

1. Considered Feb. 5, 1959 Appl. No. 562-3
2. Name of Applicant City of Bell Rapids
3. Post Office Address Bell Rapids, S. Dak.
4. Amount of water claimed 4.13 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 the City ~~Country~~ about _____
~~miles~~ of _____
8. Proof of Publication Received ☒
Not Received _____
9. Application Approved ☒
Subject to _____
Not approved _____
Action deferred _____
10. Remarks: 0.889 cfs Vested Right
0.557 cfs New Application
2.667 cfs withdrawal for future use

No. 562-3Water Division No. 3 Big Sioux River District
(Blanks to be filled by the Engineer for the W. R. C.)

JAN 1 1939

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota 10-11-79

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

SEE # 4398-3 - 1.00 CFS

1.667 left for FU

1. Name of applicant CITY OF DELL RAPIDSPostoffice address DELL RAPIDS, County MINNEHAHA, State SO. DAK.

I. If a corporation

(a) Name of same CITY OF DELL RAPIDS

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors HENRY MERRY, MAYOR, DELL RAPIDS, S.D.AND THE CITY COUNCIL

(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)

BY CONTRACT(b) Cash on hand, \$ 20,000.00

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work PROPOSED WELL #3 (WELLS #1 & #2 VESTED RIGHTS)3. Amount of water claimed 557 4.113 cubic feet per second PROPOSED WELL #34. Source of water supply DEEP WELL IN QUARTZITE ROCK FUTURE USE5. Location of point of diversion IN THE E. 1/4 SEC. 9-104-49 IN THE CITY OF DELL RAPIDS#1 IS 1622' S. & 260' W OF E. 1/4 COR SEC 9#2 IS 1622' S. & 310' W. OF E. 1/4 COR SEC 9 ON bank MINNEHAHA County.#3 IS TO BE 789' N. & 946' N. OF E. 1/4 COR SEC 96. Annual period or periods during which water is to be used CONTINUOUSLY

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? DOMESTIC USE(a) Number of acres to be irrigated NONE acres.(b) Legal subdivisions to be irrigated NONE

(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.) THE WATER IS FOR DOMESTICAND MUNICIPAL USE IN THE CITY OF DELL RAPIDS

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

(a) Nature of use NONE

Name any of the above uses claimed

(b) Amount of power to be generated NONE 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. 426-3

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
 (e) Other structures ----- ~~FEET-WALL~~ ----- \$ 20,000.00 Total, \$-----

9. Description of diversion works:

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

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 reduction in size are made.)

10. Time required for completion of work ----- $\frac{1}{2}$ -----years.
 11. Time required for complete application of water to the proposed beneficial use ----- years.
 12. Choice of newspaper for publication of notice of intention to appropriate Dell Rapids Tribune
Dell Rapids, South Dakota

STATE OF SOUTH DAKOTA

County of Minnehaha } ss.

I, Henry Merry, Mayor of Dell Rapids, South Dakota, 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 Henry Merry

Subscribed and sworn to before me this 22nd day of December 1858.

[Signature]
 Notary Public (or other qualified officer.)
 South Dakota

DIVERSION POINTS 1,2,3 (WELLS)

CITY
OF
DELL RAPIDS
MINNEHAHA COUNTY

SOUTH DAKOTA

SCALE 1"=300'



SURVEYORS CERTIFICATE

I, K.E. Benson, Registered Land Surveyor and Professional Engineer of the State of South Dakota do hereby certify that I have mapped the area as shown for purposes of water appropriation.

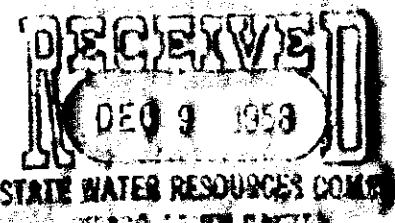
K.E. Benson
K.E. Benson

State of South Dakota
County of Minnehaha

On this 8th day of December, 1958, Before me, the Undersigned, a Notary Public, appeared K.E. Benson, well known to me to be the Person described above and who acknowledged to me that he executed the foregoing certificate.

August 22, 1959
My Commission Expires

James B. McCormick
Notary Public



I, S B Howe a surveyor hereby certify that I have made a survey of the Dell Rapids Reservoir for the Sioux Falls Light and Power Company and that the map of the same as shown hereon correctly represents said survey.

S B Howe

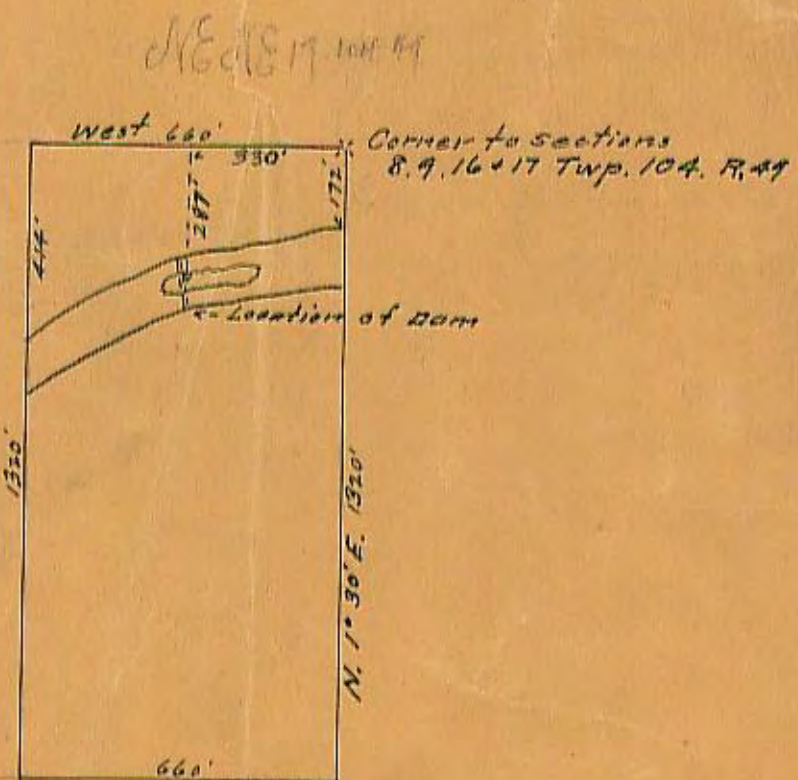
Subscribed and sworn to this 13th day of September A.D. 1907

Fred W Reed

Notary Public

South Dakota.

Scale - 1 inch = 400 feet.



