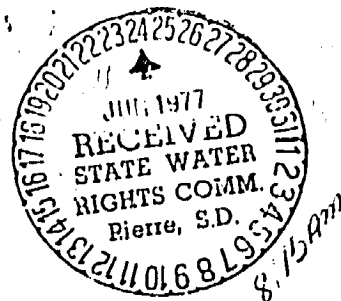


Water Right Number 4038-3

1. Considered 7-27, 1977
2. Name of Applicant CITY OF ELKTON
3. Post Office Address \_\_\_\_\_
4. Amount of Water claimed 1.05
5. Source of Water supply 4 WELLS 35' TO 48' (2 EXISTING)
6. Water to be used for MUNICIPAL  
Acres to be irrigated \_\_\_\_\_
7. Water to be diverted and used in BROOKINGS County  
about IN CITY LIMITS miles \_\_\_\_\_ of \_\_\_\_\_
8. Proof of Publication  
Received - 8-15-77  
Not Received \_\_\_\_\_  
Approved \_\_\_\_\_  
Subject to \_\_\_\_\_  
Not Approved \_\_\_\_\_  
Action Deferred \_\_\_\_\_
9. Application
10. Remarks:

Map No. 3282-3 Water Division No. 3 BIG SIOUX RIVER District \_\_\_\_\_  
 (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 City of Elkton  
 Postoffice address P.O. Box 158, 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 Elkton City Wells
4. Amount of water claimed (cubic feet per second) 1.05
5. Source of water supply Ground Water
6. Location of point of diversion #1 - Lot 5, Blk 6, Browns Flat; #2 - Lot 15, Blk 22, First Addition, #3 - Lot 12, Blk 22, First Addition; #4 - Lot 9, Blk 1, Bebensee Addition to Elkton  
 County Brookings
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 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Elkton Record, Elkton, S.D. 57026
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Two wells in existence  
Two wells proposed

B. Works proposed to transport water to place of use.

Cast iron mains - some plastic

C. Works proposed to apply water to beneficial use.

300 hock-ups

Estimated Total Cost \$ \_\_\_\_\_

Attachment: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map.  
 (See instructions concerning preparation.)

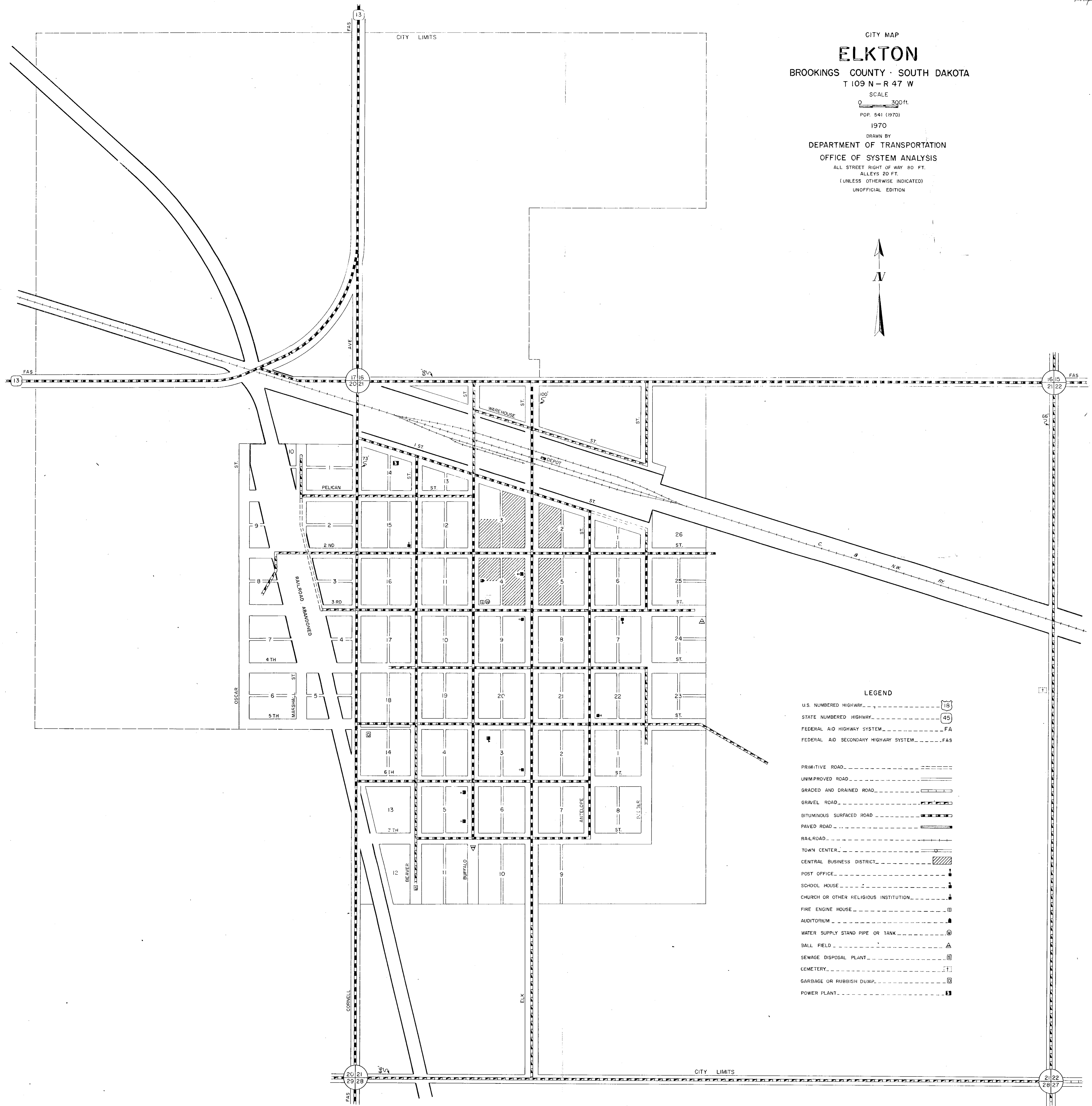
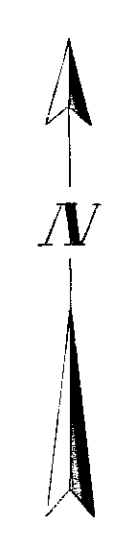
STATE OF SOUTH DAKOTA

