No. 1464-3Water Division No. 3 MINNESOTA RIVER District STATE WATER RESOURCES COMM.
(Blanks to be filled by the Engineer for the W. R. C.)

PIERRE 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 FISH LAKE - Deuel County
As required to fill lake to outlet level - approximately 2280
3. Amount of water claimed acre feet per year cubic feet per second
4. Source of water supply dry draw
5. Location of point of diversion One point in the watershed located in the SE 1/4 of
Sec. 16, T. 113N, R. 24W on DEUEL County.
6. Annual period or periods during which water is to be used continuously
7. To be used for:

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

(a) Number of acres to be irrigated _____ 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 ordinary high water markof the inundated portion of Secs. 3, 9, 11, 16, 17, T. 113, R. 24

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 _____

V.R.

8. Estimated cost of work:

(a) Head Gates, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$-----
 (e) Other structures -----
 (b) Pumping plant, \$-----
 Rock, \$-----
 Total, \$-----

9. Description of diversion works:

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

II. Dimensions of works. Information requested not applicable. Fish Lake is a
 meandered lake. Maximum depth is approximately 9 feet
 (a) Dam: Height ----- feet; length at bottom ----- feet; length at top -----
 ----- feet; thickness at bottom ----- feet; thickness at top -----
 ----- feet; slope at front water face -----; slope at back face -----
 material used in construction -----

(b) Reservoir: Capacity when filled ----- 2736 ----- acre feet. Surface area at highwater
 mark ----- 760 ----- 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 ----- years.
 11. Time required for complete application of water to the proposed beneficial use ----- years.
 12. Choice of newspaper for publication of notice of intention to appropriate -----

STATE OF SOUTH DAKOTA
 County of ----- Hughes ----- ss.

I, ----- R. A. Hodgins -----, 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 ----- R. A. Hodgins -----

Subscribed and sworn to before me this ----- 8th ----- day of ----- December ----- 1967 -----

----- H. E. Bowers -----
 Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

H. E. Bowers, Notary Public
 My Commission Expires -----

Remarks by State Water Resources Commission:

"VESTED RIGHT" CLAIMED

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, FEBRUARY 6, 1968

This is to certify that the foregoing application was received by the Commission at 8:45 o'clock
a.m. upon the 11TH day of DECEMBER, 1967

State Water Resources Commission

By:

for Chief Engineer, Executive Officer

Number of permit 1464.3

Date of first receipt of application

DECEMBER 11, 1967

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 JANUARY 10, 1968 Recorded in Book 10 Page 70

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~~ _____

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

COMPLETED

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 2280 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 cubic foot of water per second of flow for each acre of land to which water is actually~~
~~applied~~
USED FOR PUBLIC RECREATION
WAS

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

CONTINUOUSLY

Witness my hand this 6TH day of FEBRUARY, 1968

State Water Resources Commission

By:

for Chief Engineer, Executive Officer

Certificate of Construction issued FEBRUARY 6, 1968

Water License issued FEBRUARY 6, 1968

Permit No. 1464-3Water Division No. 3 Minnesota 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 Parksof Pierre, County of Hughes, and State of South Dakota, the holder Vested RightNo. 1464-3, bearing date of priority of 1889, authorizing the diversion of2280 acre feet annually of the waters of dry drawCounty of Deuel, State of South Dakota, at a point in the SE 1/4 SW 1/4, Section 16, Township 113N, Range 47Wfor public recreationpurposes, 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 assatisfactory for diverting and conveying to the place of intended use 2280 acre feet annuallyof 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 recreationWitness my hand this 6th day of February A. D. 19 60

State Water Resources Commission

By:

J.W. GRIMES

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. . . . 1464-3 . . .

WHEREAS, On the 11th day of December A. D. 1967
 the Department of Game, Fish, and Parks

of Pierre County of Hughes and State of South Dakota
 annually Vested Right duly made application (No. 1474-3) to us for a permit to use 2280 acre feet
~~cubic feet per second~~ of the waters of dry draw
 County of Deuel, State of South Dakota, for public recreation
 purposes; and

WHEREAS, On the 6th day of February A. D. 1968
Vested Right Permit No. 1464-3 ~~x~~ was issued to said applicant... for the diversion of said water, recognizing
 the completion of the works of diversion therein described ~~and before the~~ day of
~~and before the~~ and for the application to beneficial use of said
 water ~~and before the~~ day of ~~and before the~~
 and,

WHEREAS, On the 11th day of December A. D. 1967
 the holder... of said permit duly made proof of the completion of adequate works for the diversion of 2280 acre feet
annually ~~of said waters~~ of said waters, as evidenced by our Certificate No. 1464-3
 dated February 6, 1968 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 2280 acre feet annually
~~cubic feet per second~~ of water, with date of
 priority of 1889 ~~and~~ and,

WHEREAS, On the 11th day of December A. D. 1967
 proof was duly made of the application to beneficial use of 2280 acre feet annually
~~cubic feet per second~~ of said water;
 to be used in place for public recreation purposes.

