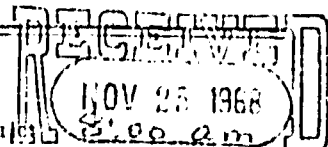


Water Division No. 3 JAMES RIVER District 3
(Blanks to be filled by the Engineer for the W. B. C.)



VESTED RIGHT

STATE WATER RESOURCES COMM.
L. 1967, 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 Groton
 Postoffice address Groton, County Brown, State So. Dak.

- I. If a corporation
- (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)

(b) Cash on hand, \$
 (c) Treasury stock, \$
 (d) Bonds to be issued, \$
 (e) Other resources, \$

2. Name of diversion work Groton Municipal Water System
 3. Amount of water claimed 0.71 cubic feet per second
 4. Source of water supply Artesian Aquifer (Approx. 1000 ft. depth)
Distances from NW Corner, Sec. 20, T123N, R60W: Well #1, 4060' S & 615' E;
 5. Location of point of diversion Well #2, 2860' S & 1140' E; Well #3, 2560' S & 915' E;
Well #4, 4260' S & 1315' E.

6. 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.)

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

(e) Point where water will be returned to stream

8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$-----

(c) Fluming, \$-----

(d) Canalearth, \$-----

Rock, \$-----

(e) Other structures -----

Total, \$-----

9. Description of diversion works:

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

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	ACHIEFEET 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 the are made.)

10. Time required for completion of work COMPLETED 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 -----

STATE OF SOUTH DAKOTA

County of Brown

ss.

I, W. F. F. F., 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

Subscribed and sworn to before me this 20 day of November 1968

Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, DECEMBER 9, 1968

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
9 m. upon the 25TH day of NOVEMBER, 1968.

State Water Resources Commission

By:

Burton Jones
for Chief Engineer, Executive Officer

Number of permit 1649-3

Date of first receipt of application NOVEMBER 25, 1968

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

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right 31 CFS - 1922, 13 CFS - 1948 and 27 CFS -, 1950

Approved DECEMBER 4, 1968, Recorded in Book 10 Page 293

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~~ _____, 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

COMPLETED

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 71 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 area of the best land~~ production of crops ~~in the area of the best land~~ 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

USED FOR MUNICIPAL PURPOSES

and beneficially ~~applied for irrigation~~ applied for irrigation on or before JUNE 30, 1955; said water to be used during the following described annual period:

CONTINUOUS

Witness my hand this 9TH day of DECEMBER, 1968

State Water Resources Commission

By:

Burton Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 9, 1968

Water License Issued DECEMBER 9, 1968

Permit No. 1645-3

Water Division No. 3 JAMES RIVER Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That The City of Groton

of _____, County of BROWN, and State of South Dakota, the holder of Vested Right of Permit No. 1645-3 issued upon Application

No. 1645-3, bearing date of priority of 1922, 1948, & 1950, authorizing the diversion of .71 cu. ft. per second of the waters of artesian ground water.

County of BROWN, State of South Dakota, at from 4 wells located in the city limits of Groton in Section 20, T113N, R60W

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 .71 cu. ft

per second of water; and that the ~~land; proposed for irrigation~~ use of said water are described as follows, to-wit: to be used for municipal purposes by the City of Groton.

Witness my hand this 9th day of December A. D. 1969

State Water Resources Commission

By:

J. S. GRIGGS
Chief Eng. Asst., Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 1649-3

WHEREAS, On the 25th day of November A. D. 1968
The City of Groton
County of Brown and State of South Dakota
duly made application (No. 1649-3) to us for Vested Right permit to use .71
cubic feet per second of the waters of artesian ground water
County of Brown, State of South Dakota, for municipal
purposes; and

WHEREAS, On the 9th day of December A. D. 1968
Vested Right permit No. 1649-3 was issued to said applicant for the diversion of said water, recognizing and providing for the
completion of the works of diversion therein described on 25 before the 25th day of December 1968
and for the application to beneficial use of said
water on or before the 25th day of December 1968
and,

WHEREAS, On the 25th day of November A. D. 1968
the holder of said permit duly made proof of the completion of adequate works for the diversion of .71
cubic feet per second of said waters, as evidenced by our Certificate No. 1649-3
dated December 9, 1968 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use .71 cubic feet per second of water, with date of
priority of 1922, 1948 and 1950 and,

WHEREAS, On the 25th day of November A. D. 1968
proof was duly made of the application to beneficial use of .71 cubic feet per second of said water;
to be used for municipal purposes by the City of Groton

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 Groton
of the holder and owner Vested Right of said Permit No. 1649-3
a water right, dating from 1922, 1948 and 1950 to the use of .71
cubic feet per second of the waters of a r. artesian ground water
In the County of Brown and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinafter mentioned, to be diverted at - from - four - wells - in - the - City
limits of the City of Groton in Section 20, T123N, R60W
and conducted to and through - the - City - water - distribution - system

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. Nireteen
Hundred and Sixty-eight

State Water Resources Commission
By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

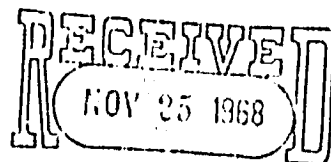
Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Location No. _____

Water Division No. _____ Water District _____

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

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

Ans. _____ City of Groton, Groton, 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. _____

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. Artesian water aquifer-Distances from NW Corner, Sec. 20, T123N, R60W,

Well #1, 4060'S & 615'E; Well #2, 2860'S & 1140'E; Well #3, 2560'S & 915'E;
Well #4, 4260'S & 1315'E.

