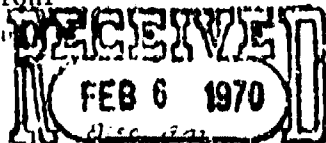


No. 1727-3

"VESTED RIGHT"

Map No. _____ Water Division No. 3 JAMES RIVER District _____
(Blanks to be filled by the Engineer for the W. & C.)

APPLICATION FOR PERMIT

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant City of Wessington
- Postoffice address Wessington, State South Dakota
2. If a corporation show date and place of incorporation _____
3. Method of accomplishing work (contract, employment of others, or by direct labor) completed
4. Name of diversion work Wessington Water System
5. Amount of water claimed (cubic feet per second) 0.45 (0.30 cfs for distribution system and 0.15 cfs for City distribution system, (for swimming pool))
6. Source of water supply 1100 ft. artesian well for Swimming Pool
7. Location of point of diversion All from NW Corner of Sec. 6, T11N, R65W. Shallow well, 815' E., and 910' S.; Swimming Pool, 1575' E., and 1570' S.; Artesian well 975' E., and 1760' S., and 50,000 gallon tower, 1490' E., and 2495' S.
- County Hand and Beadle
8. Annual period or periods during which water is to be used continuously
9. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) Municipal and recreation
10. 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

11. 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.
12. Choice of newspaper for Notice of Intent to Appropriate Water publication n/a

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
36 ft. deep, 12 ft. diameter well. Fairbanks Morse Pomona Turbine Pump, No. AT 7662 with bowl setting at 35 foot depth. General Electric 15 HP Motor No. YC 2341. Static water level of 29 feet with 3 ft. drawdown at pumping rate of 0.30 c.f.s.

1100 ft. deep artesian well having a flow of 0.15 c.f.s.

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

City mains and distribution system

C. Works proposed to apply water to beneficial use.

City cutoffs and hydrants

Swimming Pool

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

County of Beadle

I, City of Wessington hereby 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 Charles D. Dyer, AuditorSubscribed and sworn to before me this 2nd day of February, 1970

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1727-3

CITY OF WESSINGTON
(Post Office Address)

SOUTH DAKOTA
(State)

With the following modifications:

Date of first receipt of application FEBRUARY 6, 19 70

Date of return to applicant for correction, amendments or changes required _____, 19 _____

Date of receipt of corrected application _____, 19 _____

Approved MARCH 18, 19 70, Recorded in Book 11 Page 187

WATER RIGHT PERMIT NO. 1727-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1727-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated 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 1900 & 1936 +)
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed _____, 19 _____
3. The whole of said work is ~~to be~~ completed _____, 19 _____
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 .45 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 use and if for the irrigation purposes said appropriation must be limited to not more than 4 cubic feet per acre per year and be limited to not more than one acre with 41/50 of an inch foot of water per second of time for each acre of land to which water is~~
USED FOR MUNICIPAL PURPOSES
actually and beneficially applied for irrigation on or before JUNE 30, 19 55; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 28TH day of OCTOBER, 19 70

WATER RESOURCES COMMISSION

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued OCTOBER 28, 19 70

Water License Issued OCTOBER 28, 19 70

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 (ARTESIAN WELL)
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE**

Name of Applicant (Same as Form 2) City of Wessington

Post Office Address Wessington, State South Dakota

If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)

Date of Posting _____ Date of Recording _____

Recording Date _____

14. Date of start of construction of water supply system Artesian well was constructed 1936 for Municipal use

15. Date that water was first applied to beneficial use 1936

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

17. Amount of water originally applied to beneficial use 0.15 c. f. s.

18. Present Use of Water

Amount of water now being used 0.15 c. f. s.

Date that this amount of water was first used Swimming Pool was constructed in 1923. Upgraded in 1939.

19. Chronological History of Water Use

Well was constructed in 1936 for Municipal use by City of Wessington.

Swimming Pool was constructed in 1923, and upgraded in 1939.

R.R. well was leased from Northwestern R.R. in 1956

Artesian well is now used only for Swimming Pool water supply

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 Deade) ss.

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

Signed A. E. Little, Deade Auditor

Subscribed and sworn to before me this 2nd day of February, 1970

NOTARY PUBLIC
My Comm. expires Dec. 22, 1972

[Signature]
(Notary Public - or other qualified Officer)

~~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.~~

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 (36 Foot deep well)
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE

Name of Applicant (Same as Form 2) City of Wessington
Post Office Address Wessington, State South Dakota
If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)
Date of Posting _____ Date of Recording _____
Recording Data _____
14. Date of start of construction of water supply system R.R. well drilled about 1900
15. Date that water was first applied to beneficial use about 1900
16. Name of owner of original water supply system Northwestern R.R.
17. Amount of water originally applied to beneficial use 0.30 c. f. s.
18. Present Use of Water
Amount of water now being used 0.30 c. f. s.
Date that this amount of water was first used 1956
19. Chronological History of Water Use

This 36 foot deep well was constructed before 1900 to supply water for the Northwestern R.R. Company.

In 1956 this well was leased to the City of Wessington to be used to provide water for the City of Wessington water supply.

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 Beauclerk) ss.

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

Signed C. L. Lott, DuB...

Subscribed and sworn to before me this 2nd day of February, 1970

Wm. L. B...
(Notary Public - or other qualified Officer)

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.

Form 15.

Permit No. 1727-3

Water Diversion No. 3 JAMES RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the City of Wessington

Vested Right

the holder _____ of
Permit No. 1727-3, issued upon Application No. 1727-3, bearing date of priority of 1900 and
1936 authorizing the diversion of .45 cu. ft. per second of the waters of
ground water County of Beadie, State of South Dakota at
all from NW Corner, Section 6, T11N, R65W; Shallow well, 815' East and 910'
South; Swimming Pool, 1575' East and 1570' South; Artesian Well 975' East and
760' South, 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 to be~~ **recognized as** satisfactory
~~condition~~ for diverting and conveying to the place of intended use .45 cu. ft. per second of water.

Date October 28, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 172703

(1) WHEREAS, On the 6th day of February A. D. 19 70
The City of Wessington

made Water Right Application No. 1727-3 Vested Right
 for ~~for~~ permit to use .45 cubic feet per second of the waters
 of ground water

County of Beadle State of South Dakota, for Municipal

purposes; and

(2) WHEREAS, On the 28th day of October A. D. 19 70

Permit No. 1727-3 with a date of priority of 1900 and 1936
 was issued to said applicant recognizing
 for the diversion of said water, ~~and for~~ the completion of construction of the water
 supply system therein described ~~on or before the~~ and for the
 application to beneficial use of said water ~~on or before the~~ and for the

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 .45 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 Wessington.

(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 Warrington

the holder Vested Right and owner xxxx of said permit No. 1727-3 a water right, dating from 1900 and 1936 to use of .45 cubic feet per second of the waters of ground water

in the County of Beadle and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at all from NE Corner, Section 6, T11N, R65W, shallow well, 815' East and 910' South; Swimming Pool, 1575' East and 1570' South; Artesian well, 975' East and 760' South

and ~~conducted through the City water distribution system~~ conducted through the City water distribution system

for the purpose of municipal use

Subject to any limitations listed in Water Right Permit No. 1727-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 28th day of October A.D.
Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRINES

MEMORANDUM

TO: File

FROM: Jeanne Christensen *JC*

SUBJECT: Permit No. 1727
City of Wessington

DATE: 4 September 79

The author investigated a report from Linda Harris of Water Hygiene that a Wessington city well was allowed to flow freely into that city's sewage lagoon.

Richard Trautman, the city water superintendent, told the author that the well flows at approximately 50 gpm, has not been used for a few years, and causes the lagoon to overflow continuously. Since the well is equipped with a valve, Mr. Trautman reduced the flow to a trickle. (The flow could not be estimated because the water was piped into underground sewage lines.) The author informed Mr. Trautman that the flow should be kept to a minimum unless this well is needed to supplement the city's water supply.

The author also spoke with city councilman, Norman Kostboth, and informed him the following options available to the city concerning the well:

- 1) Since the well is 43 years old and the casing is weak, the city would rehabilitate the well so that it is capable of being closed without the danger of casing failure.
- 2) The city could request the assistance of this office to plug the well.

February 27, 1980

Mr. Roy Clarke, President
City of Wessington
Wessington, SD 57361

Dear Mr. Clarke:

This letter is in reference to the flowing artesian well owned by the City of Wessington. From our information, the well is 44 years old and is kept for a back-up water supply to the main municipal water supply. The well flows approximately 50 gpm of unused water into the municipal sewage system.

In a letter from this office dated September 13, 1979, you were informed that the flowing city well violates State Statutes preventing the waste of water. Therefore, the well should be valved down to a flow of 5 - 10 gpm. Considering the age and casing condition of the well, this control might be accomplished only through some method of well rehabilitation. If the well is not needed or capable of being controlled, arrangements to plug the well should be implemented.

Please advise this office of your intentions on this matter by April 1, 1980. We can provide technical and financial assistance to plug a flowing well.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WMD

JH/bt

cc: James Nelson
Water Quality



Department of
Water & Natural Resources

Jon Foss Building
Pierre, South Dakota 57501

Water Rights, Water Management Division
(605) 773-3352

September 13, 1979

Mr. Roy Clarke, President
City of Wessington
Wessington, SD 57381

Dear Mr. Clarke:

This letter is in reference to an investigation conducted by Jeanne Christensen, an engineer in our department, September 4, 1979, concerning the flowing well owned by the City of Wessington. This well was drilled in 1936 to a depth of 1100 feet and has a 6 inch surface casing. The well was reported to have a flow of 50 gpm, but this flow was reduced by Richard Trautman at the request of our engineer.

State Statutes require that flowing wells be controlled to prevent waste of water. Since the water from the flowing well is not being used, the city of Wessington has two options to consider. If the city wishes to keep this water supply, the well should be rehabilitated so that it is capable of being shut off or the flow reduced to 2 or 3 gallons per minute without danger of casing failure, which appears to be the situation with the present casing. However, if the well is not needed or controlled, the city may request the assistance of this office to plug the well. In this situation, this office will provide technical assistance, supervision of the plugging operation and will share in the cost of plugging the well.

Please advise.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights, WMD

Equal Opportunity Employer

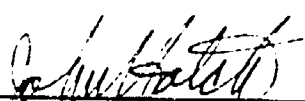
REISSUED STATE OF SOUTH DAKOTA
VESTED RIGHT WATER LICENSE NO. 1727-3

(1) The City of Wessington PO Box 38, Wessington SD 57381, was issued Vested Water Right License No. 1727-3, October 28, 1970 for a right to appropriate 0.45 cubic feet of water per second (cfs) from groundwater (two wells), Beadle County, South Dakota, for municipal purposes. Vested Water Right No. 1727-3 with priority dates of January 1, 1900 and January 1, 1936 was issued to the City for diversion of water with construction of the described water supply system completed and application of water to beneficial use of said water completed.

On October 4, 1995, the Water Management Board validated Vested Right No. 1727-3. Vested Right No. 1727-3 is being reissued to reduce the amount of water claimed to the actual amount applied to beneficial use, based on a May 8, 1995 inspection of the system.

(2) The vested right owner is entitled to divert 0.313 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 910 feet south and 815 feet east; Well #2 - 1,760 feet south and 975 feet east; both from the northwest corner of Section 6-T111N-R65W (N 1/2 NW 1/4).

(3) Pursuant to Section 46-5-30.1 the City of Wessington, PO Box 38, Wessington SD 57381-0038 the holder and/or owner of Vested Water Right No. 1727-3 is reissued a license to appropriate 0.313 cubic feet of water per second from groundwater (two wells) with priority dates of January 1, 1900 (0.30 cfs) and January 1, 1936 (0.013 cfs) from the location specified in (2) of this license. The water is to be used for the purpose of municipal use. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 1727-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 18 1995

date

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1727-3

Date of Receipt of Claim February 6, 1973.

Date of Validation October 4, 1995.

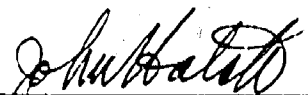
The Water Management Board validated Vested Water Right Claim No. 1727-3 for City of Wessington, PO Box 38, Wessington SD 57381 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1727-3 appropriates 0.313 cubic feet of water per second from two wells located in the W 1/2 NW 1/4 Section 6-T111N-R65W.
2. The appropriated water is used for supplying water for the City of Wessington 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: 0.30 cfs - January 1, 1900
0.013 cfs - January 1, 1936
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 may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 

John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 18 1995

date



August 30, 1995

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

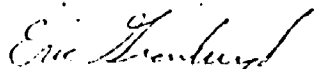
Debra Herdman, Finance Officer
City of Wessington
PO Box 38
Wessington SD 57381-0038

Dear Ms. Herdman:

The original Notice of Intent to Validate the City of Wessington's Vested Water Right Claim No. 1727-3 was published in 1988 contained an error in the amount of water claimed. Therefore, the notice needs to be readvertised to correct the error. The Readvertisement of the Notice of Intent to Validate Vested Water Right Claims has been sent to the Publisher of the Huron Daily Plainsman printed at Huron SD. For your information, a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Water Rights Program. Please contact us if you have any questions.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 30, 1995

Huron Daily Plainsman
PO Box 1278
Huron SD 57350-1278

ATTENTION: Legal Department

Enclosed is a Readvertisement of Notice of Intent to Validate Vested Water Right Claim. Please publish the first notice on September 6, 1995 with the second publication 7 days later.

Please BILL the Water Rights Program for the cost of publication.

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the validation until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Readvertisement of Notice of Intent to Validate Vested Water Right Claims which was first published in our issue of _____
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

READVERTISEMENT OF NOTICE OF INTENT TO VALIDATE VESTED WATER RIGHT CLAIM

Notice is given that the following vested water right claim in Beadle County is eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a hearing unless a petition to oppose the validation is filed pursuant to SDCL 46-2A-22. Readvertisement of the original notice of intent to validate this claim, as published on June 23 and June 30, 1988 in the Huron Daily Plainsman, is necessary to correct an error in the previously published notice.

Vested Water Right No. 1727-3, City of Wessington, PO Box 38, Wessington SD 57381, appropriates 0.30 cubic feet of water per second (cfs) from one well with a priority date of January 1, 1900 and 0.013 cfs from one well with a priority date of January 1, 1936. Both wells are located in the W 1/2 NW 1/4 Section 6-T111N-R65W.

Any person who wishes to oppose validation of the readvertised vested right claim shall file a petition of intent to oppose the validation by September 25, 1995 with the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181 (605 773-3352) and with the vested water right holder at the listed address. The petition may be informal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Water Management Board will conduct a hearing on the opposed claim at 10:00 am, October 4, 1995, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The October 4, 1995, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by September 25, 1995.

If no person opposes validation of a recognized vested water right claim pursuant to SDCL 46-2A-16, the Water Management Board will issue an order pursuant to SDCL 46-2A-17, validating the vested water right claim.

This validation is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-16 thru 46-2A-18, 46-2A-22; 46-5-1 thru 46-5-6.1, 46-5-8.2, 46-5-13 thru 46-5-15, 46-5-30.2 thru 46-5-37.1, 46-5-46, 46-5-49; 46-6-1 thru 46-6-3, 46-6-6, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-7-1 thru 46-7-5.3, 46-7-12, 46-7-14, 46-7-15 and Board Rules ARSD 74:02:01:01 thru 74:02:01:05.03 and 74:02:01:20 thru 74:02:01:22

Contact Eric Gronlund by September 25, 1995, at the above Water Rights Program address to: 1) request copies of information pertaining to a vested right claim or a copy of the vested water right claim list for another county; 2) obtain a summary of South Dakota Water Law and Water Rights Information; 3) to assure access to the hearing by the handicapped; or 4) obtain an interpreter for the hearing impaired. Nettie H. Myers, Secretary, Department of Environment and Natural Resources



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Beadle) ss

I, Mary B. Wilz

certify that the attached printed Notice was

taken from the Plainsman

printed and published in Huron

County of Beadle and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

September 6, 1995

September 13, 1995

Cost of Printing: \$110.84

Mary B. Wilz
(Signature)

Business Manager
(Title)

9-14-95
(Date Signed)

F.P. 9-6-95 L.P. 9-13-95 READVERTISEMENT OF NOTICE OF INTENT TO VALIDATE VESTED WATER RIGHT CLAIM

Notice is given that the following vested water right claim in Beadle County is eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a hearing unless a petition to oppose the validation is filed pursuant to SDCL 46-2A-22. Readvertisement of the original notice of intent to validate this claim, as published on June 23 and June 30, 1988 in the Huron Daily Plainsman, is necessary to correct an error in the previously published notice.

Vested Water Right No. 1727-3, City of Wessington, PO Box 38, Wessington SD 57381, appropriates 0.30 cubic feet of water per second (cfs) from one well with a priority date of January 1, 1900 and 0.013 cfs from one well with a priority date of January 1, 1936. Both wells are located in the W 1/2 NW 1/4 Section 6-T111N-R65W.

Any person who wishes to oppose validation of the readvertised vested right claim shall file a petition of intent to oppose the validation by September 25, 1995 with the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181 (605 773-3352) and with the vested water right holder at the listed address. The petition may be informal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Water Management Board will conduct a hearing on the opposed claim at 10:00 am, October 4, 1995, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The October 4, 1995, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by September 25, 1995.

If no person opposes validation of a recognized vested water right claim pursuant to SDCL 46-2A-16, the Water Management Board will issue an order pursuant to SDCL 46-2A-17, validating the vested water right claim.

This validation is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-16 thru 46-2A-18, 46-2A-22; 46-5-1 thru 46-5-6.1, 46-5-8.2, 46-5-13 thru 46-5-15, 46-5-30.2 thru 46-5-37.1, 46-5-46, 46-5-49; 46-6-1 thru 46-6-3, 46-6-6, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-7-1 thru 46-7-5.3, 46-7-12, 46-7-14, 46-7-15, and Board Rules ARSD 74.02.01.01 thru 74.02.01.05.03 and 74.02.01.20 thru 74.02.01.22.

Contact Eric Gronlund by September 25, 1995, at the above Water Rights Program address to: 1) request copies of information pertaining to a vested right claim or a copy of the vested water right claim list for another county; 2) obtain a summary of South Dakota Water Law and Water Rights Information; 3) to assure access to the hearing by the handicapped; or 4) obtain an interpreter for the hearing impaired. Nettie H. Myers, Secretary, Department of Environment and Natural Resources

11/24/95 (2) 110-2 No. 373 (Adv.)

Plan on hooking up to rural water & may abandon railroad well, but may use city wells as supplement.

CHECK LIST FOR FIELD INSPECTION

Permit Number 1727-3 Date 5/8/95

Other permit(s) associated with the project _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

1. Diversion point legal location: N/41/4 sec 6-111-65
shallow well -- high nitrate, used for fire protection -- pump
in place / Deep well flows about 6 gpm, used to heat
fire hall & city hall -- discharges into creek & can be
valued to discharge in city sewer system

2. Well Information: Well Drilling Firm _____

No. of Wells _____ Depth(s) _____

a) Casing 1) diameter _____ inches b) Screen 1) type _____

2) length _____ feet 2) length _____ feet

3) type _____ c) Pump 1) make _____

d) Static Water Level _____ feet 2) model _____

e) Motor: 3) size _____ inches

1) make _____ 4) capacity 20150 GPM shallow

2) model No. _____ 5) turbine pump - No. of stages _____

3) horsepower rating _____ 6) operating pressure _____ PSI

3. Distribution lines or canals:

a) type _____ b) size _____ c) length _____

4. System Type:

a) Sideroll:

1) length _____ feet

2) diameter of pipe _____ inches

3) sprinkler spacing _____ feet

1) Map - div. pt.
- land loc.

2) Equip - motor/pump
- pipeline

3) pump rate

4) well log

5) address

b) Towline:

1) length _____ feet

2) sprinkler spacing _____ feet

6) Chem

4. System Type (continued):

c) Siphons:

- 1) size _____ inches
- 2) number _____

e) Center pivot:

- 1) make _____
- 2) overall length _____ feet
- 3) number of towers _____
- 4) distance between towers _____ feet
- 5) end gun _____ (Y/N)
- 6) high or low pressure _____
- 7) capacity _____ GPM

d) Gated pipe:

- 1) length _____ feet
- 2) diameter _____ inches
- 3) spacing of gates _____ inches

f) Gun:

- 1) make _____
- 2) nozzle size _____ inches
- 3) capacity _____ GPM
- 4) hose size _____ inches
- 5) hose length _____ feet

5. Dam Information:

- a) height to crest _____ feet
- b) height to primary spillway _____ feet
- c) height to secondary spillway _____ feet
- d) crest width _____ feet
- e) crest length _____ feet
- f) spillway length _____ feet
- g) spillway width _____ feet
- h) approx. storage _____ ac-ft
- i) approx. storage to crest _____ ac-ft
- j) date constructed _____

k) outlet tubes:

- 1) diameter _____ inches
- 2) type _____
- 3) valved _____ (Y/N)
- 4) valve type _____
- 5) location on structure _____

l) category of dam _____ (I,II,III)

m) inspection sheet completed _____ (Y/N)

n) name of contractor _____

6. Chemigation Equipment:

b) main line check valve _____ (Y/N)

d) low pressure drain _____ (Y/N)

f) interlock type _____

g) injection pump type _____

i) injection line check valve or positive displacement pump _____ (Y/N)

j) all chemigation equipment appears to be installed in proper position and comply with chemigation laws and rules _____ (Y/N)

k) comments :

a) does chemigate _____ (Y/N)

c) inspection port/air relief _____ (Y/N)

e) discharge is 20' from source _____ (Y/N)

h) injection check valve _____ (Y/N)

File No. 1727-3
4219-3

Water Rights Program -- File Documentation

NAME: City of Wessington, (Spoke to Doug DuBois)

ADDRESS: PO Box 38, Wessington SD 57381

DATE: July 10, 1995 **COUNTY:** Beadle/Hand **TELEPHONE:** 458-2351

RE: Validation of Vested Water Right No. 1727-3 and reinspection of Water Right No. 4219-3

COMMENTS:

On May 8, 1995, an inspection was completed of Vested Water Right No. 1727-3 to assess the present status of water use authorized by the vested water right. Validation of the vested water right, in accordance with SDCL 46-2A-16, was delayed pending completion of an inspection.

Since the vested water right was not contested by the chief engineer or any other interested party, the Water Management Board must validate the vested right as published pursuant to SDCL 46-2A-16, provided the first publication was accurate. Any changes that are needed based on the inspection can be addressed by reissuing the water license or by readvertising the validation if the first published notice contained errors.

An inspection of Water Right No. 4219-3 was also completed to determine if the water license accurately represents current water usage.

INSPECTION RESULTS:

An inspection of No. 1727-3 found that both wells authorized by the vested right are being used. The shallow well is high in nitrates and is used as a standby well for fire protection. A pump is in the shallow well and is capable of diverting 135 gpm (0.30 cfs) as allowed by the vested right. The deep well authorized by No. 1727-3 flows at 6 gallons per minute and is used to heat the fire hall and city hall. Water from the flowing well is discharged into Cain Creek and can be routed to discharge into the city sewer system.

The well authorized by Water Right No. 4219-3 is still in use with a reduced diversion rate. Approximately seven years ago, the 20 hp submersible pump was replaced with a 15 hp submersible pump (brand unknown.) Currently the pump rate is 320 gpm versus the 450 gpm authorized by No. 4219-3.

File No. 1727-3
4219-3

City of Wessington

July 10, 1995

Page 2 of 2

RECOMMENDED ACTION:

1. Vested Water Right No. 1727-3 needs to be validated as a published since no one contested the vested right. Along with the validation, the license needs to be reissued for 0.30 cfs for the shallow well and for 0.013 cfs (6 gpm) for the deep well.
2. The license for Water Right No. 4219-3 needs to be reissued for the current pump rate of 320 gpm.

A handwritten signature in black ink, appearing to read "Ron Duvall". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Ron Duvall, Natural Resources Engineer
Water Rights Program

Vested Water Right No. 1727-3
James River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, May 8, 1995, made a thorough examination of the water use system constructed by City of Wessington of PO Box 38, Wessington SD 57381 holder of Vested Water Right No. 1727-3, bearing the priority of January 1, 1900 (shallow well) and January 1, 1936 (deep well) authorizing the diversion of 0.45 cu. ft. per of ground water for municipal purposes, in Beadle/Hand County.

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

A. Works used to divert the water:

Deep well flows at 6 gpm (0.013 cfs)

Shallow well equipped with pump (brand unknown) capable of diverting 0.30 cfs

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

City distribution system

C. Works used to apply water to beneficial use:

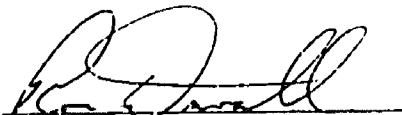
Deep well is used to heat the fire hall and city hall – water is discharged to Cain Creek.

Shallow well is high in nitrates and used only as a standby well for fire protection.

The system is in the following condition good. The point of diversion is located 910 feet S and 815 feet E (NW1/4 NW1/4 – shallow well) and 1,760 feet S and 975 feet E (SW1/4 NW1/4 – deep well) both from the NW corner section 6-T111N-R65W. The works are capable of diverting and conveying to the place of use 0.313 cubic feet of water per second (0.013 cfs for shallow well and 0.30 cfs for deep well) which is used for municipal purposes.

Applicable qualifications have been complied with: Yes X

Exceptions to compliance are: none Date report completed. July 11, 1995



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program

PAYMENT REQUEST FORM

PAYEE: Plainsman
P.O. Box 1278
Huron, SD 57250-1278

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Readvertisement of Notice of Intent to Validate Vested Water Right
Claim No. 1727-3, published on September 6, and September 13, 1995.

AMOUNT: \$110.86

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

[Signature] 9-15-95

I declare and affirm under the penalties of perjury that this claim is
in all things, true and correct. I further agree to comply with the
provisions of the Civil Rights Act of 1964 and regulations issued
thereunder relating to nondiscrimination in federal assisted programs.



1727-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 18 1995

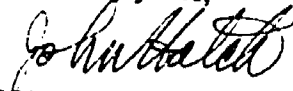
Debra Herdman, Finance Officer
City of Wessington
PO Box 38
Wessington SD 57381-0038

Dear Ms. Herdman:

The Water Management Board has validated the enclosed Vested Water Right No. 1727-3. This validation gives legal status to the claim and is the final document for the City's vested right. Enclosed is Reissued Water License Nos. 1727-3 and 4219-3. The licenses are being reissued to reduce the amount of water claimed to the actual amount applied to beneficial use, based on a May 8, 1995 inspection of the system.

As long as the City uses the water beneficially, as stated in the validation, State Water Laws provide that the City has a continuing right to use the water.

Very truly yours,


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

enclosures