

441B-1

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 441B-1
DIVISION OF NO. 441-1 INTO NO. 441A-1 AND 441B-1

(1) City of Sturgis Water Department, 1025 1st St. Sturgis SD 57785 was issued Partial Vested Water Right License No. 441-1, June 28, 1963 for a right to appropriate 3.6 cubic feet of water per second (cfs) from groundwater, Meade County, South Dakota, for municipal purposes. Partial Vested Water Right License No. 441-1 with priority dates of 1890 and November 30, 1959 was issued for diversion of water with construction of the described water supply system completed and application of water to beneficial use completed.

On March 3, 1993 the Water Management Board validated the vested right portion of No. 441-1. Partial Vested Water Right License No. 441-1 is being divided and reissued and will separate the vested right portion from the water right as follows:

Vested Water Right No. 441A-1 - authorizes diversion of 0.89 cfs from one well (Well #1) located in the NE 1/4 SE 1/4 Section 16-T5N-R5E - Priority date: January 1, 1948.

Water Right No. 441B-1 - authorizes diversion of 0.51 cfs from one well (Well #2) located in the SW 1/4 NW 1/4 Section 9-T5N-R5E - Priority date: November 30, 1959.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.51 cubic feet of water per second for beneficial use. The location of the diversion point is SW 1/4 NW 1/4 Section 9-T5N-R5E.

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 (City of Sturgis Water Department, 1025 1st St. Sturgis SD 57785 the holder and/or owner of Water Right No. 441B-1 is issued a license to appropriate water, the right to use 0.51 cubic feet of water per second from groundwater (one well) with a priority date of November 30, 1959 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license, for municipal purposes. This license is subject to any limitations or qualifications listed in Water Right No. 441B-1 and subject to South Dakota State Law.


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

JUL 18 1996
date



FILE DOCUMENTATION

NAME: Sturgis Water Works
ADDRESS: 1025 1st Str., Sturgis SD 57785
SUBJECT: Validation of Vested Right Claim No. 441-1
DATE: January 6, 1993

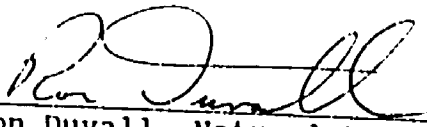
The application for No. 441-1 claimed 2.5 cfs as a vested right from ground water with no mention of a dam. According to the Proof of Application to Beneficial Use form, the well was drilled in 1948 and a dam constructed in approximately 1893 was also included on the form. The legal description, size, and date of construction of the dam closely match dam No. 1 on Vested Water Right No. 1446-1. Since the dam is apparently covered by No. 1446-1, no action is needed to address the omission of the dam from the publication to validate No. 441-1.

READVERTISEMENT OF NOTICE OF INTENT TO VALIDATE

The legal description of the well published in the original notice of intent to validate described the location of a well that does not have vested status. The legal description of the well drilled in 1948 is listed on the Proof of Application to Beneficial Use as being in the NE1/4 SE1/4 section 16-T5N-R5E. In addition, the 1890 priority date published in the notice is for the dam that is covered by No. 1446-1. The correct priority is 1948 for the well and the water source is ground water (Alkali Creek was mentioned in one of the notices published for Meade Co). According to an inspection by Jim Wendt dated April 11, 1989, the current diversion rate from the well drilled in 1948 is 0.77 cfs (350 gpm) and should be included in the readvertisement.

REISSUANCE OF WATER LICENSE NO. 441-1

The 1890 priority date on the license needs to be changed to 1948 and the legal description of the vested well needs to be added as a diversion point (see above description). The diversion rates also need to be revised. The 1948 priority date should have a diversion rate of 0.77 cfs and the November 30, 1959, priority date should have a diversion rate of 0.44 cfs according to the inspection completed by Jim Wendt, staff engineer.


Ron Duvall, Natural Resources Engineer

See file doc dated: 2-3-93

Water Rights Division - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Sturgis Water Works - VR No. 441-1

ADDRESS: _____ COUNTY: _____

DATE: February 3, 1993 TELEPHONE: 347-4425

RE: Validation of Recognized Vested Right No. 441-1

COMMENTS:

Mr. Eldon Christians from the Sturgis Water Works called regarding the Readvertisement of the Notice of Intent to Validate Vested Water Right Claim No. 441-1. He stated that the 0.77 cfs diversion rate is much less than the water used by Sturgis Water Works. Mr. Christians stated that Sturgis Water Works utilizes two wells - Well # 1 produces 400 gpm (0.89 cfs) and Well #2 produces 230 gpm (0.51 cfs).

I looked in the file and there is file documentation of an inspection by Jim Wendte on April 11, 1989. I explained to Mr. Christians that this validation was only for Well # 1 which had vested right status. And that once the validation of the water use from this well is completed, Water License No. 441-1 would be issued to reflect the water use for Well # 1 with a 1948 (vested) priority date and Well # 2 with a November 30, 1959 priority date.

I stated that Jim Wendte's inspection found Well # 1 producing 0.77 cfs (350 gpm) and Well # 2 producing 0.44 cfs (200 gpm). Mr. Christians stated that at the time of Mr. Wendte's inspection they were having pumping problems and that when Mr. Wendte asked about the production of the wells he told Jim what they were producing that day. Soon after the inspection the pumps in both the wells were replaced and the production increased back to the historical 400 gpm from Well # 1 and 230 gpm from Well # 2. I explained the statute regarding three years of nonuse of water and Mr. Christians explained that the period of reduced production was only for 6 months. Mr. Christians stated that they have recorded the pumping from these wells and would provide whatever documentation necessary to show that the production from the wells is 400 gpm and 230 gpm.

I discussed this issue with Ron Duvall. Since the amount that is to be validated is substantially less than the amount on the water license and that the use of water is documented by the Sturgis Water Works and appears reasonable, then the validation should be for 0.89 cfs (400 gpm) from Well # 1. When the license is reissued it should be for 0.89 cfs from Well # 1 and 0.51 cfs from Well # 2.

The first notice of intent to validate has already been published. I will call the paper to correct the amount of water to be validated so that the second publication will be correct.

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 Stenlund



441B-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 18 1996

Eldon Christians
City of Sturgis Water Department
1025 1st St
Sturgis SD 57785

Dear Mr. Christians:

The Water Management Board has validated the enclosed Vested Water Right No. 441-1. This validation gives legal status to the claim and is the final document for your vested rights.

Also, enclosed are Reissued Vested Right License No. 441A-1 and Reissued Water License No. 441B-1. The original water license was divided and reissued to separate the vested right portion from the water right.

As long as Sturgis Water Works uses the water beneficially, as stated in the licenses, 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 a circular stamp.

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

enclosures