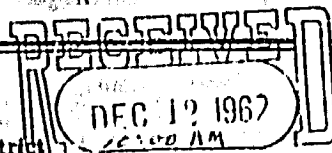


1. Considered 1-15, 1963
2. Name of Applicant NORTHERN STATES POWER CO.
3. Post Office Address SIOUX FALLS
4. Amount of water claimed 2.0
5. Source of water supply BIG SIOUX RIVER
6. Water to be used for INDUSTRIAL - COOLING
Acres to be irrigate _____
7. Water to be diverted and used in MINNEHAHA County
about 6 miles NE of SIOUX FALLS
8. Proof of Publication Received ☒
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

519-3A

No. 519-3AWater Division No. 3 Big Sioux River District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

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

1. Name of applicant W. H. Rork, Manager, Sioux Falls DivisionPostoffice address Sioux Falls, County Minnehaha, State So. Dak.

I. If a corporation

(a) Name of same Northern States Power Company of Minnesota

(b) Date and place of incorporation

(c) Amount of capital stock Adequate(d) Amount paid in Adequate(e) Names and addresses of directors See attached list.

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

contract(b) Cash on hand, \$ Adequate

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Pump House for Power Plant3. Amount of water claimed 2.0 (in addition to 6.0 cfs authorized under Permit 519-3) cubic feet per second4. Source of water supply Big Sioux River5. Location of point of diversion See map attached to Application 519-3. on right bank Minnehaha County.6. Annual period or periods during which water is to be used Throughout the year

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

(a) Number of acres to be irrigated _____ acres.

(b) Legal subdivisions to be irrigated

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.)

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

(a) Nature of use Electric power production - cooling
Name any of the above uses claimed(b) Amount of power to be generated 88,500 horse power.Amount claimed for engine cooling 2.0 cfs (in addition to 6.0 cfs authorized under Permit 519-3)(c) Location of plant Adjacent to south line of SE 1/4, Sec. 30, T102N. R48W
Minnehaha County(d) Method of developing power Steam Turbine-generator(e) Point where water will be returned to stream See attached map-SE 1/4, Sec. 30, T102N, R48W, Minnehaha County

Note: Approx. 3.5 cfs returned to river—balance lost by evaporation.

MAP NO 398-3

8. Estimated cost of work:

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

(b) Pumping plant, \$300,000..

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

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

Rock, \$-----

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

Total, \$300,000..

9. Description of diversion works:

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

Pumping plant

II. Dimensions of works.

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face -----
 material used in construction -----

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

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width ----- feet; height ----- feet;
 Material -----

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

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- years. now completed

11. Time required for complete application of water to the proposed beneficial use ^{six months} ----- years.

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

Sioux Falls Argus Leader

STATE OF SOUTH DAKOTA

County of Minnehaha

ss.

I, Whitman H. Rork, being first duly sworn
 on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have
 read the above foregoing statement, examined the map accompanying the same, and that I know of my own
 personal knowledge that the matters therein stated and shown are true.

Signed

Whitman H. Rork

Manager, Sioux Falls Division

Subscribed and sworn to before me this 7th day of December 1962Robert L. Kuhn

Notary Public (or other qualified officer.)

My Commission Expires May 27, 1968

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, JANUARY 21, 1963

This is to certify that the foregoing application was received by the Commission at 10:00 o'clock
a.m. upon the 12th day of DECEMBER, 1962

State Water Resources Commission

By:

Burton Z. Jones
for Chief Engineer, Executive Officer

Number of permit 519-3A

Date of first receipt of application DECEMBER 12, 1962

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

Date of receipt of corrected application —, 19—

Date from which applicant may claim right DECEMBER 12, 1962

Approved JANUARY 15, 1963, Recorded in Book 7 Page 339

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before COMPLETED, 19—

2nd. The whole of said work is to be completed on or before COMPLETED, 19—

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is JULY 15, 1963

4th. The water appropriated shall be used for INDUSTRIAL USE, purpose of —

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 2.00 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually

and beneficially applied for irrigation on or before JULY 15, 1963, said water to be used during the following described annual period:

CONTINUOUSLY

Witness my hand this 21ST day of JANUARY, 1963

State Water Resources Commission

By:

W. B. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued AUGUST 16, 1963

Water License Issued AUGUST 16, 1963

DIRECTORS - NORTHERN STATES POWER COMPANY
Dec 1962

NAME

Kenneth N. Dayton
S. P. Duffy
R. H. Engels
Earl Ewald
H. M. Gallagher
T. G. Harrison
A. B. Jackson
Allen S. King
Robert S. Macfarlane
B. C. Marks
P. H. McDowell
Donald C. Minard
James F. Owens, Jr.

ADDRESS

Minneapolis, Minnesota
Minneapolis, Minnesota
Minneapolis, Minnesota
Minneapolis, Minnesota
Waseca, Minnesota
Minneapolis, Minnesota
St. Paul, Minnesota
Minneapolis, Minnesota
St. Paul, Minnesota
Fargo, North Dakota
Sioux Falls, South Dakota
LaCrosse, Wisconsin
St. Paul, Minnesota

STATE OF SOUTH DAKOTA

WATER LICENSE No. 519-3A

WHEREAS, On the 12th day of December A. D. 1962

the Northern States Power Company

of Sioux Falls County of Minnehaha and State of

South Dakota duly made application (No. 519-3A) to us for a permit to use 2.0

cubic feet per second of the waters of the Big Sioux River

County of Minnehaha, State of South Dakota, for industrial

purposes; and

WHEREAS, On the 21st day of January A. D. 1963

Permit No. 519-3A was issued to said applicant for the diversion of said water, and providing for the

completion of the works of diversion therein described ~~was to be completed~~ ^{is} completed day of

~~XXXXXX~~ and for the application to beneficial use of said

water on or before the 15th day of July A. D. 1963

and,

WHEREAS, On the 15th day of July A. D. 1963

the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.00

cubic feet per second of said waters, as evidenced by our Certificate No. 519-3A

dated August 16, 1963 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 2.00 cubic feet per second of water, with date of

priority of December 12, 1962 and,

WHEREAS, On the 15th day of July A. D. 1963

proof was duly made of the application to beneficial use of 2.0 cubic feet per second of said water;

for cooling generators in Pathfinder Power Plant

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 Northern States Power Company
of Sioux Falls the holder and owner of said permit No. 519-3A
a water right, dating from December 12, 1962 to the use of 2.00
cubic feet per second of the waters of the Big Sioux River
in the County of Minnehaha and State of South Dakota, or so much thereof as may be
needed for the purposes hereinafter mentioned, to be diverted at a point 1040'S and 1240'W of the
SE corner of Section 30, T102N, R48W
and conducted to and upon the power plant

for the purpose of cooling power generators

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 seal of our office at Pierre, South Dakota,
this 16th day of August A. D. Nineteen
Hundred and Sixty-Three

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 519-3A

Water Division No. 3 Big Sioux River
Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the Northern States Power Company

of Sioux Falls, County of Minnehaha, and State of South Dakota

the holder of Permit No. 519-3A, issued upon Application No. 519-3A, bearing date of priority of December 12, 1962, authorizing the diversion of 2.0 cu. ft. per second of the waters of the Big Sioux River

County of Minnehaha, State of South Dakota, at a point 1040'S and 1240'W of the E1 corner, Section 30, T102N, R48W

for industrial purposes

purposes, has fully complied with the provisions of the law 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 found in satisfactory condition for diverting and conveying to the place of intended use 2.0 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: to be used for cooling of power generators

Witness my hand this 16th day of August A. D. 1963

State Water Resources Commission

By:

J. W. CRIMES
Chief Engineer, Executive Officer

on or before
(First Publication December 20, 1962)

APPROPRIATION OF WATER

Office of State Water Resources Commission.

Plerre, S. Dak, December 12, 1962

Notice is hereby given that Northern States Power Company whose postoffice address is Sioux Falls S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.00 cubic feet of water per second of time from the Big Sioux River through the Power Plant Pump House, the point of diversion of which is to be located on the South bank of said stream in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 30 Twp. 102N Range 48W. Said water to be used for the purpose of providing irrigation water for supplying cooling water for power generators

AND FOR PURPOSES.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15 day of January, 1963, at 2 P. M. All interested persons may appear and be heard.

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

State Water Resources Commission

By:

CC: Mr. W. H. Leopard, Manager
Daily Argus Leader
Sioux Falls, South Dakota

BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County Minnehaha } ss.

W. T. Haggard being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Sioux Falls Argus Leader a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City of Sioux Falls County of Minnehaha and State of South Dakota that the said notice was published in said newspaper on the following dates:

December 14, 1962

December 21, 1962

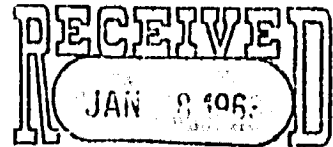
December 28, 1962

January 4, 1963

in each and every issue of the full number thereof, the first publication being made on the 14th day of December 1962 and the last publication on the 4th day of January 1963, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Comptroller the printer and publisher of the said newspaper.

Subscribed and sworn to before me this 4th day of January A. D. 1963

Notary Public Minnehaha County, S. D.



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Notice of Intention to Appropriate Water
No. 519-3A
APPROPRIATION OF WATER
Office of State Water Resources Commission, Pierre, S. Dak., December 12, 1962.
Notice is hereby given that Northern States Power Company whose postoffice address is Sioux Falls, S. Dak., has made application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2.00 cubic feet of water per second of time from the Big Sioux River through the Power Plant Pump House, the point of diversion of which is to be located on the South bank of said stream in the NE 1/4 of the SE 1/4 of Section 30, Twp. 102N Range 48W. Said water to be used for supplying cooling water for power generators.
This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 15th day of January, 1963, at 2 p.m. All interested persons may appear and be heard.
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.
State Water Resources Commission
By: BURTON F. JONES
Water Rights Specialist
Dec. 14, 21, 28, Jan. 4

Permit No.

Water Division No. Water District

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Sioux Falls, South Dakota(Date) January 28, 1963

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the first day of February
19 63, at Sioux Falls, County of Minnehaha, State of South Dakota,
 before _____ proof will be submitted of the application to beneficial use
 (Examining Engineer or Officer)
 of 2.0 (in addition to 6.0 cfs authorized under permit 519-3)
 of _____ cubic feet per second of the waters of _____
Big Sioux River in accordance with the terms and conditions of Permit No. 519-3A
 heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are Northern States Power Company
2. The use to which said water has been applied is electric power production - cooling
3. The amount applied to beneficial use is 2.0 cfs (in addition to 6.0 cfs authorized under permit 519-3)
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated) Pathfinder Atomic Power Plant
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is pump house
6. The right to take the water from such works is based upon permit No. 519-3A
7. The source of supply from which such water is diverted is Big Sioux River
8. The date of priority which said user is prepared to establish is December 12, 1962

Northern States Power Company
 (Sign) CLW-T. B. M.
 Manager, Sioux Falls Division

Permit No. _____

Water Division No. _____

Water District _____

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Sioux Falls, South Dakota(Date) January 28, 1963

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIRS: Notice is hereby given of the completion of the works for the diversion of 2.0
(in addition to 6.0 cfs authorized under permit 519-3) cu. ft. per second of the waters of the state from Big Sioux River
through the pump house
for electric power production - cooling purposes

----- In accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Northern States Power Company

2. The postoffice address of such person or the place of business of such corporation is Sioux Falls
County of Minnehaha State of South Dakota

3. The number of such permit is 519-3A and the date set for the completion of such work is February 1, 1963

4. Said water to be used for electric power production - cooling 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 2.0 (in addition to 6.0 cfs authorized under permit 519-3) cubic feet per second.

6. The amount of land for which said water is available is _____ acres,
particularly described as follows: _____

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

Northern States Power Company

(Signature of Owners)

Luigi Brown
Manager, Sioux Falls Division

Permit No. 519-3A

Water Division No. _____ Water District _____

Certificate of Examination of Works

Report of Examining Engineer

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____

10. I have this day made a thorough examination of the diversion works constructed by NORTHERN SPIRITS POWER CO. of SIOUX FALLS
MINNEHAHA County, South Dakota, holder of Permit No. 519-3A Issued
 upon Application No. 519-3A, bearing date of priority of DECEMBER 12, 1962, authorizing the
 diversion of 2.0 cu. ft. per second of the waters of THE SIOUX RIVER for INDUSTRIAL
 purposes. I have to report on the condition of the same as follows: 2000 PM 1962

The diversion works comprise: 2 ALLIS CHAMBERS TYPE 15 VTK 12"
POWERED BY ALLIS CHAMBERS MOTOR TYPE HSMG
100 HP ELECTRIC @ 1770 RPM - 2 10" PIPE FROM
PUMP TO 12" MAIN TO CONTROL VALVE THEN
10" TO EACH PRECIPITATOR THEN TO CLEAR WELL
TO COOLING TOWER - CONVEYED STEAM FROM GENERATOR
 and the system is in the following condition: NEW

The point of diversion is located 6 POINT 1040'S & 1240' N OF THE SE
CORNER, SECTION 30, T102N, R248W

The works are capable of diverting and conveying to the place of use 2.0 cu. ft. per second of water,
 which is to be used for _____

The legal sub-divisions to be irrigated are: _____

_____ comprising a total of _____ acres of land.

The domestic use intended comprises _____

The utilization for power, mining, or other beneficial uses comprises: COOLING WATERS
FOR POWER GENERATORS

Witness my hand, this 15 day of July 1963

-SEAL-

Burton J. Jones
 Examining Engineer
 Office

1-3, 2-3, 3-3, 4-3, 7-3, 8-3, 41-3
42-3, 43-3, 61-3, 70-3, 519-3, 519-3A,
561-3 & 742-3

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
Pierre, South Dakota 57501

August 15, 1979

Neal Nelson-Construction Manager
Northern States Power Co.
Box 988, 500 W. Russell St.
Sioux Falls, SD 57101

Dear Mr. Nelson:

This will confirm our discussion regarding water rights presently held by Northern States Power Co. in the Sioux Falls area.

Permit No. 1-3 was issued with a diversion of 500 cfs at a point in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, T101N, R49W, with a priority date of July 2, 1907.

Permit No. 2-3 was issued with a diversion of 500 cfs at a point in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, T110N, R49W, with a priority date of July 2, 1907.

Permit No. 3-3 was issued with a diversion rate of 400 cfs at a point in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, T101N, R49W, with a priority date of July 2, 1907.

Permit No. 4-3 was an uncompleted permit to use up to 300 cfs from the Sioux River in Hamlin County at a point in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 19, T114N, R51W.

Permit No. 7-3 was issued with a diversion rate of 500 cfs at a point in the NE $\frac{1}{4}$, Section 16, T101N, R49W, with a priority date of September 17, 1907.

Permit No. 8-3 was issued with a diversion rate of 500 cfs at a point in the NE $\frac{1}{4}$, Section 16, T101N, R49W, with a priority date of September 17, 1907.

On August 21, 1912, the Sioux Falls Power and Light Company petitioned the State Engineer to consolidate permits 1-3, 2-3, 3-3, 7-3 and 8-3. This action was approved by the State Engineer on August 24, 1912.

With the Abandonment of the Hydro Operations, by resolution dated December 6, 1961, Northern States Power Co. surrendered and abandoned its right to appropriate 2,325 cfs of the 2,400 cfs authorized under Permits No. 1-3, 2-3, 3-3, 7-3 and 8-3, retaining 75 cfs for operation of the steam facilities.

A letter from G.V. Welk dated August 9, 1974 indicated Northern States Power Co. had conveyed its Sioux Falls Generating Plant and associated land to the City of Sioux Falls, and requested that the 75 cfs retained under the above permits also be transferred to the City. Inasmuch as the water rights held by the Northern States Power were essentially non-consumptive, it was determined that they would be of no value to the City, and the Permits could be cancelled.

Equal Opportunity Employer

August 15, 1979

Under the above relinquishment and abandonment, the Permits 1-3, 2-3, 3-3, 7-3 & 8-3 all pertaining to the Hydro Plant and subsequently the steam plant, had not been officially cancelled by the Water Rights Commission. In official action by the Commission the above permits were cancelled on November 14, 1974. Uncompleted Permit No. 4-3 was also cancelled under this action. The above permits except for 4-3 were used in connection with the Bennett Dam and/or what you referred to as the Weber Plant.

The following Water Rights were issued in connection with the Lawrence Plant.

Water License No. 41-3 covers Well #1 and authorizes diversion of 1.11 cfs (500 gpm) with a priority date of July 18, 1946.

Water License No. 42-3 covers Well No. 2 and authorizes diversion of .067 cfs (30 gpm) with a priority date of July 18, 1946.

Water License No. 43-3 covers diversion from the Sioux River authorizing diversion of 2.67 cfs (1200 gpm) with a priority date of January 17, 1947.

Water License No. 61-1 covers Well No. 3 and authorizes diversion of 1.0 cfs (450 gpm) with a priority date of October 10, 1960.

Water License No. 70-3 covers Well No. 4 and authorizes diversion of 1.55 cfs (700 gpm) with a priority date of April 21, 1951.

In our discussion you indicated that the Lawrence Plant had been deactivated on September 30, 1977, but because of energy requirements, that it may be reactivated. South Dakota Water Laws state that a 3 year period of non-use is a basis for forfeiture of water rights. If the plant is reactivated prior to September 30, 1980, the water rights would be valid, and remain in force as long as the water is used beneficially. We request that you notify us if the plant is reactivated.

The following water rights were issued in connection with the Pathfinder Plant.

Water License No. 519-3 covers diversion from the Sioux River, and authorizes diversion of 6.0 cfs, with a priority date of February 10, 1958.

Water License No. 519-3A covers diversion from the Sioux River (enlargement of 519-3) and authorizes diversion of 1.77 cfs (700 gpm) with a priority date of December 12, 1962.

Water License No. 561-3 covers Well A, and authorizes diversion of 1.77 cfs (700 gpm) with a priority date of December 18, 1958.

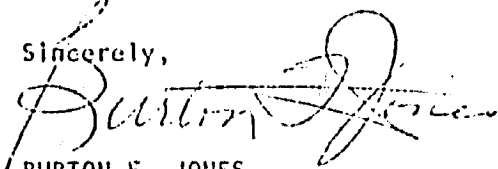
Water License No. 742-3 covers Well B and authorizes diversion of .33 cfs (150 gpm) with a priority date of September 17, 1960.

These permits were primarily for cooling water and plant use for the atomic generators. You indicated that the plant has now been converted to an oil burning plant, and the water is used in connection with this operation. These are considered valid permits and remain in force as long as the water is used beneficially.

page 3
August 15, 1979

This summarizes the water rights that are presently active and disposition of those no longer used. We would like to thank you for the time spent discussing the status of your existing use. If you have questions, feel free to contact this office.

Sincerely,


BURTON F. JONES
Water Rights Specialist

BFJ/gy

January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

NORTHERN STATES POWER CO
500 W RUSSELL ST, BOX 988
SIOUX FALLS SD 57101

DIB/A

Address correction requested:

Xcel Energy
7100 East Rice St.
Sioux Falls S.D. 57110

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 519-3A. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: BIG SIOUX RIVER

County: MINNEHAHA

Aquifer: NOT APPLICABLE

Pumping Pt. Legal: SEC 30-T102N-R48W

Management Unit: NOT APPLICABLE

Type of Water Use: INDUSTRIAL

1) Please estimate your year 2000 water use from the above water source: 1,076,000 gallons

2) If no water use in 2000, please list the reason(s) why in the comments section.

Comments:

None

Contact Person:

MARVIN VAN KEKERIX

Telephone No:

605-331-1212

Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.

Thank you for completing the 2000 water use questionnaire.

Water Rights on the Web: www.state.sd.us/denr/wr





519-3A
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

August 6, 2012

Dear Water Right Holder;

Due to low flows I am advising water right holders on the Big Sioux River of the possibility of shutoff orders in 2012 for the river reach from Watertown through Sioux Falls. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Big Sioux River basin remain well below the historical average. The forecast for improved conditions for the near future is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing real-time river flows at 159 stream gauging stations across the state including three gages sites on the Big Sioux River. To access this information go to <http://waterdata.usgs.gov/sd/nwis/rt> and click on the link "Statewide Streamflow Current Conditions Table".

Thank you for your cooperation. If you have any questions, please contact Lynn Beck or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on August 6, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated August 6, 2012 regarding shut off warnings on Big Sioux River addressed as stated below:

permitno	fname	lname	addrss2	city	state	zip
1696-3	DONALD G	AHLERS	22920 SD HWY 13	FLANDREAU	SD	57028
5530-3	TERRY & DENISE	ANDERSON	47558 237TH ST 26534 N SHORE PLACE	TRENT	SD	57065
6192-3	BERNE B	BAHNSON	PO BOX 366	HARTFORD	SD	57033
3806-3	BERNARD	BERGDALE	47948 232ND ST	ALCESTER	SD	57001
1175-3	HAROLD	BOEVER	4162 BIRCH AVE	FLANDREAU	SD	57028
4895-3	BILL B	BOYER	403 16TH ST	HAWARDEN	IA	51023
284-3	LUKE	BOYER, MGR	24482 482ND AVE	HAWARDEN	IA	51023
7110-3	BRIAN	BURKHART	32650 480TH AVE	DELL RAPIDS	SD	57022
5760-3	BRIAN	CHICOINE	29509 488TH AVE	ELK POINT	SD	57025
2255-3	JAMES H	COLE	47364 GOLF VIEW DR	HUDSON	SD	57034
6124-3		DELLS ROCKY RUN GOLF COURSE		DELL RAPIDS	SD	57022
4969-3	JOHN GILMAN	FRAZIER FARMS	BOX 423	PARKSTON	SD	57366
4969-3	JOHN TROY D & SANDY F	GILMAN	4162 BIRCH	HAWARDEN	IA	51023
249-3	DARREN & ALLISON	HAHN	6762 SMITH DR	WENTWORTH	SD	57075
2065-3		HAMILTON	22615 480TH AVE	FLANDREAU	SD	57028
2952-3, 956-3	WAYNE	HEADRICK	47926 SD HWY 32	FLANDREAU	SD	57028
279-3	ROBERT	JAGER, MGR	48495 299th ST	HAWARDEN	IA	51023
1350-3, 6042-3	RAYMOND D	JENSEN	24348 478TH AVE	HAWARDEN	SD	57022
1302-3	LARRY J	JORGENSEN	24048 477TH AVE	DELL RAPIDS	SD	57065
1500-3, 213-3	TED	LACEY	24064 478TH AVE	TRENT	SD	57065
	EUGENE	MOLLET	48011 332ND ST	TRENT	SD	57038
3433-3	VIRGIL L	MOLLET JR	47991 334TH ST	JEFFERSON	SD	57038
1801-3	GAIL	MUNK	803 DAKOTA	JEFFERSON	SD	57022
113-3	PATTI	NASH	21660 469TH AVE	DELL RAPIDS	SD	57006
3914-3	OMAR F	PETTERSON	48378 276TH ST	BROOKINGS	SD	57013
2350-3		RIVER VALLEY FARMS	PO BOX 486	CANTON	SD	57001
1801-3	HARVEY JOHN T & MELISSA R	SCHMIDT, OPERATOR	47528 244TH ST	ALCESTER	SD	57022
1454-3		SCHUTTE	47973 W 5TH ST 47844 COUNTY RD 1B	CANTON	SD	57013
5814-3	PATRICK V	WALSH, OPERATOR	11726 NORWAY ST NW	ELK POINT COON RAPIDS	SD MN	57025 55448
597-3	DAN & JUDY	WHIPPLE WILLOW RUN MANAGEMENT COMPANY	8000 E HWY 42	SIoux FALLS	SD	57110
5055-3		XCEL ENERGY	7100 E RICE ST	SIoux FALLS	SD	57110
519-3A		NORTHERN STATES POWER COMPANY	414 NICOLLET MALL	MINNEAPOLIS	MN	55401
43-3, 519-3 5698-3, 6210-3	GREG ANDERSON	CITY SIOUX FALLS	224 W 9TH ST	SIoux FALLS	SD	57102

Gail Jacobson

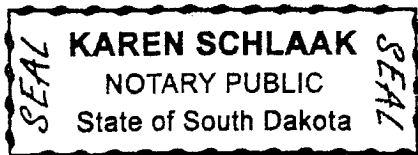
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 4th day of August, 2012.

Karen Schlaak

Karen Schlaak
Notary Public
My Commission expires April 1, 2013





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 31, 2018

43-3 519-3 519-3A

NORTHERN STATES POWER COMPANY
414 NICOLLET MALL
MINNEAPOLIS MN 55401

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear SIR,

I am writing to inform you of an effort the SD Dept. of Environment and Natural Resources Water Rights Program is undertaking to review and update a number of water right permits authorized to pump water from the Big Sioux River. Since your water right does not have a bypass qualification, we **are not** proposing to amend your permit by adding a bypass qualification. However, I do want to make you aware of what we are proposing for several other junior priority Big Sioux River permits.

When a number of these Big Sioux River permits were issued, they contained a qualification requiring a minimum flow bypass before the user is able to pump water from the river. The bypass qualification was placed on these permits to protect the use of water by downstream senior priority water right holders and domestic water users, which includes livestock watering. The review found, with the passage of time, a number of senior water right permits have been cancelled due to abandonment or forfeiture. Consequently, it may be possible to lower the flow bypass limitation on the remaining permits. In other words, the amount of flow in the river can be lower and pumping will still be allowed. The review also found an inconsistency between permits on where the bypass flow is to be measured. The intent of this effort is to standardize and make consistent the bypass requirements for the remaining water users.

In order to amend a qualification on an existing water right permit, formal action by the SD Water Management Board is needed. In the next few weeks, you can expect to receive official notification scheduling a hearing before the Water Management Board. Again this does not pertain to amending your permit, only junior permit holders. If you wish to participate in the hearing you can, but you are not required to. There will be instructions with the notification on how to participate in the hearing if you so choose.

If you have any questions concerning this effort, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanne Goodman". The signature is fluid and cursive, with a large loop at the end.

for Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 12, 2018

43-3, 519-3, 519-3A

Northern States Power Company
414 Nicollet Mall
Minneapolis MN 55401

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear Sir:

The SD Department of Environment and Natural Resources (DENR) has evaluated the minimum flow bypass condition on water rights that pump from the Big Sioux River. The Chief Engineer is recommending amending the bypass qualification on 21 Big Sioux River water rights. The intent is to bring uniformity to the bypass requirement placed on water rights in past years. The water right you own or operate does not have a bypass qualification and will not be amended by the proposed action.

Even though your water right is not being amended, DENR wants to keep you informed of the proposed action since it involves the Big Sioux River. Enclosed is a notice to be published on or before February 15, 2018, in one newspaper from each of the seven counties that the Big Sioux River flows through. Also, the staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Mark Rath at 605 773-3352 or mark.rath@state.sd.us.

A hearing before the Water Management Board is scheduled at 11:30 AM, Wednesday, March 7, 2018 in the Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The enclosed notice provides information on the hearing and ability to file a petition in either support or opposition to the proposed amendment. The filing of a petition must be postmarked by February 26, 2018. Additionally filing a petition affords you the opportunity to participate in the March 7th hearing before the Board if you choose.

Again, this does not pertain to amending your water right, only junior water right holders with existing bypass requirements. If you have questions, please call. DENR is willing to work to answer any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosure