

No. 445-1Water Division No. 1

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

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant City of McLaughlin
 Postoffice address _____, County Corson, State South Dakota

I. If a corporation City incorporation

(a) Name of same _____

(b) Date and place of incorporation _____

(c) Amount of capital stock _____

(d) Amount paid in _____

(e) Names and addresses of directors W. E. Kurla, Mayor
John Mickelson, Pete Schweitzer, G. E. Young, W. G. Banak,
Gust Adams, Everet Price

(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 on hand, \$ Adequate

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work City Water Works3. Amount of water claimed Well #1 85 gpm Well #3 65 gpm or 70 cfsWell #2 45 gpm Well #4 75 gpm4. Source of water supply ground water and surface water5. Location of point of diversion: Wells 1, 2, 3 and 4 and dam in SW 1/4 Sec. 33 T 12 N, R 27 E_____ on _____ bank Corson County.6. 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? _____

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

(b) Legal subdivisions to be irrigated _____

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

(c) Statement as to domestic use (giving location, etc.) municipal need plus fire protection, and recreation from surface water

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

(a) Nature of use municipal

(If any of the above uses claimed)

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

Amount required for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

8. Estimated cost of work:

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

(b) Pumping plant, \$ 40,000.00

(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.)

8 blocks 6" main 15 blocks 4" main 30,000 gallon tower,
300,000 stand pipe

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

(a) Dam: Height 5 feet; length at bottom 110 feet; length at top 110 feet; thickness at bottom 15 feet; thickness at top 5' feet; slope at front water face -----; slope at back face ----- material used in construction concrete

(b) Reservoir: Capacity when filled 2 acre feet. Surface area at highwater mark 3 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 Completed years.

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

12. Choice of newspaper for publication of notice of intention to appropriate N/A

STATE OF SOUTH DAKOTA

County of Hughes } ss.

I, W.E. Kurla, 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 W.E. Kurla Mayor

Subscribed and sworn to before me this 3TH day of December 19 47

Alvin Ayers
Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

"Vested Right Claimed"

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota, December 28, 1959

This is to certify that the foregoing application was received by the Commission at 9:30 o'clock
11 a.m. upon the 21st day of December, 1959.

State Water Resources Commission

By: John J. Miller

Chief Engineer, Executive Officer

Number of permit 445-1

Date of first receipt of application December 21, 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 .188 cfs - 1928 .32 cfs - 1927
.10 cfs - 1901 .10 cfs - 1954

Approved December 28, 1959, Recorded in Book 5 Page 293

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 has been
Completed is has been Completed is

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

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

Completed is

4th. The water appropriated shall be used for the purpose of municipal purposes
for the city water needs

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 .70
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 (1/70th) of one cubic foot of water per second of time for each acre of land to which water is actually
and beneficially used for city needs since completion is has
during the following described annual period:

Continuously

Witness my hand this 28th day of December, 1959.

State Water Resources Commission

By: John J. Miller

Chief Engineer, Executive Officer

Certificate of Construction Issued December 28, 1959

Water License Issued December 28, 1959

Form 2A — Wells (Supplement to Form 2)

Well #1

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 10" , Depth 120'

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

Size of casing 8" , Thickness of casing 1/2"

Length of casing 90' If collection gallery, length size and depth of
gallery

(b) Screens

Type of perforated screen Perforated pipe

Size of perforated screen 30'
(diameter) (length)

Thickness of gravel pack , length of gravel pack

(c) Water Bearing Materials

Distance to water 50' Character of water bearing materials
sands

Thickness of water bearing material 70'

(d) Pump and Motor

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

Name of pump , size

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

Horsepower , Name of Motor

(e) Complete well

Capacity 85 gpm at drawdown of Estimated cost

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

City of McLaughlin
Address

(g) Distance to nearest existing wells

On same owner's property 300' On property owned by others X rods

Form 2A — Wells (Supplement to Form 2)

Well #2

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 18" , Depth 120'

Type of casing Cast iron pipe
(wood, concrete, steel, etc.)

