Water Division No. 3

(Blanks to be filled by the Engineer for the W. H. C.)

District Big Sioux RiverSTATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

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 RUSH LAKE - Day County
As required to fill lake to outlet level - approximately 7800
 3. Amount of water claimed acre-foot-per-year cubic feet per second
 4. Source of water supply Local watershed
600 ft. W. of SE Corner NW 1/4 SW 1/4 31 T122 R54
 5. Location of point of diversion Three points in the watershed
on bank Day 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
Public
 (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. 403-3

8. Estimated cost of work:

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

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

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

(d) Canalearth, \$-----

Rock, \$-----

(e) Other structures -----

Total, \$-----

9. Description of diversion works:

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

II. Dimensions of works: **Information requested not applicable. Rush Lake is a meandered lake. Maximum depth is approximately 12 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 **2300** ----- 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 **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 -----

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

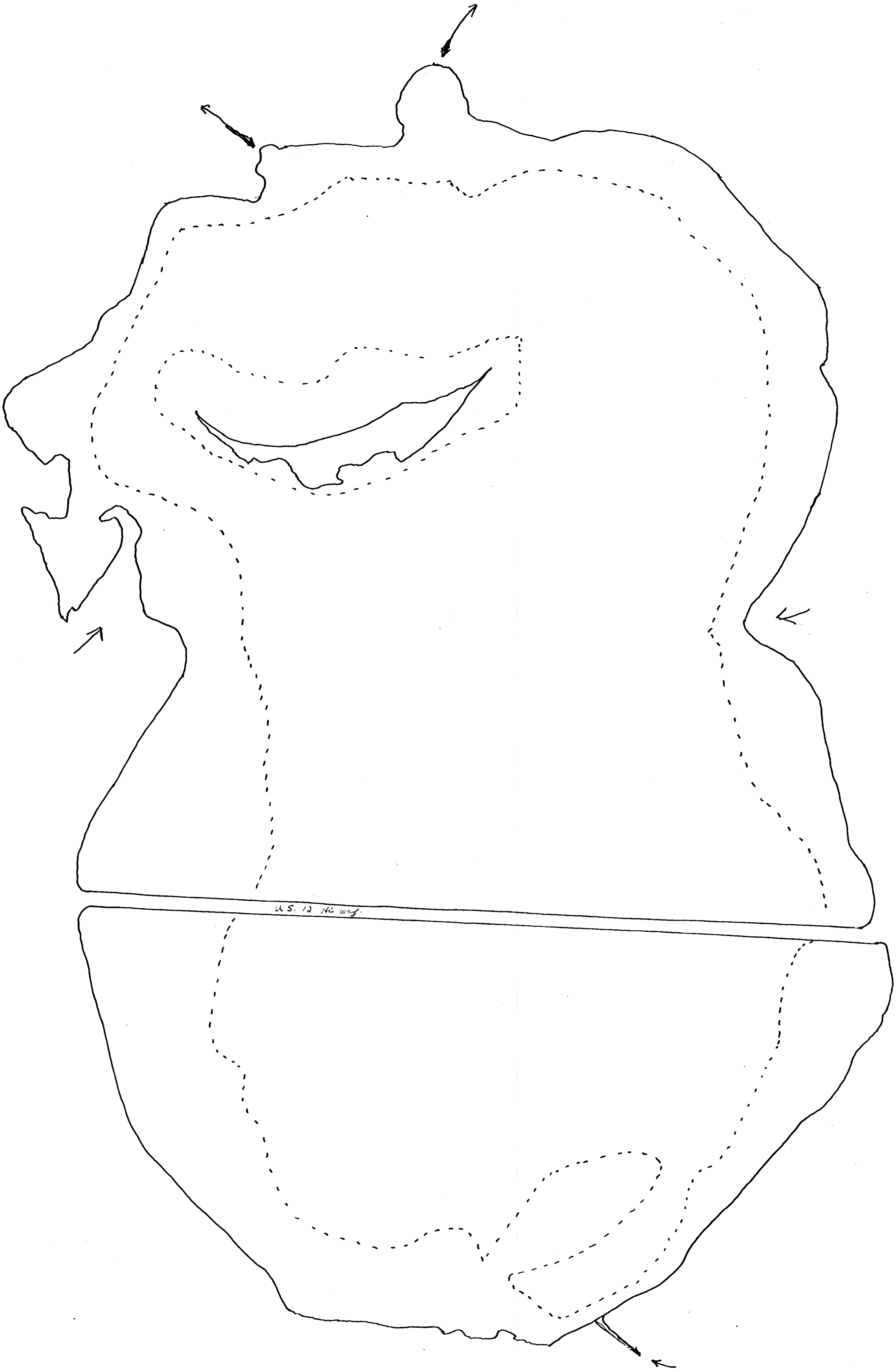
Subscribed and sworn to before me this

3rd

day of

July19**59**

Notary Public (or other qualified officer.)



Map No. 483-3
(Appl. No. 632-3)

S.D. Dept. Game & Fish
Rush Lake N
Day County S.D.
Leuter J. Meuer
3 19 20 21 22 23 24 25 26
Twp 1-26-59
Scale 8"=1 mi 1/6

Remarks by State Water Resources Commission:

"Vested Right Claimed"

STATE OF SOUTH DAKOTA
County of Hughes } 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:

John M. Bunker
Chief Engineer, Executive Officer

Number of permit 632-3

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 November 10, 1959

Date from which applicant may claim right 1889, 1959

Approved November 13, 1959, Recorded in Book 5 Page 262

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, 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 1200 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 and beneficially 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:

John M. Bunker
Chief Engineer, Executive Officer

Certificate of Construction Issued November 13, 1959

Water License Issued November 13, 1959

STATE OF SOUTH DAKOTA

WATER LICENSE No. 632-3

WHEREAS, On the 6th day of July A. D. 19 59
 the South Dakota Department of Game, Fish and Parks
 of Pierre County of Hughes and State of
 South Dakota duly made application (No. 63203) to us for a Vested Right permit to use 7800 acre feet
~~to be used for the purpose of~~ of the waters of Rush Lake annually
 County of Day, State of South Dakota, for public recreation
 purposes; and

WHEREAS, On the 13th day of November A. D. 19 59
Vested Right Permit No. 632-3 was issued to said applicant... for the diversion of said water, and recognizing
 completion of the works of diversion therein described on or before the Completed day of
~~XXXXXX~~ and for the application to beneficial use of said
 water on or before the Completed day of XXXXXX
 and,

WHEREAS, On the 6th day of July A. D. 19 59
Vested Right the holder... of said permit duly made proof of the completion of adequate works for the diversion of 7800 acre feet
annually ~~to be used for the purpose of~~ of said waters, as evidenced by our Certificate No. 632-3
 dated November 13, 1959 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 7800 acre feet annually of water, with date of
 priority of 1889 and,

WHEREAS, On the 6th day of July A. D. 19 59
 proof was duly made of the application to beneficial use of 7800 acre feet annually 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**
of **Pierre** the holder and owner of sale/permit No. **632-3**
a water right, dating from **1889** to the use of **7800 acra feet**
~~with no consummation~~ of the waters of **Rush Lake** annually
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 **a point in the NW 1/4 SW 1/4 Section**
31, T 122 N, R 54 W
and ~~whenever necessary~~ **to be used in place for public recreation**

~~xxxxxx/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. GRINES, 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. 632-3
Big Sioux
 Water Division No. 3 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. 632-3, issued upon Application No. 632-3, bearing date of priority of 1889, authorizing the diversion of

7800 acre feet annually of the waters of Rush Lake County of Day, State of South Dakota, at a point 600' W of the SW corner of the NW 1/4, Sec. 31, T 122 N, R 54 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 satisfactory

~~XXXXXXXXXX~~ for diverting and conveying to the place of intended use 7800 acre feet annually ~~XXXX~~

~~XXXXXXXXXX~~ of water; and that ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ the use of said water are described as follows, to-wit: to be used in place for public recreational purposes.

Witness my hand this 13th day of November, 59

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

- Rush Lake -

Dept built lake &
Spillway in 1946 raising outlet
1 foot.

In 1947 Hwy Dept built
spillway beside existing one
one foot lower thus nullifying
the one built by dept

Location No. 632-7
 Water Division No. 3 Big Stone Water District

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and post. 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 Main Inlet into Lake
located 600' W. of the S.E. Corner of the NW 1/4 SW 1/4 Sec 31 T122 R54

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 12 feet - 2300 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 7800 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. A meandered lake. Used by the public for uses specified except
for that amount lost by evaporation and seepage

(Sign) Har. 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. 1957

Witnesses. Edward B. 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 -----

South Dakota



GREAT FACES. GREAT PLACES.

September 19, 1991

Mr. Wayne Kuecker
721 W 3rd Street
Webster, SD 57274

Re: Minnewasta Lake

Dear Mr. Kuecker:

I am writing in response to your letter and petitions concerning water levels in Lake Minnewasta.

Water Right Division engineers have met with Department of Transportation (DOT) and Department of Game, Fish and Parks (G,F&P) staff concerning water levels in Rush Lake and Minnewasta Lake. The historic data indicates that DOT lowered the outlet between Rush Lake and Waubay Lake when Highway 12 was regraded in 1940. The outlet to Waubay Lake was lowered 1.3 feet while the outlet to Lake Minnewasta was not changed. This action has allowed normal overflows to run into Waubay Lake while Minnewasta receives no flows, unless flooding conditions exist.

G,F&P hold Vested Water Right 632-3 which allows them to hold water to the outlet elevation. Any modification to the outlets to Rush Lake will have to be requested by G,F&P.

We will continue to work with G,F&P and DOT to resolve the issues on Lake Minnewasta and Rush Lake.

Very truly yours,

John M. Selken

for John Hatch, Chief Engineer
Division of Water Rights
(605) 773-3352

cc: Richard Beringson, Department of Game, Fish and Parks
Tim Olson, Department of Game, Fish and Parks
Tim Bjork, Water Resource Management Division, DENR



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.

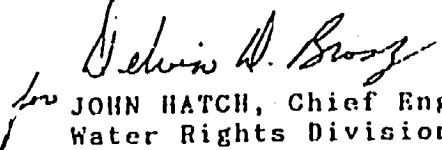


September 21, 1988
Richard Beringson, Secretary
Page 2

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,


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

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