

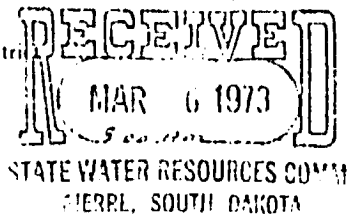
1. Considered MARCH 7, 1973 1974-3
2. Name of Applicant TOWN OF YOUN
3. Post Office Address _____
4. Amount of water claimed _____
5. Source of water supply _____
6. Water to be used for _____
- Acres to be irrigated _____
7. Water to be diverted and used in _____ county
about _____ miles _____ of _____
8. Proof of Publication Received _____
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

WELL DRILLED IN 1927

No. 1974-3
 Map No. 412 Water Division No. 3 VERMILLION RIVER District VESTED RIGHT
 (Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT



To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Town of Volin
 Postoffice address Volin, 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) _____
3. Name of diversion work Town Well
4. Amount of water claimed (cubic feet per second) .22
5. Source of water supply Artesian ground water
6. Location of point of diversion Lot 6, Block 12, Volins Addition in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, T94N, R54W
 _____ County Yankton
7. Annual period or periods during which water is to be used continuously
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 _____ years. Additional time required to complete application of water to the proposed beneficial use _____ years.
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.
400' Deep well with 6" casing, submersible pump with electric motor
- B. Works proposed to transport water to place of use.
4" mains
- C. Works proposed to apply water to beneficial use.
60 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

 I, Walter D. Nelson, 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 Walter D. NelsonSubscribed and sworn to before me this 2nd day of March, 1973
D. Raymond Christensen
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1974-3

TOWN OF VOLIN (Applicant) _____ (Post Office Address)
SOUTH DAKOTA (State) With the following modifications:

"VESTED RIGHT" CLAIMED

Date of first receipt of application MARCH 6 19 73
 Date of return to applicant for correction, amendments or changes required — 19 —
 Date of receipt of corrected application — 19 —
 Approved MARCH 8 19 73 Recorded in Book 12 Page 196

WATER RIGHT PERMIT NO. 1974-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1974-3 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 1927.
2. The equivalent of at least one-fifth of the work above specified is ~~work~~ completed ~~on or before~~ —.
3. The whole of said work is ~~work~~ 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 22 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, said appropriation must be limited to not more than 2 cubic feet per acre and be limited to not more than one-eighth (1/8) of an inch of water per acre of land to which water~~ USED FOR MUNICIPAL USE WAS actually and beneficially applied JUNE 30 19 55 said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 12TH day of MARCH 19 73

WATER RESOURCES COMMISSION

By

[Signature]
 Chief Engineer, Executive Officer

Certificate of Construction Issued MARCH 12 19 73

Water License Issued MARCH 12 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) Town of Volin

Post Office Address Volin, 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 1927

15. Date that water was first applied to beneficial use 1927

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

17. Amount of water originally applied to beneficial use .22 c. f. s.

18. Present Use of Water

Amount of water now being used .22 c. f. s.

Date that this amount of water was first used 1927

19. Chronological History of Water Use

Well was constructed in 1927, and has been used for municipal purposes since construction.

Attach to this Form 28, 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 Haskell) ss.

I, Nels W. Nelson, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed

Nels W. Nelson

Subscribed and sworn to before me this 2nd day of March, 1923

B. M. Anderson
(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.

Chas. S. Engen

Clarence L. Thompson

WATER LICENSE NO. 1974-3

(1) WHEREAS, On the 6th day of March A. D. 1973
the Town of Volin

made Water Right Application No. 1974-3 for Vested Right permit to use .22 cubic feet per second of the waters of artesian ground water
County of Yankton, State of South Dakota, for Municipal

purposes; and
(2) WHEREAS, On the 12th day of March A. D. 1973
Vested Right 1974-3 Permit No. 1974-3 with a date of priority of 1927

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

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 .22 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 Volin

(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 Volin

~~xxx~~
the holder and owner of said Vested Right permit No. 1974-3 a water right, dating from

 to use of .22 cubic feet per second of the waters of artesian ground water

in the County of Yankton and State of South Dakota, or so much thereof as may be necessary for the purposes herebelow mentioned, to be diverted at a point in lot 6, Block 12, Volins Addition in the NE 1/4 SE 1/4, Section 14, T94N, R54W

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. 1974-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 12th day of March A. D.
Nineteen Hundred and Seventy-three

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIMES

Permit No. 1974-3

Water Diversion No. 3 VERMILLION RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Town of Volin

the holder of the Right Permit No. 1974-3, issued upon Application No. 1974-3, hearing date of priority of 1927 authorizing the diversion of .22 cu. ft. per second of the waters of Artesian ground water County of Yankton, State of South Dakota at a point in lot 6, Block 12, Volins Addition in the NE 1/4 SE 1/4, Section 14, T94N, 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} satisfactory ~~condition~~ for diverting and conveying to the place of intended use .22 cu. ft. per second of water.

Date: March 12, 1973

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

February 2, 1973

Mr. Donald Allison, Clerk
Town of Volin
Volin, South Dakota 57072

Dear Mr. Allison:

On January 30, 1973, I checked with you regarding the request of the Town of Volin 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 Volin. 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 Volin before a notary public where indicated. The signed copies should then be returned to this office with the required fee of \$10.00.

These forms will then be considered by the Water Resources Commission at their next meeting on March 7, 1973. Unless there is some unforeseen development a "vested right" Water License will be sent to the Town of Volin 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

Encl: Form 2 (2)
Form 2A (2)

1974-3

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1974-3

Date of Receipt of Claim March 6, 1973.

Date of Validation September 30, 1992.

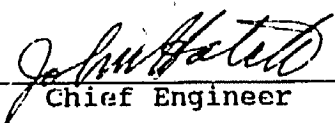
The Water Management Board validated Vested Water Right Claim No. 1974-3 for the Town of Volin, P.O. Box 175, Volin, South Dakota 57072 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1974-3 appropriates 0.22 cubic feet per second of water from a well located in the NE1/4 SE1/4 Section 14, T94N, R54W.
2. The appropriated water is used for supplying water for the Town of Volin 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, 1927
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 may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 
Chief Engineer

MAR 17 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

1974-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAR 17 1993

Marvin Wilcox, Finance Officer
Town of Volin
PO Box 175
Volin SD 57072-0175

Dear Mr. Wilcox:

The Water Management Board has validated the enclosed Vested Water Right No. 1974-3. 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,

A handwritten signature in dark ink, appearing to read 'John Hatch', is written over a faint, larger signature.

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

enclosure

RECEIVED 11/10

ROLL NUMBER

DATE MICROFILMED

CAMERA OPERATOR SIGNATURE