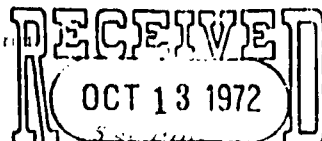


Water Right Number 1958-3

1. Considered November 8, 19 / /
2. Name of Applicant Town of Winfred VESTED RIGHT
3. Post Office Address Winfred, S.D.
4. Amount of water claimed 1/10
5. Source of water supply Ground water (144 foot deep well)
6. Water to be used for Municipal
- Acres to be irrigated
7. Water to be diverted and used in Lake County
- about Miles of
8. Proof of Publication Received
- Not received
9. Application Approved
- Subject to
- Not approved
- Action deferred

10. Remarks:

Map No. V12 Water Division No. 3 VERMILLION RIVER District 1958-3
(Blank to be filled by the Engineer for the Water Div.)



APPLICATION FOR PERMIT

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

VESTED RIGHT FILING

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable.)

1. Name of Applicant Town of Winfred
Postoffice address Winfred 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 Winfred Water Supply System
4. Amount of water claimed (cubic feet per second) 1/10
5. Source of water supply 144 foot deep well
6. Location of point of diversion approximately the center of Section 7, T106N, R54W

County Lake

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.
11. 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

Well 144 feet deep with 6 inch diameter steel casing.
"Dempster" pump jack powered by 3 H.P. "Baldor" electric motor.

B. Works proposed to transport water to place of use

Underground concrete storage 14' x 24' x 18' deep with five 125 gallon pressure tanks hooked in series.
Town water distribution system

C. Works proposed to apply water to beneficial use

70 service connections

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 Lake

I, Bernard Harnischke 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 Bernard HarnischkeSubscribed and sworn to before me this 12 day of Oct 1972

Notary Public (or other qualified officer)

CITY LIMITS

1958-3

WINFRED

LAKE COUNTY · SOUTH DAK

T 106 N - R 53 W

SCALE

0 300 ft.

POP 110 (1970)

1969

DRAWN BY

DEPARTMENT OF TRANSPORTATION

RES. OFFICE OF SYSTEM ANALYSIS

ALL STREET RIGHT OF WAY 66 FT.

ALLEYS 16 FT.

(UNLESS OTHERWISE INDICATED)

UNOFFICIAL EDITION

Well #1 (1942) was replaced by
Well #2 (1952).
This was then replaced by an
"existing well" (1962).

LAKE

CITY LIMITS

NEW WELL
180'
4"
25 gpm
1978

OLD WELL
240'
6"
18 gpm
1950-54

LEGEND

U.S. NUMBERED HIGHWAY

STATE NUMBERED HIGHWAY

FEDERAL AID HIGHWAY SYSTEM

FEDERAL AID SECONDARY HIGHWAY SYSTEM

PRIMITIVE ROAD

UNIMPROVED ROAD

GRADED AND DRAINED ROAD

GRAVEL ROAD

BITUMINOUS SURFACED ROAD

PAVED ROAD

RAILROAD

TOWN CENTER

CENTRAL BUSINESS DISTRICT

POST OFFICE

SCHOOL HOUSE

CHURCH OR OTHER RELIGIOUS INSTITUTION

WATER SUPPLY STAND PIPE OR TANK

WATER PUMPING STATION

GARBAGE OR RUBBISH DUMP

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1958-3TOWN OF WINFRED
(Applicant)

(Post Office Address)

SOUTH DAKOTA
(State) With the following modifications:**"VESTED RIGHT" CLAIMED**Date of first receipt of application OCTOBER 13 19 72Date of return to applicant for correction, amendments or changes required 19 Date of receipt of corrected application 19 Approved NOVEMBER 8 19 72 Recorded in Book 12 Page 165WATER RIGHT PERMIT NO. 1958-3The Water Resources Commission hereby grants and issues this Water Right Permit No. 1958-3 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 1942
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~~
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 .10 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 ~~domestic and irrigation purposes~~ USE FOR MUNICIPAL PURPOSES and appropriation must be limited to not more than ~~one acre of irrigated land~~ one acre of irrigated land which water ~~is~~ was actually and beneficially ~~applied for irrigation~~ 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 10TH day of NOVEMBER 19 72

WATER RESOURCES COMMISSION

By

John L. Sullivan
Chief Engineer, Executive OfficerCertificate of Construction Issued NOVEMBER 10 19 72Water License Issued NOVEMBER 10 19 72

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 Winfred

Post Office Address Winfred, 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 1942

15. Date that water was first applied to beneficial use 1942

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

17. Amount of water originally applied to beneficial use 1/10 c. f. s.

18. Present Use of Water

Amount of water now being used 1/10 c. f. s.

Date that this amount of water was first used 1942

19. Chronological History of Water Use

Well No. 1., was constructed in 1942 and replaced by Well No. 2., in 1952.

Well No. 2., was constructed in 1952 and was replaced by existing well in 1962.

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 Lake) ss.

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

Signed Herman Harmelink

Subscribed and sworn to before me this 12 day of Oct, 1971

Virgil O. Johnson
(Notary Public for other qualified Offices)

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.

Herman Harmelink

September 15, 1972

Mr. Herman Harmdierks, Mayor
Town of Winfred
Winfred, South Dakota 57076

Dear Mayor Harmdierks:

On September 11, 1972, Mr. Donald Driscoll of this office checked with you regarding the request of the Town of Winfred to obtain water rights.

South Dakota Water laws specify that use of water originating before July 1, 1955 can qualify as a "vested right" and where the water is from an underground source, such "vested right" can be validated by filing a declaration of such use in a form and manner as prescribed by the Water Resources Commission.

The Commission Staff has prepared the required "Vested Right" declaration for the Town of Winfred. It consists of the two enclosed forms. These forms have been prepared in duplicate.

All four copies of the enclosed forms should be signed by an official of the Town of Winfred, before a Notary Public, where indicated. The signed copies should then be returned to this office with the required fee of ten dollars.

These forms will then be considered by the Water Resources Commission at their next meeting on November 8, 1972. Unless there is some unforeseen development, a "Vested Right" Water license will be sent to the Town of Winfred, soon after that date. This "Vested Right" will also be recorded and filed in the office of the Water Resources Commission.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/bw/DD

Form 15.

Permit No. 1958-3

Water Diversion No. 3 VERMILLION RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Town of Winfred

Vested Right 7 Permit No. 1958-3, issued upon Application No. 1958-3, bearing date of priority of 1942
authorizing the diversion of .10 cu. ft. per second of the waters of ground water
County of Lake, State of South Dakota at a point approximately in the center of Section 7, T106N, R54W

, 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
correct for diverting and conveying to the place of intended use .10 cu. ft. per second of water.

Date November 10, 1972

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

(1) WHEREAS On the 13th day of October A. D. 1972
the Town of Winfred

made Water Right Application No. 1958-3 for Vested Right /permit to use .10 cubic feet per second of the water of ground water

County of Lake State of South Dakota for Municipal
 _____ purposes and

(2) WHEREAS on the 10th day of November A.D. 1972

Permit No. 1958-3 with a date of priority of 1942
recognizing
was issued to said applicant _____ for the diversion of said water ~~XXXXXXXXXX~~ the completion of construction of the water
supply system therein described ~~XXX~~ and as the
application to beneficial use of said water ~~XXX~~

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 .10 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 Winfred

(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 Winfred

_____ of _____
the holder _____ and owner Vested Right of said permit No. 1958-3 a water right, dating from 1942
_____ to use of .10 cubic feet per second of the waters
of ground water

in the County of lake and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point approximately in the center of Section 7,
T106N, R54W

and ~~will be conducted~~ conducted through the town water distribution system

for the purpose of Municipal use

Subject to any limitations listed in Water Right Permit No. 1958-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 10th day of November A. D.
Nineteen Hundred and Seventy-two

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIMES

Memo

TO: Betty Westlund, Water Rights
FROM: Rob Pittay, ODW
RE: Winfred Water Right #1958-3
DATE: 3/1/84

Winfred currently has one water right, #1958-3. This is for one well originally constructed in 1942. According to the water right, the 1942 well was then replaced by a 1952 well which was then replaced by a 1962 well. The water right says that the 1962 well still exists. The original well was located "near the center of Section 7".

Winfred is currently using two wells, Old Well and New Well. During my survey at Winfred (2/15/84), James Westlund said the Old Well was put in during 1950-54, was 240', had a 6" casing, and pumped 18 gpm. This may be the above mentioned 1952 well. (It should be noted that the WM is quite elderly.) The New Well data is 1978, 180' deep, 4" casing, and 25 gpm. He gave different info to me about the same wells during a 1981 survey.

I am going to assume the Old Well is licensed by Water Right #1958-3 and ask for a new water right for the New Well. Could we verify some of this well data, once and for all?

A map is included.

South Dakota

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

GREAT FACES. GREAT PLACES.

MAY 10 1991

1958-3

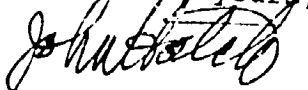
Allen Eichmann, Town President
Town of Winfred
PO Box 8
Winfred SD 57076

Dear President Eichmann:

The Water Management Board has validated the enclosed Vested Water Right No. 1958-3. 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

SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 1958-3

Date Claim Accepted For Filing October 13, 1972.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 1958-3 for the Town of Winfred, P O Box 8, Winfred, South Dakota 57776 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1958-3 appropriates 0.10 cubic feet of water per second from one well approximately 144 feet deep located near the center of Section 7, T106N, R54W.
2. The appropriated water is used for supplying water for the Town of Winfred 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, 1942.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

Chief Engineer

Division of Water Rights

Dept. of Environment and Natural Resources

MAY 10 1991

date

1958-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 11, 1995

1958-3

Wilson Kleibacker
PO Box 45
Madison, SD 57042-0045

Dear Mr. Kleibacker:

Enclosed, as you discussed with Eric Gronlund, is a partially completed "Notice of Transfer" form for use in filing an ownership change on Vested Water Right No. 1958-3.

Please review the form for accuracy and make any necessary corrections. The form should be signed by the new owner (i.e., attorney or person representing new owner) in the presence of a notary public. Upon completion, please return the form to our office with a required filing fee of \$2.50.

I have included a copy of Vested Water Right No. 1958-3. You may keep this for your files. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 28, 1995

SECOND NOTICE
Permit No. 1958-3

Wilson Kleibacker
P.O. Box 45
Madison, SD 57042-0045

Dear Mr. Kleibacker:

On January 11, 1995, notice was sent to you concerning the transfer of Water Right No. 1958-3 in the name of The Town of Winfred. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water Right can then be transferred to your name. If you are not the present owner of the land covered under this water right, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,

RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

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

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fees.

3. Article Addressed to.

1958-3

Wilson Kleibacker
P.O. Box 45
Madison, SD 57042-0045

4a. Article Number

P 318 052 689

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☐ Insured |
| ☒ Certified | ☐ COD |
| ☐ Express Mail | ☐ Return Receipt for Merchandise |

7. Date of Delivery

3-29

5. Signature (Addressee)

Ruth Kleibacker

6. Signature (Agent)

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

PS Form 3811, December 1991

U.S. GPO: 1992-323-402

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

LAMMERS, LAMMERS, KLEIBACKER & PARENT

Lawyers

J.H. LAMMERS (1893-1983)
JEROME B. LAMMERS
WILSON M. KLEIBACKER
PHILIP R. PARENT
RYKER J. LAMMERS

108 NORTHEGAN • POST OFFICE BOX 45
MADISON, SOUTH DAKOTA 57042 0045
TELEPHONE (605) 256-6677
FAX (605) 256-6679

March 29, 1995

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



Dear Mr. Duvall:

Re: Winfred Water District, Inc.

Enclosed please find the executed Notice of Transfer of Ownership of the water rights from the Town of Winfred to Winfred Water District, Inc. Lona Carlson is a member of the Town Board which was the owner of the prior water rights. Also enclosed please find our check for \$2.50 to cover the transfer fee.

I would appreciate your confirming that we have followed all the necessary steps to transfer the Town of Winfred's water rights to Winfred Water District, Inc. I look forward to receiving your confirmation, and thank you for your help.

Yours very truly,

LAMMERS, LAMMERS, KLEINBACKER & PARENT

Wilson Keill

By: Wilson Kleibacker

WK/dr

Enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 1958-3

Date: March 13, 1995

I/We request that Vested Water Right No. 1958-3

formerly owned by: the Town of Winfred, PO Box 8, Winfred, SD 57076-0008

be transferred to: (name & address) Winfred Water District, Inc., PO Box 8, Winfred, SD 57076-0008

(Telephone No) 605-485-2667

Title to the following described land(s)/property has been transferred as described above:

well location: near center of Section 7, T106N, R54W

I/We understand that the validity of Vested Water Right No. 1958-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Lake)

I/We Lona Carlson being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true

Lona Carlson
(Signed)

Subscribed and sworn to before me this 13th day of March, 1995.

W.M. Keith
(Notary Public)

My commission expires: 9-7-96

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

414449

Pierre, _____ March 30, 19 95

RECEIVED OF W. Kleibacker, Att. 108 N Lean Ave, Madison, SD 57042 (Winfred Water Dist)
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Vested Water Right No. 1958-5</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John H. H. H. H.
Chief Engineer

1958-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 31, 1995

1958-3

Wilson Kleibacker
LAMMERS, LAMMERS, KLEIBACKER & PARFENT
PO Box 45
Madison, SD 57042-0045

Dear Mr. Kleibacker:

I am writing to acknowledge receipt of the "Notice of Transfer of Ownership" you submitted for Vested Water Right No. 1958-3. The transfer has been completed and Vested Water Right No. 1958-3 is now listed under the Winfred Water District, Inc.

Enclosed is receipt no. 414449 in the amount of \$2.50 which you paid to cover the cost of the filing fee. If I can answer any questions for you, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath
Environmental Scientist
Water Rights Division
(605) 773-3352

enclosure: receipt

c: Lona Carlson, Winfred Water District, Inc.