

WATER PERMIT NO. VR 1572-1

Phone: 466-2177

Name of Applicant: City of Isabel

Post Office Address: PO Box 245, Isabel SD 57633-0245

Amount of Water Claimed: 40 gpm 0.09 cfs Total Acres: NA

Source of Water Supply: Lake Isabel

Water to be used for: municipal County: Dewey

About 2 1/2 miles north of Isabel

PRIORITY Date Received: 1-5-93 Fee: \$15.00 Remarks: Claimed

priority date of 1-1-1950

Corrected Application Received: 2-4-93 Period of Annual Use: Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED: NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES ☐ NO ☐ REMARKS: _____

Diversion Point: NW 1/4 SE 1/4 Sec 16-T17N-R22E

Land to be Irrigated: _____

			16		
			⊗		

Well Log: Driller: _____ Licensed YES ☐ NO ☐

Depth of Well: _____ REMARKS: _____

Type of Map: aerial PREPARED BY: Michael J. LaCompte Reviewed and the Number

Assigned on: 2-4-93 By: Karen Schlaak

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1572-1

Date of Receipt of Claim January 5, 1993.

Date of Validation July 7, 1993.

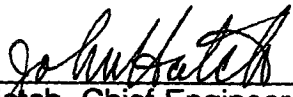
The Water Management Board validated Vested Water Right Claim No. 1572-1 for the City of Isabel, PO Box 245, Isabel SD 57633-0245 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1572-1 appropriates 40 gallons per minute (0.09 cubic feet of water per second) from Lake Isabel (45 acre-feet annually) with a point of diversion located in the NW 1/4 SE 1/4 Section 16-T17N-R22E. The dam is located in the SE 1/4 NE 1/4 Section 16 with the dam impounding water in portions of Section 16; all in T17N-R22E.
2. The appropriated water is used for supplying water to the City of Isabel and may not exceed the amount of water needed for beneficial use for municipal purposes.
3. The water is to be used during the following annual period: January 1 - December 31.
4. The priority date of the Vested Water Right is January 1, 1950.
5. The water use system has been constructed and water has been applied to beneficial use.
6. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

QUALIFICATION

Vested Water Right No. 1572-1 authorizes diversions of water from Lake Isabel subject to the June 25, 1993 agreement between the City of Isabel and the South Dakota Department of Game, Fish and Parks.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

SEP 17 1993
date

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1572-1

(1) The City of Isabel of PO Box 245, Isabel, SD 57633-0245, made Application No. 1572-1, January 5, 1993 for validation of a vested right claim to appropriate 0.09 cubic feet of water per second (45 acre feet annually) from Lake Isabel, Dewey, County, South Dakota, for municipal purposes. Vested Water Right No. 1572-1 was validated July 7, 1993 with a priority date of January 1, 1950. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The vested right owner is entitled to divert 0.09 cubic feet of water per second (45 acre feet annually) for beneficial use. The location of the diversion point is: in the NW 1/4 SE 1/4 Section 16, T17N, R22E. The dam is located in the SE 1/4 NE 1/4 Section 16 and impounds water in Section 16, T17N, R22E.

(3) Pursuant to Section 46-5-30.1 the City of Isabel of PO Box 245, Isabel, SD 57633-0245 the holders and/or owners of Vested Water Right No. 1572-1 is issued a license to appropriate 0.09 cubic feet of water per second (45 acre feet annually) from Lake Isabel with a priority date of January 1, 1950 from the location specified in (2) of this license. The water is to be used for the purpose of municipal use. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1572-1 and subject to South Dakota State Law.



SEP 17 1993

JOHN HATCH, Chief Engineer

Water Rights Division

Department of Environment and Natural Resources

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



Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 1572-1 Hydrologic Unit 10130303
Basin Grand River
Newspaper The Isabel Dakotan, Box 207, Isabel
(office use only)

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

Check use of water:

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

Type of Application:

(check one)

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

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

- Name of Applicant CITY OF ISABEL Phone 466-2177
Mailing Address P O BOX 245, ISABEL, State SD 57633-0245
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 0.09 *CFS or ~~100~~ 40 **GPM ~~100~~ 45 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply LAKE ISABEL
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
LAKE ISABEL Section 16, Township 17 North, Range 22 East BHM
NW1/4 SE1/4 (diversion point), SE1/4 NE1/4 (dam) Section 16, County Dewey
impounded
- County or counties where water will be used Dewey County
- Annual period during which water is to be used 12 months of the year Jan 1-Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This is an existing water system using water from Lake Isabel
that the City of Isabel wishes to file a vested right claim for.

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

STATE OF SOUTH DAKOTA)

County of Dewey)^{ss}

I, City of Isabel/Jackie Von Eye, Mayor, the applicant, certify that I have read this application, have examined the attached map
and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Jackie Von Eye

Subscribed and sworn to before me this 31 day of Dec 1992

Nancy Von Eye
(Notary Public)

my comm exp 8-30-96

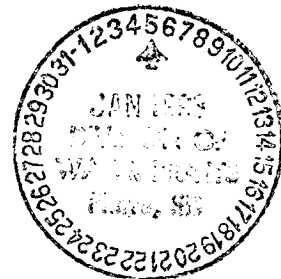


Approximately 6900ac
drainage.

Elev. of Dam on Topog 2250

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

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

2. Dugout Information

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

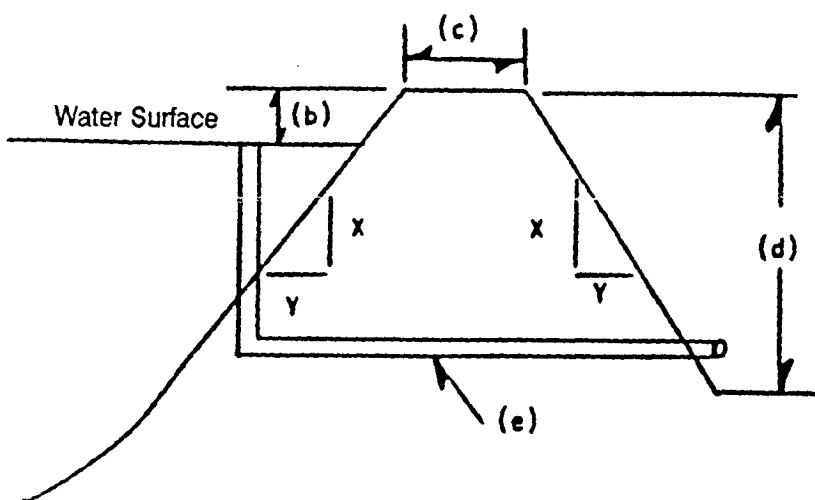
3. Water Storage Dams

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:

Owned by Game, Fish & Parks
Pierre, SD

- b) Freeboard 10ft.
- c) Crest Width 16 ft.
Crest Length 1200ft.
- d) Height 30 ft.
- e) Primary Outlet Capacity 2 tubes 98.8cfs
If pipe, diameter 36"
- f) Secondary Spillway Capacity 11,522 cfs
Spillway Width 200ft.
- g) X & Y Slope
Upstream near IV to 3H
Downstream IV to 2.25 H
- h) Surface Area of Impoundment 100 acres
- i) Storage 537 Acre Feet
- j) Drainage Area above Dam 6900 Acres



Affidavit of Water Use

No. _____

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.



