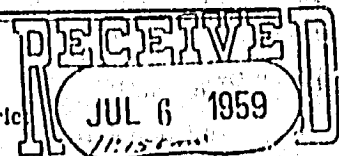


No. 637-3Water Division No. 3 Big Sioux River District
(Blanks to be filled by the Engineer for the W. R. Co.)

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 Hicks, 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 NEERLANDS LAKE - DAY COUNTY
3. Amount of water claimed As required to fill lake to outlet level - approximately 180
acre-foot-per-year cubic feet per second _____
4. Source of water supply Local watershed
5. Location of point of diversion two
three points in watershed located in the NE 1/4 NW 1/4
and one point located in the SE 1/4 NE 1/4 Sec 26 T12N R23W on _____ bank _____ Day 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 _____

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. Nerlands Lake is a
 (a) meandered lake. Maximum depth approximately 6 feet. 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 are feet. Surface area at highwater mark 60 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. 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 A. 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 B. Johnson
 Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

"Vested Right Claimed"

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota, November 10, 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:

George Ruess
Chief Engineer, Executive Officer

Number of permit 637-3

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 1889, 1959

Approved November 10, 1959, Recorded in Book 5 Page 252

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 purposes

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 180 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~~ used on or before June 31, 1955; said water to be used during the following described annual period:

continuously

Witness my hand this 10th day of November, 1959

State Water Resources Commission

By: George Ruess
Chief Engineer, Executive Officer

Certificate of Construction issued November 10, 1959

Water License issued November 10, 1959

STATE OF SOUTH DAKOTA

WATER LICENSE No. 637-3

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. 637-3) to us for a vested right 180 acre feet
~~XXXXXX~~ annually
~~XXXXXX~~ of the waters of Nerlands Lake
 County of Day, State of South Dakota, for public recreation
 purposes; and

WHEREAS, On the 10th day of November A. D. 1959
Vested Right recognizing
 Permit No. 637-3 was issued to said applicant... for the diversion of said water, and providing for the
 completion of the works of diversion therein described on or before the completed XXXXXX day of
XXXXXX A. D. 1959 and for the application to beneficial use of said
 water on or before the completed XXXXXX day of XXXXXX A. D. 1959
 and,

WHEREAS, On the 6th day of July A. D. 1959
 the holder of said Vested Right 180 acre feet
annually XXXXXX of said waters, as evidenced by our Certificate No. 637-3
 dated November 10, 1959 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place ended use 180 acre feet annually
XXXXXX of water, with date of
 priority of 1889 XXXXXX and, and,

WHEREAS, On the 6th day of July A. D. 1959
 proof was duly made of the application to beneficial use of 180 acre feet annually
~~XXXXXX~~ cubic feet per second of said water;
for public recreational purposes.

NOW, THEREFORE, By the virtue of the authority vested in me 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 said vested right permit No. 637-3
a water right, dating from 1889 to the use of 180 acre feet annually
~~subject to the~~ of the waters of Marlandu Lake
In the County of Day and State of South Dakota, or so much thereof as may be
necessray for the purposes hereibelow mentioned, to be diverted at two points in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and one
point in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ on 26 T 122N R 53W
used in place for
and ~~subject to the~~ public recreational purposes.

~~subject to the~~
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 10th 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 _____

Permit No. 637-3

Water Division No. 1 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 and Parks

of Pierrre, County of Hughes, and State of South Dakota, the holder of Vested Right Permit No. 637-3 Issued upon Application No. 637-3, bearing date of priority of 1889, authorizing the diversion of

180 acre feet annually ~~of the waters of~~ Herlands Lake

County of Day, State of South Dakota, at two points in the

NE 1/4 NW 1/4 and one point in the SE 1/4 NE 1/4 Sec 26 T 122N R 53W

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

~~condition~~ for diverting and conveying to the place of intended use 180 acre feet annually ~~xxx~~

~~per second~~ of water; and that ~~the works proposed to be constructed for~~ the use of said water are described as follows,

to-wit: to be used in place for public recreational purposes.

Witness my hand this 10th day of November A. D. 1959

State Water Resources Commission

By:

J.W. GRIMES, Chief Engineer, Executive Officer

Location No. 637-2

Water Division No. 3

Big 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. Local watershed - three points in 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 6 feet - 60 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 180 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) Samuel 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 Pierre, County of Hughes

State of South Dakota, on this 3rd day of July A. D. 1957

Edward 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 _____

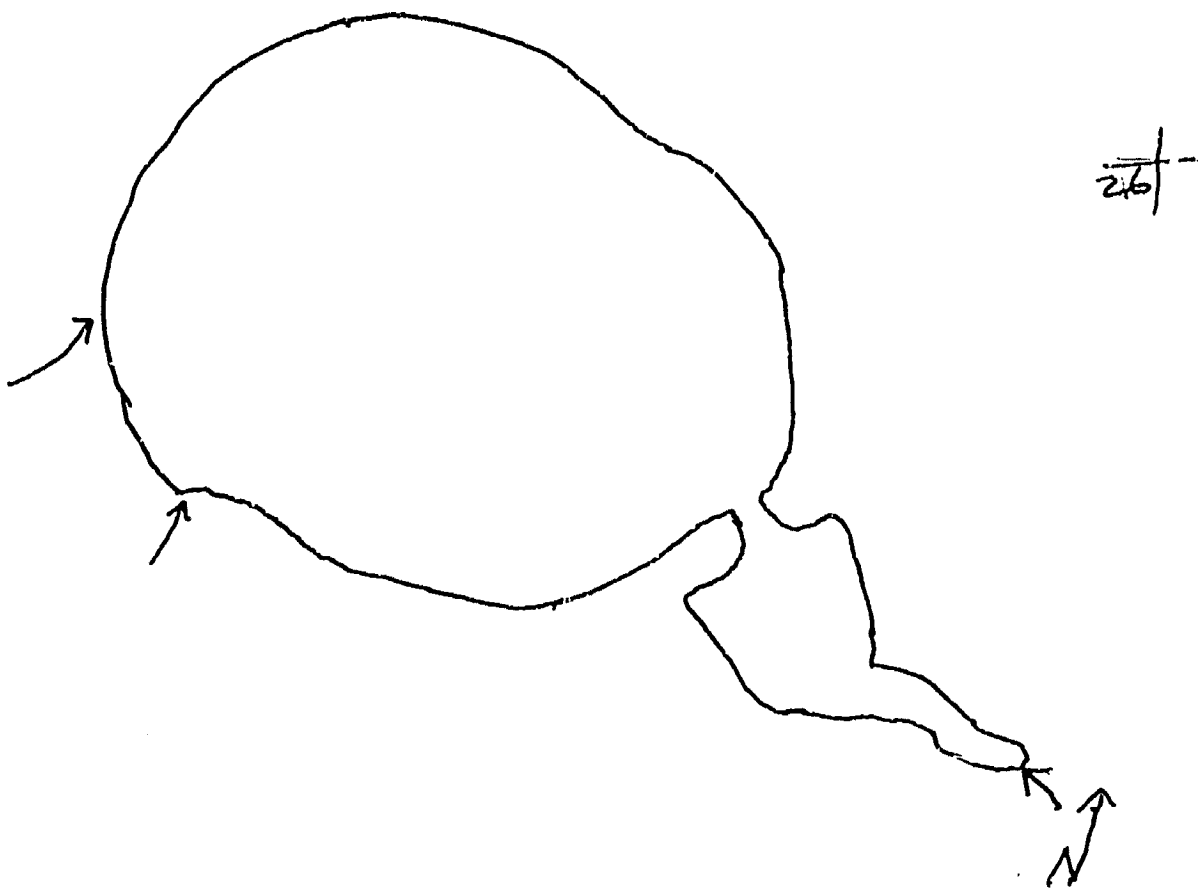
County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____



VERLANDS LAKE
 DAY COUNTY.
 DEPT GAME-FISH + PARKS
 SCALE 8" = 1 mile
 SEC 26 T121 R53

26	35
35	36



637-3

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.

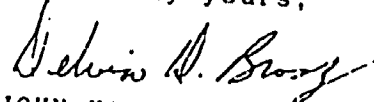


September 21, 1988
Richard Reringson, Secretary
Page 2

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,


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

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