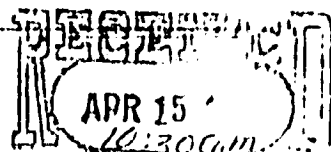


No. 709-3Water Division No. 3 Big Sioux River District
(Blanks to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

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 Hughes, State S. Dak.

- I. Is 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 WHITEWOOD LAKE, Kingsbury County
As required to fill lake to outlet level - approximately 13,000
3. Amount of water claimed acre-feet-per-year feet per second _____
4. Source of water supply Local watershed
5. Location of point of diversion 3 points in watershed - SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 3; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 15;
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30; Township 110, Range 54 West. bank _____ County.
6. Annual period or periods during which water is to be used Continuously
7. To be used for:

1. Irrigation or domestic use; Gravity, overhead sprinkling or combination system? _____

(a) Number of acres to be irrigated _____

(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.) A meandered lake in Township110 North.

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use Public 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 _____

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.)

Information requested not applicable. Whitewood Lake is a meandered lake
Maximum depth is approximately 15 feet.

II. Dimensions of works.

(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-----4560-----acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH-----Feet 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 reduction in size are made.)

10. Time required for completion of work Completed - not applicable
11. Time required for complete application of water to the proposed beneficial use completed-not applicable years.
12. Choice of newspaper for publication of notice of intention to appropriate -----
Not applicable

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 12 day of April 19 60

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,

April 27

1960

This is to certify that the foregoing application was received by the Commission at 10:30 o'clock

a.m.

upon the 15th

day of

April

1960

State Water Resources Commission

By:

Burtin Jones
for Chief Engineer, Executive Officer

Number of permit

709-3

Date of first receipt of application

April 15

1960

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

19

Approved

April 27

1960

Recorded in Book

6

Page

41

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

19

2nd. The whole of said work is to be completed on or before

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

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 may not be injuriously affected by this appropriation.

6th. The amount of the appropriation on herein granted shall not exceed 13,000 acre feet annually; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that expense 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 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

27th

day of

April

1960

State Water Resources Commission

By:

Burtin Jones

Chief Engineer, Executive Officer

Certificate of Construction Issued

April 27

1960

Water License Issued

April 27

1960

Permit No. 702-3.

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 the Department of Game, Fish and Parks

of Pierre, County of Hughes, and State of South Dakota, the holder of Permit No. 702-3, Issued upon Application No. 702-3, bearing date of priority of 1889, authorizing the diversion of 13,000 acre feet annually of the waters of local watersheds, County of Kingsbury, State of South Dakota, at points in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec 3; SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec 15; and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 30, T 110N R 51W

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 vested right recognized as found satisfactory condition for diverting and conveying to the place of intended use 13,000 acre feet annually over proposed 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 27th day of April A. D. 1960

State Water Resources Commission

By:

J.W. GRIMES,

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 709-3

WHEREAS, On the 15th day of April A. D. 1960
the Department of Game, Fish and Parks
of Pierre County of Hughes and State of
South Dakota vested right
duly made application (No. 709-3) to us for permit to use 13,000 acre feet
annually
cubic feet per second of the waters of local watersheds
County of Kingsbury, State of South Dakota, for public recreation
purposes; and

WHEREAS, On the 27th day of April A. D. 1960
vested right
Permit No. 709-3 was issued to said applicant for the diversion of said water, and recognizing
the completion of the works of diversion therein described and for the application to beneficial use of said
water on or before the
and,

WHEREAS, On the 15th day of April A. D. 1960
vested right
the holder of said permit duly made proof of the completion of adequate works for the diversion of 13,000 acre feet
annually
cubic feet per second of said waters, as evidenced by our Certificate No. 709-3
dated April 27, 1960 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 13,000 acre feet annually
of water, with date of
priority of 1889 and,

WHEREAS, On the 15th day of April A. D. 1960
proof was duly made of the application to beneficial use of 13,000 acre feet annually
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 confirm to the Department of Game, Fish and Parks
of Pierre the holder and owner of said vested right permit No. 709-3
a water right, dating from 1889 to the use of 13,000-acre-feet
annually
cubic feet per second of the waters of local watersheds
In the County of Kingsbury and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinabelow mentioned, to be diverted at three points, more specifically
described in the Certificate of Completion of Work
and conducted to and upon subdivisions 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 27th 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 _____

Location No.

Water Division No. Water District

Proof of Appropriation 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 ParksPierre, 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. 3 points in the watershed - SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 3; SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 15; NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 30; Township 110, Range 54 West

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 15 feet - 4560 surface 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. Public recreational 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?

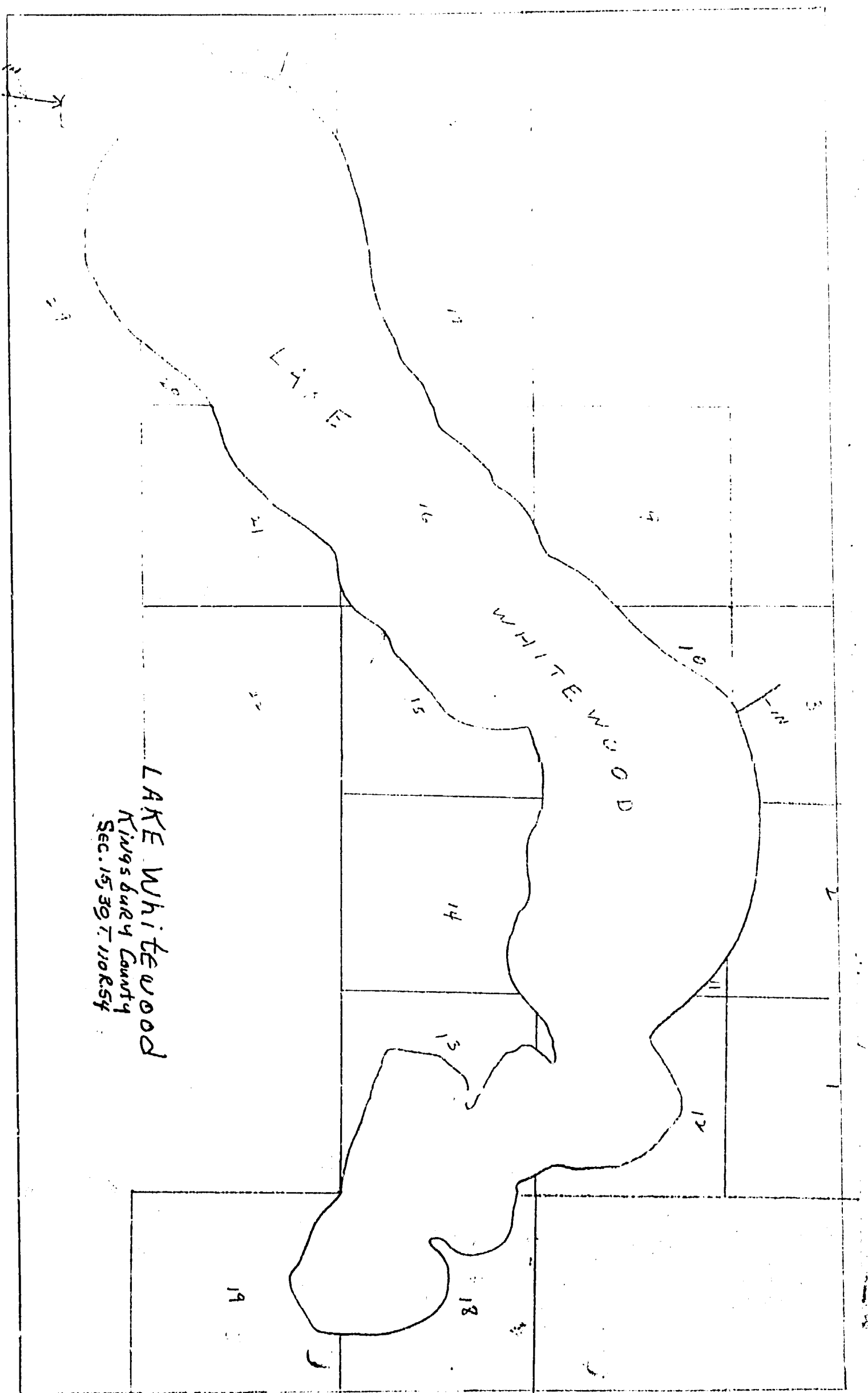
Ans. As required to fill lake to outlet level - approximately 13,000 acre feet
por year

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.

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 -----

LAKE White wood
Kingsbury County
Sec. 15, 30 T. 110 R. 54





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.

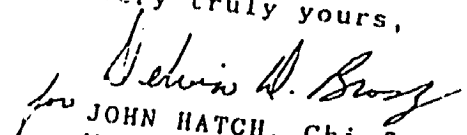


September 21, 1988
Richard Reringson, Secretary
Page 2

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