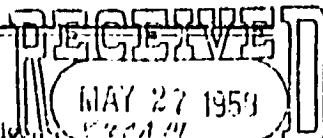


1. Considered July 9, 1958 Appl. No. 488-1
2. Name of Applicant South Dakota Dept. of Game, Fish & Parks
3. Post Office Address Pierre, South Dakota
4. Amount of water claimed 2554 acre feet to fill the reservoir
and 500 acre feet annually there-after
5. Source of water supply South Fork of Willow Creek
6. Water to be used for Fish and Wildlife propagation, Conservation & Recreation
Acres to be irrigated _____
7. Water to be diverted and used in Butte County about
8 miles north and of Newell.
2 miles east
9. Proof of Publication Received _____
Not Received X 1st publication received
9. Application Approved X
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 333-1Water Division No. 1District Belle Fourche RiverSTATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

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 Pierrro, 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)
Contract

- (b) Cash on hand, \$ Sufficient (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Newell Lake
2554 Acre Ft. plus 500 Acre Ft. Annually after Lake is Filled.
 3. Amount of water claimed _____ cubic feet per second
 4. Source of water supply S. Fork of Willow Creek
 5. Location of point of diversion Dam located in the NE 1/4 NE 1/4 of Sec. 16 and SE 1/4 SE 1/4
of Sec. 9 T 10 N, R 6 E B.H.M. on _____ bank Butte County.
 6. Annual period or periods during which water is to be used As available
 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.) _____

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

- (a) Nature of use Fish & Wildlife Propagation, Conservation and Recreation
 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 Immediately below dam.

Map No. 300-1

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures Dam & Spillway \$127,000 Total, \$.....

9. Description of diversion works:

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

II. Dimensions of works:

(a) Dam: Height 16' feet; length at bottom 600 feet; length at top 170' feet; thickness at bottom 16' feet; thickness at top 16' feet; slope at front water face 3-1; slope at back face 3-1
 material used in construction Earth Fill
 (b) Reservoir: Capacity when filled 2554 acre feet. Surface area at highwater mark 228.4 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-Feet CAPACITY
38	168 Acres - Normal Lake Level	2554

(c)* Head gate: Width.....feet; height.....feet;
 Material

(d) Canal: Total lengthmiles.

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 One years.
 11. Time required for complete application of water to the proposed beneficial use 4-5 years.
 12. Choice of newspaper for publication of notice of intention to appropriate Belle Fourche Bee

STATE OF SOUTH DAKOTA }
 County of Hughes } ss.

I, Harry R. Woodward 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 Harry R. Woodward
 Acting Director
 26th day of May 1958

Subscribed and sworn to before me this

Alvin H. Green
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

My Commission expires 2-20-59

NEWELL LAKE-BUTTE COUNTY, S.DAK.
NE1/4NE1/4 OF SECTION 16 T10N R6E BM SCALE 1"=300'
(SOUTH WILLOW CREEK)

CERTIFICATE OF SURVEYOR

I, MURELL TRIMBLE, REGISTERED LAND SURVEYOR DO HEREBY CERTIFY THAT AT THE DIRECTION OF THE SOUTH DAKOTA DEPARTMENT OF GAME, FISH AND PARKS I HAVE SURVEYED THE SITE OF THE PROPOSED DAM AND THAT SAID PROPOSED DAM SHALL BE HEREFTER KNOWN AS NEWELL LAKE. THE LOCATION IS AS SHOWN ON THE PLAT.
IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 18th DAY OF MAY 1958

Murell Trimble
SURVEYOR.

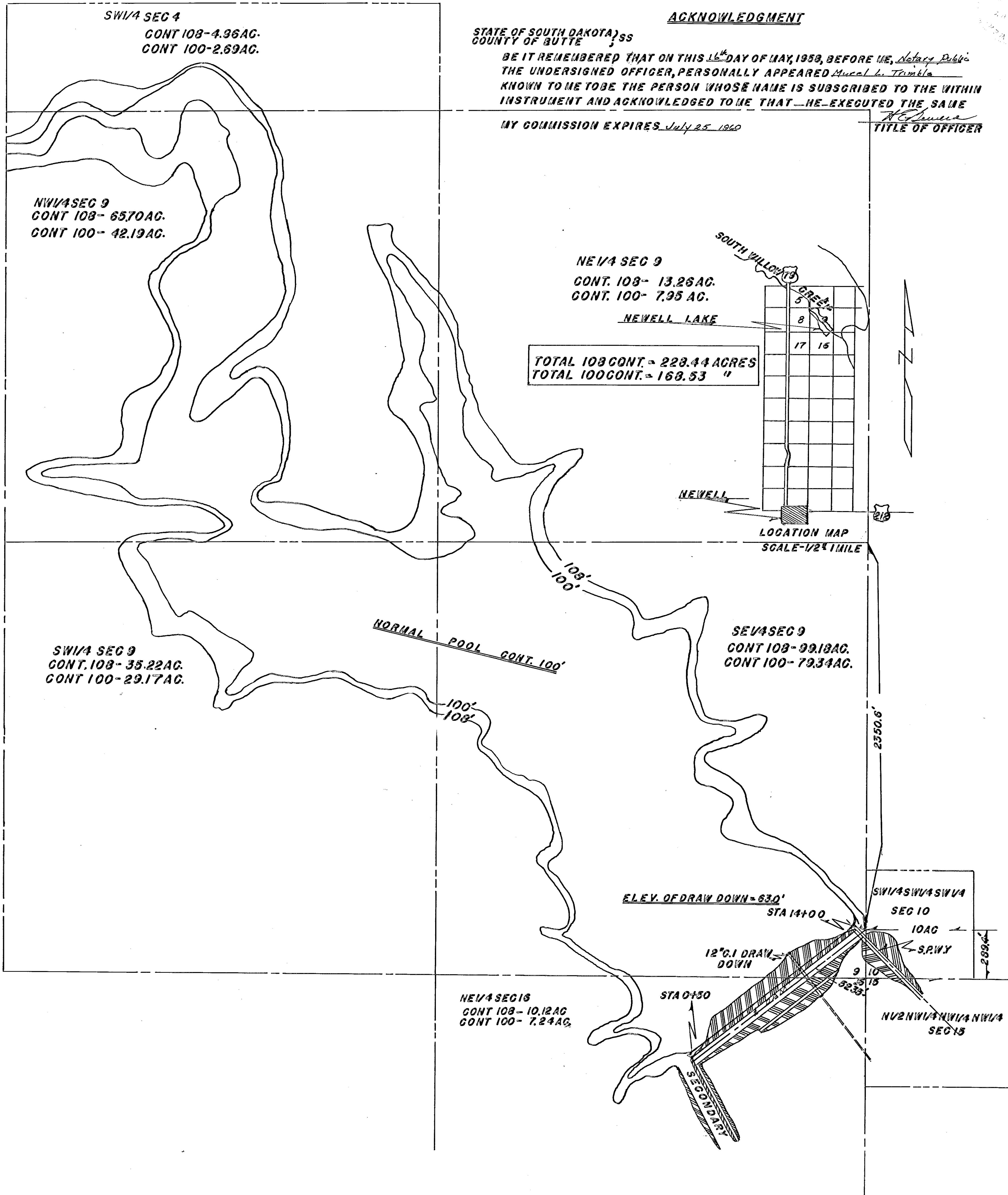
ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA) ss
COUNTY OF BUTTE)

BE IT REMEMBERED THAT ON THIS 16th DAY OF MAY, 1958, BEFORE ME, Notary Public, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED Murell L. Trimble, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME

MY COMMISSION EXPIRES July 25, 1960

Notary Public
TITLE OF OFFICER



Map No. 308-1-1
App. No. 333-1

STATE OF SOUTH DAKOTA
County of Sioux ss.

Pierre, South Dakota, May 27, 1958

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
a.m. upon the 27 day of May, 1958

State Water Resources Commission

By: Jeff Brinner
Chief Engineer, Executive Officer

Number of permit 333-1

Date of first receipt of application May 27, 1958

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 May 27, 1958

Approved July 9, 1958, Recorded in Book 5 Page 23

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 _____

January 9, 1959

2nd. The whole of said work is to be completed on or before July 9, 1959

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

July 9, 1963

4th. The water appropriated shall be used for the purpose of fish and wildlife

propagation, conservation and 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 2554 acre feet to fill the reservoir plus 500 acre feet annually for fish and wildlife propagation, conservation and recreation, used for irrigation on or before July 9, 1963; said water to be used during the following described annual period:

Continuously

Witness my hand this 12 day of September, 1958

State Water Resources Commission

By: Jeff Brinner
Chief Engineer, Executive Officer

Certificate of Construction Issued November 27, 1963

Water License Issued November 27, 1963

STATE OF SOUTH DAKOTA

WATER LICENSE No. 333-1

WHEREAS, On the 27th day of May A. D. 1958
 the South Dakota Department of Game, Fish and Parks

of Pierre County of Hughes and State of
South Dakota duly made application (No. 333-1) to us for a permit to use 500 acre feet
annually of the waters of the S. Fork of Willow Creek
 County of Butte, State of South Dakota, for public recreation
 purposes; and

WHEREAS, On the 12th day of September A. D. 1958
 Permit No. 333-1 was issued to said applicant for the diversion of said water, and providing for the
 completion of the works of diversion therein described on or before the 9th day of
July A. D. 1959 and for the application to beneficial use of said
 water on or before the 9th day of July A. D. 1963
 and,

WHEREAS, On the 27th day of November A. D. 1963
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 500 acre feet
annually of said waters, as evidenced by our Certificate No. 333-1
 dated November 27, 1963 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 500 acre feet annually of water, with date of
 priority of May 27, 1958 and,

WHEREAS, On the 27th day of November A. D. 1963
 proof was duly made of the application to beneficial use of 500 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 South Dakota Department of Game, Fish and Parks
of Pierre the holder and owner of said permit No. 333-1
a water right, dating from May 27, 1958 to the use of 500 acre feet
~~annually~~ annually of the waters of S. Fork of Willow Creek
in the County of Butte and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at a dam located in the NE 1/4 NE 1/4,
Section 16 and SE 1/4 SE 1/4, Section 2, T10N, R6E
and ~~conveyed to the holder~~ 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 27th day of November A. D. Nineteen
Hundred and Sixty-Three

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Aud't _____ c. f. s. _____

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Finality _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 333-1Water Division No. 1 Belle Fourche River
Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the South Dakota Department of Game, Fish and Parksof Pierre, County of Hughes, and State of
South Dakota, the holder of Permit No. 333-1, issued upon Application
No. 333-1, bearing date of priority of May 27, 1958, authorizing the diversion of500 acre feet annually ~~xxxxxx~~ of the waters of S. Fork of Willow Creek
County of Butte, State of South Dakota, at a dam located in the
NE 1/4, Section 16 and the SE 1/4, Section 2, T10N, R6Efor public recreation
purposes, has s 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 found in satisfactory
condition for diverting and conveying to the place of intended use 500 acre feet annually ~~xxxxxx~~
~~xxxxxx~~ of water; and that the ~~xxxxxx~~ use of said water are described as follows,
to-wit: to be used in place for public recreationWitness my hand this 27th day of November A. D. 1963

State Water Resources Commission

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

Permit No. 333-1Water Division No. 1Belle Fourche River
Water District**Certificate of Examination of Works****Report of Examining Engineer**

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____

to _____, I have this day made a thorough examination of the diversion works constructed by SouthDakota Dept. of Game, Fish & Parks of Pierre S. D.Hughes County, South Dakota, holder of Permit No. 333-1, issuedupon Application No. 333-1, bearing date of priority of May 27, 1958, authorizing the
storage of 2554 Ac. Ft. annually etc. 1400 is with
diversion of cu. ft. per second of the waters of S. Fork of Belle R. for Recreational

purposes. I have to report on the condition of the same as follows:

The diversion works comprise Earth fill dam - 46' high, 600' long at
bottom, 16' wide at top, front slope 3:1, back slope 2 1/2:1
with riprap with concrete primary spillway, and earth & grass
secondary spillway.and the system is in the following condition: GoodThe point of diversion is located in NE 1/4 NE 1/4 section 16 T10N, R14E, B.H.M.
as shown on water right map No. 300-1of storing 2554 Ac. Ft. plus additional 500 Ac. Ft. annually etc.
The works are capable of diverting and conveying to the place of use _____ cu. ft. per second of water,which is ~~to be~~ used for Recreational purposesThe legal sub-divisions to be irrigated are: NoneThis is an artificial lake, named Newell Lake covering16 1/2 surface acres as shown on water right map No. 300-1

comprising a total of _____ ac. of land.

The domestic use intended comprises irrigated stock wateringThe utilization for power, mining, or other beneficial uses comprises: NoneWitness my hand, this 22 day of November, A. D. 1958.

-SEAL-

Donald J. Marshall
Examining Engineer.Field and Office Engineer
State Water Resources Commission

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County Butte ss.Lawrence S. Taylor being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the -----

Belle Fourche Bee a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in thecity of Belle Fourche County of Butte and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

June 5, 1958June 13, 1958June 19, 1958June 26, 1958in each and every issue of the full number thereof, the first publication being made on the 5 day of June1958 and the last publication on the June 26 day ofJune 1958, upon which days or times

of publication aforesaid the newspaper was regularly published and that during the whole time of said publication he

was Lawrence S. Taylor the printer and publisher of the said newspaper.Lawrence S. TaylorSubscribed and sworn to before me this 29 day of July A. D. 1958RECEIVED
JUL 21 1958STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPROPRIATION OF WATER

Office of State Water Resources Commission

Pierre, S. Dak., May 27, 1958

Notice is hereby given that the South Dakota Department of Game, Fish and Parks whose postoffice address is Pierre, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 2564 acre feet of water to initially fill the dam and a consumptive use of 500 acre feet annually thereafter from the South fork of Willow Creek through Nowell Lake, the point of diversion of which is, to be located on both banks of said stream on the east section line of Sec. 9, T 10 N, R 6 E BHM, 289 feet north of the SE corner of said section. Said water to be used for the purpose of fish and wildlife propagation, conservation, and recreation on parts of the SW 1/4, Sec. 4; Sec. 9; and SW 1/4-SW 1/4, Sec. 10; all in T 10 N, R 6 E BHM.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 9th day of July 1958, at 2:00 p.m. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission.

By Chief Engineer,
Executive Officer

Bt 6/5-12-19-26

Notary Public Butte County, S. D.Notary Public, Butte County, So. Dak.
My Commission Expires Sept. 29, 1958

488-2

333-1

First Publication before June 6, 1958

APPROPRIATION OF WATER

Office of State Water Resources Commission

Pierre, S. Dak., May 27, 1958

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State Water Resources Commission

By:

Chief Engineer, Executive
Officer

cc Mr. Laurence Weylor, Publisher
The Belle Fourche Bee
Belle Fourche, South Dakota