

Water Right Number 1090-2

"VESTED RIGHT"

1. Considered NOVEMBER 10 1971
2. Name of Applicant TOWN OF WASTA
3. Post Office Address WASTA, S.D.
4. Amount of Water claimed .08
5. Source of Water supply SHALLOW SPRING GALLERY & 2 WELLS
6. Water to be used for MUNICIPAL
- Acres to be irrigated -
7. Water to be diverted and used in PENNINGTON County
about _____ miles _____ of _____
8. Proof of Publication Received _____
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

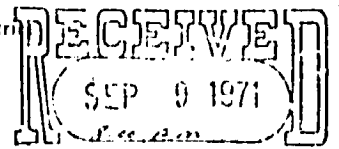
No. 1090-2

Map No. _____ Water Division No. 2 RAPID CREEK District _____

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

VESED 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 Town of Wasta
Postoffice address Wasta State South Dakota
If a corporation show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) completed
- Name of diversion work Wasta Water Supply System
- Amount of water claimed (cubic feet per second) .08 (36 g.p.m.)
- Source of water supply Shallow Spring Gallery plus two 80 foot deep standby wells
- Location of point of diversion all distances & directions from NW Corner, Sec. 4, T1N, R14E, Spring 1/2 mile South, 1/4 mile East. Standby Well No. 1, 150 ft. North 50 ft. East, Standby Well No. 2, 300 ft. North and 300 ft. East. County Pennington
- Annual period or periods during which water is to be used continuously
- 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	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 _____
- Principal Features of the Proposed Water Supply System.

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

Shallow spring gallery

Two standby well, each 4 inch casing, 80 feet deep with 1 HP electric submersible pumps which supplement the water supply of the spring.

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

Approximately 3000 feet of main line

Town water distribution system

80,000 gallon concrete storage tank

C. Works proposed to apply water to beneficial use.

Forth service connections

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 Pennington
Wanda J. Smith 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

TOWN OF WASTA

Signed Harold K. Smith, Pres.

Subscribed and sworn to before me this 7 day of Sept 1971

Notary Public for other qualified officers

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1090-2

TOWN OF WASTA
(Applicant)

(Post Office Address)

SOUTH DAKOTA
(State)

With the following modifications:

"VESTED RIGHT" CLAIMED

SEPTEMBER 9 19 71

Date of first receipt of application _____

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

Date of receipt of corrected application _____ 19 _____

Approved NOVEMBER 10 19 71 Recorded in Book 12 Page 50

WATER RIGHT PERMIT No. 1090-2

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1090-2 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 1936
2. The equivalent of at least one-fifth of the work above specified is ~~not~~ completed on schedule
3. The whole of said work is ~~not~~ completed on schedule
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 .08 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 ~~domestic and~~ used for municipal purposes and if for ~~the irrigation purpose~~ domestic and ~~the amount of water per acre of land for each acre of land~~ which water was actually and beneficially ~~applied for irrigation on or before~~ used for municipal purposes JUNE 30 19 55 said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 12TH day of NOVEMBER 19 71

WATER RESOURCES COMMISSION

By

[Signature]
Chief Engineer/Executive Officer

Certificate of Construction Issued NOVEMBER 12 19 71

Water License Issued NOVEMBER 12 19 71

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) Town of Wasta

Post Office Address Wasta, 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 1935

15. Date that water was first applied to beneficial use 1936

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

17. Amount of water originally applied to beneficial use .08 c. f. s.

18. Present Use of Water

Amount of water now being used .08 c. f. s. - includes that obtained from the Standby wells

Date that this amount of water was first used 1936

19. Chronological History of Water Use

System was completed in 1936 and water has been used as indicated since that date.

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 Pennington

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

Signed

Thomas A. Smith, President

Subscribed and sworn to before me this

7

day of

Sept

9, 1937

(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.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1090-2

(1) WHEREAS, On the 9th day of September A. D. 19 71
the Town of Wasta

Vested Right
 made Water Right Application No. 1090-2 for a permit to use .08 cubic feet per second of the waters
 of spring gallery and ground water
 County of Pennington State of South Dakota, for municipal use

purposes; and
 (2) WHEREAS, On the 12th day of November A. D. 19 71
Vested Right Permit No. 1090-2 with a date of priority of 1936
 was issued to said applicant recognizing the for the diversion of said water ~~xxxxxxxxxxxx~~ the completion of construction of the water
 supply system therein described ~~xxxxxxxxxxxx~~ ~~xxxxxxx~~ and ~~xxx~~ the
 application to beneficial use of said water ~~xxxxxxxxxxxx~~ ~~xxxxxxx~~ ~~xxxxxxxx~~

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 .08 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 supplies for the Town of Wasta

(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 Wasta

Vested Right
the holder _____ and owner _____ of said permit No. 1090-2 a water right, dating from 1936
to use of .08 cubic feet per second of the waters
of Spring Gallery and ground water

in the County of Pennington and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at all distances and directions from NW Cor. Sec. 4, T1N, R14E,
Spring 1/3 mile South, 1/4 mile East, standby Well #1, 150 feet North, 50 ft. East,
standby well #2, 300 feet North and 300 feet East.

and ~~XXXXXX~~ conducted through the Town of Wasta water distribution system

for the purpose of municipal use

Subject to any limitations listed in Water Right Permit No. 1090-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 12th day of November A. D.
Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer - J.W. JAMES

Permit No. 1090-2Water Diversion No. 2 RAPID CREEK Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Town of Wasta

Vested Right

/ Permit No. 1090-2, issued upon Application No. 1090-2, bearing date of priority of 1936authorizing the diversion of .08 cu. ft. per second of the waters of Spring
Gailery and ground water County of Pennington, State of South Dakota atAll distances & directions from NW Cor. Sec. 4, T1N, R14E, Spring 1/3 mile S., 1/4 mile
E. Standby Well #1, 150 ft. N., 50 ft. E., standby well #2, 300 ft. N., and 300 ft. E.for Municipal usepurposes, has E 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
XXXXXX satisfactory
diverting and conveying to the place of intended use .08 cu. ft. per second of water.Date November 12, 1971

WATER RESOURCES COMMISSION

By.

J.W. GRIMES, Executive Officer

1090-2

TOWN OF WASTA
"Live Town On The Cheyenne"
Wasta, South Dakota 57791



March 23, 1993

John Hatch
Water Rights Division
Department of Environment and Natural Resources

Dear Mr. Hatch,

In regard to your March 16, 1993 letter concerning water right no. 1090-2.

The Town of Wasta does not have any record of receiving or applying for rights to this water. If it is possible we would like to know on what basis you are claiming this water.

The spring and 1 well that you have mentioned are on property owned by the Town of Wasta and we were under the assumption that the water rights belonged to the Town of Wasta.

We will need copies of the application and any other documents that you have that will better inform us on this matter.

We would also like to know what "municipal purposes" covers and why it took 21 years for a validation of a claim.

Thank you for prompt attention and your reply.

Sincerely,

Orrin M. Sundquist, Mayor
Town of Wasta
Board of Trustees
Box 15
Wasta, SD 57791

1090-2

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1090-2

Date of Receipt of Claim September 9, 1971.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 1090-2 for the Town of Wasta, P.O. Box 15, Wasta, South Dakota 57791 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1090-2 appropriates 0.08 cubic feet per second of water from 2 wells and a spring gallery located in the SW1/4 NW1/4 Section 4, T1N, R14E and in the SW1/4 SW1/4 Section 33, T2N, R14E.
2. The appropriated water is used for supplying water for the Town of Wasta 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, 1936
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: 
Chief Engineer

MAR 16 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

1090-2



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

MAR 16 1993

Zella Sundquist, Finance Officer
Town of Wasta
PO Box 15
Wasta SD 57791-0015

Dear Ms. Sundquist:

The Water Management Board has validated the enclosed Vested Water Right No. 1090-2. This validation gives legal status to the claim and is the final document for your vested right.

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,

A handwritten signature in dark ink, appearing to read 'John Hatch', is written over a faint, larger signature.

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

enclosure

1090-2



March 26, 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Orrin M Sundquist, Mayor
Town of Wasta
Box 15
Wasta SD 57791

Dear Mayor Sundquist:

I am writing in response to your letter dated March 23, 1993, concerning validation of Vested Water Right No. 1090-2. As you requested, enclosed is a copy of the original application filed by the town and the water license issued for No. 1090-2.

Vested Water Right No. 1090-2 does belong to the Town of Wasta and the validation of the vested right does not affect your ownership. In 1986, legislation was enacted requiring that all "recognized" vested water right claims be validated. The legal standing of "recognized" vested right claims was called into question because the claims were filed with the state with no notice given to the public that a claim was made. Public notice of hearing is given for other types of water right applications. To address the legal question, the 1986 legislation required that all recognized vested rights be published in local newspapers on a county by county basis for "Notice of Intent to Validate Vested Water Right Claims." No comments on Claim No. 1090-2 were received from the public in response to publication of the Pennington County list of vested right claims. The purpose of the March 16, 1993, validation document is to give notice that Claim No. 1090-2 has been validated as required by SDCL 46-2A-16 and 46-2A-17.

Municipal water use is defined by SDCL 46-1-6(14) and includes uses such as household use, commercial use, lawn watering, and fire protection. These and other uses that promote the life, safety, health, comfort, and business pursuits of the state, municipality, and inhabitants thereof are considered municipal uses of water.

Your letter made mention of a spring and 1 one well rather than 2 wells as originally specified on your vested right claim and water license. If the town has abandoned one of the wells, the water license can be reissued to remove the abandoned well. Please advise of what action needs to be taken.

I hope this letter answers your questions. If you need any further clarification, please contact me at 605 773-3352

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Division

enclosure