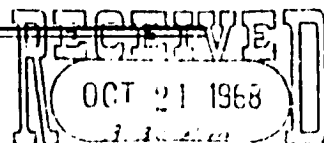


No. 1638-3Water Division No. 3 JAMES RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA**VESTED RIGHT**
APPLICATION FOR PERMIT**To Appropriate Water within the State of South Dakota**

(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 LAKE LOUISE - Hand County
As required to fill lake to outlet level - approximately 450
3. Amount of water claimed acre feet per year cubic feet per second _____
4. Source of water supply Drainage by run-off from watershed Weir Creek
5. Location of point of diversion One point in the watershed located in the SW 1/4 Sec. 5-113-69
and NE 1/4 Sec. 4-113-69 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. 4 & 5; T-113-R-69.

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 _____

VIR.

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 37 feet; length at bottom 700 feet; length at top 950 feet; thickness at bottom 20 feet; thickness at top 16 feet; slope at front water face 3:1; slope at back face 1 1/2:1; material used in construction Earth, Rock face

(b) Reservoir: Capacity when filled 1200 acre feet; Surface area at highwater mark 150 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 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 work completed - not applicable 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

} ss.

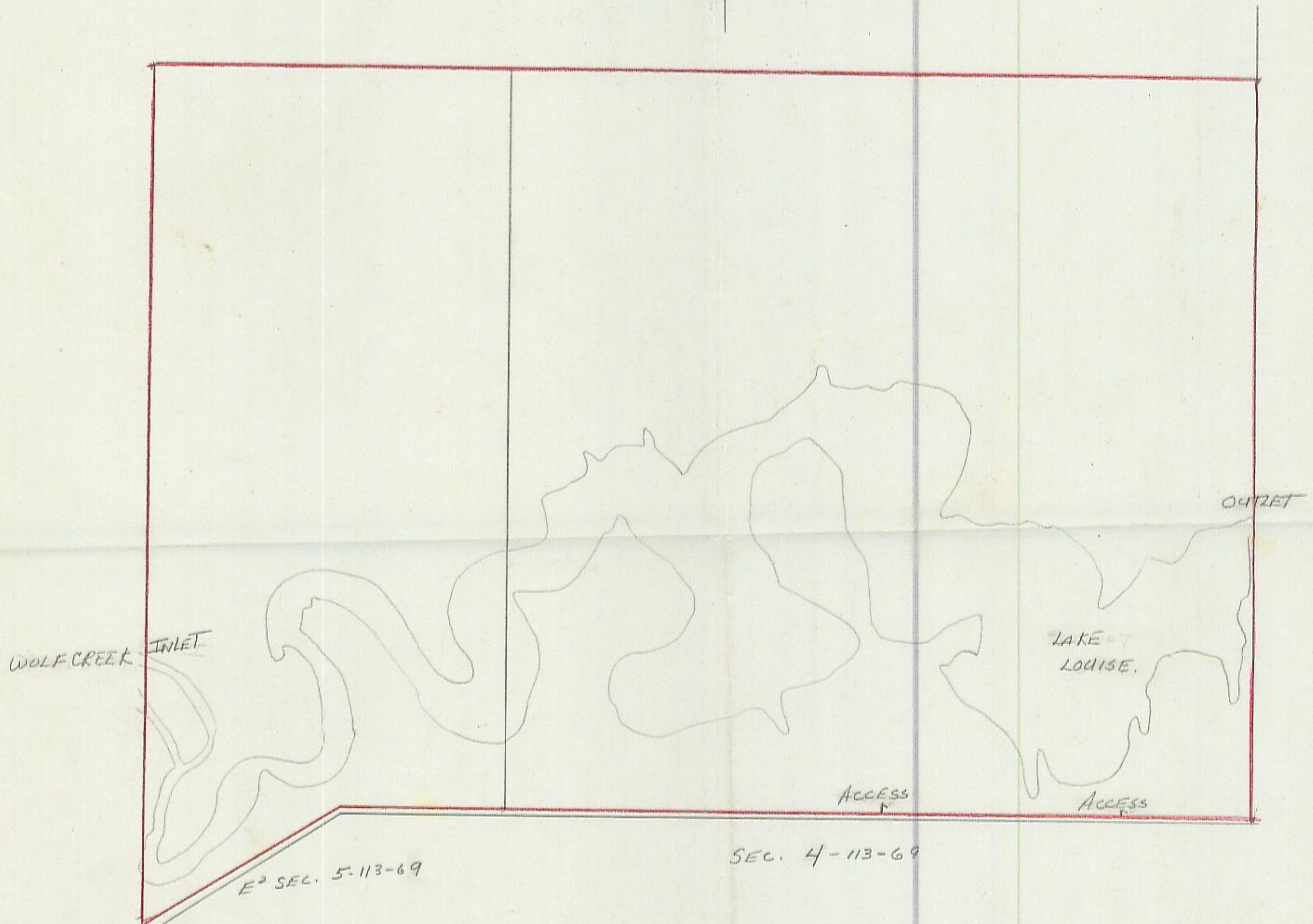
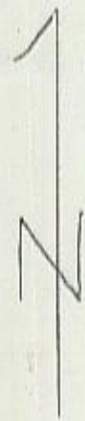
i, R. A. Hodgins, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed R A Hodgins

Subscribed and sworn to before me this 9/21 day of Oct 1915

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



Lake Louise
Hand Co.
State Land outlined in red

MT 1638-3

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED

STATE OF SOUTH DAKOTA

County of HUGHES ss.

Pierre, South Dakota, DECEMBER 13, 1968

This is to certify that the foregoing application was received by the Commission at 3:30 o'clock
9 p.m. upon the 21ST day of OCTOBER, 1968

State Water Resources Commission

By:

[Signature]
for Chief Engineer, Executive Officer

Number of permit 1638-3

Date of first receipt of application OCTOBER 21, 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, —

Approved DECEMBER 13, 1968, Recorded in Book 10 Page 301

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 450 ACRES FEET ANNUALLY ~~either for one season~~; 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 ~~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 13TH day of DECEMBER, 1968.

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 13, 1968

Water License Issued DECEMBER 13, 1968

Permit No. 1638-3Water 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 Parksof Pierre, County of Hughes, and State of South Dakota, Vested Right:the holder 1638-3, Issued upon Application No. 1638-3, bearing date of priority of 1932, authorizing the diversion of450 acre feet annually of the waters of Wolf CreekCounty of Hand, State of South Dakota, at a point in theNE 1/4 SE 1/4, Section 4, T113N, R59Wfor public recreationpurposes, 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 satisfactoryfor diverting and conveying to the place of intended use 450 acre feet annually of

water; and that the laws of the State of South Dakota relating to the use of said water are described as follows,

to-wit:

to be used for public recreation purposesWitness my hand this 13th day of December A. D. 19 68

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 1638-3

WHEREAS, On the 21st day of October 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. 1638-3) to us for a permit to use 450 acre feet annually ~~cubic feet per second~~ of the waters of Wolf Creek

County of Hand, State of South Dakota, for public recreation purposes; and

WHEREAS, On the 13th day of December A. D. 19 68
 Vested Right
 Permit No. 1638-3 was issued to said applicant... for the diversion of said water, ~~and providing for the~~ recognizing
 completion of the works of diversion therein described ~~on or before the~~ XXXXXX
~~XXXXXX~~ and ~~XXXXXX~~ the application to beneficial use of said
 water ~~XXXXXX~~ XXXXXX
 and,

WHEREAS, On the 21st day of October A. D. 19 68
 the holder... of said permit duly made proof of the completion of adequate works for the diversion of 450 acre feet annually ~~cubic feet per second~~ of said waters, as evidenced by our Certificate No. 1638-3
 dated December 21, 1968 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 450 acre feet annually ~~cubic feet per second~~ of water, with date of
 priority of 1932 ~~XXXXXX~~ and,

WHEREAS, On the 21st day of October A. D. 19 68
450 acre feet annually
 proof was duly made of the application to beneficial use of XXXXXX cubic feet per second of said water;

to be stored and used in place for public recreation

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 13th day of December A. D. Nineteen
Hundred and Sixty-eight.

By:

J. W. GRINES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No.

To

Source of Supply

Count: _____

Am't _____ C.F.S.

Point of Diversion

Place of Use

Purification

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 ParksLake Louise, Hand 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 SW $\frac{1}{4}$ 5-113-69 & NE $\frac{1}{4}$ SE $\frac{1}{4}$ 4-113-69

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 700 feet long, 37 feet highImpoundment of 150 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 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. 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) RA Horgan

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 the River County of Highway

State of South Dakota, on this 21st

day of Oct

A. D. 19 68

Edna McCasill

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 _____

**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.

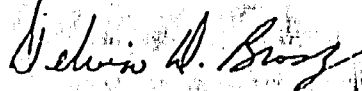


September 21, 1988
Richard Beringson, Secretary
Page 2

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