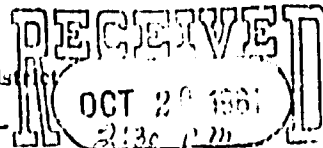


No. 858-3

Water Division No. 3 Big Sioux River District
(Blanks to be Filled by the Engineer for the Vested Right)



APPLICATION FOR VESTED RIGHT PERMIT STATE WATER RESOURCES COMM.

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 GARRETSON DAM - Minnehaha County
As required to fill lake to outlet level approximately 30
3. Amount of water claimed none feet per year cubic feet per second
4. Source of water supply Split Rock Creek
5. Location of point of diversion NE 1/4 SW 1/4 Sec. 17, T. 103, R. 47
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.) Split Rock Creek

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

- (a) Nature of use public recreation 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) Pumping, \$-----

(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 12 feet; length at bottom 164 feet; length at top 184 feet; thickness at bottom 16 feet; thickness at top 4 feet; slope at front water face 3:1; slope at back face 1:1; material used in construction Rock

(b) Reservoir: Capacity when filled 50 acre feet. Surface area at highwater mark 10 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 years12. 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 Walter J. FillmoreSubscribed and sworn to before me this 20 day of October 1961Edmund B. Sullivan
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 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: [Signature]

for Chief Engineer, Executive Officer

Number of permit 858-3

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 1933, 1962

Approved December 18, 1962, Recorded in Book 7 Page 288

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 _____

4th. The water appropriated shall be used for the purpose of Completed, 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 30 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 was

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 18th day of December, 1962

State Water Resources Commission

By: [Signature]

Chief Engineer, Executive Officer

Certificate of Construction Issued December 18, 1962

Water License Issued December 18, 1962

STATE OF SOUTH DAKOTA

WATER LICENSE No. 858-3

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 Vested Right
duly made application (No. 858-3) to us for a permit to use 30 acre feet
annually of the waters of Split Rock Creek
County of Minnehaha, State of South Dakota, for public recreation
purposes; and

WHEREAS, On the 18th day of December A. D. 1962
recognizing
/ Permit No. 858-3 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the day of
AND 1961 and for the application to beneficial use of said
water
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 30 acre feet
annually of said waters, as evidenced by our Certificate No. 858-3
dated December 18, 1962 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 30 acre feet annually
priority of 1933 and,

WHEREAS, On the 20th day of October A. D. 1961
proof was duly made of the application to beneficial use of 30 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
of Pierre the holder and owner of Vested Right of sale/permit No. 858-2
a water right, dating from 1933 to the use of 30 acre feet annually
~~outlet for per acre~~ of the waters of Split Rock Creek
in the County of Minnehaha and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinbelow mentioned, to be diverted at a point in the NE 1/4 SW 1/4 Section 17,
T 193 N, R 47 W
and ~~conduited to the~~ 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. 858-3Water 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 Vested Right of Permit No. 858-3, issued upon Application
 No. 858-3, bearing date of priority of 1933, authorizing the diversion of

30 acre feet annually of the waters of Split Rock Creek
 County of Minnehaha, State of South Dakota, at a point in the
NE 1/4 SW 1/4 Section 17, T 103 N, R 47 W

for public recreation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of
 completion of the works of diversion set out and described in said Permit; that said works are recognized as
adequate for diverting and conveying to the place of intended use 30 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 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. Split Rock Creek - NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 17, T 10S R 47

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 164 feet long and 12 feet high
Inpoundment of 10 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 30 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 1933. Used by the public for
the uses specified except for that amount lost by evaporation and seepage.

