

WATER PERMIT NO. 4921A-3

Phone: 605 773-3381

Name of Applicant: SD Dept. of Game, Fish and Parks

Post Office Address: 523 E Capitol, Pierre SD 57501

Amount of Water Claimed: 2000 gpm (no add'l) Total Acres: NA

Source of Water Supply: Missouri River

Water to be used for: fish hatchery County: Potter

About 16 miles NW of Gettysburg

PRIORITY Date Received: 2-8-93 Fee: NA Remarks: change the

location of the diversion point

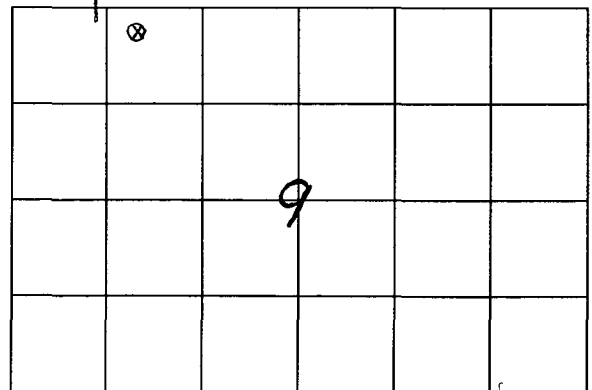
Corrected Application Received: _____ Period of Annual Use: Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED: NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS: _____

Diversion Point: NW 1/4 NW 1/4 Sec 9-T118N-R78W

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: aerial PREPARED BY: Lynn Beck Reviewed and the Number

Assigned on: 2-9-93 By: Karen Schlaak

FORM 2: Application for uses other than irrigation

(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 4921A-3 Hydrologic Unit 10130105
Basin Missouri River
Newspaper Potter Co. News, Box 190, Gettysburg
(office use only)



Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water:

☐ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☐ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☐ Domestic ☐ Industrial ☐ Other fish hatchery
(over 18 gpm)

Type of Application: ☐ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☒ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☒ Amendment/Correction to Permit No. 4921-3

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
Correction in the location of the diversion point from the NW1/4 NW1/4 Sec. 10
T118N, R78W to NW1/4 NW1/4 Sec. 9, T118N, R78W.

- Name of Applicant Dept. of Game, Fish and Parks Phone (605) 773-3381
Mailing Address Joe Foss Bldg. 523 Capitol Pierre State SD 57501
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed 4.46 *CFS or 2000 (no add'l) **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Missouri River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) At the Missouri River
980' E and 600' S of the NWcorner of Sec. 9, T118N, R78W.
County Potter
- County or counties where water will be used Potter
- Annual period during which water is to be used Jan. 1 thru Dec. 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This application is to correct the diversion point on permit no. 4921-3, from the NW1/4 NW1/4 Sec. 10, T118N, R78W to the NW1/4 NW1/4 Sec. 9, T118N, R78W..

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Hughes)^{ss}

I, Richard Beringson, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Richard Beringson
Subscribed and sworn to before me this 5th day of February 19 93

[Signature]
Notary Public

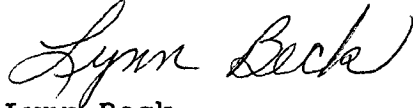
**Report on Application No. 4921A-3
SD Dept. of Game, Fish and Parks
February 19, 1993**

This application is to specify the correct location of the diversion point. Water Permit No. 4921-3 appropriates 2,000 gallons per minute (4.46 cubic feet of water per second) from the Missouri River located in the NW1/4 NW1/4 Section 10-T118-R78W for use at the West Whitlocks Spawning Station. An inspection of Permit No. 4921-3 found the diversion point located in the NW1/4 NW1/4 Section 9-T118N-R78W. This application corrects the location of the diversion point. No increase in the diversion rate is authorized by this application.

The diversion system located in the NW1/4 NW1/4 Section 9-T118N-R78W, was completed September 30, 1983 and has been in use since that date. The water is for fish tanks within the cold storage building and is to be returned to the source. There are no other water rights affected by the use of this water.

Conclusions:

1. No increase in diversion rate is authorized by this application.
2. The system has been in use for approximately 10 years without any complaints.
3. No other water rights will be impaired.



Lynn Beck
Natural Resource Engineer III

Approved By:



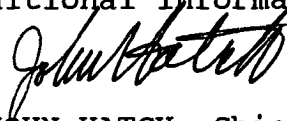
Gale N. Selken, P.E.
Natural Resource Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 4921A-3, SD Department of Game, Fish and Parks

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 4921A-3, SD Department of Game, Fish and Parks, c/o Secretary Richard Beringson, Joe Foss Building, 523 East Capitol Avenue, Pierre, SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 4921A-3 because 1) the proposed diversion has been developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", is written over the typed name.

JOHN HATCH, Chief Engineer
March 3, 1993



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

March 12, 1993

Tim Olson
SD Department of Game, Fish & Parks
Joe Foss Building
523 East Capitol Avenue
Pierre, SD 57501

Dear Mr. Olson:

Water Permit Application No. 4921A-3 for fish hatchery use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Potter Co. News printed at Gettysburg, SD (Ph # 765-2464). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund /KS
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 12, 1993

Potter Co. News
Box 190
Gettysburg, SD 57442-0190

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 4921A-3 to be published twice. Please publish the first notice on March 18, 1993, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is SD Department of Game, Fish and Parks, Joe Foss Building, 523 East Capitol Avenue, Pierre, SD 57501 (Ph # 773-3381).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund/ks
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on March 18, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 4921A-3 to Appropriate Water
and Amend Water Permit No. 4921-3

Notice is given that the Department of Game, Fish and Parks, 523 East Capitol, Joe Foss Building, Pierre, SD 57501 has filed an application for a water permit to specify the correct location of the diversion point. Water Permit No. 4921-3 appropriates 2,000 gallons per minute (4.46 cubic feet of water per second) from the Missouri River located in the NW 1/4 NW 1/4 Section 10-T118N-R78W for use at the West Whitlocks Spawning Station. An inspection of Permit No. 4921-3 found the diversion point located in the NW 1/4 NW 1/4 Section 9-T118N-R78W. This application corrects the location of the diversion point. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4921A-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 5, 1993. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 4921A-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 14, 1993, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the April 14, 1993, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The April 14, 1993, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 5, 1993.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by April 5, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Potter) ss

I, Jack L. Storer
certify that the attached printed Notice was
taken from the Potter County News

printed and published in Leupold

County of Potter and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

March 18, 1993
March 25, 1993

Cost of Printing: 74.56

Jack L. Storer
(Signature)

Publisher
(Title)

4-2-93
(Date Signed)

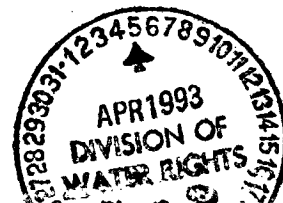
NOTICE OF HEARING ON APPLICATION NO. 4921A-3 TO APPROPRIATE WATER AND AMEND WATER PERMIT NO. 4921-3

Notice is given that the Department of Game, Fish and Parks, 523 East Capitol, Joe Foss Building, Pierre, SD 57501 has filed an application for a water permit to specify the correct location of the diversion point. Water Permit No. 4921-3 appropriates 2,000 gallons per minute (4.46 cubic feet of water per second) from the Missouri River located in the NW 1/4 NW 1/4 Section 10-T118N-R78W for use at the West Whitlocks Spawning Station. An inspection of Permit No. 4921-3 found the diversion point located in the NW 1/4 NW 1/4 Section 9-T118N-R78W. This application corrects the location of the diversion point. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 4921A-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 5, 1993. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 4921A-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for April 14, 1993, at 9:00 am in



Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the April 14, 1993, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The April 14, 1993, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 5, 1993.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by April 5, 1993, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Robert E. Roberts, Secretary
Department of Environment and
Natural Resources

(Published in the Potter County News, March 18 and 25, 1993.)

Permit No. 4921-3

Missouri River Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Dept. of Game, Fish and Parks of Joe Foss Bldg., 523 E. Capitol, Pierre, SD 57501 holder of Permit No. 4921-3, bearing the priority of September 2, 1982 authorizing the diversion of 4.46 cu. ft. per second of the waters of Missouri River for fish hatchery purposes, in Potter County.

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

A. Works used to divert the water:

2 - Franklin Electric Sub. motors, model no. 460/60/3, 30 hp each.

2 - Fairbanks Morse Turbine Sub. pumps, model no. 3417-8xH, 6", 1000 gpm each.

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

340' of 10" steel

180' of 10" pvc

C. Works used to apply water to beneficial use:

Fish hatchery.

The system is in the following condition good. The point of diversion is located 980' E and 600' S of the NW corner Sec. 9, T118N, R78W. The works are capable of diverting and conveying to the place of use 4.46 cu. ft. per second of water which is to be used for fish hatchery. Water has been put to beneficial use to the maximum extent as follows:

To provide water to fish tanks within cold storage bldg., water is to be returned to source

and the license should be issued for 4.46 cfs.

Application permit qualifications have been complied with Y Yes No

Exceptions to compliance are: none Date 8-19-92

Lynn Beck

Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Division

DATE 8-19-92

DIVERSION POINT LEGAL LOCATION: 980' E and 600' S of the NW cr. Sec. 9 T118N-R78W.

No. of Wells	Depth(s)
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Comments: A new application is needed to correct the diversion point location. The diversion is located in the NW1/4 SW1/4 Sec. 9, T118N, R78W.

NOT TO SCALE

Sec 6-118-78 Prepared by:

Lynn Beck

Lynn Beck (1)
Natural Resource Engineer
DENR, Division of Water Rights
8-25-92

MT 1834

(3)
81°

(5)
88°

(6)
6°

980'

8
8
P.S.

E 1/2 8-118-78

F 4

License No. 4921A-3
Appl No. 4921A-3

South Dakota

GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 31, 1992

Tim Olson, Water Permits Coordinator
Department of Game, Fish and Parks
Joe Foss Building
523 East Capitol
Pierre, SD 57501

Dear Mr. Olson:

Please find enclosed an instruction sheet and a partially completed application form to correct the diversion point location on Permit No. 4921-3 from the NW 1/4 NW 1/4 Section 10, T118N, R78W to the NW 1/4 ~~SW~~ NW 1/4 Section 9, T118N, R78W. You will not have to provide a map, as I have already prepared one.

If you have any questions, please feel free to contact me.

Sincerely,

Lynn Beck

Lynn Beck
Natural Resources Engineer
Water Rights Division
(605) 773-3352

encl



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 30, 1992

Tim Olson, Water Permits Coordinator
Department of Game, Fish and Parks
523 E Capitol
Pierre SD 57501

Dear Mr. Olson:

On August 31, 1992, you were sent applications forms for a permit to appropriate water based on an inspection of Water Permit No. 4921-3 by Lynn Beck, an engineer with this office. This inspection showed that the system was not developed as originally permitted. This application is necessary to obtain a permit which will reflect actual water use. To date, we have not received a response regarding this application.

Enclosed is another partially completed application form. Please review the application and have it signed and notarized.

Obtaining water permits that accurately reflect water use ultimately benefits you by protecting your right to use water.

Water Permit No. 4921-3 can not be licensed until this application is processed and a permit obtained to reflect the current water use in accordance with state statutes. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
Phone: (605) 773-3352

enclosure



DEPARTMENT OF GAME, FISH AND PARKS

Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182



February 8, 1993

Mr. John Hatch, Chief Engineer
Division of Water Rights
S.D. Department of Environment & Natural Resources
Foss Building, 523 E. Capitol
Pierre, SD 57501

Dear Mr. Hatch:

We are submitting the attached signed and notarized applications to appropriate water in order to correct errors noted on our existing water permit for the West Whitlocks Spawning Station, Potter County (**Water Permit No. 4921-3**). We are filing these corrections on the advice of your staff. Upon inspection of the facility last summer, Ms. Beck of your staff noted that the legal description for the diversion point on the existing permit was incorrect.

Thank you for your assistance on this matter and if you have any questions please call me at 773-6208.

Sincerely,

Timothy J. Olson
Water Permits Coordinator

cc: Bob Hanten



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 19 1993

Tim Olson
SD Department of Game, Fish & Parks
523 East Capitol
Pierre, SD 57501

Dear Mr. Olson:

Enclosed is Water Permit and License No. 4921A-3. The license is the final document and completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosures

NOTE: The applicable portions of Water Permit No. 4921-3 were incorporated into Water License No. 4921A-3.

**SOUTH DAKOTA
WATER PERMIT NO. 4921A-3**

Date of first receipt of application February 8, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 4921A-3 to South Dakota Department of Game, Fish and Parks, 523 E Capitol, Pierre SD 57501 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 4921A-3 specifies the correct location of the diversion point. Water Permit No. 4921-3 appropriates 2,000 gallons per minute (4.46 cubic feet of water per second) from the Missouri River located in the NW 1/4 NW 1/4 Section 10-T118N-R78W for use at the West Whitlocks Spawning Station. An inspection of Permit No. 4921-3 found the diversion point located in the NW 1/4 NW 1/4 Section 9-T118N-R78W. This permit corrects the location of the diversion point. No increase in the diversion rate is authorized by this permit.
2. The water appropriated shall be used for the purpose of supplying water to the West Whitlocks Spawning Station and may not exceed the amount of water needed for beneficial use for fish hatchery purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 4921A-3 is April 14, 1993.
5. The date from which applicant may claim right is September 2, 1982 (established by Water Permit No. 4921-3).
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

MAY 19 1993
date

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4921A-3

(1) The South Dakota Department of Game, Fish & Parks, of 523 E Capitol, Pierre, SD 57501 made Application No. 4921A-3, February 8, 1993 for a water permit to correct the location of the diversion point developed under Water Permit No. 4921-3, in Potter County, South Dakota for fish hatchery purposes. Permit No. 4921A-3, with a priority date of September 2, 1982 was approved April 14, 1993 and issued to the applicant(s) for diversion of water with construction of the described water supply system completed and for the application to beneficial use of said water completed.

Water Permit No. 4921-3 authorized diversion of 4.46 cfs from the Missouri River at a location described as NW 1/4 NW 1/4 Section 10, T118N, R78W. The actual point of diversion, as found during the field inspection, is located in the NW 1/4 NW 1/4 Section 9. Water Permit No. 4921A-3 specified the correct location of the diversion point. No. 4921A-3 did not allow for an increase in the developed diversion rate.

The applicable portions of Water Permit No. 4921-3 are incorporated into this Water License No. 4921A-3. A priority date of September 2, 1982 is retained.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 4.46 cubic feet of water per second for beneficial use. The location of the diversion point is 980 feet east and 600 feet south of the NW corner of Section 9, T118N, R78W (NW 1/4 NW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The water diverted from the river supplies the Whitlock Bay Salmon Spawning and Imprint Station.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the South Dakota Department of Game, Fish & Parks of 523 E Capitol, Pierre, SD 57501 the holder and/or owner of Water Permit No. 4921A-3 is issued a license to appropriate water, the right to use 4.46 cubic feet of water per second from the Missouri River for fish hatchery purposes with a priority date of September 2, 1982 from the location specified in (2) of this license. This license is subject to any limitations or qualifications listed in Water Permit No. 4921A-3 and subject to South Dakota State Law.



MAY 19 1993

JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources