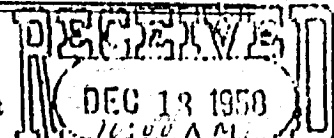


1. Considered Feb. 5, 1959 Appl. No. 561-3
2. Name of Applicant Northern States Power Co.
3. Post Office Address Sioux Falls S. Dak.
4. Amount of water claimed 1.77 cfs
5. Source of water supply ground water
6. Water to be used Industrial use
Acres to be irrigated _____
7. Water to be diverted and used in Minnehaha County about
7 miles N.E. of Sioux Falls
8. Proof of Publication
Received ☒
Not Received _____
9. Application
Approved ☒
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No. 561-3Water Division No. 3 Big Sioux River District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMMISSION
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 Northern States Power Company
W. N. Marx, Manager, Sioux Falls Division
 Postoffice 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 Well No. A
 3. Amount of water claimed 800 GPM (Max) or 1.77 c.f.s.
 4. Source of water supply Non-flowing well about 226 ft. deep bottom in Sioux quartzite grouted casing.
 5. Location of point of diversion SW $\frac{1}{4}$ -NW $\frac{1}{4}$ Sec. 32 T 102N-R48W
1130 feet east and 185 feet north of the
W 1/4 Cor., Sec. 32, T 102 N, R 48 W on Minnehaha County.
 6. Annual period or periods during which water is to be used Throughout 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 Power plant uses.
 Name any of the above uses claimed _____
 (b) Amount of power to be generated 88,500 horse power.
 Amount claimed for engine cooling 800 GPM (Max)
 (c) Location of plant Adjacent to south line of SE $\frac{1}{4}$, Sec. 30 T102N-R48W
Minnehaha County
 (d) Method of developing power Steam Turbine
 (e) Point where water will be returned to stream SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, T102N-R48W
Minnehaha County

Map No. 425-13

8. Estimated cost of work:

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

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

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

Rock, \$-----

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

Total, \$ 40,000

9. Description of diversion works:

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

Well

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 high water

mark ----- acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	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 five years.

11. Time required for complete application of water to the proposed beneficial use four 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, W. N. Marx

, 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

Manager, Sioux Falls Division

Subscribed and sworn to before me this 11 day of December 1925

Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, December 18, 1958

This is to certify that the foregoing application was received by the Commission at 10:12 o'clock
9 a.m. upon the 18 day of December, 1958

State Water Resources Commission

By:

J. C. Brinner
Chief Engineer, Executive Officer

Number of permit 561-3

Date of first receipt of application December 18, 1958

Date of return to applicant for correction, amendments or changes required as follows December 18, 1958

Date of receipt of corrected application December 23, 1958

Date from which applicant may claim right December 18, 1958

Approved February 4, 1959, Recorded in Book 5 Page 104

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

August 4, 1961

2nd. The whole of said work is to be completed on or before February 4, 1964

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

February 4, 1968

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

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 1.77 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 beneficially applied for irrigation on or before February 4, 1968; said water to be used during the following described annual period:

Continuously

Witness my hand this 20 day of February, 1959

State Water Resources Commission

By:

J. C. Brinner
Chief Engineer, Executive Officer

Certificate of Construction Issued AUGUST 15, 1966

Water License Issued AUGUST 15, 1966

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 25" diameter, Depth 222'-0"Type of casing Standard steel
(wood, concrete, steel, etc.)Size of casing 12", Thickness of casing 3/8"Length of casing 180'-0" If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen Stainless steel (Layne shutter)Size of perforated screen 12", 40'-0"
(diameter) (length)Thickness of gravel pack 12", length of gravel pack 60'-0"

(c) Water Bearing Materials

Distance to water 60' Character of water bearing materials Sand
formationThickness of water bearing material 65'

(d) Pump and Motor future -- (to be determined at a later date)

Type of pump
(centrifugal, propeller, mixed flow, etc.)

Name of pump, size

Kind of motor
(gasoline, electric, diesel, etc.)

Horsepower, Name of Motor

(e) Complete well

Capacity 800 GPM at drawdown of Estimated cost(f) Owner of land upon which well is located Northern States Power Company
Name

Address

(g) Distance to nearest existing wells

On same owner's property rods. On property owned by others 160 rods east to
(see attached) domestic well which does not penetrate the caprock

Form 21 -- Wells (Supplement to Form 2)

- (g) As soon as designs are more fully developed it is probable that additional permanent wells will be drilled.

As a supplement to Forms 2 and 2A and the Diversion No. 1 map prepared by Mr. K. E. Benson, Professional Engineer of Sioux Falls, South Dakota, showing the precise location of the well, we are enclosing the following drawings:

ND-18254-A - Map of Foundation Boring and Water Well Drilling

NH-18256-A - Logs of Water Well Drilling

NH-18972 --- Construction Details of Water Wells

These drawings show six observation wells in addition to the permanent well and are included herewith in order to record the existence of these additional wells in the state's records. Completed information on each of these observation wells will be forwarded if and when it is desired to appropriate water through their use.

DIRECTORS - NORTHERN STATES POWER COMPANY

NAME

ADDRESS

H. C. Cummins

Minneapolis, Minnesota

Allen S. King

Minneapolis, Minnesota

F. W. Anderson

Eau Claire, Wisconsin

H. M. Gallagher

Waseca, Minnesota

R. F. Pack

Minneapolis, Minnesota

W. S. Moscrip

St. Paul, Minnesota

T. G. Harrison

Minneapolis, Minnesota

A. B. Jackson

St. Paul, Minnesota

B. C. Marks

Fargo, North Dakota

P. H. McDowell

Sioux Falls, South Dakota

S. P. Duffy

Minneapolis, Minnesota

Permit No. 561-3Water 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. 561-3, issued upon Application
 No. 561-3, bearing date of priority of December 18, 1958, authorizing the diversion of
1.77 cu. ft. per second of the waters of ground water

County of Minnehaha, State of South Dakota, at a point 1130'E and 185'N
of the W $\frac{1}{4}$ corner, Section 32, T102N, R48W

for industrial
 purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of
 completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
 condition for diverting and conveying to the place of intended use 1.77 cu. ft.
 per second of water; and that the ~~uses of said water are described as follows,~~
 to-wit: for industrial use for power plant operation.

Witness my hand this 15th day of August A. D. 1963

State Water Resources Commission

By:

J. W. GRIMES

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 561-3

WHEREAS, On the 18th day of December A. D. 1958
Northern States Power Co.

of Sioux Falls County of Minnehaha and State of
South Dakota
duly made application (No. 561-3) to us for a permit to use 1.77
cubic feet per second of the waters of ground water
County of Minnehaha, State of South Dakota, for industrial
purposes; and

WHEREAS, On the 20th day of February A. D. 1959
Permit No. 561-3 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 4th day of
February A. D. 1964 and for the application to beneficial use of said
water on or before the 4th day of February A. D. 1968
and,

WHEREAS, On the 29th day of July A. D. 1966
the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.77
cubic feet per second of said waters, as evidenced by our Certificate No. 561-3
dated August 15, 1966 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1.77 cubic feet per second of water, with date of
priority of December 18, 1958 and,

WHEREAS, On the 29th day of July A. D. 1966
proof was duly made of the application to beneficial use of 1.77 cubic feet per second of said water;
for industrial purposes in power plant operation.

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 Northern States Power Company
of Sioux Falls the holder and owner of said permit No. 561-3
a water right, dating from December 18, 1958 to the use of 1.77
cubic feet per second of the waters of ground water
in the County of Minnehaha and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinabelow mentioned, to be diverted at a point 1130' E and 185' N of
the W 1/4 corner, Section 32, T102N, R48W
and conducted to ~~xxxxxxx~~ the power plant

for the purpose of industrial 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 15th day of August A. D. Nineteen
Hundred and Sixty-Six

State Water Resources Commission

By:

J. W. Olmstead
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 _____

(First Publication before January 2, 1959.)**APPROPRIATION OF WATER**

Office of State Water Resources Commission,

Pierre, S. Dak., December 23, 1958.

Notice is hereby given that the 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 1.77 cubic feet of water per second of time from the ground water through the

Well No. A, the point of diversion of which is to be located on the

~~SW 1/4 of the NW 1/4 of Section 32~~ in the SW 1/4 of the NW 1/4 of Section 32

Twp. 102 N Range 48 W. Said water to be used ~~for the purpose of power generation and back-~~

~~flowing out of the river.~~

Industrial purposes at the power plant located adjacent to
the south line of the SE 1/4, Sec. 30, T 102 N, R 48 W

~~and for~~ the purpose of

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 4th day of February, 1959, at 2:00 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:

~~Robert C. Dornier, State Engineer~~
Les C. Thorny, Water Rights Engineer

cc John A. Kennedy, Publisher
The Daily Argus Leader
Sioux Falls, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County MINNEHABA } ss.

W. T. HAGGAR being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the SIOUX FALLS AROUS 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 MINNEHABA and State of South Dakota; that the said notice was published in said newspaper on the following dates:

December 24, 1958December 31, 1958January 7, 1959January 14, 1959

in each and every issue of the full number thereof, the first publication being made on the 24 day of December 1958 and the last publication on the 14th day of January 1959, 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.

W. T. Haggar

Subscribed and sworn to before me this 14th day of January A. D. 1959

Notary Public Minnehaha County, S. D.

Eleanor Taguo
My Commission Expires
June 30, 1966

NOTICE OF INTENTION TO APPROPRIATE WATER
Office of the State Water Resources Commission
Pierre, S. Dak., December 22, 1958

Notice is hereby given that the Northern State Power Company, whose post-office 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 1.77 cubic feet of water per second of time from ground water through Well No. A, the point of diversion of which is to be located in the SW1/4 of the NW1/4 of Section 32, Twp. 102N, Range 48W, Solid water to be used for industrial purposes at the power plant located adjacent to the south line of the SE1/4, Sec. 30, T. 102 N., R. 48 W.

The application will be taken up by the State Water Resources Commission at the office at Pierre for consideration upon the 4th day of February, 1959, at 2:00 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: Les Wyborny, Water Rights Engineer
Pierre, S. Dak., December 22, 1958

Rec'd
1-20-59
paid

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) December 28, 1960

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

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

1.77 _____ cu. ft. per second of the waters of the state from ground water
through the Well No. A
for Power plant _____ purposes

----- In accordance with the terms and con-
ditions 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 561-3 and the date set for the completion of such work is
March 1, 1961.

4. Said water to be used for Power plant _____ 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 ac-
companying the application for such permit, is 1.77 _____ 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.

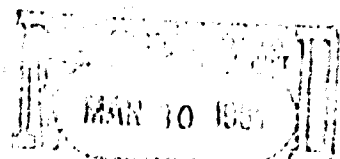
Northern States Power Company

(Signature of Owners)

Manager, Sioux Falls Division

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) March 30, 1961

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

DEAR SIR: Notice is hereby given that on the 1st day of June
19 61, 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 1.77 cubic feet per second of the waters of the state from ground water
In accordance with the terms and conditions of Permit No. 561-3
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 Sioux Falls, County of Minnehaha, State of South Dakota
2. The use to which said water has been applied is Power plant.
3. The amount applied to beneficial use is 1.77 cubic feet per second
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 Well No. A.
6. The right to take the water from such works is based upon permit No. 561-3.
7. The source of supply from which such water is diverted is Well No. A
8. The date of priority which said user is prepared to establish is December 18, 1958

Northern States Power Company
(Sign) [Signature]
Manager, Sioux Falls Division

Permit No.

561-3

Water Division No.

3

BIG SIOUX

RIVER

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 STATES POWER Co, of SIOUX FALLS

MINNEHAHA County, South Dakota, holder of Permit No. 561-3, issued

upon Application No. 561-3, bearing date of priority of DECEMBER 18, 1958, authorizing the

diversion of 1.77 cu. ft. per second of the waters of GROUND WATER for INDUSTRIAL

purposes. I have to report on the condition of the same as follows:

The diversion works comprise: 222' WELL - 12" IN DIAMETER.

LAYNE TURBINE PUMP #40991, POWERED BY

60 H.P. ALLIS-CHALMERS ELECTRIC MOTOR TYPE H.S.G.

WATER PUMPED TO STORAGE & PRESSURE SYSTEM

THROUGH 3000' OF 6" IRON PIPE (BURIED)

and the system is in the following condition: EXCELLENT

The point of diversion is located 1130' E & 185' N OF THE

W 1/4 CORNER, SECTION 32, T102N, R48W

The works are capable of diverting and conveying to the place of use 1.77 cu. ft. per second of water,

which is to be used for INDUSTRIAL (POWER PLANT)

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: _____

Witness my hand, this 29TH day of

July

A.D. 1966

—SEAL—

Dustin Jones

Examining Engineer
OFFICER

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

Page 2
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.

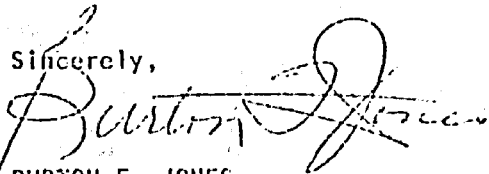
Water License No. 742-3 covers Well B and authorizes diversion of .33 cfs (150 gpm) with a priority date of September 17, 1960.

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

41-3

42-3

61-3

File No. 70-3

561-3

742-3

Water Rights Division - DWNHR

Conversation or File Documentation

NAME OF PERSON OR FILE: Dean Greer, Safety Coordinator, Northern States Power Company

ADDRESS: 500 W Russell St., Box 988, Sioux Falls 57104 COUNTY Minnehaha

DATE: March 21, 1989 TELEPHONE 339-8200

RE: status of water rights & wells for Northern States Power Co at the Lawrence Plant and the Pathfinder Plant

COMMENTS:

Mr. Greer stated Well #1 (the 12" well near the Lawrence Plant) has been capped

with a steel plate welded across casing and will no longer be used for purposes specified in Water Right No. 41-3. The well may be used for testing purposes

by the City of Sioux Falls. Wells #2, #3, & #4 for the Lawrence Plant (Water Right Nos. 42-3, 61-3 and 70-3) have been plugged. He thought that Lacey

Well Drilling had plugged the wells. The Sioux Falls Construction Company had the contract for demolition of the plant.

I told him that Water Right Nos. 41-3, 42-3, 61-3 and 70-3 would be scheduled for cancellation at the May Meeting. He stated this was fine.

Mr. Greer indicated the two wells at the Pathfinder Plant (Water Right Nos. 561-3 and 742-3) are still in use. I questioned whether or not the wells were being used for the purposes specified in the water rights, he stated that they were.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Henry M. Mault



561-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOV 12 1997

5596-3

James Alders
Northern States Power Company
414 Nicollet Mall
Minneapolis, MN 55401-1927

Dear Mr. Alders:

Enclosed is Water License No. 5596-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415440 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5596-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

gm
enclosures

NOTE: The applicable portions of Water Right No. 561-3 have been incorporated into this Water License No. 5596-3.