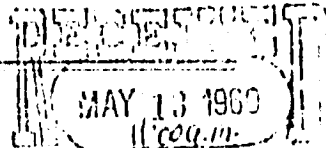


No. 600-2
 Water Division No. 2 White River District
 (Blanks to be filled by the Engineer for the W. R. C.)

 STATE WATER RESOURCES COMMISSION
 PIERRE, SOUTH DAKOTA

APPLICATION FOR ^{Vested Right} 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 South Dakota

- 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 BRAKKE DAM - Lyman Co.
As required to fill lake to spillway outlet - approximately
 3. Amount of water claimed 360 acre feet per year feet per second
dry draw - Tributary to Medicine Creek
 4. Source of water supply Flood water - Dry Run Creek
 5. Location of point of diversion Sec. 16; T. 105; R. 76
 _____ on _____ bank _____ County.
 6. Annual period or periods during which water is to be used continuously
 7. To be used for:

1. 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 ~~XXXXXX~~ (giving location, etc.) Sec 16, 21 & 22; T. 105; R. 76;

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

- (a) Nature of use Public Recreation uses

 (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 \$..... Total, \$.....

9. Description of diversion works:

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

II. Dimensions of works.

(a) Dam: Height 29 feet; length at bottom 400 feet; length at top 600 feet; thickness at bottom 163 feet; thickness at top 16 feet; slope at front water face 3:1; slope at back face 2:1; material used in construction Clay.
 (b) Reservoir: Capacity when filled 1016 acre feet. Surface area at highwater mark 121 acres.

DEPTH AT OUTLET- FEET	SURFACE AREA AT EACH DEPTH AT OUTLET- ACRES	FEET	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 completed - not applicable
 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 not applicable

STATE OF SOUTH DAKOTA }
 County of Hughes } ss.

I, Harry B. 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 B. Woodward
 Subscribed and sworn to before me this 12 day of May 19 60
Edw. J. Johnson
 Notary Public (or other qualified officer.)

STATE
E 1/2 SW 1/4 Sec 16
8042

W 1/2 SE 1/4 Sec 16
STATE
8042

21 22

↑
N

BRASSE DAM
T105 R76
LYMAN CO.
S.D. DEPT. GAME FISH PARKS

W.R. 600-2

W.R. No Map #

(#600-2)

Remarks by State Water Resources Commission:

"Vested Right" Claimed

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, May 17, 1960

This is to certify that the foregoing application was received by the Commission at 11:00 o'clock

a.m. upon the 13th day of May, 1960

State Water Resources Commission

By: Arthur J. Jones

Chief Engineer, Executive Officer

Number of permit 600-2

Date of first receipt of application May 13, 1960

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right 1937, 19____

Approved May 17, 1960, Recorded in Book 6 Page 53

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~~

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

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

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 360 acre feet annually ~~cubic foot per second~~; either 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:

Witness my hand this 17th day of May, 1960

State Water Resources Commission

By: Arthur J. Jones

Chief Engineer, Executive Officer

Certificate of Construction Issued May 17, 1960

Water License Issued May 17, 1960

STATE OF SOUTH DAKOTA

WATER LICENSE No. 600-2

WHEREAS, On the 13th day of May A. D. 1960

the Department of Game, Fish and Parks

of Pierre County of Hughes ~~vested right~~ and State of South Dakota duly made application (No. 600-2) to us for a permit to use 360 acre feet ~~annually~~ annually ~~annually~~ of the waters of a dry draw County of Lyman, State of South Dakota, for public recreation purposes; and

WHEREAS, On the 17th day of May A. D. 1960 ~~vested right~~ recognizing Permit No. 600-2 was issued to said applicant for the diversion of said water, and ~~annually~~ annually the completion of the works of diversion therein described ~~on or before~~ annually ~~annually~~ annually and for the application to beneficial use of said water ~~annually~~ annually and,

WHEREAS, On the 13th day of May A. D. 1960 ~~vested right~~ vested right the holder of said permit duly made proof of the completion of adequate works for the diversion of 360 acre feet ~~annually~~ annually ~~annually~~ of said waters, as evidenced by our Certificate No. 600-2 dated May 17, 1960 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 360 acre feet annually ~~annually~~ of water, with date of priority of 1937 ~~annually~~ and,

WHEREAS, On the 13th day of May A. D. 1960 proof was duly made of the application to beneficial use of 360 acre feet annually ~~annually~~ 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 said permit No. 600-2
a water right, dating from 1937 to the use of 360 acre feet
~~xxxxxxx~~ of the waters of a dry draw annually
in the County of Lyman and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinafter mentioned, to be diverted at A point in the NW 1/4 Sec 16,
T 105N R 76W
and ~~xxxxxxx~~ 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 17th day of May A. D. Nineteen
Hundred and sixty

State Water Resources Commission

By:

J.W. GRIMES, pp

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

A. n' t _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 600-2Water Division No. 2 White River 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 of South Dakota, the holder vested right of Permit No. 600-2, Issued upon ApplicationNo. 600-2, bearing date of priority of 1937, authorizing the diversion of360 acre feet annually and of the waters of a dry drawCounty of Lyman, State of South Dakota, at a point in the NW 1/4SE 1/4, Section 16, T 105N R 76 Wfor public recreationpurposes, has fully 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 satisfactoryfor diverting and conveying to the place of intended use 360 acre feet annuallyof water; and that the use of said water are described as follows,to-wit: to be used in place for public recreationWitness my hand this 17th day of May A. D. 1960

State Water Resources Commission

By:

J.W. GRIMES, PP 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. Flood Waters Dry Run Creek - SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 16; T 105; R 76Impoundment of 121 acres for dam site

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. Fertis Dam - approximately 400 feet long, 29 feet highImpoundment of 121 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 360 acres 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.

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

(Sign) Ben. M. M. M. M. M.

State of South Dakota, on this 19 day of March A. D. 1904

Witnesses.

Location No.

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water ----- c. f. s.

Source

Courtesy

Purpose

Place of Use

Date of recording

Received and filed

UNITED STATES DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

KENNEREC, SOUTH DAKOTA

JANUARY 9, 1974

Water Resources Commission
State Capitol Building
Pierre, South Dakota 57501

Dear Sirs;

We are developing the Brakke Reservoir area into an Outdoor Classroom to be used by our schools.

The embankment for this reservoir is located in the S $\frac{1}{2}$ -16-T.105N. R.76W. This was school land which was sold to the South Dakota Department of Game, Fish & Parks. As I understand the dam was constructed under WPA.

We are assembling information about Brakke Reservoir, but are real short of facts as when was it constructed, who constructed it, how large is it in volume, how much water is stored in the reservoir, etc.?

We would appreciate receiving information that your office may have on this project.

Thanking you, I remain;

Sincerely,

Gil Blomgren
Gil Blomgren
District Conservationist

GE/rd

RECEIVED

JAN 14 1974

DEPT. OF NATURAL
RESOURCE DEVELOPMENT

January 15, 1974

224-3151

Mr. Gil Bierwagen
District Conservationist
Soil Conservation Service
Kennebec, South Dakota 57544

Dear Gil:

Your letter concerning Brakke Reservoir has been referred to me.

Enclosed are copies of portions of the vested water right application made by the Department of Game, Fish and Parks for this dam. This provides the requested information on size.

The Department gives the date of construction as 1937. They did not name the builder. We assume it was built by the WPA since the Department obtained a "vested" right.

Sincerely,

Keith L. Harner
Director

KLA/db
Enc.



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 22, 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 W. Hatch
for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

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