

1. Considered Jan 18, 1967
2. Name of Applicant Town of Teletoy
3. Post Office Address _____
4. Amount of water claimed 0.25
5. Source of water supply Ground
6. Water to be used for Municipal
- Acres to be irrigated _____
7. Water to diverted and used in Potter County
about _____ miles W City Limits of _____.
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved OK
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

No. 1329-3

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

DEC 8 1966

8:10 am

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

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

1. Name of applicant Town of Tolstoy
Postoffice address Tolstoy, County Potter, State S. 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)
Contract
 - (b) Cash on hand, \$
 - (c) Treasury stock, \$
 - (d) Bonds to be issued, \$
 - (e) Other resources, \$

2. Name of diversion work Municipal Water Supply System
3. Amount of water claimed 0.25 cubic feet per second
4. Source of water supply Well Ground water
5. Location of point of diversion outlet "w", Town of Tolstoy, South Dakota, SW 1/4 NW 1/4, Sec 14, T120N, R73W
on Potter County.

6. Annual period or periods during which water is to be used annual
7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combinatic.. system?
- (a) Number of acres to be irrigated 0 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 m., 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.) public water and fire protection system

- 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

MAR 4 941-3

DATE REC'D FILED

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
 (e) Other structures complete water system \$55,000 Total, \$-----

9. Description of diversion works:

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

well-----

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 projections in size are made.)

10. Time required for completion of work-----0-----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-----Hoven Review-----

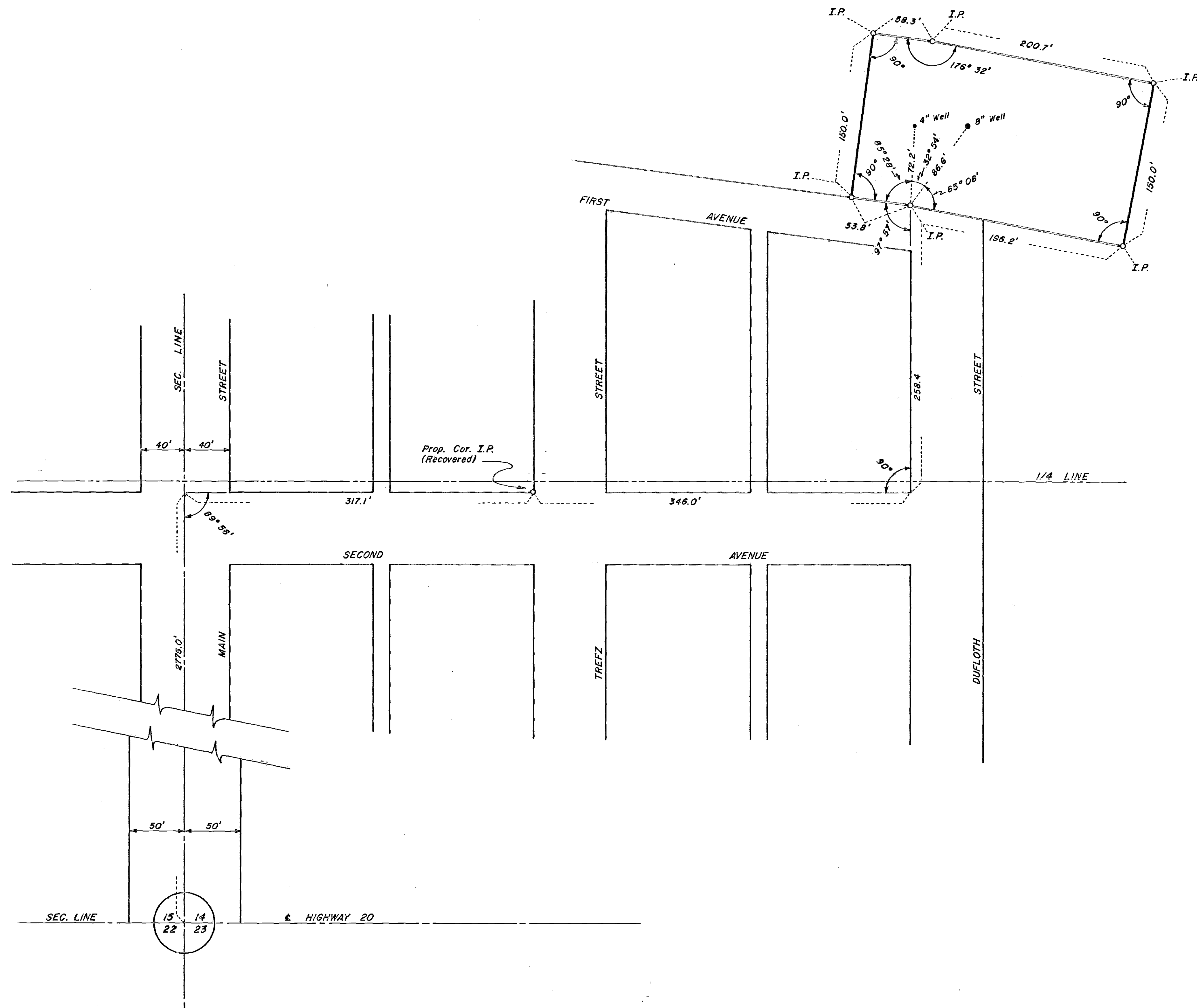
STATE OF SOUTH DAKOTA
 County of Potter ss.

I, D. G. Banik, Chairman, Board of Trustees, District Tolstoy, S. D., being first duly sworn on my oath depose and say: That my relation to the above described land flaking is that of owner, that I have read the above foregoing statement, examined the map according to the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed D. G. Banik

Subscribed and sworn to before me this 7th day of December 1966

Notary Public (or other qualified officer)
 Floyd R. Wolff, Notary Public
 Potter County, South Dakota



Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, January 20, 1967

This is to certify that the foregoing application was received by the Commission at 8:10 o'clock
A.m. upon the 8th day of December, 1966.

State Water Resources Commission

By:

Richard O Schwaner
for Chief Engineer, Executive Officer

Number of permit 1329-3

Date of first receipt of application December 8, 1966

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 December 8, 1966

Approved January 18, 1967, Recorded in Book 9 Page 203

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 July 18, 1967

2nd. The whole of said work is to be completed on or before January 18, 1968

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is January 18, 1969

4th. The water appropriated shall be used for the purpose of Municipal water supply

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 0.25 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 January 18, 1969; said water to be used during the following described annual period:

CONTINUOUS

Witness my hand this 20th day of January, 1967

State Water Resources Commission

By:

Richard O Schwaner
Chief Engineer, Executive Officer

Certificate of Construction Issued JANUARY 13, 1971

Water License Issued JANUARY 13, 1971

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 14 inches, Depth 80 feet
Type of casing steel
(wood, concrete, steel, etc.)
Size of casing 8" I.D., Thickness of casing Schedule 40
Length of casing 72 feet. If collection gallery, length, size and depth of
gallery -----

(b) Screens

Type of perforated screen stainless steel
Size of perforated screen 8 inches 8 feet
(diameter) (length)
Thickness of gravel pack 3 inches, length of gravel pack 55 feet

(c) Water Bearing Materials

Distance to water 55'-10" Character of water bearing material, -----
gravel - reddish yellow to gray

Thickness of water bearing material 15 feet

(d) Pump and Motor

Type of pump submersible turbine
(centrifugal, propeller, mixed flow, etc.)
Name of pump Jacuzzi, size 6"
Kind of motor electric
(gasoline, electric, diesel, etc.)
Horsepower 10, Name of Motor Franklin Electric

(e) Complete well

Capacity 180 at drawdown of 4'-11", Estimated cost 3500.00

(f) Owner of land upon which well is located Town of Tolstoy

Tolstoy, South Dakota
Name
Address

(g) Distance to nearest existing wells

On same owner's property ----- rods. On property owned by others 10 rods

WATER LICENSE NO. 1329-3

(1) WHEREAS, On the 8th day of December A. D. 19 66
the Town of Tolstoy

made Water Right Application No. 1329-3 for a permit to use .25 cubic feet per second of the waters
 of ground water

County of Potter, State of South Dakota, for municipal

purposes and
 (2) WHEREAS, On the 20th day of January A. D. 19 67
1329-3 Permit No. 1329-3 with a date of priority of December 8, 1966

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
 supply system therein described on or before the 18th day of January A. D. 19 68 and for the
 application to beneficial use of said water on or before the 18th day of January A. D. 19 69

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 .25 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 Town of Tolstoy

(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 Town of Tolstoy

_____ XXX _____
the holder _____ and owner _____ of said permit No. 1329-3 a water right, dating from December 8, 1966
_____ to use of .25 cubic feet per second of the waters
of ground water
in the County of Potter 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 Outlot W, Town of Tolstoy in the
SW 1/4 NW 1/4, Section 14, T120N, R73W

and confirm ~~Permit No. 1329-3~~ conducted through the Town water distribution system

_____ municipal use
for the purpose of _____

Subject to any limitations listed in Water Right Permit No. 1329-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 13th day of January A. D.
Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Form 15.

Permit No. 1329-3

Water Diversion No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Town of Tolstoy

_____ the holder _____ of
Permit No. 1329-3, issued upon Application No. 1329-3, bearing date of priority of December 8
1966 authorizing the diversion of .25 cu. ft. per second of the waters of _____
ground water County of Potter, State of South Dakota at _____
a point in Outlet W, Town of Tolstoy in SW 1/4 NW 1/4, Section 14, T120N, R73W
_____, for Municipal

purposes, has 8 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 .40 cu. ft. per second of water.

Date January 13, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRINES, Executive Officer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Potter } ss.

Robert M. Senn being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the

Haven Review 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 Haven County of

Potter and State of South Dakota; that the said notice was published in said newspaper on the following dates:

December 15, 1966

December 22, 1966

December 29, 1966

January 5, 1967

In each and every issue of the full number thereof, the first publication being made on the 15th day of December

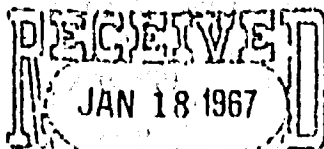
1966 and the last publication on the 5th day of

January 1967, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was both the printer and publisher of the said newspaper.

Robert M. Senn

Subscribed and sworn to before me this 16th day of January A. D. 1967.



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER

Office of State Water Resources Commission,
Pierre, S. Dak.

December 9, 1966

Notice is hereby given that the Town of Tolstoy, 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 0.25 cubic feet of water per second at time from ground water through the Municipal Water Supply System, the point of diversion of which is to be located on Outlot "W" in the Town of Tolstoy, in the SW 1/4 of the NW 1/4 of Section 14 Twp. 120N Range 73W. Said water to be used for the purpose of providing municipal supplies for the Town of Tolstoy.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 18th day of January, 1967, 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: RICHARD D. SCHMOYER
Water Right Specialist

39-42

R. C. Senn
Notary Public Potter County, S. D.

on or before December 22, 1966
(First Publication December 22, 1966)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., December 9, 1966

Notice is hereby given that the Town of Tolstoy ~~xxxxxx~~
~~xxxxxx~~ 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 0.25
cubic feet of water per second of time from ~~the~~ ground water through the
Municipal Water Supply System, the point of diversion of which is to be located on ~~the~~ Outlot "W"
in the town of Tolstoy,
~~xxxxxx~~ in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 14
Twp. 120N Range 73W Said water to be used for the purpose of providing ~~irrigation on the fol~~
~~xxxxxx~~
~~xxxxxx~~ municipal supplies for the Town of Tolstoy

~~xxxxxx~~ ~~xxxxxx~~
This application will be taken up by the State Water Resources Commission at their office at Pierre for
consideration upon the 18th day of January, 1967, 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:

~~xxxxxx~~
RICHARD D. SCHMOYER
WATER RIGHT SPECIALIST

CC: Mr. Robert W. Senn, Publisher
Hoven Review
Hoven, S.D.

Permit No. 1329-3Water Division 3 MISSOURI RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by THE TOWN
OF TOLSTOY holder _____
of Permit No. 1329-3, bearing date of priority of DECEMBER 8, 1966
authorizing the diversion of .25 cu. ft. per second of the waters of GROUND WATER
for MUNICIPAL purposes, in POTTER County.

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

The Water Use System consists of,

A. Works used to divert the water:

80' DEEP 8" DIA. WELL6" JACUZZI SUBMERSIBLE PUMPPOWERED BY 10 H.P. FRANKLIN ELECTRIC MOTOR

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

8" MAIN TO 50,000 GAL STAND PIPE

C. Works used to apply water to beneficial use.

6" & 4" MAINS TO RESIDENCESThe system is in the following condition: EXCELLENTThe point of diversion is located OUTLOT "W" TOWN OF TOLSTOY, IN
SW⁴ NW⁴, SECTION 14, T120N, R73WThe works are capable of diverting and conveying to the place of use .40cu. ft. per second of water which is to be used for MUNICIPAL USE

Water has been put to beneficial use to the maximum extent as follows:

comprising a total of _____ acres of land.

Date JANUARY 15, 1970

Burton Jones
(Signature)
WATER RIGHT SPECIALIST
WATER RESOURCES COMMISSION