

WATER PERMIT NO. 2339-2

Phone: 605 775-2101

Name of Applicant: Town of Herrick

Post Office Address: Rt 1, Box 76, Herrick SD 57538

Amount of Water Claimed: 0.12 cfs (add'l) Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: municipal County: Gregory

Location: _____

PRIORITY Date Received: 6-12-95 Fee: \$150.00

Corrected Application Received: _____ Period of Annual Use: Jan 1 - Dec 31

Remarks: Increases the diversion rate authorized by Permit No. 1841-2. This well is
used for standby purposes by the Town.

Diversion Point: SW 1/4 SE 1/4 Sec 24-T96N-R71W

Land to be Irrigated: _____

			24		
			⊗		

Well Log: Driller: Juracek Well Drilling Licensed: YES _____ NO _____

Depth of Well: 55 feet REMARKS: well log not available - driller out-of-
business

Type of Map: aerial Prepared By: Barry McLaury Reviewed and the Number

Assigned on: 6-12-95 By: Karen Schlaak

**SOUTH DAKOTA
WATER PERMIT NO. 2339-2**

Date of first receipt of application June 12, 1995.

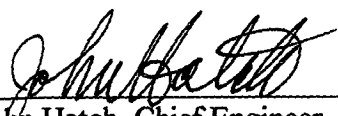
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2339-2 to Town of Herrick, Rt 1, Box 76, Herrick SD 57538 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2339-2 appropriates 0.12 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Permit No. 1841-2. Water Permit No. 1841-2 appropriates 0.10 cfs from one well (Ogallala Formation) 55 feet deep located in the SW 1/4 SE 1/4 Section 24-T96N-R71W. This permit increases the water appropriation from the well from 0.10 cfs to 0.22 cfs.
2. The water appropriated shall be used for the purpose of providing a backup supply for the Town of Herrick and may not exceed the amount of water needed for beneficial use for municipal use.
3. The water is to be used during the following described annual period: January 1 - December 31
4. The date of approval of Permit No. 2339-2 is August 7, 1995.
5. The date from which applicant may claim right is June 12, 1995.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The well approved under this Permit will be located near domestic wells and other 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 or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 5 1995
date

FORM 2: Application for uses other than irrigation

(type or print)



Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 2339-2 Hydrologic Unit 10150001
Basin Nebraska Tributary
Newspaper Burke Gazette, Box 359, Burke
(office use only)

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

Check use of water:

☒ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☐ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☐ Domestic ☐ Industrial ☐ Other _____
(over 18 gpm)

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

1. Name of Applicant Town of Herrick Phone 775-2101
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address Rt 1 Box 76 Herrick, State SD 57538
(Street, RR, or Box) (City) (Zip Code)

2. Amount of water claimed 0.12 add'l *CFS or _____ **GPM _____ ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Groundwater

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well located in
the SE corner of Section 24 T96N - R 71W (SW1/4 SE1/4).
County Gregory

5. County or counties where water will be used Gregory

6. Annual period during which water is to be used standby Jan 1 - Dec 31

7. Give a description of the 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)

This application is for an additional 0.12 CFS for the Town of Herricks well located in the SE corner of Section 24 T96N-R71W. Said well is covered by water permit NO. 1841-2 authorizing diversion of 0.10 CFS. An inspection found the well capable of producing 100 GPM (0.22 CFS). The well is located in the City Park and is used for standby purposes only due to high amounts of nitrates.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Gregory)^{SS}

I, Jeff Bartling, 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 Jeff Bartling

Subscribed and sworn to before me this 4th day of June 1995

Laurie Bartling

Notary Public

7-92 my commission expires
3-19-98

RECEIPT

414523

Division of Water Rights

South Dakota Department of Environment and Natural Resources

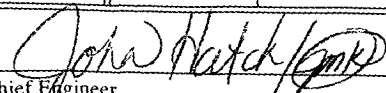
Pierre, _____ June 12 _____, 19 95

RECEIVED OF Town of Herrick, Rte 1 Box 76, Herrick, SD 57538-9670

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

Fee for Application for Permit No. <u>2337-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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 _____		

(Any Other Work Provided by Law)	Total	150 00

By 
Chief Engineer

NOT TO SCALE



en el Herreik

2339-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 1, 1995

Town of Herrick
Jeff Bartling
Herrick, SD 57538

Dear Mr. Bartling:

After an inspection of Herricks Water Permit No. 1841-2 on April 3, 1995, I found that the diversion rate from the well located in the park is greater than the water permit allows.

Water Permit No. 1841-2 authorizes appropriation of 0.10 Cubic Feet of water per Second (45 GPM) from 1 well in Section 24; T96N R71W for municipal purposes. The inspection found that the well is capable of producing 100 GPM (0.22 CFS), rather than 45 GPM (0.10 CFS) which your water permit allows.

The enclosed application is for a new permit for 0.12 CFS (0.22 CFS minus 0.10 CFS) for municipal use. Note that the new water permit will be incorporated with Water Permit 1841-2 for a combined diversion rate of 0.22 CFS.

Please fill out the bottom of the enclosed partially completed application. Note that the application must be signed in the presence of a Notary Public. Please return the application with an application fee of \$150.00 in the self-addressed envelope provided.

If you have any questions, feel free to contact me at 605-773-3352.

Sincerely,

Barry A. McLaury
Barry A. McLaury
Water Rights Division

enclosures

Town Of Herrick



RR-1 Box 76
Herrick, South Dakota 57538

Telephone
(605) 775-2101

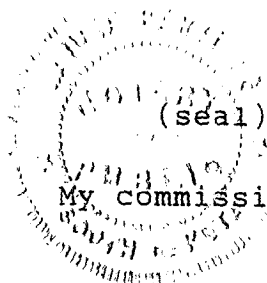
STATE OF SOUTH DAKOTA

County of Gregory

On this the 7th day of June 1995,
before me, Laurie Bartling the undersigned officer,
did personally appear Jeff Bartling, Municipal Water
Superintendent

known to me or satisfactorily proven to be the person__ whose
name__ is/~~are~~ subscribed to the within instrument and acknowledged
that __he__ executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.



My commission expires

3-19-98

Laurie Bartling
Notary Public

REPORT ON WATER PERMIT APPLICATION NO. 2339-2
for the Town of Herrick
June 29, 1995

Application No. 2339-2 proposes to increase the diversion rate authorized by Water Permit No. 1841-2. Water Permit No. 1841-2 appropriates 0.10 cfs from one well approximately 55 feet deep located in the SW 1/3 SE 1/4 of section 24, T96N R71W in Gregory County. This permit proposes to increase the water appropriation from the well from 0.10 cfs to 0.22 cfs. This well serves as a backup supply for the Town of Herrick.

AQUIFER - OGALLALA (OGLL)

The Ogallala consists of light brown very fine to fine grained sand and sandstone mostly not cemented with some clays and attains a maximum thickness of 77 feet in this area (Beissel, 1975). The Ogallala underlies 193,280 acres and contains an estimated 1.932 million acre feet of recoverable water in storage in Gregory County (Allen, 1984). The aquifer is unconfined and under water table conditions at this site.

The Water Rights Program monitors one observation well GY-57A which is located about 1 mile north of this application and completed into the Ogallala aquifer. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years and gradually declining water levels during dry years. In general, the record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1995). A hydrograph for this well is included with this report.

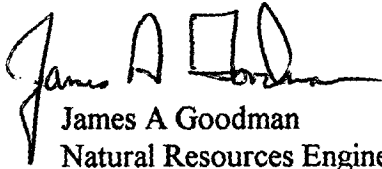
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights in this area except for existing Vested Water Right No. 1842-2 for the City of Herrick. The well for this application is located about 350 feet east of the Vested Right. Interference is not expected to be a concern. This application will only be used as a backup water supply. It is not anticipated that these wells will be pumped at the same time.

CONCLUSIONS

1. Water is available from the Ogallala Formation.
2. Interference is not expected to be a concern. The well for this application will only be used as a backup water supply.

3. No information is available to determine if this well is constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

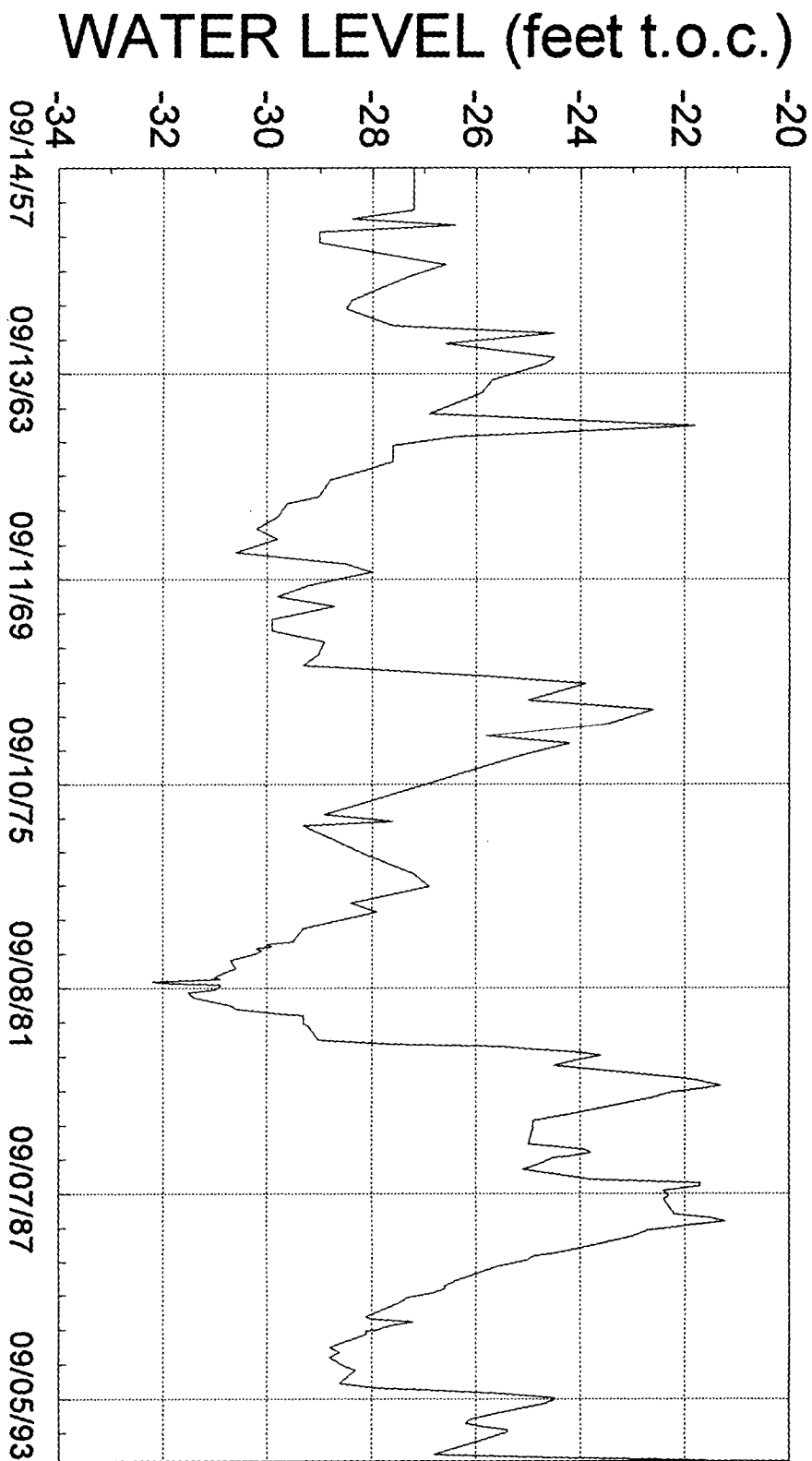
Allen, J.C., D.L. Iles, A.K. Petres, 1984, Analysis of Groundwater and Streamflow Data Western Dakotas Region of SD, for US Army Corps of Engineer, SD DENR, SDGS, Vermillion, SD, 57069.

Beissel, D., A. Barari, 1975, Bonesteel and East Gregory Rural Water Study, UR #3, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1995, Unpublished Observation Well Data for Gregory County, SD DENR, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

GY-57A



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2339-2, Town of Herrick**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2339-2, Town of Herrick, c/o Jeff Bartling, Rt 1 Box 76, Herrick, SD 57538.

The Chief Engineer is recommending APPROVAL of Application No. 2339-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

The well approved under this Permit will be located near domestic wells and other 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 or in adequate wells having prior water rights.

See report on application for additional information.


for JOHN HATCH, Chief Engineer
July 11, 1995



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

July 14, 1995

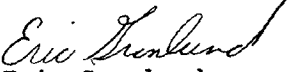
Jeff Bartling
Town of Herrick
Rt 1 Box 76
Herrick, SD 57538

Dear Mr. Bartling:

Water Permit Application No. 2339-2 for municipal use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Burke Gazette printed at Burke, SD (Ph # 605-775-2612). 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 prior to publication 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 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 14, 1995

Burke Gazette
Box 359
Burke, SD 57523-0359

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2339-2 to be published twice. Please publish the first notice on July 19, 1995, 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 Town of Herrick, c/o Jeff Bartling, Rt 1 Box 76, Herrick, SD 57538 (Ph # 605-775-2101).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on July 19, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2339-2 to Appropriate Water

Notice is given that the Town of Herrick, Rt 1 Box 76, Herrick, SD 57538 has filed an application for a water permit to appropriate 0.12 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Permit No. 1841-2. Water Permit No. 1841-2 appropriates 0.10 cfs from one well (Ogallala Formation) 55 feet deep located in the SW 1/4 SE 1/4 Section 24-T96N-R71W. This application proposes to increase the water appropriation from the well from 0.10 cfs to 0.22 cfs. This well serves as a backup supply for the Town of Herrick.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2339-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 7, 1995.

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 the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Gregory) SS

I, CJ Fahrenbacher

certify that the attached printed Notice was
 taken from the Burke Gazette

printed and published in Burke

County of Gregory and State of

South Dakota. The notice was published in
 the newspaper on the following two dates:

Wednesday, July 19

Wednesday, July 26

Cost of Printing: 33.41


 (Signature)

Publisher

(Title)

7-26-95

(Date Signed)



NOTICE OF APPLICATION NO. 2339-2 TO APPROPRIATE WATER

Notice is given that the Town of Herrick, Rt 1 Box 76, Herrick, SD 57538 has filed an application for a water permit to appropriate 0.12 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Permit No. 1841-2. Water Permit No. 1841-2 appropriates 0.10 cfs from one well (Ogallala Formation) 55 feet deep located in the SW 1/4 SE 1/4 Section 24-T96N-R71W. This application proposes to increase the water appropriation from the well from 0.10 cfs to 0.22 cfs. This well serves as a backup supply for the Town of Herrick.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2339-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 5 1995

Jeff Bartling, Water Superintendent
Town of Herrick
Rt 1 Box 76
Herrick, SD 57538

Dear Mr. Bartling:

Enclosed is Water Permit No. 2339-2 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 8, 1995

SECOND NOTICE
Permit No. 2339-2

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Jeff Bartling, Water Superintendent
Town of Herrick
Rt 1, Box 76
Herrick, SD 57538

Dear Mr. Bartling:

On September 5, 1995, you were notified the final inspection fee of \$50.00 is due before Water License No. 2339-2 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

According to South Dakota Water Law 46-5-30.1, you may not divert water until the License fee is paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

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

c: Laurie Bartling, Finance Officer

Z 348 313 248



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, March 1993

Sent to <i>Jeff Bartling, Water Supt.</i>	
Street and No. <i>Town of Herrick</i>	
Rt 1, Box 76	
P.O., State and ZIP Code <i>Herrick, SD 57538</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date <i>L 2339-2 11/8/95</i>	

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: 2339-2

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

4a. Article Number

Z 161 984 002

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent)

PS Form 3811, December 1991

★U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

Z 161 984 002



Receipt for Certified Mail

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, March 1993

Sent to <i>Laurie Bartling, P.O.</i>	
Street and No. <i>Town of Herrick</i>	
Rt 1, Box 76	
P.O., State and ZIP Code <i>Herrick, SD 57538</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, and Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date <i>L 2339-2 11/8/95</i>	

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: 2339-2

Jeff Bartling, Water Supt.
Town of Herrick
Rt 1, Box 76
Herrick, SD 57538

4a. Article Number

Z 348 313 248

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)

5. Signature (Addressee)

6. Signature (Agent)

PS Form 3811, December 1991

★U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

Telephone
(605)775-2101

Dear Cheryl,

I would very much appreciate hearing from you again after you check into this matter noted in the letter sent to me on November 8th (second notice on permit # 2339-2).

Thank you,
Laurie Bartling
Finance Officer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FACSIMILE TRANSMITTAL COVER SHEET

TRANSMITTAL DATE: 12/13/95

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

NAME: Bretta

DESTINATION: _____

ADDRESS: _____

PHONE: (605) 367-5826 FAX: (605) 367-5830

MESSAGE: Per our phone conversation, attached is a
copy of the front and back of the cancelled
check. Thank you very much for your
prompt assistance. It is greatly appreciated.

FROM: Cheryl Frost, Secretary

AGENCY: DENR/WATER RIGHTS PROGRAM

ADDRESS: JOE FOSS BUILDING, 523 EAST CAPITOL, PIERRE, SD 57501-3181

PHONE: (605) 773-3352 FAX: (605) 773-4068

****THIS TRANSMISSION INCLUDES 2 PAGES INCLUDING THIS PAGE****

IF THERE IS ANY PROBLEM WITH THIS TRANSMITTAL, PLEASE CALL (605) 773-3352.

THANK YOU.

*FEDERAL RESERVE BOARD OF GOVERNORS DEC 1960

State of South Dakota
Voucher

Direct
Travel Cash Receipt Expenditure Correction
Non-Cash Cash Transfer Revenue Correction XXX

Application Area
40

Invoice #

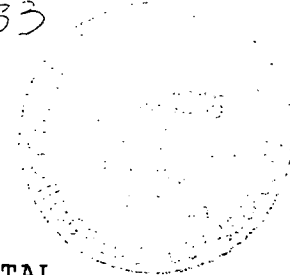
Date
12/20/95

Document #
R091612

TO:
Environment and Natural Resources

FROM:
Health

1.	6018 4299084	09005	0125	50.00 DR
2.				CR
3.	1000 4299103	204114000033		50.00 Cr
4.				
5.				
6.				
7.				
8.				
9.				
10.				
			TOTAL	100.00



To correct D.E.N.R. payment from City of Herrick, erroneously credited to Health.

I declare and affirm under the penalties of perjury that this claim has been examined by me, and to the best of my knowledge and belief, is in all things true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to non-discrimination in federally assisted programs.

Tracy McFarland 12-20-95
Claimant

ph. 773-6212

Cinda J. Jorgensen
Authorization

12-27-95

REPORT ON INSPECTION OF PERMIT NO. 1841-2 / 2339-2

DATE OF INSPECTION: April 3, 1995

Other permit(s) associated with the project: 1842-2

Name of inspection contact: Jeff Bartling

Contact relationship to permit holder: Water Superintendent

Name/address of permit holder: City of Herrick, RR 1, Box 76, Herrick, SD 57538

DIVERSION POINT LEGAL LOCATION: 890 feet N and 2050 feet W from the SE corner of Section 24 T96N R71W (SW1/4 SE1/4).

WELL INFORMATION:

- 1) Well Drilling Firm: Darrel Juracek Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 55 feet
- 4) Well log is available N

Casing:

- 1) Diameter ? inches
- 2) Length ? feet
- 3) Type ?

Screen:

- 1) Type ?
- 2) Length ? feet
- 3) Static water level ? feet

Motor: (submersible)

- 1) Make Franklin Electric
- 2) Model ?No.
- 3) Horsepower ? HP

Pump: (submersible)

- 1) Make Jacuzzi
- 2) Model No. ?
- 3) Capacity 100 GPM

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A

NOTE: This well has a high nitrate problem and is used for only standby purposes. Well #1 (Vested Right No. 1842-2) is used as the City's main water source.

Permit No. 1841-2 / 2339-2
Niobrara Tributary - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Joe Foss Bldg., Pierre, SD 57501

On this day, April 3, 1995, I made a thorough examination of the water use system constructed by The City of Herrick of Herrick, SD holder of Permit No. 1841-2, bearing the priority of March 22, 1983 authorizing diversion of 0.10 cu. ft. of water per second from groundwater for municipal purposes, in Gregory County.

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

- A. Works used to divert the water:
A submersible Franklin Electric Motor with a 100 GPM Jacuzzi Pump.
- B. Works used to transport water to place of use:
Underground pipeline throughout the City of Herrick.
- C. Works used to apply water to beneficial use:
N/A

The system is in the following condition: good. The point of diversion is located 890 feet N and 2050 feet W from the SE corner of Section 24 T96N R71W (SW1/4 SE1/4). The works are capable of diverting and conveying to the place of use 0.22 cu. ft. of water per second which is to be used for municipal purposes. The license should be issued for 0.22 cfs.

****NOTE:**

I stopped at the well site but there was nothing there except for a cement cover. This well is used for standby purposes only due to a high nitrate problem in the water. All well information was received from the water superintendent. No logs available because the driller went out of business.

Permit qualifications have been complied with: Yes X No

Exceptions to compliance are: None Date: May 25, 1995


Barry A. McLaury
Environmental Scientist
DENR, Water Rights Division

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2339-2

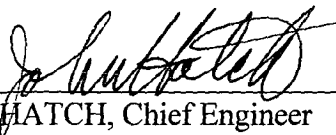
(1) The Town of Herrick, Rt 1, Box 76, Herrick SD 57538 made Application No. 2339-2, for a water permit to appropriate 0.12 cubic feet of water per second from groundwater (one existing well), Gregory County, South Dakota for municipal use purposes. Permit No. 2339-2, with a priority date of June 12, 1995 was approved August 7, 1995 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 2339-2 increased the diversion rate authorized by Water Permit No. 1841-2. The applicable portions of Water Permit No. 1841-2 have been incorporated into this Water License No. 2339-2.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.22 cubic feet of water per second for beneficial use. The location of the diversion point is 890 feet north and 2050 feet west from the southeast corner of Section 24-T96N-R71W (SW 1/4 SE 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the Town of Herrick, Rt 1, Box 76, Herrick SD 57538 the holder and/or owner of Incorporated Water Permit No. 2339-2 is issued a license to appropriate water, the right to use 0.22 cubic feet of water per second from groundwater (one well) with priority dates of June 12, 1995 (0.12 cfs) and March 22, 1983 (0.10 cfs) from the location specified in (2) of this license. The water is to be used as a backup water supply for the Town of Herrick. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 2339-2 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 11 1995

date





**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.