

Considered: _____

WATER PERMIT NO. 5249-3

HAP No. same 397-8422

Name of Applicant City of Groton

Post Office Address 209 N. Main Groton, SD 57445

Amount of Water Claimed 1.6 cfs (≈ 20 ac-ft storage) Total Acres 112

Source of Water Supply Mud Creek overflow to dugout & diked area

Water to be used for golf course irrigation County Brown

Directly east of Groton.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 1/25/89 Subject to _____

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

PRIORITY _____ Date Received Oct. 3, 1988 Fee \$225⁰⁰ Remarks _____

10/3/88

Corrected Application Received 11/18/88 Period of Annual Use Apr 1 - Nov 1

WATER QUALITY APPROVAL RECEIVED Nov. 18, 1988 APPROVED/CONDITIONAL (Circle one)

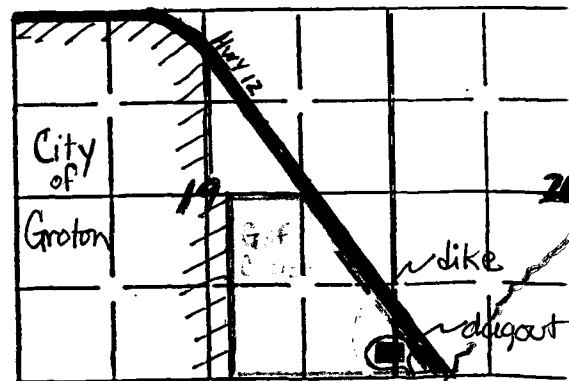
WI-1 Description same as Application YES ☒ NO _____ REMARKS _____

Diversion Point SW¹/₄ SW¹/₄ sec 20 - T123N - R60W
SE¹/₄ SE¹/₄ Sect. 19, T123N, R60W

dike and dugout ≈ 20 ac-ft

Land to be Irrigated SE¹/₄ Sect 19, T123N, R60W

SW¹/₄ Sect 20, " "

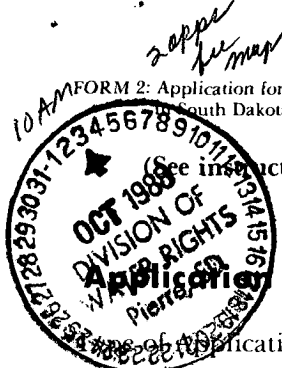


Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map aerial photo PREPARED BY James Andersen Reviewed and the Number

assigned on November 30, 1988 By Susan A. Bowser



No. 5249-3 Hydrologic Unit 10160005
Basin James River
Newspaper Groton Independent Box 148 57445 (Wed)

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

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

1. Name of Applicant: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
1. Name of Applicant City of Groton Phone No. 397-8422
Post Office Address 209 N. Main Groton State SD 57445
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) 1.6 cfs 720/ gal per min. Total acres irrigated Approx. -110-112
(approx. 20 acre-feet)
3. Source of Water supply Mud Creek Overflow to dugout & diked dam
4. Location of point of diversion Intersection of Hwy 12 and old Highway 12
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sect 19; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sect 20; all in T123N-R60W
County Brown
5. Counties where water will be used Brown
6. Annual period during which water is to be used 1 April to November 1
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
-See Attached Exhibit-	
NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sect 19 T123N-R60W	40
SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sect 19 T123N-R60W	40
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sect 19 T123N-R60W	20

Land Description	No. Acres Irr.
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sect 19 T123N-R60W	7
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sect 20 T123N-R60W	5

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: _____ (Specify) X
9. Crops to be Irrigated: None - Golf Course
10. Give a description of proposed project. (Attach sheet if more space is needed)

Attached

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Brown)^{ss}

I, Ervin Locke Jr. Mayor, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Ervin Locke Jr.

Subscribed and sworn to before me this 30th day of September 19 88

[Signature]
Notary Public

**SOUTH DAKOTA
WATER PERMIT FOR IRRIGATION**

Date of first receipt of application October 3, 1988

Date Soil/Water Compatibility Permit received November 18, 1988

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

Date of receipt of corrected application _____

The Water Management Board approved Water Permit Application No. 5249-3

on January 25, 1989 for the City of Groton

(Applicant)

209 N. Main

(Street, RR or Box)

Groton

(City)

SD

(State)

57445

(Zip Code)

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. 5249-3 appropriates 1.6 cubic feet of water per second from a dugout (approximately 20 acre-feet storage capacity) to irrigate 112 acres of a proposed golf course. The dugout is encircled by a dike and is to be filled with runoff from a tributary of Mud Creek via a gated culvert through old highway 12. The dugout is located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20; and the acreage to be irrigated is in the SE $\frac{1}{4}$ Section 19; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20; all in T123N-R60W.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - November 1.
3. The date from which applicant may claim the right is October 3, 1988.
4. One-fifth of the construction is to be completed on or before July 25, 1991.
5. All construction is to be completed on or before January 25, 1994.
6. Water is to be put to beneficial use on or before January 25, 1998.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: John Hatcher

Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

MAR 10 1989

Description of Land

NW 1/4 of SE 1/4 of Section Nineteen (19), Township 123, Range
Sixty (60), Brown County, South Dakota
-40 acres to be irrigated (est.)

SW 1/4 of SE 1/4 of Section Nineteen (19), Township 123, Range
Sixty (60), Brown County, South Dakota
-40 acres to be irrigated (est.)

SE 1/4 of SE 1/4 of Section Nineteen (19), Township 123, Range
Sixty (60), Brown County, South Dakota
-20 acres to be irrigated (est.)

NE 1/4 of SE 1/4 of Section Nineteen (19), Township 123, Range
Sixty (60), Brown County, South Dakota
-7 acres to be irrigated (est.)

SW 1/4 of SW 1/4 of Section Twenty (20), Township 123, Range
Sixty (60), Brown County, South Dakota
-5 acres to be irrigated (est.)

EXPLANATION

GROTON GOLF COURSE APPLICATION

In the 1930's a golf course was operated on the land that the permit is being requested for. The golf course was discontinued and allowed to be grazed as pasture land. In August of 1988 Robert and Marian Wehde purchased the land and donated it to the city of Groton to be used as a golf course. Although not all the paperwork has been completed, the City of Groton will be the owner of the property, but will lease it back to a non-profit South Dakota Corporation called Olive Grove Golf Course, Inc.

To be successfully operated as a golf course there is need for water to irrigate the greens and fairways.

The water that is available will be runoff water from mud creek, a non-navigable creek which flows across the far east portion of the property. It is intended that the low area will be diked to impound water between old and new highway 12 and that a dugout approximately 300' by 400' will be centered so that the water can be accumulated for use for watering purposes. It is anticipated that the water depth in the diked area will not exceed two feet and that the deepest part of the dugout will approximate 9'.

Water samples are not available as the area and the creek are presently dry and have been for most of the summer. Water accumulation will be done primarily in the spring from snow runoff and after a heavy summer rain that would fill the creek.

Because of the presently dry conditions it is hoped that the dugout can be put in this fall as it is possible to do the digging with scrapers at this time, but if nothing is done until spring a dragline would have to be used and the cost is prohibitive to the development of the golf course.

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

- a) Surface Dimensions 300' x 400' est. Depth 9'
- b) Depth to water (ground surface to water level) 12' (est.)

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 _____

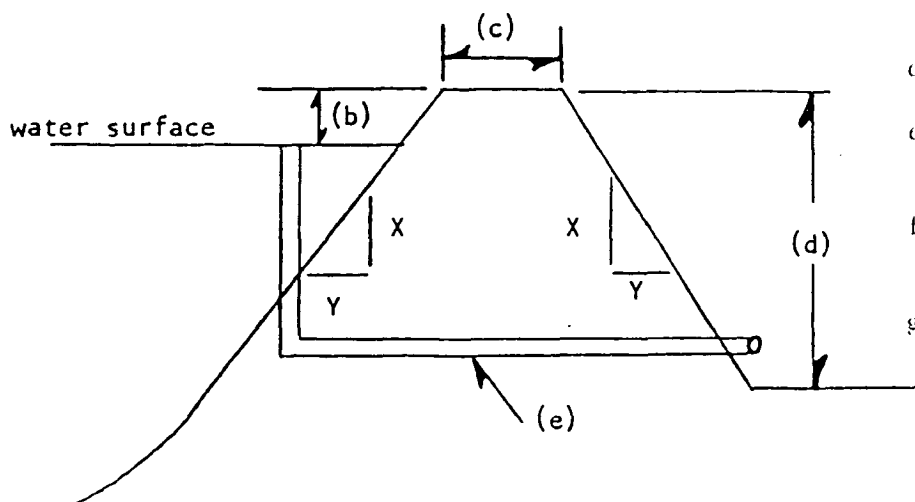
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411443

Pierre, October 3, 1988, 19__

Richard Kolker, Atty. for

RECEIVED OF City of Groton, 209 N. Main, Groton, SD 57445

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

Fee for Application for Permit No. <u>5249-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	225	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	225 00

By

John Hatch

Chief Engineer

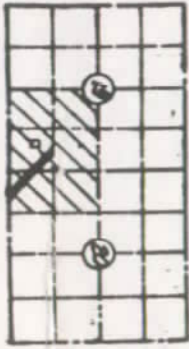
JOHN HATCH (ms)

BEGIN F044-5(6)
 Station 604+50.70

Parcel No. 1
 Containing 3.17 acres, more
 or less, of which 0.25 acres,
 more or less, is section line
 right of way.

General Form
 Section 19-T123N-R60W

Remainder in Sec 6 - 0.0000
 0.05 acres, more or less, of new highway
 located across south of them, beginning
 1000 ft. south of them, beginning



Contiguous land in the same township for purpose hereof

1/4 Line 604+50.70
 1178.70

21.30 Acres

107.04 Acres

Appl. No.
 5249-3
 Sec 19-T123N-R60W

SECTION 19-T123N-R60W

6.801 Acres



Irrigated Area

Proposed Dike Area

Proposed Dugout

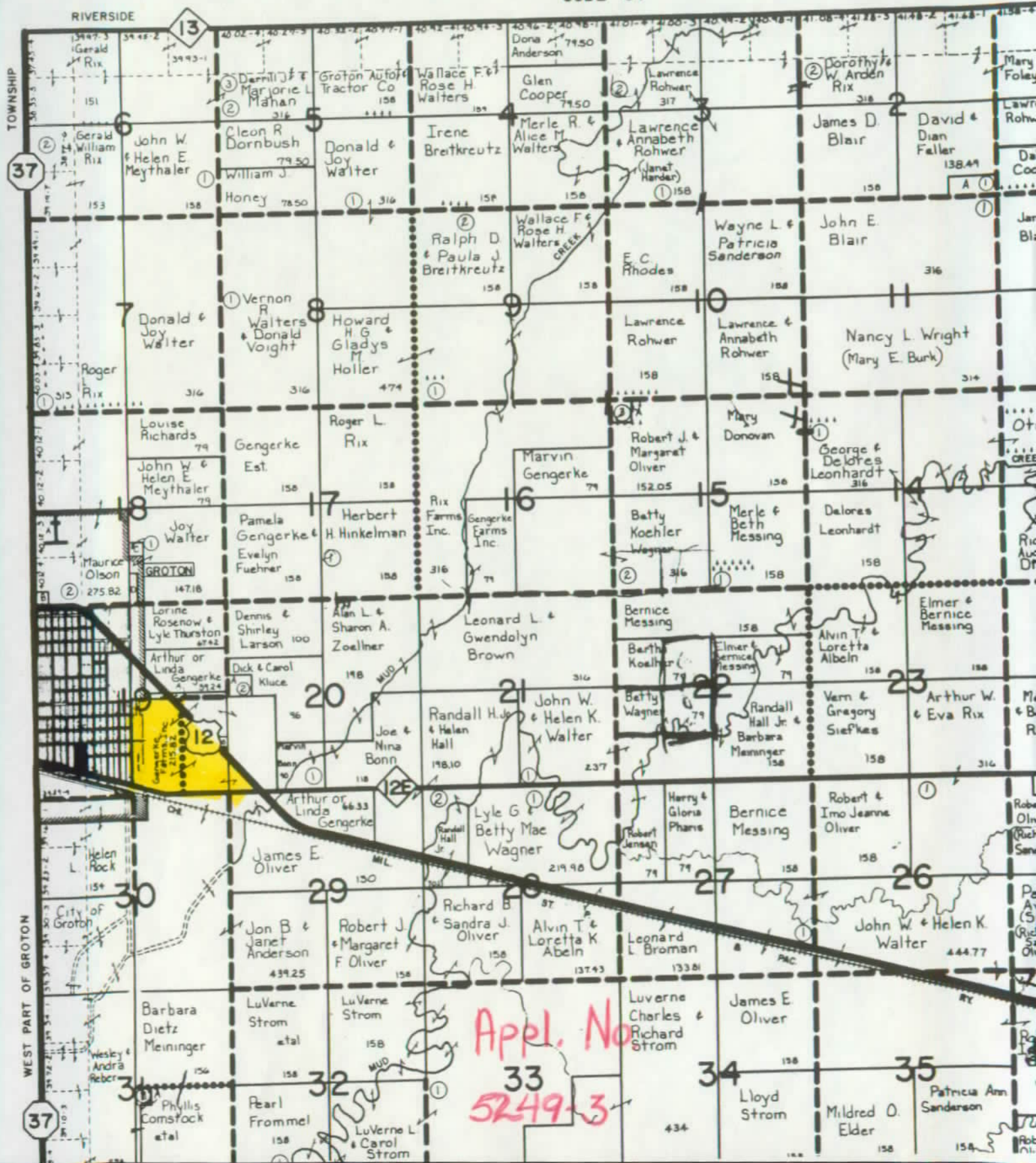


MAP OF GROTON

TOWNSHIP: 123N.

RANGE: 60 W.

CODE: GT



5.5 T1395

13.8

T1513

P-17

GROTON

50.0

T4782

9.8

T4782

19

2

62.4 Sept 30, 1988

T1366

I verify that the structure indicated on this map will be a lake and a holding pond for the ~~structure~~ of concrete ~~James R. Hildner~~ CEO ~~Proctor Company~~ Assoc office

Appl. No.

5249-3

T1347

15.2

12.3 60 ft

15.2
T4783

O

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4299

WR#

OWNERS NAME: City of Groton OWNERS ADDRESS: 7 Ervin Locke, JR. Mayor
209 N. Main, Groton, SD 57445

COUNTY LAND LOCATED IN: Brown PHONE: 397-8422

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION Intersection of Hiway 12 and old Hiway 12

Depth _____

Legal Description	Acres	Legal Description	Acres
<u>NW 1/4 Sec. 19-123-60</u>	<u>40</u>	<u>SW 1/4 SW 1/4 Sec. 20-123-60</u>	<u>5</u>
<u>SW 1/4 SW 1/4 " "</u>	<u>40</u>		
<u>SE 1/4 SW 1/4 " "</u>	<u>20</u>		
<u>NE 1/4 SW 1/4 " "</u>	<u>7</u>	TOTAL ACRES =	112

2. TYPE OF IRRIGATION: GRAVITY _____ TOWLINE _____ CENTER PIVOT _____ GUN _____ OTHER: Sprinkler
(Specify)

3. CROPS TO BE IRRIGATED: golf course

WATER QUALITY:

4. WATER SAMPLE NUMBER: _____

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10³): _____

8. PERCENT SODIUM: _____

6. SODIUM (SAR): _____

Requirements:

That a water sample be taken when water is available.

The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a soil-water compatibility permit by the division or the commission.



☒ APPROVED

☐ DISAPPROVED

☐ WAIVER

Director, Division of Conservation

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

11/10/88
Date

MALONEY, KOLKER, FRITZ, HOGAN & JOHNSON

LAW OFFICES
101 NORTH MAIN
P. O. BOX 467
GROTON, SOUTH DAKOTA 57445

DENNIS MALONEY
RICHARD KOLKER
THOMAS A. KOLKER
DANIEL R. FRITZ
MICHAEL T. HOGAN
DREW C. JOHNSON

397-8464
AREA CODE 605

September 30, 1988

Ron Duvall
Division of Water Rights
Department of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501-3181

Re: City of Groton Application

Dear Mr. Duvall:

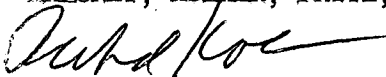
Enclosed is our check in the amount of \$225.00 and the application for the City of Groton for a water appropriation permit for use of irrigation of our new golf course.

If there is anything further that will be required, please call the undersigned.

Thank you.

Very truly yours,

MALONEY, KOLKER, FRITZ, HOGAN & JOHNSON


Richard Kolker



Water Rights Division - DWNR
Conversation or File Documentation

File No. 5249-3

NAME OF PERSON OR FILE: City of Groton

ADDRESS: 209 N Main, Groton SD 57445 COUNTY Brown

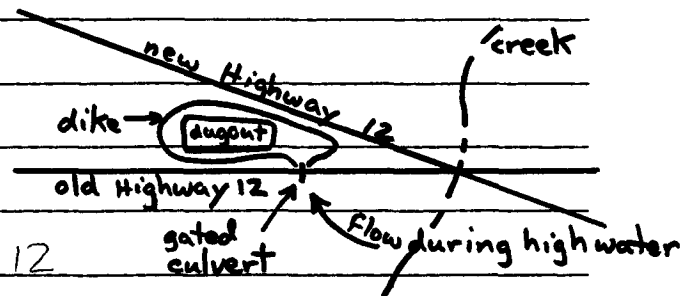
DATE: 12/19/88 TELEPHONE 397-2311 Tom Mahan

RE: dugout construction for golf course

COMMENTS:

Spoke to Tom Mahan, Golf Course Project Chairman,
regarding construction of the proposed dugout/dike.
Mr. Mahan indicated that the dugout has been
constructed and the construction varies from the map
as submitted. The dugout is completely encompassed
by the dike to prevent water from being impounded in
the highway ditches.

Mr. Mahan stated that during
high flow water will flow North
through a culvert in old highway 12



and fill the dugout and dike area. Mr. Mahan also stated
that water will even overflow the old highway during high
runoffs. The flow will be controlled by using a gate
on the culvert through old highway 12. Mr. Mahan
estimated the surface area at two to three acres with
an approximate depth of seven feet to the top of the
dugout. See attachment for storage estimate

Mr. Mahan stated I could make any needed
corrections to the application regarding the diversion
works.

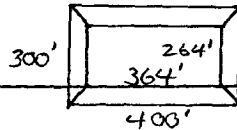
File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Tom Mahan

Water Rights Division - DWNR
 Conversation or File Documentation

File No. 5249-3NAME OF PERSON OR FILE: City of GrotonADDRESS: 209 N Main COUNTY BrownDATE: 12/19/88 TELEPHONE _____RE: Storage Capacity Estimate of dugout

COMMENTS:



Assume 2:1 side slopes for dugout with maximum depth
 of 7 feet for dugout, including dike, according to
 Tom Mahan

$$V \approx \frac{A_1 + A_2}{2} H \approx \frac{(300 \times 400) + (364 \times 264)}{2} \{7\} \approx 17.3 \text{ ac-ft} \approx 20 \text{ ac-ft}$$

File in Permit or other file as necessary. Use to document conversations and
 what the other party was told; why action or decision was made.

NAME: Ron Duval

REPORT ON APPLICATION NO. 5249-3
City of Groton
December 20, 1988

Water Permit Application No. 5249-3 requests 1.6 cubic feet of water per second from a dugout to irrigate 112 acres of a golf course. The course will be constructed in the SE1/4 of Section 19 and the SW1/4 of the SW1/4 of Section 20, all in T123N - R60W, Brown County. The dugout will be located in the SE1/4 of the SE1/4 of Section 19 - T123N - R60W with a storage capacity of 20 acre feet.

DISCUSSION

The proposed dugout will be constructed near a tributary of Mud Creek. During high flows, water will flow through a culvert located in old Highway 12 and then into the dugout. Flow into the dugout will be controlled by a gate on the culvert. A dike approximately two feet high will encircle the dugout to prevent water from entering the highway ditches.

There are no existing water rights in this area which utilize surface water.

CONCLUSIONS

1. There are no existing water rights in this area which utilize surface water which could be adversely affected by approval of this permit.
2. Recommend approval of Water Permit Application No. 5249-3 with the following two qualifications:
 - a. That the irrigation questionnaire be submitted each year.
 - b. Low flows as needed for downstream domestic use, including livestock, must be bypassed.



Tim Tollefsrud
Natural Resources Engineer
Division of Water Rights

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5249-3, City of Groton

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5249-3, City of Groton, 209 North Main, Groton SD.

The Chief Engineer is recommending APPROVAL of Application No. 5249-3 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. Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
December 20, 1988



Department of Water & Natural Resources

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

December 21, 1988

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

Ervin Locke Jr., Mayor
City of Groton
209 N Main
Groton SD 57445

Dear Mayor Locke:

Your Application No. 5249-3 for a permit to appropriate water for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your intent to appropriate water has been sent to the Publisher of the Groton Independent printed at Groton 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 Intent to Appropriate Water 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. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures





Department of Water & Natural Resources

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



December 21, 1988

Groton Independent
Box 148
Groton SD 57445

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5249-3 to be published twice. Please publish the first notice on or before December 28, 1988 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Groton, 209 N Main, Groton SD 57445.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. 5249-2

Date 12/28/88

We are in receipt of your letter of 12/23/88 enclosing Notice of Hearing to Appropriate Water by Application No. 5249-3 which was first published in our issue of 12/28/88. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Groton Independent
Newspaper



Instruction to Newspaper - Publish first Notice on or before December 28, 1988 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5249-3 to Appropriate Water

Notice is given that the City of Groton, 209 N Main, Groton SD 57445 has filed an application for a water permit to appropriate 1.6 cubic feet of water per second from a dugout (approximately 20 acre-feet storage capacity) to irrigate 112 acres of a proposed golf course. The dugout is encircled by a small dike and is to be filled with runoff from a tributary of Mud Creek via a gated culvert through old highway 12. Water is to flow to the dugout from the tributary during periods of runoff and flow is to be controlled with a gate on the culvert. The dugout is located in the SE 1/4 SE 1/4 Section 19; SW 1/4 SW 1/4 Section 20; and the acreage to be irrigated in the SE 1/4 Section 19; SW 1/4 SW 1/4 Section 20; all in T123N, R60W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5249-3 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. This application will be considered by the Water Management Board at the Crossroads Hotel, Salon 1, 100 4th St SW, Huron SD on January 25, 1989 at 10:30 am. 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 interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by January 13, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped. If there are any petitions in opposition to Application No. 5249-3, the hearing will be delayed until the regular March 1, 1989 Board meeting. The meeting January 25, 1989 is a special Board meeting.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. 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. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by January 13, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

COUNTY OF BROWN)

ss.

Paul S. Kasel

of said County and State, being first duly sworn on oath, says that he is the publisher of The Groton Independent, a weekly newspaper, printed and published in the City of Groton, in said County of Brown, South Dakota, and that he has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bonafide circulation of at least two hundred copies weekly and has been published within said County for fifty-two successive weeks, next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publica-

tion; that the advertisement, headed _____

Appropriate water

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper at least once in each week

for 2 successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

December 28, 1988;

January 4, 1989;

_____, 19____;

_____, 19____;

that the full amount of the fee charged for the publication of said advertisement inures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever, and that the fees charged for the publication thereof

are \$ 35⁸²

Paul S. Kasel

Subscribed and sworn to before me this 29th day of December, 1988.

Madelon Daley

Notary Public.
County of Brown, S.D.



S.D. Water Department

Notice of hearing on Application No. 5249-3 to Appropriate Water

Notice is given that the City of Groton, 209 N. Main, Groton, S.D. 57445 has filed an application for a water permit to appropriate 1.6 cubic feet of water per second from a dugout (approximately 20 acre-feet storage capacity) to irrigate 112 acres of a proposed golf course. The dugout is encircled by a small dike and is to be filled with runoff from a tributary of Mud Creek via a gated culvert through old highway 12. Water is to flow to the dugout from the tributary during periods of runoff and flow is to be controlled with a gate on the culvert. The dugout is located in the SE 1/4 SE 1/4 Section 19; SW 1/4 Section 20; and the acreage to be irrigated in the SE 1/4 Section 19; SW 1/4 SW 1/4 Section 20; all in T123N, R60W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5249-3 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. This application will be considered by the Water Management Board at the Crossroads Hotel, Salon 1, 100 4th St. S.W., Huron, S.D. on January 25, 1989 at 10:30 a.m. 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 interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by January 13, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, S.D. 57501 (605)773-3352". The petition maybe 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 legal counsel if legal counsel is obtained. The ap-

applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped. If there are any petitions in opposition to Application No. 5249-3, the hearing will be delayed until the regular March 1, 1989 Board meeting. The meeting January 25, 1989 is a special Board meeting.

This hearing is an adversary proceeding. Any person filing a petition and/or the ap-

plicant have the right to be represented by a lawyer. 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. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by January 13, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



Department of Water & Natural Resources

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

MAR 10 1989

Ervin Locke Jr., Mayor
City of Groton
209 N. Main
Groton, SD 57445

Dear Mr. Locke:

Enclosed is Water Permit No. 5249-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in Water Permit No. 5249-3.

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

JH:mra

enclosure

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.

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date January 22, 1990

TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181

FROM: City of Groton 209 N. Main Groton, SD 57445
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5249-3.

Water Permit No. 5249-3 states that the diversion system is to be constructed by January 25, 1994, and that the water it put to beneficial use by January 25, 1998.

The diversion system was completed on August 1, 1989.
Applying the water to beneficial use was completed on August 1, 1989.

You may schedule an inspection so that the Water License may be issued.

Ervin Locky
signature Mayor



South Dakota



GREAT FACES. GREAT PLACES.

February 1, 1991

CITY OF GROTON
209 N MAIN
GROTON SD 57445

DEPARTMENT OF WATER & NATURAL RESOURCES

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

NOTICE

RE: Violation of Water Permit No(s) 5249-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 5249-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 5249-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 5249-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Ron Duvall".

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: CITY OF GROTON 209 N MAIN GROTON SD 57445	4. Article Number P 694 057 409 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and <u>DATE DELIVERED</u>.
5. Signature — Addressee X Anita Lowary, 70	8. Addressee's Address (ONLY if requested and fee paid)
6. Signature — Agent X	
7. Date of Delivery 2/2/91	

PS Form 3811, Apr. 1989

★ U.S.G.P.O. 1989-238-815

DOMESTIC RETURN RECEIPT

MALONEY, KOLKER, FRITZ, HOGAN & JOHNSON

LAW OFFICES

101 NORTH MAIN

P.O. BOX 467

GROTON, SOUTH DAKOTA 57445

DENNIS MALONEY
RICHARD KOLKER
THOMAS A. KOLKER
DANIEL R. FRITZ
MICHAEL T. HOGAN
DREW C. JOHNSON

397-8464
AREA CODE 605

February 11, 1991

Timothy G. Schaal
Department of Water & Natural Resources
Division of Water Rights
Joe Foss Building
523 E. Capitol
Pierre, SD 57501



Dear Mr. Schaal:

The Olive Grove Golf Course, Inc. through the City of Groton, SD received a notice of a violation of a water permit. As I understand the situation, a request for a questionnaire was forwarded to the City on October 12, 1990 and had not been completed and returned to the Department. A hearing has been scheduled for February 27, 1991 at 9:15 for purposes of determining the status of our irrigation permit.

I understand you have had conversation with David McGannon who was the person in charge of operating the water system for the golf course and David inadvertently failed to return the necessary request to you.

Enclosed with this letter I believe are sufficient documentation to answer all of the inquiries which have been raised concerning the Olive Grove Golf Course permit.

If there is anything further we can supply you please contact our office immediately as we will forward it promptly.

We apologize for any inconvenience this has caused you. We hope that this matter can now be considered resolved and the permit continued in full force and effect.

Very truly yours,
MALONEY, KOLKER, FRITZ, HOGAN & JOHNSON

Richard Kolker

Richard Kolker

RK/jk



DISTRIBUTING CO.

TORO

Jim
O'Connor
612-473-8393

GROTON OLIVE GROVE GOLF CLUB
Irrigation System

PIPE \$ 9,025.00

100'	4" PVC 160 G Pipe [80']
7,900'	3" PVC 160 G Pipe [7200']
2,700'	2 1/2" PVC 160 SW Pipe [2400']
2,300'	2" PVC 160 SW Pipe [2100']
3,300'	1 1/2" PVC 160 SW Pipe [3000']

AUTOMATIC IRRIGATION \$ 22,440.00

97	Toro 684-06-88 Fairway Sprinkler
49	Toro 664-06-65 Green/Tee Sprinkler
97	PL15SJ 1 1/2" Swing Joint
49	PL10SJ 1" Swing Joint
3	Irritrol Dial 14AB Controller
4	Irritrol Dial 11AB Controller
20,000'	12AWG Irrigation Wire 120v
100,000'	14AWG Irrigation Wire 24v
20	GT07520 Teflon Tape
150	3M 3570 Scotchlok
300	Yellow Wire Nut - DBY Kit x 30
50	Red Wire Nut
Q	PVC Fittings



9025 Pipe
22440 Auto In
7400 Low pressure pipe
40 DBY Kit
567 7 pedestals
297.50 Lightning
339 15' quick
40,158.50 Total
1101.00 Power for 2 1/2 hrs
5000.00 Installation
46,259.50

Life Time Warranty
Less money than Toro

5 yr on Toro
Heads 7 yr pro rated
warranty

500 to drain system in
Fall

OPTIONS

Add Price

Irritrol P-2 Pedestal [7]	\$ 81.00	x 7
Toro 172-06-01 Controller [7]	\$ 65.00	
Toro 172 Pedestal [7]	\$ 126.00	
Toro VT4000/12 Control System	\$4,200.00	
Lightning Protection	\$ 42.50	* x 7

Isolation Valves with Valve Box		
2" [12]	\$ 35.00	
2 1/2" [2]	\$ 60.00	*
3" [4]	\$ 83.00	

Manual Watering		
Toro 474-00 Quick Coupler	\$ 22.60	x 9 plus any other areas
Valve w/ Swing Joint		

PUMP STATION LOW PRESSURE [250 GPM 100 PSI]
\$ 7,400.00

Berkeley B2-1/2ZPL 20HP Centrifugal Pump
Berkeley B2ZPL 15HP Centrifugal Pump
132-Gallon Pressure Tank
4" Butterfly Valve
4" Foot Valve
3" Foot Valve
3" Check Valve [2]
Pressure Relief Valve [2]
MTI Control Panel
Pipe--Fittings

MTI Service \$ 800.00

16,000' Trenching



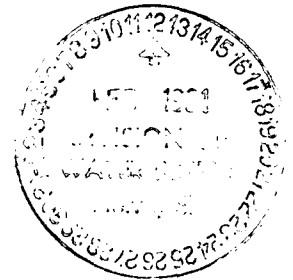
AUTOMATIC GREENS/TEES MANUAL FAIRWAYS \$ 9,940.00

97 Toro 474-00 Quick Coupler Valve 1"
 4 Toro 464-02 Coupler Key
 4 Toro 404-06 Impact Sprinkler
 49 Toro 614-02-12 PopUp Sprinkler
 3 Irritrol Dial 11AB Controller
 10 Toro 252-06-06 1 1/2" Electric Valve
 9 Toro 254-06-04 1" Electric Valve
 19 10" Valve Box
 20,000' 12AWG Irrigation Wire 120v
 35,000' 14AWG Irrigation Wire 24v
 20 3M 3570 Scotchlok
 50 Yellow Wire Nut
 20 Red Wire Nut
 20 GT07520 Teflon Tape
 137 PL10SJ 1" Swing Joint
 Q PVC Fittings

recoment 1 1/2" (2000 mtr)

PUMP STATION HIGH PRESSURE [200 GPM 130 PSI]
 \$ 10,250.00

Berkeley B2-1/2ZPL 30HP Centrifugal Pump=
 Berkeley B2ZPL 20HP Centrifugal Pump
 132-Gallon Pressure Tank
 4" Butterfly Valve
 4" Foot Valve
 3" Foot Valve
 3" Check Valve [2]
 MTI Control Panel
 Clayton 92G01 4" Pressure Regulating Valve
 Pressure Relief Valve
 Pipe--Fittings



ENERGY COST COMPARISON \$.06 per KWhr

High Pressure:

30HP .258 x 6 = 1.548 x 8 x 30 x 6 = \$ 2,229.12
 20HP .174 x 6 = 1.044 x 8 x 30 x 6 = 1,503.36 \$ 3,732.48

Low Pressure:

20HP .174 x 6 = 1.044 x 8 x 30 x 6 = \$ 1,503.36
 15HP .132 x 6 = .742 x 8 x 30 x 6 = 1,140.48 2,643.84

NET ANNUAL UTILITY SAVINGS

\$ 1,088.64



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 12, 1991

5249-3

Dan Johnson
Water Superintendent
City of Groton
209 N Main
Groton, SD 57445

RE: Irrigation Questionnaire - Olive Grove Golf Course

Dear Mr. Johnson:

I am writing to acknowledge receipt of your 1990 irrigation questionnaire for Water Permit No. 5249-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaire, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Anita -- City of Groton

ADDRESS: Groton COUNTY: Brown

DATE: July 19, 1993 TELEPHONE: 397-8422

RE: Flooding at golf course

COMMENTS:

Anita with the City of Groton called with regard to flooding taking place at the City's golf course. The City has Water Permit No. 5249-3 to irrigate the golf course from a dugout that is filled with runoff from a tributary of Mud Creek. She wondered since they have flooding whether their Permit authorizes them to pump (discharge) into Mud Creek to help alleviate the flooding. She said the water was originally Mud Creek water anyway. I said that their Permit did not authorize them to discharge back into the Creek. I said this was more of a drainage problem that needed to be addressed at the County level. I further stated that they needed to be careful to watch that they didn't solve their problem at the expense of causing additional flooding downstream.

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: Eric Thompson

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

CITY OF GROTON
ANITA LOWARY, FINANCE OFFICER
PO BOX 587
GROTON SD 57445 0587

NOTICE

RE: Violation of Water Permit No 5249-3.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 5249-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No 5249-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No 5249-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire is received in this office on/or before March 3, 1995, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

ted on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

CITY OF GROTON
ANITA LOWARY, FINANCE OFFICER
PO BOX 587
GROTON, SD 57445 0587

4a. Article Number

8757566372

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

5. Signature (Addressee)

6. Signature (Agent)

D. K. Vandichan

8. Addressee's Address (Only if requested and fee is paid)

Is your RETURN /

PS Form 3811, December 1991

★U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 13, 1995

5249-3

Tom Mahon
City of Groton
PO Box 587
Groton, SD 57445-0587

Dear Mr. Mahon:

I am writing to acknowledge receipt of your 1994 irrigation questionnaire. The questionnaire was completed for you following our February 8th telephone conversation. You may disregard the February 7, 1995, **Notice of Violation of Water Permit No. 5249-3**.

The questionnaire was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 29 1996

City of Groton
Janice Bren, Finance Officer
Box 587
Groton SD 57445-0587

Dear Ms. Bren:

Enclosed are Water License Nos. 5902-3, 5905-3, Vested Right Water License No. 1649-3 and receipts for the payment assessed for the inspection and issuance of the license. These are the final documents which complete the process of obtaining water rights for the City of Groton.

The applicable portions of Water Permit No. 5249-3 have been incorporated into Water License No. 5905-3.

As long as the City of Groton uses the water beneficially, as stated in the Water Licenses, State Water Law provides the City with a continuing right to use the water.

Very truly yours,

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

enclosures