

STATE OF SOUTH DAKOTA
REISSUED VESTED RIGHT WATER LICENSE NO. (4280A-3)
DIVISION OF NO. 4280-3 INTO NO. 4280A-3 AND 4280B-3

(1) The City of Hartford, 125 N Main Avenue, Hartford SD 57033-0393 was issued Water License No. 4280-3, November 5, 1986 for a right to appropriate 0.77 cubic feet of water per second (cfs) from groundwater (three wells), Minnehaha County, South Dakota, for municipal use purposes. Water Right No. 4280-3 with priority dates of January 1, 1912, January 1, 1922 and April 26, 1978 was issued to the City for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

On March 6, 1996, the Water Management Board validated the vested right portion of No. 4280-3. Water License No. 4280-3 is being divided and reissued and will separate the vested right portion from the water right as follows:

Vested Water Right No. 4280A-3 - authorizing diversion of 0.43 cfs of water from two wells. Well No. 1 (0.16 cfs) has a priority date of January 1, 1912. Well No. 2 - (0.27 cfs) has a priority date of January 1, 1922. Both wells are located in the NW 1/4 SW 1/4 Section 22-T102N-R51W.

Water Right No. 4280B-2 - authorizing diversion of 0.34 cfs of water from Well No. 3 with a priority date of April 26, 1978 and is located in the SW 1/4 NW 1/4 Section 22-T102N-R51W.

The City of Hartford is connected with the Minnehaha Rural Water System. The three wells are maintained for standby purposes.

(2) The vested right owner is entitled to divert 0.43 cubic feet of water per second for beneficial use. The location of the diversion points are: Well No. 1 - 1000 feet east and 100 feet south and Well No. 2 - 1100 feet east and 50 feet south from the W 1/4 corner of Section 22-T102N-R51W (NW 1/4 SW 1/4).

(3) Pursuant to Section 46-5-30.1 City of Hartford, 125 N Main Avenue, Hartford SD 57033-0393 the holder and/or owner of Vested Water Right No. 4280A-3 is issued a license to appropriate 0.43 cubic feet of water per second from groundwater (two wells) with priority dates of January 1, 1912 and January 1, 1922 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. 4280A-3 and subject to South Dakota State Law.

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

JUL 18 1996

date



Water Rights Program -- File Documentation

File No. 4280-3

NAME: City of Hartford

ADDRESS: 125 N Main Avenue, Hartford SD 57033-0393

DATE: December 22, 1995

COUNTY: Minnehaha

TELEPHONE: 528-3427

RE: Investigation of Vested Portions of Water Right No. 4280-3

COMMENTS:

On September 26, 1995, I completed an investigation of Water Right No. 4280-3. The purpose of the investigation was to determine whether the vested portion of the water right was still in use prior to separating vested and nonvested portions of the water license.

INVESTIGATION RESULTS:

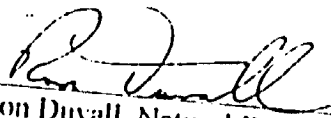
Brian Woessner, Utilities Manager, informed me that the city hooked to Minnehaha Rural Water about 3 years ago. The three wells (two vested, one nonvested) authorized by No. 4280-3 are now maintained for standby purposes. According to Mr. Woessner, the wells can be brought on-line by manipulating a couple of valves and electrical switches. Mr. Woessner also was not aware of any changes made to the pumping equipment since the last investigation completed in 1985.

The publication notice for validation of vested portions of No. 4280-3 and the original publication notice for Application No. 4280-3 both contained errors regarding the location of the three wells. The correct locations of the wells are identified on the city plat map filed with the original application. Based on my investigation, the wells are all located from the W $\frac{1}{4}$ corner in section 22-T102N-R51W as follows:

Well Location	Priority/Appropriation
Well No. 1: 1,000 feet E and 100 feet S (NW $\frac{1}{4}$ SW $\frac{1}{4}$)	January 1, 1912 -- 0.16 cfs
Well No. 2: 1,100 feet E and 50 feet S (NW $\frac{1}{4}$ SW $\frac{1}{4}$)	January 1, 1922 -- 0.27 cfs
Well No. 3: 950 feet E and 300 feet N (SW $\frac{1}{4}$ N $\frac{1}{4}$)	April 26, 1978 -- 0.34 cfs

RECOMMENDED ACTION:

The correct location of all the diversion points needs to be readvertised. Following readvertisement and validation of vested portions of No. 4280-3, the vested and nonvested portions can be separated into two water licenses.



Ron Duvall, Natural Resources Engineer
Water Rights Program



4280A-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 18 1996

Cecile Binkerd, Finance Officer
City of Hartford
125 N Main Avenue
Hartford SD 57033-0392

Dear Ms. Binkerd:

The Water Management Board has validated the enclosed Vested Water Right No. 4280-3. This validation gives legal status to the claim and is the final document for the City's vested water rights.

Also, enclosed are Reissued Vested Water Right License No. 4280A-3 and Reissued Water License No. 4280B-3. The original water license was divided and reissued to separate the vested right portion from the water right.

It is our understanding that the City of Hartford is connected to the Minnehaha Rural Water System and the three wells are maintained for standby purposes. As long as you use the water beneficially, as stated in the licenses, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosures