

No. 564-3
 Water Division No. 3 Minnesota
 (Blanks to be Filled by the Engineer for the W. R. C.)

District

JAN 10 1910

STATE ENGINEER

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant Town of Astoria, a Municipality
 Postoffice address Astoria, County Dauel, State S. Dak.

I. If a corporation

- (a) Name of same _____
 (b) Date and place of incorporation _____
 (c) Amount of capital stock _____
 (d) Amount paid in _____
 (e) Names and addresses of directors _____

(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) _____

- (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 _____ cubic feet per second _____
 4. Source of water supply Well owned by Municipality
Well
 5. Location of point of diversion South 150 feet of the West 200 feet of NW $\frac{1}{4}$ of
35-113-48 Dauel County, S. Dak. on _____ bank _____ County.
 6. Annual period or periods during which water is to be used Continuously
 7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

- (a) Number of acres to be irrigated _____ acres.

- (b) Legal subdivisions to be irrigated _____

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

- (c) Statement as to domestic use (giving location, etc.) Used continuously by inhabitants
of Municipality for domestic purposes and fire protection

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

- (a) Nature of use _____
 Name 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, \$-----

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

(e) Other structures 3200 ft of Mains \$ 3000.00

(b) Pumping plant, \$ 1800.00

Rock, \$-----

Total, \$-----

9. Description of diversion works:

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

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 ----- years.

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

12. Choice of newspaper for publication of notice of intention to appropriate -----

STATE OF SOUTH DAKOTA

County of Deuel } ss.

I, A. N. Rogness, Trustee of Town of Astoria, S.D., 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

Subscribed and sworn to before me this

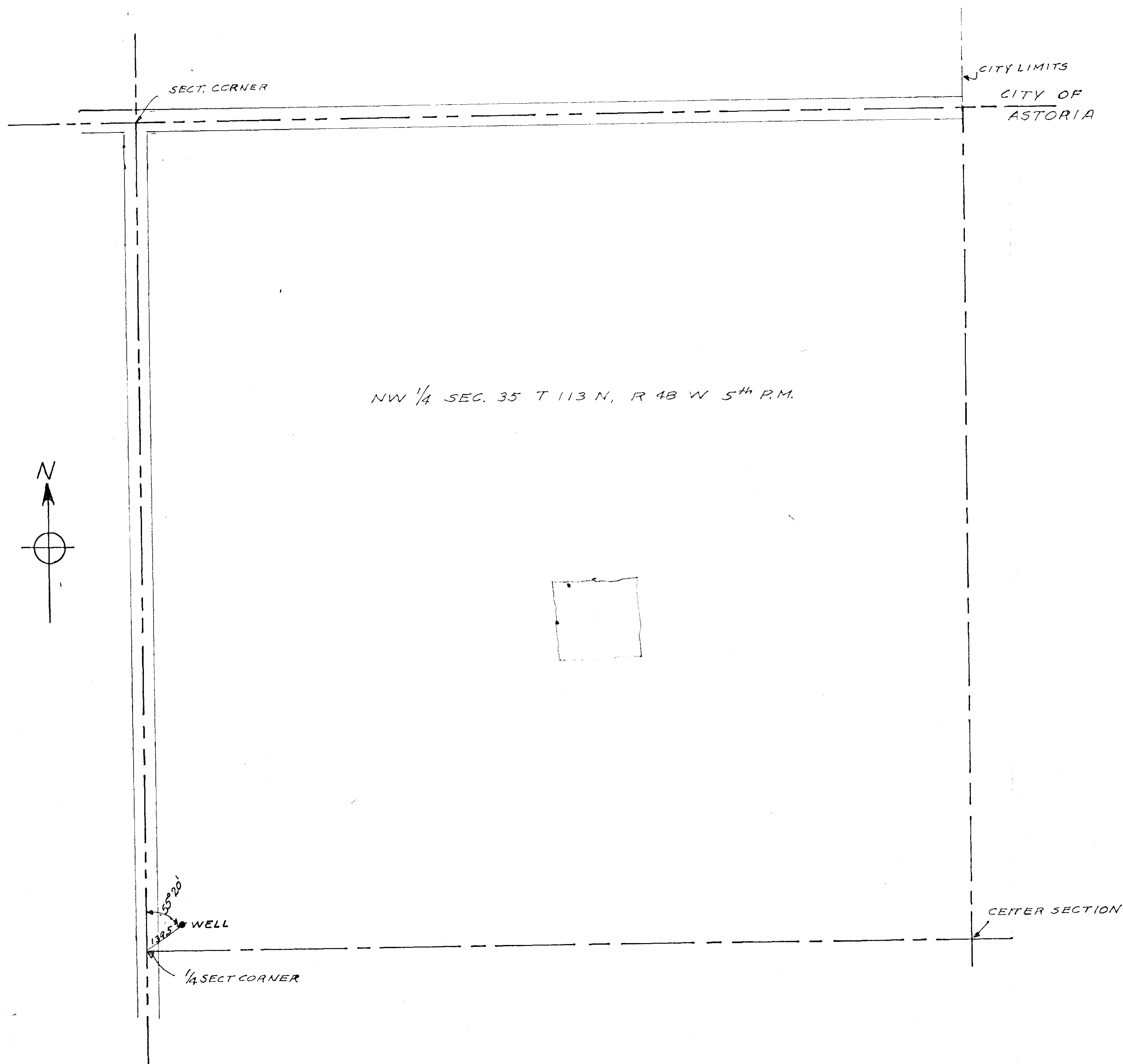
3/17

day of December

1958

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



SURVEYOR'S CERTIFICATE

State of South Dakota } SS.
County of Brookings }

I, Emory E. Johnson, a Registered Land Surveyor in the State of South Dakota, do hereby certify that at the request of the Town Board of the Town of Astoria I made a survey to locate a well in the portion of the NW 1/4 of Section 35, T 113 N, R 48 W of the 5th PM described as the S 150 feet of the W 200 feet of said quarter. Said well being within the ownership of the Town of Astoria and being that for which an application for a well water right is being made. I further certify that this map is a true representation of this survey made on and before November 30, 1967. In witness whereof I have hereunto set my hand and seal this 30th day of November, 1967.

Emory E. Johnson
Registered Land Surveyor

State of South Dakota } SS.
County of Brookings }

On this day, before me, the undersigned, A Notary Public within and for the State and County personally appeared Emory E. Johnson, known to me to be the person who executed the foregoing Certificate and acknowledged to me that he executed the same.

Witness my hand, I have hereunto set my hand and seal this 30th day of November 1967.

[Signature]
Notary Public.

My commission expires Feb. 10, 1969.

WELL LOCATION

FOR THE TOWN OF

ASTORIA

FOR

WELL WATER RIGHT APPLICATION
SECTION 35, T 113 N, R 48 W 5th P.M.
DEUEL COUNTY SOUTH DAKOTA
Scale 1" = 200' NOV. 30, 1967

Emory E. Johnson, P.E.
Registered Land Surveyor

Map # 428-3 (appl. 564-3)

Map # 428-3 Appl 564-3

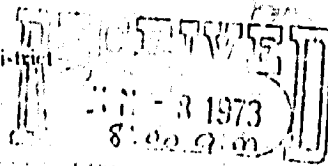
No. 564-3

Map No. in file

Water Division No. 3

MINNESOTA RIVER

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



APPLICATION FOR PERMIT

"VESTED RIGHT CLAIM"

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

1. Name of Applicant Town of Astoria
 Postoffice address Astoria, 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) completed
3. Name of diversion work Astoria municipal water supply system
4. Amount of water claimed (cubic feet per second) 0.12 (50 g.p.m.)
5. Source of water supply Ground water
6. Location of point of diversion South 55° 20' East, 139.5 feet of the west 1/4 corner of Section 35, T113N, R48W
- County Deuel
7. Annual period or periods during which water is to be used year around use
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 completed years. Additional time required to complete application of water to the proposed beneficial use completed years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication N/A
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Well 28 feet deep with 24" steel casing
 Fairbanks Morse electric motor, 5 H.P., Type K

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

Municipal water distribution system
 Two concrete reservoirs on hill, 78,000 gallon storage capacity

C. Works proposed to apply water to beneficial use.

75 service connections

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 Deuel

I, Harvey L. Texley, 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 Harvey L. Texley, ChairmanSubscribed and sworn to before me this 5 day of June, 1973

[Signature]
 Notary Public (or other qualified officer)
 Deuel County, South Dakota
 My Commission Expires June 16, 1976

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 564-3

TOWN OF ASTORIA
(Applicant)

(Post Office Address)

SOUTH DAKOTA
(State) With the following modifications:

"NESTED RIGHT" CLAIMED

Date of first receipt of application JANUARY 8 19 59

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

Date of receipt of corrected application JUNE 8 19 73

RECOGNIZED JULY 18 19 73 Recorded in Book 12 Page 236

WATER RIGHT PERMIT NO. 564-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 564-3 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 1935

2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed on or before _____

3. The whole of said work is ~~to be~~ completed on or before _____

4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED

5. The water appropriated shall be used for the purpose of MUNICIPAL USE

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

7. The amount of the appropriation herein granted shall not exceed .12 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 3 acre feet per acre per year and be limited to not more than one cent (1%) of one cubic foot of water per year of time for each acre of land to which water

USED FOR MUNICIPAL PURPOSES 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 20TH day of JULY 19 73

WATER RESOURCES COMMISSION

By: Daniel Driscoll
Chief Engineer, Executive Officer

Certificate of Construction Issued JULY 20 19 73

Water License Issued JULY 20 19 73

Form 2A — Wells (Supplement to Form 2)

D. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 32" in diameter, Depth 28 feet

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

Size of casing 24", Thickness of casing 12 gauge

Length of casing 32' If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen Perforated irrigation type steel casing

Size of perforated screen 24" (diameter), 9' (length)

Thickness of gravel pack 4", length of gravel pack 22'

(c) Water Bearing Materials

Distance to water 20 ft Character of water bearing materials

12" sand

84" coarse gravel

Thickness of water bearing material 8'

(d) Pump and Motor

Type of pump centrifugal-two stage
(centrifugal, propeller, mixed flow, etc.)

Name of pump Fairbanks Morse, size 5½ impellers, 1½"-1"

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

Horsepower 5 HP, Name of Motor Fairbanks Morse

(e) Complete well

Capacity 50 GPM at drawdown of 10' Estimated cost \$1800.00

(f) Owner of land upon which well is located Town of Astoria
Name

Astoria, South Dakota
Address

(g) Distance to nearest existing wells

On same owner's property ----- rods. On property owned by others 100 rods

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30", Depth 24'
Type of casing 30" steel
(wood, concrete, steel, etc.)
Size of casing 30", Thickness of casing 1/2"
Length of casing 24' If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screen Perforated Casing ONLY
Size of perforated screen 30" 6 ft.
(diameter) (length)
Thickness of gravel pack 4" ~~6"~~, length of gravel pack 6 ft.

(c) Water Bearing Materials

Distance to water 18 ft. Character of water bearing materials SAND & GRAVEL

Thickness of water bearing material 10 ft.

(d) Pump and Motor

Type of pump CENT.
(centrifugal, propeller, mixed flow, etc.)
Name of pump RED JACKET, size # 150 SPH-3
Kind of motor 1 1/2 HP - 3 ϕ - 220 V Elec
(gasoline, electric, diesel, etc.)
Horsepower 1 1/2 HP, Name of Motor

(e) Complete well

Capacity 100 GPM at drawdown of

Estimated cost 1500⁰⁰

(f) Owner of land upon which well is located

TOWN OF ASTORIA
ASTORIA, S.D. Address

Name

(g) Distance to nearest existing wells

On same owner's property _____ rods. On property owned by others 100 rods

Form 2A — Wells (Supplement to Form 2)

9. (Continued.)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30" Depth 24'

Type of casing 30" Steel
(wood, concrete, steel, etc.)

Size of casing 30" Thickness of casing 1/8"

Length of casing 24' If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen Perforated Casing only

Size of perforated screen 30" 6 ft.
(diameter) (length)

Thickness of gravel pack 4' length of gravel pack 6 ft.

(c) Water Bearing Materials

Distance to water 18' Character of water bearing materials Sand & Gravel

Thickness of water bearing material 10 ft.

(d) Pump and Motor

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

Name of pump RED JACKET size # 150 SPH-3

Kind of motor 1 1/2 HP - 30-220V Etc.
(gasoline, electric, diesel, etc.)

Horsepower 1 1/2 HP Name of Motor

(e) Complete well

Capacity 100 GPM at drawdown of Estimated cost 1500

(f) Owner of land upon which well is located
TOWN OF ASTORIA
ASTORIA, S.D. Address Name

(g) Distance to nearest existing wells

On same owner's property rods. On property owned by others 100 rods

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

Town of Astoria

Name of Applicant (Same as Form 2)

Post Office Address AstoriaState South Dakota

If a Corporation show date and place of incorporation

13. Notice of Appropriation (If available)

Date of Posting _____ Date of Recording _____

Recording Date _____

14. Date of start of construction of water supply system

completed in 1935

15. Date that water was first applied to beneficial use

1935

16. Name of owner of original water supply system

Town of Astoria

17. Amount of water originally applied to beneficial use

0.12

c. f. s.

18. Present Use of Water

Amount of water now being used 0.12

c. f. s.

Date that this amount of water was first used 1935

19. Chronological History of Water Use

A pit well was first drilled in 1935 and this was replaced with a 28 foot deep cased well in August of 1958. The original well is still used on a standby basis. The water was first used in 1935 and has been used as indicated since 1935.

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 Deuel) ss.

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

Signed

Harvey Texley
June 13, 1973

Subscribed and sworn to before me this

5th

day of

June, 1973

(Notary Public - or other qualified Officer)

Notary Public, Deuel County, South Dakota

Commission Expires June 16, 1976

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.

Charles D. Nelson
Notary Public

Form 15.

Permit No. 564-3

Water Diversion No. 3 MINNESOTA RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Town of Astoria

the holder of
Vested Right 564-3, issued upon Application No. 6 564-3, bearing date of priority of 1935
Permit No. 564-3, authorizing the diversion of .12 cu. ft. per second of the waters of
ground water County of Deuel, State of South Dakota at
a point South 55° 20' East, 139.5 feet from the W $\frac{1}{2}$ Corner, Section 35,
T113N, R48W

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 recognized as
satisfactory condition for diverting and conveying to the place of intended use .12 cu. ft. per second of water.

Date July 20, 1973

WATER RIGHTS COMMISSION

By:

DONALD DRISCOLL, Chief Engineer

WATER LICENSE NO. 564-3

(1) WHEREAS, On the 8th day of January A. D. 1959

made Water Right Application No. 564-3 for a permit to use .12 cubic feet per second of the waters of ground water

County of Deuel, State of South Dakota, for Municipal
purposes; and

(2) WHEREAS, On the _____ day of _____ A. D. 19____
 Vested Right Permit No. 564-3, with a date of priority of 1937, recognizing
 was issued to said applicant _____ for the diversion of said water, ~~and for the completion of construction~~ of the water
 supply system therein described ~~and for the completion of construction~~ and ~~for the~~ the
 application to beneficial use of said water ~~and for the completion of construction~~

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 Town of Astoria

water is used for municipal purposes by the Town of Astoria

(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 Town of Astoria

_____ of _____
the holder _____ and owner Vested Right of said permit No. 564-3 a water right, dating from 1935
_____ to use of .12 cubic feet per second of the waters
of ground water

in the County of Deuel and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point South 55° 20' East, 139.5 feet from the
Wk Corners, Section 35, T113N, R48W

and ~~for the purpose of~~ conducted through the Town water distribution system

for the purpose of municipal use

Subject to any limitations listed in Water Right Permit No. 564-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 20th day of July A. D.
Nineteen Hundred and Seventy-three

WATER RIGHTS COMMISSION
~~WATER RESOURCES COMMISSION~~

By: _____
Chief Engineer, Executive Officer **DONALD DRISCOLL**

Location No. 564-3

Water Division No. 3 Minnesota River Water District

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. Town of Astoria, a Municipality, Astoria, South Dakota.

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. Town of Astoria, South Dakota, the undersigned being one of the Trustees of said municipality.

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. Well situated west of said Town on South 150' of the West 200' of the NW 1/4 35-113-48 in Deuel County, South Dakota.

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. Well constructed on above site during August, 1958

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 use and for fire protection for the inhabitants of said municipality.

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

Ans. -----

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

Ans. -----

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. -----

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

Ans. Water from well used by the Town of Astoria as stated in Question No. 6.

TOWN OF ASTORIA, SOUTH DAKOTA
(Sign) BY: A. N. Rogers
Trustee.

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 Astoria, County of Lincoln
State of South Dakota, on this 31st day of December A. D. 1918

Witnesses.

O. J. Stacey
Notary Public

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 1000 c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

564-3

No. _____

STATE OF SOUTH DAKOTA

Office of
WATER RESOURCES COMMISSION
Pierre, S. D.

January 16, 1959

Mr. A. N. Rogness, Trustee

Town of Astoria

Astoria, South Dakota

Dear Mr. Rogness:

Your application No. 564-3 for a permit to appropriate no amount stated cubic feet of water per second from ground water near Astoria in Deuel County, South Dakota, has been received and examined.

No amount was shown under amount of water claimed. Possibly you would want to make application for the capacity of your well which you stated was 50 GPM. Since your well was constructed after July 1, 1955 your application will fall into the category of a new application. In order to complete your application you must submit a map including the original tracing and one print on which is to be shown the location of the well tied to a legal corner and the area where the water is to be used. Your intention to appropriate water must also be advertised but you will be notified of this at the proper time.

In accordance with Section 61.0111 of Chapter 430 of the Session Laws of 1955, you will now have sixty days from date of this letter to complete your application and to refile same in this office.

Very respectfully,

State Water Resources Commission

By:

XXXXXXXXXXXXXXXXXXXXXXXXXXXX
Les Wyborny, Water Rights Engineer

LW:ls
Enc: Check Sheet

(Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 32" in diameter, Depth 28 feet

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

Size of casing 24" Thickness of casing 12 gauge

Length of casing 32' If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen Perforated irrigation type steel casing

Size of perforated screen 24" (diameter), 9' (length)

Thickness of gravel pack 4" length of gravel pack 22'

(c) Water Bearing Materials

Distance to water 20 ft Character of water bearing materials

12" sand

84" coarse gravel

Thickness of water bearing material 8'

(d) Pump and Motor

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

Name of pump Fairbanks Morse, size 5 1/2 impellers, 1 1/2"-1"

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

Horsepower 5 HP Name of Motor Fairbanks Morse

(e) Complete well

Capacity 50 GPM at drawdown of 10' Estimated cost \$1800.00

(f) Owner of land upon which well is located Town of Astoria
Name

Astoria, South Dakota

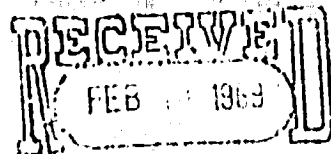
Address

(g) Distance to nearest existing wells

On same owner's property ---- rods. On property owned by others 100 rods

Location No. _____

Water Division No. _____ Water District _____



STATE WATER RESOURCES BOARD

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. TOWN of ASTORIA
ASTORIA, S.D. C. D. NELSON, CLERK

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. X

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

Ans. X

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

Ans. WELL - 139.5 ft on Line 55°20' from N-S section
Line - SW Corner of NW 1/4 Sec 35 T113N, R48W 5th pm, Deuel County,

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. X

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. Municipal Supply for Town of Astoria, Astoria, S.D.

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

Ans. Above #6

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

Ans. 150 GPM

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. X

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

Ans. well is starting & in operation

(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 ASTORIA, County of Deuel
State of South Dakota, on this 6 day of FEB A. D. 1968

} Witnesses. _____

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 _____

June 4, 1973

Mr. A. N. Rogness
Board of Trustees
Astoria, S.D. 57213

Dear Mr. Rogness:

On May 31, 1973, Mr. Donald Driscoll of this office checked with you regarding the request of the Town of Astoria to obtain water rights.

South Dakota Water Laws specify that use of water originating before July 1, 1955 can qualify as a "vested right" and where the water is from an underground source, such "vested right" can be validated by filing a declaration of such use in a form and manner as prescribed by the Water Resources Commission.

The Commission Staff has prepared the required "Vested Right" declaration for the Town of Astoria. It consists of the two enclosed forms. These forms have been prepared in duplicate.

All four copies of the enclosed forms should be signed by an official of the Town of Astoria, before a Notary Public, where indicated. The signed copies should then be returned to this office with a fee of five dollars. The required fee is ten dollars, but you have already paid a fee of five dollars, thus only an additional five dollar fee need be sent.

These forms will then be considered by the Water Resources Commission at their next meeting on July 18, 1973. Unless there is some unforeseen development, a "Vested Right" Water License will be sent to the Town of Astoria, soon after that date. This "Vested Right" will also be recorded and filed in the office of the Water Resources Commission.

Sincerely,

BURTON F. JONES
Water Rights Specialist

RFJ/bw/DD
Encl: As stated



**Department of
Water & Natural Resources**

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

JUN 13 1999

Lee Crooks, Mayor
Town of Astoria
PO Box 8
Astoria SD 57213

Dear Mayor Crooks:

The Water Management Board has validated the enclosed Vested Water Right No. 564-3. 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, Chief Engineer
Water Rights Division
605 773-3352

enclosure



SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 564-3

Date Claim Accepted For Filing June 8, 1973.

Date of Validation May 10, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 564-3 for the Town of Astoria, PO Box 8, Astoria, South Dakota 57213 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 564-3 appropriates 0.12 cubic feet of water per second from one well approximately 28 feet deep located in the NW 1/4 SW 1/4, Section 35, T113N, R48W.
2. The appropriated water is used for supplying water for the Town of Astoria 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, 1935.
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 Hubbert
Chief Engineer
Division of Water Rights
Dept. of Water and Natural Resources

JUN 13 1989

date