

WATER PERMIT NO. 8903-3

Name of Applicant: City of Dell Rapids

Address: PO Box, Dell Rapids SD 57022

Phone: 605-340-1670

Amount of Water Claimed: 2,092 AF

Total Acres: N/A

Source of Water Supply: Groundwater

Water to be used for: Future Use

County: Minnehaha

Type of Waste Disposal System:

Location: In Dell Rapids

PRIORITY Date Received: 09-30-24

Application/License Fee: \$235.00

Corrected Application Received: N/A

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: S 1/2 Sec 9/10, Sec 15/16, N 1/2
Sec 21-T104N-R49W

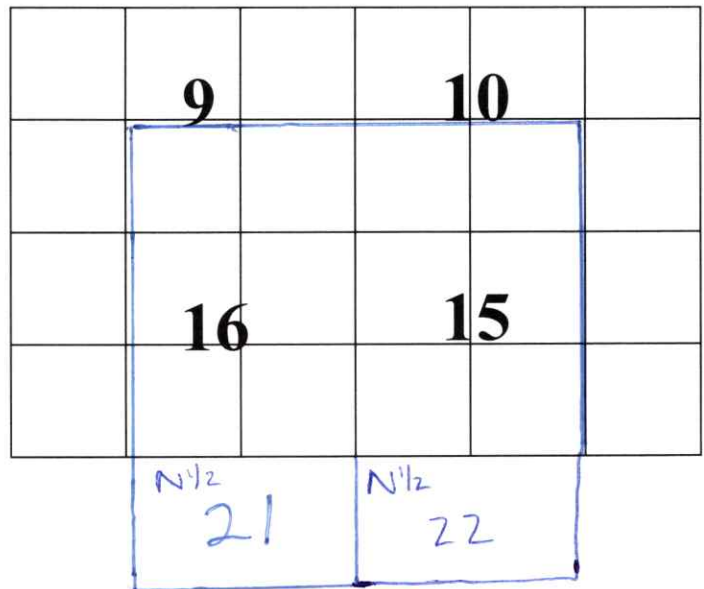
Land to be Irrigated: N/A

Depth of Well: 540

Well Driller:

Remarks:

Type of Map: aerial



Reviewed and the Number Assigned on: 10-10-24

By: Rachel Rodriguez

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
FUTURE USE WATER PERMIT NO. 8903-3**

Date of first receipt of application September 30, 2024.

Date of return to applicant for corrections, amendments or changes October 10, 2024.

Date of receipt of corrected application October 15, 2024.

The Water Management Board approved Future Use Permit No. 8903-3 on July 9, 2025, for City of Dell Rapids, PO Box 10, Dell Rapids SD 57022, subject to the following limitations, conditions and qualifications:

1. Future Use Permit No. 8903-3 reserves for future use 2,092 acre-feet of water annually from the Sioux Quartzite Aquifer. The area to be reserved for future diversions is within the S 1/2 Section 9, S 1/2 Section 10, Sections 15 and 16, N 1/2 Section 21, N 1/2 Section 22; all in T104N-R49W. The water is to be reserved as a future water supply for municipal use by the City of Dell Rapids in Minnehaha County. The future use area is located on the south side of Dell Rapids SD. This permit does not authorize construction of works or application of water to beneficial use.
2. The water appropriated shall be used for the purpose of municipal use and may not exceed the amount of water needed for beneficial use.
3. The date from which applicant may claim right is September 30, 2025.
4. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Future Use Permit No. 8903-3 reserves 2,092 acre-feet of water annually from the Sioux Quartzite Aquifer.
2. Future Use Permit No. 8903-3 is approved with the stipulation that this Permit is subject to review by the Water Management Board as to accomplishment in developing reserved water upon expiration of seven (7) years. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permit.
3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.

WATER MANAGEMENT BOARD

By: _____

Mark Mayer
Mark Mayer, PE
Director of Office of Water
Department of Agriculture and Natural Resources

7/21/25
date



SD EForm - 1585LD V4

FORM 2: Application for uses other than irrigation

(type or print)

RECEIVED

SEP 30 2024

OFFICE OF
WATER

Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

No. <u>8903-3</u>	(office use only) Hydrologic Unit <u>10170203</u>
Basin <u>Big Sioux</u>	
Newspaper <u>Argus Leader</u>	

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

Check use(s) of water:

☒ Municipal	☐ Suburban Housing	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☐ Domestic (over 18 gpm)	☐ Industrial	☐ Other _____	

Type of Application:
(check one)

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

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

1. Name to Appear on Water Permit City of Dell Rapids(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent Steve McFarland, City Administrator

(name and complete address if different than above name)

Mailing Address PO Box 10 Dell Rapids SD 57022

(Address)

(City)

(State)

(Zip Code)

Home Phone 605-340-1670 Cell 970-443-8818 Email stevem@cityofdellrapids.com2. Amount of water claimed _____ *CFS or _____ **GPM 2,092 ***AF

(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Groundwater, Sioux Quartzite4. Location of point of diversion S1/2 Sec. 9&10, Sec 15&16, N1/2 Sec 21 T104N R49W 22 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 Minnehaha6. Annual period during which water is to be used January 1 - December 31

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

Wells will be drilled into the Sioux Quartzite aquifer. The Sioux Quartzite is estimated to be generally within 10 feet of the ground surface in Dell Rapids and up to 540' deep.

Water will be used for residential and commercial uses within the the City of Dell Rapids.

I, Steve McFarland, City Administrator, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

2012-09

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)

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 _____
- c) Well Depth 540 feet Depth to Top of Water Bearing Material 10 feet Depth to Water from Surface 25 feet
- d) Distance to nearest existing domestic well:

On applicant's property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

3. Dugout Information

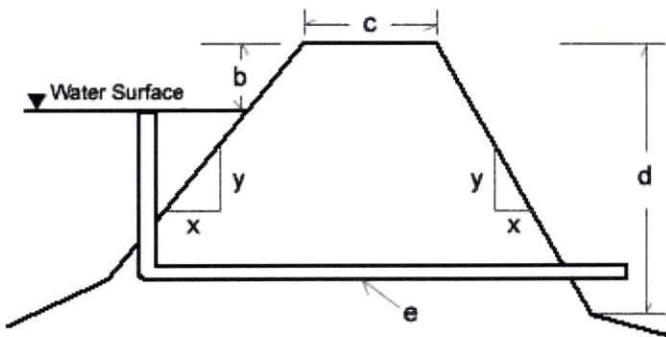
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

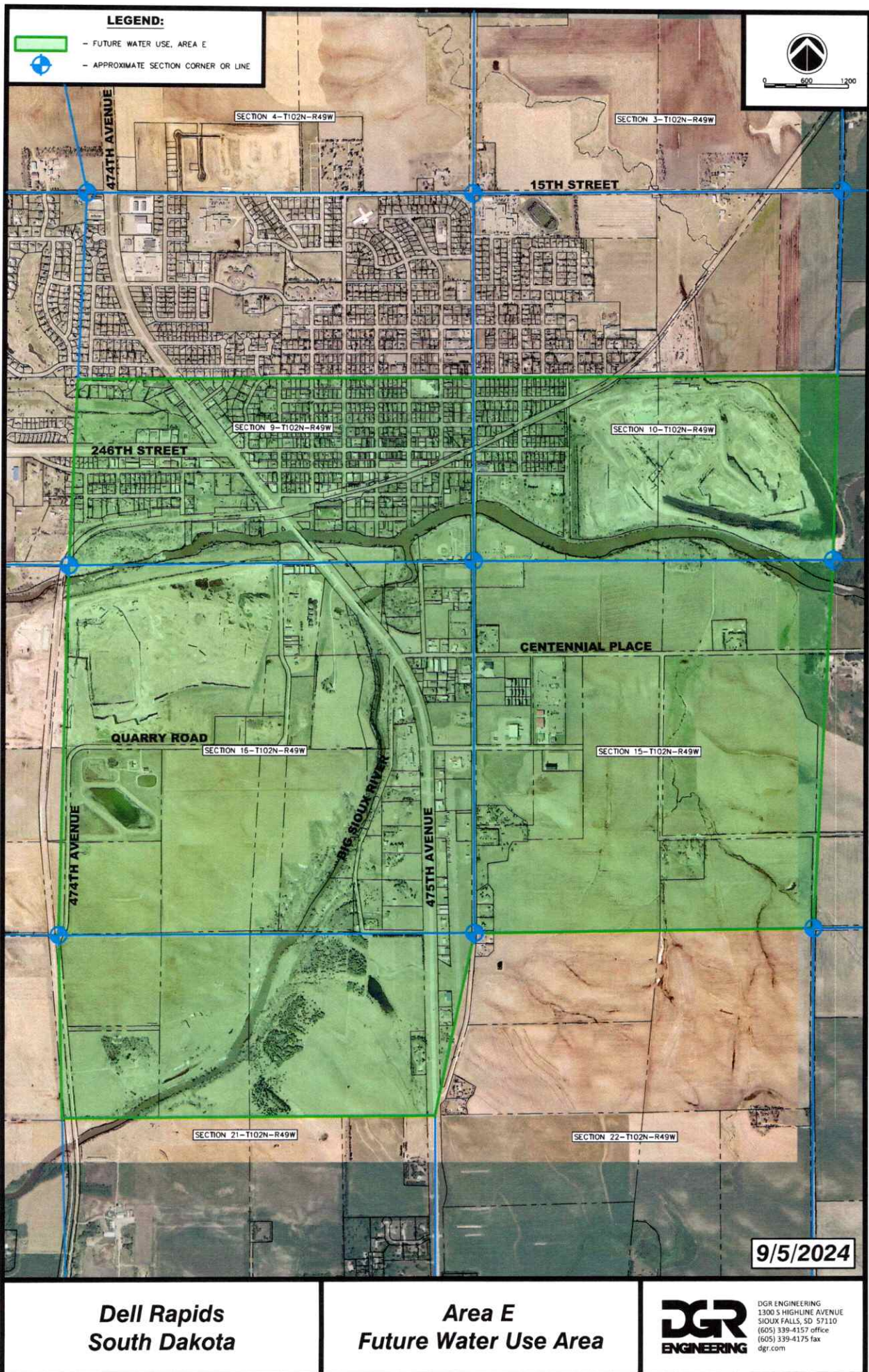
4. Water Storage Dams

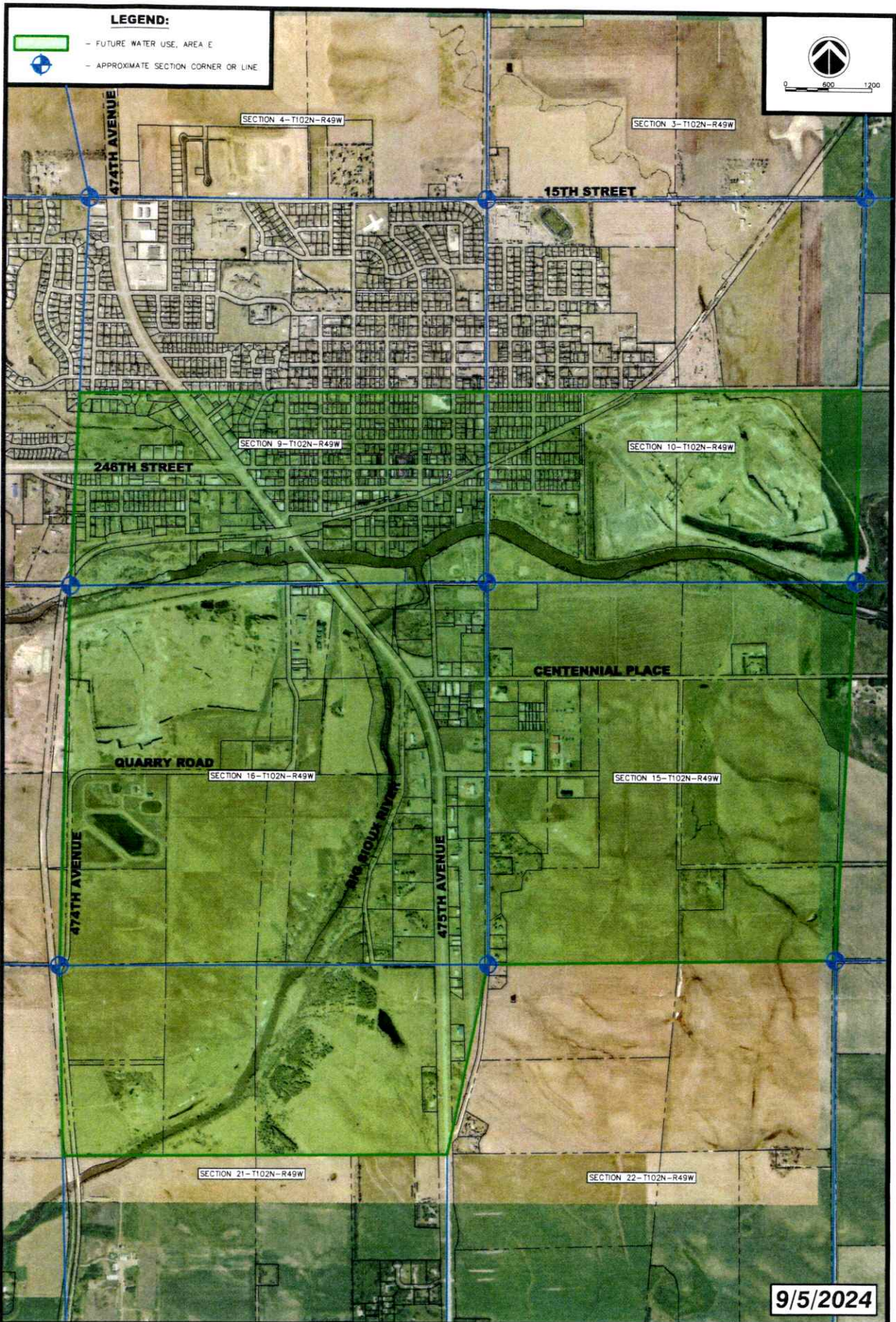
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (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







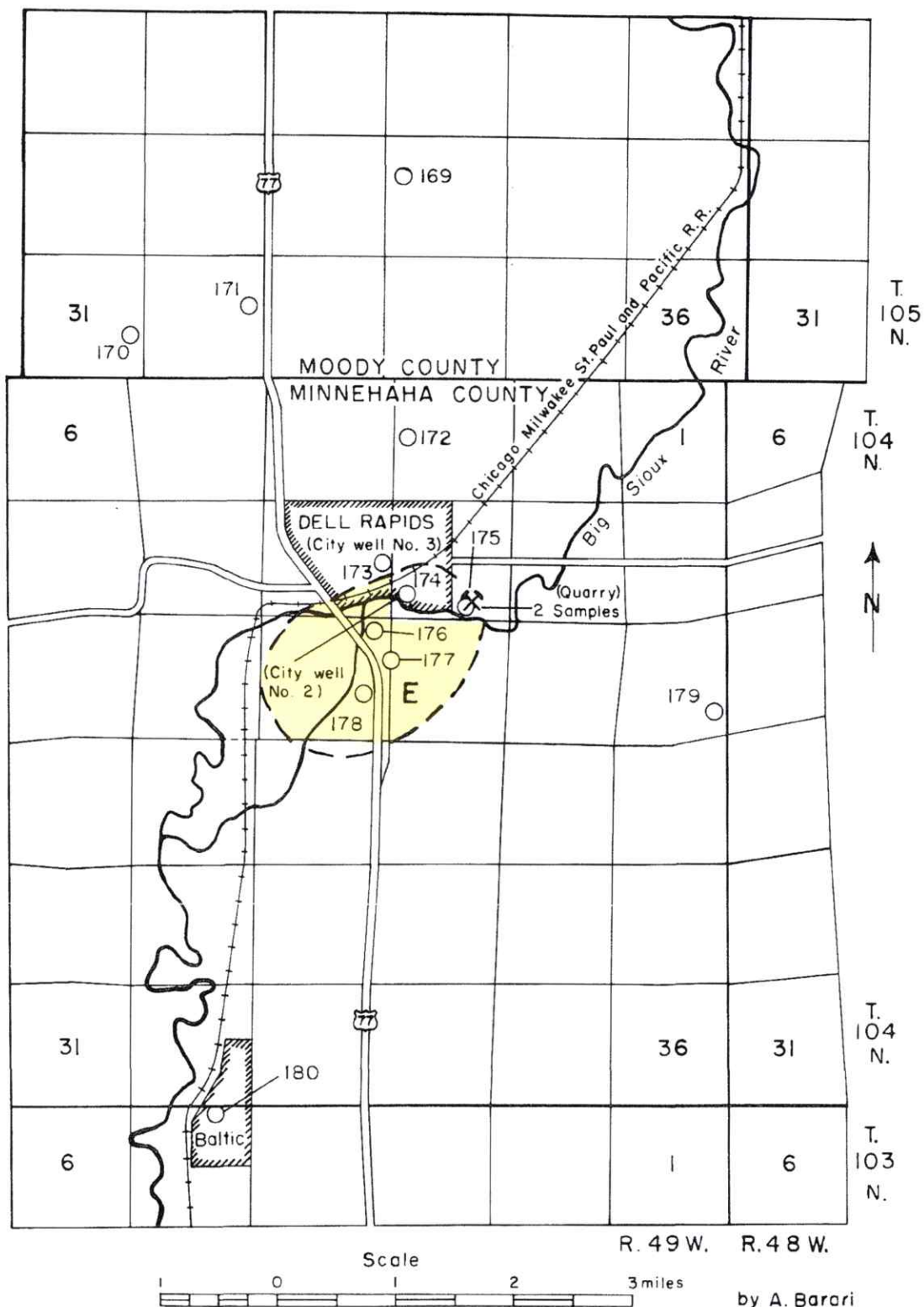
**Dell Rapids
South Dakota**

**Area E
Future Water Use Area**

**DGR
ENGINEERING**

DGR ENGINEERING
1300 S HIGHLINE AVENUE
SIOUX FALLS, SD 57110
(605) 339-4157 office
(605) 339-4175 fax
dgr.com

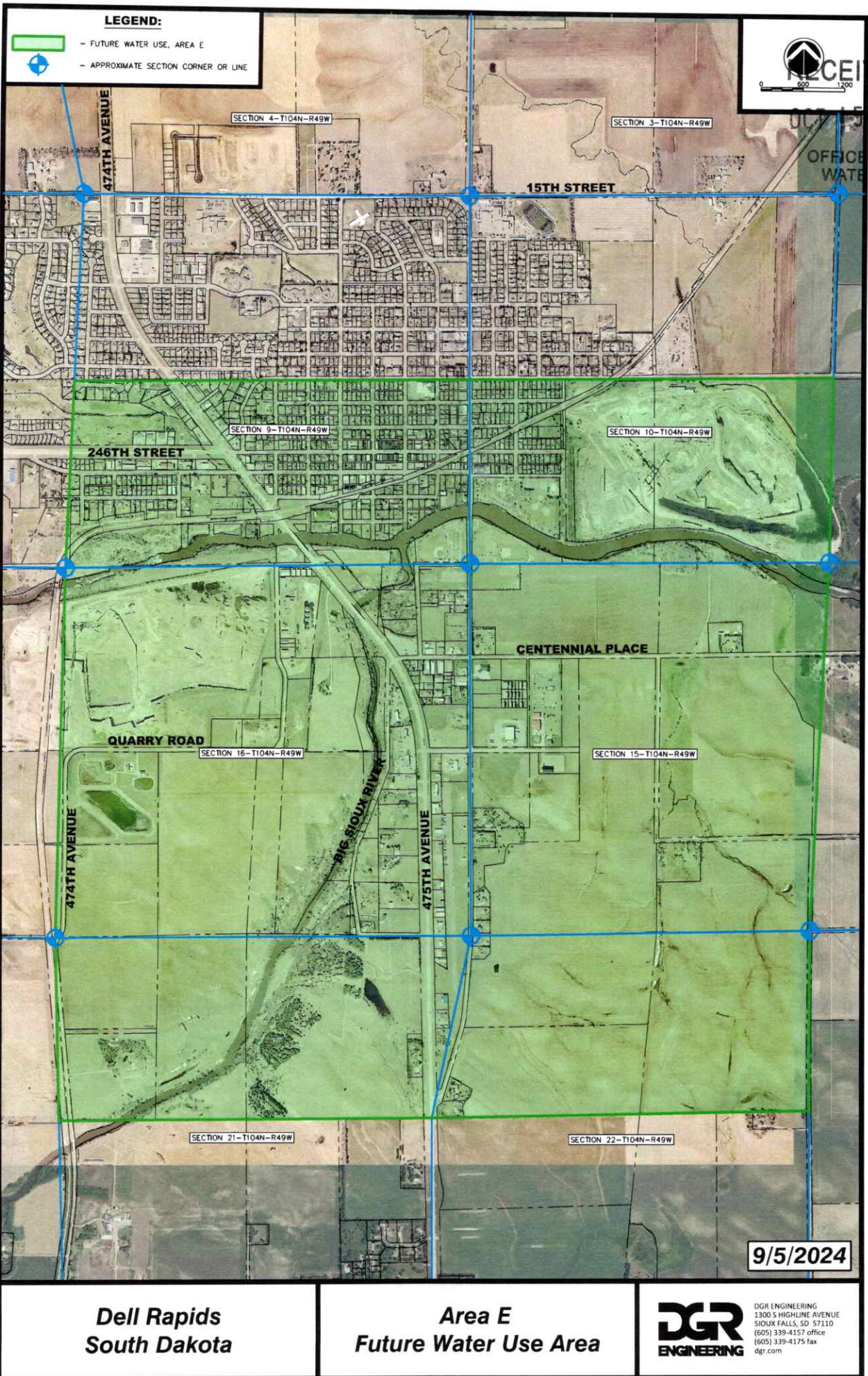
RECEIVED
OCT 10 2024
OFFICE OF
WATER

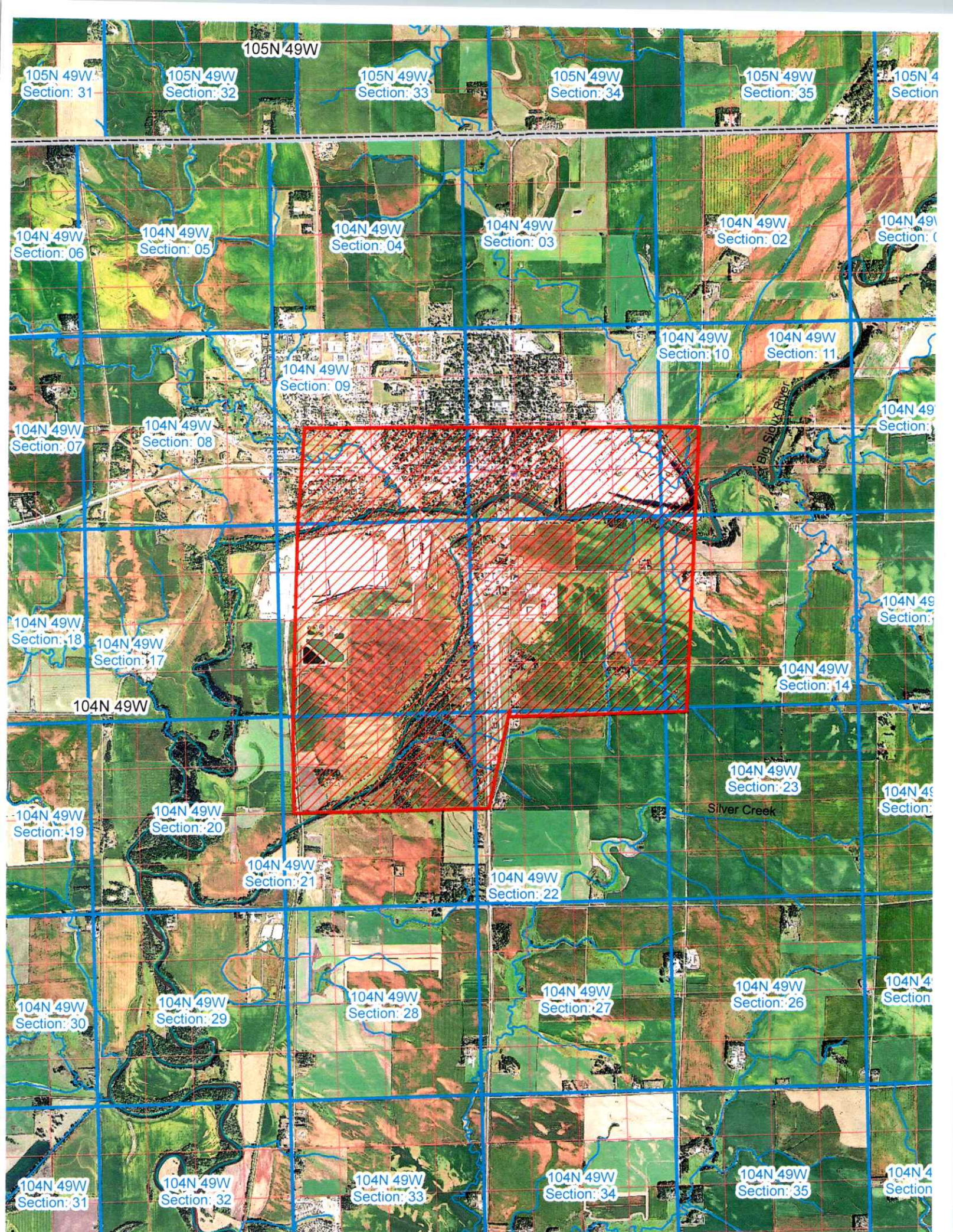


EXPLANATION

- Location of water sample from the Sioux Quartzite. (Number corresponds to water sample number on Table 3.)
- ⌘ Sioux Quartzite Quarry
- E Area of best quality of water in Sioux Quartzite

Figure 6. Map showing location of water samples from the Sioux Quartzite.





DELL RAPIDS

SOUTH DAKOTA

RECEIVED

SEP 30 2024

September 30, 2024

Department of Agriculture and Natural Resources
Eric Gronlund, Water Rights Program
Joe Foss Building
523 E. Capital Avenue
Pierre, SD 57501

OFFICE OF
WATER

RE: Application for Future Use Reservation in the Sioux Quartzite Aquifer
City of Dell Rapids
Minnehaha County

Dear Mr. Gronlund:

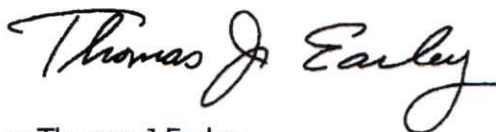
The City of Dell Rapids is a thriving community that is seeing the impact of rapid growth in the Sioux Falls Metro area. To facilitate the anticipated growth, we have prepared a comprehensive development plan for our community and have identified water resources as a critical need to support that plan.

The City currently receives all of its drinking water from Minnehaha Community Water Corporation (MCWC). However, future growth within our community will require additional water resources beyond what we currently have under contract. The City believes it is prudent to secure Future Water Rights in the Sioux Quartzite aquifer to supplement our current water sources.

While our current needs are met by MCWC, Dell Rapid feels that the attached application that outlines our request for 2,092 acre-feet is necessary to provide for the City's future land use plan and anticipated water needs. We feel this request is reasonable due to the City's proximity to Sioux Falls and likelihood of significant future growth as Sioux Falls continues to expand north. The City has received recent requests for water service for approximately 1,680 acre-feet per year, and anticipates other significant water requests will continue in the future. Our request is for 2,092 acre-feet per year and allows for some modest growth beyond the current requests and will enable our community leaders to best plan for the future.

Thank you for considering our request. If you have any questions, please don't hesitate to contact City staff at (605) 340-1670.

Sincerely,



Mayor Thomas J Earley
City of Dell Rapids

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date October 11th, 2024

RECEIVED OF City of Dell Rapids C/O Steve McFarland PO Box 10 Dell Rapids SD 57022

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. <u>8903-3</u> to Appropriate Water for Future use	<u>\$235.00</u>
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$235.00</u>

By 
Chief Engineer



Dewell, Amanda

From: Steve McFarland <stevem@cityofdellrapids.com>
Sent: Wednesday, January 15, 2025 10:20 AM
To: Gronlund, Eric
Cc: Dewell, Amanda; Trent Bruce; Lance Mayer; Mayor; Dean Hammer
Subject: [EXT] Extension Request - Dell Rapids, Future Use Water Permit App No. 8903-3, Dell Rapids
Attachments: Extension request - City of Dell Rapids.pdf

Dear Mr. Gronlund –

Please accept the attached letter as the City of Dell Rapid's request for a delay on the March 5, 2025 hearing date, so that we may have adequate time to prepare our case.

Thank you for your consideration. We look forward to hearing from you.

Steve McFarland, MPA
City Administrator
Office: 605-340-1670



Dewell, Amanda

From: Dewell, Amanda
Sent: Wednesday, January 15, 2025 9:38 AM
To: Steve McFarland
Subject: RE: [EXT] Water Permit Application (Future Use)

Good morning, Steve,

SDCL 46-2A-5 allows for either the applicant or any party opposing the application to file a written notice to the Chief Engineer requesting a postponement of the hearing. While there is no form for this request, it could be as simple as a written statement addressed to the Water Rights Chief Engineer, Eric Gronlund, requesting a delay of hearing.

Past practice has been for the requesting party to essentially write out the request, sign, scan, and email it back to our office.

Amanda Dewell
DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



From: Steve McFarland <stevem@cityofdellrapids.com>
Sent: Wednesday, January 15, 2025 7:20 AM
To: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: [EXT] Water Permit Application (Future Use)

Hi Amanda –

We have reviewed the packet from DANR regarding our Future Water Rights hearing, scheduled for March 5, 2025. We saw that we can request a delay, but must do so by January 17, 2025 (Friday). Can you tell me how I can proceed with that request? Is it as simple as this email? If so, I would like to file for a delay. If there is a form, can you direct me to it?

Thanks. Looking forward to hearing from you.

Steve McFarland, MPA
City Administrator
Office: 605-340-1670

DELL RAPIDS
SOUTH DAKOTA

DELL RAPIDS

SOUTH DAKOTA

RECEIVED

JAN 15 2025

OFFICE OF
WATER

January 15, 2025

Department of Agriculture and Natural Resources
Joe Foss Building
Attn: Eric Gronlund, Water Rights Chief Engineer
523 E. Capitol Ave
Pierre, SD 57501-3182

Subject: Notice of Hearing on Future Use Water Permit Application No. 8903-3, City of Dell Rapids – Request to postpone hearing to future date

Dear Mr. Gronlund,

The City of Dells Rapids has received the Notice of Hearing packet of information from DANR, dated January 7, 2025. The City is hereby requesting an automatic delay by the required date of January 17, 2025, as noted on page 2. This will allow us adequate time to prepare for the hearing when it is rescheduled.

Please let me know if you need further information. Thank you for considering out request.

Sincerely,



Steve McFarland - City Administrator

605-340-1670

Dewell, Amanda

From: Steve McFarland <stevem@cityofdellrapids.com>
Sent: Tuesday, October 15, 2024 12:49 PM
To: Dewell, Amanda
Subject: Fw: [EXT] Water Permit Application (Future Use)
Attachments: City of Dell Rapids Future Water Use Application_Revised.pdf

Hi Amanda -

I circled up with our engineering firm (see below) - they revised the exhibit, which is attached. Please let me know if this suffices, and if you have further questions/instructions!

Steve McFarland, MPA
City Administrator
Office: 605-340-1670



From: Lance Mayer <lance.mayer@dgr.com>
Sent: Monday, October 14, 2024 4:45 PM
To: Steve McFarland <stevem@cityofdellrapids.com>
Cc: Trent Bruce <trent.bruce@dgr.com>; Sheldon Jensen <sheldonj@cityofdellrapids.com>; Mayor <mayor@cityofdellrapids.com>
Subject: RE: Water Permit Application (Future Use)

Steve,

Based on DANR's comments, we made the township corrections and revised the exhibit and application to reflect the addition of the N½ of Section 22.

Feel free to forward this to SDDANR and let us know if you have any questions or need any additional information.

Thank you!

Lance Mayer, PE

From: Steve McFarland <stevem@cityofdellrapids.com>
Sent: Saturday, October 12, 2024 7:03 AM
To: Trent Bruce <trent.bruce@dgr.com>; Lance Mayer <lance.mayer@dgr.com>; Sheldon Jensen <sheldonj@cityofdellrapids.com>
Cc: Mayor <mayor@cityofdellrapids.com>
Subject: Fw: Water Permit Application (Future Use)

Trent/Lance -

Can you please review the following email and advise? City Hall is closed Monday, but I will be in most of the day if you want to chat. Tuesday is fine, too.

Steve McFarland, MPA
City Administrator
Office: 605-340-1670



From: Dewell, Amanda <Amanda.Dewell@state.sd.us>
Sent: Friday, October 11, 2024 1:37 PM
To: Steve McFarland <stevem@cityofdellrapids.com>
Subject: Water Permit Application (Future Use)

Mr. McFarland,

The Water Rights Program is in receipt of a Future Use Water Permit Application submitted by the City of Dell Rapids. The locations listed for possible diversion point development on the application were: S ½ Section 9, S ½ Section 10, Section 15, Section 16, and N ½ Section 21; all in T104N-R49W, Minnehaha County.

There was a map also submit with the application (see first attachment) which I believe identifies the Township listed incorrectly as T102N. In reviewing the legal description on the application and provided map I also noticed that the section lines might also be off a bit. I have outlined the area described for you to review (see second attachment) and was wondering if you would agree to the W ½ NW ¼ Section 22-T104N-R49W also being included on the application.

Please review the attachments and let me know how you would like to proceed. Thank you.

Amanda Dewell

DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



Rodriguez, Rachel

From: Gronlund, Eric
Sent: Thursday, October 10, 2024 9:55 AM
To: Steve McFarland
Cc: Sheldon Jensen; Trent Bruce; Rodriguez, Rachel; Dewell, Amanda
Subject: RE: [EXT] City of Dell Rapids Future Ground Water Right Application

Steve – thanks for the information. The emailed version is fine. Rachel will reach out to you if anything else or clarification is needed to complete the application.

Once the application is deemed complete the application will be assigned to a staff engineer for review of the criteria in state law for issuance of a water permit. Based on that report a recommendation is made and if a favorable recommendation the application will go out for public notice. Water Rights will contact you when we are at that point (about 60 day out).

If for some reason the recommendation is not favorable we will contact you to discuss.

Eric

From: Steve McFarland <stevem@cityofdellrapids.com>
Sent: Tuesday, October 8, 2024 11:31 AM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Cc: Sheldon Jensen <sheldonj@cityofdellrapids.com>; Trent Bruce <trent.bruce@dgr.com>
Subject: Re: [EXT] City of Dell Rapids Future Ground Water Right Application

Eric -

Just a quick email to let you know that the \$235 check was put in the mail today, for the application for Future Ground Water Rights sent on 9/30/24 2:33pm. Do you need a hard copy of the application or was the pdf sufficient?

If you could let us know what's next, I would appreciate it.

Thank you!

Steve McFarland, MPA

City Administrator

Office: 605-340-1670

DELL RAPI

Rodriguez, Rachel

From: Gronlund, Eric
Sent: Monday, September 30, 2024 2:41 PM
To: Rodriguez, Rachel; Dewell, Amanda; Duvall, Ron
Subject: FW: [EXT] City of Dell Rapids Future Ground Water Right Application
Attachments: City of Dell Rapids Future Water Use Application.pdf

Believe Ron has had email correspondence with Dell Rapid's consultant.

Imagine this will be a difficult on for the staff engineer assigned it to review since little is known about recharge to the Sioux Quartzite.

From: Steve McFarland <stevem@cityofdellrapids.com>
Sent: Monday, September 30, 2024 2:34 PM
To: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Cc: Sheldon Jensen <sheldonj@cityofdellrapids.com>; Trent Bruce <trent.bruce@dgr.com>
Subject: [EXT] City of Dell Rapids Future Ground Water Right Application

Hello Eric,

The City of Dell Rapids is formally requesting a Future Ground Water Right from the Sioux Quartzite Aquifer. I have attached our application with detailed information prepared by our city appointed engineering firm, DGR Engineering. We will mail this information and our \$235 check to the Department of Agriculture and Natural Resources as soon as possible. Please let me know if you have any questions.

Thank you,
Steve McFarland

Steve McFarland, MPA
City Administrator
Office: 605-340-1670

DELL RAPI

Rodriguez, Rachel

From: Duvall, Ron
Sent: Tuesday, September 3, 2024 1:36 PM
To: Matthew Oedekoven; Gronlund, Eric
Cc: Dan Nebelsick; Dewell, Amanda; Rodriguez, Rachel; Trent Bruce
Subject: RE: [EXT] Dell Rapids Water Right Question

Matthew,

The views expressed below are mine and may not represent what the chief engineer thinks 😊. Hopefully, the answers below help with a phone call discussion. You can call whenever is convenient, I should be here all week.

Ron

From: Matthew Oedekoven <matthew.oedekoven@dgr.com>
Sent: Friday, August 30, 2024 5:03 PM
To: Duvall, Ron <Ron.Duvall@state.sd.us>; Gronlund, Eric <Eric.Gronlund@state.sd.us>
Cc: Dan Nebelsick <dan.nebelsick@dgr.com>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Trent Bruce <trent.bruce@dgr.com>
Subject: RE: [EXT] Dell Rapids Water Right Question

Ron,

Thank you again for your review. It is extremely helpful as we prepare these requests.

Dan and I would like to schedule a phone call with you. Are you available next week at any of these times:

- 9/3 Tuesday afternoon
- 9/4 Wednesday afternoon
- 9/6 Friday anytime

A few of the topics we would like to discuss are below:

- Is it an administrative process or a full water right approval process to add diversion locations to an existing permit (i.e., could the City add New Proposed Wells 4 - 7 to existing permit No. 562-3?)

It can be handled administratively provided certain circumstances exist but, in my opinion, the Dell Rapids situation isn't a good fit. A situation where it does happen is when someone gets a new permit and finds that they can't get their X number of gallons per minute from one well and need to drill a second well to achieve their permitted pump rate. This scenario happens with some regularity and is usually handled administratively under [SDCL 46-5-13.1](#). In the Dell Rapids case, two of the three wells have existed since the 1930's and 40's and the other with a priority date of 1959. So, trying in 2024 to get up to the permitted diversion rate of 1.445 cfs may result in some thought that the difference between 1.445 cfs, and whatever the three wells can produce, has reverted back to the public pursuant to [SDCL 46-5-37](#). Please note, this "reversion back to the public" would not happen without the opportunity for a hearing. That said, there is a counter argument that the wells have been maintained [as standby wells](#) and can produce 1.445 cfs but not on a sustainable basis, thus the need for more wells. Regardless, given the situation, I would not handle adding more wells administratively. Those are my thoughts.

- We have set this request up to increase the pumping rate but not increase the total annual withdrawal. Would there be an advantage to request a new water right with the new wells with its own annual withdrawal and peak pumping rate, and leave the original No. 562-3 completely alone? We're wondering if this is "cleaner" from a permitting perspective.

I don't know that it is any cleaner but, if the application is contested for some reason, then no mention of No. 562-3 makes it less likely that its status or amount of water is brought into question during a contested case hearing.

For example, if the City had New Proposed Wells 4 – 7 and got a new water right for these wells, with 724 ac-ft/year (1.0 cfs continuously) and a max pumping rate of 1.667 cfs (assuming the typical 0.6 annual factor). Can the City combine this with their current water right (1,046 ac-ft/yr and 1.445 withdrawal rate) so that between all Wells 1-7 they have a peak pumping rate of $1.445 + 1.667 = 3.112$ cfs and an annual withdrawal of $1,046 + 724 = 1,770$ ac-ft/yr?

Yes.

Does it help to "trim" this even more? For example, we estimate the City needs a total of 1,335 ac-ft/yr and a withdrawal rate of 3.868 cfs. So, this new permit could be for a withdrawal of $1,335 - 1,046 = 289$ ac-ft and $3.868 - 1.445 = 2.423$ cfs. But, that does not fit with the "normal" 0.6 factor and might raise some eyebrows.

This approach is going to bring No. 562-3 into the mix since the diversion rate and volume requested are both based on what No. 562-3 authorizes. Additionally, you would want No. 562-3 mentioned so that the total annual volume could be obtained from all wells combined rather than well Nos. 4 -7 limited to 289 ac-ft. Also, don't get hung up on the 0.6 factor. We primarily use that 0.6 factor for developing a hydrologic budget when reviewing new permit applications. We need to assign some amount of volume to existing permits that don't have a volume assigned and that is the figure we use. The city should be applying for what they need and not trying to shoehorn the application into a 0.6 factor.

If there's time next week for a call, I'm sure we can discuss some of our other questions.

Thanks again for your assistance.

Have a great weekend.

Sincerely,

Matthew N. Oedekoven, P.E.

From: Duvall, Ron <Ron.Duvall@state.sd.us>

Sent: Tuesday, August 27, 2024 10:23 AM

To: Matthew Oedekoven <matthew.oedekoven@dgr.com>; Gronlund, Eric <Eric.Gronlund@state.sd.us>

Cc: Dan Nebelsick <dan.nebelsick@dgr.com>; Dewell, Amanda <Amanda.Dewell@state.sd.us>; Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>

Subject: RE: Dell Rapids Water Right Question

Matthew,

I looked over the applications and modified the application for the additional wells – see attached. Legally-speaking, it is not an amendment of No. 562-3 since the diversion rate is being increased, so I changed it to "New" and added to the explanation including the relationship of what is being done concerning No. 562-3. Other than some more explanation, it is much the same as you drafted it. Other things concerning the application I did not change, but could use some refinement - the location of the four new wells is sections 15 and 16. Typically, we try to have that legal description as focused as much as possible – for example, the NE1/4 SW1/4 section 15, etc. Given the nature of the aquifer, perhaps that is difficult to do, but if it is possible to provide a more precise legal description, that would be good. Also, it is typically possible to correct legal descriptions of wells administratively, if needed, after issuance of a permit without going through the whole permitting process again. However, that is a case-by-case determination if handling a diversion point location change administratively meets legal requirements. On the supplemental information page (Form 2A) an estimated well depth should be provided as well as the approximate distance to the nearest well owned by someone else in the same aquifer. You mentioned providing better maps and that would be good, especially showing the proposed locations of the additional wells.

I did not make any changes to the application to reserve water for future use. Again, an approximate depth to aquifer (Form 2A) to confirm the source is the Sioux Quartzite should be added to the application. Describing entire sections is appropriate for a future use reservation and your final map should match the sections included on the application. Regarding the amount of water being applied for, there is a rule saying the Water Management Board may, at its discretion, limit application to two times the annual amount actually put to beneficial use. How much water the city is actually using is being supplied by the rural water system. Regardless of whatever that number is, the city should be applying for the amount projected to be needed in the future and then provide justification for the requested amount. If that amount is what you placed on the draft application, then fine.

The fee for the application to add wells with no increase in annual volume is \$300.00 (\$100.00 application fee plus \$200.00 inspection/licensing fee). The application fee to reserve 2,092 ac-ft is \$235.00.

Please let me know if you have any questions.

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

From: Matthew Oedekoven <matthew.oedekoven@dgr.com>
Sent: Monday, August 26, 2024 5:26 PM
To: Duvall, Ron <Ron.Duvall@state.sd.us>; Gronlund, Eric <Eric.Gronlund@state.sd.us>
Cc: Dan Nebelsick <dan.nebelsick@dgr.com>
Subject: RE: [EXT] Dell Rapids Water Right Question

Ron and Eric,

I am picking up on an old thread from late July regarding the Water Rights in Dell Rapids. The City is interested in exploring options to expand its current groundwater source and rights.

I have included two applications. One is to revise their existing water right 562-3. They want to add wells to maximize this water right. As part of that process, they wish to clarify and update the water right to specify both the annual diversion rate and the peak withdrawal rate. I used the CFS from the old permit to calculate the annual acre-feet. I then used a peaking factor of 2.1 to arrive at the 1,350 gpm for a peak withdrawal rate. Please let me know if you think this is an appropriate request, or if this needs to be handled in multiple steps.

The second application is for a future water right. We are working through projecting their future demands. But, initially, I have requested twice their current water right defined above (1,046 acre-feet). We believe this is justified based on their proximity to Sioux Falls, recent requests for development, and their current reliance on third parties for their water source. They would like to have future groundwater rights available in case new contracts cannot be negotiated favorably.

I have included very rough drawings/exhibits for each application. We will of course replace these with better maps. However, we greatly appreciate your early review of these applications to be sure we are submitting appropriate requests.

I welcome your comments and suggestions.

Sincerely,

Matthew N. Oedekoven, P.E.

From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Wednesday, July 24, 2024 3:19 PM
To: Dan Nebelsick <dan.nebelsick@dgr.com>
Cc: Matthew Oedekoven <matthew.oedekoven@dgr.com>
Subject: RE: Dell Rapids Water Right Question

Dan,

You can call anytime this afternoon or tomorrow – 605-773-5670.

You can apply to increase a diversion rate with no additional volume and it is possible to apply for a future use permit from the Sioux Quartzite. As of now, there are no existing future use permits reserving water from the Sioux Quartzite. The issue with the quartzite is we have no observation wells and we have no studies providing any kind of estimated average annual recharge rate. Here is a link to the most recent permit issued from the quartzite – [No. 8629-3](#). The staff report will give you some insight as to where things stand concerning a hydrologic budget or lack thereof.

One advantage the city does have is the city meets the definition of water distribution system - [SDCL 46-1-6\(17\)](#) and that, coupled with the Sioux Quartzite meeting the Greenhorn Formation exclusion allows for an exemption from the provisions of [SDCL 46-6-3.1](#) which provides that the estimated average annual use may not exceed the estimated average annual recharge.

Thank you,

Ron

From: Dan Nebelsick <dan.nebelsick@dgr.com>
Sent: Wednesday, July 24, 2024 11:57 AM
To: Duvall, Ron <Ron.Duvall@state.sd.us>
Cc: Matthew Oedekoven <matthew.oedekoven@dgr.com>
Subject: RE: [EXT] Dell Rapids Water Right Question

Hi Ron,

Would you have some time this afternoon to discuss a few things regarding Dell Rapids Water rights:

- Ability to increase diversion rate for the existing Dell Rapids water right, while leave annual allocation unchanged.
- Potential availability of future water rights in the Sioux Quartzite Aquifer.

Please let me know what your schedule looks like this afternoon, or alternatively tomorrow (Thursday) afternoon.

Thanks,

Dan

Daniel D. Nebelsick, P.E.



1302 South Union Street
Rock Rapids, IA 51246
phone: 712-472-2531
cell: 712-348-4847

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From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Tuesday, March 12, 2024 8:39 AM
To: Dan Nebelsick <dan.nebelsick@dgr.com>
Cc: Trent Bruce <trent.bruce@dgr.com>; Lance Mayer <lance.mayer@dgr.com>; Gronlund, Eric <Eric.Gronlund@state.sd.us>; Ryan Norman <ryan.norman@dgr.com>; Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: Dell Rapids Water Right Question

Dan,

We have been recommending approval of applications from the Sioux Quartzite. However, we do not have a lot of information to go on concerning how much recharge there is or any data from our observation well network since we have no observation wells in the aquifer. Even if we did have observation well data, it would be very site specific data given the nature of the aquifer. Here is a link to the most recent application approved so you can look at the report that was prepared - https://danr.sd.gov/wrimage/wrinfo/wr_div3/8629-3.pdf.

Yes, the file is confusing for No. 562-3. As far as I am concerned, it is the poster child for how to not do water rights permitting – mixed vested and nonvested priority dates, a future use reservation (now cancelled), and multiple water sources. It would be much cleaner to keep these elements separated, but I believe we have No. 562-3 pretty well sorted now.

Thank you,

Ron

From: Dan Nebelsick <dan.nebelsick@dgr.com>
Sent: Monday, March 11, 2024 5:21 PM
To: Duvall, Ron <Ron.Duvall@state.sd.us>
Cc: Trent Bruce <trent.bruce@dgr.com>; Lance Mayer <lance.mayer@dgr.com>; Gronlund, Eric <Eric.Gronlund@state.sd.us>; Ryan Norman <ryan.norman@dgr.com>; Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: RE: [EXT] Dell Rapids Water Right Question

Ron,

Thanks for the follow-up and clarification. The paper trail through Dell Rapids' water rights is a little difficult to follow, and I mistakenly thought their water right was in the Big Sioux. Looks like they had a future water right in the Big Sioux, so I mistakenly assigned that aquifer to the other water rights.

Do you know if the Sioux Quartzite aquifer fully allocated? Or might there be additional water rights available in that aquifer?

Thanks,

Dan

Daniel D. Nebelsick, P.E.

 1302 South Union Street
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phone: 712-472-2531
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From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Monday, March 11, 2024 4:59 PM

To: Dan Nebelsick <dan.nebelsick@dgr.com>

Cc: Trent Bruce <trent.bruce@dgr.com>; Lance Mayer <lance.mayer@dgr.com>; Gronlund, Eric

<Eric.Gronlund@state.sd.us>; Ryan Norman <ryan.norman@dgr.com>; Dewell, Amanda <Amanda.Dewell@state.sd.us>

Subject: RE: Dell Rapids Water Right Question

Dan,

I talked to Eric and we think that the rate could be increased with a new priority date for the increase amount. Based on our discussion, I got the impression the water source was in the Big Sioux aquifer, specifically the Sioux Falls management unit but, from the file for No. 562-3, it appears to me that all three wells are in the Sioux Quartzite, not the Big Sioux aquifer. If the wells are to be relocated, the source needs to remain the same.

Thank you,

Ron

From: Duvall, Ron

Sent: Monday, March 11, 2024 3:27 PM

To: Dan Nebelsick <dan.nebelsick@dgr.com>

Cc: Trent Bruce <trent.bruce@dgr.com>; Lance Mayer <lance.mayer@dgr.com>; Gronlund, Eric

<Eric.Gronlund@state.sd.us>; Ryan Norman <ryan.norman@dgr.com>; Dewell, Amanda <Amanda.Dewell@state.sd.us>

Subject: RE: [EXT] Dell Rapids Water Right Question

Dan,

The diversion rates shown on the water license (0.888 cfs vested portion) and on the water permit (0.557 cfs) for No. 562-3 are maximum values. Any increase in either diversion rate or volume will require a new permit - see [SDCL 46-5-30.4](#). Since no volume was specified on No. 562-3, I agree the permitted volume allows for pumping up to 1,046 acre-feet annually.

Thank you,

Ron

From: Dan Nebelsick <dan.nebelsick@dgr.com>

Sent: Wednesday, March 6, 2024 6:50 PM

To: Duvall, Ron <Ron.Duvall@state.sd.us>

Cc: Trent Bruce <trent.bruce@dgr.com>; Lance Mayer <lance.mayer@dgr.com>; Gronlund, Eric

<Eric.Gronlund@state.sd.us>; Ryan Norman <ryan.norman@dgr.com>

Subject: RE: [EXT] Dell Rapids Water Right Question

Ron,

I wanted to follow up with you regarding water rights for the City of Dell Rapids. The City has asked us to do some planning to enable the City to start regularly utilizing their water right, instead of just emergency use.

Based on our previous research / conversations, it appears that they have 0.888 cfs (vested right portion) and 0.557 cfs, for a total of 1.446 cfs. If this is used 24/7/365, this would equate to approximately 1050 acre feet per year.

The letter below only references the instantaneous flow rates, not annual withdrawal limits. Would there be a potential mechanism to increase the instantaneous withdrawal rate as long as the annual withdrawal didn't increase?

Let me know if you would like to have a quick phone call to discuss.

Thanks,

Dan

Daniel D. Nebelsick, P.E.



1302 South Union Street
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phone: 712-472-2531
cell: 712-348-4847

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From: Duvall, Ron <Ron.Duvall@state.sd.us>

Sent: Monday, December 5, 2022 8:50 AM

To: Dan Nebelsick <dan.nebelsick@dgr.com>

Cc: Trent Bruce <trent.bruce@dgr.com>; Lance Mayer <lance.mayer@dgr.com>; Gronlund, Eric <Eric.Gronlund@state.sd.us>; City Admin <cityadmin@cityofdellrapids.com>

Subject: RE: Dell Rapids Water Right Question

Dan,

Eric agrees with me that Well No. 3 is covered by No. 562-3 and the license was issued for only the vested portion, that being Well Nos. 1 and 2. As long as all three wells are maintained for standby purposes, the water permit/right is NOT subject to forfeiture due to nonuse of water [Administrative Rule 74:02:01:37.02 | South Dakota Legislature \(sdlegislature.gov\)](https://legis.state.sd.us/Legislative%20Rules/Rule%2074/74-02-01-37-02). The amount of water covered by the issued water license is 0.888 cfs (vested right portion) and the permit still covers 0.557 cfs for Well No. 3.

Thank you,

Ron Duvall

Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352

danr.sd.gov



DANR
SOUTH DAKOTA

From: Duvall, Ron

Sent: Friday, December 2, 2022 1:59 PM

To: Dan Nebelsick <dan.nebelsick@dgr.com>

Cc: Trent Bruce <trent.bruce@dgr.com>; Lance Mayer <lance.mayer@dgr.com>; Gronlund, Eric <Eric.Gronlund@state.sd.us>; City Admin <cityadmin@cityofdellrapids.com>

Subject: RE: [EXT] Dell Rapids Water Right Question

Eric is out today and I think I will confirm with him what I am seeing – which is Well No. 3 is covered by No. 562-3. It would help to get confirmation as to when well No. 3 was actually constructed and even a copy of the well log if one happens to exist. I believe I read something in the file for No. 562-3 where bids had been solicited in December just before Application No. 562-3 was submitted to the department so my guess is well No. 3 was drilled shortly after No. 562-3 was issued. No. 562-3 itself is unusual to have one application submitted that claimed a vested right (well Nos. 1 and 2), a new appropriation for well No. 3, and a future use reservation. Typically, these are all things that would be on separate applications and maybe this is a good example of why. As things stand I believe your summary below is accurate but I will talk it over with Eric on Monday. Regarding the 0.557 cfs rate associated with well No. 3, if that well is not capable of producing 260 gallons per minute (0.557 cfs), it may be that number would be reduced to what the well can actually produce.

From: Dan Nebelsick <dan.nebelsick@dgr.com>
Sent: Friday, December 2, 2022 12:25 PM
To: Duvall, Ron <Ron.Duvall@state.sd.us>
Cc: Trent Bruce <trent.bruce@dgr.com>; Lance Mayer <lance.mayer@dgr.com>; Gronlund, Eric <Eric.Gronlund@state.sd.us>; City Admin <cityadmin@cityofdellrapids.com>
Subject: RE: [EXT] Dell Rapids Water Right Question

Ron,

I talked to Justin Weiland, who is the City Administrator for the City of Dell Rapids. He confirmed that they still have wells #1, #2 and #3 as shown on the map below (from application no 562-3), which are used as an emergency backup for the MCWC rural water connection. Just to clarify your comments below, is it your opinion that they still have water rights of 0.889 cfs for wells #1 & #2 and an additional 0.557 for well #3, for a total of 1.446 cfs?

Please let me know if you would prefer to have a quick phone call to discuss if I'm miss-interpreting something.

Thanks for your help.

Dan

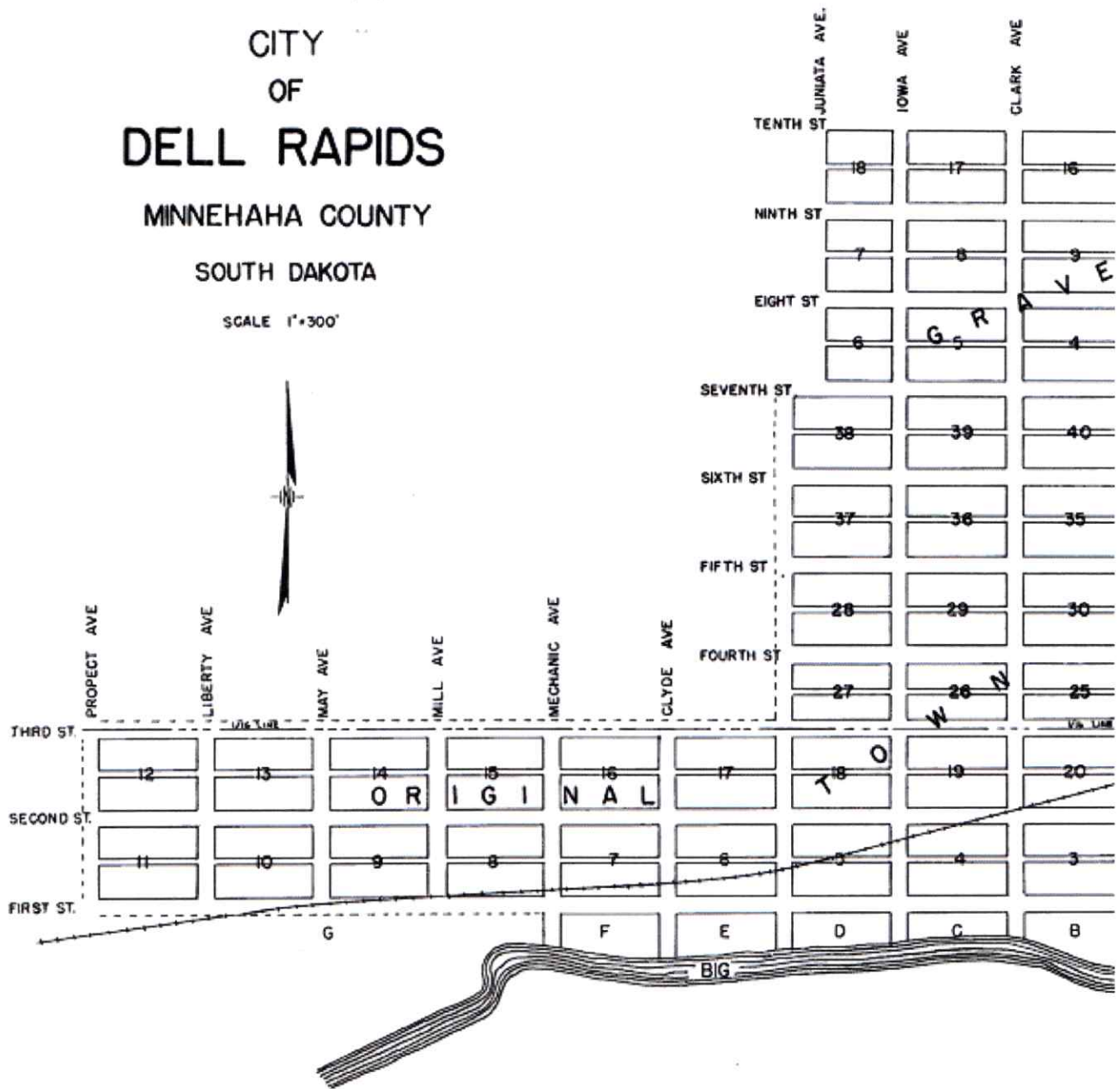
DIVERSION POINTS 1,2,3 (WELLS)

CITY OF DELL RAPIDS

MINNEHAHA COUNTY

SOUTH DAKOTA

SCALE 1"=300'



Daniel D. Nebelsick, P.E.



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From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Friday, December 2, 2022 11:18 AM
To: Dan Nebelsick <dan.nebelsick@dgr.com>
Cc: Trent Bruce <trent.bruce@dgr.com>; Lance Mayer <lance.mayer@dgr.com>; Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: RE: Dell Rapids Water Right Question

Dan,

The Water license for No. 562-3 was issued shortly after approval of the permit. The application was received January 2, 1959, the permit was approved February 4, 1959 with a construction period ending February 4, 1960, then a Certificate of Completion of Works was completed with a date of March 6, 1959. Following the Completion of Works, the water license was issued with same March 6, 1959 date but the license does note in several places "Vested Right" (see pages 11 and 12, [562-3.pdf \(sd.gov\)](#)). Given that the construction period of February 4, 1960 had not expired, that leads me to believe that the license was purposefully being issued for well Nos. 1 and 2 as the vested portion of what No. 562-3 covered. The document you show below, as well as pages 12 and 13 and page 31 of [4398-3.pdf \(sd.gov\)](#), indicate the existence of well No. 3 as described on No. 562-3. Given that the license was issued before the construction period for well No. 3 expired and the lack of anything in the file saying that well No. 3 was NOT going to be constructed, I think the license was purposefully only describing the vested wells, No. 1 and 2. I am of the opinion the permit issued for No. 562-3 still covers well No. 3.

Future Use Permit No. 5063-3 was transferred to Minnehaha Community Water Corp (becoming 5063A-3 when it was amended to change the use from municipal to rural water) and the future use portion of No. 562-3 was cancelled so, I agree, the city does not have any future use reservation remaining.

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

From: Dan Nebelsick <dan.nebelsick@dgr.com>
Sent: Thursday, December 1, 2022 8:54 PM
To: Duvall, Ron <Ron.Duvall@state.sd.us>
Cc: Trent Bruce <trent.bruce@dgr.com>; Lance Mayer <lance.mayer@dgr.com>
Subject: [EXT] Dell Rapids Water Right Question

Ron,

I have another water right questions for you (seems like these projects are coming out of the woodwork lately). We are working with the City of Dell Rapids. It looks to me like they currently have a 0.888 cfs water right under permit number 562-3 and have lost all of the future water rights they once had. Well #3, however (see letter below), looks like it has a separate 0.557 cfs diversion rate. I can't find anything in the letters after this date that describes what happened to the 0.557 cfs diversion rate for well #3. Do you see anything in your records to show why their water right is only 0.888, not 1.445?

Thanks,

Dan

<https://danr.sd.gov/OfficeOfWater/WaterRights/Databases/WaterRightsResults.aspx>



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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PIERRE SD 57501-3182
danr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
APPLICATION NO. 8903-3, City of Dell Rapids**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Future Use Water Permit Application No. 8903-3, City of Dell Rapids, PO Box 10, Dell Rapids SD 57022.

The Chief Engineer is recommending APPROVAL of Application No. 8903-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the City of Dell Rapids has demonstrated a reasonable need to reserve water in the amount of 2,092 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Future Use Permit No. 8903-3 reserves 2,092 acre-feet of water annually from the Sioux Quartzite Aquifer.
2. Future Use Permit No. 8903-3 is approved with the stipulation that this Permit is subject to review by the Water Management Board as to accomplishment in developing reserved water upon expiration of seven (7) years. This Permit shall be subject to cancellation if the Water Management Board determines during the review that the holder cannot demonstrate a reasonable need for the Permit.
3. At such time as definite plans are made to construct works and put the water reserved by this permit to beneficial use, specific application for all or any part of the reserved water must be submitted prior to construction of facilities pursuant to SDCL 46-5-38.1.

See report on application for additional information.

Eric Gronlund, Chief Engineer
December 9, 2024

NOTE: Any application to place water to beneficial use reserved by this Future Use Permit may be subject to the City of Dell Rapids retaining a hydrogeologist or other qualified consultant to conduct a suitable aquifer performance test with analysis to determine if pumping from the Sioux Quartzite Aquifer will induce recharge from nearby aquifers that may be hydrologically connected to the Sioux Quartzite Aquifer. Inducing inflow from a hydrologically connected aquifer presents beneficial use and public interest concerns for consideration by the Water Management Board.

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8903-3
FOR
CITY OF DELL RAPIDS
DECEMBER 9, 2024

Application No. 8903-3 proposes to appropriate and reserve for future use 2,092 acre-feet of water annually (ac-ft/yr) from the Sioux Quartzite aquifer. The future use area is within the S ½ Section 9, S ½ Section 10, Sections 15 and 16, N ½ Section 21, and N ½ Section 22; all in T104N-R49W in Minnehaha County. The water is to be reserved as a future water supply for municipal use by the City of Dell Rapids. If approved, this application does not authorize construction of works or application of water to beneficial use. This future use area is located on the south side of Dell Rapids, SD.

AQUIFER: Sioux Quartzite (SOUX)

Aquifer Characteristics:

The Sioux Quartzite is a Precambrian aged fine to coarse grained ortho-quartzite primarily composed of pink and red colored quartz sand cemented into a nonporous quartzite by silica (Baldwin, 1949; Martin et al., 2004). The Sioux Quartzite underlies portions of southeastern South Dakota, southwestern Minnesota, and northwestern Iowa (Tomhave, 1994; Southwick, 1984). Figure 1 shows the approximate extent of the Sioux Quartzite in southeastern South Dakota. The depth to the Sioux Quartzite can vary significantly over short distances as shown by mapping of the Precambrian surface done by McCormick (2010). The craggy and uneven surface of the Sioux Quartzite is a likely product of pre-glacial streams incising irregular valleys on the quartzite surface (Baldwin, 1949).

There is very limited or no primary porosity for most of the Sioux Quartzite, except in areas where the silica cement is not present due to weathering or non-deposition (Baldwin, 1949). In areas where there is secondary porosity and permeability features (e.g., fractures), water can be transmitted through secondary porosity and the Sioux Quartzite can be considered an aquifer. Any aquifer characteristics are site specific and highly variable due to the unpredictable and uneven nature of the fractures, faults, and joints that comprise secondary porosity. Determination of whether the Sioux Quartzite aquifer is a confined or unconfined aquifer is complicated, since the fractured nature of the quartzite and very low primary porosity means the portion of the quartzite overlaying a fracture can be the low permeability formation isolating the groundwater from the atmosphere. Therefore, a well completed into the Sioux Quartzite aquifer is likely to behave in a manner more consistent with a confined aquifer, even if the aquifer meets or is more similar to the definition of an unconfined aquifer.

The Sioux Quartzite has an estimated thickness ranging from less than 1,000 feet (Gries, 1983) to 3,000 feet (Baldwin, 1949). However, wells penetrating the Sioux Quartzite typically penetrate to a maximum depth of 200 feet or less. There are instances, particularly for appropriative users, where more than 400 feet of penetration into the Sioux Quartzite is required (Water Rights, 2024e; Lindgren and Niehus, 1992). The Sioux Quartzite is likely hydrologically connected to overlying

and adjacent aquifers and surface water features in direct contact with the quartzite. However, the extent of the hydrologic connections likely varies geographically and is not well understood (Lindgren and Niehus, 1992).

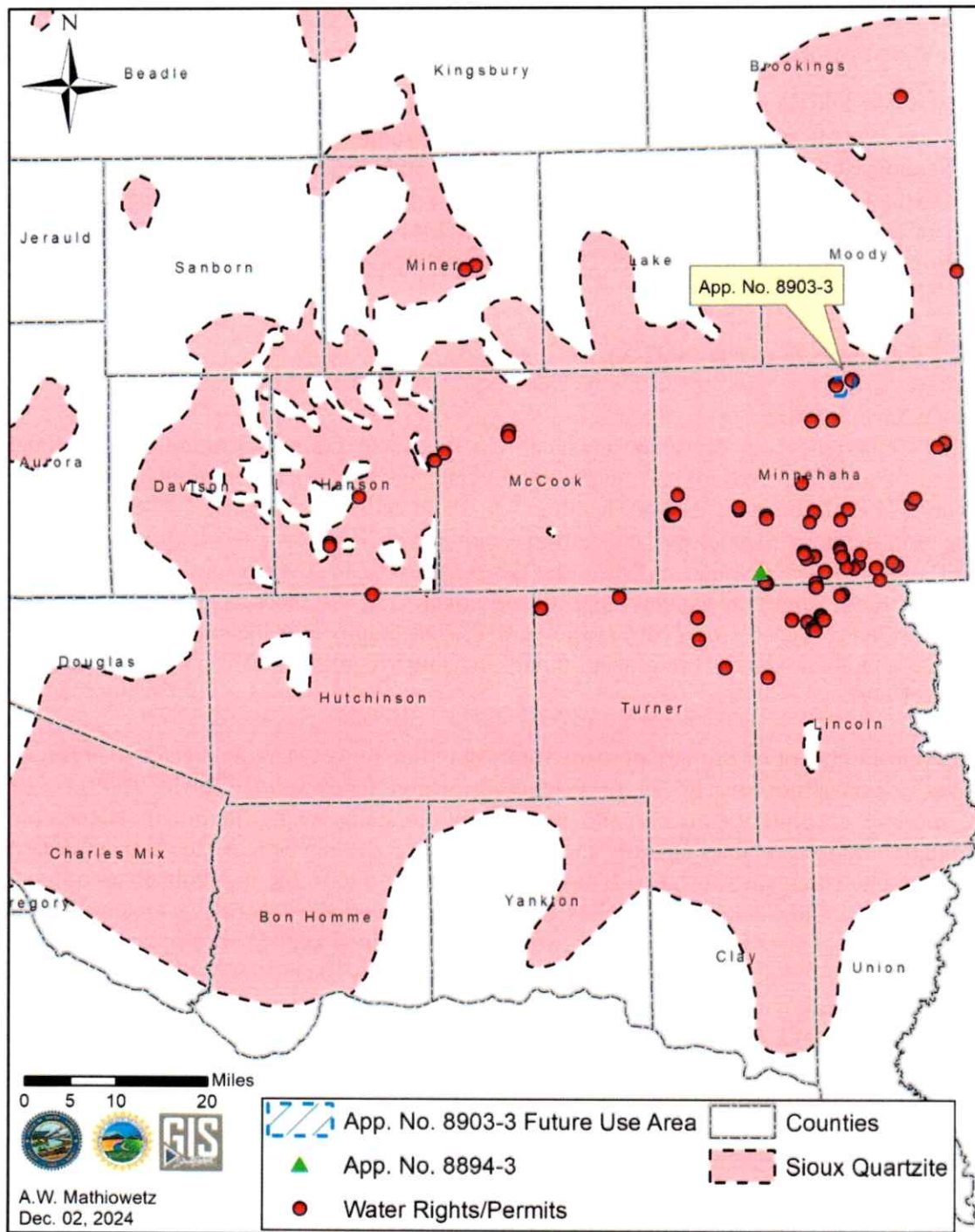


Figure 1- Approximate extent of the Sioux Quartzite in southeastern South Dakota (modified from: McCormick, 2010) with Sioux Quartzite water rights/permits and pending application (Water Rights, 2024d)

There are no well completion reports on file with the Water Rights Program within the boundaries of the proposed future use area (Water Rights 2024d). The water rights/permits within the future use area are for quarry dewatering and aggregate washing at the quarries and typically just pump out of the quarry directly and not from a well (Water Rights, 2024d). There are only eight lithologic logs within the boundaries of the proposed future use area (SDGS, 2024). Within 0.5 miles of the future use area, the top of the Sioux Quartzite is generally within 50 ft of land surface and within approximately 5 miles of the future use area the Sioux Quartzite typically is found near land surface but can be greater than 200 feet below land surface (SDGS, 2024; Water Rights, 2024e). The static water level of wells on file with the Water Rights Program within five miles of the proposed future use area, three in total, ranges from 32 to 58 feet below land surface (Water Rights, 2024e). However, based on the quarry construction and estimated water levels from areal imagery, the water level could be within 10 feet of land surface in areas, particularly closer to the Big Sioux River and the Big Sioux: Moody and Big Sioux: Sioux Falls aquifers that under lie the flood plain of the river (Lindgren and Niehus, 1992; Water Rights, 2024c, 2024d, and 2024e). The general conditions regarding whether the aquifer is confined or unconfined, discussed earlier, still hold true within the proposed future use area.

APPLICABLE SOUTH DAKOTA CODIFIED LAW (SDCL):

Pursuant to SDCL 46-2A-10, "A reservation for a future use may be approved only if there is a reasonable probability that unappropriated water is available for appropriation, that the quantity of water reserved will be needed by the entity and that the proposed use will be a beneficial use and in the public interest." This report will address the availability of unappropriated water and if the water to be reserved will be needed by the entity. A discussion of water rights/permits and domestic wells in near the proposed future use area for this application will also be included.

In determining whether unappropriated groundwater is available from the Sioux Quartzite aquifer, SDCL 46-6-3.1 needs to be considered:

"No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems."

The Greenhorn Formation is a Cretaceous aged Formation. The Sioux Quartzite is a Pre-Cambrian aged formation and thus older than the Greenhorn Formation (Fahrenbach et al, 2010). The applicant is a water distribution system as defined in SDCL 46-1-6(17). Therefore, the balance between recharge to and withdrawals from the Sioux Quartzite aquifer need not be considered for this application. However, for the information of the Chief Engineer and the Water Management Board, a review of information available regarding water availability will be discussed.

NEED FOR PROPOSED FUTURE USE RESERVATION:

The City of Dell Rapids is currently receiving all of its drinking water from Minnehaha Community Water Corporation. The city is experiencing rapid growth as part of the City of Sioux Falls Metro area. Currently, the City of Dell Rapids holds Water Right No. 562-3 but only maintains the wells for standby purposes. Water Right No. 562-3 authorizes a diversion rate of 1.445 cfs. If pumped continuously, that is approximately 1,046 ac-ft/yr. Recently, the city received water service requests of approximately 1,680 ac-ft and are anticipating more. ARSD 74:02:04:24.01 allows the Water Management Board at its discretion to limit the future use reservation to two times the annual amount actually put to beneficial use. Considering these factors, this request would allow the city to fulfill current requests, maintain a secure backup water supply, and allow for modest growth beyond the current requests. The request to reserve 2,092 ac-ft/yr from the Sioux Quartzite is reasonable based upon this information.

WATER AVAILABILITY:**Entire Sioux Quartzite Water Availability****Observation Well and Other Water Level Data:**

Administrative Rule of South Dakota Section 74:02:05:07 requires that the Water Management Board shall rely upon the record of observation well measurements in addition to other data to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer. The Water Rights Program does not maintain any observation wells completed into the Sioux Quartzite aquifer (Water Rights, 2024c). However, it is possible to consider water levels measured in wells completed into the Sioux Quartzite to determine general long-term trends of water levels in the area (Water Rights, 2024d).

There are only four wells on file with the Water Rights Program within approximately five miles of the applicant's future use area that are completed into the Sioux Quartzite (Water Rights, 2024d and 2024e). A summary of the four wells is shown in Table 1. Elevations in the table are based on the best available information and have a likely error of +/- 20 ft. The data in Table 1 is the name on file for the well completion report, year the well was drilled, the direction and distance from the applicant's proposed future use area, approximate land surface elevation in feet using the NGVD29 datum, elevation of the top of the Sioux Quartzite, and static water level (potentiometric surface) in the well at the time of completion.

Sioux Quartzite water levels across southeastern South Dakota show a correlation with long-term precipitation patterns (Lindgren and Niehus, 1992). However, there are too few wells in very close proximity to the applicant's proposed future use area, approximately five miles, as well as a lack of wells relatively equally spread across time (for example, no wells between 1981 and 2009), to provide a relatively detailed analysis of the generalized water level trend locally and, if that trend is likely linked to long-term precipitation patterns or localized pumping. Regardless, water levels in the Sioux Quartzite wells tend to be similar to directly hydrologically connected aquifers (adjacent or overlying). In this area, it appears the water levels are generally similar to the water levels of the shallow unconfined Big Sioux: Moody and Big Sioux: Sioux Falls aquifers underlying the floodplain of the Big Sioux River (Water Rights, 2024c and 2024e). Both of those aquifers can be in direct contact with the Sioux Quartzite (SDGS, 2024; Water Rights, 2024c and 2024e). Furthermore, Sioux Quartzite wells across southeastern South Dakota have water levels that follow the general climatic cycle of South Dakota with higher water levels during periods of greater

precipitation and lower water levels during periods of lesser precipitation. Considering the apparent local hydrologic connection to the Big Sioux: Moody and Big Sioux: Sioux Falls aquifers, and the more regionalized trend of the water levels in the Sioux Quartzite following precipitation patterns, it is clear the Sioux Quartzite does regularly receive recharge.

Table 1– Data points used to examine historic water levels in the Sioux Quartzite within five miles of the proposed future use area (Water Rights, 2024e)

Name	Year Drilled	Distance (mi.) & Direction from Future Use Area	Approx. Ground Surface Elev. (ft NGVD29)	Estimated Potentiometric Surface (ft NGVD29)	Approx. Elev. Of the Top of the Sioux Quartzite (ft NGVD29)
Terry Tommeraasen	1980	3.6 S	1,455	1,415	1,415
Mark Klein	2009	1.7 W	1,570	1,512	1,473
Jerald Weiland	2011	4.1 N	1,565	1,523	1,433
Daniel & Sophia Vander Dussen - Driftwood Dairy	2020	3.2 S	1,530	1,498	1,473

Hydrologic Budget:

Discharge

Discharge from the Sioux Quartzite is through leakage to hydrologically connected aquifers and surface water features where the potentiometric surface of the Sioux Quartzite is higher than in the connected aquifer or surface water feature and through well withdrawals. Currently, there are 70 water rights/permits authorized to withdraw water from the Sioux Quartzite of which 59 are for non-irrigation purposes (Water Rights, 2022d). There is also one other pending application. Water Permit Application No. 8894-3 proposes to irrigate up to 23 acres. Because this application is for turf irrigation, it is assumed average annual withdrawal, if approved, will be the full appropriation of 2 feet of water per acre for a total of 46 ac-ft/yr. The City of Dell Rapids holds Water Right No. 562-3. Water Right No. 562-3 has portions that are vested rights, wells #1 and #2 authorizing a combined 0.888 cfs, and a standard water right, well #3 authorizing 0.557 cfs. That is a combined total under the water right of 1.445 cfs. If pumped continuously, which the math used to determine this requested future use reservation volume seems to be calculated off of, that would be 1,046 ac-ft/yr. However, the wells are currently on standby and are assumed to pump no water.

In general, the amount of water withdrawn for domestic uses is not a significant portion of the hydrologic budget for an aquifer. This is due to the relatively low diversion rate of domestic wells and the development of rural water systems, especially in southeastern South Dakota. This means some of the domestic wells completed into the Sioux Quartzite may no longer be in use. Therefore, the hydrologic budget will only consider appropriative usage from the aquifer.

There are six water rights/permits that include or are for quarry dewatering. These water rights/permits are listed in Table 2. Reported water use, for those permits required to report, is shown in Table 3. The reported data shows these water rights/permits typically use less than full time pumping at their respective maximum permitted diversion rates or their respective permitted

volumes. Water Right No. 8345-3 limits the annual use for both Water Right No. 5784-3 and itself to a combined total annual volume of 1,105 ac-ft/yr. The reported average from 2018 through 2023 is 525.1 ac-ft/yr. Since the period of reporting is only 5 years, the permitted volume, 1,105 ac-ft/yr, will be used for the hydrologic budget in this report (Water Rights, 2024f).

Water Right No. 4493-3 is not required to report annual use. However, it is for the same quarry as Water Right No. 6070-3. Water Right No. 6070-3 reports their annual use based on water discharge from the quarry (Kilts, 2020). Therefore, the reported use under Water Right No. 6070-3 is likely to be reflective of the use under both Water Right Nos. 4493-3 and 6070-3 (Kilts, 2020).

The average annual reported use by Water Right No. 5400-3 across the period of record, 2003-2023, is approximately 26.4 percent of the volume that would be pumped if the quarry was constantly dewatered at the maximum permitted diversion rate, 8,874 ac-ft/yr (Water Rights, 2022f). It should be noted, in general, reported pumping under Water Right No. 5400-3 has been increasing over the period of record. The average reported pumpage across the last 10 years, 2014-2023, is 2,515 ac-ft, and across the last 5 years, 2019-2023, is 2,565 ac-ft. To be prudent and use a reasonable average through a wet and dry cycle, the average across the last 10 years will be used for the estimated average annual withdrawal. Water Permit No. 8458-3 is assumed to pump their maximum permitted annual volume of 1,452 ac-ft/yr, since it was approved in early 2021 and only has three years of reported pumpage. Therefore, the estimated average annual use by quarry dewatering water rights/permits is 6,541 ac-ft/yr.

Table 2- Water rights/permits from the Sioux Quartzite that include quarry dewatering (modified from: Kilts, 2020; Water Rights, 2024d and 2024f)

Permit No.	Name	County	Status	Use	CFS	Annual Volume Limit (ac-ft/yr)	Est. Avg. Withdrawal (ac-ft/yr)
4493-3	SPENCER	HS	LC	COM	1.8	n/a	1,469
6070-3	QUARRIES INC		LC	COM	3.1	n/a	
5400-3	L G EVERIST INC	MA	LC	IND	12.25	n/a	2,515
5784-3			LC	COM	3.33	limited by 8345-3	1,105
8345-3			LC	IND	3.36	1,105	
8458-3	KNIFE RIVER	MA	PE	IND	2	1,452	1,452

HS= Hansen, MA= Minnehaha, LC= Water Right, PE= Water Permit, COM= Commercial, IND= Industrial

Table 3- Reported use for Sioux Quartzite permits for quarry dewatering (modified from: Kilts, 2020; Water Rights, 2024f)

Year	5400-3	5784-3 & 8345-3*	6070-3	8458-3**
2023	2,249	575.8	1,120	82.3
2022	2,161	511.2	1,120	56.5
2021	2,214	643.0	1,120	32.79
2020	2,766	484.3	1,120	n/a
2019	3,436	423	1,135	n/a
2018	2,767	513	1,120	n/a
2017	2,664	0	1,120	n/a
2016	2,557	1	1,120	n/a
2015	2,114	0	1,248	n/a
2014	2,222	0	1,120	n/a
2013	2,027	10	1,120	n/a
2012	2,309	10	1,111	n/a
2011	2,692	113	1,680	n/a
2010	2,752	132	1,690	n/a
2009	2,355	63	1,680	n/a
2008	2,115	70	1,680	n/a
2007	2,100	66	1,680	n/a
2006	2,101	0	2,190	n/a
2005	1,790	28	2,240	n/a
2004	1,801	640	2,190	n/a
2003	1,984	3	2,240	n/a
Average (acre-feet)	2,342	204	1,469	n/a
*8345-3 issued in 2018 and reports combined pumpage with 5784-3				
** Water Permit No. 8458-3 was approved in January 2021				

A summary of the reported average withdrawals for the non-quarry dewatering, non-irrigation water rights/permits required to report annual withdrawals is shown in Table 4. The reported average annual withdrawal is 393.4 ac-ft/yr. It should be noted Water Right No. 8629-3 has yet to report withdrawals. However, only Water Right No. 6552A-3 has a sufficiently long period of record, 10+ years, to allow for a reasonable average through a wet/dry cycle to be used for estimation of average annual withdrawals. The column showing the permitted volume minus the reported average withdrawal clearly shows these users are withdrawing less than their permitted volume, particularly Water Right No. 8426-3, for each of the water rights/permits with less than 10 years of reported withdrawals. However, the most reasonable method to estimate average annual withdrawals would be to use the average reported for 6552A-3 and the permitted volume for the rest. Consequently, that is an estimated average annual withdrawal of 781.5 ac-ft/yr.

Table 4- Summary of reported withdrawals for non-quarry dewatering, non-irrigation water rights/permits and estimated annual withdrawals by average or permitted volume (Water Rights, 2024f)

Permit No.	Status	Years Reporting		Avg. Withdrawal (ac-ft/yr)	Permitted Vol. (ac-ft/yr)	Permitted Minus Avg. Reported (ac-ft/yr)	Est. Avg. Annual Withdrawal (ac-ft/yr)
6552A-3	LC	11	2013-2023	7.7	n/a	n/a	7.7
8068-3	PE	7	2017-2023	35.5	46	10.5	46*
8186-3	PE	8	2016-2023	24.2	55	30.9	55*
8243-3	LC	7	2017-2023	25.7	46.03	20.3	46.03*
8289-3	LC	7	2017-2023	20.1	36.3	16.2	36.3*
8290-3	LC	7	2017-2023	21.2	64.5	43.3	64.5*
8301-3	PE	7	2017-2023	32.7	61	28.3	61*
8344-3	LC	6	2018-2023	1.7	4.6	2.9	4.6*
8424-3	LC	4	2020-2023	35.6	62	26.4	62*
8426-3	LC	3	2021-2023	175.6	300	124.4	300*
8437-3	LC	3	2021-2023	13.6	18.4	4.8	18.4*
8629-3	LC	2	2022-2023	0	80	80	80*
LC= Water Right PE= Water Permit *= Permitted volume				393.4	Reported Avg. Annual Withdrawal		
				Total Est. Avg. Annual Withdrawal			781.5

Other non-irrigation water rights/permits limited by an annual volume are assumed to use the entire volume. Non-irrigation water rights/permits limited only by a diversion rate are assumed to pump at their maximum permitted diversion rate for 60 percent of the time. This is the standard method used by the Water Rights Program to somewhat overestimate average annual withdrawals. All of the municipalities that have Sioux Quartzite water rights/permits are connected to rural water and maintain their wells for standby/emergency purposes (Mathiowetz, 2021). Therefore, there is no use assumed under the 16 municipal water rights. The water rights/permits limited only by diversion rate, except Water Right No. 6552A-3 as discussed earlier, are estimated to withdraw on average 2,345 ac-ft/yr.

There are currently 11 water rights/permits authorized to withdraw water from the Sioux Quartzite aquifer for irrigation purposes or primarily for irrigation purposes (Water Rights, 2024d). A summary of the annual irrigation questionnaire data for these water rights/permits is shown in Table 5. Water Right Nos. 6451-3 and 6553-3 do not have a qualification to report annual irrigation use (Water Rights, 2024d). Water Right Nos. 6451-3 and 6553-3 are estimated to use less than their respective permitted volumes of 2 feet of water per acre for a combined estimated average annual use of less than 14 ac-ft/yr. That value is likely very high given that Water Right No. 6451-3 is qualified to only use water when the City of Sioux Falls has implemented water restrictions.

Water Right No. 5365-3 has not been required to submit irrigation questionnaires since 1995. This is due to the user having well issues and eventually being hooked up to city water. Water Permit Nos. 8445-3 and 8446-3 have only 1 year of reported data and are assumed to pump their full permitted volumes based on acres authorized for irrigation, 142 ac-ft/yr and 7 ac-ft/yr, respectively, until sufficient data is available to calculate an average pumping that is likely

reflective of full development for each permit. Water Permit No. 8547-3 was approved in December 2021. It authorizes the irrigation of 11.39 acres and is assumed to pump the full permitted amount of 2 ft of water per acre, 22.78 ac-ft/yr, until sufficient data is available to calculate average pumping that is likely reflective of full development for the permit. Water Permit No. 8898-3 was approved November 2024. The permit authorizes the irrigation of 28.5 acres. Because it is turf irrigation, it is assumed the permit will pump their permitted limit of 57 ac-ft/yr. The estimated average annual withdrawals for irrigation purposes were calculated using the above-mentioned values for those specific permits and the average reported withdrawals for the other permits for a total of 427.78 ac-ft/yr.

Table 5- Summary of irrigation water rights/permits and reported irrigation use from the Sioux Quartzite (Water Rights, 2024b)

PERMIT NO.	NAME	COUNTY	STATUS	ACRES	AVG. REPORTED USE (ac-ft/yr)	YEARS OF CONSTRUCTED SYSTEM DATA
5365-3	WILLOW WOOD APARTMENTS	MA	LC	1.5	1.2	6 (1990-1995)
6451-3	BLUFFS TOWNHOMES ASSOCIATION	MA	LC	3	no data	not reporting
6553-3	PRAIRIE HILLS COVENANT CHURCH	MA	LC	4	no data	not reporting
6618-3	WILLOW RUN GOLF LLC	MA	LC	71	82.9	18
6910-3	WOODLAWN CEMETERY	MA	LC	80	5.2	14
7415-3	BAKKER CROSSING GOLF COURSE	LN	LC	95	105.7	11
7805-3	CITY OF SIOUX FALLS PARK & RECREATION	MA	LC	8	4.0	11
8445-3	G L MANAGEMENT LLC	MA	PE	71	19.31	3
8446-3	BLUE BARN LLC	MA	PE	3.5	1.55	3
8547-3	L & E HOLDINGS LLC	MA	PE	11.39	0	2 (not constructed)
8898-3	GOOD SAMARITAN SOCIETY - FOUNDERS CROSSING	MA	PE	28.5	0	0 (permitted November 2024)
Total				376.89	219.86	
MA= Minnehaha, LN= Lincoln, LC= Water Right, PE= Water Permit						

Table 6 shows the estimated average annual use from the Sioux Quartzite. The current estimated use is 9,915 ac-ft/yr. If the two pending applications including this application are approved, the estimated average annual use from the Sioux Quartzite would be approximately 12,053 ac-ft/yr.

Table 6- Estimated average annual withdrawals from the Sioux Quartzite aquifer

Estimated Use by Type	Estimated Avg. Annual Withdrawal (ac-ft/yr)
Quarry Dewatering	6,451
Non-Quarry Reported Use or Permitted Volume	781.5
Non-Irrigation Limited by Diversion Rate	2,345
Irrigation	427.78
Current Est. Use	10,005
App No. 8894-3	46
Future Use App. No. 8903-3	2,092
Total Est. Use if Apps. Approved	12,143
City of Dell Rapids Water Right No. 562-3, if removed from standby and pumped continuously	1,046

Recharge to the Sioux Quartzite is predominantly through the infiltration of precipitation where the Sioux Quartzite is at land surface or near land surface and overlain by permeable materials, streamflow losses where the stream flows across outcrops with secondary porosity features, and leakage from overlying and adjacent aquifers where a hydrologically connected aquifer has a higher potentiometric head than the Sioux Quartzite (Lindgren and Niehus, 1992). A recharge rate to the Sioux Quartzite has yet to be quantified. Furthermore, and as previously stated, aquifer characteristics including recharge are site specific due to the unpredictable and uneven nature of secondary porosity features. Therefore, there is no reasonable estimate of average annual recharge to the Sioux Quartzite available. However, analysis of reported static water levels in well completion reports, suggest that withdrawals from the aquifer do not exceed the average annual recharge to the aquifer on a regional basis. Furthermore, pursuant to SDCL 46-1-6(17) the balance between recharge and withdrawals need not be considered for this application.

Local Sioux Quartzite Water Availability

Locally, within and adjacent to the proposed future use area, the locations of fractures and water in storage may make it challenging to obtain the requested amount of water from the Sioux Quartzite. While there are high capacity fractures and wells, in particular the “spring” in the east highwall of Spencer Quarry, see the permit file on Water Right No. 6070-3, these are atypical. Finding a fracture or fractures of sufficient size and transmissivity may limit the ability to fully develop the proposed volume for this future use application. Quarries, such as those permitted within the proposed future use area (see Figure 2) typically pump from the pit. A pit accumulates water from direct precipitation and multiple fractures which become exposed by the footprint of the pit. Quarries within the proposed future use boundary report pumping in excess of 2,500 ac-ft/yr on average, see Table 3 – Permit Nos. 5400-3, 5784-3, 8345-3, and 8485-3. Based on this information, it is likely recharge to the Sioux Quartzite in this area is in excess of withdrawals.

Consideration must be given to any well that may be placed in the floodplain or adjacent to the flood plain of the Big Sioux River if this future use application is approved and eventually developed. The portions of the proposed future use area located in the W ½ Sec. 16 and NW ¼ Sec. 21 all in T104N-R49W include portions of the Sioux Quartzite that directly underlie or are adjacent to the fully appropriated Big Sioux: Sioux Falls aquifer. The Big Sioux: Sioux Falls aquifer has a number of future use permits reserving water with temporary use permits placing a portion of the reserved water to beneficial use. Pumping from the Sioux Quartzite in close proximity to the aquifer may induce water to move from the Big Sioux: Sioux Falls aquifer into the Sioux Quartzite.

Inducement of recharge from a fully appropriated water was considered by Water Rights Program staff for several applications proposing to withdraw water from the Niobrara aquifer in Spink and Beadle counties. In that area, the Niobrara aquifer can directly underly the fully appropriated Tulare: East James or Tulare: Western Spink Hitchcock aquifers or be separated by the Pierre Shale. It should be noted that neither of the Tulare aquifer management units have any future use permits reserving water. In the report for Deferred Permit No. 8749-3, Water Rights Program staff engineer Drennon (2023) stated:

“Consequently, pumping from the Niobrara aquifer may induce inflow from a fully appropriated management unit of the Tulare aquifer. Consequently, this may pose a beneficial use and public interest consideration for the Water Management Board which is beyond the technical review provided in this report. To aid in decision-making by the Board, the applicant should conduct an aquifer performance test monitoring both the Niobrara aquifer and the Tulare: Western Spink Hitchcock aquifer prior to approval of Water Permit Application Nos. 8749-3, 8750-3, 8751-3, and 8752-3 to determine whether pumping from the Niobrara aquifer under the local hydrogeologic conditions will induce inflow from the Tulare: Western Spink Hitchcock aquifer. “

The Chief Engineer’s recommendation for a number of the permits was deferral because it was not clear if there was a layer of Pierre Shale separating the Niobrara aquifer from the Tulare: Western Spink Hitchcock aquifer or based on a test hole log there was not a layer of Pierre Shale encountered. The deferral was for up to two years to allow the applicants to potentially conduct an aquifer performance test to determine if pumping from the Niobrara aquifer would induce recharge from the fully appropriated aquifers.

It was decided that inducement of recharge into the Niobrara aquifer from a fully appropriated aquifer should be considered under the beneficial use and public interest criteria used for evaluating whether to approve a water permit application. The same would likely hold true in this scenario if this future use application were approved and then an application filed to place the future use reservation to beneficial use. This issue may limit the ability to develop a portion of the proposed future use area as well as reduce the potential to obtain sufficiently high capacity wells to pump the volume proposed to be reserved by this application.

NEARBY EXISTING WATER USERS:

The nearest Sioux Quartzite appropriative water rights/permits to the proposed future use area are within the boundaries of the proposed future use area and are shown Figure 2 and listed in Table 7. There are several water rights within the boundaries of the proposed future use area including the applicant's own water right maintained for standby purposes. The nearest domestic well on file with the Water Rights Program completed into the Sioux Quartzite is located approximately 1.7 miles west of the proposed future use area (Water Rights, 2024e). The location of well completion reports is based on the location provided by the well driller when the completion report is submitted. Not all wells have a well completion report filed with the Water Rights Program. There may be other wells completed into the Sioux Quartzite in the area that are not on file with the Water Rights Program.

Table 7- Water Rights shown in Figure 2 (Water Rights, 2024d)

PERMIT NO.	NAME	PRIORITY DATE(s)	STATUS	USE	CFS	PERMITTED VOL. (ac-ft/yr)
562-3	CITY OF DELL RAPIDS	1938, 1943, 1961	LC*	MUN	1.445	n/a
5400-3	L G EVERIST INC	01/01/1915	LC	IND	12.25	n/a
5784-3	L G EVERIST	08/06/1993	LC	COM	3.33	n/a
8344-3	L G EVERIST INC	04/03/2018	LC	IND	0.022	4.6
8345-3	L G EVERIST INC	08/06/1993	LC	IND	6.69	1,105
8345-3	L G EVERIST INC	08/06/1993	LC	IND	6.69	1,105
8345-3	L G EVERIST INC	08/06/1993	LC	IND	6.69	1,105
LC= Water Right, IND= Industrial, COM= Commercial, *= portions of this water rights are vested rights and other portions are a standard water right						

When an application is filed to place water to beneficial use that is reserved by this application, if approved, an evaluation of the potential for unlawful impairment will be conducted based on the proposed well location. The Sioux Quartzite in general behaves similarly to a confined aquifer. In Minnehaha County approximately 12.4 miles south of the proposed future use area, a complaint was filed in 2018 regarding well interference that occurred starting in the late 1980's and continued until 1998 when the Soo Dell Park-A-Home, provided water under Water Right No. 5944-3, was hooked into the City of Sioux Falls water system. The complaint stated that the construction and use of the City of Sioux Falls' Big Sioux: Sioux Falls aquifer wells were affecting the Sioux Quartzite wells authorized under Water Right No. 5944-3. No complaint was filed during the years of the alleged interference. The 2018 complaint was primarily regarding whether Water Right No. 5944-3 was unlawfully impaired during the 1990's and was eligible to receive more preferential water rates from the city. The complaint was not substantiated (Water Rights, 2024a). A complaint was filed in 2021 regarding possible well interference caused by pumping under Water Permit No. 8426-3. This is located approximately 22 miles southwest of the proposed future use area. However, the complainant did not provide enough information regarding their own well to determine if there was any well interference or unlawful impairment of their well (Water Rights, 2024a).

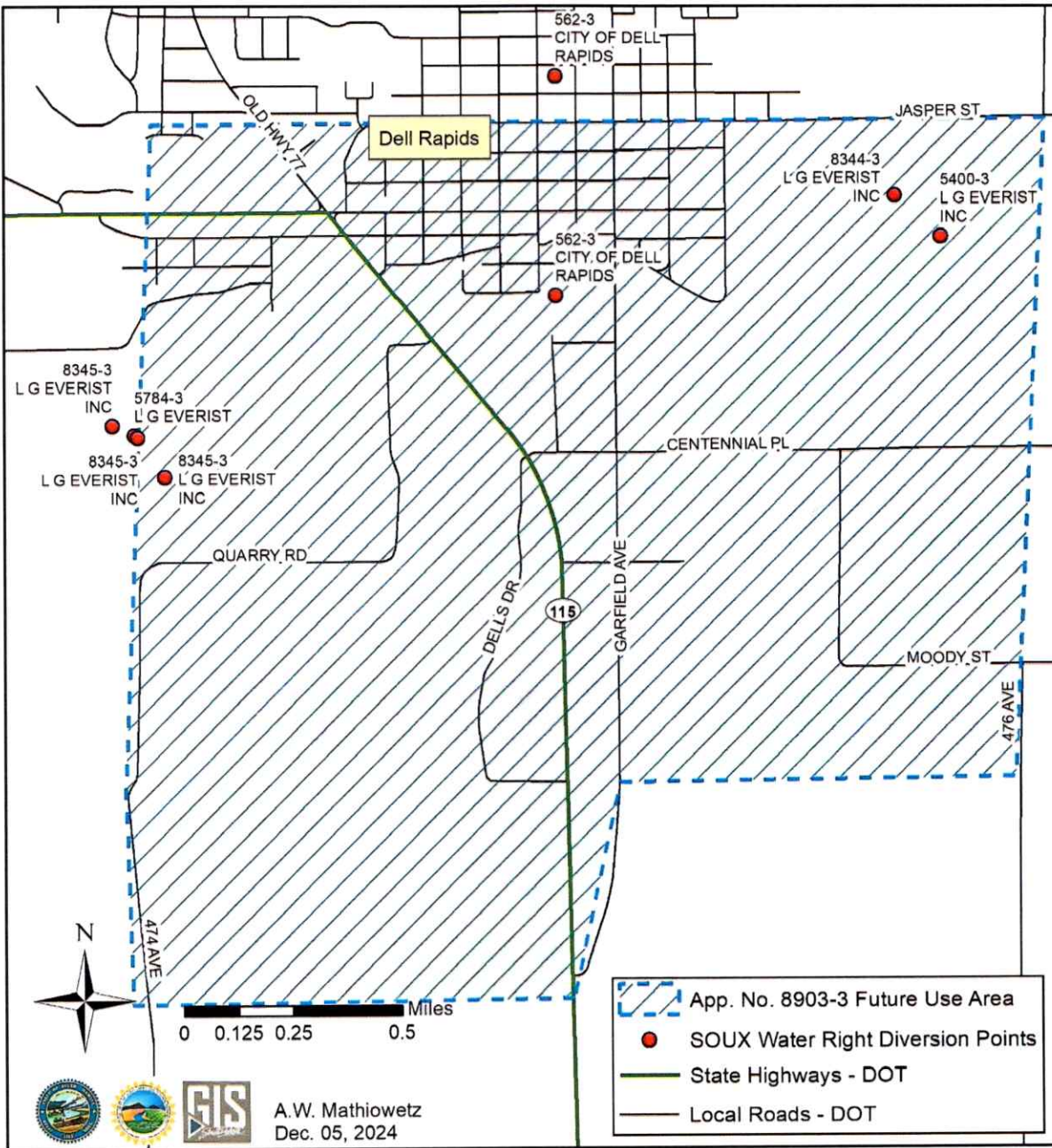


Figure 2- Application No. 8903-3 future use area map with nearby Sioux Quartzite water rights and local roads (Water Rights, 2024d)

CONCLUSIONS:

1. Application No. 8903-3 proposes to appropriate and reserve for future use 2,092 acre-feet of water annually (ac-ft/yr) from the Sioux Quartzite aquifer. The future use area is within the S $\frac{1}{2}$ Section 9, S $\frac{1}{2}$ Section 10, Sections 15 and 16, N $\frac{1}{2}$ Section 21, and N $\frac{1}{2}$ Section 22; all in T104N-R49W in Minnehaha County. The water is to be reserved as a future water supply for municipal use by the City of Dell Rapids. If approved, this application does not authorize

construction of works or application of water to beneficial use. This future use area is located on the south side of Dell Rapids, SD.

2. The request to reserve 2,092 ac-ft/yr year is reasonable based on recent water requests and the city's current water rights.
3. Pursuant to SDCL 46-6-3.1 it is not necessary to determine if approval of this application will cause withdrawals to be in excess of average estimated annual recharge because the groundwater formation is older than the Greenhorn Formation and the applicant is a water distribution system pursuant to SDCL 46-1-6(17).
4. Review of the available hydrologic budget information indicates that recharge to the Sioux Quartzite is in excess of withdrawals on the regional scale and likely on the localized scale of the proposed future use area.



Adam Mathiowetz, PE
SD DANR-Water Rights Program

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

December 10, 2024

City of Dell Rapids
c/o Steve McFarland
PO Box 10
Dell Rapids SD 57022

Dear Mr. McFarland:

Water Permit Application No. 8903-3 for municipal use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Argus Leader printed in Sioux Falls SD (see attachment for contact information). 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,

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
(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. 8903-3 to Reserve Water for Future Use

Notice is given that the City of Dell Rapids, PO Box 10, Dell Rapids SD 57022, has filed an application for a future use water permit. Application No. 8903-3 proposes to appropriate and reserve for future use 2,092 acre-feet of water annually from the Sioux Quartzite Aquifer. The area to be reserved for future diversions is within the S 1/2 Section 9, S 1/2 Section 10, Sections 15 and 16, N 1/2 Section 21, N 1/2 Section 22; all in-T104N-R49W. The water is to be reserved as a future water supply for municipal use by the City of Dell Rapids in Minnehaha County. If approved, this application does not authorize construction of works or application of water to beneficial use. This future use area is located on the south side of Dell Rapids SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8903-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the City of Dell Rapids has demonstrated a reasonable need to reserve water in the amount of 2,092 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by January 2, 2025.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by January 2, 2025.

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.

Published once at the total approximate cost of_

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, December 10, 2024 8:48 AM
To: legals@argusleader.com
Cc: Duvall, Ron
Subject: 8903-3 City of Dell Rapids - Public Notice
Attachments: 8903-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on December 19, 2024.

The City of Dell Rapids, c/o Steve McFarland, PO Box 10, Dell Rapids SD 57022, 605-340-1670, stevem@cityofdellrapids.com 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 Ave, Pierre SD 57501.

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

I will be out of the office from December 16, 2024, through January 3, 2025. In my absence, please contact Ron Duvall who is copied on this email should any issues arise.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



AFFIDAVIT OF PUBLICATION

DELL RAPIDS, CITY OF
Dell Rapids, City Of
Po Box 10
Dell Rapids SD 57022-0010

STATE OF WISCONSIN, COUNTY OF BROWN

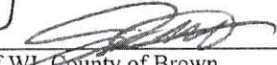
The Argus Leader, a daily newspaper published in the city of Sioux Falls, Minnehaha County, State of South Dakota, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

12/19/2024

and that the fees charged are legal.
Sworn to and subscribed before on 12/19/2024



Legal Clerk



Notary, State of WI, County of Brown



My commission expires

Publication Cost:	\$58.43	
Tax Amount:	\$0.00	
Payment Cost:	\$58.43	
Order No:	10847140	# of Copies:
Customer No:	1248720	1
PO #:		

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

RYAN SPELLER
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NO. 8903-3
to Reserve Water for
Future Use

Notice is given that the City of Dell Rapids, PO Box 10, Dell Rapids SD 57022, has filed an application for a future use water permit. Application No. 8903-3 proposes to appropriate and reserve for future use 2,092 acre-feet of water annually from the Sioux Quartzite Aquifer. The area to be reserved for future diversions is within the S 1/2 Section 9, S 1/2 Section 10, Sections 15 and 16, N 1/2 Section 21, N 1/2 Section 22; all in T104N-R49W. The water is to be reserved as a future water supply for municipal use by the City of Dell Rapids in Minnehaha County. If approved, this application does not authorize construction of works or application of water to beneficial use. This future use area is located on the south side of Dell Rapids SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8903-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the City of Dell Rapids has demonstrated a reasonable need to reserve water in the amount of 2,092 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

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cant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by January 2, 2025.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at

<https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by January 2, 2025.

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.

Published once at the total approximate cost of \$58.43 and may be viewed free of charge at www.sdpublicnotices.com.

Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Tuesday, December 10, 2024 9:08 AM
To: Rodriguez, Rachel
Cc: Duvall, Ron
Subject: RE: [EXT] 10847140 8903-3 City of Dell Rapids - Public Notice
Attachments: 10847140.pdf

Good Morning,

Please find your order confirmation and proof of ad attached.

Your ad is set to run in the Argus Leader on December 19. The order cost is \$58.43 which includes an affidavit, that will be mailed to you 7-10 business days after the last day of the ad printing.

All orders are subject to a 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay with ACH. Pay by ACH and Save!
Final order cost provided at time of payment and via a receipt.

Your notice is scheduled to run per your request and will publish unless you reply to this email requesting changes or to cancel.

If you would like to utilize our online self-serve ad portal to place your legal notices in the future, please visit your local publication's online classifieds legal section. There, you can conveniently submit and immediately preview your notices anytime, 24/7.

Thank you!

Brittany Grady
Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Tuesday, December 10, 2024 8:48 AM
To: SFA-Legals mbx <allegals@gannett.com>
Cc: Duvall, Ron <Ron.Duvall@state.sd.us>
Subject: 10847140 8903-3 City of Dell Rapids - Public Notice

Attached is a notice to be published on December 19, 2024.

The City of Dell Rapids, c/o Steve McFarland, PO Box 10, Dell Rapids SD 57022, 605-340-1670, stevem@cityofdellrapids.com 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 Ave, Pierre SD 57501.

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

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, December 10, 2024 9:34 AM
To: stevem@cityofdellrapids.com
Subject: 8903-3 City of Dell Rapids - Public Notice
Attachments: 8903-3 Rec.pdf; 8903-3 Ltr.pdf; 8903-3 PubNotice.pdf; Argus Leader info.pdf

Good morning,

Attached is a copy of the report, chief engineer's recommendation, and information regarding the public notice for your water permit application. As stated in the letter, **please contact the paper(s) as soon as possible to authorize publication and arrange for payment.** This information is also being mailed to you today.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Duvall, Ron

From: DANRnoreply <DANRnoreply@state.sd.us>
Sent: Tuesday, December 31, 2024 11:34 AM
To: Duvall, Ron; Gronlund, Eric; amanada.dewell@state.sd.us
Subject: [EXT] Comment on No. 8903-3, City of Dell Rapids, c/o Steve McFarland

Please use caution in opening any attachments or clicking on any links.

This message was received from an external mail system, but has been made to appear as though originating from an internal State email address. If you are not expecting this message or are concerned about its content, please forward it to the reportspam@state.sd.us mailbox.

Comment On:

No. 8903-3, City of Dell Rapids, c/o Steve McFarland

Comment Deadline Date:

01/02/2025

Date Comment Filed:

12/31/2024 11:33:40

Commenter Info:

Chris Myers
2100 N Minnesota Ave
Sioux Falls SD, 57104

Comment:

December 30, 2024 Chief Engineer, Eric Gronlund Water Rights Program, Foss Building 523 E Capitol, Pierre SD 57501
RE: NOTICE OF APPLICATION NO. 8903-3 to Reserve Water for Future Use Dear Chief Engineer: As the Water Superintendent for the City of Sioux Falls Water Purification Division, I hereby submit the following comments regarding Application Number 8903-3, which concerns the City of Dell Rapids' proposed future use of the Sioux Quartzite Aquifer. My comments and concerns are based on potential impact to the already full allocation of future use permits in the Big Sioux Aquifer: Sioux Falls. 1. As the City of Sioux Falls continues to grow and water demand increases, the City is anticipated to grow rapidly into our future water use and thereby converting the future use permits to beneficial use permits. The City's growth plans rely upon its Big Sioux Aquifer Future Use Permit as a significant water source for the Public Water System. 2. The Big Sioux Aquifer: Sioux Falls has been fully appropriated. As such, the City's concern is the potential induction of water from the Big Sioux Aquifer to the Sioux Quartzite Aquifer. If there is induction, it could negatively impact water availability to the City of Sioux Falls and other downstream public water systems who rely on the Big Sioux Aquifer as their water source. 3. As was stated in the Recommendation of Chief Engineer for Future Use Water Permit Application No. 8903-3, City of Dell Rapids cover letter, "[a]ny application to place water to beneficial use reserved by this Future Use Permit may be subject to the City of Dell Rapids retaining a hydrogeologist or other qualified consultant to conduct a suitable aquifer performance test with analysis to determine if pumping from the Sioux Quartzite Aquifer will induce recharge from nearby aquifers that may be hydrologically connected to the Sioux Quartzite Aquifer. Inducing inflow from a hydrologically connected aquifer presents beneficial use and public interest concerns for consideration by the Water Management Board." 4. The City is not aware of any study regarding a suitable aquifer performance test with analysis sufficient to determine if pumping from the Sioux Quartzite Aquifer will induce recharge from nearby aquifers that may be hydrologically connected to the Sioux Quartzite Aquifer. 5. The City is in agreement with the Chief Engineer's above quoted statement, and therefore strongly advocates that a proper study and

understanding be required and performed prior to the conversion of this future use permit (if approved) to beneficial use, thereby ensuring that there is no induction from the Big Sioux to the Sioux Quartzite Aquifer. The City is prepared to offer further comment or provide responses to any questions for your consideration. Thank you for your attention. Chris Myers, Water Superintendent City of Sioux Falls, South Dakota Ph. 605-373-6944 Email. Chris.Myers@SiouxFalls.Gov

Attachment:

/Comment Attachments/Water Application Comments (1).docx

December 30, 2024

Chief Engineer, Eric Gronlund

Water Rights Program, Foss Building

523 E Capitol, Pierre SD 57501

RECEIVED

DEC 31 2024

OFFICE OF
WATER

RE: NOTICE OF APPLICATION NO. 8903-3 to Reserve Water for Future Use

Dear Chief Engineer:

As the Water Superintendent for the City of Sioux Falls Water Purification Division, I hereby submit the following comments regarding Application Number 8903-3, which concerns the City of Dell Rapids' proposed future use of the Sioux Quartzite Aquifer. My comments and concerns are based on potential impact to the already full allocation of future use permits in the **Big Sioux Aquifer: Sioux Falls**.

1. As the City of Sioux Falls continues to grow and water demand increases, the City is anticipated to grow rapidly into our future water use and thereby converting the future use permits to beneficial use permits. The City's growth plans rely upon its Big Sioux Aquifer Future Use Permit as a significant water source for the Public Water System.

2. The **Big Sioux Aquifer: Sioux Falls** has been fully appropriated. As such, the City's concern is the potential induction of water from the Big Sioux Aquifer to the Sioux Quartzite Aquifer. If there is induction, it could negatively impact water availability to the City of Sioux Falls and other downstream public water systems who rely on the Big Sioux Aquifer as their water source.

3. As was stated in the Recommendation of Chief Engineer for Future Use Water Permit Application No. 8903-3, City of Dell Rapids cover letter, "[a]ny application to place water to beneficial use reserved by this Future Use Permit may be subject to the City of Dell Rapids retaining a hydrogeologist or other qualified consultant to conduct a suitable aquifer performance test with analysis to determine if pumping from the Sioux Quartzite Aquifer will induce recharge from nearby aquifers that may be hydrologically connected to the Sioux Quartzite Aquifer. Inducing inflow from a hydrologically connected aquifer presents beneficial use and public interest concerns for consideration by the Water Management Board."

4. The City is not aware of any study regarding a suitable aquifer performance test with analysis sufficient to determine if pumping from the Sioux Quartzite Aquifer will induce recharge from nearby aquifers that may be hydrologically connected to the Sioux Quartzite Aquifer.

5. The City is in agreement with the Chief Engineer's above quoted statement, and therefore strongly advocates that a proper study and understanding be required and performed prior to the conversion of this future use permit (if approved) to beneficial use, thereby ensuring that there is no induction from the Big Sioux to the Sioux Quartzite Aquifer.

The City is prepared to offer further comment or provide responses to any questions for your consideration. Thank you for your attention.

Chris Myers,

Water Superintendent

City of Sioux Falls, South Dakota

Ph. 605-373-6944

Email. Chris.Myers@SiouxFalls.Gov



RECEIVED

JAN 02 2025

OFFICE OF
WATER

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

Comment

Concerning Application for a Water Right Permit

Application No. 8903-3 **Name of Applicant** City of Dell Rapids

The Application No. and applicant's name can be found in the public notice at <https://danr.sd.gov/public>.

Note. Filing a comment does NOT make the commenter a party of record to, or a participant in, any hearing that may be held concerning this application. Your comment will be provided to the Water Management Board and become part of the public record.

Comments concerning this application:

January 2, 2025

Eric Gronlund, Chief Engineer
Water Rights Program
Foss Building
523 E Capitol
Pierre, SD 57501

Dear Mr. Gronlund,

Minnehaha County Water Corporation ("MCWC") joins in the Comments submitted by East Dakota Water Development District on January 2, 2025, and the City of Sioux Falls on December 30, 2024, respectively. As outlined in its Petition dated December 27, 2024, attached hereto and incorporated herein by this reference, MCWC has concerns that Application 8903-3 from the City of Dell Rapids will have a detrimental effect on MCWC's existing permitted wells and the recharge of the Sioux Falls Management Unit of the Bug Sioux Aquifer.

While Application 8903-3 seeks to reserve a future use, MCWC, out of an abundance of caution, filed a Petition, as opposed to solely a Comment in this matter. MCWC wants to ensure it does not waive its ability to challenge any reservation or use, particularly given that the reservation of future use is based on statements that lack foundation, as noted by each of MCWC, East Dakota Water Development District, and the City of Sioux Falls in their respective filings.

To the extent the Chief Engineer and Water Management Board defer action on the Application as requested in East Dakota Water Development District's Comment until a more thorough investigation can be completed, MCWC may withdraw its Petition or agree to hold it in abeyance pending that investigation.

Sincerely,

Scott J Buss

Commenter's name and address:

First Name: Scott

Last Name: Buss

Address: 47381 248th St

City: Dell Rapids

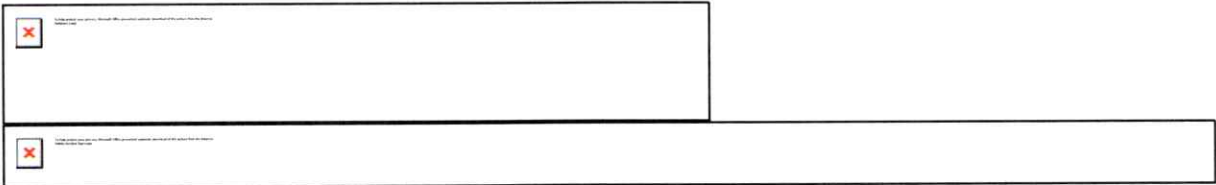
State: SD

Zip: 57022

Note. This comment needs to be submitted no later than the deadline date provided in the public notice. The mailing address is provided above, send to "Attention - Water Rights Program" or send via email to DANRmail@state.sd.us.

Duvall, Ron

From: Adobe Sign <adobesign@adobesign.com>
Sent: Thursday, January 2, 2025 3:55 PM
To: Duvall, Ron; Scott Buss
Subject: [EXT] Comment Form has been Filled by Department of Agriculture and Natural Resources and Scott Buss!
Attachments: Comment Form - signed.pdf; Comment Form Form Data.csv



Comment Form has been Filled by Department of Agriculture and Natural Resources and Scott Buss!

To: Ron Duvall and Scott Buss

Attached is a final copy of **Comment Form**.

Copies have been automatically sent to all parties to the agreement.

You can view [the document](#) in your Adobe Acrobat Sign account.

Why use Adobe Acrobat Sign:

- Exchange, Sign, and File Any Document. In Seconds!
- Set-up Reminders. Instantly Share Copies with Others.
- See All of Your Documents, Anytime, Anywhere.

To ensure that you continue receiving our emails, please add adobesign@adobesign.com to your address book or safe list.

Duvall, Ron

From: DANRnoreply <DANRnoreply@state.sd.us>
Sent: Thursday, January 2, 2025 3:45 PM
To: Duvall, Ron; Gronlund, Eric; amanada.dewell@state.sd.us
Subject: [EXT] Comment on No. 8903-3, City of Dell Rapids, c/o Steve McFarland

Please use caution in opening any attachments or clicking on any links.

This message was received from an external mail system, but has been made to appear as though originating from an internal State email address. If you are not expecting this message or are concerned about its content, please forward it to the reportspam@state.sd.us mailbox.

Comment On:
No. 8903-3, City of Dell Rapids, c/o Steve McFarland

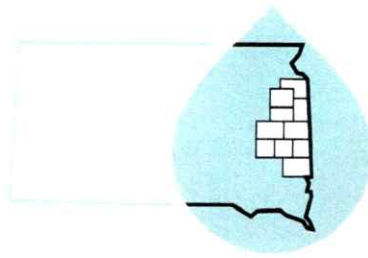
Comment Deadline Date:
01/02/2025

Date Comment Filed:
01/02/2025 15:45:25

Commenter Info:
Jay Gilbertson
132B Airport Avenue
Brookings SD, 57006

Comment:
See attached .pdf file for comments.

Attachment:
/Comment Attachments/EDWDD FUP 8903-3 Comments.pdf



EAST DAKOTA
WATER
DEVELOPMENT
DISTRICT

RECEIVED
JAN 02 2025
OFFICE OF
WATER

January 2, 2025

Eric Gronlund, Chief Engineer
SD DANR Water Rights Program
523 East Capitol Avenue
Pierre, South Dakota 57501-3182

Dear Mr. Gronlund:

On behalf of the East Dakota Water Development District, I wish to offer comments on Future Use Water Permit Application No. 8903-3. I have reservations about the information presented in the Report to the Chief Engineer on this matter, which is presented as the foundation for the formal Recommendation you have issued. Specifically, I question the assertion that there is a "reasonable probability that there is unappropriated water available for the applicants's proposed use.."

1. In the section of the report dealing with Observation Well and Other Water Level Data (second paragraph, page 4 of 15), it states that, "*The Water Rights Program does not maintain any observation wells completed in the Sioux Quartzite aquifer (Water Rights, 2024c). However, it is possible to consider water levels measured in wells completed into the Sioux Quartzite to determine general long-term trends of water levels in the area (Water Rights, 2024d).*"

In place of a series of consecutive measurements from observation wells in the Sioux Quartzite aquifer, the report presents, as Table 1, a single water level measurement, as reported in the well completion record, for four wells in the general vicinity of the proposed activity. The earliest data point was collected in 1980, and the final level reported in 2011. No additional water-level information is presented from any of the wells. Determination of water-level **trends** implicitly requires a series of observations over time at the same location. A single measurement only defines the conditions that existed at the point in time the data was collected. Table 1 provides no useful information if you are trying to interpret aquifer characteristics, beyond the fact that at a particular moment there was some undetermined amount of water in the ground. The assertion that long-term trends of water levels can be gleaned from existing information is not supported.

2. In the final paragraph on Page 4 of 15, the report states that, "Sioux Quartzite water levels across southeastern South Dakota show a correlation with long-term precipitation patterns (Lindgren and Niehus, 1992)." Figure 34 of Lindgren and Niehus, 1992 (copy attached), which is the apparent foundation for this statement, compares precipitation trends in the

area with water levels measured in Water Rights observation well MA-80I. The well is located approximately 9 miles SSW of Dell Rapids. A review of the lithologic log (attached) for MA-80I indicates that the well is completed in what is described as the "Sioux Quartzite Wash" aquifer. The description from the log makes clear that this unit is not the Sioux Quartzite aquifer, as defined in this report. As such, the noted trend is not applicable to the aquifer being addressed in this report.

The notion that the water levels in the Sioux Quartzite aquifer fluctuate with climate is re-stated several times in the report. No data to support these assertions is presented, beyond the problematic reference to Lindgren and Niehus (1992). In fact, in the final paragraph of Page 4 of 15, the report says that there is insufficient information available to establish water level trends in the target area. Yet, this is immediately followed by the statement that, "Regardless, water levels in the Sioux Quartzite wells tend to be similar to directly hydrologically connected aquifers (adjacent or overlying)." Again, no foundation for these statements is provided.

Given the aforementioned items, it is unclear as to how it can be determined that there is a "reasonable probability that there is unappropriated water available for the applicants's proposed use.." The addendum (Note) included in the formal Recommendation clearly suggests the uncertainty about this particular request.

I would encourage you and the Water Management Board to defer action on this request until such time as a more thorough investigation of the hydrogeologic conditions can be conducted. I would note that a similar approach was recently undertaken following a request from Plainview Dairy LLC (Permit 8768-3) to utilize water from the Toronto aquifer. At the time of Plainview's initial request, there was insufficient data available to make an informed decision. The Geological Survey Program was tasked with studying the situation, which included the drilling of test holes and installing observation wells to better define the local conditions. Given the notable lack of direct information in this instance, I believe a similar approach would be in order.

If you have any questions, or require clarification of anything I have presented, please do not hesitate to contact me. Thank you for your consideration of my comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jay P. Gilbertson", with a long horizontal flourish extending to the right.

Jay P. Gilbertson
Manager/Treasurer

From: Lindgren, R.L., and Nichols, C.A., 1992, Water Resources of Minnehaha County, South Dakota: US Geological Survey Water Resources Investigation Report 91-4101, 80 p.

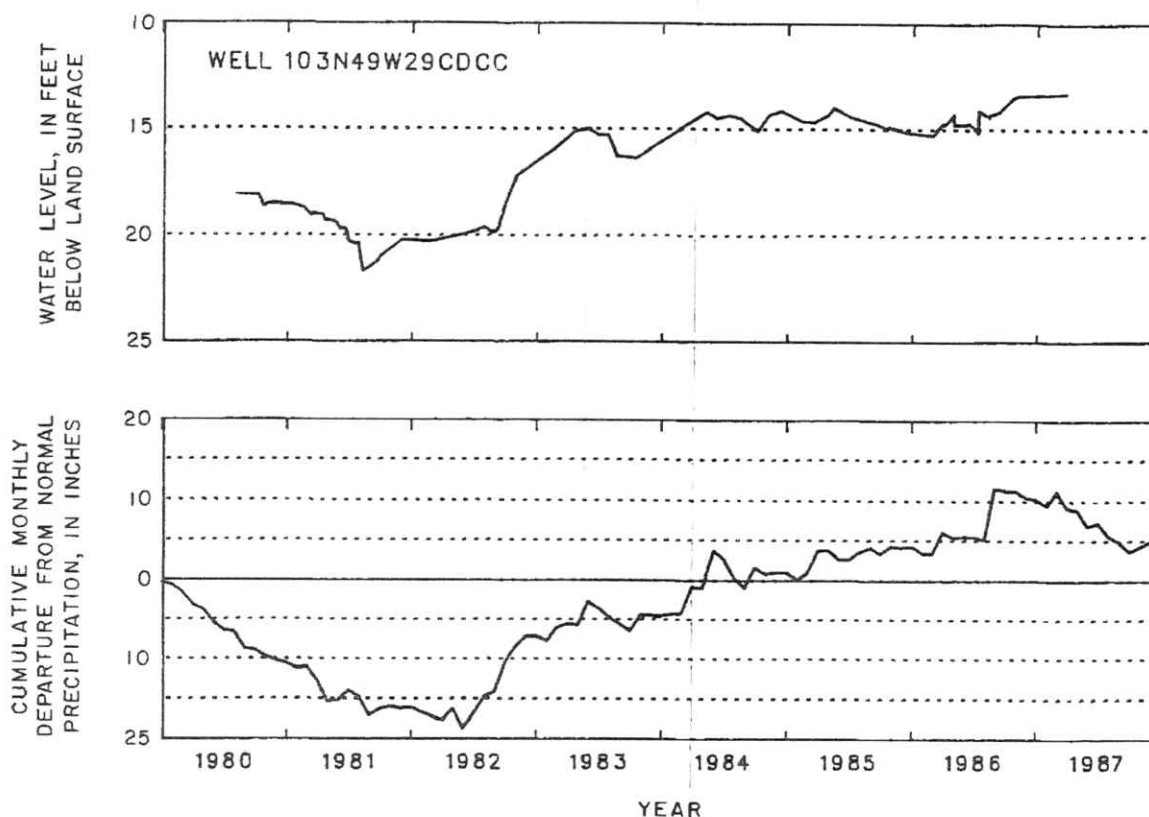


Figure 34.--Water-level fluctuations in the Sioux Quartzite aquifer and cumulative monthly departure from normal precipitation at Sioux Falls.

WATER USE

Surface water in Minnehaha County is used predominantly for stock-watering and irrigation purposes. Total surface-water use in Minnehaha County in 1985 was about 416 million gallons. About 60 percent of the total was for stock-watering purposes and about 40 percent was for irrigation.

Water use from glacial and bedrock aquifers in Minnehaha County in 1985 was estimated to be about 5.87 billion gallons (table 9). About 94 percent of the water used was withdrawn from glacial aquifers and about 6 percent of the water used was withdrawn from bedrock aquifers. Eighty-five percent of the water withdrawn from the aquifers in Minnehaha County was used for municipal purposes and 94 percent of the water withdrawn for municipal purposes was used by the city of Sioux Falls. About 347 million gallons (6 percent of the estimated 1985 water use) of water were withdrawn from the Big Sioux, Skunk Creek, and Brandon aquifers in 1985 for irrigation purposes. About 35 percent of the water withdrawn from the aquifers for rural domestic purposes was withdrawn from the Sioux Quartzite aquifer.

<https://gis.usd.edu/lithlogs/minnehaha/103N49W29CDCC.pdf>

Location Information

Legal Location: SW SW SE SW SEC. 29, T. 103 N., R. 49 W.

County: MINNEHAHA

Hydrologic Unit Code: 10170203

Land Owner:

Location: 103N49W29CDCC

Latitude: 43.688847

Longitude: -96.745457

Ground Surface Elevation: 1480 T

Project Information

Project: SIOUX FALLS-BRANDON STUDY

Drill Date: 6/19/1980

Company: SDGS

Drilling Method: ROTARY

Test Hole Number: SFB-207

Geologist: D. ILES

Geologist's Log: ☒

Driller: B. GARRISON

Driller's Log: ☐

Total Drill Hole Depth (ft): 112.0

Well Information

SDGS Well Name:

Water Rights Well: MA-801

Other Well Name:

Casing Type: PVC

Screen Type: PVC, MFG.

Total Casing and Screen (ft): 112.5

Casing Stick-up (ft): 2.5

Filter Pack from (ft): to

Well Protector Installed: No

Aquifer: SIOUX QUARTZITE WASH

Management Unit:

Casing Top Elevation: 1482.5 T

Casing Diameter (in): 2

Screen diameter (in):

Screen Length (ft):

Screened from (ft): to

Screen Slot Size (in)

Fence Posts Installed: No

Grouting Information

Bentonite Grout from (ft): to Neat Cement Grout from (ft): to

Bentonite Chips/Granular from (ft): to Other: to

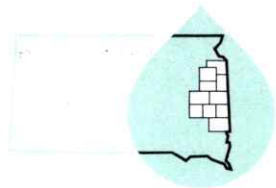
Formation and Geophysical Information

Bottom Hole Formation

☐ E-Log Available

BOTTOM OF WELL AT 110 FEET.

<u>Elevation (ft)</u>	<u>Depth (ft)</u>	<u>Description</u>
1480 - 1476	0 - 4	TOPSOIL, BROWN, SILTY
1476 - 1467	4 - 13	SILT, YELLOW; SOFT
1467 - 1456	13 - 24	CLAY, MOTTLED-YELLOW, SILTY, SANDY, PEBBLY (TILL)
1456 - 1455	24 - 25	SAND AND GRAVEL, FINE SAND TO COARSE GRAVEL; OXIDIZED
1455 - 1442	25 - 38	CLAY, MOTTLED-YELLOW, SILTY, SANDY, PEBBLY (TILL)
1442 - 1415	38 - 65	CLAY, YELLOW AND GRAY, MOTTLED, SILTY, SANDY, PEBBLY; SOME WHITE CALCAREOUS JOINT FILLING, THE COLOR WAS MOSTLY YELLOW AT 38 FEET AND MOSTLY GRAY AT 65 FEET
1415 - 1405	65 - 75	CLAY, YELLOW, SILTY, SANDY, PEBBLY; HARD, CALCAREOUS
1405 - 1370	75 - 110	SANDSTONE, PINK, FINE TO COARSE; COMPOSED OF QUARTZ, THE FIRST 3 INCHES WERE VERY HARD, INDIVIDUAL GRAINS APPEARED IN THE CUTTINGS, NO CHUNKS
1370 - 1368	110 - 112	QUARTZITE, PINK AND WHITE; HARD, USED ROCK BIT (SIOUX QUARTZITE)



EAST DAKOTA
WATER
DEVELOPMENT
DISTRICT

132B AIRPORT AVENUE | BROOKINGS, SD 57006

SIOUX FALLS SD 570

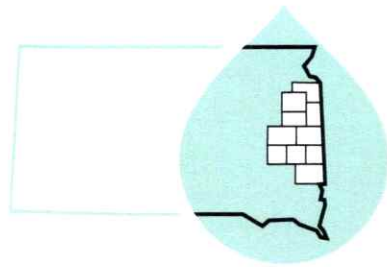
3 JAN 2025 PM 1 L



Eric Groulund
SD DNR Water Rights
523 E. Capitol Avenue
Pierre, SD 57501

57501-318299





EAST DAKOTA
WATER
DEVELOPMENT
DISTRICT

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JAN 06 2025

OFFICE OF
WATER

January 2, 2025

Eric Gronlund, Chief Engineer
SD DANR Water Rights Program
523 East Capitol Avenue
Pierre, South Dakota 57501-3182

Dear Mr. Gronlund:

On behalf of the East Dakota Water Development District, I wish to offer comments on Future Use Water Permit Application No. 8903-3. I have reservations about the information presented in the Report to the Chief Engineer on this matter, which is presented as the foundation for the formal Recommendation you have issued. Specifically, I question the assertion that there is a “reasonable probability that there is unappropriated water available for the applicants’ proposed use..”

1. In the section of the report dealing with Observation Well and Other Water Level Data (second paragraph, page 4 of 15), it states that, “*The Water Rights Program does not maintain any observation wells completed in the Sioux Quartzite aquifer (Water Rights, 2024c). However, it is possible to consider water levels measured in wells completed into the Sioux Quartzite to determine general long-term trends of water levels in the area (Water Rights, 2024d).*”

In place of a series of consecutive measurements from observation wells in the Sioux Quartzite aquifer, the report presents, as Table 1, a single water level measurement, as reported in the well completion record, for four wells in the general vicinity of the proposed activity. The earliest data point was collected in 1980, and the final level reported in 2011. No additional water-level information is presented from any of the wells. Determination of water-level **trends** implicitly requires a series of observations over time at the same location. A single measurement only defines the conditions that existed at the point in time the data was collected. Table 1 provides no useful information if you are trying to interpret aquifer characteristics, beyond the fact that at a particular moment there was some undetermined amount of water in the ground. The assertion that long-term trends of water levels can be gleaned from existing information is not supported.

2. In the final paragraph on Page 4 of 15, the report states that, “Sioux Quartzite water levels across southeastern South Dakota show a correlation with long-term precipitation patterns (Lindgren and Niehus, 1992).” Figure 34 of Lindgren and Niehus, 1992 (copy attached), which is the apparent foundation for this statement, compares precipitation trends in the

area with water levels measured in Water Rights observation well MA-80I. The well is located approximately 9 miles SSW of Dell Rapids. A review of the lithologic log (attached) for MA-80I indicates that the well is completed in what is described as the "Sioux Quartzite Wash" aquifer. The description from the log makes clear that this unit is not the Sioux Quartzite aquifer, as defined in this report. As such, the noted trend is not applicable to the aquifer being addressed in this report.

The notion that the water levels in the Sioux Quartzite aquifer fluctuate with climate is restated several times in the report. No data to support these assertions is presented, beyond the problematic reference to Lindgren and Niehus (1992). In fact, in the final paragraph of Page 4 of 15, the report says that there is insufficient information available to establish water level trends in the target area. Yet, this is immediately followed by the statement that, "Regardless, water levels in the Sioux Quartzite wells tend to be similar to directly hydrologically connected aquifers (adjacent or overlying)." Again, no foundation for these statements is provided.

Given the aforementioned items, it is unclear as to how it can be determined that there is a "reasonable probability that there is unappropriated water available for the applicants's proposed use.." The addendum (Note) included in the formal Recommendation clearly suggests the uncertainty about this particular request.

I would encourage you and the Water Management Board to defer action on this request until such time as a more thorough investigation of the hydrogeologic conditions can be conducted. I would note that a similar approach was recently undertaken following a request from Plainview Dairy LLC (Permit 8768-3) to utilize water from the Toronto aquifer. At the time of Plainview's initial request, there was insufficient data available to make an informed decision. The Geological Survey Program was tasked with studying the situation, which included the drilling of test holes and installing observation wells to better define the local conditions. Given the notable lack of direct information in this instance, I believe a similar approach would be in order.

If you have any questions, or require clarification of anything I have presented, please do not hesitate to contact me. Thank you for your consideration of my comments.

Sincerely,



Jay P. Gilbertson
Manager/Treasurer

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WATER

From: Lindgren, R.L., and Nichols, C.A., 1992, Water Resources of Minnehaha County, South Dakota: US Geological Survey Water Resources Investigation Report 91-4101, 80 p.

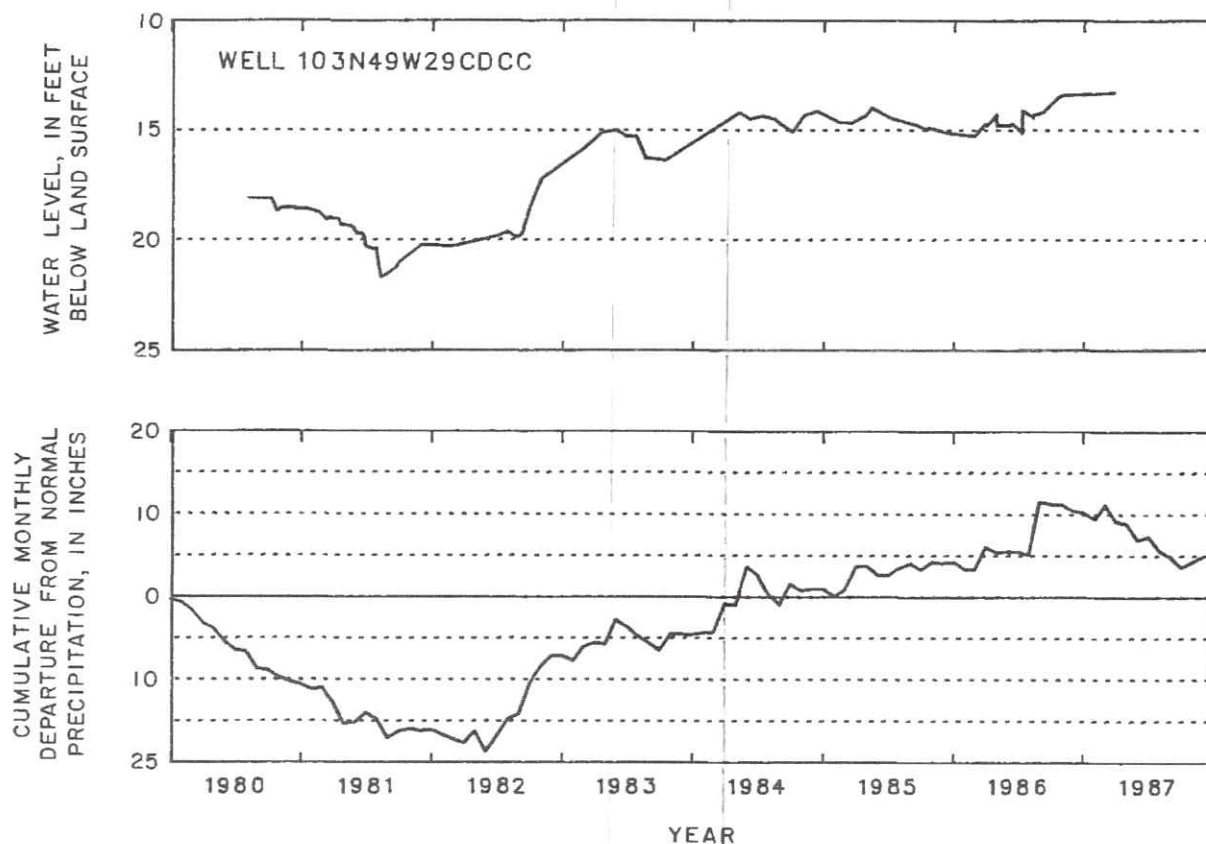


Figure 34.--Water-level fluctuations in the Sioux Quartzite aquifer and cumulative monthly departure from normal precipitation at Sioux Falls.

WATER USE

Surface water in Minnehaha County is used predominantly for stock-watering and irrigation purposes. Total surface-water use in Minnehaha County in 1985 was about 416 million gallons. About 60 percent of the total was for stock-watering purposes and about 40 percent was for irrigation.

Water use from glacial and bedrock aquifers in Minnehaha County in 1985 was estimated to be about 5.87 billion gallons (table 9). About 94 percent of the water used was withdrawn from glacial aquifers and about 6 percent of the water used was withdrawn from bedrock aquifers. Eighty-five percent of the water withdrawn from the aquifers in Minnehaha County was used for municipal purposes and 94 percent of the water withdrawn for municipal purposes was used by the city of Sioux Falls. About 347 million gallons (6 percent of the estimated 1985 water use) of water were withdrawn from the Big Sioux, Skunk Creek, and Brandon aquifers in 1985 for irrigation purposes. About 35 percent of the water withdrawn from the aquifers for rural domestic purposes was withdrawn from the Sioux Quartzite aquifer.

<https://gis.usd.edu/lithlogs/minnehaha/103N49W29CDCC.pdf>

Location Information

Legal Location: SW SW SE SW SEC. 29, T. 103 N., R. 49 W.

County: MINNEHAHA

Hydrologic Unit Code: 10170203

Land Owner:

Location: 103N49W29CDCC

Latitude: 43.688847

Longitude: -96.745457

Ground Surface Elevation: 1480 T

Project Information

Project: SIOUX FALLS-BRANDON STUDY

Drill Date: 6/19/1980

Company: SDGS

Drilling Method: ROTARY

Test Hole Number: SFB-207

Geologist: D. ILES

Geologist's Log: ☒

Driller: B. GARRISON

Driller's Log: ☐

Total Drill Hole Depth (ft): 112.0

Well Information

SDGS Well Name:

Water Rights Well: MA-80I

Other Well Name:

Casing Type: PVC

Screen Type: PVC, MFG.

Total Casing and Screen (ft): 112.5

Casing Stick-up (ft): 2.5

Filter Pack from (ft): to

Well Protector Installed: No

Aquifer: SIOUX QUARTZITE WASH

Management Unit:

Casing Top Elevation: 1482.5 T

Casing Diameter (in): 2

Screen diameter (in):

Screen Length (ft):

Screened from (ft): to

Screen Slot Size (in)

Fence Posts Installed: No

Grouting Information

Bentonite Grout from (ft): to Neat Cement Grout from (ft): to

Bentonite Chips/Granular from (ft): to Other: to

Formation and Geophysical Information

Bottom Hole Formation

☐ E-Log Available

BOTTOM OF WELL AT 110 FEET.

Monday, October 16, 2023 103N49W29CDCC

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WATER

<u>Elevation (ft)</u>	<u>Depth (ft)</u>	<u>Description</u>
1480 - 1476	0 - 4	TOPSOIL, BROWN, SILTY
1476 - 1467	4 - 13	SILT, YELLOW; SOFT
1467 - 1456	13 - 24	CLAY, MOTTLED-YELLOW, SILTY, SANDY, PEBBLY (TILL)
1456 - 1455	24 - 25	SAND AND GRAVEL, FINE SAND TO COARSE GRAVEL; OXIDIZED
1455 - 1442	25 - 38	CLAY, MOTTLED-YELLOW, SILTY, SANDY, PEBBLY (TILL)
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1405 - 1370	75 - 110	SANDSTONE, PINK, FINE TO COARSE; COMPOSED OF QUARTZ, THE FIRST 3 INCHES WERE VERY HARD, INDIVIDUAL GRAINS APPEARED IN THE CUTTINGS, NO CHUNKS
1370 - 1368	110 - 112	QUARTZITE, PINK AND WHITE; HARD, USED ROCK BIT (SIOUX QUARTZITE)

Duvall, Ron

From: DANRnoreply <DANRnoreply@state.sd.us>
Sent: Tuesday, December 31, 2024 11:34 AM
To: Duvall, Ron; Gronlund, Eric; amanada.dewell@state.sd.us
Subject: [EXT] Comment on No. 8903-3, City of Dell Rapids, c/o Steve McFarland

Please use caution in opening any attachments or clicking on any links.

This message was received from an external mail system, but has been made to appear as though originating from an internal State email address. If you are not expecting this message or are concerned about its content, please forward it to the reportspam@state.sd.us mailbox.

Comment On:
No. 8903-3, City of Dell Rapids, c/o Steve McFarland

Comment Deadline Date:
01/02/2025

Date Comment Filed:
12/31/2024 11:33:40

Commenter Info:
Chris Myers
2100 N Minnesota Ave
Sioux Falls SD, 57104

Comment:
December 30, 2024 Chief Engineer, Eric Gronlund Water Rights Program, Foss Building 523 E Capitol, Pierre SD 57501
RE: NOTICE OF APPLICATION NO. 8903-3 to Reserve Water for Future Use Dear Chief Engineer: As the Water Superintendent for the City of Sioux Falls Water Purification Division, I hereby submit the following comments regarding Application Number 8903-3, which concerns the City of Dell Rapids' proposed future use of the Sioux Quartzite Aquifer. My comments and concerns are based on potential impact to the already full allocation of future use permits in the Big Sioux Aquifer: Sioux Falls. 1. As the City of Sioux Falls continues to grow and water demand increases, the City is anticipated to grow rapidly into our future water use and thereby converting the future use permits to beneficial use permits. The City's growth plans rely upon its Big Sioux Aquifer Future Use Permit as a significant water source for the Public Water System. 2. The Big Sioux Aquifer: Sioux Falls has been fully appropriated. As such, the City's concern is the potential induction of water from the Big Sioux Aquifer to the Sioux Quartzite Aquifer. If there is induction, it could negatively impact water availability to the City of Sioux Falls and other downstream public water systems who rely on the Big Sioux Aquifer as their water source. 3. As was stated in the Recommendation of Chief Engineer for Future Use Water Permit Application No. 8903-3, City of Dell Rapids cover letter, "[a]ny application to place water to beneficial use reserved by this Future Use Permit may be subject to the City of Dell Rapids retaining a hydrogeologist or other qualified consultant to conduct a suitable aquifer performance test with analysis to determine if pumping from the Sioux Quartzite Aquifer will induce recharge from nearby aquifers that may be hydrologically connected to the Sioux Quartzite Aquifer. Inducing inflow from a hydrologically connected aquifer presents beneficial use and public interest concerns for consideration by the Water Management Board." 4. The City is not aware of any study regarding a suitable aquifer performance test with analysis sufficient to determine if pumping from the Sioux Quartzite Aquifer will induce recharge from nearby aquifers that may be hydrologically connected to the Sioux Quartzite Aquifer. 5. The City is in agreement with the Chief Engineer's above quoted statement, and therefore strongly advocates that a proper study and

understanding be required and performed prior to the conversion of this future use permit (if approved) to beneficial use, thereby ensuring that there is no induction from the Big Sioux to the Sioux Quartzite Aquifer. The City is prepared to offer further comment or provide responses to any questions for your consideration. Thank you for your attention. Chris Myers, Water Superintendent City of Sioux Falls, South Dakota Ph. 605-373-6944 Email. Chris.Myers@SiouxFalls.Gov

Attachment:

/Comment Attachments/Water Application Comments (1).docx

December 30, 2024

Chief Engineer, Eric Gronlund

Water Rights Program, Foss Building

523 E Capitol, Pierre SD 57501

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DEC 31 2024

OFFICE OF
WATER

RE: NOTICE OF APPLICATION NO. 8903-3 to Reserve Water for Future Use

Dear Chief Engineer:

As the Water Superintendent for the City of Sioux Falls Water Purification Division, I hereby submit the following comments regarding Application Number 8903-3, which concerns the City of Dell Rapids' proposed future use of the Sioux Quartzite Aquifer. My comments and concerns are based on potential impact to the already full allocation of future use permits in the **Big Sioux Aquifer: Sioux Falls**.

1. As the City of Sioux Falls continues to grow and water demand increases, the City is anticipated to grow rapidly into our future water use and thereby converting the future use permits to beneficial use permits. The City's growth plans rely upon its Big Sioux Aquifer Future Use Permit as a significant water source for the Public Water System.

2. The **Big Sioux Aquifer: Sioux Falls** has been fully appropriated. As such, the City's concern is the potential induction of water from the Big Sioux Aquifer to the Sioux Quartzite Aquifer. If there is induction, it could negatively impact water availability to the City of Sioux Falls and other downstream public water systems who rely on the Big Sioux Aquifer as their water source.

3. As was stated in the Recommendation of Chief Engineer for Future Use Water Permit Application No. 8903-3, City of Dell Rapids cover letter, "[a]ny application to place water to beneficial use reserved by this Future Use Permit may be subject to the City of Dell Rapids retaining a hydrogeologist or other qualified consultant to conduct a suitable aquifer performance test with analysis to determine if pumping from the Sioux Quartzite Aquifer will induce recharge from nearby aquifers that may be hydrologically connected to the Sioux Quartzite Aquifer. Inducing inflow from a hydrologically connected aquifer presents beneficial use and public interest concerns for consideration by the Water Management Board."

4. The City is not aware of any study regarding a suitable aquifer performance test with analysis sufficient to determine if pumping from the Sioux Quartzite Aquifer will induce recharge from nearby aquifers that may be hydrologically connected to the Sioux Quartzite Aquifer.

5. The City is in agreement with the Chief Engineer's above quoted statement, and therefore strongly advocates that a proper study and understanding be required and performed prior to the conversion of this future use permit (if approved) to beneficial use, thereby ensuring that there is no induction from the Big Sioux to the Sioux Quartzite Aquifer.

The City is prepared to offer further comment or provide responses to any questions for your consideration. Thank you for your attention.

Chris Myers,

Water Superintendent

City of Sioux Falls, South Dakota

Ph. 605-373-6944

Email. Chris.Myers@SiouxFalls.Gov



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JAN 02 2025

OFFICE OF
WATER

DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES

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

Comment

Concerning Application for a Water Right Permit

Application No. 8903-3 Name of Applicant City of Dell Rapids

The Application No. and applicant's name can be found in the public notice at <https://danr.sd.gov/public>.

Note. Filing a comment does NOT make the commenter a party of record to, or a participant in, any hearing that may be held concerning this application. Your comment will be provided to the Water Management Board and become part of the public record.

Comments concerning this application:

January 2, 2025

Eric Gronlund, Chief Engineer
Water Rights Program
Foss Building
523 E Capitol
Pierre, SD 57501

Dear Mr. Gronlund,
Minnehaha County Water Corporation ("MCWC") joins in the Comments submitted by East Dakota Water Development District on January 2, 2025, and the City of Sioux Falls on December 30, 2024, respectively. As outlined in its Petition dated December 27, 2024, attached hereto and incorporated herein by this reference, MCWC has concerns that Application 8903-3 from the City of Dell Rapids will have a detrimental effect on MCWC's existing permitted wells and the recharge of the Sioux Falls Management Unit of the Bug Sioux Aquifer.

While Application 8903-3 seeks to reserve a future use, MCWC, out of an abundance of caution, filed a Petition, as opposed to solely a Comment in this matter. MCWC wants to ensure it does not waive its ability to challenge any reservation or use, particularly given that the reservation of future use is based on statements that lack foundation, as noted by each of MCWC, East Dakota Water Development District, and the City of Sioux Falls in their respective filings.

To the extent the Chief Engineer and Water Management Board defer action on the Application as requested in East Dakota Water Development District's Comment until a more thorough investigation can be completed, MCWC may withdraw its Petition or agree to hold it in abeyance pending that investigation.

Sincerely,

Scott J Buss

Commenter's name and address:

First Name: Scott Last Name: Buss

Address: 47381 248th St

City: Dell Rapids State: SD Zip: 57022

Note. This comment needs to be submitted no later than the deadline date provided in the public notice. The mailing address is provided above, send to "Attention - Water Rights Program" or send via email to DANRmail@state.sd.us.

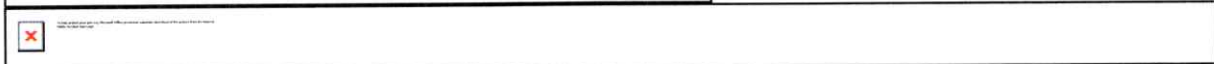
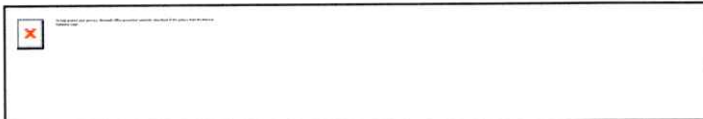
Application No. 8903-3

Commenter's Name Scott Buss, MCWC

Any additional comments:

Duvall, Ron

From: Adobe Sign <adobesign@adobesign.com>
Sent: Thursday, January 2, 2025 3:55 PM
To: Duvall, Ron; Scott Buss
Subject: [EXT] Comment Form has been Filled by Department of Agriculture and Natural Resources and Scott Buss!
Attachments: Comment Form - signed.pdf; Comment Form Form Data.csv



Comment Form has been Filled by Department of Agriculture and Natural Resources and Scott Buss!

To: Ron Duvall and Scott Buss

Attached is a final copy of **Comment Form**.

Copies have been automatically sent to all parties to the agreement.

You can view [the document](#) in your Adobe Acrobat Sign account.

Why use Adobe Acrobat Sign:

- Exchange, Sign, and File Any Document. In Seconds!
- Set-up Reminders. Instantly Share Copies with Others.
- See All of Your Documents, Anytime, Anywhere.

To ensure that you continue receiving our emails, please add adobesign@adobesign.com to your address book or safe list.



Minnehaha Community
47381 248th St
Dell Rapids, SD 57022

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12/27/2024 ZIP 57022
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US POSTAGE

Eric Granlund, Chief Engineer
Water Rights Program
523 E Capitol
Pierre, SD 57501

57501-318299





DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES

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

Petition

Opposing Application for a Water Right Permit

Application No. 8903-3 Name of Applicant City of Dell Rapids
The Application No. and applicant's name can be found in the public notice at <https://danr.sd.gov/public>.

Note. According to South Dakota Codified Law section 46-2A-4(5), all the following information is required.

Describe the unique injury approval of this application will have upon you.

See attached letter.

List the reasons for your opposition to this application.

See attached letter.

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OFFICE OF
WATER

Provide name and mailing address of the person filing this petition or the petitioner's legal counsel.

First Name: Scott Last Name: Buss
Mailing Address: 47381 248th St
City: Dell Rapids State: SD Zip: 57022

Optional contact information. Phone: 605 201 5975 Email: mcwc@siouxvalley.net

Note. This petition needs to be submitted via mail or personally served upon Water Rights no later than the deadline date provided in the public notice. The mailing address is provided above and should be sent to "Attention - Water Rights Program." A copy of this petition also needs to be mailed to, or personally served upon, the applicant whose mailing address is provided in the public notice.

Application No. _____

Petitioner's Name _____

Any additional description of the unique injury or reasons for opposing this application:



MINNEHAHA COMMUNITY WATER CORP.

47381 248th St.
Dell Rapids, SD 57022

Phone : 605-428-3374
Fax : 605-428-3395
Web : www.minnehahacommunitywater.com
Email : mcwcbilling@siouxvalley.net

December 27, 2024

Eric Gronlund, Chief Engineer
Water Rights Program
Foss Building
523 E Capitol
Pierre, SD 57501

Dear Mr. Gronlund,

I am writing to file a Petition of Opposition to Application 8903-3 from the City of Dell Rapids. This application requests to appropriate and reserve a future use of 2,092 acre-ft of water annually from the Sioux Quartzite Aquifer. Minnehaha Community Water Corporation believes that the withdrawal of an additional 2,092 acre-ft of water from the area south of the City of Dell Rapids, as described in their application, will have a unique and detrimental effect on MCWC's existing permitted wells and the recharge of the Sioux Falls Management Unit of the Big Sioux Aquifer. Consequently, any injury sustained by MCWC will also hurt those who rely on MCWC for water.

MCWC currently operates three wells in the NW ¼ NE ¼ Section 17 Township 104 N Range 49 W, under permit 6455-3. The wells are located approximately 1,300 feet from the western edge of the future use area identified in the subject application. Quartzite in the location can be found exposed in the bottom of the river. This area has been identified by the State of South Dakota as being part of the Sioux Falls management unit of the Big Sioux aquifer, suggesting a direct connection between the Big Sioux Aquifer and the Sioux Quartzite Aquifer.

The Big Sioux River flows directly through the future use area described in the application, and the big Sioux River is a primary source of recharge for the Sioux Falls Management Unit of the Big Sioux Aquifer. MCWC depends on the aquifer as a source of drinking water for the citizens of Minnehaha County. The report on the application acknowledges that pumping water in close proximity to the aquifer may induce water to move from the Big Sioux Aquifer into the Sioux Quartzite. Allowing an additional 2,092 acre-ft of water to be used from the Sioux Quartzite Aquifer may reduce the recharge and water available in the fully appropriated Big Sioux Aquifer.

Under South Dakota law, any application for a permit must meet the following conditions: (1) reasonable probability that unappropriated water is available for the requested use; (2) no impairment of existing water rights; (3) service of a beneficial use; and (4) furtherance of the public interest. At this time, MCWC believes the Application does not contain sufficient information to establish several of the required criteria. MCWC believes that action on Application 8903-3 should

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DEC 31 2024

**OFFICE OF
WATER**

be deferred until more information on the source and recharge of Sioux Quartzite water can be determined.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Scott J Buss". The signature is fluid and cursive, with the first name "Scott" and last name "Buss" clearly legible.

Scott J Buss
Executive Director

Cc: Steve McFarland, City Administrator, City of Dell Rapids

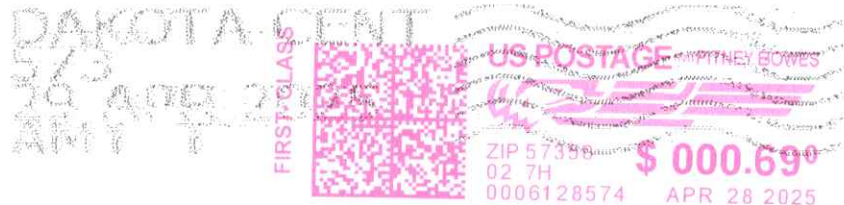
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DEC 31 2024

OFFICE OF
WATER

CHURCHILL, MANOLIS, FREEMAN, KLUDT & BURNS LLP
ATTORNEYS AT LAW

FARMERS & MERCHANTS BANK BUILDING
333 DAK AVE S • 2ND FLOOR • PO BOX 176
HURON, SOUTH DAKOTA 57350-0176



Ron DuVall
SD DANR, Water Rights Program
Department of Natural Resources
523 East Capitol
Pierre, South Dakota 57501

57501\$3182



Questions regarding the hearing process may be directed to Amanda Dewell (amanda.dewell@state.sd.us) or Ron Duvall (ron.duvall@state.sd.us), Water Rights Program at (605) 773-3352.

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

WATER MANAGEMENT BOARD

IN RE APPLICATION OF DELL RAPIDS)
FOR FUTURE USE WATER PERMIT NO.)
8903-3)

ORDER

Pending before the Board is hearing scheduled for May 7, 2025, regarding Future Use Water Permit Application No. 8903-3.

On April 22, 2025, attorneys for the Petitioner requested postponement of the hearing as they are unavailable to appear before the Board on May 7, 2025, due to a previously scheduled three-day trial of a different matter. Further, as a legal entity, Petitioner is required to be represented by legal counsel in this administrative proceeding.

Counsel for the Petitioner asserts "[t]he City of Dell Rapids ("Applicant") was advised of the scheduling conflict explained herein, and Applicant raised no objection to Petitioner filing this request to postpone the May 7, 2025 hearing."

Accordingly, it is hereby

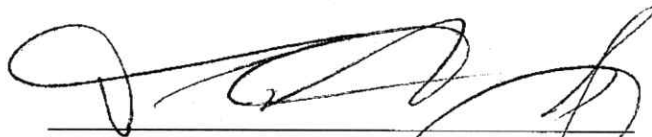
ORDERED that the hearing scheduled for May 7, 2025 is hereby postponed until the next regularly scheduled meeting of the Board, the date for which will be set at the May 7, 2025 meeting.

Dated this 28th day of April 2025.

via email
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APR 28 2025

Water Rights
Program



Rodney Freeman, Pre-Hearing Chair
South Dakota Water Management Board

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice of Entry of Order dated April 29, 2025, and Order signed April 28, 2025, granting a postponement regarding Future Use Water Permit Application No. 8903-3 – City of Dell Rapids, was served upon the following by enclosing the same in envelopes with first class postage prepaid and affixed thereto, and depositing said envelopes in the United States mail on April 29, 2025.

City of Dell Rapids
c/o Steve McFarland, Administrator
PO Box 10
Dell Rapids, SD 57022

Minnehaha Community Water Corp
c/o Scott Buss, Executive Director
47380 248th St
Dell Rapids, SD 57022

Matthew E. Naasz
PO Box 8045
Rapid City, SD 57709

Meredith A. Moore
PO Box 1400
Sioux Falls, SD 57101-1400

Above also Sent Inter-office to:

Jennifer Verleger, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre, SD 57501

David McVey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre, SD 57501



Ron Duvall
Office of Water, DANR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 29th day of April, 2025.



Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029



RECEIVED

APR 30 2025

OFFICE OF
WATER

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

WATER MANAGEMENT BOARD

IN RE APPLICATION OF DELL RAPIDS	)	
FOR FUTURE USE WATER PERMIT NO.	)	ORDER
8903-3	)	
	)	

Pending before the Board is hearing scheduled for May 7, 2025, regarding Future Use Water Permit Application No. 8903-3.

On April 22, 2025, attorneys for the Petitioner requested postponement of the hearing as they are unavailable to appear before the Board on May 7, 2025, due to a previously scheduled three-day trial of a different matter. Further, as a legal entity, Petitioner is required to be represented by legal counsel in this administrative proceeding.

Counsel for the Petitioner asserts "[t]he City of Dell Rapids ("Applicant") was advised of the scheduling conflict explained herein, and Applicant raised no objection to Petitioner filing this request to postpone the May 7, 2025 hearing."

Accordingly, it is hereby

ORDERED that the hearing scheduled for May 7, 2025 is hereby postponed until the next regularly scheduled meeting of the Board, the date for which will be set at the May 7, 2025 meeting.

Dated this 28th day of April 2025.


Rodney Freeman, Pre-Hearing Chair
South Dakota Water Management Board

CUTLER LAW FIRM, LLP

140 N. PHILLIPS AVE, 4TH FLOOR
PO BOX 1400
SIOUX FALLS, SD 57101-1400

SIOUX FALLS SD 570

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US POSTAGE

DANR-Water Rights Program
Attn: Chief Engineer
523 East Capitol
Pierre, SD 57105

57501-318299



**BEFORE THE WATER MANAGEMENT BOARD OF THE DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES**

IN RE APPLICATION OF DELL RAPIDS
FOR FUTURE USE WATER PERMIT NO.
8903-3

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE of the appearance of Meredith A. Moore of Cutler Law Firm, LLP, 140 North Phillips Avenue, 4th Floor, P.O. Box 1400, Sioux Falls, South Dakota 57101-1400, as counsel for Petitioner Minnehaha Community Water Corporation in the above-entitled action.

Dated this 22nd day of April, 2025.

CUTLER LAW FIRM, LLP
Attorneys at Law

/s/ Meredith A. Moore
Meredith A. Moore
140 N. Phillips Ave., 4th Floor
P.O. Box 1400
Sioux Falls, SD 57101-1400
Telephone: (605) 335-4950
E-mail: meredithm@cutlerlawfirm.com
Attorneys for Petitioner

via email

RECEIVED

APR 22 2025

**Water Rights
Program**

CERTIFICATE OF SERVICE

I, Meredith A. Moore, do hereby certify that on this 22nd day of April, 2025, a true and correct copy of **NOTICE OF APPEARANCE** was served upon the following individuals by U.S.

Mail, postage prepaid:

Ron Duvall
South Dakota Department of
Environment and Natural Resources
523 East Capitol
Pierre, SD 57501

Matthew Naasz
Attorney for City of Dell Rapids
506 Sixth Street
P.O. Box 8045
Rapid City, SD 57709

City of Dell Rapids
Steve McFarland, Administrator
P.O. Box 10
Dell Rapids, SD 57022

Jennifer Verleger, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre, SD 57501

/s/ Meredith A. Moore
Meredith A. Moore

RECEIVED

APR 22 2025

**Water Rights
Program**

RECEIVED

APR 28 2025

OFFICE OF
WATER

**BEFORE THE WATER MANAGEMENT BOARD OF THE DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES**

IN RE APPLICATION OF DELL RAPIDS
FOR FUTURE USE WATER PERMIT NO.
8903-3

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE of the appearance of Meredith A. Moore of Cutler Law Firm, LLP, 140 North Phillips Avenue, 4th Floor, P.O. Box 1400, Sioux Falls, South Dakota 57101-1400, as counsel for Petitioner Minnehaha Community Water Corporation in the above-entitled action.

Dated this 22nd day of April, 2025.

CUTLER LAW FIRM, LLP
Attorneys at Law

/s/ Meredith A. Moore
Meredith A. Moore
140 N. Phillips Ave., 4th Floor
P.O. Box 1400
Sioux Falls, SD 57101-1400
Telephone: (605) 335-4950
E-mail: meredithm@cutlerlawfirm.com
Attorneys for Petitioner

RECEIVED

APR 28 2025

OFFICE OF
WATER

CERTIFICATE OF SERVICE

I, Meredith A. Moore, do hereby certify that on this 22nd day of April, 2025, a true and correct copy of **NOTICE OF APPEARANCE** was served upon the following individuals by U.S.

Mail, postage prepaid:

DANR-Water Rights Program
Attn: Chief Engineer
523 East Capitol
Pierre, SD 57105

Ron Duvall
South Dakota Department of
Environment and Natural Resources
523 East Capitol
Pierre, SD 57501

Matthew Naasz
Attorney for City of Dell Rapids
506 Sixth Street
P.O. Box 8045
Rapid City, SD 57709

City of Dell Rapids
Steve McFarland, Administrator
P.O. Box 10
Dell Rapids, SD 57022

Jennifer Verleger, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre, SD 57501

/s/ Meredith A. Moore

Meredith A. Moore

APR 28 2025

OFFICE OF
WATER

**BEFORE THE WATER MANAGEMENT BOARD OF THE DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES**

IN RE APPLICATION OF DELL RAPIDS
FOR FUTURE USE WATER PERMIT NO.
8903-3

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE of the appearance of Meredith A. Moore of Cutler Law Firm, LLP, 140 North Phillips Avenue, 4th Floor, P.O. Box 1400, Sioux Falls, South Dakota 57101-1400, as counsel for Petitioner Minnehaha Community Water Corporation in the above-entitled action.

Dated this 22nd day of April, 2025.

CUTLER LAW FIRM, LLP
Attorneys at Law

/s/ Meredith A. Moore
Meredith A. Moore
140 N. Phillips Ave., 4th Floor
P.O. Box 1400
Sioux Falls, SD 57101-1400
Telephone: (605) 335-4950
E-mail: meredithm@cutlerlawfirm.com
Attorneys for Petitioner

APR 28 2025

OFFICE OF
WATER

CERTIFICATE OF SERVICE

I, Meredith A. Moore, do hereby certify that on this 22nd day of April, 2025, a true and correct copy of **NOTICE OF APPEARANCE** was served upon the following individuals by U.S.

Mail, postage prepaid:

DANR-Water Rights Program
Attn: Chief Engineer
523 East Capitol
Pierre, SD 57105

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South Dakota Department of
Environment and Natural Resources
523 East Capitol
Pierre, SD 57501

Matthew Naasz
Attorney for City of Dell Rapids
506 Sixth Street
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Rapid City, SD 57709

City of Dell Rapids
Steve McFarland, Administrator
P.O. Box 10
Dell Rapids, SD 57022

Jennifer Verleger, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre, SD 57501

/s/ Meredith A. Moore

Meredith A. Moore

**BEFORE THE WATER MANAGEMENT BOARD OF THE DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES**

IN RE APPLICATION OF DELL RAPIDS
FOR FUTURE USE WATER PERMIT NO.
8903-3

**NOTICE OF REQUEST FOR
POSTPONEMENT**

PLEASE TAKE NOTICE, Minnehaha Community Water Corporation ("**Petitioner**") hereby requests postponement of the hearing scheduled for May 7, 2025, regarding Future Use Water Permit Application No. 8903-3.

As stated in the Notice of Hearing dated April 4, 2025, the hearing is scheduled for May 7, 2025. The undersigned counsel for Petitioner is unavailable to appear before the Board on May 7, 2025, due to a previously scheduled three-day trial of a different matter. As a legal entity, Petitioner is required to be represented by legal counsel in this administrative proceeding. Since counsel for Petitioner is unavailable to appear at the hearing scheduled for May 7, 2025, and Petitioner is required to be represented by counsel at the hearing, Petitioner is formally requesting a postponement of the hearing until a date later than May 7, 2025, as a reasonable accommodation. The City of Dell Rapids ("**Applicant**") was advised of the scheduling conflict explained herein, and Applicant raised no objection to Petitioner filing this request to postpone the May 7, 2025 hearing.

Dated this 22nd day of April, 2025.

CUTLER LAW FIRM, LLP
Attorneys at Law

/s/ Meredith A. Moore
Meredith A. Moore
140 N. Phillips Ave., 4th Floor
P.O. Box 1400
Sioux Falls, SD 57101-1400
Telephone: (605) 335-4950
E-mail: meredithm@cutlerlawfirm.com
Attorneys for Petitioner

Via email
RECEIVED

APR 22 2025

**Water Rights
Program**

CERTIFICATE OF SERVICE

I, Meredith A. Moore, do hereby certify that on this 22nd day of April, 2025, a true and correct copy of **REQUEST FOR POSTPONEMENT** was served upon the following individuals by U.S. Mail, postage prepaid:

DANR-Water Rights Program
Attn: Chief Engineer
523 East Capitol
Pierre, SD 57105

Ron Duvall
South Dakota Department of
Environment and Natural Resources
523 East Capitol
Pierre, SD 57501

Matthew Naasz
Attorney for City of Dell Rapids
506 Sixth Street
P.O. Box 8045
Rapid City, SD 57709

City of Dell Rapids
Steve McFarland, Administrator
P.O. Box 10
Dell Rapids, SD 57022

Jennifer Verleger, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre, SD 57501

/s/ Meredith A. Moore
Meredith A. Moore

RECEIVED
APR 22 2025
Water Rights
Program

APR 28 2025

OFFICE OF
WATER**BEFORE THE WATER MANAGEMENT BOARD OF THE DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES**

IN RE APPLICATION OF DELL RAPIDS
FOR FUTURE USE WATER PERMIT NO.
8903-3

**NOTICE OF REQUEST FOR
POSTPONEMENT**

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Dated this 22nd day of April, 2025.

CUTLER LAW FIRM, LLP
Attorneys at Law

/s/ Meredith A. Moore
Meredith A. Moore
140 N. Phillips Ave., 4th Floor
P.O. Box 1400
Sioux Falls, SD 57101-1400
Telephone: (605) 335-4950
E-mail: meredithm@cutlerlawfirm.com
Attorneys for Petitioner

RECEIVED

APR 28 2025

OFFICE OF
WATER

CERTIFICATE OF SERVICE

I, Meredith A. Moore, do hereby certify that on this 22nd day of April, 2025, a true and correct copy of **REQUEST FOR POSTPONEMENT** was served upon the following individuals by U.S. Mail, postage prepaid:

DANR-Water Rights Program
Attn: Chief Engineer
523 East Capitol
Pierre, SD 57105

Ron Duvall
South Dakota Department of
Environment and Natural Resources
523 East Capitol
Pierre, SD 57501

Matthew Naasz
Attorney for City of Dell Rapids
506 Sixth Street
P.O. Box 8045
Rapid City, SD 57709

City of Dell Rapids
Steve McFarland, Administrator
P.O. Box 10
Dell Rapids, SD 57022

Jennifer Verleger, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre, SD 57501

/s/ Meredith A. Moore

Meredith A. Moore

RECEIVED

APR 28 2025

BEFORE THE WATER MANAGEMENT BOARD OF THE DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES

OFFICE OF
WATER

IN RE APPLICATION OF DELL RAPIDS
FOR FUTURE USE WATER PERMIT NO.
8903-3

NOTICE OF REQUEST FOR
POSTPONEMENT

PLEASE TAKE NOTICE, Minnehaha Community Water Corporation ("*Petitioner*") hereby requests postponement of the hearing scheduled for May 7, 2025, regarding Future Use Water Permit Application No. 8903-3.

As stated in the Notice of Hearing dated April 4, 2025, the hearing is scheduled for May 7, 2025. The undersigned counsel for Petitioner is unavailable to appear before the Board on May 7, 2025, due to a previously scheduled three-day trial of a different matter. As a legal entity, Petitioner is required to be represented by legal counsel in this administrative proceeding. Since counsel for Petitioner is unavailable to appear at the hearing scheduled for May 7, 2025, and Petitioner is required to be represented by counsel at the hearing, Petitioner is formally requesting a postponement of the hearing until a date later than May 7, 2025, as a reasonable accommodation. The City of Dell Rapids ("*Applicant*") was advised of the scheduling conflict explained herein, and Applicant raised no objection to Petitioner filing this request to postpone the May 7, 2025 hearing.

Dated this 22nd day of April, 2025.

CUTLER LAW FIRM, LLP
Attorneys at Law

/s/ Meredith A. Moore
Meredith A. Moore
140 N. Phillips Ave., 4th Floor
P.O. Box 1400
Sioux Falls, SD 57101-1400
Telephone: (605) 335-4950
E-mail: meredithm@cutlerlawfirm.com
Attorneys for Petitioner

RECEIVED

APR 28 2025

OFFICE OF
WATER

CERTIFICATE OF SERVICE

I, Meredith A. Moore, do hereby certify that on this 22nd day of April, 2025, a true and correct copy of **REQUEST FOR POSTPONEMENT** was served upon the following individuals by U.S. Mail, postage prepaid:

DANR-Water Rights Program
Attn: Chief Engineer
523 East Capitol
Pierre, SD 57105

Ron Duvall
South Dakota Department of
Environment and Natural Resources
523 East Capitol
Pierre, SD 57501

Matthew Naasz
Attorney for City of Dell Rapids
506 Sixth Street
P.O. Box 8045
Rapid City, SD 57709

City of Dell Rapids
Steve McFarland, Administrator
P.O. Box 10
Dell Rapids, SD 57022

Jennifer Verleger, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre, SD 57501

/s/ Meredith A. Moore

Meredith A. Moore



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 4, 2025

NOTICE OF HEARING

TO: City of Dell Rapids
c/o Steve McFarland, Administrator
PO Box 10
Dell Rapids SD 57022

Matthew E Naasz
Attorney for City of Dell Rapids
PO Box 8045
Rapid City SD 57709

Minnehaha Community Water Corp
c/o Scott Buss, Executive Director
47380 248th St
Dell Rapids SD 57022

Jennifer Verleger, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501

FROM: Amanda Dewell, Permitting Administrator
SD DANR, Water Rights Program

SUBJECT: Scheduling of Hearing on Water Permit Application No. 8903-3, City of Dell Rapids

The Water Management Board will conduct a hearing to consider Application No. 8903-3 at 10:00 AM (Central Time), on Wednesday, May 7, 2024, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The time is an estimate and may be delayed due to prior items on the agenda.

Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing. Applicable provisions of the public notice published in the Argus Leader on December 19, 2024, and the Notice dated January 7, 2025, still apply.

The hearing is an adversary proceeding and any party has the right to be present at the hearing and may be represented by legal counsel. As legal entities, both the City of Dell Rapids and Minnehaha Community Water Corp. are required to be represented by legal counsel in this administrative proceeding. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; Board Rules ARSD 74:02:01:01 thru 74:02:01:24.02 and ARSD Chapter 74:02:04.

Notices, orders, and other pleadings filed in the matter of Water Permit Application No. 8903-3 are posted on DANR's contested case page at <https://danr.sd.gov/public/ContestedCase.aspx>.

Questions regarding the hearing process may be directed to Amanda Dewell (amanda.dewell@state.sd.us) or Run Duvall (ron.duvall@state.sd.us), Water Rights Program at (605) 773-3352.

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice of Hearing dated April 4, 2025, regarding Water Permit Application No. 8903-3 – City of Dell Rapids, was served upon the following by enclosing the same in envelopes with first class postage prepaid and affixed thereto, and depositing said envelopes in the United States mail on April 4, 2025.

City of Dell Rapids
c/o Steve McFarland, Administrator
PO Box 10
Dell Rapids SD 57022

Minnehaha Community Water Corp
c/o Scott Buss, Executive Director
47380 248th St
Dell Rapids SD 57022

Matthew E Naasz
Attorney for City of Dell Rapids
PO Box 8045
Rapid City SD 57709

Above also Sent Inter-office to:

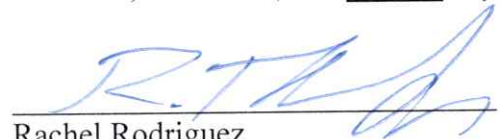
Jennifer Verleger, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501



Wanda Amundson
Office of Water, DANR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4 day of April, 2025.



Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029



GUNDERSON | PALMER | NELSON | ASHMORE LLP

506 Sixth Street
Post Office Box 8045
Rapid City, South Dakota 57709

POSTAGE AND ELECTRONIC SERVICE REQUESTED

quadrant

FIRST-CLASS MAIL

PRSR - IMI

02/10/2025

US POSTAGE \$000.63⁶



ZIP 57701
041M12254529

Ron Duvall
South Dakota Department of
Environment and Natural Resources
523 East Capitol
Pierre, SD 57501

AAIASMM 57501



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FEB 13 2025

OFFICE OF
WATER

**BEFORE THE WATER MANAGEMENT BOARD
OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

IN RE APPLICATION OF CITY OF)
DELL RAPIDS FOR FUTURE USE)
WATER PERMIT NO. 8903-3)
)
)
)

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE AND BE ADVISED that Matthew E. Naasz of Gunderson,
Palmer, Nelson & Ashmore, LLP hereby notes his appearance as counsel on behalf of the City of
Dell Rapids in the above-entitled action.

Dated: February 10, 2025.

GUNDERSON, PALMER, NELSON & ASHMORE

By: /s/ Matthew E. Naasz

Matthew E. Naasz
506 Sixth Street
P.O. Box 8045
Rapid City, SD 57709
Telephone: (605) 342-1078
Telefax: (605) 342-9503
E-mail: mnaasz@gpna.com

RECEIVED

FEB 13 2025

OFFICE OF
WATER

CERTIFICATE OF SERVICE

I hereby certify on February 10, 2025, a true and correct copy of **NOTICE OF APPEARANCE** was served upon the following individuals by U.S. Mail, postage prepaid:

Ron Duvall
South Dakota Department of
Environment and Natural Resources
523 East Capitol
Pierre, SD 57501

City of Dell Rapids
Steve McFarland, Administrator
P.O. Box 10
Dell Rapids, SD 57022

Minnehaha Community Water Corp
Scott Buss, Executive Director
47381 248th Street
Dell Rapids, SD 57022

Jennifer Verleger, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre, SD 57501-8501

By: /s/ Matthew E. Naasz
Matthew E. Naasz



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 7, 2025

NOTICE OF HEARING

TO: City of Dell Rapids
c/o Steve McFarland, Administrator
PO Box 10
Dell Rapids SD 57022

Minnehaha Community Water Corp.
c/o Scott Buss, Executive Director
47381 248th Street
Dell Rapids SD 57022

Jennifer Verleger, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

FROM: Amanda Dewell, Water Rights Permitting Administrator
SD DANR, Water Rights Program

SUBJECT: Notice of Hearing on Future Use Water Permit Application No. 8903-3, City of Dell Rapids

A petition from Minnehaha Community Water Corp. opposing Future Use Water Permit Application No. 8903-3 was received by the Chief Engineer on December 31, 2024, in response to the Notice of Application to Reserve Water for Future Use published in the Argus Leader on December 19, 2024. Comments were also filed by the City of Sioux Falls, East Dakota Water Development District, and Minnehaha Community Water Corp. The filing of a petition results in a contested case hearing before the South Dakota Water Management Board (Board). This Notice of Hearing schedules a contested case hearing on Application No. 8903-3 before the Board. Commenters are not a party to the hearing, other than Minnehaha Community Water Corp. who filed the petition in opposition.

Application No. 8903-3 is to appropriate and reserve for future use 2,092 acre-feet of water annually from the Sioux Quartzite Aquifer. The area to be reserved for future diversions is within the S 1/2 Section 9, S 1/2 Section 10, Sections 15 and 16, N 1/2 Section 21, N 1/2 Section 22; all in T104N-R49W. The water is to be reserved as a future water supply for municipal use by the City of Dell Rapids in Minnehaha County. If approved, this application does not authorize construction of works or application of water to beneficial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends approval of Application No. 8903-3 with qualifications because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the City of Dell Rapids has demonstrated a reasonable need to reserve water in the amount of 2,092 acre feet of water annually, 3) the proposed use is a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct a hearing to consider Application No. 8903-3 at 9:45 AM (Central Time), on Wednesday, March 5, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The time is an estimate and may be delayed due to prior items on the agenda. Notice will be provided if there is a change in the time or date of the hearing.

The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the application after it reaches a conclusion based on the facts presented at the public hearing.

Notice of Hearing – Application No. 8903-3

The March 5, 2024 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition opposing the application. A request for an automatic delay must be filed by **January 17, 2025**. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol Ave, Pierre SD 57501." If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to the applicant and the petitioner regarding the time, date, and location.

The hearing is an adversary proceeding and any party has the right to be present at the hearing and may be represented by legal counsel. An individual may represent themselves pro se. As legal entities, the City of Dell Rapids and Minnehaha Community Water Corp. are required to be represented by legal counsel in this administrative proceeding. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Enclosed is a copy of the report, recommendation, comments, and the petition filed in the matter of Application No. 8903-3. State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions or comments for each proceeding. The information being provided to you is also being sent to the Board members in advance of the hearing. Notices, orders, other pleadings, and comments filed in this matter are posted on DANR's contested case page at <https://danr.sd.gov/public/ContestedCase.aspx>. In addition, enclosed are two documents intended to acquaint parties with the hearing process entitled "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules." If you intend to participate in the hearing, you are encouraged to review these documents prior to the hearing.

Contact Amanda Dewell at the above Chief Engineer's address to request an additional copy of the staff report, recommendation, application, or other information related to the application. Notice is given to individuals with disabilities that the meeting is being held in a physically accessible location. Individuals requiring assistive technology or other services in order to participate in the meeting or materials in an alternate format should contact Brian Walsh, Nondiscrimination Coordinator, by calling (605) 773-5559 or by email at Brian.Walsh@state.sd.us as soon as possible but no later than two business days prior to the meeting in order to ensure accommodations are available.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by direct mail to you, and the applicable date to give notice to the Chief Engineer is January 17, 2025. The Chief Engineer asserts this hearing pertains to a future use water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; Board Rules ARSD 74:02:01:01 thru 74:02:01:25 and ARSD Chapter 74:02:04.

Questions regarding the hearing process may be directed to Amanda Dewell (amanda.dewell@state.sd.us) or Ron Duvall (ron.duvall@state.sd.us), Water Rights Program at (605) 773-3352.

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice of Hearing dated January 7, 2025, with attachments regarding Future Use Water Permit Application No. 8903-3 – City of Dell Rapids, was served upon the following by enclosing the same in envelopes with first class postage prepaid, and depositing said envelopes in the United States mail on January 7, 2025.

City of Dell Rapids
c/o Steve McFarland, Administrator
PO Box 10
Dell Rapids SD 57022

Minnehaha Community Water Corp.
c/o Scott Buss, Executive Director
47381 248th Street
Dell Rapids SD 57022

Above also Sent Inter-office to:

Jennifer Verleger, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501



Ron Duvall
Water Rights Program, DANR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 7th day of Jan, 2025.



Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 16, 2025

NOTICE

TO: City of Dell Rapids
c/o Steve McFarland, Administrator
PO Box 10
Dell Rapids SD 57022

Minnehaha Community Water Corp.
c/o Scott Buss, Executive Director
47381 248th Street
Dell Rapids SD 57022

Jennifer Verleger, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

FROM: Amanda Dewell, Water Rights Permitting Administrator
SD DANR, Water Rights Program

SUBJECT: Automatic Delay of Hearing on Future Use Water Permit Application No. 8903-3, City of Dell Rapids

A petition from Minnehaha Community Water Corp. opposing Future Use Water Permit Application No. 8903-3 was received by the Chief Engineer on December 31, 2024, in response to the Notice of Application to Reserve Water for Future Use published in the Argus Leader on December 19, 2024. Comments were also filed by the City of Sioux Falls, East Dakota Water Development District, and Minnehaha Community Water Corp. In response to the petition, a Notice of Hearing dated January 7, 2025, was sent to the applicant and petitioner scheduling a hearing for March 5, 2025, to be held by the South Dakota Water Management Board (Board).

In response to the January 7, 2025, Notice of Hearing, the applicant, City of Dell Rapids, filed a request to delay the March 5, 2025, hearing date. The request for a delay (copy enclosed) was dated and received via email attachment on January 15, 2025, meeting the January 17, 2025, filing deadline to request an automatic delay of the hearing. Pursuant to SDCL 46-2A-5 and the Notice of Hearing dated January 7, 2025, this is written notice to the chief engineer requesting an automatic delay of the March 5, 2025, hearing date. Therefore, the hearing on Application No. 8903-3 is automatically delayed pursuant to SDCL 46-2A-5 and 46-2A-23 and will NOT be held on March 5, 2025.

The hearing to consider Application No. 8903-3 is now tentatively to be held at the May 7 and 8, 2025 Board meeting. The Board will formalize the May 2025 meeting dates at the March 5, 2025, meeting. Notice of the time and place of the hearing for Application No. 8903-3 will be provided to the applicant and petitioner following the March 5, 2025, Board meeting.

Notices, orders, and other pleadings filed in the matter of Application No. 8903-3 are posted on DANR's contested case page at <https://danr.sd.gov/public/ContestedCase.aspx>.

Questions regarding the hearing process may be directed to Amanda Dewell (amanda.dewell@state.sd.us) or Ron Duvall (ron.duvall@state.sd.us), Water Rights Program at (605) 773-3352.

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice dated January 16, 2025, concerning an automatic delay of hearing with an attached request for delay regarding Future Use Water Permit Application No. 8903-3 – City of Dell Rapids, was served upon the following by enclosing the same in envelopes with first class postage prepaid, and depositing said envelopes in the United States mail on January 16, 2025.

City of Dell Rapids
c/o Steve McFarland, Administrator
PO Box 10
Dell Rapids SD 57022

Minnehaha Community Water Corp.
c/o Scott Buss, Executive Director
47381 248th Street
Dell Rapids SD 57022

Above also Sent Inter-office to:

Jennifer Verleger, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501

Shannon Koxst

Shannon Konst
Water Rights Program, DANR

[illegible]

Sworn to, before me, this 16th day of January, 2025.

Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 22, 2025

NOTICE OF HEARING

TO: City of Dell Rapids
c/o Steve McFarland, Administrator
PO Box 10
Dell Rapids SD 57022

Minnehaha Community Water Corp
c/o Scott Buss, Executive Director
47380 248th St
Dell Rapids SD 57022

Matthew E Naasz
Attorney for City of Dell Rapids
PO Box 8045
Rapid City SD 57709

Meredith A Moore
Attorney for Minnehaha Community Water Corp
PO Box 1400
Sioux Falls SD 57101

Jennifer Verleger, Assistant Attorney General
Legal Counsel for Chief Engineer
1302 E Hwy 14, Suite 1
Pierre SD 57501

FROM: Amanda Dewell, Permitting Administrator
SD DANR, Water Rights Program



SUBJECT: Scheduling of Hearing on Water Permit Application No. 8903-3, City of Dell Rapids

The Water Management Board will conduct a hearing to consider Application No. 8903-3 at 9:45 AM (Central Time), on Wednesday, July 9, 2025, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The time is an estimate and may be delayed due to prior items on the agenda.

Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing. Applicable provisions of the public notice published in the Argus Leader on December 12, 2024, and the Notice dated January 7, 2024, still apply.

The hearing is an adversary proceeding and any party has the right to be present at the hearing and may be represented by legal counsel. As legal entities, the City of Dell Rapids and Minnehaha Community Water Corp. are required to be represented by legal counsel in this administrative proceeding. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10,

46-6-13, 46-6-14, 46-6-21, 46-6-26; Board Rules ARSD 74:02:01:01 thru 74:02:01:24.02 and ARSD Chapter 74:02:04.

Notices, orders, and other pleadings filed in the matter of Water Permit Application No. 8903-3 are posted on DANR's contested case page at <https://danr.sd.gov/public/ContestedCase.aspx>.

Questions regarding the hearing process may be directed to Amanda Dewell (amanda.dewell@state.sd.us) or Ron Duvall (ron.duvall@state.sd.us), Water Rights Program at (605) 773-3352.

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice of Hearing dated May 22, 2025, regarding Water Permit Application No. 8903-3 – City of Dell Rapids, was served upon the following by enclosing the same in envelopes with first class postage prepaid and affixed thereto, and depositing said envelopes in the United States mail on May 22, 2025.

City of Dell Rapids
c/o Steve McFarland, Administrator
PO Box 10
Dell Rapids SD 57022

Minnehaha Community Water Corp
c/o Scott Buss, Executive Director
47380 248th St
Dell Rapids SD 57022

Matthew E Naasz
PO Box 8045
Rapid City SD 57709

Meredith A Moore
PO Box 1400
Sioux Falls SD 57101

Above also Sent Inter-office to:

Jennifer Verleger, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501


Shannon Konst
Water Rights Program, DANR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 22nd day of May, 2025.


Rachel Rodriguez
Notary Public
My Commission expires May 16, 2029





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JUL 21 2025

City of Dell Rapids
c/o Steve McFarland, City Admin.
PO Box 10
Dell Rapids SD 57022

Dear Mr. McFarland:

Enclosed is Future Use Permit No. 8903-3 as approved by the Water Management Board.

Please note that any application to place water to beneficial use reserved by this Future Use Permit may be subject to the City of Dell Rapids retaining a hydrogeologist or other qualified consultant to conduct a suitable aquifer performance test with analysis to determine if pumping from the Sioux Quartzite Aquifer will induce recharge from nearby aquifers that may be hydrologically connected to the Sioux Quartzite Aquifer. Inducing inflow from a hydrologically connected aquifer presents beneficial use and public interest concerns for consideration by the Water Management Board.

When plans for facilities are prepared to construct and place to beneficial use any portion of the water reserved by this future use permit, an application for such facilities and water use shall be submitted to this office for review, and approval before construction is initiated.

Sincerely,

Mark Mayer, PE
Director of Office of Water

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
Posting on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 8903-3

Name of Applicant: City of Dell Rapids, c/o Steve McFarland

Date of Posting: 12/16/2024

Date of Removal: 7/21/2025



Ron Duvall, Engineer III

7/21/2025

Date

Subscribed and sworn to before me, a notary public, this 21st day of July, 2025.



Notary Public - South Dakota
My commission expires: **May 16, 2029**



(SEAL)