

WATER PERMIT NO. 8234-3

Name of Applicant: Midwest Tri-State NAVHDA

Address: 27095 Mariah Place, Harrisburg SD 57032

Phone: 605 366-2087

Amount of Water Claimed: 1.11 cfs (30 AF storage)

Total Acres: NA

Source of Water Supply: Skunk Creek

Water to be used for: commercial use

County: Minnehaha

Type of Waste Disposal System:

Location: 1/2 mile NW of Harrisburg

PRIORITY Date Received: 8-5-16

Application/License Fee: \$ 700

Corrected Application Received:

Period of Annual Use: May 1 – Aug 30

Remarks: Utilized for sport dog training and testing

Diversion Point: NW 1/4 NE 1/4 Sec 15-T101N-
R50W

Land to be Irrigated: NA

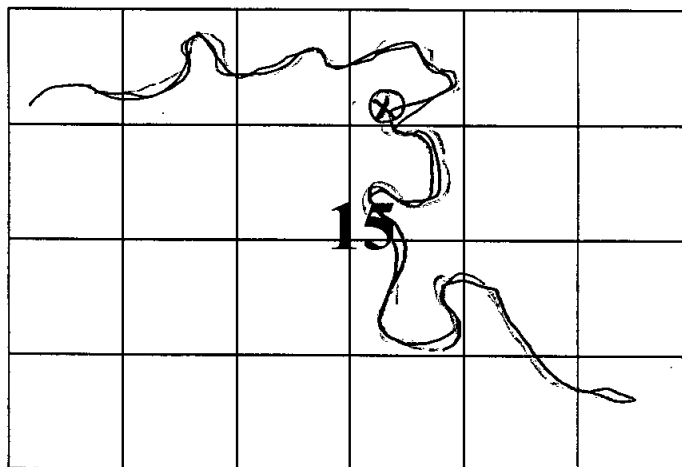
Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:



Reviewed and the Number Assigned on: 8-8-16

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SD EForm - 1585LD V5

FORM 2: Application for uses other than irrigation

(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8234-3</u> (office use only)	Hydrologic Unit <u>10170103</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Argus Leader - Sioux Falls</u> <u>605-331-2200</u>	

RECEIVED

AUG - 5 2016

WATER RIGHTS
PROGRAM

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

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☐ Industrial	☒ Other <u>Dog Training Pond</u>	

Type of Application:
(check one)

☒ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☐ Amendment/Correction to Permit No. _____		

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name to Appear on Water Permit Midwest Tri-State NAVHDA

Mailing Address 27095 Mariah Place Harrisburg SD 57032
(Address) (City) (State) (Zip Code)
 Phone 605-366-2087 Mobile 605-366-2087 Email cjmiller10@msn.com

2. Amount of water claimed 1.11 *CFS or 500 **GPM and 30 ***AF or 30 Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply Skunk Creek NW 1/4 NE 1/4 Sec 15 - T101N - R50W

4. Location of point of diversion Temporary pump at Lat/Long (43.555737, -96.817701) County Minnehaha
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No

If "Yes," where will water be used? _____

(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Minnehaha County May 1 - Aug 31

6. Annual period during which water is to be used One pumping session in May and one session in August

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This water will be used to refill a pond that is utilized for sport dog training and testing. The Midwest Tri-State NAVHDA club host 4 regional test per year and holds regular training sessions throughout the year. During dry periods the pond level will drop to a point where it is unusable. The club will only pump if the pond level is low to use, if we receive enough rain to keep the water level up pumping will not occur.

I, Jeff Miller President, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

2015-10

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

**SOUTH DAKOTA
WATER PERMIT NO. 8234-3**

Date of first receipt of application August 5, 2016.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8234-3 to Midwest Tri-State NAVHDA, 27095 Mariah Place, Harrisburg SD 57032 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. 8234-3 appropriates up to 30 acre feet of water annually at a maximum diversion rate of 1.11 cubic feet of water per second (cfs) from Skunk Creek located in the NW 1/4 NE 1/4 Section 15-T101N-R50W. The permit holder is authorized to pump at a rate of 1.11 cfs to fill a 4.18 surface acre pond located in the W 1/2 NE 1/4 Section 15-T101N-R50W. Pumping from Skunk Creek will occur occasionally in the summer months when dry conditions drop the pond to an unusable water level.
2. The water appropriated shall be used for the purpose of commercial use involving sport dog training and testing 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: May 1 – August 31.
4. The date of approval of Permit No. 8234-3 is September 12, 2016.
5. The date from which applicant may claim right is August 5, 2016.
6. One-fifth of the construction is to be completed on or before March 12, 2019.
7. All construction is to be completed on or before September 12, 2021.
8. Water is to be put to beneficial use on or before September 12, 2025.
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. Diversion of water from Skunk Creek is not authorized unless at least 10 cubic feet of water per second is bypassing the USGS gage, Skunk Creek at Sioux Falls SD – No. 06481500 located in the NW ¼ SW ¼ Section 24, T101N, R50W after diversion, unless a written order is issued by the Chief Engineer.
2. Permit No. 8234-3 authorized diversion of water from Skunk Creek only to the extent necessary to replenish the pond for losses due to evaporation and normal losses.
3. The Permit Holder shall report to the Chief Engineer annually the amount of water withdrawn from Skunk Creek.

WATER MANAGEMENT BOARD

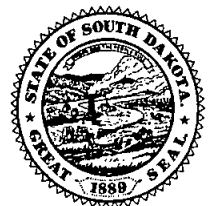
By: Jeanne Goodman

Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

SEP 19 2016

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)

b) If existing wells, how many ____ Provide copy of log(s), if available. Drilled by ____

For either Existing or Proposed Wells:

c) Well Depth (required) ____ Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) Distance to nearest domestic well on applicant's property ____ 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 4.18 acres of irregular dimensions Depth Varies, Max of 4'

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 (e.g. 3 to 1 is a typical slope)

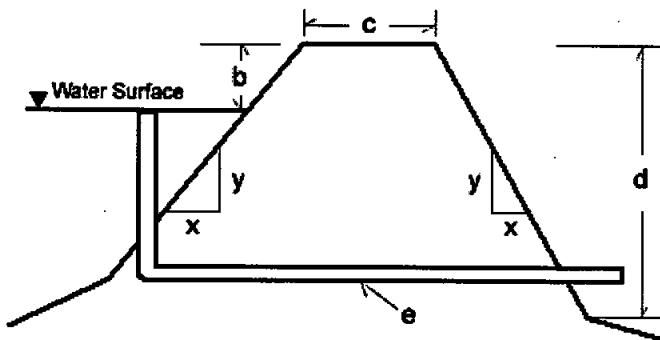
Upstream ____

Downstream ____

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres



Wayne Township
15-101-50

Pump Locaion



UNZELMAN & SCHULTZ ADDITION

MLADYS ADDITION

TR 4

901

TR 3

701

TR 2

UNP 15-101-50

SO 13 BIRD ADDN

W PRAIRIE ROSE ST

N WHITE AVE

N BLUE BELL LN

CAVE

SI

Sec 9
T101N
R50W

Sec 10
T101N
R50W

Sec 11
T101N
R50W

Sec. 16
T101N
R50W

Sec 15
T101N
R50W

Sec 14
T101N
R50W

Sec 21
T101N
R50W

Sec 22
T101N
R50W

Sec 23
T101N
R50W

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/8, 20 16

RECEIVED OF Jeff Miller 27095 Mariah Place Harrisburg SD 57032 (

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

Fee for Application for Permit No. <u>8234-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	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>8234-3</u>	200	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	700 00

No. **07854**

By James Goodman
Chief Engineer

Greenwood, Philip

405 W 4th St. Worthing SD, 57055 | 605-680-1431 | philmgreenwood@gmail.com

August 5, 2016

DENR Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182

To Whom It May Concern:

I am submitting a Water Rights application for Nonirrigation Uses. The Midwest Tri-State NAVHDA Club has had several Temporary Water Use Permits in the past to fill our dog training/testing pond. Last year South Dakota DENR requested that we submit an application for a Water Rights permit, as this is a frequent use and that a full permit was more appropriate. I have included a completed application for a Water Permit for Nonirrigation Uses for you review and consideration.

Also, I am including an application for a Temporary Water Use Permit. This is due to the need of a quick decision by DENR in order allow the club to begin pumping on August 15th, 2016 for a regional test starting August 20th, 2016. There was a breakdown in communication amongst club members that has caused the need for this out of the ordinary application. If you could grant us the Temporary Water Use Permit to get us by until the Water Rights Application is reviewed it would be greatly appreciated. Please contact me at (605) 680-1431 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Philip Greenwood', with a long horizontal flourish extending to the right.

Greenwood, Philip



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

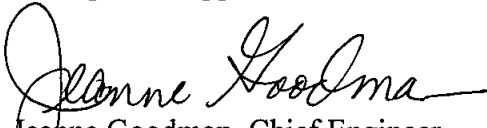
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8234-3, Midwest Tri-State NAVHDA**

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. 8234-3, Midwest Tri-State NAVHDA, c/o Jeff Miller, 27095 Mariah Place, Harrisburg SD 57032.

The Chief Engineer is recommending APPROVAL of Application No. 8234-3 with qualifications 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. Diversion of water from Skunk Creek is not authorized unless at least 10 cubic feet of water per second (cfs) is bypassing the USGS gage, Skunk Creek at Sioux Falls SD – No. 06481500 located in the NW ¼ SW ¼ Section 24, T101N, R50W after diversion, unless a written order is issued by the Chief Engineer.
2. Permit No. 8234-3 authorized diversion of water from Skunk Creek only to the extent necessary to replenish the pond for losses due to evaporation and normal losses.
3. The Permit Holder shall report to the Chief Engineer annually the amount of water withdrawn from Skunk Creek.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
August 25, 2016

NOTE: Real time flow at gaging stations can be found on US Geological Survey's website at <http://waterdata.usge.gov/sd/nwis/>.

REPORT ON WATER PERMIT APPLICATION NO. 8234-3
Midwest Tri-State NAVHDA
August 15, 2016

Application No. 8234-3, Midwest Tri-State NAVHDA, proposes to appropriate 1.11 cubic feet of water per second (cfs) from Skunk Creek located in the NW 1/4 NE 1/4 Section 15-T101N-R50W. The applicant is proposing to pump at a rate of 1.11 cfs to fill a 4.18 surface acre storage pond located in the W 1/2 NE 1/4 Section 15-T101N-R50W. Pumping from Skunk Creek will occur occasionally throughout the summer months when climatic conditions drop the pond water level below a useable water level. Annual volume to be pumped is up to 30 acre-feet of water. The pond is utilized for commercial use for sport dog training and testing. The proposed project is located approximately 0.5 miles west of western Sioux Falls in Minnehaha County.

Review of the Proposal and the Water Source

The applicant proposes to divert from Skunk Creek to fill a 4.18 surface acre pond with a maximum depth of 4 feet. Water from the pond is used for a commercial business involving sport dog training and testing. Water would be pumped from Skunk Creek occasionally to replenish water throughout the summer months when climatic conditions have cause water levels in the pond to drop due to evaporation and seepage.

The source of water for this project is Skunk Creek. Skunk Creek is a prairie stream with headwaters in Lake and Minnehaha counties and flows to southeast before discharging into the Big Sioux River at Sioux Falls. The U.S. Geological Survey (USGS) operates a stream flow gaging station on Skunk Creek at Sioux Falls, approximately 3.5 river miles downstream of the proposed project. The historical data shown in Table 1 for the years 1948 to 2016 for the Skunk Creek stream flow gage indicates at the 25 percentile that monthly mean flow could range from 1.4 to 24.7 cfs March through October of any given year. At the 50 percentile the monthly mean flow could range from 3 to 27 cfs April through October. Statistically, the 25 percentile represents an average monthly flow value that can be expected or exceeded at this location three out of four years and the 50 percentile represents an average monthly flow value can be expected or exceeded one out of two years based upon the period of record .

Percentile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10%	0.3	0.3	2.4	8.4	4.5	1.8	0.5	0.3	0.4	0.5	1.0	0.7
25%	1.2	1.3	12.9	24.7	14.8	8.7	2.9	1.8	1.4	2.0	3.0	2.5
50%	2.9	6.0	50.4	74.5	54.8	47.1	23.1	14.6	7.9	9.2	8.4	5.1
75%	10.5	27.4	189.4	368.2	208.3	169.1	94.2	43.0	27.2	30.2	29.0	19.9

Table 1 - Flow monthly percentiles for the USGS stream gaging station; No. 06481500 Skunk Creek at Sioux Falls SD, 1948 – 2016.

Review of Existing Water Rights and Discussion

There are two existing water rights/permits appropriating water from Skunk Creek. Water Permit No. 5775-3 for fish and wildlife production in maintaining a wetland appropriates up to 15 cfs for the period March through June and 1 cfs for the remainder of the year from Skunk Creek. The diversion point for this water right is located approximately 18 miles upstream of the proposed project. Water Permit No. 8171-3 located approximately 3 miles upstream of the

proposed project authorizes the diversion of 0.56 cfs for industrial use to replenish a recirculating pond for gravel washing. Both of these existing permits are qualified to not allow pumping from Skunk Creek unless 10 cfs is bypassing the USGS gaging station No. 06481500, Skunk Creek at Sioux Falls.

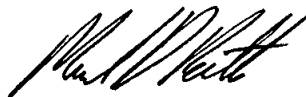
There will be times when water is available for use by this proposed project from Skunk Creek. However, Skunk Creek cannot be considered a reliable source of water, particularly during dry climatic conditions. In order to protect existing rights and domestic use, if this application is approved it should contain the following qualification:

Diversions of water from Skunk Creek are not authorized unless at least 10 cfs is bypassing the Skunk Creek at Sioux Falls, SD gage USGS No. 06481500 located in the in the NW ¼ SW ¼ Section 24-T101N-R50W after diversion, unless a written order is issued by the Chief Engineer.

Conclusions

1. The applicant is proposing to pump from Skunk Creek at a rate of 1.11 cfs to fill a 4.18 surface acre storage pond for commercial use.
2. Pumping from Skunk Creek will occur occasionally throughout the summer months when climatic conditions drop the pond water level below a useable water level.
3. There are two existing upstream rights from Skunk Creek both are located upstream of this project.
4. There will be times when water is available for use by this proposed project from Skunk Creek, but Skunk Creek cannot be considered a reliable source of water particularly during dry climatic conditions.
5. If this application is approved it should contain the following qualification to protect domestic use and existing rights:

Diversions of water from Skunk Creek are not authorized unless at least 10 cfs is bypassing the USGS gage, Skunk Creek at Sioux Falls, SD - No. 06481500 located in the in the NW ¼ SW ¼ Section 24-T101N-R50W after diversion, unless a written order is issued by the Chief Engineer.



Mark D. Rath
Natural Resources Engineer III

References

1. Water Rights. 2016. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

CUSTOMER NUMBER:	078200	Argus Leader	
AD ORDER NUMBER:	1541246		
	9/1, 2016	P.O. Box 677349, Dallas, TX 75267-7349	
			\$72.30 Pd

Department of Environment and Natural Resources
Water Rights Program
Attn: Karen Schlaak
523 E Capitol Ave
Pierre, SD 57501

RECEIVED

SEP - 6 2016

**WATER RIGHTS
PROGRAM**

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

Application No. 8234-3 (Miller)

AFFIDAVIT OF PUBLICATION

Customer Number: 078200
Invoice Number: 1541246

Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA } ss

Sara Kruse 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 17-2-2.1, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

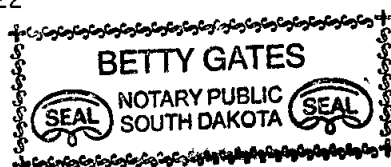
Thursday	, the	1	day of	September	2016,
	, the		day of		2016,
	, the		day of		2016,
	, the		day of		2016,
	, the		day of		2016,
	, the		day of		2016,
	, the		day of		2016,
	, the		day of		2016,

and that \$72.30 Pd was charged for publishing the same including a \$10.00 affidavit fee.

Sara Kruse
Subscribed and sworn to before me 9/1/16

Betty Gates
Notary Public, South Dakota

My Commission expires March 11, 2022



NOTICE OF APPLICATION NO. 8234-3 to Appropriate Water
Notice is given that Midwest Tri-State NAVHDA, c/o Jeff Miller, 27095 Mariah Place, Harrisburg SD 57032 has filed an application for a water permit to appropriate up to 30 acre feet of water annually at a maximum diversion rate of 1.11 cubic feet of water per second (cfs) from Skunk Creek located in the NW 1/4 NE 1/4 Section 15-T101N-R50W. The applicant is proposing to pump at a rate of 1.11 cfs to fill a 4.18 surface acre pond located in the W 1/2 NE 1/4 Section 15-T101N-R50W. Pumping from Skunk Creek will occur occasionally in the summer months when dry conditions drop the pond to an unusable water level. The pond is utilized for commercial use involving sport dog training and testing.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8234-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Granlund for this information, or other information, at the Water Rights Program address provided below.

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 12, 2016.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$72.30.
1541246 Sept. 1, 2016

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, August 26, 2016 8:04 AM
To: allegals@argusleader.com
Subject: 8234-3, Midwest Tri-Stat NAVHDA
Attachments: 8234-3publicnov2015.short1.docx; FORM8.FRM.doc

Attached is a notice to be published on September 1, 2016.

Midwest Tri-State NAVHDA, c/o Jeff Miller, 27095 Mariah Place, Harrisburg SD 57032 (605 366-2087) has been notified to contact you to authorize publication and arrange for payment.

Please send us the affidavit or return the attached Proof of Publication form ASAP.

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

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.**

August 25, 2016

Midwest Tri-State NAVHDA
Jeff Miller
27095 Mariah Place
Harrisburg SD 57032

Dear Mr. Miller:

Water Permit Application No. 8234-3 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Argus Leader printed at Sioux Falls SD (Ph # 605-331-2200). You will need to contact the newspaper(s) 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 are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

NOTICE OF APPLICATION NO. 8234-3 to Appropriate Water

Notice is given that Midwest Tri-State NAVHDA, c/o Jeff Miller, 27095 Mariah Place, Harrisburg SD 57032 has filed an application for a water permit to appropriate up to 30 acre feet of water annually at a maximum diversion rate of 1.11 cubic feet of water per second (cfs) from Skunk Creek located in the NW 1/4 NE 1/4 Section 15-T101N-R50W. The applicant is proposing to pump at a rate of 1.11 cfs to fill a 4.18 surface acre pond located in the W 1/2 NE 1/4 Section 15-T101N-R50W. Pumping from Skunk Creek will occur occasionally in the summer months when dry conditions drop the pond to an unusable water level. The pond is utilized for commercial use involving sport dog training and testing.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8234-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

SEP 19 2016

Midwest Tri-State NAVHDA
Jeff Miller
27095 Mariah Place
Harrisburg SD 57032

Dear Mr. Miller:

Enclosed is Water Permit No. 8234-3 authorizing construction of the 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,

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

enclosures

RECEIVED

FEB 19 2019

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 8234-3
Date: February 8, 2019

I/We request that Water Permit No. 8234-3

formerly owned by: Midwest Tri-State NAVHDA

be transferred to: (name & address) City of Sioux Falls; 231 North Dakota Avenue; Sioux Falls, SD
57104; Contact: Tory Miedema

Telephone No. (605)367-8217

Title to the following described land(s)/property has been transferred as described above:

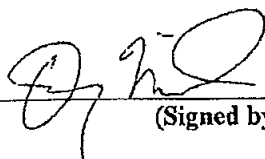
pond located in the W 1/2 NE 1/4 Section 15, T101N, R50W

I/We understand that the validity of Water Permit No. 8234-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Tory Miedema, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIVED

FEB 15 2019



City of Sioux Falls
S O U T H D A K O T A

Vendor Number	EFT Number	EFT Date
1842	82453	02/15/2019

\$185.00

One Hundred Eighty-five Dollars and 00 Cents

Pay SD DEPT OF ENVIRONMENT & NATURAL
To the RESOURCES
Order Of SD DEPT OF REVENUE
523 EAST CAPITOL
PIERRE, SD 57501-0000

**EFT COPY
NON-NEGOTIABLE**

City of Sioux Falls - Accounts Payable
PO Box 7402
Sioux Falls, SD 57117
www.siouxfalls.org

PAGE: 1 OF 1

EFT NUMBER: 00082453

INVOICE DATE	INVOICE NUMBER	DESCRIPTION	INVOICE AMOUNT
02/05/2019	82343	Transfer of Ownership W1/2 NE1/4 15-101-50	\$50.00
02/07/2019	28010501 Jan 19	Air Quality Permit Renewal 28.0105-01	\$135.00

VENDOR NO.	VENDOR NAME	EFT No	EFT Date	EFT Amount
1842	SD DEPT OF ENVIRONMENT & NATURAL RESOURCES	82453	02/15/2019	\$185.00

* Questions regarding this payment please call (605) 367-8860.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date **February 19**, 20 **19**

RECEIVED OF **City of Sioux Falls 231 North Dakota Avenue Sioux Falls SD 57104**

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	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 8234-3		
Fee for _____	50	00
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	50 00

No. **09047**

By

Joanne Goodman
Chief Engineer
7962



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 20, 2019

8234-3

Tory Miedema
City of Sioux Falls
231 North Dakota Ave
Sioux Falls SD 57104

Dear Mr. Miedema:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Permit No. 8234-3.

The ownership change has been completed. Water Permit No. 8234-3 formerly held by the Midwest Tri-State NAVHDA is now listed under the City of Sioux Falls.

For informational purposes, enclosed is a copy of the original permit. Please note the qualifications listed on the permit including the annual reporting requirement.

Enclosed for your records is Receipt No. 09047 in the amount of \$50 which was paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with the first name "Genny" being more prominent.

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

Mathiowetz, Adam

From: Myers, Chris <Chris.Myers@SiouxFalls.Gov>
Sent: Tuesday, May 12, 2026 11:56 AM
To: Mathiowetz, Adam; Lewis, Ted; Johnson, Joshua
Cc: Mayer, Mark; Kilts, Whitney; Dewell, Amanda
Subject: RE: [EXT] City Permit Low Flow Qualification

Adam,

Thank you for taking the time to connect with me on the phone earlier. As we discussed, this particular water right falls under the supervision of our Parks and Recreation Team. I have CC'd Josh Johnson, who is now the point of contact for anything related to this permit. You'll find Josh's preferred contact information included in his signature below. Please feel free to reach out directly for any specific details or follow-up.

If you need anything additional from myself or the Water team, don't hesitate to let me know. I always appreciate working with you and your attention to these details.

Hope you have a great day!



Josh Johnson
Park Operations Manager
City of Sioux Falls Parks & Recreation
Office 605-367-8154
Web www.sioxfalls.gov/parks Email Josh.Johnson@SiouxFalls.gov
231 North Dakota Avenue, Sioux Falls, SD, 57104

Chris Myers
Water Superintendent
Public Works



☎ 605-373-6944 📱 605-999-6591 ✉ Chris.Myers@siouxfalls.gov

www.sioxfalls.gov

"Success is not final, failure is not fatal: it is the courage to continue that counts" -Winston Churchill

From: Mathiowetz, Adam <Adam.Mathiowetz@state.sd.us>
Sent: Monday, May 11, 2026 10:08 AM
To: Lewis, Ted <Ted.Lewis@SiouxFalls.Gov>
Cc: Myers, Chris <Chris.Myers@SiouxFalls.Gov>; Mayer, Mark <Mark.Mayer@state.sd.us>; Kilts, Whitney <Whitney.Kilts@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: City Permit Low Flow Qualification

Ted,

This email is a low flow warning for Skunk Creek. The City of Sioux Falls is the holder of Water Permit No. 8234-3. One of the permit qualifications requires there to be a 10 cubic feet per second (cfs) bypass on Skunk Creek at the USGS stream gage No. 06481500 located in the NW ¼ SW ¼ Sec. 24-T101N-R50W. The link for the stream gage is below.

From May 6 to May 10, the measured flow in that gage dipped below 10 cfs but has since recovered. We are monitoring the gage. Again, this email is a heads up **not** a shutoff order. If you have questions, feel free to contact Whitney Kilts or myself.

Skunk Creek gage USGS No. 06481500

<https://waterdata.usgs.gov/monitoring-location/USGS-06481500/#dataTypeId=continuous-00060-0&period=P7D&showMedian=true&showFieldMeasurements=true>



Adam Mathiowetz, PE
Acting Chief Engineer, Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov