

Considered: _____

WATER PERMIT NO. 5049-3

MAP No. Same

Name of Applicant S.D. Dept. Game, Fish & Parks

Post Office Address 445 E. Capitol Pierre, S.D.

Amount of Water Claimed 600 acre feet/year Total Acres _____

Source of Water Supply Local drainage Blythe Slough

Water to be used for REC County Codington

About 11 miles W of Watertown

PROOF OF PUBLICATION: Received ~~11-1-85~~ 1st 11-1-85 Not Received _____

APPLICATION: Approved 12-4-85 Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received 12-17-84 Fee N.A. Remarks W.R. Staff

1944 investigated 3-28-85

Corrected Application Received _____ Period of Annual Use Jan 1 to Dec. 31

WATER QUALITY APPROVAL RECEIVED N/A APPROVED/CONDITIONAL (Circle one)

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

Diversion Point sec. 27 & 28 T117N-R55W

Land to be Irrigated _____

Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map USGS Topo PREPARED BY Ron Roth Reviewed and the Number assigned on 2-22-85 By RC Tarron

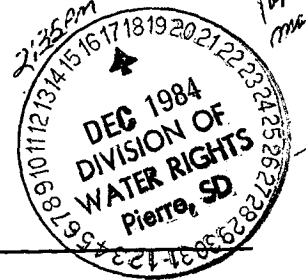
No. 5049-3 Hydrologic Unit 10170201
 Map No. same Basin Big Sioux
 Newspaper WaterTown Public Opinion Box 10

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

Check use of water: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☒
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☐ Vested Right ☒ Future Use ☐ Change Use ☐
☐ Amend Permit No. _____ with old priority date retained
☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____
☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____
☐ Construction to use water reserved by Future Use Permit No. _____



- Name of Applicant S.D. Department of Game, Fish and Parks Phone No. 773-3387
 Post Office Address 445 E. Capitol, Pierre, South Dakota State 57501
(Street, RR or Box) Zip Code
- Amount of water claimed (c.f.s) 600 acre feet annually (see attached map and notes)
- Source of water supply Local drainage (see map attached)
- Location of point of diversion Blythe Slough, T 117 N, R55W, sections 27 & 28,
Codington County, South Dakota
 _____ County Codington
- Counties where water will be used Codington
- Annual period during which water is to be used 01-01 through 12-31 annually
- Give a brief description of proposed 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)
 We propose construction of two or three pond-island complexes in Blythe Slough, to be engineered and built by Ducks Unlimited, for enhancement of waterfowl production and recreation. We request this water right only as an insurance measure to protect inflows into Blythe Slough. (see attached map)

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA
 County of Hughes ss

I, S. D. Department of Game, Fish and Parks the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Charles E. Heeler Resource Specialist

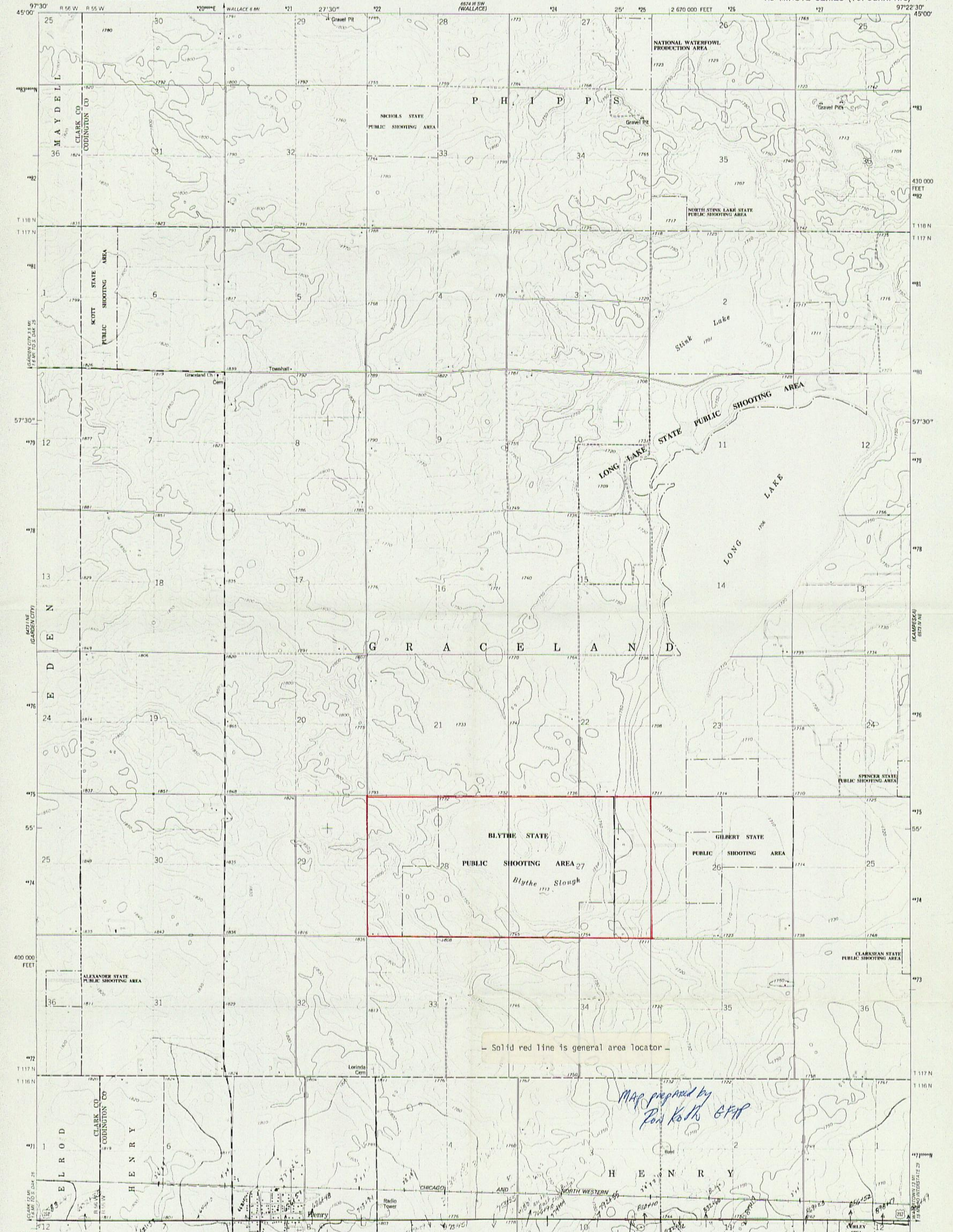
Subscribed and sworn to before me this 17th day of December 19 84

Charles E. Heeler

Notary Public (or other qualified officer)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

HENRY QUADRANGLE
SOUTH DAKOTA
7.5 MINUTE SERIES (TOPOGRAPHIC)



Maped, edited, and published by the Geological Survey
Control by USGS and NOS/NOAA
Topography by photogrammetric methods from aerial
photographs taken 1973. Field checked 1973
Projection and 10,000-foot grid ticks: South Dakota coordinate
system, north zone (Lambert conformal conic)
1000-meter Universal Transverse Mercator grid ticks,
zone 14, shown in blue. 1927 North American datum
Fine red dashed lines indicate selected fence and field lines where
generally visible on aerial photographs. This information is unchecked

SCALE 1:24 000
CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

ROAD CLASSIFICATION
Primary highway, hard surface
Secondary highway, hard surface
Light duty road, hard or improved surface
Unimproved road
Interstate Route
U. S. Route
State Route

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

HENRY, S. DAK.
N4452.5 - W9722.5/7.5
1973
AMS 0573 IV NW-SERIES VB73

WR # 5049-3

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. _____

(Applicant) (Post Office Address)

(State) (Zip Code) With the following qualifications.

See Form VR-2

Date of first receipt of application _____, 19____.

Date of return to applicant for correction, amendments or changes required _____, 19____.

Date of receipt of corrected application _____, 19____. Approved _____, 19____.

The Water Management Board hereby approves this Water Permit No. _____ authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____, 19____.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before _____, 19____.
3. The whole of said work is to be completed on or before _____, 19____.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is _____, 19____.
5. The water appropriated shall be used for the purpose of _____

6. 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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed _____ cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served and to which water is actually and beneficially applied for _____ on or before _____, 19____; said water to be used during the following described annual period: _____

WATER MANAGEMENT BOARD

By: _____

Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

_____, 19____

VESTED WATER RIGHT

The Water Management Board hereby recognizes Vested Water Right No. 5049-3

SD Dept. of Game, Fish & Parks
(applicant)

445 E. Capitol, Pierre
(post office address)

South Dakota 57501
(state) (zip code)

Date of receipt of Application December 17, 19 84.

Recognized December 4, 19 85.

The Water Management Board hereby recognizes the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Vested Water Right, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is , 19 44.
2. The whole of said work has been completed and water has been applied to beneficial use as described on Form 2B of this application.
3. The water appropriated is used for the purpose of recreation and wildlife.
4. 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 unlawfully impaired by this appropriation.
5. The amount of appropriation hereby recognized shall not exceed a water surface elevation of 1713.0 ft msl ~~cubic feet per second of time~~; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served and to which water has been actually and beneficially applied for recreation & wildlife use. The water to be used during the following described period January 1 to December 31.

This Vested Right Claim is for sufficient water to fill Blythe Slough annually to the normal water elevation of the slough, 1713.0 ft msl. Total storage at elevation 1713.0 ft msl is approximately 570 acre feet.

WATER MANAGEMENT BOARD

By: John Hatch

(Chief Engineer) JOHN HATCH

Division of Water Rights
Dept. of Water and Natural Resources

FEB 11 1986

, 19

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) South Dakota Department of Game, Fish and Parks

Post Office Address 445 E. Capitol Pierre, SD 57501
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____
Where Book Page

B. Date of start of construction of water supply system _____

C. Date that water was first applied to beneficial use _____

D. Name of owner of original water supply system _____

E. Amount of water originally applied to beneficial use Blythe- 600 acre feetF. Present Use of Water - Amount of water now being used 600 acre feet

Date that this water was first used _____

G. Chronological History of Water Use

Blythe Slough was purchased by Game, Fish and Parks from private owners from 1957-59. The area has been in marshland and has only been used for wildlife and recreational purposes.

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)

County of Hughes) ^{ss}

I, S. D. Department of Game, Fish and Parks the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

Signed Ronald M. Koltz Resource Staff SpecialistSubscribed and sworn to before me January 4, 1985Charles E. Kaelin

Notary Public or other qualified officer

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

(Print name) 19_________
(Print name) 19____

Memorandum

To: File

From: Greg Powell

Re: Investigation of Vested Water Right Application for Blythe Slough

Date: 4/1/85

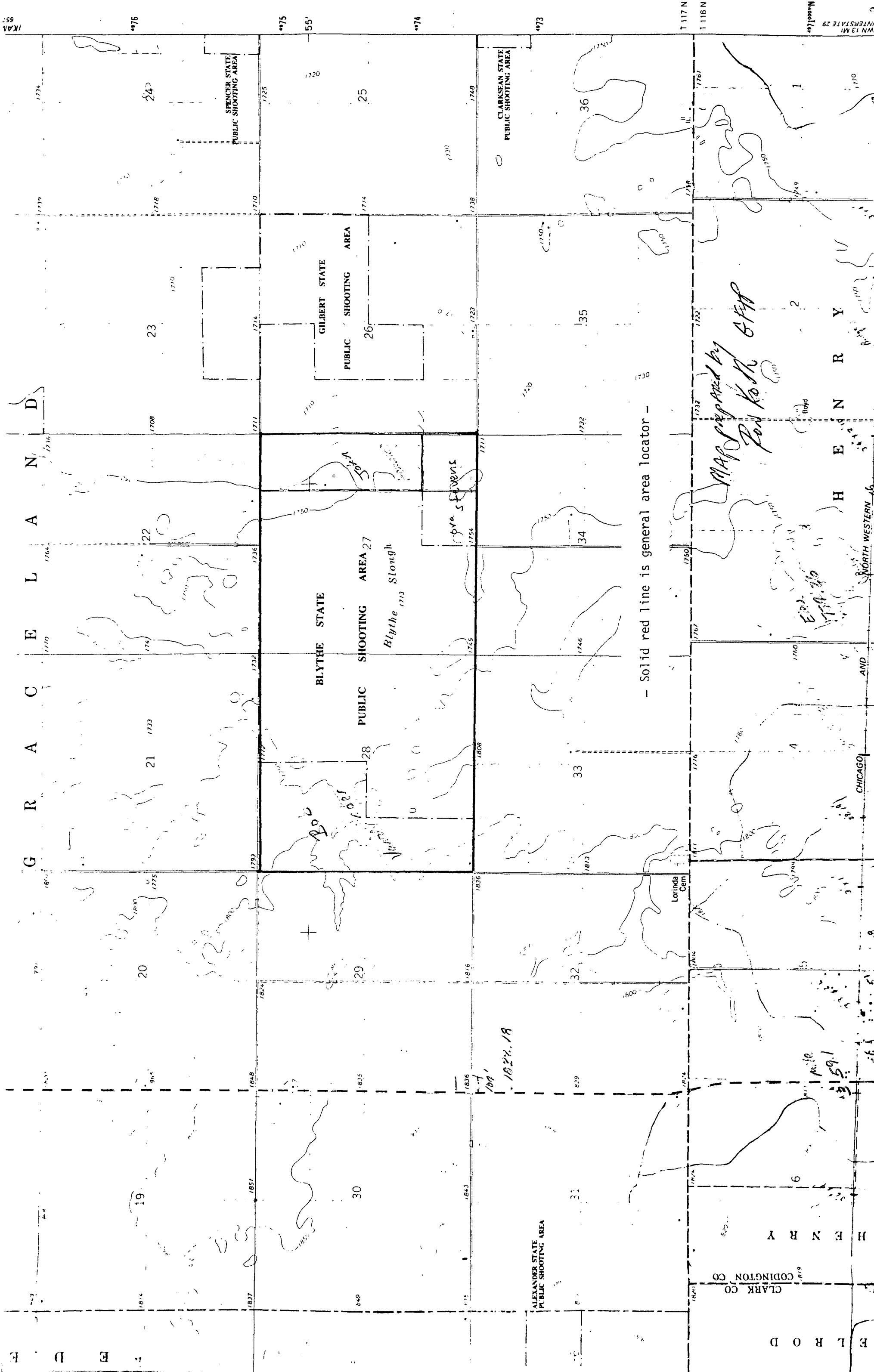
On March 28, 1985 Del Brosz and I investigated Blythe Slough. ^{Blythe Slough is located in sections 27 and 28 of T117N R55W of Codington County.} Blythe Slough is a closed basin essentially having no outlet. The only way for the slough to outlet would be if the water raised 40 feet, and with a drainage area of 5 square miles it would be virtually impossible for the slough to ever reach any type of outlet elevations.

Game Fish and Parks has applied for a vested water right for 600 acre feet of water. The request for 600 acre feet of water is reasonable, but any proposed development by Ducks Unlimited should be reviewed to determine if additional water is used and an additional water permit is required.

My recommendation would be that the permit application be amended to exclude the Ducks Unlimited proposal.

F0212(27)358 - From Henry to the Curve on Highway 212

<u>Bench Mark Number</u>	<u>Description</u>	<u>Elevation</u>
212 - 359.74	Standard Disc Set in Conc 692+00	1797.74
212 - 360.61	Standard Disc Set in Conc 737+50	1774.76
212 - 361.59	Standard Disc Set in Conc 789+50	1752.81
212 - 362.60	Standard Disc Set in Conc 842+42	1750.19
212 - 363.59 Lost	Standard Disc Set in Conc 895+00	
212 - 364.58	Standard Disc Set in Conc 947+38	1785.17
212 - 365.58	Standard Disc Set in Conc 1000+19	1768.30
212 - 366.59	Standard Disc Set in Conc 1053+00	1761.65
212 - 367.58	Standard Disc Set in Conc 1105+50	1760.48



- Solid red line is general area locator -

Map prepared by
Don K. H. 6/18/88

CLARK CO
CODINGTON CO

H E N R Y

NORTH WESTERN

CHICAGO

AND

H E N R Y

R Y

U

1

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1

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1

April 23, 1985

MEMO TO: Ron Koth
Department of Game, Fish & Parks

FROM: John Hatch, Chief Engineer
Division of Water Rights



SUBJECT: Vested Right Applications for Renziehausen Slough, Black Slough, Mud Lake and Blythe Slough

Del Brosz and Greg Powell, Water Rights Division Engineers, have reviewed and completed field investigations of the above four Vested Right applications. Before the applications are presented to the Water Management Board, I believe the following changes are necessary:

A. Renziehausen Slough:

1. The Board cannot recognize this application in its present form as a Vested Right. The completion of a waterfowl production enhancement project involving a system of control gates, pumps and dikes would exceed the original Vested Right. Approval of a new application would be necessary to complete these changes. Vested Rights are defined in SDCL 46-1-8.
2. If the enhancement project is eliminated, this application can be recognized as a Vested Right provided:
 - a. The Vested Right recognition is limited to water on land owned by the Department of Game, Fish & Parks. If private land is to be included, letters of agreement or easements from the landowner(s) must accompany the application.
 - b. Evidence is provided that the water has been used consistently for the beneficial use for which the vested right is being claimed.
 - c. A date that water was first applied to beneficial use must be included on the Affidavit of Water Use. This should be supported by the documentation in b.

- d. The annual amount of water claimed will be limited to the amount necessary to fill the slough to the elevation of the outlet. The outlet elevation of the slough will be set at 1283.0 ft msl.

B. Black Slough:

1. The Board can not recognize this application as a Vested Right. Mr. Brosz and Mr. Powell visited with Mr. Harvey Binger, Wildlife Conservation Officer, on March 26, 1985. Mr. Binger stated that Ducks Unlimited was planning to construct a control structure at the outlet of the slough. This control structure would raise the water level in the slough making the slough suitable for waterfowl production. Mr. Binger stated that the slough was useless at the present time. Engineers were at the site on March 26, 1985 conducting engineering surveys for Ducks Unlimited. The Department of Game, Fish & Parks should submit a Water Permit application for the Ducks Unlimited project.

C. Mud Lake:

1. This application can be recognized as a Vested Right provided:
 - a. Letters of agreement or easements are included with the application from private landowner(s) whose land will be covered by water claimed by the Vested Right.
 - b. Evidence is provided that the water has been used consistently for the beneficial use for which the vested right is being claimed.
 - c. A date that water was first applied to beneficial use must be included on the Affidavit of Water Use. This should be supported by the documentation in b.
 - d. The application indicates if the Vested Right is to be limited to Mud Lake or if the surrounding slough is to be included? The surface area of Mud Lake is 70 acres. The annual amount of Water claimed should be limited to the amount necessary to fill the lake and, if included, the slough area to the elevation of the outlet. The outlet elevation will be set at 1184.0 msl.

D. Blythe Slough

1. This application can be recognized as a Vested Right, provided:
 - a. Additional documentation is included showing that the slough was used for wildlife and recreational purposes prior to March 2, 1955.
 - b. A date that water was first applied to beneficial use must be included on the Affidavit of Water Use. This should be supported by the documentation in a.

- c. Since Blythe Slough is a closed basin without an outlet that is used, the annual amount of water will be limited to the normal water surface elevation of slough. The elevation is to be provided by GF&P on the application.

It will also be necessary to provide a map for each application that shows the area being applied for.

cc: Dan Doyle, Assistant Attorney General

C41601KS.WR

**South Dakota
Department of
Game, Fish and Parks**

**Division of Administration
Sigurd Anderson Building
445 East Capitol
Pierre, South Dakota 57501**

MEMORANDUM



TO: John Hatch, Chief Engineer

FROM: Ron Koth
Water Permits Coordinator

May 7, 1985

SUBJECT: Vested Water Right Applications

As per your memo of April 23, 1985, vested water right applications submitted for the following wetland areas: Renziehausen Slough (Sec 25 & 26, T127N, R60W), Black Slough (Sec 3 & 4, T126N, R56W), and Blythe Slough (Sec 27 & 28, T117N, R55W) contained verbage in section seven of page one, that would make them ineligible for vested water rights. This verbage was originally inserted as descriptive information on what could potentially occur on these sloughs if they were selected as development areas by Ducks Unlimited.

To date, no project plans have been finalized on any of the above wetland areas but the Department of Game, Fish and Parks does want to acquire vested water rights to maintain the present use of the areas, regardless of any potential development plans.

Please amend the three above mentioned applications (Sec. 7) to the following, "Water will be used in place for wildlife and public recreational purposes." We understand that if a slough is selected for a development project that will alter or control water levels or transport through the slough(s), a new water right application will need to be filed to reflect the project and its works.

The additional documentation and maps of these areas will be provided as soon as possible, hopefully by May 13, 1985 at the latest, so your staff will have the opportunity for review prior to the May Board of Water Management meeting.

RK/ld

cc: Gay Simpson, GF&P

STATE OF SOUTH DAKOTA)
COUNTY OF Codington) SS

AFFIDAVIT

Bobbie L. Sharp, being first duly sworn
on oath, deposes and states as follows:

1. That he has resided in Codington County,
South Dakota, for 41 years, and that he is thoroughly familiar
with the area commonly known as Blythe Slough, and being
more particularly described as follows:

W¹/₂, W¹/₂NE¹/₄, NW¹/₄ SE¹/₄ Sec. 27-117-55
E¹/₂, E¹/₂ SW¹/₄ Sec. 28-117-55

2. That his knowledge and familiarity with the area has
been acquired by virtue of the fact that he has, for the last 41
years, resided within one miles of said described land, and that
he has personal knowledge of the use to which the land was put, at
all times from January 1, 1955, to the present; he was further
acquainted with Bruce Florey, who was owner of the
above-described property prior to 1957.

3. The undersigned hereby states, from his personal
knowledge, that the above-described land area is now, and was, at
all times from before January 1, 1955, and continuing to the
present, a natural wetland area beneficial to wildlife and public
recreation, and the area has now, and always has had, from before

January 1, 1955, and continuing to the present, intrinsic use as a
wildlife production area, and all of said uses have continued
uninterrupted from before January 1, 1955, to the date of this
Affidavit.

Dated this 13 day of May, 1985.
Bobbie L. Sharp
Affiant

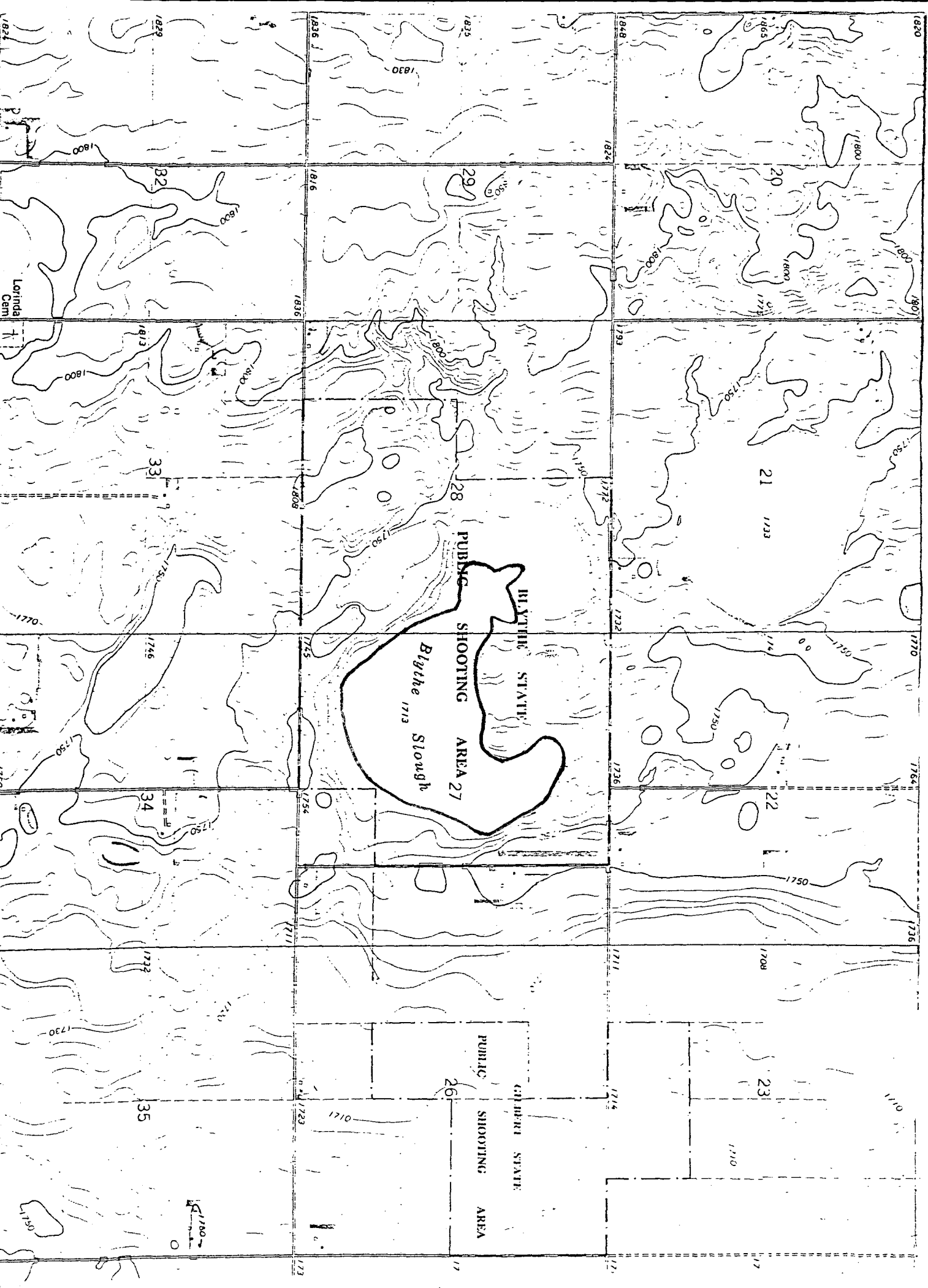
Subscribed and sworn to before me, a notary public, this 13
day of May, 1985.

W C Foss
Notary Public, South Dakota

My Commission expires:

Notary Public, Codington Co., S.D.
My Commission Expires March 22, 1987

SEAL



**South Dakota
Department of
Game, Fish and Parks**

**Division of Administration
Sigurd Anderson Building
445 East Capitol
Pierre, South Dakota 57501**

May 14, 1985

MEMO TO: John Hatch, Chief Engineer
Water Rights

FROM: Ron Koth, Water Permits Coordinator
Game, Fish and Parks

Ron Koth



SUBJECT: Vested Water Right Applications

Please find attached the documentation and/or changes needed for vested water right applications on Renziehausen Slough, Black Slough, Blythe Slough, and Mud Lake in addition to the previously requested amendment found in my May 7, 1985 memo to you.

Renziehausen Slough:

- (1) Water and wetland areas in Renziehausen Slough have probably been in that condition since at least 1935 when the Department of Game, Fish and Parks purchased the first wetland parcel. Water and wetland purchases were made from 1935-1947 from several private owners. The remainder of land owned by GF&P is upland and was purchased from other public and private owners from 1955-1963. Since water areas were purchased prior to 1955 and have been continually managed by GF&P for wildlife and recreational purposes, vested water rights should be applicable. Please use 1935 as the date that water was first applied to beneficial use.
- (2) The attached map supercedes the previously submitted map. The outlined lands reflect the outlet elevation of 1283.0 msl as set by your staff. All lands within the outlined area are owned by the Department of Game, Fish and Parks.

Black Slough:

- (1) The attached affidavit should fulfill the continuity of use requirement that water and wetland areas in Black Slough have been used since at least 1946 to the present for the same purposes. Please use 1946 as the date that water was first applied to beneficial use in lieu of other documentation.
- (2) The attached map supercedes the previously submitted map. The outlined lands on the attached map reflect the outlet elevation of

1769.65 msl as surveyed by your staff on 3-27-85. All lands within the outlined area are owned by the Department of Game, Fish and Parks.

- (3) As a result of using 1769.65 msl as the outlet elevation the amount of water claimed on the vested right application should be 315 acre feet annually, rather than 500 acre feet annually.

Mud Lake:

- (1) The attached affidavit should fulfill the continuity of use requirement that water and wetland areas in Mud Lake have been used since at least 1942 to the present for the same purposes. Please use 1942 as the date that water was first applied to beneficial use in lieu of other documentation.
- (2) The attached map supercedes the previously submitted map. The outlined maps on the attached map reflect the outlet elevation of 1184.0 msl as recommended in your 4-23-85 memo. All lands within the outlined area are owned by the Department of Game, Fish and Parks.
- (3) As a result of using the 1184.0 msl outlet elevation the amount of water claimed on the vested right application should be 310 acre feet annually rather than 380 acre feet annually.

Blythe Slough:

- (1) The attached affidavit should fulfill the continuity of use requirement that water and wetland areas in Blythe Slough have been used for the same purposes from 1944 to the present. Please use 1944 as the date that water was first applied to beneficial use in lieu of other documentation.
- (2) The attached map supercedes the previously submitted map. The lands outlined on the attached map reflect an outlet elevation of 1713.0 msl as recommended by Greg Powell of your staff. All lands within the outlined area are owned by the Department of Game, Fish and Parks.
- (3) As a result of using 1713.0 msl as the normal elevation of the slough, the amount of water claimed on the vested water right application should be 570 acre feet annually, rather than 600 acre feet annually.

Thank you for your assistance in quantifying these vested water rights.

RK/ld

Attch:

**South Dakota
Department of
Game, Fish and Parks**

**Division of Administration
Sigurd Anderson Building
445 East Capitol
Pierre, South Dakota 57501**

May 14, 1985

MEMO TO: John Hatch, Chief Engineer
Water Rights

FROM: Ron Koth, Water Permits Coordinator
Game, Fish and Parks

SUBJECT: Vested Water Right Applications



Please find attached the documentation and/or changes needed for vested water right applications on Renziehausen Slough, Black Slough, Blythe Slough, and Mud Lake in addition to the previously requested amendment found in my May 7, 1985 memo to you.

Renziehausen Slough:

- (1) Water and wetland areas in Renziehausen Slough have probably been in that condition since at least 1935 when the Department of Game, Fish and Parks purchased the first wetland parcel. Water and wetland purchases were made from 1935-1947 from several private owners. The remainder of land owned by GF&P is upland and was purchased from other public and private owners from 1955-1963. Since water areas were purchased prior to 1955 and have been continually managed by GF&P for wildlife and recreational purposes, vested water rights should be applicable. Please use 1935 as the date that water was first applied to beneficial use.
- (2) The attached map supercedes the previously submitted map. The outlined lands reflect the outlet elevation of 1283.0 msl as set by your staff. All lands within the outlined area are owned by the Department of Game, Fish and Parks.

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Mud Lake:

- (1) The attached affidavit should fulfill the continuity of use requirement that water and wetland areas in Mud Lake have been used since at least 1942 to the present for the same purposes. Please use 1942 as the date that water was first applied to beneficial use in lieu of other documentation.
- (2) The attached map supercedes the previously submitted map. The outlined maps on the attached map reflect the outlet elevation of 1184.0 msl as recommended in your 4-23-85 memo. All lands within the outlined area are owned by the Department of Game, Fish and Parks.
- (3) As a result of using the 1184.0 msl outlet elevation the amount of water claimed on the vested right application should be 310 acre feet annually rather than 380 acre feet annually.

Blythe Slough:

- (1) The attached affidavit should fulfill the continuity of use requirement that water and wetland areas in Blythe Slough have been used for the same purposes from 1944 to the present. Please use 1944 as the date that water was first applied to beneficial use in lieu of other documentation.
- (2) The attached map supercedes the previously submitted map. The lands outlined on the attached map reflect an outlet elevation of 1713.0 msl as recommended by Greg Powell of your staff. All lands within the outlined area are owned by the Department of Game, Fish and Parks.
- (3) As a result of using 1713.0 msl as the normal elevation of the slough, the amount of water claimed on the vested water right application should be 570 acre feet annually, rather than 600 acre feet annually.

Thank you for your assistance in quantifying these vested water rights.

RK/ld

Attch:

**South Dakota
Department of
Game, Fish and Parks**

**Division of Administration
Sigurd Anderson Building
445 East Capitol
Pierre, South Dakota 57501**

MEMORANDUM



TO: John Hatch, Chief Engineer

FROM: Ron Koth
Water Permits Coordinator *RK*

May 7, 1985

SUBJECT: Vested Water Right Applications

As per your memo of April 23, 1985, vested water right applications submitted for the following wetland areas: Renziehausen Slough (Sec 25 & 26, T127N, R60W), Black Slough (Sec 3 & 4, T126N, R56W), and Blythe Slough (Sec 27 & 28, T117N, R55W) contained verbage in section seven of page one, that would make them ineligible for vested water rights. This verbage was originally inserted as descriptive information on what could potentially occur on these sloughs if they were selected as development areas by Ducks Unlimited.

To date, no project plans have been finalized on any of the above wetland areas but the Department of Game, Fish and Parks does want to acquire vested water rights to maintain the present use of the areas, regardless of any potential development plans.

Please amend the three above mentioned applications (Sec. 7) to the following, "Water will be used in place for wildlife and public recreational purposes." We understand that if a slough is selected for a development project that will alter or control water levels or transport through the slough(s), a new water right application will need to be filed to reflect the project and its works.

The additional documentation and maps of these areas will be provided as soon as possible, hopefully by May 13, 1985 at the latest, so your staff will have the opportunity for review prior to the May Board of Water Management meeting.

RK/ld

cc: Gay Simpson, GF&P

**South Dakota
Department of
Game, Fish and Parks**

**Division of Wildlife
Sigurd Anderson Building
445 East Capitol
Pierre, South Dakota 57501-3185
(605) 773-3381**

September 19, 1985



MEMO TO: Mr. John Hatch
Chief Engineer
Division of Water Rights

FROM: Ron Koth
Water Permits Coordinator

Ron Koth

SUBJECT: Vested Water Right Applications

Following recognition of vested water rights on Black Slough, Marshall County, using the ad hoc protocol established by Board of Water Management and your staff, the Department of Game, Fish and Parks would request that the same protocol be used for recognition of vested water rights on the following areas.

1. Renziehausen Slough, Brown County
2. Blythe Slough, Codington County
3. Mud Lake, Roberts County

Vested water right applications for these three areas were previously submitted (17 December 1984 and 21 January 1985) and amended by my May 7 and 14, 1985 memos to you. It is my understanding that field inspections have been conducted so the only remaining procedure is to publicly notice the recognition and to bring them before the Board of Water Management.

If you have any questions please contact me at 773-5511.

RK/ld

REPORT ON VESTED RIGHT APPLICATIONS
RENZIEHAUSEN SLOUGH, BLACK SLOUGH, MUD LAKE, BLYTHE SLOUGH
SUBMITTED BY GAME, FISH & PARKS

May 14, 1985

These applications are for vested water rights for wildlife and public recreational purposes.

Renziehausen Slough, Application No. 5051-3, requests a vested water right on approximately 398 surface acres located in portions of Sections 25, 26, 35 and 36 all of T127N, R60W. The application requests water to the outlet elevation of 1283.0 feet msl. as surveyed by Del Brosz and Greg Powell of the Division of Water Rights. The priority date for which this application may be approved is 1935, as evidenced by land purchases and an affidavit.

Black Slough, Application No. 5050-3, requests a vested water right on approximately 103 surface acres located in portions of Section 33 and 34 of T127N, R56W and Sections 3 and 4 of T126N, R56W. The application requests water to the outlet elevation of 1769.65 feet msl as surveyed by Del Brosz and Greg Powell. The priority date for which this application may be approved is 1946, as evidenced by an affidavit signed by Godtfred Damgaard.

Mud Lake, Application No. 5048-3, requests a vested water right on approximately 119 surface acres located in portions of Section 10, T123N, R50W. The application requests water to the elevation of 1184.0 feet msl. as surveyed by Del Brosz and Greg Powell. The priority date for which this application may be approved is 1942 as evidenced by an affidavit signed by Marlowe Vriem.

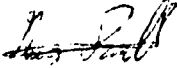
Blythe Slough, Application No. 5049-3, requests a vested water right an approximately 362 acres located in Sections 27 and 28 of T117N, R55W. The application requests water to the elevation of 1713.0 feet msl. as identified on a U.S.G.S. topographic map. The priority date for which this application may be approved is 1944 as evidenced by an affidavit signed by Bruce Florey.

These vested right applications are for a one-time-fill to the respective identified elevations. The applications are being submitted with the proposed modifications by Ducks Unlimited being deleted by Game, Fish and Parks.

Conclusions

1. The Water Rights Staff believes that a substantiated claim does exist for a vested water right.
2. The documentation for the applications shows that Slough Areas have been used for wildlife and public recreation purposes dating from 1935 for Renziehausen Slough, 1946 for Black Slough, 1942 for Mud Lake, and 1944 for Blythe Slough. The present conditions of the slough areas have existed since prior to 1955 and therefore will not alter, change, or adversely affect existing water rights.

3. Recommendation: The applications should be recognized as vested rights at the elevations and acreages surveyed by the Water Right Staff with a qualification that any alteration of present conditions proposed will require approval by the Water Management Board.

A handwritten signature in dark ink, appearing to read 'Greg Powell', is written above the printed name.

GREG POWELL
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR APPLICATION

NO. 5049-3 FOR RECOGNITION OF A VESTED RIGHT CLAIM

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Application No. 5049-3 for recognition of a Vested Water Right Claim for Blythe Slough by the South Dakota Department of Game, Fish and Parks.

The Chief Engineer is recommending RECOGNITION of Application No. 5049-3 because 1) the water has been appropriated since 1944 for wildlife and public recreation purposes, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use of water and 4) in the public interest.

See the attached report for additional information.

A handwritten signature in cursive script, reading "John Hatch".

JOHN HATCH, Chief Engineer
October 9, 1985

No. 5049-3

Instruction to Newspaper - Publish first publication of the following Notice on or before October 25, 1985 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5049-3 to Appropriate Water to recognize ~~and/or to Amend Water Permit or Water Right No. 5049-3~~
Vested Water Right Claim

Notice is hereby given that S.D. Dept. of Game, Fish & Parks whose mailing address is 445 E. Capitol, Pierre, South Dakota has made an application for ~~a permit~~

recognition of a vested right claim on Blythe Slough located in sections 27 and 28 T117N-R55W. The claim is for sufficient water to fill the lake annually to the normal water level elevation of the slough, 1713.0 feet msl. Total storage at elevation 1713.0 is approximately 570 acre feet.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends RECOGNITION of Vested Water Right Application No. 5049-3 because 1) Water has been appropriated since 1944 for wildlife and public recreation purposes, 2) the use has been developed without unlawful impairment of existing rights, 3) is a beneficial use of water, and 4) in the public interest.

Recognition of this Application

~~This application~~ will be considered by the Water Management Board at Howard Johnson's
Badlands Room, 2211 LaCrosse, Rapid City, SD on December 4 1985 at ~~10:00 am.~~
9:30 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by November 22, 1985. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 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; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; ~~(ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40, (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05~~
 74:02:01:19 thru 74:02:01:22.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNr, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by November 22, 1985.

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 5049-3

APPLICATION

NOTICE OF HEARING
on Application No. 5049-3 to
recognize Vested Water Right
Claim.

Notice is hereby given that
S.D. Dept. of Game, Fish &
Parks whose mailing address is
445 E. Capitol, Pierre, South
Dakota has made an application
for recognition of a vested right
claim on Blythe Slough located in
sections 27 and 28 T117N-R55W.
The claim is for sufficient water
to fill the lake annually to the
normal water level elevation of
the slough, 1713.0 feet msl. Total
storage at elevation 1713.0 is ap-
proximately 570 acre feet.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water
Rights Division recommends
RECOGNITION of Vested Water
Right Application No. 5049-3
because 1) Water has been ap-
propriated since 1944 for wildlife
and public recreation purposes,
2) the use has been developed
without unlawful impairment of
existing rights, 3) is a beneficial
use of water, and 4) in the public
interest.

Recognition of this Application
will be considered by the Water
Management Board at Howard
Johnson's Badlands Room, 2211
LaCrosse, Rapid City, SD on
December 4, 1985 at 9:30 a.m.

The recommendation of the
Chief Engineer is not final or
binding upon the Board and the
Board is authorized to make a
determination on this application
after it reaches a conclusion
based upon facts presented at the
public hearing. Any interested
person who may be affected by a
Board decision and who intends
to participate in the hearing be-
fore the Board and present
evidence or cross-examine
witnesses according to SDCL 1-
26, must file a written petition
with BOTH the Applicant and the
Chief Engineer by November 22,
1985. The petition may be infor-
mal, but it must include a state-
ment describing the petitioner's
interest in the application, the
reason for the petitioner's op-
position to or support of the ap-
plication, and the signature and
mailing address of the petitioner
or his legal counsel if legal
counsel is obtained. The appli-
cant need not file a petition.

This application is made pur-
suant to the provisions of SDCL
46-1-1 thru 46-1-9, 46-1-12 thru 46-
1-15; 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; 46-5-1
thru 46-5-11, 46-5-13 thru 46-5-15,
46-5-24, 46-5-25, 46-5-30.2, 46-5-31;
and Board Rules ARSD
74:02:01:01 thru 74:02:01:15;
74:02:01:19 thru 74:02:01:22.

This hearing is an adversary
proceeding. The applicant or any
person, after filing a petition, has
the right to be present or to be
represented by a lawyer. These
and other due process rights will
be forfeited if they are not exer-
cised. Decisions of the Board
may be appealed to the Circuit
Court and the State Supreme
Court as provided by law.

Any person wishing a copy of
the Chief Engineer's recommen-
dation, further information on
this application or to assure ac-
cess to the hearing by the handi-
capped can contact the Water
Rights Division, DWNRR, Joe
Foss Bldg, Pierre, SD (605-773-
3352) for assistance prior to the
hearing date. The time of the
hearing will be automatically ex-
tended for at least twenty days
upon written request of the ap-
plicant or any person who has
filed a petition to oppose or sup-
port the application. The request
for extension must be filed with
the Chief Engineer by November
22, 1985. 10/4/85 3:30 PM
(Oct. 23, 30, 1985) \$67.66

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Codington) ss.

I, Monica K. Saathoff hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Watertown Public Opinion

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

city _____ of Watertown

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

October 23rd, 1985

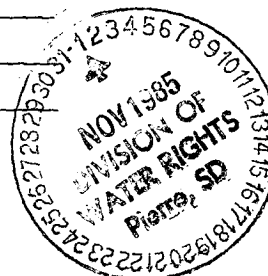
October 30th, 1985

Monica K. Saathoff
(Signature)

Bookkeeper
(Title)

October 30th, 1985
(Date Signed)

Cost of Printing: \$67.66





**US Army Corps
of Engineers**
Omaha District

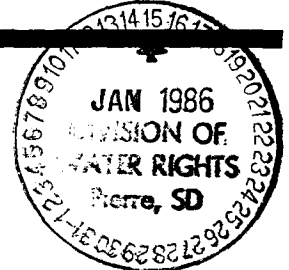
Public Notice

5049-3

Reply to:
Regulatory Branch
P.O. Box 5
Omaha, NE 68101-0005

Application No: SD 2SB OXT 2 008123
Date: January 13, 1986
Expiration Date: January 28, 1986

MROOP-N-1
South Dakota Department of Game, Fish and Parks
Nesting Islands/Fill
Wetland/Blyth Slough



NOTICE OF PERMIT PENDING

The application of the South Dakota Department of Game, Fish and Parks, Anderson Building, 445 E Capitol, Pierre, South Dakota 57501, for approval of plans and issuance of a permit under the authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Engineer District, Omaha, Nebraska.

The applicant requests authorization to place fill material in Blythe Slough in conjunction with the construction of four waterfowl nesting island complexes and interconnecting level ditch waterways. The proposed project is located in Sections 27 and 28, Township 117 North, Range 55 West, Codington County, South Dakota.

The proposed project would consist of excavating an estimated 64,750 cubic yards of material and forming it into four nesting island complexes and interconnecting waterways between the complexes (see sheets 2 of 3 and 3 of 3 for design). Approximately 14,600 cubic yards of fill would be required for each of the nesting island complexes and 6,350 cubic yards for the interconnecting waterways. Each of the islands would be approximately 2.88 acres in size. The waterways would entail approximately 2,725 linear feet. Excess material would be placed into islands outside and in close proximity to the island complex. All fill material would be obtained through on-site excavation. The construction method would be at the contractors option, but since the work is planned for winter, a dragline would probably be used and the islands built on top of ice covered marsh. Natural succession of vegetation would be allowed to take place on the islands because the excavated material would not be suitable for immediate seeding due to water content and the nature of the soils. There would be no on-site fuel storage.

The purpose of the proposed project would be to provide improved waterfowl nesting islands, visually separate brood rearing areas and open water areas to increase waterfowl production. The waterfowl production capacity would be enhanced through the addition of the ponds and islands.

Certification that the proposed project will not violate applicable water quality standards has been requested from the Regional Administrator, U.S. Environmental Protection Agency, Region VIII, One Denver Place, Suite 1300, 999 18th Street, Denver, Colorado 80202-2413.

In compliance with the National Environmental Policy Act of 1969 and Section 106 of the National Historic Preservation Act of 1966, as amended, the The National Register of Historic Places and current supplements have been consulted. There are no sites included or which have been determined eligible for inclusion therein which will be affected by the proposed project. The applicant has contacted the SHPO regarding the occurrence of cultural resources.

In compliance with the Endangered Species Act, our review indicates that the proposed activity will not affect species designated as threatened or endangered pursuant to the Endangered Species Act or their critical habitat.

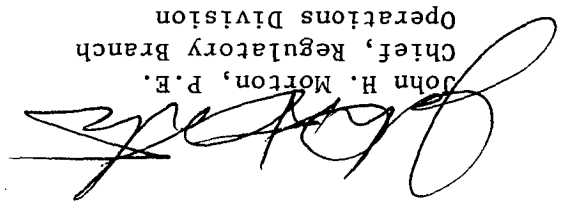
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the work on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R., Part 230).

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the District Engineer, Omaha District, Corps of Engineers, P.O. Box 5, Omaha, Nebraska 68101-0005.

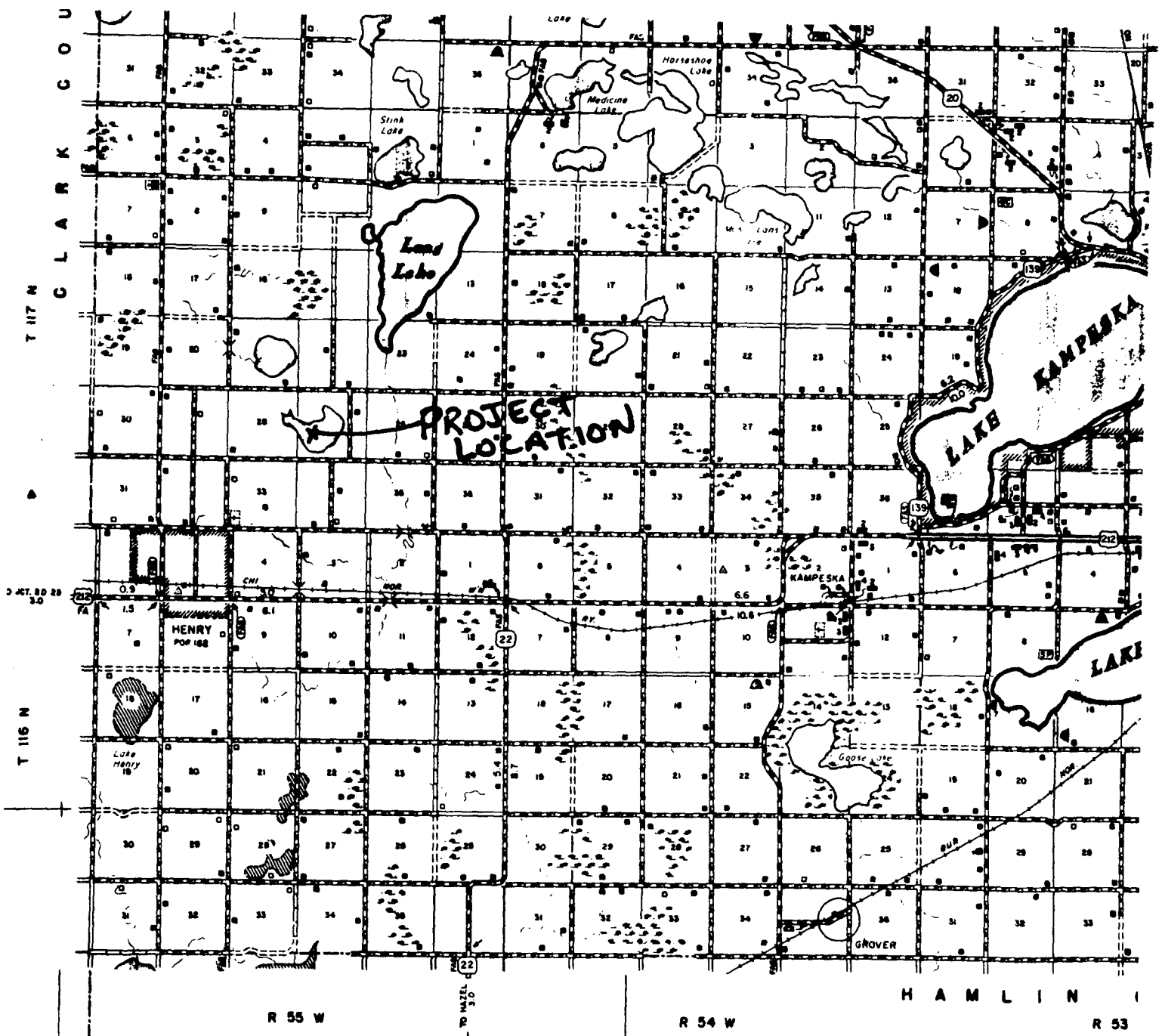
Any interested party (particularly officials of any town, city, county, state, federal agency, or local association whose interests may be affected by the work) is invited to submit to this office written facts, arguments, or objections on or before January 28, 1986. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this proposed project. All replies to this public notice should be addressed to the District Engineer at the address listed in the previous paragraph. Mr. Steve Naylor, telephone number (402) 221-4152, may be contacted for additional information.

Comments received after the close of business on expiration date of public notice will not be considered.

A permit, if issued, will be under provisions of Section 404 of the Clean Water Act. Drawings showing the location and extent of the work are attached to this notice.


John H. Morton, P.E.
Chief, Regulatory Branch
Operations Division

Attachments



PURPOSE: FILL / NESTING ISLANDS

DATUM

ADJACENT PROPERTY OWNERS:

1

2

SD 2SB OXT 2 008123

IN BLYTHE SLOUGH / WETLAND
AT

COUNTY OF CODINGTON

STATE SD

APPLICATION BY SD DEPT. OF GAME, FISH + PARKS

SHEET / OF 3 DATE JAN 1986

MRO FORM 15 MAY 76 1643

SD 258 OXT 2 008123

2

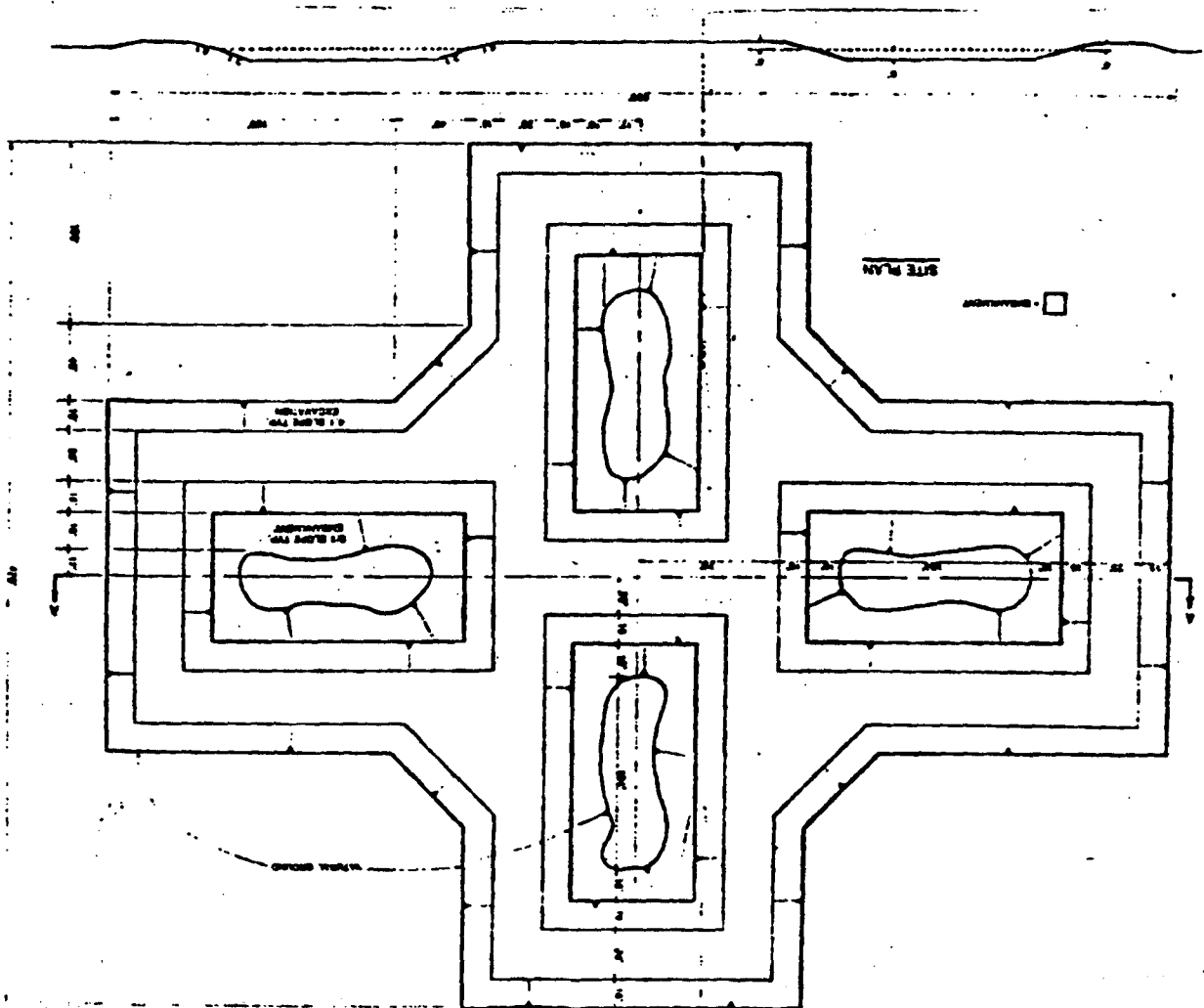
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ADJACENT PROPERTY OWNERS:

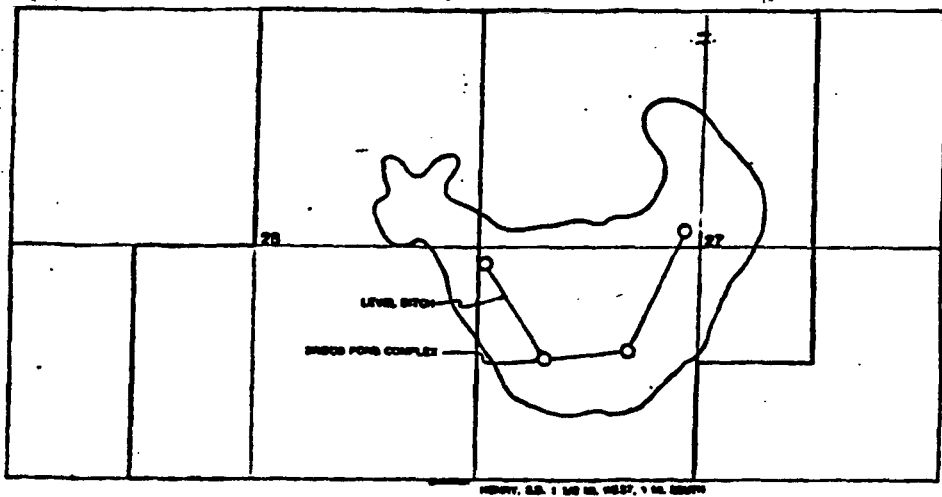
DATUM

PURPOSE: FILL / NESTING ISLANDS

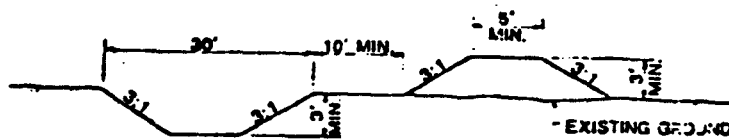
IN BLYTHE SLOUGH / WETLAND
AT
COUNTY OF COBLINSON
STATE SD
APPLICATION BY SD DEPT. OF GAME, FISH + PARKS
SHEET 2 OF 3 DATE JAN 1986



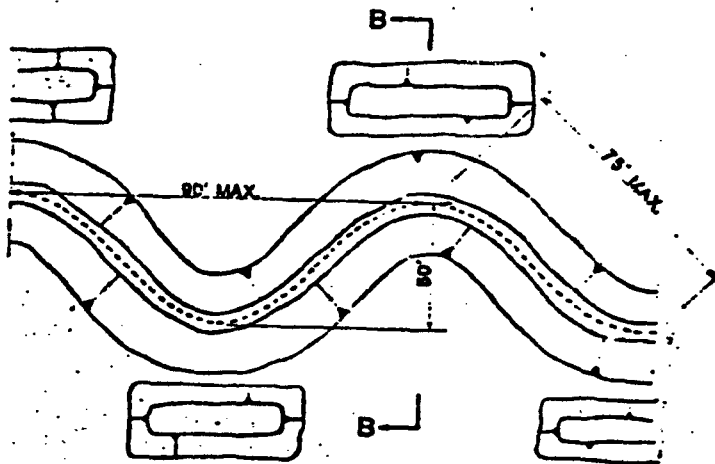
BROOD POND COMPLEX



General Layout



SECTION B-B



LEVEL DITCHING SITE PLAN

LEVEL DITCHING

EXACT LOCATION OF LEVEL DITCHING TO BE DETERMINED IN THE FIELD BY THE ENGINEER.

TOTAL EXCAVATION 2.33 C.Y. PER LINEAL FOOT OF LEVEL DITCHING.

LEVEL DITCHING MUST CONTINUE TO AREAS CONSIDERED OPEN WATER OR TO A BROOD POND COMPLEX.

PURPOSE: FILL / NESTING ISLANDS

DATUM

ADJACENT PROPERTY OWNERS:

1

2

SD 25B OXT 2 008123

IN BLYTHE SLOUGH / WETLAND
AT

COUNTY OF CODINGTON

STATE SD

APPLICATION BY SD DEPT. OF GAME, FISH + PARKS

SHEET 3 OF 3 DATE JAN 1986



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

FEB 11 1986

Ronald M Koth, Resources Staff Specialist
SD Department of Game, Fish and Parks
Anderson Building
Pierre SD 57501

Dear Mr. Koth:

Enclosed are your Vested Right Permits and Water Licenses No. 5048-3, 5049-3 and 5051-3. The Water License is the final water right document completing your process of obtaining a vested water right.

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

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch". The signature is written in dark ink and is positioned above the printed name and title.

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosures

State of South Dakota

VESTED RIGHT Water License No. 5049-3

(1) SD Department of Game, Fish and Parks
of 445 E Capitol, Pierre, South Dakota
made Application No. 5049-3, December 17, 1984 for recognition of a vested right for
~~sufficient water to fill Blythe Slough annually to the normal elevation of 1713.0 ft msl.~~
~~cubic feet per second of water from~~
Codington County, South Dakota for recreation and wildlife purposes.

Vested Right
~~Permit~~ No. 5049-3, with a priority date of 1944
recognized December 4, 1985
was ~~approved~~ recognizing and issued to applicant(s) for diversion of water ~~with~~ construction of the described
water supply system ~~to be completed on or before~~ and for the application to beneficial use of said
water ~~on or before~~.

and

(2) It is certified that the application 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~~ sufficient water annually to fill
~~for beneficial use. The location of the diversion point(s) is~~
Blythe Slough, located in Sections 27 & 28, T117N, R55W, to the normal water
elevation of the slough, 1713.0 ft msl.

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, This Vested Right claim is for sufficient water to fill

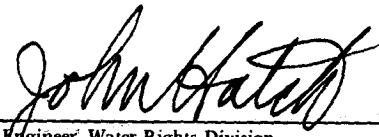
Blythe Slough annually to the normal water elevation of 1713.0 ft msl. Total
storage at elevation 1713.0 ft msl is approximately 570 acre feet.

(4) Pursuant to §46-5-30.1 the SD Dept of Game, Fish and Parks
of 445 E Capitol, Pierre, South Dakota

Vested Right
the holder(s) and/or owner(s) of ~~Water Permit No.~~ 5049-3 is issued a license to appropriate water, the right to ~~use~~
sufficient water annually to fill Blythe Slough to the normal elevation of 1713.0 ft msl
cubic feet per second of water from with a priority date
of 1944 from the location specified in (2) of this license. The water to be
stored as
~~conducted to and upon lands~~ specified in (3) of this license for the purpose of recreation and wildlife use

This license is subject to any limitations or qualifications listed in Vested Right 5049-3 and subject
to South Dakota State Law.

This Water License No. 5049-3 is based upon
a vested Right Claim filed with the
Water Management Board.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

FEB 11 1986

SOUTH DAKOTA
Department of
Water & Natural Resources

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

September 21, 1988

Richard Beringson, Secretary
Department of Game, Fish and Parks
Anderson Building
445 E Capitol
Pierre SD 57501

Dear Mr. Beringson:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of all Department of Game, Fish and Parks Vested Water Right Claims for lakes for the following reasons:

1. Until the outlet elevation for each lake is surveyed and the outlet elevation is set by the Water Management Board.
2. To allow the Vested Water Right Claim to be amended, if necessary, as follows:
 - a) Include the outlet elevation;
 - b) To correct the amount of water claimed;
 - c) To add the qualification that a vested claim is subject where necessary to installation of a concrete outlet structure to assure retention of the outlet as the established elevation; and
 - d) To add any amendments and qualifications necessary to clarify a Vested Right Claim.

Also, that I intend to oppose validation of all Department of Game, Fish and Parks Vested Water Right Claims for dams to allow the Vested Water Right Claim to be amended, if necessary, as follows:

1. To include the spillway elevation;
2. To correct the amount of water claimed; and
3. To add any amendments and qualifications necessary to clarify a Vested Right Claim.

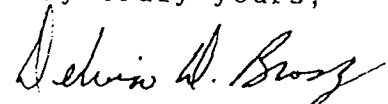


September 21, 1988
Richard Beringson, Secretary
Page 2

We will be working with your staff on these validations. We have already discussed setting outlet elevations before validating claims for lakes. Although the work necessary to complete the validation process will take several years to complete, the results should be of benefit to the public and to your Department. As the work is completed to validate each claim, the claim will be presented to the Water Management Board for validation.

Please advise if you have any questions.

Very truly yours,


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

cc: Ron Koth, Department of Game, Fish and Parks

 **Department of
Water & Natural Resources**

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

JUN 13 1989

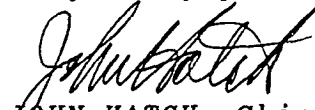
Ron Koth
Department of Game, Fish and Parks
Anderson Building
Pierre SD 57501

Dear Mr. Koth:

The Water Management Board has validated the enclosed Vested Water Right Nos. 880-3, 890-3, 1468-3, 1473-3, 5049-3. These validations give legal status to the claims and are the final documents for your vested rights.

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

Very truly yours,



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

enclosure



SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 5049-3

Date Claim Accepted For Filing December 17, 1984.

Date of Validation May 10, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 5049-3 for the South Dakota Department of Game, Fish & Parks, 445 E Capitol, Pierre, South Dakota 57501 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 5049-3 is for sufficient runoff water annually to fill Blythe Slough in Codington County to the normal elevation of 1713.0 feet above mean sea level. Blythe Slough is a closed basin without an outlet and is located in Sections 27 & 28, T117N, R55W. Total storage at elevation 1713.0 msl is approximately 570 acre feet.
2. The appropriated water is used for maintaining water levels in Blythe Slough and may not exceed the amount of water needed for beneficial use for recreational and wildlife purposes.

The water is to be used during the following annual period: January 1 - December 31.
3. The priority date of the Vested Water Right is: January 1, 1944.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 
Chief Engineer
Division of Water Rights
Dept. of Water and Natural Resources

JUN 13 1989
date