

WATER PERMIT NO. 8359-3

Name of Applicant: City of Brandon

Address: 304 Main Ave, Brandon SD 57005

Phone: 605 582-6515

Amount of Water Claimed: 1.34 cfs

Total Acres: 42 additional acres

Source of Water Supply: Split Rock Creek

Water to be used for: irrigation

County: Minnehaha

Type of Waste Disposal System:

Location: east edge of Brandon

PRIORITY

Date Received: 6-7-18

Application/License Fee: \$ 950

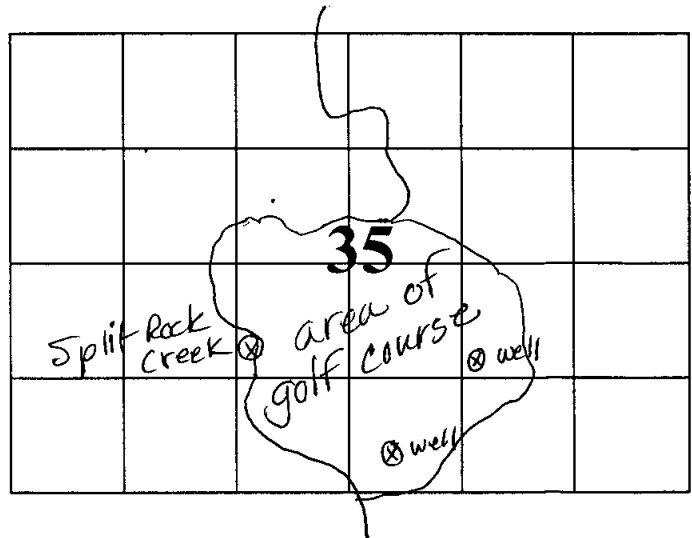
Corrected Application Received:

Period of Annual Use: April 15 – November 15

Remarks: Additional diversion rate and acres to Water Right No. 4434-3

Diversion Point: Split Rock Creek – NE 11/4 SW
1/4; wells – SW 1/4 SE 1/4 and NW 1/4 SE 1/4; all
in Sec 35-T102N-R48W

Land to be Irrigated: SE 1/4 NW 1/4, SW 1/4 NE
1/4, E 1/2 SW 1/4, SE 1/4 Sec 35-T102N-R48W



Depth of Well:

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 6-7-18

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8359-3

Date of first receipt of application June 7, 2018.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8359-3 to City of Brandon, PO Box 95, Brandon SD 57005 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. 8359-3 appropriates 1.34 cubic feet of water per second (cfs) from Split Rock Creek to irrigate 42 additional acres and adds an 18 acre feet storage pond to what is authorized by Water Right No. 4434-3. Water Right No. 4434-3 authorizes diversion of 0.42 cfs from two wells located in the SW 1/4 SE 1/4 and the NW 1/4 SE 1/4 Section 35 and Split Rock Creek located in the NE 1/4 SW 1/4 Section 35 to irrigate 30 acres of the golf course in the SE1/4, E 1/2 SW 1/4 Section 35; all in T102N-R48W. The existing water right also authorized 20.5 acre-feet of water in two storage ponds. This permit authorizes 1.34 cfs from Split Rock Creek at the location cited above to maintain the storage ponds and irrigation of an additional 42 acres within the current 18-hole golf course located in the SE 1/4 NW 1/4, SW 1/4 NE 1/4, E 1/2 SW 1/4, SE 1/4 Section 35-T102N-R48W. The permit also authorizes one additional 18 acre-feet storage pond in the NW 1/4 SE 1/4 Section 35-T102N-R48W. Water will be diverted at a rate up to 2.67 cfs from the storage ponds to irrigate the golf course. The wells will remain as a supplemental water source for irrigation of the golf course and maintaining water levels in the three ponds.
2. The amount of the appropriation may not exceed 3 acre feet annually for the acres authorized by Water Right No. 4434-3 and Water Permit No. 8359-3 to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 15 – November 15.
3. The date from which applicant may claim right is June 7, 2018.
4. The date of approval of Permit No. 8359-3 is July 16, 2018.
5. One-fifth of the construction is to be completed on or before January 16, 2021.
6. All construction is to be completed on or before July 16, 2023.
7. Water is to be put to beneficial use on or before July 16, 2027.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use including livestock water and prior rights must be bypassed. Diversions under this permit shall be in accordance with any written orders including shutoff orders issued by the Chief Engineer.
2. The irrigation intake in Split Rock Creek for this irrigation project shall be constructed so that the intake velocities at the intake point do not exceed 0.50 feet per second and the intake is screened with ¼ inch diameter or 3/16 inch slotted stainless steel or corrosion resistant screen to avoid entrainment and impinging fish.

(continued)

3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8359-3 authorizes a maximum diversion rate of 2.67 cfs from the storage pond for the irrigation of 72 acres with an annual volume not to exceed 3 acre feet of water per acre per year.
4. Water Permit No. 8359-3 authorizes an additional pond with a storage capacity of 18 acre feet of water annually to the primary outlet elevation.
5. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

Jeanne Goodman
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 09 2018

date



JUN 07 2018

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8359-3</u> (office use only)
	Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Argus Leader</u>

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit City of Brandon

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 304 Main Avenue PO Box 95 Brandon SD 57005
(Address) (City) (State) (Zip Code)

Phone 605-582-6515 Mobile _____ Email bread@cityofbrandon.org

2. Amount of water claimed 1.34 *CFS or 600 **GPM 18 addl. storage ***AF Total Acreage 42 addl. irrigated area
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Split Rock Creek (600 gpm) to storage ponds. 1,200 gpm is requested to irrigate from storage ponds.

4. Location of point of diversion Existing surface water intake (portable pump) in NE1/4 SW1/4 section 35-T102-R48W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Minnehaha

5. County or counties where water will be used Minnehaha

6. Annual period during which water is to be used April 15th - November 15

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
See attached			

8. Give a description of the project. (Attach sheet if more space is needed)

The City of Brandon operates a golf course. The existing permit (No. 4434-3) appropriates irrigation for 30 acres for the original 9-hole course by diverting water from shallow wells and Split Rock Creek. This application is for additional acreage and storage to reflect the current 18-hole course. The wells will remain as a supplemental source under permit 4434-3. Additional diversion capacity is proposed from Split Rock Creek to fill the storage ponds. This application is requesting the maximum allowable annual volume of three acre-feet per acre to irrigate turfgrass. A greater than 1 cfs diversion per 70 acres is also requested because the course is only irrigated after operating hours (typically between 10pm - 5 am). Furthermore, the surface intake is simply a portable pump that is manually operated as needed.

I, [Signature] Name of Person City Administrator Title (if applicable), the applicant, certify under

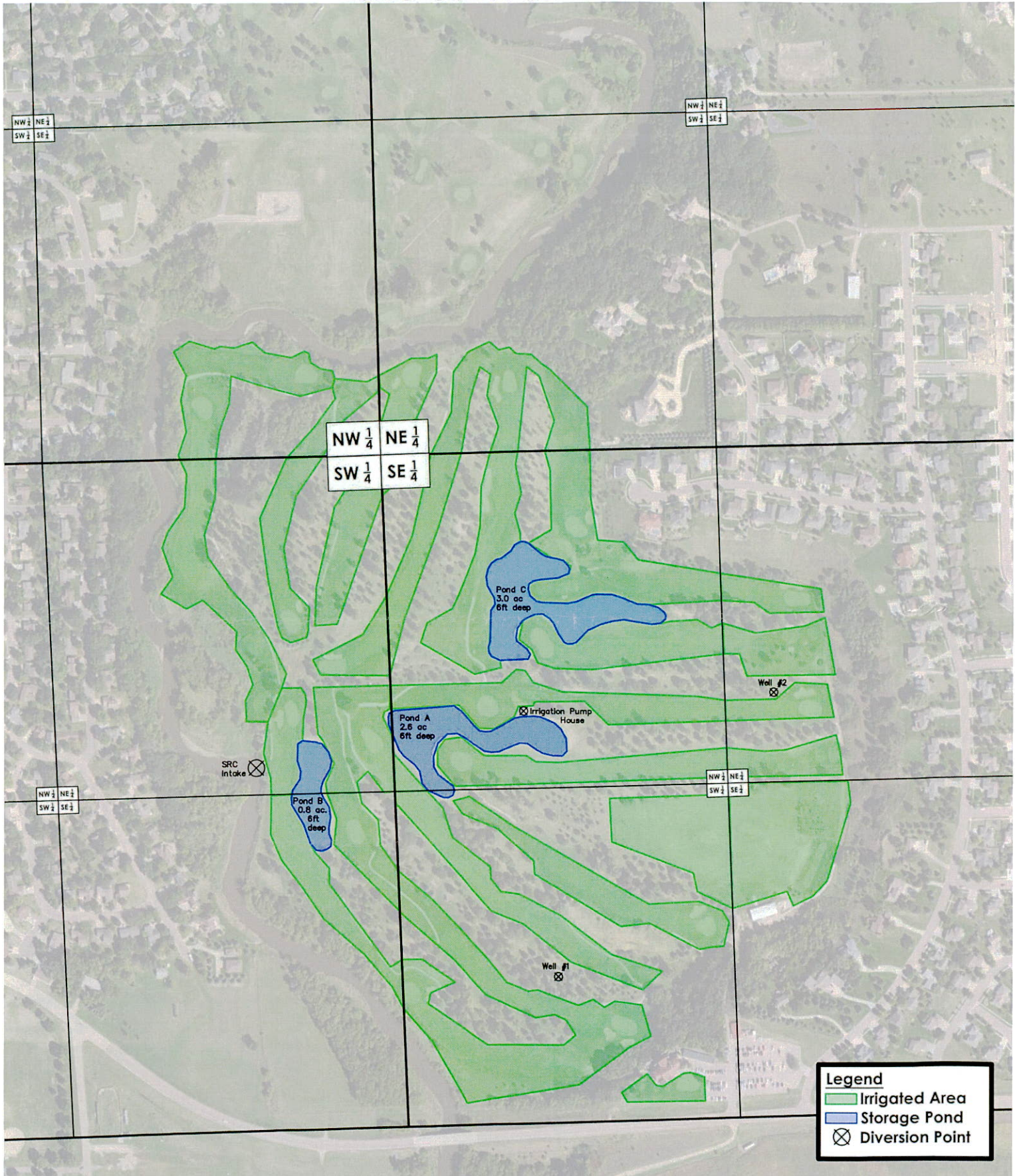
penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

Description for Irrigation Area	Acreage Permitted Under 4434-3	Additional Acreage Proposed Under this Application	Total Acreage Under 4434-3 and New Permit
sec 35-T102-R48W, SE¼NW¼	0	4	4
sec 35-T102-R48W, SW¼NE¼	0	5	5
sec 35-T102-R48W, NE¼SW¼	2	10	12
sec 35-T102-R48W, SE¼SW¼	3	1	4
sec 35-T102-R48W, NW¼SE¼	4	15	19
sec 35-T102-R48W, NE¼SE¼	2	3	5
sec 35-T102-R48W, SW¼SE¼	18	0	18
sec 35-T102-R48W, SE¼SE¼	1	4	5
Total	30	42	72

Description for Storage	Ac-Ft Storage Permitted Under 4434-3	Additional Ac-Ft Storage Proposed Under this Application	Total Ac-Ft Storage Under 4434-3 and New Permit
Pond A (depth 6ft)	15.6	0.0	15.6
Pond B (depth 6ft)	4.8	0.0	4.8
Pond C (depth 6ft)	0	18.0	18.0
Total	20.4	18.0	38.4

All Storage Ponds are interconnected via buried pipeline. The irrigation system pumps from Pond A to irrigate the combined 72 acreage proposed under permit 4434-3 and this application.

SEC 35-T102-R48W





Sec 27
T102N
R48W

Sec 26
T102N
R48W

Sec 25
T102N
R48W

Sec 34
T102N
R48W

Sec 35
T102N
R48W

Sec 36
T102N
R48W

Sec 3
T101N
R48W

Sec 2
T101N
R48W

Sec 1
T101N
R48W

Duvall, Ron

From: Duvall, Ron
Sent: Thursday, May 24, 2018 11:28 AM
To: 'Ryan Truax'
Subject: RE: [EXT] Water Right No. 4434-3, City of Brandon

Ryan,

Assuming the city is going to be asking for 3 acre-feet per acre, then the total fee is as follows:

42 add'l acres X 3 af/acre = 126 acre-feet

First 120 af = \$500.00

Any part of second 120 af = \$250.00

License fee = \$200.00 (which is paid up front)

Total fee is \$950.00

Please let me know if you have any further questions.

Thank you,

Ron

From: Ryan Truax [<mailto:rtruax@stockwellengineers.com>]
Sent: Thursday, May 24, 2018 11:02 AM
To: Duvall, Ron
Subject: RE: [EXT] Water Right No. 4434-3, City of Brandon

Hi Ron,

Quick question about the filing fee for the new application. There's a fee for X-amount of acres to be irrigated plus an final inspection fee. Does the City need to pay the final inspection fee with the new permit application? Or is that paid later?

RYAN TRUAX

ENGINEER-IN-TRAINING

STOCKWELL ENGINEERS, INC.

Phone: 605.338.6668

From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Tuesday, May 15, 2018 9:49 AM
To: Ryan Truax <rtruax@stockwellengineers.com>
Subject: FW: Water Right No. 4434-3, City of Brandon

Here you go.

From: Duvall, Ron
Sent: Thursday, May 10, 2018 11:30 AM
To: 'bread@cityofbrandon.org'
Cc: 'lbeesley@brandonsd.com'; 'dolson@cityofbrandon.org'
Subject: Water Right No. 4434-3, City of Brandon

Mr. Read:

As we discussed on the phone on May 8, I am sending you a letter concerning the water right for irrigation of the golf course. Attached is a PDF version of the letter being mailed to you. Please let me know if you have any questions.

Thank you,

Ron Duvall
SD DENR, Water Rights Program
(605) 773-3352
denr.sd.gov



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Brandon City Hall PO Box 95 Brandon SD 57005 Date June 7, 20 18

RECEIVED OF _____

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

Fee for Application for Permit No. <u>8359-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	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>8359-3</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	950	00

No. **08659**

By

Jeannie Goodman
Chief Engineer
Jm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8359-3, City of Brandon**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 8359-3, City of Brandon, c/o Bryan Read, City Administrator, PO Box 95, Brandon SD 57005.

The Chief Engineer is recommending APPROVAL of Application No. 8359-3 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. Low flows as needed for downstream domestic use including livestock water and prior rights must be by-passed. Diversions under this permit shall be in accordance with any written orders including shutoff orders issued by the Chief Engineer.
2. The irrigation intake in Split Rock Creek for this irrigation project shall be constructed so that the intake velocities at the intake point do not exceed 0.50 feet per second and the intake is screened with ¼ inch diameter or 3/16 inch slotted stainless steel or corrosion resistant screen to avoid entrainment and impinging fish.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8359-3 authorizes a maximum diversion rate of 2.67 cfs from the storage pond for the irrigation of 72 acres with an annual volume not to exceed 3 acre feet of water per acre per year.
4. Water Permit No. 8359-3 authorizes an additional pond with a storage capacity of 18 acre feet of water annually to the primary outlet elevation.
5. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
June 27, 2018

NOTE: Issuance of this permit deals with the withdrawal of water only. It does not address other concerns or permitting issues, such as the Topeka Shiner, from other State or Federal entities. The permit holder is responsible for contacting the US Fish and Wildlife Service concerning certain restriction on the method of withdrawal of water. The permit holder is responsible to obtain any other necessary permits.

REPORT ON WATER PERMIT APPLICATION NO. 8359-3

City of Brandon

June 26, 2018

Application No. 8359-3, proposes to appropriate 1.34 cubic feet of water per second (cfs) from Split Rock Creek, irrigate 42 additional acres and add an additional 18 acre feet storage pond to what is authorized by Water Right No. 4434-3. Water Right No. 4434-3 authorizes diversion of 0.42 cfs from two wells located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35 and Split Rock Creek located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 35 to irrigate 30 acres of the golf course in the SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 35; all in T102N-R48W. The existing water right also authorized 20.5 acre-feet of water in two storage ponds. This application proposes to appropriate 1.34 cfs from Split Rock Creek at the location cited above to maintain the storage ponds and irrigate an additional 42 acres within the current 18-hole golf course located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 35-T102N-R48W. The application also seeks one additional 18 acre-feet storage pond in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35-T102N-R48W. Water will be diverted at a rate up to 2.67 cfs from the storage ponds to irrigate the golf course. The wells will remain as a supplemental water source for irrigation of the golf course and maintain water in the three ponds. The proposed project is located in eastern Minnehaha County in the City of Brandon.

The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres and application up to 3.0 acre feet of water per acre based on irrigation of turf and time constraints of diversion of water.

Review of the Proposed Water Source

The source of water for this project is from Split Rock Creek. Split Rock Creek is a prairie stream that headwaters in western Minnesota near the town of Pipestone. It flows in a primarily southwesterly direction into South Dakota near the town of Sherman in northeast Minnehaha County and continues on until meeting up with the Big Sioux River 3 miles southwest of the City of Brandon.

Since 1965 the United States Geological Survey has operated a stream flow gaging station on the Split Rock Creek at Corson South Dakota, approximately 3.5 river miles downstream from this irrigation project (USGS. 2018). Figure 1 shows a daily percentile flow hydrograph with the daily 5, 10, 25, and 50 percentile values for this gage based upon 41 years of available flow data. A prairie stream typically shows an increase in flow in March and April time frame corresponding to spring snowmelt and spring rain events then slowly tailing off throughout the remainder of the spring and summer months. Based upon review of the flow hydrograph flows in excess of 15 cfs can be expected on average one out of two years and in excess of nine cfs for three out of four years.

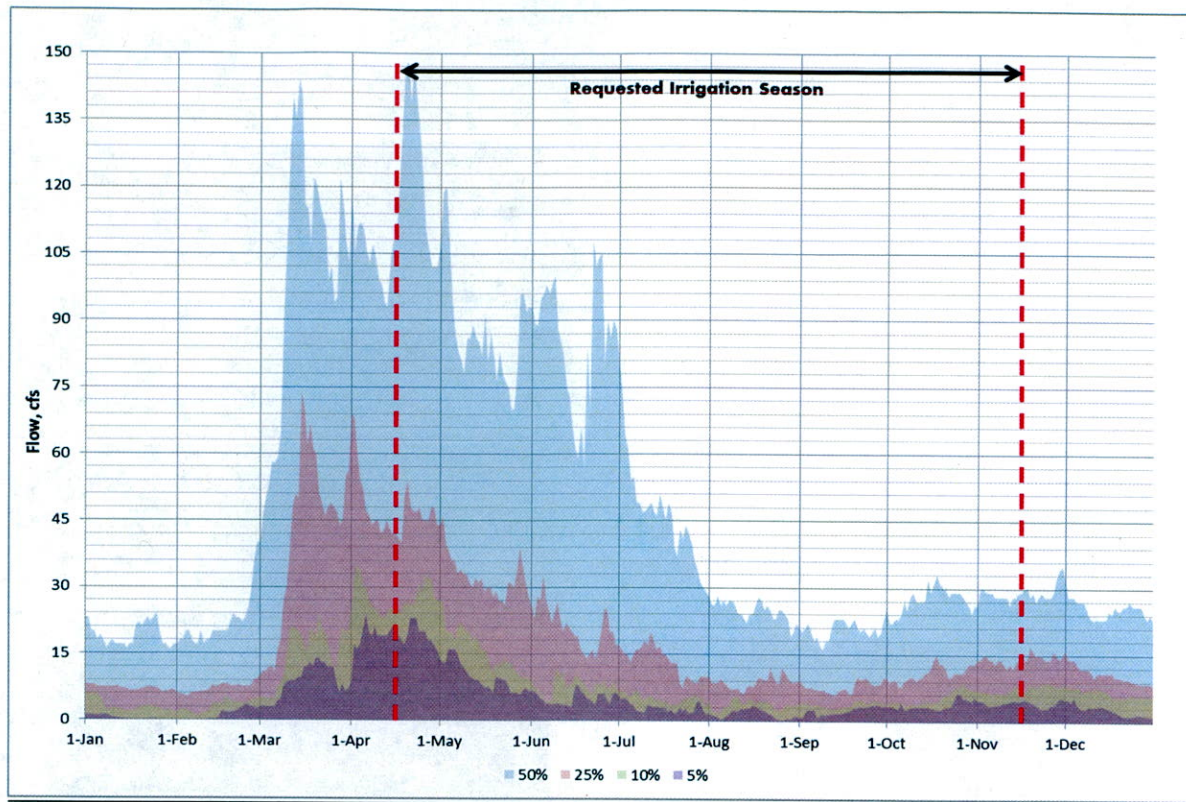


Figure 1. Daily percentile flow hydrographs for the USGS Split Rock Creek at Corson, 1965-2017, contributing drainage area 482 mi² (USGS, 2018).

Review of the Proposed Project and Existing Water Rights

The applicant holds Water Right No. 4434-3 authorizing the diversion of from 0.42 cfs from two wells and Split Rock Creek located in the NE ¼ SW ¼ Section 35 for storage of 20.5 ac-ft and irrigation of 30 acres of the golf course. The applicant is proposing to appropriate 1.34 cfs from Split Rock Creek for irrigation of an additional 42 acres and add an additional 18 acre feet storage pond.

There are 11 existing water rights/permits appropriating 28.46 cfs from Split Rock Creek within the South Dakota reach. SD Department of Game Fish and Parks holds two of these rights. One for 30 acre-feet of storage impounded behind a low head dam and the second for 20 cfs for instream flow at Palisades State Park both located near the town of Garretson several miles upstream of this irrigation project. The remainder of the existing water rights are for irrigation, commercial, and industrial use but only one of the rights, No. 1907-3 appropriating 0.35 cfs for irrigation, is located downstream from the proposed project (Water Rights. 2018).

Except under extremely dry climatic conditions, water availability from Split Rock Creek would not be expected to be an issue if this application is approved. However, to address the rare

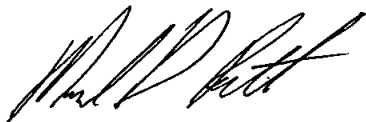
occasions when water availability is an issue, the permit should contain the following qualification:

- Low flows as needed for downstream domestic use including livestock water and prior rights must be by-passed. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. South Dakota Codified Law, SDCL 46-5-6 states the Water Management Board may allow a greater diversion in volume of two acre-foot of water per acre and rate of water equivalent of 1 cfs per 70 acres if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires. However, the annual volume may not be greater than three acre-feet per acre delivered to the land. The applicant intends to irrigate a golf course using sprinkler irrigation. Irrigation of golf courses is limited to when golfers are not present which limits the hours when water can be applied.

Conclusions

1. This application proposes to appropriate 1.34 cfs from Split Rock Creek for irrigation of an additional 42 acres and add an additional 18 acre feet storage pond.
2. The source of water is from Split Rock Creek, a tributary to the Big Sioux River.
3. Except under extremely dry climatic conditions, water availability from Split Rock Creek would not be expected to be an issue if this application is approved.
4. If approved the permit should contain the following qualification:
Low flows as needed for downstream domestic use including livestock water and prior rights must be by-passed. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
5. SDCL 46-5-6 states the Water Management Board may allow a greater diversion in volume of two acre-foot of water per acre and rate of water equivalent of 1 cfs per 70 acres if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires. However the annual volume may not be greater than three acre-feet per acre delivered to the land.
6. The applicant will be applying irrigation through a sprinkler system to irrigate a golf course. Irrigation of golf courses is limited to when golfers are not present which limits the hours when water can be applied.



Mark D. Rath
Natural Resources Engineer III

References

1. USGS. 2018. United States Geological Survey, National Water Information System – Stream Gaging Station Network for South Dakota.
2. Water Rights. 2018. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 27, 2018 10:22 AM
To: 'bread@cityofbrandon.org'
Subject: Water Permit Application No. 8359-3
Attachments: 8359-3.pdf

Mr. Read,

For your information, attached is the report, recommendation and letter regarding the public notice for Water Permit Application No. 8359-3. Paper copy in the mail today.

Karen Schlaak

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



CUSTOMER NUMBER:	127014	Argus Leader PO Box 677349, Dallas, TX 75267-7349
INVOICE NUMBER:	3013498	
RUN DATES:	7/5, 2018	
		AMOUNT DUE: \$90.48

CITY OF BRANDON
PO BOX 95
BRANDON SD 57005

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

App. No. 8359-3

AFFIDAVIT OF PUBLICATION

Customer Number: 127014
Invoice Number: 3013498

CITY OF BRANDON

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 5 day of July 2018,
the day of 2018,
the day of 2018,
the day of 2018,
the day of 2018,
the day of 2018.

and that \$90.48 was charged for publishing the same.

Sara Kruse

Subscribed and sworn to before me 7/5/18

Betty Gates

Notary Public, South Dakota

My Commission expires March 11, 2022



tain the storage ponds and mendment with aquifica of the Chief Engineer and irrigate an additional 42 hions, the application, and no petition to oppose the ap- acres within the current staff report are available at plication is received, the fee-hole golf course located http://cent.sd.gov/public, or Chief Engineer shall act on in the SE 1/4 NW 1/4, SW 1/4, contact: ERIC Gronlund for the application pursuant to NE 1/4, E 1/2 SW 1/4, SE 1/4 this information, or other the recommendation with Section 35-T102N-R48W. information of the Water no hearing held before the The application also seeks Rights Program address Water Management Board, one additional 18 acre-feet provided below. If a petition opposing the storage pond in the NW 1/4 Any person interested in op application or contesting the SE 1/4 Section posing or supporting this ap application or recommenda- then a hearing will be APPLICATION NO. 8359-3 35-T102N-R48W. Water will aplication or recommenda- tion must file a written peti- scheduled and the Water Notice is given that the City 2.47 cfs from the storage tion with BOTH the appli- Management Board will of Brandon, co Bryan ponds to irrigate the golf cont and Chief Engineer consider this application. Read, City Administrator course. The wells will re- The applicant must file a Notice of the hearing will be PO Box 95, Brandon SD main as a supplemental petition If contesting the given to the applicant and 57005 has filed an applica- water source for irrigation Chief Engineer's recom- any person filing a petition. tion for a water permit to of the golf course and main- mendation. The Chief Engi- Steven M. Pirner, Secrefo- appropriate 1.34 cubic feet taining water levels in the neer's address is Water ry, Department of Environ- of water per second (cfs) three ponds. Rights Program, Foss ment and Natural Resour- from Split Rock Creek to Ir. The applicant is requesting Building, 513 E. Capitol, ces. Published once at the rigate 42 additional acres a diversion rate greater Pierre SD 57501 (605 773 total approximate cost of and add an 18 acre feet stor- than the statutory limit of 1:352) and the applicant's \$90.48 age pond to what is author- cfs per 70 acres and applica- mailing address is given ized by Water Right No. tion up to 3.0 acre feet of above. A petition filed by 4434-3 Water Right No. water per acre on the total either an interested person 4434-3 authorizes diversion of 72 acres based on irriga- or the applicant must be of 0.42 cfs from two wells lo- tion of turf and lime con- filed by July 16, 2018. cated in the SW 1/4 SE 1/4 straints on diversion of The petition may be infor- mal, but must include a tion 35 and Split Rock Creek Pursuant to SDCL 46-2A-2, statement describing the pe- located in the NE 1/4 SW 1/4 the Chief Engineer recom- mitor's interest in the ap- Section 35 to irrigate 20 mends APPROVAL of Ap- plication the petitioner's acres of the golf course in plication No. 8359-3 with reasons for opposing or sup- the SE1/4, E 1/2 SW 1/4 Sec- qualifications because 1) porting the application, and tion 35; all in T102N-R48W. unappropriated water is the signature and mailing The existing water right ol- available, 2) existing rights address of the petitioner; or so-authorized 20.5 acre-feet will not be unlawfully im- the petitioner's legal coun- of water in two storage paired, 3) it is a beneficial sel. If legal counsel is ob- ponds. This application ap- use of water, and 4) it is in tained. appropriates 1.34 cfs from the public interest. The If the applicant does not Split Rock Creek at the to Chief Engineer's recom- contest the recommendation cation cited above to main-

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 27, 2018 11:05 AM
To: allegals@argusleader.com
Subject: 8359-3, City of Brandon
Attachments: 8359-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on July 5, 2018.

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

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

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

Karen Schlaak

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





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 RIGHT AWAY.**

June 27, 2018

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

Dear Mr. Read:

Water Permit Application No. 8359-3 for irrigation 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 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 to authorize publication of your Notice and to arrange for payment. Early contact with the paper 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. 8359-3 to Appropriate Water

Notice is given that the City of Brandon, c/o Bryan Read, City Administrator, PO Box 95, Brandon SD 57005 has filed an application for a water permit to appropriate 1.34 cubic feet of water per second (cfs) from Split Rock Creek to irrigate 42 additional acres and add an 18 acre feet storage pond to what is authorized by Water Right No. 4434-3. Water Right No. 4434-3 authorizes diversion of 0.42 cfs from two wells located in the SW 1/4 SE 1/4 and the NW 1/4 SE 1/4 Section 35 and Split Rock Creek located in the NE 1/4 SW 1/4 Section 35 to irrigate 30 acres of the golf course in the SE 1/4, E 1/2 SW 1/4 Section 35; all in T102N-R48W. The existing water right also authorized 20.5 acre-feet of water in two storage ponds. This application appropriates 1.34 cfs from Split Rock Creek at the location cited above to maintain the storage ponds and irrigate an additional 42 acres within the current 18-hole golf course located in the SE 1/4 NW 1/4, SW 1/4 NE 1/4, E 1/2 SW 1/4, SE 1/4 Section 35-T102N-R48W. The application also seeks one additional 18 acre-feet storage pond in the NW 1/4 SE 1/4 Section 35-T102N-R48W. Water will be diverted at a rate up to 2.67 cfs from the storage ponds to irrigate the golf course. The wells will remain as a supplemental water source for irrigation of the golf course and maintaining water levels in the three ponds.

The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres and application up to 3.0 acre feet of water per acre on the total of 72 acres based on irrigation of turf and time constraints on diversion of water.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8359-3 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.

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 July 16, 2018.

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 _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 09 2018

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

Dear Mr. Read:

Enclosed is Water Permit No. 8359-3 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,

A handwritten signature in black ink that reads "Jeanne Goodman". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jeanne Goodman, 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. 8359-3

I have this day, April 11, 2023, made a thorough examination of the water use system constructed by City of Brandon; PO BOX 95, Brandon, SD 57005 of Permit No. 8359-3, bearing the priority of June 7, 2018 authorizing the diversion of 1.34 cu. ft. per second and/or the storage of 18 acre-feet of the waters of Split Rock Creek for irrigation purposes, in Minnehaha County.

A. Works used to divert the water:

Pumping Plant Information: A centrifugal pump is positioned on a float platform that is lowered to the creek surface in the spring and removed in the fall. Powered by a 10 hp electric motor (see photos).

Water is pumped to a nearby surface reservoir through a buried 6-inch PVC pipe at 1000 gal/min.

B. Works used to transport water to place of use:

- 1) Type PVC 2) Size 6 inches 3) Length 125 feet

Comments: Water is pumped from Split Rock Creek to a nearby surface reservoir (pond)

C. Works used to apply water to beneficial use:

Buried sprinkler system:

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

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

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: PUMP LOCATION From the SE corner Sec 35 T102N R48W, 1315 ft N & 3160 ft W, Lat 43.59091 Long -96.56414 (SE 1/4 SW 1/4).
2. The works are capable of diverting and conveying to the place of use 2.22 cu. ft. per second of water and/or storing 18 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

legal description/acreage

All land in Sec 35 T102N R48W

SE 1/4 NW 1/4 - 4 acres	SW 1/4 NE 1/4 - 5 acres	NE 1/4 SW 1/4 - 12 acres
SE 1/4 SW 1/4 - 4 acres	NW 1/4 SE 1/4 - 19 acres	NE 1/4 SE 1/4 - 5 acres
SW 1/4 SE 1/4 - 18 acres	SE 1/4 SE 1/4 - 5 acres	

comprising a total of 72 acres of land and the license should be issued for 1.76 cfs and/or 36 acre-feet of storage.

3. All structures, wells and lands on map Y

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

The general overall irrigated area was identified with the aid of FSA imagery and ArcMAPS software.

There are about 125 acres within the boundary of the golf course property which is authorized under Permits 4434-3 (30 acres) and 8359-3 (42 acres) to irrigate a total of 72 acres.

The two (2) permits authorize a total of 1.76cfs (0.42 wells + 1.34 creek). A flow rate of 1.03 cfs would be recommended based on (72 acres/1 cfs/70 acres). The pump rate of 1,000 gal/min (2.2 cfs) reported in a recent Irrigation Questionnaire was used to establish the system flow capacity. An appropriated total flow of 1.76 cfs should be used for these two (2) combined permits.

