

4321-3

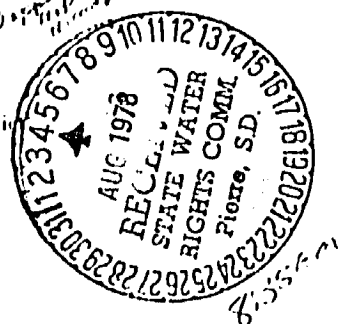
1. Considered SEPTEMBER, 19 78
2. Name of Applicant CITY OF ASHTON
3. Post Office Address _____
4. Amount of Water claimed .22
5. Source of Water supply 3-WELLS 950'; 920' & 1006' DEEP
6. Water to be used for MUNICIPAL USE
Acres to be irrigated -
7. Water to be diverted and used in SPINK County
about IN CITY LIMITS miles of _____
8. Proof of Publication.
Received _____
Not Received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

VESTED RIGHT

No. 4321-3
 Map No. ✓1R Water Division No. 3 JAMES 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)

- Name of Applicant CITY OF ASHTON
 Postoffice address ASHTON, State S.D. 57424
 If a corporation show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) _____
- Name of diversion work CITY WELLS
950' & 1000' DEEP WELLS
- Amount of water claimed (cubic feet per second) .22
- Source of water supply ARTESIAN GROUND WATER
- Location of point of diversion ALL WELLS WITHIN THE CITY LIMITS OF THE CITY OF ASHTON. IN NE¹ SECTION 35, T18N, R64W 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	No. Acres Irr.

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 Appropriate Water publication NOT APPLICABLE
- Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. 5 WELLS (Flowing) INTO 75,000 GALLON CISTERNS THEN PUMPED TO ELEVATED STORAGE TANK OF 40,000 GALLONS.

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

CITY MAINS

C. Works proposed to apply water to beneficial use.

APPROX 60 ACRE IRR

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, Barry Hallenbeck the applicant, certify that I have read the foregoing application and I 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 Barry Hallenbeck

Subscribed and sworn to before me this 3 day of Aug 1978

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4321-3

CITY OF ASHTON
(Applicant)

(Post Office Address)

SOUTH DAKOTA 57424 With the following modifications:
(State)

"VESTED RIGHT" CLAIMED

Date of first receipt of application AUGUST 4 19 78

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

Date of receipt of corrected application _____ 19 _____

Approved SEPTEMBER 13 19 78, Recorded in Book 212 Page 86

WATER RIGHT PERMIT NO. 4321-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4321-3 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 .08 FROM 1904; .07 FROM 1910 AND .07 FROM 1929
2. The equivalent of at least one-fifth of the work above specified is complete
3. The whole of said work is complete
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 .22 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 uses for municipal purposes

HAS BEEN actually and beneficially used for irrigation on or before THIS DATE said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 20th day of SEPTEMBER 19 78

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 20 19 78

Water License Issued SEPTEMBER 20 19 78

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 ASHTON
Post Office Address ASHTON, State S. D. 57424
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 190415. Date that water was first applied to beneficial use 190416. Name of owner of original water supply system CITY OF ASHTON17. Amount of water originally applied to beneficial use .08 c. f. s.

18. Present Use of Water

Amount of water now being used .22 c. f. s.Date that this amount of water was first used 1929

19. Chronological History of Water Use

FIRST WELL DRILLED IN 1904. & SECOND WELL DRILLED IN 1910. BOTH WELLS STILL IN USE. A WELL DRILLED IN 1929. WAS REPLACED IN 1956. AND AGAIN IN 1971. ALL THREE WELLS HAVE BEEN USED FOR MUNICIPAL PURPOSES SINCE CONSTRUCTION.

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 SPIRK) ss.

I, Ruby Hallenbeck, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Ruby HallenbeckSubscribed and sworn to before me this 3 day of Aug, 1978

(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.

Ruby Hallenbeck - Auditor

Permit No. 4321-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the City of Ashton

vested
right

the holder _____ of
Permit No. 4321-3, issued upon Application No. 4321-3, bearing date of priority of 1904;
1910 and 1929 authorizing the diversion of .22 cu. ft. per second of the waters of _____
ground water County of Spink, State of South Dakota ~~XX~~
by three wells in NE 1/4, Section 35, T118N, R64W

for municipal

purposes, has 3 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 ~~XXXXXX~~ **recognized as** satisfactory
~~XXXXXX~~ for diverting and conveying to the place of intended use .22 cu. ft. per second of water.

Date September 20, 1978

By: **WATER RIGHTS COMMISSION**
John Hatch
JOHN HATCH, Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4321-3

(1) WHEREAS, On the 4th day of August A. D. 19 78
the City of Ashton

made Water Right Application No. 4321-3 for vested right 4321-3 cubic feet per second of the waters
of ground water

County of Spink, State of South Dakota, for municipal

purposes; and

(2) WHEREAS, On the 13th day of September A. D. 19 78
vested right Permit No. 4321-3, with a date of priority of 1904; 1910 and 1929

was issued to said applicant _____ for the diversion of said water, and recognizing ~~xxxxxx~~ the completion of construction of the water
supply system therein described ~~xxxxxxxx~~ ~~xxxx~~ ~~xxxxxx~~ and for the
application to beneficial use of said water on ~~xxxxxx~~ ~~xxxx~~ ~~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 .22 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 to be used for municipal purposes for the City of Ashton

(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 Ashton

the holder _____ and owner ~~of~~ vested right 4321-3 a water right, dating from 1904; 1910 and 1929 to use of .22 cubic feet per second of the waters of ground water

in the County of Spink and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted ~~xx~~ by three wells in NE 1/4, Section 35, T118N, R64W

and ~~xxxxxxxxxxxxxx~~ conducted through the City Distribution system

for the purpose of municipal use

This Water License No. 4321-3 is based on a Vested Right Claim recorded and filed by the Water Rights Commission.

Subject to any limitations listed in Water Right Permit No. 4321-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 20th day of September A. D.

Nineteen Hundred and seventy-eight
WATER RIGHTS COMMISSION
WATER RESOURCES COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer **JOHN HATCH**



Department of Water & Natural Resources

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

February 3, 1988

Floyd Winegar, Mayor
PO Box 205
Ashton SD 57424

Dear Mr. Winegar:

I am writing in regard to information we have received that the town of Ashton will obtain its water supply from the WEB Rural Water system. The town of Ashton has Vested Water Right Claim No. 4321-3 which allows the diversion of 0.22 cubic feet of water per second from three 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 SDCL 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

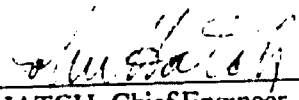
REISSUED STATE OF SOUTH DAKOTA
VESTED RIGHT WATER LICENSE NO. 4321-3

(1) The City of Ashton, PO Box 247, Ashton SD 57424 was issued Vested Water Right License No. 4321-3, September 20, 1979 for a right to appropriate 0.22 cubic feet of water per second (cfs) from groundwater (three wells), Spink County, South Dakota, for municipal use purposes. Vested Water Right No. 4321-3 with priority dates of 1904, 1910 and 1929 was issued to the City for diversion of water with construction of the described water supply system completed and application of water to beneficial completed.

On October 4, 1995, the Water Management Board validated Vested Right No. 4321-3. Vested Right No. 4321-3 is being reissued to reduce the amount of water claimed to the actual amount applied to beneficial use, based on a May 9, 1995 inspection of the system.

(2) The vested right owner is entitled to divert 0.15 cubic feet of water per second for beneficial use. The location of the diversion points are: 1,000 feet south and 1,600 feet west (NW 1/4 NE 1/4 with 1929 priority) and 1,300 feet south and 1,350 feet west (SW 1/4 NE 1/4 with 1904 priority); both from the northeast corner of Section 35-T118N-R64W.

(3) Pursuant to Section 46-5-30.1 the City of Ashton, PO Box 247, Ashton SD the holder and/or owner of Vested Water Right No. 4321-3 is issued a license to appropriate 0.07 cfs (January 1, 1929 priority date) and 0.08 cfs (January 1, 1904 priority date) from groundwater (two wells) 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. 4321-3 and subject to South Dakota State Law.



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

DEC 21 1995

 date

SOUTH DAKOTA

VESTED WATER RIGHT NO. 4321-3

Date of Receipt of Claim: August 4, 1978.

Date of Validation October 4, 1995.

The Water Management Board validated Vested Water Right Claim No. 4321-3 for City of Ashton, PO Box 247, Ashton SD 57424 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 4321-3 appropriates 0.22 cubic feet of water per second from three wells located in the NE 1/4 Section 35-T118N-R64W.
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 dates of the Vested Water Right are: 0.08 cfs - January 1, 1904
0.07 cfs - January 1, 1910
0.07 cfs - January 1, 1929
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, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

DEC 21 1995

date

File No. 4321-3

Water Rights Division -- File Documentation

NAME: Gaylon Armstrong, Mayor of Ashton

ADDRESS: PO Box 247, Ashton SD 57424

DATE: May 18, 1995 COUNTY: Spink TELEPHONE: 472-0771

RE: Validation of Vested Water Right No. 4321-3

COMMENTS:

On May 9, 1995, an inspection was completed of Vested Water Right No. 4321-3 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.

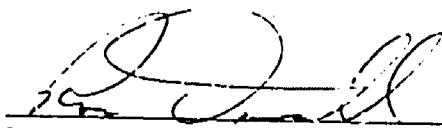
INSPECTION RESULTS:

The inspection found that Ashton is being supplied water from WEB rural water and two of the three wells specified on the vested right are still in use. The 1971 replacement well (NW1/4 NE1/4 section 35-T118N-R64W) is used to flush the sewer system and for fire protection and the other well (SW1/4 NE1/4 section 35-T118N-R64W) is used for watering the city park. It is not known if the well located in the SW1/4 NE1/4 section 35 is the 1904 or 1910 well. Both of these wells are valved and flow is reduced to a minimum.

The other well authorized by the vested right has been cut off and filled in. This well was located in the vicinity of the 1971 replacement well.

RECOMMENDED ACTION:

The present well locations, diversion rates, water source, and use is consistent with Vested Water Right No. 4321-3. Following validation of the vested right as published, the water license will need to be reissued to delete the abandoned well. Reissuance of the license should be for two wells with diversion rates of 0.07 cfs (NW1/4 NE1/4) -- priority date of January 1, 1929 and 0.08 cfs (SW1/4 NE1/4) -- priority date of January 1, 1904. Issuance of the validation and reissued license should be completed at the same time to minimize confusion for the vested right holder.



Ron Duvall, Natural Resources Engineer
Water Rights Program

Vested Right No. 4321-3
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 9, 1995, made a thorough examination of the water use system constructed by the City of Ashton of PO Box 247, Ashton SD 57424 holder of Vested Right No. 4321-3, bearing the priorities of January 1, 1904; January 1, 1910; and January 1, 1929 authorizing the diversion of 0.08, 0.07, and 0.07 cu. ft. per second, respectively, of the waters 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:

Two flowing wells, other well is abandoned. Flow is valved to a minimum when wells are not in use.

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

City distribution system.

C. Works used to apply water to beneficial use:

Well with 1929 priority date is used to flush the city sewer system and for fire protection. The other well with the 1904 priority is used to water the city park.

The system is in the following condition fair. The points of diversion are located 1,000 feet S and 1,600 feet W (NW1/4 NE1/4 with 1929 priority) and 1,500 feet S and 1,350 feet W (SW1/4 NE1/4 with 1904 priority) both from the NE corner of section 35-T118N-R64W. The works are capable of diverting and conveying to the place of use 0.07 (1929 priority) and 0.08 (1904 priority) cu. ft. per second of water which is to be used for municipal purposes.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date report completed: July 17, 1995



Ron Duvall
Natural Resources Engineer
DENR, Water Rights Program



4321-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 21 1995

Carol Groft, Treasurer
City of Ashton
PO Box 247
Ashton SD 57424

Dear Ms. Groft:

The Water Management Board has validated the enclosed Vested Water Right No. 4321-3. This validation gives legal status to the claim and is the final document for the City's vested right. Enclosed is the Reissued Water License No. 4321-3. The license is being reissued to reduce the amount of water claimed to the actual amount applied to beneficial use, based on a May 9, 1995 inspection of the system. Further comments regarding this inspection are also enclosed.

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 Program
605 773-3352

enclosure

NOT TO SCALE

74.2
T1332
2

1" = 660'



NW

146.6
1

Bob Swall

Natural Resources Engineer
May 18, 1995

M-6

W 679-9.2R

19923 75.9
1

118-64

11.0
1

8.4
T2224
11,000'

12.6
T2246
1

1,500'

well

1,600'

11.52
1

well

1,350'

7.5
T2205
1

35

7.0
2

40.7 T9925
1

Traces
14.6
3

55.6 T9922
2

20.1
1

51.0
2

T9924

4321-3