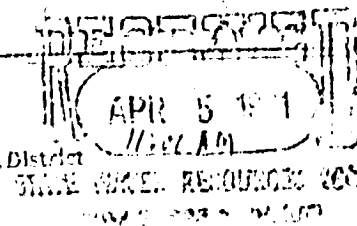


No. 684-2Water Division No. 2 WHITE RIVER District
(Checks to be filled by the Engineer for the W. R. C.)

VESTED RIGHT **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 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 PLAINVIEW DAM - TRIPP COUNTY
As required to fill lake to spillway outlet - approximately3. Amount of water claimed 75 acre-feet per second4. Source of water supply Tributary of Bull Creek5. Location of point of diversion SE 1/4 Sec. 35, T. 99, R. 75 Tripp County

_____ 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.

(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 use (giving location, etc.) NE 1/4 Sec. 35 T. 99, R. 75 Tripp Co.

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

(a) Nature of use Public Recreational 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 Gate, \$----- (b) Pumping plant, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
 (e) Other structures ----- \$----- Total, \$3,125.00

9. Description of diversion works:

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

II. Dimensions of works.

(a) Dam: Height. 21 feet; length at bottom 310 feet; length at top 600 feet; thickness at bottom 110 feet; thickness at top 14 feet; slope at front water face 3:1; slope at back 1 1/2:1; material used in construction clay and gumbo

(b) Reservoir: Capacity when filled 150 acre feet. Surface area at highwater mark 25 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 applicable11. 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

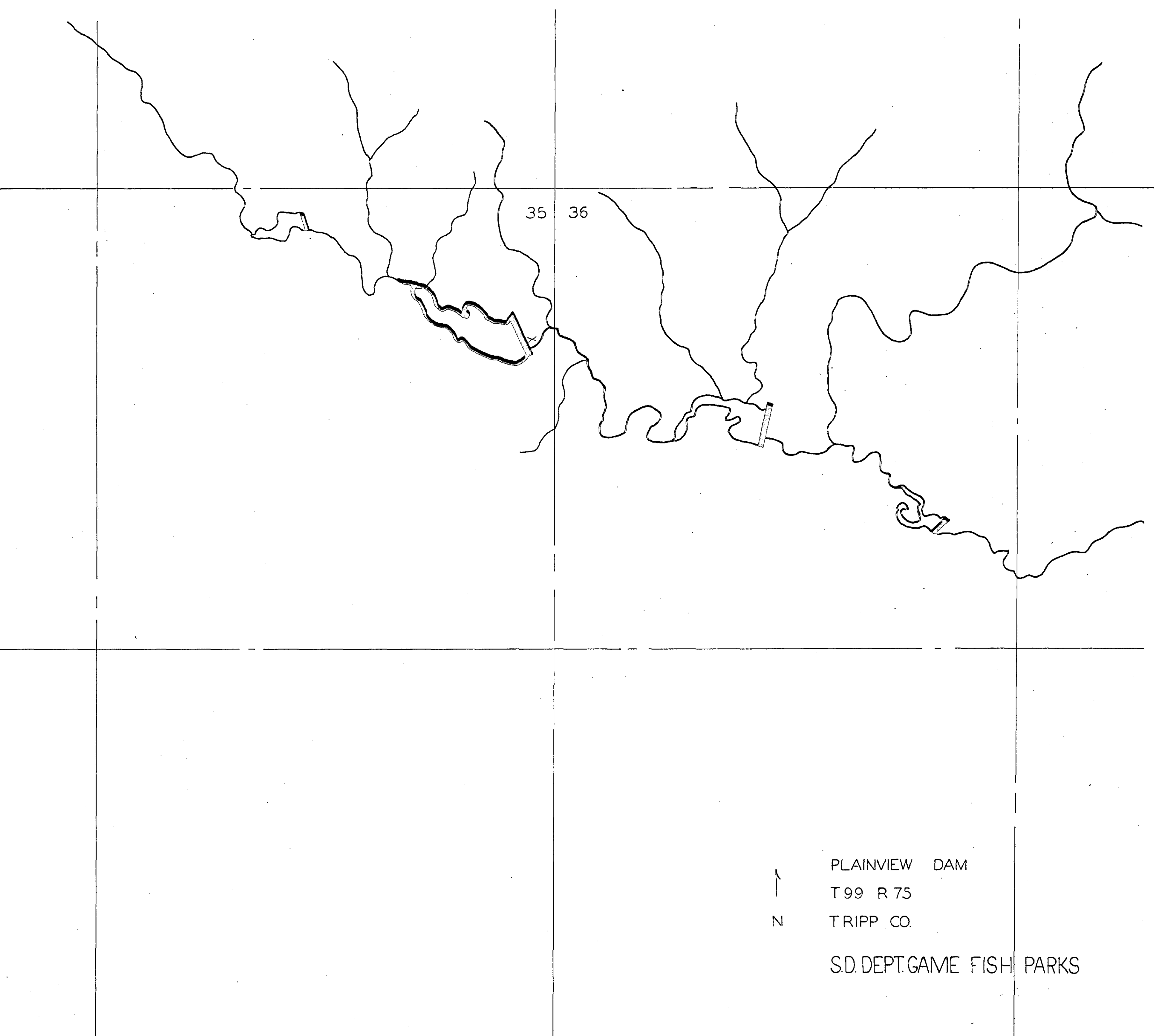
STATE OF SOUTH DAKOTA

County of Hughes ss.

I, Walter J. Zimmerman, 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 Walter J. ZimmermanSubscribed and sworn to before me this 24day of March1961William L. Johnson
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device



35

36



N

PLAINVIEW DAM

T 99 R 75

TRIPP CO.

S.D. DEPT. GAME FISH PARKS

Remarks by State Water Resources Commission:

"Vested right" claimed

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, November 20, 1962

This is to certify that the foregoing application was received by the Commission at 11:00 o'clock
a.m. upon the 5TH day of APRIL, 1961.

State Water Resources Commission

By:

Amorton 2 June
for Chief Engineer, Executive Officer

Number of permit 684-2

Date of first receipt of application APRIL 5, 1961

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 1935, 1961

Approved November 20, 1962, Recorded in Book 7 Page 211

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

Completed

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 75 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 used for public recreation ~~used~~

and beneficially ~~applied for irrigation~~ used for public recreation on or before June 30, 1955; said water to be used during the following described annual period:

Continuously

Witness my hand this 20TH day of November, 1962.

State Water Resources Commission

By:

Jefferson
Chief Engineer, Executive Officer

Certificate of Construction Issued November 20, 1962

Water License Issued November 20, 1962

STATE OF SOUTH DAKOTA

WATER LICENSE No. 694-2

WHEREAS, On the 5th day of April A. D. 1961
the Department of Game, Fish and Parks

of Pierre County of Hughes and State of
South Dakota duly made application (No. 694-2) to us for a permit to use 75 acre feet
annually
~~annually~~ of the waters of a dry draw
County of Tripp, State of South Dakota, for public recreation
purposes; and

WHEREAS, On the 20th day of November A. D. 1962
"Vested Right" / Permit No. 694-2 was issued to said applicant, recognizing
completion of the works of diversion therein described ~~and for the~~ and for the application to beneficial use of said
water ~~annually~~ annually and,

WHEREAS, On the 5th day of April A. D. 1961
the holder of said permit duly made proof of the completion of adequate works for the diversion of 75 acre feet
annually ~~cubic feet per second~~ of said waters, as evidenced by our Certificate No. 694-2
dated November 20, 1962 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 75 acre ft. annually
priority of 1935 and,

WHEREAS, On the 5th day of April A. D. 1961
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

Pierre the holder and owner of "Vested Right" of sale/patent No. 624-2

a water right, dating from 1935 to the use of 75 acre feet annually

~~of the waters of~~ a dry draw

In the County of Tripp 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 SE 1/4 NE 1/4, Section 35,
T99N, R75W

and ~~produced to support~~ stored 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 20th day of November A. D. Nineteen
Hundred and Sixty-Two.

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRINES

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 604-2Water 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 Parks

of Pierre, County of Hughes, and State of South Dakota, the holder of Permit No. 604-2 issued upon Application No. 604-2 bearing date of priority of 1935, authorizing the diversion of 75 acre feet annually ~~at its point of~~ of the waters of a dry draw County of Tripp, State of South Dakota, at a point in the SE 1/4 NE 1/4 Sec. 35, T99N, R75W

for public recreation purposes, 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 ~~found to be~~ recognized as satisfactory ~~for diverting and conveying to the place of intended use~~ 75 acre feet annually ~~at its point of~~ of water; and that the ~~lands proposed to be irrigated by the~~ use of said water are described as follows, to-wit: to be used in place for public recreation.

Witness my hand this 20th day of November A. D. 1932

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

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 Bull Creek - SE 1/4 Sec. 35, T 99, R 75 Tripp County

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 350 feet long and 20 feet highImpoundment of 25 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 75 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 1935 when dam was constructed. Used by the public
for the uses specified except for that amount lost by evaporation and seepage.

(Sign)

W. J. Allen

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 Hugobone

State of South Dakota, on this 24 day of March, A. D. 1961

Witnesses.

Edmond B. 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 -----

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: June 22, 1988

This is to notify you that the ~~water rights~~ ^{water rights} to the lands described as follows:

SE 1/4 NE 1/4 Sec 35 - Twp 99N - Rge 75W in Tripp County, South Dakota, area is also
known as Plainview Dam

~~XXXXXX~~ owned by Grace Neyens RR #5 Box 130 Dallas, SD 57529

has been transferred ~~to~~ ^{from} South Dakota Department of Game, Fish and Parks Pierre, SD
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 684 - 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 Perm.
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 Hughes) ss.

I, Ronald M. Koth being first duly sworn on my oath depose and say:
That my relation to the above described undertaking is that of Representative, that I have
read the above foregoing statement, and I know of my own personal knowledge that the infor-
mation herein stated is true.

Ronald M. Koth
(Signer)

Subscribed and sworn to before me this 22 Day of June, 1988.

Ronald M. Koth
(Notary Public)

my Commission Expires 7/1/95

**South Dakota Department of
Water & Natural Resources**

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

July 5, 1983

684-2

Grace Neyens
RR 5, Box 130
Dallas SD 57529

Dear Ms. Neyens:

Enclosed is your check No. 569 in the amount of \$2.50 which you paid for filing a "Notice of Transfer" for Vested Water Right Claim No. 624-2. The Dept. of Game, Fish & Parks has already filed a "Notice of Transfer" with our office; therefore, it is not necessary for you to file another transfer form to pay the filing fees.

Vested Water Right Claim No. 684-2 for storage of 75 acre feet annually in Plainview Dam, Tripp County, South Dakota, has been transferred to your name.

Also enclosed is a copy of the list of Vested Right Validations for Tripp County. If you have any questions concerning the transfer or the validation list, please contact us.

Sincerely,

Genny McMATH

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



DEED RECORD No. 47

TRIPP COUNTY, SOUTH DAKOTA

57

STATE OF SOUTH DAKOTA

TO ALL TO WHOM THESE PRESENTS SHALL COME GREETING:

WHEREAS, On the 23rd day of October, 1915, all that tract or parcel of land in the State of South Dakota, hereinafter mentioned and particularly described, was sold in the manner prescribed by law to J. S. LUNDY & Winner, and State of South Dakota, for the aggregate price of Six Thousand Six Hundred Eighty and no/100 Dollars and

WHEREAS, The said sum of Six Thousand Six Hundred Eighty and no/100 Dollars has been fully paid to the proper receiving officer of the State of South Dakota, as shown by the records in the office of the Commissioner of School and Public Lands, said sum being the whole amount of the purchase price of the said tract or parcel of land.

NOW, KNOW YE, That the said State of South Dakota, in pursuance of law in such cases made and provided, and in consideration of the premises aforesaid, and of the aforesaid sum of Six Thousand Six Hundred Eighty and no/100 Dollars to the said State of South Dakota paid, doth by these presents GRANT, BARGAIN, SELL, CONVEY AND CONFIRM, in fee unto the said J. S. LUNDY, Original Purchaser his heirs and assigns, the said tract or parcel of land situated in the County of Tripp and State of South Dakota and described as follows, to-wit:

The North Half of the Northeast Quarter, the South Half of the Northeast Quarter, and all of the Southeast Quarter of Section Number Thirty-five (35), in Township Number Ninety-nine (99), North Range Number Seventy-five (75), West of the Fifth Principal Meridian containing Three Hundred Twenty and no/100 acres, more or less, according to the United States Government survey, and as appears from the plats and records of said lands now on file in the office of the Commissioner of School and Public Lands reserving however, to the State of South Dakota right-of-way for irrigation ditches, canals, etc., as provided by SDC 61.0147, and subject to reservations and rights relating to deposits of coal, ores, metals and other minerals, asphaltum, oil, gas and other like substances, as provided by SDC 15.0201 and SDC 55.0203, and in any law of the State of South Dakota reserving any rights of any kind in said State or any of its departments, institutions, subdivisions, funds or accounts.

TO HAVE AND TO HOLD the same together with all the appurtenances thereto in anywise coming unto the said J. S. LUNDY his heirs and assigns, in fee simple forever.

IN WITNESS WHEREOF, The State of South Dakota has caused this patent to be executed in the name of the State by the Governor and attested by the Commissioner of School and Public Lands under his seal of office this 15th day of February, A. D. 1916.

(SEAL OF THE COMMISSIONER OF SCHOOL & PUBLIC LANDS)

STATE OF SOUTH DAKOTA

By M. J. THARPE, Governor.

Attest:

JOHN A. LUNDY
Commissioner of School and Public Lands.

Contract No 338, Patent No 12261, Recorded Book No. 23, Page 251, Office of Commissioner of School and Public Lands.

FB 460082

STATE OF SOUTH DAKOTA

} 59.

County of Tripp

Filed for record this 18 day of Feb. 1916, At 4:00 P. M.
in Book 47 of Deeds on page 57.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 18, 2024

684-2

Grossenburg Cattle Company
31765 SD HWY 44
Winner SD 57580

To whom it may concern:

During a recent review of water rights for which ownership might have changed, it was found that the property tied to Vested Water Right No. 684-2 may have been sold to you. Presently, Vested Water Right No. 684-2 is held in the name of Grace Neyens.

Vested Water Right No. 684-2 authorizes the impoundment of 75 acre-feet water per annually, in a dry draw dam (Plainview Dam), for public recreation purposes. The dam is located in the SE ¼ NE ¼ Section 35, T99N, R75W, Tripp County, South Dakota. (see enclosed aerial image for reference)

With this letter I am hoping to confirm that water is or is not being put to beneficial use as was authorized by the vested water right. Based on aerial imagery, it appears the dam has been breached since the late 1990s.

Pursuant to SDCL 46-5-37, any permits or water rights not put to beneficial use for a period of 3 or more years, are subject to cancellation due to abandonment or forfeiture. Excuse for non-use approved by Administrative Rules 74:02:01:37.1 include legal proceeding preventing access to the dam's location, insufficient moisture, or excess moisture. With the dam appearing to have been breached for such an extended period, it is not likely that any of the above-mentioned excuses would apply.

If the water right is being actively exercised, a transfer of ownership and fee in the amount of \$50.00 would be required. For your convenience I have enclosed a partially completed form and postage paid envelope.

If the water right has not been maintained, we ask that you inform our office so that we may schedule it for cancellation before the SD Water Management Board.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures

Cc: Grace Neyens, RR 5 Box 130, Dallas SD 57529