

1. Considered: JULY 29, 1981 Water Right No. 4771-3
 2. Name of Applicant CITY OF MARION M-398213
 3. Post Office Address CITY HALL 57043
 4. Amount of Water Claimed 3.00 maximum acre foot
 5. Source of Water Supply 4 WELLS (3 EXISTING - ONE NEW)
 6. Water to be used for MUN acres to be irrigated
 7. County TURNER about _____ miles 4 CITY LIMITS
 8. PROOF OF PUBLICATION Received 7-29-81 Not Received
 APPLICATION: Approved 7-29-81 Subject to DW
 Not Approved _____ Action Deferred _____

1928
1935
1916
May 11, 1981

Dated Received 5-11-81 Application complete-yes _____ no _____ FEE N/A
 Remarks V/R 3 wells .55 CFS; NEW - 1 @ .45 CFS & 2.00 F/U
.20 CFS = 1928; .15 CFS = 1935 and .20 CFS = 1916; .45 = 5/11/81
 Corrected Application received _____ Period of Annual Use CONTINUOUSLY

Received yes _____ no _____ APPROVED/CONDITIONAL (Circle one)
 WI-1 Description same as application-yes _____ no _____ Remarks _____

Disapproved _____ Returned _____

x	x				
x	5				

Diversion Points NW⁴ NW⁴; NE⁴ NW⁴;
NW⁴ SW⁴ SEC. 5-T49N-R55W

land to be irrigated _____

LL LOG Driller _____ Licensed - yes _____ no _____

Depth 294', 220', 258' & 200' DEEP

Remarks VIR
DRILLED BY J.B. McCALLEN IN 1916 also have
#4 well log (given from Drinking water office)

MAP Map No. 3982.3 Map located in Water Right X Map file _____
 Type of Map Drawn Prepared by E. H. H. Map

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 7/8/81.
B. H. H. H. H.
 (Signed)

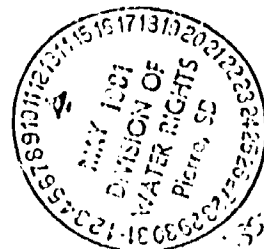
+++++

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

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

No. 4771-3Map No. 3982-3 Water Division No. 3 VERMILLION RIVER District

Above for Office Use

10170102

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New X Vested Right X Future Use X 900 gpm (2cfs)

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant City of Marion, S.D.Phone No. 648-1510Post Office Address City Hall,MarionState S.Dak.57043

(Street, RR, or Box)

(Town)

If a corporation show date and place of incorporation _____

(Zip Code)

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

3. Name of diversion work City wells4. Amount of water claimed (cubic feet per second) 450 gpm (1 cfs) 3 cfs5. Source of water supply Ground water6. Location of point of diversion #1 - Lot 1, Blk 5, Original Addition; #2 - Outlet 19, Houghton Addition; #3 - in RR R. of way adjacent to State St. and Broadway St.; #4 - SE corner of
Outlet 2 by Nebraska and Center St. Sec. 5, T4N, R55W County Turner
NW4 NW4; NE4 NW4 & NW4 SW47. Annual period or periods during which water is to be used Continuously8. 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 Completed years. Additional time required to complete application of water to the proposed beneficial use _____ years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Marion Record in Marion, SD

12. Principal Features of the Proposed Water Supply System.

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

Well pump and motor on each well

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

4" Mains - 6" Mains and 8" Mains.
Length of each size unknown.

C. Works proposed to apply water to beneficial use.

375 - Connections to municipal system.

Estimated Total Cost \$ _____

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

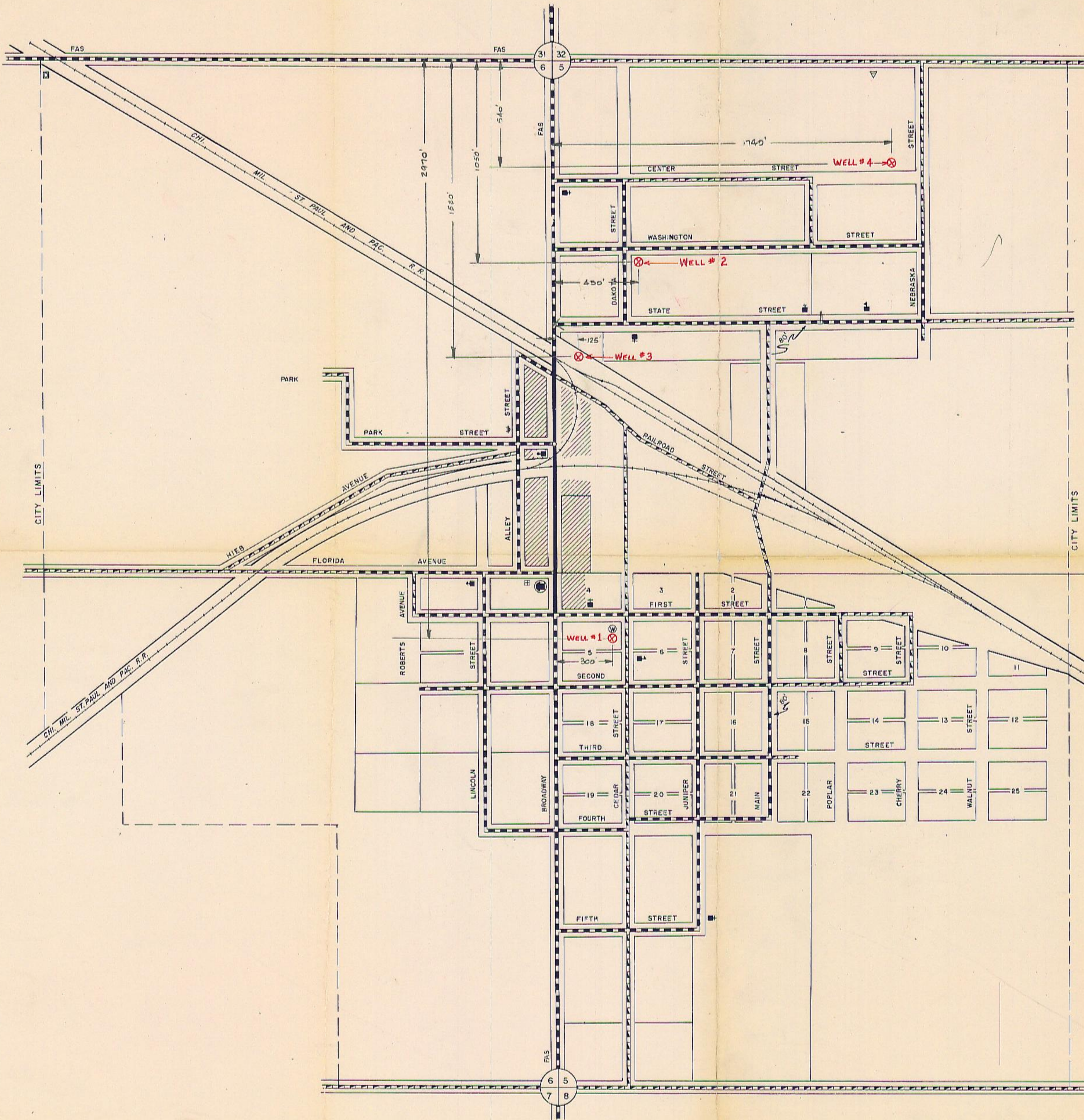
STATE OF SOUTH DAKOTA)

