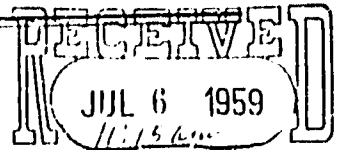


No. 6262
 Water Division No. 7 James River District
 (Blanks to be Filled by the Engineer for the W. R. C.)



STATE WATER RESOURCES COM. I.
 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 ANDERSON DAM - Day County
As required to fill lake to outlet level - approximately 600
 3. Amount of water claimed acres-feet per year cubic feet per second
 4. Source of water supply Pickeral Creek
 5. Location of point of diversion NE 1/4 NWP Section 30, Township 122; Range 59
 on _____ bank _____ County.
 6. Annual period or periods during which water is to be used All year round
 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

2. Estimated cost of work:

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

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

(e) Other structures ----- Dam and spillway ----- \$-----

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

Rock, \$-----

Total, \$40,000.00

9. Description of diversion works:

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

II. Dimensions of works:

(a) Dam: Height 30 feet; length at bottom 350 feet; length at top 13 feet; thickness at bottom 1.50 feet; thickness at top ----- 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 ----- acre feet. Surface area at highwater mark ----- 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

Subscribed and sworn to before me this

3rd

day of

July

1957

Edward Johnson
Notary Public (or other qualified officer.)

Remark/ by State Water Resources Commission:

"Vested Right Claimed"

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

October 3

1959

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:

Geoff Brimer

Chief Engineer, Executive Officer

Number of permit

626-3

Date of first receipt of application

July 6

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

1937

19

Approved

October 3

1959

Recorded in Book

5

Page 223

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 & wildlife

propagation, conservation & 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 600 acre feet annually, 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

and said water to be used during the following described annual period:

Continuously

Witness my hand this

3rd

day of

October

1959

State Water Resources Commission

By:

Geoff Brimer

Chief Engineer, Executive Officer

Certificate of Construction Issued

October 3

1959

Water License Issued

October 3

1959

Permit No. **626-3**Water Division No. **3** **James River** Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That **South Dakota Department of Game, Fish & Parks**

of **Pierre**, County of **Hughes**, and State of **South Dakota**, the holder of Permit No. **626-3**, issued upon Application No. **626-3**, bearing date of priority of **1937**, authorizing the diversion of **600 acre feet annually**

~~of the waters of~~ **of the waters of Pickarel Creek**

County of **Day**, State of South Dakota ~~in NE1NW1~~

Section 30, T 122 N, R 59 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 **600 acre feet annually**

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

to-wit: **for fish and wildlife propagation, conservation and recreational uses in parts of Sections 19, 20 and 30 T 122 N R 59 W**

Witness my hand this **3rd** day of **October** A. D. 19**59**

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 626-3

WHEREAS, On the 6th day of July A. D. 1959
South Dakota Department of Game, Fish and Parks
of Pierre County of Hughes and State of
South Dakota duly made application (No. 626-3) to us for a Vested Right permit to use 600 acre feet annually
of the waters of Pickeral Creek
County of Day, State of South Dakota, for fish and wildlife propagation, conservation and recreational purposes; and

WHEREAS, On the 3rd day of October A. D. 1959
Vested Right 626-3 recognizing
Permit No. 626-3 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described in 1937
and the application to beneficial use of said
water in 1937
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 600 acre feet
annually of said waters, as evidenced by our Certificate No. 626-3
dated October 3, 1959 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 600 acre/feet annually of water, with date of
priority of 1937 and,

WHEREAS, On the 6th day of July A. D. 1959
proof was duly made of the application to beneficial use of 600 acre feet annually
for fish and wildlife propagation, conservation and recreational
purposes in parts of Sections 19, 20 and 30 T 122 N, R 59 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** the holder and owner of said **Vested Right** Permit No. **626-3**
a water right, dating from **1937** to the use of **600 acre feet**
annually
~~XXXXXXX~~ of the waters of **Pickere1 Creek**
in the County of **Day** and State of South Dakota, or so much thereof as may be
necessary for the purposes hereibelow mentioned, to be diverted ~~X~~ **in the NE1/4NW1/4 Section 30**
T 122 N, R 59 W
and conducted to and upon **parts of Sections 19, 20 and 30 T 122 N, R 59 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 **3rd** day of **October** 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. 626-3Water Division No. 3Water District James
Street**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. Pickrel Creek - NE 1/4 Section 30; Township 122; Range 59

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. _____

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 600 acre feet

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 since 1937 when dam was constructed. Used by the public
for uses specified except for that amount lost by evaporation and seepage

(Sign) Harry R. Woodward

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 Prine, County of Hughes

State of South Dakota, on this 3rd day of July A. D. 1959

Edward A. 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 ----- c. f. s.	
Source -----	
County -----	
Purpose -----	
Place of Use -----	
Date of recording -----	
Received and filed -----	

OVERSIZE

DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

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 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.

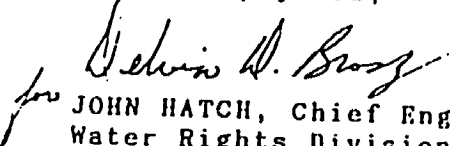


September 21, 1988
Richard Beringson, Secretary
Page 2

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