

Water Right Number 4163-3

1. Considered 11-30, 19 77

2. Name of Applicant SPILLWAY DRIVE WATER ASSN.

3. Post Office Address ABERDEEN

4. Amount of Water claimed .16

5. Source of Water supply 1370' WELL (DAKOTA)

6. Water to be used for SUBURBAN HOUSING

Acres to be irrigated _____

7. Water to be diverted and used in BROWN County

about SW, 5N miles _____ of ABERDEEN

8. Proof of Publication

Received SE 11-21-77

Not Received _____

9. Application

Approved _____

Subject to _____

Not Approved _____

Action Deferred _____

10. Remarks:

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4163-3
SPILLWAY DRIVE WATER ASSOCIATION RT 2, Box 482, ABERDEEN
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57401 With the following modifications.
 (State)

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

Date of first receipt of application OCTOBER 17, 1977
 Date of return to applicant for correction, amendments or changes required OCTOBER 17, 1977
 Date of receipt of corrected application NOVEMBER 1, 1977
 Approved NOVEMBER 30, 1977, Recorded in Book 19 Page 145

WATER RIGHT PERMIT NO. 4163-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4163-3 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 OCTOBER 17, 1977
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 30, 1978
3. The whole of said work is to be completed on or before NOVEMBER 30, 1978
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 30, 1979
5. The water appropriated shall be used for the purpose of SUBURBAN HOUSING
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 .16 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~~ use for suburban housing, and if for the irrigation purpose, said appropriation must be limited to not more than 8 acre feet per acre per year and be limited to not more than one-seventh (1/7) 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 NOVEMBER 30, 1979; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 7TH day of DECEMBER, 1977

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued APRIL 5, 1979

Water License Issued APRIL 5, 1979

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 2", Depth 1370 ft.
- (2) Casing, Type plastic (wood, concrete, steel, etc) Diameter 3" Thickness 1/4"
- (3) Perforated Screen.
Type plastic, Diameter 2", Length 80 ft.
- (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 _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

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

On same owner's property _____ rds. On property owned by others _____ 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.

Spillway & brine water access
Signature of Applicant: Harold Meyers

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4163-3

- (1) WHEREAS, On the 17th day of October A. D. 19 77
Spillway Drive Water Association
 made Water Right Application No. 4163-3 for a permit to use .16 cubic feet per second of the waters
 of ground water (artesian)
 County of Brown State of South Dakota, for suburban housing
 purposes; and
- (2) WHEREAS, On the 7th day of December A. D. 19 77
 Permit No. 4163-3 with a date of priority of October 17, 1 77
 was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
 supply system therein described on or before the 30th day of November A. D. 19 78 and for the
 application to beneficial use of said water on or before the 30th day of November A. D. 19 79

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 .16 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,

to be used for a suburban housing development

(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 Spillway Drive Water Association

of Aberdeen

the holder _____ and owner _____ of said permit No. 4163-3 a water right, dating from October 17, 1977
to use of .16 cubic feet per second of the waters
of ground water (artesian)

in the County of Brown and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 1130'E and 800'S of the W $\frac{1}{2}$ Corner,
Section 19, T124N, R64W

and conduct ~~XXXXXX~~ through the water distribution system

for the purpose of suburban housing

Subject to any limitations listed in Water Right Permit No. 4163-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 5th day of April A. D.
Nineteen Hundred and Seventy-nine

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Form 15.

Permit No. 4163-3

Water Diversion No. 3 James River Water District

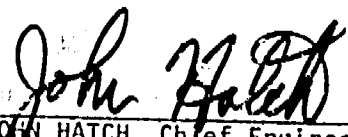
CERTIFICATE OF CONSTRUCTION

This is to Certify, That Spillway Drive Water Association

_____ the holder _____ of
Permit No. 4163-3, issued upon Application No. 4163-3, bearing date of priority of October 17, 1977 authorizing the diversion of .16 cu. ft. per second of the waters of ground water (artesian) County of Brown, State of South Dakota at a point 1180'E and 800'S of the W $\frac{1}{2}$ Corner, Section 19, T124N, R64W
_____, for suburban housing

_____ purposes, has S 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 .19 cu. ft. per second of water.

Date April 5, 1979


JOHN HATCH, Chief Engineer
Water Rights Commission

Publish first publication, on or before November 17, 1977

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

November 1, 1977

Notice is hereby given that Spillway Drive Water Assn. whose post office address is Aberdeen, 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, 46-5-3, 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 0.16 cubic feet of water per second of time from ground water through the Spillway #1, the point of diversion of which is to be located in the SW¹/₄SW¹/₄

of Section 19, Twp. 124N Range 64W. Said water to be used for the purpose of providing ~~irrigation~~ supplies for domestic fire protection.

water supplies for domestic fire protection.

This Application No. 4163-3 will be considered by the Water Rights Commission at Pierre, South Dakota upon the 30 day of November, 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: Spillway Drive Water Assn., Aberdeen, SD

NOTE: Final Proof of Publication must be received by hearing date for the Commission to take action.

No. 793
4163-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brown) ss. Spillway Drive Water Assn.

I, Pat Bauer hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Aberdeen American News

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

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

Nov. 10 & 17, 1977

Pat Bauer
(Signature)
Principal Clerk
(Title)
11/17/77
(Date Signed)

(No. 793-Nov. 10-17-77)
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Notice is hereby given that
Spillway Drive Water Assn. whose
post office address is Aberdeen,
South Dakota, has made an ap-
plication in accordance with the
provisions of SDCL 46-1-1 thru 46-1-
8; 46-2-9 thru 46-2-11; 46-3-1
thru 46-3-3; 46-3-10 thru 46-3-22; 46-4-
41, 46-4-3, 46-4-5, 46-4-6, 46-4-10, 46-4-
14 and Commission Rules ARSD
57-01:01, 57-01:02 thru 57-01:01:13, for a
permit to appropriate for beneficial
use 0.13 cubic feet of water per
second of time from ground water
through the Spillway No. 1, the point
of diversion of which is to be located
in the SW1/4SW1/4 of Section 17, Twp.
124 N Range 64 W. Said water to be
used for the purpose of providing
water supplies for domestic fire
protection.
This Application No. 4163-3 will be
considered by the Water Rights
Commission at Pierre, South Dakota
upon the 30 day of November, 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 Com-
mission in writing prior to the
hearing or orally at the hearing.
WATER RIGHTS COMMISSION
James Winterhagen
Water Rights Specialist



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

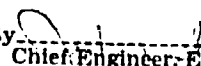
No 4 6841

PIERRE, ----- March 8 -----, 19--77

RECEIVED OF ~~James P. Harrison, 524 N. Lincoln St., Aberdeen, SD 57401~~
the following amount, in fees for services rendered as provided for by law, #2, Box 482, Aberdeen)

Fee for Application for Permit to Appropriate Water No. ----- (examination, processing, recording and filing) -----		
Fee for Inspecting Construction, and issuing Cert. of Construction No.-----4163-3		
Fee for Inspecting Beneficial Use, and issuing Water License No.-----4163-3		50 00
Fee for Issuing Location Certificate-Dry Draw, No.-----		
Fee for filing -----		
Fee for certified copy of -----		
Fee for Print copy of map -----		
Fee for Certifying -----		
Fee for ----- (any other work as provided by law)		
TOTAL		50 00

WATER RIGHTS COMMISSION

by 
Chief Engineer, Executive Officer

JOHN HATCH 97

H163-3 Spillway Above Water Access
8-10-78 Well Artesian Head, Reading
at about 38 PSI.

Capacity 85 gpm

Well some down application

Cloy Torrey. Helldor

Permit No. 4163-3Water Division 3 James River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Spillway Drive
Water Association of Rt #2, Box 482, Aberdeen, S. Dak 57401 holder
 of Permit No. 4163-3, bearing date of priority of October 17, 1977
 authorizing the diversion of .16 cu. ft. per second of the waters of one Artesian well
 for Suburban Housing purposes, in Brown County.

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

The Water Use System consists of,

A. Works used to divert the water:

Artesian Well with 38 PSI operating head

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

2" dia. PVC Pipes to lots in housing development.

C. Works used to apply water to beneficial use.

House hold and lots.The system is in the following condition: GoodThe point of diversion is located 7180 ft E and 800 ft S of the W 1/4
Corner of section 19, T124N R64WThe works are capable of diverting and conveying to the place of use .19
 cu. ft. per second of water which is to be used for Suburban Housing Development.

Water has been put to beneficial use to the maximum extent as follows:

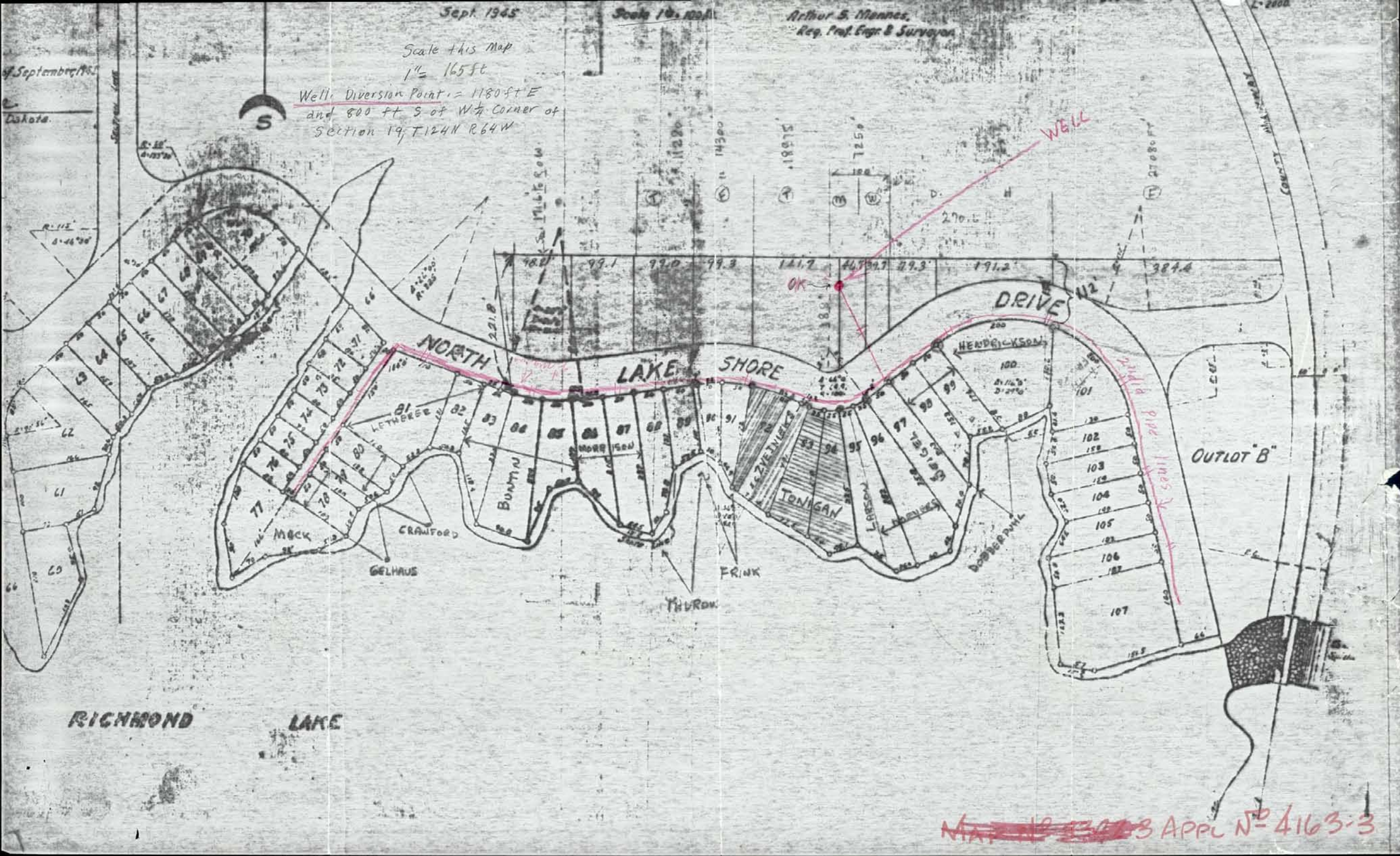
comprising a total of _____ acres of land.

Well 1370 ft deep.Artesian - 38 PSI pressure
head at wellLicense for 10 ccs.
 Applied on permitDate February 5, 1978
Leroy J. McLaughlin
 (Signature)

Dispute

Scale this map
1" = 165 ft

Well, Diversion Point, = 1180 ft E
and 800 ft S. of W $\frac{1}{4}$ Corner of
Section 19, T124N R64W



~~NAIAP 2343~~ 3 APPL N^o 4163-3

SURVEYOR'S CERTIFICATE

I, William D. Stellner, Registered Land Surveyor, do hereby certify that I did conduct a survey to locate a well in the SW $\frac{1}{4}$ of Sec. 19, T. 124 N., R. 64 W., Brown County, South Dakota, and that this plat is a true and correct representation of said location survey.

Signed this 28th day of October, 1977.

William D. Stellner
Registered Land Surveyor #990

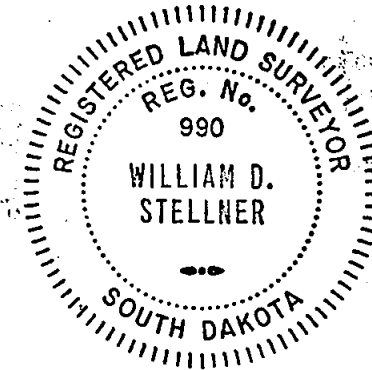
State of South Dakota } ss
County of Brown

On this 28th day of October, 1977, before me, a Notary Public, personally appeared William D. Stellner, known to me to be the person described in and who executed the within instrument, and who acknowledged to me that he executed the same.

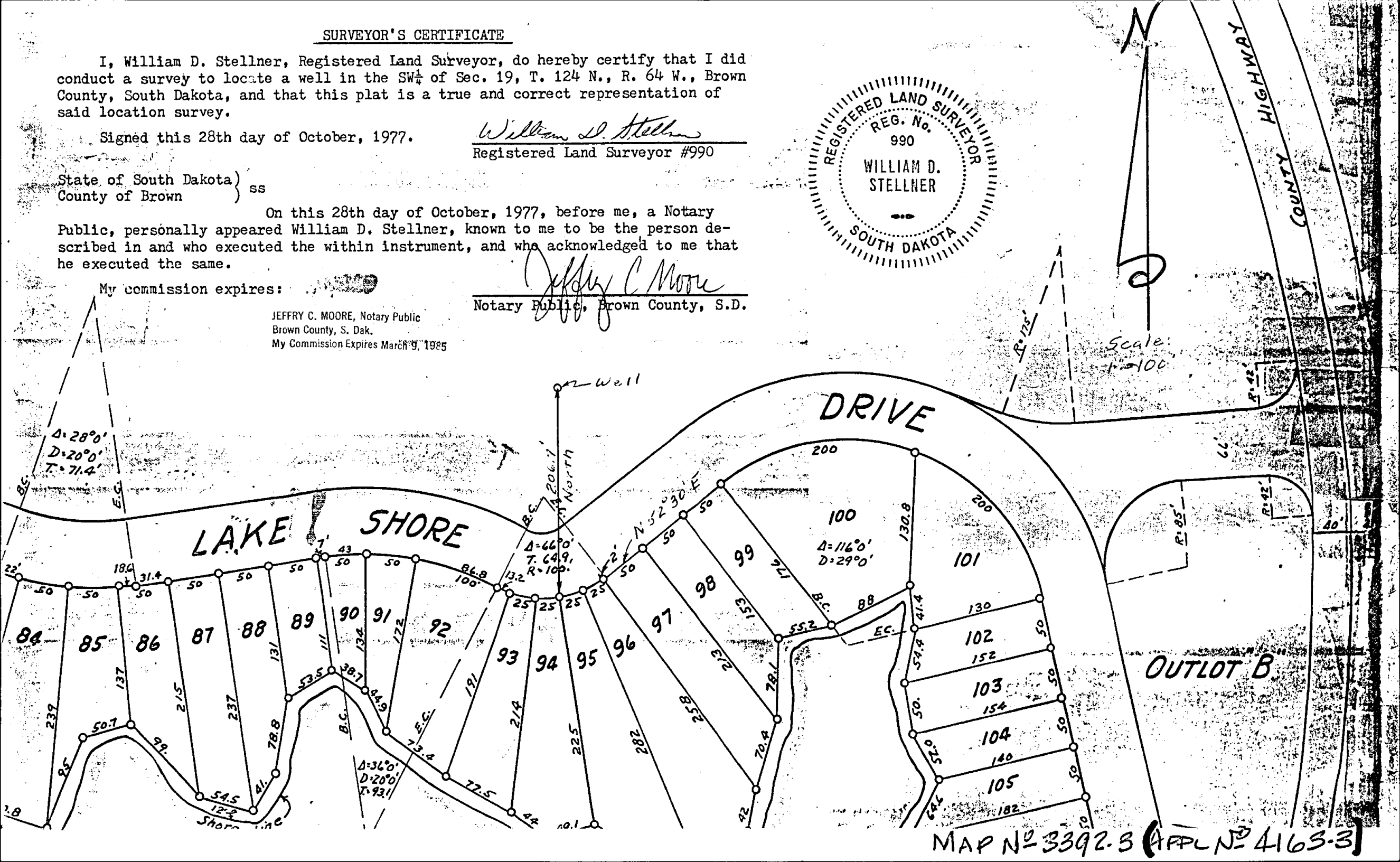
My commission expires: March 9, 1985

JEFFRY C. MOORE, Notary Public
Brown County, S. Dak.
My Commission Expires March 9, 1985

Jeffrey C. Moore
Notary Public, Brown County, S.D.



Scale:
1"=100'



MAP N^o 3392.3 (APPL N^o 4163-3)



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

July 7, 2026

Water Right No. 4163-3

Bruce Frink
509 E Palmer Circle
Aberdeen, SD 57401

Chris E Sylte
PO Box 346
Ipswich, SD 57451

Jeffery Sahli
382201 Spillway Dr
Aberdeen, SD 57401

Greetings,

The Water Rights Program is attempting to update our information on Water Right No. 4163-3 held by the Spillway Drive Water Association. The water right is for a Dakota aquifer well that likely flows at ground surface to supply water to a suburban housing development. Based on the legal description of the water right and county plat information, the well location appears to be in the vicinity of lots along Spillway Drive under your ownership. Additional documents on the water right are enclosed. The Water Rights Program is looking to:

- Identify a current contact for either the well owner or the Spillway Drive Water Association.
- Obtain a more accurate location for the well (GPS coordinates or which lot specifically it is on).
- Learn if the well still exists and is still in use for its permitted purpose.
- Learn if the well flow can be controlled (valved) to prevent a waste of water and location of the well's discharge, if it has one.

Please contact Whitney Kilts or Amanda Dewell with the Water Rights Program at (605) 773-2252 if you can provide some or all of this information.

Sincerely,


Whitney Kilts
Natural Resources Engineer
DANR-Water Rights Program

Enclosures- water license and map



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

August 21, 2026

Water Right No. 4163-3

Craig Harrison
382305 Spillway Dr
Aberdeen SD 57401

Greetings Mr. Harrison.

This letter is in regard to the well authorized by Water Right No. 4163-3, held by the Spillway Drive Water Association. Water Rights Program Staff recently spoke to Donald Kraft, who indicated you would be taking over as the contact person for this well. The purpose of this letter is to let you know that the Program's records now have you listed as the contact person for the Spillway Drive Water Association and responsible party in regard to this water right. If this is in error, please contact the Water Rights Program to identify other contacts.

Our records indicate that this well is completed into the Dakota Aquifer, and likely flows at ground surface. Therefore, please be aware that per South Dakota water law and rules the well and water use system need to be managed to avoid any waste of water. Flowing wells should be controlled to only allow flow to the amount authorized by the water permit or right. When the flowing well is not in use, the well flow should be shut down or reduced to no more than five gallons a minute to prevent freezing. Additionally, all wells should be kept capped or covered, in good repair, and in a sanitary condition.

Please contact Amanda Dewell for contact correction on the water right or myself regarding well construction/management if you have additional questions or concerns. The contact number for the Water Rights Program is (605) 773-3352.

Sincerely,

Adam Mathiowetz, PE
Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

Enclosures- water license and map