

Water Right Number 4279-3

1. Considered MAY 25, 19 78
2. Name of Applicant CITY OF DELMONT
3. Post Office Address _____
4. Amount of water claimed .30
5. Source of water supply GROUND 2 - 340' & 320' DEEP WELL
6. Water to be used for MUNICIPAL USE

Acres to be irrigated —

7. Water to be diverted and used in DOUGLAS County
about IN CITY LIMITS ~~acres~~ —

8. Proof of Publication

Received _____

Not received _____

9. Application

Approved _____

Subject to _____

Not approved _____

Action deferred _____

10. Remarks:

V/R - 1950

PORTI

11/28/77

CITY AUDITOR OF
DELMONT CALLED

THEY HAVE APPLICATION
IN TO THIS OFFICE
FOR WATER RIGHT.

I TOLD HIM WE WILL
CONTACT THE TOWN
AND HELP THEM GET
THEIR WATER RIGHTS
STRAIGHTENED OUT. IN
THE NEAR FUTURE.

DARIN BUSCH HAD TOLD
THEM RECENTLY, THAT A
WATER RIGHT SHOULD BE
OBTAINED.

JIM W

VIP
Map No. 3493-3 Water Division No. 3 MISSOURI RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

~~WATER~~ RIGHT
APPLICATION FOR PERMIT



To Appropriate Water within the State of South Dakota 9/48 am

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

- Name of Applicant CITY of DELMONT
Postoffice address DELMONT, State S. DAK
If a corporation show date and place of incorporation Approx. 1905 - SEE CORPORATE SEAL ON MAP
- Method of accomplishing work (contract, employment of others, or by direct labor) _____
- Name of diversion work CITY WELLS (2)
- Amount of water claimed (cubic feet per second) ~~1.65~~ ~~FAIR~~ ~~5.45~~ .30
- Source of water supply 2 WELLS
- Location of point of diversion SEE ATTACHED MAP - CITY of DELMONT
BOTH WELLS IN NW 1/4 SECTION 34, T98N, R62W
County DOUGLAS
- Annual period or periods during which water is to be used DAILY BASIS
- Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) MUNICIPAL
- For irrigation use, _____ Total number of acres to be irrigated NA

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

- Time required to complete construction of water supply system NA years. Additional time required to complete application of water to the proposed beneficial use NA years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication NA
- Principal Features of the Proposed Water Supply System.

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

1970 - New well - 6" well, 340' deep
1936 - Old well - 6" well, 320' deep

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

25,000 GALLON STORAGE
TO CITY MAIN

C. Works proposed to apply water to beneficial use.

CITY WATER SYSTEM
APPROX 120 HOOR-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 Douglas)

I, City of Delmont 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 Edward E. Biscoe

Subscribed and sworn to before me this 28th day of October 1976

Don Wengel
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4279-3
CITY OF DELMONT CITY AUDITOR
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57330 With the following modifications:
 (State)

"VESTED RIGHT" CLAIMED

Date of first receipt of application NOVEMBER 8, 19 76
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application _____, 19 ____
 Approved MAY 26, 19 78, Recorded in Book 20 Page 26

WATER RIGHT PERMIT NO. 4279-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4279-3 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 1930 AND 1955
2. The equivalent of at least one-fifth of the work above specified is ~~not~~ completed _____
3. The whole of said work is ~~not~~ completed ~~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 .30 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 ~~irrigation~~ used for municipal purposes ~~and if for the irrigation purpose 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 actually and beneficially applied for irrigation~~ on or before THIS DATE said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 2ND day of JUNE, 19 78

WATER RIGHTS COMMISSION

By: John Kater
 Chief Engineer, Executive Officer

Certificate of Construction Issued JUNE 2ND, 19 78
 Water License Issued JUNE 2ND, 19 78

Form 2B - Affidavit of Water Use (Supplement to Form 2)

No. _____

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 DELMONT
Post Office Address _____, State S.D. 57330
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 1930

15. Date that water was first applied to beneficial use 1930

16. Name of owner of original water supply system CITY OF DELMONT

17. Amount of water originally applied to beneficial use .15 c. f. s.

18. Present Use of Water

Amount of water now being used .30 c. f. s.

Date that this amount of water was first used 1955

19. Chronological History of Water Use

**ORIGINAL WELL DRILLED IN 1930, STILL IN USE.
2ND WELL DRILLED IN 1955 BOT WAS ABANDONED
AND REPLACED IN 1970**

Attach to this Form 2B. any copies of notices, postings, filings, publication, 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 Douglas) ss.

I, Edgar E. Brosz, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed

Edgar E. Brosz

Subscribed and sworn to before me this 13th day of April, 19 78

[Signature]
(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.



WATER LICENSE NO. 4279-3

(1) WHEREAS, On the 8th day of November A. D. 19 76
City of Delmont

made Water Right Application No. 4279-3 vested right for a permit to use .30 cubic feet per second of the waters of ground water

County of Douglas, State of South Dakota, for Municipal

purposes; and

(2) WHEREAS, On the 26th day of May A. D. 19 78
vested right Permit No. 4279-3, with a date of priority of 1930 and 1955

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

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 .30 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 Delmont

(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 City of Delmont

vested right
the holder _____ and owner _____ of said permit No. 4279-3 a water right, dating from 1930 and 1955

to use of .30 cubic feet per second of the waters of ground water

in the County of Douglas and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted ~~at~~ both wells located in the NW 1/4 Section 34, T98N, R62W

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. 4279-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 2nd 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. 4279-3

Water Diversion No. 3 Missouri River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the City of Delmont

vested right-- Permit No. 4279-3, issued upon Application No. 4279-3, bearing date of priority of 1930 and 1955 the holder of authorizing the diversion of .30 cu. ft. per second of the waters of ground water County of Douglas, State of South Dakota both wells located in the NW 1/4, Section 34, T98N, R62W for municipal

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 are found in satisfactory condition for diverting and conveying to the place of intended use .30 cu. ft. per second of water.

Date June 2, 1978

By: WATER RIGHTS COMMISSION

JOHN HATCH, Chief Engineer

South Dakota
Department of
Water & Natural Resources

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

JUN 13 1989

Eugene Beehler, Mayor
City of Delmont
PO Box 164
Delmont SD 57330

Dear Mayor Beehler:

The Water Management Board has validated the enclosed Vested Water Right Nos. 4279-3 and 4279A-3. These validations gives legal status to the claims and are the final documents for your vested rights.

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

Very truly yours,



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

enclosure



SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NOS. 4279-3 & 4279A-3

Date Claim Accepted For Filing November 8, 1976 and November 26, 1984.

Date of Validation May 10, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim Nos. 4279-3 and 4279A-3 for the City of Delmont, PO Box 164, Delmont, South Dakota 57330 with the following limitations, conditions and qualifications:

1. Vasted Water Right Nos. 4297-3 and 4279A-3 appropriate 0.15 cubic feet of water per second (cfs) from Well No. 1 approximately 320 feet deep and 0.15 cfs from Well No. 2 approximately 340 feet deep. Well No. 1 is located in the NE 1/4 and Well No. 2 in the NW 1/4 of Section 34, T93N, R62W.
2. The appropriated water is used for supplying water for the City of Delmont 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 dates of the Vested Water Right are: Well No. 1 - 0.15 cfs, January 1, 1930. Well No. 2 - 0.15 cfs, January 1, 1955.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources

JUN 13 1989

date



SEP 6 1995

4279-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

4279A-3

Lorraine Hanten, Finance Officer
City of Delmont
P.O. Box 202
Delmont, SD 57330-0202

Dear Ms. Hanten:

Enclosed is Vested Water License No. 4279A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414193 in the amount of \$50.00 which you paid for the inspection and issuance of the Vested Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Vested Water Right No. 4279A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Vested Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

gr
enclosures

NOTE: The applicable portions of Vested Right No. 4279-3 are incorporated into this Vested Water License No. 4279A-3.

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