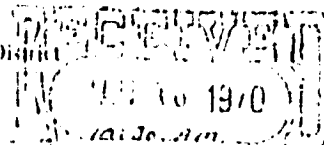


No. 1061-2
 Map No. _____ Water Division No. 2 BAD RIVER
 (Blocks to be Filled by the Engineer for the W. P. C.)


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 Peelen Dam (artificial)
4. Amount of water claimed (cubic feet per second) 120 acre ft. (40 acre surface x 3 ft.) Maximum depth 25 ft.
5. Source of water supply run off
6. Location of point of diversion NW 1/4, Section 11, Twsp. 2 S, Rge 22 E

County Jackson

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, R. A. Hodge, 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 13th day of Jan 1970Signed R. A. Hodge

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1061-2
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 JANUARY 16 1970
 Date of return to applicant for correction, amendments or changes required --- 19---
 Date of receipt of corrected application --- 19---
 Approved MARCH 26 1971, Recorded in Book 11 Page 270

WATER RIGHT PERMIT NO. 1061-2

The Water Resources Commission hereby grants and issues the Water Right Permit No. 1061-2 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 1935
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed on or before ---
3. The whole of said work is ~~to be~~ completed on or before ---
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, 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 170 ACRE FEET ANNUALLY ~~within each year~~; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~beneficial use~~ used for the irrigation purpose and appropriation must be limited to not more than 3 acs. for per acre per year and in limit 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 USED FOR PUBLIC RECREATION was actually 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 26TH day of MARCH 1971

WATER RESOURCES COMMISSION

By:

James H. Smith
 Chief Engineer/Executive Officer

Certificate of Construction Issued MARCH 26 1971

Water License Issued MARCH 26 1971

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) _____

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 Data _____

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 _____ 120 acre ft. _____ c. f. s.

18. Present Use of Water

Amount of water now being used _____ 120 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.

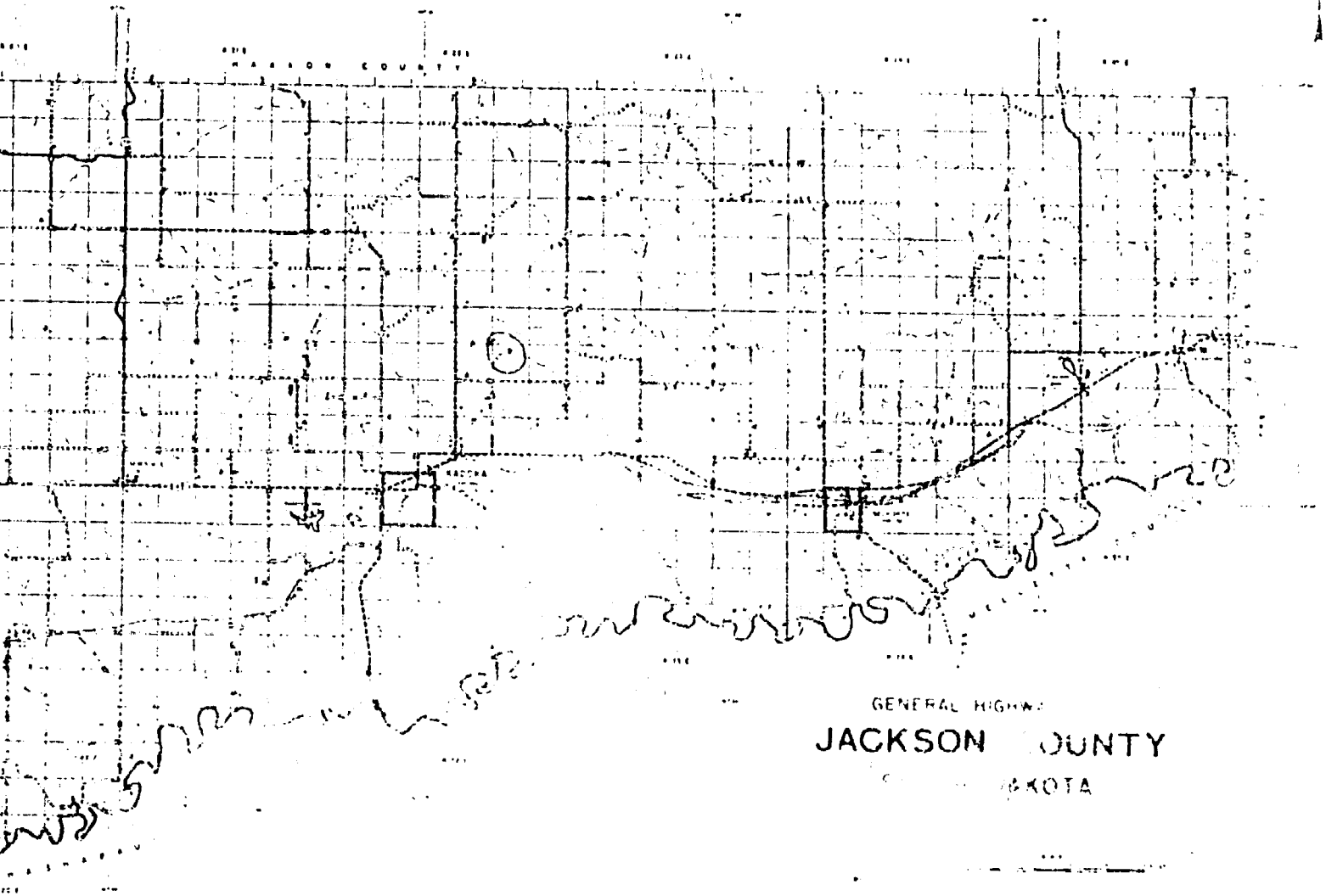
R. A. Hodges, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed

Subscribed and sworn to before me this 13th day of July, 1939

E. C. [Signature]
(Notary Public or other qualified Officer)

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.



WATER LICENSE NO. 1061-2

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

The Department of Game, Fish & Parks

made Water Right Application No. 1061-2 for a Vested Right 120 acre feet annually of the waters of a dry draw

County of Jackson State of South Dakota, for public recreation

purposes; and
(2) WHEREAS, On the 26th day of March A. D. 19 71

Vested Right
Permit No. 1061-2 with a date of priority of 1935
was issued to said applicant recognizing for the diversion of said water, uniquely suited for the completion of construction of the water supply system therein described 4-13-70 and for the application to benefit of use of said water 4-13-70

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 120 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 recreation 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 & Parks

_____ of Pierre, South Dakota

Vested Right

the holder _____ and owner _____ of said permit No. 1061-2 a water right, dating from 1935

120 acre feet annually

_____ to use of _____ ~~which had previously~~ of the waters

of a dry draw

in the County of Jackson and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinafter mentioned, to be diverted at a point in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, Town-

ship 2S, Range 22E

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

for the purpose of public recreation *Bechen Mon*

Subject to any limitations listed in Water Right Permit No. 1061-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 26th day of March A. D.

Nineteen Hundred and seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J. W. GRIMES

Permit No. 1061-2

Water Diversion No. 2 Bad River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That The Department of Game, Fish & Parks

Vested Right

/ Permit No. 1061-2, issued upon Application No. 1061-2, bearing date of priority of 1935

authorizing the diversion of 120 acre feet annually ~~cu. ft. per second~~ of the waters of

a dry draw County of Jackson, State of South Dakota at

a point in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, Township 2S, Range 22E

for public recreation - Echo Dam

purposes, has 8 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
120 acre feet annually
~~condition~~ for diverting and conveying to the place of intended use ~~cu. ft. per second~~ of water.

Date March 26, 1971

WATER RESOURCES COMMISSION

By:

J. W. GRIMES, Executive Officer



Department of Water & Natural Resources

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

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

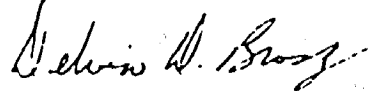
Richard Beringson, Secretary

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,



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

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