

Considered: \_\_\_\_\_

WATER PERMIT NO. VR 5642-3

Phone: 665-4501

Name of Applicant: City of Yankton

Post Office Address: Box 176, Yankton

Amount of Water Claimed: 0.28 (5.7 AF storage) Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: recreational County: Yankton

About \_\_\_\_\_ miles \_\_\_\_\_ of \_\_\_\_\_

PROOF OF PUBLICATION: Received \_\_\_\_\_ Not Received \_\_\_\_\_

APPLICATION: Approved \_\_\_\_\_ Subject to \_\_\_\_\_

F.F. & C/L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY Date Received: 3-11-92 Fee: \_\_\_\_\_ Remarks Priority date

January 1, 1923

Corrected Application Received 3-19-92 Period of Annual Use Jan 1 - Dec 31

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

WI-1 Description same as Application YES \_\_\_\_\_ NO \_\_\_\_\_ REMARKS \_\_\_\_\_

Diversion Point: well-SW 1/4 NE 1/4;

lake SW 1/4 SE 1/4 Section 13-T93N-R65W

Land to be Irrigated: \_\_\_\_\_

|  |  |  |      |  |  |
|--|--|--|------|--|--|
|  |  |  |      |  |  |
|  |  |  |      |  |  |
|  |  |  | well |  |  |
|  |  |  | 1310 |  |  |
|  |  |  | lake |  |  |
|  |  |  |      |  |  |
|  |  |  |      |  |  |

Well Log: Driller: Layne-Western Co., Inc. Licensed YES X NO \_\_\_\_\_

Depth of Well: 697' REMARKS Replacement well

Type of Map: plat PREPARED BY: Kevin Kuhl, P.E. Reviewed and the Number

Assigned on 3-20-92 By Karen Schlaak

665-7811

(used to fill small lake)



4-87

**SOUTH DAKOTA**

**VESTED WATER RIGHT NO. 5642-3**

Date of Receipt of Claim March 11, 1992.

Date of Validation June 4, 1992.

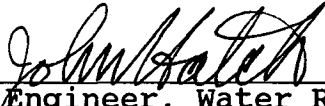
The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 5642-3 for the City of Yankton, Box 176, Yankton SD 57078 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 5642-3 appropriates 0.28 cubic feet of water per second from one well (Dakota Formation) 697 feet deep located in the SW 1/4 NE 1/4 Section 13 to fill Westside Park Lake (5.7 acre-feet storage capacity) located in the SW 1/4 NE 1/4 Section 13; all in T93N-R56W.
2. The appropriated water is used for supplying water for Westside Park Lake and may not exceed the amount of water needed for beneficial use for recreational purposes.
3. The water is to be used during the following annual period: January 1 - December 31.
4. The priority date of the Vested Water Right is January 1, 1923.
5. The water use system has been constructed and water has been applied to beneficial use.
6. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

**QUALIFICATION**

That validation of No. 5642-3 is subject to the well being valved and the flow reduced to the amount needed or to a minimum when not being used and that overflow from the pond is to be kept to a minimum.

**WATER MANAGEMENT BOARD**

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

JUN 29 1992  
date

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 5642-3

(1) The City of Yankton of P.O. Box 176, Yankton, SD 57078-0176 made Application No. 5642-3, March 11, 1992 for validation of a vested right claim to appropriate 0.28 cubic feet of water per second from groundwater (one well), Yankton County, South Dakota for recreational purposes. Vested Water Right No. 5642-3 was validated June 4, 1992 with a priority date of January 1, 1923. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The applicant is entitled to divert 0.28 cubic feet of water per second for beneficial use. The location of the Dakota Formation well and Westside Park Lake is: in the SW 1/4 NE 1/4 Section 13, T93N, R56W.

(3) Pursuant to Section 46-5-30.1 the City of Yankton of P.O. Box 176, Yankton, SD 57078-0176 the holder(s) and/or owners(s) of Vested Water Right No. 5642-3 is issued a license to appropriate 0.28 cubic feet of water per second from groundwater (one well) with a priority date of January 1, 1923 from the location specified in (2) of this license. The water is to be used for the purpose of recreational use. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 5642-3 and subject to South Dakota State Law.