Size of casing 12" , Thickness of casing

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

(b) Screens

Type of perforated screen $\frac{1}{4}$ " perforations

Size of perforated screen (diameter) , (length)

Thickness of gravel pack 3" , length of gravel pack 80'

(c) Water Bearing Materials

Distance to water 50' Character of water bearing materials
sands

Thickness of water bearing material

(d) Pump and Motor

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

Name of pump , size

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

Horsepower , Name of Motor

(e) Complete well

Capacity at drawdown of Estimated cost

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

Address

(g) Distance to nearest existing wells

On same owner's property 300' ~~XXX~~ On property owned by others X rods

Form 2A — Wells (Supplement to Form 2)

Wells #3 & 4

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 12" Depth 120'

Type of casing Cast iron pipe
(wood, concrete, steel, etc.)

Size of casing 8" Thickness of casing 1/2"

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

(b) Screens

Type of perforated screen 1/8 " screen

Size of perforated screen 8" 30'
(diameter) (length)

Thickness of gravel pack 4" length of gravel pack 80'

(c) Water Bearing Materials

Distance to water 50' Character of water bearing materials
sands

Thickness of water bearing material 70'

(d) Pump and Motor

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

Name of pump size

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

Horsepower Name of Motor

(e) Complete well

Capacity at drawdown of Estimated cost

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

Address

(g) Distance to nearest existing wells

On same owner's property #3 1500' - #4 1000'
A rods. On property owned by others X rods

ABERDEEN AREA INDIAN HEALTH SERVICE
P.L. 86-171

W E L L L O G

Well Owner: MCLAUGHLIN COMMUNITY Home No.:
Location: McLaughlin, South Dakota (South Well)
Drilled By: Aberle Well Co. Date: 5-14-76
Project No.: AB-74-416 Contract No.: 241-76-0286

Depth:	Description of Formation (Specify Water Bearing Aquifers)
0 to 1	Top soil
1 to 30	Green, brown, red sand
30 to 38	Gray sand
38 to 120	Blue gray sand
120 to 130	Gray sand
130 to 135	Gray sand, clay & shale
to	
to	
to	
to	Developed for 10 hours
to	

SIZES AND MATERIALS USED

All Depths Measured from Top of Well Casing

Top Casing Line: Nominal I.D. 8" Material Steel
Depth Cased 7 ft. to 85 ft. Wt/ft 22 lbs.

Any Reduced Casing Sizes:

Grout Envelope: Thickness 6 1/2 in.
Depth Grouted 8 ft. to 33 ft. 25'

Pitless Adapter: Make Monitor Model 7'
Depth of Discharge 7' ft. CAP Type Water tight

Well Screen: Make Johnson Material Stainless steel
Type Welded bar
Diameter 8" in. Length 50 ft. Slot in.
Depth Screened 85 ft. to 135 ft. Slot 50 in.
 ft. to ft. Slot in.

Spacer(s)

Fitting at Top

Fitting at Bottom Stainless steel plate

Packer Description

Gravel or Sand Pack: Material Red flint & pea gravel 85-135'
Thickness: 6 in. Depth 85 ft. to 135 ft.

(Attach Gradation Curve)

52' Formation stabilizer

Total Depth to Bottom of Well 135 ft.)
Total Depth to Bottom of Casing 78 ft.) From Top of Casing
Total Depth to Bottom of Drop Pipe ft.)
Total Depth to Pump Inlet ft.)

12. Principal Features of the Proposed Water Supply System (continued.)

(1) Drill Hole, Diameter 16", Depth 135'

(3) Perforated Screen.

Type Stainless Steel, Diameter 8", Length 50'

(4) Gravel Pack. Thickness 6", Length of gravel pack 50'

(1) Surface dimensions _____, Depth _____

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material 38

Depth to bottom of water bearing material 135

Thickness of water bearing material... 97

Depth to water (ground surface to water level) _____

On same owner's property _____ rds. On property owned by others _____ rds.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Signature of Applicant

STATE OF SOUTH DAKOTA

WATER LICENSE No... 445-1...

WHEREAS, On the 21st day of December A. D. 1959
the City of McLaughlin

~~xx~~ County of Corson and State of South Dakota
 duly made application (No. 445-1) to us for a Vested Right permit to use .70
 cubic feet per second of the waters of ground water & a dry draw
 County of Corson, State of South Dakota, for municipal
 purposes; and

WHEREAS, On the 28th day of December A. D. 1959
Vested Right Permit No. 445-1 was issued to said applicant for the diversion of said water, and recognizing
 completion of the works of diversion therein described ~~XXXXXX~~ XXXXXX
~~XXXXXX~~ and for the application to beneficial use of said
 water ~~XXXXXX~~ XXXXXX
 and,

WHEREAS, On the 21st day of December A. D. 1959
Vested Right the holder of said permit duly made proof of the completion of adequate works for the diversion of .70
XXXXXX cubic feet per second of said waters, as evidenced by our Certificate No. 445-1
 dated December 28, 1959 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use .70 cubic feet per second of water, with date of
 priority of 1927, 1928, 1947 and, 1954 and,

WHEREAS, On the 21st day of December A. D. 1959
 proof was duly made of the application to beneficial use of .70 cubic feet per second of said water;
for municipal needs of the City of McLaughlin

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 McLaughlin

~~to~~ the holder and owner of said Vested Right permit No. 445-1

a water right, dating from 1927, 1928, 1947 & 1954 to the use of .70

cubic feet per second of the waters of ground water and a dry draw

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

necessary for the purposes hereinbelow mentioned, to be diverted at four points within the city

14 1/2 its and a point in the SW 1/4 Sec. 33 T 12 N, R 27 E

and collected ~~through~~ through the city water system

for the purpose of municipal uses

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 28th day of December A. D. Nineteen
Hundred and Fifty-nine

State Water Resources Commission

By:

3. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Amt _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. **445-1**Water Division No. **1** **Grand River** Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That **the City of McLaughlin**

~~xxx~~ _____, County of **Corson**, and State of **South Dakota**, the holder of Permit No. **445-1**, issued upon Application No. **445-1**, bearing date of priority of **1927, 1928, 1947 & 1954**, authorizing the diversion of **.70** cu. ft. per second of the waters of **ground water & dry draw** County of **Corson**, State of South Dakota, at **four wells located within the City limits of McLaughlin and a dam on dry draw in SE 1/4 Sec. 33, T 12 N, R 27 E** 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 **recognized as**

~~certified~~ for diverting and conveying to the place of intended use **.70** cu. ft. per second of water; ~~and that said works are to be located both on the surface and underground~~

to-wit: **to be used for municipal needs plus fire protection, with recreational uses from surface water.**

Witness my hand this **28th** day of **December** A. D. 19**59**

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

Location No.

Water Division No. Water District

Proof of Application of Water to Beneficial Use**PETITION OF HOLDER**

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

Ans. City of McLaughlin

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 McLaughlin

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

Ans. Not applicable

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

Ans. Ground water

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. (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. Ground water used for municipal needs and fire protection.Surface water for recreation and swimming pool~~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. 60 cfs

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 #1-1928 Well #2-1947 RR Wells #3 and #4 -1927

Swimming pool portion started in 1954 completed in 1957

(Sign) W.E. Kinner Mayor

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 PIERRE, County of Hughes

State of South Dakota, on this 8TH day of December A. D. 1959

Witnesses.

Alvin H. Allen

Natalie Public
3-2-67

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

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

GRAIN

COAL

FLOUR



TWINE

SALT

SEEDS

FEED GRINDING AND MIXING

SEED CLEANING AND TREATING

W. E. KURLE ELEVATOR

W. E. KURLE, OWNER

Phone 13-7-1

RECEIVED
SEP 10 1959

STATE WATER RESOURCES COM

McLaughlin, S.D. SOUTH DAKOTA
September 8, 1959

Water Resource Commission
Pierre, South Dakota

Gentlemen:

About two years ago the City of McLaughlin entered into a project of creating a public swimming pool by putting a spillway type dam across Oak Creek. This dam is constructed in the form of a spillway, being 110 feet across the top and about 24 feet wide built on an oval shape. The spillway is completely level the full length of 110 feet and is backed up with a dirt grade on the dam side and on the down creek side we put in a spill apron at creek bottom level and used some rock rip wrapping in order to break the water flow. We also installed a two foot steel culvert at the bottom of this spillway which is at creek bottom level and we have a two foot gate at the pond side of the culvert.

This dam is located on Oak Creek right north and east of McLaughlin. Oak Creek is a life water creek fed by springs. For the past twenty years this location has been used as a swimming pool by people living in and around McLaughlin. But due to the fact that the bottom of this creek is a sand and gravel formation the old swimming pool washed out to a degree that there wasn't enough water retained to accommodate the demand of the public for its use as a swimming pool. For this reason the City of McLaughlin entered into a project to restore the swimming pool pond. In the placement of the dam we did raise the water level in the pool by about four feet from its former level.

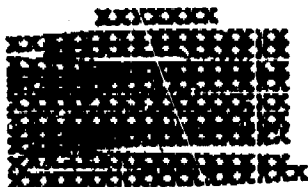
Due to the drought condition and low water level the springs in this creek have diminished to about 1/4 the flow that was evident three or four years ago and now the ranchers living down stream side from the dam accuse the City of shutting off the water in Oak Creek. The pond was filled last spring when the creek was running a fairly good stream and after swimming season this year we opened the gate and let the water out of the pond. At no time did we fill the pond when the creek wasn't running a pretty fair stream, and when the pond is full all the water goes down the creek as it did before the dam was constructed.

We hate to be accused of robbing ranchers of their water rights, which we feel we are not doing, but one rancher in particular is quite infatigable about this accusation that the City is holding back the water by virtue of the city dam. Will you kindly investigate this matter and give us your honest opinion as to the actual facts in this case.

Respectfully yours,
City of McLaughlin

W. E. Kurle, Mayor

"All Business Needs The Support Of Loyal Friends"



JE
2nd Division Water Division

445-1

September 10, 1959

Mr. W. E. Kurle
W. E. Kurle Elevator
McLaughlin, South Dakota

Dear Mr. Kurle:

From the information in your letter of September 8, I believe that your operation of the swimming pool dam is reasonable with respect to stockwater requirements downstream.

The State water laws designate a preference to "domestic use" which includes stockwater. No other use of water is to destroy domestic use water supplies. In only one respect can I suggest an improvement in your swimming pool operations. When Oak Creek flows become low and your swimming pool is not full, you should release water through your two foot diameter outlet pipe in the amount of water that is flowing into the pool. This results in creek flows in exactly the same way as it would be during low flow times if the dam and pool were not there. Otherwise your operations seem to be entirely in line with the intent of the State water laws.

Our records do not show that the City of McLaughlin established a water right record for construction of the dam and swimming pool. Nor do I find a water right record for the City's municipal water supply. These records should be established. I am enclosing application forms and instructions for this purpose. One application will cover both the swimming pool and municipal water use. I enclose a copy of the State water laws, also. The procedures for acquisition of water rights for your swimming pool are stated in Section 61.0110, page 5 through Section 61.0119, page 8. The water right record for your municipal water use may be established under the "grandfather" clause for vested water rights Section 61.0102 (7), page 3.

I hope that the information contained in this letter is helpful.

Sincerely,

JWG:ls

J. W. GRIMES
Chief Engineer

Conversation or File Documentation

NAME OF PERSON OR FILE: City of McLaughlinADDRESS: P.O. Box 392, McLaughlin, SD 57642 COUNTY ConsonDATE: May 25, 1989 TELEPHONE _____RE: Validation of Vested Right Claim No. 445-1

COMMENTS:

The water superintendent for the City of McLaughlin informed me by telephone that the dry draw dam used for a swimming pool under Vested Right No. 445-1 has been abandoned. Only the wells need to be validated.

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.

4/82

NAME:

William D. Bragg, P.E.
Hydrologist

Permit No. 445-1
Missouri River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, July 11, 2000, made a thorough examination of the water use system constructed by City of McLaughlin of PO Box 392, McLaughlin SD 57642 holder of Permit No. 445-1, bearing the priority of January 1, 1927 (0.32 cfs), January 1, 1928 (0.188 cfs), January 1, 1947 (0.10 cfs), and January 1, 1954 (0.10 cfs - surface water) authorizing the diversion of 0.70 cu. ft. per second of ground water (Fox Hills Formation) and surface water for municipal purposes, in Corson County.

Inspection contact & relationship to permit holder, if applicable: **Lornie Hach, Public Works Supt.**

A. Works used to divert the water:

Well Information:

- 1) Drilling Firm: unknown
- 2) No. of Wells Well No. 2
- 3) Depth(s) 80 - 90 feet
- 4) Well log is available N

Casing:

- 1) Diameter 8 inches
- 2) Type steel

Screen:

- 1) Type unknown

Wells have submersible units (5 - 7 hp)

Well No. 2: 35 gpm

Well No. 5: 82 gpm

Total gpm: 117 gpm (0.26 cfs)

- 1) Well Drilling Firm: unknown
- 2) No. of Wells Well No. 5
- 3) Depth(s) 140 feet
- 4) Well log is available N

Casing:

- 1) Diameter 8 inches
- 2) Type steel

Screen:

- 1) Type unknown

B. Works used to transport/apply water to place of use:

Water is diverted to a 66,000 gallon water tower and to a 300,000 gallon reservoir on a hill for distribution to the city.

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Exceptions to compliance are: none

The system is in good condition with the points of diversion located as follows: Well No. 2: $\approx$ 1,200 feet W & $\approx$ 500 feet S (NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec 6); Well No. 5: $\approx$ 1,200 feet E & $\approx$ 350 feet S (NW $\frac{1}{4}$ SW $\frac{1}{4}$ sec 5); all from the E $\frac{1}{4}$ corner of section 6-21N-27E. The works are capable of diverting and conveying to the place of use 0.26 cu. ft. per second of water which is to be used for municipal purposes. Water has been put to beneficial use to the maximum extent and the license should be issued for 0.26 cfs.

Report of Examination of Works

Permit No. 445-1

Comments or other permit(s) associated with the project:

Vested Right No. 445-1 authorizes a total diversion of 0.70 cfs. The surface water portion (0.10 cfs) of this diversion rate has been abandoned leaving a total ground water diversion of 0.60 cfs. Two wells originally claimed on this vested right known as the railroad wells (Nos. 6 & 7) have been abandoned leaving only well Nos. 2 and 5. The combined diversion rate of well Nos. 2 and 5 is 0.26 cfs. The difference between the amount of water diverted from well Nos. 2 and 5 (0.26 cfs) and the amount of ground water claimed on the vested right (0.60 cfs) is 0.34 cfs. This diversion rate of 0.34 cfs should be assigned to Water Right No. 1364-1 which authorizes diversion of 0.62 cfs from 3 wells (Nos. 1, 3, and 4). The ground water diverted under 1364-1 is from the same aquifer and water use has been continuous over the years. No forfeiture of ground water use has occurred. Therefore, Vested Right No. 445-1 should be scheduled for validation of 0.60 cfs and the license reissued for 0.26 cfs with the priority date associated with 0.34 cfs being transferred to No. 1364-1.

Assigned priority dates and diversion rates for Nos. 445-1 and 1364-1:

	Amount of CFS	Priority Date
Vested Right No. 445-1	0.26	January 1, 1927
Water Right No. 1364-1	0.06	January 1, 1927
"	0.18	January 1, 1928
"	0.10	January 1, 1947
"	0.28	August 7, 1986

All structures, wells and lands on map Y



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: August 14, 2000



August 18, 2000

445-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

Lornie Hach, Public Works Supt.
City of McLaughlin
PO Box 169
McLaughlin SD 57642

Dear Mr. Hach:

I am writing in regard to my visit with you and the inspection I completed of the city's wells on July 11, 2000. The city has a Vested Right No. 445-1 and Water Permit No. 1364-1 which cover all of the city's wells.

The reason for the inspection was to validate Claim No. 445-1 and issue a water license for Permit No. 1364-1. Issuance of the water license is the last step in getting a water right in South Dakota. However, this letter concerns primarily validation of Vested Right Claim No. 445-1.

Enclosed is a Notice scheduling a hearing for the Water Management Board to consider validation of Claim No. 445-1. You are being provided notice because we are recommending validation of the claim for 0.60 cubic feet per second (270 gpm) rather than 0.70 cfs described on the original claim. The reason for the reduction is because the surface water portion of the vested right claim (0.10 cfs) has been abandoned. The surface water use was for a dry draw dam used as a city pool.

Please feel welcome to attend the Water Management Board on September 28, 2000 at the Radisson Motel in Rapid City SD. However, if you agree with validation of No. 445-1 for 0.60 cfs, then there is no reason that you would need to attend the board meeting. But again, you are certainly welcome to attend anyway.

Following validation of Claim No. 445-1 by the Water Management Board and receipt of the \$50.00 license fee (which Karen Schlaak sent a letter regarding on August 16, 2000), we will issue you your validation document and a license for both No. 445-1 and 1364-1. Please be advised that a portion of the diversion rate authorized by No. 445-1 will be assigned to No. 1364-1. This assignment is being done since two of the wells (railroad wells) have been abandoned so the amount of water authorized for these abandoned wells is being transferred to the wells still in use. Please refer to the enclosed "Report of Examination of Works" for the details.

Please call me at (605) 773-3352 if you have any questions. I will try to clear up any concerns you may have.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosures

c: Della Hauck, Finance Officer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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August 18, 2000

NOTICE

TO: Lornie Hach, Public Works Supt.
City of McLaughlin
PO Box 169
McLaughlin SD 57642

FROM: Garland Erbele, Chief Engineer
Water Rights Program
605 773-3352

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim No. 445-1

A Notice of Intent to validate Claim No. 445-1 was published on June 9 and 16, 1988 in the McLaughlin Messenger. The Water Rights Program opposed validation of No. 445-1 for purposes of completing an on-site investigation of the claim. The investigation of Claim No. 445-1 was completed on July 11, 2000, by Ron Duvall, staff engineer. The investigation found that the diversion rate has been reduced from 0.70 cubic feet of water per second (cfs) to 0.60 cfs due to abandonment of the surface water portion (0.10 cfs) of the claim.

The Water Management Board will consider validation of Claim No. 445-1 at 8:30 am, September 28, 2000, Radisson (Augustura Room), 445 Mt. Rushmore Road, Rapid City SD. The agenda time is an estimate. The actual time of the hearing may be later than 8:30 am due to prior agenda items.

Pursuant to the findings of the on-site investigation, validation of Claim No. 445-1 is recommended for a diversion rate of 0.60 cfs from groundwater for municipal use. Following the hearing, the Board is authorized to 1) validate the claim as recommended for 0.60 cfs, 2) validate the claim as licensed prior to the on-site investigation, 3) validate the claim based on evidence presented at the public hearing, or 4) defer validation of the claim. Applicable provisions of the published notice of intent to validate Claim No. 445-1 will still apply at this hearing. A copy of the June 9 and 16, 1988, publication is available upon request.

This hearing is an adversary proceeding. You have the right to be represented by a lawyer. 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 Eric Gronlund by September 15, 2000 at the above Water Rights Program address to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

c: Della Hauck, Finance Officer
Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on August 18, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated August 18, 2000 regarding Hearing to Consider Validation of Recognized Vested Right Claim No. 445-1 addressed as stated below:

Lornie Hach, Public Works Supt.
City of McLaughlin
PO Box 169
McLaughlin SD 57642

Della Hauck, Finance Officer
City of McLaughlin
PO Box 169
McLaughlin SD 57642

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 21st day of August, 2000.

Notary Public

Patty R. Buckner

My commission expires:

Sept. 6, 2004

SOUTH DAKOTA
VESTED WATER RIGHT NO. 445-1

Date of Receipt of Claim December 21, 1959.

Date of Validation September 28, 2000.

The Water Management Board validated Vested Water Right Claim No. 445-1 for the City of McLaughlin, PO Box 169, McLaughlin SD 57642 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 445-1 appropriates 0.60 cubic feet of water per second (cfs) from 4 wells located in the SE ¼ NW ¼, NW ¼ SW ¼ Section 5; NE ¼ NE ¼, NE ¼ SE ¼ Section 6; all in T21N-R27E.

* Two wells originally claimed on this vested right known as the railroad wells (Nos. 6 & 7; have been abandoned, but the diversion rate for the two wells (0.34 cfs) has been transferred to Water Right No. 1364-1. Vested Right No. 445-1 is being reissued for 0.26 cfs from well Nos. 2 & 5. The surface water source (0.10 cfs) has been abandoned.

2. The appropriated water is used for municipal use and may not exceed the amount of water needed for beneficial use for municipal use 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: 0.32 cfs – January 1, 1927; 0.18 cfs – January 1, 1928 and 0.16 cfs – January 1, 1947.
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: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 23 2000

date



STATE OF SOUTH DAKOTA

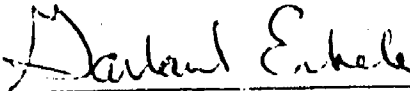
REISSUED VESTED WATER LICENSE NO. 445-1

(1) The City of McLaughlin, PO Box 169, McLaughlin SD 57642 made was issued Water License No. 445-1, December 28, 1959 for a water permit to divert 0.70 cubic feet of water per second (cfs) from groundwater and a dry draw, Corson County, South Dakota for municipal purposes. Water Right No. 445-1, with priority dates of 1927, 1928, 1947 & 1954 was issued to the City for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

On September 28, 2000, the Water Management Board validated Vested Water Right No. 445-1. Two wells originally claimed on this vested right known as the railroad wells (Nos. 6 & 7) have been abandoned, but the diversion rate for the two wells (0.34 cfs) has been transferred to Water Right No. 1364-1. Vested Right No. 445-1 is being reissued for 0.26 cfs from well Nos. 2 & 5. The surface water source (0.10 cfs) has been abandoned.

(2) It is certified that the vested right owner is entitled to divert 0.26 cubic feet of water per second for beneficial use. The location of the diversion point is: Well No. 2: $\approx$ 1,200 feet west and 500 feet south (NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6); Well No. 5: $\approx$ 1,200 feet east and 350 feet south (NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5); all from the E $\frac{1}{4}$ corner of Section 6-T21N-R27E.

(3) Pursuant to Section 46-5-30.1 City of McLaughlin, PO Box 169, McLaughlin SD 57642 the holder and/or owner of Vested Water Right No. 445-1 is reissued a license to appropriate 0.26 cubic feet of water per second from groundwater (two wells) with a priority date of January 1, 1927 from the location specified in (2) of this license for municipal use. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 445-2 and subject to South Dakota State Law.


GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 23 2000

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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OCT 23 2000

Lornie Hach, Public Works Supt.
City of McLaughlin
PO Box 169
McLaughlin SD 57642

Dear Mr. Hach:

The Water Management Board has validated the enclosed Vested Water Right No. 445-1. This validation gives legal status to the claim and is the final document for the city's vested right.

Also enclosed are reissued Vested Water License No. 445-1, Water License No. 1364-1 and the receipt for payment of the \$50 license fee.

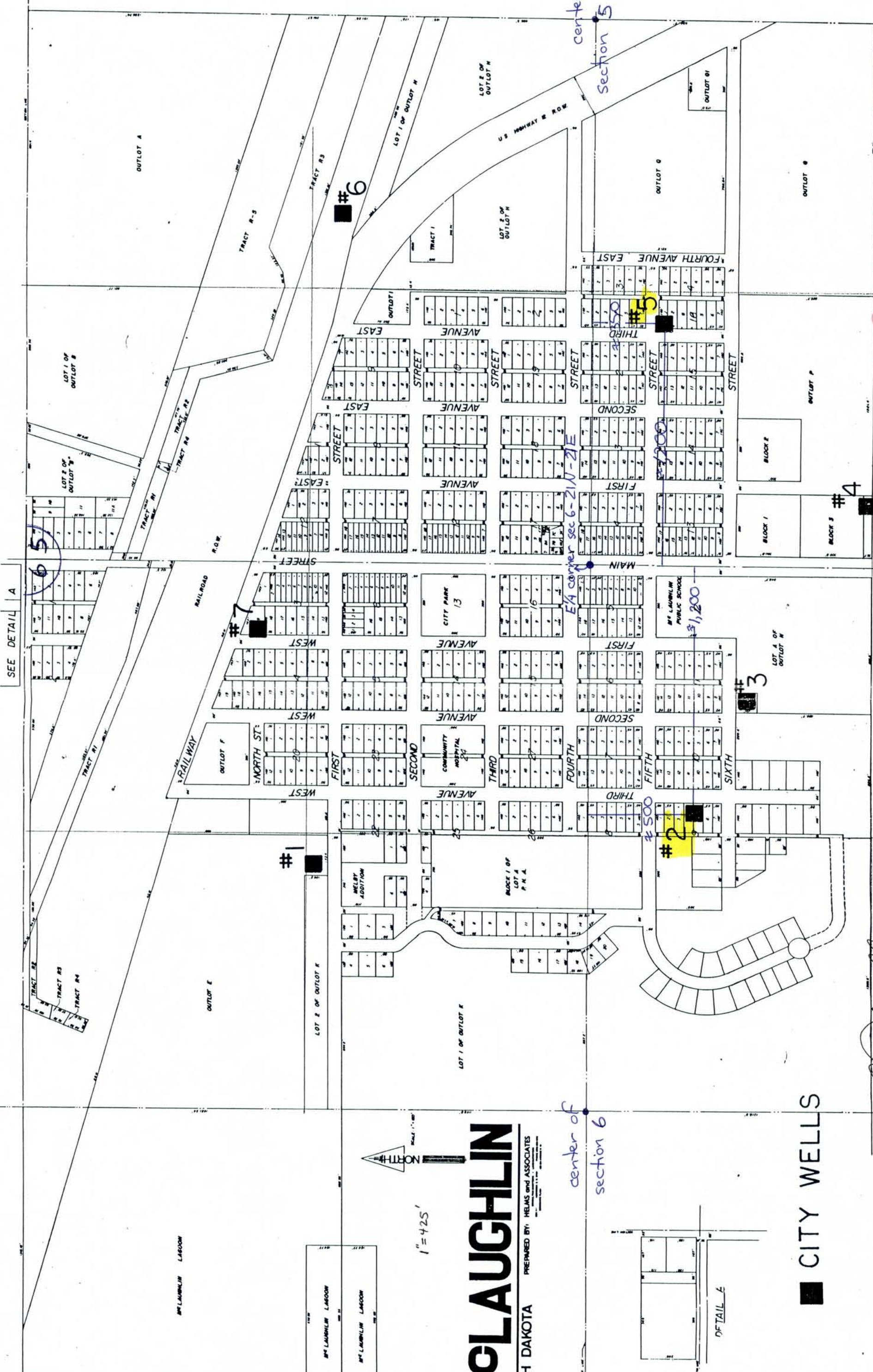
As long as you use the water beneficially, as stated in the validation and water licenses, State Water Laws provide that the City of McLaughlin has a continuing right to use the water.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
605 773-3352

enclosure

SEE DETAIL A



MCLAUGHLIN
SOUTH DAKOTA
PREPARED BY: HELMS AND ASSOCIATES

1" = 425'



CITY WELLS

Don Dorell
Natural Resources Engineer

8/14/2000

Vested Right No. 445-1