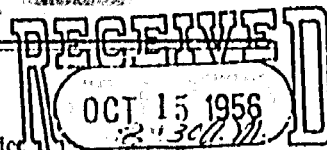


No. 820-3Water Division No. 3

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

STATE WATER RESOURCES COMM.
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 City of Leola
 Postoffice address Leola, County McPherson, State South Dakota

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 with Independent Drilling Co., Aberdeen, South Dakota

- (b) Cash on hand, \$ 8090.00 (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Well No. 1
 3. Amount of water claimed 0.22 cubic feet per second
 4. Source of water supply Deep Well
 5. Location of point of diversion 90 feet North of the Northeast corner of Lot 24, Block 1, Original Plat of City of Leola, South Dakota County.
 6. Annual period or periods during which water is to be used Throughout year.
 7. To be used for: Municipal Water Supply

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

- (a) Number of acres to be irrigated _____ acres.

- (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 here, 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.) _____

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

- (a) Nature of use _____
 Name any of the above uses claimed

- (b) Amount of power to be generated _____ horse power.

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. 2-38-3

3. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$-----

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures ----- \$-----

Total, \$-----

4. Description of diversion works:

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

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 BELGW 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 s. are made.)

10. Time required for completion of work ----- years.

11. Time required for complete application of water to the proposed beneficial use ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate -----

STATE OF SOUTH DAKOTA

County of McPherson ss.

Richard Wayne Childers, 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

Subscribed and sworn to before me this

12

day of

October

1916

William D. Hancock
Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

Vested Right Claimed

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

December 7

1956

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock

9 m. upon the 15 day of October, 1956

State Water Resources Commission

By:

John L. Brinner

Chief Engineer, Executive Officer

Vested Right
Number of permit 320-3

Date of first receipt of application

October 15

1956

Date of return to applicant for correction, amendments or changes required as follows: October 22, 1956

Date of receipt of corrected application

December 7, 1956
December 5, 1956
February 13, 1957

Date from which applicant may claim right

1948

1948

Approved February 15, 1957, Recorded in Book 3, Section 2, Page 49

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

Completed, 1956

2nd. The whole of said work is to be completed on or before Completed, 1956

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

Completed, 1956

4th. The water appropriated shall be used for the purpose of municipal use

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 0.22 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 and beneficially applied for irrigation on or before 1957, said water to be used during the following described annual period:

Continuously

Witness my hand this 15 day of February, 1957

State Water Resources Commission

By:

John L. Brinner

Chief Engineer, Executive Officer

Certificate of Construction Issued February 15, 1957

Water License Issued February 15, 1957

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 14 inch, Depth 1390

Type of casing Steel
(wood, concrete, steel, etc.)

Size of casing 8' 5 1/2" x 4", Thickness of casing

Length of casing 250' 900' & 244' collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen Brass 4 inch

Size of perforated screen 4 inch
(diameter) (length)

Thickness of gravel pack 4 inch, length of gravel pack 50 ft

(c) Water Bearing Materials

Distance to water 30 feet Character of water bearing materials Dakota
San Antonio

Thickness of water bearing material 50 feet

(d) Pump and Motor

Type of pump Submersible
(centrifugal, propeller, mixed flow, etc.)

Name of pump Fairbanks Morse, size 4 inch

Kind of motor Electric
(gasoline, electric, diesel, etc.)

Horsepower 5 Name of Motor Fairbanks Morse

(e) Complete well

Capacity 100 gal of 25 feet Estimated cost \$5000

(f) Owner of land upon which located City of Lela, South Dakota
Name

Address

(g) Distance to nearest existing wells

On same owner's property 40 rods. On property owned by others 40 rods

STATE OF SOUTH DAKOTA

WATER LICENSE No... 320-3...

WHEREAS, On the 15 day of October A. D. 1956
The City of Leola

of Leola County of McPherson and State of
South Dakota duly made application (No. 320-3) to us for vested right 0.22
 cubic feet per second of the waters of ground water
 County of McPherson, State of South Dakota, for municipal
 purposes; and

WHEREAS, On the 15th day of February A. D. 1957
vested right 320-3 Permit No. 320-3 was issued to said applicant for the diversion of said water, and recognizing
 completion of the works of diversion therein described in 1948
XXXXXX and for the application to beneficial use of said
 water in 1948
XXXXXX and,

WHEREAS, On the 13th day of February A. D. 1957
vested right the holder of said permit duly made proof of the completion of adequate works for the diversion of 0.22
 cubic feet per second of said waters, as evidenced by our Certificate No. 320-3
 dated February 15, 1957 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 0.22 cubic feet per second of water, with date of
 priority of 1948 and,

WHEREAS, On the 13th day of February A. D. 1957
 proof was duly made of the application to beneficial use of 0.22 cubic feet per second of said water;
in the distribution system of the City of Leola

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 Leola
of Leola, South Dakota the holder and owner vested right of said permit No. 320-3
a water right, dating from 1948 to the use of 0.22
cubic feet per second of the waters of ground water
In the County of McPherson and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinafter mentioned, to be diverted at 90 feet north of the
northeast corner of Lot 24, Block 1, Original Plat of the City of Leola
and conducted to ~~the~~ the residents of the City of Leola

for the purpose of municipal use

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNES, My hand and seal of our office at Pierre, South Dakota,
this 15th day of February A. D. Nineteen
Hundred and forty-seven

State Water Resources Commission

By:

J. W. Grimes Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Amt. _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. **320-3**Water Division No. **3 James River** Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That **The City of Leola**

of **Leola**, County of **McPherson**, and State of **South Dakota**, the holder of Permit No. **320-3**, issued upon Application No. **320-3**, bearing date of priority of **1948**, authorizing the diversion of **0.22** cu. ft. per second of the waters of **ground water**

County of **McPherson**, State of South Dakota, at **90 feet north of the northeast Cor., of Lot 24, Block 1, Original Plat of the City of Leola**, for **municipal**

purposes, has fully 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 **0.22** cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: **to furnish municipal water for the distribution system of the City of Leola**

Witness my hand this **15th** day of **February** A. D. 19**57**

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

Location No. 320-3Water Division No. 3 James River Water District**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. D.L. Thomas, Mayor of the City of Leola, South Dakota

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (If a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. acting in behalf of the City of Leola, South Dakota, a municipal corporation

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. December 7, 1956

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Well No. 1 Artesian well located about 90 feet North of the Northeast of Lot 24, Block 1, Original Plat of City of Leola, South Dakota; Well No. 2 Artesian Well located on Outlot A, Block 1, Hohm-Park 1st Addition to City of Leola, South Dakota

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. _____

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Water used for City of Leola for municipal supply

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 50 gallons per minute per well

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Well No. 1 drilled in 1931 and Well No. 2 drilled in 1948
have furnished maximum of 70 gallons per minute for each well
Maximum tested capacity at 100 gal per minute 20,028,

(Sign)

D. L. Thomas

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Leola, County of McPherson

State of South Dakota, on this 9th day of February A. D. 1957

Russell Linn
T. J. Neichel

Witnesses,

B. K. Kinsman
Notary Public, South Dakota

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

D. L. Thomas

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

South Dakota



GREAT FACES. GREAT PLACES.

MAY 10 1991

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

320-3

Tom Mahlke, Mayor
City of Leola
PO Box 108
Leola SD 57456

Dear Mayor Mahlke:

The Water Management Board has validated the enclosed Vested Water Right Nos. 320-3 and 412-3. These validations give legal status to the claims and are the final document for your vested rights.

As long as you use the water beneficially, as stated in the validations, 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. 320-3

Date Claim Accepted For Filing October 15, 1956.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 320-3 for the City of Leola, P O Box 108, Leola, South Dakota 57456 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 320-3 appropriates 0.22 cubic feet of water per second from one well approximately 1390 feet deep and located in the SE 1/4, Section 20, T126N, R67W.
2. The appropriated water is used for supplying water for the City of Leola 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, 1948.
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. Hatcher
Chief Engineer
Division of Water Rights
Dept. of Environment and Natural Resources

MAY 10 1991

date

320-5

SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 412-3

Date Claim Accepted For Filing February 15, 1957.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 412-3 for the City of Leola, P O Box 108, Leola, South Dakota 57456 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 412-3 appropriates 0.22 cubic feet of water per second from one well approximately 253 feet deep and located in the NE 1/4 SE 1/4, Section 17, T126N, R67W.
2. The appropriated water is used for supplying water for the City of Leola 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, 1948.
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. Hatcher

Chief Engineer

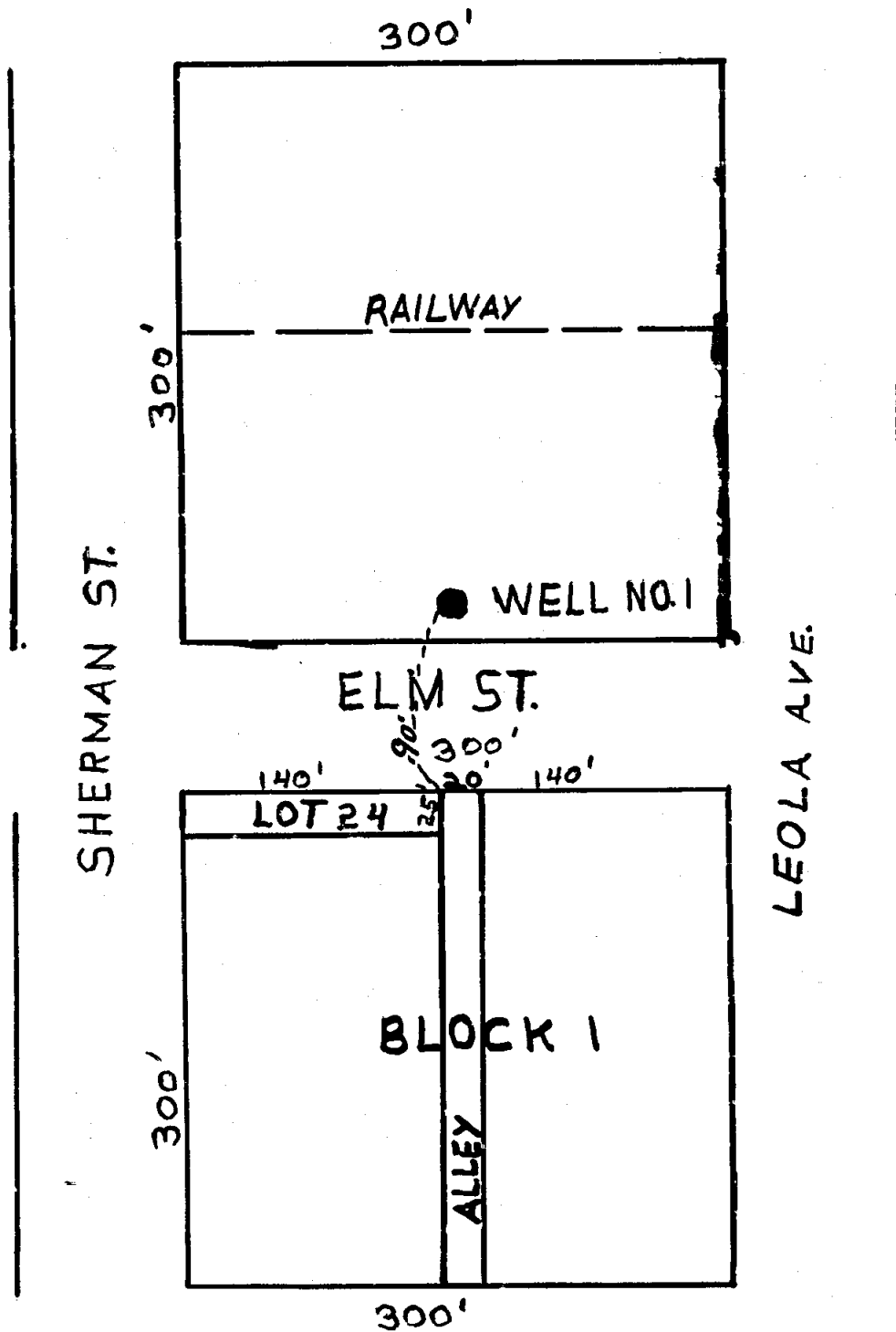
Division of Water Rights

Dept. of Environment and Natural Resources

MAY 10 1991

date

Location of Well NO. 1 of Municipal Water Supply of the City of Leola. McPherson County, South Dakota, which is located about 90 feet North of the Northeast corner of Lot 24, Block 1, Original Plat of the City of Leola, McPherson County, South Dakota.



Map No. 238-3
(Appl. No. 320-3)