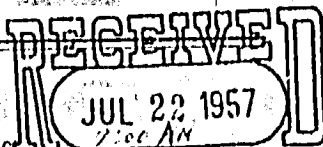


No. 497-3Water Division No. 3

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

Vermillion River DistrictSTATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant CITY OF LENNOX
 Postoffice address LENNOX, S.D., County LINCOLN, State S.D.

I. If a corporation

(a) Name of same CITY OF LENNOX

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors CITY COUNCIL

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

VESTED RIGHTS, WORK HAS BEEN COMPLETED (SINCE ABOUT 1920)

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work

3. Amount of water claimed 0.22 cubic feet per second4. Source of water supply WELL5. Location of point of diversion LAT. 8, BLK. 10, ORIGINAL TOWN, LENNOX, (30' W. OF POINT #3)
ON LENNOX MAP on _____ bank _____ County.6. Annual period or periods during which water is to be used ALL YEAR

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? No(a) Number of acres to be irrigated NONE acres.(b) Legal subdivisions to be irrigated NONE

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) DOMESTIC USE—14-CITY-OF-LENNOX

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use NONE
None any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$-----

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures ----- \$-----

Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

NONE

II. Dimensions of works:

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top -----

----- feet; thickness at bottom ----- feet; thickness at top -----

feet, slope at front water face -----; slope at back face -----

material used in construction -----

(b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET ACRE-Feet CAPACITY

(c) Head gate: Width ----- feet; height ----- feet;

Material -----

(d) Canal: Total length ----- miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work BEING USED ----- years.

11. Time required for complete application of water to the proposed beneficial use IN USE ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate -----
----- LENNOX, S.D. -----

STATE OF SOUTH DAKOTA

County of LINCOLN

ss.

I, CHAS. DENEUI

being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

Chas. R. De Neui

Subscribed and sworn to before me this

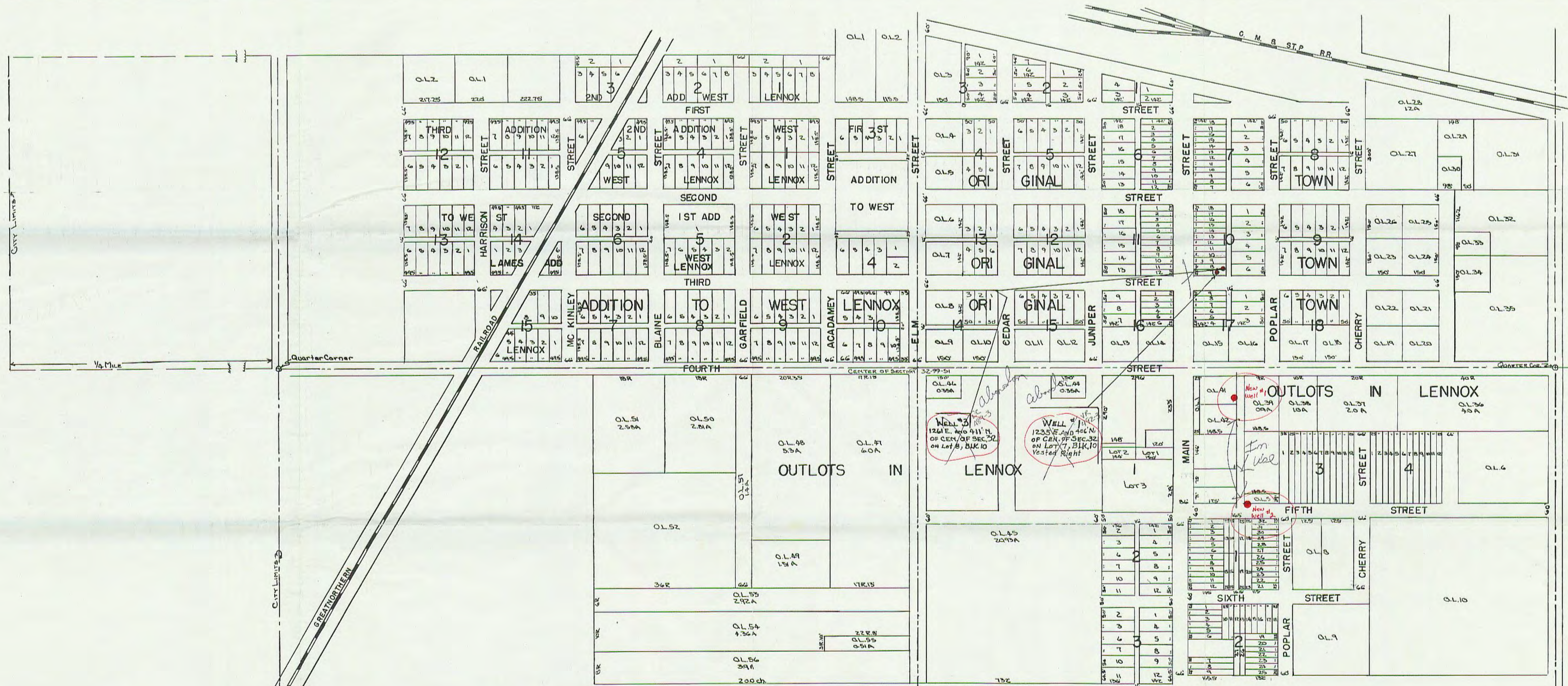
15

day of

July

1927

R. W. Gantner - City Auditor
Notary Public (or other qualified officer.)



SURVEYORS CERTIFICATE

I, K.E. BENSON, REGISTERED LAND SURVEYOR OF THE STATE OF SOUTH DAKOTA DO HEREBY CERTIFY THAT I HAVE MAPPED THE LOCATION OF MUNICIPAL WELLS AS SHOWN, FOR THE PURPOSES OF WATER APPROPRIATION.

K.E. Benson
K. E. BENSON REG. LAND SURVEYOR

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN

ON THIS 17th DAY OF August, 1957 BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE APPEARED K.E. BENSON WELL KNOWN TO ME TO BE THE PERSON DESCRIBED ABOVE AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING CERTIFICATE.

MY COMMISSION EXPIRES
June 5-1960

[Signature]
NOTARY PUBLIC

LENNOX, S. DAK.

LINCOLN COUNTY

TRACED FROM MAP COMPILED BY SMITH & REEVES

K.E. BENSON

PROF. ENGR.

SCALE 1" = 200'

JULY 1948



WELL #2
VESTED RIGHT
800' WEST AND
60' NORTH OF THE
S.E. COR. OF SEC. 31

S.E. CORNER OF
SECTION 31-99-51

S.E. CORNER OF
SECTION 32-99-51

CITY LIMITS

Map No. 326-3
(Appl's No. 429-3)
489-3
492-3
5080-3

RECEIVED
AUG 7 1957
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA



SURVEYORS CERTIFICATE
I, K.E. BENSON, Registered Land Surveyor of the State of South Dakota do hereby
CERTIFY THAT I HAVE MAPPED THE LOCATION OF MUNICIPAL WELLS AS SHOWN FOR THE PURPOSES
OF WATER APPROPRIATION.
K.E. Benson
K. E. BENSON REG. LAND SURVEYOR

STATE OF SOUTH DAKOTA
COUNTY OF LINCOLN
ON THIS 17 DAY OF August, 1957 BEFORE ME THE UNDERSIGNED, A NOTARY
PUBLIC IN AND FOR SAID COUNTY AND STATE APPEARED K.E. BENSON WELL KNOWN TO ME TO
BE THE PERSON DESCRIBED ABOVE AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE
FOREGOING CERTIFICATE.

My Commission Expires June 5-1960
K.E. Benson
NOTARY PUBLIC

LENNOX, S. DAK.
LINCOLN COUNTY
TRACED FROM MAP COMPILED BY SMITH & REEVES
K.E. BENSON PROF. ENGR.
SCALE 1" = 200' JULY 1948

Well #2
Vested Right
800 West and
60' North of the
S.E. Cor. of Sec. 31

S.E. Corner of
Section 31-99-51

S.E. Corner
Sec. 32-99-51

CITY LIMITS

S.E. Corner of
Sec. 32-99-51

Map No. 326-3
(Appl's No. 429-3)
489-3
492-3

RECEIVED
AUG 7 1957
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Remarks by State Water Resources Commission:

"Vested Right" claimed

STATE OF SOUTH DAKOTA

County of

Hughes

Pierre, South Dakota,

July 18, 1961

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock

a.m. upon the 22nd day of July, 1957

State Water Resources Commission

By:

Burton Jones
for Chief Engineer, Executive Officer

Number of permit

492-3

Date of first receipt of application

July 22, 1961

Date of return to applicant for correction, amendments or changes required as follows:

Date of receipt of corrected application

Date from which applicant may claim right

1920

Approved

July 18, 1961, Recorded in Book 6 Page 274

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we 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

2nd. The whole of said work is to be completed on or before

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

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

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 2.2 cubic feet per second; 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-thirtieth (1/30) of one cubic foot of water per second of time for each acre of land to which water is actually used for municipal needs; said water to be used during the following described annual period:

Continuously

Witness my hand this

18th

day of

July

1961

State Water Resources Commission

By:

George J. Jones

Chief Engineer, Executive Officer

Certificate of Construction Issued

July 19, 1961

Water License Issued

July 19, 1961

Form 2A -- Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 8" , Depth 450

Type of casing STEEL
(wood, concrete, steel, etc.)

Size of casing 8" , Thickness of casing

Length of casing 320'+ If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screen PERFORATED CASING IN SAND, OPEN HOLE IN ROCK.

Size of perforated screen 8" , 20'+
(diameter) (length)

Thickness of gravel pack NONE , length of gravel pack

(c) Water Bearing Materials

Distance to water 249' Character of water bearing materials IN SAND

..... 249' TO 293' UNCONSOLIDATED MATERIAL, 300+ TO 450 IN ROCK

Thickness of water bearing material SAND 44'

(d) Pump and Motor

Type of pump TURBINE
(centrifugal, propeller, mixed flow, etc.)

Name of pump PAMONA , size 100 G.P.M.

Kind of motor ELECTRIC
(gasoline, electric, diesel, etc.)

Horsepower 7 1/2 , Name of Motor

(e) Complete well

Capacity 100 at drawdown of 20 Estimated cost ?

(f) Owner of land upon which well is located CITY OF LENNOX
Name

Address LENNOX, S.D.

(g) Distance to nearest existing wells

On same owner's property 2 rods. On property owned by others 40 rods

Permit No. 492-3Water Division No. 3 VERMILLION Water District
RIVER**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the City of Lennoxof South Dakota, County of Lincoln, and State of Vested Right,
the holder of Permit No. 492-3, Issued upon ApplicationNo. 492-3, bearing date of priority of 1920, authorizing the diversion of.22 cu. ft. per second of the waters of ground waterCounty of Lincoln, State of South Dakota, at a point 1235' East and
406' North of the Center 1/4 Corner Section 32, T 99N, R 51Wfor municipalpurposes, has fully 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 in satisfactory
condition for diverting and conveying to the place of intended use .22 cu. ft.per second of water; and that the ~~works proposed in the application~~ use of said water are described as follows,to-wit: to be used to supply municipal supplies for the City of LennoxWitness my hand this 19th day of July A. D. 1961

State Water Resources Commission

By:

J.W. GRIMES

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 492-3

WHEREAS, On the 22nd day of July A. D. 1957

The City of Lennox

County of Lincoln and State of
 South Dakota duly made application (No. 492-3) to us for a Vested Right .22
 cubic feet per second of the waters of ground water
 County of Lincoln, State of South Dakota, for municipal
 purposes; and

WHEREAS, On the 18th day of July A. D. 1961
 Vested Right 492-3 recognising
 Permit No. 492-3 was issued to said applicant for the diversion of said water, ~~subsequent to~~
 completion of the works of diversion therein described ~~monoblock~~ ~~direct~~
~~monoblock~~ and ~~under~~ application to beneficial use of said
 water ~~monoblock~~ ~~direct~~
 and,

WHEREAS, On the 2nd day of August A. D. 1957
 the holder of said permit duly made proof of the completion of adequate works for the diversion of .22
 cubic feet per second of said waters, as evidenced by our Certificate No. 492-3
 dated July 19, 1961 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use .22 cubic feet per second of water, with date of
 priority of 1920 ~~was~~ and,

WHEREAS, On the 2nd day of August A. D. 1957
 proof was duly made of the application to beneficial use of .22 cubic feet per second of said water;
 to be used to supply municipal supplies for the City of Lennox

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 Lennox

~~of~~ the holder and owner Vested Right of said permit No. 492-3

a water right, dating from 1920 to the use of .22

cubic feet per second of the waters of ground water

in the County of Lincoln and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinafter mentioned, to be diverted at a point 1235' N and 406' E of

the Center 1/4 Corner Section 32, T 9 N. 7 W

and conducted ~~through the C. & N. P. River system~~ through the C. & N. P. River system

for the purpose of municipal use

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 19th day of July A. D. Nineteen
Hundred and sixty-one

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

429-3
492-3

May 23, 1961

Mr. Don Swenson
Water Superintendent
City of Lennox
Lennox, South Dakota

Dear Mr. Swenson:

Mr. St. Onge indicated that you wanted the well information on Lennox City Wells #1 and #2.

Well #1 was constructed in 1920 and is 450' deep, cased with 320' of 8" steel casing. Indications are that the water bearing materials (sand) from 249' to 294'. From 300' to 450' appears to have been solid rock.

Well #2 is a shallow well, 53' deep, cased 41' with 12" steel casing. Depth to water is listed as 30'. The well was constructed in 1937.

Too, in examining the folders, we note that the final papers have not been issued on these two water rights, pending receipt of \$4.50 on each one. Upon receipt of the City's check in the amount of \$9.00 the final papers will be issued.

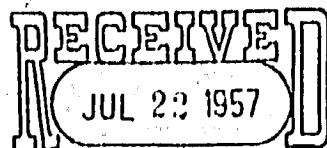
Sincerely,

Burton F. Jones
Water Rights Specialist

BFJ:ls

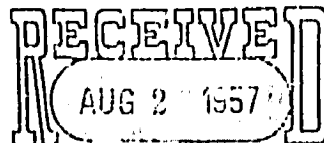
Location No. 492-3Water Division No. 3Vermillion
river

Water District

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. CITY OF LENNOX, LENNOX, S.D.A MUNICIPALITY

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. CHAS. DEHEUI, MAYOR, CITY OF LENNOX

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. _____

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. SAND STRATA AT 249 FT. ON LOT 8, BLOCK 10, ORIGINAL TOWN, LENNOX, S.D.

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. CITY WELL APPROX. 450' DEEP AND IN ROCK, WITH 8" CASINGPERFORATED AT SAND STRATA DEPTH OF 250' TO 290'. THE PUMP IS A PAMONA 100 GPM
TURBINE PUMP WITH 7½ H.P. ELECTRIC MOTOR PUMPING INTO 6" CITY MAINS AND TO AN
ELEVATED TANK. PUMPING IS ALSO MADE TO AN AERATOR AND DETENTION TANK FROM WHICH
PUMPAGE IS MADE BY A HIGH LIFT PUMP THROUGH FILTERS TO THE CITY MAINS.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. DOMESTIC AND MUNICIPAL USE, IN THE CITY OF LENNOX

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. MUNICIPAL USE AS WATER SUPPLY

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 100 G P M

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. THE WELL WAS BUILT AND OPERATED BY THE CITY ON CITY PROPERTY, SINCE ABOUT 1920

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. CONSTRUCTION WAS COMPLETED IN ABOUT 1920 AND USE BEGAN, PUMPING INTO THE CITY MAINS DIRECT MAXIMUM PUMPAGE 700 GPM, AVERAGE 50 GPM INTO THE MUNICIPAL SYSTEM. ALL THE WATER HAS BEEN AND IS USED THROUGH THE MUNICIPAL SYSTEM IN LENNOX, S.D.

(Sign) _____

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in _____, County of _____

State of South Dakota, on this _____ day of _____ A. D. 19____

R. H. Hartman
J. E. Bennett

Witnesses.

Chas. R. De Vries Mayor

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

South Dakota

GREAT FACES. GREAT PLACES.

MAY 10 1991

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3101

Floyd Beach, Mayor
City of Lennox
PO Box 228
Lennox SD 57039

Dear Mayor Beach:

The Water Management Board has validated the enclosed Vested Water Right Nos. 429-3 and (492-3). These validations give 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 validations, 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. 492-3

Date Claim Accepted For Filing July 22, 1961.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 492-3 for the City of Lennox, P O Box 228, Lennox, South Dakota 57039 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 492-3 appropriates 0.22 cubic feet of water per second from one well approximately 450 feet deep and located in the SW 1/4 NE 1/4, Section 32, T99N, R51W.
2. The appropriated water is used for supplying water for the City of Lennox 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 date of the Vested Water Right is: January 1, 1920.
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: _____

John H. Stetson
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

MAY 10 1991

date

File No. 429-3/492-3

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Roger Almond (with City of Lennox)

ADDRESS: PO Box 228, Lennox SD 57039

COUNTY: Lincoln

DATE: October 24, 1991

TELEPHONE:

RE: Vested Right Nos. 429-3 and 492-3

COMMENTS:

Mr. Almond called to inform us that they have not used the wells described under 429-3 and 492-3 (wells drilled in 1920 and 1937) for at least seven years. They use the wells drilled in 1971. The property where the wells are located has been sold to:

Rowan Doorn

RR #2 Box 54

Lennox, SD 57039

Telephone: 647-5486

Mr. Almond stated that the new owner of the property wants to use the wells, but at this time, he does not know for what purpose. I told him I would contact Mr. Doorn to see if he would need a water permit.

I told Mr. Almond that if they have not used the wells for seven years and do not use them as a back up water supply, we would be scheduling the vested rights for cancellation consideration. He indicated the city would not oppose cancellation.

Conclusion

Prior to scheduling the vested rights for cancellation, someone should stop and check with the city again to be sure that the correct rights are scheduled for cancellation.

Genny McMath

Genny McMath
Natural Resources Analyst