

Map No. VR

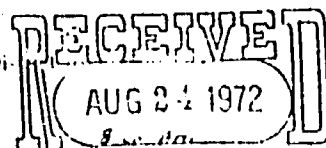
Water Division No. 1

GRAND RIVER

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

VESTED RIGHT

APPLICATION FOR PERMIT



STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

- Name of Applicant City of McIntosh
 Postoffice address McIntosh State South Dakota
- If a corporation show date and place of incorporation completed
- Method of accomplishing work (contract, employment of others, or by direct labor) completed
- Name of diversion work McIntosh Municipal Water Supply
- Amount of water claimed (cubic feet per second) 0.5
- Source of water supply three wells
- Location of point of diversion from E $\frac{1}{2}$ corner of Section 26, T23R, R22E City well A, 100 ft. S. and 500 ft. West, City R.R. Well No. 1, 2930 ft. S. and 550 ft. West, City R.R. Well No. 2, 3530 ft. South and 550 ft. West County Corson
- Annual period or periods during which water is to be used Continuous - year around
- Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) municipal
- For irrigation use: Total number of acres to be irrigated _____

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.		Land Description		No. Acres Irr.
Land Description	No. Acres Irr.			

Attach sheet if more space is needed

- Time required to complete construction of water supply system completed years. Additional time required to complete application of water to the proposed beneficial use completed years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication N/A
- Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source
City Well A - 200' deep, 12" dia. - Minnesota turbid pump, G.E. 5 HP electric Motor
City R.R. Well No. 1, 220 ft. deep, 12" dia. - 10 HP Electric Submersible pump
City R.R. Well No. 2, 200 ft. deep, 12" dia. - 10 HP Electric Submersible pump

B. Works proposed to transport water to place of use.
City distribution system
55,000 gallon elevated storage tank

C. Works proposed to apply water to beneficial use.
200 Service Connections

Estimated Total Cost \$ _____

Attachment: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Corson

I, Virgil E. Anderson, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Subscribed and sworn to before me this 2nd day of Aug, 1972

Signed Virgil E. Anderson
[Signature]

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 971-1

CITY OF MCINTOSH (Applicant) (Post Office Address)

SOUTH DAKOTA (State) With the following modifications:

"VESTED RIGHT" CLAIMED

Date of first receipt of application AUGUST 24 19 72

Date of return to applicant for correction, amendments or changes required — 19 —

Date of receipt of corrected application — 19 —

Approved SEPTEMBER 8 19 72 Recorded in Book 12 Page 141

WATER RIGHT PERMIT NO. 971-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 971-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is 1948

2. The equivalent of at least one-fifth of the work above specified is not completed before

3. The whole of said work is not completed before

4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED

5. The water appropriated shall be used for the purpose of MUNICIPAL USE

6. 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.

7. The amount of the appropriation herein granted shall not exceed .5 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~beneficial use~~ and if for the irrigation purpose said appropriation must be limited to a maximum of one foot per acre per year, and be limited to not more than one month (1/5) of use each year for irrigation purposes and not exceed a maximum of one foot per acre which water was USED FOR MUNICIPAL PURPOSES actually and beneficially applied for irrigation on or before JUNE 30, 1955 said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 8TH day of SEPTEMBER 19 72

WATER RESOURCES COMMISSION

By

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 8 19 72

Water License Issued SEPTEMBER 8 19 72

WATER LICENSE NO. ... 971-1

(1) WHEREAS, On the 24th day of August, A. D. 1972
the City of McIntosh.

made Water Right Application No. 971-1 for Vested Right .50 cubic feet per second of the waters of ground water County of Corson State of South Dakota, for Municipal purposes and

[illegible]

and:

(C) WHEREAS, it is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system, and is entitled to divert 0.50 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent:

Water is used for municipal purposes by the City of McIntosh.

(5) 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 McIntosh

~~xxx~~
the holder Vested Right and owner of said permit No. 971-1 a water right, dating from 1948
to use of 50 cubic feet per second of the waters of ground water

in the County of Corson and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted from the E $\frac{1}{2}$ Corner, Sec. 26, T23N, R22E, City Well A, 100' South and 500' West, City R.R. Well No. 1, 2930' South and 550' West, and City R.R. Well No. 2, 3530' South and 550' West.

and ~~xxxxxx~~ conducted through the City water distribution system

for the purpose of Municipal use

Subject to any limitations listed in Water Right Permit No. 971-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 5th day of September A. D.
Nineteen Hundred and Seventy-two

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIMES

Form 15.

Permit No. 971-1

Water Diversion No. 1 GRAND RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the City of McIntosh

the holder of
Vested Right / Permit No. 971-1, issued upon Application No. 971-1, bearing date of priority of 1948
authorizing the diversion of .5 cu. ft. per second of the waters of
ground water County of Corson, State of South Dakota from the
E½ Corner, Sec. 26, T23N, R22E, City Well A, 100' South and 500' West, City R.R.
Well No. 1, 2930' South and 550' West, and City R.R. Well No. 2, 3530' South and
550' West, for Municipal

purposes, has 8 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 satisfactory
condition for diverting and conveying to the place of intended use .50 cu. ft. per second of water.

Date September 8, 1972

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

NOTE: This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

**AFFIDAVIT OF CONSTRUCTION OF WATER USE
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE**

Name of Applicant (Same as Form 2) City of McIntosh
 Post Office Address McIntosh, State South Dakota
 If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)
 Date of Posting _____ Date of Recording _____
 Recording Date _____
14. Date of start of construction of water supply system 1943, 1945 and 1948
15. Date that water was first applied to beneficial use 1943
16. Name of owner of original water supply system "Milwaukee R.R." and City of McIntosh
17. Amount of water originally applied to beneficial use 0.2 c. f. s.
18. Present Use of Water
 Amount of water now being used 0.5 c. f. s.
 Date that this amount of water was first used 1948

19. Chronological History of Water Use

Milwaukee R.R. constructed City R.R. Well No. 1 in 1943 and turned it over to the City of McIntosh in 1950.

Milwaukee R.R. constructed City R.R. well No. 2 in 1945 and turned it over to the City of McIntosh in 1957.

The City of McIntosh constructed city well A in 1948.

The systems were constructed and water used as indicated.

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)

County of Corson) ss.

I, Virgil E. Anderson, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Subscribed and sworn to before me this 2nd day of Aug, 1948

Signed Virgil E. Anderson

Robert L. Lawrence
 (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.

Joseph Lawrence

May 10, 1983

City of McIntosh
Post Office Box 416
McIntosh, South Dakota 57641

Dear Sir:

Your application for permit to appropriate water for municipal use was received May 6, 1983.

This application will be considered as a new permit to drill two more wells for the City of McIntosh and does not qualify as a vested right or a change of diversion as stated on the application.

The Cities vested water right #971-1 covers the two RR wells and City well A. Since these wells have been abandoned the "in use City Wells" shown on the map enclosed with your new application are not covered by a water permit. It is our understanding these wells were drilled in 1930 and 1948, therefore they would qualify as a vested right. Enclosed are our forms to file for a vested right on these two wells.

If you are requesting the 0.5 cfs of water from the two new proposed wells the filing fee will be \$150.00. The fee for the vested right filing will be \$10.50. Please feel free to contact our office if you have a question on the fee or completion of the forms.

To maintain your priority date of May 6, 1983 on your application for permit to appropriate water, in accordance with SDCL 46-5-16, you will now have sixty days from the date of this letter to correct your application and/or have the above information submitted to this office.

Sincerely,

Patty Westlund
Water Rights Specialist

BW:ms

Enc.

cc: Rob Kittay

 **Department of
Water & Natural Resources**

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

JUN 13 1989

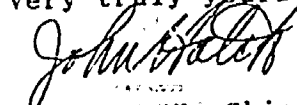
Marvin Bertsch, Mayor
City of McIntosh
Box 416
McIntosh SD 57461

Dear Mayor Bertsch:

The Water Management Board has validated the enclosed Vested Water Right Nos. 971-1 and 971-1A. These validations give legal status to the claims and are the final document for your vested rights.

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



SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NOS. 971-1 & 971-1A

Date Claim Accepted For Filing August 24, 1972 & May 6, 1983.

Date of Validation May 10, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim Nos. 971-1 & 971-1A for the City of McIntosh, Box 416, McIntosh, South Dakota 57461 with the following limitations, conditions and qualifications:

1. Vested Water Right Nos. 971-1 & 971-1A appropriate 0.5 cubic feet of water per second from 4 wells approximately 200 feet deep located in the SW 1/4 SW 1/4, Section 25; NE 1/4 SE 1/4, SE 1/4 SE 1/4 and NW 1/4 SE 1/4, Section 26; all in T23N, R22E.

2. The appropriated water is used for supplying water for the City of McIntosh 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 - December 31.

3. The priority date of the Vested Water Right is: January 1, 1948 for all four wells.

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.

QUALIFICATIONS

The wells approved under this Permit will be located near domestic wells which may obtain water from the same aquifer. The well owner, under this Permit, shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.

The abandoned railroad wells and any other abandoned City wells shall be plugged pursuant to SDCL 46-6-27.

WATER MANAGEMENT BOARD

By: _____

Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources

JUN 13 1989

date



971-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 17 1993

971-1A

Lois Utter, Finance Officer
City of McIntosh
Box 416
McIntosh, SD 57461

Dear Ms. Utter:

Enclosed is Vested Right Water License No. 971-1A. This is the final water right document completing your process of obtaining a Water Right.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Vested Right No. 971-1A, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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. If you have any questions, please contact our office.

Very truly yours,

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

gm
enclosure

NOTE: The applicable portions of Vested Right No. 971-1 are incorporated into this Vested Right Water License No. 971-1A.