

FUTURE USE WATER PERMIT NO. 6697-3

Name of Applicant: City of Brandon

Address: PO Box 95, Brandon SD 57005

Phone: 605 582-6515

Amount of Water Claimed: 2,148.40 AF

Total Acres: na

Source of Water Supply: Split Rock Creek Aquifer

Water to be used for: municipal use

County: Minnehaha

Type of Waste Disposal System:

Location: southeast corner of the city

PRIORITY Date Received: 1-27-2006

Application/License Fee: \$62.50

Corrected Application Received: 2-15-2006

Period of Annual Use:

Remarks: future use application

Future Use area: SW ¼ Sec 35-T102N-R48W and

NW ¼ Sec 2- T101N-R49W

Land to be Irrigated: NA

Depth of Well:

Well Driller:

Remarks:

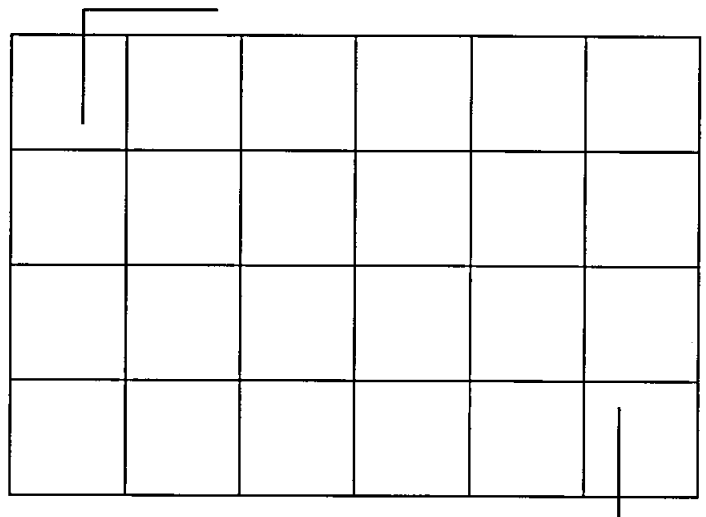
Type of Map: plat

Prepared by: Jon R Brown, RPE

Reviewed and the Number Assigned on: 2-15-06

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SD EForm - 1585 V1
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>6697-3</u> (office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>Snoox River</u>
	Newspaper <u>Argus Leader</u>

RECEIVED

JAN 27 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 Brandon Phone (605) 582-6515
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 95 Brandon State SD 57005
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed _____ *CFS or _____ **GPM 2,148.40 ***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 Split Rock Creek Aquifer

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Minnehaha
See map for approximate location: SW 1/4 Section 35-T102N-R48W and NW 1/4 Section 2-T101-R48W

5. County or counties where water will be used Minnehaha

6. Annual period during which water is to be used To Be Determined January 1 - December 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)

Attached is the engineering report completed by TKDA which includes all pertinent information to describe the project. Also attached is a letter to justify an acceptance to Rule 74:02:01:24.01 "Future use applications and future use permits limited."

STATE OF SOUTH DAKOTA)
County of Minnehaha) 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, Denise E. Olson, 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 Denise E. Olson, City of Brandon

Subscribed and sworn to before me this 24th day of January 20 06

Bernice Kuyper

Notary Public signature

expires 10/31/2011

**SOUTH DAKOTA
FUTURE USE PERMIT NO. 6697-3**

Date of first receipt of application January 27, 2006.

Date of receipt of corrected application February 15, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Future Use Permit No. 6697-3 to the City of Brandon, PO Box 95, Brandon SD 57005 subject to the following limitations, conditions and qualifications:

1. Future Use Permit No. 6697-3 reserves for future use 2,148.40 acre-feet annually from the Split Rock Creek Aquifer. The area to be reserved is located in the SW ¼ Section 35-T102N-R48W and the NW ¼ Section 2-T101N-R48W.
2. The water appropriated shall be used for the purpose of future water supplies for municipal use by the city and may not exceed the amount of water needed for beneficial use.
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. 6697-3 is April 10, 2006.
5. The date from which applicant may claim right is January 27, 2006.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Permit No. 6697-3 reserves 2,148.4 acre feet of water annually from the Split Rock Creek Aquifer.
2. That Future Use Permit No. 6697-3 is approved with the stipulation that this Permit is subject to review by the Water Management Board in developing reserved water upon expiration of seven (7) years. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permit.
3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted and approved prior to construction of facilities pursuant to SDCL 46-5-38.1.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

APR 27 2006

date



(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter N/A Depth Appr. 300'
- b) Casing Type N/A Diameter _____ Thickness _____
- c) Screen Type N/A Diameter _____ Thickness _____
- d) Gravel Pack N/A Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____ N/A
- f) Depth to Water (ground surface to water level) _____ N/A
- g) Distance to nearest existing domestic well:
- On applicants property Approx. 2000' On property owned by others N/A

