

1. Considered July 16, 19 69 1683-3
2. Name of applicant City of Lake Andes
3. Post Office Address _____
4. Amount of water claimed 4.44
5. Source of water supply Missouri River
6. Water to be used for Municipal

Acres to be irrigated _____

7. Water to be diverted and used in Charles Mix county
about 6 miles S of Lake Andes

8. Proof of Publication Received _____

Not Received _____

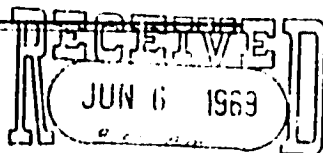
9. Application Approved _____

Subject to _____

Not Approved _____

Action deferred _____

10. Remarks:

No. 1683-3Water Division No. 3 MISSOURI RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant City of Lake Andes, S. Dak., a municipal corporationPostoffice address Lake Andes, County Charles Mix, State South Dakota

I. If a corporation

(a) Name of same City of Lake Andes, a municipal corporation

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors Mayor - Gil Gau, Lake Andes, S. Dak.Councilmen - Ernest Martinez, Henry Henning, Francis Foreman, Marvin Gall, EdAyers and Gary Boetel, all of Lake Andes, S. Dak.

(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)

Bond Issue and contract let on bids

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$ 330,000.00

(e) Other resources, \$

2. Name of diversion work Lake Francis Case-Lake Andes Pipeline3. Amount of water claimed 2000 gallons per minute 4.44
cubic feet per second4. Source of water supply Lake Francis Case5. Location of point of diversion 2982 feet South and 667 feet west of the Northeast corner
of Section Five, Township Ninety-five, North Range Sixty Five West of the 5th P.M.
on high bank Charles Mix County.6. Annual period or periods during which water is to be used year round

7. To be used for:

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

(a) Number of acres to be irrigated acres.

(b) Legal subdivisions to be irrigated

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction, with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) Domestic water supply for thecity of Lake Andes, South Dakota

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 1214-3

8. Estimated cost of work:
- | | |
|--|--|
| (a) Head gate ** Pipeline \$137,650.00 | (b) Pumping plant, \$4,500.00 |
| Intake line \$15,000.00 | |
| (c) Head gate ** | Head gate ** |
| (d) Canal ** | Total ** |
| (e) Other structures Treatment plant & Misc. \$172,850.00 | |

9. Description of diversion works:
- I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)
- Intake structure, Pumping Plant and pipeline with Treatment Plant
- II. Dimensions of works. 30,000 feet of pipeline plus intake structure
- (a) Dam: Height.....feet; length-at-bottom.....feet; length-at-top.....feet; thickness-at-bottom.....feet; thickness-at-top.....feet; slope at front water face.....; slope-at back face.....material-used-in construction.....
- (b) Reservoir: Capacity-when filled.....acre feet.—Surface-area at highwater—mark.....acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH.....FEET DEPTH AT OUTLET—ACRES	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 work1.....years.
11. Time required for complete application of water to the proposed beneficial use perpetually years.
12. Choice of newspaper for publication of notice of intention to appropriate Lake Andes News
Lake Andes, South Dakota

STATE OF SOUTH DAKOTA
County of Charles Mix } ss.

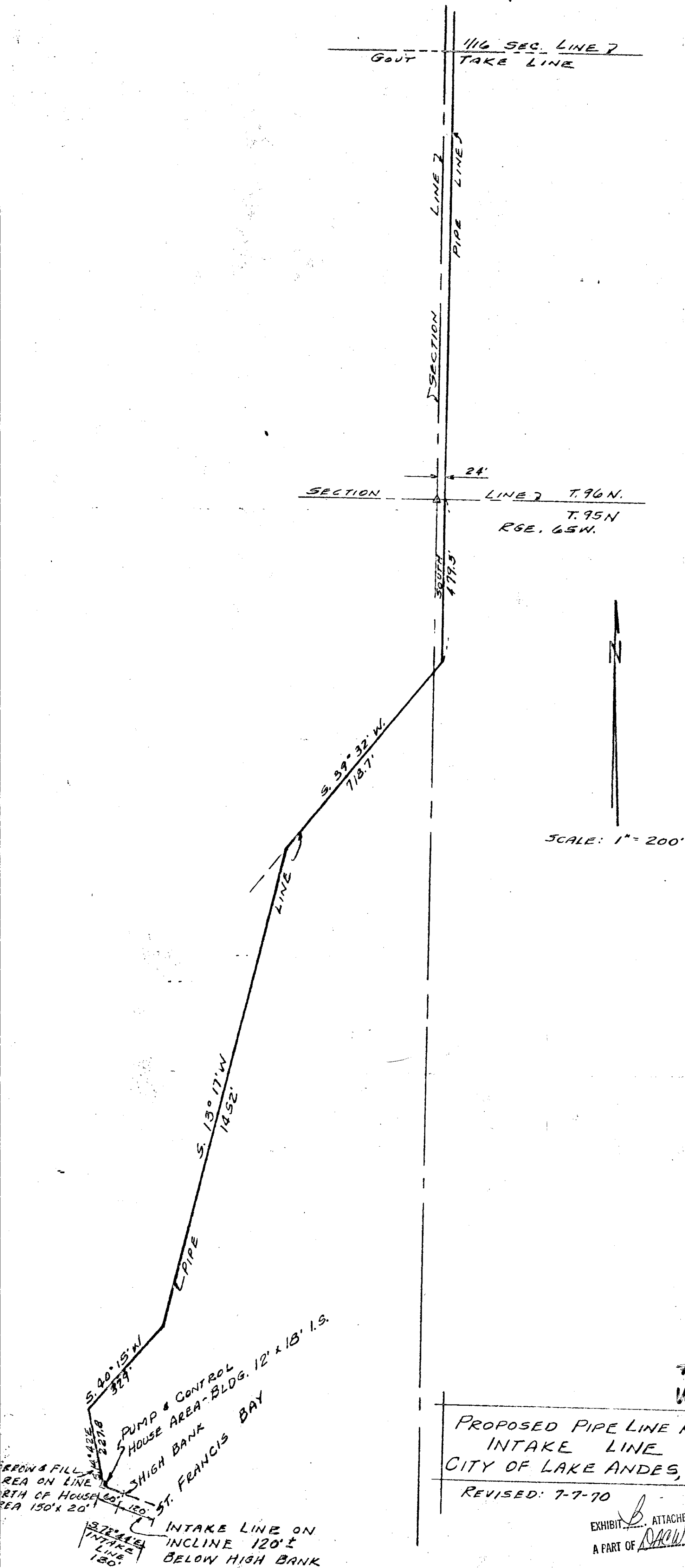
I, Gilbert Gau....., being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true. Further, that I am Mayor of the City of Lake Andes, South Dakota and that I have authority to make this application

Signed City of Lake Andes
By Gilbert Gau Mayor

Subscribed and sworn to before me this 4th day of June 1969

Notary Public
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device



PROPOSED PIPE LINE ROUTE &
INTAKE LINE FOR
CITY OF LAKE ANDES, S. DAKOTA

REVISED: 7-7-70

EXHIBIT *B* ATTACHED TO AND MADE
A PART OF *DACW 45-2-71-6020*

WR 1683-3

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, APRIL 1, 1970

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
a.m. upon the 6TH day of JUNE, 1969.

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Office:

Number of permit 1683-3

Date of first receipt of application JUNE 6, 1969

Date of return to applicant for correction, amendments or changes required as follows: JULY 28, 1969

Date of receipt of corrected application MARCH 31, 1970

Date from which applicant may claim right MARCH 31, 1970

Approved JULY 16, 1969, Recorded in Book 11 Page 110

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

JULY 16, 1970

2nd. The whole of said work is to be completed on or before JULY 16, 1971

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

JULY 16, 1971

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 4.44 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 JULY 16, 1971; said water to be used during the following described annual period:

CONTINUOUSLY

Witness my hand this 1ST day of APRIL, 1970

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Certificate of Construction Issued APRIL 19, 1976

Water License Issued APRIL 19, 1976

Permit No. 1683-3

Water Diversion No. 3 MISSOURI RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the City of Lake Andes

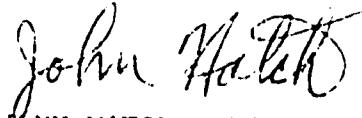
_____ the holder _____ of
Permit No. 1683-3, issued upon Application No. 1683-3, bearing date of priority of March 31
1970 authorizing the diversion of 4.44 cu. ft. per second of the waters of _____
the Missouri River County of Charles Mix, State of South Dakota at _____
a point 2982 ft. South and 867 ft. West of the NE Corner,
Section 5, T95N, R65W

_____, for municipal

purposes, has 8 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 .89 cu. ft. per second of water.

Date April 19, 1970

By: **WATER RIGHTS COMMISSION**


JOHN HATCH, Chief Engineer

WATER LICENSE NO. 1683-3

(1) WHEREAS, On the 6th day of June A. D. 1969
the City of Lake Andes

made Water Right Application No. 1683-3 for a permit to use 4.44 cubic feet per second of the water of the Missouri River

County of Charles Mix State of South Dakota, for municipal purposes; and

(2) WHEREAS, On the 1st day of April A. D. 1970
Permit No. with a date of priority of March 31, 1970

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 16th day of July A. D. 1971 and for the application to beneficial use of said water on or before the 16 day of July A. D. 1971

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert .89 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,
water is used for municipal purposes by the City of Lake Andes

(5) 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 Lake Andes

~~XXXXXX~~
the holder _____ and owner _____ of said permit No. 1683-3 water right, dating from March 31, 1970
_____ to use of .89 cubic feet per second of the waters
of the Missouri River
Charles Mix
in the County of _____ and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at _____
a point 2982 ft. South and 367 ft. West of the NE Corner,
Section 5, T95N, R65W

and ~~XXXXXX~~ conducted through the City water distribution system

for the purpose of municipal use

Subject to any limitations listed in Water Right Permit No. 1683-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 19th day of April A. D.
Nineteen Hundred and Seventy-six
WATER RIGHTS COMMISSION
By: John Hatch
Chief Engineer, Executive Officer **JOHN HATCH**

69

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

69

! ! ! ! !

XXXXXXXXXXXX

§ 116.10. In a civil application in accordance with

4.44

Missouri River

left

NE

SE

5.

95N

554

NOT RECORDED

Municipal supplies for the City of Lake Andes

~~XXXXXXXXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 16th day of July, 1969, 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 OF NEW YORK COMMISSIONERS

cc: FURNX8>HNSX8

Gilbert Gau, Mayor, Lake Andes, S.D.

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Burton F. Jones
Water Rights Specialist

AFFIDAVIT OF PUBLICATION

State of South Dakota
County of Charles Mix

ss

I, William H. Anderson, being first duly sworn, says that the Lake Andes Wave is a legal, weekly newspaper for publication of legal and other official notices as required by Chapter 293 of the Session Laws of South Dakota, 1939; that it has a bona fide circulation of more than two hundred copies weekly; that it is published in English language in the City of Lake Andes, Charles Mix County, South Dakota, and has been admitted to the United States mail under second class mailing privilege for more than one year prior to the first publication of the notice herein mentioned, and that it is printed in an office maintained at the place of publication at Lake Andes, South Dakota, and that deponent is publisher in charge of the advertising department of said newspaper; that the advertisement headed Appropriation

of water

a printed copy of which is hereto attached, was printed and published in said newspaper for 11 successive weeks, upon the following dates:

<u>June 18</u>	<u>19</u>	<u>19</u>
<u>June 25</u>	<u>19</u>	<u>19</u>
<u>July 2</u>	<u>19</u>	<u>19</u>
<u>July 9</u>	<u>19</u>	<u>19</u>

That the full amount of the fee charged for the publication of said notice, \$ 1.00, inures to the benefit of the publication of said newspaper, that no agreement or understanding for the division thereof has been made with any other person, and that no part has been agreed to be paid to any person whomsoever.

William H. Anderson

Subscribed and sworn to before me

this 8 day of July, 1969

William H. Anderson

Notary Public, South Dakota

My Commission expires June 18, 1970, 1969

APPROPRIATION OF WATER

Office of State Water Resources
Commission, Pierre, S. Dak. June
10, 1969.

Notice is hereby given that the City of Lake Andes, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.44 cubic feet of water per second of time from the Missouri River through the Lake Andes Pipeline, the point of diversion of which is to be located on the left bank of said stream in the NE1/4 of the SE1/4 of Section 5, Twp. 35N, Range 65W. Said water to be used for the purpose of providing Municipal supplies for the City of Lake Andes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 16th day of July, 1969 at 2:00 p.m. All interested persons may appear and be heard.

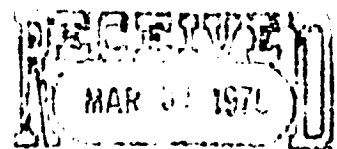
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources
Commission

By: Burton F. Jones

Water Rights Specialist

June 18-25 July 2&9



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

CITY OF LAKE ANDER, SOUTH DAKOTA

"Applicant-Recipient")

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant-Recipient by this Department of the Army, assurance shall obligate the Applicant-Recipient, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant-Recipient for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant-Recipient for the period during which the Federal financial assistance is extended to it by the Department of the Army.

Dated: 20th 7/1991

By Alfred J. ...

Arthur P. Smith

7-1-1948
(Postmaster's Mailing Address)

EXHIBIT C ATTACHED TO AND MADE
A PART OF Doc. No. 2-71-6620

DEPARTMENT OF THE ARMY
EASEMENT FOR RIGHT OF WAY
(PIPELINE)

ON FORT RANDALL DAM, LAKE FRANCIS CASE, SOUTH DAKOTA

NO. DACN45-2-71-6020

THE SECRETARY OF THE ARMY, under and by virtue of the authority vested in him by Title 10, United States Code, ~~Section 2668 and Section 2669~~ Section 2668 and Section 2669, hereby grants to THE CITY OF LAKE ANDES, a Municipal Corporation, of Charles Mix County, South Dakota

hereinafter designated as the grantee, for a period not exceeding Fifty (50) years from the date hereof, an easement for a right of way for construction, installation, operation and maintenance of a water pumping station and control house, pumping system, underground water pipeline and intake structure, to supply water for domestic uses, these facilities hereinafter referred to as "said line" situated, over, across, in, and upon land under the control of the Secretary of the Army at the location shown in red on Exhibit "A" and Exhibit "B" attached hereto and made a part hereof, and described as follows:

A strip of land variable in width, situated in Lot 4 of Section 4, the E½ of Section 5, T-95-N, R-65-W of the 5th Principal Meridian, and the SW¼SW¼ of Section 33, T-96-N, R-65-W of the 5th Principal Meridian all in Charles Mix County, South Dakota, with the exterior boundaries lying parallel with and at specified distances on each side of the following described line: Beginning at a point 24.00 feet East of the Northwest corner of said SW¼SW¼ of Section 33; thence South along a line parallel with the East lines of said Sections 33 and 4, with said strip of land being 66.00 feet in width, with 42.00 feet Easterly and 24.00 feet Westerly of said line to a point, 479.30 feet Southerly of the North line of said Section 4; thence with said strip being 66.00 feet in width, with 33.00 feet on each of the following described line; South 39°32' West, 718.70 feet; thence South 13°17' West, 1,152.00 feet; thence South 40°15' West, 329.00 feet; thence South 14°42' East, 177.80 feet; thence with said strip being 100.00 feet in width lying 50.00 feet on each side said line, continue South 14°42' East, 50.00 feet; thence South 72°44' East 180.00 feet to the point of termination.

The strip of land herein described contains 9.31 acres, more or less.

~~THIS EASEMENT IS~~ ~~THIS CONDITION DELETED~~ ~~subject to the following conditions:~~
1. The grantee shall pay to the United States compensation in the amount of (\$)
, payable in advance. Compensation shall be made payable to the
Treasurer of the United States and forwarded by the grantee to

2. The installation and/or operation and maintenance of said line shall be accomplished without cost or expense to the United States under the general supervision and subject to the approval of the officer having immediate jurisdiction over the property, hereinafter designated as "said officer", and in such manner as not to endanger personnel or property of the United States on the said United States land or obstruct travel on any road thereon. The grantee shall have the right of ingress and egress for such purposes.

3. The use and occupation of said land incident to the exercise of the privileges hereby granted shall be subject to such rules and regulations as the said officer may from time to time prescribe.

4. The grantee shall supervise the said line and cause it to be inspected at reasonable intervals, and shall immediately repair any leaks found therein as a result of such inspection, or when requested by said officer to repair any defects. Upon completion of the installation of said line and the making of any repairs thereto, the premises shall be restored immediately by the grantee, at the grantee's own expense, to the same condition as that in which they existed prior to the commencement of such work, to the satisfaction of the said officer.

5. Any property of the United States damaged or destroyed by the grantee incident to the use and occupation of the said premises, shall be promptly repaired or replaced by the grantee to the satisfaction of the said officer or in lieu of such repair or replacement the grantee shall, if so required by the said officer, pay to the United States money in an amount sufficient to compensate for the loss sustained by the United States by reason of damages to or destruction of Government property.

6. The United States reserves to itself the right to construct, use, and maintain across, over, and/or under the right of way hereby granted, electric transmission, telephone, telegraph, water, gas, gasoline, oil and sewer lines, and other facilities, in such manner as not to create any unreasonable interference with the use of the right of way herein granted.

7. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the use and occupation of the said premises, nor for damages to the property of the grantee, ~~nor for injuries to the person of the grantee or any individual~~, nor for damages to the property or injuries to the person of the grantee's officers, agents, servants, or employees, or others who may be on said premises at their invitation or the invitation of any one of them, arising from or incident to government activities, and the grantee shall hold the United States harmless from any and all such claims.

8. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the construction, maintenance, and use of said line.

9. That the grantee shall furnish through said line such service as may be required from time to time for governmental purposes on said land, provided that payment for such service will be made by the United States at rates which shall be mutually agreeable but which shall never exceed the most favorable rates granted by the grantee for similar service.

10. In the event all or any portion of said land occupied by said line shall be needed by the United States, or in the event the existence of said line shall be considered detrimental to governmental activities, the grantee shall, from time to time, upon notice so to do, and as often as so notified, remove said line and related facilities to such other location or locations on said land as may be designated by said officer, and, in the event said line shall not be removed or relocated within ninety (90) days after any aforesaid notice, the United States may cause the same to be done at the expense of the grantee.

11. This easement may be terminated by the Secretary of the Army upon a reasonable notice to the grantee if the Secretary of the Army shall determine that the right of way hereby granted interferes with the use or disposal of said land or any part thereof by the United States, or it may be terminated by the Secretary of the Army for failure neglect, or refusal by the grantee fully and promptly to comply with any and all of the conditions of this grant, or for nonuse, ~~nonuse~~ for a period of two consecutive years, or for abandonment.

12. Upon the expiration or termination of this grant, the grantee shall, without expense to the United States, and within such time as the Secretary of the Army may indicate, remove the said line from said land and restore the premises hereby authorized to be used and occupied to a condition satisfactory to the said officer. In the event the grantee shall fail, neglect, or refuse to remove the said line and so restore the premises, the United States shall have the option either to take over the said line as the property of the United States, without compensation therefor, or to remove the said line and perform the restoration work as aforesaid at the expense of the grantee, and in no event shall the grantee have any claim for damages against the United States or its officers or agents, on account of the taking over of said line or on account of its removal.

13. The conditions of this instrument shall extend to and be binding upon and shall inure to the benefit of the ~~grantor~~, representatives, successors, and assigns of the grantee.

14. That it is understood that this instrument is effective only insofar as the rights of the United States in the said property are concerned; and that the grantee shall obtain such permission as may be necessary on account of any other existing rights.

Conditions Nos. 15, 16, 17, 18, 19 and 20 are continued on page 3a attached hereto and by this reference made a part hereof.

Prior to the execution of this instrument Condition No. 1 was deleted, Conditions Nos. 7, 11 and 13 were altered, and Conditions Nos. 15, 16, 17, 18, 19 and 20 were added.

This easement is not subject to Title 10, United States Code, Section 2662.

IN WITNESS WHEREOF I have hereunto set my hand this 18th
day of November 1970 by direction of the Assistant
Secretary of the Army.

/s/Sherry B. Myers
SHERRY B. MYERS
Assistant for Real Property
CASA (I&L)

15. That this easement and right of way for a pump and control house, pumping system, a water pipeline and intake structure to supply water for domestic use, is granted for the exercise of privileges granted by State Water Permit No. 1683-3 issued by the State of South Dakota. It is understood and agreed that no right to use water from the reservoir is created by this grant.

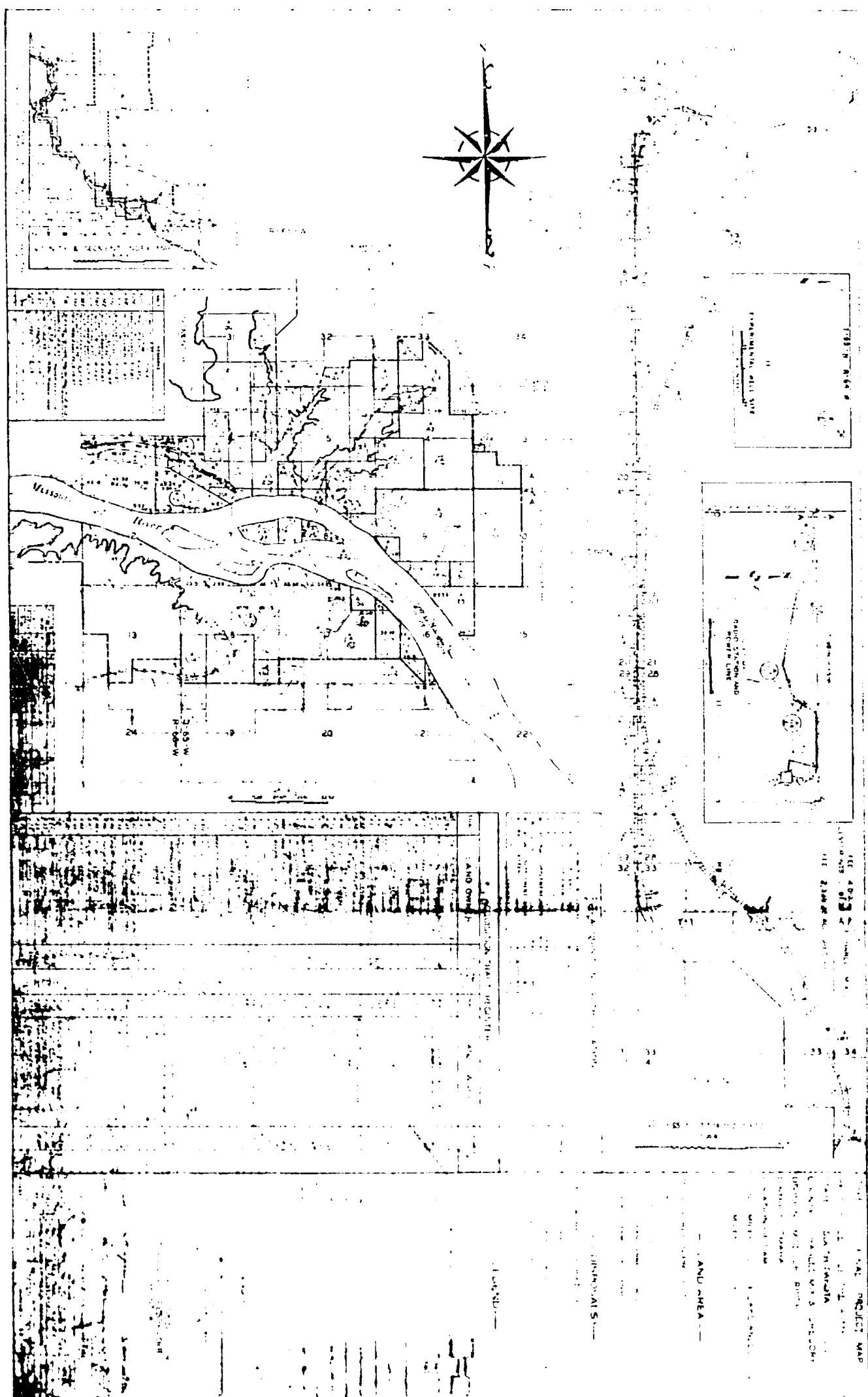
16. That the right is hereby reserved to the United States to flood the granted property permanently or intermittently whenever necessary in connection with river and flood control work, and the grantee shall have no claim for damages of any character on account thereof against the United States, or any officer, agent or employee thereof.

17. That the grantee shall comply promptly with any regulations, conditions or instructions affecting the activity hereby authorized if and when issued by the Federal Water Quality Administration and/or a State Water Pollution Control Agency having jurisdiction to abate or prevent water pollution. Such regulations, conditions or instructions in effect or promulgated by the Federal Water Quality Administration or State Agency are hereby made a condition of this grant.

18. The grantee shall not discriminate against any person or persons because of race, creed, color or national origin in the conduct of its operations thereunder. The grantee furnishes as part of this contract an assurance (Exhibit "C") that it will comply with Title VI of the Civil Rights Act of 1964 (78 Stat. 241) and Department of Defense Directive 5500.11 issued pursuant thereto and published in Part 300 of Title 32, Code of Federal Regulations.

19. That the right of way herein granted is located across an area leased to the State of South Dakota for administration by its Department of Game, Fish, and Parks, for public park and recreation purposes, Lease No. DASM45-1-6, 6025, and it is understood that the State of South Dakota shall be permitted to construct, operate and maintain facilities that may be necessary for park and recreation purposes over and across the right of way hereby granted in such a manner as not to create any unreasonable interference with the use of the right of way herein granted.

20. That prior to the start of construction of the facilities hereby granted, the grantee shall contact the Fort Randall Dam, Lake Francis Case, Area Engineer and obtain from said Area Engineer land areas approved by him for borrow material and fill areas. Upon completion of the use of these lands the areas will be sloped, shaped, reseeded, as to promote drainage, prevent erosion and insure a satisfactory grass cover to present a neat appearance to the satisfaction of the said officer.



Water Permit 1683-3

April 17, 1974

I inspected this municipal system on April 15, 1974 and obtained the necessary information as listed on the outside of the Water Right Folder.

It was indicated that the system may be expanded to a considerable extent in the future. The expansion would be to furnish water for a rural water distribution system. There is some question about if the expansion would be under the existing water right or if the water right would be obtained through the rural distribution system.

In as much, with extensions of time, the existing permit may be satisfactory. I decided to list the necessary information but not file a report of inspection, pending future action.

A handwritten signature in cursive script, reading "Thomas A. Gardner", written over a horizontal line.

Thomas A. Gardner
Water Resources Engineer 1

1683-3 City of Lake Andes, Minnesota

3-10-76 Reel 4, page 1 - (Sept. water)

Pipe from well to filling plant

12" Transite pipe

100,000 gal. day water - 500,000 gpd. summer

Pump - Submersible -

Gould Pump - Franklin Motor

3 stages - 400 gpm.

Bowl No. C 6667, Type 8 JLC

Reel 4, page 1 - (Sept. water)

150 customers

Reel 4, page 1 - (Sept. water)

Reel 4, page 1 - (Sept. water)

Permit No. 1683-3Water Division 3 Missouri River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by City of
Lake Andes of Lake Andes S. Dak. holder
of Permit No. 1683-3, bearing date of priority of June 6 MARCH 31, 191970
authorizing the diversion of 4.44 cu. ft. per second of the waters of Missouri River
for Municipal purposes, in Charles Mix County.

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

The Water Use System consists of,

A. Works used to divert the water:

Gould Submersible Pump. Buco No. C6667, Type 8JLC.
3 stage 400 gpm.
Motor, Franklin, No information available on motor, 30 HP.

B. Works used to transport water to place of use,

Transite Pipe - 12 inches dia. from river to filtration
plant.

C. Works used to apply water to beneficial use.

Municipal Water System

The system is in the following condition: Good

The point of diversion is located 2982 ft. South and 807 ft west of the Northeast
corner of Section 5, T45N, R65W, of 5th PM.

The works are capable of diverting and conveying to the place of use 1.89cu. ft. per second of water which is to be used for Municipal

Water has been put to beneficial use to the maximum extent as follows: Lake Andes City
water system

comprising a total of _____ acres of land.

Date May 12, 1976
LeRoy J. Mernagh
(Signature)