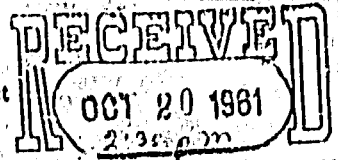


No. 857-3Water Division No. 3 Big Sioux River District
(Blanks to be filled by the Engineer for the W. R. C.)VESTED RIGHT

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 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 DELL RAPIDS DAM - Minnehaha County
As required to fill lake to outlet level approximately 45'
3. Amount of water claimed 3000 feet per year cubic feet per second
4. Source of water supply Big Sioux River
5. Location of point of diversion SW 1/4 Sec. 9 T. 104 N. 49 W.
_____ on _____ bank _____ County.
6. Annual period or periods during which water is to be used continuously
7. To be used for:

I. Irrigation of 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.) Big Sioux River

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, \$4500.00

9. Description of diversion works:

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

II. Dimensions of works.

(a) Dam: Height 10 feet; length at bottom 130 feet; length at top 176 feet; thickness at bottom 130 feet; thickness at top 176 feet; slope at front water face; slope at back facematerial used in construction Rock(b) Reservoir: Capacity when filled 90 acre feet. Surface area at highwater mark 15 acres.

DEPTH AT OUTLET- FEET	SURFACE AREA AT EACH DEPTH AT OUTLET- ACRES	FEET	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 - not applicable11. 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 ss.

I, Walter J. Fillmore, 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. FillmoreSubscribed and sworn to before me this 20 day of October 1961Edward J. Johnson
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

11-6-G4-

Remarks by State Water Resources Commission:

"Vested Right" Claimed

STATE OF SOUTH DAKOTA

County of HUGHES ss.

Pierre, South Dakota, December 18, 1962

This is to certify that the foregoing application was received by the Commission at 2:30 o'clock
p.m. upon the 20th day of October, 1961.

State Water Resources Commission

By:

Arthur J. Jones
Chief Engineer, Executive Officer

Number of permit 857-3

Date of first receipt of application October 20, 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 1932, 19—

Approved December 18, 1962, Recorded in Book 7 page 287

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, 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 45 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~~
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:

Witness my hand this 18th day of DECEMBER, 1962.

State Water Resources Commission

By:

Arthur J. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued December 18, 1962

Water License Issued December 18, 1962

STATE OF SOUTH DAKOTA

WATER LICENSE No. 857-3.....

WHEREAS, On the 20th day of October A. D. 1961

the Department of Game, Fish and Parks

of Pierre County of Hughes and State of South Dakota duly made application (No. 857-3) to us for a permit to use 45 acre feet annually of the waters of the Big Sioux River County of Minnehaha, State of South Dakota, for public recreation purposes; and

WHEREAS, On the 18th day of December A. D. 1962
 Vested Right / Permit No. 857-3 was issued to said applicant, recognizing the completion of the works of diversion therein described on or before the 18th day of December 1962, and for the application to beneficial use of said water on or before the 18th day of December 1962, and,

WHEREAS, On the 20th day of October A. D. 1961 the holder of said permit duly made proof of the completion of adequate works for the diversion of 45 acre feet annually of said waters, as evidenced by our Certificate No. 857-3 dated December 18, 1962 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 45 acre feet annually of water, with date of priority of 1932 and,

WHEREAS, On the 20th day of October A. D. 1961 proof was duly made of the application to beneficial use of 45 acre feet annually of water;

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. 857-3
a water right, dating from 1932 to the use of 45 acre feet annually
~~out to her personal~~ of the waters of the Big Sioux River
In the County of Minnehaha 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 SW 1/4, Section 9,
T 104 N, R 49 W
and ~~conduct to her personal~~ 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 18th day of December A. D. Nineteen
Hundred and Sixty-Two

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. 857-3Water 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 of Permit No. 857-3, Issued upon Application

No. 857-3, bearing date of priority of 1932, authorizing the diversion of

45 acre feet annually of the waters of the Big Sioux River

County of Minnehaha, State of South Dakota, at a point in the

SW 1/4, Section 9, T 104 N, R 49 W

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 satisfactory

for diverting and conveying to the place of intended use 45 acre feet annually

of water; and that the land 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 18th day of December A. D. 1962

State Water Resources Commission

By: J. W. GRIMES
Chief Engineer, Executive Officer

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. Big Sioux River - SW 1/4 Sec. 9, T 104 - R 49

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. Rock Dam - approximately 130 feet long and 10 feet highImpoundment of 15 acres at dam site

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 45 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 ever since it was rebuilt in 1932. Used by the public for the
uses specified except for that amount lost by evaporation and seepage

(Sign) W. J. McIlwain

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 Piarrre, County of Dugess

State of South Dakota, on this 20 day of October, 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 _____

March 15, 1963

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

Dear Walt:

Enclosed are your permit to appropriate water, certificate of completion of works, and water license for the following applications:

<u>No.</u>	<u>Lake</u>	<u>County</u>
✓ 857-3	Dell Rapids Dam	Minnehaha
858-3	Garretson Dam	Minnehaha
859-3	Baltic Dam	Minnehaha
860-3	Grass Lake	Minnehaha
861-3	Diamond Lake	Minnehaha
862-3	Clear Lake	Minnehaha
863-3	Lost Lake	Minnehaha
864-3	Wall Lake	Minnehaha
865-3	Beaver Lake	Minnehaha
866-3	Todd Lake	Clark

Sincerely,

J. W. GRIMES
Chief Engineer and
Executive Officer

JWG:mf

COPY

857-3

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

July 7, 1989

Thomas Earley, Mayor
City of Dell Rapids
P.O. Box 10
Dell Rapids, SD 57022

Dear Mayor Earley:

This letter is in regard to the repair project for the Dell Rapids Dam on the Big Sioux River. We have received a telephone call from Bernard Nelson concerning the project and potential flooding to upstream lands.

The Department of Game, Fish and Parks holds Vested Right Claim No. 857-3, which allows the reservoir to be filled to the top of the dam. If the repair project involves raising the original elevation of the dam, then a new permit will be required along with any necessary flood easements. As long as the project only involves repair of the structure and the original elevation of the dam is not increased, no additional permits will be required.

If you have any questions, please contact Gale Selken of Tim Schaal at 773-3352.

Very truly yours,


John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

cc: George Vandel, Dept. of Game, Fish and Parks
Marie Skelly, City Finance Officer
Bernard Nelson



Water Rights Division - DWRR

File No. 857-3

Conversation or File Documentation

NAME OF PERSON OR FILE:

Dell Rapids Dam

ADDRESS:

COUNTY Minnesota

DATE:

July 17, 1989

TELEPHONE:

RE:

COMMENTS:

Today I talked to Jim Vanderhonde (712) 472-2531 from the Rock Rapids DGR office, Robert Stenberg 428-3911 from the Dell Rapids City Council, George Vandel from G.F.P. and Bernard Nelson an upstream landowner. Told them that we had to investigate the situation further. It appears that a 1ft. cap may have been placed on the section that is to be repaired after the Vested Right was issued in 1962. If so, the repair work can not be replaced to this elevation unless they receive another Water Right Permit. Told them that we would probably not be able to get over there until one of the first 2 weeks in August. I sent DGR a copy of the information I got from the G.F.P. files.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME:

Tim Shao

857-3

South Dakota
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 23, 1989

Thomas Early, Mayor
City of Dell Rapids
P.O. Box 10
Dell Rapids, SD 57022

Dear Mr. Early:

I am writing to follow up on the investigation conducted by Tim Schaal, Division Engineer, on August 8, 1989 concerning the elevation of the Dell Rapids Dam on the Big Sioux River.

The investigation consisted of surveying the elevation difference between the north and south portions of the Dell Rapids Dam and then tying them into mean sea level off a Coast and Geodetic bench mark located on the railroad bridge over the Sioux River approximately 1/4 mile downstream from the dam.

The information we received from the Department of Game, Fish and Parks files concerning the elevation of the original north and south portions of the Dell Rapids Dam is somewhat confusing. The information indicates both a proposed increase in elevation of the north and south portions of the dam and a proposed increase in elevation of only the north portion.

Since the original Local Datum bench mark located near the dam could not be located, it is not clear if the proposed increases were ever completed. The elevation of the remaining portion of the south dam was found to be approximately 0.80 foot below the north dam. There is 1.5 foot difference in elevation between the existing portion of the south dam and the quartzite foundation. Judging from these measurements and the information on the original plans of the Dell Rapids Dam dated February 1933, it appears that the remaining portion of the south dam is at the original elevation.



REDUCTION RATIO

POLL NUMBER

DATE MICROFILMED

CAMERA OPERATION SIGNATURE

August 23, 1989
Thomas Early, Mayor
Page 2

The Department of Game, Fish and Parks holds Vested Right Claim No. 857-3 for the Dell Rapids Dam. The Vested Right Claim was issued in December 18, 1962 for the storage of water to the outlet elevation of the Dell Rapids Dam with a priority date of 1932. As long as the project only involves repair of the south dam to the elevation of the remaining portion, no additional permits will be required. Vested Right Claim No. 857-3 will be validated for sufficient storage to fill the reservoir annually to the elevation of the south dam at 1473.4 msl.

If you have any questions, please let us know.

Very truly yours,


John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

cc: George Vandel, Department of Game, Fish & Parks
Marie Skelly, City Finance Officer
Jim VanderWoude, Dewild, Grant, Reckert & Assoc.
Bernard Nelson

South Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

July 19, 1990

Thomas Early, Mayor
City of Dell Rapids
P.O. Box 10
Dell Rapids, SD 57022

Dear Mr. Early:

We have reviewed the plans and specifications for the Dell Rapids Dam located on the Big Sioux River in Minnehaha Co. The plans and specifications as submitted are approved.

As stated in our August 23, 1989 letter, as long as the project only involves repair of the south dam to the original elevation of 1473.4 msl, no additional permits will be required.

If you have any questions, please let us know.

Sincerely,



Gale N. Selken, P.E.
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division
605 773-3352

cc: James Vander Woude, Dewild Crant Reckert and Associates
Dennis Williams, Dept. of GF&P
Ron Koth, Dept of GF&P
James Suedkamp, Corps of Engineers
Jerry Siegel, East Dakota

CERTIFICATION

I hereby certify that on March 24, 1993, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing Notices dated March 24, 1993, regarding Hearing to Consider Validation of Recognized Vested Right Claims addressed as stated below:

Vested Right Claim No. 439-3:

Gene Weeg
4501 W. 12th St.
Sioux Falls, SD 57106

Vested Right Claim No. 152-3:

Earl Claussen
Rt 1, Box 830
Jefferson, SD 57038

Vested Right Claim No. 54-3:

Dale Bosse
RR 1, Box 99
Elk Point, SD 57025

Vested Right Claim Nos. 166-3 & 187-3:

Russell and Barb Schneiderman
Rt 2, Box 48
Lennox, SD 57039

Hand delivered to:

Vested Right Claim No. 857-3:

Tim Olson
Dept. of Game, Fish & Parks
623 E. Capitol
Joe Foss Building
Pierre, SD 57501

Copies of the above mentioned NOTICES were sent inter-office to:

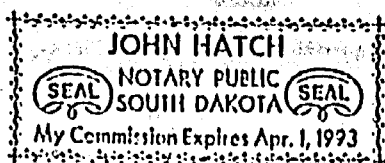
Diane Best, Assistant Attorney General, Capitol Building.

Cheryl F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Sworn to, before me, this 25th day of March, 1993.



John Hatch
Notary Public

857-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

April 5, 1993

NOTICE

TO: Tim Olson
Department of Game, Fish and Parks
623 E Capitol
Pierre SD 57501

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Hearing to Consider Validation of Recognized Vested Right Claim No. 857-3

A Notice of Intent to validate Claim No. 857-3 was published on June 14 and 21, 1988 in the Argus Leader. The Water Rights Division opposed validation of No. 857-3 to allow the claim to be amended to establish an outlet elevation. According to plans and specifications prepared by DeWild, Grant, Reckert and Associates the outlet elevation of the Dell Rapids Dam is 1473.4 feet mean sea level (msl).

The Water Management Board will consider validation of Claim No. 857-3 at 10:00 am, May 5, 1993, in the Floyd Matthews Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The agenda time is an estimate. The actual time of the hearing may be later than 10:00 am due to prior agenda items. Prior to April 23, 1993 contact the Water Right Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

The chief engineer is recommending validation of Claim No. 857-3 for sufficient water annually from the Big Sioux River to fill Dell Rapids Dam to the spillway elevation of 1473.4 feet msl. Following the hearing, the Board is authorized to 1) validate the claim as recommended by the chief engineer, 2) validate the claim as licensed prior to the on-site inspection, 3) validate the claim based on evidence presented at the public hearing, or 4) defer validation of the claim. Applicable provisions of the published notice of intent to validate Claim No. 857-3 will still apply at this hearing. A copy of the June 14 and 21, 1988, publication is available upon request.

This hearing is an adversary proceeding. You have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

cc: Diane Best, Assistant Attorney General



857-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

SEP 20 1993

Tim Olson
Department of Game, Fish and Parks
523 E. Capitol
Pierre, SD 57501

Dear Mr. Olson:

The Water Management Board has validated the enclosed Vested Water Right No. 857-3. This validation gives legal status to the claim and is the final document for your vested right. Enclosed is the reissued water license which reflects the outlet elevation as validated by the Board.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosure

SOUTH DAKOTA

VESTED WATER RIGHT NO. 857-3

Date of Receipt of Claim October 20, 1961.

Date of Validation May 5, 1993.

The Water Management Board validated Vested Water Right Claim No. 857-3 for the South Dakota Department of Game, Fish and Parks, 523 E Capitol, Pierre SD 57501 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 857-3 is for sufficient water annually from the Big Sioux River to fill Dell Rapids Dam to the spillway elevation of 1473.4 feet mean sea level. The dam is located in the SW 1/4 SW 1/4 Section 9-T104N-R49W in Minnehaha County.

2. The appropriated water is impounded by the dam and may not exceed the amount of water needed for beneficial use for public recreation purposes.

The water is to be used during the following annual period:
January 1 - December 31

3. The priority date of the Vested Water Right is January 1, 1932.

4. The water use system has been constructed and water has been applied to beneficial use.

5. Water Rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

John H. Hottel
Chief Engineer

SEP 20 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

STATE OF SOUTH DAKOTA

REISSUED VESTED RIGHT WATER LICENSE NO. 857-3

(1) The South Dakota Department of Game, Fish and Parks, of 523 E Capitol, Pierre SD 57501 made Application No. 857-3, October 20, 1961 for a vested right claim to appropriate 45 acre feet annually from the Big Sioux River, Minnehaha County, South Dakota for public recreational purposes. Vested Water Right No. 857-3, was validated May 5, 1993 with a priority date of 1932. Construction of the described water supply system has been completed and complies with the applicable provisions of South Dakota State Law.

The original water license issued on December 18, 1962 did not specify the spillway elevation of the Dell Rapids Dam. According to plans and specifications received, the spillway elevation of the Dell Rapids Dam has been established at an elevation of 1473.4 feet mean sea level (msl). The license is being reissued to include the spillway elevation.

(2) The vested right owner is entitled to divert sufficient water annually to fill Dell Rapids Dam to the spillway elevation of 1473.4 feet mean sea level for beneficial use. The location of the dam is the SW 1/4 SW 1/4 Section 9-T104N-R49W.

(3) Pursuant to South Dakota Water Law 46-5-30.1 the South Dakota Department of Game, Fish and Parks of 523 E Capitol, Pierre SD 57501 the holder and/or owner of Vested Water Right No. 857-3 is issued a license to appropriate water, the right to fill Dell Rapids Dam to the spillway elevation of 1473.4 feet mean sea level from the Big Sioux River with a priority date of January 1, 1932 from the location specified in (2) of this license. The water is to be stored for the purpose of public recreation. This license is subject to any limitations or qualifications listed in Vested Water Right No. 857-3 and subject to South Dakota State Law.



SEP 20 1993

JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

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.

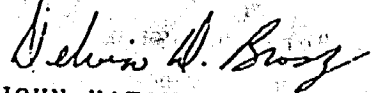


September 21, 1988
Richard Beringson, Secretary
Page 2

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.

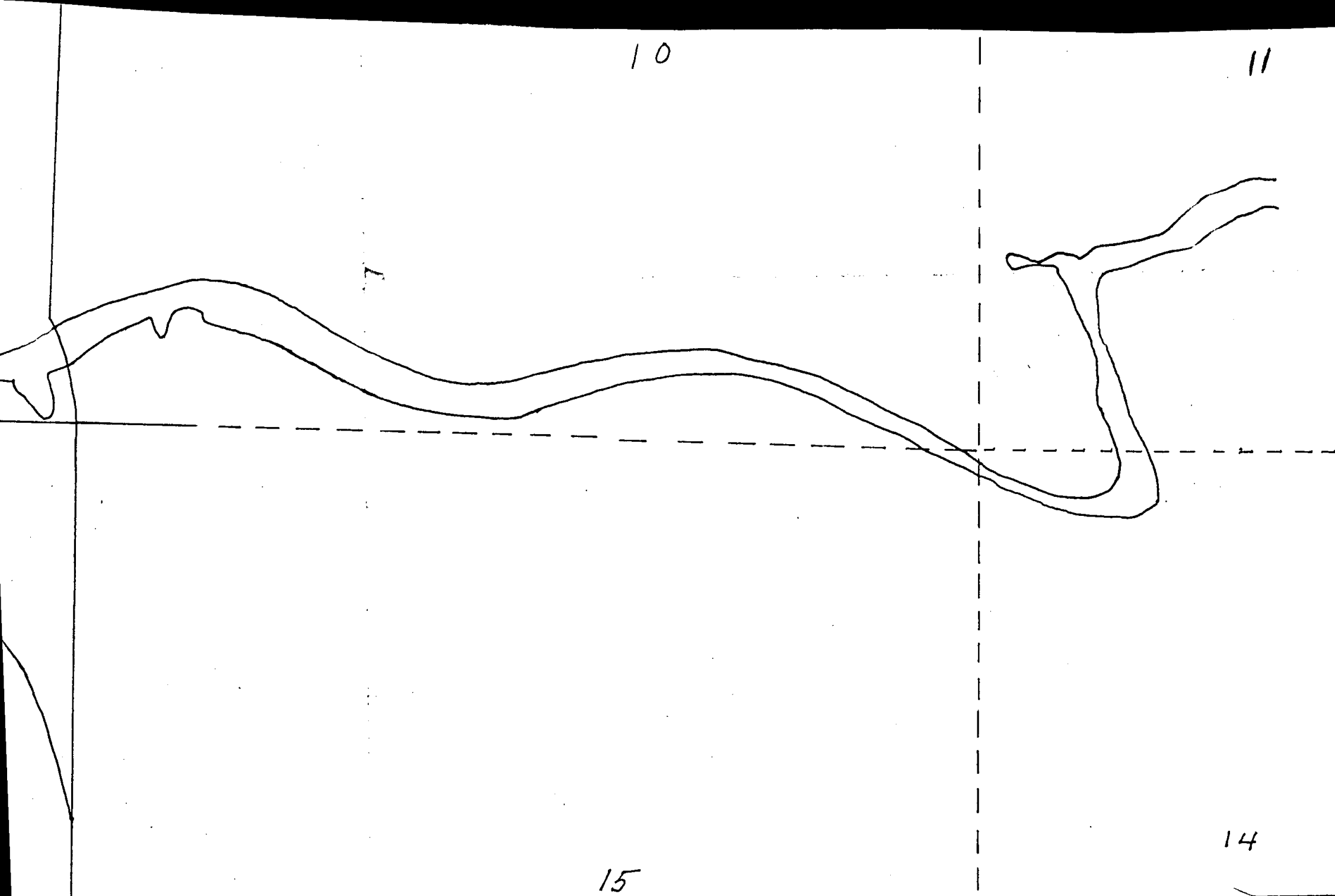
Please advise if you have any questions.

Very truly yours,



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

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



N



DELL RAPIDS DAM
MINNEHAHA CO.

Sec. 9, 10, 11, 14, 15-TWP. 104-RANGE 49
15 ACRES

Vested
RIGHT (No 857-3)

9

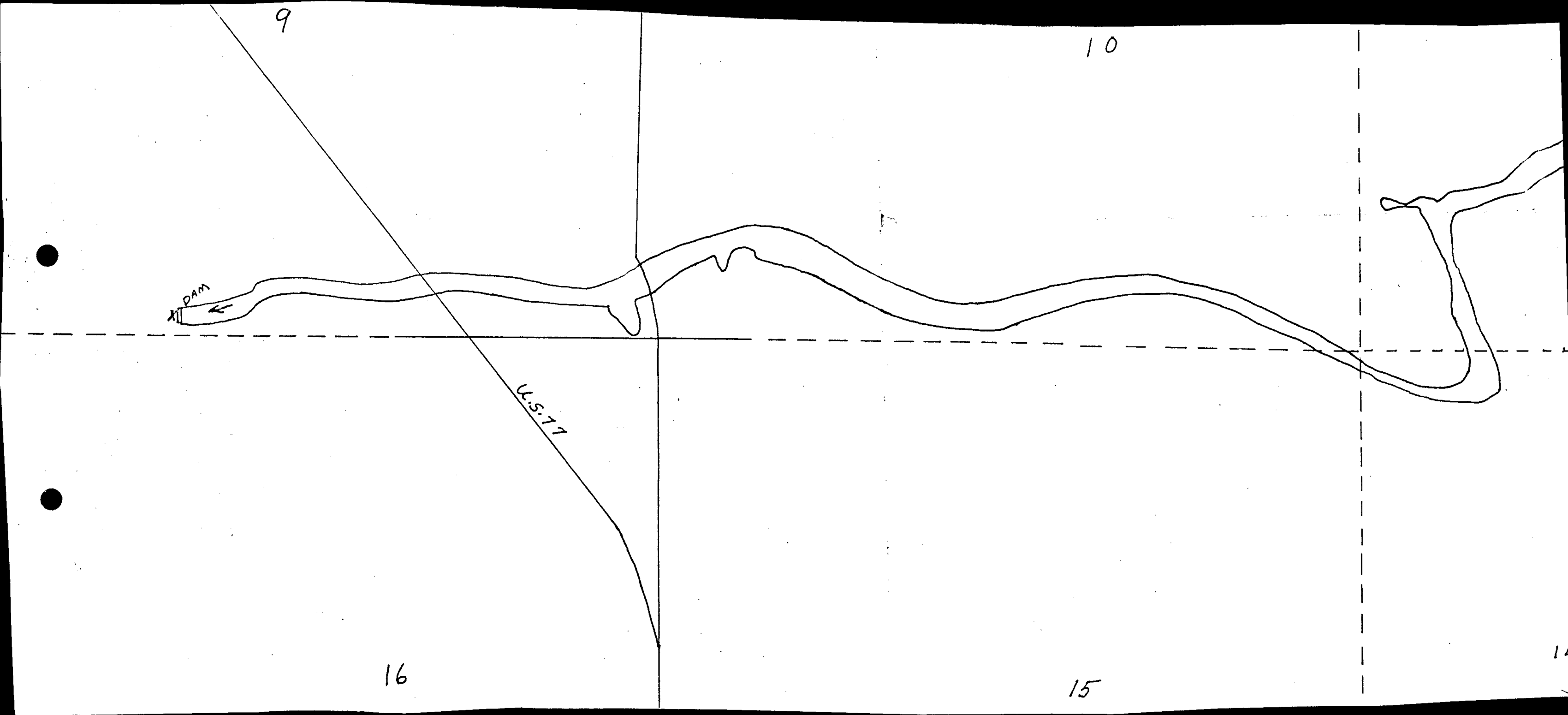
10

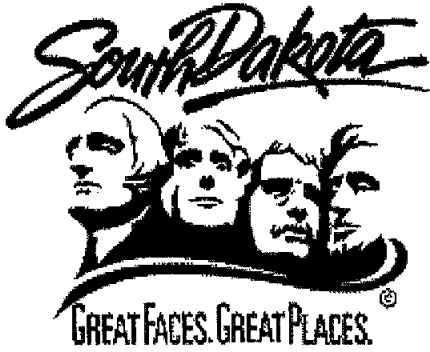
DAM
←

U.S. 77

16

15





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 31, 2018

119-3A 1576-3 28-3 826-3
857-3 859-3 880-3 890-3

SD GAME FISH & PARKS
ATTN: JOHN LOTT
523 E CAPITOL
PIERRE SD 57501

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear MR LOTT,

I am writing to inform you of an effort the SD Dept. of Environment and Natural Resources Water Rights Program is undertaking to review and update a number of water right permits authorized to pump water from the Big Sioux River. Since your water right does not have a bypass qualification, we **are not** proposing to amend your permit by adding a bypass qualification. However, I do want to make you aware of what we are proposing for several other junior priority Big Sioux River permits.

When a number of these Big Sioux River permits were issued, they contained a qualification requiring a minimum flow bypass before the user is able to pump water from the river. The bypass qualification was placed on these permits to protect the use of water by downstream senior priority water right holders and domestic water users, which includes livestock watering. The review found, with the passage of time, a number of senior water right permits have been cancelled due to abandonment or forfeiture. Consequently, it may be possible to lower the flow bypass limitation on the remaining permits. In other words, the amount of flow in the river can be lower and pumping will still be allowed. The review also found an inconsistency between permits on where the bypass flow is to be measured. The intent of this effort is to standardize and make consistent the bypass requirements for the remaining water users.

In order to amend a qualification on an existing water right permit, formal action by the SD Water Management Board is needed. In the next few weeks, you can expect to receive official notification scheduling a hearing before the Water Management Board. Again this does not pertain to amending your permit, only junior permit holders. If you wish to participate in the hearing you can, but you are not required to. There will be instructions with the notification on how to participate in the hearing if you so choose.

If you have any questions concerning this effort, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

 Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 12, 2018

119-3A, 1576-3, 28-3, 826-3
857-3, 859-3, 880-3, 890-3

SD Game, Fish & Parks
Attn: John Lott
523 E Capitol
Pierre SD 57501

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear Mr. Lott:

The SD Department of Environment and Natural Resources (DENR) has evaluated the minimum flow bypass condition on water rights that pump from the Big Sioux River. The Chief Engineer is recommending amending the bypass qualification on 21 Big Sioux River water rights. The intent is to bring uniformity to the bypass requirement placed on water rights in past years. The water right you own or operate does not have a bypass qualification and will not be amended by the proposed action.

Even though your water right is not being amended, DENR wants to keep you informed of the proposed action since it involves the Big Sioux River. Enclosed is a notice to be published on or before February 15, 2018, in one newspaper from each of the seven counties that the Big Sioux River flows through. Also, the staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Mark Rath at 605 773-3352 or mark.rath@state.sd.us.

A hearing before the Water Management Board is scheduled at 11:30 AM, Wednesday, March 7, 2018 in the Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The enclosed notice provides information on the hearing and ability to file a petition in either support or opposition to the proposed amendment. The filing of a petition must be postmarked by February 26, 2018. Additionally filing a petition affords you the opportunity to participate in the March 7th hearing before the Board if you choose.

Again, this does not pertain to amending your water right, only junior water right holders with existing bypass requirements. If you have questions, please call. DENR is willing to work to answer any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosure