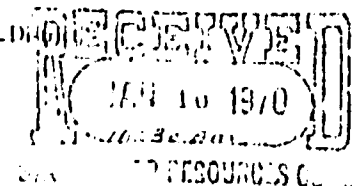


No. 1062-2

Map No. _____

Water Division No. 2BAD RIVER

(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 & ParksPostoffice 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 Kadoka Lake (artificial)4. Amount of water claimed (cubic feet per second) 450 acre ft. (150 acre surface x 3 ft.) Maximum depth 20 ft.5. Source of water supply run off6. Location of point of diversion SW 1/4, Section 36, Twp. 2 S. Rge. 21 ECounty Jackson7. Annual period or periods during which water is to be used continuous8. 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. Hodgins 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.Signed R. A. HodginsSubscribed and sworn to before me this 13th day of June 1970

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1062-2
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 19 70
 Date of return to applicant for correction, amendments or changes required --- 19 ---
 Date of receipt of corrected application --- 19 ---
 Approved APRIL 6 19 71 Recorded in Book 11 Page 313

WATER RIGHT PERMIT NO. 1062-2

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1062-2 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 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 450 ACRE FEET ANNUALLY ~~and 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, shall be limited to not more than 2 acre feet per acre per year and be limited to not more than 170 of one cubic foot of water per second of time for each acre of land to which water was~~
USED FOR PUBLIC RECREATION
 actually and beneficially ~~applied for irrigation~~ on or before JUNE 30 19 55 said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 6TH day of APRIL 19 71

WATER RESOURCES COMMISSION

By:

Bill Rimes
 Chief Engineer, Executive Officer

Certificate of Construction Issued APRIL 6 19 71

Water License Issued APRIL 6 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 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 _____ 450 acre ft. _____ c. f. s.

18. Present Use of Water

Amount of water now being used _____ 450 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.

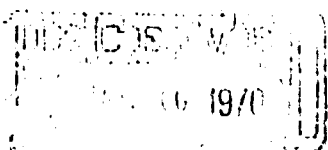
I, R A Hodgins, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

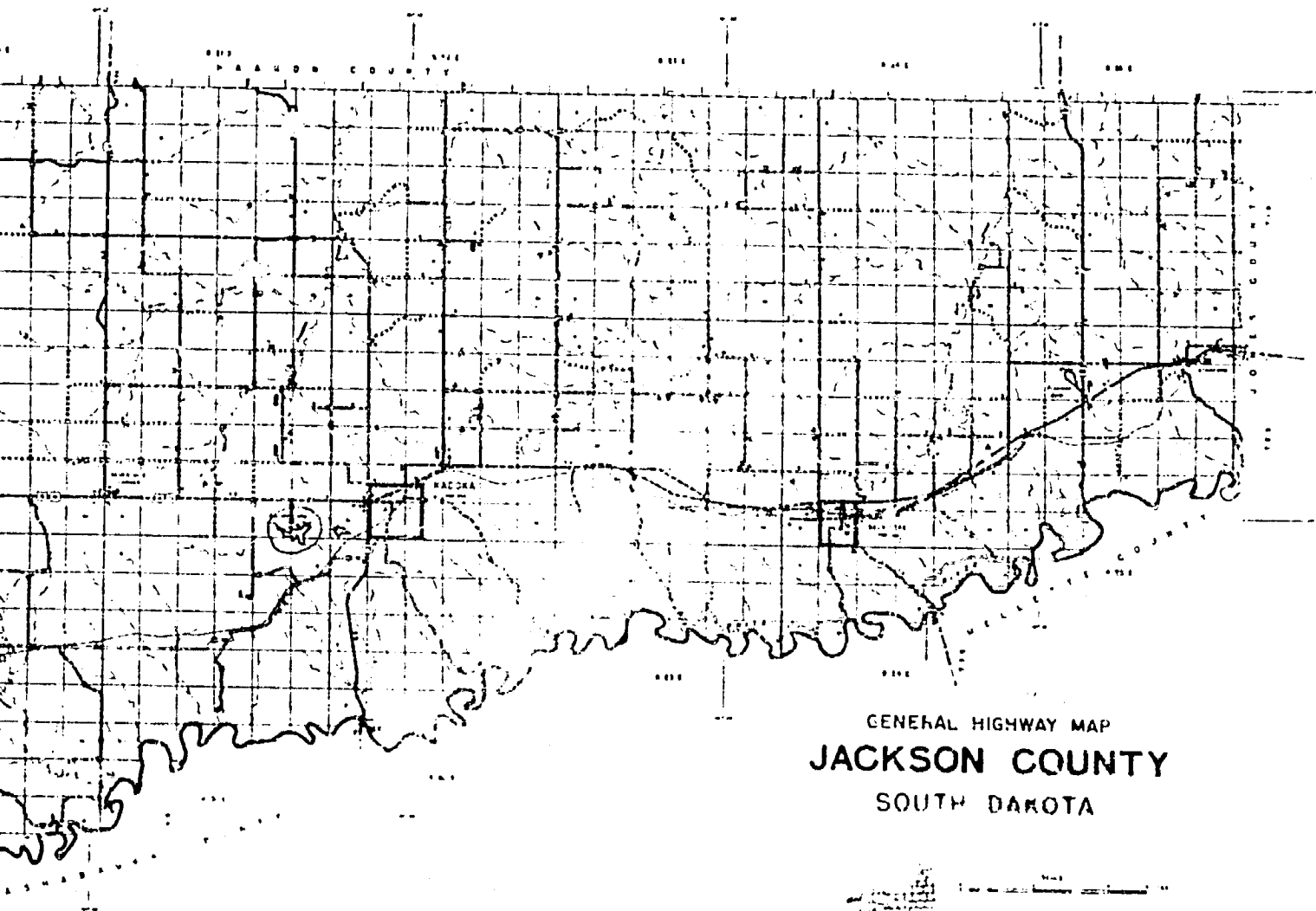
Signed R A Hodgins

Subscribed and sworn to before me this 13th day of Sept, 1970

Edmund M. Cassell
(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.





WATER LICENSE NO. 1062-2

(1) WHEREAS, On the 16th day of January A. D. 19 70
the Department of Game, Fish and Parks

made Water Right Application No. 1062-2 Vested Right 450 ac.ft. annually of the waters
of a dry draw

County of Jackson, State of South Dakota, for public recreation
purposes; and

(2) WHEREAS, On the 6th day of April A. D. 19 71
Vested Right
Permit No. 1062-2, 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 and before the day of April 10 and the
application to beneficial use of said water commencing on the day of April 10

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 450 acre feet annually
perennial 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 Geology, Fish and Parks

_____ of Pierre, South Dakota

the holder _____ and owner Vested Right of said permit No. 1062-2 a water right, dating from 1935

_____ to use of 450 acre feet annually ~~cubic feet per annum~~ 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 hereinbelow mentioned, to be diverted at, a point in the SW $\frac{1}{4}$, Section 36, T2S, R21E

and ~~be used for irrigation~~ stored in place

for the purpose of public recreation (Kadoka Lake)

Subject to any limitations listed in Water Right Permit No. 1062-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 6th day of April A. D.
Seventy-one
Nineteen Hundred and _____

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Form 15.

Permit No. 1062-2

Water Diversion No. 2 BAD 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. 1062-2, issued upon Application No. 1062-2, bearing date of priority of 1935
authorizing the diversion of 450 acre feet annually of the waters of
a dry draw County of Jackson, State of South Dakota at:
a point in the SW $\frac{1}{4}$, Section 36, T2S, R21E
for public recreation (Badoka Lake)

purposes, has been 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 450 acre feet annually of water.

Date April 6, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

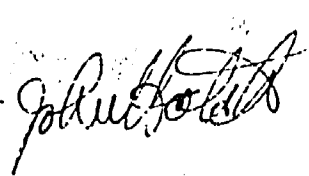
 **Department of
Water & Natural Resources**

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

April 26, 1989

NOTICE

TO: Robert L. Storch
USDA, Forest Service
270 Pine Street
Chadron NE 69337

FROM: John Hatch, Chief Engineer 
Water Rights Division
605 773-3352

SUBJECT: Consider Validation of Vested Water Right Claim No.
1062-2, USDA Forest Service for Kadoka Lake in Jackson
County

The Water Management Board will consider validation of Vested Water Right Claim No. 1062-2 at 9:00 am on May 10, 1989, in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of hearing may be later than 9:00 am due to prior agenda items.

The Chief Engineer has recommended that Vested Right Claim No. 1062-2 be validated to the outlet elevation of 2384.5 feet mean sea level with a storage capacity of 910 acre-feet of water.

Applicable provisions of the Notice published June 2 and 9, 1988 in the Kadoka Press, Kadoka SD for Claim No. 1062-2 will still apply at the May 10, 1989 hearing.

cc: Harold Deering, Assistant Attorney General
Ron Koth, Dept. of Game, Fish and Parks



CERTIFICATION

I hereby certify that on April 26, 1989 I have personally deposited with the U.S. Mail a postage prepaid envelope containing a Notice to Consider Validation of Vested Water Right Claim No. 1062-2 addressed as follows:

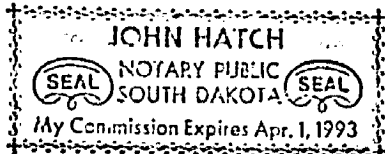
Robert L. Storch
USDA Forest Service
270 Pine Street
Chadron NE 69337

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHEL)

Sworn to, before me, this 27th day of April, 1989.

John G. Galt
Notary Public



NO. _____

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: April 4, 1989

This is to notify you that the title to the lands described as follows:

W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 36, T.2S., R.21E., BHM and E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 36, T.2S., R.21E., BHM

formerly owned by Jackson County and the City of Kadoka respectively

has been transferred to USDA, Forest Service, Nebraska National, 270 Pine Street, Chadron, NE
(please include complete mailing address) 69337
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1062-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of JACKSON) ss.

I, ROBERT L. STORCH 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, and I know of my own personal knowledge that the information herein stated is true.

Robert L. Storch
(Signed)

Subscribed and sworn to before me this 10th Day of April, 1989.

Melody A. Herbert
(Notary Public)



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, April 14, 1981

RECEIVED OF Steve Kerpen, USDA, Forest Service, Nebraska Nat'l, 270 Pine St. Chadron, NE
the following amount in fees for services rendered as provided for by law: 89337

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form Water Right Permit No. 1062-2	2	50
Fee for Filing Extension Request (7)		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By John Hatch/era
Chief Engineer John Hatch/era

South Dakota
Department of
Game, Fish and Parks

Office of the Secretary

Sigurd Anderson Building

445 East Capitol

Pierre, South Dakota 57501

(505) 773-3387

April 28, 1989



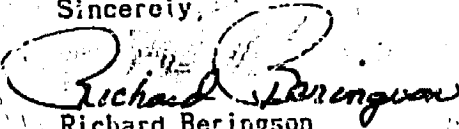
Mr. John Hatch, Chief Engineer
Division of Water Rights
S.D. Department of Water & Natural Resources
Foss Building
Pierre, SD 57501

Dear Mr. Hatch:

The South Dakota Department of Game, Fish and Parks has no objections to the transfer of water right 1052-2 for Kadoka Lake to the U.S. Forest Service.

Thank you for the opportunity to comment on this proposed water right transfer.

Sincerely,


Richard Beringson
Secretary

R3/RMK/ld

cc: Robert L. Storch, USFS
Ron Koth, CF&P

 **Department of
Water & Natural Resources**

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

JUN 13 1989

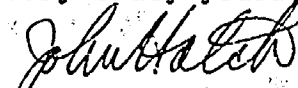
USDA, Forest Service
Nebraska National
270 Pine Street
Chadron NE 69337

Dear Sir:

The Water Management Board has validated the enclosed Vested Water Right No. 1062-2. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,



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

enclosure



SOUTH DAKOTA

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 1062-2

Date Claim Accepted For Filing January 16, 1970.

Date of Validation May 10, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 1062-2 for USDA, Forest Service, Nebraska National, 270 Pine Street, Chadron, Nebraska 69337 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1062-2 is for sufficient runoff water annually to fill Kadoka Lake in Jackson County to the outlet elevation of 2384.5 feet above mean sea level with a storage capacity of 910 acre feet of water.
2. The appropriated water is used for maintaining water levels in Kadoka Lake and may not exceed the amount of water needed for beneficial use for public recreation purposes.

The water is to be used during the following annual period:
January 1 - December 31

3. The priority date of the Vested Water Right is: January 1, 1935.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources

JUN 13 1989

date