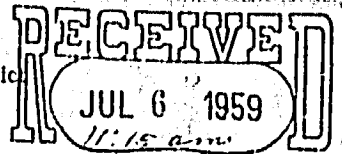


No. 623-3
 Water Division No. 5 District Big Sioux
 (Blanks to be Filled by the Engineer for the W. R. C.)



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

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

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 BRESKE LAKE - Day CountyAs required to fill lake to outlet level - approximately 15303. Amount of water claimed acres feet per year cubic feet per second4. Source of water supply local watershed5. Location of point of diversion SE 1/4 of SW 1/4 of Sec 5 T-122 R-55 S-56
SE 1/4 of SW 1/4 of Sec 5 T-123 R-55 S-56
 on _____ bank _____ County.6. Annual period or periods during which water is to be used all year round

7. To be used for:

1. 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.) Sec 32, 33 Twp 123 R-55Sec 4 + 5 Twp 122 R-55

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

8. Estimated cost of work:

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

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

(c) Fluming, \$-----

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

Rock, \$-----

(e) Other structures ----- \$-----

Total, \$-----

9. Description of diversion works:

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

II. Dimensions of works: Information requested not applicable. Breshe Lake is a meandered lake. Maximum depth approximately 6 feet

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top -----

----- feet; thickness at bottom ----- feet; thickness at top -----

feet; slope at front water face -----; slope at back face -----

material used in construction -----

(b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark 510 ----- 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 ----- years. Not applicable-meandered lake

11. Time required for complete application of water to the proposed beneficial use Not applicable years.

12. Choice of newspaper for publication of notice of intention to appropriate Not applicable

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

July

1957

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

Remarks by State Water Resources Commission:

"Vested Right Claimed"

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

August 22, 1960

This is to certify that the foregoing application was received by the Commission at 11:15 o'clock
a.m. upon the 6th day of July, 1959.

State Water Resources Commission

By:

Arthur J. [Signature]
for Chief Engineer, Executive Officer

Number of permit

623-3

Date of first receipt of application

July 6, 1959

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

July 10, 1959

Date of receipt of corrected application

August 15, 1960

Date from which applicant may claim right

1889, 19

Approved

August 22, 1960

Recorded in Book

6

Page

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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

19

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

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

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 1530 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
and beneficially applied for irrigation on or before
during the following described annual period:

Continuously

Witness my hand this

22nd

day of

August

1960

State Water Resources Commission

By:

Frederick [Signature]

Chief Engineer, Executive Officer

Certificate of Construction Issued

August 22, 1960

Water License Issued

August 22, 1960

STATE OF SOUTH DAKOTA

WATER LICENSE No...623-3....

WHEREAS, On the 6th day of July A. D. 1959

~~the Department of Game, Fish and Parks~~

of Pierre County of Hughes and State of South Dakota
 duly made application (No. 623-3) to us for a vested right permit to use 1530 acre feet annually,
 cubic feet per second of the waters of local watersheds (dry draws)
 County of Day, State of South Dakota, for public recreation
 purposes; and

WHEREAS, On the 22nd day of August A. D. 1960
vested right recognising
Permit No. 623-3 was issued to said applicant... for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 1st day of
September and for the application to beneficial use of said
water on or before the 1st day of
September and.

WHEREAS, On the 6th day of July A. D. 1959
the holder of said ~~permitted~~ **vented right** made proof of the completion of adequate works for the diversion of 1530 ~~acres~~ **acres feet**
~~annually~~ ~~of said waters~~ of said waters, as evidenced by our Certificate No. 623-3
dated August 22, 1960 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1530 ~~acres feet~~ **annually**
priority of 1889 ~~and~~ and,

WHEREAS, On the 6th day of July A. D. 1960
 proc. 1530 acre feet annually
 duly made of the application to beneficial use of 1530 acre water of said water;
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 Pierre the holder and owner of said ^{vested right} permit No. 623-3
a water right, dating from 1889 to the use of 1530 acre feet annually
~~1500 acre feet annually~~ of the waters of local watersheds
in the County of Day and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinafter mentioned, to be diverted point in the SE 1/4 Sec 5,
T. 122N R. 55W, and a point in the SW 1/4 Sec 31, T 123N R 55W
and ~~conducted to subwork~~ 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 22nd day of August A. D. Nineteen
Hundred and sixty

State Water Resources Commission

By:

aJ.W. GRIMES pp

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. 623-3Water Division No. 3 Big Sioux River Water District**Certificate of Completion of Works**

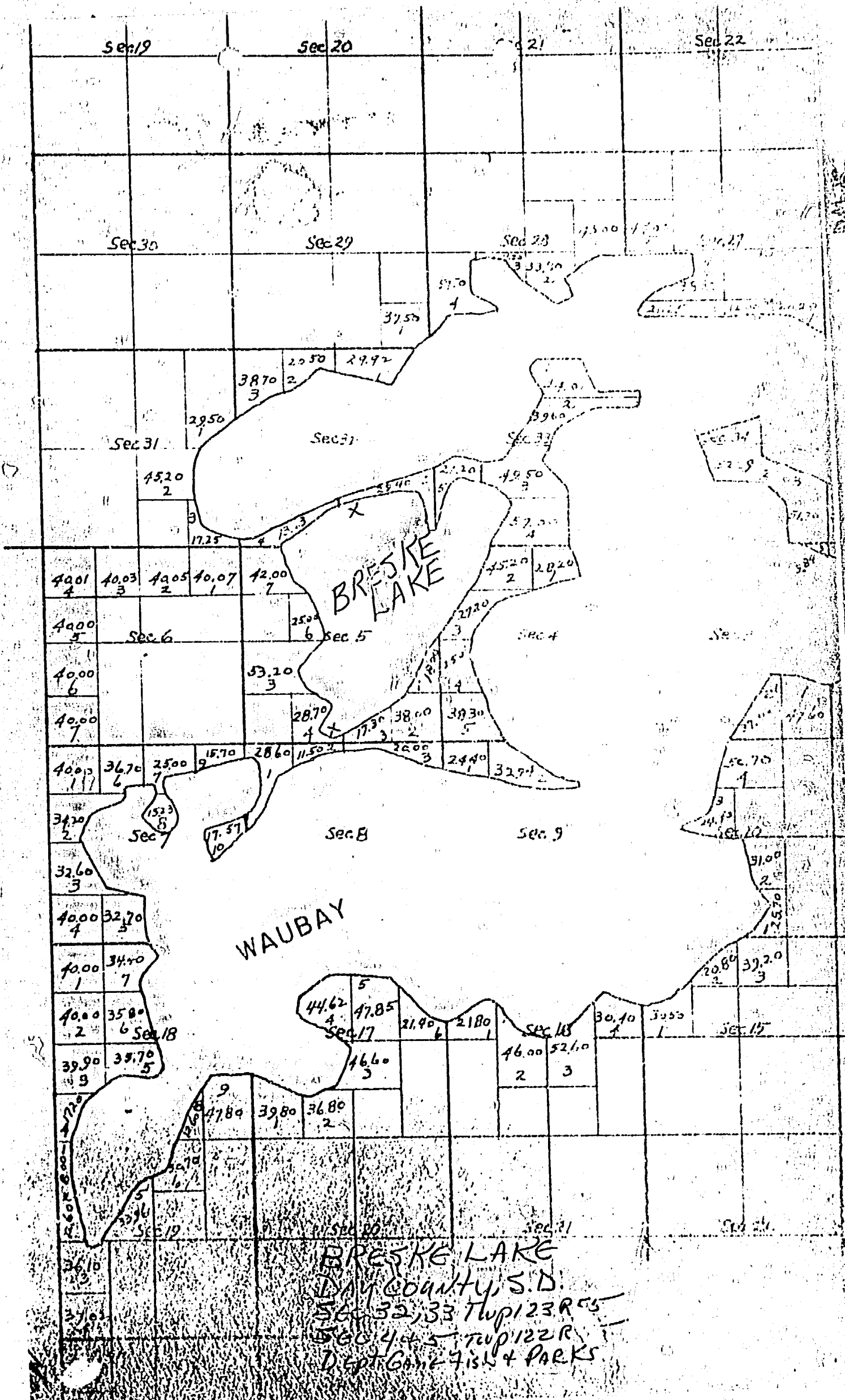
TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the Department of Game, Fish and Parksof Pierre, County of Hughes, and State of South Dakota, the holder vested right of Permit No. 623-3, issued upon ApplicationNo. 623-3, bearing date of priority of 1889, authorizing the diversion of153 acre feet annually of the waters of local watersheds and dry drawsCounty of Day, State of South Dakota, at a point in the SE 1/4 Sec 5 T 122N R 55Wand a point in the SW 1/4 SE 1/4 Sec 31, T 123N R 55Wfor public recreationpurposes, has 8 fully complied with the provisions of the laws of the State of South Dakota relating to proof of recognized as completion of the works of diversion set out and described in said Permit; that said works are found satisfactorycondition for diverting and conveying to the place of intended use 153 acre feet annuallyof water; and that the intended use of said water are described as follows,to-wit: to be used in place for public recreation purposesWitness my hand this 22nd day of August A. D. 1960

State Water Resources Commission

By:

J.W. ORMES Chief Engineer, Executive Officer



BRESKE LAKE
DAY COUNTY, S.D.
SEC 32, 33 Twp 123 R 65
SEC 4 & 5 Twp 122 R 65
DEPT Game Fish & PARKS

Location No. 6233Water Division No. 3Water District Sioux River**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. Local watershed - SE 1/4 SW 1/4 Sec 5 T122 R55
+ SW SE Sec 31 T123 R55

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. A meandered lake - depth 6 feet - 510 acres

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 outlet level - approximately 1530 acre foot 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. A meandered lake. Used by the public for usage specified except for
that amount lost by evaporation and seepage

(Sign) Henry Howardward

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 July A. D. 1959

Witnesses. Edward 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.

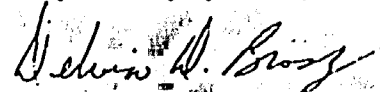


September 21, 1988
Richard Reringson, Secretary
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We will be working with your staff on these validations. We have already discussed setting outlet elevations before validating claims for lakes. Although the work necessary to complete the validation 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