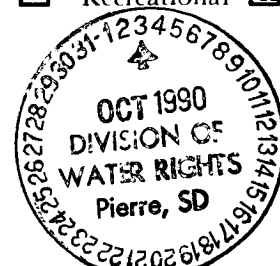


523 E. Capitol
Pierre, SD 57501
(605) 773-3352No. _____ Hydrologic Unit _____
Map No. _____ Basin _____
Newspaper _____**Application For Permit To Appropriate Water Within The State Of South Dakota**

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

Type of Application: Check one or more of the following

New ☐ Vested Right ☐ Future Use ☐ Change Use ☐☒ Amend Permit No. 5180-3 with old priority date retainedChange 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. _____1. Name of Applicant City of Lake Andes Phone No. 487-7694Post Office Address PO Box 783 Lake Andes State SD 57356
(Street, RR or Box) (City) Zip Code2. Amount of water claimed (c.f.s.) 4.6 cfs (1800 acre-feet annually)3. Source of water supply Missouri River4. Location of point of diversion Intake: E $\frac{1}{2}$ E $\frac{1}{2}$ Section 5 T95N - R65W via the City of Lake Andes pipeline to a point near the treatment plant and then through a proposed pipeline across the N $\frac{1}{2}$ Section 9 T96N- R65W to Lake Andes (South Lake) County Charles Mix5. Counties where water will be used Charles Mix6. Annual period during which water is to be used January 1 - December 31

7. 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)
 Request for extension of time for one fifth of work to be completed by November 11, 1990 due to operation of law beyond control of City of Lake Andes (see attached letter) in accordance with SDCL 46-5-25.

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 Charles Mix)^{ss}

I, Russell Stedronsky, Mayor of Lake Andes the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Russell Stedronsky, MayorSubscribed and sworn to before me this 28th day of September 19 90

Michael J. Whalen
 Notary Public

MCE: 8/8/95

**SOUTH DAKOTA
WATER PERMIT No. 5180A-3**

Date of first receipt of application October 3, 1990.

Date of return to applicant for corrections, amendments or changes
October 5, 1990.

Date of receipt of corrected application October 24, 1990.

The Water Management Board approved Water Permit Application No. 5180A-3 on December 5, 1990 for the City of Lake Andes, P.O. Box 783, Lake Andes, SD 57356 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5180A-3 is an extension of the time allowed for construction of one fifth of the project works authorized by Permit No. 5180-3. Water Permit No. 5180-3 appropriates 4.6 cubic feet of water per second (1800 acre feet annually) from the Missouri River. Diversions from the Missouri River are to be made from the E1/2 E1/2 Section 5 T95N, R65W via the City's pipeline to a point near the treatment plant and then through a proposed pipeline across the N1/2 Section 9 T96N, R65W to Lake Andes (South Lake). Water Permit No. 5180-3 was approved on May 11, 1988 and one fifth of construction was to be completed by November 11, 1990.
2. The water appropriated shall be used for the purpose of stabilizing the South Lake water level and for municipal uses and may not exceed the amount of water needed for beneficial use for municipal, recreational, fish and wildlife propagation.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim right is December 30, 1987.
5. One-fifth of the construction is to be completed on or before November 11, 1995.
6. All construction is to be completed on or before May 11, 1997.
7. Water is to be put to beneficial use on or before May 11, 2001.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

(from Water Permit No. 5180-3)

That pursuant to the "Lake Andes Diversion Project Operational Plan" submitted to the Water Management Board May 11, 1988:

1. Missouri River water may only be pumped into "The South Lake" of Lake Andes if "The South Lake" pool elevation is below 1436.75 feet above mean sea level.

(continued)

2. All pumping operations shall cease when the "The South Lake" pool elevation is at or below 1434.75 feet above mean sea level.
3. Subject to the above qualifications, when pumping will begin and end will be decided by a representative from the South Dakota Department of Game, Fish and Parks, a representative from the United States Fish and Wildlife Service, and the City of Lake Andes.

WATER MANAGEMENT BOARD

By: _____

John H. Hetch
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

MAR 27 1991

(date)

SOUTH DAKOTA
Department of
Water & Natural Resources

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

September 11, 1990

Leo Holzbauer
Lake Andes - Wagner Irrigation District
P.O. Box 818
Wagner, SD 57380

Dear Mr. Holzbauer:

This letter is a follow up to our September 10, 1990 phone conversation regarding an extension of time for one-fifth of construction of works to be completed for Water Permit No. 5180-3. Water Permit No. 5180-3 held by the City of Lake Andes states that one-fifth of the construction is to be completed on or before November 11, 1990. As per your instruction, I have enclosed the application forms which must be completed to request an extension. Also, I have enclosed what I feel is pertinent information from the original permit on a draft form for you to use as a guide.

The application filing fee for the extension will be \$50. Also, I feel a letter describing the operation of law that has caused the delays would be of value.

Please be aware that this request for an extension is only to address one-fifth of construction not being completed by November 11, 1990. This request for an extension, if approved, would not permit any amendment to the original permit that may occur with development of the Lake Andes Wagner / Marty II Research Demonstration Program. This would include, but not be limited to any increase in the diversion rate, location of the diversion point or yearly volume appropriated.

The Water Management Board will ultimately decide whether to grant the extension to Water Permit No. 5180-3.

If you have any questions while preparing this application, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

enclosures

September 28, 1990



John Hatch, Chief Engineer
Water Rights Division
Joe Foss Building
Pierre, SD 57501

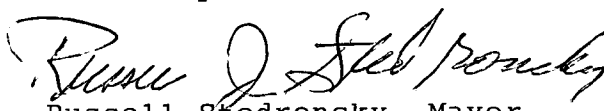
Dear Mr. Hatch;

Due to the Federal requirements and the length of time needed to achieve the Federal authorization of the Lake Andes-Wagner/Marty II Research Demonstration and irrigation projects we are asking for an extension of permit #5180-3.

When the anticipated LAW Research and Demonstration study comes into effect we would use that pump and delivery system to also supply water to the south lake of Lake Andes. But until that becomes a reality, we would like to have our original permit application stay in effect. That is why we are asking for an additional 5 year extension to be granted to our original permit.

Thank you for your consideration.

Sincerely,


Russell Stedronsky, Mayor
of Lake Andes

RS/rlr

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412400

Pierre, October 24, 19 90

RECEIVED OF City of Lake Andes, Box 783, Lake Andes SD 57356

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

Fee for Application for Permit No. 5180A-3 to Appropriate Water, to construct works and to put water to beneficial use _____

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. _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request Water Permit No. 5180A-3 _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By John Hatch
Chief Engineer

Conversation or File Documentation

NAME OF PERSON OR FILE: Leo Holzbauer

ADDRESS: _____ COUNTY _____

DATE: 10/5/90 TELEPHONE 384-3689RE: City of Lake Andes request for extension of 1/5 construction

COMMENTS:

time constraint for
WP No. 5180-3

Called her to let him know we couldn't process
the City of Lake Andes request for extension of time
to complete 1/5 of construction until we received the
\$50.00 application filing fee. He said he'd send
the fee in.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Stenberg

Report on
Water Permit Application No. 5180A-3
Request for an Extension of Time on Water Permit No. 5180-3
City of Lake Andes

The City of Lake Andes has requested the Water Management Board to grant a five year extension of time on Water Permit No. 5180-3. SDCL 46-5-25 states that if one-fifth of the project works are not completed within one-half the time allowed, it may accept and approve an application for the use of all or any of the waters included in the permit issued to the prior applicant and the right to use such waters under the former permit shall thereupon be forfeited. However, the Board shall allow an extension of time equal to the time during which work was prevented by operation of law beyond the power of such applicant to avoid.

Background

Water Permit No. 5180-3 held by the City of Lake Andes was approved by the Water Management Board on May 11, 1988. This permit appropriates 4.6 cubic feet of water per second (1800 acre-feet annually) from the Missouri River. Diversions from the Missouri River are to be made from the E1/2 E1/2 Section 5 T95N-R65W via the City of Lake Andes pipeline to a point near the treatment plant and then through a proposed pipeline across the N1/2 Section 9 T96N-R65W to Lake Andes (South Lake). The appropriated water is to be used for the purpose of stabilizing the South Lake water level and for municipal uses. The date from which the City of Lake Andes may claim the right is December 30, 1987. One-fifth of the construction was to be completed on or before November 11, 1990.

Summary

The status of Water Permit No. 5180-3 is dependent on diligent prosecution of work of construction as required by SDCL 46-5-25. One-fifth of the work was to be completed by November 11, 1990. After this date, the Water Management Board may accept and approve an application for the use of all or any of the waters included in the permit issued to the prior applicant and the right to use such waters under the former permit shall thereupon be forfeited. An extension of time shall be granted if the construction of works was prevented by the operation of law beyond the power of the applicant to avoid. The length of the extension shall be equal to the length of time work was prevented by the operation of law. The request for an extension and justification for no construction of works due to operation of law is addressed as follows.

Currently, this project to stabilize the South Lake of Lake Andes is undergoing a diagnostic/feasibility study by the Department of Water and Natural Resources, Division of Water Resources Management to determine the water quality benefits that may arise from the project. This study is required for inclusion of the project in the State Water Plan which is necessary for the project to be considered for state funding. The diagnostic/feasibility study is not scheduled for

completion until October 1992. Also, this project may use the pump and delivery system of the anticipated Lake Andes-Wagner/Marty II (LAW) Research Demonstration and Irrigation Project. Currently a study of the LAW Research Demonstration and Irrigation Project has been completed and federal authorization is being sought. The LAW Irrigation Project has been seeking federal authorization since 1984 and as part of this process numerous time consuming studies have been necessary.

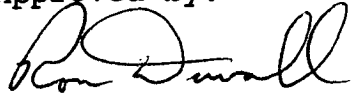
The completion of the diagnostic/feasibility study and securing funding for LAW Research Demonstration and Irrigation Project will likely not be completed prior to 1992. This would not enable the City of Lake Andes to complete one fifth of construction prior to the length of time construction has been currently prevented due to the operation of law. This is the reason for the request for a 5 year extension for one fifth of construction to be completed.

Conclusions

1. The City of Lake Andes is currently involved in a diagnostic/feasibility study to determine the benefit that would arise from stabilization of the South Lake of Lake Andes. This study is also required if they wish to pursue project funding at a state level.
2. The City may also utilize the pump and delivery system of the Lake Andes-Wagner/ Marty II Research Demonstration and Irrigation Project if the project is constructed. Currently, authorization and funding for the demonstration project are being pursued at the federal level.
3. The City of Lake Andes is requesting an additional 5 year extension to be granted to Permit No. 5180-3.
4. Pursuant to SDCL 46-5-25, the length of time to construct one fifth of the works may be extended only for the equivalent length of time construction was prevented due to the operation of law. The request for a 5 year extension has been made due to the fact that it is reasonably foreseeable that operation of law will cause delays in construction until 1992.


Eric Gronlund
Natural Resource Engineer
Water Rights Division

Approved by:


Ron Duvall
Natural Resource Engineer IV
Water Rights Division

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5180A-3, City of Lake Andes

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 Water Permit Application No. 5180A-3, City of Lake Andes, P.O Box 783, Lake Andes, SD 57356.

The Chief Engineer is recommending APPROVAL of Application No. 5180A-3 to extend the length of time for construction of one fifth of the project works by five years to November 11, 1995, the time period to complete all construction to May 11, 1997, and the time period to put water to beneficial use to May 11, 2001 because of the following:

1. A diagnostic/feasibility study at the state level must be completed prior to inclusion of this project on the State Water Plan.
2. The project may use the pump and delivery system for the Lake Andes-Wagner/Marty II Research and Demonstration Project which is currently seeking federal authorization.

See report on application for additional information.



JOHN HATCH, Chief Engineer
October 30, 1990

Instruction to Newspaper - Publish first Notice on or before November 8, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5180A-3
to Amend Water Permit No. 5180-3

Notice is given that the City of Lake Andes, P.O. Box 783, Lake Andes, SD 57356 has filed Application No. 5180A-3 with the Water Management Board for an extension of the time allowed for construction of one fifth of the project works authorized by Permit No. 5180-3. Water Permit No. 5180-3 appropriates 4.6 cubic feet of water per second (1800 acre-feet annually) from the Missouri River. Diversions from the Missouri River are to be made from the E1/2 E1/2 Section 5 T95N-R65W via the City's pipeline to a point near the treatment plant and then through a proposed pipeline across the N1/2 Section 9 T96N-R65W to Lake Andes (South Lake). The water is to be used for the purpose of stabilizing the South Lake water level and for municipal uses by the City of Lake Andes. The permit was approved on May 11, 1988 and one-fifth of construction was to be completed by November 11, 1990. Application No. 5180A-3 is to extend the length of time allowed for one-fifth of construction to be completed from November 11, 1990 to November 11, 1995. The time period to complete all construction would be extended to November 11, 1997 and the time period to put water to beneficial use would be extended to May 11, 2001. Application No. 5180A-3, if approved, proposes to remain the December 30, 1987 priority date assigned to Permit No. 5180-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5180A-3 made pursuant to SDCL 46-5-25 and 46-5-26 because of delays caused by state and federal requirements for funding. This application will be considered by the Water Management Board at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City SD, December 5, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by November 26, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by November 26, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24 thru 46-5-26, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Charles Mix) ss.



I, Pamela Wells

certify that the attached printed Notice was taken
from the Lake Andes Wave

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 Lake Andes, S.D.

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

Nov. 6, 1990

Nov. 13, 1990

Pamela Wells

(Signature)

Publisher

(Title)

11-14-90

(Date Signed)

Cost of Printing: \$54.99

NOTICE OF HEARING on Application No. 5180A-3
to Amend Water Permit No. 5180-3

Notice is given that the City of Lake Andes, P.O. Box 783, Lake Andes, SD, 57356 has filed Application No. 5180A-3 with the Water Management Board for an extension of the time allowed for construction of one fifth of the project works authorized by Permit No. 5180-3. Water Permit No. 5180-3 appropriates 4.6 cubic feet of water per second (1800 acre-feet annually) from the Missouri River. Diversions from the Missouri River are to be made from the E1/2 E1/2 Section 5 T95N-R65W via the City's pipeline to a point near the treatment plant and then through a proposed pipeline across the N1/2 Section 9 T96N-R65W to Lake Andes (South Lake). The water is to be used for the purpose of stabilizing the South Lake water level and for municipal uses by the City of Lake Andes. The permit was approved on May 11, 1988 and one-fifth of construction was to be completed by November 11, 1990. Application No. 5180A-3 is to extend the length of time allowed for one-fifth of construction to be completed from November 11, 1990 to November 11, 1995. The time period to complete all construction would be extended to November 11, 1997 and the time period to put water to beneficial use would be extended to May 11, 2001. Application No. 5180A-3, if approved, proposes to remain the December 30, 1987 priority date assigned to Permit No. 5180-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5180A-3 made pursuant to SDCL 46-5-25 and 46-5-26 because of delays caused by state and federal requirements for funding. This application will be considered by the Water Management Board at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City SD, December 5, 1990 at 10:00 AM. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by November 26, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by November 26, 1990.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16, 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24 thru 46-5-26, 46-5-30.2, 46-5-30.4, 46-5-31; and Board ARSD 74:02:01:01 thru 74:02:01:15.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

MAR 27 1991

Russell J. Stedronsky, Mayor
City of Lake Andes
PO Box 783
Lake Andes, SD 57356

Dear Mr. Stedronsky:

Enclosed is Water Permit No. 5180A-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

2) All structures, wells and lands on map **Yes**

Permit No. 5180A-3
Missouri River - Water District

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

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

On, **August 24, 1998**, I made a thorough examination of the water use system constructed by **the City of Lake Andes of PO Box 783, Lake Andes SD 57356** holder of Permit Nos. **5180-3 and 5180A-3**, bearing the priority of **December 30, 1987** authorizing the diversion of **4.6** cu. ft. per second of the waters of **the Missouri River** for **stabilizing the South Lake water level and for municipal** purposes, in **Charles Mix** County.

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

A. Works used to divert the water:

Pumping station - intakes, pump

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

6.5 miles of AC (Cement Tile) pipe

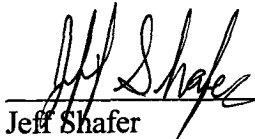
C. Works used to apply water to beneficial use:

Water treatment facility, distribution system

The system is in the following condition **Good**. The point of diversion is located **950' west and 2900' south of the NE corner Section 5 T95N-R65W**. The works are capable of diverting and conveying to the place of use **0.89** cu. ft. per second of water which is to be used for **Municipal purposes**. The license should be issued for **0.89** cfs.

Applicable permit qualifications have been complied with: **Yes**

Exceptions to compliance are: **None**



Jeff Shafer

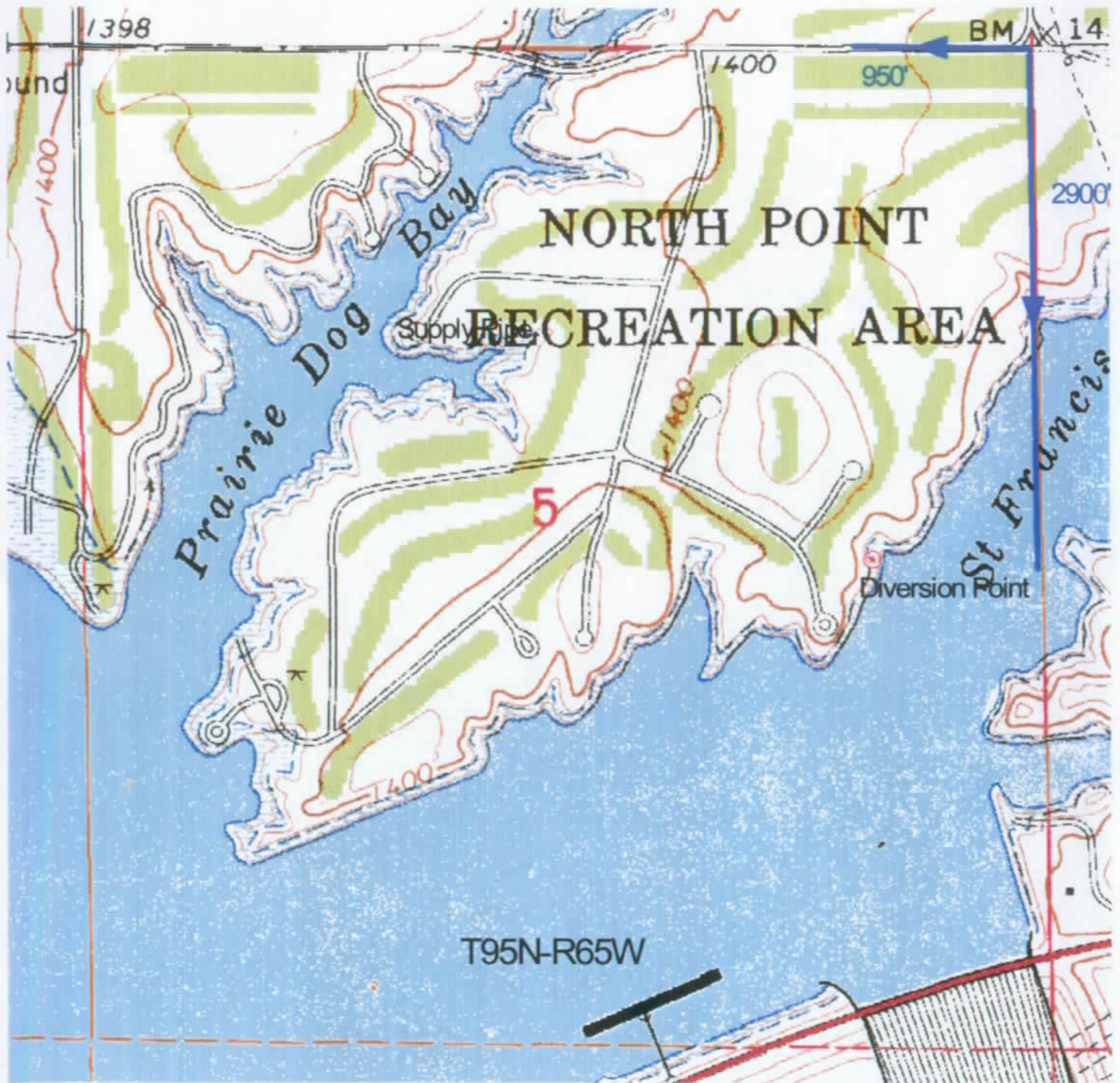
Natural Resources Engineer
DENR, Water Rights Program

8/27/98

Date

Inspection Map Water Permit No. 5180A-3

8/27/98



0 0.1 0.2 0.3 0.4 0.5 Miles

Prepared By:

Jeff Shafer
Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

August 31, 1998

Permit No. 5180A-3

City of Lake Andes
%Robin Smith, Finance Officer
P.O. Box 783
Lake Andes, SD 57356-0783

Dear Ms. Smith:

The investigation of your water use system was conducted on August 24, 1998, by Jeff Shafer, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit Nos. 5180-3 and 5180A-3. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 5180-3 will be incorporated into 5180A-3.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5180A-3

(1) The City of Lake Andes, PO Box 783, Lake Andes, SD 57356-0783 made Application No. 5180A-3, October 3, 1990 for a water permit to extend the time allowed for construction of one-fifth of the project works authorized by Water Permit No. 5180-3. Water Permit No. 5180-3 appropriated 4.60 cubic feet of water per second from the Missouri River, Charles Mix County, South Dakota for use in stabilizing the South Lake water level and for municipal purposes. Permit No. 5180A-3, with a priority date of December 30, 1987 was approved December 5, 1990 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 11, 1997 and for the application to beneficial use of said water on or before May 11, 2001.

The portion of the project involving stabilization of the South Lake water level was not developed. The applicable portions of Water Permit No. 5180-3 have been incorporated into Water License No. 5180A-3.

(2) It is certified that the permit holder 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 0.89 cubic feet of water per second for beneficial use. The location of the diversion point is 950'W and 2,900'S of the NE corner of Section 5, T95N, R65W (NE ¼ SE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the City of Lake Andes, PO Box 783, Lake Andes, SD 57356-0783 the holder and/or owner of Incorporated Water Permit No. 5180A-3 is issued a license to appropriate water, the right to use 0.89 cubic feet of water per second from the Missouri River with a priority date of December 30, 1987 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 municipal use. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5180A-3 and subject to South Dakota State Law.



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

SEP 23 1998

date



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 415864

Pierre, September 17, 19 98

RECEIVED OF City of Lake Andes, P.O. Box 783, Lake Andes, SD 57356-0783
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

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. 5180A-3

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By _____
Chief Engineer

John H. Hatcher



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

SEP 23 1998

5180A-3

City of Lake Andes
%Robin Smith, Finance Officer
P.O. Box 783
Lake Andes, SD 57356-0783

Dear Ms. Smith:

Enclosed is Water License No. 5180A-3 and Receipt No. 415864 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 5180A-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

gm
enclosures

NOTE: The applicable portions of Water Permit No. 5180-3 have been incorporated into Water License No. 5180A-3.