

WATER PERMIT NO. 6872-3

Name of Applicant: City of North Sioux City

Address: 504 River Drive, N Sioux City SD 57049

Phone: 605 232-4276

Amount of Water Claimed: 0.22 cfs

Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: municipal

County: Union

Type of Waste Disposal System:

Location: in city limits

PRIORITY

Date Received: 6-2⁷~~7~~-07

Application/License Fee: \$275.00

Corrected Application Received: 7-23-07

Period of Annual Use: January 1 – December 31

Remarks: Replacement well for the well authorized by W.R. No. 5787-3 and also increases the diversion rate by 100 gpm

Diversion Point: NW ¼ SW ¼ Section 14-T89N-R48W

Land to be Irrigated: NA

Depth of Well: 249

Well Driller: : Layne - Western

Remarks:

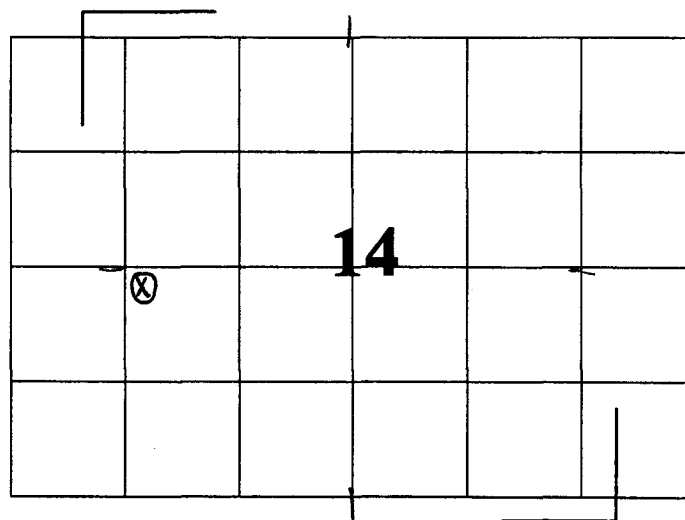
Type of Map: aerial

Prepared by: Gregory C Meyer, PE

Reviewed and the Number Assigned on: 7-23-07

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



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

RECEIVED

JUN 22 2007

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6872-3</u> (office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>Big Sioux River</u>
	Newspaper <u>Dakota Dunes NS City Times</u>
	<u>605-232-3539</u> <u>PO Box 11340 NS City</u> <u>57049</u>

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.)

- Name of Applicant City of North Sioux Phone 605 232 4276
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 504 River Drive North Sioux City State So Dak 57049
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed .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)
- Source of water supply Ground Water
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Union
NW 1/4 SW 1/4 Sec. 14 TWP89N Rg 48W
- County or counties where water will be used Union
- Annual period during which water is to be used Jan 1 to Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed) Placed new well and going from 300 gpm to 400 gpm. Old well has been abandoned, Permit No. 5787.3

STATE OF SOUTH DAKOTA)

County of Union 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, Don Fuxa, 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 Don Fuxa

Subscribed and sworn to before me this 20th day of June 2007

Shauna Keur
Notary Public signature

My commission Expires Jan 01, 2011

SOUTH DAKOTA
WATER PERMIT NO. 6872-3

Date of first receipt of application June 22, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6872-3 to City of North Sioux City, 504 River Drive, North Sioux City SD 57049 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. 6872-3 authorizes a replacement well and increases the diversion rate authorized by Water Right No. 5787-3. Water Right No. 5787-3 appropriates 0.67 cubic feet of water per second (cfs) (300 gallons per minute) from one well completed into the Dakota Formation located in SW ¼ NW ¼ Section 14-T89N-R48W. The old well has been abandoned and a new Dakota Formation well (249 feet deep) located in the NW ¼ SW ¼ Section 14-T89N-R48W has been constructed. This permit increases the water appropriation from the new well by an additional 0.22 cfs (100 gallons per minute) for a total diversion rate of 0.89 cfs (400 gallons per minute) from the new well.
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.
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. 6872-3 is September 10, 2007.
5. The date from which applicant may claim right is June 22, 2007 (0.22 cfs).
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. 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 city of North Sioux City shall report to the Chief Engineer annually the amount of water withdrawn from the Dakota Formation.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

OCT 19 2007

date



see attached well Report

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:

On applicants property _____ On property owned by others _____

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 _____

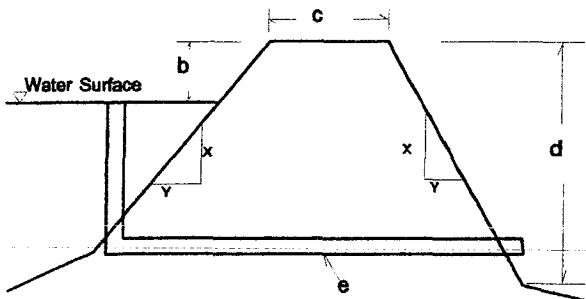
3. Dugout Information

- 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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 14 Twp 89N Rg 48W

County

UNION

North

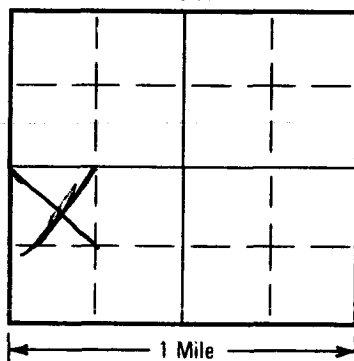
Please mark well location with an "X"

W

E

Well Completion Date

12/01/2006

Well Owner: THE CITY OF NORTH SIOUX CITY

Business Name: _____

Address: PO BOX 338NORTH SIOUX CITY SD 57049-0338

WELL LOG:

DEPTH

FORMATION	DEPTH	
	FROM	TO
CLAY	0	38
CLAY WITH SAND	38	104
SANDSTONE	104	183
MEDIUM TO FINE SANDSTONE	183	249

LOCATION:

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

PROPOSED USE:

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

METHOD OF DRILLING:

REVERSE ROTARY

CASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
62.58 LB/FT	16 IN	8 FT	189 FT	24 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
NEAT CEMENT	276	22.7 lb./gal	10 ft	170 ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure GROUT INSTALLED BY TREMMIE
METHOD _____SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 16 IN Length 60 FEETMaterial STAINLESS STEELSlot Size .030 Set From 189 Feet to 249 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: CHLORINATEDLaboratory sent to for water
quality analysisNO, Why Not? _____SIOUXLAND DISTRICT HEALTH
DEPARTMENTSTATIC WATER LEVEL 22' 2" Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: THE WELL WAS DEVELOPED☒ BailedWITH A DOUBLE DISC SURGE☒ OtherBLOCK, THEN BAILED, THENPUMPED FOR 48 HOURS

Pumping Level Below Land Surface

81' 1" ft. After 24 Hrs. pumped 1,000 GPM45 ft. After 24 Hrs. pumped 403 GPMIf pump installed, pump rate 400 GPM

REMARKS

A BENTONITE SEAL WAS PLACED FROM
170' TO 174'This well was drilled under license # 513

And this report is true and accurate.

Drilling firm LAYNE-WESTERN

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 2-26-07

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MAR - 9 2007
WATER RIGHTS
PROGRAM



WELL LOCATION: NW $\frac{1}{4}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SEC 14 - T89N, - R 48W.

BY GREGORY C MEYER P.E.

7-9-07

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 7/23, 20 07

RECEIVED OF City of N Sioux City 504 River Dr N Sioux City SD 57049

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

Fee for Application for Permit No. <u>6872-3</u> to Appropriate Water, to construct and to put water to beneficial use	75	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	75 00

No.

03100

By *Harold Erbe*
Chief Engineer

72

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/27, 2007

RECEIVED OF City of N Sioux City 504 River Dr N Sioux City SD 57049

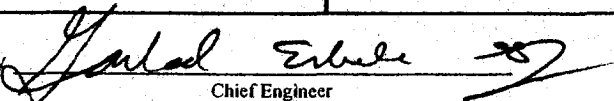
The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>16872-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>16872-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	200 00

No.

03082

By


Chief Engineer



**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 7, 2007

City of North Sioux City
Randy Frederickson, Public Works Director
504 River Drive
North Sioux City SD 57049

Dear Mr. Frederickson:

The Water Rights Program recently received a well completion report for a new well drilled by Layne Western (copy enclosed). Is this new well a replacement well previously authorized by an existing water right or an additional well for the city?

If the well increases the city's ability to divert water to meet the community water needs, this would constitute a new appropriation of water and require a new water permit.

Please let us know the status of this new well. If you have any questions, regarding the city's existing permits, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak

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

enclosure



June 27, 2007

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 North Sioux City
Don Fuxa, Mayor
504 River Drive
North Sioux City SD 57049

Dear Mayor Fuxa:

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 (aerial photo) showing the location of the new well in relation to a government section corner or quarter corner by direction and distance. 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.
- We have received your check of \$200.00 for the application/license filing fee. Based on the additional amount of water requested, an addition \$75.00 is required.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

BUELL WINTER MOUSEL & ASSOC. P.C.

705 Douglas St. - Suite 636
SIOUX CITY, IOWA 51101
(712) 258-4202

LETTER OF TRANSMITTAL

TO

NORTH SIOUX CITY
CITY HALL DROP BOX
N. SIOUX CITY, S.D.

DATE 7-9-07	JOB NO.
ATTENTION KORY MEUKED	
RE:	
RECEIVED	
JUL 23 2007	
WATER RIGHTS PROGRAM	

LADIES / GENTLEMEN:

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via _____ the following items:

- ☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
1			AERIAL MAP OF THE WELL

THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☒ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☐ Return _____ corrected prints
☐ For review and comment ☐ _____
☐ FOR BIDS DUE _____ 20 _____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS

I SPOKE WITH KAREN SCHLAACK ABOUT THE MAP
REQUEST AND BELIEVE THE ATTACHED WILL RESPOND
TO HER LETTER.
PLEASE LET ME KNOW IF YOU NEED ANYTHING ELSE.

COPY TO _____

SIGNED: CORIE MEYER



**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. 6872-3, City of North Sioux**

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. 6872-3, City of North Sioux, Mayor Don Fuxa, 504 River Drive, North Sioux City SD 57049.

The Chief Engineer is recommending APPROVAL of Application No. 6872-3 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 city of North Sioux shall report to the Chief Engineer annually the amount of water withdrawn from the Dakota Formation.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 16, 2007

Report on Application for Water Right
Permit # 6872-3
For the City of North Sioux City, SD.
25 July 2007

Application No.6872-3 proposes to replace the well authorized by water right 5787-3 and to increase the rate of diversion from 0.67 cfs to 0.89 cfs. Water right 5787-3 appropriated 0.67 cfs from a well that was 240 deep located at SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14 - T89N - R48W and has been abandoned. Application No. 6872-3 is for construction of a new well at NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14 – T89N – R48W. The new well has been constructed. It is 249 ft. deep and is completed to the Dakota aquifer. Water from this well is for municipal use.

Aquifer – Dakota Formation (DKOT)

The Dakota Formation is comprised mostly of yellow sandstone with some clay and some lignite (Schoon, 1971). It is approximately 400 feet thick and underlies 452 square miles of Union County and contains 7.81 million acre-feet of recoverable water (Hedges, 1982). The Dakota aquifer is under artesian conditions. The Dakota Formation in this area underlies the Missouri Elk Point Formation which consists mainly of sand and gravel. The two aquifers are likely hydraulically connected (Niehus, 1994).

Review of Existing Permits

The nearest well to the proposed site (water right No.5793-3) is 500 feet to the northeast. Other wells in the area are water right No.1069-3, a well completed to the Dakota Formation that is approximately 2,400 feet north of the proposed site and water right No. 6060-3, a well approximately 1,000 feet northeast of the site. The nearest observation well into the Dakota Formation (UN-98A) is 2.8 miles northwest of the site. The hydrograph for observation well UN-98A, comprised of the complete set of available data, can be seen in **figure 1**.

The data collection period for UN-98A, represented in **figure 1**, is from 1998 to 2007. It is believed that the data represents a normal cycle in the Dakota aquifer when viewed over the period shown. While a downward trend may be seen for the peaks in the hydrograph over the study period, this trend matches with other observation wells in the Dakota aquifer for the same time period. The graph in **figure 2** is a hydrograph of a different observation well in the Dakota aquifer viewed over a longer time period.

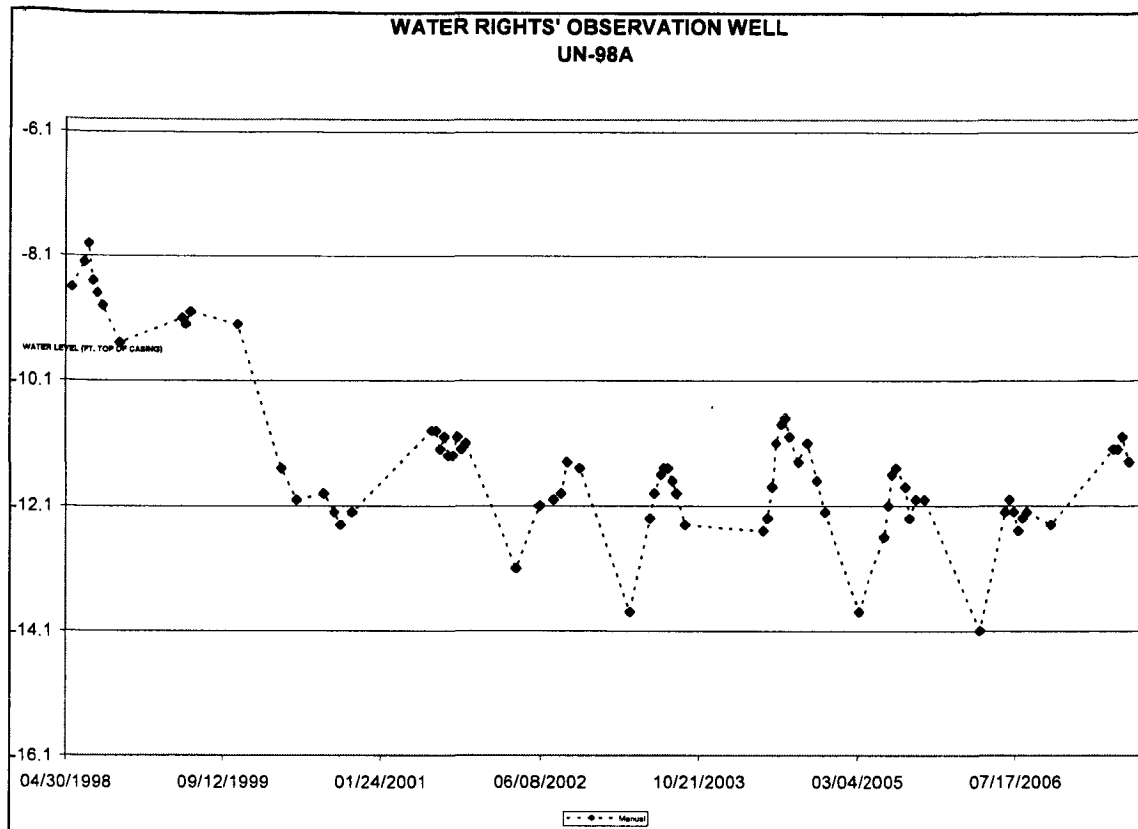


Figure 1: UN-98A Hydrograph

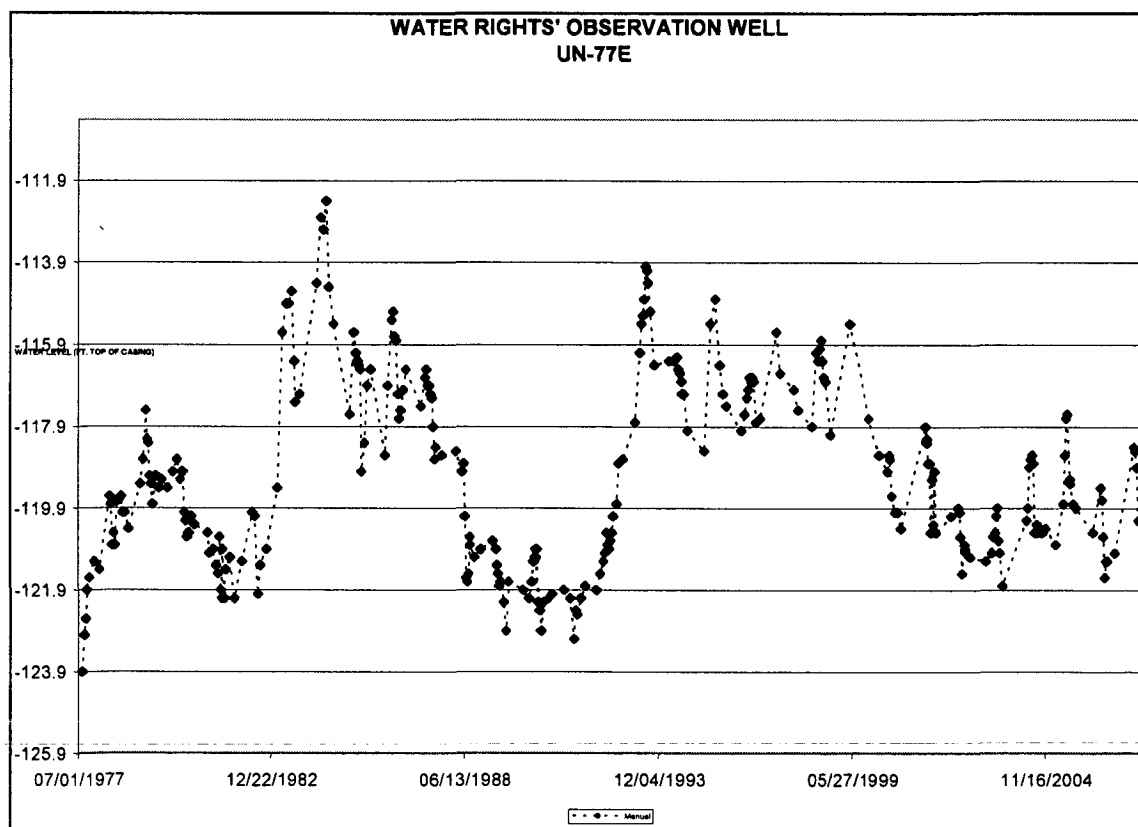


Figure 2: UN-77E Hydrograph

When the two hydrographs are compared for the same time period they show the same trend leading to the conclusion that the decline in the peaks seen in **figure 1** are actually a normal trend when viewed in conjunction with other observation wells that have been observed for a longer period of time. There does not appear to be a drawing down of the Dakota aquifer that is not a normal response to climatic conditions. That is, a drawing down in dry periods and a recharging in times of greater rainfall.

Conclusion

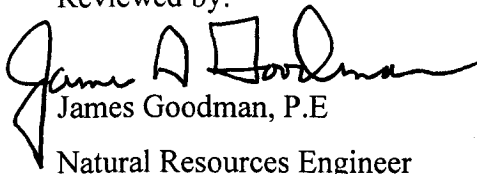
1. It is likely that there is unappropriated water in the Dakota Formation to satisfy the applicant's proposed use.
2. The review of existing permits shows that the closest well is 500 feet away. The draw down from both wells may act together to influence the performance of the wells, however a detailed study has not been done to determine the effect.
3. The proposed diversion can be developed without unlawfully impairing existing water rights in the area.
4. This well has been constructed in accordance with South Dakota well construction standards.



Mark Costello

Natural Resources Engineer

Reviewed by:



James Goodman, P.E

Natural Resources Engineer

Sources

Hedges, L. S. et al., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Big Sioux River, South Dakota and Iowa, for Planning Division, U.S Army Corps of Engineers, SDDENR, SDGS, Vermillion, SD. 57069.

Niehus, Colin A. (1994). Water Resources of Lincoln and Union Counties, South Dakota. Retrieved July 25, 2007 from US Geologic Survey, Website <http://onlinepubs.er.usgs.gov>

Schoon, Robert A., 1971. Geology and Hydrology of the Dakota Formation in South Dakota, South Dakota Geological Survey, Vermillion South Dakota, 57069

RECEIVED

SEP 04 2007

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Union) SS

I, Susan Odson

certify that the attached printed Notice was
taken

from the Leader-Courier

printed and published in Eik Point

County of Union and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

August 23, 2007

August 30, 2007

Cost of Printing \$54.24

Susan Odson
(Signature)

Affidavits Coordinator
(Title)

8/30/07
(Date Signed)

NOTICE OF APPLICATION NO. 6872-3 TO APPROPRIATE WATER

Notice is given that the City of North Sioux City, 504 River Drive, North Sioux City SD 57049 has filed an application for a water permit to construct a replacement well and to increase the diversion rate authorized by Water Right No. 5787-3. Water Right No. 5787-3 appropriates 0.67 cubic feet of water per second (cfs) (300 gallons per minute) from one well completed into the Dakota Formation located in SW1/4 NW1/4 Section 14-T89N-R48W. The old well has been abandoned and a new Dakota Formation well (249 feet deep) located in the NW1/4SW1/4 Section 14-T89N-R48W has been constructed. This application proposes to increase the water appropriation from the new well by an additional 0.22 cfs (100 gallons per minute) for a total diversion rate of 0.89cfs (400 gallons per minute) from the new well. The water is for municipal use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6872-3 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 September 10, 2007.

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.
Publish August 23 and 30, 2007
34-10



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 16, 2007

Dakota Dunes N Sioux City Times
PO Box 1340
N Sioux City SD 57049

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6872-3 to Appropriate Water to be published twice. Please publish the first notice on August 23, 2007 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 N Sioux City, 504 River Dr, N Sioux City SD 57049 (Ph # 605-232- 4276).

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. 6872-3

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

Date _____

We are in receipt of your letter of August 16, 2007 enclosing Notice to Appropriate Water by Application No. 6872-3 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
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.

August 16, 2007

City of North Sioux City
Don Fuxa, Mayor
504 River Dr
North Sioux City SD 57049

Dear Mayor Fuxa:

Water Permit Application No. 6872-3 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 Dakota Dunes N Sioux City Times printed at N Sioux City SD (Ph # 605-232-3539). 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 report on the application is 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,

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.

Instruction to Newspaper - Publish first Notice on August 23, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6872-3 to Appropriate Water

Notice is given that the City of North Sioux City, 504 River Drive, North Sioux City SD 57049 has filed an application for a water permit to construct a replacement well and to increase the diversion rate authorized by Water Right No. 5787-3. Water Right No. 5787-3 appropriates 0.67 cubic feet of water per second (cfs) (300 gallons per minute) from one well completed into the Dakota Formation located in SW ¼ NW ¼ Section 14-T89N-R48W. The old well has been abandoned and a new Dakota Formation well (249 feet deep) located in the NW ¼ SW ¼ Section 14-T89N-R48W has been constructed. This application proposes to increase the water appropriation from the new well by an additional 0.22 cfs (100 gallons per minute) for a total diversion rate of 0.89cfs (400 gallons per minute) from the new well. The water is for municipal use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6872-3 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 this 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 this 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 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 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 September 10, 2007.

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 19 2007

City of North Sioux City
504 River Dr
North Sioux City SD 57049

Dear Sirs:

Enclosed is Water Permit No. 6872-3 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,

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

enclosures

RECEIVED

NOV - 9 2007

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate November 5, 2007TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: City of North Sioux City
(name)
504 River Dr
(address)
North Sioux City, SD 57049 605.232.4276
(city, state, zip) (phone)

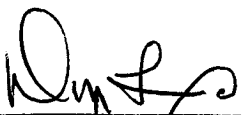
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

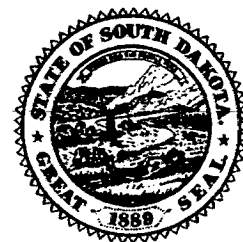
Water Permit No. 6872-3 states that the water use system is to be constructed by
June 22, 2007 , and water is to be put to beneficial use by October 19, 2007
(date) (date)

The water use system was completed on June, 2007
(date)

Applying the water to beneficial use was completed on November 15, 2007
(date)

You may schedule an investigation so that the water license may be issued.


(signature)



Permit No. 6872-3
Big Sioux River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **June 15, 2010**, made a thorough examination of the water use system constructed by the **City of North Sioux City** of **504 River Dr., North Sioux City 57049** holder of Permit No. **6872-3**, bearing the priority of **June 22, 2007** authorizing the diversion of **0.22** cu. ft. per second of the waters of the **Dakota Formation** for **Municipal** purposes, in **Union** County.

Inspection contact & relationship to permit holder, if applicable: **Finance Officer or Randy Fredrickson (Public Work Director)**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Layne-Western**
- 2) No. of Wells **1**
- 3) Depth(s) **249** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **16** inches
- 2) Length **189** feet
- 3) Type **Steel**

Screen:

- 1) Type **Stainless Steel**
- 2) Length **60** feet
- 3) Static water level **22** feet

Pump:

- 1) Make **American Marsh**
- 2) Model **56-475/2-200-X**
- 3) Size **20 hp**
- 4) Capacity **400** GPM

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA
- 3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Approximately 2,965 feet south and 145 feet east of the NW corner of Section 14-89N-R48W
(N 42.52375, W -96.48681) (NW ¼ SW ¼)

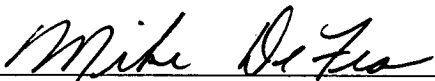
The works are capable of diverting and conveying to the place of use 0.89 cu. ft. per second of water which is to be used for Municipal use.

The license should be issued for 0.89 cfs.

All structures, wells and lands on map Y

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

Water Permit No. 6872-3 authorizes the increase diversion of 0.22 cfs from a replacement well authorized under Water Right No. 5787-3. Water Right No. 5787-3 is allowed to divert 0.67 cfs from the well. Permit No. 6872-3 and Water Right No. 5787-3 should be incorporated into one license.



Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: February 3, 2011

Water Permit No. 6872-3
City of North Sioux City



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
February 3, 2011

0 850 1,700 3,400 Feet



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow... Today



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

FEB 10 2011

5787-3
6872-3

Tonya Rubida, Finance Officer
City of North Sioux City
504 River Dr
North Sioux City SD 57049

Dear Ms. Rubida:

Enclosed is Water License No. 6872-3 for the city of North Sioux City. This is the final water right document completing the process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6872-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

The applicable portions of Water Right No. 5787-3 were incorporated into Water License No. 6872-3. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6872-3**

(1) The City of North Sioux City, 504 River Dr, North Sioux City SD 57049 made Application No. 6872-3, June 22, 2007 for a water permit to divert an additional 0.22 cubic feet of water per second (cfs) from a replacement well (Dakota Formation), Union County, South Dakota for municipal purposes. Permit No. 6872-3, with a priority date of June 22, 2007 was approved September 10, 2007 and issued to the applicant for diversion of water with construction of the described water supply system and the application to beneficial use of said water completed.

Water Permit No. 6872-3 authorizes a replacement well and an increase in diversion rate of 0.22 cfs from what is authorized by Water Right No. 5787-3 for a total of 0.89 cfs (400 gallons per minute). The applicable portions of Water Right No. 5787-3 have been incorporated into this water license. Priority dates are as follows:

- 0.56 cfs from January 11, 1980 (established by No. 4465-3 which was previously incorporated into No. 5787-3);
- 0.11 cfs from September 3, 1993 (established by No. 5787-3); and
- 0.22 cfs from June 22, 2007 (established by No. 6872-3).

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.89 cubic feet of water per second for beneficial use.

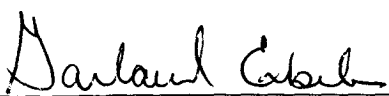
The location of the diversion point is approximately 2,965 feet south and 145 feet east of the NW corner of Section 14, T89N, R48W (NW ¼ SW ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 the of North Sioux City, 504 River Dr, North Sioux City SD 57049 the holder and/or owner of Incorporated Water Right No. 6872-3 is issued a license to appropriate water, the right to use 0.89 cubic feet of water per second from ground water – one well (Dakota formation) with priority dates of January 11, 1980, September 3, 1993 and June 22, 2007 from the location specified in (2) of this license for municipal purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 6872-3 and subject to the following qualifications:

- 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.
- The city of North Sioux City shall report to the Chief Engineer annually the amount of water withdrawn from the Dakota Formation.



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

FEB 10 2011

date

