

Water Right Number 4193-3

1. Considered JULY 26, 1978
2. Name of Applicant CITY OF MOBRIDGE
3. Post Office Address MOBRIDGE, S.D.
4. Amount of water claimed 6.75 12-124-78
5. Source of water supply MISSOURI RIVER
6. Water to be used for MUNICIPAL USE
Acres to be irrigated -
7. Water to be diverted and used in WALWORTH County
about _____ Miles _____ of _____
8. Proof of Publication
Received _____
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____
10. Remarks: VESTED RIGHT
1906, 1924, 1945 & 1953

No. 4193-3Map No. 3419-3 Water Division No. 3 MISSOURI RIVER District _____
(Blanks to be Filled by the Engineer for the W. R. C.)**VESTED RIGHT
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 City of Mobridge, a municipal corporation
 Postoffice address City Hall, Mobridge, State South Dakota 57601
 If a corporation show date and place of incorporation State of South Dakota-date unknown
2. Method of accomplishing work (contract, employment of others, or by direct labor) completed-bonding & Corps of Engineers
3. Name of diversion work City water system
4. Amount of water claimed (cubic feet per second) 6.75
5. Source of water supply Missouri River
6. Location of point of diversion SE 1/4 SE 1/4, Section 12, Township 124 N., Range 78

County Walworth

7. Annual period or periods during which water is to be used continuously
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) municipal
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 completed years. Additional time required to complete application of water to the proposed beneficial use completed years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication not applicable
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
3 intake cells
Pumps and motors

B. Works proposed to transport water to place of use.
20" line from to treatment plant
16" mainline from treatment plant to storage

C. Works proposed to apply water to beneficial use.
600,000 gallon elevated steel storage
1500 hook-ups

Estimated Total Cost \$ _____

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)

County of Walworth)
 I, LeRoy C. Marin, Mayor of the City of Mobridge, S. D.
 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 LeRoy C. Marin
 Mayor
 day of May 1978
A. N. Buckmeier
 Notary Public (or other qualified officer)

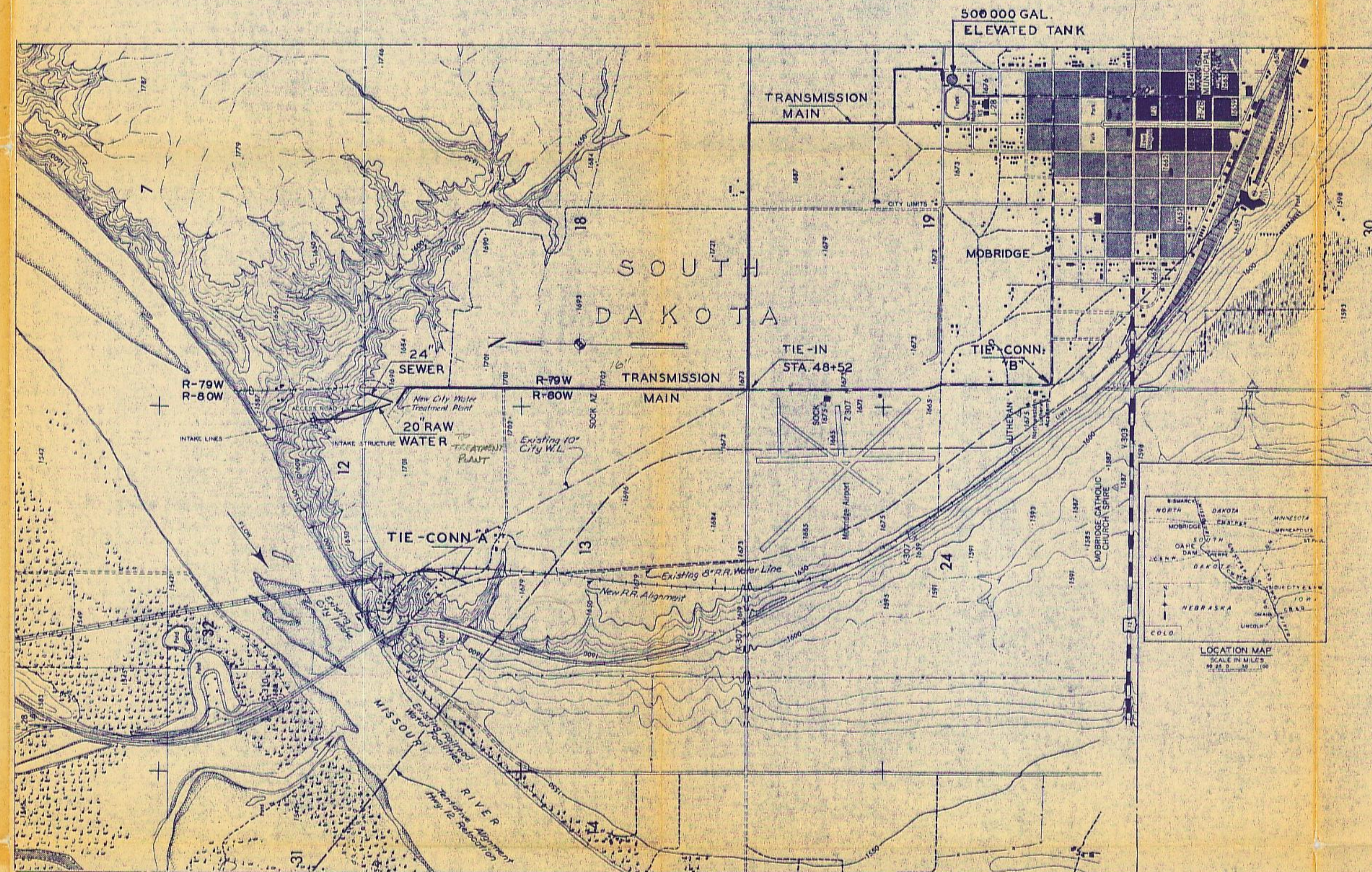
A. N. BUCKMEIER
 Notary Public South Dakota
 My Commission Expires Aug. 31, 1985

CITY OF MOBRIDGE, SOUTH DAKOTA

WATER SYSTEM IMPROVEMENTS

CONTRACT NO. W-4 UNDERGROUND PIPE LINES

1957



MOBRIDGE

LIST OF DRAWINGS

- | | | | |
|---|--------------------------------------|---|---|
| 1 | PLAN AND PROFILE - TRANSMISSION MAIN | 5 | PLAN AND PROFILE - TRANSMISSION MAIN |
| 2 | PLAN AND PROFILE - TRANSMISSION MAIN | 6 | PLAN AND PROFILE - TRANSMISSION MAIN AND TIE CONNECTION |
| 3 | PLAN AND PROFILE - TRANSMISSION MAIN | 7 | PLAN AND PROFILE - RAW WATER MAIN & WASH WATER SEWER |
| 4 | PLAN AND PROFILE - TRANSMISSION MAIN | 8 | MISCELLANEOUS DETAILS |

BURNS & McDONNELL ENGINEERING COMPANY

Engineers - Architects - Consultants

Kansas City, Missouri

56-ID

493-3

CITY MAP
MOBRIDGE

WALWORTH COUNTY · SOUTH DAKOTA
T 124 N-R 79-80 W

SCALE
0 300 ft.
POP. 4,545 (1970)
1968

DRAWN BY
DEPARTMENT OF TRANSPORTATION
OFFICE OF SYSTEM ANALYSIS
ALL STREET RIGHT OF WAY 66 FT.
ALLEYS 20 FT.
(UNLESS OTHERWISE INDICATED)
UNOFFICIAL EDITION



LEGEND

- U.S. NUMBERED HIGHWAY ———— 18
- STATE NUMBERED HIGHWAY ———— 45
- FEDERAL AID HIGHWAY SYSTEM ———— FA
- FEDERAL AID SECONDARY HIGHWAY SYSTEM ———— FAS
- PRIMITIVE ROAD ————
- UNIMPROVED ROAD ————
- GRADED AND DRAINED ROAD ————
- GRAVEL ROAD ————
- BITUMINOUS SURFACED ROAD ————
- PAVED ROAD ————
- RAILROAD ————
- TOWN CENTER ————
- CENTRAL BUSINESS DISTRICT ————
- POST OFFICE ————
- SCHOOLHOUSE ————
- CHURCH OR OTHER RELIGIOUS INSTITUTION ————
- MUNICIPAL BUILDING ————
- WATER SUPPLY STAND PIPE OR TANK ————
- POWER PLANT ————
- BALL FIELD ————
- CEMETERY ————
- HIGHWAY GARAGE (C-COUNTY S-STATE) ————
- HOSPITAL ————
- SWIMMING POOL ————
- TOWNHALL, GRANGE, OR COMMUNITY HALL ————



WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4193-3

CITY OF MOBRIDGE
(Applicant)

(Post Office Address)

SOUTH DAKOTA 57601 With the following modifications:
(State)

"VESTED RIGHT" CLAIMED

Date of first receipt of application JUNE 2, 19 78

Date of return to applicant for correction, amendments or changes required _____, 19 _____

Date of receipt of corrected application _____, 19 _____

Approved JULY 27, 19 78 Recorded in Book 20 Page 48

WATER RIGHT PERMIT NO. 4193-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4193-3 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:

1976-15
1924-1.20
1945-1.08
1953-5.32

1. The date from which applicant may claim right is .15 FROM 1906; 1.20 FROM 1924; .08 FROM 1945; 5.32 FROM 1953
2. The equivalent of at least one-fifth of the work above specified is ~~not~~ completed COMPLETED
3. The whole of said work is ~~not~~ completed COMPLETED
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED
5. The water appropriated shall be used for the purpose of MUNICIPAL

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 6.75 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 beneficial use ~~and if for the irrigation purpose said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventh (1/70) of one cubic foot of water per second of time for each acre of land to which water is~~
USED FOR MUNICIPAL PURPOSES
actually and beneficially ~~applied for irrigation~~ THIS DATE said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 31ST day of JULY, 19 78

WATER RIGHTS COMMISSION

By: John Hatch
Chief Engineer, Executive Officer

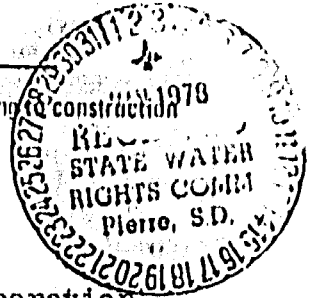
Certificate of Construction Issued JULY 31ST, 19 78

Water License Issued JULY 31ST, 19 78

NOTE:

This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

**AFFIDAVIT OF CONSTRUCTION OF WATER USE
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE**



Name of Applicant (Same as Form 2) City of Mobridge, a municipal corporation
 Post Office Address City Hall, Mobridge, State South Dakota 57601
 If a Corporation show date and place of incorporation State of South Dakota-date unknown

13. Notice of Appropriation (If available)
 Date of Posting No prior posting Date of Recording _____
 Recording Date _____
14. Date of start of construction of water supply system 1906
15. Date that water was first applied to beneficial use 1906
16. Name of owner of original water supply system Milwaukee R. R.
17. Amount of water originally applied to beneficial use .15 c. f. s.
18. Present Use of Water
 Amount of water now being used 6.75 c. f. s.
 Date that this amount of water was first used 1958

19. Chronological History of Water Use

Original use of water was by the Milwaukee R. R. (100,000 GPD) who apparently furnished City with water. First City system was initiated in 1924 for 750,000 GPD. In 1945 MDU started using 50,000 GPD. In 1953 it became apparent that water backed up by the Oahe Dam was going to inundate existing water systems. Negotiations with the Corps of Engineers to relocate the intake and treatment plant. Construction was started in 1956 on present plant capable of pumping 4.5 MGD was completed in 1958

Attach to this Form 2B, any copies of notice, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

STATE OF SOUTH DAKOTA)

County of Walworth) ss.

City of Mobridge, S. D.

LeRoy C. Marin, Mayor of the the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed

Mayor

Subscribed and sworn to before me this 24th day of May, 1978

A. N. BUCKMEIER

Notary Public, South Dakota

My Commission Expires Aug. 31, 1983

A. N. Buckmeier

(Notary Public, or other qualified Officer)

I, the undersigned, do hereby certify that I know about the water use system described above that I have read the foregoing and that the matters therein stated are true.

A. N. Buckmeier
 Mobridge City Attorney

Alderman Job introduced the following Resolution
and moved its adoption:

RESOLUTION

BE IT RESOLVED by the Common Council of the City of Mobridge, South Dakota, that the Mayor be and he is hereby authorized to make application to the South Dakota Dept. of Natural Resources Development, Water Rights Commission, for permit to appropriate eight million gallons of water per day from the Ohe Reservoir for municipal domestic usage by the City of Mobridge, South Dakota, a municipal corporation.

APPROVED:

L. Ray S. Martin
Mayor

ATTEST:

Darlene Zahn
City Finance Officer

Alderman Hennrich seconded the motion.

Upon roll call all Aldermen voting "Yea", said Resolution was declared duly passed and adopted and the Mayor affixed his signature thereto in approval thereof.

STATE OF SOUTH DAKOTA)
COUNTY OF WAILWORTH) SS.
CITY OF MOBRIDGE)

Darlene Zahn, being duly sworn on oath, deposes and says: That the above and foregoing is a full, true and complete copy of a part of the minutes of a regular meeting of the Common Council of the City of Mobridge, South Dakota, held at the City Hall on Monday, the 3rd day of October, 1977.

Darlene Zahn
City Finance Officer

(City Seal)

No. _____

NOTE: This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

**AFFIDAVIT OF CONSTRUCTION OF WATER USE
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE**

Name of Applicant (Same as Form 2) City of Mobridge, South Dakota, a municipal corporation
Post Office Address City Hall, Mobridge, State South Dakota
If a Corporation show date and place of incorporation State of So. Dak., -Date Unknown

13. Notice of Appropriation (If available)

Date of Posting _____ Date of Recording _____
Recording Date _____

14. Date of start of construction of water supply system Exact date unknown-Probably 190815. Date that water was first applied to beneficial use 190816. Name of owner of original water supply system City of Mobridge, S.D.17. Amount of water originally applied to beneficial use unknown c. f. s.

18. Present Use of Water

Amount of water now being used Peak Load-4.5 million gallons per dayDate that this amount of water was first used Summer of 1976 and 1977

19. Chronological History of Water Use

	<u>Per Year</u>	<u>Per Capita</u>
1966	221,022,500	121.10
1967	230,259,000	126.16
1968	217,180,003	119.00
1969	263,941,000	144.60
1970	261,808,000	143.45
1971	224,938,000	123.25
1972	213,625,000	117.05
1973	291,830,000	160.00
1974	306,721,500	168.06
1975	272,864,500	149.50
1976	336,011,000	184.10

35 miles of water main

Attach to this Form 2B, any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent

STATE OF SOUTH DAKOTA)

) ss.

County of Walworth)

City of Mobridge, S.D.

I, LeRoy C. Marin, Mayor of the, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed LeRoy C. Marin
Mayor

Subscribed and sworn to before me this 7 day of Dec., 19 77

DARLENE ZAHN, Notary Public,
My commission expires Feb. 23, 1981. (Notary Public or other qualified Officer)

I, the undersigned, do hereby certify that I know about the water use system described above that I have read the foregoing and that the matters therein stated are true.

Charles D. Dene
Charles D. Dene

TONY BUCKMEIER

ADDISON DAME - WATER

CITY OF MOBRIDGE

P.R.	FIRST USED	IN 1906	100,000 GPD
CITY	"	" 1924	750,000 GPD
MDU	"	" 1945	50,000 GPD

.15 from 1906
 1.20 " 1924
 .09 " 1945

 1.43

6.75 CFS = 4.5 MGD

12 CFS = 8 MGD

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4193-3.

(1) WHEREAS, On the 2nd day of June A. D. 1978
the City of Mobridge

made Water Right Application No. 4193-3 Vested Right
 for a permit to use 6.75 cubic feet per second of the waters
 of the Missouri River

County of Walworth, State of South Dakota, for municipal

purposes; and

(2) WHEREAS, On the _____ day of _____ A. D. 19____
Vested
Right Permit No. 4193-3, with a date of priority of 1906, 1924, 1945 and 1953

was issued to said applicant B for the diversion of said water, recognizing the completion of construction of the water
 supply system therein described xxxxxxx xxxx xxxxxx and for the
 application to beneficial use of said water xxxxxxx xxxxx xxxxxx

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to completion of the construction of the water supply system and is entitled to divert 6.75 cubic feet
 per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to the application of water to beneficial use of the following extent,

Municipal water supplies for the City of Mobridge.

(5) NOW, THEREFORE. By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to the City of Mobridge

the holder ~~is~~ ^{xx} Vested Right and owner ~~is~~ of said permit No. 4193-3 a water right, dating from 1906, 1924, 1945 and 1953 to use of 6.57 cubic feet per second of the waters of the Missouri River

in the County of Walworth and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at SE1 SE1, Section 12, T124N, R78W

and ~~xxxxxxxxxxxx~~ conducted through the cities water distribution system

for the purpose of municipal use

This Water License No. 4153-3 is based on a Vested Right Claim recorded and filed by the Water Rights Commission.

Subject to any limitations listed in Water Right Permit No. 4193-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 31st day of July A. D.
Nineteen Hundred and Seventy-Eight

WATER RIGHTS COMMISSION

By: John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Form 15.

Permit No. 4193-3

Water Diversion No. 3 Missouri River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the City of Mobridge

**Vested
Right**

_____ the holder _____ of
Permit No. 4193-3, issued upon Application No. 4193-3, bearing date of priority of 1906, 1924,
1945 and 1953 authorizing the diversion of 6.75 cu. ft. per second of the waters of the
Missouri River County of Walworth, State of South Dakota at _____
SE1 SE1, Section 12, T124N - R79W

_____, for municipal

purposes, has _____ 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** ~~recognized as~~ satisfactory
~~recognized as~~ for diverting and conveying to the place of intended use 6.75 cu. ft. per second of water.

Date July 31, 1978

By:

WATER RIGHTS COMMISSION

JOHN HATCH, Chief Engineer

MOBRIDGE, SOUTH DAKOTA
WATER SYSTEM IMPROVEMENTS

COST ANALYSIS TO DATE
March 28, 1957

Commitments to date:

<u>Contract W-1 - Filter Equipment and Piping</u>		
E. W. Bacharach, Inc.	\$ 52,100	
Change Order No. 1	+ <u>2,265</u>	
		\$ 54,365.00

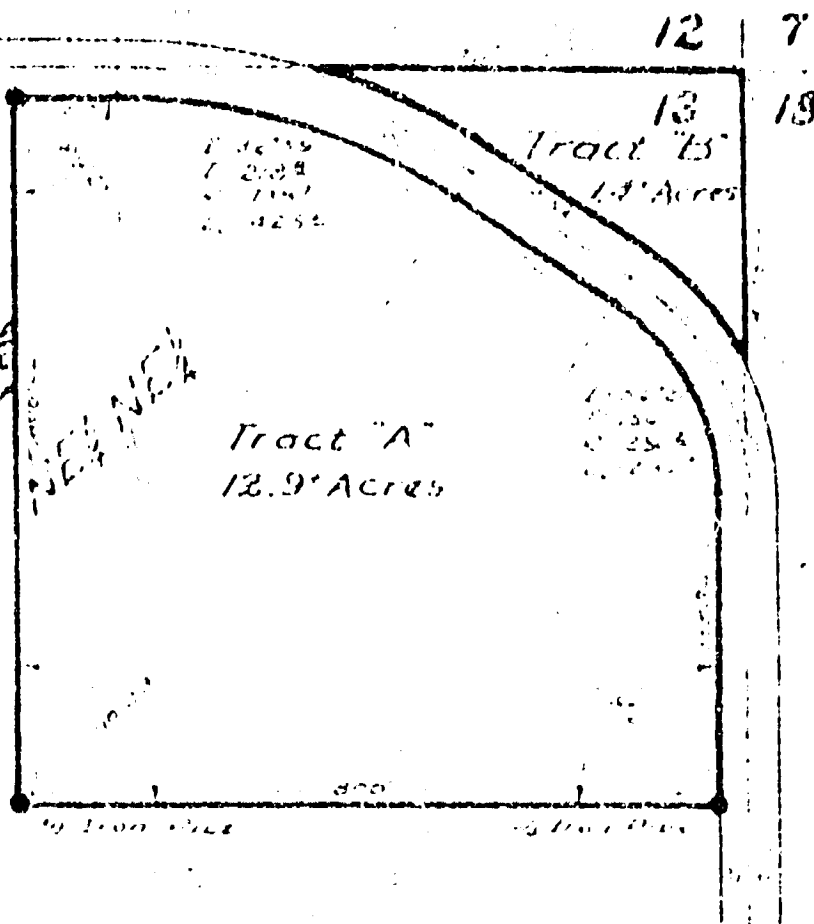
<u>Contract W-2 - Water Conditioning Equipment</u>		
Chain Belt Co. (Items I, II, & III)	\$ 17,541	
Change Order No. 1	+ <u>175</u>	
		\$ 17,716
Smith & Loveless (Item IV)		7,200
Omega Machine Co. (Item V)	9,866	
Change Order No. 1	+ <u>1,120</u>	
		<u>10,986</u>
		\$ 35,902.00

<u>Contract W-3 - Water Treatment Plant</u>		
Henkel Const. Co. Base Bid	\$469,684	
Alternate No. 1	2,284	
Alternate No. 2	1,456	
Total bid W-3	\$ 473,424	
Alternate No. 3	- 2,500	
	\$ 470,924	
Alternate No. 1 cancelled	- <u>2,284</u>	
		\$468,640.00

<u>Contract W-4 - Underground Pipe Lines</u>		
Wm. F. Anderson Company		\$132,924.00
		\$691,831.00
Engineering Design and Consultation (Estimate)		50,020.51
Engineering Supervision (Estimate)		10,000.00
		\$751,851.51
Site and legal (Estimate)		3,000.00
Operators Cottage (Estimate)		17,222.00
		\$772,073.51
Intake by Corps of Engineers		
"Round Figures"		\$535,000.00
Treatment Plant Round Figures		772,000.00
Total Project Cost		<u>\$1,307,000.00</u>

(over)

Plat of
Tract "A" in NE $\frac{1}{4}$ NE $\frac{1}{4}$
Sec 13, T124N, R80W
of 5th P.M.
&
Tract "B" in NE $\frac{1}{4}$ NE $\frac{1}{4}$
Sec 13, T124N, R80W
of 5th P.M.



