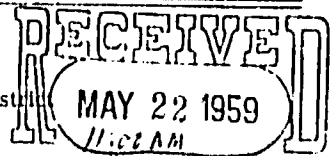


No. 615-3
 Water Division No. 3 Big Sioux River
 (Blanks to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

STATE WATER RESOURCES COMMISSION
 PIERRE, 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 Alvin
 3. Amount of water claimed As required to fill lake to spillway outlet - approximately 400 acre feet per year.
 4. Source of water supply Nine Mile Creek
 5. Location of point of diversion SE 1/4, Section 34, Township 100, Range 49
Lincoln County.
 6. Annual period or periods during which water is to be used all year long
 7. To be used for:

f. 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. 476: 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, \$ 60,000.00

9. Description of diversion works:

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

II. Dimensions of works:

(a) Dam: Height 35 feet; length at bottom 300 feet; length at top 600 feet; thickness at bottom 280 feet; thickness at top 20 feet; slope at front water face 4:1; slope at back face 2 1/2:1 material used in construction earth fill
(b) Reservoir: Capacity when filled 1650 acre feet. Surface area at highwater mark 133 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 7 day of May 1959

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

My Commission Expires
*Each diversion must have a headgate or measuring device.
11-6-65

PROJECT NO. 1
ALVIN LAKE CLEARING MAP
LINCOLN CO., S. DAK.
DEPT. OF GAME, FISH, AND PARKS



HIGH WATER LEVEL
NORMAL WATER LEVEL

DAM SITE

ALL TREES WITHIN NORMAL WATER LEVEL
TO BE REMOVED EXCEPT AS NOTED.

CLEAR WEST OF CREEK
CHANNEL ONLY.

NO CLEARING TO BE DONE
SOUTH OF THIS SEC. LINE.

LAYOUT PLAN
SCALE 1" = 300'

- HEAVILY WOODED AREA
- INDIVIDUAL TREES
- outlet

Remarks by State Water Resources Commission:

"Vested Right Claimed"

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, March 31, 1960

This is to certify that the foregoing application was received by the Commission at 11:00 o'clock
A.m. upon the 22nd day of May, 1959

State Water Resources Commission

By: [Signature]

Chief Engineer, Executive Officer

Number of permit 615-3

Date of first receipt of application May 22, 1959

Date of return to applicant for correction, amendments or changes required as follows: 5-25, 1959

Date of receipt of corrected application 3-31, 1960

Date from which applicant may claim right 1954, 1960

Approved March 31, 1960, Recorded in Book 5 Page 332

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 1959

2nd. The whole of said work is to be completed on or before 1960

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is completed, 1960

4th. The water appropriated shall be used for the purpose of public 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 400 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 used for public recreation June 30, 1955; said water to be used during the following described annual period:

Continuously

Witness my hand this 31st day of March, 1960

State Water Resources Commission

By: [Signature]

Chief Engineer, Executive Officer

Certificate of Construction Issued March 31, 1960

Water License Issued March 31, 1960

Permit No. ~~XXX~~ 615-3Water Division No. 3 Big Sioux 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 Pierro, County of Hughes, and State of South Dakota, the holder vested right of Permit No. 615-3, issued upon Application No. 615-3, bearing date of priority of 1954, authorizing the diversion of 400 acre feet annually of the waters of Nine Mile Creek County of Lincoln, State of South Dakota, at a point in the SE 1/4 NE 1/4 Section 34, T 100N, R 49W, for public 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 recognized as satisfactory condition for diverting and conveying to the place of intended use 400 acre feet annually of water; and that the use of said water are described as follows, to-wit: to be used in place for public recreation

Witness my hand this 31st day of March A. D. 1960

State Water Resources Commission

By:

J.W. GRIMES

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 615-3

WHEREAS, On the 22nd day of May A. D. 1959

the Department of Game, Fish and Parks

of Pierre County of Hughes and State of

South Dakota duly made application (No. 615-3) to us for a vested right permit to use 400 acre feet annually

of the waters of Nine Mile Creek

County of Lincoln, State of South Dakota, for public recreation purposes; and

WHEREAS, On the 31st day of March A. D. 1960

vested right Permit No. 615-3 was issued to said applicant for the diversion of said water, and recognizing

completion of the works of diversion therein described ~~and for the~~

and for the application to beneficial use of said water ~~and for the~~ and,

WHEREAS, On the 22nd day of May A. D. 1959

vested right the holder of said permit duly made proof of the completion of adequate works for the diversion of 400 acre feet annually

of said waters, as evidenced by our Certificate No. 615-3

dated March 31, 1960 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 400 acre feet annually

priority of 1954 and,

WHEREAS, On the 22nd day of May A. D. 1959

proof was duly made of the application to beneficial use of 400 acre feet annually

to be used in place for public recreation

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 Piorro the holder and owner of said ^{vested right} permit No. 625-3
a water right, dating from 1954 to the use of 400 acre feet annually
~~of the~~ of the waters of Nine Mile Creek
In the County of Lincoln and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinafter mentioned, to be diverted at a point in the SE 1/4 NE 1/4 Section 31,
T. 100N. R. 49W
and ~~conducted to and used~~ used in place
for the purpose of public 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 31st day of March A. D. Nineteen
Hundred and sixty

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 _____

Record _____

in Book _____ of _____ Page _____

Location No. 615-3
Big Sioux
 Water Division No. 3 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. Nine Mile Creek - SE 1/4, Section 34, Township 100, Range 49

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 300 feet long, 35 feet high, concrete spillway

60 feet wide, Impoundment of 132 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 100 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. Beck has had ever since 1954 when dam was constructed. Used by the public
for the uses specified except for that amount lost by evaporation and
seepage.

(Sign) Henry Pleasant

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 _____, County of _____
State of South Dakota, on this _____ day of _____ A. D. 19____

} 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 _____ 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.

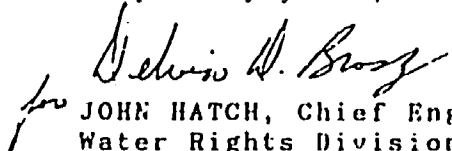


September 21, 1988
Richard Beringson, Secretary
Page 2

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

April 17, 2023

NOTICE OF HEARING

TO: Kevin Robling, Secretary
South Dakota Department of Game, Fish and Parks
523 East Capitol Avenue
Pierre SD 57501

FROM: Eric Gronlund, Chief Engineer
Water Rights Program, DANR

SUBJECT: Validation of Recognized Vested Water Right Claim No. 615-3, Lake Alvin

A Notice of Intent to validate recognized Vested Water Right Claim No. 615-3 for Lake Alvin was published in the Sioux Valley News on June 9 and 16, 1988. The Notice was published to validate the claim for sufficient water to fill Lake Alvin annually to the outlet elevation or to the elevation necessary to maintain the ordinary high water mark, whichever is lower. The Chief Engineer petitioned opposing validation of all Department of Game, Fish and Parks vested water right claims for dams to include the spillway elevation, to correct the amount of water claimed, and add any amendments and qualifications, necessary to clarify the vested right claim. As part of design work on the dam, the Department of Game, Fish and Parks enlisted a survey of the spillway elevation. Therefore, validation of the vested right claim can now proceed.

I am recommending the Water Management Board validate the recognized Vested Water Right Claim No. 615-3 for sufficient water annually to maintain the water to the spillway elevation of 1308.14 feet mean sea level (NAVD88). The recommendation is enclosed.

The Water Management Board will consider validation of Claim No. 615-3 at 9:30 A.M. on May 3, 2023, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD. The agenda time is an estimate and may be delayed due to prior items on the agenda

Applicable provisions of the published notice of intent to validate Claim No. 615-3 will still apply at this hearing.

Contact Ron Duvall or myself if you have any questions at (605-773-3352).

Enclosure

c: Ann Mines Bailey, Assistant Attorney General



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER ON VALIDATION OF
RECOGNIZED VESTED WATER RIGHT CLAIM NO. 615-3 for LAKE ALVIN,
DEPARTMENT OF GAME, FISH and PARKS**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning validation of Recognized Vested Water Right Claim No. 615-3, Department of Game, Fish and Parks, c/o Kevin Robling, Secretary, 523 E. Capitol Avenue, Pierre, SD.

The Chief Engineer of the Water Rights Program recommends VALIDATION of recognized Vested Water Right Claim No. 615-3 for sufficient water to maintain the water level to Lake Alvin's spillway elevation of 1308.14 feet mean sea level (NAVD88). The vested water right will have a priority date of January 1, 1954.

This recommendation is based on the recent plan and specifications for reconstruction of Lake Alvin dam which provides the surveyed spillway elevation.

Eric Gronlund, Chief Engineer
April 17, 2023

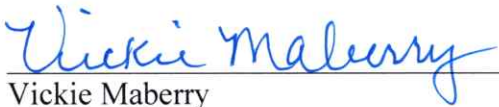
CERTIFICATION

The undersigned hereby certifies under the penalty of perjury that a true and correct copy of a Notice dated April 17, 2023, with a recommendation regarding validation of Recognized Vested Water Right Claim No. 615-3, was served upon the following by hand delivery on April 17, 2023.

Kevin Robling, Secretary
South Dakota Department of Game, Fish and Parks
523 East Capitol Avenue
Pierre SD 57501

Above also Sent Inter-office to:

Ann Mines Bailey, Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre SD 57501-8501



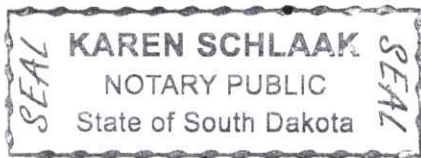
Vickie Maberry
Water Rights Program, DANR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 17th day of April, 2023



Karen Schlaak
Notary Public
My Commission expires April 1, 2025





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

May 5, 2022

Kevin Robling, Secretary
South Dakota Department of Game, Fish and Parks
523 E Capitol
Pierre SD 57501

Dear Mr. Robling:

Enclosed is Vested Water Right Claim No. 615-3 for Lake Alvin. As long as the water is used beneficially, as stated in the vested water right claim, State Water Laws provide a continuing right to use the water.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure

REISSUED

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 615-3

(1) The South Dakota Department of Game, Fish and Parks, 523 E Capitol, Pierre SD was issued Water License No. 615-3 for a vested right claim for Lake Alvin located in Lincoln County, South Dakota for Public recreation purposes.

On May 3, 2023, the Water Management Board validated Vested Right No. 615-3. Vested Right No. 615-3 is being reissued to reflect the spillway elevation as it currently exists.

(2) Water in Lake Alvin has been applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the South Dakota Department of Game, Fish and Parks holds Vested Water Right No. 615-3. The license is reissued, bearing a priority date of January 1, 1954

The spillway for Lake Alvin is located in the SE 1/4 NE 1/4 Section 34-T100N-R49W. The South Dakota Department of Game, Fish and Parks vested water right claim is validated for sufficient water to maintain the water level up to 1308.14 feet mean sea level (NAVD88).

(3) Water Rights obtained in compliance with the laws of State of South Dakota must not be unlawfully impaired by this appropriation.

Eric Gronlund

Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

5/5/2023

date

