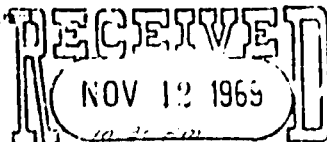


No. 1844-3Map No. _____ Water Division No. 3 JAMES RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)

District _____



APPLICATION FOR PERMIT

STATE WATER RESOURCES COMMISSION
PIERRE, 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
3. Name of diversion work Richmond Lake
4. Amount of water claimed (cubic feet per second) 3036 acre feet
5. Source of water supply Foote Creek
6. Location of point of diversion E $\frac{1}{2}$ SW $\frac{1}{4}$ 19-124-64

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.

1012 surface acres

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

32' 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 2-A 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) ss.I, Robert H. Hargis, 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 July, 1969
Robert H. Hargis
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1844.3
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 301

WATER RIGHT PERMIT NO. 1844.3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1844.3 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 —
3. The whole of said work is ~~not~~ completed —
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 3036 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 ~~irrigation~~ USED FOR PUBLIC RECREATION actually 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 5TH day of APRIL 1971

WATER RESOURCES COMMISSION

By:

R. G. G. G. G.
 Chief Engineer, Executive Officer

Certificate of Construction Issued APRIL 5 1971
 Water License Issued APRIL 5 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 Data _____

14. Date of start of construction of water supply system W. P. A. 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 3036 acre feet c. f. s.

18. Present Use of Water

Amount of water now being used 3036 acre feet 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. McGinnis, 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, 1939
Edmund H. 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. 1844-3

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. 1844-3, issued upon Application No. 1844-3, bearing date of priority of 1935
3036 acre feet annually
authorizing the diversion of cu. ft. per second of the waters of
Foots Creel County of Brown, State of South Dakota at
a point in the E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 19 T124N, R64W

for public recreation (Kishkaond Lake)

purposes, has s 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
3036 acre feet annually
condition for diverting and conveying to the place of intended use cu. 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. 1844-3

(1) WHEREAS, On the 12th day of November A. D. 19 69
the Department of Game, Fish and Parks

made Water Right Application No. 1844-3 Vested Right
for a permit to use 3036 acre feet annually of the waters
of Foots Creek

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

purposes; and

(2) WHEREAS, On the 5th day of April A. D. 19 71
Vested Right Permit No. 1844-3, with a date of priority of 1935

was issued to said applicant _____ for the diversion of said water, recognizing
supply system therein described ~~and provided for~~ the completion of construction of the water
application to beneficial use of said water ~~was made on the~~ day of April 1971 and ~~has~~ the
4-11-71

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 3036 acre feet annually
~~quantity~~ 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**
_____ **Vested Right**
the holder _____ and owner _____ of said permit No. **1844-3** a water right, dating from **1935**
_____ to use of **3036 acre feet annually** ~~with the right to be used~~ of the waters
of **Foots 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 E½ SW¼, Section 19, T124N, R64W**

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

for the purpose of **public recreation (Richmond Lake)**

Subject to any limitations listed in Water Right Permit No. **1844-3** 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**

RECEIVED

DEPT. OF NATURAL
RESOURCE DEVELOPMENT

April 21, 1975

Ben A. Anderson, Chairman
Board of County Commissioners
Brown County
Groton, South Dakota 57445

Dear Mr. Anderson:

I inspected the dike at Richmond Lake on April 16, 1975. There does seem to be an excessive amount of water on the east side of the dike but I feel that this is from another source and not all from seepage. There may have been springs in the area.

Periodically we inspect all of the lakes under our control. Richmond Lake did not lower more than any other lake in the area last year. There has been water east of the dike for the past 10 to 15 years and has caused no danger to the lake.

We will continue to inspect this lake periodically and, if the need arises, try to correct any deficiency or impairment noted. At the present time Richmond Lake appears to be in good condition except for the erosion and siltation problems that seem to be common in all of our lakes.

If we can be of further assistance, please feel free to contact us.

Sincerely,



Winston A. Douglas
Supervisor of Engineering

WAD/at

cc: Vern Butler ✓
Water Resources

Tract No. _____
Farm No. _____
Operator _____
Owner _____

1369

C.R.
(1369)
59-68

152

C.R.
(152)
59-68

19.5

15.0

Richmond Lake
Dam

Foot Creek

County
Highway

25.6

67.7

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 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



Technical Memorandum

To: Project File
From: Alexis Faber and Cory Anderson
Subject: Hydraulic Analysis of the Existing Richmond Lake Dam Spillways and Dam Break Analysis
Date: October 25, 2022
Project: Richmond Lake Dam Reconstruction (41061008.00)

1 Introduction

Richmond Lake is located about 8.5 miles northwest of Aberdeen, South Dakota in Brown County, in the northeastern part of the state. The dam was constructed by the Works Progress Administration (WPA) in 1936 and is owned and operated by the South Dakota Office of School and Public Lands (S&PL). This dam facility includes a primary spillway consisting of a 100-foot-wide, reinforced concrete crest and chute structure located on the left abutment of the dam embankment. The dam also includes an auxiliary spillway consisting of a 250-foot-wide unlined, earth-cut channel located on the right abutment (south) of the dam embankment (see Figure 1). In addition to being classified as a Category 1 (high hazard) dam, this facility is considered intermediate by size, which means the minimum inflow design flood (IDF) or design flow corresponds to half the probable maximum flood (PMF) per South Dakota rules for dam safety. The spillway of this dam has been assessed in the past as not having the capacity to safely pass this minimum recommended IDF.

The dam requires rehabilitation to address dam safety issues related to inadequate spillway capacity and seepage management. Barr Engineering Co. (Barr) has been retained by SD OS&PL to develop the detailed design and provide construction oversight for the necessary work to replace the primary spillway and address the seepage through the dam.

The purpose of this technical memorandum is to present background information on previous estimates of dam spillway capacity, updated estimates and rating curves for the primary and auxiliary spillways, and the results of a dam break analysis, all of which will serve as input in the determination of the IDF for Richmond Lake Dam that will be used in the design of the primary spillway replacement.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

August 16, 2024

NOTICE OF HEARING

TO: Kevin Robling, Secretary
South Dakota Department of Game, Fish, and Parks
523 East Capitol Ave
Pierre SD 57501

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
Water Rights Program, DANR

SUBJECT: Validation of Recognized Vested Water Right Claim No. 1844-3, Department of Game, Fish,
and Parks for Richmond Dam

A Notice of Intent to validate recognized Vested Water Right Claim No. 1844-3 for Foot Creek and Richmond Dam was published in the Aberdeen American News on June 15 and 22, 1988. The Notice was published to validate the claim for sufficient water to fill Richmond Dam annually to the outlet elevation or to the elevation necessary to maintain the ordinary high water mark, whichever is lower. The Chief Engineer petitioned opposing the validation of all Department of Game, Fish, and Parks vested water right claims for dams to include the spillway elevation, correct the amount of water claimed, and add any amendments and qualifications necessary to clarify the vested right claim. Recently, Barr Engineering Co. provided survey results for Richmond Dam, which included the primary spillway elevation. Therefore, validation of the vested right claim can now proceed.

Enclosed is the recommendation for the Water Management Board to validate recognized Vested Water Right Claim No. 1844-3 for sufficient water annually to maintain the water to the primary spillway elevation of 1,360.6 feet mean sea level (NAVD 88).

The Water Management Board will consider validation of Claim No. 1844-3 at 9:30 AM (Central Time) on Wednesday October 2, 2024, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Ave, Pierre SD 57501. The agenda time is an estimate and may be delayed due to prior items on the agenda.

Applicable provisions of the published notice of intent to validate Claim No. 1844-3 will still apply at this hearing.

Contact Ron Duvall or myself if you have any questions at (605) 773-3352.

enclosure

cc: Jennifer Verleger, Assistant Attorney General
Commissioner Brock Greenfield, South Dakota Office of School and Public Lands



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER ON VALIDATION OF
RECOGNIZED VESTED WATER RIGHT CLAIM NO. 1844-3,
DEPARTMENT OF GAME, FISH, AND PARKS, FOOT CREEK &
RICHMOND DAM**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources, concerning validation of Recognized Vested Water Right Claim No. 1844-3, Department of Game, Fish, and Parks, c/o Secretary Kevin Robling, 523 E Capitol Ave, Pierre SD 57501.

The Chief Engineer of the Water Rights Program recommends VALIDATION of recognized Vested Water Right Claim No. 1844-3 for sufficient water to maintain the water level to Richmond Dam's primary spillway elevation of 1,360.6 feet mean sea level (NAVD 88). The vested water right will retain a priority date of January 1, 1935.

This recommendation is based on a surveyed primary outlet elevation provided by Barr Engineering Co in a Technical Memorandum dated October 25, 2022.

Eric Gronlund, Chief Engineer
August 16, 2024

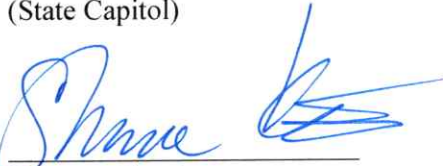
CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that I have personally deposited a true and correct NOTICE OF HEARING & RECOMMENDATION dated August 16, 2024, via inter-office mail to the following parties:

Kevin Robling, Secretary
South Dakota Department of Game, Fish, and Parks
523 East Capitol Ave
Pierre SD 57501
(Joe Foss Building)

Jennifer Verleger, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501
(Mickelson Building)

Brock Greenfield, Commissioner
South Dakota Office of School and Public Lands
500 East Capitol Ave, Suite 212
Pierre SD 57501
(State Capitol)



Shannon Konst
Senior Secretary-Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of August, 20 24.



Rachel Rodriguez Notary Public
My Commission expires May 16, 2029





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

OCT 03 2024

1844-3

Department of Game, Fish, and Parks
c/o Kevin Robling, Secretary
523 East Capitol Ave
Pierre SD 57501

Dear Secretary Robling:

Enclosed is Validated Vested Water Right No. 1844-3, for Richmond Dame, held by the Department of Game, Fish, and Parks. So long as the department uses the water beneficially, as stated in the reissued license, State Water Laws provide a continuing right to use the water.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure

REISSUED
STATE OF SOUTH DAKOTA
VESTED WATER LICENSE NO. 1844-3

(1) The Department of Game, Fish, and Parks, 523 East Capitol Ave, Pierre SD 57501, was issued Water License No. 1844-3 for a vested water right for Richmond Dam located in Brown County, South Dakota, for public recreation purposes.

On October 2, 2024, the Water Management Board validated Vested Right No. 1844-3. Vested Right No. 1844-3 is being reissued to reflect the spillway elevation as it currently exists.

(2) Water held in Richmond Dam has been applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the Department of Game, Fish, and Parks holds validated Vested Water Right No. 1844-3. The license is reissued bearing a priority date of January 1, 1935.

The spillway for Richmond Dam is located in the E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 19, T124N, R64W. The Department of Game, Fish, and Parks' vested water right is validated for sufficient water to maintain the water level up to 1,360.6 feet mean sea level (NAVD 88).

(3) Water Rights obtained in compliance with the laws of the State of South Dakota must no be unlawfully impaired by this appropriation.

Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

OCT 03 2024
date

