

1. Considered 3-17, 1976
2. Name of Applicant CITY OF ABERDEEN
3. Post Office Address \_\_\_\_\_
4. Amount of water claimed 5.0
5. Source of water supply GROUND WATER (GRAVEL PIT)
6. Water to be used for ~~the~~ MUNICIPAL
- Acres to be irrigated \_\_\_\_\_
7. Water to be diverted and used in BROWN county  
about 9 N miles \_\_\_\_\_ of ABERDEEN.
8. Proof of Publication Received 3-10-76  
Not received \_\_\_\_\_
9. Application Approved \_\_\_\_\_  
Subject to \_\_\_\_\_  
Not Approved \_\_\_\_\_  
Action deferred \_\_\_\_\_
10. Remarks:

Map No. 1922-3 Water Division No. 3 JAMES RIVER District \_\_\_\_\_  
 No. 2551-3  
 (Blank; to be filled by the Engineer for the W. F. C.)



## APPLICATION FOR PERMIT

### To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant City of Aberdeen, South Dakota  
 Postoffice address P.O. Box 1299, Aberdeen, State South Dakota  
 If a corporation show date and place of incorporation \_\_\_\_\_
2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
3. Name of diversion work Eyestone Pit, Brown County
4. Amount of water claimed (cubic feet per second) 5 cubic feet per second
5. Source of water supply Ground Water
6. Location of point of diversion W 500' SE1/4 NE1/4 Sec 6-124-63 (pit location),  
Diversion Point approximately 1320' North and 1000' West of E1/4  
corner Section 6-124-23 County Brown
7. Annual period or periods during which water is to be used Daily-year around
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Municipal, domestic
9. For irrigation use, Total number of acres to be irrigated \_\_\_\_\_

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 0 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Aberdeen American News
12. Principal Features of the Proposed Water Supply System.

- A. Works proposed to divert water from its natural source. Irrigation pump for initial use, possibly Gravel Pack Wells for permanent installation.
- B. Works proposed to transport water to place of use. Propose to use Elm River for transporting flow at present.
- C. Works proposed to apply water to beneficial use. Utilize existing treatment, pumping, storage and distribution facilities of the City of Aberdeen.

Estimated Total Cost \$1,000

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.  
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA )  
 ) ss.  
 County of Brown )

City of Aberdeen the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction

Signed [Signature]  
 Subscribed and sworn to before me this 19th day of December 1976  
[Signature]  
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2551-3

CITY OF ABERDEEN

(Applicant)

P.O. Box 1299, ABERDEEN

(Post Office Address)

SOUTH DAKOTA 57401

(State)

With the following modifications:

**CANCELLED**  
BY ACTION OF W. R. C.  
DATE 10-1-79 BY [Signature]  
*Rec. Permit No. 3009-3*

Date of first receipt of application FEBRUARY 20, 19 76  
Date of return to applicant for correction, amendments or changes required \_\_\_\_\_, 19 \_\_\_\_  
Date of receipt of corrected application \_\_\_\_\_, 19 \_\_\_\_  
Approved MARCH 17, 19 76, Recorded in Book 14 Page 331

WATER RIGHT PERMIT NO. 2551-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2551-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is FEBRUARY 20, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 17, 19 76
3. The whole of said work is to be completed on or before MARCH 17, 19 77
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 17, 19 77
5. The water appropriated shall be used for the purpose of MUNICIPAL USE

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

7. The amount of the appropriation herein granted shall not exceed 5.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~irrigation~~ USED FOR MUNICIPAL PURPOSES. and if for the irrigation purpose said appropriation must be limited to ~~not more than 1170~~ not more than 1170 cubic feet per acre of land to which water is actually and beneficially ~~applied for irrigation~~ applied for irrigation on or before MARCH 17, 19 77; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 23RD day of MARCH, 19 76

WATER RIGHTS COMMISSION

By: [Signature]  
Chief Engineer, Executive Officer

Certificate of Construction Issued \_\_\_\_\_, 19 \_\_\_\_

Water License Issued \_\_\_\_\_, 19 \_\_\_\_

12. Principal Features of the Proposed Water Supply System (continued.)

~~D. - Well Information or Estimates~~

(1) Drill Hole, Diameter \_\_\_\_\_, Depth \_\_\_\_\_

(2) Casing, Type \_\_\_\_\_ Diameter \_\_\_\_\_ Thickness \_\_\_\_\_  
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type \_\_\_\_\_, Diameter \_\_\_\_\_, Length \_\_\_\_\_

(4) Gravel Pack. Thickness \_\_\_\_\_, Length of gravel pack \_\_\_\_\_

E. Dugout Information or Estimates

(1) Surface dimensions 100x300 (Discontinued) 26 gravel Pit) \_\_\_\_\_  
Depth \_\_\_\_\_

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Fine to Medium Sand. Occasional marble size aggregate. Very dirty material.

Depth to top of water bearing material 12'

Depth to bottom of water bearing material 84'

Thickness of water bearing material 72'

Depth to water (ground surface to water level) 12'

(2) Distance to nearest existing household or livestock watering wells.

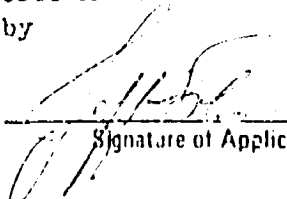
On same owner's property \_\_\_\_\_ rds. On property owned by others \_\_\_\_\_ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

CITY OF ABERDEEN

by

  
Signature of Applicant

No. 2551-3

Publish first publication, on or before March 4, 1976

**NOTICE  
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

February 23, 1976

Notice is hereby given that the City of Aberdeen

~~whose post office address is~~ \_\_\_\_\_, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

5.0 cubic feet of water per second of time from ~~the~~ ground water through the

Everson Pit, the point of diversion of which is to be located in the \_\_\_\_\_

SE 1/4 NE 1/4

of Section 6, Twp. 124N, Range 6W Said water to be used for the purpose

of providing irrigation ~~on the following described land:~~ <sup>portions of</sup>

municipal supplies for the City of Aberdeen

This applicator No. 2551-3 will be considered by the Water Rights Commission at their office at Pierre upon the 17th day of March, 1976, at 1:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By

BURTON F. JONES  
Water Rights Specialist

BFJ/lw

cc: Jeff Solem, Mayor, City of Aberdeen, Box 1209,  
Aberdeen, S.D. 57401

Form 8 - Proof of Publication - Notice of Intent to Appropriate Water

No. \_\_\_\_\_

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )

County Brown ) ss.

Dianne Brenden hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Aberdeen, South Dakota News

newspaper which during the whole time of publication of said notice  
therein after stated, has been and is printed and published in the \_\_\_\_\_

by \_\_\_\_\_ of Aberdeen

County of Brown and State of South Dakota;

that the said notice was published in said newspaper on the following  
dates:

March 1, 1976

March 2, 1976

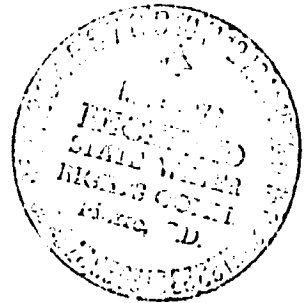
Dianne Brenden  
(Signature)

Principal Clerk  
(Title)

March 2, 1976  
(Date Signed)

(No. 145 - March 18 - 2T) NOTICE

**INTENT TO APPROPRIATE WATER**  
Notice is hereby given that the City of Aberdeen, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 50 cubic feet of water per second of time from ground water through the Eystone Pit, the point of diversion of which is to be located in the SE 1/4 NE 1/4 of Section 6, Twp. 124N, range 63W. Said water to be used for the purpose of providing municipal supplies for the City of Aberdeen.  
This application No. 25513 will be considered by the Water Rights Commission at their office at Pierre upon the 17th day of March, 1976, at 1:00 P.M. All interested persons may appear and be heard.  
By: Burton F. Jones, Water Rights Specialist, Water Resources Commission



Earl Coyne  
918 S. First St.  
Aberdeen, SD 57401

9 Mar. 1976

RECEIVED  
MAR 11 1976

DEPT. OF NATURAL  
RESOURCE DEVELOPMENT

Mr. Vern W. Butler, Secretary  
Dept. of Natural Resource Development  
Office Bldg. No. 2  
Pierre, SD 57501

Dear Mr. Butler:

This is to thank you for the Mar. 2nd letter received with copies of Title 46, Water and Water Rights. The information has been of help in our discussions regarding certain problems relating to water for domestic and municipal uses.

I have enclosed a copy of an effort to determine the present list of water rights permits allocated to the City of Aberdeen for domestic purposes to the municipal corporation.

Would you kindly check the records and verify the legal and correct permits issued since 23 Dec 1933 up to the present application to be reviewed on 17 Mar 1976 at Pierre.

Particular interest is the following titled permit;

Future Use Water Permit No. 192-3.  
Priority date May 4, 1956  
Ground Water from shallow gravel deposits in a specified area along the Elm River. (Is this area described more specifically stated?)

Thank you for your assistance.

Very truly yours,

*Earl Coyne*  
Earl Coyne  
Subcommittee on surface water resources.

February 27, 1976 Meeting Citizen's Advisory Committee-Water Resources

Water Rights Permit requires application to the State Department of Natural Resources.

Records on file with the S.D. Water Resources Commission:

Water Permit No. 15-3 & Water License No. 15-3.

Priority date December 23, 1933.

Two dams & water purification plant.

Right to divert 12 cfs. - - - - - (7.8 MGD)

Future Use Water Permit No. 192-3,

Priority date May 4, 1956

Ground water from shallow gravel deposits in a specified area along the Elm River.

Authorizes the diversion of 11.0 cfs. (7 MGD)

Water License No. 500-3.

Priority date October 7, 1957.

Authorizes the storage of 4,100 acre-feet of water in Willow Creek Dam.

Diversion rate of 12 cfs. - - - - - (7.8 MGD)

No recorded filing for water rights in Elm Lake. The City's rights probably have become "vested" through established usage.

The City Commission authorized the mayor to sign an application for a water rights permit from city-owned Eyestone pit.

The permit would allow 5 cfs. - - - - (3.25 MGD)- Notice of Intent to Appropriate Water application No. 2551-3 Mar 17, 1976.

MEASUREMENTS - IN RELATION TO WATER VOLUMES.

1 acre foot = 43,560 cu. ft.

1 acre foot = 325,892 gallons

1 cfs = 650,000 gal of water per 24 hrs.

#### WATERS AND WATER RIGHTS

46-1-2, Development of water resources for public benefit - Ground water withdrawals not to exceed recharge. \* \* The state shall determine in what way the water of the state, both surface and underground, should be developed for the greatest public benefit. It is further declared to be in the best public interest that the quantity of water withdrawn annually from a ground water source, shall not exceed the quantity of the average estimated annual recharge of water to such ground water.

46-1-5. Domestic use of water takes precedence over appropriative rights - Use by state institutions and municipalities. - It is hereby declared that it is the established policy of this state;

- (1) That the use of water for domestic purposes is the highest use of water, and takes precedence over all appropriative rights, if such use is exercised in a manner consistent with public interest as provided in SDCL 46-1-2

46-1-6. Definition of terms. -

- (4) \* \* \* "Domestic use," Use. of ground water by municipal systems \* \* \* shall be considered a domestic use except where ground water and water in flowing streams constitute the same water supply source.

Earl Coyne - Subcommittee on Surface water resources.

15-3, 192-3, 500-3,  
1024-3, 2102-3, 2551-3

April 1, 1976

Earl Coyne  
918 South First Street  
Aberdeen, South Dakota 57401

Dear Mr. Coyne:

Enclosed is a copy of a letter from J.W. Grimes dated April 12, 1973 outlining the City of Aberdeen's water permits up until that date.

Since that time additional permits have been granted.

Permit No. 1024-3 was granted May 1, 1963, with priorities of .31 c.f.s. from 1921 and .11 from February 26, 1963. This Permit covers two artesian wells used at Wylie Park.

Permit No. 2102-3 was granted September 11, 1974, with a priority date of July 24, 1974. This permit was issued to pump water in the amount of 18.56 c.f.s. from the Elm River during periods when excess water is flowing over the No. 1 Aberdeen dam on the Elm River.

Permit No. 2551-3 was granted March 17, 1976, with a priority of February 20, 1976. This permit was issued to pump 5.0 c.f.s. from ground water from the Eyestone Gravel Pit.

Future use Permit No. 192-3 defines the area of future development as ground water areas along the Elm River between Section 19, T125N, R63W, and Section 15, T124N, R63W, plus the Pickus and Eyestone gravel pits.

If you have further questions, feel free to contact this office.

Sincerely,

JOHN HATCH, Chief Engineer  
Water Rights Commission

JH/BFJ/bw  
Encl: as stated

original filed in 2551-3

April 2, 1976

Robert Arend  
321 S. Dakota  
Aberdeen, South Dakota 57401

Dear Bob:

We are enclosing a letter written by J.W. Grimes on April 12, 1973 which gives a summary of Aberdeen's water rights to that time. I'm also including a copy of the letter we sent to Earl Coyne on this date.

We did not advertise the 5.0 c.f.s. under Permit No. 2551-3 as coming from your future use permit No. 192-3, so the full 11.0 c.f.s. under Permit No. 192-3 remains available for future development.

Permit No. 2102-3 allows diversion from the Elm River into Willow Creek Reservoir at times when excess flows are overflowing the No. 1 Aberdeen Dam. Flows in excess of that authorized in Permit No. 2102-3 resulting in overflows at Aberdeen #1 dam would be considered unappropriated water and subject to appropriation. Permit No. 2102-3 is further restricted to the periods March 1, to July 1 and September 1 to November 15 of each year.

Your question as to how much area can be included in further "future use" withdrawal areas will be a matter for Commission determination. However, if the request is reasonable, it is assumed the Commission would go along with your request.

I do not know if there is more data that you need or not. If you have further questions, feel free to give us a call or drop us a note.

Sincerely,

BURTON F. JONES  
Water Rights Specialist

BFJ/bw  
Encl: As stated

WATER AND SEWER DEPARTMENT  
CITY OF ABERDEEN  
SOUTH DAKOTA 57401

August 23, 1976

RECEIVED

AUG 25 1976

DEPT. OF NATURAL  
RESOURCE DEVELOPMENT

Mr. Vern Butler  
Department of Natural Resources  
Pierre, South Dakota 57501

Dear Mr. Butler:

The continued dry weather is taking it's toll on our raw water supply.

Willow Lake is going down fast and we may be into the Elm Lake this fall.

I feel that honoring the Kruse obligation of irrigation of 1935 when the dam was built is hurting the cities water supply for human consumption. ✓

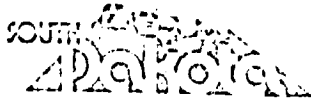
Can we be sure that the other permits that were issued along the Elm, like the Gunderson permit, are not indirectly consuming raw water from the Elm River? ✓

I strongly feel that a supply for domestic use should come before irrigating since we are now in the third year of the three driest years in the history of this community.

Sincerely,

*A. G. Westby*  
A. G. Westby  
Water & Sewer Commissioner

AGW/vb



# Department of Natural Resource Development

## WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

September 10, 1976

Re: 2571-3  
1536-3  
✓2551-3

A. G. Westby  
Water & Sewer Commissioner  
City of Aberdeen SD 57401

Dear Commissioner Westby:

This will acknowledge your letter concerning the City of Aberdeen's water supply and W. R. 2571-3, Willard Kruse and W.R. 1536-3, DuWain Gunderson.

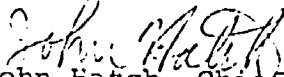
Although we understand your concern on this matter, we can not require either Mr. Kruse or Mr. Gunderson to stop pumping their irrigation pumps.

Mr. Kruse's water right for .14 cfs (63 gpm) to irrigate 10 acres was approved by the Water Rights Commission based upon an agreement dated September 15, 1937, between the City of Aberdeen and Mr. and Mrs. Willard Kruse and Minnie Morgan.

Mr. Gunderson's water right is for ground water from a gravel pit to use .77 cfs (346 gpm) to irrigate up to 54.13 acres. We do not have any information that would indicate that his pumping interferes with flows in the Elk River.

If dry weather conditions continue, the City of Aberdeen may wish to develop ground water supplies authorized by Future Use Water Permit No. 192-3 for 11.0 cfs and Permit No. 2551-3 for 7.0 cfs.

Very truly yours,

  
John Hatch, Chief Engineer  
Water Rights Commission

kjw

**OFFICE OF CITY ENGINEER**

ABERDEEN, SOUTH DAKOTA 57401

PHONE 605/225-4800

Francis E. Brink  
City Engineer

November 22, 1976

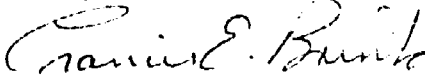
Mr. John Hatch, P.E.  
Staff Engineer  
S.D. Department of Natural Resource  
Pierre, South Dakota

Dear John:

Enclosed for your consideration is a certificate of pumping tests and Test Report on the City's Eyestone Pit, Permit 2551-3. We trust that this information is sufficient to show beneficial use of the water permit granted and finalize the permit.

If additional information is needed, please advise me at your convenience.

Very truly yours,



Francis E. Brink, P.E.  
City Engineer

FEB:rlg

cc: City Commission  
City Attorney  
City Auditor



Water Permit 2551-3  
City of Aberdeen  
Aberdeen, South Dakota  
W500' SE½ NE½ Sec 6-124-63 Brown County

Certification of Pump Tests  
Test Report

I, Francis E. Brink, a Registered Engineer and Land Surveyor in the State of South Dakota, do certify that the City of Aberdeen did conduct pump tests on ground water at the location of the W. 500' of the SE½ NE½ Section 6-124-63 in Brown County, herein after referred to the Eyestone Pit, and did put to beneficial use for municipal water supply, approximately 20 million gallons (61.4 acre feet) during a period from September 27, 1976 to October 15, 1976 from that source.

The method of diversion was by a 6-inch diesel pump and irrigation piping from the north end of the Eyestone Pit to the Elm River where the water was allowed to flow to Aberdeens Treatment Works located on said river. Records of pumping rates, water surface elevations, and calculated volumes are attached as Exhibit "A". Pumping rates were measured by "V" - notch wier and trajectory calculations from free discharge end of the horizontal discharge pipe. Average pumping rate was 1456 g.p.m. (3.24 c.f.s.) while pumping and 773 g.p.m. (1.72 c.f.s.) for the 18 day pumping period.

Water was pumped from an isolated portion in the extreme north end of the Pit having a water surface area of approximately 2 acres. Maximum water surface drawdown in that 2 acre basin was 6.99 feet. Water surface drawdown in the south end of the Eyestone Pit and water levels at observation wells at the south end of the Pit near the end of the pumping period were down approximately 1.3 feet.

Certified Francis E. Brink, P.E.  
Registered Engineer and Land Surveyor 1641

Dated November 22, 1976

EXHIBIT A

W.M.A. PERMIT 2531-3  
 ABERDEEN, S.D.

PUMPING TEST

Conducted by: *Office of City Engineering*  
*Aberdeen, S.D.*

Location

*WESTSIDE PT*  
*1500' SE CORNER 6-12-63*  
*ABERDEEN COUNTY, S.D.*

Observation  
 Well

Date	Time	Down Time (Hrs)	Pumping Time (Hrs)	Water Surface Elevation	Drawdown (Ft.)	Pumping Rate (MGD)	Volume (MG)	Cumulative Volume (MG)
7/12/75				88.65				
8/22/76				85.16				
9/27	5:30 am			87.30	0.00	1.81		
9/27	5:00 pm	0.23	0.35	86.95	0.37	1.81	0.62	0.02
9/28	10:30 am	0.50	1.50	84.04	5.96	1.92	1.42	1.44
9/28	1:55 pm	0.17	2.92	84.20	5.10	1.63	0.22	1.66
9/28	2:45 pm	0.42	0.42	81.20	8.10	2.40	0.04	1.70
9/28	8:45 am	0	2.00	82.62	4.65	2.00	1.66	3.36
9/29	8:45 pm	0	8.00	82.37	4.93	1.55	0.64	4.02
9/29	5:45 am	0.35	0.67	82.37	4.93	2.23	0.03	4.03
9/30	8:50 am	0	1.10	82.16	5.14	1.42	1.20	5.23
9/30	8:25 am	0	7.12	81.87	5.43	1.55	0.55	5.78
10/1	1:30 pm	0	20.92	80.95	6.35	1.53	1.13	7.43
10/1	5:00 pm	Stop Pump	5.20	81	7.1	1.41	0.27	7.75

Start

5230

WATER PUMP 2537-5  
 ABERDEEN, S.D.

PUMPING TEST

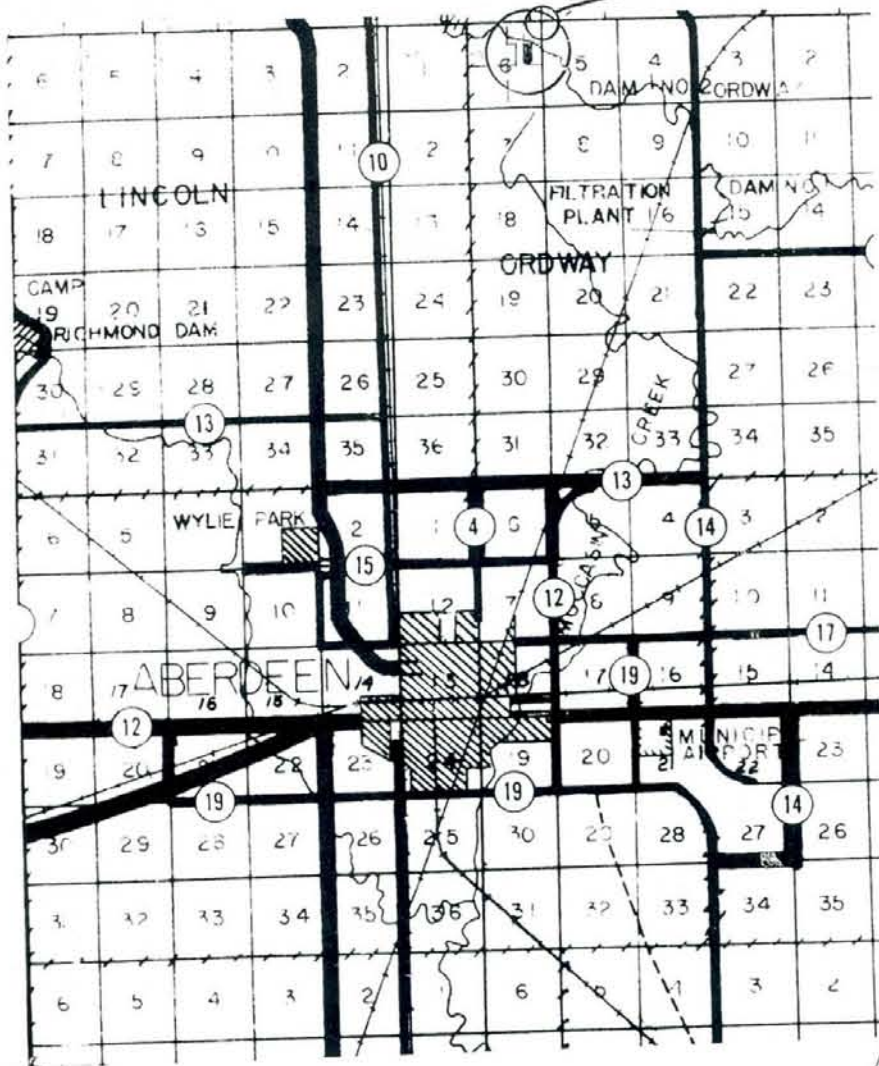
Location

EYESTONE PT  
 W 500' SE CORNER 2-124-23  
 BROWN COUNTY, S.D.

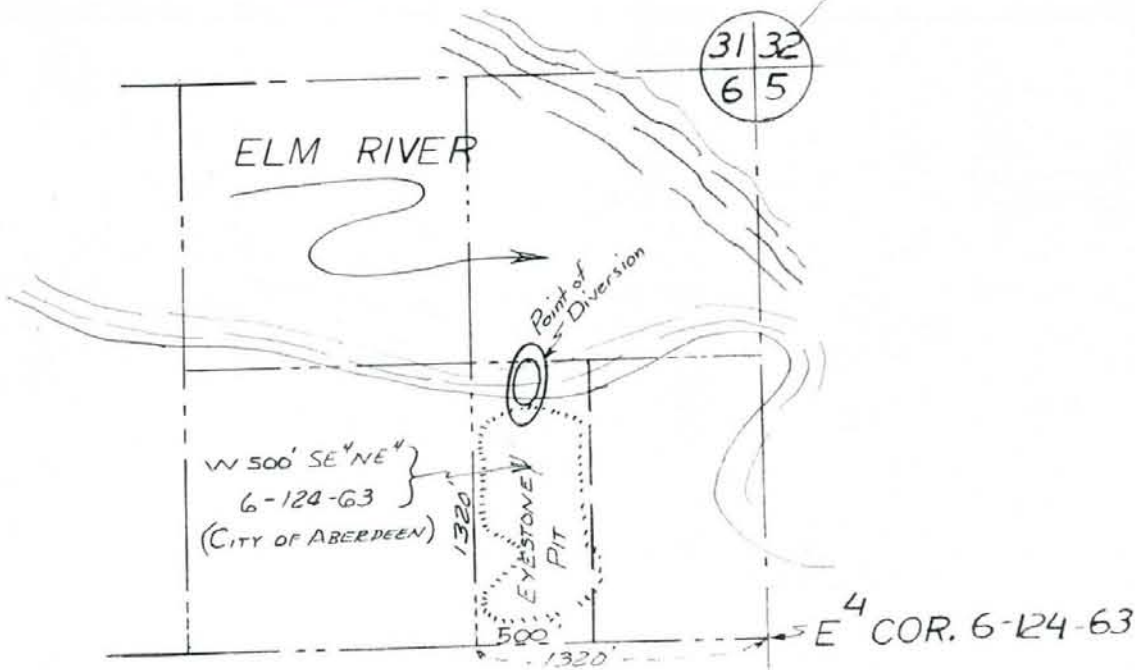
Observation  
 Well

Date	Time	Down Time (Hrs)	Pumping Time (Hrs)	Water Surface Elevation	Drawdown (Ft.)	Pumping Rate (MGD)	Volume (MG)	Cumulative Volume (MG)
10/14/76	10:00 am		0	85.47	1.33			
10/14	3:30 am	Start Pump	19.50					
10/17	10:30 am		35:00	81.62	5.85	2.49	3.02	2.77
10/17	9:30 am		18:26	80.37	6.93	2.16	2.25	12.00
10/18	12:00 midnight	Stop	14:52				1.51	15.50
10/18	8:00 am	Start	20:53				3.08	15.43
10/18	10:50 am		3:17				1.12	16.77
10/18	midnight	Stop	17:26					
10/18	8:45 am	Start	20:05	83.05	4.25	2.16	1.37	18.12
10/18	Midnight	Stop	20:01					
10/18	8:55 am	Start	0:05	82.73	4.57	2.16		
10/18	7:40 am		0:55	80.31	4.94	2.16	0.61	18.73
10/18	10:00 am	Stop	21:09				0.56	17.77
10/18	11:45 am	Start	0:25	82.45	4.82	2.16		
10/18	3:00 pm		0:00	80.56	6.74	2.10	0.55	15.30
10/15	5:00 pm	Stop	279.34	80.50	6.80	2.10	0.18	30.04
		End Pumping						

I, Francis E. Brink, Registered Engineer in the State of South Dakota do certify that the tests were conducted under my supervision and accurately represent the results.



VICINITY MAP



DIVERSION POINT

EXHIBIT "X"

I, Francis E. Brink, Registered Land Surveyor in the State of South Dakota, do certify that I have surveyed the property and established the point of diversion for the Water Right Application submitted by the City of Aberdeen; said point of diversion as shown above.

Francis E. Brink  
Signature

2/10/74  
Date

MAP 19823 APPL. NO. 2551-3