County of Hughes) ss.I Quinn L. Tresje

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 Quinn L. TresjeSubscribed and sworn to before me this 11th day of May, 1981

Notary Public (or other qualified officer)



CITY MAP

MARION

TURNER COUNTY, SOUTH DAKOTA

T 99 N - R 55 W

SCALE 54

0 300 ft.

POP. 844 (1970)

1968

DRAWN BY

DEPARTMENT OF TRANSPORTATION

OFFICE OF SYSTEM ANALYSIS

ALL STREET RIGHT OF WAY 66 FT.

ALLEYS 16 FT.

(UNLESS OTHERWISE INDICATED)

UNOFFICIAL EDITION



LEGEND

- U.S. NUMBERED HIGHWAY
- STATE NUMBERED HIGHWAY
- FEDERAL AID HIGHWAY SYSTEM
- FEDERAL AID SECONDARY HIGHWAY SYSTEM
- PRIMITIVE ROAD
- UNIMPROVED ROAD
- GRADED AND DRAINED ROAD
- GRAVEL ROAD
- BITUMINOUS SURFACED ROAD
- PAVED ROAD
- RAILROAD
- CENTRAL BUSINESS DISTRICT
- TOWN CENTER
- POST OFFICE
- SCHOOL HOUSE
- CHURCH OR OTHER RELIGIOUS INSTITUTION
- CITY HALL
- BALL FIELD
- FIRE ENGINE HOUSE
- WATER SUPPLY STAND PIPE OR TANK
- GARBAGE OR RUBBISH DUMP
- POWER SUBSTATION

Map # 4771-3

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4771-3

CITY OF MARION
(Applicant)

CITY HALL
(Post Office Address)

SOUTH DAKOTA
(State)

With the following qualifications

57093

Partial "VESTED RIGHT" Claimed.

The wells approved under this Permit are located near domestic wells which may obtain water from the same aquifer. The well owner, under this Permit, shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.

This Permit also is approved for 2.00 c.f.s. for future use, with the stipulation that at such times as definite plans are made, specific applications for all or any part of the water granted under this withdrawal, must be submitted prior to construction of facilities.

This Future Use Permit No. 4771-3 is approved with the stipulation that the Permit to appropriate water is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.

Date of first receipt of application MAY 11, 1981

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

Date of receipt of corrected application _____, 19____

Approved JULY 29, 1981, Recorded in Book 27 Page 274

WATER RIGHT PERMIT NO. 4771-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4771-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is FUTURE USE 2.00 CFS MAY 11, 1981

2. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____, 19____

3. The whole of said work is to be completed on or before _____, 19____

4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED, 19____

5. The water appropriated shall be used for the purpose of MUNICIPAL USE

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 3.00 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 served, and if for irrigation purposes said appropriation must be limited to not more than 2-acre-foot-per-acre-per-year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied~~ USED FOR MUNICIPAL PURPOSES ~~for irrigation on or before~~ THIS DATE, 10; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 5th day of AUGUST, 1981

THE WATER MANAGEMENT BOARD

By: John K. H. H.
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

Film # 98
Drinking Water
Office

D Well Information New: Well #4 @ 200 gpm - See 1968- SD Health Dept. Approval of Plan and Specs #1868.

- (1) Drill Hole, Diameter 24", Depth 200 ft.
- (2) Casing, Type Steel (wood, concrete, steel, etc), Diameter 8", Thickness 0.322"
- (3) Screen, Type Stainless Steel, Diameter 8", Length 25'
- (4) Gravel Pack, Thickness 16", Length of gravel pack 200 ft.

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

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

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material 175 ft.

Depth to bottom of water bearing material 200 ft. (Granite)

Depth to water (ground surface to water level) 175 ft.

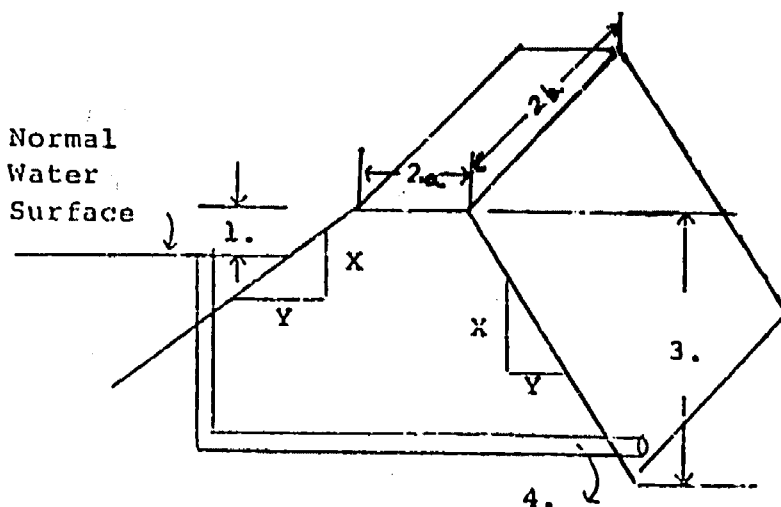
- (2) Distance to nearest existing household or livestock watering well. See City Map

On same owner's property _____ rds.

On property owned by others _____ rds.

G Water Storage Dams

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



1. Freeboard _____
- 2a Crest width _____, length _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
- Surface area of impoundment _____
- Drainage area above dam _____

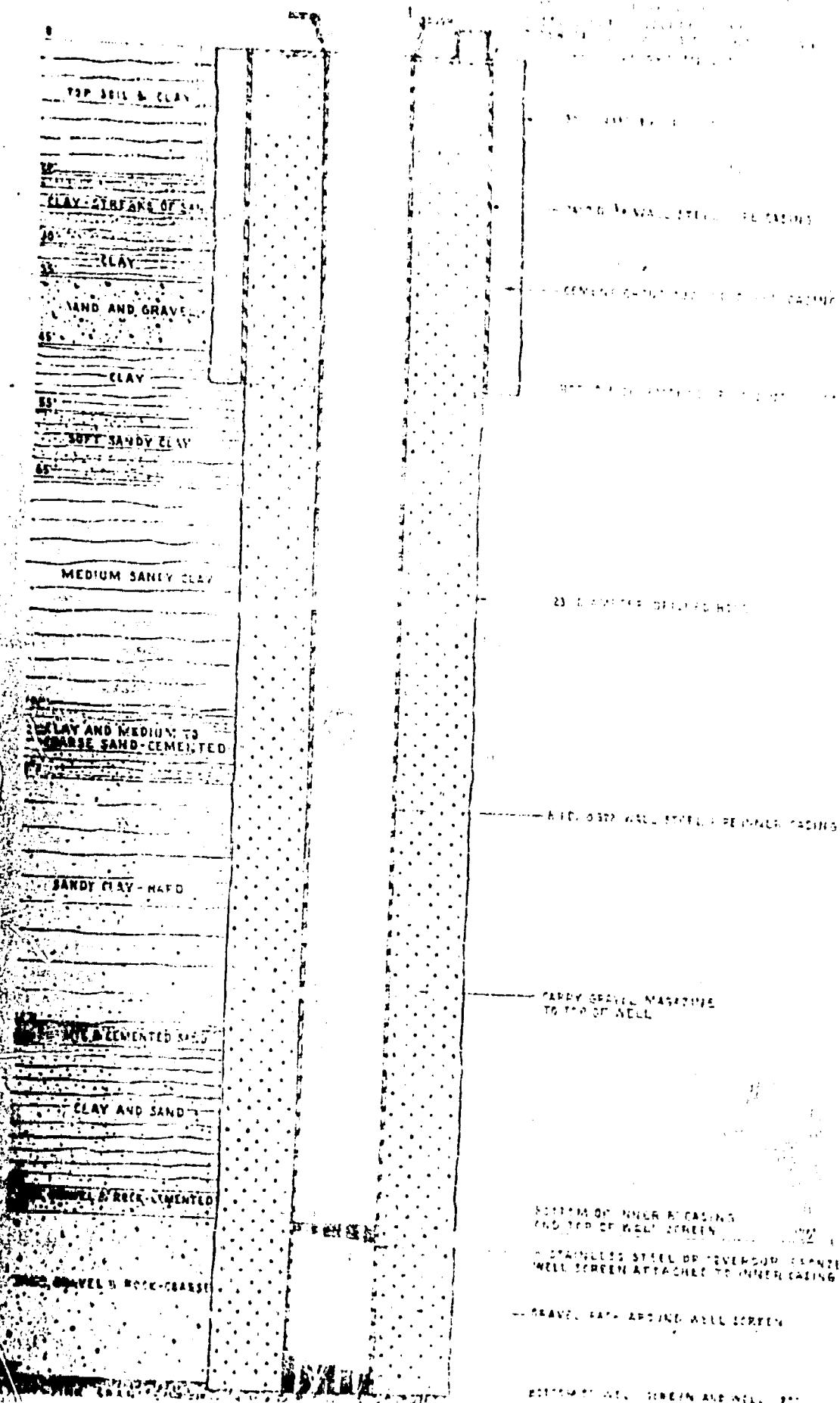
Deane L. Trigg
Signature of Applicant

LOCATED W. WEST OF ECG HOUSE
AND 50' NORTH OF S. OF MAIN TRACK

PARION JUNCTION SD

Surface of ground

[illegible]



GRAVEL PAVED WELL

No. 1955

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 MarionPost Office Address Marion, State S. Dak. 57043If a Corporation show date and place of incorporation August 2, 1881

13. Notice of Appropriation (If available)

Date of Posting _____ Date of Recording _____

Recording Date _____

14. Date of start of construction of water supply system Pre-191615. Date that water was first applied to beneficial use Pre-191616. Name of owner of original water supply system Unknown17. Amount of water originally applied to beneficial use 250 gpm ~~xxxxx~~

18. Present Use of Water

Amount of water now being used 200 gpm ~~xxxxx~~Date that this amount of water was first used 1968

19. Chronological History of Water Use

Well South #1 Standby - drilled 1928 - depth 284 ft. - diam. 8" - pump 90 gpm .20
 Well North #2 Standby - drilled 1935 - depth 220 ft. - diam. 8" - pump 70 gpm .15
 Well R.R. #3 Standby - drilled 1916 - depth 258 ft. - diam. 8" - pump 90 gpm .20
.55

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)

County of Hughes) ssI, Duane L Tiejen

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

Signed Duane L TiejenSubscribed and sworn to Before me this 11th day of May, 19 81

Karen Wernsmann
 (Notary Public - or other qualified Officer)

KAREN WERNSMANN, Administrative Secretary

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

No. 4771-3

Publish first publication on or before June 18, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 12, 1981

Notice is hereby given that

the City of Marion whose post office
address is XXXXXXXXXXXXXXXXXXXX, South Dakota, has made application in accordance with the
provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru
46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-5-38, and Board Rules ARSD 52:01:01:01 thru
52:01:01:13, 52:01:01:21 thru 52:01:01:24, for permit to appropriate for beneficial use

3.00 cubic feet of water per second of time from the (including a Vested Right & Future Use)
groundwater (existing & new)
through the Marion City wells, the point(s) of diversion of which is (are)
to be located in the XX
NW 1/4, NE 1/4, SE 1/4, NW 1/4 and NW 1/4, SW 1/4

of section 29, Twp. 29N, Range 55W. Said water to be used for the purpose of
providing irrigation on portions of the following described land:
XX

water supplies for municipal use

This Application No. 4771-3 will be considered by the Water Management Board at
Civil Defense Meeting Room,
State Capitol Building, Pierre SD upon 29th day of July, 1981

at 10 A. M. The Board 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 Board decision who desires to present evidence or cross-examine witnesses according to
SDCL 1-26 may notify the Board in writing to the hearing or orally at the hearing.

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

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

WATER MANAGEMENT BOARD

BETTY WESTLAND specialist

cc:
City of Marion
City Hall, Marion SD 57043
WNR-806C-1779
Notice of Intent to Appropriate Water
(Future Use - Groundwater)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Turner) ss.

I, Keith Robbins hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Marion Record

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 Marion

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

6-18-81 + 6-25-81

Keith Robbins
(Signature)

Publisher
(Title)

6-25-81
(Date Signed)

Cost of Printing: \$22.79

NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER

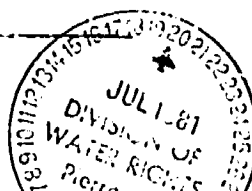
Notice is hereby given that the City of Marion, South Dakota, has made application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-3, 46-5-10 thru 46-5-22, 46-5-41, 46-5-38, and Board Rules ARSD 52:01-01:01 thru 52:01:01:13, 52:01-01:21 thru 52:01:01:24, for permit (including a Vested Right & Future Use) to appropriate for beneficial use 3.00 cubic feet of water per second of time from the groundwater (3 existing & 1 new) through the Marion City Wells, the points of diversion of which are to be located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Twp. 99N, Range 55W. Said water to be used for the purpose of providing water supplies for municipal use.

This application No. 4771-3 will be considered by the Water Management Board at Civil Defense Meeting Room, State Capitol Building, Pierre, SD upon 29th day of July, 1981 at 10 A. M. The Board 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 Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing to the hearing or orally at the hearing.

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

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

WATER MANAGEMENT BOARD
BETTY WESTLUND
Water Rights Specialist
25-26c



IN CHECKING OUT THE CITY
OF ARIZON'S WATER RIGHT, IT
WAS NOTED THAT THE RANGE
WAS DESIGNATED AS 55W, AND
IT SHOULD BE 54W. THE CITY
USED A DEPT. OF TRANSPORTATION
CITY MAP WHICH CONTAINED
THE ERROR. WE THINK THE BOARD
CAN RECOGNIZE THE ERROR AND
THE PERMIT CAN BE CORRECTED TO
REFLECT THE RIGHT LOCATION

Permit No. 4771-3Water Division 3 VERMILLION RIVER Water DistrictREPORT 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
MARION of _____ holder _____
of Permit No. 4771-3, bearing date of priority of ISCS FROM 1935, 45 FROM MAY 11, 1981
authorizing the diversion of 3.0 cu. ft. per second of the waters of GROUNDWATER
for MUNICIPAL purposes, in TURNER County.

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

The Water Use System consists of, #1 WELL - 284' DEEP - 8" STEEL CASING

#2 WELL - 220' DEEP - 8" STEEL CASING

A. Works used to divert the water: #3 WELL - 258' DEEP - 8" STEEL CASING

#4 WELL - 200' DEEP - 8" STEEL CASING - 25' SS SCREEN

#1 WELL - LAYNE-MIDWEST 4" TURBINE PUMP - 10HP WESTINGHOUSE ELEC. MOTOR

#2 WELL - REDA SUBMERSIBLE - 4" WITH 7 1/2 HP MOTOR

#3 WELL - LAYNE-BOWLER 4" TURBINE PUMP - 10HP GE ELECTRIC MOTOR

#4 WELL - VALLEY - 5" STAGE - 6" SUBMERSIBLE PUMP WITH 15HP ELECTRIC MOTOR

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

#4 WELL - 6" MAINLINE TO 8" MAIN

#3 WELL - 4" MAINLINE TO 8" MAIN

#1 & #2 WELLS - 2 1/2" MAINLINE TO 8" MAIN

2" & 1" LINES TO USERS

C. Works used to apply water to beneficial use.

APPROXIMATELY 325 HOOK-UPS

The system is in the following condition. GOODThe point of diversion is located #1 - 1290'S & 300'E; #2 - 1050'S & 430'E; #3 - 1530'S & 125'E; #4 - 540' & 1740'E, ALL FROM THE NW CORNER, SECTION 5, T99N, R54WThe works are capable of diverting and conveying to the place of use 1.00 * 2.00 FUTURE USE
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.

* WELL #1 - 40 GPM; WELL #2 - 70 GPM; WELL #3 - 40 GPM; WELL #4 - 200 GPM. WELL #4 IS THE PRIMARY SOURCE, WITH WELLS #1, #2 & #3 USED AS STANDBY WELLS. THEY DO HAVE PUMPS, AND ARE CAPABLE OF BEING USED.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8580

PIERRE, December 14, 1981

RECEIVED OF Duane Tiejen, Mayor, City of Marion, City Hall, Marion, SD 57043
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) _____	4771-3	50.00
Fee for Inspecting Construction, and Issuing Cert. of Construction No. _____	4771-3	
Fee for Inspecting Beneficial Use, and Issuing Water License No. _____	4771-3	
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filling _____		
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 /lt/

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4771-3

(1) WHEREAS, On the 11th day of May, A.D. 1981
the City of Marion

made Water Right Application No. 4771-3 for a permit to use 1.00 cubic feet per second of the water of groundwater (four wells)

County of Turner, State of South Dakota, for municipal

purposes; and

(2) WHEREAS, On the 22th day of July, A.D. 1981

Permit No. 4771-3 with a date of priority of 1916, 1926, 1935 and May 11, 1981

was issued to said applicant recognizing for the diversion of said water, and ~~xxxxxxx~~ the completion of construction of the water supply system therein described ~~xxxxxxxxxxxx~~ ~~xxxxxx~~ ~~xxxxxxxx~~ and for the application to beneficial use of said water ~~xxxxxxxxxxxx~~ ~~xxxxxx~~ ~~xxxxxx~~

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 1.00** 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 for municipal purposes for the City of Marion

* Permit No. 4771-3 also included appropriation of 2.0 cfs for future use from wells 200 to 300 feet deep with a priority date of May 11, 1981. The future use appropriation is not a part of this license and remains a part of Permit No. 4771-3 until applications to place part or all of the 2.0 cfs future use to beneficial use are approved by the Water Management Board or until the Board cancels all or any remaining unused portion of the 2.0 cfs.

** Well #1-90 gpm; Well #2-70 gpm & Well #3-90 gpm are vested. Well #4- is the primary source, with wells #1, #2 & #3 used as standby wells. Wells #1, #2 & #3 do have pumps, and are capable of being used.

(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 Harlan, South Dakota

_____ of _____

the holder _____ and owner _____ of said permit No. 4771-3 a water right, dating from 1916, 1929, 1935 &

May 11, 1981 to use of 1.00 cubic feet per second of the waters

of groundwater (four wells)

in the County of Turner and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinafter mentioned, to be diverted at Well #1-1290'S and 300'E; Well #2-1050'S and 430'E;

Well #3-1530'S and 125'E and Well #4-540'S and 1740'E, all from the NW corner,

Section 5, T99N, R54W

and conducted XXXXXXXXXXXX through the City's distribution system

for the purpose of municipal use

Subject to any limitations listed in Water Right Permit No. 4771-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 17th day of May A. D.

Nineteen Hundred and Eighty-two

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

Permit No. 4771-3

Water Diversion No. 3 Vermillion River Water District

CERTIFICATE OF CONSTRUCTION

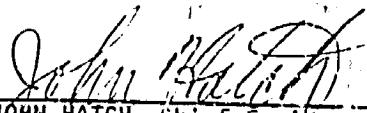
This is to Certify, That the City of Marlon

_____ the holder _____ of
Permit No. 4771-3, issued upon Application No. 4771-3, bearing date of priority of 1916, 1928,
1935 & May 11, 1981 authorizing the diversion of 1.0* cu. ft. per second of the waters of _____
groundwater (four wells) County of Turner, State of South Dakota at _____
Well #1-1290'S and 300'E; Well #2-1050'S and 430'E; Well #3-1530'S and 125'E;
and Well #4-540'S and 1740'E, all from the NW corner, Section 5, T99N, R54W
_____, for _____ municipal _____

_____ purposes, has _____ 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 1.00 cu. ft. per second of water.

Date May 17, 1982

* Permit No. 4771-3 also
Included appropriation of
2.0 cfs for future use from
wells 200 to 300 feet deep, with
a priority of May 11, 1981



JOHN HATCH, Chief Engineer
Water Rights Division

4771-3

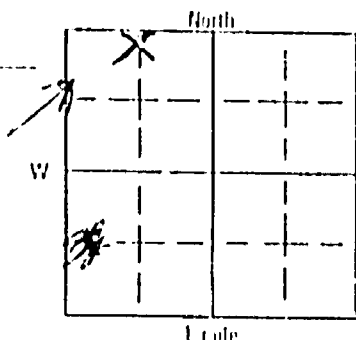
4771-

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10 85

Location NE NW Sec 5 Twp 99 Rg 54County TURNER

Please mark well location with an "X"

Well Completion Date 10-31-91

PROPOSED USE

☐ Domestic ☒ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling

ROTARY

CASING DATA

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>8</u> IN	<u>0</u> FT	<u>180</u> FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 165' FEETWhat is grouting material? CEMENT

