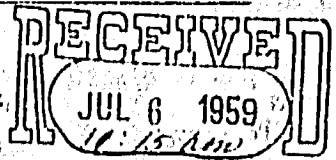


No. 642-5  
 Water Division No. 3 Big Bear River District  
 (Ranks to be filled by the Engineer for the W. R. C.)



# APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

STATE WATER RESOURCES COMM.  
PIERRE, 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 ANDERSON LAKE - Day County  
As required to fill lake to outlet level - approximately 390  
 3. Amount of water claimed acre-feet per year-cubic feet per second  
 4. Source of water supply local watershed  
2 points north  
 5. Location of point of diversion NW1/4 Section 12 & SE1/4 Section 11; Township 121 Range 53  
1 foot in the  
on 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 5E1/4, Sec 7, acres.  
where water is used  
 (b) Legal subdivisions to be irrigated SE1/4 Sec 11 & NW1/4 Sec 12,

(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

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. Anderson Lake is a

(a) ~~meandered lake~~, Maximum depth is approximately 8 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 ----- acre feet. Surface area at highwater mark 130 ----- acres.

| DEPTH AT<br>OUTLET-Feet | SURFACE AREA AT EACH<br>DEPTH AT OUTLET--ACRES | FEET | ACRE-Feet<br>CAPACITY |
|-------------------------|------------------------------------------------|------|-----------------------|
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |
|                         |                                                |      |                       |

(c)\* Head gate: Width ----- feet; height ----- feet;  
 Material -----

(d) Canal: Total length ----- miles.

| LOCATION BELOW<br>HEADGATE | DEPTH      | BOTTOM<br>WIDTH | WIDTH AT<br>WATER-LINE | GRADE<br>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 ----- 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 July 1959

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

\*Each diversion must have a headgate or measuring device.

Remarks by State Water Resources Commission:

"Vastad 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  
1 m. upon the 10th day of July, 1959.

State Water Resources Commission

By:

George R. Rimmer

Chief Engineer, Executive Officer

Number of permit 642-3

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 253

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 390 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 10th day of November, 1959

State Water Resources Commission

By:

George R. Rimmer

Chief Engineer, Executive Officer

Certificate of Construction Issued November 10, 1959

Water License Issued November 10, 1959

STATE OF SOUTH DAKOTA

WATER LICENSE No. 642-3

WHEREAS, On the 6th day of July A. D. 1959  
South Dakota Department of Game, Fish and Parks  
of Pierre County of Hugbon and State of  
South Dakota duly made application (No. 642-3) to us for a Vested Right permit to use 390 acre feet annually  
cubic feet per second of the waters of Anderson Lake  
County of Day, State of South Dakota, for public recreational purposes; and

WHEREAS, On the 10th day of November A. D. 1959  
Vested Right Permit No. 642-3 was issued to said applicant for the diversion of said water, and recognising  
completion of the works of diversion therein described on or before the completed day  
and for the application to beneficial use of said  
water on or before the completed day  
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 390 acre feet  
annually of said waters, as evidenced by our Certificate No. 642-3  
dated November 10, 1959 confirming the completion of works of sufficient capacity for  
diverting and conveying to the place of intended use 390 acre feet annually  
priority of 1889 and,

WHEREAS, On the 6th day of July A. D. 1959  
proof was duly made of the application to beneficial use of 390 acre feet annually  
to be used in place for public recreational 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 South Dakota Department of Game, Fish and Parks  
of Pierre the holder and owner of said Vested Right 642-3  
a water right, dating from 1889 to the use of 390 acre feet annually  
~~common source~~ of the water of Anderson Lake  
In the County of Dakota and State of South Dakota, or so much thereof as may be  
necessary for the purposes hereinbelow mentioned, to be diverted at two points in the NW 1/4 NW 1/4 Section 12  
and one point in the SE 1/4 NW 1/4 Sec 11, T 121N, R 53W  
and ~~common source~~ used to be used for public recreational purposes.

for the purpose of

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, central 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. 642-3

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 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. 642-3, Issued upon Application  
No. 642-3 bearing date of priority of 1889, authorizing the diversion of  
390 acre feet annually ~~xxxxxx~~ of the waters of Anderson Lake  
County of Day, State of South Dakota, at two points in the  
NE 1/4 NW 1/4 Section 12; and one point in the SE 1/4 NW 1/4 Section 11 T 121N 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 Vested right recognized as  
~~condition~~ satisfactory 390 acre feet annually ~~xxxxxx~~  
~~second~~ of water; and that ~~the lands were used to be irrigated by~~ 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.

642-3

Water Division No.

3

Water District

Big Lake  
River

# 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 - NW1/4 Section 12 & SE1/4 Section 11; Township 121-  
Range 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 8 feet - 130 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 to 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 390 acres  
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) Henry H. 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

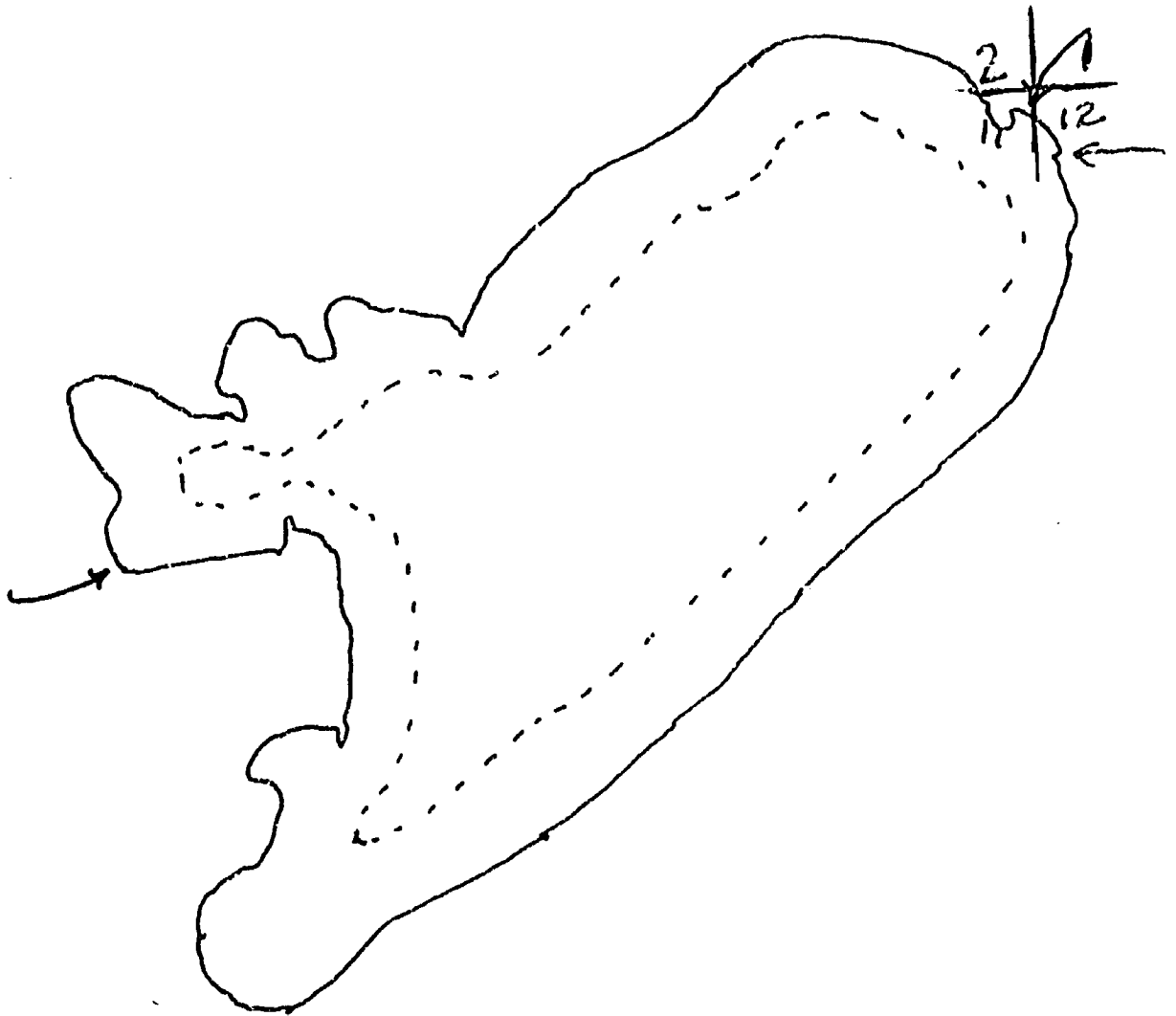
State of South Dakota, on this 3rd day of July A. D. 1959

-----  
----- } Witnesses. Edward D. 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<br>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-----                            |  |



S.DAK. DEPT GAME FISH & PARKS  
 ANDERSON LAKE  
 DAY COUNTY  
 SEC 2, 11, 12, 13, 14. R. 53  
 N

Lester J. Meyer  
 1-23-59

|    |    |
|----|----|
| 11 | 12 |
| 14 | 13 |

642.3

**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.

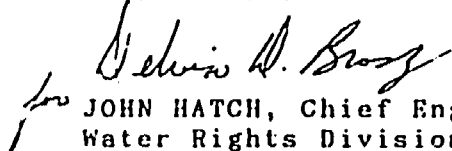


September 21, 1988  
Richard Beringson, Secretary  
Page 2

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