

1. Considered: _____, 19____ Water Right No. 1841-2
2. Name of Applicant TOWN OF HERRICK
3. Post Office Address Herrick, S.D. 57538
4. Amount of Water Claimed 0.10 maximum acre feet _____
5. Source of Water Supply 55' well
6. Water to be used for MUN acres to be irrigated _____
7. County Gregory about _____ miles _____ of City Limits
8. PROOF OF PUBLICATION: Received 9-21-83 Not Received _____
 APPLICATION: Approved 7-20-83 Subject to domestic well
 Not Approved _____ Action Deferred _____

PRIORITY

Dated Received 3/22/83 Application complete-yes _____ no _____ FEE 50.00
3/22/83 Remarks Winterton received call 4/18/83 amount of water .10 fee would only be 50.00

Corrected Application received 5/17/83 Period of Annual Use 1/1 to 12/31

WATER
QUALITY N/A

Received yes _____ no _____ APPROVED/CONDITIONAL (Circle one)
 WI-1 Description same as application-yes _____ no _____ Remarks _____

Disapproved _____ Returned _____

Diversion Point _____
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 24-96N-71W

Land to be irrigated _____

WELL LOG

Driller unknown Licensed - yes _____ no _____
 City stated driller is out of business cannot supply log
 Depth 55 feet deep on Form 2A

Remarks _____

MAP Map No. 1841-2 Map located in Water Right ✓ Map file _____
Type of Map plat Prepared by SCS

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

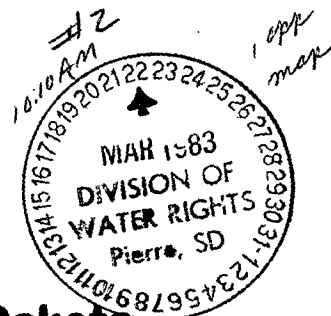
5/19/83

Betty Westlund
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date _____
F.F. & C. Final Decision, including F.F. & C. of Law were adopted _____
OF LAW, Date _____
FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
DECISIONS adopted _____
ETC. Remarks _____



No. 1841-2
 Map No. 1841-2 Water Division No. 2 NIORARA TRIBUTARY District
 Above for Office Use 10150001

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Town Of Herrick Phone No. _____Post Office Address _____ Herrick State SD 57538
 (Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract, Completed 1973.3. Name of diversion work Well #24. Amount of water claimed (cubic feet per second) ~~100 GPM~~ ~~0.22~~ 0.1 gpm Telephone 418/183
Claussen5. Source of water supply Well6. Location of point of diversion Lot 9 Block 62 Original Town of HerrickSW SE. Sec. 24-T96N-R71WCounty Gregory7. Annual period or periods during which water is to be used Continuous8. 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 ~~2~~ Complete years. Additional time required to complete application of water to the proposed beneficial use ~~2~~ years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Burke Gazette

12. Principal Features of the Proposed Water Supply System.

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

Well

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

Pipe

C. Works proposed to apply water to beneficial use.

Town Distribution System

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)
) ss.
 County of Gregory)I, Roland Klein 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.Signed Roland Klein
11th day of March, 1983
Juanita J. Hays 1-6-90
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1841-2

Town of Herrick

(Applicant)

Herrick

(Post Office Address)

South Dakota

(State)

With the following qualifications.

The well approved under this Permit is 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.

Date of first receipt of application March 22, 1983

Date of return to applicant for correction, amendments or changes required March 29, 1983

Date of receipt of corrected application May 17, 1983

Approved July 20, 1983, Recorded in Book — Page —

WATER RIGHT PERMIT NO. 1841-2

The Water Management Board hereby grants and issues this Water Right Permit No. 1841-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is March 22, 1983
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before July 20, 1983
3. The whole of said work is ~~to be completed on or before~~ —, 19—
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is —, 19—
5. The water appropriated shall be used for the purpose of Municipal water supply

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 0.10 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 uses served, and ~~if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied~~

BW MUNICIPAL USE for ~~irrigation~~ on or before July 20, 1983; said water to be used during the following described annual period: January 1 thru December 31

Witness my hand this 2nd day of August, 1983

THE WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued —, 19—

Water License Issued —, 19—

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 Herrick

Post Office Address Herrick, State SD.

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 1973

15. Date that water was first applied to beneficial use 1973

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

17. Amount of water originally applied to beneficial use 100 GPM c. f. s.

18. Present Use of Water

Amount of water now being used 100 Gpm c. f. s.

Date that this amount of water was first used 1973

19. Chronological History of Water Use

Continuous Municipal Use 1973 to Present.

It is estimated that about 3,000,000 Gal of Water is used through the City water system yearly.

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)
) ss.
County of Gregory)

I, Roland Klein, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Roland Klein

Subscribed and sworn to before me this 11th day of March, 1983

Jacqueline J. Hargis 1-6-83
(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.

Walter V. Long Sr
Charles Clausen water Sup.



D Well Information

- (1) Drill Hole, Diameter 24", Depth 55'
- (2) Casing, Type Concrete Tile, Diameter 24", Thickness 2"
(wood, concrete, steel, etc.)
- (3) 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. (Attach a copy of test well log)

Depth to top of water bearing material Unk

Depth to bottom of water bearing material Unk

Depth to water (ground surface to water level) 25'

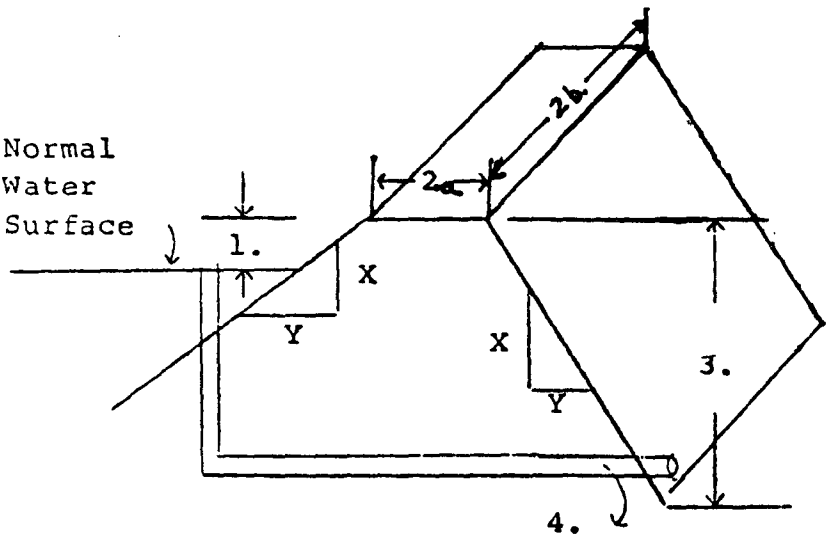
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property N/A rds.

On property owned by others N/A 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, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____
- 2a Crest width b. length _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
- Surface area of impoundment _____
- Drainage area above dam _____

Roland Klein
Signature of Applicant

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9250

May 17

83

PIERRE, _____, 19____

Town of Herrick, Herrick, SD 57538

RECEIVED OF _____

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. 1841-2 (examination, processing, recording and filing) _____	50	00
Fee for inspecting Construction, and issuing Cert. of Construction No. _____		
Fee for inspecting Beneficial Use, and issuing Water License No. _____		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH (MS)

REPORT ON APPLICATION NO. 1841-2

TOWN OF HERRICK

May 27, 1983

Application No. 1841-2, Town of Herrick, withdraws 0.1 cfs from one 55 foot deep well for municipal use.

The water is withdrawn from a fine sand formation which lays directly above the shale. An estimate of total water in storage has not been made and the aquifer boundaries have not been delineated. Observation well GY-57A located approximately 3/4 miles from the Town's well indicates water level fluctuations between 31.8 feet (7-20-1981) and 21.8 feet (3-26-1965) below ground surface. This would leave 21 feet of saturated material at the lower water level.

Drill hole information (Barari, Beissel 1975) indicates an area from Herrick to Bonesteel underlain by the fine sand. This information along with observation well data would indicated that water is available for this application. Also the fact that the well was completed in 1973 and used since that time with no known adverse affects would indicate that water is available for this application.

Gale N. Selken

GALE N SELKEN PE
Hydrologist

1. Barari, Beissel, East Gregroy Rural Water Study, South Dakota Geological Survey 1975.
2. DWNr, Division of Water Right, observation well files.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

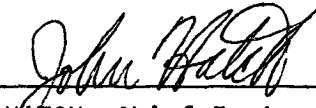
APPLICATION NO. 1841-2, Town of Herrick

Pursuant to Section 4, House Bill 1002, 1983 Legislature, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1841-2, Town of Herrick, South Dakota.

The Chief Engineer is recommending APPROVAL of Application No. 1841-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) that the proposed diversion can be developed without unlawful impairment of existing rights, 3) that the proposed use is a beneficial use and 4) in the public interest with the following qualification:

The well approved under this Permit is 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 attached report is a part of this recommendation.



JOHN HATCH, Chief Engineer
June 1, 1983

Instructions to Newspaper - Publish first publication of following Notice on or before
June 8, 1983 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE of HEARING on Application No. 1841-2 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that the Town of Herrick whose mailing address is _____
Herrick, South Dakota has made an application pursuant to the provisions of
 SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-14, Section 13 of HB 1001 enacted by 1983 Legis-
 lature; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, Section 32 of HB 1001; 46-5-1 thru 46-5-8, 46-5-10,
 thru 46-5-16, 46-5-24, 46-5-25, 46-5-31, Sections 38, 47, 59 & 67 of HB 1001, Sections 1, 4,
 5, 6, 11, 12, 13, 16, 18, 19 & 21 of HB 1002; ~~(ground)~~ 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10,
 46-6-13, 46-6-14; ~~(future use) 46-5-38 thru 46-5-40, Section 71 of HB 1001; (transfer lands)~~
~~46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1, and Board Rules ARSD 74:02:01:01~~
~~thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:26; (10,000 AFA) 74:02:01:15:02~~
~~thru 74:02:01:15:05;~~ (several of the preceeding SDCL Sections are amended by HB 1001 & 1002
 of 1983 Legislature) for a permit to appropriate 0.10 cubic feet per second from groundwater
 (one 55' deep well) through Well #2, the point of diversion to be located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$
 of Section 24, T96N, R71W. Said water to be used for the purpose of providing water
 supplies for municipal use.

Pursuant to Section 4 of HB 1002 the Chief Engineer of the Water Rights Division recommends
Approval of Application No. 1841-2 because 1) unappropriated water is available,
 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and
 4) is in the public interest.

This application will be considered by the Water Management Board at Community Room, Basement
Day Co. Courthouse; 710 W 1, Webster SD upon the 19 day of July, 1983 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the
 Board is authorized to make a determination on this application after it reaches a con-
 clusion based upon facts presented at the public hearing. Any interested person who may
 be affected by a Board decision and who intends to participate in the hearing before the
 Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a
 written petition with the Chief Engineer and the Applicant by July 8, 1983.
 The petition may be informal, but it must include a statement describing the petitioners
 interest in the application, the reason for the petitioner's opposition to or support of
 the application, and the signature and mailing address of the petitioner or his legal counsel
 if legal counsel is obtained. The applicant need not file a petition. The time of the
 hearing will be automatically extended for at least twenty days upon written request of the
 applicant or any person who has filed a petition to oppose or support the application. The
 request for extension must be filed with the Chief Engineer by July 8, 1983.

This hearing is an adversary proceeding. The applicant or any person, after filing a
 petition, has the right to be present or to be represented by a lawyer. These and other
 due process rights will be forfeited if they are not exercised. Decisions of the Board
 may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on
 this application or to assure access to the hearing by the handicapped can contact the
 Water Right Division, DWNr, Joe Foss Bldg., Pierre SD (605 773-3352) for assistance
 prior to the hearing date.

Affidavit Of Publication

STATE OF SOUTH DAKOTA
COUNTY OF GREGORY

ss.

C. J. FAHRENBACHER of said county being first duly sworn, on oath says that he is the publisher of THE BURKE GAZETTE, a weekly newspaper printed and published in Burke said County of Gregory and has full and personal knowledge of all facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said county for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

NOTICE OF HEARING

On Application No. 1841-2 To
Appropriate Water

a printed copy of which, taken from the paper in which the same was printed, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each

week for two successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

June 8, 1983
June 15, 1983

that the full amount of the fees for the publication of the annexed
notice is \$ -----



Subscribed and sworn to before me this 20th day
of September, 1983.



Notary Public
County of Gregory, South Dakota

NOTICE OF HEARING On Application No. 1841-2 To Appropriate Water

Notice is hereby given that the
Town of Herrick whose mailing
address is Herrick, South Dakota
has made an application pursuant

to the provisions of SDCL 46-1-1
thru 46-1-9, 46-1-12 thru 46-1-14,
Section 13 of HB 1001 enacted by
1983 Legislature; 46-2-3.1, 46-2-
9, 46-2-11, 46-2-13, Section 32 of
HB 1001; 46-5-1 thru 46-5-8,
46-5-10, thru 46-5-16, 46-5-24,
46-5-25, 46-5-31, Sections 38, 47,
59 & 67 of HB 1001, Sections 1, 4,
5, 6, 11, 12, 13, 16, 18, 19 & 21 of
HB 1002; 46-6-3, 46-6-3.1, 46-6-
6.1, 46-6-10, 46-6-13, 46-6-14; and
Board Rules ARSD 74:02:01:01
thru 74:02:01:15; (several of the
preceding SDCL Sections are
amended by HB 1001 & 1002 of
1983 Legislature; for a permit to
appropriate 0.10 cubic feet per
second from groundwater (one
55' deep well) through Well #2,
the point of diversion to be
located in the SW 1/4 SE 1/4 of
Section 24, T96N, R71W. Said
water to be used for the purpose
of providing water supplies for
municipal use.

Pursuant to Section 4 of HB
1002 the Chief Engineer of the
Water Rights Division recom-

mends Approval of Application
No. 1841-2 because 1) unappro-
priated water is available, 2) will
be no unlawful impairment of
existing rights, 3) is beneficial
use of water and 4) is in the public
interest.

This application will be con-
sidered by the Water Manage-
ment Board at Community Room,
Basement Day Co. Courthouse,
710 W 1, Webster SD upon the 19
day of July, 1983 at 10:00 am.

The recommendation of the
Chief Engineer is not final or
binding upon the Board and the
Board is authorized to make a
determination on this application
after it reaches a conclusion
based upon facts presented at the
public hearing. Any interested
person who may be affected by a
Board decision and who intends
to participate in the hearing
before the Board and present
evidence or cross-examine wit-
nesses according to SDCL 1-26,
must file a written petition with
the Chief Engineer and the
Applicant by July 8, 1983. The
petition may be informal, but it
must include a statement descri-
bing the petitioner's interest in the
application, the reason for the
petitioner's opposition to or
support of the application, and
the signature and mailing address
of the petitioner or his legal
counsel if legal counsel is
obtained. The applicant need not
file a petition. The time of the
hearing will be automatically
extended for at least twenty days
upon written request of the
applicant or any person who has
filed a petition to oppose or
support the application. The
request for extension must be
filed with the Chief Engineer by
July 8, 1983.

This hearing is an adversary
proceeding. The applicant or any
person, after filing a petition, has
the right to be present or to be
represented by a lawyer. These
and other due process rights will
be forfeited if they are not
exercised. Decisions of the Board
may be appealed to the Circuit
Court and the State Supreme
Court as provided by law.

Any person wishing a copy of
the Chief Engineer's recommen-
dation, further information on
this application or to assure
access to the hearing by the
handicapped can contact the
Water Right Division, DWNR,
Joe Foss Bldg., Pierre SD (605
773-3352) for assistance prior to
the hearing date.

June 8-15

(107)



SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

August 3, 1983

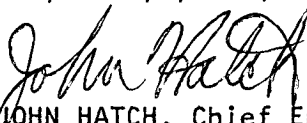
Town of Herrick
Herrick, South Dakota 57538

Dear Sir:

Enclosed herewith is your Water Permit No. 1841-2 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 1841-2.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 11 1995

2339-2

Laurie Bartling, Finance Officer
Town of Herrick
Rt 1, Box 76
Herrick, SD 57538

Dear Ms. Bartling:

Enclosed is Water License No. 2339-2. 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 Water Right No. 2339-2, 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 Program
(605) 773-3352

ks
enclosures

NOTE: The applicable portions of Water Permit No. 1841-2 have been incorporated into this Water License No. 2339-2.

SCALE
1" = 400'

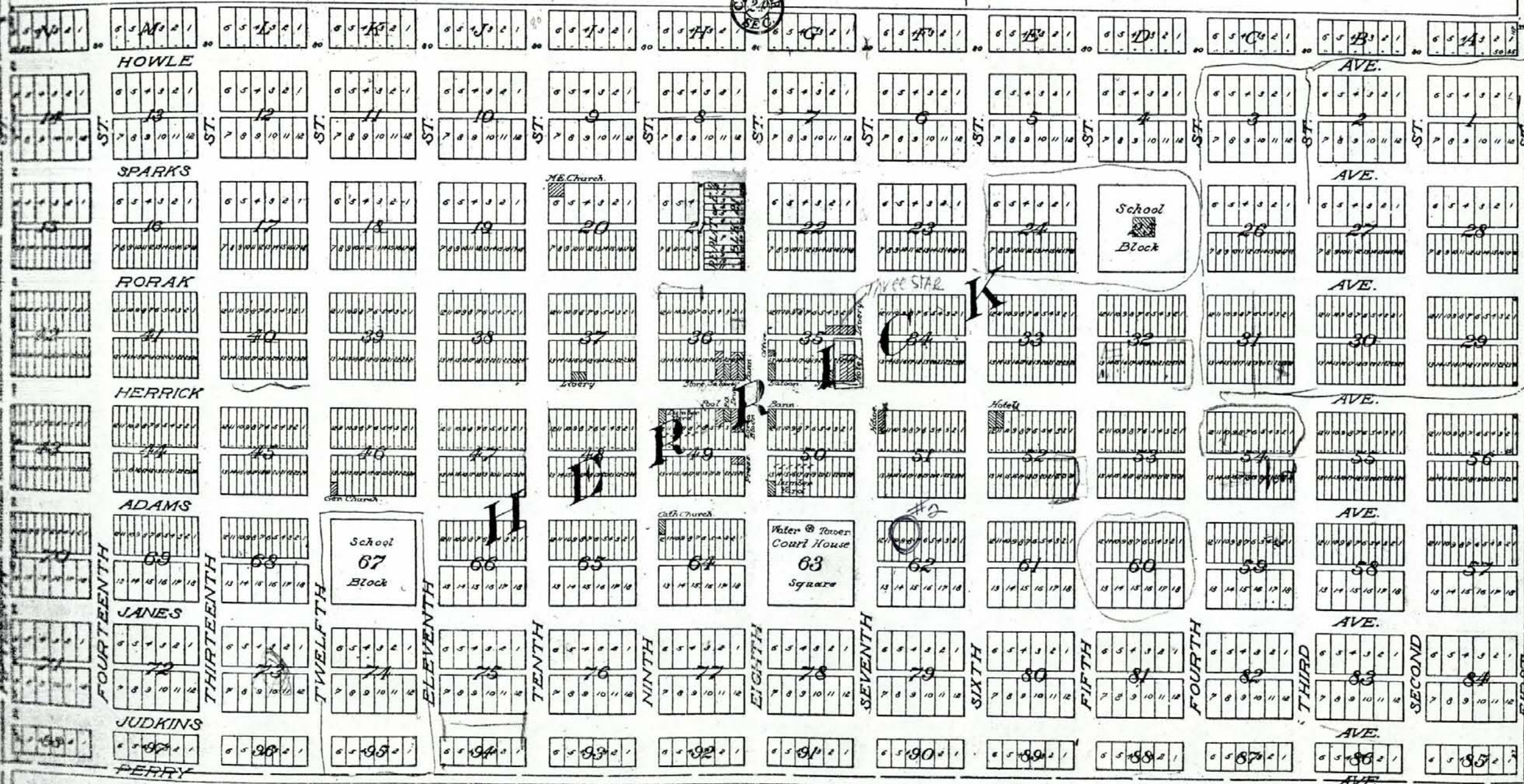
Edwin J. Russell

1
N

#2

T-96-N R-71-W
Sec. 24

150



60

L. R. Doyle

Ora Doyle

Louis Simons

Geo. E. Fletcher

Field & No. 1
Soil Conservation Service

Map & Appl # 1841-2

SW/SE

NEW WELL