

RECEIVED
SEP 27 1961
9:01 AM

No. 856-3

Water Division No. 3 Big Sioux River District

(Blanks to be Filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

VESTED RIGHT

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable.)

1. Name of applicant South Dakota Department of Game, Fish and Parks

Postoffice address Pierre, County Hughes, State South Dakota

I. If a corporation

- (a) Name of same
(b) Date and place of incorporation
(c) Amount of capital stock
(d) Amount paid in
(e) Names and addresses of directors

(NOTE--A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
(b) Cash on hand, \$
(c) Treasury stock, \$
(d) Bonds to be issued, \$
(e) Other resources, \$

2. Name of diversion work BUFFALO LAKE - Minnehaha County
As required to fill lake to outlet level - approximately 1025

3. Amount of water claimed acra. feet per year-cubic feet per second

4. Source of water supply Local watershed runoff

5. Location of point of diversion One point in the watershed located in the NE 1/4 SW 1/4 Sec. 2, T 104 N R 52 W on bank County.

6. Annual period or periods during which water is to be used all year round

7. To be used for: I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

(a) Number of acres to be irrigated acres.

(b) Legal subdivisions to be irrigated

(NOTE--A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) To the ordinary high water mark of the inundated portions of Sec. 2, 10, 11, T 102, R 52

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Public recreational purposes
Name any of the above uses claimed

(b) Amount of power to be generated horse power.
Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
 (e) Other structures ----- \$----- Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works, Information requested not applicable. Buffalo Lake is a meandered lake. Maximum depth is approximately 5 feet
 (a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face -----
 material used in construction -----
 (b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark 340 ----- acres.

DEPTH AT OUTLET- FEET	SURFACE AREA AT EACH DEPTH AT OUTLET- ACRES	ACRE- FEET CAPACITY

(c) Head gate: Width ----- feet; height ----- feet; Material -----
 (d) Canal: Total length ----- miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- years. Not applicable - a meandered lake
 11. Time required for complete application of water to the proposed beneficial use ----- years.
 12. Choice of newspaper for publication of notice of intention to appropriate -----

STATE OF SOUTH DAKOTA

County of Hughes } ss.

I, Walter J. Fillmore, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed *Walter J. Fillmore*

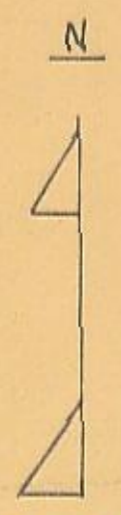
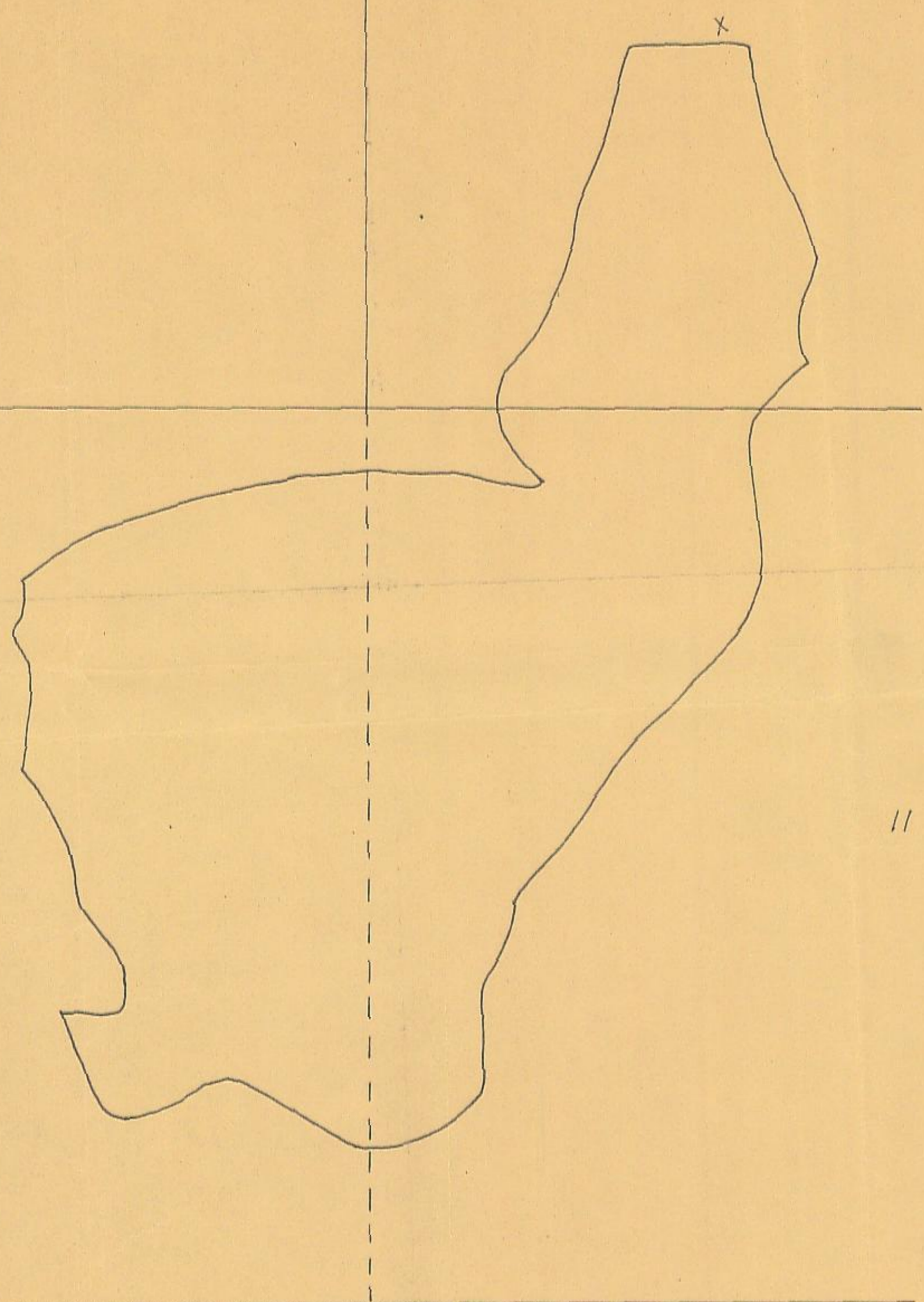
Subscribed and sworn to before me this 25 day of September 1961

Edward B. Johnson
 Notary Public (of other qualified officer.)

*Each diversion must have a headgate or measuring device.

10

11



BUFFALO LAKE
MINNEHAHA CO.
Sec. 2, 10, 11 - TWP. 104 - RANGE 52
340 ACRES
S.D. GAME, FISH & PARKS

(Vested Right #856-3)

Remarks by State Water Resources Commission:

"Vested right" Claimed

STATE OF SOUTH DAKOTA

County of

HUGHES

ss.

Pierre, South Dakota,

DECEMBER 18, 1962

This is to certify that the foregoing application was received by the Commission at 9:00 o'clock a.m. upon the 27th day of SEPTEMBER, 1961.

State Water Resources Commission

By:

Burton Jones
Chief Engineer, Executive Officer

Number of permit: 856-3

Date of first receipt of application: SEPTEMBER 27, 1961

Date of return to applicant for correction, amendments or changes required as follows: _____, 19__

Date of receipt of corrected application: _____, 19__

Date from which applicant may claim right: 1889, 19__

Approved: DECEMBER 18, 1962, Recorded in Book 7, Page 286

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

- 1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____, 19__.
- 2nd. The whole of said work is to be completed on or before _____, 19__.
- 3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is _____, 19__.
- 4th. The water appropriated shall be used for the purpose of public recreation.

5th. 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 injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 1075 acre feet annually cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 used for public recreation.

and beneficially applied for irrigation on or before June 30, 1955; said water to be used during the following described annual period:

Witness my hand this 18th day of DECEMBER, 1962

State Water Resources Commission

By:

J. J. Shinner
Chief Engineer, Executive Officer

Certificate of Construction Issued: DECEMBER 18, 1962

Water License Issued: DECEMBER 18, 1962

STATE OF SOUTH DAKOTA

WATER LICENSE No. 856-3

WHEREAS, On the 27th day of September A. D. 1961

the Department of Game, Fish and Parks

of Pierre County of Hughes and State of South Dakota duly made application (No. 856-3) to us for Vested Right permit to use 1025 acre feet annually

of the waters of the local watershed

County of Minnehaha, State of South Dakota, for public recreation purposes; and

WHEREAS, On the 18th day of December A. D. 1962

Vested Right Permit No. 856-3 was issued to said applicant for the diversion of said water, and recognizing completion of the works of diversion therein described

and for the application to beneficial use of said

and,

WHEREAS, On the 27th day of September A. D. 1961

the holder of said permit duly made proof of the completion of adequate works for the diversion of 1025 acre feet annually

of said waters, as evidenced by our Certificate No. 856-3 dated December 18, 1962

confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1025 acre feet annually of water, with date of priority of 1889 and,

WHEREAS, On the 27th day of September A. D. 1961

proof was duly made of the application to beneficial use of 1025 acre feet annually of said water; to be used in place for public recreation

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
 We hereby grant and confirm to the Department of Game, Fish and Parks
 of Pierre Vested Right
 of _____ the holder and owner of said/permit No. 856-3
 a water right, dating from 1889 to the use of 1025 acre feet
annually
~~1025 acre feet per year~~ of the waters of the local watershed
 In the County of Minnehaha and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinafter mentioned, to be diverted at a point in the NE 1/4 SW 1/4, Section 2,
T 104 N, R 52 W
 and ~~and used for irrigation~~ stored in place

 for the purpose of public recreation.

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
 this 18th day of December A. D. Nineteen
 Hundred and Sixty-Two.

State Water Resources Commission
 By: J. W. GRIMES
 Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't: _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 856-3

Water Division No. 3 Big Sioux River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the Department of Game, Fish and Parks

of Pierre, County of Hughes, and State of South Dakota, the holder of Vested Right of Permit No. 856-3, Issued upon Application

No. 856-3, bearing date of priority of 1889, authorizing the diversion of 1025 acre feet annually of the waters of the local watershed

County of Minnehaha, State of South Dakota, at a point in the NE 1/4 SW 1/4 Section 2, T 104 N, R 50 W

for public recreation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are recognized as satisfactory condition for diverting and conveying to the place of intended use 1025 acre feet annually

of water; and that the works proposed to be irrigated by the use of said water are described as follows, to-wit: to be used in place for public recreation.

Witness my hand this 18th day of December A. D. 10 62

State Water Resources Commission

By: J. W. GRIMES
Chief Engineer, Executive Officer

Location No.

Water Division No. Water District

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. South Dakota Department of Game, Fish and Parks

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. _____

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Local watershed run off - one point in the watershed located in the NE 1/4 SW 1/4 Sec. 2, T. 104, R. 52

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying, from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. A meandered lake - depth 5 feet - 340 acres

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Fish and wildlife propagation, conservation and recreation

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. Used in place in lake or reservoir

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. As required to fill lake to outlet level - approximately 1025 acre feet per year

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. A moandered lake. Used by the public for uses specified except for that amount lost by evaporation and seepage

(Sign) *W. Johnson*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Pierre, County of Hughes

State of South Dakota, on this 25 day of September A. D. 1961
Edward Johnson
} Witnesses. 11-6-65

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

PETITION OR HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

March 3, 1903

Mr. Walter Fillmore, Director
Department of Game, Fish and Parks
Pierre, South Dakota

Dear Sir:

Enclosed herewith are your "Vested Right" Permit to Appropriate Water,
Certificate of Completion of Works and Water License for the following
applications:

<u>No.</u>	<u>Name of Lake</u>	<u>County</u>
828-3	Hanson Lake	Hanson
829-3	Fulton Lake	Hanson
830-3	Spring Lake	Hanson
831-3	Chauter Lake	Campbell
831-3	Arndor Lake	Douglas
852-3	Letcher Lake	Sanborn
853-3	Calahan Lake	Sanborn
854-3	Twin Lakes	Sanborn
855-3	Rifle Lake	Sanborn
856-3	Buffalo Lake	Minnehaha

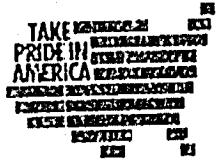
Sincerely,

J. W. CRIMM
Chief Engineer, Executive Officer

JWC:mf
Encls. as above



United States Department of the Interior
 FISH AND WILDLIFE SERVICE
 FEDERAL BUILDING, ROOM 113
 200 4th STREET, S.W.
 HURON, SOUTH DAKOTA 57350



IN REPLY REFER TO.

July 9, 1990



Ms. Genny McMath
 Natural Resource Analyst
 Department of Water and Natural
 Resources
 Water Rights Division
 Joe Foss Building
 Pierre, S.D. 57501-3181

Dear Ms. McMath:

Please advise if there are any water rights on file or pending on the following legal description.

<u>Legal Description</u>	<u>County</u>
T. 104 N., R. 52 W., 5TH P.M. Sec. 2, Relicted lots 1 and 2, gov. lots 5, 6 and 7 in SW¼.	Minnehaha
Sec. 11, gov. lot 1 in NW¼.	

What I am looking for are water rights in the SW¼ of sec. 2, and the NW¼NW¼ of sec. 11.

Thank you for your time and consideration.

Sincerely,

David H. Garr
 Realty Specialist

SOUTH DAKOTA
**Department of
Water & Natural Resources**

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

July 10, 1990

David H Carr
Realty Specialist
Fish & Wildlife Service
Federal Building, Room 113
200 4th Street SW
Huron, SD 57350

Dear Mr. Carr:

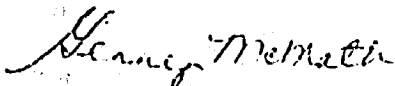
I am writing in response to your inquiry of July 9, concerning the existence of Water Permits or Rights in Section 2 and 11 of T104N, R52W.

I was unable to find any rights in Section 11, however, in the SW 1/4 of Section 2, T104N, R52W, there is a vested water right claim on file.

Vested Water Right Claim No. 856-3, SD Game Fish & Parks Department is for storage of 1025 acre feet of water annually in Buffalo Lake for recreational purposes.

If you have any questions concerning the above information, please contact me.

Sincerely,



Genny McMath
Natural Resources Analyst
(605) 773-3352

856-3

ADMINISTRATOR'S DEED

THIS INDENTURE, Made this 23rd day of August, 19 71, Between ARNFIN B. ORDAL, as Administrator of the Joint Estates of John B. Ordal and Andrea Ordal, deceased (the said Andrea Ordal also having been known as Andria S. Ordal), party of the first part, and the UNITED STATES OF AMERICA and its assigns, Washington, D.C., party of the second part,

WITNESSETH, That whereas the Probate Court of Minnehaha County, South Dakota, in the matter of the Joint Estates of John B. Ordal and Andrea Ordal, deceased, did, on the 2nd day of February, 1971, enter its order authorizing and empowering the party of the first part, as such Administrator, to make private sale of the real estate hereinafter described, and said party of the first part, having made and filed in said court the bond and oath required by law, and by said order, and having caused said real estate to be appraised by two competent persons appointed by said court, and having sold the same to the second party hereto at private sale, for the consideration hereinafter named, and having made and filed in said court his report of sale, and

WHEREAS, The said court did on the 9th day of August, 1971, enter an order confirming said sale and directing the part of the first part to convey said real estate to said second party.

NOW, THEREFORE, The said party of the first part, by virtue of said order, and in consideration of the sum of Ninety-one Thousand Seven Hundred Forty and 60/100 Dollars (\$91,740.60) to him in hand paid by said party of the second part, the receipt whereof is hereby acknowledged, does hereby Grant, Bargain, Sell and Convey, unto the said party of the second part, its successors and assigns, Forever, all that tract or parcel of land lying and being in the County of Minnehaha and State of South Dakota, described as follows, to-wit:

Township One Hundred Four (104) North, Range Fifty-two (52) West, Fifth Principal Meridian: In section eleven (11), the East Half Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$), Southwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), Northwest Quarter Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) and lots two (2), three (3), four (4), and five (5) and related lot five (5), containing 436.86 acres, more or less.

The above-described lands are acquired for administration by the Secretary of the Interior through the United States Fish and Wildlife Service.

TO HAVE AND TO HOLD THE SAME, Together with all the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, to the said party of the second part, its successors and assigns, Forever, except

SUBJECT, However, to statutory road easements 66 feet in width lying 33 feet on either side of all section lines; to an unrecorded easement for a telephone cable granted to the Colton Telephone Company; to a road right-of-way granted to Minnehaha County, as recorded in Book 205, page 371; and to the rights of the United States and third persons, if any, as provided for by the Patents of record; and

RESERVING unto the grantor, the use of the land herein described for agricultural purposes until December 31, 1971.

PROVIDING, However, that the use, occupation and operation of the reservation retained herein shall be subordinate to and subject to such rules and regulations as may be prescribed by the Secretary of the Interior governing the use, occupation, protection, and administration of waterfowl production areas under and in compliance with the provisions of Section 4(c) of the Act of March 16, 1934 (48 Stat. 451), as amended.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand the day and year first above written.

Arnfin B. Ordal L. S.
Arnfin B. Ordal, Administrator of
the Joint Estates of John B. Ordal
and Andrea Ordal, deceased

ACKNOWLEDGMENT

State of South Dakota)
County of Minnehaha) SS.

On this the 23rd day of August,
19 71, before me, Laird Rasmussen,
the undersigned officer, personally appeared Arnfin B. Ordal,
of the state, county or city as the
case may be of Minneapolis, Hennepin County, Minnesota,
known to me or satisfactorily proven to be the person described in
the foregoing instrument, and acknowledged that he executed the same
in the capacity therein stated and for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

Laird Rasmussen
LAIRD RASMUSSEN

Notary Public, South Dakota
Title of Officer

My Commission Expires:
10-2-74

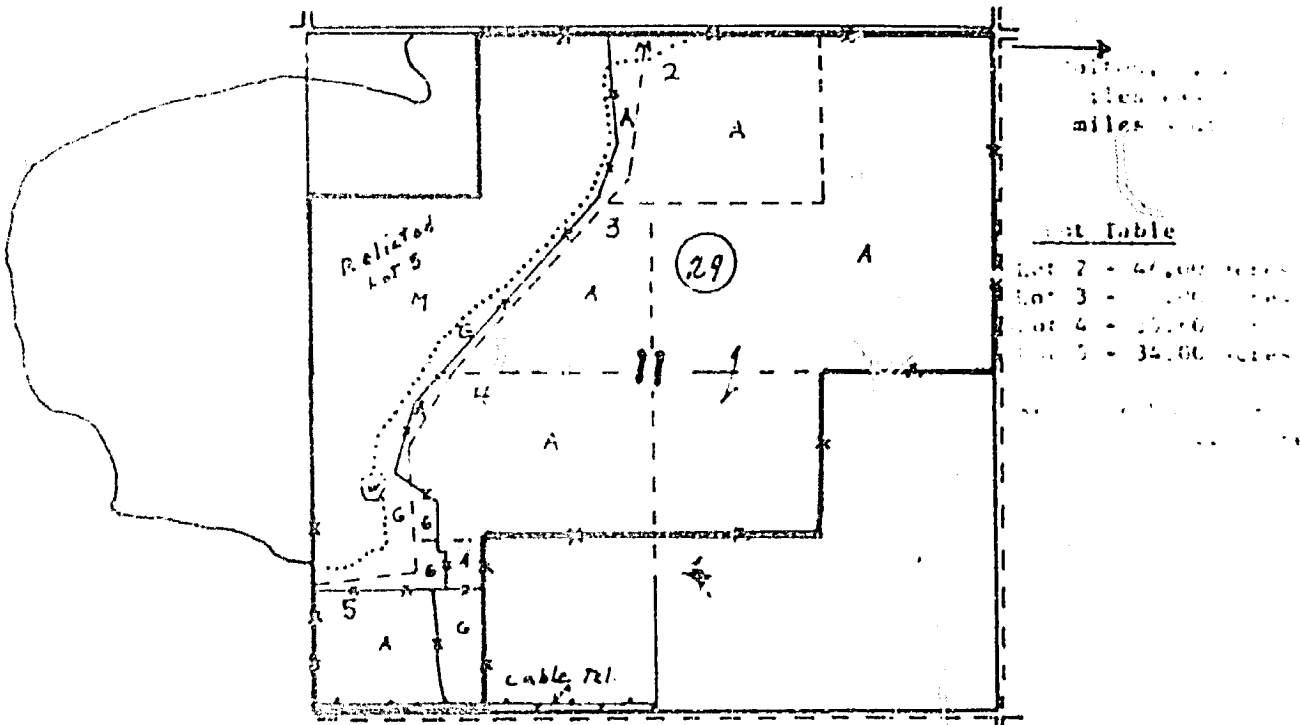
STATE OF SOUTH DAKOTA
Minnehaha County }
Office of Register of Deeds }
Filed for Recording this 31 day of
AUGUST A. D. 1971 at 80 o'clock
P. M. and Recorded in Book 278 of
MARY NOY BOON
Register of Deeds.
By [Signature] Deputy

United States Department of the Interior
 Fish and Wildlife Service
 Bureau of Sport Fisheries and Wildlife
 Branch of Realty

OWNER _____ TRACT NO.: (29) _____ ACRES _____

UNIT _____ COUNTY _____ STATE OF _____

DESCRIPTION _____ PRINCIPAL MERIDIAN _____



BASED UPON B. L. M. Plat approved 1-1-1917 Aerial Photo No. _____ Dated _____

LEGEND

Scale 4 inches = 1 mile

- | | | | |
|---|--------------------|---|-------|
| A | Agriculture | W | Swamp |
| G | Grass | M | Marsh |
| | Hay, wild | | Water |
| | Timber | | |
| | Bruan | | |
| ○ | Photograph Station | | |

Examined by RSF 10-5-10
 Platted by RSF 2-27-11
 Checked by J. W. D. 9-12-11
 Exhibit _____

UNITED STATES DEPARTMENT OF THE INTERIOR
U. S. FISH AND WILDLIFE SERVICE
BUREAU OF SPORT FISHERIES AND WILDLIFE

**AGREEMENT FOR THE PURCHASE OF LANDS
(Waterfowl Production Areas)**

THIS AGREEMENT, made and entered into this 2nd day of February, 1971
by and between Arntin B. Ordal as administrator of the Joint Estates of
John B. Ordal and Andrea Ordal, deceased

hereinafter styled the vendors, for themselves, their heirs, executors, administrators, suc-
cessors, and assigns, and the UNITED STATES OF AMERICA acting by and through
the Secretary of the Interior or his authorized representative.

WITNESSETH:

1. In consideration of One Dollar (\$1.00) in hand paid by the United States, the re-
ceipt of which is hereby acknowledged, the vendors agree to sell to the United States
certain lands upon the terms and conditions hereinafter set forth, and for the price of
\$ 210.00 per acre for all of the lands and other interests, which
lands shall include all tenements, hereditaments, together with all water and other rights,
easements, and appurtenances thereunto belonging, owned by them, situate and lying in
the County of Minnehaha

State of South Dakota, containing 436.86
acres, more or less, and are particularly described as follows:

T. 104 N., E. 52 W., 5th P.M.
section 11, E½NE½, SW½NE½, NW½SE½ and Lots 2, 3, 4 and 5
and related Lot 5.

2. The vendors agree that they have full right, power, and authority to convey, and that they will convey to the United States the fee simple title thereto clear, free and unincumbered, except subject to the following easements or reservations:

Vendors reserve the use of the land herein described for agricultural purposes until December 31, 1971. Subject to unrecorded easement for telephone cable along south side of tract to Colton Telephone Company, Inc. of Colton, South Dakota.

3. The vendors agree that they will not, and will not permit any other person to, do any act which would constitute a violation of any law or regulation of the United States.

4. The vendors further agree not to do, or suffer others to do, any act by which the value or title to said lands may be diminished or encumbered. It is further agreed that any loss or damage occurring prior to the vesting of satisfactory title in the United States of America by reason of the unauthorized cutting or removal of products therefrom, or because of fire, shall be borne by the vendors; and that, in the event any such loss or damage occurs, the United States may refuse, without liability, to accept conveyance of said lands, or it may elect to accept conveyance upon an equitable adjustment of the purchase price.

5. The vendors further agree that during the period covered by this instrument officers and authorized agents of the United States shall have at all proper times the unrestricted right and privilege to enter upon said lands for all proper and lawful purposes, including examination of said lands and the resources upon them.

6. The vendors will execute and deliver upon demand of the proper officials and agents of the United States, and without payment or the tender of the purchase price, a deed and sufficient deed of warranty conveying to the United States a safe title to the said lands of such character as to be satisfactory to the Attorney General of the United States, and said deed shall provide that the use, occupation, and operation of the rights-of-way, easements, and reservations retained therein, shall be subordinate to and subject to such rules and regulations as may be prescribed by the Secretary of the Interior governing the use, occupation, protection, and administration of Waterfowl Production Areas under and in compliance with the provisions of section 1(c) of the Act of March 16, 1944 (48 Stat. 1511), as amended.

7. In consideration whereof the United States of America agrees that it will purchase all of said lands and other interests at the price of \$ 210.00 ----- per acre, the acreage to be ascertained by a survey to be made at the option and expense of the United States after reasonable notice to the vendors, and according to standard methods and procedures, or by recourse to the records of the Bureau of Land Management, or by both; and

The United States authorized to purchase said lands, the option and right to enter into this Agreement for Purchase within six (6) months from the execution thereof by the vendors, and to purchase said lands as herein provided.

In the presence of:

/s/ Arnfin B. Ordal (L.S.)
Arnfin B. Ordal, Administrator of
the Joint Estates of John B. Ordal
and Andrea Ordal, Deceased. (L.S.)
Vendors
(L.S.)
(L.S.)
(L.S.)

The Secretary of the Interior, acting by and through his authorized representative executed this agreement on behalf of the United States of America on this day of

JUL 12 1971

THE UNITED STATES OF AMERICA
By /s/ John S. Longenecker
(Title) Acting Secretary of the Interior
(Director of Small Business and Wildlife)

ACKNOWLEDGEMENT

STATE OF SOUTH DAKOTA
COUNTY OF MINNEHaha

On this 2nd day of February, in the year 1971, before me personally appeared Arnfin B. Ordal, as administrator of the Joint Estates of John B. Ordal and Andrea Ordal, deceased (husband and wife), known to me to be the person(s) who (is) (are) described in and who executed the within instrument, and acknowledged to me that (he) (she) (they) executed the same

/s/ Laird Rasmussen
Notary Public

Minnehaha County, S.D.

(SEAL) Affixed

My Commission expires: 10/2/74

(1)

856-3(1)

THIS INSTRUMENT, Made this 22 day of April, 1974, Between Peter M. Fods and Verda Fods, his wife, of Colton, in the County of Minnehaha and State of South Dakota, grantors, and the UNITED STATES OF AMERICA and its assigns, Washington, D. C., grantee,

WITNESSETH, That the grantors, for and in consideration of the sum of Thirty-seven Thousand Nine Hundred Eight and 80/100 Dollars (\$37,908.80) to them in hand paid by the grantee, the receipt whereof is hereby acknowledged, do by these presents Grant, Bargain, Sell, and Convey unto the grantee and its assigns, forever, all that tract or parcel of land lying and being in the County of Minnehaha and State of South Dakota described as follows, to-wit:

Township One Hundred Four (104) North, Range Fifty-two (52) West, Fifth Principal Meridian: In Section Ten (10), the South Half Southwest Quarter (S1/2SW1/4), the Southwest Quarter Southeast Quarter (SW1/4SE1/4), relict Lot Four (4), and that part of Lot Five (5) more particularly described as Parcel 2 of the record plat of Minnehaha County W.A. No. 10, filed 3-27- 1974, in Plat Book 34, Minnehaha County Records, said description superseding the description contained in the agreement for the purchase of lands dated June 19, 1973, between the parties.

The tract of land herein described contains 176.32 acres, more or less.

The above-described lands are acquired for the use and benefit of the Fish and Wildlife Service, United States Department of the Interior.

TO HAVE AND TO HOLD THE SAME, Together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the grantee and its assigns, FOREVER. And the said grantors, for themselves, their heirs, executors and administrators, do covenant with the grantee and its assigns, that they are well seised in fee of the lands and premises aforesaid and have good right to sell and convey the same in manner and form aforesaid, and that the same are free from all encumbrances whatsoever, subject to:

- Existing rights-of-way for highways, railroads, roads, pipelines, canals, laterals, electrical transmission lines and telegraph, telephone and cable lines, including but not limited to (a) statutory road easements 66 feet in width lying 33 feet on either side of all section lines, (b) a highway right-of-way granted to the State of South Dakota, as recorded in Book 148 of Deeds, page 226, and (c) a pipeline easement across the SW1/4SW1/4 of said Section 10, granted to Northern Natural Gas Company, as recorded in Book 56 of Miscellaneous, page 142.
- Any oil, gas or mineral rights of record reserved to or outstanding in third parties.
- Rights of the United States and third persons, if any, as provided for by the patent.

PROVIDING, However, that the use, occupation and operation of the reservation retained herein shall be subordinate to and subject to such rules and regulations as may be prescribed by the Secretary of the Interior governing the use, occupation, protection, and administration of waterfowl production areas under and in compliance with the provisions of Section 4(c) of the Act of March 16, 1934 (48 Stat. 451), as amended, and the above bargained and granted lands and premises in the quiet and peaceable possession of the grantee and its assigns against all persons lawfully claiming or to claim the whole or any part thereof, the grantor will WARRANT AND DEFEND.

IN WITNESS WHEREOF, The grantors hereunto set their hands the day and year first above written.

TRANSFER FEE
EXEMPT

Peter M. Fods L.S.
Verda Fods L.S.

ACKNOWLEDGEMENT

STATE OF South Dakota }
COUNTY OF Minnehaha } SS

On this 22 day of April in the year 1974 before me personally appeared Peter M. Fods and Verda Fods, his wife, known to me to be the persons who are described in and who executed the within instrument, and acknowledged to me that they executed the same.

Patrick C. Russell
Notary Public

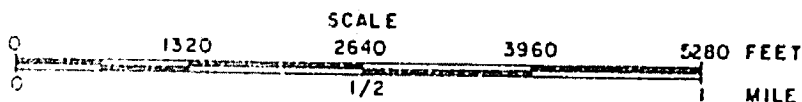
Besselle County, So. Dakota

My commission expires 8-10-78

Exempt from transfer fee

STATE OF SOUTH DAKOTA }
Minnehaha County } ss.
Office of Register of Deeds }
Filed for Recording this 25 day of
APRIL A. D. 1974 at 1:20 o'clock
P. M., and Recorded in Book 298 of
Deeds on page 175-176
MARY NOTHBOOM
Register of Deeds.
by M.A. Johnson Deputy

UNITED STATES DEPARTMENT OF THE INTERIOR
 BUREAU OF SPORT FISHERIES AND WILDLIFE
 MINNEHAHA COUNTY WATERFOWL PRODUCTION AREA
 PETER M. FODS TRACT
 (41)
 177.30 ACRES
 MINNEHAHA COUNTY, SOUTH DAKOTA
 FIFTH PRINCIPAL MERIDIAN



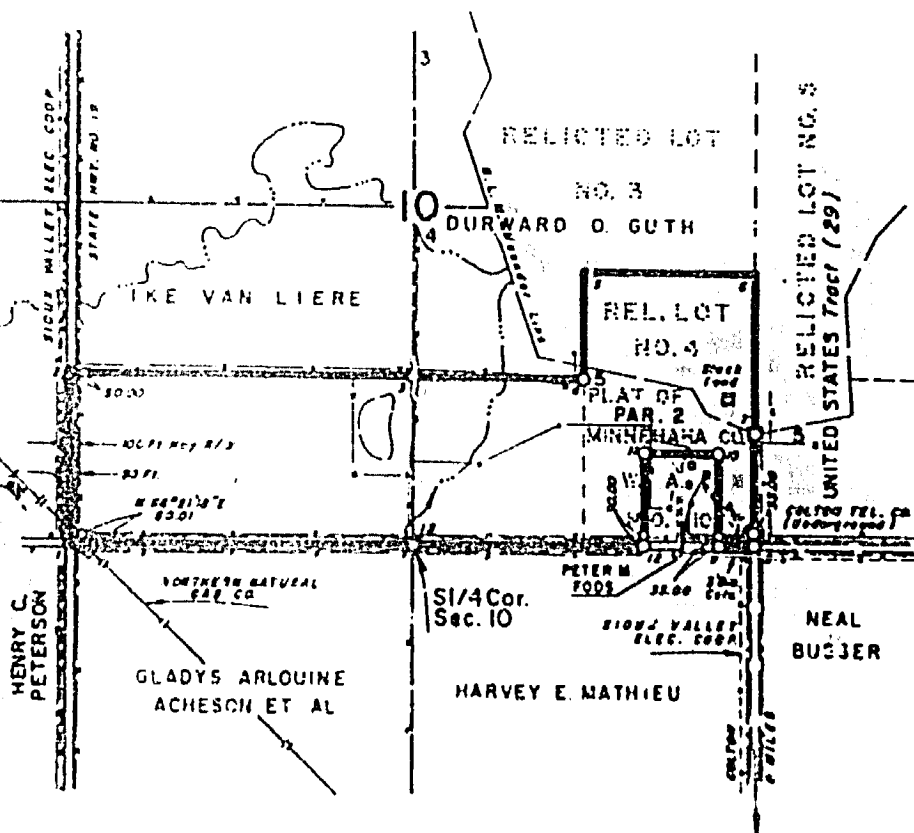
MONUMENTATION

- ⊙ Bronze Capped Conc. Post
- Stone With Pipe
- ⊙ T. Iron
- Iron Pipe
- Iron Pipe Ref

R. 52 W.

T. 104 N.

COR.	BEARING	FEET
1	N 3°04'27" W	1325.73
2	N 89°52'49" E	2693.30
3	N 89°52'49" E	1324.91
4	N 0°08'34" W	841.86
5	N 89°59'04" E	1325.24
6	S 0°14'07" E	1266.92
7	S 0°14'07" E	891.00
8	S 89°43'00" W	264.00
9	N 0°14'07" W	726.00
10	S 89°43'00" W	894.00
11	S 0°14'07" E	726.00
12	S 89°43'00" W	1793.01
13	S 89°43'00" W	2693.01



THIS MAP was compiled from official plats of the Bureau of Land Management, aerial photographs, surveys by the Bureau of Sport Fisheries and Wildlife made January 1974, and from official records in the files thereof.

Date: March 14, 1974

Charles E. Miller
 Land Surveyor
 Division of Land Management

WARRANTY DEED

856-3 (177)

THIS INDENTURE, Made this 31 day of October, 1988,
between Margaret Guth, a single woman, of the County of Outagamie and State of
Wisconsin, grantor, and the UNITED STATES OF AMERICA and its assigns, 18th and
"C" Streets, Washington, D.C. 20240, grantee,

WITNESSETH, That the grantor, for and in consideration of the sum of
Sixty-two Thousand Six Hundred and No/100 Dollars (\$62,600.00) to her in hand
paid by the grantee, the receipt whereof is hereby acknowledged, does by these
presents Grant, Bargain, Sell, and Convey unto the grantee and its assigns,
Forever, all that tract or parcel of land lying and being in the County of
Minnehaha and State of South Dakota, described as follows, to-wit:

Township One Hundred Four (104) North, Range Fifty-two (52)
West, Fifth (5th) Principal Meridian: Section Ten (10), Lots
One (1), Two (2), Three (3), and Four (4) and relicted Lot -
Three (3), Northwest Quarter (NW 1/4) EXCEPT the North 1,840'
of the West 1,900' and EXCEPT the South 335' of the North
2,175' of the West 1,210' thereof.

The above-described tract of land contains 284.50 acres, more or less.

TOGETHER, with any and all water rights, water, ditches, and ditch
rights-of-way, reservoirs, springs, easements and profits thereunto belonging
or in anywise appertaining which are now or hereafter may be used on the afore-
said lands which in any manner entitle said grantor, her heirs, successors and
assigns, to water for irrigation, domestic, stock or other purposes on said
lands.

The above description supersedes the description contained in that
certain Agreement between the parties hereto dated December 18, 1987.

The above-described lands are acquired for the use and benefit of the
Fish and Wildlife Service, United States Department of the Interior.

TO HAVE AND TO HOLD THE SAME, Together with all the hereditaments and
appurtenances thereunto belonging or in anywise appertaining, to the grantee
and its assigns, FOREVER. And the said grantor, for herself, her heirs,
executors and administrators, does covenant with the grantee and its assigns,
that she is well seised in fee of the lands and premises aforesaid and has good
right to sell and convey the same in manner and form aforesaid, and that the
same are free from all encumbrances whatsoever, subject to:

1. Existing rights-of-way for highways, railroads, roads, pipe-
lines, canals, ditches, laterals, electrical transmission
lines and telegraph, telephone, and cable lines, including
but not limited to statutory road easements 66 feet in width
lying 33 feet on either side of all section lines.
2. Any oil, gas or mineral rights of record reserved to or out-
standing in third parties.
3. Rights of the United States and third persons, if any, as
provided for by the patent.

And the above-bargained and granted lands and premises in the quiet
and peaceable possession of the grantee and its assigns against all persons
lawfully claiming or to claim the whole or any part thereof, the grantor will
WARRANT AND DEFEND.

Exempt from Transfer Fee: 43-4-22(2)

In witness whereof, the grantor hereunto sets her hand the day and date first above written.

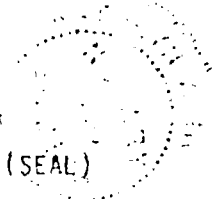
Margaret Guth L.S.
Margaret Guth

ACKNOWLEDGMENT

State of Illinois)
County of Madison) ss

On this 10th day of October, 19 11, before me personally appeared Margaret Guth, a single woman, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that she executed the same.

In witness whereof, I hereunto set my hand and official seal.



William A. Wooley
Notary Public

My Commission Expires: 16th Commission Expires Dec. 6

STATE OF SOUTH DAKOTA, LINCOLN COUNTY, SS
NOVEMBER 17, 11 at 15:40 o'clock - M.
396 Deeds 588-589
WILHELM WOLFE Mary Lusk Deputy
502

United States Department of the Interior
Fish and Wildlife Service

Branch of Realty

OWNER: Margaret Guth

TRACT NO.: (77)

281.5 ACRES

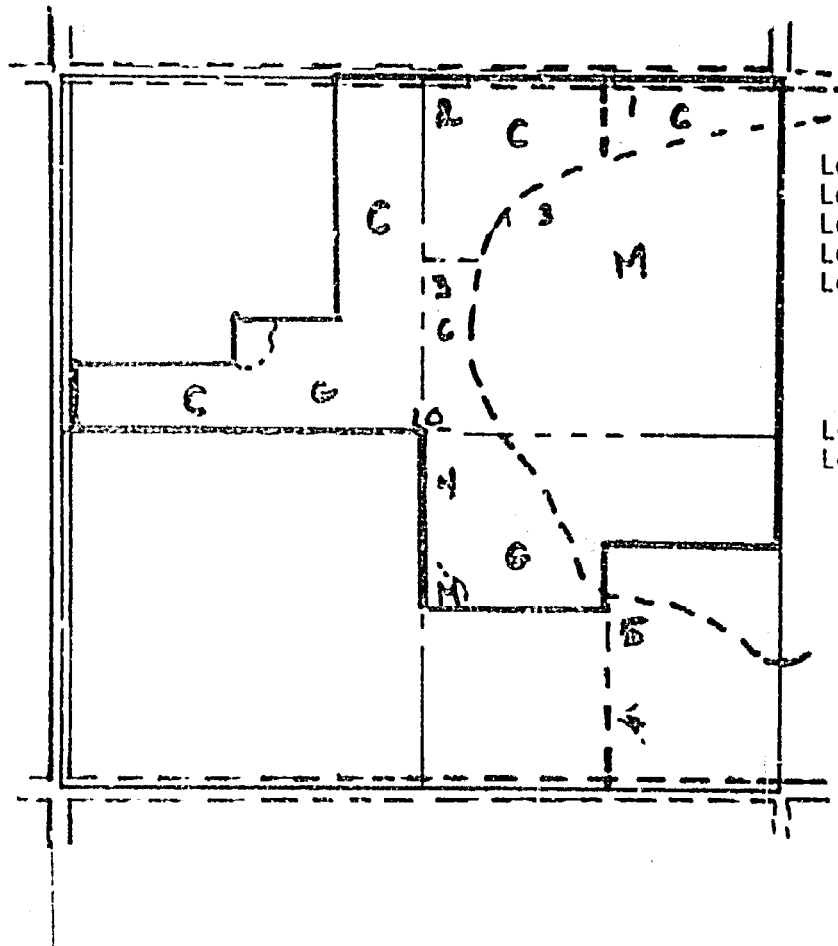
UNIT: Minnehaha W.A.

Minnehaha COUNTY

STATE OF: South Dakota

DESCRIPTION:

T. 124 N., R. 42 W.,
Section 10, Lots 1, 2, 3, and 4 and Relicted Lot 3, NW $\frac{1}{4}$ except the N.
1940' of the W. 1900' and except the S. 335' of the N.
2175' of the W. 1210' thereof.



Lot Table

Lot 1 = 11.7 acres
Lot 2 = 28.8 acres
Lot 3 = 13.6 acres
Lot 4 = 23.25 acres
Lot 5 = 35.90 acres

Relicted Lots

Lot 3 = 136.71 acres
Lot 4 = 29.09 acres

Base from B.L.M. Plat approved _____ Aerial Photo No. VM-2JJ-76 Dated 7-7-68

LEGEND

Scale: 4 inches = 1 mile

	Agriculture		Swamp
	Grass		Marsh
	Hay, wild		Water
	Timber		
	Brush		
	Photograph Station		

Examined by DHCarr 1-14-88

Platted by DHCarr 1-14-88

Checked by WRRarnes 1-14-88

Exhibit _____

★ GPO 1973-680 181

856-3 (83)

RI03617

WARRANTY DEED

BOOK 409 PAGE 704

THIS INDENTURE, Made this 14th day of March, 1991, between Lyle Schaefer, also known as Lyle A. Schaefer and Doris E. Schaefer, also known as Doris E. Schaefer, his wife, in the County of Minnehaha and State of South Dakota, grantors, and the UNITED STATES OF AMERICA and its assigns, 18th and "C" Streets, Washington, D.C. 20240, grantee,

WITNESSETH, That the grantors, for and in consideration of the sum of Twenty Eight Thousand Six Hundred Fifty-five and 90/100 Dollars (\$28,655.90) to them in hand paid by the grantee, the receipt whereof is hereby acknowledged, do by these presents Grant, Bargain, Sell, and Convey unto the grantee and its assigns, Forever, all the tract or parcel of land lying and being in the County of Minnehaha and State of South Dakota, described as follows, to-wit:

Township One Hundred Four (104) North,
Range Fifty-two (52) West, Fifth
Principal Meridian: Section Two (2),
Government Lot 5 and Lot 6 except the west 763.00 feet thereof; Government Lot 7; that part of Relicted Lot 2 of Sections 2 and 11 lying in Section 2, containing 85.54 acres more or less.

The above-described tract of land contains 85.54 acres, more or less.

TOGETHER, with any and all water rights, water, ditches, and ditch rights-of-way, reservoirs, springs, easements and profits thereunto belonging or in anywise appertaining which are now or hereafter may be used on the aforesaid lands which in any manner entitle said grantors, their heirs, successors and assigns, to water for irrigation, domestic, stock or other purposes on said lands.

The above description supersedes the description contained in that certain Agreement between the parties hereto dated November 6, 1990.

The above-described lands are acquired for the use and benefit of the Fish and Wildlife Service, United States Department of the Interior.

TRANSFER FEE
\$29.00
MAY 15 1991

TO HAVE AND TO HOLD THE SAME, Together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the grantee and its assigns, FOREVER. And the said grantors, for themselves, their heirs, executors and administrators, do covenant with the grantee and its assigns, that they are well seised in fee of the lands and premises aforesaid and have good right to sell and convey the same in manner and form aforesaid, and that the same are free from all encumbrances whatsoever, subject to:

1. Existing rights-of-way for highways, railroads, roads, pipe-lines, canals, ditches, laterals, electrical transmission lines and telegraph, telephone, and cable lines, including but not limited to statutory road easements 66 feet in width lying 33 feet on either side of all section lines:
2. Any oil, gas or mineral rights of record reserved to or outstanding in third parties.
3. Rights of the United States and third person, if any, as provided for by the patent.
4. Right-of-way easement to Minnehaha Community Water Corporation, recorded March 3, 1976, in Book 122 of Misc., Page 170.

And the above-bargained and granted lands and premises herein the quiet and peaceable possession of the grantee and its assigns against all persons lawfully claiming or to claim the whole or any part thereof, the grantors will WARRANT AND DEFEND.

IN WITNESS WHEREOF, The grantors hereunto set their hands the day and year first above written.

Lyle Schaefer L.S.
Lyle Schaefer, also known as
Lyle A. Schaefer

Doris Schaefer L.S.
Doris Schaefer, also known as
Doris E. Schaefer

ACKNOWLEDGMENT

BOOK 409 PAGE 706

State of South Dakota
County of Minnehaha) SS

On this 14th day of March, 19 91, before me personally appeared Lyle Schaefer, also known as Lyle A. Schaefer and Doris Schaefer, also known as Doris E. Schaefer, husband and wife, known to me to be the persons who are described in and who executed the within instrument, and acknowledged to me that they executed the same.

In witness whereof, I hereunto set my hand and official seal.

Ronno C. Hughes
Notary Public

My Commission Expires: 5/1/95



STATE OF SOUTH DAKOTA, MINNEHANA COUNTY, SS
Recorded this 15 day of March, 1991 at 9:00 o'clock AM of the
1st day of April File # 704-796
MARLENE WOLFE, Register of Deeds, by Ju. Brown



856-B
84

R103618

WARRANTY DEED

BOOK 409 PAGE 100

THIS INDENTURE, Made this 14th day of March, 1991, between Virgil Schaefer and Marlys Schaefer, his wife of Colton and Ralph J. Schaefer of Emil Rapids, in the County of Minnehaha and State of South Dakota, grantors, and the UNITED STATES OF AMERICA and its assigns, 18th and "C" Streets, Washington, D.C. 20240, grantee,

WITNESSETH, That the grantors, for and in consideration of the sum of Eight thousand Seven hundred Seventy-five and No/100 Dollars (\$8,775.00) to them in hand paid by the grantee, the receipt whereof is hereby acknowledged, do by these presents Grant, Bargain, Sell, and Convey unto the grantee and its assigns, Forever, all the tract or parcel of land lying and being in the County of Minnehaha and State of South Dakota, described as follows, to-wit:

Township One Hundred Four (104) North,
Range Fifty-two (52) West, Fifth
Principal Meridian: Section Eleven
(11), Government Lot #1, and that
portion of Relicted Lot #2 lying in
section 11.

The above-described tract of land contains 39.00 acres, more or less.

TOGETHER, with any and all water rights, water, ditches, and ditch rights-of-way, reservoirs, springs, easements and profits thereunto belonging or in anywise appertaining which are now or hereafter may be used on the aforesaid lands which in any manner entitle said grantors, their heirs, successors and assigns, to water for irrigation, domestic, stock or other purposes on said lands.

The above-described lands are acquired for the use and benefit of the Fish and Wildlife Service, United States Department of the Interior.

TRANSFER FEE
PAID \$ 9.00
DATE 1991 3 5 11

TO HAVE AND TO HOLD THE SAME, Together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the grantee and its assigns, FOREVER. And the said grantors, for themselves, their heirs, executors and administrators, do covenant with the grantee and its assigns, that they are well seised in fee of the lands and premises aforesaid and have good right to sell and convey the same in manner and form aforesaid, and that the same are free from all encumbrances whatsoever, subject to:

1. Existing rights-of-way for highways, railroads, roads, pipe-lines, canals, ditches, laterals, electrical transmission lines and telegraph, telephone, and cable lines, including but not limited to statutory road easements 66 feet in width lying 33 feet on either side of all section lines:

2. Rights of the United States and third person, if any, as provided for by the patent.

3. Any oil, gas or mineral rights of record reserved to or outstanding in third parties.

And the above-bargained and granted lands and premises herein the quiet and peaceable possession of the grantee and its assigns against all persons lawfully claiming or to claim the whole or any part thereof, the grantors will WARRANT AND DEFEND.

IN WITNESS WHEREOF, The grantors hereunto set their hands the day and year first above written.

Virgil Schaefer L.S.
Virgil Schaefer

Marlys Schaefer L.S.
Marlys Schaefer

Ralph J. Schaefer L.S.
Ralph J. Schaefer

ACKNOWLEDGMENT

BOOK 409 PAGE 702

State of South Dakota)
County of Minnehaha) ss

On this 14th day of March, 19 91, before me personally appeared Virgil Schaefer and Marlys Schaefer, husband and wife, known to me to be the persons who are described in and who executed the within instrument, and acknowledged to me that they executed the same.

In witness whereof, I hereunto set my hand and official seal.

Thomas C. Hughes
Notary Public

My Commission Expires: 5/1/95



ACKNOWLEDGMENT

BOOK 409 PAGE 703

STATE OF South Dakota
COUNTY OF Minnehaha } SS

On this 14th day of March, in the year 1991, before me, personally appeared Ralph J. Schaefer, a single man, known to me to be the person who is described in and who executed the within instrument, and acknowledged to me that he executed the same.

Ronora Hughes
Notary Public

County,

My Commission Expires: 5/1/95



STATE OF SOUTH DAKOTA, MINNEHANA COUNTY, SS
Recorded this 15 day of March 1991 at 9:00 o'clock AM,
Book 409 of Deeds Page 700-703
MARLENE WOLFE, Register of Deeds, by Dee Drouaux Deputy 988



United States Department of the Interior
Fish and Wildlife Service

Branch of Realty

OWNER: Schaefer et al, Virgil

TRACT NO.: (84) 39 ACRES

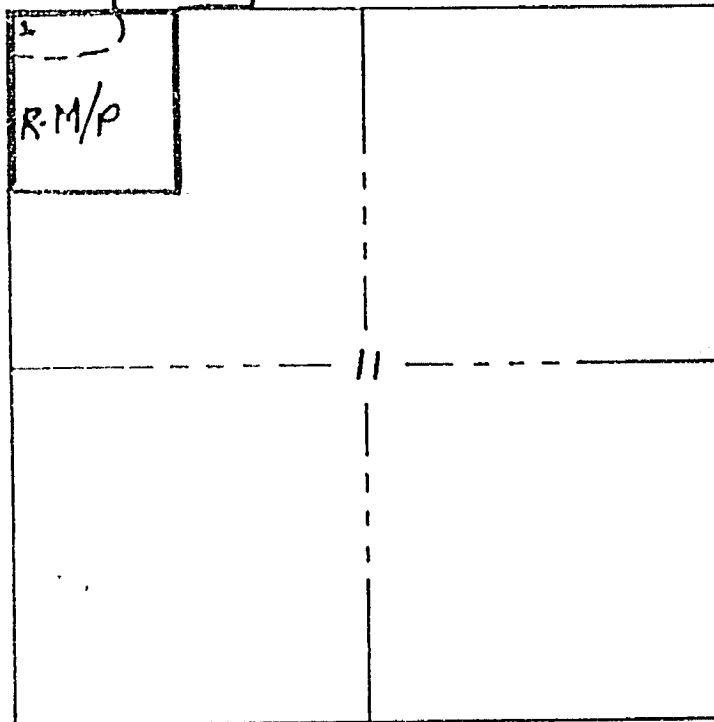
UNIT: Minnehaha W.A.

Minnehaha COUNTY STATE OF: South Dakota

DESCRIPTION:

5th PRINCIPAL MERIDIAN
T. 104 N., R. 52 W.,
sec. 11, Gov. Lot 1 and that portion of relicted Lot #2 lying in section 11.

Lot #1 - 6.5 ac.



Base from B.L.M. Plat approved _____ Aerial Photo No. VM-255-74 Dated 7-7-68

LEGEND

Scale: 4 inches = 1 mile

<input type="checkbox"/>	Agriculture	<input type="checkbox"/>	Swamp
<input type="checkbox"/> G	Grass	<input type="checkbox"/> N	Marsh
<input type="checkbox"/>	Hay, wild	<input type="checkbox"/>	Water
<input type="checkbox"/>	Timber	<input type="checkbox"/>	
<input type="checkbox"/>	Brush	<input type="checkbox"/>	
<input type="checkbox"/> O →	Photograph Station		

Examined by DH Carr 7-20-90

Platted by DH Carr 7-20-90

Checked by WB Barnes 7-23-90

Exhibit _____

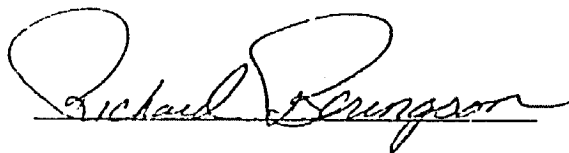
QUITCLAIM

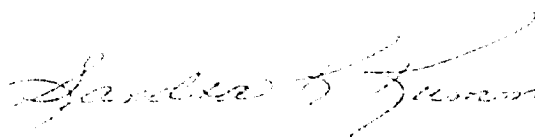
THIS INDENTURE, made this 13th day of January, 1993, between the South Dakota Department of Game, Fish and Parks, in the County of Hughes and State of South Dakota, grantors, and the UNITED STATES OF AMERICA and its assigns, grantee,

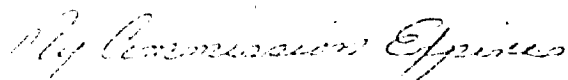
WITNESSETH, that the grantors, for and in consideration of the sum of one dollar (\$1) to them in hand paid by the grantee, the receipt whereof is hereby acknowledged, do by these presents, convey and Quitclaim unto the grantee and its assigns, forever, pursuant to a MEMORANDUM OF UNDERSTANDING dated the 13th day of January, 1993, all right, title and interest in and to Water License No. 856-3, a vested water right to maintain the historic water level elevation of Buffalo Lake in Minnehaha County.

The above described water right is acquired for the use and benefit of the Fish and Wildlife Service, United States Department of the Interior.

IN WITNESS WHEREOF, the grantors hereunto set their hands the day and year first above written.


Richard Bergeson

 Sandra S. Jensen 1/14/93

 My Commission Expires 3/15/96

NOTICE OF TRANSFER OF OWNERSHIP

No. 856-3

To: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: FEB - 3 1993



I We request that Water Permit/Right No. 856-3

formerly owned by: South Dakota Department of Game, Fish, and Parks

be transferred to: (name & address) UNITED STATES OF AMERICA, Fish and Wildlife Service
P.O. Box 25486, Denver Federal Center, Denver, CO 80225 (telephone No.) (303) 236-5321

Title to the following described land(s)/property has been transferred as described above:

See Attached Warranty Deeds

I We understand that the validity of Water Permit/Right No. 856-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SBCL 46-2-13.

COLORADO)
STATE OF SOUTHDAKOTA)
County of Lawrence)

I/We Wilbur N. Ladd, Jr. being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Wilbur N. Ladd, Jr. (Signed)
REGIONAL DIRECTOR

Subscribed and sworn to before me this 3rd day of February, 1993.

James L. Miller
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water right. A water right may be lost for three reasons:
1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

856-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

February 9, 1993

NOTICE

TO: Wilbur H Ladd, Jr.
U.S. Fish and Wildlife Service
PO Box 25486, Denver Federal Center
Denver CO 80225

FROM: John Hatch, Chief Engineer *John Hatch*
Water Rights Division
605 773-3352

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim No. 856-3

A Notice of Intent to validate Claim No. 856-3 was published on June 14 and 21, 1988 in the Argus Leader. The Water Rights Division opposed validation of No. 856-3 to allow the claim to be amended to establish an outlet elevation. According to plans and specifications prepared by Ducks Unlimited, the outlet elevation of the Buffalo Lake waterfowl production area is 1648.0 feet mean sea level (msl). The storage capacity at the outlet elevation is 310 acre-feet.

The Water Management Board will consider validation of Claim No. 856-3 at 10:00 am, March 3, 1993, in the Floyd Matthews Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of the hearing may be later than 10:00 am due to prior agenda items. Prior to February 22, 1993 contact the Water Right Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

The chief engineer is recommending validation of Claim No. 856-3 for sufficient runoff annually to allow the water level of Buffalo Lake to be maintained at an elevation of no higher than 1648 feet msl. The storage capacity at the outlet elevation is 310 acre-feet. Following the hearing, the Board is authorized to 1) validate the claim as recommended by the chief engineer, 2) validate the claim as licensed prior to the on-site inspection, 3) validate the claim based on evidence presented at the public hearing, or 4) defer validation of the claim. Applicable provisions of the published notice of intent to validate Claim No. 856-3 will still apply at this hearing. A copy of the June 14 and 21, 1988, publication is available upon request.

This hearing is an adversary proceeding. You 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.

cc: Diane Best, Assistant Attorney General
Cheryl Willis, U.S. Fish & Wildlife Service
Tim Olson, SD Dept. of Game, Fish and Parks

856-3



DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

* I N V O I C E *

Invoice No. 20411 1-10-93

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

ATTN: Cheryl Willis, Division of Engineering

Notice of Transfer of Ownership of Water \$2.50
Right No. 856-3, Buffalo Lake

Please pay this amount: \$2.50

to: Water Rights Division
523 E Capitol
Pierre SD 57501-3181

Karen Schlaak
KAREN SCHLAAK
Natural Resource Analyst
605 773-3352

*Enclosed personal check # 1243
Amount \$250*

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

856-3
413650

Pierre, February 25, 1993

RECEIVED OF City of Pierre, Pierre, SD 57501

the following amount in full 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 _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water _____		
Fee for Filing Transfer Form _____ <u>5.</u>	2	50
Fee for Filing Extension Request _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer

856-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

JUN 11 1993

Wilbur N Ladd, Jr.
U.S. Fish and Wildlife Service
PO Box 25486, Denver Federal Center
Denver CO 80225

Dear Mr. Ladd:

The Water Management Board has validated the enclosed Vested Water Right No. 856-3. This validation gives legal status to the claim and is the final document for 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,

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

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

enclosure

cc: Cheryl Willis, U.S. Fish & Wildlife Service

SOUTH DAKOTA

VESTED WATER RIGHT NO. 856-3

Date of Receipt of Claim September 27, 1961.

Date of Validation March 3, 1993.

The Water Management Board validated Vested Water Right Claim No. 856-3 for U.S. Fish and Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80225 with the following limitations, conditions and qualifications:

- 1. Vested Water Right No. 856-3 is for sufficient runoff water annually to fill Buffalo Lake to the outlet elevation of 1648.0 feet mean sea level. The storage capacity to the outlet elevation 310 acre-feet. The outlet location of Buffalo Lake is the NE 1/4 SW 1/4 Section 2-T104N-R52W in Minnehaha County.
- 2. The appropriated water is used for to fill Buffalo Lake and may not exceed the amount of water needed for beneficial use for public recreation 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 November 2, 1889.
- 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 may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: [Signature]
Chief Engineer

JUN 11 1993
date

Division of Water Rights
Dept. of Environment and Natural Resources