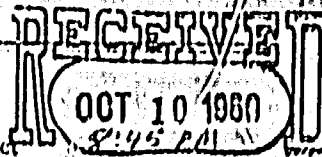


689-2

1. Considered 12-21, 1960
2. Name of Applicant City of Hall
3. Post Office Address _____
4. Amount of water claimed 0.5
5. Source of water supply Artesian Ground Water
6. Water to be used for Municipal Water
Acres to be irrigated _____
7. Water to be diverted and used in Pennington County about _____ miles _____ of Water.
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:



Water Division No. 2 East Chayama River District
(Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To appropriate Water within the State of South Dakota

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

1. Name of applicant CITY OF WALL
Postoffice address Wall, County PENNINGTON, State SOUTH DAKOTA

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 this 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)
CONTRACT
(b) Cash on hand, \$
(c) Treasury stock, \$
(d) Bonds to be issued, \$55,000
(e) Other resources, \$

2. Name of diversion work WALL MUNICIPAL WELL
3. Amount of water claimed 0.5 cubic feet per second
4. Source of water supply FALL RIVER - LAKOTA FORMATIONS
5. Location of point of diversion S72°10'W R95°1' FROM NE COR. SEC. 6 T1S; R16E B1N1
IN THE NE NE 1/4 S6 on WALL bank PENNINGTON County.
6. Annual period or periods during which water is to be used ALL YEARS
7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? DOMESTIC USE;
MUNICIPAL WATER SUPPLY

- (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.) WATER SUPPLY FOR CITY OF WALL

SOUTH DAKOTA

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 _____

MAP NO 573-2

8. Estimated cost of work:

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

(b) Pumping plant, \$-5,000....

(c) Plumbing, \$.....

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

Rock, \$.....

(e) Other structures \$45,000....

Total, \$.....

9. Description of diversion works:

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

WELL AND PUMPING EQUIPMENT

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	ACRE-Feet CAPACITY

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

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

LOCATION BELOW FEET	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..... $\frac{1}{2}$years.

11. Time required for complete application of water to the proposed beneficial use.....1.....years.

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

COURANT, WALL, SOUTH DAKOTA

STATE OF SOUTH DAKOTA

County of.....PENNINGTON.....

ss.

I, CLAUDIO EOB AND AS THE CITY OF WALL....., 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.

CITY OF WALL, SOUTH DAKOTA
Signed By: *[Signature]*

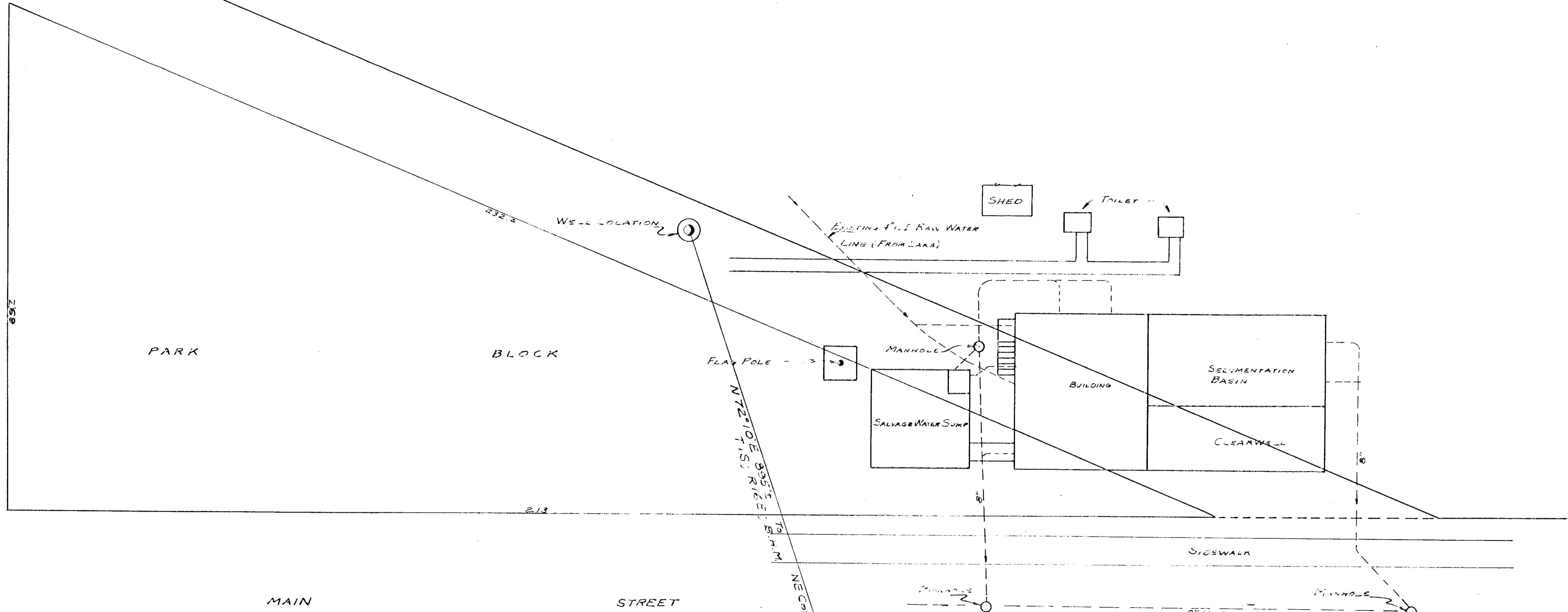
Subscribed and sworn to before me this.....8..... day of.....October.....1960

Notary Public (or other qualified officer.)
CITY AUDITOR

*Each diversion must have a headgate or measuring device.

AVENUE

THIRD



SURVEYOR'S CERTIFICATE

I, GEORGE G. ROSS, REGISTERED LAND SURVEYOR, DO CERTIFY THAT AT THE DIRECTION OF THE MAYOR AND CITY COUNCIL OF WALL, SOUTH DAKOTA, I HAVE SURVEYED AND PLATTED THE WELL LOCATION. THE DIMENSIONS SHOWN ARE TRUE AND CORRECT.

GEORGE G. ROSS
REGISTERED LAND SURVEYOR

ACKNOWLEDGEMENT OF SURVEYOR

ON THIS 2nd DAY OF March, 1960, BEFORE THE UNDERSIGNED APPEARED GEORGE G. ROSS, KNOWN TO ME TO BE THE PERSON WHO IS DESCRIBED IN AND EXECUTED THE FOREGOING CERTIFICATE

MY COMMISSION EXPIRES January 8, 1961

WILLIAM J. FURMAN
NOTARY PUBLIC

MAP SHOWING WELL LOCATION
FOR CITY OF WALL, S. DAKOTA

LOCATED IN NE 1/4 NE 1/4 SEC. 6, T-15, R-16E, B-1M
[S72°10'W-895±' FROM NE COR. SECTION 6]

Brady Engineering Consulting Engineers Spearfish, South Dakota	Drawn By: G.G.R. Checked By:	Scale: 1"=10' Date: MAR 1960 Sheet of
--	---------------------------------	---

MAP No 573-2 (APPL No 629-2)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, December 28, 1960

This is to certify that the foregoing application was received by the Commission at 8:45 o'clock
a.m. upon the 10TH day of October, 1960.

State Water Resources Commission

By: William J. Miller

for Chief Engineer, Executive Officer

Number of permit 639-2

Date of first receipt of application October 10, 1960

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right October 10, 1960

Approved December 21, 1960, Recorded in Book 6 Page 155

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 _____

MARCH 21, 1961

2nd. The whole of said work is to be completed on or before JUNE 21, 1961

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

DECEMBER 21, 1961

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 0.5 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 used for municipal purposes

and beneficially applied for irrigation on or before DECEMBER 21, 1961; said water to be used during the following described annual period:

Continuously

Witness my hand this 28TH day of DECEMBER, 1960.

State Water Resources Commission

By: William J. Miller

Chief Engineer, Executive Officer

Certificate of Construction issued September 4, 1962

Water License issued September 4, 1962

SEE ATTACHED PRELIMINARY SKETCH.

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 12" to 600' 10" BELOW 600' , Depth 3200'

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

Size of casing 8" to 600' 8" - 0.322" 6" BELOW 600' , Thickness of casing 6" - 0.280"

Length of casing 3200' ± If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen PERFORATE CASING IN FORMATION

Size of perforated screen (diameter) (length)

Thickness of gravel pack NONE , length of gravel pack

(c) Water Bearing Materials

Distance to water 3000' ± Character of water bearing materials FALL RIVER LAKOTA SANDSTONE. EXPECT STATIC LEVEL TO BE AT 250 FEET BELOW GROUND LEVEL

Thickness of water bearing material 200' ±

(d) Pump and Motor

Type of pump PUMP TYPE AND SIZE TO BE DETERMINED AFTER PUMPING TEST. (centrifugal, propeller, mixed flow, etc.)

Name of pump , size

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

Horsepower , Name of Motor

(e) Complete well

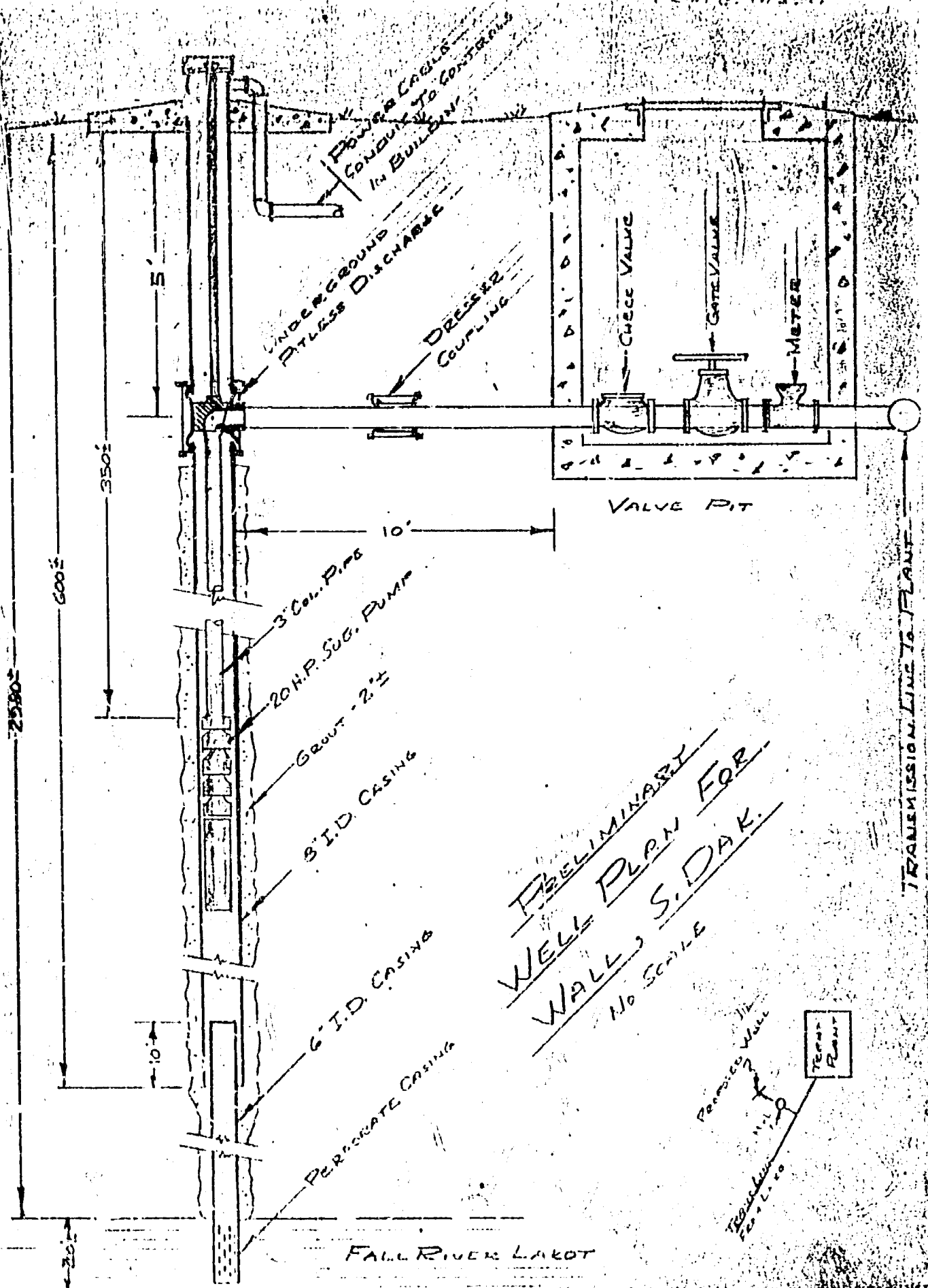
Capacity 150-200 at draw-down of 100' (350' BELOW SURFACE) Estimated cost \$45,000.

(f) Owner of land upon which well is located CITY OF WALL Name

WALL, SOUTH DAKOTA Address

(g) Distance to nearest existing wells TO THIS DEPTH

On same owner's property NONE rods. On property owned by others MORE THAN 1 MILE.



STATE OF SOUTH DAKOTA

WATER LICENSE No. 639-2

WHEREAS, On the 10th day of October A. D. 1960

the City of Wall

County of Pennington and State of South Dakota duly made application (No. 639-2) to us for a permit to use .50 cubic feet per second of the waters of artesian ground water County of Pennington, State of South Dakota, for municipal purposes; and

WHEREAS, On the 28th day of December A. D. 1960 Permit No. 639-2 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 21st day of June A. D. 1961 and for the application to beneficial use of said water on or before the 21st day of December A. D. 1961 and,

WHEREAS, On the 30th day of July A. D. 1962 the holder of said permit duly made proof of the completion of adequate works for the diversion of .50 cubic feet per second of said waters, as evidenced by our Certificate No. 639-2 dated September 4, 1962 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use .50 cubic feet per second of water, with date of priority of October 10, 1960 and,

WHEREAS, On the 30th day of July A. D. 1962 proof was duly made of the application to beneficial use of .50 cubic feet per second of said water; for municipal use in the City of Wall.

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 Wall
 the holder and owner of said permit No. 639-2
 a water right, dating from October 10, 1960 to the use of .50
 cubic feet per second of the waters of artesian ground water
 in the County of DeWitt and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinbelow mentioned, to be diverted at a point S72°10'W, 895' from the
NE corner, Section 6, T1S, R16E
 and conducted ~~to and upon~~ through the City water system

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 4th day of September A. D. Nineteen
 Hundred and Sixty-Two

State Water Resources Commission

By:

Chief Engineer, Executive Officer
 J. V. GRIMES

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 _____

Permit No. 639-2Water Division No. 2 East Cheyenne Water District
River**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the City of Wall

~~xxxx~~ _____, County of Pennington, and State of
South Dakota, the holder of Permit No. 639-2, issued upon Application
 No. 639-2, bearing date of priority of October 10, 1960, authorizing the diversion of
.50 cu. ft. per second of the waters of artesian ground water
 County of Pennington, State of South Dakota, at a point S72°10'W 895'
from the NE corner, Section 6, T18, R16E

_____ 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 Permit; that said works are found in satisfactory
 condition for diverting and conveying to the place of intended use .50 cu. ft.
 per second of water; and that the ~~lands, ponds, roads, or interests of others~~ use of said water are described as follows,
 to-wit: to be used for municipal needs for the City of Wall.

Witness my hand this 4th day of September A. D. 1962

State Water Resources Commission

By:

 Chief Engineer, Executive Officer
J. W. GRIMES



STATE OF SOUTH DAKOTA }
County Penn. } ss.

STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

R. F. Lewis being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the -----

Penn. Co. Courant a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City of Wall County of Pennington and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Nov. 3, 10, 17, 24, 1960

in each and every issue of the full number thereof, the first publication being made on the 3rd day of Nov. 1960 and the last publication on the 24th day of Nov. 1960, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was ----- the printer and publisher of the said newspaper.

No. 639-2
(First Publication on or before Nov. 24, 1960)
APPROPRIATION OF WATER
Office of State Water Resources Commission
Pierre, S. Dak.,
October 26, 1960

Notice is hereby given that the City of Wall whose post-office address is Wall, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 0.5 cubic feet of water per second of time from artesian ground water through the Wall Municipal Well, the point of diversion of which is to be located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 6, Twp. 1 S, Range 16 E. Said water to be used for the purpose of providing municipal supplies for the city of Wall.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 21st day of December, 1960, at 2 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission
By: Burton F. Jones,
Water Rights Specialist
cc: R. F. Lewis-Publisher
Pennington County Courant
Wall, South Dakota
Pub. Nov. 3, 10, 17, 24

Subscribed and sworn to before me this 29th day of Nov. A. D. 1960

Notary Public Pennington County, S. D.

(First Publication ~~on or before Nov. 24, 1960~~)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., October 26, 1960

Notice is hereby given that the City of Well whose postoffice
xxxxxxx S. Dak., has made an application in accordance with
the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 0.5
cubic feet of water per second of time from the artesian ground water through the
Well Municipal Well, the point of diversion of which is to be located on the xxx
xxxxxxxxxxxxxx in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 4
Twp. 1S Range 16E. Said water to be used for the purpose of providing irrigation on the fol-
xxxxxxxxxxxxxx
xxxxxxxxxxxxxx

municipal supplies for the city of Wall

[illegible]

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 21st day of December, 1960, at 2 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

cc: R.F. Lewis-Publisher
Ponnington County Courant
Wall, South Dakota

Chief Engineer, Executive Officer

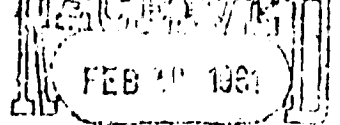
 Burton F. Jones
 Water Right Specialist

Permit No. 639-2.

East Cheyenne River

Water Division No. 2

Water District

STATE WATER RESOURCES COMMISSION
WATER DIVISION

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Wall, S. Dak.

(Date) 7 Feb. 1961

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of
five tenths cu. ft. per second of the waters of the state from
~~newman~~ Fall River Formation
for Municipal Water Supply purposes
in accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

- The name of the person or corporation holding said permit is
The City of Wall, South Dakota
- The postoffice address of such person or the place of business of such corporation is Wall
County of Pennington State of South Dakota
- The number of such permit is 639-2 and the date set for the completion of such work is
Actual completion on 13 January 1961
- Said water to be used for Municipal Water Supply purposes.
- Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is five tenths cubic feet per second.
(present pump has a capacity of 0.36 CFS)
- The amount of land for which said water is available is XXXXXXXX acres,
particularly described as follows:

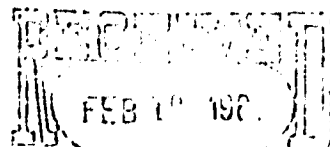
I hereby certify that the facts set forth in the above notice are true.

A. E. Strandell
Mayor

(Signature of Owners)

L. J. D. ...
Attest City Auditor

Permit No. 639-2


 East Cheyenne River Water Resources Commission
 Water Division No. 2 Water District PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Wall, S. Dak.

(Date) 7 Feb 1961

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 7 day of April 1961, at Wall County of Pennington State of South Dakota before Frank R. Brady (Examining Engineer or Officer) proof will be submitted of the application to beneficial use of 0.36 cubic feet per second of the waters of The Fall River Formation in accordance with the terms and conditions of Permit No. 639-2 heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are

City of Wall, Wall, S. Dak.

2. The use to which said water has been applied is Municipal water supply for the City of Wall

3. The amount applied to beneficial use is 0.36 cubic feet per second

(A larger pump may be installed to produce 0.5 CFS.)

4. The place where said water is used is (or for irrigation, give full and accurate description of the lands irrigated) City of Wall

5. The name of the canal or ditch or other works by which said water is conducted to such place of use is Wall water distribution system

6. The right to take the water from such works is based upon permit No. 639-2

7. The source of supply from which such water is diverted is Fall River Formation

8. The date of priority which said user is prepared to establish is

10 October 1960

(Sign)

 R. E. Strandberg
 Mayor

Permit No. 639-2Water Division No. 2 E. Cheyenne R. Water District

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated 7-30-62
10-62, I have this day made a thorough examination of the diversion works constructed by
City of Wall, of
Pennington County, South Dakota, holder of Permit No. 639-2, issued
upon Application No. 639-2, bearing date of priority of 10-10, 1962, authorizing the
diversion of 0.5 cu. ft. per second of the waters of Groundwaters for Municipal
purposes. I have to report on the condition of the same as follows:

The diversion works comprise: One Well, 2200±', 8" casing to 60' & 6" below
600' approx. 2200±', Fairbanks Mousc pump, Ser. # P-2C-6447, 13 stage,
30 H.P., Size - 61 C, Voltage 440, 3 phase, 60 cycle, 3470 F.L. B.P.M.,
17.6 F.L. Amps

and the system is in the following condition: Good

The point of diversion is located 372°15'W 895±' From N.E. corner Sec. 6 T1S
Rice BHM in the NE 1/4 NE 1/4 Sec 6

The works are capable of diverting and conveying to the place of use 0.5 cu. ft. per second of water,
which is to be used for Municipal

The legal sub-divisions to be irrigated are:

comprising a total of _____ acres of land.

The domestic use intended comprises _____

The utilization for power, mining, or other beneficial uses comprises: _____

Witness my hand, this 30 day of July

A. D. 19 62

—SEAL—

William H. Miller

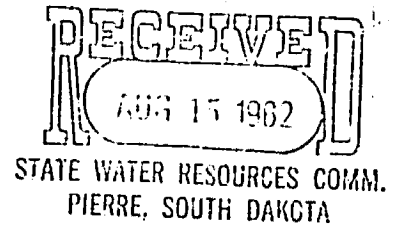
Examining Engineer.

CITY OF WALL

Wall, South Dakota

August 14, 1962

Mr. William H. Miller
Engineering Geologist
Water Resources Comm.
State Office Bldg.
Pierre, S.Dak.



Dear Sir:

Mr. A.E. Strandell, the Mayor of the City of Wall, requested me to send your the following information relative to the pump installed in our City Water Well:

The following information is taken from the plate on the pump:

Make of pump -- Fairbanks Morse

Serial # P-2C-6447

13 Stage

H.P. 30

Size -- 6 LC

Voltage 440

Thres phase

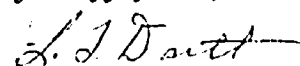
60 cycle

3480 F.L. R.P.M.

47.6 F.L. Amps

I trust that this is the information you wished on the wall.

Very truly yours,


L.T. Dartt,
City Auditor

Robert A. Miller

Lawyer

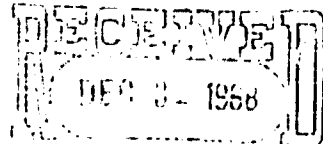
P.O. Box 498

Philip, South Dakota 57567

859-2540 Office

859-2816 Res.

December 30, 1968



Mr. Joe Grimes
Water Resources Commission
State Office Building
Pierre, South Dakota

WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Dear Joe:

I am doing some work for the Town of Wall and am requesting the following information in pursuance thereof.

I am informed that the town has two water wells. Could you advise me as to the status of the town's water rights as they directly apply to these wells. I assume that the town complied with the provisions of SDC 1960 Supp. 61.04, especially as it pertains to vested rights. Is this correct?

To your knowledge, has any attempt been made by the town to appropriate water for future use under 61.0122 as amended?

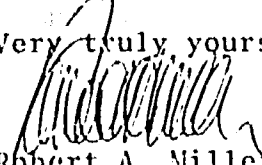
I think that the town's main fear is that some large motel or other business might locate outside of the city limits and drill a well which would diminish the city's water supply, which, I am informed is barely enough to meet the existing demand.

I can find nothing in the law which would prevent a well being drilled within a given radius of a municipal well assuming the provisions of 61.04 are met. Is this correct?

I would appreciate receiving answers to the foregoing questions together with any comments you might have at your earliest convenience.

Thank you.

Very truly yours,


Robert A. Miller

RAM/kk

714
639

Town of Wall
639-2
224-3584

XXXXXXXXXXXX
224-3584

January 3, 1969

Mr. Robert A. Miller
Lawyer
P.O. Box 498
Philip, South Dakota 57567

Dear Mr. Miller:

Reference is made to your letter of December 30, 1968, pertaining to the wells and well water rights of the Town of Wall.

The Town of Wall has two water licenses for withdrawals of ground water.

Water license 639-2, having a priority date of October 10, 1960, authorizes the diversion of 1/2 cubic foot per second of water (225 gpm) of the Fall River - Lakota formation from a 7,200 foot well.

Water license 724-2, having a priority date of August 11, 1961, authorizes the diversion of 1 cfs of water of the Fall River - Lakota formation from a 3,230 foot well.

The water licenses for these wells were issued as authorized in SDC 1960, Supp. Sections 61.0119 and 61.0404. These water rights were obtained pursuant to procedures prescribed in SDC 1960, Supp. 61.0403 and 61.0110 through 61.0119.

The Town of Wall has not made application to appropriate water for its contemplated future needs as allowed in SDC 1960, Supp., Section 61.0122 as amended.

The obtaining of a future use water right by the Town of Wall will not improve the water right status of the existing municipal wells. These wells being the only appropriative water rights from the Fall River - Lakota artesian formation in the area, have already been protected to the maximum degree inasmuch as SDC 1960, Supp., Section 61.0109 specifies that, "As between appropriations, the first in time is the first in right".

This does not necessarily mean that other wells cannot be drilled into the same formation as the existing town wells. However, in case of interference, the water needs for the town from its existing wells are to be satisfied first.

Sincerely,

J.W. GRIMES

JWG:DD:lr