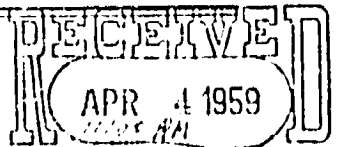


No. 384-1Water Division No. 1 Grand River District
(Plans to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

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

1. Name of applicant Department of Game, Fish and Parks
Postoffice address Piarr, 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 McIntosh Dam
3. Amount of water claimed As required to fill lake to spillway outlet - approximately
400 acre feet per year. cubic feet per second
4. Source of water supply Tributary of Iron Dog Creek
5. Location of point of diversion SW 1/4 Sec. 27; T 23; R 23
_____ on _____ bank _____ County.
6. Annual period or periods during which water is to be used All year long
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 and 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 _____

Map No. 332-1

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures Dam and Spillway \$..... Total, \$ 60,000.00

9. Description of diversion works:

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

II. Dimensions of works:

(a) Dam: Height 28 feet; length at bottom 600 feet; length at top 950 feet; thickness at bottom 126 feet; thickness at top 16 feet; slope at front water face 3:1; slope at back face 2:1 material used in construction earth fill
 (b) Reservoir: Capacity when filled 896 acre feet. Surface area at highwater mark 112 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET—ACRES	FEET	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 Completed years.

11. Time required for complete application of water to the proposed beneficial use completed years.

12. Choice of newspaper for publication of notice of intention to appropriate

STATE OF SOUTH DAKOTA

Hughes

ss.

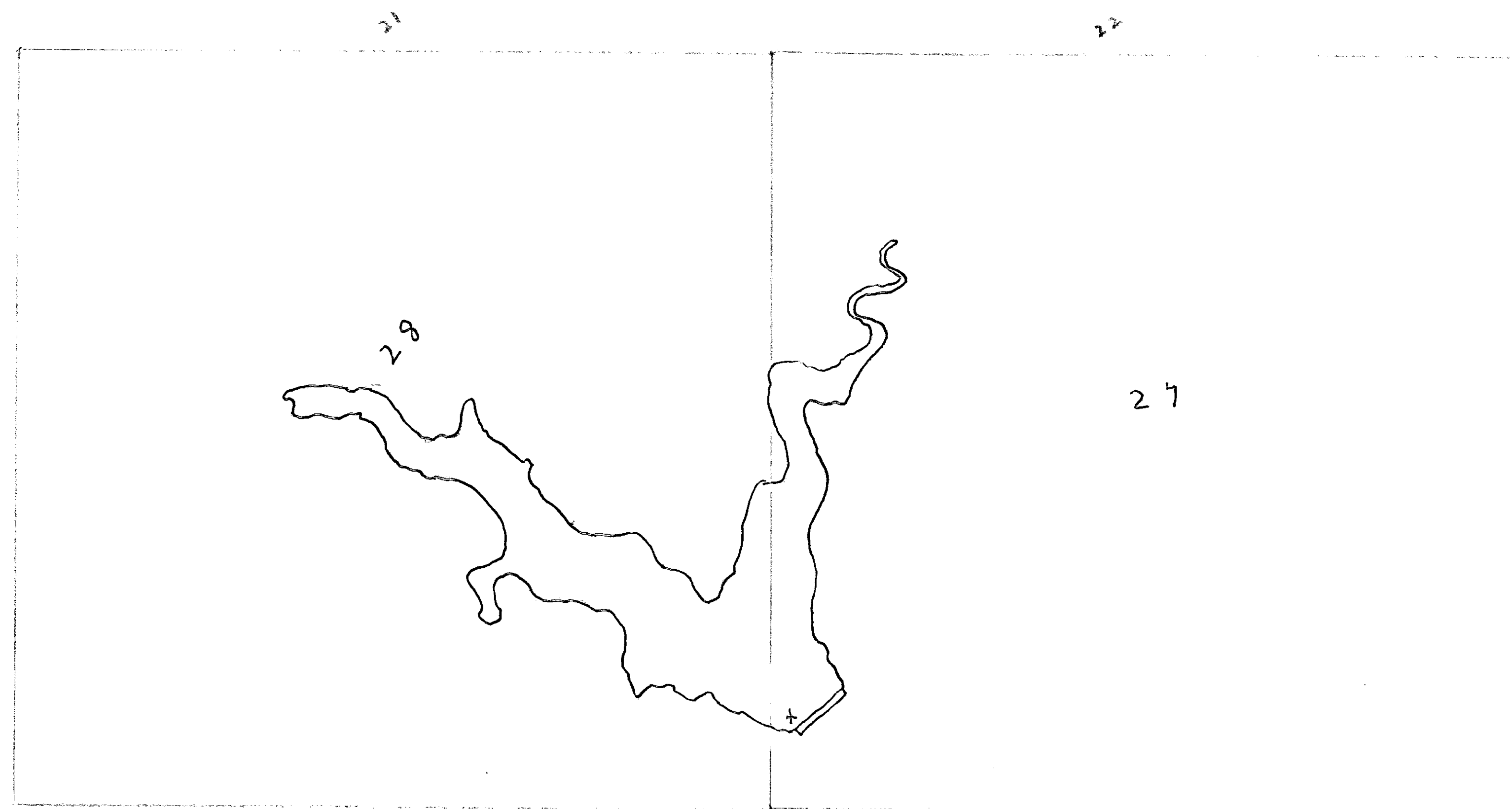
County of

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

Subscribed and sworn to before me this 4 day of April 19 57

Edmund Johnson
 Notary Public (or other qualified officer.)



McIntosh or
Pudwell DAM
SEC. 27-28 T#23 R#23
CORSON COUNTY
S.D. GAME FISH AND PARKS Dept.
X = Outlet

Remarks by State Water Resources Commission:

Vested Right claimed

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

April 29, 19*57*

This is to certify that the foregoing application was received by the Commission at *11:00* o'clock

4 a.m. upon the *4* day of *April*, 19*57*

State Water Resources Commission

By: *Geo Brimer*

Chief Engineer, Executive Officer

Vested Right
Number of permit *384-1*

Date of first receipt of application *April 4*, 19*57*

Date of return to applicant for correction, amendment or changes required as follows: *April 29*, 19*57*

Date of receipt of corrected application *May 29*, 19*57*

Date from which applicant may claim right *1939*

Approved *April 29*, 19*57* Recorded in Book *55* Page *157*

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

Completed, 19*57*

2nd. The whole of said work is to be completed on or before

Completed, 19*57*

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

Completed, 19*57*

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

propagation, conservation, and 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 *400 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 and beneficially applied ~~for irrigation on or before~~ *during* *1939*; said water to be used during the following described annual period:

Continuously

Witness my hand this *2* day of *July*, 19*57*

State Water Resources Commission

By: *Geo Brimer*

Chief Engineer, Executive Officer

Certificate of Construction Issued *July 2*, 19*57*

Water License Issued *July 2*, 19*57*

STATE OF SOUTH DAKOTA

WATER LICENSE No. 384-1

WHEREAS, On the 4th day of April A. D. 1959
the Department of Game, Fish and Parks

of Pierre County of Hughes and State of
South Dakota duly made application (No. 384-1) to us for a Vested Right 400 acre feet
annually ~~XXXXXXXXXX~~ of the waters of a tributary of Iron Dog Creek
County of Hughes, State of South Dakota, for fish and wildlife propagation, conserva-
purposes; and tion and public recreation

Vested Right WHEREAS, On the 2nd day of July A. D. 1959
/Permit No. 384-1 was issued to said applicant, for the diversion of said water, and recognizing
during ~~XXXXXXXXXX~~
completion of the works of diversion therein described ~~XX~~ or before ~~XXX~~ ~~XXXX~~
during 1939 ~~XXXXXX~~ and ~~future~~ application to beneficial use of said
water ~~XX~~ or before the ~~XXXXX~~ 1939 ~~XXXXXXXXXX~~
and,

WHEREAS, On the 4th day of April A. D. 1959
the holder of said permit duly made proof of the completion of adequate works for the diversion of 400 acre feet
annually ~~XXXXXXXXXXXXXX~~ of said waters, as evidenced by our Certificate No. 384-1
dated July 2, 1959 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 400 acre feet annually
priority of 1939 ~~XXX~~ and,

WHEREAS, On the 4th day of April A. D. 1959
proof was duly made of the application to beneficial use of 400 acre feet annually
for fish and wildlife propagation, conservation and public recrea-
tional uses through McIntosh Dam and Reservoir located in the
S $\frac{1}{2}$ Sec. 28 and W $\frac{1}{2}$ Sec. 27 all in T 23 N, R 23 E.

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, South Dakota the holder and owner of said Vested Right permit No. 384-1
a water right, dating from 1939 to the use of 400 acre feet
annually
~~of the waters of~~ a tributary of Iron Dog Creek
in the County of Corson and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinafter mentioned, to be diverted at in the SW 1/4 Sec. 27, T 23 N,
R 23 E
and conducted to and upon the S 1/4 Sec. 28 and W 1/2 Sec. 27 all in T 23 N, R 23 E.

for the purpose of fish and wildlife propagation, conservation and 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 2nd day of July A. D. Nineteen
Hundred and Fifty-nine

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Amt. _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 384-1Water Division No. 1 Grand River Water District**Certificate of Completion of Works**

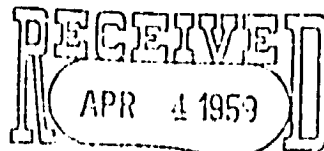
TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the Department of Game, Fish and Parksof Pierre, County of Hughes, and State of South Dakota, the holder Vested Right of Permit No. 384-1, Issued upon ApplicationNo. 384-1, bearing date of priority of 1939, authorizing the diversion of 400 acre feet annually ~~annually~~ of the waters of a tributary of Iron Dog CreekCounty of Corson, State of South Dakota ~~in~~ in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T 23 N, R 23 Efor fish and wildlife propagation, conservation and public recreationpurposes, 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 found in satisfactory condition for diverting and conveying to the place of intended use 400 acre feet annually ~~annually~~ is~~annually~~ of water; and that the ~~diversion~~ use of said water ~~is~~ described as follows,to-wit: to be used for fish and wildlife propagation, conservation and public recreation in McIntosh Dam and Reservoir located in the S $\frac{1}{4}$, Sec. 28 and W $\frac{1}{4}$, Sec. 27 all in T 23 N, R 23 E.Witness my hand this 2nd day of July A. D. 1959

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

Location No. 384-1Water Division No. 1Water District Grand RiverSTATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

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, Pierre, South Dakota

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. Tributary of Iron Dog Creek - SW 1/4 Sec. 27: T 23: R 23

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. Earth Dam - approximately 600 feet long, 28 feet high, concrete spillway

40 feet wide. Impoundment of 112 acres at dam site.

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 of 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 spillway outlet - approximately 400 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. Been in use ever since 1939-40 when dam was constructed. Used by the
public for the uses specified except for that amount lost by evaporation
and seepage

(Sign) Henry F. Woodward

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 4 day of April A. D. 1957

Witnesses. Edward E. Johnson

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

SECTION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____



Department of Water & Natural Resources

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

September 21, 1989

Richard Beringson, Secretary
Department of Game, Fish and Parks
Anderson Building
445 E Capitol
Pierre SD 57501

Dear Mr. Beringson:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of all Department of Game, Fish and Parks Vested Water Right Claims for lakes for the following reasons:

1. Until the outlet elevation for each lake is surveyed and the outlet elevation is set by the Water Management Board.
2. To allow the Vested Water Right Claim to be amended, if necessary, as follows:
 - a) Include the outlet elevation;
 - b) To correct the amount of water claimed;
 - c) To add the qualification that a vested claim is subject where necessary to installation of a concrete outlet structure to assure retention of the outlet as the established elevation; and
 - d) To add any amendments and qualifications necessary to clarify a Vested Right Claim.

Also, that I intend to oppose validation of all Department of Game, Fish and Parks Vested Water Right Claims for dams to allow the Vested Water Right Claim to be amended, if necessary, as follows:

1. To include the spillway elevation;
2. To correct the amount of water claimed; and
3. To add any amendments and qualifications necessary to clarify a Vested Right Claim.

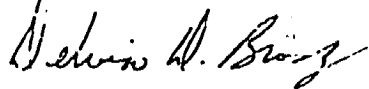


September 21, 1988
Richard Beringson, Secretary
Page 2

We will be working with your staff on these validations. We have already discussed setting outlet elevations before validating claims for lakes. Although the work necessary to complete the validation process will take several years to complete, the results should be of benefit to the public and to your Department. As the work is completed to validate each claim, the claim will be presented to the Water Management Board for validation.

Please advise if you have any questions.

Very truly yours,



for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-2352

cc: Ron Koth, Department of Game, Fish and Parks