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

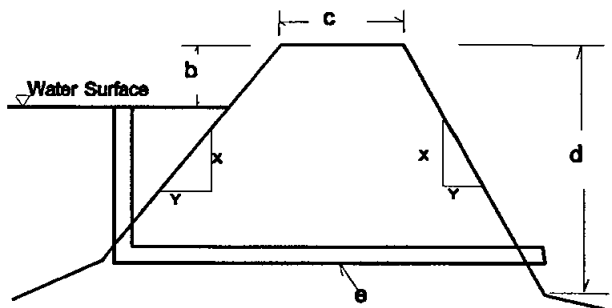
3. Dugout Information

- 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date JANUARY 27, 20 06

RECEIVED OF Brandon, PO Box 95, Brandon SD 57005

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

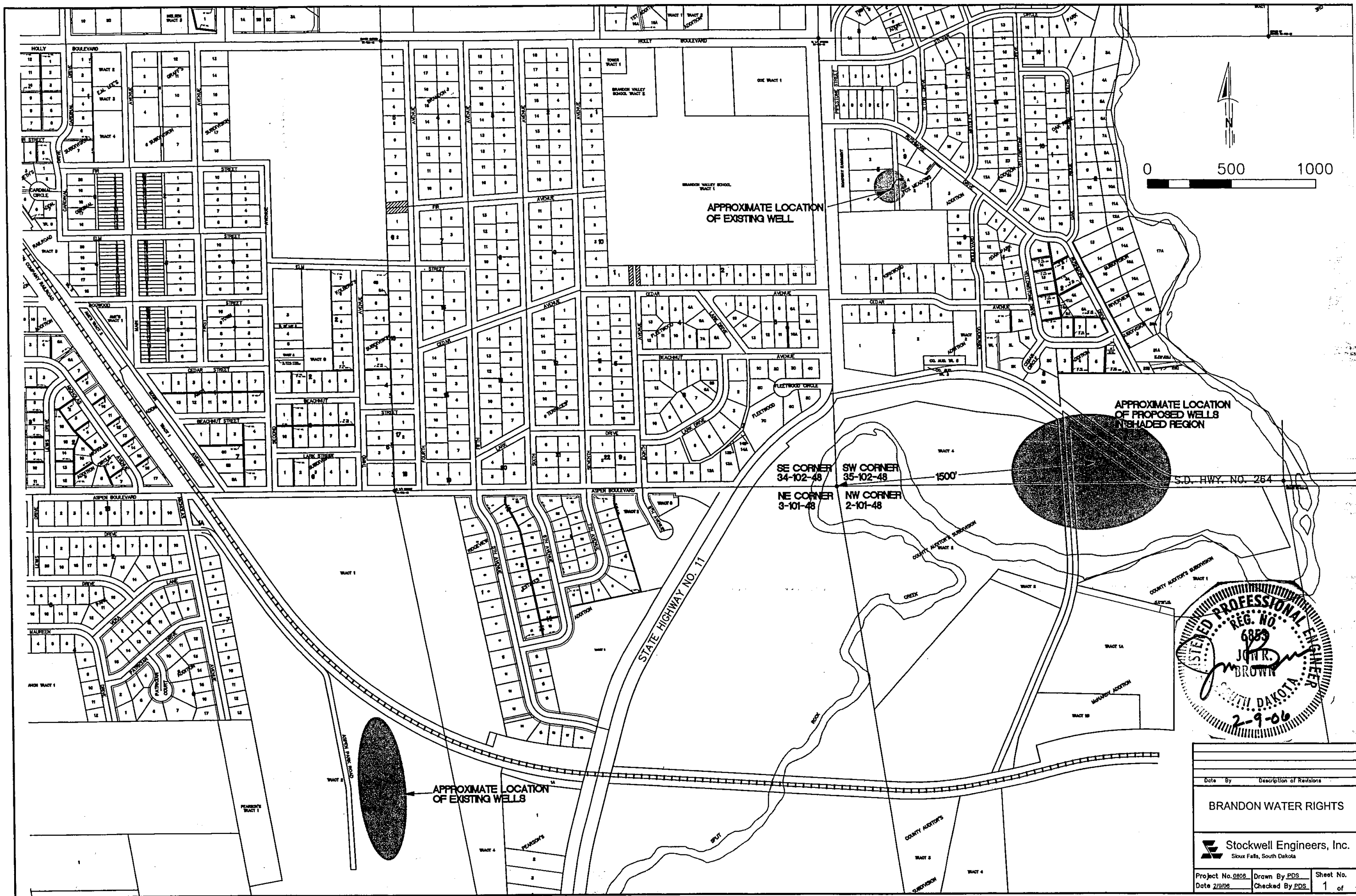
Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	62	50
Fee for Application for Permit No. <u>16697-3</u> to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed 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. _____	62.50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	62.50

No.

03242

By

David D. White
Chief Engineer



REPORT ON APPLICATION NO. 6697-3

For City of Brandon
March 10, 2006

Application No. 6697-3 proposes to appropriate and reserve for future use 2,148.40 acre-feet annually from the Split Rock Creek aquifer. The area to be reserved by this application is located in the SW ¼ Section 35-T102N-R48W and the NW ¼ Section 2-T101N-R48W. The water is to be reserved for future water supplies for municipal use by the city of Brandon. This application does not authorize construction of works or application of water to beneficial use.

AQUIFER – SPLIT ROCK CREEK (SRKC)

The Split Rock Creek Aquifer is composed of the interbedded sand, siltstone, shale and claystone of the Split Rock Creek Formation and is under artesian (confined) conditions in the area of this application. The main body of the aquifer is located in a narrow valley approximately three to four miles wide that extends from the eastern edge of Sioux Falls into Minnesota. 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). The direction of water movement in the aquifer is generally towards discharge areas along the Big Sioux River and Split Rock Creek (Lindgren, 1992).

The Water Rights Program monitors ten observation wells located within a five mile radius of this location. In general, the hydrographs show the same characteristics with water levels indicating response to climatic conditions; that is, rising water levels during wet periods (recharge) and gradually declining water levels during dry periods. The record indicates that the Split Rock Creek aquifer is capable of sustaining additional withdrawals. A hydrograph for well MA-80Z, the well with the longest period of record, is included in this report and labeled as Figure 1. (Water Right, 2006).

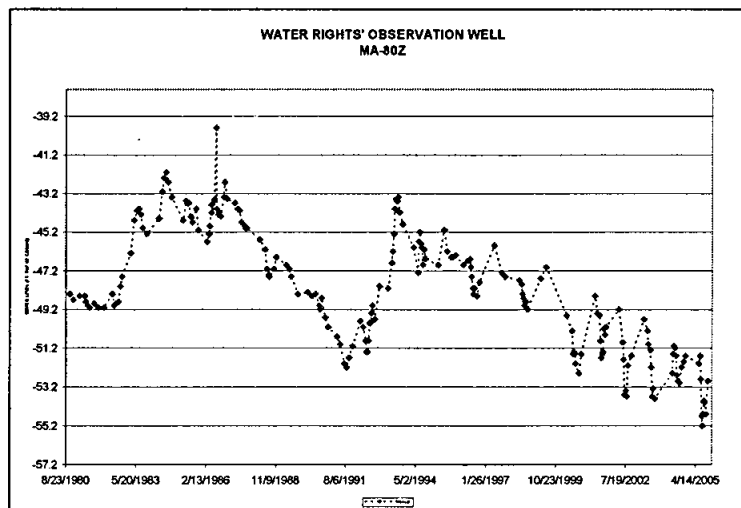


Figure 1. Hydrograph of observation well MA-80Z located with two miles of application.

Possible sources of recharge to the Split Rock Creek aquifer include 1) infiltration of precipitation falling on outcrops of Sioux Quartzite that subsequently moves along fractures in the quartzite and into the aquifer; 2) Streamflow loss from Split Rock Creek; and 3) inflow from the Valley Springs Aquifer (Lindgren, 1992). The average annual recharge has not been quantified for this aquifer.

In 1995, the City of Sioux Falls conducted an aquifer test to evaluate the hydraulic properties of the aquifer, to determine the production capability of the aquifer and examine the water quality of the aquifer. With production wells properly designed, constructed and located the aquifer has an overall potential to yield 5 million gallons per day or 5,610 acre-feet annually (Pence, 1997). Although the recharge was not quantified, this seems to be a conservative number (less than one percent of the estimated water in storage in the aquifer).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are several existing Water Rights appropriating ground water within a five mile radius of this application. A list of the permits is included with this report labeled as Table 1. The nearest water right/permit from the Split Rock Creek aquifer is located approximately ½ mile north of this application. This well is for Water Right No. 5686-3 (1.91 cfs for municipal use). The aquifer is under water table conditions in this area, interference is not expected to be a problem. Additionally, there is a Future Use Permit located within the five mile radius. Future Use Permit No. 5444-3, City of Valley Springs, currently has 188 acre-feet in reserve.

Table 1. Table identifying water rights within a five mile radius of the application.

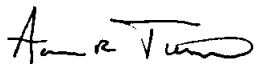
PERMIT NO	LAST NAME	AQUIFER	USE	CFS
2113-3	VALLEY SPRINGS	SRKC	MUN	0.33
4974A-3	PINELAKE HILLS HOMEOWNERS ASSN	SRKC	SHD	0.3
5213-3	SIOUX FALLS	SRKC	MUN	1.42
5463-3	CORSON VILLAGE SANITARY DISTRICT	SRKC	MUN	0.044
5507-3	BRANDON	SRKC	MUN	0.05
5596-3	NORTHERN STATES POWER COMPANY	SRKC	IND	1.11
5752-3	BRANDON WOOD PRESERVING	SRKC	COM	0.19
5842-3	COUGHLIN	BS: S	COM	0.02
5861-3	NORTHERN STATES POWER COMPANY	SRKC	IND	1.11
5865-3	ALLIED OIL & SUPPLY INC	SRKC	DOM	0.11
5868-3	BRANDON	SRKC	MUN	1.91
5869-3	BRANDON	BS: S	MUN	0.78
6156-3	BRANDON	SRKC	MUN	4.44
6393-3	BRANDON MATERIALS CO	BR	COM	0.22
6469-3	COUGHLIN	SRKC	COM	0.1
6618-3	WILLOW RUN GOLF LLC	SOUX	IRR	0.44

FUTURE USE DISCUSSION

Currently, the City of Brandon reports that the amount of water actually put to beneficial use is 724,500 gallons per day (812 acre-feet annually). A letter submitted with the application indicated that the City of Brandon is requesting an exception to ASRD 74:02:01:24.01 which specifies that future use permits may be limited to two times the amount actually put to beneficial use. Therefore, two times the amount actually put to beneficial use in this case would be 1,624 acre-feet annually. This application proposes to appropriate 2,148.4 acre-feet annually which is over 2.5 times the amount actually put to beneficial use. A Water System Plan Report submitted with the application is the justification for the request.

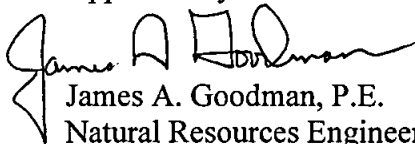
CONCLUSIONS

1. Water is available from the Split Rock Creek aquifer.
2. The aquifer is under artesian conditions. Interference should not be a concern.
3. Since this is a future use application, it will be necessary to file a permit to use the water reserved by this application before the water is put to beneficial use.
4. Recharge to the Split Rock Creek Aquifer is not quantified; however, the observation well record indicates that the Split Rock Creek aquifer is being recharged and is capable of sustaining additional withdrawals.
5. The City of Brandon is requesting an exception to ASRD 74:02:01:24.01 which specifies that future use permits may be limited to two times the amount actually put to beneficial use. A Water System Plan Report submitted with the application is the justification for the request.



Aaron R. Tieman
Natural Resources Engineer

Approved by



James A. Goodman, P.E.
Natural Resources Engineering Director

BIBLIOGRAPHY

Lindgren, R.J., C.A. Niehus, 1992, Water Resources of Minnehaha County, South Dakota, WRI 91-4101, USGS, Huron, SD, 57350.

Pence, S.F., 1997, Summary of the Split Rock Creek Aquifer Study, Open-File Report 87-UR, SD DENR, SDGS, Vermillion, SD, 57069.

Water Right, 2006, Unpublished Observation Well Data for Split Rock Creek Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.



**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 FUTURE USE WATER PERMIT
APPLICATION NO. 6697-3, 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 Future Use Water Permit Application No. 6697-3, City of Brandon, c/o Dennis E. Olson, PO Box 95, Brandon SD 57005.

The Chief Engineer is recommending APPROVAL of Application No. 6697-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) ~~the Fall River Water Users District~~ ^{Brandon} has demonstrated a reasonable need for the water reserved, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Permit No. 6697-3 reserves 2,148.4 acre feet of water annually from the Split Rock Creek Aquifer.
2. That Future Use Permit No. 6697-3 is approved with the stipulation that this Permit is subject to review by the Water Management Board in developing reserved water upon expiration of seven (7) years. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permit.
3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted and approved prior to construction of facilities pursuant to SDCL 46-5-38.1.

See report on application for additional information.

Garland Erbele, Chief Engineer
March 16, 2006

AFFIDAVIT OF PUBLICATION-

Customer Number: 078340
Invoice Number: 923171

Water Rights Program

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Betty Jones being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Thursday, the 23 day of March 2006,
Thursday, the 30 day of March 2006,
_____, the _____ day of _____ 2006,
_____, the _____ day of _____ 2006,
_____, the _____ day of _____ 2006,
_____, the _____ day of _____ 2006,
_____, the _____ day of _____ 2006,

and that \$121.46 was charged for publishing the same

Betty Jones
Subscribed and sworn to before me 3/30/2006

JOAN STAHL

SEAL NOTARY PUBLIC SOUTH DAKOTA SEAL

Joan Stahl
Notary Public, South Dakota

My Commission expires June 30, 2011

State Notices

NOTICE OF APPLICATION NOS. 6696-3 and 6697-3 for Appropriate and Reserve Water for Future Use

Notice is given that the City of Brandon, c/o Dennis E. Olson, PO Box 95, Brandon, SD 57005 has filed the following applications for future use water permit.

Application No. 6696-3 proposes to appropriate and reserve for future use 1,227.70 acre-feet annually from the Big Sioux South Aquifer. Application No. 6697-3 proposes to appropriate and reserve for future use 2,148.40 acre-feet annually from the Spill Creek Creek Aquifer. The area to be reserved by both applications is located in the SW Section 35-T102N-R48W and the NW Section 2-T101N-R48W. The water is to be reserved for future water supplies for municipal use by the city. These applications does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6696-3 and 6697-3 because 1) unappropriated water is available, 2) the quantity of water reserved will be needed by the city of Brandon, 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. 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 10, 2006.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven A. Pinner, Secretary, Department of Environment and Natural Resources, 923171 Mar. 23 & 30, 2006



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 16, 2006

Argus Leader
PO Box 5034
Sioux Falls SD 57117-5034

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6696-3 & 6697-3 to Appropriate Water to be published twice. Please publish the first notice on March 23, 2006 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 Brandon, % Dennis E Olson, PO Box 95, Brandon SD (Ph # 605-582-6515).

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,

for Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

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

No. 6696-3

Date _____

We are in receipt of your letter of March 16, 2006 enclosing Notice to Appropriate Water by Application No. 6696-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
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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 16, 2006

City of Brandon
% Dennis Olson
PO Box 95
Brandon SD 57005

Dear Mr. Olson:

Water Permit Application Nos. 6696-3 & 6697-3 for municipal 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 Argus Leader printed at Sioux Falls, SD (Ph # 605-331-2200). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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 applications.

Sincerely,

for Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

c: Paul Sanow, Stockwell Engineers

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.

Instruction to Newspaper - Publish first Notice on March 23, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6696-3 and 6697-3 to Appropriate and Reserve Water for Future Use

Notice is given that the City of Brandon, c/o Dennis E Olson, PO Box 95, Brandon SD 57005 has filed the following applications for future use water permit.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6696-3 and 6697-3 because 1) unappropriated water is available, 2) the quantity of water reserved will be needed by the city of Brandon, 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

APR 27 2006

City of Brandon
Dennis E Olson
PO Box 95
Brandon SD 57005

Dear Mr. Olson:

Enclosed are Future Use Permit Nos. 6696-3 and 6697-3, as approved by the Water Management Board.

When plans for facilities are prepared to put any portion of the water granted in the future use permits to beneficial use, an application covering such facilities and water use should be submitted to this office before construction is initiated.

Sincerely,

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 26, 2013

Bryan Read, City Administrator
City of Brandon
PO Box 95
Brandon SD 57005

Dear Mr. Read:

I am writing in regard to the seven year review of Future Use Water Permit No. 6696-3 from the Big Sioux:South Aquifer and Future Use Water Permit No. 6697-3 from the Split rock Creek Aquifer held by the City of Brandon. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permit reserves water for future water supply needs for the city. Currently, our records show that 1227.7 acre-feet remain in reserve under Permit No. 6696-3 and 2148.4 acre-feet remain in reserve under Permit No. 6697-3. Both permit were issued in 2006.

Please respond in writing by March 15, 2013 regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs and any annual pumping records for the past three years for the Big Sioux:South Aquifer. Based on a qualification of Permit No. 6156-3, the amount pumped from the Split Rock Creek Aquifer is required annually and that information has been received.

Permit Nos. 6696-3 and 6697-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 1227.7 acre-feet remain in reserve on No. 6696-3, the fee will be \$165.00. If the entire 2148.4 acre-feet remain in reserve on No. 6697-3, the fee will be \$235.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, March 20, 2013 7:54 AM
To: 'bnelson@cityofbrandon.org'
Subject: FW: Atten: Karen Schlaak

Bryan,
The next Water Management Board meeting is scheduled for May 1st. It doesn't appear that your study will be done by that time. The following meeting will be July 10th. If the study is done by the end of the first week of June we should be able meet the public notice deadlines. Let me know if that gives the city sufficient time.

Karen Schlaak
Water Rights Program
Phone: 605 773-3352
Fax: 605 773-4068

From: Duvall, Ron
Sent: Friday, March 15, 2013 4:18 PM
To: Schlaak, Karen
Cc: Gronlund, Eric; Smith, Kim
Subject: FW: Atten: Karen Schlaak

Karen, to your attention...

NOTE: When replying to this email do NOT click the person's [<mailto:myname@email.com>] address since this may result in your reply being undeliverable. Either copy and paste just the email address (e.g. myname@email.com) or type just the address into your reply message.

From: Bonnie Nelson [<mailto:bnelson@cityofbrandon.org>]
Sent: Friday, March 15, 2013 4:23 PM
To: DENR INTERNET INFORMATION
Subject: Atten: Karen Schlaak

Karen:

I am Bryan Read, City Administrator in Brandon. I just noticed the letter you sent, dated February 26, 2013, regarding Future Use Water Permits No. 6696-3, 6697-3. Your letter was misplaced and I have not had time to get a written response back to you. The City of Brandon intends to retain the Future Use Permits. We have retained Stockwell Engineers to conduct a complete study of our water system, including water sources. The study is not yet complete. I respectfully ask for a reasonable extension to respond to your letter.

Bryan H. Read
City Administrator

bread@cityofbrandon.org
(605)582-6515



April 4, 2013

Karen Schlaak
SD DENR
Joe Foss Building
523 E Capitol
Pierre, SD 57501

Re: Future Water Use Permit
Brandon, SD

RECEIVED
APR - 8 2013
WATER RIGHTS
PROGRAM

Dear Ms. Schlaak:

This letter is in response to the seven year review of the Future Water Use Permit No. 6696-3 from the Big Sioux: South Aquifer and Permit No. 6697-3 from the Split Rock Creek Aquifer. Permit No. 6696-3 is for 1227.7 acre-feet and Permit No. 6697-3 is for 2148.4 acre-feet.

In recent years, the City of Brandon and the surrounding area has experienced rapid residential, commercial and industrial growth. We are currently working with the City on a Comprehensive Water System Plan. This plan will recommend that new wells be constructed to provide adequate well capacity for current and future water demands. The location and aquifer source of these wells has not been determined at this time. Historic pumping records and future needs are shown in the following tables.

Historic Usage

Year	Annual Usage (gal)
2010	27,091,000
2011	29,547,000
2012	36,267,000

Projected Usage

Year	Population Projection	Annual Usage (gal)
2017	10,734	407,462,640
2022	12,217	463,757,320
2027	13,700	520,052,000

The City of Brandon plans to retain these permits. Please call, if you have any questions or need additional information.

Sincerely,

STOCKWELL ENGINEERS, INC.

Gabriel Laber, P.E.
Project Engineer
glaber@stockwellengineers.com

cc: SEI Project File: 01_0513 / Correspondence

SIoux FALLS
600 N. Main Ave. #100
Sioux Falls, SD 57104
(605) 338-6668



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 6697-3, City of Brandon SD**

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 Future Use Water Permit No. 6697-3, City of Brandon, PO Box 95, Brandon SD 57005.

The Chief Engineer is recommending that Future Use Permit No. 6697-3 REMAIN in EFFECT for 2,148.40 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 6697-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 6697-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 6697-3 is subject to payment of the \$235.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Jeanne Goodman, Chief Engineer
June 12, 2013



**DEPARTMENT of ENVIRONMENT
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July 15, 2013

NOTICE

Bryan Read, City Administrator
City of Brandon
PO Box 95
Brandon SD 57005

Dear Mr. Read:

I am writing in response to action taken by the Water Management Board at the hearing on July 11, 2013 to review Future Use Permit Nos. 6696-3 and 6697-3. The Board allowed the permits to remain in effect for 1,227.7 and 2,148.4 acre-feet of water annually. The Future Use Permits are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 6696-3 is \$165.00 and for No. 6697-3 is \$235.00 pursuant to SDCL 46-2-13(2). Please remit a total fee of \$400.00 within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

I hereby certify that on July 15, 2013, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 15, 2013 regarding Future Use permits addressed as stated below:

Joint Wellfield, 47602 SD Hwy 28, Toronto SD 57268 **Water Right No's. 3982-3 & 3982A-3**

Kingbrook RWS, PO Box 299, Arlington SD 57212 **Water Right No. 5643-3**

City of Brandon, PO Box 95, Brandon SD 57005 **Water Right No's. 6696-3 & 6697-3**

TM RWD, PO Box 445, Parker SD 57053 **Water Right No. 6705-3**



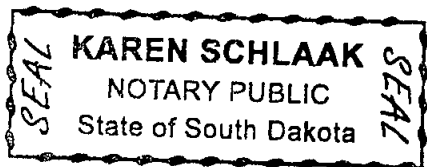
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of July, 20 13.



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

June 12, 2013

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

Bryan Read, City Administrator
City of Brandon
PO Box 95
Brandon SD 57005

Dear Mr. Read:

Future Use Permit Nos. 6696-3 and 6697-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. The notice of this review has been sent to the Publisher of the Argus Leader, Sioux Falls SD (605 331-2200). For your information, a copy of the Chief Engineer's recommendation is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish this notice on June 19, 2013. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

June 12, 2013

Argus Leader
PO Box 5034
Sioux Falls SD 57117

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit Nos. 6696-3 and 6697-3 to be published on June 19, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at 605 773-3352 or email karen.schlaak@state.sd.us

The applicant must verify to you that the notice is to be published. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is the City of Brandon, c/o Bryan Read, City Administrator, PO Box 95, Brandon SD 57005 (605 582-6515).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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

Instruction to Newspaper-Publish the following Notice on June 19, 2013. The City of Brandon is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 6696-3 and 6697-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 6696-3 and 6697-35643-3 held by the City of Brandon, c/o Bryan Read, City Administrator, PO Box 95, Brandon SD 57005 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved.

Permit No. 6696-3 was approved in 2006 and currently reserves 1,227.70 acre-feet annually from the Big Sioux:South Aquifer. Permit No. 6697-3 was approved in 2006 and currently reserves 2,148.40 acre-feet annually from the Split Rock Creek Aquifer. The area of future use is located in the SW 1/4 Section 35-T102N-R48W and the NW 1/4 Section 2-T101N-R48W. The water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 6696-3 and 6697-3 REMAIN in EFFECT for 1,227.70 acre-feet annually and 2,148.40 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 6696-3 and 6697-3 at 10:00 am July 11, 2013 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by July 1, 2013. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 6696-3 and 6697-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by July 1, 2013. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by July 1, 2013. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of _____.

CUSTOMER NUMBER:	127014	Argus Leader P.O. Box 677349, Dallas, TX 75267-7349
AD ORDER NUMBER:	1418231	
	6/19, 2013	\$101.37

City of Brandon
% Bryan Read
PO Box 85
Brandon, SD 57005

RECEIVED

JUN 20 2013

WATER RIGHTS PROGRAM

AFFIDAVIT OF PUBLICATION-

Customer Number: 127014
Invoice Number: 1418231

Argus Leader
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Linda Schulte being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

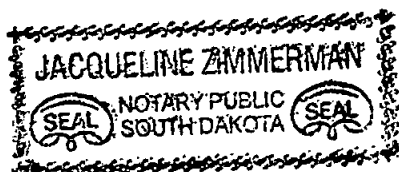
_____ Wednesday the _____ 19 day of _____ June 2013 ,
_____ the _____ day of _____ 2013 ,
_____, the _____ day of _____ 2013
_____, the _____ day of _____ 2013 ,
_____, the _____ day of _____ 2013 ,
_____, the _____ day of _____ 2013 ,
_____, the _____ day of _____ 2013 ,

and that \$101.37 was charged for publishing the same

Linda Schulte
Subscribed and sworn to before me 6/19/2013

J. Zimmerman
Notary Public, South Dakota

My Commission expires December 22, 2015



NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 6696-3 AND 6697-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 6696-3 and 6697-35643-3 held by the City of Brandon, c/o Bryan Read, City Administrator, PO Box 85, Brandon SD 57005 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved.

Permit No. 6696-3 was approved in 2006 and currently reserves 1,227.70 acre-feet annually from the Big Sioux: South Aquifer. Permit No. 6697-3 was approved in 2006 and currently reserves 2,148.40 acre-feet annually from the Split Rock Creek Aquifer. The area of future use is located in the SW 1/4 Section 35-T102N-R48W and the NW 1/4 Section 2-T101N-R48W. The water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 6696-3 and 6697-3 REMAIN in EFFECT for 1,227.70 acre-feet annually and 2,148.40 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 6696-3 and 6697-3 at 10:00 am July 11, 2013 at Floyd Mathew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605) 773-3352 by July 1, 2013. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by July 1, 2013. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the approximate cost of \$101.37.
1418231 June 19, 2013

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner, and the Chief Engineer by July 1, 2013. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 6696-3 and 6697-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/8, 20 13

RECEIVED OF City of Brandon PO Box 95 Brandon SD 57005

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	235	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. <u>6697-3</u> 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	235 00

No. **06401**

By Jeannine Goodman
Chief Engineer



6697-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

December 4, 2019

Bryan Read, City Administrator
City of Brandon
PO Box 95
Brandon SD 57005

Dear Mr. Read:

I am writing in regard to the seven year review of Future Use Water Permit No. 6696-3 from the Big Sioux:South Aquifer and Future Use Water Permit No. 6697-3 from the Split Rock Creek Aquifer held by the City of Brandon. By law, all future use permits are to be reviewed by the Water Management Board every seven years to determine whether a reasonable need exists for the reserved water. The permits reserves water for future water supply needs for the city.

Currently, our records show that 1227.7 acre-feet remain in reserve under Permit No. 6696-3 and 697.4 acre-feet remain in reserve under Permit No. 6697-3. Both permits were issued in 2006 and last reviewed in 2013.

Please respond in writing by January 6, 2020 regarding the city's intention for the future use permits. If the city plans to retain the permits, then the response should outline a reasonable need for retaining the future use permits, including an estimate of future needs.

Permit Nos. 6696-3 and 6697-3 will then be public noticed at the city's expense and scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permits. A fee will be charged if the Board allows the permits to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve. If the entire 1227.7 acre-feet remain in reserve on No. 6696-3, the fee will be \$165.00. If the entire 697.4 acre-feet remain in reserve on No. 6697-3, the fee will be \$115.00.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads 'Karen Schlaak'.

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

January 3, 2020

Karen Schlaak
Water Rights Program
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

RECEIVED

JAN 06 2020

WATER RIGHTS
PROGRAM

Re: Review of Future Use Water Permit Nos. 6696-3 and 6697-3

Ms. Schlaak:

Your letter of December 4, 2019 requested a written response regarding the City of Brandon's Future Use Permit Nos. 6696-3 and 6697-3.

In 2019, the City completed the City of Brandon Water Supply Evaluation that projected Brandon's population to increase by 60% of its current population in the next 25 years, and to more than double its current population in the next 50 years. This population growth is expected to exert a proportionately increased water demand, with an accompanying increased peak day water production, as summarized in the table below.

Year	Population	Average Day Production, MGD	Annual Production, Acre-Ft	Max Day Production, MGD	Maximum Day Production, cfs
2018	9,957	0.96	1,115	2.49	3.85
2045	16,000	1.52	1,703	3.80	5.88
2070	23,000	2.07	2,319	5.18	8.00

The City of Brandon Water Supply Evaluation included alternatives for additional wells that would obtain water from the Big Sioux:South Aquifer and the Split Rock Creek Aquifer. These wells will likely consume water held in reserve by the existing future water use permits.

To provide water for anticipated future needs, the City of Brandon requests that the reserved water capacity of 1227.7 acre feet under permit 6696-3 (in the Big Sioux:South Aquifer) and 697.4 under Permit 6697.3 (in the Split Rock Creek Aquifer) be retained by the City of Brandon.

Sincerely,



Bryan Read, City Administrator
City of Brandon



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 6697-3, City of Brandon SD

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 Future Use Water Permit No. 6697-3, City of Brandon, PO Box 95, Brandon SD 57005.

The Chief Engineer is recommending that Future Use Permit No. 6697-3 REMAIN in EFFECT for 697.4 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 6697-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 6697-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 6697-3 is subject to payment of the \$115.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the city after the Board hearing.

Jeanne Goodman, Chief Engineer
January 7, 2020

Argus Leader

P.O. Box 677349, Dallas, TX 75267-7349

Account No: SFA-127014

Ad No: 0003989612

PO #: 6696-3 & 6697-3

Lines : 167

Ad Total \$104.59

This is not an invoice

BRANDON, CITY OF
304 S MAIN AVE
BRANDON, SD 57005

of Affidavits: 1

Account No.: SFA-127014

Ad No.: 0003989612

Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

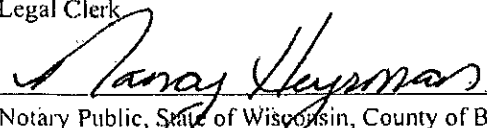
COUNTY OF MINNEHAHA } ss

I being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday, January 15, 2020

Sworn to and subscribed before me this 23 day of January, 2020.

Legal Clerk


Notary Public, State of Wisconsin, County of Brown

5-15-23
My Commission expires

NANCY HEYRMAN
Notary Public
State of Wisconsin

சுற்றுலா துறைமுகம்-3

Any interested person who may be contacted by a Board decision, and who intends to participate in the meeting before the Board, must present evidence of appropriate business purposes according to SACB 854, available to writers in addition with SACB the permit carrier and the Chief Engineer by February 14, 2004. The SACB will provide the permit holder's address to the "Water Rights Program," Joe Foss Building, 555 E. Colorado Ave., Pierre ID 59701 (260-338-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement explaining the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the appropriate

According to SDCL 3-2-18, if a party files a contested case, it may use the Official Hearing Procedure. The Hearing Examiner may then conduct a hearing if either a property claim is being terminated or the dollar amount in controversy exceeds \$2,500.00. If a party desires to use the Official Hearing Examiner, it is recommended that the party appear at the hearing, rather than the hearing procedure described above. If then you need to notify the Chief Engineer (Wainwright Rights Program 523 E. Capitol Ave. Pierre SD) by January 27, 2022. Publication date at fee application cost of \$100.00.

I.

3989612 Jan 15, 2023



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

January 7, 2020

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

City of Brandon
Bryan Read, City Administrator
PO Box 95
Brandon SD 57005

Dear Mr. Read:

Future Use Permit Nos. 6696-3 and 6697-3 will be reviewed for progress in the development and future plans for use of the water reserved. Water rights law requires publication of a notice in the county where water will be diverted or used. Notice of this review has been sent to the Argus Leader (605 311-2200). For your information, copies of the Chief Engineer's recommendations are enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish this notice on January 15, 2020. We must receive Proof of Publication before the future use reviews can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, January 7, 2020 11:35 AM
To: 'legals@argusleader.com'
Subject: 6696-3 and 6697-3, City of Brandon
Attachments: 6696-3&6697-3.doc; FORM8.FRM.doc

Attached is a notice to be published on January 15, 2020.

The City of Brandon, Bryan Read, City Administrator, PO Box 95, Brandon SD 57005 (605 582-6515) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



Instruction to Newspaper - Publish the following Notice on January 15, 2020. The City of Brandon is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NOS. 6696-3 and 6697-3

Notice is given that the Water Management Board will review Future Use Permit Nos. 6696-3 and 6697-3 held by the City of Brandon, c/o Bryan Read, City Administrator, PO Box 95, Brandon SD 57005 for progress made in the development of the water reserved by the permits and future plans for development of the water reserved.

Permit No. 6696-3 was approved in 2006 and currently reserves 1,227.7 acre-feet annually from the Big Sioux:South Aquifer. Permit No. 6697-3 was approved in 2006 and currently reserves 697.4 acre-feet annually from the Split Rock Creek Aquifer. The area of future use is located in the SW 1/4 Section 35-T102N-R48W and the NW 1/4 Section 2-T101N-R48W. The water is reserved for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit Nos. 6696-3 and 6697-3 REMAIN in EFFECT for 1,227.7 acre-feet annually and 697.4 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit Nos. 6696-3 and 6697-3 at 10:00 am, February 26, 2020, Floyd Matthew Training Center, Joe Foss Bldg, 523 E Capitol, Pierre SD.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permits to remain in effect, 2) amend the permits by adding qualifications, 3) cancel the permits for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing.

Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by February 14, 2020. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holder's mailing address is given above. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permits, the reasons for petitioner's opposition to or support of continuing the future use permits, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit Nos. 6696-3 and 6697-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendations, further information on the permits, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by February 14, 2020. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permits. The request for a delay must be filed with the Chief Engineer by February 14, 2020.

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 any party chooses to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program 523 E Capitol Ave, Pierre SD) by January 27, 2020. Published once at the approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

February 27, 2020

NOTICE OF ENTRY OF ORDER

Bryan Read, City Administrator
City of Brandon
PO Box 95
Brandon SD 57005

Dear Mr. Read:

I am writing in response to action taken by the Water Management Board at the hearing on February 26, 2020 to review Future Use Permit Nos. 6696-3 and 6697-3. The Board allowed the permits to remain in effect for 1227.7 acre-feet and 697.4 acre-feet of water annually. Future Use Permit Nos. 6696-3 and 6697-3 are subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 6696-3 is \$165.00 and Future Use Permit No. 6697-3 is \$115.00 pursuant to SDCL 46-2-13(2). Please remit a total of \$280.00 within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads 'Jeanne Goodman'.

Jeanne Goodman, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

I hereby certify that on February 27, 2020, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated February 13, 2020, regarding Notice of Entry of Order of Permit No. 3428-3, 5522-3, 5523-3, 6696-3, and 6697-3 addressed as stated below:

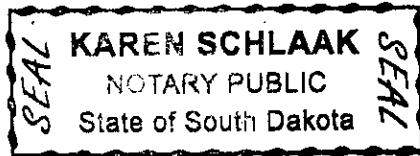
City of Aberdeen, Robert Braun, Water Superintendent, 123 S Lincoln St., Aberdeen SD 57401
City of Sioux Falls, Gavin Graverson, Superintendent, Water Division, 2100 N Minnesota Ave.,
Sioux Falls SD 57104
Bryan Read, City Administrator, City of Brandon, PO Box 95, Brandon SD 57005

Eric Gronlund
Eric Gronlund
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of February, 2020.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 201²⁵~~9~~



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 30, 2020

RECEIVED OF Bryan Reed, City Administrator-Brandon PO Box 95 Brandon SD 57005

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. <u>6697-3</u> after period of seven years.	\$115.00
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. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law)	
TOTAL	\$115.00

By Eric Gronlund
Chief Engineer
vm