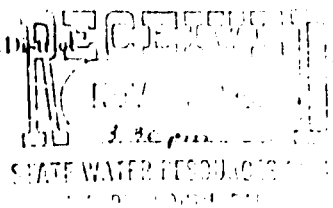


No. 1861-3
 Map No. _____ Water Division No. 3 MISSOURI RIVER
 (Blanks to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

- Name of Applicant South Dakota Department of Game, Fish & Parks (C. S. Sec. 12500) (Heupel Lake) (M)
 Postoffice address Pierre State South Dakota
 If a corporation show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) _____
- Name of diversion work _____ 600
- Amount of water claimed (cubic feet per second) 182,666 acre ft
- Source of water supply local run off
- Location of point of diversion NW 1/4, Sec. 8, T125N, R73W
- County McPherson
- Annual period or periods during which water is to be used continuous
- Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Public recreation
- 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

- Time required to complete construction of water supply system _____ years. Additional time required to complete application of water to the proposed beneficial use _____ years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication _____
- Principal Features of the Proposed Water Supply System.
 A. Works proposed to divert water from its natural source. 200 S. A.
4' 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 McPherson) ss.

I, R. A. Hargrave 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 March 1966
Edwin M. Gault
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1861-3

DEPT OF GAME, FISH & PARKS
(Applicant)

PIERRE
(Post Office Address)

SOUTH DAKOTA
(State) With the following modifications

"VESTED RIGHT" CLAIMED

Date of first receipt of application NOVEMBER 5 19 69

Date of return to applicant for correction, amendments or changes required — 19 —

Date of receipt of corrected application — 19 —

Approved JUNE 11 19 71, Recorded in Book 12 Page 6

WATER RIGHT PERMIT NO. 1861-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1861-3 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 —
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 600 ACRE FEET ANNUALLY ~~which may be increased~~, neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~beneficial uses~~ ~~and if for the irrigative purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one inch of water per acre of irrigated land~~ USED FOR PUBLIC RECREATION actually and beneficially ~~applied for irrigation~~ on or before JUNE 30 19 55; said water to be used during the following described annual period CONTINUOUSLY

Witness my hand this 11th day of JUNE 19 71

WATER RESOURCES COMMISSION

By

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued JUNE 11 19 71

Water License Issued JUNE 11 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) Department 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

15. Date that water was first applied to beneficial use 1889

16. Name of owner of original water supply system _____

17. Amount of water originally applied to beneficial use 183.66 c. f. s.

18. Present Use of Water

Amount of water now being used 183.66 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, 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
Edmund M. Cull
(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. 1861-3

Water Diversion No. 3 MISSOURI 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. 1861-3, issued upon Application No. 1861-3, bearing date of priority of 1889

authorizing the diversion of 600 acre feet annually of the waters of
local run-off County of McPherson, State of South Dakota at
points in the NW 1/4, Section 8, T125N, R73W

, for public recreation (Heupel 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 found to be satisfactory
condition for diverting and conveying to the place of intended use 600 acre feet annually of water.

Date June 11, 1971

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

WATER LICENSE NO. 1861-3

(1) WHEREAS, On the 5th day of November A. D. 1969
the Department of Game, Fish and Parks

made Water Right Application No. 1861-3 Vested Right for a permit to use 600 acre feet annually of the waters of local run-off
County of McPherson State of South Dakota, for public recreation
purposes and

(2) WHEREAS, On the 11th day of June A. D. 1971
Vested Right 1861-3 with a date of priority of 1889
was issued to said applicant for the diversion of said water, recognizing the completion of construction of the water supply system therein described and in the application to beneficial use of said water

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 600 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 in place for public recreational purposes

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the law 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 1861-3 a water right, dating from 1889
_____ to use of 600 acre feet annually ~~value feet per second~~ of the waters
of local run-off

in the County of McPherson 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 NW 1/4, Section 8, T125N, R73W

and ~~conduct to under way~~ stored in place

for the purpose of public recreation (Heupel Lake)

Subject to any limitations listed in Water Right Permit No. 1861-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 11th day of June A. D.
Nineteen Hundred and Seventy-one

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMES

1861-3

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3161

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

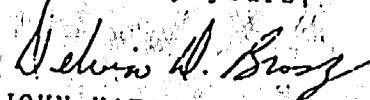
Richard Beringson, Secretary

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