No. 815-3Water Division No. 3 JAMES RIVER District
(Blanks to be Filled by the Engineer for the W. H. C.)

AUG 17 1961

12:05 PM

WATER RESOURCES COMM.
SOUTH DAKOTA

VESTED RIGHT **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 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 MINA LAKE - Edmunds County
As required to fill lake to outlet level - approximately 2568
3. Amount of water claimed acre feet per year cubic feet per second _____
4. Source of water supply Snake Creek
5. Location of point of diversion One point in the watershed located in the SW 1/4 sec. 25, T 123, R 66 W. Edmunds County
_____ on _____ bank _____ County.
6. Annual period or periods during which water is to be used 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 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.) E 1/2 SW 1/4 Sec. 14, E 1/2 Sec. 13, E 1/2; E 1/2 NW 1/4 Sec. 23, E 1/2 NW 1/4 Sec. 24; E 1/2 SW 1/4, W 1/2 SE 1/4 Sec. 24; NE 1/4 Sec. 26, NW 1/4, W 1/2 NE 1/4 & NW 1/4 SW 1/4 Sec. 25, T 123, R 66, Edmunds County. E 1/2 SE 1/4, E 1/2 NE 1/4 Sec. 12, SE 1/4 Sec. 1 Edmunds County and SW 1/4 Sec. 6, SW 1/4 NW 1/4, W 1/2 SW 1/4 Sec. 7, T 123 N. R 65 W. Brown Co.

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

- (a) Nature of use Public recreational use
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, \$ 86,000

9. Description of diversion works:

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

II. Dimensions of works.

(a) Dam: Height 38 feet; length at bottom 850 feet; length at top 1050 feet; thickness at bottom 850 feet; thickness at top 24 feet; slope at front water face 3:1; slope at back face 2:1
material used in construction Clay and light loam
(b) Reservoir: Capacity when filled 10,272 acre feet. Surface area at highwater mark 856 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	AREE-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 - not applicable
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 } ss.
County of Hughes

I, Walter J. Killmer, 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 *W. J. Killmer*

Subscribed and sworn to before me this 11th day of August, 1961.

Edward B. Killmer
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, December 11, 1962

This is to certify that the foregoing application was received by the Commission at 4:00 o'clock
p.m. upon the 17th day of AUGUST, 1962

State Water Resources Commission

By:

Burton Jones
for Chief Engineer, Executive Officer

Number of permit 815-3

Date of first receipt of application AUGUST 17, 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 1933 1934, 19____

Approved December 11, 1962, Recorded in Book 7 Page 260

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 2568 ac-ft 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 a "ually~~
used for public recreation was

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 11th day of December, 1962

State Water Resources Commission

By:

James Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued December 11, 1962

Water License Issued December 11, 1962

STATE OF SOUTH DAKOTA

WATER LICENSE No. 815-3

WHEREAS, On the 17th day of August A. D. 1961

the Department of Game, Fish and Parks

of Pierre County of Hughes and State of South Dakota duly made application (Vested Right 815-3) to us for a permit to use 2563 acre feet annually of the waters of Snake Creek

County of Edmunds, State of South Dakota, for Public recreation purposes; and

WHEREAS, On the 11th day of December A. D. 1962 Vested Right / Permit No. 815-3 was issued to said applicant... recognizing the completion of the works of diversion therein described on or before the day of and for the application to beneficial use of said water on or before the day of and,

WHEREAS, On the 17th day of August A. D. 1961 the holder of said permit duly made proof of the completion of adequate works for the diversion of 2568 acre feet annually of said waters, as evidenced by our Certificate No. 815-3 dated December 11, 1962 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2568 acre feet annually of water, with date of priority of 1934 and,

WHEREAS, On the 17th day of August A. D. 1961 proof was duly made of the application to beneficial use of 2568 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 Piorro Vested Right
the holder and owner of sale/permit No. 815-3
a water right, dating from 1934 to the use of 2568 acre feet annually
~~of the waters of~~ Snake Creek
In the County of Edmunds and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinafter mentioned, to be diverted at a point in the
SW 1/4 NE 1/4 Section 25, T123N, R66W
and conducted ~~through~~ stored in place
for the purpose of 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 11th 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 _____

Amt _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 815-3Water Division No. 3 James 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. 815-3, issued upon Application No. 815-3, bearing date of priority of 1934, authorizing the diversion of 2568 acre feet annually ~~to the~~ per second of the waters of Snake Creek County of Edmunds, State of South Dakota, at a point in the SW 1/4 NE 1/4 Section 25, T123N, R66W

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 work: of diversion set out and described in said Permit; that said works are recognized as ~~found to be~~ satisfactory for diverting and conveying to the place of intended use 2568 acre feet annually ~~per second~~ of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: to be used in place for public recreation

Witness my hand this 11th day of December A. D. 1962

State Water Resources Commission

By:

Chief Engineer, Executive Officer
J. W. GRIMES

December 27, 1942

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>
804-3	Ravine Lake	Beadle
805-3	Newcombe Dam	Beadle
806-3	Lake Cavour	Beadle
807-3	Kwi Lake	Beadle
811-3	Stafford Lake	Edmunds
812-3	N. Scatterwood Lake	Edmunds
813-3	Grass Lake	Edmunds
814-3	Howells / Rosser Dam	Edmunds
✓ 815-3	Mina Lake	Edmunds
816-3	Sand Lake	Campbell

Sincerely,

J. W. GRIMES
Chief Engineer and
Executive Officer

JWG:mf
Encls. 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

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. Snake Creek - One point in the watershed located in the SW 1/4 Sec. 25, T. 123,
R. 66 W. Edmunds County.

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. Earth Dam - Approximately 850 feet long, 38 feet high.
Impoundment of 856 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 2568-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. Been in use since 1933-34 when dam was constructed. Used by the public
for the uses specified except for that amount lost by evaporation and seepage.

(Sign) *A. J. Hillmore*

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 16th day of August A. D. 1961

Witnesses. *Edward J. 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.-----	
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.

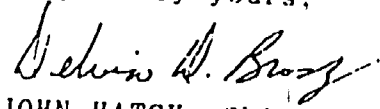


September 21, 1988
Richard Beringson, Secretary
Page 2

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,


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

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



815-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

July 13, 2023

Kevin Robling, Secretary
SD Department of GF&P
523 E Capitol Ave
Pierre SD 57501

815-3

Dear Secretary Robling:

Enclosed is Vested Water Right Claim No. 815-3 for Mina Lake. As long as the water is used beneficially, as stated in the validated vested water right, State Water Laws provide a continuing right to use the water.

Sincerely,


Eric Gronlund, Chief Engineer
Water Rights Program
605 773-3352

enclosure

REISSUED
STATE OF SOUTH DAKOTA
VESTED RIGHT WATER LICENSE NO. 815-3

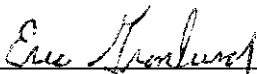
- (1) The South Dakota Department of Game, Fish, and Parks; 523 E Capitol Ave., Pierre SD 57501, was issued Water License No. 815-3 for a vested right claim for Mina Lake in Edmunds County, South Dakota for public recreation purposes.

On July 12, 2023, the Water Management Board validated Vested Water Right No. 815-3. Vested Right No. 815-3 is being reissued to reflect the spillway elevation as it currently exists.

- (2) Water in Mina Lake has been applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30., the South Dakota Department of Game, Fish, and Parks holds Vested Water Right No. 815-3. The license is reissued, bearing a priority date of August, 17, 1961.

The spillway for Mina Lake is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25-T123N-R66W. The South Dakota Department of Game, Fish, and Parks vested water right is validated for sufficient water to maintain the water level up to 1,413.64 feet mean sea level (NAVD88).

- (3) Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.


Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUL 13 2023

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

May 23, 2023

NOTICE OF HEARING

TO: Kevin Robling, Secretary
South Dakota Department of Game, Fish and Parks
523 East Capitol Avenue
Pierre SD 57501

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
Water Rights Program, DANR

SUBJECT: Validation of Recognized Vested Water Right Claim No. 815-3, Mina Lake

A Notice of Intent to validate recognized Vested Water Right Claim No. 815-3 for Mina Lake was published in the Ipswich Tribune on June 29 and 29, 1988. The Notice was published to validate the claim for sufficient water to fill Mina Lake annually to the outlet elevation or to the elevation necessary to maintain the ordinary high water mark, whichever is lower. The Chief Engineer petitioned opposing validation of all Department of Game, Fish and Parks vested water right claims for dams to include the spillway elevation, to correct the amount of water claimed, and add any amendments and qualifications, necessary to clarify the vested right claim. As part of the Mina dam spillway replacement project, the Department of Game, Fish and Parks submitted as-built plans which includes the primary spillway elevation. Therefore, validation of the vested right claim can now proceed.

I am recommending the Water Management Board validate the recognized Vested Water Right Claim No. 815-3 for sufficient water annually to maintain the water to the spillway elevation of 1413.64 feet mean sea level (NGVD29). The recommendation is enclosed.

The Water Management Board will consider validation of Claim No. 815-3 at 9:30 A.M. (Central Time) on July 12, 2023, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD. The agenda time is an estimate and may be delayed due to prior items on the agenda

Applicable provisions of the published notice of intent to validate Claim No. 815-3 will still apply at this hearing.

Contact Ron Duvall or myself if you have any questions at (605-773-3352).

Enclosure

c: Ann Mines Bailey, Assistant Attorney General



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER ON VALIDATION OF
RECOGNIZED VESTED WATER RIGHT CLAIM NO. 815-3 for MINA LAKE,
DEPARTMENT OF GAME, FISH and PARKS**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning validation of Recognized Vested Water Right Claim No. 815-3, Department of Game, Fish and Parks, c/o Kevin Robling, Secretary, 523 E. Capitol Avenue, Pierre, SD.

The Chief Engineer of the Water Rights Program recommends VALIDATION of recognized Vested Water Right Claim No. 815-3 for sufficient water to maintain the water level to Mina Lake dam's spillway elevation of 1413.64 feet mean sea level (NGVD29). The vested water right will have a priority date of January 1, 1934.

This recommendation is based on the recently submitted as-built plans for the Mina dam spillway replacement which provides the spillway elevation.

Eric Gronlund, Chief Engineer
May 23, 2023



815-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

AUG 21 2023

Kevin Robling, Secretary
SD Department of Game, Fish, and Parks
523 E Capitol Ave
Pierre SD 57501

815-3

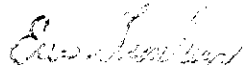
Dear Secretary Robling:

Enclosed is Vested Water Right Claim No. 815-3 for Mina Lake.

Vested Water Right claim No. 815-3 is being reissued to show the appropriate priority date of January 1, 1934.

So long as the water is used beneficially, as stated in the validated vested water right, State Water Laws provide a continuing right to use the water.

Sincerely,


Eric Gronlund, Chief Engineer
Water Rights Program
605 773-3352

enclosure

REISSUED
STATE OF SOUTH DAKOTA
VESTED RIGHT WATER LICENSE NO. 815-3

- (1) The South Dakota Department of Game, Fish, and Parks; 523 E Capitol Ave., Pierre SD 57501, was issued Water License No. 815-3 for a vested right claim for Mina Lake in Edmunds County, South Dakota for public recreation purposes.

On July 12, 2023, the Water Management Board validated Vested Water Right No. 815-3. Vested Right No. 815-3 is being reissued to reflect the spillway elevation as it currently exists.

- (2) Water in Mina Lake has been applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30., the South Dakota Department of Game, Fish, and Parks holds Vested Water Right No. 815-3. The license is reissued, bearing a priority date of January 1, 1934.

The spillway for Mina Lake is located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25-T123N-R66W. The South Dakota Department of Game, Fish, and Parks vested water right is validated for sufficient water to maintain the water level up to 1,413.64 feet mean sea level (NAVD88).

- (3) Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.


Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

AUG 21 2023
date

