

1. Considered Feb 5, 1959 Appl. No. 558-3
2. Name of Applicant City of Castlewood
3. Post Office Address Castlewood, S. Dak.
4. Amount of water claimed 3.0 cfs
5. Source of water supply Ground water
6. Water to be used for Municipal use
Acres to be irrigated _____
7. Water to be diverted and used in Hamlin County about _____
miles or 1.57 sq. mi of town
8. Proof of Publication Received _____
Not Received ✓
9. Application Approved ✓
Subject to Rec of P.S.P.
Not approved _____
Action deferred _____
10. Remarks: 0.33 cfs - vested Right.
0.56 cfs - New Application
2.11 cfs - withdraw for future use.

No. 228-3Water Division No. 3

(Blanks to be Filled by the Engineer for the W. R. C.)

District

NOV 22 1958

STATE WATER RESOURCES COMM

PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant City of Castlewood
 Postoffice address Castlewood, County Hamlin, State South Dakota

I. If a corporation

(a) Name of same City of Castlewood

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Contract(b) Cash on hand, \$ 3500

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work New City Well3. Amount of water claimed 13.0 cubic feet per second 2.11 Future use withdrawn4. Source of water supply Shallow Well (30' Deep)5. Location of point of diversion See Map Attached6. Annual period or periods during which water is to be used January 1 to December 31

7. To be used for:

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Domestic

(a) Number of acres to be irrigated _____ acres.

(b) Legal subdivisions to be irrigated

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) To be used as Water Supply forCity of Castlewood

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Fire Protection

Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

Map No. 422-3

New well - 1150 feet N 75° 30' W to the C 14 Cor., Sec. 35, T 115 N, R 52 W
 Old well - 1600 feet N 78° 25' W to the C 14 Cor., Sec. 35, T 115 N, R 52 W
 Withdrawal See Future Use in the SE 1/4, Sec. 35, T 115 N, R 52 W County.

8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$-3000-----

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures -----

\$-----

Total, \$-3000-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Well using turbine pump, pumping into existing City System

II. Dimensions of works:

(a) Dam: Height-----feet; length at bottom-----feet; length at top-----feet; thickness at bottom-----feet; thickness at top-----feet; slope at front water face-----; slope at back face-----material used in construction-----

(b) Reservoir: Capacity when filled-----acre feet. Surface area at highwater mark-----acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width-----feet; height-----feet; Material-----

(d) Canal: Total length-----miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work-----one-----years.

11. Time required for complete application of water to the proposed beneficial use-----one-----years.

12. Choice of newspaper for publication of notice of intention to appropriate-----Hamlin County Enterprise-----

STATE OF SOUTH DAKOTA

County of Hamlin } ss.

I, Max Olson, Mayor of Hamlin, S.D., being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Max Olson, Mayor

Subscribed and sworn to before me this 18 day of Nov. 1913

James Hesterman
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

SURVEYOR'S CERTIFICATE

I, Bernie E. Schmucker, a Registered Engineer and Land Surveyor, of Watertown, South Dakota, do hereby certify that at the instance and request and under the direction of the City of Castlewood, I did, on or prior to November 20, 1958, survey those parcels of land described as follows:

A well site in the SE 1/4 of Section 35, T115N, R52W of the Fifth P.M., Hamlin County, South Dakota.

I FURTHER CERTIFY that the Plat attached hereto is a true and correct representation of said parcel as so surveyed by me.

IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of November, 1958.

Bernie E. Schmucker
Registered Engineer and Land Surveyor

STATE OF SOUTH DAKOTA)
COUNTY OF CODINGTON) SS

On this, the 20 day of Nov, 1958, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Bernie E. Schmucker, well known to me to be the person and Registered Engineer and Land Surveyor who is described in and who executed the foregoing and within instrument, and duly acknowledged to me that he executed the same in his official capacity as a Registered Engineer and Land Surveyor, and for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

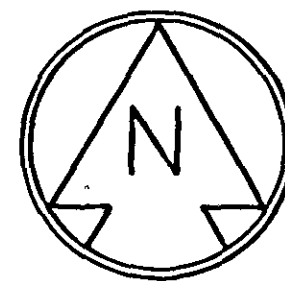
Neal E. Muench
Notary Public, South Dakota

My Commission Expires:

4-10-66

CENTER OF SECTION
SEC. 35 T115N R52W

LEGEND



B. E. Schmucker
Land Surveyor

CASTLEWOOD, SOUTH DAKOTA
WATER SYSTEM

SCOTT ENGINEERING COMPANY
WATERTOWN, SOUTH DAKOTA

DRAWN F.W. SHERER
TRACED F.W. SHERER
CHECKED DES

JOB NO. _____
DATE NOV. 19, 1958
SHEET OF

SCALE 0 50 100 200 300 400 1" = 200'

Map No. 422-3 (App'l. No. 558-3)

Remarks by State Water Resources Commission:

"Partial Vested Right claimed"
of future use with drawal

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

April 18

1960

This is to certify that the foregoing application was received by the Commission at

9:00

o'clock

a.m. upon the

22nd

day of

November

1958

State Water Resources Commission

By:

Burton J. Jones
for Chief Engineer, Executive Officer

Number of permit

558-3

Date of first receipt of application

November 22

1958

Date of return to applicant for correction, amendments or changes required as follows:

Nov 28

1958

Date of receipt of corrected application

December 10

1958

Date from which applicant may claim right

.33 from 1923
56 (New well - November 22, 1958)
2.11 (future use - December 10, 1958)

19

Approved

February 4

1959

Recorded in Book

6

Page

21

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

August 4, 1959

2nd. The whole of said work is to be completed on or before

February 4

1960

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

February 4

1961

4th. The water appropriated shall be used for the purpose of

municipal use

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 30 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor that amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one centimetre (1/100) of one cubic foot of water per second of time for each acre of land to which water is actually used for municipal needs and beneficially applied for irrigation on or before February 4, 1961; said water to be used during the following described annual period:

Continuously

Witness my hand this

18th

day of

April

1960

State Water Resources Commission

By:

Charles E. Jones

Chief Engineer, Executive Officer

Certificate of Construction Issued

MAY 19

19

1970

Water License Issued

MAY 19

19

1970

Form 2A — Wells (Supplement to Form 2)

Castlewood (Existing) No. 1)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation Unknown. Well Depth
abandoned by City

Type of casing
(wood, concrete, steel, etc.)

