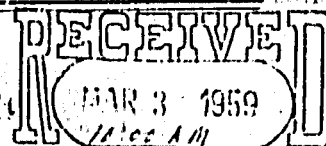


No. 585-3Water Division No. 3Missouri River Dist.

(Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.
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 South Dakota 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 Simon Dam
3. Amount of water claimed As required to fill lake to spillway outlet - approximately 300 acre feet per year.
4. Source of water supply Okato Creek
5. Location of point of diversion NE 1/4 Sec. 29; Twp. 120; R 74
_____ 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. 446-3

8. Estimated cost of work:

(a) Head Gates, \$.....

(b) Pumping plant, \$.....

(c) Fluming, \$.....

(d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures Dam and spillway \$.....Total, \$ 100.00

9. Description of diversion works:

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

II. Dimensions of works:

(a) Dam: Height 27 feet; length at bottom 825 feet; length at top 950 feet; thickness at bottom 150 feet; thickness at top 14 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 1 / 235 acre feet. Surface area at highwater mark 180 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	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

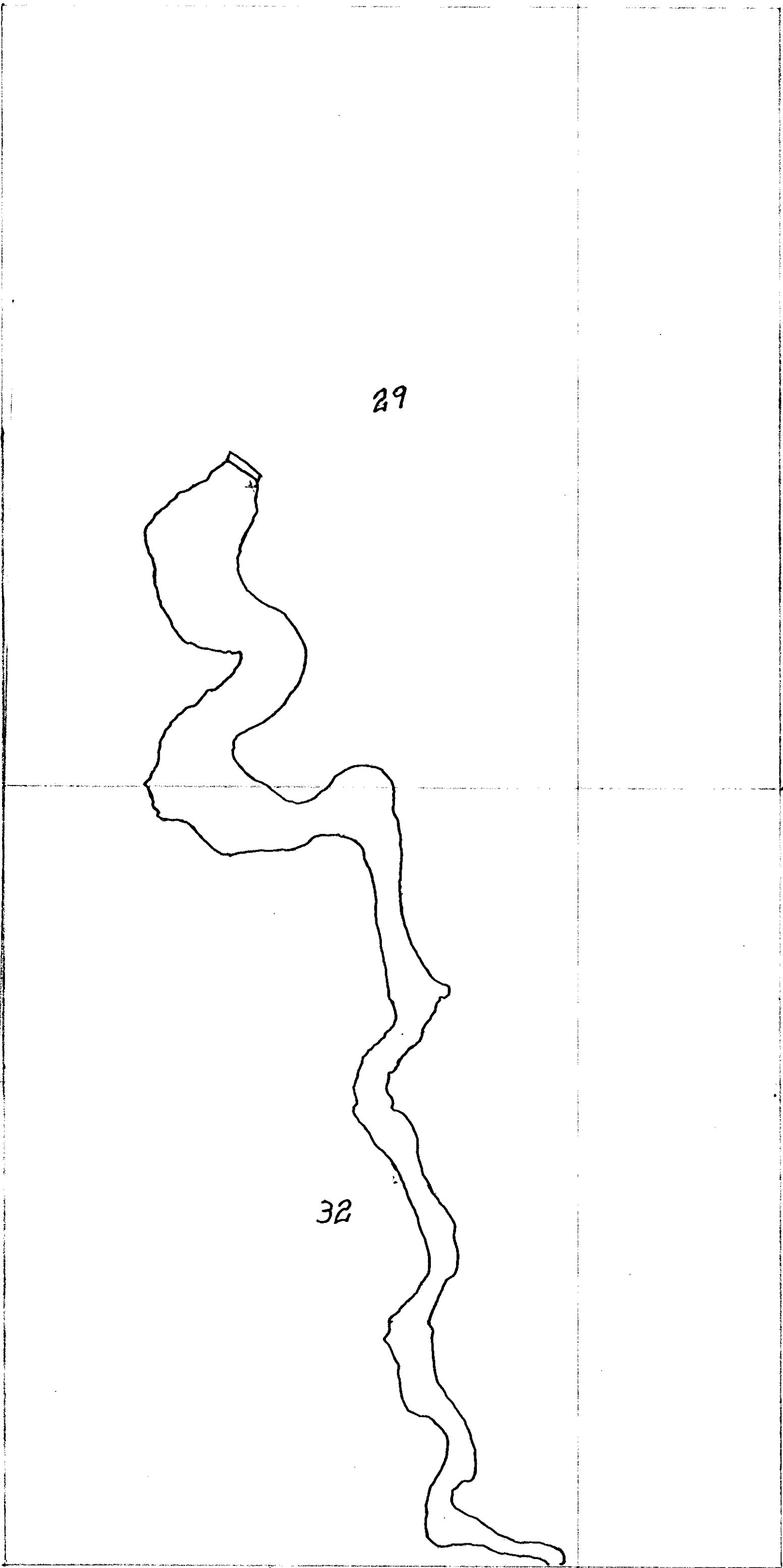
3rd

day of

March1959

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



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

Simon Dam Potter Co.
T120N R74W

Map No. 446-3
(H.P. No. 585-3)

Remarks by State Water Resources Commission:

"Vested Right" claimed

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

March 11

1959

This is to certify that the foregoing application was received by the Commission at 10:00 o'clock

9 a.m. upon the 3 day of March, 1959

State Water Resources Commission

By:

J. G. Brimmer

Chief Engineer, Executive Officer

Vested Right
Number of permit

Date of first receipt of application

March 3

1959

Date of return to applicant for correction, amendments or changes required as follows:

19

Date of receipt of corrected application

19

Date from which applicant may claim right

1936

19

Approved March 11, 1959, Recorded in Book

5

Page

131

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, 19

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 540 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

23

day of

April

1959

State Water Resources Commission

By:

J. G. Brimmer

Chief Engineer, Executive Officer

Certificate of Construction Issued

April 23, 1959

Water License Issued

April 23, 1959

Permit No. 585-3MissouriWater Division No. 3River

Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

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

of Pierre, County of Hughes, and State of South Dakota, the holder Vested Right of Permit No. 585-3, Issued upon Application

No. 585-3, bearing date of priority of 1936, authorizing the diversion of

540 acre feet annually of the waters of Okobojo Creek

County of Potter, State of South Dakota, in the NE 1/4 SW 1/4

Sec. 29, T 120 N, R 74 W

for 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 of completion of the works of diversion set out and described in said Vested Right Permit; that said works are found in satisfactory

condition for diverting and conveying to the place of intended use 540 acre feet annually

~~and that the~~ is and that the use of said water is described as follows,

to-wit: for fish and wildlife propagation, conservation and recreational

uses in parts of the SW 1/4, Sec. 29, N 1/2 and SE 1/4 Sec. 32, all in

T 120 N, R 74 W.

Witness my hand this 23rd day of April A. D. 1959

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 585-3

WHEREAS, On the 3rd day of March 1959
 Department of Game, Fish and Parks

of Pierre County of Hughes and State of
South Dakota duly made application (No. 585-3) to us for Vested Right
annually permit to use 540 acre feet
 of the waters of Okobojo Creek

County of Potter, State of South Dakota, for fish and wildlife propagation, con-
 purposes; and servation and recreation

WHEREAS, On the 23rd day of April A. D. 1959
Vested Right Permit No. 585-3 was issued to said applicant for the diversion of said water, and recognizing
 completion of the works of diversion therein described XXXXXX XXXXXX
in 1936 and XXXXXX application to beneficial use of said
 water XXXXXX the XXXXXX in 1936 XXXXXX
 and,

WHEREAS, On the 3rd day of March A. D. 1959
Vested Right the holder of said permit duly made proof of the completion of adequate works for the diversion of 540
acre feet annually XXXXXX of said waters, as evidenced by our Certificate No. 585-3
 dated April 23, 1959 confirming the completion of works of sufficient capacity for
540 acre feet diverting and conveying to the place of intended use annually XXXXXX of water, with date of
 priority of 1936 and XXXXXX

WHEREAS, On the 3rd day of March A. D. 1959
540 acre feet proof was duly made of the application to beneficial use of annually XXXXXX of said water;
for fish and wildlife propagation, conservation and recreation
in parts of the SW $\frac{1}{4}$, Sec. 29; N $\frac{1}{2}$ and SE $\frac{1}{4}$, Sec. 32 a in T 120 N,
R 74 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 the holder and owner of ^{Vested Right} 585-3 permit No.

a water right, dating from 1936 to the use of 540 acre
feet annually
of the waters of Okobujo Creek

In the County of Potter and State of South Dakota, or so much thereof as may be
necessray for the purposes hereibelow mentioned, to be diverted in the NE 1/4, Sec. 29,

T 120 N., R 74 W
and conducted to and upon parta of the SW 1/4, Sec. 22; N 1/2 and SE 1/4, Sec. 32,
all in T 120 N., R 74 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 23rd 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 _____

Location No. 585-3

Water Division No. 3 Missouri Water District Five

Proof of Application for 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. Okobajo Creek NE 1/4 SW 1/4 Sec. 29; Twp. 120; R. 74 - 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 950 feet long, 27 feet high, concrete spillway
60 feet wide. Impoundment of 110 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 540 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 1936 when dam was constructed. Used by the

public for the uses specified except for that amount lost by evaporation

and seepage

(Sign)

Harry Plowden

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 *Sioux* County of *Hughes*

State of South Dakota, on this *3rd* day of *March* A. D. 19*59*

Witnesses.

Edmund Johnson

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.

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

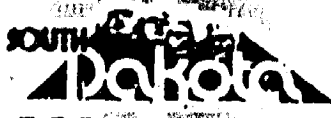
County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____



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.

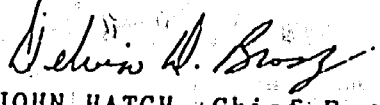


September 21, 1988
Richard Beringson, Secretary
Page 2

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,


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

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