

No. 256-2.....

Division No. 2.....

North Sulp. Creek Water... District.

PERMIT

to appropriate water from springs.....
on city property.....

Gregory.....County, South Dakota.

Name of applicant.....

Town of Fairfax.....

Name of diversion works.....

Fairfax Water Intake.....

Date of first receipt at office of State

Engineer May 12,.....1930

Returned to applicant for Correction

.....19.....

Corrected application received.....

.....19.....

Date of water right August 29, 1930

.....19.....

Recorded in Book two Page 396

One fifth of work to be completed

.....19.....

Whole work to be completed.....

.....19.....

Final proof of use of water.....

.....19.....

Approved19.....

.....
State Engineer.

ORIGINAL

Form 2—Application for Permit to Appropriate Water—Original

HUPPLE PRINTING COMPANY, PIERRE, S. D.

NO. 256-2

Water Division No. 2

(Blanks to be filled by the State Engineer.)

District

RECEIVED
800 a.m.
MAY 12 1930

APPLICATION FOR A PERMIT To Appropriate Water Within the State of South Dakota

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

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

1. Name of applicant Town of Effort, South Dakota
Postoffice address Effort, County Granby, State South Dakota

I. If a corporation Municipal Incorporation(a) Name of same Town of Effort, South Dakota

(b) Date and place of incorporation

(c) Amount of capital stock None(d) Amount paid in None

(e) Names and addresses of directors:

Edw. Storms, Com. of Town Board of Trustees, J. C. Cambas, Town ClerkA. E. Enckers, MemberChas. Thierold

(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 the work. (Whether by contract, employment of others, or by direct labor) principally by contract(b) Cash on hand, \$ Current City Funds (c) Treasury stock, \$ None(d) Bonds to be issued, \$ 7,500.00 (e) Other resources, \$ Small limit of indebtedness2. Name of diversion works Effort Water Intake3. Quantity of water claimed 1/4 cubic feet per second.4. Source of water supply Springs on City property as shown by accompanying plat.5. Location of point of diversion River houseON Right bank.
(Right or left bank looking down stream.)6. Annual periods during which water is to be used Continuously

7. To be used for:

I. Irrigation or domestic use:

(a) Number of acres to be irrigated Inside or across within 1/4 mile of City Limits(b) Legal subdivisions to be irrigated As above

(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.) water is to be used for alldomestic, irrigation and other municipal purposes as desired by the
citizens of Effort or for sale to livestock owners or tank wagon east-
Mining, power, manufacturing, transportation, or other purposes:(a) Nature of use except when water is purchased from the City.(b) Amount of power to be generated Unknown horse power.(c) Location of plant Unknown(d) Method of developing power Unknown(e) Point where water will be returned to stream Unknown

State Engineer.

8. Estimated cost of works:

- (a) Head gates, \$.....
 (b) Pumping plant, \$4,000.00.
 (c) Fluming, \$50,000.00 (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures, Flap tank \$2,000.00 } Total, \$.....

9. Description of diversion works:

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

Tile lines in spring and surface and underground flow to surface concrete dam and reservoir at pumping plant.

II. Dimensions of works:

(a) Dam: Height 12 feet; length at bottom..... feet; length at top approx. 75 feet; thickness at bottom 6 inches; thickness at top 4 to 6 inches; slope of front (water) face vertical; slope of back face vertical; material used in construction concrete

(b) Reservoir: Capacity when filled 12,000 gallons; Surface area at highwater mark 14 ft. Diameter

DEPTH AT OUTLET--FEET	SURFACE AREA AT EACH.....FEET OF DEPTH AT OUTLET--ACRES	CAPACITY ACRE-FEET

(c) Head gate: Width Pumping Plant feet; height..... feet; with suction pipe in reservoir

Material

(d) Supply line Total length approx. 5 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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work at once 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 Fairfax Advertiser

STATE OF SOUTH DAKOTA,

County of Davison

I, John H. Bomber, being first duly sworn

on my oath depose and say: That my relation to the above described undertaking is that of

Town Clerk, that I have read the above and

(Owner, manager, engineer.)

