No. 314-3Water Division No. 3

(Plans 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 WESSINGTON SPRINGSPostoffice address WESSINGTON SPRINGS, County JERBAULD, State S.D. 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 or others, or by direct labor)

SPRING WAS DEVELOPED IN 1936, AND IMPROVED FOR DOMESTIC USE IN 1956.
PREVIOUS TO 1956, WATER WAS USED FOR SWIMMING POOL ONLY.

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work GRAVEL PIT SPRINGS # 3.3. Amount of water claimed 250 Gal. per Min. cubic feet per second4. Source of water supply SPRINGS5. Location of point of diversion 776' South, 166' west of S.E. corner of Block 15
W/S. Sec. 13, Twp. 107N. Range 65W. bank Jerauld County.

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

7. To be used for:

I. Irrigation or domestic use: Gravity, over-head sprinkling or combination system? City 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.)

Spring will flow into City Water Mains, gravity and pumping section.

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. 2-61-3

8. Estimated cost of work:

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

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

(c) Fluming, \$..... (d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures \$.....

Total, \$.....

9. Description of diversion works:

I. 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 lengthmiles.

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.....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 Jerauld ss.

I, Helmut Neuhardt, 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 matter therein stated and shown are true.

Signed Helmut Neuhardt
CITY AUDITOR.

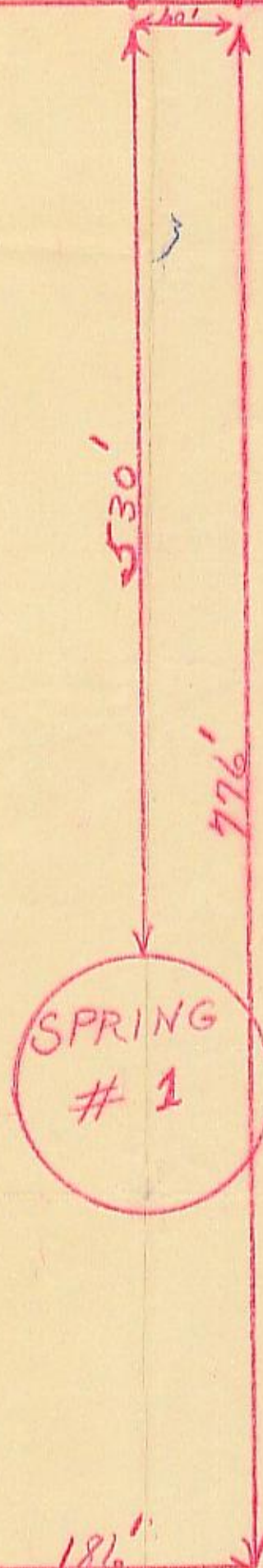
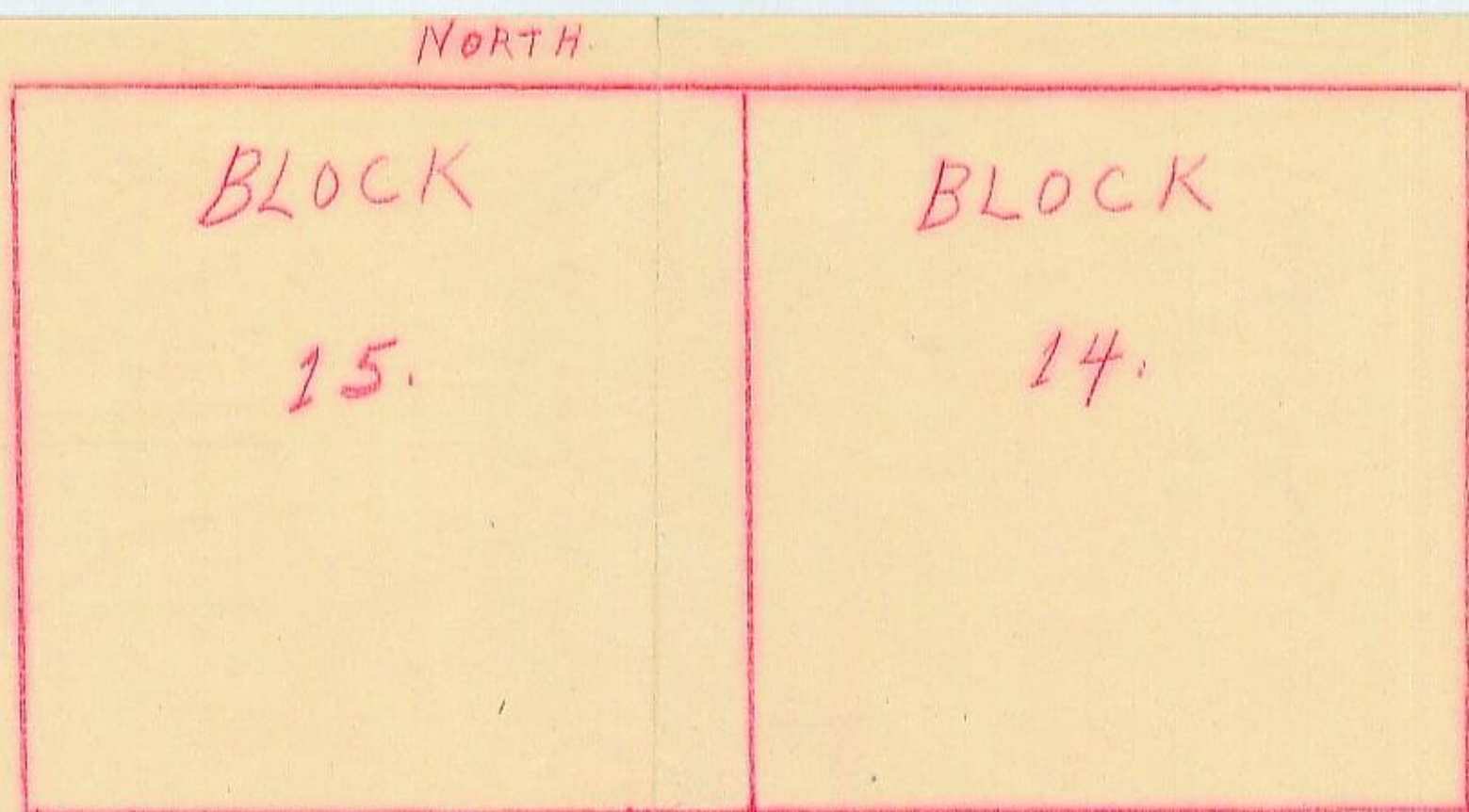
Subscribed and sworn to before me this 19th day of November 1956.

Kolund
Notary Public (or other qualified officer.)
CITY AUDITOR.

*Each diversion must have a headgate or measuring device.

RECEIVED
NOV 21 1956
STATE WATER RESOURCES DIV.
PIERRE, SOUTH DAKOTA

WESSINGTON SPRINGS, S.D.



PUMP HOUSE

SPRING # 1

RESERVOIR

GRAVEL PIT
SPRING # 3

N.E. 1/4 SEC. 13.

N.W. 1/4 SEC. 18.

13
18

SPRING # 2

510'

S.E. 1/4 SEC. 13.

S.W. 1/4 - SEC. 18.

SOURCE of WATER SUPPLY
of
WESSINGTON SPRINGS, So. DAK.

Map No 261-3
(Appl. No. 344-3)

Remarks by State Water Resources Commission:

"Vested Right" Claimed

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, December 4, 1956

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock
9 m. upon the 21 day of November, 1956.

State Water Resources Commission

By:

J. O. Grimes

Chief Engineer, Executive Officer

Vested Right
Number of permit 344-3

Date of first receipt of application November 21, 1956

Date of return to applicant for correction, amendments or changes required as follows: December 4, 1956

Date of receipt of corrected application December 13, 1956

Date from which applicant may claim right in 1936, 1956

Approved December 13, 1956, Recorded in Book 3, Section V, Page 46

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 or 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

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 0.55 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 January 23, 1957; said water to be used during the following described annual period:

Continuously

Witness my hand this 23 day of January, 1957

State Water Resources Commission

By:

J. O. Grimes

Chief Engineer, Executive Officer

Certificate of Construction Issued January 23, 1957

Water License Issued January 23, 1957

OFFICE OF
CITY AUDITOR
WESSINGTON SPRINGS, SOUTH DAKOTA

Water Right Information for the City of Wessington Springs, South Dakota, as of July 16, 1956.

Application No. 10-3

Name of Diversion - Spring #1.

Source of Water - Spring

Quantity Claimed - 125 gpm.

Location of Diversion: 60' west and 530' South of the
SE Cor. Block 15 (Sec 13, Twp 107N, Rge 65W)

Permit issued December 3, 1930 for 125 gpm (Priority 9/2/30)

Certificate of completion of Works: None issued.

Water License issued May 2, 1931 for 125gpm.

Application No. 11-3

Name of Diversion - Spring #2

Source of Water - Spring

Quantity Claimed - 475 gpm.

Location of Diversion - 50' South and 510' west of the 1/4 Cor.
common to sec. 18, Twp 107N, Rge 64W,
and Sec. 13, Twp 107N, Rge 65W.

Permit issued December 3, 1930 for 475 gpm (Priority 9/2/30)

Certificate of completion of Works: None issued.

Water License issued May 2, 1931 for 475 gpm.

Application No. _____

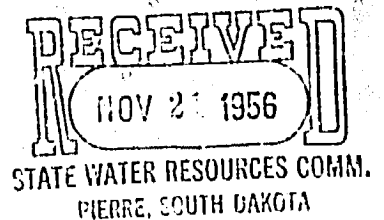
Name of Diversion - Gravel Pit Spring No. 3.

Source of Water - Spring

Quantity Claimed- 250 gpm.

Location of Diversion- 776' South, and 186' west of SE Corner of
Block 15 (Sec. 13, Twp 107N, rge 65W.)

Application for Gravel Pit Spring, dated November 19th 1956.



Herbert W. Barlett
City Auditor

STATE OF SOUTH DAKOTA

WATER LICENSE No. . . . 344-3 .

WHEREAS, On the 21st day of November A. D. 1957

The City of Wessington Springs

of Wessington Springs County of Jerauld **Vested Right** and State of
South Dakota duly made application (No. 344-3) to us for a permit to use 0.55
cubic feet per second of the waters of Ground water
County of Jerauld, State of South Dakota, for municipal
purposes; and

Vested Right WHEREAS, On the 23rd day of January A. D. 1957
Permit No. 344-3 was issued to said applicant for the diversion of said water, and **recognizing**
completion of the works of diversion therein described on or before the 1st day of
in 1936 and XXXXX application to beneficial use of said
water XXXXX in 1936 XXXXX
and,

WHEREAS, On the 21st day of November A. D. 1956
Vested Right the holder of said permit duly made proof of the completion of adequate works for the diversion of 0.55
cubic feet per second of said waters, as evidenced by our Certificate No. 344-3
dated January 23, 1957 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 0.55 cubic feet per second of water, with date of
priority of 1936 and,

WHEREAS, On the 21st day of November A. D. 1956
proof was duly made of the application to beneficial use of 0.55 cubic feet per second of said water;
in the distribution system of the City of Wessington Springs

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 Wessington Springs Vested Right
of Wessington Springs, South Dakota the holder and owner of said permit No. 344-3
a water right, dating from 1936 to the use of 0.35
cubic feet per second of the waters of ground water
in the County of Jerauld and State of South Dakota, or so much hereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at 776 feet south and 186 feet
west of the SE Cor., Block 15, Wessington Springs, Sec 13, T 107 N, R. 65 W
and conducted to ~~the~~ the residents of the City of Wessington Springs

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.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 23rd day of January A. D. Nineteen
Hundred and Fifty-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 _____	
Am't _____ c. f. s.	
Point of Diversion _____	

Place of Use _____	

Purpose _____	

Date of Priority _____	
Recorded _____	
In Book _____ of _____ Page _____	

Permit No. 344-3

River

Water Division No. 3 James / Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That The City of Wessington Springs

of Wessington Springs, County of Jerauld, and State of South Dakota, the holder of Permit No. 344-3, issued upon Application No. 344-3, bearing date of priority of 1936, authorizing the diversion of

0.55 cu. ft. per second of the waters of ground water

County of Jerauld, State of South Dakota, at 776 feet south and 185 feet west of the SE Cor., Block 15, Wessington Springs, Sec 13, T107N, R65W

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 0.55 cu. ft.

per second of water; ~~and that the works of diversion are described as follows:~~

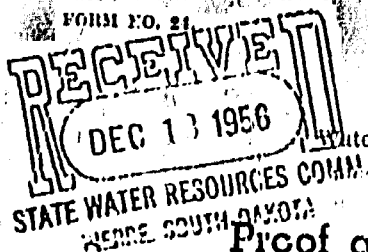
to-wit: to furnish municipal water for the distribution system of the City of Wessington Springs.

Witness my hand this 23rd day of January A. D. 1957

State Water Resources Commission

By:

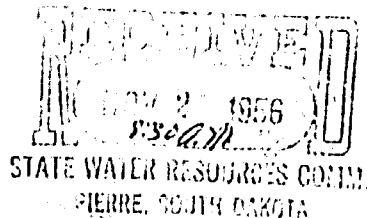
J. W. Grimes, Chief Engineer, Executive Officer



Location No. 5442-8

Water Division No. 1

Water District 1



Proof of Application of Water to Beneficial Use

PETITIONER OR HOLDER

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

Ans. Helmuth Neuharth, Wessington Springs, S.D. City Auditor.

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. CITY OF WESSINGTON SPRINGS.

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

Ans. _____

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

Ans. SPRINGS, 776' South & 186' West of S.E. corner of Block 15, Wess. Spgs. Sec. 13, Twp. 107 N., Range 65 W., # Jerauld County.

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. Spring to be used for a part of the City's water supply, in addition to the other 2 Springs which are recorded.

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

Ans. Gravity system and Pumping section, of City system.

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

Ans. Source will be used as a supplement to the 2 other springs, during the summer seasons, when consumers are drawing heavy.

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. This Spring was developed in 1936, a reservoir having been constructed over Flow of Spring, since which period water was used for filling swimming pool, and was improved this Spring, so that the water could be used in the City system as a reserve supply. This Spring was used 3 months this summer in our system, with approximate consumption of 40M. Gal. per day. (Sign) *Shirley T. Hubert*

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 *Wessington Springs*, County of *Spink* State of South Dakota, on this *19th* day of *November* A. D. 19*36*

Witnesses, *Roland C. Utter*
Notary Public

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.

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 _____



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 26, 1991

344-3

Brian Bergeleen, Mayor
City of Wessington Springs
Box 443
Wessington Springs SD 57382

Dear Mayor Bergeleen:

The Water Management Board has validated the enclosed Vested Water Right No. 344-3. 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. 344-3

Date Claim Accepted For Filing November 21, 1956.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 344-3 for the City of Wessington Springs, Box 443, Wessington Springs, South Dakota 57382 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 344-3 appropriates 0.55 cubic feet of water per second from a spring located in the NE 1/4, Section 13, T107N, R65W.
2. The appropriated water is used for supplying water for the City of Wessington Springs 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, 1936.
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: _____

Chief Engineer

Division of Water Rights

Dept. of Environment and Natural Resources

APR 29 1991

date