If cement, number of sacks? _____

Describe grouting procedure PRESSURE GROUTEDPREMIER LINE

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 8 IN Length 25 FEETMaterial STAINLESS STEELSlot Size _____ Set From 180 Feet To 205 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain ChlorinatedBacteriological analysis ☒ YES ☐ NOLaboratory sent to STATE HEALTH LAB

Well Owner

Name CITY OF MARIONAddress MARION, S. DAK 57644

Well Log

Depth

Formation

From

To

<u>RED SAND</u>	<u>0</u>	<u>3</u>
<u>YELLOW CLAY</u>	<u>2</u>	<u>3.2</u>
<u>BLUE CLAY</u>	<u>32</u>	<u>164</u>
<u>SAND GRAVEL</u>	<u>164</u>	<u>205</u>

STATIC WATER LEVEL 110 Feet

If flowing closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA

☒ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

134 ft. After 72 Hrs. pumped 150 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

Replacement Well For OLD
CITY Well

This well was drilled under license # 515

And this report is true and accurate

Drilling firm MARION WELL DRILLING

Signature of License Representative

Alton Schmitt

Signature of Well Owner

Date 11-15-91

RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT NO. 4771-3

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. 4771-3, City of Marion, PO Box 376, Marion SD 57043.

The Chief Engineer is recommending that Future Use Permit No. 4771-3 REMAIN in EFFECT because 1) there is reasonable probability that there may be development of the water reserved under Permit No. 4771-3, 2) the City of Marion has demonstrated a reasonable need for the water reserved by Permit No. 4771-3, 3) the proposed use will be a beneficial use and 4) it is in the public interest with the following qualifications:

1. That the fee of \$47.50 for maintaining the effectiveness of Future Use Permit No. 4771-3 is paid within 60 days of notice to the City of Marion.
2. This permit is approved for groundwater from wells 200 to 300 feet deep.


JOHN HATCH, Chief Engineer
June 24, 1988

AMENDMENT TO FUTURE USE PERMIT NO. 4771-3

CITY OF MARION

Pursuant to the July 27, 1988 Water Management Board hearing, Future Use Permit No. 4771-3 was allowed to remain in effect and amended by adding the following qualification:

1. This permit is approved for groundwater from wells 200 to 300 feet deep.



Department of Water & Natural Resources

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

June 8, 1988



Duane Tieszen, Mayor
City of Marion
PO Box 376
Marion SD 57043

Dear Mayor Tieszen:

I am writing in regard to Future Use Permit No. 4771-3 held by the City of Marion. A copy of Permit No. 4771-3 is enclosed for your review.

Future use permits are subject to review by the Water Management Board once every seven years pursuant to SDCL 46-5-38.1. The purpose of this review is to determine if a reasonable need exists for allowing the permit to remain in effect. Permit No. 4771-3 will be scheduled for review on July 27, 1988. Notice will be given of the time and place for the public hearing. The review of the future use portion of Permit No. 4771-3 will not affect the current water use portion of this permit. The fee to be assessed if Permit No. 4771-3 is allowed to remain in effect will be \$47.50 pursuant to SDCL 46-2-13.2.

Please advise in writing by June 20, 1988 regarding the City's intentions for Future Use Permit No. 4771-3. The letter should include a description outlining the City's need for the future use permit, and if the City still wants to keep the permit in effect. Let us know if you have any questions.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
605 773-3352

enc.





Department of Water & Natural Resources

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

June 24, 1988

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

Duane Tieszen, Mayor
City of Marion
PO Box 376
Marion SD 57043

Dear Mayor Tieszen:

Future Use Permit No. 4771-3 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 Marion Record printed at Marion 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,

RON DUVALL
Natural Resources Engineer
605 773-3382

enclosures





Department of Water & Natural Resources

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

June 24, 1988

Marion Record
Box 298
Marion SD 57043

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 4771-3 to be published twice. Please publish the first notice on or before June 30, 1988 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 Marion, PO Box 376, Marion SD 57043.

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,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE
No. _____

TO: Water Rights Division
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



Instruction to Newspaper-Publish first publication of the following Notice on or before June 30, 1988 with 2nd publication 7 days later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 4771-3

Notice is hereby given that the Water Management Board will review Future Use Permit No. 4771-3 held by the City of Marion, PO Box 376, Marion SD 57043 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. 4771-3. This permit was approved July 29, 1981 to reserve 2.00 cfs (1448 acre feet annually) from ground water 200 to 300 feet deep. Future diversions are to be made from the N 1/2 NW 1/4, NW 1/4 SW 1/4 Section 5-T99N-R54W to provide future municipal water supplies to the City of Marion.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 4771-3 remain in effect 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. 4771-3, at 11:15 am, July 27, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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 July 15, 1988. 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. 4771-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-5-38.1, Board Rules ARSD 74:02:01:27 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 Right Division, DWNR, Joe Foss Building, Pierre SD 605 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended 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 extension must be filed with the Chief Engineer by July 15, 1988.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Marion) ss.

I, Anthony R. L. L... hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

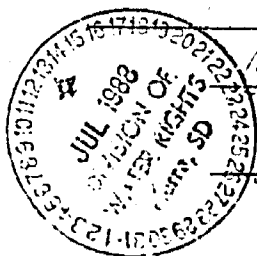
Water was taken from the Marion River

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

Marion of Marion

County of Marion
that the said notice was published in said
two dates:

Marion, 30, 1988
Marion, July 7, 1988



Anthony R. L. L...
(Signature)

Anthony R. L. L...
(Title)

July 7, 1988
(Date Sign)

Cost of Printing: 38.8

affidavit
39.30

NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 4771-3

Notice is hereby given that the
Water Management Board will review
Future Use Permit No. 4771-3 held by
the City of Marion, PO Box 376,
Marion, SD 57043 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. 4771-3. This
permit was approved July 29, 1981
to reserve 2.00 cfs (1448 acre feet
annually) from ground water 200 to
300 feet deep. Future diversions are
to be made from the N 1/2 NW 1/4,
NW 1/4 SW 1/4 Section 5-T99N-
R54W to provide future municipal
water supplies to the City of Marion.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water Rights
Division recommends that Permit No.
4771-3 remain in effect 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. 4771-3, at 11:15
a.m., July 27, 1988 in Room 216,
Joe Foss Building, 523 E Capitol,
Pierre, SD.

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's
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 July 15, 1988.

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

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

441207

Pierre, July 12, 1988

RECEIVED OF City of Marion, PO Box 376, Marion, SD 57012

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. 4771-3 after period of seven years.

47 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

47 50

By

Chief Engineer

JOHN HATCH

(15)

 **Department of
Water & Natural Resources**

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

June 9, 1988

Duane Tieszen, Mayor
City of Marion
PO Box 376
Marion SD 57043

Dear Mayor Tieszen:

This letter is to follow-up the letter dated June 8, 1988 regarding Future Use Permit No. 4771-3. The letter did not include a copy of the Future Use Permit. Enclosed is a copy of the permit with a copy of the map submitted with the original permit application.

Please contact me if you have any questions.

Sincerely,



Ron Duvail
Natural Resources Engineer
605 773-3352

enc.



COUNCIL

Harlan Becke
Richard Donlan
Irvin Jeno
Barclay Smith
Otto Thomas
Charles Weber

CITY OF MARION

TURNER COUNTY

MARION, SOUTH DAKOTA 57043

OFFICERS

DUANE TIESZEN
Mayor

KATHERYN TIESZEN
Finance Officer

June 10, 1988



Gentlemen:

We received the enclosed letter but the copy of Permit No. 4771-3 was not included.

Please send us this permit.

Sincerely,

Kathryn Tieszen-Finance Officer
Box 376
Marion, S. D. 57043

COUNCIL
Harlan Becker
Richard Donlan
Irvin Jeno
Barelay Smith
Otto Thomas
Charles Weber

CITY OF MARION

TURNER COUNTY

MARION, SOUTH DAKOTA 57043

OFFICERS
DUANE TIESZEN
Mayor
KATHERYN TIESZEN
Finance Officer

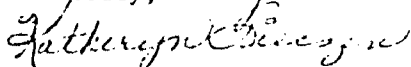
June 23, 1986

S.D. Dept. of Water & Natural Resources
Joe Foss Bldg.
523 East Capitol
Pierre, South Dakota 57501-3181

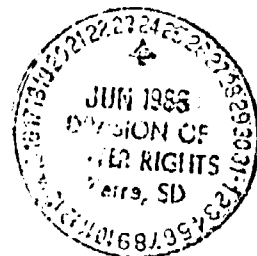
Gentlemen:

This letter is in regards to the Future Use Permit No. 4771-3 that pertains to water usage of the City of Marion. We ask that this permit be renewed as it is for municipal usage.

Sincerely,



Katheryn Tieszen-Finance Officer
Box 376
Marion, South Dakota 57043



 **Department of
Water & Natural Resources**

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

July 29, 1988

NOTICE

Duane Tieszen, Mayor
City of Marion
PO Box 376
Marion SD 57043

Dear Mayor Tieszen:

I am writing in response to action taken by the Water Management Board at the hearing on July 27, 1988 to review Future Use Permit No. 4771-3. The Board allowed the permit to remain in effect and amended Permit No. 4771-3 by adding the qualification on the enclosed "Attachment". The "Attachment" should be placed with the permit. Future Use Permit No. 4771-3 is again subject to review in seven years.

The \$47.50 fee to maintain the effectiveness of Future Use Permit No. 4771-3 has been received. Enclosed is your receipt. Please contact us if you have any questions.

Very truly yours,



John Hatch, Chief Engineer
Water Rights Division
605 773-3352

enc.



CERTIFICATION

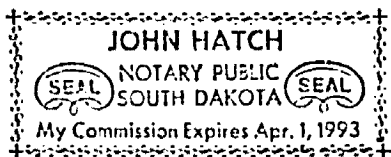
I hereby certify that on July 29, 1988 I have personally deposited with the U.S. Mail, a postage prepaid envelope containing Notice on Amendment of Future Use Permit No. 4771-3 addressed as stated on the notice.

waren schlecht

KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 1st day of August, 1988.



John Batz
Notary Public



47711-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 8 1996

Glenn Rapp, Mayor
City of Marion
PO Box 94
Marion SD 57043-0094

Dear Mayor Rapp:

Enclosed are Water License Nos. 4771A-3 & 4771B-3 and Future Use Permit No. 4771C-3 for the City of Marion. No. 4771-3 was originally issued as a "partial vested right claim". This "partial vested right" was validated by the Water Management Board on May 5, 1993, and a copy of the validation is also enclosed. The validation document reflects the information on file at the time the claim was published for validation in 1988. Changes made by the Water Management Board to No. 4771-3 at the May 1, 1996, board meeting are listed on Water Licenses No. 4771A-3 and 4771B-3.

No. 4771-3 has been divided and licensed as follows:

Water Right No. 4771A-3 - authorizing diversion of 0.45 cfs from two wells. Well #4 (0.12 cfs) is located in the NE 1/4 NW 1/4 Section 5-T99N-R54W with a priority date of May 11, 1981. The new well (0.33 cfs) is located in the NE 1/4 NW 1/4 Section 5-T99N-R54W with a priority date of August 12, 1991.

Vested Water Right No. 4771B-3 - authorizing diversion of 0.40 cfs from two wells. Well #1 (0.20 cfs) is located in the NW 1/4 SW 1/4 Section 5-T99N-R54W with a priority date of January 1, 1928. The new well (0.20 cfs) is located in the NE 1/4 NW 1/4 Section 5-T99N-R54W with a priority date of January 1, 1916.

* The new well is included on both Nos. 4771A-3 and 4771B-3 and the maximum combined diversions from all three wells is 0.85 cfs.

Future Use Permit No. 4771C-3 - reserves 260 acre-feet of water from groundwater 200 to 300 feet deep located in the N 1/2 NW 1/4, NW 1/4 SW 1/4 Section 5-T99N-R54W to provide future municipal water supplies to the City of Marion with a priority date of May 11, 1981.

As long as the City of Marion uses the water beneficially as stated in the licenses, the City has a continuing right to use of the water. If you have any questions, please contact Ron Duvall (605 773-3352).

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program

c: Katheryn Tieszen, Finance Officer

enclosures

SOUTH DAKOTA
VESTED WATER RIGHT NO. 4771-3

Date of Receipt of Claim May 11, 1931.

Date of Validation May 5, 1993.

The Water Management Board validated Vested Water Right Claim No. 4771-3 for the City of Marion, PO Box 94, Marion SD 57043-0094 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 4771-3 appropriates 0.55 cubic feet of water per second (cfs) from three wells located in the N 1/2 NW 1/4, NW 1/4 SW 1/4 Section 5-T99N-R54W.
2. The appropriated water is used for supplying water to the City of Marion and may not exceed the amount of water needed for beneficial use for municipal purposes.

The water is to be used during the following annual period: January 1 - December 31.

3. The priority dates of the Vested Water Right are as follows:

0.20 cfs - January 1, 1916

0.20 cfs - January 1, 1928

0.15 cfs - January 1, 1935

4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 8 1998

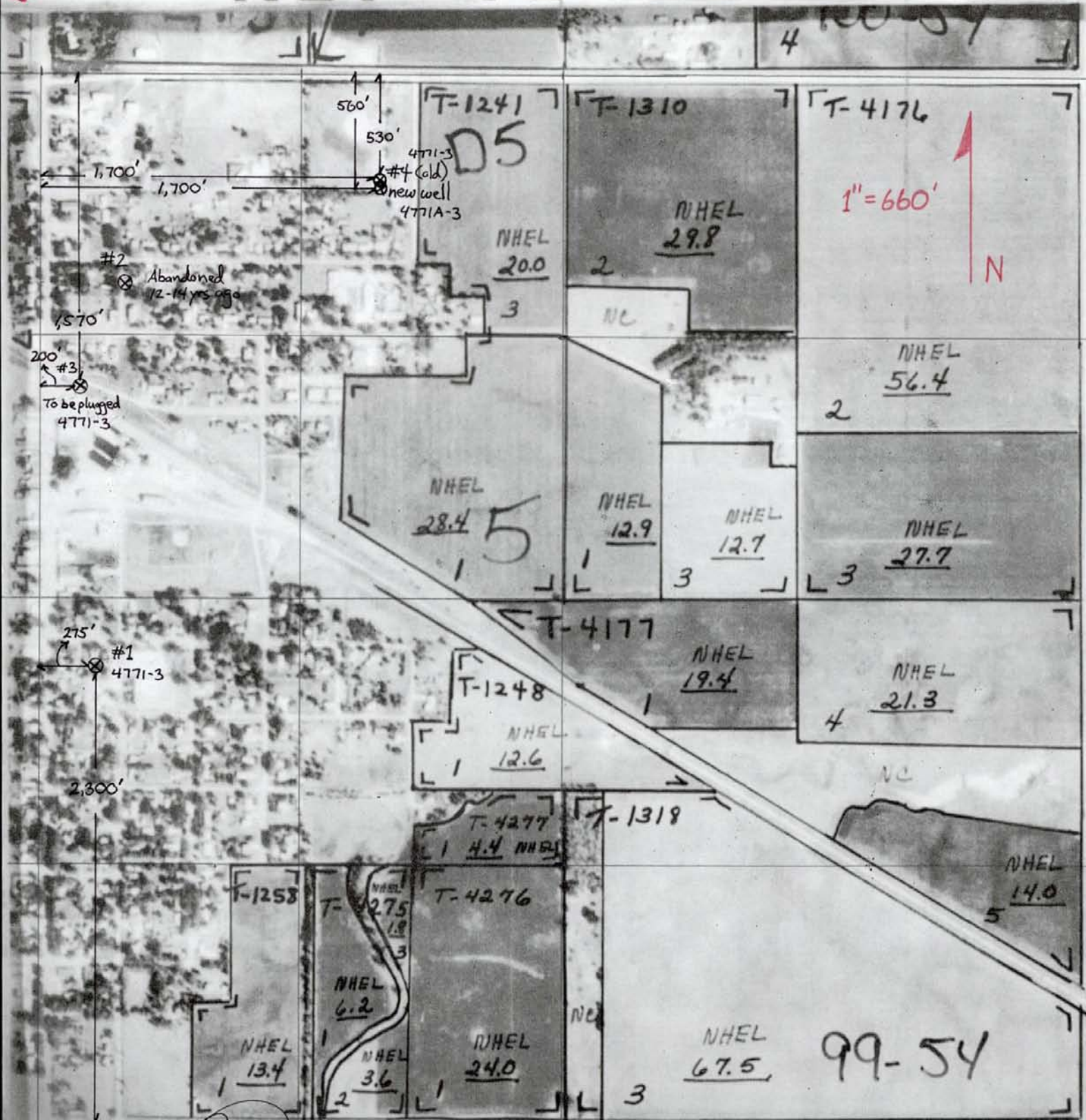
date



4771-3

4771-3
4771A-3

NOT TO SCALE



Don Savell
Natural Resources Engineer
12/13/95

Water Permit No. 4771A-3

4771A-3