

Considered: _____

WATER PERMIT NO. 5088-3

V.R.
5088-3

MAP No. _____

Same

Name of Applicant USA D.O.I. Fish & Wildlife Service

Post Office Address PO Box 25486, DFC, Denver CO 80225

Amount of Water Claimed 30 acre-feet storage Total Acres n/a

Source of Water Supply surface runoff

Water to be used for FWP County Marshall

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received 8/21/86 Not Received _____

APPLICATION: Approved Sept 3, 1986 Subject to _____

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

PRIORITY _____ Date Received 2/5/86 Fee \$10.50 Remarks _____

1/1/1953

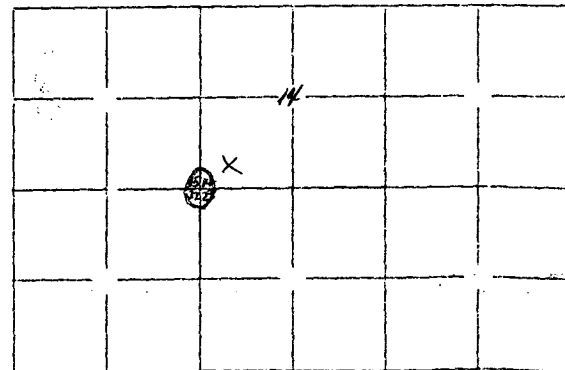
Corrected Application Received _____ Period of Annual Use Continuous

WATER QUALITY APPROVAL RECEIVED n/a APPROVED/CONDITIONAL (Circle one)

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

Diversion Point SW 1/4 SW 1/4 Sec 14, T127N-R56W

Land to be Irrigated n/a



Well Log: Driller n/a Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

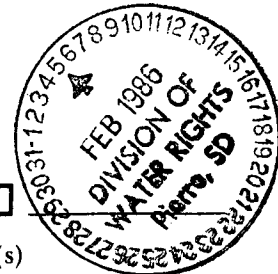
Type of Map Quad PREPARED BY Fish & Wildlife Reviewed and the Number

assigned on May 27, 1986 By Genny McMath

No. <u>5088-3</u>	Hydrologic Unit <u>09020105</u>
Map No. <u>same</u>	Basin <u>Red Rainy</u>
Newspaper _____	

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

Type of Application: Check one or more of the following:

New ☐ Vested Right ☒ Future Use ☐☐ Application to amend Permit No. _____ with old priority date retained☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐☐ Application to: ☒ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)☐ Add Acreage ☐ Increase diversion rate ☐ Other _____ See Permit No. _____☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. _____1. Name of Applicant U.S.A. D.O.I. Fish and Wildlife Service Phone No. (303) 236-5322Post Office Address P.O. Box 25486, DFC Denver State Colorado 80225
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) _____ Total acres irrigated N/A3. Source of Water supply Diffuse Surface Runoff4. Location of point of diversion SW1/4 SW1/4 Sec. 14 T127N R56WCounty Marshall5. Counties where water will be used Marshall6. Annual period during which water is to be used January 1 thru December 31

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. 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)

Structure was built in 1953. FWS acquired land in 1985. The dam was built to provide a dependable supply of livestock water. The structure appears sound at the present time. Water levels are very low presently due to natural causes.

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~~ ColoradoCounty of JeffersonI, Marvin E. Moriarty

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

Acting

Regional Director

Subscribed and sworn to before me this 28th day of January 19 86My Commission Expires: 8/5/89Susan E. Craddock

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. One-fifth of the 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 time limit for proof of beneficial use of water 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. For irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before _____, 19____; said water to be used during the following described annual period: _____.

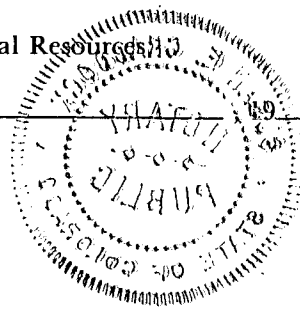
WATER MANAGEMENT BOARD

By: _____

Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources



VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right Claim No. 5088-3.

USA DOI Fish and Wildlife Service
(applicant)

PO Box 25486, DFC, Denver
(post office address)

CO

80225

(state)

(zip code)

Date of receipt of Application February 5, 19 86.

Validated September 3, 19 86.

The Water Management Board hereby validates 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 January 1, 19 53.
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 fish & wildlife Propagation
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 validated shall not exceed 30 acre-
feet annually ~~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 fish & wildlife propagation. The water to be used during the following described period Jan 1 - Dec 31.

WATER MANAGEMENT BOARD

By: John H. Helt

(Chief Engineer)

Division of Water Rights
Dept. of Water and Natural Resources

NOV 25 1986, 19 86

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

N/A

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

N/A

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

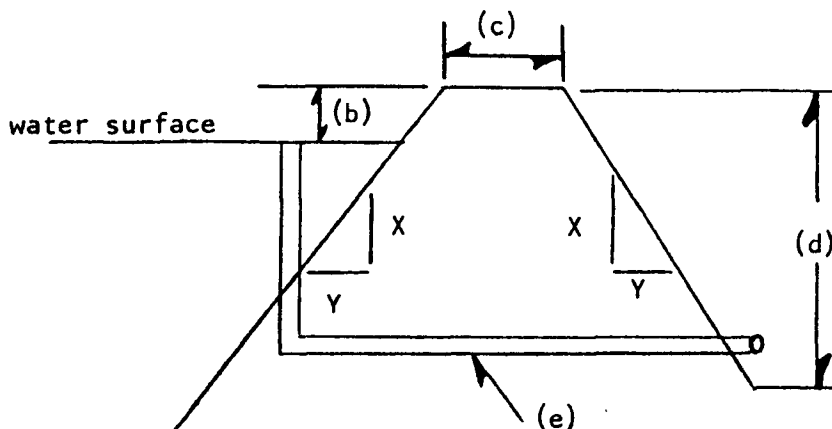
- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard 5 Feetc) Crest Width 12 FeetCrest Length 50 Feetd) Height 10 Feet

e) Outlet Dimensions:
 Pipe diameter 8" Culvert

Spillway width 20 Feet

f) X & Y Slope
 Upstream 2:1

Downstream 2:1Surface Area of Impoundment 20 AcresStorage 30 acre feetDrainage area above dam 500 acres

Marvin E. Moriarty

Signature of Applicant *Marvin E. Moriarty* Regional Director

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) SamePost Office Address Same

(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 1953C. Date that water was first applied to beneficial use 1953D. Name of owner of original water supply system Alfred Lamee, Sr.E. Amount of water originally applied to beneficial use 30 Acre-feetF. Present Use of Water - Amount of water now being used Livestock Water and Fish and WildlifeDate that this water was first used 1-29-85. Date FWS acquired land.

G. Chronological History of Water Use

Since the structure was built in 1953, the wetland has never gone dry.
The impoundment has been used for stockwater every year since it was built.

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 Colorado)

ss

County of Jefferson)

I, Marvin E. Moriarty the applicant, certify that I have read the foregoing
(print or type)
and that the matters therein stated are true.

Signed

Active

Regional Director

Subscribed and sworn to before me

January 27, 1986Susan E. Craddock

Notary Public or other qualified officer

My Commission Expires: 8-5-89

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.

Alfred L. Lamee

(Print name)

19

See Attached

(Print name)

19

KIDDER SE QUADRANGLE
SOUTH DAKOTA—MARSHALL CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

SCALE 1:24000

1 MILE



School No 2
(Abandoned)

O R D L A N D

SISETON

MILITARY

RESERVATION

BOUNDARY

R.56W.

T.127N.

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
ENGINEERING

MARSHALL COUNTY WPA LaMEE TRACT
WAUBAY WETLAND
MANAGMENT DISTRICT

WATER RIGHTS FILING MAP

DESIGNED GC	DRAWN DD	CHECKED CW	DATE 5-85	DENVER, COLO.
DRAWING NO. 6R-SD-562-WR-P-6.0				SHEET 1 OF 1

v.R. Appl. No. 5088-3

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410361

Pierre, March 17, 19 86

RECEIVED OF U.S. Fish & Wildlife, P.O. 25486, DFC, Denver, CO 80225

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	8	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	2	50
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	10 50

By

Chief Engineer

John Hatch
JOHN HATCH (ms)

STATE OF SOUTH DAKOTA)

COUNTY OF Marshall)

SS. AFFIDAVIT

I, Alfred L. LaMee, being first duly sworn, do depose and say that the tract now a part of the Marshall County Waterfowl Production Area, was previously owned by my father, and subsequently sold by me to the Fish and Wildlife Service. I am personally familiar with the dam located in the Southwest Quarter Southwest Quarter (SW1/4 SW1/4) of Section 14 T. 127N R. 56W, Marshall County, South Dakota and I attest that it has been continuously used for stockwater purposes since 1953.

I further depose and say that I am 56 years of age, and make this Affidavit for the purpose of establishing Beneficial Use for this Vested Water Right.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 10th day of January, 1987.⁶

Alfred L. LaMee
Alfred L. LaMee

The foregoing Affidavit was subscribed and sworn to before me this 10th day of January, 1987.⁶

Robert L. Larson
Notary Public

SEAL

My Commission Expires:

12-6-93



United States Department of the Interior
FISH AND WILDLIFE SERVICE

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225

STREET LOCATION:
134 Union Blvd.
Lakewood, Colorado 80228

IN REPLY REFER TO:

FR/EN
WR SD
MAILSTOP 60190

JAN 27 1986



South Dakota Department of Water
and Natural Resource Development
Water Rights Division
Foss Building
523 East Capitol
Pierre, SD 57501-3181

Gentlemen:

Enclosed please find Forms 2, 2A and 2B, Application for Permit to Appropriate Water for a Vested Right, for the Marshall County Waterfowl Production Area, LaMee Tract.

Also enclosed, are Filing Map No. 6R-SD-562-WR-P-6.0 and Government Purchase Order in the amount of \$10.50 to cover filing fees. Please sign the purchase order on the back where indicated and return to this office, or send an invoice so that payment can be issued.

Please advise this office of the newspaper chosen to publish the Notice of Hearing so that the required approval to publish can be forwarded to them prior to publication.

If you have any questions or require further information, please contact Ginger Chesy of our Water Resources Section at (303) 236-5322.

Sincerely,


Marvin E. Mortarty
Acting Regional Director

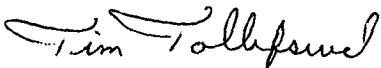
Enclosures (6)

REPORT ON VESTED RIGHT APPLICATION NO. 5088-3
U.S. Fish and Wildlife Service
June 30, 1986

Water Permit Application No. 5088-3 requests validation of a vested right claim to store 30 acre feet of water annually in an existing dam located in the SW1/4 of the SW1/4 of Section 14 - T127N - R56W. The dam was constructed and water used for livestock water after January 1, 1953. The dam is located on White Lake Dam drainage basin. There are no existing rights that would be adversely effected.

CONCLUSIONS

1. The dam was constructed and water stored and put to beneficial use after January 1, 1953. It is recommended that the priority date be January 1, 1953.
2. Although the original purpose of the dam was to provide stockwater, the Affidavit of Water Use states that the wetland formed by the dam has never gone dry. Therefore, a vested right for fish and wildlife purposes may also be claimed.
3. There are no existing water rights that would be effected by the validation of this permit.
4. It is recommended that the vested right claim be approved as a valid claim with no qualifications.



Tim Tollefsrud
Natural Resource Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 5088-3

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 Validation of Vested Water Right Application No. 5088-3, U. S. Fish and Wildlife Service, PO Box 25486, DFC, Denver CO.

The Chief Engineer is recommending VALIDATION of Application No. 5088-3 because 1) water has been appropriated as described for livestock watering and fish and wildlife propagation with a January 1, 1953 priority date, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See the attached report for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
July 28, 1986



Department of Water & Natural Resources

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

July 28, 1986

BRITTON JOURNAL
Box 59
Britton SD 57430

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 5088-3. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before August 6, 1986.

Please bill the Water Rights Division for the cost of the publication.

Please receipt for the notice IMMEDIATELY after first publication attaching a copy of the first publication so that it may be compared with the records. For your convenience, you may use the printed form below for this purpose.

After final publication please complete and mail to this office, the enclosed Form to furnish Proof of Publication. The application can not be considered by the Water Management until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
Date _____ TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

We are in receipt of your letter of _____ enclosing
Notice of Hearing to Validate Vested Right Applications which was
first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Water & Natural Resources

Joe Foss Building

523 East Capitol

Pierre, South Dakota 57501-3181

July 28, 1986

U. S. Fish and Wildlife Service
PO Box 25486
Denver Federal Center
Denver CO 80225

Dear Sir:

Your Application No. 5088-3 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the BRITTON JOURNAL printed at Britton SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid for by the Water Rights Division.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper - Publish first publication of the following Notice on or before August 6, 1986 with 2nd publication 1 week later.

NOTICE OF HEARING To Validate
Vested Right Application No. 5088-3 to Appropriate Water

Notice is hereby given that the U.S. Fish and Wildlife Service whose mailing address is PO Box 25486, Denver Federal Center, Denver CO has filed an application to validate a vested right claim to store 30 acre-feet of water annually in a dam located in the SW 1/4 SW 1/4 Section 14, T127N, R56W. The water use has a priority date of January 1, 1953 and is used for livestock watering and fish and wildlife propagation.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 5088-3 because 1) water has been appropriated as described for livestock watering and fish and wildlife propagation with a January 1, 1953 priority date, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board in Room 216, Joe Foss Building, Pierre SD on September 3, 1986 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the 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 Augst 22, 1986. The petition may be informal, but is must include a statement describing the petitioner's interest in the application, the reasons 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, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 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 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, 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 person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by August 22, 1986.

No. 5088-3

PROOF OF PUBLICATION

2T(Aug. 6-13)

STATE OF SOUTH DAKOTA)
County Marshall) ss.

**NOTICE OF HEARING
To Validate Vested Right
Application No. 5088-3 to
Appropriate Water**

I, Charles L Card hereby

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

Water was taken from the Britton Journal

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 Britton

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

August 6, 1986

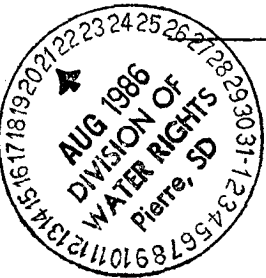
August 13, 1986

Notice is hereby given that the U. S. Fish and Wildlife Service whose mailing address is PO Box 25486, Denver Federal Center, Denver, CO has filed an application to validate a vested right claim to store 30 acre-feet of water annually in a dam located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, T127N, R56W. The water use has a priority date of January 1, 1953 and is used for livestock watering and fish and wildlife propagation.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 5088-3 because 1) water has been appropriated as described for livestock watering and fish and wildlife propagation with a January 1, 1953 priority date, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board in Room 216, Joe Foss Building, Pierre, SD on September 3, 1986 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the 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 August 22, 1986. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons 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.



Charles L Card
(Signature)

published
(Title)

August 13, 1986
(Date Signed)

Cost of Printing: .399258 X 99 lines for
total cost of 139.53

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, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and

Board Rules ARSD 74:02:01:01 thru 74:02:01:19 and 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 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, 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 person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by August 22, 1986.

State of South Dakota

VESTED RIGHT Water License No. 5088-3

(1) USA DOI Fish and Wildlife Service

of PO Box 25486, Denver Federal Center, Denver CO 80225

made Application No. 5088-2, February 5, 1986 for validation of a vested right claim for a water permit to appropriate

store 30 acre-cubic feet per second of water from annually from surface runoff

Marshall County, South Dakota for fish and wildlife propagation purposes.

Vested Water Right Permit No. 5088-3, with a priority date of January 1, 1953

validated September 3, 1986 was approved 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 completed

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 store 30 acre cubic feet per second of water

annually for beneficial use. The location of the diversion point(s) is storage dam is in the SW $\frac{1}{4}$ SW $\frac{1}{4}$

- Section 14, T127N, R56W

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, water is stored in place for fish and wildlife
propagation.

(4) Pursuant to §46-5-30.1 USA, DOI Fish & Wildlife Service

of PO Box 25486, Denver Federal Center, Denver CO 80225

Vested Water Right

the holder(s) and/or owner(s) of Water Permit No. 5088-3 is issued a license to appropriate water, the right to ~~use~~

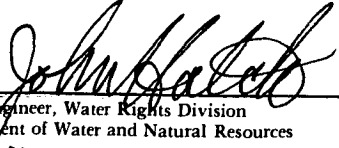
~~store 30 acre~~ cubic feet per second of water ~~from~~ annually from surface runoff with a priority date

of January 1, 1953 from the location specified in (2) of this license. The water to be

conducted to and upon lands specified in (3) of this license for the purpose of fish and wildlife propagation

Vested Water Right

This license is subject to any limitations or qualifications listed in Water Permit No. 5088-3 and subject to South Dakota State Law.


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

NOV 25 1986



Department of Water & Natural Resources

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

NOV 25 1986

USA, DOI, Fish and Wildlife Service
Marvin E Moriarty, Regional Director
PO Box 25486
Denver CO 80225

Dear Mr. Moriarty:

Enclosed are your Validated Vested Water Right and Water License No. 5088-3.
As long as you use the water beneficially, as stated in the Water License,
the State Water Laws provide that you have a continuing right to use the
water.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

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

JH: ks

enclosures

Equal Opportunity Employer