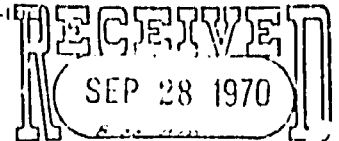


Water Right Number 1777-3

1. Considered November 4, 19 70 "VESTED RIGHT"
2. Name of Applicant Town of Agar
3. Post Office Address _____
4. Amount of Water claimed :045 (20 G.P.M.)
5. Source of Water supply Ground water
6. Water to be used for Municipal
- Acres to be irrigated —
7. Water to be diverted and used in Sully County
about _____ miles _____ of _____
8. Proof of Publication
Received _____
Not Received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

No. 1777-3Map No. V12 Water Division No. 3 MISSOURI RIVER
(Blanks to be filled by the Engineer for the W. R. C.)VESTED RIGHT
APPLICATION FOR PERMITSTATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

1. Name of Applicant Town of Agar
Postoffice address Agar State South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) completed
3. Name of diversion work Agar Water Supply System
4. Amount of water claimed (cubic feet per second) 0.045 (20 g.p.m.)
5. Source of water supply Artesian well, 1775 feet deep
6. Location of point of diversion 220 feet North and 2060 feet East of SW Corner, of Section 23, T116N, R77W

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

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

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

Attach sheet if more space is needed

10. Time required to complete construction of water supply system completed years. Additional time required to complete application of water to the proposed beneficial use completed years.
N/A
11. Choice of newspaper for Notice of Intent to Appropriate Water publication _____
12. Principal Features of the Proposed Water Supply System.

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

Well 1775 feet deep with six inch diameter surface casing.
Curtis pump. Mod. C-80
Johnson Electric Motor, 5 H.P.

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

16,000 gallon cistern
20,000 gallon elevated tank
City Main system

C. Works proposed to apply water to beneficial use.

Hydrants
Fifty cutoffs

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 Sully) ss.I, Town of Agar, 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 Keneth E. CouncilSubscribed and sworn to before me this 20 day of Mar 1970

Mark Woodward
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1777-3

TOWN OF AGAR
(Applicant)

(Post Office Address)

SOUTH DAKOTA
(State) With the following modifications:

Date of first receipt of application SEPTEMBER 28 19 70
Date of return to applicant for correction, amendments or changes required — 19 —
Date of receipt of corrected application — 19 —
Approved NOVEMBER 4 19 70, Recorded in Book 11 Page 211

WATER RIGHT PERMIT NO. 1777-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1777-3 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 1926
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ —
3. The whole of said work is ~~to be~~ completed ~~on or before~~ — 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 .045 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 irrigable purposes and appropriation must be limited to not more than 200 feet per second per year and the limit of construction is on or before 1970 of one cubic foot of water per second 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 15TH day of DECEMBER 19 70

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 15 19 70

Water License Issued DECEMBER 15 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
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE**

Name of Applicant (Same as Form 2) _____ Town of Agar _____

Post Office Address _____ Agar _____, 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 _____ 1926 _____

15. Date that water was first applied to beneficial use _____ 1926 _____

16. Name of owner of original water supply system _____ Town of Agar _____

17. Amount of water originally applied to beneficial use _____ 0.045 _____ c. f. s.

18. Present Use of Water

Amount of water now being used _____ 0.045 _____ c. f. s.

Date that this amount of water was first used _____ 1926 _____

19. Chronological History of Water Use

Well was drilled in 1926 and has been used for municipal purposes since that date.

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 JULIA) ss.

I, Town of AGAR, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Howard H. Krumm Chairman

President - Board of Trustees

Subscribed and sworn to before me this 20 day of Mar 1920

Michael Ward
(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.

Miss Alice Kishak
Sworn Clerk

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1777-3

(1) WHEREAS, On the 28th day of September A. D. 19 70
the Town of Agar

made Water Right Application No. 1777-3 for a Vested Right
ground water for a permit to use .045 cubic feet per second of the waters

County of Sully State of South Dakota, for Municipal

(2) WHEREAS, On the 15th day of December A. D. 19 70
Vested Right Permit No. 1777-3 with a date of priority of 1926

was issued to said applicant for the diversion of said water, and recognized ~~permitted~~ the completion of construction of the water
 supply system therein described ~~XX~~ and for the
 application to beneficial use of said water ~~XX~~

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 .045 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 Agar

(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 Agar

~~xxx~~
the holder _____ and owner Vented Right of said permit No. 1777-3 a water right, dating from 1926
to use of .025 cubic feet per second of the waters of ground water

in the County of Sully and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 220' north and 2060' east of the SW Corner, Section 23, T116N, R77W

and conduct ~~it and use~~ through the town water distribution system

for the purpose of municipal use

Subject to any limitations listed in Water Right Permit No. 1777-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 15th day of December A. D.
Nineteen Hundred and Seventy

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Permit No. 1777-3

Water Diversion No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Town of Agar

the holder of Right Permit No. 1777-3, issued upon Application No. 1777-3, bearing date of priority of 1926

authorizing the diversion of .045 cu. ft. per second of the waters of
ground water County of Sully, State of South Dakota at
a point 220' north and 2060' east of the SW Corner, Section 23, T116N, R77W

, for municipal

purposes, has complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are recognized as satisfactory conditions for diverting and conveying to the place of intended use .045 cu. ft. per second of water.

Date December 15, 1970

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

SOUTH DAKOTA

VESTED WATER RIGHT CLAIM NO. 1777-3

Date of Receipt of Claim September 28, 1970.

Date of Validation March 4, 1992.

The Water Management Board validated Vested Water Right Claim No. 1777-3 for the Town of Agar, PO Box 156, Agar, South Dakota 57520 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1777-3 appropriates 0.045 cubic feet of water per second from one well, approximately 1775 feet deep, located in the SE1/4 SW1/4 SECTION 23, T116N, R77W.
2. The appropriated water is used for supplying water for the Town of Agar 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 date of the Vested Water Right is: January 1, 1926.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

John H. Gato
Chief Engineer

MAY 13 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 13 1992

Town of Agar
Anna Mae Weischedel, Finance Officer
PO Box 156
Agar SD 57520

Dear Ms. Weischedel:

The Water Management Board has validated the enclosed Vested Water Right No. 1777-3. This validation gives legal status to the claim and is the final document for your vested right.

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

Very truly yours,

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

enclosure