

(Blanks to be Filled by the Engineer for the W. R. C.)

RECEIVED
SEP 11 1961
5:00 P.M.

SECRET

Town of Mellette

Postoffice address Mellette State South Dakota

Noted Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1772-3

TOWN OF MELLETTTE

(Applicant)

(Post Office Address)

SOUTH DAKOTA

(State)

With the following modifications:

Date of first receipt of application AUGUST 25 1970
 Date of return to applicant for correction, amendments or changes required — 19—
 Date of receipt of corrected application — 19—
 Approved SEPTEMBER 10 1970, Recorded in Book 11 Page 185B

WATER RIGHT PERMIT NO. 1772-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1772-3 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 1915, 1920 & 1933
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed —
3. The whole of said work is ~~to be~~ completed —
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 .18 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 purpose must be limited to the amount of water needed for irrigation which water ~~is~~ was 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 11TH day of SEPTEMBER 1970

WATER RESOURCES COMMISSION

By:

SEP 16 1970
 Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 11 1970

Water License Issued SEPTEMBER 11 1970

MELLETTTE CITY
Mellotte, S. D.

August 20, 1970

Water Resources Commission
Pierre, S. D.

Dear Sirs:

This is to inform you that Water Well #1 of the City of Mellette, S. D. began producing water which contained sediment rendering it unfit for consumption, it was necessary that the well be discontinued.

The City Council by an emergency resolution contracted to have a new well drilled in order to provide necessary water supply to the City.

The information on Well #4 is as follows:

Lot #7, Block 14, owned by City of Mellette, S. D.

Well Driller: Caryl Larson, Redfield, S. D.

Cost of Drilling: \$2,483.35

Cost of Pipe: \$1,428.88

Date: July 27, 1970

Flow: 25 gallons per minute

Depth: 1,023 feet

Pipe: 114 feet of 3 inch perforated pipe at bottom

808 feet of 2 1/2 inch pipe in middle

101 feet of 5 inch pipe at top.

All pipe is connected in one string with reducing nipples.

Enclosed are signed forms requested by Burton F. Jones and a \$10.00 warrant in his letter of Jul, 30, 1970.

If any other information is required, please advise.

Sincerely,

Verne W. Collins
Verne W. Collins
City Auditor

Please note correction of residential and commercial service connections from 86 to 97 on Form #2.

RECEIVED

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

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 Mellette
 Post Office Address Mellette, 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

Well No. 1., 1915, Well No. 2., 1920 and
Well No. 3., 1933

15. Date that water was first applied to beneficial use

Well No. 1., 1915, Well No. 2., 1920 and
Well No. 3., 1933

16. Name of owner of original water supply system Town of Mellette

17. Amount of water originally applied to beneficial use Well No. 1., 25 g.p.m. ~~xxx~~ Well No. 2., 35 g.p.m. and Well No. 3., 25 G.P. M.

18. Present Use of Water

Amount of water now being used Well No. 1, 25 g.p.m. ~~xxx~~ Well No. 2., 35 g.p.m. and Well No. 3,
25 g.p.m.)

Date that this amount of water was first used Well No. 1., 1915; Well No. 2., 1920 and
Well No. 3., 1933

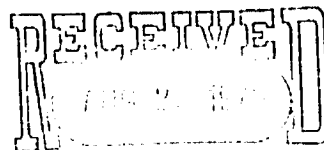
19. Chronological History of Water Use

Wells were constructed on dates as shown above and in the amounts as shown above.

Well No. 1., was recased in 1957.

Well No. 2., was repaired by replacing top 18 foot of well with an 8 inch diameter casing.

Well No. 3., was recased in 1966.



STATE WATER RESOURCES COM.
 PIERRE, SOUTH DAKOTA

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)
) ss.
County of Spink)

I, Verne W. Collins, Auditor City of Mellette, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Verne W. Collins, Auditor

Subscribed and sworn to before me this 17th day of August, 19 70

Verne W. Collins
(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.

WATER LICENSE NO. 1772-3

(C) WHEREAS, On the 25th day of August A. D. 19 70
the Town of Belletts

made Water Right Application No. 1772-3 ^{Vested Right} for a permit to use .18 cubic feet per second of the waters of ground water County of Spink, State of South Dakota, for municipal

(2) WHEREAS, On the 11th day of September A. D. 19 70

Permit No. 1772-3, with a date of priority of 1915, 1920 and 1933
 was issued to said applicant _____ recognizing
 for the diversion of said water, and ~~for the purpose of~~ the completion of construction of the water
 supply system therein described ~~on or before~~ _____ ~~year of~~ 1919 and for the
 application to beneficial use of said water ~~on or before~~ _____ ~~year of~~ 1919

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 .18 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 Mellette

(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 Mellette

_____ of South Dakota

the holder _____ and owner _____ of said/permit No. Vested Right 1772-3 a water right, dating from 1915, 1920 and 1933

_____ to use of .18 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 three points in the NE¼, Section 2, T119N, R64W

and ~~xxxxxxxxxxxx~~ conducted through the Town water distribution system,

for the purpose of municipal use

Subject to any limitations listed in Water Right Permit No. 1772-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 11th day of September A. D.
Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By :
Chief Engineer, Executive Officer, J.W. GRIMES

Permit No. 1772-3

Water Diversion No. 3 JAMES RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Town of Melleto

_____ the holder _____ of
Permit No. 1772-3, issued upon Application No. 1772-3, bearing date of priority of 1915, 1920 and
1933 authorizing the diversion of .18 cu. ft. per second of the waters of _____
ground water County of Spink, State of South Dakota at _____
Three points in the NE Corner, Section 2, T119N, R64W

_____, 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 found in satisfactory
condition for diverting and conveying to the place of intended use .18 cu. ft. per second of water.

