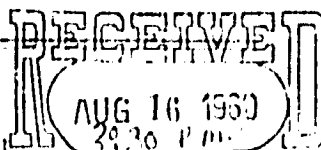


No. 492-1Water Division No. 1 MOREAU RIVER District

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

STATE WATER RESOURCES COMMISSION  
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 PEACH CREEK DAM - Dewey County  
As required to fill lake to spillway outlet - approximately  
 3. Amount of water claimed 315 acre feet per year feet per second  
 4. Source of water supply dry run Meadow Creek  
 5. Location of point of diversion SW 1/4 Sec. 4 T. 16 N. R. 23 E.

\_\_\_\_\_ 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 ~~landowners~~ (giving location, etc.) N 1/2 Sec. 4 and S 1/2 Sec. 33, T-16-N-23

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

(a) Nature of use Public recreation area  
Name any of the above uses claimed

(b) Amount of power to be generated \_\_\_\_\_ 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, \$..18,500..

## 9. Description of diversion works:

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

## II. Dimensions of works.

(a) Dam: Height 23 feet; length at bottom 600 feet; length at top 880 feet; thickness at bottom 108 feet; thickness at top 14 feet; slope at front water face 3:1; slope at back face 1 1/2:1; material used in construction clay

(b) Reservoir: Capacity when filled 750 acre feet. Surface area at highwater mark 125 acres.

| DEPTH AT<br>OUTLET—FEET | SURFACE AREA AT EACH<br>DEPTH AT OUTLET—ACRES | FEET | ACRE-Feet<br>CAPACITY |
|-------------------------|-----------------------------------------------|------|-----------------------|
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |

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

(d) Canal: Total length .....miles.

| LOCATION BELOW<br>HEADGATE | DEPTH      | BOTTOM<br>WIDTH | WIDTH AT<br>WATER LINE | GRADE<br>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 applicable11. 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. WoodwardSubscribed and sworn to before me this 15 day of May 1920

Notary Public (or other qualified officer.)

\*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

"Vested right claimed"

STATE OF SOUTH DAKOTA  
County of Hughes } ss.

Pierre, South Dakota, September 13, 1960

This is to certify that the foregoing application was received by the Commission at 3:30 o'clock

p.m. upon the 16<sup>th</sup> day of August, 1960

State Water Resources Commission

By: William J. Jones  
Chief Engineer, Executive Officer

Number of permit 492-1

Date of first receipt of application August 16, 1960

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 1935, 19\_\_\_\_

Approved September 13, 1960, Recorded in Book 6 Page 117

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~~ \_\_\_\_\_

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

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 375 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:

Continuously

Witness my hand this 13<sup>th</sup> day of September, 1960

State Water Resources Commission

By: William J. Jones  
Chief Engineer, Executive Officer

Certificate of Construction Issued September 13, 1960

Water License Issued September 13, 1960

## STATE OF SOUTH DAKOTA

## WATER LICENSE No. . . . 492-1 . . .

WHEREAS, On the 16th day of August A. D. 1960

the Department of Game, Fish and Parks

of Pierre County of Buges and State of South Dakota duly made application (No. 492-1) to us for a vested right permit to use 375 acre feet annually public feet per acre of the waters of Meadow Creek County of Dewey, State of South Dakota, for public recreation purposes; and

WHEREAS, On the 13th day of September A. D. 1960 vested right Permit No. 492-1 was issued to said applicant... for the diversion of said water, and recognising the completion of the works of diversion therein described on or before the 1st of October and for the application to beneficial use of said water on or before the 1st of October and,

WHEREAS, On the 16th day of August A. D. 1960 the holder vested right of said permit duly made proof of the completion of adequate works for the diversion of 375 acre feet annually substantially of said waters, as evidenced by our Certificate No. 492-1 dated September 13, 1960 confirming the completion of works of sufficient capacity for feet annually diverting and conveying to the place of intended use 375 acre/ constant of water, with date of priority of 1935 and,

WHEREAS, On the 16th day of August A. D. 1960 proof was duly made of the application to beneficial use of 375 acre/ feet annually constant 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 the holder and owner of said vested right permit No. 492-1  
a water right, dating from 1935 to the use of 375 acre feet annual  
~~continuous~~ of the waters of Meadow Creek  
in the County of Dewey and State of South Dakota, or so much thereof as may be  
necessary for the purposes hereinbelow mentioned, to be diverted at a point in the SW 1/4 NE 1/4 Sec 4  
T 15N R 23E  
and conducted to and ~~where~~ used 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 13th day of September A. D. Nineteen  
Hundred and sixty

State Water Resources Commission

By:

J.W. GRIMES, pp

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. 492-1Water Division No. 1 Moreau 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 ofSouth Dakota, the holder vested right of Permit No. 492-1, Issued upon ApplicationNo. 492-1, bearing date of priority of 1935, authorizing the diversion of375 acre feet annually of the waters of Meadow CreekCounty of Dewey, State of South Dakota, at a point in the SW 1/4 NE 1/4Section 4 T 15N R 23Efor 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 vested right permit; that said works are recognised as satisfactory

for diverting and conveying to the place of intended use 375 acre feet annually

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

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

Witness my hand this 13th day of September A. D. 1960

State Water Resources Commission

By:

**J.W. ORMES, pp** 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, 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. Dry draw - SW $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 4 T 16 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, 33 feet highImpoundment of 125 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 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 375 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 1935 when dam was constructed. Used by the public  
for the uses specified except for that amount lost by evaporation and seepage

(Sign) Henry P. 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 Revere, County of Argus, State of South Dakota, on this 15 day of Aug, A. D. 1960.

**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

## SECTION 30 NOMINEE

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**

4727



**Department of  
Water & Natural Resources**

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

September 21, 1988

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

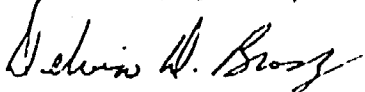
Richard Beringson, Secretary

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  
605 773-3352

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



# 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

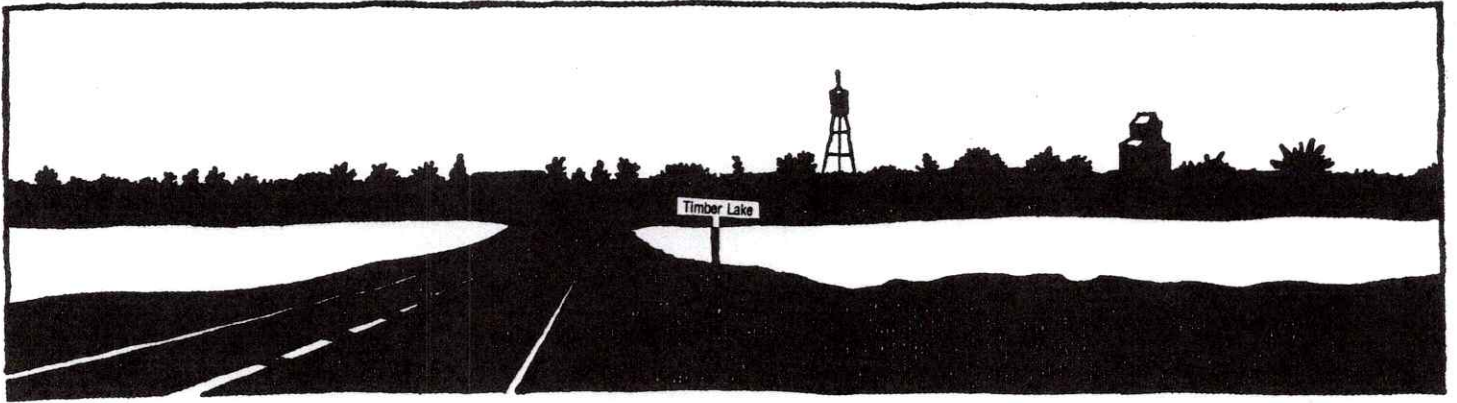
TO: Water Rights Division  
Joe Foss Building  
Pierre SD 57501-3181

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                 |
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| 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**

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

# AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA  
COUNTY OF DEWEY

JAMES F. NELSON, being duly sworn, says:

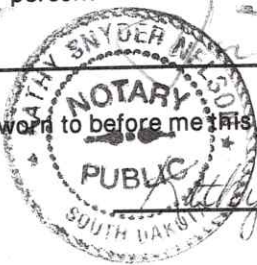
That the **Timber Lake Topic** is, and during all the times hereinafter mentioned was a weekly legal newspaper as defined in SDCL 17-2-2, as amended, published at Timber Lake, Dewey County, South Dakota; that affiant is and during all of said times was, the publisher of such newspaper and has personal 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 \$ 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 30<sup>th</sup> day of June, 1988 A.D.



My commission expires

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

3/30/89

Notary Public  
County of Dewey, SD

## Notice of Intent to Validate V

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

|               |                                  |               |
|---------------|----------------------------------|---------------|
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| 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 NE 1/4 |
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\* 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.

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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   |
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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.

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 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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| 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.

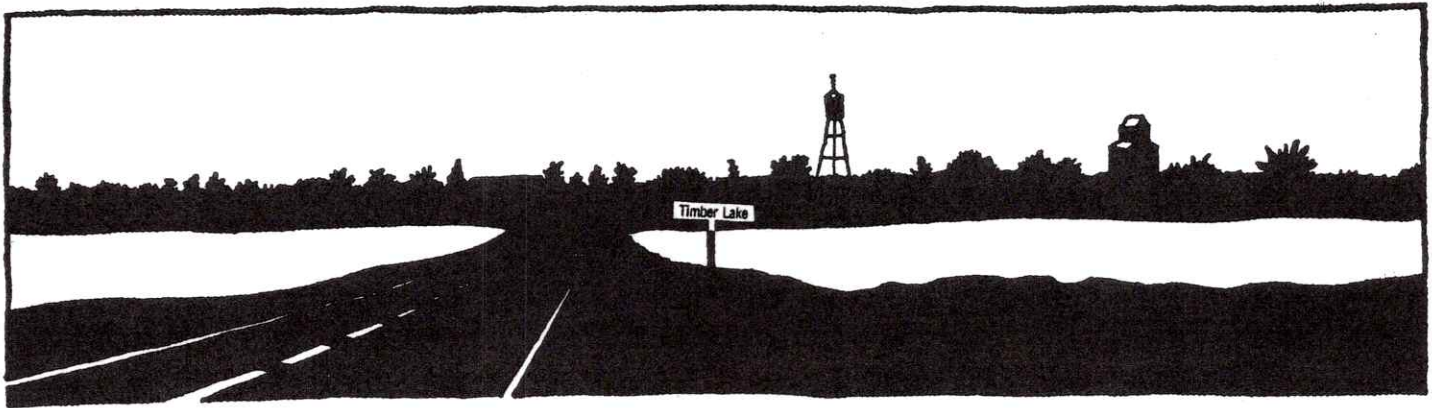
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Any person who wishes to oppose validation of any vested right claim shall, prior to October 1, 1988, file a petition of intent to oppose the validation with the Chief Engineer, Water Rights Division, Department of Water and Natural Resources, Joe 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



# 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.

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).

COUNTY: DEWEY

| PERMIT<br>NUMBER | NAME                                                | ADDRESS                                                            | DIVERSION POINT |      |                   | WATER<br>USED | PRIORITY<br>DATE | SOURCE                            |
|------------------|-----------------------------------------------------|--------------------------------------------------------------------|-----------------|------|-------------------|---------------|------------------|-----------------------------------|
|                  |                                                     |                                                                    | LOCATION        | SEC. | TOWNSHIP<br>RANGE |               |                  |                                   |
| 438-1            | SD GAME, FISH & PARKS<br><i>City of Eagle Butte</i> | 445 E. CAPITOL<br>PIERRE, SD 57501<br><i>Eagle Butte, SD 57625</i> | NW1/4SE1/4      | 32   | 13 N 24 E         | *             | 1/1/1933         | MEADOW CREEK &<br>BRUESCHKE DAM   |
| 468-1            | SD GAME, FISH & PARKS                               | 445 E. CAPITOL<br>PIERRE, SD 57501                                 | NW1/4SW1/4      | 20   | 15 N 22 E         | *             | 1/1/1937         | JEWETT LAKE                       |
| 486-1            | SD GAME, FISH & PARKS                               | 445 E. CAPITOL<br>PIERRE, SD 57501                                 | NE1/4NE1/4      | 16   | 17 N 22 E         | *             | 1/1/1935         | LAKE ISABEL                       |
| 489-1            | SD GAME, FISH & PARKS                               | 445 E. CAPITOL<br>PIERRE, SD 57501                                 | NE1/4SE1/4      | 17   | 16 N 25 E         | *             | 1/1/1935         | LITTLE MOREAU LAKE                |
| 490-1            | SD GAME, FISH & PARKS                               | 445 E. CAPITOL<br>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<br>PIERRE, SD 57501                                 | SW1/4NE1/4      | 4    | 15 N 23 E         | *             | 1/1/1935         | MEADOW CREEK &<br>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 6<sup>th</sup> 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

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  
468-1 SD GF&P 445 E. Capitol, Pierre, SD 57501 NW 1/4  
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