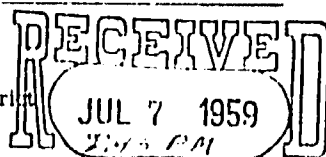


As per required

Water Division No. 53 *Big Horn River* District 1
(Blanks 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 Piorro, 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 OPITZ LAKE, DAY COUNTY

3. Amount of water claimed As required to fill lake to outlet level - approximately 1350
acre-feet per year cubic feet per second

4. Source of water supply Local water shed and dry draws

5. Location of point of diversion NE 1/4 NW 1/4 Section 5; Township 124 N; Range 58 W, 54
NE SW 30 Twp 124 N Range 54 W on bank County.

6. 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 division 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 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. Opitz Lake is a meandered lake. Maximum depth is approximately 5 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 ----- 450 ----- acres.

DEPTH AT OUTLET- FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	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 Not applicable -----

STATE OF SOUTH DAKOTA

County of ----- Hughes ----- } 83.

I, ----- Harry B. 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.

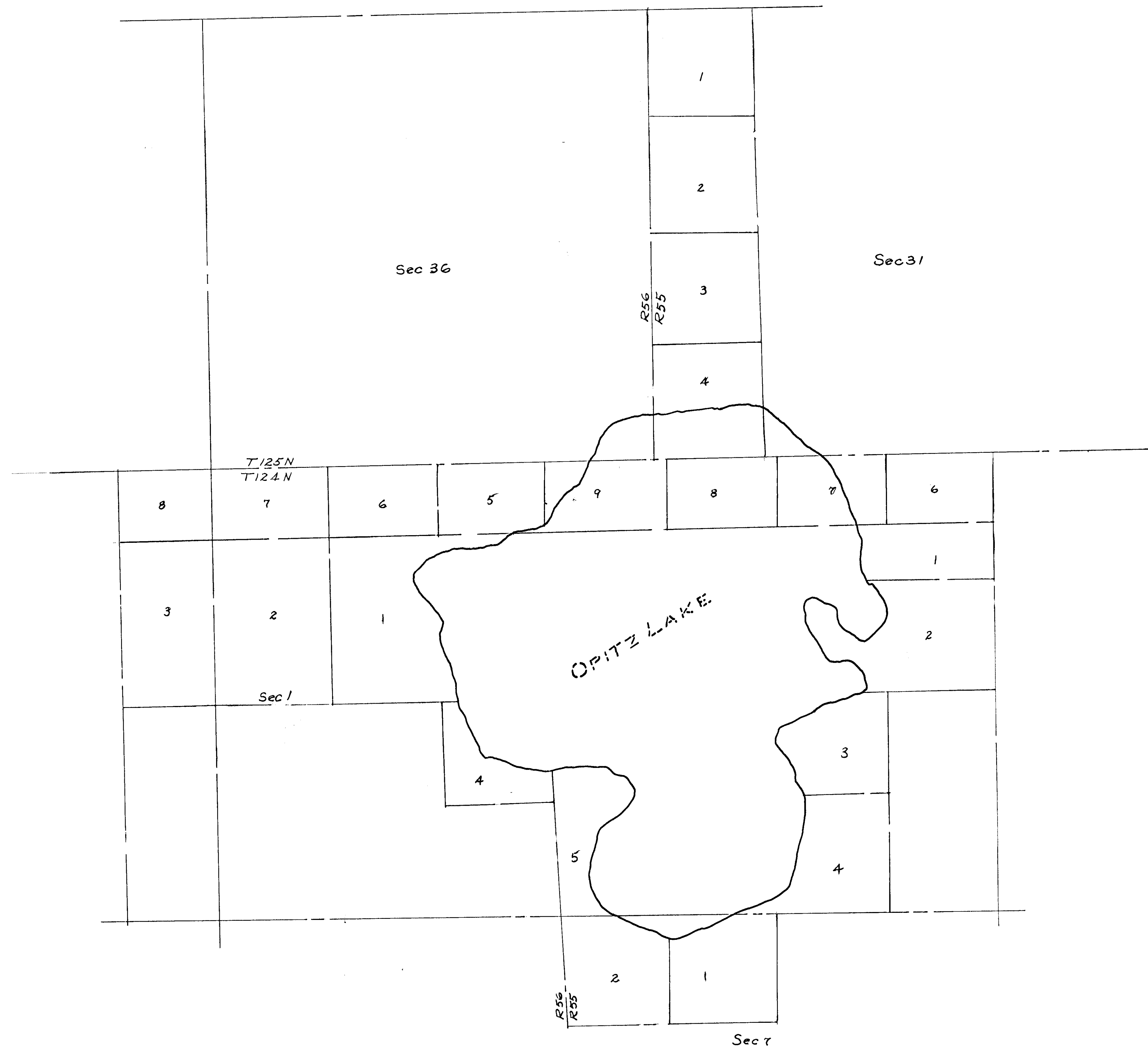
Signed ----- Harry B. Woodward -----

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

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

OPITZ LAKE
R55-56 W T125-126 N DAY Co. SOUTH DAKOTA
SCALE 8" = 1 MI.

DEPT. OF GAME, FISH AND PARKS



Remarks by State Water Resources Commission:

"Vested Right Claimed"

STATE OF SOUTH DAKOTA
County of Hughes } vs.

Pierre, South Dakota,

This is to certify that the foregoing application was received by the Commission at 2:45 o'clock
P.m. upon the 7th day of July, 1959.

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Number of permit 643-3

Date of first receipt of application July 7th, 1959

Date of return to applicant for correction, amendments or changes required as follows: July 10, 1959

Date of receipt of corrected application March 29, 1960

Date from which applicant may claim right 1889, 1960

Approved April 1, 1960, Recorded in Book 5 Page 33d

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

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 1350 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, that 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~~
~~used for public recreation~~
and beneficially applied for irrigation on or before June 30, 1955; said water to be used during the following described annual period:

Continuously

Witness my hand this 1st day of April, 1960.

State Water Resources Commission

By:

[Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued April 1, 1960

Water License Issued April 1, 1960

Permit No. 643-2

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 the Department of Game, Fish and Parks
of Pierre, County of Bighorn, and State of
South Dakota, the holder vested right of Permit No. 643-2, issued upon Application
No. 643-2, bearing date of priority of 1889, authorizing the diversion of
1350 acre feet annually of the waters of dry drain (local watershed)
County of Day, State of South Dakota, at a point in the NW 1/4 Sec 5
T 124 N R 54 W and a point in the NE 1/4 SW 1/4 Sec 30 T 124 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 vested right Permit; that said works are recognized as
condition for diverting and conveying to the place of intended use 1350 acre feet annually
not second of water; and that the lands proposed to be used for the use of said water are described as follows,
to-wit: to be used in place for public recreation

Witness my hand this 1st day of April A. D. 1960

State Water Resource Commission

By:

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 643-3

WHEREAS, On the 7th day of July A. D. 1959
the Department of Game, Fish and Parks
of Pierre County of Hughes and State of
South Dakota vested right
duly made application (No. 643-3) to us for a permit to use 1350 acre feet annually
cubic feet per second of the waters of Day draws
County of Day, State of South Dakota, for public recreation
purposes; and

WHEREAS, On the 1st day of April A. D. 1960
vested right recognizing
Permit No. 643-3 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 1st day of April 1960
and for the application to beneficial use of said
water on or before the 1st day of April 1960
and,

WHEREAS, On the 7th 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 1350 acre feet
annually cubic feet per second of said waters, as evidenced by our Certificate No. 1350 acre feet 643-3
dated April 1, 1960 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 1350 acre feet annually
of water, with date of
priority of 1889 and,

WHEREAS, On the 7th day of July A. D. 1959
proof was duly made of the application to beneficial use of 1350 acre feet annually
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 confirm to the Department of Game, Fish and Parks vested right
of Pierre the holder and owner of sale/permit No. 643-3
a water right, dating from 1889 to the use of 1350 acre feet annually
~~could be increased~~ of the waters of dry draws (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 a point in the NE 1/4 Sec 5
T 121N R 53W and a point in the NE 1/4 SW 1/4 Sec 30 T 121N R 51W
and conducted to and ~~used~~ used 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 1st day of April A. D. Nineteen
Hundred and sixty

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 _____

Location No. 648-7Water 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 - ^{VE} NW1NW1 Section 5; Township 121; Range 53-54-4 NE-SW Sec 20
720 p 121 Range 54

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-approximately 5 feet - 450 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 1350 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. 1887 A meandered lake, Used by the public for uses specified except for
that amount lost by evaporation and seepage

(Sign) *Harry Plowden*

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 *Perre*, County of *Hughes*

State of South Dakota, on this *2nd* day of *July* A. D. 19*57*

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 -----	

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.

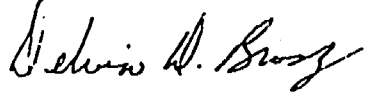


September 21, 1988
Richard Beringson, Secretary
Page 2

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

