

Considered: _____

WATER PERMIT NO. 4771A-3

Phone: 648-3539

Name of Applicant: City of Marion

Post Office Address: PO Box 376, Marion SD 57043

Amount of Water Claimed: no add'l Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: municipal County: Turner

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 8-12-91 Fee: 50.00 Remarks Add'l

diversion point on Water Right No. 4771-3

Corrected Application Received 9-5-91 Period of Annual Use Jan 1- Dec 31

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

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

Diversion Point: NE 1/4 NW 1/4 Sec 5-T92N-R54W

Land to be Irrigated: _____

		existing well		
		8	new well	
		5		
				1

Well Log: Driller: Marion Well Drilling Licensed YES X NO _____

Depth of Well: 205' REMARKS _____

Type of Map: areial PREPARED BY: Kyle Kerbener, SCS Reviewed and the Number

Assigned on 9-6-91 By Karen Schlaak

Mail to: Water Rights Div
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

No. 4771A-3 Hydrologic Unit 10170102
Map No. _____ Basin Vermillion River
Newspaper The New Era, Box 577, Parker

57053-0577 (Thurs)

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

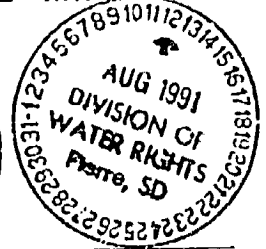
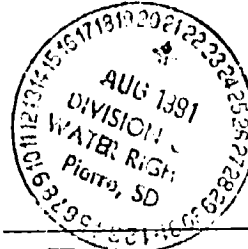
New: ☒ Vested Right ☐ Future Use ☐ Change Use ☐

☒ Amend Permit No. 4771-3 with old priority date retained

(Change diversion point(s)) ☐ Add diversion point(s) ☒ Other ☐

☐ Application for Change diversion point(s) ☐ Add diversion point(s) ☐ and Permit No. _____

☐ Construction to use water reserved by Future Use Permit No. _____



Name of Applicant CITY OF MARION Phone No. 608-3539

Post Office Address PO Box 376 MARION S.D. State 57043
(Street, R.F. or Box) (City) (Zip Code)

Amount of water claimed (c.f.s.) 76 c.f.s. no additional

Source of water supply WELL

Location of point of diversion LEGA - NE 1/4 NW 1/4 Sec 5-T99N-R54W

County TURNER

Counties where water will be used TURNER

Annual period during which water is to be used Jan. 1 - Dec. 31

Give a brief description of proposed project. When available include preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

THIS WELL IS TO BE USED AS STAND BY WELL. THE 8" OLD WELL WILL BE REPLACED WITH A NEW 8" WELL. WITHIN 660 FT. OF EXISTING WELL

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 Turner

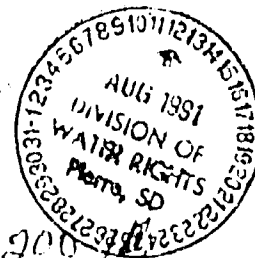
City of Marion, Nebraska, Engineer's Office the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Kathleen A. Hilgen

Subscribed and sworn to before me this 9th day of August 1991
my Comm. Expires: 5-29-95 L. R. Stutts
Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 8" Depth 205'
- b) Casing Type PLASTIC Diameter 6" Thickness 200
- c) Screen Type PICK SIZE Diameter 6" Thickness 200 1/8
- d) Gravel Pack Thickness 1" Length of Gravel Pack 25'
- e) Depth to Top of Water Bearing Material 175'
- f) Depth to Water (ground surface to water level) 110'
- g) Distance to nearest existing domestic well:
On applicants property 50' On property owned by others _____

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

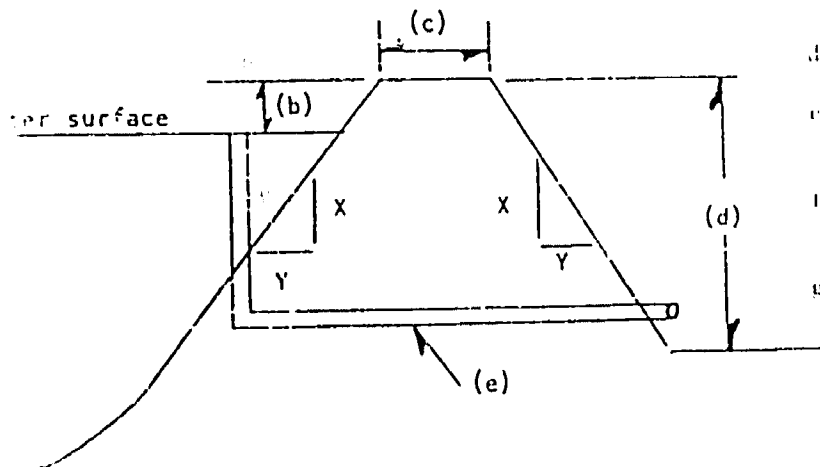
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

SOUTH DAKOTA
WATER PERMIT No. 4771A-3

Date of first receipt of application August 12, 1991.

Date of return to applicant for corrections, amendments or changes August 13, 1991.

Date of receipt of corrected application September 5, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 4771A-3 to the City of Marion, PO Box 376, Marion SD 57043 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 4771A-3 authorizes one additional well 205 feet deep (Pleistocene Unknown) located in the NE 1/4 NW 1/4 Section 5-T99N-R54W. Water Right No. 4771-3 appropriates 1.0 cubic feet of water per second from several wells located in the NW 1/4 Section 5-T29N-R54W. Permit No. 4771A-3 is for an additional diversion point which will be maintained as the city's primary source of water. No increase in the diversion rate is authorized by this permit.
2. The water appropriated shall be used for the purpose of supplying water to the City of Marion and may not exceed the amount of water needed for beneficial use for municipal purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 4771A-3 is January 23, 1992.
5. The date from which applicant may claim right is August 12, 1991.
6. One-fifth of the construction is to be completed on or before July 23, 1994.
7. All construction is to be completed on or before January 23, 1997.
8. Water is to be put to beneficial use on or before January 23, 2001.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well authorized by Permit No. 4771A-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:30.

(continued)

Water Permit No. 4771A-3

Page 2

2. The well approved under this Permit will be located near domestic wells and other 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 or in adequate wells having prior water rights.
3. The combined diversion rate from the well authorized by this Permit and City Well Number 4 authorized by Water Right No. 4771-3 may not exceed 0.45 cfs.

WATER MANAGEMENT BOARD

By: _____

Jo Huftale
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

MAR 24 1992

date



MAR 24 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Katheryn Tieszen
City of Marion
PO Box 376
Marion, SD 57043

Dear Ms. Tieszen:

Enclosed is Water Permit No. 4771A-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

REPORT ON APPLICATION NO. 4771A-3
for the City of Marion
November 1, 1991

Application No. 4771A-3 proposes to add one additional well approximately 205 feet deep located in the NE 1/4 NW 1/4 of section 5, T99N R54W in Turner County. Water Right No. 4771-3 appropriates 1.0 cfs from several wells located in the NW 1/4 of section 5, T99N R54W. This additional well will be maintained as the city's primary source of water. No increase in the diversion rate is authorized by this application.

AQUIFER - PLIESTOCENE UNKNOWN (PS-U)

The Pliestocene unknown aquifer consists of a buried sand and gravel under confined (artesian) conditions. According to a test well log submitted with the application, sand and gravel was encountered from 180 to 205 feet below land surface and the static water level was 110 feet below land surface. Geologically this buried outwash lies upon the Niobrara chalk and is probably hydrologically connected to the chalk. A report for the City of Marion mapped the extent of the buried outwash and indicated that the existing City wells at that time were producing out the Niobrara (McKeen, 1964). After reviewing the data available I believe that the old city wells 1, 2 and 3 were probably producing out of quartzite wash or Dakota equivalent rather than the Niobrara although this is not conclusive. The new city well number 4 is producing out of the lower buried outwash as per the McKeen report. The well for this application is to replace the city well number 4 which will be retained as an additional backup well.

The Division of Water does not measure any observation wells in this area completed into the Pliestocene unknown aquifer. There are observation wells completed into the Niobrara, Dakota or quartzite wash and other formations in the surrounding area.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

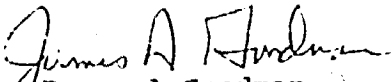
The City of Marion is the only permit/right holder in this area. Interference is not expected to be a problem. The city has been using this source for water for many years with no apparent problem.

CONCLUSIONS

1. Water is available from the Pliestocene Unknown aquifer.
2. The aquifer is under confined conditions and drawdown due to pumping can be expected. Interference is not expected to be a problem. This has been the source of water for the city for many years with no apparent problems.
3. Since this is a replacement well for the "new well", number 4, and since the intent is to retain that well as a backup a new water permit for an additional point of diversion was required.

The combined diversion rate for well number 4 and the well for this application cannot exceed 0.45 cfs.

4. The well authorized by this application if approved must be constructed in accordance with SD Well Construction Standard 74:02:04:30 which specifies the grouting requirements for a public water supply.
5. This well will be the primary source of water for the city. All other wells will be in backup status.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

McKeen, J.A., 1964, Ground Water Supply for the City of Marion, Special Report 27, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1991, Observation Well Records for Turner County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 4771A-3, City of Marion

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 4771A-3, City of Marion, PO Box 376, Marion, SD 57043.

The Chief Engineer is recommending APPROVAL of Application No. 4771A-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well authorized by Permit No. 4771A-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:30.
2. The well approved under this Permit will be located near domestic wells and other 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 or in adequate wells having prior water rights.
3. The combined diversion rate from the well authorized by this Permit and City Well Number 4 authorized by Water Right No. 4771-3 may not exceed 0.45 cfs.

See report on application for additional information.


JOHN HATCH, Chief Engineer
November 4, 1991



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

December 16, 1991

Katheryn Tieszen, Finance Officer
City of Marion
PO Box 376
Marion, SD 57043

Dear Ms. Tieszen:

Water Permit Application No. 4771A-3 for municipal use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of The New Era printed at Parker, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



GREAT LACES. GREAT PLACES.

December 16, 1991

The New Era
Box 577
Parker, SD 57053-0577

ATTENTION: Legal Department

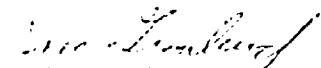
Enclosed is a Notice of Hearing on Application No. 4771A-3 to be published twice. Please publish the first notice on December 26, 1991, with the second publication 7 days later.

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 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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name Newspaper

L

Instruction to Newspaper - Publish first Notice on December 26, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 4771A-3 to Appropriate Water
and to Amend Water Right No. 4771-3

Notice is given that the City of Marion, PO Box 376, Marion, SD 57043 has filed an application for a water permit for one additional well 205 feet deep (Pleistocene Unknown) located in the NE 1/4 NW 1/4 Section 5-T99N-R54W. Water Right No. 4771-3 appropriates 1.0 cubic feet of water per second from several wells located in the NW 1/4 Section 5-T99N-R54W. Application No. 4771A-3 is for an additional diversion point which will be maintained as the city's primary source of water. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4771A-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 13, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 4771A-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for January 23, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the January 23, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The January 23, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by January 13, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Turner) ss.

I, Bruce J. Borman

certify that the attached printed Notice
from the The New Era

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 Parker
City of Parker

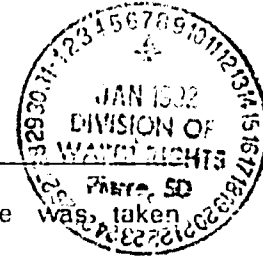
County of Turner and State of South Dakota;
that the said notice was published in said newspaper on the
following two dates:

Thursday, the 26th Day of December, 91
Thursday, the 2nd Day of January, 92

Bruce J. Borman
(Signature)
Publisher
(Title)

1-6-92
(Date Signed)

Cost of Printing: \$1.40



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(Publish Dec. 26, 1991 & Jan. 2, 1992)

NOTICE OF HEARING
on Application No. 4771A-3
to Appropriate Water
and to Amend Water Right
No. 4771-3

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Pursuant to SDCL 46-2A 2, the Chief Engineer recommends APPROVAL of Applications No. 4771A-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition, if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 13, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 4771A-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for January 23, 1992, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the January 23, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of this time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The January 23, 1992, hearing date will be automatically delayed for at least 21 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by January 13, 1992.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

August 13, 1991

City of Marion
Katheryn Tieszen, Finance Officer
PC Box 376
Marion SD 57043

Dear Ms. Tieszen:

In regard to your water permit application received on August 12, 1991, the following information needs to be submitted and clarified in order to process the City's application.

1. On Item No. 4 of the application, please indicate the quarter-quarter, section, township and range for the location of the well.
2. A map showing the location of the diversion point (place where the well is located) in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).
3. Enclosed is the check for \$75.00. The fee will be \$50.00 if this application is for an additional point of diversion on Water Permit No. 471-3 and no additional water appropriation is claimed. Is this a correct assumption?

Upon receipt of the above, further processing of the City's application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure



GREAT FACES. GREAT PLACES.

August 22, 1991

City of Marion
Katheryn Tieszen, Finance Officer
PO Box 376
Marion SD 57043

Dear Ms. Tieszen:

We received the \$50.00 application fee and the map for the City of Marion's water permit application.

We are returning the map. As stated in the August 13 letter, the map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).

Also Item No. 4 of the application was not completed. It would appear from the map submitted, that the location of the new well would be in the SE 1/4 NW 1/4 Section 5-T99N-R54W. Do you agree with this description of the location of the well?

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: City of Marion

ADDRESS: _____ COUNTY: Turner

DATE: 9/6/91 TELEPHONE: 648-3539

RE: Water Permit Application No. 4771A-3

COMMENTS:

I called Katheryn Tieszen, the city's finance officer to find out how many wells the city currently utilizes. Water Right No. 4771-3 indicates there are four wells used by the city (1 primary well and 3 that are used as backup wells). I asked Ms. Tieszen how many wells the city currently has in operation and she stated that currently the one primary well is the one they plan to replace with the new well (old primary well will be maintained as a backup) and they have two other backup wells. One of the well under water Right No. 4771-3 has been abandoned for a number of years.

Application No. 4771A-3 is for an additional diversion point which will be maintained as the city's primary source of water. This well can not be considered a replacement to the abandoned well because 1) the right to the use of the abandoned well has been lost because it has not been maintained in accordance with 74:02:01:37.02, 2) the new well will be drilled farther than 660 feet from the abandoned wells location.

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: *E. H. H.*

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

441005

Pierre, August 22, 1941

RECEIVED OF City of Marlon, Marlon, SD 57043

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

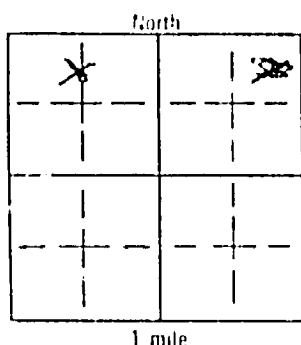
Fee for Application for Permit No. 4771A-3 to Appropriate Water, to construct works and to put water to beneficial use	50	00
Fee for Application for Permit No. to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No.		
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	06

By John H. Hotala
Chief Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85 4771A.3

Location _____ 1/4 _____ 1/4 Sec. _____ Twp. _____ Rg. _____

County
TURNERPlease mark well
location with
an "X"Well Completion Date 7-23

PROPOSED USE:

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

Method of Drilling:

ROTARY

CASING DATA:

☐ Steel ☐ Plastic ☐ Other

If other describe NO CASING

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	_____ IN	_____ FT	_____ 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 ☒ NO

To what depth? _____ FEET

What is grouting material? _____

If cement, number of sacks? _____

Describe grouting procedure _____

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☐ Manufactured

Diameter _____ IN Length _____ FEET

Material _____

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information NONEWas a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☐ YES ☒ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

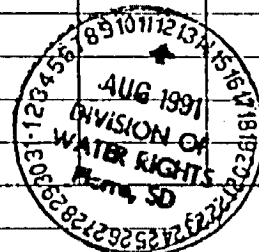
Well Owner

Name CERT OF MARIONAddress MARION S.D. 57043

Well Log

Depth

Formation	From	To
0-1 TOP SOIL	0	1
1-18 YELLOW CLAY	1	18
SAND	18	22
22-BLUE CLAY	22	48
SANDY CLAY	48	52
BUFF CLAY	52	179
ROCK LAYER	179	180
SAND & GRAVEL	180	205
CLAY	205	—

STATIC WATER LEVEL 110

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☐ OtherDescribe Test Well to get SAND SAMPLE FOR SCREEN ANAL.

Pumping Level Below Land Surface

_____ ft After _____ Hrs pumped _____ GPM

_____ ft After _____ Hrs pumped _____ GPM

_____ ft After _____ Hrs pumped _____ GPM

REMARKS

This well was drilled under license # 515

And this report is true and accurate

Drilling firm MARION WEL DRILLING

Signature of License Representative

Signature of Well Owner

Kathryn L. Lippert - License OfficerDate 8-5-91

Water Rights Program -- File Documentation

NAME: City of Marion, Dwight Waltner

ADDRESS: PO Box 94, Marion SD 57043-0094

DATE: December 11, 1995 COUNTY: Turner TELEPHONE: 648-3663

RE: Inspection of Water Permit No. 4771A-3 and vested portions of Right No. 4771-3

COMMENTS:

A portion of No. 4771-3 reserves water for future use and a portion claims a vested right with three priority dates. The vested and future use portions are to be split into separate water rights. An investigation was made to determine what water use is being made under the vested portion of the water right. Based on a review of record, it appears that No. 4771-3 was validated by the Water Management Board on May 5, 1993, but the validation document was not issued pending completion of an investigation.

An investigation was also completed of Water Permit No. 4771A-3 to license the additional well with no increase in diversion rate.

INVESTIGATION RESULTS:

Investigation of the vested portions of No. 4771-3 found well No. 1 being used for standby purposes at 90 gpm, well No. 2 was abandoned and plugged 12 to 14 years ago, and well No. 3 pumps sand and has not been used for 3 to 4 years. According to Dwight Waltner, the submersible pump in No. 3 needs to be pulled and the well plugged due to the pumping sand problem. Old well No. 4 is used for standby purposes and is capable of diverting 80 gpm. Well No. 1 and old well No. 4 operate together if the new well No. 4 (well authorized by No. 4771A-3) becomes unavailable for use. Old well No. 4 and the new well can not be run at the same time because the aerator capacity would be exceeded.

The well authorized by Water Permit No. 4771A-3 has been constructed in the permitted location and is capable of diverting 240 gpm.

RECOMMENDED ACTION:

Well No. 3 was last used about the time the new well was constructed. Therefore, the priority date assigned to No. 3 (January 1, 1916) for 90 gpm can be transferred to the new well when licensing No. 4771A-3. Well No. 3 and the new well both appear to be in the same ground water formation.

The validation for No. 4771-3 needs to be issued as validated by the Water Management Board. In conjunction with issuance of the validation, No. 4771-3 should be split into a future use portion and a vested portion. The vested water license should be issued for well No. 1 and should note that the diversion associated with well No. 3 has been transferred to No. 4771A-3 for new well No. 4. Well No. 2 has been abandoned and can be left off the vested water license.



Ron Duvali, Natural Resources Engineer

FIELD INVESTIGATION REPORT FOR PERMIT NO. 4771A-3

DATE OF INVESTIGATION:	September 27, 1995
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Dwight Waltner, Utility Manager
NAME & ADDRESS OF PERMIT HOLDER	City of Marion, PO Box 94, Marion SD
DIVERSION POINT LEGAL LOCATION	1,700 feet E and 560 feet S from the NW corner section 5-T99N-R54W

Other permit(s) associated with the project: 4771-3

WELL INFORMATION:

- 1) Well Drilling Firm: Merion Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 205 feet
- 4) Well log is available Y
- 5) Comment: _____

Casing:

- 1) Diameter 8 inches
- 2) Length 180 feet
- 3) Type Plastic

Screen:

- 1) Type stainless steel
- 2) Length 25 feet
- 3) Static water level 110 feet

Pump/Moter:

- 1) Make Gould?
- 2) Size 15 hp
- 3) Capacity 240 GPM

DISTRIBUTION LINES OR CANALS:

- 1) Type City Distribution System

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by Y/N
- 2) All structures, wells and lands on map Y

*Need to verify permit
qualifications.*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 14, 1995

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

Dear Mayor Rapp:

This letter is in response to an on-site investigation I completed of the city's water rights on September 27, 1995. I discussed the city's water rights with Dwight Waltner while completing the investigation.

The city has two water rights. One is for Well Nos. 1, 2, 3, and 4 and the other is for the new well completed in 1991. During the investigation, Mr. Waltner informed me that Well No. 2 (see enclosed aerial photo for location) has been abandoned for 12 to 14 years and Well No. 3 has not been used for 3 to 4 years due to problems with pumping sand. Old well No. 4 and Well No. 1 are maintained for standby use.

Water Permit No. 4771A-3 contains a qualification limiting the combined diversion rate from the new well and old Well No. 4 to 0.45 cubic feet of water per second which equates to 200 gallons per minute (gpm.) According to Mr. Waltner, the new well pumps approximately 240 gpm. As you can see, the amount of water pumped from the new well (240 gpm) exceeds the allowed pump rate (200 gpm) even without including old Well No. 4. Based on my investigation, I suggest we pursue the following course of action to correct this situation.

Mr. Waltner indicated that Well No. 3 (pumps about 90 gpm) will probably be abandoned since the well pumps sand. If Well No. 3 is to be abandoned and plugged, then I propose that the authorization to pump 90 gpm from well No. 3 be transferred to the new well. If this proposal meets with your approval, I will schedule a hearing for the Water Management Board to consider modifying the permit qualification which limits the new well to 200 gpm. This change would allow continuing use of 240 gpm from the new well with a priority date of January 1, 1916 (priority date assigned to Well No. 3), for use of 90 gpm and the remaining 150 gpm retaining the current priority date of August 12, 1991. Please inform me of your decision concerning this proposal.

If you have any questions, please contact me at (605) 773-3352. I will help you in any way possible. Thank you for the assistance provided by Mr. Waltner during the investigation.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosure

c: Katheryn Tieszen, Fiscal Officer
Dwight Waltner, Utility Manager

NAME: City of Marion

ADDRESS: PO Box 94, Marion SD 57043-0094

DATE: January 16, 1996

COUNTY: Turner

TELEPHONE: 648-3663

RE: Response to December 14, 1995 letter to Mayor Rapp

COMMENTS:

Dwight Waltner called concerning my letter sent to Mayor Rapp dated December 14, 1995. Mr. Waltner indicated that the city is planning to plug well No. 3. In addition, the city would like to modify qualification No. 3 on Water Permit No. 4771A-3 to allow diversion in excess of 200 gpm. Currently, the qualification does not allow diversion of more than 200 gpm from the new well and well No. 4 combined. Well No. 4 (80 gpm) is not operated with the new well (240 gpm) since the aerator capacity would be exceeded.

Amendment of No. 4771A-3 will not exceed the total allowable diversion rate authorized by Nos. 4771-3 and 4771A-3. A total of 0.85 cfs (1.00 minus 0.15 -- abandoned well No. 2) can be appropriated from the city wells. According to the following table, the total diversion rate would be 0.9 cfs from all 3 wells combined; however, the maximum diversion rate at any one time is limited to 0.53 cfs (new well -- 240 gpm) based on the aerator capacity.

Permit No.	Well	CFS	Priority Date
4771-3	Well No. 1	0.20	January 1, 1928
4771-3	Well No. 2	abandoned/forfeited	Plugged
4771-3	Well No. 3	(transfer 0.20 to new well)	To be plugged
4771-3	Well No. 4	0.18	May 11, 1981
4771A-3	New well	0.20 (from Well No. 3) 0.33	January 1, 1916 August 12, 1991

NOTE: The December 11, 1995, file documentation and December 14, 1995, letter both made reference to transferring the diversion authorized from well No. 3 (90 gpm) to the new well authorized by No. 4771A-3. It is not possible to transfer the appropriation from well No. 2 due the intervening period of time between abandonment of well No. 2 (12 to 14 years ago) and construction of the new well in 1991. Abandonment and/or forfeiture occurred during this interval of nonuse of water.

(continued)

RECOMMENDED ACTION:

The qualification on Water Permit No. 4771A-3 should be modified to limit the maximum diversion rate from all 3 wells to no more than 0.53 cfs. A hearing before the Water Management Board will need to be scheduled for the board to consider modifying the permit qualification.

Assuming the board renders favorable action, the next step is to split the vested, nonvested, and future use portions into separate files. The following table lists how to split the various portions:

Status	Well	CFS/acre feet	Priority
Future use portion	NA	260 acre feet	May 11, 1981
Vested portion	Well No. 1	0.20 cfs	January 1, 1928
	New well	0.20 cfs	January 1, 1916
Nonvested portion	Well No. 4	0.18 cfs	May 11, 1981
	New well	0.33 cfs	August 12, 1991
A note will need to be included on the license for the vested and nonvested portions indicating that the new well is included on both licenses and the maximum combined diversions from all three wells is 0.53 cfs.			



Ron Duvall, Natural Resources Engineer
Water Rights Program

NAME: City of Marion

ADDRESS: PO Box 94, Marion SD 57043-0094

DATE: April 3, 1996 **COUNTY:** Turner **TELEPHONE:** 648-3663

RE: Phone conversation with Mayor Rapp and Dwight Waltner

COMMENTS:

Mayor Rapp and Dwight Waltner called concerning the proposed amendment to Water Permit No. 4771A-3 as outlined in the Notice dated March 13, 1996. Mayor Rapp was concerned that limiting the diversion rate to 0.53 cfs did not reflect the city's need for water or the amount of water the city needed for emergency situations such as fire protection. Mr. Waltner indicated that the wells could bypass the aerator and exceed 0.53 cfs. The following table outlines the diversion rate (permitted and actual) for each well with the associated permit No, well No, and priority date. All of the wells are located in the same water source.

Permit No.	Well	Actual CFS	Permitted CFS	Priority Date
4771-3	Well No. 1	0.20	0.20	January 1, 1928
4771-3	Well No. 2	abandoned/forfeited (12 to 14 years ago)	0.15	Plugged
4771-3	Well No. 3	To be plugged (transfer 0.20 to new well)	0.20	January 1, 1916
4771-3	Well No. 4	0.12*	0.45	May 11, 1981
4771A-3	New well	0.20 (from Well No. 3) 0.33	No additional	January 1, 1916 August 12, 1991
Diversion rate:		0.85	1.00**	
*Mr. Waltner indicated that the diversion rate is less than the 0.18 cfs listed in my earlier file documentation dated January 16, 1996. The well has been recased and a smaller, 5 horsepower, motor/pump has been installed.				
**Although the permitted diversion rate is 1.00 cfs, well No. 2 had been abandoned and plugged for 8 to 10 years before the newest well was constructed. Consequently, abandonment and/or forfeiture of 0.15 cfs has likely occurred leaving a permitted diversion rate of 0.85 cfs.				

Water Permit No. 4771A-3 authorized construction of a new well to be located near well No. 4 with no additional appropriation of water. The permit was qualified that combined diversions from well No. 4 and the new well could not exceed the 0.45 cfs authorized for well No. 4 on No. 4771-3.

(continued)

April 8, 1996

Nos. 4771-3 and 4771A-3

Presently, the pumping capacity of the new well and well No. 4 exceeds 0.45 cfs ($0.53[\text{new well}] + 0.12[\text{No.4}] = 0.65 \text{ cfs}$). However, during licensing the authority to divert 0.20 cfs is to be transferred from well No. 3 to the new well. Well No. 3 was abandoned at about the same time the new well was constructed. Therefore, the diversion rates affiliated with the new well and well No. 4 based on priority date remain at 0.45 cfs ($0.65 - 0.20[\text{transfer from No. 3}] = 0.45 \text{ cfs}$).

RECOMMENDED ACTION:

The qualification on Water Permit No. 4771A-3 reads as follows:

The combined diversion rate from the well authorized by this Permit and city well No. 4 authorized by Water Right No. 4771-3 may not exceed 0.45 cfs.

This qualification needs to be modified to accommodate transferring the diversion authority from well No. 3 (0.20 cfs) to the new well. In the qualification's present form, the current diversion of 0.65 cfs from the new well and well No. 4 is not permissible. I believe the qualification should be modified to read as follows:

The combined diversion rate from the three wells authorized by Water Right No. 4771-3 and Water Permit No. 4771A-3 may not exceed 0.85 cfs.

This proposed qualification corresponds with the amount of water appropriated by Nos. 4771-3 and 4771A-3 (considering abandonment/forfeiture of 0.15 cfs for well No. 2) and with the actual capacity of the city wells. No increase in either total diversion rate or the diversion rate associated with each priority date is authorized by this proposed qualification.

A new notice with a revised recommendation will need to be sent to the City of Marion scheduling the matter for consideration by the Water Management Board. Assuming the board renders favorable action, the next step is to split the vested, nonvested, and future use portions into separate files. The following table lists how to split the various portions:

Status	Well	CFS/acre feet	Priority
Future use portion	NA	260 acre feet	May 11, 1981
Vested portion	Well No. 1	0.20 cfs	January 1, 1928
	New well	0.20 cfs	January 1, 1916
Nonvested portion	Well No. 4	0.12 cfs	May 11, 1981
	New well	0.33 cfs	August 12, 1991
A note will need to be included on the license for the vested and nonvested portions indicating that the new well is included on both licenses and the maximum combined diversions from all three wells is 0.53 cfs.			


Ron Duvall, Natural Resources Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 10, 1996

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

Dear Mayor Rapp:

I am writing you concerning your April 8, 1996, phone conversation with Ron Duvall. According to your conversation, you are concerned that setting the city's diversion rate to 0.53 cfs (aerator capacity) limits the city's ability to meet water use demands. It was noted that the aerator can be bypassed in an emergency situation.

Mr. Duvall has indicated that the city wells have the capability of diverting up to 0.85 cfs. Therefore, I am changing my recommendation in the attached notice to allow the city to divert up to 0.85 cfs from the three city wells. Currently, the qualification on Water Permit No. 4771A-3 does not allow diversion in excess of 0.45 cfs from the new well and well No. 4. Since this is a permit qualification, it can only be changed by the Water Management Board.

If you have any questions, please contact Ron Duvall at (605) 773-3352. We will assist you in any way possible.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3101

April 10, 1996

REVISED NOTICE

TO: Glen Rapp, Mayor
City of Marion
PO Box 94
Marion, SD 57043-0094

FROM: John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: Schedule Hearing on Amendment of Qualification to Water Permit No. 4771A-3,
City of Marion

The city of Marion holds Water Right No. 4771-3 and Water Permit No. 4771A-3 which appropriate water for the city. Water Permit No. 4771A-3 contains a qualification that limits the diversion rate from Well Number 4 and the city's newest well to a maximum of 0.45 cubic feet of water per second (cfs). Based on your April 8, 1996, phone conversation with Ron Duvall, the city has the ability to divert up to 0.85 cfs in emergency situations by bypassing the aerator.

The Water Management Board will consider amending qualification No. 3 of Water Permit No. 4771A-3 on May 1, 1996, at 9:45 AM, in the Education Center Room, Third Floor of the First Dakota National Bank, 225 Cedar Street, Yankton SD. This hearing will be considered pursuant to SDCL 46-1-14, 46-2-9, 46-2-11 and 46-2-17.

The Chief Engineer's revised recommendation is for the Board to amend Qualification No. 3 to state, "The combined diversion rate from the three wells authorized by Water Right No. 4771-3 and Water Permit No. 4771A-3 may not exceed 0.85 cfs."

c: Diane Best, Assistant Attorney General
Dwight Waltner, Utility Manager

CERTIFICATION

I hereby certify that on March 10, 1996, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 10, 1996, along with a letter of explanation, regarding Schedule Hearing on Amendment of Qualification to Water Permit No. 4771A-3, City of Marion, addressed as stated below:

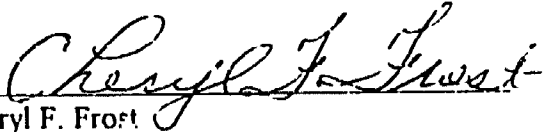
Glen Rapp, Mayor, City of Marion, P.O. Box 94, Marion, SD 57043-0094.

A copy of just the above described Notice was sent to:

Dwight Waltner, Utility Manager, City of Marion, P.O. Box 94, Marion, SD 57043-0094.

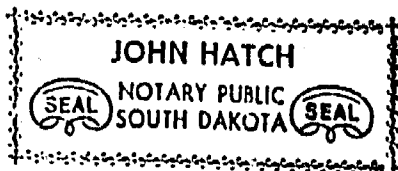
A copy of just the above described Notice was sent inter-office to:

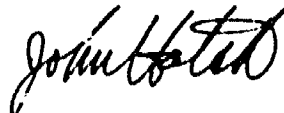
Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 11th day of April, 1996




Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



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

March 13, 1996

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

Dear Mayor Rapp:

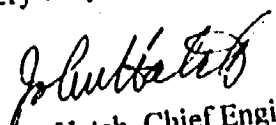
I am writing to provide an explanation of the enclosed notice scheduling a hearing to amend a qualification on Marion's Water Permit No 4771A-3. This proposed action is a result of an investigation conducted by Ron Duvall of the city's water permits. Mr. Duvall has discussed the necessity of the amendment with Dwight Waltner, Utility Manager and yourself.

Water Right No. 4771-3 appropriates 1.00 cubic feet of water per second (cfs) from several wells. Water Permit No. 4771A-3 authorized an additional city well and included a qualification that the diversion rate from the additional well and Well No. 4 authorized by Water Right No. 4771-3 may not exceed 0.45 cfs. Mr. Duvall's investigation found the total diversion rate capacity for the city's three existing wells is 0.93 cfs; however, the maximum diversion at any one time is limited to 0.53 cfs based on the aerator capacity.

The amendment of this qualification does not provide a new appropriation of water to the city. The purpose of this amendment is to modify the maximum diversion rate from all three city wells to 0.53 cfs. This will reflect the city's water diversion capability.

If you have any questions, please contact Ron Duvall at (605) 773-3352.

Very truly yours,


John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 13, 1996

NOTICE

TO: Glen Rapp, Mayor
City of Marion
PO Box 94
Marion, SD 57043-0094

FROM: John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: Schedule Hearing on Amendment of Qualification to Water Permit No. 4771A-3,
City of Marion

The city of Marion holds Water Right No. 4771-3 and Water Permit No. 4771A-3 which appropriate water for the city. Water Permit No. 4771A-3 contains a qualification that limits the diversion rate from Well Number 4 and the city's newest well to a maximum of 0.45 cubic feet of water per second (cfs). An investigation found the city's maximum diversion rate capability is 0.53 cfs (240 gpm) based on the aerator capacity.

The Water Management Board will consider amending qualification No. 3 of Water Permit No. 4771A-3 on May 1, 1996, at 9:45 AM, in the Education Center Room, Third Floor of the First Dakota National Bank, 225 Cedar Street, Yankton SD. This hearing will be considered pursuant to SDCL 46-1-14, 46-2-9, 46-2-11 and 46-2-17.

The Chief Engineer is recommending that the Board amend Qualification No. 3 to state, "The combined diversion rate from the three wells authorized by Water Right No. 4771-3 and Water Permit No. 4771A-3 may not exceed 0.53 cfs."

c: Diane Best, Assistant Attorney General
Dwight Waltner, Utility Manager

CERTIFICATION

I hereby certify that on March 13, 1996, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 13, 1996, along with a letter of explanation of the enclosed notice, regarding Schedule Hearing on Amendment of Qualification to Water Permit No. 4771A-3, City of Marion, addressed as stated below:

Glen Rapp, Mayor, City of Marion, P.O. Box 94, Marion, SD 57043-0094.

A copy of just the above described Notice was sent to:

Dwight Waltner, Utility Manager, City of Marion, P.O. Box 94, Marion, SD 57043-0094.

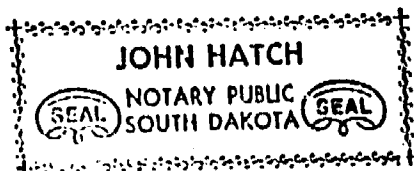
A copy of just the above described Notice was sent inter-office to:

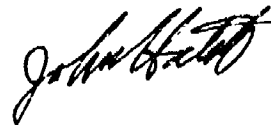
Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 14th day of March, 1996





Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

4771A-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 1998

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: Kathryn Tieszen, Finance Officer

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 4771A-3
DIVISION OF NO. 4771-3 INTO NO. 4771A-3, 4771B-3 AND 4771C-3

(1) The City of Marion, PO Box 94, Marion SD 57043-0094 was issued Water License No. 4771-3, May 17, 1982 for a water right to appropriate 1.0 cubic feet of water per second (cfs) (2.0 cfs for future use) from groundwater (four wells), Turner County, South Dakota for municipal use purposes. Permit No. 4771-3, with priority dates of 1916, 1928, 1935 and May 11, 1981 was approved July 29, 1981 and issued to the city for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

On May 5, 1993, the Water Management Board validated the vested right portion of No. 4771-3. On September 27, 1995, an investigation of the water use system was conducted to evaluate the extent of use. Water Right License No. 4771-3 is being divided and reissued and will separate the vested right portion and the future use portion from the water right as follows (the reissued water rights include investigation findings):

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.

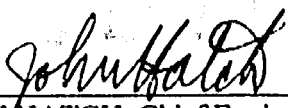
* The new well is included on both Nos. 4771A-3 and 4771B-3 and the maximum combined diversions from all three wells is 0.85 cfs.

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.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.45 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #4 - 1,700 feet east and 530 feet south and the new well - 1,700 feet east and 560 feet south; both from the northwest corner of Section 5-T99N-R54W.

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 the City of Marion, PO Box 94, Marion SD 57043-0094 the holder and/or owner of Water Permit No. 4771A-3 is issued a license to appropriate water, the right to use 0.45 cubic feet of water per second from groundwater (two wells) with priority dates of May 11, 1981 (0.12 cfs) and August 12, 1991 (0.33 cfs) from the locations specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of municipal use. This license is subject to any limitations or qualifications listed in Water Permit No. 4771-3 and subject to South Dakota State Law.


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

SEP 8 1998

date



STATE OF SOUTH DAKOTA
Archie Gubbrud, Governor



STATE GEOLOGICAL SURVEY
Duncan J. McGregor, State Geologist



SPECIAL REPORT 27

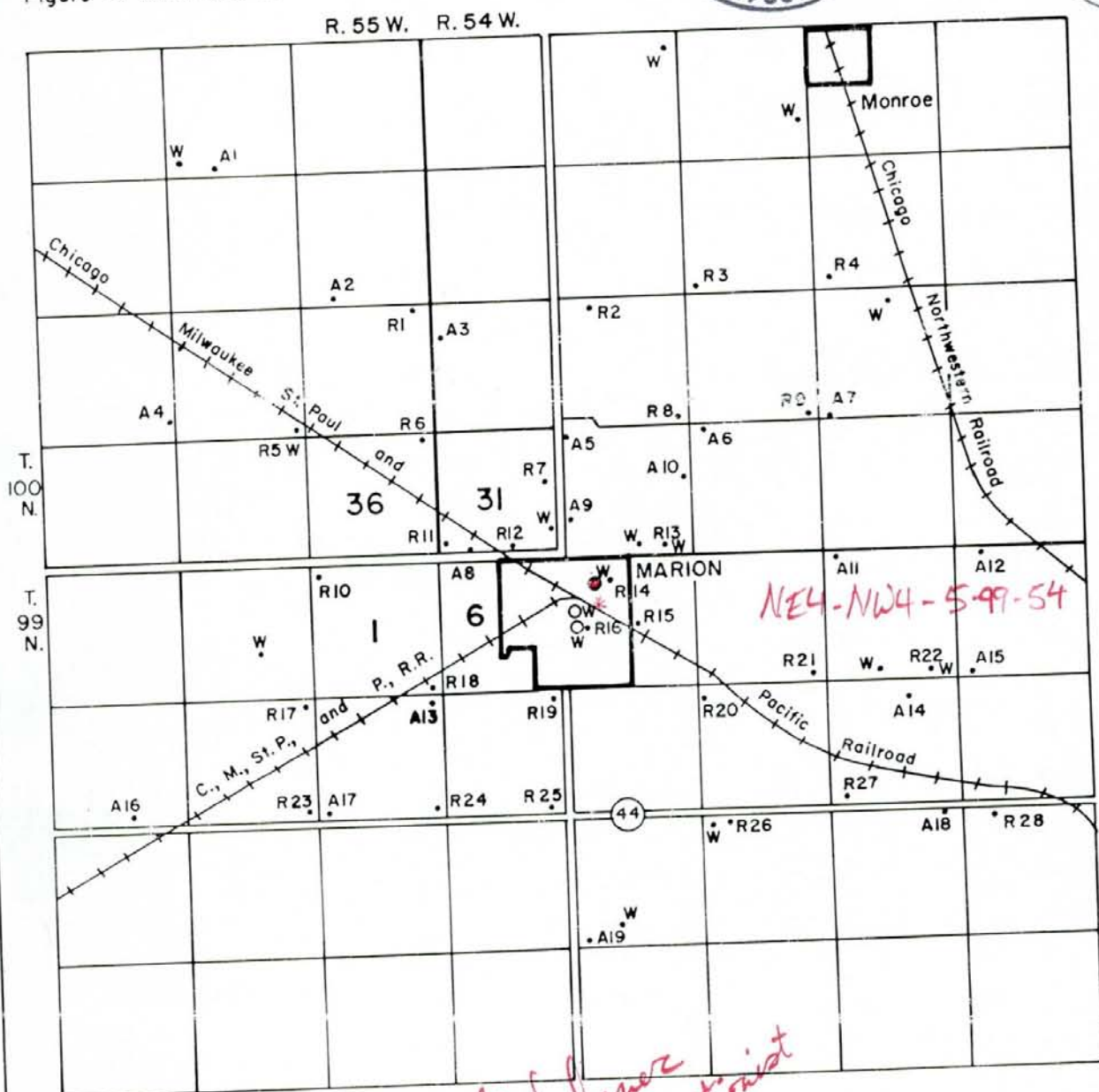
GROUND WATER SUPPLY FOR THE CITY OF MARION

by
James A. McMeen

Science Center
University of South Dakota
Vermillion, South Dakota
1964



Figure 2. Data Map of the Marion Area.

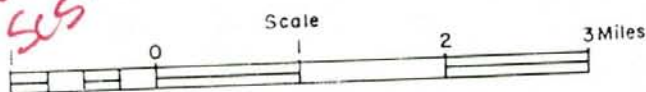


EXPLANATION

- R. Rotary test hole
- A. Jeep auger test hole
- O City well
- w. Water Sample

J. A. McMeen
District Conservationist
SES-PARKER, SD

by
J. A. McMeen
1963



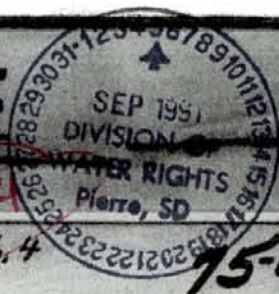
Drafted by Bruno Petsch

• - present well
* - new well

4771A-3

4771A-3

NOT TO SCALE



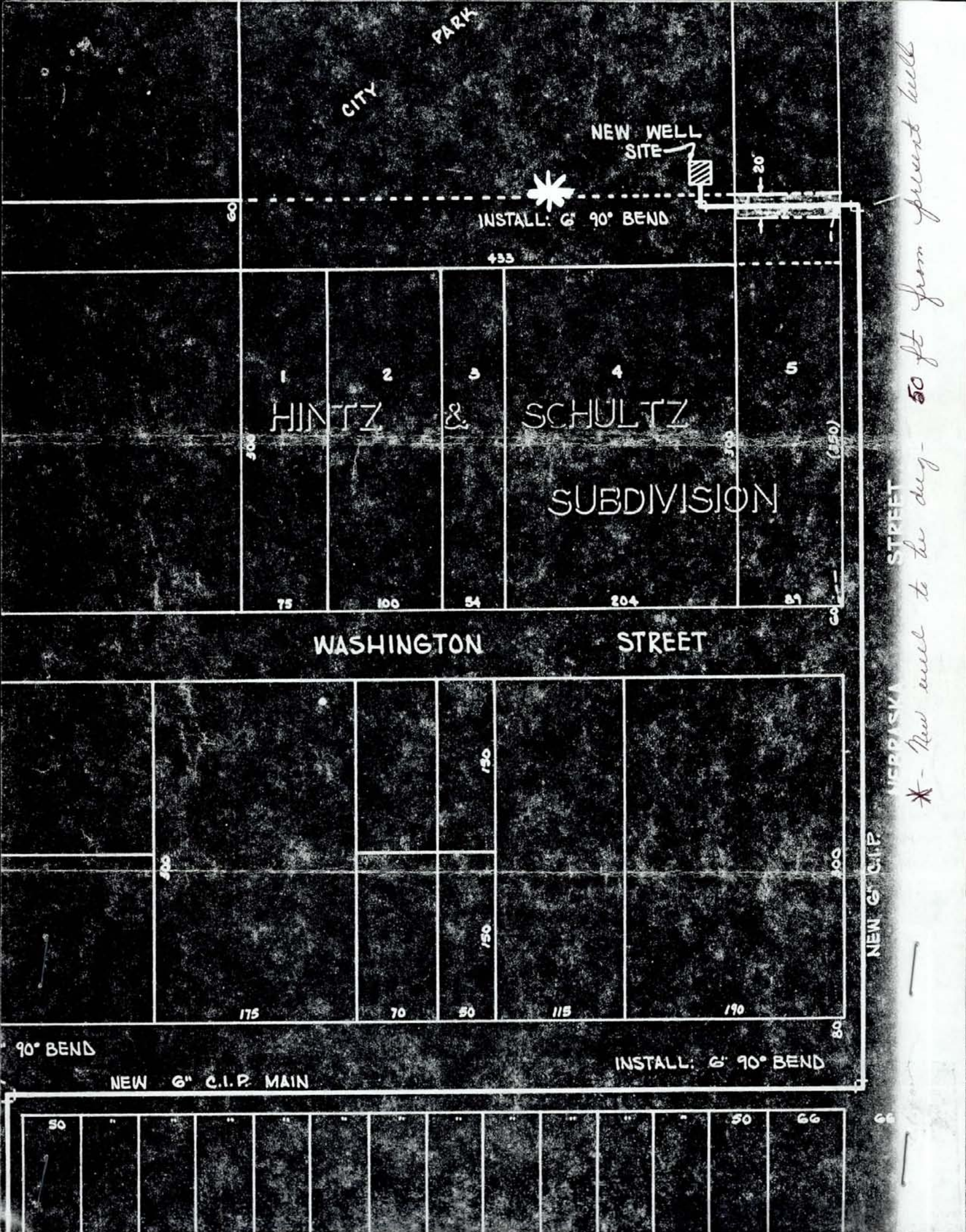
Existing Well

NE 1/4 NW 1/4 - 5-99-54

Proposed well sit

Sh. Stuebner
District Conservationist
PARKER, SD
SCS





SECTION TWO - RAW WATER MAIN
WATERWORKS IMPROVEMENTS
MARION, SOUTH DAKOTA — 1967
BUELL AND WINTER ENGINEERING CO.
SIOUX CITY, IOWA

SHEET NO. 8321