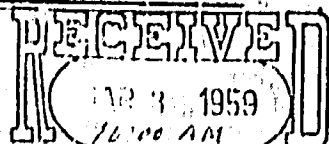


No. 5-86-3Water Division No. 3 Missouri River District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT To appropriate Water within the State of South Dakota

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

1. Name of applicant 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 Pottu Dam
3. Amount of water claimed As required to fill lake etc. spillway outlet - approximately 17,362,900 acre feet per year.
4. Source of water supply Branch of Okabojo Creek
5. Location of point of diversion NE 1/4 Sec. 20; Twp 117; 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. 447-3

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
 (e) Other structures Dam and spillway \$----- Total, \$ 2400.00

9. Description of diversion works:

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

II. Dimensions of works:

(a) Dam: Height 26 feet; length at bottom 700 feet; length at top 200 feet; thickness at bottom 130 feet; thickness at top 12 feet; slope at front water face 3:1; slope at back face 1 1/2:1; material used in construction earth fill
 (b) Reservoir: Capacity when filled 112.5 acre feet. Surface area at highwater mark 150.50 acres.

DEPTH AT OUTLET FEET	SURFACE AREA AT EACH DEPTH AT OUTLET—ACRES	ACRE-FOOT 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

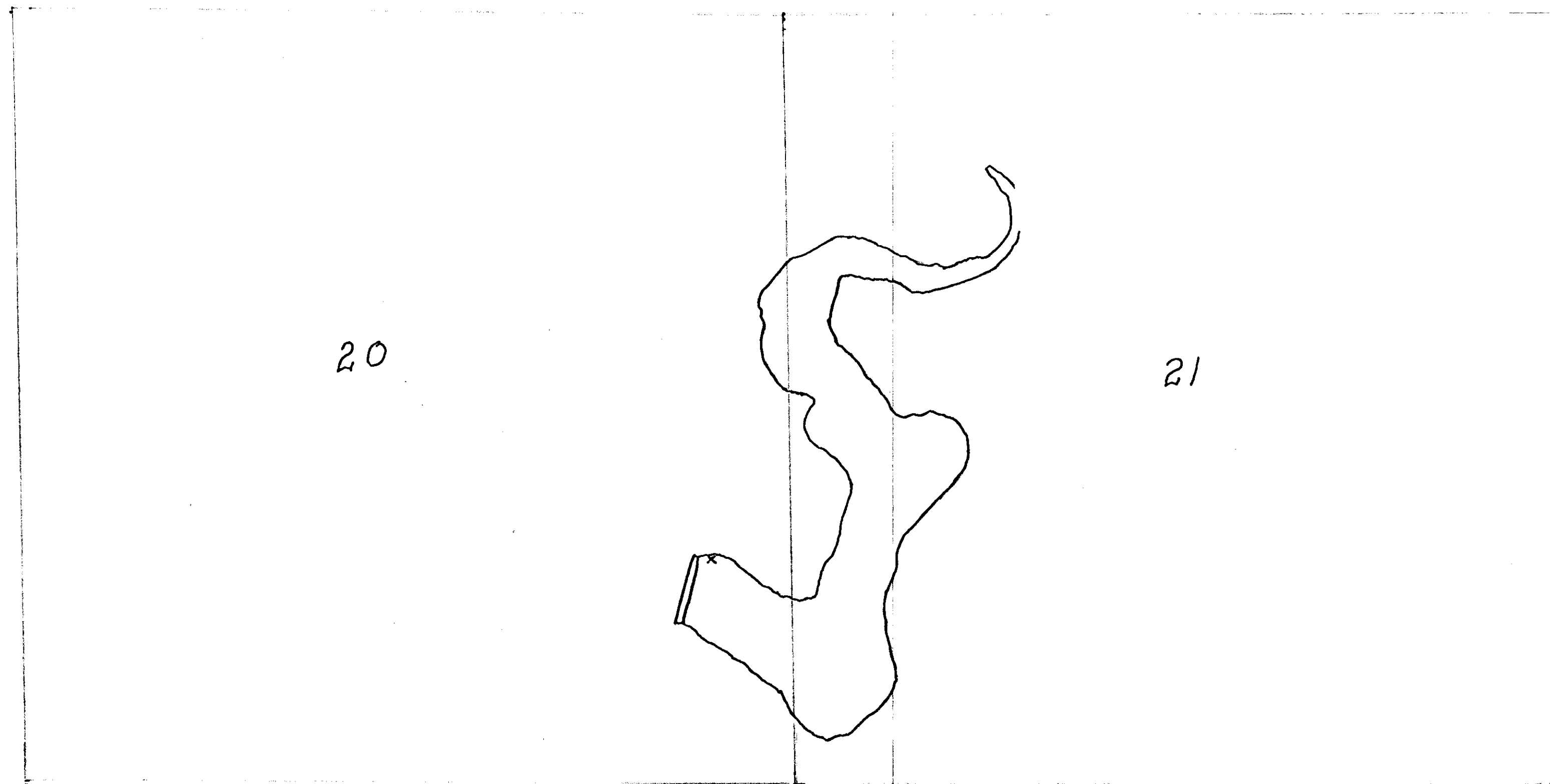
3rd

day of

March

1939

Edward J. Johnson
 Notary Public (or other qualified officer.)



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

Potts Dam Potter Co.
T 117 N R 74 W

Map No. 447-3
(Appl. No. 586-3)

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

State Water Resources Commission

By:

Joe Brinner

Chief Engineer, Executive Officer

Number of permit 586-3

Date of first receipt of application

March 4, 1959

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

Vested Right

Page

132

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 2.40 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:

Joe Brinner

Chief Engineer, Executive Officer

Certificate of Construction issued

April 23, 1959

Water License issued

April 23, 1959

Permit No. **586-3**

Missouri
Water 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 Parks**

of **Pierre**, County of **Hughes**, and State of **South Dakota**,
the holder of Permit No. **586-3**, issued upon Application
No. **586-3**, bearing date of priority of **1936**, authorizing the diversion of
240 acre feet annually of the waters of **A branch of Okobojo Creek**
County of **Potter**, State of South Dakota, **in the NE 1/4 Sec. 20, T 117 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 Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use **240 acre feet annually**
of water; and that **is** the use of said water as described as follows,
to-wit: **for fish and wildlife propagation, conservation, and recreational purposes in parts of the W 1/2 Sec. 21 and E 1/2, Sec. 20 all in T 117 N, R 74 W**

Witness my hand this **23rd** day of **April** A. D. 19**59**

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 586-3....

WHEREAS, On the 3rd day of March A. D. 1959

the Department of Game, Fish and Parks

of Pierre County of Hughes and State of

South Dakota duly made application (No. 586-3) to us for Vested Right 240
~~acre feet annually~~ recognizing
~~of the waters of~~ a branch of Okobajo Creek

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

WHEREAS, On the 23rd day of April A. D. 1959
Vested Right
 Permit No. 586-3 was issued to said applicant... for the diversion of said water, and recognizing
 completion of the works of diversion therein described in 1936 ~~XXXXX~~

~~XXXXX~~ and ~~XXXXX~~ application to beneficial use of said
 water ~~XXXXX~~ in 1936 ~~XXXXX~~
 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 240
acre feet annually
 cubic feet per second of said waters, as evidenced by our Certificate No. 586-3
 dated April 23, 1959 confirming the completion of works of sufficient capacity for
240 acre feet
 diverting and conveying to the place of intended use annually ~~XXXXX~~ of water, with date of
 priority of 1936 ~~XXXX~~ and,

WHEREAS, On the 3rd day of March A. D. 1959
240 acre feet
 proof was duly made of the application to beneficial use of Annually ~~XXXXX~~ of said water;
for fish and wildlife propagation, conservation, and recreation
uses in part of the W₁, Sec. 21 and E₁, Sec. 20, all in T 117 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 said Vested Right permit No. 586-3
a water right, dating from 1936 to the use of 240 acre feet
annually
~~water~~ of the waters of a branch of Okobojo 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. 20,
T 117 N, R 74 W
and conducted to and upon parts of the W 1/2, Sec. 21 and E 1/2, Sec. 20
all in T 117 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.

586-3

Water Division No.

3

Missouri
River

Water District

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. Branch of Okoboko Creek - NE 1/4 Sec. 20: T. 117: 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 900 feet long, 26 feet high, concrete spillway
40 feet wide. Impoundment of 100 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 300 acre ft. 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 Plummer

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 3rd day of March A. D. 1959.
Edward Johnson
} Witnesses.

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 _____

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

**Dakota 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.

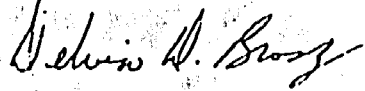


September 21, 1988
Richard Berington, Secretary
Page 2

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