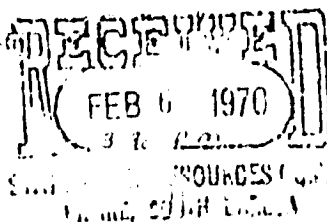


No. 172B-3Map No. _____ Water Division No. 3 JAMES RIVER (Blanks to be Filled by the Engineer for the W. H. C.)

VESTED RIGHT

APPLICATION FOR PERMIT



To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

City of Frankfort

1. Name of Applicant _____

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) completed3. Name of diversion work Main Street Well, SE Well and NW Well4. Amount of water claimed (cubic feet per second) .165. Source of water supply Artesian ground water6. Location of point of diversion Main St. Well-in Lot 16, Block 7; SE Well-in Lot 8, Block 33, OriginalTownsite; NW Well-Lot 4, Block 19, in Fosters 1st Addition, All in NW 1/4, Section 8,T116N, R62W County Spink7. Annual period or periods during which water is to be used continuously8. 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.

3 artesian wells

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

to 65,000 gallon concrete storage tank

C. Works proposed to apply water to beneficial use.

6" and 8" main lines4" and 2" Feeder lines 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

County of Spink City of FrankfortI, W. H. Wilson, 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 W. H. WilsonSubscribed and sworn to before me this 2nd day of Feb 1970

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1728-3

(Applicant)
SOUTH DAKOTA
(State)

CITY OF FRANKFORT
(Post Office Address)

With the following modifications:

"VESTED RIGHT" CLAIMED

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 103

WATER RIGHT PERMIT NO. 1728-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1728-3 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 .10 CFS FROM 1910
.26 CFS FROM 1950, 19 ---
2. The equivalent of at least one-fifth of the work above specified is not completed on or before ---, 19 ---
3. The whole of said work is not completed on or before ---, 19 ---
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED, 19 ---
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 .16 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 such appropriation is for irrigation purposes, such appropriation must be limited to not more than 100 cubic feet per second and be limited to no more than one-fifth (1/5) of one cubic foot of water per second of time for each acre of land on which water is actually and beneficially applied for irrigation on or before~~ USED FOR MUNICIPAL PURPOSES JUNE 30, 19 55; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 23RD day of MARCH, 19 70

WATER RESOURCES COMMISSION

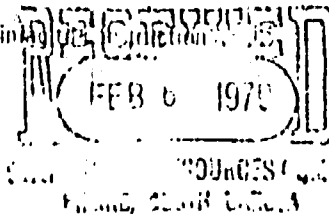
By: [Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued MARCH 23, 19 70

Water License Issued MARCH 23, 19 70

No. _____

NOTE: This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to 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) City of Frankfort

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 1910

15. Date that water was first applied to beneficial use 1910

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

17. Amount of water originally applied to beneficial use .10 c. f. s.

18. Present Use of Water

Amount of water now being used .16 c. f. s.

Date that this amount of water was first used 1950

19. Chronological History of Water Use

Two wells were constructed in 1910, with the third well drilled in 1950. Water from all three wells used for municipal purposes since constructed.

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 Spink) ss.

I, L. R. Wilson City of Frankfort, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed L. R. Wilson Mayor

Subscribed and sworn to before me this 2nd day of February, 19 70

Morris Montgomery
(Notary Public - or other qualified Officer) City of Frankfort

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.

L. R. Wilson

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 **MAIN ST WELL - LAKOTA FORMATION**
SE WELL - DAKOTA "
NW WELL - " "

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**

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

On same owner's property _____ rds. On property owned by others **1/2 MILE**

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.

MAIN ST WELL	1500' DEEP	3" STEEL CASING	1910
SE WELL	1000' "	2" " "	1910
NW WELL	1000' "	2" " "	1950

ALL THREE WELLS HAVE A PRESSURE OF ABOUT 9 P.S.I. AT SURFACE WITH A TOTAL OUTPUT OF 15 G.P.M.

Signature of Applicant

Permit No. 1728-3

Water Diversion No. 3 JAMES RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the City of Frankfort

vested Right
Permit No. 1728-3, issued upon Application No. 1728-3, bearing date of priority of 1910 and
1950 authorizing the diversion of .16 cu. ft. per second of the waters of ground water
County of Spink, State of South Dakota at points in Lot 16, Block 7, in Lot 8, Block 33, Original Townsite of
Frankfort, and in Lot 4, Block 19, in Posters First Addition All in NW 1/4,
Sec. 8, T116N, R62W, 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 **recognized as** satisfactory
~~compliance~~ for diverting and conveying to the place of intended use .16 cu. ft. per second of water.

Date March 23, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

WATER LICENSE NO. 1728-3

(1) WHEREAS, On the 6th day of February A. D. 1970
the City of Frankfort
made Water Right Application No. 1728-3 Vested Right for a permit to use 16 cubic feet per second of the waters
of ground water
County of Spink, State of South Dakota, for Municipal
purposes; and
(2) WHEREAS, On the 23rd day of March A. D. 1970
Vested Right Permit No. 1728-3, with a date of priority of 1910 and 1950
was issued to said applicant a for the diversion of said water, and recognizing provided for the completion of construction of the water
supply system therein described ~~on or before the 1st day of January, 1971~~ and for the
application to beneficial use of said water ~~on or before the 1st day of January, 1971~~ A. D. 1971

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 16 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 Frankfort

(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 Frankfort

_____ of _____
the holder _____ and owner _____ **Vested Right** **1728-3** a water right, dating from **1910 and 1950**
_____ of said permit No. _____ to use of **.16** cubic feet per second of the waters
of **ground water**

in the County of **Spink** _____ 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 15, Block 7, in lot 8, Block 33, Original**
Townsite of Frankfort, and in lot 4, Block 19, in Fosters First Addition, all in NW 1/4,
Section 8, T116N, R62W

and conduct ~~xxxxxxx~~ **through the City water distribution system**

for the purpose of **municipal use**

Subject to any limitations listed in Water Right Permit No. **1728-3** 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, **JR. GRIMES**

Main St well located
NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 8
T.116N. R.62W.

SE well

SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 9

T.116N. R.62W.

This well has been plugged

NW well ~~SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$~~
~~SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$~~ Sec. 5
T.116N. R.62W.

NW well

SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$

Sec 5, T.116N., R.62W.



Department of Water & Natural Resources

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

February 3, 1988

Gaur Liebig, Mayor
PO Box 36
Frankfort SD 57440

Dear Mayor Liebig:

I am writing in regard to information we have received that the town of Frankfort will obtain its water supply from the WEB Rural Water system. The town of Frankfort has Vested Water Right Claim No. 1728-3 which allows the diversion of 0.16 cubic feet of water per second from three 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

1728-3

REISSUED STATE OF SOUTH DAKOTA

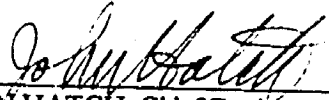
VESTED RIGHT WATER LICENSE NO. 1728-3

(1) The City of Frankfort, PO Box 36, Frankfort SD 57440 was issued Vested Water Right License No. 1728-3, March 23, 1970 to appropriate 0.16 cubic feet of water per second from groundwater (three wells), Spink County, South Dakota, for municipal purposes. Vested Water Right No. 1728-3 with priority dates of 1910 and 1950 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 completed.

On October 4, 1995 the Water Management Board validated Vested Right No. 4064-3. Vested Right No. 1728-3 is being reissued to reduce the amount of water claimed to the actual amount applied to beneficial use, based on a May 10, 1995 inspection of the system.

(2) The vested right owner is entitled to divert 0.06 cubic feet of water per second for beneficial use. The location of the diversion point is: 1,400 feet west and 50 feet north (SW 1/4 SE 1/4) from the southeast corner of Section 5-T116N-R62W

(3) Pursuant to Section 46-5-30.1 the City of Frankfort, PO Box 36, Frankfort SD 57440 the holder and/or owner of Vested Water Right No. 1728-3 is issued a license to appropriate 0.06 cubic feet of water per second from groundwater (one well) with a priority date of January 1, 1950 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. 1728-3 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. 1728-3

Date of Receipt of Claim February 6, 1970.

Date of Validation October 4, 1995.

The Water Management Board validated Vested Water Right Claim No. 1728-3 for City of Frankfort, PO Box 36, Frankfort SD 57440 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1728-3 appropriates 0.06 cubic feet of water per second from one well located in the SW 1/4 SE 1/4 Section 5-T116N-R62W.
2. The appropriated water is used for municipal use and may not exceed the amount of water needed for beneficial use for municipal use 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, 1950.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Right 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
John Hatch, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

DEC 18 1995

date

Water Rights Division -- File Documentation

NAME: Roy Robertson, Mayor of Frankfort

ADDRESS: PO Box 36, Frankfort SD 57440-0036

DATE: May 15, 1995 **COUNTY:** Spink **TELEPHONE:** 472-2393

RE: Validation of Vested Water Right No. 1728-3

COMMENTS:

On May 9, 1995, an inspection was completed of Vested Water Right No. 1728-3 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.

INSPECTION RESULTS:

The inspection found that Frankfort is being supplied by WEB rural water and only one of the three wells specified on the vested right is still in use. Water from the well constructed in 1950 (located in the SW1/4 SE1/4 section 5-T116N-R62W) is piped to a reservoir near the fire hall for fire protection purposes. According to the vested right, the authorized diversion rate is 0.06 CFS for the 1950 well. The mayor was not certain of the flow rate, but he indicated that the flow has been valved down to a minimum. An overflow is located on the reservoir, but is seldom used according to the mayor.

The well designated as the SE well is located in the NW1/4 NW1/4 section 9-T116N-R62W and has been abandoned. This well is not flowing but water is visible down the casing. The casing extends a couple of feet above ground and the well apparently is not plugged (reached 3 to 4 feet down the well and met no resistance.) Beside the well is a pit consisting of a corrugated culvert that is approximately 7 feet deep according to the mayor. The pit was full of water and is covered by a metal plate which is not secured. I told the mayor that a child could easily fall into the pit and drown.

The other well (possibly the Main Street well -- mayor did not know of any other wells) is not located on city property and is not used by the city. This well is located in the SW1/4 SW1/4 section 4-T116N-R62W and at one time the overflow was diverted to pond area for an ice skating rink. The well is enclosed at the surface and it is not known if the well flows. The pond area is full of undergrowth/cattails.

(CONTINUED)

May 15, 1995
City of Frankfort
Page 2 of 2

RECOMMENDED ACTION:

The notice published for validation of No. 1728-3 did not include the correct legal description of the diversion points. All of the wells are located very near the NE1/4 section 8-T116N-R62W; however, the notice describes the wells as being located in the NW1/4 section 8. Therefore, the notice should be readvertised to correct the legal description. The readvertisement should include only the 1950 well located in the SW1/4 SE1/4 section 5-T116N-R62W for a diversion rate of 0.06 CFS. The other wells are not used by the city and should not be included. Following readvertisement, the vested water right can be scheduled for validation by the Water Management Board.

The abandoned well under the city's control in the NW1/4 NW1/4 section 9-T116N-R62W needs to be plugged and the pit adjacent to the well should be removed or filled to prevent an accident and/or ground water contamination.



Ron Duvall, Natural Resources Engineer
Water Rights Division

Vested Water Right Claim No. 1728-3
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 9, 1995, made a thorough examination of the water use system constructed by the City of Frankfort of PO Box 36, Frankfort SD 57440 holder of Claim No. 1728-3, bearing the priority of January 1, 1910 and January 1, 1950 authorizing the diversion of 0.10 and 0.06, respectively, cu. ft. per second feet of ground water for municipal purposes, in Spink County.

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

A. Works used to divert the water:

Two of 3 wells are abandoned and the third well is used as a standby well for fire protection. Flow from the third well has been valved to a minimum (reservoir has an overflow which is seldom used.) WEB rural water supplies the city with water. The abandoned well on city property needs to be plugged.

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

City pipeline to the reservoir.

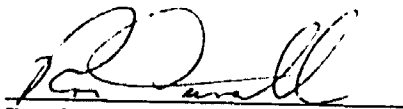
C. Works used to apply water to beneficial use:

Reservoir used for fire protection.

The system is in the following condition fair. The point of diversion is located 1,400 feet W and 50 feet N (SW1/4 SE1/4) from the SE corner of section 5-T116N-R62W. The works are capable of diverting and conveying to the place of use 0.06 cu. ft. per second of water which is to be used for municipal (fire protection).

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: none Date report completed: July 26, 1995



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program



August 29, 1995

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Roy Robertson, Mayor of Frankfort
City of Frankfort
PO Box 36
Frankfort SD 57440-0036

Dear Mayor Robertson:

The original Notice of Intent to Validate the City of Frankfort's Vested Water Right Claim No. 1728-3 was published with an error in the legal description of the well location. Therefore, the notice needs to be readvertised to correct the error. The enclosed File Documentation signed by Ron Duvall details his inspection made on May 9, 1995.

The Readvertisement of the Notice of Intent to Validate Vested Water Right Claims has been sent to the Publisher of the Redfield Press printed at Redfield 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 me, if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

c: Rita Hunt, Finance Officer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 29, 1995

The Redfield Press
Box 440
Redfield SD 57469-0440

ATTENTION: Legal Department

Enclosed is a Readvertisement of Notice of Intent to Validate Vested Water Right Claims. 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 validations until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

No. 1728-3 and 4064-3

Date _____

TO: Eric Gronlund
Water Rights Program
523 E Capitol
Pierre SD 57501-3181

We are in receipt of your letter of August 29, 1995 enclosing Readvertisement of Notice of Hearing 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 CLAIMS

Notice is given that the following vested water right claims in Spink County are 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 these claims, as published on June 22 and 29, 1988 in the Redfield Press is necessary to correct errors in the previously published notice.

Vested Water Right No. 1728-3, City of Frankfort, PO Box 36, Frankfort SD 57440 appropriates 0.06 cubic feet of water per second (cfs) from one well located in the SW 1/4 SE 1/4 Section 5-T116N-R62W for municipal purposes. The priority date is January 1, 1950.

Vested Water Right No. 4064-3, Town of Brentford, PO Box 52, Brentford SD 57429 appropriates 0.03 cfs from one well located in the SW 1/4 SE 1/4 Section 32-T102N-R62W for municipal purposes. The priority date is January 1, 1950.

Any person who wishes to oppose validation of any of the readvertised vested right claims 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.

These validations are 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 Spink) ss

I, Margaret Mundtich

certify that the attached printed Notice was
taken from the Redfield Press

printed and published in Redfield

County of Spink 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: \$ 43.11

Margaret Mundtich
(Signature)

Berkheiser
(Title)

September 13, 1995
(Date Signed)



Vested water rights claims eligible for validation

No. 27

READVERTISEMENT OF NOTICE OF INTENT TO VALIDATE VESTED WATER RIGHT CLAIMS

Notice is given that the following vested water right claims in Spink County are 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 these claims, as published on June 22 and 29, 1995 in the Redfield Press is necessary to correct errors in the previously published notice.

Vested Water Right No. 1728-3, City of Frankfort, PO Box 36, Frankfort SD 57440 appropriates 0.06 cubic feet of water per second (cfs) from one well located in the SW1/4 SE1/4 Section 5-T116N-R62W for municipal purposes. The priority date is January 1, 1950.

Vested Water Right No. 4064-3, Town of Brentford, PO Box 52, Brentford SD 57429 appropriates 0.03 cfs from one well located in the SW1/4 SE1/4 Section 32-T102N-R62W for municipal purposes. The priority date is January 1, 1950.

Any person who wishes to oppose validation of any of the readvertised vested right claims 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 57501-3161 (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 a.m., 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.

These validations are 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 Rule: 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.

Nerise H. Myers, Secretary
Department of Environment and Natural Resources

(September 6, 13)

PAYMENT REQUEST FORM

PAYEE: Redfield Press
Box 440
Redfield, SD 57469-0440

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 Nos. 1728-3 and 4064-3, published on September 6, and September
13, 1995.

AMOUNT: \$43.11

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.



1728-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 28 1995

Rita Hunt, Finance Officer
City of Frankfort
PO Box 36
Frankfort SD 57440-0036

Dear Ms. Hunt:

The Water Management Board has validated the enclosed Vested Water Right No. 1728-3. This validation gives legal status to the claim and is the final document for the City's vested right. Enclosed is Reissued Water License No. 1728-3. The license is being reissued to reduce the amount of water claimed to the actual amount applied to beneficial use, based on a May 9, 1995 inspection of the system.

SDCL 46-6-27 requires the abandoned well under the city's control in the NW 1/4 NW 1/4 Section 9-T116N-R52W to be plugged. The pit adjacent to the well should be removed or filled to prevent an accident and/or ground water contamination.

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 Program
605 773-3352

enclosure

NOT TO SCALE



Scale
1" = 660 Feet

Ron J. Swall
5/9/95 Nat. Res. Eng.