

No. 840-3
 Water Division No. 3 Big Sioux River District 1
 (Blanks to be filled by the Engineer for the W. R. C.)
 OCT 23 1931
 VESTED RIGHT
 APPLICATION FOR PERMIT OF THE WATER RESOURCES COMMISSION

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 Pierr, 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 KAMPESKA - Codington County
As required to fill lake to outlet level - approximately 15,850
 3. Amount of water claimed acre-feet-per-year-cubic feet per second
 4. Source of water supply Big Sioux River
One point located in the watershed in the NW 1/4 NE 1/4 Sec. 15,
 5. Location of point of diversion T-117-R-53
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 ordinary high water mark

of the inundated portion of Sec. 15, 16, 17, 20, 31, 22, 28, 29, 30 & 31 T-117-R-53

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 Kampeska is a meandered lake. Maximum depth approximately 16 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.....acre feet. Surface area at highwater mark.....5280.....acres.

DEPTH AT OUTLET- FEET	SURFACE AREA AT EACH..... FEET 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. 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

County of.....Hughes.....} ss.

I,.....Walter J. Killmore....., 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. Killmore.....

Subscribed and sworn to before me this.....20.....day of.....October.....1961.....

.....J. B. Larson.....
Notary Public (or other qualified officer.)

Remarks by State Water Resources Commission:

"Vested right" claimed

STATE OF SOUTH DAKOTA

County of

Hughes

ss.

Pierre, South Dakota,

December 27, 1962

This is to certify that the foregoing application was received by the Commission at 9:30 o'clock

a.m. upon the 23rd day of October, 1961.

State Water Resources Commission

By:

Burton Jones
for Chief Engineer, Executive Officer

Number of permit 890-3

Date of first receipt of application

October 23

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 27

1962

Recorded in Book

7

Page

320

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

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 15,850 acre feet annually ~~cubic feet per second~~; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water ~~is~~ actually was

used for public recreation

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

continuously

Witness my hand this

27th

day of

December

1962

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Certificate of Construction Issued

December 27, 1962

Water License Issued

December 27, 1962

An Ordinary High Water Mark was established on Lake Kapeska at an elevation of 1718.3 feet msl at the March 25 & 26, 1981 Water Management Board Meeting.

At the October 7 & 8, 1981 Water Management Board meeting, Game, Fish & Parks Water Right No. 890-3 was clarified to allow the water level at Lake Kapeska to be maintained at no higher than 1717.3 feet msl.

STATE OF SOUTH DAKOTA

WATER LICENSE No. . . . 890-3 . .

WHEREAS, On the 23rd day of October A. D. 1961

~~the Department of Game, Fish and Parks~~

of Pierre County of Hughes and State of South Dakota duly made application (No. 890-3) to us for a ^{Vested Right} permit to use 15,850 acre feet ~~of water~~ ^{annually} of the waters of the Big Sioux River County of Codington, State of South Dakota, for public recreation purposes; and

WHEREAS, On the 27th day of October A. D. 1961 ^{Vested Right} Permit No. 890-3 was issued to said applicant for the diversion of said water, ^{recognizing} ~~the~~ ^{the} completion of the works of diversion therein described: ~~and for the~~ ^{and for the} application to beneficial use of said water ~~and~~ and.

WHEREAS, On the 23rd day of October A. D. 1961 the holder of said permit duly made proof of the completion of adequate works for the diversion of 15,850 acre feet ^{annually} ~~of said waters~~ of said waters, as evidenced by our Certificate No. 320-3 dated December 27, 1962 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 15,850 acre feet annually of water, with date of priority of 1889 and,

WHEREAS, On the 23rd day of October A. D. 1961 proof was duly made of the application to beneficial use 15,850 acre feet annually of said water; to be used in place for public recreation

1

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
 We hereby grant and confirm to the Department of Game, Fish and Parks
 of Pierre the holder and owner Vested Right of said permit No. 890-1
 a water right, dating from 1909 to the use of 15,850 acre-feet
annually
 cubic feet per second of the waters of the Big Sioux River
 in the County of Codington and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinafter mentioned, to be diverted at a point in the NW 1/4, Section 15,
T 117N, R 53W.
 and ~~conducted to the~~ stored in place
 for the purpose of public recreation

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

WITNESS, My hand and seal of our office at Pierre, South Dakota,
 this 27th day of December A. D. Nineteen
 Hundred and Sixty-Two

State Water Resources Commission

By:

J.W. GRAMES, 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. 890-3Water Division No. 3 BIG SIOUX Water District
RIVER

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That the Department of Game, Fish and Parksof Pierre, County of Hughes, and State ofSouth Dakota, the holder Vested Right of Permit No. 890-3 issued upon Application:No. 890-3, bearing date of priority of 1889, authorizing the diversion of15,850 acre foot annually of the waters of the Big Sioux RiverCounty of Codington, State of South Dakota, at a point in theNW 1/4 NE 1/4, Section 15, T 117N, R 53Wfor Public recreationpurposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are recognized assatisfactory for diverting and conveying to the place of intended use 15,850 acre foot annuallyof water; and that the use of said water are described as follows,to-wit: to be used in place for public recreationWitness my hand this 27th day of December A. D. 1962.

