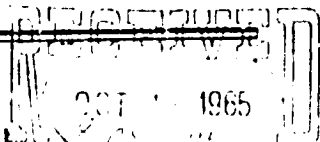


No. 1228-3

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



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 City of Bryant
Postoffice address Bryant County Hamlin State S. Dak.

- I. If a corporation Incorporated at a city
(a) Name of same City of Bryant
(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 EAST & WEST WELL
3. Amount of water claimed 32.22 cubic feet per second
4. Source of water supply GROUND WATER
5. Location of point of diversion BOTH IN CITY LIMITS OF BRYANT IN SW⁴ SECTION 17, T113N, R55W on _____ bank _____ County.
6. Annual period or periods during which water is to be used CONTINUOUSLY
7. To be used for: Domestic

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? _____

(a) Number of acres to be irrigated none acres.

(b) Legal subdivisions to be irrigated none

(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.) For the normal use of the City of Bryant, South Dakota

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

(a) Nature of use none 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 _____

V/R.

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 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; height.....feet;
 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 Hamlin } ss.

I, Howard Richardson, City Auditor, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of auditor; 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 Howard Richardson (Auditor)

Subscribed and sworn to before me this 5th day of October 1965

T. H. Johnson
 Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, MAY 19, 1970

This is to certify that the foregoing application was received by the Commission at 8:05 o'clock
A.m. upon the 11TH day of OCTOBER, 1965

State Water Resources Commission

By:

Burton Jones
for Chief Engineer, Executive Officer

Number of permit 1228-3

Date of first receipt of application OCTOBER 11, 1965

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

Date of receipt of corrected application 11 1965 FROM 1949, 19____

Date from which applicant may claim right 11 1965 FROM 1953, 19____

Approved JULY 21, 1966 Recorded in Book 11 Page 113

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~~ _____

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

COMPLETED

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, 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-eighth (1/8) of one cubic foot of water per second of time for each acre of land~~ which water ~~is~~ actually 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 19TH day of MAY, 1970

State Water Resources Commission

By:

James H. Jones
Chief Engineer, Executive Officer

Certificate of Construction issued MAY 20, 1970

Water License issued MAY 20, 1970

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 8", Depth 1360 each

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

Size of casing 8", Thickness of casing

Length of casing 1360 If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screen Stainless Steel and brass

Size of perforated screen 3 3/4 inches, 110'
(diameter) (length)

Thickness of gravel pack 12", length of gravel pack 199'

(c) Water Bearing Materials

Distance to water 400' Character of water bearing materials

Thickness of water bearing material

(d) Pump and Motor

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

Name of pump Berkly Submersible, size

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

Horsepower 10, Name of Motor

(e) Complete well

Capacity 45 gallons at drawdown of Estimated cost 25000.

(f) Owner of land upon which well is located city,
Name

Address

(g) Distance to nearest existing wells

On same owner's property 30 rods. On property owned by others rods

Form 15.

Permit No. 1228-3

Water Diversion No. 3 VERMILLION RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the City of Bryant

_____ the holder _____ of
^{VESTED RIGHT}
Permit No. 1228-3, issued upon Application No. 1228-3, bearing date of priority of 1949 and
1953 authorizing the diversion of .22 cu. ft. per second of the waters of _____
ground water _____ County of Hemlin, State of South Dakota at _____
two points in the City limits of Bryant in the SW $\frac{1}{4}$, Section 17, T113N, R55W
_____, for municipal

purposes, has _____ 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 ~~shown~~ ^{recognized as} satisfactory
~~shown~~ for diverting and conveying to the place of intended use .22 cu. ft. per second of water.

Date May 20, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1228-3

(1) WHEREAS, On the 11th day of October A. D. 1965
the City of Bryant

made Water Right Application No. 1228-3 for ^{Vested Right} a permit to use .22 cubic feet per second of the waters of ground water

County of Hamlin, State of South Dakota, for Municipal

—purposes; and

(2) WHEREAS, On the 20th day of May A. D. 1970
/Vested Right Permit No. 1228-3, with a date of priority of 1949 and 1953

[illegible]

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert .22 cubic feet per second of water for beneficial use and

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

water is used for municipal purposes by the City of Bryant

(5) 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 Bryant

_____ of _____
the holder _____ and owner _____ of said permit No. Vested Right 1228-3 a water right, dating from 1949 and 1953
_____ to use of .22 cubic feet per second of the waters
of ground water

in the County of Hamlin and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at two points within the city limits of Bryant in the
SW $\frac{1}{4}$, Section 17, T113N, R55W

and conduct ~~bottom~~ through the city water distribution system

for the purpose of municipal use

Subject to any limitations listed in Water Right Permit No. 1228-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 20th day of May A. D.
Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By :

Chief Engineer, Executive Officer, J.W. GRIMES

NOTE: This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

AFFIDAVIT OF CONSTRUCTION OF WATER USE
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE

Name of Applicant (Same as Form 2) CITY OF BRYANT
Post Office Address BRYANT, State S. DAK
If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)
Date of Posting NO PRIOR POSTING Date of Recording _____
Recording Date _____
14. Date of start of construction of water supply system 1949
15. Date that water was first applied to beneficial use ~~50 G.P.M.~~ 1949
16. Name of owner of original water supply system CITY OF BRYANT
17. Amount of water originally applied to beneficial use 50 G.P.M.
18. Present Use of Water
Amount of water now being used 100 G.P.M.
Date that this amount of water was first used 1953
19. Chronological History of Water Use

WEST WELL CONSTRUCTED IN 1949 &
EAST WELL CONSTRUCTED IN 1953. BOTH
WELLS PUMPED AT 50 G. P. M. SINCE
CONSTRUCTION.

Attach to this Form 2B, any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

STATE OF SOUTH DAKOTA)
) ss
County of Hamlin)

I, City of Bryant, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

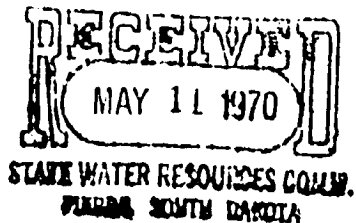
Signed Howard Richardson (city)

Subscribed and sworn to before me this 5th day of May 19 70

Winnell P. Rogers
(Notary Public - Oklahoma State Bar Association)
My commission expires 11-22-73

I, the undersigned, do hereby certify that I know about the water use system described above that I have read the foregoing and that the matters therein stated are true.

Howard Richardson



*Memorandum
6-1-63*

January 2, 1963

Mr. Ted Ahrens
Mayor
Bryant, South Dakota

Dear Mr. Ahrens:

Your letter of November 24, 1962, addressed to Mr. James L. Lewis, and requesting information concerning water rights, has been referred to me.

A copy of the South Dakota water laws is enclosed. You will be interested particularly in the provisions of Section 61.0122, Chapter 61.01, Sub-Sections 61.0401 (9) and 61.0401 (11), Chapter 61.04, and Sections 61.0403 and 61.0404, Chapter 61.04.

Applications for new water rights are covered in Sections 61.0110 through 61.0119. Establishment of a record of "vested rights", which would, I believe, have particular application to the two wells now used by the City of Bryant, is handled through less elaborate procedures. Application forms and instructions to establish such "vested rights" are enclosed.

I shall be pleased to help if you have questions or difficulties with the application forms.

Sincerely,

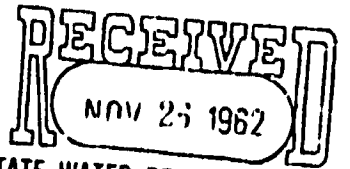
J.W. GRIMES

JWG/bw
Encl: As stated

City of Bryant

BRYANT, SOUTH DAKOTA

Nov. 24, 1962



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Mr. James L. Lewis Mgr.
State Water Resources Com.
Pierre, S. D.

Dear Jim:

On recommendation of State Dept of Health I am requesting information regarding water rights to insure that the City will have legal access to ground waters in the future. Since this is all new to me I would like to know what steps are necessary to insure our water supply. Any advice we'll be deeply appreciated by the City. At present we have two deep wells around 135 ft.

Trusting you can supply us with the information I require.

Respectfully,

Ed Brown -
Mayor.



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

GREAT FACES. GREAT PLACES.

April 26, 1991

Arthur Erickson, Mayor
City of Bryant
PO Box 145
Bryant SD 57221

Dear Mayor Erickson:

The Water Management Board has validated the enclosed Vested Water Right No. 1228-3. 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

SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 1228-3

Date Claim Accepted For Filing October 11, 1965.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 1228-3 for the City of Bryant, P O Box 145, Bryant, South Dakota 57221 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1228-3 appropriates 0.11 cubic feet of water per second (cfs) from the West Well and 0.11 cfs from the East Well. Both wells are approximately 1360 feet deep and located in the SW 1/4, Section 17, T113N, R55W.
2. The appropriated water is used for supplying water for the City of Bryant 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 dates of the Vested Water Right are: West Well - 0.11 cfs - January 1, 1949 and East Well - 0.11 cfs - January 1, 1953.
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

Division of Water Rights

Dept. of Environment and Natural Resources

APR 29 1991

date