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. 1464-3
a water right, dating from 1889 to the use of 2280 acre feet annually
~~of the waters of~~ dry draw
In the County of Deuel and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinafter mentioned, to be diverted at a point in the S22 SW1, Section 16,
Township 113N- Range 47W
and ~~conducted to and upon~~ stored in place

for the purpose of public recreation, subject to any limitations listed in the Permit
to appropriate water, and

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 6th day of February A. D. Nineteen
Hundred and sixty-eight

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 statutor, 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. Dry Draw - one point in the watershed located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 16,
T. 113, 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. A meandered lake - depth 9 feet - 760 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

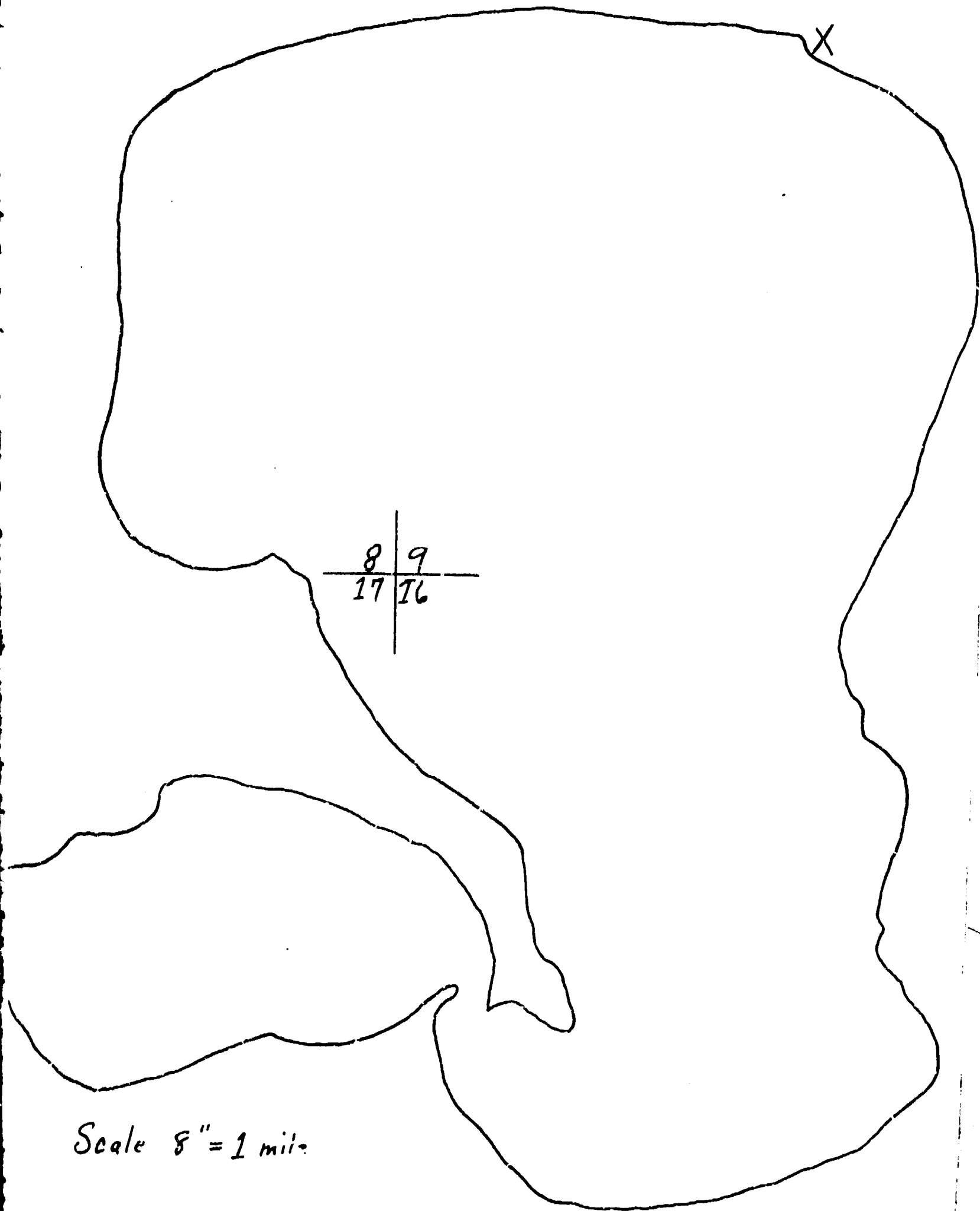
Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. As required to fill lake to outlet level - approximately 2280 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.

Fish Lake
Deuel Co.
8,9,16,17-113-47



Scale 8" = 1 mile

Water Rights Division - DMNR

File No. 1464-3

Conversation or File Documentation

NAME OF PERSON OR FILE: SD Dept. of Game, Fish and Parks - Fish Lake

ADDRESS: _____ COUNTY _____

DATE: _____ TELEPHONE _____

RE: Ordinary High Water Mark Determination

COMMENTS:

April 14 & 15, 1983 - Water Management Board Minutes

Mr. Arend MOVED, SECONDED by Mr. Harms that the Ordinary High Water Mark for Fish Lake be established at an elevation of 1751.4 feet msl and that Vested Right No. 1464-3 be clarified to require the outlet structure for Fish Lake to be maintained at an elevation of 1750.8. MOTION CARRIED.

For more information see OHWM file.

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.

4/82

NAME: _____



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.

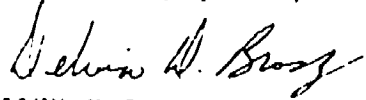


September 21, 1998
Richard Beringson, Secretary
Page 2

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.

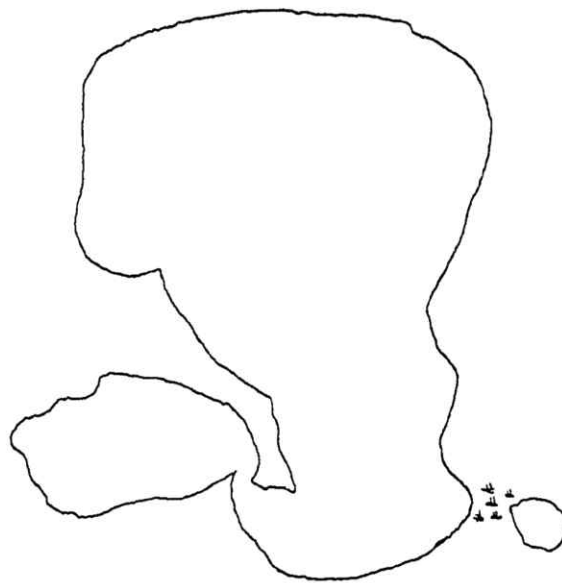
Very truly yours,


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

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

1469-3

ORDINARY HIGH WATER MARK INVESTIGATION FOR FISH LAKE



DEUEL
COUNTY

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
Pierre, South Dakota 57501

March, 1983

REPRODUCTIONS: REDUCTION 25:1 ROLL NO. 10
DATE MICROFILMED 11-22-79
GENERAL OPERATOR

TABLE OF CONTENTS

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INTRODUCTION.....	2
INVESTIGATION.....	3
CONCLUSIONS.....	4
RECOMMENDATIONS.....	5
APPENDICES.....	6

REPRODUCTION REDUCTION 8677 ROL NO 10
DATE MICROFILMED
OPERATION

FISH LAKE

ABSTRACT

This report contains the results of an investigation performed to determine the Ordinary High Water Mark (OHWM) for Fish Lake in Deuel County. The primary factors involved in calculating the OHWM were: Fish Lake's hydrological characteristics and elevations of erosion lines and trees found at the upper limit of its lake bed.

Based on the findings in this report. The OHWM for Fish Lake has been determined to have been established at an elevation of 1751.4 feet mean sea level (msl).

SECTION 185 / ROLL NO. 10 / 2-12-76

INTRODUCTION

Authority and Administrator

The Water Management Board is mandated by Law, SDCL 43-17-21, to establish the Ordinary High Water Mark on public lakes in South Dakota. The Board is to perform this in accordance with SDCL 43-17-1 thru 43-17-3; 43-17-20 thru 43-17-26, and Board Rules ARSD 74:02:03:11 and 74:02:03:12. This report contains the results of the investigation conducted by the Department of Water and Natural Resources, Water Rights Division to determine the elevation of the OHWM and outlet structure for Fish Lake.

Explanation of OHWM

The ordinary high water mark is coordinated with the upper limits of the bed of a lake. The determination of the OHWM is derived from the examination of the upper limits of the bed of the lake. This examination is conducted to ascertain where the continuous presence and action of the water has left a distinct mark; either by erosion, destruction of terrestrial vegetation, or some other easily recognized characteristic. In examining a lake for the determination of this level, it is necessary to consider the size, watershed, topography, soil and general characteristics of the lake (refer to Appendix A).

Date of Investigation

The principal field investigation for this report was conducted in September 1982. The examination of the shoreline, banks, and vegetation of Fish Lake was performed. The shoreline areas selected for study were those least affected by individuals.

INVESTIGATION

Location

Fish Lake is located in Deuel County within Sections 8, 9, 16 and 17 of T113N, R47W. (See Appendix A).

Lake Characteristics

Fish Lake is of glacial origin, located on the eastern edge of the Coteau des Prairies. The lake has 800 surface acres and is not connected with any major aquifer. Its recharge water is supplied by surface runoff from its 25,131 acre watershed and overflow water from Oak Lake in Brookings County. Overflow water from Fish Lake flows to the northeast into Minnesota's Lac qui Parle River.

Further data on Fish Lake can be found in Appendix A.

Elevation Reference

Elevations in this report are referenced to a United States Geological Survey bench mark. The bench mark is located near the corners of sections 5, 6, 7, and 8 of T113N, R47W, 200 feet south and 120 feet east of the cross roads, on the south side of a row of bushes near a witness post. The elevation of this bench mark is 1804.509 feet msl.

OHWM Indicators

A. Shoreline Trees

Trees, which are the largest and most permanent expression of upland growth, are used to determine a relationship between the growth characteristics of the trees at various elevations and the OHWM elevation. Records of ordinary high water levels are reflected in the well established trees growing along the upper limits of a lake's bed. Cottonwood, ash, and willow are the most predominant trees that grow along the shores of South Dakota's lakes. Experimentation and research have shown that most trees will not survive if water levels exceed one half to one tree diameter below the base elevation of the tree for more than 25% of the growing season. Consideration must be given to the characteristics of the soil, slope of the ground, and the effects of water and ice on the shoreline and bank.

B. Tree Categories

The trees along the shoreline of Fish Lake are divided into three categories:

1. The first category of trees are those where their lakeside base elevation (the elevation where the soil meets the trunk of the lakeside of the tree) is below the OHWM (see Appendix B). This is apparent in the erosion of the soil and the destruction and decay of the tree. The destruction and decay is caused by the zone of soil saturation smothering part of the root system. These trees survive because part of their root system is above the zone of saturation.

2. The second category of trees are those where their lakeside base elevation is from zero to one half foot above the OHWM (see Appendix C). These trees show signs of butt swell and erosion. The root system is surfacely exposed and growing away from the lake.
3. The third category of trees are those with a lakeside base elevation approximately one foot above the OHWM (see Appendix D). These trees show lesser degrees of butt swell, little or no root erosion, and some surface roots.

C. Erosion Marks

Erosion marks were found between elevations of 1751.5-1751.9 feet msl. Between these elevations there was an apparent change in the soil characteristics and types of vegetation. Examples of erosion marks can be found in Appendix E.

Outlet Structures

The outlet structure for Fish Lake is located on the northeast shore. The outlet consists of a concrete structure at an elevation of 1749.3 feet msl and a rock dam in front of this structure at an elevation of 1750.8 feet msl (see Appendix F).

The outlet elevation for Fish Lake has been varied by the addition and subtraction of rocks for the past 40 to 50 years. There have been no records kept describing these variations.

Water Level

There have been no water level records kept for Fish Lake. The water level in September 1982 was 1749.5 feet msl.

Water Rights

There has been a vested water right issued relating to the waters of Fish Lake. The Vested Water Right No. 1464-3 was issued to the Department of Game, Fish and Parks. It allows for the annual recharge of 2,280 acre-feet of water or as required to fill the lake to outlet level. The water right has a priority date of 1889.

CONCLUSIONS

Based on the study of Fish Lake's hydrological characteristics, and elevations of erosion lines and trees found at the upper limits of its lake bed, the Ordinary High Water Mark has been determined to be at an elevation of 1751.4 feet msl.

The present OHWM indicates that the outlet structure has been maintained at 1750.8 feet msl.

RECOMMENDATIONS

The Water Rights Division recommends to the Water Management Board:

1. That the Ordinary High Water Mark for Fish Lake be established at an elevation of 1751.4 feet msl.
2. That Vested Right No. 1464-3 be clarified to allow the water level at Fish Lake to be maintained at an elevation no higher than 1750.8 feet msl.

Jerry E. Steffen

Jerry E. Steffen, Natural Resources Engineer
Water Rights Division
Department of Water and Natural Resources

For information regarding OHWM bench marks established at Fish Lake, contact the Department of Water and Natural Resources, Water Rights Division, Pierre, South Dakota 57501.

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) ss

Sworn to, before me, this 11th day of April, 1983

Carolyn Jorgensen
Notary Public

CAROLYN JORGENSEN
My Commission Expires
June 13, 1983

APPENDICES

Appendix A	Fish Lake Data County Map Topographic Map Watershed Map
Appendix B	Trees Growing Below the OHWM
Appendix C	Trees Growing at the OHWM
Appendix D	Trees Growing Above the OHWM
Appendix E	Erosion Marks
Appendix F	Outlet Structure

Appendix A

Fish Lake Data

Surface Area.....	800 acres ¹
Watershed Area.....	25,131 acres ¹
Maximum Depth.....	8 feet ¹
Mean Depth.....	4 feet ¹
Volume.....	3,200 acre-feet ¹
Aquifer Connection.....	No major Aquifer connection
Outlet Elevation.....	1750.8 feet msl
OHWM Elevation.....	1751.4 feet msl
Water Rights.....	No. 1464-3 Held by Game, Fish and Parks, for the Annual Recharge of 2,280 acre-feet. with a priority date of 1889.

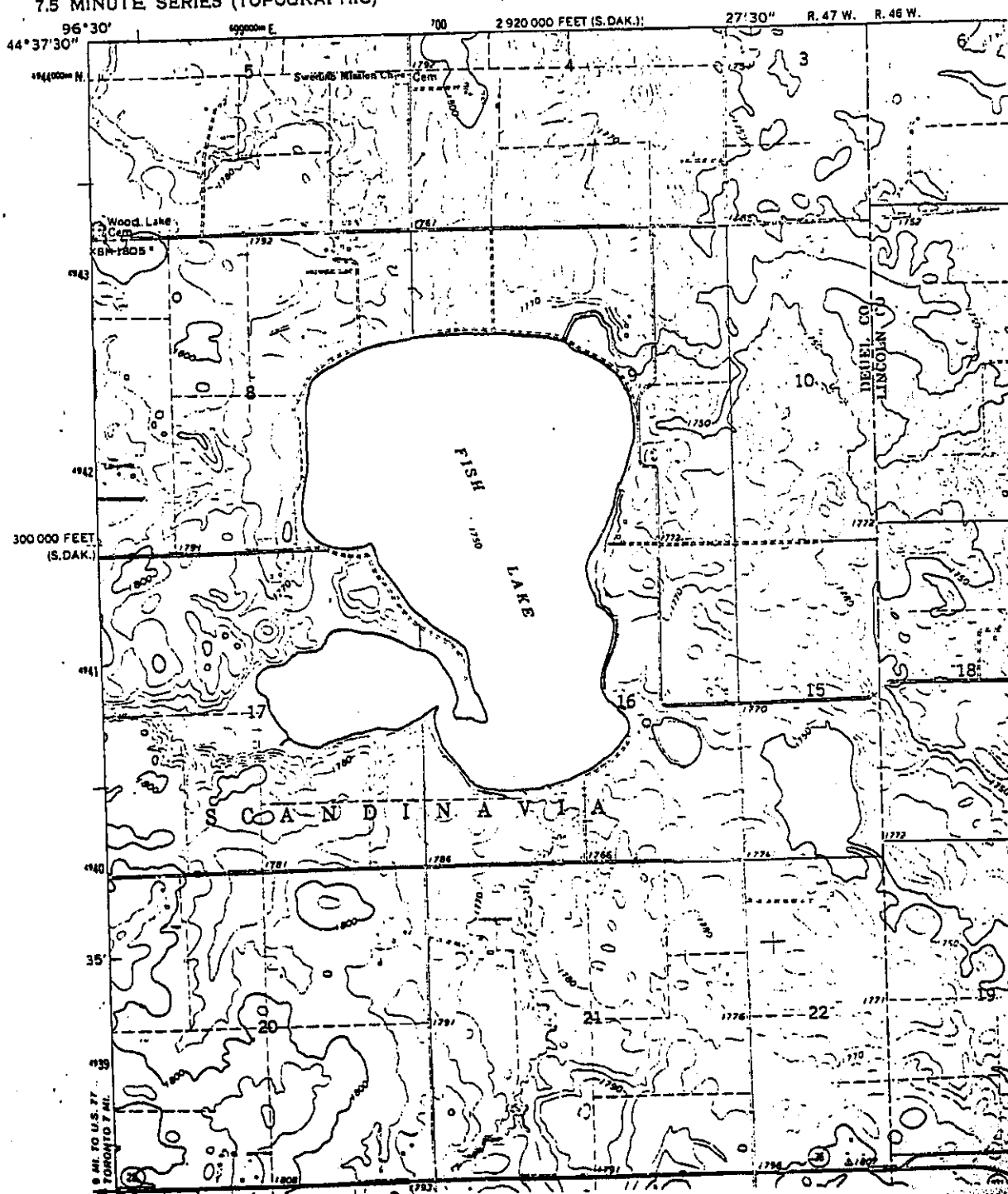
¹ Ronald M. Koth. South Dakota Lakes Classifications - and Inventory. South Dakota Department of Water and Natural Resources, Office of Water Quality. July 1. 1981. pp. 287-292.

REPRODUCTION: REDUCTION 25:1 ROLL NO. 0

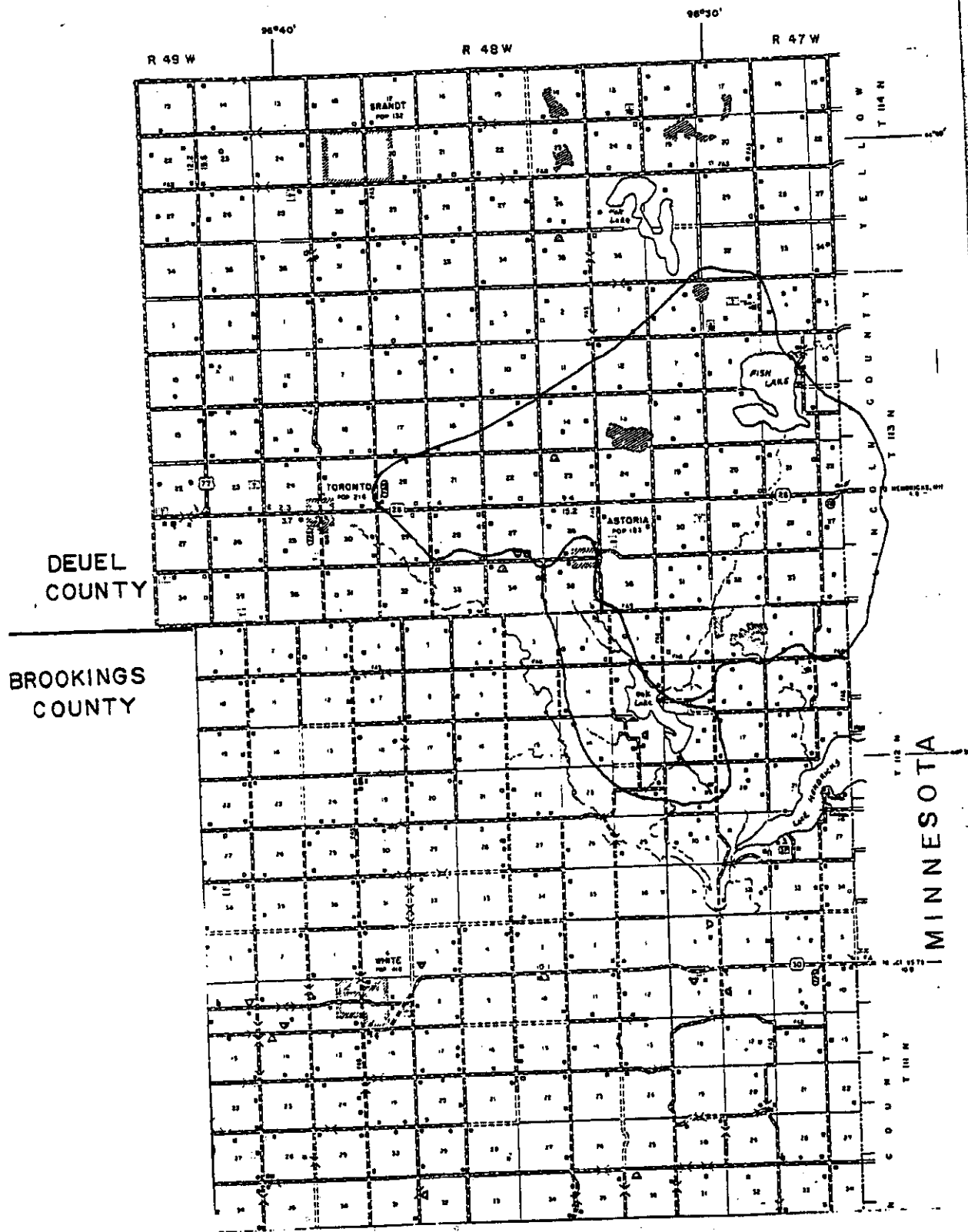
DATE MICROFILMED

CHERRY OPERATOR

HENDRICKS QUADRANGLE
MINNESOTA-SOUTH DAKOTA
7.5 MINUTE SERIES (TOPOGRAPHIC)

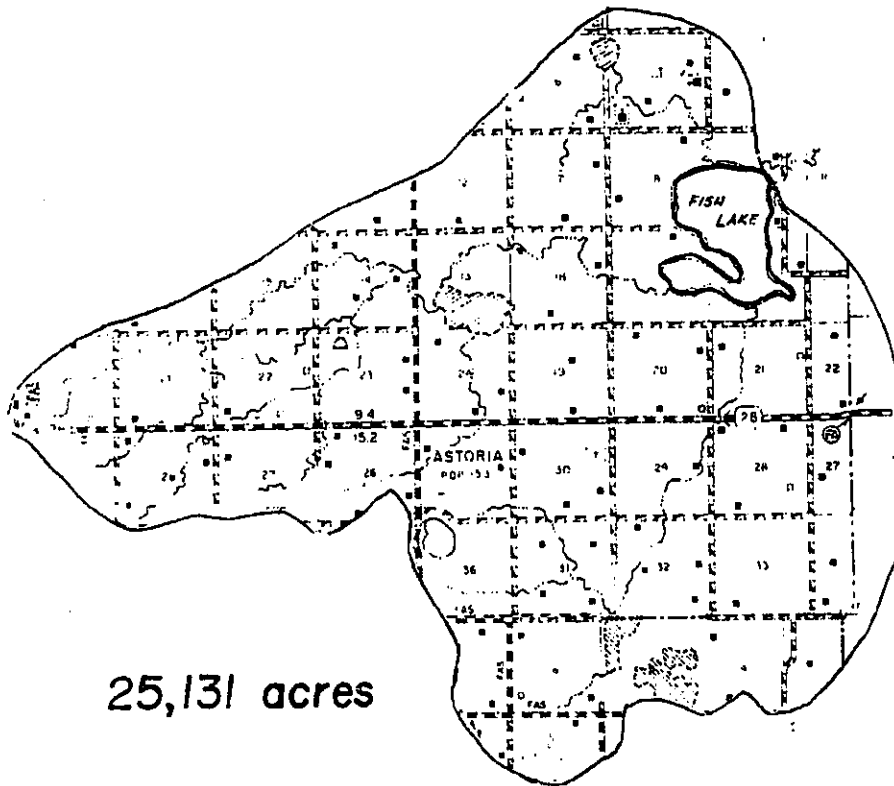


REPRODUCTION: REDUCED 25%
ROLL NO. 10
DATE MICROFILMED
CAMERA OPERATOR

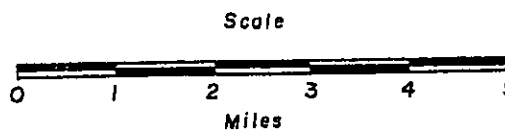
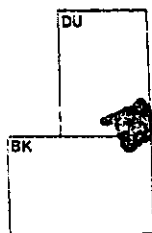


REPRODUCTIONS: REDUCTION 25% ROLL NO. 10
 DATE MICROFILMED 7-6-76 CAMERA OPERATOR ...

Fish Lake



25,131 acres



REPRODUCTION

REDUCTION

25.1

ROLL NO. 10

2-22-90

DATE MICROFILMED

1100

CHEN OPERATOR

APPENDIX B
TREES GROWING BELOW THE OHWM



PHOTO NO. 1 Description: Cottonwood, Dia. 2.4 ft. Age 75 years
Base Elevations: Lakeside----1750.4
Landside----1752.8



PHOTO NO. 2 Description: Cottonwood, Dia. 1.6 ft. Age 55 years
Base Elevations: Lakeside----1750.6
Landside----1752.0

REPRODUCTIONS, REDUCTION 2 1

ROLL NO 1

DATE MICROFILMED 11/1/71

CAMERA OPERATOR J. L. BROWN

CAMERA OPERATOR



PHOTO NO. 3 Description: Cottonwood, Dia. 2.5 ft, Age 75 years
Base Elevations: Lakeside----1751.0
 Landside----1754.4
 QHWM-----1751.9

REPRODUCTIONS

REDUCTION

12

ROLL NO.

1

DATE MICROFILMED

CAMERA OPERATOR



PHOTO NO. 4

Left tree
Description: Elm, Dia. 1.5 ft, Age 55 years
Base Elevations: Lakeside----1751.4
 Landside---1752.5

Right tree
Description: Elm, Dia. 0.6 ft, Age 20 years
Base Elevation: Lakeside----1751.4



PHOTO NO. 5

Description: Ash, Dia. 1.2, 1.7 & 1.1 ft, Age 55 years
Base Elevations: Lakeside---1751.9
 Landside---1754.8
Erosion Line in front of tree---1751.9 1751.8
 1751.7
 1751.9

REPRODUCTIONS.

ROLL NO

DATE MIRDORE 11 MAY

PHOTO NO. 6 Description: Ash, Dia. 0.9 ft. Age 40 years
Base Elevation: Lakeside----1752.2
Erosion Line in front of trees----1751.7
 1751.8
 1751.5
 1751.9



PHOTO NO. 7 Description: Ash, Dia 1.1 ft. Age 45 years
(left tree) Base Elevations: Lakeside----1752.5
Landside----1754.4
(right tree) Lakeside----1752.9
Landside----1754.7

APPENDIX E
EROSION MARKS



PHOTO NO. 8 Erosion Line and Vegetation Line:
 1751.7 1751.7
 1751.4 1751.6
 1751.3 1751.4
 1751.7 1751.5
 1751.5



PHOTO No. 9 Top of Rocks 1752.0
 1752.0
 1752.3

REPRODUCTIONS

REDUCTION

201

ROLL NO.

4

DATE MICROFILMED

CAMERA OPERATOR

APPENDIX F
OUTLET STRUCTURE



PHOTO NO. 10 Outlet (rock dam in front of outlet-background)
 East-----1750.8
 Center----1751.0
 West-----1750.8

 Concrete outlet structure (foreground)
 East-----1749.4
 Center----1749.3
 West-----1749.2

REPRODUCTIONS.

REDUCTION

25:1

ROLL NO

10

DATE MICROFILMED

CAMERA OPERATOR

AGENDA

Water Management Board Meeting
April 14 & 15, 1983

PLACE: Nebraska Room, Howard Johnsons, 3300 W Russell, Sioux Falls SD

THURSDAY, April 14, 1983

8:30 am Call to Order
Approval of February 22, 1983 Conference Call minutes
Approval of February 24 & 25, 1983 minutes
Set October meeting time & place (October 6 & 7 in Pierre suggested)
Discussion of request to change July meeting date
Status & review of Water Rights Litigation & Legislation
Discussion of City of Huron proposal
Discussion of Existing future use permits without seven year review clause
Discussion of proposed Rule changes

9:00 am Vested Right Considerations
Request for Extension of Time

9:45 am Break

10:00 am Establishment of Ordinary High Water Marks & Clarify Department of Game,
Fish & Parks and other Water Rights

647-3 Lake Campbell - Brookings Co.
648-3 Lake Campbell - Moody Co.
902-3 Oak Lake - Brookings Co.
882-3 Punished Woman Lake - Codington Co.
1473-3 Clear Lake - Deuel Co.
1464-3 Fish Lake - Deuel Co.
864-3 Wall Lake - Minnehaha Co.
Swan Lake (New Vested Right claim 4944-3) - Turner Co.

12:00 noon Lunch

1:00 pm Consideration of Petition for a Declaratory Ruling submitted by
Oliver M Romey against Tom Landers and A & T Cattle Co. Inc. and
proposed Findings of Fact, Conclusions of Law and Final Decision

2:00 pm Consideration of Mr. Arends notification of Intent to Rescind for
purpose of reconsideration actions taken by the Water Management
Board February 25, 1983 at the end of the hearing on proposed rule
changes requested by petition from Homestake Mining Co. to make
certain changes in stream classification for Whitewood Creek

Other business

Recess for Day

FRIDAY, April 15, 1983

9:00 am Reconvene

Consideration of a Petition for Declaratory Ruling submitted by
the Friends of the Dakota Sandstone Aquifer against South Lincoln
Rural Water System

Other business

Adjourn

RECEIVED: REDUCTION 2571
ROLL NO 12
DATE MICROFILMED 7-22-79
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him to interject that the NW1/4 of Section 19 has an open drainage ditch. From there to approximately the northeast quarter of the southeast quarter Section 24 or the east end of the lake. That is where the neighbors land drains. It runs through the 1776 foot level in that area. The present inlet of the lake was not there prior to 1920. The present outlet and inlet were the same in 1912. Mr. Corothers stated his father told him when he came to the area in 1912, the lake was clear enough where you could go out where it was fourteen foot deep, throw a silver dollar out and see it on the sandy bottom. The creek that runs down into the present inlet was real high. They dug a slight ditch across there. It washed out the big gap where the present inlet is. Some of the people did not like that. They put in a dam across it, which you can see the remains of today. A week or two after the dam was in, somebody conveniently removed it with dynamite. Since then the lake has been silting up.

Mr. Hatch stated the reason for setting the OHWM and the outlet structure elevation is so things like what was just described do not happen. There is a mechanism for stopping this sort of thing. If you are going to change the outlet elevation, Game, Fish and Parks would have to submit an application so concerns could be expressed at a public hearing before the Board.

Mr. Rylance MOVED, SECONDED by Mr. Walter that the ordinary high water mark for Clear Lake be established at an elevation of 1774.0 feet msl and that Vested Right No. 1473-3 be clarified to require the outlet structure for Clear Lake to be maintained at an elevation of 1773.5 feet msl. MOTION CARRIED.

FISH LAKE

Jerry Steffen presented the report on Fish Lake (copy on file). Mr. Steffen read the recommendations by the staff on Fish Lake.

Mr. Rylance stated he would like to see Game, Fish and Parks go in and establish a permanent structure at whatever level the Board should decide.

Chairman Gunderson administered the oath to David Anderson.

Mr. Anderson stated there is approximately 50 to 75 feet between the rocks and the current structure. Redoing the structure as it exists would create a problem. The road runs around the lake. The rock structure is on one side and the cement structure is on the other. Mr. Anderson stated in his opinion it would be best to move the cement structure where the rock structure is now or else you will lose the road totally.

Mr. Steffen stated that from talking with the people of the area the rock structure has been there for quite a few years. From looking at the shoreline, if there had been a foot and one half increase in recent years, there would have been lots of recent erosion. Mr. Steffen stated he did not find any of that. The shoreline looked like an established shoreline. There were no records of when the road was put in. There is just farming around the lake, no cabins.

Mr. Rylance stated because of the road he would like to see the rock structure taken out and a concrete structure put in its place.

Mr. Steffen stated the permanent structure could be put at the elevation of the rocks. It would be moved toward the lake.

Mr. Hatch read a letter of concurrence from Jack Merwin, Department of Game, Fish and Parks (copy on file).

Mr. Ryland stated with a rock structure you are just encouraging someone to change the level of the lake. If Game, Fish and Parks wants to maintain a water right then it should be maintained correctly.

Mr. Harms stated in reality, we do not have control over anybody else's budget.

Mr. Ryland stated this one way to find out.

Mr. Walter MOVED that the Ordinary High Water Mark for Fish Lake be established at an elevation of 1751.4 feet msl and that Vested Right No. 1464-3 be clarified to require the outlet structure for Fish Lake to be maintained at an elevation no higher than 1750.8 msl.

Motion DIED for lack of second.

Mr. Ryland MOVED, SECONDED by Mr. Arend that the Ordinary High Water Mark for Fish Lake be established at an elevation of 1751.4 feet msl and that Vested Right No. 1464-3 be clarified to require the outlet structure for Fish Lake to be maintained at an elevation of 1750.8 msl and that Game, Fish and Parks establish a concrete structure in the location of the rock dam to maintain that level.

Mr. Arend questioned why Mr. Ryland wanted the structure put at the rocks since they were only protecting an intermittent trail.

Mr. Ryland stated he would put it at either place. If there was a road being used why not facilitate the use of it.

Mr. Steffen stated the existing concrete structure is set back fifty feet from the rock structure. The rock structure is in line with the natural bank of the shoreline. From the peak of this bank it drops off. If you took out the rock structure and put in a foot on the existing concrete structure the water would run around the structure. The land is not high enough. Some dirt work would have to be done to build the area up with the shoreline. Originally the structure did contain the water. In the mean time, they put in a dam and increased it. Ice action has pushed up dirt and made it so the whole area in front of it is higher. If you took out the rock dam and added to the existing structure it would no longer be wide enough to contain the water.

Mr. Anderson stated it is as Mr. Steffen stated. If you start building it will cost more to increase what you have than to put it in new. The water has washed out the edges of the little dam.

Mr. Arend called the question.

Motion LOST with Mr. Walter, Mr. Harms and Mrs. Gunderson voting NO.

Mr. Arend MOVED, SECONDED by Mr. Harms that the Ordinary High Water Mark for Fish Lake be established at an elevation of 1751.4 feet msl and that Vested Right No. 1464-3 be clarified to require the outlet structure for Fish Lake to be maintained at an elevation of 1750.8. MOTION CARRIED.

REPRODUCTION: REDUCTION 25% / ROLL NO. 10 / DATE MICROFILMED 11-11-70 / OPERATOR



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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Memo to File

Fish Lake in Deuel County

VWR No. 1464-3

The OHWM was set by the Water Management Board on April 14 & 15, 1983.

OHWM elevation 1751.4 fmsl NGVD29

The outlet elevation was set by the Water Management Board on April 14 & 15, 1983.

Outlet elevation 1750.8 fmsl NGVD29