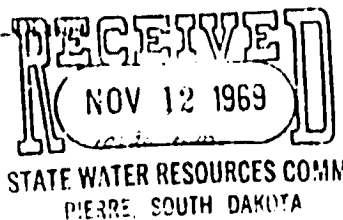


No. 1841-3Map No. _____ Water Division No. 3 JAMES RIVER
(Blocks to be Filled by the Engineer for the W. R. C.)

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 Jim River Dam
4. Amount of water claimed (cubic feet per second) 21 acre feet
5. Source of water supply James River
6. Location of point of diversion SW $\frac{1}{4}$ SW $\frac{1}{4}$ 21-122-62

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. Surface acres 7¹Max. depth 4¹

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 Deuel)

I, R. A. Morgan, 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 13th day of Nov

Signed _____

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1841-3
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 APRIL 5 1971 Recorded in Book 11 Page 298

WATER RIGHT PERMIT NO. 1841-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1841-3 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 ~~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 21 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 ~~beneficial use~~ USE FOR PUBLIC RECREATION actually and beneficially ~~applied to the land~~ applied to the land on or before JUNE 30 1955; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 5TH day of APRIL 1971

WATER RESOURCES COMMISSION

By

Decca Aguirre
 Chief Engineer, Executive Officer

Certificate of Construction Issued APRIL 5 1971

Water License Issued APRIL 5 1971

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 _____ 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 _____ 21 acre ft _____ c. f. s.

18. Present Use of Water

Amount of water now being used _____ 21 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 13th day of July, 1969

Edward M. Russell
(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. 1841-3

Water Diversion No. 3 JAMES RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Department of Game, Fish and Parks

Vested Right the holder of
/ Permit No. 1841-3, issued upon Application No. 1841-3, bearing date of priority of 1935
authorizing the diversion of 21 acre feet annually ~~on ft. per second~~ of the waters of
James River County of Brown, State of South Dakota at
a point in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, T122N, R62W

 , for Public recreation (James River Dam)

purposes, has ^a 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 to be~~ satisfactory
~~condition~~ for diverting and conveying to the place of intended use 21 acre feet annually ~~on ft. per second~~ of water.

Date April 5, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1841-3

(1) WHEREAS, On the 12th day of November A. D. 19 69

the Department of Game, Fish and Parks

Vested Right

made Water Right Application No. 1841-3 for a ~~permit~~ to use 21 acre feet annually of the waters of Jamez River

County of Brown State of South Dakota, for public recreation

purposes; and

Vested Right (2) WHEREAS, On the 5th day of April A. D. 19 71

Permit No. 1841-3, with a date of priority of 1935

was issued to said applicant recognizing for the diversion of said water, ~~and~~ the completion of construction of the water supply system therein described ~~and~~ before the day of April 1971 and ~~for~~ the application to beneficial use of said water ~~and~~ before the day of April 1971

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 21 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 recreational 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 and Parks

_____ of Pierre, South Dakota

Vented Right
the holder _____ and owner _____ of said permit No. 1841-3 water right, dating from 1935

_____ to use of 21 acre feet annually ~~admittance~~ of the waters
of James River

in the County of Brown and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbefore mentioned, to be diverted at a point in the SW 1/4 SW 1/4, Section 21, T122N, R62W

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

for the purpose of public recreation (James River Dam)

Subject to any limitations listed in Water Right Permit No. 1841-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 5th day of April A. D.
Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

Tract No. _____

Farm No. _____

Operator _____

Owner _____

✓ Section Line
(No Road)



Jim River
Dam

County Road.

Legal Description _____ 51-1.22-1.22

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.

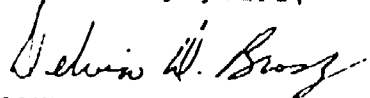


September 21, 1988
Richard Beringson, Secretary
Page 2

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



**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