

No. 915-3Water Division No. 3 JAMES 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 ParksPostoffice address Pierre, County Hughes, State South Dakota

1. If a corporation

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

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

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

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

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work ROY LAKE - Marshall County

As required to fill lake to outlet level - approximately 2850

3. Amount of water claimed acre-foot-per-year cubic feet per second4. Source of water supply Dry DrawThree points in the watershed located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21;5. Location of point of diversion SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 34.; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, T. 126, R. 55.

on bank County.

6. Annual period or periods during which water is to be used continuously

7. To be used for:

1. Irrigation of 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 portions of Sec. 20, 21, 22, 27, 28, 29 T. 126, R. 55.

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.)

Information requested not applicable. Roy Lake is a
 II. Dimensions of works, meandered lake. Maximum depth approximately 18 feet

(a) Dam: Height.....feet; length at bottomfeet; length at top
feet; thickness at bottomfeet; thickness at top
 feet; slope at front water face; slope at back face
 material used in construction

(b) Reservoir: Capacity when filledacre feet. Surface area at highwater
 mark 950acres.

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

(c)* Head gate: Width.....feet; heightfeet;
 Material

(d) Canal: Total lengthmiles.

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

(Give dimensions where reductions in size are made.)

10. Time required for completion of 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

County ofHUGHES..... } ss.

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

7, day of

December, 1961

Notary Public (or other qualified officer.)



Roy Lake

30	29
31	32

Roy Lake
DEPT. GAME, FISH & PARKS
Pierre, South Dakota

(WR # 915-3)

Remarks by State Water Resources Commission:

"Vested right" claimed

STATE OF SOUTH DAKOTA

County of Hughes ss.

Pierre, South Dakota,

JANUARY 24, 1963

This is to certify that the foregoing application was received by the Commission at 11:30 o'clock

a.m. on the 8th day of December, 1961

State Water Resources Commission

By:

Burton Jones
Chief Engineer, Executive Officer

Number of permit 915-3

Date of first receipt of application December 8, 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 JANUARY 24, 1963, Recorded in Book 8 Page 3

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 2850 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-tenth (1/10) of one cubic foot of water per second of time for each acre of land to which water is actually~~ used for public recreation ~~was~~

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 24th day of January, 1963

State Water Resources Commission

By:

George Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued JANUARY 24, 1963

Water License Issued JANUARY 24, 1963

STATE OF SOUTH DAKOTA

WATER LICENSE No. 915-3.

WHEREAS, On the 8th day of December A. D. 1961
 the South Dakota Department of Game, Fish and Parks

of Pierre County of Hughes and State of
South Dakota duly made application (No. 915-3) to us for a Vested Right 2850 acre feet
 annually ~~of the waters of~~ dry draws
 County of Marshall State of South Dakota, for Public recreation
 purposes; and

Vested Right WHEREAS, On the 24th day of January A. D. 1963
 Permit No. 915-3 was issued to said applicant for the diversion of said water, recognizing
 completion of the works of diversion therein described ~~on or before~~ XXXXXX
~~XXXXXX~~ and ~~XXXXXX~~ application to beneficial use of said
~~XXXXXX~~ and,

WHEREAS, On the 8th day of December A. D. 1961
 the holder of said permit duly made proof of the completion of adequate works for the diversion of
2850 acre feet annually ~~XXXXXX~~ of said waters, as evidenced by our Certificate No. 915-3
 dated January 24, 1963 confirming the completion of works of sufficient capacity for
2850 acre feet annually diverting and conveying to the place of intended use ~~XXXXXX~~ of water, with date of
 priority of 1889 ~~XXXXXX~~ and,

WHEREAS, On the 8th day of December A. D. 1961
 proof was duly made of the application to beneficial use of 2850 acre feet annually
to be used in place for public recreation ~~XXXXXX~~ of said water;

NOW, THEREFORE, By the virtue of ... authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to the South Dakota Department of Game, Fish and Parks
of Pierre Vested Right 915-3
the holder and owner of said permit No.

a water right, dating from 1889 to the use of 2850 acre feet

annually
~~of the waters of~~ dry draws

in the County of Marshall and State of South Dakota, or so much thereof as may be

necessary for the purposes hereinbelow mentioned, to be diverted at points in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21;

in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34; and in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19, T126N, R55W

and ~~or diverted to any other use~~ 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 24th day of January A. D. Nineteen
Hundred and Sixty-Three

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No.	
To	
Source	County
Am't	c. f. s.
Point of Diversion	
Place of Use	
Purpose	
Date of Priority	
Recorded	
In Book of	Page

Permit No. 915-3Water Division No. 3 James River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

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

of Pierre, County of Hughes, and State of
South Dakota, the holder of Vented Right Permit No. 915-3, Issued upon Application
 No. 915-3, bearing date of priority of 1889, authorizing the diversion of

2850 acre feet annually of the waters of dry draws

County of Marshall, State of South Dakota, at points in the SE $\frac{1}{4}$ SW $\frac{1}{4}$,
 Sec. 21; in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34; and in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19, T126N, R55W

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
 condition for diverting and conveying to the place of intended use 2850 acre feet annually

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

Witness my hand this 24th day of January A. D. 1963

State Water Resources Commission

By:

J. W. GRIMES
 Chief Engineer, Executive Officer

Location No.

