

WATER PERMIT NO. 7117-3

Name of Applicant: **Chrysella Daniel, David Daniel and Julie Hanson**

Address: **23853 461st Ave, Wentworth SD 57075** Phone: **605 489-2262**

Amount of Water Claimed: **600 AF** Total Acres: **NA**

Source of Water Supply: **groundwater (4 wells)**

Water to be used for: **rural water system use** County: **Lake**

Type of Waste Disposal System: **NA**

Location: **8 miles southeast of Madison**

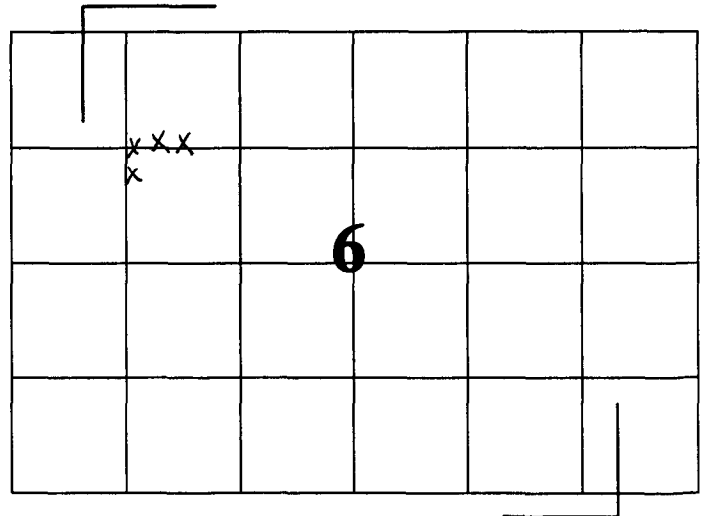
PRIORITY Date Received: **2-19-09** Application/License Fee: **\$350**

Corrected Application Received: Period of Annual Use: **January 1 – December 31**

Remarks: **Water will be used by the Big Sioux Community Water System**

Diversion Point: **W ½ NW ¼ Sec 6-T105N-R51W**

Land to be Irrigated: **NA**



Depth of Well: **30 - 40 feet deep**

Well Driller: **Lacey Well Drilling**

Remarks:

Type of Map: **topo**

Prepared by: **Charles Lebeda, Lake Co NRCS**

Reviewed and the Number Assigned on: **3-30-09**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No.	7117-3	(office use only) Hydrologic Unit	10170203
	Basin	Sioux		
	Newspaper	Daily Leader		
		Madison		

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FEB 19 2009
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.)

- Name of Applicant Chrysella Daniel, David Daniel, Julie Hanson Phone 605-489-2262
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address 23853 461st Ave., Wentworth State S. Dakota 57075
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.89 *CFS or 400 **GPM 600 ***AF
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Skunk Creek Aquifer
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Lake
Four 100gpm wells in the NW 1/4, Section 6, T.105N, R.51W.
W 1/2
- County or counties where water will be used Lake
- Annual period during which water is to be used 12 months Jan 1 - 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)
New water supply for new Water Treatment Plant to be constructed 2009-2010, in SW 1/4 Section 9, T.105N, R.51W.

STATE OF SOUTH DAKOTA)
County of Lake) SS

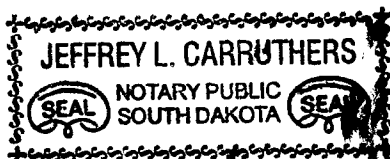
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, David Daniel, 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 David Daniel

Subscribed and sworn to before me this 13th day of February 20 09

Jeffrey L. Carruthers
Notary Public signature



SOUTH DAKOTA WATER PERMIT NO. 7117-3

Date of first receipt of application February 19, 2009.

Date of return to applicant for corrections, amendments or changes February 19, 2009.

Date of receipt of corrected application March 30, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7117-3 to Chrysella Daniel, David Daniel and Julie Hanson, 23853 461st Ave, Wentworth SD 57075 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. 7117-3 appropriate 600 acre-feet annually at a maximum diversion rate of 0.89 cubic feet of water per second from four wells to be completed into the Big Sioux:Northern Skunk Creek Aquifer (approximately 30 – 40 feet deep) located in the W 1/2 NW 1/4 Section 6-T105N-R51W for rural water system use by the Big Sioux Community Water System.

Water Permit No. 7117-3 is subject to the June 24, 2009 Agreement between the permit holders and Big Sioux Community Water System.

2. The water appropriated shall be for rural water system use by the Big Sioux Community Water System 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. 7117-3 is August 3, 2009.
5. The date from which applicant may claim right is February 19, 2009.
6. One-fifth of the construction is to be completed on or before February 3, 2011.
7. All construction is to be completed on or before August 3, 2014.
8. Water is to be put to beneficial use on or before August 3, 2018.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 7117-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Big Sioux Community Water shall report on behalf of the Permit Holder to the Chief Engineer annually the amount of water withdrawn from the Big Sioux:Northern Skunk Creek Aquifer.
4. Water Permit No. 7117-3 shall have priority over Water Permit No. 7116-3.

WATER MANAGEMENT BOARD

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

JAN 13 2010
date



(type or print in ink)

1. Well Information - Proposed Construction

4 wells constructed - logs enclosed

- a) Drill Hole Diameter 20" Depth 30 - 40 feet
- b) Casing Type Steel Diameter 12" Thickness 50lb/ft
- c) Screen Type Stainless, 5 feet Diameter 12" Thickness Johnson Screen
- d) Gravel Pack Yes Length of Gravel Pack see well data, 10+ feet in all wells
- e) Depth to Top of Water Bearing Material 3-5 feet
- f) Depth to Water (ground surface to water level) 10-20 feet
- g) Distance to nearest existing domestic well:

On applicants property NA On property owned by others half mile

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

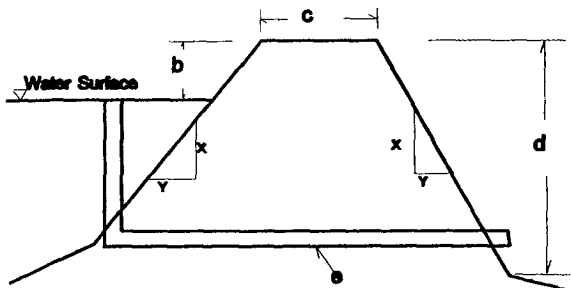
3. Dugout Information

- 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

This is a topographic map of the Long Lake area in Wisconsin. The map features a grid with latitude and longitude coordinates. Key locations and features include:

- Smiths Park:** Located in the upper left and center of the map.
- Trailer Park:** Located in the upper right corner.
- Long Lake:** A large body of water in the center-right of the map.
- Lake Madison:** A smaller body of water to the west of Long Lake.
- Location of 4 Rural Water wells:** Indicated by four yellow squares near Lake Madison.
- Contour Lines:** Brown lines showing elevation, with labels such as 1600, 1620, 1630, and 1640.
- Grid:** A blue grid with latitude labels (N43° 55' 25", N43° 55' 50", N43° 56' 25", N43° 56' 50") and longitude labels (W07° 0' 25", W07° 0' 50", W07° 1' 15", W07° 1' 40", W07° 2' 05", W07° 2' 30").
- Other Labels:** "Negra Cr" (Negra Creek) at the bottom, "RAILROAD" on the right, and "WENTWORTH" near Long Lake.

500 ft Scale: 1 : 12,800 Detail: 14-0 Datum: WGS84

NRCS-USDA
123 SW 2nd St.
Madison, SD 57042

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m: WGS84
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PROGRAM

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW 1/4 NW 1/4 Sec 6 Twp 10S-Rg 51W
County Lake

Please mark well location with an "X"

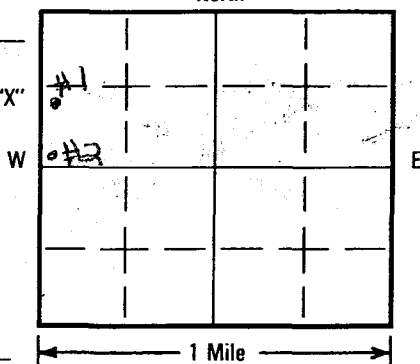
#1

#2

Well Completion Date

#1 - 10-8-08

#2 - 10-15-08



LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1000 ft. from lake (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Bucket false casing

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>50 LB/FT</u>	<u>12 IN</u>	<u>#1 FT</u>	<u>31 FT</u>	<u>20 IN</u>
<u>50 LB/FT</u>	<u>12 IN</u>	<u>#1 FT</u>	<u>35 1/2 FT</u>	<u>20 IN</u>

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Flowable cement grout</u>	<u>17</u>	<u>lb./gal</u>	<u>8 ft</u>	<u>17 ft</u>
<u>Flowable cement grout</u>	<u>17</u>	<u>lb./gal</u>	<u>8 ft</u>	<u>17 ft</u>

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12" IN Length 5' FEETMaterial Stainless SteelSlot Size #80 Set From 31 Feet to 36 Feet #1Other information 35 1/2" - 40 1/2" #2WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: _____

Laboratory sent to for water quality analysis

NO, Why Not? _____

ChlorineBig Sioux Lab

Well Owner: _____

Business Name: Big Sioux RWAddress: Box 158Esan, S.Dak. 57024

WELL LOG:

#1	FORMATION	#2	DEPTH	
			FROM	TO
	<u>0-4 Sandy Topsoil</u>		<u>0-2 Sandy Topsoil</u>	
	<u>4-20 Clean Brown Sand</u>		<u>2-3 Clay w/line</u>	
	<u>20-23 Fine Sand</u>		<u>3-30 medium Sand</u>	
	<u>23-36 Rocky Gravel</u>		<u>30-40 1/2" mixed coarse Gravel</u>	

STATIC WATER LEVEL 20' #1 20' #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: subs☐ Bailed☐ Other

Pumping Level Below Land Surface

28' ft. After 24 Hrs. pumped 150 GPM #132' ft. After 24 Hrs. pumped 150 GPM #2

If pump installed, pump rate _____ GPM

REMARKS

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This well was drilled under license # 111

And this report is true and accurate.

Drilling firm Lacey Well Drilling

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 12/10/08

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/19, 20 09

RECEIVED OF Chrysella Daniel 46029 239th St Wentworth SD 57075

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

Fee for Application for Permit No. <u>7117-3</u> to Appropriate Water, to construct and to put water to beneficial use	30000
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>7117-3</u>	5000
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	350 00

No.

04057

By

Michael Erdreich
Chief Engineer

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Application No. 7117-3, Daniel & Hanson

ADDRESS: Wentworth SD COUNTY: Lake

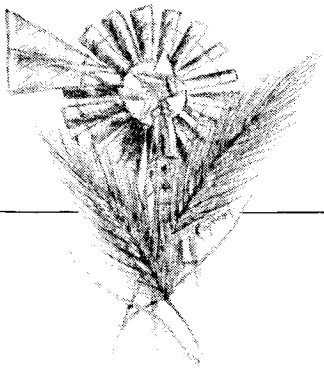
DATE: May 11, 2009 TELEPHONE:

RE: Call to Martin Jarrett, Manager of Big Sioux RWS

I contacted Mr Jarrett regarding the intended diversion rate from the 4 wells. The applications by Daniel and Hanson listed a volume of 600 acre feet of water annually but did not list a diversion rate. While Daniel and Hanson are the landowners, the RWS will operate the wells so I felt it appropriate to contact Mr. Jarrett. He indicated that each well will have a 100 gpm pump installed. Generally three wells would be operated at a time so he said the total diversion rate will be 300 to 400 gpm. We agree that the diversion rate should be 400 gpm.

I also indicated that since both application (7116-3 & 7117-3) were received at the same time, Water Rights intended give priority to the wells for rural water system use. Mr. Jarrett indicated that this is consistent with their agreement with the landowners.

NAME: Eric Stenlund



Big Sioux
Community Water System, Inc.

23343 479TH AVE. • EGAN, SOUTH DAKOTA 57024 • (605) 997-2098

RECEIVED
JUN 29 2009

Diane Best
States Attorney Office
300 N. Dakota Avenue
Suite 403
S. Falls, SD 57104

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JUL - 6 2009
WATER RIGHTS
PROGRAM

June 26, 2009

Dear Mrs. Best,

Please find enclosed the signed agreement between Big Sioux CWS and the proposed holders of the water right and landowners of the Long Lake Well-field, Lake County. I have also enclosed a copy of the Board Minutes from the last Board Meeting noting the adoption of the agreement.

Hopefully this will satisfy the State so that the water rights can be granted. If we can be of any further assistance, please contact Jerome Lammers or myself and we will do our best to assist you.

It has been a pleasure working with you and thank you again for helping to resolve this issue.

Sincerely,

Martin Jarrett
General Manager
BSCWS

AGREEMENT

THIS AGREEMENT, made and entered into this 24th day of June, 2009, by and between Chrysella Daniel, Julie Hansen and David Daniel, hereinafter called "Landowner," and Big Sioux Community Water System, Inc., a South Dakota corporation, hereinafter called "Big Sioux:"

RECITALS

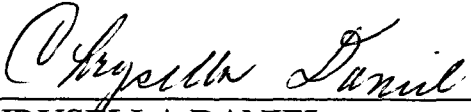
1. Landowner and Big Sioux have previously entered into a Lease and Easement agreement dated the 21st day of May, 2008, whereby, among other things, Landowner agreed to lease to Big Sioux, and Big Sioux agreed to take from Landowner, certain real property for the purpose of developing water wells that would produce a specified quantity of water, reference to which agreement is hereby made and incorporated herein by this reference.
2. Landowners are the owners of record of all the real property described in the Lease and Easement agreement above mentioned.
3. South Dakota Department of Environment and Natural Resources, hereinafter called "DENR," through Diane Best, Assistant Attorney General of the State of South Dakota, has requested that Landowner and Big Sioux enter into an agreement which would permit DENR full inspection of whatever water facilities were constructed by Big Sioux and the water which may be developed and used from those facilities.

NOW, THEREFORE, the parties hereto agree as follows.

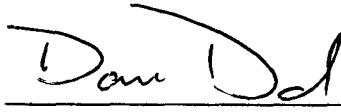
1. Landowner and Big Sioux agree to permit DENR full inspection of any wells, diversion works or other facilities that may be constructed by Big Sioux, and to permit DENR ingress and egress to reach those facilities during business hours, in order to provide for full inspection by DENR and its Water Rights Program, Drinking Water Program, and any other environmental programs within DENR.
2. The parties hereto hereby designate and appoint Martin Jarrett, manager of Big Sioux as the contact person whom DENR may call or deal with regarding inspections, or in his absence, such other party as may be appointed by the Board of Directors of Big Sioux.

3. Big Sioux hereby agrees that it will file all necessary water usage reports, plans and specifications and other reports which may be required by DENR, and that Big Sioux further agrees that the State of South Dakota may directly contact Big Sioux for compliance purposes.
4. Landowner understands and agrees that if Big Sioux does not file the necessary reports, denies or impedes access for inspection as requested by DENR, fails to complete the construction of its facilities, or fails to make beneficial use of the water from such facilities, that the water permit issued by the State of South Dakota may be subject to forfeiture and abandonment. Landowner further understands and agrees that they have delegated such authority to a third party, which delegation shall not constitute a defense to any licensing or enforcement action by any arm or branch of the State of South Dakota.
5. Big Sioux understands and agrees that if Landowner does not grant DENR access for inspection, the water permit issued by the State of South Dakota may be subject to forfeiture and abandonment.
6. The parties hereto agree that Big Sioux is the owner of the well(s) and the appurtenant facilities, and that Landowner agrees that all regulatory requirements, including maintenance, repair and any eventual plugging of the well(s), are the responsibility of Big Sioux as the owner of the well(s).
7. The parties hereto agree that all regulatory responsibilities supersede any terms in any other contract(s) entered into by and between the parties hereto, their successors and assigns.
8. Big Sioux shall provide DENR and Landowner with a copy of a resolution of the Big Sioux Board of Directors approving this agreement.
9. The terms and provisions of this agreement shall extend to and be binding upon the heirs, personal representatives, successors and assigns of the respective parties hereto, as if they were in every case named and expressed, and that wherever reference is made to either or both of the parties hereto, it shall be held to include and apply also to the heirs, personal representatives, successors and assigns of such party, as if in each and every case so expressed.
10. This agreement shall be governed by the laws of the State of South Dakota.

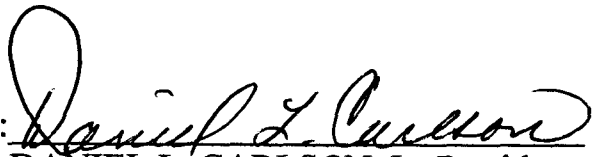
IN WITNESS WHEREOF, the parties hereto have set their hands on the day and year first above written.

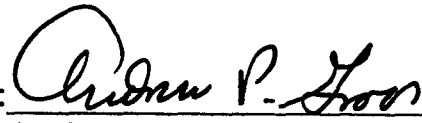

CHRYSELLA DANIEL


JULIE HANSEN


DAVID DANIEL
LANDOWNER

BIG SIOUX COMMUNITY WATER
SYSTEM, INC.

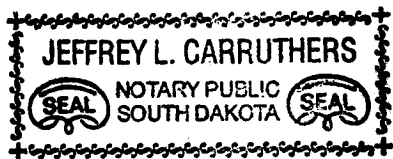
By: 
DANIEL L. CARLSON, Its President

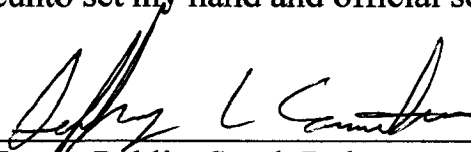
By: 
ANDREW P. GROOS, Its Secretary

State of South Dakota)
: ss
County of Lake)

On this the 9 day of June, 2009, before me, the undersigned officer, personally appeared Chrysella Daniel, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

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



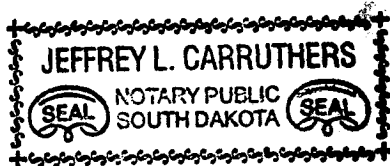

Notary Public, South Dakota

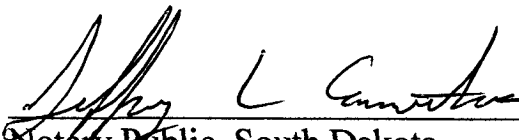
My Commission Expires: 2/15/2012

State of South Dakota)
: ss
County of Lake)

On this the 9 day of June, 2009, before me, the undersigned officer, personally appeared Julie Hansen, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that she executed the same for the purposes therein contained.

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




Notary Public, South Dakota

My Commission Expires: 2/15/2012

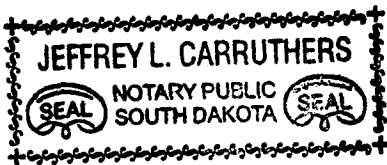
State of South Dakota)

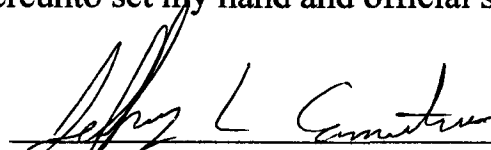
: SS

County of Lake)

On this the 9 day of June, 2009, before me, the undersigned officer, personally appeared David Daniel, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

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




Notary Public, South Dakota

My Commission Expires: 2/15/2012

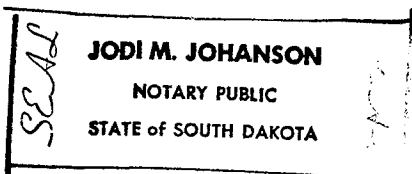
State of South Dakota)

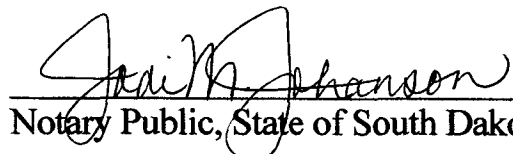
: SS

County of Moody)

On this the 24th day of June, 2009, before me, the undersigned officer, personally appeared Daniel L. Carlson and Andrew P. Groos, whose names are subscribed as President and Secretary for Big Sioux Community Water System, Inc., a South Dakota non-profit corporation, to the within instrument and acknowledged that they executed the same as the act of their principal for the purposes therein contained.

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




Notary Public, State of South Dakota

My Commission Expires: 3-27-15

BOARD MEETING – June 24, 2009
Egan Office

CALL TO ORDER

The meeting was called to order by Chairman Dan Carlson. The following Board Members were present: Tom Kansanback, Tom Nemmers, Andy Groos, Dan Dannenbring, Gaylen Backus, Eudene Gullickson, Kent Whipkey, and Robert LeBrun. Also present: Martin Jarrett, System Manager, System Attorney: Jerome Lammers.

A motion was made by Kent Whipkey and seconded by Tom Kansanback to approve the agenda. Motion carried.

APPROVAL OF MINUTES

A motion was made by Dan Dannenbring and seconded by Tom Nemmers to approve the minutes of the May 20, 2009 Board Meeting. Motion carried.

TREASURER'S REPORT

A motion was made by Tom Nemmers and seconded by Tom Kansanback to approve the May 2009 Treasurer's Report. Motion carried.

A motion was made by Eudene Gullickson and seconded by Robert LeBrun to pay the May 2009 bills as presented. Motion carried.

The CD that came due was reinvested at 2.0% at Dacotah Bank, Sioux Falls for 6 months and the CD that matured at 1st Midwest Deerfield Bank, Sioux Falls, was cashed out.

OPERATIONS REPORT

A report was given by the Manager on new services, services rerouted, mainline additions, water leaks, water statistics, and a summary of monthly trouble calls.

MANAGER'S REPORT

The Manager discussed the following areas:

- 1). 2009 Hwy 34 Construction Project: Received final force agreement documentation on June 15, 2009. The System was unable to gain easement on at least three miles of the seven miles.
- 2). New Treatment Plant: VFD Pumps are now fully operational. Sub-surface piping has been completed as well as electrical and plumbing conduit.

A motion was made by Dan Dannenbring and seconded by Tom Nemmers for Pay Request #3 in the amount of \$100,365.15. Motion carried.

- 3). New Well-Field Pipeline: Mark Mathieu Construction has completed the 10" pipeline and tied into the influent line from the new treatment plant.
- 4). Dakota Ethanol Water Service Contract: The new version of Dakota Ethanol Contract that encompasses the changes was presented to the Board.
- 5). City of Egan Sampling Contract: We have not received a signed contract yet, but have received a positive response from the mayor.
- 6). Water Rights Agreement from Long Lake Well Field: Discussions between State Attorney Diane Best and Jerome Lammers, and Martin Jarrett were held. A contract was developed to address the issues. The contract has already been signed by the landowner and the Board must approve and adopt the contract.

A motion was made by Gaylen Backus and seconded by Dan Dannenbring to sign the agreement and adopt the contract that satisfies legal issues between the State of South Dakota, Big Sioux CWS and the well field landowners. Motion carried.

- 7). Board Retreat: The Board Retreat is set for Tuesday June 30, 2009 at The Lakes Lodge, Lake Madison beginning at 9:00 am.
- 8). Ethanol Tower Inspection: Inspection was conducted June 8, 2009 and an initial report suggested the interior paint is in good shape.
- 9). Policy - Billing and Collecting for Goods and Services: Policy was reviewed.

A motion was made by Dan Dannenbring and seconded by Robert LeBrun to raise the hourly labor rate to \$40.00 per hour and \$60.00 per hour for overtime. Motion carried.

A motion was made by Gaylen Backus and seconded by Kent Whipkey to approve the policy of Billing and Collecting for Goods and Services as amended. Motion carried.

10). Meetings Attended and Upcoming:

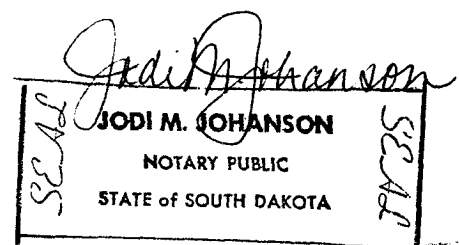
- a. SDARWS Policy Board Meeting, June 3-4, 2009 - Spearfish, SD.
- b. AWWA Annual Meeting, June 13-17, 2009 - San Diego, Ca.
- c. SDARWS Golf Tournament, July 28, 2009 - Sioux Falls, SD.
- d. Managers Meeting, July 29, 2009 - Sioux Falls, SD.
- e. NRWA Expo October 6-8, 2009, Louisville, Kentucky.

Dan Carlson gave a report on SDRWS Board Meeting held in Spearfish, SD on June 4, 2009.

ADJOURNMENT

A motion for adjournment was made by Eudene Gullickson and seconded by Gaylen Backus. Motion carried.

Board Meeting: Wednesday July 15, 2009 – 7:00 P.M.



Big Sioux RWS



**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. 7117-3, Chrysella Daniel, David Daniel and Julie Hanson**

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. 7117-3, Chrysella Daniel, David Daniel and Julie Hanson, 23853 461st Avenue, Wentworth, SD 57075.

The Chief Engineer is recommending APPROVAL of Application No. 7117-3 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 wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 7117-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Big Sioux Community Water shall report on behalf of the Permit Holder to the Chief Engineer annually the amount of water withdrawn from the Big Sioux:Northern Skunk Creek Aquifer.
4. Water Permit No. 7117-3 shall have priority over Water Permit No. 7116-3.

See report on application for additional information.

Garland Erbele, Chief Engineer
June 11, 2009

REPORT ON WATER PERMIT APPLICATION NO. 7117-3
For Chrysella Daniel, David Daniel and Julie Hanson
May 6, 2009

Application No. 7117-3 proposes to appropriate 600 acre-feet annually at a maximum diversion rate of 400 gallons per minute from four wells approximately 30 to 40 feet deep located in the W ½ NW ¼ of section 6, T105N R52W for rural water system use by the Big Sioux Community Water System.

AQUIFER – BIG SIOUX NORTHERN SKUNK CREEK (BS-NSC)

The Big Sioux Northern Skunk Creek is a predominantly surficial outwash (sand and gravel) under water table conditions in this area. The aquifer underlies 48 square miles and contains an estimated 196,000 acre feet of water in storage in Lake and Moody Counties (Hansen, 1986). The general direction of ground water movement is from northwest to southeast but is also influenced by the proximity of area lakes and streams. The aquifer is also hydraulically connected to nearby Lakes Madison, Bryant, and Round and to Skunk Creek. Average annual recharge to the aquifer has been estimated at 3.1 inches per year (about 7,936 acre-feet) and could range from 2.0 to 5.6 inches per year (Hedges, 1983). The majority of the water use from the aquifer in Lake County is by irrigation, Kingbrook and Big Sioux Rural Water systems and the City of Madison. In 2007 the total water used by these entities was about 3,398 acre feet.

The breakdown is as follows; irrigation used about 1,338 acre feet, Big Sioux Rural water used 741 acre-feet, Kingbrook Rural Water used 696 acre-feet and the City of Madison used 623 acre-feet in 2007. Future use remaining reserved for municipal and rural water use from this aquifer is about 2,418 acre-feet annually. Comparing the water use plus adding in the future use possible and subtracting this total from the estimated average annual recharge leaves about 2,120 acre-feet remaining for appropriation. These figures of course only represent 2007 irrigation use and irrigation use can change significantly from year to year based upon climatic conditions. However, since 2000 the largest volume years of irrigation water use were 2001 and 2002 which reportedly used 1,475 and 1,462 acre-feet respectively. So, using the 2007 water year as a representative sample year appears to be a reasonable assumption. Water use for 2008 is not available at this time.

Four test wells were drilled by Lacey Drilling for the applicant. Test well #1 indicates sand and gravel from 4 to 36 feet with a static water level of 20.3 feet. This test well was capable of producing 150 gpm with a drawdown of about 8 feet. Test well #2 was sand and gravel from 3 to 40.5 feet with a static water level of about 20 feet. This test well was capable of producing 150 gpm with 12 feet of drawdown. Test well #3 was sand from 5 to 30 feet with a static water level of 10 feet below land surface. This test well was capable of producing 150 gpm with 12 feet of drawdown. Test well #4 was sand from 5 to 29.5 feet below land surface with a static water level of 10 feet. This test well was capable of producing 150 gpm with 13 feet of drawdown.

The Water Rights Program monitors four observation wells completed into the Skunk Creek aquifer and located within four miles of this application. These are observation wells LK-79A, LK-79C, LK-79D and LK-79E. Water levels for these wells show good response to climatic conditions. Water levels rise during wet years (recharge) and decline during dry years. The water level record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 2009). However, the record also indicates that there has been an impact to the water levels in the area of

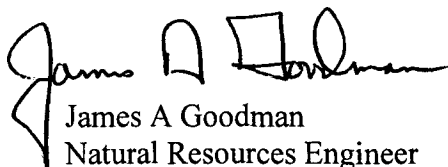
observation well LK-79A. The record indicates that pumping of nearby Rural Water System wells has impacted the immediate area of LK-79A. This record indicates about 5 feet of decline in water levels which should not be serious but at least should be considered before authorizing new permit applications in this immediate area. Hydrographs for these four observation wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing water permits/rights within two miles of this application. These are Water Right No. 6055-3 (0.54 cfs, irrigation of 38 acres) and Water Permit No. 6833-3 (1.11 cfs, irrigation of 90 acres). At this distance between wells and at these proposed rates of pumping drawdown should not be significant and interference is not a concern. There is a new permit application No. 7116-3 with a proposed well located about 1,000 feet southwest of well #2 for the rural water system. Since these applications were filed the same day, superior priority will be assigned to the rural water system wells (Water Permit application No. 7117-3) because these wells are already drilled. Drawdown will occur between these diversions but interference is not expected to be adverse because of the distance between wells and amount of water requested.

CONCLUSIONS

1. Water is available from the Big Sioux Northern Skunk Creek aquifer.
2. At this site the aquifer appears to be under water table conditions according to the test well log provided with the application. Drawdown created by pumping is not expected to be significant at the requested rate and interference should not be adverse.
3. The well(s) authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. The established priority between applications Nos. 7116-3 and 7117-3 cannot be identical. Therefore No. 7117-3 will be assigned a superior priority date because these wells have already been drilled. If a water level or water use problem should occur Water Permit No. 7117-3 would have first priority over Water Permit No. 7116-3 if these applications are approved.
5. The rural water system should be the applicant. It should be clear that it is the responsibility of the rural water system to provide potable water to their customers. I do not understand why the permit holder would be someone else. This seems to muddle the question of liability or ownership of the wells no matter what the agreement is between the landowners and the rural water system.
6. There is a specified volume of 600 acre feet for this application. This volume can be produced at a pumping rate of 372 gpm.



James A Goodman
Natural Resources Engineer

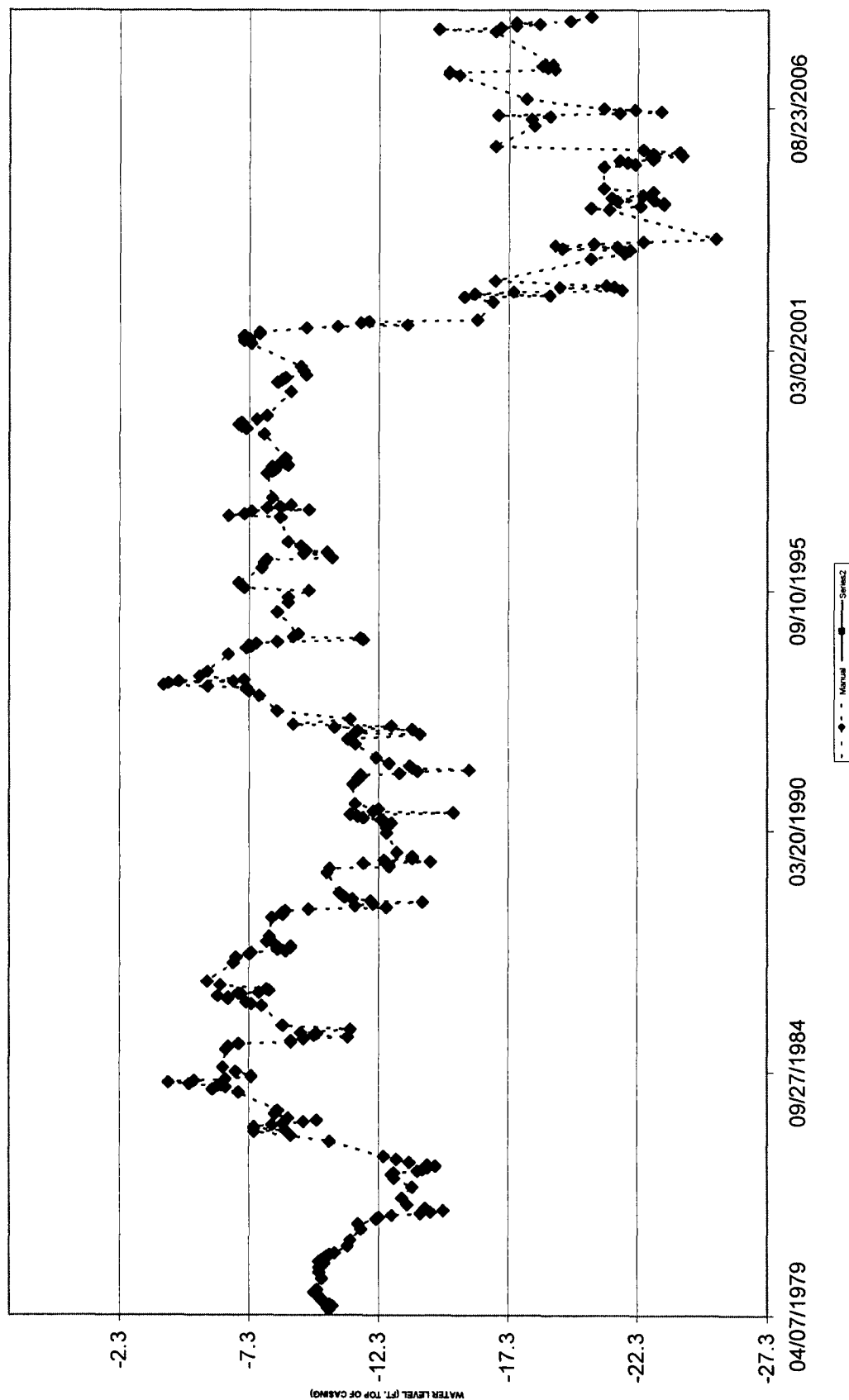
BIBLIOGRAPHY

Hansen, D.S., 1986, Water Resources of Lake and Moody Counties, South Dakota, Water Resources Investigations Report 84-4209, USGS, Huron, SD, 57350.

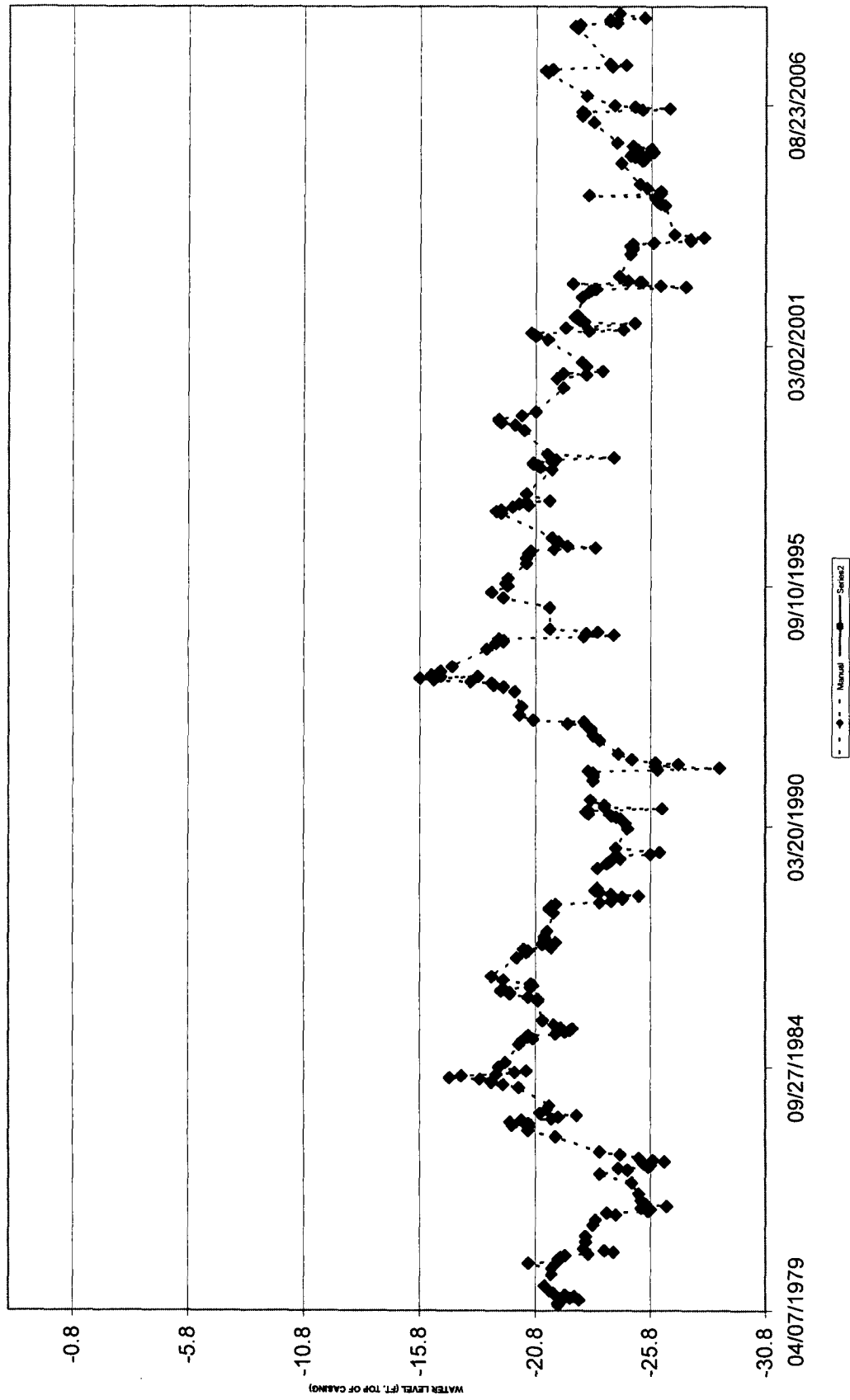
Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2009, Unpublished Observation Well Data for Lake County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

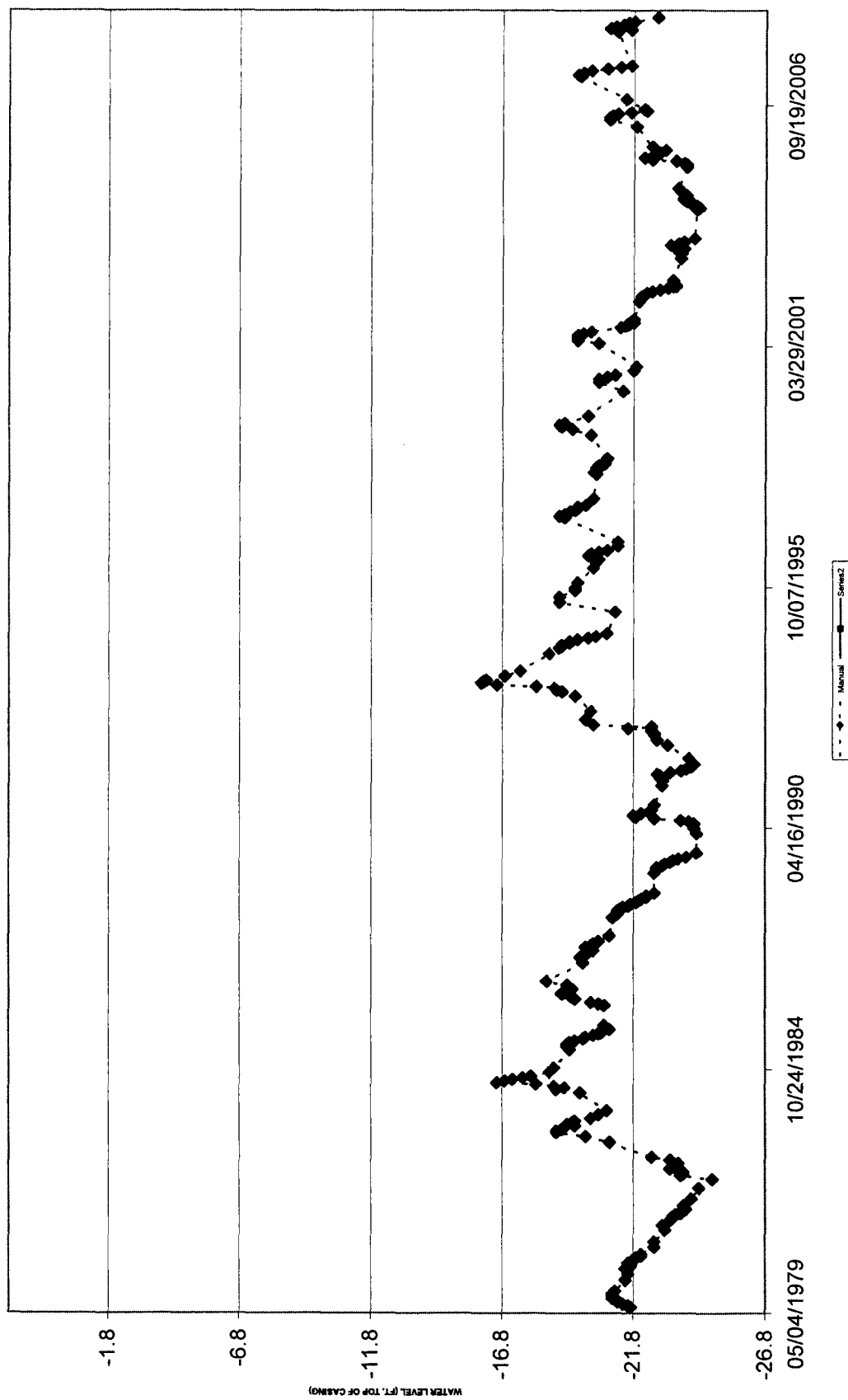
**WATER RIGHTS' OBSERVATION WELL
LK-79A**



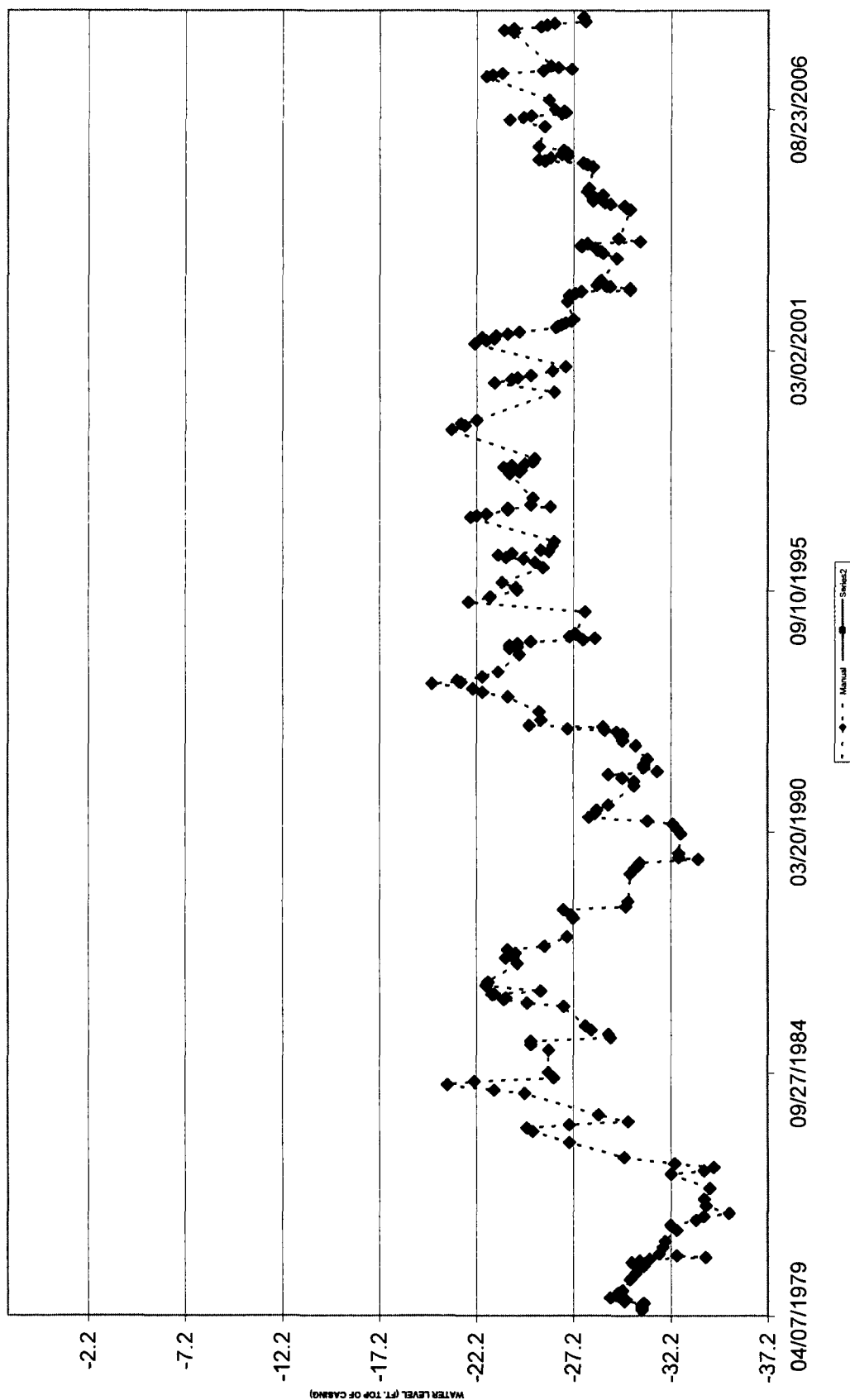
**WATER RIGHTS' OBSERVATION WELL
LK-79C**



**WATER RIGHTS' OBSERVATION WELL
LK-79D**



**WATER RIGHTS' OBSERVATION WELL
LK-79E**



AFFIDAVIT OF PUBLICATION RECEIVED

STATE OF SOUTH DAKOTA }
County of Lake } ss.

JUL 27 2009

WATER RIGHTS PROGRAM

Sue Anne Artko of the City of Madison, County of Lake, State of South Dakota, being first duly sworn on oath, deposes and says:

The Madison Daily Leader is a daily legal newspaper of general circulation, printed and published in the City of Madison, in said County of Lake, by Hunter Publishing, Inc., Jon M. Hunter, publisher, and has been such legal newspaper during the times hereinafter mentioned; that the said Madison Daily Leader has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said time had, and how has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Secretary of the said newspaper, in charge of the advertising department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed

David Daniel

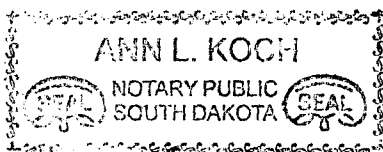
Notice of Application to Appropriate Water

printed copy of which hereunto attached, was printed and published in the said newspaper for Two successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Wednesday, the 15th day of July, 2009;
On Wednesday, the 22nd day of July, 2009;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;
On _____, the _____ day of _____, 20____;

That \$56.30 being the full amount of the fees for publication of the attached notice inures solely for the benefit of the publisher of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 23rd day of July, 2009



Ann L. Koch
Notary Public, Lake County, South Dakota

Wednesday, July 15 & 22

NOTICE OF APPLICATION NOS. 7116-3 AND 7117-3 TO APPROPRIATE WATER

Notice is given that Chrysella Daniel, David Daniel and Julie Hanson, 23853 461st Ave, Wentworth SD 57075 has filed the following applications for a water permit.

Application No. 7116-3 proposes to appropriate 1.11 cubic feet of water per second from one well to be completed into the Big Sioux: Northern Skunk Creek Aquifer (approximately 43 feet deep) located in SE 1/4 NE 1/4 Section 1-T105N-R52W to irrigate 90 acres located in the NE 1/4 Section 1-T105N-R52W and S 1/2 NW 1/4, N 1/2 SW 1/4 Section 6-T105N-R51W.

Application No. 7117-3 proposes to appropriate 600 acre-feet annually at a maximum diversion rate of 0.89 cubic feet of water per second from four wells to be completed into the Big Sioux: Northern Skunk Creek Aquifer (approximately 30 - 40 feet deep) located in the W 1/2 NW 1/4 Section 6-T105N-R51W for rural water system use by the Big Sioux Community Water System.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7116-3 and 7117-3 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 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 August 3, 2009.

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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of \$56.30.

Affidavit of Publication

State of South Dakota

ss

County of Brookings

Katy VanMaanen of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

Legal 922 "Appropriate Water"

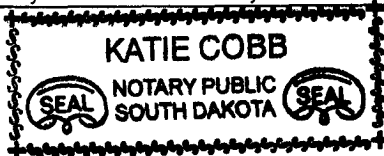
a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit said newspaper for _____ 2 times, to-wit:

July 15, 2009

July 23, 2009

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Fifty one dollars and sixty one cents \$51.61



Katy VanMaanen

Subscribed and sworn to before me this

23rd day of

July

2009

Katie Cobb

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires July 14, 2015

Exhibit "A"

RECEIVED

AUG 12 2009

WATER RIGHTS PROGRAM

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 August 3, 2009. 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published twice at the total approximate cost of \$51.61.

PUBLIC NOTICE

Legal 922, 2x, 7/15/23
NOTICE OF APPLI-
CATION NOS. 7116-3
and 7117-3 to

Appropriate Water
Notice is given that
Chrysell Daniel, David
Daniel and Julie
Hanson, 23853 461st
Ave, Wentworth SD
57075 has filed the fol-
lowing applications for a
water permit.

Application No. 7116-3
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1.11 cubic feet of water
per second from one
well to be completed
into the Big
Sioux:Northern Skunk
Creek Aquifer (approx-
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located in SE 1/4 NE 1/4
Section 1-T105N-R52W
to irrigate 90 acres
located in the NE 1/4
Section 1-T105N-R52W
and S 1/2 NW 1/4, N 1/2
SW 1/4 Section 6-
T105N-R51W.

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Pursuant to SDCL 46-
2A-2, the Chief
Engineer recommends
APPROVAL of
Application Nos. 7116-3
and 7117-3 because 1)
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files a petition contest-
ing the Chief Engineer's
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applications or contest-
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hearing will be sched-
uled and the Water
Management Board will
consider the applica-
tions. 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
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BOTH the applicant and
Chief Engineer. The
applicant must file a
petition if contesting the
Chief Engineer's recom-
mendations. The Chief
Engineer's address is
"Water Rights Program,
Eess Building, 523 E

RECEIVED

JUL 24 2009

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Moody) SS

I, Angela Nibbelink

certify that the attached printed Notice was
taken

from the Moody County
Enterprise

printed and published in Flandreau

County of Moody and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

July 15, 2009

July 22, 2009

Cost of Printing \$52.56

Angela Nibbelink
(Signature)

Office mgr / bookkeeper
(Title)

7-22-09
(Date Signed)

NOTICE OF APPLICATION NOS.
7116-3 and 7117-3 to Appropriate
Water

Notice is given that Chrysella Daniel, David Daniel and Julie Hanson, 23853 461st Ave., Wentworth, SD 57075 has filed the following applications for a water permit.

Application No. 7116-3 proposed to appropriate 1.11 cubic feet of water per second from one well to be completed into the Big Sioux: Northern Skunk Creek Aquifer (approximately 43 feet deep) located in SE 1/4 NE 1/4 Section 1-T105N-52W to irrigate 90 acres located in the NE 1/4 Section 1-T105N-R52W and S 1/2 NW 1/4, N1/2 SW 1/4 Section 6-T105N-R51W.

Application No. 7117-3 proposes to appropriate 600 acre-feet annually at a maximum diversion rate of 0.89 cubic feet of water per second from four wells to be completed into the Big Sioux: Northern Skunk Creek Aquifer (approximately 30-40 feet deep) located in the W 1/2 NW 1/4 Section 6-T105N-R51W for rural water system use by the Big Sioux Community Water System.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7116-3 and 7117-3 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 applications, 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 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 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 August 3, 2009.

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

Published twice at the total approximate cost of \$50.

(July 15 & 22, 2009)

AFFIDAVIT OF PUBLICATION-

Customer Number: 078340
Invoice Number: 1219178

Water Rights Program

NOTICE OF APPLICATION

NOS. 7116-3 and 7117-3 to

Appropriate Water:

Notice is given that Chrysell
Daniel, David Daniel and Julie
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neer's address is "Water
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The petition may be informal,
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petitioner's reasons for oppos-
ing or supporting the applica-
tion, and the signature and
mailing address of the petiti-
oner or the petitioner's legal
counsel, if legal counsel is ob-
tained. Contact Eric Gronlund
at the above Water Rights Pro-
gram address to request cop-
ies of information pertaining to
these applications. Steven M.
Pirner, Secretary, Department
of Environment and Natural
Resources.

Published twice at the total
approximate cost of 126.98.
1219178 Jul. 15 & 22, 2009

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 15 day of July 2009,

Wednesday, the 22 day of July 2009,

_____, the _____ day of _____ 2009,

_____, the _____ day of _____ 2009,

_____, the _____ day of _____ 2009,

_____, the _____ day of _____ 2009,

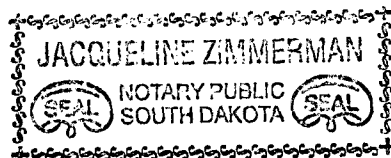
_____, the _____ day of _____ 2009,

and that \$126.98 was charged for publishing the same

Linda Schulte
Subscribed and sworn to before me 7/22/2009.

J. Zimmerman
Notary Public, South Dakota

My Commission expires December 22, 2009





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 7, 2009

Daily Leader
PO Box 348
Madison SD 57042

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7116-3 & 7117-3 to Appropriate Water to be published twice. Please publish the first notice on July 15, 2009 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 APPLICANTS are Chrysella Daniel, David Daniel and Julie Hanson, 23853 461st Ave., Wentworth SD 57075 (Ph # 605-489-2262).

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-----

Nos. 7116-3 & 7117-3

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

Date _____

We are in receipt of your letter of July 7, 2009 enclosing Notice to Appropriate Water by Application Nos. 7116-3 & 7117-3 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

July 7, 2009

Moody County Enterprise
PO Box 71
Flandreau SD 57028

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7116-3 & 7117-3 to Appropriate Water to be published twice. Please publish the first notice on July 15, 2009 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.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Nos. 7116-3 & 7117-3

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

Date _____

We are in receipt of your letter of July 7, 2009 enclosing Notice to Appropriate Water by Application Nos. 7116-3 & 7117-3 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

July 7, 2009

Brookings Register
PO Box 177
Brookings SD 57006

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7116-3 & 7117-3 to Appropriate Water to be published twice. Please publish the first notice on July 15, 2009 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.

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Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

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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

July 7, 2009

Argus Leader
PO Box 5034
Sioux Falls SD 57117

ATTENTION: Legal Public Notice

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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Nos. 7116-3 & 7117-3

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

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We are in receipt of your letter of July 7, 2009 enclosing Notice to Appropriate Water by Application Nos. 7116-3 & 7117-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

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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 NEWSPAPERS RIGHT AWAY.**

July 7, 2009

Chrysella Daniel, David Daniel & Julie Hanson
23853 461st Ave
Wentworth SD 57075

Dear Ms. Daniel & Hanson & Mr. Daniel:

Water Permit Application Nos. 7116-3 & 7117-3 for irrigation and rural water system use have been examined and found to comply with the South Dakota Water Laws and applicable rules. Regarding the application for rural water system use, water rights law requires publication of the notice in each county where water will be diverted or used. The notice has been sent to the following papers:

Daily Leader, Madison SD 605 256-4555
Brookings Register, Brookings SD 605 692-6271
Moody Co Enterprise, Flandreau SD 605 997-3725
Argus Leader, Sioux Falls SD 605 331-2200

You will need to contact each of the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization, the publishers have been instructed to publish your notice once each week for two consecutive weeks. The newspapers have also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

cc: Martin Jarret, Big Sioux Community Water, 23343 479th Ave., Egan SD 57024

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 application.

Instruction to Newspaper - Publish first Notice on July 15, 2009 with the second publication 7 days later. The applicant 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 APPLICATION NOS. 7116-3 and 7117-3 to Appropriate Water

Notice is given that Chrysella Daniel, David Daniel and Julie Hanson, 23853 461st Ave, Wentworth SD 57075 has filed the following applications for a water permit.

Application No. 7116-3 proposes to appropriate 1.11 cubic feet of water per second from one well to be completed into the Big Sioux:Northern Skunk Creek Aquifer (approximately 43 feet deep) located in SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1-T105N-R52W to irrigate 90 acres located in the NE $\frac{1}{4}$ Section 1-T105N-R52W and S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 6-T105N-R51W.

Application No. 7117-3 proposes to appropriate 600 acre-feet annually at a maximum diversion rate of 0.89 cubic feet of water per second from four wells to be completed into the Big Sioux:Northern Skunk Creek Aquifer (approximately 30 – 40 feet deep) located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 6-T105N-R51W for rural water system use by the Big Sioux Community Water System.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7116-3 and 7117-3 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 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 August 3, 2009.

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 these applications. 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
denr.sd.gov

7/13/2010

Chrysella Daniel David Daniel & Julie Hanson
23853 461st Ave
Wentworth SD 57075

Dear Applicants:

Enclosed are Water Permit Nos. 7116-3 and 7117-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10's, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return the completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7117-3

I have this day, October 29, 2021, made a thorough examination of the water use system constructed by Chrysella Daniel, David Daniel and Julie Hanson, 23853 461st Ave, Wentworth, SD 57075 of Permit No. 7117-3, bearing the priority of February 19, 2009 authorizing the diversion of 0.89 cu. ft. per second of the waters of the Big Sioux: Northern Skunk Creek Aquifer for rural water system use purposes, in Lake County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Lacey Well Drilling
- 2) No. of Wells 4
- 3) Depth(s) 35 feet
- 4) Well log are available Y (drilled in October & November, 2008)

Comments: All similar material – wells close together

Casing:

- 1) Diameter 12 inches
- 2) Length 30 feet
- 3) Type steel

Screen:

- 1) Type Stainless steel
- 2) Length 5 feet
- 3) Static water level 20 feet

Pump:

- 1) Make NA
- 2) Model Submersibles
- 3) Size unknown
- 4) Capacity 120 GPM (each)

Motor: unknown

B. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Exceptions to compliance are: None

C. Condition and Location:

The system is in **good** condition with the point(s) of diversion located as follows: **From the SW corner Sec 6 T105N R51W; WELL #1: 3170 ft N & 30 ft E, Lat 43.92932 Long -96.00887; WELL #2: 3640 ft N & 45 ft E, Lat 43.93059 Long -96.00886; WELL #3: 3640 ft N & 360 ft E, Lat 43.93058 Long -96.00757; WELL #4: 3640 ft N & 725 ft E, Lat 43.93056 Long -96.00623 (SW ¼ NW ¼ Sec 6)**

The works are capable of diverting and conveying to the place of use **1.07** cu. ft. per second of water (if all 4 wells are pumping at the same time; see explanation at the bottom of this report for specific use).

The license should be issued for **0.89** cfs for **rural water use**.

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

The mailing address is current, but the telephone number is now 605/997-2098.

This permit is held by the landowners for the benefit of the Big Sioux Community Water Systems (Rural Water System).

Mr. Jeff Carruthers of the Big Sioux Community Water Systems (Rural Water System) told this inspector on November 3, 2021, that the four (4) wells can deliver about 120 gpm each for a total of 480 gpm (1.07 cfs). He can be contacted at 605/864-1417 or 605 270-2189.

Mr. Carruthers was contacted two times and was requested to share the horsepower size of the pump motors. Since, there has been no response from him during the past two weeks, this report is being submitted absent pump motor sizes.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **November 18, 2021**

- **March 16, 2022:** The capacity of the 4 wells puts the system capability over the permitted rate of 0.89 cfs by approximately 75 gpm. I called and talked to Mr. Carruthers about the issue. He indicated they never run all 4 wells at the same time. They run 2 wells during the summer and 3 wells during the winter months when they supply the ethanol plant.

Genny McMath

Wells 1+2

SOUTH DAKOTA WATER WELL COMPLETION REPORT

7117-3

07-92

Location SW 1/4 NW 1/4 Sec 16 Twp 105-N Rg 5-W

County

North

Lake

Please mark well location with an "X"

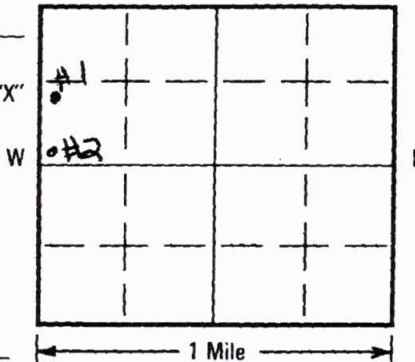
#1

#2

Well Completion Date

#1- 10-8-08

#2- 10-15-08



LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1000' ft. from lake (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Bucket false casingCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>50 LB/FT</u>	<u>12 IN</u>	<u>#1 FT</u>	<u>31 FT</u>	<u>20 IN</u>
<u>50 LB/FT</u>	<u>12 IN</u>	<u>+1 FT</u>	<u>356" FT</u>	<u>20 IN</u>

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Flowable Cement Grout</u>	<u>72</u>	<u>lb./gal</u>	<u>8 ft</u>	<u>17 ft</u>
		<u>lb./gal</u>	<u>8 ft</u>	<u>17 ft</u>

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12" IN Length 5' FEETMaterial Stainless SteelSlot Size .080 Set From 31 Feet to 36 Feet #1Other information 352" - 406" #2WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: _____

NO, Why Not? _____

Laboratory sent to for water quality analysis

Big Sioux Lab

Well Owner: _____

Business Name: Big Sioux RWAddress: Box 158Esan, SD 57024

WELL LOG:

#1	FORMATION	#2	DEPTH	
			FROM	TO
	0-4 Sandy Topsoil	0-2 Sandy Topsoil		
	4-20 Clean Brown Sand	2-3 Clay willow		
	20-23 Fine Sand	3-30 medium Sand		
	23-36 Rocky Gravel	30-406" mixed coarse Gravel		

STATIC WATER LEVEL 204" #1 20' #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:

☒ Pumped Describe: subs☐ Bailed _____☐ Other _____

Pumping Level Below Land Surface

28' ft. After 24 Hrs. pumped 150 GPM32' ft. After 24 Hrs. pumped 150 GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

DEC 15 2008

WATER RIGHTS PROGRAM

This well was drilled under license # 111

And this report is true and accurate.

Drilling firm Lacey Well Drilling

Signature of License Representative:

Joan Rader Lacey

Signature of Well Owner or Equitable Property Holder:

[Signature]Date: 12/10/08

Wells 3+4

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SW 1/4 NW 1/4 Sec 16 Twp 105-N Rg 51-W

County

LAKE

North

Please mark well location with an "X"

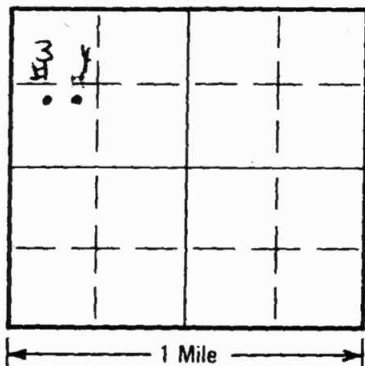
#3

#4

Well Completion Date

#3 10-28-08

#4 11-14-08



LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1000 ft. from lake (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Bucket False Casing

CASING DATA:

- ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
50 LB/FT	12 IN	+1 FT	25 FT	20 IN
50 LB/FT	12 IN	+1 FT	24 1/2 FT	20 IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>		lb./gal	8 ft	10 ft
<u>Bentonite</u>		lb./gal	8 ft	10 ft

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12" IN Length 5' FEETMaterial Stainless Steel#3 Slot Size 040 Set From 25' Feet to 30'

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: _____

NO, Why Not? _____

Laboratory sent to for water quality analysis

Big Sioux Lab

Well Owner: _____

Business Name: Big Sioux RWAddress: Box 158Egan, S.D. 57024

WELL LOG:

#3	FORMATION	#4	DEPTH	
			FROM	TO
	12-5 Black Topsoil	12-5	Sandy	Topsoil
	5-15 Dirty Sand	5-20	Dirty	Sand
	15-30' Grey Sand	20-24 1/2"	medium	Sand

STATIC WATER LEVEL #3-10' #4=10' 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:

- ☒ Pumped Describe: Subs
☐ Bailed
☐ Other

Pumping Level Below Land Surface

#3 22 ft. After 24 Hrs. pumped 150 GPM

23 ft. After 24 Hrs. pumped 150 GPM

#4 If pump installed, pump rate _____ GPM

REMARKS

RECEIVED
 DEC 15 2008
 WATER RIGHTS
 PROGRAM

This well was drilled under license # 111

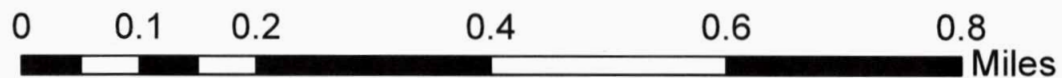
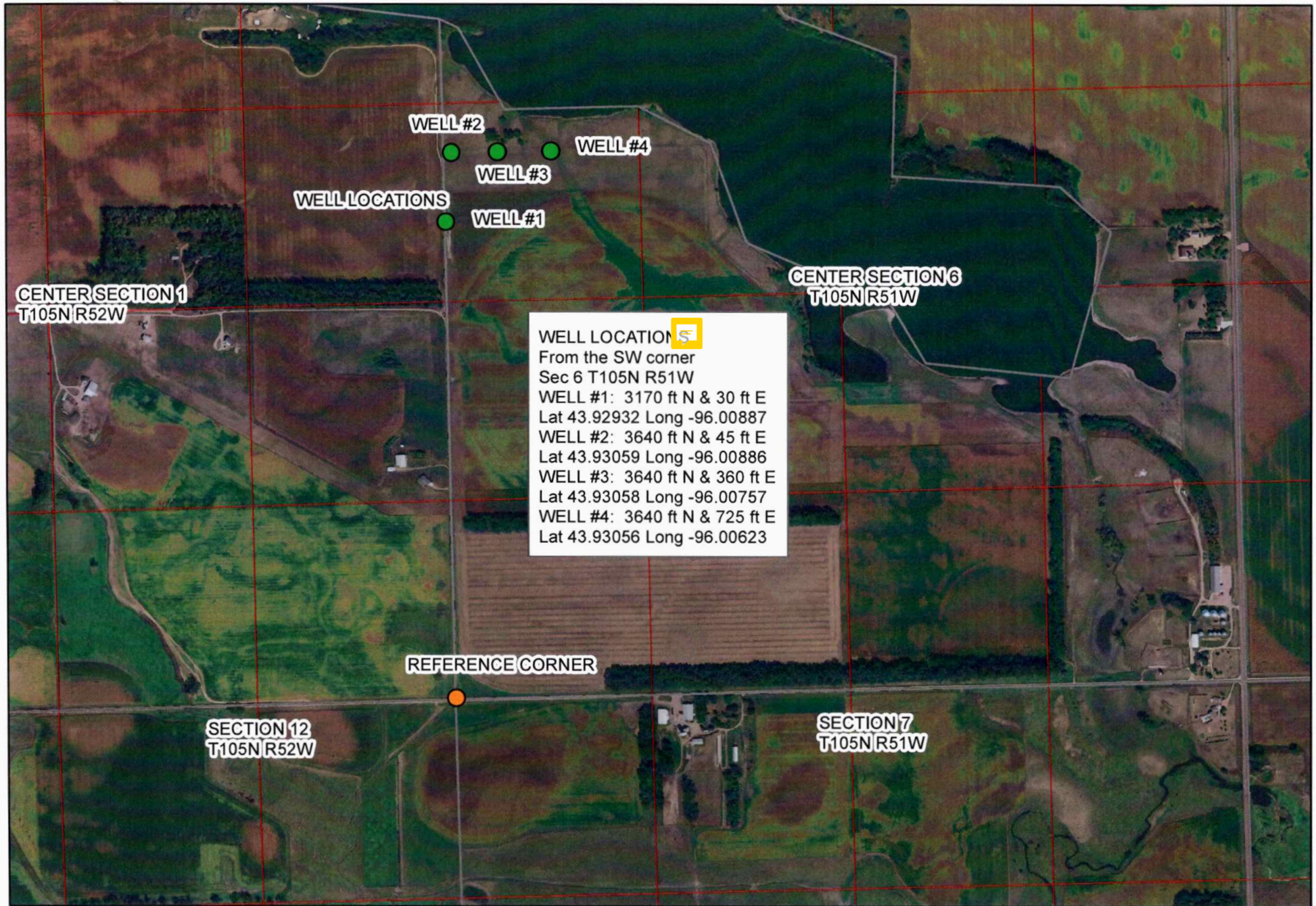
And this report is true and accurate.

Drilling firm LACE, Well Drilling

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 11/20/08





DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

MAR 21 2022

7117-3

Chrysella & David Daniel
& Julie Hanson
23853 461st Ave
Wentworth SD 57075

Dear Ms. Daniel, Mr. Daniel & Ms. Hanson:

Enclosed is Water License No. 7117-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

c: Jeff Carruthers, Big Sioux RWS, 23343 479th Ave, Egan SD 57024

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7117-3**

(1) Chrysella Daniel, David Daniel and Julie Hanson, 23853 461st Ave., Wentworth SD 57075 made Application No. 7117-3, February 19, 2009, for a water permit to divert 0.89 cubic feet of water per second (600 acre-feet annually) from ground water, four wells (Big Sioux Northern Skunk Creek Aquifer), Lake County, South Dakota for rural water system purposes. Permit No. 7117-3, with a priority date of February 19, 2009, was approved August 3, 2009, and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before August 3, 2014, and for the application to beneficial use of said water on or before August 3, 2018.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and are entitled to divert 0.89 cubic feet of water per second with an annual volume of up to 600 acre feet of water for beneficial use. The four wells are located within the SW ¼ NW ¼ Section 6 as follows:

WELL #1: 3,170'N & 30'E of the SW corner of Section 6, T105N, R51W, Lat 43.92932 Long -96.00887

WELL #2: 3,640'N & 45'E of the SW corner of Section 6, T105N, R51W, Lat 43.93059 Long -96.00886

WELL #3: 3,640'N & 360'E of the SW corner of Section 6, T105N, R51W, Lat 43.93058 Long -96.00757

WELL #4: 3,640'N & 725'E of the SW corner of Section 6, T105N, R51W, Lat 43.93056 Long -96.00623

(3) The permit holders, through Big Sioux Community Water System, have 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 Chrysella Daniel, David Daniel and Julie Hanson, 23853 461st Ave., Wentworth SD 57075 the holders and/or owners of Water Right No. 7117-3 are issued a license to appropriate water, the right to use 600 acre-feet of water annually, at a rate of 0.89 cubic feet of water per second from ground water, four wells (Big Sioux Northern Skunk Creek Aquifer) with a priority date of February 19, 2009 from the locations specified in (2) of this license for rural water system purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7117-3 and subject to the following qualifications:

- The wells approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owners under this water right 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 wells authorized by Permit No. 7117-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The wells were drilled in October and November 2008 by Lacey Well Drilling. Copies of the well completion reports are on file with the Water Rights Program.*

continued

Water License No. 7117-3

Page 2

- Big Sioux Community Water shall report on behalf of the water right holders to the Chief Engineer annually the amount of water withdrawn from the Big Sioux Northern Skunk Creek Aquifer.
- Water Right No. 7117-3 shall have priority over Water Right No. 7116-3.

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

MAR 21 2022

date

