

No. 534A-3 Hydrologic Unit 10170202
 Map No. Basin Big Sioux River
 Newspaper Clear Lake Courier Box 830 (Weld)

525 E. Capitol
 Pierre, SD 57501
 (605) 775-3352

874-2499

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. 534-3 with old priority date retained

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

☒ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. 534-3

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

1. Name of Applicant City of Clear Lake Phone No. (605) 874-2121

Post Office Address P.O. Box 27 Clear Lake State South Dakota 57226
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 1.10 C.F.S.

3. Source of water supply Shallow Underground Aquifer

4. Location of point of diversion NW 1/4 OF NE 1/4 SEC. 23, T115N, R49W, 5th P.M.

(SEE ATTACHED MAP)

County Deuel

5. Counties where water will be used Deuel

6. Annual period during which water is to be used January 1 through December 31.

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
Submersible Turbine Pump with 12-Inch Diameter Gravel-Packed Water Well

Six-Inch Feeder Line (to be constructed)

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 Deuel)^{ss}

I, Martin H. Oleson, Mayor 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 Martin H. Oleson

Subscribed and sworn to before me this 7 day of April 1992

Pam L. [Signature]
 Notary Public

Commission Expires
Mar. 9, 1996

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 24-Inch Depth 20'±
- b) Casing Type Steel Diameter 12-Inch Thickness 0.375"
- c) Screen Type 304, stainless steel Diameter 12-Inch ~~1/2" x 1/2"~~ Length 5'
- d) Gravel Pack Thickness 6-Inch Length of Gravel Pack 10'
- e) Depth to Top of Water Bearing Material 5'
- f) Depth to Water (ground surface to water level) 13'
- g) Distance to nearest existing domestic well:
- On applicants property 285' 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 _____

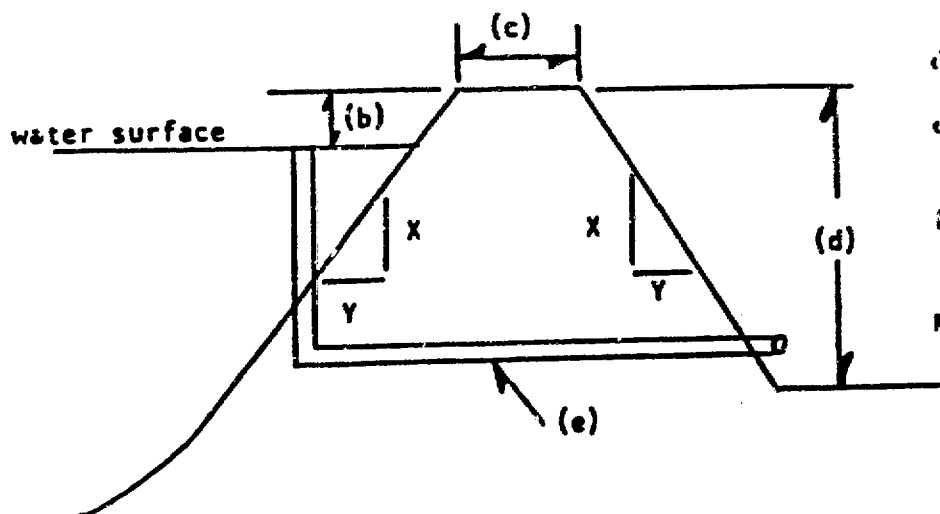
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

**SOUTH DAKOTA
WATER PERMIT No. 534A-3**

Date of first receipt of application April 8, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 534A-3 to the City of Clear Lake, PO Box 27, Clear Lake SD 57226 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. Vested Right No. 534-3 was validated for 1.10 cubic feet of water per second (cfs) from two wells approximately 53 feet deep located in the SW 1/4 NE 1/4 Section 23-T115N-R49W for municipal use by the City. Permit No. 534A-3 is to change the location of the diversion points for Vested Right No. 534-3 and to authorize diversion of the 1.10 cfs from one well (Big Sioux:Brookings Aquifer) 20 feet deep to be located in the NW 1/4 NE 1/4 Section 23-T115N-R49W. This permit does not authorize any increase in the diversion rate.
2. The water appropriated shall be used for the purpose of supplying water to the City of Clear Lake 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. 534A-3 is June 30, 1992.
5. The date from which applicant may claim right is January 1, 1948.
6. One-fifth of the construction is to be completed on or before December 30, 1994.
7. All construction is to be completed on or before June 30, 1997.
8. Water is to be put to beneficial use on or before June 30, 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 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.
2. The well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.

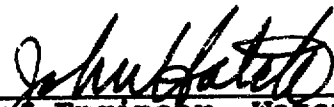
(continued)

Water Permit No. 534A-3

Page 2

3. Approval of Permit No. 534A-3 is subject to plugging of the abandoned wells authorized by No. 534-3 pursuant to Water Management Board Rule 74:02:04:68.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

AUG 12 1992

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 12 1992

Pam Tjaden, Finance Officer
City of Clear Lake
PO Box 27
Clear Lake, SD 57226

Dear Ms. Tjaden:

Enclosed is Water Permit No. 534A-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. 534A-3
for the City of Clear Lake
May 28, 1992**

Application No. 534A-3 is to change the location of the diversion points for Vested Right No. 534-3. Vested Right No. 534-3 was validated for 1.10 cfs from two wells approximately 53 feet deep located in the SW 1/4 NE 1/4 of section 23, T115N R49W in Deuel County. This application is to transfer 1.10 cfs from the old diversion points to one well approximately 20 feet to be located in the NW 1/4 NE 1/4 of section 23, T115N R49W. The water is for municipal use by the City. This application does not authorize any increase in the diversion rate.

AQUIFER - BIG SIOUX-BROOKINGS (BS-B)

The Big Sioux Brookings is an unconfined glacial outwash (sand and gravel) under water table conditions in this area. The Big Sioux Brookings underlies 26,400 acres and contains an estimated 59,400 acre feet of recoverable water in storage in Deuel County (Hedges, 1982). Ground water movement is from north to south and west to east towards the lake. The aquifer is recharged by direct infiltration of rainfall and snowmelt into the aquifer. The aquifer is hydraulically connected to Clear Lake which is probably a discharge point for ground water moving in from the north and then discharging as surface or ground water into Hiddenwood Creek or the outwash underlaying the creek. Hiddenwood Creek also is the outlet for Clear Lake during high lake levels.

The Division of Water Rights monitors six observation wells completed into the Big Sioux Brookings aquifer on the west side of Clear Lake. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1992).

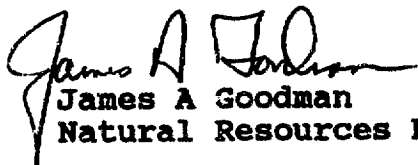
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The only other existing permit/right in this area is No. 5071-3 for the City of Clear Lake. This proposed diversion will be approximately 257 feet north of the well for this permit. Interference is not expected to be a concern. Even though pumping may cause some drawdown at the existing site this is not expected to adversely affect the aquifer. Since the city controls both wells they can manage the wells to control any potential problems.

CONCLUSIONS

1. Water is available from the Big Sioux Brookings aquifer.

2. Interference is not expected to be a concern. Even though the saturated thickness is thin the expected drawdown should not be significant. Problems may arise during extended dry years but the city can manage around that scenario by scheduling the pumping.
3. This application requests to change the location of the two wells authorized by Vested Right No. 534-3 to a single well and transfer 1.1 cfs to the new well. This can be done without impairment of existing rights. The old wells and the new well are completed into the same aquifer.
4. There are domestic wells in the area. This permit if approved should contain the standard domestic well clause.
5. The two wells authorized by Vested Right 534-3 must be plugged in accordance with SD Well Construction Standards when abandoned.
6. The new well authorized by this application if approved must be constructed in accordance with SD Well Construction Standards.


