

WATER PERMIT NO. 1573-1

Phone: 466-2177

Name of Applicant: City of Isabel

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

Amount of Water Claimed: 60 gpm 0.13 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: 2-4-93 Fee: \$150.00 Remarks: _____

Corrected Application Received: _____ 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
WATER PERMIT NO. 1573-1**

Date of first receipt of application February 4, 1993.

The Water Management Board approved Water Permit Application No. 1573-1 on July 7, 1993 for City of Isabel, PO Box 245, Isabel SD 57633-0245 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1573-1 increases the diversion rate from Lake Isabel authorized by Vested Water Right No. 1572-1 by 60 gallons per minute (gpm) [0.13 cubic feet of water per second]. The point of diversion from Lake Isabel is 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. This permit authorizes an increase in the diversion rate of 100 gpm without an increase in the annual volume of water of 45 acre feet of water annually.
2. The water appropriated shall be used for the purpose of 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 described annual period: January 1 - December 31.
4. The date from which applicant may claim right is February 4, 1993.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Vested Water Right No. 1572-1 and this Permit, combined, authorize a diversion rate from Lake Isabel of 100 gallons per minute with an annual volume limitation not to exceed 45 acre-feet of water annually.
2. Water Permit No. 1573-1 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

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. 1573-1 Hydrologic Unit 10130303
Basin Grand River
Newspaper The Isabel Dakotan, Box 207
(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: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ 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 of Applicant City of Isabel Phone 466-2177
Mailing Address PO Box 245, Isabel State SD 57633-0245
(Street, RR, or Box) (City) (Zip Code)
2. Amount of water claimed 0.13 *CFS or 60 **GPM 45 (no add'l) ***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 Lake Isabel
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
Section 16- T17N-R22E
SE 1/4 NE 1/4
of the 9th 1/4 (Sec. 16) County Dewey
5. County or counties where water will be used Dewey
6. 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)

This is an existing water system from Lake Isabel.

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, 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 D. McE...
Subscribed and sworn to before me this 2 day of Feb 19 93

Nancy D. McE...
Notary Public
my comm exp 8-30-96

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, S.D.

- b) Freeboard 10 ft.
- c) Crest Width 16 ft.
Crest Length 1200 ft.

- d) Height 30 ft.

- e) Primary Outlet Capacity 2 tubes; 98.8 cfs,
If pipe, diameter 36"

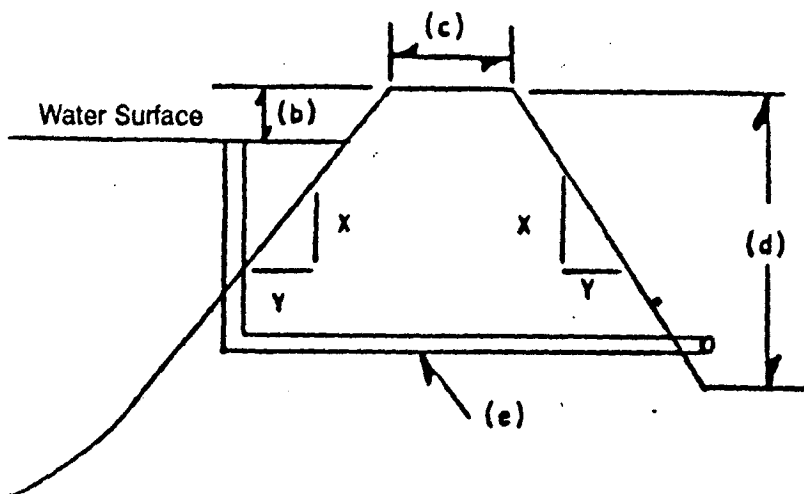
- f) Secondary Spillway Capacity 11,522 cfs.
Spillway Width 200 ft.

- g) X & Y Slope
Upstream near 1V to 3H
Downstream 1V to 2.25H

- h) Surface Area of Impoundment 100 Acres

- i) Storage 537 Acre Feet

- j) Drainage Area above Dam 6900 Acres



RECEIPT

Division of Water Rights

413618

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 4 _____, 19 93

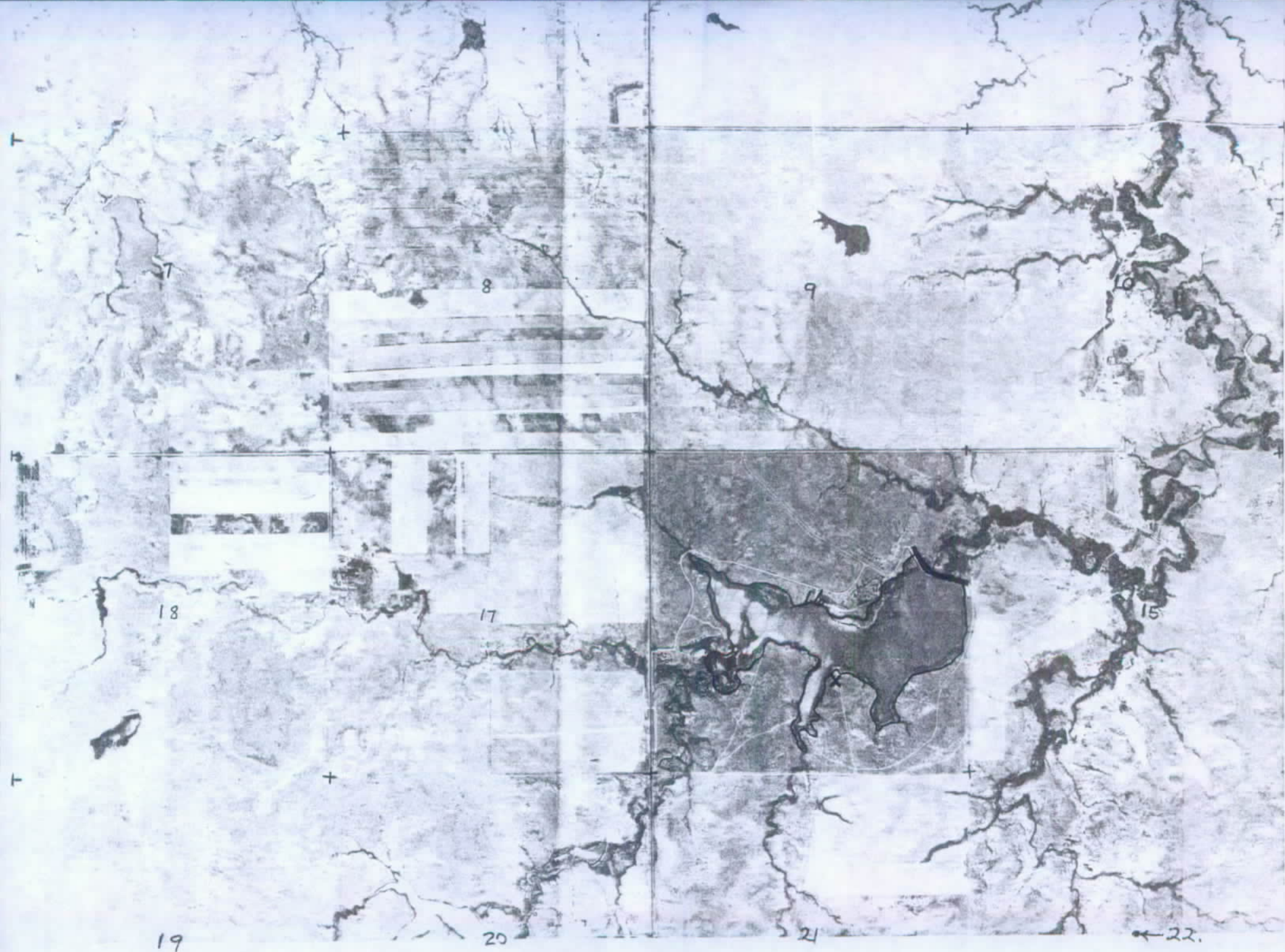
RECEIVED OF City of Isabel, Box 245, Isabel, SD 57633

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

Fee for Application for Permit No. <u>1573-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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	150 00

By John Hatch
Chief Engineer



Appl No. 1573-1

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

**Report on Water Permit Application No. 1573-1
City of Isabel
February 23, 1993**

Background

Water Permit Application No. 1573-1 requests appropriation of 60 gallons per minute of water (0.13 cubic feet of water per second) from Lake Isabel, located in the NW1/4 SE1/4 Section 16, T17N-R22E, in Dewey County. Water is for municipal use by 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 Dam, with a priority date of 1935.