SURVEYORS CERTIFICATE

I, Donald D. Hoffman, Registered Land Surveyor, do hereby certify that at the direction of the City of Mobridge, South Dakota, I have surveyed and plat-
ted Tract "A" and Tract "B" of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, T124N, R80W of 5th P.M. as
shown hereon.

Registered Land Surveyor

ACKNOWLEDGEMENT OF SURVEYOR

STATE OF SOUTH DAKOTA
COUNTY OF LAWRENCE

On this ____ day of _____, 1957, before me appeared Donald D.
Hoffman, known to me to be the person who is described in and who executed
the foregoing certificate.
My commission expires 8-19-58.

Notary Public

CERTIFICATE OF OWNER

I, Leo E. Schirber, owner of Tracts A & B as platted hereon do hereby join in
and approve the survey and plat. Witness my hand this ____ day of _____
_____, 19____.

Owner

ACKNOWLEDGMENT OF OWNER

STATE OF SOUTH DAKOTA
COUNTY OF _____

On this ____ day of _____, 1957, before me appeared Leo E. Schirber
known to me to be the person described in and who executed the foregoing certifi-
cate.
My commission expires _____.

Notary Public

CERTIFICATE OF COUNTY TREASURER

STATE OF SOUTH DAKOTA
COUNTY OF WALWORTH

I, _____, County Treasurer of Walworth County do hereby cer-
tify that all taxes which are liens upon the Tracts as platted above and as
shown by receipts of my office have been paid to date.
My commission expires _____.

County Treasurer

OFFICE OF REGISTER OF DEEDS

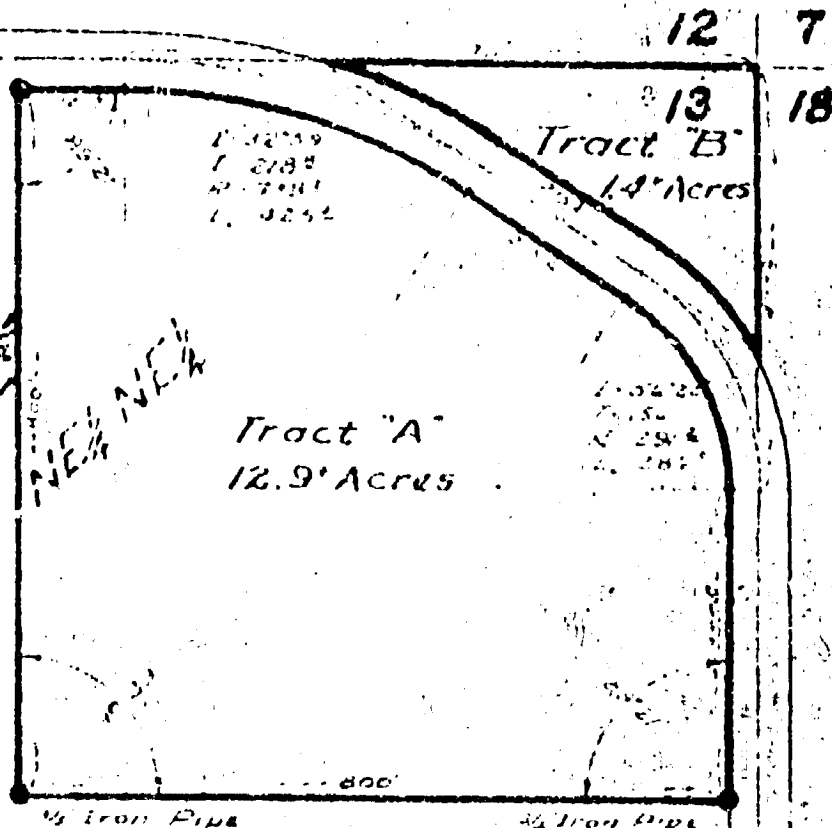
STATE OF SOUTH DAKOTA, COUNTY OF WALWORTH

Filed for record this ____ day of _____, 1957 at ____ M. and re-
corded in Book ____ of Plats on Page ____ therein.

Register of Deeds

Plat of
Tract "A" in NE $\frac{1}{4}$ NE $\frac{1}{4}$
Sec 13, T124N, R80W
of 5th P.M.

&
Tract "B" in NE $\frac{1}{4}$ NE $\frac{1}{4}$
Sec 13, T124N, R80W
of 5th P.M.



SURVEYORS CERTIFICATE

I, Donald D. Hoffman, Registered Land Surveyor, do hereby certify that at the direction of the City of Mobridge, South Dakota, I have surveyed and plat-
ted Tract "A" and Tract "B" of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, T124N, R80W of 5th P.M. as
shown hereon.

Registered Land Surveyor

ACKNOWLEDGMENT OF SURVEYOR

STATE OF SOUTH DAKOTA
COUNTY OF LAWRENCE

On this 17 day of February, 1957, before me appeared Donald D. Hoffman, known to me to be the person who is described in and who executed the foregoing certificate.
My commission expires 8-19-58.

Notary Public

CERTIFICATE OF OWNER

I, Leo E. Schirber, owner of Tracts A & B as platted hereon do hereby join in and approve the survey and plat. Witness my hand this _____ day of _____, 19____.

Owner

ACKNOWLEDGMENT OF OWNER

STATE OF SOUTH DAKOTA
COUNTY OF _____

On this _____ day of _____, 1957, before me appeared Leo E. Schirber known to me to be the person described in and who executed the foregoing certificate.
My commission expires _____.

Notary Public

CERTIFICATE OF COUNTY TREASURER

STATE OF SOUTH DAKOTA
COUNTY OF WALWORTH

I, _____, County Treasurer of Walworth County do hereby certify that all taxes which are liens upon the Tracts as platted above and as shown by receipts of my office have been paid to date.
My commission expires _____.

County Treasurer

OFFICE OF REGISTER OF DEEDS

STATE OF SOUTH DAKOTA, COUNTY OF WALWORTH

Filed for record this _____ day of _____, 1957 at _____ M. and re-
corded in Book _____ of Plats on Page _____ therein.

Register of Deeds

TELEPHONE 605-845-2981

Law Offices

LAKEMAN AND KRAUSE

*Arend E. Lakeman
Newell E. Krause*

P. O. BOX 397

PROFESSIONAL BUILDING

210 EAST GRAND CROSSING BOULEVARD

MOBRIDGE, SOUTH DAKOTA 57601

September 15, 1977

South Dakota Water Resources Commission
Capitol Building
Pierre, South Dakota 57501



Gentlemen:

In attempting to determine the established water rights, if any, of the City of Mobridge legally appearing of record I was directed to contact the U.S. Army Corps of Engineers since the management of the Oahe Reservoir is under their jurisdiction and supervision and since they relocated the Mobridge municipal water intake and purification plants at the time of the construction of the Reservoir it is assumed that at the same time they established or gave the City of Mobridge certain rights to the taking of water from the reservoir for domestic purposes. However, as City Attorney, I have not been able to find any direct instrument establishing such water rights. By letter dated March 2, 1977, from Kenneth W. Chelf, Chief Real Estate Division Officer of the Omaha Office of the Corps of Engineers, 6014 U.S. Post Office and Courthouse, Omaha, Nebraska, I was advised as follows:

"It is the prerogative of the State of South Dakota to establish water rights and priorities up to the natural historic flow of the Missouri River in South Dakota. Mr. Kenneth Ehrenfelt, Chief of our Pierre Real Estate Office, contacted the South Dakota Water Resources Commission about your inquiry. He was informed that they plan to have representatives meet with the officials of the City of Mobridge in the near future. The purpose of that meeting will be to forecast present and future municipal water needs of the City of Mobridge and to aid the City in applying for a water rights permit. This will hopefully resolve problems you have experienced in establishing water rights for the City." (Emphasis added)

To date no one from the South Dakota Water Resources Commission has contacted any of the City officials personally or otherwise. This matter is becoming more critical each passing day and should be given prompt attention. Unless this matter is taken care of promptly I

Law Offices
LAKEMAN AND KRAUSE

Arend E. Lakeman
Newell E. Krause

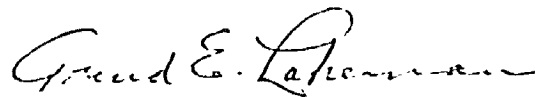
TELEPHONE 605-845-2981

P. O. BOX 397
PROFESSIONAL BUILDING
210 EAST GRANT CROSSING BOULEVARD
MOBRIDGE, SOUTH DAKOTA 57601

shall deem it necessary, as City Attorney for the City of Mobridge,
to take proper legal action to protect the City of Mobridge continued
water rights to take water from the Oahe Reservoir for domestic uses.

May I please have your prompt immediate cooperation.

Yours very truly,



Arend E. Lakeman
Mobridge City Attorney

AEL:jb



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

September 23, 1977

Mr. Arend E. Lakeman
Mobridge City Attorney
P. O. Box 397
Mobridge, SD 57601

Dear Mr. Lakeman:

This acknowledges the receipt of your letter dated September 15, 1977, pertaining to obtaining water rights for the City of Mobridge.

The City of Mobridge would have vested rights on the development of their municipal water supply prior to 1955. Any water supplies developed after 1955 would take the regular application. A future use application could also be submitted in the amount of two times the existing capacity of the city's water supply system.

I am enclosing application forms for completion by the City Engineer. Form 2B would be used for any development prior to 1955 for the vested right. Form 2 would be used for the water supply diversions since 1955 and also for applying for future use rights. Form 2A would be used only in cases where wells, dugouts or water storage dams are utilized within the water supply system.

On the instruction sheet, the only items which would pertain to a municipality would be items 1, 2, 5, and 6. There is no fee for municipal use unless the water supply system is used for irrigation other than lawn watering and small individual garden plots of less than one half acre.

This office would be glad to help out in filling out the forms, however it may be some time before we are able to get to your area. Please advise this office if there are any questions on filling out the forms or if there is anything else of which we could be of assistance.

Sincerely,

James Winterton
Water Resources Engineer III

JW:plh

Enclosures

STATE OF SOUTH DAKOTA

REISSUED VESTED WATER RIGHT LICENSE NO. 4193-3

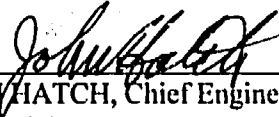
(1) The City of Mobridge of 205 East 2nd, Mobridge, SD 57601 filed Vested Right Claim No. 4193-3, June 2, 1978 for a vested water right claim to appropriate 6.57 cubic feet of water per second from the Missouri River, Walworth County, South Dakota for municipal purposes. Vested Water Right Claim No. 4193-3, with priority dates of January 1, 1906, January 1, 1924, January 1, 1945 and January 1, 1953 was validated September 30, 1992.

The legal description for the diversion point location was incorrectly listed on the vested right claim and original water license issued July 31, 1978. The diversion point was described as being in the SE 1/4 SE 1/4 Section 12, T124N, R78W. The diversion point is actually located in R80W. The water license is being reissued to correct "range" location.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 6.75 cubic feet of water per second for beneficial use. The location of the diversion point is in the SE 1/4 SE 1/4 Section 12, T124N, R80W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the City of Mobridge of 205 East 2nd, Mobridge, SD 57601 the holder and/or owner of Vested Water Right No. 4193-3 is issued a license to appropriate water, the right to use 6.75 cubic feet of water per second from the Missouri River with priority dates of January 1, 1906 (0.15 cfs); January 1, 1924 (1.20 cfs); January 1, 1945 (0.08 cfs); January 1, 1953 (5.32) from the location specified in (2) of this license. The water is utilized for municipal purposes. This license is subject to any limitations or qualifications listed in Vested Water Right No. 4193-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 5 1995

date

SOUTH DAKOTA

VESTED WATER RIGHT NO. 4193-3

Date of Receipt of Claim June 2, 1978.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right No. 4193-3 for the City of Mobridge, 205 East 2nd, Mobridge, South Dakota 57601 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 4193-3 appropriates 6.75 cubic feet per second of water from the Missouri River with the point of diversion located in the SE1/4 SE1/4 Section 12, T124N, R80W.
2. The appropriated water is used for supplying water for the City of Mobridge 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, 1906	- 0.15 cfs
January 1, 1924	- 1.20 cfs
January 1, 1945	- 0.08 cfs
January 1, 1953	- 5.32 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: John Hatch

John Hatch, Chief Engineer
Water Rights Program
Dept. of Environment and Natural Resources

SEP 5 1995

Date



4193-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 5 1995

Ron Buechler, Finance Officer
City of Mobridge
205 East 2nd St
Mobridge SD 57601-2692

Dear Mr. Buechler:

The Water Management Board has validated the enclosed Vested Water Right No. 4193-3. This validation gives legal status to the claim and is the final document for your vested right. Enclosed is the reissued water license which reflects the correct legal description of the diversion point location.

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

Very truly yours,

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

enclosure

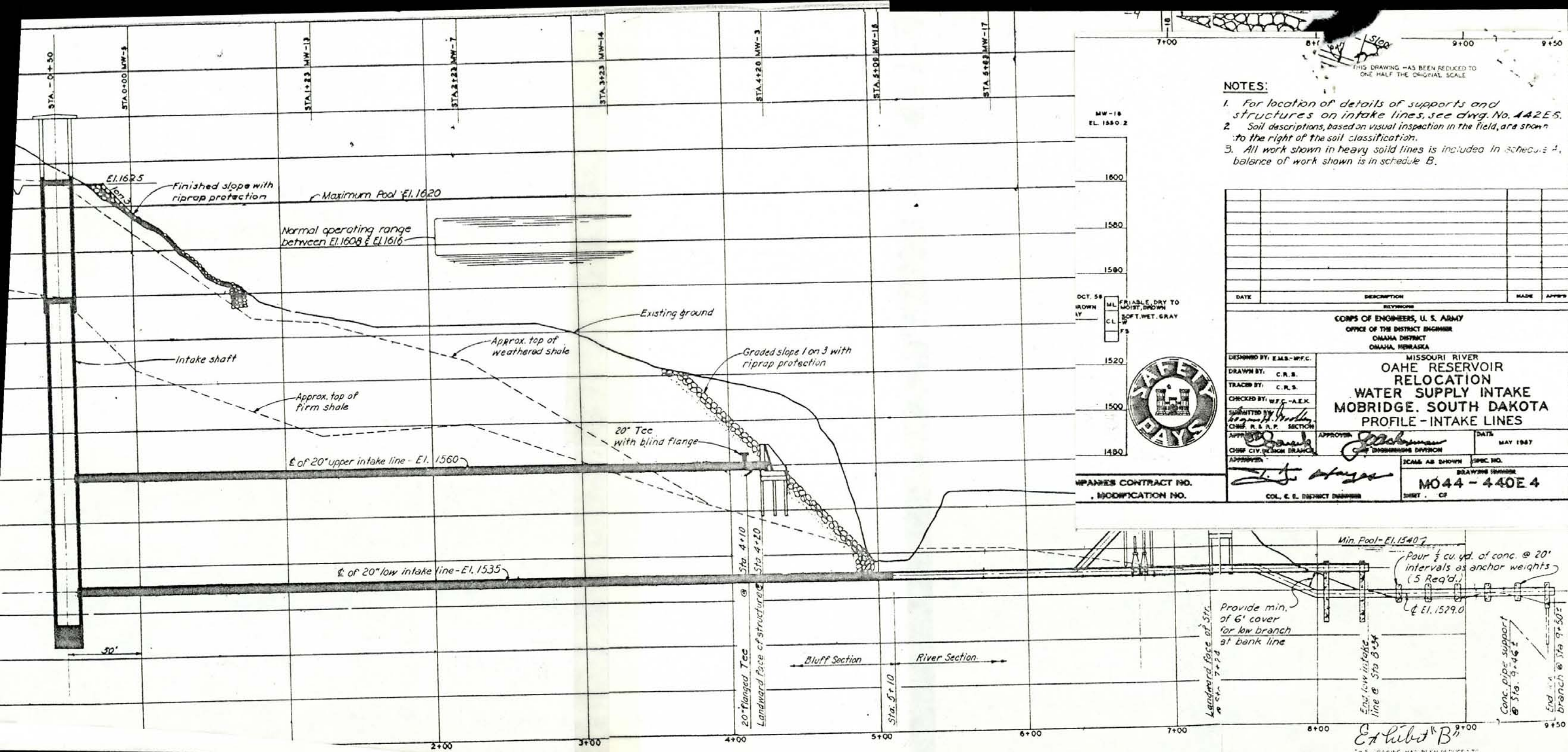


Exhibit "B"

CONSTRUCTION LIMITS LINE

R 70+00

NOTES:

1. Continuation of water line,
see dwg. No. 443E3

LEGEND:

- DRILL HOLES FOR WHICH LOGS ARE SHOWN ON DWG. NO. MO 47-440 E 4
- DRILL HOLES FOR WHICH LOGS ARE AVAILABLE FOR INSPECTION AT EITHER THE OAHE AREA OFFICE AT PIERRE, SOUTH DAKOTA, OR AT THE OMAHA DISTRICT OFFICE, OMAHA, NEBRASKA.

□
H.H. 5 HANDHOLE

—1650— EXISTING CONTOURS

THIS DRAWING HAS BEEN REDUCED TO
ONE HALF THE ORIGINAL SCALE

AREA D

Existing Gravel Road

STA. 45+00

TAIL "A"

1 INCH = 100 FEET

IS ROAD

DESIGNED BY E.M.S.

DRAWN BY: C.F.W

TRACED BY C.F.W.

CHECKED BY: W. F. C.

SUBMITTED BY: *the group H. A. G. G. G.*
CHIEF R. A. P. SECTION

APPROVED: 
CHIEF DESIGN BRANCH

APPROVED:

CORPS OF ENGINEERS, U. S. ARMY
OFFICE OF THE DISTRICT ENGINEER
OMAHA DISTRICT
OMAHA, NEBRASKA

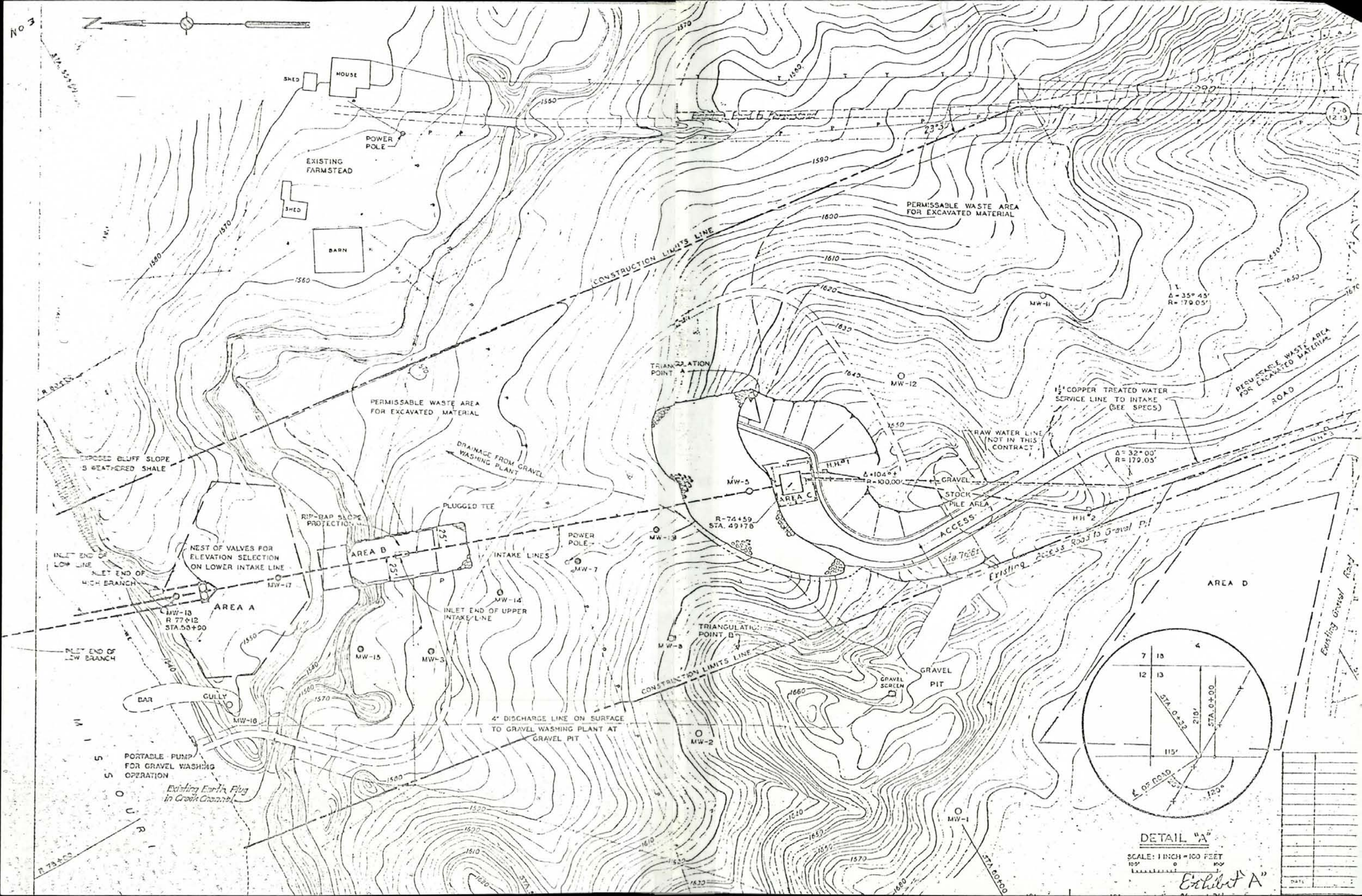
MISSOURI RIVER
OAAE RESERVOIR
RELOCATION
WATER SUPPLY INTAKE
MOBRIDGE, SOUTH DAKOTA
LOCATION PLAN-INTAKE FACILITIES

APPROVED *[Signature]*
CHIEF ENGINEERING DIVISION

DATE
MAY 1957

APPROVED: 
COL. C. E. DISTRICT ENGINEER

SCALE AS SHOWN	SPEC NO
DRAWING NUMBER	
MO44-440E3	
SHEET	OF



DETAIL "A"

SCALE: 1 INCH = 100 FEET

Exhibit A"