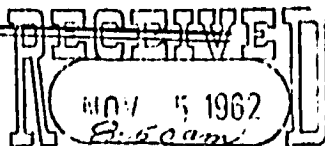


No. 1009-3Water Division No. 3 VERMILLION RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COM
PIERRE, SOUTH DAKOTA

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 Montrose
Postoffice address Montrose, County McCook, State South Dakota

I. If a corporation City of Montrose

- (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)
Work completed in 1904
(b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work City Water Supply
3. Amount of water claimed 288,000 gal per day feet per second _____
4. Source of water supply well--20' deep, 10' diameter, 12' water in well
5. Location of point of diversion City well located in Original town, block 8, lot 1.
_____ on _____ bank McCook County.
6. Annual period or periods during which water is to be used Year round use
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 Fire protection, and City Water Works
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 _____

(not presently in use)

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: Heightfeet; length at bottomfeet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back face material used in construction

(b) Reservoir: Capacity when filledacre 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; heightfeet; Material

(d) Canal: Total lengthmiles.

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 workyears.

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 McCook

as.

I, Robert Healy as Mayor of City of Montrose, S. D., 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, and that I make this statement on behalf of the City of Montrose, and in my official capacity.

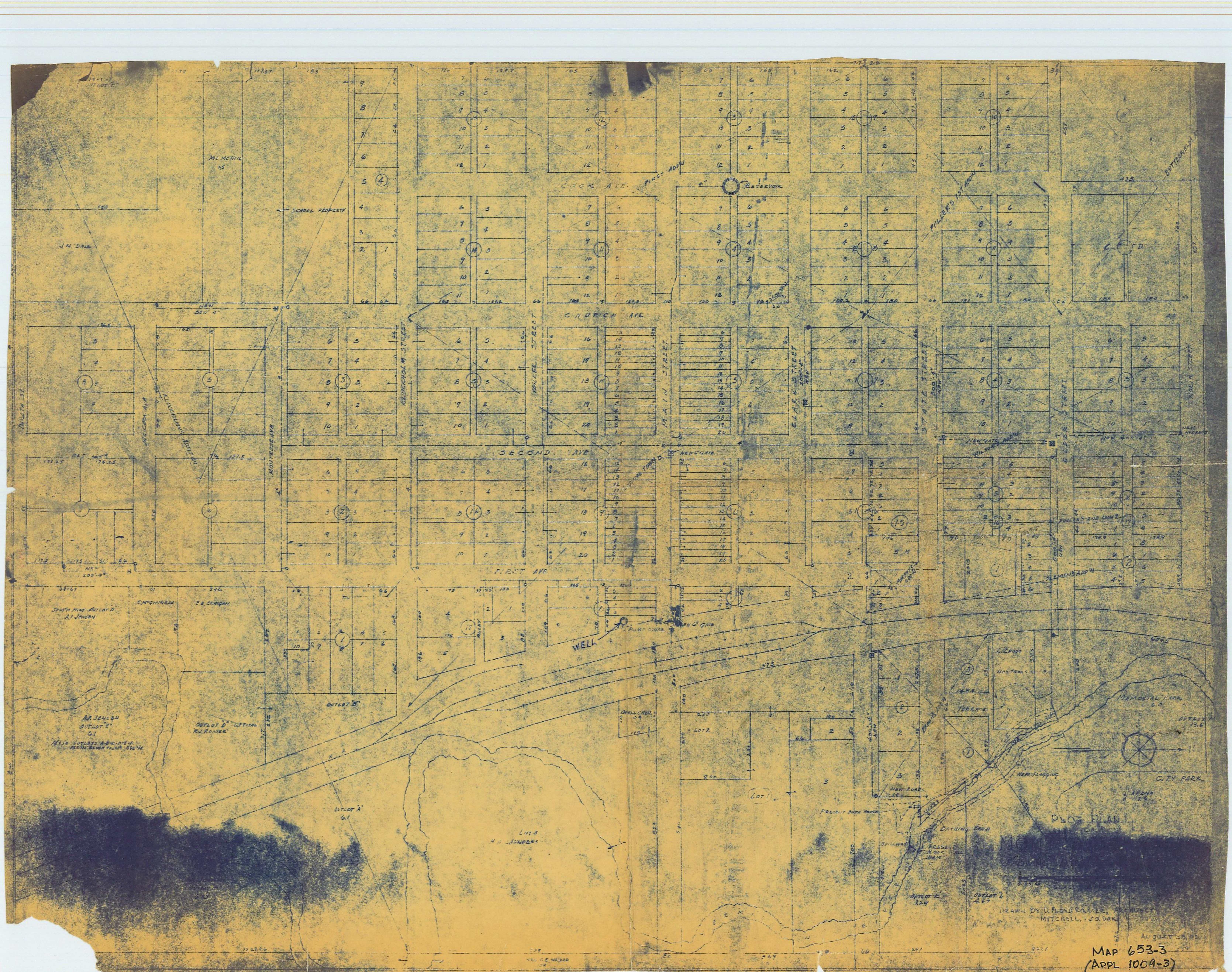
Signed Robert Healy MAYOR.

Subscribed and sworn to before me this 30th day of October 1962

(Seal)

Notary Public (or other qualified officer.)
South Dakota.

*Each diversion must have a headgate or measuring device.



MAP 653-3
(APPL 1009-3)

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, MARCH 19, 1963

This is to certify that the foregoing application was received by the Commission at 8:50 o'clock
a.m. upon the 5TH day of NOVEMBER, 1963

State Water Resources Commission

By: Burton J. Brown
for Chief Engineer, Executive Officer

Number of permit 1009-3

Date of first receipt of application NOVEMBER 5, 1962

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 1904, 1963

Approved MARCH 19, 1963, Recorded in Book 8 Page 50

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~~ _____

2nd. The whole of said work is ~~to be~~ completed ~~on or before~~ _____, 1963

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

Completed, 1963

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 44 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 WAS

and beneficially ~~applied for irrigation~~ used for municipal purposes on or before JUNE 30, 1965; said water to be used during the following described annual period:

Continuously
Witness my hand this 19TH day of MARCH, 1963

State Water Resources Commission

By: John J. Brown
Chief Engineer, Executive Officer

Certificate of Construction Issued MARCH 19, 1963

Water License Issued MARCH 19, 1963

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 10' diameter, Depth 20'

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

Size of casing 10' diameter, Thickness of casing ----

Length of casing --- If collection gallery, length, size and depth of
gallery shallow well

(b) Screens

Type of perforated screen none

Size of perforated screen none
(diameter) (length)

Thickness of gravel pack unknown, length of gravel pack unkn

(c) Water Bearing Materials

Distance to water --- Character of water bearing materials gravel
water is 8 feet from top of well

Thickness of water bearing material unknown

(d) Pump and Motor

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

Name of pump General Electric, size 15 horsepower

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

Horsepower 15, Name of Motor Manhattan Electric

(e) Complete well

Capacity 288,000 gal at drawdown of ---- Estimated cost already installed
per day

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

Montrose, South Dakota

Address

(g) Distance to nearest existing wells

On same owner's property ---- rods. On property owned by others 600 feet
(not presently in use)

STATE OF SOUTH DAKOTA

WATER LICENSE No. 1009-3

WHEREAS, On the 5th day of November A. D. 1962
 the City of Montrose

St County of Mo Cook and State of
South Dakota duly made application (No. 1009-3) to us for a vested right .44
 cubic feet per second of the waters of ground water
 County of Mo Cook, State of South Dakota, for municipal
 purposes; and

WHEREAS, On the 19th day of March A. D. 1963
Vested Right Permit No. 1009-3 was issued to said applicant... for the diversion of said water, recognizing the
 completion of the works of diversion therein described recognizing the
and for application to beneficial use of said
 water on or before the and,

WHEREAS, On the 5th day of November A. D. 1962
 the holder... of said permit duly made proof of the completion of adequate works for the diversion of .44
 cubic feet per second of said waters, as evidenced by our Certificate No. 1009-3
 dated March 19, 1963 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use .44 cubic feet per second of water, with date of
 priority of 1964 and,

WHEREAS, On the 5th day of November A. D. 1962
 proof was duly made of the application to beneficial use of .44 cubic feet per second of said water;
for municipal use in the City of Montrose.

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 Montrose
~~xx~~ Vested Right the holder and owner of said permit No. 1009-3
a water right, dating from 1904 to the use of 54
cubic feet per second of the waters of ground water
in the County of Mo-Cook and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at a point in Block 8, Lot 1, original
townsite in the NE 1/4 NW 1/4, Section 27, T 103N, R 53W
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 19th day of March A. D. Nineteen
Hundred and Sixty-Three

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 _____

Permit No. 1009-3Water Division No. 3 VERMILLION Water District
RIVER**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the City of Montrose

~~xxx~~ _____, County of Mo Cook, and State of
South Dakota, the holder of Permit No. _____, issued upon Application
 No. 1009-3, bearing date of priority of 1904, authorizing the diversion of
.44 cu. ft. per second of the waters of ground water
 County of Mo Cook, State of South Dakota, at a point in Block 8,
Lot 1, Original townsite, in the NE 1/4 NW 1/4, Section 27, T 10 N, R 53 W
 _____, 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 ~~recognized as~~
~~recognized as~~ satisfactory
~~for diverting and conveying to the place of intended use~~ .44 cu. ft.
 per second of water; and that the ~~purpose and to be used for the~~ use of said water are described as follows,
 to-wit: to be used for the municipal needs of the City of Montrose.

Witness my hand this 19th day of March A. D. 1963

State Water Resources Commission

By:

J.W. GRIMES, Chief Engineer, Executive Officer

Location No.

Water Division No. Water District

Proof of Application of Water to Beneficial Use**PETITION OF HOLDER**

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

Ans. City of MontroseMontrose, South Dakota

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. City of Montrose

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

Ans. Work done in 1904

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

Ans. City well located in Original town, block 8, lot 1.

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. none

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. Water is used for city water supply for population of
approximately 440 residents.

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

Ans. None City well, with electric pump to pump water up to
reservoir supplying city residents by gravity system.

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

Ans. 288,000 gallons 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. Well was dug and is owned by City of Montrose.

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

Ans. Water to be used for all city purposes.

City of Montrose. S. D

(Sign) By Robert Seely
Its Mayor

I hereby certify that the foregoing testimony was read to the above subscriber before its 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 City of Montrose, County of McCook

State of South Dakota, on this 30th day of October A. D. 182

Carl Penator
Helen H. Peterson } Witnesses. Robert Seely
Mayor of the City of Montrose, S. D.

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 _____

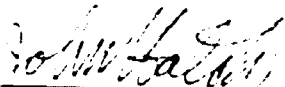
REISSUED STATE OF SOUTH DAKOTA
VESTED WATER RIGHT LICENSE NO. 1009-3

(1) City of Montrose, PO Box 97, Montrose SD 57048-0097 was issued Vested Right License No. 1009-3, March 19, 1963 for a right to appropriate 0.44 cubic feet of water per second from groundwater (one well), McCook County, South Dakota for municipal purposes. Vested Water Right No. 1009-3, with a priority date of January 1, 1904 was issued to the City for diversion of water with construction of the described water supply system completed and application of water to beneficial use completed.

On September 27, 1989, the Water Management Board validated Vested Water Right No. 1009-3. The validation contained an incorrect legal description of the diversion point. Vested Right No. 1009-3 is being reissued to reduce the amount of water claimed to the actual amount applied to beneficial use, based on a September 26, 1995 inspection of the system and to clarify the location of the diversion point.

(2) The vested right owner is entitled to divert 0.36 cubic feet of water per second for beneficial use. The location of the diversion point is 1575 feet east and 775 feet south from the northwest corner (NE 1/4 NW 1/4) Section 27-T103N-R53W.

(3) Pursuant to South Dakota Water Law 46-5-30.1 the City of Montrose, PO Box 97, Montrose SD 57048-0097 the holder and/or owner of Vested Water Right No. 1009-3 is issued a license to appropriate water, the right to use 0.36 cubic feet of water per second from groundwater (one well) with a priority date of January 1, 1904 from the location specified in (2) of this license. The water to be used for the purpose of municipal use. This license is subject to any limitations or qualifications listed in Vested Water Right No. 1009-3 and subject to South Dakota State Law.



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

DEC 21 1995

date



SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 1009-3

Date Claim Accepted For Filing November 5, 1962.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 1009-3 for the City of Montrose, P O Box 97, Montrose, South Dakota 57048 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1009-3 appropriates 0.44 cubic feet of water per second from one well approximately 20 feet deep and located in the NE 1/4 NW 1/4, Section 27, T103N, R55W.
2. The appropriated water is used for supplying water for the City of Montrose 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: January 1, 1904.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the law of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

John H. Lutz
Chief Engineer
Division of Water Rights
Dept. of Environment and Natural Resources

MAY 10 1991

date

South Dakota



GREAT FACES. GREAT PLACES.

MAY 10 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Clifford Hallen, Mayor
City of Montrose
PO Box 97
Montrose SD 57048

Dear Mayor Hallen:

The Water Management Board has validated the enclosed Vested Water Right No. 1009-3. This validation gives legal status to the claim and is the final document for your vested right.

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

enclosure

Water Rights Program -- File Documentation

NAME: City of Montrose **CONTACT:** Don Erickson - city engineer
ADDRESS: PO Box 97, Montrose SD 57048-0097
DATE: September 26, 1995 **COUNTY:** McCook **TELEPHONE:** 363-5065
RE: Review of Vested Water Right No. 1009-3 and Water Right No. 3946-3

COMMENTS:

On September 27, 1989, the Water Management Board validated Vested Water Right No. 1009-3 and the validation was issued to the city on May 10, 1991. It was discovered that an error existed in the legal description of the range on the validation. The correct range is 53W not 55W as issued. Publication of the notice of validation was correct. Rather than simply reissue the validation, it was decided to investigate whether the well authorized by No. 1009-3 was still in use. The current status of the well authorized by Water Right No. 3946-3 was also investigated while on site.

INVESTIGATION RESULTS:

The review found that the well authorized by No. 1009-3 was still in use and supplements water supplied from Kingbrook rural water. Approximately 15,000 GPD is supplied from the well and 20,000 GPD from Kingbrook. A six inch line will be run to the city from Kingbrook to add more capacity. The current line is 4 inch diameter. Mr. Erickson turned on the well to demonstrate the current capacity of the well. According to the meter, the well is capable of producing 160 gpm compared to the 0.44 cfs (200 gpm) listed on the vested right.

The well authorized by Water Right No. 3946-3 was contaminated during the flood of 1993. Contamination problems have persisted resulting in the well being plugged and the city using replacement water from Kingbrook rural water.

RECOMMENDED ACTION:

The water license needs to be reissued to reduce the permitted diversion rate to the current pump rate which is 160 gpm (0.36 cfs). In addition, the license should include the correct range and note that the incorrect range number was placed on the vested right validation.

Water Right No. 3946-3 needs to be scheduled for cancellation due to abandonment.



Ron Duvall, Natural Resources Engineer
Water Rights Program

INSPECTION CHECKLIST FOR PERMIT NO. 1009-3

DATE OF INSPECTION:	September 26, 1995
NAME & ADDRESS OF INSPECTION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Don Erickson, City Engineer
NAME & ADDRESS OF PERMIT HOLDER	City of Montrose PO Box 97 Montrose SD 57048-0097
DIVERSION POINT LEGAL LOCATION	1,575 feet E and 775 feet S from the NW corner of section 27-T103N-R53W (NE 1/4 NW 1/4)

Other permit(s) associated with the project: none

WELL INFORMATION:

- 1) Well Drilling Firm: Unknown
- 2) No. of Wells 1
- 3) Depth(s) 20 feet
- 4) Well log is available N
- 5) Comment: _____

Pump:

- 1) Make Jet-type pump
- 2) Capacity 160 GPM

Motor:

- 1) Make Century Electric
- 2) Horsepower rating 10 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type City distribution system

Vested Right No. 1009-3

Vermillion River - Water District

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

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, September 26, 1995, made a thorough examination of the water use system constructed by City of Montrose of PO Box 97, Montrose SD 57048-0097 holder of Vested Water Right No. 1009-3, bearing the priority of January 1, 1904 authorizing the diversion of 0.44 cu. ft. per second of the waters of ground water for municipal purposes, in McCook County.

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

A. Works used to divert the water:

Motor: **Century Electric**
10 HP

Pump: **Jet-type**

B. Works used to transport water to place of use:

City distribution system

C. Works used to apply water to beneficial use:

City distribution system

The system is in the following condition **fair**. The point of diversion is located **1,575 feet E and 775 feet S** from the **NW corner (NE 1/4 NW 1/4)** of section **27-T103N-R53W**. The works are capable of diverting and conveying to the place of use **0.36** cu. ft. per second of water which is to be used for **municipal purposes**.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: **none** Date report completed: **September 29, 1995**



Ron Duvall
Natural Resources Engineer
DENR. Water Rights Program

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 21 1995

Connie Zimmer, Finance Officer
City of Montrose
PO Box 97
Montrose SD 57048-0097

Dear Ms. Zimmer:

Enclosed is Reissued Vested Water Right License No. 1009-3 for the City of Montrose. The license is being issued to reduce the amount of water claimed (0.44 cfs or 200 gpm) to the actual amount applied to beneficial use (0.36 cfs or 160 gpm). The reissued license also clarifies the legal description of the diversion point which was incorrect on the Validation of Vested Water Right Claim No. 1009-3 issued on May 10, 1991.

As long as the City uses the water beneficially, as stated in the license, 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

enclosure

c: Don Erickson, City Engineer