Affidavit Of Construction Of Water Use System And Application Of Water To Beneficial Use

Name of Applicant (Same as Form 2) CITY OF ISABEL

Mailing Address P O BOX 245 ISABEL SD 57633-0245
(Street, RR or Box) (City) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____
Date of Recording _____ Recording Date _____

B. Date of start of construction of water supply system 1950

C. Date that water was first applied to beneficial use 1950

D. Name of owner of original water supply system CITY OF ISABEL, ISABEL, SD

E. Amount of water originally applied to beneficial use 40GPM

F. Present use of water - amount of water now being used 100 GPM
Date that this water was first used 1950

G. Chronological History of Water Use

Water has been used continuously by the City of Isabel from Lake Isabel since 1950 when the water system for the town of Isabel was first constructed.

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)
County of Dewey) ss

I, City of Isabel / Jackie Von Eye the applicant, certify that I have read the foregoing and that
(print or type) Mayor
the matters therein are true.

Signed

Subscribed and sworn to before me 31 Dec, 1992

My comm exp 8-30-96

Nancy Von Eye
Notary Public

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

_____, 19____
(Print name)

_____, 19____
(Print name)

RECEIPT

Division of Water Rights
South Dakota Department of Environment and Natural Resources

413580

RECEIVED OF City of Isabel, PO Box 245, Isabel, SD 57633 Pierre, January 5, 19 93
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1572-1</u> to Appropriate Water, to construct and to put water to beneficial use	15	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)		
Total	15	00

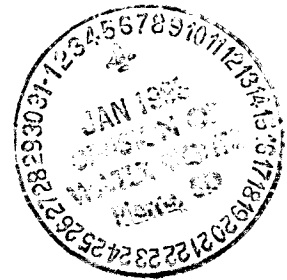
By

Chief Engineer

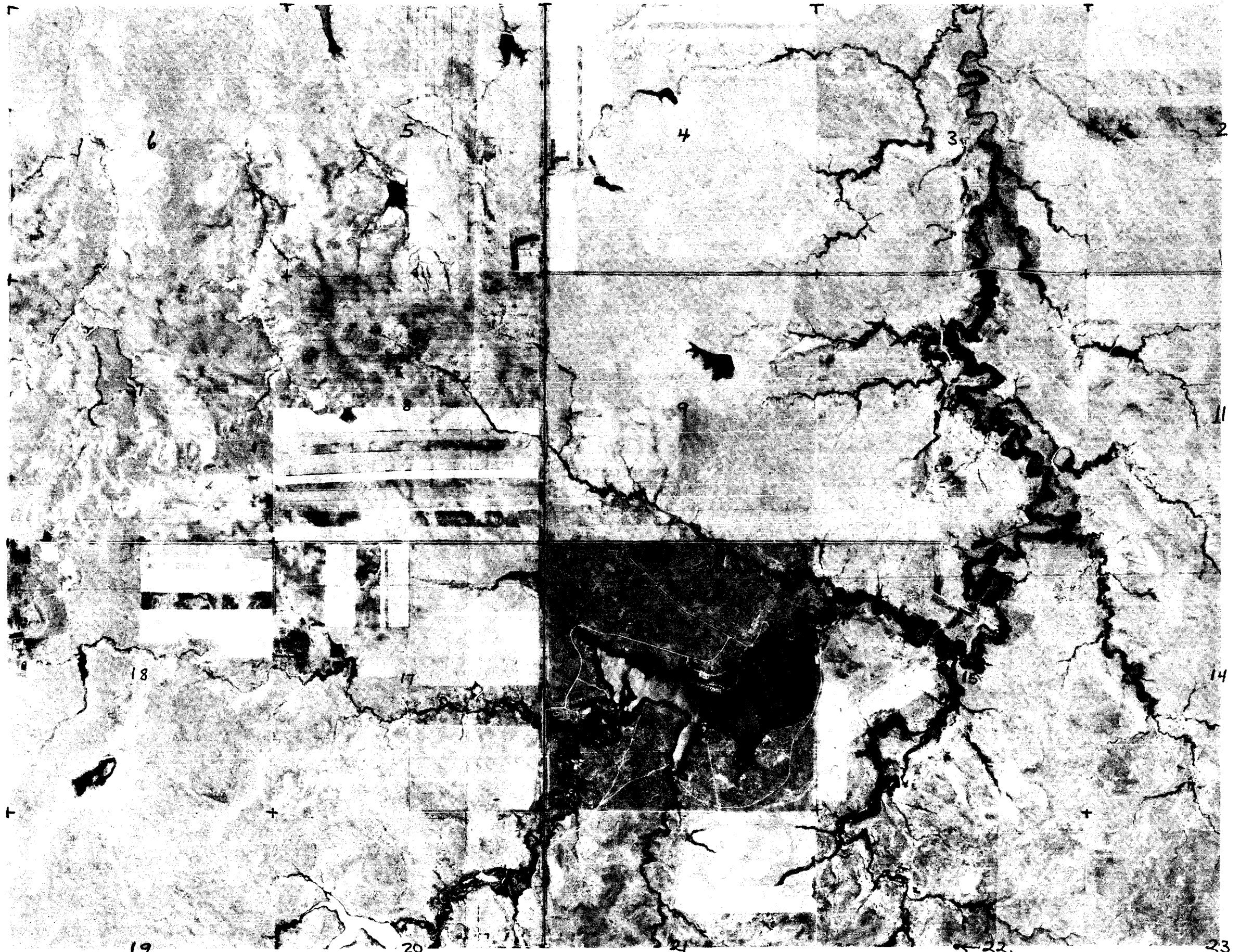
John Hatch

For: City of Isabel.

R. 22



T. 17



Michael J. LaCombe
District Conservationist
SCS - U.S.D.A.

V.R. No. 1572-1

December 22, 1949

Mr. Julian Staven
Rapid City, S. Dak.

Dear Mr. Staven:

Referring to your request to our Engineer that the City of Isabel be permitted to pump up to 45 acre feet of water per year from Lake Isabel, this request has been granted by the Commission upon the following conditions:

- (1) Not more than 45 acre feet of water be withdrawn per year.
- (2) No water be withdrawn if the water level is lower than 6 feet below the spillway crest.
- (3) The City of Isabel to be responsible for any normal maintenance or emergency repairs up to a cost of \$200.00 per year for the maintenance of the lake.
- (4) The Commission may, but is not obligated, to assume the responsibility of making any any repairs costing more than \$200.00.

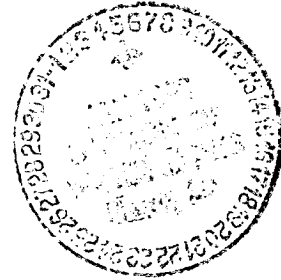
It is to be understood that in issuing such permit the Commission assumes no responsibility for any new construction work.

Will you please see that the enclosed copy of this letter is forwarded to the proper official of the City of Isabel?

Very truly yours,

Elmer Peterson, Director
Dep't. of Game, Fish and Parks

EP/et



SPECIFICATIONS

FOR

**CONSTRUCTION OF A WATER SUPPLY
AND DISTRIBUTION SYSTEM**

AT

ISABEL

SOUTH DAKOTA

By

**Julian Staven
Consulting Engineer
Rapid City, South Dakota
December 9, 1949
(12-9-49)**

NOTICE TO CONTRACTORS

Sealed bids for furnishing materials, equipment, labor and performing all the work for the Construction of a Water Supply and Distribution System at Isabel, South Dakota in accordance with the plans and specifications prepared by Julian Staven, Consulting Engineer, P. O. Box 508, Rapid City, South Dakota, will be received at the office of Town Clerk Isabel, South Dakota until 8:00 P.M. on the 19th day of December, 1949, at which time the bids will be publicly opened and read aloud. Award will be made as soon as practicable thereafter.

All proposals shall be made on forms provided and made part of the contract documents and shall be addressed to

Dan E. Matthews, Town Clerk

Isabel, South Dakota

and indorsed

"Bid for Construction of Water Supply System."

A satisfactory bidder's bond or a certified check drawn on a bank insured by the Federal Deposit Insurance Corporation and in the amount of ten percent (10%) of the total bid payable to:

Town Treasurer

Isabel, South Dakota

must accompany each bid as guarantee that the bidder will enter into the proposed contract and furnish the required performance bond.

Proposal forms, contract documents, plans and specifications are on file and may be examined at office of Town Clerk, Isabel, South Dakota, or in the office of Julian Staven, Consulting Engineer, Rapid City, South Dakota and copies for the use of contractors submitting bids may be obtained from the latter office on deposit of the sum of ten dollars

BRIEF OF PROJECT

Title of Project: Construction of Water Supply & Distribution System

Location: Isabel, South Dakota

Owner: Town of Isabel

Address: Isabel, South Dakota

Recipient of Bids: Town Clerk

Address: Isabel, South Dakota

Fiscal Agent: Town Treasurer

Address: Isabel, South Dakota

Time of Opening: 8:00 P.M., December 19, 1949

Place of Letting: Municipal Building

Contract Documents: Notice to Contractors, Information for Bidders, Accepted Proposal, Contract, General Conditions, Performance Bond, General Specifications, Technical Specifications.

Plans as follows: Cover Sheet, Sheets 1, 1A, 1B, 2 to 15, inclusive.

Scope of Work: Construction of a water supply line from Isabel Lake to Isabel, South Dakota, a Water Treatment Plant and a Water Distribution System in Isabel, South Dakota.

Estimated Quantities:

SECTION A: WATER SUPPLY

- | | | |
|---|--------|------|
| 1. Intake strainer & check valve | 1 | Only |
| 2. Intake: 6" Flexible Joint C.I. Pipe | 110 | L.F. |
| 3. Pump Vault, complete with pumping, well casing, M.H. covers & accessories | L.S. | |
| 4. Pump, complete with gasoline standby unit; including all piping & valves between 6" intake line and 4" cross-country supply line, completely installed and tested. | L.S. | |
| 5. 4" Water Supply Pipe | 15,200 | L.F. |
| 6. 2-conductor #8 Trenchlay Cable | 15,200 | L.F. |
| 7. Installation of pneumatic, complete with all accessories, as per plans and specifications | L.S. | |

P R O P O S A L

To: Town Board

Isabel, South Dakota

Project: Construction of a Water Supply and Distribution System

Isabel, South Dakota

Gentlemen:

In compliance with your invitation for bids on the above project, the undersigned hereby proposes to furnish the materials and perform the work in strict accordance with the plans and specifications therefor and under faithful performance of all the terms of the contract of which this Proposal is a part. The undersigned further agrees to accept as consideration of the contract and in full compensation thereunder the prices named in the following Schedule of Bid Items and, except as otherwise provided under the Contract and Specifications, such prices and none other.

Being fully cognizant of and satisfied concerning the conditions affecting the project and the requirements and terms of the Contract Documents, including the plans and specifications, the undersigned agrees to begin work within 15 calendar days from notice of award and to complete the entire project within 210 calendar days from the notice of award.

Attached hereto is a valid bidder's bond-- or a certified check drawn on a bank insured by the Federal Deposit Insurance Corporation and made payable without recourse--in the amount of ten percent (10%) of the total of the sums bid. This guarantee shall be forfeit if the undersigned, within ten (10) days after the prescribed contract forms are presented to him for signature, fails to enter into the written contract in accordance with the bid as accepted, and give bond with good and sufficient surety or sureties as may be required for the faithful performance and proper fulfillment of the contract.

Should the course of the work require the contingent items listed on the Schedule, the undersigned agrees that the prices quoted therefor shall apply to such quantities as may be pertinent to the project and ordered by the Engineer.

C O N T R A C T

THIS AGREEMENT, made and concluded this 28th
day of December, 1949, by and between The Town of
Isabel, South Dakota

Party of the First Part, hereinafter called the "Owner", and
Barbarossa & Sons, Inc. of St. Cloud, Minnesota,

Party of the Second Part, hereinafter called the "Contractor."

WITNESSETH, that for and in consideration of the payments and agreements mentioned in the Proposal hereto attached to be made and performed by the Owner and according to the terms expressed in the Bond referring to these presents, the Contractor covenants and agrees with the Owner, at his own proper cost and expense to furnish all of the necessary materials and labor and to do all of the work in accordance with the plans and specifications hereinafter referred to and in full compliance with all the terms of this agreement and the requirements of the Engineer under it.

AND IT IS UNDERSTOOD AND AGREED that the Notice to Contractors, Information for Bidders, Proposal, Bond, General Conditions, Specifications and Plans pertaining to the Project and attached hereto are essential documents of this contract and are a part thereof.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed, as of the day and year first above written, in 4 counterparts, each of which shall for all purposes be deemed an original.

