

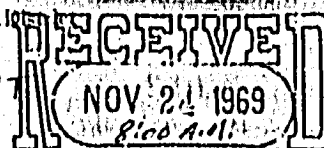
1009-2

1. Considered 1-7 1970
2. Name of Applicant TOWN OF KENNEBEC
3. Post Office Address _____
4. Amount of water claimed .66 .2 1/2
5. Source of water supply GROUND WATER In the By the
6. Water to be used for MUNICIPAL
7. Acres to be irrigated _____
Water to be diverted and used in LYMAN county
about _____ miles of IN CITY LIMITS
8. Proof of Publication
Received 1-5-70
Not received _____
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
9. Application
10. Remarks:

No. 1009-2Map No. 875-2 Water Division No. 2 WHITE RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)

VESTED RIGHT

APPLICATION FOR PERMIT

STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

1. Name of Applicant Town of Kennebec
Postoffice address Kennebec, State South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
3. Name of diversion work Kennebec Water Plant
4. Amount of water claimed (cubic feet per second) 300 gal. per minute
5. Source of water supply Lake Byre
6. Location of point of diversion SW 1/4 Sec. 4 T 105N R 75W
N 49° E 4400' FROM THE SW CORNER, SECTION 4, T 105N, R 75W
County Lynn

7. Annual period or periods during which water is to be used Year Round
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Municipal
9. 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

10. Time required to complete construction of water supply system now complete years. Additional time required to complete application of water to the proposed beneficial use _____ years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Advocate Leader - Kennebec, So. Dak.
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Pumping Station - constructed 1951

B. Works proposed to transport water to place of use.

Pipeline - constructed 1951

C. Works proposed to apply water to beneficial use.

Water Treatment Plant - constructed 1951

Estimated Total Cost \$ _____

Attachments: 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 LynnI, Town of Kennebec, 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.

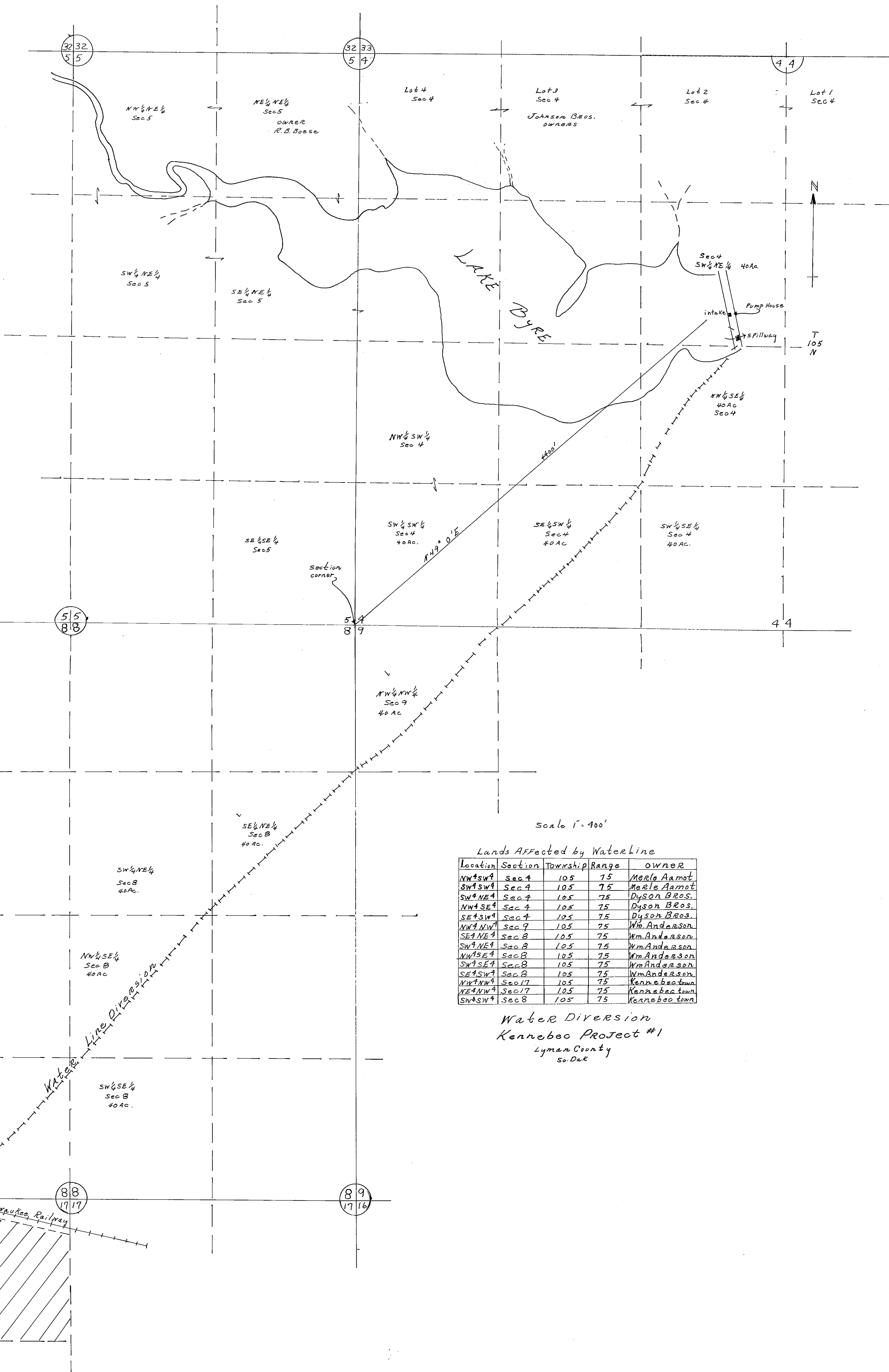
Subscribed and sworn to before me this

Signed

day of

23rdOctober1969

Notary Public (or other qualified officer)



Lands Affected by Water Line

Location	Section	Township	Range	owner
NW 1/4 SW 1/4	Sec 4	105	75	Merle Aamot
SW 1/4 SW 1/4	Sec 4	105	75	Merle Aamot
SW 1/4 NE 1/4	Sec 4	105	75	Dyson Bros.
NW 1/4 SE 1/4	Sec 4	105	75	Dyson Bros.
SE 1/4 SW 1/4	Sec 4	105	75	Dyson Bros.
NW 1/4 NW 1/4	Sec 9	105	75	Wm. Anderson
SE 1/4 NE 1/4	Sec 8	105	75	Wm. Anderson
SW 1/4 NE 1/4	Sec 8	105	75	Wm. Anderson
NW 1/4 SE 1/4	Sec 8	105	75	Wm. Anderson
SW 1/4 SE 1/4	Sec 8	105	75	Wm. Anderson
SE 1/4 SW 1/4	Sec 8	105	75	Wm. Anderson
NW 1/4 NW 1/4	Sec 17	105	75	Kennebec town
NE 1/4 NW 1/4	Sec 17	105	75	Kennebec town
SW 1/4 SW 1/4	Sec 8	105	75	Kennebec town

Water Diversion
Kennebec Project #1
Lyman County
S.Dak

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1009-2

TOWN OF KENNEBEC
(Applicant)

(Post Office Address)

SOUTH DAKOTA
(State)

With the following modifications:

Date of first receipt of application NOVEMBER 24, 19 69

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

Date of receipt of corrected application —, 19 —

Approved JANUARY 7, 19 70, Recorded in Book 11 Page 68

WATER RIGHT PERMIT NO. 1009-2

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1009-2 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 2 CFS FROM 1951
46 " " NOVEMBER 24 19 69
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed —, 19 —
3. The whole of said work is ~~to be~~ completed —, 19 —
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 .66 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~~ series, and if for the irrigation purposes said appropriation must be limited to not more than 7 cubic feet per acre per year and be limited to not more than one twentieth (1/20) of one cubic foot of water per second of time for each acre of land to which water is USED FOR MUNICIPAL PURPOSES actually and beneficially applied for irrigation on or before THIS DATE 19 —; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 9TH day of JANUARY 19 70

WATER RESOURCES COMMISSION

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued FEBRUARY 13, 19 73

Water License Issued FEBRUARY 13, 19 73

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

(4) Gravel Pack. Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

F. Fill out for either a Well or a Dugout.

(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 _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

(2) Distance to nearest existing household or livestock watering wells.

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

G. Water Storage Dams.

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.

13' main depth

133.5 Acres surface

Town of Kennebec
Charles Bowan
Signature of Applicant

Form 2B - Affidavit of Water Use (Supplement to Form 2)

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) _____

Post Office Address _____, State _____

If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)

Date of Posting vested right application submitted Date of Recording _____
Recording Date _____

14. Date of start of construction of water supply system 1951

15. Date that water was first applied to beneficial use 1951

16. Name of owner of original water supply system Town of Kennebec

17. Amount of water originally applied to beneficial use estimated for 400 people first

18. Present Use of Water

Amount of water now being used 16,000,000 gal. c.f.g.

Date that this amount of water was first used 1964

19. Chronological History of Water Use

Anticipating future growth we installed a 300 gal per minute pump in 1968

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 Lyman) ss.

I, Town of Kennebec, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed

Charles Bowman

Subscribed and sworn to before me this 23rd day of October, 1969

[Signature]
(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.

Morris W. Sloan
Jean Moore

WATER LICENSE NO. 1009-2

(1) WHEREAS, On the 24th day of November A. D. 19 69
the Town of Kennebec

made Water Right Application No. 1009-2 for a permit to use .66 cubic feet per second of the waters
of Lake Byre

County of Lyman State of South Dakota, for Municipal

purposes; and

(2) WHEREAS, On the 9th day of January A. D. 19 70

Permit No. 1009-2 with a date of priority of 1951 and November 24, 1969

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water

supply system therein described on or before the 9th day of January A. D. 19 69 and for the

application to beneficial use of said water on or before the 9th day of January A. D. 19 69

and;

(3) 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 .66 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 Town of Kennebec.

(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 Town of Kennebec

the holder XXXX and owner XXXX of said permit No. 1009-2 water right, dating from 1951 and November 24, 1969 to use of .66 cubic feet per second of the waters of Lake Byre in the County of Lyman and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point North 49 East, 4400 ft. from the SW corner, Section 4, T105N, R75W

and ~~XXXXXXX and XXXXX~~ conducted through the Town water distribution system,

for the purpose of Municipal use

Subject to any limitations listed in Water Right Permit No. 1009-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 13th day of February A. D.
Nineteen Hundred and Seventy-three

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIMES

Form 15.

Permit No. 1009-2

Water Diversion No. 2 WHITE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Town of Kennebec

_____ the holder _____ of
Permit No. 1009-2, issued upon Application No. 1009-2, bearing date of priority of 1951 and
November 24, 1969 authorizing the diversion of .66 cu. ft. per second of the waters of _____
Lake Byre County of Lyman, State of South Dakota at _____
a point North 49° East, 4400 ft. from the SW Corner, Section 4, T105N, R75W

_____, for Municipal use

_____ purposes, has _____ 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 found in satisfactory
condition for diverting and conveying to the place of intended use .66 cu. ft. per second of water.

Date February 13, 1973

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

Form 6 - Notice of Intent to Appropriate Water

1009-2

Publish first publication, on or before

December 10, 1969

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 5, 1969

the Town of Kennebec

Notice is hereby given that

~~whose name and address is~~ _____, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use .66 cubic feet of water per second of time from the Lake Byre through the Kennebec Water Plant _____, the point of diversion of which is to be located in the _____

SW 1/4 NE 1/4

of Section 4, Twp. 105N, Range 75W. Said water to be used for the purpose

of providing irrigation on the following described land:

municipal supplies for the Town of Kennebec

This application No. 1009-2 will be considered by the Water Resources Commission at their office at Pierre upon the 7th day of January, 1970, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

cc: Charles Bower, Mayor
Kennebec, S.D.

By:

BURTON F. JONES, Water Rights Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Lyman) ss.

I, E. J. Beckingham, Jr. hereby
certify that the annexed printed copy of Notice of intent to Appropriate
Water was taken from the Advocate - Leader

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

Town of Kennebec

County of Lyman and State of South Dakota;
that the said notice was published in said newspaper on the following
four dates:

December 11, 1969

December 18, 1969

December 25, 1969

January 1, 1970

E. J. Beckingham, Jr.
(Signature)

Publisher
(Title)

Jan. 2, 1970
(Date Signed)

LEGAL'S
No. 1009-2
NOTICE OF INTENT
TO APPROPRIATE WATER
Pierre, South Dakota 57501
December 15, 1969
Notice is hereby given that
the Town of Kennebec, South
Dakota, has made an applica-
tion in accordance with the pro-
visions of the water laws of
South Dakota for a permit to
appropriate for beneficial use
66 cubic feet of water per
second of flow from Lake Byre
through the Kennebec Water
Plant, the point of diversion
of which is to be located in
the SW 1/4 NE 1/4 of Section
4, Twp 105N, Range 75W, said
water to be used for the purpose
of providing irrigation on the
following described land:
municipal supplies for the Town
of Kennebec, South Dakota.
This application No. 1009-2
will be considered by the Water
Resources Commission at their
office at Pierre, upon the 7th
day of January, 1970, at 2:00
P.M. All interested persons
may appear and be heard.
WATER RESOURCES COM-
MISSION
By: BURTON F. JONES,
Water Rights Specialist
cc: Charles Bowar, Mayor
Kennebec, S. D.
(Dec. 11 - 18 - 25 - Jan. 1)

RECEIVED
JAN 5 1970

SOUTH DAKOTA WATER RESOURCES

Permit No. 1009-2Water Division 2 WHITE RIVER Water District

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by the City of Kennebec
Kennebec, S.D. holder
1951 = 0.2 c.f.s.
 of Permit No. 1009-2, bearing date of priority of Nov. 24, 1969 = 0.46 c.f.s., 8x
 authorizing the diversion of 0.66 cu. ft. per second of the waters of Lake Byre
 for municipal purposes, in Lyman County County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

Pumphouse on Lake Byre embankment
 Fairbanks Morse pump Mod. 553 E, Size 2" x 1½"
 U.S. Electrical motor, Type H, 5 H.P.

B. Works used to transport water to place of use,

Two miles long buried asbestos-cement mainline from Lake Byre
 to City distribution system
 The City Water distribution system
 35,000 gallon elevated storage tank

C. Works used to apply water to beneficial use.

140 service connections

The system is in the following condition: very good

The point of diversion is located North 49° East, 4400 ft. from the SW Corner, of Section 4,
T105N, R75W

The works are capable of diverting and conveying to the place of use 0.66
 cu. ft. per second of water which is to be used for municipal

Water has been put to beneficial use to the maximum extent as follows:

Municipal water supply to 140 Service Connections

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
 comprising a total of _____ acres of land.

Send notice to: Mr. David John Mertens, Mayor, Kennebec, S.D. 57544

Date January 12, 1973

Donald Driscoll
 (Signature)

DONALD DRISCOLL, Deputy Chief Engineer, W.R.C.

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1009-2

Date of Receipt of Claim November 24, 1969.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 1009-2 for the Town of Kennebec, P.O. Box 61, Kennebec, South Dakota 57544-0061 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1009-2 appropriates 0.2 cubic feet per second of water from Lake Byre located in the SW1/4 NE1/4 SEC 4, T105N, R75W.
2. The appropriated water is used for supplying water for the Town of Kennebec 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, 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: _____

[Signature]
Chief Engineer

SEP 20 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

NOTE: Vested Water Right No. 1009-2 is also included as a part of Water License No. 1009-2 for a total of 0.66 cfc.

1009-2



SEP 20 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Sandra Manger, Finance Officer
Town of Kennebec
PO Box 61
Kennebec SD 57544-0061

Dear Ms. Manger:

Enclosed are Water License Nos. 1009A-2 and 1009B-2 for the Town of Kennebec.

No. 1009-2 was originally issued as a "partial vested right claim". On May 6, 1992, the Water Management Board validated the vested right portion. Partial Vested Right Water License No. 1009-2 is being divided and reissued to separate the vested right portion from the water right as follows:

Vested Water Right No. 1009A-2 - authorizing diversion of 0.20 cfs of water from Lake Byre located in the SW 1/4 NE 1/4 Section 4-T105N-R75W - Priority date: January 1, 1951

Water Right No. 1009B-2 - authorizing diversion of 0.45 cfs of water from Lake Byre located in the SW 1/4 NE 1/4 Section 4-T105N-R75W - Priority date: November 24, 1969

As long as you use the water beneficially as stated in the licenses, you have a continuing right to the use of the water.

Very truly yours,


John Hatch, Chief Engineer
Water Rights Division
605 773-3352

enclosures