No. 1651-3Water Division No. 3 JAMES RIVER District
(Blanks to be Filled by the Engineer for the W. D. C.)STATE WATER RESOURCES COMMISSION
S.D. SOUTH DAKOTA**VESTED BANK**
APPLICATION FOR PERMIT

VESTED RIGHT CLAIM

To Appropriate Water within the State of South Dakota

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

1. Name of applicant Town of Andover
 Postoffice address Andover, County Day, State South 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)

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

2. Name of diversion work Andover Municipal Water Supply System
 3. Amount of water claimed 50 g.p.m. cubic feet per second
 4. Source of water supply shallow ground water
 5. Location of point of diversion 2110 feet south and 290 feet east of NW Corner,
Section 2, T122N, R59W on bank County.
 6. Annual period or periods during which water is to be used continuous
 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
 Name any of the above uses claimed

- (b) Amount of power to be generated horse power.

Amount claimed for e.g., ice cooling

- (c) Location of plant

- (d) Method of developing power

- (e) Point where water will be returned to stream

1/2

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.)

two wells, two pumps, municipal distribution system

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 xxxx years.

11. Time required for complete application of water to the proposed beneficial use nine years.

12. Choice of newspaper for publication of notice of intention to appropriate none

STATE OF SOUTH DAKOTA

County of Bay } ss.

I, John H. Thompson, 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 John H. Thompson

Subscribed and sworn to before me this 7 day of December 1968

John H. Thompson
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, JANUARY 27, 1969

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock a.m. upon the 10TH day of JANUARY, 1969

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit 1651-3

Date of first receipt of application JANUARY 10, 1969

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 AS FROM 1924, 1969

Approved DECEMBER 4, 1968, Recorded in Book 10 Page 308

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 ~~not~~ completed on or before _____

2nd. The whole of said work is ~~not~~ completed on or before _____, 19____

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

COMPLETED, 19____

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 .11 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~~ the production of crops ~~and further, said appropriation must be limited to not more than one~~ and further, said appropriation must be limited to not more than one ~~square foot 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 irrigation on or before JUNE 30, 1955; said water to be used during the following described annual period:

CONTINUOUSLY

Witness my hand this 27TH day of JANUARY, 1969.

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued JANUARY 27, 1969

Water License Issued JANUARY 27, 1969

Permit No. 1651-3

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 Andover

AA _____, County of Day, and State of South Dakota

Vested Right the holder of Permit No. 1651-3, issued upon Application No. 1651-3 bearing date of priority of 1929 and 1950

authorizing the diversion of .11 cu. ft. per second of the waters of ground water

County of Day, State of South Dakota, at a point 2110' S and 290' E of the NW Corner, Section 2, T122N, R59W

for municipal use

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 .11 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: to be used for municipal purposes by the Town of Andover

Witness my hand this 27th day of January A. D. 1969

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 1651-3

WHEREAS, On the 10th day of January A. D. 1969 the Town of Andover

County of Day and State of South Dakota duly made application (No. 1651-3) to us for a permit to use .11 cubic feet per second of the waters of ground water County of Day, State of South Dakota, for municipal purposes; and

WHEREAS, On the 27th day of January A. D. 1969 Vested Right Permit No. 1651-3 was issued to said applicant... recognizing the completion of the works of diversion therein described on xxxxxxxx and the application to beneficial use of said water xxxxxxxx and, xxxxxxxx

WHEREAS, On the 10th day of January A. D. 1969 the holder of said permit duly made proof of the completion of adequate works for the diversion of .11 cubic feet per second of said waters, as evidenced by our Certificate No. 1651-3 dated January 27, 1969 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use cubic feet per second of water, with date of priority of 1929 and 1950 and,

WHEREAS, On the 10th day of January A. D. 1969 proof was duly made of the application to beneficial use of .11 cubic feet per second of said water; for municipal use by the Town of Andover.

NOW, THEREFORE, By the virtue of the authority vested in us by the law of the State of South Dakota, We hereby grant and confirm to the Town of Andover Vested Right the holder... and owner... of any permit No. 1651-3 a water right, dating from 1920 and 1950 to the use of .11 cubic feet per second of the waters of ground water In the County of Day and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 2110' S and 290' E of the NW Corner, Section 2, T122N, R59W and conducted ~~to the town~~ through the Town water distribution system for the purpose of municipal use

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. Town of Andover, Andover, 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.

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

Ans. Two 16' deep wells, located 2110 feet south and 290 feet east of NW Corner of Section 2, T122N, R59W

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. Two 16 foot deep, 6 & 8 foot diameter wells, Jacc V22 pump, Model A. 2 HP, electric motor, and one very old Myer pump, gasoline engine power, 20,000 horizontal pressure tank, 8" and 4" main distribution system. pumps up to 50 g.p.m.

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 for municipal purposes in NW $\frac{1}{4}$, Section 2 and NE $\frac{1}{4}$, Section 3, T122N, R59W.

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

Ans.

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

Ans. 50 g.p.m.

Ques. 9. If you are not the person or representative of the corporation to whom above is mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

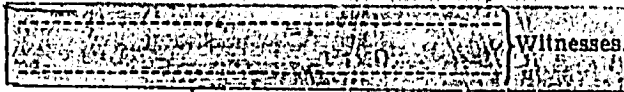
Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. One well constructed in 1929 and one in 1950 and up to 50 g.p.m. as needed has been pumped since wells were completed.

(Sign)

F. Klein

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 *Andover*, County of *Day*, State of South Dakota, on this *7* day of *December*, A. D. 19*68*



Gordon H. Hammer
Notary Public

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.

Henry Wall

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

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

GREAT FACES. GREAT PLACES.

April 25, 1991

1651-3

Barry Smith, Town President
Town of Andover
RR 1, Box 105
Andover SD 57422

Dear President Smith:

The Water Management Board has validated the enclosed Vested Water Right No. 1651-3. 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

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

enclosure

SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 1651-3

Date Claim Accepted For Filing January 10, 1969.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 1651-3 for the Town of Andover, Rural Route 1, Box 105, Andover, South Dakota 57422 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1651-3 appropriates 0.11 cubic feet of water per second (cfs) from two wells approximately 16 feet deep. The wells are located in the SW 1/4 NW 1/4, Section 2, T122N, R59W.

2. The appropriated water is used for supplying water for the Town of Andover 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: January 1, 1929 - 0.05 cfs and January 1, 1950 - 0.06 cfs.

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: _____

John H. H. H.
Chief Engineer

Division of Water Rights

Dept. of Environment and Natural Resources

APR 25 1991

date