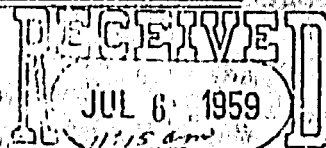


No. 633-53
 Water Division No. 3 Big Sioux River District
 (Checks to be filled by the Engineer for the W. D. S.)
Vested Right



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 ParksPostoffice address Pierre, County Hughes, State South Dakota

I. If a corporation

(a) Name of firm

(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 LONESOME LAKE - Day County3. Amount of water claimed As required to fill lake to outlet level - approximately 570
acre feet per year cubic feet per second4. Source of water supply Local watershed5. Location of point of diversion NE NW 35 Twp 120 R 53 NE NE 34 Twp 120 R 53
Four points in the watershed + 2 points in NE NW 34 Twp 120 R 52on bank County Day6. Annual period or periods during which water is to be used All year long 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.) Sec 25 Twp 120 R 53Day County & Sec 18 Twp 120 R 52 Grant County

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

Map No. 484-3

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. Lonesome Lake is a meandered lake. Maximum depth is approximately 10 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 ----- 190 ----- 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 ----- Mi	----- 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 - a meandered lake

11. Time required for complete application of water to the proposed beneficial use ----- years.

12. Choice of newspaper for publication of notice of intention to appropriate -----

STATE OF SOUTH DAKOTA

County of ----- Hughes ----- ss.

Harry R. Woodward

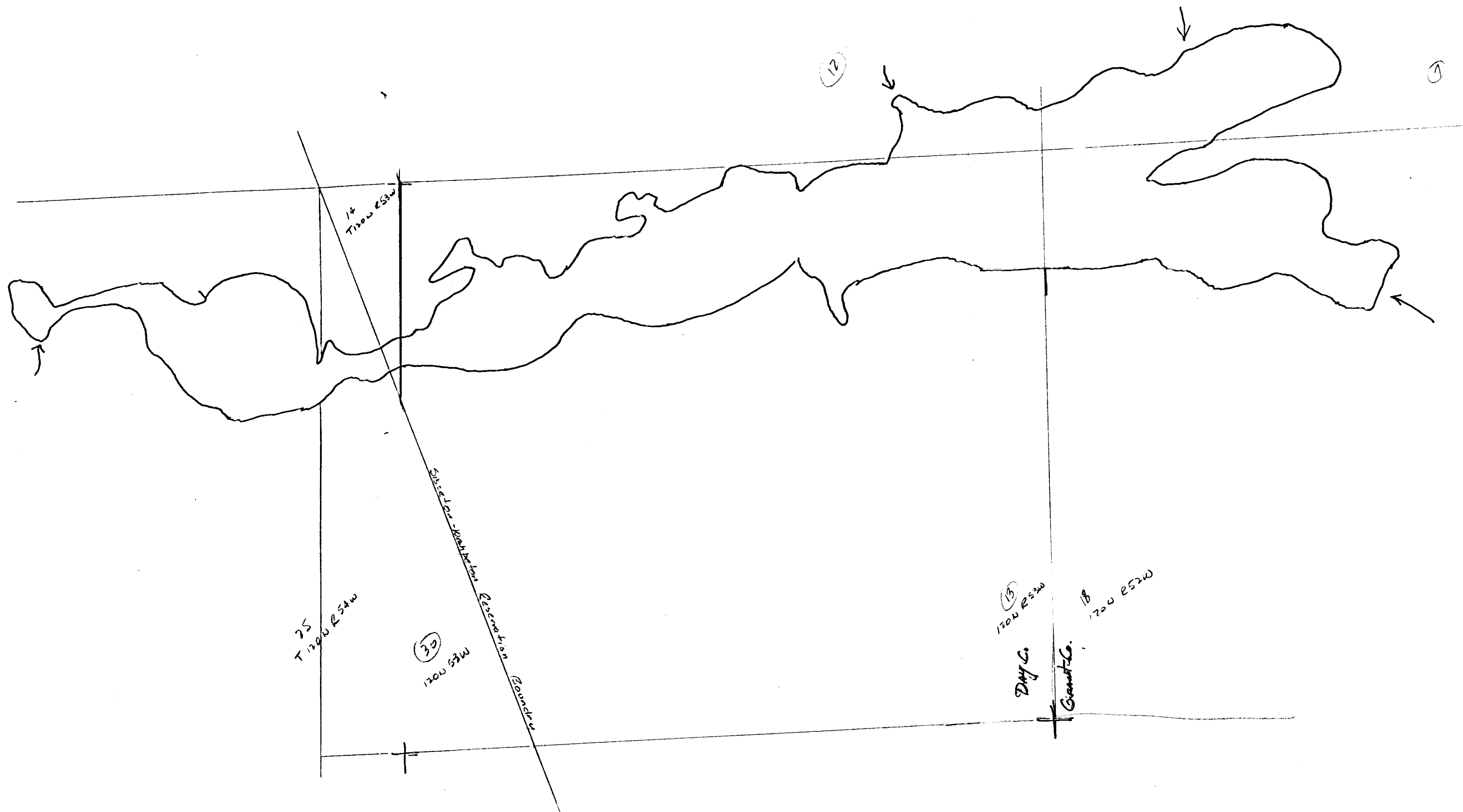
on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed

Subscribed and sworn to before me this 3rd day of July 1959

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.



S. D. Dept. Cont. 1st + Park
 Day Co. Cont. 1st + Park
 Lovell Co. Cont. 1st + Park
 50' 25' 80' 25' 120' R53 + 54
 Lester J. Mauer
 Scale 8" = 1 mile
 1-26-59

Day Co. Grant Co.

Lovell Co. N
 Lester J. Mauer
 1-26-59

Map No. 484-3
 (App. No. 633-3)

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota,

DECEMBER 6, 1962

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

6TH day of JULY, 1959

State Water Resources Commission

By:

Forrest J. Jones
Chief Engineer, Executive Officer

Number of permit 633-3

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 1889, 1959

Approved DECEMBER 6, 1962 Recorded in Book 7 Page 232

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, 1962
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 510 acre feet annually cubic feet per second; neither shall it exceed the capacity of the above described production of crops nor the least amount of water that experience may hereafter indicate as necessary production of crops in the exercise of the best husbandry; and further, said appropriation must be used for public recreation used to not more than one-seventh (1/7) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied used on or before JUNE 30, 1955; said water to be used during the following described annual period:

continuously

Witness my hand this 6TH day of December, 1962

State Water Resources Commission

By:

Forrest J. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued

December 6, 1962

Water License Issued

December 6, 1962

Permit No. 7 633-3Water 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 Parks

of Pierre, County of Hughes, and State of South Dakota, the holder of Permit No. 633-3, issued upon Application No. 633-3, bearing date of priority of 1889, authorizing the diversion of 570 acre feet annually of the waters of the local watershed County of Day, State of South Dakota, at points in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 25, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, T120N, R53W and in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 18, T120N, R52W for public recreation purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of recognized completion of the works of diversion set out and described in said Permit; that said works are in satisfactory condition for diverting and conveying to the place of intended use 570 acre feet annually of water; and that the uses of said water are described as follows, to-wit: to be used in place for public recreation.

Witness my hand this

6th

day of

DecemberA. D. 1962

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

STATE OF SOUTH DAKOTA

WATER LICENSE No. 633-3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840

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. 633-3) to us for a Vested Right permit to use 570 acre feet annually

of _____ County of _____ State of _____
 South Dakota _____ duly made application (No. 633-3) to us for a ^{Vested Right} permit to use 570 acre feet annually

...of the waters of the local watershed

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

WHEREAS, On the 6th day of December 1962, A. D. 1962, Vested Right 633-3 recognizing the / Permit No. 633-3 was issued to said applicant... for the diversion of said water, and providing for the

Vested Right 633-3 was issued to said applicant... for the diversion of said water, and providing for the recognizing

completion of the works of diversion therein described ~~to be made~~ on the _____ day of _____

~~water~~ ~~KONTROL~~ ~~TOXIC~~ ~~AND~~ ~~FOR~~ ~~THE~~ application to beneficial use of said
and.

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

WHEREAS, On the _____ day of _____, 19____
the holder of said permit duly made proof of the completion of adequate works for the diversion of 570 acre feet
annually from the _____ of said water as evidenced by our Certificate No. 632-3

annually ~~not more than~~ cubic feet per second of said waters as evidenced by our Certificate No. 633-2
dated December 6, 1962 affirming the completion of works of sufficient capacity for annually

diverting and conveying to the place of intended use _____ 570 acre feet annually _____ of water, with date of
priority of 1889 _____ and,

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

WHEREAS, On the 20th day of Jan, 1911,
proof was duly made of the application to beneficial use of 570 acres ^{annually} ~~per second~~ 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 confer to the Department of Game, Fish and Parks
of Pierre the holder and owner of said Vested Right permit No. 633-3
a water right, dating from 1889 to the use of 570 acre feet annually

~~OUTSTANDING~~ of the waters of the local watershed
in the County of Day and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinafter mentioned, to be diverted at points in the NE 1/4 NW 1/4, Section 25,
NE 1/4 NE 1/4 Section 24, T120N, R53W, and in the NE 1/4 NW 1/4, Section 18, T120N, R52W
and ~~conducted~~ stored 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 6th day of December A. D. Nineteen
Hundred and Sixty-Two.

State Water Resources Commissioner

By:

Chief Engineer, Executive Officer
J. W. GRIMES

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. 633-3Water Division No. 3Big Sioux River

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. beal watershed - four points in the watershed NE NW 25 Twp 120 R 53
+ 2 points in NE NW Sec 16 Twp 120 R 52 NE NE 24 Twp 120 R 53

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 10 feet - 190 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 AL PURPOSES

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 370 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. ^{1889 when S.D. became a state.} A meandered lake. Used by the public for uses specified except for that

amount lost by evaporation and seepage

(Sign) *Henry Meander*

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. 10-*59*

Witnesses *Edward R. 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 _____	Recorded and filed _____
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**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 Beringson, Secretary

Page 2

We will be working with your staff on these validations. We have already discussed settling 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, we will 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

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME: Game, Fish & Parks

DATE: June 4, 2004

RE: Vested Water Right Claim No. 633-3 – Lonesome Lake

COMMENTS:

A review of the file found the legal descriptions for the Lake to be in error. The correct descriptions are as follows:

Outlet: SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, T120N, R52W

Water impounded: SW $\frac{1}{4}$ Section 7, T120N, R52W
N $\frac{1}{2}$ Section 8, T120N, R52W

SE $\frac{1}{4}$ Section 12, T120N, R53W
N $\frac{1}{2}$ Section 13, T120N, R53W
NE $\frac{1}{4}$ Section 14, T120N, R53W
NW $\frac{1}{4}$ Section 30, T120N, R53W

NE $\frac{1}{4}$ Section 25, T120N, R54W



Genny McMath
Environmental Scientist

