

1. Considered: _____, 19____ Water Right No. 4970-3
2. Name of Applicant TOWN OF NEW EFFINGTON
3. Post Office Address 57255
4. Amount of Water Claimed No Additional (0.09) maximum acre feet _____
5. Source of Water Supply 25 ft well
6. Water to be used for MUN acres to be irrigated _____
7. County Roberts about _____ miles _____ of City Limits
8. PROOF OF PUBLICATION: Received 1st 1-10-84 Not Received _____
- APPLICATION: Approved 2-15-83 Subject to _____
- Not Approved _____ Action Deferred _____

PRIORITY Dated Received 8/15/83 Application complete-yes X no _____ FEE 50.00

Remarks New well drilled to be considered as a replacement well and old well to be rehabilitated and used as a back up well. returned 10/14/83 for well locations

Corrected Application received 10/18/83 Period of Annual Use 1/1 to 12/31

WATER
QUALITY

(1983 well info should be placed on Quiche 2596-3)
Received yes _____ no _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application-yes _____ no _____ Remarks _____
not applicable

Disapproved _____ Returned _____

					X

Diversion Point _____
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21-T128N-R50W

Land to be irrigated _____

WELL LOG Driller Falk Bros Well Drilling Licensed - yes 336 no _____
Depth 25 feet deep

Remarks 1977 well (back up well) Lot 12, Block 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$; 1983 well (replacement Lot 1, Block 14, SE $\frac{1}{4}$ NE $\frac{1}{4}$ both in Section 21-T128N-R50W. Permit 2596-3

MAP Map No. 4970-3 & 1964-3 Map located in Water Right X Map file _____
 Type of Map City map Prepared by Mabel Monson, city Employee

+++++

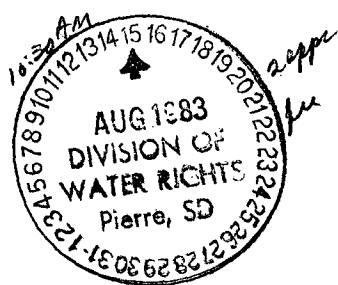
REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:
10/18/83

Betty Westlund
 (Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date _____
 F.F. & C. Final Decision, including F.F. & C. of Law were adopted _____
 OF LAW, Date _____
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
 DECISIONS adopted _____
 ETC. Remarks _____

No. 4970-3Map No. 4970-3 Water Division No. 3 RED RAINY District
1964-3 Above for Office Use 09020101

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Town of New Effington Phone No. 637-5221
 Post Office Address New Effington State SD 57255
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) complete3. Name of diversion work City Well #14. Amount of water claimed (cubic feet per second) ~~NO ADD'L~~ 0.09 ACF5. Source of water supply 25 ft well6. Location of point of diversion Lot 12, Block 15, Town of New Effington
SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21, T128N, R50W

County ROBERTS Sw
 7. Annual period or periods during which water is to be used backup well 1/1 - 12/31

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) municipal

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

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water SISSETON COURIER

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
shallow well, submersible pump

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

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ 550⁰⁰

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map.
 (see instructions concerning preparation.)

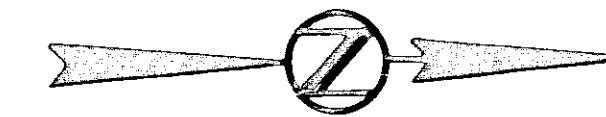
STATE OF SOUTH DAKOTA)
 County of Roberts) ss.

I, Franklin P. Naurath 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 construction.

Signed Franklin P. NaurathSubscribed and sworn to before me this 9 day of August, 1983Wallace Emerson

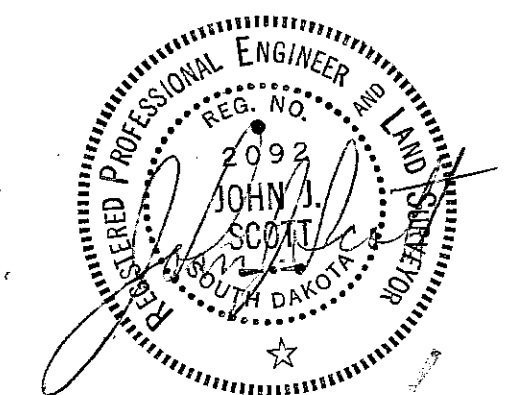
Notary Public (or other qualified officer)

my Commission expires Sept 84, 1983



LEGEND

- | | | | |
|--|----------------|--|-------------------------|
| | School | | Hydrant |
| | Church | | Flush Hydrant |
| | Residence | | Gate Valve |
| | Commercial | | Existing Sanitary Sewer |
| | Occupied Bldg. | | Water Main |
| | Vacant Bldg. | | Existing Fire Hydrant |
| | | | Existing Manhole |
| | | | Sewer Service Line |
| | | | New Manhole |



NEW EFFINGTON, SOUTH DAKOTA			
WATER DISTRIBUTION SYSTEM LAYOUT			
Scott Engineering Company Watertown, South Dakota			
Drawn R.W.B.	Date	File No.	Sht. No.
Checked	Date	2174	2
Approved	Date		Of 12
Designer	Scale 1" = 100'		

Map & Appl # 4970-3

Backup well MAP 21464-3 APPL 22596-3

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4970-3

Town of New Effington
(Applicant)

New Effington
(Post Office Address)

South Dakota
(State)

With the following qualifications.

The well approved under this Permit is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit, shall control his withdrawals so there is not a reduction of needed water supplies in adequate wells or in adequate wells having prior water rights.

Date of first receipt of application August 15, 1983
Date of return to applicant for correction, amendments or changes required —, 19—
Date of receipt of corrected application —, 19—
Approved February 15, 1983, Recorded in Book — Page —

WATER RIGHT PERMIT NO. 4970-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4970-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is August 15, 1983
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before August 15, 1986
3. The whole of said work is to be completed on or before February 15, 1989
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is February 15, 1993
5. The water appropriated shall be used for the purpose of backup municipal well use JK
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 0.09 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 uses served, and ~~if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and 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 February 15, 1993; said water to be used during the following described annual period: CONTINUOUS

Witness my hand this 15th day of March, 1984

THE WATER MANAGEMENT BOARD

By: John Hated
Chief Engineer, Water Rights

Certificate of Construction Issued —, 19—

Water License Issued —, 19—

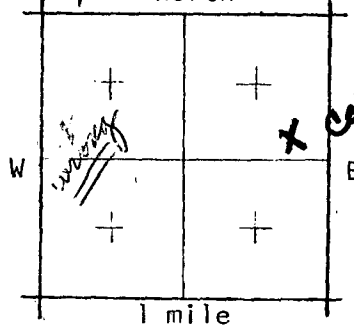
STATE OF SOUTH DAKOTA WELL DRILLERS REPORT

4970-3.

Location SW 1/4 NW 1/4 Sec 22 Twp 129 Rg 50County Roberts*Corrected Inf: SE 1/4 of NE 1/4 - Sec 21 - 129-50*

Roberts

Please mark well location with an "X"



1 mile

Well Completion Date 14 July 83

PROPOSED USE:

☐ Domestic ☒ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Forward Rotary

WELL CONSTRUCTION:

Diameter of hole 12 inches Depth 26 feetCasing: ☐ Steel ☒ Plastic ☐ Other
Specify _____
 Pipe Weight Diameter From To
 lb/ft 6 inches 0 feet 20 feet
 lb/ft inches feet feet
Was a well screen used? ☒ Yes ☐ No

If Not Specify _____

Screen Type Johnson Slot Size 15Length 6' Diameter 6"Was Casing left open end? ☐ Yes ☒ NoWas a Packer or seal used? ☒ Yes ☐ NoIf so what material? K-PackerWas well gravel packed? ☒ Yes ☐ NoWas well grouted? ☒ Yes ☐ NoDescribe grouting procedure Well grouted from 7' to 16' neat cementTo what depth? 16' FeetWhat was grouting material? neat cementIf cement, how many sacks? 6Location of packer(s) and screen or perforated pipe 20' to 26'Drawdown seal at 18'WAS WELL PLUGGED OR ABANDONED ☐ Yes ☒ No

If so how and with what material? _____

Well Owner:

Name City of New EffingtonAddress New Effington, S.D.

Well Log:

Depth

Formation	From	To
topsoil	0	1
yellow clay	1	3
yellow sand	3	18
gray sand	18	26

STATIC WATER LEVEL 15' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut off? yes

WELL TEST DATA:

☒ Pumped

Submersible installed

☐ BailedDescribe: and pumped at 50☐ Other

gpm

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

Remarks:

Drawdown seal installed could not get readingThis well was drilled under license # 336

and this report is true and accurate.

Falk Bros Well Drilling

Drilling Firm

Signed by

14 July 83

Date

*Corrected Information - 10/17/83**Down of New Effington*

WNR-836 4/82

Mabel Monson, Finance officer

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: _____ 1/4 _____ 1/4 _____ Section _____ Township _____ Range _____

Well owner City of New Ellington New Ellington
(Name) (Address)

Date well drilling completed 23 Oct 76 Purpose of well Municipal
(domestic, irrigation, municipal, industrial, other)

WELL LOG

[illegible]

Attach sheet if more space is needed

Depth to top of water producing aquifer 178 ft.

Depth to static water level 17 1/2 ft.

Name of producing aquifer (if known) _____

Total depth of drill hole 27 ft.

Depth to bottom of casing 20 ft.

Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.

8" CPassing
22 LBS Per FT

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.

8 x Telescoping Johnson
Li Dong SS Slot
K Packer

If a flowing well, flow of completed well _____ G.P.M.

Falk Bros Drilling
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump _____ HP. _____

Type of pump _____ Capacity of installed pump _____ G.P.M.

Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____.

Name of Pump Installation Contractor

City Well #2

2596-3
4970-3

New Brighton

14 July 83

71567BS8C4
Monitor
Pitless Unit

6" P.C.
Casing SDR 21

2" Schedule 80
P.C. to 10'

Draw down Seal

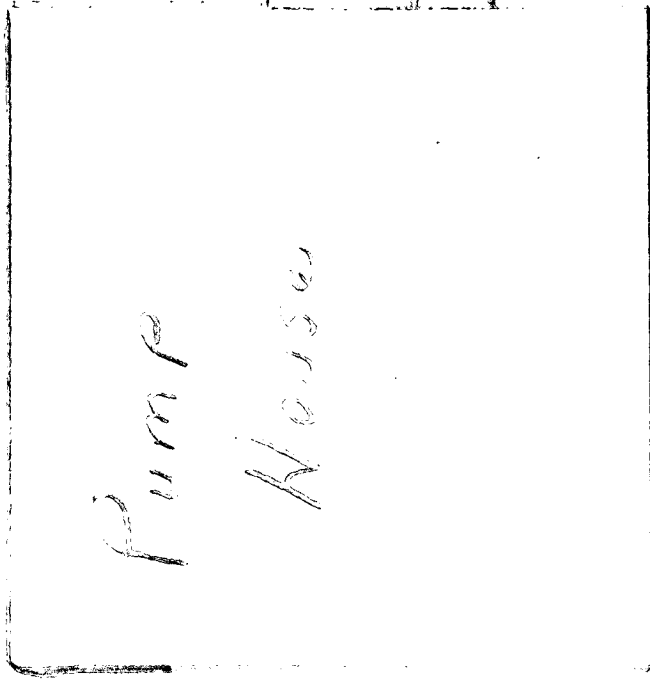
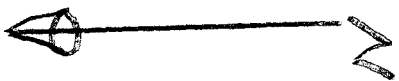
1 1/2 hp 3ph 230v 60Hz
Barton Submersible
Pump 10' SDR

10" casing to
Hansen 10' to
6' beneath

12" Hole

Unit

Full flow 10'



Pump

House

Curb
Stop



2" Water Line

80'

Old
Well



Curb
Stop

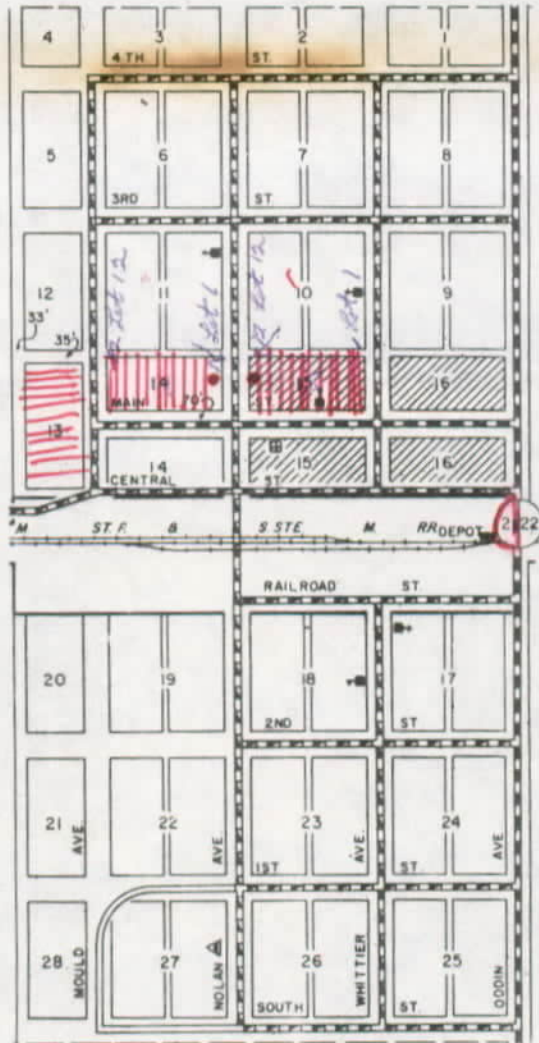
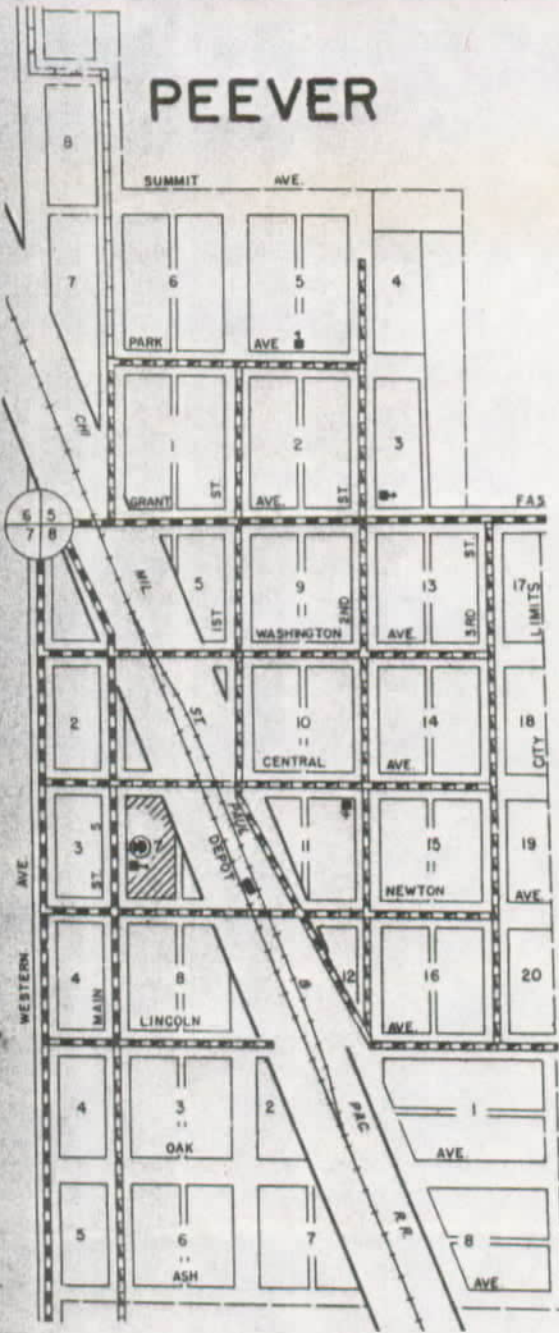
5'



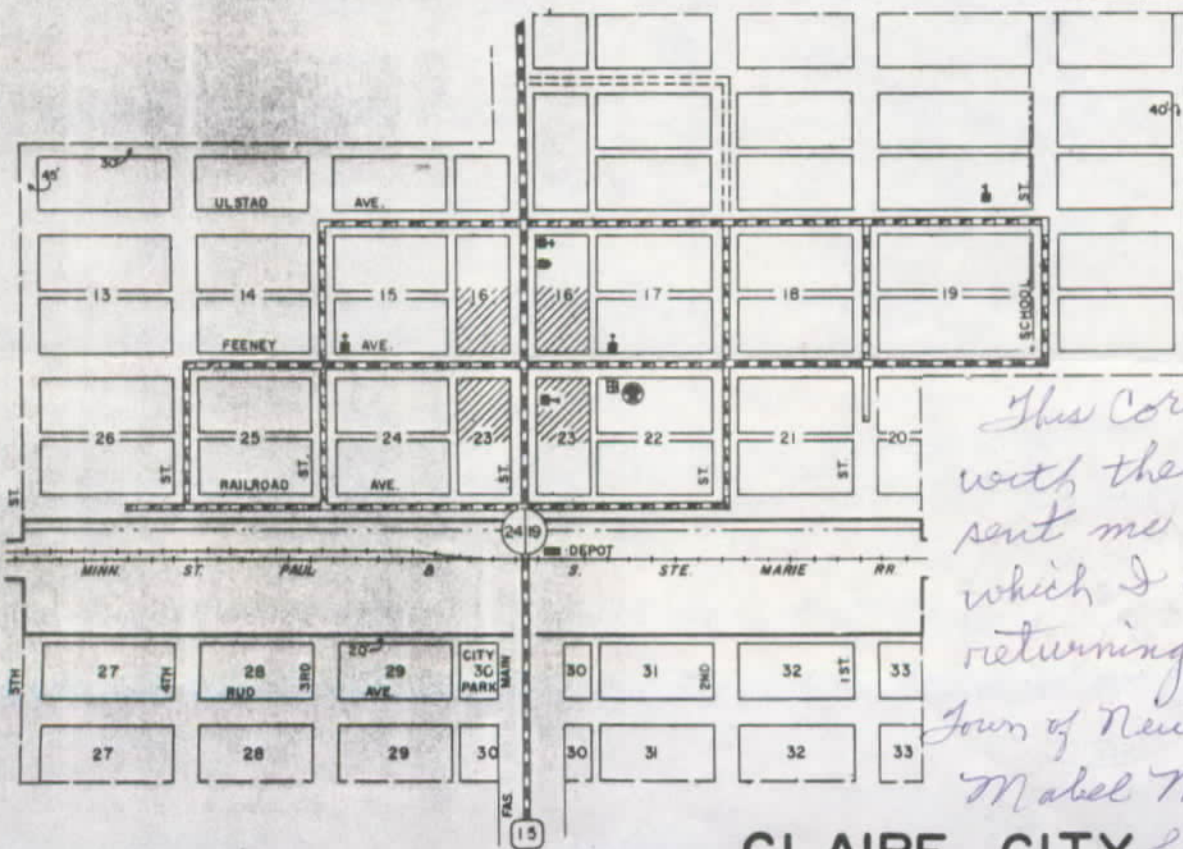
New
Well

PEEVER

NEW EFFINGTON



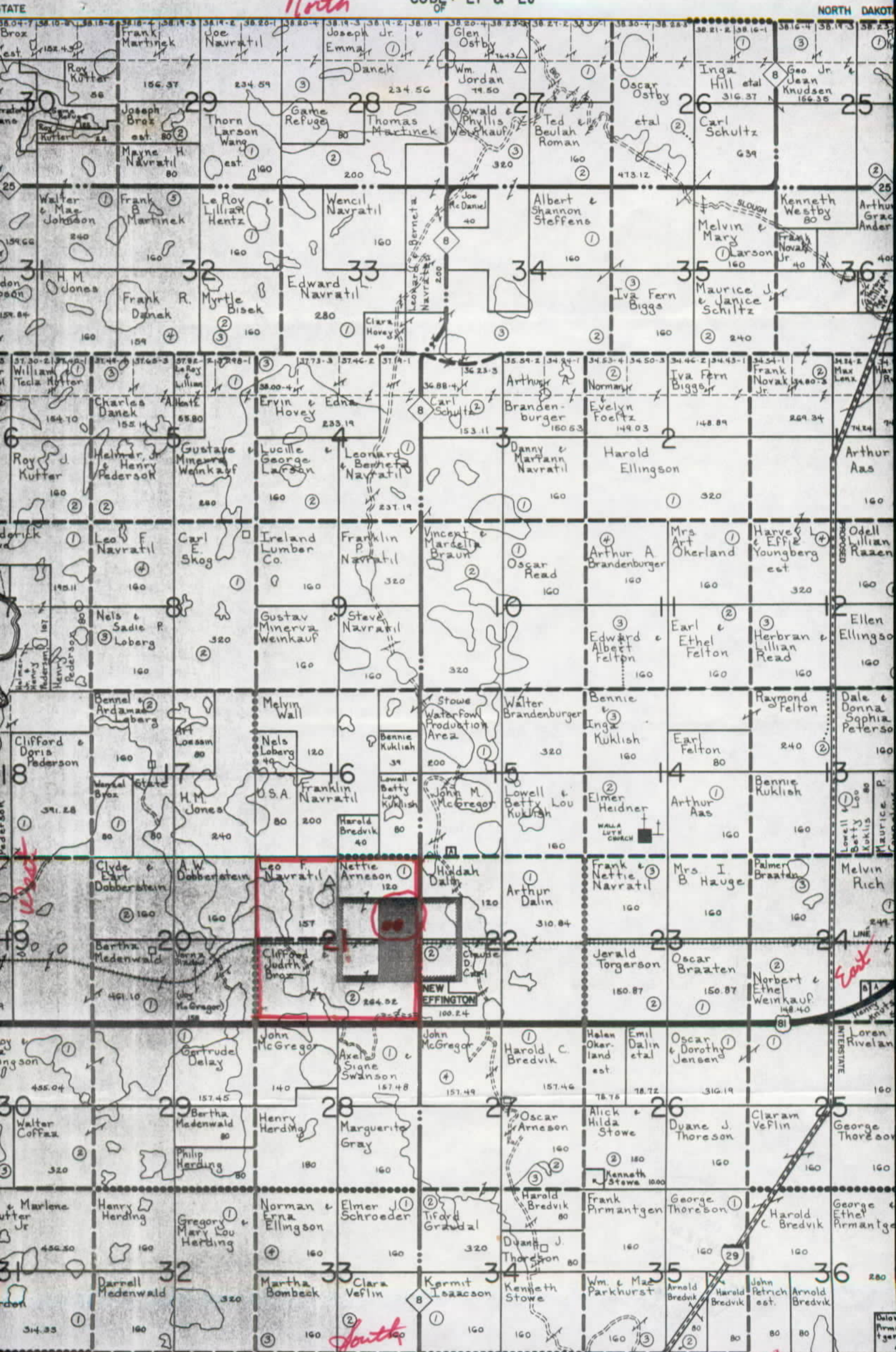
The 1977 well is on lot 12-Block 15 as indicated by the dot.
The 1983 well is on lot 1-Block 14 as indicated by the dot.
Both wells are about 1/2 of the way down into the lots.



CLAIRE CITY Finance Officer

10/17/83

This corresponds with the map you sent me of the Town, which I am also returning to you, Town of New Effington Mabel Monson



Both the 1977 and 1983 well as the SE 1/4 of the NE 1/4 of Township 128 N., Range 50 W. of New Effington. Sec. 21-128 N-R 50 W. 19/7/83 Mabel Monson, finance officer. (see circle on map).

TOWN OF NEW EFFINGTON, S.D.

LOCATION SURVEY FOR

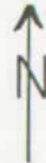
WELL NO. 2

SECTION 21, T128, R50, 5 P.M.



17 16
20 21

16 15
21 22



SCALE : 1" = 800'

WELL NO 2

792'

1/4 LINE

395'

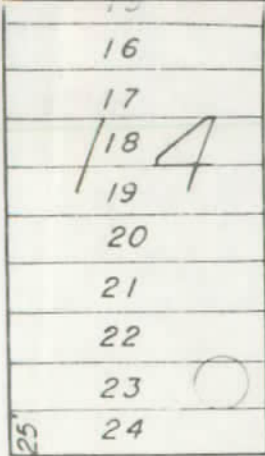


9/26/83
Corrected map
11/10/83

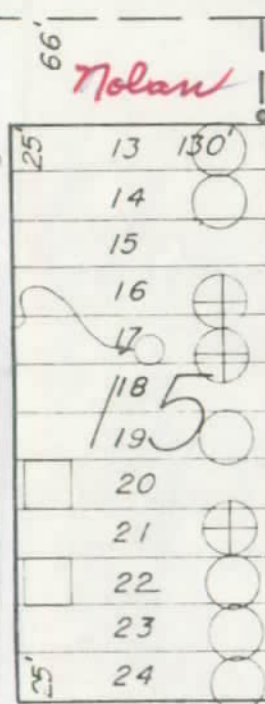
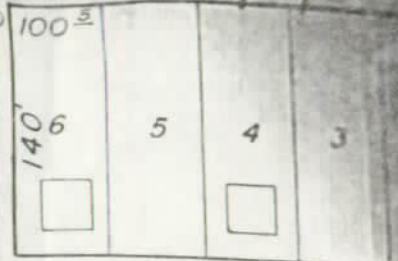
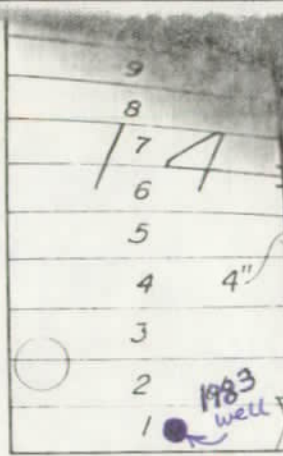
20 21
29 28

21 22
28 27

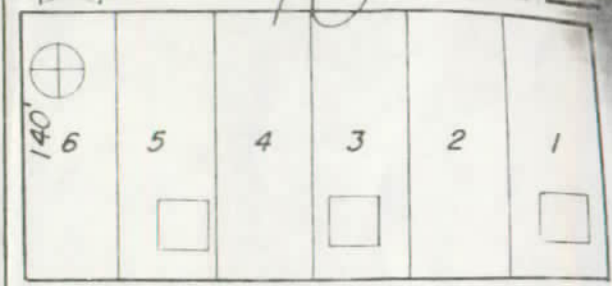
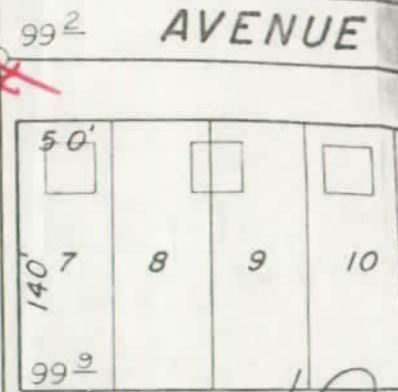
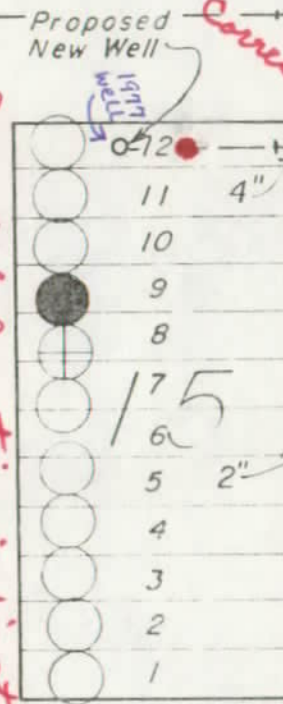
North



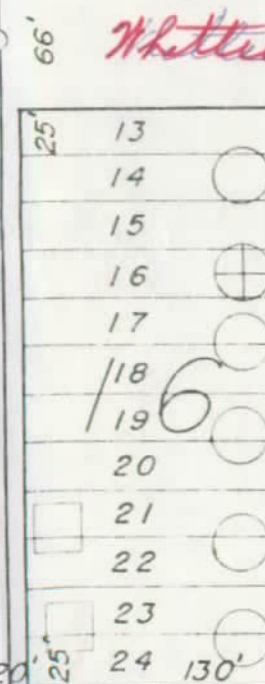
STREET



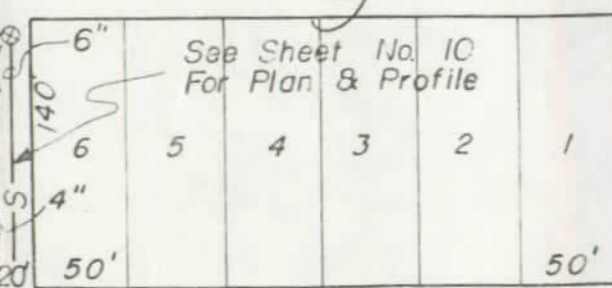
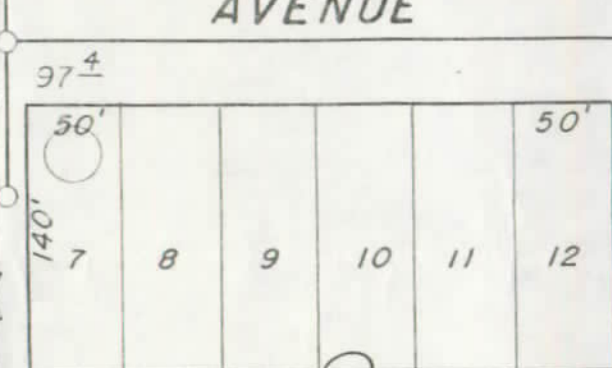
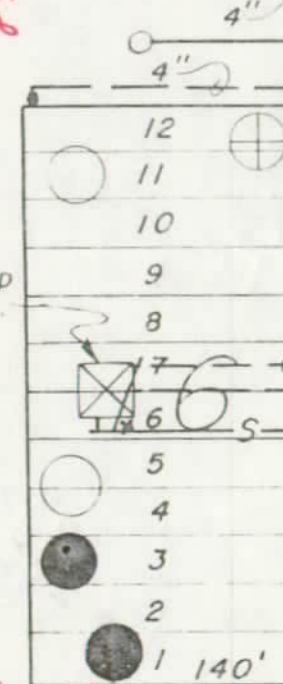
MAIN STREET



3RD



MAIN STREET



1E 78⁴ AVENUE

1/4 Corner

Oddin

70'

50'

50'

66'

66'

4"

4"

4"

66'

66'

4"

4"

4"

66'

66'

4"

4"

4"

66'

66'

4"

4"

4"

10/17/83

10/17/83

10/17/83

10/17/83

10/17/83

10/17/83

10/17/83

10/17/83

10/17/83

10/17/83

10/17/83

10/17/83

10/17/83

10/17/83

NEW EFFINGTO
SOUTH DAKOT
7.5 MINUTE SERI
SW/4 NEW EFFINGTO

Topographic map of New Effington, Nebraska, showing contour lines, roads, and various landmarks. Handwritten red notes and arrows are present, indicating a 'corrected' location and a 'main mound'.

Map features include:

- Section numbers: 15, 16, 17, 20, 21, 22, 27, 28, 29, 32, 33, 34.
- Grid coordinates: 6675 IV NW (NEW EFFINGTON NW), 61, 55', 62, 63, 2 790 000 FEET.
- Landmarks: NATIONAL WATERFOWL PRODUCTION AREA, Faith Cem, Sewage Disposal Ponds, Gravel Pit, New Effington Cem, New Effington (BM 1108), Waller Ch.
- Geographical features: Dobberstein Slough, LIEN.
- Handwritten notes: "10/17/83", "corrected", "main mound", "red arrow", "red circle", "red line".

Division of Water Rights
605 773-3352

July 14, 1983

Town of New Effington
ATTN: Mabel Manson
New Effington SD 57255

Ms. Manson:

This letter is to confirm my phone conversation of July 13, 1983 with Mayor Navratil concerning a new city well. He told me that the old well will be rehabilitated and used as a backup well. We will consider the new well a replacement well, and is therefore covered under water permit No. 2596-3. The only information we will need for the new well will be: a map showing the location, a drillers log and an as built construction report. The use of the old well as a backup will require a new permit application. I am enclosing two copies of a completed application form and two copies of Form 2A. Please sign where indicated and have notarized. Then return them to us with a \$50.00 filing fee and we will process the application. If you have any questions, please contact this office.

Thank you,

KEVIN C LARSON
Water Resources Engineer

KCL:ks

enclosures

cc: Mark Steichen
Office of Drinking Water

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9313

Box 163

PIERRE,

August 15

1983

RECEIVED OF Town of New Effington, Mabel Manson, New Effington, SD 57255

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

Fee for Application for Permit to Appropriate Water No. 4970-3 (examination, processing, recording and filing)	50	00
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
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	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH/MS

October 14, 1983

Mabel Monson
New Effington, SD 57255

Dear Mabel:

Enclosed are the maps and log I stated would be returned.
The locations of the wells are as follows, if they are
not correct please note.

1977 Well Lot 12, Block 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21-T128N-R50W.
This is for the back up well on the water permit
application received August 15, 1983.

1983 Well Lot 1, Block 14, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21-T128N-R50W.
This is the replacement well for Water Permit
No. 2596-3, the Town of New Effington's 1976
water permit.

As you can see by Mr. Borgen's map the well is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$,
Section 21.

If you wish you could send a copy of the town map, indicate
both wells on the map and sign it. Make sure it shows the
Section-Township and Range.

If you have any further questions feel free to contact our
office.

Sincerely,

BETTY WESTLUND
Natural Resource Analyst III

Conversation or File Documentation

NAME OF PERSON OR FILE: Town of New Effington

ADDRESS: _____ COUNTY _____

DATE: 10/13/83 TELEPHONE 637-5531 - Jerome BergenRE: land surveyor

COMMENTS:

called Mr. Bergen, not in talked to Mrs. Said to call
Mabel Monson 637-5319 have called City's # several
times. Need description of the new well. The well
on the appl is for the old original well (Permit 2596-3).

10/14/83 Finally contacted Mabel Monson and got the
locations of the maps of the wells straightened out.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Betty Westlund

Town of New Effington

Telephones: 605-637-5221

605-637-5319

New Effington, South Dakota 57255

October 18, 1983

South Dakota Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Betty Westlund
Natural Resource Analyst III

Dear Betty:

Thank you for the maps and log which you returned to me after our several telephone conversations on Friday.

The descriptions, which we came up with, as stated in your letter, are now correct for both the 1977 and the 1983 wells.

I am returning to you the maps which you sent me with some corrections made in red. I have also had maps made from an atlas showing the Town of New Effington and one showing our Town within Lien Township, in Section 21 and a portion of Section 22. If you can interpret these corrections you will now have the correct locations of both wells.

On your map, the Department of Highway map, I have also made a change. I probably misled you when I named the avenues because our wells are one on each side of Nolan avenue instead the one farther East, which is Whittier avenue.

If I have created confusion, instead of information which you can decipher, please feel free to contact me and I shall try to clarify the issues.

This has been in the process of clarification for such a long time that I sincerely hope that this will now give you sufficient information to issue us a permit number for our back-up well, which is our 1977 well.

Thank you for your consideration.

Sincerely,

Mabel Monson

Town of New Effington, Finance Officer



Town of New Effington

4970..

Telephones: 605-637-5221

605-637-5319

New Effington, South Dakota 57255

Box 163

November 15, 1983

South Dakota Department of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Betty Westlung
Natural Resource Analyst III

Dear Betty;

I'm enclosing a corrected map of well #2 of Town of New Effington. You may wish to check our correspondence of Oct. 14th and 18th. and put this corrected map in your file.

We are still awaiting a Permit number for this well.

Sincerely Yours:

TOWN OF NEW EFFINGTON
NEW EFFINGTON, S. DAK. 57255
Nabel Monson
FINANCE OFFICER



REPORT ON PERMIT APPLICATION NO. 4970-3

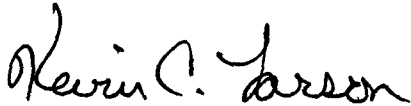
TOWN OF NEW EFFINGTON

December 27, 1983

Permit Application No. 4970-3 proposed to rehabilitate the old city well for use as a backup well. In July 1983, the city drilled a new well to be used for the city water supply. This new well was considered a replacement well and therefore is covered under Permit No. 2596-3. The city decided to rehabilitate the old well for use; therefore, a new permit application was submitted.

The Division of Water Rights maintains two observation wells in the area RB79A and RB79B. There is also an irrigation permit near town No. 4113-3. A report prepared by Jeanne Christensen, DWNR, Division of Water Rights, May 12, 1980 concluded that there was sufficient water available and there would be no interference between the city well and the irrigation well.

Staff recommends approval of permit application No. 4970-3 with the well interference qualification.

A handwritten signature in cursive script that reads "Kevin C. Larson".

KEVIN C LARSON
Water Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER

PERMIT APPLICATION NO. 4970-3, Town of New Effington

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 4970-3, Town of New Effington, New Effington SD.

The Chief Engineer is recommending APPROVAL of Application No. 4970-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

The well approved under this Permit is located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under this Permit, shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

The attached report is a part of this recommendation.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
December 27, 1983

WP ~~on~~ ~~NR~~ No. 4970-3

Instruction to Newspaper - Publish first publication of the following Notice on or before January 5, 1984 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 4970-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Rights No. _____~~

Notice is hereby given that the Town of New Effington whose mailing address is New Effington, South Dakota has made an application for a permit

to appropriate 0.09 cubic feet per second from a 25 foot deep well, to be used as a backup well for City water supply located in Lot 12, Block 15, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, Twp-128N, Range-50W. Said water to be used for the purpose of providing water for municipal use.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 4970-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at the Civil Defense Room, basement Capitol Building, Pierre, SD, February 15 1984 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by February 3, 1984. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; (ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; ~~(future use) 46-5-38 thru 46-5-40, (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35, (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05~~

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 3, 1984.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County ROBERTS) ss.

I, JACK ADAMS hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the SISSETON COURIER

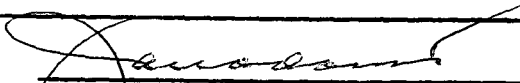
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

CITY of SISSETON

County of ROBERTS and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

DEC. 29, 1983

JAN. 5, 1984


(Signature)

PRESIDENT
(Title)

1-6-84

(Date Signed)



Cost of Printing: 108 LINES @ 19.5¢

2ND PUBL., 80%

\$37.91

**NOTICE OF HEARING
ON APPLICATION
NO. 4970-3 TO
APPROPRIATE WATER**

Notice is hereby given that
the Town of New Effington
whose mailing address is New
Effington, South Dakota has
made an application for a
permit to appropriate 0.09 cubic
feet per second from a 25 foot
deep well, to be used as a
backup well for City water
supply located in Lot 12, Block
15, SE 1/4 NE 1/4, Section 21, Twp-
128N, Range-50W. Said water to
be used for the purpose of
providing water for municipal
use.

Pursuant to SDCL 49-2 the
Chief Engineer of the Water
Rights Division recommends
Approval of Application No.
4970-3 because 1) unap-
propriated water is available,
2) will be no unlawful im-
pairment of existing rights, 3) is
beneficial use of water and 4) is
in the public interest.

This application will be
considered by the Water
Management Board at the Civil
Defense Room, basement
Capitol Building, Pierre, SD,
February 15, 1984 at 10:00 a.m.

The recommendation of the
Chief Engineer is not final or
binding upon the Board and the
Board is authorized to make a
determination on this ap-
plication after it reaches a
conclusion based upon facts
presented at the public hearing.
Any interested person who may
be affected by a Board decision
and who intends to participate
in the hearing before the Board
and present evidence or cross-
examine witnesses according to
SDCL 1-26, must file a written
petition with BOTH the Ap-
plicant and the Chief Engineer
by February 3, 1984. The
petition may be informal, but it
must include a statement
describing the petitioners in-
terest in the application, the
reason for the petitioner's
opposition to or support of the
application, and the signature
and mailing address of the
petitioner or his legal counsel if
legal counsel is obtained. The
applicant need not file a
petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; (ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised.

Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg., Pierre, SD (605) 773-3352 for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 3, 1984.

(Dec. 29-Jan. 5-2w)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

4970-3

March 16, 1984

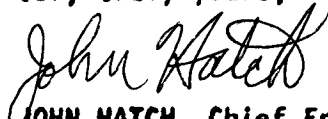
Town of New Effington
ATT: Mabel Monson
New Effington, South Dakota 57255

Dear Ms. Monson:

Enclosed herewith is your Water Permit No. 4970-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 4970-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83



NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office New Effington, S.D.
Date April 11, 1984

TO: Water Rights
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No.

4970-3.

Water Right Permit No. 4970-3 states that the diversion system is to be constructed by Feb. 15, 1989, and that the water is put to beneficial use by Feb. 15, 1993.

The diversion system was completed by Aug. 15, 1983. Applying the water to beneficial use was completed by Aug. 15, 1983.

You may schedule an inspection so that ~~the Certificate of Construction and/or~~ the Water License may be issued, thus completing my acquisition of a water right.

Franklin P. Nardette (Chairman)
(Signature)

I have used the dates in our water right application. As your records will show this well was originally dug and put to use for our town in 1977. But since the first water permit no. 2596-3 was given to our second well dug, it has been necessary to have a new water permit no. 4970-3 for our first well which is our back up well.

NR-810-7/79

Notice of Completion of Works and/or
Application of Water to Beneficial Use

The well has been cleaned and both wells are in good working order.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

4970-3

Town of New Effington
Vernal Matinek, Finance Officer
Box 173
New Effington SD 57255

Dear Mr. Matinek:

On August 15, 2001 the investigation of the town's water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 4970-3, was completed by Mark D Rath, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing the town's water license. The check or money order for the fee should be made payable to the "Water Rights Program".

The licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of the town's water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
(605) 773-3352

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No 416916

Pierre, September 12, 20 01

RECEIVED OF Town of New Effington, Vernal Martinek, Finance Officer, Box 173, New Effington, SD
the following amount in fees for services rendered as provided for by law: 57255

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. 4970-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By

Darland Ebele
Chief Engineer gm

Permit No. 4970-3
Red Rainy River - Water District

Contact Person & Address: Morris Shelstad, Box 173, New Effington, SD

Related Permits 2596-3

Report Of Examination Of Works

On, August 15, 2001, I made a thorough examination of the water use system constructed by the town of New Effington of attn: Vernal Matinek, Finance Officer, Box 173, New Effington, SD holder of Permit No. 2596-3, bearing the priority of November 3, 1975 authorizing the diversion of 0.09 cu. ft. per second and Permit No. 4970-3, bearing the priority of August 15, 1983 authorizing the diversion of 0.09 cu. ft. per second of the waters of ground water for municipal use purposes, in Roberts County.

The system is in the following condition good. The point of diversion for Well #1 is located from the NE corner of Section 21 T128N-R50W Res. 700 feet west and 2150 feet south with a longitude of -96.92073 and a latitude of 45.85724 and for Well #2 is located from the NE corner of Section 21 T128N-R50W Res. 775 feet west and 2150 feet south with a longitude of -96.92073 and a latitude of 45.85726. The works are capable of diverting and conveying to the place of use 0.18 cu. ft. per second of water which is to be used for municipal use. Water has been put to beneficial use and the license should be issued for 0.09 cfs with a priority of November 3, 1975 and 0.09 cu. ft. per second with the priority of August 15, 1983.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA.
- 4) Exceptions to compliance are: none

Report On the Specifics of the System

Diversion Point Information:

Well Information: Well #1

- | | |
|---|-------------------------------------|
| 1) Well Drilling Firm: <u>Falk Brothers</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>28</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|-----------------------------|--------------------------|
| 1) Diameter <u>8</u> inches | 2) Length <u>22</u> feet |
| 3) Type <u>steel</u> | |

Screen:

- | | |
|--------------------------------------|-------------------------|
| 1) Type <u>stainless steel</u> | 2) Length <u>6</u> feet |
| 3) Static water level <u>17</u> feet | |

Pump:

- | | |
|------------------|-----------------------------|
| 1) Make <u>?</u> | 2) Model <u>submersible</u> |
| 3) Size <u>?</u> | 4) Capacity <u>40</u> GPM |

Motor:

- | | |
|----------------------------------|---------------------------------|
| 1) Make <u>?</u> | 2) Model No. <u>submersible</u> |
| 3) Horsepower rating <u>?</u> hp | |

Well Information: Well #2

1) Well Drilling Firm: Falk Brothers

2) No. of Wells 1

3) Depth(s) 26 feet

4) Well log is available yes

Casing:

1) Diameter 6 inches

2) Length 20 feet

3) Type pvc

Screen:

1) Type stainless steel

2) Length 6 feet

3) Static water level 15 feet

Pump:

1) Make ?

2) Model submersible

3) Size ?

4) Capacity 40 GPM

Motor:

1) Make ?

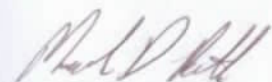
2) Model No. submersible

3) Horsepower rating ? hp

DISTRIBUTION LINES OR CANALS:

1) Type municipal distribution system

Comments : none



Mark D. Rath

Natural Resources Engineering Specialist
DENR, Water Rights Program

8-21-01

Date



T128N-R50W - Res



Mark D. Rath

Mark D. Rath

SD DENR

8-21-01

0.6 Miles

0

0.6



NOV 07 2001

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

4970-3

Town of New Effington
Vernal Martinek, Finance Officer
Box 173
New Effington, SD 57255

Dear Mr. Martinek:

Enclosed is Water License No. 4970-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416916 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4970-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4970-3

(1) The Town of New Effington, Box 173, New Effington SD 57255 made Application No. 4970-3, August 15, 1983 for a water permit to divert 0.09 cubic feet of water per second (cfs) from groundwater (one well), Roberts County, South Dakota for municipal purposes. Permit No. 4970-3, with a priority date of August 15, 1983 was approved February 15, 1983 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 15, 1989 and for the application to beneficial use of said water on or before February 15, 1993.

Water Permit No. 2596-3, with a priority date of November 3, 1975, authorized diversion of 0.09 cfs from one well. The applicable portions of No. 2596-3 are incorporated into Water License No. 4970-3.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.18 cubic feet of water per second for beneficial use. The location of the diversion points are: Well # 1 – 700 feet west and 2,150 feet south; Well # 2 – 775 feet west and 2,150 feet south; both from the northeast corner of Section 21-T128N-R50W (RES) (SE ¼ NE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the Town of New Effington, Box 173, New Effington SD 57255 the holder and/or owner of Incorporated Water Right No. 4970-3 is issued a license to appropriate water, the right to use 0.18 cubic feet of water per second from groundwater (two wells) with priority dates of November 3, 1975 (0.09 cfs) and August 15, 1983 (0.09 cfs) from the locations specified in (2) of this license for municipal purposes. This license is subject to any limitations or qualifications listed in Incorporated Water Right No. 4970-3 and subject to South Dakota State Law.

Garland Erbele

GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 07 2001

date

