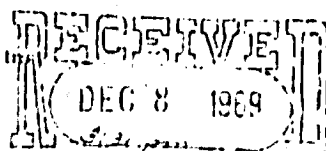


No. 1068-2Map No. _____ Water Division No. 2 EAST CHEYENNE RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RESOURCES COM.
PIERRE, 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 New Wall Lake
4. Amount of water claimed (cubic feet per second) 75 acre ft. (25 surface acres x 3 ft.) Max. depth: 28 ft.
5. Source of water supply run-off
6. Location of point of diversion SE 1/4, Section 2, Twp. 3 S, Rge. 15 E, Black Hills Meridian

County Pennington

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. Anderson the applicant, certify that I have read the foregoing application and have examined the attached map and that the matter therein stated are true and that I intend, and am able to complete the necessary constructionSubscribed and sworn to before me this 5th day of April 1969

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1068-2
DEPT. OF GAME, FISH & PARKS PIERRE
 (Applicant) (Post Office Address)
SOUTH DAKOTA With the following modifications:
 (State)

"NESTED 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 26 1971 Recorded in Book 11 Page 274

WATER RIGHT PERMIT NO. 1068-2

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1068-2 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 1946
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ---
3. The whole of said work ~~is~~ completed ---
4. The limit of time from pre. 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 75 ACRE FEET ANNUALLY ~~on the basis of the estimated capacity of the water supply system; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for the irrigation of the above described land, and if for the irrigation purpose said appropriation must be limited to the amount of water which can be applied to the land within the (15) day period immediately preceding the time from which the water is to be used~~
USED FOR PUBLIC RECREATION
 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:

[Signature]
 Chief Engineer, Executive Officer

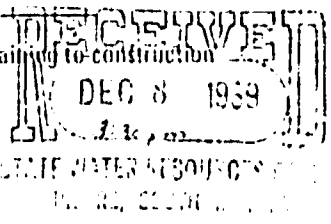
Certificate of Construction Issued MARCH 26 1971

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) 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 1946

15. Date that water was first applied to beneficial use 1946

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

17. Amount of water originally applied to beneficial use 75 acre ft. c. f. s.

18. Present Use of Water

Amount of water now being used 75 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, Red Hodgins, the applicant, certify that I have read the foregoing and that the matters herein stated are true.

Signed _____

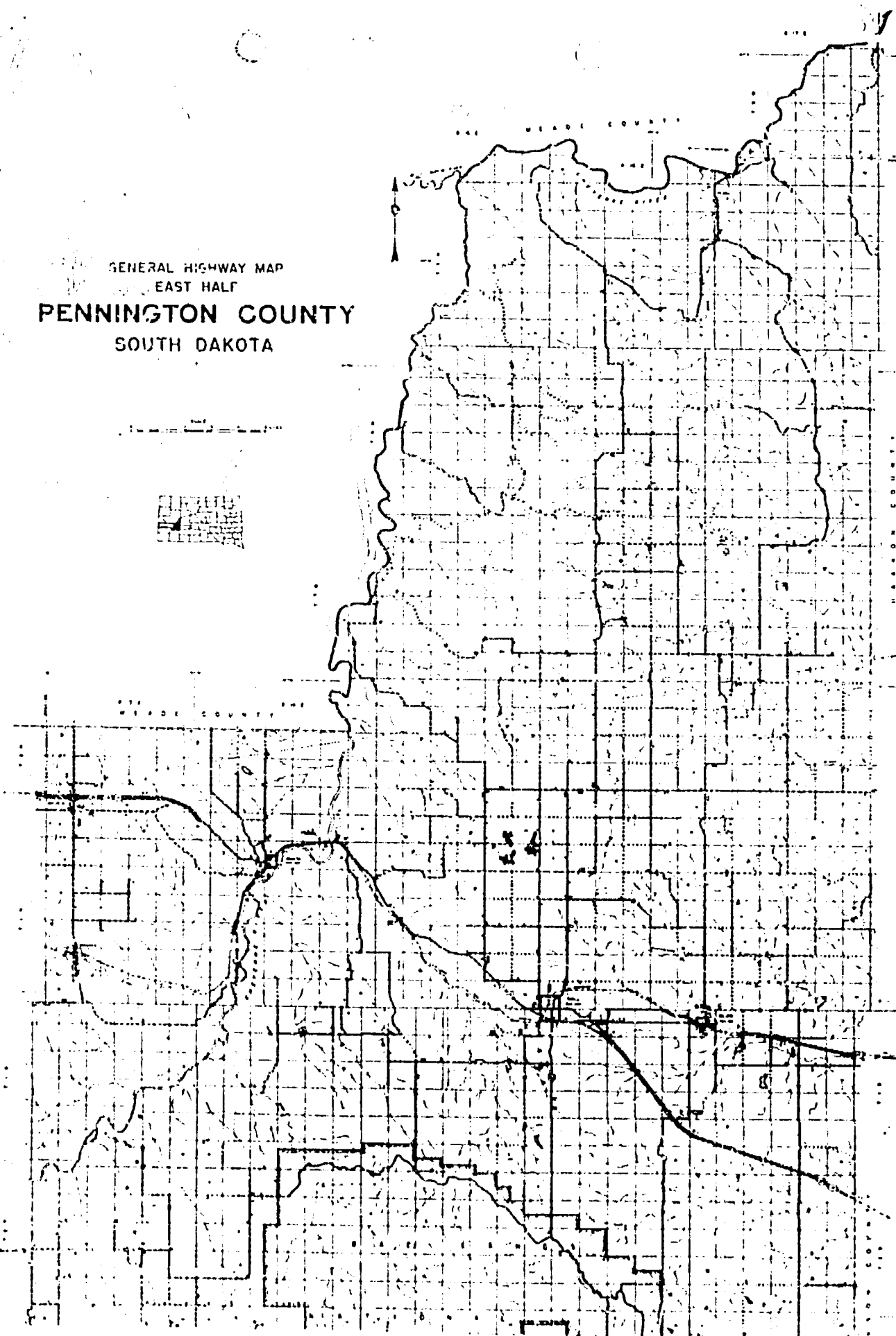
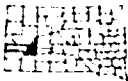
Subscribed and sworn to before me this 5th day of April, 1969

Edmund H. Carrell
(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
EAST HALF
PENNINGTON COUNTY
SOUTH DAKOTA

1:250,000



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1068-2

(1) WHEREAS, On the 8th day of December A. D. 1969The Department of Game, Fish & Parksmade Water Right Application No. 1068-2 for Vested Right 75 acre feet annually of the waters of a dry drawCounty of Pennington, State of South Dakota, for public recreation

purpose; and

(2) WHEREAS, On the 26th day of March A. D. 1971/ Permit No. 1068-2, with a date of priority of 1946was 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 10 and for the application to be of beneficial use of said water on or before 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 75 acre feet annually per second 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

Pierre, South Dakota
Vested Right
the holder _____ and owner _____ of said permit No. 1068-2 a water right, dating from 1946
to use of 75 acre feet annually ~~for the purpose of~~ of the waters
of a dry draw

in the County of Pennington 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 SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2,
Township 1S. Range 15E

and ~~conveyed to and to be used for~~ stored in place

for the purpose of public recreation New Wall Lake

Subject to any limitations listed in Water Right Permit No. 1068-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at _____ 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

Form 15.

Permit No. 1068--2

Water Diversion No. 2 East Cheyenne R. Water District

CERTIFICATE OF CONSTRUCTION

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

Vested Right: _____ the holder _____ of

Permit No. 1068-2, issued upon Application No. 1068-2, bearing date of priority of 1946
authorizing the diversion of 75 acre feet annually

a dry draw _____ County of Pennington, State of South Dakota at
a point in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2, Township 15, Range 15E

_____, for public recreation
New Wall Lake

purposes, has 5 _____ 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
75 acre feet annually in satisfactory
condition for diverting and conveying to the place of intended use _____ on 4 per cent 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, 1968

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, 1968 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.

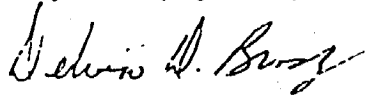


September 21, 1988
Richard Reringson, Secretary
Page 2

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

Dewell, Amanda

From: Kilts, Whitney (DENR)
Sent: Monday, September 23, 2024 3:31 PM
To: Gronlund, Eric; Dewell, Amanda
Cc: Drennon, Kim; Hullinger, Brittan
Subject: Fw: New Wall Dam surveying

Follow Up Flag: Follow up
Flag Status: Flagged

Unless anyone has a last minute question on the surveying for New Wall dam or the survey equipment settings, this should be ready to validate the water right for.



Whitney Kilts
Office of Water-Water Rights Program
 Department of Agriculture and Natural Resources
 523 E. Capitol Ave. Pierre SD, 57501
 605.773.3352
danr.sd.gov

From: Gilkerson, James <James.Gilkerson@state.sd.us>
Sent: Monday, September 23, 2024 10:00 AM
To: Kilts, Whitney (DENR) <Whitney.Kilts@state.sd.us>
Subject: RE: New Wall Dam surveying

Whitney,

Thanks for the information and heads up. I don't have any concerns or questions.

Thanks!

James

From: Kilts, Whitney (DENR) <Whitney.Kilts@state.sd.us>
Sent: Tuesday, September 17, 2024 10:46 AM
To: Gilkerson, James <James.Gilkerson@state.sd.us>
Subject: FW: New Wall Dam surveying

Greetings James,

Given the differences between what I measured and the 2011 plans for the spillway replacement, I wanted to run this past you to see if there were any questions or concerns before Water Rights did anything.

I stopped by New Wall Dam by Wall with our new survey equipment (Trimble R12i) a couple of weeks ago and grabbed some points (see table). The primary spillway crest is spill1, spill2, and spill3 (numbers correspond to picture). The topo180 is a longer shot (takes about 2.5 to 3 minutes) and the rapid point takes a couple of seconds. These were all done with the CenterPoint RTX service from Trimble

([https://assets.ctfassets.net/9k5dj5b59lqq/MiRN8uesigmRfaZIOHrvW/d32cdd7c7e9b071b1d1be4478562817c/Trimble RTX Correction Services FAQ.pdf](https://assets.ctfassets.net/9k5dj5b59lqq/MiRN8uesigmRfaZIOHrvW/d32cdd7c7e9b071b1d1be4478562817c/Trimble_RTX_Correction_Services_FAQ.pdf)). The 3 cm vertical precision is as good as the CenterPoint RTX gets. (Reminder sft is survey feet). We have access to the CenterPoint RTX till next July, so we are going to try get elevations to validate the water right claims on more of the west river state dams. New Wall just ended up being my test dam. They are not as-builds but attached are the review plans from the spillway replacement in 2011 for comparison (note no datum noted in plans). The survey points don't match what is in the plans but are a good match to LiDAR data for the area (<https://www.sdgs.usd.edu/digitaldata/LiDAR.aspx>).

Point name	lat	long	elevation (ft)	H precision (sft)	V precis
wallcreta	43.98195856	-102.2812436	2755.485	0.091	
wallcretb	43.98187423	-102.2813616	2755.541	0.07	
wallcretc	43.9818151	-102.2814414	2755.764	0.074	
wallcretd	43.98169478	-102.2816058	2755.856	0.069	
wallcrete	43.98157594	-102.2817651	2755.857	0.08	
wallcretf	43.98146252	-102.2819125	2756.595	0.072	
wallcretg	43.98254583	-102.2804184	2756.015	0.102	
tprtwall	43.98241577	-102.2805853	2756.733	0.13	
tpltwall	43.98240445	-102.2806088	2756.765	0.043	
spill1	43.98238668	-102.2805527	2748.244	0.072	
spill2	43.98237906	-102.2805658	2747.923	0.04	
spill3	43.98237304	-102.2805784	2747.864	0.044	
axspillcen	43.98269145	-102.2801196	2754.326	0.04	

My thought would be to validate Claim No. 1068-2 (https://danr.sd.gov/wrimage/wrinfo/wr_div2/1068-2.pdf) at a spillway elevation of 2,747.9 ft (NAVD 88).

Side note, there is a sediment deposit a couple of feet in front of the primary spillway, that likely keeps the reservoir a couple inches higher than the spillway crest when there is enough water for it.



Whitney Kilts

Office of Water-Water Rights Program

Department of Agriculture and Natural Resources

523 E. Capitol Ave. Pierre SD, 57501

605.773.3352

danr.sd.gov



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 10, 2024

NOTICE OF HEARING

TO: Kevin Robling, Secretary
South Dakota Department of Game, Fish, and Parks
523 East Capitol Ave
Pierre SD 57501

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
Water Rights Program, DANR

SUBJECT: Validation of Recognized Vested Water Right Claim No. 1068-2, Department of Game, Fish, and Parks for New Wall Lake

A Notice of Intent to validate recognized Vested Water Right Claim No. 1068-2 for New Wall Lake was published in the Rapid City Journal on June 23 and 30, 1988. The Notice was published to validate the claim for sufficient water to fill New Wall Lake annually to the outlet elevation or to the elevation necessary to maintain the ordinary high-water mark, whichever is lower. The Chief Engineer petitioned opposing the validation of all Department of Game, Fish, and Parks vested water right claims for dams to include the spillway elevation, correct the amount of water claimed, and add any amendments and qualifications necessary to clarify the vested right claim. Water Rights Program staff recently conducted a survey of New Wall Lake, including the identification of the primary spillway elevation, therefore, validation of the vested right claim can now proceed.

Enclosed is the recommendation for the Water Management Board to validate the recognized Vested Water Right Claim No. 1068-2 for sufficient water annually to maintain the water to the spillway elevation of 2,747.9 feet mean sea level (NGVD 88).

The Water Management Board will consider validation of Claim No. 1068-2 at 9:30 AM (Central Time) on Wednesday December 4, 2024, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501. The agenda time is an estimate and may be delayed due to prior items on the agenda.

Applicable provisions of the published notice of intent to validate Claim No. 1068-2 will still apply at this hearing.

Contact Ron Duvall or myself if you have any questions at (605) 773-3352.

enclosure

cc: Jennifer Verleger, Assistant Attorney General
James Gilkerson, SD Dept. 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

**RECOMMENDATION OF CHIEF ENGINEER ON VALIDATION OF
RECOGNIZED VESTED WATER RIGHT CLAIM NO. 1068-2,
DEPARTMENT OF GAME, FISH, AND PARKS, NEW WALL LAKE**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources, concerning validation of Recognized Vested Water Right Claim No. 1068-2, Department of Game, Fish, and Parks, c/o Secretary Kevin Robling, 523 E Capitol Ave, Pierre SD 57501.

The Chief Engineer of the Water Rights Program recommends VALIDATION of recognized Vested Water Right Claim No. 1068-2 for sufficient water to maintain the water level to New Wall Dam's primary spillway elevation of 2,747.9 feet mean sea level (NAVD 88). The vested water right will retain a priority date of January 1, 1946.

This recommendation is based on a survey conducted of the dam, including primary spillway elevation. The survey was conducted by Water Rights Program staff in September 2024.

Eric Gronlund, Chief Engineer
October 10, 2024

CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF HEARING dated October 10, 2024, into the Inter-Office Mail in Pierre, South Dakota, to the following parties on October 10, 2024.

Kevin Robling, Secretary
SD Dept of Game, Fish, and Parks
Joe Foss Building

James Gilkerson
SD Dept of Game, Fish, and Parks
Joe Foss Building

Jennifer Verleger, Assistant Attorney General
George Mickelson Building

Shannan Bush

Shannon Konst
Senior Secretary-Water Rights

[illegible]

Sworn to, before me, this 9th day of October, 2024.

Rachel Rodriguez Notary Public
My Commission expires May 16, 2029





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

JAN 09 2025

Kevin Robling, Secretary
South Dakota Department of Game, Fish, and Parks
523 E Capitol Ave
Pierre SD 57501

Dear Secretary Robling:

Enclosed is Validated Vested Water Right No. 1068-2. So long as the water is placed to beneficial use, as described in the water right, State Water Laws provide a continuing right to use the water.

Sincerely,

Eric Gronlund, Chief Engineer
Water Right Program
(605) 773-3352

enclosure

REISSUED WATER LICENSE NO. 1068-2

STATE OF SOUTH DAKOTA VALIDATED VESTED WATER RIGHT

- (1) South Dakota Department of Game, Fish and Parks, 523 E Capitol Ave, Pierre SD 57501 was issued Water License No. 1068-2 on March 26, 1971, for a recognized vested water right claim for New Wall Lake located in Pennington County, South Dakota. Application of water to beneficial use for public recreation purposes was the basis for recognition of the vested water right claim and issuance of the water license. As originally issued, the water license authorizes use of 75 acre-feet of water annually for public recreation purposes with a claimed priority date of January 1, 1946.
- (2) On December 4, 2024, the state Water Management Board validated Vested Water Right No. 1068-2 pursuant to South Dakota Codified Law 46-2A-16. Validation of Vested Water Right No. 1068-2 is for sufficient water annually to maintain the water level up to the spillway elevation of New Wall Lake, rather than for a specific number of acre-feet of water.
- (3) Reissuance of Validated Vested Water Right No. 1068-2 to the South Dakota Department of Game, Fish and Parks, is for sufficient water annually to maintain the water level up to the spillway elevation of 2,747.9 feet mean sea level (NAVD88), for public recreation purposes with a priority date of January 1, 1946. The spillway for New Wall Lake is located in the SE 1/4 SE 1/4 Section 2-T1S-R15E.
- (4) Water Rights obtained in compliance with the laws of State of South Dakota must not be unlawfully impaired by this appropriation.

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JAN 09 2025

date

