

No. 46-3

**Office of State Engineer
DOCUMENT FILE**

Name:- City of Leola

Source of Supply: Artesian
Basin

Remarks by State Engineer:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, November 13, 1947.

This is to certify that the foregoing application was received at this office at 8:30 o'clock A. M. upon the 15th day of August, 1947 and that after examination it was found to comply with the water laws of South Dakota, was duly published as provided for in section 61.0124 of the South Dakota water code of 1939 and no objections were filed or presented.

Number of permit 46-3
Date of first receipt of application August 15, 1947
Date of return to applicant for correction
Date of receipt of corrected application
Date from which applicant may claim right August 15, 1947
Approved November 13, 1947, Recorded in Book 2 Page 571-5
Dean W. Loucks, State Engineer.

This is to certify that I have examined the foregoing application for a permit to appropriate water of the state of South Dakota, and I hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth, of the work above specified is to be completed on or before December 13, 1947.

2nd. The whole of said work is to be completed on or before April 13, 1948.

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is April 13, 1948.

4th. The water appropriated shall be used for the purpose of a municipal water supply.

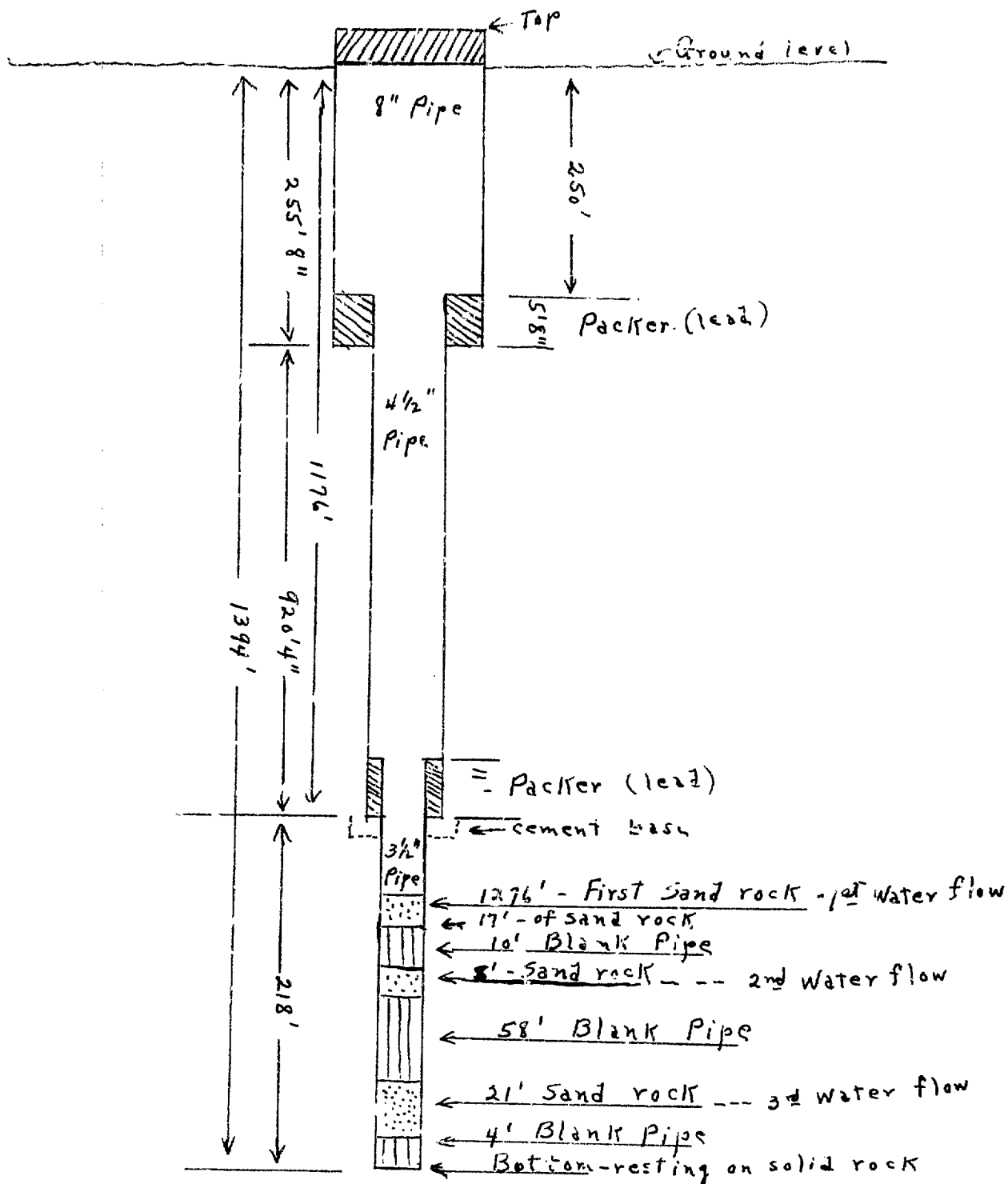
5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 2 million gallons cubic feet of water per second of time; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 1948; said water to be used during the following described annual period:

Witness my hand this 13th day of November, 1947.

CERT OF CONS ISSUED JAN 26, 1971

WATER LICENSE ISSUED JAN 26, 1971 Dean W. Loucks, State Engineer.



Leola City Well.

Leola, S. Dak.

Drilled in 1931.

C.C.H.

received Aug 15, 1947
8:30 A.M.

Form 20 - Application for Permit to Appropriate Water-Artesian Water Well

NO 46-3

Water Division No. _____ District _____

APPLICATION FOR PERMIT

TO APPROPRIATE WATER WITHIN THE STATE OF SOUTH DAKOTA

1. Name of applicant City of Leola
Postoffice address Leola County McPherson State S. Dak.
 - I. If a corporation _____
 - (a) Name of same City of Leola
 - (b) Date and place of incorporation _____
 - (c) Amount of capital stock _____
 - (d) Amount paid in _____
 - (e) Names and address of ~~directors~~ City Council:
George C. Lapka, Christian Gutjahr, F. Allen Hoffman,
Wayne C. Schuchardt, A. C. Schuchardt. (One vacancy)
Mayor: Perry Conahan
 - II. Method of accomplishing the work of the applicant:
 - (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) contract
2. Name of Artesian Well City well
3. Quantity of water claimed _____ gals. per min.
4. Source of water supply artesian basin, approximately 1400 ft deep
Give depth + formation in which it is anticipated that required yield will be found. City of Leola-
Sec. 17-126-67
5. Location of Well, Sub-division - Sec., Twp., Range _____
6. Estimated annual amount of water to be used 1 1/2 to 2 million gals.
7. To be used for: General city and public uses
 - I. Mining, power, manufacturing, transportation, or other purposes:
8. Description of Artesian Well Project, see attached plat
 - I. Method of Drilling: (Size of hole, size, type + weight of casing, methods

of measuring yields)

See attached plat

9. Time required for completion of work plans are to have all work done
10. Time required for commencement of use of water within the next 6 to 8 months
11. Choice of newspaper for publication of notice of intention to appropriate
Official City paper- The McPherson County Herald, Leola, S.D.
12. Give provisions for keeping log of well and samples or analysis of formation
and water to be filed with the State Engineer.

By contractor

STATE OF SOUTH DAKOTA

County of McPherson

ss

I, C.C. Hilgemann being first duly sworn on my oath depose
and say: That my relation to the above described, undertaking is that of
City Auditor, that I have read the above foregoing statement, and
(Owner)
examined the map accompanying the same, and I know of my own personal knowledge that
the matter herein stated and shown are true.

Signed

C.C. Hilgemann

Suscribed and sworn to before me this 13 day of August, 19 47

L.E. Balliet
Notary Public for other qualified offic.
clerk of court

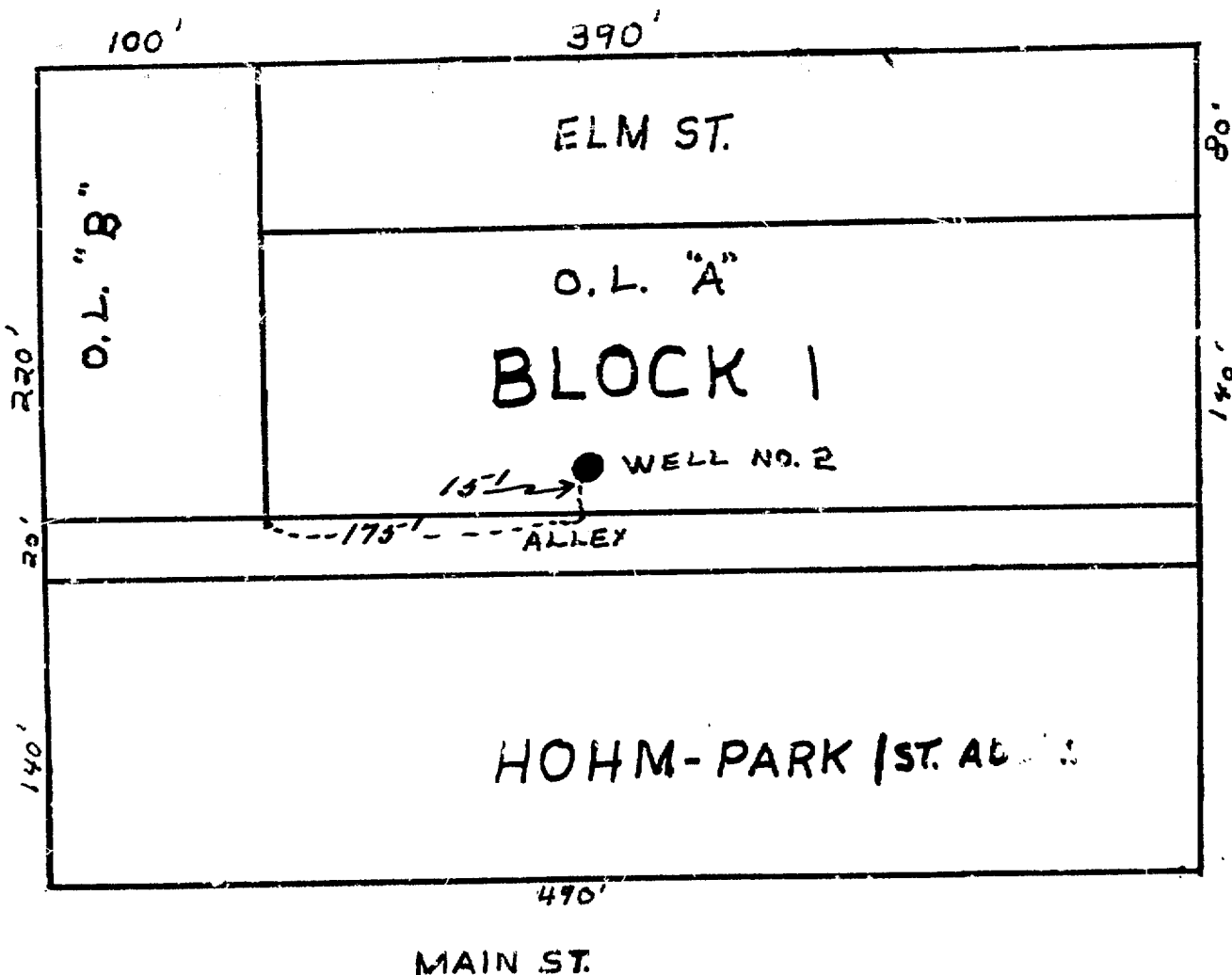
SDC 1939

61.9907 UNLAWFUL USE OF WATER AND WASTE; UNAUTHORIZED CONSTRUCTION OF WORKS. The unauthorized use of water to which another person is entitled, or the willful waste of water to the detriment of another or the public, shall be a misdemeanor. It shall also be a misdemeanor to begin or carry on any construction of works for storing or carrying water until after the issuance of a permit to appropriate such water, except in the case of construction carried on under the authority of the United States.

Source: 3251 Rev. Code 319

Location of Well No. 2 of Municipal Water System of
 of Leola, McPherson County, South Dakota, which is located
 on Lot "A", Block 1, Hohm-Park First Addition to City of
 Leola, McPherson County, South Dakota. *SW 1/4 SE 1/4, Sec. 17, T126N R67W*

3
 LEOLA AVE.



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 46-3

(1) WHEREAS, On the 15th day of August A. D. 19 47
the City of Leola

made Water Right Application No. 46-3 for a permit to use .12 cubic feet per second of the waters
of ground water

County of McPherson, State of South Dakota, for municipal

_____ purposes; and

(2) WHEREAS, On the 13th day of November A. D. 19 47
Permit No. 46-3, with a date of priority of August 15, 1947

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 13th day of April A. D. 19 48 and for the
application to beneficial use of said water on or before the 13th day of April A. D. 19 48

**and Whereas, on the 29th of January 1971, an Affidavit of Construction
of Water Use System and Application of Water To Beneficial Use of Water
was filed with the Water Resources Commission, and the Commission recognized
the same under the "vested right" portion of the South Dakota Water Laws,**

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 .12 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 Leola

(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 Leola

~~rk~~
the holder _____ and owner _____ of said permit No. 46-3 a water right, dating from August 15, 1947
_____ to use of .12 cubic feet per second of the waters
of ground water

in the County of Mc Pherson and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point in Outlot A., Block 1, City of Leola,
in Section 17, T126N, R67W

and ~~xxxxxxxxxxxx~~ conducted through the City water distribution system

for the purpose of municipal use

Subject to any limitations listed in Water Right Permit No. 46-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 26th day of January A. D.
Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Permit No. 46-3

Water Diversion No. 3 JAMES RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the City of Leola

_____ the holder _____ of
permit No. 46-3, issued upon Application No. 46-3, bearing date of priority of August 15,
1947 authorizing the diversion of .12 cu. ft. per second of the waters of _____
ground water County of McPherson, State of South Dakota at _____
a point in Catlot A., Block 1 in City of Leola in Section 17, T126N, R67W

_____, for municipal

purposes, has _____ 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~~ ^{recognized as} satisfactory
~~existing~~ for diverting and conveying to the place of intended use .12 cu. ft. per second of water.

Date January 26, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

RECEIVED
OCT - 9 1947

PROOF OF PUBLICATION

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

STATE OF SOUTH DAKOTA }
County of McPherson } ss.

Beulah L. Bowen being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the _____ McPherson County Herald _____ 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 _____ Leola _____ County of _____ McPherson _____ and State of South Dakota; that the said notice was published in said newspaper on the following dates:

September 11, 1947

September 18, 1947

September 25, 1947

October 2, 1947

in each and every issue of the full number thereof, the first publication being made on the 11 day of September 1947, and the last publication on the 2 day of October 1947, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was _____ the printer and publisher of the said newspaper.

Beulah L. Bowen

Subscribed and sworn to before me this 3 day of October A. D. 1947

E. E. F. Nelson

Notary Public McPherson County, S. D.

NOTICE OF INTENTION TO APPROPRIATE WATER

No. 46-3

(First Publication Sept. 11, 1947)
APPROPRIATION OF WATER
Office of State Engineer,
Pierre, So. Dak., September 3, 1947.

Notice is hereby given that the City of Leola, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3 cubic feet of water per second of time from the Artesian basin through the City well No. 2, the point of diversion of which is to be located in the City of Leola, Section 17, Twp. 126 Range 67. Said water to be used for the purpose of providing a Municipal water supply.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 18th day of October, 1947, at 10:00 A. M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

DEAN W. LOUCKS,
State Engineer
(Sept. 11-18-25-Oct. 2)

(First Publication 194.....)

APPROPRIATION OF WATER

Office of State Engineer,

Pierre, So. Dak., September 3 1947

Notice is hereby given that the city of Leola, South Dakota ~~XXXX XXXXXX~~ whose postoffice

~~XXXXXXX~~ address is ~~XXXXXX~~, So. Dak., has made an application in accordance with

the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

3 cubic feet of water per second of time from the Artesian basin

through the City well #2, the point of diversion of which is to be located ~~on the~~

~~XXXXXXX~~ bank of said stream in the City of XXXXXX Leola, x xx 17.

126 67 126 Range 67 Said water to be used for the purpose of providing ~~the Municipal~~

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 18th day of October, 1947, at 10:00 A. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

Dean W. Loucks,
State Engineer

RECEIVED

APPLICATION FOR EXTENSION OF TIME FOR COMPLETING WORKS JUL 20 1948

To the State Engineer,

Pierre, South Dakota.

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Dear Sir:-

I hereby request that an extension of time of one year
 be granted me for the completion of works to be done
 under permit No. 46-3.

Said works are located in McPherson County and
 are described as follows:-
~~well~~

Location of ~~headworks~~: In the City of Leola ~~XXXXXXXXXXXXXXXXXXXX~~
 of Section 17 Township 126 Range 67

E., B.H.M.

The water is to be used for the purpose of Municipal Water Supply

The extension of time for the completion of these works is requested
 for the following reasons: Difficulty in securing contract to construct project.

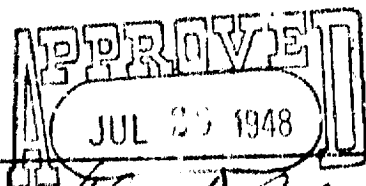
Attest:

Hilgemann
 City Auditor.

City of Leola

Benny A. Cusack Mayor
 Holder of Permit No. 46-3

APPROVED:-



Wm. H. Packer
 STATE ENGINEER
 State Engineer.

July 22, 1948

C. G. Hilgemann
City Auditor
City of Leola
Leola, South Dakota

Re: Water Application 40-3
City of Leola

Dear Mr. Hilgemann:

Herewith we are enclosing the approved extension of time
for the completion of work in connection with your permit
for appropriating water by means of an artesian well located
in Sec. 17-126-67 in the City of Leola.

Yours very truly,

DWL:RW
Enc.

Dean W. Loucks
State Engineer

January 12, 1971

Mr. Walter Hoeft
Water Superintendent
City of Leola
Leola, South Dakota 57456

Dear Mr. Hoeft:

On January 8, 1971 I made a final inspection on City Well #2, drilled in 1948, with the intention of writing an inspection report so that Water License No. 46-3 could be issued.

I indicated that there was a question as to the amount of fees to be charged in this particular instance. While the enclosed statement applies to irrigation and to a different area of the state, the statutory provisions are the same for your municipal use of water.

In order to validate your vested right, you should submit an affidavit to supplement Water Permit No. 46-3. The Water Resources Commission can then file the affidavit and issue your Water License No. 46-3.

From the information collected, I have filled out the affidavit required. If you will have the affidavit form signed by the mayor before a Notary Public and return it to this office together with the required issuing fee of \$2.00, your vested right will be recorded and Water License No. 46-3 will be sent to you.

Sincerely,

BURTON F. JONES
Water Rights Specialist

BFJ/bw

Encl: Statement and Form 2B

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 Leola

Post Office Address Leola, State South Dakota

If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)

Date of Posting August 15, 1947 Date of Recording _____

Recording Date November 13, 1947

14. Date of start of construction of water supply system July 27, 1948

15. Date that water was first applied to beneficial use Fall, 1948

16. Name of owner of original water supply system City of Leola

17. Amount of water originally applied to beneficial use .12 c. f. s.

18. Present Use of Water

Amount of water now being used .12 c. f. s.

Date that this amount of water was first used Fall, 1948

19. Chronological History of Water Use

Well is 1375 feet deep with 300 feet, 8"; 850 feet of 4½" and 300 feet of 3½" copper casing. Static water level is 41½ feet, pump setting at 90 ft. - 2" pump with 7½ H.P. electric motor.

Well was completed in 1948, and water has been used for Municipal purposes by the City of Leola 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)
) ss.
County of _____)

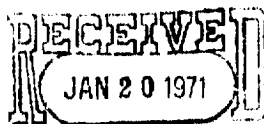
I, _____, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed ^x

Subscribed and sworn to before me this 18th day of January, 1976

(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.



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA