

No. 573-3Water Division No. 3 Missouri River District
(Blanks to be filled by the Engineer for the W. H. C.)JAN 31 1930
1:10 PM

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Department of Game, Fish and Parks
Postoffice address Pierre, County Hughes, State South Dakota

- I. If a corporation
(a) Name of same
(b) Date and place of incorporation
(c) Amount of capital stock
(d) Amount paid in
(e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

- II. Method of accomplishing the work and financial resources of the applicant:
(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)
(b) Cash on hand, \$
(c) Treasury stock, \$
(d) Bonds to be issued, \$
(e) Other resources, \$

2. Name of diversion work Lake Hurley
3. Amount of water claimed As required to fill lake to spillway outlet - approximately
7,200,000 acre feet per year.
4. Source of water supply Cheyenne Creek
5. Location of point of diversion SE 1/4 Section 29; Twp. 110; R. 77
_____ on _____ bank _____ County.

6. Annual period or periods during which water is to be used all year long

7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system?

(a) Number of acres to be irrigated _____ acres.

(b) Legal subdivisions to be irrigated _____

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) _____

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Fish and Wildlife propagation, conservation and recreation
Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

Map No. 435-3

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
 (e) Other structures Dam and spillway \$----- Total, \$65,000.00

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works:

(a) Dam: Height 36 feet; length at bottom 500 feet; length at top 700 feet; thickness at bottom 200 feet; thickness at top 12 feet; slope at front water face 3:1; slope at back face 2:1 material used in construction earth fill
 (b) Reservoir: Capacity when filled 2040 acre feet. Surface area at highwater mark 225 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width-----feet; height-----feet;

Material-----

(d) Canal: Total length-----miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work Completed years.

11. Time required for complete application of water to the proposed beneficial use completed years.

12. Choice of newspaper for publication of notice of intention to appropriate-----

STATE OF SOUTH DAKOTA

County of Hughes

ss.

I, Harry R. Woodward, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

Harry R. Woodward

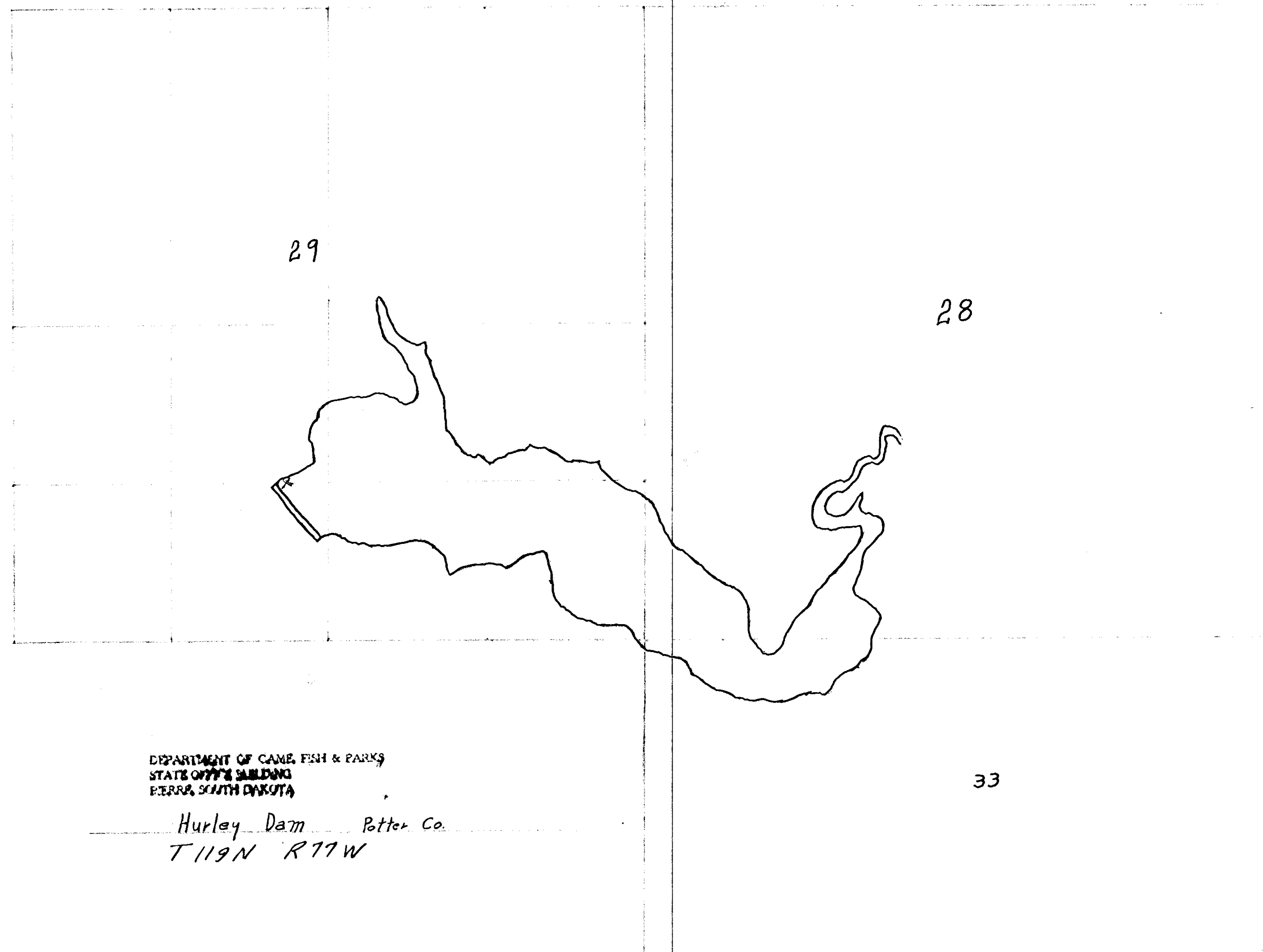
Subscribed and sworn to before me this 29

