

Considered: _____

WATER PERMIT NO. 5515-3

Phone: 446-3811

Name of Applicant: City of Colton

Post Office Address: Box 66, Colton SD 57018

Amount of Water Claimed: no additional Total Acres: _____

Source of Water Supply: groundwater

Water to be used for: municipal County: Minnehaha

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 3-7-91 Fee: \$50.00 Remarks additional

diversion point to VR No 4000-3 & WP No. 4001-3

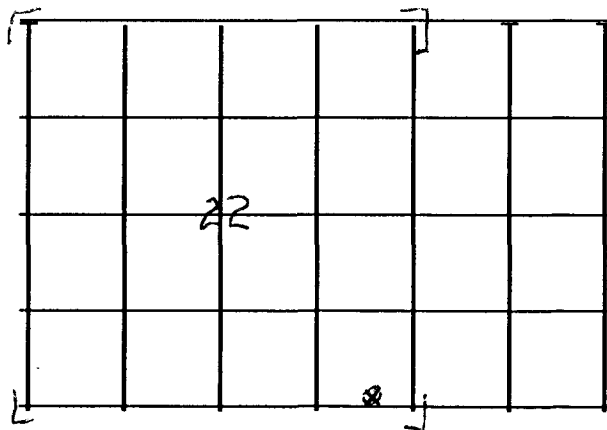
Corrected Application Received _____ Period of Annual Use Jan 1- Dec 31

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

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

Diversion Point: SE 1/4 SE Sec 22-T104N-R51W

Land to be Irrigated: _____



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

Depth of Well: 32' REMARKS _____

Type of Map: plat PREPARED BY: Daniel A Norman Reviewed and the Number

Assigned on 3-7-91 By Karen Schlaak

No. <u>5515-3</u>	Hydrologic Unit <u>10170203</u>
Map No. <u>Basin</u>	<u>Big Sioux River</u>
Newspaper <u>Del Rapids Tribune, Box 99 (Wed)</u>	

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. 4000-3 with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐☐ Application to: Change diversion point(s) ☒ Add diversion point(s) ☐ on Permit No. 4000-3☐ Construction to use water reserved by Future Use Permit No. _____

1. Name of Applicant CITY OF COLTON Phone No. 446-3811
 Post Office Address Box 66 Colton State S.D. Zip Code 57018
(Street, RR or Box) (City)

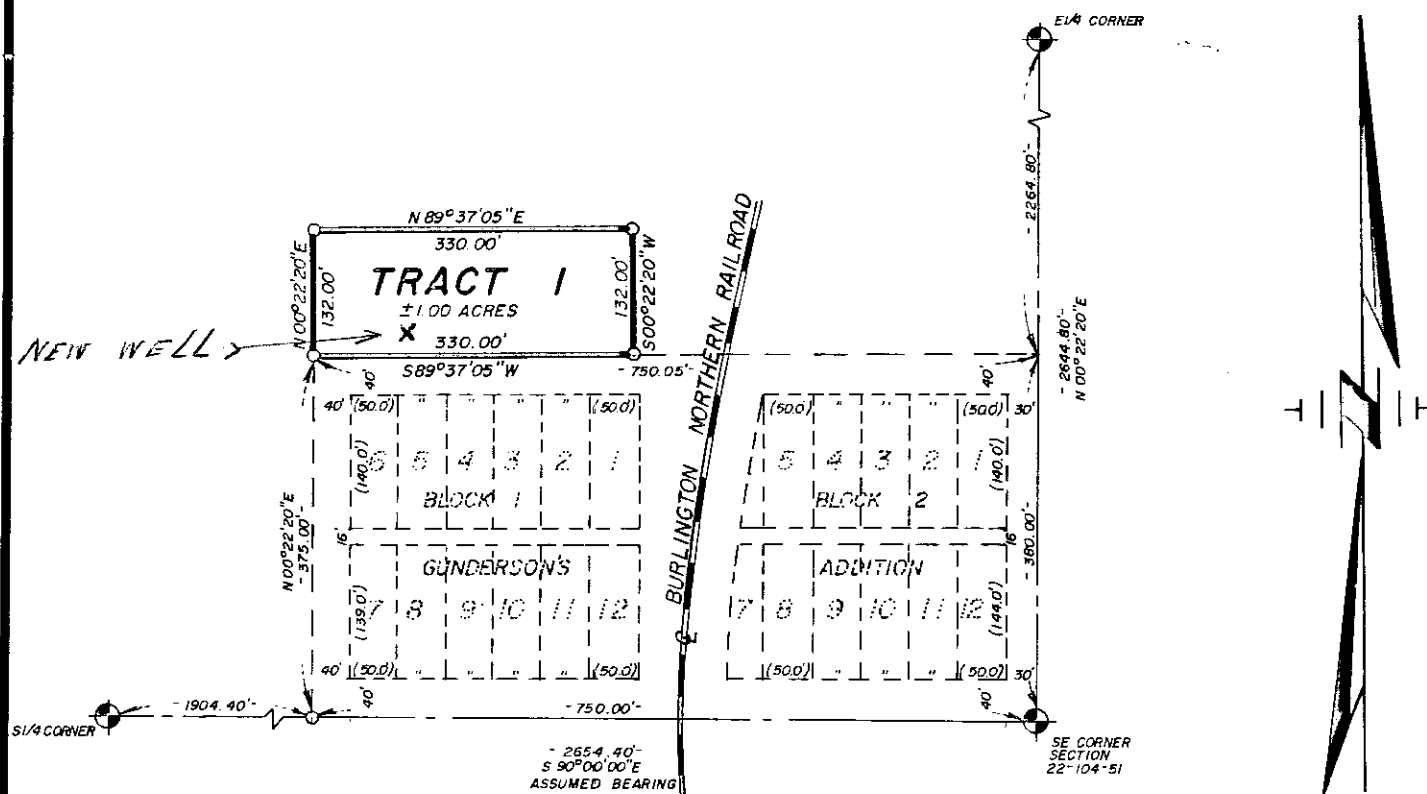
2. Amount of water claimed (c.f.s) NO ADDITIONAL3. Source of water supply GROUND WATER4. Location of point of diversion SEE ATT. MAP(SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 22-T104N-R51W)County MINNEHABA5. Counties where water will be used Minnehaha6. Annual period during which water is to be used YEAR AROUND Jan 1 - Dec 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)

ATT. WELL LOGNEW WELL — 270 P/M1 OLD — 80 P/M1 OLD — 90 P/MUSE FOR BACK UP.

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 MINNEHABA)^{SS}I, GERALD VAN HELDEN - MAYOR CITY OF COLTON 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 Gerald Van HeldenSubscribed and sworn to before me this 6 day of March 1991Nancy J. Warner
Notary Public



PLAT OF COLTON WELL SITE ADDITION IN THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 22, TOWNSHIP 104 NORTH, RANGE 51 WEST OF THE 5TH PRINCIPAL MERIDIAN, MINNEHAHA COUNTY, SOUTH DAKOTA.

SCALE: 1"=200'
SET 5/8" X 18" REBAR 0

SURVEYOR'S CERTIFICATE

I, DANIEL A. NORMAN, A REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT ON OR BEFORE OCTOBER 10, 1987, I HAVE SURVEYED AND PLATTED A PART OF THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 22, TOWNSHIP 104 NORTH, RANGE 51 WEST OF THE 5TH PRINCIPAL MERIDIAN, MINNEHAHA COUNTY, SOUTH DAKOTA INTO ONE TRACT WITH ACRES AND DIMENSIONS AS SHOWN ON THE ABOVE PLAT.

THE SAME SHALL HEREAFTER BE KNOWN AND DESCRIBED AS COLTON WELL SITE ADDITION IN THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 22, TOWNSHIP 104 NORTH, RANGE 51 WEST OF THE 5TH PRINCIPAL MERIDIAN, MINNEHAHA COUNTY, SOUTH DAKOTA.

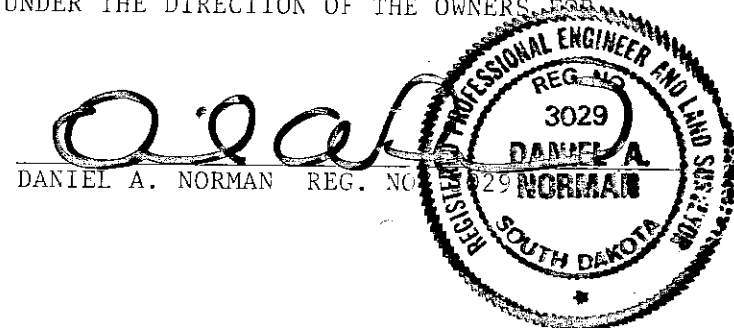
I FURTHER CERTIFY THAT THE ABOVE PLAT CORRECTLY REPRESENTS THE SAME TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY WAS PERFORMED AT THE REQUEST AND UNDER THE DIRECTION OF THE OWNERS FOR THE PURPOSE OF TRANSFER.

DATED THIS 10TH DAY OF OCTOBER, 1987.

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF MINNEHAHA)

ON THIS 10TH DAY OF OCTOBER, 1987, BEFORE ME THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE APPEARED DANIEL A. NORMAN, WELL KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND OFFICIAL SEAL.



OWNER'S CERTIFICATE

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY AS DESCRIBED ON THE ATTACHED CERTIFICATE OF DANIEL A. NORMAN, THAT SAID PLAT HAS BEEN MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSE OF TRANSFER, AND WE FURTHER CERTIFY THAT THE DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL EXISTING ZONING, SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS AS ARE APPLICABLE TO THIS PROPERTY.

DATED THIS 20 DAY OF Oct., 1987.

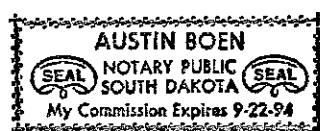
STATE OF SOUTH DAKOTA)
)SS
COUNTY OF MINNEHAHA)

ON THIS 20 DAY OF October, 1987, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE PERSONALLY APPEARED GERTRUDE VAN LIERE AND IKE VAN LIERE, HUSBAND AND WIFE, WHO ACKNOWLEDGED THEMSELVES TO BE THE OWNERS OF THE ABOVE DESCRIBED PROPERTY AND THEY EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND OFFICIAL SEAL.

Gertrude Van Liere
GERTRUDE VAN LIERE
Ike Van Liere
IKE VAN LIERE

Austin Boen
NOTARY PUBLIC, STATE OF SOUTH DAKOTA
MY COMMISSION EXPIRES:



CITY PLANNING COMMISSION APPROVAL

BE IT RESOLVED BY THE CITY PLANNING COMMISSION OF THE CITY OF COLTON, SOUTH DAKOTA, THAT THE PLAT OF COLTON WELL SITE ADDITION IN THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 22, TOWNSHIP 104 NORTH, RANGE 51 WEST OF THE 5TH PRINCIPAL MERIDIAN, MINNEHAHA COUNTY, SOUTH DAKOTA WHICH HAS BEEN HERETOFORE FILED IN THE OFFICE OF THE MUNICIPAL FINANCE OFFICER OF THE CITY OF COLTON, SOUTH DAKOTA ON THIS DAY OF 1987, BE APPROVED AND THAT THE SAME BE CERTIFIED TO THE CITY COUNCIL OF THE CITY OF COLTON, SOUTH DAKOTA WITH THE RECOMMENDATION THAT SAID PLAT BE ADOPTED.

DATED THIS 16 DAY OF October, 1987.

Ernest Boen
CHAIRMAN PLANNING COMMISSION

CITY COUNCIL RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLTON, SOUTH DAKOTA, THAT THE PLAT KNOWN AND DESCRIBED COLTON WELL SITE ADDITION IN THE SE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 22, TOWNSHIP 104 NORTH, RANGE 51 WEST OF THE 5TH PRINCIPAL MERIDIAN, MINNEHAHA COUNTY, SOUTH DAKOTA IS APPROVED AND THAT THE MUNICIPAL FINANCE OFFICER OF THE CITY OF COLTON, SOUTH DAKOTA IS HEREBY DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME THEREON.

ADOPTED THIS 9 DAY OF November, 1987.

Ernest Boen
MAYOR

Linda Thierberg
MUNICIPAL FINANCE OFFICER

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF MINNEHAHA)

I, THE UNDERSIGNED, THE DULY APPOINTED, QUALIFIED AND ACTING MUNICIPAL FINANCE OFFICER OF THE CITY OF COLTON, SOUTH DAKOTA, HEREBY CERTIFY THAT THE ABOVE RESOLUTION IS A TRUE AND CORRECT COPY OF THE RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF COLTON, SOUTH DAKOTA AT A MEETING HELD ON THE 9 DAY OF November, 1987.

WITNESS MY HAND AS MUNICIPAL FINANCE OFFICER AND THE OFFICIAL SEAL OF THE CITY OF COLTON, SOUTH DAKOTA.

Linda Thierberg
MUNICIPAL FINANCE OFFICER

COUNTY TREASURER'S CERTIFICATE

I, THE UNDERSIGNED, COUNTY TREASURER FOR MINNEHAHA COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE AND FOREGOING PLAT AS SHOWN BY THE RECORDS OF MY OFFICE HAVE BEEN PAID IN FULL.

DATED THIS 12th DAY OF Nov, 1987.

Patricia Brunkberg, Rep
COUNTY TREASURER

DIRECTOR OF EQUALIZATION

I, THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION FOR MINNEHAHA COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT A COPY OF THE ABOVE PLAT HAS BEEN FILED AT MY OFFICE.

DATED THIS 12th DAY OF Nov, 1987.

Richard Kallenmeyer by J. Schuster
DIRECTOR OF EQUALIZATION

REGISTER OF DEEDS

FILED FOR RECORD THIS DAY OF , 1987, AT .M. AND RECORDED IN BOOK OF PLATS ON PAGE .

REGISTER OF DEEDS

**SOUTH DAKOTA
WATER PERMIT No. 5515-3**

Date of first receipt of application March 7, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5515-3 to City of Colton, Box 66, Colton SD 57018 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. 5515-3 authorizes one additional diversion point to supply the city's water system. The water is appropriated by Vested Right No. 4000-3 and Water Permit No. 4001-3. Vested Right No. 4000-3 claims 0.5 cubic feet of water per second (cfs) from one well, 34 feet deep, located in the NE 1/4 NE 1/4 Section 27-T104N-R51W with a claimed priority date of January 1, 1947. Water Permit No. 4001-3 appropriates 0.22 cfs from a well, 38 feet deep, also located in the NE 1/4 NE 1/4 Section 27-T104N-R51W with a February 22, 1977 priority date. The additional existing well, 32 feet deep, is located in the SE 1/4 SE 1/4 Section 22-T104N-R51W. The two wells originally authorized by Vested Right No. 4000-3 and Water Permit No. 4001-3 are to be maintained in working condition for standby municipal purposes by the city. This permit does not authorize any additional appropriation of water above the 0.72 cfs authorized by a combination of Vested Right No. 4000-3 and Water Permit No. 4001-3.
2. The water appropriated shall be used for the purpose of supplying water to the City of Colton 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. 5515-3 is July 2, 1991.
5. The date from which applicant may claim right is February 22, 1977 (established by Water Permit No. 4001-3).
6. Water is to be put to beneficial use on or before July 2, 2000.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

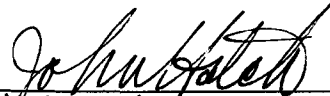
QUALIFICATIONS

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.

Water Permit No. 5515-3
Page 2

2. Combinations of diversion authorized by Water Right Nos. 4000-3 and 4001-3 and this Permit may not exceed 0.72 cfs.

WATER MANAGEMENT BOARD

By: 

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

AUG 28 1991

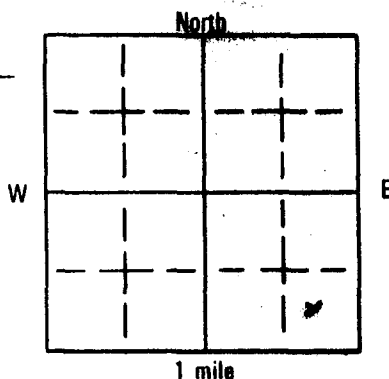
date

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location SE 1/4 SE 1/4 Sec 22 Twp 104 N 51 WCounty Minnehaha

Please mark well location with an "X"



Well Completion Date _____

PROPOSED USE:

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

Method of Drilling: Hydraulically pushed false casing

CASING DATA:

☒ Steel ☐ Plastic ☐ Other
 If other describe 12" std black pipe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 17' up to 7' FEETWhat is grouting material? CEMENTIf cement, number of sacks? 20 bags / ydDescribe grouting procedure TRENCH IN

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12" IN Length 5' FEETMaterial SSSlot Size 0.80 Set From 22' Feet To 32'6" Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Well Owner:

Name Colton - City ofAddress Colton SD 57018

Well Log:

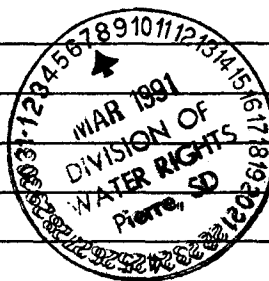
Depth

Formation

From

To

<u>Topsoil</u>	<u>0</u>	<u>4</u>
<u>clay</u>	<u>4</u>	<u>10</u>
<u>sand & silt</u>	<u>10'</u>	
<u>dark clay</u>	<u>10</u>	<u>18</u>
<u>sand & gravel</u>	<u>18</u>	<u>32'6"</u>

STATIC WATER LEVEL 5' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

23 ft. After 3 Hrs. pumped 350 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

Good well - low in
Nitrates, iron, & manganese
(replaced older well)

OVER

If so, what material? _____

Dr. (p/s) packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NO

Explain chlorinated pack

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

This well was drilled at _____ house # 217

And this report is true and accurate.

Drilling firm LACEY Well Drilling

Signature of License Representative:

J. R. Lacey

Signature of Well Owner:

W. H. Helder Alagon

Date 7-24-29

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412571

Pierre, March 7, 19 91

RECEIVED OF Linda Westberg, City of Colton, Colton, SD 57014

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

Fee for Application for Permit No. <u>5515-3</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 / [Signature]
Chief Engineer

REPORT ON APPLICATION NO. 5515-3
for the City of Colton
May 1, 1991

Application No. 5515-3 proposes to add one additional diversion point to the City of Colton's water system. The water is appropriated by Vested Right No. 4000-3 and Water Permit No. 4001-3. Vested Right No. 4000-3 claims 0.5 cfs from one well 34 feet deep located in the NE 1/4 NE 1/4 of section 27, T104N R51W with a claimed priority date of January 1, 1947. Water Permit No. 4001-3 appropriates 0.22 cfs from a well 38 feet deep also located in the NE 1/4 NE 1/4 of section 27, T104N R51W with a February 22, 1977 priority date. The additional existing well is 32 feet deep and is located in the SE 1/4 SE 1/4 of section 22, T104N R51W, all in Minnehaha County. The two older wells are to be maintained in working conditions for standby purposes if possible. This application, if approved, does not authorize any additional appropriation of water to the 0.72 cfs authorized by a combination of Vested Right No. 4000-3 and Water Permit No. 4001-3.

AQUIFER - PLIESTOCENE UNNAMED (PSU)

The aquifer consists of glacial outwash (sand and gravel) under artesian conditions at this site. However the aquifer is probably connected hydraulically to Colton Creek to the north and may be under predominantly water table conditions. There is probably an outwash associated with Colton Creek and the creek flows into Skunk Creek about 6 miles to the south. Even though outwash exists along Colton Creek, this area was not mapped as an aquifer and apparently is not areally extensive enough to be considered as part of the Big Sioux Middle Skunk Creek aquifer system. There is no estimate of the amount of water in storage or observation well data available for this aquifer.

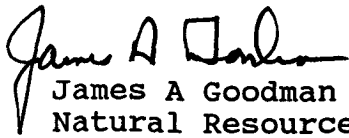
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The only existing permits/rights for this aquifer are for the City of Colton. Interference is not expected to be a problem.

CONCLUSIONS

1. Water is available from this aquifer. This is an existing well and has been in use. Test data provided by the well driller indicates the well produced 350 gpm with 18 feet of drawdown.
2. Interference should not be a problem. The only other permitted diversions in the area are for the City of Colton.
3. The third well (1987 well) is capable of producing the entire claimed diversion rate of Vested Right 4000-3 and Permit 4001-3.
4. The combined diversion rates from the three wells may not exceed the authorized 0.72 cfs.

5. This well is completed in accordance with SD Well Construction Standards and is grouted with cement grout from the top of the aquifer to the bottom of the pitless.



James A Goodman
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5515-3, City of Colton

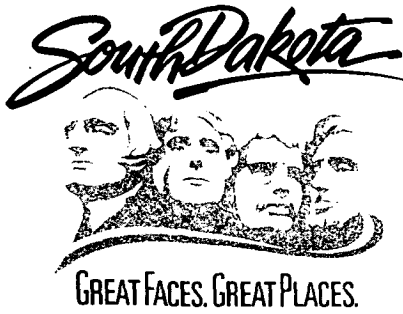
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5515-3, City of Colton, Box 66, Colton, SD 57018.

The Chief Engineer is recommending APPROVAL of Application No. 5515-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well 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. Combinations of diversions authorized by Water Right Nos. 4000-3 and 4001-3 and this Permit may not exceed 0.72 cfs.

See report on application for additional information.


JOHN HATCH, Chief Engineer
May 2, 1991



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

May 24, 1991

Cornie Van Helden, Mayor
City of Colton
Box 66
Colton, SD 57018

Dear Mr. Van Helden:

Water Permit Application No. 5515-3 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 Dell Rapids Tribune printed at Dell Rapids, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

cc: Lowell Putzier, UM, City of Colton, Box 66, Colton, SD 57018



May 24, 1991

Dell Rapids Tribune
Box 99
Dell Rapids, SD 57022

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5515-3 to be published twice. Please publish the first notice on June 5, 1991, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Colton, Box 66, Colton, SD 57018.

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 or before June 5, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5515-3 to
Amend Water Permit/Right Nos. 4000-3 & 4001-3

Notice is given that the City of Colton, Box 66, Colton, SD 57018 has filed an application for a water permit for one additional diversion point to supply the city water which is appropriated by Vested Right No. 4000-3 and Water Permit No. 4001-3. Vested Right No. 4000-3 claims 0.5 cubic feet of water per second (cfs) from one well, 34 feet deep, located in the NE 1/4 NE 1/4 Section 27, T104N, R51W with a claimed priority date of January 1, 1947. Water Permit No. 4001-3 appropriates 0.22 cfs from a well, 38 feet deep, also located in the NE 1/4 NE 1/4 Section 27, T104N, R51W with a February 22, 1977 priority date. The additional existing well, 32 feet deep, is located in the SE 1/4 SE 1/4 Section 22, T104N, R51W. The two wells originally authorized by Vested Right No. 4000-3 and 4001-3 are to be maintained in working condition for standby municipal purposes by the city. This application, if approved, does not authorize any additional appropriation of water above the 0.72 cfs authorized by a combination of Vested Right No. 4000-3 and Water Permit No. 4001-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5515-3 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 24, 1991. 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. 5515-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for July 2, 1991, 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 July 2, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place 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 July 2, 1991, 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 24, 1991.

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 Minnnehaha) ss.I, Shirane K. Osthus

certify that the attached printed Notice was taken

from the Shell Rapids TribuneA newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the Shell Rapids Tribune_____ of Shell Rapids, SDCounty of Minnnehaha and State of South Dakota; that the said notice was published in said newspaper on the following two dates:June 5, 1991June 12, 1991Shirane K. Osthus
(Signature)Legal Publications
(Title)6-

(Date Signed)

Cost of Printing: \$58.85

Colton

NOTICE OF HEARING on Application No. 5515-3 to Amend Water Permit/Right Nos. 4000-3 & 4001-3

Notice is given that the City of Colton, Box 66, Colton, SD 57018 has filed an application for a water permit for one additional diversion point to supply the city water which is appropriated by Vested Right No. 4000-3 and Water Permit No. 4001-3. Vested Right No. 4000-3 claims 0.5 cubic feet of water per second (cfs) from one well, 34 feet deep, located in the NE 1/4 NE 1/4 Section 27, T104N, R51W with a claimed priority date of January 1, 1947. Water Permit No. 4001-3 appropriates 0.22 cfs from a well, 38 feet deep, also located in the NE 1/4 NE 1/4 Section 27, T104N, R51W with a February 22, 1977 priority date. The additional existing well, 32 feet deep, is located in the SE 1/4 SE 1/4 Section 22, T104N, R51W. The two wells originally authorized by Vested Right No. 4000-3 and 4001-3 are to be maintained in working condition for standby municipal purposes by the city. This application, if approved, does not authorize any additional appropriation of water above the 0.72 cfs authorized by a combination of Vested Right No. 4000-3 and Water Permit No. 4001-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5515-3 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 24, 1991. 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.

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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.

T-June 5, 12

South Dakota



GREAT FACES. GREAT PLACES.

AUG 28 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Cornie Van Helden, Mayor
City of Colton
Box 66
Colton, SD 57018

Dear Mr. Van Helden:

Enclosed is Water Permit No. 5515-3 authorizing construction of your water diversion system and put the water to beneficial use, 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.



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

Date 9-4-91

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

FROM: CITY OF COLTON - P.O.B. 66.
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. 4000-3.

Water Permit No. 4000-3 states that the diversion system is to be constructed by LARLEY-TRENT, SD., and that the water it put to beneficial use by CITY OF COLTON.

The diversion system was completed on 1990.
Applying the water to beneficial use was completed on 1990.

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

[Signature]
signature

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5758-3

(1) The City of Colton, Box 66, Colton SD 57018 made Application No. 5758-3, March 1, 1993 for a water permit to divert 0.33 cubic feet of water per second (cfs) from groundwater (one well), Minnehaha County, South Dakota for municipal purposes. Permit No. 5758-3, with a priority date of March 1, 1993 was approved May 5, 1993 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Permits associated with this water use system:

Water Right No. 4000-3 - with a priority date of January 1, 1947 authorizes 0.50 cfs from one well.

Water Permit No. 4001-3 - with a priority date of February 22, 1977 authorizes 0.22 cfs from one well.

Water Permit No. 5515-3 authorized an additional diversion point for Nos. 4000-3 and 4001-3 which combined appropriated 0.72 cfs. The two original wells were subsequently plugged.

Water Permit No. 5758-3 - with a priority date of March 1, 1993 authorized 0.33 cfs from a new well.

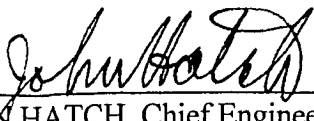
The applicable portions of Water Permit Nos. 4001-3 and 5515-3 are incorporated into Water License No. 5758-3.

(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 0.55* cubic feet of water per second for beneficial use. The location of the diversion points are Well #1 - 650 feet west and 400 feet north and Well #2 - 540 feet west and 425 feet north; both from the southeast corner of Section 22-T104N-R51W (SE 1/4 SE 1/4).

* The city diverts a total of 1.05 cfs from the two wells. The remaining 0.50 cfs is authorized under Vested Water Right No. 4000-3.

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 the City of Colton, Box 66, Colton SD 57018 the holder and/or owner of Incorporated Water Permit No. 5758-3 is issued a license to appropriate water, the right to use 0.55 cubic feet of water per second from groundwater (two wells) with a priority date of February 22, 1977 (0.22 cfs) and March 1, 1993 (0.33 cfs) from the locations specified in (2) of this license, for the purpose of municipal use. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5758-3 and subject to South Dakota State Law.


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

SEP 8 1998

date