Date September 11, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer



Department of Water & Natural Resources

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

February 3, 1988

Peter N Gaetze, Mayor
PO Box 105
Mellette SD 57461

Dear Mayor Gaetze:

I am writing in regard to information we have received that the town of Mellette will obtain its water supply from the WEB Rural Water system. The town of Mellette has Vested Water Right Claim No. 1772-3 which allows the diversion of 0.18 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

REISSUED STATE OF SOUTH DAKOTA

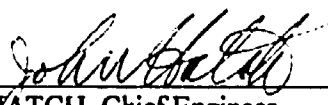
VESTED RIGHT WATER LICENSE NO. 1772-3

(1) The Town of Mellette, PO Box 105, Mellette SD 57461 was issued Vested Right Water License No. 1772-3, September 11, 1970 for a right to appropriate 0.18 cubic feet of water per second (cfs) from groundwater (three wells), Spink County, South Dakota, for municipal use purposes. Vested Water Right No. 1772-3 with priority dates of 1915, 1920 and 1933 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. 4321-3. Vested Right No. 4321-3 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 0.13 cubic feet of water per second for beneficial use. The location of the diversion points are: 900 feet south and 1,175 feet west (NE 1/4 NE 1/4 with the 1920 priority date) and 1,450 feet south and 1,300 feet west (SE 1/4 NE 1/4 with the 1933 priority date); both from the northeast corner of Section 2-T119N-R64W.

(3) Pursuant to Section 46-5-30.1 the Town of Mellette, PO Box 105, Mellette SD 57461 the holder and/or owner of Vested Water Right No. 1772-3 is issued a license to appropriate 0.08 cfs (January 1, 1920 priority date) and 0.05 cfs (January 1, 1933 priority date) 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. 1772-3 and subject to South Dakota State Law.


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

DEC 28 1995

date

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1772-3

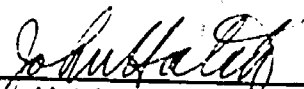
Date of Receipt of Claim August 25, 1970.

Date of Validation October 4, 1995.

The Water Management Board validated Vested Water Right Claim No. 1772-3 for Town of Mellette, PO Box 105, Mellette SD 57461 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1772-3 appropriates 0.18 cubic feet of water per second from groundwater located in the NE 1/4 Section 2-T119N-R64W.
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.
3. The water is to be used during the following annual period: January 1 - December 31.
4. The priority dates of the Vested Water Right are: 0.05 cfs - January 1, 1915
0.08 cfs - January 1, 1920
0.05 cfs - January 1, 1933
5. The water use system has been constructed and water has been applied to beneficial use.
6. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

DEC 28 1995

date

Water Rights Division -- File Documentation

NAME: Pate Gaetze, Mayor of Mellette

ADDRESS: PO Box 105, Mellette SD 57461

DATE: May 16, 1995 COUNTY: Spink TELEPHONE: 887-3219

RE: Validation of Vested Water Right No. 1772-3

COMMENTS:

On May 10, 1995, an inspection was completed of Vested Water Right No. 1772-3 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 Mellette is being supplied water from WEB rural water and one of the three wells specified on the vested water right has been abandoned. Well No. 1 has not been used for 15 years and well Nos. 2 and 3 are plumbed to a 30,000 gallon reservoir for standby and fire protection purposes. Well Nos. 2 & 3 supply water to the reservoir when the level of the reservoir drops to a certain elevation. The wellhead for well Nos. 1 and 3 are not visible but the concrete pits were located. Each of the pits is covered by 2 X 6's cut to size to fit the opening (difficult to remove boards by hand.) Well No. 4 which was constructed to replace well No. 1 is capped and is not in use.

RECOMMENDED ACTION:

The present well locations, diversion rates, water source, and use is consistent with Vested Water Right No. 1772-3 and the published notice of intent to validate. Therefore, No. 1772-3 needs to be scheduled for validation by the Water Management Board. Following Board action, the water license will need to be reissued to include only well Nos. 2 and 3.

Well No. 1 is abandoned and needs to be plugged and the pit should be removed or filled to prevent an accident and/or contamination of the ground water. Well No. 4 is capped and should also be plugged if no use is planned for the well in the future. If some use of the well is made in the future, the town will need to apply for a water permit to use the well for municipal purposes.



Ron Duvall, Natural Resources Engineer
Water Rights Division



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA

ADDRESS CORRECTION REQUESTED



57501-3181

CERTIFIED

Z 161 984 887

MAIL

257

JEROME & JULIE SCHRØEDER
RR 2 BOX 87A
WHEATON MN 56296

2-1-96
2-7-96
2-16-96



16
F14
1000
50036

SENDER:

3. Article addressed to:

5. Received By: (Print Name)

6. Signature: (Addressee or Agent;

I also want to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

L90 + 861917

4b. Service Type

- ☐ Registered
☐ Express Mail
☐ Return Receipt for Merchandise
☐ COD
- ☒ Certified
☐ Insured
7. Date of Delivery _____

7. Date of Delivery:

B. Addressee's Address (Only if requested and fee is paid)

Domestication

Thank you for using Return Receipt Service.

Water Rights Division -- File Documentation

NAME: Pete Gaetze, Mayor of Mellette

ADDRESS: PO Box 105, Mellette SD 57461

DATE: May 16, 1995 COUNTY: Spink TELEPHONE: 887-3219

RE: Validation of Vested Water Right No. 1772-3

COMMENTS:

On May 10, 1995, an inspection was completed of Vested Water Right No. 1772-3 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 Mellette is being supplied water from WEB rural water and one of the three wells specified on the vested water right has been abandoned. Well No. 1 has not been used for 15 years and well Nos. 2 and 3 are plumbed to a 30,000 gallon reservoir for standby and fire protection purposes. Well Nos. 2 & 3 supply water to the reservoir when the level of the reservoir drops to a certain elevation. The wellhead for well Nos. 1 and 3 are not visible but the concrete pits were located. Each of the pits is covered by 2 X 6's cut to size to fit the opening (difficult to remove boards by hand.) Well No. 4 which was constructed to replace well No. 1 is capped and is not in use.

RECOMMENDED ACTION:

The present well locations, diversion rates, water source, and use is consistent with Vested Water Right No. 1772-3 and the published notice of intent to validate. Therefore, No. 1772-3 needs to be scheduled for validation by the Water Management Board. Following Board action, the water license will need to be reissued to include only well Nos. 2 and 3.

Well No. 1 is abandoned and needs to be plugged and the pit should be removed or filled to prevent an accident and/or contamination of the ground water. Well No. 4 is capped and should also be plugged if no use is planned for the well in the future. If some use of the well is made in the future, the town will need to apply for a water permit to use the well for municipal purposes.



Ron Duvall, Natural Resources Engineer
Water Rights Division

Vested Right No. 1772-3
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 10, 1995, made a thorough examination of the water use system constructed by the Town of Mellette of PO Box 105, Mellette SD 57461 holder of Vested Right No. 1772-3, bearing the priority of January 1, 1915, January 1, 1920, January 1, 1933 authorizing the diversion of 0.18 cu. ft. per second of the waters 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 flowing wells (Nos. 2 and 3). Well No. 1 is abandoned and Well No. 4, drilled to replace Well No. 1, is capped. Well No. 1 needs to be plugged and a water permit will be needed for Well No. 4 to place the well into service. If no use of Well No. 4 is planned in the future, then Well No. 4 should also be plugged.

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

Town distribution system.

C. Works used to apply water to beneficial use:

Well Nos. 2 and 3 are used for standby/fire protection purposes (WEB supplies the town.) A float system is used to regulate flow from the wells to a 30,000 gallon reservoir.

The system is in the following condition good. The points of diversion are located Well No. 2: 900 feet S and 1,175 feet W (NE1/4 NE1/4); Well No. 3: 1,450 feet S and 1,300 feet W (SE1/4 NE1/4); both from the NE corner of section 2-T119N-F64W. The works are capable of diverting and conveying to the place of use 0.08 cubic feet of water per second (January 1, 1920 priority date) and 0.05 cfs (January 1, 1933 priority date) which is to be used for municipal purposes.

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



1772-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 28 1995

Gayanna Gilman, Finance Officer
Town of Mellette
PO Box 105
Mellette SD 57461-0105

Dear Ms. Gilman:

The Water Management Board has validated the enclosed Vested Water Right No. 1772-3. This validation gives legal status to the claim and is the final document for the Town's vested right. Enclosed is the Reissued Water License No. 1772-3. The license is being reissued to include the amount of water claimed to the actual amount applied to beneficial use, based on a May 10, 1995 inspection of the system. Further comments regarding this inspection are also enclosed.

SDCL 46-6-27 requires that abandoned Well No. 1 be plugged. The pit should be removed or filled to prevent an accident and/or contamination of the ground water. Well No. 4 is capped and should also be plugged if no use is planned for the well in the future. If some use of the well is made in the future, the town will need to apply for a water permit to use the well for municipal purposes.

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch", is written over a horizontal line.

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

enclosures



NOT TO SCALE

NC

117.3

OT Brown 192

19.2

T10049

NC
3-3

Trees 1.0

2



35
2

149.5 T2739
1

center of section 2

122.2

T2715
3

5.0

Scale
1 in. = 660 ft.

N

20.1

2

479-121 L

R-6

Don Duvall
Natural Resources Engineer
5/10/95

119-64

156.0 T2790

No. 1772-3

23.5

95.9

27.7

20.9

18.7

29.1

T2729

10

8

6

4

2

1

1772-3