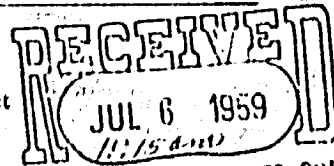


No. 624-3  
 Water Division No. 3 Big Sioux River District  
 (Blanks to be Filled by the Engineer for the W. R. S.)  
Vested Right



## APPLICATION FOR PERMIT

STATE WATER RESOURCES COMM.  
PIERRE, SOUTH DAKOTA

## 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 HAZELDEN LAKE - Day County  
As required to fill lake to outlet level - approximately 840  
 3. Amount of water claimed acre feet per year cubic feet per second \_\_\_\_\_  
 4. Source of water supply Local watershed  
 5. Location of point of diversion Five points in the watershed NW-1/4, NW-NE Sec 29  
NE NE Sec 32, NW NW Sec 33  
1/4 NW 1/4 NW Range 5, T14N, R10W, S14N, County.  
 6. Annual period or periods during which water is to be used Continuously  
 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 recreational purposes.  
 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. Hazelden Lao is a meandered lake. Maximum depth is approximately 5 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 ----- 280 ----- acres.

| DEPTH AT<br>OUTLET-Feet | SURFACE AREA AT EACH<br>DEPTH AT OUTLET--ACRES | FEET | ACRE-Feet<br>CAPACITY |
|-------------------------|------------------------------------------------|------|-----------------------|
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |

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

Material -----

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

| LOCATION BELOW<br>HEADGATE | DEPTH      | BOTTOM<br>WIDTH | WIDTH AT<br>WATER-LINE | GRADE<br>PER MILE |
|----------------------------|------------|-----------------|------------------------|-------------------|
| At ----- Mile              | ----- feet | ----- feet      | ----- feet             | ----- feet        |
| ----- 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. Not applicable - a meandered lake

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 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

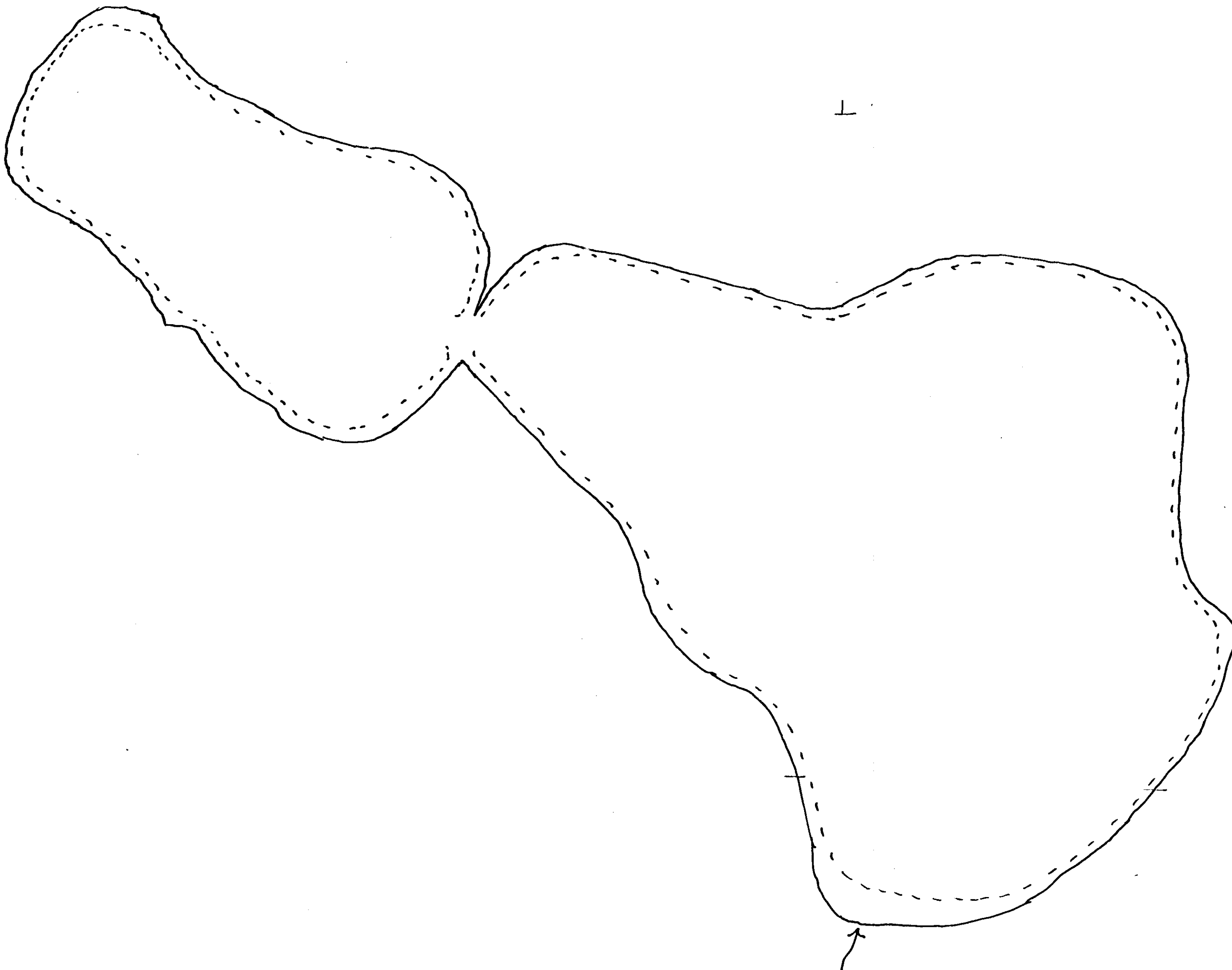
July

19

57

Edward B. Benson

Notary Public (or other qualified officer.)



+

6/5  
7/8

Dept of Game Fish & Parks  
DAY COUNTY, S. DAK.  
WINNECUMASSA LAKE  
SEC 13, 14, 15, 16, 17, 18  
Twp 122 R 54 & 55  
Scale 8" = 1 mile

7/8

Lester J. Spencer  
1-26-59

Remarks by State Water Resources Commission:

"Vested Right Claimed"

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

April 4

This is to certify that the foregoing application was received by the Commission at 11:15 o'clock

A.m. upon the 6<sup>th</sup> day of July, 1959.

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Number of permit

624-3

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

March 28

1960

Date from which applicant may claim right

1889

1959

Approved

April 4

1960

Recorded in Book

5

Page

338

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~~

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

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

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 840 acre feet annually ~~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~~ and beneficially applied for irrigation on or before June 30, 1955; said water to be used during the following described annual period:

Continuously

Witness my hand this

4<sup>th</sup>

day of

April

1960.

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Certificate of Construction Issued

April 4, 1960

Water License Issued

April 4, 1960

Permit No. 624-3Water Division No. 3 Big Sioux River 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. 624-3, issued upon Application No. 624-3, bearing date of priority of 1889, authorizing the diversion of 810 acre feet annually of the waters of local watershed and dry draws

County of Day, State of South Dakota, at 4 points located in the NW 1/4 NE 1/4 and NE 1/4 NE 1/4, Sec. 29, NE 1/4 NE 1/4, Sec. 32, and NW 1/4 NE 1/4, Sec. 33 T. 12 N. R. 55 W.

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 vested right recognized as found in satisfactory condition for diverting and conveying to the place of intended use 810 acre feet annually of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: to be used in place for public recreation

Witness my hand this 14th day of April A. D. 1960

State Water Resources Commission

By:

J.W. GRIMES Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 624-3

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. 624-3) to us for a permit to use vested right 180 acre feet annually

of the waters of local watersheds and dry draws

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

WHEREAS, On the 4th day of April A. D. 1960

vested right Permit No. 624-3 was issued to said applicant for the diversion of said water, and recognizing providing for the

completion of the works of diversion therein described xxxxxxxx day of

and for the application to beneficial use of said

water on or before the day of and,

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

vested right the holder of said permit duly made proof of the completion of adequate works for the diversion of 810 acre feet annually

of said waters, as evidenced by our Certificate No. 624-3

dated April 4, 1960 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 810 acre ft. annually

priority of 1859 and,

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

proof was duly made of the application to beneficial use of 810 acre ft. 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 & Parks  
of Pierre the holder and owner of said <sup>vested right</sup> permit No. 624-3  
a water right, dating from 1882 to the use of 810 acre feet annually  
~~under the provisions of~~ of the waters of local watersheds and dry draws  
in the County of Day and State of South Dakota, or so much thereof as may be  
necessary for the purposes hereinbelow mentioned, to be diverted at points located in the NW 1/4, NE 1/4,  
and the NW 1/4, NE 1/4, Sec 29; NE 1/4, NE 1/4, Sec 32; and NW 1/4, NE 1/4, Sec 33, T 12N R 55W  
and ~~conducted to such uses~~ 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 11th day of April A. D. Nineteen

Hundred and sixty

State Water Resources Commission

By:

