

1435-3

1. Considered Nov 8, 1967
2. Name of Applicant City of Waukey
3. Post Office Address Waukey
4. Amount of water claimed 41' 9.22' R
2.24 cfs
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 Day County
about 1/4 miles of City Limits.

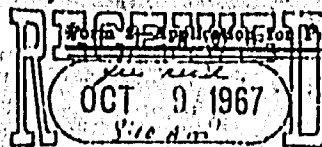
8. Proof of Publication Received 1 st
Not Received 1

9. Application Approved _____
Subject to Proof

Not Approved _____

Action deferred Publication

10. Remarks:



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Form 2 Application for Permit to Appropriate Water—Original

No. 1435-3

Water Division No. 3 Big Sioux River District

(Blanks to be filled by the Engineer for the W. R. C.)

MAR 3 1967

STATE WATER RESOURCES COMM.
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 Waubay
Postoffice address Waubay County Day State S. D.

I. If a corporation Water Pollution Control Board
(a) Name of same _____
(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 for cash
(b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
(d) Bonds to be issued, \$ _____ (e) Other resources, Sanitary Sewerage System

2. Name of diversion work Supplying City of Waubay with water system
3. Amount of water claimed 15,000 cubic feet per second
4. Source of water supply Well - Glacial drift - Ground water
5. Location of point of diversion N 7 1/2 E 23,000 feet
6. Annual period or periods during which water is to be used Constant

7. To be used for:
I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Domestic

(a) Number of acres to be irrigated 0.11 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.) _____

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

(a) Nature of use fire Protection
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 _____

(e) Point where water will be returned to stream _____

Map # 1044-3

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.)

Well Pumping Plant, & Conditions

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 OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET—ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width.....feet; height.....feet; Material.....

(d) Canal: Total length.....miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE 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.)

10. Time required for completion of work.....years.

11. Time required for complete application of water to the proposed beneficial use.....years.

12. Choice of newspaper for publication of notice of intention to appropriate.....

Waubay Clipper

STATE OF SOUTH DAKOTA

County of.....

pay

SS.

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

D. D. Reelske City Clerk

Subscribed and sworn to before me this.....

2th

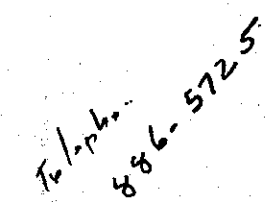
day of March

1967

Percy Holmquist
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Percy Holmquist, Notary Public
Day County, S. Dak.



Existing Water Main -----
Proposed New Water Main -----
Existing Fence ----- x ----- x -----

WAUBAY, SOUTH DAKOTA WATER SUPPLY SYSTEM				
WELL AND PIPING ADDITION				
Scott Engineering Company Watertown, South Dakota				
Drawn <i>AK</i>	Date <i>Aug. 19, 65</i>	File No.	Sht. No.	
Checked	Date	<i>1566</i>		
Approved	Date			
Designer	Scale <i>1" = 50'</i>			
			Of	

PARTIAL "VESTER RIGHT"

STATE OF SOUTH DAKOTA

County of

HUGHES

ST.

Pierre, South Dakota, MARCH 8, 1968

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock

a.m. upon the 3RD day of MARCH, 1967

State Water Resources Commission

By:

Burton J. Jones
for Chief Engineer, Executive Officer

Number of permit 1435-3

Date of first receipt of application MARCH 3, 1967

Date of return to applicant for correction, amendments or changes required as follows: MARCH 3, 1967

Date of receipt of corrected application APRIL 3, 1967

Date from which applicant may claim right 22 MARCH 3, 1967

Approved JANUARY 10, 1968 Recorded in Book 10 Page 90

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

JULY 10, 1968

2nd. The whole of said work is to be completed on or before JANUARY 10, 1969

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

FEBRUARY 10, 1969

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 46 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 course of the best husbandry; and further, said appropriation must be limited to not more than one-fourth (1/4) of one cubic foot of water per acre of land for each acre of land to which water is actually

USED FOR MUNICIPAL PURPOSES

and beneficially applied for irrigation on or before FEBRUARY 10, 1969; said water to be used during the following described annual period:

CONTINUOUSLY

Witness my hand this

8TH

day of MARCH

1968

State Water Resources Commission

By:

John C. Smith
Chief Engineer, Executive Officer

Certificate of Construction Issued

OCTOBER 27, 1970

Water License Issued

OCTOBER 27, 1970

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 14", Depth 170'Type of casing Steel
(wood, concrete, steel, etc.)Size of casing 8 5/8" OD, Thickness of casing Schedule 40Length of casing 110' If collection gallery, length, size and depth of gallery _____

(b) Screens

Type of perforated screen Johnson Stainless SteelSize of perforated screen 8" 30'
(diameter) (length)Thickness of gravel pack 3", length of gravel pack 40'

(c) Water Bearing Materials

Distance to water 47' Character of water bearing materials SandThickness of water bearing material 55'

(d) Pump and Motor

Type of pump Submersible turbine
(centrifugal, propeller, mixed flow, etc.)Name of pump Jacuzzi, size 6"Kind of motor Electric
(gasoline, electric, diesel, etc.)Horsepower 10, Name of Motor Franklin

(e) Complete well

Capacity 1.00 at drawdown of 90', Estimated cost \$6260.00(f) Owner of land upon which well is located City of Waukegan
Name

Address _____

(g) Distance to nearest existing wells

On same owner's property 600 ft. rods. On property owned by others 0 rods

Permit No. 1435-3Water Diversion No. 3 BIG SIOUX RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the City of Waubay

_____ the holder _____ of
 Permit No. 1435-3, issued upon Application No. 1435-3, bearing date of priority of 1944 and
March 3, 1967 authorizing the diversion of .46 cu. ft. per second of the waters of _____
ground water _____ County of Day, State of South Dakota * _____
from the intersection of Main Street and 5th Ave. in Section 21, T122N, R53W,
old well North 14° 30' East, 462.5 feet, and new well North 49° 15' East,
815 feet _____, for Municipal

_____ purposes, has _____ 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. .46 cu. ft. per second of water.

Date October 27, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

WATER LICENSE NO. . . . 1435-3

(1) WHEREAS, On the 3rd day of March A. D. 1967
The City of Waubay
made Water Right Application No. 1435-3 for a permit to use .46 cubic feet per second of the waters of ground water
County of Day, State of South Dakota, for municipal
purposes; and
(2) WHEREAS, On the 8th day of March A. D. 1968
Permit No. 1435-3, with a date of priority of 1946 and March 3, 1967
was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 10th day of January A. D. 1969 and for the application to beneficial use of said water on or before the 10th day of February A. D. 1969

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert .46 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent.

water is used for municipal purposes by the City of Waubay

(5) 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 Haubay

_____ ~~XX~~ _____
the holder _____ and owner _____ of said permit No. 1435-3 a water right, dating from 1944 and March 3, 1967
_____ to use of .46 cubic feet per second of the waters
of ground water

in the County of Day and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted ~~at~~ from the intersection of Main Street and 5th Ave, in
Section 21, T122N, R53W, old well North 14° 30' East, 462.5 feet, and new well
North 48° 15' East, 815 feet

and ~~XXXXXXXXXXXX~~ conducted through the City water distribution system

for the purpose of municipal use

Subject to any limitations listed in Water Right Permit No. 1435-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 27th day of October A. D.
Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

On or before
(First Publication December 14, 1967.)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., December 5, 1967.

Notice is hereby given that the City of Waubay ~~whose office~~
~~is located~~ 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 .22
cubic feet of water per second of time from the ground water through the
City Well, the point of diversion of which is to be located on the
~~bank of said stream~~ In the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 21
Twp. 122N Range 53W Said water to be used for the purpose of providing irrigation on the fol-
~~lowing described land:~~

municipal use for the City of Waubay

This application will be taken up by the State Water Resources Commission at their office at Pierre for
consideration upon the 10th day of January, 1968, at 2:00 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.

cc: D.D. Rebelske, Auditor
City of Waubay

State Water Resources Commission

By:

~~Chief Engineer, Executive Officer~~
BURTON F. JONES
Water Resources Commission

APPROPRIATION OF WATER
Office of State Water Resources
Commission, Pierre, S. Dak., De-
cember 5, 1967.

Notice is hereby given that the City of Waubay, 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 .22 cubic feet of water per second of time from ground water through the City Well, the point of diversion of which is to be located in the SE¼ of the NE¼ of Section 21 Twp. 122N Range 53W. Said water to be used for the purpose of providing municipal use for the City of Waubay.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10th day of January, 1968, at 2:00 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
Water Resources Commission
Publish Dec. 13, 20, 27 & Jan. 3

RECEIVED
MAR 5 1968

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

AFFIDAVIT OF PUBLICATION
STATE OF SOUTH DAKOTA
COUNTY OF DAY SS.

I, A. W. Anderson, of said county and state being duly sworn, on oath says that he or she is the owner of the Waubay Clipper, a weekly newspaper printed and published in Waubay of said County of Day, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly; and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the notice of

Appropriation of Water

a printed copy of which is attached was printed and published in said newspaper at least once each week, for 4 successive weeks on the day of each week on which said newspaper was regularly published, to-wit:

December 13,	1967
December 20,	1967
December 27,	1967
January 3,	1968
	19
	19
	19
	19
	19
	19

That the full amount of the fees for the publication of the annexed notice is \$ 11.53

Subscribed and sworn to before me this 2nd day of

Feb 19 68
Notary Public, Day County, South Dakota.

Location of Woolly well

Located 600 feet out S 25 deg
north

from the intersection of Main

Street and 5th Ave in Section
21, T122N, R53E

Located in SE $\frac{1}{4}$ NE $\frac{1}{4}$

Permit No. 1435-3Water Division 3 BIG SIOUX RIVER Water District

REPORT OF EXAMINATION OF WORK
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by THE CITY OF
WAUBAY of Waubay, South Dakota holder
of Permit No. 1435-3, hearing date of priority of 1944 and March 3, 1967, 19
authorizing the diversion of 0.46 cu. ft. per second of the waters of ground water
for municipal purposes, in Day County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

Old well, 240 feet deep, 10 H.P. electrical pump
New well, 170 feet deep, 10 H.P. electrical submersible pump
New well, 140 feet deep of 8" casing phs screen
New well has Franklin Motor and Jacuzzi pump

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

City distribution system
80,000 gallon elevated storage tank

C. Works used to apply water to beneficial use.

250 commercial and residential taps

New well good - old well poor.

The system is in the following condition:

The point of diversion is located from intersection of main and 5th Ave. in Sec.21,T122N,R53W
old well N.14° 30' E,462.5 feet;New well N.48° 15' E, 815 feet.

The works are capable of diverting and conveying to the place of use 0.46

cu. ft. per second of water which is to be used for municipal purposes _____

Water has been put to beneficial use to the maximum extent as follow : _____

the two wells were constructed in 1944 and 196 and have been used as
indicated since.

~~XXXXXXXXXXXXXXX~~ A P.S. on Form 14 should say:

Your letter of June 10, 1970 inquires if a new water right application should be made because you plan a new well about 20 feet from the old well to replace the old well. A new application is not required, but when the new well is completed, please notify this office so we can obtain the necessary information to maintain your Water Right No. 1435-3 in a current status."

Date June 16, 1970

Donald Donald
(Signature)

DONALD DRISCOLL, Deputy Chief Engineer, W.R.C.

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

GREAT FACES. GREAT PLACES.

April 25, 1991

1435-3

Linda Walters, Mayor
City of Waubay
PO Box 15
Waubay SD 57273

Dear Mayor Walters:

The Water Management Board has validated the enclosed Vested Water Right No. 1435-3. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, 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

SOUTH DAKOTA

VALIDATION OF (PARTIAL) VESTED WATER RIGHT CLAIM NO. 1435-3

Date Claim Accepted For Filing March 3, 1967.

Date of Validation September 27, 1989.

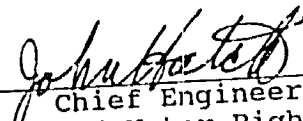
Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 1435-3 for the City of Waubay, P O Box 15, Waubay, South Dakota 57273 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1435-3 appropriates 0.24 cubic feet of water per second from a well approximately 240 feet deep.
The well is located in the SE 1/4 NE 1/4, Section 21, T122N, R53W.
2. The appropriated water is used for supplying water for the City of Waubay 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 date of the Vested Water Right is: January 1, 1944.
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: 
Chief Engineer
Division of Water Rights
Dept. of Environment and Natural Resources

APR 25 1991

date

THE CITY OF WAUBAY
In the Heart of the Lake Region

RECEIVED

JUL - 1 2016

WATER RIGHTS
PROGRAM

June 29, 2016

Department of Environment and Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3182

Dear Ms. Schlaak,

We have marked the enclosed photo and included another draft print we received from Banner. The correct legal description is Section 34 - T122N-R54W.

We have enclosed completed Supplemental Information sheet.

We agree to the name from Kevin Jens to City of Waubay.

In regards to Water Right No. 3101-3, this well is still operational and is used as a backup well. Used in emergency situations only.

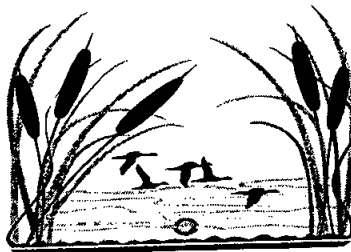
Enclosed is the log information from the new well.

If you have any questions or need any more information contact Finance Office or me.

Sincerely,



Kevin Jens,
Mayor
City of Waubay



Box 155, 45 N. Main

Waubay SD 57273

Phone 605-947-4261

Fax # 605-947-4272

RECEIVED
JUN 27 2016
WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only) No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

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

Check use(s) of water:

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

Type of Application: (check one)

☐ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☒ Amendment/Correction to Permit No. <u>1435-3</u>		

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

Old well is failing and new well will draw from same aquifer at rate of no more than existing well.

1. Name to Appear on Water Permit Kevin Jens

Mailing Address PO Box 155 Waubay SD 57273
(Address) (City) (State) (Zip Code)

Phone 605-947-4261 Mobile _____ Email citywaub@itctel.com

2. Amount of water claimed 0.24 *CFS or **GPM and ***AF or Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply W. 11 - Glacial drift - Ground Water

4. Location of point of diversion Well (#2) Sec 34, T122N, R54W County Day
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No

If "Yes," where will water be used? _____
(example - NW 1/4 section 12-T104N-R53W)

5. County or counties where water will be used Day County

6. Annual period during which water is to be used Year round

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

Existing well is no longer reliable source for the City of Waubay and is being replaced by this new well drilled nearby in the same aquifer as the existing well it will replace. The pumping capacity will be at a rate of no more than the existing well it will be replacing. The existing well is permitted under 1435-3 of which two wells are obligated (0.22 cfs for well 1 which is still in operation, and 0.24 cfs for well 2 which is being replaced with this application).

I, Kevin Jens, the applicant, certify under
Name of Person Title (if applicable)

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

Supplemental Information

(type or print)

1. Well Information

(check one or both as applicable) ☒ Drilling new well(s) ☒ Using existing well(s)

a) If new wells, how many 1 Have test holes been drilled ☒ Yes ☐ No Drilled by Steffl well drilling ^{willmar, MN}
(if yes, please provide copies of logs)

b) If existing wells, how many 2 Provide copy of log(s), if available. Drilled by ?

For either Existing or Proposed Wells:

c) Well Depth (required) 206' Depth to Top of Water Bearing Material 150' Depth to Water from Surface 75.5'

d) Distance to nearest domestic well on applicant's property 320' ? Property owned by others 1 mile ?

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) _____

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

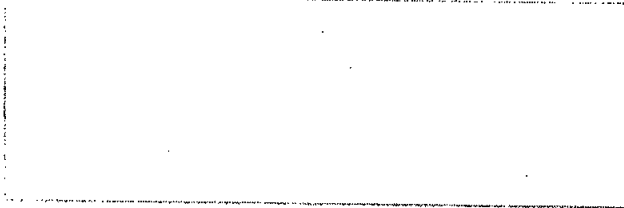
a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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



b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

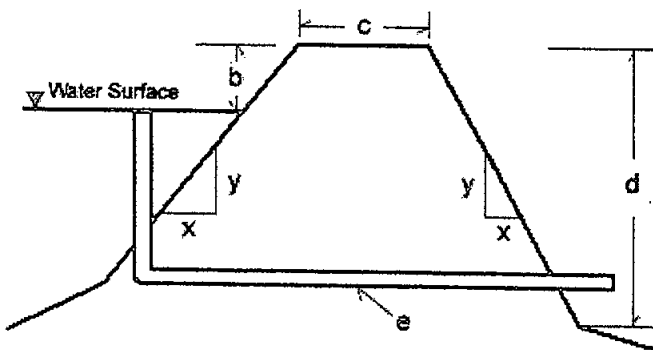
Upstream _____

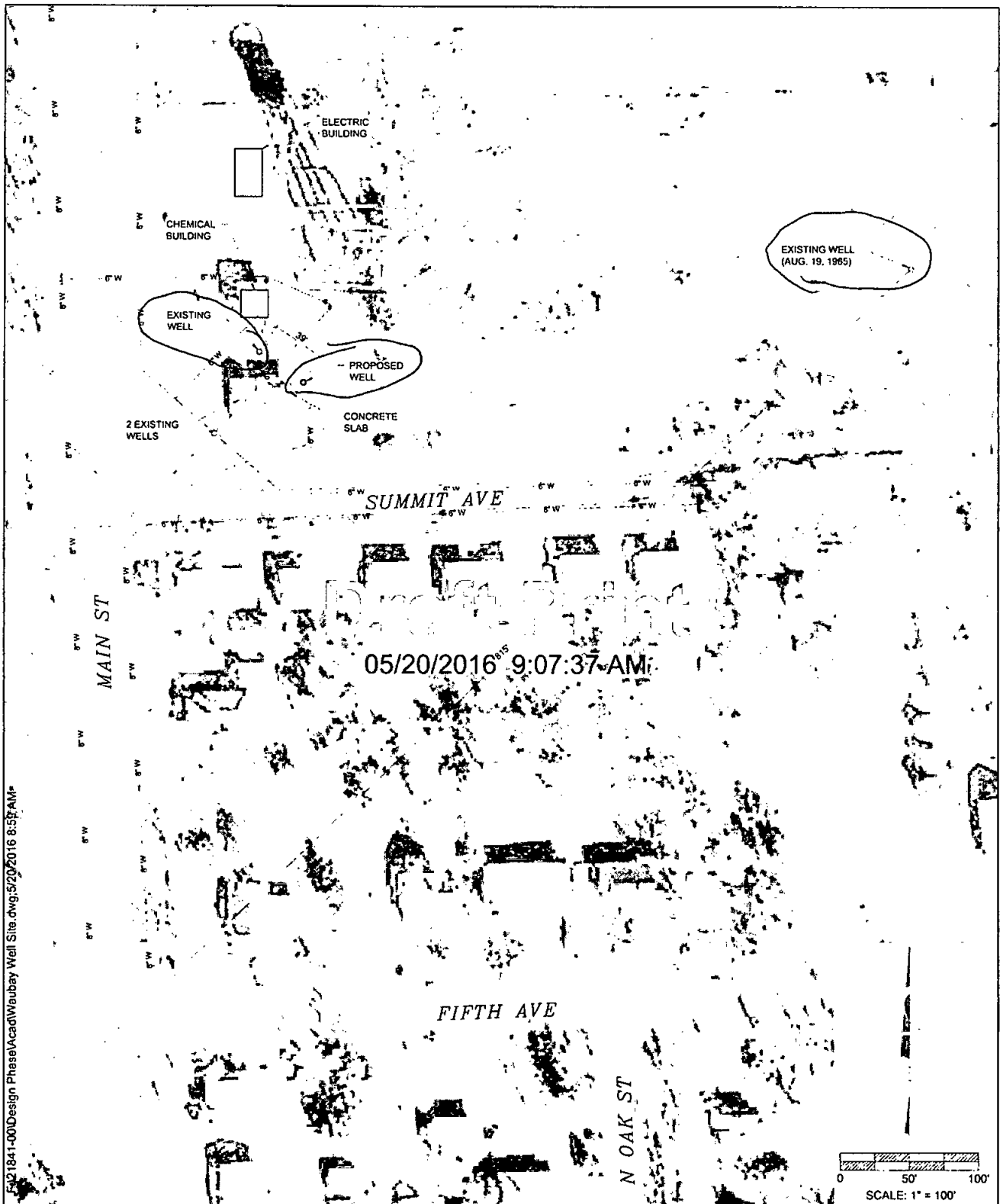
Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





F:\21841-00\Design Phase\Acad\Waubay Well Site.dwg:5/20/2016 8:58 AM

BANNER
ENGINEERS & ARCHITECTS

409 22nd Ave. S. P.O. Box 298
Brookings, South Dakota 57006
Tel: 605-692-6342
Toll Free: 1-855-323-6342
www.bannerassociates.com

Designing Projects. Building Trust.

PROJECT TITLE:
**WAUBAY WASTE
WATER SYSTEM FACILITY
PLAN UPDATE**

PROJECT LOCATION:
**WAUBAY
SOUTH DAKOTA**

ADDENDUM NO.:

SHEET TITLE:
**WETWELL SITE
RECEIVED**

JUL - 1 2016

DRAWN BY: AME
DESIGNED BY: ERS
CHECKED BY: SAM
JOB NO.: 21841.00 01
DATE: MAY 2016

SCALE: 1" = 100'

SHEET NO.:
1

**WATER RIGHTS
PROGRAM**

RECEIVED
JUL - 1 2016
WATER RIGHTS
PROGRAM

Owner: City of Waubay
Tested by: Kris VanHeuveln

Well # : _____
GPS: 45 20 5.9N / 97 18 15.7
Date: 6/8/16

Well Information:

Length of Casing: 156'
 Length of Screen: 50'
 Total Well Depth: 206'
 Static Water Level: 75' 6"

Diameter of Pump: _____
 Number of Bowls: _____
 Serial Number: _____
 Imp. Diameter: _____

Pump Capacity: _____
 Well: _____

GPM _____ Foot of Head _____
 GPM @ _____ PWL _____ HRS _____

TIME	GPM	PWL	COMMENTS	TIME	GPM	PWL	COMMENTS
12:30 PM		75' 6"	Static	5:00 PM	150	144	
				6:00 PM	150	145.8"	
12:40 PM	170	115'					
12:45 PM	170	120'		6:10 PM	125	142.0	
12:50 PM	150	123' 6"		6:15 PM	125	141' 6"	
1:00 PM	150	128" 6"					
1:10 PM	150	130' 5"		10:30 AM	125'	148' 8"	6-9-16
1:20 PM	150	132'		11:45 AM	125	149' 6"	
1:30 PM	150	133' 6"		12:15 PM	125	149' 6"	
1:40 PM	150	134' 7"		12:30 PM	125	150' 4"	
1:50 PM	150	135' 5"					
2:00 PM	150	136'		12:40 PM		112'	Recovery
2:10 PM	150	137' 2"		1:00 PM		107'	
2:20 PM	150	137' 8"		1:15 PM		105'	
2:30 PM	150	138' 2"					
2:40 PM	150	138' 8"					
3:10 PM	150	140' 2"					
3:40 PM	150	141' 6"					
4:00 PM	150	142' 3"					

The data stated above is representative of the time spent pumping at the capacities stated. Deviation from either time spent pumping or capacity or both could change the outcome of these results.

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW ¼ NW ¼ Sec 21 Twp 122N Rg 54W

Well Owner: City of Waubay

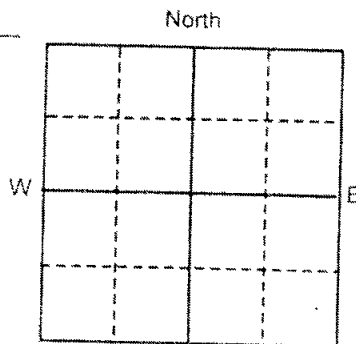
County Day

Business Name:

Address: PO Box 155

City, State, Zip: Waubay SD 57273

Please mark well location with an "X"



Well Completion Date

06/03/16

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from (identify source)

PROPOSED USE:

☐ Domestic/Stock Irrigation ☒ Municipal ☐ Business Institutional ☐ Test holes ☐ Monitoring well

METHOD OF DRILLING:

mud rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	8.00 IN	0.0 FT	156.0 FT	12.25 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Quick Grout	15	Lb/gal	0.0 Ft	146.0 Ft
Red Flint	30	Lb/gal	146.0 Ft	206.0 Ft

Describe grouting procedure
Tremmy

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 8.00 Inches Length 50.0 Feet

Material Stainless Steel

Slot Size 14 Slot Set From Feet to Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes. How? granular

Lab to which water quality sample sent for analysis

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil-black-M	0	1
Sand/Gravel-tan-12slot	1	54
Clay-blue-M	54	76
Clay-tan	76	116
Sand-brown-12slot	116	122
Clay-tan-M	122	132
Clay-tan-s/m	132	150
Sand-tan-10/12slot	150	190
Sand-gray/tan-10/12slot	190	206

STATIC WATER LEVEL 75.5 FEET

If flowing: closed in pressure PSI

GPM flow through Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: submersible

☐ Bailed

☐ Other

Pumping Level Below Land Surface

105.0 Ft. After 24.0 Hrs. pumped 125.0 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

Kris V. & Kirby V.

45 20 5.7N

97 18 17.3W

RECEIVED

JUL - 1 2016

WATER RIGHTS PROGRAM

This well was drilled under license # 463 and this report is true and accurate.

Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 6-29-16



**DIVISION OF
ADMINISTRATION**
Public Health Laboratory

615 East Fourth Street
Pierre, South Dakota 57501-1700
605/773-3368 FAX: 605/773-6129
www.state.sd.us/doh/lab/index.htm

Submitter copy to:

* Page 1 of 1*
Date: 6/17/2016

STEFFL DRILLING & PUMP-112590
2295 66TH AVE NE
WILLMAR, MN 56201

Spec #: E16WB006725
Subm #:
Lab: ENV CHEMISTRY
Tel #: (605) 773-3368

Source
WAUBAY/CITY WATER

Date Rcvd: 6/10/2016	Pump inst by: STEFFL DRILLING &
Time Rcvd: 0827	PUMP
Date Coll: 6/9/2016	Telephone Numb* 3202358484
Time Coll: 1100	Well Depth: 206'
Spec Type: WATER	Supply Type: PRIVATE
Coll Site: WELL	Well Depth: 206'
Coll By: KRIS VAN HEUVELN	Well Diameter: 8"
Date drilled: 6/2/16	Sample Purpose: ROUTINE
Drilled by: STEFFL DRILLING &	
PUMP	

Final Results

Sulfate	132 mg/L
Sodium	14.8 mg/L
Conductivity	709 umho/cm
Nitrate	Nitrate-N
EPA 353.2	<0.2 mg/L Limit: 10.0

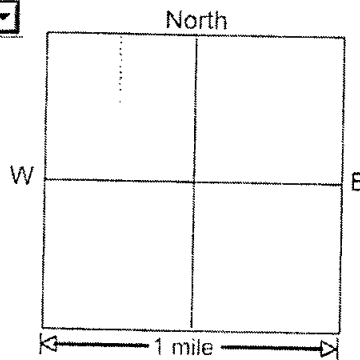
NITRATE RESULT: SAFE AT TIME OF SAMPLING.
TOTAL COLIFORM-10 TUBE TOTAL COLIFORM
<1.1 MPN/100 ml

BACTERIOLOGICALLY SAFE AT THE TIME OF SAMPLING

SOUTH DAKOTA WELL AND TEST HOLE PLUGGING REPORT 11-02

Location SW ¼ NW ¼ Sec 21 Twp 122 Rg 54

Well Owner:

County Day ☒Please mark well
location with an "X"

Name: City of Waubay

Address: PO Box 155

City, State, Zip: Waubay ☒ SD ☒ 57273

Comments:

45 20 5.9N
97 18 15.7W

Plugging Completion Date 6/8/16

CHECK APPROPRIATE BOX

EXISTING WELL ☒TEST HOLE ☐

Well depth 200

Casing material steel

Casing size(s) 12"

Casing condition poor

Hole depth

Hole size

Describe plugging procedure:
pressure tremmieDescribe grout or plugging material:
Benseal--40bags

Type of non-slip plug:

This well or test hole was plugged under license # 463 and this report is true and accurate.

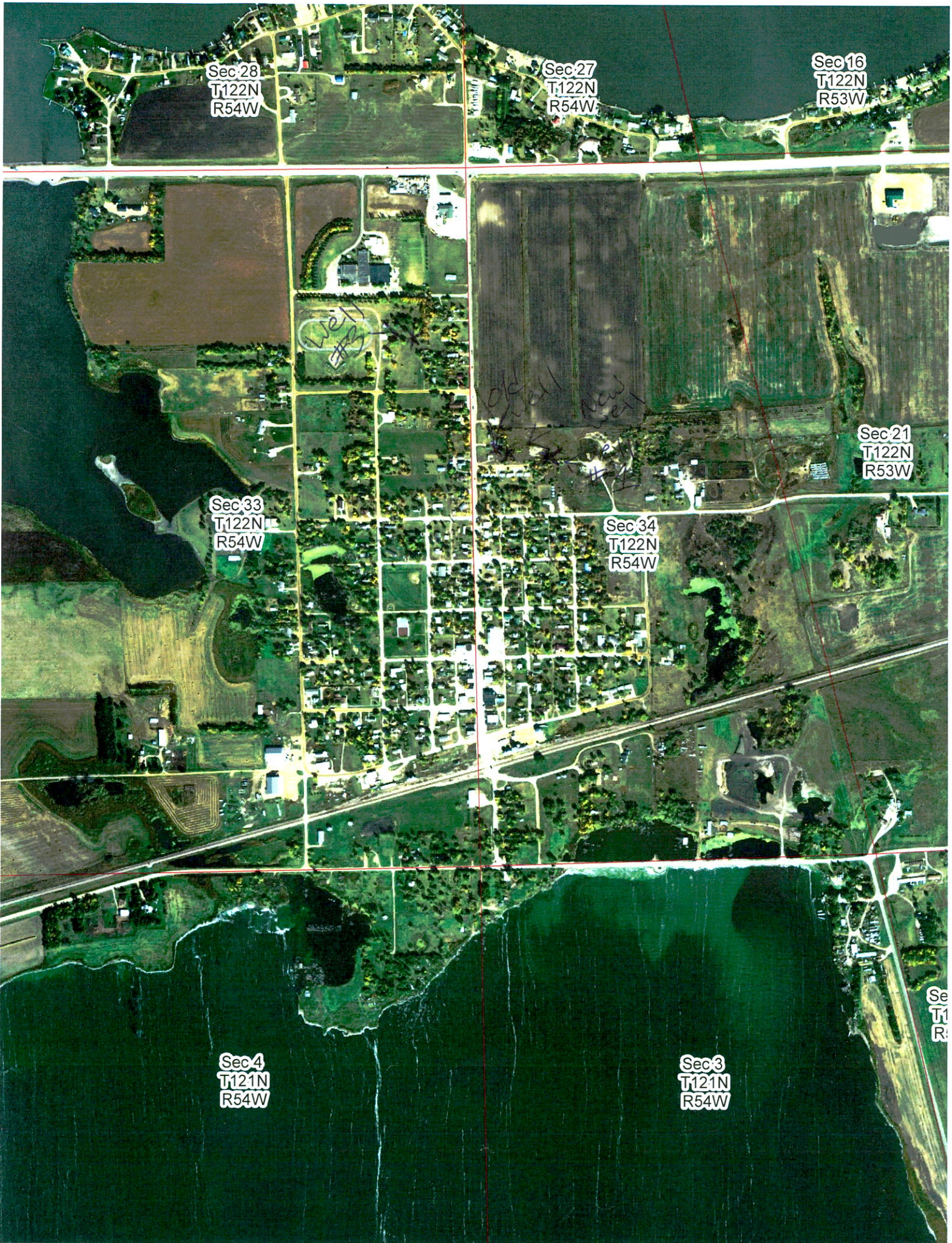
Drilling firm: Steffl Drilling & Pump

Signature of Licensed Representative:

Signature of Well Owner: *

Date: *

6-29-16



Sec 28
T122N
R54W

Sec 27
T122N
R54W

Sec 16
T122N
R53W

Sec 33
T122N
R54W

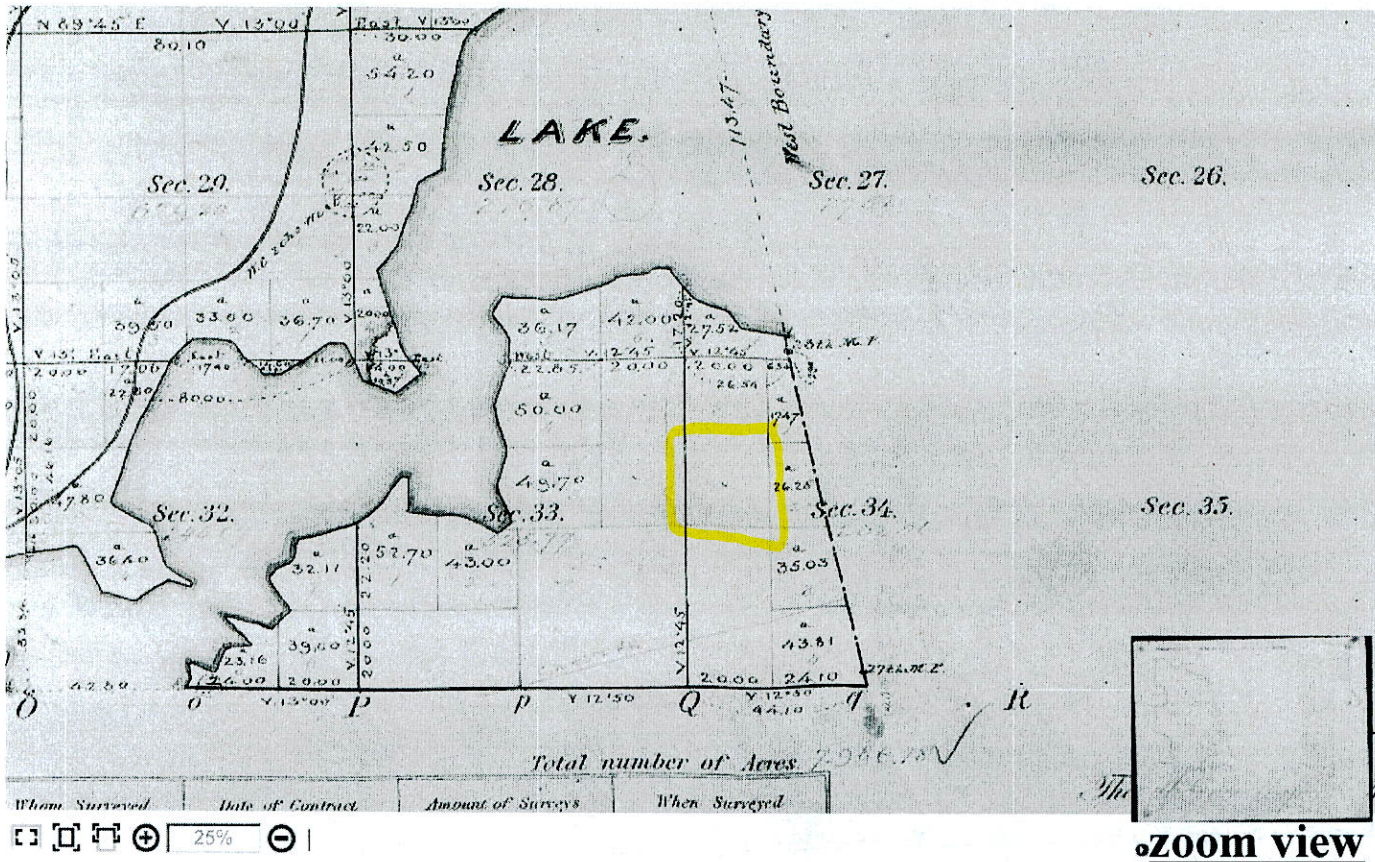
Sec 34
T122N
R54W

Sec 21
T122N
R53W

Sec 4
T121N
R54W

Sec 3
T121N
R54W

Se
T1
R





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

June 27, 2016

Kevin Jens, Mayor
City of Waubay
PO Box 155
Waubay SD 57273

Dear Mayor Jens:

Thank you for submitting the *Application for a Permit to Appropriate Water* for a replacement well. In order to complete the application, the following is required.

- Enclosed is the aerial photo map for the City of Waubay. On the map please mark the location of the proposed replacement well and also the location of the other existing well. Water Right No. 1435-3 states the wells are located in Section 21-T122N-R53W (copy enclosed). It appears this is an incorrect legal description.
- Also, please complete the enclosed Supplemental Information sheet regarding the proposed depth and construction of the new well.
- The application needs to be listed in the name of the City of Waubay. Do you agree with changing the name from yours to the City of Waubay?
- A review of our files indicates the City also holds Water Right No. 3101-3 (copy enclosed). What is the status of the well authorized by this water right?

Once we receive this information, we will proceed with the city's request for drilling a replacement well.

If you have any questions, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures

No. 1435-3

Water Rights Program - DENR Conversation File Documentation

NAME OF PERSON OR FILE: Water Right/Vested Right No. 1435-3, City of Waubay

ADDRESS: PO Box 155, Waubay SD 57273

COUNTY: Day County

DATE: August 4, 2016 TELEPHONE:

RE: readvertisement

The city of Waubay filed an application for a change of diversion point for a replacement well to one of the two wells authorized by Water Right & Partial Vested Water Right No. 1435-3. This water right is for wells described in the water license as a direction and distance from the intersection of Main Street and 5th Avenue in Section 21, T122N, R53W. The partial vested water right lists the well that has vested status as located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21, T122N, R53W. The original public notice of Application No. 1435-3 published in December 1967 and early January 1968 stated the location being in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21, T122N, R53W. The publication for the purpose of validating the vest right portion likewise used the same legal description.

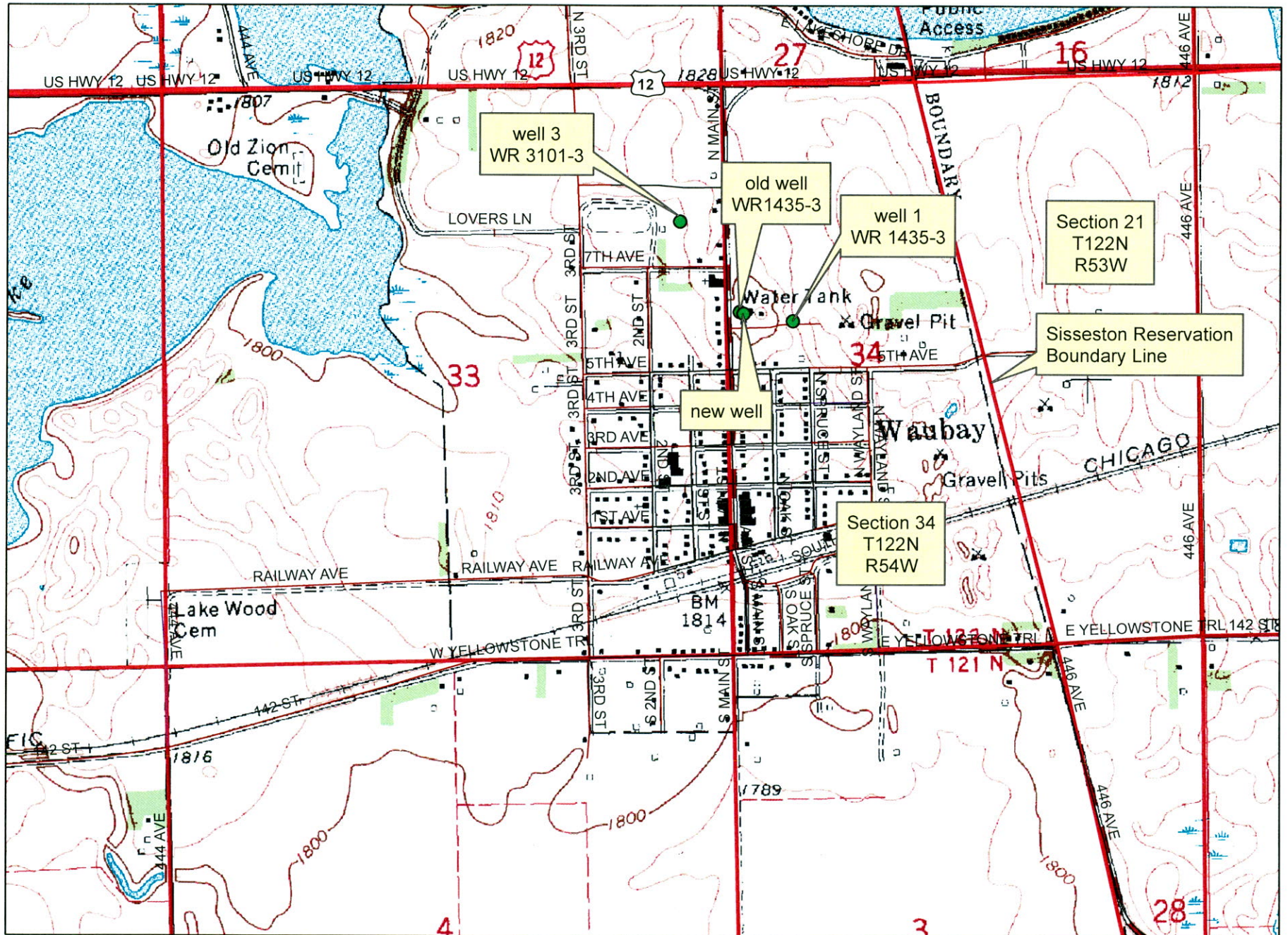
A review of the request for the change of well location found the actual location is the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, T122N, R54W. The original plat survey map was used to verify this is the proper legal location.

It is believed the error occurred due to the survey line and associated change in legal description associated with the Sisseton Reservation boundary line. See attached map. This change occurs less than a half mile to the east of well locations and the Section 21, T122N, R53W designation was used in error when instead Section 34, T122N, R54W should have been used.

Although the originating error occurred 49 years ago, readvertisement of the water right needs to occur to correct the legal description.

NAME: Eric Hundert

Water Right/Vested Right No. 1435-3, City of Waubay



Gronlund, Eric

From: Gronlund, Eric
Sent: Wednesday, August 10, 2016 4:00 PM
To: 'citywaub@itctel.com'
Subject: To: Finance Officer - Waubay's request to authorize the recently constructed replacement well authorized by Water Right No. 1435-3

Ms. Jorgenson:

Mayor Jens filed a request with the Department of Environment and Natural Resources (DENR) in early July to authorize the replacement well on the city's water right with appropriate water for the city's water supply from wells known as No. 1 and No. 2. A new well was drilled to replace well No. 1 in early June. In reviewing the request an error was found in the well's legal description on the original water right for these two wells; The public notice that occurred about 48 years ago included this improper legal description.

The legal description was listed as being in the SE ¼ NE ¼ Section 21, T122N, R53W when in fact the location of the wells is the SW ¼ NW ¼ Section 34, T122N, R54W. It appears the error occurred due to not accounting for the change in legal description associated with the Sisseton Reservation boundary line that occurs about ¼ of a mile to the east of the wells.

So 48 years after the fact, we are faced with needing to readvertise the public notice in order for the water right to have proper legal standing. You will be receiving the public notice. DENR will pay the publication costs. Assuming all goes well with the publication notice, the water right will be reissued and include the authorization for the replacement well.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

August 11, 2016

City of Waubay
c/o Julie Jorgenson, Finance Officer
PO Box 155
Waubay SD 57273

Dear Ms. Jorgenson:

Enclosed is the Readvertisement of Notice of Water Right/Vested Right No. 1435-3 to Appropriate Water. As stated in the email dated August 10, 2016 from Eric Gronlund, the original notice of hearing listed an incorrect legal description for the well location. The enclosed notice has been sent to the Waubay Clipper and the Watertown Public Opinion to be published next week. Please review the notice prior to publication and notify us, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Water Rights Program. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosure

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, August 11, 2016 9:03 AM
To: legals@thepublicopinion.com
Subject: 1435-3, City of Waubay
Attachments: FORM8.FRM.doc; 1453-3publicnov2015.short1.docx

Attached is a Readvertisement of Notice for Water Permit No. 1435-3, City of Wauby to be published on August 19, 2016.

The Water Right Program will pay for the cost of publication.

Please send the affidavit or return the attached Proof of Publication form ASAP (and bill) to the address listed below.

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

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, August 11, 2016 9:01 AM
To: clpjoint@abe.midco.net
Subject: 1435-3, City of Waubay
Attachments: 1453-3publicnov2015.short1.docx; FORM8.FRM.doc

Attached is a Readvertisement of Notice for Water Permit No. 1435-3, City of Wauby to be published on August 20, 2016.

The Water Right Program will pay for the cost of publication.

Please send the affidavit or return the attached Proof of Publication form ASAP (and bill) to the address listed below.

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

Karen Schlaak

Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Instruction to Newspaper - Publish the Notice on August 20, 2016. The Water Right Program will pay the cost of publication.

READVERTISEMENT OF NOTICE
OF WATER RIGHT/VESTED RIGHT NO. 1435-3 to Appropriate Water

Notice is given of readvertisement of Water Right/Vested Water Right No. 1435-3 held by the City of Waubay, c/o Kevin Jens, Mayor, PO Box 155, Waubay SD 57273. Water Right/Vested Right No. 1435-3 appropriates 0.46 cubic feet of water per second (cfs) from two wells completed into the Prairie Coteau Aquifer. The original public notice of Application No. 1435-3 published in December 1967 and early January 1968 in the Waubay Clipper stated the well location being in the SE 1/4 NE 1/4 Section 21-T122N-R53W. The public notice for the purpose of validating the vested right portion published in June 1988 in the Webster Reporter and Farmer likewise used the same legal description. The actual location of the two wells is the SW 1/4 NW 1/4 Section 34-T122N-R54W. The error occurred due to not accounting for the change in legal description associated with the Sisseton Reservation boundary line. Readvertisement is necessary to correct the legal description of the well locations.

The City of Waubay requested to replace one of its two existing wells completed in the Prairie Coteau aquifer because it is no longer a reliable source of municipal water. The replacement well will be completed into the Prairie Coteau Aquifer and located in the SW 1/4 NW 1/4 Section 34-T122N-R54W in close proximity to the original well. No increase the authorized diversion of 0.46 cfs is requested or authorized by this action.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Water Right/Vested Right No. 1453-3 because 1) unappropriated water is available, 2) existing rights have not been unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Contact Eric Gronlund for any information pertaining to this readvertisement at the Water Rights Program address provided below.

Any person interested in opposing or supporting this readvertisement must file a written petition with BOTH the City of Waubay and Chief Engineer. The city must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the city's mailing address is given above. A petition filed by either an interested person or the city must be filed by August 30, 2016.

The petition may be informal, but must include a statement describing the petitioner's interest in the readvertisement, the petitioner's reasons for opposing or supporting the readvertisement, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If no petition to oppose the readvertisement is received, the Chief Engineer shall reissue the water right pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the readvertisement or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this readvertisement application. Notice of the hearing will be given to the City and any person filing a petition.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of_____.

August 31, 2016

PAYMENT REQUEST FORM

PAYEE: Waubay Clipper
PO Box 47
Waubay SD 57273

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

re ad-- Vested Right No. 1435-3 - City of Waubay

AMOUNT: \$44.96

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:  8-31-16

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct.
I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Publisher, Mark Roby

Watertown PUBLIC OPINION

Public Opinion
120 3rd Avenue NW
PO Box 10
Watertown, SD 57201-0010
(605) 886-6901 (Press 5)
(605) 886-4280 FAX
www.thepublicopinion.com

RECEIVED

AUG 25 2016

DUE DATE 09/08/16

AMOUNT DUE

82.09

AMOUNT PD

INVOICE

Order Number - 471509

WATER RIGHTS
PROGRAM

Account #
3094

Invoice Date
08/24/16



WATER RIGHTS PROGRAM
ERIC GRONLUND
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SD 57501-3181

Credit Cards Accepted



Card #:

Expiration Date:

Signature

TERMS: NET 15

PLEASE RETURN TOP PORTION WITH YOUR PAYMENT

Order Number	Start Date	Stop Date	Pub	Class	Description	Times	Size	Ad Cost
471509	08/19/16	08/19/16	PO		READVERTISEMENT WAUBAY	1	1.0 X 13.00	77.09
471509	08/19/16	08/19/16	PO		READVERTISEMENT WAUBAY	1	1.0 X 13.00	5.00

Account Number	Account Name
3094	SD STATE OF

Please Remit To:

Public Opinion
PO Box 10
Watertown, SD 57201-0010

THERE WILL BE AN ADDITIONAL \$30 CHARGE FOR ALL RETURNED CHECKS

August 25, 2016

PAYMENT REQUEST FORM

PAYEE: Public Opinion
PO Box 10
Watertown SD 57201

FROM: DENR Water Rights Program
523 E. Capitol Ave
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Re advertisement -- Vested Right No. 1435-3 - City of Waubay # 471509

AMOUNT: \$82.09

FUNDING SOURCE:

GENERAL: X

FEDERAL:

OTHER:

COMMENTS:

AUTHORIZATION:  8-25-16

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Affidavit of Publication
RECEIVED

State of South Dakota
County of Day

SS.

AUG 31 2016

WATER RIGHTS
PROGRAM

I, Paula Beisch, of said county and state being duly sworn, on oath says that she is an employee of the Waubay Clipper, a weekly newspaper printed and published in Waubay of said County of Day, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bonifide circulation of at least two hundred copies weekly; and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned; and was and is printed wholly or in part in an office maintained at said place of publication; that the notice of:

Waubay City Water Notice

133 lines - 11 ems

a printed copy of which is attached was printed and published in said newspaper at least once each week, for 1 successive weeks on the day of each week on which said newspaper was regularly published, to wit:

August 20-2016

That the full amount of the fees for the publication of the annexed notice

s \$ 44.96

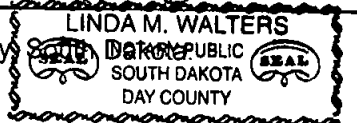
Paula Beisch

Subscribed and sworn to, before me this 26th day of

August, 20 16

Linda M. Walters

Notary Public, Day County



My Commission Expires: July 5, 2017

Readvertisement
of Notice of
Water
Right/Vested
No. 1435-3 to
Appropriate
Water

NOTICE IS GIVEN of readvertisement of Water Right/Vested Water Right No. 1435-3 held by the City of Waubay, c/o Kevin Jens, Mayor, P. O. Box 155, Waubay, SD 57273.