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1992, Unpublished Records for the Big Sioux Brookings Aquifer in Deuel County, SD DENR, Division of Water Rights, Pierre, SD, 57501.

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 534A-3, City of Clear Lake**

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. 534A-3, City of Clear Lake, c/o Mayor Martin Oleson, P.O. Box 27, Clear Lake, SD 57226.

The Chief Engineer is recommending APPROVAL of Application No. 534A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. 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.
2. The well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
3. Approval of Permit No. 534A-3 is subject to plugging of the abandoned wells authorized by No. 534-3 pursuant to Water Management Board Rule 74:02:04:68.

See report on application for additional information.


JOHN HATCH, Chief Engineer
May 29, 1992

Casing		
Length	Diam.	Type

Screen		
Length	Diam.	Slot & Type

Completed depth _____

Comments _____

License # 4

Se. Gary Bellin



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 29, 1992

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

City of Clear Lake
Martin H Oleson, Mayor
PO Box 27
Clear Lake SD 57226

Dear Mayor Oleson:

Water Permit Application No. 534A-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 Clear Lake Courier printed at Clear Lake SD (phone 874-2499). 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 Grönlund

Eric Grönlund
Natural Resources Engineer
605 773-3352

enclosures

cc: Daryl Englund, Banner Associates, Inc.
Pam Tjaden, Finance Officer

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3161

May 29, 1992

Clear Lake Courier
Box 830
Clear Lake SD 57226

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 534A-3 to be published twice. Please publish the first notice on June 3, 1992 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 City of Clear Lake, PO Box 27, Clear Lake SD 57226 (Phone 605 874-2121).

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

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 _____

Instruction to Newspaper - Publish first Notice on June 3, 1992 with the second publication 7 days later. The applicant is responsible for payment.

**NOTICE OF HEARING on Application No. 534A-3 to
Amend Vested Water Right No. 534-3**

Notice is given that the City of Clear Lake, PO Box 27, Clear Lake SD 57226 has filed an application for a water permit. Vested Right No. 534-3 was validated for 1.10 cubic feet of per second (cfs) from two wells approximately 53 feet deep located in the SW 1/4 NE 1/4 Section 23-T115N-R49W for municipal use by the City. Application No. 534A-3 is to change the location of the diversion points for Vested Right No. 534-3 and to authorize diversion of the 1.10 cfs from one well (Big Sioux:Brookings Aquifer) 20 feet deep to be located in the NW 1/4 NE 1/4 Section 23-T115N-R49W. This application will not authorize any increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 534-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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 June 22, 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. 534A-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 30, 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 June 30, 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 June 30, 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 June 22, 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 Deuel) ss.

I, Gary DeJong

certify that the attached printed Notice was taken
from the Clear Lake Courier

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 Clear Lake, SD

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

June 3, 1992

June 10, 1992

(Signature)

(Title)

(Date)

June 11, 1992

My Commission Expires
January 29, 1998

Cost of Printing: 60.89

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 49-26. These and other due process rights will be forfeited if not asserted. 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 49-1.1 thru 49-1.5, 49-1.12 thru 49-1.13, 49-2.3.1, 49-2.3, 49-2.11, 49-2.13, 49-3.17, 49-2A.1 thru 49-2A-10, 49-2A-12, 49-2A-14, 49-2A-16, 49-3.1 thru 49-3.11, 49-3.13 thru 49-3.14, 49-3.24, 49-3.25, 49-3.26, 49-3.27, 49-3.31, 49-3.3, 49-3.3.1, 49-3.5.1, 49-3.10, 49-3.13, 49-3.14, 49-3.7, and Board Rules ARSD 74.02:01:01 thru 74.02:01:15.

June 3 & 10

NOTICE OF HEARING
On Application No. 534A-3
Amend Vested Water
Right No. 534-3

Notice is given that the City of Clear Lake, PO Box 27, Clear Lake SD 57288 has filed an application for a water permit. Vested Right No. 534-3 was validated for 1.10 cfs of per second (CFS) from two wells approximately 63 feet deep located in the SW 1/4 NE 1/4 Section 22-T115N-R45W for municipal use by the City. Application No. 534A-3 is to change the location of the diversion points for Vested Rights No. 534-3 and to authorize diversion of the 1.10 cfs from one well (Big Sioux Brookings Aquifer) 53 feet deep to be located in the NW 1/4 NE 1/4 Section 22-T115N-R45W. This action will not authorize any increase in the diversion rate.

Pursuant to SDCL 49-2A-2, the Chief Engineer recommends APPROVAL of Application No. 534-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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, Poes Building, 523 E Capitol, Pierre SD 57501 (605 773-3552)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 22, 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. 534A-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 30, 1992 at 9:00 am in Room 413, Joe Poes Building, 523 E Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the June 30, 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 who desires to be heard at the hearing, should contact the Division of Water Rights to schedule a hearing date. The June 30, 1992 hearing time will be automatically delayed for at least 20 days upon written request to the Chief Engineer by the applicant or any interested person opposing the application. The hearing date cannot be later than June 13, 1993.

City of Clear Lake

OFFICE OF THE
FINANCE OFFICER

P.O. Box 27
125 Third Ave. S.
Clear Lake, SD 57226
Phone 605/874-2121



April 7, 1992

Eric Gronlund
DENR
Division of Water Rights
Joe Foss Building
523 East Capitol Ave
Pierre SD 57501

Dear Mr. Gronlund,

The City of Clear Lake would like to make application for a water rights permit. The City is planning on constructing a water well during the summer of 1992.

Please find enclosed two applications for the water rights permit along with a check for \$50.00 for the filing fee.

If there is anything else needed in order to make application, please notify me.

Thank you.

Sincerely,

Pam L. Tjaden
Finance Officer

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: City of Clear Lake - WP Appl. No. 534A-3

ADDRESS: _____ COUNTY: Deuel

DATE: 4/9/92 TELEPHONE: _____

RE: Discussion with Daryl Englund (Banner & Assoc.)

COMMENTS:

I contacted Mr. Englund regarding the location of the two wells authorized by VR No. 534-3 which are to be abandoned. The city of Clear Lake has applied for a change of diversion point, however; the map showed the proposed well only 256 feet from the existing well. This existing well is not the one to be abandoned so this proposed well could not be considered a replacement well. The two wells to be abandoned are farther than 660 feet away from the proposed well. On the submitted map, the wells to be abandoned are located in Outlot G in the vicinity of the engineer's seal.

Mr. Englund stated that the contractor's responsibilities includes plugging the two abandoned wells in accordance with standards.

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 Englund

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413170

Pierre, April 8, 19 92

RECEIVED OF City of Clear Lake, PO Box 107, Clear Lake, SD 57226-0107
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>534A-3</u> 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 00

By John Hatch
Chief Engineer

BANNER ASSOCIATES, INC.
400 2nd Avenue South • P.O. Box 286
Brookings, South Dakota 57005-0286
(605) 685-6842
FAX: (605) 685-5714



May 28, 1992

Ms. Pam Tjaden, Finance Officer
City of Clear Lake
PO Box 107
Clear Lake, South Dakota 57226-0107

RE: Water Supply Well
City of Clear Lake, SD
BAI No. 7445-01

Dear Pam:

The following is a brief summary of our conference call with Jim Goodman, Water Rights Division, SDDENR:

1. Goodman will finish writing the geologic/hydrogeologic report today.
2. John Hatch will sign off on the application early next week.
3. DENR will submit the publication to Clear Lake for advertising on June 10 and June 17.
4. Protests can be registered within 10 days after last publication. Last date for protests - June 27, 1992.
5. If the publication does not result in a protest, the formal water rights permit will be issued 20 days after the last publication. If a protest is registered, the hearing will be 20 days after the last publication. Date for permit or hearing - July 7, 1992
6. We advised Goodman that it is urgent to stay on the above schedule in order to have two reliable wells.
7. Goodman advised that if the City would desire to have the well drilled, but not used, they could request a test well through the water rights division. After the formal permit is issued the well could be used as a water supply well. There is a certain risk factor in that a protest could be registered which would delay using the well. The advantage is that the well could be going through the construction procedure while the permit is being issued.

Following the conference call, we discussed that it may be best to wait for the permit or at least until the date has passed for a formal protest. The following schedule is in accordance with our telephone discussion:

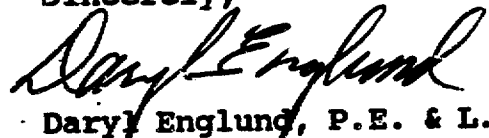
- City Council authorizes to advertise for Bids - July 6, 1992
- First Construction Bid Advertisement - July 8, 1992
- Second Construction Bid Advertisement - July 15, 1992
- Open Bids / Award Contract - July 20, 1992.

I further reviewed the above schedule following our telephone conversation and the only item that I now question is the timing between authorizing for bids and the first legal publication. The newspaper may require the legal advertisement by Monday, July 6, 1992. Perhaps one method would be to have the Council authorize advertisement for bids at their June 1, 1992 meeting, with the first advertisement on July 8, 1992, unless a formal protest is registered. If a formal protest is registered prior to June 27, 1992, advertisement shall be delayed until further authorization by the City Council.

I have taken the liberty to enclose two (2) copies of the Advertisement for Bids with a Bid Opening of July 20, 1992 at 7:30 P.M. If the date or time changes, please contact our office and we will correct the Advertisement in accordance with the Council's action.

Please note that I have copied Jim Goodman with this letter and request that he review the schedule(s) as we discussed during our conference call. If you or Jim Goodman have any questions regarding the above schedules, telephone conversation, or advertisement for bids please contact our office.

Sincerely,



Daryl Englund, P.E. & L.S.

Enclosure - 2 Advertisements for Bids

CC: SDDENR - Attn. Mr. Jim Goodman, Water Rights Division

CLEAR LAKE WATER WELL NO. 5 AND CONNECTING PIPING

ADVERTISEMENT FOR BIDS

Notice is hereby given that the City of Clear Lake, South Dakota will receive sealed competitive bids for Water Supply Well No. 5. The project consists of the following major items of work: 200 GPM gravel-packed water well, submersible turbine pump and motor, pitless adaptor, electrical service and controls, 285 lineal feet of 6-inch water main, fittings, valves and manhole and incidental items.

The Bids must be prepared on the bid forms supplied in the Bidding Documents and filed with the Municipal Finance Officer not later than 7:30 P.M. Local Time, July 20, 1992, at which time and place the Bids will be publicly opened and read aloud in the presence of the Bidders and their representatives. No bids will be received after the specified hour and date, and bids which are not prepared and filed in accordance with the "Instructions to Bidders" may be rejected.

All Bids must be accompanied either by a certified check, cashier's check or bank draft payable to the City of Clear Lake, S.D. in the amount of five percent (5%) of the total sum of the Bid, drawn on a State or National Bank, or by a Bid Bond in an amount of ten percent (10%) of the total Bid issued by a Surety authorized to do business in the State of South Dakota, said Bond to be made payable to the City of Clear Lake, S.D. The check or bond will be retained by the City as liquidated damages if the successful Bidder refuses or fails to enter into a contract, performance bond and payment bond in accordance with the Bid when notified of the award.

The proposed construction contract together with the Plans and Specifications for the construction work may be seen at the Municipal Finance Office or at the office of Banner Associates, Inc., Consulting Engineers, 409 22nd Ave. South, Brookings, S.D. 57006, and may be obtained at the latter by depositing the sum of Thirty Dollars (\$30.00) for each set. This deposit will be refunded upon return of the Documents in good condition within ten (10) days after Bid opening.

Payment for all work shall be in cash based on monthly estimates.

Bids may not be withdrawn after the time fixed for opening them. The Owner reserves the right to waive irregularities and reject any and all Bids.

The City of Clear Lake, South Dakota does not discriminate against the handicapped in employment or admission or access to its programs and activities or the provision of services.

BY ORDER OF THE CITY COUNCIL, CITY OF CLEAR LAKE, SOUTH DAKOTA

BY _____
Municipal Finance Officer

Permit No. 534A-3 & 5071-3
Big Sioux River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, June 27, 2001, made a thorough examination of the water use system constructed by City of Clear Lake of PO Box 27, Clear Lake SD 57226 holder of Permit No. 534A-3 and 5071-3, bearing the priority of January 1, 1948 and July 17, 1985, respectively, authorizing the diversion of no additional and 0.45 cu. ft. per second, respectively, of the waters of ground water (Big Sioux - Brookings aquifer) for municipal purposes, in Deuel County.

Inspection contact & relationship to permit holder, if applicable: **Mike Ahlers, Public Works Director**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Sioux (No. 5071-3)
- 2) Well Drilling Firm: Bullis (No. 534A-3)
- 3) No. of Wells 2
- 4) Depth(s) 26 (both wells) feet
- 5) Well log is available Y (for Bullis only)

Casing:

- 1) Diameter 12 (both wells) inches
- 2) Type Steel (both wells)

Pump/Motor:

- 1) Make Both submersible
- 2) Size Both 15 hp
- 3) Capacity 200 (No. 5071-3) GPM
- 4) Capacity 500 (No. 534A-3) GPM

Pump capacities are currently reduced from rates specified above. This is due to construction of a new water tower which created more head pressure. This will be compensated for when the submersible pumps are replaced.

B. Works used to transport\apply water to beneficial use:

Water is treated and diverted to a 300,000 gallon water tower and then distributed via the city distribution system.

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Exceptions to compliance are: none

The system is in good condition with the point(s) of diversion located as follows: Well (No. 5071-3) $\approx$ 1,800 feet W and $\approx$ 1,350 feet S (SW $\frac{1}{4}$ NE $\frac{1}{4}$); Well (No. 534A-3) $\approx$ 1,790 feet W and $\approx$ 1,100 feet S (NW $\frac{1}{4}$ NE $\frac{1}{4}$); both from the NE corner section 23-T115N-49W. The works are capable of diverting and conveying to the place of use no additional (No. 534A-3*) and 0.45 (No. 5071-3) cu. ft. per second of water which is to be used for municipal purposes. Water has been put to beneficial use to the maximum extent and the license should be issued for 1.10 (Nos. 534-3 and 534A-3) and 0.45 (No. 5071-3) cfs.

*Water Permit No. 534A-3 changes the location of the diversion points authorized by Vested Right No. 534-3 to the above described point with no increase in the permitted diversion rate of 1.10 cfs.

Report of Examination of Works
Permit No. 534A-3 and 5071-3

Comments or other permit(s) associated with the project: **534-3** | All structures, wells and lands on map Y



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: August 13, 2001

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 534A-3

(1) The City of Clear Lake, South Dakota made Application No. 534A-3, April 8, 1992 for validation of a vested right claim to appropriate no additional groundwater, Deuel County, South Dakota, for municipal purposes. Vested Water Right No. 534A-3 has a priority date of January 1, 1948 (established by 534-3). Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

Vested Right No. 534-3 was validated May 10, 1989 for 1.10 cubic feet of water per second (cfs) from 2 wells. No. 534A-3 authorized a change in location of the diversion point. The applicable portions of No. 534-3 are incorporated into No. 534A-3.

(2) It is certified that the vested right owner is entitled to divert 1.10 cubic feet of water per second for beneficial use. The location of the diversion point is: 1,790 feet west and 1,100 feet south from the northeast corner of Section 23-T115N-R49W (NW ¼ NE ¼).

(3) Pursuant to Section 46-5-30.1 the City of Clear Lake, PO Box 107, Clear Lake SD 57226 the holder and/or owner of Incorporated Vested Water Right No. 534A-3 is issued a license to appropriate 1.10 cubic feet of water per second from groundwater with a priority date of January 1, 1948 from the location specified in (2) of this license for municipal purposes. This license is subject to any limitations, conditions or qualifications listed in Incorporated Vested Water Right No. 534A-3 and subject to South Dakota State Law.


GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 07 2001

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3132
www.state.sd.us/denv

NOV 07 2001

5071-3

534A-3

City of Clear Lake
Marianne Beebout, Finance Officer
PO Box 107
Clear Lake SD 57226

Dear Ms. Beebout:

Enclosed are Water License No. 5071-3 and Vested Water License No. 534A-3. These are the final documents completing the process of obtaining water rights for the City. Enclosed is Receipt No. 416915 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by these water rights, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

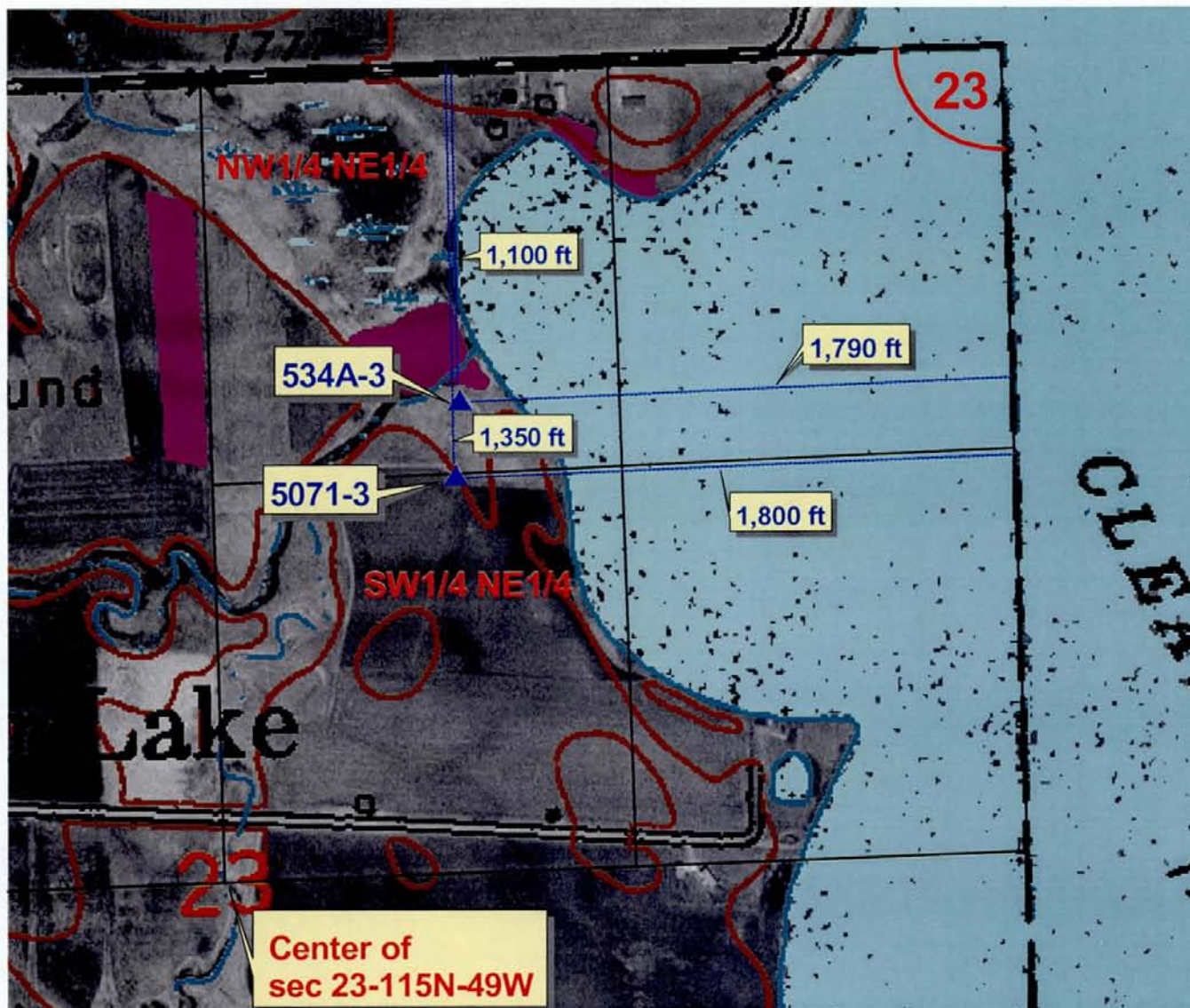
As long as you use the water beneficially, as stated in the Water Licenses, the State Water Laws provide that the City has a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

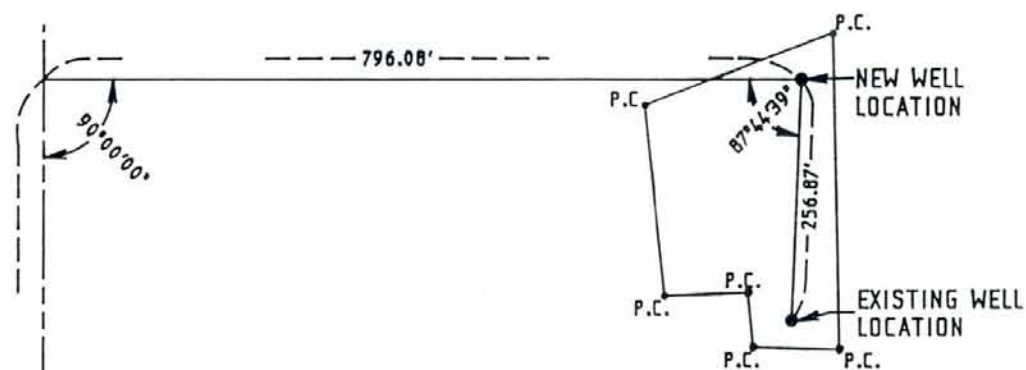
600 0 600 Feet



South Dakota
Department of Environment
& Natural Resources
Water Rights


Ron Duvall, Nat. Res. Engineer
August 13, 2001

Nos. 5071-3 & 534A-3



1/4 LINE

58033

OUTLOT "G"

CENTER OF
SEC. 23

1/4 LINE

A circular professional seal for Daryl C. Englund, a Registered Professional Engineer and Land Surveyor in South Dakota. The seal features the text "REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR" around the top and "SOUTH DAKOTA" around the bottom. In the center, it says "REG. NO. 2846" and "DARYL C. ENGLUND". There is a star at the bottom center of the seal. The seal is stamped over a document with horizontal lines.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS 6^m DAY OF April, A.D. 1992.

Doyle C. Englund
REGISTERED LAND SURVEYOR

WITNESS MY HAND AND SEAL THIS 6th DAY OF April, A.D. 1992

Doris C. Brown
NOTARY PUBLIC

MY COMMISSION EXPIRES 12-9-97

MUNICIPAL WATER SUPPLY
CLEAR LAKE, SOUTH DAKOTA