JW. 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 \_\_\_\_\_

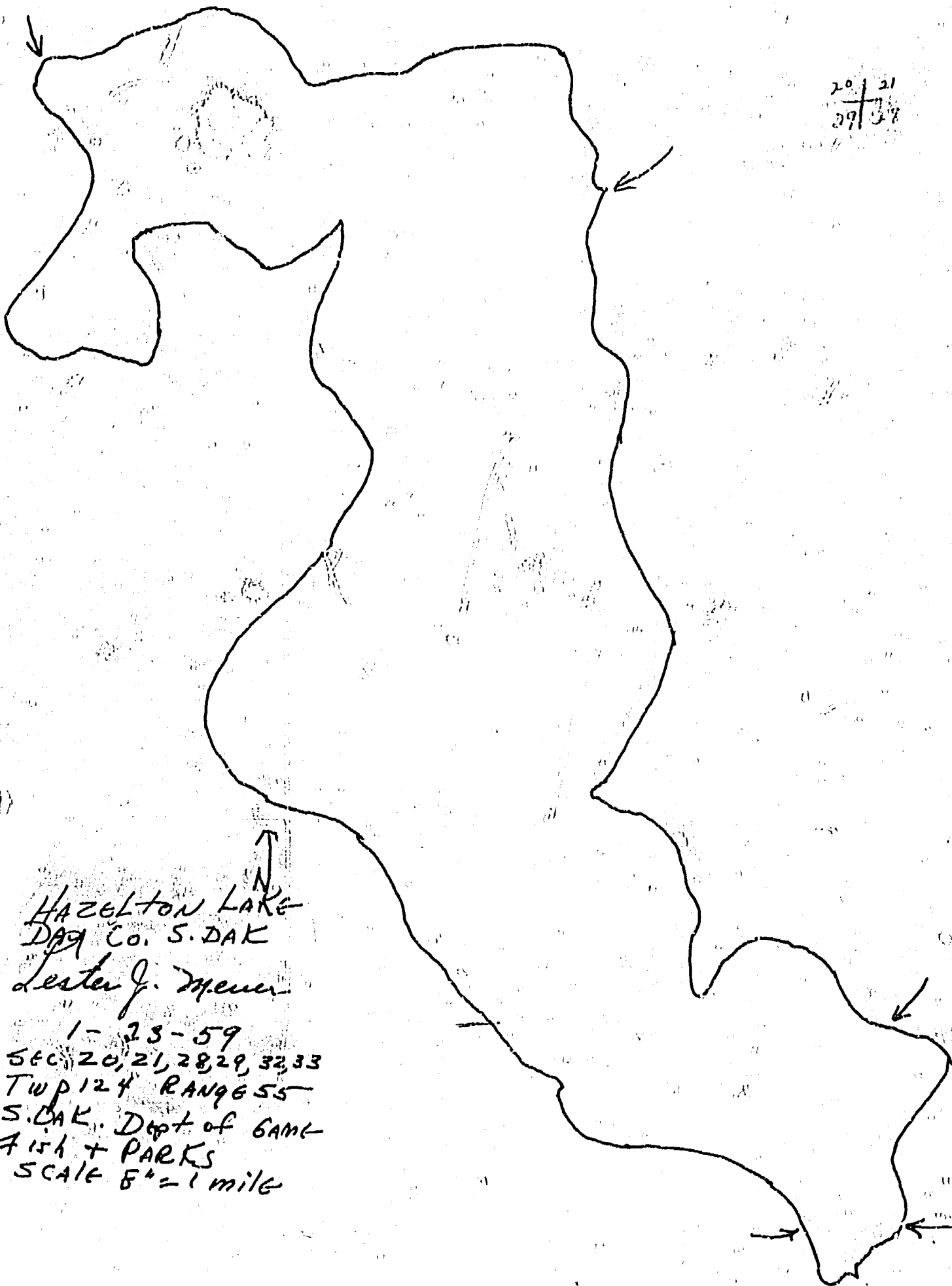
Place of Use \_\_\_\_\_

Purpose \_\_\_\_\_

Date of Priority \_\_\_\_\_

Recorded \_\_\_\_\_

In Book \_\_\_\_\_ of \_\_\_\_\_ Page \_\_\_\_\_



20 21  
29 32

HAZELTON LAKE  
DAZ CO. S. DAK  
Lester J. Meyer

1-23-59  
SEC 20, 21, 28, 29, 32, 33  
TWP 124 RANGE 55  
S. DAK. DEPT OF GAME  
FISH & PARKS  
SCALE 8" = 1 mile

30 29  
31 32

Location No.

624-3  
539 Sioux

Water

Division No.

53

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. Local watershed - five points in the watershed NW NW, NW NE SEC 29  
NE NE SEC 32, NW NW SEC 33 Twp 134 R. 55

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 5 feet - 280 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 840 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.

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

At 18/89 A. M. ordered lake, used by the public for uses specified except for that amount lost by evaporation and seepage

(Sign) Henry 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 July A. D. 1909

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

624-3

**South 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

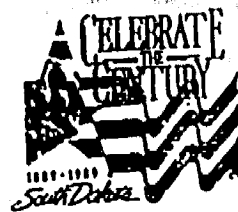
Dear Mr. Beringson:

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 Reringson, 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,

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

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