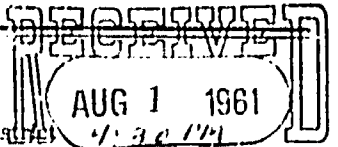


No. 787-3Water Division No. 3 BIG SIOUX RIVER DISTRICT

(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 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 ROUND LAKE - Lake Co.As required to fill lake to outlet level - approximately 10003. Amount of water claimed acre-feet per year cubic feet per second \_\_\_\_\_4. Source of water supply Silver Creek5. Location of point of diversion One point in the watershed located in the NW 1/4 Sec. 32,  
T 106 R 51. Outlet located in NE 1/4 of Sec. 5, T 105 R 51

\_\_\_\_\_ on \_\_\_\_\_ bank \_\_\_\_\_ 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.) to the high water mark of the  
inundated portion of Secs. 8, & 17, T 106, R 51

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 \_\_\_\_\_



Remarks by State Water Resources Commission:

"vested right" claimed

STATE OF SOUTH DAKOTA  
County of HUGHES } ss.

Pierre, South Dakota, DECEMBER 7, 1962

This is to certify that the foregoing application was received by the Commission at 4:30 o'clock  
2 p.m. upon the 1<sup>st</sup> day of AUGUST, 1961.

State Water Resources Commission  
By: Burton Jones  
for Chief Engineer, Executive Officer

Number of permit 787-3

Date of first receipt of application AUGUST 1, 1961

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 DECEMBER 7, 1962, Recorded in Book 7 Page 235

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 must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 1000 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)~~ public of one cubic foot of water per second of time for each acre of land to which water ~~is~~ was actually used for recreation.

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

Witness my hand this 7<sup>th</sup> day of Continuously December, 1962.

State Water Resources Commission  
By: John Jones  
Chief Engineer, Executive Officer

Certificate of Construction issued December 7, 1962

Water License issued December 7, 1962

Permit No. 787-3Water 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 Vested Right of Permit No. 787-3, issued upon Application No. 787-3, bearing date of priority of 1889, authorizing the diversion of 1,000 acre feet annually of the waters of the local watershed

County of Lake, State of South Dakota, at a point in the  
SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 32, T106N, R51W

for public recreation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of recognized as completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1,000 acre feet annually

per second of water; and that the use of said water are described as follows,

to-wit: to be used in place for public recreation.

Witness my hand this 7th day of December A. D. 1962

State Water Resources Commission

By:

Chief Engineer, Executive Officer  
 J. W. GRIGGS

STATE OF SOUTH DAKOTA

WATER LICENSE No. 787-3

WHEREAS, On the 1st day of August A. D. 1961

the Department of Game, Fish and Parks

of Pierre County of Hughes and State of South Dakota  
 annually duly made application (No. 787-3) to us for a Vested Right permit to use 1,000 acre feet  
 of the waters of Silver Creek  
 Lake County of , State of South Dakota, for public recreation  
 purposes; and

WHEREAS, On the 7th day of December A. D. 1962  
 Vested Right recognizing  
 Permit No. 787-3 was issued to said applicant for the diversion of said water, and providing for the  
 completion of the works of diversion therein described before the  
 and for the application to beneficial use of said  
 water on or before the day of  
 and,

WHEREAS, On the 1st day of August A. D. 1961  
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 1,000 acre  
 feet annually of said waters, as evidenced by our Certificate No. 787-3  
 dated December 7, 1962 confirming the completion of works of sufficient capacity for  
 diverting and conveying to the place of intended use 1,000 acre feet annually  
 priority of 1889 and,

WHEREAS, On the 1st day of August A. D. 1961  
 proof was duly made of the application to beneficial use of 1,000 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 said permit No. 787-1  
a water right, dating from 1889 to the use of 1,000 acre feet annual-  
ly  
~~under the provisions~~ of the waters of Silver Creek  
in the County of Lake and State of South Dakota, or so much thereof as may be  
necessary for the purposes hereinbelow mentioned, to be diverted at a point in the SE 1/4 SW 1/4, Section 32,  
T. 106N. R. 51W  
and ~~under the provisions~~ stored 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 7th day of December A. D. Nineteen  
Hundred and Sixty-Two.

State Water Resources Commission  
By:

Chief Engineer, Executive Officer  
J. W. GRIMES

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 \_\_\_\_\_

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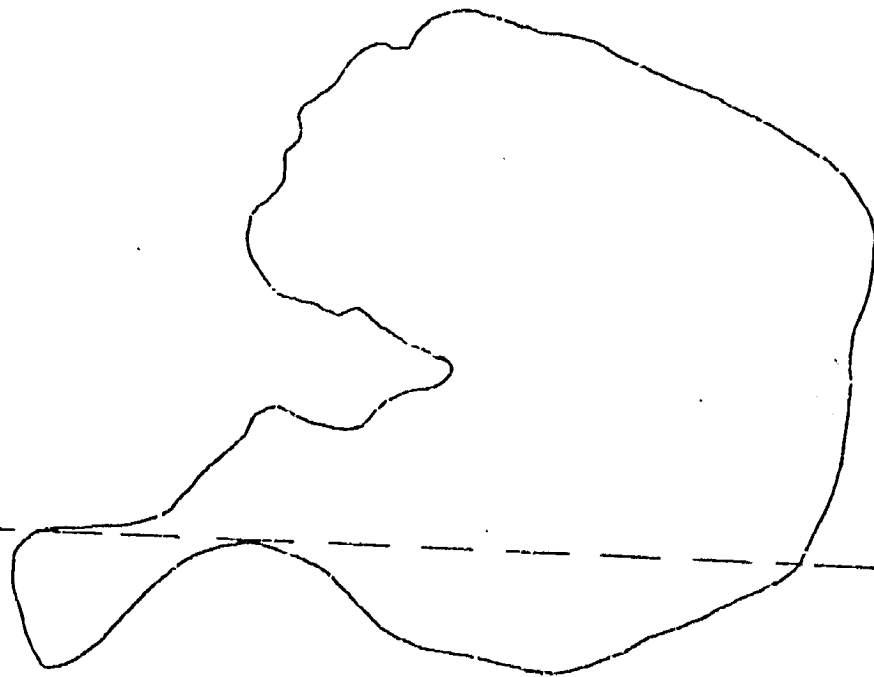


ROUND LAKE

LAKE CO.

Sec. 8, 17 - Twp. 108 - Range 51

8



December 14, 1962

Mr. Walter J. Fillmore, Director  
Department of Game, Fish and Parks  
Pierre, South Dakota

Dear Walt:

Enclosed herewith are your "Vested Right" Permit, Certificate of Completion of Works and Water License for the following applications:

| <u>No.</u> | <u>Name of Lake</u> | <u>County</u> |
|------------|---------------------|---------------|
| 633-3      | Lonesome Lake       | Day           |
| 635-3      | Hillebrands Lake    | Day           |
| 639-3      | Waubay Lake         | Day           |
| ✓787-3     | Round Lake          | Lake          |
| 788-3      | Milwaukee Slough    | Lake          |
| 789-3      | Mud Lake            | Lake          |
| 790-3      | Lake Madison        | Lake          |
| 791-3      | Green Lake          | Lake          |
| 792-3      | Brandt Lake         | Lake          |
| 793-3      | Badus Lake          | Lake          |

Sincerely,

J. W. GRIMES  
Chief Engineer and  
Executive Officer

JWG:mf  
Encl. as above

Location No. ....

Water Division No. .... 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  
Round Lake, Lake County

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. Silver Creek - one point in the watershed located in the SW $\frac{1}{4}$  Sec. 32,  
T. 106, R. 51. Outlet located in NE $\frac{1}{4}$  of Sec. 5, T. 105, R. 51

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 - 320 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 1000 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) William J. Hillmer

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 1st day of AUGUST A. D. 1961  
Witnesses: Edward B. Johnson  
11-6-65

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.-----                                          |  |
| <b>PROOF OF APPLICATION OF<br/>WATER TO BENEFICIAL USE</b> |  |
| <b>PETITION OF HOLDER</b>                                  |  |
| 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.

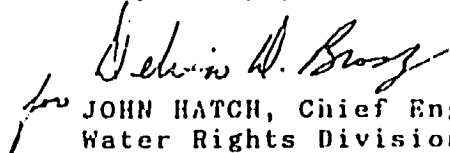


September 21, 1988  
Richard Beringson, Secretary  
Page 2

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,

A handwritten signature in dark ink, appearing to read "John Hatch", is written over the typed name.

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

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