

No. 1468-3Water Division No. 3 MINNESOTA RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

DEC 11 1967

WATER RESOURCES

**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 ParksPostoffice address Pierre, County Hughes, State South Dakota

I. If a corporation _____

(a) Name of same _____

(b) Date and place of incorporation _____

(c) Amount of capital stock _____

(d) Amount paid in _____

(e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) _____

(b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work LAKE COCKRANE - Deuel County

As required to fill lake to outlet level approximately 900

3. Amount of water claimed acre feet per year cubic feet per second _____4. Source of water supply dry draw5. Location of point of diversion no visible sign_____ on _____ bank Deuel 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.) to the ordinary high water markof the inundated portion of Sec. 4, 5, T. 114, R 47.

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

(a) Nature of use XXXXXX 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) Points where water will be returned to stream _____

V/R

8. Estimated cost of work:

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

9. Description of diversion works:

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

II. Dimensions of works. XXXX Information requested not applicable. Lake Cockrane is a meandered lake. Maximum depth approximately 28 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 3360 acre feet. Surface area at highwater mark 300 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	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.

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

H. E. Bowers, Notary Public
My Comm. Expires

Remarks by State Water Resources Commission:

"NESTED RIGHT" CLAIMED

STATE OF SOUTH DAKOTA
County of HUGHES

Pierre, South Dakota, FEBRUARY 7, 1968

This is to certify that the foregoing application was received by the Commission at 9:45 o'clock
A m. upon the 11TH day of DECEMBER, 1967

State Water Resources Commission

By:

for Arthur Jones
Chief Engineer, Executive Officer

Number of permit 1468-3

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 74

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 900 ACRES 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~~ for the system of the best husbandry and further said appropriation must be limited to that amount ~~which water is actually used~~ which water is actually used FOR PUBLIC RECREATION

and beneficially ~~used for irrigation~~ used for public recreation on or before JUNE 30, 55, 19—, said water to be used during the following described annual period:

CONTINUOUSLY

Witness my hand this

7TH

day of

FEBRUARY, 1968

State Water Resources Commission

By:

for Arthur Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued FEBRUARY 17, 1968

Water License issued FEBRUARY 7, 1968

An Ordinary High Water Mark was established on Lake Cochrane at an elevation of 1684.3 feet msl at the October 6 & 7, 1981 Water Management Board Meeting.

At the same meeting, Game, Fish & Parks Water Right No. 1468-3 was clarified to allow the water level at Lake Cochrane to be maintained at no higher than 1683.3 feet msl.

STATE OF SOUTH DAKOTA

WATER LICENSE No. 1468-3

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 duly made application (No. 1468-3) to us for a permit to use 900 acre feet annually
~~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 7th day of February A. D. 1968
Vested Right recognized as
 / Permit No. 1468-3 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
~~XXXXXX~~ and for the application to beneficial use of said
 water ~~XXXXXX~~ day of ~~XXXXXX~~
 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 900 acre feet
annually ~~cubic feet per second~~ of said waters, as evidenced by our Certificate No. 1468-1
 dated February 7, 1968 confirming the completion of works of sufficient capacity for
feet annually
 diverting and conveying to the place of intended use 900 acre ~~cubic feet per second~~ of water, with date of
 priority of 1889 ~~xxx~~ and,

WHEREAS, On the 11th day of December A. D. 1967
 proof was duly made of the application to beneficial use of 900 acre feet annually ~~cubic feet per second~~ of said water;
to be used in place for public recreation purposes

6
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. 1468-1
a water right, dating from 1889 to the use of 200 acre feet annually

~~XXXXXX~~ of the waters of Archa

in the County of Deuel 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 NW 1/4, Section 8,

Township 114N, Range 47W

and ~~conducted to~~ 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 7th day of February A. D. Nineteen

Hundred and Sixty-Eight

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer, Executive Officer

Permit No. X 1468-3Water Division No. 3 Minnesota P. M. 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. 1468-3, issued upon Application No. 1468-3, bearing date of prior 1889, authorizing the diversion of 900 acre feet annually of the waters of Dry Lake County of Deuel, State of South Dakota, at a point in the NE 1/4, Section 8, Township 114N, Range 47W, 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 satisfactory for diverting and conveying to the place of intended use 900 acre feet annually of the waters of Dry Lake; 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 7th day of February A. D. 1968

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. Dry draw - no visible sign

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 28 feet - 300 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 900 acre feet per year

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans.

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. A meandered lake. Used by the public for uses specified except for that
amount lost by evaporation and seepage

(Sign)

R. A. Higgins

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 Piscola, County of NEML Hughes

State of South Dakota, on this 8th day of December A. D. 1907

Witnesses.

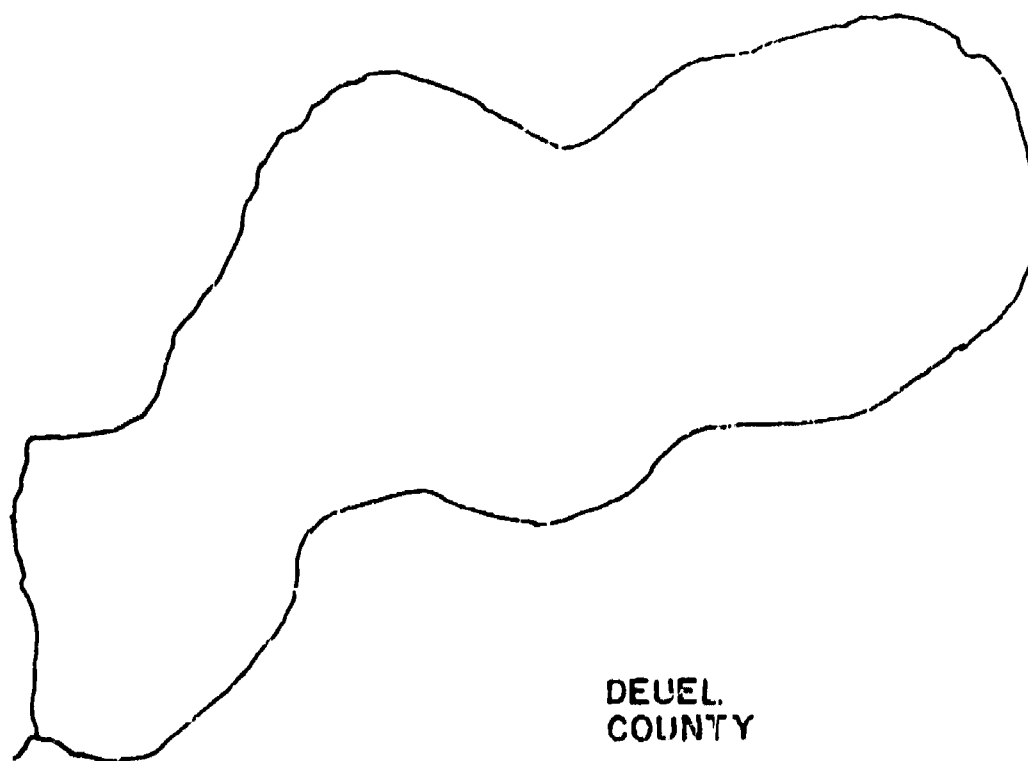
H. E. Bowers

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.

14-68-3

ORDINARY HIGH WATER MARK
INVESTIGATION FOR

LAKE COCHRANE



DEUEL
COUNTY

ORDINARY HIGH WATER MARK INVESTIGATION
FOR LAKE COCHRANE
JUNE, 1981

The Water Management Board pursuant to SDCL 43-17-21 is mandated to establish the Ordinary High Water Mark (OHWM) on public lakes in South Dakota. This report contains the results of the investigation conducted by the Water Rights Division to determine the elevation of the OHWM and outlet structure for Lake Cochrane.

The ordinary high water mark (OHWM) is coordinated with the upper level of a lake. The determination of the OHWM is derived from the examination of the bed and banks of the lake to ascertain where the continuous presence and action of 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, soils and general characteristics of the lake.

The principle field investigation for this report was conducted in June, 1981. At this time the examination of the shoreline, banks, and vegetation of Lake Cochrane was conducted. The shoreline areas selected for study were those least affected by man. Public access areas and gradually sloping beaches provided the best OHWM indicators.

Lake Cochrane is located in Deuel County, Sections 4, 5, and 8 of Township 114 North; Range 47 West. (see page 4) The lake has a surface area of 365 acres, with a watershed area of 885 acres. (see page 5) Lake Cochrane is one of the deeper natural lakes in South Dakota, with an average depth of eleven feet and a maximum depth of twenty-seven feet. (see page 6) The recharge for the lake is the precipitation-runoff from its 885 acre watershed and a moderate aquifer connection. The water in Lake Cochrane has 3000 mg/l dissolved solids. This is relatively high compared to other lakes in the state, indicating that the lake seldom overflows and evaporation is the major form of discharge.