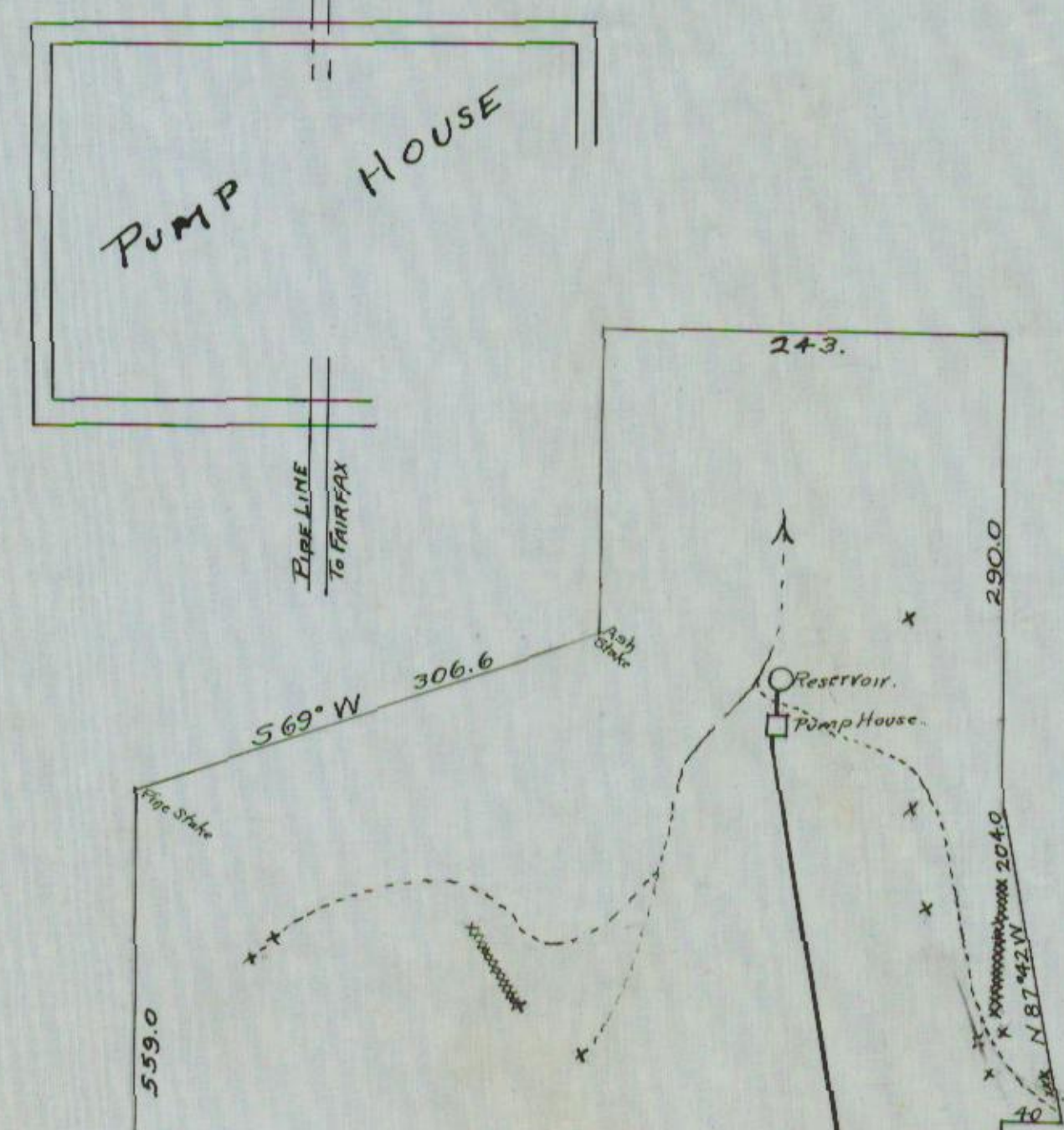
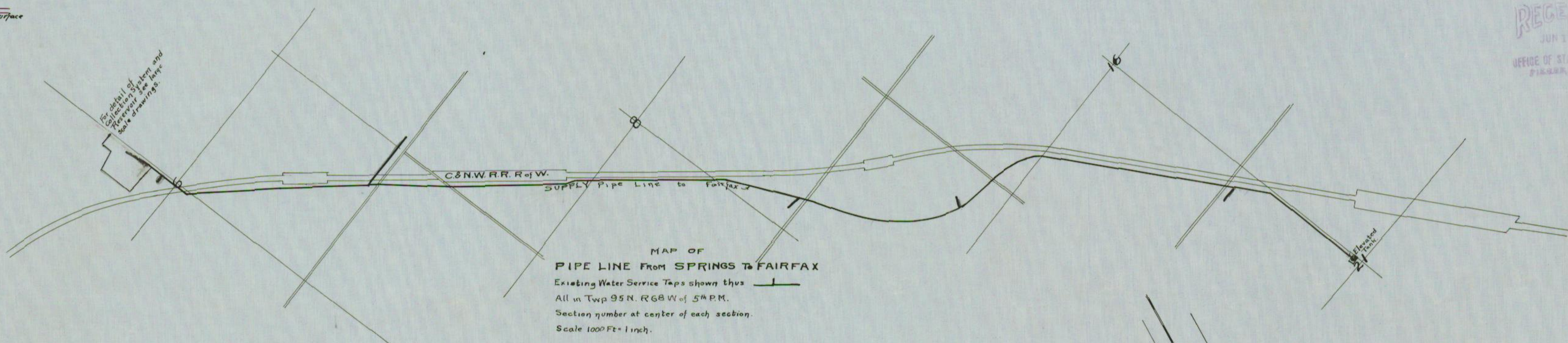
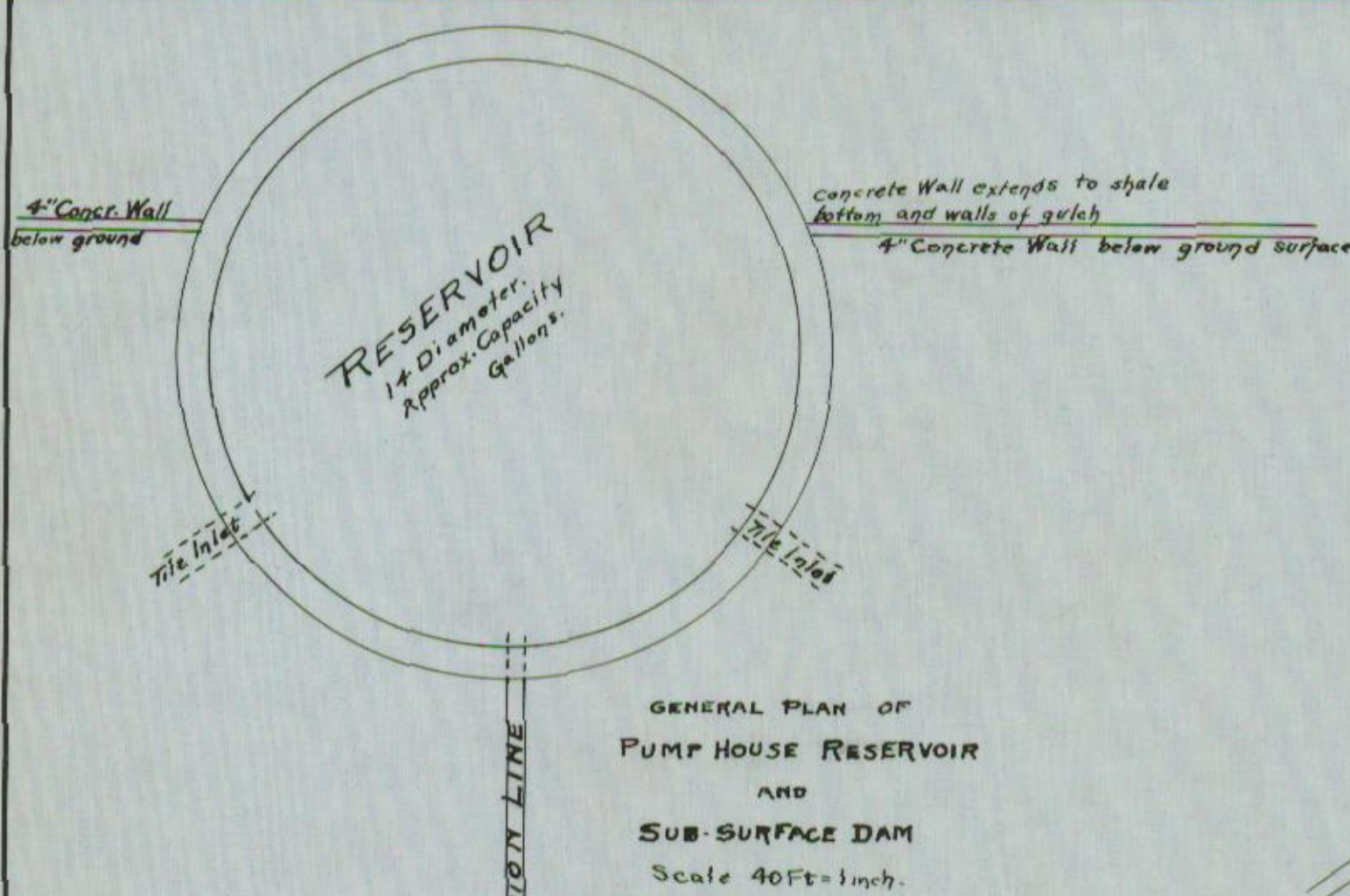
foregoing statement, and examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

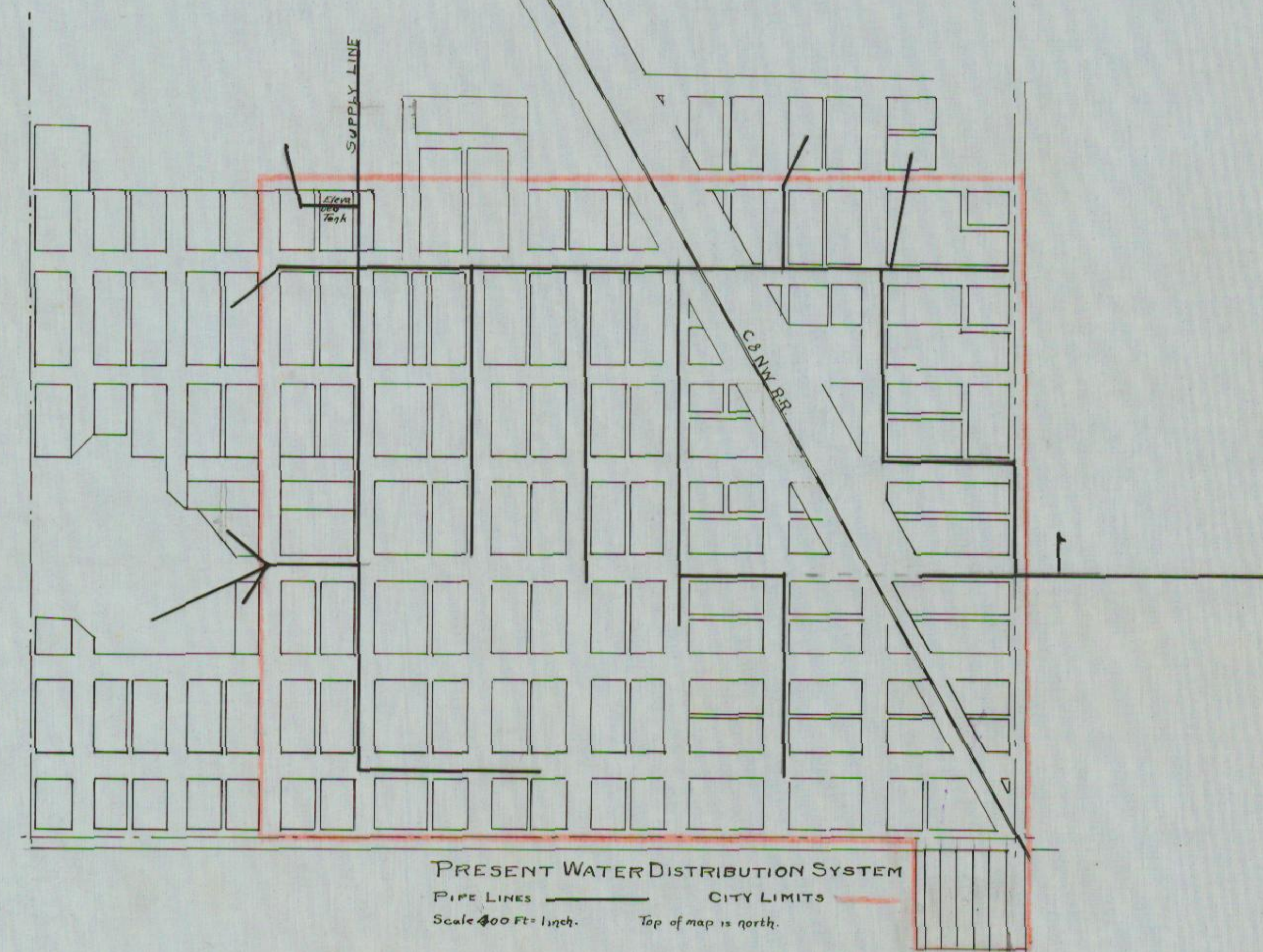
John H. Bomber

Subscribed and sworn to before me this..... day of..... 1930

William R. Daugherty
 Notary Public (or other qualified officer.)



MAP TO ACCOMPANY APPLICATION OF THE
TOWN OF FAIRFAX S.D.
FOR
WATER RIGHTS FROM FAIRFAX SPRINGS.



I, Edward K. Mather, a duly licensed surveyor do hereby certify that the accompanying map shows the location of existing sources of water supply of the Fairfax S.D. city water works and pipe line leading to said town of Fairfax.

In Witness Whereof I have hereunto set my hand and seal this 9th day of May 1930.

DAKOTA ENGINEERING COMPANY.

Edward K. Mather
Registered Land Surveyor

State of South Dakota
County of Davison

On this 9th day of May in the year 1930 before me personally appeared Edward K. Mather, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same.

William R. Danforth
Notary Public South Dakota.

298-2

RECEIVED
MAY 10 1930
OFFICE OF STATE ENGINEER
FAIRFAX, S. DAK.

RECEIVED
JUN 19 1930
OFFICE OF STATE ENGINEER
FAIRFAX, S. DAK.

298-2

(477-256-R)

Remarks by State Engineer:

Date of prior ly charged because of delay in receipt of proof of publication.

STATE OF SOUTH DAKOTA,

County of Hughes

ss.

Pierre, South Dakota, December 1, 1930

This is to certify that the foregoing application was received at this office at 8 o'clock p.m. upon the 12th day of May, 1930 and that after examination it was held until the corrected maps were received on May 27, 1930 and filed for record.

Chas. A. Trimmer
State Engineer.

Number of permit 256-2
Date of first receipt of application May 12, 1930
Date of map
Date of return to applicant for correction May 24, 1930
Date of receipt of corrected application map May 27, 1930
Date from which applicant may claim right August 29, 1930
Approved December 1, 1930, Recorded in Book two Pages 396 & 397

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

- 1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before June 1, 1931.
- 2nd. The whole of said work is to be completed on or before November 30, 1931.
- 3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is November 30, 1931.

4th. The water appropriated shall be used for the purpose of domestic, irrigation, and other municipal purposes desired by the Citizens of Fairfax or for sale to live-stock owners or tank wagon customers.

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 1/4 cubic feet of water per second of time; neither shall it exceed the capacity of the above described system of diversion works; nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-twentieth (1/20) 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

before 10 a.m. said water to be used during the following described annual periods:

Continuously

Witness my hand this 1st day of December 1930.

Chas. A. Trimmer
CHARLES A. TRIMMER State Engineer.

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 256-2

WHEREAS, On the twelfth day of May A. D. 1930
The Town of Fairfax, represented by Fred Storms, Chairman, and E. Engborg and
Chas. Thiebold, members, Board of Trustees, and J. G. Combes, Town Clerk,
of Fairfax County of Gregory and State of
South Dakota duly made application (No. 256-2) to me for a permit to use .25
cubic feet per second of the waters of Springs on city property as shown on plat County of
Gregory State of South Dakota, for domestic, irrigation & municipal purposes; and

WHEREAS, On the 1st day of December A. D. 1930 Permit No. 256-2
was issued to said applicant for the diversion of said water, and providing for the completion of the works of di-
version therein described on or before the 30th day of November A. D. 1931 and for the
application to beneficial use of said water on or before the 30th day of November A. D. 1931 and,

WHEREAS, On the 1st day of February A. D. 1932 the holder of said permit
duly made proof of the completion of adequate works for the diversion of .25 cubic feet per
second of said waters, as evidenced by my Certificate No. 256-2 dated January 26, 1932
confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use
.25 cubic feet per second of water, with date of priority of August 29, 1930 and,

WHEREAS, On the 4th day of February A. D. 1932 proof was duly made
of the application to beneficial use of .25 cubic feet per second of said water:
for domestic, irrigation, and other municipal purposes desired by the citizens of
Fairfax, or for sale to stock owners or tank wagon customers. Irrigation being
limited to inside or within 1/4 mile of city limits, or within 1/4 mile of Supply Line.

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of South Dakota, I
heraby grant and confirm to The Town of Fairfax of
Gregory County, S. Dak. the holder and owner of said permit No. 256-2 a water right,
dating from August 29, 1930 to the use of .25 cubic feet per second of the
waters of springs on city property in the County of Gregory
and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to
be diverted at pump house in Sec. 6, Twp. 95 N., R. 63 W. of the 5th P.M. as shown
on the plat accompanying the application.
and conducted to and upon the city water system and pipe lines.

for the purposes of domestic, irrigation and other municipal uses as desired by the citizens
of Fairfax, 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 laterals 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 the seal of my office at Pierre, South Dakota,
this 5th day of February A. D. 1932

State Engineer

256-2

INVESTIGATION OF WATER RIGHT #256-2

As of August 25, 1967, this License was still in use.
The water used from this system is still the sole supply
for the town.

RICHARD SCHMOYER
Water Rights Specialist

August 25, 1967

PROOF OF PUBLICATION

RECEIVED

AUG 29 1930

STATE OF SOUTH DAKOTA

County of GregoryOFFICE OF STATE ENGINEER
PIERRE, S. DAK.A. B. Duster

being duly

sworn, deposes and says the annexed printed copy of Notice

Intention to appropriate Water was taken from the

"Fairfax Advertiser"

a newspaper which

during the whole time of publication of said notice herein-
after stated, has been and is printed and published in theTown of FairfaxCounty of Gregory

and State of South Dakota,

That the said notice was published in said newspaper on the
following dates:June 26 - July 3 - July 10 - July 17.in each and every issue of the full number thereof, the first
publication being made on the 26th day of June1930 and the last publication on the 17th day ofJuly 1930, upon which days or times

of publication aforesaid the newspaper was regularly pub-

lished, and that during the whole time of said publication

he was the printer and publisher of

the said newspaper.

F. B. DusterSubscribed and sworn to before me this 30th day of July A.D. 1930

966

Notary Public Gregory County, S.D.Form 9 Notice of Intention to Ap-
propriate Water. No. 256-2
APPROPRIATION OF WATER
Office of the State Engineer,
Pierre, S. D., June 19th, 1930.Notice is hereby given that Town of
Fairfax, whose postoffice address is
Fairfax, Gregory County, S. D., has
made an application in accordance
with the provisions of the irrigation
laws of South Dakota for a permit
to appropriate for beneficial use one-
fourth cubic feet of water per second
of time from Springs on City Prop-
erty in S. 3, Twp. 95, R. 68, W. of
5th P. M. through the Fairfax Water
Int. at the point of diversion of
which is to be located in a certain
lot, being a portion of the SE 1/4 of
the NW 1/4 of Section 6 township 95,
range 68, W. of 5th P. M. said water
to be used for domestic irrigation
and other municipal purposes desired
by the citizens of Fairfax or for
sale to livestock owners or tank
wagon customers.This application will be taken up
by the state engineer at his office
at Pierre for consideration and ap-
propriate action upon the 20th day of
August, 1930, at 9 a. m. at which
time all persons who believe that the
prior rights would be injuriously af-
fected, or that the allowance of the
permit would be detrimental to the
public welfare, and also parties mak-
ing the application, and to be bene-
fited, are notified to be present
either by sworn affidavit or by per-
son for the purpose of presenting any
relative testimony.Charles A. Trimmer,
State Engineer.
CC: E. K. Mather, Engineer, Mitchell,
South Dakota, 28-1
First Publication 6-26 - Last 7-12

(First Publication At Once 196 30)

APPROPRIATION OF WATER

Office of the State Engineer,

Pierre, S. D., June 19, 196 30

Notice is hereby given that Town of Fairfax
whose postoffice address is Fairfax,
Gregory County, S. D., has made an application in
accordance with the provisions of the irrigation laws of South Da-
kota for a permit to appropriate for beneficial use one-fourth cubic
Springs on City property in S. 6,
feet of water per second of time from Twp. 95, R. 68 W. of 5th P. M.
through the Fairfax Water Intake, the point of diversion of which
is to be located in a certain lot, being a portion of the
back of said intake in the S. E.
of 5th P. M.,
1 of the N. W. 1 of section 6 township 95 range 68 W. of said water
to be used for domestic, irrigation, and other municipal
purposes desired by the citizens of Fairfax or upon the for sale to livestock
owners or tank wagon customers.

This application will be taken up by the state engineer at his
office at Pierre for consideration and appropriate action upon the
20th day of August 196 30, at 9 a. m., at which time all
persons who believe that the prior rights would be injuriously af-
fected, or that the allowance of the permit would be detrimental
to the public welfare, and also parties making the application, and
to be benefited, are notified to be present either by sworn affi-
davit or in person for the purpose of presenting any relative tes-
timony.

CC: E. K. Mather, Engineer
Mitchell, S. D.

Charles A. Thummer
CHARLES A. THUMMER, State Engineer

Original

OBJECTION TO PETITION PRESENTED BY:
John G. Combes.

To the Honorable Chas. A. Trimmer, State Engineer.

We the undersigned Mayor and City Council of the City of Bonesteel do hereby demonstrate and object to the considering and granting of the Petition filed before you Honor in the matter of the appropriation of water by the town of Fairfax South Dakota, from the Houston Springs, wherein said town is asking your Honor for a permit to appropriate the one-fourth cubic feet of water per second, out of Houston Springs for the following reasons:

1. The city of Bonesteel objects to the town of Fairfax being allowed a preference right to said water, (one-fourth cubic feet of water per sec) for the reason that the town of Fairfax, has neither capacity to pump that amount or the population to use it.
2. Your petitioners further object for the reason that the city of Bonesteel has a Deed to the land where the Houston Springs is situated and that said Deed was duly placed of record over twenty years ago, and that the city of Bonesteel has a first and prior right to the water of Houston Springs, situated on the land which the town of Fairfax is asking for a prior right.
3. Your petitioner further objects for the reason that the city of Bonesteel is situated within less than one mile from Houston Springs, and has extended its water mains to Houston Springs and use the water supply from Houston Springs for domestic, municipal and furnishes the Northwestern Railroad needs, and if a prior right is granted to Fairfax, a grave injustice will be done the city of Bonesteel, and its inhabitants.
4. Your petitioners further object to the petition of John G. Combes, subscribed to on the 9th day of May 1930, asking for the one-fourth cubic ft. of water per second, from Houston Springs, for the reason that the town of Fairfax has no immediate need for the volume of water or even one-half of that amount, nor have they equipment to handle one-half that amount of water, as requested in the Petition of John G. Combes.
5. Your petitioner further alleges by reason of the city of Bonesteel having the largest population of the two towns, and by reason of a contract made by the City of Bonesteel with the Chicago Northwestern Railroad Co. to furnish them with water in the city of Bonesteel, and that a grave injustice would be done to the city of Bonesteel, if the Petition of John G. Combes be allowed.
6. That your petitioners further object that the application made by the town of Fairfax in said Combes petition and said Notice given for the Intention to appropriate the Water, is not made in good faith nor is it a necessity under any condition, but is done for the purpose of hampering and obstructing the water supply that rightfully belongs to Bonesteel and arising and flowing on their land.
7. Your petitioner further alleges that in order to use the water from Houston Springs the city of Bonesteel has issued a Bond in the sum of \$14,000.00 for the purpose of connecting the city water mains with Houston Springs, and have installed therein a large reservoir a complete Electrical Pumping Equipment and that if the town of Fairfax is given a preference right to divert the water from Houston Springs and its natural flow, it will leave the city of Bonesteel with a worthless investment of over \$14,000.00.
8. That your petitioner further offers to prove in documentary evidence and competent witnesses, and that a time and place be given and an opportunity to prove to your Honor that they were the first to own the land, at the head of Houston Springs and that they have within the past two years procured a tract of land about ten acres, at a large price, below the Fairfax Pumping Station, and that up to date the town of Bonesteel has only

used such portion that was an overflow and not used by the Fairfax Pumping Station and that the Fairfax Pumping Station are continually using the water from the Bonesteel property without any objection from the city officials of Bonesteel up to date, and that the city of Bonesteel holds a Warranty Deed to the one tract of land for over twenty years and the 10 acres for over a period of two years.

9. Your petitioner further alleges, that the application for a Permit to appropriate the water in the State of South Dakota, made by John G. Combes, and presented to your Honor, and subscribed to by him on the 9th day of May, 1930, is not a true statement of facts in the case, and your petitioners ask that they be allowed to prove by competent evidence that the petition of said John G. Combes is not a true statement of facts and that a time and place be set in Gregory County, for that purpose to permit your objecting affidavits to prove the facts as they exist and are not shown in said Combes Petition.

WHEREFORE:

Your petitioners pray that the Petition of John G. Combes be denied, refused and disregarded.

J. B. Warner
Mayor of City of Bonesteel.

G. A. Hendrix
Councilman.

J. A. McLaughlin
Councilman.

J. B. Blackhall
Councilman.

R. O. Rustenmeyer
Councilman.

Frank Schultz
Councilman.

H. B. Boush
Councilman.

Subscribed and sworn to before me this 24th day of August 1930.

P. J. [Signature]
Notary Public.

Filed in office
of Notary Public
Aug. 27, 1930
by P. J. [Signature]
(ca?)

EDWARD K. MATHER, C. E.
MANAGING ENGINEER

309-11-13 WESTERN BUILDING

DAKOTA ENGINEERING COMPANY
CONSULTING CIVIL ENGINEERS
MITCHELL, S. D.

RECEIVED
8⁰⁰ a.m.
MAY 12 1930

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

May 10, 1930

Honorable C. A. Trimmer
State Engineer
Pierre, South Dakota

Dear Sir:

We are sending to you herewith application for water right made by the City of Fairfax, also our check for \$5. Under separate cover, we are sending you the necessary map and blue print.

It is expected that this water right, if granted, will carry a similarly worded grant to that given the city of Spearfish. We are not applying for as much water as we did at Spearfish because the pipe lines, etc. will not permit of delivering a larger supply to the city during the twenty-four hour period, but the amount requested is a little more than is being used by the consumers who are attached to this water supply project. The many consumers who are buying water from the city and who live along the pipe line or adjacent to or outside the city limits is the reason for the inclusion of all territory within $\frac{1}{2}$ mile of the city limits or within $\frac{1}{2}$ mile of the pipe line as territory to be served by this project.

We trust that there will be no opposition to this water right and unless you require it or unless opposition develops the town will not go to the expense of employing an attorney to represent them at the hearing. We would be pleased to have your information as to your desire in this matter.

If convenient, please send notices pertaining to this project to Mr. J. G. Combes, the Town Clerk with duplicate copies to the undersigned.

Yours respectfully,

DAKOTA ENGINEERING CO.

By Edward K. Mather

EKM:DC
EFC

DAKOTA ENGINEERING COMPANY
CONSULTING CIVIL ENGINEERS

MITCHELL, S. D.

RECEIVED

JUN 19 1930

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

June 18, 1930

Mr. Fred Storm
Fairfax, South Dakota

Dear Mr. Storm:

An inclosing the form letter from the State Engineer which you have sent us. A copy of this form letter was sent to us at the same time it was sent to you. The copy of our reply to the State Engineer was sent to Mr. Combs at the same time the letter was sent to the State Engineer, and if you get this letter from him I think it will explain the whole situation to you.

In brief, Mr. Radcliff, on behalf of the State Engineer, had noted some minor details, or red tape items, which he wanted added to the map as a matter of record, and at his permission we were given the tracing so that these items could be added, and that we should hold the tracing until I had had time to examine the application, etc., more fully to see if there were any other items which he wanted added. We added not only the items he mentioned, but several others as well when we took the time to go over the map more carefully than was done when we first reached to get it on file. Instead of formally writing us that their detailed examination had been made and that no further items were required on the map than those previously called to the writer's attention, Mr. Radcliff made the comment he did in the formal notice on June 14. Your letter makes it appear to us that you suspect that there has been some serious error on our part and we are certain that if you examine the file in detail, you will find that such is not the case.

Yours respectfully,

DAKOTA ENGINEERING CO.

By E. K. Mather

EKM:LM
JUN 1

EDWARD K. MATHER, C. E.
MANAGING ENGINEER

WR 756-2

11-13 WESTERN BUILDING

DAKOTA ENGINEERING COMPANY
CONSULTING CIVIL ENGINEERS

MITCHELL, S. D.

RECEIVED
JUN 17 1930
OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

June 16, 1930

State Engineer's Office
Pierre, South Dakota

Attention: Mr. D. Radsloff

Dear Mr. Radsloff:

Your notice of June 14 received. I take it from this that no further suggestions are offered as to additional data wanted on the map. We have made the changes talked of previously, and in addition have added some other data. We are sending to you at this time the tracing and one blue print for record. We are also sending a blue print to the Town of Fairfax.

We have just had occasion to get some data from the State Engineer's Office at Wyoming concerning certain water rights granted in that State. There is a very great difference in the character of the records kept in the two offices and the inability to get desired data from the Wyoming records makes more apparent the value of the detailed data required in the South Dakota records.

Yours respectfully,

DAKOTA ENGINEERING CO.

By

Edward K. Mather

EKM:EM

WR 256-2

Sept. 12, 1930

Fred Storn, Pres.
Board of Trustees
Fairfax, South Dakota

Dear Sir;

Your answer to the objections to petition presented by John G. Carlos in the matter of application of Town of Fairfax to appropriate water has been received in this office and I wish to assure you that all of the matters concerning this application will be given full consideration.

I might further state that the additional objections which were to have been filed by the City of Bonesteel and for which they were granted additional time of ten days have not been filed in this office up to this time.

Very truly yours

Charles A. Trimmer
State Engineer

cat/nb

RECEIVED
SEP 5 1930

To the Honorable Charles A. Trimmer,
State Engineer,
Pierre, South Dakota.

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

In answer to the "Objections To Petition Presented By John G. Combes" which objection was filed in Office of State Engineer, dated August 27th, 1930 by P. J. Donohue, as against the granting of a water right for the Town of Fairfax, South Dakota. As to paragraph 1, Your Honor will note that the objectors are trying to usurp the rights of your office in telling what water Fairfax can use or pump, or how much water we need or expect to need and we ask that the said paragraph be stricken out as incompetent, an idle statement and no matter of fact.

There has been emergencies when we have used that amount of water in cases of fire, by the use of four 2½" connections from 6" mains, with a pressure of from 40 to 45 pounds.

In the application we have also estimated that it is a duty to provide for the extension of our water distribution system to cover the entire City which will require more water than applied for as per our estimate.

While there exists only as assumption and not a fact upon the part of the objectors as to the amount of water we need or expect to need or use, it appears that the gist of the objection is nothing but a malicious and vicious attempt to impair the status of our city.

As to paragraph 2; We contend that the prior ownership of land (undeveloped and abandoned even to the present writing and without a filing for water right) does not give prior right as to diverting the water from any spring or springs and if the so called Huston Spring is not situated on the property of the Town of Fairfax, it has no bearing in this case, as our petition calls for developement of the water on Fairfax property only; Therefore we ask that the paragraph 2 be stricken out.

As to paragraph 3, Bonesteel contends that her situation as being less than one mile from the so called Huston Springs and her water mains laid to Huston Springs and get their water supply from Huston Springs and furnishes the Chicago & Northwestern Ry. Co. water needs. The facts are, the distance from the so called Huston Springs is of no value in this case; Their water mains are not laid to Huston Springs but are laid to their recent purchase of ground which takes drainage from our property and springs; They are getting a very small portion of their water from this source as they are pumping from other wells by matter of choice; The Chicago & Northwestern Ry. Co. has its own wells, pumps and storage tanks and uses its own water excepting a very small portion during very dry weather when its own supply is not enough; Fairfax purchased land, as shown on blue print submitted to your office, for the sole purpose of our water supply as set forth in our petition for water right and we have used water from that source only, since 1919 up to and including the present time.

As the objection by Bonesteel for granting of water right to the Town of Fairfax, in paragraph 4 is the same as that of paragraph 1, the same answer will apply.

We ask that paragraph 5 of objections be stricken out, as population and contracts have no bearing in this case.

As to paragraph 6 of objections, we claim that there is no evidence other than that of good faith and to comply with the laws of the State of South Dakota in the filing of the application for water right for the Town of Fairfax. The further statement as to the water arising and flowing on Bonesteel land is very much misleading, as we are using water from under ground flow.

In answer to paragraph 7 of objections, We state that for reservoir, pumps, pump house, residence, pipe line, stand pipe and distribution system we have invested \$79,400.00 during the years of 1918 and 1919 for the supply of water from our property as asked for in our petition for water right and we earnestly pray that said water right be granted as asked for in said application.

Signed, *Fred. J. Stom*
President of Board of Trustees of
Incorporated Town of Fairfax, South
Dakota.

Attest: *John G. Combes*
Town Clerk.

Receipt for Registered Article No. 981

Registered at the Post Office Indicate Postmark

Fee paid 21 cents Class postage 1

Return Receipt fee 0 Spl. Delivery fee 0

Delivery restricted to addressee:

In person or order

Accepting employer will place his initials in space indicating restricted delivery.

POSTMASTER, per

(POSTMARK OF)



(MAILING OFFICE)

Complete record of registered mail is kept at the post office. But the sender should write the name of the addressee on back hereof as an identification. Preserve and submit this receipt in case of inquiry for application for indemnity.

Regularity fees and indemnity.—Domestic letters and sealed parcels indemnified for \$50 or less, 15 cents; for over \$50 and not in excess of \$100, 20 cents; domestic second-class, not indemnified, 15 cents; domestic third-class, indemnified up to \$25, 15 cents; articles addressed to foreign countries, regardless of class or indemnity, 15 cents. Claims must be filed with postmasters within one year from date of mailing.

Form 3204

GOVERNMENT PRINTING OFFICE

5-5632

August 20, 1930

P. J. Donahue
Attorney at Law
Bonesteel, S. D.

Dear Sir;

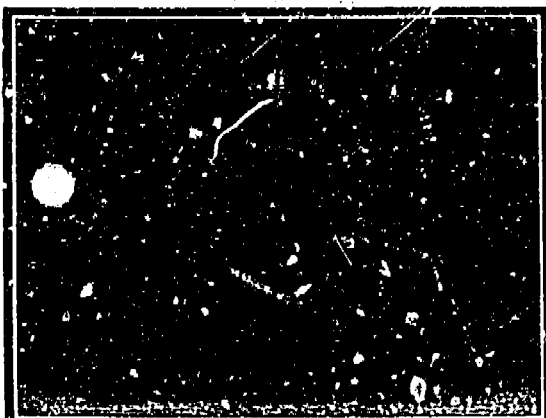
Preliminary hearing on the application of the Town of Fairfax to appropriate water from certain springs in section 6, township 95 north, range 63 west of the 5th P. M., was held at this office today in accordance with the published notice of said hearing.

The hearing has been postponed to Wednesday, August 27th at 1:30 p. m. for the purpose of hearing further arguments in the matter, and at which time I shall be very glad to consider any statements which you may have to offer regarding the interests of the City of Bonesteel or others in connection with this application.

Very truly yours

Chas A Trimmer
State Engineer

cat/mh



NASH ENGINEERING COMPANY
SALES REPRESENTATIVE
MORGAN-GERRISH COMPANY
808 LA SALLE AVENUE
MINNEAPOLIS, MINNESOTA

Aug. 20 - 1930
Pop. Fairfax 500
Supply line 4" - 5 mi.

Fairfax placed as shown on plat has been in use
since ~~1912~~ 1919, land purchased same time.
7 1/2 HP motor on pump

Hearing postponed to Wed. Aug. 27,
1930 at 1.30 P.M.

Supply pipes to farms along main
are 1" or 3/4" pipe

Donohoe will present further
documentary evidence within 10 days
after Aug. 27th

OBJECTION TO PETITION PRESENTED BY:
John G. Combes.

To the Honorable Chas. A. Trimmer, State Engineer.

We the undersigned Mayor and City Council of the City of Bonesteel do hereby remonstrate and object to the considering and granting of the Petition filed before you Honor in the matter of the appropriation of water by the town of Fairfax South Dakota, from the Houston Springs, wherein said town is asking your Honor for a Permit to appropriate the one-fourth cubic feet of water per second, out of Houston Springs for the following reasons:

1. The city of Bonesteel objects to the town of Fairfax being allowed a preference right to said water, (one-fourth cubic feet of water per sec) for the reason that the town of Fairfax, has neither capacity to pump that amount or the population to use it.
2. Your petitioners further object for the reason that the city of Bonesteel has a Deed to the land where the Houston Springs is situated and that said Deed was duly placed of record over twenty years ago, and that the city of Bonesteel has a first and prior right to the water of Houston Springs, situated on the land which the town of Fairfax is asking for a prior right.
3. Your petitioner further objects for the reason that the city of Bonesteel is situated within less than one mile from Houston Springs, and has extended its water mains to Houston Springs and use the water supply from Houston Springs for Domestic, Municipal and furnishes the Northwestern Railroad needs, and if a prior right is granted to Fairfax, a grave injustice will be done the city of Bonesteel, and its inhabitants.
4. Your petitioners further object to the petition of John G. Combes, subscribed to on the 9th day of May 1920, asking for the one-fourth cubic ft. of water per second, from Houston Springs, for the reason that the town of Fairfax has no immediate need for the volume of water or even one-half of that amount, nor have they equipment to handle one-half that amount of water, as requested in the Petition of John G. Combes.
5. Your petitioner further alleges by reason of the city of Bonesteel having the largest population of the two towns, and by reason of a contract made by the City of Bonesteel with the Chicago Northwestern Railroad Co., to furnish them with water in the city of Bonesteel, and that a grave injustice would be done to the city of Bonesteel, if the Petition of John G. Combes be allowed.
6. That your petitioners further object that the application made by the town of Fairfax in said Combes petition and said Notice given for the Intention to appropriate the Water, is not made in good faith nor is it a necessity under any condition, but is done for the purpose of hampering and obstructing the water supply that rightfully belongs to Bonesteel said arising and flowing on their land.
7. Your petitioner further alleges that in order to use the water from Houston Springs the city of Bonesteel has issued a Bond in the sum of \$14,000.00 for the purpose of connecting the city water mains with Houston Springs, and have installed therein a large reservoir a complete Electrical Pumping Equipment and that if the town of Fairfax is given a preference right to divert the water from Houston Springs and its natural flow, it will leave the city of Bonesteel with a worthless investment of over \$14,000.00.

8. That your petitioner further offers to prove in Documentary evidence and competent witnesses, and that a time and place be given and an opportunity to prove to your Honor that they were the first to own the land at the head of Houston Springs and that they have within the past two yrs procured a tract of land about ten acres, at a large price, below the Fairfax Pumping Station, and that up to date the town of Bonesteel has only used such portion that was an overflow and not used by the Fairfax Pumping Station and that the Fairfax Pumping Station are continually using the water from the Bonesteel propety without any objection from the city officials of Bonesteel up to date, and that the city of Bonesteel holds a Warranty Deed to the one tract of land for over twenty years and the 10 acres for over a period of two years.

9. Your petitioner further alleges, that the application for a Permit to appropriate the water in the State of South Dakota, made by John G. Combes, and presented to your Honor, and subscribed to by him on the 9th day of May 1930, is not a true statement of facts in the case, and your petitioners ask that they be allowed to prove by competent evidence that the petition of said John G. Combes is not a true statement of facts and that a time and place be set in Gregory County, for that purpose to permit your objecting affiants to prove the facts as they exist and are not shown in said Combes Petition.

WHEREFORE:

Your petitioners pray that the Petition of John G. Combes be denied, refused and disregarded.

Sgd.

STATE OF SOUTH DAKOTA,
COUNTY OF HUGHES.

I hereby certify that the within and foregoing instrument is a true, correct and complete transcript of the instrument which it purports to be, as the same was filed for record in the office of the State Engineer.

Witness my hand and official seal, done at my office in Pierre, State of South Dakota
this 29th day of August 1930

Chas. A. Donohue
State Engineer.

Filed in Office of State Engineer
Aug. 27-1930 by P. J. Donohue.

R. E. Harvey
Mayor of City of Bonesteel.

Gus Hendrix
Councilman.

J. H. Meyhaus
Councilman.

J. P. Blakkolb
Councilman.

R. O. Rustemayer
Councilman.

Frank Schultz
Councilman.

G. A. Bacus
Councilman.

Subscribed and sworn to before me this 24th day of August 1930.

(S E A L)

P. J. Donohue
Notary Public

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OBJECTIONS TO PETITION

Presented by John G. Combes.

Filed in Office of State Engineer
Aug. 27-1930 by P. J. Donohue

To Hon. Chas. A. Trimmer, State Engineer:

We, the undersigned citizens, tax payers, or residents of the city of Bonesteel, South Dakota, respectfully join with our City Council and City Mayor and hereby join with them in their nine objections to the John G. Combes Petition, that is on file before your Hon. State Engineer, and we hereby object and protest against the allowance of said petition, and we respectfully pray that the Petition of John G. Combes be denied refused and disallowed.

(Sgd.) :

STATE OF SOUTH DAKOTA,
COUNTY OF HUGHES.

I hereby certify that the within and foregoing instrument is a true, correct and complete transcript of the instrument which it purports to be, as the same was filed for record in the office of the State Engineer.

Witness my hand and official seal, done at my office in Pierre, State of South Dakota
this _____ day of _____ 19____

State Engineer.

(Copied by Office of State Engineer)
(August 28, 1930-UB)

OBJECTIONS TO PETITION.
Presented by John G. Combes.

OBJECTIONS TO PETITION.
Presented by John G. Combes.

To Hon. Chas. A. Trimmer, State Engineer:

We, the undersigned citizens, tax payers, or residents of the city of Bonesteel, South Dakota, respectfully join with our city Council and City Mayor and hereby join with them in their nine objections to the John G. Combes Petition, that is on file before your Hon. State Engineer, and we hereby object and protest against the allowance of said petition, and we respectfully pray that the Petition of John G. Combes be denied refused and disallowed.

R. Maylor

John H. Hays

Herbert P. Stacken

H. H. Wheeler

Wm. E. Lister

Henry Plummer

F. Baker

Yours Truly,
Geo. F. Perkins

N. L. Slaughter

Q. 176 *W. J. P.*

Brinford

Victor H. H. H.

guarantee

Ed. J. Green

Philip & Teresa

W. B. L. L. L.

80-100000-100000

James B. Quinn

Griffiths

11/15/52

Lucia & M^c Carville

Comet 124

Bonstedt 1888

Barnstable, S. A.

Boswell, D.C.

Bonnie & Bob

Barnett L. P. K.

Barnet L. S.

Bonsted & Co.

Forestel, S. v.

Remembered & L.
+ 1 (d)

Bornell St.
B. T. P.

Workweek S.D.
Repetitive L.P.D.

Barco-^{top} 8.1

Boerhaave's Day

Dorchester S.N

Francis J. O'D.

Bombyx

Barnett S. D.

Boxed to ask.

Donistiel So. Dak.

Domestic So Dak.

Filed in office
State Engineer
Aug. 27. 1930
P.M.
(C.A.D.)

OBJECTIONS TO PETITION.

Presented by John G. Combes.

To Hon. Chas. A. Trimmer, State Engineer:

We, the undersigned citizens, tax payers, or residents of the city of Bonesteel, South Dakota, respectfully join with our city Council and City Mayor and hereby join with them in their nine objections to the John G. Combes Petition, that is on file before your Hon. State Engineer, and we hereby object and protest against the allowance of said petition, and we respectfully pray that the Petition of John G. Combes be denied, refused and disallowed.

Sam E. Lunn

~~J. J. [unclear]~~

Geo. E. Soule

John D. Decker

Wm. [unclear]

E. Grady

L. Grady

Mrs. J. O. French

J. J. French

E. W. Rickard, M.D.

J. F. [unclear]

J. F. [unclear]

J. C. Piper

Bonesteel S.D.

J. P. [unclear]

R. H. Slagel

Wm. Raymond

Bonesteel S.D.

Adolph Klosek Bonesteel S.D.

Wm. Kroll Bonesteel S.D.

John Green in Bonesteel S.D.

Chas. [unclear] Bonesteel S.D.

Fred A Schenck

R G Cassall Bonneted S.O.

O W Duomford

M. Hendrickson & Co

Emma St. Clair

B. Holgers

Edith Hagedorn

J P Ryan

Bonneted S.O.

Bonneted S.O.

Bonneted S.O.

Bonneted S.O.

Bonneted S.O.

Filed in office of
State Engineer
Aug. 27-1930
by
P. J. Bonesteel
(C.A. 2)

OBJECTIONS TO PETITION.

Presented by John G. Combes.

To Hon. Ohas. A. Trimmer, State Engineer:

We, the undersigned citizens, tax payers, or residents of the city of Bonesteel, South Dakota, respectfully join with our City Council and City Mayor and hereby join with them in their nine objections to the John G. Combes Petition, that is on file before your Hon. State Engineer, and we hereby object and protest against the allowance of said petition, and we respectfully pray that the Petition of John G. Combes be denied, refused and disallowed.

John H. Kendrick	Bonesteel S.D.
Charles Amos	Bonesteel S.D.
W. F. Jewell	Bonesteel S.D.
W. C. Erick	Bonesteel S.D.
Robt. R. Stump	Bonesteel S.D.
Richard Frank	Bonesteel S.D.
O. F. B. B. B.	Bonesteel S.D.
C. P. Schlegel	Bonesteel S.D.
E. C. Johnson	Bonesteel S.D.
E. J. Baltham	Bonesteel S.D.
Jim McNamee	Bonesteel S.D.
Harry Smith	Bonesteel S.D.

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OBJECTIONS TO PETITION

Presented by John G. Combes.

Filed in Office of State Engineer
Aug. 27-1930 by P. J. Donohue

To Hon. Chas. A. Trimmer, State Engineer:

We, the undersigned citizens, tax payers, or residents of the city of Bonesteel, South Dakota, respectfully join with our City Council and City Mayor and hereby join with them in their nine objections to the John G. Combes Petition, that is on file before your Hon. State Engineer, and we hereby object and protest against the allowance of said petition, and we respectfully pray that the Petition of John G. Combes be denied refused and disallowed.

(Sgd.) :

STATE OF SOUTH DAKOTA,
COUNTY OF HUGHES.

I hereby certify that the within and foregoing instrument is a true, correct and complete transcript of the instrument which it purports to be, as the same was filed for record in the office of the State Engineer.

Witness my hand and official seal, done at my office in Pierre, State of South Dakota, this 29 day of August, 1930.
Chas. A. Trimmer
State Engineer.

(Copied by Office of State Engineer)

(August 28, 1930-MB)

Permit No. 256-2

Water Division No. 2

North Scalp Crk Water District

RECEIVED

MAY 18 1931

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

Notice of Completion of Works

(This blank must be filled out by the holder of permit and forwarded to the State Engineer at least 60 days before the time set for completion of works.)

(P. O.) Mitchell, South Dakota

(Date) April 2, 1931

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of

112 gallons per minute ~~xxxxxxx~~ of the waters of the state from springs
through the municipal water collection and distribution system

for all domestic, irrigation and other municipal purposes
desired by the citizens of Fairfax or for sale to livestock owners
or tank wagon customers in accordance with the terms and con-

ditions of a certain permit heretofore issued by the State Engineer of the State of South Dakota.

1. The name of the person or corporation holding said permit is Town of Fairfax, South Dakota
through John G. Combes, Town Clerk.

2. The postoffice address of such person or the place of business of such corporation is Fairfax
County of Gregory State of South Dakota

3. The number of such permit is 256-2 and the date set for the completion of such work is
Now completed.

4. Said water to be used for as above purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of
water which said works are capable of conducting to the place of intended use, in accordance with the plans ac-
companying the application for such permit, is 112 gallons per minute ~~xxxxxxx~~

6. The amount of land for which said water is available is ~~xxxxx~~
particularly described as follows: Inside or within 1/4 mile of city limits or
within 1/4 mile of supply line.

(In case of all canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following cer-
tificate must be signed by a well known and competent engineer.)

I hereby certify that the facts set forth in the above notice are true.

Edward K. Mather
Engineer.

(Signature.)

COPY "original" returned

Permit No. 256-2

North Scalp Creek

Water Division No. 2 Missouri River Water District

OFFICE OF STATE ENGINEER
PIERCE, S. DAK.

Certificate of Application of Water to Beneficial Use.

Deposition of Holder *represented by Town Clerk, Chairman
of Trustees & other Town Officers
of Fairfax.*

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

Ans. Edward K. Mather, Consulting Engineer, Mitchell, S. D. X

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 Fairfax S.D. Consulting Engineer employed by the Town on many projects during the past 13 years. Request of the Town Board that I should assist in preparation of this and other papers pertaining to the securing of a water right. X

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 256-2 granted Nov. 28 1930 Priority as of May 9, 1930 August 29.

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

Ans. Springs on City Property in Sect. 6 Twp. 95 N R 68 W as shown by plat accompanying the application. ✓

Ques. 5. Describe your works of diversion, 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.

Ans. Tile lines in spring areas and surface and underground flow to subsurface concrete dam and reservoir at Pumping plant. Dam, reservoir, and pumping plant as described in the application. ✓

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. All domestic, irrigation and other municipal purposes desired by the citizens of Fairfax or for sale to livestock owners or tank wagon customers. The territory in which such use had been made of the water includes the territory within the city limits, also territory outside the city limits but within $\frac{1}{4}$ mile of the city limits, or within $\frac{1}{2}$ mile of the supply line extending from the springs to the elevated tank in the city. ✓

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

Ans. As above. ✓

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

Ans. Unknown. The city has no other source of water supply. ✓

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. Permit was granted to and is now held by the Town of Fairfax, S.D. ✓

*and some officer of that Town is proper person to sign deposition
No objection to your helping making it put*

REPRODUCTION REDUCTION 25:1 ROLL NO. 1 DATE MICROFILMED

FARMER CAMERA CREATOR

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

Ans. Water is used from the water mains and fire hydrants owned by the Town of Fairfax, and served with water obtained under the conditions outlined in the application and other papers pertaining to Water Permit No. 256-2, daily as required by the water users or the fire department.

(Sign.) (SGD) Edward K. Mather

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 Mitchell, County of Davison, State of South Dakota, on this 26th day of January A. D., 1932

(SGD) Elsie M. Hanson

XX Seal

Notary Public

Permit No.	Proof of Application of Water to Beneficial Use.	DEPOSITION OF HOLDER.	Amount of water..... second feet	Source.....	County.....	Purpose.....	Place of Use.....	Date of priority.....	Received and filed.....
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Permit No. 256-2

Water Division No. 2 North Sault Creek Water District

Certificate of Examination of Works

Report of Examining Engineer

RECEIVED

FEB 1 1932

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated Dec. 24, 1931, I have this day made a thorough examination of the diversion works constructed by Town of Fairfax, of

Gregory County, South Dakota, holder of permit No. 256-2, issued upon application No. 256-2, bearing date of priority of August 29th, 1930, authorizing the diversion of 0.25 second feet of the waters of Springs on city property and other municipal purposes, or for sale to livestock owners or tank wagon customers.

The diversion works comprise: Tile lines in spring areas and surface and underground flow to subsurface concrete dam and reservoir at pumping plant. Dam, reservoir and pumping plant as described in the application.

and the system is in the following condition: Good working conditions.

The point of diversion is located Springs in Sec. 6, Twp. 95 N., R. 68 W. of the 5th P.M. as shown on the plat accompanying the application.

The works are capable of diverting and conveying to the place of use 0.25 second-feet of water, which is to be used for domestic, irrigation and other municipal purposes desired by the citizens of Fairfax or for sale to livestock owners or tank wagon customers.

The legal sub-divisions to be irrigated are: Inside or within $\frac{1}{4}$ mile of city

limits, or within $\frac{1}{4}$ mile of Supply Line.

comprising a total of _____ acres of land.

The domestic use intended comprises All domestic, irrigation and other municipal purposes desired by the citizens of Fairfax or for sale to livestock owners or tank wagon customers.

The utilization for power, mining, or other beneficial uses comprises: As above.

Witness my hand, this 26th day of January, A. D. 1932.

Edmund K. Mathew

Examining Engineer.

Permit No. 256-2.

RECEIVED

FEB 4 1932

Water Division No. 2 North Soalg Creek Water District OFFICE OF STATE ENGINEER
PIERRE, S. D.

Certificate of Application of Water to Beneficial Use.

Deposition of Holder

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

Ans. Fairfax, Gregory County, South Dakota, represented by
John G. Combes, Town 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.

As above.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 256-2 granted Nov. 28, 1930. Priority as of August 29, 1930.

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

Ans. Springs on City Property in Sec. 6, Twp. 95 N., R. 68 W. as
shown by plat accompanying the application.

Ques. 5. Describe your works of diversion, 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.

Ans. Tile lines in spring areas and surface and underground flow to
subsurface concrete dam and reservoir at pumping plant. Dam,
reservoir and pumping plant as described in the application.

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. All domestic, irrigation and other municipal purposes desired by
the citizens of Fairfax or for sale to livestock owners or tank wagon
customers. The territory in which such use has been made of the water
includes the territory within the city limits, also territory outside the
city limits but within $\frac{1}{2}$ mile of the city limits, or within $\frac{1}{2}$ mile of the
supply line extending from the springs to the elevated tank in the city.

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

Ans. As above.

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

Ans. Unknown. The city has no other source of water supply.

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. Permit was granted to and is now held by the Town of Fairfax, S.D.

Ans. Water is used from the water mains and fire hydrants owned by the Town of Fairfax, and served with water obtained under the conditions outlined in the application and other papers pertaining to Water Permit No. 256-2, daily as required by water users or the fire department.

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 Fairfax, County of Gregory.

NOTARY PUBLIC STATE OF TEXAS
COUNTY OF DALLAS

I hereby certify that the foregoing is a true and correct copy of the original as shown to me by _____
_____ Notary Public State of Texas

My commission expires _____

ALL THIS TO BE DONE WITHIN THE NEXT TWO MONTHS AND THE RESULTS TO BE

Permit No. 256-2

Proof of Application of Water to
Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water. -0.25- second feet

Source. Springs

County. Gregory

Purpose. Domestic

Place of Use.

Date of priority. August 29, 1930.

FEB 9 1932

Received and filed

REDUCTION 45%
ROLL NO. 14
3-17-52
DATE MICROFILMED
Dumaine, Colman
COLUMBIA UNIVERSITY

