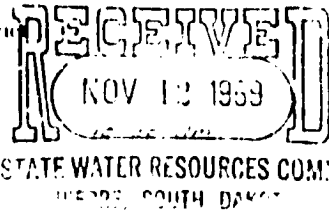


No. 1847-3Map No. \_\_\_\_\_ Water Division No. 3 WHETSTONE CREEK District \_\_\_\_\_  
(Blanks to be filled by the Engineer for the W. R. C.)

## 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 natural
3. Name of diversion work One road Meandered
4. Amount of water claimed (cubic feet per second) 1200 acre ft
5. Source of water supply local watershed
6. Location of point of diversion SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  22-124-52

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 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.

400 surface acres11' max depth5' ave. 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 Hughes ) ss.I, Edna J. Anderson 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

Signed 13<sup>th</sup> day of July 1969  
Edna J. Anderson  
 Notary Public (or other qualified officer)

# WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1847-3  
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 19 69  
 Date of return to applicant for correction, amendments or changes required --- 19 ---  
 Date of receipt of corrected application --- 19 ---  
 Approved APRIL 5 19 71 Recorded in Book 11 Page 304

WATER RIGHT PERMIT NO. 1847-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1847-3 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 ~~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 1200 ACRE FEET ANNUALLY ~~which feet per second; 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 of it for the irrigation purpose and appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one continuous 170% of one cubic foot of water per second of time for each acre of land to which water is~~  
USED FOR PUBLIC RECREATION  
 actually and beneficially ~~applied to irrigation~~ on or before JUNE 30 19 55; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 5<sup>TH</sup> day of APRIL 19 71

WATER RESOURCES COMMISSION

By:

[Signature]  
 Chief Engineer, Executive Officer

Certificate of Construction Issued APRIL 5 19 71

Water License Issued APRIL 5 19 71

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 \_\_\_\_\_ 1889 \_\_\_\_\_

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 \_\_\_\_\_ 1200 acre ft \_\_\_\_\_ c. f. s.

18. Present Use of Water

Amount of water now being used \_\_\_\_\_ 1200 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 28, 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, TRACI 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, 1989  
Edmund H. Smith  
(Notary Public for 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. 1847-3

Water Diversion No. 3 WHETSTONE CREEK Water District

CERTIFICATE OF CONSTRUCTION

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

Vested Right the holder        of  
Permit No. 1847-3, issued upon Application No. 1847-3, bearing date of priority of 1889  
1200 acre feet annually  
authorizing the diversion of        ~~cu. ft. per second~~ of the waters of         
local watershed County of Roberts, State of South Dakota at         
points in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 22, T124N, R52W  
      , for public recreation (One Road Lake)

purposes, has <sup>8</sup>        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 ~~found to be~~ **recognized as** satisfactory  
~~condition~~ for diverting and conveying to the place of intended use 1200 acre feet annually  
~~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. 1647-2

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

the Department of Game, Fish and Parks

made Water Right Application No. 1647-2 Vested Right for a permit to use 1200 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 5th day of April A. D. 1972

Vested Right 1647-2 Permit No. 1647-2, with a date of priority of 1889

was issued to said applicant recognizing for the diversion of said water, ~~and providing for~~ the completion of construction of the water supply system therein described ~~on or before the~~ date of 1972 and ~~in~~ the application to beneficial use of said water ~~on or before the~~ date of 1972

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 1200 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 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

the holder \_\_\_\_\_ and owner Vested Right of said permit No. 1847-3 a water right, dating from 1889

to use of 1200 acre feet annually ~~which shall be measured~~ of the waters of local watershed

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 points in the SE¼ NW¼, Section 22, T124N, R52W

and ~~subject to the following~~ stored in place

for the purpose of public recreation (One Road Lake)

Subject to any limitations listed in Water Right Permit No. 1847-3 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

# ONE ROAD

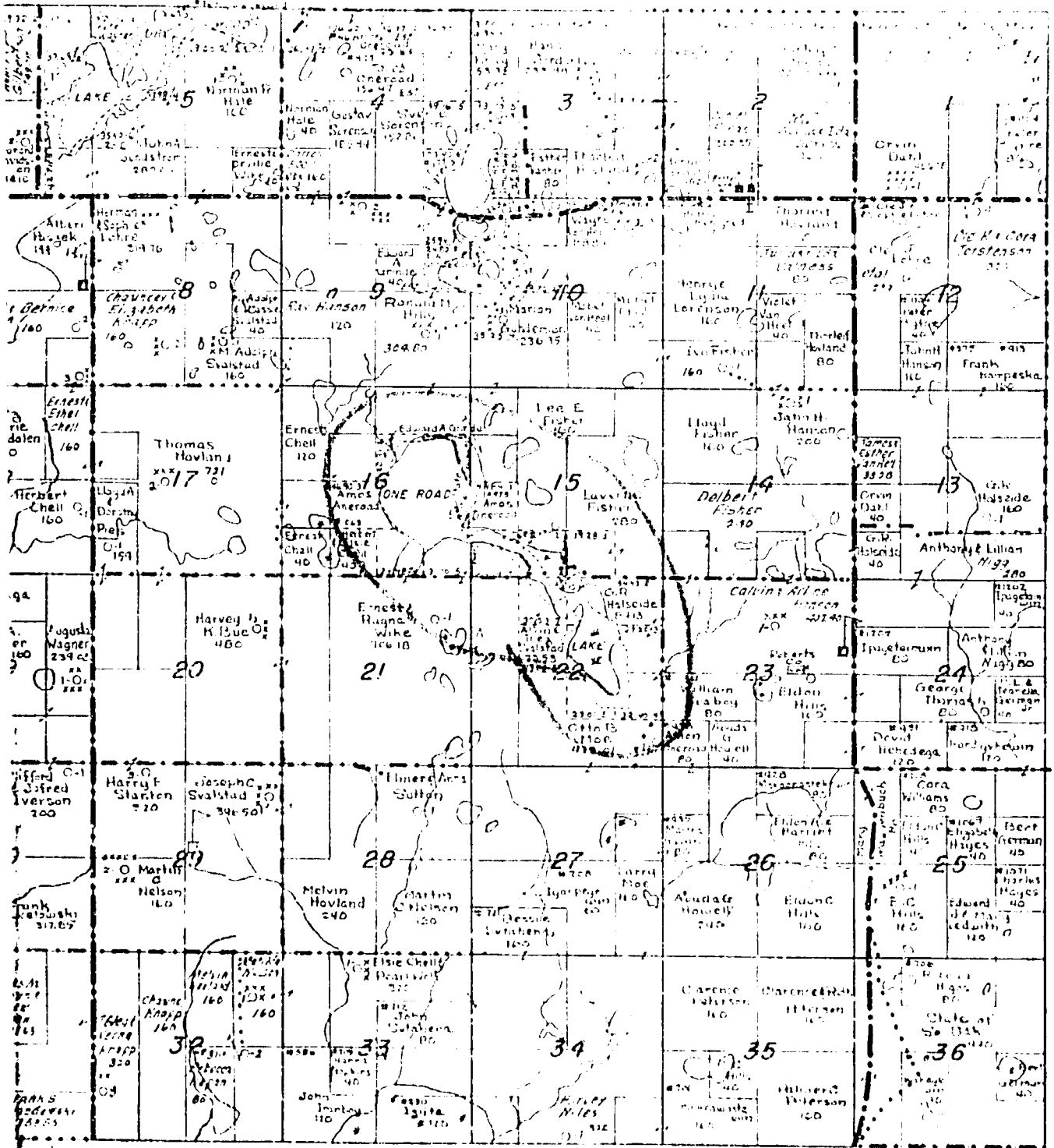
25

TOWNSHIP 124 N.

RANGE 52 W.

GOVERNMENT

RY WOOD LAKE



TWP

AGENCY



**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.

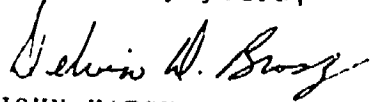


September 21, 1988.  
Richard Beringson, Secretary  
Page 2

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,



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

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