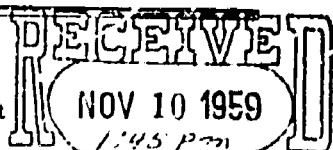


No. 138-1Water Division No. 1 Meadow River District

(Plans to be Filed by the Engineer for the W. R. D.)



APPLICATION FOR PERMIT

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

- I. Name of applicant South Dakota Department of Game, Fish and Parks
 Post office address Pierre, County Hughes, State South Dakota

1. 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 Brueschke Dam - Dewey County
As required to fill lake to spillway outlet - Approximately
 3. Amount of water claimed cubic feet per second 200 acre feet per year
 4. Source of water supply Meadow Creek
 5. Location of point of diversion SE1/4 - Sec. 32 - Twp. 13 North, Range 24 East.
on bank County.
 6. Annual period or periods during which water is to be used Continuously
 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.) SE1/4 - Sec. 32 - Twp. 13 N., Range 24 E.

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

- (a) Nature of use Public Recreation uses

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

2. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$-----

(c) Fluming, \$----- (d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures Dam and spillway \$-----

Total, \$10,000.00

9. Description of diversion works:

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

II. Dimensions of works:

(a) Dam: Height 32 feet; length at bottom 300 feet; length at top 800 feet; thickness at bottom 138 feet; thickness at top 15 feet; slope at front water face 3:1; slope at back face 1 1/2:1 material used in construction Earth fill

(b) Reservoir: Capacity when filled 625 acre feet. Surface area at highwater mark 62 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 - not applicable

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 Not applicable

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

Subscribed and sworn to before me this 10 day of November 1957

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

Remarks by State Water Resources Commission:

"Vested Right Claimed"

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, November 13, 1959

This is to certify that the foregoing application was received by the Commission at 1:45 o'clock
P.m. upon the 10th day of November, 1959

State Water Resources Commission

By:

Geo. R. Miner

Chief Engineer, Executive Officer

Number of permit 438-1

Date of first receipt of application November 10, 1959

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 _____, 1953

Approved November 13, 1959, Recorded in Book 5 Page 259

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____

2nd. The whole of said work is to be completed on or before Completed, 19____

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

Completed, 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 200 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~~ used on or before June 31, 1955; said water to be used during the following described annual period:

Continuously

Witness my hand this 13th day of November, 1959.

State Water Resources Commission

By:

Geo. R. Miner

Chief Engineer, Executive Officer

Certificate of Construction Issued November 13, 1959

Water License Issued November 13, 1959

STATE OF SOUTH DAKOTA

WATER LICENSE No. 438-1.....

WHEREAS, On the 10th day of November A. D. 1959
 the South Dakota Department of Game, Fish and Parks

of Pierre County of Hughes and State of South Dakota
 duly made application (No. 438-1) to us for a Vested Right permit to use 200 acre feet
~~annually~~ of the waters of Brueschke Lake
 County of Dewey, State of South Dakota, for public recreation
 purposes; and

WHEREAS, On the 13th day of November A. D. 1959
Vested Right / Permit No. 438-1 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 ~~XXXXX~~
Completed and for the application to beneficial use of said
 water on or before the Completed ~~XXXXX~~
 and,

WHEREAS, On the 10th day of November A. D. 1959
Vested Right the holder of said permit duly made proof of the completion of adequate works for the diversion of 200 acre feet
annually ~~XXXXXX~~ of said waters, as evidenced by our Certificate No. 438-1
 dated November 13, 1959 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 200 acre feet annually
1933 of water, with date of
 priority of 1933 ~~XXXX~~ and,

WHEREAS, On the 10th day of November A. D. 1959
 proof was duly made of the application to beneficial use of 200 acre feet annually of said water;
to be used in place for public recreation purposes.

