

1. Constructed 7-27-77
2. Name of Applicant TOWN OF WALLACE
3. Post Office Address _____
4. Amount of Water claimed 3.0 - 2.0 CU.
5. Source of Water supply 400' WELL
6. Water to be used for MUNICIPAL

Acres to be irrigated _____

7. Water to be diverted and used in CODINGTON
about IN CITY LIMITS miles

8. Proof of Publication

Received 7-21-77

Not Received _____

9. Application

Approved _____

Subject To _____

Not Approved _____

Action Deferred _____

10. Remarks:

No. 4054-BMap 3296-3 Water Division No. 3 Big Sioux 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 Trans. S. Wallace
 Postoffice address Wallace, State South Dakota
 If a corporation show date and place of incorporation 1908
2. Method of accomplishing work (contract, employment of others, or by direct labor) —
3. Name of diversion work —
4. Amount of water claimed (cubic feet per second) 5.0 cfs. but future request is for 25 cfs
5. Source of water supply well but additional wells may be needed in the future
6. Location of point of diversion well is located in block 11 - lot 16 in city of Wallace in NW 1/4 SE 30, T 119 N, R 55 W
 County Codington
7. Annual period or periods during which water is to be used daily 24 hours in day - year around
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) all except irrigation
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 — 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 The Standard Public Opinion
South Dakota Engineer
12. Principal Features of the Proposed Water Supply System.
- A. Works proposed to divert water from its natural source.
City well & water system may be expanded & may some day include a fire hydrant system.
- B. Works proposed to transport water to place of use.
- C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ —

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

STATE OF SOUTH DAKOTA)
) ss.
 County of Codington)

I, Jim Keller 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 Jim KellerSubscribed and sworn to before me this 6th day of October, 19 76

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4054-3

TOWN OF WALLACE
(Applicant)

(Post Office Address)

SOUTH DAKOTA 57272 With the following modifications:
(State)

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 adequate domestic wells.

* THE COMPLETION DATES DO NOT APPLY TO THE FUTURE USE PORTION OF THIS PERMIT. UNDER THE FUTURE USE PORTION OF THIS PERMIT, SPECIFIC APPLICATIONS FOR ALL OR ANY PART OF THE APPROPRIATION MUST BE SUBMITTED AT SUCH TIME AS THE WORKS ARE TO BE CONSTRUCTED.

Date of first receipt of application OCTOBER 20, 1976

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

Date of receipt of corrected application _____, 19____

Approved JULY 28, 1977, Recorded in Book 19 Page 62

WATER RIGHT PERMIT NO. 4054-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4054-3 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 OCTOBER 20, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 28, 1980
3. The whole of said work is to be completed on or before JULY 28, 1982
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 28, 1986
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 3.0 (2.0 CFS FOR FUTURE USE)* 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 ~~irrigation purposes~~ USE FOR MUNICIPAL PURPOSES and if for the ~~irrigation purposes~~ USE FOR MUNICIPAL PURPOSES shall be limited to not more than ~~2.0 cubic feet per second~~ 2.0 cubic feet per second for each acre of land on which water is actually and beneficially applied for irrigation on or before JULY 28, 1986; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 15TH day of AUGUST, 1977

WATER RIGHTS COMMISSION

By: John H. Helt
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

Shallace

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 3", Depth 400'
 (2) Casing, Type Steel Diameter 3" Thickness 3/8"
 (wood, concrete, steel, etc)
 (3) Perforated Screen
 Type Strainer Steel, Diameter 2", Length 7 ft.
 (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 a Dugout.

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

Character of Water bearing materials Coarse gravel

Depth to top of water bearing material -

Depth to bottom of water bearing material -

Thickness of water bearing material -

Depth to water (ground surface to water level) 100 ft.

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

On same owner's property - rds. On property owned by others 80 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.

9,000 gal. cistern
 Dimensions 10' x 11' inside
 11' deep
 1500 gal. pressure tank

E. D. Keller
 Signature of Applicant

NOTE: This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

**AFFIDAVIT OF CONSTRUCTION OF WATER USE
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE**

Name of Applicant (Same as Form 2) Town of Hallace
 Post Office Address Hallace, State South Dakota
 If a Corporation show date and place of incorporation 1908

13. Notice of Appropriation (If available)

Date of Posting _____ Date of Recording _____
 Recording Data _____

14. Date of start of construction of water supply system Completed but no wells needed15. Date that water was first applied to beneficial use early 1920's16. Name of owner of original water supply system Town of Hallace, South Dakota17. Amount of water originally applied to beneficial use as previous application c.f.s.

18. Present Use of Water

Amount of water now being used .03 c.f.s.Date that this amount of water was first used 1955

19. Chronological History of Water Use

First used for private business
Used by town people to carry as they needed it
Water lines dug to a few homes
Water lines dug to most of homes in town

New wells may be needed

Attach to this Form 2B, any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

STATE OF SOUTH DAKOTA)
) ss.
 County of Codington)

I, Jim Keller Clerk, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Jim Keller, clerkSubscribed and sworn to before me this 6th day of Oct, 1976

M. J. Connelley
 (Notary Public or other qualified Officer)

I, the undersigned, do hereby certify that I know about the water use system described above that I have read the foregoing and that the matters therein stated are true.

Jim Keller, clerk
Town of Hallace

No. 4054-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Codington) ss.

I, John A. Lowrie hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Watertown Public Opinion

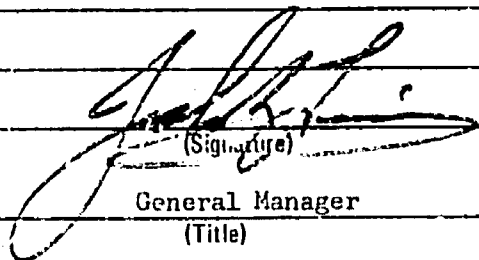
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

city Watertown of Watertown

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

July 12th, 1977

July 19th, 1977


(Signature)
General Manager
(Title)

July 19th, 1977
(Date Signed)

PUBLIC NOTICE

NO. 4054-3

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota, 57501
July 7, 1977

Notice is hereby given that the
town of Wallace whose post office
address is Wallace, South Dakota,
has made an application in ac-
cordance with the Provisions of
SDCL 46-1-1 thru 46-1-8; 46-2-1 thru
46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-
5-10 thru 46-5-22, 46-5-41, 46-5-50, 46-6-
3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and
Commission Rules ARSD
52:01:01:01 thru 52:01:01:13,
52:01:01:21 thru 52:01:01:24, for a
permit to appropriate for beneficial
use 1.0 cubic feet per second and for
future beneficial use 2.0 cubic feet of
water per second of time from
ground water through the City Well
Field, the point of diversion of which
is to be located in the NW 1/4 SE 1/4 of
Section 30, T111N, R35W; the future
use area is the area within the city
limits of the Town of Wallace. Said
water to be used for the purpose of
providing present and future
municipal water supplies for the
town of Wallace.

This Application No. 4054-3 will be
considered by the Water Rights
Commission at the Steurolite Inn at
Brookings, S.D. upon the 27th day of
July, 1977, at 10 A.M. The Com-
mission is authorized to make a
determination on this application at
the hearing. All interested persons
may appear and be heard. Any
person who may be affected by a
Commission decision who desires to
present evidence or cross-examine
witnesses according to SDCL 1-26
may notify the Commission in
writing prior to the hearing or orally
at the hearing.

WATER RIGHTS
COMMISSION
JAMES WINTERTON
Water Rights Specialist



Publish first publication, on or before July 14, 1977NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

July 7, 1977Notice is hereby given that the town of Wallace whose

post office address is Wallace, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 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, ~~Future Use~~ 46-5-38, ~~Temporary Permit 46-5-39, 46-5-40; Ground Water~~ 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, ~~Future Use~~ 52:01:01:21 thru 52:01:01:24, for a permit to appropriate for beneficial use 1.0 cubic feet per second and for future beneficial use 2.0 cubic feet of water per second of time

~~of the City Well Field~~ from ~~the~~ ground water through

the City Well Field, the point of diversion of which is

to be located in the NW 1/4 SE 1/4 of Section 30, T119N R55W; the future

use area is the area within the city limits of the Town of Wallace.

~~of the City Well Field~~ present and future municipal water supplies for the town of Wallace.

This Application No. 4054-3 will be considered by the Water Rights Commission the Staurolite Inn at Brookings, S.D. at ~~the Commission's office~~ upon the 27th day of July, 1977, at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

JAMES WINTERTON
Water Rights Specialistcc: The Town of Wallace, Wallace, SD 57272

CODINGTON-WATERTOWN CIVIL DEFENSE

POSTOFFICE BOX 12 • 119 SOUTH MAPLE

WATERTOWN, SOUTH DAKOTA 57201

605/886-8200

October 19, 1976

Vern Butler
Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Vern,

It is our understanding that Henry, Wallace, Florence, South Shore and Kranzburg have not established their past, present and future water rights. I brought this to the attention of the Codington County Commissioners on August 3, 1976 and they requested our office to aid these communities in so doing.

We contacted the First Model Rural Development District for the proper forms which they obtained for us through your office.

We have thoroughly studied First Model Rurals Comprehensive Plan for Codington County which was completed in July 1973. We have also contacted the U.S. Geodetic Office in Huron, South Dakota and Assad Barari of the State Geological Office in Vermillion, South Dakota and Rueb Wicks in the local S.G.S. Office. At this point and time neither we or they can find but very little earth strata data or aquifer data concerning these small communities. We will be checking the community records regarding town wells, in as far as possible.

The Model Rural Comprehensive Plan bases their average daily water consumption in 1973 at 60 gallons per person; which we feel was too low at that time and in talking with Mr. Vallard, Supt. of the Water Dept. of the City of Watertown Utilities Dept.; he indicates the average daily consumption per person at the present time in the City of Watertown to be 160 gallons and it is on this basis that we are submitting these applications for present and future water rights for these smaller communities.

We are also basing future rights on projected population and industrial growth in Codington County extending to these small communities for the next 50 years. We, therefore, request future water rights for the next 50 years to at least double our present request.

These small communities we feel must certainly have some vested rights in that Henry was founded in 1882 and incorporated in 1886; South Shore was founded in 1887; Florence was incorporated in 1907; Wallace was incorporated in 1908 and Kranzburg was founded in 1879. We wish to establish these water rights immediately; even though it may be a number of years before they have any need.

Sincerely yours,

D.O. Johnson
D.O. Johnson C/D/D
Codington-Watertown
Civil Defense District

**South Dakota Department of
Water & Natural Resources**

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

November 13, 1984

NOTICE

To : Merle Kalden, Town President, Town of Wallace
From : John Hatch, Chief Engineer, Water Rights Division *John Hatch*
Subject : Review of Future Use Water Permit No. 4054-3

The Water Management Board has directed that all future use water permits without a qualification requiring the permit to be reviewed every seven years to be noticed for hearing before the Board. The hearing to review Future Use Permit No. 4054-3, Town of Wallace will be conducted pursuant to SDCL 46-1-14, 46-5-38.1, ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26, December 5, 1984 at 2:30 pm in the Conference Room 216, Joe Foss Building, Pierre, South Dakota.

The hearing will be to review 1) progress made in development of water reserved by Permit No. 4054-3, 2) future plans for development of the reserved water, and 3) if the permit is not cancelled, to amend Permit No. 4054-3 to add the seven year review qualification and to add or clarify other qualifications.

Future Use Permit No. 4054-3 was approved July 28, 1977 with a priority date of October 20, 1976, for 2.0 cubic feet per second (cfs) from an area within the city limits with the following qualifications:

1. At such time as definite plans are made, specific applications for all or part of the water granted under this withdrawal must be submitted prior to construction of facilities.

Following the hearing, the Board can:

- 1) Take no action,
- 2) Cancel Permit No. 4054-3 for no development and/or no planned future development,
- 3) Continue and amend Permit No. 4054-3 with the following qualifications:
 - a) Permit No. 4054-3 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.

b) This permit is approved for groundwater from the Altamont aquifer.

If continued, at the end of seven years, the permit will again be reviewed and if it is continued, you will be required to pay 10% of the usual fee for an application to use water to keep Permit No. 4054-3 in effect. The projected 10% fee in seven years based upon the existing permit CFS will be \$50.00.

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 Circuit Court and the State Supreme Court as provided by law.

cc: Geraldine Kasin, Finance Officer

S515.wr

Water Rights Division
605 773-3352

December 13, 1984

Town of Wallace
Merle Kalden, Town President
Wallace SD 57272

Mr. Kalden:

At the December 5, 1984 meeting of the Water Management Board no action was taken on future use permit No. 4054-3. Action was deferred until the Town informs us as to their intentions regarding this permit. On November 28, 1984 I spoke with Geraldine Kasin, concerning this. She informed me that a decision would be made at the town meeting December 4 and that she would inform me of their decision. If you have any further questions, please contact this office.

Thank you,

KEVIN C. LARSON
Natural Resources Engineer

KCL:ks

Talked to
Gary Knudsen
1-31-85

**South Dakota Department of
Water & Natural Resources**

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

Water Rights Division
605 773-3352

March 8, 1985

4054-3

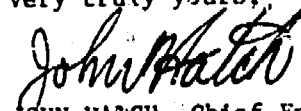
Merle Kalden, Town President
Town of Wallace
Wallace SD 57272

Dear Mr. Kalden:

This letter is in regard to the motion passed by the Water Management Board March 6, 1985 after review of Wallace's Future Use Permit No. 4054-3. The Board continued Permit No. 4054-3 and amended the Permit to add the qualifications on the enclosed Attachments which should be placed with your Permit. Future Use Permit No. 4054-3 will be subject to review after seven years.

If you have any questions, please feel free to contact us.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

cc: Geraldine Kasin, Finance Officer

L

ATTACHMENT "A" TO FUTURE USE PERMIT NO. 4054-3

FOR TOWN OF WALLACE

Future Use Permit No. 4054-3 was continued by action of the Water Management Board March 6, 1985 and amended to add the following qualifications:

- a) Permit No. 4054-3 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
- b) This permit is approved for groundwater from the Altamont Aquifer.

South Dakota

4054-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

GREAT FACES GREAT PLACES.

December 10, 1991

Merle Kolden, President
Town of Wallace
PO Box 65
Wallace SD 57272-0065

Dear Mr. Kolden:

I am writing in regard to the seven year review of Future Use Water Permit No. 4054-3 from groundater which is held by the Town of Wallace. Currently, our records show that 2 cubic feet of water per second remain in reserve under this future use permit which was issued in 1977.

Permit No. 4054-3 will be scheduled for review by the Water Management Board on March 4, 1992 pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve on Permit No. 4054-3.

Please respond in writing by January 15, 1992, regarding the Town's intention for the future use permit. If the Town does plan to retain the permit, then your response should outline a reasonable need for retaining the future use permit, including an estimate of future needs and any annual pumping records for the past three years. If pumping records are not available, please indicate the maximum diversion rate from the well in gallons per minute.

Please contact Eric Grönlund, if you have any questions.

Sincerely,

Karen Schlaak

KAREN SCHLAAK
Natural Resources Analyst
605 773-3352



4054-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 E. ST. CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 28, 1992

Merle Kolden, President
Town of Wallace
PO Box 65
Wallace SD 57272-0065

Dear Mr. Kolden:

On December 10, 1991, we notified you that Future Use Water Permit No. 4054-3 held by the Town of Walla. was to be scheduled for review by the Water Management Board. To date, we have not received a response from you.

As stated in the December 10, 1991 letter, if the Town does plan to retain this future use permit, it will be necessary to outline a reasonable need for retaining the permit, submit annual pumping records for the past three and give an estimate of the Town's future needs. If pumping records are not available, please indicate the maximum diversion rate from the well in gallons per minute.

Permit No. 4054-3 will not be scheduled for review by the Water Management Board until the above information has been submitted.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Natural Resources Analyst
605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 22, 1992

Merle Kolden, President
Town of Wallace
PO Box 65
Wallace SD 57272-0065

Dear Mr. Kolden:

On December 10, 1991 and February 28, 1992, we notified you that Future Use Water Permit No. 4054-3 held by the Town of Wallace was to be scheduled for review by the Water Management Board. Enclosed are copies of those letters. We have not received a response.

Please respond regarding the Town's intention for this future use permit and avoid jeopardizing the permit. If you have any questions, please contact Eric Gronlund of this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures

Water Rights Division - DWR
Conversation or File Documentation

File No. 4054-3

NAME OF PERSON OR FILE: Jim Kellar

ADDRESS: Wallace COUNTY _____

DATE: 5-27-92 TELEPHONE _____

RE: Town of Wallace Please 162 Review

COMMENTS:

Stated they had sent pumping records
back in February. I asked Mr. Kellar to send
them again because we didn't receive them.

Mr. Kellar stated to continue sending future
correspondence to Mark Holden.

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.

4/82

NAME: Karen Schaefer

4054-3

WATER USE REPORT
TOWN OF WALLACE
WALLACE, SD



Prepared by Jim Keller

	1989	1990	1991
January	126,500	130,000	137,400
February	137,500	132,100	130,000
March	142,650	147,800	141,700
April	150,000	151,600	154,340
May	145,000	137,600	143,600
June	167,100	162,210	161,400
July	195,000	185,000	180,600
August	155,000	160,100	164,400
September	164,000	161,200	156,000
October	131,000	135,100	126,000
November	140,200	125,000	128,800
December	144,400	147,800	146,100
	1,799,350	1,781,510	1,770,840

The Town of Wallace wishes to retain its water permit for the well located on Lot 4 in Block 11, Wallace, SD. This well is a 5" casing, 450 ft deep.

In the future, we estimate that the water use by the town of Wallace to be approximately the same as the past 3 years.

Thank You

Jim Keller
PO Box 2
Wallace, SD 57272-0002



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

August 19, 1992

Public Opinion
PO Box 10
Watertown SD 57201-0010

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4054-3 to be published twice. Please publish the first notice on August 26, 1992 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the Town of Wallace, PO Box 65, Wallace SD 57272-0065.

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

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181
No. _____

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

Name

Newspaper



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

August 19, 1992

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

Merle Kolden, President
Town of Wallace
PO Box 65
Wallace SD 57272-0065

Dear Mr. Kolden:

Future Use Permit No. 4054-3 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publisher of the Watertown Public Opinion printed at Watertown SD (Phone # 886-6901). For your information, a copy of the recommendation of the Chief Engineer is enclosed. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper-Publish first publication of the following Notice on August 26, 1992 with 2nd publication 1 week later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4054-3

Notice is given that the Water Management Board will review Future Use Permit No. 4054-3 held by the Town of Wallace, PO Box 65, Wallace SD 57272-0065 for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4054-3. This permit was approved July 28, 1977 to reserve 2.0 cubic feet of water per second (1,448 acre feet) from the Altamont Aquifer located in the NW 1/4 SE 1/4, Section 30-T119N-R55W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4054-3 REMAIN in EFFECT for 12 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 4054-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre SD on September 30, 1992 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by September 18, 1992. The petition may be informal, but it must include a statement describing the petitioners interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 4054-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, 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. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit, to assure access to the hearing by the handicapped or obtain an interpreter for the hearing impaired may contact Eric Gronlund, Water Rights Division, DENR, Joe Foss Building, Pierre SD 605 773-3352 by September 18, 1992. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by September 18, 1992.

Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Codington)

I, Monica K. Saathoff
certify that the attached printed Notice was taken
from the Watertown Public Opinion

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 Watertown
County of Codington and State of S
that the said notice was published in said news
following two dates:

September 2nd, 1992
September 9th, 1992

Bookkeeper
(Title)
September 9th, 1992
(Date Signed)

be forfeited if they are not
exorced. Decisions of the Board
may be appealed to the Circuit
Court and State Supreme Court as
provided by law.
Any person wishing a copy of
the Chief Engineer's
recommendation, further
information on this permit, to
assure access to the hearing by
the handicapped or obtain an
interpreter for the hearing
impaired may contact Eric
Gronlund, Water Rights Division,
DENR, Joe Foss Building, Pierre,
SD 575-773-3352 by September
21, 1992. The time of the hearing
will be automatically delayed for at
least 20 days upon written request
of the permit owner or any person
who has filed a petition to oppose
or support continuance of the
Future Use Permit. The request for
a delay must be filed with the Chief
Engineer by September 21, 1992.
Robert E. Roberts, Secretary,
Department of Environment and
Natural Resources.
(September 2, 9, 1992)

12/2@44382-111.26

APPLICATION

NOTICE OF HEARING TO
REVIEW FUTURE USE
WATER PERMIT NO. 4054-3

Notice is given that the Water
Management Board will review
Future Use Permit No. 4054-3 held
by the Town of Wallace, P.O. Box
65, Wallace, SD 57272-0065 for
progress made in the development
of the water reserved by the Permit
and future plans for development
of the water reserved by Permit
No. 4054-3. This permit was
approved July 28, 1977 to reserve
2.0 cubic feet of water per second
(1,448 acre feet) from the
Altamont Aquifer located in the NW
1/4 SE 1/4, Section 30-T119N-
R55W for municipal use.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water Rights
Division recommends that Permit
No. 4054-3 REMAIN in EFFECT
for 12 acre-feet annually because
1) the reserved water may be
developed, 2) there is need for the
reserved water 3) the proposed
use will be a beneficial use and 4) it
is in the public interest.

The Water Management Board
will conduct the hearing to review
Future Use Permit No. 4054-3 at
the Floyd Matthew Training
Center, Joe Foss Building, 523
East Capitol, Pierre, SD on
September 30, 1992 at 10:00 a.m.

The recommendation of the
Chief Engineer is not final or
binding upon the Board and the
Board is authorized to 1) allow the
permit to remain in effect, 2)
amend the permit by adding
qualifications, 3) cancel the permit
for no development or no planned
future development, or 4) take no
action after it reaches a conclusion
based upon facts presented at the
public hearing. Any interested
person who may be affected by a
Board decision and who intends to
participate in the hearing before
the Board and present evidence or
cross-examine witnesses
according to SDCL 1-26, must file
a written petition with BOTH the
permit owner and the Chief
Engineer by September 21, 1992.
The petition may be informal, but it
must include a statement
describing the petitioner's interest
in the future use permit, the
reasons for petitioner's opposition
to or support of continuing the
future use permit, and the
signature and mailing address of
the petitioner or his legal counsel if
legal counsel is obtained. The
permit owner need not file a
petition.

The hearing to review Future
Use Permit No. 4054-3 will be
conducted pursuant to the
provisions of SDCL 46-1-14, 46-2-
5, 46-2-8, 46-2-11, 46-5-38.1;
Board Rules ARSD 74 02.01.25C1
thru 74 02.01.25.03; and contested
case procedures contained in
SDCL 1-26.

This hearing is an adversary
proceeding. The permit owner or
any person, after filing a petition,
has the right to be present or to be
represented by a lawyer. Those
and other due process rights will

Cost of Printing: 111.26

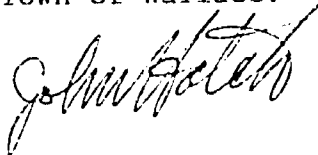
RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4054-3, TOWN OF WALLACE SD

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Future Use Water Permit No. 4054-3, Town of Wallace, PO Box 65, Wallace SD 57272-0065.

The Chief Engineer is recommending that Future Use Permit No. 4054-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4054-3, 2) the Town of Wallace has demonstrated a reasonable need for the water reserved by Permit No. 4054-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

That Permit No. 4054-3 reserves for future use 12 acre-feet annually. The diversion rate of 2.0 cfs is deleted from Permit No. 4054-3.

And that maintaining the effectiveness of Future Use Permit No. 4054-3 is subject to payment of the \$15.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the Town of Wallace.



JOHN HATCH, Chief Engineer
August 14, 1992

NOTE: The maximum annual acre-feet of full-time pumping represented by 2.0 cubic feet of water per second (cfs) reserved by No. 4054-3 is 1,448 acre-feet. Assuming that the total amount pumped annually would equal 60% of 1,448 acre-feet, then expected developed pumping of water reserved under Permit No. 4054-3 would be about 869 acre-feet per year.

The maximum annual water usage of record by the Town of Wallace in 1989 was 6 acre-feet. Doubling this annual use (12 acre-feet) to estimate the volume that may be reserved is less than that expected to be developed by pumping 60% of 2 cfs (869 acre-feet) under Permit No. 4054-3. Board General Rules 74:02:01:24.01 states that future use permits may be limited to two times the amount actually put to beneficial use. Therefore, Permit No. 4054-3 should be allowed to remain in effect for 12 acre-feet as outlined in the above qualifications.



4054-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 2, 1992

NOTICE

Merle Kolden, President
Town of Wallace
PO Box 65
Wallace SD 57272-0065

Dear Mr. Kolden:

I am writing in response to action taken by the Water Management Board at the hearing on September 30, 1992 to review Future Use Permit No. 4054-3. The Board allowed the permit to remain in effect and amended Permit No. 4054-3 by adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permit. Future Use Permit No. 4054-3 is again subject to review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4054-3 is \$15.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, Water Rights Staff Engineer, if you have any questions.

Very truly yours,

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

enclosure

AMENDMENT TO FUTURE USE PERMIT NO. 4054-3

TOWN OF WALLACE, SD

Pursuant to the September 30, 1992 Water Management Board hearing, Future Use Permit No. 4054-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 4054-3 reserves for future use 12 acre-feet annually. The diversion rate of 2.0 cfs deleted from Permit No. 4054-3.

CERTIFICATION

I hereby certify that on October 2, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, First Class postage, prepaid envelopes containing a Notice dated October 2, 1992, regarding Future Use reviews, September 30, 1992, Water Management Board meeting addressed to:

4054-3 - Merle Kolden, President, Town of Wallace, PO Box 65,
Wallace, SD 57272-0065

369-1 - Larry Little, City Engineer, City of Belle Fourche, 606
6th Ave, Belle Fourche, SD 57717-1496

4002-3 - Dennis Kleinvachter, Mayor, City of Brandon, PO Box 95,
Brandon, SD 57005-0095
cc: Dennis Olson, Finance Officer, City of Brandon

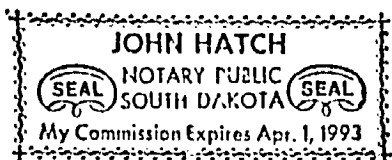
747-3 - William J. Heyer, City Engineer, City of Madison, PO Box
308, Madison, SD 57042-0308

Jaci R Konop

JACI R. KONOP
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of October, 1992.



John H. Bates
Notary Public

RECEIPT

Division of Water Rights

413465

South Dakota Department of Environment and Natural Resources

Pierre, _____ October 15, 19 92

RECEIVED OF Town of Wallace, PO Box 65, Wallace, SD 57272-0065

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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. <u>4054-5</u> after period of seven years.	15	00
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	15 00

By *John H. H. H. H.*
Chief Engineer

Water Permit No. 4054-3 is being divided as follows:

Water Permit No. 4054A-3 authorizing diversion of 1.0 cfs from one well located in the NW 1/4 SE 1/4 Section 30-T119N-R55W;

Future Use Permit No. 4054B-3 reserving 2.0 cfs for future use purposes from groundwater located in the NW 1/4 SE 1/4 Section 30-T119N-R55W.



4054-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JAN 12 1998

Town of Wallace
Lori Keller, Treasurer
PO Box 65
Wallace SD 57272-0065

Dear Ms. Keller:

Enclosed is the Town of Wallace's Water Permit No. 4054A-3, Water License No. 4054A-3, receipt for payment of license fee, and Future Use Permit No. 4054B-3. Water Permit No. 4054-3 was divided to separate the future use portion from the water permit.

Water Permit No. 4054-3 was divided as follows:

Water Permit No. 4054A-3 has now been licensed and authorizes diversion of 1.0 cfs from one well located in the NW 1/4 SE 1/4 Section 30-T119N-R55W;

Future Use Permit No. 4054B-3 reserving 2.0 cfs for future use purposes from groundwater located in the NW 1/4 SE 1/4 Section 30-T119N-R55W.

The division of No. 4054-3 into 4054A-3 and 4054B-3 did not reduce or alter the original permit. It is our understanding that the well provides water to the town on a backup basis and that the Town of Wallace is furnished water by a rural water system. As long as you use the water beneficially as stated in the license, the town has a continuing right to the use of the water.

If you have any questions, please contact us.

Very truly yours,

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

enclosures

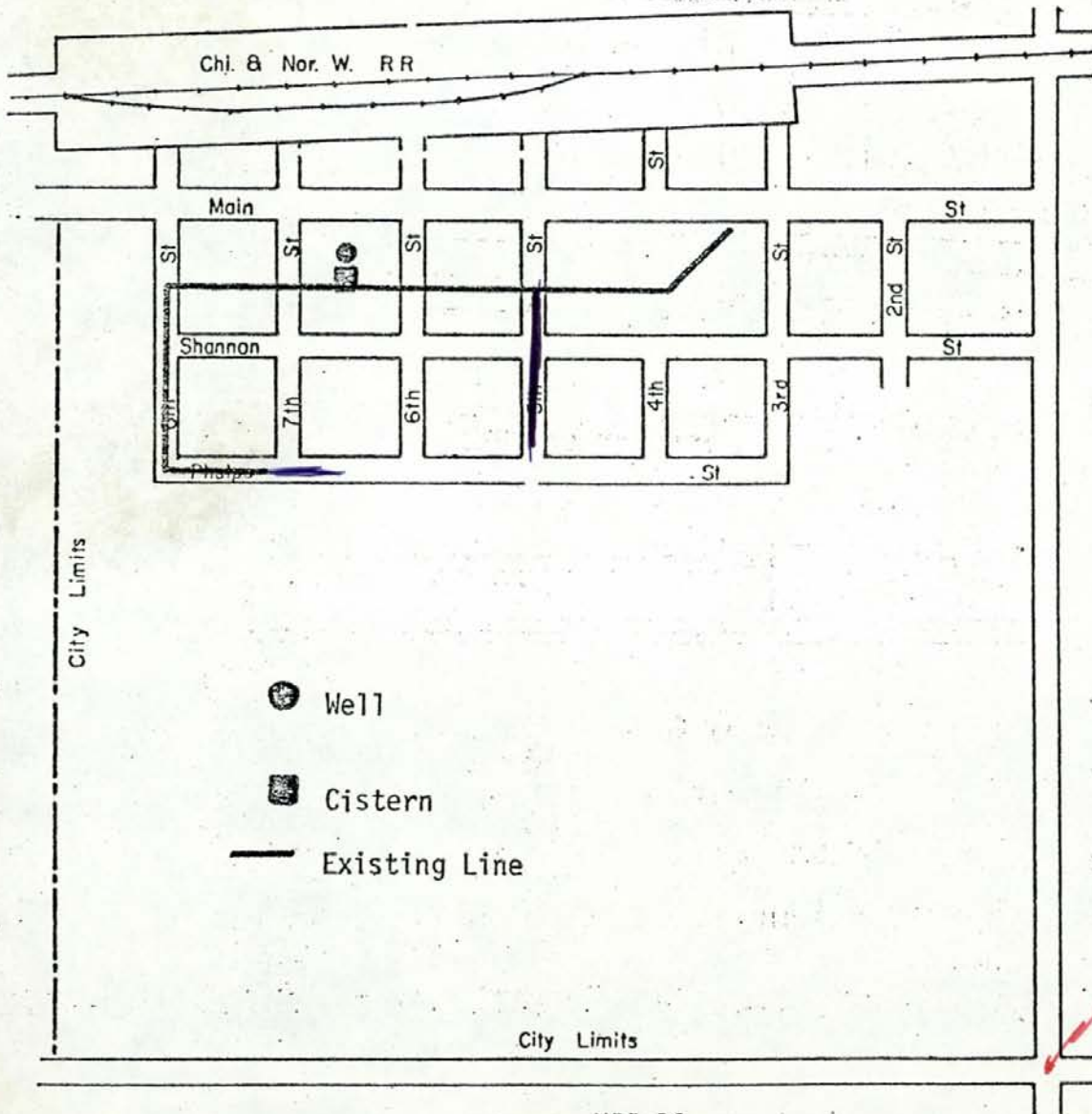
ks

Figure VII-8

City Map
WALLACE
CODINGTON COUNTY · SOUTH DAKOTA
0 Scale 300mi
Drawn by
First Planning and Development District
Model Rural Development Program
Watertown, South Dakota



WATER SYSTEM



SE CORNER
SECTION 30,
T119N, R55W

MAP NO 3296-3 (APP NO 4054-3)

Figure VII-8

City Map
WALLACE
CODINGTON COUNTY - SOUTH DAKOTA
0 Scale 300mi
Drawn by
First Planning and Development District
Model Rural Development Program
Watertown, South Dakota



WATER SYSTEM

