

No. 456-2Water Division No. 2

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

District

APR 30 AM

VESTED RIGHT

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

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

1. Name of applicant

Postoffice address

County

State

I. If a corporation

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(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

4. Source of water supply

5. Location of point of diversion

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

7. To be used for:

I. 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.)

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

On same owner's property

rods.

On property owned by others

rods

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 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 -----

STATE OF SOUTH DAKOTA

County of -----

I, Arthur Lewis Meyer, 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 Lewis Meyer

Subscribed and sworn to before me this

17

day of

March

1957

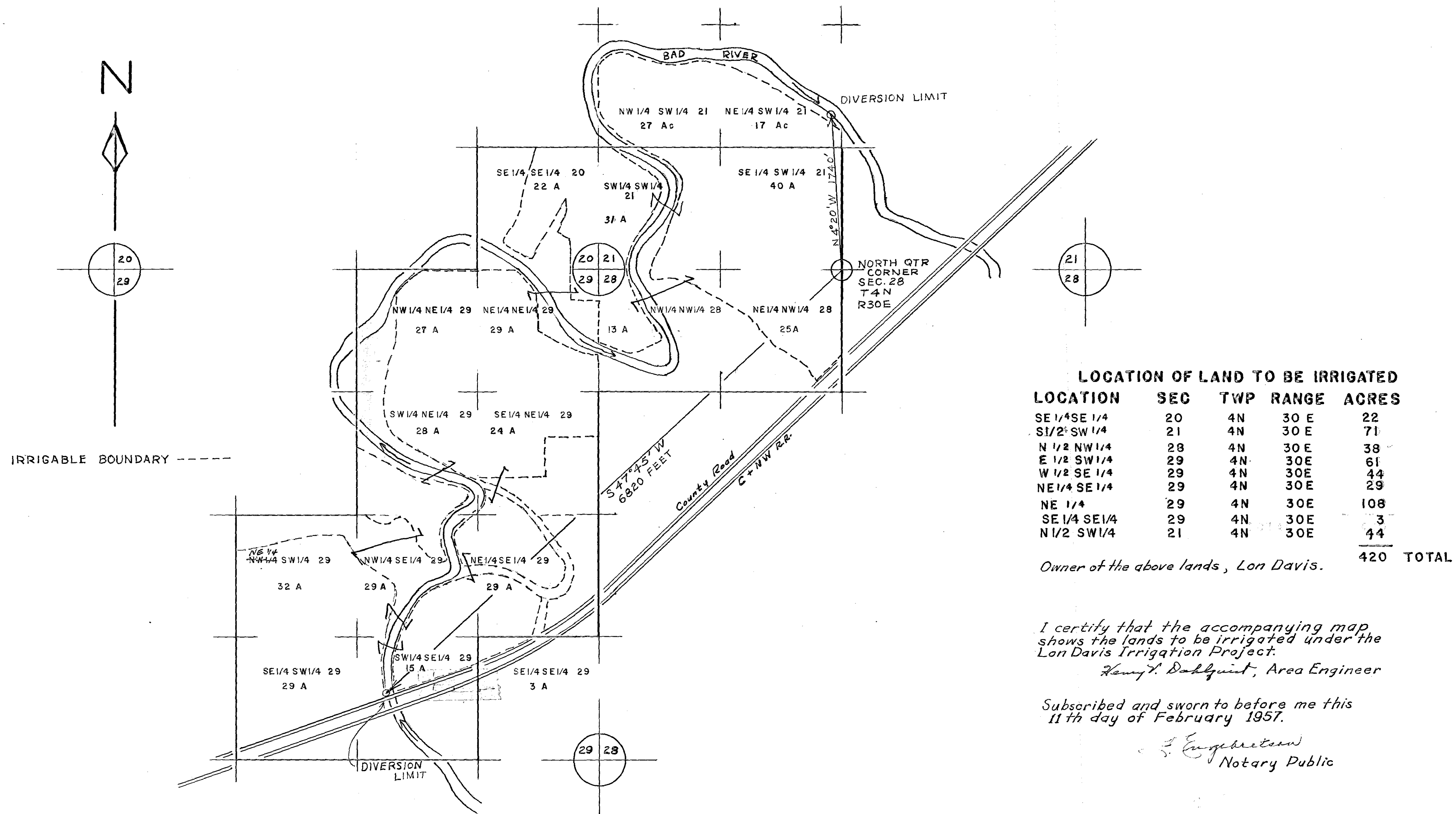
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

LON DAVIS IRRIGATION PROJECT

STANLEY COUNTY

SCALE 1" = 660'



Map No. 456-2
(Appl. No. 443-2)
1263-2

Remarks by State Water Resources Commission:

Water Right Claimed

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

April 26, 19*57*

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

a.m. upon the *6* day of *April*, 19*57*

State Water Resources Commission

By:

W. B. Binner

Chief Engineer, Executive Officer

Number of permit

4562

Date of first receipt of application

April 6, 19*57*

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

April 23, 19*57*
May 23, 19*57*
June 26, 19*57*
July 5, 19*57*
July 13, 19*57*

Date of receipt of corrected application

Date from which applicant may claim right

August 1957

Approved

July 12, 19*57*

Recorded in Book:

4

Page *130*

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, 19*57*

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

Completed, 19*57*

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

Completed, 19*57*

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 *0.26* 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*, 19*57*; said water to be used during the following described annual period:

Continuously

Witness my hand this

8

day of

August, 19*57*

State Water Resources Commission

By:

W. B. Binner

Chief Engineer, Executive Officer

Certificate of Construction issued

August 8, 19*57*

Water License issued

August 8, 19*57*

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
 Type of casing Cement
 (wood, concrete, steel, etc.)
 Size of casing 24 inch Thickness of casing 5 in
 Length of casing 8 ft If collection gallery, length, size and depth of
 gallery

(b) Screens

Type of perforated screen
 Size of perforated screen 4 lots in Cement Casing 40 ft
 (diameter) (length)
 Thickness of gravel pack 6 in length of gravel pack 133 ft

(c) Water Bearing Materials

Distance to water 80 ft Character of water bearing materials sand

Thickness of water bearing material

(d) Pump and Motor

Type of pump propeller
 (centrifugal, propeller, mixed flow, etc.)
 Name of pump Pickers size
 Kind of motor Electric
 (gasoline, electric, diesel, etc.)
 Horsepower 10 Name of Motor

(e) Complete well

Capacity 120 at drawdown of Estimated cost

(f) Owner of land upon which well is located

City of Burke
 Name

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. 456-2

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. 456-2) to us for a vested right permit to use 0.26
 cubic feet per second of the waters of ground water
 County of Gregory, State of South Dakota, for municipal
 purposes; and

WHEREAS, On the 3th day of August A. D. 1957
Vested Right Permit No. 456-2 was issued to said applicant for the diversion of said water, and recognizing
 completion of the works of diversion therein described on or before XXXXXXX in August 1952 XXXX
XXXXXXX and XXXX the application to beneficial use of said
XXXXXXX XXXX in August 1952 XXXX
 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 0.26
XXXX cubic feet per second of said waters, as evidenced by our Certificate No. 456-2
 dated August 8, 1957 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 0.26 cubic feet per second of water, with date of
 priority of August 1952 XXXX and,

WHEREAS, On the 5th day of June A. D. 1957
 proof was duly made of the application to beneficial use of 0.26 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 1952 to the use of 0.26
cubic feet per second of the waters of ground water
in the County of Gregory and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinafter mentioned, to be diverted ~~xxx~~ in lot 4, Block 67,
City of Burke
and conducted to ~~xxxxxx~~ the residents of the City of Burke

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. CRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Amt. _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Vested Right Permit No. 456-2--

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. 456-2--No. 456-2, bearing date of priority of August 1952, authorizing the diversion of0.26 cu. ft. per second of the waters of ground waterCounty of Gregory, State of South Dakota ~~xx~~ in Lot 4, Block67, City of Burke, for municipal

purposes, 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 satisfactorycondition for diverting and conveying to the place of intended use 0.26 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: to provide water for the municipal use in the distribution system
of the City of BurkeWitness my hand this 8th day of August A. D. 1957

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

RECEIVED
MAY 8 - 1957
4:11 PM
STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

BURKE

STATION GROWING

PROPOSED SEWERAGE SYSTEM

AND TRIBUTORY AREAS

SERVE THE ENTIRE TOWN

SCALE 1" = 100'

Super
Bathery

Jefferson St.

Jackson St.

Cross St.

Washington St.

Post
Office

Court
House

Hotel
Block

Andrew
Wright

W. S. S. Co.

PIERRE, S. D.
RECEIVED
MAY 8 - 1957
4:11 PM
STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 26, 1991

456-2

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. 456-2

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. 456-2 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. 456-2 appropriates 0.26 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, 1952.
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 Division - DENR**File Documentation**

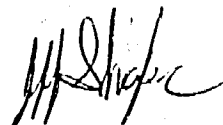
Name of File: Richard Bailey, City of Burke

Address: PO BOX 312, Burke, SD 57523 County: Gregory

-Date: 10/27/1999 **Telephone:** (605) 775-2692

RE: Water Permits Nos. 1274-2, 1661-2, and 2330-2

- **Comments:** On October 27, I visited with Richard Bailey some of the water permits held by the City of Burke. During the conversation Mr. Bailey stated that Well No. 1 had been plugged by the city. Water Right No. 456-2 authorizes the use of 0.26 cfs from well no. 1. Water Right No. 456-2 should be scheduled for cancellation.



Jeff Shafer

Natural Resources Engineer

After reviewing all the water rights/permits for Burke, it was determined that the priority date and diversion authority authorized by No. 456-2 be transferred to No. 2065A-2 (Wells #7 & #8).

Consequently, No. 456-2 is incorporated into No. 2065A-2 and not cancelled.



Karen Schlaak

2-21-2000



456-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

SEP 07 2000

1661-2 & 2065A-2

Wade Broome
City of Burke
PO Box 312
Burke SD 57523

Dear Mr. Broome:

Enclosed are Water License No. 1661-2, Reissued Water License No. 2065A-2 and Receipt No. 416417 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License No. 1661-2.

For your information, SDCL 46-6-27 requires that if the owner of an existing well 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 Licenses, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

NOTE: The applicable portions of No. 456-2 are incorporated into Water License No. 2065A-2.

enclosures

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