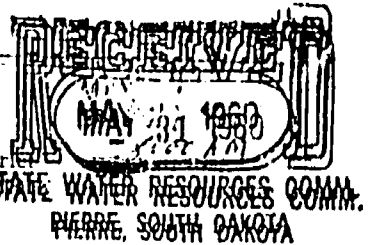


No. 718-3
 Water Division No. 3 Missouri River District
 (Blanks to be filled by the Engineer for the W. R. C.)
Vested Right



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 South Dakota

1. 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 PLATTE LAKE - Aurora County
As required to fill lake to original level—approximately
 3. Amount of water claimed 2400-acre-feet per year additional 1200-acre feet to raise
to artificial outlet level
 4. Source of water supply Platte Creek
 5. Location of point of diversion NE $\frac{1}{4}$ Sec. 7; Twp. 102 N.; R. 66 W. - Outlet NE $\frac{1}{4}$ Sec. 6;
Twp. 102 R. 66. NE $\frac{1}{4}$ Sec. 31 Twp. 103 R. 66.
 _____ 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 ~~diversion~~ (giving location, etc.) W $\frac{1}{2}$ Sec. 5; E $\frac{1}{2}$ Sec. 6; N $\frac{1}{4}$ Sec. 7

NW $\frac{1}{4}$ Sec. 8 Twp. 102; R. 66, Sec. 31; Twp. 103; R. 66; SW $\frac{1}{4}$ Sec. 32; Twp. 103; R. 66

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

(a) Nature of use Public recreation uses
 Name any of the above uses claimed _____

(b) Amount of power to be generated _____ horse power.
 Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
(c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
(e) Other structures \$..... Total, \$ 500.00

9. Description of diversion works:

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

Outlet structure

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottomfeet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back face material used in construction
(b) Reservoir: Capacity when filled 5,800.....acre feet. Surface area at highwater mark 1200.....acres.

DEPTH AT OUTLET- FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE- FEET CAPACITY

(c)* Head gate: Width.....feet; heightfeet;
Material
(d) Canal: Total lengthmiles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work completed - not applicable
11. Time required for complete application of water to the proposed beneficial use completed years.
12. Choice of newspaper for publication of notice of intention to appropriate Not applicalbe

STATE OF SOUTH DAKOTA
County of Hughes } ss.

I, Harry R. Woodward, 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.

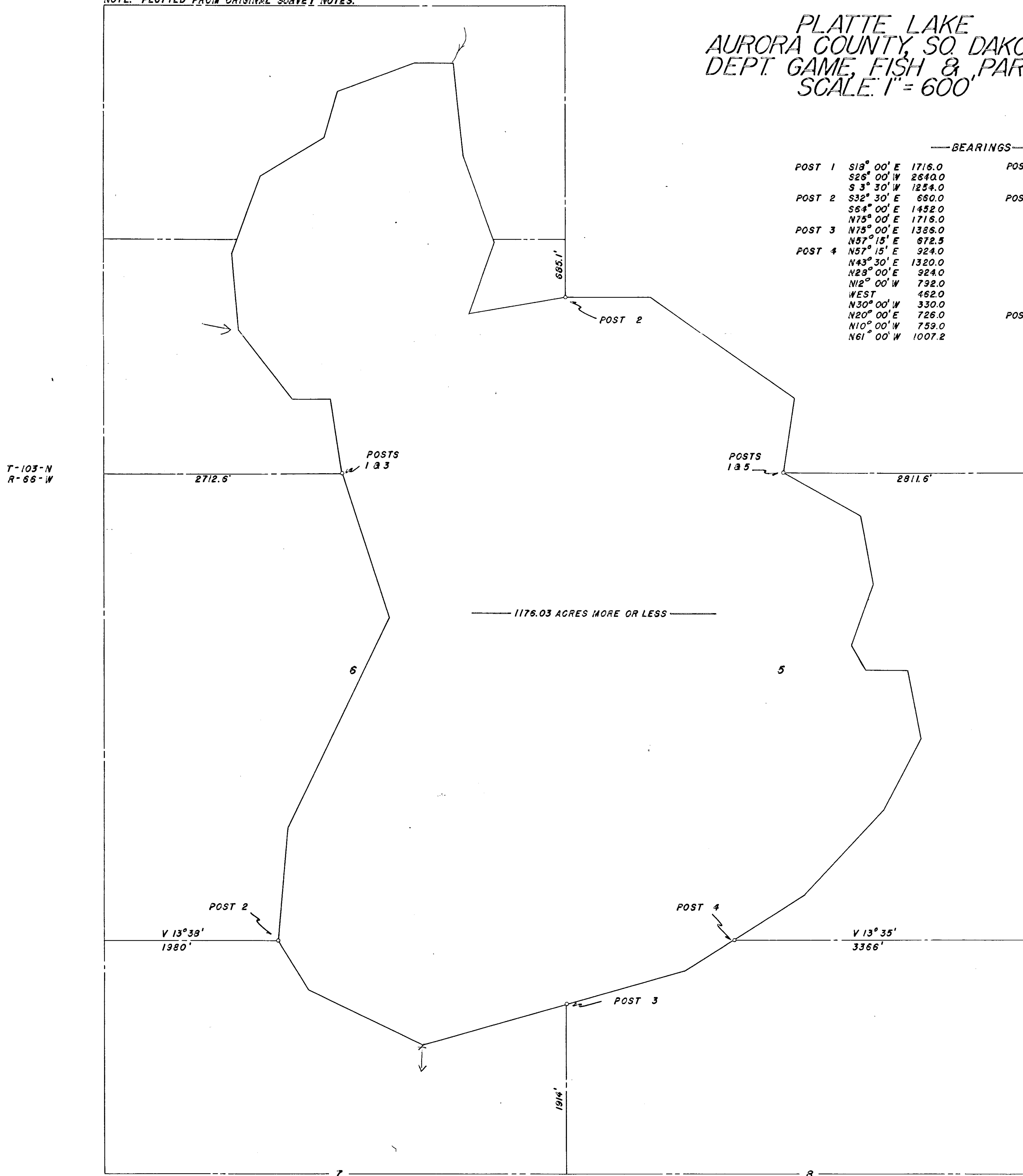
Signed Harry R. Woodward
Subscribed and sworn to before me this 18th day of May 1960
Edward B. Hansen
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

PLATTE LAKE
AURORA COUNTY, SD DAKOTA
DEPT. GAME, FISH & PARKS
SCALE: 1" = 600'

—BEARINGS—

POST 1	S13° 00' E	1716.0	POST 1	N3° 00' E	853.0
	S26° 00' W	2640.0		N55° 00' W	1980.0
	S 3° 30' W	1254.0		WEST	924.0
POST 2	S32° 30' E	660.0	POST 2	S80° 00' W	1122.0
	S64° 00' E	1452.0		N20° 00' E	853.0
	N75° 00' E	1716.0		N 6° 00' W	1056.0
POST 3	N75° 00' E	1386.0		WEST	462.0
	N57° 15' E	672.5		S70° 00' W	924.0
POST 4	N57° 15' E	924.0		S17° 00' W	528.0
	N43° 30' E	1320.0		S59° 00' W	853.0
	N28° 00' E	924.0		S21° 00' W	924.0
	N12° 00' W	792.0		S 5° 00' E	853.0
	WEST	462.0		S39° 00' E	390.0
	N30° 00' W	330.0		EAST	462.0
	N20° 00' E	726.0	POST 3	S 8° 00' E	853.0
	N10° 00' W	759.0			
	N61° 00' W	1007.2			



MAF NO 718-3

(Appl. # 718-3)

Remarks by State Water Resources Commission:

"Vested Right" Claimed

STATE OF SOUTH DAKOTA

County of HUGHES ss.

Pierre, South Dakota, April 14, 1961

This is to certify that the foregoing application was received by the Commission at 8.00 o'clock
6 a.m. upon the 31st day of May, 1960.

State Water Resources Commission

By: [Signature]
for Chief Engineer, Executive Officer

Number of permit 718-B

Date of first receipt of application May 31, 1960

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 2400 acre feet annually 1919, 19____

Approved April 14, 1961, Recorded in Book 6 Page 213

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed on or before _____, 19____.

2nd. The whole of said work is ~~to be~~ completed on or before _____, 19____.

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

Completed, 19____.

4th. The water appropriated shall be used for the purpose of public recreation.

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 3600 acre feet annually ~~cubic feet per second~~; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the ~~production of crops~~ in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually used for public recreation.

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

Continuously

Witness my hand this 14th day of April, 1961.

State Water Resources Commission

By: [Signature]

Chief Engineer, Executive Officer

Certificate of Construction Issued April 14, 1961

Water License issued April 14, 1961

STATE OF SOUTH DAKOTA

WATER LICENSE No. . . . 718-3 . . .

WHEREAS, On the 31st day of May A. D. 1960

The South Dakota Department of Game, Fish and Parks

of Pierre County of Hughes and State of South Dakota duly made application (No. 718-3) to us for Vested Right a permit to use 3600 acre feet annually

~~of the waters of~~ Platte Creek

County of Aurora, State of South Dakota, for public recreation purposes; and

WHEREAS, On the _____ day of _____ A. D. 19____

Vested Right Permit No. 718-3 was issued to said applicant for the diversion of said water, and recognizing the completion of the works of diversion therein described on or ~~before~~ XXXX ~~XXXX~~ XXXX and for the application to beneficial use of said water ~~on or before~~ XXXX ~~XXXX~~ XXXX

WHEREAS, On the 31st day of May A. D. 1960

Vested Right the holder of said permit duly made proof of the completion of adequate works for the diversion of 3600 acre feet annually ~~XXXXXX~~ of said waters, as evidenced by our Certificate No. _____ dated April 14, 1961 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3600 acre feet annually ~~XXXXXX~~ of water, with date of priority of 1889 and, 1919 and,

WHEREAS, On the 31st day of May A. D. 1960

proof was duly made of the application to beneficial use of 3600 acre feet annually ~~XXXXXX~~ of said water; to be used in place for public recreation

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to -----the South Dakota Department of Game, Fish and Parks-----
of -----Pierre----- the holder----- and owner----- of said permit No. 718-3--
a water right, dating from -----1889 and 1919----- to the use of 3600 acre feet
annually
of the waters of -----Platte Creek-----
In the County of -----Aurora----- and State of South Dakota, or so much thereof as may be
necessray for the purposes hereinafter mentioned, to be diverted at a point in the NE 1/4 NE 1/4 Section 7;
T 102N; R 66W
and ~~conducted to the place~~ used 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 14th day of April A. D. Nineteen
Hundred and Sixty-One

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. 718-3

Water Division No. 3 MISSOURI RIVER Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That The South Dakota Department of Game, Fish and Parks

of Pierre, County of Hughes, and State of South Dakota, the holder of Vested Right Permit No. 718-3, Issued upon Application No. 718-3, bearing date of priority of 1889 and 1919, authorizing the diversion of 3600-acre-foot-annually of the waters of Platte River, County of Aurora, State of South Dakota, at a point in the NE 1/4 NE 1/4, Section 7, T 102N, R 66W, 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 condition for diverting and conveying to the place of intended use 3600-acre-foot-annually of water; and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: to be used in place for public recreation

Witness my hand this 11th day of April A. D. 1961

State Water Resources Commission

By:

J.W. ORIMES,

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. Platte Creek - NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 7; Twp. 102 N; R 66 W. Outlet NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 6;
Twp. 102 R. 66, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31 Twp. 103; R. 66

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. Meandered Lake

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 of 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 spillway outlet - approximately 3600 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 Mesquered Lake has been in use ever since 1889 when South Dakota became
a state used by the public for the area specified except for that amount lost
by evaporation and seepage Revised by outlet structure
in 1949.

(Sign) Larry H. Lundmark

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 18 day of May A. D. 1960
Edw. R. Johnson
} Witnesses.

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 -----	

Water Rights Division - DWNR
Conversation or File Documentation

File No. 718-3

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

ADDRESS: _____ COUNTY _____

DATE: _____ TELEPHONE _____

RE: Ordinary High Water Mark Determination

COMMENTS:

February 24 & 25, 1983 - Water Management Board Minutes

Mr. Harms MOVED, SECONDED by Mr. Walter that the Ordinary High Water Mark for
Platte Lake be established at an elevation of 1550.1 feet msl. MOTION CARRIED.

Mr. Walter MOVED, SECONDED by Mr. Harms that Vested Water Right No. 718-3 be
clarified to allow the water level at Platte Lake to be maintained at an elevation
no higher than 1550.1 feet msl. 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 of 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.

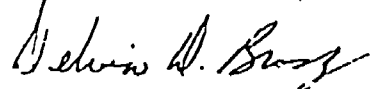


September 21, 1988
Richard Reringson, Secretary
Page 2

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

718-5

**OUTLET ELEVATION CORRECTION
FOR
PLATTE LAKE, AURORA COUNTY
November 12, 1996**

General Information and Background

The Ordinary High Water Mark (OHWM) for Platte Lake, Aurora County, was established by the Water Management Board (Board) in February 1983, at 1550.1 feet mean sea level (fmsl). At that time it was determined that the outlet elevation was also 1550.1 fmsl.

The Department of Game, Fish, and Parks holds the recognized Vested Water Right Claim for Platte Lake. Vested Water Right No. 718-3 claims 3600 acre feet of water to fill Platte Lake annually for recreational purposes. At the February 1983, Board meeting Vested Water Right No. 718-3 was clarified to allow the water level at Platte Lake to be maintained at an elevation no higher than 1550.1 fmsl.

The outlet structure is located at the southwest end of the lake in the NE $\frac{1}{4}$ of Section 7, T120N, R66W. This structure was built in 1960, as a crossing, in conjunction with the county road. There is a record of a one foot increase in the outlet elevation in 1919.

Investigation

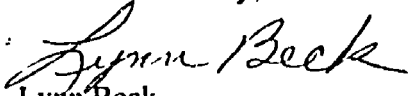
A survey conducted by Ducks Unlimited showed the Platte Lake outlet elevation to be 1548.05 fmsl. The Ducks Unlimited survey recovered and used the same original bench mark used in the OHWM investigation. The discrepancy in the outlet elevation was brought to Water Rights attention. As a result, on May 28 and 29, 1996, staff from Water Rights resurveyed the elevation to bench mark number three and the outlet using the same original bench mark. An elevation of 1549.75 fmsl was found for bench mark number three and 1548.05 fmsl for the outlet.

The original survey notes for the OHWM investigation contained a two foot calculation error for bench mark number three. Bench mark number three was used to calculate the outlet elevation; therefore, the error was transferred to the outlet elevation. It should be understood that the outlet itself is not being lowered two feet but rather a correction in elevation needs to be made due to an error in the original survey notes.

Also corrected were the elevations of OHWM evidence that had been observed from bench mark number three in the original OHWM investigation. There exists several bands of evidence above the outlet, see Graph No. 1. Erosion and older trees still afford strong evidence at or near 1550.1 fmsl. Therefore the OHWM should remain 1550.1 fmsl.

Conclusions

1. Erosion and 50 to 80 year old trees still afford strong evidence at or near an elevation of 1550.1 fmsl.
2. The C/IWM for Platte Lake should remain 1550.1 fmsl as set by the Board in 1983.
3. The outlet elevation for Platte Lake should be corrected from an elevation of 1550.1 fmsl to an elevation of 1548.05 fmsl. This is a correction in the surveyed elevation and does not change or lower the actual outlet.
4. With the correction in Platte Lake's outlet elevation Vested Water Right Claim No. 718-3 can be validated. The claim will need to be amended to say "for sufficient water annually, to maintain the water level to the outlet elevation of 1548.05 fmsl".


Lynn Beck

Natural Resources Engineer III
Water Rights Program

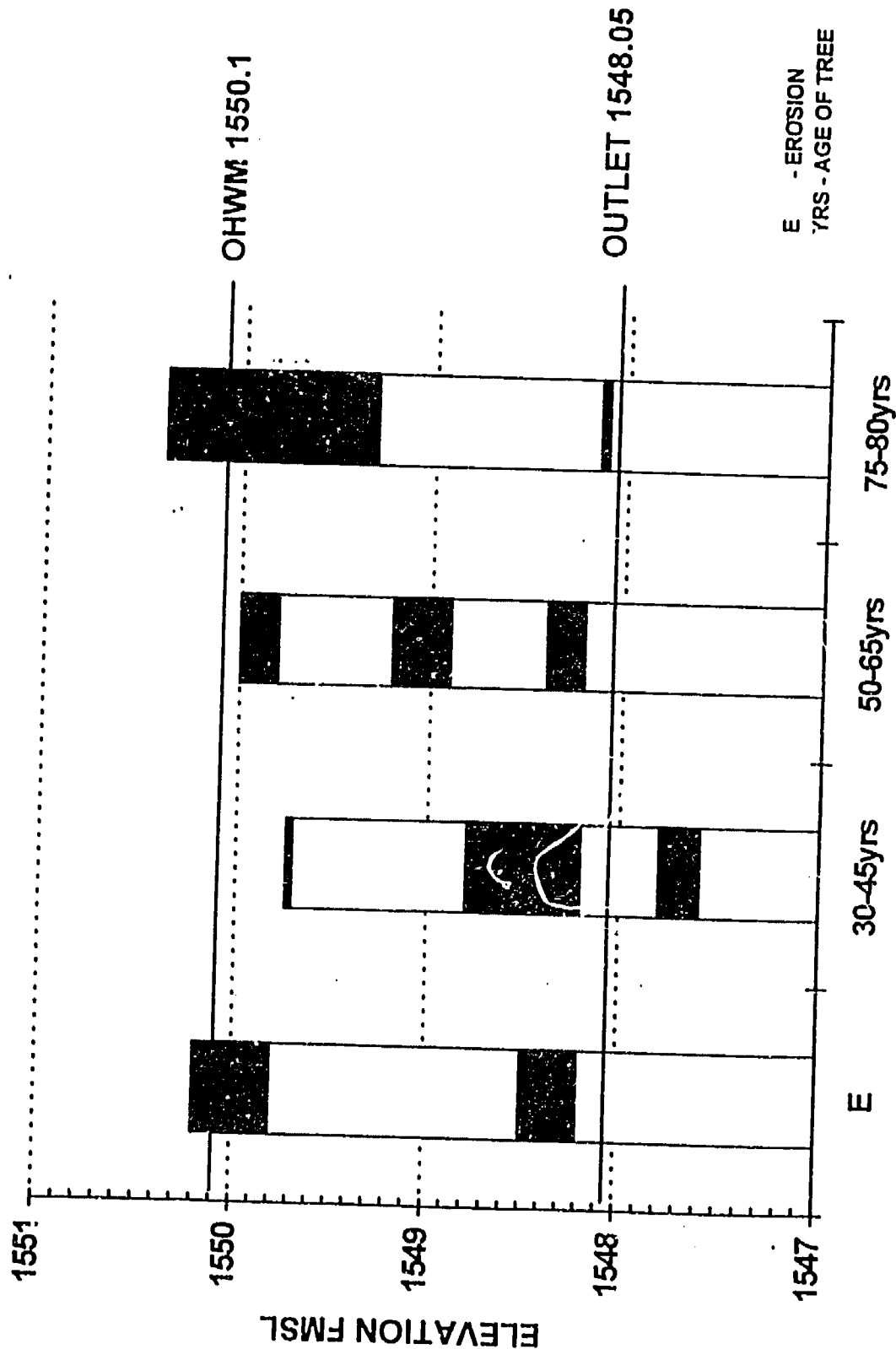


Gale Selken, P.E.
Natural Resources Engineer IV
Water Rights Program

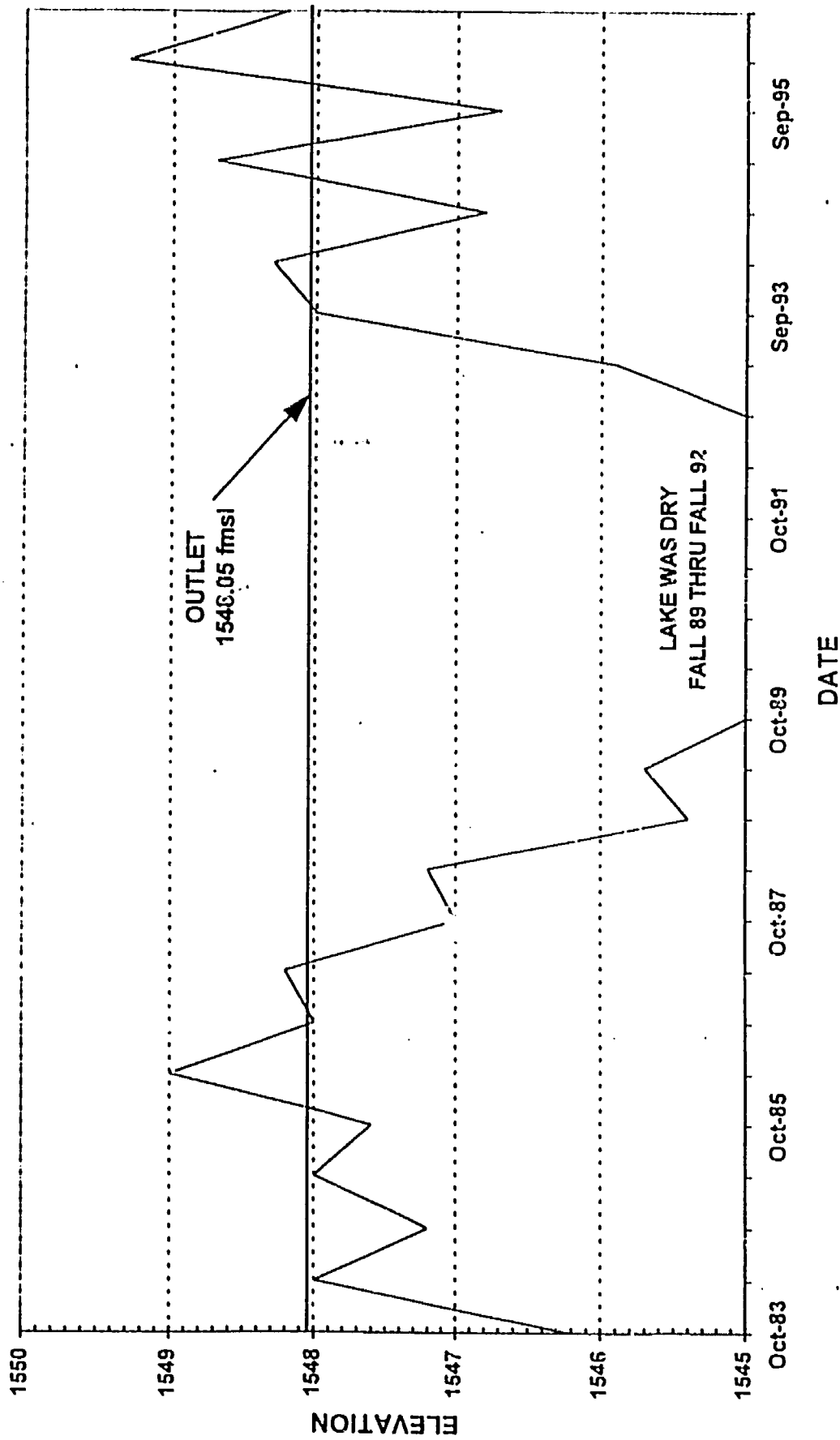
Graph No. 1

OHWM EVIDENCE GRAPH

The black bar segments represent bands of evidence along Platte Lake's shore. Each segment is a group of a particular category of evidence found at or near the same elevation.



Graph No. 2
PLATTE LAKE WATER LEVELS

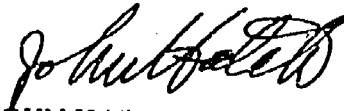


**RECOMMENDATION OF CHIEF ENGINEER ON THE OUTLET ELEVATION
CORRECTION FOR PLATTE LAKE, AURORA COUNTY**

Pursuant to SDCI, 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning correction of the outlet elevation for Platte County in Aurora County.

The Chief Engineer of the Water Rights Program recommends that the outlet elevation for Platte Lake be corrected to 1548.05 fmsl. The OIWM for the lake will remain at 1550.1 fmsl.

See report for additional information.



JOHN HATCH, Chief Engineer
January 14, 1997



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 1997

NOTICE

TO: John Cooper, Secretary
South Dakota Department of Game, Fish and Parks
523 E. Capitol Ave.
Pierre, SD 57501

FROM: John Hatch, Chief Engineer
Water Rights Program
605 773-3352 *J. Hatch*

SUBJECT: Hearing to Consider Validation of Recognized Vested Water Right Claim No. 718-3 for Platte Lake in Aurora County

A Notice of Intent to validate recognized Vested Water Right Claim No. 718-3 was published in Plankinton's South Dakota Mail on June 2 and 9, 1988. The notice as published was to validate the claim for sufficient water to fill the lake annually to the outlet elevation or to the elevation necessary to maintain the ordinary high water mark, whichever is lower. As Chief Engineer, I filed a petition in response to the notice of intent to validate all of Game, Fish and Parks claims. The purpose of filing was to allow amendments and qualifications necessary to clarify the claims.

The Water Management Board will consider validation of Claim No. 718-3 at 3:30 PM, March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The validation of recognized Claim No. 718-3 is being scheduled before the Water Management Board in conjunction with the hearing to correct Platte Lake's outlet elevation. The actual time of the hearing may be later than 3:30 PM due to prior agenda items.

In 1983, the ordinary high water mark (OHW) and outlet elevation for Platte Lake were set at 1550.1 feet mean sea level (fmsl). A discrepancy in the outlet elevation due to a surveying calculation error was recently found. The correct outlet elevation for Platte Lake is 1548.05 fmsl.

I propose that the Water Management Board validate recognized Vested Water Right Claim No. 718-3 using the language "for sufficient water annually to maintain the water level to the outlet elevation of 1548.05 feet mean sea level".

Applicable provisions of the published notice of intent to validate Claim No. 718-3 apply at this hearing.

Please contact Lynn Beck or Eric Gronlund of my staff if you have any questions.

c: Dianne Best, Assistant Attorney General
Tim Olson, G,F&P Water Permits Coordinator

CERTIFICATION

I hereby certify that on January 28, 1997, I have personally deposited Inter-Office Mail at Pierre, South Dakota, a Notice dated January 28, 1997, regarding Hearing to Consider Validation of Recognized Vested Water Right Claim No. 718-3 for Platte Lake in Aurora County, addressed as stated below:

John Cooper, Secretary, Department of Game, Fish & Parks, Joe Foss Building.

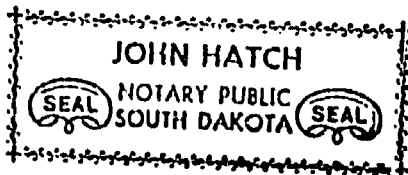
Tim Olson, Water Permits Coordinator, Department of Game, Fish & Parks, Joe Foss Building.

Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 29th day of January, 1997



.... 
Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 26, 1997

NOTICE

TO: John Cooper, Secretary
South Dakota Department of Game, Fish and Parks
523 E. Capitol Ave.
Pierre, SD 57501

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

SUBJECT: Hearing to Consider Validation of Recognized Vested Water Right Claim No.
718-3 for Platte Lake in Aurora County

I am suggesting amendment of the language for the validation of recognized Vested Water Right Claim No. 718-3 for Platte Lake in Aurora County. On January 28, 1997, a notice was sent proposing the language for validation of the claim as "for sufficient water annually to maintain the water level to the outlet elevation of 1548.05 feet mean sea level." Diane Best, Assistant Attorney General, Tim Olson and Eric Gronlund further discussed the need to make the language clear, simple and understandable to ensure no misinterpretation in the future. They suggested the removal of the word "annually" from the validation wording.

I now propose that the Water Management Board validate recognized Vested Water Right Claim No. 718-3 using the language "for sufficient water to maintain the water level to the outlet elevation of 1548.05 feet mean sea level."

The Water Management Board will consider validation of Claim No. 718-3 at 3:30 PM, March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD.

Please contact Lynn Beck or Eric Gronlund of my staff if you have any questions.

c: Diane Best, Assistant Attorney General
Tim Olson, G,F&P Water Permits Coordinator

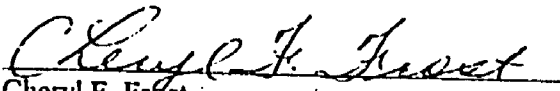
CERTIFICATION

I hereby certify that on February 26, 1997, I have personally deposited Inter-Office mail at Pierre, South Dakota, first class postage, prepaid envelope containing a Notice dated February 26, 1997, regarding Hearing to Consider Validation of Recognized Vested Water Right Claim No. 718-3 for Platte Lake in Aurora County, addressed as stated below:

John Cooper, Secretary, South Dakota Department of Game, Fish & Parks, Joe Foss Building.

Diane Best, Assistant Attorney General Capitol Building.

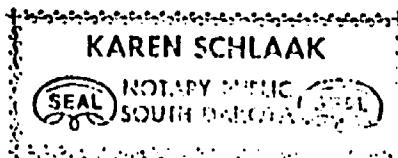
Tim Olson, Water Permits Coordinator, Department of Game, Fish & Parks, Joe Foss Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 27th day of February, 1997


Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 12 1997

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

Dear Mr. Olson:

The Water Management Board has validated the enclosed Vested Water Right No. 718-3. This validation gives legal status to the claim and is the final document for the vested right. Enclosed is the reissued water license which reflects the vested right as validated by the Board.

As long as the water is being used 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 Program
605 773-3352

enclosures

SOUTH DAKOTA

VESTED WATER RIGHT NO. 718-3

Date of Receipt of Claim May 31, 1960.

Date of Validation March 5, 1997.

The Water Management Board validated Vested Water Right Claim No. 718-3 for South Dakota Department of Game, Fish and Parks, 523 E Capitol, Pierre SD 57501 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 718-3 is for sufficient water to maintain the water level to the outlet elevation of 1,548.05 feet mean sea level. The outlet for Platte Lake is located in the NE 1/4 NE 1/4 Section 7-T102N-R66W.
2. The appropriated water is used for fish and wildlife propagation, conservation and recreation and may not exceed the amount of water needed for beneficial use.

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 (original outlet structure).
January 1, 1919 (one foot increase in the outlet elevation).
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.

WATER MANAGEMENT BOARD

By: _____

John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 12 1997

date



REISSUED

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 718-3

(1) The South Dakota Department of Game, Fish and Parks, 523 E Capitol, Pierre SD 57501 made Application No. 718-3, May 31, 1960 for a vested right claim to appropriate 3,600 acre-feet of water annually in Platte Lake, Aurora County, South Dakota, for public recreation purposes with priority dates of 1889 (2400 acre-feet for original outlet) and 1919 (1200 acre-feet for one foot raise of the outlet). Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

On March 5, 1997, the Water Management Board validated Vested Water Right No. 718-3. The water license is being reissued to reflect the vested right as validated.

(2) The vested right owner is entitled to sufficient water to maintain the water level to the outlet elevation of 1,548.05 feet mean sea level. The location of the diversion point (outlet) is NE 1/4 NE 1/4 Section 7-T102N-R66W.

(3) Pursuant to Section 46-5-30.1 the South Dakota Department of Game, Fish and Parks, 523 E Capitol, Pierre SD 57501 the holder and/or owner of Vested Water Right No. 718-3 is reissued a license for sufficient water to maintain the water level to the outlet elevation of 1,548.05 feet mean sea level with priority dates of November 2, 1889 and January 1, 1919 from the location specified in (2) of this license. The water is to be used for the purpose of fish and wildlife propagation, conservation and recreation uses. This reissued license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 718-3 and subject to South Dakota State Law.



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

JUN 12 1997

date



718-3

ORDINARY HIGH WATER MARK
INVESTIGATION FOR

PLATTE LAKE



AURORA
COUNTY



Department of
Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

February, 1983

REPRODUCTIONS:
REDUCTION

25:1

ROLL NO. 66

DATE MICROFILMED

CAMERA OPERATOR

TABLE OF CONTENTS

ABSTRACT.....	1
INTRODUCTION.....	2
INVESTIGATION.....	2
CONCLUSIONS.....	4
RECOMMENDATIONS.....	4
APPENDICES.....	6

RECOMMENDATIONS: REDUCTION

285 /

ROL NO 10

DATE MICROFILMED

CHIEF OPERATOR

PLATTE LAKE
ABSTRACT

This report contains the results of an investigation performed to determine the Ordinary High Water Mark (OHWM) for Platte Lake in Aurora County. The primary factors involved in calculating the OHWM were: Platte 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 Platte Lake has been determined to be 1550.1 feet mean sea level (msl).

REPRODUCTION

REPRODUCTION

25.1

ROLL NO

10

DATE MICROFILMED

THE UNIVERSITY OF MICHIGAN
CAMERA OPERATOR

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 Platte 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 July, 1982. The examination of the shoreline, banks, and vegetation of Platte Lake was performed. The shoreline areas selected for study were those least affected by individuals.

INVESTIGATION

Location

Platte Lake is located in Aurora County within Sections 29, 30, 31, and 32 of T103N, R66W and Sections 5, 6, 7, and 8 of T102N, R66W. (See Appendix A)

Lake Characteristics

Platte Lake is located in the upper portion of the Platte Creek watershed. It has a surface area of 1,200 acres and a watershed area of 90,000 acres. Platte Lake receives its recharge waters from surface run-off. There is no connection between any major aquifer and the lake bed.

The maximum depth of Platte Lake is 4 to 5 feet with average depth of 3 feet. Due to the large watershed area and the lake's relatively small volume, it fills 1 to 2 times a decade.

The lake bed itself is entirely covered with emergent vegetation most of the time. Only during extreme dry or wet periods does part of the lake bed become unsuitable for this type of vegetation.

Evaporation is quite extensive on Platte Lake. This is attributed to warm water temperatures, caused by shallow depths, and high evapotranspiration from the emergent vegetation.

Elevation Reference

Elevations in this report are referenced to a United States Geological Survey Bench Mark. The bench mark is located in the southeast corner of Section 3, T102N, R66W. It is 23 feet north and 33 feet west of the cross roads, a punched hole on the north end of a corrugated steel culvert. Set at an elevation of 1635.834 feet mean sea level (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 lakes 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, and the effects of water and ice on the shoreline and bank.

B. Tree Categories

The trees along the shoreline of Platte 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 on the lakeside of the tree) is below the OHWM (see Appendix B). This is apparent in the erosion of the soil and 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 the Bank.

Erosion marks were found between elevations of 1549.8 and 1550.3 feet msl. Between these elevations there was an apparent change in the soil characteristics and types of vegetation. An example of changes in vegetation types and the slope of the shoreline and bank can be seen in Appendix E.

Outlet Structure

The outlet structure is located in the southwest end of the lake in the NE1/4 of Section 7, T102N, R66W. This structure was built as a crossing in conjunction with the county road and has an overflow elevation of 1550.1 feet msl. There is a record of a one foot increase in the outlet elevation in 1919.

Water Level

There are no water level records available for Platte Lake. As a general statement about the lake's water level fluctuations, it can be said that the lake generally has one to two feet of water in it, seldom dries up, and overflows once or twice every ten years. These conclusions are based on observations by area residents and analysis of the lake's hydrological characteristics.

Water Rights

There has been a Vested Water Right issued relating to the waters of Platte Lake. This Vested Water Right No. 718-3 was issued to the Department of Game, Fish and Parks. It allows for the annual recharge of 3,600 acre-feet of water or as required to fill the lake to outlet level. The water right has two priority dates. 2,400 acre-feet has a priority date of 1889, as required to fill the lake to the original outlet level. 1,200 acre-feet has a 1919 priority date for the one foot artificial increase in the lake's outlet elevation.

CONCLUSIONS

Based on the study of Platte 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 1550.1 feet msl.

The OHWM and outlet elevation are equal because wave action has been reduced by the emergent vegetation.

RECOMMENDATIONS

The Water Rights Division recommends to the Water Management Board:

1. That the Ordinary High Water Mark for Platte Lake be established at an elevation of 1550.1 feet msl.

REPRODUCTION

REDUCTION

25:1

ROLL NO

10

DATE MICROFILMED

7-2-67

11 1000

CHERRY OPERATOR

2. That Vested Right No. 718-3 be clarified to allow the water level at Platte Lake to be maintained at an elevation no higher than 1550.1 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 Platte Lake, contact the Department of Water and Natural Resources, Water Rights Division, Pierre, South Dakota

C12802js.wr

STATE OF SOUTH DAKOTA } ss
COUNTY OF HUGHES }

Sworn to, before me, this 23 day of February, 1983.

Carolyn Jorgensen
Notary Public

RECORDS: REGISTRATION 2677 ROL NO. 10 DATE MICROFILMED 2-2-76 CHEN OPERATOR

APPENDICES

Appendix A	Platte Lake Data County Map (Watershed Area) Topographic 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 Lines

REPRODUCTION OF RECORDS
RELATION 20.1
ROLL NO 10
DATE MICROFILMED 11/11/80
OPERATOR

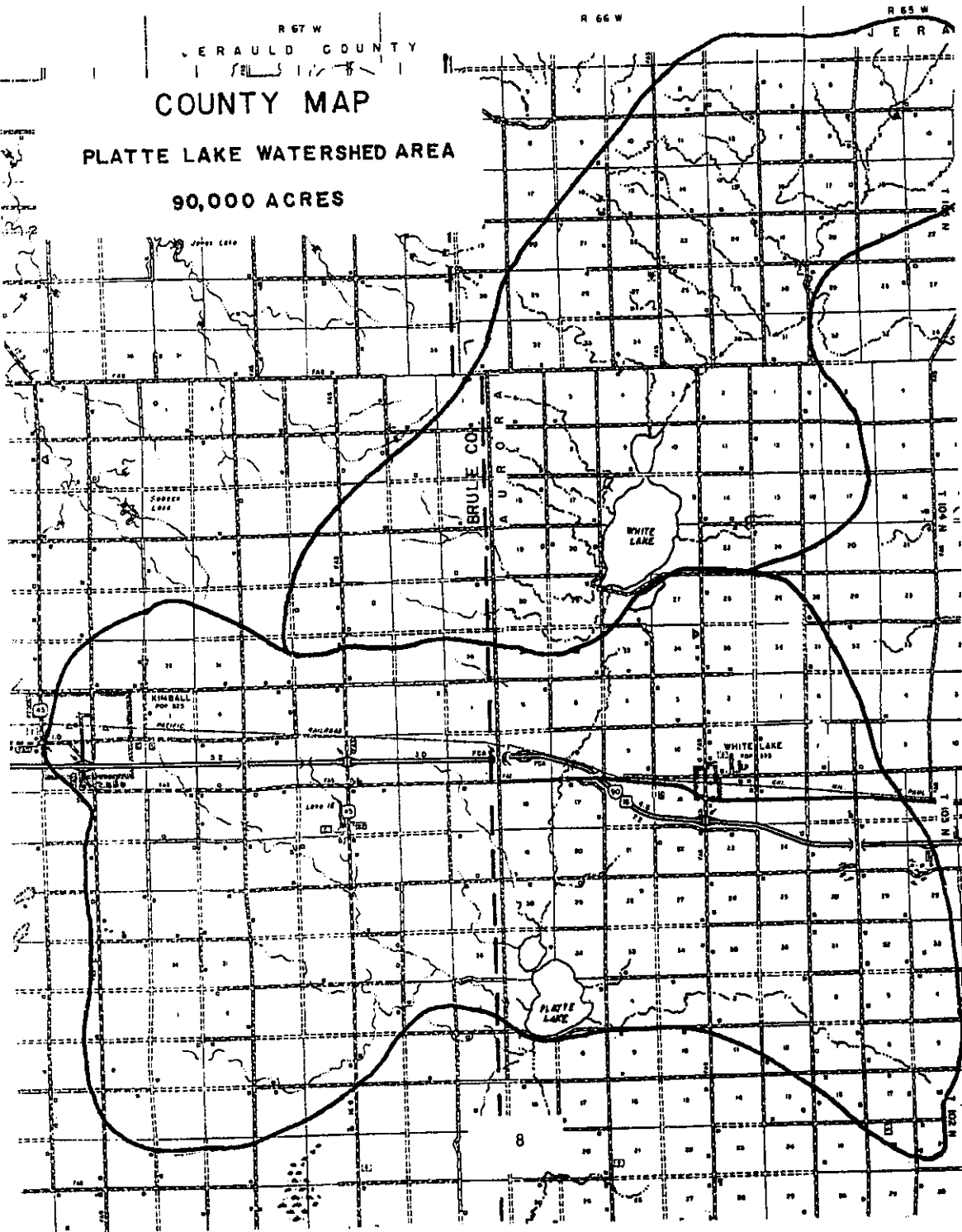
Appendix A

Platte Lake Data

Surface Area.....1,200 acres
Watershed Area.....90,000 acres
Maximum Depth.....5 feet
Mean Depth.....3.5 feet
Volume.....4,200 acre-feet
Aquifer Connection.....None
Outlet Elevation.....1550.1 feet msl
OHWM Elevation.....1550.1 feet msl
Water Rights.....No. 718-3
Held by Game, Fish & Parks
Annual Recharge 2,400 acre-feet
with priority of 1889, 1,200
acre-feet with priority of 1919
1 foot increase in outlet

REVISIONS: REDUCTION 25:1 ROLL NO. 0 DATE MICROFILMED 12-22-90 CAMERA OPERATOR: J. L. MOORE

R 67 W
VERAULD COUNTY
COUNTY MAP
PLATTE LAKE WATERSHED AREA
90,000 ACRES



REPRODUCTIONS, REDUCTION

25:1

ROLL NO. 10

1-1-1-10

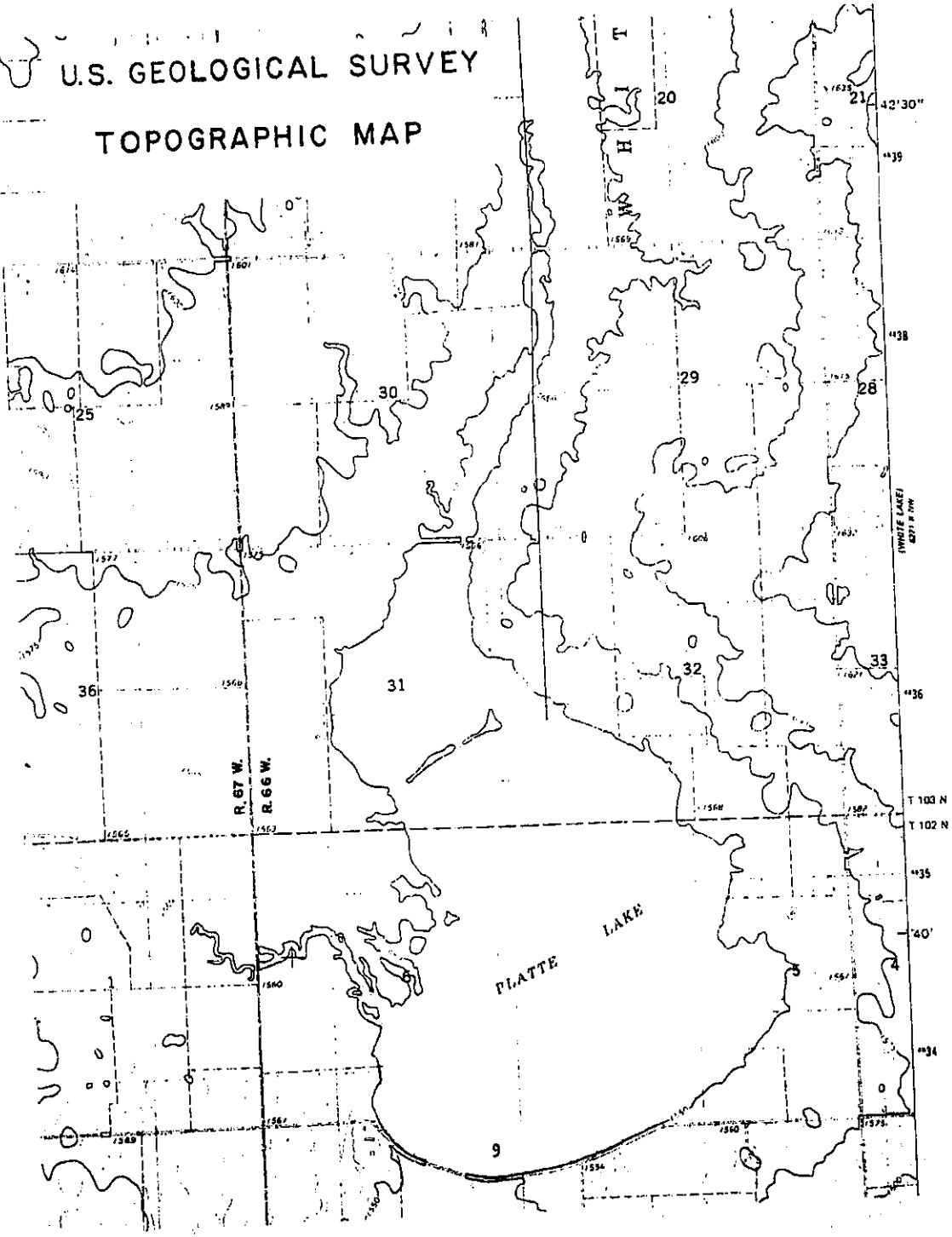
1-1-1-10

1-1-1-10

1-1-1-10

1-1-1-10

U.S. GEOLOGICAL SURVEY TOPOGRAPHIC MAP



ADDITIONAL MICROFILM WILL BE
REPRODUCTION

REDUCTION 25%

ROLL NO. 10

DATE MICROFILMED 2-22-90

OPERATOR

APPENDIX D
TREES GROWING BELOW THE OHWM

The photographs that follow are a few of the trees which fall below the OHWM, respectively.

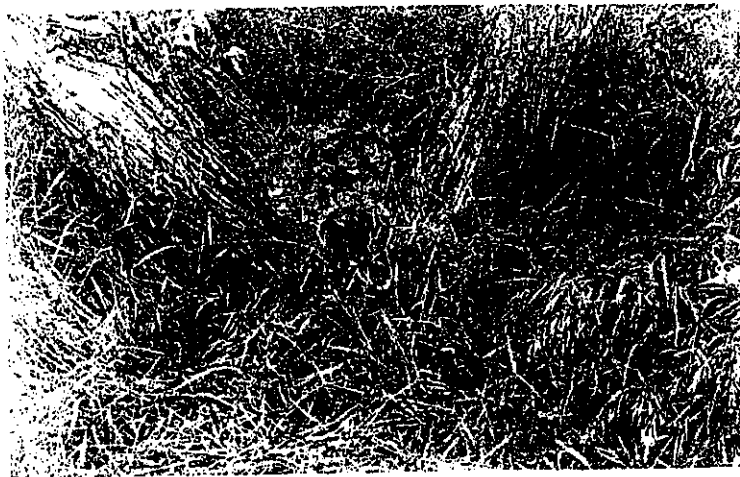


PHOTO NO. 1

Description: Willow, Dia 1.2 ft. Age 55 years
Base Elevations: Lakeside---1548.9



PHOTO NO. 2

Description: Willow, Dia. 0.6 ft. Age 45 years
Base Elevations: Lakeside---1549.8
Landside---1550.5

REPRODUCTIONS:

REDUCTION

300%

ROLL NO.

16

DATE MICROFILMED

APPROX. DATE

1964

REPRODUCTIONS. REDUCTION

ROLL NO.

DATE MICROFILMED

CAMERA OPERATOR



PHOTO NO. 3 Description: Cottonwood, Dia. 2.5 ft., Age 80 years
Base Elevations: Lakeside---1549.8
Landside---1550.7



PHOTO NO. 4 Description: Cottonwood, Dia. 1.6 ft., Age 50 years
Base Elevations: Lakeside---1549.9
Landside---1550.3

APPENDIX A
DATA COLLECTION

REPRODUCTIONS, REDUCTION 2.0 ROLL NO. 10 DATE MICROFILMED 10/10/70 CAMERA OPERATOR J. J. J.



PHOTO NO. 5 Description: Cottonwood, Dia. 2.2 ft., Age 55 years
Base Elevation: 1550.0
Top Elevation: 1551.0



PHOTO NO. 6 Description: Cottonwood, Dia. 2.2 ft., Age 65 years
Base Elevation: 1550.0
Top Elevation: 1551.0



PHOTO NO. 7 Description: Cottonwood, Dia. 1.0 ft, Age 45 years
Base Elevations: Lakeside----1550.2
 Landside----1550.9

RETRIBUTION

REDUCTION

600

ROLL NO.

66

DATE MICROFILMED

CAMERA OPERATOR

APPENDIX 1
TREES GROWING ABOVE THE OHMM



PHOTO NO. 8

Description: Cottonwood, Dia. 2.8 ft., Age 80 years
Base Elevations: Lakeside----1550.4
Landside----1550.5

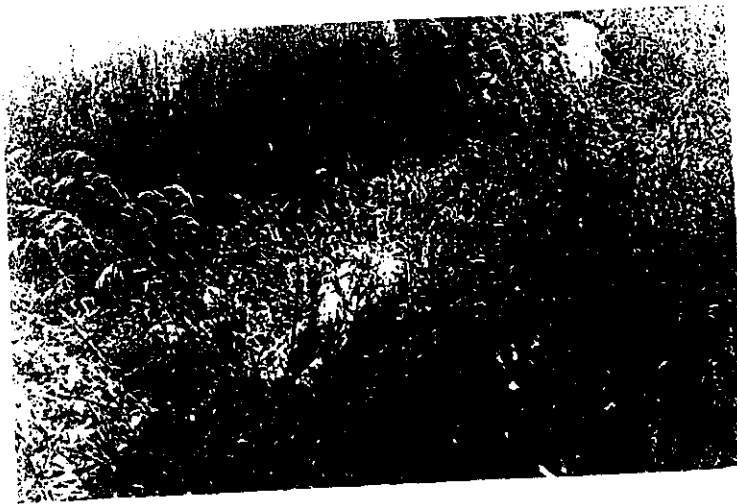


PHOTO NO. 9

Description: Cottonwood, Dia. 1.1 ft., Age 55 years
Base Elevations: Lakeside----1551.0
Landside----1551.5
Exposed Roots----1550.5 Erosion Line----1550.2

REPRODUCTIONS, REDUCTION

ROLL NO

DATE MICROFILMED

CAMERA OPERATOR

CORRECTION TO OUTLET ELEVATION FOR PLATTE LAKE, AURORA COUNTY

Lynn Beck presented her report and a map of the area (copy on file).

The Ordinary High Water Mark (OHWM) for Platte Lake was established by the Water Management Board in February 1983, at 1550.1 fmsl. At that time it was determined that the outlet elevation was also 1550.1 fmsl.

The Department of Game, Fish and Parks holds the recognized Vested Water Right Claim for Platte Lake. Vested Water Right No. 718-3 claims 3600 acre feet of water to fill Platte Lake annually for recreational purposes. At the February 1983, board meeting the vested water right was clarified to allow the water level at Platte Lake to be maintained at an elevation no higher than 1550.1 fmsl.

Ms. Beck pointed out that the outlet structure is located at the southwest end of the lake. The structure was built in 1960 as a crossing in conjunction with the county road.

A survey conducted by Ducks Unlimited showed the Platte Lake outlet elevation to be 1548.05 fmsl. On May 28 and 29, 1996, staff from the Water Rights Program resurveyed the elevation to bench mark number three and the outlet using the same original bench mark. An elevation of 1549.75 fmsl was found for bench mark number three and 1548.05 fmsl for the outlet.

Ms. Beck noted that the original survey notes for the OHWM investigation contained a two foot calculation error for bench mark number three. Bench mark number three was used to calculate the outlet elevation; therefore the error was transferred to the outlet elevation.

Ms. Beck stated that also corrected were the elevations of OHWM evidence that had been observed from bench mark number three in the original OHWM investigation. Several bands of evidence exist around the outlet. Erosion and old trees still afford strong evidence at or near 1550.1 fmsl. Ms. Beck said the OHWM for Platte Lake should remain at 1550.1 fmsl as set by the board in 1983. The outlet elevation for the lake should be corrected from an elevation of 1550.1 fmsl to an elevation of 1548.05 fmsl. This is a correction in the surveyed elevation and does not change or lower the actual outlet.

The chief engineer recommends that the outlet elevation for Platte Lake be corrected to 1548.05 fmsl and that the OHWM for the lake remain at 1550.1 fmsl.

MOTION by Freeman, SECONDED by Brink, to accept the recommendation of the chief engineer on the outlet elevation for Platte Lake. Motion carried.

VALIDATION OF RECOGNIZED VESTED WATER RIGHT CLAIM NO. 718-3

Eric Gronlund reported that the vested water right claims were originally advertised in 1988. The chief engineer filed a petition to oppose validation of the claims to allow for staff investigation.

Mr. Gronlund stated that the vested water right claim for Platte Lake was filed in May 1960. The amount of water claimed was as required to fill to the original lake level, approximately 2400 acre feet per year and an additional 1200 acre feet to raise to the artificial outlet level. At that time the affidavit of water use stated that the water use was for fish and wildlife propagation, conservation, and recreation.

The notice of intent was published in Aurora County for this claim in June of 1988. At that time the chief engineer was the only party to petition in this matter.

Mr. Gronlund said correction in Platte Lake's outlet elevation provides the opportunity to go forward and validate this recognized vested water right claim. The chief engineer recommends validation of Vested Water Right Claim No. 718-3 for sufficient water to maintain the water level to the outlet elevation of 1548.05 fmsl. The priority date of this validation is November 2, 1889 for the original outlet and 1919 for a one foot raise that occurred during that year. Water use will be for fish and wildlife propagation, conservation, and recreation.

Tim Olson, Department of Game, Fish and Parks, was administered the oath. He testified that an affidavit for the additional foot was filed in the 1960s. That extra foot is essentially the road grade crossing.

Mr. Olson stated that in the future a water fowl habitat enhancement project may be done to store more water in the lake.

MOTION by Freeman, SECONDED by Rickenbach, to validate Recognized Vested Water Right Claim No. 718-3 for sufficient water to maintain the water level to the outlet elevation of 1548.05 fmsl. Motion carried.

Chairman Rollag declared the meeting in recess until 8:30 a.m. on March 6, 1997.

CORRECTION OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL
DECISION FOR WATER PERMIT APPLICATION NO. 2316-2, CITY OF RAPID CITY

Diane Best stated that she mailed the motion to all of the parties and the board in advance of this meeting.

In May 1996, the board approved three water rights transfers for the city of Rapid City. The transfers were appealed and later the appeal was dismissed. The permits can now be issued to the city of Rapid City.

Ms. Best stated that in reviewing the final decision in order to issue the permit to Rapid City it was noticed that Final Decision No. 7 contained a typographical error. She requested that the priority date be changed from April 6, 1978 to April 6, 1878.

MOTION by Freeman, SECONDED by Holzbauer, to approve Ms. Best's motion to amend Final Decision No. 7 in the Findings of Fact, Conclusions of Law and Order for Water Permit Application No. 2316-2, city of Rapid City. Motion carried.

718-3

AGENDA

WATER MANAGEMENT BOARD MEETING

February 24 & 25, 1983

PLACE: Conference Room (#216), Joe Foss Building, 523 E Capitol, Pierre SD

THURSDAY, February 24, 1983

- 8:30 am Call to order
Approval of December 9 & 10, 1982 Minutes
Rescission of Board Actions at December 9 & 10 meeting to Cancel Permit No. 3130-3 and to Approve Application No. 4931-3
Set June meeting time & place (June 9 & 10 at Webster suggested)
Status and Review of Water Rights Litigation
Review of Water Right Legislation
- 9:00 am Administer Oath to Water Rights Staff
Cancellation Considerations (see attached list)
"Vested Right" Consideration
Requests for Extension of Time
- 9:45 am Break
- 10:00 am Introduction of Board, Legislative Oversight Committee and Water Rights Staff
Requirements Before Water Permit Applications can be Advertised, and at the Time of Hearing
Water Permit Application Hearings (see attached list)
- 12:00 noon Lunch
- * 1:00 pm Hearing on Establishment of Ordinary High Water Mark & to Clarify Dept of Game, Fish & Parks Water Right No. 718-3 for Platte Lake, Aurora Co.
- 1:15 pm Reconsideration of Application No. 1216-1, Gilbert Roberts, Lawrence Co.
- 1:30 pm Reconsideration of Deferred Application No. 1818-2, George Welsh, Ft. Pierre
- 2:00 pm Cancellation Considerations - Meade County - see attached list
- 3:30 pm Request by Dane Conger for clarification of rights held by Dane Conger & John Beard in Fall River Co.
- 4:15 pm Hearing to consider a Petition for a Declaratory Ruling submitted pursuant to Board Rule No. 74:02:01:46 by Oliver M Romey against Tom Landers, & A & T Cattle Co. Inc.

FRIDAY, FEBRUARY 25, 1983

- 8:30 am Reconvene
Review of Well Driller License Application Form
- 9:00 am Hearing on proposed rule requested by petition from Homestake Mining Company to change fishery classification from cold water permanent (natural trout reproduction) to cold water marginal (stocked trout fishery) in the reach of Whitewood Creek from the northern Deadwood City limits upstream to 100 meters upstream of the Homestake Hydro-electric Plant near Englewood. The proposed rule would also eliminate the beneficial use classification of immersion recreation in the reach of Whitewood Creek from Highway I-90 upstream to Section 5, T4N, R3E
- Other business
Adjourn

REPRODUCTIONS: REDUCTION 25:1 ROLL NO. 16 DATE MICROFILMED 11-22-76 CAMEA OPERATOR

Mr. Selken stated the dugouts which Mr. Moser is concerned about are the same dugouts he was concerned with in 1976 when an application was approved for Mr. Thorstenson of the area. There are observation wells to monitor the Selby aquifer. They have fluctuated a maximum of four feet since 1976. The aquifer is under water table conditions. There are two observation wells in the corner of the same section. One is in a deeper formation with no interconnection to the Selby formation, and one into the Selby aquifer. Considering the distance between the wells and dugout and the amount of pumping, Mr. Selken stated he could not see any way there will be a direct interference between the wells and the dugout. The dugout will vary depending on seasonal fluctuations that will occur. The future use request by Mr. Moser for irrigation is not valid as there are no provisions in the Statutes for future use rights for individuals.

Mr. Selken stated the original application was for two wells in the center of each quarter. Through test wells, he found a thicker part of the formation so he moved one of the wells and put in an additional well.

Mr. Rylance MOVED, SECONDED by Mr. Walter that Application No. 4173-3A be APPROVED with the Well Interference Qualification. MOTION CARRIED.

4940-3. Jerald A. Peterson, Bruce SD

Application is for 2.2 cfs of water from one 53 foot deep well to irrigate 156 acres. Affidavit of publication received. A brief report was prepared (copy on file).

Mr. Walter MOVED, SECONDED by Mr. Rylance that Application No. 4940-3 be APPROVED with the Well Interference Qualification. MOTION CARRIED.

JAMES RIVER SITUATION

Mr. Hatch reviewed the report on the James River Situation (copy on file). The report suggests that the James River remain closed to additional irrigation permits until after the 1984 irrigation season. This will give the people with the newer permits a chance to develop. Inspections will then be completed.

Mr. Rylance stated he would not be in favor of updating the permits until they get past the bulge period. Leave the July 10th cutoff. It gives the staff flexibility.

It was the general consensus of the Board to leave the James River area as it is in order to have some time to evaluate the permits which have been granted.

Meeting recessed at 11:39 a.m.

Meeting reconvened at 1:00 p.m.

ORDINARY HIGH WATER MARK - PLATTE LAKE

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

Mr. Steffen stated in 1919 they put in a road across the end of Platte Lake for a mail route and the people living there. When they put the grade in, it was a foot higher than what the natural channel was. The Dept. of Game, Fish & Parks made an application to water rights for the additional storage. There were not problems. Mr. Steffen stated he found no excessive erosion on the shoreline. Mr. Steffen stated the outlet is about 40 to 50 feet long and is a paved dip in the gravel road. That elevation is 1550.1 feet.

Chairman Gunderson administered the oath to David McGuigan for the Dept. of Game, Fish & Parks.

Mr. McGuigan read a letter of concurrence from the Dept. of Game, Fish & Parks.

Mr. Harms MOVED, SECONDED by Mr. Walter that the Ordinary High Water Mark for Platte Lake be established at an elevation of 1550.1 feet msl. MOTION CARRIED.

Mr. Walter MOVED, SECONDED by Mr. Harms that Vested Right No. 718-3 be clarified to allow the water level at Platte Lake to be maintained at an elevation no higher than 1550.1 feet msl. MOTION CARRIED.

Meeting recessed at 1:13 p.m.

Meeting reconvened at 1:30 p.m.

RECONSIDERATION OF DEFERRED APPLICATION NO. 1818-2, George Welsh

Mr. Hatch stated the application was deferred to allow Mr. Welsh a chance to see what he can do with regards to controlling his flowing well.

Frank Smith stated he had talked with Mr. Welsh. He has contacted two drillers. Both drillers stated they would have to redrill inside the old casing because of the obstruction in the well. The well had originally been drilled by the City of Ft. Pierre in 1905. The city used the well for 30 to 40 years to trap the natural gas. Mr. Welsh now uses the well gases for his own use.

Chairman Gunderson administered the oath to George Welsh.

Mr. Welsh stated he wrote to Huron Drilling. They returned a letter stating the cost. The cost would be \$2000 for moving the rig to the site. Rig time would be \$90/hour with no guarantee. By drilling through the obstruction they might run into problems. It is an old well that could quit flowing at any time. Hutmacher Bros. indicated it could cost \$5000 plus materials. The results would not be guaranteed. Mr. Welsh stated it will cost over at least \$2000 to see what is there. The improvements would cost extra. At the present time, Mr. Welsh stated he is getting enough gas to run his furnace and water heater. In the winter he is using the entire flow which is about 50 gallons per minute. Two-thirds of the gas is used for heat and the other third is for the water heater. If both are running there is no excess gas. They could not cut down the flow during the winter time. During the summer they could cut down the flow by two thirds and run at 17 or 18 gallons per minute. Mr. Welsh stated he could spend \$2000 to \$5000 just to cut down 34

RECORDS SECTION 257 ROLL NO 10
DATE MICROFILMED 2-22-76
CAMEL OPERATOR



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Platte Lake in Aurora County

VWR No. 718-3

The OHWM was set by the Water Management Board on February 24, 1983

OHWM elevation 1550.1 fmsl NGVD29

The outlet elevation was set by the Water Management Board on April 5, 1997

Outlet elevation 1548.05 fmsl NGVD29

The Water Management Board validated Vested Water Right No 718-3 on April 5, 1997