App. # 562-3
2918-3
4093-3
4898-3
4513-3

Remarks by State Water Resources Commission:

0.888 cfs. is claimed under a "Vested Right" 0.537 cfs. is claimed for municipal use in works to be constructed in the near future, and 2.667 cfs. is to be withdrawn for future use. For which specific applications will be submitted when definite plans are formulated.

STATE OF SOUTH DAKOTA

County of

Hughes

SS.

Pierre, South Dakota,

January 2, 1959

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock

9 a.m. upon the 2 day of January, 1959

State Water Resources Commission

By:

Joe Brinner

Chief Engineer, Executive Officer

Number of permit

562-3

Date of first receipt of application

January 2, 1959

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

19

Date of receipt of corrected application

19

Date from which applicant may claim right

0.444 cfs. from 1958
0.444 cfs. from 1943
3.224 cfs. from January 2, 1959

Approved February 4, 1959, Recorded in Book

5 Page 106

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 4.112 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least 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-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before this date for 0.888 cfs., 1959, said water to be used during the following described annual period: February 4, 1961 for 0.537 cfs. and future use withdrawn of 2.667 cfs.; said water to be used during the following described annual periods:

Continuously

Witness my hand this

25 day of February, 1959

State Water Resources Commission

By:

Joe Brinner

Chief Engineer, Executive Officer

Certificate of Construction Issued

March 6, 1959

Water License Issued

March 6, 1959

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

3 PROPOSED CONSTR.

(a) Hole and casing

Size of drill hole or excavation 15" TO ROCK EST. 120'
10" OPEN HOLE IN ROCK, Depth EST. 400'

Type of casing ABOVE ROCK 10" STEEL GROUTED
(wood, concrete, steel, etc.)

Size of casing 10" Thickness of casing 0.365"

Length of casing EST. 120' If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screen NONE ESTIMATED

Size of perforated screen (diameter) (length)

Thickness of gravel pack NONE EST. length of gravel pack

(c) Water Bearing Materials

Distance to water Character of water bearing materials
ESTIMATED TO BE IN SOLID ROCK ABOVE 520 FEET

Thickness of water bearing material

(d) Pump and Motor

Type of pump TURBINE, TO BE PURCHASED WHEN WELL IS COMPLETE
(centrifugal, propeller, mixed flow, etc.)

Name of pump ? size 200 G.P.M.*

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

Horsepower ? Name of Motor

(e) Complete well

Capacity 200-250 at drawdown of ? Estimated cost 20,000.00

(f) Owner of land upon which well is located CITY OF DELL RAPIDS
Name

DELL RAPIDS, S.D.
Address

(g) Distance to nearest existing wells

On same owner's property 160 rods. On property owned by others 150 rods

Form 2A — Wells (Supplement to Form 2)

D. (Continued)

WELL No. 1 VESTED WATER RIGHTS

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 12" IN ROCK, Depth 50' To 540'
 Type of casing STEEL, GROUNDED, 12" OPEN HOLE IN ROCK
 (wood, concrete, steel, etc.)
 Size of casing 12", Thickness of casing STD.
 Length of casing 50' If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen NONE
 Size of perforated screen (diameter) (length)
 Thickness of gravel pack NONE, length of gravel pack

(c) Water Bearing Materials

Distance to water 25' Character of water bearing materials QUARTZITE ROCK

Thickness of water bearing material ?

(d) Pump and Motor

Type of pump TURBINE
 (centrifugal, propeller, mixed flow, etc.)
 Name of pump FAIRBANKS MORSE, size 200 G.P.M.
 Kind of motor F.M. ELECTRIC
 (gasoline, electric, diesel, etc.)
 Horsepower 20, Name of Motor F.M.

(e) Complete well

Capacity 200 G.P.M. at drawdown of 200' Estimated cost

(f) Owner of land upon which well is located

CITY OF DELL RAPIDS
 Name

DELL RAPIDS, S.D.

Addr.

(g) Distance to nearest existing wells

On same owner's property 3 rods. On property owned by others 80 rods

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

WELL No. 1 VESTED WATER RIGHTS

(a) Hole and casing

Size of drill hole or excavation 16 INCH To 50'
Depth 12" TO 226'
Type of casing STEEL GRATED 50', OPEN ROCK HOLE TO 226'
(wood, concrete, steel, etc.)
Size of casing 12" Thickness of casing STD.
Length of casing 50' If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screen NONE
Size of perforated screen (diameter) (length)
Thickness of gravel pack NONE, length of gravel pack

(c) Water Bearing Materials

Distance to water 25' Character of water bearing materials QUARTZITE ROCK
Thickness of water bearing material ?

(d) Pump and Motor

Type of pump SUBMERSIBLE
(centrifugal, propeller, mixed flow, etc.)
Name of pump FAIRBANKS MORSE, size 200 G.P.M.
Kind of motor ELECTRIC
(gasoline, electric, diesel, etc.)
Horsepower 20 Name of Motor FAIRBANKS MORSE

(e) Complete well

Capacity 200 G.P.M. at drawdown of 200' Estimated cost

(f) Owner of land upon which well is located

CITY OF DELL RAPIDS
Name

DELL RAPIDS, S.D.

Address

(g) Distance to nearest existing wells

On same owner's property 3 rods. On property owned by others 80 rods

Permit No. 562-3

Water Division No. 3 Big Sioux River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the City of Dell Rapids

of Dell Rapids County of Minnehaha, and State of South Dakota

the holder of Permit No. 562-3, issued upon Application No. 562-3, bearing date of priority of 1938 for 0.444 c.f.s. and 1943 for 0.444 c.f.s. authorizing the diversion of

0.888 cu. ft. per second of the waters of ground water

County of Minnehaha State of South Dakota, at Well #1, 1622 feet south and 260 feet west and Well #2, 1622 feet south and 310 feet west of the 1/2 Corner of Sec. 9, T 104 N, R 49 W

for municipal

purposes, has fully 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 0.888 cu. ft. per second of water; and that the use of said water is described as follows,

to-wit: for municipal use in the distribution system of the City of Dell Rapids, South Dakota

Witness my hand this 6th day of March A. D. 19 59

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 562-3

WHEREAS, On the 2nd day of January A. D. 1959

the City of Dell Rapids

of Dell Rapids County of Minnehaha and State of South Dakota duly made application (No. 562-3) to us for a Vested Right 0.888 cubic feet per second of the waters of ground water

County of Minnehaha, State of South Dakota, for municipal purposes; and

WHEREAS, On the 25th day of February A. D. 1959

Vested Right Permit No. 562-3 was issued to said applicant recognizing for the diversion of said water, and providing for the

completion of the works of diversion therein described XXXXXXXXXX XXXXXXXXXX

in 1938 and 1943 XXXXXXXXXX and XXXXXX application to beneficial use of said water XXXXXXXXXX XXXXXXXXXX in 1938 and 1943 XXXXXXXXXX and,

WHEREAS, On the 2nd day of January A. D. 1959

Vested Right the holder of said permit duly made proof of the completion of adequate works for the diversion of 0.888 cubic feet per second of said waters, as evidenced by our Certificate No. 562-3

dated March 6, 1959 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 0.888 cubic feet per second of water, with date of priority of 1938 and 1943 and,

WHEREAS, On the 2nd day of January A. D. 1959

proof was duly made of the application to beneficial use of 0.888 cubic feet per second of said water; in the municipal distribution system of the City of Dell Rapids

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 Dell Rapids Vested Right

of Dell Rapids, South Dakota the holder and owner of said permit No. 562-3

a water right, dating from 1938 for 0.444 cfs and 1943 for 0.444 cfs to the use of 0.888

cubic feet per second of the waters of ground water

In the County of Minnehaha and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinbelow mentioned, to be diverted at Well #1, 1622 feet south and 260 feet west and Well #2, 1622 feet south and 310 feet west both from the E. 1/4 Cor., Sec. 9, T. 104 N., R. 42 W.

and conducted to ~~XXXXXX~~ the residents of the City of Dell Rapids

for the purpose of municipal use

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 6th day of March A. D. Nineteen
Hundred and Fifty-nine.

State Water Resources Commission
By:

J. W. GRIME Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

(First Publication before January 9, 1959)

APPROPRIATION OF WATER

Office of State Water Resources Commission
Pierre, S. Dak. January 2, 1959

Notice is hereby given that the City of Dell Rapids whose postoffice address is Dell Rapids, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for present and future beneficial use 4.113 cubic feet of water per second of time, 0.889 c.f.s. is claimed under an existing Vested Right, 0.557 is claimed under a new application, and 2.667 is claimed for a withdrawal of water for future use from ground water through the Well #1, Well #2, Well #3 and future developments, the points of diversion of which are/and to be located within the City of Dell Rapids. Said water to be used for the purpose of providing municipal water for the City of Dell Rapids.

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 of all information presented.

STATE WATER RESOURCES COMMISSION

By:
Les Wyborny, Water Rights Engineer

cc Mr. Virgil M. Smith, Publisher
The Dell Rapids Tribune
Dell Rapids, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County of Minnehaha } ss.

Virgil M. Smith being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Dell Rapids Tribune 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 Dell Rapids County of Minnehaha and State of South Dakota; that the said notice was published in said newspaper on the following dates:

January 8, 1959

January 15, 1959

January 22, 1959, and

January 29, 1959

in each and every issue of the full number thereof, the first publication being made on the 8th day of January 1959 and the last publication on the 29th day of January 1959, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was the printer and publisher of the said newspaper.

Virgil M. Smith

Subscribed and sworn to before me this 31st day of January A. D. 19 59

Notary Public Minnehaha County, S. D.

My commission expires June 28, 1960

APPROPRIATION OF WATER
 Office of State Water
 Resources Commission
 Pierre, S. Dak. January 2, 1959
 Notice is hereby given that the City of Dell Rapids whose postoffice address is Dell Rapids, S. Dak. has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for present and future beneficial use 1.118 cubic feet of water per second of time, 0.589 c.f.s. is claimed under an existing Vested Right, 0.567 is claimed under a new application, and 2.667 is claimed for a withdrawal of water for future use from ground water through the Well No. 1, Well No. 2, Well No. 3 and future developments, the points of diversion of which are and to be located within the City of Dell Rapids. Said water to be used for the purpose of providing municipal water for the City of Dell Rapids.
 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 3:00 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: Lee Wyborny
 Water Rights Engineer
 Jan. 15, 1959

RECEIVED
 FEB 3 1959

STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

City of Dell Rapids

South Dakota

Located in the Heart of the Fertile Sioux Valley

Office of the City Auditor

May 9, 1957

State Water Resources Commission,
State of South Dakota,
Pierre, South Dakota.

Attention: Mr. J. W. Grimes,
Chief Engineer

Dear Mr. Grimes:

The City of Dell Rapids believes that it will be necessary to drill an additional well in or near Dell Rapids sometime during the next six months to obtain sufficient water for general municipal purposes, and in conformity with instructions from the Council of said city, we are writing to you to ascertain whether or not we need to obtain any specific permission from the Commission for this purpose.

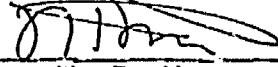
Along this same line, we wonder whether or not your Commission assists or advises the smaller municipalities as to the most feasible location for new wells.

We will appreciate hearing from you at your convenience, and request that your reply be directed to the undersigned.

Yours very truly,

CITY OF DELL RAPIDS

By


W. P. Vogt
City Attorney

WPV:aae

Munich, Germany

May 13, 1957

Mr. W. P. Vogt
City Attorney
Dell Rapids, South Dakota

Dear Mr. Vogt:

Reference is made to your letter dated May 9, 1957 concerning the City of Dell Rapids obtaining authorization from the Water Resources Commission to build an additional water supply well.

It is necessary that the Commission make application for a permit to appropriate water. For your further information, a copy of the 1955 Water Laws is enclosed and your attention is called to paragraphs 1 and 9, section 61.0401, section 61.0404 and section 61.01. We are also enclosing a set of the necessary application forms and instructions.

We would be happy to assist the City of Dell Rapids in locating gravel areas where underground water is most likely to be available. However, the necessary testing, final well location, preparation of specification and inspection would have to be done by an engineer employed by the City.

Sincerely,

J. W. GRIMES
Chief Engineer

Enc: Form 2 (2)
Form 2A (2)
Check sheet
Instruction booklet
Water Law 1955

*Request for copy
Municipality*

August 16, 1958

Mr. William P. Vogt
Van Buren and Vogt
Attorneys and Counselors at Law
Dell Rapids, South Dakota

Dear Mr. Vogt:

Reference is made to your letter of August 6, in which you as City Attorney requested information relative to obtaining a water permit for the City of Dell Rapids.

As they relate to municipalities, the new State Water laws provide for the following:

(1) Recognition of "Vested Rights" to the use of water for municipal purposes in the amount of water that was developed and used, or in the process of development and use, on the effective date of the Act, July 1, 1955. When wells are used to develop these water supplies, or if diversion is from surface water, the "Vested Right" user is required by the Water Laws to establish a water right record with the Water Resources Commission. Special procedures have been set up by the Water Resources Commission for water users to establish their water right record. For this purpose I am enclosing two blank Form 2's, Application for Permit to Appropriate Water, two blank Form 2A's, Wells, and one blank Form 24, Proof of Beneficial Use. Completion of two copies of Form 2, and Form 2A, together with one copy of Form 24 and a \$5.00 examination fee, when sent to the Water Resources Commission, will provide for the establishment of the Water Right record for the City of Dell Rapids as specified by the new Water Laws. Although it is not mandatory, submission of a sketch map which you may prepare, showing the location of the diversion points and area where water is to be used, will be very helpful in establishing a clear record for you. These "Vested Rights" would apply to the two wells which you mentioned were now in use. I believe one was constructed in approximately 1943 and the other in approximately 1947. If you wish, under this application, you might apply for an amount of water equal to the capacity of your pumps even though you may not be using them to capacity all of the time.

William P. Vogt

2

August 16, 1958

(2) A special and unique privilege is extended to South Dakota municipalities by the new Water Laws. By application, a town or city may arrange for withdrawal of water from further appropriation by others and reserve a reasonable amount of such water for the future needs of the municipality. As you know, town growth and well-being depends many times upon the assurance of adequate municipal water supplies. Our water laws, very wisely, provides opportunity for this assurance. Should the City of Dell Rapids desire to obtain a future use withdrawal of water, please complete and send in the two enclosed copies of Form 2, Application for Permit to Appropriate Water, together with the other items listed on the attached check sheet for a complete water right application. If you do not have a firm basis at hand now for estimating your future needs I do not think it would be out of line for you to request three (3) times your present maximum pumping rate under a Withdrawal of Water for Future Use. This figure would be assumed to include what you are now using.

(3) This third provision of our Water laws, as affects municipalities, is concerned with acquisition of new water rights for use of water, either from a reservation of water the City has established under (2) above or separately. This case concerns an application for a water right from works to be constructed by the City in the near future for water which the City needs right away. For these specific requests the same procedure as listed under (2) is to be followed namely, submission of two copies of Form 2 and the other items listed on the check sheet for a complete water right application. Forms and instructions are enclosed for this case, also, if you have use for them. This request for a new permit would cover the third well, explorations for which you are now engaged in.

If you wish you may include all three applications on one (1) set of application blanks breaking down the amounts of water claimed under (a) "Vested Rights" (that amount in use prior to July 1, 1955) (b) that amount to be claimed for the third well you propose to construct in the near future, and (c) that amount which you wish to claim as a Withdrawal for Future Use. If you do not have the complete information for all three at this time, you may instead, submit a separate set of applications for (a) (b) and (c) above.

The Water Laws state that you should obtain a Permit to Appropriate Water before constructing a well. We realize that in doing this for the third well much of the information will have to be estimated. Regardless of whether you include all three cases on one set of Application blanks (Form 2) or on separate sets, please complete the Form 2A (Supplement for wells) in duplicate for each well. In other words, in your case you should complete three sets of the Form 2A.

William P. Vogt

3

August 16, 1958

I am enclosing the necessary application blanks for whichever alternative you may wish to follow.

Reference is made to the Form 24, Proof of Beneficial Use, Questions number 5 and 10. Under question 5, please enter a general description of your present works, such as the make, model, and capacity of your pumps, the approximate size and length of mains (length in blocks will do) and capacity of your standpipe and reservoirs if any. Under question 10, please enter the date your wells were constructed, what the maximum pumping rate has been from each and state that the water is used for municipal purposes.

Should you have future questions please feel free to contact this office.

Sincerely,

Les Wyborny
Water Rights Engineer

LW:ls
Enc: Water Laws .
Form 2 (6)
Form 2A (6)
Form 24 (2)
Check Sheets

GUSTAVUS R. KRAUSE, 1891-1900
KRAUSE AND KRAUSE, 1908-1924
KRAUSE AND VAN BUREN, 1924-1950

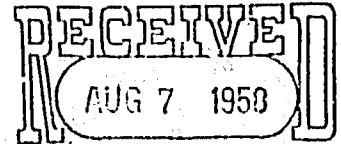
ERVIN R. VAN BUREN
WILLIAM R. VOGT

VAN BUREN AND VOGT
ATTORNEYS AND COUNSELORS AT LAW
DELL RAPIDS, SOUTH DAKOTA

ESTABLISHED IN 1891

PRACTICE IN
STATE AND FEDERAL
COURTS

August 6, 1958



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

State Water Resources Commission,
State Office Building,
Pierre, South Dakota.

In Re: City of Dell Rapids,
South Dakota

Attention: Mr. J. W. Grimes,
Chief Engineer

Dear Mr. Grimes:

The undersigned, as City Attorney of the above named City is writing to inquire as to what type of application should be made to your Commission to obtain a water permit for the City of Dell Rapids.

The City derives its water supply, at the present time, from two wells located near the Big Sioux River in said City, but said wells are wells drilled in a granite formation, and apparently are not fed by the said River. In addition, more water is needed by the City and water exploration has been made in the territory within approximately a mile of said City with the intention of procuring an additional water source.

We are unable to inform you as to the amount of water to be applied for, but wish to state at the present time the City uses approximately 300,000 gallons per day (that is, 24 hour period), and during winter months uses approximately 180,000 a day. Our anticipated need would be for somewhere in the neighborhood of 500,000 gallons a day.

We will appreciate hearing from you at your convenience on this point and also your suggestion as to the type of application to be filed by the municipality.

Thanking you, and enclosing a stamped envelope for your convenience in reply, we remain

Very truly yours,

VAN BUREN AND VOGT

By:

WPV:a3e

*Municipal Application
City of Dell Rapids*

December 19, 1958

Mr. K. E. Benson
Benson and Schmitz Engineers
Boyce-Greeley Building
Sioux Falls, South Dakota

Dear Mr. Benson:

Reference is made to your letter of December 8, 1958 relative to the City of Dell Rapids application and the Map for the Pathfinder Steam Plant application.

The map and print for the City of Dell Rapids project was received but to date we have not received the application forms.

In response to your question about the map for the Pathfinder Steam Plant application, please submit a tracing and one print of the map on which are shown the locations of the test wells and production wells, current at the time of the application. Then later, should additional test or production wells be put down you can submit a print of the original map on which you have shown the additional locations. We will be glad to transpose the information to the tracing if you request us to do so.

Should you have future questions please feel free to contact this office.

Sincerely,

Les Wyborny
Water Rights Engineer

LW:ls

BENSON & SCHMITZ, ENGINEERS

MUNICIPAL AND CIVIL

SURVEYS - REPORTS - PLANS - SPECIFICATIONS - SUPERVISION

REGISTERED SOUTH DAKOTA - IOWA - MINNESOTA

BOYCE-GREELEY BUILDING - TELEPHONE 2-8241 - SIOUX FALLS, SOUTH DAKOTA

12-8-1958

MR J W GRIMES, CHIEF ENGR,
S D STATE WATER RESOURCES COMM.
STATE OFFICE BUILDING
PIERRE, S.D.

RE: DELL RAPIDS
WATER RIGHTS

N.S.P.C.

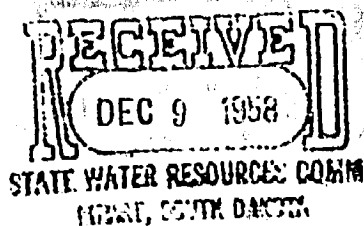
DEAR MR GRIMES:

UNDER SEPARATE COVER I AM SENDING YOU A TRACING AND ONE PRINT FOR WATER RIGHTS FOR DELL RAPIDS. SHOWN ON THE DRAWING ARE WELLS #1 AND #2 FOR VESTED WATER RIGHTS AND WELL #3 FOR WHICH BIDS WILL BE TAKEN ON DEC. 22. I HAVE SENT THE APPLICATION FORMS TO DELL RAPIDS FOR SIGNATURES AND THEY WILL FORWARD THEM TO YOU.

I HAVE MADE A MAP FOR NORTHERN STATES POWER CO. FOR THE ONE PERMANENT WELL THAT THEY HAVE UNDER CONSTRUCTION AT PATHFINDER STEAM PLANT. THIS MAP ALSO SHOWS THE TEST WELL LOCATIONS. THEY WILL, VERY LIKELY DRILL ADDITIONAL WELLS IN THE NEXT YEAR OR TWO. I AM WONDERING IF THESE WELL LOCATIONS SHOULD BE SHOWN ON THE SAME MAP (TRACING). AND IF YOU CAN AT THAT TIME RETURN THE TRACING FOR SPOTTING SUCH WELLS, OR SHOULD I SEND A PRINT ONLY, AT THIS TIME AND THE TRACING AT THE TIME THAT THE WELLS ARE COMPLETE. NORTHERN STATES POWER CO. IS COMPLETING THE APPLICATION FORMS.

YOURS,

K E Benson
K E BENSON



*Ans
12-17-58
faw*

Location No. 262-3Water Division No. 3Big Scania River Water District**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

VESTED WATER RIGHTS WELL No. 1 AND No. 2

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

Ans. CITY OF DELL RAPIDS, DELL RAPIDS, S.D., HENRY MERRY, MAYOR

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 DELL RAPIDS, HENRY MERRY, MAYOR

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. DEEP WELLS IN QUARTZITE: WELL NO. 1, 1622' S. AND 260' W. OF E. $\frac{1}{4}$ COR SEC 9-104-49
WELL No. 2, 1622' S. AND 310' W. OF E. $\frac{1}{2}$ COR SEC. 9

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. 200 G.P.M. PUMP IN EACH WELL (F.M. PUMPS).65,000 GAL STANDPIPEAPPROX. 130 BLOCKS OF WATER MAINS 8" TO 4"

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. DOMESTIC AND MUNICIPAL USE IN THE CITY OF DELL RAPIDS, S.D.

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. 0.889 C.F.S.

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. CITY OWNED

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

Ans. WELLS #1 AND #2 WERE CONSTRUCTED #1 IN 1938, #2 IN 1943

PUMPING HAS BEEN AT TIMES AT THE RATE OF 200 G.P.M. FROM EACH WELL

AND THE WATER WAS USED FOR DOMESTIC AND MUNICIPAL USE.

(Sign)

Henry Murray

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 Dell Rapids, County of Minnehaha

State of South Dakota, on this 22nd day of December A. D. 1958

Glenn J. Jelen

[Signature]

Witnesses.

Notary Public, South Dakota

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.

Glenn J. Jelen

[Signature]

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 _____

City of Dell Rapids

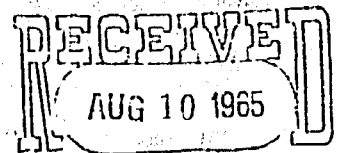
South Dakota

Located in the Heart of the Fertile Sioux Valley

Office of the City Auditor

August 9, 1965

Mr. J. W. Grimes,
Chief Engineer,
South Dakota Water
Resources Commission,
Pierre, South Dakota.



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Dear Mr. Grimes:

At the present time the South Dakota State Geological Survey is making ground water studies for the City of Dell Rapids, South Dakota.

Mr. Barari who is in charge of the project on behalf of the State Geological Survey in Dell Rapids is attempting to secure certain information on the three wells which the City of Dell Rapids, South Dakota utilizes for its water supply. We are attempting to secure information as to the water table level of the three wells for the City of Dell Rapids hence, we would appreciate securing from you, if the information is available, on the water table level for the aforesaid wells at a period of approximately ten years ago or any other dates that the Department would have secured as to the water table level in any prior years.

Apparently the City has failed to keep any of these records in the past hence we thought that there might be a possibility that your Department may have this information on file from their previous inspections of the Dell Rapids City water wells.

City of Dell Rapids

South Dakota

Located in the Heart of the Fertile Sioux Valley

Office of the City Auditor

Mr. J. W. Grimes

Page Two

August 9, 1965

Your assistance in this matter will be appreciated
and thanking you, we remain

Very truly yours,

CITY OF DELL RAPIDS

By:

Allen B. Brown

Allen B. Brown

City Attorney

ABB:cms

August 10, 1965

Mr. Allen B. Brown
City Attorney
Dell Rapids, S.D.

Dear Mr. Brown:

Reference is made to your letter of August 9th as to water levels in the City of Dell Rapids wells.

Information in the water right folder indicates that Well #1 is 226' deep into quartzite, and the distance to water is 20'. Drawdown is to 200' pumping 200 gallons per minute.

Well #2 is 540' deep into quartzite with the distance to water 25'. Drawdown is the same as in Well #1.

It was thought that Well #3 would be 520' deep, however the Public Water Supply Bulletin of the State Health Department indicates that it is 570' deep. We do not have information as to depth of water or drawdown.

This is all of the information we have and we hope it will be of some value to you.

Sincerely,

BURTON F. JONES
Water Right Specialist

BFJ:mf

**South Dakota
Department of
Water & Natural Resources**

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

January 24, 1984

NOTICE

To : Roland Peterson Mayor, City of Dell Rapids
From : John Hatch, Chief Engineer, Water Rights Division
Subject : Review of Future Use Water Permit No. 562-3

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. 562-3, City of Dell Rapids 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. 562-3, 2) future plans for development of the reserved water, and 3) if the permit is not cancelled, to amend Permit No. 562-3 to add the seven year review qualification and to add or clarify other qualifications.

Future Use Permit No. 562-3 was approved February 4, 1959 with a priority date of January 2, 1959, for 2.66 cubic feet per second (cfs) from the following area: within the city limits with no qualifications.

Our records show that permits to place 1.0 cfs of water reserved by Permit No. 562-3 to beneficial use have been approved with 1.66 cfs remaining.

Following the hearing, the Board can:

- 1) Take no action,
- 2) Cancel Permit No. 562-3 for no development and/or no planned future development,
- 3) Continue and amend Permit No. 562-3 with the following qualifications:
 - a) Permit No. 562-3 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-Sioux Falls Management Unit.

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. 562-3 in effect. The projected 10% fee in seven years based upon the existing permit CFS will be \$45.00.

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: Arnold Wildemuth Finance Officer

3515.wr

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. 562-3

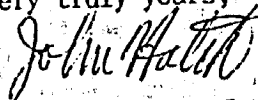
Roland Peterson, Mayor
City of Dell Rapids
PO Box 10
Dell Rapids SD 57022

Dear Mayor Peterson:

This letter is in regard to the motion passed by the Water Management Board February 15, 1984 after review of Dell Rapids' Future Use Permit No. 562-3. The board continued Permit No. 562-3 and amended the Permit to add the qualifications on the enclosed Attachment which should be placed with your Permit. Future Use Permit No. 562-3 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: Arnold Wildemuth, Finance Officer

Equal Opportunity Employer

ATTACHMENT "A" TO FUTURE USE PERMIT NO. 562-3
FOR CITY OF DELL RAPIDS

Future Use Permit No. 562-3 was continued by action of the Water Management Board February 15, 1984 and amended to add the following qualifications:

- a) Permit No. 562-3 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-Sioux Falls Management Unit.



Department of Water & Natural Resources

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

December 22, 1988

Jon Buskerud, Attorney
PO Box 66
Dell Rapids SD 57022

Dear Mr. Buskerud:

The city of Dell Rapids has water permits and future use permits as follows:

Permit No. 562-3

- (1) Well #1, located in the SE 1/4 SE 1/4 of Section 9, T104N, R49W. This well has a priority date of 1938 for a diversion rate of 0.444 cubic feet per second (cfs).
- (2) Well #2, located in the SE 1/4 SE 1/4 of Section 9, T104N, R49W. This well has a priority date of 1943 for a diversion rate of 0.444 cfs.
- (3) Well #3, located in the SE 1/4 NE 1/4 of Section 9, T104N, R49W. This well has a priority date of January 2, 1959 for a diversion rate of 0.557 cfs.

Permit No. 562-3 is also a future use permit with a priority date of January 2, 1959. The future use permit has 1.667 cfs remaining for which water permit applications can be submitted to develop groundwater within the city limits area. The Water Management Board reviewed this future use permit on February 15, 1984 and allowed it to remain in effect. The next review will be in 1991.

Permit No. 4398-3

Well #4 and Well #6, located in the SW 1/4 SE 1/4 of Section 8, T104N, R49W. These wells have a priority date of January 2, 1959 for a combined diversion rate of 1.00 cfs.

Permit No. 5063-3

This is a future use permit with a priority date of January 24, 1985. The permit is for 1.65 cfs for which water permit applications can be submitted to develop groundwater from the Big Sioux Aquifer in the NE 1/4 of Section 17, T104N, R49W. The Water Management Board will review this permit in 1992.

If I can answer any questions, please contact me.

Sincerely,

DELVIN D. BROSZ, P.E.
Hydrologist
605 773-3352





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

December 11, 1990

Thomas Earley, Mayor
City of Dell Rapids
PO Box 10
Dell Rapids SD 57022

Dear Mayor Earley:

I am writing in regard to the seven year review of Future Use Water Permit No. 562-3 which is held by the City of Dell Rapids. Currently, our records show that 1.66 cubic feet of water per second remain in reserve under this future use permit which was issued in 1959.

Permit No. 562-3 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. 562-3. The fee could be as much as \$42.50 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 SCHLAACK
Natural Resources Analyst
605 773-3352

cc: Larry Schildhauer, Water Superintendent



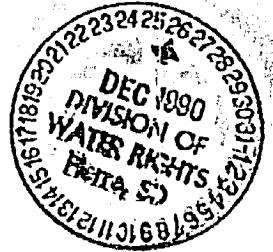
MUNICIPAL FINANCE OFFICER
PHONE 428-3595

City of Dell Rapids

P. O. Box No. 10 • SOUTH DAKOTA 57501

December 21, 1990

Karen Schlaak, Natural Resources Analyst
Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181



Dear Ms. Schlaak,

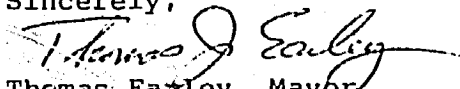
The City of Dell Rapids requests renewal of present Water Use Permit No. 562-3 which is scheduled for review by the Water Management Board on February 27-28, 1991.

The usage of these wells in the past three years has been minimal as the City entered into contract in 1986 with Minnehaha Rural Water Corporation which provides for our primary water needs.

The wells this permit affects have been kept operational and are pumped periodically. The City has a reasonable need to keep these wells operational as a back up system in the event of a disruption in service from MCWC or other natural causes, as the City has no other water source as a backup other than these wells.

In the event that any further information is needed for renewal of Permit No. 562-3, please contact Marie Skelly, Finance Officer at 428-3595 or Larry Schildhauer, Utility Superintendent at 428-3160.

Sincerely,


Thomas Earley, Mayor
City of Dell Rapids
South Dakota

Conversation or File Documentation

NAME OF PERSON OR FILE: City of Dell Rapids

ADDRESS: _____ COUNTY _____

DATE: 1/15/91 TELEPHONE 428-3160RE: conversation with Larry Schildhauer

COMMENTS:

I called Mr. Schildhauer, Water Superintendent about the renewal of Future Use Permit No. 562-3. I asked him if the City of Dell Rapids intended to retain FU Permit No. 562-3. I said the letter we received from the mayor indicated that had no intention of future development under this permit. Mr. Schildhauer ~~felt that~~ stated they have been connected to Minnecadaba Rural Water Corporation for 4 years and their existing permitted wells are used as backups. He stated they had not future plans to develop any water remaining in FU permit No. 562-3.

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

NAME: Eric S. Merkner

South Dakota



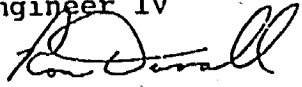
GREAT FACES. GREAT PLACES.

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

March 13, 1991

NOTICE OF CANCELLATION

TO: Thomas Earley, Mayor, City of Dell Rapids, PO Box 10,
Dell Rapids, SD 57022

FROM: Ron Duvall, Natural Resources Engineer IV
for John Hatch, Chief Engineer
Water Rights Division 

SUBJECT: Cancellation of Future Use Permit No. 562-3

The Water Management Board will consider cancellation of Future Use Permit No. 562-3 at 10:00 am, May 1, 1991 at Chef Louie's, 601 E Havens, Mitchell, SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

The Chief Engineer of the Water Rights Division is recommending cancellation of Future Use Permit No. 562-3 because the City has no plans for future development under this permit.

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Future Use Permit No. 562-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by Future Use Permit No. 562-3. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by April 19, 1991. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained. The Board may consider any abandoned or forfeited water to be available for appropriation subject to the provisions of SDCL 46-1, 46-2, 46-2A and 46-5.

These hearings are adversary proceedings. Any party 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.

Further information on the proposed cancellation or to assure access to the hearing by the handicapped can be obtained by contacting the Water Rights Division, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) for assistance prior to the hearing. The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting held July 24-25, 1991, in Pierre, SD. Any request for extension must be filed with the Chief Engineer by April 19, 1991.

Please note: Cancellation of this permit does not prohibit you from making a new application for this project in the future.

RECOMMENDATION OF CHIEF ENGINEER

FOR FUTURE USE PERMIT NO. 562-3, CITY OF DELL RAPIDS

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Future Use Permit No. 562-3.

The Chief Engineer is recommending cancellation of the above Future Use Permit because the City no longer intends to develop the amount of water reserved for future use under this permit. In a January 15, 1991, telephone conversation with Eric Gronlund, of this office, Larry Schildhauer stated the City has been connected to the Minnehaha Rural Water Corporation for four years and use existing permitted wells as backup wells.



RON DUVALL, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
March 13, 1991



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

562-3

May 7, 1991

NOTICE

Thomas Earley, Mayor
City of Dell Rapids
PO Box 10
Dell Rapids, SD 57022

Dear Mayor Earley:

This will notify you that the Water Management Board cancelled your Future Use Water Permit No. 562-3.

This action was taken under the conditions outlined in our notice to you dated March 13, 1991.

Very truly yours,

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

Conversation or File Documentation

NAME OF PERSON OR FILE: City of Dell Rapids (Larry Schildhauer)

ADDRESS: _____ COUNTY _____

DATE: 6/11/91 TELEPHONE 422-3160RE: Cancellation of Future Use Portion of Permit No. 562-3

COMMENTS:

Called Mr. Schildhauer to find out if they still planned to keep the wells which are water state under 562-3 as backup wells. Mr. Schildhauer stated that the city did maintain the wells as backups in the event the RWS failed. He stated it was his understanding that only the future use portion of No. 562-3 was cancelled.

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

NAME: Eric Harland

SOUTH DAKOTA

VESTED WATER RIGHT NO. 562-3

Date of Receipt of Claim January 2, 1959.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 562-3 for the City of Dell Rapids, PO Box 10, Dell Rapids SD 57022 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 562-3 appropriates 0.888 cubic feet of water per second (cfs) from two wells located in the SE 1/4 SE 1/4 Section 9-T104N-R49W.
2. The appropriated water is used for supplying water to the City of Dell Rapids 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

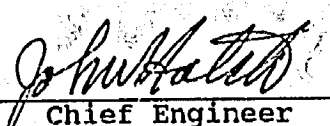
3. The priority dates of the Vested Water Right are:

0.444 cfs - January 1, 1938
0.444 cfs - January 1, 1943

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 may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____


Chief Engineer

MAR 15 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources



562-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAR 15 1993

Marie Skelly, Finance Officer
City of Dell Rapids
PO Box 10
Dell Rapids SD 57022-0010

Dear Ms. Skelly:

The Water Management Board has validated the enclosed Vested Water Right No. 562-3. 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,

A handwritten signature in dark ink, appearing to read "John Hatch", is written over the typed name.

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

enclosure

Duvall, Ron

From: Dan Nebelsick <dan.nebelsick@dgr.com>
Sent: Monday, December 5, 2022 3:28 PM
To: Duvall, Ron
Cc: Trent Bruce; Lance Mayer; Gronlund, Eric; City Admin
Subject: RE: [EXT] Dell Rapids Water Right Question

Ron,

Thanks for the clarification.

Sincerely,

Dan

Daniel D. Nebelsick, P.E.



1302 South Union Street
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From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Monday, December 5, 2022 8:50 AM
To: Dan Nebelsick <dan.nebelsick@dgr.com>
Cc: Trent Bruce <trent.bruce@dgr.com>; Lance Mayer <lance.mayer@dgr.com>; Gronlund, Eric <Eric.Gronlund@state.sd.us>; City Admin <cityadmin@cityofdellrapids.com>
Subject: RE: Dell Rapids Water Right Question

Dan,

Eric agrees with me that Well No. 3 is covered by No. 562-3 and the license was issued for only the vested portion, that being Well Nos. 1 and 2. As long as all three wells are maintained for standby purposes, the water permit/right is NOT subject to forfeiture due to nonuse of water [Administrative Rule 74:02:01:37.02 | South Dakota Legislature \(sdlegislature.gov\)](https://legis.sd.gov/AdministrativeRule/7402013702). The amount of water covered by the issued water license is 0.888 cfs (vested right portion) and the permit still covers 0.557 cfs for Well No. 3.

