

considered: _____

WATER PERMIT NO. 5051-3

MAP No. Same

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

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

Amount of Water Claimed ~~1000~~ acre feet/year Total Acres _____

Source of Water Supply Grow Creek Drainage ditch-Renzelhausen Slough

Water to be used for REC County Brown

About 13 miles SE of Hecla

PROOF OF PUBLICATION: Received ~~11-26-85~~ 11-26-85 Not Received _____

APPLICATION: Approved 12-4-85 Subject to _____

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

PRIORITY _____ Date Received 12-17-84 Fee _____ Remarks W.R. staff

1935 investigated March 26, 1985

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 Renzelhausen Slough

sec. 25 & 26 T127N-R60W

Land to be Irrigated _____

Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map USGS Topo PREPARED BY Ron Koth Reviewed and the Number

assigned on 2-22-85 By RC Jansen

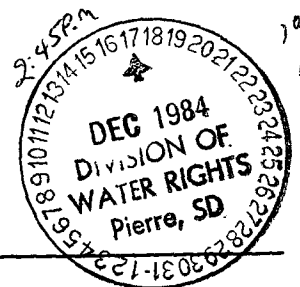
No. <u>SOSI-3</u>	Hydrologic Unit <u>10160003</u>
Map No. <u>Same</u>	Basin <u>James River</u>
Newspaper <u>Aberdeen American News</u>	Box <u>4430</u>

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) 1,200 acre feet annually (see attached amendment)
- Source of water supply Crow Creek drainage ditch (see map)
- Location of point of diversion Renziehausen Slough, T 127 N, R60W, sections 25 & 26,
Brown County, South Dakota
 _____ County Brown
- Counties where water will be used Brown
- 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)

Cooperative waterfowl production enhancement project (with Ducks Unlimited) involving a system of control gates, pumps and dikes to create a multi-celled complex with water level control in separate cells. Pond-island complexes possible within diked cells. (see amendment)

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, South Dakota 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 Edward M. Roth Resource Staff Specialist

Subscribed and sworn to before me this 17th day of December 1984

Charles E. Keeler

Notary Public (or other qualified officer)



UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

HECLA SE QUADRANGLE
SOUTH DAKOTA—BROWN CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

NEWARK SW QUADRANGLE
SOUTH DAKOTA
7.5 MINUTE SERIES (TOPOGRAPHIC)



Map prepared by the Geological Survey as part of the Department of the Interior program for the development of the Missouri River Basin. Control by USGS and USC&GS. Culture and drainage in part compiled from aerial photographs taken 1951. Topography by plane-table surveys 1953. Polyconic projection. 1927 North American datum. 10,000-foot grid based on South Dakota coordinate system, north zone.

HECLA SE, S. DAK. N4545-W9800/7.5 1953

NEWARK SW, S. DAK. N4545-W9752.5/7.5 1953

FOR SALE BY U. S. GEOLOGICAL SURVEY, FEDERAL CENTER, DENVER, COLORADO OR WASHINGTON 25, D. C. A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST.

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____

NEAR SOUTHEAST CORNER OF QUAD. (L.W. Goodman, 1951; Book CV 500)

HECLA QUAD. - 371

0.0	Houghton, 10.0 mi E. along State Hwy. 10 from the C. & NW. RR. station at; at a 30 ft concrete bridge over a drainage canal, at the E. end of the N. handrail, in the center of the top of the NE. collision post, and 4 ft higher than the hwy. a USC&GS standard disk stamped "U 90 1934"	1293.245
0.5	UE U 90 A, T. 127 N., R. 60 W., near cor. secs. 21, 22, 27 and 28, center of crossroads	1292.1
1.0	UE U 90 B, T. 127 N., R. 60 W., near quarter cor. between secs. 22 and 27 at dim crossroads center of rd.	1291.4
1.5	UE U 90 C, T. 127 N., R. 60 W., near cor. secs. 22, 23, 26 and 27, center of crossroads	1290.4
2.1	UE U 90 D, T. 127 N., R. 60 W., secs. 26 and 27, concrete bridge over drainage canal, on center of crash guard on W. side of bridge	1289.1
2.5	UE U 90 E, T. 127 N., R. 60 W., near cor. secs. 26, 27, 34 and 35, center of crossroads	1287.9
3.0	UE U 90 F, T. 127 N., R. 60 W., near quarter cor. between secs. 34 and 35, opposite fence W.; center of rd.	1309.2
3.4	Claremont, 6.0 mi N. of, near cor. secs. 2, 3, 34 and 35, Tps. 126 and 127 N., R. 60 W., 482 ft N. and 43 ft W. from center of crossroads, in concrete post; standard tablet stamped "TT 37 JF 1951"	1303.449
3.4	Reference mark, 527 ft S. of tablet; in electric line pole; rail spike	1300.63
4.0	UE 37 A, T. 126 N., R. 60 W., near quarter cor. between secs. 2 and 3, opposite fence S.; center of rd.	1300.8
4.5	UE 37 B, T. 126 N., R. 60 W., near cor. secs. 2, 3, 10 and 11, at dim crossroads; center of rd.	1294.3
5.0	UE 37 C, T. 126 N., R. 60 W., near quarter cor. between secs. 2 and 11, opposite rd. N.; center of rd.	1300.9
6.1	UE 37 D, T. 126 N., R. 60 W., near quarter cor. between secs. 1 and 2, opposite dim rd. E. center of rd.	1299.1

10° 01'
18° 50'
ADMINISTRATIVE

OCTOBER 1966

U.S. DEPARTMENT OF COMMERCE
ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION
COAST AND GEODETIC SURVEY

VERTICAL CONTROL DATA

by the
Coast and Geodetic Survey
SEA LEVEL DATUM OF 1929

QUAD 450981

PAGE NO. 7

S. DAK-N DAK 45° 30' to 46° 00'
LATITUDE 98° 00' to 98° 30'
LONGITUDE NL 14-8 ABERDEEN
DIAGRAM

LINE 103

DESCRIPTION OF BENCH MARK

Designation U 90
Nearest town Houghton
Distance and direction from nearest town 10.0 miles east
Character of mark Standard disk
Established by C&GS
Detailed description
10 miles east along State Highway 10 from the Chicago & North Western Railway station at Houghton, Brown County, at a 30-foot concrete bridge over a drainage canal, at the east end of the north handrail, in the center of the top of the north-east collision post, and 4 feet higher than the highway. A standard disk, stamped "U 90 1934."

DESCRIPTION OF BENCH MARK

Designation V 90 RESET 1948
Nearest town Houghton
Distance and direction from nearest town 11.9 miles east
Character of mark Standard disk
Established by C&GS
Detailed description
11.9 miles east along State Highway 10 from the Chicago & North Western Railway station at Houghton, Brown County, 55 feet east of a T-fence landing south, at a concrete-box culvert, and in the top of the south head wall. A standard disk, stamped "V 90 RESET 1947."

NOTE:-- This bench mark was established and its elevation determined by engineers of the State Highway Department in August 1948.

Elev.

1288.511

County BROWN
Chief of party
Recovery date 1953
Stamping I 90 1934
royed
13 damaged.

County BROWN
Chief of party
Recovery date 1953
Stamping I 90 1934
royed
13 damaged.

County BROWN
Chief of party
Recovery date 1953
Stamping I 90 1934
royed
13 damaged.

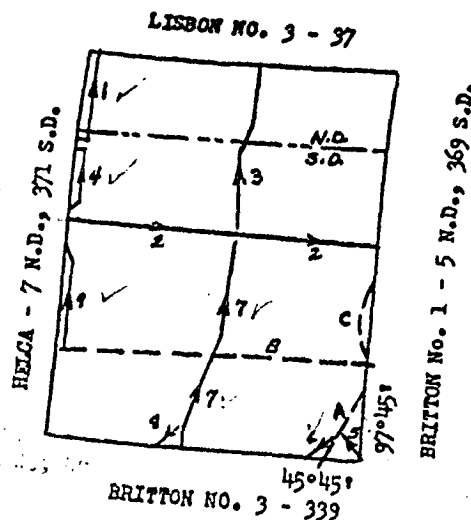
County BROWN
Chief of party
Recovery date 1953
Stamping I 90 1934
royed
13 damaged.

County BROWN
Chief of party
Recovery date 1953
Stamping I 90 1934
royed
13 damaged.

Sargent County, North Dakota,
Marshall and Brown Counties,
South Dakota

Edition of 10/13/58

Typed by dnb



PRELIMINARY

USC&GS LEVELING LINES

- A. Britton to Andover, South Dakota, 1934; Line 9
- B. Houghton to Britton, South Dakota, 1934; Line 31
- C. Rutland, North Dakota to Ortle, S. Dakota (79 N. Dak.), 1934; Line 68

LINE 1.

NORTH ALONG NORTH PORTION OF WEST BORDER (By R.E. Carey, 1950; Book CV-362)		Feet
7.2	UE 69 RC-A; T. 129 N., R. 58 W., near S. cor. secs. 31 and 32; center of trail at T-trail N.	1323.7
7.3	Granite monument No. 69 which marks the North and South Dakota boundary; painted cross	1326.8
8.3	Center of cross trails; near cor. secs. 29, 30, 31 and 32, T. 129 N., R. 58 W.	1315.5
8.3	Ludden, 4.0 mi S. and 7.0 mi E. from; about 445 ft N. of cross trails near cor. secs. 29, 30, 31 and 32, T. 129 N., R. 58 W.; 49 ft E. and 1.8 ft higher than center of trail; 6 in. W. of fence line; in concrete post; standard tablet stamped "70 RC 1950"	1317.486
8.3	Reference mark, about 200 ft S. of tablet; 245 ft N. of cross trails; 1 ft W. of fence line; 2-in. angle iron projecting about 6 in.	1317.34
9.3	UE 70 RC-A; T. 129 N., R. 58 W., near cor. secs. 19, 20, 29 and 30; center of trail at T-fence E.	1314.6
10.3	Ludden, 2.0 mi S. and 7.0 mi E. from; about 300 ft S. of corner post of T-fence S.; near cor. secs. 17, 18, 19 and 20, T. 129 N., R. 58 W.; 1 ft W. of fence line; in concrete post; standard tablet stamped "71 RC 1950"	1318.030
10.3	Reference mark, about 145 ft S. of tablet; 1 ft W. of fence line; 2-in. angle iron projecting about 6 in.	1318.07
10.4	At corner fence post, at T-fence S.; near cor. secs. 17, 18, 19 and 20, T. 129 N., R. 58 W.	1315.2
11.4	UE 71 RC-A; T. 129 N., R. 58 W., near cor. secs. 7, 8, 17 and 18; center of cross trails	1313.2

(Enters Lisbon No. 3 Quad.)

59.6

Mark Perkins

203C

50.0

Max E JJ Stokes

Transferred
TO

Bay

Marsh

27.5

127

203C





MAP OF STENA



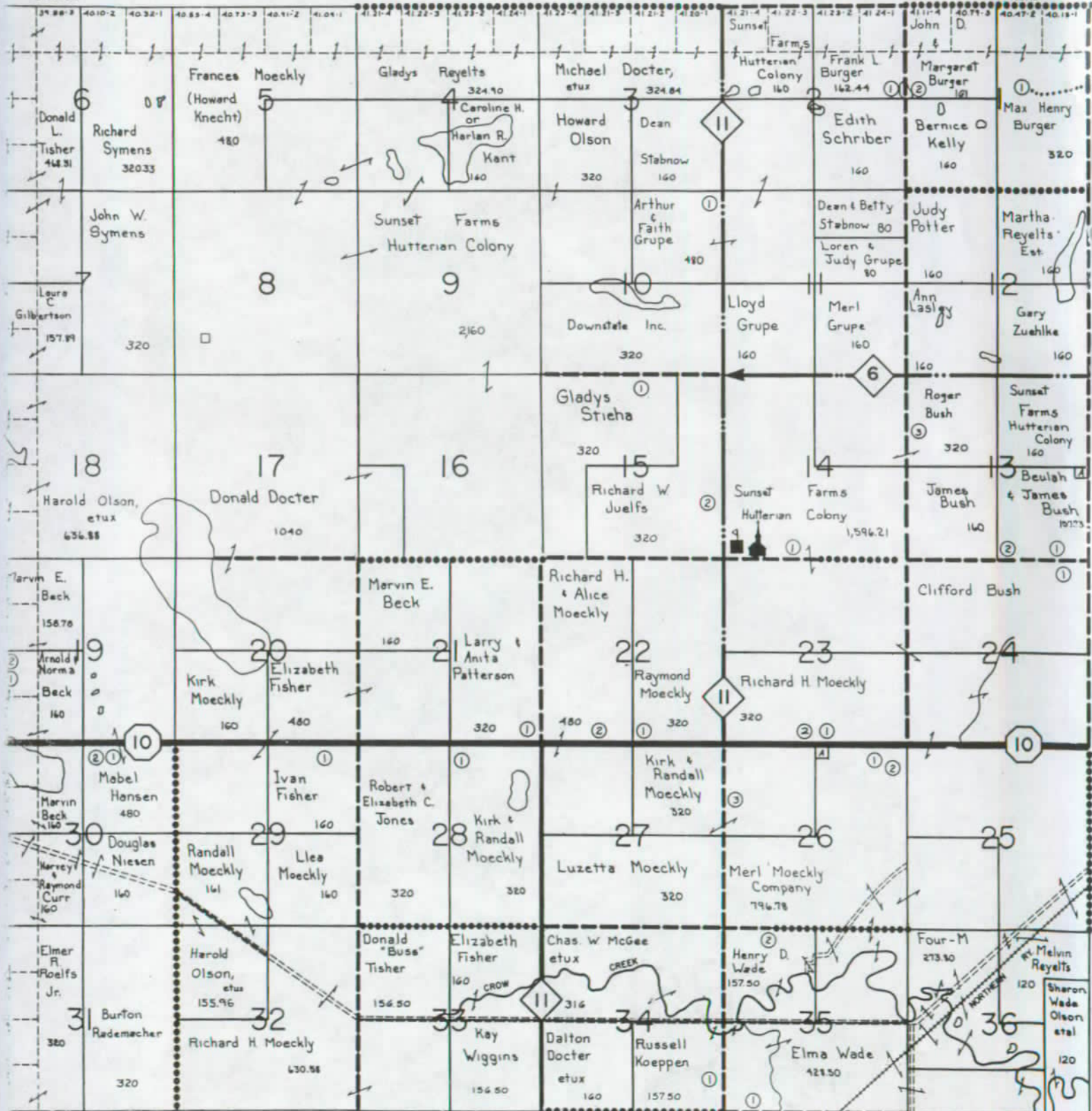
TOWNSHIP : 127 N

RANGE : 59 W

CODE : SN

DAYTON

TOWNSHIP



WESTON

SMALL TRACT OWNERS

TOWNSHIP AG

SEC LOT NAME ACRES
13 - A - A.T. & T. ————
24 - A - Clark Moeckly ———— 0.12

NOT TO SCALE

1-7-60

1374

GFIP

Water Bank

Draw 2

36

380

127-60

NOT TO SCALE

37.30 127-59

155.1

101R-779 156.0

19

~~71.0~~
151.0

147.0

82.1

127-59

101R-779

NOT TO SCALE

127-59

101L-779

~~175.0~~
158.0

31 ~~138.7~~
130.0

~~170~~
210

127-59

779 101L

NOT TO SCALE

127-60

155.6

101R-779

24

49.4

144.7

7.7

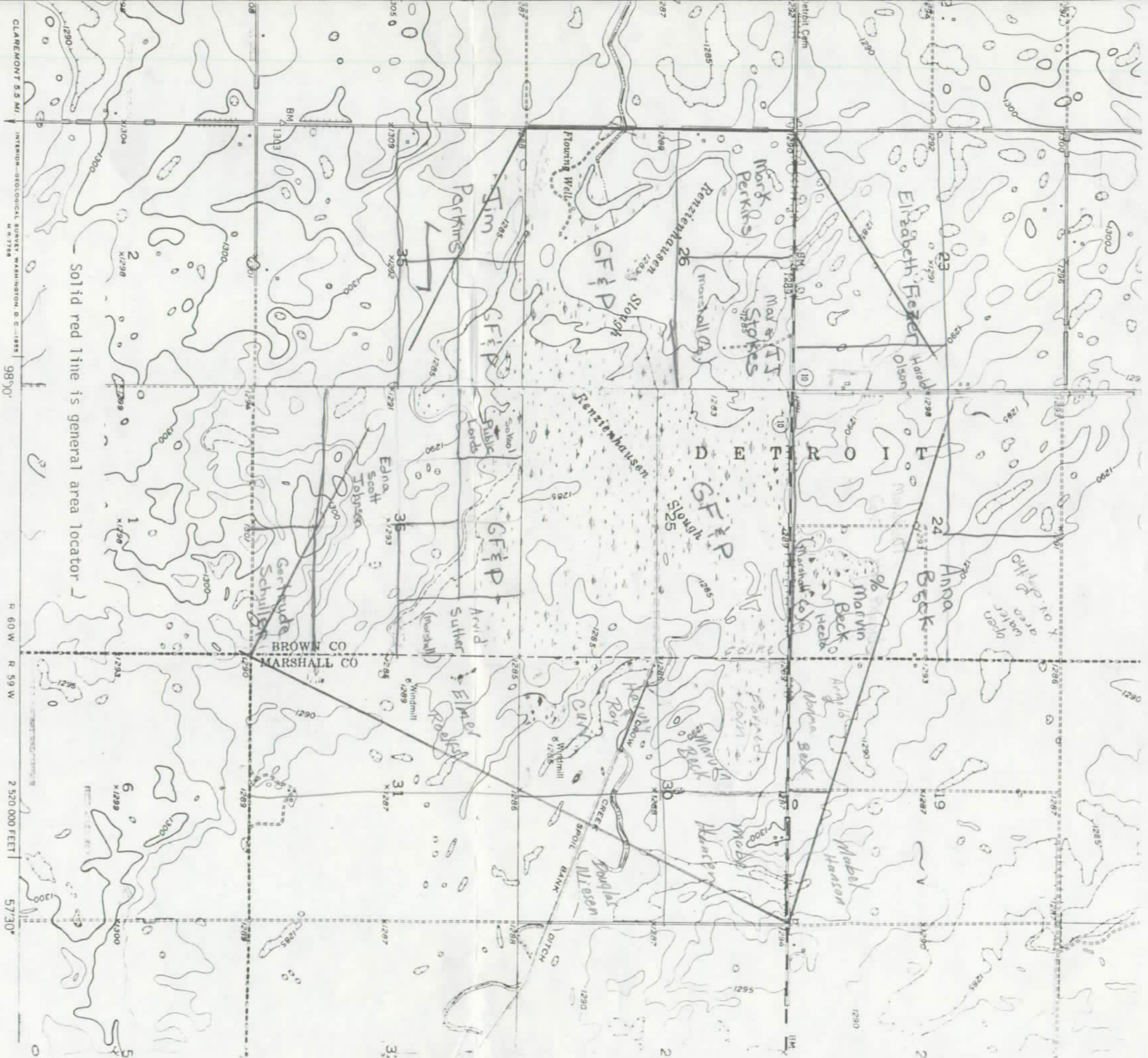
127-60

35.1

101R-779

NOT TO SCALE





ROAD CLASSIFICATION

Heavy-duty	————	4 LANE 16 LANE	Light-duty
Medium-duty	————	4 LANE 16 LANE	Unimproved dirt

HECLA SE, S. DAK¹

1953

Mapped, edited, and published by the Geological Survey as part of the Department of the Interior program for the development of the Missouri River Basin
Control by USGS and USCS&GS

APPROXIMATE MEAN
DECLINATION, 1953

WR # 5051-3

FOR SALE BY U. S. GEOLOGICAL
A FOLDER DESCRIPTION

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 Renziehausen - 1200 acre feetF. Present Use of Water - Amount of water now being used 1200 acre feet

Date that this water was first used _____

G. Chronological History of Water Use

Renziehausen Slough was purchased by Game, Fish and Parks from private and public owners from 1935-63. Marshland area was mainly purchased from 1935-47. 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)

ss

County of Hughes)

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 Donna M. Kelly Resource Staff SpecialistSubscribed and sworn to before me January 4, 1985, 19____Charles E. Kaler

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____

Field Survey Notes

Renziehausen Slough

3/26/85

Renzienhausen slough

Sta	BS	HI	FS	Elev.
-----	----	----	----	-------

BM	5.12	1293.63		1288.51
----	------	---------	--	---------

TP ₁	4.66	94.55	3.74	89.89
-----------------	------	-------	------	-------

TP ₂	6.36	96.14	4.77	89.78
-----------------	------	-------	------	-------

TP ₃	4.39	95.91	4.62	91.52
-----------------	------	-------	------	-------

TP ₄	2.38	92.79	5.50	90.41
-----------------	------	-------	------	-------

TP ₅	4.30	93.37	3.72	89.07
-----------------	------	-------	------	-------

TP ₆	5.21	93.05	5.53	87.84
-----------------	------	-------	------	-------

TP ₇	4.51	93.85	3.71	89.34
-----------------	------	-------	------	-------

TP	3.80	91.37	6.28	87.57
----	------	-------	------	-------

TP	4.15	92.28	3.24	88.13
----	------	-------	------	-------

BM _A			3.75	88.53
-----------------	--	--	------	-------

Date:	Weather	Party
3/26/85	Cloudy-Windy Cool	Brosz-Inst Powell-Rod

BM- V 90 - Brass Cap - South Wing Wall
of box Culvert, $\frac{1}{2}$ mile east
of NW corner of sec. 26, T127N,
R60W

Top of Post

Top of Road

Top of NE Wingwall - bridge over drain
between sec. 26 & 27, T127N, R60W

9.4 82.9

12.3 80.0

BMA 3.75 92.28 88.53

TP 5.39 91.94 5.73 86.55

6.13 93.77 4.30 87.64

3.51 93.41 3.87 89.90

5.76 93.77 5.40 88.01

3.49 92.80 4.46 89.31

4.86 ^{95.27}
~~25~~ 2.39 90.41

5.05 96.51 3.81 91.46

5.10 95.55 6.06 90.45

4.46 94.59 5.42 ^{90.13}
7

6.17 88.42

Water Surface

Bottom of Outlet Channel

Top of Post

BM V 90

Memorandum

To : File

From: Gregory Powell

Re : Investigation of Vested Water Right Application on Renziehausen Slough

On March 26, 1985 Del Brase and I investigated Renziehausen Slough located in sections 23, 24, 25, 26, 35, and 36 of T127N R60W and sections 30 and 31 of T127N R59W of Brown and Marshall Counties.

The investigation of the slough included surveying the water surface and outlet elevations, identifying landowners, and determining total acreage of the slough.

Renziehausen slough covers approximately 1170 acres of land. Game Fish & Parks owns almost the entirety of the slough, but 10 landowners do own land which contains portions of the slough.

The surveying showed that the water surface elevation at the outlet ^{for Renziehausen Slough} was 1283.0 ft MSL and the bottom of the outlet channel was 1280.0 ft MSL.

Game Fish and Parks has applied for a vested water right for 1200 acre feet of water. The request for 1200 acre-feet is reasonable, however, GF&P should revise their application to include only their lands, or provide affidavits from the other 10 owners of Renziehausen Slough to verify that the entire slough is used for wildlife production. Secondly, GF&P should revise their application so that it does not include any Ducks Unlimited development since this development

could utilize additional water beyond the vested water right. Any proposed development by Ducks Unlimited could be reviewed to determine if a new water permit would be necessary.



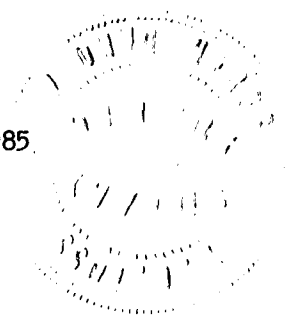
TO: Water Rights Division
Department of Water and Natural Resources
Joe Foss Building
Pierre, SD 57501

I, the undersigned do hereby certify that I have knowledge of the
Renzlehausen Slough located in Sec. 25 & 26, T127N, R60W of
Brown County, South Dakota and can attest that the above described
area was a wetland area prior to 1955 and has continued in that
condition and use to date.

James T. Sheehan 4-1-1985

Subscribed and sworn to before me W. O. Foss 4-2, 1985
(Notary Public)

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



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



May 7, 1985

TO: John Hatch, Chief Engineer
FROM: Ron Koth
Water Permits Coordinator *Ron Koth*
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 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.

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.

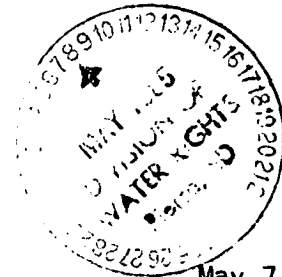
RK/ld

Attch:

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

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

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/lid

cc: Gay Simpson, GF&P

**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:

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.

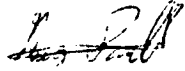
Blythe Slough, Application No. 5049-3, requests a vested water right an approximately 362 acres located in Sections 27 and 28 of T117N, R55W. The application requests water to the elevation of 1713.0 feet msl. as identified on a U.S.G.S. topographic map. The priority date for which this application may 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', with a stylized flourish at the end.

GREG POWELL

Natural Resources Engineer

**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 *Ron Koth*
Water Permits Coordinator

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

RECOMMENDATION OF CHIEF ENGINEER FOR
APPLICATION NO. 5051-3, 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. 5051-3 for recognition of a Vested Right Claim for Renziehausen Slough by the South Dakota Department of Game, Fish and Parks.

The Chief Engineer is recommending RECOGNITION of Application No. 5051-3 because 1) the water has been appropriated since 1935 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
Water Rights Division
October 9, 1985

No. 5051-3

Instruction to Newspaper - Publish first publication of the following Notice on or before October 24, 1985 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5051-3 ~~to Appropriate Water~~ to Recognize ~~and/or to Amend Water Permit or Water Right No.~~ Vested Water Right Claim

Notice is hereby given that SD Dept. of Game, Fish and Parks whose mailing address is Anderson Building, Pierre, South Dakota has made an application for ~~a permit~~

recognition of a vested water right claim on Renziehausen Slough located in Section 25 and 26, T127N, R60W. The claim is for sufficient water to fill the lake annually to a maximum outlet elevation of 1283.0 msl.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends RECOGNITION of Vested Water Right Application No. 5051-3 because 1) water has been appropriated since 1935 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,
Badlands Room, 2211 LaCrosse, Rapid City SD, December 4 19 85 at ~~10:00 am.~~
9:30 am.

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.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF BROWN

SS.

Lori Noltner

BEING DULY SWORN, ON HIS OATH SAYS:

That the ABERDEEN AMERICAN NEWS is a DAILY newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned, that affiant is an employee and principal clerk of said publisher and has personal knowledge of all the facts stated in this affidavit; that the advertisement headed Renziehausen Slough

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof, once each week for 2 successive weeks

The first publication being made on the 24th day of Oct 1985

The second publication being made on the 31st day of Oct 1985

The third publication being made on the day of

The fourth publication being made on the day of

The fifth publication being made on the day of

The sixth publication being made on the day of

The seventh publication being made on the day of

The eighth publication being made on the day of

The ninth publication being made on the day of

That said newspaper is a legal newspaper, being published five days or more each week, having a bona fide circulation of more than two hundred copies daily, having been published in the English language within the said County of Brown for more than one year next prior to the first publication of said notice, and is printed in whole in an office maintained at the place of publication of said newspaper. That the whole amount of the fee paid for the publication of the annexed notice is \$60.30, which inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Lori Noltner

Subscribed and sworn to before me this 25th day of

November 19 85

Ella Jaaska

Notary Public, Brown County, S. D.

My commission expires 7-13-87

daily circulation 20,592



(No. 389 - Oct. 24, 31 - 27)
NOTICE OF HEARING
on Application No. 5051-3
to Recognize a Vested Water
Right Claim

Notice is hereby given that SD Dept. of Game, Fish and Parks whose mailing address is Anderson Building, Pierre, South Dakota has made an application for recognition of a vested water right claim on Renziehausen Slough located in Section 25 and 26, T127N, R60W. The claim is for sufficient water to fill the lake annually to a maximum outlet elevation of 1283.0 msl.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends RECOGNITION of Vested Water Right Application No. 5051-3 because 1) water has been appropriated since 1935 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, Badlands Room, 2211 LaCrosse, Rapid City, SD, 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 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 petitioner's 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.

Publ

Rece

By

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, 46-5-15, 46-5-24, 46-5-25, 46-5-30-2, 46-5-31; and Board Rules ARDS 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 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. 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.

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building Water Rights Division
523 East Capitol 605 773-3352
Pierre, South Dakota 57501-3181

FEB 11 1986

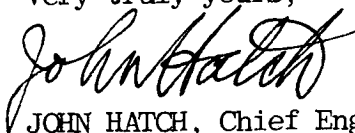
Ronald M Koth, Resources Staff Specialist
SD Department of Game, Fish and Parks
Anderson Building
Pierre SD 57501

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,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosures

VESTED WATER RIGHT

The Water Management Board hereby recognizes Vested Water Right No. 5051-3

SD Dept. of Game, Fish and Parks

445 E Capitol

(applicant)

(post office address)

Pierre, South Dakota 57501

(state)

(zip code)

Date of receipt of Application December 17, 19 84.

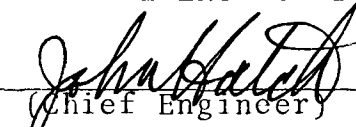
Recognized December 4, 19 85.

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 35.
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 recreational & 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 the outlet elevation of 1283.0 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 - December 31.

This Vested Right claim is for sufficient water to fill Renziehausen Slough annually to the outlet elevation 1283.0 ft msl.

WATER MANAGEMENT BOARD

By: 

(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

FEB 11 1986

, 19

State of South Dakota

VESTED RIGHT **Water License No.** 5051-3

(1) The SD Dept. of Game, Fish and Parks
of 445 E Capitol, Pierre SD

made Application No. 5051-3, December 17, 1984 for recognition of / a vested right
for sufficient water annually to fill Renziehausen Slough to a maximum outlet elevation of
1283.0 msl, cubic feet per second of water from

Brown County, South Dakota for recreation and wildlife purposes.

Vested Right
Permit No. 5051-3, with a priority date of 1935

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~~ Renziehausen Slough located in Sections 25 & 26, T127N, R60W to the outlet elevation
of 1283.0 ft msl.

and

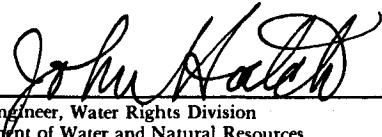
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use ~~to the following extent.~~ This Vested Right claim is for sufficient water to fill Renziehausen Slough annually to the outlet elevation of 1283.0 ft msl.

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

the holder(s) and/or owner(s) of ^{Vested Right} ~~Water Permit~~ No. 5051-3 is issued a license ~~to appropriate water, the right to use~~
to sufficient water to fill Renziehausen Slough annually to the outlet elevation of 1283.0
~~ft. msl. cubic feet per second of water from~~ with a priority date
of 1935 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} ~~Water Permit~~ No. 5051-3 and subject
to South Dakota State Law.

This Water License No. 5051-3 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.

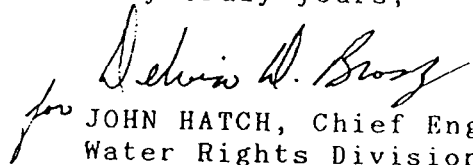


September 21, 1988
Richard Beringson, Secretary
Page 2

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



MAY 12 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

Dear Mr. Olson:

The Water Management Board has validated the enclosed Vested Water Right No. 5051-3. This validation gives legal status to the claim and is the final document for your vested right.

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

VESTED WATER RIGHT CLAIM NO. 5051-3

Date of Receipt of Claim December 17, 1984.

Date of Validation March 4, 1992.

The Water Management Board validated Vested Water Right Claim No. 5051-3 for the South Dakota Department of Game, Fish and Parks, 523 E Capitol, Pierre SD with the following limitations, conditions and qualifications:

1. Vested Water Right No. 5051-3 authorizes diversion of sufficient water annually from Crow Creek Ditch to fill Renziehausen Slough located in Sections 25 & 26-T127N-R60W, to a maximum outlet elevation of 1283.0 feet mean sea level.
2. The appropriated water is used for supplying water to the Slough and may not exceed the amount of water needed for beneficial use for recreation 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, 1935.
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

MAY 12 1992

date

Division of Water Rights
Dept. of Environment and Natural Resources