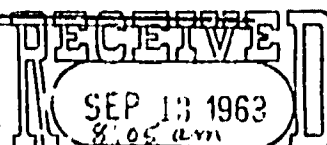


No. 1061-3Water Division No. 3 BIG SIOUX RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

1. Name of applicant City of Colman
Postoffice address Colman, County Moody, State So. Dak.

- 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)

Completed 1947

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

2. Name of diversion work City Well # 1
3. Amount of water claimed 100 gal. per minute cubic feet per second
4. Source of water supply Ground water
5. Location of point of diversion lot 5, Block 10, Original Plat, City of Colman
_____ on _____ bank Moody County.
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.) _____

Municipal use by City Of Colman

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 _____

3. 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 completed 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 -----
Not ~~NIX~~ applicable

STATE OF SOUTH DAKOTA

County of Moody } ss.

I, ~~XXXXXXXXXX~~ Duane Westling, 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

Duane Westling, MayorSubscribed and sworn to before me this 7th day of SEPTEMBER 1963

W. J. A. C. L. C. L. C.
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, SEPTEMBER 17, 1963

This is to certify that the foregoing application was received by the Commission at 8:05 o'clock
a.m. upon the 13TH day of SEPTEMBER, 1963

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit 1061-3

Date of first receipt of application SEPTEMBER 13, 1963

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 1947, 1963

Approved SEPTEMBER 17, 1963, Recorded in Book 8 Page 129

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, 1963

2nd. The whole of said work is ~~to be~~ completed ~~on or before~~ Completed, 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 .22 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, no. 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 was

USED FOR MUNICIPAL PURPOSES

and beneficially Applied for irrigation on or before JUNE 30, 1955; said water to be used during the following described annual period:

CONTINUOUSLY

Witness my hand this 17TH day of SEPTEMBER, 1963

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 17, 1963

Water License Issued SEPTEMBER 17, 1963

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 17 " Depth 330'
 Type of casing Steel
 (wood, concrete, steel, etc.)
 Size of casing 12" Thickness of casing Standard
 Length of casing 314' If collection gallery, length, size and depth of
 gallery None

(b) Screens

Type of perforated screen Johnson
 Size of perforated screen 8" 16'
 (diameter) (length)
 Thickness of gravel pack 10" length of gravel pack 16'

(c) Water Bearing Materials

Distance to water 140 Character of water bearing materials Sand

 Thickness of water bearing material 14'

(d) Pump and Motor

Type of pump Centrifugal
 (centrifugal, propeller, mixed f. w., etc.)
 Name of pump Layne size 6"
 Kind of motor Electric
 (gasoline, electric, diesel, etc.)
 Horsepower 15 Name of Motor U S

(e) Complete well

Capacity 100 GPM at drawdown of 80' Estimated cost 14,000.00

(f) Owner of land upon which well is located City of Colman
 Name
 Colman, South Dakota
 Address

(g) Distance to nearest existing wells

On same owner's property 100' rods. On property owned by others Outside City Limits.

STATE OF SOUTH DAKOTA

WATER LICENSE No. 1061-3

WHEREAS, On the 13th day of September A. D. 1963
the City of Colman

County of Moody and State of
South Dakota duly made application (No. 1061-3) to us for a vested right .22
cubic feet per second of the waters of ground water
County of Moody, State of South Dakota, for municipal
purposes; and

WHEREAS, On the 17th day of September A. D. 1963
Vested Right / Permit No. 1061-3 was issued to said applicant recognizing
for the diversion of said water, and providing for the
completion of the works of diversion therein described; and
and XXXXXX and XXXXX application to beneficial use of said
water XXXXXX
and,

WHEREAS, On the 13th day of September A. D. 1963
the holder of said permit duly made proof of the completion of adequate works for the diversion of .22
cubic feet per second of said waters, as evidenced by our Certificate No. 1061-3
dated September 17, 1963 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use .22
cubic feet per second of water, with date of
priority of 1947 and,

WHEREAS, On the 13th day of September A. D. 1963
proof was duly made of the application to beneficial use of .22
cubic feet per second of said water;
for municipal use in the City of Colman

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 Colman

~~xxxx~~ Vested Right the holder and owner of said permit No. 1061-3

a water right, dating from 1947 to the use of .22

cubic feet per second of the waters of ground water

in the County of Moody and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinbelow mentioned, to be diverted at a point in Lot 5, Block 10,

Original Flat, City of Colman

and conducted ~~xxxxxxxxxx~~ 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 17th day of September 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. 1061-3.

Water Division No. 3 Big Sioux River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the City of Colman

of _____, County of Moody, and State of South Dakota, the holder of Vested Right of Permit No. 1061-3, Issued upon Application No. 1061-3, bearing date of priority of 1947, authorizing the diversion of .22

cu. ft. per second of the waters of ground water County of Moody, State of South Dakota, at a point in Lot 5, Block 10, Original Flat, City of Colman

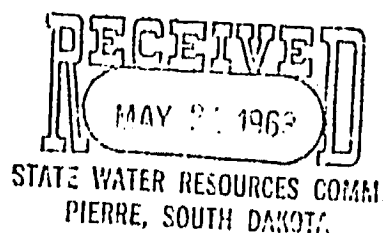
for municipal purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are recognized as satisfactory for diverting and conveying to the place of intended use .22 cu. ft. per second of water; and that the lands proposed to be irrigated for the use of said water are described as follows, to-wit: pumped through the City of Colman water system for municipal use.

Witness my hand this 17th day of September A. D. 1963

State Water Resources Commission

By: J. W. GRIMES
Chief Engineer, Executive Officer

May 22, 1963



State Water Resources Commission
State Office Building
Pierre, South Dakota

Gentlemen:

It has been called to my attention that we may not have a water license for a well located in Lot 5, Block 10 in the Original Plat of the City of Colman.

I have located a license for a well that was installed in 1956 which is located in Lot 6, Block 10, in the City of Colman. The license has a different description than this, as it indicates location at a point 1786' N and 895' W of the SE corner of Section 15, Township 106N, Range 50W.

Would you kindly check your records to determine whether or not we do have a license for our well #1 located in Lot 5. This well has been in use since approximately 1947.

If we do not have a license, would you kindly send us the necessary information for obtaining a water license. I am enclosing a copy of the license #244-3 which covers the well that was installed in 1956, and also a copy of a map of the City of Colman. The well in question is marked #1 on the enclosed map.

Thank you for your kind attention concerning this matter.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Duane Westling".

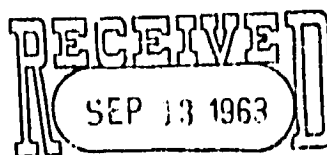
Duane Westling
Mayor

DW:11

Enclosure

Location No.-----

Water Division No.-----Water District-----

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

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

Ans. City of Colman (Municipality)
Colman, 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. -----

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

Ans. No previous recording

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

Ans. Lot 5, Block 10, Original Plat of City of Colman

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. Well was drilled in 1947 and turned into City distribution
system for Municipal use.

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. Municipal use.

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

Ans. None

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

Ans. N/A

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. N/A

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

Ans. Water has been used since well was drilled in 1947.

(Sign)

Dean D. H. [Signature] Mayor

I hereby certify that the foregoing testimony was read to the above subscriber before 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 Coleman, County of Hardy, State of South Dakota, on this 9th day of September, A. D. 1943.

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 _____

SOUTH DAKOTA

VESTED WATER RIGHT CLAIM NO. 1061-3

Date of Receipt of Claim September 13, 1963.

Date of Validation May 6, 1992.

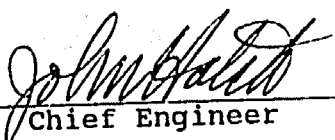
The Water Management Board validated Vested Water Right Claim No. 1061-3 for the City of Colman, P.O. Box 54, Colman, South Dakota 57017 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1061-3 appropriates 0.22 cubic feet per second of water from a well located in the NE1/4 SE1/4 SEC 15, T106N, R50W.
2. The appropriated water is used for supplying water for the City of Colman 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, 1947.
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: _____


Chief Engineer

JUN 29 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



JUN 29 1992

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

City of Colman
Jan Hanson, Finance Officer
PO Box 54
Colman SD 57017-0054

Dear Ms. Hanson:

The Water Management Board has validated the enclosed Vested Water Right No. 1061-3. 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,

A handwritten signature in dark ink, appearing to read "John Hatch", is written over a faint, larger version of the same signature.

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

enclosure

