

No. 27-3

**Office of State Engineer  
DOCUMENT FILE**

Division No. 3

Name of Applicant  
Yacoma Park Ass.

RECEIVED  
APR 5 1941

NO. 27

Water Division No. 3 James River District  
(Blanks to be filled by the State Engineer.)RECEIVED  
MAR 31 1941  
J. D. A. M.OFFICE OF STATE ENGINEER  
PIERRE, S. DAK.OFFICE OF STATE ENGINEER  
PIERRE, S. DAK.

## APPLICATION FOR A PERMIT

## To Appropriate Water Within the State of South Dakota

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

1. Name of applicant Tacoma Park Association, a corporation,  
Postoffice address Tacoma Park, County Brown, State South Dakota

I. If a corporation Tacoma Park Association.

(a) Name of same Tacoma Park Association

(b) Date and place of incorporation May 4, 1920, South Dakota.

(c) Amount of capital stock Ten thousand Dollars

(d) Amount paid in All paid.

(e) Names and addresses of directors:

Steve LaBudd, Tacoma Park, S. D. Alfred Lindboe, Aberdeen, S. D.  
Martin Hafso, Aberdeen, S. D. Vernon Burke, Aberdeen, S. D.  
Wesley Kruger, Aberdeen, S. D.  
Carl Olander, Aberdeen, S. D.

(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) The work is already completed.

(b) Cash on hand, \$ (c) Treasury stock, \$

(d) Bonds to be issued, \$ (e) Other resources, \$

2. Name of diversion works Tacoma Park Dam

3. Quantity of water claimed 0.5 cubic feet per second.

Source of water supply James River

5. Location of point of diversion In Northeast corner of SW $\frac{1}{4}$  Sec. 24-124-62.3200' No. 45-0'E. from SW $\frac{1}{4}$  24-124-62 on Wood dam bank.  
(Right or left bank looking down stream.)

6. Annual periods during which water is to be used March first to Nov. 1st.

7. To be used for:

I. Irrigation or domestic use:

(a) Number of acres to be irrigated none acres.

(b) Legal subdivisions to be irrigated none

(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.)  
Used for public recreational purposes only, and fish culture.

II. Mining, power, manufacturing, transportation, or other purposes:

(a) Nature of use.

(b) Amount of power to be generated horse power.

(c) Location of plant.

(d) Method of developing power.

(e) Point where water will be returned to stream.

## 8. Estimated cost of works:

(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.)

Reservoir and dam.

## II. Dimensions of works:

(a) Dam: Height..... 6..... feet; length at bottom..... 81..... feet; length at top..... 81..... feet; thickness at bottom..... 26..... feet; thickness at top..... 6..... feet; slope of front (water) face..... 3 to 1.....; slope of back face..... 1/2 to 1.....; material used in construction..... Earth, stone and wood piling.....

(b) Reservoir: Capacity when filled..... 321..... acre feet. Surface area at highwater mark..... 107..... acres.

| DEPTH AT<br>OUTLET—FEET | SURFACE AREA AT EACH..... T OF<br>DEPTH AT OUTLET—ACRES | CAPACITY<br>ACRE-FeET |
|-------------------------|---------------------------------------------------------|-----------------------|
| 11                      |                                                         |                       |
|                         |                                                         |                       |
|                         |                                                         |                       |
|                         |                                                         |                       |
|                         |                                                         |                       |
|                         |                                                         |                       |
|                         |                                                         |                       |

(c) Head gate: Width..... feet; height..... feet;

Material .....

(d) Canal: Total length..... miles.

| LOCATION BELOW<br>HEADGATE | DEPTH      | BOTTOM<br>WIDTH | WIDTH AT<br>WATER LINE | GRADE<br>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..... 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.....

Aberdeen American News (Evening Edition)

STATE OF SOUTH DAKOTA,

County of Brown

Carl Olander

....., being first duly sworn  
on my oath depose and say: That my relation to the above described undertaking is that of .....  
treasurer, Tacoma Park Association.

(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

Carl Olander

Subscribed and sworn to before me this 29th day of March, 1941

Notary Public (author: qualified officer):

Remarks by State Engineer:

STATE OF SOUTH DAKOTA,

County of Hughes

} ss.

Pierre, South Dakota, May 20, 1941

This is to certify that the foregoing application was received at this office at 8:20 o'clock a.m. upon the 31 st day of March, 1941 and that after examination it was found to comply with the South Dakota Water Code and the Notice of Intention was duly published according to Chapter 61, 0124 and no protests or objections were presented to the State Engineer.

State Engineer.

Number of permit 27-3  
Date of first receipt of application March 31, 1941  
Date of return to applicant for correction April 1, 1941  
Date of receipt of corrected application April 5, 1941  
Date from which applicant may claim right March 31, 1941  
Approved May 20, 1941, Recorded in Book 2 Pages 504 + 505

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 May 20, 1941

2nd. The whole of said work is to be completed on or before May 20, 1941

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is May 20, 1941

4th. The water appropriated shall be used for the purpose of Public recreational purposes and fish culture

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 0.5 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-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 May 20, 1941; Said water to be used during the following described annual periods:

March 1st to Nov. 1st

Witness my hand this 20th day of May, 1941

State Engineer.

# STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 27-3

WHEREAS, On the 31st day of March A. D. 1941

The Tacoma Park Association

of Aberdeen (Tacoma Park) County of Brown and State of

South Dakota duly made application (No. 27-3) to me for a permit to use 0.5

cubic feet per second of the waters of James River

County of Brown State of South Dakota, for public recreation and fish culture

purposes; and

WHEREAS, On the 20th day of May A. D. 1941

Permit No. 27-3 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 20th

day of May A. D. 1941 and for the application to beneficial use of said

water on or before the 20th day of May A. D. 1941

and,

WHEREAS, On the 15th day of August A. D. 1941

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

0.5 cubic feet per second of said waters, as evidenced by my Certificate No. 27-3

dated August 18, 1941 confirming the completion of works of sufficient capacity for to

~~XXXXXX~~ 0.5 cubic feet per second of water,

with date of priority of March 31, 1941 and,

WHEREAS, On the 15th day of August A. D. 1941

proof was duly made of the application to beneficial use of 0.5 cubic feet per second of

said water;

Receipt for \$1.00 paid for water license mailed August 18, 1941.

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of South Dakota, I hereby grant and confirm to The Tacoma Park Association of Tacoma Park, Aberdeen, S. D. the holder and owner of said permit No. 27-3 a water right, dating from March 31, 1941 to the use of 0.5 cubic feet per second of the waters of James 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 In Northeast corner of SW 24 121-62. 3200' No. 45° 0'E. from SW 24-121-62

and to be used for public recreation and fish culture

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 18th day of August A. D. Nineteen 41 Hundred and 41

Dean A. Loucks State Engineer.

STATE OF SOUTH DAKOTA

Water License No. 27-3

To The Tacoma Park Asso.

Source of Supply

James River

County Brown

Amt. 0.5 Sec. Feet

Point of Diversion NE Cor. of SW 24 Sec. 24, 121-62, 3200' No. 45° - 0'E. from SW 24-121-62

Place of Use

Purpose Public recreation and fish culture

Date of Priority March 31, 1941

Recorded May 20, 1941

in Book 2 of Record Pages 504-505

Permit No. 21-3Water Division No. 3 James River Water District

## Certificate of Construction of Works.

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That The Tacoma Park Association

of Tacoma Park (Aberdeen), County of Brown, and State of South Dakota, the holder of Permit No. 27-3, issued upon Application No. 21-3, bearing date of priority of March 31, 1911, authorizing the ~~diversion~~ <sup>use</sup> of 0.5 second-feet of the waters of the James River, County of Brown, State of South Dakota, at NE Corner of SW 1/4 24-124-62, 3200' No. 45° - 0'E. from SW 1/4 24-124-62 for storage, for public recreation and fish culture purposes, has 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 adequate for diverting and conveying to the place of intended use 0.5 second-feet of water; ~~that the works proposed to be constructed by the use of said water are adequate for the use of said water for the purposes of said permit.~~

Witness my hand this 18th day of August, A. D. 1911

Dean W. Loucks State Engineer of South Dakota.

# **PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA }  
 County of Brown } ss.

Thelma Svarstad being duly sworn, deposes and says the annexed printed copy of Notice of Intention to appropriate Water was taken from the.....

Aberdeen American News-Evening a newspaper which Edition 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:

April 19-26, 1941

May 3-10, 1941

in each and every issue of the full number thereof, the first publication being made on the 19th day of April

1941 and the last publication on the 10th day of

May 1941, upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication she

was bookkeeper the printer and publisher of

the said newspaper.

Thelma Svarstad

Subscribed and sworn to before me this 10th day of May A. D. 19 41

Richard H. Henson

Notary Public Brown County, S. D.

## **LEGAL NOTICE**

(No. 115, April 19-26, 1941, 5-10-41)  
 NOTICE OF INTENTION TO  
 APPROPRIATE WATER

Office of the State Engineer  
 Pierre, S. Dak. April 11, 1941  
 Notice is hereby given that the Tacoma Park Association whose postoffice address is Tacoma Park, Brown County, S. Dak., has made an application in accordance with the provisions of the irrigation laws of South Dakota for a permit to appropriate for beneficial use 0.5 cubic feet of water per second of time from the James River through the Tacoma Park Dam, the point of diversion of which is located in the Northeast corner of the Southwest Quarter of Section 24, Township 124 North, of Range 62, West of 5th P. M., in Brown County, South Dakota, and 3200 feet N. 45° - 0° E. from the Southwest corner of said Section 24. Said water to be used for the purpose of providing public recreation and for fish culture.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the 15th day of May 1941, at 10:00 A. M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further the information presented.

Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

Dean W. Loucks,  
 State Engineer

(First Publication 1940)  
APPROPRIATION OF WATEROffice of the State Engineer  
Pierre, S. Dak. Apr. 11 1941

Notice is hereby given that the Tacoma Park Association whose postoffice address is Tacoma Park, Brown County, S. Dak., has made an application in accordance with the provisions of the irrigation laws of South Dakota for a permit to appropriate for beneficial use 0.5 cubic feet of water per second of time from the James River through the Tacoma Park Dam, the point of diversion of which is to be located ~~on the~~ <sup>W. O. Correll</sup> bank of said stream in the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 24 Twp. 124 Rge. 62 and 3200 ft. N. 45° - 0'E. from the SW  $\frac{1}{4}$  corner of the said Section 24. Said water to be used for the purpose of providing public recreation and for fish culture.

This application will be taken up by the State Engineer at his office at Pierre for consideration upon the <sup>17th</sup> ~~10th~~ day of May 1941, at 10:00 A. M. All persons who believe that their prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare shall file such protest with the State Engineer in writing prior to the above date and may appear on the day above mentioned in person for the purpose of discussing further, the information presented.

Appropriate action will be taken by the State Engineer after suitable time has elapsed for the consideration of any or all information presented.

Dean W. Loucks,  
State Engineer.

STATE OF SOUTH DAKOTA  
COUNTY OF BROWN

IN CIRCUIT COURT  
FIFTH JUDICIAL CIRCUIT

\* \* \* \* \*

In the Matter of the Trust of  
Tacoma Park Association,  
a defunct corporation.

RECEIVED  
JUDGMENT  
OFFICE OF STATE ENGINEER  
PIERRE, S. DAK.

\* \* \* \* \*

The report and petition of Carl Olander, et al., as trustees of Tacoma Park Association, a defunct corporation, coming on regularly to be heard before this court at the court room of the court, at Aberdeen, South Dakota, on June 9, 1941, pursuant to the order of this court, dated May 22, 1941, and Vernon W. Burke, one of the petitioners appearing in person and by H. Agcr, attorney, appearing for all of said petitioners, and C. Dresselhuys, P. J. Hedblom, Esther Korte, Leonard E. Swanson, Mabel Moilien and other interested persons appearing in person, and it appearing to the court that notice of the hearing on said petition and report was given as required by order of this court and that this court has jurisdiction herein, and evidence having been submitted, and it appearing to the court that all of the allegations contained in the report and petition are true, and the court being fully advised,

Now, therefore, IT IS ORDERED, ADJUDGED AND DECREED:

1. That said petition and report be and the same is hereby approved in all things.
2. The trustees of Tacoma Park Association, the defunct corporation, are hereby authorized and directed to convey to The Tacoma Park Association, the new corporation organized under the laws of the State of South Dakota, all of the assets of the defunct corporation of every kind and description, in consideration of the

agreement of the said new corporation to assume and pay all of the debts of the defunct corporation, and in consideration of the agreement of said new corporation to issue its corporate stock to each of the stockholders of the defunct corporation, in the same amount which each such stockholder holds in the defunct corporation, and also lease to each such stockholder the same lots which such stockholder holds under allotment certificate from the defunct corporation, provided that each stockholder desiring to accept such stock in the new corporation shall, on or before May 29, 1942, pay any indebtedness which he may owe to the old corporation, whether barred by the statute of limitations or not, and shall also deliver his stock in the defunct corporation for cancellation, and shall also sign the form lease agreement adopted by the new corporation, on or before May 29, 1942.

3. All stockholders of the defunct Tacoma Park Association who shall refuse, neglect, or fail to comply with the foregoing provision of this order on or before May 29, 1942, shall lose all right to receive corporate stock in the new corporation, or to lease any real estate from said corporation, and shall also forfeit all rights which they now hold as stockholders or under allotment certificates issued by said defunct corporation.

Dated at Aberdeen, South Dakota, this 9th day of June, 1941.

By the Court:

Howard Babcock  
Judge.

Attest:

W. E. Young  
Clerk.

(Court Seal)

Permit No. ....

Water Division No. ....

Water District .....

## Notice of Completion of Works

RECEIVED  
1941OFFICE OF STATE ENGINEER  
PIERRE, S. DAK.

(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. C.) .....

Aberdeen, S. D.

(Date) .....

Aug 15 - 1941

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

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

Five Tenth (0.5) second feet of the waters of the state from  
through the the James River thru the Tacoma Park Dam  
for public recreation & fish culture purposes

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 .....

The Tacoma Park Association

2. The postoffice address of such person or the place of business of such corporation is Tacoma Park

County of Brown State of South Dakota

3. The number of such permit is 27-3 and the date set for the completion of such work is

The works are complete at time of application

4. Said water to be used for public recreation &amp; fish culture 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 0.5 cubic feet per second.

6. The amount of land for which said water is available is no irrigation acres, particularly described as follows:

(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.

H. Agor attorney

(Signature.)

Permit No. ....

Water Division No. .... Water District

## Certificate of Application of Water to Beneficial Use.

## Deposition of Holder

RECEIVED  
JUN 18 1941  
OFFICE OF STATE ENGINEER  
PIERRE, S. DAK.

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

Ans. H. Agor, attorney, Aberdeen, S. D.

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. The Tacoma Park Association, Tacoma Park,  
Brown County, S. D.

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

Ans. No 27-3 March 31- 1941

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

Ans. James River 3200' N 45° E from the  
SW 1/4 of S 24, T. 124, R. 6 E

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. Works consist of wood dam across river.  
No canal or ditch - water stored for use  
as stated.

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. Use of water is in storage at site. no diversion

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

Ans. No power use. Only loss is thru evaporation  
due to storage

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

Ans. 0.5 sec. feet.

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. Application was made by Tacoma Park Association and  
all of its assets were conveyed to a new corporation  
The Tacoma Park Association, pursuant to the  
terms of a judgment, copy of which is enclosed.

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

Ans. Water has been stored behind the Tacoma Park Dam for about 40 years and has been used each year during that time for public recreation & fish culture. The reservoir has stored on an average about 300 acre feet

(Sign.) H. Agor

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 Aberdeen, County of Brown

State of South Dakota, on this 15th day of August, A. D., 1941

L. J. Van Slyke  
Notary Public  
South Dakota

Permit No. ....

Proof of Application of Water to  
Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water..... second feet

Source.....

County.....

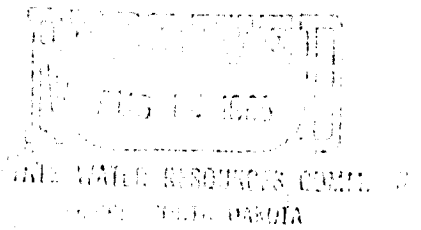
Purpose.....

Place of Use.....

Date of priority.....

Received and filed.....

APPLICATION FOR PERMIT TO  
CONTINUE APPROPRIATION OF  
WATER FOR BENEFICIAL USE



The undersigned hereby make application to the Water Resources Commission of the State of South Dakota, as follows:

WHEREAS, the undersigned have a vested right as riparian owners, since they have appropriated water from the James River for a beneficial use that was beneficial, reasonable, and useful, and was consistent with the interests of the public in the best utilization of water, and

WHEREAS, the undersigned were applying the use of said water to a beneficial use at the time of the passage of the 1963 Water Rights Law, and for a considerable period of time prior thereto, and

WHEREAS, this has not appreciably affected the amount of water stored by the so-called Tacoma Park Dam,

NOW, THEREFORE, the right of the undersigned to continue using said water is hereby asserted and permission is hereby requested from the Water Resources Commission for a permit to continue using said water under the vested right heretofore set out.

Dated at Aberdeen, South Dakota, this \_\_\_\_ day of August, 1965.

R.W. Deery

W. J. Carey

RECEIVED

MAY 27 1980

DEPT. OF WATER &  
NATURAL RESOURCES

R 2, Box 150  
Croton, S. Dak.  
May 24, 1980

Warren Neufield, Sec.  
S. Dak. Natural Resources Commission  
Pierre, S. Dak. 57501

Attention Water Management Div.

Sirs:

The Tacoma Park Ass'n. has the No. 1 Water Rights Permit in  
SOUTH DAKOTA.

Water is barely going over the dam at Tacoma Park, if at all  
at this date. Our water rights are being appropriated above stream  
in S. Dakota and North Dakota. We want the appropriation of our  
water rights to the natural water in the James River stopped and  
our water rights protected as we are entitled to flowing water, not  
stagnate water for recreation at Tacoma Park!

Please advise us what you are going to do to protect our rights.

Yours truly,

Tacoma Park James River Water Committee

Betty Rice  
Betty Rice

cc: Oahe Cons. Sub-Dist.  
Aberdeen, S. Dak.

James Dunsire  
James Dunsire

June 3, 1980

Healy Ries  
Rt. #2, Box 150  
Groton, South Dakota 57445

James Dumire  
Route 1  
Columbia, South Dakota 57433

Dear Mrs. Ries and Mr. Dumire:

This will acknowledge your letter concerning James River flows at the Tacoma Park Dam and your claim that your water rights are being appropriated upstream in South Dakota and North Dakota. The Tacoma Park Association Water Right No. 27-3 is not the senior water right on the James River in South Dakota. Water Rights senior to Tacoma Park are listed below:

| <u>Water Right<br/>Number</u> | <u>Permit Holder</u>                        | <u>Priority<br/>Date</u> |
|-------------------------------|---------------------------------------------|--------------------------|
| 9-3                           | City of Huron                               | 4-22-14                  |
| U.S. 1-3                      | U.S. Fish & Wildlife<br>Service (Sand lake) | 10-16-34                 |
| 27-3                          | Tacoma Park Assoc.                          | 3-31-41                  |

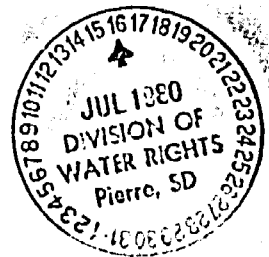
The Tacoma Park Association water right authorizes 321 acre feet of storage once each year for public recreation and fish culture (no irrigation) and 0.5 cubic feet per second (225 gallons per minute) for maintenance of flow over dam for recreational purposes for the period March 1 to November 1.

Flows at the Columbia gaging station May 22, 1980 were 17.2 cubic feet per second (cfs) and May 27, 1980 36.8 cfs. As long as at least 0.5 cfs is flowing over Tacoma Park Dam with irrigation upstream, your water right is being protected. May 22, we also issued orders to the James River Irrigators above Huron to cease pumping effective May 24 at noon to protect the City of Huron's rights which require at least 20 cfs by-pass at Huron.

Sincerely,

Warren R. Neufeld, Secretary  
Department of Water & Natural Resources  
Phone: (605) 773-3151

G55302GY



Groton, S. Dak.  
July 15, 1980

Water Rights Div.  
SD Natural Resources Commission  
Pierre, S. Dak.

Sirs:

I have this morning phoned the Water Rights Div. (1-773-3352) to inform Sec. Neufeld that for a week no water has been going over the Tacoma Park dam; that Tacoma Park's water rights to the natural flow of the James River are being appropriated above and below us and to ask that Tacoma Park's water rights, which are NO 1 in the state, be protected!

This is the second time this year we have had to make this request.

There is a putrid odor at the dam from the stagnant water. If the natural flows were not being appropriated, we wouldn't be having this trouble!

Yours truly,

Betty Ries } Committee for Tacoma Park Assn.  
Jim Dunsire }

cc: Oahu Conservancy Sub-Dist.

**South Dakota**  
**Department of**  
**Water & Natural Resources**  
Joe Foss Building Division of Water Rights (605) 773-3352  
Pierre, South Dakota 57501

July 17, 1980

Mrs. Betty Ries  
RR #2, Box 150  
Groton, SD 57445

RE: 27-3

Dear Mrs. Ries:

This will acknowledge your letter concerning your telephone call to this office July 15, 1980. Mr. Neufeld has mailed (July 15, 1980) a copy of a June 3, 1980 letter to you which apparently was never received. The same letter was also mailed June 3, 1980 to James Dumire.

As stated in the June 3 letter, Tacoma Park is not the senior water right on the James River with the City of Huron and Sand Lake being the No. 1 and No. 2 Water Rights. The Tacoma Park right to 321 acre feet of storage once each year and 0.5 cfs (225 gallons per minute) of flow over the dam has been protected during 1980.

Following the May 24, 1980 early shut off of irrigation to protect the city of Huron's rights, rains were received which allowed irrigation to be resumed June 10, 1980 with shutoff June 26. Flows at the Columbia Gage during that time period indicated your water right was being satisfied.

You may wish to see if Mr. Dumire received the June 3 letter. Both of you should have received the letter. Please advise if you have further questions on the Tacoma Park Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Division

JH/gv

cc: James Dumire

*Equal Opportunity Employer*

August 18, 1980

Re: 27-3

Mrs. Betty Rios  
R. 2, Box 150  
Groton, South Dakota 57445

Dear Mrs. Rios:

Thank you for your letter concerning the Tacoma Park Association water rights. Although the Tacoma Park Dam may have been constructed prior to the 1941 priority date, application for a water permit was not made at the time of construction. The priority date of March 31, 1941, was established upon receipt of the application by the State Engineer in 1941 as required by State Statutes in effect at the time the application was filed. The Sand Lake priority was established when a filing was made in 1934.

The City of Huron water right is protected from junior appropriators based upon flows at Huron and the James Diversion Dam. Flows in your area are considered prior to issuing any shut-off orders to protect the Huron water and in the management of the James River water diversions.

The City of Aberdeen direct diversion right to the Elm River has a priority date of December 23, 1933. If the Tacoma Park right were senior to Aberdeen's, then it would be necessary to determine if Aberdeen's withdrawals from natural flows were having an adverse effect on the Tacoma Park right.

South Dakota does not have jurisdiction over withdrawals in North Dakota. More important, however, because of Sand Lake, we doubt that pumping by existing irrigators above Sand Lake has a direct effect on water rights below Sand Lake during low water periods. The reason being that Sand Lake tends to retain totally any low water flows entering the lake. A gaging station is to be located about 1/2 mile north of the North Dakota-South Dakota border. This station will provide more complete information on stream flows at that point and water loss from Sand Lake.

Mrs. Dotty Ries  
Page 2  
August 18, 1980

The following are South Dakota Irrigation permits above Tacoma Park:

| <u>Permit No.</u> | <u>Name</u>       | <u>cfs</u> | <u>Priority Date</u> |
|-------------------|-------------------|------------|----------------------|
| 4351-3            | Shirley Treoby    | 1.49       | 1-31-60              |
| 2640-3            | S. G. Treoby      | 8.00       | 12-12-75             |
| 2634-3            | Harold Dennert    | 6.00       | 12-15-75             |
| 2638-3            | Hanson Farms      | 4.37       | 12-22-75             |
| 2602-3            | Lloyd Donner      | 368AF      | 12-15-75             |
|                   |                   | Annually   |                      |
| 2645-3            | Bruce Zastrow     | 1.70       | 3-4-76               |
| 2646-3            | Alvin Zastrow     | 1.60       | 3-5-76               |
| 207-3             | Charles Montug    | .028       | 1937                 |
| 2637-3            | Harvey Bohling    | 3.80       | 12-23-75             |
| 100-3             | Harold Welsmantel | 2.00       | 4-27-53              |
| 2873-3            | Eldon Gelchrist   | 7.00       | 6-11-76              |
| 2591-3            | Donn's Jones      | 3.50       | 10-6-75              |

Please advise if I may be of further assistance.

Sincerely,

Warren R. Neufeld, Secretary  
Department of Water and Natural Resources  
Phone: 773-3151

a83407 Jh

RECEIVED

JUL 21 1980

DEPT. OF WATER &  
NATURAL RESOURCES

*Hatch -  
handle -  
for my sig  
Bols*

R 2, Box 150  
Greton, S. Dak.  
July 20, 1980

Warren Houfeld, Sec.  
S. Dak. Dep't/ of Natural Resources  
Pierre, S. Dak.

Dear Mr. Houfeld,

I did receive your original letter of June 3, 1980 and also thank you for your prompt reply to my telephone call of last week noting the distressing situation of the lack of water going over the dam at Tacoma Park.

What I didn't understand was how you were protecting our Tacoma Park water rights, which I understand was the first to be granted in the State! Please explain how Sand Lake could possibly have a prior rite to Tacoma Park when they were born in the 30's and Tacoma Park dates to early 1900!

We have rights for 0.5 cfs of flow over the dam. Shouldn't we have Huron's water running over the Tacoma Park Dam? In fact, in order to supply Huron, shouldn't Huron's cfs be running over the dam at Tacoma Park, in addition to ours?

Is the City of Aberdeen's water rights on the Elm and Maple, which is above us at Tacoma Park, inferior in time and place so they have to release water to allow you to protect our prior water rights?

Were North Dakota irrigators shut off to protect Huron and Tacoma Park water rights? What is the State of S. Dakota doing to protect our water rights when we are using water and they are using our water from the James?

Are there any irrigators above us with either permanent or temporary permits?

In my testimony against the North Dakota Garrison return flows entering the James River because of flooding Tacoma Park and poor water quality, my request was for an Environmental Statement ~~on the impact of the Garrison Irrigation Project on SOUTH DAKOTA~~ *on the impact of the Garrison Irrigation Project on SOUTH DAKOTA before Garrison construction.*

Thank you for your attention to our questions.

Yours truly,

*Betty Rios*  
Betty Rios Tacoma Park Assn.  
Mr. James Domingo Committee

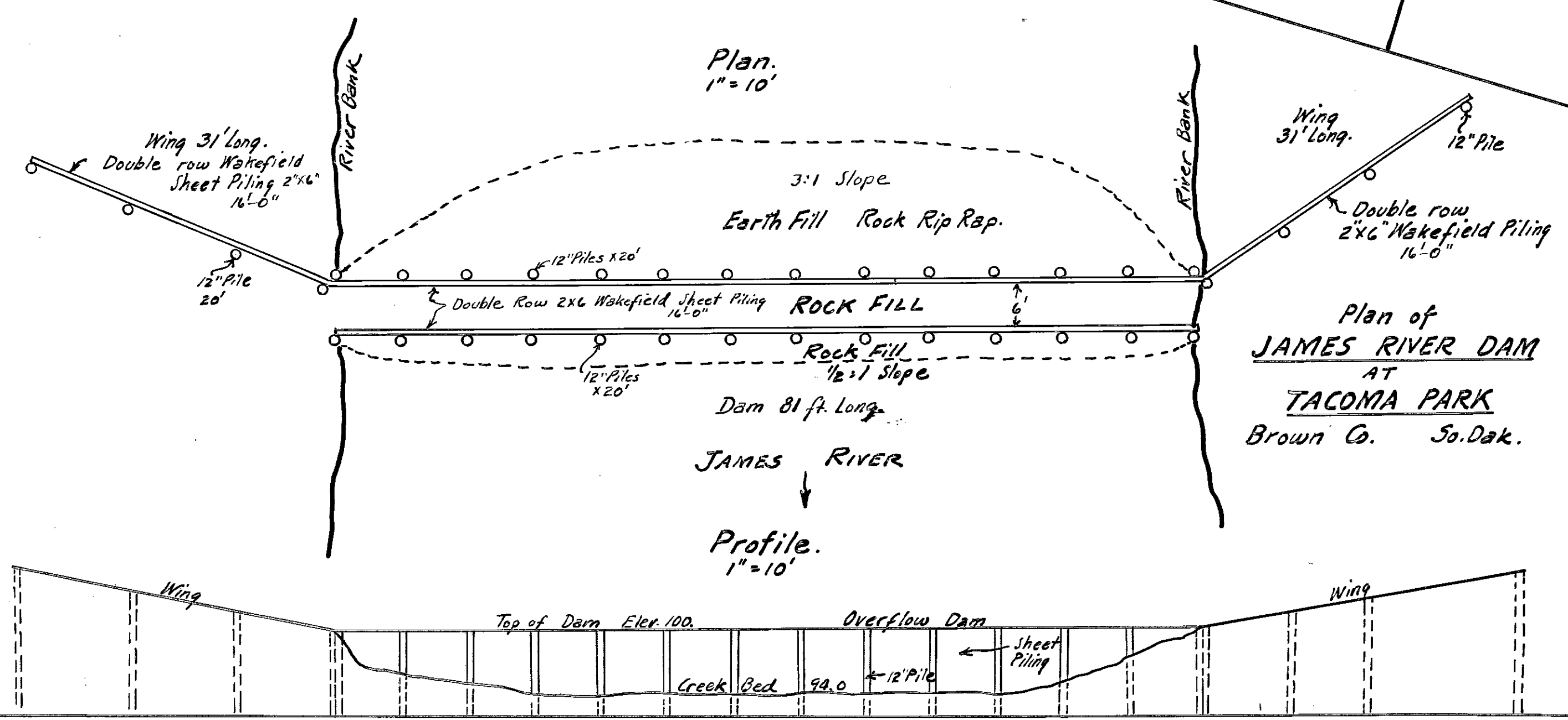
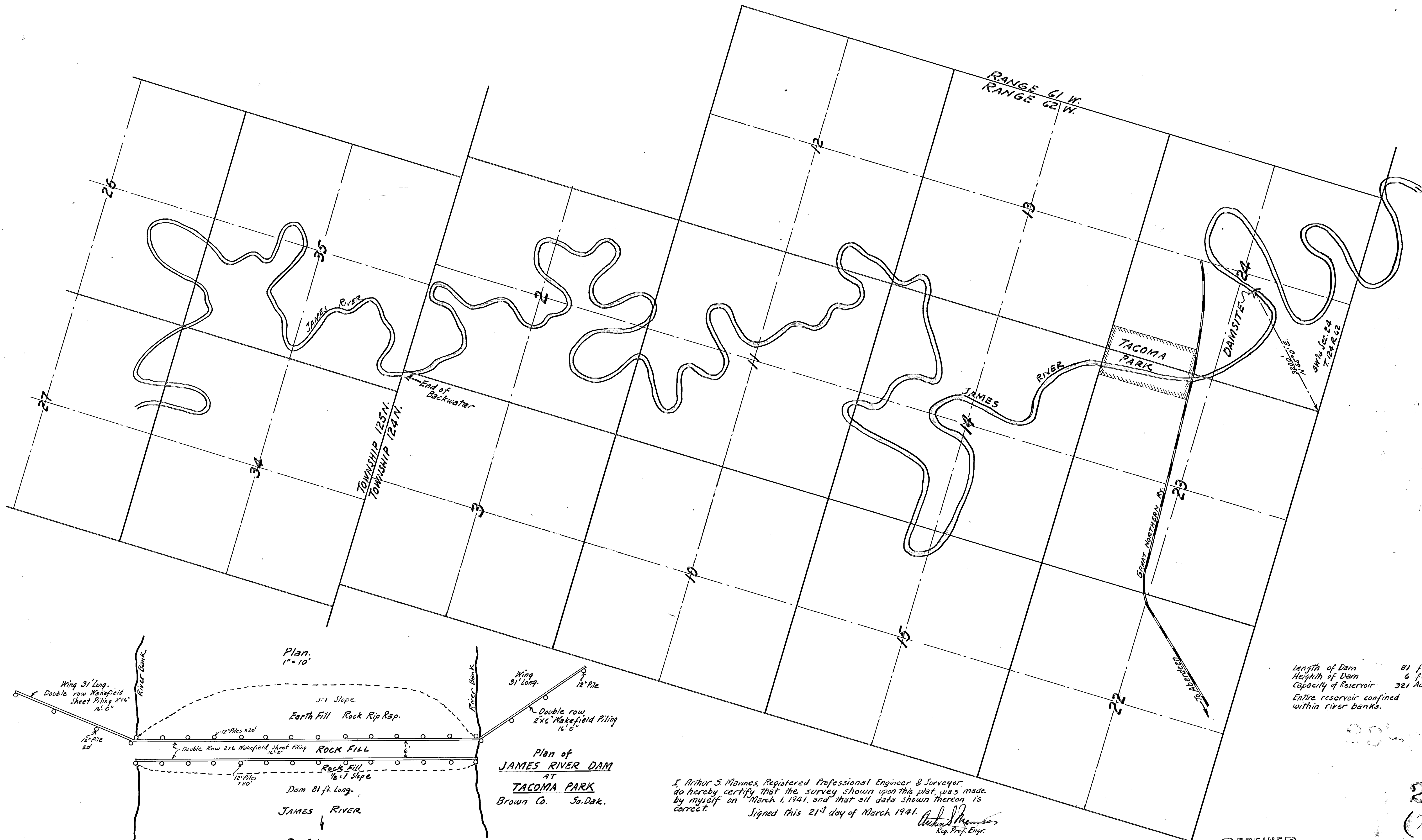
cc: Ogho Sub-Dist.

# NOT TO SCALE



Ron Duvall  
Natural Resources Eng

License No 27-3



Length of Dam 81 ft.  
 Height of Dam 6 ft.  
 Capacity of Reservoir 321 Acre feet.  
 Entire reservoir confined within river banks.

I, Arthur S. Mannes, Registered Professional Engineer & Surveyor,  
 do hereby certify that the survey shown upon this plat, was made  
 by myself on March 1, 1941, and that all data shown thereon is  
 correct.  
 Signed this 21<sup>st</sup> day of March 1941.  
*Arthur S. Mannes*  
 Reg. Prof. Engr.

RECEIVED  
 MAR 31 1941  
 8:30 A.M.  
 OFFICE OF STATE ENGINEER  
 PIERRE, S. DAK.

2143  
 (P.R.-273)