

Water Division No.

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

APR 8 1959

STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

1. Name of applicant Tom of Nisland, South Dakota
Postoffice address Nisland, S. Dak., County Eutte, State South Dakota

1. If a corporation Yes

- (a) Name of same Town of Hissland

- (b) Date and place of incorporation

- (c) Amount of capital stock -----

- (d) Amount paid in -----

- (c) Names and addresses of directors Town Board consists of: John Ashley,
Chairman; Charles Giefert; Peter Stark; and H. L. Smith, Clerk.

(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)

- (b) Cash cr. hand, \$-----

- (d) Bonds to be issued, \$----- (e) Other resources, \$-----

2. Name of diversion work -----

3. Amount of water claimed 2.075 cubic feet per second

4. Source of water supply Artesian well - from Minnelusa Sand Formation

5. Location of point of diversion At the intersection of the main line and the branch line.

- on bank Count

6. Annual period or periods during which water is to be used daily

7. To be used for:

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

- (a) Number of acres to be irrigated 111 acres.

- (5) Legal subdivisions to be irrigated Nil

(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. Some must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.): Supplying water for fire

protection and domestic use for residents of municipality.....

11. State watering, mining, milling, power, fish culture, fire protection and public recreation:

- (1) Nature of use Fire protection

Name any of the above uses claimed

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

- Amount claimed for engine cooling -----

- (c) Location of plant

- (d) Method of developing power -----

- (c) Point where water will be returned to stream

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

8. Estimated cost of work:

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

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

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

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

Rock, \$-----

(e) Other structures ----- \$-----

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 reductions in size are made.)

10. Time required for completion of work ----- 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 Belle Fourche
Daily Post, Belle Fourche, S. Dak.

STATE OF SOUTH DAKOTA

County of Butte

I, John Ashley, Chairman Town Board

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

John Ashley
Chairman Town Board

Subscribed and sworn to before me this

day of March

1920

W. H. Decker
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

"Vested Right" claimed

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota, December 1, 1958

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock
a.m. upon the 24 day of November, 1958

State Water Resources Commission

By: J. C. Rimmer
Chief Engineer, Executive Officer

Vested Right
Number of permit 366-1

Date of first receipt of application November 24, 1958

Date of return to applicant for correction, amendments or changes required as follows: November 28, 1958

Date of receipt of corrected application April 8, 1959

Date from which applicant may claim right 1939

Approved May 1, 1959, Recorded in Book Vested Right Page 149

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 Completed, 1959

2nd. The whole of said work is to be completed on or before Completed, 1959

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is Completed, 1959

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 0.15 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 June 30, 1958; said water to be used during the following described annual period:

Continuously

Witness my hand this 15 day of May, 1959

State Water Resources Commission

By: J. C. Rimmer
Chief Engineer, Executive Officer

Certificate of Construction issued May 15, 1959

Water License issued May 15, 1959

Form 2A. — Wells (Supplement to Form 2)

D. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 8" , Depth 2250 ft.

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

Size of casing 6 in , Thickness of casing 1/2 inch

Length of casing 2250 ft. If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen pipe

Size of perforated screen 6" 10 ft. (diameter) (length)

Thickness of gravel pack none , length of gravel pack none

(c) Water Bearing Materials

Distance to water 22 ft. Character of water bearing materials sand-fine sand

Thickness of water bearing material 20 ft.

(d) Pump and Motor

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

Name of pump Reda Pump , size 5"

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

Horsepower 15 , Name of Motor Reda Motor

(e) Complete well

Capacity 70 gal at drawdown of Estimated cost \$2650.00

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

Wisland, South Dakota Address

(g) Distance to nearest existing wells

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

STATE OF SOUTH DAKOTA

WATER LICENSE No... 366-1...

WHEREAS, On the 24th day of November A. D. 1959

The Town of Nisland

of Nisland County of Butte and State of South Dakota duly made application (No. 366-1) to us for a Vested Right permit to use 0.15

cubic feet per second of the waters of artesian ground water

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

WHEREAS, On the 15th day of May A. D. 1959
Vested Right Permit No. 366-1 was issued to said applicant... for the diversion of said water, and recognizing
 completion of the works of diversion therein described on or before the 30th day of
June A. D. 1955 and for the application to beneficial use of said
 water on or before the 30th day of June A. D. 1955
 and,

WHEREAS, On the 8th day of April A. D. 1959
Vested Right the holder... of said permit duly made proof of the completion of adequate works for the diversion of 0.15
 cubic feet per second of said waters, as evidenced by our Certificate No. 366-1
 dated May 15, 1959 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 0.15 cubic feet per second of water, with date of
 priority of 1939 and...

WHEREAS, On the 8th day of April A. D. 1959
 proof was duly made of the application to beneficial use of 0.15 cubic feet per second of said water;
in the distribution system of the Town of Nisland

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 Town of Nisland

of Nisland, South Dakota the holder and owner of said Vested Right permit No. 366-1

a water right, dating from 1939 to the use of 0.15

cubic feet per second of the waters of artesian ground water

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

necessary for the purposes hereinbelow mentioned, to be diverted at in Lot 5, Block 11, Town

of Nisland

and conducted ~~through~~ the residents of the Town of Nisland

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 15th day of May A. D. Nineteen
Fifty-nine
Hundred and

State Water Resources Commission

By:

J. W. GRIMES, 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 _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 366-1

Belle Fourche

Water Division No. 1 River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That The Town of Nisland

of Nisland, County of Butte, and State of South Dakota, the holder of Veasted Right Permit No. 366-1, issued upon Application

No. 366-1, bearing date of priority of 1939, authorizing the diversion of

0.15 cu. ft. per second of the waters of artesian ground water

County of Butte, State of South Dakota, in Lot 5,

Block 11, Town of Nisland

for municipal purposes

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 Veasted Right Permit; that said works are found in satisfactory

condition for diverting and conveying to the place of intended use 0.15 cu. ft.

per second of water; and that the is use of said water is described as follows,

to-wit: for municipal use in the distribution system of the

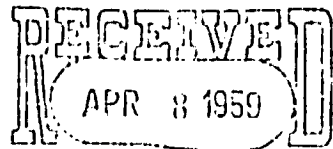
Town of Nisland.

Witness my hand this 15th day of May A. D. 1959

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

Location No. 366-1Water Division No. 1Belle Fourche
River Water DistrictSTATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

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

Ans. John Ashley, ChairmanTown Board, Wisland, South Dakota

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

Ans. Town of Wisland - A Municipal corporation in Butte County,
South Dakota

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

Ans. Well drilled about 1939

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

Ans. Artesian well - from Minnelusa Sand Formation

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. ---

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

Ans. Supplies water for fire protection and domestic use to
residents of Wisland, Butte County, South Dakota. Same sold in tank
lots to neighboring farmers

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

Ans. See above

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

Ans. Best estimate about 50,000 gals. per day on average - more in summer
less in winter

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

Ans. ---

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

Ans. Well completed in 1939-maximum pumping rate is 70 gals

per minute - water used for municipal purposes

(Sign)

John Ashley Thomas

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 Neahland, County of Burt

State of South Dakota, on this 6 day of March A D. 1957

Witnesses.

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

Chas. M. Foy

John Thomas

Location No. _____

**PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE**

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

COMMISSION

Carl Cronin, Gettysburg
Kenneth C. Kellar, Lead
Lruen A. Davis, Belle Fourche
John Sutton, Orinda
John Morrison, Wakonda
Er. Ansel Bierwagen, Milesville
E. M. Brady, Mitchell

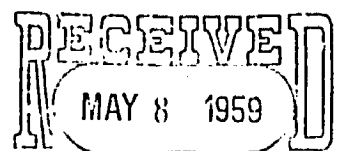


SOUTH DAKOTA
State Water Resources Commission

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

PIERRE, SOUTH DAKOTA

May 1, 1959



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Mr. H. L. Smith, Clerk
Town of Nisland
Nisland, South Dakota

Dear Mr. Smith:

Receipt is acknowledged of the Application for a Permit, Supplement for Wells, Proof of Beneficial Use and \$5.00 examination fee relative to your town well. Receipt #2-398 in the amount of \$5.00 for the examination fee is enclosed.

While reviewing your application I noted that you claimed 2 cubic feet per second (about 900 gallons per minute) of water. In the Supplement for Wells you stated the capacity of your well as being 70 gallons per minute (about 0.15 cubic feet per second).

This is a ft per sec in error
Please advise what your intention is for the balance of 1.85 cubic feet per second or about 830 gallons per minute. Is it intended to cover a new well *recently constructed* or propose to construct or a withdrawal of water for future use or both? *Well in Lot 5 Blk 11*

If your application is meant to cover only your old well the water right record can now be completed for a "Vested Right" in the amount of 0.15 cubic feet per second or 70 gallons per minute.

Please clarify the intent of your application and if you wish it to be completed as a "Vested Right" at this time, send your payment of \$2.50 for recording fees and \$1.00 each for issuing the Certificate of Completion of Works and Water License making a total of \$4.50.

In addition we must have the location of your old well. You may give us this by course and distance from a section or quarter-section corner or locate it by lot, block and addition, if any, in the town of Nisland.

I will be pleased to help you if you have further questions.

Sincerely,

Les Wyborny
Les Wyborny, Ch. E. Engineer

LW:ls

SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 366-1

Date Claim Accepted For Filing April 8, 1959.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 366-1 for the Town of Nisland, P O Box 144, Nisland, South Dakota 57752 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 366-1 appropriates 0.15 cubic feet of water per second from one well approximately 2250 feet deep.
The well is located in the NW 1/4, Section 7, T3N, R5E.

2. The appropriated water is used for supplying water for the Town of Nisland and may not exceed the amount of water needed for beneficial use for municipal purposes.

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

3. The priority date of the Vested Water Right is: January 1, 1939.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: John H. H. H.
Chief Engineer
Division of Water Rights
Dept. of Water and Natural Resources

MAR 28 1991

date



Department of Water & Natural Resources

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

March 28, 1991

366-1

Dean Enright, Town President
Town of Nisland
PO Box 144
Nisland SD 57762

Dear Mr. Enright:

The Water Management Board has validated the enclosed Vested Water Right No. 366-1. This validation gives legal status to the claim and is the final document for your vested right.

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

Very truly yours,

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

enclosure