

OFFICE OF STATE ENGINEER

PIERRE, SOUTH DAKOTA

RECORD OF PROCEEDINGS

Application No. 9-3

Water Div. No. 3 Water Dist. 1

Office of State Engineer

DOCUMENT FILE

Div. No. 3 James River Water Div.

City of Huron

Huron Reservoir

First Receipt: Mar. 25, 1914

Location of Point of Diversion:

SE 1/4 Sec. 6, T. 110 N., R. 61 W. 5th PM

Beneficial Use: Furnishing

Water Supply for City

Approved July 13, 1914

Recorded in R.R. 2 pgs 248-249

Remarks: Municipal Water Works

Application Received Mar. 25, 1914

Maps Received Mar. 25, 1914

Acknowledgment Mar. 25, 1914

Notice for Pub. Mailed May 2, 1914

Receipt from Newspaper

Copy of Newspaper Rec'd.

Notice of Correction

Proof of Pub. Rec'd.

Hearing June 29, 1914

Approved

Recorded and Filed 2

REMARKS:

Recorded Page 248 & 249 - 1312

RECEIVED

No. 9A

Water Division No. 3

James River District.

Oct 5 1926

(Blanks to be filled by the State Engineer.)

OFFICE OF STATE ENGINEER,
SIOUX FALLS, S. DAK.APPLICATION FOR A PERMIT
To appropriate Water Within the State of South Dakota

(NOTE—Draw lines through items not applicable. Where not otherwise stated all items refer to the proposed enlargement or extension.)

1. Name of applicant City of Huron, South Dakota, a Municipal Corporation
Postoffice address Huron, County Bendle, State South DakotaI. If a corporation: municipal corporation(a) Name of same City of Huron(b) Date and place of incorporation South Dakota(c) Amount of capital stock —(d) Amount paid in —

(e) Names and addresses of directors:

City officers: W. G. Medbury, Mayor;Commissioners: A. B. Stannish, J. C. Young, E. S. Brock,M. L. Tobin, all of Huron, S. D.

(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 the work. (Whether by contract, employment of others, or by personal labor) By contract(b) Cash on hand, \$ — (c) Treasury stock, \$ —(d) Bonds to be issued, \$ 200,000 (e) Other resources, \$ —2. Name of existing diversion works Huron Reservoir Permit No. 9-3Name of enlargement or extension Huron Reservoir3. Quantity of water claimed by enlargement or extension 5 cwm cubic feet per second.4. Source of water supply James River5. Location of point of commencement of extension under C. & N. W. Ry bridge at Huron, South Dakota on right bank of James River, N 81° 0' west 1200 feet from quarter section corner of sections 5 & 6 of Township 110 North of Range 61 west of the Fifth P.M.6. Annual periods during which water is to be used entire year

7. To be used for:

I. Irrigation or 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.) To be used for supply for municipal water works.

II. Mining, power, manufacturing, transportation, or other purposes:

(a) Nature of use —(b) Amount of power to be generated — horse power.(c) Location of plant —(d) Method of developing power —(e) Point where water will be returned to stream —

8. Estimated cost of works:

(a) Head gates, \$

(b) Pumping plant \$150,000.00

(c) Fluming, \$ (d) Canal—earth, \$ rock, \$

(e) Other structures \$35,000.00 ^{main extension} \$15,000.00 Total, \$700,000.00

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.) 700 feet

Intake pipe 30 in. low service pumping plant and filter beds

II. Dimensions of works:

(a) Dam: Height nine feet; length at bottom 200 feet; length at top 200 feet; thickness at bottom 10 feet; thickness at top 1 feet; slope of front (water) face none; slope of back face 4.5°; material used in construction reinforced concrete

(b) Reservoir: Capacity when filled 7500 acre feet. Surface area at highwater mark 7500 acres, all within present bed of river.

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

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

(d) Canal: Total length miles. No canal. Data below refers to river below dam at normal low water

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT LINE	TER	GRADE PER MILE
At 1/10 mile	5 1/2 feet	Variable feet	190		5/12 feet
At mile	feet	feet			feet
At mile	feet	feet			feet
At mile	feet	feet			feet
At mile	feet	feet			feet

[Give dimensions where reductions in size are made.]

10. Time required for completion of work one years.

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

12. Choice of newspaper for publication of notice of intention to appropriate Evening Herald of Huron, South Dakota (official paper)

STATE OF SOUTH DAKOTA

County of Beadle ss

I, W. J. Medberry, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Mayor of said City of Huron, that I have read the above and foregoing statement, and 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

Subscribed and sworn to before me this 1st day of October 1926.

Charles H. Stace
Notary Public (or other qualified officer).

COPY

No. 8-3

Water Division No. 3 James River Water District.

(Blanks to be filled by the State Engineer.)

APPLICATION FOR A 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, South Dakota, a municipal corporation,
Postoffice address HURON, County DeSoto, State South Dakota

I. If a corporation: Yes.

(a) Name of same A municipal corporation of State of South Dakota.

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors:

This City has no articles of incorporation, being a municipal corporation, under the provision of Chapter 119 of the Session Laws of the State of South Dakota of 1913.

(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 the work. (Whether by contract, employment of others, or by direct labor) By Contract.

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion works Huron Reservoir.

3. Quantity of water claimed cubic feet per second.

4. Source of water supply

5. Location of point of diversion Under C. & N.W. Ry. bridge at Huron, South Dakota. 1821' C' West 1200 ft. from quarter section corner of Sections 5 & 6, of Township 110 North of Range 41 East of Fifth P. M. on right bank.
(Right or left bank looking down stream.)

6. Annual periods during which water is to be used entire year.

7. To be used for:

I. Irrigation or 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.) to be used for municipal

Water Works.

II. Mining, power, manufacturing, transportation, or other purposes:

(a) Nature of use

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

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

8. Estimated cost of works:
(a) Head gates, \$.....
(b) Pumping plant, \$.....
(c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$2,000
(e) Other structures..... \$..... Total, \$.....

9. Description of diversion works:

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

700 ft. thick pipe 15". for service running plant and mechanical gravity filter.

II. Dimensions of works:

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

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

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

(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

[Give dimensions where reductions in size are made.]

10. Time required for completion of work 4 months years.

11. Time required for complete application of water to the proposed beneficial use 1 month years.

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

Daily Herald of Huron, South Dakota, (official paper)

STATE OF SOUTH DAKOTA

County of Deuel

I, D. G. Madhary, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Mayor of said City of Huron, that I have read the above and foregoing statement, and 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 D. G. Madhary,

Subscribed and sworn to before me this 21st day of March, 1901.

(S T A L)

Irvin A. Churchill,
Notary Public (or other qualified officer.)

Remarks by State Engineer:

The application for the right to appropriate and divert a portion of the waters of James River at a point herein designated. The water is to be used for the city water supply of Huron.

STATE OF SOUTH DAKOTA
County of Hughes

ss

Huron, South Dakota, July 17, 1904.

This is to certify that the foregoing application was received at this office at 9 o'clock a.m. upon the 22nd day of April, 1904, and that after examination it was found to comply with the provisions of the Irrigation Code of South Dakota; notice of intention to appropriate was published, proof of publication was duly filed, and a hearing was held in this office on June 29, 1904.

Homer M. Darr
State Engineer

By Deputy
Number of permit 27
Date of first receipt of application May 22, 1904
Date of return to applicant for correction 1904
Date of receipt of corrected application 1904
Date from which applicant may claim right April 22, 1904

Approved July 2, 1904. Recorded in Book 2, Page 258, 259

This is to certify that I have examined the foregoing application for a permit to appropriate water in the state of South Dakota and I 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 November 29, 1904.

2d. The whole of said work is to be completed on or before October 29, 1904.

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is October 29, 1904.

4th. The water appropriated shall be used for the purpose of furnishing water supply for city of Huron, South Dakota.

5th. The prior rights 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 -5- cubic feet of water per second of time; 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 October 29, 1904; said water to be used during the following described annual periods.

During the entire year.

Witness my hand this 13th day of July, 1904.

Homer M. Darr
State Engineer

By Deputy

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES

I hereby certify that the within and foregoing instrument is a true, correct and complete transcript of the instrument which it purports to be, as the same was filed for record in the office of the State Engineer.

Witness my hand and official seal, done at my office in Pierre, State of South Dakota

this 13th day of July 1914

Harner M. Derr
State Engineer.

No. 2-7

Division No. 7

James River Water District.

PERMIT

to appropriate water from

James River

Beulah County, South Dakota

Name of applicant

City of Huron

Name of diversion works

Huron Reservoir

Date of first receipt at office of State

Engineer April 22, 1914

Returned to applicant for Correction

1914

Corrected application received

1914

Date of water right

April 22, 1914

Recorded in Book 3 Page 348 & 349

One-fifth of work to be completed

August 29, 1914

Whole work to be completed

October 29, 1914

Final proof of use of water

October 29, 1914

Approved July 12, 1914

Harner M. Derr

State Engineer.

By James M. Derr

Deputy.

OFFICE OF STATE ENGINEER

AUG 13 1914

PIERRE, - S. DAK.

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 9-3

WHEREAS, On the 22nd day of April A. D. 1914
The City of Huron, South Dakota, a municipal corporation

of Huron County of Beadle and State of
South Dakota duly made application (No. 9-3) to me for a permit to use 5
cubic feet per second of the waters of the James River County of
Beadle State of South Dakota, for municipal purposes; and

WHEREAS, On the 13th day of July A. D. 1914 Permit No. 9-3
was issued to said applicant for the diversion of said water, and providing for the completion of the works of di-
version therein described on or before the 29th day of October A. D. 1914 and for the
application to beneficial use of said water on or before the 29th day of October A. D. 1914 and,

WHEREAS, On the 29th day of August A. D. 1931 the holder of said permit
duly made proof of the completion of adequate works for the diversion of 5.57 cubic feet per
second of said waters, as evidenced by Certificate No. 9-3 dated August 29th, 1931
confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use
5.57 cubic feet per second of water, with date of priority of April 22, 1914, and,

WHEREAS, On the 22nd day of August A. D. 1931 proof was duly made
of the application to beneficial use of 5.57 cubic feet per second of said water; and

WHEREAS, these diversion works have been used continually since their construction
in 1914;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of South Dakota, I
hereby grant and confirm to the City of Huron, a municipal Corporation of
Beadle County, South Dakota the holder and owner of said permit No. 9-3 a water right,
dating from April 22, 1914 to the use of 5.57 cubic feet per second of the
waters of the James River in the County of Beadle

and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to
be diverted at a point N22°30' E 245 ft. from the SW corner of Sec. 6, T 110 N, R 61 W,
(in application described as Under C. & NW R'y bridge at Huron, South Dakota. N 81°
0' West 1200 feet from quarter sec. corner of Sec. 5&6, of T 110 N R 61 W.)
and conducted to and upon

by a pumping plant to reservoir and water mains of the City of Huron, County of Beadle
and State of South Dakota.

for the purpose of municipal use only

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 the seal of my office at Pierre, South Dakota,
this 31st day of August A. D. 1931

John Long
State Engineer.

Permit No. 9-3Water Division No. 3 James Riv. Water District

Certificate of Examination of Works

Report of Examining Engineer

RECEIVED

AUG 31 1931

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

To the State Engineer, Pierre, South Dakota:

Dear Sir: I hereby certify that in accordance with your letter of authorization dated AUGUST 27, 1931
 19..... I have this day made a thorough examination of the diversion works constructed by THE CITY OF
HURON, BEADLE COUNTY, of

..... County, South Dakota, holder of permit No. 9-3, issued
 upon application No., bearing date of priority of MARCH 23, 1914, authorizing the
 diversion of 5 second feet 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: 6. 14" CAST IRON SCREEN INTAKE ABOUT 4 FT.
BELOW THE SURFACE OF THE WATER ABOVE THE DAM WHENCE THE RAW WATER IS
CONDUCTED IN A 15" VITRIFIED TILE BY GRAVITY TO WELL AT SOUTH OF PUMP
STATION. THE RAW WATER IS PUMPED TO THE FILTER PLANT WHERE IT IS TREAT
ED, AND CLEAR WATER COLLECTED IN AN 80 FT. DIAM. RESERVOIR WHENCE IT
IS PUMPED INTO THE CITY MAINS.
and the system is in the following condition: EXCELLENT WORKING CONDITION, BUT AS BE-
ING USED AS A STAND BY UNIT, THE PLANT HAVING BEEN ENLARGED IN 1928.

The point of diversion is located AT A POINT NORTH 22° 30' E 245 FT. FROM THE
SW CORNER OF SE 1/4 NE 1/4 SEC. 6 T110 NR 61 W.

The works are capable of diverting and conveying to the place of use 5.57 second-feet of water,
 which is to be used for GENERAL MUNICIPAL PURPOSES FOR THE USE OF THE IN-
HABITANTS OF SAID CITY.

The legal sub-divisions to be irrigated are:

..... comprising a total of acres of land.

The domestic use intended comprises THE SUPPLYING OF WATER FOR DOMESTIC USE TO
RESIDENTS WITHIN THE CITY LIMITS OF HURON, S.D. WHICH COMPREHENDS AN
AREA OF 4.28 SQ. MI.
 The utilization for power, mining, or other beneficial uses comprises:

Witness my hand, this 29TH day of AUGUST, A. D. 1931.

Oscar A. Kieker
 CITY ENGINEER AND

Examining Engineer.

(First Publication _____ 1914)

APPROPRIATION OF WATER.

Office of the State Engineer,

Pierre, S. D., April 30, 1914

Notice is hereby given that the City of Huron, Huron, S. D., a municipal corporation

whose postoffice address is Huron, Bendle County

S. D., has made an application in accordance with the provisions of the irrigation laws of South Dakota for a permit to appropriate for beneficial use 5 cubic feet of water per second of time from James River

through the Huron Reservoir

the point of diversion of which is to be located upon the right

bank of said stream in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of section 6township 110 N. range 61 W 5th P. M. said water to be used for ~~the~~~~xxxxxxx~~ municipal water works, ~~xxxxxxx~~

This application will be taken up by the state engineer at his office at Pierre for consideration and appropriate action upon the 29th day of June 1914, at 9 a. m., at which time all persons who believe that the prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare, and also parties making the application, and to be benefited, are notified to be present either by sworn affidavit or in person for the purpose of presenting any relative testimony.

Harner M. Burr
State Engineer.

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
County of Beadle
I, W. S. Bower being

duly sworn on oath, say that The
Huronite
is a weekly newspaper, published in Huron
in Beadle County, South Dakota, and
that said newspaper has a bona fide circulation of at least 200
copies weekly; that said newspaper has been published within
said county for fifty-two successive weeks immediately prior to
this date; that said newspaper is printed in whole or in part in
an office maintained at said place of publication; and that

I am publisher of said
newspaper, that I am in charge
of said paper, and know the facts herein stated. The annexed
notice headed Notice of Intention to appropriate Water
was published for 41 successive weeks, once in each
week in said newspaper, the first publication being on the 5th
day of May 1914, and the last publication on the
26th day of May 1914

That the full amount of the fee charged for publishing the same,
to-wit: Seven & 50/100 Dollars,
inures to the benefit of the publisher of said newspaper; that no
agreement or understanding for the division thereof has been
made with any other person, and that no part thereof has been
agreed to be paid to any person whomsoever.

W. S. Bower
Subscribed and sworn to before me, this 15th
day of June 1914
Anna Payson
Notary Public, South Dakota.

AFFIDAVIT OF ATTORNEY OR AGENT

STATE OF SOUTH DAKOTA,
County of Beadle
I, Irvin A. Churchill
being duly sworn, on oath say that I am the authorized at-
torney for the party ~~financing the mortgage~~ described in the an-
nexed notice; that I directed the publication of the annexed no-
tice; that no agreement or understanding for any division of the
fees therefor has been made with any person whomsoever, and that
no part thereof has been refunded or rebated by the party pub-
lishing this notice.

Irvin A. Churchill
Subscribed and sworn to before me this 16th
day of June 1914.
Charles C. Deschamps
Notary Public, South Dakota.

RECEIVED

JUN 17 1914
OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

FORM NINE

Notice of Intention to appropriate
Water. No. 9-3 (First Publ-
cation May 5, 1914.)

APPROPRIATION OF WATER

Office of The State Engineer, Pierre,
S. D., April 21, 1914.

Notice is hereby given that the City
of Huron, South Dakota, a municipa-
corporation whose postoffice address
is Huron, Beadle County, S. D., has
made an application in accordance
with the provision of the irrigation
laws of South Dakota for a per-
mit to appropriate for beneficial use
5 cubic feet of water per second of
time from James River through the
Huron reservoir, the point of diversion
of which is to be located upon
the right bank of said stream in the
SE 1/4 of the NE 1/4 of section 6, town-
ship 110 N., range 61 W. 5th P. M.,
said water to be used for municipal
water works.

This application will be taken up
by the state engineer at his office at
Pierre for consideration and appro-
priate action upon the 29th day of
June, 1914, at 9 a. m., at which time
all persons who believe that the prior
rights would be injuriously affected,
or that the allowance of the permit
would be detrimental to the public
welfare, and also parties making the
application, and to be benefited, are
notified to be present either by sworn
affidavit or in person for the purpose
of presenting any relative testimony.

—Hoener M. Derr,
State Engineer.

Perm't No.

Water Division No. Water District

Certificate of Application of Water to Beneficial Use.

Deposition of Holber

RECEIVED

AUG 25 1931

OFFICE OF STATE ENGINEER

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

Ans. OSCAR A. RICKER, CITY ENGINEER OF HURON, S. DAKA, RESIDING
AT 351 IDAHO AVENUE SE AT 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. I AM THE DULY APPOINTED CITY ENGINEER FOR THE CITY OF HURON
IN BEHALF OF WHICH CITY THIS APPLICATION IS MADE.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. ORIGINAL DIVERSION WAS MADE UNDER PERMIT NO. 9-3 DATED
JULY 13, 1914.

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

Ans. WATER SUPPLY FOR THE INHABITANTS OF THE CITY TO BE DIVERTED
FROM THE JAMES RIVER AT A POINT N22°30' E 245 FT. FROM THE
SW CORNER OF SE 1/4 NE 1/4 SEC. 6, T110 NR. 61 W.

Ques. 5. Describe your works of diversion, 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.

Ans. A 14" CAST IRON INTAKE CONDUCTS THE WATER BY GRAVITY TO THE
WELL ON THE SOUTH SIDE OF THE PUMPING STATION.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. WATER IS DIVERTED FOR GENERAL MUNICIPAL PURPOSES, FOR THE
USE OF THE INHABITANTS OF SAID CITY.

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

Ans. THIS IS NOT A POWER DIVERSION BUT SIMPLY FOR THE CITIZENS
OF THE CITY OF HURON.

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

Ans. 5.57 CU. FT. PER SECOND IS THE LEAST AMOUNT NEEDED BUT IT IS
EXPECTED TO ENLARGE THE PLANT AS NEEDED SO THAT A DIVERSION OF
7 CU. FT. PER SEC. MAY BE NEEDED

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

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

Ans. WATER HAS BEEN USED EVERY DAY OF EACH YEAR SINCE DATE OF ORIGINAL PERMIT TO THE AMOUNT OF 5.57 CU. FT. PER SECOND, OUR FULL PUMPAGE CAPACITY BEING 7 CU. FT. PER SEC.

(Sign.) Oscar A. Kicker

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 Thierson County of Beadle State of South Dakota, on this 27th day of August A. D., 1931

L. S. Sweeney
Notary Public

Permit No. 9-3

Proof of Application of Water to

Beneficial Use.

DEPOSITION OF HOLDER.

Amount of water 5.57 second feet

Source

County

Purpose

Place of Use

Date of priority

AUG 27 1931

Received and filed

Original

Permit No.

Water Division No.

Water District

Notice of Completion of Works

RECEIVED
AUG 25 1931OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

(This blank must be filled out by the holder of permit and forwarded to the State Engineer at least 60 days before the time set for completion of works.)

(P. C.) HURON, SOUTH DAKOTA

(Date) AUGUST 20, 1931

TO THE STATE ENGINEER OF SOUTH DAKOTA, PIERRE:

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

5

second feet of the waters of the state from JAMES RIVER

through the 14" CAST IRON INTAKE PIPE WHICH CONDUCTS THE WATER BY GRAVITY

TO THE WELL ON THE SOUTH SIDE OF THE PUMPING STATION.

for MUNICIPAL AND DOMESTIC PURPOSES purposes

in accordance with the terms and conditions of a certain permit heretofore issued by the State Engineer of the State of South Dakota.

1. The name of the person or corporation holding said permit is THE CITY OF HURON, A MUNICIPAL CORPORATION

2. The postoffice address of such person or the place of business of such corporation is HURON

County of BEADLE State of SOUTH DAKOTA

3. The number of such permit is 9-3 and the date set for the completion of such work is

OCT. 29, 1911

4. Said water to be used for MUNICIPAL AND DOMESTIC purposes.

5. Said works of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 5 cubic feet per second.

6. The amount of land for which said water is available is acres,

particularly described as follows: THE WATER BEING DIVERTED IS NOT FOR IRRIGATING PURPOSES BUT IS USED FOR GENERAL MUNICIPAL PURPOSES FOR THE USE OF THE INHABITANTS OF THE CITY OF HURON.

(In case of all canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer.)

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

Oscar A. Rucker
City Engineer.(Signature.) ON BEHALF OF THE CITY OF HURON,
A MUNICIPAL CORPORATION.

Permit called for 15"

NOTES ON HURON WATER SUPPLY PROBLEM

It appears that section 8222 of 1919 Revised Political Code, is applicable in this case. Under this section the City, by exercising the right of Eminent Domain, may acquire as public use any existing rights including the right to enlarge existing structures.

Also from our files it appears that no other rights to appropriate water from the James River have been granted, thus, it appears, allowing the appropriation of all of the water, providing this amount does not exceed the amount claimed in the Permit.

Section 348 under Right of Owner, the owner of land may construct thereon a dam across a natural stream or waterway providing the height of water is not raised to exceed 4 feet, etc.

Under sections 8220 to 8263 inclusive, it appears that no restriction is placed on the height of dam, or the height to which water is raised, providing the dam is safe, and prior rights are not interfered with, and arrangements and settlement for damages of flooded land of another's is properly made.

Possibly it is the intent of section 348 to allow landowners to impound small quantities of water without having to go to any expense of securing location notices of Water rights.

44B

October 23, 1926

T. K. White, City Engineer
Auron, South Dakota

Dear Sir:

Inclosed herewith please find official receipt for \$5.00 for enlargement of map permit U-2, and \$13.15 for six blue prints of the James River Valley maps. These blue prints are going forward under separate cover.

We have had no occasion to look up bench mark records as established by this drainage survey. Quite likely, however, these records may be found in the field book records. Unfortunately our office space is so limited that we do not have ready access to these records, they being stored away in a box in the store room.

If it is really very important that you get this information, we shall try to procure the data for you; or, if convenient for you to come up here, you might have better success in getting just what you want.

Very truly yours,

State Engineer

JHRS.

Application not advertised

RECEIVED

AUG 18 1931

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

STATE OF SOUTH DAKOTA }
COUNTY OF BEADLE }

SS

AFFIDAVIT

O. A. RICKER, BEING FIRST DULY SWORN IN HIS OATH DEPOSES AND STATES:

THAT HE IS THE DULY APPOINTED, QUALIFIED AND ACTING CITY ENGINEER FOR THE CITY OF HURON, BEADLE COUNTY, SOUTH DAKOTA, AND THAT HE MAKES THIS AFFIDAVIT AND APPLICATION FOR AND ON BEHALF OF THE SAID CITY OF HURON, AND FOR THE PURPOSE OF COMPLETING THE PROCEDURE FOR THE PROCURMENT OF A LICENSE FOR THE CITY OF HURON, TO TAKE FROM THE JAMES RIVER FIVE (5) CUBIC FEET OF WATER PER SECOND IN ACCORDANCE WITH THE APPLICATION FOR PERMIT ON FILE IN THE OFFICE OF THE CITY ENGINEER, DATED APRIL 22, 1914.

AFFIANT FURTHER STATES THAT THE SAID CITY OF HURON, PURSUANT TO THE AFOREMENTIONED APPLICATION, CONSTRUCTED FILTER BEDS, PUMPING STATION AND AN INTAKE PIPE INTO THE SAID JAMES RIVER, CAPABLE OF PUMPING 1,500,000 GALLONS OF WATER PER DAY; THAT SAID PUMPING STATION, FILTER BEDS AND ALL NECESSARY APPURTENANCES AND EQUIPMENT IN CONNECTION THEREWITH WERE BUILT AND COMPLETED BY SAID CITY ON OR BEFORE THE 29TH DAY OF OCTOBER, 1914.

WHEREFORE, AFFIANT, ON BEHALF OF SAID CITY OF HURON, A MUNICIPAL CORPORATION, RESPECTFULLY REQUESTS THAT A LICENSE BE ISSUED TO THE SAID CITY OF HURON, UNDER AND BY VIRTUE OF THE AFOREMENTIONED APPLICATION FOR PERMIT, TO TAKE FROM THE SAID JAMES RIVER FIVE (5) CUBIC FEET OF WATER PER SECOND TO BE USED BY THE SAID CITY OF HURON AND ITS INHABITANTS FOR ITS SOURCE OF WATER SUPPLY.

O. A. Ricker
CITY ENGINEER

SWORN AND SUBSCRIBED TO BEFORE ME THIS 12th DAY OF Aug, 1931.

Lois Sweeney
NOTARY PUBLIC

CITY OF HURON

Office of AUDITOR

HURON, SOUTH DAKOTA

AUGUST 3, 1931

RECEIVED
AUG 4 1931

OFFICE OF STATE ENGINEER,
PIERRE, S. DAK.

STATE ENGINEER,
PIERRE,
SO. DAK.

DEAR SIR:

AT THE REQUEST OF OUR WATER COMMISSIONER I AM WRITING YOU FOR THE INFORMATION BELOW RELATIVE TO OUR WATER SITUATION IN THE JAMES RIVER.

FOR YOUR INFORMATION I ADVISE THAT WE HOLD A PERMIT, No. 9-3, DIVISION No. 3, JAMES RIVER WATER DISTRICT, DATED APRIL 22, 1914 AND RECORDED IN YOUR BOOK OF RECORDS IN BOOK No. 2, PAGE 248-249.

THE INFORMATION WE DESIRE IS -

1. THE RIVER IS SOMEWHAT LOW AT PRESENT AND IN A VERY FAVORABLE CONDITION TO CONSTRUCT A NEW DAM. IN CASE WE WOULD WANT TO CONSTRUCT A NEW DAM WHAT PERMITS OR APPLICATIONS ARE NECESSARY FROM YOUR OFFICE FOR OUR AUTHORITY? WE WOULD WANT TO CONSTRUCT A NEW DAM HIGHER THAN THE PRESENT STRUCTURE, BUILDING IT TO SUCH A HEIGHT AS OUR ENGINEERS WOULD RECOMMEND. WE IMAGINE THAT THIS PROCEEDURE IS EMBRASED IN SEC. 8227, S. D. SESSION LA WS AND IF SUCH IS THE CASE WILL YOU KINDLY SEND US AN APPLICATION TO FILL OUT AND ADVISE US WHAT FURTHER INFORMATION YOU WILL LESIRE IN THE WAY OF MAPS, FIELD NOTES, ECT.
2. OUR PERMIT FOR TAKING WATER FROM THE RIVER IS DATED APRIL 22, 1914. CAN YOU ADVISE US OF ANY FURTHER PERMITS FILED IN YOUR OFFICE, DATED EITHER BEFORE OR AFTER THIS DATE.
3. OUR PERMIT CALLS FOR WATER CONSUMPTION IN THE AMOUNT OF 5 CU. FY. PER SECOND IN CASE WE WANT IT. WE HAVE THE SITUATION HERE IN THAT THREE MARKET GARDNERS ARE USING THE WATER; IT IS ALSO BEING USED

CITY OF HURON

Office of AUDITOR

HURON, SOUTH DAKOTA

IN LARGE AMOUNTS BY ARMOUR AND COMPANY. AS THE RIVER NOW IS ALL OF THE PARTIES ABOVE INCLUDING OURSELVES CAN BE SUPPLIED BY THE RIVER AT PRESENT. THE POINT THAT WE WANT TO KNOW IS THAT IF WE SHOULD FEEL THAT THEIR CONSUMPTION WOULD IMPERIL OUR SUPPLY FOR INSTANCE NEXT WINTER IF WE HAVE THE AUTHORITY UNDER OUR PRIOR PERMIT TO INSTRUCT THE MARKET GARDNERS FOR INSTANCE TO DISCONTINUE USING THE WATER. WE WOULD BASE OUR CLAIM IN THIS CASE ON THE FACT THAT THE RIVER IS LOWERING AT OUR GUAGES AN INCH OR TWO EACH DAY.

WE WILL APPRECIATE YOUR ANSWERS TO THE ABOVE INQUIRIES OR TO ANY OTHER INFORMATION YOU MAY FEEL THAT WE SHOULD KNOW IN THE ABOVE CONNECTION.

YOURS VERY TRULY,

W. F. Helt

AUDITOR.

August 8, 1931

City Auditor,
City of Huron
Huron, S. Dak.

Dear Sir:-

Your letter of the 3rd has been duly received and was on my desk as I returned to the office recently.

As to your permit 9-3: let me advise that a copy of this is on file in our office and is recorded in Book 2. By reason of long continued use there can hardly be any doubt about Huron having a valid water right, but there is no evidence in our files, however, that Huron has completed its work in connection with that permit, nor is there any record that a water licence has ever been issued.

Referring further to your letter in detail:

1. It would be my judgment that the construction of a new dam, higher than the present structure, would imply application under form No. 3, which is for "enlargement". We are enclosing some instructions to applicants which should give you the necessary information regarding maps, field notes, etc.
2. The date of the permit of April 22, 1914, is correct. There is in our files some correspondence beginning with City Attorney Hall's letter of September 17, 1926. This file contains an application for a permit dated October 1, 1926. This application was for seven second-feet. Mr. White, City Engineer, during that month sent a draft for the fee for the "enlargement" and another draft for some blue prints of the James River Valley maps. Official receipt of the fee for the "enlargement" was sent forward to Mr. White and also six blue prints of some maps. There is no further evidence that any construction was begun nor is there any evidence of any water licence being issued for an "enlargement".
3. The permit of April 22, 1914, calls for five cubic feet per second. As this amounts to nearly 3 1/2 million gallons per day it isn't likely that you are not using on an average any more water - unless you have tremendous leakage.

For your information I might add further that there is no evidence in our files of any other water right ever having been issued on the James River in the vicinity of Huron.

Yours Very truly,

State Engineer

May 9, 1967

Mr. Norm Van Sickel
City Engineer
City of Huron
Huron, South Dakota 57350

Dear Mr. Van Sickel:

Reference is made to your telephone conversation of May 9, 1967. The City of Huron has the following water rights involving the flows of the James River.

9-3	Allows diversion of 10 c.f.s. of flows of James River
755-3	Allows storage of 600 acre feet in 3rd Street Dam
1022-3	Allows storage of 2100 acre feet in 3rd Street Dam
1023-3	Allows storage of 2100 acre feet in Spink County Dam
1027-3	Allows storage of 2495 acre feet in James River Diversion Dam. (1027-3 is held in the name of U.S. Bureau of Reclamation)

As long as your total diversions from the James River does not exceed 10 c.f.s. plus the releases from storage as authorized in water rights 755-3, 1022-3, 1023-3 and 1027-3 you can divert water directly from flows of the James River upstream from the 3rd Street Dam for watering of park areas.

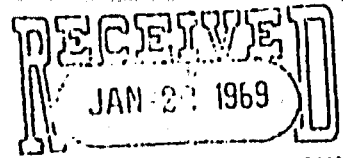
Under such circumstances it does not seem advisable for you to make application for an additional water right.

Incidentally I note that a water license has not been issued on water right permit 755-3. A member of the Commission Staff will make a final inspection soon so that the water license can be issued.

Sincerely,

JWG/DD/bw

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.

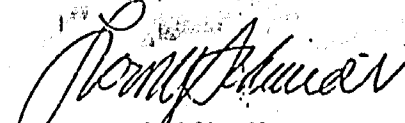
It is expected that the annual irrigation water requests for an 18-hole golf course would be about 200 acre-feet.

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:ecm

cc: Mr. Tal Lockwood, Chairman
Golf Course Committee

Mr. Darles Erickson
City Commissioner

Mr. R. E. Peterson
City Auditor

2-3, 755-3, 1022-3, 1027-3

9-3

January 24, 1969

Mayor Lowell Schmidt
City of Huron
Huron, South Dakota 57359

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 $\frac{1}{2}$ 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,

J. W. Grimes

JWG:ln

Water Rights Division - DWR
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, 1750 rpm pump: Fairbanks Morse
M.N. SK6238XM501B S.N. K3A2080910-1
S.N. JMJ922336, 50 hp. 1750 rpm, size - 15H

2) motor: General Electric, 1750 rpm pump: Fairbanks Morse
M.N. SK6237XM501B S.N. K3A2080909
S.N. KMT1013331, 40 hp. 1750 rpm, size - 13H

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

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

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

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

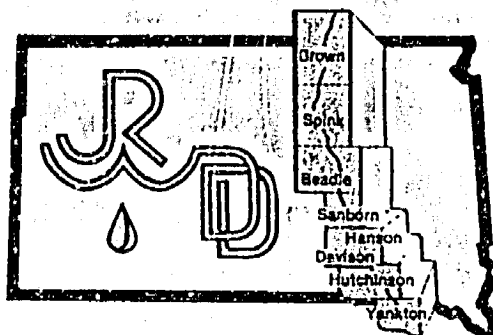
File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Ron Duvall

James River Water Development District

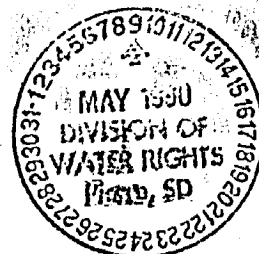
STAFF
Jerry Bledenfeld, Manager
Kathy Cronin, Office Manager
Terry Mills, Water Project Coordinator

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



BOARD OF DIRECTORS

DON BARBER-Mitchell
CLINTON BAUER-Freeman
TOM FISCHBACH-Warner
DAN KOJPAL-Mitchell
MERLE LEWIS-Huron
RAY METTLER-Menno
LAUREN STUCK-Mallette
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:

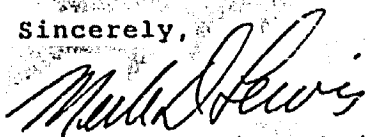
1. Please identify and explain Huron's water quantity rights to the James River. We would appreciate receiving a copy of Huron's water right as part of your answer.
2. We understand that the Bureau of Reclamation owns and holds in reserve certain water rights for the City of Huron. Please identify and 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

SOUTH DAKOTA 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.

May 25, 1990
Merle D. Lewis, Chairman
Page 2

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

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 5.0 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 cursive script, appearing to read "John Hatch".

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

NOT TO SCALE



6 378-77R

66.0

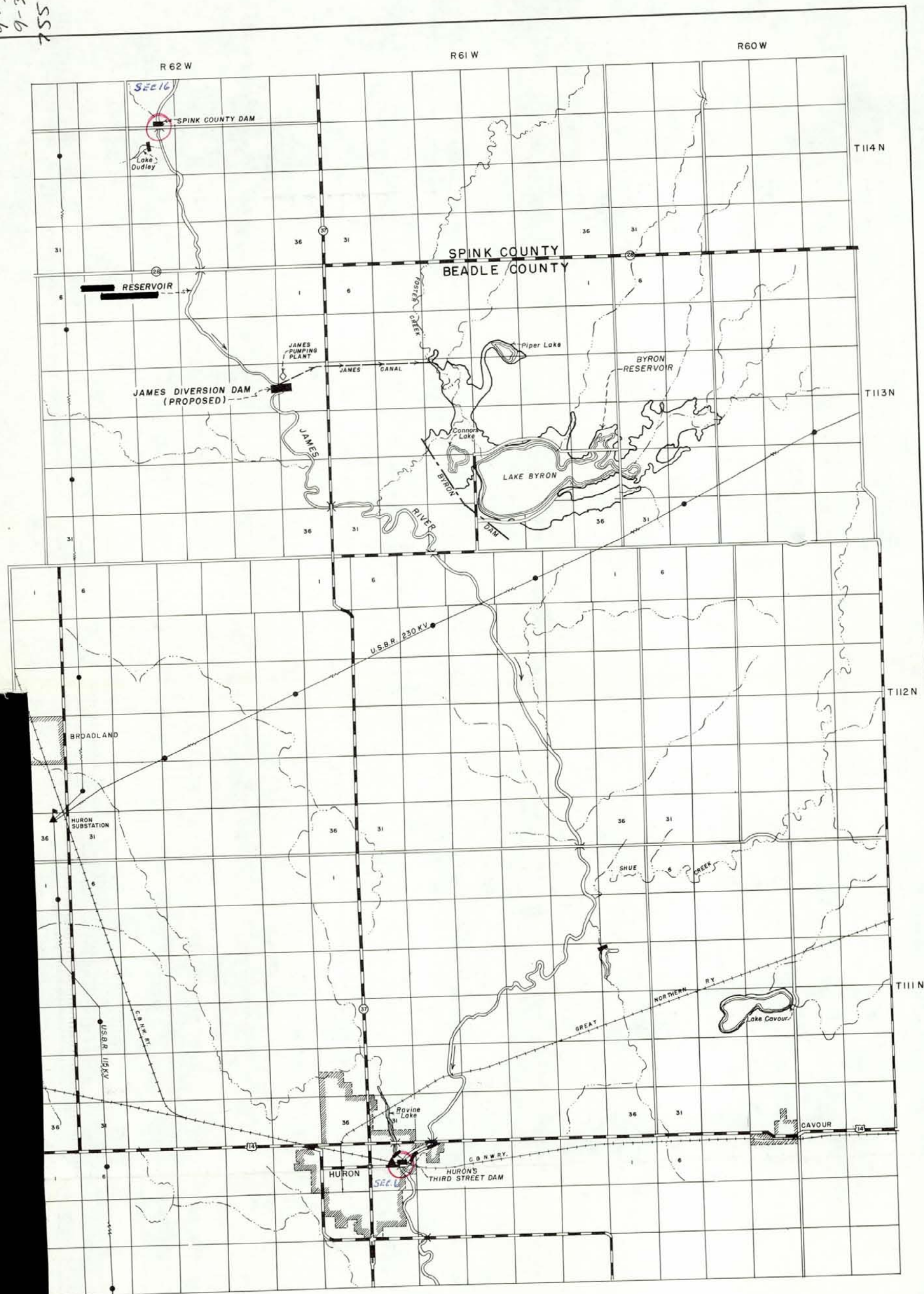
115-61

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

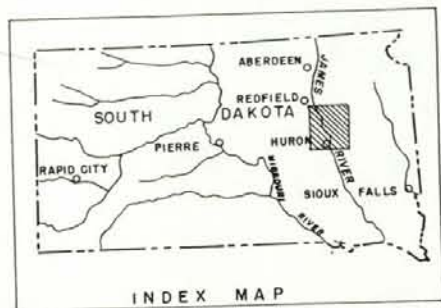
Ron Duvall
Natural Resources Eng
5/2/85

378-77R

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



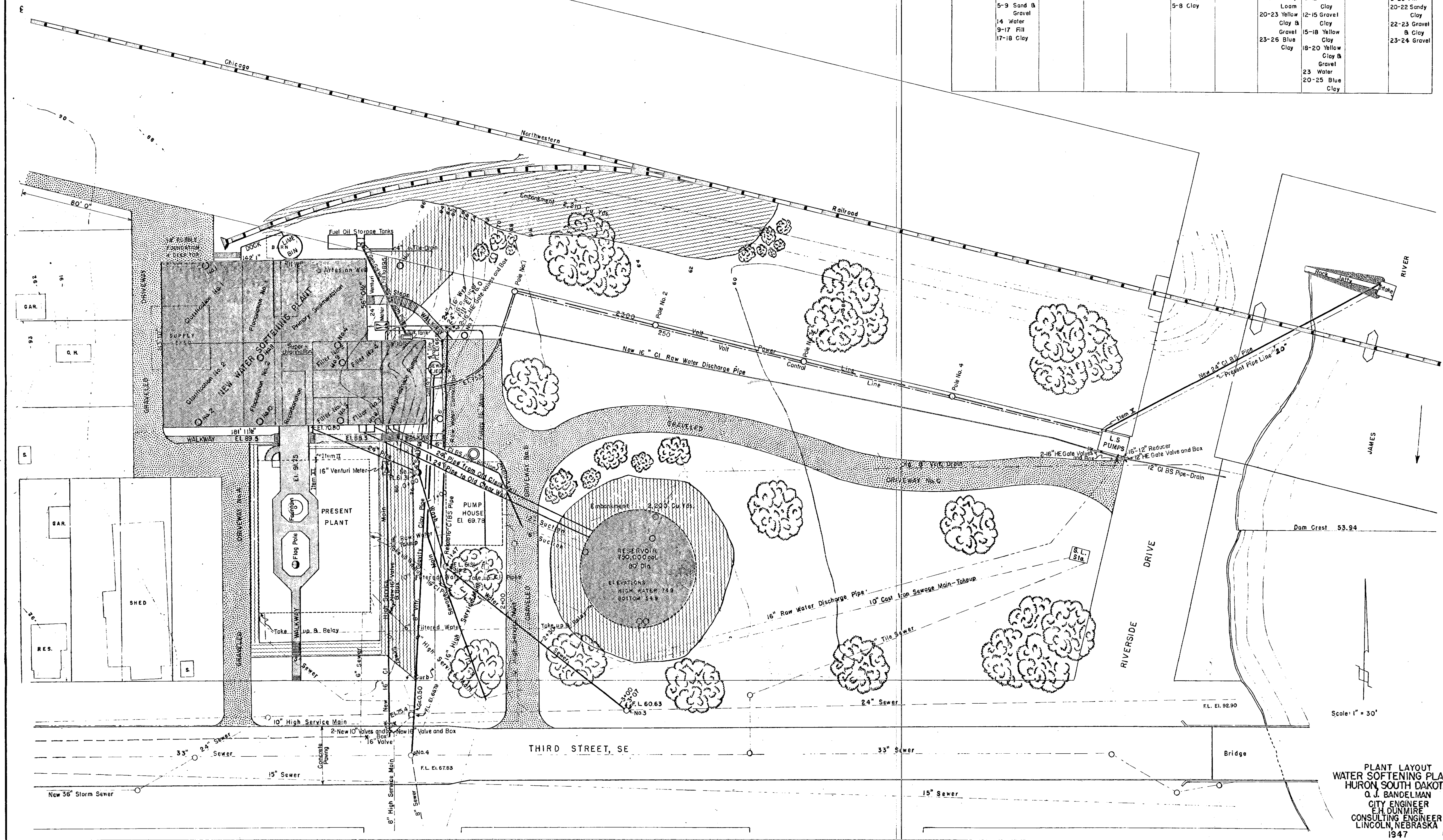
- LEGEND:
- Dam and Reservoir (Potential)
 - James Diversion Dam (Proposed)
 - Canal (Potential)
 - Pumping Plant Site (Potential)
 - Stream Gaging Station
 - Hard Surfaced Highways
 - Secondary Roads
 - Substations
 - Transmission Line

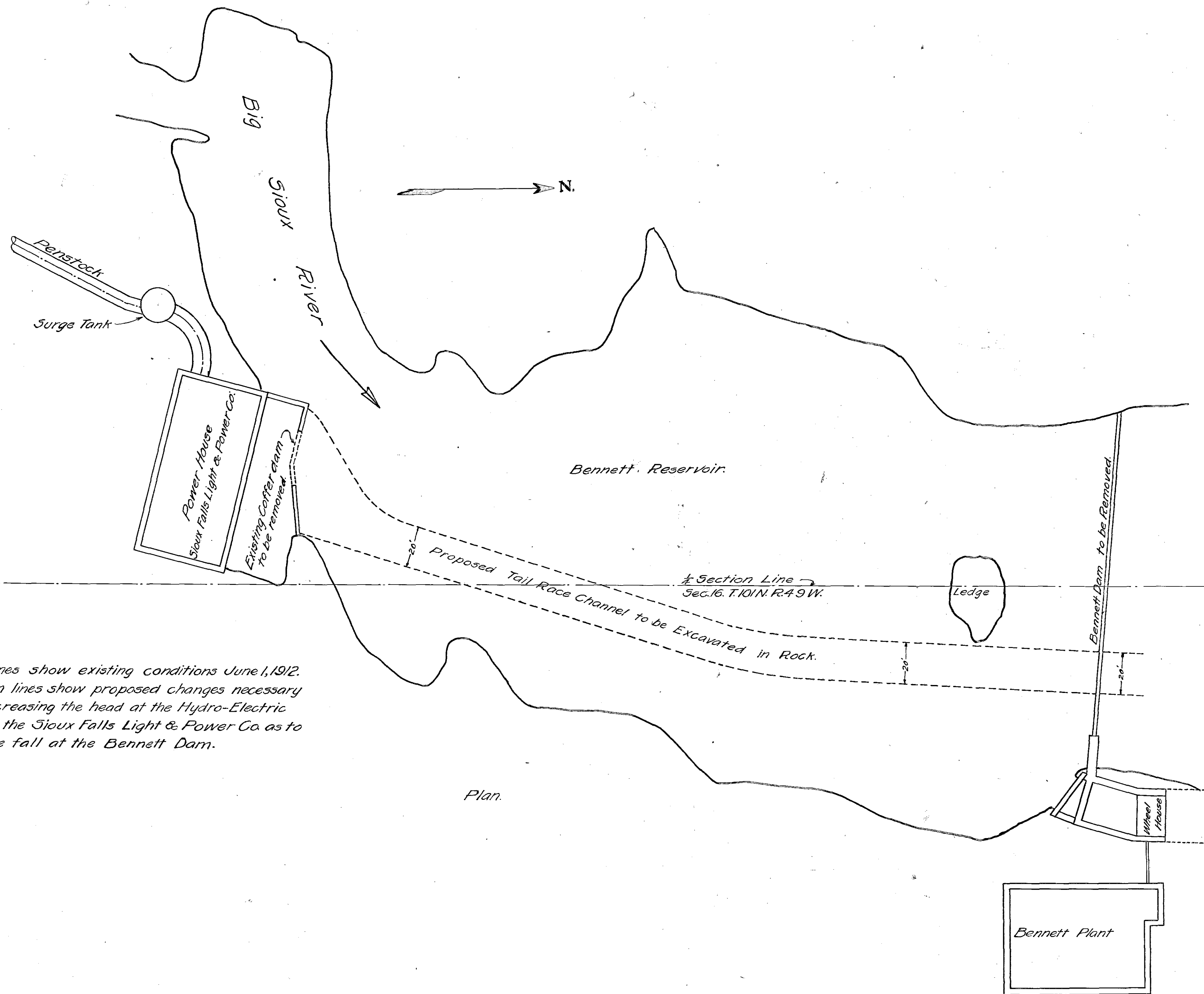


UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
MISSOURI RIVER BASIN PROJECT
JAMES DIVISION-CAHE UNIT-S DAKOTA
BYRON SECTION
PROPOSED AND POTENTIAL FEATURES

SOUNDINGS

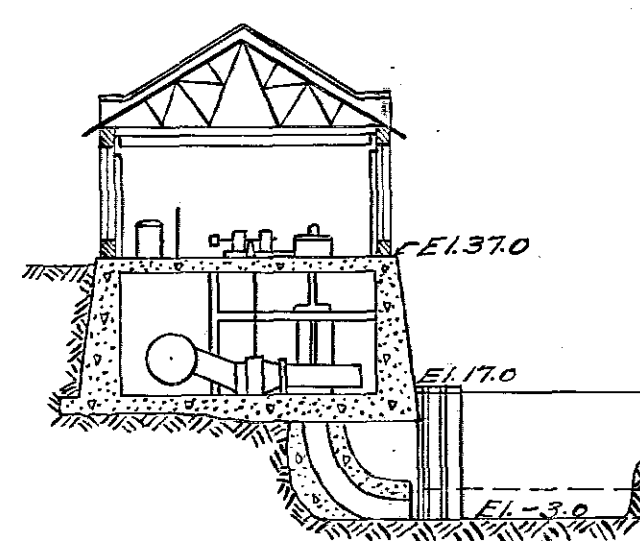
Hand		Auger		Drilling		Machine	
Fl.	No. 1	Fl.	No. 2	Fl.	No. 3	Fl.	No. 4
0-5	Fill	0-3	Clay	0-1	Fill	0-5	Loom
5-12	Clay	3-5	Sandy Loom	1-5	Gravel Clay	5-20	Fill
		5-9	Sand & Gravel			20-22	Sandy Clay
		14	Water			22-23	Gravel & Clay
		9-17	Fill			23-24	Gravel
		17-18	Clay				
Fl.	No. 5	Fl.	No. 6	Fl.	No. 7	Fl.	No. 8
0-1	Clay	0-6	Clay	0-1	Loom	0-5	Sandy Clay
0-6	Clay	0-1	Loom	0-10	Sandy Clay	10-12	Yellow Clay
		1-5	Sandy Clay	12-15	Gravel Clay	15-18	Yellow Clay
		5-8	Clay	18-20	Yellow Clay & Gravel	20-25	Blue Clay
						23	Water
						20-25	Blue Clay
Fl.	No. 9	Fl.	No. 10	Fl.	No. 11	Fl.	No. 12
0-19	Fill	0-10	Sandy Clay	0-5	Loom	0-5	Loom
15	Water	10-12	Yellow Clay	5-20	Fill	12	Water
19-20	Sandy Loom	12-15	Gravel Clay			5-20	Fill
20-23	Yellow Clay & Gravel	15-18	Yellow Clay			20-22	Sandy Clay
23-26	Blue Clay	18-20	Yellow Clay & Gravel			22-23	Gravel & Clay
		23	Water			23-24	Gravel
		20-25	Blue Clay				





Note-
Full lines show existing conditions June 1, 1912.
Broken lines show proposed changes necessary
for so increasing the head at the Hydro-Electric
plant of the Sioux Falls Light & Power Co. as to
utilize the fall at the Bennett Dam.

Plan.



Section through Power House & Tail Race.
Proposed Tail Race El. 163
Proposed line of Excavation El. 30.2
Approximate Rock Line
W.S. Bennett Dam Reservoir El. 15.9
Approximate Low Water Surface El. 0.88

SIoux FALLS LIGHT & POWER CO.
SIoux FALLS S.D.
GENERAL PLANS SHOWING
CHANGES FOR INCREASING THE HEAD.
SCALE 1"=30' 7-13-1912.

FILED
AUG 24 1912
SAMUEL H. LEE, State Engineer.