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 & Parks
of Pierre the holder and owner of said Vested Right permit No. 438-1
a water right, dating from 1933 to the use of 200 acre feet annually

~~xxxxxx~~ of the waters of Brieschke Lake
in the County of Dewey and State of South Dakota, or so much thereof as may be
necessray for the purposes hereibelow mentioned, to be diverted at a point in the NW 1/4, Sec. 32,
T 13 N, R 24 E.
and ~~xxxxxxxxxxxx~~ to be used in place for public recreation purposes.

for the purpose of _____

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 13th day of November 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 _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 438-1MoreauWater Division No. 1 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 Parks

of Pierre, County of Hughes, and State of
South Dakota, the holder of Vested Right Permit No. 438-1, issued upon Application
 No. 438-1, bearing date of priority of 1933, authorizing the diversion of

200 acre feet annually ~~xxx~~ of the waters of Brueschke Lake

County of Dewey, State of South Dakota, at a point in the
NW 1/4, Sec. 32, T 13 N, R 24 E

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
~~xxxx~~ satisfactory

~~xxxx~~ for diverting and conveying to the place of intended use 200 acre feet annually ~~xxxx~~

~~xxxx~~ of water; and that the ~~xxxx~~ use of said water are described as follows,

to-wit: to be used in place for public recreation purposes

Witness my hand this 13th day of November A. D. 1959

State Water Resources Commission

By:

J. W. GRAMES,

Chief Engineer, Executive Officer

Location No.

438-1
Moreau
Rice

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 Game, Fish and Parks Department,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. Meadow Creek NW 1/4 SE 1/4 - Sec. 32, Twp. 13 N., Range 24 E., Dewey County

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 800 feet long 32 feet high, concrete spillway
(wier wall type - 60 feet long) Impoundment of 62 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. Public Recreation uses

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

Ans. Used for 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 spillway outlet - approximately 200 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. Has been in use ever since 1933 when dam was constructed. Used by
public for uses specified except for that amount lost by evaporation
and seepage

(Sign) *Harry McDonald*

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 Pierrre, County of Hughes

State of South Dakota, on this 10 day of November, A. D. 1959
Edward Johnson
Witnesses.

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 OF HOLDER	
Amount of Water _____ c. f. s.	
Source _____	
County _____	
Purpose _____	
Place of Use _____	
Date of recording _____	
Received and filed _____	

**OVERSIZE
DOCUMENT IS
SUPPLEMENTARY
TO MICROFILM FILE**

South Dakota
Department of
Game, Fish and Parks

Division of Wildlife
Sigurd Anderson Building
445 East Capitol
Pierre, South Dakota 57501-3185
(605) 773-3381

July 1, 1988

The Honorable John P. Bachman
Mayor of Eagle Butte
City of Eagle Butte
Eagle Butte, SD 57625



Dear Mayor Bachman:

Pursuant to our June 23, 1988 telephone conversation regarding vested water right #438-1 currently held by the S.D. Department of Game, Fish and Parks for Bruescke Dam, Dewey County (Sec. 32, T13N, R24E), I have searched the records with the following results.

1. The S.D. Department of Game, Fish and Parks has no legal interest in Bruescke Dam following the transfer of the dam to the City of Eagle Butte.
2. The water rights currently held by the S.D. Department of Game, Fish and Parks were inadvertently overlooked when the transfer of ownership was made.

In light of these two facts, attached is a copy of a transfer of ownership form that has been sent to the Division of Water Rights, S.D. Department of Water and Natural Resources.

Thank you for your call alerting us to the error in record keeping.

Sincerely,

A handwritten signature in dark ink, appearing to read "R.M. Koth".

Ronald M. Koth
Water Permits Coordinator

RMK/ld

et.c.

cc: SD DWR
School and Public Lands

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 07/01/88

This is to notify you that the title to the lands described as follows:

Bruescke Dam, Sec. 32, T13N, R24E, Dewey County

formerly owned by State of South Dakota

has been transferred to City of Eagle Butte, Eagle Butte, SD 57625

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 438-1 held by S.D. GF&P as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
) ss.
County of Hughes)

I, Ronald H. Koth being first duly sworn on my ^{GF&P Representative} oath despose and say:
That my relation to the above described undertaking is that of ~~owner~~, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Ronald H. Koth
(Signed)

Subscribed and sworn to before me this 5th Day of July, 1988.

Ronald P. Catlin
(Notary Public)

my commission expires 9/1/95

WNR-820-9/83
Notice of Transfer of Water Permit



SOUTH DAKOTA
Department of
Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

July 12, 1988

John F. Bachman, Mayor
City of Eagle Butte
Eagle Butte, South Dakota 57625

Dear Mr. Bachman:

Please be advised that Bruesche Dam located in Section 32, T13N, R24E, Dewey County, formerly owned by South Dakota Department of Game, Fish and Parks has been transferred to the City of Eagle Butte.

Our records now show the City of Eagle Butte as owner of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/





Department of Water & Natural Resources

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

May 27, 1988

TIMBER LAKE TOPIC
BOX 10
TIMBER LAKE, SD 57656

Dear Sir:

Enclosed is a Notice to Validate Vested Water Right Claims. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before June 23, 1988 with second publication 7 days later. The publication should include the table as enclosed so that the information is understood by the reader. We have the table on a computer print file. We could provide you with a computer disk containing the print file if this would be helpful to you.

Please BILL the WATER RIGHTS DIVISION for the cost of publication.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. **IMMEDIATELY return the FIRST publication with the FIRST transmittal form on the bottom of this page.** The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause costly delays.

Please be sure the SECOND publication is returned with the enclosed Proof of Publication form. The validations cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

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

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

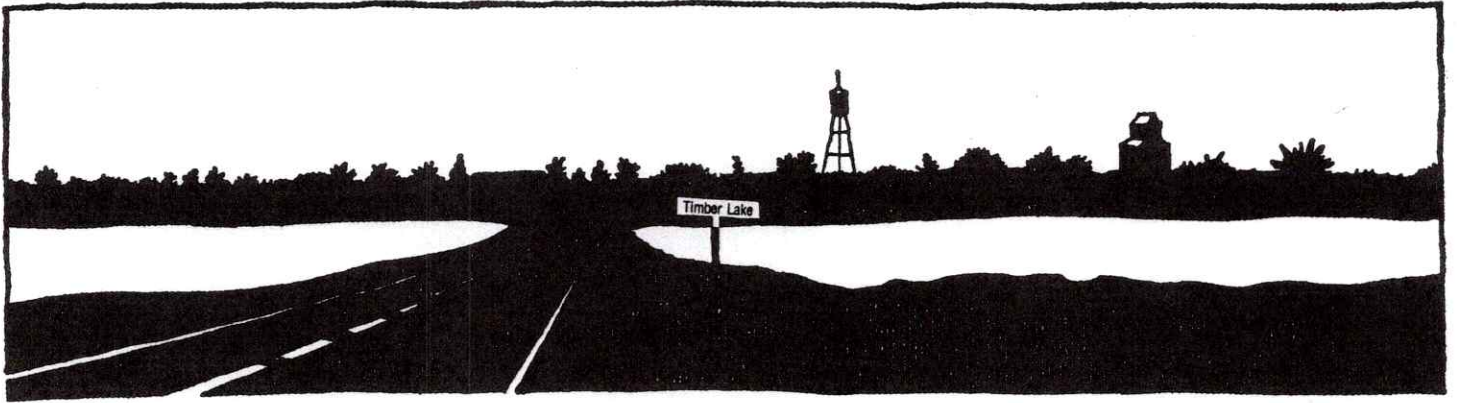
TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

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

Name

Newspaper



Timber Lake Topic

Box 10, Timber Lake, SD 57656

6/30/88

Enclosed are copies and affidavit of publication for the Notice of Intent to Validate Vested Water Right Claims. I'm sorry we failed to send a copy after the first publication - it was an oversight on our part. If there is any problem with the publication, please give me a call and we will do whatever is necessary to rectify the error.



Sincerely,
Kathy Seerson

Ph. 865-3546

Notice of Intent to Validate Vested Water Right Claims

Notice is given that the following vested water right claims in Dewey County are eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a

hearing unless a petition to oppose the validation is filed pursuant to SDCL 46-2A-16:

438-1 SD GF&P	445 E. Capitol, Pierre, SD 57501	NW¼SE¼	32 13N24E *	1-1-1933 Mdw Creek & Brueschke Dam
468-1 SD GF&P	445 E. Capitol, Pierre, SD 57501	NW¼SW¼	20 15N22E *	1-1-1937 Jewett Lake
486-1 SD GF&P	445 E. Capitol, Pierre, SD 57501	NE¼NE¼	16 17N22E *	1-1-1935 Lake Isabel
489-1 SD GF&P	445 E. Capitol, Pierre, SD 57501	NE¼SE¼	17 16N25E *	1-1-1935 Little Moreau Lake
490-1 SD GF&P	445 E. Capitol, Pierre, SD 57501	NE¼NW¼	16 17N25E *	1-1-1935 Timber Lake Dam
492-1 SD GF&P	445 E. Capitol, Pierre, SD 57501	SW¼NE¼	4 15N23E *	1-1-1935 Mdw Creek & Peach Creek Dam

* The chief engineer's recommendation will be to validate the water right claim for sufficient water to fill the lake annually to the outlet elevation or to the elevation necessary to maintain the ordinary high water mark, whichever is lower.

Any person who wishes to oppose validation of any vested right claim shall, prior to October 1, 1988, file a petition of intent to oppose the validation with the Chief Engineer, Water Rights Division, Department of Water and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181 and with the vested water right holder at the listed address. The petition may be informal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Chief Engineer will schedule a hearing before the Water Management Board. The parties will be notified of the time and place of the hearing. If no person opposes validation of a recognized vested water right claim pursuant to SDCL 46-2A-16, the Water Management Board will issue an order

pursuant to SDCL 46-2A-17, validating the vested water right claim.

The validations are made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-16 thru 46-2A-18; 46-5-1 thru 46-5-6.1, 46-5-8.2; 46-5-13 thru 46-5-15; 46-5-30.2 thru 46-5-37.1, 46-5-46, 46-5-49; 46-6-1 thru 46-6-3, 46-6-6, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21; 46-7-1 thru 46-7-5.3, 46-7-12, 46-7-14, 46-7-15 and Board Rules ARSD 74:02:01:01 thru 74:02:01:05.03 and 74:02:01:20 thru 74:02:01:22.

Any person wishing further information, a copy of the vested water right claim list for another county or a summary of South Dakota Water Law and Water Rights Information can contact the Chief Engineer, Water Rights Division, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181, (605)773-3352.

Pub. June 23 and 30, 1988
in the **Timber Lake Topic**

Notice of Intent to Validate Vested Water Right Claims

Notice is given that the following vested water right claims in Dewey County are eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a

hearing unless a petition to oppose the validation is filed pursuant to SDCL 46-2A-16:

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* The chief engineer's recommendation will be to validate the water right claim for sufficient water to fill the lake annually to the outlet elevation or to the elevation necessary to maintain the ordinary high water mark, whichever is lower.

Any person who wishes to oppose validation of any vested right claim shall, prior to October 1, 1988, file a petition of intent to oppose the validation with the Chief Engineer, Water Rights Division, Department of Water and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181 and with the vested water right holder at the listed address. The petition may be informal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

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Any person wishing further information, a copy of the vested water right claim list for another county or a summary of South Dakota Water Law and Water Rights Information can contact the Chief Engineer, Water Rights Division, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181, (605)773-3352.

Pub. June 23 and 30, 1988
in the **Timber Lake Topic**

STATE OF SOUTH DAKOTA
COUNTY OF DEWEY

That the **Timber Lake Topic** is, and during all the times hereinafter mentioned was a weekly legal newspaper as defined in SDCL 17-2-2, as amended published at Timber Lake, Dewey County, South Dakota; that affiant is and during all of said times was, the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement entitled NOTICE OF INTENT TO VALIDATE VESTED

a printed copy of which is attached, was published in said newspaper for issues, bearing the following dates: JUNE 23 and 30, 1988

That the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 48.15 inures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Subscribed and sworn to before me this 30th day of June, 1988 A.D.

My commission expires

KATHY SNYDER NELSON
Notary Public, DEWEY COUNTY, S. DAK.
My Commission Expires MARCH 30, 1989

Notary Public
County of Dewey, SD

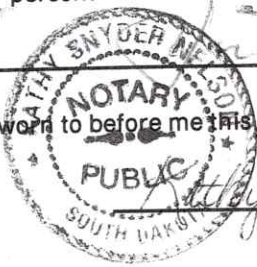
Notice is given that the following vested water right claims in Dewey County are eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a

438-1	SD GF&P	445 E. Capitol, Pierre, SD 57501	NW 1/4 SE 1/4
468-1	SD GF&P	445 E. Capitol, Pierre, SD 57501	NW 1/4 SW 1/4
486-1	SD GF&P	445 E. Capitol, Pierre, SD 57501	NE 1/4 NW 1/4
489-1	SD GF&P	445 E. Capitol, Pierre, SD 57501	NE 1/4 SE 1/4
490-1	SD GF&P	445 E. Capitol, Pierre, SD 57501	NE 1/4 NW 1/4
492-1	SD GF&P	445 E. Capitol, Pierre, SD 57501	SW 1/4 NE 1/4

* The chief engineer's recommendation will be to validate the outlet elevation or to the elevation necessary to maintain

Any person who wishes to oppose validation of any vested right claim shall, prior to October 1, 1988, file a petition of intent to oppose the validation with the Chief Engineer, Water Rights Division, Department of Water and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181 and with the vested water right holder at the listed address. The petition may be informal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Chief Engineer will schedule a hearing before the Water Management Board. The parties will be notified of the time and place of the hearing. If no person opposes validation of a recognized vested water right claim pursuant to SDCL 46-2A-16, the Water Management Board will issue an order



Pd

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Dewey) ss.

I, James L. Nelson

certify that the attached printed Notice was taken
from the Timber Lake Topic

A newspaper which during the whole time of publication of
said notice herein after stated, has been and is printed and
published in the _____

City of Timber Lake

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

June 23, 1988
June 30, 1988

[Signature]
(Signature)

published
(Title)

June 30, 1988
(Date Signed)



\$48.15 (2 weeks)

Notice of Intent to Validate Vested Water Right Claims

Notice is given that the following vested water right claims in Dewey County are eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a

hearing unless a petition to oppose the validation is filed pursuant to SDCL 46-2A-16:

- | | | | | |
|---------------|----------------------------------|---------------|-----------|--|
| 438-1 SD GF&P | 445 E. Capitol, Pierre, SD 57501 | NW 1/4 SE 1/4 | 32 13N24E | * 1-1-1933 Mdw Creek & Brueschke Dam |
| 468-1 SD GF&P | 445 E. Capitol, Pierre, SD 57501 | NW 1/4 SW 1/4 | 20 15N22E | * 1-1-1937 Jewett Lake |
| 486-1 SD GF&P | 445 E. Capitol, Pierre, SD 57501 | NE 1/4 NE 1/4 | 16 17N22E | * 1-1-1935 Lake Isabel |
| 489-1 SD GF&P | 445 E. Capitol, Pierre, SD 57501 | NE 1/4 SE 1/4 | 17 16N25E | * 1-1-1935 Little Moreau Lake |
| 490-1 SD GF&P | 445 E. Capitol, Pierre, SD 57501 | NE 1/4 NW 1/4 | 16 17N25E | * 1-1-1935 Timber Lake Dam |
| 492-1 SD GF&P | 445 E. Capitol, Pierre, SD 57501 | SW 1/4 NE 1/4 | 4 15N23E | * 1-1-1935 Mdw Creek & Peach Creek Dam |
- * The chief engineer's recommendation will be to validate the water right claim for sufficient water to fill the lake annually to the outlet elevation or to the elevation necessary to maintain the ordinary high water mark, whichever is lower.

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pursuant to SDCL 46-2A-17, validating the vested water right claim.

The validations are made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14, 46-2-3.1, 46-2-9, 46-2-11, 46-2-17, 46-2A-16 thru 46-2A-18; 46-5-1 thru 46-5-6.1, 46-5-8.2, 46-5-13 thru 46-5-15; 46-5-30.2 thru 46-5-37.1, 46-5-46, 46-5-49; 46-6-1 thru 46-6-3, 46-6-6, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21; 46-7-1 thru 46-7-5.3, 46-7-12, 46-7-14, 46-7-15 and Board Rules ARSD 74:02:01:01 thru 74:02:01:05.03 and 74:02:01:20 thru 74:02:01:22.

Any person wishing further information, a copy of the vested water right claim list for another county or a summary of South Dakota Water Law and Water Rights Information can contact the Chief Engineer, Water Rights Division, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181; (605)773-3352.

Pub. June 23 and 30, 1988
in the Timber Lake Topic

Notice is given that the following vested water right claims in Dewey County are eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a hearing unless a petition to oppose the validation is filed pursuant to SDCL 46-2A-16:

438-1 SD GF&P	445 E. Capitol, Pierre, SD 57501	NW 1/4 SE 1/4	32 13N24E	* 1-1-1933 Mdw Creek & Brueschke Dam
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490-1 SD GF&P	445 E. Capitol, Pierre, SD 57501	NE 1/4 NW 1/4	16 17N25E	* 1-1-1935 Timber Lake Dam
492-1 SD GF&P	445 E. Capitol, Pierre, SD 57501	SW 1/4 NE 1/4	4 15N23E	* 1-1-1935 Mdw Creek & Peach Creek Dam

* The chief engineer's recommendation will be to validate the water right claim for sufficient water to fill the lake annually to the outlet elevation or to the elevation necessary to maintain the ordinary high water mark, whichever is lower.

pursuant to SDCL 46-2A-17, validating the vested water right claim.

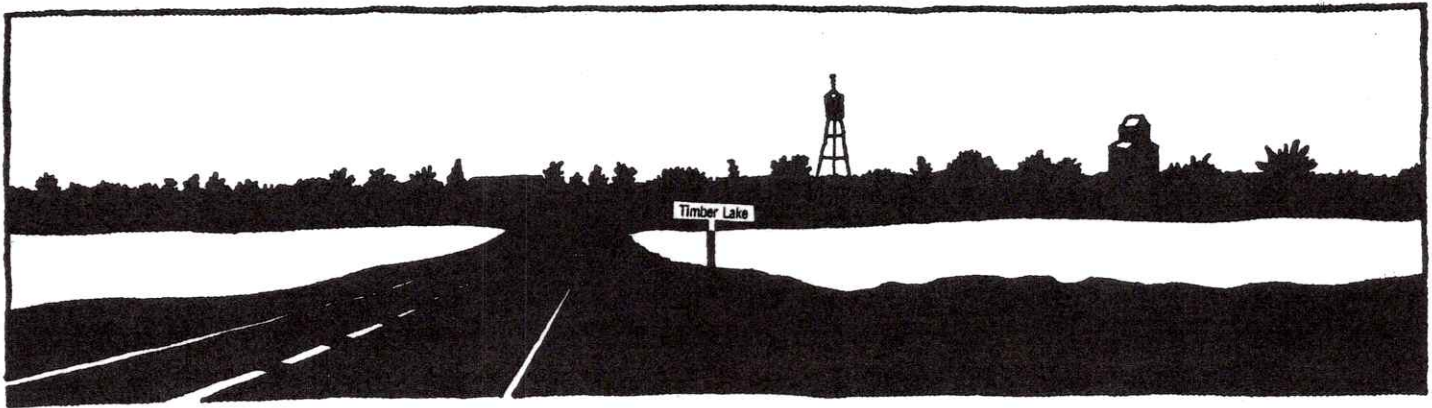
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If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Chief Engineer will schedule a hearing before the Water Management Board. The parties will be notified of the time and place of the hearing. If no person opposes validation of a recognized vested water right claim pursuant to SDCL 46-2A-16, the Water Management Board will issue an order



Timber Lake Topic

Box 10, Timber Lake, SD 57656

October 6, 1988

Delvin D. Brosz
Hydrologist
Dept. of W&NR
Pierre, SD 57501



Dear Sir:

Thank you for your letter of October 3 requesting billing for a notice published in June. I had been awaiting payment, as our records show we billed that shortly after publication. I am enclosing a new bill and a copy of the original affidavit, as well as a tearsheet and a new affidavit.

Thank you for noticing this. I don't know what could have happened unless the billing went to the wrong office.

If there is any further question, please contact me at 865-3546.

Sincerely,

Kathy Snyder Nelson
co-publisher

NOTICE OF INTENT TO VALIDATE VESTED WATER RIGHT CLAIMS

Notice is given that the following vested water right claims in DEWEY county are eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a hearing unless a petition to oppose the validation is filed pursuant to SDCL 46-2A-16:

(insert attached table(s))

Any person who wishes to oppose validation of any vested right claim shall, prior to October 1, 1988, file a petition of intent to oppose the validation with the Chief Engineer, Water Rights Division, Department of Water and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181 and with the vested water right holder at the listed address. The petition may be informal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Chief Engineer will schedule a hearing before the Water Management Board. The parties will be notified of the time and place of the hearing. If no person opposes validation of a recognized vested water right claim pursuant to SDCL 46-2A-16, the Water Management Board will issue an order pursuant to SDCL 46-2A-17, validating the vested water right claim.

The validations are made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-16 thru 46-2A-18; 46-5-1 thru 46-5-6.1, 46-5-8.2, 46-5-13 thru 46-5-15, 46-5-30.2 thru 46-5-37.1, 46-5-46, 46-5-49; 46-6-1 thru 46-6-3, 46-6-6, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21; 46-7-1 thru 46-7-5.3, 46-7-12, 46-7-14, 46-7-15 and Board Rules ARSD 74:02:01:01 thru 74:02:01:05.03 and 74:02:01:20 thru 74:02:01:22.

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COUNTY: DEWEY

PERMIT NUMBER	NAME	ADDRESS	DIVERSION POINT			WATER USED	PRIORITY DATE	SOURCE
			LOCATION	SEC.	TOWNSHIP RANGE			
438-1	SD GAME, FISH & PARKS <i>City of Eagle Butte</i>	445 E. CAPITOL PIERRE, SD 57501 <i>Eagle Butte, SD 57625</i>	NW1/4SE1/4	32	13 N 24 E	*	1/1/1933	MEADOW CREEK & BRUESCHKE DAM
468-1	SD GAME, FISH & PARKS	445 E. CAPITOL PIERRE, SD 57501	NW1/4SW1/4	20	15 N 22 E	*	1/1/1937	JEWETT LAKE
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490-1	SD GAME, FISH & PARKS	445 E. CAPITOL PIERRE, SD 57501	NE1/4NW1/4	16	17 N 25 E	*	1/1/1935	TIMBER LAKE DAM
492-1	SD GAME, FISH & PARKS	445 E. CAPITOL PIERRE, SD 57501	SW1/4NE1/4	4	15 N 23 E	*	1/1/1935	MEADOW CREEK & PEACH CREEK DAM

* - THE CHIEF ENGINEER'S RECOMMENDATION WILL BE TO VALIDATE THE WATER RIGHT CLAIM FOR SUFFICIENT WATER TO FILL THE LAKE ANNUALLY TO THE OUTLET ELEVATION OR TO THE ELEVATION NECESSARY TO MAINTAIN THE ORDINARY HIGH WATER MARK, WHICHEVER IS LOWER.

V/R 438-1 Dewey Co

transferred from S. F. P

to City of Eagle Butte

Eagle Butte 57625



Department of Water & Natural Resources

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

October 3, 1988

Timber Lake Topic
Box 10
Timber Lake SD 57650

Dear Sir:

The Division of Water Rights has not received a bill for publishing the "Notice to Validate Vested Water Right Claims" in your paper. Payment will be made upon receipt of a bill.

If I can answer any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, reading "Delvin D. Brosz". The signature is written in dark ink and is positioned above the printed name.

DELVIN D. BROSZ, P.E.
Hydrologist
605 773-3352



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF DEWEY

James F. Nelson

_____, being duly sworn, says:
That the **Timber Lake Topic** is, and during all the times hereinafter mentioned was a weekly legal newspaper as defined in SDCL 17-2-2, as amended, published at Timber Lake, Dewey County, South Dakota; that affiant is and during all of said times was, the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement entitled _____

Notice of Intent to Validate Vested Water Right Claims

a printed copy of which is attached, was published in said newspaper for issues, bearing the following dates: _____

June 23 and 30, 1988

That the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 4.15 inures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Subscribed and sworn to before me this 6th day of Oct. 1988 A.D.

Kathy Snyder Nelson
Notary Public
County of Dewey, SD

My commission expires

March 30, 1989

KATHY SYDNER NELSON
Notary Public, DEWEY COUNTY, S.D.
My Commission Expires MARCH 30, 1989

Notice of Intent to Validate

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