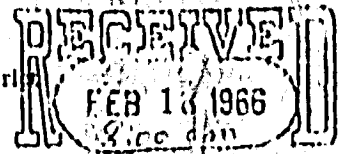


No. 1255-3Water Division No. 3 Big Sioux River District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RESOURCES COM.

To Appropriate Water within the State of South Dakota

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

1. Name of applicant City of Elk Point
 Postoffice address Elk Point, County Union, State S. Dak.

- I. If a corporation
 (a) Name of same City of Elk Point
 (b) Date and place of incorporation Jan. 10, 1873
 (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)
Contracts.

- (b) Cash on hand, \$ 70,684.68 (c) Treasury stock, \$
 (d) Bonds to be issued, \$ (e) Other resources, \$

2. Name of diversion work WELLS "1" & "2"
 3. Amount of water claimed 150 & 350 gal. per min. cubic feet per second
 4. Source of water supply 2 wells - No. 1 325', No. 3 119'
 5. Location of point of diversion BOTH WELLS LOCATE IN THE N2SW 1/4
SECTION 19, T9N, R49W on Union bank Union County.
 6. Annual period or periods during which water is to be used Continuously
 7. To be used for:

- I. Irrigation or domestic use: Grass overhead sprinkling or combination system? City distribution.

- (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.)

City water supply

II. Stock watering, 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, \$.....

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

(c) Fluming, \$.....

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

Rock, \$.....

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

Total, \$.....

9. Description of diversion works:

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

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 filledacre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH.....FEET 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 workyears.

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
Leader-Courier, Elk Point, S. D.

STATE OF SOUTH DAKOTA

County of Union } ss.

I, Kathryn Pniak, 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

Kathryn Pniak
City Auditor.

Subscribed and sworn to before me this 12th day of February 1966

L. E. Van Buren
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

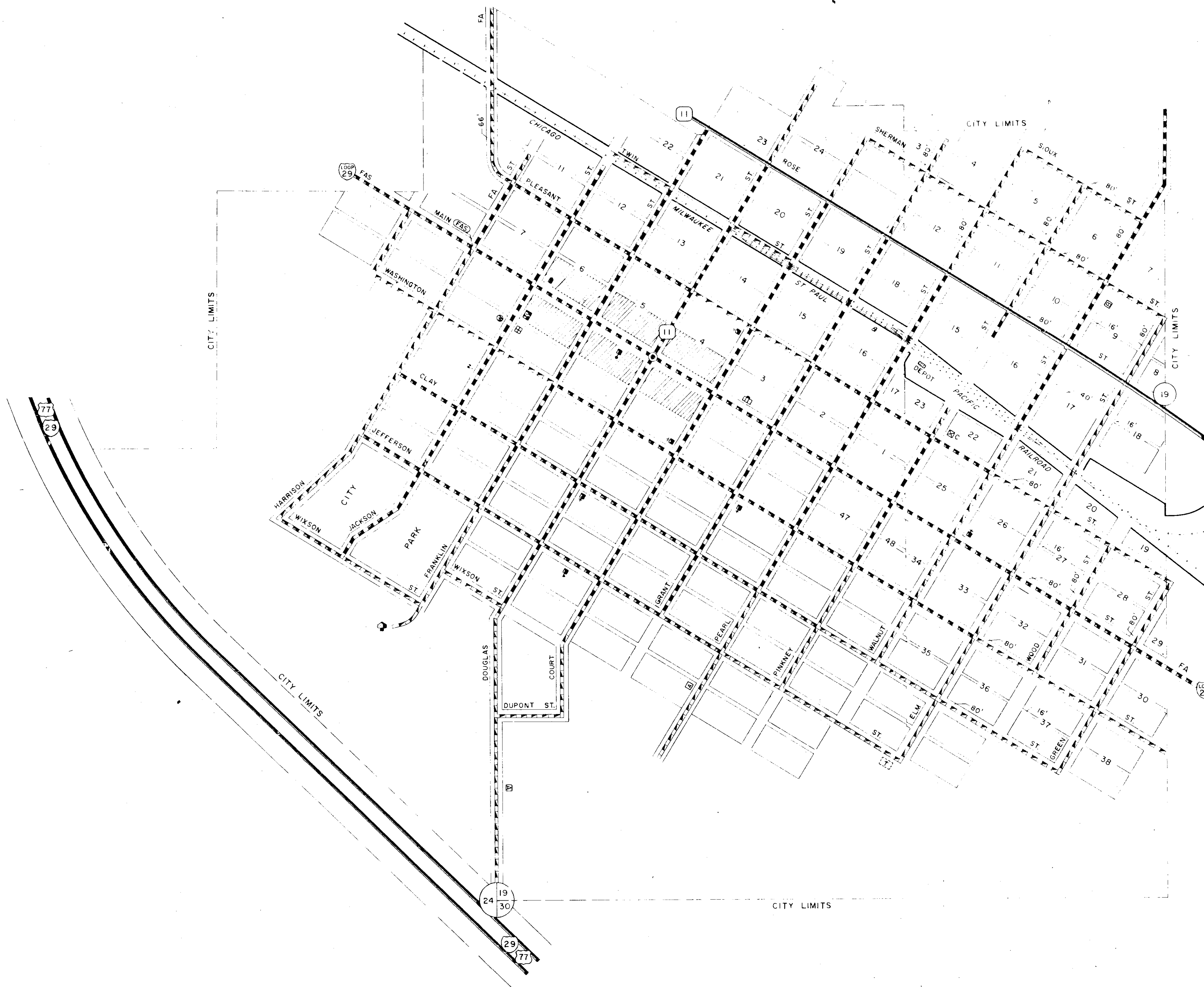
CITY MAP
ELK POINT
 UNION COUNTY · SOUTH DAKOTA

T 91 N - R 49 W
 SCALE
 0 300 ft.
 POP. 1,372 (1970)
 DRAWN BY

DEPARTMENT OF TRANSPORTATION
 OFFICE OF SYSTEM ANALYSIS
 ALL ALLEYS 20 FT.
 ALL STREET RIGHT OF WAY 60 FT.
 (UNLESS OTHERWISE INDICATED)
 UNOFFICIAL EDITION
 1967

LEGEND

U.S. NUMBERED HIGHWAY	
STATE NUMBERED HIGHWAY	
INTERSTATE HIGHWAY	
FEDERAL AID HIGHWAY SYSTEM	FA
FEDERAL AID SECONDARY SYSTEM	FAS
END OF FEDERAL AID DESIGNATED ROUTE	
PRIMITIVE ROAD	
UNIMPROVED ROAD	
GRADED AND DRAINED ROAD	
GRAVEL ROAD	
BITUMINOUS SURFACED ROAD	
PAVED ROAD	
RAILROAD	
CENTRAL BUSINESS DISTRICT	
COUNTY SEAT	
AUDITORIUM	
COURTHOUSE	
CHURCH	
POST OFFICE	
POWER PLANT	
WATER SUPPLY STAND PIPE OR TANK	
FIRE ENGINE HOUSE	
SCHOOL HOUSE	
REST HOME	
AUTOMOBILE GRAVEYARD	
CEMETERY	
HIGHWAY GARAGE (C=COUNTY, S=STATE)	
SCRAP BUILDING MATERIAL	



(U/R # 1255-3)

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, AUGUST 11, 1966

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
a m. upon the 18TH day of FEBRUARY, 1966

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit 1255-3

Date of first receipt of application FEBRUARY 18, 1966

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

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right .80 FROM 1414
.33 FROM 1429, 19____

Approved AUGUST 11, 1966, Recorded in Book 9 Page 148A

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~~ _____

_____, 20 _____

2nd. The whole of said work is ~~to be~~ completed ~~on or before~~ _____, 19____

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

COMPLETED, 19____

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 1.13 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~~ used for municipal purposes

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 11TH day of AUGUST, 1966

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction issued AUGUST 11, 1966

Water License issued AUGUST 11, 1966

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

9. (Continued)

III. Well Specifications

Well No. 3

(a) Hole and casing

Size of drill hole or excavation 40" Depth 119'
 Type of casing Steel
 (wood, concrete, steel, etc.)
 Size of casing 16" Thickness of casing 2"
 Length of casing 101 If collection gallery, length, size and depth of
 gallery

(b) Screens

Type of perforated screen Stainless steel doerr
 Size of perforated screen 18" 18'
 (diameter) (length)
 Thickness of gravel pack 3 1/4" length of gravel pack 35 Tons

(c) Water Bearing Materials

Distance to water 22' Character of water bearing materials
 Coarse sand & gravel.

Thickness of water bearing material 36'

(d) Pump and Motor

Type of pump Turbine pump
 (centrifugal, propeller, mixed flow, etc.)
 Name of pump Fairbanks Morse size 250 gal.
 Kind of motor Fairbanks Morse Electric
 (gasoline, electric, diesel, etc.)
 Horsepower 15 Name of Motor Fairbanks Morse

(e) Complete well

Capacity 360 gal at drawdown of static head of 19' Estimated cost \$7345.00

(f) Owner of land upon which well is located

City of Elk Point
 Name
 Elk Point, S. Dak.

Address

(g) Distance to nearest existing wells

On same owner's property 10 rods On property owned by others rods

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

Well No. 1

(a) Hole and casing

Size of drill hole or excavation 12" diameter , Depth 325' .
 Type of casing Steel
 (wood, concrete, steel, etc.)
 Size of casing 12" , Thickness of casing Not listed.
 Length of casing 325' . If collection gallery, length, size and depth of
 gallery

(b) Screens

Type of perforated screen Perforated pipe.
 Size of perforated screen 8" " " , 25'
 (diameter) (length)
 Thickness of gravel pack None-drilled length of gravel pack

(c) Water Bearing Materials

Distance to water Approx. 16' Character of water bearing materials
 Hard white limestone.

Thickness of water bearing material: 15'

(d) Pump and Motor

Type of pump Centrifugal
 (centrifugal, propeller, mixed flow, etc.)
 Name of pump Fairbanks-Morse , size 125 gal.
 Kind of motor Fairbank-M. Electric
 (gasoline, electric, diesel, etc.)
 Horsepower 5 , Name of Motor Fairbanks Morse

(e) Complete well

Capacity 150 per min. drawdown of static head of 19' Estimated cost Not known.

(f) Owner of land upon which well is located City of Elk Point.
 Name

Address Elk Point, South Dakota.

(g) Distance to nearest existing wells

On same owner's property 10 rods. On property owned by others rods

STATE OF SOUTH DAKOTA

WATER LICENSE No. ¹²⁵⁵⁻³.....

WHEREAS, On the 18th day of February 66
A. D. 19...
the City of Elk Point

~~XXX~~ County of Union and State of
South Dakota duly made application (No. 1255-3) to us for a Vested Right 1.13
cubic feet per second of the waters of ground water
County of Union, State of South Dakota, for municipal
purposes; and

WHEREAS, On the 11th day of August 66
A. D. 19...
Permit No. 1255-3 was issued to said applicant... for the diversion of said water, recognizing
completion of the works of diversion therein described ~~and of before the~~ XXXXXX XXXXX
~~XXXXXX~~ and ~~XXX~~ the application to beneficial use of said
water on or before the ~~day of~~ XXXXX XXXXXX
and,

WHEREAS, On the 18th day of February 66
A. D. 19...
the holder... of said permit duly made proof of the completion of adequate works for the diversion of 1.13
cubic feet per second of said waters, as evidenced by our Certificate No. 1255-3
dated August 11, 1966 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1.13 cubic feet per second of water with date of
priority of 1914 1929 and, and,

WHEREAS, On the 18th day of February 66
A. D. 19...
proof was duly made of the application to beneficial use of 1.13 cubic feet per second of said water;
for municipal use by the City of Elk Point.

we hereby grant and commit to _____ **Vested Right**
 KK _____ the holder _____ and owner _____ of said permit No. **1255-3**
 a water right, dating from **1914 and 1929** _____ to the use of **1.13**

In the County of Union and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at two points in the N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 19, T91N, R49W

for the purpose of municipal use

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 11th day of August A. D. Nineteen
Sixty-Six.
Hundred and _____

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 Liversion

Place of Use

Purpose

Date of Priority

Recorded

	Page
n Book ----- of -----	

Permit No. 1255-3

Water 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 City of Elk Point

~~xxx~~ County of Union, and State of South Dakota, the holder VESTED RIGHT of Permit No. 1255-3 issued upon Application No. 1255-3, bearing date of priority of 1914 and 1929, authorizing the diversion of 1.13 cu. ft. per second of the waters of ground water County of Union, State of South Dakota, at two points in the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 19, T91N, R49W for municipal

purposes, has ⁵ 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 ~~XXXXXX~~ satisfactory ~~XXXXXX~~ for diverting and conveying to the place of intended use 1.13 cu. ft. per second of water; and that the ~~XXXXXX~~ use of said water are described as follows, to-wit: to be used for municipal purposes by the City of Elk Point.

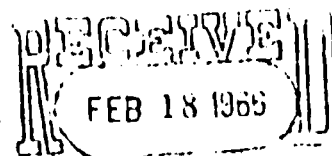
Witness my hand this 11th day of August 1966 A. D. 1966

State Water Resources Commission

By: J. W. GRIMES
Chief Engineer, Executive Officer

Location No. _____

Water Division No. _____ Water District _____



STATE WATER RESOURCES COMMISSION

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. _____ City Auditor, City of Elk Point, S. Dak.

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. _____ City Auditor, Elk Point, S. D.

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. _____ Two wells, one 225' deep, one 119' deep, At city power plant,
Lots 5 & 6, Block 30, Original Elk Point.

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 distribution, City of Elk Point.

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. _____ Varies.

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. City distribution.

Well drilled in 1914 was abandoned and new well is a replacement.

WELL #2 DRILLED IN 1929

(Sign)

City Auditor.

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 Elk Point County of Union

State of South Dakota, on this 17th day of February A. D. 1966

Witnesses.

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 ----- c. f. s.

Source -----

County -----

Purpose -----

Place of Use -----

Date of recording -----

Received and filed -----

1255-3

SOUTH DAKOTA

VESTED WATER RIGHT NO. 1255-3

Date of Receipt of Claim February 18, 1966.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 1255-3 for the City of Elk Point, P.O. Box 280, Elk Point, South Dakota 57025 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1255-3 appropriates 1.13 cubic feet per second of water from two wells located in the N1/2 SW1/4 Section 19, T91N, R49W.
2. The appropriated water is used for supplying water for the City of Elk Point 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 dates of the Vested Water Right are:
January 1, 1914 - 0.80 cfs
January 1, 1929 - 0.33 cfs
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 may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By:  MAR 15 1993
Chief Engineer date

Division of Water Rights
Dept. of Environment and Natural Resources

1255-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 15 1993

Dawn Glover, Finance Officer
City of Elk Point
PO Box 280
Elk Point SD 57025-0280

Dear Ms. Glover:

The Water Management Board has validated the enclosed Vested Water Right No. 1255-3. 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,

A handwritten signature in dark ink, appearing to read 'John Hatch', is written over a faint, larger version of the same signature.

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure