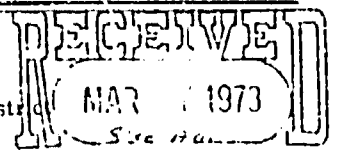


Water Right Number 1975-3

1. Considered May 23, 1973, 19
2. Name of Applicant William Coady
3. Post Office Address 14 South Illinois, Aberdeen, S.D.
4. Amount of Water claimed .34
5. Source of Water supply ground water-Lakota Sandstone formation
6. Water to be used for Domestic use, Pleasant Valley Estates
- Acres to be irrigated
7. Water to be diverted and used in Brown County
about 4N 5W miles of ABERDEEN
8. Proof of Publication Received March 30, 1973
Not Received
9. Application Approved
Subject to
Not Approved
Action Deferred

10. Remarks:

No. 1975-3

Water Division No. 3 JAMES RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

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

1. Name of applicant William Coady ph. 225-2201
Postoffice address 14 So. Illinois County Brown State So. Dak.

I. If a corporation

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Contract - Huron Well Drilling Co.

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work

Drilled Well

3. Amount of water claimed

(90 g.p.s.)? at surface (est.) 160 g.p.m., 34 cfs.

4. Source of water supply

Well - To Lakota Sand Stone Formation

5. Location of point of diversion

S.E. 1/4 of Sec. 30-124-64
504.2' E. & 1230.2' N of the S 1/4 corner, Section 30, T124N, R44W on Brown County.

6. Annual period or periods during which water is to be used

year around

7. To be used for:

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? DOMESTIC USE

(a) Number of acres to be irrigated

(b) Legal subdivisions to be irrigated

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written out, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) S.E. 1/4 SEC. 30-124-6448 Lots in Pleasant Valley Estates -

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Fire Protection & Public & Domestic Use
Name any of the above uses claimed

(b) Amount of power to be generated

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

MAP NO 139B-3

ANS. To

P. II NO. 3

OWN B. 40K

8. Estimated cost of work:

(a) Head-Gates, \$

(b) Pumping plant, \$

(c) Plumbing, \$

(d) Canal earth, \$

Rock, \$

(e) Other structures WELL \$5,000.00

Total, \$

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

DOMESTIC WELL - FREE FLOW

II. Dimensions of works.

(a) Dam: Height _____ feet; length at bottom _____ feet; length at top _____ feet; thickness at bottom _____ feet; thickness at top _____ feet; slope at front water face _____; slope at back face _____ material used in construction _____

(b) Reservoir: Capacity when filled _____ acre feet. Surface area at highwater mark _____ acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c) * Head gate: Width _____ feet; height _____ feet;

Material _____

(d) Canal: Total length _____ miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 6 months years.11. Time required for complete application of water to the proposed beneficial use ABERDEEN years.12. Choice of newspaper for publication of notice of intention to appropriate AMERICAN NEWS

STATE OF SOUTH DAKOTA

County of BROWN } ss.

I, William C. Coody, 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

William C. CoodySubscribed and sworn to before me this 5th day of March 1923William C. Coody
Notary Public (or other qualified officer.)

SURVEYORS CERTIFICATE

I, WILLIAM D. STELLNER, REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT I DID CONDUCT A SURVEY TO LOCATE THE WELL IN THE S.E. 1/4 OF SEC. 30, T. 124 N., R. 64 W., IN BROWN COUNTY, SOUTH DAKOTA, AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID LOCATION SURVEY.

SIGNED THIS 6TH DAY OF MARCH, 1973.

William D. Stellner
REGISTERED LAND SURVEYOR # 990

STATE OF SOUTH DAKOTA } SS
COUNTY OF BROWN

ON THIS 6TH DAY OF MARCH, 1973, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED WILLIAM D. STELLNER, KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE WITHIN INSTRUMENT, AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

MY COMMISSION EXPIRES:

[Signature]
NOTARY PUBLIC, BROWN COUNTY, S. DAK.

GEROY MISSELDOT, Notary Public
Brown County, South Dakota
My Commission Expires June 28, 1973



SCALE: 1" = 100'

PLEASANT VALLEY ESTATES S.W. COR. OF S.E. 1/4 30-124-64
APPROX. - 48 LOTS

MIDDLE OF SECTION

1/4 LINE

1158.8'

1/4 LINE

2649.7'

1230.2'

504.2'

WELL

90°22'

1158.8'

S.W. COR. OF S.E. 1/4 30-124-64

SEC. LINE

517.0'

625.7'

200'

200'

40'

STATE OF SOUTH DAKOTA
County of HUGHES } ES.

Pierre, South Dakota, MAY 29, 1973

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
5 m. upon the 7TH day of MARCH, 1973.

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Number of permit 1975-3

Date of first receipt of application MARCH 7, 1973

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

Date of receipt of corrected application: —, 19—

Date from which applicant may claim right MARCH 7, 1973

Approved MAY 23, 1973, Recorded in Book 12 Page 209

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before —

AUGUST 23, 1973

2nd. The whole of said work is to be completed on or before NOVEMBER 23, 1973

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

NOVEMBER 23, 1973

4th. The water appropriated shall be used for the purpose of SUBURBAN HOUSING

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed .34 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for ~~the production of crops in the exercise of the best husbandry, and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually~~
USED FOR SUBURBAN DEVELOPMENT

and beneficially ~~applied for irrigation~~ on or before NOVEMBER 23, 1973; said water to be used during the following described annual period:

CONTINUOUSLY

Witness my hand this 29TH day of MAY, 1973

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued MARCH 23, 1979

Water License Issued MARCH 23, 1979

Remarks by the Applicant:

WELL UNDRILED AND DONT KNOW WHAT CAPP
WILL BE, WHAT EVER EST, WAS MADE WOULD
BE A GUESS.

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation $7\frac{3}{4}"$ To 120 ft, Depth 1500 ft (Est.)
 Type of casing NEW BLACK LINE + CEMENTING IN FIRST 130 ft
 (wood, concrete, steel, etc.)
 Size of casing 5" + 2 1/2", Thickness of casing 5" - 2 5/8" 2 1/2" 203
 Length of casing 1500 ft If collection gallery, length, size and depth of
 gallery

(b) Screens

Type of perforated screen PERFORATED PIPE THROUGH WATER BEARING
 Size of perforated screen 2 1/2" (diameter), (length)
 Thickness of gravel pack NONE, length of gravel pack W. H.

(c) Water Bearing Materials

Distance to water Character of water bearing materials
 Flowing WELL

Thickness of water bearing material

(d) Pump and Motor

Type of pump Flowing WELL
 (centrifugal, propeller, mixed flow, etc.)
 Name of pump size
 Kind of motor (gasoline, electric, diesel, etc.)
 Horsepower Name of Motor

(e) Complete well

Capacity ? WELL NOT DRILLED at drawdown of NONE Estimated cost 5000

(f) Owner of land upon which well is located

William Condy
 Name

ph: 225-2501 14 So. ILLINOIS ABERDEEN, S. DAK 57001
 Address

(g) Distance to nearest existing wells

On same owner's property rods. On property owned by others 120 rods
 S. ILLINOIS WELL

WATER LICENSE NO. 1975-3

(1) WHEREAS, On the 7th day of March A. D. 19 73

William Ceady

made Water Right Application No. 1975-3 for a permit to use .34 cubic feet per second of the waters of groundwater (one well)

County of Brown, State of South Dakota, for suburban housing

purposes; and

(2) WHEREAS, On the 23rd day of May A. D. 19 73

Permit No. 1975-3, with a date of priority of March 7, 1973

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 23rd day of November A. D. 19 73 and for the

application to beneficial use of said water on or before the 23rd day of November A. D. 19 73

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 .34 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 to be used for suburban housing purposes

(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 William Coady

_____ of Aberdeen, South Dakota

the holder _____ and owner _____ of said permit No. 1975-3 a water right, dating from March 7, 1973

_____ to use of 34 cubic feet per second of the waters

of groundwater (one well)

in the County of Brown and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned to be diverted at 504.2 ft. East and 1230.2 ft. North of the

South 1/2 Corner of Section 30-T124N-R66W

and ~~XXXXXXXXXXXX~~ conducted through the water distribution system

for the purpose of suburban housing

Subject to any limitations listed in Water Right Permit No. 1975-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 23rd day of March A. D.

Nineteen Hundred and Seventy-nine

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Permit No. 1975-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That William Coady

_____ the holder _____ of
Permit No. 1975-3, issued upon Application No. 1975-3, bearing date of priority of March 7, 1973 authorizing the diversion of .34 cu. ft. per second of the waters of groundwater (one well) County of Brown, State of South Dakota at 504.2 ft. East and 1230.2 ft. North of the South $\frac{1}{4}$ Corner of Section 30-T124N-R64W

_____ for Suburban Housing

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 .34 cu. ft. per second of water.

Date March 23, 1975

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Commission

No. 1975-3Publish first publication, on or before May 10, 1973**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

March 9, 1973Notice is hereby given that William Coadywhose post office address is Aberdeen, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use.34 cubic feet of water per second of time from the artesian ground water through the Pleasant Valley Well, the point of diversion of which is to be located in the _____SW 1/4 SE 1/4of Section 30, Twp. 124N, Range 64W. Said water to be used for the purpose

of providing irrigation on the following described land:

~~water supplies for a suburban housing development.~~

This application No. 1975-3 will be considered by the Water Resources Commission at their office at Pierre upon the 23rd day of May, 1973, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

cc: William Coady, 14 South Illinois, Aberdeen, S.D. 57401

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA }
COUNTY OF BROWN } ss.

..Carol Sheldon..... being duly sworn, on his oath says:
That the ABERDEEN AMERICAN-NEWS is a DAILY newspaper of gen-
eral circulation, printed and published in Aberdeen, Brown County, South
Dakota, by the Aberdeen News Company, a corporation, and has been such
a newspaper during the times hereinafter mentioned, that affiant is an
employee and principal clerk of said publisher and has personal knowledge
of all the facts stated in this affidavit; that the advertisement headed

..... Notice, Intent to Appropriate, etc.....

a printed copy of which is hereto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof, once each week for two successive weeks;

The first publication being made on the .21st. day of .March. .1773.

The second publication being made on the 28th day of March, 1973.

The third publication being made on the day of

The fourth publication being made on the . . . day of

The fifth publication being made on the day of

The sixth publication being made on the day of

The copyright publication being made on the day of

The eighth publication being made on the day of

The ninth publication being made on the day of

The tenth publication being made on the day of

That said newspaper is a legal newspaper, being published five days or more each week, having a bona fide circulation of more than two hundred copies daily, having been published in the English language within the said County of Brown for more than one year next prior to the first publication of said notice, and is printed in whole in an office maintained at the place of publication of said newspaper. That the whole amount of the fee paid for the publication of the annexed notice is \$7.77 , which inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

.....Carol Sheldon.....

Subscribed and sworn to before me this 2nd day of
March 1973

.....
 Notary Public, Brown County, S. D.

Daily Circulation 21,001

(113. 221 - March 21-28 - 27)
NOTICE
INTENT TO APPROPRIATE WATER
 Pierre, South Dakota 57501, March 9,
 1973.
 Notice is hereby given that William
 Coady whose ~~mail~~ office address is Aber-
 deen, South Dakota, has made an ap-
 plication in accordance with the pro-
 visions of the water laws of South Dakota
 for a permit to appropriate for beneficial
 use 2,000 acre feet of water per year of
 time from artesian ground water through
 the Pleasant Valley Well, the point of
 diversion of which is to be located in the
 SW 1/4 SE 1/4 of section 30, Twp. 12N.,
 Range 64W. Said water to be used for the
 purpose of providing water supplies for a
 suburban housing development.
 This application No. 1973-3 will be con-
 sidered by the Water Resources Com-
 mission at their office at Pierre upon the
 21st day of May, 1973, at 2:00 P.M. All
 interested persons may appear and be
 heard.
WATER RESOURCES COMMISSION.
 By: Burton F. Jones, Water Rights
 Specialist.

Publication Fees \$ 9.??..

Received Payment,

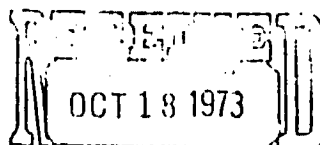
Aberdeen News Co.

By John W. 28, 23.....

RECEIVED
MAR 30 1973
STATE WILDLIFE RESOURCES COM.
PIERRE, SOUTH DAKOTA

Form 10.

No. 1975-3



STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

Post Office ABERDEEN, S.D.

Date OCT 15-73

TO: Water Resources Commission
State Office Building No. 2
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 1975-3.

Water Right Permit No. 1975-3 states that the diversion system is to be constructed by Nov. 23, 1973 and that the water is to be put to beneficial use by Nov 23, 1973.

The diversion system was completed on April 20, 1973. Applying the water to beneficial use was completed on Sept 30, 1973.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

William C. Cray
(Signature)

WELL COME IN AT 152 GPM AT 122' PSI

September 7, 1978

William Coady
14 S Illinois
Aberdeen, SD 57401

Dear Mr. Coady:

Your son asked me to check the artesian well on Edwin Arlt's property west of Pleasant Valley States. Your son indicated that he thought the Arlt's well was a bad well and was causing water problems to several houses on the west side of Pleasant Valley Estates.

On August 11, 1978, I discussed the problem with Chester Fisher who originally had the well dug by Huron Drilling. I also visually checked the well for possible leakage. This well discharges into a large slough located a considerable distance west of the Pleasant Valley Estates. The soils maps indicate there is a clay subsoil which has a very slow seepage rate. Therefore, the possibility of the water in the slough seeping through the hill causing water problems to the housing development is very remote.

I inspected the area near the houses that had water problems. This problem possibly could be caused by the Slough immediately west of the development which appears to be only partially drained.

In my judgement, I cannot see where the Arlt's artesian well is the cause of water problems at Pleasant Valley Estates.

If you have any further questions, please feel free to contact this office.

Sincerely,

LeRoy J. Mernaugh
Water Resources Engineer

LJM/gy

William Crady by J. H. W. through
8-11-78 Crady's son said that
there were some Edwin dolls
as he thought it were getting the same
problem from a boy well. The reason
that was supposed to be about the house
on the west side of Pleasant Valley
lot 10. There was a low area and a
ditch in the area that indicates
water has stood in there and evaporated.
It appears to be a drainage problem.
As the development of the the system
line gets I did not find out.

after talking to Bob's father and
his wife. He supposedly was getting
the indication that the water flows
into a large ditch N. of the lot.

The house where the well is. The well
is 3 feet and the surface is
0 feet. The well was dug in
1974 and is 10 feet deep.
The well is in the well

It appears that the water problem
is not from the well but from
a very large system of
standing water and possibly from the
surface as well as the well.

The well map in the report
indicates the well is in the
middle of the field of any
well from the fact that the
position of the well is in the



Handwritten text, possibly a name or title, partially obscured by the stamp.

Small handwritten note or label.

Edwin Artt - R.R. - 2 B-557

8-11-78 Artt's Well - depth

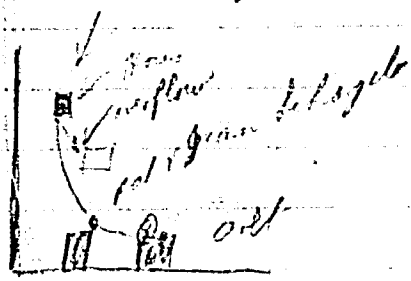
1325' E 300' N

Benito Well

Aug 1974

Level 3 lower. Originally removed all 3. Lost originally.

Poster this date



Handwritten letters 'k' and 'a' with an arrow pointing right.

Permit No. 1975-3Water Division 3 James River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by W. H. Hane
Caddy of 145 Illinois, Aberdeen, S. Dak. 57401 holder
of Permit No. 1975-3, bearing date of priority of March 7, 1973
authorizing the diversion of 0.34 cu. ft. per second of the waters of One Well
for Suburban Housing purposes, in Brown County.

I have to report on the condition of the same as follows:

The Water Use System consists of,

A. Works used to divert the water:

2 Meyers Pumps. Cat # HCN'150 - Ser # 460575
Motor - 1 1/2 HP. 3450 RPM.
Pumping 152 gpm at 120 PSI.

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

Suburban Housing Water System.
Two Pressure Tanks.

C. Works used to apply water to beneficial use.

Houses in the Pleasant Valley Estates housing
development

The system is in the following condition: GoodThe point of diversion is located 504.2 ft E and 1230.2 ft N of the S 1/4
corner of Section 30 T124 N R64 WThe works are capable of diverting and conveying to the place of use 0.34
cu. ft. per second of water which is to be used for Suburban Housing

Water has been put to beneficial use to the maximum extent as follows:

comprising a total of _____ acres of land.

Well = 1360 ft deep
Pumping 152 gpm

Date Dec 18, 1978

Leroy J. McNaugh
(Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6856

PIERRE, March 12, 1919

RECEIVED OF William Coady, RD #2, Aberdeen, SD 57401

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and issuing Cert. of Construction No. 1375-3	12	00
Fee for Inspecting Beneficial Use, and issuing Water License No. 1375-3		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map ..		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	12	00

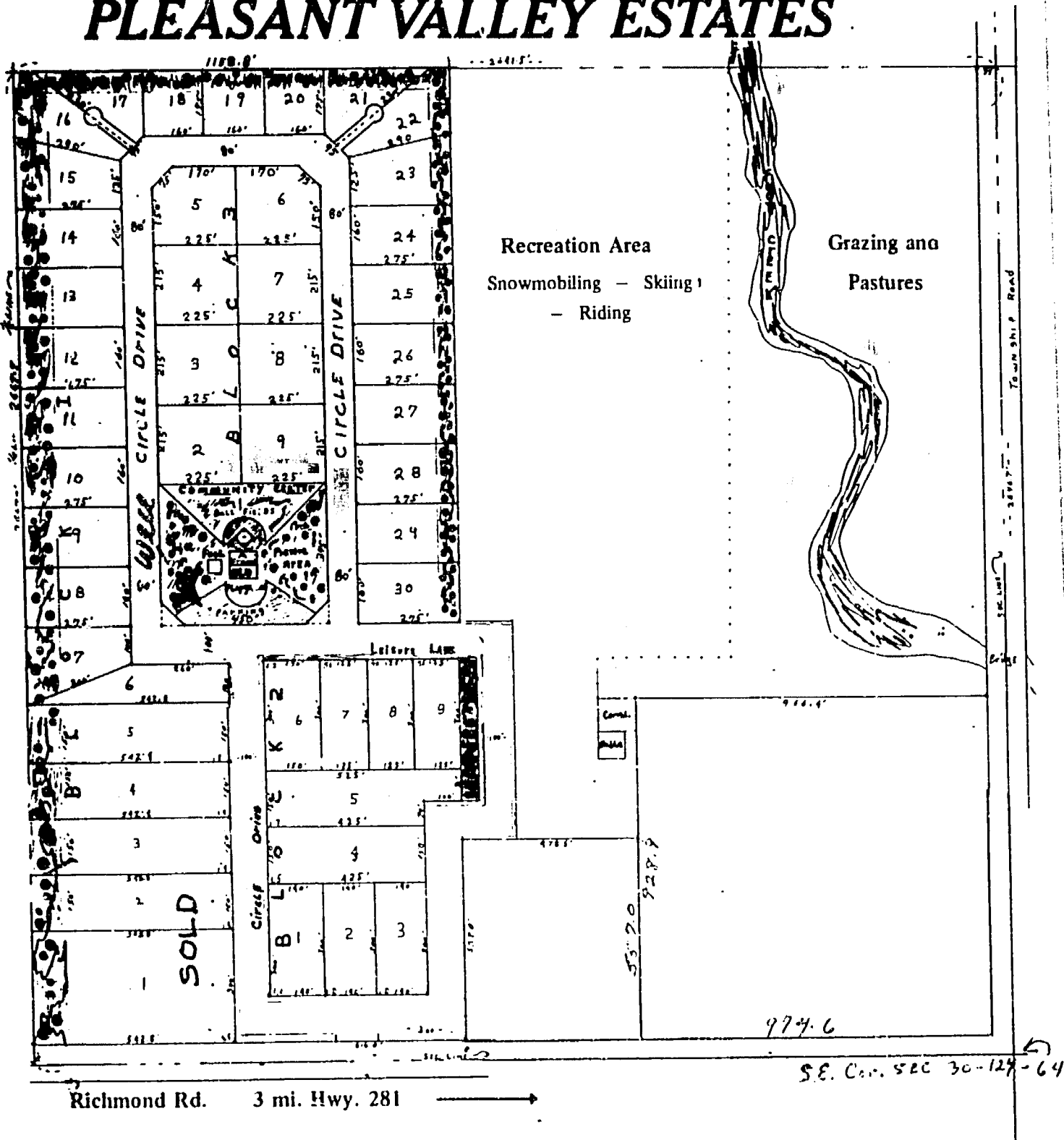
WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer

JOHN HATCH

BY *(Signature)*

PLEASANT VALLEY ESTATES



Water Rights Division - DWR

File No. 1975-3

Conversation or File Documentation

NAME OF PERSON OR FILE: Jan Weismantel

ADDRESS: 5023 Pleasant Valley, Aberdeen, SD 57401 COUNTY Brown

DATE: August 25, 1988 TELEPHONE 225-5474/622-7133(work)

RE: status of permit for William Coady-Pleasant Valley Estates

COMMENTS:

The "validation letter" for vested water right claims sent to William Coady was returned by the Post Office. The Brown County Assessor indicated Jan Weismantel would be the contact person for Pleasant Valley Estates.

I called Ms. Weismantel, she stated they have long since been disconnected from the well. They have now hooked up to the WEB Rural Water System. She indicated WEB water was of much better quality and they would not be using the well water again.

I indicated to her that we would schedule the permit for cancellation, she indicated this was fine and to send any correspondence to her.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME:

Lenny McNett

SOUTH DAKOTA
Department of
Water & Natural Resources

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

August 30, 1988

NOTICE OF CANCELLATION

TO: Jan Weismantel, Sec-Treas., Pleasant Valley Estates,
5023 Pleasant Valley, Aberdeen, SD 57401

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352 *John Hatch*

SUBJECT: Cancellation of Water Right No. 1975-3

The Water Management Board will consider cancellation of Water Right No. 1975-3 at 9:00 am, October 5, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre, South Dakota.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

The Chief Engineer of the Water Rights Division is recommending cancellation of Water Right No. 1975-3 due to abandonment and/or forfeiture.

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 1975-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by Water Right No. 1975-3. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by September 23, 1988. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained. The Board may consider any abandoned or forfeited water to be available for appropriation subject to the provisions of SDCL 46-1, 46-2, 46-2A and 46-5.

These hearings are adversary proceedings. Any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Further information on the proposed cancellation or to assure access to the hearing by the handicapped can be obtained by contacting the Water Rights Division, DWR, Joe Foss Building, Pierre, SD (605-773-3352) for assistance prior to the hearing. The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting held December 7 & 8, 1988. Any request for extension must be filed with the Chief Engineer by September 23, 1988.

Please note: Cancellation of this permit does not prohibit you from making a new application for this project in the future.

RECOMMENDATION OF CHIEF ENGINEER

FOR WATER RIGHT NO. 1975-3, WILLIAM COADY
(FOR PLEASANT VALLEY ESTATES)

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Right No. 1975-3, for Pleasant Valley Estates.

The Chief Engineer is recommending cancellation of the above Water Right because in an August 25, 1988, telephone conversation with Genny McMath, Jan Weismantel indicated they have been disconnected from the well authorized under this water right. Pleasant Valley Estates has hooked up to the WEB Rural Water System will no longer be using the well. The water right has been abandoned and/or forfeited.



JOHN HATCH, Chief Engineer
August 30, 1988

Conversation or File Documentation

NAME OF PERSON OR FILE: Mr. Larsen, President of Pleasant Valley EstatesADDRESS: 5023 Pleasant Valley COUNTY BrownDATE: Sept. 21 1988 TELEPHONE _____RE: Cancellation consideration of Permit No. 1975-3

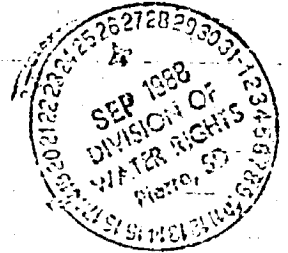
COMMENTS:

Mr. Larsen called to state that the members of Pleasant Valley were meeting Thursday night (Sept. 22) to determine if the supply well should be kept for fire protection purposes. I told Mr. Larsen that fire protection was stated as a water use on the permit application. I instructed Mr. Larsen to send a letter on Sept. 23, 1988 notifying us of the membership's decision.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

SEPT. 23, 1988

TO: JOHN HUTCH, CHIEF ENGINEER
WATER RIGHTS DIV.
DEPT. OF WATER & NATURAL RESOURCES



FROM: GLEN LARSON, PRESIDENT
PLEASANT VALLEY ASSOC. INC.

PLEASANT VALLEY ASSOC. INC. HELD THEIR ANNUAL MEETING ON SEPT. 22, 1988. IT WAS DECIDED AT THIS MEETING THAT THE INCORPORATION WILL TAKE STEPS TO USE THE WELL LOCATED IN OUR COMMUNITY CENTER LOT FOR FIRE PROTECTION. CONVERSATIONS AS TO WHAT IS REQUIRED TO MAKE THE WELL HEAD USEABLE FOR FIRE PROTECTION HAS BEEN DISCUSSED WITH THE INCORPORATION'S VICE PRESIDENT, GUYREIS, AND MEMBERS OF THE ABERDEEN RURAL FIRE DEPARTMENT. THE ABERDEEN RURAL FIRE DEPARTMENT IS THE FIRE DEPARTMENT THAT PROVIDES PROTECTION FOR THE RESIDENTS OF PLEASANT VALLEY, AND A MAJOR PORTION OF RURAL BROWN COUNTY.

ALTHOUGH WE ARE NOT USING THE WELL FOR DRINKING WATER PURPOSES (AND HAVE NO PLANS TO DO SO IN THE FUTURE), WE HAVE DISCUSSED AT PAST MEETINGS OF THE INCORPORATION AND IN

YESTERDAY'S MEETING OF THE CORPORATION THE NEED FOR
MAINTAINING THE WELL FOR FIRE PROTECTION PURPOSES
BECAUSE OF THIS POTENTIAL USE OF WELL IT WAS
RECOMMENDED BY THE MEMBERS OF PLEASANT VALLEY ASSOC.
INC. THAT WE OPPOSE THE CANCELLATION OF
WATER RIGHT B75-3.

Glen L. Larson
9/23/88
GLEN L. LARSON
PRESIDENT
PLEASANT VALLEY ASSOC. INC.
5022 PLEASANT VALLEY
ABERDEEN, S.D.

PHONE - 229-0931
WORK - 229-5002 X1120

 **Department of
Water & Natural Resources**

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

1975-3

September 30, 1988

Glen L Larson, President
Pleasant Valley Estates
5022 Pleasant Valley
Aberdeen, SD 57401

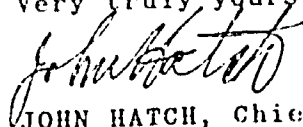
Dear Mr. Larson:

I am writing in response to your letter of September 23, 1988. You indicated that Pleasant Valley Estates would be opposed to the cancellation of Water Right No. 1975-3 since plans are to use the well for fire protection purposes.

The water right was scheduled for cancellation after a telephone conversation between Genny McMath, of this office, and Ms. Jan Weismantel. The conclusion from the conversation was that Pleasant Valley Estates had disconnected the well and would no longer have any need for the water right. However, if you intend to utilize the well for fire protection purposes, the hearing to consider cancellation of the water right will be deleted from the October 5, 1988, Water Management Board agenda. I believe this well flows. Therefore, the well will need to be shut off or the flow reduced to a minimum when not needed for fire protection.

If you have any questions, please contact us.

Very truly yours,



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

