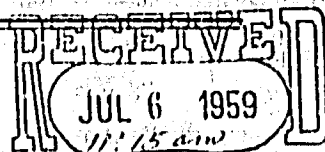


No. 629-3

Water Division No. 2 Big Sioux River District

(Blanks to be Filled by the Engineer for the W. R. C.)



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 PICKEREL LAKE - Day County

As required to fill lake to outlet level - approximately 3000
 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 Three points in the watershed in Sec 15, SW 1/4 NW 1/4 Sec 23 & NW 1/4 NW 1/4 Sec 34, all in T124N R25W

on Day 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 purposes
 (Name any of the above uses claimed)

(b) Amount of power to be generated _____ horse power.

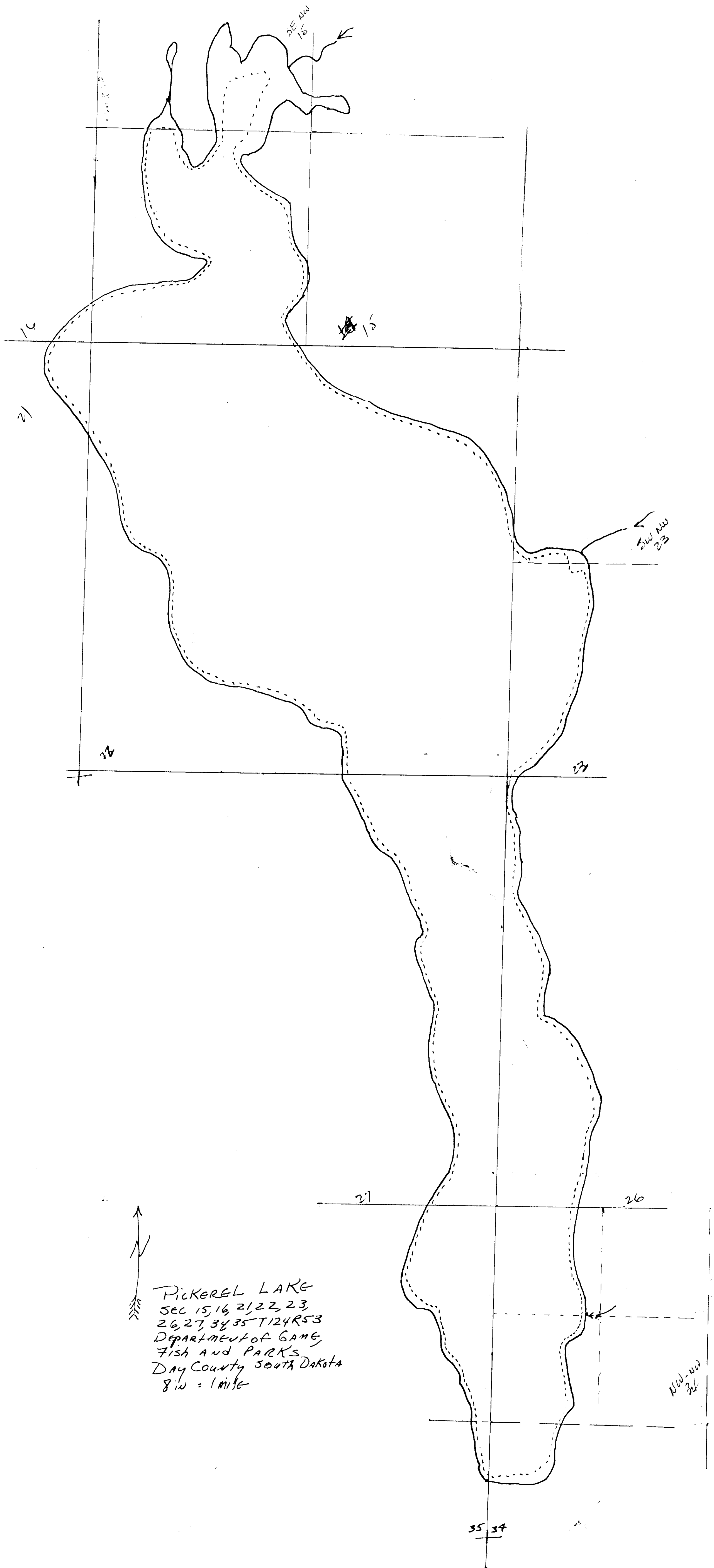
Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

Map No. 481-3



PICKEREL LAKE
SEC 15, 16, 21, 22, 23,
26, 27, 34, 35 T124R53
DEPARTMENT OF GAME,
FISH AND PARKS
DAY COUNTY, SOUTH DAKOTA
8 in = 1 mile

Map No. 481-3
App. No. 629-3

Remarks by State Water Resources Commission:

"Vested Right Claimed"

STATE OF SOUTH DAKOTA
County of Humphreys } ss.

Pierre, South Dakota, November 13, 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:

Geo. B. Miner

Chief Engineer, Executive Officer

Number of permit 629-3

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 October 20, 1959

Date from which applicant may claim right 2880 acre feet annually - 1889
120 acre feet annually - 1929, 1959

Approved November 13, 1959, Recorded in Book 5 Page 261

This is to certify that we have examined the foregoing application for vested right 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, 1959

2nd. The whole of said work is to be completed on or before Completed, 1959

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

Completed, 1959

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 3000 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 applied for irrigation on or before June 31, 1955; said water to be used during the following described annual period:

Continuously

Witness my hand this 13th day of November, 1959.

State Water Resources Commission

By:

Geo. B. Miner

Chief Engineer, Executive Officer

Certificate of Construction Issued November 13, 1959

Water License Issued November 13, 1959

Permit No. **629-3**Water 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 South Dakota Department of Game, Fish & Parks**

of **Pierre**, County of **Hughes**, and State of **South Dakota**, the holder of **Vested Right** Permit No. **629-3**, issued upon Application No. **629-3**, bearing date of priority of **1889 & 1929**, authorizing the diversion of

3000 acre feet annually of the waters of **Fickarel Lake** County of **Day**, State of South Dakota, at **three points located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15; the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 23; and the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34, all in T 124 N, R 53 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 recognized as**

~~XXXXXX~~ for diverting and conveying to the place of intended use **3000 acre feet annually** ~~XXXXXX~~

~~XXXXXX~~ 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 purposes.**

Witness my hand this **13th** day of **November** A. D. 19**59**

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 629-3

WHEREAS, On the 6th day of July A. D. 1959
 the South Dakota Department of Game, Fish and Parks

of Pierre County of Hughes and State of
South Dakota duly made application (No. 629-3) to us for a Vested Right permit to use 3000 acre feet
~~XXXXXX~~ of the waters of Pickrel lake annually
 County of Day, State of South Dakota, for public recreation
 purposes; and

WHEREAS, On the 13th day of November A. D. 1959
Vested Right
 Permit No. 629-3 was issued to said applicant for the diversion of said water, and providing for the
 completion of the work of diversion therein described on or before the Completed
~~XXXXXX~~ and for the application to beneficial use of said
 water on or before the Completed ~~XXXXXX~~
 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 3000 acre feet
annually ~~XXXXXX~~ of said waters, as evidenced by our Certificate No. 629-3
 dated November 13, 1959 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 3000 acre feet annually
~~XXXXXX~~ of water, with date of
 priority of 1889 and 1929 and,

WHEREAS, On the 6th day of July A. D. 1959
 proof was duly made of the application to beneficial use of 3000 acre feet annually
~~XXXXXX~~ of said water,
to be used in place for public recreation purposes.

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 South Dakota Department of Game, Fish and Parks ^{Vested Right}
of Pierre the holder and owner of said Permit No. 629-3
a water right, dating from 1889 & 1929 to the use of 3000 acre feet
annually
~~of the waters of~~ Pickarel Lake
In the County of Day and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at three points in the watershed,
more clearly defined in Certificate of Completion of Works 629-3
and ~~which are to be~~ used in place for public recreation purposes

~~XXXXXX~~

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 13th day of November 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. 67-3Water Division No. 9 Pier Water District**Proof of Application of Water to Beneficial Use**

NAME 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 - three points in the watershed

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 43.6 feet - 1000 acresDike and spillway located at natural outlet raises lake 1 foot. Dam about
3' high and 100 ft. long. Was first built before 1926 and destroyed by ice
at that time was rebuilt later, probably 1929.

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 reservoirQues. 8. What is the minimum amount of water required for the use specified above? 5000Ans. As required to fill lake to outlet level - approximately 1680 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. It has been in use since South Dakota became a state in 1889. Used by the public for uses specified except for that amount lost by evaporation and seepage. Water has been used every spring by the hatchery ever since it was established.

(Sign) *Wm. H. H. H. H.*

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. 19*17*
Edmond 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 -----	
Date of recording -----	
Received and filed -----	

Water Rights Division - DWIR
Conversation or File Documentation

File No. 629-3

NAME OF PERSON OR FILE: SD Dept of Game, Fish and Parks - Pickerel Lake

ADDRESS: _____ COUNTY _____

DATE: _____ TELEPHONE _____

RE: Ordinary High Water Mark Determination

COMMENTS:

December 9 & 10, 1982

Mr. Walter MOVED, SECONDED by Mr. Arend that 1845.6 feet msl be established as
the Ordinary High Water Mark for Pickerel Lake. That Vested Water Right No.
629-3 be clarified to require the outlet for Pickerel Lake to be at an elevation
of 1844.9 feet msl. MOTION CARRIED.

For more information see the OHWM file.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

4/82

NAME: _____



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.

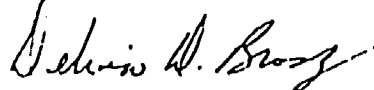


September 21, 1988
Richard Beringson, Secretary
Page 2

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,


/s/ JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

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