Elevations in this report are referenced to a U.S. Geological Survey bench mark, a standard tablet stamped '48 SEM 1965, 1734" elevation 1734.336 feet above mean sea level (m.s.l.), located near the corner of Sections 5 and 6, of Township 114 North and Section 31 and 32 of Township 115 North, Range 47 West.

Trees, which are the largest and most permanent expression of upland growth, are used to determine a relationship of the ground in which the tree grows to the OHWM level. Records of ordinary high water levels are reflected in the well established trees along a lake's shoreline. 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, effects of water and

ice on the shoreline and banks, and the physical condition and growing characteristics of the tree.

The OHWM can be approximated by a relationship of the base elevation of a tree to its diameter. This is determined by averaging the base elevations of the lakeside and landside of the tree, then subtracting one-half the diameter of the tree from its average base elevation. By this method the OHWM was determined to be 1684.3 feet msl for Lake Cochrane.

The photos in this report are of trees revealing signs of being adversely affected by the zone of saturation in which their root systems have existed and reflect this zone in their growing characteristics. Such trees are often stunted and their development is inferior to a normal tree of that species. The branches are shorter than usual and taper rapidly. The base of the tree sometimes exhibits swelling due to the presence of water during the growing season. This "butt swell" is apparent in all the photos of trees in this report.

The trees along the Shoreline of Lake Cochrane can be divided into three categories. Those in which their lakeside base elevation (the elevation where the soil meets the tree trunk on the lakeside of the tree) is below the OHWM (see photos 1 through 3) leaving roots exposed from erosion of the soil and destruction and decay of the tree caused by the zone of soil saturation smothering part of the root system. These trees survive because part of their root system has escaped the zone of saturation. The second category of trees are those in which their lakeside base elevation is from zero to one half of a foot above the OHWM (see photos 4 through 6). These trees show signs of butt swell, erosion, and their root system is on the surface and growing away from the lake. The third category of trees are those whose lakeside elevations are approximately one foot above the OHWM (see photos 7 through 10). These trees show lesser degrees of butt swell, little or no root erosion, and some surface roots.

The outlet structure for Lake Cochrane is located in the southeast corner of the lake. (see pages 6 & 7) This structure is a two foot diameter corrugated metal pipe, drop structure, set at 1682.5 feet msl. The structure was constructed in the spring of 1973 because of complaints of high water and abnormal erosion by lake shore residents. It was thought that the natural outlet had been artificially increased by the road on the east side of the lake. The elevation for the outlet structure was formulated by Game, Fish and Parks through on-site investigation and consultation with local residents.

According to the Game, Fish and Parks vested Water Right No. 1468-3 filed December 11, 1967 on Lake Cochrane, the amount of water claimed is "as required to fill the lake to outlet level". This would require approximately 900 acre feet annually. The outlet structure elevation is 1.8 feet below the OHWM.

The ordinary high water level (OHWL) is the calm water level generally equal to the outlet structure elevation and one half to one foot below the OHWM. The present outlet elevation will not maintain an OHWL of sufficient height and duration to perpetuate the present OHWM.

To maintain the OHWM, the outlet structure should be operated to allow the OHWL to reach 1683.6 feet msl, (1.1 feet above the present outlet structure) during the natural course of Lake Cochrane's water level fluctuations. A cover on the outlet could be used to control the lake level or some comparable method.

Conclusions

From the examination of the bed and banks of Lake Cochrane and of the vegetation found on the shore, it has been found that the OHWL has been at an elevation of 1683.6 feet msl for a long enough period to establish the OHWM at an elevation of 1684.3 feet msl. The present outlet structure is at an elevation of 1682.5 feet msl, 1.8 feet below the OHWM.

Recommendations

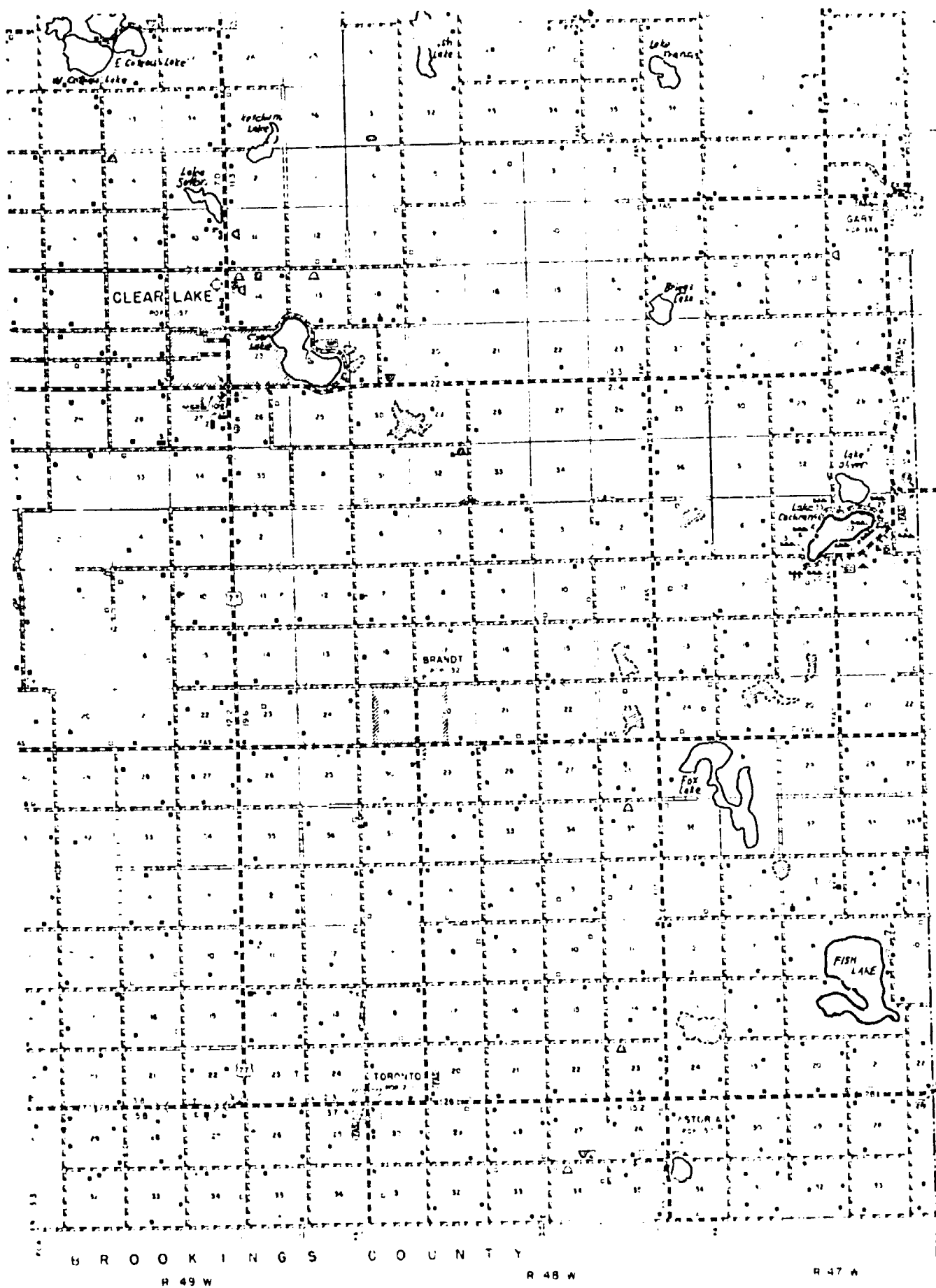
The outlet elevation and the ordinary high water mark for Lake Cochrane were not specified when Vested Water Right No. 1468-3 was filed by the Department of Game, Fish, and Parks in 1967. The recommendation to the Water Management Board is that the OHWM be established, based on the evidence presented, at an elevation of 1684.3 feet msl.

Based upon the water level elevations necessary to establish this OHWM, it would appear that the present outlet structure does not reflect what the elevation of the OHWL actually was when the Game, Fish and Parks Department vested right was filed in 1967. Therefore, it is recommended to the Board that Vested Right No. 1468-3 be clarified to establish the maximum elevation at which the Game, Fish and Parks Department can maintain the lake level. Based upon the evidence, this level would be at an elevation not to exceed 1683.6 feet msl.

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

For information regarding OHWL bench marks established around Lake Cochrane, contact the Department of Water and Natural Resources, Water Rights Division, Pierre, South Dakota.

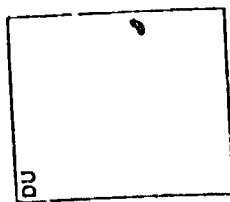
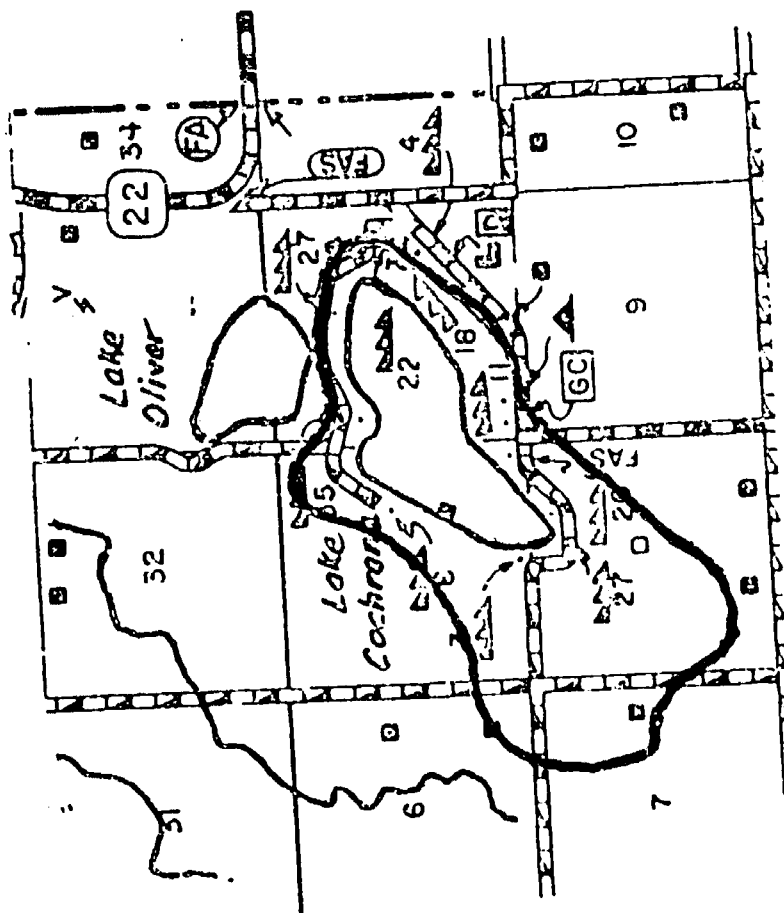
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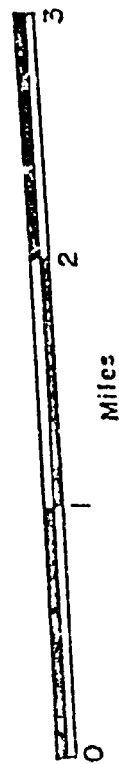
M I N N E S O T A

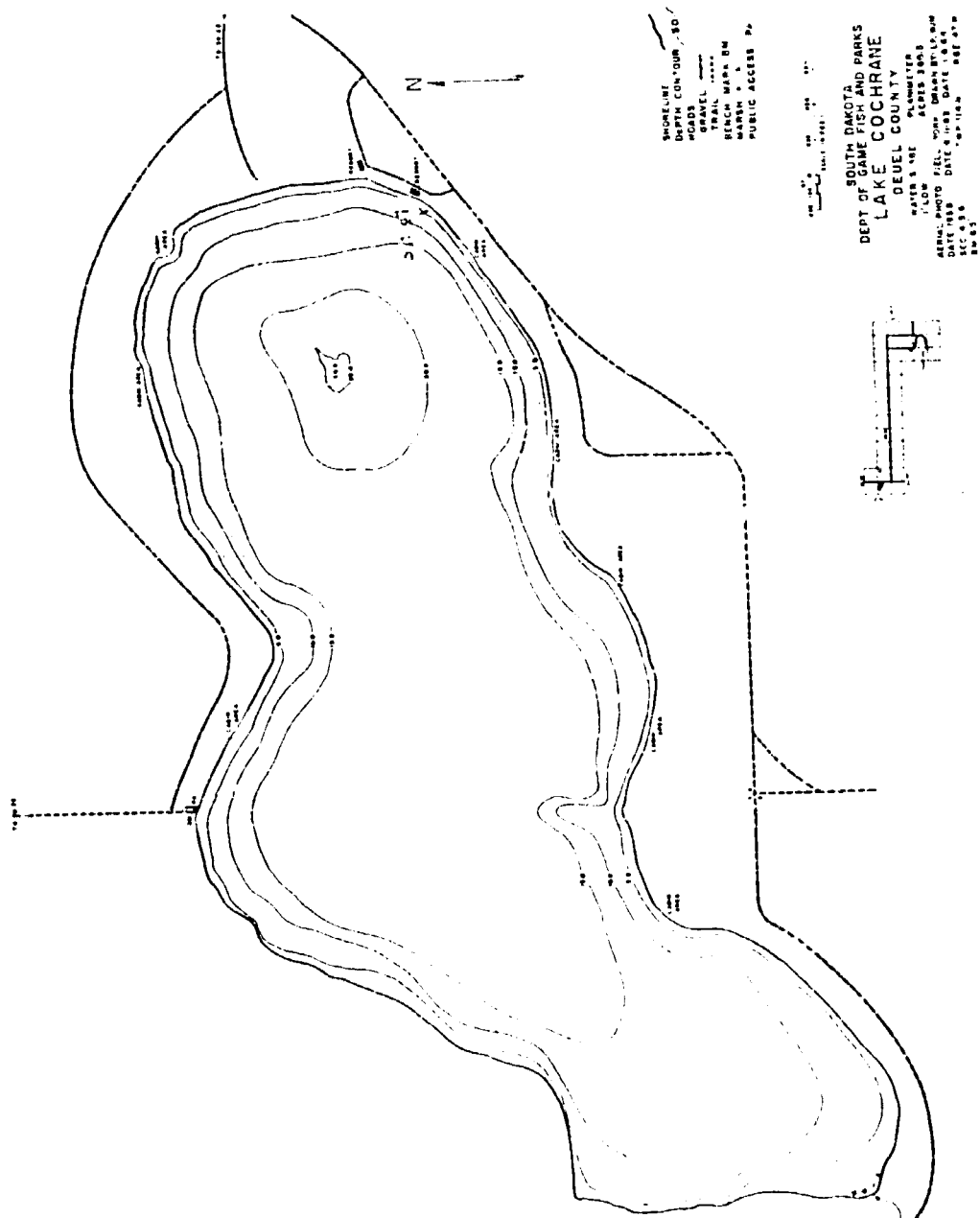
Lake Cochrane

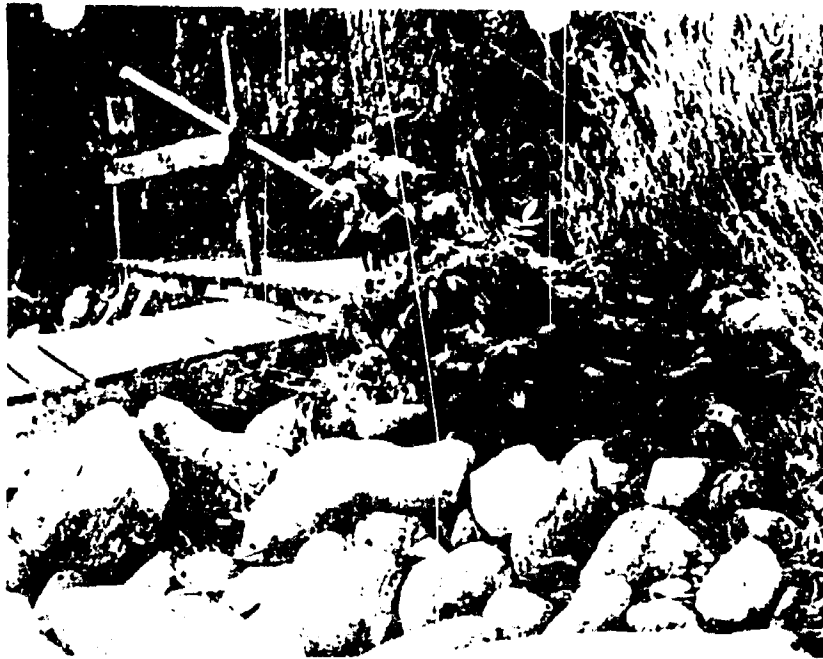
Surface area 365 acres
 Watershed 885 acres



Scale:







South Shoreline
 Elm 40 yrs. 1.0 ft. dia.
 Base Lakeside - 1683.5
 Elevation Landside - 1684.6
 Ave. - 1684.1
 OHWM - $1684.1 - 0.5 (1.0) = 1683.6$

Photo #1



SW Shoreline
 Willow 35 yrs. 1.25 ft. dia.
 Base Lakeside - 1684.3
 Elevation Landside - 1685.1
 Ave. - 1684.7
 OHWM - $1684.7 - 0.5 (1.25) = 1684.1$

Photo #2



North Shore Public Access
 Ash 55 yrs. 1.3 ft. dia.
 Base Lakeside - 1684.2
 Elevation Landside - 1686.4
 Ave. - 1685.3
 OHMM - $1685.3 - 0.5 (1.8) = 1684.4$

Photo #3



North Shore Public Access
 Trees in background:
 Cottonwood 50 yrs. 1.2 ft. dia.
 Base Lakeside - 1684.4
 Elevation Landside - 1686.1
 Ave. - 1685.3
 OHMM - $1685.3 - 0.5 (1.2) = 1684.7$

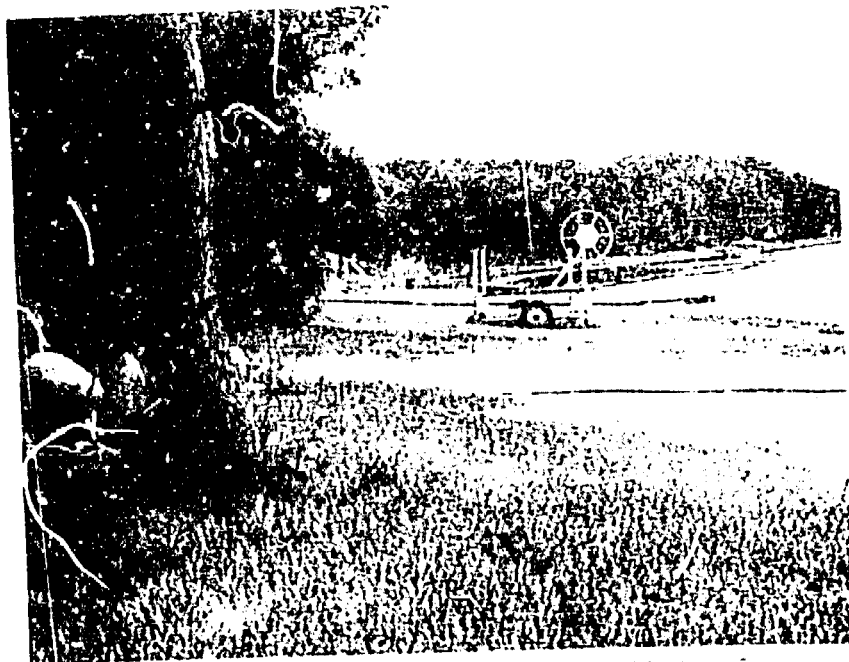
Photo #4

Trees in foreground:
 3 Ash Trees, 40 yrs. 0.8, 1.0, 1.2 ft. dia.
 Base Lakeside - 1685.0
 Elevation Landside - 1686.0
 Ave. - 1685.5
 OHMM - $1685.5 - 0.5 (1.0) = 1685.0$



North Shore Public Access
 Tree in background: (tree #5)
 Cottonwood 60 yrs. 1.9 ft. dia.
 Base Lakeside - 1684.7
 Elevation Landside - 1685.8
 Ave. - 1685.2
 OHM - $1685.2 - 0.5 (1.9) = 1684.3$

Photo #5
 Tree in foreground: (tree #6)
 Cottonwood 50 yrs. 1.6 ft. dia.
 Base Lakeside - 1684.5
 Elevation Landside - 1685.8
 Ave - 1685.2
 OHM - $1685.2 - 0.5 (1.6) = 1684.4$



South Shoreline
 Elm 45 yrs. 1.3 ft. dia.
 Base Lakeside - 1684.4
 Elevation Landside - 1685.0
 Ave. - 1684.7
 OHM - $1684.7 - 0.5 (1.3) = 1684.1$

Photo #6



Photo #7

South Shoreline
 Oak 65 yrs. 1.15 ft. dia.
 Base Lakeside - 1685.2
 Elevation Landside - 1686.2
 Ave. - 1685.7
 OHWM - $1685.7 - 0.5 (1.15) = 1685.1$

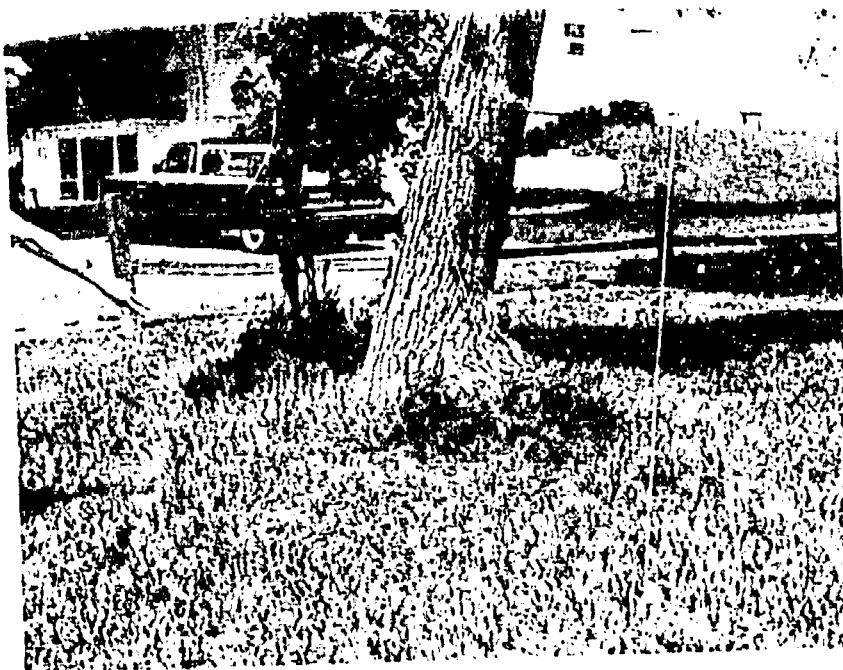


Photo #8

North Shore Public Access
 Ash 45 yrs. 1.25 ft. dia.
 Base Lakeside - 1685.1
 Elevation Landside - 1685.7
 Ave. - 1685.4
 OHWM - $1685.4 - 0.5 (1.25) = 1684.3$



North Shore Public Access
 Ash 50 yrs. 1.35 ft. dia.
 Base Lakeside - 1685.4
 Elevation Landside - 1686.3
 Ave. - 1685.9
 OHWM - $1685.9 - 0.5 (1.35) = 1685.2$

Photo #9



South Shoreline
 Cottonwood 55 yrs. 1.8 ft. dia.
 Base Lakeside - 1685.3
 Elevation Landside - 1686.0
 Ave. - 1685.6
 OHWM - $1685.6 - 0.5 (1.8) = 1684.7$

Photo #10

Water Rights Division - DWR
Conversation or File Documentation

File No. 1468-3

NAME OF PERSON OF FILE: SD Game, Fish and Parks - Lake Cochrane

ADDRESS: _____ COUNTY _____

DATE: _____ TELEPHONE _____

RE: Ordinary High Water Mark Determination

COMMENTS:

October 7 & 8, 1981 - Water Management Board Minutes

Mr. Decker MOVED, SECONDED by Mrs. Gunderson that the Ordinary High Water Mark
for Lake Cochrane be set at elevation 1684.3 feet msl. MOTION CARRIED.

Mr. Decker MOVED, SECONDED by Mrs. Gunderson that Water Right No. 1468-3 is
hereby clarified as allow the water level at Lake Cochrane to be maintained at
no higher than 1683.6 feet msl. MOTION CARRIED.

From more information see the 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

9 Foss Building
East Capitol
Pierre, South Dakota 57501-3181

JUN 13 1989

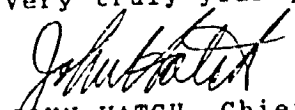
Mr. John Koth
Department of Game, Fish and Parks
Anderson Building
Pierre SD 57501

Dear Mr. Koth:

The Water Management Board has validated the enclosed Vested Water Right Nos. 880-3, 890-3, 1458-3, 1473-3, 5049-3. These validations give legal status to the claims and are the final documents for your vested rights.

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

VALIDATION OF VESTED WATER RIGHT CLAIM NO. 1468-3

Date Claim Accepted For Filing December 11, 1967.

Date of Validation May 10, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 1468-3 for the South Dakota Department of Game, Fish and Parks, 445 E Capitol, Pierre, South Dakota 57501 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 1468-3 is for sufficient runoff water annually to allow the water level of Lake Cockrane in Deuel County to be maintained at an elevation no higher than 1683.6 feet above mean sea level (msl). The outlet elevation was established at the October 7-8, 1981 Water Management Board Meeting. Lake Cockrane is located in Sections 4, 5 & 8; T114N, R47W.
2. The appropriated water is used for maintaining water levels in Lake Cockrane 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: November 2, 1889.
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 must not be unlawfully impaired by this appropriation.

REMARKS

An Ordinary High Water Mark was established for Lake Cockrane at an elevation of 1684.3 feet msl at the October 7-8, 1981 Water Management Board meeting.

WATER MANAGEMENT BOARD

By: _____

John H. H. H.
Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources

JUN 13 1989

date

1468-3

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

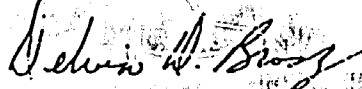
Richard Beringson, Secretary

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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



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Memo to File

Lake Cochrane in Deuel County

VWR No. 1468-3

The OHWM was set by the Water Management Board on October 7 & 8, 1981.

OHWM elevation 1684.3 fmsl NGVD29

The outlet elevation was set by the Water Management Board on October 7 & 8, 1981.

Outlet elevation 1683.6 fmsl NGVD29

The Water Management Board validated Vested Water Right No 1468-3 on May 10, 1989.