

Water Rights Program -- File Documentation

NAME: City of Marion

ADDRESS: PO Box 94, Marion SD 57043-0094

DATE: April 8, 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

Presently, the pumping capacity of the new well and well No. 4 exceeds 0.45 cfs (0.53[new well] + 0.12[No.4] = 0.65 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[transfer from No. 3] = 0.45 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:

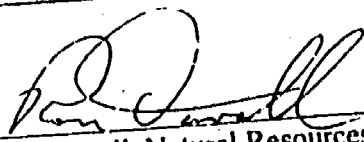
The combined diversion rate from the three wells authorized by Water Right No. 4771-3 and Water Permit No. 4771A-3 may not exceed 0.85 cfs.

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.
0.53 cfs


Ron Duvall, Natural Resources Engineer
Water Rights Program

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 Duvall, Natural Resources Engineer
Water Rights Program

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: Marion 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/Motor:

- 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 append permit
qualification.*



December 14, 1995

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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: Kathryn Tieszen, Fiscal Officer
Dwight Waltner, Utility Manager

Water Rights Program -- File Documentation

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 0.91 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

Water Rights Program -- File Documentation

NAME: City of Marion

ADDRESS: PO Box 94, Marion SD 57043-0094

DATE: April 8, 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

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.

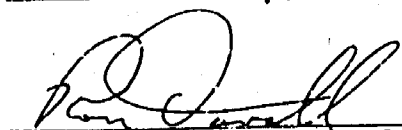
This qualification needs to be modified to accommodate transferring the diversion authority from well No. 3 (0.20 cfs) to the new well. In the qualification's present form, the current diversion of 0.65 cfs from the new well and well No. 4 is not permissible. I believe the qualification should be modified 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. 0.53 cfs			


 Ron Davall, 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 57501-3181

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 of Water Permit No. 4771A-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:

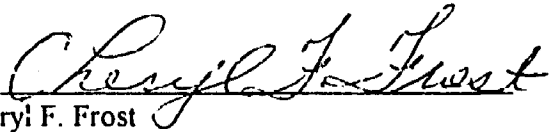
Glen Rapp, Mayor, City of Marion, P.O. Box 94, Marion, SD 57043-0094.

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.

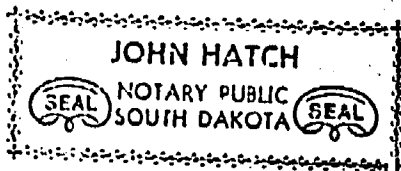
A copy of just the above described Notice was sent inter-office to:

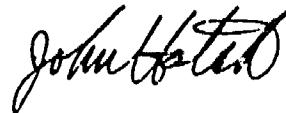
Diane Best, Assistant Attorney General, Capitol Building.


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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 1, 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

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.

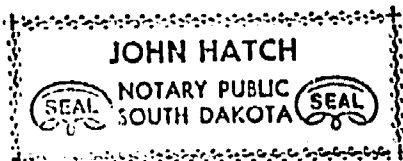
A copy of just the above described Notice was sent inter-office to:

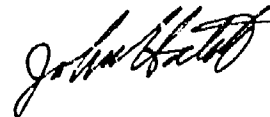
Diane Best, Assistant Attorney General, Capitol Building.


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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 3, 1996

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

Dear Mayor Rapp:

I am writing in response to action taken by the Water Management Board at the hearing on May 1, 1996, to amend qualification No. 3 of Water Permit No. 4771A-3. The Board amended the qualification to allow a combined diversion rate of 0.85 cubic feet of water per second from the three wells authorized by Water Right No. 4771-3 and Water Permit No. 4771A-3. The enclosed "Amendment" should be placed with the permit in your files.

Please contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

AMENDMENT TO WATER PERMIT NO. 4771A-3

CITY OF MARION

Pursuant to the May 1, 1996, Water Management Board hearing, Water Permit No. 4771A-3 is amended by changing Qualification No. 3 to read as follows:

3. 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.



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 License Nos. 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 the 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 the water. If you have any questions, please contact Ron Duvall (605 773-3352).

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program

cc: Kathryn Tieszen, Finance Officer

enclosures

STATE OF SOUTH DAKOTA
REISSUED VESTED WATER LICENSE NO. 4771B-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.

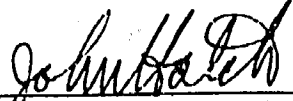
* The new well is included on both Nos. 4771A-3 and 4771B-3 and the maximum combined diversions from all three wells is 0.85 cfs.

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 0.40 cubic feet of water per second for beneficial use. The location of the diversion points are: 275 feet east and 2,300 feet north from the southwest corner of Section 5 and the new well - 1,700 feet east and 560 feet north from the northwest corner of Section 5; both in 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 Vested Water Right No. 4771B-3 is issued a license to appropriate water, the right to use 0.40 cubic feet of water per second from groundwater (two wells) with priority dates of January 1, 1928 (0.20 cfs) and January 1, 1916 (0.20 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

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date

