

MAP No. Same 654-2461

Name of Applicant City of Bonesteel

Post Office Address Box 6 Bonesteel, SD 57317

Amount of Water Claimed 45 gpm (0.10 cfs) Total Acres

Source of Water Supply ground water

Water to be used for municipal purposes County Gregory

About 100 miles north side of Bonesteel

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received June 8, 1989 Fee \$15.00 Remarks _____

1919 Vested Right Claim

Corrected Application Received July 27, 1989 Period of Annual Use Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES NO REMARKS _____

Diverslon Point SW¹⁴SW¹⁴ Section 36-96-69

Land to be irrigated

i well

Well Log: Driller unknown Licensed YES NO

Depth of Well. 30' REMARKS Drilled in 1919; log

unavailable

Type of Map Plot PREPARED BY CF Malven Reviewed and the Number

assigned on July 25, 1989 By Susan Bowyer

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

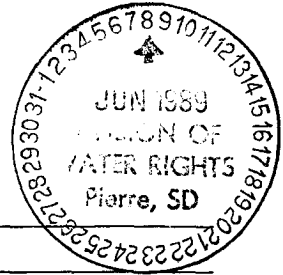
No. <u>2091-2</u>	Hydrologic Unit <u>10140101</u>
Map No. <u>same</u>	Basin <u>Missouri R</u>
Newspaper <u>Bonesteel Enterprise Box 157</u>	<u>Thurs</u>

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water: Industrial ☐ Commercial ☐ Municipal ☒ Other Common Distribution System ☐
Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☐ Vested Right ☐ Future Use ☐ Change Use ☐
☐ Amend Permit No. _____ with old priority date retained
Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____
☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____
☐ Construction to use water reserved by Future Use Permit No. _____



1. Name of Applicant CITY OF BONESTEEL Phone No. 654-2461
Post Office Address Box 6 Bonesteel State SD 57317
(Street, RR or Box) (City) (0.10) Zip Code
2. Amount of water claimed (c.f.s) 45 GPM
3. Source of water supply ground water well / Reservoir
4. Location of point of diversion SW 1/4 of SW 1/4 36 96 69 05

County Gregory

5. Counties where water will be used Gregory
6. Annual period during which water is to be used 211 year Jan 1- Dec 31
7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Enclosed Copies made of Agreement 1919 -
Plat 1919 - Tile / Reservoir 1925 - some-
what of Reservoir design

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

STATE OF SOUTH DAKOTA)
County of _____)

I, Lionel Neilan MFO the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Lionel Neilan

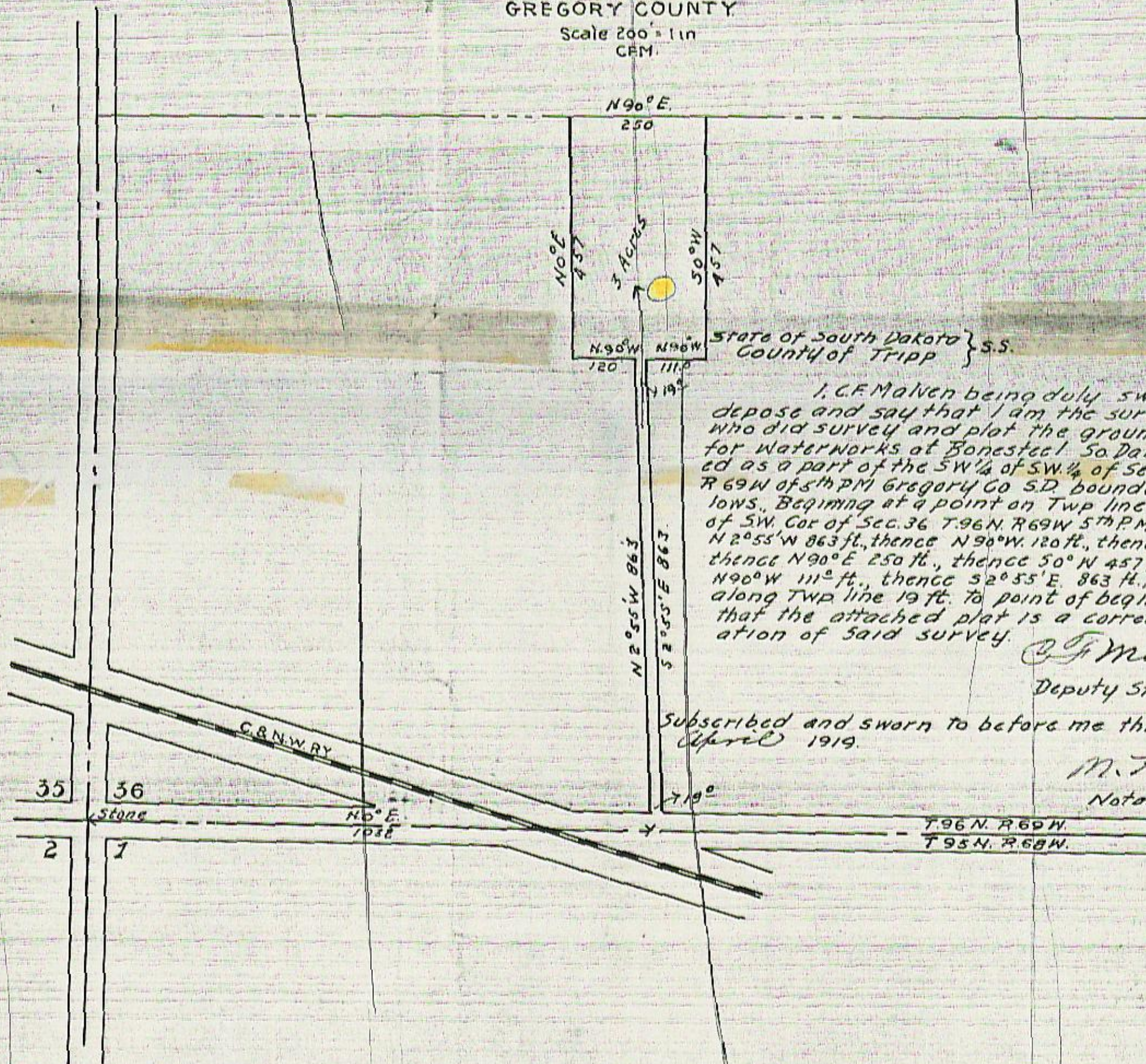
Subscribed and sworn to before me this 6th day of June 1989

Mark E. Knutson
Notary Public

PLAT OF WELL AT BONESTEEL, SO.DAK.

PART OF SW 1/4 OF SW 1/4 SEC. 36 T. 96 N. R. 69 W. OF 5th P.M.

GREGORY COUNTY

Scale 200' = 1 in
C.F.M.State of South Dakota } S.S.
County of Tripp }

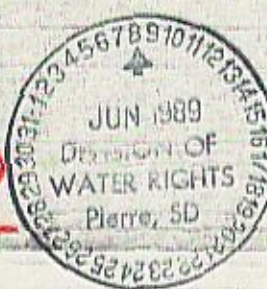
I, C.F. Malven being duly sworn depose and say that I am the surveyor who did survey and plot the ground used for Waterworks at Bonesteel, So. Dak. described as a part of the SW 1/4 of SW 1/4 of Sec. 36 T. 96 N. R. 69 W. of 5th P.M. Gregory Co. S.D. bounded as follows. Beginning at a point on Twp line 1032 ft. E. of SW. Cor. of Sec. 36 T. 96 N. R. 69 W. 5th P.M., thence N 2° 55' W 863 ft., thence N 90° W 120 ft., thence N 0° E 457 ft., thence N 90° E 250 ft., thence S 2° 55' E 863 ft., thence S 90° W 111 ft., thence S 2° 55' E 863 ft., thence S 90° W along Twp line 19 ft. to point of beginning and that the attached plat is a correct representation of said survey.

I. C. F. Malven

Deputy State Surveyor

Subscribed and sworn to before me this 22nd day of April 1919.M. K. Nolan,
Notary PublicT. 96 N. R. 69 W.
T. 95 N. R. 68 W.

Appl. No. 2091-2



Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a. Drill Hole Diameter 30 Feet Depth 30 Feet
- b. Casing Type Cement-tile Diameter 30-16 Feet Thickness _____
- c. Screen Type _____ Diameter _____ Thickness _____
- d. Gravel Pack Thickness _____ Length of Gravel Pack _____
- e. Depth to Top of Water Bearing Material _____
- f. Depth to Water (ground surface to water level) 5 feet
- g. Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 1/4 mile

2. Dugout Information Estimates

- a. Surface Dimensions _____ Depth _____
- b. Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a. If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b. Freeboard _____

c. Crest Width _____

Crest Length _____

d. Height _____

e. Primary Outlet Capacity _____
If Pipe, diameter _____

f. Secondary Spillway Capacity _____
Spillway width _____

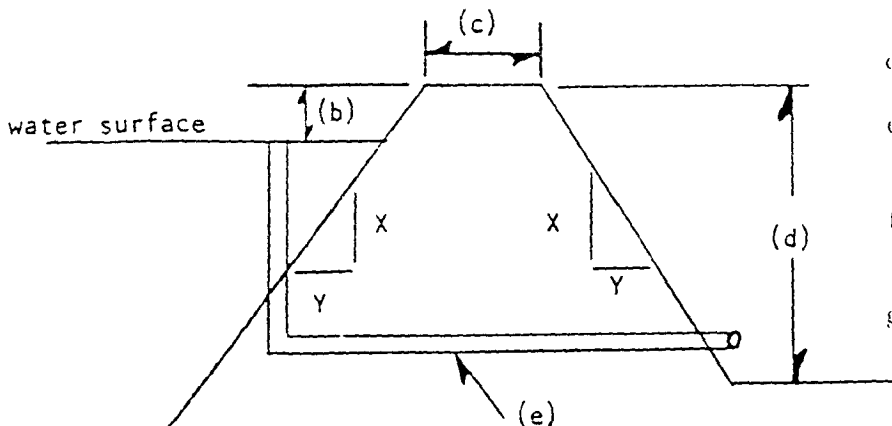
g. X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Frank Nelson - MJO
Signature of Applicant

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use
CITY OF BONESTEEL**



Name of Applicant (Same as Form 2) _____

Post Office Address Box 6 Bonesteel SD 57317
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____
Where Book Page

B. Date of start of construction of water supply system 1919C. Date that water was first applied to beneficial use 1919D. Name of owner of original water supply system CITY OF BONESTEELE. Amount of water originally applied to beneficial use 45 GPMF. Present Use of Water - Amount of water now being used 45 GPMDate that this water was first used Nov 1919

G. Chronological History of Water Use

(Attached)

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 Gregory)^{SS}

I, Lionel Neilan - MFO the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

Signed Lionel NeilanSubscribed and sworn to before me June 6, 1989

Maud E. Kneitan
 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.

Robert M. Schmitz 6-6 1989
(Print name) Robert M. Schmitz

Elmer Spitznberger 6/6 1989
(Print name) Elmer Spitznberger Phone

654-2648

SOUTH DAKOTA

VESTED WATER RIGHT NO. 2091-2

Date of Receipt of Claim June 8, 1989.

Date of Validation September 28, 1989.

The Water Management Board validated Vested Water Right Claim No. 2091-2 for the City of Bonesteel, Box 6, Bonesteel SD 57317 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 2091-2 appropriates 0.10 cubic feet of water per second from one well, 30 feet deep, located in the SW1/4 SW1/4 section 36-T96N-R69W.

2. The appropriated water is used by the City of Bonesteel 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: November 1, 1919.

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 H. Lath
Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources

DEC 26 1989

date

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 2091-2

(1) The City of Bonesteel of Box 6, Bonesteel SD 57317 made Application No. 2091-2, June 8, 1989 for validation of a vested right claim to appropriate 0.10 cubic feet of water per second from groundwater (one well), Gregory County, South Dakota for municipal purposes. Vested Water Right No. 2091-2 was validated September 28, 1989 with a priority date of November 1, 1919. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The applicant is entitled to divert 0.10 cubic feet of water per second for beneficial use. The location of the diversion point is: N 0°E 1032 feet and N 2°55'W 863 feet from the SW corner Section 36, T96N, R69W (SW 1/4 SW 1/4).

(3) Pursuant to Section 46-5-30.1 the City of Bonesteel of Box 6, Bonesteel SD 57317 the holder(s) and/or owner(s) of Vested Water Right No. 2091-2 is issued a license to appropriate 0.10 cubic feet of water per second from groundwater (one well) with a priority date of November 1, 1919 from the location specified in (2) of this license. The water is to be used for the purpose of municipal use. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 2091-2 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources
DEC 26 1989

LICENSE FOR PERMIT NUMBER 2091-2

1. Legal location of wells: N 0° E 1032 feet ; N 2° 55' W 863 feet
from the SW Corner Sec. 36-T96N-R69W (SW 1/4 SW 1/4)
dams & structures: _____

2. Well Information: Well Drilling Firm _____

Completion Report Yes ___ No ___ No. of Wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make Berkley Motor a) make Marathon Elec.

b) model B1WP b) model No. HA 184 TTUR 9311BC

c) size 7 1/4 inch c) horsepower rating 7.5 HP

d) capacity 95 gpm

e) turbine pump - no. of stages _____

f) operating PSI _____

Serial No. 7840208

3. Distribution lines or canals

a) size 6" x 8"

b) type Cast Iron

c) length ≈ 1320 feet

Storage Reservoir
30 ft. Dia - 36 ft. Deep
Approx. 190,000 gal.

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE:

For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes No

Check Items

___ NA ___

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?

___ NA ___

2. Special qualifications to permit being abided by?

___ X ___

3. All structures, wells and lands on map?

___ NA ___

4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?

___ NA ___

5. Is chemigation used?

___ NA ___

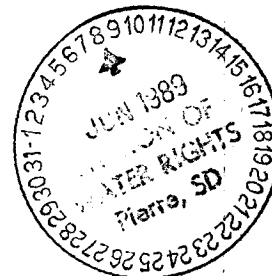
6. If yes, does equipment comply with chemigation rules?

REMARKS:

South Dakota Department of
Water & Natural Resources

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

April 21, 1989



Lionel Neilan, Finance Officer
City of Bonesteel
P.O. Box 6
Bonesteel, SD 57317

Dear Mr. Neilan:

This letter is in reference to our conversation last Wednesday evening at the Municipal League Meeting in Winner concerning the Water Permits held by the City of Bonesteel.

I am enclosing a copy of Water Permit No. 1603-2 approved for the City of Bonesteel on October 6, 1977. This permit authorizes the diversion of 45 gallons per minute from one well located in the NW1/4 SE1/4 Section 6, T95N, R68W. This is the only permit we have on file for you.

If the remaining well not covered by a Water Permit was drilled prior to February 28, 1955, you are eligible to file a Vested Right Claim for it. I am enclosing an instruction sheet and the appropriate forms for Filing a Vested Right Claim. Please return them at your earliest convenience and feel free to contact me if you have any questions.

Sincerely,

Susan A. Bowar

Susan A. Bowar
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosures

*forms + enc's returned for your
consideration. Thanks*

From



SOUTH Dakota Department of
Water & Natural Resources

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

July 25, 1989

Lionel Neilan, Finance Officer
City of Bonesteel
P.O. Box 6
Bonesteel, SD 57317

Dear Mr. Neilan:

This letter is in reference to your water permit application. Your application is complete and should be scheduled for the September meeting of the Water Management Board.

I am enclosing the map that you submitted. The surveyor describes the boundaries of the location of the well, however, its exact location is not indicated on this map. Please mark the location of the well and return the map at your earliest convenience.

Feel free to contact me if you have any questions.

Sincerely,

Susan A. Bowar

Susan A. Bowar
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosure

7-26-89

*Map Marked & Enclosed
Thanks*

CITY OF BONESTEEL

L. Neilan, MFO

Box 6 Phone (605) 654 2461
Bonesteel, South Dakota 57312



This agreement Made and Entered Into this 31st day of May A.D. 1919, at Bonesteel, South Dakota, by and Between Dike Powell, Sr., party of the First Part of Bonesteel, South Dakota, and the Incorporated City of Bonesteel, in Gregory County, South Dakota, Party of the Second Part.

Witnesseth that in consideration of said First Party permitting, granting and allowing the said Party of the Second Part the right and prievilege to lay, keep and maintain water mains belonging to said Second Party across the premises, hereinafter described, owned by said First Party, to-wit: The South One Half of the South West Quarter of Section Thirty six, Township -96- North, Range Sixty Nine West of the 5th P.M. and the North one Half of the North West Quarter of Section Number One Township Ninety Five, North Range Sixty Nine West of the 5th P.M. all in Gregory County, South Dakota, the said Party of the Second Part does hereby expressly agree by and with said First Party, his heirs, administrators, successors and assigns, to be responsible for and to pay to said First Party his heirs, administrators, successors, and assigns, any and all damages of every kind and nature either direct or indirect, that may result, either directly or indirectly, to said premises or to said First Party, his heirs, administrators, successors, or assigns, by reason of said water mains being and existing upon said premises, or for any reason whatever that said Water mains may be the cause of either directly or indirectly.

That this contract shall be in force and effect for a period of Twenty Years on and after its acceptatnce and execution by the parties thereto and that said First Party, his heirs, administrators, successors and assigns, shall have the right and option to renew the same by filing with the City Auditor or his successors, his written renewal thereof at any period before the expiration thereof, and that such renewal may be renewed and contract be held valid and binding as often as said Party of the First Part shall exercise his right thereto.

It is further agreed by and between the parties to this agreement that said second Party is to build, erect and maintaina legal fence, around the City Well and Water Plant owned by said city of Bonesteel, which well and water plant is situate on the South one half of south west Quarter of section thirty six, township -96- North, range sixty nine west of the 5th P.M. in said County, and that in case of the failure or refusal of said Second Party to build erect and maintain said fence as herein provided that said Second Party shall be responsible for and shall pay to said First Party all damages of every kind and nature, either direct or ~~fr~~ indirect, which may result to said First Party, either directly or in directly, as may result from the failure or refusal of said Second

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, June 23, 19 89

RECEIVED OF City of Bonesteel, PO Box 6, Bonesteel, SD 57317

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

Fee for Application for Permit No. <u>2091-2</u> to Appropriate Water, to construct works and to put water to beneficial use	15	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	1500

By John H. Hatcher
Chief Engineer

REVISED RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED
WATER RIGHT APPLICATION NO. 2091-2, City of Bonesteel

Pursuant to SDCL 46-2A-2, the following is the Revised recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 2091-2, City of Bonesteel, Box 6, Bonesteel SD.

The Chief Engineer is recommending VALIDATION of Application No. 2091-2 for 0.10 cfs because 1) water has been appropriated as described for municipal use with a priority date of November 1, 1919, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See the attached report for additional information.

A handwritten signature in dark ink, appearing to read "John Hatch", is written over the printed name.

JOHN HATCH, Chief Engineer
August 28, 1989

REVISED REPORT ON VESTED RIGHT APPLICATION NO. 2091-2
CITY OF BONESTEEL
AUGUST 28, 1989

Application No. 2091-2 requests validation of a vested right claim for the appropriation of 0.10 cubic feet of water per second from one well approximately 30 feet deep. The well is located in the SW 1/4 SW 1/4 of Section 36-T96N-R69W and is used by the City of Bonesteel for a municipal water supply.

The City claims a priority date of November 1, 1919 on the water use.

On August 22, 1989, I made an investigation and the well appeared to be as described by the applicant and has been in continuous use since 1919.

Conclusion

1. The system has been constructed and water put to beneficial use.
2. The project was inspected on August 22, 1989 and found to exist as described.
3. Vested Right Claim No. 2091-2 should be validated with a priority date of November 1, 1919.



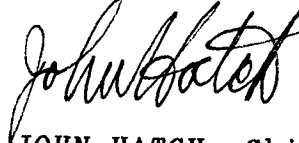
Timothy G. Schaal, P.E.
Water Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 2091-2, City of Bonesteel

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 2091-2, City of Bonesteel, Box 6, Bonesteel SD.

The Chief Engineer is recommending DEFERRAL of Application No. 2091-2 until an inspection is completed.

See the attached report for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
August 21, 1989

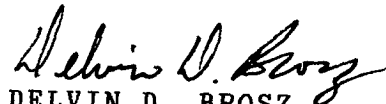
REPORT ON VESTED RIGHT APPLICATION NO. 2091-2
CITY OF BONESTEEL
August 21, 1989

Application No. 2091-2 requests validation of a vested right claim for the appropriation of 0.10 cubic feet of water per second from one well approximately 30 feet deep. The well is located in the SW 1/4 SW 1/4, Section 36-T96N-R69W and is used by the City of Bonesteel for a municipal water supply.

The city claims a priority date of November 1, 1919 on the water use.

Conclusions

1. Validation of Vested Right Application No. 2091-2 should be deferred until an inspection of the well is completed.


DELVIN D. BROSZ
Hydrologist



Department of Water & Natural Resources

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

August 23, 1989

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT THE
NEWSPAPER RIGHT AWAY.

Lionel Neilan, Finance Officer
City of Bonesteel
Box 6
Bonesteel SD 57317

Dear Mr. Neilan:

Your Application No. 2091-2 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the Bonesteel Enterprise printed at Bonesteel SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your notice of hearing to validate a vested right and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures





Department of Water & Natural Resources

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

August 23, 1989

Bonesteel Enterprise
Box 157
Bonesteel SD 57317

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 2091-2 to be published twice. Please publish the notice on or before August 31, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the City of Bonesteel, Box 6, Bonesteel SD 57317.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: ATTN: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Validate A Vested Right Application which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Gregory) ss.



I, Carol A. Perlman
 certify that the attached printed Notice was taken
 from the Bonesteel Enterprise

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

City of Bonesteel

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

Aug. 31, 1989
Sept. 7, 1989

Carol A. Perlman
 (Signature)

Publisher
 (Title)

Sept. 8, 1989
 (Date Signed)

Cost of Printing: \$ 36.50

Notice of Hearing To Validate Vested Water Right Application No. 2091-2 to Appropriate Water

Notice is given that the City of Bonesteel, Box 6, Bonesteel, SD 57317 has filed an application to validate a vested water right claim to appropriate 0.10 cubic feet of water per second from one well, 30 feet deep, located in the SW 1/4 SW 1/4 Section 36-T96N-R69W. The water use has a claimed priority date of November 1919 and is used as a municipal water supply for the City of Bonesteel.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends DEFERRAL of Vested Water Right Application No. 2091-2 until an inspection is completed. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD, on September 27, 1989 at 10:00 A.M. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer or 4) deny validation of the application based on the facts presented at the public hearing.

Although the Chief Engineer has recommended DEFERRAL, any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 15, 1989. This application will probably not be readvertised. Parties will be given personal notice of any future hearings. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD, 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 15, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; 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 and 74:02:01:19 thru 74:02:01:22.
 8-31/9-7(78L)

Instruction to Newspaper - Publish first Notice on or before August 31, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 2091-2 to Appropriate Water

Notice is given that the City of Bonesteel, Box 6, Bonesteel SD 57317 has filed an application to validate a vested water right claim to appropriate 0.10 cubic feet of water per second from one well, 30 feet deep, located in the SW 1/4 SW 1/4 Section 36-T96N-R69W. The water use has a claimed priority date of November 1919 and is used as a municipal water supply for the City of Bonesteel.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends DEFERRAL of Vested Water Right Application No. 2091-2 until an inspection is completed. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on September 27, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer or 4) deny validation of the application based on the facts presented at the public hearing.

Although the Chief Engineer has recommended DEFERRAL, any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 15, 1989. This application will probably not be readvertised. Parties will be given personal notice of any future hearings. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 15, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; 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 and 74:02:01:19 thru 74:02:01:22.

Conversation or File Documentation

NAME OF PERSON OR FILE: City of BonesteelADDRESS: _____ COUNTY GregoryDATE: August 25, 1989 TELEPHONE _____

RE: _____

COMMENTS:

On August 22, 1989, I met with the Bonesteel City Maintenance Man, Robert M. (M.K.) Schmitz (654-2114) and talked about the City's application for a Vested Right Claim on their well located in the SW 1/4 SW 1/4 Sec. 36-T96N-R69W.

The well appeared to be as described and water has been continuously put to beneficial use since 1919.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Tim Schmitz

SOUTH Dakota Department of
Water & Natural Resources

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

August 28, 1989

Lionel Neilan, Finance Officer
City of Bonesteel
Box 6
Bonesteel SD 57317

Dear Mr. Neilan:

Enclosed is a Revised Report and Revised Recommendation of the Chief Engineer for Vested Right Claim No. 2091-2 to be considered by the Water Management Board September 27, 1989.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
605 773-3352

enclosures





Department of Water & Natural Resources

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

DEC 26 1989

Lionel Neilan, Finance Officer
City of Bonesteel
PO Box 6
Bonesteel SD 57317

Dear Mr. Neilan:

Enclosed are your Validated Vested Water Right and Water License No. 2091-2. 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 cursive script, reading "John Hatch". The signature is written in dark ink and is positioned above the typed name and title.

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

enclosures