Water Division No. Water District

Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

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

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

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

Ans.

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

Ans.

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

Ans. Dry Draw - three points in the watershed located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 21;

SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 34; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 19, T 126, R 55

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 18 feet - 2950 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 2850 acre feet per year

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

Ans.

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

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

(Sign) W. J. McElmon

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 7 day of December, A. D. 1961
Edmund A. Johnson
Witnesses. 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 -----	

Water Rights Division - DWR

File No. 915-3

Conversation or File Documentation

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

ADDRESS: _____ COUNTY _____

DATE: _____ TELEPHONE _____

RE: Ordinary High Water Mark determination

COMMENTS:

December 9 & 10, 1982 - Water Management Board minutes

Mr. Arend MOVED, SECONDED by Mr. Walter that the Ordinary High Water Mark for
Roy Lake be established at 1795.7 feet msl. That Vested Water Right No. 915-3
be clarified to require the outlet for Roy Lake to be at an elevation of 1795.2
feet msl. MOTION CARRIED.

For more information see the OHWM file.

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

4/82

NAME: _____

915-53

 **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.

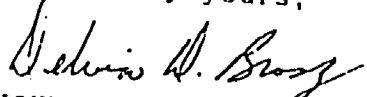


September 21, 1988
Richard Reringson, Secretary
Page 2

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

Please advise if you have any questions.

Very truly yours,

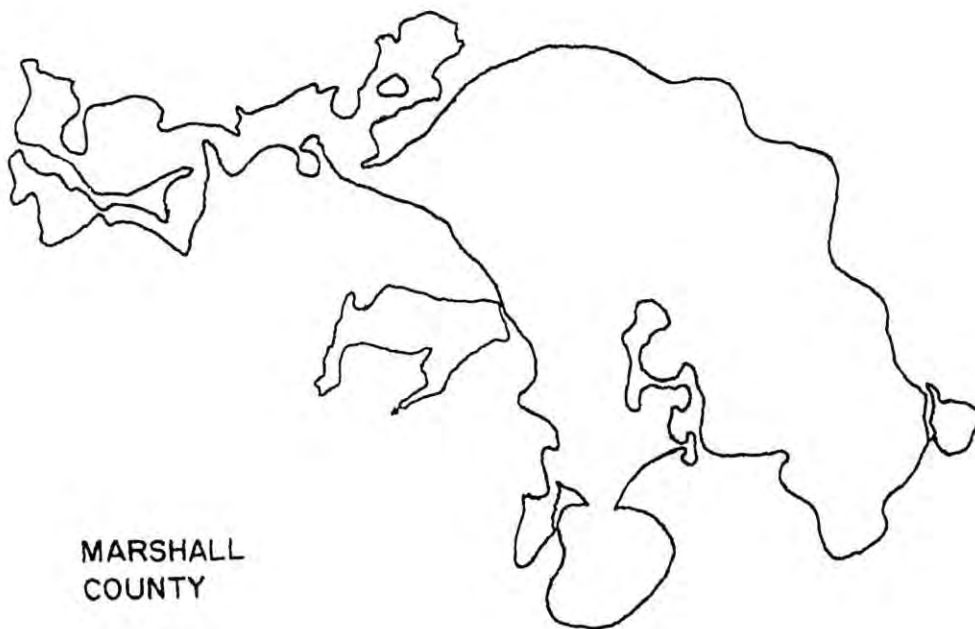

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

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

915-3

ORDINARY HIGH WATER MARK
INVESTIGATION FOR

ROY LAKE



MARSHALL
COUNTY



Department of
Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

November 1982

REPRODUCTION, REDUCTION 100%
ROLL NO. 10
DATE MICROFILMED 11-1-82
CAMERA OPERATOR

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REVISIONS: REVISION 1

2011

ROL NO 10

DATE: 11/01/11

11/01/11

CHENIO/CHENIO

ROY LAKE

ABSTRACT

This report contains the results of an investigation performed to determine the Ordinary High Water Mark (OHWM) for Roy Lake in Marshall County. The primary factors involved in calculating the OHWM are: shoreline tree base elevations, erosion mark elevations, outlet structure elevation, and water level elevations.

