

4190-3

1. Considered 1-25, 19 78
2. Name of Applicant CITY OF PIERRE
3. Post Office Address \_\_\_\_\_
4. Amount of Water claimed 2.0
5. Source of Water supply 60' DEEP WELL
6. Water to be used for MUNICIPAL  
Acres to be irrigated +
7. Water to be diverted and used in HUGHES County  
about LA FROMBOISE IS. miles \_\_\_\_\_ of \_\_\_\_\_
8. Proof of Publication  
Received 1-12-78  
Not Received \_\_\_\_\_  
Approved \_\_\_\_\_  
Subject to \_\_\_\_\_  
Not Approved \_\_\_\_\_  
Action Deferred \_\_\_\_\_
9. Application
10. Remarks:

Map No. 3416-3 Water Division No. 3 MISSOURI RIVER District 1  
(Returns to be filed 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 Pierre  
Postoffice address P. O. Box 1253, State South Dakota  
If a corporation show date and place of incorporation \_\_\_\_\_
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Well No. 10
4. Amount of water claimed (cubic feet per second) 2.00 cfs
5. Source of water supply shallow underground aquifer
6. Location of point of diversion LaFramboise Island N 1/2 S 2 E T 110 N R 19 E
- County Hughes
7. Annual period or periods during which water is to be used All year
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Municipal
9. For irrigation use, \_\_\_\_\_ Total number of acres to be irrigated \_\_\_\_\_  
List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

| Land Description | No. Acres Irr. | Land Description | No. Acres Irr. |
|------------------|----------------|------------------|----------------|
|                  |                |                  |                |
|                  |                |                  |                |
|                  |                |                  |                |
|                  |                |                  |                |
|                  |                |                  |                |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system one years. Additional time required to complete application of water to the proposed beneficial use none years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Pierre Times
12. Principal Features of the Proposed Water Supply System.

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

Gravel Pack Well

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

Underground Ductile Cast Iron Pipe

C. Works proposed to apply water to beneficial use.

1.6 million gallon Reinforced Concrete Reservoir, Ductile Cast Iron Pipe Mains, two Pumping StationsEstimated Total Cost \$1,100,000

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 Hughes  
the City of Pierre

\_\_\_\_\_, 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

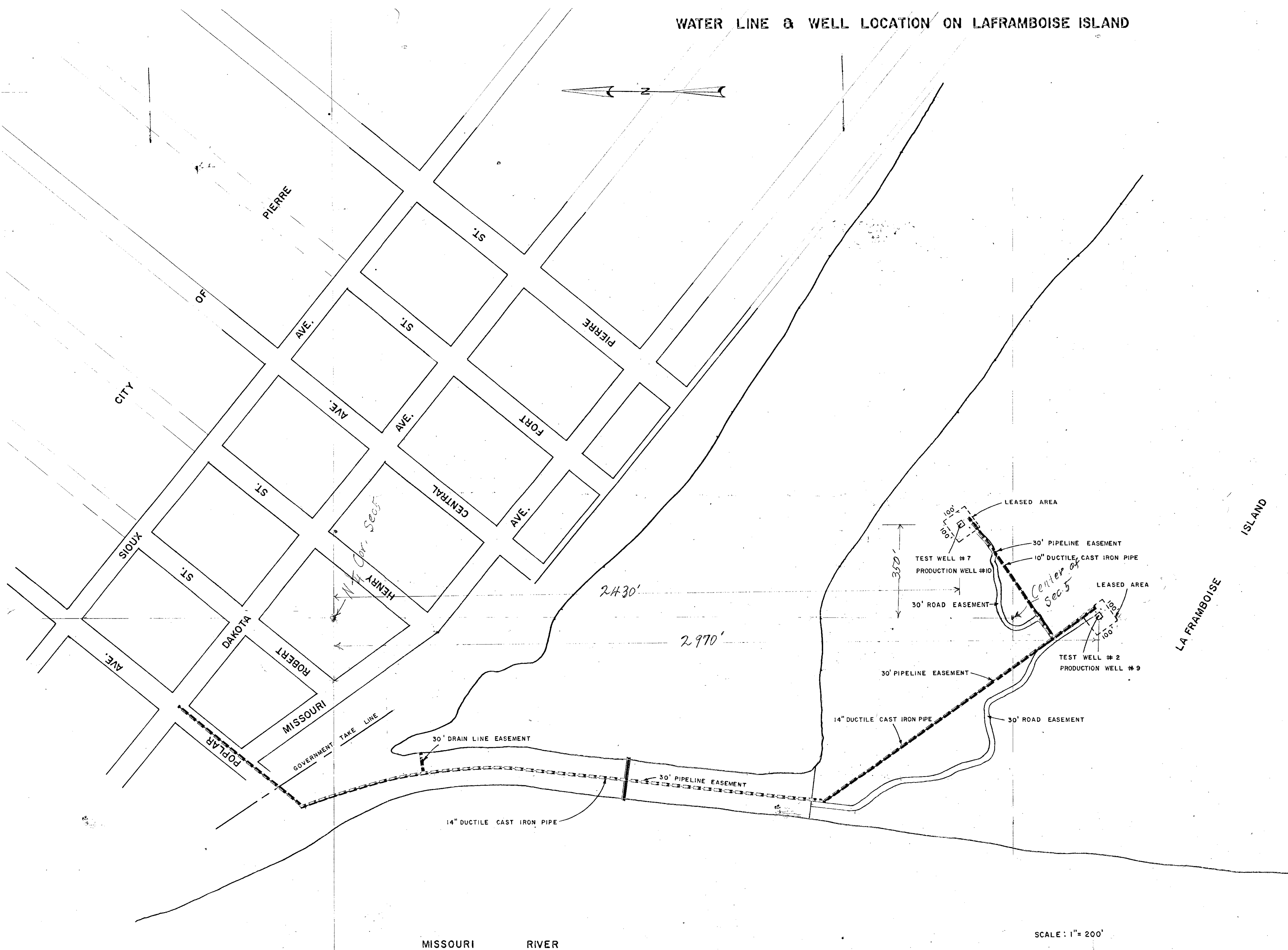
Signed Larry D. Little, City Engineer  
\_\_\_\_\_  
City of Pierre

Subscribed and sworn to before me this 25 day of December, 1922.

Frederick J. Ziebrich  
Notary Public (or other qualified officer)

My Commission Expires 3/27/23

# WATER LINE & WELL LOCATION ON LAFRAMBOISE ISLAND



WATER WELL NO. 9 & 10  
PIERRE WATER DEVELOPMENT PROJECT  
CITY OF PIERRE, S. DAK.  
CITY ENGINEER: LARRY LITTLE

1977  
MAP NO. 31189-3 SHEET 1 OF 3  
1170-3

# WATER RIGHT APPLICATION APPROVAL

the Water Rights Commission hereby approves Water Right Application No. 4190-3  
CITY OF PIERRE Box 1253  
 (Applicant) (Post Office Address)  
SOUTH DAKOTA 57501 With the following modifications:  
 (State)

Date of first receipt of application DECEMBER 1, 19 77  
 Date of return to applicant for correction, amendments or changes required \_\_\_\_\_, 19 \_\_\_\_  
 Date of receipt of corrected application DECEMBER 5, 19 77  
 Approved JANUARY 25, 19 78, Recorded in Book 19 Page 261

WATER RIGHT PERMIT NO. 4190-3

10 Water Rights Commission hereby grants and issues this Water Right Permit No. 4190-3 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 DECEMBER 1, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 25, 19 78
3. The whole of said work is to be completed on or before JANUARY 25, 19 79
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 25, 19 79
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 2.00 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~beneficial use~~ used for municipal purposes and if for the irrigation purpose said appropriation must be limited to not more than ~~one cubic foot per second~~ one-tenth (1/10) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially ~~applied for irrigation~~ applied for municipal purposes on or before JANUARY 25, 19 79; said water to be used during the above described annual period: CONTINUOUSLY

Witness my hand this 31<sup>ST</sup> day of JANUARY, 19 78

WATER RIGHTS COMMISSION

By:

John H. Hirsch  
 Chief Engineer, Executive Officer

Certificate of Construction Issued \_\_\_\_\_, 19 \_\_\_\_

Water License Issued \_\_\_\_\_, 19 \_\_\_\_

Form 2A Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 48 inches, Depth 60 feet
- (2) Casing, Type black steel, Diameter 48 inch, Thickness 3/8 inch  
(wood, concrete, steel, etc)
- (3) Perforated Screen,  
Type shutter, Diameter 24 inches, Length 15 feet
- (4) Gravel Pack, Thickness 12 inches, Length of gravel pack 18 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 Fine Sand  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Depth to top of water bearing material 41 feet

Depth to bottom of water bearing material 60 feet

Thickness of water bearing material 19 feet

Depth to water (ground surface to water level) 12 feet

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

across the Missouri River 165  
On same owner's property \_\_\_\_\_ rds. On property owned by others more than 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.

Larry C. Little  
Signature of Applicant  
City Engineer - City of Pierre

## WATER LICENSE NO. 4190-3

- (1) WHEREAS, On the 1st day of December A. D. 19 77  
~~the City of Pierre~~  
 made Water Right Application No. 4190-3 for a permit to use 2.00 cubic feet per second of the waters  
 of groundwater (one well)  
 County of Jurgens, State of South Dakota, for municipal  
 purposes; and
- (2) WHEREAS, On the 25th day of January A. D. 19 78  
 Permit No. 4190-3, with a date of priority of December 1, 1977  
 was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water  
 supply system therein described on or before the 25th day of January A. D. 19 79 and for the  
 application to beneficial use of said water on or before the 25th day of January A. D. 19 79

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota  
 relating to completion of the construction of the water supply system and is entitled to divert 2.00 cubic feet  
 per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota  
 relating to the application of water to beneficial use of the following extent,

~~water to be used in place for municipal purposes for the City of Pierre~~

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to the City of Pierre, South Dakota

\_\_\_\_\_ of \_\_\_\_\_  
the holder \_\_\_\_\_ and owner \_\_\_\_\_ of said permit No. 4190-3 a water right, dating from December 1, 1977  
\_\_\_\_\_ to use of 2.00 cubic feet per second of the waters  
of groundwater (one well)  
in the County of Hughes and State of South Dakota, or so much thereof as may be necessary for the  
purposes hereinbelow mentioned, to be diverted at a point 2430 feet south and 350 feet east of  
the N 1/4 corner of Section 5, T110N, R79W

and conducted ~~water~~ through the City's distribution system

for the purpose of municipal use

Subject to any limitations listed in Water Right Permit No. 4190-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota  
this 10th day of February A. D.  
Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By:

John Hatch  
Chief Engineer, Executive Officer  
JOHN HATCH

Permit No. 4190-3

Water Diversion No. 3 Missouri River Water District

### CERTIFICATE OF CONSTRUCTION

This is to Certify, That City of Pierre

\_\_\_\_\_ the holder \_\_\_\_\_ of  
Permit No. 4190-3, issued upon Application No. 4190-3, bearing date of priority of December 1,  
1977 authorizing the diversion of 2.00 cu. ft. per second of the waters of \_\_\_\_\_  
groundwater (one well) County of Hughes, State of South Dakota at \_\_\_\_\_  
a point 2430 feet south and 350 feet east of the N 1/4 corner of Section 5,  
T110N, R79W  
\_\_\_\_\_, for municipal

purposes, has B complied with the provisions of the laws of the State of South Dakota relating to proof of  
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory  
condition for diverting and conveying to the place of intended use 2.17 cu. ft. per second of water.

Date February 10, 1982

  
JOHN HATCH, Chief Engineer  
Water Rights Division

Form 5 - Notice of Intent to Appropriate Water  
GROUND WATER

No. 4190-3

Publish first publication, on or before January 5, 1978

NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 14, 1977

Notice is hereby given that the City of Pierre whose post office address is Pierre, 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, 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, for a permit to appropriate for beneficial use 2.0 cubic feet of water per second of time from ground water (one well) through the Well No. 20, the point of diversion of which is to be located ~~XXXX~~ p on LaFramboise Island

~~in~~ Section 5, Twp. 110N Range 75W. Said water to be used for the purpose of providing ~~XXXXXX~~

municipal water supplies for the City of Pierre.

This Application No. 4190-3 will be considered by the Water Rights Commission at Pierre, South Dakota upon the 25th day of January 1978 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.

**NOTE: Final Proof of Publication  
must be received by hearing date  
for the Commission to take action**

WATER RIGHTS COMMISSION

**BETTY WESTLUND**  
Water Rights Specialist I

cc: City of Pierre, Box 1253, Pierre, SD 57501

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

No. 4190-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Hughes ) ss

I, John H. Hipple hereby  
certify that the annexed printed copy of Notice of Intent to Appropriate  
Water was taken from the Daily Capital Journal

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 \_\_\_\_\_ Pierre \_\_\_\_\_

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

\_\_\_\_\_ January 3, 1978 and \_\_\_\_\_

\_\_\_\_\_ January 10, 1978. \_\_\_\_\_

John H. Hipple  
(Signature)

\_\_\_\_\_ Business Manager  
(Title)

\_\_\_\_\_ January 11, 1978  
(Date Signed)

No. 4142 - 21 dly.

No. 4190-3

NOTICE OF HEARING ON  
APPLICATION TO  
APPROPRIATE WATER

Notice is hereby given that the  
City of Pierre whose post office  
address is Pierre, South Dakota,  
has made an application in ac-  
cordance 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,  
46-6-3, 46-6-5, 46-6-6.1, 46-6-10,  
46-6-14 and Commission Rules  
ARSD 52:01:01:1 thru  
52:01:01:13, for a permit to  
appropriate for beneficial use  
2.0 cubic feet of water per second  
of time from ground water (one  
well) through the Well No. 10, the  
point of diversion of which is to be  
located on La Ramboise Island in  
Section 5, Twp. 110N Range 75W.  
Said water to be used for the  
purpose of providing municipal  
water supplies for the City of  
Pierre.

This Application No. 4190-3 will  
be considered by the Water  
Rights Commission at Pierre,  
South Dakota upon the 25th day of  
January, 1978 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 Commis-  
sion decision who desires to  
present evidence or cross-exa-  
mine witnesses according to  
SDCL 1-26 may notify the Com-  
mission in writing prior to the  
hearing or orally at the hearing.

WATER RIGHTS

COMMISSION  
BETTY WESTLUND  
Water Rights Specialist I



4190-3 City of Pease No # 10

3-16-81 At 8:45

Motor C.E. Models

5K 62.5 x H 300 ft.

125 HP 1120 RPM

Per # E P 5517/30.

Pump Payne. No 35608

Dep 12. 60 ft

Stopping 975 7 P.M.

# RECEIPT

## WATER RIGHTS COMMISSION

No 4 8635

State of South Dakota

January 6

82

PIERRE,

19

RECEIVED OF City of Pierre, Box 1253, Pierre SD 57501

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

|                                                                                                                    |    |    |
|--------------------------------------------------------------------------------------------------------------------|----|----|
| Fee for Application for Permit to Appropriate Water No. .... (examination, processing, recording and filing) ..... |    |    |
| Fee for Inspecting Construction, and Issuing Cert. of Construction No. 4190-3 )                                    | 50 | 00 |
| Fee for Inspecting Beneficial Use, and Issuing Water License No. 4190-3 )                                          |    |    |
| Fee for Issuing Location Certificate-Dry Draw, No. ....                                                            |    |    |
| Fee for filing .....                                                                                               |    |    |
| Fee for certified copy of .....                                                                                    |    |    |
| Fee for Print copy of map .....                                                                                    |    |    |
| Fee for Certifying .....                                                                                           |    |    |
| Fee for .....                                                                                                      |    |    |
| (any other work as provided by law)                                                                                |    |    |
| TOTAL                                                                                                              | 50 | 00 |

WATER RIGHTS COMMISSION

By

*John Hatch*  
Chief Engineer, Executive Officer  
JOHN HATCH (s)

Permit No. 4190-3Water Division 3 Missouri River Water District

Well #10

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

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FGSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by City of Pierre  
 of P.O. Box 1253, Pierre, S.D. 57501 holder  
 of Permit No. 4190-3, bearing date of priority of December 1, 1977  
 authorizing the diversion of 2.00 cu. ft. per second of the waters of One Well #10  
 for Municipal purposes, in Hughes County.

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

The Water Use System consists of,

A. Works used to divert the water:

Motor - GE Model 5K6278 X H 3009 A., 12.5 HP.  
1180 RPM, Ser # E P J 377130  
 Pump - Layne No. 85608. pumping 975 gpm.

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

14" dia. Cast Iron Pipe

C. Works used to apply water to beneficial use.

City Water SystemThe system is in the following condition... Excellent

The point of diversion is located 2430 ft S. and 350 ft E of the  
N 1/4 Cor. of Sec. 5, T110N R79W

The works are capable of diverting and conveying to the place of use 2.17  
 cu. ft. per second of water which is to be used for Municipal Use

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

comprising a total of \_\_\_\_\_ acres of land.

license fee 2.00Date March 16, 1981
LeRoy J. Mernagh  
 (Signature)

File No. 5003-3  
4189-3 4190-3

## **Water Rights Program - File Documentation**

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**NAME:** City of Pierre

**DATE:** 3-18-2002      **COUNTY:** Hughes

**RE:** Clarification of Legal Descriptions

**COMMENTS:**

The Notice of Application No. 6289-3 to Develop Reserved Water for the City of Pierre published March 1 & 8, 2002, also served to clarify the legal description of the wells authorized by Future Use No. 5003-3, Water Right Nos. 4189-3 and 4190-3.

Attached is a copy of the public notice.

*Karen Schlaak*

Karen Schlaak  
Environmental Scientist

No. 4491 2 tdlly 3/1, 3/8  
**NOTICE OF APPLICATION**

**NO. 6369-3 to**  
**Develop Reserved Water**

Notice is given that the City of Pierre, PO Box 1253, Pierre SD 57501 has filed an application for a water permit to construct and place to beneficial use 4.46 cubic feet of water per second (1,600 acre-feet annually) from two wells (Missouri: Pierre Aquifer) 60 feet deep located on LaFramboise Island. The legal description of the wells is the SE 1/4 SW 1/4 Section 27, T5N, R31E from the Stanley County survey (Black Hills Meridian). The original plat survey conducted in the 1890's surveyed LaFramboise Island from the west side of the Missouri River. The wells may also be referenced from the Hughes County survey (5th Principal Meridian) as being in the NE 1/4 SW 1/4 Section 5, T110N, R79W. This water was, appropriated and reserved by future use Permit No. 5003-3. The water will be used to supply the City of Pierre.

This notice also serves to clarify the legal description of the city's Future Use Permit No. 5003-3 and two existing wells located on LaFramboise Island which are authorized by established water rights.

Future Use Permit No. 5003-3 added LaFramboise Island to the area reserving water from the Missouri Aquifer for future development. This application was originally public noticed in 1998 to include LaFramboise Island and was public noticed as being Sections 34, 35 and 36, all in T5N, R31E. This notice serves to include Section 27, T5N, R31E because a portion of the Island is also located in Section 27.

Water Right Nos. 4189-3 and 4190-3 appropriates 2.00 cfs and 1.56 cfs from two wells on LaFramboise Island located in the SW 1/4 NE 1/4 and the NW 1/4 SE 1/4 Section 5, T110N, R79W based on the Hughes County Survey (5th Principal Meridian). This notice serves to provide the legal descriptions of wells based on the original plat survey (Black Hills Meridian) from the west side of the Missouri River. These existing wells are located in the SW 1/4 SE 1/4 Section 27, T5N, R31E.

Pursuant to FDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5289-3 because 1) existing rights will not be lawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the applicant or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 18, 2002.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pinner  
Secretary  
Department of Environment and  
Natural Resources