

2356-3

1. Considered 9.29, 1976
2. Name of Applicant TOWN OF TORONTO
3. Post Office Address _____
4. Amount of water claimed .50
5. Source of water supply 45' WELL
6. Water to be used for MUNICIPAL
Acres to be irrigated _____
7. Water to be diverted and used in DEVEL County
about 1 E miles _____ of TORONTO
8. Proof of Publication Received 9-1-76
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 2856-3Map No. 2191-3 Water Division No. 3 Big Sioux River District
(Permits 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 Town of Toronto
Postoffice address Toronto, State South Dakota 57268
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) N/A
3. Name of diversion work Municipal Water Supply
4. Amount of water claimed (cubic feet per second) 0.5
5. Source of water supply well
6. Location of point of diversion Lot "A" in SE $\frac{1}{4}$, Sec. 20, T 113 N, R 48 W, and the one acre municipal well lot located SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 20, T 113 N, R 48 W, all in the 5th P.M. of Deuel County, South Dakota County Deuel
7. Annual period or periods during which water is to be used daily
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 none

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 N/A years. Additional time required to complete application of water to the proposed beneficial use N/A years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Toronto Herald
12. Principal Features of the Proposed Water Supply System.

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

Wells

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

Water transmission line

C. Works proposed to apply water to beneficial use.

Water storage and distribution systemEstimated Total Cost \$ N/AAttachments: 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 Deuel)I, Town of Toronto, 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 constructionSubscribed and sworn to before me this 9 day of August, 1976

Notary Public (or other qualified officer)

R. A. BERGE
Notary Public, Deuel County, South Dakota
My Commission Expires April 2, 1977

The Water Rights Commission hereby approves Water Right Application No. 2856-3

TOWN OF TORONTO
(Applicant)

(Post Office Address)

SOUTH DAKOTA 57268
(State)

With the following modifications:

The ~~irrigation~~ well approved under this Permit is located near domestic 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.

Date of first receipt of application AUGUST 10, 1976

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

Date of receipt of corrected application _____ 19 ____

Approved SEPTEMBER 30, 1976 Recorded in Book 16 Page 14

WATER RIGHT PERMIT NO. 2856-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2856-3 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 AUGUST 10, 1976
2. The equivalent of at least one-fifth of the work above specified is ~~to be completed~~ COMPLETED
3. The whole of said work is ~~to be completed~~ COMPLETED
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED
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 .50 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~~ USED FOR MUNICIPAL PURPOSES and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one (1) of one unit of water per acre of time for each acre of land to which water is actually and beneficially applied ~~for irrigation~~ on or before THIS DATE 11; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 23RD day of NOVEMBER, 1976

WATER RIGHTS COMMISSION

By:

John H. Hatt
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

- (1) Drill Hole, Diameter 36" AVE, Depth 22' to 45
- (2) Casing, Type Concrete (and concrete, steel, etc.) Diameter _____ Thickness 5 inches
- (3) Perforated Screen
- Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E Dugout Information or Estimates

- (1) Surface dimensions _____, Depth _____

F Fill out for Either a Well or Dugout

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

Character of Water Bearing materials Sand

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material One foot

Depth to water (ground surface to water level) _____

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

On same owner's property _____ rds. On property owned by others 20 (Fst) 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.

Lyle Aubrey Presiding Officer
Signature of Applicant Town of Toronto

Form 6 - Notice of Intent to Appropriate Water

No. 2856-3

Publish first publication, on or before September 10, 1976

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

August 11, 1976

Notice is hereby given that The Town of Toronto
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 use
.50 cubic feet of water per second of time from the ground water through the
Municipal wells, the point of diversion of which are to be located in the _____

SW $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$
of Section 20, Twp. 113N, Range 43W. Said water to be used for the purpose
of providing ~~in accordance with the provisions of the~~
municipal supplies for the Town of Toronto

This application No. 2856-3 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

BFJ/bw
cc:

Carol Klemm, Finance Officer, Town of Toronto, Toronto, SD
EX-100 57268

No. 2856-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Deuel) ss.

I, Robert V. Lundgren hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Toronto Herald

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

Town _____ of Toronto

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

August 19 and 26, 1976

Robert V. Lundgren
(Signature)

Publisher

(Title)

August 28, 1976

(Date Signed)

NOTICE OF INTENT
TO APPROPRIATE WATER
Pierre, South Dakota
August 11, 1976

Notice is hereby given that The
Town of Toronto, South Dakota, has
made an application in accordance
with the provisions of the Water
laws of South Dakota, to appropriate
for beneficial use 50
cubic feet of water per second of time
from ground water through the
Municipal wells, the point of
diversion of which are to be located
in the SW¹/₄ SW¹/₄ and NW¹/₄ SE¹/₄ of
Section 20, Twp. 113N, Range 48W.
Said water to be used for the purpose
of providing municipal supplies for
the Town of Toronto.

This application No. 2856-3 will be
considered by the Water Rights
Commission at their office in
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
(August 19 and 26)



Considered: _____ WATER PERMIT NO. 2561-3

Phone: _____

Name of Applicant: Town of Toronto

Post Office Address: Box 374, 57268

Amount of Water Claimed: 0.50 Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: municipal County: Devel

About 1 miles East of Toronto

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C/.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received: _____ Fee: _____ Remarks readvertise-

ment to correct point of diversion

Corrected Application Received _____ Period of Annual Use _____

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: SW 1/4 SW 1/4 and SW 1/4 SE 1/4

20-113-48

Land to be Irrigated: _____

		20			
		50			

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: aerial PREPARED BY: Mark Rath Reviewed and the Number

Assigned on 10-19-90 By Karen Schlaak

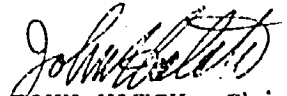
RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER PERMIT
APPLICATION NO. 2856-3, Town of Toronto

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 Permit Application No. 2856-3, Town of Toronto, Box 374, Toronto, SD.

The Chief Engineer is recommending APPROVAL of Application No. 2856-3 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 is located near domestic 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.

See report on application for additional information.



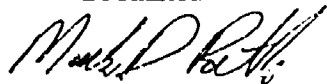
JOHN HATCH, Chief Engineer
December 14, 1990

REPORT ON READVERTISEMENT OF WATER PERMIT NO. 2856-3
TOWN OF TORONTO
NOVEMBER 7, 1990

Water Permit No. 2856-3, Town of Toronto appropriates 0.50 cubic feet per second (cfs) of water from three wells drilled into the Pleistocene unknown aquifer for municipal use. An inspection of the water permit on September 19, 1990 determined that the wells are no longer being used as the primary water source for the municipal water system. The wells are being maintained for emergency standby purposes as allowed in Water Management Board General Rules 74:02:01:37.02. The inspection also found that the legal description of the wells was in error in the NOTICE OF INTENT TO APPROPRIATE WATER published August 19 and 26, 1976. Readvertisement with the corrected legal description of the wells is necessary. The original advertised legal description is SW1/4 SW1/4, NW1/4 SE1/4 Section 20-T113N-R48W. The corrected legal description is SW1/4 SW1/4, SW1/4 SE1/4 Section 20-T113N-R48W. The priority date of August 10, 1976 should be retained.

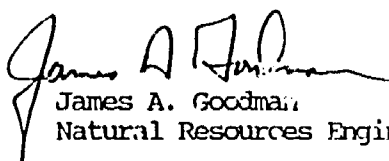
Conclusions

1. This is a readvertisement of NOTICE OF INTENT TO APPROPRIATE WATER on Water Permit No. 2856-3.
2. This readvertisement is necessary to correct the legal description of the three wells.
3. The corrected legal description of the wells is SW1/4 SW1/4, SW1/4 SE1/4 Section 20-T113N-R48W.
4. The original priority date of August 10, 1976 should be retained.



Mark D. Rath
Natural Resources Engineer II

Approved by:



James A. Goodman
Natural Resources Engineer IV

File No. 2856-3

Water Rights Division -DWNR
Conversation or File Documentation

NAME OF PERSON OR FILE: Toronto Herald - Lori

ADDRESS: COUNTY: Deuel

DATE: 1-7-91 TELEPHONE: 479-3125

RE: Publication Notice

COMMENTS:

Called concerning 1st notice of publication. Lori stated publication notice was not run in the 1-3-91 issue. I gave her the correct dates for publishing the notice on 1-10-91.

Karen Schlaak
Karen Schlaak
Natural Resources Analyst

Instruction to Newspaper - Publish first Notice on January 3, 1991, with the second publication 7 days later.

Readvertisement of NOTICE OF HEARING on Application
No. 2856-3 to Appropriate Water

Notice is given that the Town of Toronto, Box 374, Toronto, SD 57268 filed an application for a water permit on August 10, 1975 for 0.50 cubic feet of water per second from groundwater through 3 municipal wells to be located in the SW 1/4 SW 1/4 and NW 1/4 SE 1/4 of Section 20, T113N, R48W for municipal use. Readvertisement of the Notice of Hearing published August 19 and 26, 1976, is needed to correct the legal description of the wells. The correct location of the existing wells is in the SW 1/4 SW 1/4 and SW 1/4 SE 1/4 of Section 20, T113N, R48W. This application does not authorize any increase in diversion rate from the 3 existing wells.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2856-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, 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 January 21, 1991. 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.

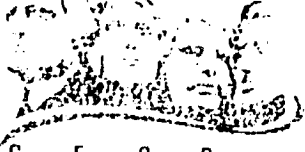
For purposes of publishing 1) the notice of hearing on Application No. 2856-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for February 1, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the February 1, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The February 1, 1991, 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 January 21, 1991.

If a hearing is held, 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 application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-25; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

December 27, 1990

Shirley Hanson
Town of Toronto
Box 374
Toronto, SD 57268

Dear Mr. Hanson:

The original notice of hearing for Water Permit Application No. 2856-3 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 Toronto Herald printed at Toronto, 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,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF WATER & NATURAL RESOURCES

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

December 27, 1990

Toronto Herald
Box 339
Toronto, SD 57268

Dear Sir:

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 2856-3 to be published twice. Please publish the first notice on January 3, 1991, 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,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE

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

TO: Eric Gronlund
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 _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Deuel)

I, Barry A. Pierce

certify that the attached printed Notice was taken
 from the Toronto Herald

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

Town _____ of Toronto

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

January 10, 1991

January 17, 1991

Barry A. Pierce
 (Signature)

Bookkeeper
 (Title)

January 9 1991
 (Date Signed)



Cost of Printing: _____

131 lines @ 43.9¢

\$ 57.50

5-88

Public Notice/

No. 101517, 2x, Jan 10, 17;
 Readvertisement of NOTICE
 OF HEARING on Application
 No. 2856-3 to Appropriate
 Water

Notice is given that the Town of Toronto, Box 374, Toronto, SD 57268 filed an application for a water permit on August 10, 1975 for 0.50 cubic feet of water per second from groundwater through 3 municipal wells to be located in the SW 1/4 SW 1/4 and NW 1/4 SE 1/4 of Section 20, T113N, R48W for municipal use. Readvertisement of the Notice of Hearing published August 19 and 26, 1976, is needed to correct the legal description of the wells. The correct location of the existing wells is in the SW 1/4 SW 1/4 and SW 1/4 SE 1/4 of Section 20, T113N, R48W. This application does not authorize any increase in diversion rate from the 3 existing wells.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2856-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board WILL NOT CONDUCT A HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is: Water Rights Division, 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 January 28, 1991. 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.

For purposes of publishing 1) the notice of hearing on Application No. 2856-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for February 7, 1991, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the February 7, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The February 7, 1991, 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 January 28, 1991.

If a hearing is held, 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 application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the

applicant has represented present evidence witnesses as follows: Those and others who will be for the Decisions (guests at appealed to home. State Supreme Court law. Cont. Division to Mr. and information application the hearing Mrs. Loror Myrtle Aab Lyle Aab thru 46-1-16 Christmas 11, 46-2-13 Inn in Asto 46-2A-10, 4 and Mrs. 2A-15; 46-5 Brandt 13th thru 46-5-15 lunch at the 5-30.2, 46-5 in Astoria. 46-6-3.1, 4) Rooseve 13, 46-6-12 Distard and Rules AR visited wi 74.02:01:15.

Water Rights Division - DWR
Conversation or File Documentation

File No. 2856-3

NAME OF PERSON OR FILE: Town of Toronto / c/o Shirley Hanson

ADDRESS: Box 374 Toronto, SD 57268 COUNTY DEUEL

DATE: 7/11/90 TELEPHONE 794-2471

RE: CANCELLATION OF PERMIT

COMMENTS:

I VISITED SHIRLEY HANSON, CITY OFFICIAL FOR
THE TOWN OF TORONTO. SHE SAID THAT WATER
PERMIT 2856-3 COULD BE CANCELLED. THE CITY
CONTACTS WITH RURAL WATER FOR THEIR WATER
THE CITY HAS NOT USED THE WELLS IN 7
YEARS

8/13/90 I CALLED SHIRLEY HANSON ABOUT
THE CANCELLATION OF WP 2856-3. SHE SAID
THAT THE CITY OF TORONTO WOULD LIKE TO HAVE
THE WELL COVERED UNDER 2856-3 REMAIN VALID AS
AN EMERGENCY WATER SUPPLY. I TOLD HER
TO WRITE A LETTER TO THIS OFFICE STATING
THAT.

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

NAME: Mark D. Rath

TOWN OF TORONTO, DEUEL CO. SOUTH DAKOTA.

August 24, 1990

Water Rights Commission
523 E. Capitol
Pierre, SD 57501

Dear Sirs:

The Town of Toronto wishes to keep their right of permit # 2856-3
to appropriate water from ground water, through municipal wells.

This letter is to request these rights to comply with the water laws of
South Dakota.

By Order of the Town Board
Town of Toronto
Carol Klemm, Finance Officer.





DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 2, 1991

2856-3

Shirley Hansen
City of Toronto
Box 374
Toronto, SD 57268

Dear Ms. Hansen:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 2856-3, has been completed. The permit has been readvertised to correct the diversion point location and the final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre

March 22 1951

RECEIVED OF John W. Toronto, No. 441, Toronto, St. 57221

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years _____

Fee for Inspecting Constructed Works confirming beneficial use and issuing Water license No. 2856-5 _____

51.00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Prior Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

By

Chief Engineer

Permit No. 2856-3BIG SIOUX RIVER Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by CITY OF
TORONTO of TORONTO, SD holder of
 Permit No. 2856-3, bearing the priority of AUGUST 10 19 76 authorizing
 the diversion of 0.50 cu. ft. per second of the waters of GROUND WATER
 for MUNICIPAL USE purposes, in DEUEL County.

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

- A. Works used to divert the water: A FAIRBANKS MOORE PUMP ON WELL #1
AND SUBMERSIBLE PUMPS ON WELLS #2 & #3
- B. Works used to transport water to place of use: PIPE LINE SIZE WAS UNKNOWN
- C. Works used to apply water to beneficial use:

The system is in the following condition FAIR

The point of diversion is located FROM SW CORNER OF SECTION 20-T113N-R48W
Well #1; 1300' EAST 50' NORTH; Well #2 2700' EAST 500' NORTH; Well #3 2900' EAST
500' NORTH

The works are capable of diverting and conveying to the place of use 0.50
 cu. ft. per second of water which is to be used for EMERGENCY MUNICIPAL USE

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

comprising a total of — acres of land and the license should be issued for 0.50 cfsApplicable permit qualifications have been complied with X Yes — NoExceptions to compliance are: _____ Date 9/19/90

Mabel K. H.
 (Signature)

LICENSE FOR PERMIT NUMBER 2856-3

1. Legal location of wells: FROM THE SW CORNER OF SECTION
20-T113N-R48W; Well #1 1300' East 50' North; Well #2
dams & structures: 2700' East 500' North; Well #3 2900' East 500' North

2. Well Information: NO DRILLERS LOG AVAILABLE, CITY OFFICIALS HAVE
Well Drilling Firm NO RECORD OF DRILLER(S)

Completion Report Yes No X No. of Wells 3 Depth

Casing a) diameter Screen a) type
b) length b) length
c) type Well #1 / Well #2 & #3 Static Water Level
Pump a) make FAIRBANKS / SUBMERGIBLE Motor a) make GE / UNKNOWN
b) model MASE / UNKNOWN b) model No. 12F50194 / UNKNOWN
c) size c) horsepower rating 5 / UNKNOWN
d) capacity UNKNOWN gpm
e) turbine pump - no. of stages
f) operating PSI

3. Distribution lines or can. 1

a) size UNKNOWN
b) type
c) length

4. Dam Information:

a) height to crest m) Outlet tubes:
b) height to primary spillway 1) diameter
c) height to secondary spillway 2) type
d) crest width 3) valved (Y/N)
e) crest length 4) valve type
f) spillway length 5) location on structure
g) spillway width
h) approx. storage n. Category of Dam
i) approx. storage to crest
j) date constructed
k) inspection sheet completed (Y/N)
l. Name of Contractor

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE:

For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
<u>NA</u>	---	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>	---	2. Special qualifications to permit being abided by?
<u>X</u>	---	3. All structures, wells and lands on map?
<u>NA</u>	---	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
<u>NA</u>	---	5. Is chemigation used?
<u>NA</u>	---	6. If yes, does equipment comply with chemigation rules?

REMARKS:

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2856-3

(1) Town of Toronto of Box 374, Toronto, SD 57268 made Application No. 2856-3, August 10, 1976 for a water permit to appropriate 0.50 cubic feet of water per second from groundwater, Deuel County, South Dakota for municipal purposes. Permit No. 2856-3 with a priority date of August 10, 1976 was approved September 30, 1976 and issued to 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 Water Permit No. 2856-3 found the legal description of the wells in the Notice of Intent to Appropriate Water published August 19 and 26, 1976 to be in error. The Permit was readvertised January 10 and 17, 1991 to correct the legal description. Readvertisement of the permit did not authorize an increase in the diversion rate from the three existing wells. The readvertised permit was approved February 7, 1991.

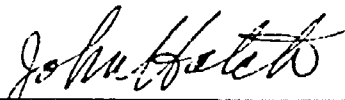
An inspection of Water Permit No. 2856-3 on September 19, 1990, determine that the wells are no longer being used as the primary water source for the municipal water system. The wells are being maintained for emergency standby purposes as allowed in Water Management Board Rules 74:02:01:37.02.

(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 0.50 cubic feet of water per second for beneficial use. The location of the diversion point(s) are: Well #1-1300'E and 50'n; Well #2-2700'E and 500'N; well #3-2900'E and 500'N of the SW corner of Section 20, T113N, R48W (Wells #2 and 3: SW 1/4 SE 1/4; Well #1: SW 1/4 SW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to Section 46-5-30.1 the Town of Toronto of Box 374, Toronto, SD 57268 the holder(s) and/or owner(s) of Water Permit No. 2856-3 is issued a license to appropriate water, the right to use 0.50 cubic feet of water per second from groundwater (three wells) with a priority date of August 10, 1976 from the

location specified in (2) of this license. The water is used for emergency municipal purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 2856-3 and subject to South Dakota State Law.

 MAY 27 1991

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



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

MAY 27 1991

2856-3

Town of Toronto
Box 374
Toronto, SD 57268

Dear Sirs:

Enclosed is Water License No. 2856-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412647 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. 2856-3, 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

enclosures

NOT TO SCALE

49.0
T2126

Mark D. Rath

NATURAL RESOURCES ENGINEER II

WATER RIGHTS DIVISION

10/19/90 1987-96

CP-1

49.1
T2127

CRP

1987-96

202 R

CP-1 B8

1 HEL

42.3

CRP
1987-96
CP-1

25.9

92.3

61.6 T2128

2.8 NC

8.7 NC

3.4 NC

1.7 NC

2900'

2700'

14.0

1300'

113-48

#2
WELL
#3
WELL

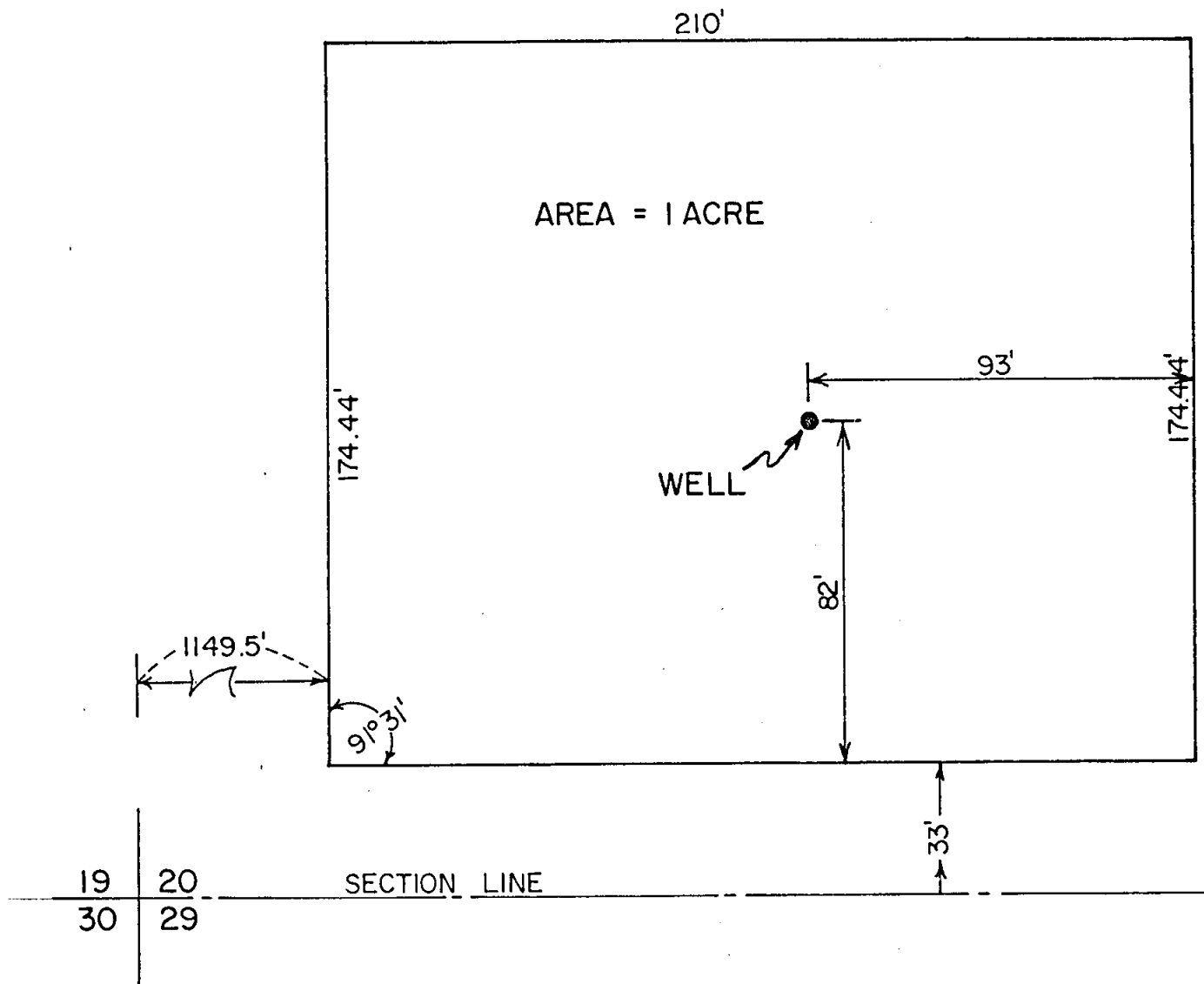
50'
WELL
#1

500'

6.6

4

Water Right
No. 2856-3



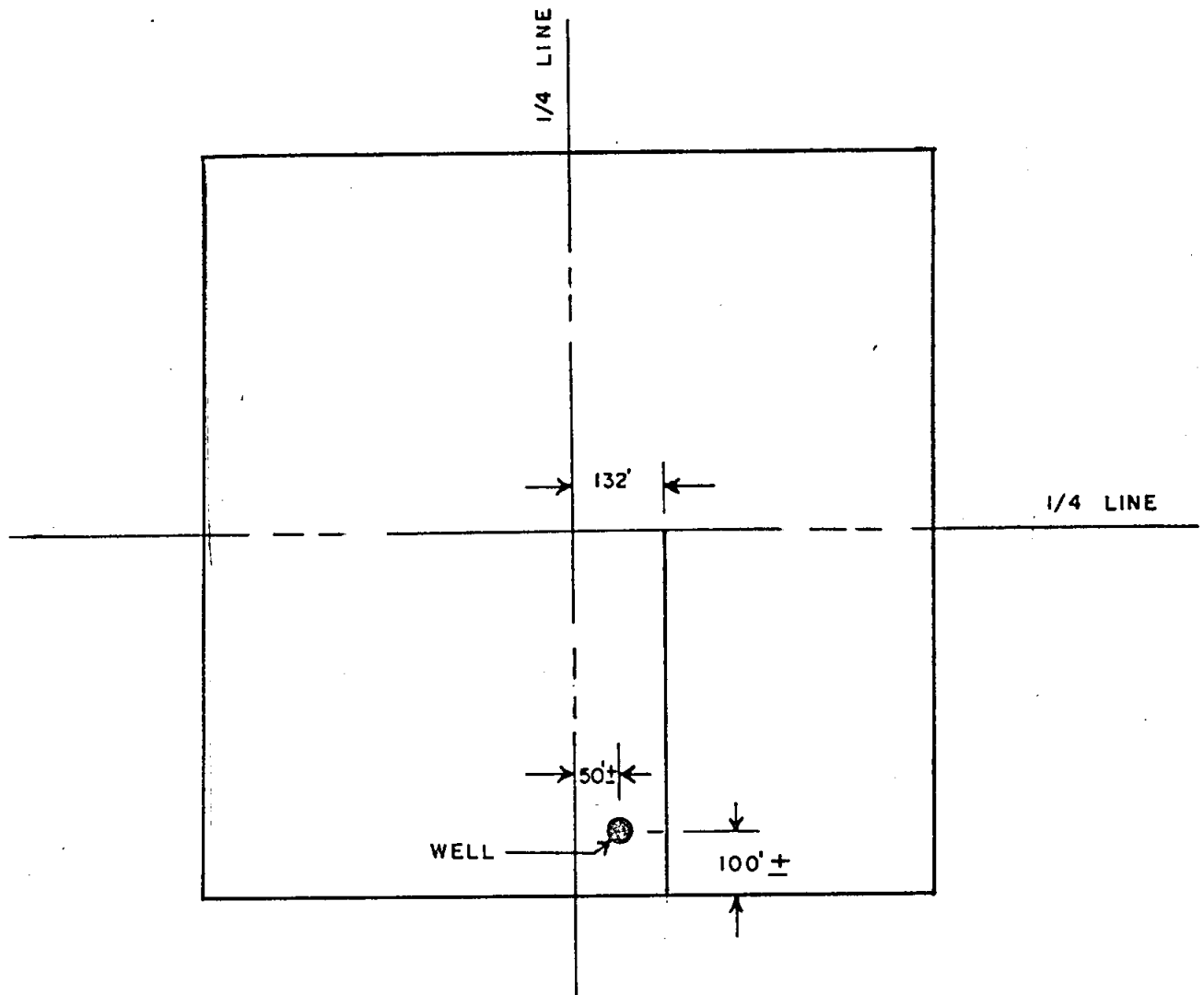
LOCATION OF MUNICIPAL WELL FOR THE TOWN OF TORONTO,
IN THE SW1/4 OF THE SW1/4 OF SECTION 20, T113N, R48W

(AS COMPILED FROM EXISTING RECORDS)

mitchell, south dakota

SPN
ASSOCIATES

schmucker . paul . nohr & associates



SEC. 20 - 113 - 48

LOCATION OF MUNICIPAL WELL FOR THE TOWN OF TORONTO

mitchell, south dakota

SPN
ASSOCIATES