Water Right/Vested Right No. 1435-3 appropriates 0.46 cubic feet of water per second (cfs) from two wells completed into the Prairie Coteau Aquifer.

The original public notice of Application No. 1435-3 published in December 1967 and early January 1968 in the Waubay Clipper stated the well location being in the SE 1/4 NE 1/4 Section 21-T122N-R53W.

The public notice for the purpose of validating the vested right portion published in June 1988 in the Webster Reporter and Farmer likewise used the same legal description.

The actual location of the two wells is the SW 1/4 NW 1/4 Section 34-T122N-R54W.

The error occurred due to not accounting for the change in legal description associated with the Sisseton Reservation boundary line.

Readvertisement is necessary to correct the legal description of the well locations.

The City of Waubay requested to replace one of its two existing wells completed in the Prairie Coteau aquifer because it is no longer a reliable source of munic-

(Continued on Page 7)

Waubay Clipper

Readvertisement of Notice to Appropriate Water

(Continued from Page 6)

ipal water. The replacement well will be completed into the Prairie Coteau Aquifer and located in the SW 1/4 NW 1/4 Section 34-T122N-R54W in close proximity to the original well. No increase the authorized diversion of 0.46 cfs is requested or authorized by this action.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Water Right/Vested Right No. 1453-3 because

1. unappropriated water is available;
2. existing rights have not been unlawfully impaired;
3. it is a beneficial use of water; and
4. it is in the public interest.

Contact Eric Gronlund for any information pertaining to this readvertisement at the Water Rights Program address provided below.

Any person interested in opposing or supporting this readvertisement must file a written petition with BOTH the City of Waubay and Chief Engineer.

The City must file a petition if contesting the Chief Engineer's recommendation.

The Chief Engineer's address is:

Water Rights Program,
Foss Building
523 E Capitol
Pierre SD 57501
(605-773-3352)

and the City's mailing address is given above.

A petition filed by either an interested person or the city must be filed by August 30, 2016.

The petition may be informal, but must include a statement describing the petitioner's interest in the readvertisement, the petitioner's reasons for opposing or supporting the readvertisement, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If no petition to oppose the readvertisement is received, the Chief Engineer shall reissue the water right pursuant to the recommendation with no hearing held before the Water Management Board.

If a petition opposing the readvertisement or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this readvertisement application.

Notice of the hearing will be given to the City and any person filing a petition.

**STEVEN M. PIRNER,
SECRETARY,
DEPARTMENT OF**

Sa

ENVIRONMENT AND NATURAL RESOURCES

(Publish August 20, 2016)

Published once at the total approximate cost of \$44.96.

RECEIVED

AUG 25 2016

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Codington) SS

I, Monica K. Saathoff

certify that the attached printed Notice was taken
from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was published
in the newspaper on the following date:

August 19th, 2016

Cost of Printing \$82.09

Monica K Saathoff
(Signature)

Bookkeeper
(Title)

August 19th, 2016
(Date Signed)

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

READVERTISEMENT OF NOTICE

OF WATER RIGHT/
VESTED RIGHT NO. 1435-
3 to Appropriate Water

Notice is given of readvertisement of Water Right/Vested Water Right No. 1435-3 held by the City of Waubay, d/o Kevin Jens, Mayor, PO Box 155, Waubay SD 57273. Water Right/Vested Right No. 1435-3 appropriates 0.46 cubic feet of water per second (cfs) from two wells completed into the Prairie Coteau Aquifer. The original public notice of Application No. 1435-3 published in December 1967 and early January 1968 in the Waubay Clipper stated the well location being in the SE 1/4 NE 1/4 Section 21-T122N-R53W. The public notice for the purpose of validating the vested right portion published in June 1988 in the Webster Reporter and Farmer likewise used the same legal description. The actual location of the two wells is the SW 1/4 NW 1/4 Section 34-T122N-R54W. The error occurred due to not accounting for the change in legal description associated with the Sisseton Reservation boundary line. Readvertisement is necessary to correct the legal description of the well locations. The City of Waubay requested to replace one of its two existing wells completed in the Prairie Coteau aquifer because it is no longer a reliable source of municipal water. The replacement well will be completed into the Prairie Coteau Aquifer and located in the SW 1/4 NW 1/4 Section 34-T122N-R54W in close proximity to the original well. No increase of 0.46 cfs is requested or authorized by this action. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Water Right/Vested Right No. 1435-3 because 1) unappropriated

water is available, 2) existing rights have not been unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Contact Eric Gronlund for any information pertaining to this readvertisement at the Water Rights Program address provided below. Any person interested in opposing or supporting this readvertisement must file a written petition with BOTH the City of Waubay and Chief Engineer. The city must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the city's mailing address is given above. A petition filed by either an interested person or the city must be filed by August 30, 2016.

The petition may be informal, but must include a statement describing the petitioner's interest in the readvertisement, the petitioner's reasons for opposing or supporting the readvertisement, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If no petition to oppose the readvertisement is received, the Chief Engineer shall reissue the water right pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the readvertisement or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this readvertisement application. Notice of the hearing will be given to the City and any person filing a petition.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at an approximate cost of \$78.57.

(August 19, 2016)

82.09

All legal notices in the Public Opinion and other South Dakota newspapers can be found at
www.sdpublicnotices.com

REISSUED STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 1435-3 FOR IRRIGATION

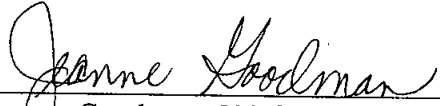
(1) The City of Waubay, PO Box 155, Waubay SD 57273 was issued Water License No. 1435-3 on October 27, 1970 to appropriate 0.46 cubic feet of water per second (cfs) from two wells - Prairie Coteau Aquifer, Day County, South Dakota, for municipal purposes. On September 27, 1989, the Water Management Board validated the vested right portion of No. 1435-3 for 0.24 cfs with a priority date of January 1, 1944.

The Water Right/Vested Water Right was readvertised on August 20, 2016 to correct an error on the original notice and subsequent validation notice regarding the legal description of the diversion points. The City of Waubay is authorized to replace one of its two existing wells because it is no longer a reliable source of municipal water. The readvertisement notice did not authorize any increase in the developed diversion rate.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Vested Water Right No. 1435-3 is issued a license, bearing priority dates of January 1, 1944 (0.24 cfs) and March 3, 1967 (0.22 cfs) to appropriate a total of 0.46 cfs from two wells - Prairie Coteau Aquifer for municipal use.

The diversion points are located: SW 1/4 NW 1/4 Section 34-T122N-R34W

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1435-3.



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

SEP 19 2016

date



1435-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

SEP 19 2016

1435-3

3101-3

City of Waubay
c/o Kevin Jens, Mayor
PO Box 155
Waubay SD 57273

Dear Mayor Jens:

Enclosed is Reissued Water Right/Vested Water Right No. 1435-3. The water right is being reissued to correct an error in the legal description of the well location.

The City is also authorized to replace one of its two existing wells because it is no longer a reliable source of municipal water. No increase in the developed diversion rate is authorized.

Regarding Water Right No. 3101-3, you have indicated the well is operational and is used as a backup supply in emergency situations only.

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

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

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure