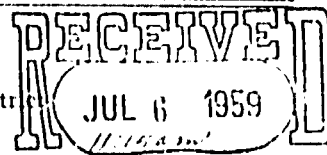


No. 642-5
 Water Division No. 53 Tamias River District
 (Blanks to be filled by the Engineer for the W. R. C.)
Vested Right



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 Piarrre, 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 PIERPONT DAM - Day CountyAs required to fill lake to outlet level - approximately 2103. Amount of water claimed acres-feet-per-year cubic feet per second4. Source of water supply Mud Creek5. Location of point of diversion SW 1/4 Section 17; Township 123; Range 58

on bank County.

6. Annual period or periods during which water is to be used All year round

7. To be used for:

1. 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

487-3
 No.
 Map

DATE RECEIVED

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
(c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
(e) Other structures Dam and spillway \$..... Total, \$ 30,000.00

9. Description of diversion works:

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

II. Dimensions of works:

8' F.B.

(a) Dam: Height 29 feet; length at bottom 480 feet; length at top 1260 feet; thickness at bottom 120 feet; thickness at top 16 feet; slope at front water face 3:1; slope at back face 1 1/2:1
material used in construction earth fill

(b) Reservoir: Capacity when filled acre feet. Surface area at highwater mark 70 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

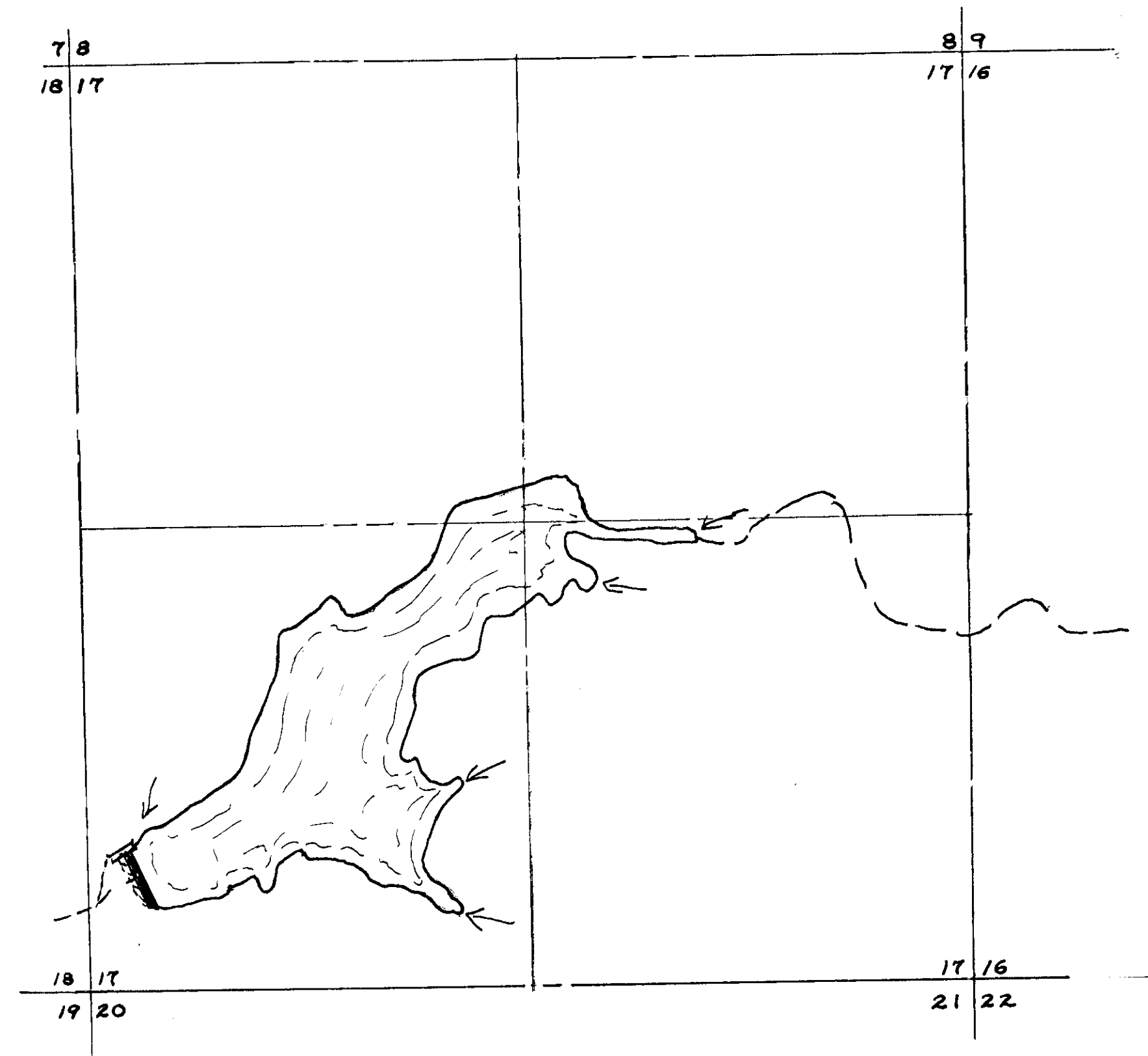
2nd

day of

July

1959

Edward G. Johnson
Notary Public (or other qualified officer.)



PIERPOINT DAM
R 58 W, T 123 N, DAY CO. SOUTH DAKOTA
APPROX. SCALE - 1" = 700'
DEPARTMENT OF GAME FISH & PARKS

Remarks by State Water Resources Commission:

"Vested Right Claimed"

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre South Dakota, October 5, 1959

This is to certify that the foregoing application was received by the Commission at Pierre,
in upon the 6th day of July, 1959

State Water Resources Commission

By:

John R. Miller
Chief Engineer, Executive Officer

Number of permit 640-3

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 July 10, 1959, Recorded in Book 5 Page 225

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, 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 210 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 fish & wildlife propagation, conservation & recreation ~~and beneficially applied for irrigation on~~ as or before Oct 30, 1955; said water to be used during the following described annual period:

Continuously

Witness my hand this 5th day of October, 1959

State Water Resources Commission

By:

John R. Miller
Chief Engineer, Executive Officer

Certificate of Construction Issued October 5, 1959

Water License Issued October 5, 1959

Permit No. 640-3Water 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 and Parks

of Pierre, County of Hughes, and State of South Dakota, the holder of Vested Right Permit No. 640-3, issued upon Application No. 640-3, bearing date of priority of 1937, authorizing the diversion of 210 acre feet annually of the waters of Mud Creek County of Day, State of South Dakota, in the SW 1/4 SW 1/4 Sec 17 T 123N R 58W

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 Vested Right permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 210 acre feet annually ~~per sec. 17~~ ^{is} ~~per sec. 17~~ and that ~~the works proposed in the permit~~ the use of said water are described as follows, to-wit: for fish and wildlife propagation, conservation and recreational uses in parts of Sec 17 T 123N R 58W

Witness my hand this 5th day of October A. D. 1959

State Water Resources Commission

By:

J.W. ORDIES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 640-3

WHEREAS, On the 6th day of July A. D. 1959
 The Department of Fish and Parks
 of Pierre County of Hughes and State of
South Dakota duly made application (No. 640-3) to us for a permit to use vested right 210 acre feet
~~annually~~ of the waters of Mud Creek annually
 County of Day State of South Dakota, for fish and wildlife propagation, conservation
 purposes; and and recreation

WHEREAS, On the 5th day of October A. D. 1959
Vested Right 640-3 Permit No. 640-3 was issued to said applicant... for the diversion of said water, and recognizing
 completion of the works of diversion therein described ~~in 1937~~ in 1937
~~and for the application to beneficial use of said~~
 water ~~in 1937~~ in 1937
 and,

WHEREAS, On the 6th day of July A. D. 1959
 the holder of said Vested Right permit duly made proof of the completion of adequate works for the diversion of 210 acre feet
annually ~~annually~~ of said waters, as evidenced by our Certificate No. 640-3
 dated October 5, 1959 confirming the completion of works of sufficient capacity for
210 acre feet
 diverting and conveying to the place of intended use annually ~~annually~~ of water, with date of
 priority of 1937 ~~annually~~

WHEREAS, On the 6th day of July A. D. 1959
 proof was duly made of the application to beneficial use of 210 acre feet
annually ~~annually~~ of said water;
for fish and wildlife propagation, conservation and recreation in parts
of Section 17, T 123N, R 58W

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 610-3

a water right, dating from 1937 to the use of 210 acre feet annually

~~of the waters of~~ of the waters of Mud Creek

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 ~~in the SW 1/4~~ in the SW 1/4 Section 17, T 123N

R 50W

and conducted to and upon parts of Section 17, T 123N, R 50W

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 5th 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 _____

Ac't _____ c. f. s. _____

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Location No. 640-3Water Division No. 3 James
Baker 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. _____

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. Mud Creek - SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 17; Township 123; Range 58

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 210 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 per. It 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 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. 1959

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 -----

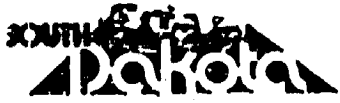
County -----

Purpose -----

Place of Use -----

Date of recording -----

Received and filed -----



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.

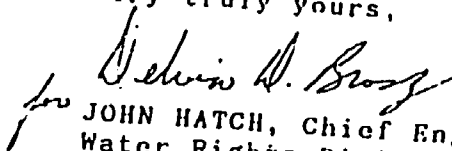


September 21, 1988
Richard Reringson, Secretary
Page 2

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