Based on the findings in this report the OHWM for Roy Lake has been determined to be 1795.7 feet mean sea level (msl).

REPRODUCTION: REDUCED 25%
ROLL NO 10
DATE MICROFILMED 11/14/66
SERIALS ACQUISITION
UNIVERSITY MICROFILMS
SERIALS ACQUISITION
UNIVERSITY MICROFILMS

INTRODUCTION

Authority and Administrator

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

Explanation of OHWM

The Ordinary High Water Mark is coordinated with the upper limits of the bed of a lake. The determination of the OHWM is derived from the examination of the banks and bed of the lake. This examination is conducted to ascertain where the continuous presence and action of water has left a distinct mark; either by erosion, destruction of terrestrial vegetation, or some other easily recognized characteristics. 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 (refer to Appendix A).

Date of Investigation

The principal field investigation for this report was conducted in May, 1982. An examination of the shoreline, banks, and vegetation of Roy Lake was performed. The shoreline areas selected for study were those least affected by individuals. Public access areas and/or gradually sloping beaches provided the best OHWM indicators.

INVESTIGATION

Location

Roy Lake is located in Marshall County, within Sections 24 and 25 of T126N, R56W and Sections 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34 of T126N, R55W (refer to Appendix A).

Lake Characteristics

Roy Lake is of glacial origin, positioned in the lower reaches of the Coteau Lakes outwash deposit. Its glacial origin provides a watershed of 9,614 acres and a surface area of 1,693 acres. The contributing watershed and extensive aquifer connection provide the lake with adequate recharge. Appendix A provides a summary of Roy Lake's data.

Elevation Reference

Elevations in this report are referenced to a United States Geological Survey Bench Mark. This bench mark is located near the 1/4 corner of Sections 30 and 31, of T126N, R55W; (35 feet south and 15 feet lower than field road;) a

REPRODUCTION, REDUCTION 26:1 ROLL NO 6 DATE MICROFILMED 2-22-90 OPERATOR

standard tablet stamped "8KEE 1970". It is set at an elevation of 1802.640 feet msl.

OHWM Indicators

A. Shoreline Trees

Trees, which are the largest and most permanent expression of upland growth, are used to determine a relationship between the growth characteristics of the trees at various elevations and the OHWM elevation. Records of the 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, and the effects of water and ice on the shoreline and banks.

B. Tree Categories

Trees along the shoreline of Roy Lake are divided into three categories:

1. The first category of trees are those where their lakeside base elevation (the elevation where the soil meets the trunk on the lakeside of the tree) is below the OHWM (see Appendix B). This causes erosion of the soil and destruction and decay of the tree. The destruction and decay of the tree is caused by the zone of soil saturation smothering part of the root system. These trees survive because part of their root system is above the zone of saturation.
2. The second category of trees are those where their lakeside base elevation is from zero to one half of a foot above the OHWM (see Appendix C). These trees show signs of butt swell, and lesser degree of erosion and destruction. Their root system is surfacely exposed and growing away from the lake.
3. The third category of trees are those with a lakeside base elevation approximately one foot above the OHWM (see Appendix D). These trees show lesser degrees of butt swell, little or no root erosion, and some surface roots.

C. Erosion Marks

Changes in soil characteristics and erosion lines were found between elevations of 1795.0 and 1795.9 feet msl. Photos in Appendix E reveal typical erosion characteristics.

Outlet Structure

The Department of Game, Fish and Parks constructed a combination weir, fish barrier in the SE 1/4 of the SW 1/4 of Section 29, T126N, R55W. This structure was constructed in the early 1970's at an elevation of 1795.2 feet

REPRODUCTION, REDUCTION 25%
ROLL NO. 10
DATE MICROFILMED 1-11-76
CHIEF OPERATOR

msl. It was constructed in the location described because of some tampering with the natural channel in that area.

The natural outlet for Roy Lake appears to be located in the center of Section 31, T126N, R55W. The ground elevation at this point is 1794.6 feet msl. The OHWM indicators between this point and the concrete weir are approximately equal to those found on the main body of Roy Lake. The lower elevation of this outlet point could be attributed to accelerated erosion caused by cattle walking thru this area.

See USGS Topographic map in Appendix A.

Water Level

The water level elevation for Roy Lake in May 1982 was 1789.55 feet msl. The water level was 5.6 feet below the outlet elevation.

Appendix A, Table 2, shows a list of water level records for Roy Lake.

Water Rights

There has been one Water Right issued relating to the waters of Roy Lake. It is a Vested Water Right claimed by the Department of Game, Fish, and Parks. This Vested Right, No. 915-3, is for the annual recharge of 2,850 acre feet or as required to fill to outlet elevation. The priority date for this Vested Right is 1889.

RECORDS

REDUCTION

1867

ROLL NO. 10

DATE MICROFILMED

GENERAL INFORMATION

CONCLUSIONS

Based on the lakeside base elevations of trees and erosion lines, the OHWM for Roy Lake has been determined to be at an elevation of 1795.7 feet msl.

The present outlet elevation of 1795.2 feet msl, reflects the necessary water level required to establish the OHWM at 1795.7 feet msl.

RECOMMENDATIONS

Recommendations to the Water Management Board by the Water Rights Staff:

1. That the Ordinary High Water Mark for Roy Lake be established at 1795.7 feet msl.
2. That Vested Water Right No. 915-3 be clarified to allow the water level at Roy Lake to be maintained at an elevation no higher than 1795.2 msl.

Jerry E. Steffen

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

For information regarding OHWM bench marks established at Roy Lake, contact the Department of Water and Natural Resources, Water Rights Division, Pierre, South Dakota.

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Swore to, before me, this 7th day of December, 1982

Lois L. Davis

Notary Public

Notary Public
My Commission Expires
February 3, 1988
2-3-83

APPENDICES

Appendix A.....	Roy Lake Data
	Table 1 Data Summary
	Table 2 Water Level Records
	State County Map
	USGS Contour Map
	Watershed Map
	Bathymetric Map
Appendix B.....	Photos of Tree Below OHWM
Appendix C.....	Photos of Trees At OHWM
Appendix D.....	Photos of Trees Above OHWM
Appendix E.....	Photos of Erosion Lines

Appendix A

Roy Lake Data

Table 1 Data Summary

Surface Area.....	1,694 acres ¹
Watershed Area.....	9,614 acres ¹
Maximum Depth.....	18.5 feet ¹
Mean Depth.....	10.8 feet ¹
Volume.....	17,642 acre feet ¹
Total Dissolved Solids.....	1,000 mg/l ²
Aquifer Connection.....	extensive ²
Outlet Elevation.....	1,795.2 feet msl
CHWM Elevation.....	1,795.7 feet msl
Vested Water Right.....	No. 915-3

held by Dept. of
G. F. and P for
the annual
recharge of 2850
acre feet,
priority date 1889

