

No. 1254-2Map No. _____ Water Division No. 2 WHITE RIVER District _____
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

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
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 Alkali Lake (Meander Bay)
4. Amount of water claimed (cubic feet per second) 960 acre ft. (320 surface acres x 3 ft.) Maximum depth 5 ft
5. Source of water supply run off
6. Location of point of diversion 3 1/2 Section 6 and Section 7, Twp 35 N, Rge 42 W

County Shannon

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 HughesI, R. A. Hodgson, the applicant, certify that I have read the foregoing application and I 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 13th day of June 1920.

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1054-2DEPT OF GAME, FISH & PARKS
(Applicant)PIERRE
(Post Office Address)SOUTH DAKOTA
(State) With the following modifications:**"VESTED RIGHT" CLAIMED**Date of first receipt of application JANUARY 16 19 70Date of return to applicant for correction, amendments or changes required --- 19 ---Date of receipt of corrected application --- 19 ---Approved APRIL 5 19 71 Recorded in Book 11 Page 306WATER RIGHT PERMIT NO. 1054-2The Water Resources Commission hereby grants and issues this Water Right Permit No. 1054-2 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 1889
2. The equivalent of at least one-fifth of the work above specified is ~~not~~ completed on or before
3. The whole of said work is ~~not~~ completed on or before
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED 19 ---
5. The water appropriated shall be used for the purpose of PUBLIC RECREATION

6. 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.

7. The amount of the appropriation herein granted shall not exceed 960 ACRE FEET ANNUALLY ~~which shall not exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial use, and if for the irrigation purpose said appropriation must be limited to not more than 10 acre feet per acre per year and be limited to not more than 100 days in the 70 days of season in which the water is put to use~~ USED FOR PUBLIC RECREATIONactually and beneficially ~~applied for irrigation~~ applied for irrigation on or before JUNE 30 19 55 said water to be used during the following described annual period: CONTINUOUSLYWitness my hand this 5TH day of APRIL 19 71

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive

Certificate of Construction Issued APRIL 5 19 71Water License Issued APRIL 5 19 71

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) _____

Post Office Address _____, State _____

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 -- ~~1889~~ _____

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 960 acre ft. c. f. s. _____

18. Present Use of Water

Amount of water now being used 960 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 Hughes ss.

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

Signed R. A. Hodgins

Subscribed and sworn to before me this 13th

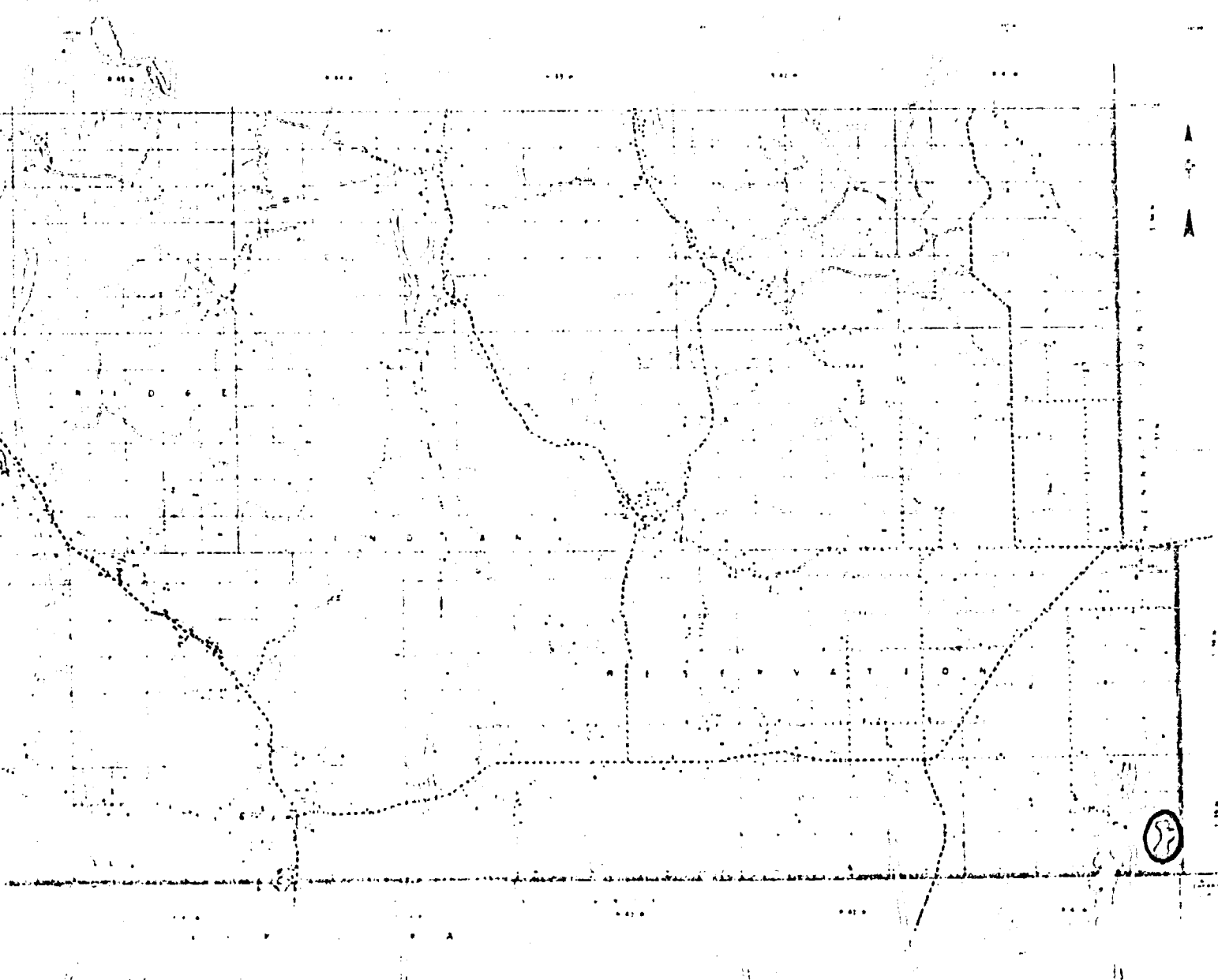
day of Jan

1970

Edmund M. Gull
(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
SOUTH HALF
SHANNON COUNTY
SOUTH DAKOTA



WATER LICENSE NO. 1054-2

(1) WHEREAS, On the 16th day of January A. D. 19 70

made Water Right Application No. 1054-2 Vested Right for a permit to use 960 acre feet annually of the waters of local watershed

County of Shannon, State of South Dakota, for public recreation

purposes; and

(2) WHEREAS, On the 5th day of April A. D. 19 71
Vested Right Permit No. 1054-2, with a date of priority of 1889

was issued to said applicant recognizing for the diversion of said water, and for the completion of construction of the water supply system therein described on or before the day of April A. D. 1970 and for the application to beneficial use of said water on or before the day of April A. D. 1970

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 960 acre feet annually 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 to the Department of Game, Fish and Parks

Pierre, South Dakota

the holder _____ and owner Vested Right of said permit No. 1054-2 a water right, dating from 1889 to use of 960 acre feet annually ~~and for the purpose of~~ of the waters

of local watershed

in the County of Shannon and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at points in the S¹, Section 6 and Section 7, T35N, R41W

and ~~conduct to and from~~ stored in place

for the purpose of public recreation (Alkali Lake)

Subject to any limitations listed in Water Right Permit No. 1054-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 5th day of April A. D.
Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Form 15.

Permit No. 1054-2

Water Diversion No. 2 WHITE RIVER Water District

CERTIFICATE OF CONSTRUCTION

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

the holder _____ of

Vested Right Permit No. 1054-2, issued upon Application No. 1054-2, bearing date of priority of 1839

authorizing the diversion of 960 acre feet annually of the waters of _____

local run off County of Shannon, State of South Dakota at _____

points in the S¹, Section 6 and Section 7, T35N, R41W

for public recreation (Alkali lake)

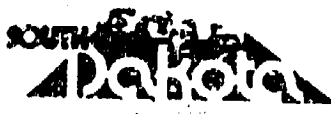
purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are ^{recognized as} ~~found to be~~ satisfactory ~~condition~~ for diverting and conveying to the place of intended use 960 acre feet annually of water.

Date April 5, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

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.

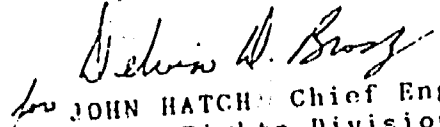


September 21, 1988
Richard Beringson, Secretary
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We will be working with your staff on these validations. We have already discussed setting outlet elevations before validating claims for lakes. Although the work necessary to complete the validation 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,


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

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