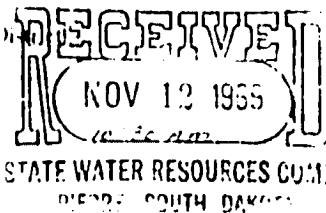


No. 1819-3

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
3. Name of diversion work Tollefson Dam
4. Amount of water claimed (cubic feet per second) 60 acre ft
5. Source of water supply Foster Creek
6. Location of point of diversion NW 1/4 SW 1/4 36-121-60
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.

Surface 20 acres

Max. depth 11

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, Edmund M. Conell 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 day of July 1969
Notary Public (or other qualified official)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1819-3
DEPT OF GAME, FISH & PARKS PIERRE
 (Applicant) (Post Office Address)
SOUTH DAKOTA With the following modifications
 (State)

"VESTED RIGHT" CLAIMED

Date of first receipt of application NOVEMBER 12, 1969
 Date 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 278

WATER RIGHT PERMIT NO. 1819-3

The Water Resources Commission hereby grants and issue this Water Right Permit No. 1819-3 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 ~~to be~~ completed ~~on or before~~ ---
3. The whole of said work is ~~to be~~ 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 600 ACRES 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 beneficial use~~
~~and if for the irrigation purpose, the appropriation shall be limited to not more than 2 acre feet per acre of land to be irrigated to not more than 100 acre feet annually (11-70) and in fact of not to be per annum of time for which water was~~
USED FOR PUBLIC RECREATION
 actually and beneficially ~~applied to irrigation~~ on or before JUNE 30, 1955; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 29TH day of MARCH, 1971

WATER RESOURCES COMMISSION

By:

[Signature]
 Chief Engineer, Executive Officer

Certificate of Construction Issued MARCH 29, 1971

Water License Issued MARCH 29, 1971

Permit No. 1819-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

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

Vested Right the holder _____ of
/Permit No. 1819-3, issued upon Applicatio No. 1819-3, bearing date of priority of 1935

60 acre feet annually
authorizing the diversion of _____ cu. ft. per second of the waters of _____

Foster Creek County of Brown, State of South Dakota at _____

a point in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36, Township 121N, Range 60W

_____, for public recreation

Jackson 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 _____ cu. ft. per second of water.

Date March 29, 1971

WATER RESOURCES COMMISSION

By:

J. W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1819-3

(1) WHEREAS, On the 12th day of November A. D. 1969

The Department of Game, Fish & Parks

made Water Right Application No. 1819-3 for Vested Right 60 acre feet annually ~~under a permit to use~~ of the waters of Foster Creek

County of Brown, State of South Dakota, for public recreation

purpose, and

(2) WHEREAS, On the 29th day of March, A.D. 1971

(2) with the date of the 27th day of March, A. D. 1971
Vested Right
 Permit No. 1819-3, with a date of priority of 1935

was issued to said applicant _____ for the diversion of said water, ~~and provided for~~ **recognizing** the completion of construction of the water supply system therein described ~~and for the~~ _____ ~~and for the~~ ~~and for the~~ _____ and ~~for the~~ application to beneficial use of said water ~~and for the~~ _____ ~~and for the~~ _____ ~~and for the~~ _____

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~~ 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 Vested Right permit No. 1819-3 a water right, dating from 1935
to use of 60 acre feet annually

of Foster Creek

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 1/4, SW 1/4, Section 36,
Township 121N, Range 60W

and ~~conducted to and upon~~ stored in place

for the purpose of public recreation Indian Reservation

Subject to any limitations listed in Water Right Permit No. 1819-3 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. W. GRIMES

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 _____, 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 Data _____

14. Date of start of construction of water supply system _____ 1935 W.P.A. _____

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 ft _____ 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 _____) ss.

I, Rea Hodgson, 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 13th day of April, 1969

Edward M. Goss
(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.

STATE OF MINNESOTA

1st DISTRICT

1st DISTRICT

1st DISTRICT

1st DISTRICT

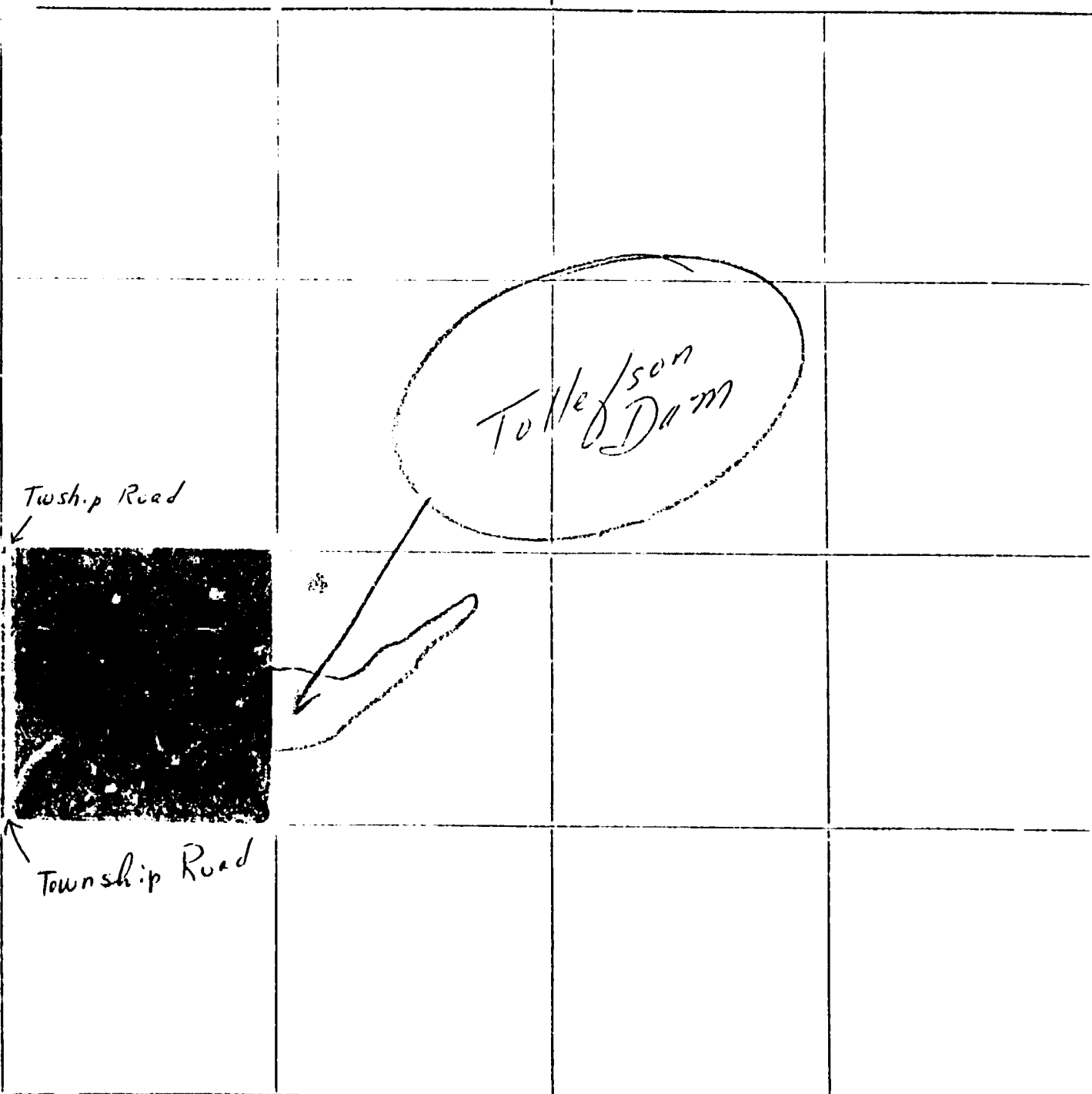
1st DISTRICT

Tract No. _____

Farm No. _____

Operator _____

Owner _____



Legal Description 36-121-60 Tollerfson Dam



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.

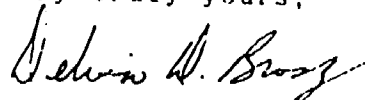


September 21, 1988
Richard Beringson, Secretary
Page 2

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