  
\_\_\_\_\_  
JOHN HATCH, Chief Engineer  
Water Rights Division  
Department of Water and Natural  
Resources

JUN 29 1992

## Supplemental Information

(type or print in ink)

## 1. Well Information - Proposed construction

- a) Drill Hole Diameter 12 inch Depth 697'
- b) Casing Type PVC-593 ft. Diameter 5" Thickness Sch. 40
- c) Screen Type Not used-open hole Diameter N/A Thickness N/A
- d) Gravel Pack Thickness N/A Length of Gravel Pack N/A
- e) Depth to Top of Water Bearing Material ± 593
- f) Depth to Water (ground surface to water level) well flows
- g) Distance to nearest existing domestic well:
- On applicants property none On property owned by others not known

## 2. Dugout Information Estimates

- a) Surface Dimensions N/A Depth N/A
- b) Depth to water (ground surface to water level) \_\_\_\_\_

## 3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

\_\_\_\_\_  
 \_\_\_\_\_

b) Freeboard \_\_\_\_\_

c) Crest Width \_\_\_\_\_

Crest Length \_\_\_\_\_

d) Height \_\_\_\_\_

e) Primary Outlet Capacity \_\_\_\_\_  
 If Pipe, diameter \_\_\_\_\_

f) Secondary Spillway Capacity \_\_\_\_\_  
 Spillway width \_\_\_\_\_

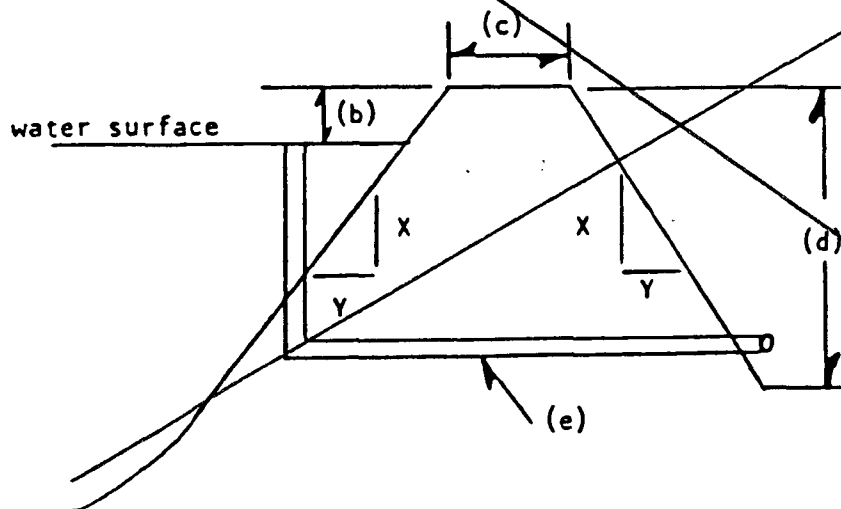
g) X & Y Slope  
 Upstream \_\_\_\_\_

Downstream \_\_\_\_\_

Surface Area of Impoundment \_\_\_\_\_

Storage \_\_\_\_\_ acre feet

Drainage area above dam \_\_\_\_\_



William R. Ross  
 Signature of Applicant William R. Ross, City Manager

**Affidavit of Water Use**

No. \_\_\_\_\_

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction of a water use system already constructed is needed, primarily with vested right claims.



**Affidavit Of Construction Of Water Use System  
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) \_\_\_\_\_ City of Yankton SD

Post Office Address PO Box 176 416 Walnut Yankton SD 57078  
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation \_\_\_\_\_ Date of Posting \_\_\_\_\_

Date of recording \_\_\_\_\_ Recording date \_\_\_\_\_  
Where Book Page

B. Date of start of construction of water supply system 1923C. Date that water was first applied to beneficial use 1923D. Name of owner of original water supply system City of YanktonE. Amount of water originally applied to beneficial use 125 gpm = 0.279 cfsF. Present Use of Water - Amount of water now being used 125 gpm = 0.229 cfsDate that this water was first used 1923

## G. Chronological History of Water Use

Westside Park lake was filled from the Dakota Aquifer since 1923 by a well located at 6th and Green Street. Due to the failure of the pipe and diminished well performance a replacement well was installed in 1976. The well drilled in 1991 replaces the 1976 well.

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota )

ss

County of Yankton )

I, William R. Ross, City Manager the applicant, certify that I have read the foregoing  
(print or type)  
 and that the matters therein stated are true.

Signed *William R. Ross*Subscribed and sworn to before me March 9, 1992

*Jola Stark*  
 Notary Public or other qualified officer

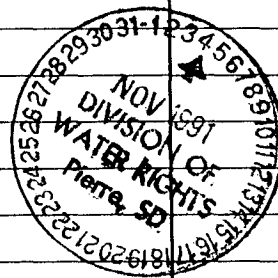
I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

*Eugene G. Hoag* March 9 1992  
(Print name)

March 9 1992  
(Print name)

**10-85**

697



Date \_\_\_\_\_

## SOUTH DAKOTA WELL REHABILITATION REPORT

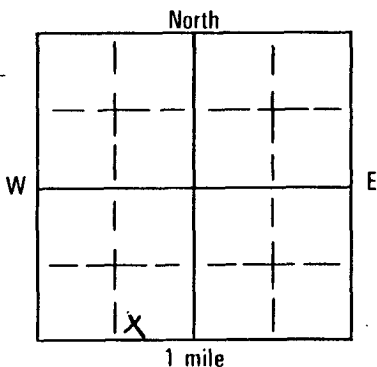
10-85

Location <sup>SE 1/4 SW 1/4</sup> ~~SW 1/4 SE 1/4~~ Sec 18 Twp 93N Rg 55W

County

YANKTON

Please mark well location with an "X"

Government  
Lots 2 & 3Rehabilitation Completion Date MARCH 31, 1992

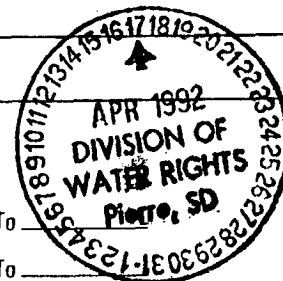
## PROPOSED USE:

☐ Domestic    ☒ Municipal    ☐ Stock  
☐ Irrigation    ☐ Industrial    PARKS & REC

Well Owner:

Name CITY OF YANKTON, SD  
Address WESTSIDE PARKDescribe original construction if possible?  
(Attach original log if known)SEE October 2, 1991 WATER  
Well Completion ReportDescription of condition of well before rehabilitation: Intact And Flowing.NOTE: TOOK Plug out of Discharge TEE AND WATER  
Just Flowed Through 4" Discharge. (would not Flow out top  
of TEE)Description of rehabilitation work completed: PLACED Shutoff VALVE IN Discharge Line  
With SADDLE For Pressure test.

Recasing information: Material \_\_\_\_\_ Diameter \_\_\_\_\_ Inches Depth \_\_\_\_\_ Feet

Describe screen or perforations \_\_\_\_\_ Screen Location From \_\_\_\_\_ To \_\_\_\_\_  
From \_\_\_\_\_ To \_\_\_\_\_Grout: ☐ YES ☐ NO, Describe grouting procedure and grout \_\_\_\_\_

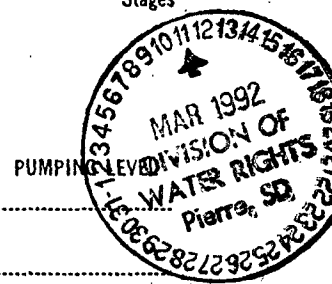
## Well Test Data:

Specific capacity \_\_\_\_\_ Static water level \_\_\_\_\_

If a flowing well GPM 121 Shut in 9 PSIThis well rehabilitation was completed under license # 513 And this report is true and accurate.Drilling firm Layne-Western Co. IncSignature of Licensed Representative W. Q. GearSignature of Well Owner William H. HossDate April 13, 1992

Omaha, Nebraska

10. Test of well. Did you use test or permanent pump? Flows \_\_\_\_\_ Size of Bowl \_\_\_\_\_ Stages \_\_\_\_\_
11. Size of orifice.....inch by.....inch. Orifice tube reading.....inches.
12. Pumping test — measurements from ground level:

[illegible]

13. Recovery in 5 minutes. Flows....., in 30 minutes.....
14. Did you seal bottom of well? No..... Thickness..... inches, material.....
15. Well underreamed? ..... From..... feet to..... feet, ..... feet to..... feet.
16. If all screen was not placed at bottom, state how it was spaced.  
From..... feet to..... feet; from..... feet to..... feet; from..... feet to..... feet.
17. Depth of well from ground level to top of plug. 697'..... Size of drilled hole. 12" and 5"
18. Was cement placed around or between any of the casings? Bottom 30' and Top 30'
19. If so, state where, how much and method used. Themie - Pressure Grouted

CONTRACT City of Yankton - Westside Park - South Dakota Well No. 1

Natural  
Ground Level

# WEST SIDE PARK WELL

NORTH  
SCALE 1" = 2000'

The well is located 110 ft. South of the North Line and  
140 ft. East of the West Line of the SW 1/4 of the  
SW 1/4 of the NE 1/4 of Section 13, T93N,  
R56W of the 5th P.M., City of Yankton,  
Yankton Co. SD.

FEB 25, 1992  
K. L. H.

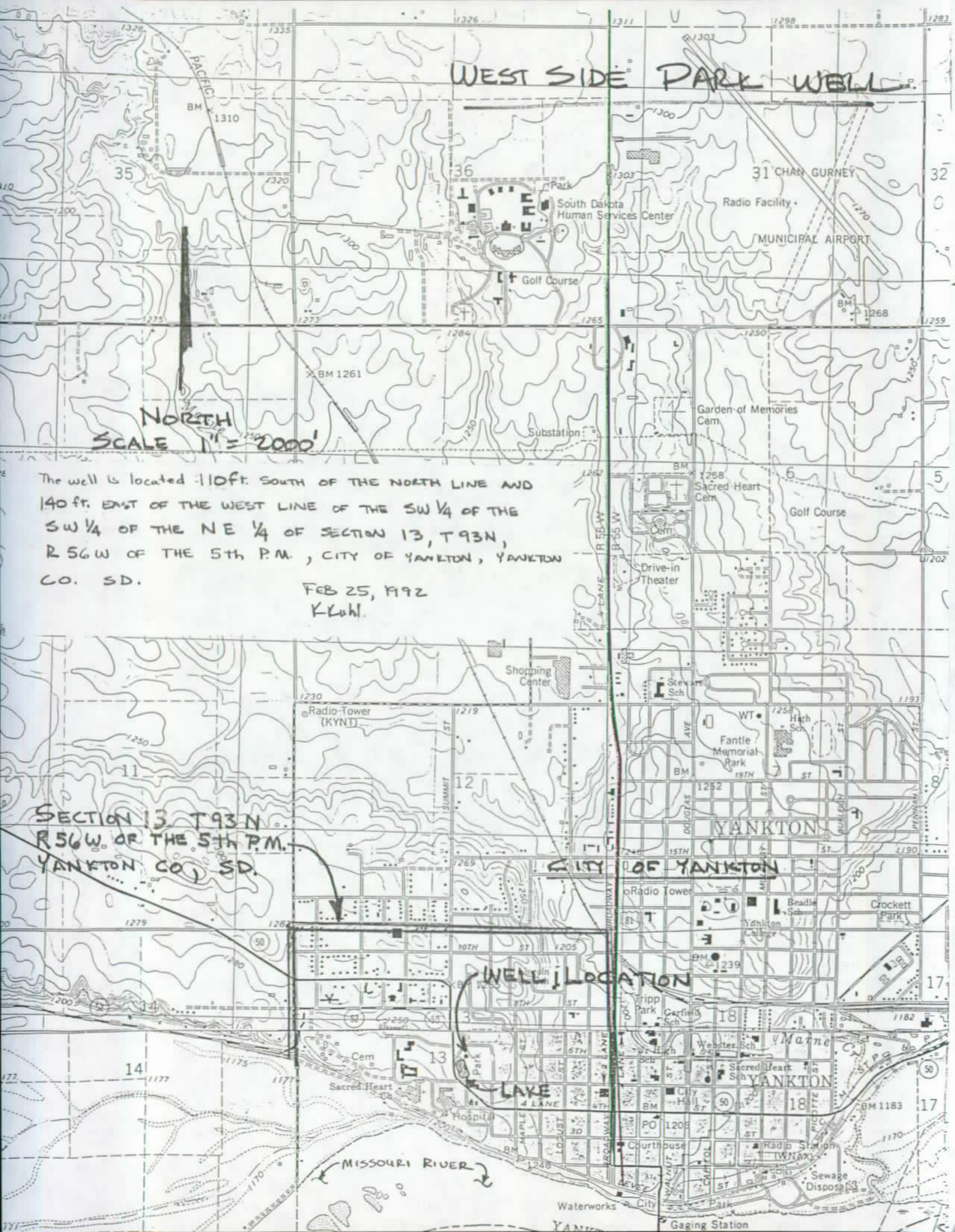
SECTION 13, T93N.  
R56W. OF THE 5TH P.M.  
YANKTON CO., SD.

CITY OF YANKTON

WELL LOCATION

LAKE

MISSOURI RIVER





DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

\*\*\*\*\*  
\* I N V O I C E \*  
\*\*\*\*\*

Invoice No. 20411 3-11

Department of Finance  
PO Box 176  
Yankton SD 57078

Your Purchase Order # 4681

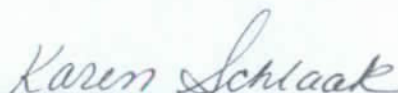
---

|                                                                                 |         |
|---------------------------------------------------------------------------------|---------|
| Application for Permit to Appropriate Water<br>Within the State of South Dakota | \$15.00 |
|---------------------------------------------------------------------------------|---------|

Westside Park

---

|                         |         |
|-------------------------|---------|
| Please pay this amount: | \$15.00 |
|-------------------------|---------|

  
KAREN SCHLAACK  
Natural Resources Analyst  
Water Rights Division  
605 773-3352

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413181

Pierre, April 20, 19 92

RECEIVED OF City of Yankton, Yankton, SD 57078

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

|                                                                                                                              |       |       |
|------------------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. <u>5642-3</u> to Appropriate Water, to construct works and to put water to beneficial use | 15    | 00    |
| Fee for Application for Permit No. _____ to Appropriate Water for Future Use                                                 |       |       |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                       |       |       |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____                          |       |       |
| Fee for Filing Transfer Form _____                                                                                           |       |       |
| Fee for Filing Extension Request _____                                                                                       |       |       |
| Fee for Certified Copy of _____                                                                                              |       |       |
| Fee for Print Copy of Map _____                                                                                              |       |       |
| Fee for Certifying _____                                                                                                     |       |       |
| Fee for <u>See Receipt 4542 (Solid Waste) &amp; 413182</u>                                                                   |       |       |
| (Any Other Work Provided by Law)                                                                                             | Total | 15 00 |

By John Hatch / Jmk  
Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 23, 1992

Gene Hoag  
City Engineer  
PO Box 176  
Yankton SD 57078

Dear Mr. Hoag:

A well driller's report filed by Layne-Western Co. Inc. shows that they completed a new well for you which produced 100 Gallons Per Minute (GPM). Based on the information in the report, you may need a water permit.

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable use is defined as use of 18 GPM or less, on an average daily basis (26,000 gallons per day), with a maximum rate not exceeding 25 GPM. Water distribution systems (i.e. suburban housing; manufactured and mobile home developments; rural water systems; municipalities; etc.) may not exceed 18 GPM without a water permit. Examples of commercial use that require permits for private water supplies are: truckstops; motels; restaurants; bars; clubs; tourist attractions; commercial campgrounds and any other business operation. Examples of noncommercial use that require permits for private water supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 GPM or use water outside of the school building.
2. As a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

Please complete and return the enclosed application forms, with the required fee, to the "Water Rights Division, 523 E. Capitol, Pierre, SD 57501" by February 24, 1992, or contact Don Frye (605-773-3352) if you don't believe your water use requires a permit or if you need assistance.

Very truly yours,

RON DUVALL, Natural Resources Engineer  
for JOHN HATCH, Chief Engineer  
Water Rights Division  
enclosure



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

March 11, 1992

City of Yankton  
William R. Ross, City Manager  
Box 176  
Yankton SD 57078

Dear Mr. Ross:

We received the water permit application for a vested right submitted by the City to fill Westside Park Lake. Before further processing of the application, it will be necessary to know the surface dimensions of the lake and the acre-feet of storage.

Enclosed is an invoice for payment of the application filing fee. The filing fee for a vested right is \$15.00 and not \$225.00 as stated on Purchase Order No. 4681.

Upon receipt of the above, further processing of the application will continue. If you have any questions, please contact this office.

Sincerely,

*Karen Schlaak*

Karen Schlaak  
Natural Resources Analyst  
605 773-3352

enclosure



# City of Yankton

416 Walnut - P.O. Box 176  
Yankton, South Dakota 57078-0176  
Phone (605) 665-4501



March 16, 1992

Karen Schlaak  
Natural Resources Analyst  
Department of Environment and Natural Resources  
Joe Foss Building  
523 East Capitol  
Pierre, SD 57501-3181

Dear Ms. Schlaak:

This letter pertains to the vest right water permit application submitted by the City of Yankton for Westside Park.

Enclosed is Purchase Order No. 5284 for \$15.00 for the required filing fee. Please disregard Purchase Order No. 4681.

The Westside Park Lake is 66,000 square feet. The volume of the lake is 5.7 acre feet.

Thank you for your consideration of this matter. If you have any further questions please contact me.

Sincerely,

*Eugene G. Hoag*  
Eugene G. Hoag  
Director of Public Works

CC: Roger Pierce  
Director of Parks & Recreation



EQUAL OPPORTUNITY EMPLOYER



# City of Yankton

416 Walnut - P.O. Box 176  
Yankton, South Dakota 57078-0176  
Phone (605) 665-4501

March 10, 1992

Eric Gronlund  
Water Rights Division  
Department of Environment & Natural Resources  
Joe Foss Building  
523 E. Capitol  
Pierre, SD 57501-3181



Dear Mr. Gronlund:

Enclosed is information on the forms provided by your office in order that the City of Yankton claim a vested water right for a Dakota aquifer well located in Westside Park. The information provided includes the following:

1. Completed application forms 2 and 2A (2 copies).
2. The Affidavit of Water Use form (2 copies).
3. Map showing location of the well.
4. Layne-Western well information and South Dakota Well Completion Report.
5. Purchase Order for the required processing fee of \$225.00.

Water samples were submitted to the Water Quality Laboratory, Water Resource Institute South Dakota, State University at Brookings, SD and the results should be on file in your office.

Please contact me if further information is required to complete this application.

Sincerely yours,

A handwritten signature in cursive script.  
Kevin Kuhl PE

CC: Eugene Hoag, City of Yankton  
Roger Pierce, City of Yankton  
Ron Duball, John Hatch, James Goodman



EQUAL OPPORTUNITY EMPLOYER

REPORT ON VESTED RIGHT APPLICATION NO. 5642-3  
for the City of Yankton  
April 22, 1992

Vested Right Application No. 5642-3 proposes to appropriate 0.28 cfs (125 gpm) from one well approximately 697 feet deep located in the SW 1/4 NE 1/4 of section 13 to fill Westside Park Lake (5.7 acre feet storage capacity) located in the NW 1/4 SE 1/4 of section 13; all in T93N-R56W in Yankton County. The water is for recreational use with a claimed priority date of January 1, 1923.

AQUIFER - DAKOTA FORMATION (DKOT)

The Dakota Formation consists of interbedded siltstone, shale and sandstone and can attain a thickness of 290 (Bugliosi, 1986). The driller's log submitted with the application indicates that the top of the Dakota was at 550 feet and extended to a depth of 697 below land surface. The well as completed was capable of flowing 121 gpm and has a shut in pressure of 9 psi. The Dakota Formation underlies 523 square miles and contains an estimated 7.9 million acre feet of recoverable water in Yankton County (Hedges, 1982).

Historically water levels in the Dakota Formation have declined over 50 feet (Bugliosi, 1986) in the Yankton area. The decline has been much greater in other areas of the state. The primary reason for the decline is the large number of uncontrolled and abandoned wells which have not been properly plugged which have been allowed to waste water.

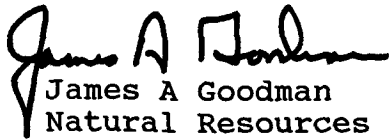
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other water permits/rights for water from the Dakota Formation in this area. There are wells which obtain water for domestic use in this area.

CONCLUSIONS

1. Water is available from the Dakota Formation.
2. Historically water levels have been declining in the Dakota Formation.
3. The affidavit filed with this application indicates that water has been used for these purposes since 1923 and this application can be validated as a Vested Right.
4. The amount of water requested is more than needed to keep this 5.7 acre feet pond full. This well must be valved and controlled to prevent the waste of water and overflow from the pond be kept to a minimum.
5. The well was grouted in accordance with SD Well Construction Standards.

6. Any well which has been abandoned must be plugged in accordance with SD Well Construction Standards.

  
James A Goodman  
Natural Resources Engineer

#### BIBLIOGRAPHY

Bugliosi, E.F., 1986, Water Resources of Yankton County, SD, USGS WRI 84-4241, USGS, Huron, SD, 57350.

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

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER  
RIGHT APPLICATION NO. 5642-3, City of Yankton

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Validation of Vested Water Right Application No. 5642-3, City of Yankton, c/o Roger Pierce, Box 176, Yankton, SD 57078.

The Chief Engineer is recommending VALIDATION of Application No. 5642-3 for 0.28 cfs because 1) water has been appropriated as described for recreational use with a priority date of January 1, 1923, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest with the following qualification:

That validation of No. 5642-3 is subject to the well being valved and the flow reduced to the amount needed or to a minimum when not being used and that overflow from the pond is to be kept to a minimum.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer  
April 24, 1992



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

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

April 30, 1992

Roger Pierce  
City of Yankton  
Box 176  
Yankton, SD 57078

Dear Mr. Pierce:

Your Application No. 5642-3 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the Daily Press & Dakotan printed at Yankton, SD (Ph # 665-7811). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your notice of hearing to validate a vested right and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

April 30, 1992

Daily Press & Dakotan  
PO Box 56  
Yankton, SD 57078

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 5642-3 to be published twice. Please publish the notice on May 8, 1992, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Yankton, Box 176, Yankton, SD 57078 (Ph # 665-4501).

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 until proof of publication has been received.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

-----CUT HERE-----  
FIRST TRANSMITTAL NOTICE

TO: ATTN: Eric Gronlund  
Water Rights Division  
523 E Capitol  
Pierre SD 57501-3181

Date \_\_\_\_\_

We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing to Validate A Vested Right Application which was first published in our issue of \_\_\_\_\_. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper

Instruction to Newspaper - Publish first Notice on May 8, 1992, with the second publication 7 days later. The applicant is responsible for payment.

-----

NOTICE OF HEARING To Validate  
Vested Water Right Application No. 5642-3 to Appropriate Water

Notice is given that the City of Yankton, Box 176, Yankton, SD 57078 has filed an application to validate a vested water right claim to appropriate 0.28 cubic feet of water per second from one well (Dakota Formation) 697 feet deep located in the SW 1/4 NE 1/4 Section 13 to fill Westside Park Lake (5.7 acre-feet storage capacity) located in the ~~NW 1/4~~ SE 1/4 Section 13; all in T93N-R56W. The water is for recreational use with a claimed priority date of January 1, 1923.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 5642-3 because 1) water has been appropriated as described for recreational use with a priority date of January 1, 1923, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the vested water right application as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 26, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5642-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 4, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the June 4, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 4, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by May 26, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22.

Water Rights Division - DENR  
Conversation File Documentation

NAME OF PERSON OR FILE: City of Yankton - Vested Right Appl. No. 5642-3

ADDRESS: \_\_\_\_\_ COUNTY: Yankton

DATE: 5/13/92 TELEPHONE: 665-4501

RE: Discussion with Kevin Kuhl

COMMENTS:

I called Kevin~~x~~ regarding the location of Westside Park pond. The city had supposedly contact the newspaper and changed the legal description of the pond from how we drafted the notice of hearing. The correct legal description for the pond that both Kevin and I concurred on was the SW1/4 NE1/4 Section 13, T93N, R56W. The legal notice was published correctly.

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 Lundberg

## Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF YANKTON

SS.

Robert C. Helsley being first duly sworn says: That he is the Editor of the Yankton Printing Company, a corporation, the printer and publisher of the Yankton Daily Press and Dakotan, a daily newspaper of general circulation, printed and published in the City and County of Yankton, South Dakota; that he has personal knowledge of all the facts stated in this affidavit; and that the advertisement captioned Notice of Hearing

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement, once each week for two successive weeks, the first publication being made on the 8th day of May, 1992, and the last publication being made on the 15th day of May, 1992.

The first publication being made on the 8th day of May

The second publication being made on the 15th day of May

The third publication being made on the day of

The fourth publication being made on the day of

The fifth publication being made on the day of

The sixth publication being made on the day of

The seventh publication being made on the day of

The eighth publication being made on the day of

The ninth publication being made on the day of

The tenth publication being made on the day of

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies daily and has been published in the English language within the said County of Yankton for more than one year next prior to the first publication of said notice, and is printed in Yankton in an office maintained in Yankton, South Dakota, the place of publication of said newspaper. That the full amount of the fee paid for the publication of the annexed notice is \$57.95, which inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 18th day

of May, 1992

Notary Public, South Dakota



5+8 & 15  
NOTICE OF HEARING  
To Validate Vested Water Right Application  
No. 5642-3 to Appropriate Water

Notice is given that the City of Yankton, Box 176, Yankton, SD 57078 has filed an application to validate a vested water right claim to appropriate 0.28 cubic feet of water per second from one well (Dakota Formation) 697 feet deep located in the SW 1/4 NE 1/4 Section 13 to fill Westside Park Lake (5.7 acre-foot storage capacity) located in the SW 1/4 NE 1/4 Section 13; all in T93N-R56W. The water is for recreational use with a claimed priority date of January 1, 1923.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 5642-3 because 1) water has been appropriated as described for recreational use with a priority date of January 1, 1923, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the vested water right application as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 26, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5642-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for June 4, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the June 4, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 4, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by May 26, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

JUN 29 1992

5642-3

City of Yankton  
P.O. Box 176  
Yankton, SD 57078-0176

Dear Sirs:

Enclosed are your Validated Vested Water Right and Water License No. 5642-3. As long as you use the water beneficially, as stated in the Water License, the 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

enclosures

Water Rights Division - DENR  
Conversation File Documentation

NAME OF PERSON OR FILE: City of Yankton

ADDRESS: \_\_\_\_\_ COUNTY: Yankton

DATE: July 23, 1993 TELEPHONE: 665-4501

RE: Call to Roger Pierce regarding flow from well for Westside Park pond

COMMENTS:

I contacted Roger Pierce after Jim Goodman had informed me that he'd received a call concerning the well which supplies Westside Park pond. The call Jim had taken stated the well was being allowed to flow excessively when the pond was already full and questioned whether this was a waste of water. I informed Mr. Pierce that we had received this call. Mr. Pierce stated that the well does have a valve and that the city has tried to keep the flow to a minimum in order to comply with the qualification on Vested Water Right No. 5642-3. He further stated that when the pond is full they still allow some well water to flow to the pond to keep the pond from stagnating.

Mr. Pierce stated that he would look into how much the well is being allowed and that they will keep the flow to the minimum necessary to keep the pond from stagnating in order to comply with there vested water right.

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 Thonlund