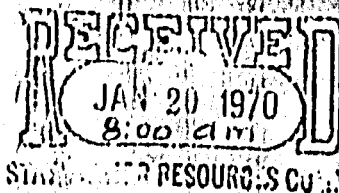


No. 1726-3
 Map No. _____ Water Division No. 3 JAMES RIVER District _____
 (Blank to be filled by the Engineer for the W. R. C.)

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 Town of Cresbard
- Postoffice address _____ State South Dakota
- If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Completed
3. Name of diversion work City Wells #1, and #2
4. Amount of water claimed (cubic feet per second) .11
5. Source of water supply ground water
6. Location of point of diversion #1, Well-Lot 3, Block 17, Well #2, Lot 2, Block 15, Original Townsite
of Cresbard, in NW 1/4 NE 1/4, Section 31, T120N, R67W

- County Faulk
7. Annual period or periods during which water is to be used continuously
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Municipal
9. For irrigation use, _____ Total number of acres to be irrigated _____

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system completed _____ years. Additional time required to complete application of water to the proposed beneficial use completed _____ years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication not applicable
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Two Artesian wells

B. Works proposed to transport water to place of use.

pipd to elevated steel 50,000 Gallon standpipe and 2,000 gallon storage tank

C. Works proposed to apply water to beneficial use.

4" and 6" mainlines with 2" leadins to residences

Estimated Total Cost \$ _____

 Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

 STATE OF SOUTH DAKOTA)
) ss.
 County of Hughes)

 I, Royce Robert the Applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend and am able to complete the necessary construction.

 Signed Royce Robert
 day of January 19 70

Subscribed and sworn to before me this _____

Betty Westlund
 Notary Public (or other qualified officer)
 Betty Westlund, Tech. Assistant, W.R.C.

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1726-3

(Applicant) TOWN OF CRESBARD
(Post Office Address)

SOUTH DAKOTA (State) With the following modifications:

"VESTED RIGHT" CLAIMED

Date of first receipt of application JANUARY 20 1970
Date of return to applicant for correction, amendments or changes required --- 19---
Date of receipt of corrected application --- 19---
Approved MARCH 18 1970, Recorded in Book 11 Page 102

WATER RIGHT PERMIT NO. 1726-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1726-3 authorizing the construction of the water use system and the putting of water to beneficial use as shown in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is .08 SEP 1934 .08 SEP 1943
2. The equivalent of at least one-fifth of the work above specified is not completed before ---
3. The whole of said work is not completed before ---
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED
5. The water appropriated shall be used for the purpose of MUNICIPAL USE
6. 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.
7. 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 water supply system, nor shall it exceed the amount of water needed for beneficial uses served, ~~and if for irrigation purposes the appropriation shall be limited to not more than 1 acre foot per acre of irrigated land~~
USED FOR MUNICIPAL PURPOSES
actually 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 23RD day of MARCH 1970

WATER RESOURCES COMMISSION

By:

W. C. Sullivan
Chief Engineer, Executive Officer

Certificate of Construction Issued MARCH 23 1970

Water License Issued MARCH 23 1970

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates **SEE BELOW**

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

(4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials **DAKOTA SANDSTONE**

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) **FLOWING WELLS**

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property _____ rds. On property owned by others **3/4 MILE** rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

BOTH WELLS ARE 1150' DEEP WITH 1 1/4" DIA. STEEL CASING. BOTH FLOW INTO CONCRETE STORAGE TANK AND ~~THE~~ WATER IS PUMPED TO 50,000 GALLON STANDPIPE TO PROVIDE PRESSURE TO MAINS.

Signature of Applicant

Form 15.

Permit No. 1726-3

Water Diversion No. 3 JAMES RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Town of Cresbard

Vested Right

Permit No. 1726-3, issued upon Application No. 1726-3, bearing date of priority of 1934
and 1943-

authorizing the diversion of .11 cu. ft. per second of the waters of ground water
County of Faulk, State of South Dakota at points in Lot 3, Block 17 and Lot 2, Block 15, Original Townsite of Cresbard
in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, T120N, R67W

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 recognized in satisfactory
condition for diverting and conveying to the place of intended use .11 cu. ft. per second of water.

Date March 23, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRINES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1726-3

(1) WHEREAS, On the 20th day of January A. D. 1970
the Town of Cresbard

made Water Right Application No. 1726-3 Vested Right
for a permit to use .11 cubic feet per second of the waters
of artesian ground water

County of Faulk, State of South Dakota, for Municipal

purposes; and

(2) WHEREAS, On the 23rd day of March A. D. 1970

Permit No. 1726-3, with a date of priority of 1934 and 1943

was issued to said applicant 8 for the diversion of said water, and recognizing
supply system therein described ~~on condition that the water be used for the completion of construction of the water~~
application to beneficial use of said water ~~on condition that the water be used for the completion of construction of the water~~

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 .11 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 Cresbard

(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 Cresbard

the holder _____ and owner _____ of said permit No. 1726-3 a water right, dating from 1934 and 1943 to use of 11 cubic feet per second of the waters of artesian ground water

in the County of Faull and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at points in lot 3, Block 17 and Lot 2, Block 15, Original Townsite of Cresbard in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 31, T120N, R67W

and conduct ~~conveyance~~ through the Town water distribution system

for the purpose of municipal use

Subject to any limitations listed in Water Right Permit No. 1726-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 23rd day of March A. D.
Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, **J. W. GRIMES**

Form 2B - Affidavit of Water Use (Supplement to Form 2)

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) _____ Town of Cresbard

Post Office Address _____, State South Dakota

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 1934

15. Date that water was first applied to beneficial use 1934

16. Name of owner of original water supply system City of Cresbard

17. Amount of water originally applied to beneficial use .03 c. f. s.

18. Present Use of Water

Amount of water now being used .11 c. f. s.

Date that this amount of water was first used 1943

19. Chronological History of Water Use

Well #2 Drilled in 1934 and used since for municipal purposes. Well #1 was redrilled in 1943, and used since its completion. Well #2 produces about 15 g.p.m., and Well #1 about 35 g.p.m.

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)

County of Hughes) ss.

I, Royce Robert, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Royce Robert

Subscribed and sworn to before me this 20th day of January, 19 70

Betty Westlund
(Notary Public - or other qualified Officer)
Betty Westlund, Tech. Assistant, W.R.C.

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.

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 3, 1988

Daryl Holm, Town President
PO Box 56
Cresbard SD 57435

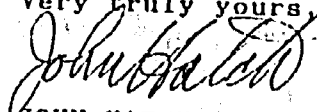
Dear Mr. Holm:

I am writing in regard to information we have received that the town of Cresbard will obtain its water supply from the WEB Rural Water system. The town of Cresbard has Vested Water Right Claim No. 1726-3 which allows the diversion of 0.11 cubic feet of water per second from two flowing artesian wells.

The purpose of this letter is to inquire about your town's plans for the flowing wells after connection to WEB. If the wells are to be maintained for stand-by water supply, they will have to be either controlled to a minimum flow or shut off. If the wells are to be abandoned, they will need to be plugged pursuant to South Dakota Law SDCL 46-6-27 and Water Management Board Rules for plugging wells.

Please advise or contact us, if you have any questions.

Very truly yours,



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

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 3, 1988

Daryl Holm, Town President
PO Box 56
Cresbard, SD 57435

Dear Mr. Holm:

I am writing in regard to information we have received that the town of Cresbard will obtain its water supply from the WEB Rural Water system. The town of Cresbard has Vested Water Right Claim No. 1726-3 which allows the diversion of 0.11 cubic feet of water per second from two flowing artesian wells.

The purpose of this letter is to inquire about your town's plans for the flowing wells after connection to WEB. If the wells are to be maintained for stand-by water supply, they will have to be either controlled to a minimum flow or shut off. If the wells are to be abandoned, they will need to be plugged pursuant to South Dakota Law SDCL 46-6-27 and Water Management Board Rules for plugging wells.

Please advise or contact us, if you have any questions.

Very truly yours,



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

*Our wells have been shut
down to a minimum flow.*

The Town Board of Cresbard.



South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 25, 1991

1726-3

Daryl Holm, Town President
Town of Cresbard
PO Box 56
Cresbard SD 57435

Dear President Holm:

The Water Management Board has validated the enclosed Vested Water Right No. 1726-3. 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. 1726-3

Date Claim Accepted For Filing January 20, 1970.

Date of Validation September 27, 1989.

Pursuant to SDCJ 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 1726-3 for the Town of Cresbard, P O Box 56, Cresbard, South Dakota 57435 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1726-3 appropriates 0.03 cubic feet of water per second (cfs) from well No. 1 and 0.03 cfs from well No. 2. Both wells are approximately 1150 feet deep and located in the NW 1/4 NE 1/4, Section 31, T120N, R07W.
2. The appropriated water is used for supplying water for the Town of Cresbard 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: Well No. 1 - 0.03 cfs - January 1, 1934. Well No. 2 - 0.08 cfs - January 1, 1943.
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 Water and Natural Resources

APR 25 1991

_____ date

South Dakota

1726-3

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING

523 EAST CAPITOL

PIERRE SOUTH DAKOTA 57501-3181

November 25, 1991

Daryl Holm, Town President
PO Box 249
Cresbard SD 57435

Dear Mr. Holm:

I am writing regarding Cresbard's capped artesian well located north of the Lutheran church. On November 12, 1991, Don Frye, a member of our staff, visited Cresbard to inspect the town's two artesian wells. The inspection was to determine if flow from the wells is controlled since Cresbard is now served by WEB. While in Cresbard, Don talked to Mr. Lloyd Allbee.

The inspection found the large well being controlled adequately with a slight flow to prevent freeze up. Mr. Allbee indicated the second well located near the church was no longer used and is capped. I need to know what plans you have for the capped well. If the well is intended to be maintained as a standby water source, then the well must be maintained for immediate use upon demand. A capped well that is not physically connected to the town's distribution system does not qualify as a standby water source. If the well is not maintained as a standby water source, then the well will either need to be plugged as required by statute or water from the well will need to be placed to beneficial use at least once every three years to keep the existing water right effective.

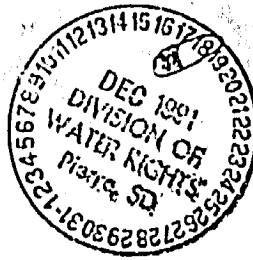
Please let us know what the town intends to do with the capped well. If the well is to be plugged, then the well must be plugged with neat cement grout from the bottom of the hole to within three feet of the ground surface. A South Dakota licensed well driller can advise you on the well plugging procedure and the associated costs.

If you have any questions on this matter, please call Don Frye at 605-773-3352.

Sincerely,



RON DUVAL
Natural Resources Engineer
Water Rights Division



1726-3

December 9, 1991

Ron Duvall
Natural Resources Engineer
Dept. of Environment & Natural Resources
Joe Foss Bldg.
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Duvall:

I'm writing in regards to your letter of November 25, 1991 regarding the capped artesian well located north of the Lutheran Church in Cresbard.

The above mentioned well is being maintained as a standby water source. It will be maintained for immediate use upon demand and is attached to the town's distribution system.

If you have any questions on this matter, please call Daryl Holm at 605-324-3682.

Sincerely,

Marilora Nipp

Marilora Nipp
Finance Officer
Town of Cresbard

Water Rights Division - DENR

Conversation or File Documentation

File No. 1726-3

Name of Person: Bill Koska

Address: 15293 Wecota Ave Faulkton SD 57438 County: Faulk

Date: June 27, 2001 Telephone:

RE: Town of Cresbard flowing well

Comments: I talked to Bill Koska, Utility Manager for the Town of Cresbard, to see if the Town of Cresbard flowing well was taken care of properly. Bill started working for the town about three or four years ago. When he started his job with the town people either did not know or did not share their knowledge of the flowing well and the distribution system with him. The well is located in a concrete box located next to the town office. When I looked inside the concrete box I could not see the well at all. The concrete box is almost completely filled with water. Also I noticed that the concrete box was not in very good shape. About 45 feet from the concrete box there is a pipe and faucet. At both the flowing well and pipe and faucet I could hear water running. In talking to Bill it sounds like if WEB water goes down for any reason for a couple of hours, the people get their water from the above mentioned faucet. He told me that if WEB would go down for an extended period of time, he is not sure if the distribution system for the town works at all. I also told him that wells are allowed to flow at a certain rate so that the pipes do not freeze up. I told him that I did not think that the current condition of the well was good and that something should be done to correct the problem. I told him that I would need to talk to some people in the office to see what needed to be done to correct the well problem. He told me to let the mayor and/or finance officer know what we decided.



Stacy J. Johnson
Natural Resources Project Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

July 2, 2001

Marilora Nipp
Finance Officer
Town of Cresbard
PO Box 49
Cresbard SD 57435-0049

Dear Marilora Nipp:

I talked to Bill Koska, Utility Manager, on June 27 about the well that Cresbard is using for back up. I looked in the concrete box where the well is located but I could not see the well because the water level is very high. I am enclosing Well Construction Standard 74:02:04:74 Well owner's responsibilities.

Bill also told me that he is not sure that the backup well's distribution system works at all. I am enclosing rule 74:02:01:37.02 Exceptions to nonuse of water.

If you have any questions, feel free to contact me at (605) 773-3352 or via email at stacy.johnson@state.sd.us.

Sincerely,

Stacy J. Johnson

Stacy J. Johnson
Natural Resources Project Engineer

Enclosures (1)

74:02:04:74. Well owner's responsibilities. The owner or equitable property holder is responsible for the well from the time the licensed well driller successfully completes the well in compliance with this chapter. The owner or equitable property holder shall keep the well capped or covered, in good repair, and in a sanitary condition. If the well is flowing, the owner or equitable property holder shall control the flow to the amount necessary for reasonable domestic use or to the amount authorized by the water permit or right. The owner or equitable property holder shall shut in the well or reduce the flow to no more than five gallons a minute to prevent freezing when the flowing well is not in use. The owner or equitable property holder may not charge the construction to deviate from the requirements of this chapter. If property is leased the obligations of the owner or equitable property holder which are set in this section may be transferred to the lessee by mutual consent.

Source: 12 SDR 50, effective September 29, 1985; 13 SDR 129, 13 SDR 141, effective July 1, 1987; 18 SDR 224, effective July 16, 1992.

General Authority: SDCL 46-2-5, 46-6-6.1, 46-6-20, 46-6-27.

Law Implemented: SDCL 46-2-9, 46-6-6.1, 46-6-10, 46-6-14, 46-6-18, 46-6-20, 46-6-21, 46-6-27, 46-6-28.

74:02:01:37.02. Exceptions to nonuse of water. A water supply maintained for either fire protection or standby purposes, or both, is not nonuse of a water permit, right, or vested right if the water diversion works are maintained in working condition for immediate use upon demand. Works to divert appropriated water must include wells equipped with functional motors, pumps, and appurtenances to convey water or functional motors, pumps, and appurtenances to convey water from a surface source, as applicable. Wells that are capped, sealed, or plugged are not standby or fire protection works.

Source: 17 SDR 40, effective September 19, 1990; 24 SDR 90, effective January 4, 1998.

General Authority: SDCL 46-2-5.

Law Implemented: SDCL 46-2-9, 46-2-11, 46-5-37, 46-5-37.1.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denv

August 16, 2001

Marilora Nipp
Finance Officer
Town of Cresbard
PO Box 49
Cresbard SD 57435-0049

Dear Marilora Nipp:

I am writing in regards to my July 2 letter to you. In that letter I set you a copy of the Well Construction Standard 74:02:04:74 Well owner's responsibilities and rule 74:02:01:37.02 Exceptions to nonuse of water.

Are the town's two artesian wells located next to the town office going to be used for back up purposes? If yes, rule 74:02:01:37.02 Exceptions to nonuse of water states "the water diversion works are maintained in working condition for immediate use upon demand." Please let me know the status of the town's two artesian wells.

If you have any questions, feel free to contact me at (605) 773-3352 or via email at stacy.johnson@state.sd.us.

Sincerely,

Stacy J. Johnson
Natural Resources Project Engineer

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: Bill Koska

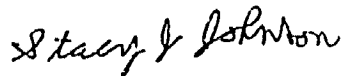
File No. 1726-3

Address: 15293 Wecota Ave Faulkton SD 57438 **County:** Faulk

Date: June 25, 2002 **Telephone:**

RE: Town of Cresbard flowing wells

Comments: I talked to Bill Koska, Utility Manager for the Town of Cresbard, to see if the Town of Cresbard flowing wells are going to be use for back up purposes. He told me that the concrete box that was there when I did my inspection last summer is no longer there. One well that marked by a fence post for a location is capped. The other well that marked by a pipe and faucet location is used by people day to water their lawns and trees. Also this well flows no more than five gallons per minute (gpm) so that the pipes do not freeze up. There is no water distribution system used for these two wells. Both these wells would be used for back up purposes if WEB RWS system would go down for any reason. I told Bill I would call him back if I need any other information from him.



Stacy J. Johnson
Natural Resources Project Engineer