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

From: Duvall, Ron
Sent: Friday, December 2, 2022 1:59 PM
To: Dan Nebelsick <dan.nebelsick@dgr.com>
Cc: Trent Bruce <trent.bruce@dgr.com>; Lance Mayer <lance.mayer@dgr.com>; Gronlund, Eric <Eric.Gronlund@state.sd.us>; City Admin <cityadmin@cityofdellrapids.com>
Subject: RE: [EXT] Dell Rapids Water Right Question

Eric is out today and I think I will confirm with him what I am seeing – which is Well No. 3 is covered by No. 562-3. It would help to get confirmation as to when well No. 3 was actually constructed and even a copy of the well log if one happens to exist. I believe I read something in the file for No. 562-3 where bids had been solicited in December just before Application No. 562-3 was submitted to the department so my guess is well No. 3 was drilled shortly after No. 562-3 was issued. No. 562-3 itself is unusual to have one application submitted that claimed a vested right (well Nos. 1 and 2), a new appropriation for well No. 3, and a future use reservation. Typically, these are all things that would be on separate applications and maybe this is a good example of why. As things stand I believe your summary below is accurate but I will talk it over with Eric on Monday. Regarding the 0.557 cfs rate associated with well No. 3, if that well is not capable of producing 260 gallons per minute (0.557 cfs), it may be that number would be reduced to what the well can actually produce.

From: Dan Nebelsick <dan.nebelsick@dgr.com>
Sent: Friday, December 2, 2022 12:25 PM
To: Duvall, Ron <Ron.Duvall@state.sd.us>
Cc: Trent Bruce <trent.bruce@dgr.com>; Lance Mayer <lance.mayer@dgr.com>; Gronlund, Eric <Eric.Gronlund@state.sd.us>; City Admin <cityadmin@cityofdellrapids.com>
Subject: RE: [EXT] Dell Rapids Water Right Question

Ron,

I talked to Justin Weiland, who is the City Administrator for the City of Dell Rapids. He confirmed that they still have wells #1, #2 and #3 as shown on the map below (from application no 562-3), which are used as an emergency backup for the MCWC rural water connection. Just to clarify your comments below, is it your opinion that they still have water rights of 0.889 cfs for wells #1 & #2 and an additional 0.557 for well #3, for a total of 1.446 cfs?

Please let me know if you would prefer to have a quick phone call to discuss if I'm miss-interpreting something.

Thanks for your help.

Dan

CITY
OF
DELL RAPIDS
MINNEHAHA COUNTY
SOUTH DAKOTA



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From: Duvall, Ron <Ron.Duvall@state.sd.us>
Sent: Friday, December 2, 2022 11:18 AM
To: Dan Nebelsick <dan.nebelsick@dgr.com>
Cc: Trent Bruce <trent.bruce@dgr.com>; Lance Mayer <lance.mayer@dgr.com>; Gronlund, Eric <Eric.Gronlund@state.sd.us>
Subject: RE: Dell Rapids Water Right Question

Dan,

The Water license for No. 562-3 was issued shortly after approval of the permit. The application was received January 2, 1959, the permit was approved February 4, 1959 with a construction period ending February 4, 1960, then a Certificate of Completion of Works was completed with a date of March 6, 1959. Following the Completion of Works, the water license was issued with same March 6, 1959 date but the license does note in several places "Vested Right" (see pages 11 and 12, [562-3.pdf \(sd.gov\)](#)). Given that the construction period of February 4, 1960 had not expired, that leads me to believe that the license was purposefully being issued for well Nos. 1 and 2 as the vested portion of what No. 562-3 covered. The document you show below, as well as pages 12 and 13 and page 31 of [4398-3.pdf \(sd.gov\)](#), indicate the existence of well No. 3 as described on No. 562-3. Given that the license was issued before the construction period for well No. 3 expired and the lack of anything in the file saying that well No. 3 was NOT going to be constructed, I think the license was purposefully only describing the vested wells, No. 1 and 2. I am of the opinion the permit issued for No. 562-3 still covers well No. 3.

Future Use Permit No. 5063-3 was transferred to Minnehaha Community Water Corp (becoming 5063A-3 when it was amended to change the use from municipal to rural water) and the future use portion of No. 562-3 was cancelled so, I agree, the city does not have any future use reservation remaining.

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

From: Dan Nebelsick <dan.nebelsick@dgr.com>
Sent: Thursday, December 1, 2022 8:54 PM
To: Duvall, Ron <Ron.Duvall@state.sd.us>
Cc: Trent Bruce <trent.bruce@dgr.com>; Lance Mayer <lance.mayer@dgr.com>
Subject: [EXT] Dell Rapids Water Right Question

Ron,

I have another water right questions for you (seems like these projects are coming out of the woodwork lately). We are working with the City of Dell Rapids. It looks to me like they currently have a 0.888 cfs water right under permit number 562-3 and have lost all of the future water rights they once had. Well #3, however (see letter below), looks like it has a separate 0.557 cfs diversion rate. I can't find anything in the letters after this date that describes what happened to the 0.557 cfs diversion rate for well #3. Do you see anything in your records to show why their water right is only 0.888, not 1.445?

Thanks,

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

December 22, 1988

Jon Buskerud, Attorney
PO Box 66
Dell Rapids SD 57022

Dear Mr. Buskerud:

The city of Dell Rapids has water permits and future use permits as follows:

Permit No. 562-3

(1) Well #1, located in the SE 1/4 SE 1/4 of Section 9, T104N, R49W. This well has a priority date of 1933 for a diversion rate of 0.444 cubic feet per second (cfs).

(2) Well #2, located in the SE 1/4 SE 1/4 of Section 9, T104N, R49W. This well has a priority date of 1943 for a diversion rate of 0.444 cfs.

(3) Well #3, located in the SE 1/4 NE 1/4 of Section 9, T104N, R49W. This well has a priority date of January 2, 1959 for a diversion rate of 0.557 cfs.

Permit No. 562-3 is also a future use permit with a priority date of January 2, 1959. The future use permit has 1.667 cfs remaining for which water permit applications can be submitted to develop groundwater within the city limits area. The Water Management Board reviewed this future use permit on February 16, 1984 and allowed it to remain in effect. The next review will be in 1991.

Permit No. 4398-3

Well #4 and Well #6, located in the SW 1/4 SE 1/4 of Section 8, T104N, R49W. These wells have a priority date of January 2, 1959 for a combined diversion rate of 1.00 cfs.

Permit No. 5063-3

This is a future use permit with a priority date of January 24, 1985. The permit is for 1.65 cfs for which water permit applications can be submitted to develop groundwater from the Big Sioux Aquifer in the NE 1/4 of Section 17, T104N, R49W. The Water Management Board will review this permit in 1992.

If I can answer any questions, please contact me.

Sincerely,



MELVIN D. BROSZ, P.E.
Hydrologist
605 773-3352