day of January

19 59

Edmund B. Johnson

Notary Public (or other qualified officer.) 11-6-65



DEPARTMENT OF GAME, FISH & PARKS
STATE OFFICE BUILDING
PIERRE, SOUTH DAKOTA

Hurley Dam Potter Co.
T119N R77W

Map No. 435-3
(Appl. No. 573-3)

Remarks by State Water Resources Commission:

"Vested Right" claimed

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

February 1959

10 59

This is to certify that the foregoing application was received by the Commission at

6 clock

p.m. upon the 30 day of

January

1959

State Water Resources Commission

By

Chief Engineer, Executive Officer

Number of permit 573-3

Date of first receipt of application

January 30

1959

Date of return to applicant for correction, amendment's or changes required as follows:

19

Date of receipt of corrected application

19

Date from which applicant may claim right

1933

19

Approved February 7, 1959, Recorded in Book

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This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before

Completed

19

2nd. The whole of said work is to be completed on or before

Completed

19

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

Completed

4th. The water appropriated shall be used for the purpose of

Fish and wildlife

propagation, conservation and recreation

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 675 acre feet annually cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before June 30, 1959; said water to be used during the following described annual period:

Continuously

Witness my hand this

21

day of

April

1959

State Water Resources Commission

By

Chief Engineer, Executive Officer

Certificate of Construction Issued

April 21

1959

Water License Issued

April 21

1959

STATE OF SOUTH DAKOTA

WATER LICENSE No. 573-3

WHEREAS, On the 30th day of January A. D. 1959

the Department of Game, Fish and Parks

of Pierre County of Hughes and State of South Dakota duly made application (No. 573-3) to us for a Vested Right 675 acre feet annually ~~XXXXXX~~ of the waters of Cheyenne Creek

County of Potter, State of South Dakota, for fish and wildlife propagation, conservation and recreation purposes; and

WHEREAS, On the 21st day of April A. D. 1959 Vested Right 573-3 was issued to said applicant... for the diversion of said water, and recognizing ~~XXXXXX~~ completion of the works of diversion therein described XXXXXX in 1933 ~~XXXXXX~~

~~XXXXXX~~ and ~~XXXXXX~~ application to beneficial use of said water ~~XXXXXX~~ in 1933 ~~XXXXXX~~ and,

WHEREAS, On the 30th day of January A. D. 1959 the holder... of said Vested Right 675 acre feet annually, ~~XXXXXX~~ of said waters, as evidenced by our Certificate No. 573-3 dated April 21, 1959 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use ~~XXXXXX~~ of water, with date of priority of 1933 and, ~~XXXXXX~~

WHEREAS, On the 30th day of January A. D. 1959 proof was duly made of the application to beneficial use of ~~XXXXXX~~ of said water; for fish and wildlife propagation, conservation, and recreation purposes in parts of the S $\frac{1}{2}$, Sec. 29; SW $\frac{1}{4}$, Sec. 28; and NW $\frac{1}{4}$, Sec. 33 all in T 119 N, R 77 W.

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. 573-3

a water right, dating from 1933 to the use of 675 acre
feet annually
~~on the waters of~~ of the waters of Cheyenne Creek

In the County of Potter and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted in the SE 1/4, Sec. 29,
T 119 N, R 77 W.

and conducted to and upon parts of Sec. 29; SW 1/4, Sec. 28; NW 1/4, Sec.
33 all in T 119 N, R 77 W

for the purpose of fish and wildlife propagation, conservation and
recreation.

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the
State, and subject, also to the local or community customs, rules and regulations which have been or may be
adopted from time to time by a majority of the users from a common source of supply, canal or lateral from
which such water may be taken, when such rules and regulations have for their object the economical use of such
water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 21st day of April A. D. Nineteen
Hundred and Fifty-nine

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. 573-3MissouriWater Division No. 3 River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That The Department of Game, Fish and Parksof Pierre, County of Hughes, and State of South Dakota, the holder of Permit No. 573-3, issued upon ApplicationNo. 573-3, bearing date of priority of 1933, authorizing the diversion of 675 acre feet annually ~~XXXXXX~~ of the waters of Cheyenne CreekCounty of Potter, State of South Dakota, ~~x~~ in the SE $\frac{1}{4}$ S $\frac{1}{2}$ T $\frac{1}{2}$ R $\frac{1}{2}$ W,
Sec. 29, T 119 N, R 77 Wfor fish and wildlife propagation, conservation and recreation purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof ofcompletion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 675 acre feet annually ~~XXXX~~~~XXXXXX~~ of water; and that ~~the lands proposed to be irrigated by the use of said water~~ is described as follows,to-wit: for fish and wildlife propagation, conservation and recreationaluses in parts of the S $\frac{1}{2}$, Sec. 29; SW $\frac{1}{4}$, Sec. 28 and NW $\frac{1}{4}$, Sec. 33all in T 119 N, R 77 WWitness my hand this 21st day of April A. D. 1959

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

Location No. 2733Water Division No. 3

Water District

JAN 31 1959

Proof of Application of Water to Beneficial Use**PETITION OF HOLDER**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. South Dakota Department of Game, Fish and Parks, Pierre, South Dakota

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. _____

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Cheyenne Creek - SE 1/4 Section 29, Twp. 119, R 77, Potter County

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Earth Dam, approximately 700 ft. long; 36 feet high; concrete spillway
60 ft. wide. Impoundment of 170 acres at dam site.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Fish and wildlife propagation, conservation and recreation.

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. Used in place in lake or reservoir

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. As required to fill lake to spillway outlet - approximately 500 acre feet per year.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Been in use ever since 1933 when dam was constructed. Used by the
public for the use specified except for that amount lost by evaporation
and seepage.

(Sign)

Harry R. Woodward

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Pierre, County of Hughes

State of South Dakota, on this 29th day of January, A. D. 1958.

Witnesses.

Edward Johnson
My Commission expires 11-1-65

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Not a diversion works

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

South Dakota Department of
Water & Natural Resources

Joe Foss Building
 523 East Capitol
 Pierre, South Dakota 57501-3101

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

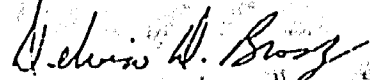
Richard Beringson, Secretary

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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