

DEC 1964

No. 1139-3

RECEIVED
OCT 9 1964
8:30 amSTATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Water Division No. 3

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

BIG SIOUX RIVER

District

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant TOWN OF HUDSON
 Postoffice address HUDSON, County LINCOLN, State SOUTH DAKOTA

- 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 MUNICIPAL WELL
 3. Amount of water claimed 320 G.P.M. 71 CFS cubic feet per second
 4. Source of water supply GROUND WATER
 5. Location of point of diversion Lot 6 Block 28, ORIGINAL TOWN OF HUDSON on _____ bank LINCOLN County.
 6. Annual period or periods during which water is to be used CONTINUOUS
 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 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.) _____
MUNICIPAL WELL FOR TOWN OF HUDSON

- 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 NONE
 (c) Location of plant TOWN OF HUDSON Block 28, Lot 6
 (d) Method of developing power _____
 (e) Point where water will be returned to stream _____

d. Estimated cost of work:

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

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

(c) Plumbing, \$..... (d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures\$.....

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 topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back facematerial used in construction

(b) Reservoir: Capacity when filledacre feet. Surface area at highwater mark.....acres.

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

(c)* Head gate: Width.....feet; heightfeet;
Material

(d) Canal: Total lengthmiles.

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 Not Applicable years.

11. Time required for complete application of water to the proposed beneficial use Not Applicable years.

12. Choice of newspaper for publication of notice of intention to appropriate Not Applicable

STATE OF SOUTH DAKOTA

County of Lincoln

ss.

I, Harry Miller, Mayor, 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 Harry Miller, Mayor

Subscribed and sworn to before me this 2nd day of December 1961.

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMER

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, DECEMBER 8, 1964

This is to certify that the foregoing application was received by the Commission at 8:30 o'clock
9 m. upon the 9TH day of DECEMBER, 1963

State Water Resources Commission

By:

Burton Jones
Chief Engineer, Executive Officer

Number of permit 1139-3

Date of first receipt of application OCTOBER 9, 1963

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application DECEMBER 3, 1964

Date from which applicant may claim right 1935, 19____

Approved DECEMBER 8, 1964, Recorded in Book 8 Page 275

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

1st. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed on or before _____

2nd. The whole of said work is ~~to be~~ completed on or before _____, 1964

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

COMPLETED
4th. The water appropriated shall be used for the purpose of MUNICIPAL USE

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed .71 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually WAS

USED FOR MUNICIPAL PURPOSES

and beneficially ~~applied for irrigation~~ on or before JUNE 30, 1955, said water to be used during the following described annual period:

CONTINUOUSLY

Witness my hand this 8TH day of DECEMBER, 1964

State Water Resources Commission

By:

Woolman
Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 8, 1964

Water License Issued DECEMBER 8, 1964

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 10 ft, Depth 41 ft

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

Size of casing 16 in, Thickness of casing 6 in

Length of casing 41 ft If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen

Size of perforated screen (diameter) (length)

Thickness of gravel pack, length of gravel pack

(c) Water Bearing Materials

Distance to water 21 ft Character of water bearing materials

Thickness of water bearing material

(d) Pump and Motor

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

Name of pump Fairbanks, size 2.20 - 120

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

Horsepower 10, Name of Motor Fairbanks

(e) Complete well

Capacity 15 ft at drawdown of 4 to 5 ft Estimated cost

(f) Owner of land upon which well is located John J. Hudson
Name

Hudson, J. J.
Address

(g) Distance to nearest existing wells

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

STATE OF SOUTH DAKOTA

WATER LICENSE No. 1139-3.....

WHEREAS, On the 9th day of October A. D. 1963
the Town of Hudson

xxx County of Lincoln Vested Right and State of
South Dakota duly made application (No. 1139-3) to us for a permit to use .71
cubic feet per second of the waters of ground water
County of Lincoln, State of South Dakota, for municipal
purposes; and

WHEREAS, On the 3th day of December A. D. 1964
Vested Right recognizing
Permit No. 1139-3 was issued to said applicant for the diversion of said water, xxxxxxxxxx the
completion of the works of diversion therein described xxxxxxxxxx
and for the application to beneficial use of said
water xxxxxxxxxx
and,

WHEREAS, On the 3rd day of December A. D. 1964
the holder of said permit duly made proof of the completion of adequate works for the diversion of .71
cubic feet per second of said waters, as evidenced by our Certificate No. 1139-3
dated December 8, 1964 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use .71 cubic feet per second of water, with date of
priority of 1935 and,

WHEREAS, On the 3rd day of December A. D. 1964
proof was duly made of the application to beneficial use of .71 cubic feet per second of said water;
for municipal use by the Town of Hudson

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 Hudson

~~xx~~ Vested Right
the holder and owner of said permit No. 1139-3

a water right, dating from 1935 to the use of 71

cubic feet per second of the waters of ground water

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

necessary for the purposes hereinbelow mentioned, to be diverted at a point in Lot 6, Block 28,

original townsite of Hudson

and conducted ~~through the town water distribution system~~

for the purpose of municipal use

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 8th day of December A. D. Nineteen
Hundred and Sixty-Four

State Water Resources Commission

By:

J. W. GRIMES

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't - _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 1139-3Water Division No. 3 Big Sioux River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the Town of Hudson

South Dakota, County of Lincoln, and State of South Dakota
 the holder of Permit No. 1139-3, Issued upon Application
 No. 1139-3, bearing date of priority of 1935, authorizing the diversion of
.71 cu. ft. per second of the waters of Groundwater
 County of Lincoln, State of South Dakota, at a point in Lot 6, Block 28,
original townsite of Hudson

for municipal
 purposes, ⁸ fully complied with the provisions of the laws of the State of South Dakota relating to proof of
 completion of the works of diversion set out and described in said Permit; that said works are recognized as
 condition for diverting and conveying to the place of intended use .71 cu. ft.
 per second of water; and that the ~~uses proposed to be made of said water~~ use of said water are described as follows,
 to-wit: to be used for municipal purposes in the Town of Hudson

Witness my hand this 8th day of December A. D. 1964

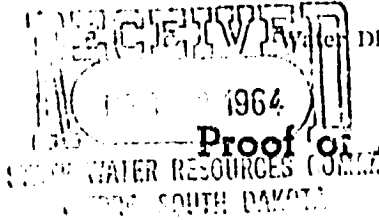
State Water Resources Commission

By:

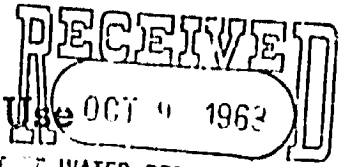
J. W. ORDIES
 Chief Engineer Executive Officer

Location No. _____

Division No. _____ Water District _____



Proof of Application of Water to Beneficial Use



PETITION OF HOLDER

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

Ans. _____

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 Hudson. Hudson, S. Dak.

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

Ans. 9-28-63

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

Ans. Well 41 ft deep 10 ft across
Block #28, Original Territorial of Hudson

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. _____

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. City Use

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

Ans. 20 hp. 10 hp. electric motor
200 gal per min. 120 gal per min.

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

Ans. 80,000 gal per day

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 was diverted in 1935 and has been used
since that time for municipal purposes at
a maximum amount of 22 c.f.m.

(Sign) Harvey Miller Mayor
City of Hudson

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 Hudson, County of Lincoln

State of South Dakota, on this 2nd day of December A. D. 1964.

[Signature]
[Signature]

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 _____

South Dakota

GREAT FACES. GREAT PLACES.

MAY 10 1991

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

1139-3

Nelson Wielenga, Town President
Town of Hudson
PO Box 462
Hudson SD 57034

Dear President Wielenga:

The Water Management Board has validated the enclosed Vested Water Right No. 1139-3. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Division
605 772-3352

enclosure

SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 1139-3

Date Claim Accepted For Filing October 9, 1963.

Date of Validation September 27, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 1139-3 for the Town of Hudson, P O Box 462, Hudson, South Dakota 57034 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1139-3 appropriates 0.71 cubic feet of water per second from one well approximately 41 feet deep and located in the NE 1/4 SE 1/4, Section 13, T96N, R48W.
2. The appropriated water is used for supplying water for the Town of Hudson 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 H. Helt
Chief Engineer
Division of Water Rights
Dept. of Water and Natural Resources

MAY 10 1991

date