

4271-3

1. Considered MAY 25 1978
2. Name of Applicant CITY OF SPENCER
3. Post Office Address - "VESTED RIGHT - 1946"
4. Amount of Water claimed .13
5. Source of Water supply 130' DEEP WELL
6. Water to be used for MUNICIPAL USE
Acres to be irrigated -
7. Water to be diverted and used in MC COOK County
about IN CITY LIMITS 0 miles 0 of
8. Proof of Publication
Received _____
Not Received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:
VESTED RIGHT - 1946

No. 4271-3Map No. V/RWater Division No. 3JAMES RIVER

District

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

**VESTED RIGHT
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 SPENCER
 Postoffice address _____, State S.D. 57374
 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 CITY WELL
4. Amount of water claimed (cubic feet per second) .13
5. Source of water supply GROUND WATER
6. Location of point of diversion LOT 6, BLOCK 12, ORIGINAL TOWNSITE OF SPENCER IN NE 1/4, SECTION 18, T103N, R56W
 _____ County McCook
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 COMPLETED years. Additional time required to complete application of water to the proposed beneficial use COMPLETED years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication NOT APPLICABLE
12. Principal Features of the Proposed Water Supply System.

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

WELL, PUMP & MOTOR

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

ELEVATED STORAGE 50,000 GALLONS
CITY MAINS

C. Works proposed to apply water to beneficial use.

APPROXIMATELY 80 HOSE UPS

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 McCook

I, Mayor W. L. Berry - (Mayor) 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.

Subscribed and sworn to before me this 19th day of April, 1978

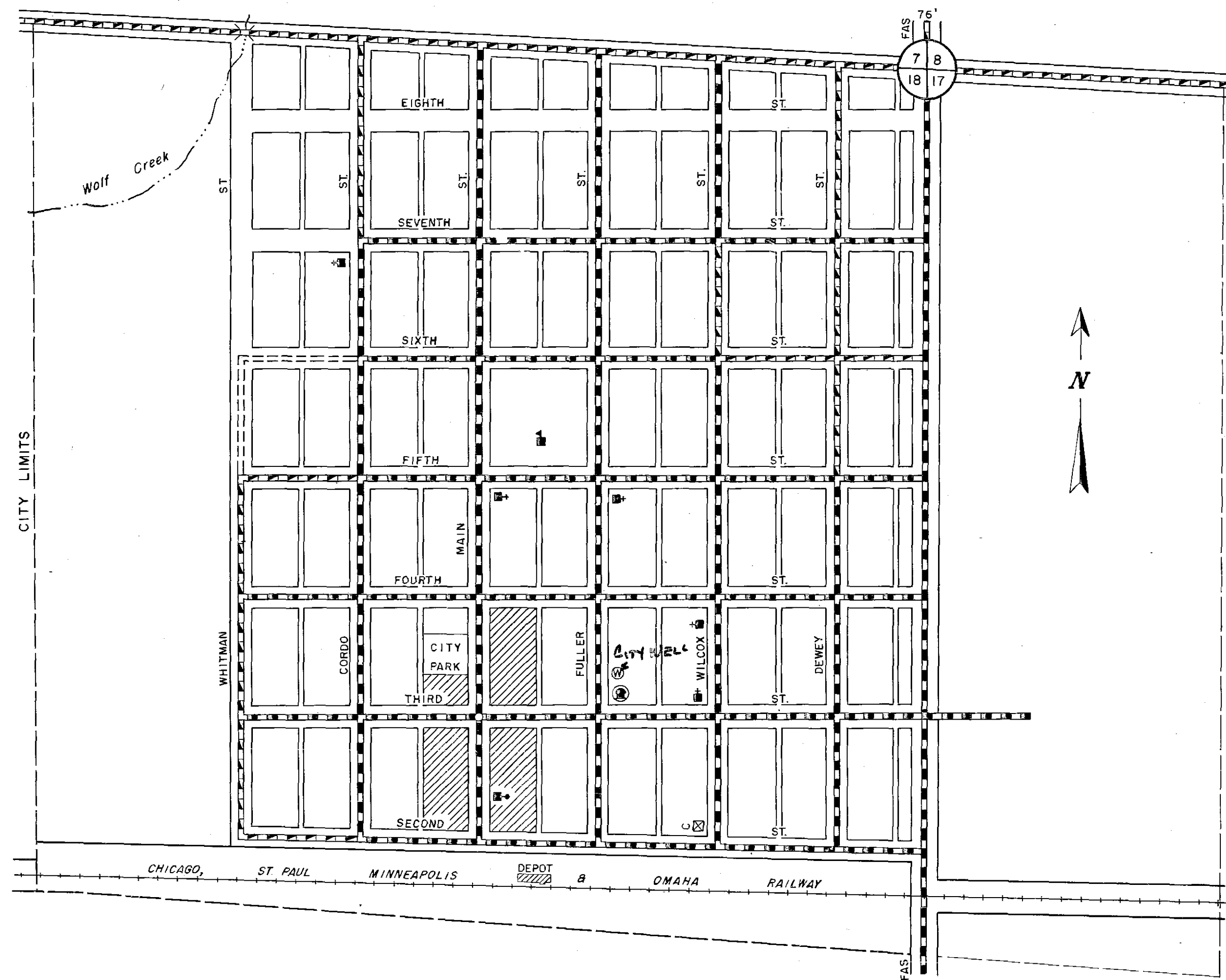
Notary Public (or other qualified officer)

My Commission Expires - June 1, 1984

CITY MAP
SPENCER
MC COOK COUNTY · SOUTH DAKOTA
T 103 N — R 56 W

SCALE 300 ft.
0 300 ft.
POP. 385 (1970)

1968
DRAWN BY
DEPARTMENT OF TRANSPORTATION
OFFICE OF SYSTEM ANALYSIS
ALL STREET RIGHT OF WAY 66 FT.
ALLEYS 16 FT.
(UNLESS OTHERWISE INDICATED)
UNOFFICIAL EDITION



- LEGEND
- U.S. NUMBERED HIGHWAY ———— 18
 - STATE NUMBERED HIGHWAY ———— 45
 - FEDERAL AID HIGHWAY SYSTEM ———— FA
 - FEDERAL AID SECONDARY HIGHWAY SYSTEM ———— FAS
 - PRIMITIVE ROAD ————
 - UNIMPROVED ROAD ————
 - GRADED AND DRAINED ROAD ————
 - GRAVEL ROAD ————
 - BITUMINOUS SURFACED ROAD ————
 - PAVED ROAD ————
 - RAILROAD ————
 - CITY HALL ————
 - POST OFFICE ————
 - SCHOOL HOUSE ————
 - CHURCH OR OTHER RELIGIOUS INSTITUTION ————
 - WATER SUPPLY STAND PIPE OR TANK ————
 - TOWN CENTER ————
 - CENTRAL BUSINESS DISTRICT ————
 - HIGHWAY GARAGE (COUNTY=C, STATE=S) ————

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4271-3

CITY OF SPENCER
(Applicant)

(Post Office Address)

SOUTH DAKOTA
(State) 57374

With the following modifications.

"VESTED RIGHT" CLAIMED

Date of first receipt of application APRIL 20, 1978

Date of return to applicant for correction, amendments or changes required _____, 19____

Date of receipt of corrected application _____, 19____

Approved MAY 26, 1978, Recorded in Book 20 Page 20

WATER RIGHT PERMIT NO. 4271-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4271-3 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 1946, ET
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ _____
3. The whole of said work is ~~to be~~ completed ~~on or before~~ _____
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 .13 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~~ ~~referred, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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~~ USED FOR MUNICIPAL PURPOSES THIS DATE CONTINUOUSLY said water to be used during the following described annual period: _____

Witness my hand this 1ST day of JUNE, 1978

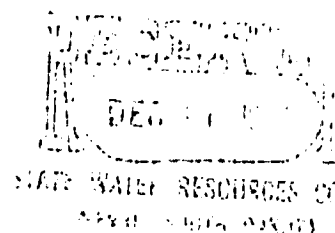
WATER RIGHTS COMMISSION

By: John H. Hales
Chief Engineer, Executive Officer

Certificate of Construction Issued JUNE 1, 1978

Water License Issued JUNE 1, 1978

Form 2A -- Wells (Supplement to Form 2)



9. (Continued)

III Well Specifications

(a) Hole and casing

Size of drill hole or excavation 8 in., Depth 128½ ft.

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

Size of casing 8 in., Thickness of casing standard

Length of casing 95 ft. If collection gallery, length, size and depth of
gallery none

(b) Screens

Type of perforated screen none

Size of perforated screen
(diameter) (length)

Thickness of gravel pack none , length of gravel pack: none

(c) Water Bearing Materials

Distance to water 23 ft. Character of water bearing materials Granite

Rock

Thickness of water bearing material

(d) Pump and Motor

Type of pump FAIRBANKS & MORSE POMONA TURBINE PUMP
(centrifugal, propeller, mixed flow, etc.)

Name of pump , size 4 in.

Kind of motor WESTINGHOUSE TYPE C.S. INDUCTION
(gasoline, electric, diesel, etc.)

Horsepower 10 H. P. Name of Motor

(e) Complete well

Capacity 60 Gal. Per at drawdown of 16 ft. Estimated cost \$10,000

(f) Owner of land upon which well is located Spencer City, Name

Spencer, South Dakota Address

(g) Distance to nearest existing wells

On same owner's property none rods. On property owned by others 22½ rods

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 8 in., Depth 128½ ft.

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

Size of casing 8 in., Thickness of casing standard

Length of casing 95 ft. If collection gallery, length, size and depth of gallery none

(b) Screens

Type of perforated screen none

Size of perforated screen (diameter) (length)

Thickness of gravel pack none length of gravel pack none

(c) Water Bearing Materials

Distance to water 23 ft. Character of water bearing materials Granite

Rock

Thickness of water bearing material

(d) Pump and Motor

Type of pump FAIRBANKS & MORSE POMONA TURBINE PUMP
(centrifugal, propeller, mixed flow, etc.)

Name of pump size 4 in.

Kind of motor WESTINGHOUSE TYPE C. S. INDUCTION
(gasoline, electric, diesel, etc.)

Horsepower 10 H. P. Name of Motor

(e) Complete well

Capacity 60 Gal. Per at drawdown of 16 ft. Estimated cost \$10,000

(f) Owner of land upon which well is located Spencer City Name

Spencer, South Dakota Address

(g) Distance to nearest existing wells

On same owner's property none rods. On property owned by others 22½ rods

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 SPOKER

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 194615. Date that water was first applied to beneficial use 194616. Name of owner of original water supply system CITY OF SPOKER17. Amount of water originally applied to beneficial use .13 c. f. s.

18. Present Use of Water

Amount of water now being used .13 c. f. s.Date that this amount of water was first used 1946

19. Chronological History of Water Use

**WELL CONSTRUCTED IN 1946, AND WATER
HAS BEEN USED FOR MUNICIPAL PURPOSES
SINCE COMPLETION**

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 McCook) ss.

I, Mervin Wilson - Mayor, the applicant, certify that I have read the foregoing and that the matters therein stated are true:

Signed Mervin Wilson MayorSubscribed and sworn to before me this 19th day of April, 19 28

My Commission Expires - June 1, 54 (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.

Form 7A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter _____, Depth 130'
(2) Casing, Type STEEL Diameter 8" Thickness STANDARD
(wood, concrete, steel, etc.)
(3) Perforated Screen.

Type _____, Diameter: _____, Length _____

(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 SANDS & GRAVEL

Depth to top of water bearing material NOT KNOWN

Depth to bottom of water bearing material 130'

Thickness of water bearing material NOT KNOWN

Depth to water (ground surface to water level) 60'

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

On same owner's property NONE rds. On property owned by others 100 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.

Ernest Spencer SD
Ernest Spencer
Signature of Applicant

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4271-3

(1) WHEREAS, On the 20th day of April A. D. 19 78

The City of Spencer

made Water Right Application No. 4271-3 for a vested right 13 cubic feet per second of the waters of ground water

County of McCook, State of South Dakota, for Municipal

purposes; and

(2) WHEREAS, On the 25th day of May A. D. 19 78

Vested Right 4271-3, with a date of priority of 1946

was issued to said applicant recognizing for the diversion of said water, ~~xxxxxx~~ the completion of construction of the water supply system therein described ~~xxxxxx~~ and ~~xxxx~~ the application to beneficial use of said water ~~xxxxxx~~

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 .13 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 used for municipal purposes by the City of Spencer

(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 City of Spencer

the holder XX and owner Vested Right of said permit No. 4271-3 a water right, dating from 1946 to use of .13 cubic feet per second of the waters of ground water

in the County of McCook and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted ~~xx~~ In Lot 6, Block 12, original townsite of Spencer

In NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18, T103N, R56W

and ~~xxxxxx~~ conducted through the City's water distribution system

for the purpose of municipal use

Subject to any limitations listed in Water Right Permit No. 4271-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 1st day of June A. D.
Nineteen Hundred and seventy-eight

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

Form 15.

Permit No. 4271-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the City of Spencer

vested right Permit No. 4271-3, issued upon Application No. 4271-3, bearing date of priority of 1946

authorizing the diversion of .13 cu. ft. per second of the waters of ground water County of McCook, State of South Dakota

In Lot 6, Block 12, Original townsite of Spencer in NE 1/4 SE 1/4, Section 18, T103N, R56W

for Municipal use

purposes, has 5 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 **recognized as** ~~xxxxxxx~~ satisfactory condition for diverting and conveying to the place of intended use .13 cu. ft. per second of water.

Date June 1, 1973

By: **WATER RIGHTS COMMISSION**

JOHN HATCH, Chief Engineer

South Dakota

GREAT FACES. GREAT PLACES.

MAY 10 1991

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

4271-3

Richard Kirby, Town President
City of Spencer
PO Box 47
Spencer SD 57374

Dear President Kirby:

The Water Management Board has validated the enclosed Vested Water Right No. 4271-3. 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

SOUTH DAKOTA.

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 4271-3

Date Claim Accepted For Filing April 20, 1978.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 4271-3 for the City of Spencer, P O Box 47, Spencer, South Dakota 57374 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 4271-3 appropriates 0.13 cubic feet of water per second from one well approximately 128 feet deep and located in the NE 1/4 SE 1/4, Section 18, T103N, R56W.
2. The appropriated water is used for supplying water for the City of Spencer 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, 1946.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

John H. Hatcher
Chief Engineer

Division of Water Rights

Dept. of Environment and Natural Resources

MAY 10 1991

date