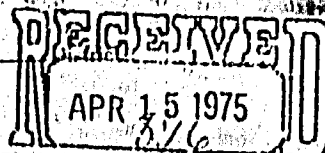


No. 2258-3Map No. VIR Water Division No. 3 MISSOURI RIVER

(Blanks to be filled by the Engineer for the W. R. C.)



# APPLICATION FOR PERMIT TO APPROPRIATE WATER RIGHTS COMMISSION PIERRE, SOUTH DAKOTA VESTED RIGHT

## To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

- Name of Applicant City of Java  
Postoffice address Java, State South Dakota 57452  
If a corporation show date and place of incorporation as a town in 1903, as a city in 1921
- Method of accomplishing work (contract, employment of others, or by direct labor) contract-WPA Project
- Name of diversion work City Waterworks System WPA Project Docket S.Dak. # 1226F  
126 CFS (120 G.P.M. - FROM PUBLIC WATER SUPPLY DAKOTA)
- Amount of water claimed (cubic feet per second) adequate supply to meet needs of Municipality
- Source of water supply two wells, City owned, designated as Well No. 1, and Well No. 2.
- Location of point of diversion Well No. 1 located Lot 9 & 10, Block 4, Original plat, Town of Java  
Well No. 2 located Lot 4, Block 2, Original plat, Town of Java. City of Java located  
in the N1/2, Section 3, Township 123, Range 75, W of 5th PM County Walworth
- Annual period or periods during which water is to be used continual usage to meet needs of City
- Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Municipal Water supply
- For irrigation use, Total number of acres to be irrigated None

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

- Time required to complete construction of water supply system 6 months years. Additional time required to complete application of water to the proposed beneficial use None years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication The Java Herald, official city newspaper
- Principal Features of the Proposed Water Supply System. Existing water supply system
  - Works proposed to divert water from its natural source.  
Use of two existing wells
  - Works proposed to transport water to place of use.  
Use of existing reservoir system and transmission system
  - Works proposed to apply water to beneficial use.  
Municipal Water Supply

Estimated Total Cost \$ 40,000.00

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 WalworthI, City of Java

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.

Subscribed and sworn to before me this 14th day of April, 1975My commission expires April 15, 1981  
ARTHUR EISENBERG, Notary

Notary Public (or other qualified officer)

# WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2258-3

CITY OF JAVA  
(Applicant)

(Post Office Address)

SOUTH DAKOTA 57452  
(State)

With the following modifications:

"VESTED RIGHT" CLAIMED

Date of first receipt of application APRIL 15, 19 75

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

Date of receipt of corrected application X \_\_\_\_\_, 19 \_\_\_\_\_

Approved MAY 22, 19 75, Recorded in Book 13 Page 316

WATER RIGHT PERMIT NO. 2258-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2258-3 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 MAY, 19 39
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed 100%
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 .26 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 3 acre feet per acre per year and in limited to not more than one-seventieth (1/70) of one cubic foot of water per acre per year for each acre of land to which water WAS 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

USED FOR MUNICIPAL PURPOSES

Witness my hand this 29<sup>TH</sup> day of MAY, 19 75

WATER RIGHTS COMMISSION

By:

Vern W. Butler

Secretary, Chief Engineer, Executive Officer

Certificate of Construction Issued MAY 29, 19 75

Water License Issued MAY 29, 19 75

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates two wells

- (1) Drill Hole, Diameter Approx 1 1/2", Depth 175' both
- (2) Casing, Type cast iron Diameter 10" Thickness   
(wood, concrete, steel, etc.)
- (3) Perforated Screen.
- Type perforated copper, Diameter , Length 20'
- (4) Gravel Pack. Thickness , Length of gravel pack

E. Dugout Information or Estimates.

- (1) Surface dimensions , Depth

F. Fill out for Either a Well or a Dugout. See below \*

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials

Depth to top of water bearing material

Depth to bottom of water bearing material

Thickness of water bearing material

Depth to water (ground surface to water level)

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property none known rds. On property owned by others 160 approx rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

\* Unable to locate the information to complete portions of this form.  
Independent Drilling Co, 300 Berkshire Plaza, Aberdeen, South Dakota  
performed the drilling work on both wells owned by the City.

City of Iowa  
Signature of Applicant  
DeKay Bender  
City Auditor

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 Java

Post Office Address Java, State South Dakota

If a Corporation show date and place of incorporation incorporated as a town, October, 1903 -  
incorporated as a city, 1921

13. Notice of Appropriation (If available)

Date of Posting \_\_\_\_\_ Date of Recording \_\_\_\_\_

Recording Data \_\_\_\_\_

14. Date of start of construction of water supply system May, 1939 finished July, 1939

15. Date that water was first applied to beneficial use July, 1939

16. Name of owner of original water supply system City of Java

17. Amount of water originally applied to beneficial use not metered at source c. f. s.

18. Present Use of Water

Amount of water now being used not metered at source c. f. s. amount used to supply needs of  
Municipality

Date that this amount of water was first used July, 1939

19. Chronological History of Water Use

Original City well used as source of water supply completed in 1904, augmented by private wells. This means of supply evidently continued until the completion of a city-wide waterworks system in 1939 consisting of a new well, tower and tank for reservoir purposes, and a city-wide transmission system of 8, 6, and 4 inch water mains. In 1963 an additional well was bored and put into service, followed in 1967 by yet another new well, caused by the necessitated abandonment of an existing well. The current source of the City's water supply is from two wells, designated as Well No. 1, and Well No. 2, with the reservoir system and transmission systems constructed in 1939 in use as this time.

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 )

) ss.

County of Walworth )

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

Signed City of Java

Subscribed and sworn to before me this 14<sup>th</sup> day of April, 1975

My commission expires April 15, 1981 Arthur E. Eidenisz  
ARTHUR EIDENISZ, Notary Public (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.

Wesley Frank  
Mayor

Permit No. 2258-3

Water Diversion No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That THE City of Java

Vested Right

Permit No. 2258-3, issued upon Application No. 2258-3 bearing date of priority of May 1939

authorizing the diversion of .26 cu. ft. per second of the waters of ground water County of Walworth, State of South Dakota at Well #1, Lot 9 & 10, Block 4 and Well #2, Lot 4, Block 2, all in original plot of the City of Java in N $\frac{1}{2}$ , Section 3, T123N, R75W, for municipal

purposes, has 6 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 ~~not~~ for diverting and conveying to the place of intended use .26 cu. ft. per second of water.

Date May 29, 1975

By: WATER RIGHTS COMMISSION

VERN BUTLER, Acting Chief Engineer

## STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 2258-3

(1) WHEREAS, On the 15th day of April A. D. 19 75  
the City of Java

made Water Right Application No. 2258-3 for a Vested Right  
 of ground water 26 cubic feet per second of the waters  
 County of Walworth, State of South Dakota, for Municipal

purposes; and  
 (2) WHEREAS, On the 29th day of May A. D. 19 75  
Vested Right  
 Permit No. 2258-3, with a date of priority of May 1939  
 was issued to said applicant recognizing for the completion of construction of the water  
 supply system therein described on or before the day of 1975 and ~~X&X~~ the  
 application to beneficial use of said water on or before the day of 1975

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 .26 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 Java

(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 Java

the holder xxx and owner Vested Right, 2258-3 a water right dating from May-1939 to use of .26 cubic feet per second of the waters of ground water

in the County of Walworth and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at

Well #1, Lot 9 & 10, Block 4 and Well #2, Lot 4, Block 2, all in original plot of the City of Java, in N1/4, Section 3, T123N, R75W

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

for the purpose of municipal purposes

Subject to any limitations listed in Water Right Permit No. 2258-3 and subject to the laws of the State of South Dakota.

This Water License No. 2258-3 is based on a Vested Right Claim recorded and filed by the Water Rights Commission.

WITNESS, My hand and seal of our office at Pierre, South Dakota this 29th day of May A. D. Nineteen Hundred and Seventy-five

WATER RIGHTS COMMISSION

By: Chief Engineer, Executive Officer **VERM DUTLER, Acting**

## SOUTH DAKOTA

## VESTED WATER RIGHT NO. 2258-3

Date of Receipt of Claim April 15, 1975.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 2258-3 for the City of Java, PO Box 56, Java, South Dakota 57452 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 2258-3 appropriates 0.26 cubic feet per second of water from two wells located in the N1/2 Section 3, T123N, R75W.
2. The appropriated water is used for supplying water for the City of Java 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: May 1, 1939
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



2258-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

MAR 17 1993

Donna Bieber, Finance Officer  
City of Java  
PO Box 56  
Java SD 57452-0056

Dear Ms. Dieber:

The Water Management Board has validated the enclosed Vested Water Right No. 2258-3. 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