

No. 435-2Water Division No. 2White RiverDistrict 81044

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

WRITER RIGHTS

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

Name of applicant City of BurkePostoffice address Burke, County Dreger, State Illab

I. If a corporation

(a) Name of same City of Burke

(b) Date and place of incorporation

(c) Amount of capital stock Public corporation

(d) Amount paid in

(e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work

3. Amount of water claimed 2.33 cfs 15.0 gal per minute cubic feet per second4. Source of water supply Wells #25. Location of point of diversion City of BurkeLot 12 Blk 37

on bank

Dreger County.6. Annual period or periods during which water is to be used Continuously

7. To be used for:

1. Irrigation or domestic use. Gravity, overhead sprinkling or combination system?

(a) Number of acres to be irrigated _____ acres.

(b) Legal subdivisions to be irrigated

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) City of Burke

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use

Name any of the above uses claimed

(b) Amount of power to be generated

horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$-----

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures ----- \$-----

Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works:

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face ----- material used in construction -----

(b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width ----- feet; height ----- feet; Material -----

(d) Canal: Total length ----- miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE Feet per mile
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- years.

11. Time required for complete application of water to the proposed beneficial use ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate -----

Burke Gazette, Burke S.D.

STATE OF SOUTH DAKOTA

County of -----

DeSoto

ss.

I, *Arthur Lane, Mayor*, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed *By Arthur Lane*

Subscribed and sworn to before me this -----

17

day of

March

19 *57*

Notary Public
Notary Public (or other qualified officer.)

Remark by State Water Resources Commission:

"Vested Right" Denied

STATE OF SOUTH DAKOTA

County of

Laguna

SS.

Pierre, South Dakota,

April 26, 1957

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock

9 a.m. upon the

6

day of

April

1957

State Water Resources Commission

By:

J. H. Hines

Chief Engineer, Executive Officer

Number of permit

455-2

Date of first receipt of application

April 6

1957

Date of return to applicant for correction, amendments or changes required as follows:

April 26, 1957
May 26, 1957
May 26, 1957
July 5, 1957

Date of receipt of corrected application

Date from which applicant may claim right

August 1936

Approved

July 12

1957

Recorded in Book

Page 129

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This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

Completed, 1957

2nd. The whole of said work is to be completed on or before

Completed, 1957

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

Completed, 1957

4th. The water appropriated shall be used for the purpose of

municipal use

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 0.32 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 for irrigation, on or before Completed, 1957; said water to be used during the following described annual period:

Continuously

Witness my hand this

8

day of

August, 1957

State Water Resources Commission

By:

J. H. Hines

Chief Engineer, Executive Officer

Certificate of Construction Issued

August 8, 1957

Water License Issued

August 8, 1957

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 3 ft, Depth 133 ft

Type of casing Steel
(wood, concrete, steel, etc.)

Size of casing 24 in, Thickness of casing 3/8 in

Length of casing 100 ft If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen metal screen

Size of perforated screen 24 in (diameter), 33 ft (length)

Thickness of gravel pack 8 ft, length of gravel pack 30 ft

(c) Water Bearing Materials

Distance to water 80 ft Character of water bearing materials sand

Thickness of water bearing material 20 ft

(d) Pump and Motor

Type of pump X
(centrifugal, propeller, mixed flow, etc.)

Name of pump Fairbanks morse, size 150 gal per min

Kind of motor X
(gasoline, electric, diesel, etc.)

Horsepower 15, Name of Motor Fairbanks

(e) Complete well

Capacity 150 gal per min at drawdown of 8 ft, Estimated cost

(f) Owner of land upon which well is located City of Burke

City of Burke Address

(g) Distance to nearest existing wells

On same owner's property _____ rods. On property owned by others _____ rods

STATE OF SOUTH DAKOTA

WATER LICENSE No. 455-2

WHEREAS, On the 6th day of April A. D. 1957

The City of Burke

of Burke County of Gregory and State of South Dakota duly made application (No. 455-2) to us for a Vested Right 0.33 cubic feet per second of the waters of ground water County of Gregory, State of South Dakota, for municipal purposes; and

WHEREAS, On the 8th day of August A. D. 1957
Vested Right / Permit No. 455-2 was issued to said applicant... for the diversion of said water, and recognizing
 completion of the works of diversion therein described XXXXXX
in August 1936 XXXXXX and XXXXXX the application to beneficial use of said water XXXXXX XXXXXX in August 1936 XXXXXX and,

WHEREAS, On the 5th day of June A. D. 1957
Vested Right the holder... of said permit duly made proof of the completion of adequate works for the diversion of 0.33 cubic feet per second of said waters, as evidenced by our Certificate No. 455-2 dated August 8, 1957 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 0.33 cubic feet per second of water, with date of priority of August 1936 and,

WHEREAS, On the 5th day of June A. D. 1957
 proof was duly made of the application to beneficial use of 0.33 cubic feet per second of said water;
in the municipal distribution system of the City of Burke.

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 City of Burke
of Burke, South Dakota the holder and owner of said ^{Vested Right} permit No. 455-2
a water right, dating from August 1936 to the use of 0.33
cubic feet per second of the waters of ground water
In the County of Craig and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinafter mentioned, to be diverted ~~xx~~ in Lot 12, Block 57, City
of Burke.

and conducted to and upon _____

for the purpose of municipal use.

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 8th day of August A. D. Nineteen
Hundred and Fifty-seven.

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Vested Right Permit No. 455-2

Water Division No. 2 White River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the City of Burkeof Burke, County of Gregory, and State of South Dakota, the holder of Vested Right Permit No. 455-2, issued upon ApplicationNo. 455-2 bearing date of priority of August 1936, authorizing the diversion of 0.33 cu. ft. per second of the waters of ground waterCounty of Gregory, State of South Dakota, skin Lot 12 Block 17, City of Burkefor municipalpurposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Vested Right Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 0.33 cu. ft.per second of water; and that the lands ~~are now being used for~~ use of said water is described as follows,to-wit: to provide water for municipal use in the distribution system of the City of BurkeWitness my hand this 8th day of August A. D. 1967

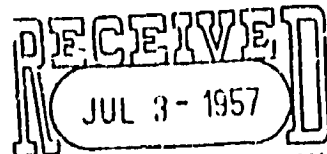
State Water Resources Commission

J. W. GRIMES,

Chief Engineer, Executive Officer

Location No. 451-2Water Division No. 2White River

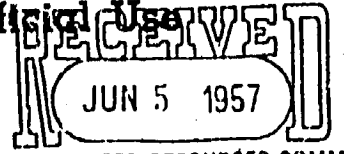
Water District

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

#1

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. City of Burke

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (If a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. Municipal Corp.

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. 4 - 6 - 1957

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. at the end of the road
Lot #12 Bk 57

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. We have no dams or ditches
Capacity of Pump #1, 150 gals. per M., Capacity #2, 120 gals. per M.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. City of Burke

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. No

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 400 people 40,000 gal per day

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. We have no dams or ditches. Two wells which are pumped into water mains. For use in the City of Burke. Pop 900 people. Well #1 completed Aug. 1936, water use began shortly after. #2 well completed Aug. 1952. Water use started in October 1952.
Capacity #1 pump 150 gal. per M. (Sign) J. D. [Signature]
" #2 " 120 " " "

I hereby certify that the foregoing testimony was read to the above subscriber before I's signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Burke, County of Gregory

State of South Dakota, on this 2 day of July A. D. 1957

Witnesses. [Signature] [Signature]

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____

**PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE**

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

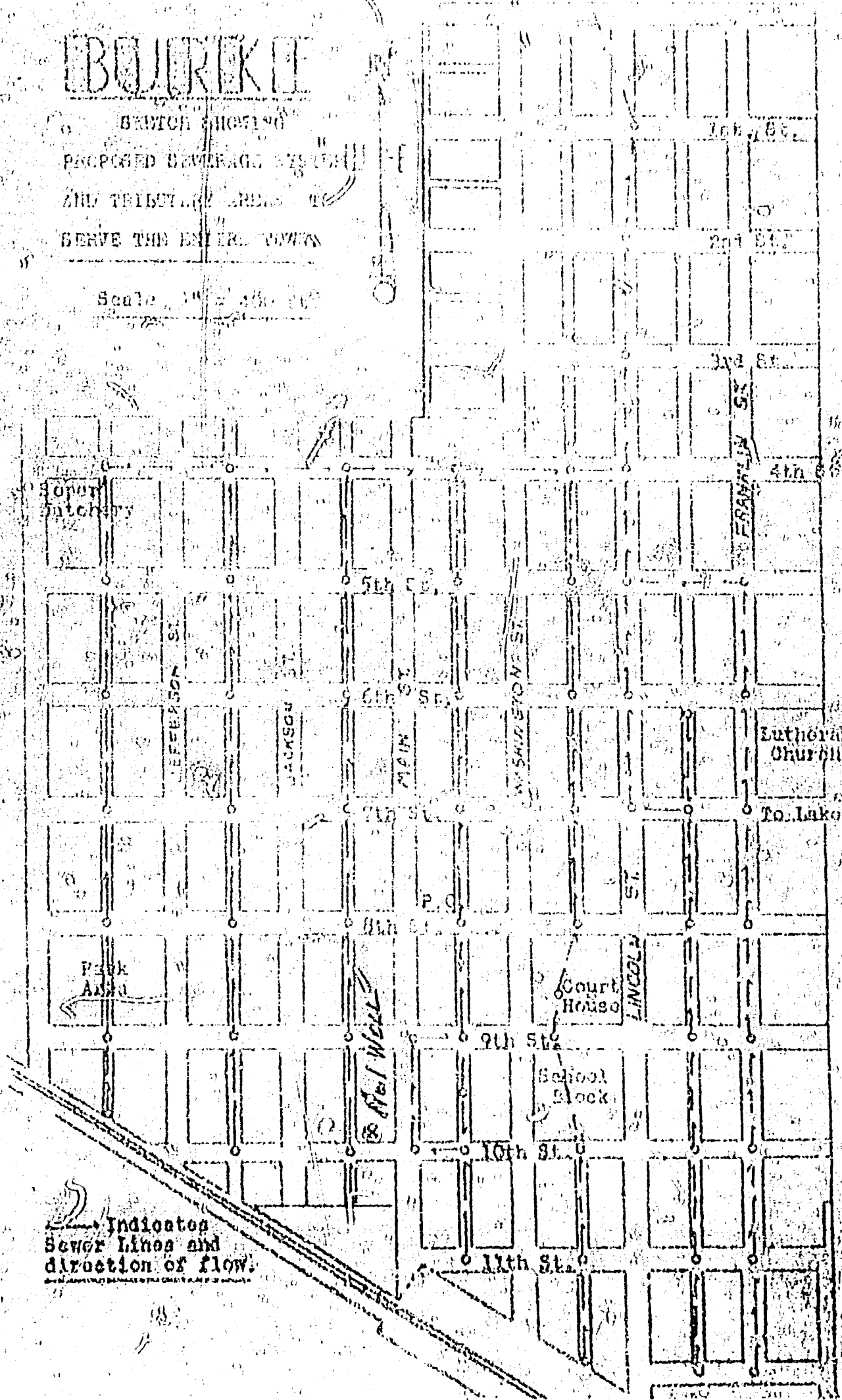
Date of recording _____

Received and filed _____

BOURKE

DIVISION ENGINEERING
PROPOSED SEWERAGE SYSTEM
AND TRIBUTARY AREAS TO
SERVE THE ENTIRE TOWN

Scale 1" = 100'



Indicates
Sewer Lines and
direction of flow.

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 26, 1991

455-2

Raymond Roggow, Mayor
City of Burke
PO Box 250
Burke SD 57523

Dear Mayor Roggow:

The Water Management Board has validated the enclosed Vested Water Right Nos. 455-2 and 456-2. These validations give legal status to the claims and are the final documents for your vested rights.

As long as you use the water beneficially, as stated in the validations, 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

enclosures

SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 455-2

Date Claim Accepted For Filing April 6, 1957.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 455-2 for the City of Burke, P O Box, 250, Burke, South Dakota 57523 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 455-2 appropriates 0.33 cubic feet of water per second from one well approximately 133 feet deep. The well is located in the NW 1/4, Section 31, T97N, R71W.
2. The appropriated water is used for supplying water for the City of Burke 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: August 1, 1936.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

John H. H. H.
Chief Engineer

Division of Water Rights

Dept. of Environment and Natural Resources

APR 26 1991

date

Water Rights Program - File Documentation

NAME: City of Burke

DATE: 9-8-2000 COUNTY: Gregory

RE: Summary of City of Burke's water rights/permits

		Amount	Priority Date	
455-2	Well #2	0.33 cfs	August, 1936	
456-2	Well #1	0.26 cfs	August, 1952	Well #1 plugged, diversion rate and priority date transferred to 2065A-2
872-3	Well #4	0.26 cfs	April 30, 1969	
1274-3	*Well #5	0.22 cfs	July 7, 1974	see 2330-2
1660-2	Future Use	396 AF	February 2, 1977	
1661-2	Well #3	0.10 cfs	April 7, 1977	
	*Well #6	0.34 cfs	August 11, 1977	see 2330-2
2065A-2	**Well #7	0.16 cfs	December 21, 1988	see 2330-2
	Well #8	0.21 cfs		Reissued for: 0.21 cfs - August 1, 1952
2330-2	Well #5	0.22 cfs	July 7, 1974	*this permit transferred Wells #
	Well #6	0.14 cfs	August 11, 1977	5 & 6 from municipal use to irrigation for the golf course
	Well #7			** transferred Well #7 for use at the golf course (see file doc for add'l diversion pt dated 8/11/00)

Karen Schlaak
Karen Schlaak
Environmental Scientist