County of BrookingsI, Norman R. Ludge, 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 Norman R. LudgeSubscribed and sworn to before me this 22 day of June, 1977Kathleen Burlingame  
Notary Public (or other qualified officer)

CITY MAP  
**ELKTON**  
BROOKINGS COUNTY · SOUTH DAKOTA  
T 109 N - R 47 W

SCALE  
0 300 ft.  
POP. 541 (1970)  
1970

DRAWN BY  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF SYSTEM ANALYSIS  
ALL STREET RIGHT OF WAY 80 FT.  
ALLEYS 20 FT.  
(UNLESS OTHERWISE INDICATED)  
UNOFFICIAL EDITION



- LEGEND**
- U.S. NUMBERED HIGHWAY
  - STATE NUMBERED HIGHWAY
  - FEDERAL AID HIGHWAY SYSTEM
  - FEDERAL AID SECONDARY HIGHWAY SYSTEM
  - PRIMITIVE ROAD
  - UNIMPROVED ROAD
  - GRADED AND DRAINED ROAD
  - GRAVEL ROAD
  - BITUMINOUS SURFACED ROAD
  - PAVED ROAD
  - RAILROAD
  - TOWN CENTER
  - CENTRAL BUSINESS DISTRICT
  - POST OFFICE
  - SCHOOL HOUSE
  - CHURCH OR OTHER RELIGIOUS INSTITUTION
  - FIRE ENGINE HOUSE
  - AUDITORIUM
  - WATER SUPPLY STAND PIPE OR TANK
  - BALL FIELD
  - SEWAGE DISPOSAL PLANT
  - CEMETERY
  - GARBAGE OR RUBBISH DUMP
  - POWER PLANT

# WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4038-3

CITY OF ELKTON  
(Applicant)  
SOUTH DAKOTA 57026  
(State)

(Post Office Address)

With the following modifications:

## PARTIAL "VESTED RIGHT" CLAIMED

The ~~irrigation~~ wells approved under this Permit ~~are~~ located near domestic wells which may obtain water from the same aquifer. The ~~irrigation~~ well owner, under this Permit, shall control his ~~irrigation~~ withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.

IN APPROVING THE APPLICATION, THE COMMISSION RECOGNIZED THE AREA OF DIVERSION TO BE THE W 60 ACRES IN THE NW<sup>1</sup>/<sub>4</sub> OF THE SECTION

Date of first receipt of application JUNE 24 19 77  
Date of return to applicant for correction, amendments or changes required \_\_\_\_\_ 19 \_\_\_\_  
Date of receipt of corrected application AUGUST 15 19 77  
Approved OCTOBER 6 19 77 Recorded in Book 19 Page 104

WATER RIGHT PERMIT NO. 4038-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4038-3 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 20 YEARS FROM JUNE 24 1920 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before APRIL 6 19 80
3. The whole of said work is to be completed on or before OCTOBER 6 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is OCTOBER 6 19 86
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 1.05 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 ~~domestic use~~ used for municipal purposes and if for the irrigation purposes, said appropriation must be limited to not more than ~~2000 cubic feet per second~~ 1/20 of one cubic foot of water per second of time for each acre of land to which water is applied and beneficially applied for irrigation on or before OCTOBER 6 19 86; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 1ST day of NOVEMBER 19 77

WATER RIGHTS COMMISSION

By:

John Hatch  
Chief Engineer, Executive Officer

Certificate of Construction Issued \_\_\_\_\_ 19 \_\_\_\_

Water License Issued \_\_\_\_\_ 19 \_\_\_\_



# LINCOLN SERVICE & SUPPLY

## memo



Phone (308) 382-5940  
Grand Island, Nebraska

#1 Brown's Plot 1/2 dia.  
90 1/2 P.M. Block - 6  
Lot - 5 - 35 dept.

#2 Block - 22  
120 1/2 P.M. Lot - 15 2 ft dia  
First add. 42 depth.

#3 Block 23 Proposed  
Lot 12 47 1/2 deep  
First add. 1 3 ft.

#4 - Block Proposed  
Lot 9 Behrman 43-Prop  
2 ft.

a subsidiary of Spencer Chemical Co.



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

D. Well Information or Estimates

(1) Drill Hole, Diameter 36", Depth #1-35'; #2-42'; #3-47'; #4-48'

(2) Casing, Type Steel (wood, concrete, steel, etc) Diameter 18" Thickness Standard

(3) Perforated Screen.

Type Johnson S.S., Diameter 18", Length 18"

(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.

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

Character of Water bearing materials Course sands & gravel

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Depth to top of water bearing material 10

Depth to bottom of water bearing material See depth

Thickness of water bearing material 25'-38'

Depth to water (ground surface to water level) 20'

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

On same owner's property 30 rds. On property owned by others 1000' 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.

Dennis R. Lundgren  
Signature of Applicant

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 Elkton

Post Office Address \_\_\_\_\_, State \_\_\_\_\_

If a Corporation show date and place of incorporation \_\_\_\_\_

## 13. Notice of Appropriation (If available)

Date of Posting No prior posting Date of Recording \_\_\_\_\_  
Recording Date \_\_\_\_\_14. Date of start of construction of water supply system 192015. Date that water was first applied to beneficial use 192016. Name of owner of original water supply system City of Elkton17. Amount of water originally applied to beneficial use .20 c. f. s.

## 18. Present Use of Water

Amount of water now being used .50 c. f. s.Date that this amount of water was first used 1958

## 19. Chronological History of Water Use

Well #1 was drilled in 1920, Well #2 drilled in 1958. Wells #3 & #4 are wells to be constructed

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 )

County of Brookings ) ss.

I, Dennis R. Lundgren, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed \_\_\_\_\_

Subscribed and sworn to before me this 22 day of June, 1977

William B. Birlan  
(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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )

County Brookings ) ss.

I, Dennis R. Lundgren hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Elkton Record

A newspaper which during the whole time of publication of said notice  
herein after stated, has been and is printed and published in the \_\_\_\_\_

Elkton Town of Elkton

County of Brookings and State of South Dakota;  
that the said notice was published in said newspaper on the following  
two dates:

July 6 and 13, 1977

Dennis R. Lundgren  
(Signature)

Publisher  
(Title)

7-30-77

(Date Signed)

No. 4038-3  
NOTICE OF HEARING  
ON APPLICATION TO  
APPROPRIATE WATER  
Pierre, South Dakota  
57501

Notice is hereby given that the City of Elkton, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.05 cubic feet of water per second of time from ground water through the Elkton City Wells, the points of diversion of which are to be located in the NW 1/4 (4 wells) of Section 20, Twp. 109N, Range 47W. Said water to be used for the purpose of municipal supplies for the City of Elkton.

This Application No. 4038-3 will be considered by the Water Rights Commission at the Staurclite Inn, Brookings, SD upon the 27th day of July, 1977, at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION  
James Winterton  
Water Rights Specialist  
cc: City of Elkton  
(July 6 and 13)



Publish first publication, on or before July 14, 1977NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 28, 1977Notice is hereby given that the City of Elkton ~~whose~~

~~post office address~~ the City of Elkton, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, ~~Future Use: 46-5-98~~ Temporary Permit 46-5-39, 46-5-40; Ground Water 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, Future Use: 52:01:01:24

~~thru 52:01:01:24~~, for a permit to appropriate for beneficial use 1.05 cubic feet

of water per second of time from ~~the~~ ground water through

the Elkton City Wells, the points of diversion of which ~~is~~ are

to be located in the NW 1/4 (4 wells)

of Section 20, Twp. 109N, Range 47W. Said water to be used for the purpose of ~~providing irrigation on portions of the following described land:~~

municipal supplies for the City of Elkton

This Application No. 4038-3 will be considered by the Water Rights Commission the Staurolite Inn, Brookings, SD at their office at ~~Pierre~~ upon the 27th day of July, 1977, at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

JAMES WINTERTON  
Water Rights Specialistcc: ~~XXXXXXXXXXXXXXXXXXXXXX~~  
City of Elkton

**BANNER ASSOCIATES, INC.**  
Box 298  
BROOKINGS, SOUTH DAKOTA 57006

**Phone (605) 692-6342**

TO

Mr. John Hatch  
Chief Engineer  
Water Rights Commission  
Joe Foss Bldg.  
Pierre, S.D. 57501

File 4088-3  
LETTER OF TRANSMITTAL

|           |                       |        |
|-----------|-----------------------|--------|
| DATE      | 13 July 1975          | JOB NO |
| ATTENTION | John Hatch            |        |
| RE        | Water Right Permit No |        |
|           | 4038-3 - Elkton, SD   |        |

GENTLEMEN:

WE ARE SENDING YOU ☐ Attached ☐ Under separate cover via \_\_\_\_\_ the following items:

☐ Shop drawings    ☐ Prints    ☐ Plans    ☐ Samples    ☐ Specifications  
☐ Copy of letter    ☐ Change order    ☐ \_\_\_\_\_

[illegible]

THESE ARE TRANSMITTED as checked below:

☐ For approval                      ☐ Approved as submitted                      ☐ Resubmit \_\_\_\_\_ copies for approval  
☐ For your use                      ☐ Approved as noted                      ☐ Submit \_\_\_\_\_ copies for distribution  
☐ As requested                      ☐ Returned for corrections                      ☐ Return \_\_\_\_\_ corrected prints  
☐ For review and comment                      ☐ \_\_\_\_\_  
☐ FOR BIDS DUE \_\_\_\_\_ 19 \_\_\_\_\_ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS

REMARKS John: Water Right permit No. 4038-3  
was never utilized due to the high Nitrate  
content of the water. The well was not  
built and the project abandoned at this time.  
If we need to submit any other documents  
please contact this office.

**COPY TO**

**SIGNED:**

**South Dakota Department of  
Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

Division of Water Rights  
605 773-3352

No. 4038-3

September 19, 1984

City of Elkton  
Elkton, South Dakota 57026

Dear Sir:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 4038-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling  
Staff Assistant

NOTE: On form of payment, please include the number of the water permit. This insures proper handling of the fee.

# RECEIPT

Division of Water Rights

N 4 9822

South Dakota Department of Water and Natural Resources

Pierre, November 14, 1984

RECEIVED OF City of Eilton, PO Box 308, Eilton, SD 57026-0308  
the following amount in fees for services rendered as provided for by law:

|                                                                                                                            |       |       |
|----------------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____ |       |       |
| Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____                                         |       |       |
| Fee to retain a Future Use Permit No. _____ after period of seven years. _____                                             |       |       |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4038-3</u>                | 50    | 00    |
| Fee for Filing Transfer Form _____                                                                                         |       |       |
| Fee for Filing Extension Request _____                                                                                     |       |       |
| Fee for Certified Copy of _____                                                                                            |       |       |
| Fee for Print Copy of Map _____                                                                                            |       |       |
| Fee for Certifying _____                                                                                                   |       |       |
| Fee for _____                                                                                                              |       |       |
| (Any Other Work Provided by Law)                                                                                           | Total | 50 00 |

By John Hatch  
Chief Engineer JOHN HATCH ms

State of South Dakota

Water License No. 4038-3

(1) The City of Elkton, South Dakota

of \_\_\_\_\_

made Application No. 4038-3, \_\_\_\_\_, June 24, 1977 for a water permit to appropriate  
1.05 cubic feet per second of water from ground water (two wells)  
Brookings County, South Dakota for municipal purposes.

Permit No. 4038-3, with a priority date of 0.20 cfs from 1920 and 0.85 cfs from June 24, 1977  
was approved October 6, 1977 and issued to applicant(s) for diversion of water with construction of the described  
water supply system to be completed on or before October 6, 1982 and for the application to beneficial use of said  
water on or before October 6, 1986.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of  
the construction of the water supply system and is entitled to divert 0.72 cubic feet per second of water  
for beneficial use. The location of the diversion point(s) is are Well #1 - NE 1/4 NW 1/4 SW 1/4,

Well #2 - SW 1/4 SE 1/4 NW 1/4, Section 21, T109N, R47W

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, water is diverted through the City of Elkton's

water distribution system

(4) Pursuant to §46-5-30.1 the City of Elkton, South Dakota

of

the holder(s) and/or owner(s) of Water Permit No. 4038-3 is issued a license to appropriate water, the right to use 0.72 cubic feet per second of water from groundwater (two wells) with a priority date of June 24, 1977 of 0.20 cfs from 1920, and 0.52 cfs from/ from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of municipal use

This license is subject to any limitations or qualifications listed in Water Permit No. 4038-3 and subject to South Dakota State Law.

*John H. Ford*  
Civil Engineer, Water Rights Division  
Department of Water and Natural Resources

November 15, 1984

Permit No. 4038-3Big Sioux River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by City ofElkton holder ofPermit No. 4038-3, bearing the priority of 20 cfs - 1920 .85 cfs - 6-24-1977 authorizingthe diversion of 1.05 cu. ft. per second of the waters of groundwaterfor Municipal purposes, in Brookings County.

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

- A. Works used to divert the water: Well #1 - 35 ft deep  
2 - Deming VTP, 1.2 stage, U.S. motor 7 1/2 hp 1800 rpm 100 gpm/cu  
Well #2 - 42 ft deep  
1 - Deming VTP #2763695, 7 1/2 hp U.S. mtr 1800 rpm 125 gpm
- B. Works used to transport water to place of use:  
City Water Dist. system
- C. Works used to apply water to beneficial use:

The system is in the following condition goodThe point of diversion is located Well #1 NE 1/4 NW 1/4 SW 1/4, Well #2 SW 1/4 SE 1/4 NW 1/4 section 21  
T109N R47WThe works are capable of diverting and conveying to the place of use 0.72  
cu. ft. per second of water which is to be used for municipal water supplyWater has been put to beneficial use to the maximum extent as follows: The priority dates onThis permit are as follows 20 cfs - 1920, .52 cfs - 6-24-77.No logs available Well #1 drilled 1920, Well #2 drilled 1958~~comprising a total of~~ 0.72 ~~acres of land and~~ the license should be issued for 0.72 cfsApplicable permit qualifications have been complied with Yes NoExceptions to compliance are: Date 9-18-84Kevin A. Larson  
(signature)

No. 4038-3

**South Dakota Department of  
Water & Natural Resources**

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

WATER RIGHTS DIVISION  
Phone (605) 773-3352

November 15, 1984

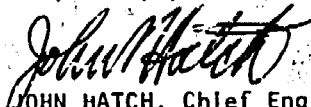
Quentin Pickard, Mayor  
City of Elkton  
PO Box 308  
Elkton SD 57026

Dear Mayor Pickard:

Enclosed herewith is, Water License No. 4038-3. This is the final water right document completing your process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

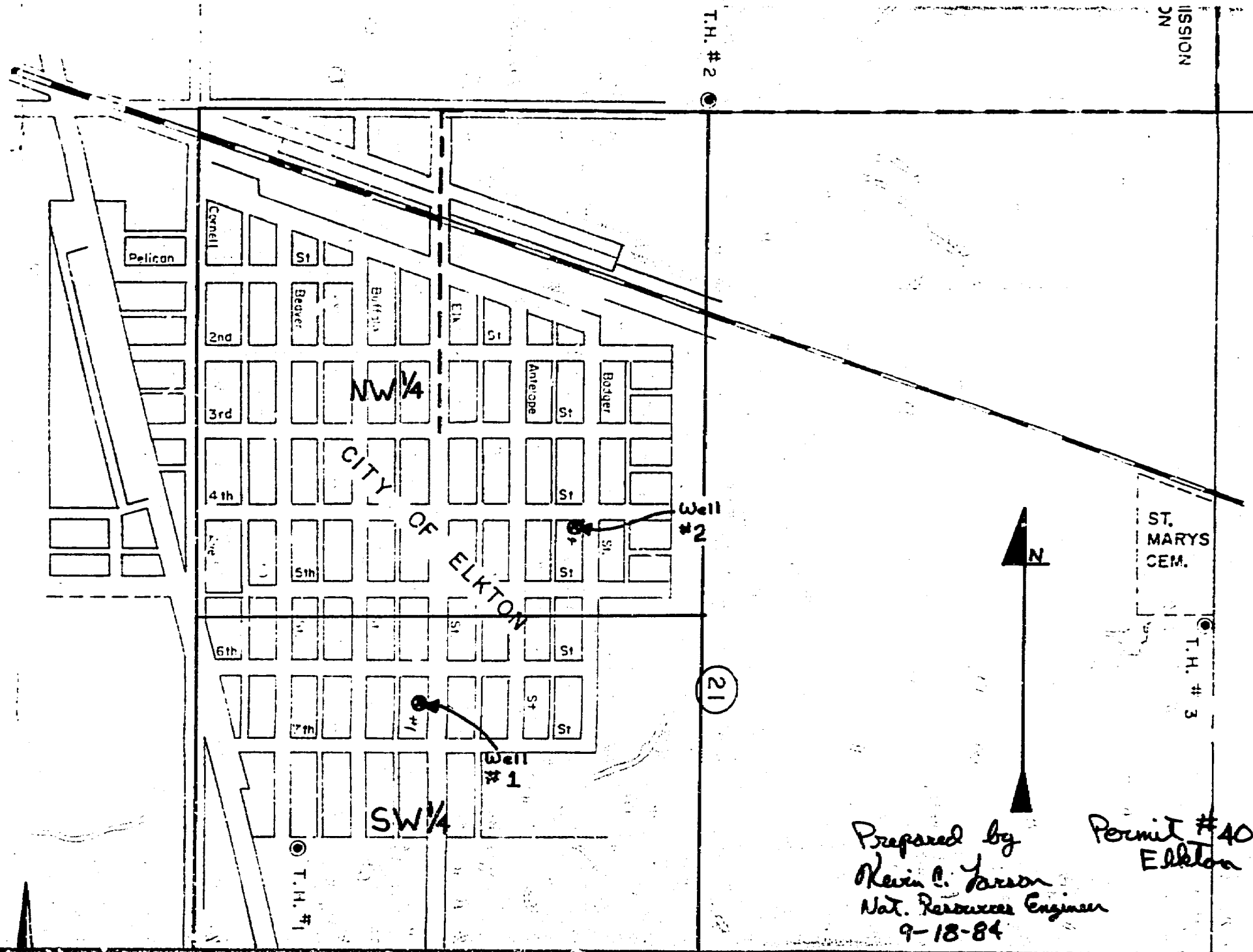
  
JOHN HATCH, Chief Engineer  
Water Rights Division

JH: ks

Enclosures

WNR-817 3/83  
Transmittal of Water License

SURVEYOR'S CERTIFICATE



Prepared by  
Kevin C. Larson  
Nat. Resources Engineer  
9-18-84

Permit #4038-3  
Elkton

SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 4038-3 (Partial)

Date Claim Accepted For Filing June 24, 1977.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 4038-3 for the City of Elkton, Box 308, Elkton, South Dakota 57026 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 4038-3 appropriates 0.2 cubic feet of water per second from Well No. 1 - 35 feet deep located in the NW 1/4, Section 21, T109N, R47W.
2. The appropriated water is used for supplying water for the City of Elkton and may not exceed the amount of water needed for beneficial use for municipal purposes.

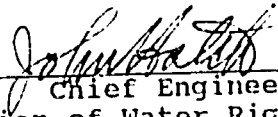
The water is to be used during the following annual period:  
January 1 - December 31

3. The priority date of the Vested Water Right is: January 1, 1920.
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.

QUALIFICATIONS

The well approved under this Permit will be located near domestic wells which may obtain water from the same aquifer. The well owner, under this Permit, shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.

WATER MANAGEMENT BOARD

By:   
Chief Engineer  
Division of Water Rights  
Dept. of Water and Natural Resources

MAR 22 1991

date

*Handwritten: [illegible]*

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

GREAT FACES. GREAT PLACES.

March 22, 1991

Calvin Steen  
City of Elkton  
Box 308  
Elkton SD 57026

Dear Mayor Steen:

The Water Management Board has validated the enclosed Vested Water Right No. 4038-3. 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.

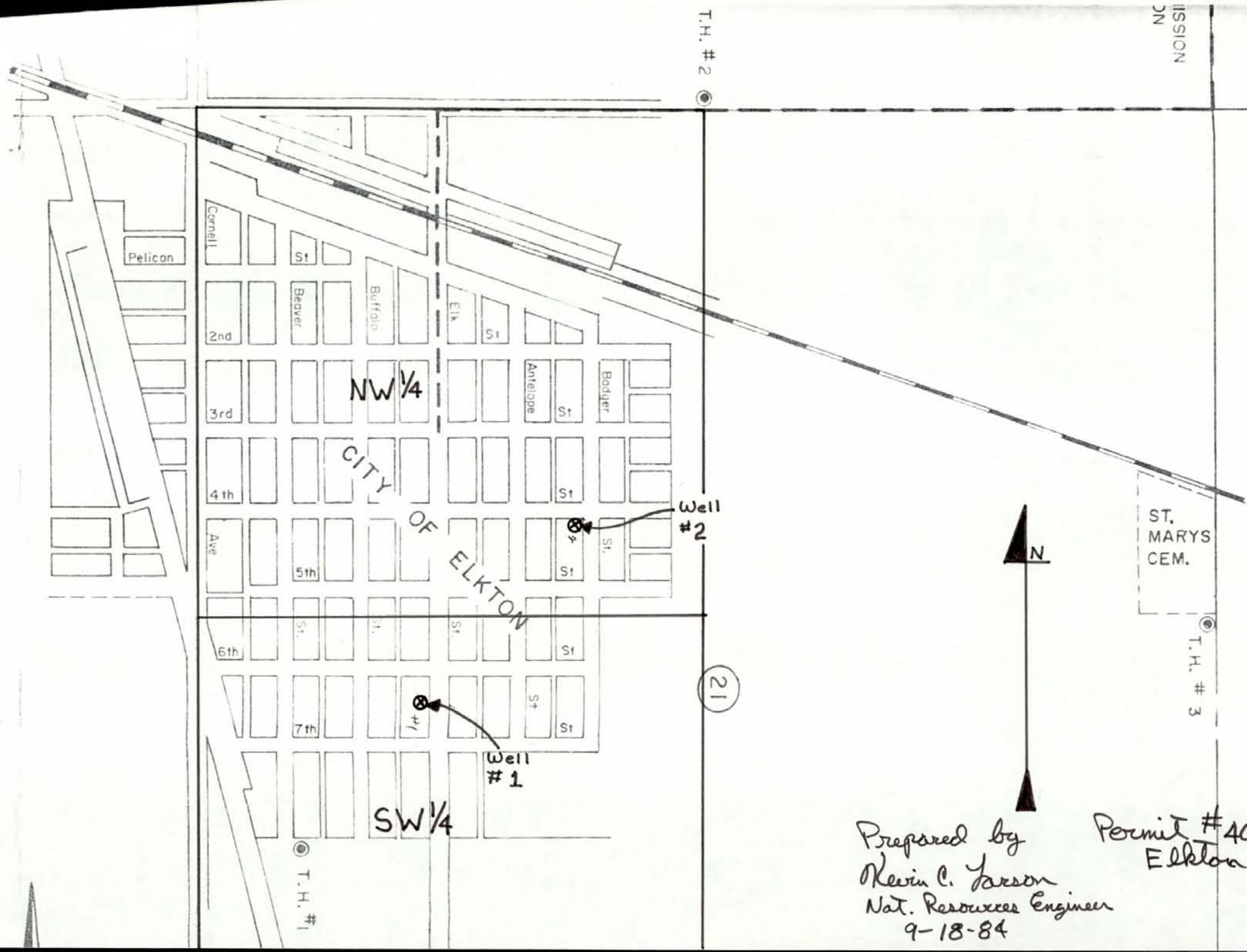
Very truly yours,

*John Hatch*

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

enclosure

**SURVEYOR'S CERTIFICATE**



Prepared by Pe  
Kevin C. Larson  
Nat. Resources Engineer  
9-18-84

Permit # 4038-3  
Elkton

**No. 4038-3**

Water Rights Program - DENR  
Conversation File Documentation

NAME OF PERSON OR FILE: Water Right No. 4038-3, Elkton

ADDRESS: COUNTY: Brookings County

DATE: September 10, 2014 TELEPHONE: 605 690-4311

RE: Call from Water Superintendent Ryan Bebensee regarding well

Mr. Benbensee called indicated that the city does not use Well No. 1 under Water Right No. 4038-3. This is the well along Elk Street. He stated since they receive water from the rural water system, it is the city's intent to disconnect the well entirely from the city's water system and give the well to the adjoining homeowner to use for watering their lawn. I said that use will be a domestic use as long as the diversion rate does not exceed 18 gpm and the irrigation is not greater than 1.0 acres.

The other well, known as Well No. 2 along Badger Street is still used to fill water trucks, etc. and could be hooked to the city's system if the need arises. Therefore I do not recommend proceeding with cancellation of the water right at this time.

NAME:

Eric Lundberg

**Water Rights Program  
File Documentation**

NAME OF PERSON OR FILE: City of Elkton, Steve Jensen Public Works Director

DATE: February 8, 2018 TELEPHONE: 605-542-2401

RE: City of Elkton connected to Brookings-Deuel Rural Water and plugged an abandoned city well

**COMMENTS:**

Steve Jensen, Public Works Director for the City of Elkton, called to inform us they had recently had a well plugged and the city is now connected to Brookings-Deuel Rural Water. The well that was plugged was along Elk Street in the NW ¼ SW ¼ Sec. 21 T109N-R47W. The city still maintains one well, on Badger Street (SE ¼ NW ¼ Sec. 21 T109N-R47W), authorized under Water Right No. 4038-3 for standby purposes, fire suppression, and filling water trucks. Therefore, I do not recommend proceeding with cancellation of the water right at this time.

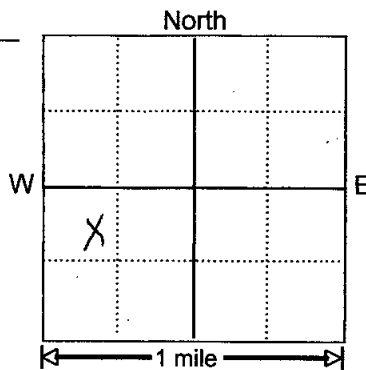


Adam Mathiowetz  
Natural Resources Engineer  
DENR-Water Rights Program

## SOUTH DAKOTA WELL AND TEST HOLE PLUGGING REPORT 11-02

Location NW 1/4 SW 1/4 Sec      Twp 109N Rg 47W Well Owner:     County Brookings

Please mark well location with an "X"

Name: City of ElktonAddress: 109 N Elk St.City, State, Zip: Elkton, SD 57026Comments:     Plugging Completion Date 2-2-18

## CHECK APPROPRIATE BOX

EXISTING WELL ☒TEST HOLE ☐Well depth ~~33'~~ 33'Casing material ConcreteCasing size(s) 60"Casing condition GoodHole depth     Hole size     

Describe plugging procedure:

Filled with clean pea rock from 33' to static water level of 15'. Plugged and capped with neat cement from 15' to 8'. Well was then covered with Engineered Fill

Describe grout or plugging material:

Neat Cement

Type of non-slip plug: CementThis well or test hole was plugged under license # 809 and this report is true and accurate.Drilling firm: Green Energy Solutions, IncSignature of Licensed Representative: [Signature]Signature of Well Owner: [Signature]Date: 2-7-18

RECEIVED

FEB 12 2018

WATER RIGHTS  
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