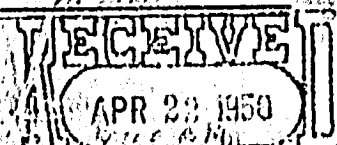
STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTAWater Division No. 3
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

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

1. Name of applicant CITY OF GARY, DEUEL COUNTY, SOUTH DAKOTA

Postoffice address _____, County _____, State _____

I. If a corporation _____

(a) Name of same _____

(b) Date and place of incorporation _____

(c) Amount of capital stock _____

(d) Amount paid in _____

(e) Names and addresses of directors _____

(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) _____

(b) Cash on hand, \$ _____

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work No diversion by City.3. Amount of water claimed Well No. 1 750 Gal. per min. or 1.67 cfs
Well No. 2 450 Gal. per min. or 1.00 cfs4. Source of water supply ground water
Wells owned and established by City, within City of Gary, S.D.5. Location of point of diversion on Outlot # 5 on the West side of Coteau Street at the North
end of said Street, in City of Gary, Deuel County, S.D.
Sec 4, T15N, E47W on _____ bank DEUEL County.

6. Annual period or periods during which water is to be used _____

7. To be used for: No irrigation at present, and none planned.

1. 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 _____
Name any of the above uses claimed

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

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

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

8. Estimated cost of work:

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

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

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

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

Rock, \$-----

(e) Other structures -----

Total, \$-----

9. Description of diversion works: none other than wells of City.

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

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	ACRE-FOOT 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 Completed ----- years.

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

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

Interstate, Gary, South Dakota,

STATE OF SOUTH DAKOTA
County of Dewol } ss.

I, I. L. Webber, 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 I. L. Webber Mayor, City of Gary

Subscribed and sworn to before me this 7th day of April, 1958

Notary Public

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

- (a) Hole and casing
- | | Well #1 | Well #2 | Well #1 | Well #2 |
|----------------------------------|-------------------------------|---------------------|--|------------|
| Size of drill hole or excavation | 8' Diam. | 8' | Depth | 21' 24' |
| Type of casing | Steel | Reinforced Concrete | | |
| | (wood, concrete, steel, etc.) | | | |
| Size of casing | 8' | 8' | Thickness of casing | 3/4" 1 Ft. |
| Length of casing | 23' | 21' | If collection gallery, length, size and depth of gallery | |
- (b) Screens
- | | | | |
|---------------------------|------------|-----------------------|--------------|
| Type of perforated screen | Fine Mesh | No. screens | second well. |
| Size of perforated screen | Fine | Not known. | |
| | (diameter) | (length) | |
| Thickness of gravel pack | Not known | length of gravel pack | Not known |
- (c) Water Bearing Material
- | #1 | #2 |
|--------------------------------------|----------------------|
| Distance to water | 11' 8' |
| Character of water bearing materials | |
| Quicksand # 1 | Gravel Pack # 2 |
| Thickness of water bearing material | Quicksand Not known. |
- (d) Pump and Motor
- | | |
|--|--|
| Byron Jackson Co. 1 1/2 Size T.L.H. Type | 750 Gal. per min. |
| Fairbanks Morse Size 1 1/2 # 5592 | 375 Gal. per Min. |
| Type of pump | Fairbanks Morse 10 Horse Induction motor |
| | (centrifugal, propeller, mixed flow, etc.) |
| Name of pump | size |
| Kind of motor | (gasoline, electric, diesel, etc.) |
| Horsepower | Name of Motor |
- (e) Complete well
- | | |
|------------------------------|-------------------|
| Well # 2 drawing capacity of | 750 gal. per min. |
| Well # 1 Drawing Capacity of | 375 gal. per min. |
| Estimated cost | |
- (f) Owner of land upon which well is located
- | | |
|--------------------|---------|
| City of Gary | Name |
| Gary, South Dakota | Address |
- (g) Distance to nearest existing wells
- | | | | | | | |
|------|--------------------------|------|-------|-----------------------------|----|------|
| None | On same owner's property | None | rods. | On property owned by others | 75 | rods |
|------|--------------------------|------|-------|-----------------------------|----|------|

Remarks by State Water Resources Commission:

"Vested Right" Claimed

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota,

April 25, 1958

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock

9 m upon the 22 day of April, 1958

State Water Resources Commission

By:

Joe Krinner
Chief Engineer, Executive Officer

Vested Right
Number of permit 532-3

Date of first receipt of application April 22, 1958

Date of return to applicant for correction, amendments or changes required as follows April 24, 1958

Date of receipt of corrected application May 1, 1958

Date from which applicant may claim right from 1938 for 1.67 cfs
from 1953 for 1.00 cfs

Approved May 1, 1958 Recorded in Book Vested Right Page 229

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, 1958

2nd. The whole of said work is to be completed on or before Completed, 1958

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

Completed, 1958

4th. The water appropriated shall be used for the purpose of municipal use

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 2.67 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 municipal use, used and beneficially applied for irrigation on or before Completed, 1958; said water to be used during the following described annual period:

Continuously

Witness my hand this

7

day of

May

1958

State Water Resources Commission

By:

Joe Krinner
Chief Engineer, Executive Officer

Certificate of Construction issued

May 7, 1958

Water License issued

May 7, 1958

STATE OF SOUTH DAKOTA

WATER LICENSE No. 532-3.....

WHEREAS, On the 22nd day of April A. D. 1958The City of Garyof Gary County of Deuel Vested Right and State of
South Dakota duly made application (No. 532-3) to us for a permit to use 2.67cubic feet per second of the waters of ground waterCounty of Deuel, State of South Dakota, for municipal
purposes; andWHEREAS, On the 7th day of May A. D. 1958Vested Right Permit No. 532-3 was issued to said applicant for the diversion of said water, and recognizing
~~providing for the~~completion of the works of diversion therein described ~~in 1938 and~~ in 1938 and1953~~and for the~~ application to beneficial use of said
water on or before the xxx in 1938 and 1953 ~~xxx~~
and,WHEREAS, On the 22nd day of April A. D. 1958the holder Vested Right of said permit duly made proof of the completion of adequate works for the diversion of 2.67cubic feet per second of said waters, as evidenced by our Certificate No. 532-3dated May 7, 1958 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 2.67 cubic feet per second of water, with date of
priority of 1938 for 1.67 cfs
1953 for 1.00 cfs and,WHEREAS, On the 22nd day of April A. D. 1958proof was duly made of the application to beneficial use of 2.67 cubic feet per second of said water;
in the distribution system of the City of Gary.

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 Gary Vested Right
of Gary, South Dakota the holder and owner of said permit No. 532-3
a water right, dating from 1933 for 1.67 cfs and
1953 for 1.00 cfs to the use of 2.67
cubic feet per second of the waters of ground water
in the County of Deuel and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at In Outlet #5, on the west side
of Coteau street at the north end of said street in the City of Gary.
and conducted to ~~across~~ the residents of the city of Gary.

for the purpose of municipal use

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 7th day of May A. D. Nineteen
Hundred and Fifty-eight

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. 532-3

Minnesota

Water Division No. 3 River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That The City of Garyof Gary, County of Deuel, and State of South Dakota, the holder of Vested Right Permit No. 532-3, issued upon ApplicationNo. 532-3, bearing date of priority of from 1938 for 1.67 cfs from 1953 for 1.00 cfs, authorizing the diversion of2.67 cu. ft. per second of the waters of ground waterCounty of Deuel, State of South Dakota, in Outlot #5on the west side of Coteau Street at the north end of said street in
the city of Gary, for municipalpurposes, 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 found in satisfactory condition for diverting and conveying to the place of intended use 2.67 cu. ft. per second of water; and that the ~~use of said water is~~ is described as follows,to-wit: to furnish municipal water for the distribution system
of the City of Gary.Witness my hand this 7th day of May A. D. 1958

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

Location No.

532-3
Minnesota
River

Water Division No.

3

Water District

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Rec'd
Apr. 22, 1958
Jew

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

Ans. CITY OF GARY, IN DEUEL COUNTY, SOUTH DAKOTA.

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.

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans.

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

Ans. Wells located within the City of Gary, South Dakota. Ground Water. Outlot # 5 on

West side of Coteau Street at North end of said Street, in City of Gary, S. D.

Ques. 5. Describe your works of diversion giving length and height of each dam 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, and date of completion of same.

Ans. No diversion of water; total supply obtained from wells owned by City.

Bison Jackson Co. 1 1/2 T.H. 750 Gal. per min. motor; Fairbanks Morse size 1 1/2
#5592 375 gal per min. motor; Fairbanks Morse 10 Horse Induction Motor 475 Gal per min.
50,000 Gal. Elevated Tank; Mains as per attached plat.
65,000

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.)

Water supply used solely for benefit of the inhabitants of the City

Ans.

of Gary, South Dakota, in domestic and business use.

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

No irrigation use of the City water at this time.

Ans.

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

Average total water used for City is about:-

Ans. Minimum for City Use about 750 Gal. per minute.

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.

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

Ans. Water use by the City of Gary, covering area affected, has been solely for benefit and use of the citizens of the community, and only in the amounts required for normal residence and business use. Well #1 completed in 1938 and Well #2 in 1953. Well #1 was pumped at 375 Gal. per minute and #2 at 750 Gal. per minute for a 10 hr. period and unable to pump either dry, or appreciably lower the water.

(Sign) I. L. Webber
I. L. Webber, Mayor, City of Gary, S. D.

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 Gary, County of Deuel

State of South Dakota, on this 7th day of April, A. D. 1958

Witnesses.

Notary Public, South Dakota.

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____	
PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	
PETITION OF HOLDER	
Amount of Water _____ c. f. s.	
Source _____	
County _____	
Purpose _____	
Place of Use _____	
Date of recording _____	
Received and filed _____	

COPY

FORM NO. 21.

Location No. 522-3

Minnesota

Water Division No. 3

River Water District

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. City of Gary, in Deuel County, South Dakota

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.

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans.

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

Ans. Wells located within the City of Gary, South Dakota

Ques. 5. Describe your works of diversion giving length and height of each dam 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, and date of completion of same.

Ans. No diversion of water: total supply obtained from wells owned by City.

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. Water supply used solely for benefit of the inhabitants of the City of Gary, South Dakota, in domestic and business use.

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

Ans. No irrigation use of the City water at this time.

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

Ans. Average total water used for City is about:-

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.

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

Ans. Water use by the City of Gary, covering area affected, has been solely for benefit and use of the citizens of the community, and only in amounts required for normal residence and business use.

(Sign) /s/ I. L. Webber

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 Gary, County of Deuel

State of South Dakota, on this 7th day of April, A. D. 1958

/s/ Thos W. Law

Witnesses

Notary Public, South Dakota

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

JUN 13 1989

Perry Heaton, Mayor
City of Gary
PO box 127
Gary SD 57237

Dear Mayor Heaton:

The Water Management Board has validated the enclosed Vested Water Right No. 532-3. This validation gives legal status to the claim and is the final document for your vested right.

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 Division
605 773-3352

enclosure



SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 532-3

Date Claim Accepted For Filing April 22, 1958.

Date of Validation May 10, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 532-3 for the City of Gary, PO Box 127, Gary, South Dakota 57237 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 532-3 appropriates 1.67 cubic feet of water per second (cfs) from Well No. 1 approximately 23 feet deep and 1.0 cfs from Well No. 2 approximately 24 feet deep. Both wells are located in the SW 1/4, Section 3, T115N, R47W.
2. The appropriated water is used for supplying water for the City of Gary 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: Well No. 1 - 1.67 cfs, January 1, 1938. Well No. 2 - 1.0 cfs, January 1, 1953.
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 must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____


Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources

JUN 13 1989

date