

RECEIVED
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 4:30 PM
 STATE WATER RESOURCES COMM.
 PIERRE SOUTH DAKOTA

No. 790-2
 Water Division No. 3 BIG SIOUX 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

- 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 MADISON - Lake County
3. Amount of water claimed As required to fill lake to outlet level - approximately 10,000
acre-feet-per-year cubic feet per second _____
4. Source of water supply SILVER CREEK
5. Location of point of diversion One point in the watershed located in the NW $\frac{1}{4}$ Sec. 22,
T 106 - R 53; Outlet located in the S $\frac{1}{2}$ of Sec 8, T 108, R 51.
 _____ on _____ bank _____ County.
6. Annual period or periods during which water is to be used all year round
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 high water mark of the
inundated portions of Sec. 22, 23, 24, 25, 30, 25, & 36 T 106, R 51

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

- (a) Nature of use Public recreational purposes
 Name any of the above uses claimed _____

- (b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

- (c) Location of plant _____

- (d) Method of developing power _____

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

8. Estimated cost of work:
- (a) Head Gates, \$.....

(b) Pumping plant, \$.....

(c) Fluming, \$.....

(d) Canal-earth, \$.....

Rock, \$.....

(e) Other structures\$.....

Total, \$.....

9. Description of diversion works:

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

II. Dimensions of works. Information requested not applicable. Lake Madison is a

- (a) Dam: Height meandered lake Maximum depth is approximately 15 feet feet; length at bottomfeet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back facematerial used in construction
- (b) Reservoir: Capacity when filledacre feet. Surface area at highwater mark.....3200.....acres.

DEPTH AT OUTLET- FEET	SURFACE AREA AT EACH..... FEET DEPTH AT OUTLET--ACRES	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 workyears. Not applicable - a meandered lake
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 } ss.
County of Hughes

I, Walter J. Fillmore, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Walter J. Fillmore

Subscribed and sworn to before me this 1st day of August 19 61.

Edward J. DeLaney
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device

Remarks by State Water Resources Commission:

"Vested right" claimed

STATE OF SOUTH DAKOTA
County of HUGHES } 28.

Pierre, South Dakota, December 7, 1962

This is to certify that the foregoing application was received by the Commission at 4:30 o'clock
p.m. upon the 1ST day of AUGUST, 1961

State Water Resources Commission
By: Burton Jones
for Chief Engineer, Executive Officer

Number of permit 790-3

Date of first receipt of application AUGUST 1, 1961

Date of return to applicant for correction, amendments or changes required as follows: —, 19—

Date of receipt of corrected application —, 19—

Date from which applicant may claim right 1889, 19—

Approved December 7, 1962, Recorded in Book 7 Page 238

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, is

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 10,000 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, 1975; said water to be used during the following described annual period:

Continuously

Witness my hand this 7TH day of December, 1962.

State Water Resources Commission

By: Forbes
Chief Engineer, Executive Officer

Certificate of Construction Issued December 7, 1962

Water License Issued December 7, 1962

An Ordinary High Water Mark was established for Lake Madison at an elevation of 1603.7 feet msl at the November 19 & 20, 1980 Water Management Board meeting. Findings of Fact, Conclusions of Law, and a Final Decision were prepared and adopted at the January 28 & 29, 1981 meeting.

At the October 7 & 8, 1981 Water Management Board Meeting, Game, Fish & Parks Water Rights No. 790-3 was clarified to allow the water level at Lake Kampeska to be maintained at no higher than 1717.8 feet msl.

Permit No. 790-3Water Division No. 3 Big Sioux River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the Department of Game, Fish and Parks

of Pierce, County of Hughes, and State of South Dakota, the holder of Vested Right Permit No. 790-3, issued upon Application No. 790-3, bearing date of priority of 1889, authorizing the diversion of 10,000 acre feet annually out of ~~the~~ excess of the waters of Silver Creek, County of Lake, State of South Dakota, at a point in the NE 1/4 NW 1/4 Sec. 22, T106N, R53W

for public recreation purposes, has ^s 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 ~~found to be~~ satisfactory ~~condition~~ for diverting and conveying to the place of intended use 10,000 acre feet annually ~~excess~~ ~~amount~~ of water; and that the ~~lands proposed to be irrigated by~~ lands 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 December A. D. 1962

State Water Resources Commission

By: J. V. GRIMES

Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 790-3

WHEREAS, On the 1st day of August A. D. 1961
the Department of Game, Fish and Parks

of Pierre County of Hughes and State of
South Dakota Vested Right
duly made application (No. 790-3) to us for permit to use 10,000 acre feet
annually of the waters of Silver Creek
County of Lake, State of South Dakota, for public recreation
purposes; and

WHEREAS, On the 7th day of December A. D. 1962
Vested Right / Permit No. 790-3 was issued to said applicant... recognizing
for the diversion of said water, and providing for the
completion of the works of diversion therein described ~~before the~~ day of
and for the application to beneficial use of said
water ~~xxxxxxx~~ and, ~~xxxxxxx~~

WHEREAS, On the 1st day of August A. D. 1961
the holder of said permit duly made proof of the completion of adequate works for the diversion of 10,000 acre feet
annually of said waters, as evidenced by our Certificate No. 790-3
dated December 7, 1962 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 10,000 acre feet annually
of water, with date of
priority of 1889 and,

WHEREAS, On the 1st day of August A. D. 1961
proof was duly made of the application to beneficial use of 10,000 acre feet annually
of said waters, to be used in place for public recreation.

We hereby grant and confirm to the Department of Game, Fish and Parks

We hereby grant and confirm to Pierre **Vested Right**
of Pierre the holder and owner of said permit No. 790-3

a water right, dating from 1889 to the use of 10,000 acre feet
annually
~~out of the waters of~~ Silver Creek

In the County of Lake 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 NE¹/₄ NW¹/₄, Section 22,
T106N, R52W

and ~~xxxxxxxxxxxx~~ stored in place.....

for the purpose of public recreation _____

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 7th day of December ----- A. D. Nineteen
Hundred and Sixty-Two.-----

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No.

To

Source of Supply -----

County:-----

Am't ----- C. I. S.

Point of Diversion -----

Place of Use -----

Purpose -----

Date of Priority -----

Recorded

in Book ----- of ----- Page -----

December 14, 1962

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

Dear Walt:

Enclosed herewith are your "Vested Right" Permit, Certificate of
Completion of Works and Water License for the following applica-
tions:

<u>No.</u>	<u>Name of Lake</u>	<u>County</u>
633-3	Lonosoma Lake	Day
635-3	Hillebrands Lake	Day
639-3	Waubay Lake	Day
787-3	Round Lake	Lake
788-3	Kilwaukee Slough	Lake
789-3	Hud Lake	Lake
✓ 790-3	Lake Madison	Lake
791-3	Green Lake	Lake
792-3	Brandt Lake	Lake
793-3	Baden Lake	Lake

Sincerely,

J. W. GRIMES
Chief Engineer and
Executive Officer

JWG:mf
Encl. as above

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
Lake Madison, Lake Co.

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. Silver Creek - One point on the watershed located in the NW $\frac{1}{4}$ Sec. 22,
T. 106, R. 53, Outlet located in the S $\frac{1}{2}$ of Sec. 8, T. 108, R. 51

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 15 feet - 3200 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 10,000 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 deepage

(Sig.) Robert J. Allmon

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 1st day of August, A. D. 1961

Witnesses. Edward B. Hansen
11-6-65

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____

**PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE**

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

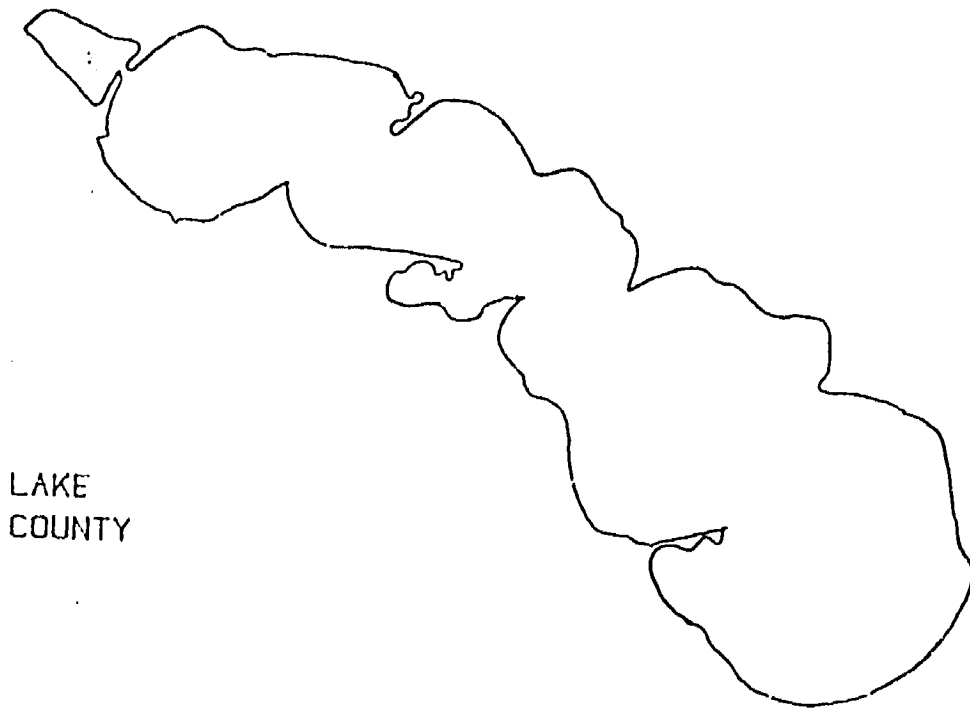
Received and filed _____

ORDINARY HIGH WATER MARK

INVESTIGATION FOR

LAKE

MADISON



LAKE
COUNTY

Lake Madison Investigation
for the Ordinary High Water Mark

October 1980

The Board of Water Management 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 investigation conducted by the Division of Water Rights and the recommended elevation of the OHWM for Lake Madison.

Lake Madison is located in Sections 29, 30, 31, and 32, Township 106 North, Range 51 West; and Sections 22, 23, 24, 25, 26, and 36, Township 106 North, Range 52 West. The areal extent of the lake is approximately 2800 acres and is positioned in the upper portion of the Skunk Creek outwash deposit. It is classified as a deep lake contained within a large immediate watershed. See map, page 7. The water levels are influenced by the large contributing watershed and its connection to underground waterbearing sands and gravels. Water surface elevation records for Lake Madison have been recorded between the years 1936-1971. A graph of these elevations is located on page 9 of this report.

The outlet of Lake Madison is located in the SE corner of Section 31, T106N, R51W. The elevation of the outlet structure is 1603.25 feet above mean sea level (ft. msl). A bench mark has been established on the outlet structure on top of the south bolt, painted blue. The elevation of this bench mark is 1605.83 ft. msl. All elevations have been referenced to the state highway bench mark located in the middle of the south section line of Section 15, T106N, R52W, on the north side of highway 34, across from the entrance to the Grandview, on a brass disk below a steel post marked BM, elevation 1628.24 ft. msl. See map on page 6 for section locations.

The Ordinary High Water Mark (OHWM) is coordinated with the upper level of a lake. OHWM determinations are derived by examination of the bed and banks of a lake to ascertain where the presence and action of the water has been so common and usual in ordinary years, for a sufficient length of time, to leave upon the ground a line with respect to the character of the vegetation and the character of the soil or both. In examining a lake for determination of this level, it is necessary to consider the site, watershed, topography and soils as well as the general characteristics of the lake. Trees being the largest and most permanent expression of upland growth are used wherever suitable sites can be obtained to determine from the relationship of the ground in which the tree grows to the OHWM level. Records of climatological events in the past may actually be contained in the structure of trees which have often been referred to by botanists and hydrologists as "nature's time-keepers and historians, providing windows to the past".

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 of one-half to one tree diameter below the base elevation of the tree exist for more than 25% of the growing season. Consideration must be given to the character of the soil, slope of the ground, the effect of water and ice on the shoreline and banks, and the physical condition and growing characteristics of the tree.



Walkers Point
Vegetation & erosion line
1603.8

PHOTO #1



Inlet to lake
1. Top of rust line 1603.75
2. White line 1603.55

PHOTO #2



North of Smith's Park
Cottonwood 2.6 ft. dia.
base 1604.33 lakeside ave 1605.2
elev. 1606.03 landside $1605.2 - 0.5(2.6) = 1603.4$



North of Smith's Park
Cottonwood 2.7 ft. dia.
base 1603.83 lakeside ave 1605.4
elev. 1607.00 landside $1605.4 - 0.5(2.7) = 1604.0$



Smith's Park

PHOTO #5

Cottonwood 2.5 ft. dia.

base 1604.51 lakeside ave. 1604.9

elev. 1605.19 landside $1604.9 - 0.5(2.5) = 1603.6$



South of Wentworth Park

PHOTO #6

Ash 1.9 ft. dia. lakeside ave. 1604.8

base 1604.03 landside $1604.8 - 0.5(1.9) = 1603.8$

elev. 1605.61



Hare's Point

PHOTO #7

Cottonwood dia. 2.6 ft.

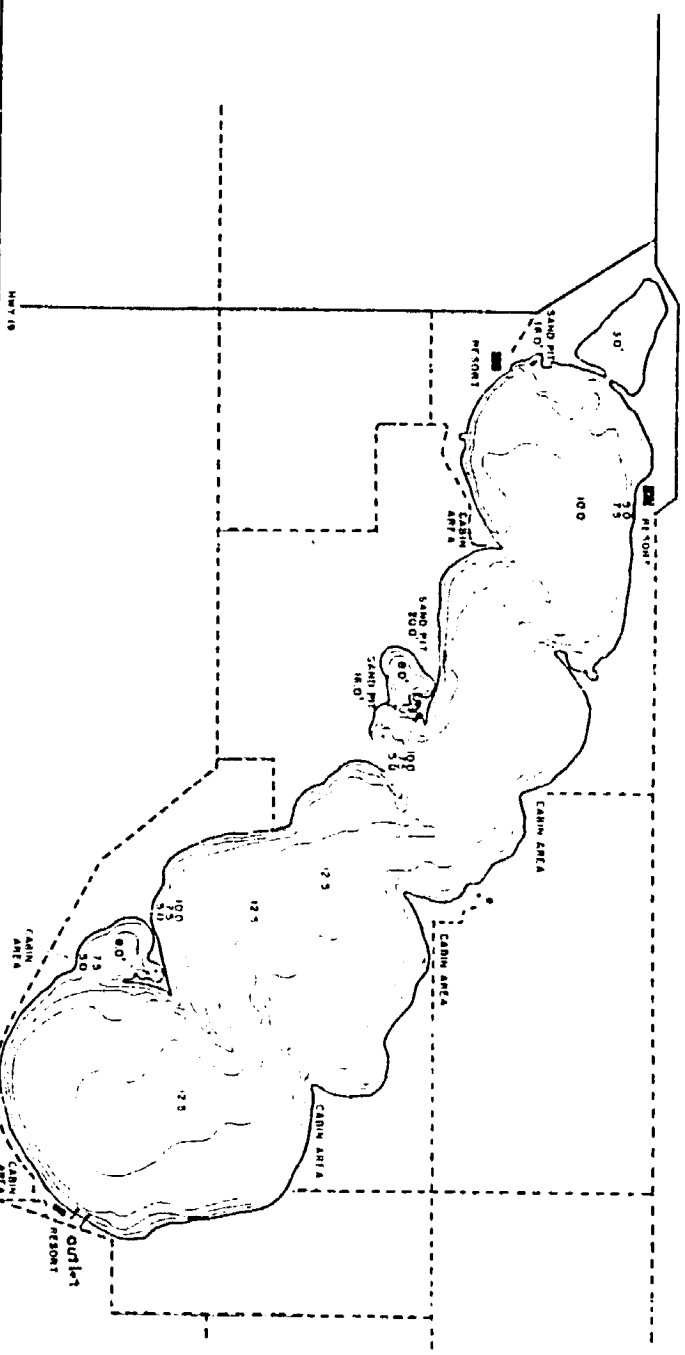
base 1605.08

lakeside ave. 1605.7

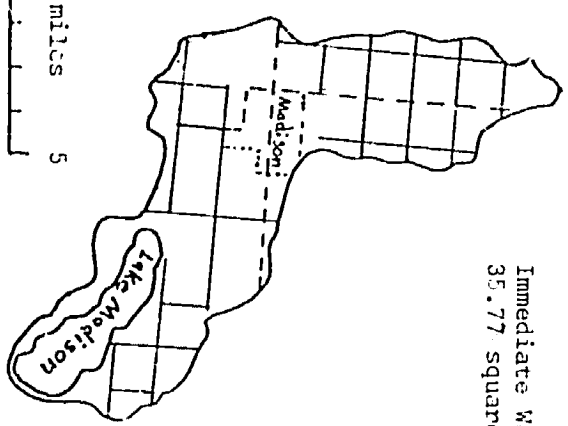
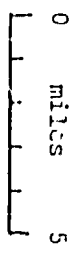
elev. 1606.40

landside $1605.7 - 0.5(2.6) = 1603.9$

10 4001320



Immediate Watershed
35.77 square miles



SECTION	ACRES	AV. DEPTH	ACRE FEET
10-100	2265	2.5	5663
100-125	2265	4.25	9626
125-150	1270	11.25	14288
TOTALS	2795	9.7	29977

- SHOPPING
- DEPTH CONTOUR
- ROADS
- HARD SURFACE
- GRAVEL
- TRAIL
- DITCH MARK
- SW
- N
- 4
- 1
- BUILDINGS

1:50,000
SCALE IN FEET

SOUTH DAKOTA
DEPT OF GAME, FISH AND PARKS
LAKE MADISON
LAKE COUNTY

WATER STAGE PLANNING
ACRES 2795
AERIAL PHOTO FIELD WORK DRAWN BY L.P.
DATE 1956 DATE 6-11-64 DATE 7-23-64
SEC 23 24 25 TWP 106N RGT 51W 51
DM 36'