The mailing address and the telephone number in the permit materials are current for the City of Brandon. The golf course club house telephone number is 605/582-7100 and that is where the grounds superintendent can be contacted.

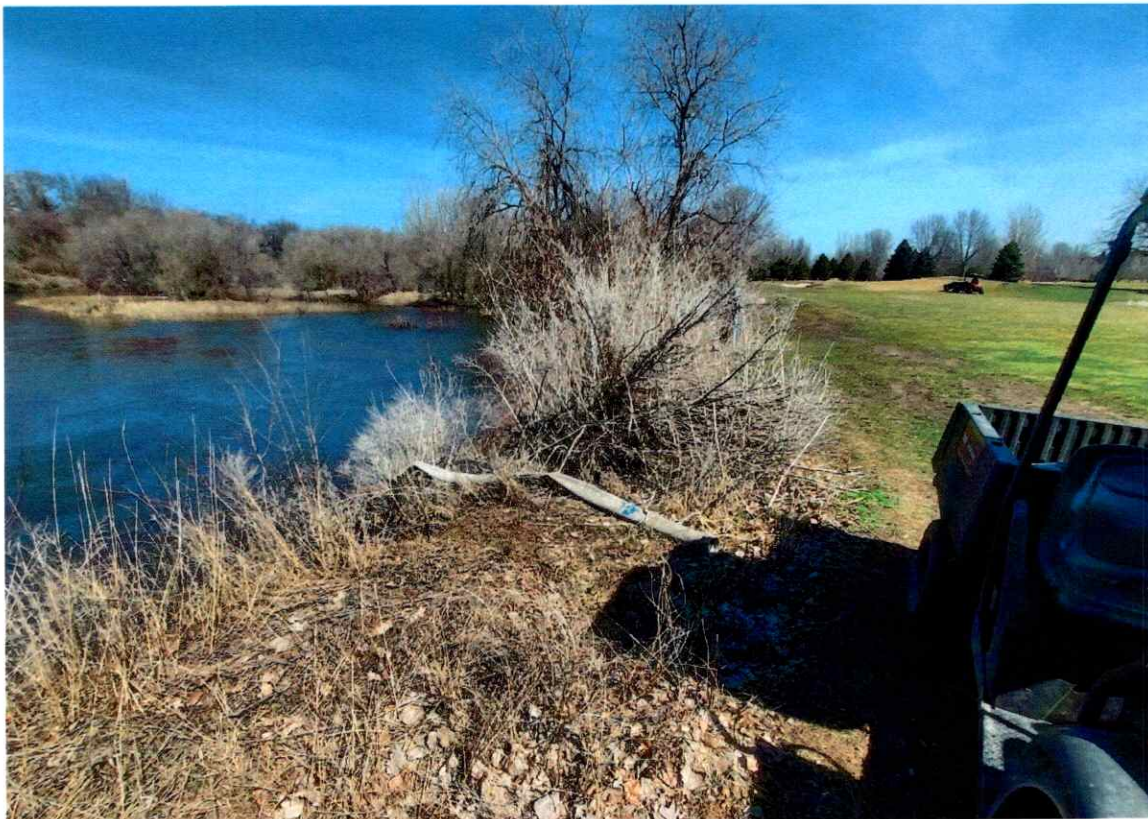


Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: April 13, 2023



Centrifugal pump powered by a 10 hp electric motor supported by floats that draws water from the Split Rock Creek.



Site of where the centrifugal pumping unit is lowered down the bank of Split Rock Creek in the spring. The hose is connected to the centrifugal pump and used to assist with the deliver water to a nearby surface reservoir (pond).

Diversion Point Location

From the SE corner of
Sec 35 T102N-R48W
Split Rock Creek Pump
1315 ft N & 3160 ft W
Lat 43.59091 Long -96.56414

Supplemental Well No. 5507-3
1650 ft N & 1210 ft W
Lat 43.59183 Long -96.55639
Supplemental Well No. 4434-3
200 ft N & 1600 ft W
Lat 43.59183 Long -96.55639

Storage Ponds

From the SE corner of
Sec 35 T102N-R48W
** Pond A **
1550 ft N & 2560 ft W
Lat 43.59156 Long -96.56175
** Pond B **
1330 ft N & 3010 ft W
Lat 43.59093 Long -96.56348
** Pond C **
2050 ft N & 2160 ft W
Lat 43.59306 Long -96.56038

Irrigated Land

Sec 35 T102N-R48W
SE1/4 NW1/4 - 4 ac
SW1/4 NE1/4 - 5 ac
NE1/4 SW1/4 - 12 ac
SE1/4 SW1/4 - 4 ac
NW1/4 SE 1/4 - 19 ac
NE 1/4 SE1/4 - 5 ac
SW1/4 SE1/4 - 18 ac
SE1/4 SE1/4 - 5 ac



0 625 1,250 2,500 3,750 5,000 Feet

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8359-3**

(1) The City of Brandon; PO Box 95, Brandon SD 57005, made Application No. 8359-3, June 7, 2018, for a water permit to divert an additional 1.34 cubic feet of water per second (cfs) and an additional 18 acre feet storage pond from Split Rock Creek, Minnehaha County, South Dakota for irrigation of 42 new acres and maintaining water levels in the existing 20.5 acre feet storage ponds. Permit No. 8359-3, with a priority date of June 7, 2018, was approved July 16, 2018, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 23, 2023, and for the application to beneficial use of water on or before July 16, 2027.

Water Right No. 4434-3 authorized the storage of 20.5 ac-ft in two (2) ponds and the combined diversion of 0.42 cfs from groundwater, two wells (Big Sioux: South Aquifer) and Split Rock Creek for the irrigation of 30 acres of golf course. The applicable portions of Water Right No. 4434-3 are now incorporated into Water Right No. 8359-3.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled a combined diversion rate of 1.76 cubic feet of water per second for beneficial use. The locations of the diversion points and storage ponds are:

- South Well: 1,650 ft N & 1,210 ft W of the SE corner of Section 35, T102N, R48W
(SW ¼ SE ¼) (Latitude 43.59183 Longitude -96.55639)
- North Well: 200 ft N & 1,600 ft W of the SE corner of Section 35, T102N, R48W
(NE ¼ SE ¼) (Latitude 43.59183 Longitude -96.55639)
- Split Rock Creek Pump: 1,315 ft N & 3,160 ft W of the SE corner of Section 35, T102N, R48W
(SE ¼ SW ¼) (Latitude 43.59091 Longitude -96.56414)
- Storage Pond A: 1,550 ft N & 2,560 ft W of the SE corner of Section 35, T102N, R48W
(Latitude 43.59156 Longitude -96.56175)
- Storage Pond B: 1,330 ft N & 3,010 ft W of the SE corner of Section 35, T102N, R48W
(Latitude 43.59093 Longitude -96.56348)
- Storage Pond C: 2,050 ft N & 2,160 ft W of the SE corner of Section 35, T102N, R48W
(Latitude 43.59306 Longitude -96.56038)

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

Section 35, T102N, R48W			
SE ¼ NW ¼	4.0 acres	NW ¼ SE ¼	19.0 acres
SW ¼ NE ¼	5.0 acres	NE ¼ SE ¼	5.0 acres
NE ¼ SW ¼	12.0 acres	SW ¼ SE ¼	18.0 acres
SE ¼ SW ¼	4.0 acres	SE ¼ SE ¼	5.0 acres
TOTAL: 72.0 acres			

continued

(4) Pursuant to South Dakota Water Law 46-5-30.1 The City of Brandon, the holder and/or owner of Water Right No. 8359-3 is issued a license to appropriate water, the right to use 1.76 cubic feet of water per second from groundwater, two wells (Big Sioux: South Aquifer) and Split Rock Creek, with priority dates of July 25, 1979, for 0.43 cfs, 30 acres, and 20.5 ac-ft in two storage ponds (established under Right No. 4434-3), and June 7, 2018, for 1.34 cfs, 42 acres, and 18 ac-ft in one storage pond (established under Permit No. 8359-3) from the location specified in (2) of this license for golf course irrigation purposes.

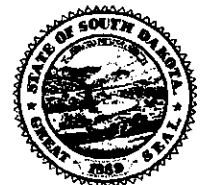
When diverting water from the storage ponds for application to the irrigated acres, the diversion of 2.22 cfs (1,000 gpm) is authorized. Appropriation of water may not exceed 3 acre feet to the authorized irrigated acres.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8359-3 and subject to the following qualifications:

1. Low flows as needed for downstream domestic use including livestock water and prior water rights must be by-passed. Diversions under this permit shall be in accordance with any written orders including shutoff orders issued by the Chief Engineer.
2. The irrigation intake in Split Rock Creek for this irrigation project shall be constructed so that the intake velocities at the intake point do not exceed 0.50 feet per second and the intake is screened with 1/4-inch diameter or 3/16-inch slotted stainless steel or corrosion resistant screen to avoid entrapment and impinging fish.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Right No. 8359-3 authorizes a maximum diversion rate of 2.67 cfs from the storage ponds for the irrigation of 72 acres with an annual volume not to exceed 3 acre feet of water per acre per year.
4. Water Right No. 8359-3 authorizes an additional pond with a storage capacity of 18 acre feet of water annually to the primary outlet elevation.
5. This Water Right is approved, subject to the irrigation water use questionnaire being submitted each year.


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

JUL 14 2023
date





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

JUL 14 2023]

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

8359-3
4434-3

Dear Mr. Read:

Enclosed is Water License No. 8359-3. 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

NOTES: The investigation found your irrigation system is capable of diverting 2.22 cubic feet of water per second (cfs) which is equivalent to approximately 1,000 gallons per minute. The combined authorized diversion rate for this license is 1.76 cfs (equivalent to 790 gpm). Diversion of water under this water license is limited to 1.76 cfs, unless diverting from storage ponds.

The applicable portions of Water Right No. 4434-3 have been incorporated into Water Right No. 8359-3.

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 23, 2026

Dear Split Rock Creek Water Right Holder:

I am writing to the water right holders and operators who use water from Split Rock Creek regarding below normal streamflow for this time of year.

South Dakota law gives the highest priority to domestic use, including livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critically low levels, water use may begin to interfere with domestic use and senior water rights. If water levels become critically low, the Department may be forced to issue shutoff orders to protect domestic use, including livestock watering, and those water rights that are most senior.

This not a shutoff order. We are only speculating that shutoff orders may become necessary, if severe drought conditions persist. This letter is intended to give you advanced notice shutoff orders may be necessary this year. If shutoff orders are issued, you will receive another letter from the Department. In the meantime, water right holders can help by closely monitoring water usage to minimize use when possible and avoid any waste of water.

If you are interested, the US Geological Survey has an Internet site showing current flows at stream gauging stations across the state, including a station on Split Rock Creek near Corson, SD. To view the latest real-time stream flow, go to:

<https://waterdata.usgs.gov/state/south-dakota/>

Thank you for your cooperation. If you have any questions, please contact either Whitney Kilts, Adam Mathiowetz, or Amanda Dewell, with the Water Rights Program, at (605) 773-3352.

Sincerely,

Adam Mathiowetz, Acting Chief Engineer
Water Rights Program