Size of casing Thickness of casing

Length of casing If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screen

Size of perforated screen
(diameter) (length)

Thickness of gravel pack length of gravel pack

(c) Water Bearing Materials

Distance to water Character of water bearing materials

.....

.....

.....

Thickness of water bearing material

(d) Pump and Motor

Type of pump
(centrifugal, propeller, mixed flow, etc.)

Name of pump size

Kind of motor
(gasoline, electric, diesel, etc.)

Horsepower Name of Motor

(e) Complete well

Capacity at drawdown of Estimated cost

(f) Owner of land upon which well is located
Name

Address

(g) Distance to nearest existing wells

On same owner's property rods. On property owned by others rods

Castlewood (Existing Well No. 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 8 foot diameter, Depth 20 feet

Type of casing concrete
(wood, concrete, steel, etc.)

Size of casing 8 foot diam., Thickness of casing 8 inches

Length of casing 30 feet If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen None

Size of perforated screen None
(diameter) (length)

Thickness of gravel pack None, length of gravel pack None

(c) Water Bearing Materials

Distance to water 10 feet Character of water bearing materials coarse
sand and gravel

Thickness of water bearing material approximately 20 feet

(d) Pump and Motor

Type of pump centrifugal
(centrifugal, propeller, mixed flow, etc.)

Name of pump Unknown, size 200 gpm

Kind of motor electric
(gasoline, electric, diesel, etc.)

Horsepower Unknown, Name of Motor Unknown

(e) Complete well

Capacity 180 gpm at drawdown of maximum Estimated cost Unknown

(f) Owner of land upon which well is located City of Castlewood

Name

Castlewood, South Dakota

Address

(g) Distance to nearest existing wells

On same owner's property None rods. On property owned by others None rods

Form 2A — Wells (Supplement to Form 2)

558

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30" , Depth 30'

Type of casing Steel
(wood, concrete, steel, etc.)

Size of casing 24" , Thickness of casing 14 gauge

Length of casing 20' If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screen Steel

Size of perforated screen 24" , 10'
(diameter) (length)

Thickness of gravel pack , length of gravel pack

(c) Water Bearing Materials

Distance to water 20' Character of water bearing materials

Coarse Sand

Thickness of water bearing material 10'

(d) Pump and Motor

Type of pump Turbine (Submersible)
(centrifugal, propeller, mixed flow, etc.)

Name of pump Fairbanks-Morse , size 200 gpm

Kind of motor Electric
(gasoline, electric, diesel, etc.)

Horsepower 10 , Name of Motor Fairbanks-Morse

(e) Complete well

Capacity 250 gpm at drawdown of 4' Estimated cost \$ 3000.00

(f) Owner of land upon which well is located City of Castlewood
Name

Castlewood, South Dakota
Address

(g) Distance to nearest existing wells

On same owner's property rods. On property owned by others 50 rods

Form 15.

Permit No. 558-3

Water Diversion No. 3 DIG SIOUX RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the City of Castlewood

the holder of
Permit No. 558-3, issued upon Application No. 558-3, bearing date of priority of 1929 and
November 22, 1958 authorizing the diversion of .89 cu. ft. per second of the waters of ground water
County of Hamlin, State of South Dakota at a point 1150 feet North 73°30' West to the C& Corner, Section 35, T115N,
R52W

for Municipal

purposes, has ⁸ complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use .89 cu. ft. per second of water.

Date May 19, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 558-3

(1) WHEREAS, On the 22nd day of November A. D. 19 58
the City of Castlewood
made Water Right Application No. 558-3 for a permit to use .89 cubic feet per second of the waters
of ground water
County of Hamlin, State of South Dakota, for Municipal
purposes; and
(2) WHEREAS, On the 18th day of April A. D. 19 60
Permit No. 558-3, with a date of priority of 1929 and November 22, 1958
was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 4th day of February A. D. 19 60 and for the
application to beneficial use of said water on or before the 4th day of February A. D. 19 61

and;

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert .89 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent,

water is used for municipal purposes by the City of Castlewood

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to the City of Castlewood

the holder XXXXXX and owner XXXXXX of said permit No. 558-3 a water right, dating from 1929 and November 22, 1958 to use of .89 cubic feet per second of the waters of ground water

in the County of Hamlin and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 1150' North 73° 30' West to the SE Corner, Section 35, T115N, R52W

and conduct XXXXXX through the City water distribution system

for the purpose of municipal use

Subject to any limitations listed in Water Right Permit No. 558-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 19th day of May A. D.
Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

(First publication before January 2, 1959)

APPROPRIATION OF WATER

Office of State Water Resources Comm.
Pierre, South Dakota December 16, 1958

Notice is hereby given that the City of Castlewood whose post-office address is Castlewood, S. Dak, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.0 cubic feet of water per second of time from ground water through the municipal water system, 0.33 cubic feet of water per second is claimed under an existing vested right, 0.56 cubic feet of water per second is claimed under a new application and 2.11 cubic feet of water per second is claimed as a withdrawal for future use, the points of diversion of which are located and to be located in the SE $\frac{1}{4}$ of Section 35, Twp. 115 N Range 52 W. Said water to be used for municipal purposes in the City of Castlewood.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 4th day of February 1959 at 2:00 PM. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

cc Casper Nohner, Publisher
The Hamlin County Herald-
Enterprise
Hayti, South Dakota

State Water Resources Commission
By
Les Wyborny, Water Rights Engr.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County Hamlin } ss.

~~Charles Bruhn~~ being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the ~~Herald Enterprise~~ a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the Town of Hayti County of Hamlin and State of South Dakota; that the said notice was published in said newspaper on the following dates:

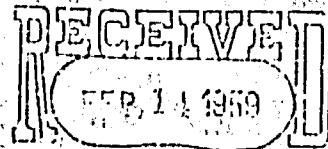
~~December 24, 1958~~
~~December 31, 1958~~
~~January 8, 1959~~
~~January 15, 1959~~

in each and every issue of the full number thereof, the first publication being made on the ~~24th~~ day of ~~December~~ 19~~58~~ and the last publication on the ~~15th~~ day of ~~January~~ 19~~59~~, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was ~~foreman~~ the printer and publisher of the said newspaper.

Charles Bruhn

Subscribed and sworn to before me this ~~16th~~ day of ~~January~~ A. D. 19~~59~~

Notary Public - My Commission Expires ~~January 12, 1961~~ County, S. D.



STATE WATER RESOURCES COMMISSION
 PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER
 Office of State Water Resources Commission
 Pierre, South Dakota
 December 18, 1958
 Notice is hereby given that the City of Castlewood, whose postoffice address is Castlewood, S. Dak., has made application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.0 cubic feet of water per second of time from ground water through the municipal water system. 0.33 cubic feet of water per second is claimed under an existing vested right, 0.56 cubic feet of water per second is claimed under a new application and 2.11 cubic feet of water per second is claimed as a withdrawal for future use, the points of diversion of which are located and to be located in the SE1/4 of Section 16, Twp. 115 N. Range 52 W. Said water to be used for municipal purposes in the City of Castlewood.
 This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 4th day of February 1959 at 2:00 P. M. All interested persons may appear and be heard. Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.
 STATE WATER RESOURCES COMMISSION
 By Les Wyborny, Water Rights Engr.

November 29, 1958

Mr. Bernie E. Schumucker
Scott Engineering Company
Box 863
Watertown, South Dakota

Dear Mr. Schumucker:

This is to acknowledge receipt on November 22 of the Application for Permit to Appropriate Water (558-3) dated November 18, 1958 submitted by you on behalf of the City of Castlewood.

The statutes require that an examination fee of \$5.00 be paid before processing of the aforementioned application can be continued.

In looking over the application blanks I noted that the proposed capacity of the pump was given as 200 gpm, the estimated capacity of the well as 250 gpm and the amount of water claimed by this application as 3.0 cfs or a little over 1300 gpm. This is much in excess of the proposed ability to divert and use water. Possibly this amount was meant to also include a Withdrawal of Water for Future Use and/or a "Vested Right" covering the two wells which my present information indicates are now in use and were constructed in about 1929. Please clarify this matter and break down the amount of water claimed if my assumption is correct. If this is a Vested Right claim, please complete and send to this office Form 2A in duplicate for each well and one copy of Form 24. Information for both wells may be included on the one copy of Form 24. For your information and convenience, reproductions of the application, Form 2 and Form 2A are also enclosed.

We are returning the map in order that the surveyor may affix his certificate and seal and have his signature notarized.

Should you have questions, please feel free to contact me.

Sincerely,

lw/lb

Les Wyborny, Water Engineer

SCOTT ENGINEERING COMPANY

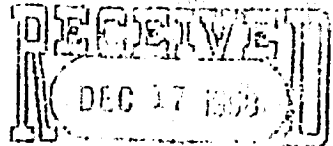
Engineers & Architects

Postoffice Box 863

TURNER 6-5725

WATERTOWN, SOUTH DAKOTA

December 16, 1958



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Mr. Les Wyborny
Water Rights Engineer
State Water Resources Commission
Pierre, South Dakota

Dear Mr. Wyborny:

Please use the following location on application for permit to appropriate Water No. 558-3 for the City of Castlewood. The location of the development of future use withdrawal is in the SE 1/4 of Section 35, T115N, R52W of the 5th PM. Thank you.

Very truly yours,

SCOTT ENGINEERING COMPANY

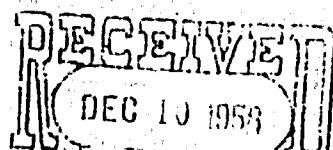
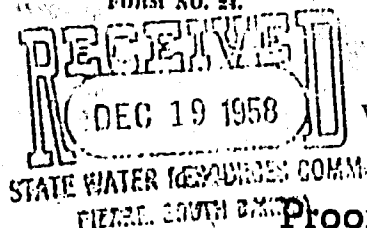
A handwritten signature in dark ink, appearing to read "Bernie E. Schraucker". The signature is written in a cursive, flowing style.

Bernie E. Schraucker
Chief Civil Engineer

BES:mb

Location No. 558-3Water Division No. 3

Water District

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Engineer for Applicant, Scott Engineering Company, P. O. Box 863,

Watertown, South Dakota

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. City of Castlewood, Castlewood, South Dakota

Acting City Engineers for the City of Castlewood

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. _____

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Proposed well located 1150 feet North 75° 30' West of the center 1/4 corner
Section 35, T115 N, R52W. Existing wells located North 75° 00' West a distance of 1600
feet from the center 1/4 corner Section 35, T115 N, R52W.

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Wells. Existing wells capacity total 150 gpm, proposed well capacity 250 gpm,
possible future wells estimated capacity 900 gpm. Estimated existing wells constructed
1915 and 1929. Proposed well to be complete spring 1959. Future wells (?)

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. The water is to be used as a municipal water supply for Castlewood, South
Dakota. This use to consist of domestic supply, industrial supply, and fire protection.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. At the present time 400 gpm

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. The present diversion of 150 gpm is used as municipal water supply for the City of Castlewood.

SCOTT ENGINEERING COMPANY

(Sign)

Bernie E. Schmaucker
Chief Civil Engineer

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Castlewood, County of Codington

State of South Dakota, on this 9th day of December A. D. 1950

Witnesses.

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

COMMISSION

Munck, Pierre,
Chairman
Kenneth C. Kellar, Lead,
Secretary
James Bigger, Brookings
Carl Cronin, Gettysburg
Lauren A. Davis, Belle Fourche
Stephen H. Ferris, Vermillion
Walt Taylor, Rapid City



SOUTH DAKOTA
State Water Resources Commission

J. W. GRIMES, CHIEF ENGINEER AND EXECUTIVE OFFICER
STATE OFFICE BUILDING

PIERRE, SOUTH DAKOTA

December 17, 1958

Mr. Bernie E. Schmucker
Chief Civil Engineer
Scott Engineering Company
Box 863
Watertown, South Dakota

Dear Mr. Schmucker:

The Forms 24, Proof of Beneficial Use, corrected map #422-3 and application blanks #558-3 were received December 10.

The Forms 24 are being returned in order that you may sign them, have your signature notarized and return them to us. We require that only one copy of this form be submitted but if you wish a copy, you may complete both and one will be attached to the applicant's copy of the application.

After reviewing the Form 24, I corrected the amount of water claimed on the Application (form 2) as follows:

Originally it read 3.0 c.f.s.
Corrected to read 0.33 c.f.s. from the old well, 0.56
for the proposed new well and 2.11 c.f.s. for a with-
drawal for future use.

If the above breakdown corresponds to the intent of the application, please confirm the correction.

O.K. and thanks

B. E. Schmucker
Dec 18, 1958

LW:ls
Enc. 3

Sincerely,

Les Wyborny
Les Wyborny
Water Rights Engineer

1012

Permit No. 558-3Water Division 3 BIG SIOUX RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by THE CITY OF CASTLEWOOD holder _____
 of Permit No. 558-3, bearing date of priority of 1929 & NOVEMBER 28, 1958
 authorizing the diversion of .89 cu. ft. per second of the waters of GROUND WATER
 for MUNICIPAL purposes, in HAMLIN County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

WELL IS 24' DEEP W/ 36" DIA. CASING
 FAIRBANKS MORSE 4" SUBMERSIBLE PUMP
 POWERED BY 7 1/2 H.P FAIRBANKS MORSE ELECTRIC MOTOR

B. Works used to transport water to place of use,

4" LINE TO MAINLINE & 65,000 GALLON
 STANDPIPE

C. Works used to apply water to beneficial use.

THRU CITY DISTRIBUTION SYSTEM

The system is in the following condition: VERY GOOD

The point of diversion is located 1150' N 73° 30' W TO THE C/4 CORNER,
SECTION 35, T115N, R52W

The works are capable of diverting and conveying to the place of use .89cu. ft. per second of water which is to be used for MUNICIPAL USE

Water has been put to beneficial use to the maximum extent as follows: _____

comprising a total of _____ acres of land.

Date MAY 5 1970

Dustin Jones
 (Signature)

WATER RIGHT SPECIALIST
 WATER RESOURCES COMMISSION

June 28.71

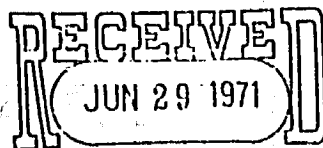
Dear Sirs

I understand according to the letter I got from the State Health Department that the City of Castlewood has to apply for water rights according to the state law.

It was told to write to your office for application and information. So would you please forward the necessary material
Thank you.

Mayor Clifford Presink
Castlewood, S. Dak.

57223



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

55803

June 30, 1971

Mr. Clifford Ruesink; Mayor
City of Castlewood
Castlewood, South Dakota 57223

Dear Mayor Ruesink:

Reference is made to your letter regarding water rights for the City of Castlewood.

Our records indicate that Water Permit No. 558-3 was issued to the City of April 18, 1960, covering two existing wells (thought to have been drilled in 1915 and 1929) and a well to be drilled at that time. In addition the Permit provided for 2.11 c.f.s. for future development.

An inspection in May of last year indicated that the City had the capability of pumping 400 G.P.M., and Water License 558-3 was issued to reflect this development.

From this it would appear that the City has water rights, unless further development has taken place since the 1964 well was drilled.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/bw/bw

**Department of
Water & Natural Resources**

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

January 24, 1984

NOTICE

To : Ida Langenfeld Mayor, City of Castlewood
From : John Hatch, Chief Engineer, Water Rights Division
Subject : Review of Future Use Water Permit No. 558-3

The Water Management Board has directed that all future use water permits without a qualification requiring the permit to be reviewed every seven years to be noticed for hearing before the Board. The hearing to review Future Use Permit No. 558-3, City of Castlewood will be conducted pursuant to SDCL 46-1-14, 46-5-38.1, ARSD 74:02:01:27 and contested case procedures contained in SDCL 1-26, February 15, 1984 at 1:30 pm in the Civil Defense Room, Basement of Capitol Building, Pierre, South Dakota.

The hearing will be to review 1) progress made in development of water reserved by Permit No. 558-3, 2) future plans for development of the reserved water, and 3) if the permit is not cancelled, to amend Permit No. 558-3 to add the seven year review qualification and to add or clarify other qualifications.

Future Use Permit No. 558-3 was approved February 4, 1959 with a priority date of November 22, 1958, for 2.11 cubic feet per second (cfs) from the following area: SE1/4 sec. 35 T115N-R52W with no qualifications.

Following the hearing, the Board can:

- 1) Take no action,
- 2) Cancel Permit No. 558-3 for no development and/or no planned future development,
- 3) Continue and amend Permit No. 558-3 with the following qualifications:
 - a) Permit No. 558-3 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
 - b) At such time as definite plans are made, specific applications for all or any part of the water granted under this withdrawal, must be submitted and approved prior to construction of facilities.
 - c) This permit is approved for groundwater from the Big Sioux Aquifer-Brockings Management Unit.

Equal Opportunity Employer

If continued, at the end of seven years, the permit will again be reviewed and if it is continued, you will be required to pay 10% of the usual fee for an application to use water to keep Permit No. 558-3 in effect. The projected 10% fee in seven years based upon the existing permit CFS will be \$50.00.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

cc: Jean Dorman Finance Officer

S515.wr

558-3

CITY OF CASTLEWOOD

BOX 25
CASTLEWOOD, S. D. 57223

February 10, 1984

South Dakota Department of
Water & Natural Resources
Joe Foss Bldg - 523 E. Capitol
Pierre, South Dakota 57501

ATTENTION: Kevin Larson

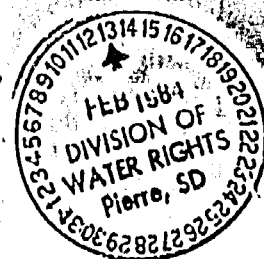
In reference to your letter of January 24, 1984, in regard to a hearing to review Future Use Water Permit #558-3, the City of Castlewood would like to retain this permit for further development if needed in the future.

Thank you.

City of Castlewood

Ida Langenfeld

Ida Langenfeld, Mayor



SOUTH DAKOTA
Department of
Water & Natural Resources

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

Water Rights Division
605 773-3352

July 25, 1984

Future Use Permit
No. 558-3

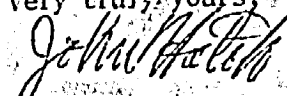
Ida Langenfeld, Mayor
City of Castlewood
PO Box 25
Castlewood SD 57223

Dear Mayor Langenfeld:

This letter is in regard to the motion passed by the Water Management Board February 15, 1984 after review of Castlewood's Future Use Permit No. 558-3. The Board continued Permit No. 558-3 and amended the Permit to add the qualifications on the enclosed attachment which should be placed with your Permit. Future Use Permit No. 558-3 will be subject to review after seven years.

If you have any questions, please feel free to contact us.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

ks

encl.

cc: Jean Dorman, Finance Officer

ATTACHMENT "A" TO FUTURE USE PERMIT NO. 558-3

FOR CITY OF CASTLEWOOD

Future Use Permit No. 558-3 was continued by action of the Water Management Board February 15, 1984 and amended to add the following qualifications:

- a) Permit No. 558-3 to appropriate water for future use is subject to review by the Water Management Board as to accomplishment thereunder upon expiration of seven (7) years.
- b) At such time as definite plans are made, specific applications for all or any part of the water granted under this withdrawal, must be submitted and approved prior to construction of facilities.
- c) This permit is approved for groundwater from the Big Sioux Aquifer-Brookings Management Unit.

Water Rights Division - DWR
Conversation or File Documentation

File No. 588-3

NAME OF PERSON OR FILE: City of Springfield, Castwood

ADDRESS: _____ COUNTY Hamilton

DATE: 3/5/84 TELEPHONE 882-1390

RE: Wells

COMMENTS:

They have two new wells drilled in 1974-1977,
same depth 29' deep, 18" casing, pump 190 GPM,
.84 cfs - Licensed for .89. 2 blocks away from old wells
and 100 yds apart.

They pump the old wells only about once a
month in summer if they have a heavy use.
Do not know who drilled or have a log of new wells.

35-115-52

Old permit .33 is for V/R and .56 new - ?

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: D. W. Ireland

558-3

13. Bacteriological Sample(s)

b. Have unsafe bacteriological samples been collected recently?

b. Have unsafe bacteriological samples been collected recently?
1. If yes, describe what has been done to eliminate the source of contaminants: _____

c. Are bacteriological samples being submitted as required? one per month

14. Chemical Sample(s)

Chemical Sample(s)
a. # of samples collected and type: one complete chemical, treated,
from well #3 (enst)

15. Certification

a. Is a certified operator required?

a. Is a certified operator required? **Class 1 Distribution**
b. Is the operator certified? **Needs 212 and/or certifica**

b. Is the operator certified? Needs Class 1 Distribution

c. Does the operator desire training, PLP and/or certification?

16. Water Rights

a. Have water rights been obtained?

1. License or permit #(s): 558-3

Note: Additional Water Rights may be required

17. Improvements

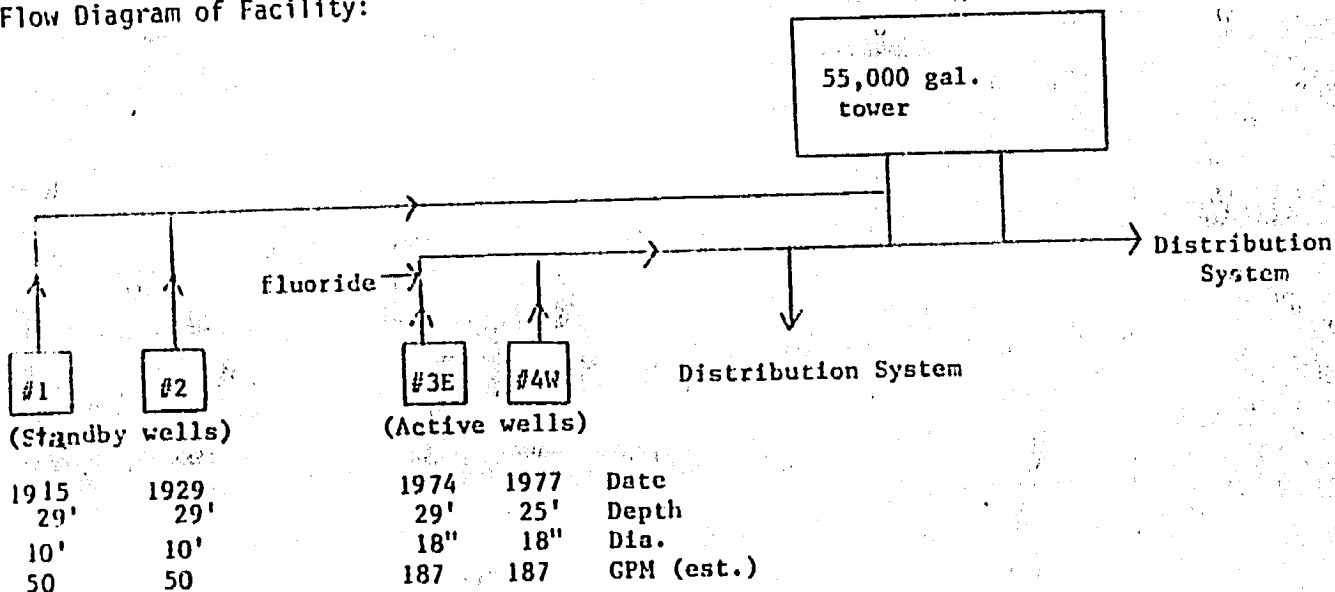
Improvements

a. Are improvements planned to the water system?

1. If yes, describe:

18. General Comments:

19. Flow Diagram of Facility:



RECOMMENDATIONS: See Attached Sheet(s)

88R-001-9/79



DEPARTMENT OF WATER & NATURAL RESOURCES

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

December 11, 1990

Shane Mack, Mayor
City of Castlewood
PO Box 17
Castlewood SD 57223

Dear Mayor Mack:

I am writing in regard to the seven year review of Future Use Water Permit No. 558-3 which is held by the City of Castlewood. Currently, our records show that 2.11 cubic feet of water per second remain in reserve under this future use permit which was issued in 1959.

Permit No. 558-3 will be scheduled for review by the Water Management Board on February 27 & 28, 1991 pursuant to SDCL 46-5-38.1. Notice will be given of the hearing time and place at a future date. The purpose of this review is to determine if a reasonable need exists for retaining the permit. A fee will be charged if the Board allows the permit to remain in effect after the hearing. The fee to be assessed will be dependent upon the amount of water allowed to remain in reserve on Permit No. 558-3. The fee could be as much as \$50.00 if the Board allows the total amount of appropriated water remaining to remain in reserve.

Please respond in writing by January 11, 1991, regarding the City's intention for the future use permit. If the City does plan to retain the permit, then your response should outline a reasonable need for retaining the future use permit, any annual pumping records for the past three years and an estimate of future needs.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

KAREN SCHLAAK
Natural Resources Analyst
605 773-3352



DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 16, 1991

Shane Mack, Mayor
City of Castlewood
PO Box 17
Castlewood SD 57223

Dear Mayor Mack:

On December 11, 1990, we notified you that Future Use Water Permit No. 558-3 held by the City of Castlewood was to be scheduled for review by the Water Management Board. To date, we have not received a response from you.

As stated in the December 11, 1990 letter, if the City does plan to retain this future use permit, it will be necessary to outline a reasonable need for retaining the permit, submit annual pumping records for the past three years and give an estimate of the City's future needs.

Permit No. 558-3 will not be scheduled for review by the Water Management Board until the above information has been submitted.

Please contact Eric Gronlund, if you have any questions.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Natural Resources Analyst
605 773-3352



DEPARTMENT OF WATER & NATURAL RESOURCES

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

January 28, 1991

Sheila Gerhold, Finance Officer
City of Castlewood
P.O. Box 17
Castlewood, SD 57223

Dear Ms. Gerhold:

Enclosed is a copy of Permit No. 558-3 for the City of Castlewood as per your request. This permit reserved 2.11 cubic feet of water per second for future use.

If you have any question about the process of reviewing future use permits, please feel free to contact me.

Sincerely,

Eric Gronlund
Eric Gronlund
Water Rights Division
605 773-3352

City of Castlewood

P.O. Box 17
CASTLEWOOD, SD 57223-0017

February 4, 1991

Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, S. D. 57501-3181

Dear Mr. Gronlund:

First of all, I would like to apologize for taking so long to respond to your letter. I wasn't quite sure what I needed to do. The City of Castlewood would like to retain the future use permit. We have estimated the City using 20,000,000 gallons of water annually. We foresee no increase in water usage for the coming years. We had to estimate water usage because the city's water pumps are not metered. The City is considering and getting prices on meters for its pumps so hopefully in the future we may be more accurate. If you have any questions, please feel free to call me and I will do my best to assist you and again I am sorry for any inconvenience I may have caused you.

Sincerely,

Sheila Gerhold

Sheila Gerhold
Finance Officer



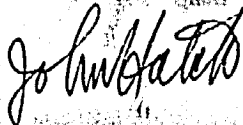
RECOMMENDATION OF CHIEF ENGINEER FOR FUTURE USE WATER PERMIT
NO. 558-3, City of Castlewood

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 Future Use Water Permit No. 558-3, City of Castlewood SD.

The Chief Engineer is recommending that Future Use Permit No. 558-3 REMAIN in EFFECT because (1) there is reasonable probability that there may be development of the water reserved under Permit No. 558-3, (2) the City of Castlewood has demonstrated a reasonable need for the water reserved by Permit No. 558-3, (3) the proposed use will be a beneficial use and (4) it is in the public interest with the following qualification:

1. That Permit No. 558-3 reserves for future use 123 acre-feet annually. The diversion rate of 2.11 cfs is deleted from Permit No. 558-3.

And that maintaining the effectiveness of Future Use Permit No. 558-3 is subject to payment of the \$15.00 fee pursuant to SDCL 46-2-13(2) within 60 days of notice to the City of Castlewood.



JOHN HATCH, Chief Engineer
March 22, 1991

NOTE:

The maximum annual acre-feet of full-time pumping represented by 2.11 cubic feet of water per second (cfs) reserved by No. 558-3 is 1,528 acre-feet. Assuming that the total amount pumped annually would equal 60% of 1,528 acre-feet, then expected developed pumping of water reserved under Permit No. 558-3 would be about 917 acre-feet per year.

The water usage in 1990 by the City of Castlewood was 64 acre-feet. Doubling this annual use (123 acre-feet) to estimate the volume that may be reserved is less than that expected to be developed by pumping 60% of 2.11 cfs (917 acre-feet) under Permit No. 558-3. Board General rules 74:02:01:24.01 states that future use permits may be limited to two times the amount actually put to beneficial use. Therefore, Permit No. 558-3 should be allowed to remain in effect for 123 acre-feet as outlined in the above qualification.

South Dakota



GREAT FACES. GREAT PLACES.

March 22, 1991

DEPARTMENT OF WATER & 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.

Sheila Gerhold, Finance Officer
City of Castlewood
PO Box 17
Castlewood SD 57223-0017

Dear Ms. Gerhold:

Future Use Permit No. 558-3 will be reviewed for progress in the development and future plans for use of the water reserved. The notice of this review has been sent to the Publisher of the Hamlin Co. Republican printed at Castlewood SD. Please review this notice prior to publication and notify this office, if you have any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION OF THE NOTICE OF HEARING AND TO ARRANGE FOR PAYMENT. Early contact with the paper can eliminate delays. The publisher has been instructed to publish the notice once each week for two consecutive weeks with the last publication to occur at least twenty days before the board meeting. We must receive Proof of Publication before the future use review can be considered by the Water Management Board.

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 22, 1991

Hamlin Co. Republican
Box 50
Castlewood SD 57223

Dear Sir:

Enclosed is a Notice of Hearing to Review Future Use Water Permit No. 558-3 to be published twice. Please publish the first notice on or before March 28, 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 Castlewood, PO Box 17, Castlewood SD 57223-0017.

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,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE
No. _____

TO: Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181

Date _____

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

Name

Newspaper

Instruction to Newspaper-Publish first publication of the following Notice on or before March 28, 1991 with 2nd publication 1 week later. The permit owner is responsible for payment.

NOTICE OF HEARING TO REVIEW FUTURE USE WATER PERMIT NO. 558-3

Notice is given that the Water Management Board will review Future Use Permit No. 558-3 held by the City of Castlewood, PO Box 17, Castlewood SD for progress made in the development of the water reserved by the Permit and future plans for development of the water reserved by Permit No. 558-3. This permit was approved February 4, 1959 to reserve 2.11 cfs from groundwater (Big Sioux Aquifer-Brookings Management Unit) located in the SE 1/4 Section 35-T115N-R52W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 558-3 REMAIN in EFFECT for 123 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be a beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 558-3 at Chef Louie's, Meeting Room, 601 E Havens, Mitchell SD on May 1, 1991 at 9:15 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 22, 1991. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 558-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01:25.01 thru 74:02:01:25.03; and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, 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 State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre SD 605 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by April 22, 1991.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hamlin) ss.

I, Norma Holman

certify that the attached printed Notice was taken
from the Hamlin County Republican

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 Cons

County of Hamlin and S
that the said notice was published in
following two dates:

March 28, 1991

April 4, 1991

Any person wishing a copy of the Chief Engineer's recommendation, further information on this permit or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD 605-773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically delayed for at least 20 days upon written request of the permit owner or any person who has filed a petition to oppose or support continuance of the Future Use Permit. The request for a delay must be filed with the Chief Engineer by April 22, 1991. (published March 28 & April 4, 1991)

Norma Holman
(Signature)

Dwner
(Title)

4/4/91
(Date Signed)

Cost of Printing: 96 @ .44 = \$42.24

NOTICE OF HEARING

NOTICE OF HEARING TO
REVIEW FUTURE USE WATER
PERMIT NO. 558-3

Notice is given that the Water Management Board will review Future Use Permit No. 558-3 held by the City of Castlewood, PO Box 117, Castlewood SD for progress made in the development of the water reserved by Permit No. 558-3. This permit was approved February 4, 1959 to reserve 2.11 cfs from groundwater (Big Sioux Aquifer-Brookings Management Unit) located in the SE 1/4 Section 35-T115N-R52W for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends that Permit No. 558-3 REMAIN IN EFFECT for 123 acre-feet annually because 1) the reserved water may be developed, 2) there is need for the reserved water 3) the proposed use will be beneficial use and 4) it is in the public interest.

The Water Management Board will conduct the hearing to review Future Use Permit No. 558-3 at Chief Louie's Meeting Room, 601 E Havens, Mitchell SD on May 1, 1991 at 9:15 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) allow the permit to remain in effect, 2) amend the permit by adding qualifications, 3) cancel the permit for no development or no planned future development, or 4) take no action after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the permit owner and the Chief Engineer by April 22, 1991. The petition may be informal, but it must include a statement describing the petitioner's interest in the future use permit, the reasons for petitioner's opposition to or support of continuing the future use permit, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The permit owner need not file a petition.

The hearing to review Future Use Permit No. 558-3 will be conducted pursuant to the provisions of SDCL 46-1-14, 46-2-5, 46-2-9, 46-2-11, 46-5-38.1; Board Rules ARSD 74:02:01.25.01 thru 74:02:01.25.03; and contested case procedures contained in SDCL 1-26.

This hearing is an adversary proceeding. The permit owner or any person, after filing a petition, 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 State Supreme Court as provided by law.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 26, 1991

Shane Mack, Mayor
City of Castlewood
PO Box 25
Castlewood SD 57223

Dear Mayor Mack:

The Water Management Board has validated the enclosed Vested Water Right No. 558-3. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosure

SOUTH DAKOTA

VALIDATION OF (PARTIAL) VESTED WATER RIGHT CLAIM NO. 558-3

Date Claim Accepted For Filing November 22, 1958.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 558-3 for the City of Castlewood, P O Box 25, Castlewood, South Dakota 57223 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 558-3 appropriates 0.33 cubic feet of water per second from one well approximately 24 feet deep. The well is located in the SE 1/4, Section 35, T115N, R52W.
2. The appropriated water is used for supplying water for the City of Castlewood and may not exceed the amount of water needed for beneficial use for municipal purposes.

The water is to be used during the following annual period:
January 1 - December 31

3. The priority date of the Vested Water Right is: January 1, 1929.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

John H. Helt
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

APR 26 1991

date



DEPARTMENT OF WATER & NATURAL RESOURCES

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

May 6, 1991

NOTICE

Shane Mack, Mayor
City of Castlewood
PO Box 17
Castlewood, SD 57223

Dear Mayor Mack:

I am writing in response to action taken by the Water Management Board At the hearing of May 1, 1991 to review Future Use Permit No. 558-3. The Board allowed the permit to remain in effect and amended Permit No. 558-3 by adding the qualification on the enclosed "Amendment". The "Amendment" should be placed with the permit. Future Use Permit No. 558-3 is again subject to review in seven years.

The fee for maintaining the effectiveness of Future Use Permit No. 558-3 is \$22.50 pursuant to SDCL 45-2-13(2). Please remit the fee within 60 days.

Please contact Eric Gronlund, Water Rights Staff Engineer, if you have any questions.

Very Truly yours,

John Hatch
John Hatch, Chief Engineer
Water Rights Division
605 773-3352

cc: Sheila Gerhold, Finance Officer

enclosure

AMENDMENT TO FUTURE USE PERMIT NO. 558-3

City of Hurley

Pursuant to the May 1, 1991 Water Management Board hearing, Future Use Permit No. 558-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 558-3 reserves for future use 124 acre-feet annually. The diversion rate of 2.11 cfs is deleted from Permit No. 558-3.

CERTIFICATION

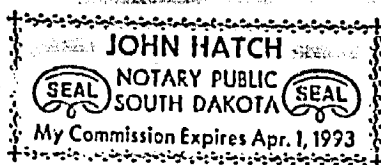
I hereby certify that on May 6, 1991 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice ~~of Notice~~ of Future Use Permit No. 558-3 addressed Shan Mack, Mayor, City of Castlewood, P.O. Box 17, Castlewood, SD 57223, with a copy to: Sheila Gerhold, Finance Officer, City of Castlewood, P.O. Box 17, Castlewood, SD 57223.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 10th day of May, 1991.



John Hatch
Notary Public

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412869

Pierre, _____ October 11, 19 91

RECEIVED OF City of Castlewood, Hamlin County, SD 57223

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

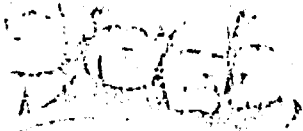
Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. <u>558-3</u> after period of seven years.	22	50
Fee for 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	22 50

By

John Hatch
Chief Engineer

558-3

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 18, 1991

Shane Mack, Mayor
City of Castlewood
PO Box 17
Castlewood SD 57223

Dear Mayor Mack:

On May 6, 1991 we requested the fee for maintaining the effectiveness of Future Use Permit No. 558-3. To date, we have not received this payment.

Please submit the \$22.50 fee as soon as possible to avoid jeopardizing the City's future use permit. If you have questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures

South Dakota



GREAT FACES. GREAT PLACES.

November 5, 1991

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Shane Mack, Mayor
City of Castlewood
PO Box 17
Castlewood SD 57223

Dear Mayor Mack:

On May 6, 1991 an "Amendment" was sent to you regarding the review of Castlewood's Future Use Permit No. 558-3. A error was found on this "Amendment" stating that the amendment is for the City of Hurley. Enclosed is a corrected copy which should replace the one previously sent.

If you have any questions, please contact this office.

Very truly yours,

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

enclosure

AMENDMENT TO FUTURE USE PERMIT NO. 558-3

CITY OF CASTLEWOOD

Pursuant to the May 1, 1991 Water Management Board hearing, Future Use Permit No. 558-3 was allowed to remain in effect and amended by adding the following qualification:

That Permit No. 558-3 reserves for future use 123 acre-feet annually. The diversion rate of 2.11 cfs is deleted from Permit No. 558-3.

558-3

DIVISION OF WATER PERMIT NO. 558-3, CITY OF CASTLEWOOD
INTO NOS. 558A-3, 558B-3 & 558C-3

Date of first receipt of application November 22, 1958.

Water Permit No. 558-3, for the City of Castlewood, PO Box 17, Castlewood, SD 57223-0017, was approved by the former Water Resources Commission on February 4, 1959, authorizing the following:

Water Permit No. 558-3 reserved 2.11 cubic feet of water per second (cfs) for future use from groundwater in Section 35, T115N, R52W; appropriated 0.56 cfs from one new well located in the SE 1/4 Section 35, T115N, R52W and also recognized a vested right claim for 0.33 cfs from one well located in the SE 1/4 Section 35, T115N, R52W.

Water Permit No. 558-3 is being divided and reissued as follows:

Future Use Permit No. 558A-3 reserving 123 acre-feet annually from groundwater (Big Sioux Aquifer-Brookings Management Unit) located in the SE 1/4 Section 35, T115N, R52W. (On May 1, 1991, the Water Management Board amended the future use portion of No. 558-3 to reserve an acre foot limitation and delete the diversion rate of 2.11 cfs).

Water Right No. 558B-3 (licensed in 1970) authorizing diversion of 0.56 cfs from one well (Big Sioux-Brookings) located in the SE 1/4 Section 35, T115N, R52W; and

Vested Water Right No. 558C-3 (validated by the Water Management Board April 26, 1991) appropriating 0.33 cfs from one well, approximately 24 feet deep, located in the SE 1/4 Section 35, T115N, R52W, with a priority date of January 1, 1929.

Specific qualifications for each are addressed within the reissued permits and/or licences.

558-3

SOUTH DAKOTA

VALIDATION OF (PARTIAL) VESTED WATER RIGHT CLAIM NO. 558-3

Date Claim Accepted For Filing November 22, 1958.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 558-3 for the City of Castlewood, P O Box 25, Castlewood, South Dakota 57223 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 558-3 appropriates 0.33 cubic feet of water per second from one well approximately 24 feet deep. The well is located in the SE 1/4, Section 35, T115N, R52W.
2. The appropriated water is used for supplying water for the City of Castlewood and may not exceed the amount of water needed for beneficial use for municipal purposes.

The water is to be used during the following annual period:
January 1 - December 31

3. The priority date of the Vested Water Right is: January 1, 1929.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

John H. Helt
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

APR 26 1991

date



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 26, 1991

Shane Mack, Mayor
City of Castlewood
PO Box 25
Castlewood SD 57223

Dear Mayor Mack:

The Water Management Board has validated the enclosed Vested Water Right No. 558-3. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosure

558-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

APR 1 1992

558A-3
558B-3
558C-3

Shane Mack, Mayor
City of Castlewood
PO Box 25
Castlewood, SD 57223

Dear Mayor Mack:

Enclosed are Future Use Permit No. 558A-3, Water Right No. 558B-3, and Vested Water Right No. 558C-3. Water Permit No. 558-3 was divided and reissued to separate the future use, regular and the vested right portions into different numbers.

Water Permit No. 558-3 was divided and reissued as follows:

Future Use Permit No. 558A-3 reserving 123 acre-feet annually from groundwater (Big Sioux Aquifer-Brookings Management Unit) located in the SE 1/4 Section 35, T115N, R52W. (On May 1, 1991, the Water Management Board amended the future use portion of No. 558-3 to reserve an acre foot limitation and delete the diversion rate of 2.11 cfs).

Water Right No. 558B-3 (licensed in 1970) authorizing diversion of 0.56 cfs from one well (Big Sioux-Brookings) located in the SE 1/4 Section 35, T115N, R52W; and

Vested Water Right No. 558C-3 (validated by the Water Management Board April 26, 1991) appropriating 0.33 cfs from one well, approximately 24 feet deep, located in the SE 1/4 Section 35, T115N, R52W, with a priority date of January 1, 1929.

The reissuance of No. 558-3 into 558A-3, 558B-3 and 558C-3 does not reduce or alter the original permit.

If you have any questions, please contact me.

Very truly yours,

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

enclosures