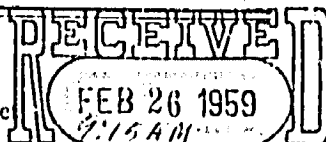


No. 576-3Water Division No. 3

(Blanks to be filled by the Engineer for the W. R. S.)

Vermillion River

District

Vaslad Right

APPLICATION FOR PERMIT

STATE WATER RESOURCES COMMISSION

PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

1. Name of applicant City of Howard, South DakotaPostoffice address Howard, County Miner, State South Dakota

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 Existing Municipal Well No. 13. Amount of water claimed 0.555 cubic feet per second4. Source of water supply Underground aquifer5. Location of point of diversion Lot 3, Block 4, VirginiaPlot of the City of Howard on bank County.6. Annual period or periods during which water is to be used throughout entire 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.) In City of Howard municipal water distribution system

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

On same owner's property _____ On property owned by others _____

439-3

No.

Map

9. (Continued)

III. Well Specifications Existing Well No. 1

(a) Hole and casing

Size of drill hole or excavation 8" Depth 210'
 6" 210'-410'

Type of casing steel
 (wood, concrete, steel, etc.)

Size of casing 8" & 6" Thickness of casing do not know

Length of casing 410' ft collection gallery, length, size and depth of
 gallery

(b) Screens

Type of perforated screen None

Size of perforated screen
 (diameter) (length)

Thickness of gravel pack length of gravel pack

(c) Water Bearing Materials

Distance to water 148 Character of water bearing materials
 Sandstone, 390'-410' below surface

Thickness of water bearing material 20'

(d) Pump and Motor

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

Name of pump Fairbanks-Morse size 6"

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

Horsepower 15 Name of Motor Fairbanks-Morse

(e) Complete well

Capacity 72 g.p.m. at drawdown of 8 ft. Estimated cost

(f) Owner of land upon which well is located City of Howard
 Name

Howard, South Dakota
 Address

(g) Distance to nearest existing wells

On same owner's property rods. On property owned by others 160 rods

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:

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

II. Dimensions of works:

(a) Dam: Height.....feet; length at bottomfeet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back face
material used in construction

(b) Reservoir: Capacity when filledacre feet. Surface area at high water mark.....acres.

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

(c)* Head gate: Width.....feet; heightfeet;
Material

(d) Canal: Total lengthmiles.

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 workcompleted.....years.
11. Time required for complete application of water to the proposed beneficial use years.
12. Choice of newspaper for publication of notice of intention to appropriate

STATE OF SOUTH DAKOTA }
County of Miner } ss.

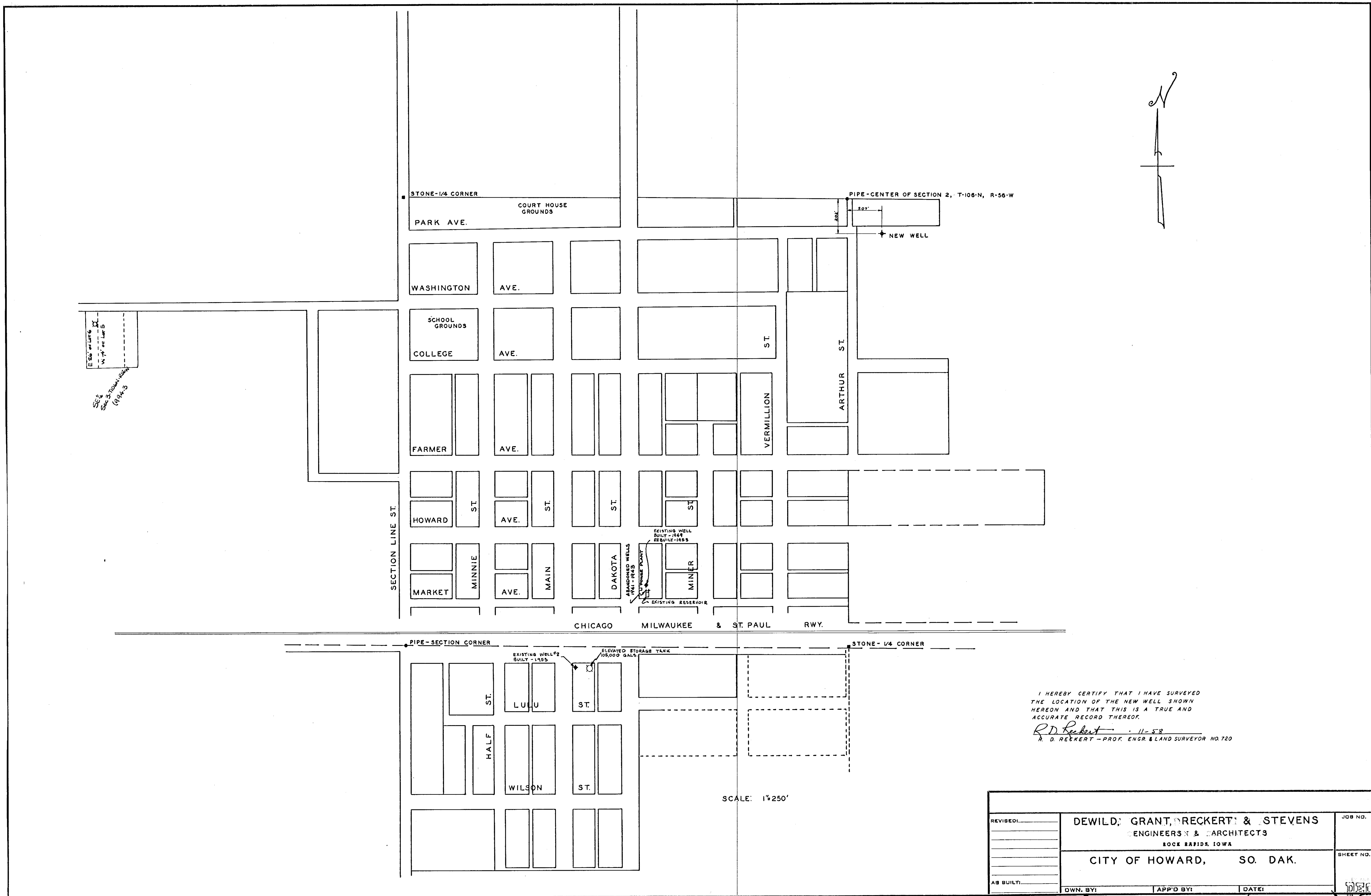
I, Eber Tripp, Mayor of City of Howard..... being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that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

Signed Eber Tripp.....

Subscribed and sworn to before me this day of 19.....

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

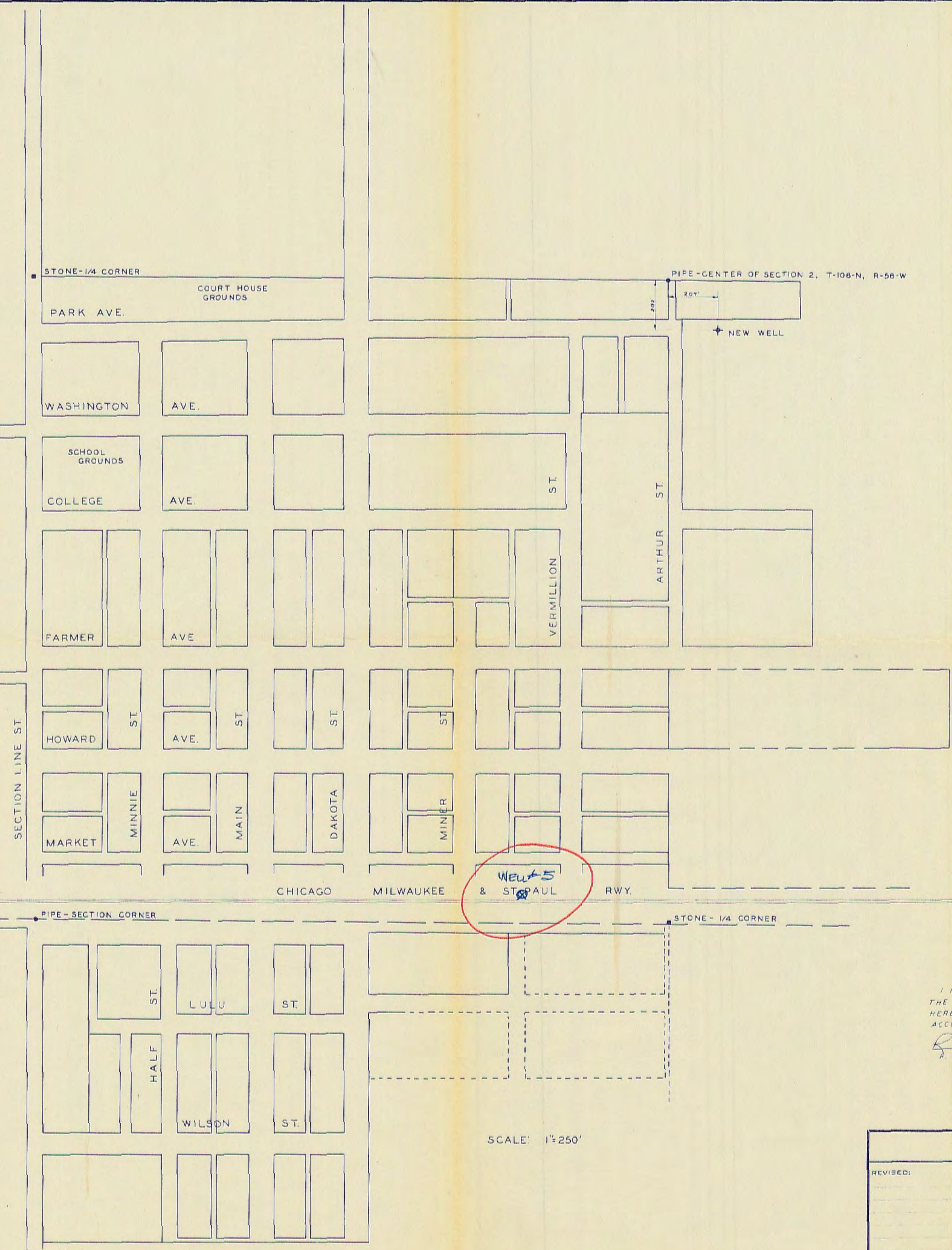


I HEREBY CERTIFY THAT I HAVE SURVEYED
THE LOCATION OF THE NEW WELL SHOWN
HEREON AND THAT THIS IS A TRUE AND
ACCURATE RECORD THEREOF.
R.D. Reckert - 11-58
R. D. RECKERT - PROF. ENGR. & LAND SURVEYOR NO. 720

REVISED:	DEWILD, GRANT, RECKERT & STEVENS ENGINEERS & ARCHITECTS ROCK RAPIDS, IOWA	JOB NO.
AS BUILT:		SHEET NO.
CITY OF HOWARD, SO. DAK.		
DWN. BY:	APP'D BY:	DATE:

Map No. 439-3 (Appl's No's 576-3, 577-3, 578-3 & 994.3)

RECEIVED
FEB 24 1959
STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA



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RECEIVED
-B 29 1959
STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

REVISED:	DEWILD, GRANT, RECKERT & STEVENS ENGINEERS & ARCHITECTS ROCK RAPIDS, IOWA	JOB NO.
AS BUILT:	CITY OF HOWARD, SO. DAK.	SHEET NO.
OWN. BY:	APP'D BY:	DATE:

Map No. 439-3 (Appl's Nos 576-3, 577-3, & 578-3)

Remarks by State Water Resources Commission

"Vested Right Claimed"

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, April 20, 1960

This is to certify that the foregoing application was received by the Commission at 4:15 o'clock:
a m. upon the 26th day of February, 1959.

State Water Resources Commission

By: J. W. Jones

for Chief Engineer, Executive Officer

Number of permit 576-3

Date of first receipt of application February 26, 1959

Date of return to applicant for correction, amendments or changes required as follows: March 5, 1959

Date of receipt of corrected application April 14, 1959

Date from which applicant may claim right 1949, 1959

Approved: April 20, 1960, Recorded in Book 6 Page 26

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~~ 19

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

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

completed, 1959

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 155 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 used for municipal needs and beneficially applied for irrigation on or before June 30, 1955; said water to be used during the following described annual period:

Continuously

Witness my hand this 20th day of April, 1960

State Water Resources Commission

By: J. W. Jones

Chief Engineer, Executive Officer

Certificate of Construction Issued April 20, 1960

Water License Issued April 20, 1960

STATE OF SOUTH DAKOTA

WATER LICENSE No. . . 576-3. . . .

WHEREAS, On the 26th day of February A. D. 1959
the City of Howard

~~of~~ County of Miner and State of
South Dakota duly made application (No. 576-3) to us for a vested right permit to use .155
cubic feet per second of the waters of ground water
County of Miner, State of South Dakota, for municipal
purposes; and

WHEREAS, On the 20th day of April A. D. 1960
vested right Permit No. 576-3 was issued to said applicant, for the diversion of said water, and recognizing
~~providing for~~ the completion of the works of diversion therein described ~~xxxxxx~~
~~xxxxxx~~ and for the application to beneficial use of said
water ~~xxxxxx~~ ~~xxxxxx~~ ~~xxxxxx~~
and,

WHEREAS, On the 14th day of April A. D. 1959
vested right the holder of said permit duly made proof of the completion of adequate works for the diversion of .155
cubic feet per second of said waters, as evidenced by our Certificate No. 576-3
dated April 20, 1960 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use .155 cubic feet per second of water, with date of
priority of 1949 ~~xxxx~~ and,

WHEREAS, On the 14th day of April A. D. 1959
proof was duly made of the application to beneficial use of .155 cubic feet per second of said water;
for supplying the municipal needs for the City of Howard

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 Howard
~~xxxx~~ / vested right
the holder and owner of said Permit No. 576-3
a water right, dating from 1919 to the use of 155
cubic feet per second of the waters of ground water
in the County of Miner and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at a point in Lot 3, Block 1,
original plot of City of Howard
and conducted ~~to the town~~ through the City water distribution system
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 20th day of April A. D. Nineteen
Hundred and sixty

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. 576-3Water Division No. 3 Vermillion Water District
River

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to certify That the City of Howard

~~xxx~~ County of Miner, and State of South Dakota, the holder vested right of Permit No. 576-3, issued upon Application No. 576-3, bearing date of priority of 1919, authorizing the diversion of .155 cu. ft. per second of the waters of ground-water County of Miner, State of South Dakota, at a point in Lot 3, Block 4, original plat of City of Howard for municipal 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 recognized as ~~found to be~~ satisfactory ~~condition~~ for diverting and conveying to the place of intended use .155 cu. ft. per second of water; and that ~~the lands to be used for the use of said water are described as follows,~~ the use of said water are described as follows, to-wit: to be used for the municipal needs of the City of Howard

Witness my hand this 20th day of April A. D. 1960

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

Location No.

576-3
Vermillion
River

Water Division No.

3

Water District

APR 1 1959

STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

Ans. Walter Eggert, City Auditor

Howard, 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. City of Howard

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

Ans. Believe not applicable to ground water

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

Ans. Ground water thru well No. 1 located in Lot 3, Block 4 Original
Plat of the City of Howard.

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. Fairbanks Morse pump, type OS2V, capacity 70 gpm. Capacity of
Reservoir 80,000 gal., capacity of standpipe 100,000 gal.
2750 ft. of 6 inch main and 35,900 ft. of 4 inch main.

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. For municipal use in the City of Howard

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

Ans. ~~XXXXXXXXXXXXXXXXXXXX~~

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

Ans. 20 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. Well was constructed in 1942 and rebuilt in 1953, and has been
pumped at a maximum of 70 gpm. Water from this well has been
continually used in the City of Howard for municipal use.

(Sign) William E. G. ...

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 Howard, County of Hibbs

State of South Dakota, on this 13th day of April A. D. 1959

Witnesses, ...
...

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.

Vincent J. ...

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 -----

SOUTH DAKOTA

VESTED WATER RIGHT CLAIM NO. 576-3

Date of Receipt of Claim February 26, 1959.

Date of Validation May 6, 1992.

The Water Management Board validated Vested Water Right Claim No. 576-3 for the City of Howard, PO Box 705, Howard SD 57349 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 576-3 appropriates 0.155 cubic feet of water per second from one well located Section 2-T106N-R56W.
2. The appropriated water is used for supplying water to the City of Howard 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 date of the Vested Water Right is January 1, 1949.
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: _____

John H. Bates
Chief Engineer

JUN 29 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources



JUN 29 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3101

City of Howard
Kristi Dornbusch, Finance Officer
PO Box 705
Howard SD 57349-0705

Dear Ms. Dornbusch:

The Water Management Board has validated the enclosed Vested Water Right Nos. 576-3 and 577-3. These validations give legal status to the claims and are the final document for your vested rights.

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