

Water Right Number 4055-3

1. Considered 7-27, 1977
2. Name of Applicant CITY OF LAKE NORDEN
3. Post Office Address 2 166 PERSIMMON
4. Amount of Water claimed 2.0 1.3 FIU
5. Source of Water supply 2.50' WELLS
6. Water to be used for MUNICIPAL

Acres to be irrigated _____

7. Water to be diverted and used in HAMLIN County
- about 1 N miles of LAKE NORDEN

8. Proof of Publication Received HSP 7-22-77

Not Received _____

9. Application Approved _____

Subject to _____

Not Approved _____

Action Deferred _____

10. Remarks:

Map No. 3297-3 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 City of Lake Norden
Postoffice address _____, State South Dakota 57248
If a corporation show date and place of incorporation _____

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

3. Name of diversion work City well field A; City wells #1, #2, #3

4. Amount of water claimed (cubic feet per second) total of the 3 is about 225 gals/min. 660

5. Source of water supply ground water 2 WELLS 1500 GPM EACH

6. Location of point of diversion Section 17 twp. 113N R53W 1000 GPM FOR FUTURE

PROPOSED WELLS TO BE LOCATED IN S.W. 1/4 SECTION 17, T113N, R53W: FUTURE USE
(see attached map with wells numbered).

AREA E², SECTION 8 & SECTION 17, T113N, R53W County Hamlin

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

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.
N.A.		N.A.	

Attach sheet if more space is needed

10. Time required to complete construction of water supply system completed - #1 - 1937 - #3 - 1976
1966 - 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Herald Enterprise, Hayti, S.D.

12. Principal Features of the Proposed Water Supply System.

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

Three wells which combined can produce about 225 gallons per minute.
The wells range in depth from 28 to 50 feet and are equipped with submersible pumps and motors designed for continuous use.

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

2½, 4, 6 and 8 inch cast iron water mains

C. Works proposed to apply water to beneficial use.

serves approximately 400 people
through 170 metered hookups

Estimated Total Cost \$ N.A.

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 Hamlin

I, Larry Scott 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 [Signature]
Subscribed and sworn to before me this 8th day of March 19 77
[Signature]
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL.

The Water Rights Commission hereby approves Water Right Application No. 4055-3

CITY OF LAKE NORDEN
(Applicant)

(Post Office Address)

SOUTH DAKOTA 57248
(State)

With the following modifications:

The irrigation well, approved under this Permit ~~is~~^{are} 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 MARCH 14, 19 77
Date of return to applicant for correction, amendments or changes required —, 19 —
Date of receipt of corrected application —, 19 —
Approved JULY 28, 19 77, Recorded in Book 19 Page 63

WATER RIGHT PERMIT NO. 4055-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4055-3 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 MARCH 14, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 28, 19 80
3. The whole of said work is to be completed on or before JULY 28, 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 28, 19 86
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 1.98 (1.32 CFS 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 ~~beneficial use~~ and if for the irrigation purpose said appropriation must be limited to not more than 3 cubic feet per acre per year and be limited to not more than one-seventh (1/70) of one cubic foot of water per acre of land to which water is
USED FOR MUNICIPAL PURPOSES.
actually and beneficially applied for irrigation on or before JULY 28, 19 86; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 16TH day of AUGUST, 19 77

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —

Water License Issued —, 19 —

TWO NEW WELLS
WILL BE SIMILAR TO
THIS WELL

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

D. Well Information or Estimates City Well #3 - 1976

- (1) Drill Hole, Diameter 30 inches, Depth 50 feet
- (2) Casing, Type steel Diameter 12 inches Thickness Schedule 40
(wood, concrete, steel etc)
- (3) Perforated Screen
Type Stainless steel Diameter 12 inches Length 20 feet
- (4) Gravel Pack Thickness 18 inches Length of gravel pack 45 feet

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 4-21 feet sand, reddish, fine to medium
21-34 feet sand, small stones

34-38 feet sand, coarse, gray

38-41 feet sand, coarse, slate

41-50 feet clay, blue
Depth to top of water bearing material 4 feet

Depth to bottom of water bearing material 41 feet

Thickness of water bearing material 37 feet

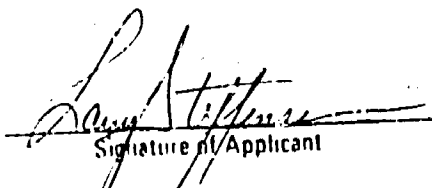
Depth to water (ground surface to water level) 8 feet

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

On same owner's property 880 yds /ds. On property owned by others 1340 yds /ds.

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.


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) City of Lake Norden
 Post Office Address _____, State South Dakota 57248
 If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (if available)

Date of Posting no prior posting Date of Recording _____
 Recording Date _____

14. Date of start of construction of water supply system 193715. Date that water was first applied to beneficial use 193716. Name of owner of original water supply system N.A.17. Amount of water originally applied to beneficial use 30 gal/min L/W/L

18. Present Use of Water

Amount of water now being used 30 gal/min d./s.

Date that this amount of water was first used Used only during high demand

19. Chronological History of Water Use

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 _____)

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

Signed _____

Subscribed and sworn to before me this _____ day of _____, 19____

(Notary Public or other qualified Officer)

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

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

D. Well Information or Estimates City Well #1 - 1937

- (1) Drill Hole, Diameter 8 inches, Depth 28 feet
- (2) Casing, Type concrete Diameter 6 inches Thickness 2 inches
(wood, concrete, steel, etc.)
- (3) Perforated Screen
Type steel, Diameter 6 inches, Length 8 feet
- (4) Gravel Pack, Thickness 8 inches, Length of gravel pack 25 feet

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 _____
5-3 feet sand, very coarse, brown with clay
8-29 feet sand, medium, brown with clay

Depth to top of water bearing material 5 feet

Depth to bottom of water bearing material 29 feet

Thickness of water bearing material 24 feet

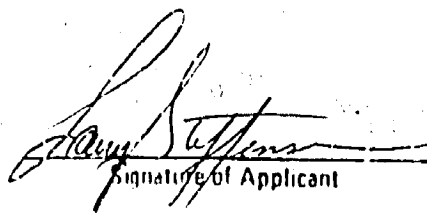
Depth to water (ground surface to water level) 8 feet

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

On same owner's property 240 yds 100. On property owned by other 1320 yds 100.

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.


Signature of Applicant

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

D. Well Information or Estimates City Well #2 - 1966

(1) Drill Hole, Diameter 30 inches, Depth 48 feet

(2) Casing, Type steel Diameter 16 inches Thickness 14-gauge
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type steel, Diameter 16 inches, Length 20 feet

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

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 _____

6-8 feet silt

8-29 feet Gravel and water

29-32 feet Clay

Depth to top of water bearing material 8 feet

Depth to bottom of water bearing material 29 feet

Thickness of water bearing material 21 feet

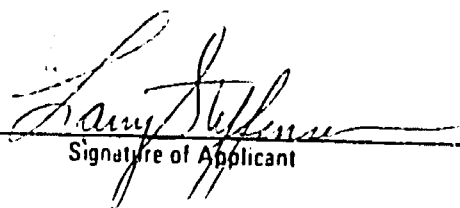
Depth to water (ground surface to water level) 8 feet

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

On same owner's property 240 yds rdy. On property owned by others 1000 yds rdy.

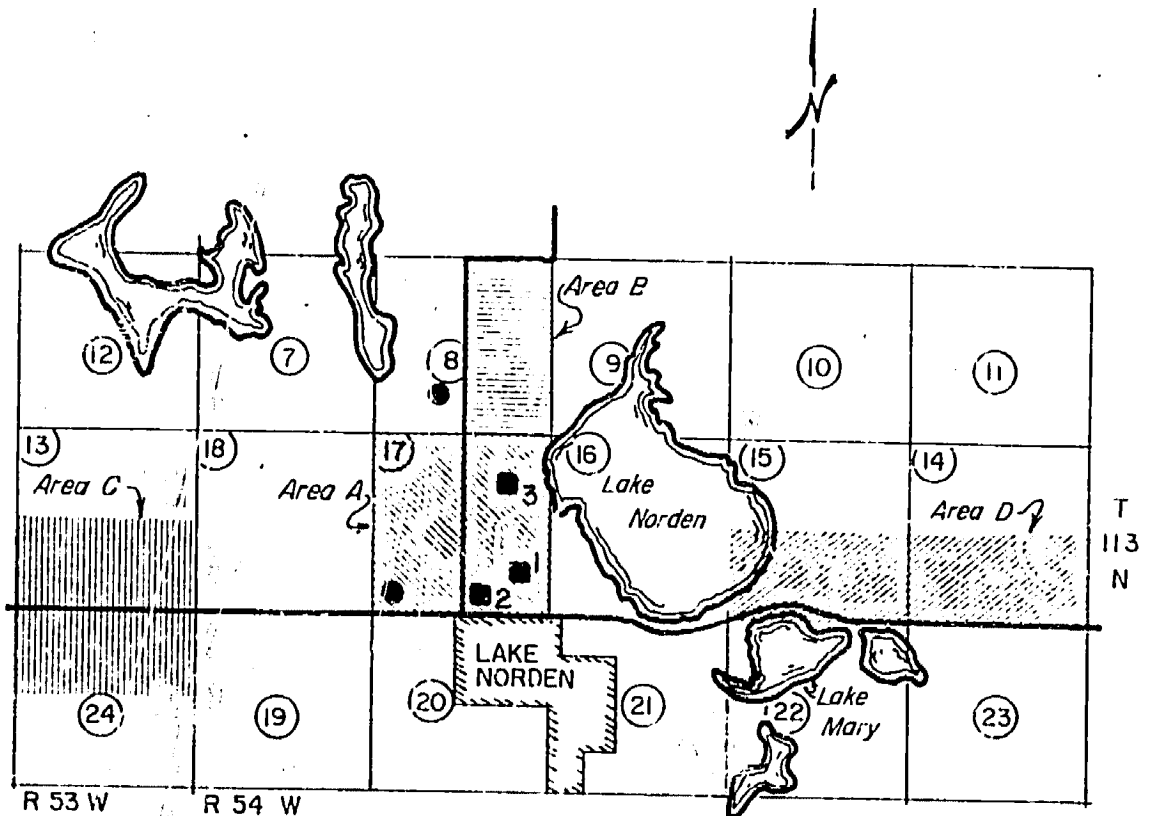
G. Water Storage Dams.

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.


Signature of Applicant

Lake Norden Water Development Areas

Scale: 1" = 1 mile



LEGEND

- City Well
- Private Well
- ② Section No.

No. 4055-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hamlin) ss.

I, Thorny C. Anderson hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Harold Enterprise

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 Hayti

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

July 14, 1977

July 21, 1977

Thorny C. Anderson
(Signature)

Publisher
(Title)

July 21, 1977
(Date Signed)

NOTICE

NOTICE OF HEARING ON AP-
PLICATION TO APPROPRIATE
WATER

Pierre, South Dakota 57501

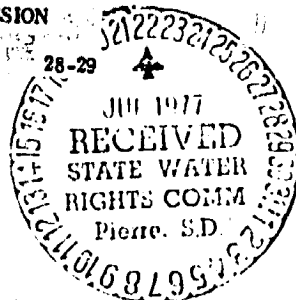
July 7, 1977

NOTICE IS HEREBY GIVEN that
the City of Lake Norden whose
post office address is Lake Nor-
den, South Dakota, has made an
application in accordance with the
provisions of SDLC 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, 46-5-
38, 46-6-3, 46-6-5, 46-6-6, 1,
46-6-10, 16-6-1; 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 0.66 cubic feet
per second and for future benefi-
cial use 1.32 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 E 1/2
(3 wells) and SW 1/4 NE 1/4 of
Section 17, T113N R53W; the area
of future use is the E 1/2 of
Section 8 and all of Section 17,
T113N, R53W. Said water to be
used for the purpose of providing
present and future municipal water
supplies for the City of Lake Nor-
den.

This Application No. 4055-3 will
be considered by the Water Rights
Commission at the Staurollie Inn
at Brookings, South Dakota upon
the 27th day of July, 1977, at 10
A.M. The Commission is author-
ized to make a determination on this
application at the hearing. All in-
terested persons may appear and
be heard. Any person who may
be affected by a Commission de-
cision who desires to present evi-
dence or cross-examine witnesses
according to SDCL-t-26 may noti-
fy the Commission in writing prior
to the hearing or orally at the
hearing.

WATER RIGHTS COMMISSION
/s/ James Winterton
Water Rights Specialist

28-29



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 city of Lake Nordon whose

post office address is Lake Nordon, 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 0.66 cubic feet per second and for future beneficial use 1.32 cubic feet of water per second of time

~~of Lake Nordon~~ from the ground water through the City Well Field, the point of diversion of which is to be located in the E $\frac{1}{2}$ (3 wells) and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, T113N

R53W; the area of Future use is the E $\frac{1}{2}$ of Section 8 and all of Section 17.

~~Two 113N Range 53W~~
~~of providing irrigation water for the purpose~~
Said water to be used for the purpose of providing present and future municipal water supplies for the city of

Lake Nordon.

This Application No. 4055-3 will be considered by the Water Rights Commission the Stauroilite Inn at Brookings, S.D. at ~~the office of the~~ 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 Specialist

cc: City of Nordon, Nordon, SD 57248



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

November 30, 1984

City of Lake Norden
ATTN: Mayor Larry Steffensen
Box 206
Lake Norden SD 57248

Mayor Steffensen:

On October 23, 1984 I was in Lake Norden and visited with Darrell Kastien and inspected the City wells. The inspection was made so that we can issue a water license for water permit no. 4055-3. However, in reviewing the permits held by Lake Norden there are several things that need to be straightened out. In order to explain the problems I think some background information would be helpful.

1. On November 29, 1956 the City of Lake Norden submitted an application for the following: "Well #1 located S47°15'E, 2300 feet to the SE corner of Section 17. Well #2 located 1580 feet S79°30'W from the NE corner of Section 17, and a reservation of 947 gallons per minute to be withdrawn from the SE $\frac{1}{4}$ Section 17. Well #1 was licensed for 251 gallons per minute with a priority date of November 22, 1958. Well #2 was licensed for 251 gallons per minute with a priority date of November 22, 1958.

2. On March 14, 1977 Lake Norden submitted an application for 2 wells at 150 gallons per minute each to be located in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 17 and 1000 gallons per minute for future use from the E $\frac{1}{2}$ of Sections 8 and 17.

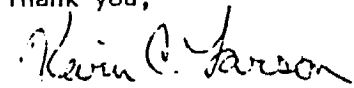
3. On October 23, 1984, I inspected the three city wells currently in use. Darrell told me that they each pump about 70 gallons per minute giving a total diversion of 210 gallons per minute.

According to water permit nos. 557-3 and 4055-3, Lake Norden has 1947 gallons per minute reserved for future use. However, ARSD 74:02:01:24:01 states that the amount of water held for future use is limited to 2 times the amount authorized by permits held by the applicant. This would mean that the amount of future use reservation for the City of Lake Norden would be 420 gallons per minute. The other problem concerns priority dates for the wells currently in use. I think we can solve these problems as follows: The future use portion of permit no. 4055-3 is scheduled for review December 5, 1984 at 2:30 pm. I would recommend that the attached qualification be added to No. 557-3 and 4055-3. The license for permit no. 4055-3 would be issued for 140 gallons per minute with a priority of 1937 and 62 gallons per minute with a priority of November 22, 1958.

November 30, 1984
Larry Steffensen
Page 2

I am enclosing a map showing wells' No. 1 and 2 and the future use area crosshatched in orange. If I can answer any questions, please contact me. If I do not hear from you prior to the Board meeting December 5, 1984, I will ask the Board to defer action on No. 4055-3 until the March meeting.

Thank you,

A handwritten signature in cursive script that reads "Kevin C. Larson".

KEVIN C LARSON
Natural Resources Engineer

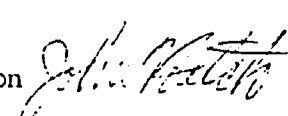
KCL:ks

enclosure

 **Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

November 13, 1984

NOTICE

To : Larry Steffensen, Mayor, City of Lake Norden
From : John Hatch, Chief Engineer, Water Rights Division 
Subject : Review of Future Use Water Permit No. 4055-3

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. 4055-3, City of Lake Norden 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. 4055-3, 2) future plans for development of the reserved water, and 3) if the permit is not cancelled, to amend Permit No. 4055-3 to add the seven year review qualification and to add or clarify other qualifications.

Future Use Permit No. 4055-3 was approved July 28, 1977 with a priority date of March 14, 1977, for 1.32 cubic feet per second (cfs) from the following area: SW4 NE4 Sec. 17 T113N-R53N 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 prior to construction of facilities.

Following the hearing, the Board can:

- 1) Take no action,
- 2) Cancel Permit No. 4055-3 for no development and/or no planned future development,
- 3) Continue and amend Permit No. 4055-3 with the following qualifications:
 - a) Permit No. 4055-3 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 Big Sioux-Brookings 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. 4055-3 in effect. The projected 10% fee in seven years based upon the existing permit CFS will be \$37.50.

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: Frank Burch, Finance Officer

S515.wr

Water Rights Division
605 773-3352

February 1, 1985

City of Lake Norden
ATTN: Larry Steffenson
Box 206
Lake Norden SD 57348

Mayor Steffenson:

Enclosed is a notice of hearing to review future use permit No. 4055-3. I spoke with Peckham Well Drilling about the pump capacity. He told me they have a capacity of 90 gallons per minute each. Therefore, the water license for Permit No. 4055-3 would be issued for 270 gpm (0.60 cfs). Of that 270 gpm, 148 gpm would have a 1937 priority date and the remaining would have a November 22, 1958 priority. At the March hearing I will recommend that the Water Management Board continue and amend Permit No. 4055-3 with qualifications 3a, 3b and 3c as stated in the notice. If you have any questions, please contact me.

Thank you,

KEVIN C LARSON
Natural Resources Engineer

KCL:ks

enclosures



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 4055-3

June 5, 1985

City of Lake Norden
Box 206
Lake Norden, South Dakota 57248

Dear Sir:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 4055-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

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

Sincerely,

Maxine Stirling
Staff Assistant

ms/

NOTE: On form of payment, please include the number of the water permit.
This insures proper handling of the fee.

REISSUE OF PERMIT NO.

4055-3

FORM 1 Application for uses other than irrigation (type or print)

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

No. <u>4055-3</u>	Hydrologic Unit _____
Map No. _____	Basin _____
Newspaper _____	

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water: Industrial ☐ Commercial ☐ Municipal ☒ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☐ Vested Right ☐ Future Use ☒ Change Use ☐
☐ Amend Permit No. _____ with old priority date retained
 Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☒ License No. 557-3
☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____
☐ Construction to use water reserved by Future Use Permit No. _____

Permit is being reissued to delete well #3 now incorporated into Water

- Name of Applicant City of Lake Norden Phone No. _____
 Post Office Address Box 213, Lake Norden, South Dakota State 57248
(Street, RR or Box) Zip Code
- Amount of water claimed (c.f.s.) 1.32
- Source of water supply groundwater
- Location of point of diversion proposed wells to be located in SW 1/4 Section 17, T113N, R53W; Future Use Area in E 1/2 Section 8 and Section 17, T113N, R53W
 _____ County Hamlin
- Counties where water will be used Hamlin
- Annual period during which water is to be used continuously
- Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA
 County of Hamlin) ss

I, s/Larry Steffensen the applicant, certify that I have read the foregoing application, 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 s/Larry Steffensen, Mayor

Subscribed and sworn to before me this 8th day of March 19 77

s/Notary

Notary Public for over qualified officers

REISSUED WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 4055-3

City of Lake Norden Box 213, Lake Norden
(Applicant) (Post Office Address)
South Dakota 57248
(State) (Zip Code) With the following qualifications.

1. Specific applications for all or any part of the future use appropriation must be submitted at such time as the works are to be constructed.
2. See Attachment A.
3. Future Use Permit No. 4055-3 issued August 16, 1977 authorized construction of well #3 and 1.32 cfs for future development. Well #3 has been constructed and is now licensed under Water License No. 557-3. Permit No. 4055-3 is being reissued to delete the well from this permit leaving only the future use portion.

Date of first receipt of application March 14, 1977

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

Date of receipt of corrected application _____, 19____ Approved July 28, 1977
Future Use

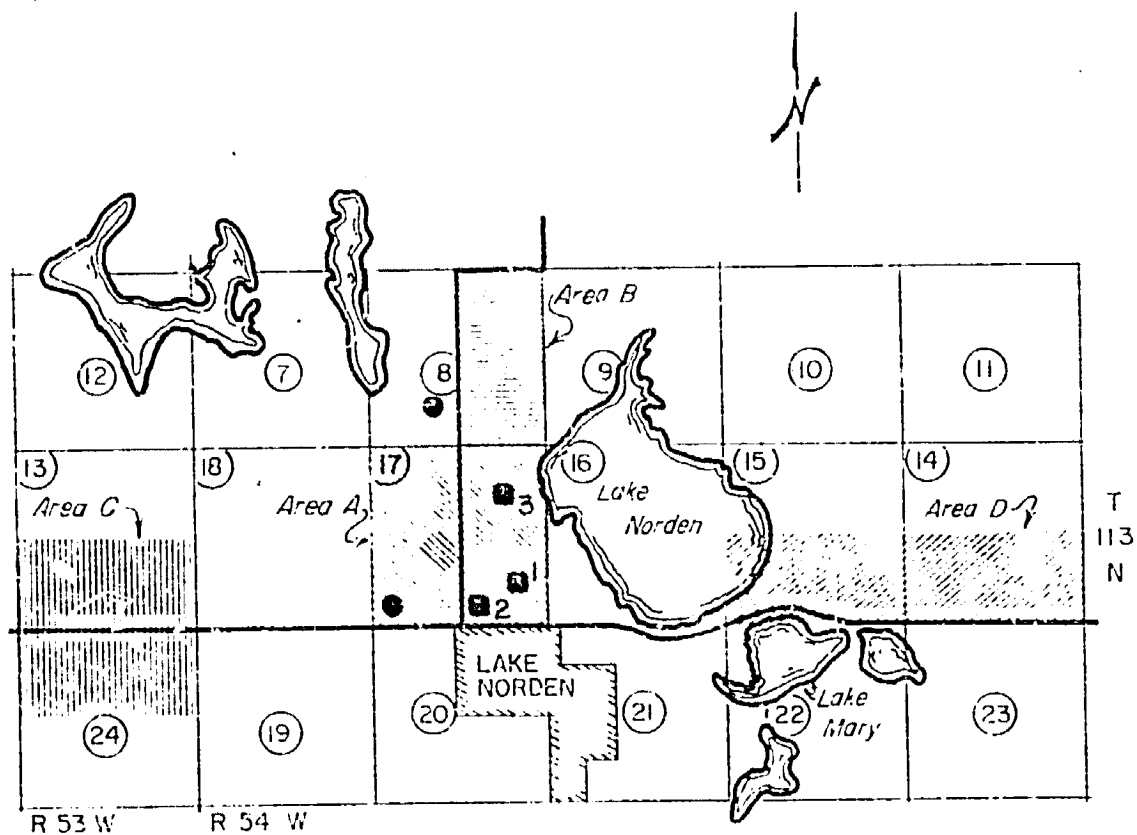
The Water Management Board hereby approves this ~~Water Permit No. 4055-3 authorizing the construction of the water system and the placing of water to be beneficially used in the Application and as qualified in the Water Permit approval~~ subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is: March 14, 1977
2. ~~The equivalent of at least one-third of the permitted work must be completed on or before _____, 19____.~~
3. ~~The whole of said work is to be completed on or before _____, 19____.~~
4. ~~The limit of appropriation from point of beneficial use to be appropriated in accordance herewith is _____, 19____.~~
5. The water appropriated shall be used for the purpose of future 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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 1.32 cubic feet per second; ~~neither shall it exceed the capacity of the above described water application nor shall it exceed the amount of water needed for beneficial uses and to which water is actually and beneficially applied for _____, 19____; said water to be used during the following described annual period: January 1 to December 31~~

WATER MANAGEMENT BOARD
 By: John Hatch Chief Engineer JOHN HATCH
 Division of Water Rights
 Dept. of Water and Natural Resources
NOV 24 1986, 19____

Lake Norden Water Development Areas

Scale: 1" = 1 mile



LEGEND

- City Well
- Private Well
- ② Section No.

REPORT OF INSPECTION CONDUCTED OCTOBER 23, 1984 FOR THE CITY OF LAKE NORDEN

- Water Permit no. 557-3

Two water licenses were issued under this water permit:

0.33 cfs with a priority date of 1937

0.56 cfs with a priority date of Nov. 22, 1958

- Water permit no. 4055-3

Application was for three wells, the two wells covered by 557-3 and a third well drilled in 1976. Application approved for 0.66 cfs from the three wells

- Inspection conducted October 23, 1984 found:

Three wells, each capable of pumping 90 gpm all located in the same area as the original wells. The three wells included the well drilled in 1976 and two wells drilled since 1976.

CONCLUSIONS:

Permit no. 4055-3, when submitted should have been two separate applications. One for future use and another for an additional diversion point because the city already had water licenses totaling 0.89 cfs.

RECOMMENDATION:

Water license no. 557-3 should be reissued to incorporate the third well under permit no. 4055-3 and reflect the current locations of the city wells and pumping rates. ~~The priority dates for the three wells will be as follows:~~

~~0.33 cfs ----- 1937~~
~~0.56 cfs ----- Nov. 22, 1958~~

GR

Kevin C. Larson
1-21-86

RECEIPT

No 4 16101

Division of Water Rights
South Dakota Department of Water and Natural Resources

Pierre, _____
July 5, 1935

RECEIVED OF City of Lake Norden, PO Box 213, Lake Norden SD 57025
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 _____ after period of seven years	50 00
Fee to retain Future Use Permit No. _____	_____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4033-3 (for law 3572)</u>	_____
Fee for Filing Transfer Form _____	_____
Fee for Filing Extension Request _____	_____
Fee for Certified Copy of _____	_____
Fee for Print Copy of Map _____	_____
Fee for Certifying _____	_____
Fee for _____ (Any Other Work Provided by Law)	_____
Total	50 00

By [Signature]
Chief Engineer JOHN HATCHER

4055-3

 **Department of
Water & Natural Resources**

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

WATER RIGHTS DIVISION
(605) 773-3352

NOV 24 1986

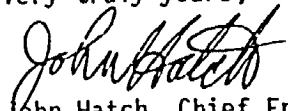
Larry Steffensen, Mayor
City of Lake Norden
Box 213
Lake Norden, South Dakota 57248

Dear Mayor Steffensen:

Enclosed is Reissued Water License No. 557-3 and Reissued Water Permit No. 4055-3. Water License No. 557-3 was reissued to include well #3 which was originally approved under Permit No. 4055-3. Permit No. 4055-3 was reissued to delete well #3. No. 4055-3 now reflects the city's future use water rights only.

If you have any questions, please advise.

Very truly yours,


John Hatch, Chief Engineer
Water Rights Division

JH:gm:ms
Enc.

South Dakota
Department of
Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

February 4, 1985

NOTICE

To: Larry Steffensen, Mayor, City of Lake Norden

From: John Hatch, Chief Engineer, Water Rights Division

Subject: Review of Future Use Water Permit No. 4055-3

The Water Management Board deferred action on Future Use Permit No. 4055-3 on December 5, 1984. The hearing to review Future Use Permit No. 4055-3, has been rescheduled for March 6, 1985 at 2:30 pm in the Foss Building, Room 216, Pierre, South Dakota.

The hearing will be to review 1) progress made in development of water reserved by Permit No. 4055-3, 2) future plans for development of the reserved water, and 3) if the permit is not cancelled, to amend Permit No. 4055-3 to add the seven year review qualification and to add or clarify other qualifications.

Following the hearing, the Board can:

- 1) Take no action,
- 2) Cancel Permit No. 4055-3 for no development and/or planned future development,
- 3) Continue and amend Permit No. 4055-3 with the following qualification:
 - a) Permit No. 4055-3 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 Big Sioux - Brookings aquifer
 - c) Water Permits No. 557-3 and 4055-3 authorize reservation of 1.2 cubic feet per second for the City of Lake Norden with a priority date of November 22, 1958. Water to be withdrawn from the East 1/2 of Sections 8 and 17, T113N, R53W. The 1.2 cfs and the SE 1/4 of Section 17 are authorized by Permit No. 557-3. Extension of future use area to include the NE 1/4 of Section 17 and the East 1/2 of Section 8 is authorized by Permit No. 4055-3.

Larry Steffensen
Page 2
February 4, 1985

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. 4055-3 in effect. The projected 10% fee in seven years based upon the existing permit cfs will be \$37.50.

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.

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

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

Water Rights Division
605 773-3352

March 8, 1985

4055-3

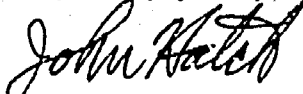
Larry Steffensen, Mayor
City of Lake Norden
PO Box 206
Lake Norden SD 57248

Dear Mayor Steffensen:

This letter is in regard to the motion passed by the Water Management Board March 6, 1985 after review of Lake Norden's Future Use Permit. The Board continued and amended the Permit to add the qualifications on the enclosed Attachment which should be placed with your Permit. Future Use Permit No. 4055-3 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

ATTACHMENT "A" TO FUTURE USE PERMIT NO. 4055-3

FOR CITY OF LAKE NORDEN

Future Use Permit No. 4055-3 was continued by action of the Water Management Board March 6, 1985 and amended to add the following qualifications:

- a) Permit No. 4055-3 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 Big Sioux-Brookings aquifer.
- c) Water Permits Nos. 557-3 and 4055-3 authorize reservation of 1.2 cubic feet per second for the City of Lake Norden with a priority date of November 22, 1958. Water to be withdrawn from the East 1/2 of Sections 8 and 17, T113N, R53W. The 1.2 cfs and the SE 1/4 of Section 17 are authorized by Permit No. 557-3. Extension of future use area to include the NE 1/4 of Section 17 and the East 1/2 of Section 8 is authorized by Permit No. 4055-3.

Water Rights Division - DWR

File No. 4055-3

Conversation or File Documentation

NAME OF PERSON OR FILE: City of Lake NordanADDRESS: PO Box 213, Lake Nordan SD 57248 COUNTY HamlinDATE: March 9, 1988 TELEPHONE 785-3602RE: Status of Future Use Permit No. 4055-3

COMMENTS:

Appropriation of water reserved by Future Use Permit
No. 4055-3 :

F.U. Permit No. 4055-3 $\rightarrow$ 1.32 cfs
appropriation: Permit No. 5161-3 $\rightarrow$ 0.33 cfs
water remaining in reserve $\rightarrow$ 0.99 cfs

Permit No. 5161-3 has an annual acre-foot limitation
of 100 acre-feet

Permit No. 5161-3 $\rightarrow$ 0.33 cfs $\rightarrow$ continuous pumping $\rightarrow$ 239 ac-ft
less annual limitation 100 ac-ft
remaining reserve 139 ac-ft

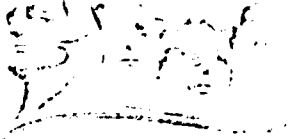
Therefore, Future Use Permit No. 4055-3 has in reserve:

A diversion rate of 0.99 cfs with a total annual
volume of 0.99 cfs (71.6 ac-ft continuous pumping) + 139 ac-ft
= 855 ac-ft

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: Ron Dunsell

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

December 11, 1990

Larry Steffensen, Mayor
City of Lake Norden
PO Box 213
Lake Norden SD 57248

Dear Mayor Steffensen:

I am writing in regard to the seven year review of Future Use Water Permit No. 4055-3 which is held by the City of Lake Norden. Currently, our records show that 0.87 cubic feet of water per second remain in reserve under this future use permit which was issued in 1977.

Permit No. 4055-3 will be scheduled for review by the Water Management Board on February 27 & 28, 1991 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. 4055-3. The fee could be as much as \$32.50 if the Board allows the total amount of appropriated water remaining to remain in reserve.

Please respond in writing by January 11, 1991, regarding the City's intention for the future use permit. If the City does plan to retain the permit, then your response should outline a reasonable need for retaining the future use permit, any annual pumping records for the past three years and an estimate of future needs.

Please contact Eric Cronlund, if you have any questions.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Natural Resources Analyst
605 773-3352

cc: Larry Kastein, Utility Manager

City of Lake Norden

P.O. Box 213 Lake Norden, SD 57248

January 7, 1991

Karen Schlaak
Dept. of Water & Natural Resources
Joe Moss Building
Pierre, SD 57501-3181



Dear Ms. Schlaak:

In answer to your letter of December 11, regarding Future Use Water Permit No. 4055-3, the City of Lake Norden intends to retain the future use permit.

It is possible that the Davisco Plant in Lake Norden would have plans for further expansion. The pumping records for the past three years are as follows:

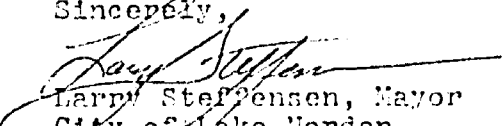
1988-- 26,361,000

1989-- 40,069,000

1990-- 62,945,000

At the present time we would not expect the usage to go much higher.

Sincerely,


Larry Steffensen, Mayor
City of Lake Norden
PO Box 213
Lake Norden, SD 57248



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 22, 1991

Hamlin Co. Herald-Enterprise
Box 207
Hayti SD 57241

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4055-3 to be published twice. Please publish the first notice on or before March 27, 1991 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is City of Lake Norden, PO Box 213, Lake Norden SD 57248.

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

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

FIRST TRANSMITTAL NOTICE
No. _____

TO: Water Rights Division
523 E Capitol
Joe Foss Building
Pierre SD 57501-3181

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 WATER & NATURAL RESOURCES

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

March 22, 1991

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

Larry Steffensen, Mayor
City of Lake Norden
PO Box 213
Lake Norden SD 57248

Dear Mayor Steffensen:

Future Use Permit No. 4055-3 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 Hamlin Co. Herald-Enterprise printed at Hayti SD. 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
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper-Publish first publication of the following Notice on March 27, 1991 with second publication 1 week later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4055-3

Notice is given that the Water Management Board will review Future Use Permit No. 4055-3 held by the City of Lake Norden, PO Box 213, Lake Norden SD 57248 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. 4055-3. This permit was approved July 28, 1977 to reserve 1.32 cubic feet of water per second (cfs) from groundwater (Big Sioux-Brookings Aquifer) located in the E 1/2 Section 9; Section 17; all in T113N, R53W for municipal purposes. Water Permit No. 5161-3 put 0.33 cfs (100 acre-feet annually) to beneficial use leaving 0.99 cfs held in reserve.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4055-3, REMAIN in EFFECT for 386 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. 4055-3 at Chef Louie's, Meeting Room, 601 E Havens, Mitchell SD on May 1, 1991 at 9:15 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 March 22, 1991. 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. 4055-3 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 or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD 605 773-3352 for assistance prior to the hearing date. 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 April 22, 1991.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hamlin) ss.

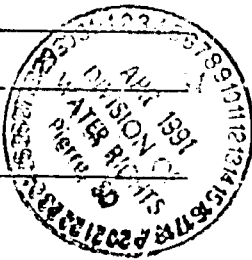
I, David J. Fabbars
certify that the attached printed Notice was taken
from the Hamlin Enterprise

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

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

March 28, 1991
April 4, 1991

David J. Fabbars
DAVID J. FABBERS
Notary Public, Hamlin, S.D.
My Commission Expires Dec. 31, 1993
(Signature)
D J F
(Title)
4-5-91
(Date Signed)



Cost of Printing: 1st Run 224.89
2nd Run 19.91
441.80

2x-March 28, April 4 Notice of Hearing to Review Future Use Water Permit No. 4055-3

Notice is given that the Water Management Board will review Future Use Permit No. 4055-3 held by the City of Lake Norden, PO Box 213, Lake Norden, SD 57248 for the progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 4055-3. This permit was approved July 28, 1977 to reserve 1.32 cubic feet of water per second (cfs) from groundwater (Big Sioux-Brookings Aquifer) located in the E1/2 Section 8; Section 17; all in T113N, R53W for municipal purposes. Water Permit No. 5161-3 put 0.33 cfs (100 acre-feet annually) to beneficial use leaving 0.99 cfs held in reserve.

Pursuant to SDCL 45-2A-2 the Chief Engineer of the Water Rights Division recommends that: Permit No. 4055-3 REMAIN in EFFECT for 365 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. 4055-3 at Chief Louie's Meeting Room, 601 E. Havens, Mitchell, SD on May 1, 1991 at 9:15 a.m.

The recommendation of the Chief 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. 4055-3 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.

The 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 the State Supreme Court as provided by Law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Foss Building, Pierre, SD 57501, (605) 773-3352 for assistance prior to the hearing date. 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 April 22, 1991.

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4055-3, City of Lake Norden

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 Future Use Water Permit No. 4055-3, City of Lake Norden SD.

The Chief Engineer is recommending that Future Use Permit No. 4055-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4055-3, 2) the City of Lake Norden has demonstrated a reasonable need for the water reserved by Permit No. 4055-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualification:

1. That Permit No. 4055-3 reserves for future use 386 acre-feet annually. The diversion rate of 0.99 cfs is deleted from Permit No. 4055-3.

And that maintaining the effectiveness of Future Use Permit No. 4055-3 is subject to payment of the \$27.50 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Lake Norden.



JOHN HATCH, Chief Engineer
March 22, 1991

NOTE. The annual acre-feet of full-time pumping of 0.99 cfs reserved by No. 4055-3 is 717 acre-feet. Assuming that the total amount pumped annually would equal 60% of 717 acre-feet, then expected developed pumping of water would be about 430 acre-feet per year.

Board General Rule 74:02:01:24.01 states that future use permits may be limited to two times the amount actually put to beneficial use. The water usage in 1990 by the City of Lake Norden was 193 acre-feet. Doubling this annual use (386 acre-feet) to estimate the volume that may be reserved is less than the 430 acre-feet expected to be developed under Permit No. 4055-3. Therefore, Permit No. 4055-3 should be allowed to remain in effect for 386 acre-feet as outlined in the above qualification.



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 6, 1991

NOTICE

Larry Steffensen, Mayor
City of Lake Norden
PO Box 213
Lake Norden, SD 57248

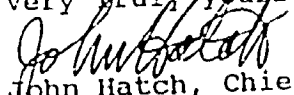
Dear Mayor Steffensen:

I am writing in response to action taken by the Water Management Board At the hearing of May 1, 1991 to review Future Use Permit No. 4055-3. The Board allowed the permit to remain in effect and amended Permit No. 4055-3 by adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permit. Future Use Permit No. 4055-3 is again subject to review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4055-3 is \$27.50 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. 4055-3

City of Lake Norden

Pursuant to the May 1, 1991 Water Management Board hearing, Future Use Permit No. 4055-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 4055-3 reserves for future use 386 acre-feet annually. The diversion rate of 0.99 cfs is deleted from Permit No. 4055-3.

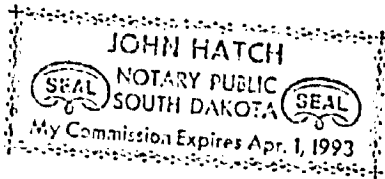
CERTIFICATION

I hereby certify that on May 6, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice of Future Use Permit No. 4055-3 addressed Larry Steffensen, Mayor, City of Lake Norden, P.O. Box 213, Lake Norden, SD 57248.

Cheryl F. Frost
Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS
)

Sworn to, before me, this 8th day of May, 1991.



John Hatch
Notary Public

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 8, 1991

Mayor
City of Lake Norden
PO Box 213
Lake Norden, SD 57248

COPY

Dear Mayor:

Enclosed is a corrected copy of the amendment to Future Use Permit No. 4055-3. Please file this with your future use permit and discard the previously sent amendment which inadvertently stated the permit was held by the City of Hurley.

Please accept my apology for any inconvenience this may have caused. Feel free to contact me if you have any questions regarding the city's water permits.

Sincerely,

Eric Gronlund

Eric Gronlund
Water Rights Division
605 773-3352

enclosure

4055-3

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 18, 1991

Larry Steffensen, Mayor
City of Lake Norden
PO Box 213
Lake Norden SD 57248

Dear Mayor Steffensen:

On May 6, 1991 we requested the fee for maintaining the effectiveness of Future Use Permit No. 4055-3. To date, we have not received this payment.

Please submit the \$27.50 fee as soon as possible to avoid jeopardizing the City's future use permit. If you have questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____, 19__

RECEIVED OF City of Lakota, S.D. 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. <u>1555</u> after period of seven years.	27	50
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 Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	

By [Signature]
Chief Engineer



4055-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3001

March 17, 1994

Bob Brotsky
Banner & Associates
PO Box 298
Brookings, SD 57006-0298

RE: Lake Norden

Dear Mr. Brotsky:

Enclosed, as you requested, are copies of Water Right No. 557-3, Future Use Permit No. 4055-3 and Water Permit Nos. 5161-3 and 5499-3 for the City of Lake Norden.

On May 1, 1991, the Water Management Board reviewed Future Use Permit No. 4055-3. The permit now reflects that a total of 386 acre feet of water annually is remaining in reserve.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3352

encl

Water Rights Program - File Documentation

NAME: City of Lake Norden

ADDRESS:

DATE: 2-3-98 COUNTY: Hamlin TELEPHONE:

RE: Future Use Permit No. 4055-3

COMMENTS:

Water Permit No. 5161-3 authorized (0.33 cfs): (3-3-1988)	100 acre-feet annually
--	------------------------

Future Use Permit No. 4055-3 quantified: (5-1-1991)	386 acre-feet annually
--	------------------------

Water Permit No. 5499-3 increased annual volume of of water from well authorized by 5161-3 (5-1-1991)	<u>- 139 acre-feet annually</u>
---	---------------------------------

Remaining in FU 4055-3	247 acre feet annually
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Water Permit No. 5815-3 authorized (0.33 cfs) (4-6-1994)	<u>-139 acre feet annually</u>
---	--------------------------------

Remaining in FU 4055-3	108 acre-feet annually
------------------------	------------------------

Permits No. 5161-3 and 5499-3 have been incorporated into Water Right No. 5815-3
licensed for 378 acre-feet annually

Karen Schlaak

Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 9, 1998

City of Lake Norden
Delores Kangas, Finance Officer
Box 213
Lake Norden SD 57248

Dear Ms. Kangas:

I am writing in regard to the seven year review of Future Use Water Permit No. 4055-3 from groundwater (Big Sioux Aquifer) which is held by the City of Lake Norden. The permit reserves water for future water supply needs for the city. Currently, our records show that 108 acre-feet remain in reserve under this future use permit which was issued in 1977.

Please respond in writing by March 30, 1998, regarding the City's intention for the future use permit. If the City plans to retain the permit, then the 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.

Permit No. 4055-3 will then be scheduled for review before the Water Management Board 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.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352



CITY OF LAKE NORDEN

CITY OF LAKE NORDEN
PO Box 213
600 Main
Lake Norden, SD 57248-0213

Telephone 605-785-3602
Fax 605-785-3602*12

March 12, 1998

DENR
Attention: Karen Schlaak
Joe Foss Building
Pierre, SD 57501-3181

Dear Karen,

The City of Lake Norden would like to retain it's rights held by Future Use Water Permit No. 4055-3. We have a whey processing plant, Davisco International, within city limits and they are very strongly considering a major expansion. We would then need a larger water supply for the City.

We used the following gallons of water in the past three years:

1997: 75,116,000
1996: 92,665,000
1995: 96,007,000

Sincerely,

Delores Kangas
Delores Kangas
Finance Officer

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 4055-3, City of Lake Norden SD

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Future Use Water Permit No. 4055-3, City of Lake Norden, PO Box 213, Lake Norden SD 57248-0213.

The Chief Engineer is recommending that Future Use Permit No. 4055-3 REMAIN in EFFECT for 108 acre-feet annually because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4055-3, 2) the City of Lake Norden has demonstrated a reasonable need for the water reserved by Permit No. 4055-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest.

Maintaining the effectiveness of Future Use Permit No. 4055-3 is subject to payment of the \$15.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Lake Norden.

A handwritten signature in black ink, appearing to read "John Hatch", is positioned above the printed name.

JOHN HATCH, Chief Engineer
March 24, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 30, 1998

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

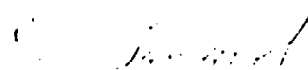
City of Lake Norden
Delores Kangas, Finance Officer
Box 213
Lake Norden SD 57248

Dear Ms. Kangas:

Future Use Permit No. 4055-3 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 Hamlin County Herald Enterprise printed at Hayti SD (Phone #605 783-3636). 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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 30, 1998

Hamlin County Herald Enterprise
Box 207
Dayti SD 57241-0207

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4055-3 to be published twice. Please publish the first notice on April 8, 1998 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 City of Lake Norden, PO Box 213, Lake Norden SD 57248.

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent attention Karen Schlaak at 605 773-4068. Publication errors can invalidate the public notice.

After the second publication, please send us an affidavit or use the enclosed Proof of Publication form. The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Date _____

TO: Water Rights Program
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

We are in receipt of your letter of March 30, 1998 enclosing Notice of Hearing to Review Future Use Water Permit No. 4055-3 which was first published in our issue of _____, ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on April 8, 1998 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4055-3

Notice is given that the Water Management Board will review Future Use Permit No. 4055-3 held by City of Lake Norden, PO Box 213, Lake Norden SD 57248 for progress made in the development and future plans for development of the water reserved by Permit No. 4055-3. This permit was approved July 28, 1977 to reserve 1.32 cubic feet of water per second from the Big Sioux-Brookings Aquifer located in the E 1/2 Section 8; Section 17; all in T113N-R53W for municipal use. A review of the Water Permits/Rights indicates 108 acre-feet remains in reserve by Permit No. 4055-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4055-3 REMAIN in EFFECT for 108 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. 4055-3 at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD on May 6, 1998 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 April 27, 1998. The Chief Engineer's address is "Water Rights Program", Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501 (605 773-3352) and the permit holders mailing address is given above. 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. 4055-3 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 Gronland, Water Rights Program, (605 773-3352) by April 27, 1998. 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 April 27, 1998. Nettie H Myers, Secretary, Department of Environment and Natural Resources.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hamlin) SS

I, LeeAnne Archer

certify that the attached printed Notice was taken
from the Hamlin County
Herald Enterprise

printed and published in Hayti

County of Hamlin and

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

April 3, 1998

April 15, 1998

Cost of Printing 600.27

LeeAnne Archer
(Signature)

Owner
(Title)

April 15, 1998
(Date Signed)

— NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4055-3 —

Notice is given that the Water Management Board will review Future Use Permit No. 4055-3 held by City of Lake Norden, PO Box 213, Lake Norden, SD 57248 for progress made in the development and future plans for development of the water reserved by Permit No. 4055-3. This permit was approved July 28, 1977 to reserve 1.32 cubic feet of water per second from the Big Sioux-Brookings Aquifer located in the E 1/2 Section 8; Section 17, all in T13N-R5W for municipal use. A review of the Water Permits/Rights indicates 108 acre-feet remains in reserve by Permit No. 4055-3.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Program recommends that Permit No. 4055-3 REMAIN in EFFECT for 108 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. 4055-3 at the Floyd Mathew Training Center, Joe Foss Building, 523 East Capitol, Pierre SD on May 6, 1998 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 April 27, 1998. The Chief Engineer's address is "Water Rights Program" Joe Foss Building, 523 East Capitol, Pierre SD 57501 (605-773-3352) and the permit holders address is given above. 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. 4055-3 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.

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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 Program, (605-773-3352) by April 27, 1998. The time of the hearing will be automatically delayed for a least 20 days upon written request of a 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 April 27, 1998. Nettle H. Myers, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

May 20, 1998

NOTICE

City of Lake Norden
Delores Kangas, Finance Officer
Box 213
Lake Norden SD 57248

Dear Ms. Kangas:

I am writing in response to action taken by the Water Management Board at the hearing on May 6, 1998 to review Future Use Permit No. 4055-3. The Board allowed the permit to remain in effect for 108 acre-feet of water annually. Future Use Permit No. 4055-3 is subject to another review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 4055-3 is \$15.00 pursuant to SDCL 46-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, staff engineer if you have any questions.

Very truly yours,

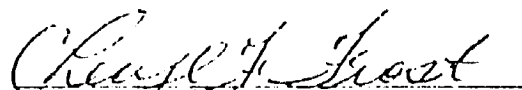
JOHN HATCH, Chief Engineer
Water Rights Program
605 773-3352

CERTIFICATION

I hereby certify that on May 20, 1998, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 20, 1998, regarding action taken by the Water Management Board at the May 6, 1998, Hearing to allow Future Use Permit No. 558A-3 to remain in effect for 123 acre-feet of water annually, and to allow Future Use Permit No. 4055-3 to remain in effect for 108 acre-feet of water annually, addressed as stated below:

F U Permit No. 558A-3: Sheila Gerhold, Finance Officer
City of Castlewood
P.O. Box 22
Castlewood, SD 57223

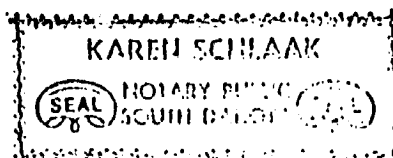
F U Permit No. 4055-3: City of Lake Norden
Delores Kangas, Finance Officer
Box 213
Lake Norden, SD 57248


Cheryl E. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 21st day of May, 1998


Karen Schlaak
Notary Public



KAREN SCHLAAK, Notary Public
My Commission Expires
April 1, 2001

RECEIPT
Water Rights Program
 South Dakota Department of Environment and Natural Resources

M2 415800

Pierre, June 15, 1991

RECEIVED OF CITY OF LEE, Londen, P.O. Box 213, Lake Nerdon, SD 57248-0213
 the following amount in fees for services rendered as provided for by law:

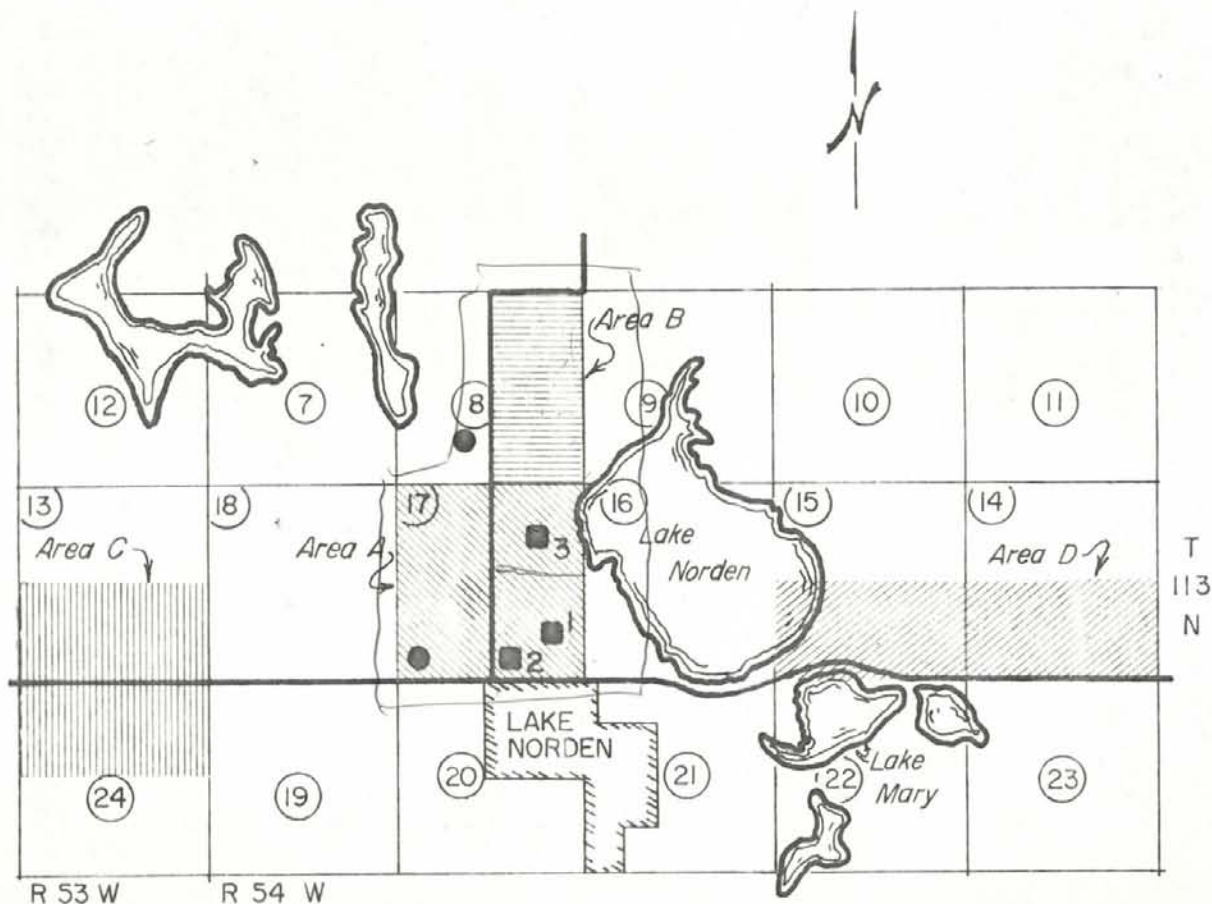
Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. <u>4055-3</u> after period of seven years.	15	00
Fee for Inspecting 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.*
 Chief Engineer

Lake Norden Water Development Areas

Scale: 1" = 1 mile



LEGEND

- City Well
- Private Well
- ② Section No.

~~Map # 337-3~~
~~337-3~~
 April # 4055-3