Attest:

TOWN OF ISABEL, SOUTH DAKOTA

Owner

Name: R. L. Matthews Clerk. By: M. Locken (Chairman)
Title: _____ Name and Title

BARBAROSSA & SONS, INC.

Contractor

(SEAL)

By: Jordan J. Barbarossa
Name and Title Secy - Treas

Attest:

Name: A. B. Inderrieden
Title: _____

A. B. INDERRIEDEN, Notary Public
County of Benton, in State of Minnesota
My Commission Expires Nov. 2, 1951

ISABEL WATER SUPPLY AND DISTRIBUTION SYSTEM

SCOPE OF THE WORK

It is proposed to construct a complete water supply and distribution system for the Town of Isabel, South Dakota, in accordance with the plans and these specifications. The raw water source shall be Isabel Lake, approximately 3 miles north of town. The raw water shall be piped to the existing Town Hall building in which the power generating room shall be converted to a treatment plant housing a package water treatment plant and a pressure storage reservoir. From this station the water distribution system shall be constructed about town as shown in the plans.

Because of certain construction features, the work is divided into two sections which are tied for bidding purposes. The sections are comprised of:

SECTION A. WATER SUPPLY SYSTEM.

The water supply system shall include:

a. Furnish and construct an intake and intake line from the bottom of the Lake to a pump vault on shore,

b. Furnish and construct a pump vault on the shore of Lake Isabel as shown in the plans, including the pump, pump chamber & well, pump motor & controls, and pertinent piping and incidentals. .

c. Furnish and construct a four-inch water line from Isabel Lake to the Town Hall in Isabel, complete with air vents and air vent man-holes.

d. Repair floor of treatment plant room in Town Hall.

e. Transport a package water treatment plant (owned by the Town of Isabel) from Ogden, Utah, to Isabel and install with modifications as indicated on the plans. It is estimated that the freight from Ogden to Isabel will amount to approximately \$683.00. - G. V. W.

f. Clean out, steam, sand blast and paint the existing fuel tank for clear well purposes.

g. Furnish and construct electrical control circuit from the treatment plant in town to the pump vault at the lake.

SECTION B. WATER DISTRIBUTION SYSTEM

The water distribution system shall begin at the pressure storage tank and include the four and six inch water mains shown on the plans, complete with fittings, valves and fire hydrants.

Note: Auxiliary valves will not be furnished with fire hydrants and this requirement is deleted from the standard specifications.

SPECIAL PROVISIONS
FOR
CONSTRUCTION DETAILS

1. INTAKE

The intake structure shall be a cylinder 30 inches in diameter and 6 feet long constructed of one quarter (1/4") steel. The ends shall be sealed with like weight steel plates. The periphery and far end of the cylinder shall be perforated with one-inch holes spaced 2 inches on centers in rows. The rows shall be staggered. The near end of the cylinder shall be blank except for welded on connection to attach the intake line.

2. INTAKE LINE

The intake line shall be standard 6 inch cast iron pipe with bolted flexible couplings. The line shall be securely attached to the intake cylinder and shall be laid to the grades indicated on Sheet 2 of the plans. The completed line shall include a check valve and a gate valve and shall be tightly sealed to the pump casing through an upturned ell and dresser coupling. No water shall be admitted to the system except through the intake cylinder.

After the pipe line has been permanently connected to the intake cylinder, the assembly shall be lowered to the bed of the lake and made to rest in a firm and upright position. Particular care shall be taken to insure that the check valve is plumb and in workable condition.

3. PUMP VAULT & WELL CASING

a. The pump vault shall be constructed of concrete block walls and reinforced concrete floor and roof. The concrete block shall be 8 inches thick, true and regular units conforming to ASTM Specification C90-44. The block shall be laid in full bed of mortar composed of three parts sand and one part Portland Cement. One tenth part of lime may be used. The sand, cement and lime shall conform to ASTM Specifications C144-44, C150-44, and C6-44 respectively.

The block walls shall be laid true and plumb and shall be uniformly plastered inside and outside with mortar. The inside plaster shall be trowelled smooth to a neat and workmanlike finish.

The concrete shall conform to the standard specifications for concrete herewith appended. In no case shall concrete testing less than 3000 psi under ASTM test procedures be retained in the work. Reinforcement shall be as shown on the plans and designated in the concrete specifications.

The floor slab and the base slab for the well casing shall be set on soil having a density of not less than 90 percent of maximum as determined by the Proctor method. Mechanical tampers shall be used as required to obtain uniform density under the vault.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

January 6, 1993

City of Isabel
Jackie Von Eye, Mayor
PO Box 245
Isabel SD 57633-0245

Dear Mayor Von Eye:

In regard to your water permit application received on January 5, 1993, the following information needs to be submitted and clarified in order to process your application.

The Affidavit of Water Use submitted with the application states that the amount of water originally applied for beneficial use was 40 gallons per minute (gpm). The amount of water now being used is 100 gpm. Since 40 gpm was the amount of water being used in 1950, this would be the amount to be claimed on the vested right application. Another application will need to be submitted for the additional 60 gpm which you claim the City is now using. The exception would be if the City was using the total 100 gpm prior to 1955. Enclosed are partially completed application forms for the appropriation of 60 gpm. Please review the application, have it signed and notarized. On Item No. 4, please state the quarter-quarter of Section 16 where the Lake Isabel pump site is located. The filing fee for this application will be \$150.00.

On the map submitted with the application, the location of the diversion point (pump site) must be indicated with an "X".

The \$15.00 check for the vested right application has been receipted. When we receive the application, map and filing fee, we will continue processing of the applications. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

File No. 1572-1

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: City of Isabel

ADDRESS: Isabel, SD

COUNTY: Dewey

DATE: Feb. 24, 1993

TELEPHONE: 466-2177

RE: Diversions From Lake Isabel

COMMENTS: On this day, I contacted Mr. Stuart Surma, with the Water Department, City of Isabel, reg. their applications. Mr. Surma stated that the city has been using a maximum of 12,000,000 gallons of water a year for the last three years. I asked him why did the city apply for 100 gallons per minute (both applications)? He said that was the pump capacity. He said that the city has to pump 100 gpm for a short period of time during the summer. I said that the vested water right application, if approved, will authorize the city to divert 21,000,000 gallons of water annually and I asked him if that would take care of the city's needs for years to come? He said that would be more than enough. He also stated that the city has two storage tanks; one 30,000 gallon tank and one 25,000 gallon pressure tank. Mr. Surma also stated that using 12,000,000 gallons per year will drop the lake level by 4 inches.



M. RASSOOL AHADI

Natural Resources Engineer III
DENR, Water Rights Division

Revised Report on Vested Water Right Application No. 1572-1
February 23, 1993
City of Isabel

Background

Vested Water Right Application No. 1572-1 claims 40 gallons per minute (0.09 cubic feet of water per second) from Lake Isabel. The diversion point is located in the NW1/4 SE1/4 Section 16, T17N-R22E, in Dewey County. The applicant claims a priority date of January 1, 1950. The water is used as a municipal water supply for the City of Isabel.

Discussion

Lake Isabel Dam is located in the SE1/4 NE1/4 Section 16, T17N-R22E. The dam is classified as an intermediate size category 1, High Hazard dam. A dam of this size and hazard classification is required to have a spillway capacity capable of passing 50% of the Probable Maximum Flood (PMF). Lake Isabel is capable of passing approximately 66% of the PMF without overtopping the embankment.

Lake Isabel Dam was inspected on June 10, 1991, and found to be in good condition, with only a few minor maintenance items needing to be accomplished. The dam is owned by the Department of Game, Fish, and Parks. It has a normal capacity of 537 acre-feet at the spillway level and a maximum storage capacity of 2432 acre-feet at the top of the dam. The surface area of the lake at the spillway level is 115 acres.

Vested Right Claim No. 486-1, for the Department of Game, Fish, and Parks is to store water for public recreation in Lake Isabel, with a priority date of 1935.

The City of Isabel has been using water from the lake since 1950. According to an agreement between the Department of Game, Fish, and Parks and the City of Isabel, the city is allowed to divert 45 acre feet of water annually from the lake. A second condition in the agreement states that there should be no diversions when the water level is 6 feet or more below the spillway crest.

The city uses a 100 gallon per minute pump to divert water from the lake into a 30,000 gallon storage tank and a 25,000 gallon pressure tank.

According to Stuart Surma, with the Isabel Water Department, the city uses a maximum of 12,000,000 gallons of water per year. When the surface area of the lake is at 100 acres, using 12,000,000 gallons drops the lake level by about 4 inches.

Conclusions and Recommendations

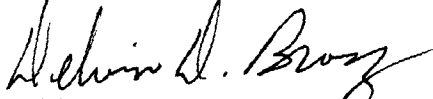
1. The Department of Game, Fish, and Parks has a vested right claim for storage of water in Lake Isabel.

2. Based on the agreement, the application should be validated for 45 acre feet of water annually (14,660,000 gallons).
3. Vested Water Right Application No. 1572-1 should be validated for a diversion rate of 40.0 gallons per minute (0.09 cfs) from Lake Isabel with a January 1, 1950 priority date, subject to the agreement, dated December 22, 1949, between the City of Isabel and the Department of Game, Fish, and Parks.



M. RASSOOL AHADI
Natural Resources Engineer III

Approved By:



DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV

REVISED RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED
WATER RIGHT APPLICATION NO. 1572-1, City of Isabel

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Validation of Vested Water Right Application No. 1572-1, City of Isabel, c/o Mayor Jackie Von Eye, P.O. Box 245, Isabel, SD 57633-0245.

The Chief Engineer is recommending VALIDATION of Application No. 1572-1 for 0.09 cfs (45 acre feet of water annually) because 1) water has been appropriated as described for municipal use with a priority date of January 1, 1950, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest with the following qualification.

Vested Water Right No. 1572-1 authorizes diversions of water from Lake Isabel subject to the December 22, 1949 agreement between the City of Isabel and the South Dakota Department of Game, Fish and Parks.

See report on application for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
April 27, 1993

**Report on Vested Water Right Application No. 1572-1
February 23, 1993
City of Isabel**

Background

Vested Water Right Application No. 1572-1 claims 40 gallons per minute (0.09 cubic feet of water per second) from Lake Isabel. The diversion point is located in the NW1/4 SE1/4 Section 16, T17N-R22E, in Dewey County. The applicant claims a priority date of January 1, 1950. The water is used as a municipal water supply for the City of Isabel.

Discussion

Lake Isabel Dam is located in the SE1/4 NE1/4 Section 16, T17N-R22E. The dam is classified as an intermediate size category 1, High Hazard dam. A dam of this size and hazard classification is required to have a spillway capacity capable of passing 50% of the Probable Maximum Flood (PMF). Lake Isabel is capable of passing approximately 66% of the PMF without overtopping the embankment.

Lake Isabel Dam was inspected on June 10, 1991, and found to be in good condition, needing only minor maintenance. The dam is owned by the Department of Game, Fish, and Parks. It has a normal capacity of 537 acre-feet at the spillway level and a maximum storage capacity of 2432 acre-feet at the top of the dam. The surface area of the lake at the spillway level is 115 acres.

Vested Right Claim No. 486-1, for the Department of Game, Fish, and Parks is to store water for public recreation in Lake Isabel, with a priority date of 1935.

The City of Isabel has been using water from the lake since 1950. According to an agreement between the Department of Game, Fish, and Parks and the City of Isabel the city is allowed to divert 45 acre feet of water annually from the lake.

The city uses a 100 gallon per minute pump to divert water from the lake into a 30,000 gallon storage tank and a 25,000 gallon pressure tank.

According to Stuart Surma, with the Isabel Water Department, the city uses a maximum of 12,000,000 gallons of water per year. When the surface area of the lake is at 100 acres, using 12,000,000 gallons drops the lake level by about 4 inches.

Conclusions and Recommendations

1. The Department of Game, Fish, and Parks has a vested right claim for storage of water in Lake Isabel.

2. No complaints or comments have been received from the Department of Game, Fish, and Parks opposing diversions from the lake by the City of Isabel.
3. Based on the agreement, the application should be validated for 45 acre feet of water annually (14,660,000 gallons).
4. Vested Water Right Application No. 1572-1 should be validated for a diversion rate of 40.0 gallons per minute (0.09 cfs) from Lake Isabel with a January 1, 1950 priority date, and for an annual volume of 45 acre feet.

M. Rassool Ahadi / 

M. RASSOOL AHADI
Natural Resources Engineer III

Approved By:

Delvin D. Brosz

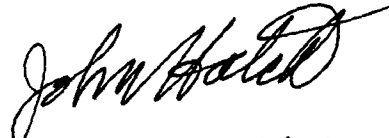
DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 1572-1, City of Isabel

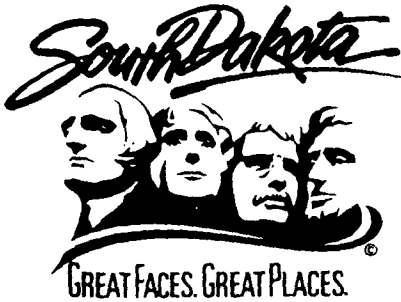
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Validation of Vested Water Right Application No. 1572-1, City of Isabel, c/o Mayor Jackie Von Eye, PO Box 245, Isabel, SD 57633-0245.

The Chief Engineer is recommending VALIDATION of Application No. 1572-1 for 0.09 cfs (45 acre-feet of water annually) because 1) water has been appropriated as described for municipal use with a priority date of January 1, 1950, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized flourish at the end.

JOHN HATCH, Chief Engineer
March 10, 1993



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

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

March 19, 1993

Jackie Von Eye, Mayor
City of Isabel
PO Box 245
Isabel, SD 57633-0245

Dear Ms. Von Eye:

Vested Water Right Application No. 1572-1 and Water Permit Application No. 1573-1 for municipal use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of The Isabel Dakotan printed at Isabel, SD (Ph # 466-2258). For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

cc: Ina Boldt, Finance Officer, City of Isabel, PO Box 245, Isabel, SD 57633-0245



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 19, 1993

The Isabel Dakotan
Box 207
Isabel, SD 57633

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 1572-1 and 1573-1 to be published twice. Please publish the first notice on March 25, 1993, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Isabel, PO Box 245, Isabel, SD 57633-0245 (Ph # 466-2177).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit applications until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____
We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on March 25, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING
To Validate Vested Water Right Application No. 1572-1 and
Application No. 1573-1 to Appropriate Water

Notice is given that the City of Isabel, PO Box 245, Isabel SD 57633-0245 has filed water permit applications.

Vested Right Application No. 1572-1 is to validate a vested water right claim to appropriate 40 gallons per minute (0.09 cubic feet of water per second) from Lake Isabel (45 acre-feet annually) with the point of diversion located in the NW 1/4 SE 1/4 Section 16-T17N-R22E. The dam is located in the SE 1/4 NE 1/4 Section 16 with the dam impounding water in portions of Section 16; all in T17N-R22E. The water use has a claimed priority date of January 1, 1950, and is used as a municipal supply for the City of Isabel.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 1572-1 because 1) water has been appropriated as described for municipal use with a claimed priority date of January 1, 1950, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest.

Water Permit Application No. 1573-1 proposes to increase the diversion rate authorized by Vested Water Right No. 1572-1 by 60 gallons per minute (gpm). The location of the point of diversion, dam and area impounded are the same as above. This application, if approved, would authorize an increase in the diversion rate from Lake Isabel of 60 gpm to a total diversion rate of 100 gpm without an increase in the annual volume of water of 45 acre feet of water annually. The water is used as a municipal supply for the City of Isabel.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1573-1 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest.

Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations, the Water Management Board will NOT CONDUCT a HEARING to consider the applications and the chief engineer will issue the permit as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications.

Any person interested in opposing or supporting the applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 12, 1993. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Vested Water Right Application No. 1572-1 and Application No. 1573-1 and 2) the chief engineer's recommendations, a meeting at the Division of Water Rights office to hear the applications is scheduled for April 21, 1993, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If the applications are opposed or the recommendations are contested, the April 21, 1993, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The April 21, 1993, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by April 12, 1993.

If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the applications based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be

forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by April 12, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18, 46-2A-20, 46-2A-21, 46-2A-22; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Dewey) ss



I, Myron L. Lofgren

certify that the attached printed Notice was

taken from the ISABEL DAKOTAN

printed and published in Isabel

County of Dewey and State of

South Dakota. The notice was published in
 the newspaper on the following two dates:

March 25, 1993

April 1, 1993

Cost of Printing: \$104.96

Myron L. Lofgren
 (Signature)

Publisher

(Title)

April 2, 1993

(Date Signed)

NOTICE OF HEARING

To Validate Vested Water Right Application No. 1572-1 and
 Application No. 1573-1 to Appropriate Water
 Notice is given that the City of Isabel, PO Box 245, Isabel
 SD 57633-0245 has filed water permit applications.

Vested Right Application No. 1572-1 is to validate a vested
 water right claim to appropriate 40 gallons per minute (0.09
 cubic feet of water per second) from Lake Isabel (45 acre-
 feet annually) with the point of diversion located in the
 NW 1/4 SE 1/4 Section 16-T17N-R22E. The dam is located in
 the SE 1/4 NE 1/4 Section 16 with the dam impounding water
 in portions of Section 16; all in T17N-R22E. The water use
 has a claimed priority date of January 1, 1950, and is used
 as a municipal supply for the City of Isabel.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends
 VALIDATION of Vested Water Right Application No. 1572-1 be-
 cause 1) Water has been appropriated as described for muni-
 cipal use with a claimed priority date of January 1, 1950, 2
 2) the use has been developed without unlawful impairment of
 existing rights, 3) It is a beneficial use of water, and 4)
 It is in the public interest.

Water Permit Application No. 1573-1 proposes to increase
 the diversion rate authorized by Vested Water Right No.
 1572-1 by 60 gallons per minute (gpm). The location of the
 point of diversion, dam and area impounded are the same as
 above. This application, if approved, would authorize an
 increase in the diversion rate from Lake Isabel of 60 gpm to
 a total diversion rate of 100 gpm without an increase in the
 annual volume of water of 45 acre feet of water annually.
 The water is used as a municipal supply for the City of
 Isabel.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends AP-
 PROVAL of Application No. 1573-1 because 1) existing rights
 will not be unlawfully impaired, 2) it is a beneficial use
 of water, and 3) it is in the public interest.

Unless a petition is filed opposing the applications or the
 applicant files a petition contesting the chief engineer's
 recommendations, the Water Management Board will NOT CONDUCT
 a HEARING to consider the applications and the chief engi-
 neer will issue the permit as recommended. Petitions filed
 in support of the applications will NOT require the Board to
 hear the applications.

Any person interested in opposing or supporting the applica-
 tions must file a written petition with BOTH the applicant
 and Chief Engineer. The applicant must also file a petition
 if opposed to the Chief Engineer's recommendations. The
 Chief Engineer's address is "Water Rights Division, Foss
 Building, 523 E Capitol, Pierre SD 57501 (605) 773-3352"

over

and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 12, 1993. The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Vested Water Rights Application No. 1572-1 and Application No. 1573-1 and 2) the chief engineer's recommendations, a meeting at the Division of Water Rights office to hear the applications is scheduled for April 21, 1993, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If the applications are opposed or the recommendations are contested, the April 21, 1993, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The April 21, 1993, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the applications. The request for an automatic delay must be filed by April 12, 1993.

If a hearing is held, the Chief Engineer's recommendations are not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny the applications based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by April 12, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18, 46-2A-20, 46-2A-21, 46-2A-22; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

(Publish in The Isabel Dakotan
March 25, 1993 & April 1, 1993)



DEPARTMENT OF GAME, FISH AND PARKS

Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182



April 9, 1993

Mr. John Hatch, Chief Engineer
Division of Water Rights
S.D. Department of Environment & Natural Resources
Foss Building, 523 E. Capitol
Pierre, SD 57501

Dear Mr. Hatch:

The Department of Game, Fish and Parks (GF&P) has received and reviewed the reports prepared by your staff in regard to vested water right application No. 1572-1 and water permit application no. 1573-1 filed by the City of Isabel. The permit applications are for the continued use of Lake Isabel water for a municipal water supply. For the reasons stated below we petition to be made a party in this matter.

Lake Isabel dam was originally constructed by the Department of Game, Fish and Parks in 1935. Our vested water right (No.486-1) for storage of water in the dam is for recreational purposes with a priority date of 1935. Later in the mid 1940's the section of land where the lake is located was purchased by the department. Primary maintenance of the dam has been conducted primarily by the department. The city has also contributed to development and maintenance of facilities at the lake. A 1949 agreement between GF&P and the City of Isabel grants permission to the city to use up to 45 acre feet of Lake Isabel water per year for municipal purposes. The agreement also states that no water is to be withdrawn from the lake if the lake levels are lower than 6 feet below the spillway. The reports prepared by your staff do not reflect this point of the agreement.

In regard to potential conflicts between municipal water withdrawal from the lake and original designated recreational, fishery and wildlife uses, the 6 foot below the spillway provision in the agreement is the most important. Low water conditions can lead to several problems, such as excessive growth of aquatic vegetation, loss of important fish spawning habitat in the upper end of the lake, and greater potential for winterkill of fish. Winterkill is more likely when decay of excessive aquatic vegetation, combined with snow-covered ice causes severe oxygen depletion. These same conditions have also been the cause of a severe taste and odor problem in the city's drinking water. Due to very low water conditions during the last several dry years, all of the above problems have been cause of real concern for GF&P, the city and local outdoor enthusiasts.

It is not our intent to oppose the city's water right applications for municipal uses, however, we do see a need to formally recognize the existing and any revised agreement between GF&P and the City of Isabel in the water right application reports **and** in the Chief Engineer's recommendation. We request that reports for the two applications be revised to include a discussion of the water level provisions and why they were adopted. We are also opposed to the Chief Engineer's recommendation as written since it does not reference the agreement between GF&P and the City of Isabel.

GF&P staff will be meeting with the city council to discuss updating the 1949 agreement and incorporating conservation measures during low water conditions. We anticipate that the earliest opportunity to do this will be in early May.

If we need to request an automatic delay of the hearing for these water right applications for any new agreement provisions to be incorporated in the Engineer's recommendation, please consider this letter a formal request for a delay in hearing. As we have indicated in the past, such delays could best be avoided through better coordination between your staff and GF&P staff prior to finalization of reports and recommendations for water right applications that may potentially affect waters held in trust for the public through GF&P vested water right claims.

Thank you for your assistance on this matter. If you have any questions or wish to discuss this matter further, please call me at 773-6208.

Sincerely,



Timothy J. Olson
Water Permits Coordinator

cc: Doug Hansen
Bob Hanten



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

April 14, 1993

NOTICE

TO: Jackie Von Eye, Mayor
City of Isabel
P.O. Box 245
Isabel, SD 57633-0245

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: Postponement of April 21, 1993 Hearing for Vested Water
Right No. 1572-1 and Water Permit Application No.
1573-1, City of Isabel

A petition on Vested Water Right Application No. 1572-1 and Water Permit Application No. 1573-1 has been filed by the SD Department of Game, Fish and Parks. The petition opposed the Chief Engineer's recommendations. The hearing on these applications will no longer be held on April 21, 1993 as stated in the published notice of hearing. A copy of the petition is enclosed.

The petition also requested an automatic delay of the hearing. The hearing will now be rescheduled before the Water Management Board at the July 7 and 8, 1993 meeting. Parties will be notified of the time, date and location of the hearing in early June.

Please contact Eric Gronlund at 773-3352 with any questions you may have regarding scheduling a hearing before the Water Management Board.

enclosure

cy: Diane Best, Assistant Attorney General
Timothy J Olson, Department of Game, Fish and Parks Water
Permits Coordinator
Stuart Surma, Utility Manager

CERTIFICATION

I hereby certify that on April 14, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 14, 1993, regarding Postponement of April 21, 1993 Hearing for Vested Water Right No. 1572-1 and Water Permit Application No. 1573-1, City of Isabel, along with a copy of the petition addressed as stated below:

Jackie Von Eye, Mayor
City of Isabel
P.O. Box 245
Isabel, SD 57633-0245

Stuart Surma, Utility Manager
City of Isabel
P.O. Box 245
Isabel, SD 57633-0245

Copies Sent Inter-office To:

Timothy J. Olson, Permits Coordinator, Department of Game, Fish & Parks, Joe Foss building.

Diane Best, Assistant Attorney General, Capitol Building.

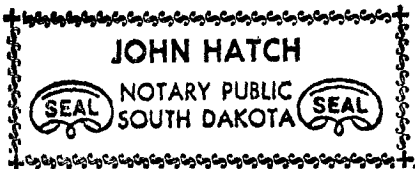
Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 19th day of April, 1993.

John Hatch
Notary Public



JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

April 28, 1993

Tim Olson, Water Permits Coordinator
Department of Game, Fish and Parks
523 E. Capitol Ave.
Pierre, SD 57501

Dear Mr. Olson:

I am writing in response to the petition filed by the Department of Game, Fish and Parks to Vested Water Right Application No. 1572-1 and Water Permit Application No. 1573-1. The petition stated GF&P's opposition to the Chief Engineer's recommendation because no reference is made to the agreement between the City of Isabel and GF&P.

Enclosed for your review is a revised report and recommendation for these applications. The report has been revised to incorporate GF&P's concerns as stated in your petition regarding potential conflicts between the applications municipal use and Vested Water Right No. 486-1 for public recreation use.

The recommendation has also been revised to include a qualification on the agreement between the City of Isabel and GF&P. I do not believe this qualification can include a provision that any future revised agreements would become a part of the water permit without future action by the Water Management Board.

Please review the revised report and recommendation and provide comments.

Your very truly,


John Hatch, Chief Engineer
Water Rights Division
605 773-3352

enclosure

cy: Diane Best, Assistant Attorney General
Stuart Surma, Utility Manager



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

May 28, 1993

NOTICE

TO: Jackie Von Eye, Mayor
City of Isabel
P.O. Box 245
Isabel, SD 57633-0245

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Rescheduling of Hearing on Vested Water Right
Application No. 1572-1 and Water Permit Application No.
1573-1, City of Isabel

The Water Management Board will consider Vested Water Right Application No. 1572-1 and Water Permit Application No. 1573-1 at 11:00 am on July 7, 1993 in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501. A petition filed by the Department of Game, Fish and Parks opposing the Chief Engineer's recommendation, caused this application to be postponed from April 21, 1993.

The agenda time is an estimate and may be delayed due to prior agenda items. Applicable provisions of the Notice of Hearing published March 25, 1993 and April 1, 1993 in the Isabel Dakotan will still apply at this hearing.

This hearing is an adversary proceeding. Any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Please contact Eric Gronlund at 773-3352 if you have any questions regarding the scheduling of this application before the Water Management Board.

cy: Diane Best, Assistant Attorney General
Tim Olson, G,F&P Water Permits Coordinator
Stuart Surma, Utility Manager

CERTIFICATION

I hereby certify that on May 28, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, First Class postage, prepaid envelopes containing a Notice dated May 28, 1993, regarding Rescheduling of Hearing on Vested Water Right Application No. 1572-1 and Water Permit Application No. 1573-1, City of Isabel addressed to:

Jackie Von Eye, Mayor, City of Isabel, PO Box 245, Isabel, SD 57633-0245

Stuart Surman, UM, City of Isabel, PO Box 245, Isabel, SD 57633-0245

A copy of the Notice was sent by inter-office mail to:

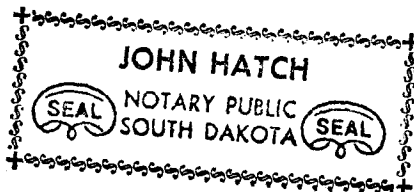
Diane Best, Assistant Attorney General
Tim Olson, Game, Fish & Parks Water Permits Coordinator

Jaci R Konop

JACI R. KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of June, 1993.



John Hatch
Notary Public
JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

MEMORANDUM OF AGREEMENT

The City of Isabel (CITY) and the Department of Game, Fish and Parks (GFP), in consideration of the covenants contained herein, enter into this AGREEMENT dated the 25th day of June, 1993, establishing criteria for municipal water withdrawal from Lake Isabel, Dewey County by CITY for its purposes and purposes of its residents. Commencing on date of execution of this AGREEMENT:

1. CITY may at its sole expense withdraw and divert from Lake Isabel no more than 45 acre-feet of water annually in accordance with CITY's water right (VR 1572-1) and permit (1573-1). This AGREEMENT shall automatically terminate six (6) months following CITY's non-use of Lake Isabel as a source of CITY's water supply.
2. GFP does not warrant, guarantee or in any way represent that the quality of water for municipal use nor the quantity of water which may be contained in Lake Isabel will be sufficient at all times during the term of this AGREEMENT for any purposes intended by CITY.
3. CITY, whenever the water elevation of Lake Isabel is six (6) feet or more below the primary spillway elevation, shall implement water use restrictions (e.g. lawn watering) consistent with present Section 19. of CITY's ordinances in order to conserve water supplies at Lake Isabel for all public purposes.
4. CITY shall be responsible for:
 - A. acquisition, transmission and treatment of the public waters in Lake Isabel associated with the CITY use intended herein and their respective costs and expenses, and
 - B. necessary annual maintenance and repair to the impoundment structures of Lake Isabel associated with the CITY use intended herein, which shall include removal of trees and brush, mowing of the dam grade and secondary spillway and maintenance of the spillway screen and their respective costs and expenses.
5. GFP (by its Commission), at its sole discretion and option and without any obligation whatsoever, may make repairs to the impoundment structures of Lake Isabel.
6. This AGREEMENT shall supersede and replace in its entirety the 1949 agreement between CITY and GFP and to that extent the 1949 agreement is deemed rescinded upon execution of this AGREEMENT.
7. The parties hereto agree that they will cooperate and request that the South Dakota Department of Environment and Natural Resources (Water Rights Division) recognize this AGREEMENT in qualifications placed on vested Water Right No. 1572-1 and Water Permit No. 1573-1.

Mayor of and on behalf of CITY

Douglas R. Hansen
Wildlife Division Director of
and on behalf of GFP

DATE: _____

DATE: 6/25/93



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

July 6, 1993

Tim Olson, Water Permits Coordinator
Department of Game, Fish and Parks
523 East Capitol Ave.
Pierre, SD 57501

Dear Tim:

The City of Isabel and the Department of Game, Fish and Parks have entered into a Memorandum of Agreement for water withdrawal from Lake Isabel. The Chief Engineer is recommending approval of Vested Water Right Application No. 1572-1 and Water Permit Application No. 1573-1 subject to this agreement. The hearing on these applications is to be held July 7, 1993 at 11:00 am in the Floyd Matthew Training Center.

The last sentence of Item No. 1 of the agreement states 'This AGREEMENT shall automatically terminate six (6) months following CITY's non-use of Lake Isabel as a source of CITY's water supply'. For the purpose of clarifying the water permit files, non-use of water will be consistent with SDCL 46-5-37, SDCL 46-5-37.1, ARSD 74:02:01:37.01, and ARSD 74:02:01:37.02. The City's maintenance of the works for either fire protection or standby purposes is not a nonuse of water if the water diversion works are maintained in working condition.

This letter will be placed in the permanent file record for Nos. 1572-1 and 1573-1 for future reference.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
605 773-3352

cy: Mayor Jackie Von Eye

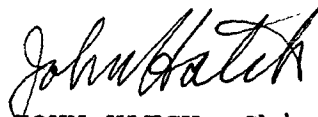
REVISED RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF
VESTED WATER RIGHT APPLICATION NO. 1572-1, City of Isabel

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Validation of Vested Water Right Application No. 1572-1, City of Isabel, c/o Mayor Jackie Von Eye, P.O. Box 245, Isabel, SD 57633-0245.

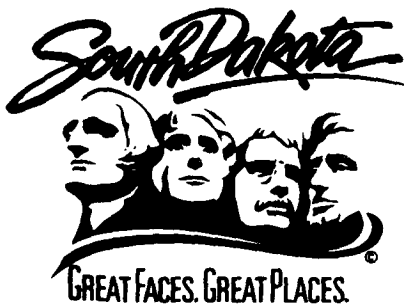
The Chief Engineer is recommending VALIDATION of Application No. 1572-1 for 0.09 cfs (45 acre feet of water annually) because 1) water has been appropriated as described for irrigation use with a priority date of January 1, 1950, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest with the following qualification.

Vested Water Right No. 1572-1 authorizes diversions of water from Lake Isabel subject to the June 25, 1993 agreement between the City of Isabel and the South Dakota Department of Game, Fish and Parks.

See report on application for additional information.



JOHN HATCH, Chief Engineer
July 6, 1993



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

SEP 17 1993

1572-1

Ina Boldt, Finance Officer
City of Isabel
P.O. Box 245
Isabel, SD 57633-0245

Dear Ms. Boldt:

Enclosed are your Validated Vested Water Right and Water License No. 1572-1. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

enclosures