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 pump with a capacity of 100 gallons per minute to divert water into a 30,000 gallon storage tank and a 25,000 gallon pressure tank.

According to Mr. Stuart Surma, with the Isabel Water Department, the city uses a maximum of 12,000,000 gallons of water per year. This will drop the lake level by about 4 inches when the lake has a surface area of 100 acres.

The City of Isabel is claiming a vested right for diversion of 40 gallons per minute under Vested Water Right Application No. 1572-1. Water Permit Application No. 1573-1 requests an increase in the diversion rate to 100 gallons per minute with no increase in the annual volume of 45 acre feet.

Conclusions and Recommendations

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

2. Vested Water Right Application No. 1572-1 is for 40.0 gallons of water per minute and an annual volume of 45 acre feet.
3. If Vested Water Right Application No. 1572-1 is validated, Water Permit Application No. 1573-1 should be approved only to increase the pumping rate.
4. Water Permit Application No. 1573-1 should be approved for an additional pumping rate of 60.0 gallons per minute with no additional annual volume of water.

M. Rassool Ahadi 

M. RASSOOL AHADI
Natural Resources Engineer III

Approved By:

Delvin D. Brosz

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

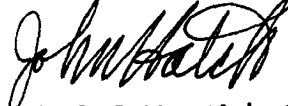
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1573-1, City of Isabel

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 Water Permit Application No. 1573-1, City of Isabel, c/o Jackie Von Eye, PO Box 245, Isabel, SD 57633-0245.

The Chief Engineer is recommending APPROVAL of Application No. 1573-1 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualification:

Vested Water Right No. 1572-1 and this Permit, combined, authorize a diversion rate from Lake Isabel of 100 gallons per minute with an annual volume limitation not to exceed 45 acre-feet of water annually.

See report on application for additional information.



JOHN HATCH, Chief Engineer
March 10, 1993

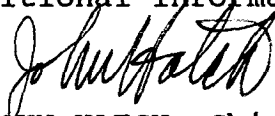
REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1573-1, City of Isabel

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 Water Permit Application No. 1573-1, City of Isabel, c/o Jackie Von Eye, P.O. Box 245, Isabel, SD 57633-0245

The Chief Engineer is recommending APPROVAL of Application No. 1573-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

1. Vested Water Right No. 1572-1 and this Permit, combined, authorize a diversion rate from Lake Isabel of 100 gallons per minute with an annual volume limitation not to exceed 45 acre feet of water annually.
2. Water Permit No. 1573-1 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.


JOHN HATCH, Chief Engineer
April 27, 1993

REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1573-1, 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 Water Permit Application No. 1573-1, City of Isabel, c/o Mayor Jackie Von Eye, P.O. Box 245, Isabel, SD 57633-0245.

The Chief Engineer is recommending APPROVAL of Application No. 1573-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. Vested Water Right No. 1572-1 and this Permit, combined, authorize a diversion rate from Lake Isabel of 100 gallons per minute with an annual volume limitation not to exceed 45 acre feet of water annually.
2. Water Permit No. 1573-1 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

**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
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

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 Application No. 1573-1 to Appropriate Water
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 feet annually) with the point of diversion located in the
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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)
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 and Chief Engineer. The applicant must also file a petition
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 Building, 523 E Capitol, Pierre SD 57501 (605) 773-3352"

over

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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.

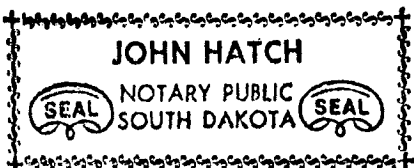
Chas F Frost

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

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.

Jackie McEwen
Mayor of and on behalf of CITY

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

DATE: 5 July 1993

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,

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

Eric Gronlund
Water Rights Division
605 773-3352

cy: Mayor Jackie Von Eye



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 17 1993

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

Dear Ms. Boldt:

Enclosed is Water Permit No. 1573-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures



Copy
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

August 22, 2000

1573-1

City of Isabel
Larry Simpson, Utilities Supt.
PO Box 245
Isabel SD 57638-0245

For 228 0245

Dear Mr. Simpson:

On July 12, 2000, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 1573-1, was completed by Ron Duvall, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law require that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program

c: Rita Frank, Finance Officer ✓

RECEIPT
Water Rights Program
South Dakota Department of Environment and Natural Resources

Nº 416627

Pierre, Sept 11, 2000

RECEIVED OF City of Isabel, PO Box 268, Isabel SD 57633
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. _____ 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. 1573-1

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Chief Engineer

Harland Erbelev

KS

Permit No. 1573-1
Grand River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, July 12, 2000, made a thorough examination of the water use system constructed by City of Isabel of PO Box 245, Isabel SD 57633-0245 holder of Permit No. 1573-1, bearing the priority of February 4, 1993 authorizing the diversion of 0.13 cu. ft. per second of the waters of Lake Isabel for municipal purposes, in Dewey County.

Inspection contact & relationship to permit holder, if applicable: **Larry Simpson, Utilities Supt.**

A. Works used to divert the water:

West Pump:

- 1) Make Layne

West Motor:

- 1) Make US Electrical
- 2) ID No. 6680-00-B
- 3) Horsepower rating 10 hp

East Pump:

- 1) Make Worthington

East Motor:

- 1) Make Lincoln - US Motors
- 2) Horsepower rating 10 hp

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

Water is diverted from the lake to town via a 4 inch PVC pipe and distributed from storage (40,000 gallons and 20,000 gallons) to residents.

D. Compliance with Permit Requirements:

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

The system is in good condition with the point of diversion located as follows: ≈ 2,200 feet W and ≈ 1,700 feet N from the SE corner section 16-17N-22E (NW¼SE¼). The works are capable of diverting and conveying to the place of use 0.22* cu. ft. per second of water which is to be used for municipal purposes. Water has been put to beneficial use to the maximum extent and the license should be issued for 0.13 cfs.

Comments or other permit(s) associated with the project: 1572-1 | All structures, wells and lands on map Y

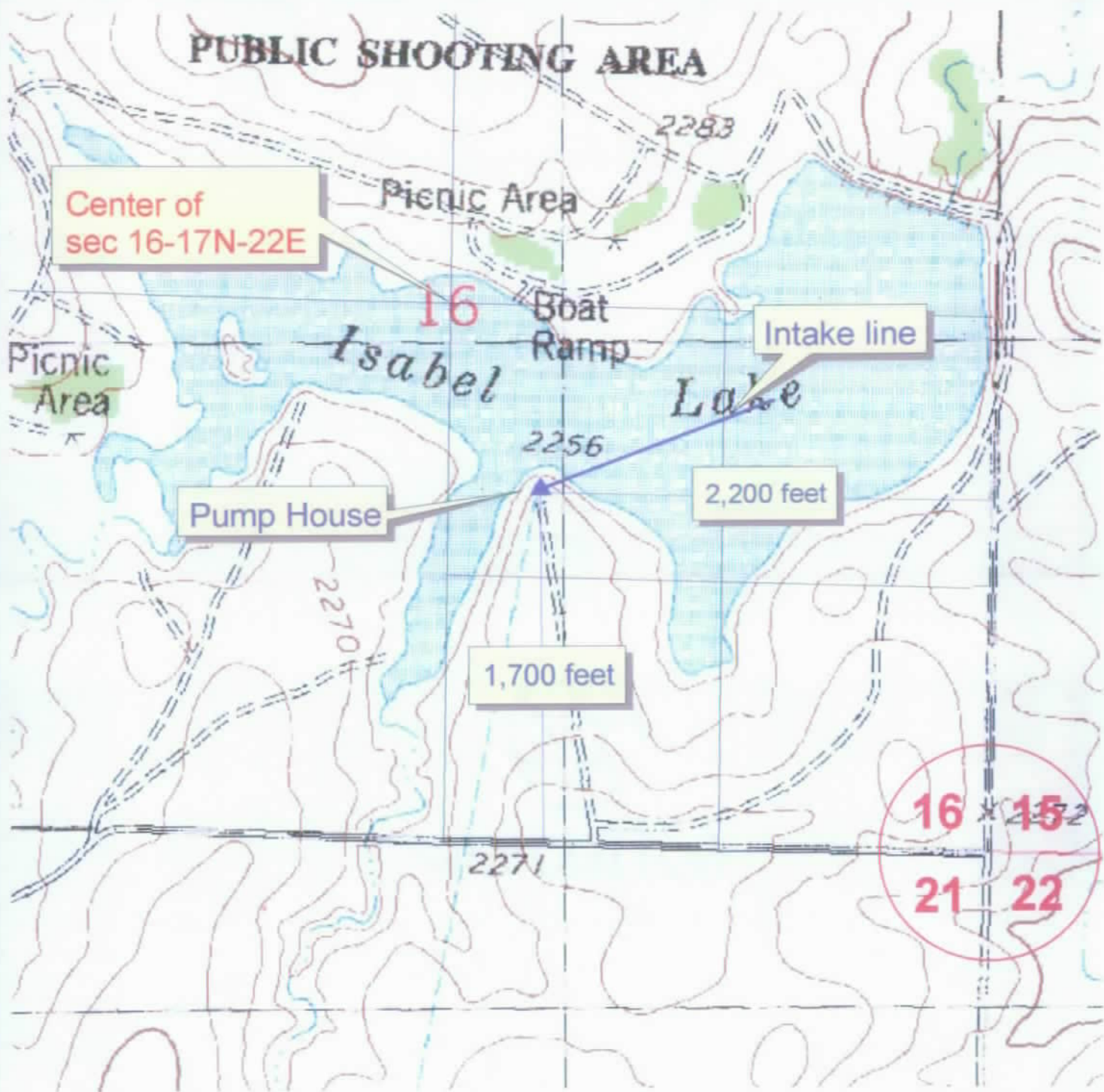


Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

*** Vested Right No. 1572-1 authorizes use of 0.09 cfs combined with 0.13 cfs under No. 1573-1. Total diversion rate is 0.22 cfs (100 gpm).**

Date report completed: August 17, 2000

700 0 700 Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights

Ron Duvall, Nat Res Engineer
August 17, 2000

Water Right No. 1573-1

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1573-1

(1) City of Isabel, PO Box 268, Isabel SD 57633-0268 made Application No. 1573-1, February 4, 1993 for a water permit to divert 0.13 cubic feet of water per second (cfs) from Lake Isabel, Dewey County, South Dakota for municipal use purposes. Permit No. 1573-1, with a priority date of February 4, 1993 was approved July 7, 1993 and issued to the city for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Vested Right No. 1572-1 authorizes use of 0.09 cfs from Lake Isabel combined with 0.13 cfs authorized by No. 1573-1. The total diversion rate authorized is 0.22 cfs (100 gpm).

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.13 cubic feet of water per second for beneficial use. The location of the diversion point is 2,200 feet west and 1,700 feet north from the southeast corner of Section 16-T17N-R22E (NW ¼ SE ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 the City of Isabel, PO Box 268, Isabel SD 57633-0268 the holder and/or owner of Water Right No. 1573-1 is issued a license to appropriate water, the right to use 0.13 cubic feet of water per second from Isabel Lake with a priority date of February 4, 1993 from the location specified in (2) of this license for municipal use. This license is subject to any limitations or qualifications listed in Water Right No. 1573-1 and subject to South Dakota State Law.



GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 10 2000

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

OCT 10 2000

1573-1

City of Isabel
Larry Simpson, Utilities Supt.
PO Box 268
Isabel SD 57633-0245

Dear Mr. Simpson:

Enclosed is Water License No. 1573-1. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416627 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1573-1, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures