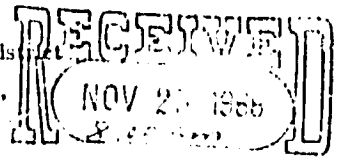


No. 1650-3

Water Division No. 3 JAMES RIVER
(Blanks to be Filled by the Engineer for the W. D. C.)



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 Roswell
Postoffice address Roswell, County Miner, State So. 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 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
 - (b) Cash on hand, \$
 - (c) Treasury stock, \$
 - (d) Bonds to be issued, \$
 - (e) Other resources, \$

2. Name of diversion work Roswell City Well
3. Amount of water claimed .06 cubic feet per second
4. Source of water supply ground water
5. Location of point of diversion a point 500' S and 50' W of the N $\frac{1}{4}$ Corner,
Section 3, T106N, R57W on Bank Miner County.
6. Annual period or periods during which water is to be used continuously
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

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

V/R.

8. Estimated cost of work:

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

(b) Pumping plant, \$-----

(c) Plumbing, \$-----

(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	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 ~~XXXXX~~
11. Time required for complete application of water to the proposed beneficial use completed ~~XXXX~~
12. Choice of newspaper for publication of notice of intention to appropriate -----
Not applicable

STATE OF SOUTH DAKOTA

County of MYNER HUGHES ss.

I, Marlo Miller, 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 accom, anying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signature Marlo Miller

22nd day of November 1968

Subscribed and sworn to before me this ----- day of ----- 19-----

Notary Public (or other qualified officer.)
Ernest Anderson
Notary Public, Myner, S.D.

*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, DECEMBER 6, 1968

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
a.m. upon the 25TH day of NOVEMBER, 1968

State Water Resources Commission

By:

Burton J. Jones
for Chief Engineer, Executive Officer

Number of permit 1650-3

Date of first receipt of application NOVEMBER 25, 1968

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 1912, 19____

Approved DECEMBER 4, 1968, Recorded in Book 10 Page 292

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 .06 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 JUNE 30, 1955; said water to be used during the following described annual period:

CONTINUOUSLY

Witness my hand this 6TH day of DECEMBER, 1968.

State Water Resources Commission

By:

Robert H. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 6, 1968.

Water License Issued DECEMBER 6, 1968.

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation Depth 610'

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

Size of casing 3" Thickness of casing STANDARD

Length of casing 610' If collection gallery, length size and depth of gallery

(b) Screens

Type of perforated screen

Size of perforated screen 3' 40'
(diameter) (length)

Thickness of gravel pack length of gravel pack

(c) Water Bearing Materials

Distance to water 3' Character of water bearing materials

Thickness of water bearing material

(d) Pump and Motor

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

Name of pump size

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

Horsepower Name of Motor

(e) Complete well

Capacity at drawdown of Estimated cost

(f) Owner of land upon which well is located TOWN OF ROSWELL
Name

Address

(g) Distance to nearest existing wells

On same owner's property rods. On property owned by others 120 rods

Permit No. 1650-3

Water Division No. 3 JAMES RIVER Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the Town of Roswell

of the County of Miner, and State of South Dakota, the holder of Permit No. 1650-3, issued upon Application

No. 1650-3 bearing date of priority of 1912, authorizing the diversion of

.06 cu. ft. per second of the waters of ground water

County of Miner, State of South Dakota, at a point 500' S and

50' W of the N $\frac{1}{2}$ corner, Section 1, T106N, R57W

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 condition for diverting and conveying to the place of intended use .06 cu. ft.

 per second of water; and that the ~~uses for which the water is to be used~~ use of said water are described as follows,

to-wit: to be used for municipal purposes in the Town of Roswell.

Witness my hand this 6th day of December A. D. 1968

State Water Resources Commission

By:

 J.W. GRIMES
 Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 1650-3

WHEREAS, On the 25th day of November A. D. 1968
the Town of Roswell

of County of Miner and State of
South Dakota duly made application (No. 1650-3) to us for Vested Right
cubic feet per second of the waters of ground water
County of Miner, State of South Dakota, for municipal
purposes; and

WHEREAS, On the 6th day of December A. D. 1968
Vested Right
/Permit No. 1650-3 was issued to said applicant for the diversion of said water, recognizing
completion of the works of diversion therein described, ~~xxxxxx~~ and for the application to beneficial use of said
water on ~~xxxxxx~~ and, ~~xxxxxx~~

WHEREAS, On the 25th day of November A. D. 1968
the holder of said permit duly made proof of the completion of adequate works for the diversion of .06
cubic feet per second of said waters, as evidenced by our Certificate No. 1650-2
dated December 6, 1968 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use .06 cubic feet per second of water, with date of
priority of 1912 and,

WHEREAS, On the 25th day of November A. D. 1968
proof was duly made of the application to beneficial use of .06 cubic feet per second of said water
for municipal use by the Town of Roswell.

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 Town of Roswell

Vested Right
~~xx~~ the holder and owner of said Permit No. 1650-3

a water right, dating from 1912 to the use of .06

cubic feet per second of the waters of ground water

In the County of Miner and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinafter mentioned, to be diverted at a point 500' S and 50' W of

the N $\frac{1}{2}$ corner, Section 8, T106N, R57W

and conducted ~~to xxxxxx~~ through the water distribution system.

for the purpose of Municipal use, subject to any limitations listed in the
Permit to Appropriate Water, and

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,

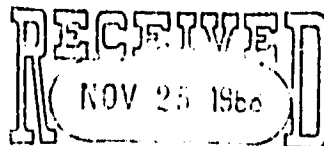
this 6th day of December A. D. Nineteen
Hundred and Sixty-eight.

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

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. JOHN OF ROSWELL

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 PRIOR POSTING

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

Ans. 610'-3" WELL LOCATED 500' S AND 50' W OF THE N¹/₄ CORNER, SECTION 8, T106N, R57W

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. 610'-3" WELL - WATER PUMPED TO 1700 GALLON STORAGE CISTERN & THENCE TO MAINS

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. USED FOR MUNICIPAL PURPOSES BY THE RESIDENTS OF THE TOWN OF ROSWELL

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

Ans. _____

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

Ans. 30 GPM

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. _____

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

Ans. WELL WAS DRILLED IN 1912, AND HAS
BEEN USED FOR MUNICIPAL PURPOSES SINCE
IT WAS CONSTRUCTED.

(Sign)

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 _____, County of _____

State of South Dakota, on this _____ day of _____ A. D. 19____

Witnesses.

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. 1650-3

Date of Receipt of Claim November 25, 1962.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 1650-3 for the Town of Roswell, Rt 1, Box 252, Roswell SD 57372 with the following limitations, conditions and qualifications:

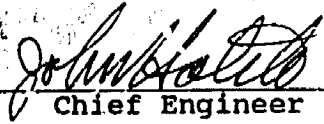
1. Vested Water Right No. 1650-3 appropriates 0.06 cubic feet of water per second from one well located in the NE 1/4 NW 1/4 Section 8-T106N-R57W.
2. The appropriated water is used for supplying water to the Town of Roswell and may not exceed the amount of water needed for beneficial use for municipal 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, 1912.
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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 29 1992

Town of Roswell
Lorraine Ristesund, Finance Officer
Rt 1, Box 252
Roswell SD 57372

Dear Ms. Ristesund:

The Water Management Board has validated the enclosed Vested Water Right No. 1650-3. 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

1650-1

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit No. 1650-1

ADDRESS: COUNTY: Butte

DATE: March 4, 2004 TELEPHONE:

RE: Discussion with Scott Fredrickson

COMMENTS:

Mr. Fredrickson and his son stopped in the office months ago when they were investigating purchasing the Delzer feedlot in Butte County. Gloria Delzer holds Water Right No. 1650-1 from the commercial use of water at the feed lot. There is also irrigation right from a dam (No. 1231-1) that is also affiliated with the water right.

Mr. Fredrickson called back to day saying he was getting closer to making deal to take ownership of the facility. We discussed the water permit and explained the forfeiture for nonuse. He said that there have been cattle kept at the facility and that irrigation had taken place.

He was concerned about some of the qualifications on Permit No. 1650-1 dealing with compliance with DENR's animal waste management system. He indicated that he has been working with Jason Roggow of the Surface Water Quality Program regarding the Water Pollution Control Permit for a concentrated animal facility. I told him that if he purchased the facility and as long as he was actively pursuing compliance with the requirements, that the Water Right Program would not take enforcement action against the water permit because of this issue. I did tell him that if a complaint was filed we'd have to investigate the matter.

We discussed the process for him to apply for additional water for the facility and to conduct irrigation. I got the impression he'd like to apply irrigation directly from the well instead of diverting first to the dam.

I reminded transfer of ownership forms will need to be completed if the purchase the property.

I also reiterated that they need to work with the Surface Water Quality Program regarding the General Permit administered through the Surface Water Quality Program. He said they understand the obligation to obtain coverage under this permit as well.

NAME: Eve Hansen