R 54 W

MOODY COUNTY

R 53 W

R 52 W

MOODY COUNTY

MOODY COUNTY

R 51 W

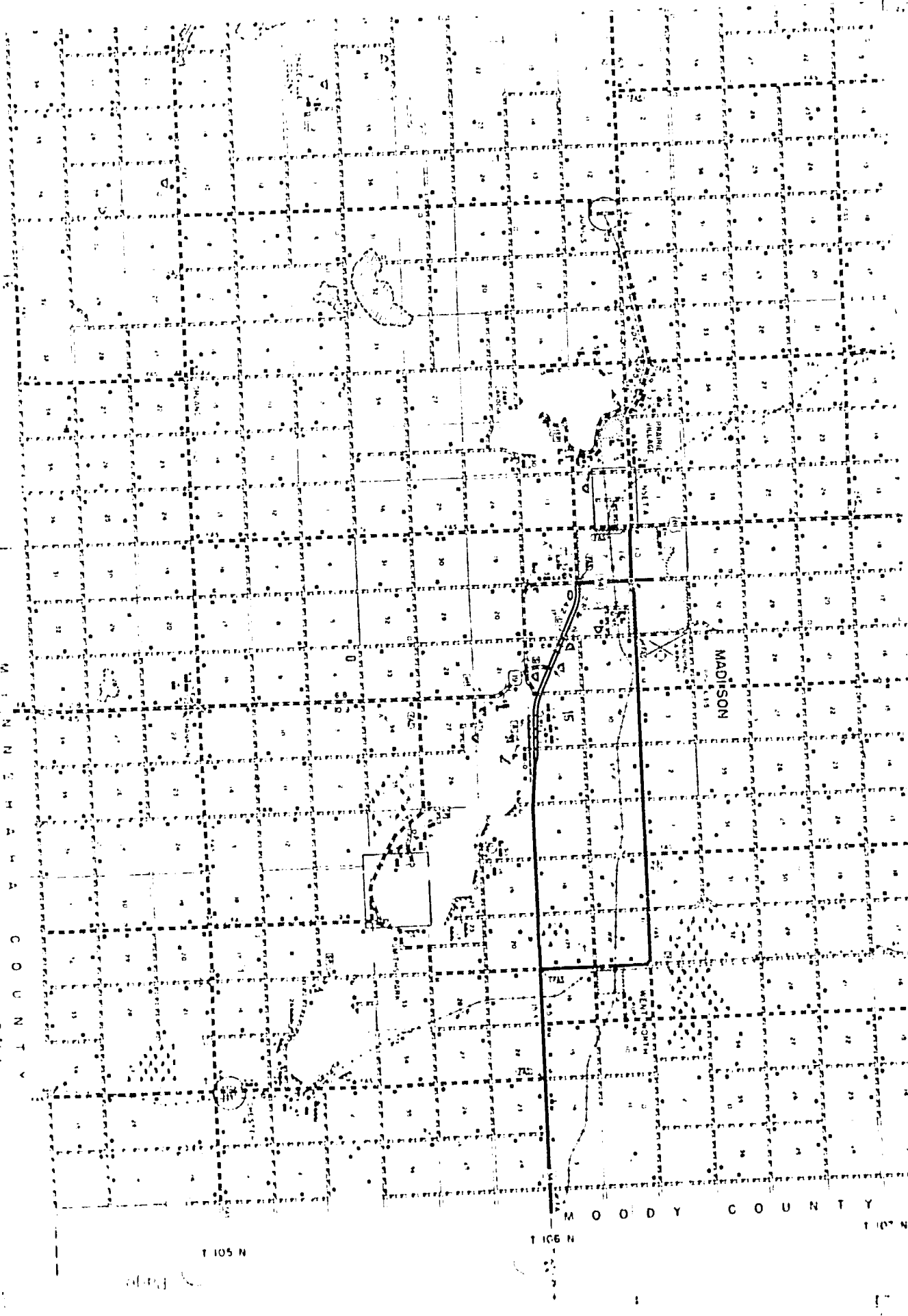
MOODY COUNTY

T 106 N

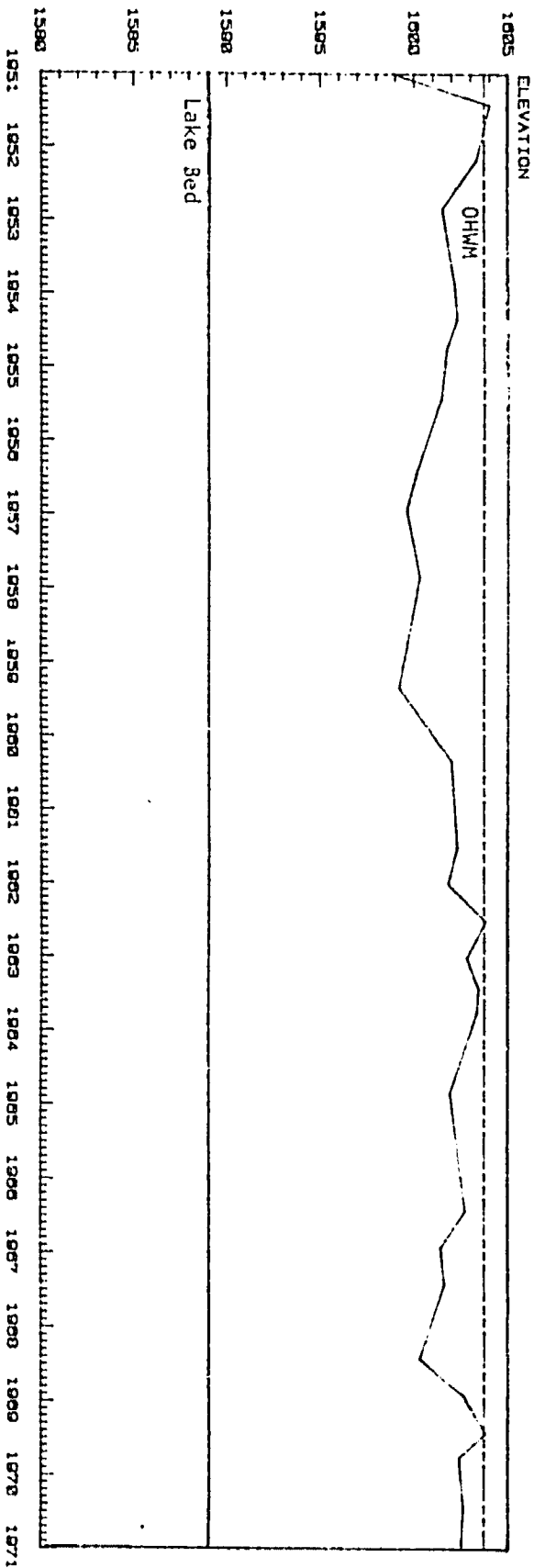
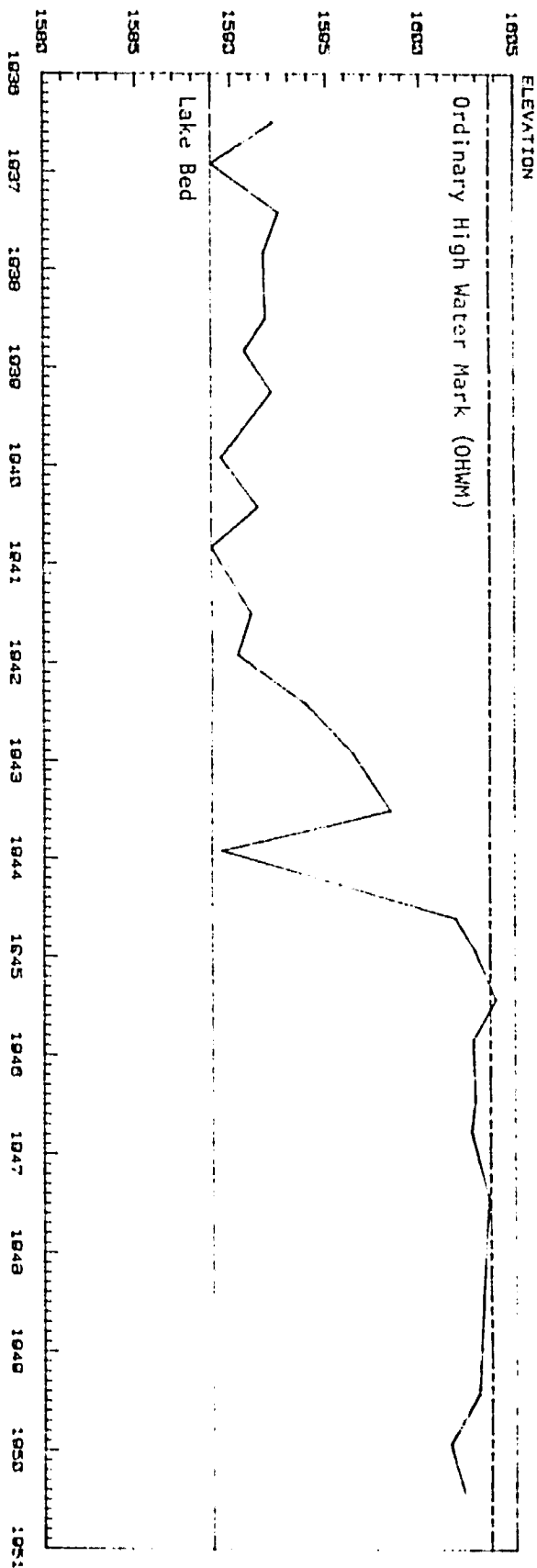
T 105 N

T 107 N

MADISON



LAKE MADISON LAKE LEVEL DATA



STATE OF SOUTH DAKOTA

WATER MANAGEMENT BOARD

IN THE MATTER OF THE ESTAB-)
LISHMENT OF THE ORDINARY HIGH)
WATER MARK OF LAKE MADISON)

FINDINGS OF FACT
CONCLUSIONS OF LAW
FINAL DECISION

Having heard and considered all the evidence presented before the Board in the above-entitled matter on November 20, 1980, at the Carl Mundt Library, Dakota State College, Madison, South Dakota, the Board hereby makes the following:

FINDINGS OF FACT

1. That on May 25, 1979, the Water Management Board duly adopted a priority list for establishing the ordinary high water marks of the public lakes of South Dakota.
2. That Lake Madison, in Lake County, South Dakota, was given the highest priority on the list.
3. That the Water Management Board set the date for the hearing on establishing the ordinary high water mark of Lake Madison for November 20, 1980.
4. That the staff of the Division of Water Rights undertook a detailed and thorough investigation of Lake Madison during the summer and fall of 1980 regarding the determination of the ordinary high water mark.
5. That various physical characteristics of a shoreline on a lake are produced by the fluctuating level of the lake.
6. That the ordinary high water level of the lake will produce several demonstrable manifestations of that level along the shoreline in an objects or structures projecting out of the lake. Some of these manifestations are changes in the conditions of terrestrial vegetation, bank erosion, changes in soil characteristics, the location of the grass vegetation line, and the existence of high water bleach lines.
7. That the ordinary high water level exists whether or not the Board establishes that level.
8. That the staff has consulted interested state and local agencies and other groups and associations with regard to this matter.
9. That, based on the natural actions and identifying

marks of the lake and on historical waterlevel data studied by the staff of the Division of Water Rights, it was concluded by the staff that the ordinary high water level is 1603.7 feet mean sea level.

10. That all Lake Madison property owners who could be located were served notice by first class mail of the Water Management Board meeting at which the ordinary high water mark would be established and that the notice was published on November 4 and November 11, 1980 in the Madison Daily Leader.

CONCLUSIONS OF LAW

1. That the Water Management Board is required by SDCL 43-17-21 to establish the ordinary high water marks on public lakes in South Dakota.

2. That Lake Madison is a public lake.

3. That the Board has the jurisdiction to establish the ordinary high water mark on Lake Madison.

4. That sufficient notice was given prior to a hearing on this matter.

5. That the establishment of the ordinary high water mark does not increase, decrease, or otherwise change any property interest or right of any person.

6. That the responsibility of the Board is to establish the ordinary high water mark at the level at which it has been set by the processes of nature or the long term activities of man.

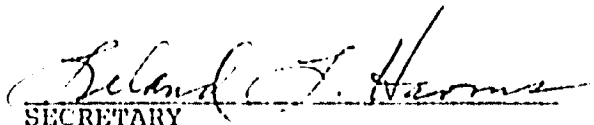
7. That all the legal requirements for establishing the ordinary high water mark have been met.

FINAL DECISION

The ordinary high water mark of Lake Madison is hereby established at 1603.7 feet mean sea level.

Dated this 29th day of January, 1981.

CHAIRMAN


SECRETARY

Water Rights Division - DWNR
Conversation or File Documentation

File No. 790-3

NAME OF PERSON OR FILE: SD Dept of Game, Fish & Parks - Lake Madison

ADDRESS: _____ COUNTY _____

DATE: _____ TELEPHONE _____

RE: Clarification of Water Right

COMMENTS:

October 7 & 8, 1981 - Water Management Board Minutes

Mr. Decker MOVED, SECONDED by Mrs. Gunderson that Water Right No. 790-3 is hereby
clarified to allow the water level at Lake Madison to be maintained at no higher
than 1603.2 feet msl. MOTION CARRIED.

For more information see minutes 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.

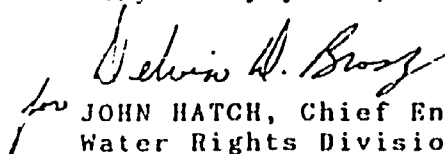


September 21, 1988
Richard Beringson, Secretary
Page 2

We will be working with your staff on these validations. We have already discussed setting outlet elevations before validating claims for lakes. Although the work necessary to complete the validation process will take several years to complete, the results should be of benefit to the public and to your Department. As the work is completed to validate each claim, the claim will be presented to the Water Management Board for validation.

Please advise if you have any questions.

Very truly yours,


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

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



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 Madison in Lake County

VWR No. 790-3

The OHWM was set by the Water Management Board on November 20, 1980.

OHWM elevation 1603.7 fmsl NGVD29

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

OHWM elevation 1603.2 fmsl NGVD29