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. Well #1, 1000' deep 10" top, Well 2, 1000' ^{deep} 12" top - Well 3, 1000' ~~mm~~
deep, 10" top and Well 4, 986' deep and 10" top - City mains in Section 19
and 20, T123N, R60W and 80,000 gallon water tower continued under Question 10.

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. Water is used in Sections 19 and 20, T123N, R60W for municipal
purposes

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

Ans. _____

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

Ans. 90,000 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.

Ans. _____

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

Ans. Well 1, drilled in 1922, produces 15 g.p.m., well² drilled in 1922 produces 9 g.p.m., Well 3, drilled in 1950 produces 125 g.p.m. and Well 4, drilled in 1948, produces 55 g.p.m.

(Sign) 21.2.22

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 Barton, County of Brown State of South Dakota, on this 20 day of November A. D. 1948

Witnesses.

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.

William Harold Peterson

Location No. -----	
PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	
PETITION OF HOLDER	
Amount of Water ----- c. f. s.	
Source -----	
County -----	
Purpose -----	
Place of Use -----	
Date of recording -----	
Received and filed -----	



1649-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 20, 1992

City of Groton
Anita Lowry, Finance Officer
PO Box 587
Groton SD 57445-0587

Dear Mr. Lowry:

The original Notice of Intent to Validate Vested Water Right Claims was published with an error. The legal description of the location of the diversion points did not include the SW 1/4 SW 1/4 Section 20-T123N-R60W. Therefore, the notice needs to be readvertised to correct the error. The Readvertisement of the Notice of Intent to Validate Vested Water Right Claims has been sent to the Publisher of the Aberdeen American News printed at Aberdeen SD. For your information, a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

1649-3

NOTICE OF INTENT TO
VALIDATE VESTED WATER
RIGHT CLAIMS

Notice is given that the following vested water right claims in Brown County, are eligible for validation by the Water Management Board pursuant to SDCL 45-2A-22 without a hearing unless a petition to oppose the validation is filed pursuant to SDCL 45-2A-22. Revalidation of the original notice of intent to validate these claims, as published on June 15 and 22, 1992 in the Aberdeen American News is necessary to correct errors in the previously published notice.

Vested Water Right No. 19233, City of Rapid, PO Box 185, Rapid, SD 57455 appropriates 0.30 cubic feet of water per second (cfs) from three wells, an approximately 50 feet deep, located in the SE 1/4, Section 22, Township 22N, Range 10E, Meridian 10W. The priority dates are January 1, 1921 and January 1, 1924.

Vested Water Right No. 19234, City of Rapid, PO Box 185, Rapid, SD 57455 appropriates 0.71 cfs from four wells, approximately 1500 feet deep, located in the SW 1/4, Section 22, Township 22N, Range 10E, Meridian 10W. The priority dates are as follows: 0.31 cfs, January 1, 1922; 0.12 cfs, January 1, 1924; and 0.27 cfs, January 1, 1929.

Any person who wishes to oppose validation of any of the revalidated vested right claims, shall file a petition of intent to oppose the validation by September 18, 1992, with the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources, Joe Fox Building, 323 East Capitol, Pierre, SD 57501-1101 (605 773 3352) and with the vested water right holder at the listed address. The petition may be informal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is retained.

If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Water Management Board will conduct a hearing on the contested claim at 10:00 a.m., September 30, 1992, Floyd Mathew Training Center, Joe Fox Building, 323 East Capitol, Pierre, SD. The September 30, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by September 18, 1992.

If no person opposes validation of a recognized vested water right claim pursuant to SDCL 45-2A-16, the Water Management Board will issue an order pursuant to SDCL 45-2A-17, validating the vested water right claim.

These validations are made pursuant to the provisions of SDCL 45-1.1 through 45-1.9, 45-1.14, 45-2.1, 45-2.9, 45-2.11, 45-2.12, 45-2A-16 through 45-2A-18, 45-2A-22, 45-5.1 through 45-5.6, 45-5.12, 45-5.13 through 45-5.15, 45-5.30.2 through 45-5.32.1, 45-5.44, 45-5.49, 45-6.1 through 45-6.3, 45-6.6, 45-6.11, 45-6.14, 45-6.15, 45-6.16, 45-6.17, 45-6.18, 45-6.19, 45-6.21, 45-6.22, 45-6.23, 45-6.24, 45-6.25, 45-6.26, 45-6.27, 45-6.28, 45-6.29, 45-6.30, 45-6.31, 45-6.32, 45-6.33, 45-6.34, 45-6.35, 45-6.36, 45-6.37, 45-6.38, 45-6.39, 45-6.40, 45-6.41, 45-6.42, 45-6.43, 45-6.44, 45-6.45, 45-6.46, 45-6.47, 45-6.48, 45-6.49, 45-6.50, 45-6.51, 45-6.52, 45-6.53, 45-6.54, 45-6.55, 45-6.56, 45-6.57, 45-6.58, 45-6.59, 45-6.60, 45-6.61, 45-6.62, 45-6.63, 45-6.64, 45-6.65, 45-6.66, 45-6.67, 45-6.68, 45-6.69, 45-6.70, 45-6.71, 45-6.72, 45-6.73, 45-6.74, 45-6.75, 45-6.76, 45-6.77, 45-6.78, 45-6.79, 45-6.80, 45-6.81, 45-6.82, 45-6.83, 45-6.84, 45-6.85, 45-6.86, 45-6.87, 45-6.88, 45-6.89, 45-6.90, 45-6.91, 45-6.92, 45-6.93, 45-6.94, 45-6.95, 45-6.96, 45-6.97, 45-6.98, 45-6.99, 45-7.1, 45-7.2, 45-7.3, 45-7.4, 45-7.5, 45-7.6, 45-7.7, 45-7.8, 45-7.9, 45-7.10, 45-7.11, 45-7.12, 45-7.13, 45-7.14, 45-7.15, 45-7.16, 45-7.17, 45-7.18, 45-7.19, 45-7.20, 45-7.21, 45-7.22, 45-7.23, 45-7.24, 45-7.25, 45-7.26, 45-7.27, 45-7.28, 45-7.29, 45-7.30, 45-7.31, 45-7.32, 45-7.33, 45-7.34, 45-7.35, 45-7.36, 45-7.37, 45-7.38, 45-7.39, 45-7.40, 45-7.41, 45-7.42, 45-7.43, 45-7.44, 45-7.45, 45-7.46, 45-7.47, 45-7.48, 45-7.49, 45-7.50, 45-7.51, 45-7.52, 45-7.53, 45-7.54, 45-7.55, 45-7.56, 45-7.57, 45-7.58, 45-7.59, 45-7.60, 45-7.61, 45-7.62, 45-7.63, 45-7.64, 45-7.65, 45-7.66, 45-7.67, 45-7.68, 45-7.69, 45-7.70, 45-7.71, 45-7.72, 45-7.73, 45-7.74, 45-7.75, 45-7.76, 45-7.77, 45-7.78, 45-7.79, 45-7.80, 45-7.81, 45-7.82, 45-7.83, 45-7.84, 45-7.85, 45-7.86, 45-7.87, 45-7.88, 45-7.89, 45-7.90, 45-7.91, 45-7.92, 45-7.93, 45-7.94, 45-7.95, 45-7.96, 45-7.97, 45-7.98, 45-7.99, 45-8.1, 45-8.2, 45-8.3, 45-8.4, 45-8.5, 45-8.6, 45-8.7, 45-8.8, 45-8.9, 45-8.10, 45-8.11, 45-8.12, 45-8.13, 45-8.14, 45-8.15, 45-8.16, 45-8.17, 45-8.18, 45-8.19, 45-8.20, 45-8.21, 45-8.22, 45-8.23, 45-8.24, 45-8.25, 45-8.26, 45-8.27, 45-8.28, 45-8.29, 45-8.30, 45-8.31, 45-8.32, 45-8.33, 45-8.34, 45-8.35, 45-8.36, 45-8.37, 45-8.38, 45-8.39, 45-8.40, 45-8.41, 45-8.42, 45-8.43, 45-8.44, 45-8.45, 45-8.46, 45-8.47, 45-8.48, 45-8.49, 45-8.50, 45-8.51, 45-8.52, 45-8.53, 45-8.54, 45-8.55, 45-8.56, 45-8.57, 45-8.58, 45-8.59, 45-8.60, 45-8.61, 45-8.62, 45-8.63, 45-8.64, 45-8.65, 45-8.66, 45-8.67, 45-8.68, 45-8.69, 45-8.70, 45-8.71, 45-8.72, 45-8.73, 45-8.74, 45-8.75, 45-8.76, 45-8.77, 45-8.78, 45-8.79, 45-8.80, 45-8.81, 45-8.82, 45-8.83, 45-8.84, 45-8.85, 45-8.86, 45-8.87, 45-8.88, 45-8.89, 45-8.90, 45-8.91, 45-8.92, 45-8.93, 45-8.94, 45-8.95, 45-8.96, 45-8.97, 45-8.98, 45-8.99, 45-9.1, 45-9.2, 45-9.3, 45-9.4, 45-9.5, 45-9.6, 45-9.7, 45-9.8, 45-9.9, 45-10.1, 45-10.2, 45-10.3, 45-10.4, 45-10.5, 45-10.6, 45-10.7, 45-10.8, 45-10.9, 45-10.10, 45-10.11, 45-10.12, 45-10.13, 45-10.14, 45-10.15, 45-10.16, 45-10.17, 45-10.18, 45-10.19, 45-10.20, 45-10.21, 45-10.22, 45-10.23, 45-10.24, 45-10.25, 45-10.26, 45-10.27, 45-10.28, 45-10.29, 45-10.30, 45-10.31, 45-10.32, 45-10.33, 45-10.34, 45-10.35, 45-10.36, 45-10.37, 45-10.38, 45-10.39, 45-10.40, 45-10.41, 45-10.42, 45-10.43, 45-10.44, 45-10.45, 45-10.46, 45-10.47, 45-10.48, 45-10.49, 45-10.50, 45-10.51, 45-10.52, 45-10.53, 45-10.54, 45-10.55, 45-10.56, 45-10.57, 45-10.58, 45-10.59, 45-10.60, 45-10.61, 45-10.62, 45-10.63, 45-10.64, 45-10.65, 45-10.66, 45-10.67, 45-10.68, 45-10.69, 45-10.70, 45-10.71, 45-10.72, 45-10.73, 45-10.74, 45-10.75, 45-10.76, 45-10.77, 45-10.78, 45-10.79, 45-10.80, 45-10.81, 45-10.82, 45-10.83, 45-10.84, 45-10.85, 45-10.86, 45-10.87, 45-10.88, 45-10.89, 45-10.90, 45-10.91, 45-10.92, 45-10.93, 45-10.94, 45-10.95, 45-10.96, 45-10.97, 45-10.98, 45-10.99, 45-11.1, 45-11.2, 45-11.3, 45-11.4, 45-11.5, 45-11.6, 45-11.7, 45-11.8, 45-11.9, 45-11.10, 45-11.11, 45-11.12, 45-11.13, 45-11.14, 45-11.15, 45-11.16, 45-11.17, 45-11.18, 45-11.19, 45-11.20, 45-11.21, 45-11.22, 45-11.23, 45-11.24, 45-11.25, 45-11.26, 45-11.27, 45-11.28, 45-11.29, 45-11.30, 45-11.31, 45-11.32, 45-11.33, 45-11.34, 45-11.35, 45-11.36, 45-11.37, 45-11.38, 45-11.39, 45-11.40, 45-11.41, 45-11.42, 45-11.43, 45-11.44, 45-11.45, 45-11.46, 45-11.47, 45-11.48, 45-11.49, 45-11.50, 45-11.51, 45-11.52, 45-11.53, 45-11.54, 45-11.55, 45-11.56, 45-11.57, 45-11.58, 45-11.59, 45-11.60, 45-11.61, 45-11.62, 45-11.63, 45-11.64, 45-11.65, 45-11.66, 45-11.67, 45-11.68, 45-11.69, 45-11.70, 45-11.71, 45-11.72, 45-11.73, 45-11.74, 45-11.75, 45-11.76, 45-11.77, 45-11.78, 45-11.79, 45-11.80, 45-11.81, 45-11.82, 45-11.83, 45-11.84, 45-11.85, 45-11.86, 45-11.87, 45-11.88, 45-11.89, 45-11.90, 45-11.91, 45-11.92, 45-11.93, 45-11.94, 45-11.95, 45-11.96, 45-11.97, 45-11.98, 45-11.99, 45-12.1, 45-12.2, 45-12.3, 45-12.4, 45-12.5, 45-12.6, 45-12.7, 45-12.8, 45-12.9, 45-12.10, 45-12.11, 45-12.12, 45-12.13, 45-12.14, 45-12.15, 45-12.16, 45-12.17, 45-12.18, 45-12.19, 45-12.20, 45-12.21, 45-12.22, 45-12.23, 45-12.24, 45-12.25, 45-12.26, 45-12.27, 45-12.28, 45-12.29, 45-12.30, 45-12.31, 45-12.32, 45-12.33, 45-12.34, 45-12.35, 45-12.36, 45-12.37, 45-12.38, 45-12.39, 45-12.40, 45-12.41, 45-12.42, 45-12.43, 45-12.44, 45-12.45, 45-12.46, 45-12.47, 45-12.48, 45-12.49, 45-12.50, 45-12.51, 45-12.52, 45-12.53, 45-12.54, 45-12.55, 45-12.56, 45-12.57, 45-12.58, 45-12.59, 45-12.60, 45-12.61, 45-12.62, 45-12.63, 45-12.64, 45-12.65, 45-12.66, 45-12.67, 45-12.68, 45-12.69, 45-12.70, 45-12.71, 45-12.72, 45-12.73, 45-12.74, 45-12.75, 45-12.76, 45-12.77, 45-12.78, 45-12.79, 45-12.80, 45-12.81, 45-12.82, 45-12.83, 45-12.84, 45-12.85, 45-12.86, 45-12.87, 45-12.88, 45-12.89, 45-12.90, 45-12.91, 45-12.92, 45-12.93, 45-12.94, 45-12.95, 45-12.96, 45-12.97, 45-12.98, 45-12.99, 45-13.1, 45-13.2, 45-13.3, 45-13.4, 45-13.5, 45-13.6, 45-13.7, 45-13.8, 45-13.9, 45-13.10, 45-13.11, 45-13.12, 45-13.13, 45-13.14, 45-13.15, 45-13.16, 45-13.17, 45-13.18, 45-13.19, 45-13.20, 45-13.21, 45-13.22, 45-13.23, 45-13.24, 45-13.25, 45-13.26, 45-13.27, 45-13.28, 45-13.29, 45-13.30, 45-13.31, 45-13.32, 45-13.33, 45-13.34, 45-13.35, 45-13.36, 45-13.37, 45-13.38, 45-13.39, 45-13.40, 45-13.41, 45-13.42, 45-13.43, 45-13.44, 45-13.45, 45-13.46, 45-13.47, 45-13.48, 45-13.49, 45-13.50, 45-13.51, 45-13.52, 45-13.53, 45-13.54, 45-13.55, 45-13.56, 45-13.57, 45-13.58, 45-13.59, 45-13.60, 45-13.61, 45-13.62, 45-13.63, 45-13.64, 45-13.65, 45-13.66, 45-13.67, 45-13.68, 45-13.69, 45-13.70, 45-13.71, 45-13.72, 45-13.73, 45-13.74, 45-13.75, 45-13.76, 45-13.77, 45-13.78, 45-13.79, 45-13.80, 45-13.81, 45-13.82, 45-13.83, 45-13.84, 45-13.85, 45-13.86, 45-13.87, 45-13.88, 45-13.89, 45-13.90, 45-13.91, 45-13.92, 45-13.93, 45-13.94, 45-13.95, 45-13.96, 45-13.97, 45-13.98, 45-13.99, 45-14.1, 45-14.2, 45-14.3, 45-14.4, 45-14.5, 45-14.6, 45-14.7, 45-14.8, 45-14.9, 45-14.10, 45-14.11, 45-14.12, 45-14.13, 45-14.14, 45-14.15, 45-14.16, 45-14.17, 45-14.18, 45-14.19, 45-14.20, 45-14.21, 45-14.22, 45-14.23, 45-14.24, 45-14.25, 45-14.26, 45-14.27, 45-14.28, 45-14.29, 45-14.30, 45-14.31, 45-14.32, 45-14.33, 45-14.34, 45-14.35, 45-14.36, 45-14.37, 45-14.38, 45-14.39, 45-14.40, 45-14.41, 45-14.42, 45-14.43, 45-14.44, 45-14.45, 45-14.46, 45-14.47, 45-14.48, 45-14.49, 45-14.50, 45-14.51, 45-14.52, 45-14.53, 45-14.54, 45-14.55, 45-14.56, 45-14.57, 45-14.58, 45-14.59, 45-14.60, 45-14.61, 45-14.62, 45-14.63, 45-14.64, 45-14.65, 45-14.66, 45-14.67, 45-14.68, 45-14.69, 45-14.70, 45-14.71, 45-14.72, 45-14.73, 45-14.74, 45-14.75, 45-14.76, 45-14.77, 45-14.78, 45-14.79, 45-14.80, 45-14.81, 45-14.82, 45-14.83, 45-14.84, 45-14.85, 45-14.86, 45-14.87, 45-14.88, 45-14.89, 45-14.90, 45-14.91, 45-14.92, 45-14.93, 45-14.94, 45-14.95, 45-14.96, 45-14.97, 45-14.98, 45-14.99, 45-15.1, 45-15.2, 45-15.3, 45-15.4, 45-15.5, 45-15.6, 45-15.7, 45-15.8, 45-15.9, 45-15.10, 45-15.11, 45-15.12, 45-15.13, 45-15.14, 45-15.15, 45-15.16, 45-15.17, 45-15.18, 45-15.19, 45-15.20, 45-15.21, 45-15.22, 45-15.23, 45-15.24, 45-15.25, 45-15.26, 45-15.27, 45-15.28, 45-15.29, 45-15.30, 45-15.31, 45-15.32, 45-15.33, 45-15.34, 45-15.35, 45-15.36, 45-15.37, 45-15.38, 45-15.39, 45-15.40, 45-15.41, 45-15.42, 45-15.43, 45-15.44, 45-15.45, 45-15.46, 45-15.47, 45-15.48, 45-15.49, 45-15.50, 45-15.51, 45-15.52, 45-15.53, 45-15.54, 45-15.55, 45-15.56, 45-15.57, 45-15.58, 45-15.59, 45-15.60, 45-15.61, 45-15.62, 45-15.63, 45-15.64, 45-15.65, 45-15.66, 45-15.67, 45-15.68, 45-15.69, 45-15.70, 45-15.71, 45-15.72, 45-15.73, 45-15.74, 45-15.75, 45-15.76, 45-15.77, 45-15.78, 45-15.79, 45-15.80, 45-15.81, 45-15.82, 45-15.83, 45-15.84, 45-15.85, 45-15.86, 45-15.87, 45-15.88, 45-15.89, 45-15.90, 45-15.91, 45-15.92, 45-15.93, 45-15.94, 45-15.95, 45-15.96, 45-15.97, 45-15.98, 45-15.99, 45-16.1, 45-16.2, 45-16.3, 45-16.4, 45-16.5, 45-16.6, 45-16.7, 45-16.8, 45-16.9, 45-16.10, 45-16.11, 45-16.12, 45-16.13, 45-16.14, 45-16.15, 45-16.16, 45-16.17, 45-16.18, 45-16.19, 45-16.20, 45-16.21, 45-16.22, 45-16.23, 45-16.24, 45-16.25, 45-16.26, 45-16.27, 45-16.28, 45-16.29, 45-16.30, 45-16.31, 45-16.32, 45-16.33, 45-16.34, 45-16.35, 45-16.36, 45-16.37, 45-16.38, 45-16.39, 45-16.40, 45-16.41, 45-16.42, 45-16.43, 45-16.44, 45-16.45, 45-16.46, 45-16.47, 45-16.48, 45-16.49, 45-16.50, 45-16.51, 45-16.52, 45-16.53, 45-16.54, 45-16.55, 45-16.56, 45-16.57, 45-16.58, 45-16.59, 45-16.60, 45-16.61, 45-16.62, 45-16.63, 45-16.64, 45-16.65, 45-16.66, 45-16.67, 45-16.68, 45-16.69, 45-16.70, 45-16.71, 45-16.72, 45-16.73, 45-16.74, 45-16.75, 45-16.76, 45-16.77, 45-16.78, 45-16.79, 45-16.80, 45-16.81, 45-16.82, 45-16.83, 45-16.84, 45-16.85, 45-16.86, 45-16.87, 45-16.88, 45-16.89, 45-16.90, 45-16.91, 45-16.92, 45-16.93, 45-16.94, 45-16.95, 45-16.96, 45-16.97, 45-16.98, 45-16.99, 45-17.1, 45-17.2, 45-17.3, 45-17.4, 45-17.5, 45-17.6, 45-17.7, 45-17.8, 45-17.9, 45-17.10, 45-17.11, 45-17.12, 45-17.13, 45-17.14, 45-17.15, 45-17.16, 45-17.17, 45-17.18, 45-17.19, 45-17.20, 45-17.21, 45-17.22, 45-17.23, 45-17.24, 45-17.25, 45-17.26, 45-17.27, 45-17.28, 45-17.29, 45-17.30, 45-17.31, 45-17.32, 45-17.33, 45-17.34, 45-17.35, 45-17.36, 45-17.37, 45-17.38, 45-17.39, 45-17.40, 45-17.41, 45-17.42, 45-17.43, 45-17.44, 45-17.45, 45-17.46, 45-17.47, 45-17.48, 45-17.49, 45-17.50, 45-17.51, 45-17.52, 45-17.53, 45-17.54, 45-17.55, 45-17.56, 45-17.57, 45-17.58, 45-17.59, 45-17.60, 45-17.61, 45-17.62, 45-17.63, 45-17.64, 45-17.65, 45-17.66, 45-17.67, 45-17.68, 45-17.69, 45-17.70, 45-17.71, 45-17.72, 45-17.73, 45-17.74, 45-17.75, 45-17.76, 45-17.77, 45-17.78, 45-17.79, 45-17.80, 45-17.81, 45-17.82, 45-17.83, 45-17.84, 45-17.85, 45-17.86, 45-17.87, 45-17.88, 45-17.89, 45-17.90, 45-17.91, 45-17.92, 45-17.93, 45-17.94, 45-17.95, 45-17.96, 45-17.97, 45-17.98, 45-17.99, 45-18.1, 45-18.2, 45-18.3, 45-18.4, 45-18.5, 45-18.6, 45-18.7, 45-18.8, 45-18.9, 45-18.10, 45-18.11, 45-18.12, 45-18.13, 45-18.14, 45-18.15, 45-18.16, 45-18.17, 45-18.18, 45-18.19, 45-18.20, 45-18.21, 45-18.22, 45-18.23, 45-18.24, 45-18.25, 45-18.26, 45-18.27, 45-18.28, 45-18.29, 45-18.30, 45-18.31, 45-18.32, 45-18.33, 45-18.34, 45-18.35, 45-18.36, 45-18.37, 45-18.38, 45-18.39, 45-18.40, 45-18.41, 45-18.42, 45-18.43, 45-18.44, 45-18.45, 45-18.46, 45-18.47, 45-18.48, 45-18.49, 45-18.50, 45-18.51, 45-18.52, 45-18.53, 45-18.54, 45-18.55, 45-18.56, 45-18.57, 45-18.58, 45-18.59, 45-18.60, 45-18.61, 45-18.62, 45-18.63, 45-18.64, 45-18.65, 45-18.66, 45-18.67, 45-18.68, 45-18.69, 45

SOUTH DAKOTA

VESTED WATER RIGHT CLAIM NO. 1649-3

Date of Receipt of Claim November 25, 1968.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 1649-3 for the City of Groton, PO Box 587, Groton SD 57445 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1649-3 appropriates 0.71 cubic feet of water per second from four wells, approximately 1000 feet deep, located in the SW 1/4 NW 1/4, W 1/2 SW 1/4 Section 20-T123N-R60W.
2. The appropriated water is used for supplying water to the City of Groton 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

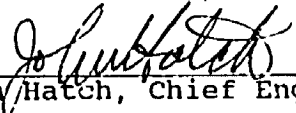
3. The priority dates of the Vested Water Right are:

0.31 cfs - January 1, 1922
0.13 cfs - January 1, 1948
0.27 cfs - January 1, 1950

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 Hatch, Chief Engineer

OCT 28 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



1649-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 28 1992

City of Groton
Anita Lowry, Finance Officer
PO Box 587
Groton SD 57445-0587

Dear Ms. Lowry:

The Water Management Board has validated the enclosed Vested Water Right No. 1649-3. 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, Chief Engineer
Water Rights Division
605 773-3352

enclosure

1649-3



February 27, 1996

Groton Independent
Box 588
Groton, SD 57445-0588

ATTENTION: Legal Department

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

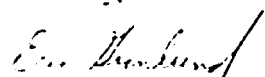
Enclosed is a Notice of Hearing on Application Nos 5902-3 and 5905-3 to be published twice. Please publish the first notice on March 7, 1996, with the second publication 7 days later

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 City of Groton, %Daniel D Johnson, Box 587, Groton, SD 57445-0587 (Ph # (605) 397-8422)

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE

CUT HERE

TO

Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

No _____

Date _____

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

Name _____

Newspaper _____

1649-3

Instruction to Newspaper - Publish first Notice on March 7, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 5902-3 and 5905-3 to Appropriate Water
and Readvertisement of Vested Right No. 1649-3

Notice is given that the City of Groton, Box 587, Groton, SD 57445-0587 has filed applications for the following water permit applications:

Water Permit Application No. 5902-3 requests to appropriate 0.39 cubic feet of water per second (cfs) [175 gallons per minute (gpm)] by increasing the diversion rate authorized by Vested Right No. 1649-3. Vested Right No. 1649-3 authorizes use of 0.13 cfs (58 gpm) from well no. 4 located in the SE 1/4 SW 1/4 Section 19-T123N-R60W with a priority date of January 1, 1948, and 0.27 cfs (125 gpm) from well no. 3 located in the NW 1/4 SW 1/4 Section 19-T123N-R60W with a priority date of January 1, 1950. Well nos. 1 & 2 are capped and will be plugged. This application proposes to increase the water appropriation from well no. 3 from 0.27 cfs to 0.66 cfs (125 gpm to 300 gpm). This notice also serves as readvertisement of the wells authorized by Vested Right No. 1649-3 to identify the correct location of the two wells as described above. The wells were incorrectly advertised in a notice published on August 26 and September 2, 1992, as being located in Section 20. The City of Groton is connected to WEB Rural Water. These wells are used for standby purposes by the City.

Water Permit Application No. 5905-3 requests additional diversion points to irrigate lands authorized by Water Permit No. 5249-3. Water Permit No. 5249-3 appropriates 1.6 cfs from a holding pond (approximately 20 acre-foot storage capacity) located in the SE 1/4 SE 1/4 Section 19 and the SW 1/4 SW 1/4 Section 20 to irrigate 112 acres of a golf course located in the SE 1/4 Section 19 and the SW 1/4 SW 1/4 Section 20, all in T123N-R60W. An investigation of Permit No. 5249-3 found up to 30 acres being irrigated with additional water sources from city runoff and city well no. 3 being used for irrigation. This application proposes to pump city runoff flows into the holding pond as well as flood flows from Mud Creek. During high runoff conditions, water may be pumped into the holding pond at a rate of up to 20,000 gpm (44.54 cfs). The diversion point for the city runoff flows and from Mud Creek is located in the SE 1/4 SE 1/4 Section 19-T123N-R60W. During low water conditions, water may also be pumped (up to 0.66 cfs) from well no. 3 located in the NW 1/4 SW 1/4 Section 19-T123N-R60W, diverted through the City's storm sewer system and into the holding pond.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5902-3 and 5905-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant 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 applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 25, 1996.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

1649-3

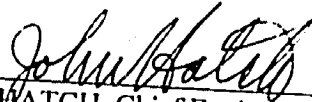
REISSUED STATE OF SOUTH DAKOTA
VESTED RIGHT WATER LICENSE NO. 1649-3

(1) The City of Groton, PO Box 587, Groton SD 57445-0587 made Application No. 1649-3, November 25, 1968 for validation of a vested right claim to appropriate 0.71 cubic feet of water per second from groundwater (four wells), Brown County, South Dakota, for municipal purposes. Vested Water Right No. 1649-3 was validated September 30, 1992 with priority dates of 1922, 1948 and 1950. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

The vested right was readvertised March 7 & 14, 1996 to correct an error on the original notice of hearing in the legal description of the location of the wells. Vested Right No. 1649-3 is being reissued to reduce the amount of water claimed to the actual amount applied to beneficial use, based on a May 10, 1995 inspection of the system. The City of Groton is currently supplied water by the WEB Rural Water System. The wells authorized by this vested right are used for standby purposes by the City.

(2) The vested right owner is entitled to divert 0.4 cubic feet of water per second for beneficial use. The location of the diversion points are: Well # 3 - 825 feet west and 2,550 feet north (NW 1/4 SW 1/4) and Well #4 - 1,700 feet west and 200 feet north (SE 1/4 SW 1/4); both from the southwest corner of Section 19-T123N-R60W. Wells #1 & #2 have been abandoned.

(3) Pursuant to Section 46-5-30.1 the City of Groton, 209 N Main, Groton SD 57445 the holder and/or owner of Vested Water Right No. 1649-3 is reissued a license to appropriate 0.4 cubic feet of water per second from groundwater (two wells) with priority dates of January 1, 1948 (0.13 cfs) and January 1, 1950 (0.27 cfs) from the location specified in (2) of this license, for municipal purposes. This license is subject to any limitations, conditions or qualifications listed in Reissued Vested Water Right No. 1649-3 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 29 1996

date





1649-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUL 29 1996

City of Groton
Janice Bren, Finance Officer
Box 587
Groton SD 57445-0587

Dear Ms. Bren:

Enclosed are Water License Nos. 5902-3, 5905-3, Vested Right Water License No. 1649-3 and receipts for the payment assessed for the inspection and issuance of the license. These are the final documents which complete the process of obtaining water rights for the City of Groton.

The applicable portions of Water Permit No. 5249-3 have been incorporated into Water License No. 5905-3.

As long as the City of Groton uses the water beneficially, as stated in the Water Licenses, State Water Law provides the City with a continuing right to use the water.

Very truly yours,

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

enclosures

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Brown) SS

I, Spice Walter

certify that the attached printed Notice was
 taken from the The Groton Independent

printed and published in Groton, SD

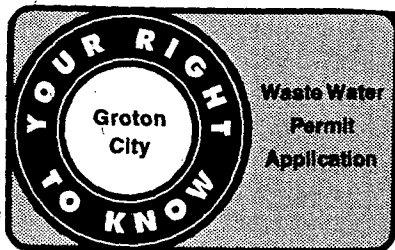
County of Brown and State of

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

3-7-96

3-14-96

Cost of Printing: \$56.20



Notice of Application Nos. 5902-3 and 5905-3 to Appropriate Water and Readvertisement of Vested Right No. 1649-3

Notice is given that the City of Groton, Box 587, Groton, SD 57445-0587 has filed applications for the following water permit applications:

Water Permit Application No. 5902-3 requests to appropriate 0.39 cubic feet of water per second (cfs) [175 gallons per minute (gpm)] by increasing the diversion rate authorized by Vested Right No. 1649-3. Vested Right No. 1649-3 authorizes use of 0.13 cfs (58 gpm) from well no. 3 located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 19-T123N-R60W with a priority date of January 1, 1948, and 0.27 cfs (125 gpm) from well no. 3 located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 19-T123N-R60W with a priority date of January 1, 1950. Well nos. 1 & 2 are capped and will be plugged. This application proposes to increase the water appropriation from well no. 3 from 0.27 cfs to 0.66 cfs (125 gpm to 300 gpm). The notice also serves as readvertisement of the wells authorized by Vested Right No. 1649-3 to identify the correct location of the two wells as described above. The wells were incorrectly advertised in a notice published on August 26 and September 2, 1992, as being located in Section 20. The City of Groton is connected to WEB Rural Water. These wells are used for standby purposes by the City.

Water Permit Application No. 5905-3 requests additional diversion points to irrigate lands authorized by Water Permit No. 5249-3. Water Permit No. 5249-3 appropriates 1.6 cfs from a holding pond (approximately 20 acre-feet storage capacity) located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20 to irrigate 112 acres of a golf course located in the SE $\frac{1}{4}$ Section 19 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20; all in T123N-R60W. An investigation of Permit No. 5249-3 found up to 30 acres being irrigated with additional water sources from city runoff and city well

no. 3 being used for irrigation. This application proposes to pump city runoff flows into the holding pond as well as flood flows from Mud Creek. During high runoff conditions, water may be pumped into the holding pond at a rate of up to 20,000 gpm (44.54 cfs). The diversion point for the city runoff flows and from Mud Creek is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19-T123N-R60W. During low water conditions, water may also be pumped (up to 0.66 cfs) from well no. 3 located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 19-T123N-R60W, diverted through the City's storm sewer system and into the holding pond.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5902-3 and 5905-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant 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 applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 25, 1996.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources. (0307.0314)

Spice Walter
 (Signature)

Office Manager
 (Title)

3-14-96
 (Date Signed)