS or 100 **GPM ***AF
(*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
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County TERAULD
SW1/4 SE1/4 Section 14-T104N-R63W
5. County or counties where water will be used TERAULD
6. Annual period during which water is to be used 01-11th 12-31
7. 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)

STATE OF SOUTH DAKOTA)
County of TERAULD SS

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, Town of Alpena, 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 Richard Small

Subscribed and sworn to before me this 12th day of November 20 03



4-2000

Shelley Fuerst
Notary Public signature

Commission expires 11-20-2009

**SOUTH DAKOTA
WATER PERMIT NO. 6468-3**

Date of first receipt of application November 20, 2003.

Date of return to applicant for corrections, amendments or changes November 24, 2003.

Date of receipt of corrected application February 11, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6468-3 to the City of Alpena, PO Box 75, Alpena SD 57312 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. 6468-3 appropriates 0.22 cubic feet of water per second from one well (Dakota Formation) 990 feet deep located in the SW ¼ SE ¼ Section 14-T108N-R63W.
2. The water appropriated shall be used for the purpose of municipal use and may not exceed the amount of water needed for beneficial use to fill and maintain the city wastewater lagoon.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 6468-3 is April 16, 2004.
5. The date from which applicant may claim right is February 11, 2004.
6. One-fifth of the construction is to be completed on or before October 16, 2006.
7. All construction is to be completed on or before April 16, 2009.
8. Water is to be put to beneficial use on or before April 16, 2013.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. When water is not needed, this well shall be completely shut-in. The only exception to this is to allow a small flow not to exceed 5 gallons per minute to prevent freezing. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. Permit No. 6468-3 does not authorize use of water from the well to augment flow in Sand Creek.
4. This well shall not be used for any potable (drinking) water supply.

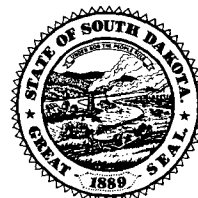
WATER MANAGEMENT BOARD

By: Garland Erbele

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

APR 30 2004

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 9.75" Depth 120' 990' SF.
- b) Casing Type PVC Diameter 5" SDR 21 Thickness _____
- c) Screen Type PVC Diameter ~~3.0"~~ 3.125" Sch 80 Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material Flows 867'
- f) Depth to Water (ground surface to water level) Flows
- g) Distance to nearest existing domestic well:
On applicants property 1 mile On property owned by others No

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

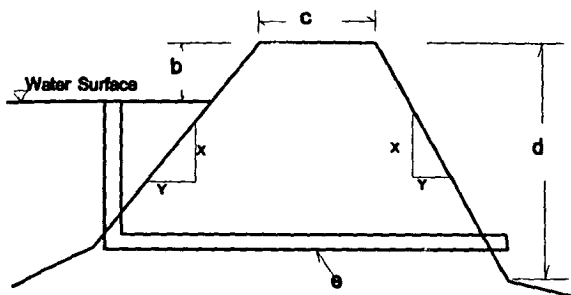
3. Dugout Information

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

4. 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

WATER RIGHTS PROGRAM

Date November 21, 2003

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

No. 222

By

Darland Eubele
Chief Engineer *gm*

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 17, 2003

RECEIVED OF City of Alpena, PO Box 75, Alpena SD 57312

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

Fee for Application for Permit No. <u>6468-3</u> to Appropriate Water, to construct and to put water to beneficial use	25	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 _____		
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	25.00

No. 001195

By Darland Erbe
Chief Engineer gm

PREPARED BY: PAUL J. REILAND, R.L.S.
620 NORTH LAWLER — P.O. BOX 398
MITCHELL, SOUTH DAKOTA 57301
PHONE: (605) 996-7761

SURVEYOR'S AFFIDAVIT

PROJECT NO. 03-11795



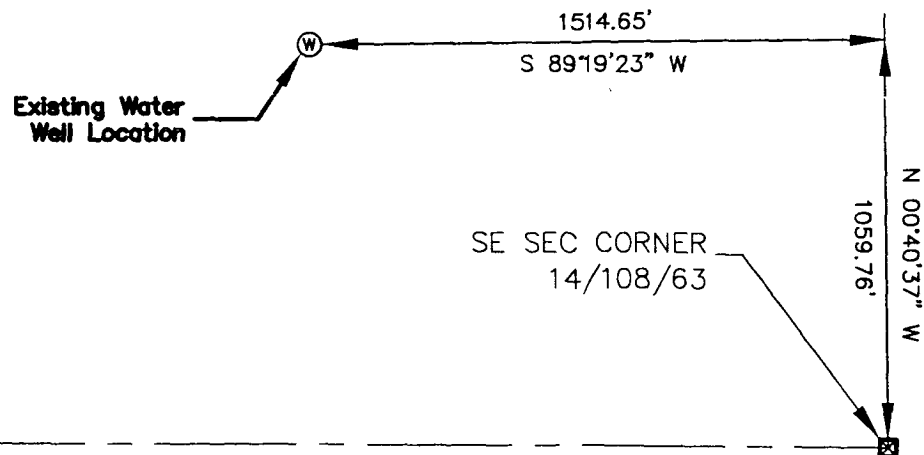
SCALE: 1" = 500'



LEGEND

- = SET 3" SURVEY SPIKE
 - = SET 5/8" X 18" REBAR WITH CAP NO. 6702
 - 100' (P) = PLATTED BEARING OR DISTANCE
 - 100' = MEASURED BEARING OR DISTANCE
 - = SET NAIL
 - = FOUND IRON MONUMENT
 - = EXISTING WATER WELL
- *BEARINGS ARE BASED ON GPS OBSERVATIONS

SE 1/4 SECTION 14, T 108N, R 63 W



SECTION LINE

SPN
ASSOCIATES

EXHIBIT "A"

PAGE 1 OF 2

6468-3

SURVEYOR'S AFFIDAVIT

I, Paul J. Reiland, do hereby certify that I am a Registered Land Surveyor in and for the State of South Dakota. I did survey, in general conformance with accepted standards of practice, THE EXISTING WATER WELL LOCATED IN THE SE 1/4 OF SECTION 14, T 108 N, R 63 W OF THE 5TH P.M., JERAULD COUNTY, SOUTH DAKOTA. In my professional opinion and to the best of my knowledge, information and belief, this drawing correctly shows the location of the described property and existing water well.

Dated this 5th day of December, 2003.



STATE OF SOUTH DAKOTA)
COUNTY OF DAVISON)SS

On this, the 5th day of December, 2003, before me, the undersigned Notary Public in and for said county and state, personally appeared Paul J. Reiland, well known to me to be the person described in and who executed the foregoing instrument and duly acknowledged that he executed the same in his official capacity as a Registered Land Surveyor for the purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

nd official seal. RHONDA S. HOFFMAN
Rhonda S. Hoffman NOTARY PUBLIC
 Notary Public, South Dakota SOUTH DAKOTA
 My Commission Expires: 11/22/07



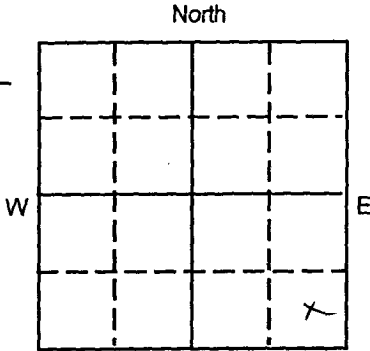
PROJECT NO. 03-11795

EXHIBIT "A"

PAGE 2 OF 2

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SE 1/4 Sec 23 Twp 108 Rg 63County
JerauldPlease mark well
location with an "X"Well Completion Date
8/26/2003Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)
? 200.0 ft. from Lagoon (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Forward

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	5.00 IN	0.0 FT	270.0 FT	5.00 IN
LB/FT	3.00 IN	270.0 FT	790.0 FT	3.00 IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Cement	25	Lb/gal	0.0 Ft	100.0 Ft
Colclay	20	Lb/gal	100.0 Ft	600.0 Ft

Describe grouting procedure
Line

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 3.00 Inches Length 200.0 Feet

 Material PVC
 Slot Size .025 Set From 790.0 Feet to 990.0 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No
If so, what material? Rubber

Describe packer(s) and location

Shale Cup @ 790

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? _____☐ No, Why Not? _____Lab sample sent to for
water quality analysisWell Owner: City Of AlpenaBusiness Name: City Of AlpenaAddress: PO Box 54City, State, Zip: Alpena SD 57312

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Yellow Gravel	0	20
Blue Clay	20	100
Chalk	100	236
Codell	236	260
Shale	260	710
Coarse Sand	710	742
shale	742	772
Sand	772	776
shale	776	840

STATIC WATER LEVEL

FEET

If flowing: closed in pressure _____

PSI

GPM flow 100.0 through 2.00 Inch pipeControlled by ☒ Valve ☐ Reducers ☐ OtherReduced flow rate 18.0 GPM

Can well be completely shut in? Yes

WELL TEST DATA:

☒ Pumped Describe: w/Air☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

 Sand-----840-----990
 Shale-----990

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DEC 31 2003

WATER RIGHTS
PROGRAMThis well was drilled under license # 440

And this report is true and accurate.

Drilling firm: Pullman Well Drilling Inc

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 8/28/03

12-31-03



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 31, 2003

Mark Peterson
City of Alpena
Box 175
Alpena, SD 57317

Dear Mr. Peterson:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, you are authorized to construct a test well for prior to approval of a water permit. The test well is to be completed into the Dakota aquifer. The legal location of the proposed well site is the E ½ Sec. 14, T108N-R63W. The test well must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

A SD Water Permit must be obtained before water from this well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Very truly yours,

JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

TEMPORARY PERMIT TO USE PUBLIC WATERS

This temporary permit to use public waters is issued to the Town of Alpena, PO Box 125, Alpena, SD 57312-0125 authorizing withdrawal of 6,000,000 gallons of water at a maximum rate of 100 gallons per minute from ground water (well approximately 900-950 feet deep) located in the SE ¼ Section 14, T108N, R63W. The water will be used for filling and maintaining a sewage lagoon. Sufficient water is also authorized to offset any evaporation losses.

The well authorized by this temporary water use permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board 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.

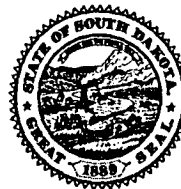
The well authorized under this temporary water use permit may be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this temporary water permit, shall control his withdrawals so there is not a reduction of needed water supplies in other wells.

This temporary permit becomes effective August 8, 2003 and expires on December 31, 2003. If the city plans to use the well for filling the lagoon on a yearly basis, a regular appropriative water permit must be obtained.

This permit does not provide necessary right-of-way. Such arrangements should be made with the proper land owner.

Issued: August 6, 2003

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



NOTE: A temporary permit application form is now available on the internet. You may complete an application form on-line and submit the application directly to the Water Rights Program. The address of the form is www.state.sd.us/denr/des/waterrights/temp_form.htm

REQUEST FOR TEMPORARY PERMIT
TO USE PUBLIC WATERS

TO: Department of Environment & Natural Resources
Water Rights Program
523 E Capitol
Pierre, SD 57501-3181

Attention: Genny McMath, (605) 773-3352
Fax # (605) 773-4068

1. Name and mailing address of company or person making the application for temporary permit Town of Alpena
2. Project or Projects on which water will be used Silling a lagoon
3. Source of water well 900-950' deep (to be drilled by Pullman Drilling)
4. Location of pumping station or stations. (quarter section, section, township and range) SE 1/4 14 - 108 - 63w
5. If the pumping station is from surface water, what access area is intended (off county road, public access, private access, other) _____
6. Is this area owned by Game Fish & Parks or in a game production area no
7. Maximum total amount of water (in gallons) that will be used _____
8. Total daily withdrawal rate 500,000 per inch x 12 inches
9. Pump rate (gallons per minute) approx 100 gpm
10. Date when water use will commence Aug 8, 2003
11. Date when water use will cease. Dec 31, 2003

NOTE: A temporary permit application form is now available on the internet. You may complete an application form on-line and submit the application directly to the Water Rights Program. The address of the form is www.state.sd.us/denr/des/waterrights/temp_form.htm

849-3511

Office Use Only:

REVIEWED BY: KB
RECOMMENDATION:
DATE REVIEWED:

8/6/03 Mark Peterson
called - may need to
do this on a yearly basis.
Send app forms.
Jim Goodman
Ken Butler - already
Sent ^{Permit} ~~letter~~ to drill
test hole



November 24, 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

City of Alpena
Richard Small
PO Box 75
Alpena SD 57312

Dear Mr. Small:

Thank you for submitting the *Application for a Permit to Appropriate Water* for municipal use. In order to complete the application the following is required.

- Please submit a map showing the location of the well in relation to a government section corner or quarter corner by direction and distance is required. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).
- Please submit a well log or test hole log signed by a licensed South Dakota well driller.
- We have received the \$250 application/license filing fee. The correct fee based on the amount of water requested is \$275. An additional \$25 is required.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352



January 29, 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

City of Alpena
Richard Small
PO Box 75
Alpena SD 57312

Dear Mr. Small:

On November 20, 2003, you submitted an Application for Permit to Appropriate Water Within the State of South Dakota for municipal use. You were notified what additional information was required to complete the application. A copy of that letter is enclosed. To date, we have not received all the required information.

On December 31st we received a Well Completion Report from Pullman Well Drilling, Inc. for a well drilled for the City, August 26, 2003. The log indicates a well depth of 990 feet. Form 2A of the application indicates a well depth of 120 feet. Is this the well the city is applying for? If so, the well depth should be amended on the application.

Obtaining a water permit that accurately reflects the city's water use ultimately benefits the city by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352

enclosures

REPORT ON WATER PERMIT APPLICATION NO. 6468-3
For the City of Alpena
March 12, 2004

Application No. 6468-3 proposes to appropriate 0.22 cfs (100 gpm) from one well approximately 990 feet deep located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 14, T108N R63W in Jerauld County. The water is for municipal use.

AQUIFER – DAKOTA FORMATION (DKOT)

The Dakota Formation is a buried sand, sandstone and shale which is under artesian conditions at this site. The aquifer underlies 531 square miles and contains an estimated 8.92 million acre-feet of recoverable water in storage in Jerauld County (Hedges, 1982). The aquifer is hydraulically connected and extends into Beadle County to the north, Sanborn County to the east, Aurora County to the south and Buffalo and Brule Counties to the west. The direction of ground water movement is from west to east across the area of this application (Hamilton, 1985).

The well completion report filed with the application indicated the top of the aquifer was encountered at 710 feet and extended to a depth of 990 feet below land surface. The completed well was capable of free-flowing 100 gpm through a two inch pipe. The well is completed in accordance with SD Well Construction Standards except for the distance from the wastewater lagoon which should be 1000 feet rather than 200 feet. This well is not for public water supply and is only used to supply water to the lagoon.

The Water Rights Program monitors an observation well completed into the Dakota Formation and located about 23 miles northwest of this application. Water levels for this observation well have declined about 17 feet since the well was drilled and averages about one foot per year (Water Rights, 2004). Historically water levels for the Dakota Formation have been declining for many years. This is primarily due to the large number of free flowing or uncontrolled wells which are allowed discharge to waste.

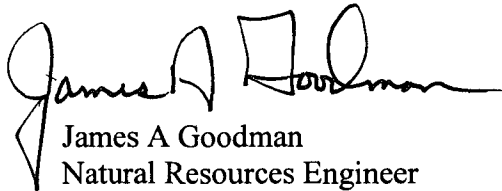
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing permitted Dakota Formation well is also for the city of Alpena and located about two miles north of this application. Interference is not a concern. The City of Alpena is now using Mid-Dakota Rural Water for the town. There are domestic wells in the area which obtain water from the Dakota Formation. Interference is not expected to be a concern.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. This is a free flowing well at the land surface. This well must be valved and controlled in order to prevent the waste of water. When water is not needed this

- well should be completely shut in. The only exception to this would be to allow a small flow during winter months to prevent freezing and breaking of lines.
3. This well has been completed in accordance with SD Well Construction Standards with the exception of the spacing requirements from a wastewater lagoon. Approval of this application will constitute acceptance of this distance from the lagoon. This well is not for potable use but only to maintain water in the lagoon.
 4. Normally using ground water in this manner would not be considered a beneficial use of water. However, in this instance the water is needed to initially fill the lagoon and may be needed to some extent to maintain some water in the lagoon. The town should investigate the possibility of redesigning this facility to eliminate the need to add this quantity of water to the system.
 5. The Town of Alpena was granted a temporary permit (expired on December 31, 2003) to use well water to fill and maintain the sewage lagoon. This request would allow the town to use this well on an annual basis. There should be an annual volume specified.

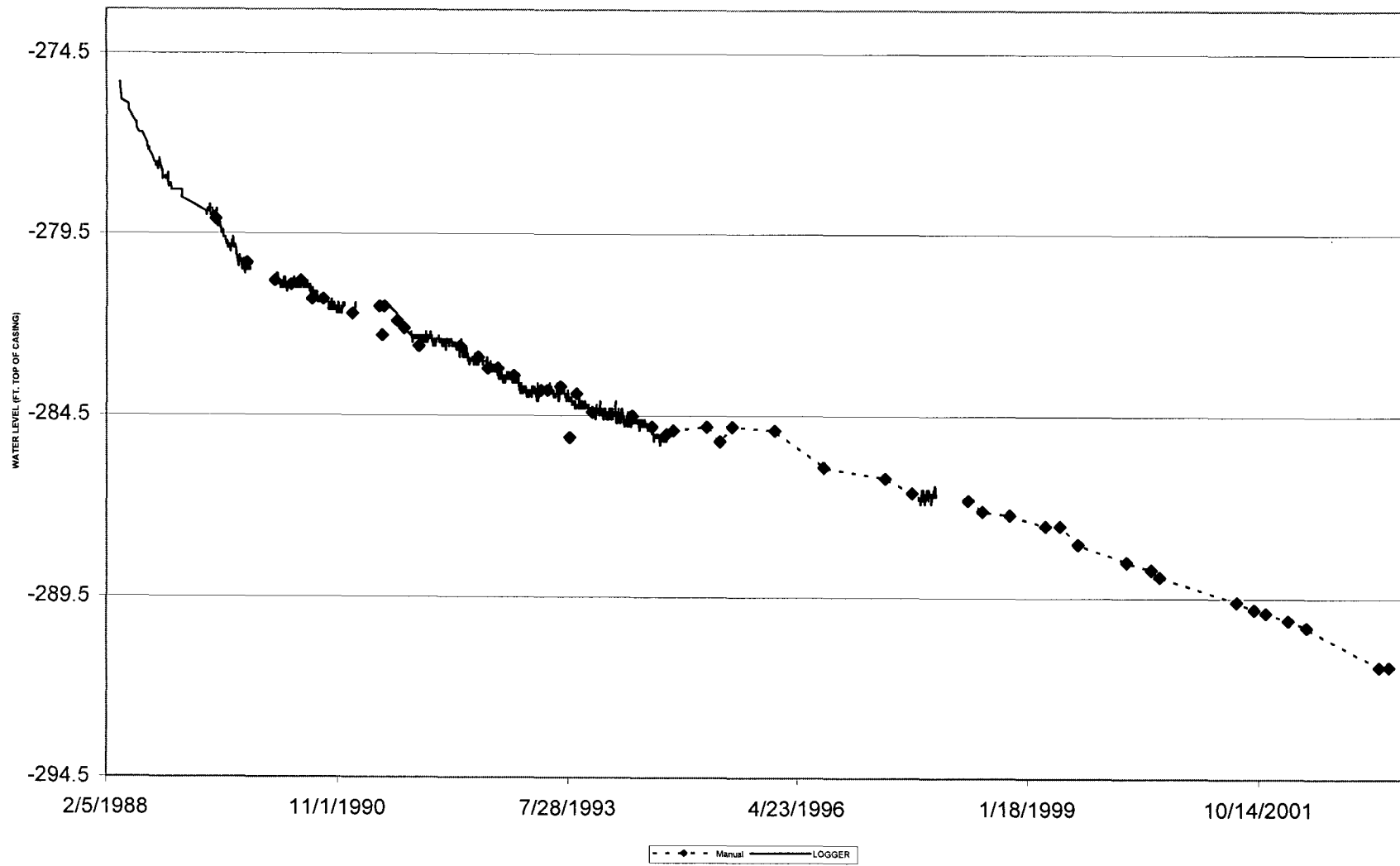


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hamilton, L.J., 1985, Water Resources of Aurora and Jerauld Counties, South Dakota, WRI 84-4030, USGS, Huron, SD, 57350.
- Hedges, L.S. ,and others, 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.
- Water Rights, 2004, Unpublished Observation Well Data for the Dakota Formation, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
HD-87A**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 6468-3, City of Alpena**

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. 6468-3, City of Alpena, c/o Richard Small, PO Box 75, Alpena SD 57312

The Chief Engineer is recommending APPROVAL of Application No. 6488-3 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 well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. When water is not needed, this well shall be completely shut-in. The only exception to this is to allow a small flow not to exceed 5 gallons per minute to prevent freezing. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. Permit No. 6468-3 does not authorize use of water from the well to augment flow in Sand Creek.
4. This well shall not be used for any potable (drinking) water supply.

See report on application for additional information.

Garland Erbele, Chief Engineer
March 23, 2004

NOTE: The town should investigate redesigning the wastewater lagoon to eliminate the need to add water to the system.

Affidavit of Publication

STATE OF SOUTH DAKOTA, COUNTY OF JERAULD, SS.

Karen Wenzel being first duly sworn, deposes and says: that he/she is a resident of the County of Jerauld and State of South Dakota; and the True Dakotan is a weekly newspaper of general circulation, published in Wessington Springs, in said county by J. Craig and Dennis P. Wenzel; and is now and has been such newspaper continuously, during all the times hereafter mentioned; that the affiant is, and was during all the times hereafter mentioned, the business manager of said newspaper, in charge of the advertising department thereof; and has personal knowledge of all facts stated in this affidavit:

and that the notice and advertisement headed Notice of Application

(City of Alpena)

a printed copy of which is hereunto attached and made a part hereof, was printed and published in said newspaper in 2 successive issues. That the first publication of said notice in said newspaper aforesaid was on Tuesday, the 30 day of May, 2004; and that the succeeding publications were:

on Tuesday, the 6 day of April, 2004

on Tuesday, the day of 19.....

on Tuesday, the day of 19.....

that the fee charged for the printing and publishing of said notice and advertisement in said newspaper as aforesaid, was 40 dollars and 54 cents, and for this affidavit; and that said fee for printing and publishing said notice and advertisement in said newspaper has been fully paid; that the full amount of fees charged for the publishing of the said attached and annexed notice and advertisement inures to the benefit of the publisher of the said True Dakotan; and no agreement or understanding for the division thereof has been made with any person whomsoever; that the said newspaper is a legal newspaper as provided by

law Karen Wenzel

Subscribed and sworn to before me, this 6 day of April, 2004

Penny Wenzel Notary Public in and for
Jerauld County, South Dakota

AFFIDAVIT EX-REL. PUBLICATIONS FEES
STATE OF SOUTH DAKOTA, COUNTY OF JERAULD, SS.

..... being first duly sworn on his oath, says that he is one of the authorized attorneys of

the in the action mentioned and described in the annexed notice; that the affiant directed the publication of the annexed notice; that no agreement or understanding for any division of the fees therefore has been made with any person whomsoever; and that no part therefore has been refunded or rebated by the party publishing said notice.

Subscribed and sworn to before me this day of 19.....

Notary Public, Jerauld County, South Dakota

NOTICE OF
APPLICATION
NO. 6468-3

to Appropriate Water

Notice is given that City of Alpena, c/o Richard Small, PO Box 75, Alpena, SD 57312 has filed an application for a water permit to appropriate 0.22 cubic feet of water per second from one well (Dakota Formation) 990 feet deep located in the SW 1/4 SE 1/4 Section 14-T108N-R63W. The water is to be used to fill and maintain the city wastewater lagoon.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6468-3 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. 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 April 16, 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.

RECEIVED

APR 07 2004

WATER RIGHTS
PROGRAM

Instruction to Newspaper - Publish first Notice on March 30, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6468-3 to Appropriate Water

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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.**

March 23, 2004

Richard Small - President
City of Alpena
PO Box 75
Alpena SD 57312

Dear President Small:

Water Permit Application No. 6468-3 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 True Dakotan printed at Wessington Springs, SD (Ph # 605-539-1281). 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 of Hearing 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 with the last publication to occur twenty days before the board meeting. 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**

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

March 23, 2004

True Dakotan
PO Box T
Wessington Springs SD 57382

ATTENTION: Legal Public Notice

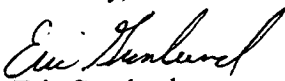
Enclosed is a Notice of Hearing on Application No. 6468-3 to Appropriate Water to be published twice. Please publish the first notice on March 30, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Alpena, % Richard Small, PO Box 75, Alpena (Ph # 605-350-0560).

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. 6468-3

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

Date _____

We are in receipt of your letter of March 23, 2004 enclosing Notice of Hearing to Appropriate Water by Application No. 6468-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



APR 30 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

City of Alpena
% Richard Small - President
PO Box 75
Alpena SD 57312

Dear Mr. Small:

Enclosed is Water Permit No. 6468-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *?Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

A handwritten signature in black ink, appearing to read "Garland Erbele". The signature is fluid and cursive.

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

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6468-3

I have this day, August 29, 2025, reviewed the water use system constructed by City of Alpena, PO Box 75, Alpena, SD 57312 of Permit No. 6468-3, bearing the priority of February 11, 2004 authorizing the diversion of 0.22 cu. ft. per second of the waters of the Dakota Formation for Municipal use purposes, in Jerauld County.

F. Comments or other permit(s) associated with the project:

I called the Alpena City Office number found in the Permit Application Materials and was subsequently referred to the current City Mayor, Mr. Jeff Kelsey (605/354-3506) who informed me that Mr. Mike McCready (605/204-0131) manages the City Lagoons south of town and that the well was constructed to fill the 3rd lagoon. Mr. McCready told me that the well has not been used for more than 10 years. So, it appears this permit should be considered for cancellation.



Darrell DeBoer
Water Rights Inspector
DENR, Water Rights Program

Date report completed: September 8, 2025



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

September 4, 2026

NOTICE OF CANCELLATION

TO: City of Alpena, c/o Finance Officer
PO Box 75, Alpena, SD 57312

FROM: Amanda Dewell, Permitting Administrator
SD DANR - Water Rights Program

SUBJECT: Cancellation of Water Permit No. 6468-3

Water Permit No. 6468-3 authorizes the diversion of water at a rate of 0.22 cubic feet of water per second from one well (Dakota Aquifer) to fill and maintain the city's wastewater lagoons, south of Alpena, Jerauld County, South Dakota. When contacted by Water Rights Program staff it was reported by Mike McCready (manager of the city lagoons), that the well, once used to fill the third lagoon, had not been used for over a decade. The acting Chief Engineer of the Water Rights Program is recommending cancellation of Water Permit No. 6468-3 due to abandonment, or forfeiture, or both.

The Water Management Board will consider cancellation of Water Permit No. 6468-3 at **9:30 am, Wednesday, October 7, 2026 (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate, and the actual time of hearing may be later*).

The recommendation of the acting Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Permit No. 6468-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water permit. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the acting Chief Engineer by September 14, 2026. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-8; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

This hearing is an adversarial proceeding. Any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the acting Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the acting Chief Engineer by September 14, 2026.

Prior to September 14, 2026, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the acting Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by September 14, 2026.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

**RECOMMENDATION OF ACTING CHIEF ENGINEER
FOR WATER PERMIT NO. 6468-3, TOWN OF ALPENA**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the acting Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit No. 6468-3.

When Water Rights Program staff contacted Mike McCready (Town of Alpena's wastewater lagoon manager), for the purpose of inspecting and licensing Permit No. 6468-3, they were informed that the well associated with the Permit had not been used in more than a decade.

The acting Chief Engineer is recommending cancellation of the above water permit due abandonment, or forfeiture, or both.

Adam Mathiowetz, PE, Acting Chief Engineer
September 4, 2026

Note:

Cancellation of Water Permit No. 6468-3 does not prohibit a new application for this project in the future.

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF CANCELLATION & RECOMMENDATION dated September 4, 2026, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following Water Permit and Right holders on September 4, 2026.

WP No. 8165-3

Silver Lake Hutterian Brethren
c/o John Grosz
17354 430th Ave
Clark SD 57225

WP No. 6468-3

Town of Alpena
c/o Finance Officer
PO Box 75
Alpena SD 57312

WR Nos. 293-2 & 294-2

GCC Dacotah Inc
c/o Steve Zellmer
PO Box 360
Rapid City SD 57709

WR No. 5577-3

Curtis Foster
42430 116th St
Britton SD 57430

WR No. 881-2

Ryan Edwards
749 W 5th St
Winner SD 57580

WP No. 2800-2

Janice Tetherow
105 W 2nd St
Valentine NE 69201

WR No. 2482-3 & WP No. 6789-3

Allen & Becky Walth
13640 Walth Bay Rd
Glenham SD 57631

WP No. 7846A-3

Marvin Czech
45848 176th St
Watertown SD 57201

WR No. 950-2

Malon Burtz
30310 Pahapesto Buttes Rd
Winner SD 57580

WR No. 2370-2

KW Holding LLC
c/o Kory Weisbeck
2453 S Plaza Dr
Rapid City SD 57702

WR No. 5579-3

Nels J Sorensen
c/o Grant Sorensen
200 Mickelson Ave
Vermillion SD 57069

WP No. 7429-3

Sorensen Family Farm LLC
c/o Grant Sorensen
2903 Sorensen Ave
Vermillion SD 57069

WP Nos. 6363-3 & 6692-3

Hillside Colony
c/o Timothy Glanzer
18248 Hillside Ln
Doland SD 57436

WP No. 8886-3

Pronghorn Land LLC
c/o Brian Top
2132 32nd Ave
Brookings SD 57706

WR No. 2130-2

Sandee & Tom Yordy
21436 297th St
Martin SD 57551

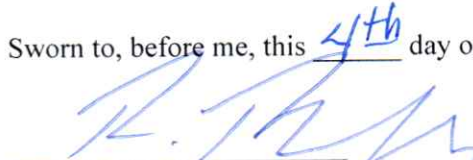

Laura Laufenberg
Senior Secretary

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

Sworn to, before me, this 4th day of September, 2026.


Rachel Rodriguez Notary Public
My Commission expires May 16, 2029





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

October 8, 2026

No. 6468-3

NOTICE OF ENTRY OF ORDER

City of Alpena
c/o Finance Officer
PO Box 75
Alpena, SD 57312

To Whom It May Concern:

This will notify you that on October 7, 2026, the Water Management Board cancelled Water Permit No. 6468-3. The action to cancel was taken under the conditions outlined in our notice to you dated September 4, 2026.

SDCL 46-6-27 states that if the owner of an existing well has no plans to use the well (i.e., for domestic purposes such as livestock watering or household use) then the existing well is considered abandoned and must be plugged. Any well that is being used or is not abandoned shall be sealed or capped at the ground surface to prevent contamination of the groundwater. If you intend to use your well for domestic purposes (such as livestock watering or household use), the well does not need to be plugged.

If you have any questions concerning the Board action, please contact Amanda Dewell, Water Rights Permitting Administrator, at (605) 773-3352.

Sincerely,

Adam Mathowitz, PE, Chief Engineer
SD DANR – Water Rights

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF ENTRY OF ORDER dated October 8, 2026, into the United States Mail in Pierre, South Dakota, first class postage prepaid to the following Water Permit and Right holders on October 8, 2026.

WP No. 8165-3

Silver Lake Hutterian Brethren
c/o John Grosz
17354 430th Ave
Clark SD 57225

WP No. 6468-3

Town of Alpena
c/o Finance Officer
PO Box 75
Alpena SD 57312

WR Nos. 293-2 & 294-2

GCC Dacotah Inc
c/o Steve Zellmer
PO Box 360
Rapid City SD 57709

WR No. 5577-3

Curtis Foster
42430 116th St
Britton SD 57430

WR No. 881-2

Ryan Edwards
749 W 5th St
Winner SD 57580

WP No. 2800-2

Janice Tetherow
105 W 2nd St
Valentine NE 69201

WR No. 2482-3 & WP No. 6789-3

Allen & Becky Walth
13640 Walth Bay Rd
Glenham SD 57631

WP No. 7846A-3

Marvin Czech
45848 176th St
Watertown SD 57201

WR No. 950-2

Malon Burtz
30310 Pahapesto Buttes Rd
Winner SD 57580

WR No. 2370-2

KW Holding LLC
c/o Kory Weisbeck
2453 S Plaza Dr
Rapid City SD 57702

WR No. 5579-3

Nels J Sorensen
c/o Grant Sorensen
200 Mickelson Ave
Vermillion SD 57069

WP No. 7429-3

Sorensen Family Farm LLC
c/o Grant Sorensen
2903 Sorensen Ave
Vermillion SD 57069

WP Nos. 6363-3 & 6692-3

Hillside Colony
c/o Timothy Glanzer
18248 Hillside Ln
Doland SD 57436

WP No. 8886-3

Pronghorn Land LLC
c/o Brian Top
2132 32nd Ave
Brookings SD 57706

WR No. 2130-2

Sandee & Tom Yordy
21436 297th St
Martin SD 57551


Alyce McGhee
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of Oct, 2026


Rachel Rodriguez Notary Public
My Commission expires May 16, 2029

