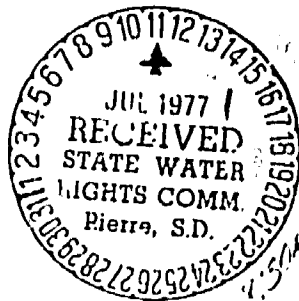


Map No. V/E Water Division No. 3 JAMES RIVER District 1
(Blanks to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR A PERMIT VESTED RIGHT

To Appropriately Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

- Name of Applicant Town of Brentford
Postoffice address Brentford, 57425, State South Dakota
If a corporation show date and place of incorporation yes - unable to locate date
- Method of accomplishing work (contract, employment of others, or by direct labor) _____
- Name of diversion work Town Wells
- Amount of water claimed (cubic feet per second) 1.06
- Source of water supply Artesian Ground Water
- Location of point of diversion 1915 well located lot 6 Block 12 - Original Plat.
1974 well located lot 10 Block 29 ways
Addn - Brentford County Spink
- Annual period or periods during which water is to be used Continuously
- Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Municipal
- 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				

Attach sheet if more space is needed

- Time required to complete construction of water supply system Completed years. Additional time required to complete application of water to the proposed beneficial use Completed years.
- Choice of newspaper for Notice of Intent to Appropriately Water publication Not Applicable
- Principal Features of the Proposed Water Supply System.

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

2 wells

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

3600 Gallon Storage
and Pressure System to mains

C. Works proposed to apply water to beneficial use.

45 Hacks

Estimated Total Cost \$ _____

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 Spink }
I, James Mathew Trustee for Town of Brentford, 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 James Mathew
Subscribed and sworn to before me this 8th day of July, 1977
Lucille Styles Clerk
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4064-3TOWN OF BRENTFORD

(Applicant)

(Post Office Address)

SOUTH DAKOTA 57429

(State)

With the following modifications:

"VESTED RIGHT" CLAIMEDDate of first receipt of application JULY 11, 1977Date of return to applicant for correction, amendments or changes required —, 19—Date of receipt of corrected application —, 19—Approved JULY 28, 1977, Recorded in Book 19 Page 212WATER RIGHT PERMIT NO. 4064-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4064-3 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 1915 AND 1950
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ —, 19—
3. The whole of said work is ~~to be~~ completed ~~on or before~~ —, 19—
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 .06 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~~ ~~needed, and if for the irrigation of crops, said appropriation must be limited to not more than 3.0 cubic feet per acre per year which~~ ~~limited to not more than 11/200 of one cubic foot of water per acre of time for each acre of land to which water~~ USED FOR MUNICIPAL PURPOSES

actually and beneficially ~~applied for irrigation~~ on or before JULY 1, 1965; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 23rd day of JANUARY, 1978

WATER RIGHTS COMMISSION

By:

John Hatch

Chief Engineer, Executive Officer

Certificate of Construction Issued JANUARY 23, 1978Water License Issued JANUARY 23, 1978

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) Town of Brentford
 Post Office Address Brentford, 57429, State South Dakota
 If a Corporation show date and place of incorporation yes -
unable to locate date

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 191515. Date that water was first applied to beneficial use 191516. Name of owner of original water supply system Town of Brentford17. Amount of water originally applied to beneficial use 1.03 c. f. s.

18. Present Use of Water

Amount of water now being used 1.06 c. f. s.
 Date that this amount of water was first used 1950

19. Chronological History of Water Use

Original well drilled 1915 - recased 1946
2nd well drilled 1950 Replaced by new well
1974

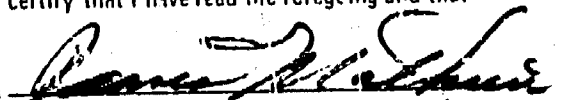
Attach to this Form 2B, any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

STATE OF SOUTH DAKOTA)

County of Spink) ss.

I, James Mathieu - Trustee for Town of Brentford, 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 8th day of July, 1971

Lucille Style Clerk
 (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.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4064-3

(1) WHEREAS, On the 11th day of July A. D. 19 77
the Town of Brentford

made Water Right Application No. 4064-3 vested right for a permit to use .06 cubic feet per second of the waters of artesian ground water

County of Spink State of South Dakota, for municipal

purposes; and

(2) WHEREAS, On the 23rd day of January A. D. 19 78
vested right Permit No. 4064-3 with a date of priority of 1915 and 1950

was issued to said applicant recognizing for the diversion of said water ~~and for the~~ completion of construction of the water supply system therein described ~~by or for the~~ ~~day of~~ ~~and for the~~ application to beneficial use of said water ~~or for the~~ ~~day of~~ ~~and for the~~

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 .06 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 diverted through the town water distribution system
for municipal use

(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 Town of Brentford

the holder _____ and owner _____ of said ^{vested right} permit No. 4064-3 a water right, dating from 1915 and 1950 to use of .06 cubic feet per second of the waters of artesian ground water

in the County of Spink and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at two points in the city limits of Brentford in the SW $\frac{1}{4}$, Section 32, T110N, R62W

and conduct ~~to and from~~ through the town water distribution system

for the purpose of municipal use

Subject to any limitations listed in Water Right Permit No. 4064-3 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 January A. D.
Nineteen Hundred and seventy-eight

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Permit No. 4064-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Town of Brentford

the holder of
vested right 4064-3, issued upon Application No. 4064-3, bearing date of priority of 1915 and
Permit No. 4064-3, authorizing the diversion of .06 cu. ft. per second of the waters of
1950
artesian ground water County of Spink, State of South Dakota at
two points within the city limits of Brentford
in the SW 1/4 Section 32 T120N, R62W
for municipal

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 recognized as
satisfactory
condition for diverting and conveying to the place of intended use .06 cu. ft. per second of water.

Date January 23, 1978

By:

WATER RIGHTS COMMISSION

John Hatch
JOHN HATCH, Chief Engineer

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

February 3, 1988

Ronald Lochner, Town President
PO Box 52
Brentford SD 57429

Dear Mr. Lochner:

I am writing in regard to information we have received that the town of Brentford will obtain its water supply from the WEB Rural Water system. The town of Brentford has Vested Water Right Claim No. 4064-3 which allows the diversion of 0.06 cubic feet of water per second from two flowing artesian wells.

The purpose of this letter is to inquire about your town's plans for the flowing wells after connection to WEB. If the wells are to be maintained for stand-by water supply, they will have to be either controlled to a minimum flow or shut off. If the wells are to be abandoned, they will need to be plugged pursuant to South Dakota Law SDCI 46-6-27 and Water Management Board Rules for plugging wells.

Please advise or contact us, if you have any questions.

Very truly yours,



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

REISSUED STATE OF SOUTH DAKOTA

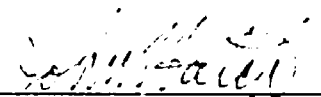
VESTED RIGHT WATER LICENSE NO. 4064-3

1) The Town of Brentford, PO Box 52, Brentford SD 57429-0052 was issued Vested Water Right License No. 4064-3, January 23, 1978 to appropriate 0.06 cubic feet of water per second from groundwater (two wells), Spink County, South Dakota, for municipal purposes. Vested Water Right No. 4064-3 with priority dates of 1915 and 1950 was issued to the City for diversion of water with construction of the described water supply system completed and application of water to beneficial use completed.

On October 4, 1995, the Water Management Board validated Vested Right No. 4064-3. Vested Right No. 4064-3 is being reissued to reduce the amount of water claimed to the actual amount applied to beneficial use, based on a May 10, 1995 inspection of the system.

2) The vested right owner is entitled to divert 0.03 cubic feet of water per second for beneficial use. The location of the diversion point is: 2,600 feet west and 825 feet north from the southeast corner of Section 32-1120N-R62W (SW 1/4 SE 1/4).

3) Pursuant to Section 46-5-30.1 the Town of Brentford, PO Box 52, Brentford SD 57429 the holder and/or owner of Vested Water Right No. 4064-3 is reissued a license to appropriate 0.03 cubic feet of water per second from groundwater (one well) with a priority date of January 1, 1950 from the location specified in (2) of this license. The water is to be used for the purpose of municipal use. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 4064-3 and subject to South Dakota State Law.


 JOHN HATCH, Chief Engineer
 Water Rights Program
 Department of Environment and Natural Resources

DEC 28 1995

date

SOUTH DAKOTA

VESTED WATER RIGHT NO. 4064-3

Date of Receipt of Claim July 11, 1977.

Date of Validation October 4, 1995.

The Water Management Board validated Vested Water Right Claim No. 4064-3 for Town of Brentford, PO Box 52, Brentford SD 57429 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 4064-3 appropriates 0.03 cubic feet of water per second from one well located in the SW 1/4 SE 1/4 Section 32-T120N-R62W.
2. The appropriated water is used for municipal use and may not exceed the amount of water needed for beneficial use for municipal use 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, 1950.
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: _____

John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 28 1995

date

Water Rights Division -- File Documentation

NAME: Steven Kramp, council member

ADDRESS: PO Box 52, Brentford SD 57429-0052

DATE: May 15, 1995 COUNTY: Spink TELEPHONE: 887-3456

RE: Validation of Vested Water Right No. 4064-3

COMMENTS:

On May 10, 1995, an inspection was completed of Vested Water Right No. 4064-3 to assess the present status of water use authorized by the vested water right. Validation of the vested water right, in accordance with SDCL 46-2A-16, was delayed pending completion of an inspection.

Since the vested water right was not contested by the chief engineer or any other interested party, the Water Management Board must validate the vested right as published pursuant to SDCL 46-2A-16, provided the first publication was accurate. Any changes that are needed based on the inspection can be addressed by reissuing the water license or by readvertising the validation if the first published notice contained errors.

INSPECTION RESULTS:

The inspection found that Brentford is being supplied water from WEB rural water and only one of the two wells specified on the vested right is still in use. The replacement well drilled in 1974 (SW1/4 SE1/4 section 32-T120N-R62W) is used to supply two, 1,800 gallon reservoirs for fire protection. According to the Affidavit of Water Use, the amount of water assigned a 1950 priority date is 0.03 CFS.

The 1915 well located near the firehall in the SE1/4 SW1/4 section 32-T120N-R62W is abandoned. The pit (3ft X 3ft, concrete opening) was located but the wellhead was not visible. Three pieces of plywood covered the pit which was full of water and surrounded by standing water. The proximity of the pit to nearby basketball and tennis courts poses a hazard to children.

The 1950 well and pit replaced by the 1974 well are also located in the SE1/4 SW1/4 section 32 within 100 feet of the 1974 replacement well. The pit is covered by a hinged door (not secured) and the wellhead is inside a shack adjacent to the pit. Located nearby are the two, 1,800 gallon reservoirs (not secured) which can be used for fire protection.

(CONTINUED)

May 15, 1995
Town of Brentford
Page 2 of 2

File No. 4064-4³

RECOMMENDED ACTION:

The notice published for validation of No. 4064-3 did not include the correct legal description of the diversion point used for fire protection. The 1974 replacement well is located within 100 feet of the advertised legal description and a finding could likely be made by the chief engineer approving the change in well location as provided for by SDCL 46-5-13.1. However, the validation would need to include the abandoned well with the license being reissued to drop the abandoned well (see Comments section of this file documentation.) Since at least one other vested right in Spink County should be readvertised, I recommend including No. 4064-3 in the readvertisement for the remaining well (SW1/4 SE1/4 section 32) with a diversion rate of 0.03 CFS and a 1950 priority date. Following readvertisement, the vested water right can be scheduled for validation by the Water Management Board.

The abandoned well near the firehall needs to be plugged if it can be located and the open pit should be removed or filled to prevent an accident and/or contamination of the ground water. The same action needs to be taken concerning the 1950 well and pit that were replaced by the 1974 well. In addition, the lids to the concrete reservoirs should be secured to prevent someone from falling into the reservoirs.



Ron Duvall, Natural Resources Engineer
Water Rights Division

Vested Water Right Claim No. 4064-3
James River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, May 10, 1995, made a thorough examination of the water use system constructed by the Town of Brentford of PO Box 52, Brentford SD 57429 holder of Claim No. 4064-3, bearing the priority of January 1, 1915 and January 1, 1950 authorizing the diversion of 0.06 cu. ft. per second of ground water for municipal purposes, in Spink County.

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

A. Works used to divert the water:

Well constructed in 1915 is abandoned and needs to be plugged. One well with 1950 priority is maintained as a standby well for fire protection. The town is currently supplied by WEB rural water.

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

Pipeline to two, 1800 gallon reservoirs.

C. Works used to apply water to beneficial use:

Two 1800 gallon reservoirs.

The system is in the following condition fair. The point of diversion is located 2,600 feet W and 825 feet N from the SE corner of section 32-T120N-R62W. The works are capable of diverting and conveying to the place of use 0.03 cu. ft. per second of water which is to be used for municipal (fire protection).

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: none Date report completed: July 26, 1995



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

Winnam Mitchell, Town President
Town of Brentford
PO Box 52
Brentford SD 57429-0052

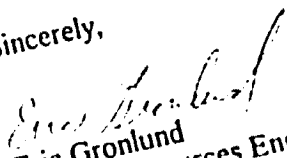
Dear Mr. Mitchell:

The original Notice of Intent to Validate the Town of Brentford's Vested Water Right Claim No. 4064-3 was published with an error in the legal description of the well location. Therefore, the notice needs to be readvertised to correct the error. The enclosed File Documentation signed by Ron Duvall details his inspection made on May 10, 1995.

The Readvertisement of the Notice of Intent to Validate Vested Water Right Claims has been sent to the Publisher of the Redfield Press printed at Redfield SD. For your information, a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Water Rights Program. Please contact me, if you have any questions.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

c: Alta Smith, Treasurer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

William Mitchell, Town President
Town of Brentford
PO Box 52
Brentford SD 57429-0052

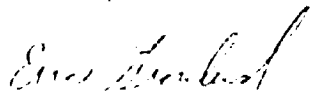
Dear Mr. Mitchell:

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The cost of publication of this notice will be paid by the Water Rights Program. Please contact me, if you have any questions.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

c: Alta Smith, Treasurer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 29, 1995

The Redfield Press
Box 440
Redfield SD 57469-0440

ATTENTION: Legal Department

Enclosed is a Readvertisement of Notice of Intent to Validate Vested Water Right Claims. Please publish the first notice on September 6, 1995 with the second publication 7 days later.

Please BILL the Water Rights Program for the cost of publication.

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the validations until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

No. 1728-3 and 4064-3

Date _____

TO: Eric Gronlund
Water Rights Program
523 E Capitol
Pierre SD 57501-3181

We are in receipt of your letter of August 29, 1995 enclosing Readvertisement of Notice of Hearing to Validate Vested Water Right Claims which was first published in our issue of _____
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

READVERTISEMENT OF NOTICE OF INTENT TO VALIDATE VESTED WATER RIGHT CLAIMS

Notice is given that the following vested water right claims in Spink County are eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a hearing unless a petition to oppose the validation is filed pursuant to SDCL 46-2A-22. Readvertisement of the original notice of intent to validate these claims, as published on June 22 and 29, 1988 in the Redfield Press is necessary to correct errors in the previously published notice.

Vested Water Right No. 1728-3, City of Frankfort, PO Box 36, Frankfort SD 57440 appropriates 0.06 cubic feet of water per second (cfs) from one well located in the SW 1/4 SE 1/4 Section 5-T116N-R62W for municipal purposes. The priority date is January 1, 1950.

Vested Water Right No. 4064-3, Town of Brentford, PO Box 52, Brentford SD 57429 appropriates 0.03 cfs from one well located in the SW 1/4 SE 1/4 Section 32-T102N-R62W for municipal purposes. The priority date is January 1, 1950.

Any person who wishes to oppose validation of any of the readvertised vested right claims shall file a petition of intent to oppose the validation by September 25, 1995 with the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-2181 (605 773-3352) and with the vested water right holder at the listed address. The petition may be informal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Water Management Board will conduct a hearing on the opposed claim at 10:00 a.m., October 4, 1995, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The October 4, 1995 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by September 25, 1995.

If no person opposes validation of a recognized vested water right claim pursuant to SDCL 46-2A-16, the Water Management Board will issue an order pursuant to SDCL 46-2A-17, validating the vested water right claim.

These validations are made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-16 thru 46-2A-18, 46-2A-22; 46-5-1 thru 46-5-6.1, 46-5-8.2, 46-5-13 thru 46-5-15, 46-5-30.2 thru 46-5-37.1, 46-5-46, 46-5-49; 46-6-1 thru 46-6-3, 46-6-6, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-7-1 thru 46-7-5.3, 46-7-12, 46-7-14, 46-7-15 and Board Rule, ARSD 74:02:01:01 thru 74:02:01:05.03 and 74:02:01:20 thru 74:02:01:22.

Contact Eric Gronlund by September 25, 1995, at the above Water Rights Program address to: 1) request copies of information pertaining to a vested right claim or a copy of the vested water right claim list for another county; 2) obtain a summary of South Dakota Water Law and Water Rights Information; 3) to assure access to the hearing by the handicapped; or 4) obtain an interpreter for the hearing impaired. Nettie H. Myers, Secretary, Department of Environment and Natural Resources

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Spink) ssI, Margaret Mundtich

certify that the attached printed Notice was

taken from the Reedfield Press.printed and published in ReedfieldCounty of Spink and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:September 6, 1995September 13, 1995Cost of Printing: 743.11Margaret Mundtich
(Signature)Reedfield Press
(Title)September 13, 1995
(Date Signed)Vested water
rights claims
eligible for
validation

No. 27

READVERTISEMENT OF NOTICE OF INTENT
TO VALIDATE VESTED WATER RIGHT CLAIMS

Notice is given that the following vested water right claims in Spink County are eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a hearing unless a petition to oppose the validation is filed pursuant to SDCL 46-2A-22. Readvertisement of the original notice of intent to validate these claims, as published on June 22 and 29, 1988 in the Reedfield Press is necessary to correct errors in the previously published notice.

Vested Water Right No. 1728-3, City of Frankfort, PO Box 36, Frankfort SD 57440 appropriates 0.06 cubic feet of water per second (cfs) from one well located in the SW1/4 SE1/4 Section 5-T1N-R62W for municipal purposes. The priority date is January 1, 1950.

Vested Water Right No. 4084-3, Town of Brentford, PO Box 52, Brentford SD 57429 appropriates 0.03 cfs from one well located in the SW1/4 SE1/4 Section 32-T102N-R62W for municipal purposes. The priority date is January 1, 1950.

Any person who wishes to oppose validation of any of the readvertised vested right claims shall file a petition of intent to oppose the validation by September 25, 1995 with the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181 (605-773-3352) and with the vested water right holder at the listed address. The petition may be informal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Water Management Board will conduct a hearing on the opposed claim at 10:00 a.m. October 4, 1995, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD. The October 4, 1995 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by September 25, 1995.

If no person opposes validation of a recognized vested water right claim pursuant to SDCL 46-2A-16, the Water Management Board will issue an order pursuant to SDCL 46-2A-17, validating the vested water right claim.

These validations are made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14, 46-2-3-1, 46-2-9, 46-2-11, 46-2-17, 46-2A-16 thru 46-2A-18, 46-2A-22, 46-5-1 thru 46-5-6-1, 46-5-8-2, 46-5-13 thru 46-5-15, 46-5-30-2 thru 46-5-37-1, 46-5-46, 46-5-49, 46-6-1 thru 46-6-3, 46-6-6, 46-6-6-1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-7-1 thru 46-7-5-3, 46-7-12, 46-7-14, 46-7-15 and Board Rules ARSD 74-02.01.01 thru 74-02.01.05 03 and 74-02.01.20 thru 74-02.01.22.

Contact Eric Gronlund by September 25, 1995, at the above Water Rights Program address to: 1) request copies of information pertaining to a vested right claim or a copy of the vested water right claim list for another county; 2) obtain a summary of South Dakota Water Law and Water Rights information; 3) to assure access to the hearing by the handicapped; or 4) obtain an interpreter for the hearing impaired.

Neils H. Myers, Secretary
Department of Environment and Natural Resources

(September 6, 1995)

PAYMENT REQUEST FORM

PAYEE: Redfield Press
Box 440
Redfield, SD 57469-0440

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCT OR TRANSFER

Readvertisement of Notice of Intent to Validate Vested Water Right
Claim Nos. 1728-3 and 4064-3, published on September 6, and September
13, 1995.

AMOUNT: \$43.11

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

John G. Galt

9-15-95

I declare and affirm under the penalties of perjury that this claim is
in all things, true and correct. I further agree to comply with the
provisions of the Civil Rights Act of 1964 and regulations issued
thereunder relating to nondiscrimination in federal assisted programs.



4064-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 28 1995

Alta Smith, Treasurer
Town of Brentford
PO Box 52
Brentford SD 57429-0052

Dear Ms. Smith:

The Water Management Board has validated the enclosed Vested Water Right No. 4064-3. This validation gives legal status to the claim and is the final document for the town's vested right. Enclosed is Reissued Water License No. 4064-3. The license is being reissued to include the amount of water claimed to the actual amount applied to beneficial use, based on a May 10, 1995 inspection of the system.

SDCL 46-6-27 requires that the abandoned well near the firehall be plugged if it can be located. The open pit should be removed or filled to prevent an accident and/or contamination of the ground water. The same action needs to be taken concerning the 1950 well and pit that were replaced by the 1974 well. In addition, the lids to the concrete reservoirs should be secured to prevent someone from falling into the reservoirs.

As long as the Town uses the water beneficially, as stated in the validation, State Water Laws provide that the Town has a continuing right to use the water.

Very truly yours,

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

enclosures



NOT TO SCALE

107.0
T3709
3

42.0
2

T3711
1

154.0

Scale
1 in. = 660 ft.

N

32

center of
section 32

20.3
T3781
2

43.5

479-132R

S-11

Abandoned
1915 well

out
house
area

97.0

T2400
1

Abandoned 1950 well and two, 1800 gallon reservoirs
2,600'

825'

120-62

32

No. 4064-3

Ron Jural
Natural Resources Engineer
5/10/95