

No. 1595-3
 Water Division No. 3 Big Sioux River District 1
 (Plans to be filled by the Engineer for the W. R. C.)
VESTED RIGHT
APPLICATION FOR PERMIT
 STATE WATER RESOURCES COMMISSION
 Pierre, South Dakota

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 this 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 FLORENCE - Hamlin County
 As required to fill lake to outlet - approximately 450 acre feet
 3. Amount of water claimed per year cubic feet per second
 4. Source of water supply Drainage by run-off from watershed
 5. Location of point of diversion Inlet diversion SE 1/4 Sec. 26-114-52 - Outlet diversion
SW 1/4 Sec. 35-114-52 on back 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. 26, 35, T114- R52

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

1/2

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 not applicable. Lake Florence is a meandered lake.
Maximum depth approximately 6 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 face
material used in construction
(b) Reservoir: Capacity when filled450.....acre feet. Surface area at highwater mark150.....acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	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. Not applicable - a meandered lake
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 of Hughes } ss.

I, R. A. Higgins, 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 R. A. Higgins

Subscribed and sworn to before me this 19th day of June 1968

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

"VESTER RIGHT" CLAIMED

STATE OF SOUTH DAKOTA

County of HUGHES

ss.

Pierre, South Dakota, JUNE 20, 1968

This is to certify that the foregoing application was received by the Commission at 3:30 o'clock

P.m. upon the 19TH day of JUNE, 1968

State Water Resources Commission

By:

Durton Jones
Chief Engineer, Executive Officer

Number of permit 1595-3

Date of first receipt of application JUNE 19, 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, 19____

Approved JUNE 20, 1968 Recorded in Book 10 Page 218

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 _____

4th. The water appropriated shall be used for the purpose of COMPLETED 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 450 ACRE 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 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

and beneficially ⁴applied for irrigation 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 JUNE, 1968

State Water Resources Commission

By:

Durton Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued

JUNE 20, 1968

Water License Issued

JUNE 20, 1968

Permit No. 1595-3

Water Division No. 3 BIG SIOUX 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 (Lake Florence)~~
of ~~Pierre~~, County of ~~Hughes~~, and State of
~~South Dakota~~, the holder ^{Vested Right} of Permit No. 1595-3 issued upon Application
No. 1595-3 bearing date of priority of 1889, authorizing the diversion of
450 acre feet annually per second of the waters of any draw
County of Hanlin, State of South Dakota, at a point in the
SE 1/4, Section 26, T114N, R52W
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} ~~found~~ satisfactory
condition for diverting and conveying to the place of intended use 450 acres feet annually cuxitz;
per second of water; and that the ~~lands proposed to be irrigated by the use of said water are described as follows:~~
~~XXXXXX~~ ~~XXXXXXXXXXXXXXXXXXXX~~

to-wit: to be stored and used for public recreation purposes

Witness my hand this 20th day of June A. D. 1968

State Water Resources Commission
By: J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 1595-3.

WHEREAS, On the 19th day of June A. D. 1968
the Department of Game, Fish and Parks (Lake Florence)

of Pierre County of Hughes and State of South Dakota
duly made application (No. 1595-3) to us for a permit to use 450 acres
feet annually of the waters of dry draws
County of Hamlin, State of South Dakota, for public recreation
purposes; and

WHEREAS, On the 20th day of June A. D. 1968
Vested Right Permit No. 1595-3 was issued to said applicant... recognizing
completion of the works of diversion therein described on or before the day of
and for the application to beneficial use of said
water on or before the day of
and,

WHEREAS, On the 19th day of June A. D. 1968
the holder of said permit duly made proof of the completion of adequate works for the diversion of 450 acre
feet annually of said waters, as evidenced by our Certificate No. 1595-3
dated June 20, 1968 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 450 acre feet annually of water,
priority of 1889 and,

WHEREAS, On the 19th day of June A. D. 1968
proof was duly made of the application to beneficial use of 450 acre feet annually
to be stored in place and used 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 (Lake Florence)
Vested right

of Pierre the holder and owner of said permit No. 1595-3

a water right, dating from 1889 to the use of 450 acre feet

annually
~~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 SE 1/4 SW 1/4

Section 26, T114N, R52W

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 20th day of June A. D. Nineteen

Hundred and Sixty-eight

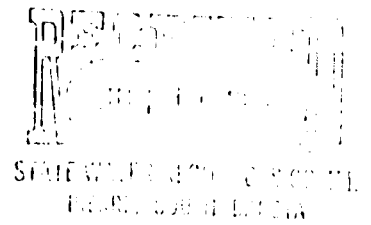
State Water Resources Commission

By:

J. W. GRIES
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, Pierre, South Dakota
Lake Florence - 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. Drainage by run-off from watershed

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 - 150 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 now 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 450 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. H. [Signature]

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 _____ State of South Dakota, on this _____ day of _____ A. D. 19____

} 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. _____

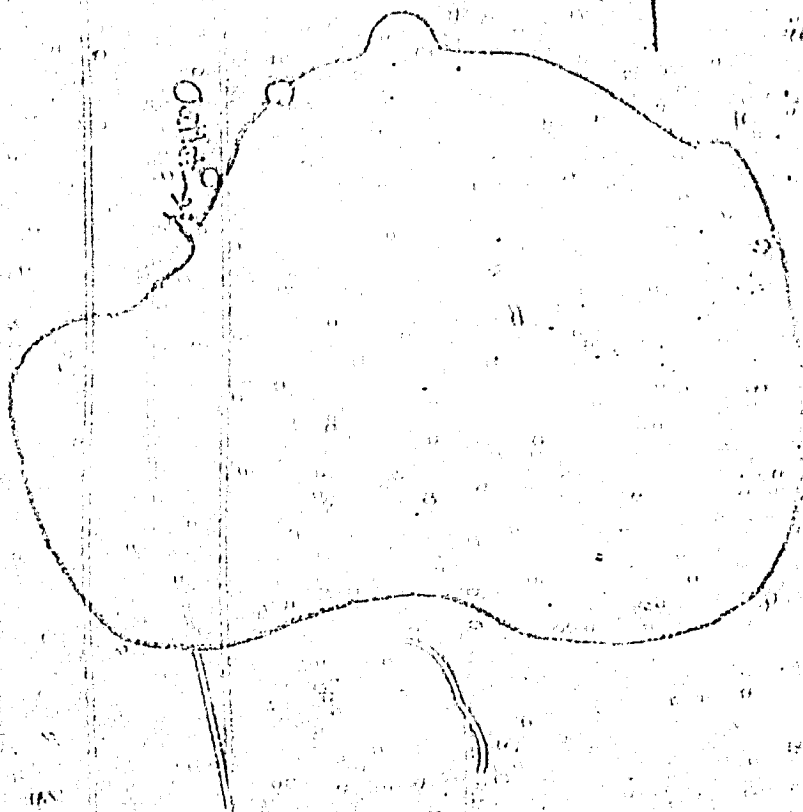
PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.
Source _____
County _____
Purpose _____
Place of Use _____

Date of recording _____

Received and filed _____



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[Faint handwritten notes, possibly bleed-through from the reverse side.]

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1595-3

 **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.

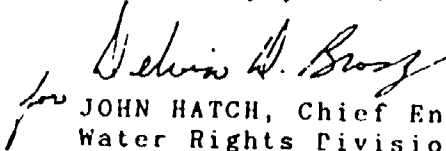


September 21, 1988
Richard Beringson, Secretary
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We will be working with your staff on these validations. We have already discussed setting outlet elevations before validating claims for lakes. Although the work necessary to complete the validation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