State Water Resources Commission

By:

J.W. GRIMES, Chief Engineer, Executive Officer

May 1, 1963

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

Dear Mr. Fillmore:

Enclosed are your "vested rights" permits, Certificate of Completion of Works and Water Licenses for the following applications:

<u>No.</u>	<u>Lake</u>	<u>County</u>
887-3	Goose Lake	Codington
888-3	Kings Lake	Codington
889-3	Long Lake	Codington
890-3	Lake Kampaska	Codington
891-3	Lake Hendricks	Brookings
892-3	Larson Slough	Brookings
893-3	Lake Mitchell	Brookings
894-3	Round Lake	Brookings
895-3	Mortimer Slough	Brookings
896-3	Goodfellow Slough	Brookings
897-3	Lake Sinai	Brookings
898-3	Goldsmith Lake	Brookings
899-3	Brush Lake	Brookings
900-3	Dry Lake	Brookings
901-3	Dry Slough	Brookings
921-3	Four Mile Lake	Marshall
922-3	South Red Iron Lake	Marshall
923-3	North Red Iron Lake	Marshall
924-3	Birke Lake	Marshall
925-3	Sarah Lake	Marshall

Sincerely,

J.W. GRIMES

jwg/bw

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. Big Sioux River - one point in the watershed located in the NW 1/4 Sec. 15,
T. 117, R. 53

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 16 feet - 5280 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 15,850 acre foot 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) J. McElmore

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Pierre, County of Hughes

State of South Dakota, on this 20 day of October A. D. 1961

Witnesses. Edward Bohannon
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.

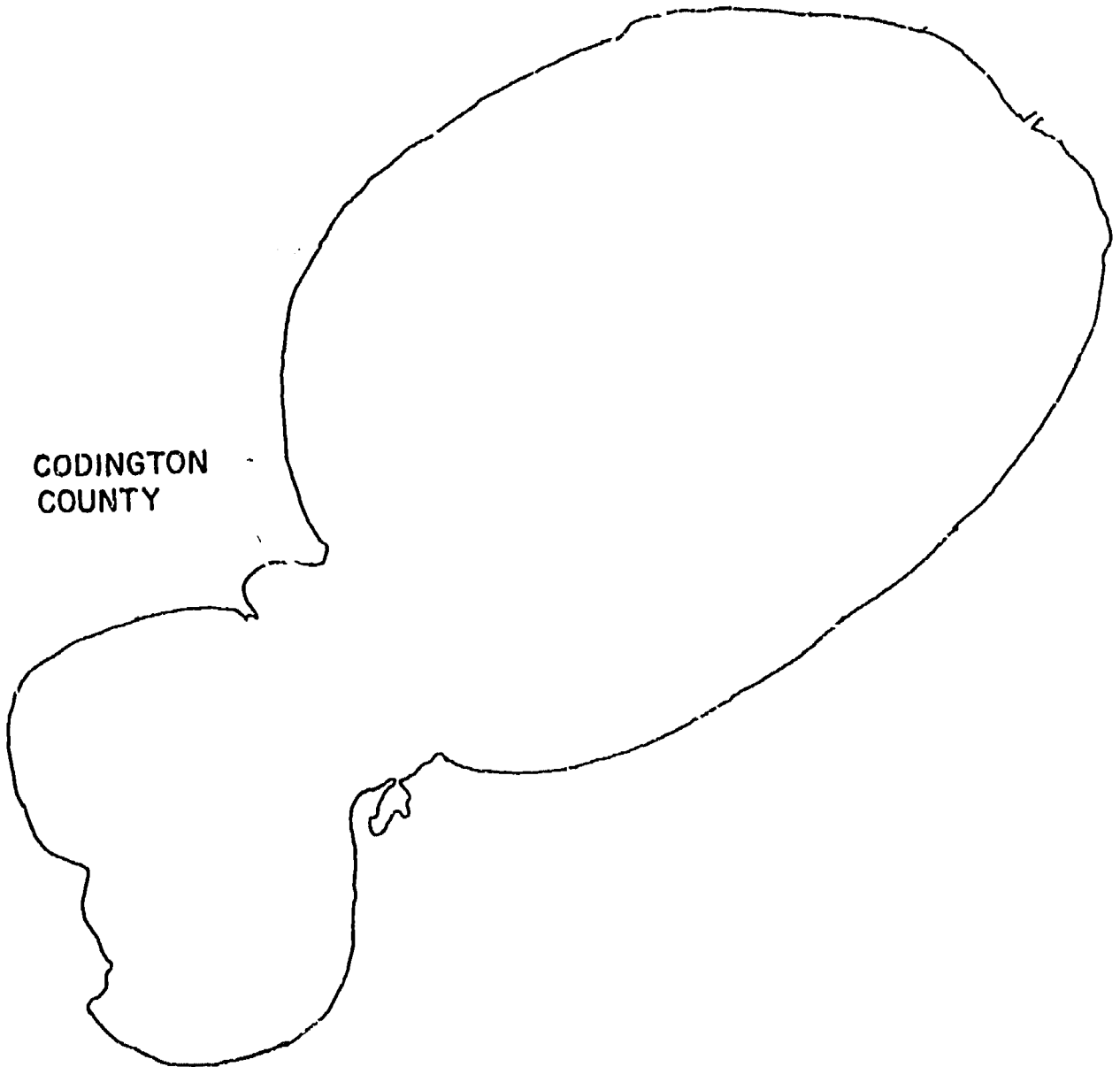
Location No.-----	
PROOF OF APPLICATION OF WATER TO BENEFICIAL USE	
PETITION OF HOLDER	
Amount of Water ----- c. f. s.	
Source -----	
County -----	
Purpose -----	
Place of Use -----	

Date of recording -----	

Received and filed -----	

ORDINARY HIGH WATER MARK
INVESTIGATION FOR

LAKE KAMPESKA



Department of
Water & Natural Resources

Joe Foss Building
Pierro, South Dakota 57501

Water Rights Division

Investigation to Determine the
Ordinary High Water Mark for Lake Kampeska

March 81

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 Division of Water Rights to determine the elevation of the OHWM and outlet structure for Lake Kampeska.

Lake Kampeska is a natural glacial lake in the Big Sioux outwash deposit. It is located in Sections 15, 16, 17, 19, 20, 21, 22, 27, 28, 29, 30, and 31 of Township 117 North, Range 53 West (see page 4). The lake is about two and one half miles wide and five miles long covering approximately 4,800 acres with an average depth of eleven feet. The immediate watershed is relatively small compared to the size of the lake (see page 5). With a small immediate watershed the water levels are influenced mainly by the extensive aquifer connection and the diversion waters of the Big Sioux River rather than surface runoff.

The outlet structure for Lake Kampeska is located across the Big Sioux River just downstream from the diversion channel to the lake (see page 6). The lowest point of this sheet piling structure is 1,717.8 feet above sea level. With the outlet structure in this position, the channel between the river and the lake acts as an inlet or outlet for the lake. When the lake level is lower than the river, water flows into the lake from the river. During times when the lake level is higher than the river and outlet structure, water flows out of the lake down the river.

The sea level elevations in this report are referenced to the Coast and Geodetic bench mark located on the northeast corner of the Highway 20 bridge crossing the inlet-outlet channel of Lake Kampeska. The elevation of this bench mark is 1,724.52 feet above mean sea level (msl). There is a discrepancy between the Coast and Geodetic elevation and the elevation used by the city at the filtration plant. In 1969 the measurements at the filtration plant were found to be 2.53 feet higher than the Coast and Geodetic elevations.

The Ordinary High Water Mark is coordinated with the upper level of a lake. The OHWM is determined by the 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 as to leave upon the ground a line with respect to the character of the vegetation and soil.

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. Trees being the largest and most permanent expression of upland growth are used to determine the 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 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.

The principle field investigation for this report was conducted in August, 1980. At this time the examination of the shoreline, banks, and vegetation of Lake Kampeska was conducted. (The shoreline areas selected for study were those least affected by man.) Public access areas and vertical structures extending into the lake bed provided the best OHWM indicators.

Changes in soil characteristics and grass vegetation were observed between elevations of 1,718.2 and 1,718.4 feet msl. Photo #1 is a representative example of a change in the characteristics of the soil along the shoreline. This change is caused by the action of water separating the smaller clay and silt particles from the sands and gravels. This phenomenon is also reflected in a change in the type and quality of vegetation growing at this elevation. High water bleach lines were found on structures constructed in the lake bed between the elevations of 1,718.2 and 1,718.6 feet msl. Photos #2 and #3 are examples of these bleach lines. Photos #4 through #7 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 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 lake side and land side 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 within a range of 1,718.2 and 1,718.4 feet msl.

Conclusions

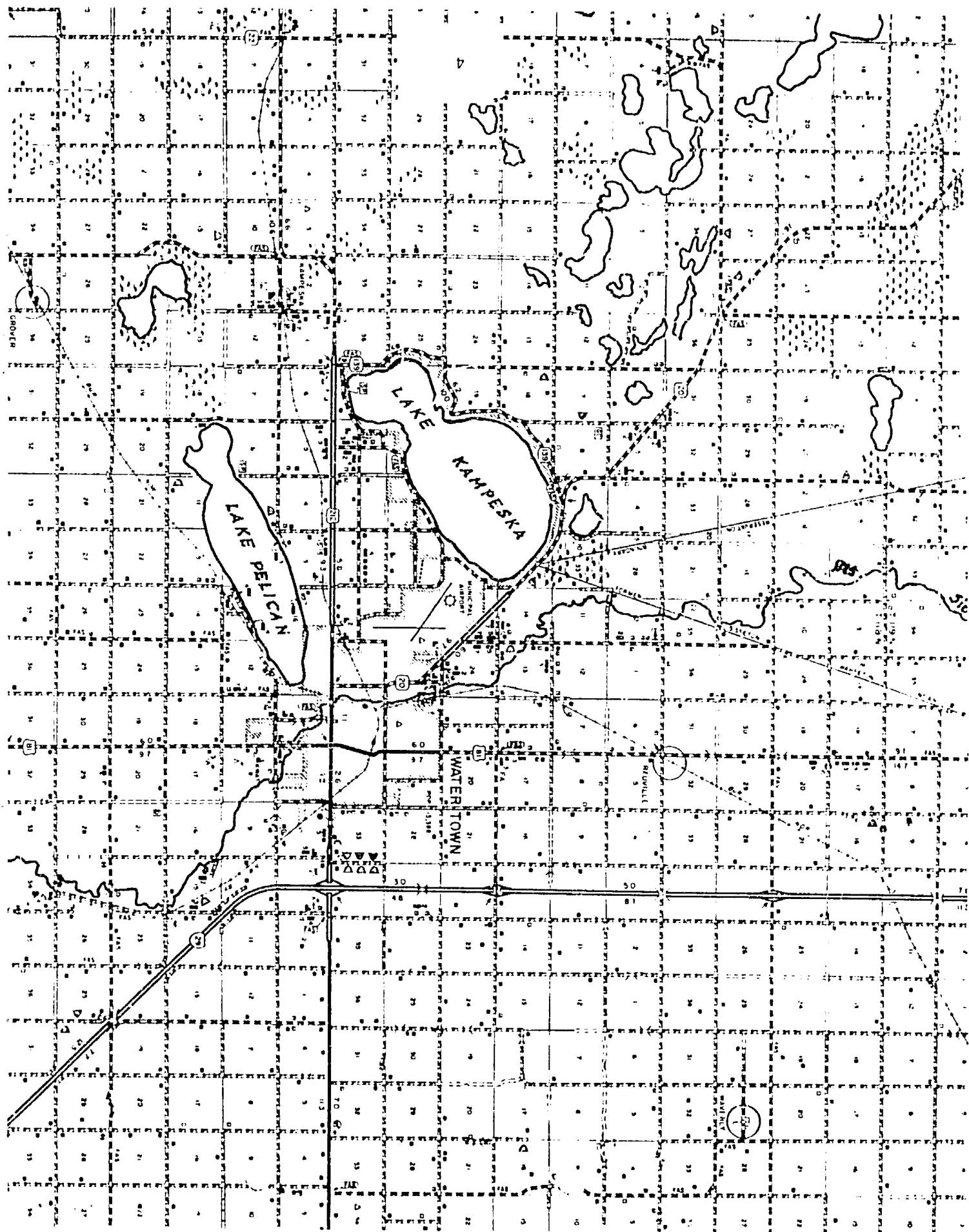
From the examination of the bed and banks of Lake Kampeska and of the vegetation found on the shore, it was determined that the Ordinary High Water Mark for Lake Kampeska has been established by the existing conditions at an elevation of 1,718.3 feet above mean sea level.

Recommendation

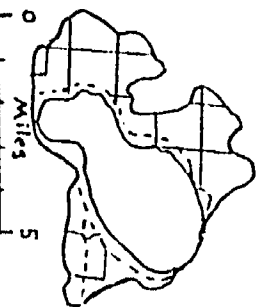
It is recommended by the Water Rights staff that the Water Management Board establish the Ordinary High Water Mark for Lake Kampeska at an elevation of 1,718.3 feet above mean sea level.

Jerry Steffen
Water Resources Engineer

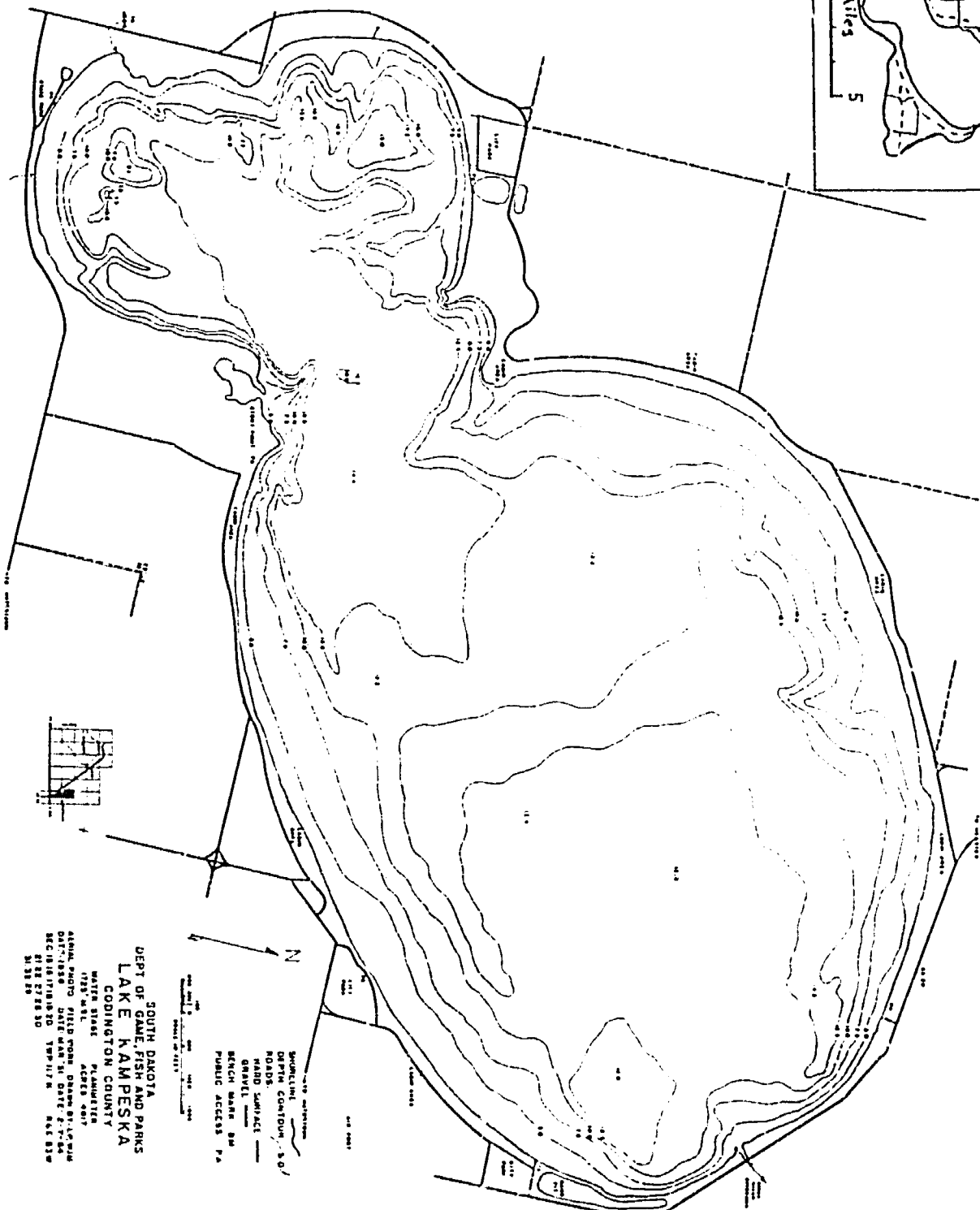
LKI



Immediate Watershed



5



SOUTH DAKOTA
DEPT OF GAME, FISH AND PARKS
LAKE KAMPESKA

WATER BASIN PLANNING

CODINGTON COUNTY

ALBANY PHOTO FIELD NO. 1000
DATE 10-17-80
DEC 18 1980
R122 27 28 30
R122 27 28 30
R122 27 28 30

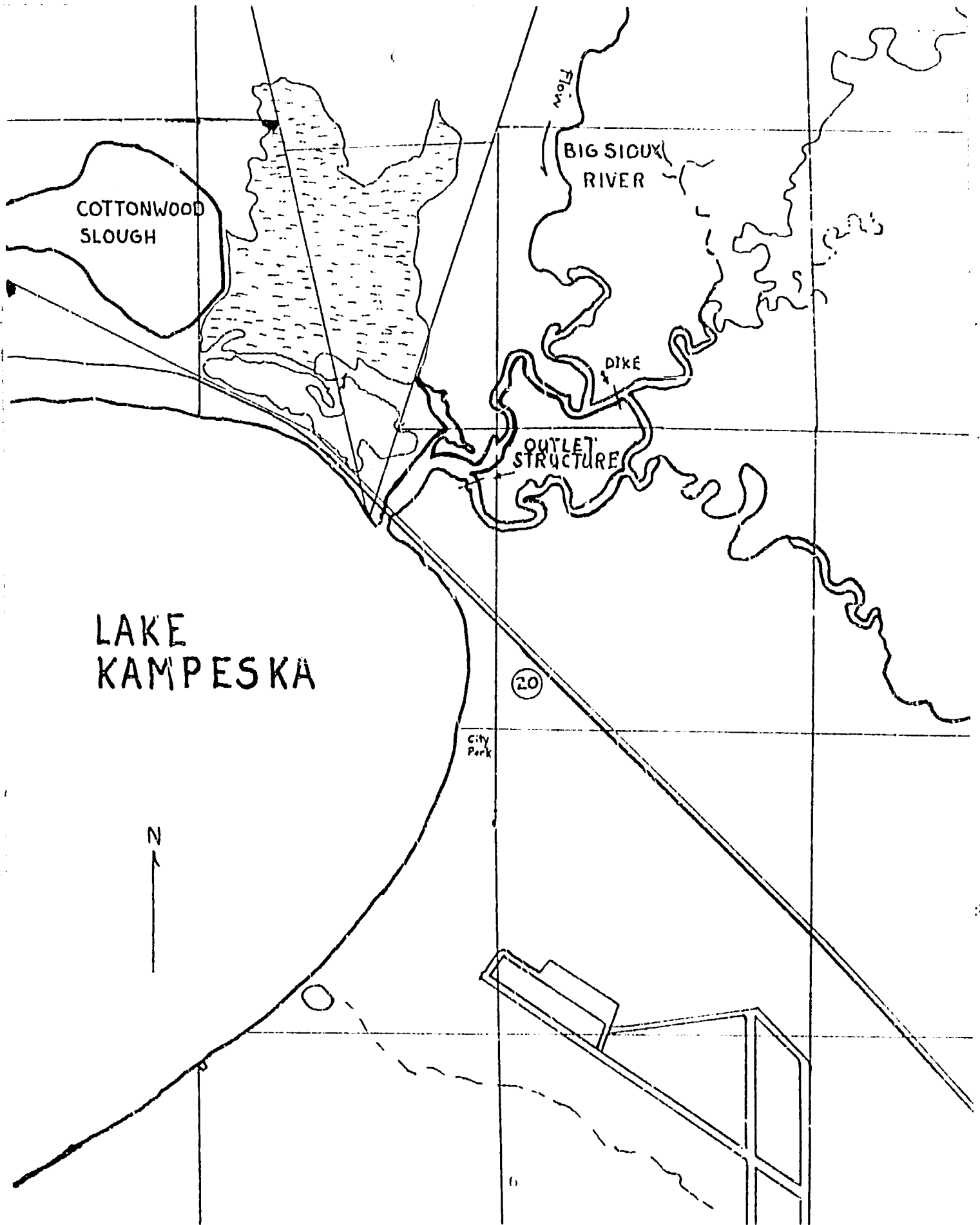


Photo No. 1 -
North Shore Public Access
Soil Profile
Elev. 1718.4

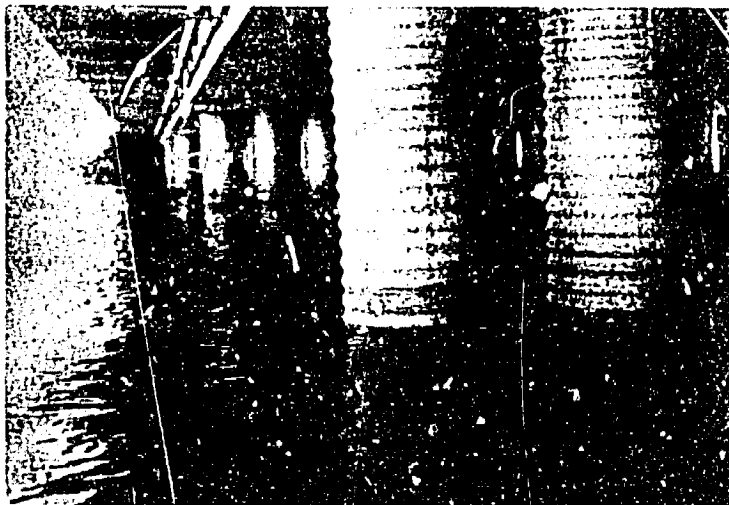


Photo No. 2 -
Highway 20 Bridge
Water Mark 1718.2

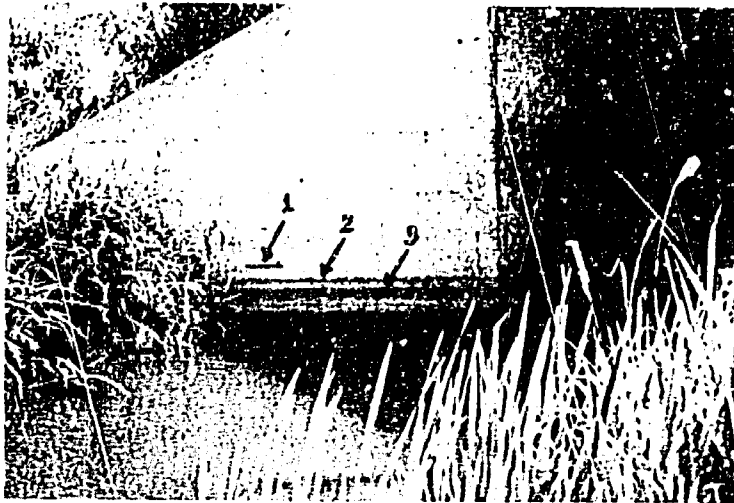


Photo No. 3 -
 West Shore Drainage Inlet
 #1 light line 1718.6
 #2 dark line 1718.4
 #3 lower darkline 1718.2



Photo No. 4 -
 Jackson Park
 Cottonwood 60 yrs. 3.3 ft. dia.
 Base lakeside 1717.9 Ave. 1719.8
 Elev. landside 1721.7
 OHWM 1719.8 - 0.5 (3.3) = 1718.2



Photo No. 5 -
 Public Access West End
 Ash 45 yrs. 1.4 ft. dia.
 Base lakeside 1718.6 Ave. 1719.0
 Elev. landside 1719.3
 OHWM 1719.0 - 0.5 (1.4) = 1718.3



Photo No. 6 -
 Public Access West End
 Ash 70 yrs. 1.9 ft. dia.
 Base lakeside 1718.7 Ave. 1719.3
 Elev. landside 1719.9
 OHWM 1719.3 - 0.5 (1.9) = 1718.4



Photo No. 7 -
Public Access West End
Ash 55 yrs. 1.4 ft. dia.
Base lakeside 1718.5
Elev. landside 1719.2 Ave. 1718.9
OHWM 1718.9 - 0.5 (1.4) = 1718.2

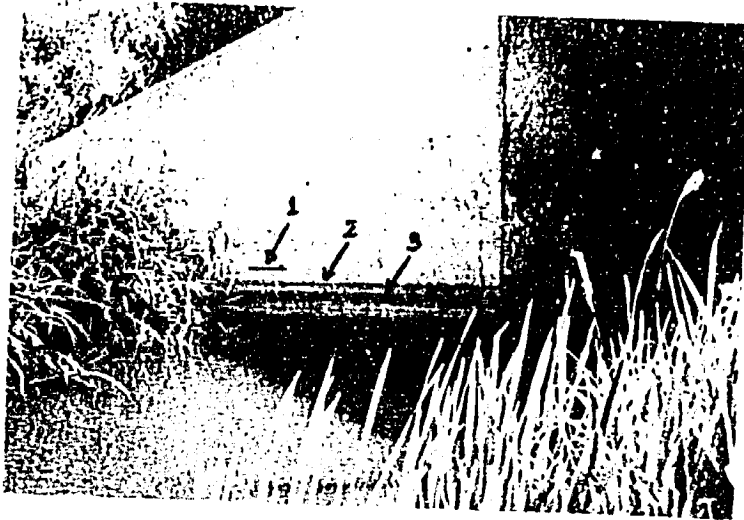
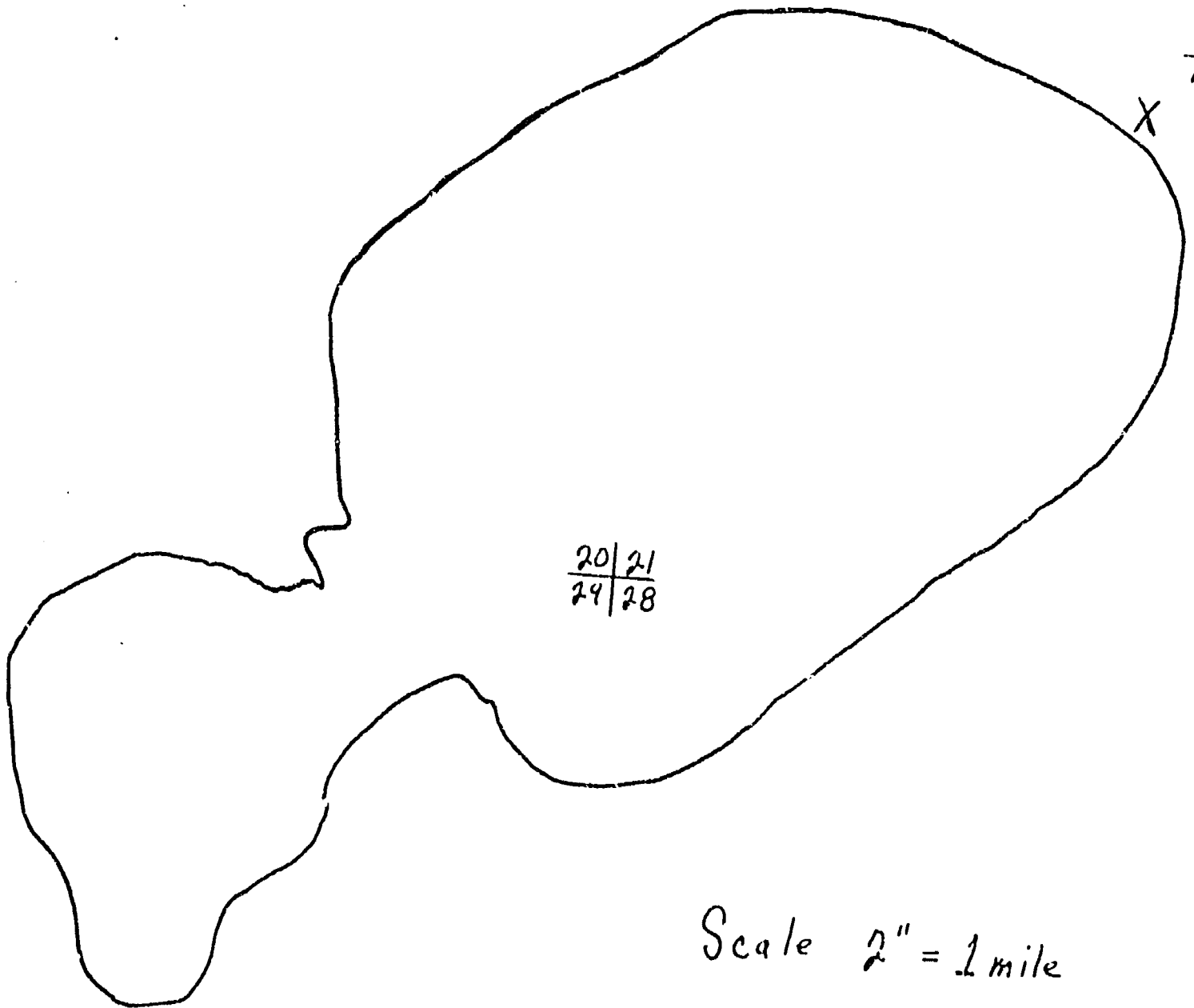


Photo No. 3 -
 West Shore Drainage Inlet
 #1 light line 1718.6
 #2 dark line 1718.4
 #3 lower darkline 1718.2



Photo No. 4 -
 Jackson Park
 Cottonwood 60 yrs. 3.3 ft. dia.
 Base lakeside 1717.9
 Elev. landside 1721.7 Ave. 1719.8
 $OHWM\ 1719.8 - 0.5\ (3.3) = 1718.2$

Lake Kampeska
Cordington Co.
T. 117 N, R. 53 W



Scale 2" = 1 mile

36|31
1|6

John Popowski
Mar. 23, 1959

File No. 890-3

Water Rights Division - DWR
Conversation or File Documentation
SD Dept. of Game, Fish and Parks - Lake Kampeska

NAME OF PERSON OR FILE: _____ COUNTY _____

ADDRESS: _____

DATE: _____ TELEPHONE _____

RE: Ordinary High Water Mark Determination

COMMENTS:
March 25 & 26, 1981 - Water Management Board Minutes

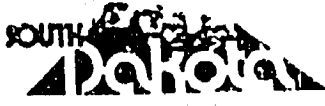
Mr. Harms MOVED, SECONDED by Mr. Arend that the Ordinary High Water Mark for Lake Kampeska be set at elevation 1718.3 feet msl. MOTION CARRIED.

October 7 & 8, 1981 - Water Management Board Minutes

Mr. Decker MOVED, SECONDED by Mrs. Gunderson that Water Right No. 890-3 is hereby clarified to allow the water level at Lake Kampeska to be maintained at no higher than 1717.8 feet msl. MOTION CARRIED.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: _____



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

JUN 13 1989

Ron 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), 1468-3, 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. 890-3

Date Claim Accepted For Filing October 23, 1961.

Date of Validation May 10, 1989.

Pursuant to SDCL 46-2A-17 the Water Management Board validated Vested Water Right Claim No. 890-3 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. 890-3 is for sufficient runoff water annually to allow the water level of Lake Kampeska in Codington County to be maintained at an elevation no higher than 1717.8 feet above mean sea level (msl). The outlet elevation was established at the October 7-8, 1981 Water Management Board meeting. Lake Kampeska is located in Sections 15, 16, 17, 19, 20, 21, 22, 27, 28, 29, 30, 31: T117N, R53W.

2. The appropriated water is used for maintaining water levels in Lake Kampeska 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 Kampeska at an elevation of 1718.3 feet msl at the March 25-26, 1981 Water Management Board meeting.

WATER MANAGEMENT BOARD

By: John H. Hatcher
Chief Engineer
Division of Water Rights
Dept. of Water and Natural Resources

JUN 13 1989
date

 **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.

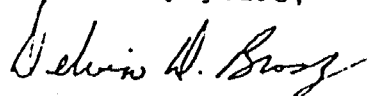


September 21, 1988
Richard Peringson, Secretary
Page 2

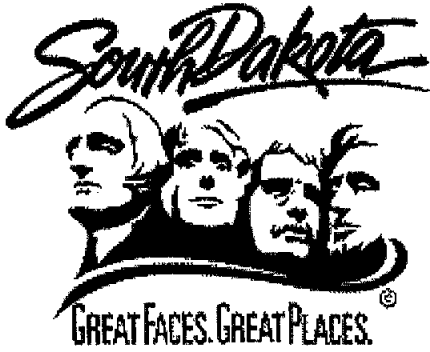
We will be working with your staff on these validations. We have already discussed setting outlet elevations before validating claims for lakes. Although the work necessary to complete the validation process will take several years to complete, the results should be of benefit to the public and to your 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,


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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 31, 2018

119-3A 1576-3 28-3 826-3
857-3 859-3 880-3 890-3

SD GAME FISH & PARKS
ATTN: JOHN LOTT
523 E CAPITOL
PIERRE SD 57501

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear MR LOTT,

I am writing to inform you of an effort the SD Dept. of Environment and Natural Resources Water Rights Program is undertaking to review and update a number of water right permits authorized to pump water from the Big Sioux River. Since your water right does not have a bypass qualification, we **are not** proposing to amend your permit by adding a bypass qualification. However, I do want to make you aware of what we are proposing for several other junior priority Big Sioux River permits.

When a number of these Big Sioux River permits were issued, they contained a qualification requiring a minimum flow bypass before the user is able to pump water from the river. The bypass qualification was placed on these permits to protect the use of water by downstream senior priority water right holders and domestic water users, which includes livestock watering. The review found, with the passage of time, a number of senior water right permits have been cancelled due to abandonment or forfeiture. Consequently, it may be possible to lower the flow bypass limitation on the remaining permits. In other words, the amount of flow in the river can be lower and pumping will still be allowed. The review also found an inconsistency between permits on where the bypass flow is to be measured. The intent of this effort is to standardize and make consistent the bypass requirements for the remaining water users.

In order to amend a qualification on an existing water right permit, formal action by the SD Water Management Board is needed. In the next few weeks, you can expect to receive official notification scheduling a hearing before the Water Management Board. Again this does not pertain to amending your permit, only junior permit holders. If you wish to participate in the hearing you can, but you are not required to. There will be instructions with the notification on how to participate in the hearing if you so choose.

If you have any questions concerning this effort, please contact Mark Rath of the Water Rights Program at phone (605) 773-3352.

Sincerely,

 Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

February 12, 2018

119-3A, 1576-3, 28-3, 826-3
857-3, 859-3, 880-3, 890-3

SD Game, Fish & Parks
Attn: John Lott
523 E Capitol
Pierre SD 57501

Subject: Bypass Qualifications on Big Sioux River Water Rights

Dear Mr. Lott:

The SD Department of Environment and Natural Resources (DENR) has evaluated the minimum flow bypass condition on water rights that pump from the Big Sioux River. The Chief Engineer is recommending amending the bypass qualification on 21 Big Sioux River water rights. The intent is to bring uniformity to the bypass requirement placed on water rights in past years. The water right you own or operate does not have a bypass qualification and will not be amended by the proposed action.

Even though your water right is not being amended, DENR wants to keep you informed of the proposed action since it involves the Big Sioux River. Enclosed is a notice to be published on or before February 15, 2018, in one newspaper from each of the seven counties that the Big Sioux River flows through. Also, the staff report including affected water rights and the proposed changes is available at <http://denr.sd.gov/public> or contact Mark Rath at 605 773-3352 or mark.rath@state.sd.us.

A hearing before the Water Management Board is scheduled at 11:30 AM, Wednesday, March 7, 2018 in the Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The enclosed notice provides information on the hearing and ability to file a petition in either support or opposition to the proposed amendment. The filing of a petition must be postmarked by February 26, 2018. Additionally filing a petition affords you the opportunity to participate in the March 7th hearing before the Board if you choose.

Again, this does not pertain to amending your water right, only junior water right holders with existing bypass requirements. If you have questions, please call. DENR is willing to work to answer any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosure



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 Kampeska in Codington County

VWR No. 890-3

The OHWM was set by the Water Management Board on March 25 & 26, 1981.

OHWM elevation 1718.3 fmsl NGVD29

The outlet elevation was set by the Water Management Board on March 25 & 26, 1981.

Outlet elevation 1717.8 fmsl NGVD29.

The Water Management Board validated Vested Water Right No. 890-3 on May 10, 1989.