

No.

1495-3

Water Division No.

3 R. SIOUX RIVER

District

(Blanks 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 SOUTH SCHOOL LAKE - Deuel County
As required to fill lake to outlet level - approximately 660
 3. Amount of water claimed acre feet per year/cubic feet per second
 4. Source of water supply Intermittant flows from Round Lake to the north
 5. Location of point of diversion A point in NE 1/4 of Sec. 22, T. 117, R. 50 N.
on bank County.
 6. Annual period or periods during which water is to be used all year round
 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.) To the ordinary high water mark
of the inundated portion of Sec. 22, 15; T. 117, R. 50 N.

II. 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\$..... Total, \$.....

9. Description of diversion works:

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

II. Dimensions of works. Information requested not applicable. South School Lake is a meandered lake. Maximum depth is approximately 8 feet.

(a) Dam: Height.....feet; length at bottomfeet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back facematerial used in construction

(b) Reservoir: Capacity when filled660.....acre feet. Surface area at highwater mark220.76.....acres. k

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

(c)* Head gate: Width.....feet; heightfeet;
 Material

(d) Canal: Total lengthmiles.

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 workyears.

11. Time required for complete application of water to the proposed beneficial use years.

12. Choice of newspaper for publication of notice of intention to appropriate

STATE OF SOUTH DAKOTA

County ofHughes.....} ss.

I,R. A. Hodgins....., 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.

SignedR. A. Hodgins.....

Subscribed and sworn to before me this10th..... day ofJanuary..... 19.....68.

.....H. E. Sowers.....
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

H. E. Sowers, Notary Public
 My Commission Expires

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED

STATE OF SOUTH DAKOTA
County of HUGHES }

Pierre, South Dakota, FEBRUARY 8, 1968

This is to certify that the foregoing application was received by the Commission at 1:30 o'clock
P.m. upon the 11TH day of JANUARY, 1968

State Water Resources Commission

By:

Barton
Chief Engineer, Executive Officer

Number of permit 1495-3

Date of first receipt of application JANUARY 11, 1968

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 1889, 1968

Approved FEBRUARY 8, 1968 Recorded in Book 10 Page 83

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~~ _____, 1968

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 660 ACRES FEET ANNUALLY
~~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 the best husbandry, and further, said appropriation shall be limited to not more than one-tenth (1/10) of available water per second of time for each acre of land to which water is actually~~

USED FOR PUBLIC RECREATION

and beneficially ~~utilized~~ on or before JUNE 30, 1965; said water to be used during the following described annual period:

CONTINUOUSLY

Witness my hand this 8TH day of FEBRUARY, 1968

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Certificate of Construction Issued FEBRUARY 8, 1968

Water License issued FEBRUARY 8, 1968

Permit No. 1495-3Water Division No. 3 BIG SIOUX 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 Vested Right of Permit No. 1495-3, issued upon Application No. 1495-3, bearing date of priority of 1889, authorizing the diversion of 660 acre feet annually of the waters of overflow from Round Lake County of Deuel, State of South Dakota, at a point on the NE 1/4 SE 1/4, Section 22, T117N, R50W, 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 recognized as satisfactory 660 acre feet annually for diverting and conveying to the place of intended use to be used in place for public recreation of water; and that the land 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 8th day of February A. D. 1968

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 1495-3.

WHEREAS, On the 11th day of January A. D. 19 68

the Department of Game, Fish and Parks

of Pierre County of Hughes and State of South Dakota
 duly made application (No. 1495-3) to us for a Vested Right permit to use 660 acre feet
annually of the waters of overflow from Round Lake
 County of Deuel, State of South Dakota, for public recreation
 purposes; and

WHEREAS, On the 8th day of February A. D. 19 68
Vested Right Permit No. 1495-3 was issued to said applicant... for the diversion of said water, recognizing
 completion of the works of diversion therein described as follows:
xxxxxx and for the application to beneficial use of said
 water xxxxxx and,

WHEREAS, On the 11th day of January A. D. 19 68
 the holder... of said permit duly made proof of the completion of adequate works for the diversion of 660 acre
feet annually of said waters, as evidenced by our Certificate No. 1495-3
 dated February 8, 1968 confirming the completion of works of sufficient capacity for
660 acre feet annually diverting and conveying to the place of intended use xxxxxx of water, with date of
 priority of 1989 and,

WHEREAS, On the 11th day of January A. D. 19 68
 proof was duly made of the application to beneficial use of 660 acre feet annually
to be used in place for public recreation purposes

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 the holder and owner Vested Right of said Permit No. 1495-3
a water right, dating from 1889 to the use of 660-acre-feet
annually
~~xxxxxx~~ of the waters of overflow from Round Lake

in the County of Deuel 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 NE 1/4 SE 1/4
Section 22, T117N, R50W
and ~~conducted to and from~~ stored in place

for the purpose of public recreation, subject to any limitations listed
in the Permit to Appropriate water, and

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 8th day of February A. D. Nineteen
Hundred and Sixty-eight.

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

South School Lake - Deuel County

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. Intermittant flows from Round Lake to the North - a point in NE 1/4 of

Sec. 22, T. 117, R 50.

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. A meandered lake - depth 8 feet - 220.76 acres

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each sub-division in which used, and number of acres in each sub-division 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 outlet level - approximately 660 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. A meandered lake. Used by the public for uses specified except for
that amount lost by evaporation and seepage

(Sign)

R. A. Higgins

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 10th day of January A. D. 1968

} 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.

15 14
22 23

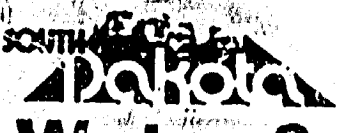
SOUTH SCHOOL
220.76 AC.

22

22 23
27 26

TWP 117 - RING 50N.
DEUEL COUNTY
SOS PHOTO 1958

1495-3



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.

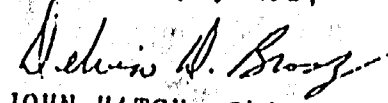


September 21, 1988
Richard Derington, Secretary
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We will be working with your staff on these validations. We have already discussed setting outlet elevations before validating claims for lakes. Although the work necessary to complete the validation 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

NOT TO SCALE

Well #1 Permit # 2304-3
Well #2 Permit # 2304-3

{ 260 ft N + 280 ft W of
S $\frac{1}{4}$ Cor Sec. 18.
150 ft N + 270 ft W of
S $\frac{1}{4}$ Cor Sec. 18.

101-30

$\frac{1}{4}$ Corner

Well #1 (New well)
Permit # 2305-7

Well #2

old well

{ 350 ft S and 400' W of
N $\frac{1}{4}$ Cor. Sec. 24.
350 ft S and 400' W of
N $\frac{1}{4}$ Cor. Sec. 24.

Commercial
Well
in Bldg

Well #2. permit # 4195-3
1280 ft S and 1850 ft E
of NW Cor. Sec. 24.

Well #1 Permit # 4195-3
1360 ft S and 1150' E
of NW Cor. Sec. 24.

141

Well #1

Permit # 2095-3
750' N + 30 ft W of
Center of sec 24.

143

24

66.5

Well #2 Permit # 2095-3
1230 ft W and 70 ft N
of Center of Section 24

Well #2
Permit # 1495-3
Not done
changed
to well
on Ruth
Ave.

Donald Weeg
Pinecrest Mobile Home Park
Permit # 2095-3

191-50

100

151

1495-3