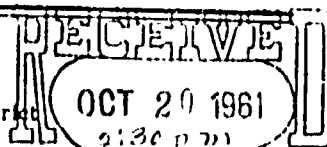


No. 895-3Water Division No. 3 BIG SICKLE RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)

VESTED RIGHT **APPLICATION FOR PERMIT**

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

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 MORTIMER SLOUGH - Brookings County
As required to fill lake to outlet level - approximately 450
3. Amount of water claimed acre feet per year cubic feet per second _____
4. Source of water supply Dry Draw
One point in the watershed located in the SW1/4
5. Location of point of diversion Sec. 32, T. 112 - R. 52
_____ 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. 5, 6, T. 111 R. 51 & Sec. 31, 32, T. 112 - R. 51

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

(a) Nature of use public recreational 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 _____

Map will 894-3

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. Mortimer Slough is a meandered lake. Maximum depth approximately 6 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 ----- 150 ----- acres.

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

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 -----

Subscribed and sworn to before me this -----

day of -----

1961

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 2:30 o'clock
p.m. upon the 20th day of October, 1961.

State Water Resources Commission

By:

Dustin Jones
for Chief Engineer, Executive Officer

Number of permit 895-3

Date of first receipt of application October 20, 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 325

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

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

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

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

COMPLETED

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

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

6th. The amount of the appropriation herein granted shall not exceed 150 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 WHICH WAS

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

continuously

Witness my hand this 27th day of December, 1962

State Water Resources Commission

By:

Greening

Chief Engineer, Executive Officer

Certificate of Construction Issued December 27, 1962

Water License Issued December 27, 1962

An Ordinary High Water Mark was established for Oakwood Lakes at an elevation of 1626.9 feet msl at the October 7 & 8, 1981 Water Management Board Meeting.

At the same meeting, Game, Fish & Parks Water Right Nos. 894-3, 895-3, 903-3 and 905-3 were clarified to allow the water level at Oakwood Lakes to be maintained at no higher than 1624.4 feet msl.

STATE OF SOUTH DAKOTA

WATER LICENSE No. 895-3

WHEREAS, On the 20th 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. 895-3) to us for a permit to use 450 acre feet annually

~~of the waters of~~ a dry drain

County of Brookings, State of South Dakota, for Public Recreation

purposes; and

WHEREAS, On the 27th day of December A. D. 1962

Vented Right

Permit No. 895-3 was issued to said applicant, for the diversion of said water, ~~recognising~~ recognising the

completion of the works of diversion therein described ~~on the~~ on the

~~and for~~ and for application to beneficial use of said

water ~~on the~~ on the ~~and~~ and

and,

WHEREAS, On the 27th day of October A. D. 1961

the holder of said permit duly made proof of the completion of adequate works for the diversion of 450 acre feet

annually ~~of said waters~~ of said waters, as evidenced by our Certificate No. 895-3

dated December 27, 1962 confirming the completion of works of sufficient capacity for

diverting and conveying to the place of intended use 450 acre feet annually ~~of water~~ of water, with date of

priority of 1889 ~~and~~ and

WHEREAS, On the 20th day of October A. D. 1961

proof was duly made of the application to beneficial use of 450 acre feet annually ~~of said water~~ 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 Department of Game, Fish and Parks-----
of -----Pierre----- the holder----- and owner----- of ~~Water Right~~ ^{Vested Right} No. -----895-3-----
a water right, dating from -----a----- 1359----- to the use of ~~450~~ ⁴⁵⁰ ~~acres~~ ^{acres} ~~fact~~ ^{fact}
~~annually~~ ^{annually}
~~water~~ ^{water} of the waters of -----a dry draw-----
In the County of -----Brookings----- 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 SW¹/₄ SW¹/₄, Section 32,
-----T 112N, R 51W-----
and conducted to and upon -----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. 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. 895-3

Water Division No. 3 BIA 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 Pierre, County of Hughes, and State of South Dakota, the holder of Vested Right Permit No. 895-3, issued upon Application

No. 895-3, bearing date of priority of 1889, authorizing the diversion of

450 acre feet annually, of the waters of a dry draw

County of Brookings, State of South Dakota, at a point in the

SW 1/4 SW 1/4, Section 32, T 112N, R 51W

for public recreation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are recognized as satisfactory for diverting and conveying to the place of intended use 450 acre feet annually

of water; and that the use of said water are described as follows, to-wit: to be used in place for public recreation

Witness my hand this 27th day of December, A. D. 1962

State Water Resources Commission

By:

J.W. GILMES,

Chief Engineer, Executive Officer

ORDINARY HIGH WATER MARK
INVESTIGATION FOR

OAKWOOD LAKES



BROOKINGS
COUNTY



Department of
Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

ORDINARY HIGH WATER MARK INVESTIGATION
FOR OAKWOOD LAKES
AUGUST, 1981

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

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

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

Oakwood Lakes are comprised of Johnson Lake, Turtle Lake, and Lake Tetonkaha referred to as West Oakwood, Round Lake, East Oakwood, and Mortimer Slough. These lakes are located in Brookings County, Sections 4,5,6,7,8,9,16 and 17, T111N, R51W; Sections 31 and 36, T112N, R51W; Section 36, T112N, R52W; and Section 1 and 12 of T111N, R52W; (see page 4). The lakes have a total surface area of 2,185 acres and a total watershed area of 49,675 acres (see pages 5 and 6). The average depth of these lakes is five feet with a maximum depth of nine feet in West Oakwood (see page 7). These lakes are classified as shallow lakes contained within a large watershed. Recharge of the lakes is from precipitation-runoff from their watershed and moderate aquifer connection. The surface flow of water in this chain of lakes is from west to east with the overflow from East Oakwood draining into the Big Sioux River (see page 4). The lakes are all controlled at the same outlet elevation. Therefore, they will be considered as one lake in this OHWM investigation.

Elevations in this report are referenced to a Coast and Geodetic Survey Bench Mark. This bench mark is located in the middle of the west boundary of Section 14, T111N, R51W (see page 4), 67.0 feet east of the center line of the road, 10.0 feet south of the center line of a private drive leading to a farmhouse, a standard disk set in a concrete post 0.1 feet above ground, stamped "Y329 1949" elevation 1617.205 feet mean sea level (msl).

Trees, which are the largest and most permanent expression of upland growth, are used to determine a relationship of the ground in which the tree grows to the OHWM level. Records of ordinary high water levels

are reflected in the well established trees along a lake's shoreline. Cottonwood, ash, and willow are the most predominant trees that grow along the shores of South Dakota's lakes. Experimentation and research have shown that most trees will not survive if water levels exceed one half to one tree diameter below the base elevation of the tree for more than 25% of the growing season. Consideration must be given to the characteristics of the soil, slope of the ground, effects of water and ice on the shoreline and bank, and the physical condition and growing characteristics of the tree.

The OHWM can be approximated by a relationship of the base elevation of a tree to its diameter. This is determined by averaging the base elevations of the lakeside and landside of the tree, then subtracting one-half the diameter of the tree from its average base elevation. By this method the OHWM was determined to be 1626.9 ft. msl.

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

The trees along the shoreline of Oakwood lakes can be divided into three categories. Those where their lakeside base elevation (the elevation where the soil meets the tree trunk on the lakeside of the tree) is below the OHWM (see photos 1 through 5), leaving roots exposed from erosion of the soil and destruction and decay of the tree caused by the zone of soil saturation smothering part of the root system. These trees survive because part of their root system has escaped the zone of saturation. The second category of trees are those where their lakeside base elevation is from zero to one half of a foot above the OHWM (see photos 6 and 7). These trees show signs of butt swell, erosion, and their root system is on the surface and growing away from the lake. The third category of trees are those with a lakeside elevation approximately one foot above the OHWM. These trees show lesser degrees of butt swell, little or no root erosion, and some surface roots.

Oakwood Lakes provided some unique areas of shoreline for study. One area, included in this report is Arlington Point (see page 7). Arlington Point is approximately 1500 feet long, 15 to 30 feet wide, and increases four feet in elevation from the point to the base of the peninsula (see page 8). This long sloping peninsula provided good information in showing a relationship between the outlet elevation, OHWM, vegetation, and elevation of the peninsula.

The outlet structure for Oakwood Lakes is located in the southeast corner of East Oakwood (see page 7 and 9). The structure is a concrete weir set at an elevation of 1626.4 feet msl. All the lakes are connected with culverts. These culverts are at or below the elevation of main outlet.

According to the Game, Fish and Parks Department Vested Water Rights No. 894-3, 895-3, 903-3, and 905-3 filed October 20, 1961 on Oakwood Lakes, the amount of water claimed is "as required to fill the lake to outlet level". This would require approximately 6290 acre feet annually. The outlet structure elevation is 0.5 ft below the OHWM.

The ordinary high water level (OHWL) is the calm water level generally equal to the outlet structure elevation and one half to one foot below the OHWM. The present outlet elevation will maintain an OHWL of sufficient height and duration to perpetuate the present OHWM.

Conclusions

From the examination of the bed and banks of Oakwood Lakes and of the vegetation found on the shore, it has been found that the OHWL has been at an elevation of 1626.4 ft. msl for a long enough period, to establish the OHWM at an elevation of 1626.9 ft. msl.

Recommendations

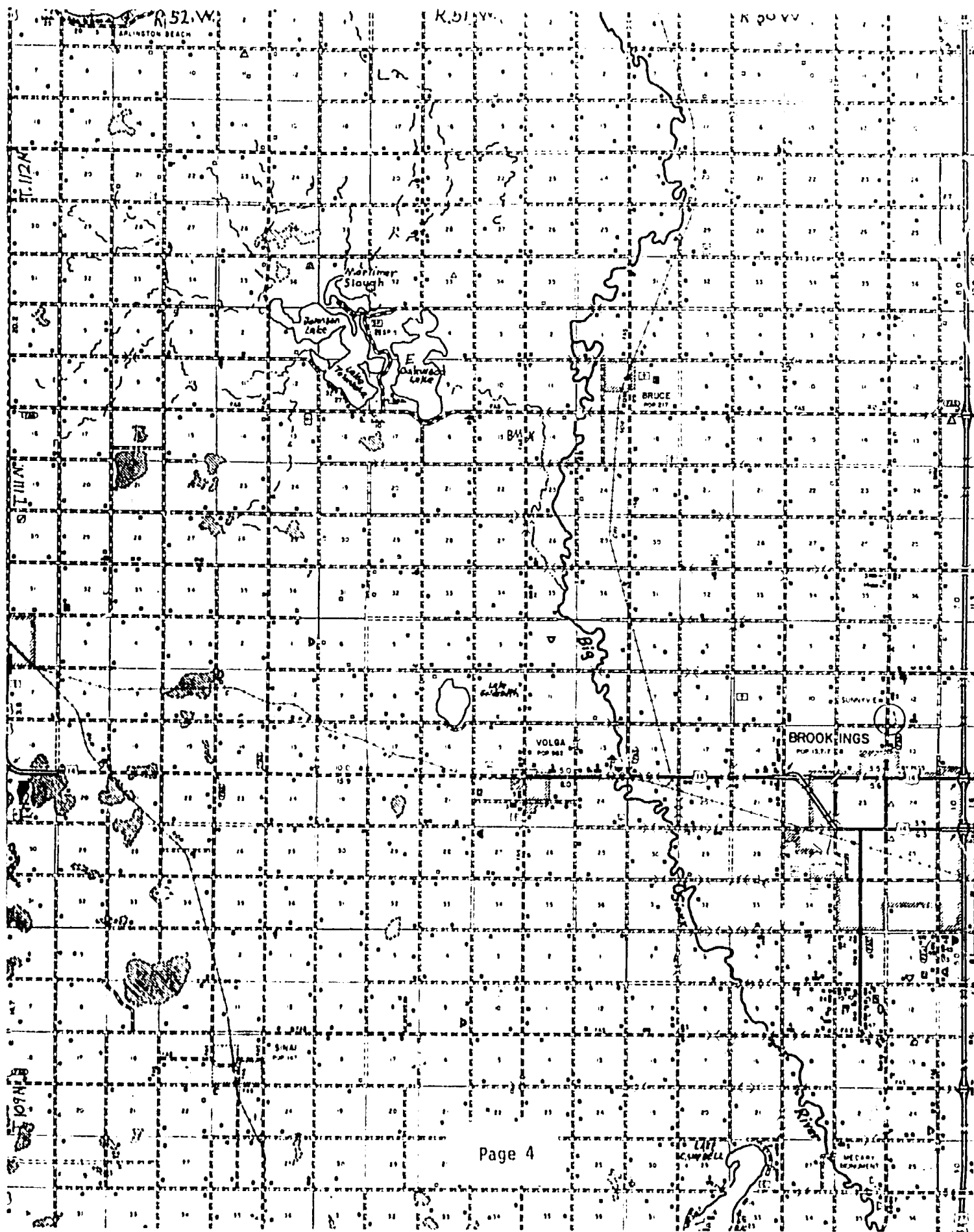
The outlet elevation and the ordinary high water mark for Oakwood Lakes were not specified when Vested Water Rights No. 894-3, 895-3, 903-3, and 905-3 were filed by the Department of Game, Fish, and Parks on October 20, 1961. The recommendation to the Water Management Board is that the OHWM be established, based on the evidence presented, at an elevation of 1626.9 ft. msl.

Based on the water level elevation needed to establish this OHWM, it is recommended to the Board that Vested Rights No. 894-3, 895-3, 903-3, and 905-3 be clarified to establish the maximum elevation which the Game, Fish, and Parks Department can maintain the lake level. Based upon the evidence, this level would be at an elevation not to exceed 1626.4 ft. msl.

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

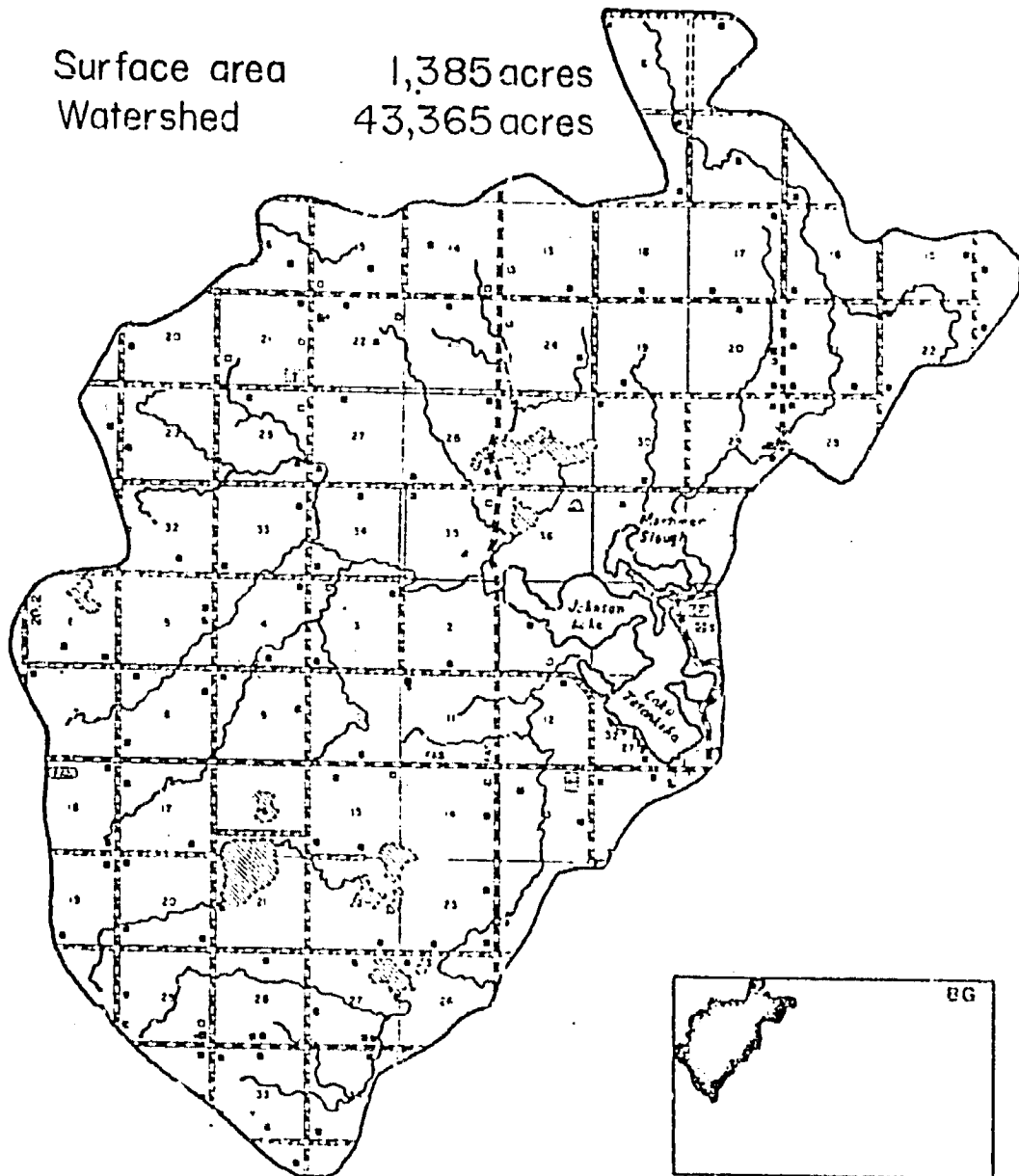
For information regarding OHWM bench marks established around Oakwood Lakes, contact the Department of Water and Natural Resources, Water Rights Division, Pierre, South Dakota.

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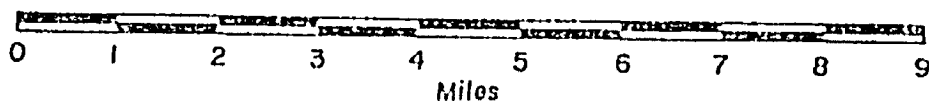


West Oakwood Lakes

Surface area 1,385 acres
Watershed 43,365 acres

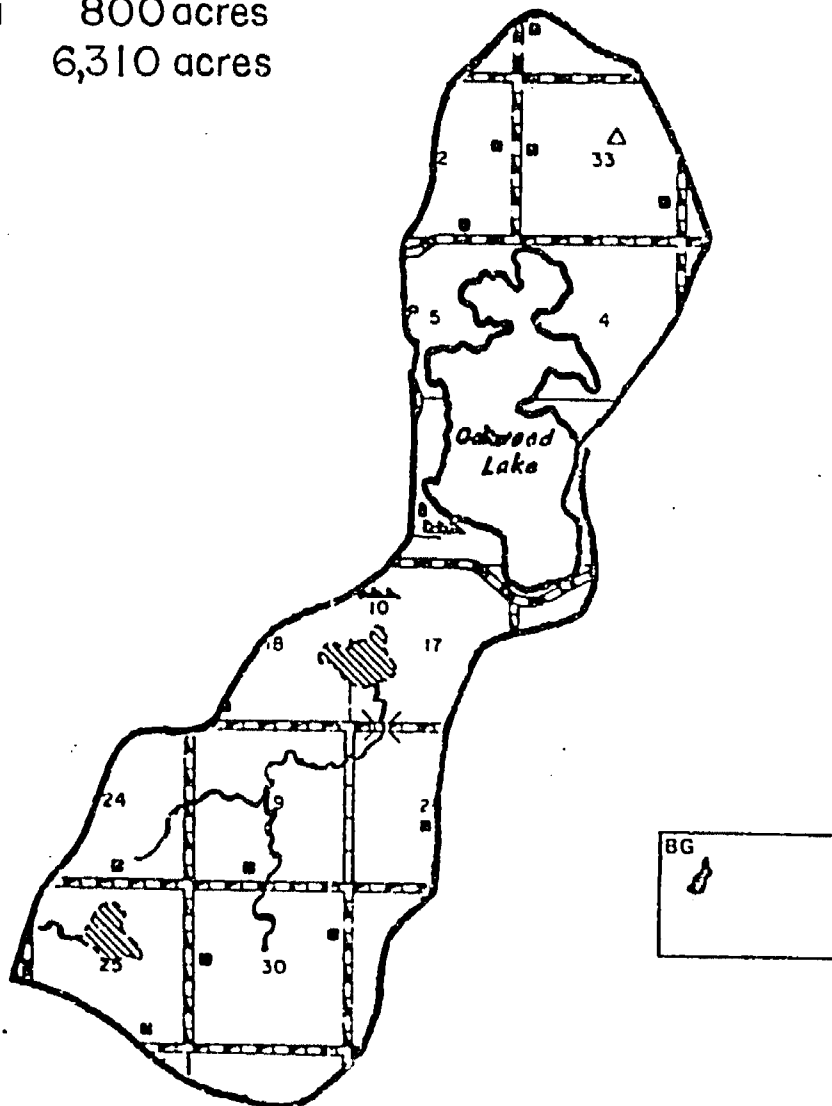


Scale



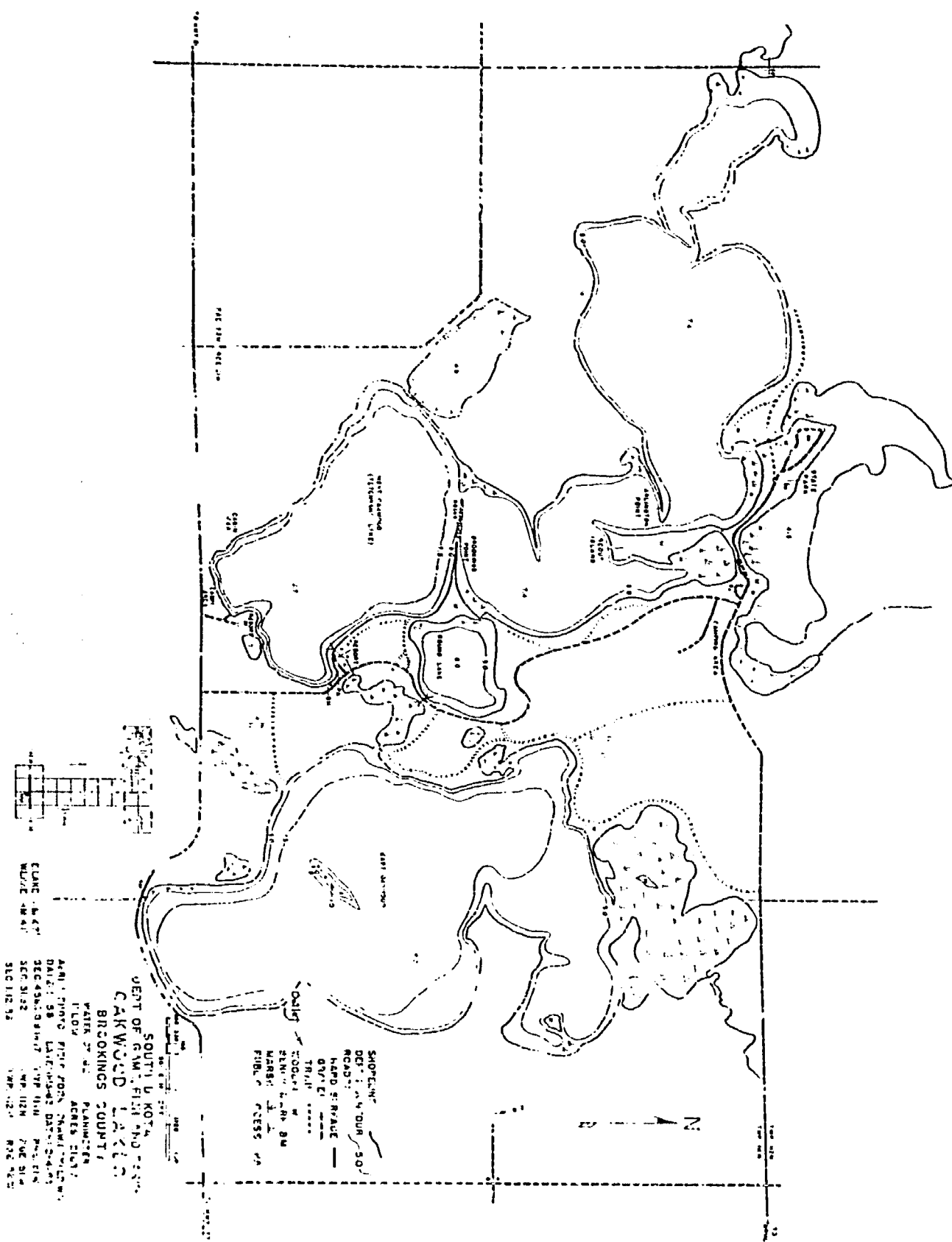
East Oakwood Lakes

Surface area 800 acres
Watershed 6,310 acres



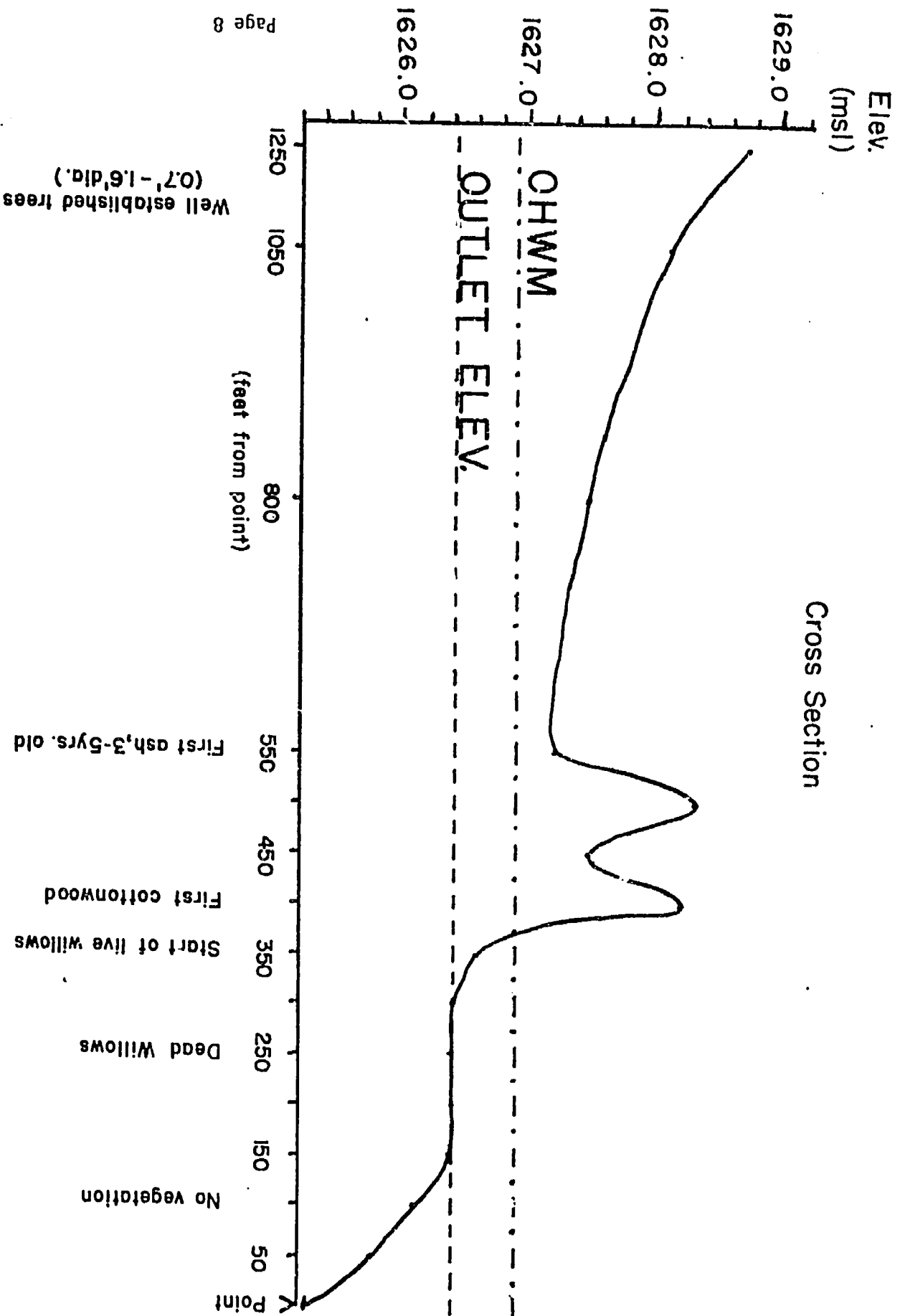
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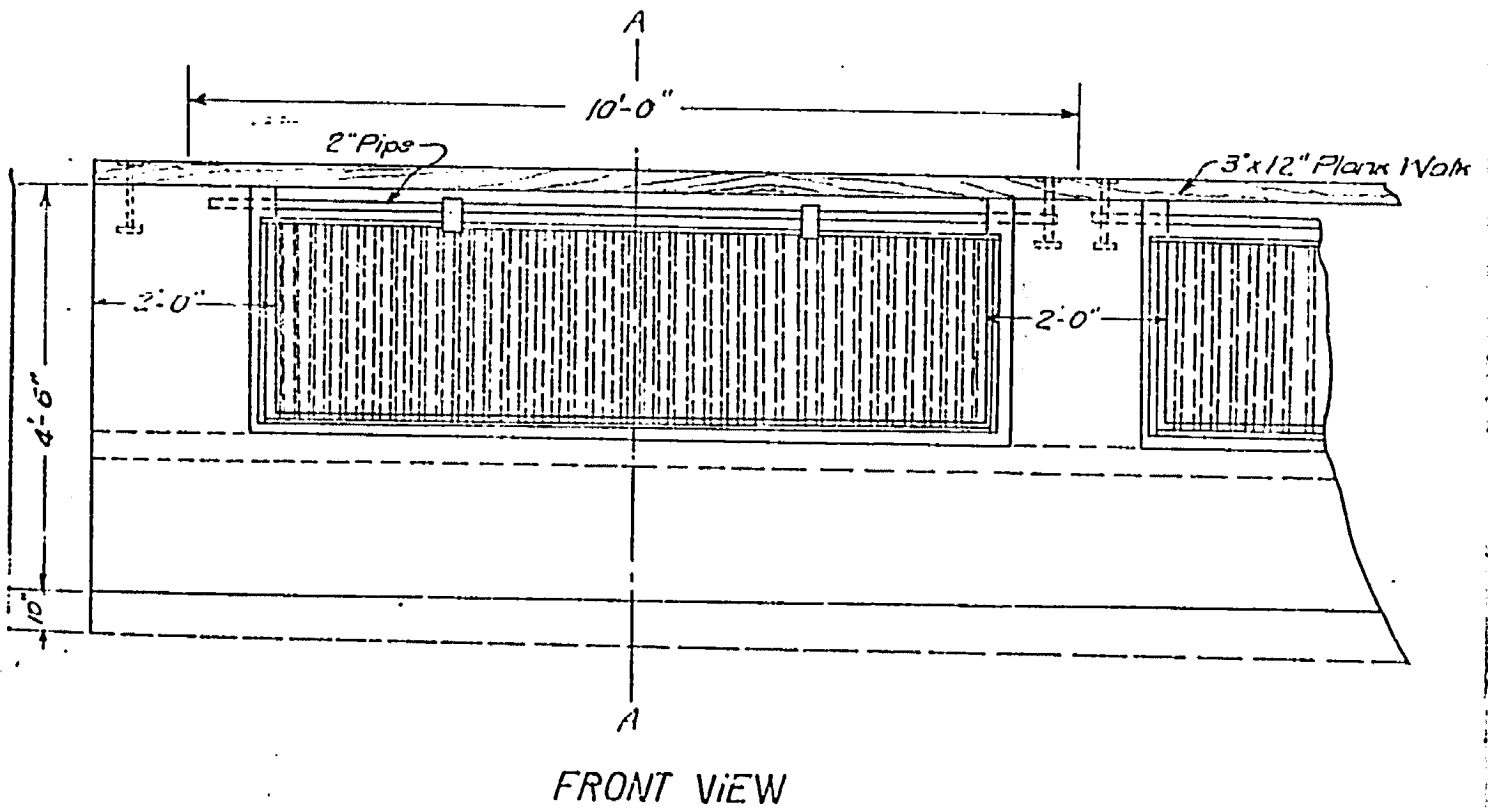
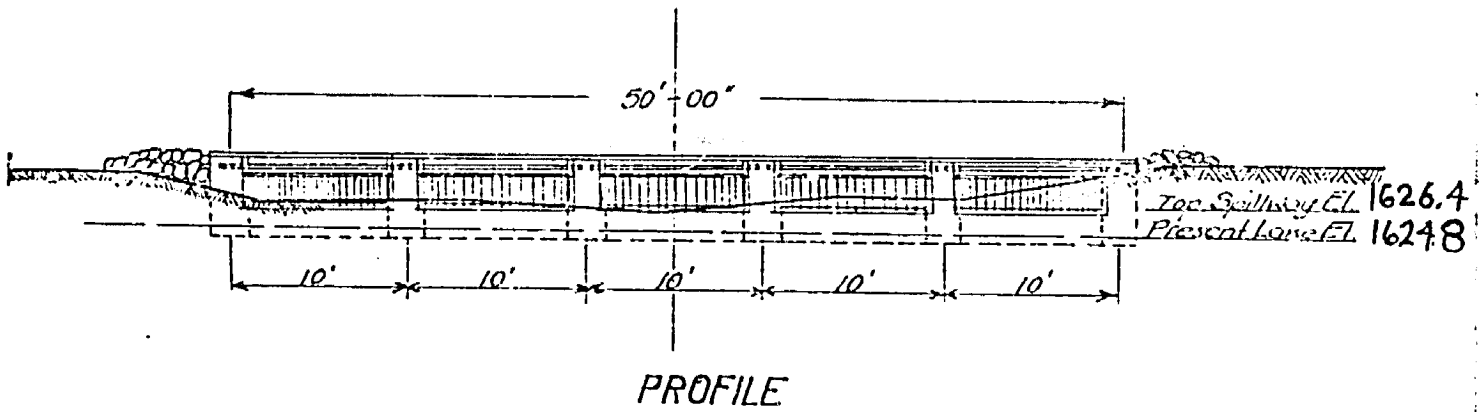




ARLINGTON POINT WEST OAKWOOD

Cross Section





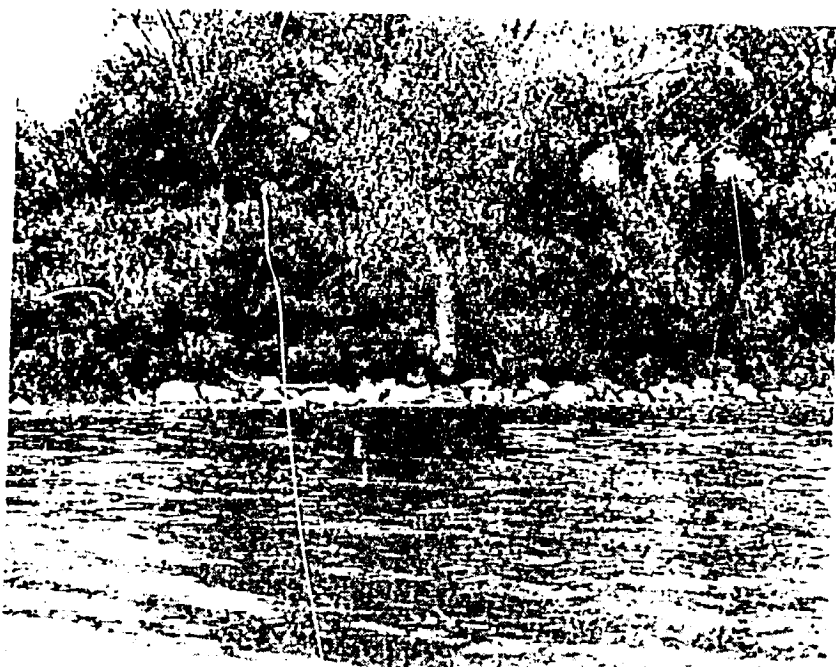


Photo No. 1 - Westside of Scout Island

Elm - Diameter 1.6'

Elev. Lakeside - 1626.4



Photo No. 2 - Oakwood Lake

Cottonwood - Diameter 2.9'

Base Lakeside - 1626.8

Elev. Landside - 1628.5

Ave. - 1627.6

OHWM - $1627.6 - 0.5 (2.9) = 1626.1$



Photo No. 3 - North Side of West Cottonwood
 Cottonwood - Diameter 2.4' (65 years old)
 Base Lakeside - 1626.6
 Elev. Landside - 1629.3
 Ave. - 1628.0
 OHM - 1628.0 - 0.5 (2.4) - 1626.6



Photo No. 4 - South Side of West
 Cottonwood - Diameter 2.4'
 Base Lakeside - 1626.6
 Elev. Landside - 1629.3
 Ave. - 1628.0
 OHM - 1628.0 - 0.5 (2.4) - 1626.6



Photo No. 5 - Oakwood Lake
 Cottonwood - Diameter 3.00'
 Base Lakeside - 1626.8
 Elev. Landside - 1629.1
 Ave. - 1627.9
 OHM - $1627.9 - 0.5 (3.00) = 1626.4$



Photo No. 6 - Oakwood Lake
 Cottonwood - Diameter 3.0'
 Base Lakeside - 1627.1
 Elev. Landside - 1629.6
 Ave. - 1627.3
 OHM - $1627.3 - 0.5 (3.0) = 1626.8$



Photo No. 7 - North Side of Peninsula

Cottonwood - Diameter 1.7'

Base Lakeside - 1627.6

Elev. Landside - 1628.4

Ave. - 1628.0

OHM - $1628.00 - 0.5 (1.7) = 1627.1$

Location No.-----

Water Division No.-----Water District

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. South Dakota Department of Game, Fish and Parks, Pierre, South Dakota

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. -----

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. -----

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Dry Draw - one point in the watershed located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32, T112 -
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 6 feet - 150 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 450 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. -----

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

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

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 - DWNK
Conversation or File Documentation

File No. 894-3

895-3

903-3

905-3

NAME OF PERSON OR FILE: SD Dept of Game, Fish and Parks - Oakwood Lakes

ADDRESS: _____ COUNTY _____

DATE: _____ TELEPHONE _____

RE: Ordinary High Water Mark Determination

COMMENTS:

October 7 & 8, 1981 - Water Management Board Minutes

Mr. Decker MOVED, SECONDED by Mr. Rylance that the Ordinary High Water Mark for
Oakwood Lakes be set at elevation 1626.9 feet msl. MOTION CARRIED.

Mr. Rylance MOVED, SECONDED by Mr. Decker that Water Right Nos. 894-3, 895-3, 903-3
and 905-3 are hereby clarified to allow the water level at Oakwood Lakes to be
maintained at no higher than 1626.4 feet msl. MOTION CARRIED.

For more information see OHWM file.

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

4/82

NAME: _____

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.

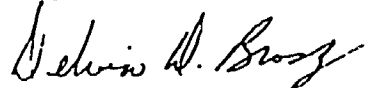


September 21, 1988
Richard Beringson, Secretary
Page 2

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

895-3

AGENDA
WATER MANAGEMENT BOARD MEETING
OCTOBER 7 & 8, 1981

Place: Staurolite Inn, Brookings, South Dakota

WEDNESDAY, OCTOBER 7, 1981

- 9:00 am Call to Order
Approval of July 29 & 30, 1981 Minutes
Set February Meeting Place & Date
Report on Special Legislative Session
Status & Review of Water Right Litigation
Cancellation Considerations
"Vested Right" Considerations
Requests For Extension of Time
Other Business
- 9:45 am Break
- 10:00 am Administer Oath to Water Rights Staff
Introduction of Board & Water Rights Staff
Requirements Before Water Right Can Be Advertised & At Time Of Hearing
Water Right Hearings
- 12:00 noon Lunch
- 1:00 pm Water Right Hearings Continued
- 1:30 pm Establish Ordinary High Water Marks and Clarify Game, Fish & Parks
Dept. Water Rights
Lake Herman - Lake Co. - No. 646-3
Oakwood Lakes - Brookings Co. - Nos. 894-3, 895-3, 903-3 & 905-3
Lake Cochrane - Deuel Co. - No. 1468-3
Clarify Game, Fish & Parks Dept. Water Rights No. 890-3 - Lake Kampeska,
No. 880-3 - Pelican Lake & No. 790-3 - Lake Madison
- 3:00 pm Conclusions of Law, Findings of Fact & Final Decision
Blue Dog Lake Outlet Elevation
No. 4786-3, Charles Johanson
Water Right Hearings Continued

REPRODUCTIONS: REDUCTION 25% ROLL NO. 10 DATE MICROFILMED 1-1-1982 OPERATOR

895-3

Oakwood Lakes, Brookings Co., Nos. 894-3, 895-3, 903-3, & 905-3

Mr. Steffen presented a report and slides prepared on Oakwood Lakes (copy on file). He stated he is recommending an Ordinary High Water Mark be established for all four Oakwood Lakes at an elevation of 1626.9 feet msl.

Mr. Steffen stated he measured the water level of the four lakes in Oakwood Lakes on October 1, 1981. The water levels in these lakes are at a different elevation at the present time. When the lakes are low, they are not connected on the surface. On West Oakwood and Round Lakes, the high water mark is 2.1 feet above the present water level. On Mortimer slough and East Oakwood Lake, the high water mark is 1.7 feet above the present water level.

Chairman Arend administered the oath to Stanley DeBoer.

Mr. DeBoer stated he owns lots around West Oakwood. He questioned whether or not there was a method of letting people know what the ordinary high water mark was along the lakes in order to prevent trespassing.

Mr. Steffen stated generally there is a definite line around a lake where the well established trees are growing. The High Water Mark is just inside of those trees. As long as the people stay on the lakeside of those trees, they will be on public land.

In answer to a question, Mr. Steffen stated the elevation of the outlet structure at the present time is 1626.4 feet msl.

Chairman Arend administered the oath to Syl Winter.

Mr. Winter stated there should be a difference in elevation or water would run from the west lake to the east lake.

Mr. Steffen stated when the lakes fill up and the water runs off from the watershed in the spring time, the water flows that way. In a couple of weeks water stops flowing out of east Oakwood, and the whole system is at the same elevation. That is where the ordinary high water mark is. At times, water will be higher in the west side than in the east side.

Mr. Decker MOVED, SECONDED by Mr. Rylance that the Ordinary High Water Mark for Oakwood Lakes be set at elevation 1626.9 feet msl. MOTION CARRIED.

Mr. Rylance MOVED, SECONDED by Mr. Decker that Water Right Nos. 894-3, 895-3, 903-3 and 905-3 are hereby clarified to allow the water level at Oakwood lakes to be maintained at no higher than 1626.4 feet msl. MOTION CARRIED.

Lake Cochrane, Deuel Co., No. 1468-3

REPRODUCTION OF ORIGINAL FILE NO. 16 DATE MICROFILMED CAMERA OPERATOR



DENR
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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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Memo to File

Oakwood Lake in Brookings County

VWR No. 895-3

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

OHWM elevation 1626.9 fmsl NGVD29

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

Outlet elevation 1626.4 fmsl NGVD29