

No. 1574-3
 Water Division No. 3 BIG SIOUX RIVER District _____
 (Blanks to be Filled by the Engineer for the W. R. C.)

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 _____
 (iv) 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 LAKE NORDEN - HAMLIN COUNTY
As required to fill lake to outlet level - approximately 7,238
 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 NE 1/4, Sec. 21,
T. 112 N., R. 53 West 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. 2, 15, 16, 17, 21, T. 113 N., R. 53 W.

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

- (a) Nature of use Public recreation user
 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, \$2,000 repair in 1967 (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.)

dam and spillway

II. Dimensions of works.

(a) Dam: Height 8 feet; length at bottom 40 feet; length at top 40 feet; thickness at bottom 12 feet; thickness at top 12 feet; slope at front water face No slope; slope at back face material used in construction Concrete
 (b) Reservoir: Capacity when filled 2,837 acre feet. Surface area at highwater mark 746.5 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 F.T. 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, 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.

Signed

Subscribed and sworn to before me this 23 day of April 1968

Notary Public (or other qualified officer.)

*Each Diversion must have a headgate or measuring device.

H. E. Bowers, Notary Public
 My Commission Expires 1973.

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED

STATE OF SOUTH DAKOTA
County of HUGHES }

Pierre, South Dakota, MAY 8, 1968

This is to certify that the foregoing application was received by the Commission at 3:30 o'clock
P.m. upon the 23RD day of APRIL, 1968

State Water Resources Commission

By:

Sutton
Chief Engineer, Executive Officer

Number of permit 1574-3

Date of first receipt of application APRIL 23, 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 1932, 1968

Approved MAY 8, 1968, Recorded in Book 10 Page 154

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 2238 ACRE FEET ANNUALLY ~~suble 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 course 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 WAS

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

CONTINUOUSLY

Witness my hand this 8TH day of MAY, 1968

State Water Resources Commission

By:

Allen
Chief Engineer, Executive Officer

Certificate of Construction issued MAY 8, 1968

Water License issued MAY 8, 1968

Permit No. 1574-3

Water Division No. 3 **BIG SIOUX**
RIVER Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCE N:

This is to Certify, That the Dept. of Game, Fish and Parks

(Lake Nardara)

of Pierce, County of Hughes, and State of South Dakota,
the holder of Vested Right of Permit No. 1574-3 Issued upon Application

South Dakota, the holder of Vested Right Permit No. 1574-3, Issued upon Application No. 1574-3, bearing date of priority of 1932, authorizing the diversion of

2,238 acre feet annually
 on ft. per second of the waters of dry draws

County of Hamlin, State of South Dakota, at a point in the
NE $\frac{1}{4}$, Section 21, T113N, R53W

.....for public recreation.....

purposes, has ~~fully~~ **recognized as** 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 in~~ **recognized as** satisfactory ~~work~~

condition for diverting and conveying to the place of intended use 2,238 acres feet annually ~~and~~.

second of water; and that the ~~XXXXXXXXXXXX~~ use of said water are described as follows,

to-wit: ~~to be used in place for public recreation purposes~~-----

Witness my hand this 8th day of Nov A. D. 1969

State Water Resources Commission

By:

Chief Engineer J. V. GILLES

STATE OF SOUTH DAKOTA

WATER LICENSE No. ¹⁵⁴⁷⁻³ 1547-3

WHEREAS, On the 23rd day of April A. D. 1968
the Department of Game, Fish and Parks
(Lake Nurelin)
of Pierre County of Hughes and State of
South Dakota duly made application (No. 1547-3) to us for a permit to use 2,238 acre feet
annually
~~the waters of~~ dry draws
County of Hamlin, State of South Dakota, for public recreation
purposes; and

WHEREAS, On the 8th day of May A. D. 1968
Vested Right recognizing
Permit No. 1547-3 was issued to said applicant... for the diversion of said water, ~~not to be used for~~
completion of the works of diversion therein described ~~and for the application to beneficial use of said~~
~~water~~ and, ~~and,~~

WHEREAS, On the 23rd day of April A. D. 1968
the holder... of said permit duly made proof of the completion of adequate works for the diversion of 2,238 acre
feet annually ~~of said waters, as evidenced by our Certificate No. 1547-3~~
dated May 6, 1968 confirming the completion of works of sufficient capacity for
2,238 acre feet annually
diverting and conveying to the place of intended use ~~of water, with date of~~
priority of 1932 and,

WHEREAS, On the 23rd day of April A. D. 1968
2,238 acre feet annually
proof was duly made of the application to beneficial use of ~~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 Vested Right permit No. 1574-3
a water right, dating from 1932 to the use of 2,238 acre feet
annually ~~XXXXXX~~ of the waters of dry draws
in the County of Hamlin 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 21, T113N, R53W
and ~~XXXXXX~~ 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 May A. D. Nineteen
Hundred and Sixty-eight

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

Locator 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 ParksLake Norden - Hamlin 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. One point in the watershed located in the NE 1/4 Sec. 21, T. 113 No. R53 53W

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. Concrete dam - approximately 40 feet long, 8 feet highImpoundment of 746.3 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 2,238 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 1932 when dam was constructed. Used by the public
.... for the uses specified except for that amount lost by evaporation and seepage

(Sign) _____

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 Wagner
State of South Dakota, on this 23rd day of August, A. D. 1968

----- } Witnesses.

H. E. Bowers, Notary Public
My Commission Expires -----

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.

R A Hodges

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.

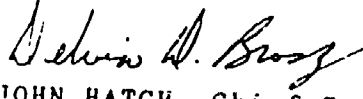


September 21, 1988
Richard Beringson, Secretary
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We will be working with your staff on these validations. We have already discussed setting outlet elevations before validating claims for lakes. Although the work necessary to complete the validation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