

STATE OF SOUTH DAKOTA
 REISSUED VESTED RIGHT WATER LICENSE NO. 739A-1
 DIVISION OF NO. 739-1 INTO NO. 739A-1 AND 739B-1

(1) The City of Lemmon, 303 1st Ave W, Lemmon SD 57638, was issued Water License No. 739-1, July 21, 1971 for a right to appropriate 0.77 cubic feet of water per second (cfs) from groundwater (6 wells), Perkins County, South Dakota, for municipal use purposes. Water Right No. 739-1 with priority dates of 1913, 1936, 1945, 1951, 1944 and September 21, 1964 was issued to the City for diversion of water with construction of the described water supply system completed and the applicable to beneficial use of said water completed.

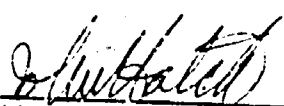
On October 4, 1995, the Water Management Board validated the vested right portion of No. 739-1. Water Right License No. 739-1 is being divided and reissued and will separate the vested right portion from the water right as follows:

Vested Water Right No. 739A-1 - authorizing diversion of 0.20 cfs of water from two wells. Well #3 (0.09 cfs) is located in the SE 1/4 NE 1/4 Section 20-T23N-R16E with a priority date of January 1, 1939. Well #5 - (0.11 cfs) is located in the SW 1/4 SE 1/4 Section 20-T23N-R16E with a priority date of January 1, 1951.

Water Right No. 739B-1 - authorizing diversion of 0.19 cfs of water from Well #8 located in the SW 1/4 NW 1/4 Section 21-T23N-R16E with a priority date of September 21, 1964.

(2) The vested right owner is entitled to divert 0.20 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #3 - 195 feet west & 450 feet south from the northeast corner of Section 20 (SE 1/4 NE 1/4) and Well #5 - 1630 feet west & 77 feet north from the southeast corner of Section 20 (SW 1/4 NW 1/4); all in T23N-R16E.

(3) Pursuant to Section 46-5-30.1 City of Lemmon, 303 1st Ave West, Lemmon SD 57638 the holder and/or owner of Vested Water Right No. 739A-1 is issued a license to appropriate 0.20 cubic feet of water per second from groundwater (two wells) with priority dates of January 1, 1936 and January 1, 1951 from the location specified in (2) of this license. The water is to be used for the purpose of municipal use. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 739A-1 and subject to South Dakota State Law.


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

DEC 18 1995

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 29, 1995

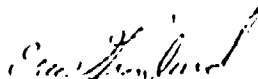
Mike Priest, Finance Officer
City of Lemmon
303 1st Ave West
Lemmon SD 57638

Dear Mr. Priest:

The original Notice of Intent to Validate Vested Water Right Claim No. 739-1 was published with an error. Therefore, the notice needs to be readvertised to correct the error in the legal description of the location of the wells. The Readvertisement of the Notice of Intent to Validate Vested Water Right Claim has been sent to the Publisher of the Lemmon Leader printed at Lemmon SD. For your information, a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Water Rights Program. Please contact us if you have any questions.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



GREAT FACES. GREAT PLACES.

August 29, 1995

Lemmon Leader
PO Box 180
Lemmon SD 57638-0180

ATTENTION: Legal Department

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

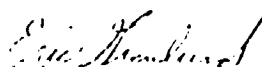
Enclosed is a Readvertisement of Notice of Intent to Validate Vested Water Right Claim. Please publish the first notice on September 5, 1995 with the second publication 7 days later.

Please BILL the Water Rights Program for the cost of publication.

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 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. No action may be taken on the validations until proof of publication has been received.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

No. 739A-1

Date _____

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

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

Name _____

Newspaper _____

**READVERTISEMENT OF NOTICE OF INTENT TO VALIDATE
VESTED WATER RIGHT CLAIM**

Notice is given that the following vested water right claim in Perkins County is eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a hearing unless a petition to oppose the validation is filed pursuant to SDCL 46-2A-22. Readvertisement of the original notice of intent to validate this claim, as published on June 20 & 27, 1988 in the Lemmon Leader, is necessary to correct errors in the previously published notice.

Vested Water Right No. 739A-1, City of Lemmon, 303 1st Ave W, Lemmon SD 57638 appropriates 0.20 cubic feet of water per second from two wells located in the SE 1/4 NE 1/4 and the SW 1/4 SE 1/4 Section 20-T23N-R16E for municipal use. The priority dates are January 1, 1936 and January 1, 1951.

Any person who wishes to oppose validation of this readvertised vested right claim shall file a petition of intent to oppose the validation by September 25, 1995 with the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181 (605 773-3352) and with the vested water right holder at the listed address. The petition may be informal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Water Management Board will conduct a hearing on the opposed claim at 10:00 am, October 4, 1995, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The October 4, 1995, 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 September 25, 1995.

If no person opposes validation of a recognized vested water right claim pursuant to SDCL 46-2A-16, the Water Management Board will issue an order pursuant to SDCL 46-2A-17, validating the vested water right claim.

This validation is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-16 thru 46-2A-18, 46-2A-22; 46-5-1 thru 46-5-6.1, 46-5-8.2, 46-5-13 thru 46-5-15, 46-5-30.2 thru 46-5-37.1, 46-5-46, 46-5-49; 46-6-1 thru 46-6-3, 46-6-6, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-7-1 thru 46-7-5.3, 46-7-12, 46-7-14, 46-7-15 and Board Rules ARSD 74:02:01:01 thru 74:02:01:05.03 and 74:02:01:20 thru 74:02:01:22.

Contact Eric Gronlund by September 25, 1995, at the above Water Rights Program address to: 1) request copies of information pertaining to a vested right claim or a copy of the vested water right claim list for another county; 2) obtain a summary of South Dakota Water Law and Water Rights Information; 3) to assure access to the hearing by the handicapped; or 4) obtain an interpreter for the hearing impaired. Nettie H. Myers, Secretary, Department of Environment and Natural Resources

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Perkins) ss

I, Alice Farstad

certify that the attached printed Notice was
 taken from the Lemmon Leader

printed and published in Lemmon

County of Perkins and State of

South Dakota. The notice was published in
 the newspaper on the following two dates:

9-5, 12-95

Cost of Printing: 71.59

Alice Farstad
 (Signature)

Publication
 (Title)

9-20-95
 (Date Signed)

READVERTISEMENT OF NOTICE OF INTENT TO VALIDATE VESTED WATER RIGHT CLAIM

Notice is given that the following
 vested water right claim in Perkins
 County is eligible for validation by the
 Water Management Board pursuant
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 unless a petition to oppose the
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 2A-22. Readvertisement of the original
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 as published on June 20 & 27, 1988 in
 the Lemmon Leader, is necessary to
 correct errors in the previously
 published notice.

Vested Water Right No. 739A-1,
 City of Lemmon, 303 1st Ave. W.,
 Lemmon, SD 57638 appropriates 0.20
 cubic feet of water per second from
 two wells located in the SE 1/4 NE 1/4
 and the SW 1/4 SE 1/4 Section 20-
 T23N-R16E for municipal use. The
 priority dates are January 1, 1936 and
 January 1, 1951.

Any person who wishes to oppose
 validation of this readvertised vested
 right claim shall file a petition of intent
 to oppose the validation by September
 25, 1995, with the Chief Engineer,
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Joe Foss Building, 523 East Capitol
 Pierre, SD 57501-3181 (605 773
 3352) and with the vested water right
 holder at the listed address. The
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 Management Board will issue an order

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 the vested water right claim.

This validation is made pursuant to
 the provisions of SDCL 46-1-1 thru 46-
 1-9, 46-1-14; 46-2-3.1, 46-2-9, 46-2-
 11, 46-2-17; 46-2A-16 thru 46-2A-18,
 46-2A-22, 46-5-1 thru 46-5-6.1, 46-5-
 8.2, 46-5-13 thru 46-5-15, 46-5-30.2
 thru 46-5-37.1, 46-5-46, 46-5-49; 46-6-
 1 thru 46-6-3, 46-6-6, 46-6-6.1, 46-6-
 10, 46-6-13, 46-6-14, 46-6-21, 46-7-1
 thru 46-7-5.3, 46-7-12, 46-7-14, 46-7-
 15 and Board Rules ARSD
 74.02.01.01 thru 74.02.01.05.03 and
 74.02.01.20 thru 74.02.01.22.

Contact Eric Gronlund by
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 request copies of information
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 handicapped; or 4) obtain an
 interpreter for the hearing impaired.
 Nettie H. Myers, Secretary, Department
 of Environment and Natural Resources.

(Pub. Sept. 5, 12, 1995)



PAYMENT REQUEST FORM

PAYEE: Lemmon Leader
P.O. Box 180
Lemmon, SD 57638-0180

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Readvertisement of Notice of Intent to Validate Vested Water
Right Claim No. 739A-1, published on September 5 & 12, 1995.

AMOUNT: \$71.59

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

John Hatch

9-22-95

I declare and affirm under the penalties of perjury that this claim is
in all things, true and correct. I further agree to comply with the
provisions of the Civil Rights Act of 1964 and regulations issued
thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 18 1995

Mike Priest, Finance Officer
City of Lemmon
303 1st Ave West
Lemmon SD 57638

Dear Mr. Priest:

The Water Management Board has validated the enclosed Vested Water Right No. 739A-1. This validation gives legal status to the claim and is the final document for your vested water rights.

Also enclosed are Reissued Vested Water Right License No. 739A-1 and Reissued Water License No. 739B-1. The original water license was divided and reissued to separate the vested right portion from the water right.

As long as you use 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,

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

enclosures

737R-1

SOUTH DAKOTA

VESTED WATER RIGHT NO. 739A-1

Date of Receipt of Claim September 21, 1964.

Date of Validation October 4, 1995.

The Water Management Board validated Vested Water Right Claim No. 739A-1 for the City of Lemmon, 303 1st Ave West, Lemmon SD 57638 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 739A-1 appropriates 0.20 cubic feet of water per second (cfs) from two wells located in the SE 1/4 NE 1/4 and the SW 1/4 SE 1/4 Section 20-T23N-R16E.
2. The appropriated water is used for supplying water to the City of Lemmon 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: 0.09 cfs - January 1, 1936
0.11 cfs - January 1, 1951
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 18 1995

date

7-10-1995

NR 2550

Nat-Res. Engineer

North Lemmon

PACIFIC

WT 2568

269

WT

2646

#3

#8

#10

#5

pk

pk

21

20

Lemmon
(BM 2577)

2595

2567

2562

Well

Green Hill
Cem

73

Drive-in
Theater

Sandpit

739A-1

