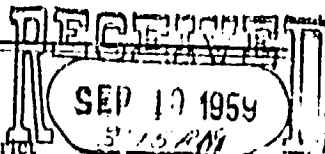


No. 562-2Water Division No. 2 Bad River
(Blanks to be filled by the Engineer for the W. R. C.)

District

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant South Dakota Department of Game, Fish and Parks
Postoffice address Pierre, County Hughes, State S. Dak.

- I. If a corporation _____
- (a) Name of same _____
- (b) Date and place of incorporation _____
- (c) Amount of capital stock _____
- (d) Amount paid in _____
- (e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) _____

- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
- (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work HAYES DAM, Stanley County
3. Amount of water claimed As required to fill lake to outlet level—approximately 150
acre feet per year cubic feet per second _____
4. Source of water supply Frozen Man Creek
5. Location of point of diversion SE 1/4, Section 29, Twp. 5 N. R. 26 E. S. 1 E. M.
_____ on _____ bank _____ County.

6. Annual period or periods during which water is to be used All year long

7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? _____

- (a) Number of acres to be irrigated _____ acres.

- (b) Legal subdivisions to be irrigated _____

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.) _____

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use Fish and Wildlife Propagation Public Recreation
Name any of the above uses claimed

- (b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

- (c) Location of plant _____

- (d) Method of developing power _____

- (e) Point where water will be returned to stream _____

8. Estimated cost of work:

(a) Head Gates, \$-----

(b) Pumping plant, \$-----

(c) Fluming, \$-----

(d) Canal-earth, \$-----

Rock, \$-----

(e) Other structures WPA 1937 \$15,000.00

Total, \$ 15,000.00

9. Description of diversion works:

New Spillway (1946-47)

\$ 78,029.34

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works:

- (a) Dam: Height 30 feet; length at bottom 50 feet; length at top 400 feet; thickness at bottom 150 feet; thickness at top 16 feet; slope at front water face 3:1; slope at back face 1 1/2:1; material used in construction earth fill
- (b) Reservoir: Capacity when filled 500 acre feet. Surface area at highwater mark 50 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-Feet CAPACITY

(c)* Head gate: Width-----feet; height-----feet;
Material-----

(d) Canal: Total length-----miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet
At-----Mile	-----feet	-----feet	-----feet	-----feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work complete years.11. Time required for complete application of water to the proposed beneficial use completed years.12. Choice of newspaper for publication of notice of intention to appropriate N/A

STATE OF SOUTH DAKOTA

County of Hughes } ss.

I, Harry R. Woodward, 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

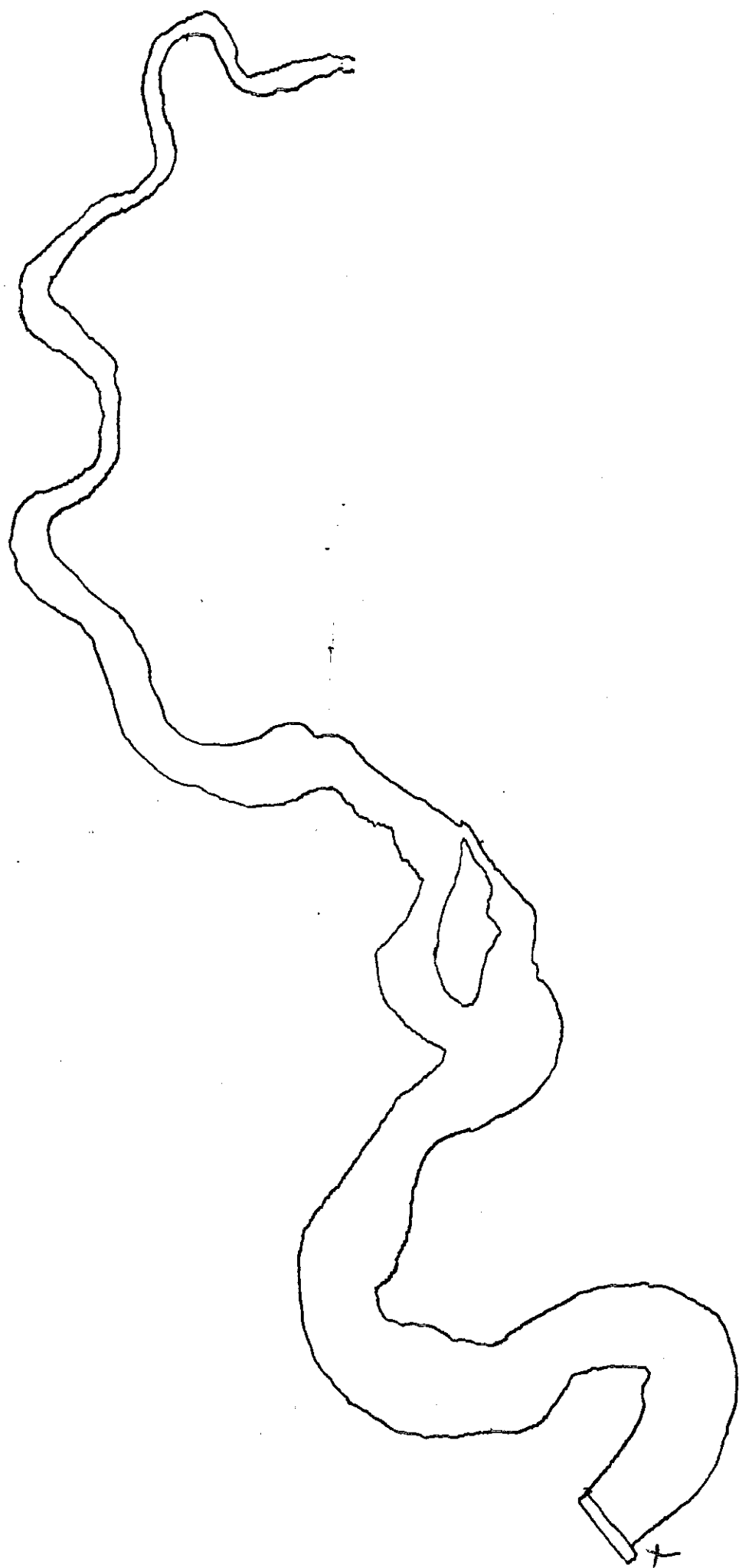
Signed

Harry R. WoodwardSubscribed and sworn to before me this 10th day of September 1957

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

19



30

29

DEPARTMENT OF GAME, FISH & PARKS
STATE OFFICE BUILDING
PIERRE, SOUTH DAKOTA ✓

Hayes DAM

T 5-R 26

X = outlet

Remarks by State Water Resources Commission:

"Vested Right Claimed"

STATE OF SOUTH DAKOTA

County of

Hyattsville

SS.

Pierre, South Dakota,

November 13, 1959

This is to certify that the foregoing application was received by the Commission at 3:15 o'clock

P.m. upon the 10 day of September, 1959

State Water Resources Commission

By:

G. J. Brinner

Chief Engineer, Executive Officer

Number of permit

5262

Date of first receipt of application

September 10, 1959

Date of return to applicant for correction, amendments or changes required as follows:

September 30, 1959

Date of receipt of corrected application

November 10, 1959

Date from which applicant may claim right

1937

Approved

November 13, 1959

Recorded in Book

5

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This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

Completed, 1959

2nd. The whole of said work is to be completed on or before

Completed, 1959

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

Completed, 1959

4th. The water appropriated shall be used for the purpose of

public recreation

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 150 acre feet annually, cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited 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 actually and beneficially applied for irrigation, on or before June 31, 1955; said water to be used during the following described annual period:

Continuously

Witness my hand this

13th

day of

November

1959

State Water Resources Commission

By:

G. J. Brinner

Chief Engineer, Executive Officer

Certificate of Construction Issued

November 13, 1959

Water License Issued

November 13, 1959

STATE OF SOUTH DAKOTA

WATER LICENSE No. 562-2

WHEREAS, On the 10th day of September A. D. 1959
 the South Dakota Department of Game, Fish and Parks

of Pierre County of Hughes ~~Vested Right~~ and State of
 South Dakota duly made application (No. 562-2) to us for a permit to use 150 acre feet
 annually

~~and to receive~~ of the waters of Hayes Dam
 County of Stanley, State of South Dakota, for public recreation
 purposes; and

WHEREAS, On the 13th day of November A. D. 1959
~~Vested Right~~
 Permit No. 562-2 was issued to said applicant for the diversion of said water, and providing for the
 completion of the works of diversion therein described on or before the Completed day ~~XXXX~~
~~XXXXXX~~ and for the application to beneficial use of said
 water on or before the Completed ~~XXXXXX~~ ~~XXXXXX~~
 and,

WHEREAS, On the 10th day of September A. D. 1959
~~Vested Right~~
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 150 acre feet
 annually
~~XXXXXX~~ of said waters, as evidenced by our Certificate No. 562-2
 dated November 13, 1959 confirming the completion of works of sufficient capacity for
~~feet annually~~
 diverting and conveying to the place of intended use 150 acre / XXXXX of water, with date of
 priority of 1937 ~~XXXX~~ and,

WHEREAS, On the 10th day of September A. D. 1959
 proof was duly made of the application to beneficial use of 150 acre / XXXXX of said water;
to be used in place for public recreation

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 South Dakota Department of Game, Fish & Parks
of Pierre the holder and owner of said Vested Right Permit No. 562-2
a water right, dating from 1937 to the use of 150 acre feet
~~XXXXXX~~ of the waters of Hayes Dam annually
In the County of Stanley and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at a point in the SE 1/4 SW 1/4
Sec. 29, T 5 N, R 26 E
and ~~XXXXXX~~ used in place for public recreation.

~~XXXXXX~~

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 13th day of November A. D. Nineteen
Hundred and Fifty-nine

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Ac't _____ c. f. s. _____

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 562-2

Water Division No. _____ Water District _____

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, that the South Dakota Department of Game, Fish & Parksof Pierre, County of Hughes, and State of South Dakota, the holder Vested Right of Permit No. 562-2, issued upon Application No. 562-2 bearing date of priority of 1937, authorizing the diversion of150 acre feet annually ~~xxxx~~ of the waters of Hayes DamCounty of Stanley, State of South Dakota, at a point in the
SE 1/4 Sec. 29, T 5 N, R 26 E.for public recreationpurposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proc. of Vested Right recognized as
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory ~~xxxx~~
~~xxxx~~ for diverting and conveying to the place of intended use 150 acre feet annually ~~xxxx~~~~xxxx~~ of water; and that ~~xxxx~~ by the use of said water are described as follows,
to-wit: to be used in place for public recreationWitness my hand this 13th day of November A. D. 19

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

Location No. 5422-2Water Division No. 2 Bad Qu. C. Water District**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. South Dakota Department of Game, Fish and Parks

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. _____

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Frozen Man Creek - SE 1/4 SW 1/4, Section 29, Township 5 North, Range 26 East, BHM.

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Earth Dam, approximately 400 feet long, 30 feet high. Concrete spillway100 ft wide, 8 ft freshboard. Impoundment of 5 acres at dam site

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Fish and Wildlife propagation, conservation and recreation

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. Used in place in lake or reservoir

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. As required to fill lake to spillway outlet - approximately 150 acre feet per year

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Been in use ever since 1937 when dam was constructed. Used by the
public for the uses specified except for that amount lost to evaporation
and seepage.

(Sign) Harry Plummer

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in PIERRE, County of Hughes
State of South Dakota, on this 2 day of Nov A. D. 1959

Edmund Johnson
} Witnesses.

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. -----	
PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	
PETITION OF HOLDER	
Amount of Water ----- c. f. s.	
Source -----	
County -----	
Purpose -----	
Place of Use -----	
Date of recording -----	
Received and filed -----	

562-2

South Dakota
Department of
Water & Natural Resources

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

September 21, 1989

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.

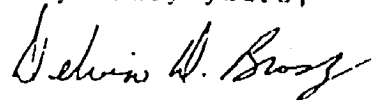


September 21, 1988
Richard Reringson, Secretary
Page 2

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,


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

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