No. 497-1Water Division No. 1GRAND RIVER

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

STATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA**VESTED RIGHT  
APPLICATION FOR PERMIT****To Appropriate Water within the State of South Dakota**

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

1. Name of applicant South Dakota Department of Game, Fish and Parks  
 Postoffice address Pierre, County Hughes, State South Dakota

- I. If a corporation \_\_\_\_\_  
 (a) Name of same \_\_\_\_\_  
 (b) Date and place of incorporation \_\_\_\_\_  
 (c) Amount of capital stock \_\_\_\_\_  
 (d) Amount paid in \_\_\_\_\_  
 (e) Names and addresses of directors \_\_\_\_\_

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

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

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) \_\_\_\_\_

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

2. Name of diversion work SPRING LAKE - Corson County  
As required to fill lake to outlet level - approximately  
 3. Amount of water claimed 830 acre feet per year per second \_\_\_\_\_  
 4. Source of water supply DRY DRAW \_\_\_\_\_  
 5. Location of point of diversion SW 1/4 Sec. 21 T. 18 R. 26 \_\_\_\_\_  
 \_\_\_\_\_ 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
- ~~irrigation~~
- (giving location, etc)
- E 1/2 SW 1/4 Sec. 21, W 1/4 Sec. 22 and

W 1/4 Sec. 28 T. 18 R. 26 - a mesquite lake

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

- (a) Nature of use
- Public recreational purposes

Name any of the above uses claimed

- (b) Amount of power to be generated \_\_\_\_\_ horse power.

Amount claimed for engine cooling \_\_\_\_\_

- (c) Location of plant \_\_\_\_\_

- (d) Method of developing power \_\_\_\_\_

- (e) Point where water will be returned to stream \_\_\_\_\_

8. Estimated cost of work:

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

9. Description of diversion works:

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

Information

~~Information requested not applicable - Spring Lake is a rounded lake.~~

II. Dimensions of works.

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face ----- material used in construction -----  
 (b) Reservoir: Capacity when filled ----- R30 ----- acre feet. Surface area at highwater ----- 415 ----- 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>PI 1 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 ----- not applicable

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

STATE OF SOUTH DAKOTA

County of ----- Hughes -----

Harry R. Woodward

I, -----, 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

15

day of

August

1940.

Edward G. 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,

September 14, 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:

for Chief Engineer, Executive Officer

Number of permit

497-1

Date of first receipt of application

August 16, 1960

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

Date of receipt of corrected application

Date from which applicant may claim right

1889

Approved

September 14, 1960

Recorded in Book

6

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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

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

COMPLETED

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 530 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

14<sup>th</sup>

day of

September, 1960

State Water Resources Commission

By:

for Chief Engineer, Executive Officer

Chief Engineer, Executive Officer

Certificate of Construction Issued

April 18, 1961

Water License Issued

April 18, 1961

## STATE OF SOUTH DAKOTA

## WATER LICENSE No. 497-1.

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

The South Dakota Department of Game, Fish and Parks

of Pierre County of Hughes and State of South Dakota duly made application (No. 497-1) to us for a permit to use 830 acre feet annually

~~water right~~ of the waters of dry draws

County of Cotton, State of South Dakota, for Public recreation purposes; and

WHEREAS, On the 11th day of September A. D. 1960

**Restored Right** Permit No. 497-1 was issued to said applicant... for the diversion of said water, ~~recognizing~~ ~~subscribing for~~ the completion of the works of diversion therein described ~~on or before the~~ day of ~~March~~ ~~1960~~ and for the application to beneficial use of said water ~~on or before the~~ day of ~~March~~ 1960 and,

WHEREAS, On the 16th day of August A. D. 1960 the holder... of said permit duly made proof of the completion of adequate works for the diversion of 830 acre feet annually ~~cubic feet per second~~ of said waters, as evidenced by our Certificate No. 497-1 dated April 18, 1961 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 830 acre feet annually ~~cubic feet per second~~ of water, with date of priority of 1889 ~~and~~ and,

WHEREAS, On the 16th day of August A. D. 1960 proof was duly made of the application to beneficial use of 830 acre feet annually ~~cubic feet per second~~ of said water; to be used in place for public recreation

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,  
We hereby grant and confirm to The South Dakota Department of Game, Fish and Parks  
of Pierre the holder and owner of said permit No. 497-1  
a water right, dating from 1889 to the use of 830 acre feet  
cubic feet per second of the waters of dry draws  
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 a point in the SW 1/4 NE 1/4, Section 21,  
T-13N, R-26E  
and ~~conducted to and over~~ 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 18th day of April A. D. Nineteen  
Hundred and sixty-one

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. 491-1

GRAND

Water 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 Parksof Sioux County of England, and State ofSouth Dakota the holder Vested Right of Permit No. 497-1, issued upon ApplicationNo. 497-1, bearing date of priority of 1889, authorizing the diversion of830 acre feet annually ~~and the waters of~~ dry drawsCounty of Corson, State of South Dakota, at A point in theSW 1/4 NE 1/4, Section 21, T 18N, R 26E.for 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 recognized as satisfactory~~condition~~ for diverting and conveying to the place of intended use 630 acre feet annually ~~and the waters of~~~~purposes~~ of water; and that the ~~lands proposed to be irrigated by the use of said water are described as follows,~~to-wit: to be used in place for public recreationWitness my hand this 18th day of April A. D. 1961

State Water Resources Commission

By:

J.W. ORMES, Chief Engineer, Executive Officer

Location No.-----

Water Division No.-----

Water District-----

**Proof of Application of Water to Beneficial Use**

PETITIONER / 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 1/4 Sec. 21 T 18 R 26

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

Ans. A meandered lake - depth 5 feet - 415 surface acres

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

Ans. Public recreational purposes

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

Ans. Used in place in lake or reservoir

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

Ans. As required to fill lake to outlet level approximately 830 acre feet per year

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

Ans. -----

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

Ans. A abandoned lake. Used by the public for uses specified except for that lost by evaporation and seepage. Used by state for public recreational purposes.

(Sign)

Henry R. Broadhurst

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 Theriot

State of South Dakota, on this 15 day of August A. D. 1960

Witnesses.

Edward 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

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  
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.

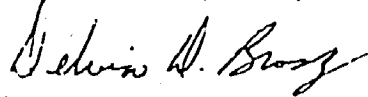


September 21, 1998  
Richard Beringson, Secretary  
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We will be working with your staff on these validations. We have already discussed setting outlet elevations before validating claims for lakes. Although the work necessary to complete the validation 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,



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

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