

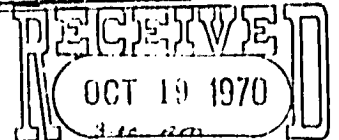
er Right Number 1782-3

1. Considered January 20, 19 71
2. Name of Applicant City of Wagner
3. Post Office Address Wagner, S.D.
4. Amount of water claimed 1.50
5. Source of water supply ground water well
6. Water to be used for Municipal
Acres to be irrigated -
7. Water to be diverted and used in Charles Mix County
about IN CITY LIMITS Miles of
8. Proof of Publication
Received 1-6-71
Not received
9. Application
Approved
Subject to
Not approved
Action deferred
10. Remarks:

Original Permit copy of map with this to Bureau

No. 1782-3

Water Division No. 3 Missouri River District
(Blanks to be Filled by the Engineer for the W. R. C.)



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 Wagner, South Dakota
Postoffice address Wagner, County Charles Mix, State South Dakota

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)

Contract

(b) Cash on hand, \$ 30,000.

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Municipal Well

3. Amount of water claimed 1.5 ~~4.0~~ cubic feet per second

4. Source of water supply Well

5. Location of point of diversion South edge of Wagner, S.D. 1970 well in Outlot W-1 Sec. 4-96-63;
1953 well in Lot 13 Blk 3 of Original Town Plat to Wagner APPL. IT IS COVERED IN W 12 569.3
bank CHAS MIX County.

6. Annual period or periods during which water is to be used Year around

7. To be used for: Municipal System

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

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

(b) Legal subdivisions to be irrigated

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

(c) Statement as to domestic use (giving location, etc.) Municipal water system, Wagner,

South Dakota

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 _____ rods
On property owned by others _____ rods

MAP NO 12963

PER PHONE
CALL TO
B. SCHMUCKER
10/26/70

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
(c) Plumbing, \$----- (d) Canal-earth, \$----- 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	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 ----- 5 ----- years.

11. Time required for complete application of water to the proposed beneficial use ----- 5 ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate -----
WAGNER POST, WAGNER, S. DAK.

STATE OF SOUTH DAKOTA

County of Charles Mix

ss.

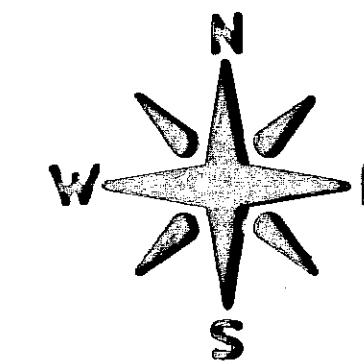
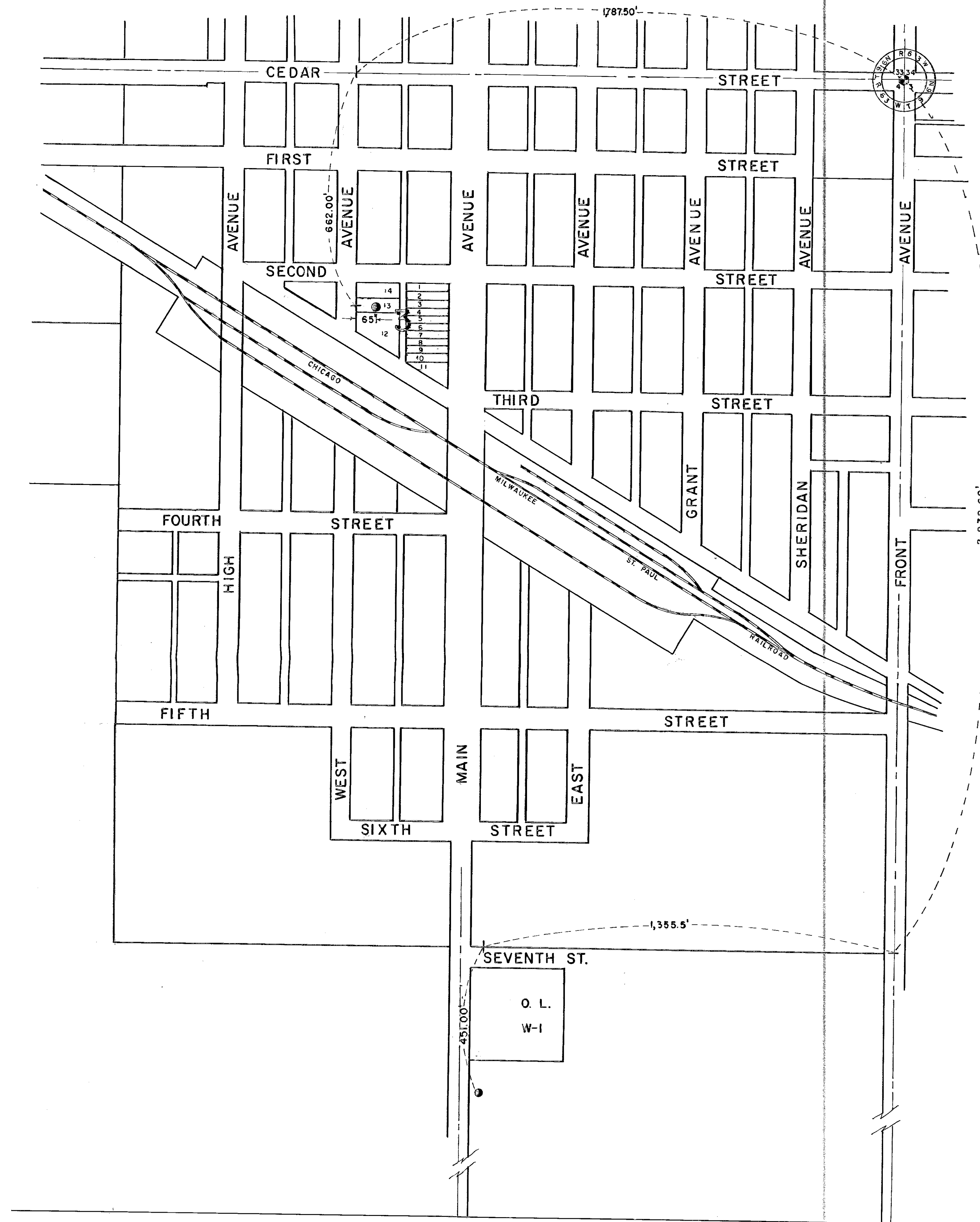
Roy C. Crisman, Mayor

I, -----, 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 ----- 10 ----- day of ----- 1970

Notary Public (or other qualified officer.)



● WATER WELL SITES

WAGNER
CHARLES MIX COUNTY S.D. DAK.

Scale: 1" = 200'

APPLICATION FOR WATER RIGHTS

SURVEYOR'S CERTIFICATE

I, Bernie E. Schmucker, a Registered Engineer and Land Surveyor in Mitchell, South Dakota, do hereby certify that at the request of the City of Wagner, South Dakota, and under their direction for the purposes indicated therein, I did on or prior to October 1, 1970, survey the diversion points shown on this plot.

I further certify that the within and foregoing plot is in all respects true and correct.

Dated this 12th day of October, 1970.

B. E. Schmucker
Registered Engineer and Land Surveyor

STATE OF SOUTH DAKOTA)

COUNTY OF DAVISON)

On this, the 12th day of October, 1970, before me, the undersigned, a Notary Public in and for said County And State, personally appeared Bernie E. Schmucker, well known to me to be the person who is described in and who executed the foregoing and within instrument, and duly acknowledged to me that he executed the same in his official capacity as a Registered Engineer and Land Surveyor, and for the uses and purposes therein set forth.

In witness whereof, I hereunto set my hand and official seal.

Harold D. Dunning
Notary Public, South Dakota
My commission expires August 1, 1971.

MAP NO. 12453 (APP. NO. 1782-3)

Remarks by State Water Resources Commission:

The ~~irrigation~~ well approved under this Permit will be located near domestic wells and ~~other~~ irrigation wells which may obtain water from the same aquifer. The ~~irrigation~~ well owner, under this Permit, shall control his ~~irrigation~~ withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights.

IN APPROVING THIS PERMIT, THE COMMISSION RECOGNIZED THE ERROR IN THE ADVERTISING NOTICE

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, JANUARY 22, 1971

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock a.m. upon the 19TH day of OCTOBER, 1970

State Water Resources Commission

By:

Burton Lane
for Chief Engineer, Executive Officer

Number of permit 1782-3

Date of first receipt of application OCTOBER 19, 1970

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 OCTOBER 19, 1970

Approved JANUARY 20, 1971, Recorded in Book 1 Page 225

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 20, 1973

2nd. The whole of said work is to be completed on or before JANUARY 20, 1975

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

JANUARY 20, 1975

4th. The water appropriated shall be used for the purpose of IRRIGATION 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 1.5 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for ~~the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually~~

USED FOR MUNICIPAL PURPOSES

and beneficially ~~applied for irrigation~~ on or before JANUARY 20, 1975; said water to be used during the following described annual period:

CONTINUOUSLY

Witness my hand this 22ND day of JANUARY, 1971

State Water Resources Commission

By:

Burton Lane
Chief Engineer, Executive Officer

Certificate of Construction Issued

MAY 14, 1974

Water License Issued

MAY 14, 1974

1970 Well

B (Continued)

III Well Specifications

(a) Hole and casing

Size of drill hole or excavation 16 inch Depth Type of casing steel
(wood, concrete, steel, etc.)Size of casing 12 Thickness of casing Sched. 40, 49, 56"/ftLength of casing 209 If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen StainlessSize of perforated screen 10" 35'
(diameter) (length)Thickness of gravel pack 7" length of gravel pack 35'

(c) Water Bearing Materials

Distance to water 72 Character of water bearing materials coarse sandThickness of water bearing material 36'

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)Name of pump Deming size 400 gpmKind of motor electric
(gasoline, electric, diesel, etc.)Horsepower 40 Name of Motor SAI

(e) Complete well

Capacity 443 gpm at drawdown of 17 Estimated cost 27,000.00(f) Owner of land upon which well is located City of Wagner
NameWagner, South Dakota
Address

(g) Distance to nearest existing wells

On same owner's property 240 rods On property owned by others 320 rods

1953 WELL

COVERED IN WATER RIGHT 569-3

(Continued)

III Well Specifications

(a) Hole and casing

Size of drill hole or excavation 14 Depth 231Type of casing steel
(wood, concrete, steel, etc.)Size of casing 10" I.D. Thickness of casing Sched. 40Length of casing 200 If collection gallery, length, size and depth of gallery _____

(b) Screens

Type of perforated screen stainless steelSize of perforated screen 10" O.D. 30'
(diameter) (length)Thickness of gravel pack 0 length of gravel pack _____

(c) Water Bearing Materials

Distance to water 80 ft. Character of water bearing materials sand and gravelThickness of water bearing material 30 feet

(d) Pump and Motor

Type of pump turbine
(centrifugal, propeller, mixed flow, etc.)Name of pump Fairbanks size 250 gpmKind of motor electric
(gasoline, electric, diesel, etc.)Horsepower 30 Name of Motor Fairbanks

(e) Complete well

Capacity 250 at drawdown of 30A Estimated cost 12,000.00(f) Owner of land upon which well is located City of Wagner
Name Wagner, South Dakota
Address _____

(g) Distance to nearest existing wells

On same owner's property 240 rods On property owned by others 320 rods

Permit No. 1782-3Water Diversion No. 3 Missouri River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the City of Wagner

_____ the holder _____ of
Permit No. 1782-3, issued upon Application No. 1782-3, bearing date of priority of October 19, 1970
authorizing the diversion of 1.5 cu. ft. per second of the waters of _____
ground water County of Charles Mix, State of South Dakota at _____
a point in Outlot W-1 in Section 4, T96N, R63W

_____, 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 .89 cu. ft. per second of water.

Date May 14, 1974**WATER RIGHTS COMMISSION**

By:

DONALD DRISCOLL, Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1782-3

(1) WHEREAS, On the 19th day of October A. D. 19 70
the City of Wagner

made Water Right Application No. 1782-3 for a permit to use 1.50 cubic feet per second of the waters
of ground water

County of Charles Mix, State of South Dakota, for Municipal

purposes; and

(2) WHEREAS, On the 22nd day of January A. D. 19 71

Permit No. 1782-3, with a date of priority of October 19, 1970

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 20th day of January A. D. 19 75 and for the
application to beneficial use of said water on or before the 20th day of January A. D. 19 75

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 .89 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 Wagner

(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 Wagner

to
the holder _____ and owner _____ of said permit No. 1782-3 a water right, dating from October 19, 1970
_____ to use of .89 cubic feet per second of the waters
of ground water

in the County of Charles Mix and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted at a point in Outlot E-1 in Section 4, T96N, R63W

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

for the purpose of municipal use

Subject to any limitations listed in Water Right Permit No. 1728-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 14th day of May A. D.
Nineteen Hundred and Seventy-four

WATER RIGHTS COMMISSION

By: _____
Chief Engineer, Executive Officer **DONALD DRISCOLL**

Publish first publication, on or before December 24, 1970NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

November 13, 1970Notice is hereby given that the City of Wagner~~whose post office address is~~ _____, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use1.5 cubic feet of water per second of time from the ground water through the municipal well _____, the point of diversion of which is to be located in the _____NW 1/4 SE 1/4of Section 4, Twp. 96N, Range 63W. Said water to be used for the purpose of providing ~~irrigation on the following described land:~~
municipal supplies for the City of WagnerThis application No. 1762-3 will be considered by the Water Resources Commission at their office at Pierre upon the 20th day of January, 1970, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialistcc: Harry W. Crisman, Auditor, City of Wagner

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Charles Mix) ss.

I, Dora Langhorne hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Wagner Post

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

City of Wagner
County of Charles Mix and State of South Dakota;
that the said notice was published in said newspaper on the following
four dates:

December 10, 1970

December 17, 1970

December 24, 1970

December 31, 1970

Dora K. Langhorne
(Signature)

Bookkeeper
(Title)

January 4, 1971
(Date Signed)

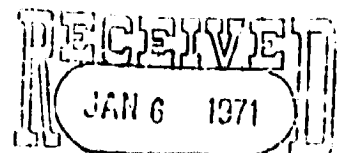
● Public Notice

Notice
Intent To Appropriate Water
Pierre, South Dakota 57501
November 13, 1970

Notice is hereby given that
the City of Wagner, South Da-
kota, has made an application
in accordance with the provi-
sions of the water laws of
South Dakota for a permit to
appropriate for beneficial use
1.5 cubic feet of water per
second of time from ground
water through the municipal
well, the point of diversion of
which is to be located in the
NW¼ SE¼ of Section 4, Twp.
96N, Range 63W. Said water
to be used for the purpose of
providing municipal supplies
for the City of Wagner.

This application No. 1782-3
will be considered by the
Water Resources Commission
at their office at Pierre upon
the 20th day of January, 1971,
at 2:00 p.m. All interested
persons may appear and be
heard.

Water Resources Commission
By: Burton F. Jones,
Water Rights Specialist
Pub. Dec. 10-17-24-31, 1970.



WATER RESOURCES COMMISSION
SOUTH DAKOTA

Permit No. 1782-3Water Division 3 MISSOURI RIVER Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

WATER RIGHTS COMMISSION

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 CITY OF
WAGNER of WAGNER, SOUTH DAKOTA holder
of Permit No. 1782-3, bearing date of priority of OCTOBER 19, 1970
authorizing the diversion of 1.5 cu. ft. per second of the waters of GROUND WATER
for MUNICIPAL purposes, in CHARLES MIX 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:

210 FOOT WELL WITH 12 INCH CASING
SUBMERSIBLE 40 H.P. FRANKLIN PUMP

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

165,000 GAL. ELEVATED STORAGE

C. Works used to apply water to beneficial use.

800 SERVICE CONNECTIONS

The system is in the following condition: GOOD

The point of diversion is located SOUTH EDGE OF WAGNER IN OUTLOT
W-1 ; SEC. 4 T 96N R 63W

The works are capable of diverting and conveying to the place of use .89cu. ft. per second of water which is to be used for MUNICIPAL WATER SYSTEM

Water has been put to beneficial use to the maximum extent as follows: 800 SERVICE CONNECTIONS
IN THE CITY OF WAGNER.

comprising a total of _____ acres of land.

SEND NOTICE TO: HARRY CHRISMAN
CITY AUDITOR
WAGNER CITY HALL

Date APRIL 17, 1974

Pherson A. Gordon
(Signature)

WATER RESOURCES ENGINEER I

1782-3

 **Department of
Water & Natural Resources**

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

August 17, 1989

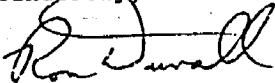
Alan Pirner, Mayor
City of Wagner
PO Box 40
Wagner SD 57380

Dear Mayor Pirner:

The original notice of hearing for Water Right No. 1782-3 was published with an error. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of the Wagner Post printed at Wagner SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are 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,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



 **Department of
Water & Natural Resources**

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

August 17, 1989

Wagner Post
Box 100
Wagner SD 57380

Dear Sir:

Enclosed is a Readvertisement of Notice of Hearing on Right No. 1782-3 to be published twice. Please publish the first notice on or before August 29, 1989 with the second publication 7 days later.

Please bill the Water Rights Division for the cost of the advertisement.

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

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name

Newspaper



Instruction to Newspaper - Publish first Notice on or before August 29, 1989 with 2nd publication 7 days later.

Readvertisement of Notice of Hearing for Water Right No. 1782-3 to Appropriate Water

Notice is given that the City of Wagner, PO Box 40, Wagner SD 57380 filed an application for a water permit on October 19, 1970. Water Right No. 1782-3 appropriates 0.89 cubic feet of water per second from one well, 210 feet deep, for municipal purposes. This readvertisement is to correct the original notice of hearing published on December 10, 17, 24 and 31, 1970 which described an incorrect well location. The correct location of the well is in the NW 1/4 SE 1/4 Section 4-T95N-R63W not in T96N as described in the original notice. No increase in water appropriation is authorized by this readvertisement.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of readvertised No. 1782-3 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. This readvertisement will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on September 27, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this readvertisement based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 15, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this readvertisement or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 15, 1989.

This readvertisement is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Public notice

PROOF OF PUBLICA

STATE OF SOUTH DAKOTA)

County Charles Mix) ss.I, Willard Robinsoncertify that the attached printed Notice was
from the Wagner PoolA newspaper which during the whole time of publi
said notice herein after stated, has been and is pri
published in the __________ City of WagnerCounty of Charles Mix and State of South
that the said notice was published in said newspap
following two dates:August 30-1989September 6-1989Willard Robinson
(Signature)Bookkeeper
(Title)September 6-1989
(Date Signed)Cost of Printing: 195 lines @ \$150\$38.44Readvertisement of Notice of
Hearing for Water Right No.
1782-3 to Appropriate Water.

Notice is given that the City of Wagner, P.O. Box 40, Wagner, SD 57380 filed an application for a water permit on October 19, 1970. Water Right No. 1782-3 appropriates 0.89 cubic feet of water per second from one well, 210 feet deep, for municipal purposes. This readvertisement is to correct the original notice of hearing published on December 10, 17, 24, and 31, 1970 which described an incorrect well location. The correct location of the well is in the NW 1/4 SE 1/4 Section 4-T95N-R63W not in T96N as described in the original notice. No increase in water appropriation is authorized by this readvertisement.

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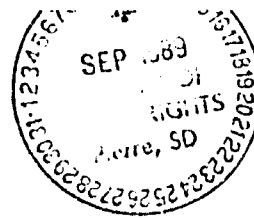
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petitioner's interest in the readvertisement, the petitioner's reasons for opposing or supporting the readvertisement and the signature and mailing address of the petitioner or legal counsel; if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this readvertisement or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for delay must be received by September 15, 1989.

This readvertisement is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Pub. Aug. 30, Sept. 6, 1989



RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED
WATER RIGHT NO. 1782-3, City of Wagner

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Readvertised Water Right No. 1782-3, City of Wagner, P.O. Box 40, Wagner, SD.

The Chief Engineer is recommending APPROVAL of Readvertised Water Right No. 1782-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

The well approved under this Permit will be located near domestic wells and irrigation wells which may obtain water from the same aquifer. The well owner under this Permit, shall control his withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights.

See the attached report for additional information.



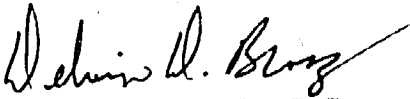
JOHN HATCH, Chief Engineer
August 15, 1989

Report on Water Right No. 1782-3
City of Wagner
August 11, 1989

Water Right No. 1782-3 appropriates 0.89 cubic feet of water per second from one well, 210 feet deep, for municipal purposes. The original notice of hearing, published on December 10, 17, 24 and 31, 1970, described the well location incorrectly. The correct location of the well is in the NW1/4 SE1/4, Section 4-T95N-R63W. Readvertisement of the notice does not authorize an increase in the water appropriation.

Conclusions

1. The water right was developed and water put to beneficial use.
2. The water right was inspected in 1974.
3. The well approved under the water permit is located near domestic wells and irrigation wells which obtain water from the same aquifer. The well owner under this Water Right shall control withdrawals so there is no reduction of needed water supplies in existing adequate domestic wells or in adequate wells having prior water rights.


DELVIN D. BROSZ, P.E.
Hydrologist

SOUTH DAKOTA Department of
Water & Natural Resources

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

November 8, 1989

Alan Pirner, Mayor
City of Wagner
PO Box 40
Wagner SD 57330

Dear Mayor Pirner:

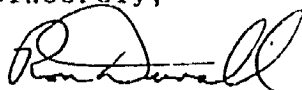
On September 28, 1989, the Water Management Board approved the readvertisement of Water Right No. 1782-3 as recommended by the Chief Engineer with the following qualification. This readvertisement does not authorize any increase in water appropriation.

QUALIFICATIONS

The well approved under this Permit will be located near domestic wells and irrigation wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights.

NOTE: Place this document with your file for No. 1782-3.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 1782-3

(1) The City of Wagner of PO Box 40, Wagner SD 57380 was issued Water License No. 1782-3, May 14, 1974 for a water right to appropriate 0.89 cubic feet of water per second from groundwater (one well), Charles Mix County, South Dakota for municipal purposes. Water License No. 1782-3, with a priority date of October 19, 1972 was issued to the applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

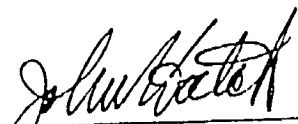
A review of the water right file found the original notice of hearing published December 10, 17 24 and 31, 1970 contained an error in the legal description of the well location. Water Right No. 1782-3 was readvertised August 30 and September 6, 1989 to correct the location of the well. The readvertisement was approved by the Water Management Board on September 28, 1989.

To concur with the readvertisement, Water License No. 1782-3 is being reissued to correct the well location from Section 4, T96N, R63W to Section 4, T95N, R63W.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.89 cubic feet of water per second for beneficial use. The location of the diversion point is in the NW 1/4 SE 1/4 Section 4, T95N, R63W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The water is diverted through the City of Wagner's distribution system for municipal purposes.

(4) Pursuant to Section 46-5-30.1 the City of Wagner of PO Box 40, Wagner SD 57380 the holder(s) and/or owner(s) of Water Right 1782-3 is issued a license to appropriate water, the right to use 0.89 cubic feet of water per second from groundwater with a priority date of October 19, 1970 from the location specified in (2) of this license. This license is subject to any limitations or qualifications listed in Water Right No. 1782-3 and subject to South Dakota State Law.


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

DEC 26 1989



Department of Water & Natural Resources

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

DEC 26 1989

Alan Pirner, Mayor
City of Wagner
PO Box 40
Wagner SD 57380

Dear Mayor Pirner:

Enclosed is your Water License No. 1782-3. The water license has been reissued to the extent of what is actually being used.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 1782-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

enclosures