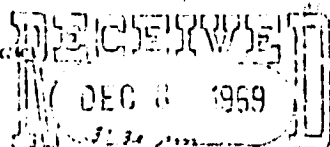


No. 937-1Map No. _____ Water Division No. 1 SULPHUR CREEK

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



APPLICATION FOR PERMIT

STATE WATER ENGINEER'S OFFICE
SOUTH DAKOTA

To appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant _____ Dept. of Game, Fish & Parks _____
 Postoffice address _____ Pierre _____ State _____ South Dakota _____ 57501
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
 3. Name of diversion work _____ Red Owl Lake _____ (artificial)
 4. Amount of water claimed (cubic feet per second) 51 acre ft. (17 acre surface acres x 3 ft.) Max. depth: 15 ft.
 5. Source of water supply _____ run-off _____
 6. Location of point of diversion _____ 57 1/2, Section 32, Twp. 2 N, Rge. 13 E, Black Hills Meridian

County _____ Meade

7. Annual period or periods during which water is to be used _____ continuous _____
 8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) _____ public recreation _____
 9. For irrigation use, _____ Total number of acres to be irrigated _____

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system _____ years. Additional time required to complete application of water to the proposed beneficial use _____ years.
 11. Choice of newspaper for Notice of Intent to appropriate Water publication _____
 12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

B. Works proposed to transport water to place of use.

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Hughes

I, Rea Rodgers the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Subscribed and sworn to before me this 5th day of Sept. 1969

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 937-1
DEPT. OF GAME, FISH & PARKS PIERRE
 (Applicant) (Post Office Address)
SOUTH DAKOTA With the following modifications:
 (State)

"VESTED RIGHT" CLAIMED

Date of first receipt of application DECEMBER 8 1969
 Date of return to applicant for correction, amendments or changes required — 19—
 Date of receipt of corrected application — 19—
 Approved MARCH 25 1971 Recorded in Book 11 Page 261
 WATER RIGHT PERMIT NO. 937-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 937-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is 1935
2. The equivalent of at least one-fifth of the work above specified is completed
3. The whole of said work is completed
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED
5. The water appropriated shall be used for the purpose of PUBLIC RECREATION

6. The prior right of all persons who in 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.

7. The amount of the appropriation granted shall not exceed 51 ACRES FEET ANNUALLY; neither shall it exceed the capacity of the above water supply system, nor shall it exceed the amount of water needed for public recreation.
~~if for the irrigation of~~
~~the amount of water shall be limited to~~
~~the amount of water which can be put to beneficial use~~
USED FOR PUBLIC REC.
 actually and beneficially applied for irrigation JUNE 30 1955 said water to be used during the following described annual period: DOUBLY

Witness my hand this 25TH day of MARCH 1971
 WATER RESOURCES COMMISSION

By: [Signature]
 Chief Engineer, Executive Officer

Certificate of Construction Issued MARCH 25 1971
 Water License Issued MARCH 25 1971

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 937-1

(1) WHEREAS, On the 8th day of December A. D. 19 69
 the Department of Game, Fish and Parks

Vested Right
 made Water Right Application No. 937-1 for a permit to use 51 ac. ft. annually of the waters
 of dry draws
 County of Meade State of South Dakota, for public recreation

purpose; and
 (2) WHEREAS, On the 25th day of March A. D. 19 71
Vested Right
 Permit No. 937-1 with a date of priority of 1935
 was issued to said applicant recognizing for the diversion of said water and provided for the completion of construction of the water
 supply system therein described on or before the day of April 1971 and for the
 application to beneficial use of said water on or before the day of April 1971

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to completion of the construction of the water supply system and is entitled to divert 51 acre feet annually
per acre of water for beneficial use and;

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to the application of water to beneficial use of the following extent.

water is used for public recreational purposes

(5) 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 the Department of Game, Fish and Parks

_____ of Pierre, South Dakota
the holder Vested Right and owner _____ of said permit No. 937-1 a water right, dating from 1935
_____ to use of 51 acre feet annually ~~which is not to be used~~ of the waters
of dry draws
in the County of Beade and State of South Dakota, or so much thereof as may be necessary for the
purposes ~~in~~ below mentioned, to be diverted at points in the SE¹/₄ Section 32, T9N, R13E

and ~~subject to and upon~~ stored in place

for the purpose of public recreation Red Owl Lake

Subject to any limitations listed in Water Right Permit No. 937-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 25th day of March A. D.
Nineteen Hundred and Seventy-four

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Permit No. 937-1Water Diversion No. 1 SULPHUR CREEK Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Department of Game, Fish and Parks

the holder _____ of

Vested Right Permit No. 937-1, issued upon Application No. 937-1, bearing date of priority of 1915authorizing the diversion of 51 acre feet annually ~~cu. ft. per second~~ of the waters of _____dry draws County of Woods, State of South Dakota at points in the SE $\frac{1}{4}$, Section 32, T9N, R13E, for public recreation - Red Oak Lake

poses, has _____ 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 ~~and in~~ condition for diverting and conveying to the place of intended use 51 acre feet annually ~~cu. ft. per second~~ of water.

Date March 25, 1971

WATER RESOURCES COMMISSION

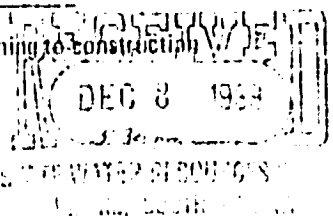
By:

J.W. GRIMES, Executive Officer

Form 2B - Affidavit of Water Use (Supplement to Form 2)

NOTE: This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

AFFIDAVIT OF CONSTRUCTION OF WATER USE
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE



Name of Applicant (Same as Form 2) Dept. of Game, Fish & Parks
Post Office Address Pierre, State South Dakota 57501
If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)

Date of Posting _____ Date of Recording _____
Recording Date _____

14. Date of start of construction of water supply system 1889 - 1935

15. Date that water was first applied to beneficial use 1889

16. Name of owner of original water supply system State of South Dakota

17. Amount of water originally applied to beneficial use 51 acre ft. c. f. s.

18. Present Use of Water

Amount of water now being used 51 acre ft. c. f. s.

Date that this amount of water was first used _____

19. Chronological History of Water Use

Attach to this Form 2B, any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

STATE OF SOUTH DAKOTA)

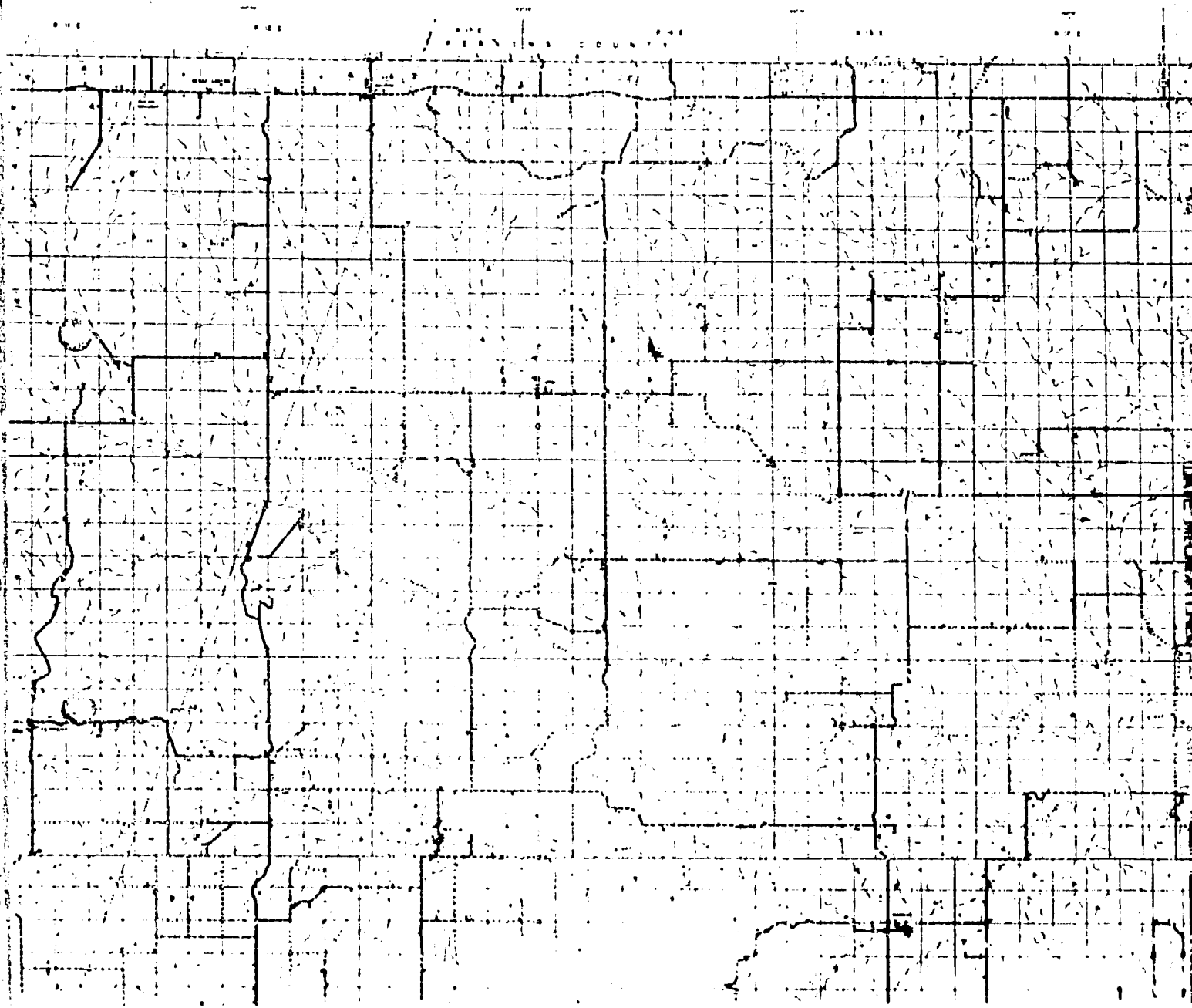
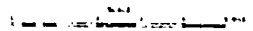
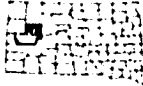
County of Sioux) ss.

I, R. A. Hodgins, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed _____
Subscribed and sworn to before me this 5th day of April, 1939
Edmund M. Russell
(Notary Public or other qualified Officer)

I, the undersigned, do hereby certify that I know about the water use system described above that I have read the foregoing and that the matters therein stated are true.

GENERAL HIGHWAY MAP
NORTH HALF
MEADE COUNTY
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.

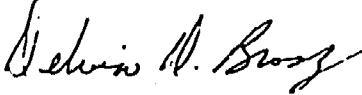


September 21, 1988
Richard Beringson, Secretary
Page 2

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 AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

May 21, 2026

Sean Henderson
Meade County Emergency Manager
1300 Sherman St., Suite 103
Sturgis, SD 57785

Dear Mr. Henderson:

Enclosed is a copy of the 2025 Summary Report on Red Owl Dam (ID No. SD00310), which is located in the SE 1/4 of Section 32-T9N-R13E. Red Owl Dam was inspected on April 9, 2025.

The Red Owl Dam was given a condition assessment of poor. This rating was given due to the amount of deferred maintenance items identified and the engineering investigations needed to evaluate the safety of the dam.

South Dakota Codified Law 46-7-3 requires that the owner of any works for the storage of water shall keep the work in good repair to ensure the safety of the works and to prevent waste of water. The County should implement the repair and maintenance items in the inspection report to ensure the structural integrity and operational adequacy of the dam.

The outlet elevation of the dam was also surveyed in order to validate Vested Water Right Claim No. 937-1 for the stored water held by the South Dakota Department of Game, Fish, and Parks. Another letter to Meade County will follow with details on the validation process.

If you have any questions on this matter, please feel free to contact Whitney Kilts for Safety of Dams questions or Amanda Dewell with questions on the water right validation at (605) 773-3352. Also, if the County would like to pursue transferring the vested water right to the County's name since the County owns the dam, please contact Amanda.

Sincerely,

Adam Mathiowetz, PE
DANR Water Rights Program -Acting Chief Engineer

Cc: James Gilkerson, South Dakota Department of Game, Fish, and Parks
enclosures

Water Rights Program

File Documentation

Name of Dam: Red Owl
Date: Nov. 25, 2025

NID No.: SD00310

RE: Dam Survey
Comments:

Using the Trimble Centerpoint RTX service from Trimble and a Trimble R12i, survey data was collected at Red Owl Dam in vertical datum NAVD 88 on October 22th, 2025. The focus of the survey was to obtain an elevation of the crest of the primary spillway to validate the vested water right claim for the dam (Vested Water Right Claim No. 937-1). Other points were also collected and are summarized in the below table. The topo180 is a longer shot (takes 3 minutes) to maximize accuracy and the rapid point takes a couple of seconds. For a rough quality control check, the survey data was compared to the LiDAR based DEM from the USGS 3DEP elevation dataset for the area and the surveyed elevations generally agreed with the elevation data within the level of accuracy of the data.

The primary spillway at Red Owl Dam is earth cut, which limits reliability of finding a survey point that is accurate to spillway crest elevation from 1937. The 1979 Phase I report indicated the spillway crest was approximately 9 feet below the top of the dam and the invert of the single CMP under the gravel road approximately 6 feet below the top of the dam. In 1992 the gravel road crossing was modified. There are now 3 CMPs under the gravel road (with the middle CMP having a slightly high invert) to pass lower flows and the low point of the road crossing over the spillway should be 2 feet lower (low point of the sag curve) than the top of the dam. The intent was to have the road section crossing the spillway act as a fuse plug, which overtops and erodes out thus increasing spillway capacity during a high flow event. The north and south CMP inverts were selected to survey for validation since they are approximately level with the bottom of the earthen spillway. Both CMP inverts are approximately 9 feet below the survey point taken on the dam crest with the south CMP invert being closer to that value.

Therefore, based on the survey data and other available information for the dam, the recommendation is to validate the vested claim at a spillway elevation of 2,745.1 ft (NAVD 88). Picture of the south CMP invert being surveyed included (note Trimble R12i adjust for tilt so it doesn't need to be perfectly level when surveying).

Point Name	Antenna height (ft) base of quick release	Latitude	Longitude	Elevation (ft) (NAVD88)	Horizontal precision (survey ft)	Vertical precision (survey ft)	Vertical precision (cm)	point type
North CMP invert	6.562	44.69240713N	102.55287710W	2744.754	0.05	0.088	2.68	topo180
South CMP invert	6.562	44.69229997N	102.55286804W	2745.15	0.052	0.086	2.62	topo180
Road above center CMP	6.562	44.69234994N	102.55280024W	2751.498	0.044	0.085	2.59	topo180
Right side Dam Crest	6.562	44.69251294N	102.55449888W	2754.308	0.053	0.089	2.71	topo180

Whitney Kilts
Natural Resources Engineer

