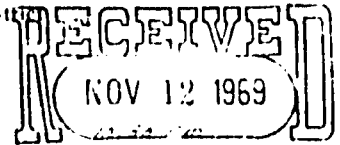


No. **1848-5**Map No. _____ Water Division No. **3 JAMES RIVER** District _____
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

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 Pigors Lake
4. Amount of water claimed (cubic feet per second) 165 acre feet
5. Source of water supply Creek
6. Location of point of diversion SW $\frac{1}{4}$ NW $\frac{1}{4}$ 36-122-60

- 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.

Surface acres 55 A

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

Max. Depth 13'

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, R. A. Hodgson 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 April 1969

Signed _____

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1848-3DEPT OF GAME, FISH & PARKS

(Applicant)

PIERRE

(Post Office Address)

SOUTH DAKOTA

(State)

With the following modifications

"VESTED RIGHT" CLAIMEDDate of first receipt of application NOVEMBER 12 19 69Date 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 305WATER RIGHT PERMIT NO. 1848-3The Water Resources Commission hereby grants and issues this Water Right Permit No. 1848-3 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 165 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~~ USED FOR PUBLIC RECREATION ~~and it is the intention of the Commission that the amount of water appropriated shall be limited to not more than 2 acre feet per acre per year and be limited to not more than one acre foot (1.50) of one cubic foot of water per second of time for each acre of land to which water~~ 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 19 71

WATER RESOURCES COMMISSION

By

Jeffrey J. [Signature]
Chief Engineer, Executive OfficerCertificate of Construction Issued APRIL 5 19 71Water 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 _____ 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 _____ 165 acre ft _____ c. f. s.
18. Present Use of Water
Amount of water now being used _____ 165 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, REAGAN, 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 1969
Edmund A. Osull
(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

_____ the holder _____ of
Vested Right Permit No. 1841-3, issued upon Application No. 1841-3, bearing date of priority of 1955
_____ authorizing the diversion of 165 acre feet annually of the waters of tributary
of Mud Creek County of Brown, State of South Dakota at
a point in the SW $\frac{1}{4}$ M $\frac{1}{4}$, Section 36, T122N, R60W
_____, for public recreation (Pigors Lake)

purposes, has 8 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
satisfactory for diverting and conveying to the place of intended use 165 acre feet annually of water.

Date April 5, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1848-3

(1) WHEREAS, On the 12th day of November A. D. 1969
 the Department of Game, Fish and Parks

made Water Right Application No. 1848-3 Vested Right for a permit to use 165 acre feet annually of the waters of a tributary of Mud Creek

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

purposes; and

(2) WHEREAS, On the 5th day of April A. D. 1971
Vested Right Permit No. 1848-3, with a date of priority of 1935

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 and for the application to beneficial use of said water on or before the day of April 14

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 165 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

the holder _____ and owner _____ of said permit No. Vested Right 1849-3 a water right, dating from 1935

_____ to use of 165 acre feet annually ~~acre feet per annum~~ of the waters of a tributary of Mud Creek

in the County of Brown and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at a point in the SW 1/4 NW 1/4, Section 36, T122N, R60W

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

for the purpose of public recreation (Pigors Lake)

Subject to any limitations listed in Water Right Permit No. 1849-3 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

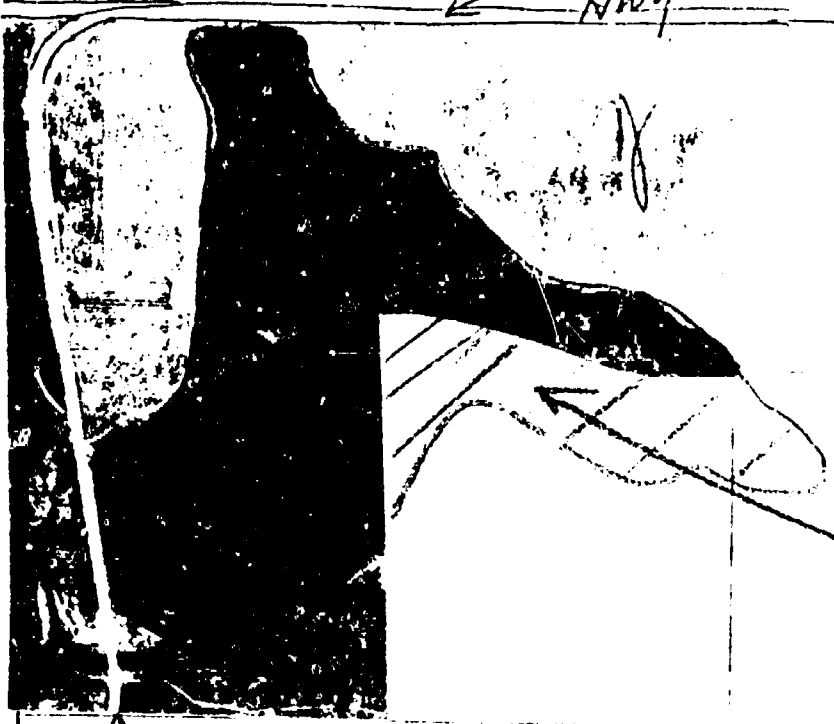
By:

Chief Engineer, Executive Officer, J.W. GRIMES

17 OCT 1970

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

← COUNTY Hwy



Pigars Lake

← COUNTY Hwy

Legal Description

36-12260



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 21, 1988

Richard Peringson, 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.

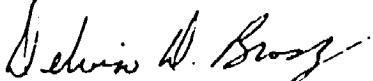


September 21, 1988
Richard Beringson, Secretary
Page 2

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