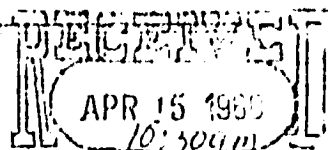


No. 593-2Water Division No. 2 Rapid Creek District
(Plans to be Filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

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 New Underwood Dam - Pennington County
As required to fill lake to outlet level - approximately
3. Amount of water claimed 75 acre feet per year able feet per second _____
4. Source of water supply Tributary of Box Elder creek and local watershed
5. Location of point of diversion SE 1/4 of NW 1/4, Section 30, Township 2 North, Range 11 E
_____ on _____ bank _____ County.
6. Annual period or periods during which water is to be used continuously
7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? _____
(a) Number of acres to be irrigated _____ acres.

(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.)

- (b) Legal subdivisions to be irrigated _____
(c) Statement as to domestic use (giving location, etc.) NW 1/4 Sec. 30 T. 2 N. Range 11 E

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

- (a) Nature of use Public recreational purposes
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 ----- \$ 30,000.00 Total, \$ 30,000.00

9. Description of diversion works:

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

II. Dimensions of works.

(a) Dam: Height 25 feet; length at bottom 500 feet; length at top 900 feet; thickness at bottom 180 feet; thickness at top 12 feet; slope at front water face 4:1; slope at back face 2 1/2:1; material used in construction Earth rolled
 (b) Reservoir: Capacity when filled 140 acre feet. Surface area at highwater mark 25 acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	ACRE-FOOT 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 ~~estimated~~ completed - not applicable
 11. Time required for complete application of water to the proposed beneficial use completed years. not applicable
 12. Choice of newspaper for publication of notice of intention to appropriate -----
 ----- Not applicable

STATE OF SOUTH DAKOTA

County of Hughes

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

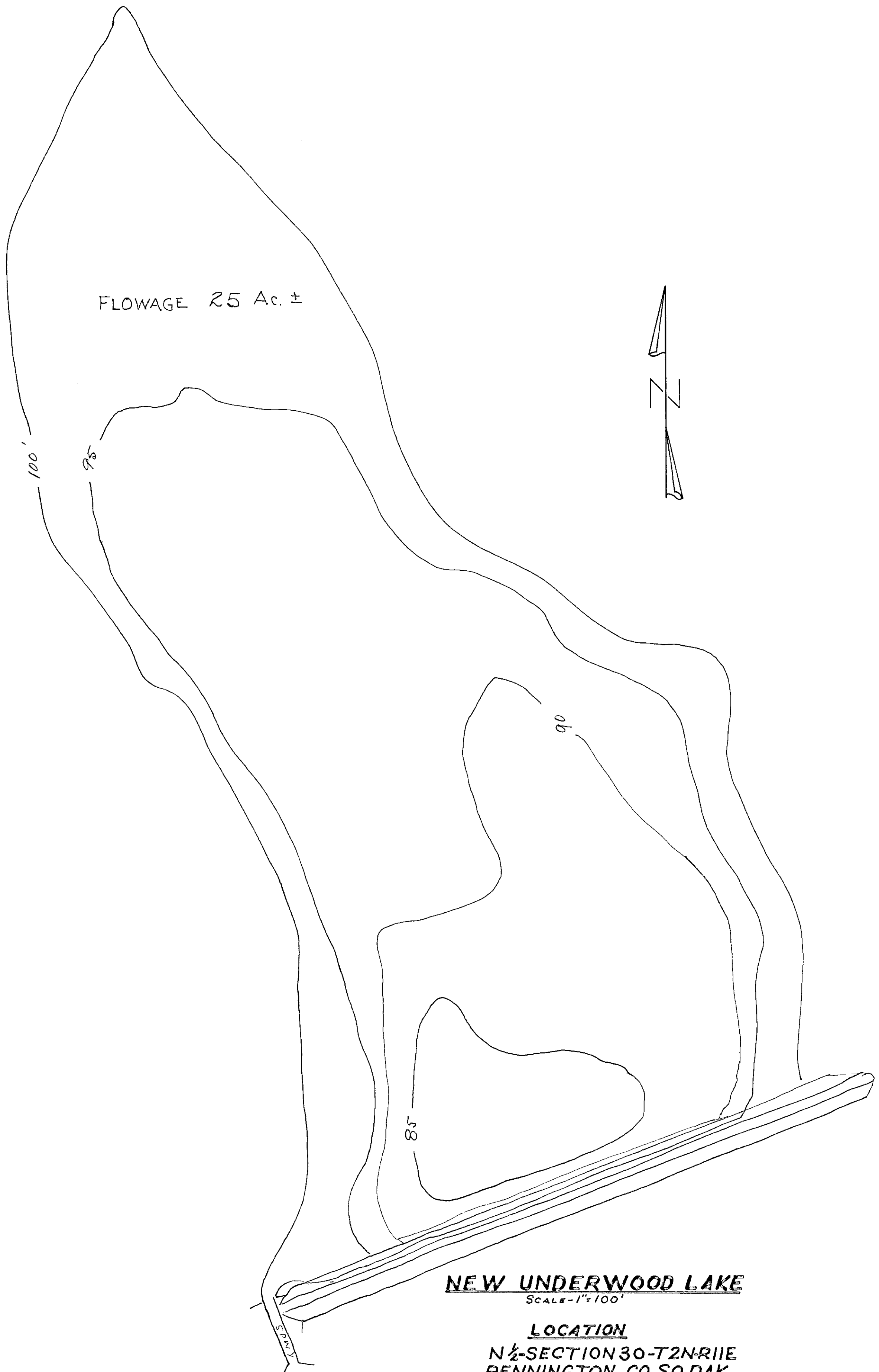
Harry R. Woodward

Subscribed and sworn to before me this 12th

day of April

1960

Edward B. Johnson
 Notary Public (or other qualified officer.)



NEW UNDERWOOD LAKE
SCALE - 1" = 100'

LOCATION
N 1/2-SECTION 30-T2N-R11E
PENNINGTON CO. S.D.AK.

Remarks by State Water Resources Commission:

"Vested Right" Claimed

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

April 27, 1960

This is to certify that the foregoing application was received by the Commission at 10:30 o'clock

a.m. upon the 15th day of April, 1960

State Water Resources Commission

By:

Burtin Lynn
for Chief Engineer, Executive Officer

Number of permit

593-2

Date of first receipt of application

April 15, 1960

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

Date of receipt of corrected application

Date from which applicant may claim right

1937

Approved

April 27, 1960

Recorded in Book

6

Page

42

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

1957

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

1960

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

completed

1960

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 10000 cubic 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

used for public recreation

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

27th

day of

April

1960

State Water Resources Commission

By:

Jacobson

Chief Engineer, Executive Officer

Certificate of Construction Issued

April 27, 1960

Water License Issued

April 27, 1960

THE FIVE STAGES

WATER WORKS No. 200

Figure 1. Schematic representation of the experimental design. The figure is divided into two main sections: 'Pre-treatment' and 'Treatment'. The 'Pre-treatment' section shows a timeline from 'Baseline' to 'Pre-treatment' (1 week), with a 'Baseline' assessment at the start and a 'Pre-treatment' assessment at the end. The 'Treatment' section shows a timeline from 'Treatment' (12 weeks) to 'Post-treatment' (1 week), with a 'Treatment' assessment at the start and a 'Post-treatment' assessment at the end. The 'Treatment' section is further divided into 'Pre-treatment' (1 week) and 'Treatment' (12 weeks) phases. The 'Post-treatment' section shows a timeline from 'Post-treatment' (1 week) to 'Follow-up' (12 weeks), with a 'Post-treatment' assessment at the start and a 'Follow-up' assessment at the end. The 'Follow-up' section shows a timeline from 'Follow-up' (12 weeks) to 'End of study' (12 weeks), with a 'Follow-up' assessment at the start and an 'End of study' assessment at the end.

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TESTED BY: _____ DATE: _____

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..... ~~SECRET~~ and for the information of the Director of the FBI

12-11-1964

Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: the control group (n = 10) and the experimental group (n = 10). The control group received a placebo (P) and the experimental group received a 100 mg dose of the active ingredient (A). The subjects were divided into two groups: the control group (n = 10) and the experimental group (n = 10). The control group received a placebo (P) and the experimental group received a 100 mg dose of the active ingredient (A). The subjects were divided into two groups: the control group (n = 10) and the experimental group (n = 10). The control group received a placebo (P) and the experimental group received a 100 mg dose of the active ingredient (A).

WHEREAS On the 15th day of April 1960,
vested right

the holder... of said permit duly made proof of the completion of a requisite work for the duration of... 13.4 days. (cont)

annually ~~discharge~~ of salt waters, as evidenced by the presence of salt

dated April 27, 1960 confirms the submission of a check of sufficient currency to

diversion and converting to the state of intended use 75 acres ~~feet~~ annually

priority of 1937 XXXX and

WHEREAS, On the 15th day of April 1980

proof was duly made of the application to beneficial use of 75 acre feet annually

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 Department of Game, Fish and Parks
of Pierre ^{vested right} the holder and owner of sal/permit No. 593-2
a water right, dating from 1937 to the use of 75 acre foot annually
~~of the waters of~~ local watershed and dry draws
in the County of Pennington and State of South Dakota, or so much thereof as may be
necessray for the purposes hereibelow mentioned, to be diverted at a point in the SE 1/4 NW 1/4 Sec 30,
T. 2N R. 11E
and ~~conducted to and used in~~ used in place

for the purpose of public recreation

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 27th day of April A. D. Nineteen
Hundred and sixty

State Water Resources Commission

By:

J.W. GRIMES,

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Acre Feet _____ C. F. S.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 593-2.

Water Division No. 2 Rapid Creek Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the Department of Game, Fish and Parksof Pierre, County of Hughes, and State ofSouth Dakota, the holder vested right of Permit No. 593-2, issued upon ApplicationNo. 593-2, bearing date of priority of 1937, authorizing the diversion of75 acre-feet annually ~~xxxxxxx~~ of the waters of dry drawsCounty of Pennington, State of South Dakota, at a point in the SE 1/4Sec 30, T. 2N. R. 11Efor public recreationpurposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof ofcompletion of the works of diversion set out and described in vested right Permit; that said works are recognized as satisfactory~~condition~~ for diverting and conveying to the place of intended use 75 acre-feet annually ~~xxxxx~~~~xxxxxx~~ of water; and that the ~~but proposed to be used for~~ use of said water are described as follows,to-wit: to be used in place for public recreationWitness my hand this 27th day of April A. D. 19 60.

State Water Resources Commission

By:

J.W. GRIMES,

Chief Engineer, Executive Officer

Location No.

Water Division No. 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

Pierre, South Dakota

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. Tributary of Box Elder Creek and local watershed - SE $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 33, T 2, R 11 E.

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.

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. Public recreational purposes

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 outlet level - approximately 25 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. -----

Used by the public for uses specified except for that amount lost

by evaporation and seepage Lake originally constructed
in 1937. Reconstructed in 1946 by Gen. Felt & Parks
Dept.

(Sign) Harry R. Woodward

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 13 day of April A. D. 1960

Witnesses. Edna Johnson

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 -----



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.

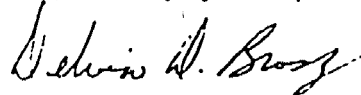


September 21, 1988
Richard Beringson, Secretary
Page 2

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,



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

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