(Sign) Emilee

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 20 day of October A. D. 1966
Edna B. Lusk
Witnesses. 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

C O P Y

Water Rights Division - DVNR
Conversation or File Documentation

File No. 858-3

NAME OF PERSON OR FILE: MARY ASCHOFF
ADDRESS: GARRETSON ³⁷⁰ Box 570 ZIP 57030 COUNTY MINNEHAWA
DATE: 10 OCT 91 TELEPHONE 594-6722 (CITY Hall)
RE: SMALL DAM ON SPLIT ROCK CREEK, JUST NORTH OF TOWN

COMMENTS:

SHE IS WORRIED ABOUT ROCK DAM - WOULD LIKE TO FIND
OUT MORE ABOUT IT, WHOSE DAM IS IT, ETC -
APPARENTLY CITY OWNS LAND (?), WPA PROJECT -
SHE WOULD LIKE TO REHAB AND PRESERVE THE STRUCTURE.

I TOLD HER WE WOULD LOOK FOR ANY RECORDS THAT
MIGHT HAVE BEEN FILED AND SEE WHAT WE COULD
FIND OUT. IF WE HAVE ANY FILINGS OR RECORDS I PROMISE
TO SEND THOSE TO HER.

SHE ASKED A LOT OF QUESTIONS ABOUT FUNDING ETC - BUT
I TRIED TO PUT HER OFF BY SAYING WE SHOULD FIND OUT
A FEW THINGS BEFORE SHE WOULD START WORRYING ABOUT THAT -
SHE WOULD LIKE TO HAVE SOMEONE LOOK AT STRUCTURE ALSO.

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: JAC

Water Rights Division - DWNR

File No. 858-3

Conversation or File Documentation

NAME OF PERSON OR FILE: Arden PetersonADDRESS: 6F&P Sioux Falls Regional Office COUNTY DATE: 10/16/91 TELEPHONE 339-6621RE: Corrington Dam on Split Rock Creek

COMMENTS:

I told Arden that we got a phone call from Mary Aschott and she was asking about repair of Corrington Dam. Told him 6F&P had later Right No. 858-3 for the dam and it was a WPA structure. He said they would take a look at the dam and talk to Mary Aschott. Also will try to determine ownership.

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: _____

4/82

South Dakota

GREAT FACES. GREAT PLACES.

858-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 23, 1991

Mary Aschoff
P.O. Box 370
Garretson, SD 57030

Dear Ms. Aschoff:

I am writing in response to your request for information on the low head dam on Split Rock Creek in the Garretson area (Garretson Dam). The Department of Game, Fish and Parks holds Water Right No. 858-3 for this structure (copy enclosed). This Water Right allows for the storage of 30 acre-feet of water for public recreation purposes.

We have talked to Arden Peterson from the Game, Fish and Parks Regional Office in Sioux Falls (339-6621) concerning this structure. He indicated they would be able to check into the repair and ownership of the structure. Since it is a WPA structure, there is probably an easement giving the structure to either the State, County or the City of Garretson.

We do not have any more information of this structure since it does not meet our inventory size requirements; however, we will try to provide any assistance we can. If you have any questions, please feel free to contact our office.

Sincerely,

Gale N. Selken

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

enclosure

cc: Arden Peterson, GF&P Regional Office
517 W. 10th
Sioux Falls, SD 57104-3619

858-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 30, 1994

LeRoy Anderson
Schmucker, Paul, Nohr & Associates
PO Box 398
Mitchell, SD 57301-0398

Dear Mr. Anderson:

Enclosed, as you requested, is a copy of Water Right No. 858-3.
The water right is held by the SD Department of Game, Fish & Parks.

If you have any questions, please contact our office.

Genny McMath

Environmental Scientist
Water Rights Division
(605) 773-3352

enclosures



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.

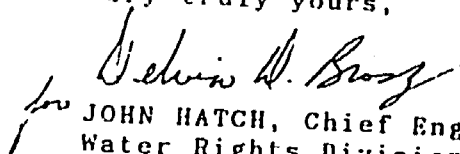


September 21, 1988
Richard Beringson, Secretary
Page 2

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.

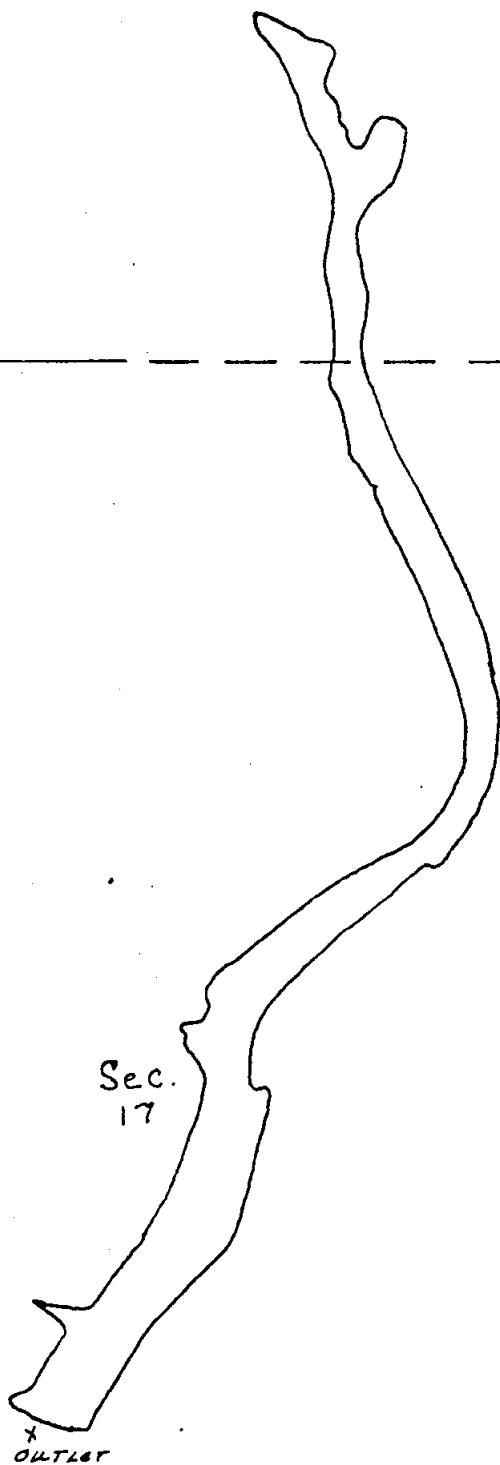
Please advise if you have any questions.

Very truly yours,


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

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

Sec.
8



GARRETSON DAM

MINNEHAHA CO.

Sec. 8, 17 - TWP. 103 - RANGE 47

12 ACRES - 8" = 1 MILE

20 JAN. 59

L. E. OLDENBURG

(WR 858-3)



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 23, 2026

Dear Split Rock Creek Water Right Holder:

I am writing to the water right holders and operators who use water from Split Rock Creek regarding below normal streamflow for this time of year.

South Dakota law gives the highest priority to domestic use, including livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critically low levels, water use may begin to interfere with domestic use and senior water rights. If water levels become critically low, the Department may be forced to issue shutoff orders to protect domestic use, including livestock watering, and those water rights that are most senior.

This not a shutoff order. We are only speculating that shutoff orders may become necessary, if severe drought conditions persist. This letter is intended to give you advanced notice shutoff orders may be necessary this year. If shutoff orders are issued, you will receive another letter from the Department. In the meantime, water right holders can help by closely monitoring water usage to minimize use when possible and avoid any waste of water.

If you are interested, the US Geological Survey has an Internet site showing current flows at stream gauging stations across the state, including a station on Split Rock Creek near Corson, SD. To view the latest real-time stream flow, go to:

<https://waterdata.usgs.gov/state/south-dakota/>

Thank you for your cooperation. If you have any questions, please contact either Whitney Kilts, Adam Mathiowetz, or Amanda Dewell, with the Water Rights Program, at (605) 773-3352.

Sincerely,

Adam Mathiowetz, Acting Chief Engineer
Water Rights Program