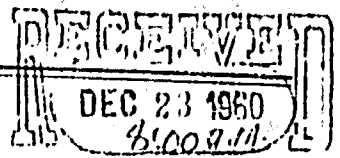


755-3

1. Considered 3-15, 1961
2. Name of Applicant City of Denver
3. Post Office Address _____
4. Amount of water claimed 60 acre feet storage
5. Source of water supply Juana River
6. Water to be used for Municipal
Acres to be irrigated _____
7. Water to be diverted and used in Boulder County about
_____ miles 24 of City
8. Proof of Publication Received ☒
Not Received _____
9. Application Approved ☒
Subject to _____
Not approved _____
Action deferred _____
10. Remarks:

No. 755-3Water Division No. 3 JAMES RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)DISTRICT WATER RESOURCES COMMISSION
STATE OF 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 City of Huron
Postoffice address Box 97, County Beadle, State South Dakota

- I. If a corporation _____
(a) Name of same City of Huron
(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)
Contract
(b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work 3rd Street Dam Flashboard
3. Amount of water claimed 600000 ft storage 4000 cubic feet per second
4. Source of water supply James River
5. Location of point of diversion 3rd St. Dam
_____ on _____ bank Beadle County.
6. Annual period or periods during which water is to be used Whenever necessary—most likely
7. To be used for: from August thru December

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

(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.) Additional storage for City
of Huron water supply

- 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 _____

Map No 563-3

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
 (e) Other structures ----- \$7,000.00 Total, \$7,000.00

9. Description of diversion works:

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

Flash board on top of Existing 3rd St. Dam

II. Dimensions of works:

(a) Dam: Height Flashboard 101.00 feet; length at bottom 228 feet; length at top 228 feet; thickness at bottom 21 inches; thickness at top 21 inches; slope at front water face -----; slope at back face -----
 material used in construction -----
 (b) Reservoir: Capacity when filled addition 600 acre feet. Surface area at highwater mark 720 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 ----- $\frac{1}{2}$ years.
 11. Time required for complete application of water to the proposed beneficial use ----- $\frac{1}{2}$ years.
 12. Choice of newspaper for publication of notice of intention to appropriate -----
The Daily Plainsman, Huron, South Dakota

STATE OF SOUTH DAKOTA

County of Beadle

ss.

I, GENE W. DENISON, MAYOR OF THE CITY OF HURON, SO. DAKOTA, 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

Gene W. Denison
 Mayor City of Huron

Subscribed and sworn to before me this

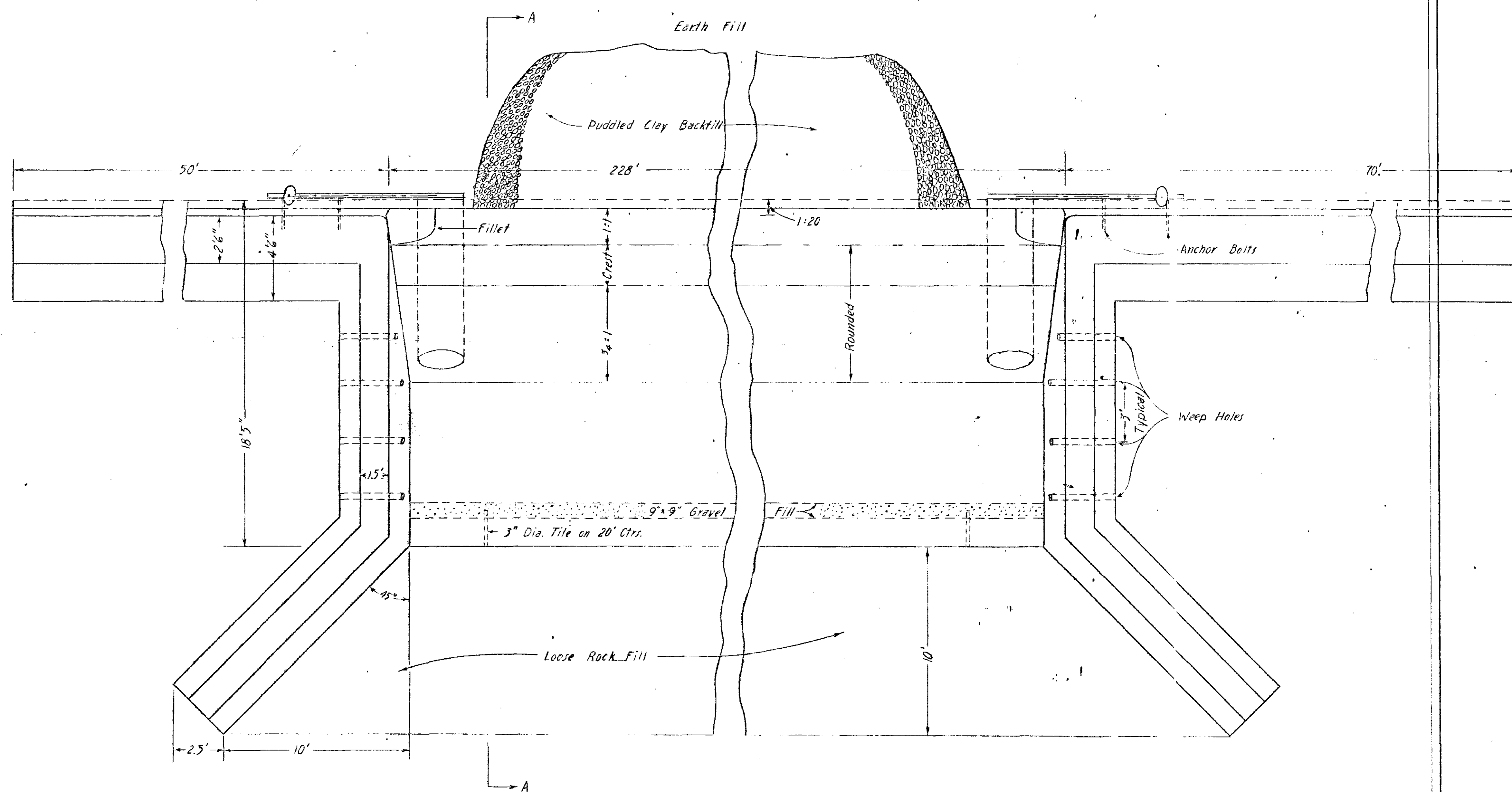
29th

day of

November

1960

R. E. Denison
 Notary Public (or other qualified officer.)
 City Auditor



PLAN OF RUBBLE-MAJONRY OVER-FLOW DAM
(Existing)
Scale 1"=4'

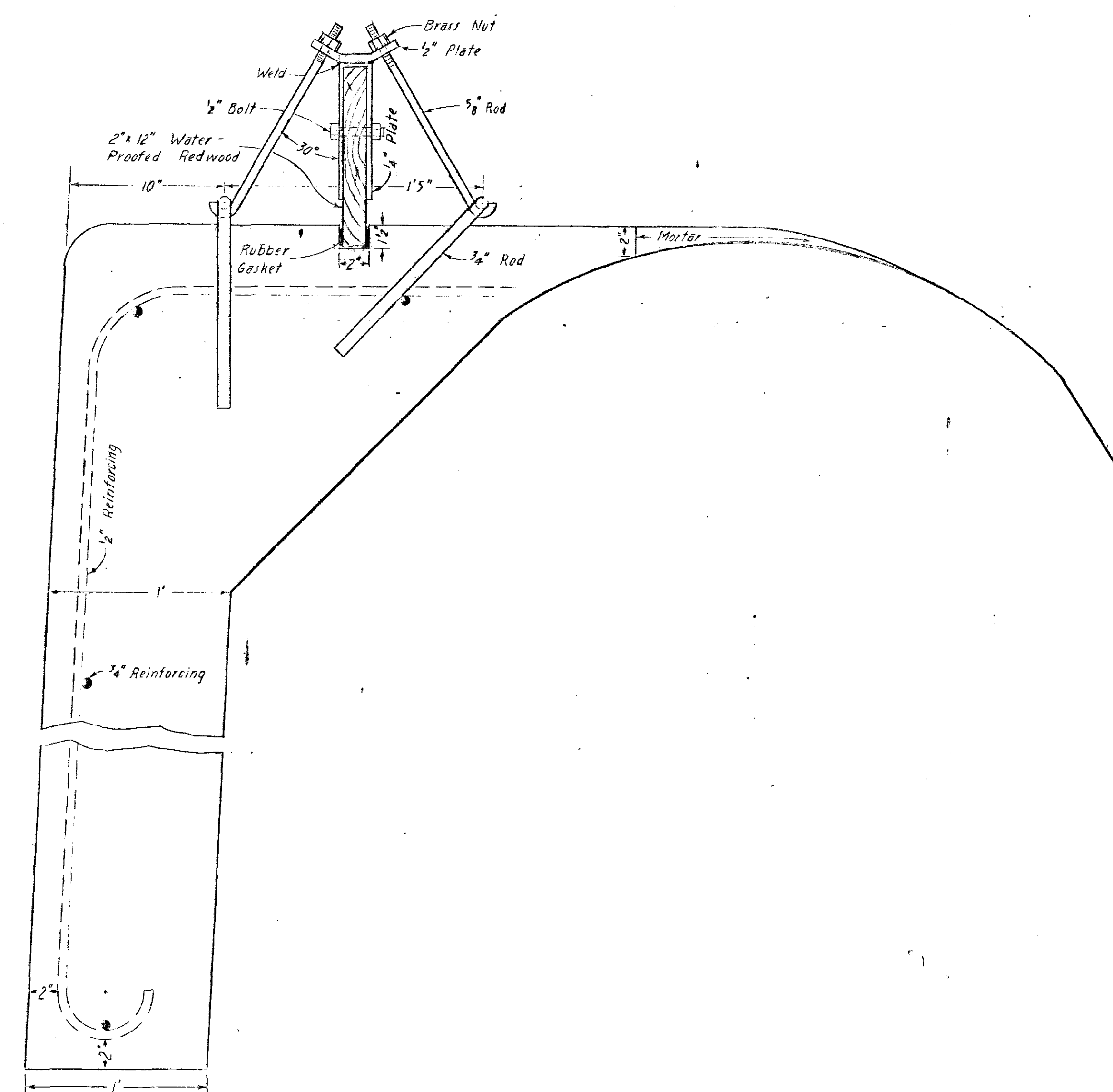
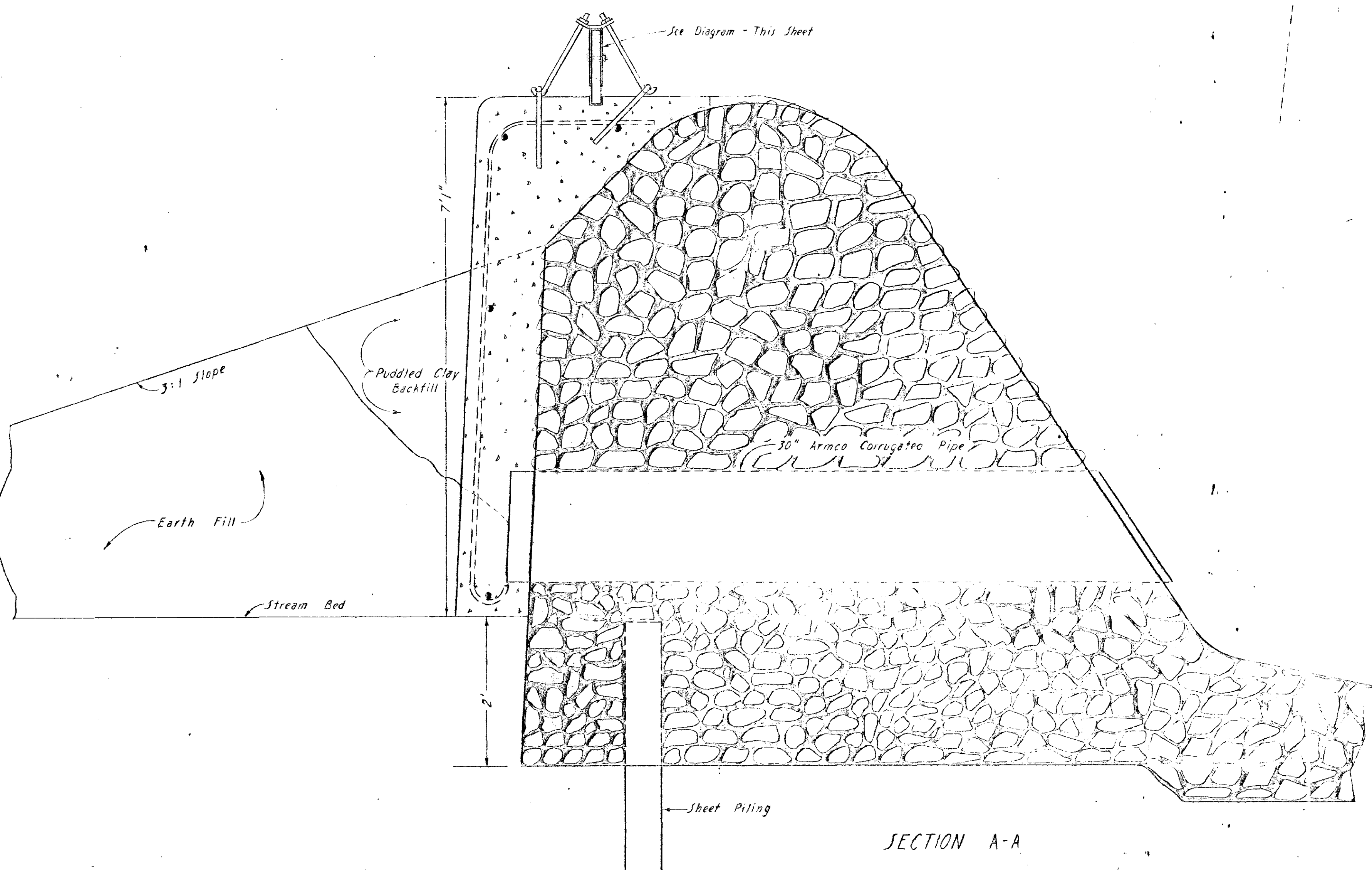
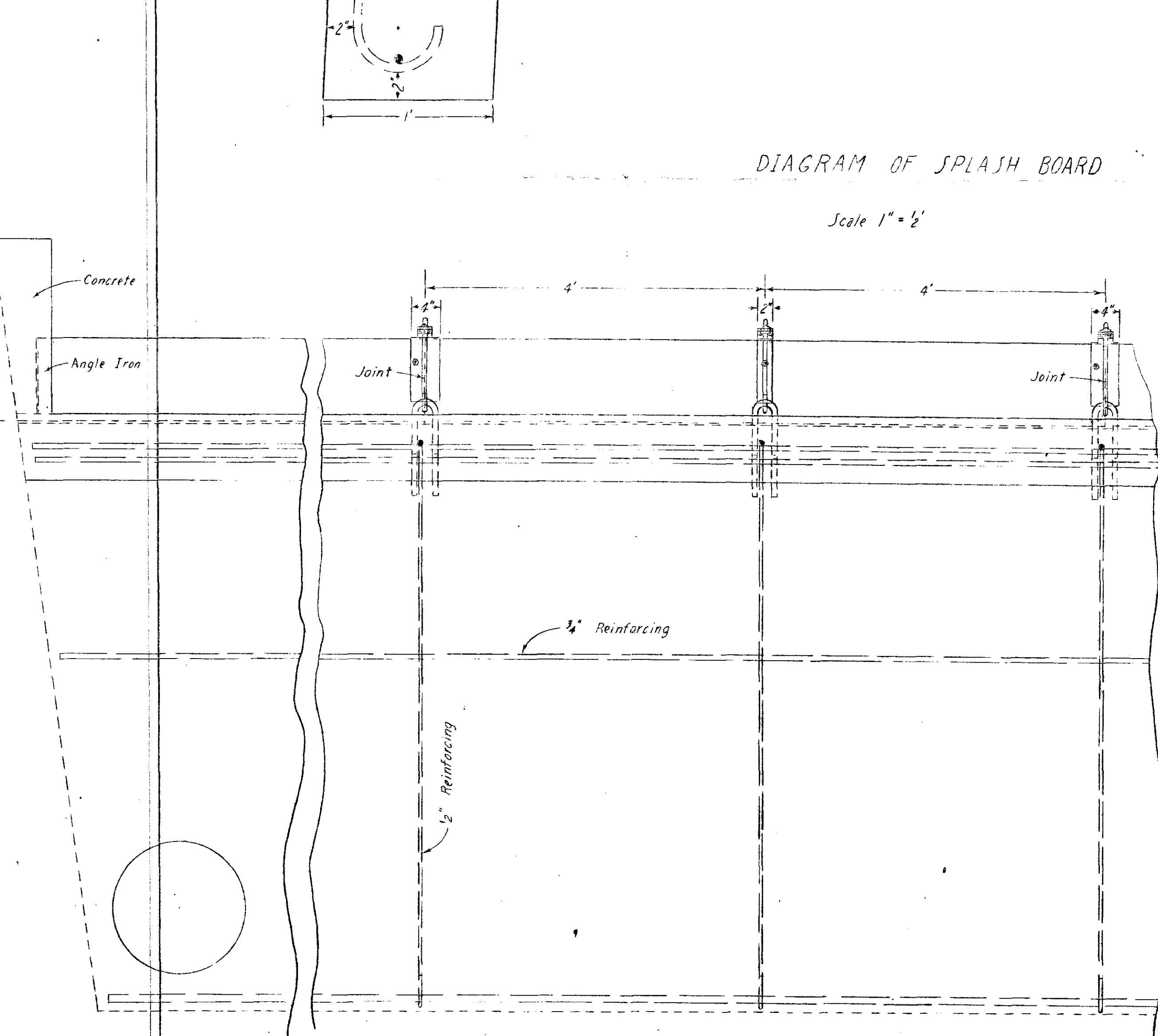


DIAGRAM OF SPLASH BOARD
Scale 1"=6'



SECTION A-A
Scale 1"=1'



Scale 1"=1'

SPLASH BOARD
on Third Street Dam
Huron City Engineer's Office
Approved: *H. L. Rogers*
City Engineer

MANUAL 80003 (APPL N° 1553)

Remarks by State Water Resources Commission:

Water shall not be stored under this permit during times when the flow past the dam is less than 15 cfs.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, MARCH 17, 1961

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
A.m. upon the 23rd day of December, 1960

State Water Resources Commission

By:

Burt J. Jones
Chief Engineer, Executive Officer

Number of permit 755-3

Date of first receipt of application December 23, 1960

Date of return to applicant for correction, amendments or changes required as follows: 1960

Date of receipt of corrected application December 23, 1960

Date from which applicant may claim right December 23, 1960

Approved March 15, 1961, Recorded in Book 6 Page 200

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

September 15, 1961

2nd. The whole of said work is to be completed on or before September 15, 1961

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

September 15, 1961

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 600 acre feet storage 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 September 15, 1961; said water to be used during the following described annual period:

Continuously

Witness my hand this 17th day of March, 1961

State Water Resources Commission

By:

J. J. Jones
Chief Engineer, Executive Officer

Certificate of Construction issued MARCH 4, 1961

Water License issued MARCH 4, 1961

Permit No. 755-3Water Division No. 3 JAMES RIVER Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the City of Huron

of South Dakota, County of Beadle, and State of South Dakota, the holder of Permit No. 755-3, Issued upon Application No. 755-3, bearing date of priority of December 23, 1960, authorizing the diversion of 600 acre feet annually in the second of the waters of the James River County of Beadle, State of South Dakota, at the 3rd Street Dam in the City of Huron

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 found in satisfactory condition for diverting and conveying to the place of intended use 600 acre feet annually of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: to provide additional storage for municipal use by the City of Huron.

Witness my hand this 4th day of March A. D. 1968.

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 755-3

WHEREAS, On the 23rd day of December A. D. 1960
the City of Huron

of _____ County of Beadle and State of
South Dakota duly made application (No. 755-3) to us for a permit to use 600 acre feet
annually of the waters of the James River
County of Beadle, State of South Dakota, for municipal
purposes; and

WHEREAS, On the 17th day of March A. D. 1961
Permit No. 755-3 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 15th day of
September A. D. 1961 and for the application to beneficial use of said
water on or before the 15th day of September A. D. 1961
and,

WHEREAS, On the 9th day of February A. D. 1968
the holder of said permit duly made proof of the completion of adequate works for the diversion of 600 acre
feet annually of said waters, as evidenced by our Certificate No. 755-3
dated March 4, 1968 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 600 acre feet annually of water, with date of
priority of December 23, 1960 and,

WHEREAS, On the 13th day of February A. D. 1968
proof was duly made of the application to beneficial use of 600 acre feet annually
to provide additional storage for municipal use by the City of Huron.

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 Huron

to the holder and owner of said permit No. 755-3
a water right, dating from December 23, 1960 to the use of 600 acre feet
annually
of the waters of the James River

In the County of Beadle and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinabelow mentored, to be diverted at the 3rd Street Dam in the
City of Huron

and conducted to and upon through the Huron municipal water distribution system.

for the purpose of municipal use, subject to any limitations listed
in the Permit to Appropriate water, and

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 4th day of March A. D. Nineteen
Hundred and Sixty-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 _____

on or before
(First Publication February 17, 1961)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., January 31, 1961

Notice is hereby given that the City of Huron ~~XXXXXXXXXX~~
~~XXXXXXXXXX~~ S. Dak., has made an application in accordance with
additional storage for
the provisions of the water laws of South Dakota for a permit to appropriate for/beneficial use 60 acre feet
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ from the James River through the
3rd Street Dam, the point of diversion of which is to be located ~~XXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~ in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 6
Twp. 110N Range 61W Said water to be used for the purpose of providing ~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~
additional storage for municipal use for the City of
Huron.

~~XXXXXX~~ ~~XXXXXXXXXXXXXXXXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for
consideration upon the 15th day of March, 1961, 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:

cc Robert D. Lusk, Publisher
The Daily Plainsman
Huron, South Dakota

~~XXXXXXXXXXXXXXXXXXXX~~
Burton F. Jones
Water Rights Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County

Beadle

SS.

L. H. H. H. H. being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the

Daily Herald a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the

State of S. D. County of

Beadle and State of South Dakota; that the said notice was published in said newspaper on the following dates:

Feb 10, 17, 24 & Mar 3

in each and every issue of the full number thereof, the first publication being made on the 10 day of Feb

1961 and the last publication on the 3 day of

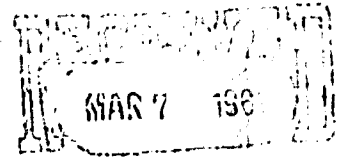
Mar 1961, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was _____ the printer and publisher of the said newspaper.

L. H. H. H. H.

Subscribed and sworn to before me this 3 day of March A. D. 1961

Notary Public A. J. Pepovich Beadle County, S. D.



STATE OF SOUTH DAKOTA
NOTARY PUBLIC

FILED 10-61 0310133 410 LP 53-61
APPROPRIATION OF WATER
Office of State Water Resources
Commission
Pierre, S. Dak.
January 31, 1961
Notice is hereby given that the City of Huron, S. Dak. has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for additional storage for beneficial use 60 acre feet from the James River through the 3rd Street Dam, the point of diversion of which is to be located in the SE 1/4 of the NE 1/4 of Section 6, Twp 110N Range 61W. Said water to be used for the purpose of providing additional storage for municipal use for the City of Huron.
This application will be taken up by the State Water Resources Commission (their office at Pierre) for consideration upon the 15th day of March, 1961, 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 Burton F. Jones, Water Rights Specialist
Huron, S. D.

July 26, 1961

Mr. Leo A. Temney
Northwest Security National Bank Building
Huron, South Dakota

Dear Mr. Temney:

This concerns your letter of July 24 about the effects of the flash boards on the James River dam at Huron on river crossings belonging to upstream landowners.

As the situation is outlined in your letter, there seems to be some misunderstanding in the minds of Huron City officials concerning the extent of the rights that the city acquired in its permit to appropriate water (755-3). This water right covers the additional storage in the James River channel by the flash boards installation on the city dam at Huron.

No water rights acquired under provisions of the State Water statutes include rights to use the land or property of others. It is the water right holders responsibility to obtain interests in land or property of others which may be required to develop the water supply and to put the water to beneficial use.

Consequently, the City of Huron, through its acquisition of a water right, did not obtain any special privileges associated with the inundation of land or river crossings belonging to upstream landowners. Common law property rights may be involved here and the Water Resources Commission has no jurisdiction to decide whether or not damages have accrued to others. This is true irrespective of whether the flash boards do or do not raise the water above the high water mark of natural flows in the James River. Normally, such raising of water surface within the main river banks do not damage others. However, improvements, such as river crossings, built by a landowners across a non-meandered stream (James River) are his property, providing he owns the lands on both sides of the stream. As long as he does not damage the property of others, including adverse effects upon the flows of the stream, such crossings are lawful.

- 2 -

This information, of course, is my personal opinion only. The facts in each case require evaluation in terms common law property rights. A statutory water right, in itself, does not include the privilege to invade the property rights of others.

I hope that this information is helpful.

Sincerely,

J.W. CRIMES
Executive Officer

JWC/bw

LEO A. TEMMEY

78-3
TOM H. LUBY

TEMMEY AND LUBY

ATTORNEYS AT LAW

NORTHWEST SECURITY NAT'L BANK BLDG.
HURON, SOUTH DAKOTA

July 24, 1961

Mr. J. W. Grimes
Water Resources Commission
State Capitol Building
Pierre, South Dakota

Dear Mr. Grimes:

Within the past week I have been visited by landowners north of Huron whose lands border on the James River. Apparently the City of Huron constructed an additional splash board on top of the dam which impounds water for the use of the city, and this additional splash board which was installed within the last year backs up water which has flooded certain bridges and crossings which have been maintained by the landowners for many, many years.

When these people consulted with the city authorities in Huron they were informed that the matter had been discussed with you and that you had indicated that there would probably be no liability under the present state laws because the backing up of the water probably did not exceed the high water mark of the river.

I do not pretend to be an authority on riparian rights, and it occurs to me that you probably have made a considerable study of this particular question, and would be willing to give to me briefly the benefit of your study on this matter.

It may be presumptuous on my part to ask that, if you have time, you give me the benefit of your study and reasoning on this so that I may advise with the people who are interested. If this is not permissible under your rules I will, of course, understand.

Sincerely,

TEMMEY AND LUBY

By LEO A. TEMMEY

LAT:jw

RECEIVED
JUL 25 1961

STATE WATER RESOURCES COMM.
PIERRE SOUTH DAKOTA

Contract No. 14-06-W-129

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Oahe Unit
Missouri River Basin Project

CONTRACT FOR PURCHASE OF WATER

THIS CONTRACT, Made this 10th day of September, 1962, pursuant to the Act of Congress approved June 17, 1902 (32 Stat. 388), and Acts amendatory thereof and supplementary thereto, and the Act of December 22, 1944 (58 Stat. 887), between the UNITED STATES OF AMERICA, hereinafter called the United States, represented by the officer executing this contract, hereinafter called the Contracting Officer, and the CITY OF HURON, SOUTH DAKOTA, hereinafter called the City.

WITNESSETH, That:

WHEREAS, the following statements are made in explanation:

A. The City owns and operates the Third Street Reservoir in Beadle County and the Spink County Reservoir in Spink County, South Dakota, in which it stores water for municipal use. It now finds that these reservoirs, together with its other sources of supply, are inadequate for its present and future needs.

B. The United States proposes to construct, as a feature of the Oahe Unit of the Missouri River Basin Project, the James Diversion Dam in the James River, which will, in part, lie in the bed of the Third Street Reservoir and which will impound water that will inundate the Spink County Dam and Reservoir. This will make additional water available for beneficial uses.

C. The City wants to purchase all of the water the United States impounds by means of the James Diversion Dam.

NOW, THEREFORE, in consideration of the mutual promises herein contained, it is agreed:

TERM OF CONTRACT

1. This contract will be effective upon execution and will continue in force for twenty (20) years from the first day of the first water year.

RIGHTS-OF-WAY

2. The City, by appropriate instruments, will authorize the United States to build the James Diversion Dam partially in the bed

of its Third Street Reservoir and also the right to breach or demolish, as it sees fit, its Spink County Dam and to flood and inundate Spink County Reservoir when the Diversion Dam is completed. The City will convey to the United States all lands or interests in lands it now owns that will be occupied by the James Diversion Dam and Reservoir. The United States will acquire at its expense all other lands or interests in lands required for said dam and reservoir and will hold the City free from any costs or damages incurred by reason of the construction or existence thereof. The United States will, thereafter, store in the James Diversion Reservoir Two Hundred and Eighty (280) acre-feet of the City's Third Street Reservoir storage and the entire Two Thousand One Hundred (2,100) acre-feet of its Spink County Reservoir storage.

TRANSFER OF WATER RIGHTS

3. The City and the United States will jointly request the South Dakota Water Resources Commission to transfer to the James Diversion Reservoir Two Hundred and Eighty (280) acre-feet of the City's Third Street Reservoir storage right and all of its Spink County Reservoir storage right. Title to said water will remain in the City.

FURNISHING OF AND PAYMENT FOR WATER

4. The first day of the month following that in which the United States notifies the City that water is available from the James Diversion Reservoir will be the first day of the first water year under this contract. On or before the first day of the first water year, and semi-annually thereafter, the City will pay to the United States the following sums:

<u>Payment Period</u>	<u>Amount Each Period</u>
First and second	\$ 7,200
Third and fourth	8,100
Fifth and sixth	9,900
Seventh and eighth	11,700
Ninth and tenth	13,500
Eleventh and twelfth	15,300
Thirteenth and all subsequent	17,100

which will entitle the City, during the period for which each payment is made, to use all of the water stored in said Reservoir, to be delivered at the outlet works of the Dam.

OPERATION AND MAINTENANCE

5. (a) On the first day of the first water year under this contract the City will assume the operation and maintenance of the James Diversion Dam and Reservoir under the general direction and supervision of the Contracting Officer and will maintain the Dam and Reservoir and all appurtenant structures in full compliance with the terms of this contract and in such manner that they shall remain in good and efficient condition to perform the storage and diversion of water as well and efficiently as on the date of assumption by the City of such operation and maintenance.

(b) If the Contracting Officer finds it advisable, for any reason, the United States may assume the operation and maintenance of the Dam and Reservoir. In such a contingency, the City will, within ten (10) days, advance to the United States its estimated cost of operating and maintaining the Dam and Reservoir for the remainder of the water year. Thereafter, on the first day of each water year in which the United States operates and maintains the Dam and Reservoir, the City will advance to it the estimated cost of that year's operation and maintenance as determined by the Contracting Officer who will adjust such amount to take care of any deficit or over-payment of such cost in the previous year. In the event the United States assumes the operation and maintenance of the Dam and Reservoir, it may retransfer such operation and maintenance to the City at any time and the City will accept such retransfer.

(c) On account of drouth, hostile diversion, or other causes there may be years in which the United States has no storage in the James Diversion Reservoir but this will not excuse the City from making the payments required hereunder. In no event will liability accrue against the United States, its officers, agents, or employees for any damage, direct or indirect, arising out of such lack of water or arising from any lack of purity or potability of the water furnished the City hereunder.

OAHE UNIT WATER AVAILABLE

6. When water is available for use by the City through other works of either the Oahe or Garrison Units of the Missouri River Basin Project, the United States may, and will, upon the execution by the City of a new contract satisfactory to the Contracting Officer, terminate this contract. The new contract will provide for the purchase of such amounts of Oahe Unit or Garrison Unit water as the City then needs.

WATER RATES

7. The water charges due the United States by the City hereunder will be operation and maintenance costs of the City's water system. The City will establish water rates adequate to maintain its municipal water system in good condition and to meet all payments due under this contract.

DEFAULT

8. (a) Interest will be paid at the rate of one-half per cent per month on any sums due the United States and unpaid, Provided that no penalty shall be charged to or paid by the City unless such delinquency continues for more than thirty (30) days.

(b) No waiver by the United States of its rights with respect to default or any other matter arising in connection with this contract will be deemed to be a waiver with respect to any subsequent default or matter or a waiver of its rights to bring suit for the collection of any funds due or owing it by the City. All rights of action for breach of this contract are reserved to the United States as provided in Section 3737 of the Revised Statutes of the United States, as amended (41 U.S.C. 15).

CONTINGENT UPON APPROPRIATIONS OR ALLOTMENT OF FUNDS

9. The expenditure of any money or the performance of any work by the United States herein provided for which may require appropriations of money by the Congress or the allotment of funds, will be contingent upon such appropriations or allotments being made. The failure of an allotment of funds will not relieve the City from any obligations then accrued under this contract and no liability will accrue to the United States in case such funds are not appropriated or allotted.

OFFICIALS NOT TO BENEFIT

10. No Member of or Delegate to Congress or Resident Commissioner will be admitted to any share or part of this contract nor to any benefit that may arise herefrom, but this restriction will not be construed to extend to this contract if made with a corporation or company for its general benefit.

DISCRIMINATION AGAINST EMPLOYEES OR APPLICANTS FOR EMPLOYMENT PROHIBITED

11. (a) In connection with the performance of work under this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee, or applicant, for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 10925 of March 6, 1961, and of the rules, regulations, and relevant orders or the President's Committee on Equal Employment Opportunity created thereby.

(5) The contractor will furnish all information and reports required by Executive Order No. 10925 of March 6, 1961, and by the rules, regulations and orders of the said Committee, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled in whole or in part and the contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order No. 10925 of March 6, 1961, and such other sanctions

may be imposed and remedies invoked as provided in the said Executive Order or by rule, regulation, or order of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

(7) The contractor will include the provisions of the foregoing paragraphs (1) through (6) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the President's Committee on Equal Employment Opportunity issued pursuant to Section 303 of Executive Order No. 10925 of March 6, 1961, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(b) To carry out the regulations (41 CFR, Section 60-1.3) issued under Executive Order No. 10925 of March 6, 1961, the City is hereby bound and agrees to include in each subcontract which it shall make with a subcontractor paragraphs (1) through (7) of Section 301 of said Executive Order.

(c) The City further shall require each of its subcontractors (first tier) to include in every subcontract with each of their subcontractors (second tier) the following clause: "The here identify the subcontractor of the second tier by name/ shall incorporate by reference in each subcontract or purchase order with a subcontractor or supplier paragraphs (1) through (6) of Section 301 of Executive Order 10925 of March 6, 1961, unless exempted pursuant to Section 303 thereof."

IN WITNESS WHEREOF, the parties hereto have affixed their names the day and year first above written.

UNITED STATES OF AMERICA

By /s/ Kenneth Holum

Title Asst. Secy.
Department of Interior
CITY OF HURON, SOUTH DAKOTA

By /s/ Gene W. Denison

Title Mayor, City of Huron

ATTEST:

/s/ R. E. Peterson

Title City Auditor

Location No. 755-3Water Division No. 3 James 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 Huron, Huron, 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. December 23, 1960

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

Ans. James River at 3rd st Dam

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. New flash board, 10" x 2" x 228' on top of existing 3rd st dam, constructed in 1960 and has resulted in additional storage of 600 acre-foot.

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. Municipal supply for city of Huron water supply.

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

Ans. Storage for city of Huron water supply,

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

Ans. 600 Acre-foot

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. The flash board was constructed in 1960 and has been used to store 600 acre-foot additional water annually each year since except for 1967

(Sign) Norman Van Lichle ✓
City Engineer

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 Thursby, S. Dak. County of Beadle State of South Dakota, on this 12 day of February A. D. 1968

Hermon H. Gander
Witnesses. Notary Public

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.

Earl E. Burpison ✓
Ernie Passenkeiser ✓

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 _____
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Permit No. 755-3Water Division No. 3JamesRiver 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 TheCity of Huron, of _____Beale County, South Dakota, holder of Permit No. 755-3, issuedupon Application No. 755-3, bearing date of priority of Dec 23, 1960, 10____, authorizing thediversion of 600 ^{sf per sec} Ac cu. ft. per second of the waters of James River for Municipal

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

The diversion works comprise: Flashboard on top of existing damat third street crossing over James River - Flashboard
dimensions are 228' x 10" x 2"and the system is in the following condition: GoodThe point of diversion is located at third st crossing at JamesRiver in City of HuronThe works are capable of diverting and conveying storing to the place of use 600 Ac cu. ft. per second of water,
which is to be used for Municipal purposes

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 17th day of February, A. D. 1961.

—SEAL—

Ronald W. Russell
Examining Engineer.
Report, dated February
17, 1961, James River Commission

January 24, 1969

Mayor Lowell Schmidt
City of Huron
Huron, South Dakota 57350

Dear Mayor:

This concerns your letter of January 22 about the water supply for your proposed municipal golf course.

Water for the golf course may be used under Huron's three water rights in James River waters (water right 9-3 for diversion of 10 cubic feet per second; 755-3 and 1022-3 for storage by the 3rd Street dam) and under water right 1027-3 held by the Bureau of Reclamation and under contract for water use by Huron.

No complications are involved if you locate the golf course north of Huron (S $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 25) and pump from the 3rd Street reservoir into Ravine Lake then to the golf course.

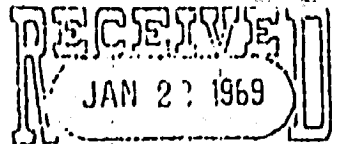
If you locate the golf course east of Huron (SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 6), releases past the 3rd Street dam from the 3rd Street reservoir or from the James River reservoir will be necessary at the rate that you pump for the golf course, except when there are ample flows in the James River (spills over the 3rd Street dam) to satisfy prior downstream water rights. The return flows from the stabilization ponds are appropriated by these other water users because of the long period of time that Huron's sewage effluent flows have been a part of James River flows.

If the maximum rate of diversion of water (city use, parks, golf course, etc.) will exceed 10 c.f.s., it may be desirable to establish a new rate of diversion in the City's water right record.

Sincerely,

JWG:ls

J. W. Grimes



CITY OF HURON
SOUTH DAKOTA

STATE WATER RESOURCES COMMISSION

Office of the Mayor,
LOWELL SCHMIDT

January 22, 1969

Mr. J. W. Grimes
Chief Engineer and Executive Officer
Water Resources Commission
Pierre, South Dakota

Dear Mr. Grimes:

We are investigating several sites around the city of Huron for the ultimate development of an 18-hole municipal golf course. Final selection will be dependent upon several factors. The availability of suitable and adequate water for irrigation of the greens and fairways is one of the very important considerations.

The city of Huron has Water Right No. 93 from the James River which provides for the diversion of 10.0 c.f.s. We assume this water right permits the diversion of James River water for use on a municipal golf course as well as for all other municipal uses.

Two areas are presently under consideration for a golf course using James River water. One proposal considers pumping from the James River into Ravine Lake and then pumping from Ravine Lake to the present municipal golf course area immediately north of the Huron municipal airport in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 25, T. 111 N., R. 62 W. On the basis of some previous exploratory drilling by others in this area, it is very doubtful whether ground water would be available; however, we are not ruling out a test for ground water if this area is selected.

The second area is situated between the east city limits of Huron and the James River. Water could be pumped directly from the river for this golf course area. The point of diversion would be near where the effluent for the Huron sewerage stabilization ponds enters the James River within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 6, T. 110 N., R. 61 E.

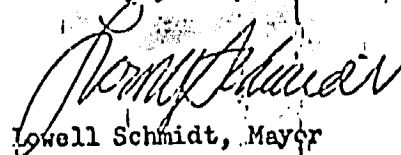
It is expected that the annual irrigation water requests for an 18-hole golf course would be about 200 acre-feet.

Please advise whether water Right No. 9-3 will permit city of Huron to divert James River water for the irrigation of a municipal golf course.

Page 2 -- J. W. Grimes letter -- January 22, 1969

I would appreciate your reply within the next few days so we can begin to make appropriate plans for the proposed golf course.

Sincerely yours,



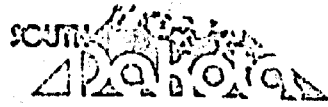
Lowell Schmidt, Mayor

LS:ecn

cc: Mr. Tal Lockwood, Chairman
Golf Course Committee

Mr. Darles Erickson
City Commissioner

Mr. R. E. Peterson
City Auditor



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

June 5, 1978

Harold Root
Water Superintendent
City of Huron
Huron, SD 57350

Dear Mr. Root:

In answer to your inquiry regarding the 3rd Street Dam Flashboards. In checking the water right and the minutes of the Water Resources Commission we can find no mention of the flashboards having to be removed at any time during the year.

If you have any further questions feel free to contact this office.

Sincerely,

Betty Westlund
Water Rights Specialist

BW:plh

April 21, 1971

Mr. Theodore I. Spaulding
Route #3
Huron, South Dakota 57350

Dear Mr. Spaulding:

Reference is made to your letter of April 7, 1971 reporting that the splashboard on the Huron 3rd Street Dam results in damage to your land.

As you have probably concluded, this is primarily a matter between you and the City of Huron and this office cannot force the City, or Mayor, of Huron to alter the situation.

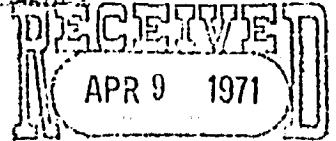
However someone from this office will check the situation and then discuss it with you on one of the first trips into that area.

Sincerely,

J.W. GRIMES

JWG/DD/bw

Huron, South Dakota
Route Three
7 April 1971



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Mr. J. Grimes
State Water Resources Commission
Pierre, South Dakota

Dear Sir:

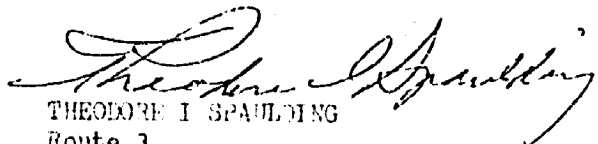
I have a problem that involves the water in the James river north of Huron. It was suggested that I write to you to determine if there is anything that can be done about it.

My farm is on both sides of the James, beginning with the highway #11, bypass on the north side of town. Several years ago the city placed what they refer to as splash board on top of the rock and concrete dam near the railroad bridge in town. This raises the water level about 13 inches and retains it at that level most of the summer. The resulting back-up of water has damaged and continues to damage my farm land. I did nothing about it for a few years as it appeared to be a temporary measure and I didn't want to be difficult. I figured that when they finished the dam north of town they would no longer need the added storage space.

When the dam was finished and the city again put up the splash boards I spoke to the mayor about it. He refused to do anything. When I reminded him that my lawyer said that what the city was doing was illegal his remark was "Call your lawyer, I'm not going to take the board down until the end of the summer!" Last year the boards were not used so I assumed that the problem was solved. Last week they reappeared.

They have never taken any steps to get an easement, or any other kind of permission to flood part of my farm. Is there anything that you can do or that I can do short of going to court to solve this problem.

Sincerely,


THEODORE I. SPAULDING
Route 3
Huron, South Dakota



INTER-DEPARTMENT CORRESPONDENCE
State of South Dakota

Huron 5.2



From Dept. of Health, Div. of San. Engr. To Dept. of State Water Resources Commission
Subject Routine Sanitary Survey of the Date September 23, 1960
Huron Municipal Water Works

Attached is a copy of our September 22, 1960 formal report on a recent sanitary survey of the Huron City water works.

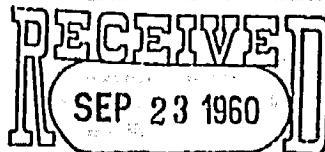
Your attention is directed to the description of the West well field on pages 1 and 2, to Survey Finding no. 4 on page 4 and to Recommendation no. 4 on page 6; all concerning protection of groundwater resources.

Yours very truly,

Charles E. Carl

Charles E. Carl, Director
Division of Sanitary Engineering

JDB:ej
Attachment



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

*City
Huron
755-3*

SOUTH DAKOTA
STATE DEPARTMENT OF HEALTH
PIERRE

September 22, 1950

In reply refer
to: Huron 5.2

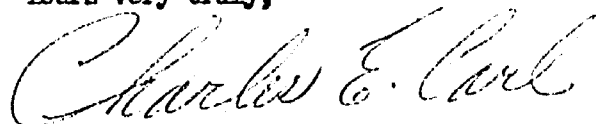
G. W. Denison, Mayor
and Members of the City Commission
City of Huron
Huron, South Dakota

Honorable Gentlemen:

Attached is a report entitled "Routine Sanitary Survey of the Huron Municipal Water Works". This report has been prepared on the basis of a sanitary survey of your water works by the Division of Sanitary Engineering and is submitted for your information and guidance.

Please acknowledge receipt of this report together with action contemplated on the recommendations included herein. If this Division can be of assistance in this matter, please advise.

Yours very truly,



Charles E. Carl, Director
Division of Sanitary Engineering

JDB:cj

Attachment

cc: Morgan Sanford, Water Commissioner
Harlan Meyer, City Engineer
Alfred Ross, Superintendent of Water Works
Richard A. Coddington, District P.H. Engineer
S.D. Committee on Water Pollution
Water Resources Commission

C O P Y

SOUTH DAKOTA
STATE DEPARTMENT OF HEALTH
DIVISION OF SANITARY ENGINEERING
PIERRE

TOWN Huron, South Dakota DATE September 22, 1960
REPORT ON Routine Sanitary Survey of the Huron Municipal Water Works
BY J. Darrell Bakken, Chief, Water Sanitation Section
 Richard A. Coddington, Acting District Public Health Engineer
TO G. W. Denison, Mayor, and Members of the City Commission, Huron, South Dakota

DATE OF SURVEY: August 25 and 26, 1960

PERSONS CONTACTED:

1. Alfred Ross, Superintendent of Water Works
2. Harlan Meyer, City Engineer
3. Morgan Sanford, Water Commissioner
4. Harold Root, Operator, Water Treatment Plant
5. J. T. Vosler, Consulting Engineer

PURPOSE OF SURVEY:

To evaluate the public health aspects of the construction, operation and maintenance status of the Huron municipal water works and to formally inspect the new water works facilities now under construction or completed in the recent past.

DESCRIPTION OF WATER WORKS:

The Huron municipal water works at the time of this survey consisted of the following facilities: water treatment plant and appurtenances, west well field, water treatment plant clear well, ground-level reservoir, three high-lift pumping stations, one steel standpipe, four elevated steel tanks and the distribution system. The two wells west of the community, the ground-level reservoir, one high-lift pumping station, two elevated steel tanks, a major water distribution system loop and water treatment plant additions were constructed since our last report of April, 1957.

A description of the various water works facilities presently in use follows:

WEST WELL FIELD SYSTEM

1. Two drilled wells are located on 80 acres of City-owned land approximately three miles west of the community.

WELL	DEPTH	DIAMETER	CASE	PUMP	DATE BUILT
1	82'	22" O.D.	Concrete	Turbine; 600-1000 GPM	1958
2	84'	18" I.D.	Steel	Turbine; 400-600 GPM	1959

Routine Sanitary Survey of the
Huron Municipal Water Works

September 22, 1960

2. A 60,000 gallon elevated steel standpipe collects water pumped from the wells. A Wallace and Tiernan Model A-327 gas, solution feed chlorinator of 10 pounds per day capacity feeds chlorine to the suction side of the high-lift pumps.
3. Two Fairbanks-Morse centrifugal high-lift pumps of 1000 and 2500 gallons per minute capacity, respectively, pump water from the standpipe to the community.
4. Water from the west well field is conveyed to the community through a 16-inch diameter transmission line.

WATER TREATMENT PLANT SYSTEM

The present Huron water treatment plant was placed in operation in 1950. Rated plant capacity, based on the recommended filtration rate of two gallons per minute per square foot of filter area, is 4.15 MGD (2880 gallons per minute). During periods of high water demand, a water treatment facility of this type may be operated at rates up to fifty per cent overload for a short time; thus the maximum rated capacity of your water treatment plant is 6.2 MGD (4320 gallons per minute). A complete description of the equipment and processes in use at the time of the survey is as follows:

1. A raw water intake structure located behind the low-head impounding dam in the James River just north of the U.S. Highway 14 bridge.
2. A raw water pumping station consisting of three pumps and motors housed in a brick and reinforced concrete structure located adjacent to the James River. The two centrifugal raw water pumps have capacities of 1150 and 2350 gallons per minute, respectively. A new turbine raw water pump has been installed since our last survey and is rated at 2000 to 3500 gallons per minute. The latter unit is normally powered by a 200 horsepower electric motor but is equipped with a gas engine standby drive.
3. A baffled inlet basin; carbon and alum are presently added to this unit.
4. The pre-sedimentation basin.
5. The rapid mix basin. Chlorine solution and slaked lime are added just ahead of the rapid mix basin while additional alum and the coagulant aid activated silica are added just following this unit.
6. Flocculation or slow-mix basin No. 1.
7. The two sedimentation (settling) basins are presently being used in parallel.

Routine Sanitary Survey of the
Huron Municipal Water Works

September 22, 1960

8. Sodium silicofluoride, for controlled artificial fluoridation, is added just ahead of the filter units.
9. Recarbonation with carbon dioxide gas in a covered basin beneath the main plant entrance.
10. Polyphosphate in the form of a solid ball is fed by a pot feeder just ahead of the filter to further stabilize the water following recarbonation.
11. Four rapid gravity filters equipped with "Anthrafilt" media; each filter has a surface area of 360 square feet.
12. Chlorine for post-disinfection may be added following the filters.
13. A 200,000 gallon treated water clear well beneath the plant. The clear well is interconnected with the nearby new ground-level concrete reservoir.
14. A high-lift pumping station consisting of four below-ground centrifugal pumps of 1250, 1250, 1000 and 400 gallons per minute.
15. The unit originally designed for use as a second flocculator, until recently used as a recarbonation basin, is not in use at the present time.
16. Metering equipment is provided for indicating, totalizing and recording raw water as well as treated water flows at the treatment plant.
17. The treatment plant is provided with sufficient and adequately-sized feeders for the controlled addition of all chemicals presently used or those used at certain times of the year because of raw water conditions.

STORAGE FACILITIES

1. A new 3,000,000 gallon ground-level reinforced concrete reservoir has been constructed adjacent to the water treatment plant. A new high-lift pumping station housing two vertical turbine pumps of 2000 gallons per minute rated capacity each was built over the reservoir. One of the pumps is equipped with a standby engine drive. As previously mentioned, this facility is connected with the water treatment plant clear well. This sorely-needed portion of the water works facilities will be in use as soon as the electrical control panel is placed into operation.
2. Elevated storage for the system is provided by four elevated steel tanks of 750,000; 300,000; 200,000 and 200,000 gallons.

Routine Sanitary Survey of the
Huron Municipal Water Works

September 22, 1960

SURVEY FINDINGS:

1. Your attention is directed to our January 29, 1957 report entitled "Disposal of Water Treatment Plant Sludge." Copies of this report were furnished the Mayor, the City Auditor, the City Engineer and the Superintendent of Water Works. It was noted during the survey that water treatment plant sludge is still being discharged directly to the James River beneath the U.S. Highway 14 bridge. The discussions and recommendation in the January, 1957 report are still applicable and we trust that the City will see fit to correct this water pollution problem at an early date.
2. It was reported that planning is currently under way to construct a small addition to the north side of the water treatment plant adjacent to the railroad siding for the storage of 1-ton chlorine cylinders. This matter has been informally discussed with City officials in the recent past. We heartily concur in the proposal to separate the chlorine cylinders in order to protect personnel as well as a large equipment investment from potential chlorine gas leakage.
3. We were advised that an individual has approached the City Commission with a proposal to construct a private golf course on the eighty acre plot of City land now comprising the west well field. Our opinion was requested regarding the potential public health effects of a golf course club house sewage disposal system on the two municipal water wells. It is our understanding that the development is to be strictly a golf course and pro shop rather than a complete country club with year-around restaurant and bar facilities. Therefore, the sewage disposal system will only be connected to the golf club restrooms. It is our opinion that a satisfactory sewage disposal system could be developed for the proposed golf course and that the proposed use is compatible for a municipal well field. We would appreciate reviewing and approving the proposed water supply and sewage disposal systems for the golf course prior to start of construction.
4. The existing unused wells in the west well field have not as yet been properly abandoned. It is felt that these wells should be (a) plugged with gravel in the water-bearing formation and (b) filled with concrete from the top of the water-bearing formation up to ground level to protect the two present wells as well as the formation in general.
5. All water passing through the water treatment plant is carefully measured and excellent records are maintained of these results. Considerable use is being made of the two wells in the west field but yields and total pumpage must be estimated at the present time. We recommend that a flow meter be installed on the high-

Routine Sanitary Survey of the
Huron Municipal Water Works

September 22, 1960

lift discharge line in the west well field or that meters be installed on all wells for information and detailed record purposes.

6. It was noted that the vent system for the fluoride feeder in the water treatment plant has never been installed. The hopper portion of a fluoride feeder should be properly vented to the outside of the plant.
7. Carbon is a very important chemical at your water treatment plant. This chemical is difficult to handle in that it is abrasive, very fine and "dirty." A dust collector is needed for the present carbon feed facility to protect other equipment investment and improve operator efficiency.
8. All portions of the \$750,000 water works improvement program authorized by the voters in 1958 have been completed except the electrical controls which would allow use of the new ground-level reservoir and the new high-lift pumping station.
9. Available records indicated that average water pumpage in 1959 was 1,500,290 gallons per day. During the period January through July, 1960, average minimum water consumption was 1,000,000 gallons per day. The total pumpage in July reached 102,501,000 gallons or an average of approximately 3.3 MGD. As a matter of interest, the records indicated that the peak month to date was August, 1958 when consumption reached 118,688,000 gallons. It was reported that the water treatment plant was in continuous operation for 116 hours during the period July 19 through 23, 1960. A peak total pumpage of 5,026,000 gallons per day was reached on July 22. Pumpage during the period July 19 through August 4 varied from 3.3 to 5.0 MGD and exceeded the rated capacity of the water treatment plant on ten of those days. The effort to stay ahead of modern municipal water demand is a continuous one!

BACTERIOLOGICAL SAMPLING AND TESTING RECORD:

A review of Huron's participation in the Department's statewide bacteriological sampling and testing program for public water supplies revealed that your community has attained the yearly "Honor Roll" every year during the period from 1950 through 1959. To attain the yearly "Honor Roll" at present, the City must collect and submit at least ten bacteriological water samples each and every month and maintain a satisfactory test record. We trust that your excellent cooperation in this program will continue. Because of population increase, it is recommended that the number of samples collected be increased to a minimum of 12 per month effective January 1, 1961.

Routine Sanitary Survey of the
Huron Municipal Water Works

September 22, 1960

RECOMMENDATIONS:

The following recommendations regarding matters of public health significance are presented for your consideration:

1. That a satisfactory method for lime sludge disposal from the water treatment plant be initiated at an early date.
2. That the City construct a small separate addition to the water treatment plant for storage of one-ton chlorine cylinders and appurtenances.
3. That plans and specifications for the proposed water supply and sewage disposal systems for the golf course on the west well field property be submitted to this Department for review and written approval prior to start of construction.
4. That the abandoned wells in the west well field be properly abandoned, filled with gravel in the water-bearing formation and plugged with concrete from the top of the water-bearing formation up to ground level.
5. That flow measuring equipment be installed at the west well field.
6. That the fluoride feeder in the water treatment plant be properly vented to the outside atmosphere.
7. That a dust collector be installed on the carbon feeder in the water treatment plant.
8. That, no later than January 1, 1961, a minimum of 12 bacteriological water samples be collected from your system each and every month.

CONCLUSION:

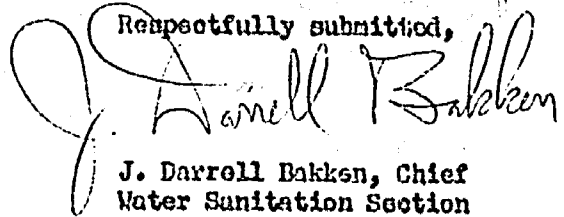
In the course of formal and informal visits to your water works facilities, representatives of this Department have observed that operation and maintenance of existing facilities is continuously excellent. We commend responsible City officials -- and especially Mr. Alfred Ross and his crew -- for their efforts in providing a satisfactory water supply to the citizens of Huron.

Routine Sanitary Survey of the
Huron Municipal Water Works

September 22, 1960

We also commend the City of Huron and its citizens for the many water works improvements carried out in the past three years. However, we trust that additional improvements are now in the planning stage and that necessary construction will be carried out in the future prior to actual need. If this Department can be of assistance to you at any time in water works matters, please do not hesitate to contact us.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "J. Darrell Bakken". The signature is fluid and cursive, with the first name "J." being a simple loop, and "Darrell" and "Bakken" written in a more elaborate, connected script.

J. Darrell Bakken, Chief
Water Sanitation Section

April 6, 1977

Glenn B. Housiaux
City Engineer
City of Huron
Huron, S.D. 57350

Dear Mr. Housiaux:

This will acknowledge your letter concerning a Water Right Application to appropriate water under the City of Huron's Future Use permit No. 753-3. The forms to make application are attached. If the application is made, state either on the application or in a letter that the water is from your future water right permit.

Water Rights Commission members have indicated a permanent water right would not be approved to pump water from wells into a creek due to the resultant loss and waste of water other than under emergency conditions. Any water right would need to be for pumping into a transmission line into Huron.

On another matter, I discussed installing the splash boards on the Third Street Dam with Harold Root this week. The Water Right Commission has requested that the splash boards be installed as soon as possible to allow water to be stored while there is flow in the James River. Harold indicated the boards would be installed this week. We appreciate your cooperation in this matter.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw
Encl: As stated

755-3

SOUTH DAKOTA
Department of
Water & Natural Resources
Joe Foss Building
Pierre, South Dakota 57501
Water Rights Division
605 773-3352

September 22, 1981

Wendell Lewis
Water Commissioner
City of Huron
Huron SD 57350

Dear Mr. Lewis:

Per your telephone request, you may consider this letter as authorization to remove 4" of water from the 3rd Street storage to facilitate construction of the permanent riser on the dam, and to store this amount of water into Ravine Lake.

Should you have questions, feel free to contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:BJ:kw

Equal Opportunity Employer

R-101-9/79

9-22-81

CALL FROM MERLE LEWIS -
WATER COMMISSIONER @ HURON -

THEY HAVE LET A CONTRACT
TO PLACE THE PERMANENT
RISER ON 3RD ST. DAM -

TO FACILITATE CONSTRUCTION,
THEY NEED TO DRAW DOWN
WATER LEVEL ABOUT 4"

WANT TO KNOW IF THEY CAN
PUMP THIS STORED WATER
INTO RAVINE LAKE -

PROPOSE TO REFILL 3RD ST
DAM FROM STORED WATER AT
JAMES DIVERSION DAM

133-3

**Department of
Water & Natural Resources**
Joe Foss Building (605) 773-3352
Pierre, South Dakota 57501 Water Rights Division

July 25, 1980

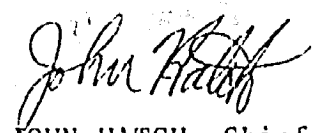
Paul K Flanagan
Mayor
City of Huron
Huron, SD 57350

Leland Kleinsasser
RR.#2
Huron, SD 57350

Gentlemen:

Enclosed is the motion passed by the Water Management Board July 24, 1980 authorizing an exchange of water on an experimental and temporary basis by Leland Kleinsasser and the City of Huron.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights, WMD

JH/gy

encl

cc: Water Management Board

Equal Opportunity Employer

MOTION PASSED BY WATER MANAGEMENT BOARD
AT ITS REGULAR MEETING, PIERRE, SOUTH DAKOTA

July 24, 1980

Mr. Rylance MOVED, SECONDED by Mr. Hanson that the Board authorize an exchange of water on an experimental and temporary basis.

- 1) Such authorization allows Leland Kleinsasser to pump up to 80 acre feet of water from the James River to a 130 acre circle in the NE¹/₄, Section 16, T112N, R61W and on 70 acres in the NE¹/₄, Section 11, T111N, R61W, and is
- 2) Subject to the approval of the Huron City Commission.
- 3) Up to 80 acre feet of water that Mr. Kleinsasser pumps from the James River be pumped back into the James River from his two ground water wells located in Section 8, T112N, R61W. The withdrawals and replacement pumping shall be monitored by installation of a time meter or other metering device, if such device is available.
- 4) That this temporary authorization is experimental only, and good until December 31, 1980 and is subject to cancellation at any time that the project does not prove feasible to the City of Huron or to the Water Management Board.
- 5) That the 80 acre feet of water that is pumped from the James River is to be from the City of Huron's storage on the James River.

MOTION CARRIED.

Water Rights Division - BWR
Conversation or File Documentation

9-3 1022-3
9-3A 2049-3
File No. 755-3

NAME OF PERSON OR FILE: City of Huron
ADDRESS: Huron SD 57350 COUNTY Beadle
DATE: 12/19/85 TELEPHONE _____
RE: _____

COMMENTS:

Huron's water rights were inspected on May 2, 1985, for the purpose of updating records regarding James River diversions. Additional information regarding the pumping equipment for James River diversions was recorded as follows:

1) motor: General Electric, 1750rpm pump: Fairbanks Morse
M.N. SK6238XM501B S.N. K3A2080910-1
S.N. JMJ922336, 50hp. 1750rpm, size - 15H

2) motor: General Electric, 1750rpm pump: Fairbanks Morse
M.N. SK6237XM501B S.N. K3A2080909
S.N. KMJ1013331, 40hp. 1750rpm, size - 13H

3) motor: General Electric, 1750rpm pump: Fairbanks Morse
M.N. SK6238XM501B S.N. K3A2080910
S.N. JMJ922331, 50hp. 1750rpm, size - 15H

1) thru 3) have a total capacity of 5800 gpm

4) motor: U.S. Electrical pump: Western Lard Roller
S.N. 2890363 S.N. 959380
1800rpm, 20hp.

4) Used for pumping from James River to Ravine Lake.

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: Don Duvall



Department of Water & Natural Resources

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

May 26, 1988

Theodore Spaulding
Rt 3
Huron SD 57350

RE: Water Right No. 755-3

Dear Mr. Spaulding:

I am writing in response to your May 26, 1988 request for assistance regarding flooding of your land. You believe the flooding on to your land is due to the replacement of flashboards on the Huron Third Street Dam with concrete and city storm drainage. The following options which you may wish to consider, are not intended to be legal advice. Your attorney should be contacted for legal advice.

1. Initiate legal action in court against City of Huron.
2. Petition Beadle County Commissioner to resolve the storm sewer drainage problem pursuant to Drainage Laws. Counties have jurisdiction over drainage.
3. Petition the Water Management Board for a declaratory ruling pursuant to Board Rules 74:02:01:46 thru 74:02:01:49 to determine:
 - a. If replacement of flashboards with permanent concrete violates Water Right No. 755-3 as licensed in 1968.
 - b. If Water Right No. 755-3 should be amended to require correction of the alleged flooding problems.

Very truly yours,

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

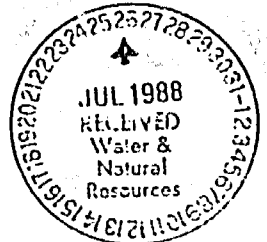


THEODORE I. SPAULDING

605/352-5810

~~P.O. Box 907~~ R. 1 Box 147B

Huron, South Dakota 57350

Huron, South Dakota
July 25, 1988John Smith
Board of Water and Natural Resources
Foss Building
Pierre, South Dakota 57501

Dear John,

Confirming our recent conversation in Huron on July 21, I am seriously concerned about the recent contract let by the city to replace the 3rd St. dam on the James River in Huron. This dam, constructed in the 1930's, I believe, to impound James River water for city use was enlarged, without official permission, by adding slightly more than twelve inches of concrete in height approximately four years ago.

My concern, John, is the final height of the new concrete structure. It must not be higher than the authorized height of the concrete structure which existed until the illegal addition some four or five years ago.

I have tried to accomodate the city and have put up with their improper actions but each year my farm suffers additional damage due to the increased water level of the James. The added twelve inches has already permanently damaged or destroyed several acres of prime farm land.

I appreciate the city's need for water and have worked publicly and privately in their behalf but I cannot continue to tolerate their infringement on my property rights with total disregard for my concerns.

I would appreciate if you could inform them of the legal ramifications of the situation.

I wish to avoid legal action if at all possible but will certainly have to go to court to settle this if reason and fairness do not prevail.

I thank you for any assistance you can give me.

Sincerely,

A handwritten signature in cursive script that reads 'Ted Spaulding'. Below the signature, the name 'Ted Spaulding' is printed in a simple, sans-serif font.



Department of Water & Natural Resources

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

*Water Rights
file
755-3*

August 9, 1988

Theodore Spaulding
Rt 1, Box 147B
Huron SD 57350

Dear Ted:

I am writing in response to your July 25, 1988 letter requesting my assistance in resolving your problems with the Huron Third Street Dam. You are entitled to petition the Water Management Board for a declaratory ruling pursuant to Board Rules 74:02:01:46 thru 74:02:01:49 to determine the appropriate resolution of the matter.

Please identify with sufficient detail which laws or regulations you assert are relevant to your complaint.

When we have received your petition, we will give notice of a hearing before the Water Management Board. The notice of hearing may result in the City of Huron being willing to discuss and resolve your complaints prior to the hearing.

Enclosed are the four sections of Board rules that list the procedures for filing a petition. Be sure and send a copy of your petition to the City of Huron.

Let me know if I may be of further assistance.

Sincerely,

JOHN J. SMITH, Secretary
Dept. of Water and Natural Resources

enclosure

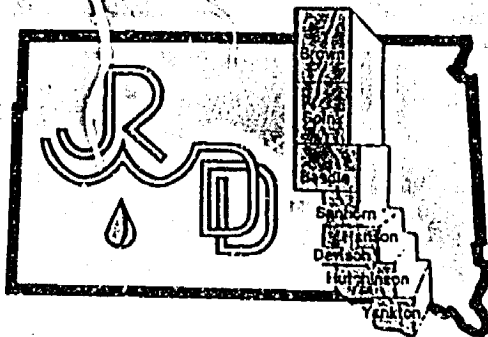


James River Water Development District

STAFF

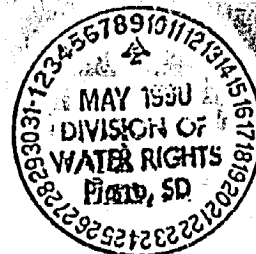
Jerry Bledenfeld, Manager
Kathy Cronin, Office Manager
Terry Mills, Water Project Coordinator

City Hall P.O. Box 849
Huron, SD 57350
605-352-0600



BOARD OF DIRECTORS

DON BARBER-Mitchell
CLINTON BAUER-Freeman
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W.J. "Joe" VAN DEROSTYNE-Aberdeen
IRVING WESSEL-Huron



May 8, 1990

Mr. John Hatch, Chief Engineer
Water Rights Division
Joe Foss Building
Pierre, South Dakota - 57501

Dear Mr. Hatch:

Thank you for the past assistance of you and your staff relative to James River water right needs.

Recognizing the potential drought problems, Huron's dependence on the James River for water, and a need to better define the water rights of Huron, the City of Huron has requested that we obtain a clarification on Huron's James River water rights.

As such, we are requesting your assistance by answering the following questions:

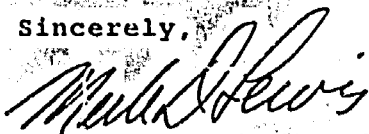
1. Please identify and explain Huron's water quantity rights to the James River. We would appreciate receiving a copy of Huron's water right as part of your answer.
2. We understand that the Bureau of Reclamation owns and holds in reserve certain water rights for the City of Huron. Please identify and explain those water quantity rights.
3. Please explain the necessary steps for Huron to take to get those water rights transferred to the City of Huron. As part of your answer, please explain any implications such a transfer would have on the "PRIORITY DATE" of the water rights.
4. Please identify and explain Sand Lake National Wildlife Refuge's water quantity rights to the James River. We would appreciate receiving a copy of Sand Lake National Wildlife Refuge's water right as part of your answer.
5. In the event that Sand Lake National Wildlife Refuge has water behind their dams, what obligation do they have to allow water to free flow to satisfy Huron's direct or indirect water rights?

6. If Huron is in need of water to fulfill their direct or indirect water rights, can Sand Lake store James River flows before Huron's water right is fulfilled?
7. What is the correlation between South Dakota James River water rights and James River water withdrawals that take place in North Dakota?
8. What protection does South Dakota James River water right holders have against people in North Dakota making withdrawals to the detriment of South Dakota water right holders?
9. Please explain the necessary steps required to allow upstream irrigators to pump water into the James River to supplement Huron's and Dakota Pork's water needs.
10. Would the Department of Water and Natural Resources staff support such an initiative?

John, the City of Huron needs this information to explore possible options for future actions to meet the basic needs of its citizens under a continuing drought cycle. The present condition of the James River, due to the past three years of drought conditions, have prompted the need to seek possible future water solutions and alternatives.

Your assistance in providing this information by May 22, 1990, will enable Huron to begin taking the necessary steps to plan for their future water needs. If you need additional information, you can contact me direct at 352-8411, or through Jerry Biedenfeld at 352-0600.

Sincerely,



Merle D. Lewis, Chairman
James River Water Development District

cc: Norm Ambrosius, Huron Water Commissioner
JH0502



Department of Water & Natural Resources

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

May 25, 1990

Merle D. Lewis, Chairman
James River Water Development District
P.O. Box 849
Huron SD 57350

Dear Mr. Lewis:

I am writing you in response to your letter of May 8, 1990. The following are answers to your questions:

1. The City of Huron has the following water rights:

A) SURFACE WATER:

Water Right No.	Priority Date	Remarks
9-3	April 22, 1914	allows diversion of 5 cubic feet of water per second (cfs) from the James River
9-3A	March 31, 1950	allows 5 cfs diversion from the James River, in addition to No. 9-3
755-3	December 23, 1960	for storage of 600 acre-feet (AF) annually in 3rd Street dam
1022-3*	1936	for storage of 2600 AF annually in 3rd Street dam
2049-3	February 13, 1974	for 2 cfs from the James River during the months of April, May and June, when flows are available for irrigation of golf course and for storage of 90 AF annually in Ravine Lake

* Vested Water right claim which has not been validated by the Water Management Board pursuant to SDCL 46-5-49.

B) GROUNDWATER:

565-3	January 14, 1955	for 2.0 cfs
753-3	December 26, 1960	reserves 4.0 cfs for future use
4296-3	December 26, 1960	uses 0.95 cfs of 4.0 cfs reserved under Future Use Permit No. 753-3
4962-3	December 26, 1960	3.05 cfs, the remainder of water reserved by Future Use Permit No. 753-3

2. The Bureau of Reclamation holds Water Right No. 1027-3 for storage of James River water in the James Diversion Dam as follows:

Transferred 280 acre feet of storage from Vested Water Right Claim No. 1022-3, 3rd Street Dam, to storage in the James Diversion Dam with a priority date of 1936.

Transferred 2100 acre feet of storage from Vested Water Right Claim No. 1023-3, Spink County Dam, to the James Diversion Dam with a priority date of 1937.

2495 acre feet of new storage in the James Diversion Dam with a priority date of March 28, 1963.

Water Right No. 1027-3 requires 20 cfs of inflow to the reservoir to be bypassed for downstream domestic use.

3. The water is stored by the Bureau of Reclamation for the City of Huron. Transfer of the Water Right can be accomplished, without any affect on the priority date, by filing a transfer form and the necessary fees with the Division of Water Rights. Since there may be a contract between the City of Huron and the Bureau of Reclamation, the Bureau of Reclamation would have to agree to any transfer.
4. U.S. Withdrawal No. 1-3, for the Sand Lake National Wildlife Refuge, was filed with the State Engineer on October 30, 1934. The water right claims all the flows of the James River and its tributaries lying within the boundary of Brown County, South Dakota. After construction, the examination of works for the water right stated that Houghton and Columbia Dams provided for water use on 11,347 acres, a total storage of 27,021 acre feet and a total seasonal use of 34,041 acre feet. A certificate of construction of works and appropriation was issued by Dean Loucks, State Engineer, on May 22, 1945, for a maximum amount of 34,041 acre feet during the period of January 1 to December 31, with a

May 25, 1990
Merle D. Lewis, Chairman
Page 3

priority date of October 16, 1934. A second certificate of construction of works and appropriation was issued by Dean Loucks on June 12, 1945, for an annual amount of 61,062 acre feet which we believe replaced the May 22, 1945 certificate.

In 1952, the Bureau of Reclamation inquired about the actual quantity of water granted by U.S. Withdrawal No. 1-3. On April 12, 1952, the State Engineer, Dean Loucks, sent a letter to the Honorable W. J. Burke, Regional Counsel of the Bureau, relative to the inquiry. Mr. Loucks arrived at 30,740 acre feet as the approximate amount. He also stated that this was not a clear cut figure but represents as nearly as possible the amount of water required to operate the refuge.

US Withdrawal No. 1-3 allows the US Fish and Wildlife Service to fill Sand Lake Wildlife Refuge annually to the outlet elevations of Houghton and Columbia Dams. In addition, US Withdrawal No. 1-3 also authorizes irrigation of 5,927 acres of habitat area up to 3 acre feet of water per acre.

5. Sand Lake Wildlife Refuge has no obligation to release water that was legally stored to satisfy US Withdrawal No. 1-3. If there are inflows from the James River to the Refuge, these inflows or portions of the inflows may have to be bypassed.
6. The City of Huron Water Right Claim No. 9-3 for 5.0 cfs is senior to Sand Lake Wildlife Refuge Water Right. Therefore, Sand Lake should bypass 6.0 cfs. However, the travel time and river conditions from Sand Lake to Huron makes this bypass impractical in most cases.
7. I am not sure what you mean by correlation. The more water that is held or withdrawn in North Dakota, the less water that will be available for South Dakota.
8. There is no compact agreement between South Dakota and North Dakota.
9. Any proposal to pump groundwater into surface water would have to be made through an application. The application would be processed in the same manner as any other water permit application. There is a "best use of water" problem with pumping groundwater into a surface reservoir where up to 50% of the water can be lost to evaporation.
10. We have not supported pumping groundwater to a surface water supply in the past, nor has the Water Management Board.

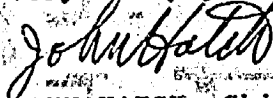
May 25, 1990

Merle D. Lewis, Chairman

Page 4

If you have any other questions, please contact us.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch", written over a faint, rectangular stamp.

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

NOT TO SCALE

6)

6)

6 378-77R

66.0

110-61

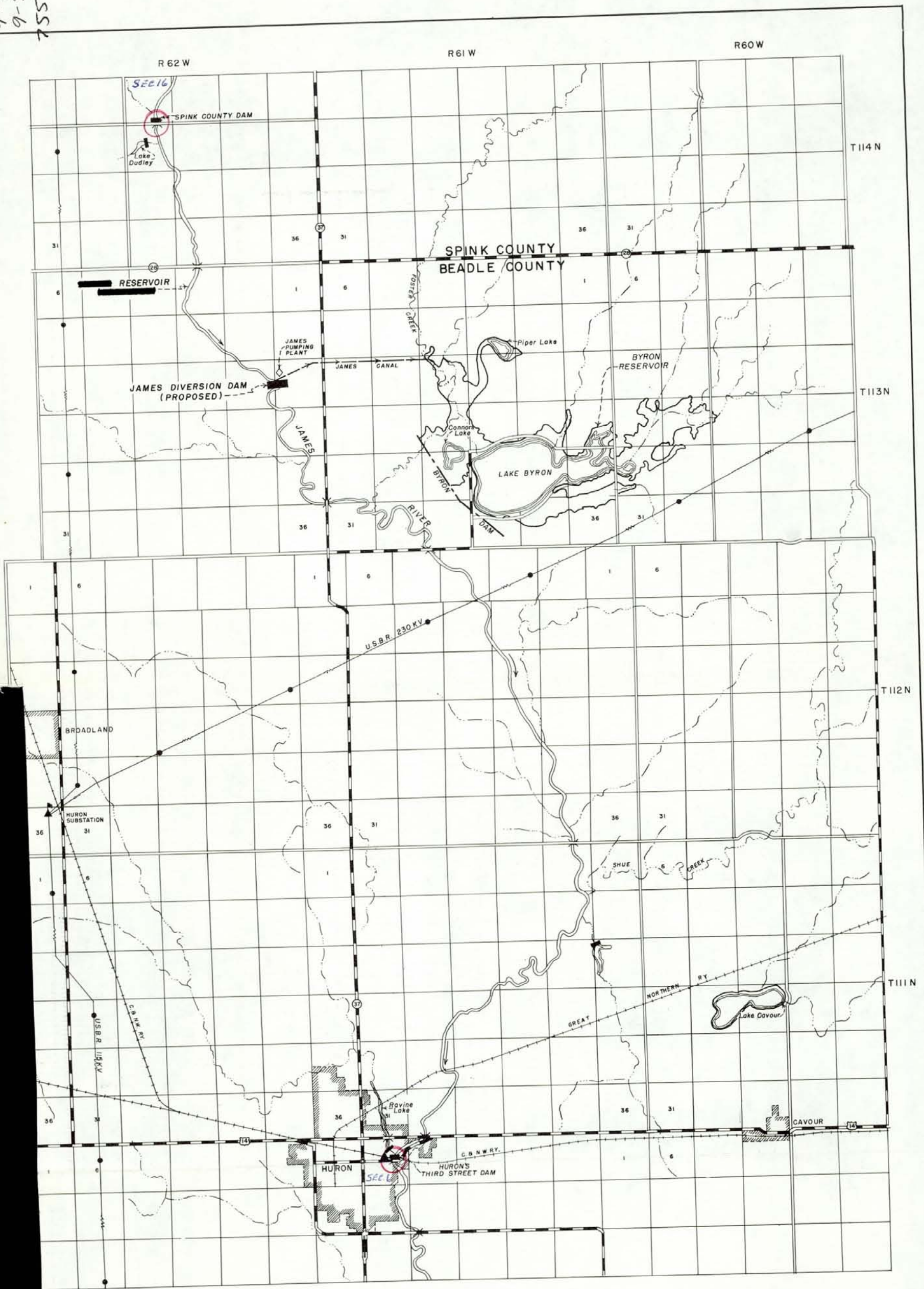
6)

Ron Duvall
Natural Resources Eng
5/2/85

License No. 9-3
9-3A
755-3
1022-3

378-77R

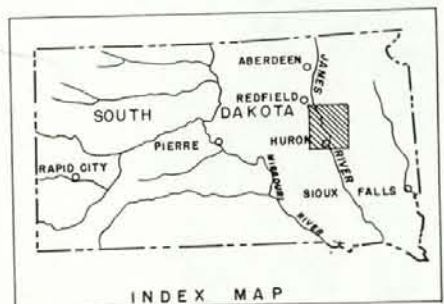
App. # 1022-3
1027-3
9-3
9-34
755-3



LEGEND:

- Dam and Reservoir (Potential)
- James Diversion Dam (Proposed)
- Canal (Potential)
- Pumping Plant Site (Potential)
- Stream Gaging Station
- Hard Surfaced Highways
- Secondary Roads
- Substations
- Transmission Line

0 1 2 3
SCALE OF MILES



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
MISSOURI RIVER BASIN PROJECT
JAMES DIVISION-OAHE UNIT-S. DAKOTA
BYRON SECTION
PROPOSED AND POTENTIAL FEATURES



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

May 27, 2021

Dear James River Water Right Holder:

I am writing to water right holders and operators who use water from the James River that river flow is much lower this year and to let them know that shutoff orders are possible this summer.

South Dakota law gives the highest priority to domestic use, including 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 will begin to interfere with domestic use. If river levels become critically low, the department may be forced to issue shutoff orders to protect domestic use, including livestock watering and those water rights that are most senior.

We are only cautioning that shutoff orders may become necessary. **This not a shutoff order.** This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shutoff 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 avoid wasting water.

If you are interested, the US Geological Survey has an Internet site showing river flows at 164 stream gauging stations across the state. To view the latest realtime stream flow, go to:

<https://waterdata.usgs.gov/sd/nwis/current/?type=flow>

Thank you for your cooperation. If you have any questions, please contact Mark Rath, Blaise Hansen, or Nakaila Steen at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program