

VESTED RIGHT

1. Considered: 6-9, 1983 Water Right No. 1842-2
2. Name of Applicant Town of Herrick
3. Post Office Address Herrick, SD 57538
4. Amount of Water Claimed 0.16 maximum acre feet
5. Source of Water Supply 46' 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 Not Received
- bu*
9/19/83 APPLICATION: Approved 6-9-83 Subject to
- Not Approved Action Deferred

ICUTY Dated Received 3/22/83 Application complete-yes no FEE 10.50

1908 .08¢ Remarks

1949 .08¢

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

TER Received yes no APPROVED/CONDITIONAL (Circle one)

ALITY WI-1 Description same as application-yes no Remarks

Disapproved Returned

					24
					x

Diversion Point

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

Land to be irrigated

LL LOG Driller unknown Licensed - yes no

Depth 46' drilled in 1908

Remarks log not available

MAP Map No. 1842-2 Map located in Water Right ✓ Map file _____
 Type of Map plat Prepared by _____
 not signed N/A

+++++

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

Detty 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 _____

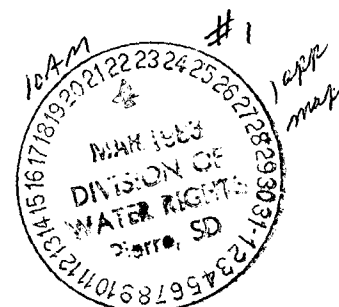
FINAL Date
 DECISIONS Final Decision mailed to parties and/or parties notified that Final Decision was adopted _____
 FC.

Remarks _____

No. 1842-2

Map No. 1842-2 Water Division No. 2 NIOPARA TRIBUTARY District
Above for Office Use 10150001

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 X 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)

(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) Completed 1908

3. Name of diversion work Well # 1

4. Amount of water claimed (cubic feet per second) 70 GPM 0.16

5. Source of water supply Well

6. Location of point of diversion Block 63 Original Town of Herrick

S.W. SL 24-96N-71W

County Gregory

7. Annual period or periods during which water is to be used Continuous

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 COMPLETED years. Additional time required to complete application of water to the proposed beneficial use " years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water _____

12. Principal Features of the Proposed Water Supply System.

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

Well

Vested Right Claimed

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

Pine

C. Works proposed to apply water to beneficial use.

Town Distribution System

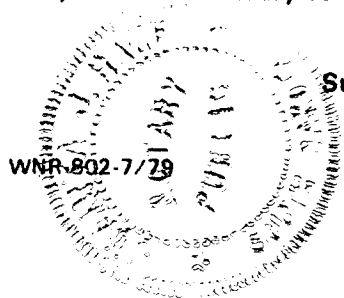
Estimated Total Cost \$ _____

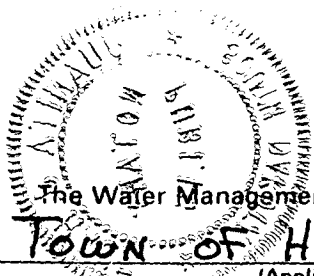
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map. (see instructions concerning preparation.)

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 Donald Hillen
 this 11th day of March, 1983
Jeannette J. Hoff - 1-6-90
 Notary Public (or other qualified officer)





WATER RIGHT APPLICATION APPROVAL

recognizes

The Water Management Board hereby approves Water Right Application No. 1842-2

Town of Herrick

(Applicant)

Herrick

(Post Office Address)

South Dakota

(State)

With the following qualifications.

" Vested Right claim "

Date of first receipt of ~~application~~ ^{claim} March 22, 19 83

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

Date of receipt of corrected application —, 19 —

Approved JUNE 9, 19 83, Recorded in Book — Page —

WATER RIGHT PERMIT NO. 1842-2

recognizes

The Water Management Board hereby grants and issues this Water Right Permit No. 1842-2 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 .08 cfs 1908, 19 —

2. The equivalent of at least one-fifth of the work above specified is to be completed on or before .08 cfs 1949, 19 —

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 irrigation ~~irrigation~~ Municipal use ~~irrigation~~

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 0.16 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 foot 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~~

municipal use for ~~irrigation~~ on or before JUNE 9, 19 83; said water to be used during the following described

annual period: CONTINUOUS

Witness my hand this 20th day of JUNE, 19 83

THE WATER MANAGEMENT BOARD

By: John H. Harts

Chief Engineer, Water Rights

Certificate of Construction Issued JUNE 21, 19 83

Water License Issued JUNE 21, 19 83

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 HerrickPost 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 190815. Date that water was first applied to beneficial use 190816. Name of owner of original water supply system Town Of Herrick17. Amount of water originally applied to beneficial use 35 gpm ~~XXXX~~

18. Present Use of Water

Amount of water now being used 70 GPM ~~XXXX~~Date that this amount of water was first used Est. 1949

19. Chronological History of Water Use

Continuous Municipal Use 1908 to Present

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

Joaneta J. Haug - 1-6-90
(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. Lane FO
Charles Clauer - Water Sup.



D Well Information

- (1) Drill Hole, Diameter 6', Depth 46'
- (2) Casing, Type Concrete, Diameter 5', Thickness 8"
(wood, concrete, steel, etc.)
- (3) Screen, Type Brass, Diameter est 18" x 12", Length unk
- (4) Gravel Pack, Thickness Unk, Length of gravel pack Unk

E. Dugout Information or Estimates N/A

- (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'

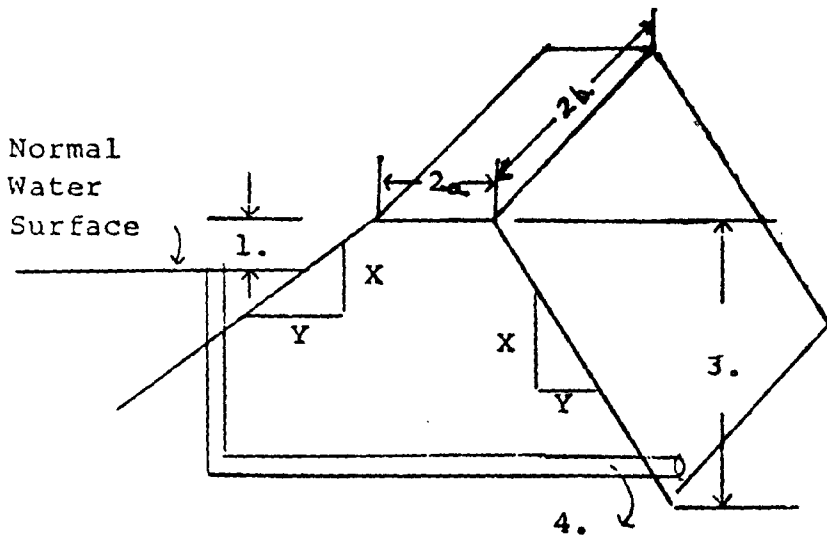
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property _____ 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, 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 _____ 2b 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 _____

WATER LICENSE NO. 1842-2

(1) WHEREAS, On the 22nd day of March A. D. 19 83
Town of Herrick
made Water Right Application No. 1842-2 **Vested Right** 0.16 cubic feet per second of the waters of groundwater (one well)
County of Gregory, State of South Dakota, for irrigation municipal purposes; and
(2) WHEREAS, On the 9th day of June A. D. 19 83
Permit No. 1842-2, with a date of priority of 0.08 cfs from 1908 & 0.08 cfs from 1949
was issued to said applicant for the diversion of said water, and **recognized** provided for the completion of construction of the water supply system therein described on or before the day of A. D. 19 and for the application to beneficial use of said water on or before the day of A. D. 19

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 0.16 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 for the Town of Herrick

(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 Herrick, South Dakota

_____ of _____
the holder _____ and owner _____ **Vested Right** of said/permit No. 1842-2 a water right, dating from 0.08 cfs from 1908 and 0.08 cfs from 1949 to use of 0.16 cubic feet per second of the waters of groundwater (one well) in the County of Gregory and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T96N, R71W in Block 63 of the original Town of Herrick.

and conducted to and upon through the town's distribution system

for the purpose of municipal use

This Water License No. 1842-2 is based on a Vested Right Claim filed with the Water Management Board.

Subject to any limitations listed in Water Right Permit No. 1842-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 21st day of June A. D.
Nineteen Hundred and Eighty three

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

NOT TO SCALE



See Plat Book for Tract # & Fid # in town of Herrick

RECEIPT

WATER RIGHTS COMMISSION

No 4 9251

State of South Dakota

PIERRE, May 17, 1983

RECEIVED OF Town of Hertick, Herrick, SD 57538

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

Fee for Application for Permit to Appropriate Water No. 1842-2 (examination, processing, recording and filing)	8	00
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No. 1842-2	2	50
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	10	50

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH (ms)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

June 21, 1983

Town of Herrick
Herrick,
South Dakota 57538

Dear Sir:

Enclosed herewith are your Vested Right Permit, Water License No. 1842-2.
This Water License is the final water right document completing your
process of obtaining a vested water right.

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.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ks

enclosures

SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 1842-2

Date Claim Accepted For Filing March 2, 1983.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 1842-2 for the Town of Herrick, Rural Route 1, Box 76, Herrick, South Dakota 57538 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1842-2 appropriates 0.16 cubic feet of water per second (cfs) from one well approximately 46 feet deep. The well is located in the SW 1/4 SE 1/4, Section 24, T96N, R71W.

2. The appropriated water is used for supplying water for the Town of Herrick 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 dates of the Vested Water Right are: 0.08 cfs - January 1, 1908 and 0.08 cfs - January 1, 1949.

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.

WATER MANAGEMENT BOARD

By: _____

John A. B. Smith
Chief Engineer
Division of Water Rights
Dept. of Environment and Natural Resources

APR 26 1991

date



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 26, 1991

Jeff Bartling, Town President
Town of Herrick
RR 1, Box 76
Herrick SD 57538

Dear President Bartling:

The Water Management Board has validated the enclosed Vested Water Right No. 1842-2. 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,

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

enclosure

Edwin J. Russell

160

N

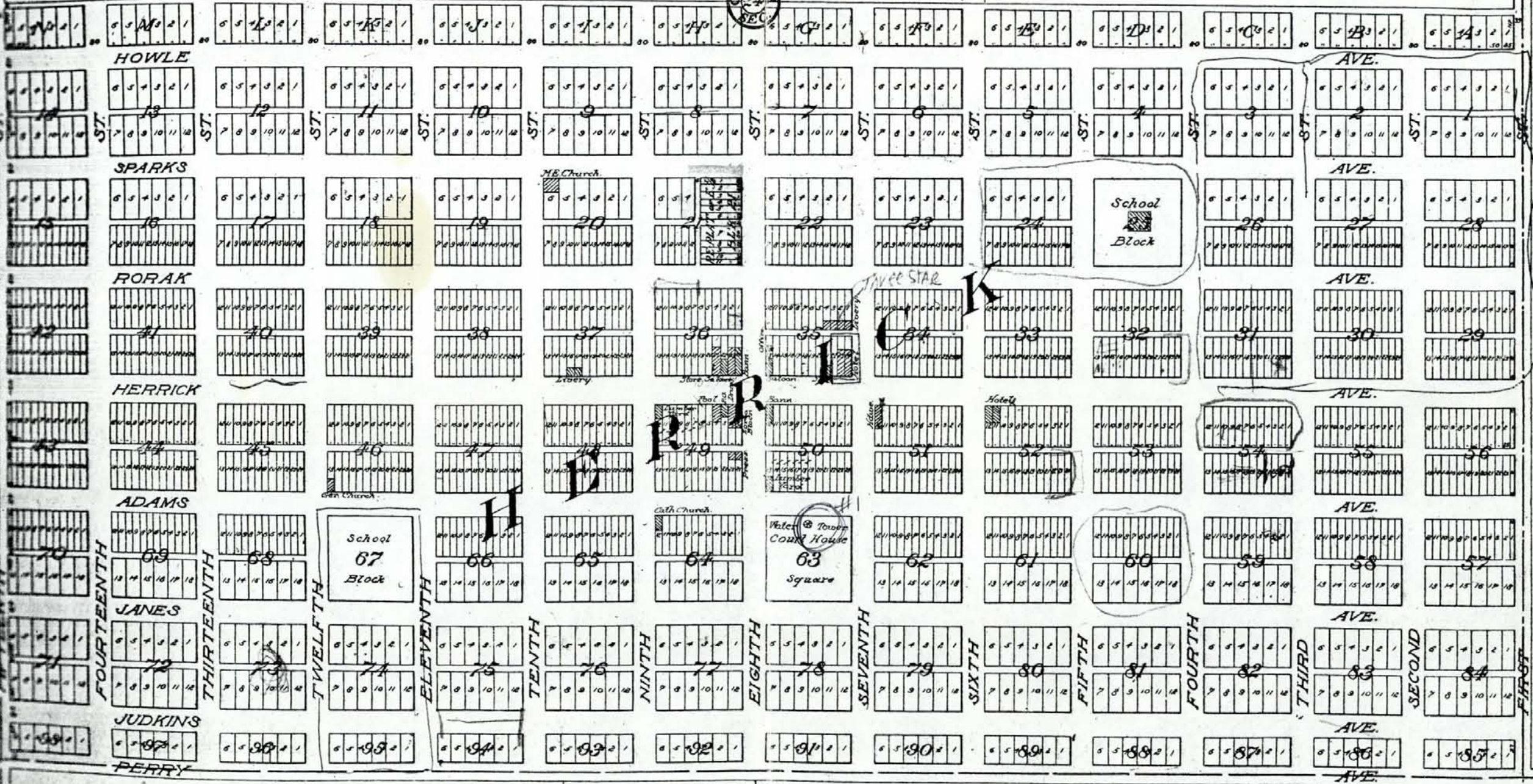
T-96-N R-71-W
Sec 24

#1

Agatha E. L
152.67

H. W. Brown
152.56

Geo. E.
Fletcher
152.45



60

L. R. Doyle

Ora Doyle

Louis Simons

Map & Appl # 1842-2

VIR
MAP