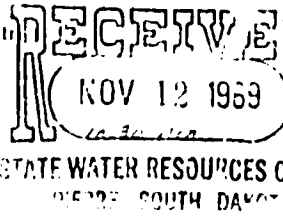


No. 1817-3

Map No. \_\_\_\_\_ Water Division No. 3 JAMES RIVER  
(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 Dept. of Game, Fish & Parks  
Postoffice address Pierre State South Dakota  
If a corporation show date and place of incorporation \_\_\_\_\_
2. Method of accomplishing work (contract, employment of others, or by direct labor) completed - 1930's
3. Name of diversion work Tacoma Park Dam
4. Amount of water claimed (cubic feet per second) 60 acre feet
5. Source of water supply James River
6. Location of point of diversion NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  24-124-62
- County Brown
7. Annual period or periods during which water is to be used continuous
8. Use to be made of water. (Irrigation, industrial, municipal, commercial, recreation, etc.) public recreation
9. For irrigation use, \_\_\_\_\_  
Total number of acres to be irrigated \_\_\_\_\_

List below each forty-acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

| Land Description | No. Acres Irr. | Land Description | No. Acres Irr. |
|------------------|----------------|------------------|----------------|
|                  |                |                  |                |
|                  |                |                  |                |
|                  |                |                  |                |
|                  |                |                  |                |
|                  |                |                  |                |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system NA years. Additional time required to complete application of water to the proposed beneficial use NA years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication. NA
12. Principal Features of the Proposed Water Supply System.
  - A. Works proposed to divert water from its natural source. S. A. ~ 20 acres  
Max. depth 4'
  - B. Works proposed to transport water to place of use.
  - C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ \_\_\_\_\_

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.  
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Hughes

I, R. A. [Signature] the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction

Subscribed and sworn to before me this 13<sup>th</sup> day of July 1969  
[Signature]  
Notary Public (or other qualified officer)

## WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1817.3DEPT OF GAME, FISH & PARKS  
(Applicant)PIERRE

(Post Office Address)

SOUTH DAKOTA  
(State)

With the following modifications:

**"VESTED RIGHT" CLAIMED**Date of first receipt of application NOVEMBER 12 1969Date of return to applicant for correction, amendments or changes required — 19—Date of receipt of corrected application — 19—Approved MARCH 29 1971, Recorded in Book 11 Page 276WATER RIGHT PERMIT NO. 1817.3The Water Resources Commission hereby grants and issues this Water Right Permit No. 1817.3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is 1935
2. The equivalent of at least one-fifth of the work above specified is ~~not~~ completed ~~on or before~~
3. The whole of said work is ~~not~~ completed ~~on or before~~
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED
5. The water appropriated shall be used for the purpose of PUBLIC RECREATION

6. 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.

7. The amount of the appropriation herein granted shall not exceed 620 ACRE FEET ANNUALLY; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~irrigation and for the irrigation purposes and appropriation must be limited to not more than 5 acre feet per acre of irrigated land~~ USED FOR PUBLIC RECREATION <sup>was</sup> actually and beneficially ~~applied in irrigation~~ on or before JUNE 30 1955; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 29<sup>TH</sup> day of MARCH 1971

WATER RESOURCES COMMISSION

By:

[Signature]  
Chief Engineer, Executive OfficerCertificate of Construction Issued MARCH 29 1971Water License Issued MARCH 29 1971

Permit No. 1817-3Water Diversion No. 3 James River Water District

## CERTIFICATE OF CONSTRUCTION

This is to Certify, That The Department of Game, Fish & Parks

\_\_\_\_\_ the holder \_\_\_\_\_ of  
Vested Right  
 Permit No. 1817-3, issued upon Application No. 1817-3, bearing date of priority of 1935  
 \_\_\_\_\_ authorizing the diversion of 60 acre feet annually  
~~on ft. per second~~ of the waters of \_\_\_\_\_

the James River County of Brown, State of South Dakota at \_\_\_\_\_  
a point in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 24, Township 124N, Range 62W

\_\_\_\_\_, for public recreation - Lacoma Park Dam

purposes, has \_\_\_\_\_ 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  
60 acre feet annually  
~~condition~~ for diverting and conveying to the place of intended use \_\_\_\_\_ ~~on ft. per second~~ of water.

Date March 29, 1971

WATER RESOURCES COMMISSION

By:

J. W. GRIMES, Executive Officer

WATER LICENSE NO. 1817-3

(1) WHEREAS, On the 12th day of November A. D. 19 69  
The Department of Game, Fish & Parks  
made Water Right Application No. 1817-3 for Vested Right 60 acre ft. annually of the waters  
of The James River  
County of Brown, State of South Dakota, for public recreation  
purposes; and  
(2) WHEREAS, On the 29th day of March A. D. 19 71  
Vested Right  
/Permit No. 1817-3 with a date of priority of 1935  
was issued to said applicant recognizing the completion of construction of the water  
supply system therein described and the application to beneficial use of said water on or before the 11-19

and:  
(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota  
relating to completion of the construction of the water supply system and is entitled to divert 60 acre feet annually  
of water for beneficial use and.  
(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota  
relating to the application of water to beneficial use of the following extent.  
Water is used for public recreation purposes.

(5) 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 & Parks

\_\_\_\_\_ of Pierre, South Dakota

the holder \_\_\_\_\_ and owner \_\_\_\_\_ of said <sup>Vested Right</sup> permit No. 1617-3 a water right, dating from 1935

\_\_\_\_\_ to use of 60 acre ft. annually ~~and not per second~~ of the waters of the James River

in the County of Brown 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<sup>1</sup>, SE<sup>1</sup>, Section 24,  
Township 124N, Range 62W

and ~~conduct to and upon~~ stored in place

for the purpose of public recreation *Bureau Park Area*

Subject to any limitations listed in Water Right Permit No. 1617-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota  
this 29th day of March A. D.  
Nineteen Hundred and seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J. V. GRIMS

NOTE: This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

### AFFIDAVIT OF CONSTRUCTION OF WATER USE SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE

Name of Applicant (Same as Form 2) Dept. of Game, Fish & Parks

Post Office Address Pierre, South Dakota, State South Dakota

If a Corporation show date and place of incorporation \_\_\_\_\_

13. Notice of Appropriation (If available)

Date of Posting \_\_\_\_\_ Date of Recording \_\_\_\_\_

Recording Date \_\_\_\_\_

14. Date of start of construction of water supply system 1935

15. Date that water was first applied to beneficial use 1889

16. Name of owner of original water supply system State of South Dakota

17. Amount of water originally applied to beneficial use 60 acre feet c. f. s.

18. Present Use of Water

Amount of water now being used 60 acre ft c. f. s.

Date that this amount of water was first used \_\_\_\_\_

19. Chronological History of Water Use

Attach to this Form 2B, any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

STATE OF SOUTH DAKOTA )

County of Hughes ) ss.

I, R. A. Hodgins, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed \_\_\_\_\_

Subscribed and sworn to before me this 13<sup>th</sup> day of July, 1939

[Signature]  
(Notary Public or other qualified Officer)

I, the undersigned, do hereby certify that I know about the water use system described above that I have read the foregoing and that the matters therein stated are true.



# Department of Water & Natural Resources

Joc Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

September 21, 1988

Richard Beringson, Secretary  
Department of Game, Fish and Parks  
Anderson Building  
405 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.

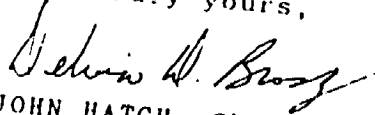


September 21, 1988  
Richard Reringson, Secretary  
Page 2

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,

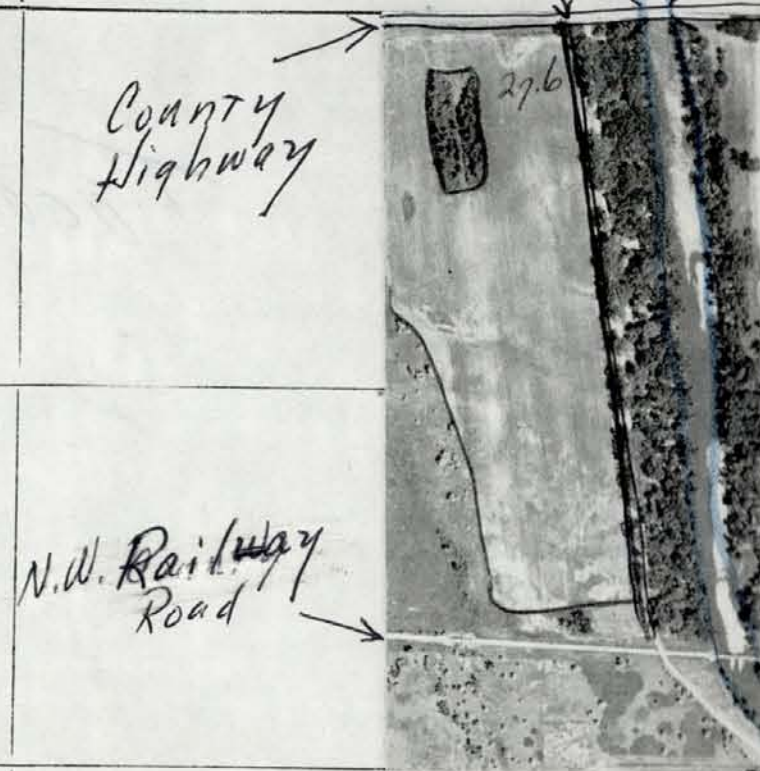


JOHN HATCH, Chief Engineer  
Water Rights Division  
605 773-3352

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

FARM NO. NAME AND ADDRESS FARMLAND CROPLAND  
 69 ELMER PECK 80 69  
 6  
 OP BATH S DAK 57427  
 47 007 6 69  
 69 TACOMA PARK ASSOC  
 6 LAWRENCE MARDIAN-PRES  
 OW 824 N. 2nd St. ERIEN SD 57401

Sheet 172  
 Tract No. \_\_\_\_\_  
 Farm No. \_\_\_\_\_  
 Operator \_\_\_\_\_  
 Owner \_\_\_\_\_  
 James River  
 Access Road



FARM NO. NAME AND ADDRESS FARMLAND CROPLAND  
 47-007-6 M 153  
 OPERATOR  
 OWNER

Sheet #79  
 Tract No. 9-158  
 Farm No. \_\_\_\_\_  
 Operator \_\_\_\_\_  
 Owner \_\_\_\_\_



Tacoma Park Dam

VR 1817-3

Legal Description 23-124-62

Legal Description 24-124-62



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 E. CAPITOL AVE  
PIERRE SD 57501-3182  
danr.sd.gov

May 27, 2021

Dear James River Water Right Holder:

I am writing to water right holders and operators who use water from the James River that river flow is much lower this year and to let them know that shutoff orders are possible this summer.

South Dakota law gives the highest priority to domestic use, including livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses will begin to interfere with domestic use. If river levels become critically low, the department may be forced to issue shutoff orders to protect domestic use, including livestock watering and those water rights that are most senior.

We are only cautioning that shutoff orders may become necessary. **This not a shutoff order.** This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shutoff orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and avoid wasting water.

If you are interested, the US Geological Survey has an Internet site showing river flows at 164 stream gauging stations across the state. To view the latest realtime stream flow, go to:

**<https://waterdata.usgs.gov/sd/nwis/current/?type=flow>**

Thank you for your cooperation. If you have any questions, please contact Mark Rath, Blaise Hansen, or Nakaila Steen at (605) 773-3352.

Sincerely,

Eric Gronlund, Chief Engineer  
Water Rights Program