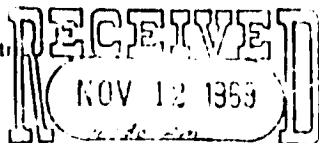


No. 1831-3Map No. _____ Water Division No. 3 WHETSTONE CREEK District _____
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RESOURCES COM.
SOUTH DAKOTA

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 - meandered
3. Name of diversion work Adesaka - (Cottonwood)
4. Amount of water claimed (cubic feet per second) 1344 acre ft
5. Source of water supply local watershed
6. Location of point of diversion NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 13-126-R 50 - Jim Creek

- County Roberts
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 _____ years. Additional time required to complete application of water to the proposed beneficial use _____ years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication _____
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

448 Surface acres5 feet max. depth

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 HughesI, Edna Hodgson the applicant, certify that I have read the foregoing application and have examined the attached map and that the matter therein stated are true and that I intend, and am able to complete the necessary construction.Subscribed and sworn to before me this 13th

of 1959
Edna Hodgson
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1831-3
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 30 1971 Recorded in Book 11 Page 288

WATER RIGHT PERMIT NO. 1831-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1831-3 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 1889
2. The equivalent of at least one-fifth of the work above specified is not completed not
3. The whole of said work is not completed not
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 1344 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 USE FOR PUBLIC RECREATION actually and beneficially applied for on or before JUNE 30 1955 said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand, this 30TH day of MARCH 1971

WATER RESOURCES COMMISSION

By

[Signature]
 Chief Engineer, Executive Officer

Certificate of Construction issued MARCH 30 1971

Water License Issued MARCH 30 1971

Form 2B - Affidavit of Water Use (Supplement to Form 2)

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 Date _____

14. Date of start of construction of water supply system 1889 - meandered

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 1344 acre ft. c. f. s.

18. Present Use of Water

Amount of water now being used 1344 acre ft. c. f. s.

Date that this amount of water was first used 1889

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, J. R. Hastings, 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 March, 1949

[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.

Permit No. 1831-3

Water Diversion No. 3 Whetstone Creek Water District

CERTIFICATE OF CONSTRUCTION

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

Vested Right the holder of
/Permit No. 1831-3, issued upon Application No. 1831-2, bearing date of priority of 1999
1344 acre feet annually
authorizing the diversion of ~~cubic feet per second~~ of the waters of
local watershed County of Roberts, State of South Dakota at
a point in the NE¹, SE¹, Section 13, Township 126N, Range 50W

 , for public recreation

Adescha Lake

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
1344 acre feet annually ~~found to be~~ satisfactory
condition for diverting and conveying to the place of intended use ~~cubic feet per second~~ of water.

Date March 30, 1971

WATER RESOURCES COMMISSION

By:

J. W. GRINES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1831-3

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

The Department of Game, Fish & Parks

made Water Right Application No. 1831-3 for Vested Right 1344 acre feet annually of the waters of local watershed

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

purposes; and

(2) WHEREAS, On the 30th day of March A. D. 1971

Vested Right
Permit No. 1831-3, with a date of priority of 1889

was issued to said applicant recognizing for the diversion of said water, ~~and provided for~~ the completion of construction of the water supply system therein described on ~~or before the~~ day of ~~11-11~~ and ~~the~~ application to beneficial use of said water ~~on or before the~~ day of ~~11-11~~

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 1344 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
Vested Right
the holder _____ and owner _____ of said permit No. 1831-3 a water right, dating from 1889
_____ to use of 1344 ac.ft.annually ~~cubic feet per second~~ of the waters
of local water shed
in the County of Roberts 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 13, Town-
ship 126N, Range 50W

and ~~conveyed to and upon~~ stored in place

for the purpose of public recreation Atsena Lake

Subject to any limitations listed in Water Right Permit No. 1831-3 and subject to the laws of the State of South Dakota.

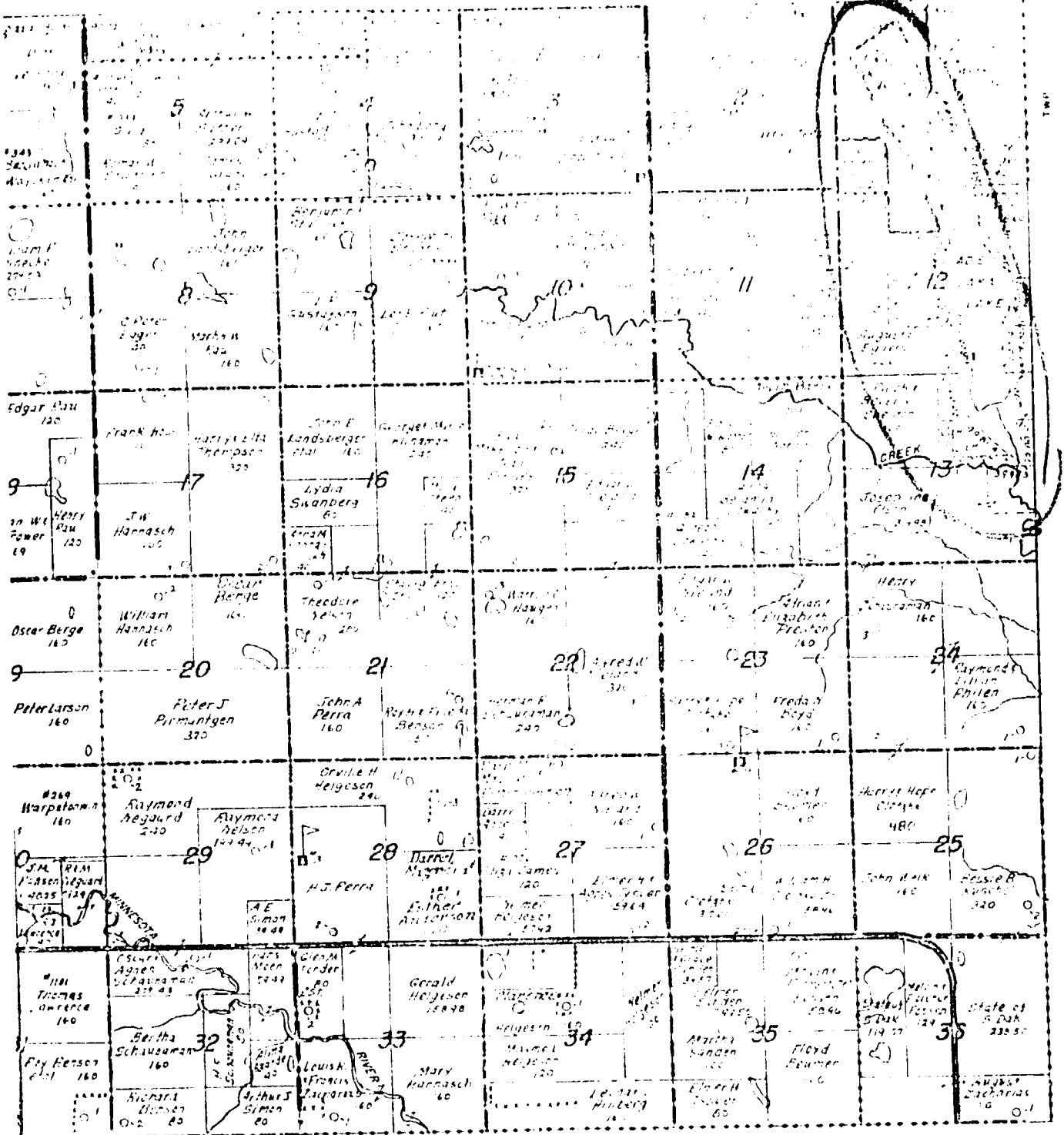
WITNESS, My hand and seal of our office at Pierre, South Dakota
this 30th day of March A. D.
Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J. W. GRIMES

RT



TWP

BRYANT

1831-3

SOUTH DAKOTA
Dakota Department of
Water & Natural Resources

Joe Foss Building
623 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

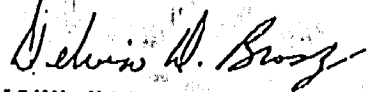
Richard Rerington, Secretary

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