

No. 1546-3Water Division No. 3JAMES RIVERDistrict 10-30-120

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

VESTED RIGHTSTATE WATER RESOURCES COM.  
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 CRESBARD LAKE - Faulk County  
As required to fill lake to outlet level - approximately 140  
 3. Amount of water claimed acre feet per year cubic feet per second  
 4. Source of water supply Drainage by run-off from watershed  
 5. Location of point of diversion One point in the watershed located in the SE 1/4  
Sec. 27, T 120 N, R 68 W 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 domestic use (giving location, etc.) To the ordinary high water mark  
of inundated portion of Sec. 27, 34; T 120 N; R 68 W.

## 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 \_\_\_\_\_

V/R.

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 24 feet; length at bottom 900 feet; length at top 900 feet; thickness at bottom 120 feet; thickness at top 16 feet; slope at front water face 4:1; slope at back face 4:1; material used in construction earth fill  
 (b) Reservoir: Capacity when filled XXX 560 acre feet. Surface area at highwater mark XXX 70 acres.

| DEPTH AT<br>OUTLET-Feet | SURFACE AREA AT EACH<br>DEPTH AT OUTLET-ACRES | FEET | ACRE-Feet<br>CAPACITY |
|-------------------------|-----------------------------------------------|------|-----------------------|
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |
|                         |                                               |      |                       |

(c) Head gate: Width ----- feet; height ----- feet;

Material -----

(d) Canal: Total length 3 1/2 miles.

| LOCATION BELOW<br>HEADGATE | DEPTH      | BOTTOM<br>WIDTH | WIDTH AT<br>WATER-LINE | GRADE<br>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.)

completed - not applicable

10. Time required for completion of work ----- years.

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

I, R. A. Hodgins

being first duly sworn on my oath depose and say: That in 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

Subscribed and sworn to before me this

27th

day of

March

1968

Notary Public (or other qualified officer.)

\*Each diversion must have a headgate or measuring device.

H. E. Bowers, Notary Public  
 My Commission Expires

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED

STATE OF SOUTH DAKOTA  
County of HUGHES } ss.

Pierre, South Dakota, APRIL 15, 1968

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

9 m. upon the 2ND day of APRIL, 1968.

State Water Resources Commission

By: [Signature]

Chief Engineer, Executive Officer

Number of permit 1546-3

Date of first receipt of application APRIL 2, 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 1936, 19\_\_\_\_

Approved APRIL 15, 1968 Recorded in Book 10 Page 149

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~~ \_\_\_\_\_, 19\_\_\_\_

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 140 ACRES FEET ANNUALLY ~~one cubic foot 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 ~~cubic foot (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually~~ was

USED FOR PUBLIC RECREATION

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

CONTINUOUSLY

Witness my hand this 15TH day of APRIL, 1968

State Water Resources Commission

By: [Signature]

Chief Engineer, Executive Officer

Certificate of Construction Issued APRIL 15, 1968

Water License issued APRIL 15, 1968

Permit No. 1546-3

Water Division No. 3 JAMES 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 the Right

No. 1546-3, bearing date of priority of 1936, authorized the diversion of

140 acre feet annually

County of Faulk, State of South Dakota, at a point in the

SE 1/4, Section 27, T. 20N, R. 68W

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

condition for diverting and conveying to the place of intended use 140 acre feet annually

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 purposes

Witness in hand this 15th day of April A. D. 1968

State Water Resources Commission

By:

J.W. GRIMES  
Chief Engineer, Executive Officer

## STATE OF SOUTH DAKOTA

WATER LICENSE No. 1546-3

WHEREAS, On the 2nd day of April, A. D. 1968  
 the Department of Game, Fish and Parks

of Pierre County of Hughes and State of  
South Dakota duly made application (No. 1546-3) to us for a Vested Right use 140 acre feet  
annually ~~cubic feet per second~~ of the waters of dry draw  
 County of Faulk, State of South Dakota, for public recreation  
 purposes; and

