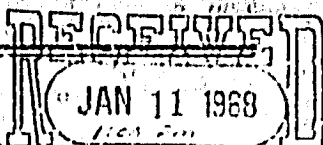


No. **1497-3**Water Division No. **3**

(Blanks to be filled by the Engineer for the W. R. C.)

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 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 BRIGGS LAKE - Deuel County
 3. Amount of water claimed As required to fill lake to outlet level - approximately 660 acre feet per year
 4. Source of water supply Spring fed and run-off from dry draw
 5. Location of point of diversion A point in NE 1/4 Section 24, Township 115, Range 48
on _____ bank DEUEL 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 Section 24, Township 115, Range 48

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 _____

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, FEBRUARY 8, 1968

This is to certify that the foregoing application was received by the Commission at 1:00 o'clock

2 p.m. upon the 11TH day of JANUARY, 1968

State Water Resources Commission

By: for

Chief Engineer, Executive Officer

Number of permit 1497-3

Date of first receipt of application

JANUARY 11, 1968

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

1889

Approved FEBRUARY 8 1968 Recorded in Book 10 Page 85

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 320 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 crops in the event 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 lands to which water is actually~~ used for PUBLIC RECREATION WAS

and beneficially ~~used for~~ on or before during the following described annual period:

JUNE 30, 1955

CONTINUOUSLY

Witness my hand this 8TH day of FEBRUARY, 1968

State Water Resources Commission

By: for

Chief Engineer, Executive Officer

Certificate of Construction Issued FEBRUARY 8, 1968

Water License issued FEBRUARY 8, 1968

Permit No. 1497-3

Water Division No. 3 MINNESOTA Water District
RIVER

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 Vested Right, the holder of Permit No. 1497-3 issued upon ApplicationNo. 1497-3, bearing date of priority of 1889, authorizing the diversion of
330 acre feet annually, for second of the waters of springs and dry drawsCounty of Deuel, State of South Dakota, at a point in the
NE 1/4 SW 1/4, Section 24, T115N, R48Wfor 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 for diverting and conveying to the place of intended use 330 acre feet annually
per second 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 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. 1497-3

WHEREAS, On the 11th day of January A. D. 1968

the Department of Game, Fish and Parks

of Pierre County of Hughes and State of South Dakota duly made application (No. 1497-3) to us for a permit to use 330 acre feet annually of the waters of springs and dry draw County of Deuel, State of South Dakota, for public recreation purposes; and

WHEREAS, On the 8th day of February A. D. 1968 Vested Right Permit No. 1497-3 was issued to said applicant for the diversion of said water, and recognizing the completion of the works of diversion therein described on or before the day of completion and for the application to beneficial use of said water and,

WHEREAS, On the 11th day of January A. D. 1968 the holder of said permit duly made proof of the completion of adequate works for the diversion of 330 acre feet annually of said waters, as evidenced by our Certificate No. 1497-3 dated February 8, 1968 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 330 acre feet annually with date of priority of 1969 and,

WHEREAS, On the 11th day of January A. D. 1968 proof was duly made of the application to beneficial use of 330 acre feet annually of said water 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 of said Vested Right Permit No. 1497-3
 a water right, dating from 1889 to the use of 330 acre feet
annually
cubic feet per second of the waters of springs and dry draw
 In the County of Deuel 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 NE 1/4, Section
24, T115N, R48W
 and conveyed to and upon 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

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 _____

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
Briggs 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. Spring fed - NE 1/4 SW 1/4, Sec. 24, T 115, R 48

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 6 feet - 110 acres

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 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 Hughes, County of Pierre

State of South Dakota, on this 10th day of January A. D. 1968

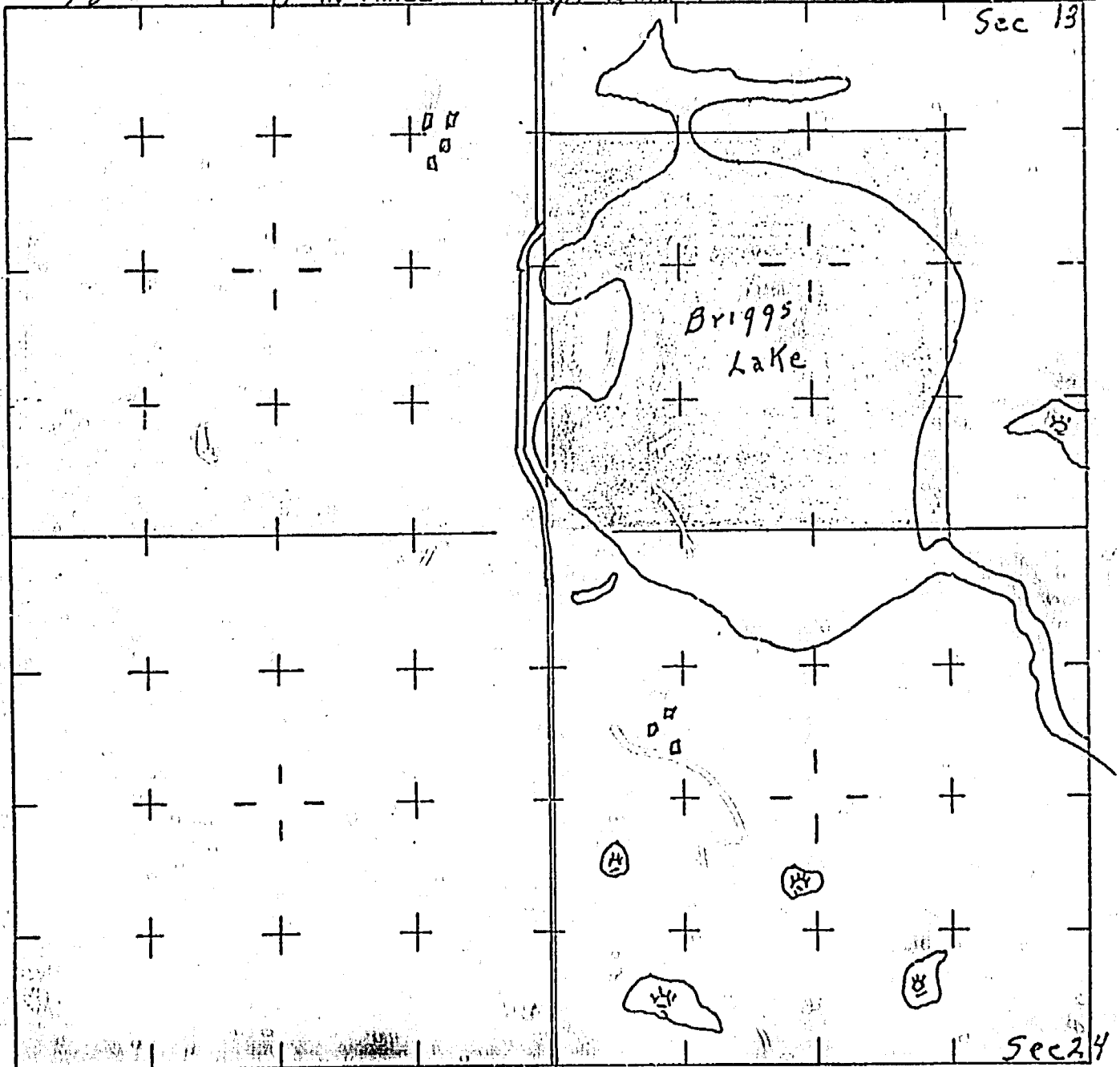
Witnesses.

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.

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 GAME, FISHERY AND FORESTRY T.R.R. LAND MAP FOR ACQUISITION PROJECT

COUNTY <i>Deuel</i>	AERIAL PHOTO No: <i>AKR-1-18</i>	LEGEND		NAME AND ADDRESS OF OWNER: <i>Gilbert Ahrenstorf Lake Park, Iowa</i>
SECTION <i>24</i>	AERIAL PHOTO DATE	A	AGRICULTURE	DESCRIPTION: <i>N 1/2 of NW 1/4 of Sec. 24, T115 R48</i>
TOWNSHIP <i>115</i>	ACRES: <i>80</i>	G	GRASS	
RANGE <i>48</i>	SCALE: <i>8 IN = 1 MILE</i>	H	HAY	
		T	TIMBER	
		M	MARSH	
			<i>Rejit Land</i>	



SIGNATURE OF G.F. & P. REPRESENTATIVE:

W. C. Foss

DATE:

Aug 29, 1967

XERO COPY

XERO COPY

XERO COPY

1497-3

SOUTH DAKOTA
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.

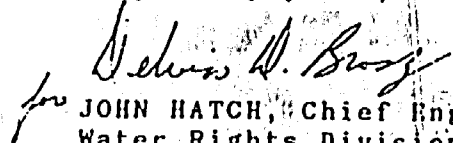


September 21, 1988
Richard Beringson, Secretary
Page 2

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