

OFFICE OF STATE ENGINEER
PIERRE, SOUTH DAKOTA

RECORD OF PROCEEDINGS

Application No. 15-3

Water Div. No. 3, James River Water Dist.

Application Received Dec. 23 - 1933

Maps Received Dec. 23 - 1933

Acknowledgment

Notice for Pub. Mailed Jan. 2nd 1934

Receipt from Newspaper Jan. 6th 1934

Copy of Newspaper Rec'd.

Notice of Correction

Proof of Pub. Rec'd. Jan. 27th 1934

Hearing Feb. 6th 1934

Approved Feb. 8th 1934

Recorded and Filed

REMARKS:

Water License issued 17th
day of July, 1937.

NO. 15-3Water Division No. 3Jamez River

District

(Blanks to be filled by the State Engineer.)

7-19-57

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

COPY

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

1. Name of applicant City of Aberdeen, a Municipal Corporation
 Postoffice address Aberdeen, County Brown, 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 address of directors:

I. N. Douglas, Mayor; M. H. Bantz, C. G. Kelley, Robert G. Young, Frank Gehin,
Commissioners.

(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) Contract

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$ 250,000(e) Other resources, \$ 60,000 Federal Grant2. Name of diversion work Elm River

3. Name of enlargement or extension

4. Quantity of water claimed 12 cubic feet per second.5. Source of water supply Elm River and Willow Creek

6. Location of point of diversion 700 feet east of northwest corner of the southwest quarter section of 15, Township 124 North R. 63W of 5th P.M. Right-bank or 350 feet south of said northwest corner on Right bank County.

7. Annual periods during which water is to be used daily throughout the year.

8. 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.) Domestic water supply and usual municipal uses.

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

(a) Nature of use

(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

9. Estimated cost of work: \$310,000.00

(a) Head gates, \$-----

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

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

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

Rock, \$-----

(e) Other structures ----- \$-----

Total, \$-----

10. Description of diversion works:

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

Two dams, and water purification and pumping plant

II. Dimensions of works:

(a) Dam: Height 12 feet; length at bottom 100 feet; length at top 100 feet; thickness at bottom 25 feet; thickness at top 5 feet; slope at front (water) face 0, v.; slope of back face straight; material used in construction Concrete with wooden flash boards.

(b) Reservoir: Capacity when filled 250,000,000 Gallons acre 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 20 inch cast iron intake pipe feet; height ----- feet;

Material -----

(d) Canal: Total length water will be conducted from purification plant on Elm River through cast iron force main to City of Aberdeen.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
Atile	feet	feet	feet	feet
Atile	feet	feet	feet	feet
Atile	feet	feet	feet	feet
Atile	feet	feet	feet	feet
Atile	feet	feet	feet	feet
Atile	feet	feet	feet	feet

(Give dimensions where reductions in size are made.)

11. Time required for completion of work Two years.

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

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

Aberdeen Daily News, Aberdeen, South Dakota

STATE OF SOUTH DAKOTA

County of Brown

ss.

I, I. N. Douglas, 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.

Mayor

Signed /s/ I. N. Douglas

Subscribed and sworn to before me this 20 day of December, 19 33

/s/ LAURA KOHLNOFF

Notary Public (or other qualified officer.)

Remarks by State Engineer:

STATE OF SOUTH DAKOTA

County of Hughes

Pierre, South Dakota, Feb. 8th, 1934

This is to certify that the foregoing application was received at this office at 9 o'clock
a. m. upon the 23rd day of December, 1933 and that after examination it
was found to comply with the South Dakota water laws as published in accordance with the previous
docket and consideration given to same and all information presented ~~approved as to form and~~
notice of hearing prepared and forwarded to applicant for publication. No objections
presented at time of hearing.

/s/ CHAS. A. TRIMMER

State Engineer.

Number of permit 15-3

By.....O. B.....Deputy.

Date of first receipt of application Dec. 23rd, 1933

Date of return to applicant for correction _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right December 23rd, 1933

Approved Feb. 8th, 1934, Recorded in Book Mar. 11 1934 Page 122-123

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 Dec. 23rd, 1934

2nd. The whole of said work is to be completed on or before Dec. 23rd, 1935

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith
is Dec. 23rd, 1935

4th. The water appropriated shall be used for the purpose of Domestic water supply
and usual municipal uses.

5th. The prior right of all persons who, by compliance with the laws of the State of South Da-
kota, 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 12
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 and beneficially applied for irrigation on or
before 19; said water to be used during the following described annual
period: Daily throughout the year.

Witness my hand this 12th day of March, 1934

/s/ CHAS. A. TRIMMER

Chas. A. Trimmer, Deputy State Engineer.

~~Certificate of Construction issued~~

Water License ~~issued~~ Granted 17th day July, 1937

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 15-3

WHEREAS, On the 23rd day of December A. D. 1933

City of Aberdeen,

Aberdeen

of County of Brown and State of

South Dakota duly made application (No. 15-3) to me for a permit to use 12

cubic feet per second of the waters of Elm River

County of Brown State of South Dakota, for domestic water supply and usual municipal uses.

MURPHY 15-3

WHEREAS, On the 8th day of February, A. D. 1934

Permit No. 15-3 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 23rd day of

December, A. D. 1935 and for the application to beneficial use of said

water on or before the 23rd day of December, A. D. 1935

and

WHEREAS, On the 15th day of July, A. D. 1937,

the holder of said permit duly made proof of the completion of adequate works for the diversion of

12 cubic feet per second of said waters, as evidenced by my Certificate No. 15-3

dated 12th day of March, 1934, confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 12 cubic feet per second of water,

with date of priority of 23rd of December, 1935, and,

WHEREAS, On the 15th day of July, A. D. 1934

proof was duly made of the application to beneficial use of 12 cubic feet per second of said water;

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.....City of Aberdeen.....
of.....Aberdeen, South Dakota.....the holder... and owner... of said permit No.....15-7.....
a water right, dating from.....December 23rd, 1933,.....to the use of.....12.....
cubic feet per second of the waters of.....Elm River.....
in the County of.....Brown.....and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at.....a point 700 Feet East of the
Northwest corner of the Southwest Quarter of Section Fifteen (15), Township One Hundred
Twenty-four (24) North, Range Sixty-three (63), west of the 5th P. M., or 350 feet South
of the said Northwest Corner on Right Bank.
and conducted to and upon.....City of Aberdeen.....

for the purpose... of.....Domestic Water Supply and usual municipal uses.....

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 the seal of my office at Pierre, South Dakota,
this 17th,.....day of.....July,.....A. D. Nineteen
Hundred and.....Thirty-Seven.....

Charles W. Louch
State Engineer.

STATE OF SOUTH DAKOTA

Water License No. 15-5

To.....City of Aberdeen
Aberdeen,

South Dakota.

Source of Supply.....

Elm River

County.....Brown.....

Am't.....12.....Sec. Feet

Point of Diversion 700 Ft. E. of the NW
corner of the SW 1/4 of Sec. 15, Twp. 124 N.,
Rge. 63, west of the 5th P. M.; or 350 ft.,
South of the said NW corner on Right Bank.

Place of Use City of Aberdeen.

Purpose.....Domestic Water Supply
and usual municipal uses.

Date of Priority.....December 23rd, 1933.

Recorded.....
in Book 2 of Record Pages 422

(First Publication19.....)

APPROPRIATION OF WATER

Office of the State Engineer,

Pierre, S. D., ~~January~~ Feb1934...

Notice is hereby given that ~~The City of Aberdeen~~ whose postoffice address is ~~Aberdeen~~, ~~Town~~ 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 ~~12~~ cubic feet of water per second of time from ~~Elm River~~ through the ~~Elm River Diversion Works~~, the point of diversion of which is to be located upon the ~~Right~~ bank of said stream in the ~~N.W. ¼ of the S.W. ¼ of Section 15~~ township ~~124 N. range 63 W. of the 5th P.M.~~ said water to be used for the purpose of ~~Domestic water supply and usual municipal uses~~ upon the ~~within the City of~~ ~~Aberdeen, South Dakota~~

This application will be taken up by the state engineer at his office at Pierre for consideration and appropriate action upon the ~~6th~~ day of ~~February~~ 1934, at 9 a. m., at which time all persons who believe that the prior rights would be injuriously affected, 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 affidavit or in person for the purpose of presenting any relative testimony.

.....
State Engineer.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County of Brown } ss.
Bernard A. Schultz being duly
 sworn, deposes and says the annexed printed copy of Notice
 of Intention to appropriate Water was taken from the.....
Aberdeen Evening News a newspaper which
 during the whole time of publication of said notice herein-
 after stated, has been and is printed and published in the
City of Aberdeen County of
Brown and State of South Dakota;
 that the said notice was published in said newspaper on the
 following dates:

Jan 4th 1934

Jan 11th 1934

Jan 18th 1934

Jan 25th 1934

in each and every issue of the full number thereof, the first
 publication being made on the 4th day of January
1934 and the last publication on the 25th day of
January 1934, 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 Foreman the printer and publisher of
 the said newspaper.

(No. 1, Jan. 4-11-18-25-4 Times)
APPROPRIATION OF WATER
 Office of the State Engineer,
 Pierre, S. D., January 2nd 1934
 Notice is hereby given that The City
 of Aberdeen whose postoffice address
 is Aberdeen, Brown 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 12
 cubic feet of water per second of
 time from Elm River through the
 Elm River Diversion Works, the point
 of diversion of which is to be located
 upon the Right bank of said stream
 in the N.W. 1/4 of the S.W. 1/4 of Sec-
 tion 15 township 14 N range 63 W of
 the 6th P. M. said water to be used
 for the purpose of Domestic water
 supply and axial municipal uses with-
 in the City of Aberdeen, South Da-
 kota.
 This application will be taken up by
 the state engineer at his office at
 Pierre for consideration and appro-
 priate action upon the 6th day of Feb-
 ruary 1934, at 9 a. m., at which time
 all persons who believe that the prior
 rights would be injuriously affected,
 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
 affidavit or in person for the purpose
 of presenting any relative testimony.
 CHAS. A. TRIMMER
 State Engineer.

RECEIVED
 JAN 29 1934

OFFICE OF STATE ENGINEER
 PIERRE, S. D.

Subscribed and sworn to before me this 25th day of January A. D. 1934

Notary Public Brown County, S. D.

Permit No. 15-3

Water Division No. 3

James River Water District

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.) Aberdeen, South Dakota

(Date) July 15, 1937

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

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

12

second feet of the waters of the state from Elm River

through the Elm River Diversion

for Domestic Water Supply and usual municipal uses.

MINNESOTA

in accordance with the terms and conditions 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

City of Aberdeen

2. The postoffice address of such person or the place of business of such corporation is. Aberdenn,

County of Brown

State of

South Dakota,

3. The number of such permit is 15-3

and the date set for the completion of such work is December 23rd, 1935,

4. Said water to be used for Domestic Water Supply and usual municipal 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 accompanying the application for such permit, is 12 cubic feet per second.

6. The amount of land for which said water is available is 40 acres.

particularly described as follows: Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Fifteen (15), Township One Hundred Twenty-four (124), North Range Sixty-three (63), West of the 5th P. M.,

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

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

Engineer.

(Signature.)

Frank J. Fuhry
Water Comm
Acting President of the Board
of Commissioners

COMMISSIONER

Carl Cronin, Gettysburg
W. Neil Evans, Watertown
Milton E. Fischer, Milbank
Glen Garrett, Port A, Pierre
Stanley Jensen, Beresford
Richard Lomish, Harrisburg
Clarence D. Mortenson, Hayes
Elvern Varilek, Geddes

South Dakota

Water Resources Commission

State Office Building #2

PIERRE, SOUTH DAKOTA 57501

15-3, 192-3; and
500-3

J.W. GRIMES

Chief Engineer
and
Executive Officer

PHONE 605/231-3584

April 12, 1973

Mr. Bruce R. Elms
Black & Veatch, Consulting Engineers
12075 East 45th Ave., Suite 333
Denver, Colorado 80239

Your Ref: Project 5990, File A.

Dear Mr. Elms:

Your letter of April 4, 1973 requests information about the City of Aberdeen's water rights pertaining to Elm River, Elm Lake, Willow Creek Reservoir and Elm Channel Reservoirs Nos. 1, 2, 3 and 4. In addition you request copies of Aberdeen permits to appropriate water from the Elm River.

Water Permit No. 1-3 and Water License No. 15-3.

Priority Date: December 23, 1933.

Authorizes the construction of two dams and water purification and pumping plant and the diversion of 12.0 c.f.s. of water.

A copy of the permit and license are enclosed as requested. Note the two dams mentioned in the permit as compared to channel dams 1, 2, 3 and 4 as mentioned in your letter.

Future Use Water Permit No. 192-3.

Priority Date: May 4, 1956.

Authorizes the diversion of 11.0 c.f.s. of ground water along Elm River (shallow gravel deposits) in specified area. To date there has been no permanent development under this permit.

Water License 500-3.

Priority date: October 7, 1957.

Authorizes the storage of 4,100 acre-feet of water in Willow Creek Dam and a diversion rate of 12.0 c.f.s.

No water rights of record have been filed on Elm Lake. However a water right has become "vested" for Elm Lake. See Section 46-1-9 of the enclosed "Excerpts".

Mr. Bruce R. Elms

April 12, 1973

Page 2.

Elm Lake was a W.P.A. Lake, constructed about 1936. It was sponsored by the Department of Game, Fish and Parks; City of Aberdeen, and Brown County, with each agency contributing some financial aid. The last three agencies on at least one occasion, 1962, jointly financed spillway repairs.

Correspondence in this office indicates the City of Aberdeen can use any water that may exist in the top 12 feet of the storage area, and may release such water for municipal purposes. No official copies of such agreement is on file in this office.

I believe a written water right record should be prepared for the Elm Lake "vested right" and this record should be filed in this office.

Some modernization of water right No. 15-3 may be advisable.

If clarification of the water right record is within the scope of your agreement with the City of Aberdeen, this office will assist in any way possible.

Sincerely,

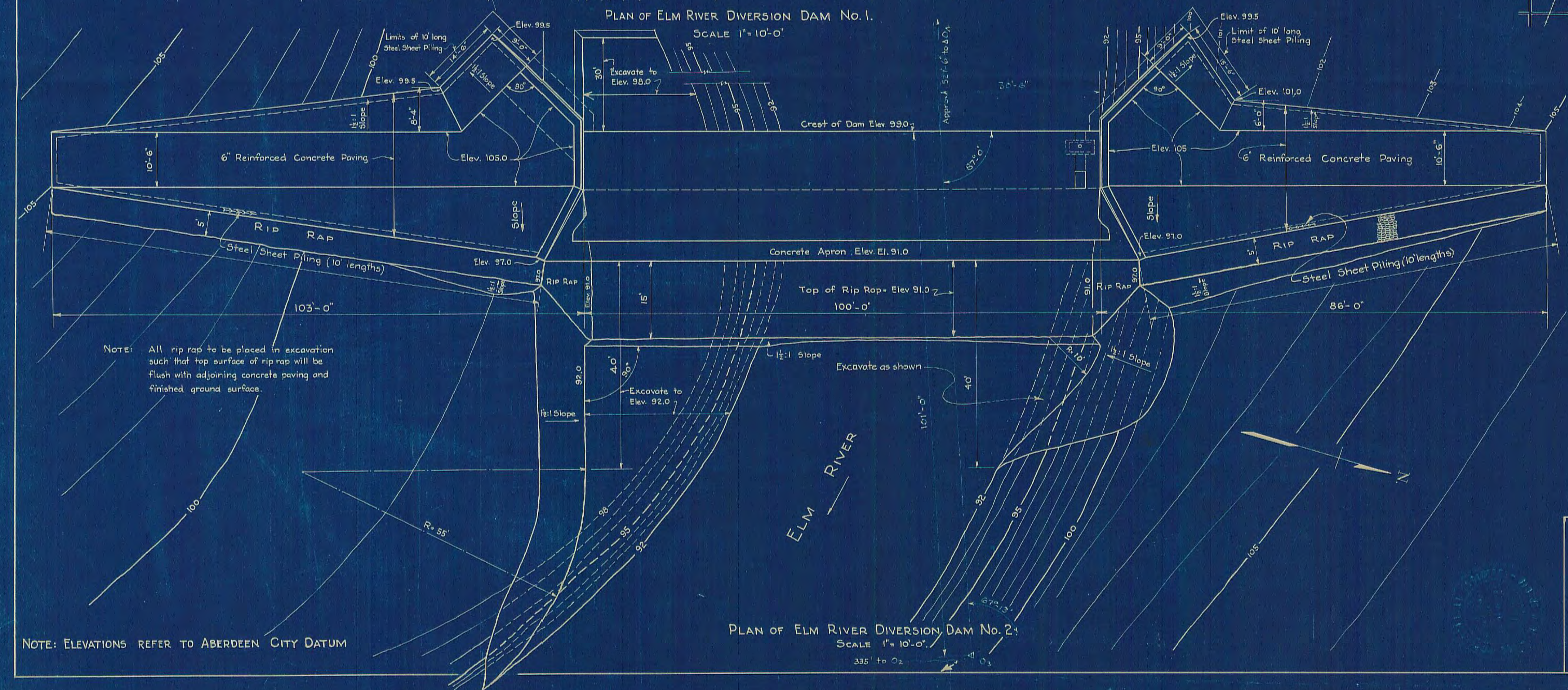
J.W. GRIMES
Executive Officer and
Chief Engineer
Water Resources Commission

JWG/DD/bw
Encl: As stated



PLAN OF ELM RIVER DIVERSION DAM No. 1.

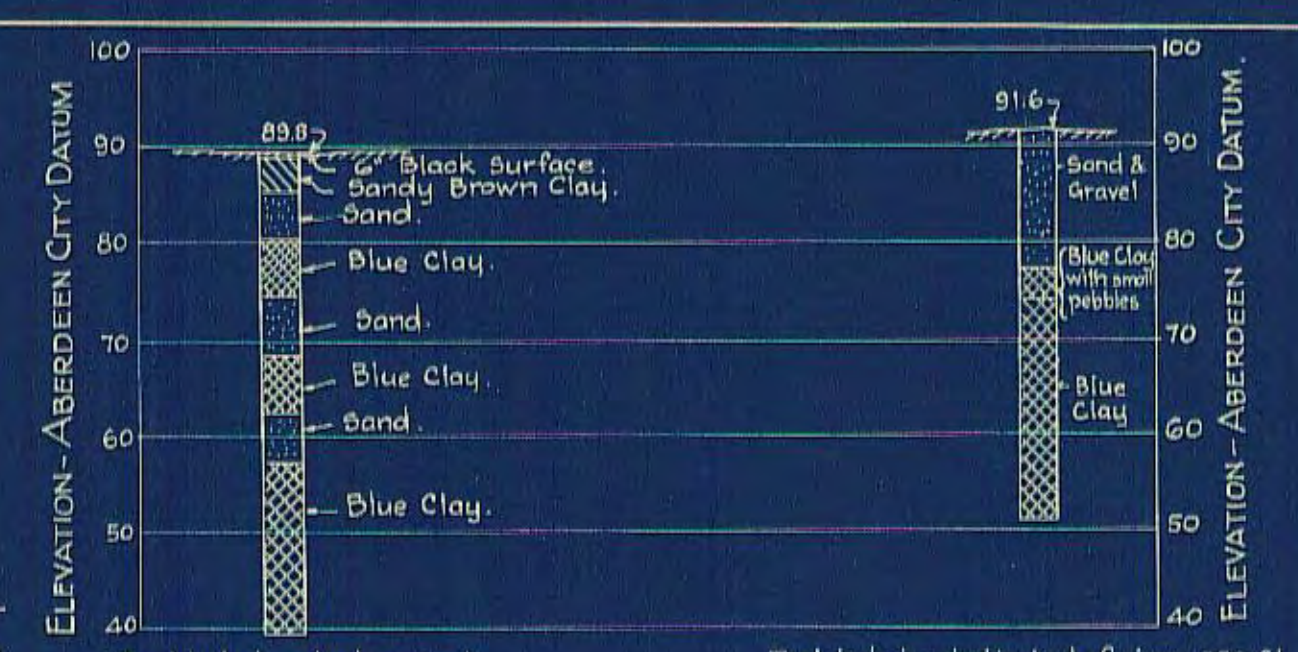
SCALE 1" = 10'-0"



PLAN OF ELM RIVER DIVERSION DAM No. 2.

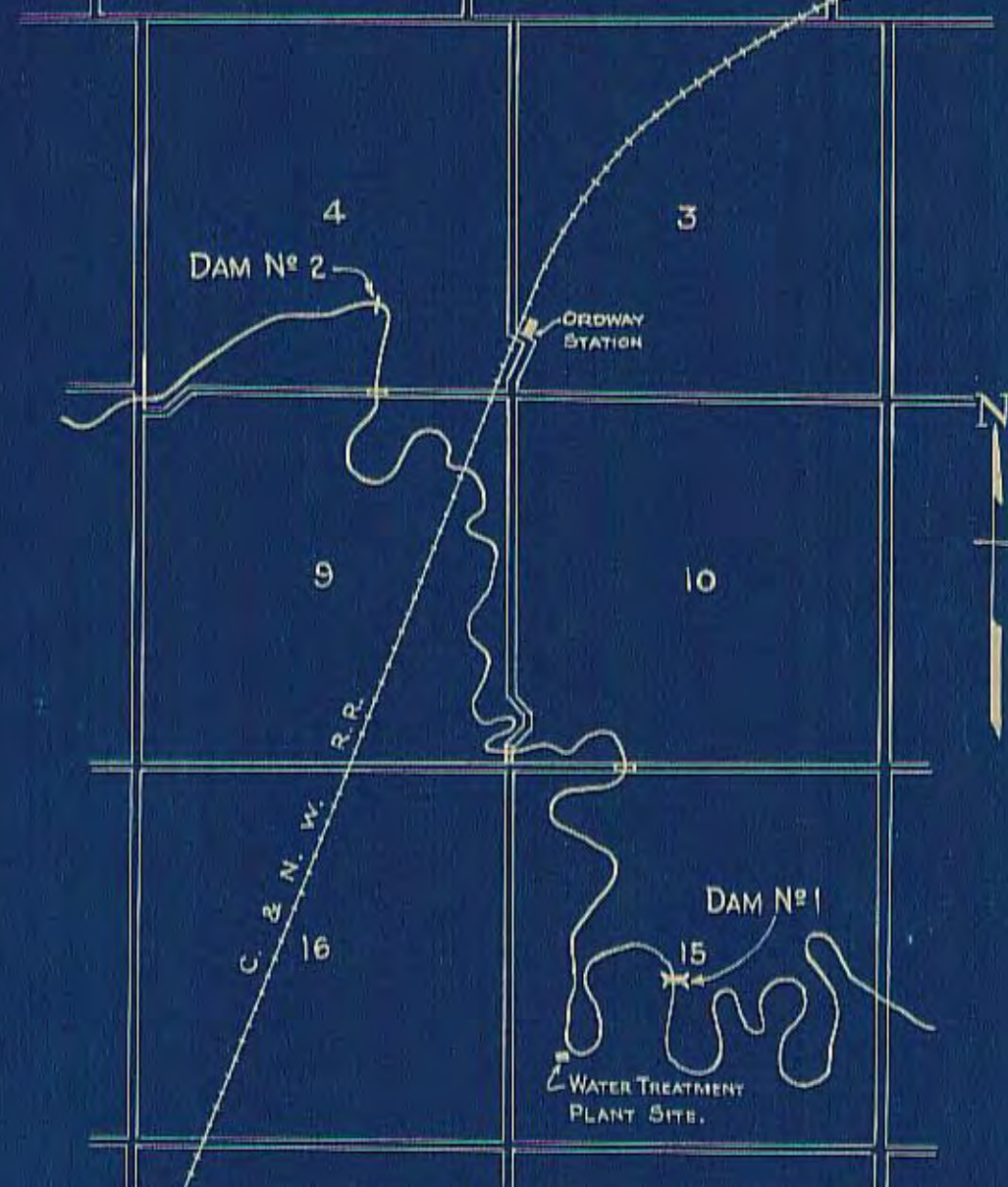
SCALE 1" = 10'-0"

NOTE: ELEVATIONS REFER TO ABERDEEN CITY DATUM



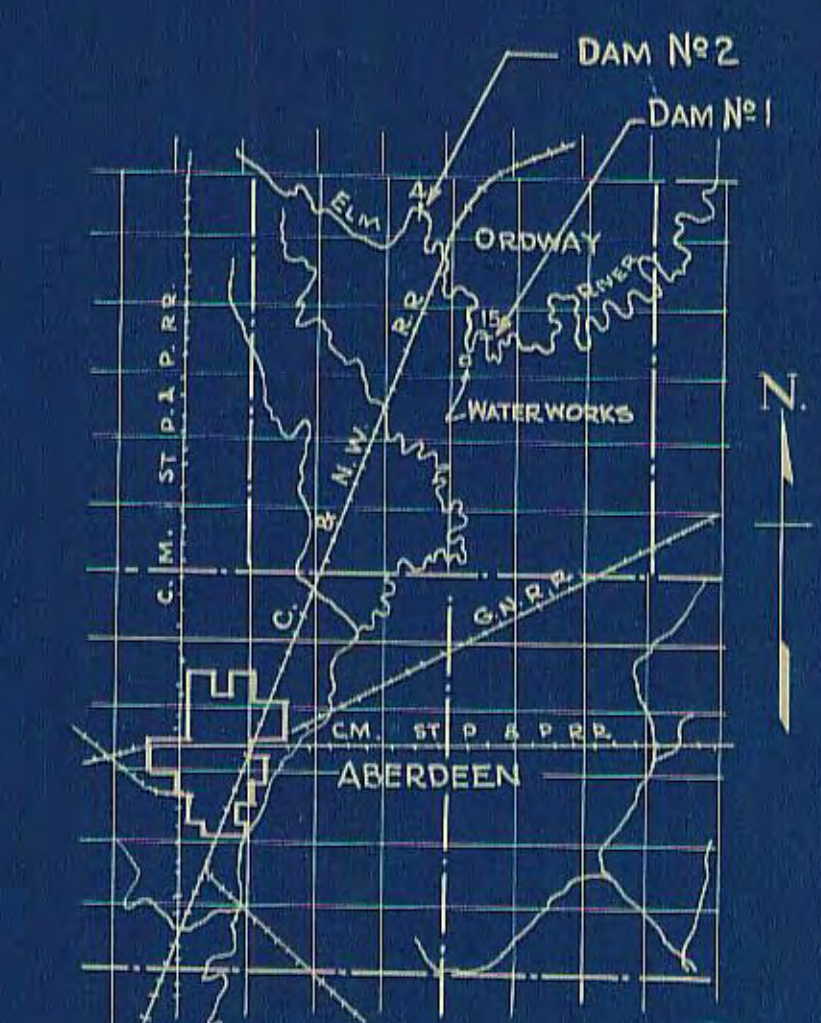
TEST HOLE DATA.

Test hole located in bed of river, 350 ft below Dam No. 2. Test pits in river bed at dam site (No. 2) show: 1.5 ft. of mud, then 3 inches of sand, then 3 inches of mud, then hard blue clay mixed with fine sand.



KEY MAP

SCALE IN 1000 FEET.



LOCATION OF DIVERSION DAMS.

SCALE - IN MILES

1C

CONTRACT C
ELM RIVER DIVERSION DAMS
GENERAL PLANS
ABERDEEN WATER WORKS
ABERDEEN, S.D.

ALVORD, BURDICK & HOWSON
ENGINEERS CHICAGO
Nov. 1933