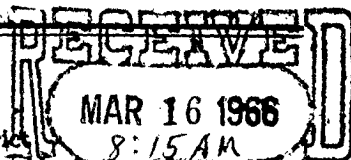


1262-3

1. Considered 5-18, 1966
2. Name of Applicant City of Canton
3. Post Office Address \_\_\_\_\_
4. Amount of water claimed 4.45 1.45 VR & 3.00 F.U.
5. Source of water supply Ground water
6. Water to be used for Municipal
- Acres to be irrigated \_\_\_\_\_
7. Water to be diverted and used in Lincoln County about  
5.5 miles \_\_\_\_\_ of Canton \_\_\_\_\_
8. Proof of Publication Received yes
- Not Received \_\_\_\_\_
9. Application Approved \_\_\_\_\_
- Subject to \_\_\_\_\_
- Not Approved \_\_\_\_\_
- Action deferred \_\_\_\_\_
10. Remarks:

No. 1262-3Water Division No. 3 Big Sioux River District  
(Blanks to be Filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMMISSION  
PIERRE, SOUTH DAKOTA

## APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant City of Canton  
Postoffice address Canton, County Lincoln, State So. Dak.

I. If a corporation Municipal Corporation(a) Name of same City of Canton(b) Date and place of incorporation - -(c) Amount of capital stock - -(d) Amount paid in - -(e) Names and addresses of directors - -

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Contract(b) Cash on hand, \$ - - Adequate to complete works (c) Treasury stock, \$ - -(d) Bonds to be issued, \$ - - (e) Other resources, \$ - -2. Name of diversion work Canton Wells No. 1, 2, 3, 4, 5, 6 & 7Vested (Wells No. 1, 2, 3, 4 & 7) = 0.80 cfs3. Amount of water claimed New (Wells No. 5 & 6 Built in 1965) = 0.65 cfsWithdrawal for Future Use = Total of 3.0 cfs4. Source of water supply Wells5. Location of point of diversion (See below)#1 well removed from this Permit on bank County Lincoln  
and incorporated in Permit No. 4312-36. Annual period or periods during which water is to be used Continuous

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? - -(a) Number of acres to be irrigated - - acres.(b) Legal subdivisions to be irrigated - -

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) Municipal Water Supply  
for City of Canton & Canton-Inwood Memorial Hospital

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use - -  
Name any of the above uses claimed(b) Amount of power to be generated - - horse power.Amount claimed for engine cooling - -(c) Location of plant - -(d) Method of developing power - -Item 5. (e) Point where water will be returned to stream - -

Well No. 1 - Located 1350' South and 130' West of N.E. Corner of Sec. 23, T98N, R49W

Well No. 2 - " 1260' " " 810' " " " " " " " "

Well No. 3 - " 1350' " " 2600' " " " " " " " "

(Cont. inside)

MAP NO 879-3

# CITY OF CANTON

LINCOLN COUNTY  
SOUTH DAKOTA

## LOCATION OF WELLS

| WELL NUMBER | WELL LOCATION                                                    |
|-------------|------------------------------------------------------------------|
| No.1        | 1350' SOUTH & 130' WEST OF NE. CORNER OF SECTION 23, T98N, R49W  |
| No.2        | 1260' SOUTH & 810' WEST OF NE. CORNER OF SECTION 23, T98N, R49W  |
| No.3        | 1350' SOUTH & 2600' WEST OF NE. CORNER OF SECTION 23, T98N, R49W |
| No.4        | 2340' SOUTH & 1570' WEST OF NE. CORNER OF SECTION 23, T98N, R49W |
| No.5        | 1000' SOUTH & 850' EAST OF NW. CORNER OF SECTION 24, T98N, R49W  |
| No.6        | 620' SOUTH & 3410' WEST OF NE. CORNER OF SECTION 23, T98N, R49W  |
| No.7        | 2360' SOUTH & 1540' WEST OF NE. CORNER OF SECTION 23, T98N, R49W |

## SURVEYORS CERTIFICATE

I, D.V. SCHMITZ, REGISTERED LAND SURVEYOR OF THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE ON AND BEFORE MARCH 4, 1966, MAPPED THE AREA AS SHOWN ABOVE FOR THE PURPOSE OF WATER APPROPRIATION.

DATED THIS 4<sup>TH</sup> DAY OF MARCH, 1966, *D.V. Schmitz*  
D.V. SCHMITZ, REG. LAND SURVEYOR

STATE OF SOUTH DAKOTA  
COUNTY OF MINNEHAHA

ON THIS 4<sup>TH</sup> DAY OF MARCH, 1966 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE APPEARED D.V. SCHMITZ, WELL KNOWN TO ME TO BE THE PERSON DESCRIBED ABOVE AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING CERTIFICATE.

MY COMMISSION EXPIRES: *September 1, 1967*  
*Luella E. McCormick*  
NOTARY PUBLIC, SOUTH DAKOTA

No.1 - INDICATES WELL LOCATION AND NUMBER

Well No. 4 - Located 2340' South and 1570' West of N.E. Corner of Sec. 23, T98N, R49W.  
Well No. 5 - " 1000' " " 850' East " N.W. " " " 24, " "  
Well No. 6 - " 620' " " 3410' West " " " " " "  
Well No. 7 - " 2360' " " 1540' " " " " " "

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----  
(c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----  
(e) Other structures ----- \$----- Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Wells, ground level storage, elevated storage & distribution system.

II. Dimensions of works.

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face ----- material used in construction -----  
(b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

| DEPTH AT<br>OUTLET- FEET | SURFACE AREA AT EACH<br>DEPTH AT OUTLET--ACRES | ACRE- FEET<br>CAPACITY |
|--------------------------|------------------------------------------------|------------------------|
|                          |                                                |                        |
|                          |                                                |                        |
|                          |                                                |                        |
|                          |                                                |                        |
|                          |                                                |                        |
|                          |                                                |                        |
|                          |                                                |                        |
|                          |                                                |                        |
|                          |                                                |                        |

(c)\* Head gate: Width ----- feet; height ----- feet;  
Material -----  
(d) Canal: Total length ----- miles.

| LOCATION BELOW<br>HEADGATE | DEPTH      | BOTTOM<br>WIDTH | WIDTH AT<br>WATER-LINE | GRADE<br>PER MILE |
|----------------------------|------------|-----------------|------------------------|-------------------|
| At ----- Mile              | ----- feet | ----- feet      | ----- feet             | ----- feet        |
| At ----- Mile              | ----- feet | ----- feet      | ----- feet             | ----- feet        |
| At ----- Mile              | ----- feet | ----- feet      | ----- feet             | ----- feet        |
| At ----- Mile              | ----- feet | ----- feet      | ----- feet             | ----- feet        |
| At ----- Mile              | ----- feet | ----- feet      | ----- feet             | ----- feet        |
| At ----- Mile              | ----- feet | ----- feet      | ----- feet             | ----- feet        |

(Give dimensions where reductions in size are made.)  
Existing Wells Completed

10. Time required for completion of work ~~Future Withdrawals~~ = Indefinite  
11. Time required for complete application of water to the proposed beneficial use ~~ONE~~ Indefinite years. (Future Withdrawal)  
12. Choice of newspaper for publication of notice of intention to appropriate -----  
Sioux Valley News; Canton, South Dakota

STATE OF SOUTH DAKOTA

County of Lincoln } ss.

I, A. G. Noid, Mayor of the City of Canton, S. D., being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed A. G. Noid

Subscribed and sworn to before me this 30 day of March 19 66

William R. Goff  
Notary Public (or other qualified officer.)  
City Auditor

Remarks by State Water Resources Commission:

"PARTIAL VESTED RIGHT" CLAIMED.

UNDER THE FUTURE USE PORTION OF THIS PERMIT.  
SPECIFIC APPLICATIONS FOR ALL OR ANY PORTION OF  
THIS APPROPRIATION MUST BE SUBMITTED AT SUCH  
TIME AS THE WORKS ARE CONSTRUCTED.

STATE OF SOUTH DAKOTA

County of HUGHES } ss.

Pierre, South Dakota, MAY 31, 1966

This is to certify that the foregoing application was received by the Commission at 8:15 o'clock  
9 a.m. upon the 16<sup>TH</sup> day of MARCH, 1966

State Water Resources Commission

By:

*[Signature]*  
for Chief Engineer, Executive Officer

Number of permit 1262-3

Date of first receipt of application MARCH 16, 1966

Date of return to applicant for correction, amendments or changes required as follows: \_\_\_\_\_, 19\_\_\_\_

Date of receipt of corrected application 32-1918 15-1937 11-1950  
17-1946 3.25 MARCH 16, 1966

Date from which applicant may claim right 15 Has been incorporated in  
Permit # 43123, 19\_\_\_\_

Approved MAY 18, 1966, Recorded in Book 9 Page 128

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ \_\_\_\_\_

~~COMPLETED~~, 19\_\_\_\_

2nd. The whole of said work is ~~to be~~ completed ~~on or before~~ \_\_\_\_\_, 19\_\_\_\_

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

MAY 18, 1967

4th. The water appropriated shall be used for the purpose of MUNICIPAL USE

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 4.45 (3.00 FOR FUTURE USE) cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for ~~the production of crops in the exercise of the best husbandry, and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually~~

USED FOR MUNICIPAL PURPOSES

and beneficially applied for irrigation on or before MAY 18, 1967; said water to be used during the following described annual period:

CONTINUOUSLY

Witness my hand this 31<sup>ST</sup> day of MAY, 1966.

State Water Resources Commission

By:

*[Signature]*  
Chief Engineer, Executive Officer

Certificate of Construction issued DECEMBER 9, 1968

Water License issued DECEMBER 9, 1968

## 9. (Continued)

## III. Well Specifications — Well No. 1 — Built in 1936

## (a) Hole and casing

Size of drill hole or excavation 6" , Depth 430'

Type of casing Steel  
(wood, concrete, steel, etc.)

Size of casing 6" , Thickness of casing Standard

Length of casing 400' If collection gallery, length, size and depth of  
gallery

## (b) Screens

Type of perforated screen None

Size of perforated screen - - (diameter) , (length)

Thickness of gravel pack - - , length of gravel pack - -

## (c) Water Bearing Materials

Distance to water 100' Character of water bearing materials

Dakota Sandstone

Thickness of water bearing material Supply from App. 40'

## (d) Pump and Motor

Type of pump Submersible  
(centrifugal, propeller, mixed flow, etc.)

Name of pump F-M , size 3"

Kind of motor Electric  
(gasoline, electric, diesel, etc.)

Horsepower 5 , Name of Motor F-M

## (e) Complete well

Capacity 70 GPM at drawdown of 60' Estimated cost \$5,000.

(f) Owner of land upon which well is located City of Canton  
Name

Canton, South Dakota

Address

## (g) Distance to nearest existing wells

On same owner's property 25 rods. On property owned by others - - rods

## 9. (Continued)

## III. Well Specifications Well No. 2 - Built in 1937

## (a) Hole and casing

Size of drill hole or excavation 8" , Depth 430'

Type of casing Steel  
(wood, concrete, steel, etc.)

Size of casing 8" , Thickness of casing Standard

Length of casing 400' . If collection gallery, length, size and depth of  
gallery - -

## (b) Screens

Type of perforated screen None

Size of perforated screen - -  
(diameter) (length)

Thickness of gravel pack - - , length of gravel pack - -

## (c) Water Bearing Materials

Distance to water 100' Character of water bearing materials  
Dakota Sandstone

Thickness of water bearing material Supply from app. 40'

## (d) Pump and Motor

Type of pump Turbine  
(centrifugal, propeller, mixed flow, etc.)

Name of pump F-M , size 4"

Kind of motor Electric  
(gasoline, electric, diesel, etc.)

Horsepower 5 , Name of Motor F-M

## (e) Complete well

Capacity 70 GPM at drawdown of 60' . Estimated cost \$6000.

(f) Owner of land upon which well is located City of Canton  
Name

Canton, South Dakota

Address

## (g) Distance to nearest existing wells

On same owner's property 25 rods. On property owned by others - - rods

## 9. (Continued)

## III. Well Specifications      Well No. 3 - Built in 1946

## (a) Hole and casing

Size of drill hole or excavation 8" , Depth 440'

Type of casing Steel  
(wood, concrete, steel, etc.)

Size of casing 8" , Thickness of casing Standard

Length of casing 400' If collection gallery, length, size and depth of  
gallery - -

## (b) Screens

Type of perforated screen Steel

Size of perforated screen 7½" , 30'  
(diameter) (length)

Thickness of gravel pack - - , length of gravel pack - -

## (c) Water Bearing Materials

Distance to water 100' Character of water bearing materials

Dakota Sandstone

Thickness of water bearing material Supply from App. 40'

## (d) Pump and Motor

Type of pump Submersible  
(centrifugal, propeller, mixed flow, etc.)

Name of pump F-M , size 4"

Kind of motor Electric  
(gasoline, electric, diesel, etc.)

Horsepower 5 , Name of Motor F-M

## (e) Complete well

Capacity 80GPM at drawdown of 60 Estimated cost \$10,000

(f) Owner of land upon which well is located City of Canton  
Name

Canton, South Dakota

Address

## (g) Distance to nearest existing wells

On same owner's property 60 rods. On property owned by others - - rods

## 9. (Continued)

## III. Well Specifications Well No. 4 - Built in 1950

## (a) Hole and casing

Size of drill hole or excavation 8" , Depth 443'

Type of casing Steel  
(wood, concrete, steel, etc.)

Size of casing 8" , Thickness of casing Standard

Length of casing 410' If collection gallery, length, size and depth of  
gallery - -

## (b) Screens

Type of perforated screen Steel

Size of perforated screen 7½" , 30'  
(diameter) (length)

Thickness of gravel pack - - , length of gravel pack - -

## (c) Water Bearing Materials

Distance to water 100' Character of water bearing materials  
Dakota Sandstone

Thickness of water bearing material Supply from App. 40'

## (d) Pump and Motor

Type of pump Submersible  
(centrifugal, propeller, mixed flow, etc.)

Name of pump F-M , size 4"

Kind of motor Electric  
(gasoline, electric, diesel, etc.)

Horsepower 5 , Name of Motor F-M

## (e) Complete well

Capacity 50GPM at drawdown of 60' Estimated cost \$10,000

(f) Owner of land upon which well is located City of Canton  
NameCanton, South Dakota  
Address

## (g) Distance to nearest existing wells

On same owner's property 60 rods. On property owned by others - - rods

## 9. (Continued)

## III. Well Specifications Well No. 5 - Built in 1965

## (a) Hole and casing

Size of drill hole or excavation 15" , Depth 403'

Type of casing Grouted Steel  
(wood, concrete, steel, etc.)

Size of casing 10" , Thickness of casing 34.2#/Ft.

Length of casing 270' . If collection gallery, length, size and depth of  
gallery - -

## (b) Screens

Type of perforated screen Johnson Stainless Steel

Size of perforated screen 4" I.D. , 132'  
(diameter) (length)

Thickness of gravel pack 3" , length of gravel pack 132'

## (c) Water Bearing Materials

Distance to water 98' . Character of water bearing materials  
Dakota Sandstone

Thickness of water bearing material 132'

## (d) Pump and Motor

Type of pump Submersible  
(centrifugal, propeller, mixed flow, etc.)

Name of pump F-M , size 6" - 100GPM

Kind of motor Electric  
(gasoline, electric, diesel, etc.)

Horsepower 10 , Name of Motor Franklin

## (e) Complete well

Capacity 100GPM at drawdown of 100' . Estimated cost \$15,000

(f) Owner of land upon which well is located City of Canton  
NameCanton, South Dakota  
Address

## (g) Distance to nearest existing wells

On same owner's property 100 rods. On property owned by others 200 rods

## 9. (Continued)

## III. Well Specifications      Well No. 6 - Built in 1965

## (a) Hole and casing

Size of drill hole or excavation      15"      , Depth      443'

Type of casing      Grouted Steel  
(wood, concrete, steel, etc.)

Size of casing      10"      , Thickness of casing      342#/Ft.

Length of casing      297'      If collection gallery, length, size and depth of  
gallery      - -

## (b) Screens

Type of perforated screen      Johnson Stainless Steel

Size of perforated screen      4" I.D.      147'  
(diameter)      (length)

Thickness of gravel pack      3"      , length of gravel pack      147'

## (c) Water Bearing Materials

Distance to water      114'      Character of water bearing materials  
Dakota Sandstone

Thickness of water bearing material      147'

## (d) Pump and Motor

Type of pump      Submersible  
(centrifugal, propeller, mixed flow, etc.)

Name of pump      F-M      , size      6" - 150 GPM

Kind of motor      Electric  
(gasoline, electric, diesel, etc.)

Horsepower      15      , Name of Motor      Franklin

## (e) Complete well

Capacity      150 GPM      at drawdown of      78'      Estimated cost      \$15,000.00

(f) Owner of land upon which well is located      City of Canton  
Name

Canton, South Dakota

Address

## (g) Distance to nearest existing wells

On same owner's property      100      rods. On property owned by others      200      rods

## 9. (Continued)

## III. Well Specifications Well No. 7 - Built in 1918

## (a) Hole and casing

Size of drill hole or excavation ..... 27' ..... , Depth ..... 28'

Type of casing ..... Concrete  
(wood, concrete, steel, etc.)

Size of casing ..... 27' ..... , Thickness of casing ..... 12"

Length of casing ..... 28' ..... If collection gallery, length, size and depth of  
gallery ..... - -

## (b) Screens

Type of perforated screen ..... None

Size of perforated screen ..... - - .....  
(diameter) (length)

Thickness of gravel pack ..... - - ..... , length of gravel pack ..... - -

## (c) Water Bearing Materials

Distance to water ..... 10' ..... Character of water bearing materials .....

Gravel Terrace (Not a part of Big Sioux River Outwash)

Thickness of water bearing material .....

## (d) Pump and Motor

Type of pump ..... Centrifugal - 2 Pumps  
(centrifugal, propeller, mixed flow, etc.)

Name of pump ..... F-M ..... , size ..... 4"

Kind of motor ..... Electric .....  
(gasoline, electric, diesel, etc.)

Horsepower ..... 10 ..... , Name of Motor ..... F-M

## (e) Complete well

Capacity ..... 100GPM ..... at drawdown of ..... 10' ..... Estimated cost ..... \$10,000

(f) Owner of land upon which well is located ..... City of Canton .....  
Name

Canton, South Dakota

Address

## (g) Distance to nearest existing wells

On same owner's property ..... 60 ..... rods. On property owned by others ..... - - ..... rods

STATE OF SOUTH DAKOTA

WATER LICENSE No. .... 1262-3

WHEREAS, On the 16th day of March A. D. 1968  
the City of Canton

of County of Lincoln and State of  
South Dakota duly made application (No. 1262-3) to us for a permit to use 4.45\*  
cubic feet per second of the waters of ground water  
County of Lincoln, State of South Dakota, for municipal  
purposes; and

WHEREAS, On the 31st day of May A. D. 1966  
Permit No. 1262-3 was issued to said applicant for the diversion of said water, and providing for the  
completion of the works of diversion therein described, ~~on or before the~~ is completed ~~on or before~~  
~~on or before the~~ and for the application to beneficial use of said  
water on or before the 18th day of May A. D. 1967  
and,

WHEREAS, On the 20th day of November A. D. 1968  
the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.45\*  
cubic feet per second of said waters, as evidenced by our Certificate No. 1262-3  
dated December 9, 1968 confirming the completion of works of sufficient capacity for  
diverting and conveying to the place of intended use 1.45 cubic feet per second of water, with date of  
priority of 1918, 1936, 1937, 1946, 1950 and, March 16, 1966 and,

WHEREAS, On the 20th day of November A. D. 1968  
proof was duly made of the application to beneficial use of 1.45 cubic feet per second of said water;  
for municipal use in the City of Canton and Canton-Inwood Memorial  
Hospital.

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,  
We hereby grant and confirm to ----- the City of Canton -----

of ----- the holder ----- and owner ----- of said permit No. 1262-3  
1918, 1936, 1937, 1946, 1950 and  
a water right, dating from ----- March 16, 1966 ----- to the use of 1.45\* -----

cubic feet per second of the waters of ----- ground water -----

in the County of ----- Lincoln ----- and State of South Dakota, or so much thereof as may be

necessray for the purposes hereinbelow mentioned, to be diverted ~~xx~~ from seven wells located in  
the City limits of Canton in Sections 23 and 24, T98N, R49W -----

and conducted ~~to and over~~ through the water distribution system for municipal use  
by the City of Canton and the Canton-Inwood Memorial Hospital. -----

for the purpose ----- of ----- municipal use, subject to any limitations listed in the

~~Permit to Appropriate Water, and -----~~

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,  
this 9th ----- day of ----- December ----- A. D. Nineteen  
Hundred and ----- Sixtyeight -----

State Water Resources Commission

By:

J.W. GRIMES  
Chief Engineer, Executive Officer

\* This Water License is issued for the 1.45 c.f.s. capacity developed  
by the City, with 3.00 c.f.s. remaining in the future use withdrawal  
by the City.

|                                   |  |
|-----------------------------------|--|
| STATE OF SOUTH DAKOTA             |  |
| Water License No. -----           |  |
| To -----                          |  |
| -----                             |  |
| Source of Supply -----            |  |
| -----                             |  |
| County -----                      |  |
| Am't ----- c. f. s.               |  |
| Point of Diversion -----          |  |
| -----                             |  |
| Place of Use -----                |  |
| -----                             |  |
| Purpose -----                     |  |
| -----                             |  |
| Date of Priority -----            |  |
| -----                             |  |
| Recorded -----                    |  |
| in Book ----- of ----- Page ----- |  |

Permit No. ~~126~~ 1262-3  
BIG SIOUX  
Water Division No. 3 RIVER Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the City of Canton

of Lincoln, County of Lincoln, and State of South Dakota, the holder of Permit No. 1262-3, issued upon Application 1918, 1936, 1937, 1946, 1950 and No. 1262-3 bearing date of priority of March 16, 1966, authorizing the diversion of

4.45\* cu. ft. per second of the waters of ground water

County of Lincoln, State of South Dakota, from seven wells located in the City limits of Canton in Sections 23 and 24, T98N, R49W

for municipal

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1.45 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: used for municipal purposes by the City of Canton and Canton Inwood Memorial Hospital

\* 3.00 c.f.s. is for future use.

Witness my hand this 9th day of December A. D. 1968

State Water Resources Commission

By:

J.W. Grimes  
Chief Engineer, Executive Officer

STATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

September 22, 1971

Mr. Joe Grimes  
Chief Engineer  
Water Resources Commission  
State Office Building No. 2  
Pierre, South Dakota 57501

Dear Mr. Grimes:

In the very near future we will be submitting to the Federal Aviation Administration an Environmental Statement to accompany a Request for Aid for a project at the Canton Municipal Airport.

Enclosed for your information is the airport sketch with the project description, a location map, and a vicinity map.

We ask that you write this office indicating whether this project will have any adverse effect on the ground water in the surrounding area.

Sincerely,

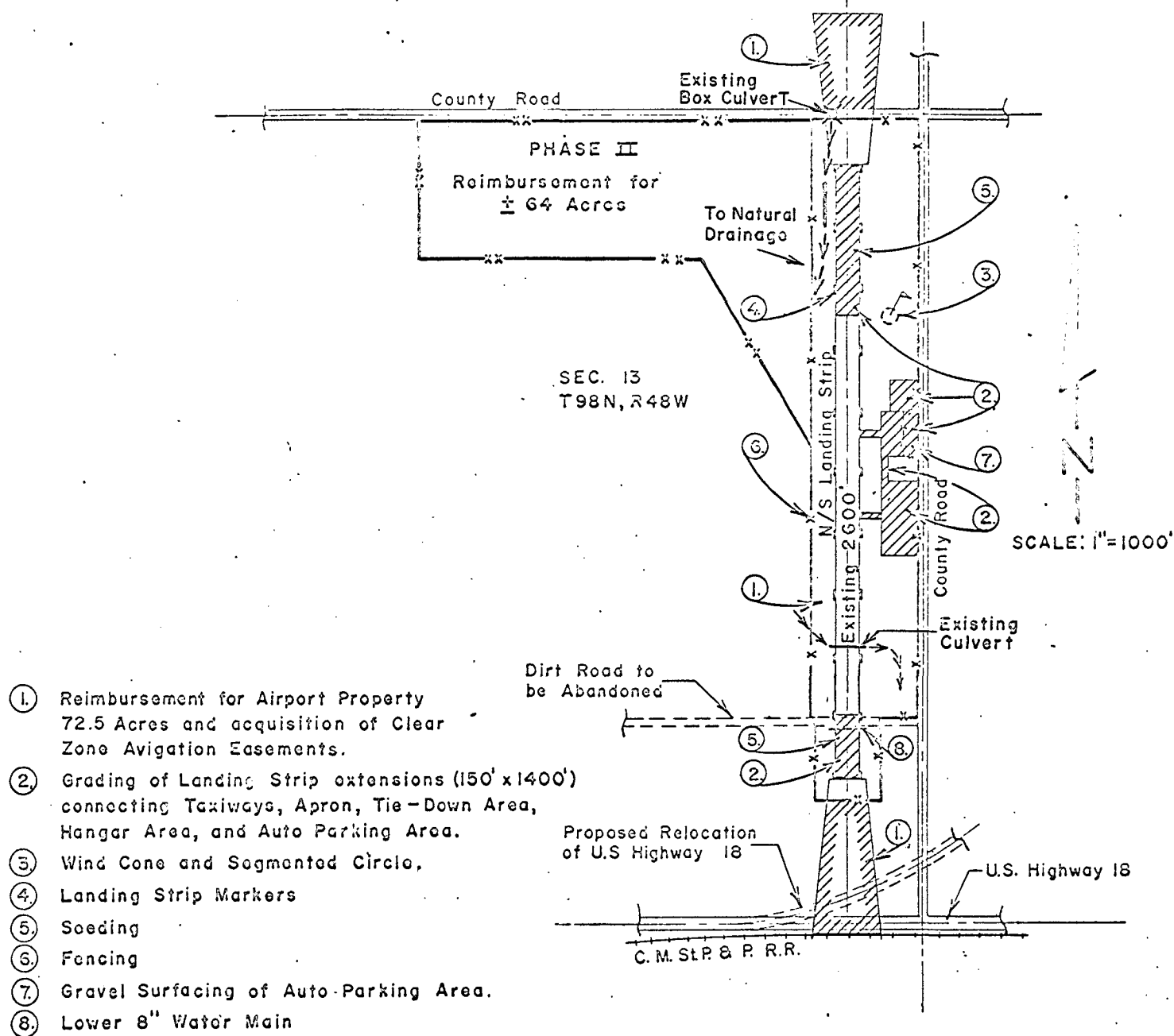
Vernon L. Trimble  
Assistant Airport Engineer

bev

Enclosures

COPY

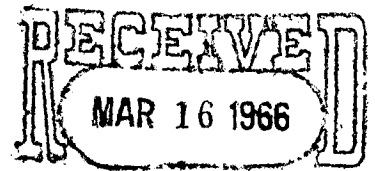
# EXHIBIT NO. 1



"SKETCH" TO ACCOMPANY ENVIRONMENTAL STATEMENT  
CANTON MUNICIPAL AIRPORT  
CANTON, SOUTH DAKOTA

Location No. 1262-3

Water Division No. 2 DG DIOUX RIVER Water District STATE **WATER RESOURCES COMMISSION**  
NEEDS SOUTH DAKOTA



## Proof of Application of Water to Beneficial Use

## PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. A. G. Noid, mayor of the City of Canton, Canton, South Dakota

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. duly elected, qualified and acting mayor of the City of Canton,  
a municipal corporation in Lincoln County, South Dakota

Ques. 3. State date of posting and date of recording notice of appropriation.

**Ans.**

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Wells (See Below For Location)

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Wells, ground level storage, elevated storage and distribution system.  
Constructed 1910-1965. Present maximum well pumping rate = 620 GPM.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Municipal use for the City of Canton and the Canton-Inwood  
Hospital

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. Municipal use for the City of Canton and the Canton-Inwood Hospital

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 860,000 gallons per day

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

[illegible]

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Wells No. 1, 2, 3, 4, 5, 6 & 7 with total capacity of 620 GPM (1.38 cfs)  
serve as the water supply for the City of Canton and the Canton-Inwood Hospital.

(Sign)

*Al Noid*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in City of Canton, County of Lincoln  
State of South Dakota, on this 15 day of March A. D. 1966

*Malburn R. Jeff*  
*E. J. Morano*

Witnesses.

City Hall Canton S. Dak.  
421 W 7th St Canton S. Dak.

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

*James E. Ingraham*  
*Harold Manning*

on or before April 21, 1966  
(First Publication \_\_\_\_\_, 1966)

# APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., April 4, 1966

Notice is hereby given that the City of Canton ~~whose postoffice~~

~~xxxxxx~~ S. Dak., has made an application in accordance with

the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.45  
(.80 vested right and 3.00 for future use)

cubic feet of water per second of time from ~~the~~ ground water through the  
City wells

, the point<sup>s</sup> of diversion of which is to be located ~~xxxxxx~~ within the  
city limits in the N $\frac{1}{2}$  of Section 23, and in

~~bank of said stream in the~~ ~~xxxxxx~~ NW  $\frac{1}{4}$  of Section 24

98N 49W  
Twp. Range Said water to be used for the purpose of providing ~~irrigation on the fol-~~

~~lowing described lands~~

municipal supplies for the City of Canton

and for the Canton-Inwood hospital. ~~purpose~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for  
consideration upon the 18th day of May, 1966, at 2 P. M. All interested persons  
may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for  
the consideration of any or all information presented.

State Water Resources Commission

By:  
BURTON F. JONES

CC: Gene Chamberlin, Manager  
Sioux Valley News  
Canton, S.D.

# Driller's Notice Of Intent To Construct Well

**Water Resources Commission of South Dakota**  
**State Office Building**  
**Pierre, South Dakota**

Gentlemen:

In accordance with Section 61.0406 of the 1960 Supplement to the South Dakota Code of 1939, Notice of Intent is hereby given to drill the following well.

Person for whom the well is to be drilled:.....City of Canton.....  
(Name)

.....Canton, South Dakota.....  
(Address)

Owner of land if other than above: .....Same.....  
(Name)

.....  
(Address)

Location of well ..... $\frac{1}{4}$ , ..... $\frac{1}{4}$ , Section ....., Township .....,  
- Hiawatha Park,  $1\frac{1}{2}$  miles east of Canton, South Dakota  
Range ..... on Inwood Road.

Proposed use of water .....Municipal.....  
(domestic, irrigation, municipal, industrial, other)

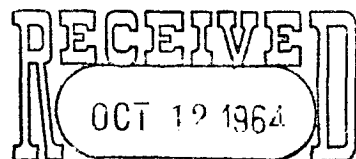
Very truly yours,

McCarthy Well Company

Dan Forby  
Field Engineer

c.c. City of Canton  
Canton, South Dakota

Benson, Schmitz & Kalda  
260 Boyce-Greeley Bldg.  
Sioux Falls, South Dakota



STATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

# SCHMITZ, KALDA & ASSOCIATES

ENGINEERS & LAND SURVEYORS

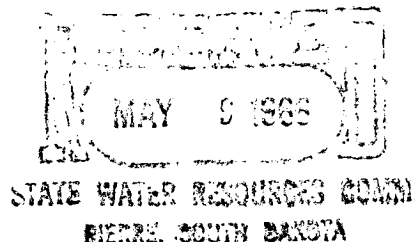
MUNICIPAL & CIVIL ENGINEERING

WATER SUPPLY - SEWAGE WORKS - INDUSTRIAL WASTES - LAND PLANNING - STREETS - AIRPORTS

260 BOYCE-GREELEY BUILDING - TELEPHONE 332-8241 - SIOUX FALLS, SOUTH DAKOTA 57102

May 6, 1966

Mr. Bert Jones  
S. D. State Water Resources Commission  
State Office Building  
Pierre, South Dakota



Subject: Water Rights - Canton, S.D.

Dear Mr. Jones:

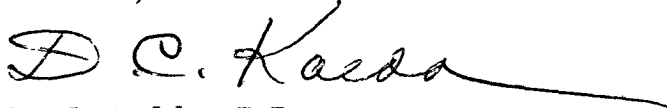
The location of future wells in Canton may extend beyond the present City Limits depending on the groundwater aquifer to be developed and the number of wells required to obtain the desired capacity. It is anticipated that wells into the Dakota Sandstone similar to the existing wells will be used for some time in the future. In order to maintain desired spacing and stay within the sites considered most desirable, future Dakota Sandstone wells may need to be located south or southwest of the City Limits. It is anticipated that such wells will likely be installed within a distance of about one-half mile from the City Limits.

At some time in the distant future, it is possible that water will be obtained from the shallow aquifer adjacent to the Big Sioux River. Groundwater studies indicate the most desirable location for such wells is south of the City in the general area south of the oxbow of the Big Sioux River. Such wells would be within the floodplain and would require special construction.

The anticipated general location of future wells as indicated above are shown on the enclosed print.

Very truly yours,

SCHMITZ, KALDA & ASSOCIATES

  
D. C. Kalda, P.E.

DCK:sn

Permit No. 1262-3  
BIG SIOUX  
Water Division No. 3 RIVER Water District

## Certificate of Examination of Works

### Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that ~~in accordance with your letter of authorization dated~~ \_\_\_\_\_

~~to~~ \_\_\_\_\_, I have this day made a thorough examination of the diversion works constructed by \_\_\_\_\_

THE CITY OF CANTON \_\_\_\_\_,  
LINCOLN \_\_\_\_\_ County, South Dakota, holder of Permit No. 1262-3, issued  
upon Application No. 1262-3, bearing date of priority of SEE PERMIT, \_\_\_\_\_, authorizing the  
diversion of 4.45 cu. ft. per second of the waters of GROUND WATER for MUNICIPAL  
purposes. I have to report on the condition of the same as follows:

The diversion works comprise: WELLS 1 THRU 7 - WELLS #5 & #6 ARE NEW.  
#5 IS 403' DEEP WITH 10" CASING WITH FAIRBANKS MORSE 6" SUBMERSIBLE  
PUMP, POWERED BY 10HP U.S. ELECTRIC MOTOR - #6 - 443' DEEP W/10"  
CASING WITH FAIRBANKS MORSE 6" SUBMERSIBLE PUMP W/15HP ELECTRIC  
MOTOR

and the system is in the following condition: EXCELLENT

The point of diversion is located AS SHOWN ON WATER RIGHT MAP # 879-3

The works are capable of diverting and conveying to the place of use 1.45 \* cu. ft. per second of water,  
which is to be used for MUNICIPAL USE

The legal sub-divisions to be irrigated are: \_\_\_\_\_

\_\_\_\_\_ comprising a total of \_\_\_\_\_ acres of land.

The domestic use intended comprises \_\_\_\_\_

The utilization for power, mining, or other beneficial uses comprises: \_\_\_\_\_

3.0 CFS. REMAINS IN THE CITY OF CANTON  
FUTURE USE RIGHT

Witness my hand, this 20<sup>TH</sup> day of NOVEMBER, A. D. 1968

—SEAL—

Auston Jones  
Examining Engineer  
WATER RIGHT SPECIALIST  
WATER RESOURCES COMMISSION

1262-3

MYRABO & IRONS  
ATTORNEYS AT LAW  
108 SOUTH BROADWAY  
CANTON, SOUTH DAKOTA  
57013

LLOYD K. MYRABO  
EUGENE J. IRONS

AREA CODE 605  
TELEPHONE 987-2653

July 31, 1978

Board of City Commissioners  
City Hall  
Canton, South Dakota 57013

In Re: Water Rights for the City of Canton

Gentlemen:

I have been in contact with the Chief Engineer of the State Water Rights Commission in connection with an application for water rights made by the South Lincoln Rural Water System.

In that regard, he informed me that the decision of the Water Rights Commission to defer the South Lincoln Application could very well mean that any subsequent application by the City of Canton would also have to be deferred or denied.

This is important with regard to the fact, as I understand it, that the City of Canton presently has two wells for which water rights have not been obtained, even though the City does have future rights which could be used.

It would be my suggestion that the application for water rights for these two wells be made as soon as possible so that the City knows where it stands on this matter.

I am sending copies of this letter to Mr. Hatch and Mr. Kalda for their information, and would suggest that you get together with these gentlemen for further discussion of this matter.

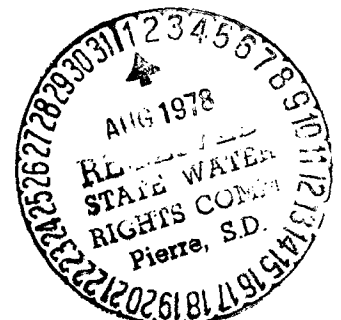
Very truly yours,

OF MYRABO & IRONS

EJI:ds

cc: Mr. John Hatch  
Chief Engineer  
Water Rights Commission  
Joe Foss Building  
Pierre, South Dakota 57501

Mr. Don Kalda  
Schmitz-Kalda and Associates  
Royce-Greeley Building  
Iouxs Falls, South Dakota 57102



August 2, 1978

1262-3

City of Canton

On the original permit no. 1262-3 the amount of water requested on the front of the application is incorrect. The Vested portion for wells No. 1-2-3-4 & 7 in the amount of .80 cfs is correct; the amount of .65 for wells 5 & 6 should be .55.

On the written approval the vested portion is incorrect.

Well No. 1, priority of 1936, should be .15 instead of .10; Well No. 2, priority of 1937 should be .15 instead of .10. The application and priorities should be as follows:

|                                     | Well | GPM | CFS<br>AMOUNT | Priority |
|-------------------------------------|------|-----|---------------|----------|
| VESTED                              | 1    | 70  | .15           | 1936     |
|                                     | 2    | 70  | .15           | 1937     |
|                                     | 3    | 80  | .17           | 1946     |
|                                     | 4    | 50  | .11           | 1950     |
|                                     | 7    | 100 | .22           | 1918     |
|                                     |      |     | <u>.80</u>    |          |
| AFTER<br>1955                       | 5    | 100 | .22           | 1965     |
|                                     | 6    | 150 | .33           | 1965     |
|                                     |      |     | <u>.55</u>    |          |
| TOTAL                               |      |     | <u>1.35</u>   |          |
| Total priority for permit 1262-3    |      |     | 1.35          |          |
| Future Use request                  |      |     | <u>3.00</u>   |          |
| Total C.F.S.                        |      |     | 4.35          |          |
| (Water License written up for 4.45) |      |     |               |          |

These are based on the GPM figures stated on the Form 2A's submitted by the City of Canton.

The Proof of Application of Water to Beneficial Use submitted by the City of Canton March 16, 1966, states the above wells pumping rate as 620 GPM which is 1.38 cfs.

Betty Westlund  
Water Rights Specialist

BW:plh

received 10/4/83

12623

Memo

TO: Betty Westlund, DWR  
FROM: Rob Kittay, OOW  
RE: Wells w/o Water Rights  
DATE: 10/4/83

During my recent survey trip the following info was found that should be of interest to DWR.

GARRETSON - Wells #3 (1936) is now abandoned because of high nitrates. This well was permitted under #1289-3. This well is at Railroad St. and Essex St.

BALTIC - Baltic is now hooked up to Minnehaha Rys. Only the Creamery Well (1928) is used as a standby. This well is on #538-3. This well is on the west bank of the Big Sioux River.

Wells no longer used are:

| WELL    | DATE | PERMIT | LOCATION           |
|---------|------|--------|--------------------|
| #1      | 1978 | 4140-3 | 1 mile W of Baltic |
| no name | 1968 | 2029-3 | 1/2 " " " "        |
| no name | 1958 | 538-3  | Nidaros + 3rd Ave  |

im.t  
262-3

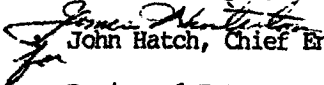
CANTON - Well #2 is no longer used. The well is located near 9th and Broad.

 **Department of  
Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

August 28, 1984

NOTICE

To : Jack Fox, Mayor, City of Canton  
From :  John Hatch, Chief Engineer, Water Rights Division  
Subject : Review of Future Use Water Permit No. 1262-3

The Water Management Board has directed that all future use water permits without a qualification requiring the permit to be reviewed every seven years to be noticed for hearing before the Board. The hearing to review Future Use Permit No. 1262-3, City of Canton will be conducted pursuant to SDCL 36-1-14, 46-5-38.1, ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26, September 26, 1984 at 2:30 pm in the Civil Defense Room, Capitol Building, Pierre, South Dakota.

The hearing will be to review 1) progress made in development of water reserved by Permit No. 1262-3, 2) future plans for development of the reserved water, and 3) if the permit is not cancelled, to amend Permit No. 1262-3 to add the seven year review qualification and to add or clarify other qualifications.

Future Use Permit No. 1262-3 was approved May 18, 1966 with a priority date of March 16, 1966, for 3.0 cubic feet per second (cfs) from the following area: N<sup>2</sup> Section 23, and NW<sup>4</sup> Section 24, T98N, R49W with the following qualifications:

1. At such time as definite plans are made, specific applications for all or part of the water granted under this withdrawal must be submitted prior to construction of facilities.

Our records show that permits to place 0.43 cfs of water reserved by Permit No. 1262-3 to beneficial use have been approved with 2.57 cfs remaining.

Following the hearing, the Board can:

- 1) Take no action,
- 2) Cancel Permit No. 1262-3 for no development and/or no planned future development,
- 3) Continue and amend Permit No. 1262-3 with the following qualifications:
  - a) Permit No. 1262-3 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.

b) This permit is approved for groundwater from the Dakota Formation.

If continued, at the end of seven years, the permit will again be reviewed and if it is continued, you will be required to pay 10% of the usual fee for an application to use water to keep Permit No. 1262-3 in effect. The projected 10% fee in seven years based upon the existing permit CTS will be \$57.50.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

cc: Lorraine Bulley, Finance Officer

S515.wr

# CITY OF CANTON

Phone 605/987-2881

123 South Main  
Canton, South Dakota 57013

September 18, 1984

So. Dak. Department of  
Water & Natural Resources  
Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501 -3181



Dear Sir;

In reply to your notice of August 28, 1984 regarding the hearing to review Future Use Permit No. 1262-3, City of Canton, the city requests you retain the remaining 2.57 cfs for the city of Canton. The city is growing and new industries are coming to Canton.

If any further action or requirements are necessary, please advise.

Sincerely,

*Jack Fox*  
Mayor Jack Fox

JF:leb

**South Dakota Department of  
Water & Natural Resources**

Joe Foss Building  
525 East Capitol  
Pierre, South Dakota 57501-3181

Water Rights Division  
605 773-3352

October 11, 1984

1262-3

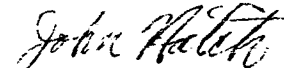
Jack Fox, Mayor  
PO Box 128  
Canton SD 57013

Dear Mayor Fox:

This letter is in regard to the motion passed by the Water Management Board September 26, 1984 after review of Canton's Future Use Permit No. 1262-3. The Board continued Permit No. 1262-3 and amended the Permit to add the qualifications on the enclosed Attachment which should be placed with your permit. Future Use Permit No. 1262-3 will be subject to review after seven years.

If you have any questions, please feel free to contact us.

Very truly yours,



JOHN HATCH, Chief Engineer  
Water Rights Division

JH:ks

enclosure

cc: Lorraine Bulley, Finance Officer

ATTACHMENT "A" TO FUTURE USE PERMIT NO. 1262-3

FOR CITY OF CANTON

Future Use Permit No. 1262-3 was continued by action of the Water Management Board September 26, 1984 and amended to add the following qualifications:

- a) Permit No. 1262-3 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
- b) This permit is approved for groundwater from the Dakota Formation.

Water Rights Division - DWNR  
Conversation or File Documentation

File No. 1262-3

NAME OF PERSON OR FILE: City of Canton

ADDRESS: 123 S Main, Canton COUNTY Lincoln

DATE: November 17, 1988 TELEPHONE \_\_\_\_\_

RE: Reduction of Future Use Reserves

COMMENTS:

Future Use Permit No. 1262-3 → 3.00 cfs  
appropriations: Permit No. 4312-3 - 0.43 cfs  
Permit No. 5216-3 - 0.52 cfs  
Permit No. 5217-3 - 0.50 cfs  
Water remaining in reserve → 1.55 cfs

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

Water Rights Division - DWNR

File No. 1262-3

Conversation or File Documentation

NAME OF PERSON OR FILE: City of Canton

ADDRESS: 123 S Main, Canton COUNTY Lincoln

DATE: November 17, 1988 TELEPHONE \_\_\_\_\_

RE: Reduction of Future Use Reserves

COMMENTS: .

Future Use Permit No. 1262-3 → 3.00 cfs  
appropriations: Permit No. 4312-3 - 0.43 cfs  
Permit No. 5216-3 - 0.52 cfs  
Permit No. 5217-3 - 0.50 cfs  
Water remaining in reserve → 1.55 cfs

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: [Signature]

*South Dakota*



GREAT FACES. GREAT PLACES.

MAY 10 1991

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

1262-2

John Anderson, Mayor  
City of Canton  
PO Box 128  
Canton SD 57013

Dear Mayor Anderson:

The Water Management Board has validated the enclosed Vested Water Right Nos. 1262-2 and 4312-3. These validations give legal status to the claims and are the final documents for your vested rights.

As long as you use the water beneficially, as stated in the validations, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

*John Hatch*

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

enclosure

L

SOUTH DAKOTA

VALIDATION OF (PARTIAL) VESTED WATER RIGHT CLAIM NO. 1262-2

Date Claim Accepted For Filing March 16, 1966.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 1262-2 for the City of Canton, P O Box 128, Canton, South Dakota 57013 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1262-3 appropriates 0.15 cubic feet of water per second (cfs) from well No. 2 approximately 430 feet deep, 0.17 cfs from well No. 3 approximately 440 feet deep, 0.11 cfs from well No. 4 approximately 443 feet deep and 0.22 cfs from well No. 5 approximately 403 feet deep. Well Nos. 2, 3, and 4 are located in the N 1/2, Section 23 and well No. 5 in the NW 1/4, Section 24, all in T98N, R49W.
2. The appropriated water is used for supplying water for the City of Canton and may not exceed the amount of water needed for beneficial use for municipal purposes.  
  
The water is to be used during the following annual period:  
January 1 - December 31
3. The priority dates of the Vested Water Right are: Well No. 2 - 0.15 cfs - January 1, 1937; Well No. 3 - 0.17 cfs - January 1, 1946; Well No. 4 - 0.11 cfs - January 1, 1950 and Well No. 5 - 0.22 cfs - January 1, 1918.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: \_\_\_\_\_

*John H. Heston*  
Chief Engineer

Division of Water Rights

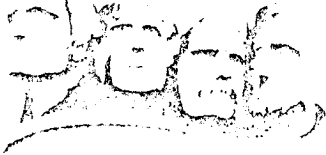
Dept. of Water and Natural Resources

MAY 10 1991

\_\_\_\_\_  
date

L

*South Dakota*



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

July 11, 1991

1262-3

John Anderson, Mayor  
City of Canton  
123 S. Main  
Canton SD 57013

Dear Mayor Anderson:

I am writing in regard to the seven year review of Future Use Water Permit No. 1262-3 from groundwater which is held by the City of Canton. Currently, our records show that 1.55 cubic feet of water per second remain in reserve under this future use permit which was issued in 1966.

Permit No. 1262-3 will be scheduled for review by the Water Management Board on October 2, 1991 pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve on Permit No. 1262-3.

Please respond in writing by August 15, 1991, regarding the City's intention for the future use permit. If the City of Canton does plan to retain the permit, then your response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

*Karen Schlaak*

KAREN SCHLAACK  
Natural Resources Analyst  
605 773-3352

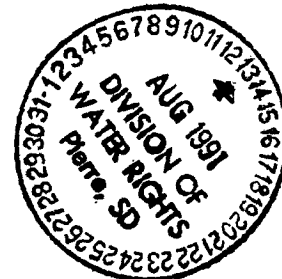
# CITY OF CANTON

Phone 605/987-2881

123 South Main  
Canton, South Dakota 57013

August 12, 1991

Department of Environment and Natural Resources  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3181



Attn: Karen Schlaak, Natural Resources Analyst

Re: City of Canton  
Future Use Water Permit No. 1262-3

Dear Ms. Schlaak:

This is in response to your letter dated July 11, 1991, wherein you indicated that the City of Canton's Future Use Water Permit No. 1262-3 is up for renewal at the Water Management Board meeting scheduled for October 2, 1991. The City of Canton has a potential need for the water reserved under permit 1262-3 and would like the Board to maintain the current provisions of that permit.

The City's total yearly water use for the past three years is as follows:

|      |                     |               |
|------|---------------------|---------------|
| 1988 | 131,020,000 gallons | 402 acre feet |
| 1989 | 131,160,000 gallons | 402 acre feet |
| 1990 | 130,370,000 gallons | 400 acre feet |

Permit No. 1262-3 reserves 1.55 cfs for future use, which when converted to acre feet assuming a 60% pumping rate is 673 acre feet. The future amount reserved is approximately 1.7 times the City's current use.

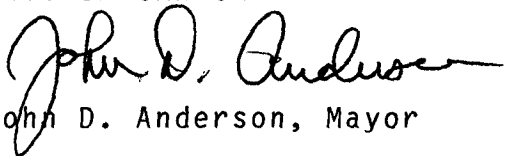
The City of Canton's water use has been increasing continually over the past 5-10 years. The availability of an excellent water supply has a very direct impact on the quality of life in Canton and as a result we expect that the population and thus the water use in Canton will continue to increase. We also continue efforts at attracting new industry to Canton, for which our water supply is a very significant asset and we expect continued success in this area in the future. Therefore, we feel the future water use reserved by Permit 1262-3 is vital to our community and should definitely be reserved for our future needs.

Department of Environment & Natural Resources  
August 12, 1991  
Page Two

We therefore respectfully request the Water Management Board's favorable consideration of our request and ask that our current rights be reserved as they are under 1262-3. If you feel it is advisable for us to provide additional information or to send a representative to the October 2 meeting, please advise.

Sincerely,

CITY OF CANTON

A handwritten signature in black ink, appearing to read "John D. Anderson", written over the printed name.

John D. Anderson, Mayor

JDA:bb

*South Dakota*

GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

October 31, 1991

Canton Sioux Valley News  
Box 255  
Canton SD 57013

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1262-3 to be published twice. Please publish the first notice on November 7, 1991 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 Canton, 123 South Main, Canton SD 57013.

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. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

*Karen Schlaak*

for Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

No. \_\_\_\_\_

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

Date \_\_\_\_\_

We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing to  
to Review Future Use Water Permit No. \_\_\_\_\_ which was first published in  
our issue of \_\_\_\_\_. ENCLOSED IS A COPY OF THIS FIRST  
PUBLICATION.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper

*South Dakota*



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

October 31, 1991

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

John D Anderson, Mayor  
City of Canton  
123 South Main  
Canton SD 57013

Dear Mayor Anderson:

Future Use Permit No. 1262-3 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publisher of the Canton Sioux Valley News printed at Canton SD. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

*for* *Karen Schlaak*  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

Instruction to Newspaper-Publish first publication of the following Notice on or before November 7, 1991 with 2nd publication 1 week later. The permit owner is responsible for payment.

-----  
NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1262-3

Notice is given that the Water Management Board will review Future Use Permit No. 1262-3 held by the City of Canton, 123 South Main, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1262-3. This permit was approved May 18, 1966 to reserve 3.00 cubic feet of water per second (cfs) from groundwater (Dakota Formation) located in the N 1/2 Section 23 and NW 1/4 Section 24; all in T98N-R49W for municipal purposes. Water Permit Nos. 4312-3, 5216-3 and 5217-3 put a total of 1.45 cfs to beneficial use reserved by No. 1262-3 leaving 1.55 cfs held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1262-3 REMAIN in EFFECT for 674 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1262-3 at the Governor's Inn, Kneip Meeting Room, 700 W Sioux, Pierre SD on December 4, 1991 at 10:15 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 25, 1991. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1262-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DENR, Joe Foss Building, Pierre SD 605 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 25, 1991.

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
NO. 1262-3, CITY OF CANTON

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Future Use Water Permit No. 1262-3, City of Canton, 123 South Main, Canton SD 57013.

The Chief Engineer is recommending that Future Use Permit No. 1262-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1262-3, 2) the City of Canton has demonstrated a reasonable need for the water reserved by Permit No. 1262-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

1. That Permit No. 1262-3 reserve for future use a total of 674 acre-feet annually. The diversion rate of 1.55 cfs is deleted from Permit No. 1262-3.

And that maintaining the effectiveness of Future Use Permit No. 1262-3 is subject to payment of the \$32.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Canton



JOHN HATCH, Chief Engineer  
August 23, 1991

NOTE: The maximum annual acre-feet of full-time pumping represented by 1.55 cubic feet of water per second (cfs) reserved by No. 1262-3 is 1,123 acre-feet. Assuming that the total amount pumped annually would equal 60% of 1,123 acre-feet, then expected developed pumping of water reserved under Permit No. 1292-2 would be about 674 acre-feet per year.

## PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
 County Lincoln ) ss.

I, Sandra Lundstrom

certify that the attached printed Notice was taken  
 from the SIOUX VALLEY NEWS

A newspaper which during the whole time of publication of  
 said notice herein after stated, has been and is printed and  
 published in the \_\_\_\_\_

City \_\_\_\_\_ of \_\_\_\_\_ Canton \_\_\_\_\_

County of Lincoln and State of South Dakota;  
 that the said notice was published in said newspaper on the  
 following two dates:

November 7, 1991

November 14, 1991

Sandra Lundstrom  
 (Signature)

Bookkeeper  
 (Title)

11-14-91  
 (Date Signed)

Cost of Printing: \$46.04

VERNON R. THORSON  
 My commission expires  
January 20, 1995.

Rights Division, DENK, Joe Foss  
 Building, Pierre, South Dakota 605  
 773-3352 for assistance prior to the  
 hearing date. The time of the hearing  
 will be automatically delayed for at  
 least 20 days upon written request of  
 the permit owner or any person who  
 has filed a petition to oppose or sup-  
 port continuance of the Future Use  
 Permit. The request for a delay must  
 be filed with the Chief Engineer by  
 November 25, 1991.

NOTICE OF HEARING  
 TO REVIEW FUTURE  
 USE WATER PERMIT  
 NO. 1262-3

Notice is given that the Water Management Board will review Future Use Permit No. 1262-3 held by the City of Canton, 123 South Main, Canton, SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1262-3. This permit was approved May 18, 1966 to reserve 3.00 cubic feet of water per second (cfs) from groundwater (Dakota Formation) located in the N 1/2 Section 23 and NW 1/4 Section 24; all in T98N-R49W for municipal purposes. Water Permit Nos. 4312-3, 5216-3 and 5217-3 put a total of 1.45 cfs to beneficial use reserved by No. 1262-3 leaving 1.55 cfs held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 1262-3 REMAIN IN EFFECT for 674 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1262-3 at the Governor's Inn, Kneip Meeting Room, 700 W Sioux, Pierre, SD on December 4, 1991 at 10:15 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 25, 1991. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1262-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested cause procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the Board can contact the Water



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

December 6, 1991

**NOTICE**

John Anderson, Mayor  
City of Canton  
123 S Main  
Canton SD 5713

Dear Mayor Anderson:

I am writing in response to action taken by the Water Management Board at the hearing on December 4, 1991 to review Future Use Permit No. 1262-3. The Board allowed the permit to remain in effect and amended Permit No. 1262-3 by adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permit. Future Use Permit No. 1262-3 is again subject to review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1262-3 is \$32.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, Water Rights Staff Engineer, if you have any questions.

Very truly yours,

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

enclosure

**AMENDMENT TO FUTURE USE PERMIT NO. 1262-3**

**CITY OF CANTON**

Pursuant to the December 4, 1991 Water Management Board hearing, Future Use Permit No. 1262-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 1262-3 reserve for future use a total of 674 acre-feet annually. The diversion rate of 1.55 cfs is deleted from Permit No. 1262-3.

CERTIFICATION

I hereby certify that on December 6, 1991, I have personally deposited with the U.S. Mail, postage prepaid envelopes containing a Notice dated December 6, 1991, regarding future use permits amended by action taken by the Water Management Board at the December 4, 1991, meeting and addressed to:

FUP 1262-3 - John Anderson, Mayor, City of Canton, 123 S Main, Canton,  
SD 57013  
FUP 524-3 - Roger Knock, Mayor, City of DeSmet, PO Drawer 70, DeSmet,  
SD 57231  
FUP 4039-3 - Sylvia Thompson, Finance Officer, PO Box 97, Montrose, SD  
57048  
FUP 4051-3 - Pat Grygiel, Finance Officer, Town of Florence, PO Box  
137, Florence, SD 57235-0137  
FUP 4052-3 - Judy Kos, Finance Officer, Town of Henry, PO Box 27,  
Henry, SD 57243-0027

*Jaci R Konop*

JACI R. KONOP  
Senior Secretary

STATE OF SOUTH DAKOTA )  
                                  ) SS  
COUNTY OF HUGHES        )

Sworn to, before me, this 9<sup>th</sup> day of December, 1991.



*John Hatch*  
Notary Public

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, December 26, 1991

612752

RECEIVED OF City of Canton, Canton, SD 57013

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

|                                                                                                                            |       |       |
|----------------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. <u>1626-2</u> after period of seven years.                                             | 32    | 50    |
| 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 Certified Copy of _____                                                                                            |       |       |
| Fee for Print Copy of Map _____                                                                                            |       |       |
| Fee for Certifying _____                                                                                                   |       |       |
| Fee for _____                                                                                                              |       |       |
| (Any Other Work Provided by Law)                                                                                           | Total | 32 50 |

By John Hatfield  
Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

September 25, 1998

City of Canton  
Dan Amert, Finance Officer  
210 N Dakota St  
Canton SD 57013-1834

Dear Mr. Amert:

I am writing in regard to the seven year review of Future Use Water Permit No. 1262-3 from groundwater (Dakota Formation) which is held by the City of Canton. By law, all future use permits are to be reviewed by the Water Management Board every seven years. The permit reserves water for future water supply needs for the city. Currently, our records show that 674 acre-feet remain in reserve under this future use permit that was issued in 1966 and last reviewed in 1991.

Please respond in writing by November 1, 1998, regarding the city's intention for the future use permit. If the city plans to retain the permit, then the response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years.

Permit No. 1262-3 will then be scheduled for review before the Water Management Board pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak  
Environmental Scientist  
Water Rights Program  
605 773-3352

# City of Canton

210 N. Dakota  
Canton, SD 57013

"Gateway to South Dakota"

(605) 987-2881  
FAX (605) 987-2972  
E-Mail: cantonsd@iw.net

October 28, 1998

Eric Gronlund  
Department of Environment and Natural Resources  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3181



RE: Future Use Water Permit #1262-3

Dear Mr. Gronlund:

I am responding to Karen Schlaak's letter of September 25, 1998 regarding review of the City's future use permit #1262-3 from the Dakota Formation. The City requests that our future use permit to be reissued at the present reserve of 674 acre-feet. I believe that the reserve is necessary to adapt to future growth and use in Canton.

According to City records, the following table displays the total water pumped by the City from 1988 through 1998:

## TOTAL WATER PUMPED CITY OF CANTON 1988-1998

|      |                                         |
|------|-----------------------------------------|
| 1998 | 133.1 MG (Estimated for final 3 months) |
| 1997 | 139 MG                                  |
| 1996 | 128.5 MG                                |
| 1995 | 129.4 MG                                |
| 1994 | 124.7 MG                                |
| 1993 | 114.45 MG                               |
| 1992 | 112.55 MG                               |
| 1991 | 127.43 MG                               |
| 1990 | 131.37 MG                               |
| 1989 | 131.16 MG                               |
| 1988 | 131.02 MG                               |

Mr. Eric Gronlund  
October 28, 1998  
Page 2

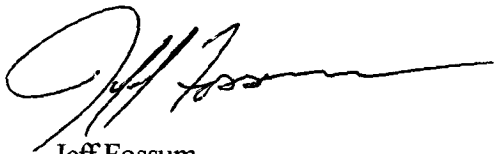
Estimates of future need are hard to establish. The excess population from the metro Sioux Falls area is showing an effect on the number of houses and apartments being constructed in Canton. From January 1, 1992 to October 1, 1998, building permits were issued for 70 new homes, 12 apartments buildings with a total of 64 one and two-bedroom apartments, and 28 new commercial buildings and commercial additions in Canton.

With the additional housing development in Canton that started in early 1996 through today, the number of lots available for single-family and apartment structures is estimated between 30 to 60 from this development and adjacent developments. Along with the growth in housing, commercial developments in the City Industrial Parks will grow quickly starting in 1999. The developments that will build in the Industrial Parks are very large users of water from City resources. I strongly believe that with expected future growth in Canton, our water needs shall continue to grow accordingly.

In closing, with steady growth in Canton and our proximity to Sioux Falls, I believe it is in the best interest of the City of Canton to retain all of the water reserved in the Future Use Permit #1262-3. I believe the level in reserve will provide a constant supply of water to our growing community.

If you have any questions, please feel free to call me at (605) 987-2881.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jeff Fossum", with a long, sweeping horizontal line extending to the right.

Jeff Fossum  
Water Superintendent  
City of Canton

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT  
NO. 1262-3, City of Canton SD

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 1262-3, City of Canton, 210 N Dakota, Canton SD 57013.

The Chief Engineer is recommending that Future Use Permit No. 1262-3 REMAIN in EFFECT for 674 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 1262-3, 2) the city has demonstrated a reasonable need for the water reserved by Permit No. 1262-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 1262-3 is subject to payment of the \$32.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Canton.

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

JOHN HATCH, Chief Engineer  
October 29, 1998



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

October 29, 1998

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

Jeff Fossum, Water Superintendent  
City of Canton  
210 N Dakota  
Canton SD 57013-1834

Dear Mr. Fossum:

Future Use Permit No. 1262-3 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publisher of the Sioux Valley News (Phone #987-2631). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

c: Dan Amert, Finance Officer



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

October 29, 1998

Sioux Valley News  
Box 255  
Canton SD 57013-0255

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 1262-3 to be published twice. Please publish the first notice on November 5, 1998 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 Canton, 210 N Dakota, Canton SD 57013.

**Please send the Water Rights Program the first publication immediately.** The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at 605 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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

Date \_\_\_\_\_

TO: Water Rights Program  
Joe Foss Building  
523 E Capitol  
Pierre SD 57501-3181

We are in receipt of your letter of October 29, 1998 enclosing Notice of Hearing to Review Future Use Water Permit No. 1262-3 which was first published in our issue of \_\_\_\_\_. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



# Affidavit of Publication

STATE OF SOUTH DAKOTA  
COUNTY OF LINCOLN

## CONNIE RENLI

being first duly sworn on her oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that she is and during all of said time was bookkeeper of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

### NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1262-3

a printed copy of which is hereto attached, was printed and published in said newspaper for **TWO** successive weeks upon the following dates, to-wit:

**NOVEMBER 5, 1998**  
**NOVEMBER 12, 1998**

that the full amount of the fees charged for publishing the same to-wit: the sum of **\$54.56** inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

*Connie Renli*

Subscribed and sworn to before me this  
**12th** day of **NOVEMBER, 1998.**

*Jeanne M. Limoges*  
Notary Public, South Dakota

(Seal)

### NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1262-3

Notice is given that the Water Management Board will review Future Use Permit No. 1262-3 held by the City of Canton, 210 North Dakota, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1262-3. This permit was approved May 18, 1966 from groundwater (Dakota Formation) located in the N 1/2 Section 23 and NW 1/4 Section 24; all in T98N-R49-W for municipal use. A review of the water permits indicates 674 acre-feet of water currently remains in reserve by Permit No. 1262-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1262-3 REMAIN in EFFECT for 674 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1262-3 at the Floyd Mathew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD on December 2, 1998 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 23, 1998. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave., Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No 1262-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, future information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 23, 1998. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 23, 1998. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.  
(11-5, 12)

Jeanne M. Limoges  
My Commission Expires  
November 18, 2003

## NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 1262-3

Notice is given that the Water Management Board will review Future Use Permit No. 1262-3 held by the City of Canton, 210 N Dakota, Canton SD 57013 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 1262-3. This permit was approved May 18, 1966 from groundwater (Dakota Formation) located in the N ½ Section 23 and NW ¼ Section 24; all in T98N-R49W for municipal use. A review of the water permits indicates 674 acre-feet of water currently remains in reserve by Permit No. 1262-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 1262-3 REMAIN in EFFECT for 674 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 1262-3 at the Floyd Mathew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on December 2, 1998 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by November 23, 1998. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 1262-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03 and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Program, (605 773-3352) by November 23, 1998. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by November 23, 1998. Nettie H Myers, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT-  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

December 4, 1998

**NOTICE**

Jeff Fossum, Water Superintendent  
City of Canton  
210 N Dakota  
Canton SD 57013-1834

Dear Mr. Fossum:

I am writing in response to action taken by the Water Management Board at the hearing on December 2, 1998 to review Future Use Permit No. 1262-3. The Board allowed the permit to remain in effect for 674 acre-feet of water annually. Future Use Permit No. 1262-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 1262-3 is \$32.50 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer, if you have any questions.

Very truly yours,

for

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

c: Dan Amert, Finance Officer

# CERTIFICATION

I hereby certify that on December 4, 1998, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated December 4, 1998, regarding Action taken by the Water Management Board on December 2, 1998, on the following Future Use Permits, addressed as stated below:

512-2: John P. Scheltens, City Engineer, City of Hot Springs, 303 N. River St., Hot Springs, SD 57747-1698.

524-3: City of DeSmet, Mark Hoek, Mayor, P.O. Drawer 70, DeSmet, SD 57231-0070.  
City of DeSmet, Eileen Wolkow, Finance Officer, P.O. Drawer 70, DeSmet, SD 5723-0070.

1262-3: Jeff Fossum, Water Superintendent, City of Canton, 210 N. Dakota, Canton, SD 57013-1834.  
Dan Amert, Finance Officer, City of Canton, 210 N. Dakota, Canton, SD 57013-1834.

## A Notice "and" an Amendment were sent to the following:

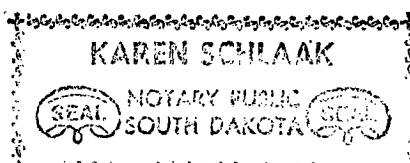
1148-3: Bill Lewellen, Utilities Director, City of Miller, 120 W. 2<sup>nd</sup> St., Miller, SD 57362.  
Sharon Mins, Finance Officer, City of Miller, 120 W. 2<sup>nd</sup> St., Miller, SD 57362.

  
Cheryl F. Frost  
Secretary

STATE OF SOUTH DAKOTA     )  
                                          )   SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 7<sup>th</sup> day of December, 1998

  
Notary Public



KAREN SCHLAAK, 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  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 17, 1999

Jeff Fossum, Water Superintendent  
City of Canton  
210 N Dakota  
Canton SD 57013-1834

Dear Mr. Fossum:

On December 4, 1998 we requested the fee for maintaining the effectiveness of Future Use Permit No. 1262-3. To date, we have not received this payment.

Please submit the \$32.50 fee as soon as possible to avoid jeopardizing the City's future use permit. If you have questions, please contact me or Eric Gronlund.

Sincerely,

Karen Schlaak  
Environmental Scientist  
Water Rights Division  
605 773-3352

c: Dan Amert, Finance Officer

# RECEIPT

## Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416048

Pierre, February 23, 19 99

RECEIVED OF City of Canton, 210 N. Dakota, Canton, SD 57013-1834  
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. 1262-3 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

32 50

32 50

By \_\_\_\_\_  
Chief Engineer



# City of Canton's Water Rights

## May 5, 2004

|                          | Amount                                                           | Priority date                | Permit where<br>Priority date<br>comes from | Licensed<br>Under |
|--------------------------|------------------------------------------------------------------|------------------------------|---------------------------------------------|-------------------|
| Well # 1                 | 0.12 cfs<br>0.15 cfs<br><u>0.01 cfs</u><br>0.28 cfs = 126 gpm    | 3-16-66<br>1-1-36<br>3-16-66 | 4312A-3<br>4312B-3<br>6499-3                | 6499-3            |
| Well # 6                 | 0.30 cfs = 134 gpm                                               | 3-16-66                      | 1262A-3                                     | 1262A-3           |
| Well # 7<br>standby well | 0.22 cfs = 100 gpm<br>capable of 250 gpm – throttled to 0.22 cfs | 1-1-18                       | 1262B-3                                     | 1262B-3           |
| Well # 8                 | 0.31 cfs<br><u>0.09 cfs</u><br>0.40 cfs = 180 gpm                | 3-16-66<br>3-16-66           | 4312A-3<br>6499-3                           | 6499-3            |
| Well # 9                 | 0.15 cfs<br><u>0.52 cfs</u><br>0.67 cfs = 300 gpm                | 1-1-37<br>3-16-66            | 1262B-3<br>1262C-3                          | 5216-3            |
| Well # 10                | 0.72 cfs = 325 gpm                                               | 8-25-88                      | 5218-3                                      | 5218-3            |
| Well # 11                | 0.11 cfs<br><u>0.42 cfs</u><br>0.53 cfs = 240 gpm                | 1-1-50<br>3-16-66            | 1262B-3<br>1262C-3                          | 5217-3            |