

VESTED RIGHT

Water Right Number 1963-3

1. Considered JANUARY 24, 19 73
2. Name of Applicant EMERY - CITY OF
3. Post Office Address -
4. Amount of Water claimed .57
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 HANSON County
about _____ miles _____ of _____

8. Proof of Publication Received _____
Not Received _____

9. Application Approved _____

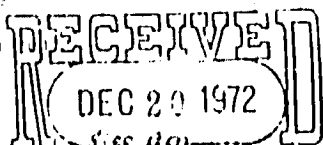
1949

Subject to _____

Not Approved _____

Action Deferred _____

10. Remarks:

Map No. 41R Water Division No. 3 JAMES RIVER
 (Blanks to be filled by the Engineer for the W. R. C.)


APPLICATION FOR PERMIT

(VESTED RIGHT FILING)

 STATE 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 City of Emery
 Postoffice address Emery 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 - Contract
3. Name of diversion work Emery Municipal water supply system
4. Amount of water claimed (cubic feet per second) 0.57
5. Source of water supply Ground water
6. Location of point of diversion Lot 1, Block 11, First Addition, Section 25, T102N, R57W;
standby well in Lot 6, Block 7, Carl E. Schiltz Addition, Section 36, T102N, R57W.
 _____ County Hanson
7. Annual period or periods during which water is to be used Year around use
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 N/A

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 187 ft. deep cased with 10 in. diameter casing. "Fairbanks-Morse (Pomona)" turbine
 8 in. pump, Mod. S 1517, powered by "U.S. Electric Motor, 15 H.P., Type CFU.
 Standby well, 185 ft. deep, cased with 10 in. diameter steel casing.

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

Municipal water distribution system.
 75,000 gallon elevated storage tank

C. Works proposed to apply water to beneficial use.

225 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 Hanson

John Pudwill Jr., City Auditor 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 s/ John Pudwill, City AuditorSubscribed and sworn to before me this 19th day of December, 1972

(SEAL)

s/ J. L. Arens
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1963-3

CITY OF EMERY

(Applicant)

(Post Office Address)

SOUTH DAKOTA

(State)

With the following modifications:

"VESTED RIGHT" CLAIMED

Date of first receipt of application DECEMBER 20 19 72

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

Date of receipt of corrected application — 19 —

Approved JANUARY 24 19 73 Recorded in Book 12 Page 186

WATER RIGHT PERMIT NO. 1963-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1963-3 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 1949 —

2. The equivalent of at least one-fifth of the work above specified is ~~not~~ completed — —

3. The whole of said work is ~~not~~ 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 .57 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~~ used for municipal purposes and it is for the ~~domestic~~ used for municipal purposes and appropriation ~~shall be limited to one and one-half acre feet per year and be~~ used for municipal purposes ~~limited to not more than the amount of water needed for each acre of land to which water~~ used for municipal purposes ~~is actually and beneficially applied~~ used for municipal purposes ~~on or before~~ used for municipal purposes ~~the following described annual period~~ used for municipal purposes

actually and beneficially applied on or before JUNE 30 19 55 said water to be used during the following described annual period CONTINUOUSLY

Witness my hand this 9TH day of FEBRUARY 19 73

WATER RESOURCES COMMISSION

By:

[Signature]
Chief Engineer/Executive Officer

Certificate of Construction Issued FEBRUARY 9 19 73

Water License Issued FEBRUARY 9 19 73

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) City of Emery
 Post Office Address Emery, 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 194915. Date that water was first applied to beneficial use 194916. Name of owner of original water supply system City of Emery17. Amount of water originally applied to beneficial use 0.57 c. f. s.

18. Present Use of Water

Amount of water now being used 0.57 c. f. s.Date that this amount of water was first used 1949

19. Chronological History of Water Use

The well was constructed in 1949 and has been used as indicated. At about the same time the standby well was constructed. To date the standby well has not been used as a source of water.

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 Hauke) ss.

I, John Pedrick, Jr. City of Emery, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed [Signature]
 Subscribed and sworn to before me this 19th day of December, 1972

[Signature]
 (Notary Public or other qualified Officer)

I, the undersigned, do hereby certify that I know about the water use system described above that I have read the foregoing and that the matters therein stated are true.

Permit No. 1963-3

Water Diversion No. 3 JAMES RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the City of Emery

Vested Right the holder _____ of
Permit No. 1963-3, issued upon Application No. 1963-3, bearing date of priority of 1949 (1949)

_____ authorizing the diversion of .57 cu. ft. per second of the waters of _____
Ground Water _____ County of Hanson, State of South Dakota at _____
Lot 1, Block 11, First Addition, Section 25, T102N, R57W; Standby well in Lot 6,
Block 7, Carl E. Shiltz Addition, Section 36, T102N, R57W
_____, 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 to be~~ **recognized as** satisfactory
~~condition~~ for diverting and conveying to the place of intended use .57 cu. ft. per second of water.

Date February 9, 1973

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

WATER LICENSE NO. 1953-3

(1) WHEREAS, On the 20th day of December A. D. 1972
The City of Emery
made Water Right Application No. 1963-3 for a Vested Right permit to use .57 cubic feet per second of the waters of Ground Water
County of Hanson State of South Dakota, for Municipal purposes; and

(2) WHEREAS, On the 9th day of February A. D. 1973
Vested Right Permit No. 1963-3 with a date of priority of 1949 recognizing
was issued to said applicant for the diversion of said water and ~~permitted~~ for the completion of construction of the water supply system therein described ~~xxxxxx~~ and ~~xx~~ the application to beneficial use of said water ~~xxxxxxxxxxxx~~ ~~xxxxxx~~ ~~xxxxxx~~

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 .57 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 Emery,

(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 Emery

_____ ~~96.2~~
the holder _____ and owner _____ **Vested Right**
of said permit No. **1963-3** a water right, dating from **1949**
_____ to use of **.57** cubic feet per second of the waters
of **Ground Water**

in the County of **Hanson** and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at **Lot 1, Block 11, First Addition, Section 25, T102N, R57W;**
Standby well in Lot 6, Block 7, Carle. Shiltz Addition, Section 36, T102N, R57W

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

for the purpose of **municipal use**

Subject to any limitations listed in Water Right Permit No. **1963-3** and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this **9th** day of **February** A. D.
Nineteen Hundred and **Seventy-three**

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer **J.W. GRIMES**

COMMISSION

South Dakota

J W GRIMES

Carl Cronin, Gettysburg
W Neil Evans, Watertown
Milton E. Fischer, Milbank
Glen Garrett, Port A, Pierre
Stanley Jensen, Beresford
Richard Lommen, Harrisburg
Clarence D. Mortenson, Hayes
Elvern Vanlek, Geddes

Water Resources Commission

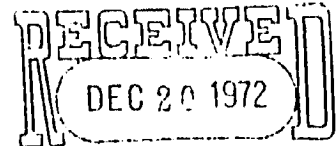
Chief Engineer
and
Executive Officer

State Office Building #2

PIERRE, SOUTH DAKOTA 57501

PHONE 605/224-3564

December 18, 1972



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Mr. John Pudwill, City Clerk
Emery, South Dakota 57332

Dear Mr. Pudwill:

On December 15, 1972, Mr. Donald Driscoll of this office checked with you regarding the request of the City of Emery to obtain water rights.

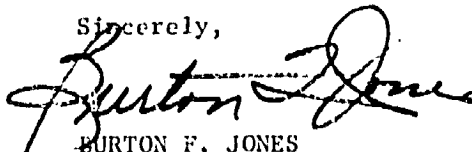
South Dakota Water Laws specify that use of water originating before July 1, 1955 can qualify as a "vested right" and where the water is from an underground source, such "vested right" can be validated by filing a declaration of such use in a form and manner as prescribed by the Water Resources Commission.

The Commission Staff has prepared the required "Vested Right" declaration for the City of Emery. 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 City of Emery, 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 January 24, 1973. Unless there is some unforeseen development, a "Vested Right" Water License will be sent to the City of Emery, 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

Encl: As stated

cc: James R. Davies, Attorney, Box 277, Alexandria, S.D. 57311

South Dakota



GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 26, 1991

1963-3

Arnold Janssen, Mayor
City of Emery
PO Box 303
Emery SD 57332

Dear Mayor Janssen:

The Water Management Board has validated the enclosed Vested Water Right No. 1963-3. 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. 1963-3

Date Claim Accepted For Filing December 20, 1972.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 1963-3 for the City of Emery, P.O. Box 303, Emery, South Dakota 57332 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1963-3 appropriates 0.57 cubic feet of water per second from two wells approximately 185 feet deep and located in the SW 1/4, Section 25 and the NW 1/4, Section 36; all in T102N, R57W.
2. The appropriated water is used for supplying water for the City of Emery 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, 1949.
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. Tate
Chief Engineer

Division of Water Rights
Dept. of Environment and Natural Resources

APR 29 1991

date

January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

CITY OF EMERY
MAYOR, PO BOX 303
EMERY SD 57332

Address correction requested:

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 1963-3. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER
Aquifer: PLEISTOCENE SERIES
Management Unit: UNNAMED CREEK

County: HANSON
Pumping Pt. Legal: SEC 25-T102N-R57W
Type of Water Use: MUNICIPAL

- 1) Please estimate your year 2000 water use from the above water source: 500 gallons
2) If no water use in 2000, please list the reason(s) why in the comments section. Testing only

Comments: We receive our water from Hanson
Rural water system.

Contact Person:

John Redwill Jr

Telephone No:

(605) 449-4201

Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.

Thank you for completing the 2000 water use questionnaire.

Water Rights on the Web: www.state.sd.us/denr/wr