REVISIONS: REDUCTION 83.17 ROLL NO 16
DATE MICROFILMED 11-11-76

Table 2 Water Level Records²

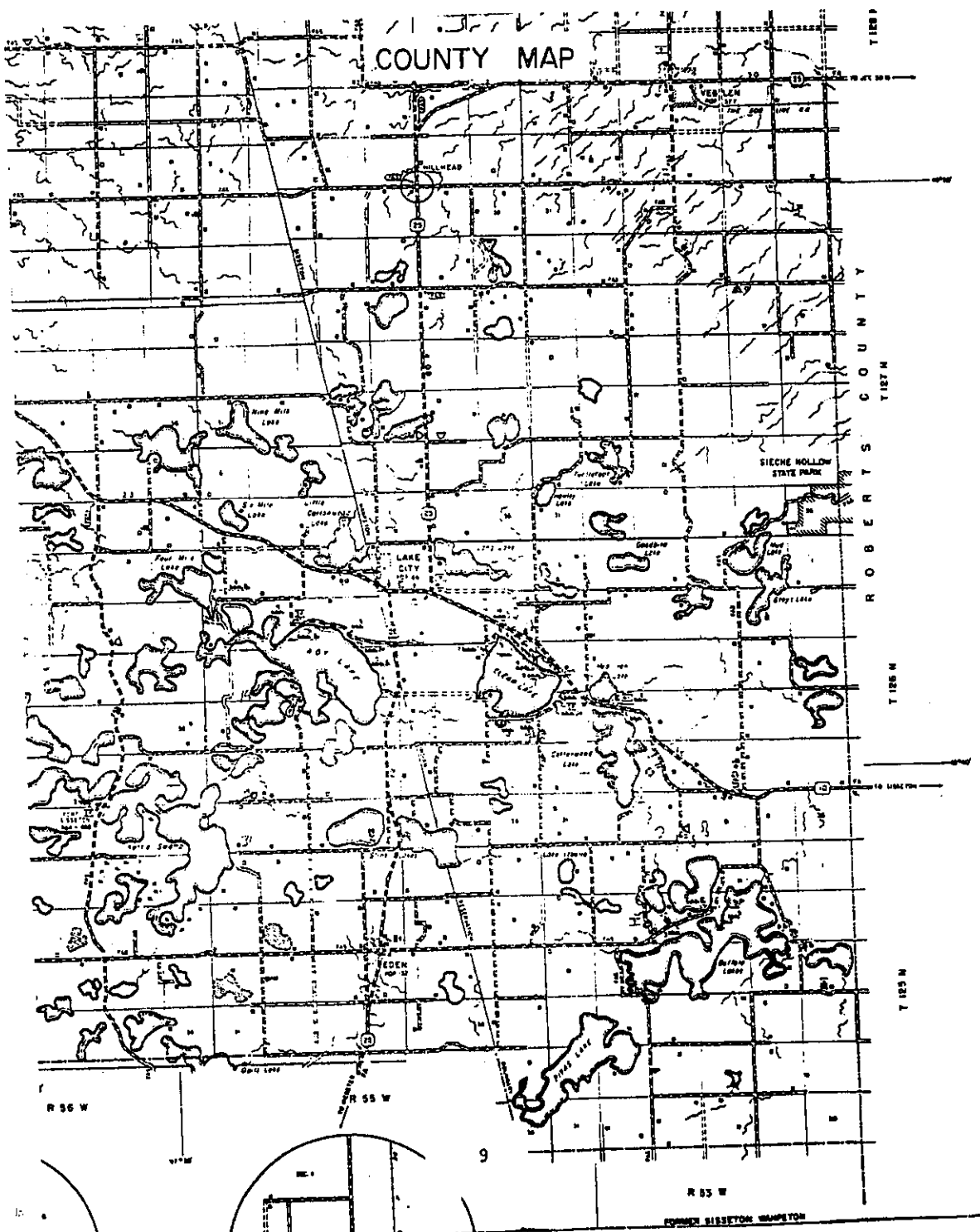
<u>Year-Month</u>	<u>Water Level</u>	<u>Year-Month</u>	<u>Water Level</u>	<u>Year-Month</u>	<u>Water Level</u>
1936 May	1779.5	1947 May	1797.6	1961 F	1792.8
1936 Nov	1778.6	1948 May	1797.0	1962 Sum	1794.1
1937 May	1778.8	1949 May	1797.2	1962 F	1793.3
1937 Oct	1778.9	1949 Nov	1793.6	1963 S	1794.0
1938 Oct	1777.8	1950 May	1794.6	1963 F	1793.0
1939 May	1777.9	1951 Jan	1793.2	1965 S	1796.0
1939 Nov	1777.5	1951 May	1793.7	1965 F	1795.8
1940 May	1777.9	1952 May	1797.2	1966 S	1796.3
1940 Oct	1777.0 (nd)	1952 Oct	1794.9	1967 S	1796.0
1941 June	1777.2	1953 Nov	1794.6	1967 F	1794.0
1941 Nov	1777.2	1954 Apr	1795.1	1968 S	1796.6
1942 May	1778.4	1954 Sep	1794.4	1968 F	1795.0
1942 Nov	1779.0	1955 May	1794.0	1969 S	1796.8
1943 June	1783.3	1956 May	1793.3	1969 F	1794.8
1943 Nov	1783.2	1956 Nov	1791.8	1970 S	1795.8
1944 Nov	1789.4	1957 Sep	1791.9	1970 F	1793.0
1945 May	1794.5	1959 Apr	1790.8	1971 S	1795.3
1945 Oct	1794.3	1960 Apr	1789.0	1972 S	1795.4
1946 May	1796.3	1960 F	1788.0	1975 S	1790.95
1946 Oct	1796.0			1975 F	1792.08
				1976 F	1789.16
S-Spring				1978 W	1789.5
Sum-Summer				1978 Sum	1791.0
F-Fall				1981 W	1790.7
W-Winter				1982 S	1789.5
				1982 F	1788.7

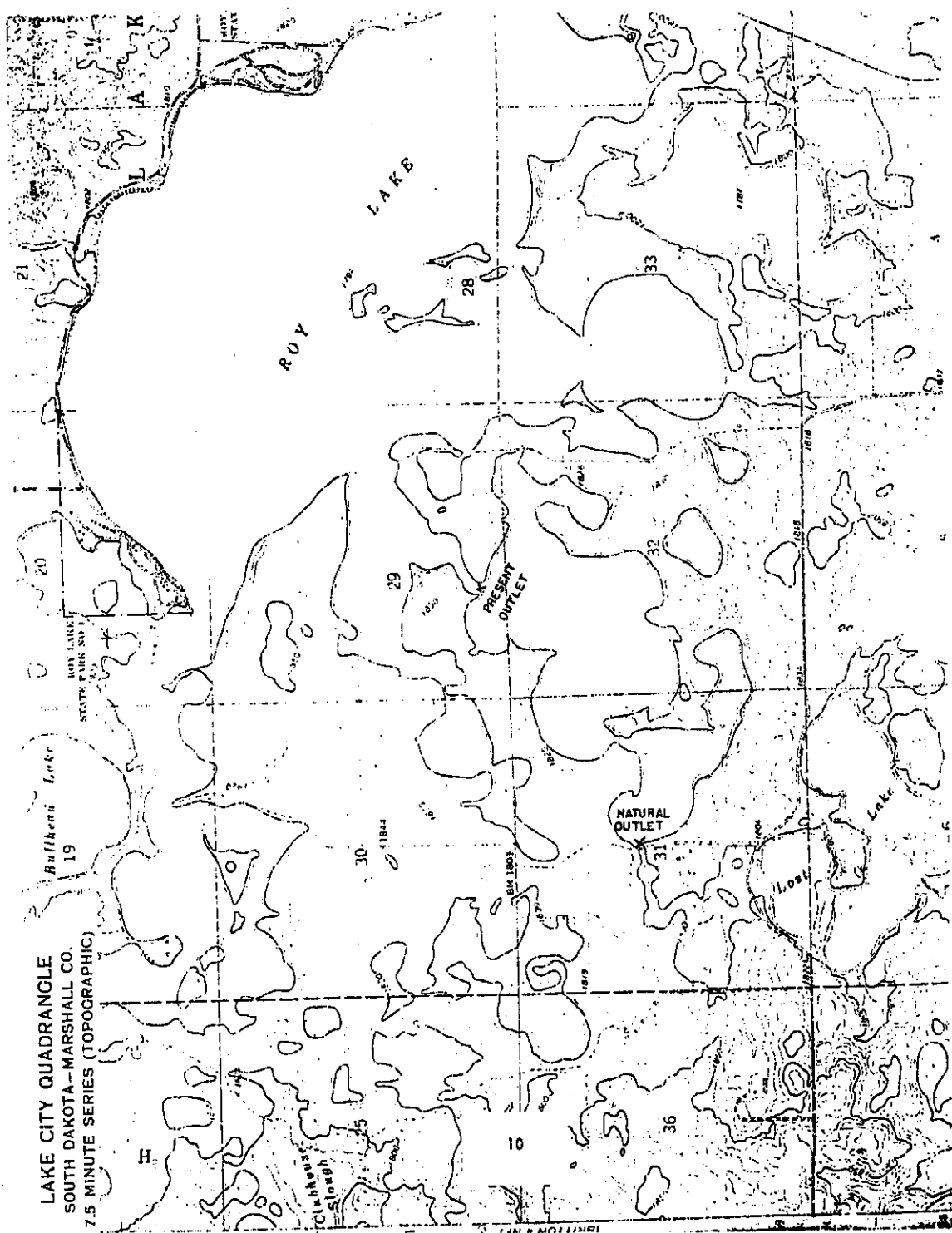
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ROLL NO. 10

DATE MICROFILMED 7-2-76

CAMERA OPERATOR

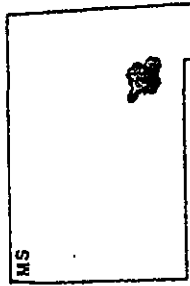
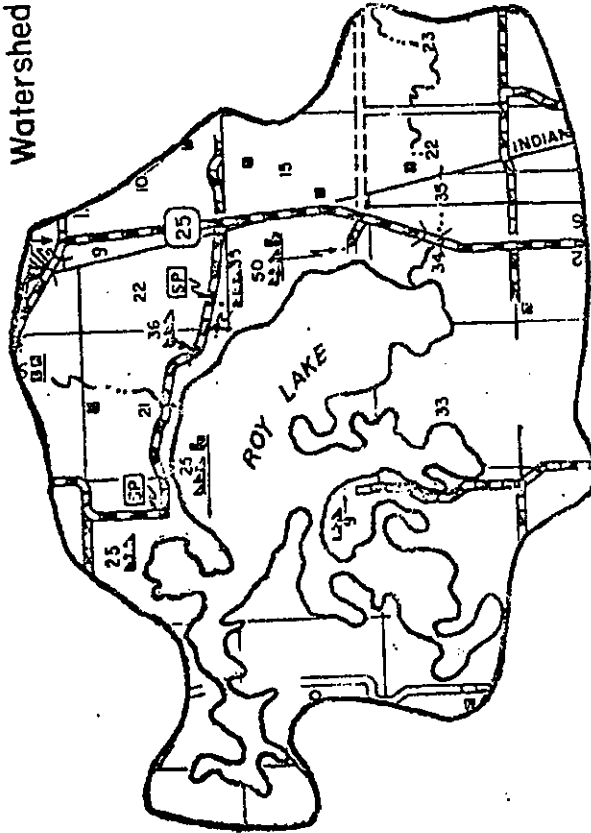


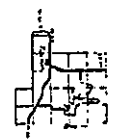


LAKE CITY QUADRANGLE
 SOUTH DAKOTA-MARSHALL CO.
 7.5 MINUTE SERIES (TOPOGRAPHIC)

Roy Lake

Surface area 1,694 acres
Watershed 9,614 acres





SOUTH DAKOTA
DEPT OF GAME, FISH AND PARKS
ROY LAKE

MARSHALL COUNTY
WATER STAGE PLANMETER
2.5' LOW ACRES 15935
AERIAL PHOTO FIELD WORK DRAWN BY: L.P. WJW
DATE: 1958 DATE: 10-7-63 DATE: 2-18-64
SEC. 20-21-27-28 TWP. 126N RGE. 35 W
28-32-33-34 0N 36"

SHORELINE
DEPTH CONTOUR, 50'
ROADS:
HARD SURFACE
GRAVEL
TRAIL
RAILROAD
WOODED W
BENCH MARK BM
MARSH

1000 1500 2000 2500 3000 3500 4000 4500 5000 5500 6000 6500 7000 7500 8000 8500 9000 9500 10000

INSTRUCTIONS: RELIGION 861 ROLL NO. 10
DATE MICROFILMED 12-22-76 CHWEN OPERATOR 2

APPENDIX B
TREES BELOW THE OHWM

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



PHOTO NO. 1 Description: Willow, twisted
Base Elevations: Lakeside----1794.4
 Landside----1794.7



PHOTO NO. 2 Description: Willow, group of 3, Dia 1.0' to 1.8',
Base Elevations: Lakeside----1795.4 Age 45 years
 Landside----1796.2

REPRODUCTIONS.

REDUCTION

30:1

ROLL NO

10

DATE MICROFILMED

CAMERA OPERATOR



PHOTO NO. 3

Description: Ash, Dia. 0.4', Age 35 years
Base Elevations: Lakeside----1795.0
Landside----1795.9

Description: Elm, Dia. 0.8', Age 40 years
Base Elevations: Lakeside----1795.6
Landside----1797.4

REPRODUCTIONS: REDUCTION

25:1

ROLL NO. 10

DATE MICROFILMED

CAMERA OPERATOR

APPENDIX C

The following photos are a sample of indicators which are at or close to the OHWM.



PHOTO NO. 4 Description: Willow, Dia. 1.4', Age 55 years
Base Elevations: Lakeside----1795.6
Landside----1795.7



PHOTO NO. 5 Description: Willow, Dia's 1.6', 1.4' & 1.2',
Base Elevations: Lakeside----1795.7 Age 45-50 years
Landside----1796.2

REPRODUCTIONS.

REDUCTION

30%

ROLL NO

60

DATE MICROFILMED

CAMERA OPERATOR



PHOTO NO. 6

(left tree)

Description: Cottonwood, Dia. 2', Age 50 years

Base Elevations: Lakeside----1795.7

Landside----1797.3

(middle tree)

Description: Cottonwood, Dia's. 1.5' & 1.7', Age 45 years

Base Elevations: Lakeside----1796.2

Landside----1799.3

(right tree)

Description: Cottonwood, Dia. 2.0', Age 55 years

Base Elevations: Lakeside----1796.2

Landside----1796.6

REPRODUCTION: REDUCTION

25:1

ROLL NO. 10

DATE MICROFILMED

CAMERA OPERATOR

APPENDIX D

The remaining photo's are of trees which fall above the OHWM.



PHOTO NO. 7 Description: Cottonwood, Dia. 3.6', Age 75 years
Base Elevations: Lakeside----1797.4
Landside----1798.5



PHOTO NO. 8 Description: Elm, DIA. 1.0' & 0.8', Age 35 years
Base Elevations: Lakeside----1798.4
Landside----1798.8

REPRODUCTIONS.

REDUCTION

300%

ROLL NO.

10

DATE MICROFILMED

CAMERA OPERATOR



PHOTO NO. 9 Description: Elm, Dia. 1.3', Age 40 years
 Base Elevations: Lakeside----1797.3
 Landside----1798.1

REPRODUCTIONS.

REDUCTION

25:1

ROLL NO.

10

DATE MICROFILMED

11

CAMERA OPERATOR

APPENDIX E
EROSION MARKS



PHOTO NO. 10 Description: Group of Willow trees behind rocks
Base Elevations: 1795.0 to 1795.4



PHOTO NO. 11
Erosion Line
1795.5 to 1795.7

REPRODUCTIONS.

REDUCTION

25:1

ROLL NO

10

2-22-76
DATE MICROFILMED

CAMERA OPERATOR

BIBLIOGRAPHY

¹Ronald M. Koth, South Dakota Lakes Classification and Inventory, South Dakota Department of Water and Natural Resources, Office of Water Quality, July 1, 1981; pp. 553-539

²States Lakes Preservation Committee, A Plan for the Classification, Preservation, and Restoration of Lakes in Northeast South Dakota, July 1977, pp 104, 178

C82403.js.wr

AGENDA

Water Management Board Meeting

December 9 & 10, 1982

PLACE: Dakota Room, Sheraton Inn, 1400 NW 8th Ave, Aberdeen, South Dakota

THURSDAY, December 9, 1982

8:30 am Call to Order

Approval of October 7 & 8, 1982 Minutes

Set April Meeting Time & Date April 14 & 15 in Sioux Falls suggested

Status & Review of Water Rights Litigation

9:00 am Administer Oath to Water Rights Staff

Cancellation Considerations (see attached list)

"Vested Right" Considerations

Requests for Extension of Time

9:45 am Break

10:00 am Introduction of Board, Legislative Oversight Committee and Water Rights Staff

Requirements before Water Permit Applications can be Advertised and at the Time of the Hearing

Water Permit Application Hearings (see attached list)

12:00 noon Lunch

1:00 pm Conclusions of Law, Findings of Fact & Final Decision
1767-2 Billy Joe & Vlasta Kirk

Water Right Application Hearings (continued)

1:30 pm Hearing on Order by Chief Engineer to Remove Rock Dam located south of Freeman in NW 1/4 Section 36, R56W, T98N

2:30 pm Break

2:45 pm Consideration of Motion for Order Compelling Discovery with regard to Proposed Cancellation of Bernard Bruch, Antonette Pelkey and Truman Quail Water Right Filings

3:00 pm Hearing on Proposed Amendments to General Rules 74:02:01

4:30 pm Whitewood Creek Discussion (Water Quality Division)

Recess for Day

FRIDAY, December 10, 1982

9:00 am Reconvene

Establishment of Ordinary High Water Marks & Clarify Department of Game, Fish & Parks and other Water Rights

917-3 Clear Lake - Marshall County

946-3 Buffalo Lakes & Almos Lake - Marshall County

915-3 Roy Lake - Marshall County

930-3 Enemy Swim Lake & Campbell Slough - Day County

926-3 Pickerel Lake - Day County

639-3 Waubay Lakes (North & South) - Day County

636-3 Spring Lake - Day County

635-3 Hillebrands Lake & Swan Pond - Day County

Other Business

Adjourn

RECORDS SECTION 2577 ROLL NO. 10 DATE MICROFILMED

In answer to a question from Mr. Arend, Mr. Steffen stated that Buffalo Lake is at the head of the lake drainage system. Buffalo Lake receives water from its local drainage, fills up, and overflows from Almos Lake down a waterway into Red Iron Lake. From that lake it flows one half mile into Clear Lake which overflows when full into Roy Lake. When Roy Lake is full it goes into Kettles Swamp and a few small bodies of water, and eventually flows west into the James River.

Mr. Walter MOVED, SECONDED by Mr. Harms that the Ordinary High Water Mark for North Buffalo, South Buffalo and Almos Lakes be established at 1835.4 feet msl. That Vested Water Right No. 946-3 be clarified to require the outlet for Buffalo and Almos Lakes to be at an elevation of 1834.8 feet msl. MOTION CARRIED.

ROY LAKE

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

Mr. Opitz read a statement by the Department of Game, Fish and Parks Secretary into the record (copy on file). The statement concurred with the recommendations of the staff.

Mr. Harms MOVED, SECONDED by Mr. Walter that the Ordinary High Water Mark for Roy Lake be established at 1795.7 feet msl. That Vested Water Right No. 915-3 be clarified to allow the water level at Roy Lake to be maintained at an elevation no higher than 1795.2 feet msl.

Mr. Rylance questioned why Mr. Harms included the words "no higher than" in his motion, when the structure is already there and in place at that elevation.

Mr. Harms stated he included those words because he wanted to find out if this Board is going to manage someone else's water right.

Mr. Rylance stated for what the Board has done with the prior OHWM, that if by setting the elevation on the lake they are managing the lake, then they are managing the lake.

Mr. Arend called the question. MOTION DIED.

Mr. Arend MOVED, SECONDED by Mr. Walter that the Ordinary High Water Mark for Roy Lake be established at 1795.7 feet msl. That Vested Water Rights No. 915-3 be clarified to require the outlet for Roy Lake to be at an elevation of 1795.2 feet msl. MOTION CARRIED.

ENEMY SWIM LAKE

Jerry Steffen presented the report on Enemy Swim Lake (copy on file). Mr. Steffen read the recommendation by the staff on the lake.

Mr. Opitz read a statement by the Department of Game, Fish and Parks Secretary into the record (copy on file). The statement concurred with the recommendations of the staff.



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

Roy Lake in Marshall County

VWR No. 915-3

The OHWM was set by the Water Management Board on December 9 & 10, 1982.

OHWM elevation 1795.7 fmsl NGVD29

The outlet elevation was set by the Water Management Board on December 9 & 10, 1982.

Outlet elevation 1795.2 fmsl NGVD29.