

No. 4672-3Map No. V/12 Water Division No. 3 VERMILION RIVER District

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

VESTED RIGHT
APPLICATION FOR ^V PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Clifford or and Phyllis ElcockPostoffice, address Lennax State South Dakota

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct labor

3. Name of diversion work _____

4. Amount of water claimed (cubic feet per second) .055. Source of water supply Deep wells6. Location of point of diversion 4 miles south and 1/2 eastof Lennax, S. Dak. Section 28 NE 1/4in Grant Twp. 98-51 County Lincoln7. Annual period or periods during which water is to be used year around8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) commercial

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 _____ years. Additional time required to complete application of water to the proposed beneficial use _____ years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication Lennax Independent

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source

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

We have been hauling water from this place since 1953.

C. Works proposed to apply water to beneficial use.

We haul water to cisterns throughout the area, to be used for household purposes.

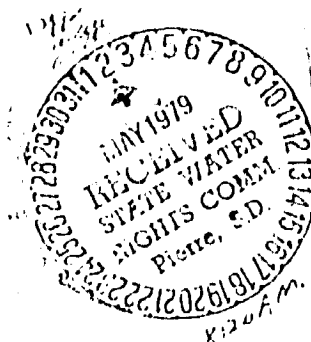
Estimated Total Cost \$ _____

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 Lincoln)I, Clifford Elcock 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 constructionSigned Clifford ElcockSubscribed and sworn to before me this 20 day of April 1954

Notary Public (or other qualified officer)

See attached income tax document for proof of time when

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4672-3

CLIFFORD & PHYLLIS ELCOCK
(Applicant)

LENNOX

(Post Office Address)

SOUTH DAKOTA 57039 With the following modifications:
(State)

"VESTED RIGHT" CLAIMED

Date of first receipt of application MAY 2 19 79
Date of return to applicant for correction, amendments or changes required MAY 2 19 79
Date of receipt of corrected application FEBRUARY 26 19 81
Approved MARCH 19 81, Recorded in Book 22 Page 105

WATER RIGHT PERMIT NO. 4672-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4672-3 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 .02 CFS FROM 1920
.02 CFS FROM 1919
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ 19 81
3. The whole of said work is ~~to be~~ completed ~~on or before~~ 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED 19 81
5. The water appropriated shall be used for the purpose of COMMERCIAL - WATER HAULING

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 .05 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~~ ~~and if for the irrigation purpose said appropriation must be limited to not more than 2 acre feet per year and be limited to not more than one-seventh (1/7) of one cubic foot of water per acre of land to which water was~~

USED FOR COMMERCIAL WATER HAULING
actually and beneficially applied for irrigation on or before JUNE 30 19 55; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 21ST day of APRIL 19 81

WATER RIGHTS COMMISSION

By: John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued APRIL 21 19 81

Water License Issued APRIL 21 19 81

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

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

D. Well Information

- (1) Drill Hole, Diameter 3, Depth 455 - 460
- (2) Casing, Type 2" 3" & 4", Diameter _____, Thickness _____
(wood, concrete, steel, etc.)
- (3) Screen, Type PERFORATED, Diameter 3" & 4", Length 20'
- (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 Bear. g Materials. (Attach a copy of test well log)

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

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

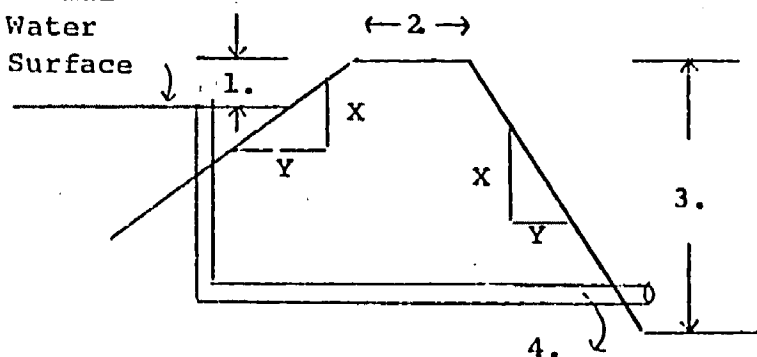
On same owner's property _____ rds.

On property owned by others 1/2 mile 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, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.

Normal
Water
Surface



1. Freeboard _____

2. Crest width _____

3. Height of Dam _____

4. Outlet dimensions:

Pipe diameter _____

Spillway width _____

X & Y slope:

Upstream _____

Downstream _____

Surface area of impoundment _____

Drainage area above dam _____

Permit No. 4672-3

Water Diversion No. 3 Vermillion River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Clifford & Phyllis Elcock

Vested Right Permit No. 4672-3, issued upon Application No. 4672-3, bearing date of priority of 1920 &

1953 authorizing the diversion of .05 cu. ft. per second of the waters of groundwater County of Lincoln, State of South Dakota at three points in the NE 1/4, Section 28, T98N, R51W

for commercial water hauling

purpose, has s 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 recognized as satisfactory XXXXXX for diverting and conveying to the place of intended use .05 cu. ft. per second of water.

Date April 21, 1981

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

WATER LICENSE NO. 4672-3

(1) WHEREAS, On the 2nd day of May A. D. 19 79

Clifford & Phyllis Elcock

made Water Right Application No. 4672-3 for a permit to use .05 cubic feet per second of the waters of groundwater

County of Lincoln, State of South Dakota, for commercial water hauling

purposes; and

(2) WHEREAS, On the 21st day of April A. D. 19 81

Permit No. 4672-3, with a date of priority of 1920 and 1953

was issued to said applicant recognized for the diversion of said water, and provided for the completion of construction of the water supply system the trunk line of the water supply system and the application to beneficial use of said water on or before the 30th day of June A. D. 19 55

Vested
Right

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 .05 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 commercial water hauling purposes

(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 Clifford & Phyllis Elcock

_____ of Jannox
the holder _____ and owner _____ Vested Right on said permit No. 4672-3 a water right, dating from 1920 and 1953
_____ to use of .05 cubic feet per second of the waters
of groundwater

in the County of Lincoln and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at three points in the NE 1/4 Section 28, T98N, R51W

and ~~CONVEYANCE BY PIPELINE~~ hauled to area farms

for the purpose of domestic use

Subject to any limitations listed in Water Right Permit No. 4672-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 21st day of April A. D.
Nineteen Hundred and Eighty one

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

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) CLIFFORD ELCOCKPost Office Address LENNOX, State S.D.

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 STARTED 192015. Date that water was first applied to beneficial use 192016. Name of owner of original water supply system EDWARD ELCOCK17. Amount of water originally applied to beneficial use .02 c. f. s.

18. Present Use of Water

Amount of water now being used .05 c. f. s.Date that this amount of water was first used 1953

19. Chronological History of Water Use

ORIGINAL WATER HAULING WAS STARTED BY MY FATHER RIGHT AFTER WORLD WAR I, USING ONE WELL. TWO ADDITIONAL WELLS WERE DRILLED BETWEEN 1920 AND 1953. WELLS ARE NOT PUMPED HEAVILY BECAUSE THEY TEND TO PUMP SAND. STORAGE TANK OF 5000 GALLONS ALLOWS PUMPING LESS GALLONS PER MINUTE. WATER USE IS LESS NOW THAN BEFORE, BUT CAPACITY AND CAPABILITY TO DELIVER WATER STILL EXIST.

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 LAKE) ss.

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

Signed Clifford ElcockSubscribed and sworn to before me this 26th day of FEBRUARY, 1981

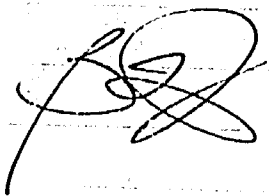
[Signature]
(Notary Public or other qualified Officer)

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.

2-76-81

I VISITED WITH MR & MRS ELCOCK REGARDING THE USE OF WATER. MR ELCOCK'S FATHER STARTED HAULING WATER RIGHT AFTER WORLD WAR #1, PROBABLY IN 1920. WATER HAS BEEN HAULED TO SURROUNDING FARMS SINCE THAT TIME.

CLIFFORD ELCOCK HAS BEEN OPERATING THE BUSINESS SINCE 1952 OR 1953. NOW CONSISTS OF 3 - 455' - 460' DEEP (DAKOTA WELLS.) HE HAS A 5000 GALLON TANK TO AUGMENT PUMPING. HE INDICATED THAT HE DOES NOT FURNISH WATER TO NEAR AS MANY CUSTOMERS AS HE USED TO, BECAUSE OF RURAL WATER SYSTEMS. MOST OF HIS USERS ARE SIGNED UP FOR RURAL WATER. (MR ELCOCK HAS ANOTHER FARM SIGNED UP FOR RURAL WATER) HE DOES HAUL WATER TO PEOPLE NOW, MOSTLY TO ACCOMMODATE HIS OLD CUSTOMERS, BUT HE DOES NOT ANTICIPATE THAT THIS WILL CONTINUE AFTER SOUTH LINCOLN RWS BECOMES OPERATIONAL



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8070

PIERRE,

March 13, 1931

RECEIVED OF Clifford & Phyllis Elcock, Lennox, SD 57039

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriately Water No. <u>4672-3</u> (examination, processing, recording and filing)	8.00
Fee for Inspecting Construction, and Issuing Cert. of Construction No.	2.50
Fee for Inspecting Beneficial Use, and Issuing Water License No.	2.50
Fee for Issuing Location Certificate-Dry Draw, No.	
Fee for Filing	
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for	
(any other work as provided by law)	
TOTAL	13.00

WATER RIGHTS COMMISSION

By

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

4672-3



June 29, 1988
Henry L. Doe

Dear Sir:

We have been using water
water regularly since 1953 in
our name, ~~Clifford~~ and Phyllis
E. Lock and in my dad's
name, as a family for at
least 30 years before that.
We have continued regular
usage right up to the
date.

We want these water
rights permanently recorded on
our deed. We want it
recorded as the East half of
Section 28.

The water rights are
already recorded on the
deed for the S. E. quarter of
Section 28, which we own too.

**South Dakota Department of
Water & Natural Resources**

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

July 7, 1988

4672-3

Clifford & Phyllis Elcock
RR 3, Box 52
Lennox SD 57039

Dear Mr. & Mrs. Elcock:

Enclosed is a copy of Vested Water Right Claim No. 4672-3. We appreciate your letter of June 29, 1988, notifying us that you have continued to use the water claimed under No. 4672-3.

If you have any questions, please contact us.

Sincerely,

Genny McMATH
GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



South Dakota

GREAT FACES. GREAT PLACES.

MAY 10 1931

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

4672-3

Clifford & Phyllis Elcock
RR 3, Box 52
Lennox SD 57039

Dear Mr. & Mrs. Elcock.

The Water Management Board has validated the enclosed Vested Water Right No. 4672-3. 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. 4672-3

Date Claim Accepted For Filing May 2, 1979.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 4672-3 for Clifford and Phyllis Elcock, Fural Route 3, Box 52, Lennox, South Dakota 57039 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 4672-3 appropriates 0.05 cubic feet of water per second from three wells approximately 455 to 460 feet deep and located in the NE 1/4, Section 28, T98N, R51W.
2. The appropriated water is used for supplying water to cisterns in the area for household use and may not exceed the amount of water needed for beneficial use for commercial water hauling 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: 0.02 cfs - January 1, 1920 and 0.03 cfs - January 1, 1953.
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

MAY 10 1991

date