

1. Considered SEPT. 29 19 76
2. Name of Applicant CITY OF HOVEN
3. Post Office Address _____
4. Amount of Water Claimed 1.11
5. Source of Water Supply 4-60' WELLS
6. Water to be used for MUNICIPAL
7. Acres to be irrigated _____ maximum _____
acre feet _____
8. Water to be diverted and used in POTTER County
about IN CITY LIMITS miles _____ of _____
9. PROOF OF PUBLICATION Received 9-13-76
Not Received _____
APPLICATION Approved 1/20/77
Subject to WI
Not Approved _____
Action deferred 9-29-76

Priority _____ Date _____
Received JULY 23, 76 Application Complete yes _____ no _____ FEE 8.00
Remarks _____

~~WATER QUALITY~~
Date information and/or fee or corrected Application received _____
Period of Annual use CONTINUOUSLY
Received yes _____ no _____ APPROVED/CONDITIONAL (Circle one)
WI-1 Description same as application yes _____ no _____ Remarks _____

Disapprove _____ Returned _____

Diversion Point 2 IN NW⁴NW⁴ SEC.
4; ONE - NE⁴NE⁴ SEC. 5 -
T17--74 & ONE - SW⁴SW⁴
32-121-74
Lands to be irrigated _____

WELL LOG
Remarks NO LOGS ONLY FORM 2A
Driller _____ licensed yes _____ no _____
Depth 60' (4 WELLS)

MAP Map No. 2190-3 Map located in Water Right _____ Map file X
Type of Map _____ Prepared by _____

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on Sept 29, 1976. Burt Jones
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
F.F. & C Final Decision, including F.F. & C of Law were adopted _____
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC. _____
Remarks _____

Form 2 - Application for Permit to Appropriate Water (Original (Includes Approval and Permit)

No. 2855-3

Map No. 2190-3 Water Division No. 3 Missouri River District
(Blanks to be Filled by the Engineer for the W. R. C.)

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 Hoven
Postoffice address Hoven, State South Dakota
If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) _____

3. Name of diversion work MUNICIPAL WELLS

4. Amount of water claimed (cubic feet per second) 1.11 Cubic feet per second

5. Source of water supply City wells

6. Location of point of diversion 2 WELL IN NW⁴NW⁴ SECTION 4; 1 WELL IN NE⁴NE⁴ SECTION 5, T12N, R74W; 1 WELL IN SW⁴SW⁴ SECTION 32, T12N, R74W County Potter

7. Annual period or periods during which water is to be used year around

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Municipal

9. For irrigation use, _____ Total number of acres to be irrigated _____

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Built _____ years. Additional time required to complete application of water to the proposed beneficial use _____ years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Hoven Review

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Pump in well

B. Works proposed to transport water to place of use.

Water mains

C. Works proposed to apply water to beneficial use.

Water mains

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Potter

W. R. C. D. WATER the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

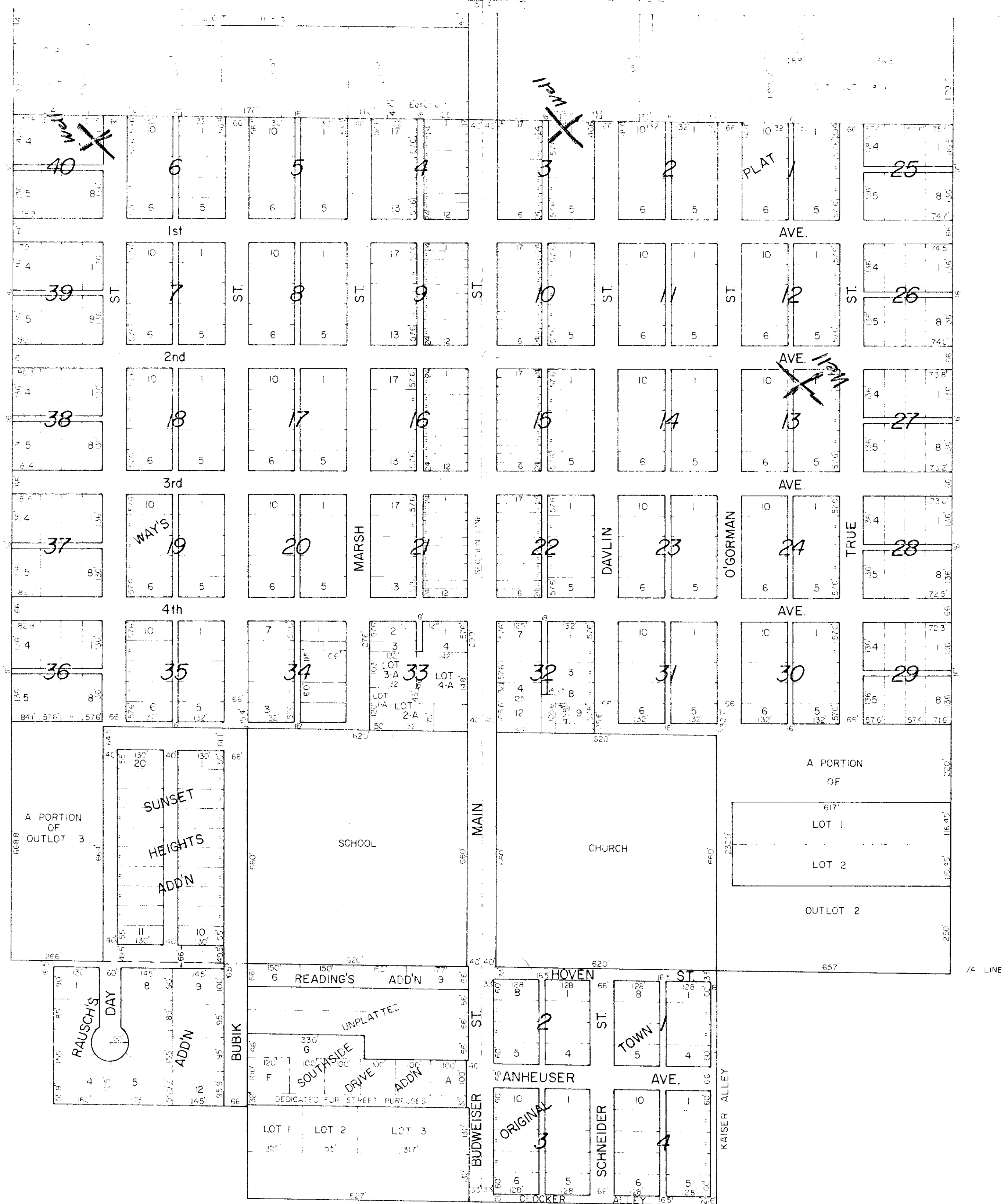
Signed W. R. C. D. WATER

Subscribed and sworn to before me this 21 day of Aug, 1976

W. R. C. D. WATER
Notary Public (or other qualified officer)



X 1/2 in



HOVEN, SOUTH DA

POTTER COUNTY

COMPILED FROM EXISTING RECORDS BY
 SCHMUCKER, PAUL, NOHR & ASSOC.
 ENGINEERS - ARCHITECTS - SURVEYORS - PLANNERS
 MITCHELL, SOUTH DAKOTA
 AUGUST, 1973

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2855-3

CITY OF HOVEN
(Applicant)

City Hall
(Post Office Address)

SOUTH DAKOTA 57450 With the following modifications:
(State)

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

Date of first receipt of application JULY 13 19 76
Date of return to applicant for correction, amendments or changes required AUGUST 19 19 76
Date of receipt of corrected application AUGUST 24 19 76
Approved JANUARY 29 19 81, Recorded in Book 22 Page 240

WATER RIGHT PERMIT NO. 2855-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2855-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JULY 13 19 76
2. The equivalent of at least one-fifth of the work above specified is ~~not~~ completed ~~on or before~~ ME
3. The whole of said work is ~~not~~ completed ~~on or before~~ ME
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED ME
5. The water appropriated shall be used for the purpose of MUNICIPAL USE
6. 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.
7. The amount of the appropriation herein granted shall not exceed 1.11 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~beneficial use~~ USE FOR MUNICIPAL PURPOSES and if for the irrigation purposes said appropriation must be limited to not more than ~~three feet per acre per year and be limited to not more than one-sixteenth (1/16) of one cubic foot of water per second of time for each acre of land to which water is~~ actually and beneficially applied for irrigation on or before THIS DATE ME; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 24th day of JULY 19 81

WATER RIGHTS COMMISSION

By:

John H. H. H.
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

Well 1

(1) Drill Hole, Diameter 30 inches, Depth 60 ft.

(2) Casing, Type concrete Diameter 16 in. Thickness
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type copper or steel, Diameter 16 in., Length 8 ft.

(4) Gravel Pack, Thickness 8 inches, Length of gravel pack 40 ft.

E. Dugout Information or Estimates

(1) Surface dimensions , Depth

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials fine sand

Depth to top of water bearing material 12 ft.

Depth to bottom of water bearing material 60 ft.

Thickness of water bearing material fine sand

Depth to water (ground surface to water level) 24 ft.

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property rds. On property owned by others rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

We have four wells in town with approximately the same depths and
structure, These wells location are indicated on the enclosed map with an X.

City of Hoven
Bernard Ortmeier (Finance Officer)

Signature of Applicant

City of Hoven
Bernard Ortmeier
(Finance Officer)

Publish first publication, on or before September 18, 1976NOTICE
INTENT TO APPROPRIATE WATERPierre, South Dakota 57501
August 24, 1976Notice is hereby given that the City of Hovenwhose post office address is 222 1/2 N. 2nd St., Hoven, 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 use1.11 cubic feet of water per second or time from the ground water through the Hoven Municipal Wells, the point of ^s diversion of which is ^{to} be located in the two wells in the NW 1/4 NW 1/4, Section 4, one in NE 1/4 NE 1/4, Section 5, T120N, R74W; one in SW 1/4 SW 1/4of Section 32, Twp. 121N, Range 74W. Said water to be used for the purpose of providing ~~XXXXXX~~ municipal supplies for the City of HovenThis application No. 2855-3 will be considered by the Water Rights Commission at their office at Pierre upon the 29th day of September, 1976 at 10:00 A. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By

PURTON F. JONES
Water Rights SpecialistBFJ/bw
cc:Bernard Ortmeier, Finance Officer, City of Hoven
Hoven, South Dakota 57450

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 2855-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Potter) ss.

I, Daniel W. Holsworth hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Hoven Review

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 Hoven

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

Sept. 2, 1976

Sept. 9, 1976

Daniel W. Holsworth
(Signature)

Publisher
(Title)

Sept. 9, 1976
(Date Signed)

NOTICE OF INTENT TO APPROPRIATE WATER
Hoven, South Dakota
August 22, 1976

Notice is hereby given that the City of Hoven, 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 use 1.11 cubic feet of water per second of time from ground water through the Hoven Municipal Wells, the points of diversion of which are to be located in the two wells in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 4, one in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 5, T120N, R74W; one in SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Twp. 121N, Range 74W. Said water to be used for the purpose of providing municipal supplies for the City of Hoven.

This application No. 2855-3 will be considered by the Water Rights Commission at their office at Pierre upon the 29th day of September, 1976 at 10:00 A.M. All interested persons may appear and be heard.
WATER RIGHTS COMMISSION
By: Burton F. Jones
Water Rights Specialist
(Sept. 2 & 9)





2855-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

October 5, 1976

City of Hoven
Bernard Ortmeier
Finance Officer
Hoven, S.D. 57450

Dear Mr. Ortmeier:

The Water Rights Commission deferred action on your Application No. 2855-3 at the September 29-30, 1976 Commission meeting, pending investigation by the Commission Staff.

If you have any questions, feel free to contact this Office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw

VII
2855-3
Hoven
Pierre v/k

February 11, 1972

Mr. Vernon L. Trimble
Aeronautics Commission
State Office Building #1
Pierre, South Dakota 57501

Dear Mr. Trimble:

In your letter of February 2, 1972, you request indications from this office as to effects on ground water which may occur as a result of construction of the Hoven Municipal Airport.

The proposed airport is located in an area of extensive shallow ground water supplies. These ground waters are susceptible of rapid recharge from surface water.

The usual precautions included in airport construction are sufficient to avoid ground water contamination. At the Hoven location, construction activities and operations after construction should be such as to avoid disposal of wastes, especially liquids, on the land surface or into airport surface or subsurface drains.

Sincerely,

J. W. Grimes

JWG:ls

Member: National Association of State Aviation Officials

COMMISSIONERS

DUANE L. CORNING
CHAIRMAN
RAPID CITY

KEITH B. MONTGOMERY
HURON

ROLAND E. PARCEL
ABERDEEN

CHARLES N. ROZUM
MITCHELL

DON DeVRIES
SIOUX FALLS



RICHARD F. KNEIP, Governor

**SOUTH DAKOTA
AERONAUTICS COMMISSION**

STATE OFFICE BUILDING # 1

PIERRE, SOUTH DAKOTA 57501

TELEPHONE 224-3574

February 2, 1972

STAFF

LYNDON V. HANSON
DIRECTOR

MONTE R. SCHNEIDER
CHIEF AIRPORT ENGINEER

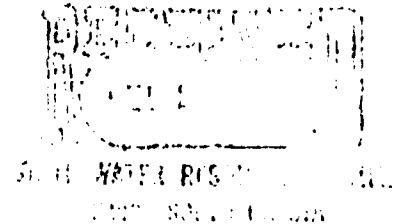
DONALD L. ACHTIEN
CHIEF PILOT

HOWARD W. ICE
CHIEF AVIATION SAFETY

JOHN K. ROBINSON
CHIEF SPECIAL SERVICES

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

Subject: Hoven Municipal Airport
Hoven, South Dakota



Dear Mr. Grimes:

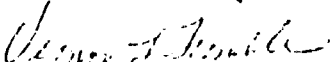
In the very near future, we will be submitting to the Federal Aviation Administration an Environmental Statement to accompany a Request for Aid for a project at the Hoven Municipal Airport. The project will consist of:

Land acquisition (8.65) acres); landing strip extension (150'x500'); surface the NW/SE runway (2900'x50'), connecting taxiway including fillets (30'x170'), apron (135'x175') and hangar taxiway (20'x457'); mark the NW/SE runway and taxiway; reinstall boundary markers for segmented circle; fencing; and seeding.

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

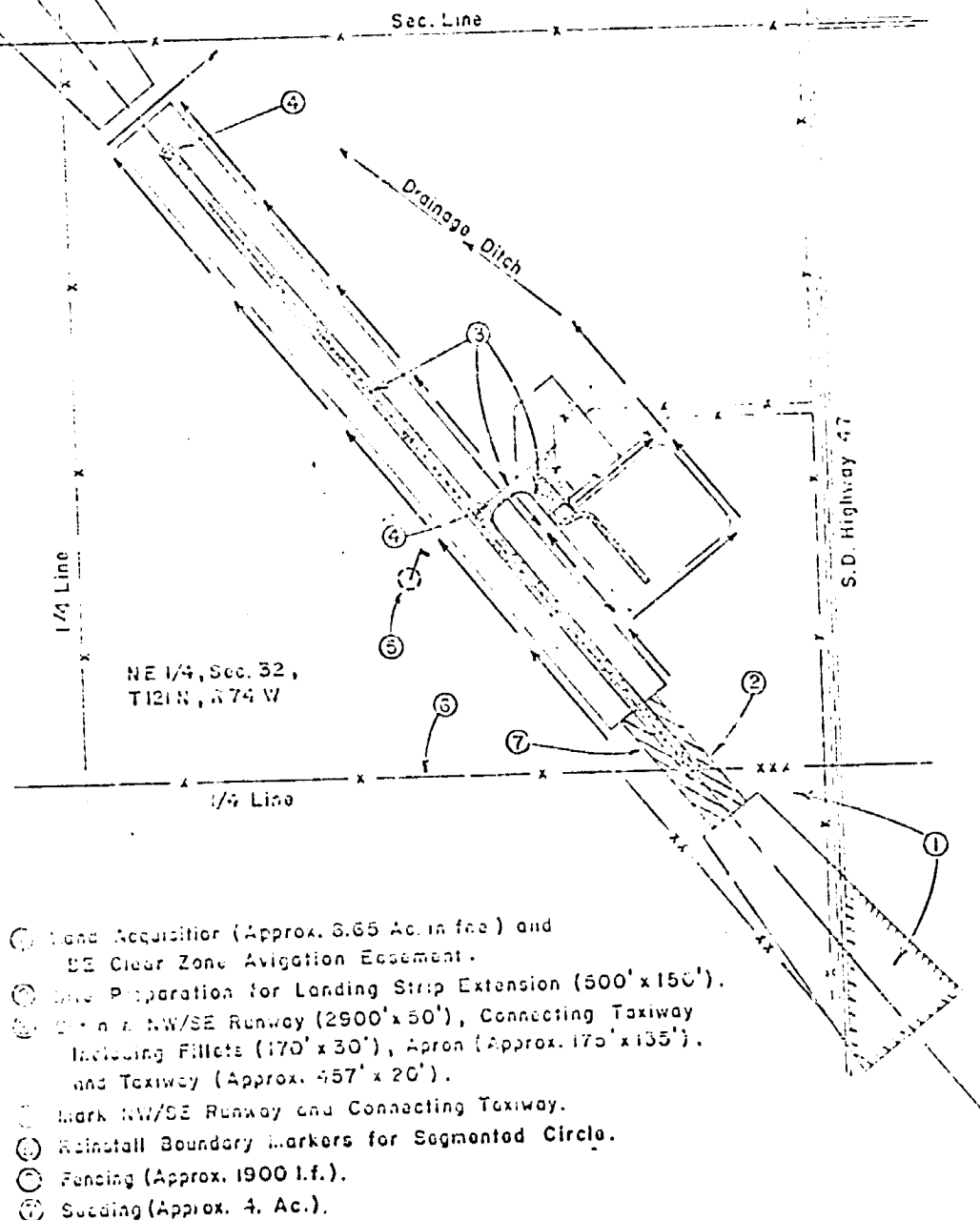
We ask that you write this office indicating whether this project will have any adverse effect on the ground water in the area.

Sincerely,


Vernon L. Trimble
Assistant Airport Engineer

bev

Enclosures

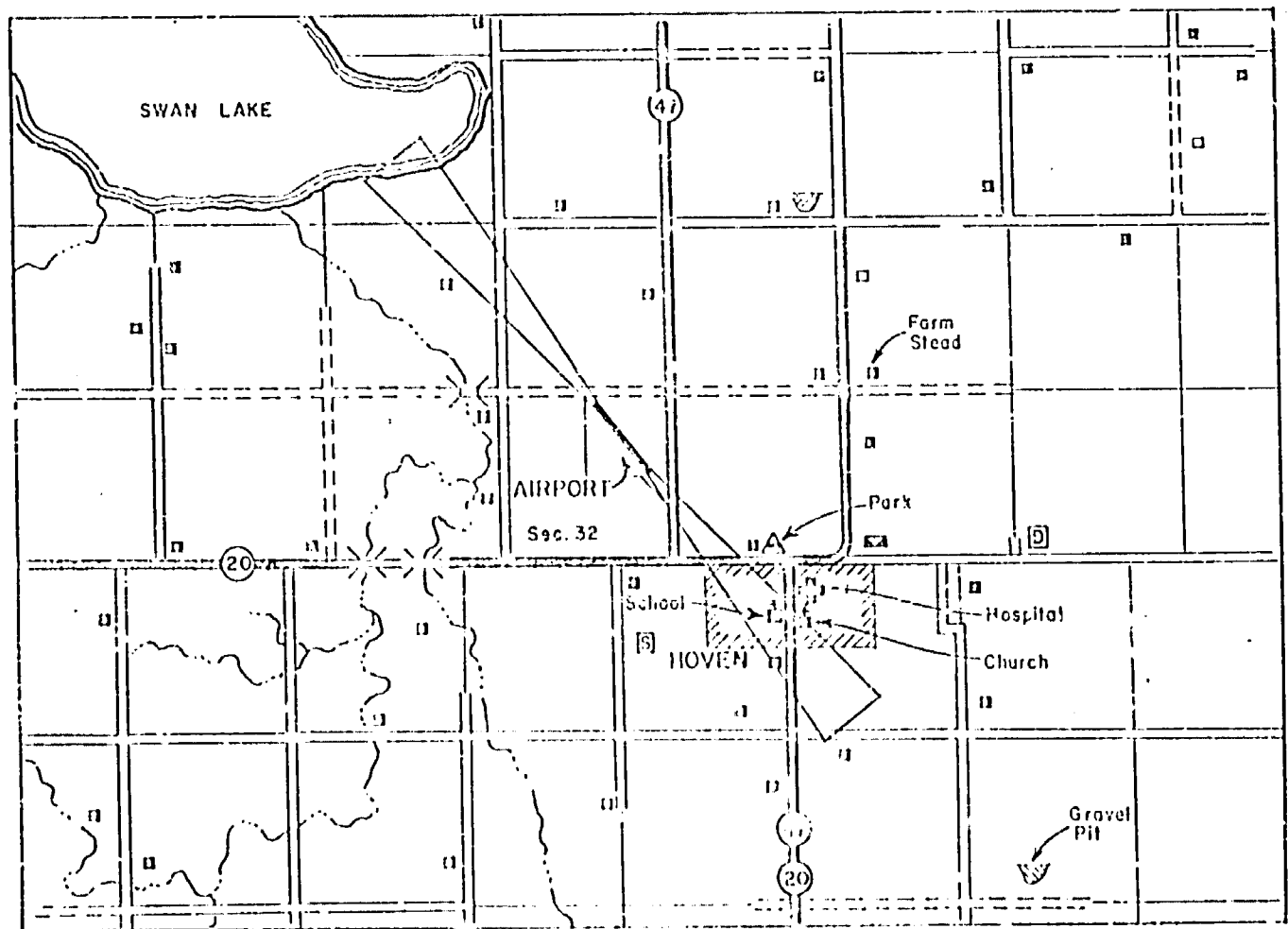


"SKETCH" TO ACCOMPANY ENVIRONMENTAL STATEMENT
HOVEN MUNICIPAL AIRPORT
HOVEN, SOUTH DAKOTA

EXHIBIT NO. 3

HOVEN, S. D. VICINITY MAP

SCALE: 1"=1 Mile



T 121 N

R 74 W

No. 2855-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

March 16, 1977

Bernard Ortmeier
City of Hoven
Hoven, S.D. 57450

Dear Mr. Ortmeier:

Existing Water Rights, Deferred Applications, and Advertised Applications in the Hoven Area will be discussed and deferred or advertised applications will be considered by the Water Rights Commission during their March 23-24, 1977 meeting, at 9:00 A.M., March 24, 1977. Any comments concerning the attached Hoven Area Report or the applications can be presented at this hearing.

The Commission will be meeting in the South Dakota Education Association Auditorium, 411 E. Capitol, Pierre, S.D.

Please advise if you have any questions concerning the hearing.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

2755-3

copy to record
in 100-4 1023-3

January 12, 1980

TO: People Interested in Hoven Area Water Supplies & Deferred Applications

FROM: John Hatch, Chief Engineer, Water Rights Division

SUBJECT: Review of Water Status and Reconsideration of Deferred Applications

The Water Management Board will reconsider deferred water permit applications in the Hoven Area in Potter & Walworth Counties at 8:30 am on January 29, 1981 at Meeting Room #1, Kneip Building, Church & Illinois, Pierre SD.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-14; 46-2-9 thru 46-2-11; 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22; 46-5-41; 46-6-3; 46-6-5; 46-6-6.1; 46-6-10; 46-6-3.1; 46-6-14 and Board Rules AR. 2:01:01:01 thru 52:01:01:13.

These applications were previously deferred by the Board pending staff investigation. A report on the deferred applications has been prepared by the Water Rights Staff and is enclosed.

After reconsideration of the deferred applications the Board can approve, conditionally approve, defer, or deny all or part of the Applications.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

You are also notified that SDCL 1-26 provides any interested party the opportunity to meet informally with the Water Rights Division Staff to discuss proposed recommendations by the staff to the Board prior to the scheduled hearing. If we do not hear from you, we will assume that the opportunity for an informal meeting is being waived and you wish to proceed directly to the hearing on the applications before the Board.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

kw

enclosure

Equal Opportunity Employer

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
(605) 773-3352

WR # 2855-3

December 4, 1980

City of Hoven
Hoven, SD 57450

Dear Sirs:

We have on file your application to appropriate water for irrigation which was deferred on September 29, 1976. The Water Management Board is planning on reconsidering your application at their next meeting.

Please advise this office before January 1, 1981 if you still intent to complete your irrigation system.

If you have any further questions, please contact this office.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW/bt

Equal Opportunity Employer

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building
Pierre, South Dakota 57501
Water Rights Division
605 773-3352

July 24, 1981

James Hageman, Mayor
City of Hoven
Hoven SD 57540

Dear Mr. Hageman:

RE: 2855-3

This letter is in regard to the City of Hoven's application to appropriate 1.0 cubic foot per second (cfs) of water from one new well that was drilled in 1980. As we stated at the July 6, 1981 Council meeting, the City of Hoven can not obtain additional water rights from the shallow aquifer in the Hoven area. The aquifer is fully appropriated at this time.

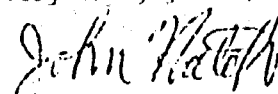
The City presently has rights for 1.11 cfs (498 gallons per minute) from four wells. It was stated at the Council meeting that one of the older wells is not operational. It is therefore possible to apply for a change in diversion point, abandon the old well and include the new 150 gpm well in your existing permit No. 2855-3 as long as the existing appropriation of 498 gpm is not exceeded. We are enclosing completed application forms to change the diversion point. If you will sign, have notarized and return the forms the change in diversion point can be advertised for hearing before the Water Management Board.

We also recommended that you obtain future rights to another source of water. The State Geological Survey in Vermillion has assisted several cities in locating new sources of water. The costs during 1981 for city ground water studies were \$1600 per week. The cost is divided with the State paying $\frac{1}{2}$ (\$800) and the city $\frac{1}{2}$ (\$800). In your area the Lake Subdistrict has been paying $\frac{1}{4}$ of the cost or \$400 leaving \$400/week for the City. We do not know what 1982 costs will be.

If you would contact - Merlin Tipton, State Geological Survey, USD-Science Center, Vermillion SD 57069 he can have someone come to Hoven to meet with the Council at a regular meeting to discuss their services and costs. If a satisfactory water supply is located, then a future use application should be submitted to the Water Management Board for approval to reserve a future supply of water (no construction or land ownership required).

Please return the enclosed application by September 11, 1981 to allow your application to be considered at October 7-8, 1981 Board meeting.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:kw

enclosure
cc: Merlin Tipton

Equal Opportunity Employer

NR-101-9/79



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

July 27, 1981

Bernie Schmucker
Schmucker, Paul, Mohr & Associates
Box 398
Mitchell SD 57301

Dear Mr. Schmucker:

This letter is in reference to a water permit application filed by Daniel Weber of your firm for the City of Hoven. The application was received in this office May 6, 1981. The application was for a new city well drilled May, 1980. An application should have been received and considered for approval before the well was drilled.

The oversight for the City of Hoven, not having a water permit could have been a very costly mistake. Based upon extensive hydrologic studies the aquifer in the Hoven area is fully appropriated. This means new appropriations of water can not be approved. In order to legally use the new well one of the four older wells will have to be abandoned. Since one of the four older wells is not operational, we are preparing an application to change a diversion point to the new well and to abandon one old well. This action will handle the problem of the illegal well.

Any future additional water needs above 1.11 cfs will have to come from another source unless existing area permits are abandoned and cancelled or purchased by the City of Hoven. We have suggested that the City have the State Geological Survey assist them in locating another water source and then file for future use rights (see enclosed letter).

We expect the problem of full appropriation to occur in other areas of the State as water use continues to increase. A 1978 change in law provides that a city can claim domestic preference over irrigation permits issued since July 1, 1978; however, the city must first have a water right. No water permit can be issued unless unappropriated water is available.

I would urge you to be certain that necessary water permits are obtained in the future prior to construction of city wells and that future use rights be obtained where your clients do not have them. We will be able to get the City of Hovens problem corrected; however, we could easily have been in the position of requiring the City to abandon its new well.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:kw

enclosure

Equal Opportunity Employer

2855-3



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

NOV 14 1994

28553-3

Mildred Ortmeier
Finance Officer
City of Hoven
P.O. Box 157
Hoven, SD 57450-0157

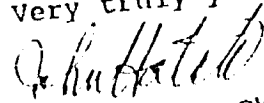
Dear Ms. Ortmeier:

Enclosed is Water License No. 2855B-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414102 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2855B-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,


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

gm
enclosures

NOTE: The applicable portions of Water permit Nos. 2855-3 and 2855-3A have been incorporated into this Water License No. 2855B-3.