WHEREAS, On the 15th day of April, A. D. 1968  
Vested Right Permit No. 1546-3 was issued to said applicant... for the diversion of said water, and recognizing  
 completion of the works of diversion therein described on ~~XXXXXX~~ XXXXXX day of ~~XXXXXX~~  
~~XXXXXX~~ and for the application to beneficial use of said  
 water on ~~XXXXXX~~ XXXXXX day of ~~XXXXXX~~  
 and,

WHEREAS, On the 2nd day of April, A. D. 1968  
 the holder... of said permit duly made proof of the completion of adequate works for the diversion of  
140 acre feet annually ~~XXXXXX~~ of said waters, as evidenced by our Certificate No. 1546-3  
 dated April 15, 1968 confirming the completion of works of sufficient capacity for  
140 acres feet annually  
 diverting and conveying to the place of intended use ~~XXXXXX~~ cubic feet per second of water, with date of  
 priority of 1936 ~~XXXXXX~~ and,

WHEREAS, On the 2nd day of April, A. D. 1968  
140 acre feet annually  
 proof was duly made of the application to beneficial use of ~~XXXXXX~~ of said water;  
to be stored and 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 the holder and owner of said <sup>Vested Right</sup> permit No. 1546-3  
 a water right, dating from 1936 to the use of 140 acre  
feet annually of the waters of dry draw  
 in the County of Faulk and State of South Dakota, or so much thereof as may be  
 necessary for the purposes hereinbelow mentioned, to be diverted at point in the SE 1/4, SE 1/4,  
Section 27, T12CN, R58W  
 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 15th day of April 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 ParksCresbard Lake - Faulk 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. KRMIX One point in the watershed located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; sec. 27, T. 120 N.R. 68 W.

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 900 feet long, 25 feet highImpoundment of 70 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 outlet level - approximately 140 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 1936 when dam was constructed. Used by the public for the uses specified except for that amount lost by evaporation and seepage

(Sign)

*R. D. Hodgins*

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 \_\_\_\_\_ County of Hughes State of South Dakota, on this 27th day of March A. D. 1968

Witnesses

H. E. Gowers, Notary Public

My Commission Expires \_\_\_\_\_

July 25th, 1968

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 \_\_\_\_\_

1546-3

**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

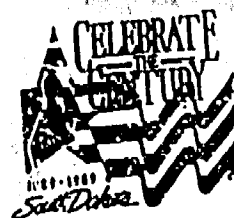
Dear Mr. Beringson:

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

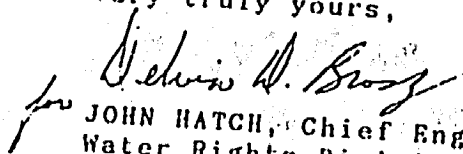
Richard Beringson, Secretary

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,

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

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

# FAULK COUNTY

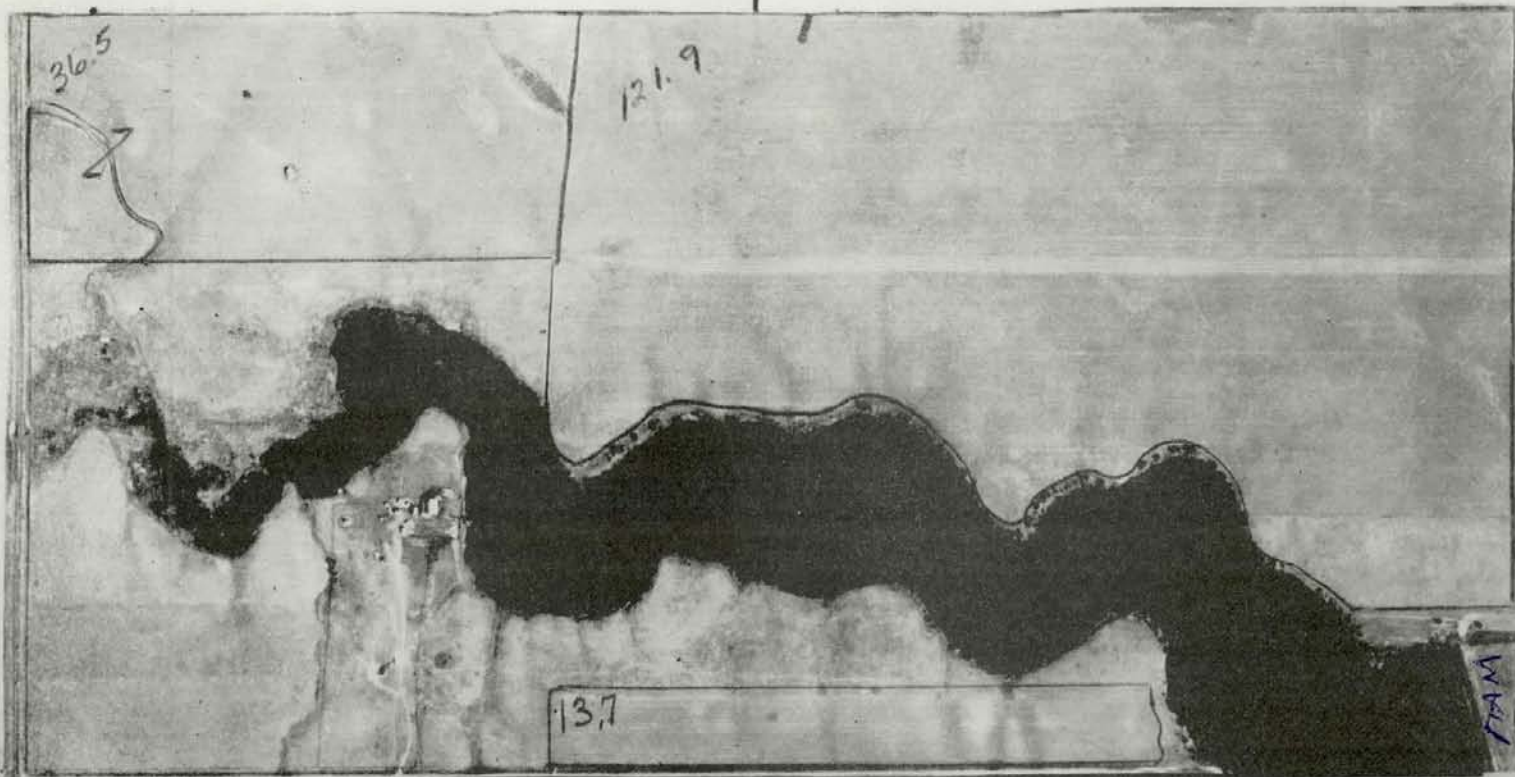
TRACT NO. 16-116

OPERATOR Sams

PHOTO NO. CRESBARD LAKE

OWNER Paul Long

Farmland..... Cropland..... NCOP..... Other Land.....



Legal Description 1/2 27-120-68

# FAULK COUNTY

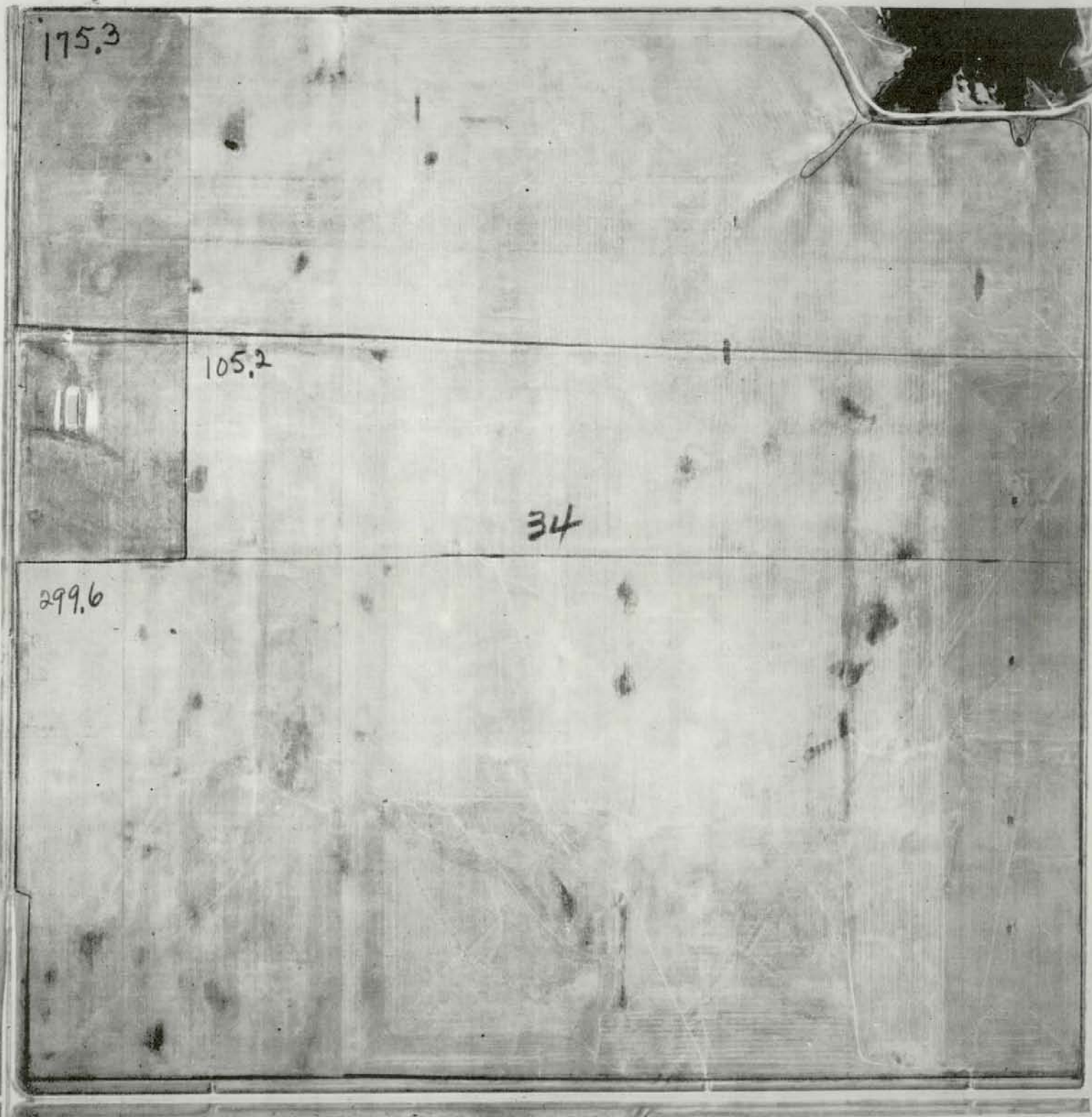
TRACT NO. ....10-116.....

OPERATOR ....S. Ames.....

PHOTO NO. CRESBARD LAKE

OWNER ....Paul Lang.....

Farmland..... Cropland..... NCOP..... Other Land.....



Legal Description ....Dep 34-120-68.....

## Water Rights Program File Documentation

Name of Dam: Cresbard

NID No.: SD00661

Date: January 7, 2026

RE: Survey for water right validation

Comments:

Using the VRS Now service (Midstates VRS) from Trimble and a Trimble R12i, survey data was collected at Cresbard Dam in NAVD 88 on October 29<sup>th</sup>, 2025. The focus of the survey was to obtain an elevation of the crest of the primary spillway to validate the vested water right claim for the dam (Vested Water Right Claim No. 1546-3). Other points were also collected and are summarized in the below table. The topo180 is a longer shot (takes about 2.5 to 3 minutes) and the rapid point takes a couple of seconds. For a quality control check, the survey data was compared to the LiDAR based DEM from the SDGS dataset for the area and the surveyed elevations generally agreed with the elevation data within the level of accuracy of the data.

The primary spillway at Cresbard Dam is a concrete chute spillway. Given the age of the spillway, there has been some slight loss of concrete across the crest over the years. However, several survey points were taken along the spillway crest and an attempt to survey points with minimal concrete loss was made. The approximate location of the points surveyed for the primary spillway and secondary are shown in the below photos. Considering this, and the survey data, the recommendation is to validate the vested claim at a primary spillway elevation of 1,463.4 ft (NAVD 88).

| Point Name                   | Antenna height (ft)<br>base of quick release | Latitude     | Longitude    | Elevation (ft) (NAVD88) | Horizontal<br>precision<br>(survey ft) | Vertical<br>precision<br>(survey ft) | Vertical<br>precision (cm) | point type |
|------------------------------|----------------------------------------------|--------------|--------------|-------------------------|----------------------------------------|--------------------------------------|----------------------------|------------|
| crest 1                      | 6.562                                        | 45.17353615N | 99.00197849W | 1471.044                | 0.043                                  | 0.039                                | 1.19                       | topo180    |
| primary spillway right       | 6.562                                        | 45.17382234N | 99.00207960W | 1463.372                | 0.042                                  | 0.083                                | 2.53                       | topo180    |
| primary spillway middle      | 6.562                                        | 45.17385703N | 99.00207782W | 1463.408                | 0.033                                  | 0.041                                | 1.25                       | topo180    |
| primary spillway left        | 6.562                                        | 45.17388544N | 99.00207571W | 1463.356                | 0.035                                  | 0.042                                | 1.28                       | topo180    |
| crest 2                      | 6.562                                        | 45.17291542N | 99.00172982W | 1470.277                | 0.03                                   | 0.038                                | 1.16                       | topo180    |
| crest 3                      | 6.562                                        | 45.17264075N | 99.00161301W | 1470.041                | 0.029                                  | 0.037                                | 1.13                       | topo180    |
| crest 4                      | 6.562                                        | 45.17223015N | 99.00145540W | 1471.251                | 0.032                                  | 0.044                                | 1.34                       | topo180    |
| secondary spillway fuse plug | 6.562                                        | 45.17161907N | 99.00142249W | 1466.904                | 0.041                                  | 0.059                                | 1.80                       | topo180    |

Whitney Kilts  
Natural Resources Engineer





## Kilts, Whitney (DENR)

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**From:** Nagel, Justin  
**Sent:** Wednesday, January 7, 2026 4:21 PM  
**To:** Kilts, Whitney (DENR); Gilkerson, James  
**Cc:** Dewell, Amanda  
**Subject:** RE: Cresbard dam survey for water right validation

Thanks Whitney,

Just conferred with Brock, and the Office of SPL defers to DANR Water Rights judgement when it comes to recommendations like these. We concur with your office!

Thanks,

Justin

**From:** Kilts, Whitney (DENR) <Whitney.Kilts@state.sd.us>  
**Sent:** Wednesday, January 7, 2026 3:54 PM  
**To:** Gilkerson, James <James.Gilkerson@state.sd.us>; Nagel, Justin <Justin.Nagel@state.sd.us>  
**Cc:** Dewell, Amanda <Amanda.Dewell@state.sd.us>  
**Subject:** Cresbard dam survey for water right validation

James and Justin,

Attached is the draft survey for water right validation write-up for Cresbard Dam in Faulk County. Please let me know if you have any questions or concerns on the recommended elevation for vested water right claim validation or if the recommended elevation looks agreeable.

Also including the 2025 inspection report, since it's done.

Thanks,



**Whitney Kilts**  
**Office of Water-Water Rights Program**  
Department of Agriculture and Natural Resources  
523 E. Capitol Ave. Pierre SD, 57501  
605.773.3352  
[danr.sd.gov](http://danr.sd.gov)

## Kilts, Whitney (DENR)

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**From:** Gilkerson, James  
**Sent:** Wednesday, January 7, 2026 4:33 PM  
**To:** Kilts, Whitney (DENR); Nagel, Justin  
**Cc:** Dewell, Amanda  
**Subject:** RE: Cresbard dam survey for water right validation

Whitney,

No questions or concerns on my end, the recommended elevation looks agreeable.

Thanks!

James

**From:** Kilts, Whitney (DENR) <Whitney.Kilts@state.sd.us>  
**Sent:** Wednesday, January 7, 2026 3:54 PM  
**To:** Gilkerson, James <James.Gilkerson@state.sd.us>; Nagel, Justin <Justin.Nagel@state.sd.us>  
**Cc:** Dewell, Amanda <Amanda.Dewell@state.sd.us>  
**Subject:** Cresbard dam survey for water right validation

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Thanks,



**Whitney Kilts**  
**Office of Water-Water Rights Program**  
Department of Agriculture and Natural Resources  
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605.773.3352  
[danr.sd.gov](http://danr.sd.gov)