

No. 932-3Water Division No. 3 Big Sioux River District
(Blanks to be filled by the Engineer for the W. R. C.)**VESTED RIGHT**
APPLICATION FOR PERMIT**To Appropriate Water within the State of South Dakota**

(NOTE—Draw a line through items not applicable.)

1. Name of applicant South Dakota Department of Game, Fish and Parks
Postoffice address Pierre, County Hughes, State South Dakota

- I. If a corporation _____
(a) Name of same _____
(b) Date and place of incorporation _____
(c) Amount of capital stock _____
(d) Amount paid in _____
(e) Names and addresses of directors _____

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

- II. Method of accomplishing the work and financial resources of the applicant:
(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor) _____
(b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work ALMOS LAKE - Marshall County
As required to fill lake to outlet level - approximately 720
3. Amount of water claimed acre feet per year cubic feet per second _____
4. Source of water supply Dry Draw
Two points located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 4 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$
5. Location of point of diversion Sec. 9, T. 125, 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 portions of Sec. 6, 7, and 8, T. 125, 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 is 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. Almos Lake is a

(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 -----240-----acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET 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. 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 -----September----- 19-----61-----

-----Edward B. Johnson-----
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,

JANUARY 25, 1963

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

a.m. upon the 12th day of DECEMBER, 1961

State Water Resources Commission

By:

Dutton Jones
for Chief Engineer, Executive Officer

Number of permit

932.3

Date of first receipt of application

DECEMBER 12, 1961

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

Date of receipt of corrected application

Date from which applicant may claim right

1939

Approved

JANUARY 25, 1963

Recorded in Book

8

Page

20

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

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 720 cfs per annually
cubic foot 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 was

and beneficially applied for irrigation on or before

June 30, 1955

during the following described annual period:

Continuously

25th

Witness my hand this

day of

JANUARY

1963

State Water Resources Commission

By:

Dutton Jones

Chief Engineer, Executive Officer

Certificate of Construction Issued

JANUARY 25, 1963

Water License Issued

JANUARY 25, 1963

STATE OF SOUTH DAKOTA

WATER LICENSE No. 932-3

WHEREAS, On the 12th 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 Vested Right
duly made application (No. 932-3) to us for a permit to use 720 acre feet
annually of the waters of a dry draw
cubic feet per second
County of Marshall, State of South Dakota, for public recreation
purposes; and

WHEREAS, On the 25th day of January A. D. 1963
Vested Right recognizing
Permit No. 932-3 was issued to said applicant for the diversion of said water, and providing for the
completion of the works of diversion therein described on or before the 1st day of
January 1963 and for the application to beneficial use of said
water on or before the 1st day of
and,

WHEREAS, On the 12th day of January A. D. 1961
the holder of said permit duly made proof of the completion of adequate works for the diversion of 720 acre feet
annually of said waters, as evidenced by our Certificate No. 932-3
dated January 25, 1963 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 720 acre feet annually
cubic feet per second of water, with date of
priority of 1889 and,

WHEREAS, On the 12th day of December A. D. 1961
proof was duly made of the application to beneficial use of 720 acre feet annually
cubic feet per second of said water;
to be used in place for public recreation

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to the South Dakota Department of Game, Fish and Parks
of Pierre Vested Right the holder and owner of said permit No. 932-3

a water right, dating from 1889 to the use of 220 acre feet
annually

~~of the waters of~~ a dry draw

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 SW¹ SW¹, Section 4,

and in the SW¹ SW¹, Section 9, T125N, R53W

and ~~connected to same~~ 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 25th 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 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. 932-3Water Division No. 3 Rio Sioux 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 Parksof Pierre, County of Hughes, and State of South Dakota, the holder Vested Right of Permit No. 932-3, issued upon Application No. 932-3, bearing date of priority of 1889, authorizing the diversion of720 acre feet annually ~~xxxxxx~~ of the waters of a dry drawCounty of Marshall, State of South Dakota, at points in the SW¹ SW¹, Section 4,
and in the SW¹ NW¹, Section 9, T125N, R53Wfor public recreationpurposes, has ^B 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 ~~xxxxxx~~ recognized as satisfactory~~xxxxxx~~ for diverting and conveying to the place of intended use 720 acre feet annually ~~xxxxxx~~~~xxxxxx~~ of water; and that the lands ~~xxxxxx~~ used to be irrigated by the use of said water are described as follows, to-wit: to be used in place for public recreationWitness my hand this 25th 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. Two points in the watershed located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 4 and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 9, T 125, 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 15 feet, 240 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 720 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. H. McNamee

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. 19 61
John D. Blanton
} 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 _____	

**Department of
Water & Natural Resources**

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

September 21, 1988

Richard Beringson, Secretary
Department of Game, Fish and Parks
Anderson Building
445 E Capitol
Pierre SD 57501

Dear Mr. Beringson:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of all Department of Game, Fish and Parks Vested Water Right Claims for lakes for the following reasons:

1. Until the outlet elevation for each lake is surveyed and the outlet elevation is set by the Water Management Board.
2. To allow the Vested Water Right Claim to be amended, if necessary, as follows:
 - a) Include the outlet elevation;
 - b) To correct the amount of water claimed;
 - c, To add the qualification that a vested claim is subject where necessary to installation of a concrete outlet structure to assure retention of the outlet as the established elevation; and
 - d) To add any amendments and qualifications necessary to clarify a Vested Right Claim.

Also, that I intend to oppose validation of all Department of Game, Fish and Parks Vested Water Right Claims for dams to allow the Vested Water Right Claim to be amended, if necessary, as follows:

1. To include the spillway elevation;
2. To correct the amount of water claimed; and
3. To add any amendments and qualifications necessary to clarify a Vested Right Claim.

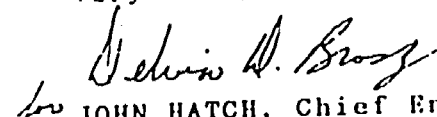


September 21, 1988
Richard Beringson, Secretary
Page 2

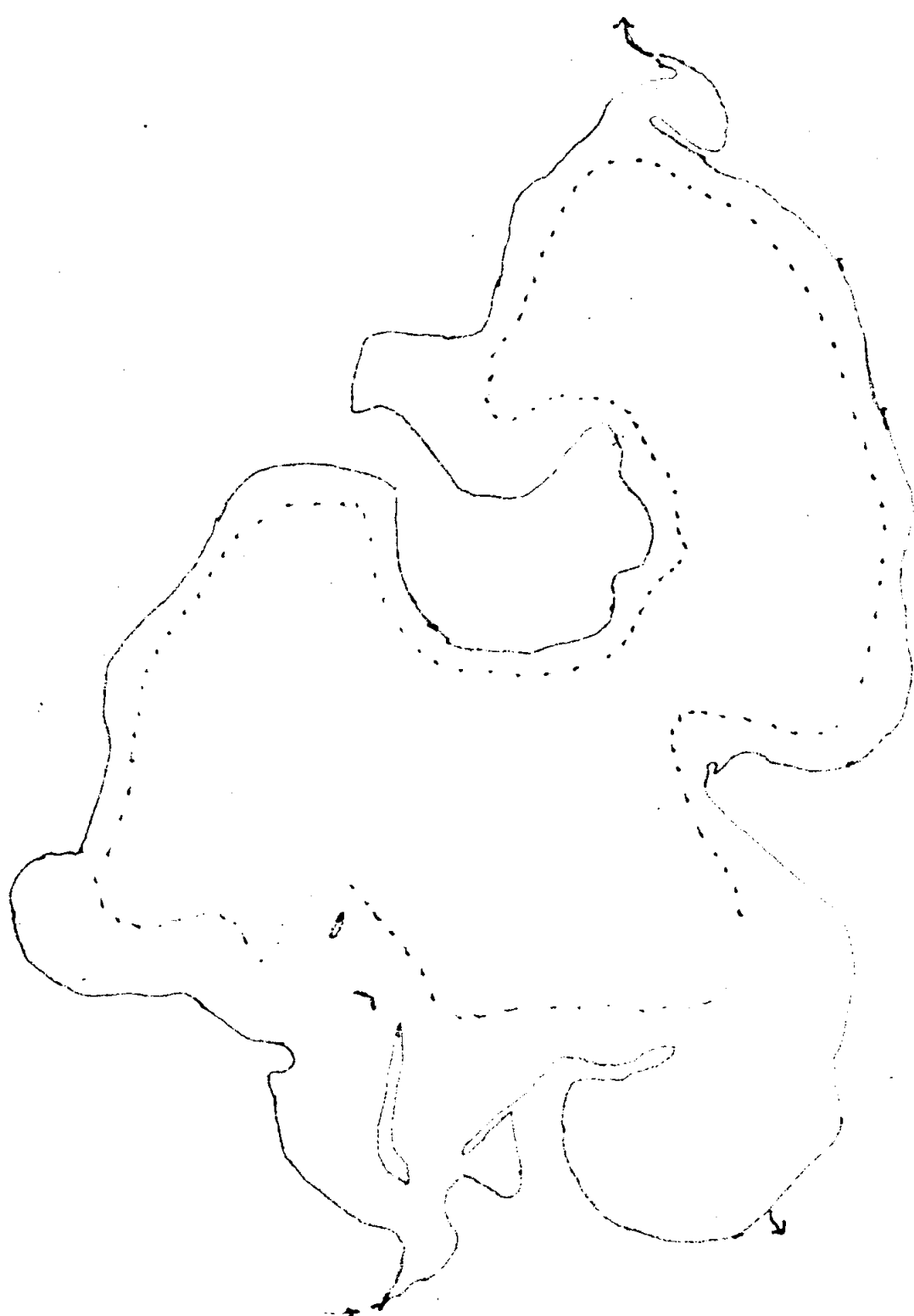
We will be working with your staff on these validations. We have already discussed setting outlet elevations before validating claims for lakes. Although the work necessary to complete the validation process will take several years to complete, the results should be of benefit to the public and to your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

Please advise if you have any questions.

Very truly yours,


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

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



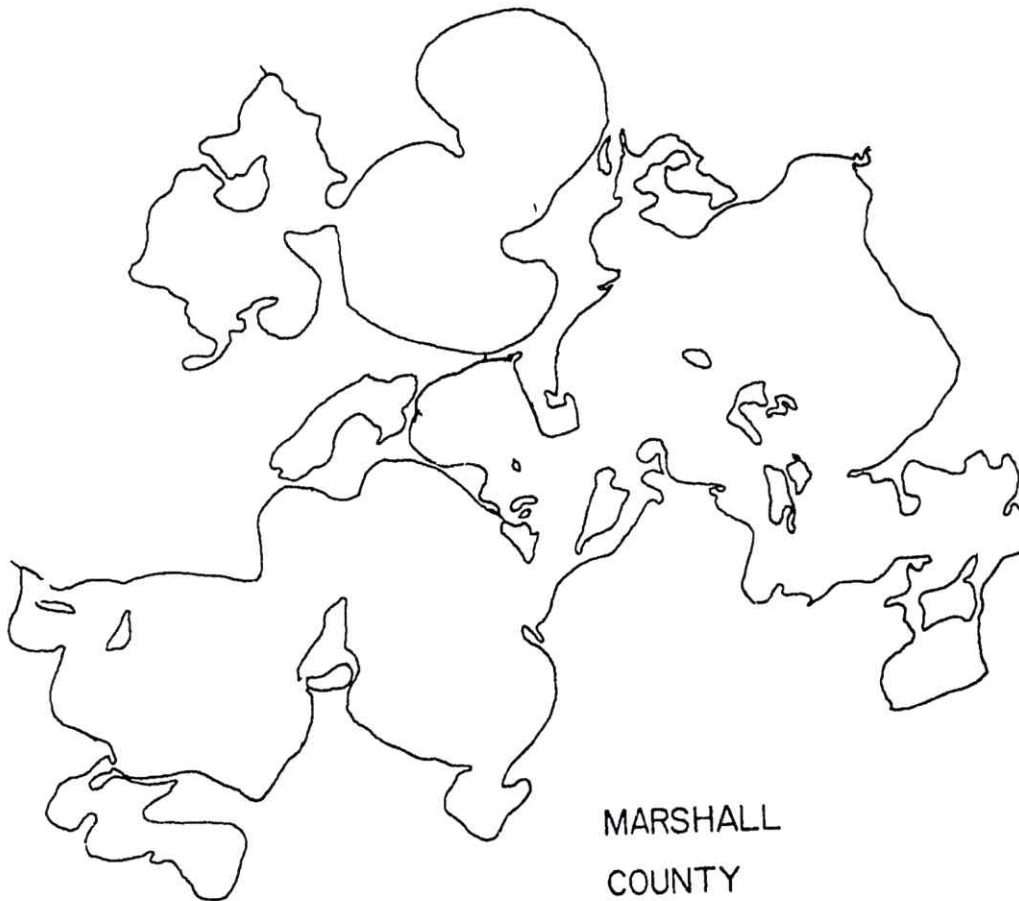
8 | 9

Lemme Lake

Marshall Co. DEPT. GAME, FISH & PARKS
Pierre, South Dakota

932-3
Alamos Lake

ORDINARY HIGH WATER MARK
INVESTIGATION FOR
BUFFALO LAKES



MARSHALL
COUNTY

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
Pierre, South Dakota 57501
November 1982

REPRODUCTIONS: REDUCTION 26:1 ROLL NO. 11 DATE MICROFILMED 11-11-82 CAMERA OPERATOR

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REPRODUCTIONS

REDUCTION

26.1

ROL NO

10

DATE MICROFILMED

OPEN ORIGIN

NORTH BUFFALO LAKE
SOUTH BUFFALO LAKE
ALMOS LAKE

ABSTRACT

This report contains the results of an investigation performed to determine the Ordinary High Water Mark (OHWM) for North Buffalo, South Buffalo, and Almos Lakes in Marshall County. These lakes will be referred to in this report as Buffalo Lakes. 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 finding in this report the OHWM for North Buffalo, South Buffalo, and Almos Lakes has been determined to be 1835.4 feet mean sea level (msl).

REPRODUCTION

REDUCTION

26.1

ROLL NO.

10

DATE MICROFILMED

11.11.1966

OPEN OPERATOR

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 Buffalo Lakes.

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 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 (refer to Appendix A).

Date of Investigation

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

INVESTIGATION

Location

North Buffalo, South Buffalo, and Almos Lakes are located in Marshall County, within Sections 2, 3, 4, 5, 8, 9, 10, 11, 14, 15, 17, 20 and 21 of T125N, R53W (refer to Appendix A).

Lake Characteristics

North Buffalo, South Buffalo, and Almos Lakes are of glacial origin,² positioned in the upper reaches of the Coteau lakes outwash deposit.² The contributing watershed and extensive aquifer connection provide the lakes with adequate recharge.⁴ Appendix A provides a summary of Buffalo Lakes' data.

The high water level for all three lakes is controlled by the outlet structure on Almos Lake. When the water level reaches the outlet structure elevation, all three lakes are connected surfacely.

The outlet structure elevation is the main characteristic affecting the OHWM elevation. Therefore, these three lakes were treated as one lake in this OHWM investigation.

Elevation Reference

Elevations in this report are referenced to a United States Geological Survey Bench Mark. This bench mark is located at the corners of Sections 22, 23, 26 and 27, T124N, R53W. In the SW corner of Section 23, a standard tablet stamped "15 KEE 1970"; set at an elevation of 1899.134 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 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 bank.

REPRODUCTION: REDUCTION 25%
ROLL NO. 10
DATE MICROFILMED 1-22-70
OPERATOR

B. Tree Categories

The trees along the shoreline of Buffalo Lakes 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 erosion. 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 1834.9 and 1835.6 feet msl.

Outlet Structure

The outlet for Buffalo Lakes is located on the north shore of Almos Lake in the SE1/4 of the NW1/4 of Section 4, T125N, R53W. This structure consists of an earthen dike with three corrugated metal pipes in the center of the structure. Refer to Appendix E for details. The bottom of the corrugated metal pipes are at elevations of 1835.3, 1835.0 and 1834.8 feet msl and diameters of 1.5 feet, 0.8 feet and 1.0 feet respectively.

The culverts appear to have been placed at an elevation above the natural channel elevation. This was apparent in the examination of the outlet channel leading to and away from the dike and in the number of 35-55 year old trees that were found dead along the shoreline.

The outlet channel reached a peak of 1833.8 feet msl just in front of the dike. It appears from this information that the outlet elevation for these lakes was increased about 1.1 feet at the time the dike was constructed.

Water Level Elevations

The water level elevation for North Buffalo, South Buffalo, and Almos Lakes in June, 1982 was 1832.6, 1832.2 and 1832.2 respectively. The water level was 2.2 and 2.6 feet below the outlet elevation.

Find in Appendix A a list of water level records for Buffalo Lakes.

Water Rights

There has been one Water Right issued relating to the Waters of Buffalo Lakes. It is a Vested Water Right claimed by the Department of Game, Fish and Parks. This Vested Right No. 946-3 is for the annual recharge of 2,640 acre feet or as required to fill to the outlet elevation. The priority date for this Vested Right is 1889.

CONCLUSIONS

Based on the lakeside base elevation of trees, erosion lines, and the outlet structure of Buffalo Lakes, the OHWM has been established at an elevation of 1835.4 feet msl.

The present outlet elevation of 1834.8 feet msl, reflects the necessary water level required to establish the OHWM at 1835.4 feet msl.

RECOMMENDATIONS

Recommendations to the Water Management Board by the Division of Water Rights Staff.

1. That the Ordinary High Water Mark for North Buffalo, South Buffalo and Almos Lakes be established at 1835.4 feet msl.
2. That Vested Water Right No. 946-3 be clarified to allow the water level at Buffalo Lakes to be maintained at an elevation no higher than 1834.8 feet msl.
or the outlet at elevation of

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 Buffalo Lakes, contact Department of Water and Natural Resources, Water Rights Division, Pierre, South Dakota.

STATE OF SOUTH DAKOTA } ss
COUNTY OF HUGHES

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

Louis J. Prie
Notary Public

LOUIS J. PRIE, Notary Public
My Commission Expires
February 2, 1989

5 2-3-83

REPLACEMENTS

REDUCTION

2517

ROLL NO 12

DATE MICROFILMED

CHER

APPENDICES

Appendix A.....	Buffalo Lakes Data
	Table 1 Data Summary
	Table 2 Water Level Records
	County Map
	Watershed Map
	Bathymetric Map
Appendix B.....	Photos of Trees Below OHWM
Appendix C.....	Photos of Trees At OHWM
Appendix D.....	Photos of Trees Above OHWM
Appendix E.....	Photos of Outlet Structure

REPRODUCTION: REDUCTION 1/26/71 ROLL NO. 10
DATE MICROFILMED 10/26/71
CIVIL ENGINEER

Appendix A

Buffalo Lakes Data

Table 1 Data Summary

Surface Area.....	2185 acres ¹
Watershed Area.....	18,000 acres ²
Maximum Depth.....	12 feet ^{1,2}
Mean Depth.....	7 feet ^{1,2}
Volume.....	15,295 acre feet ^{1,2}
Total Dissolved Solids.....	534 mg/l ¹
Aquifer Connection.....	extensive ²
Outlet Elevation.....	1834.8 feet (msl)
OHWM Elevation.....	1835.4 feet (msl)
Vested Water Rights.....	No. 946-3 held by GF&P for the annual recharge of 2640 acre feet, priority date of 1889

REPRODUCTIONS: REDUCTION 35%
ROLL NO 10
DATE MICROFILMED 1-22-76
OPEN OPERATOR

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>
1935 Dec	1820.8 (nd)	1945 Oct	1833.1	1960 Fall	1830.0
1936 May	1824.3	1946 May	1835.0	1961 S	1834.0
1937 May	1828.4	1946 Oct	1835.0	1962 S	1834.67
1938 June	1826.8	1947 May	Overflowing	1962 F	1834.02
1939 May	1827.5	1948 May	1836.2	1963 S	1834.6
1939 Nov	1825.9	1949 May	1836.3	1963 F	1833.4
1940 May	1828.4	1949 Nov	1834.8	1965 W	1835.6
1940 Oct	1826.1	1950 May	1837.0	1965 F	1835.0
1941 June	1827.1	1951 Jan	1835.3	1966 S	1836.0
1941 Nov	1825.9	1951 May	1836.5	1967 F	1834.6
1942 May	1829.3	1952 May	1837.8	1968 F	1834.9
1942 Nov	1828.1	1952 Oct	1835.9	1969 S	1836.4
1943 June	1829.3	1953 Nov	1836.0	1969 F	1834.2
1943 Nov	1829.8	1954 Apr	1836.5	1970 S	1836.0
1944 Jul	1833.3	1955 May	1835.8	1970 F	1834.0
1944 Nov	1832.4	1956 May	1835.1	1071 S	1834.8
1945 May	1834.3	1956 Nov	1833.9	1972 S	1836.0
	1833.5	1959 Apr	1834.7	1973 S	1834.9
	1835.0	1960 Apr	1834.7	1975 S	1833.0
				1975 F	1831.8
				1976 F	1830.25
				1982 June	1832.6
				1982 F	1831.9

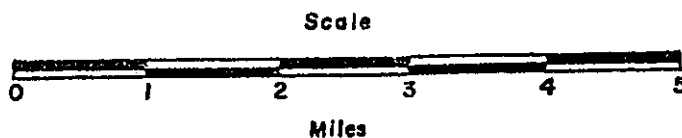
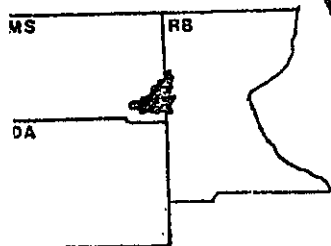
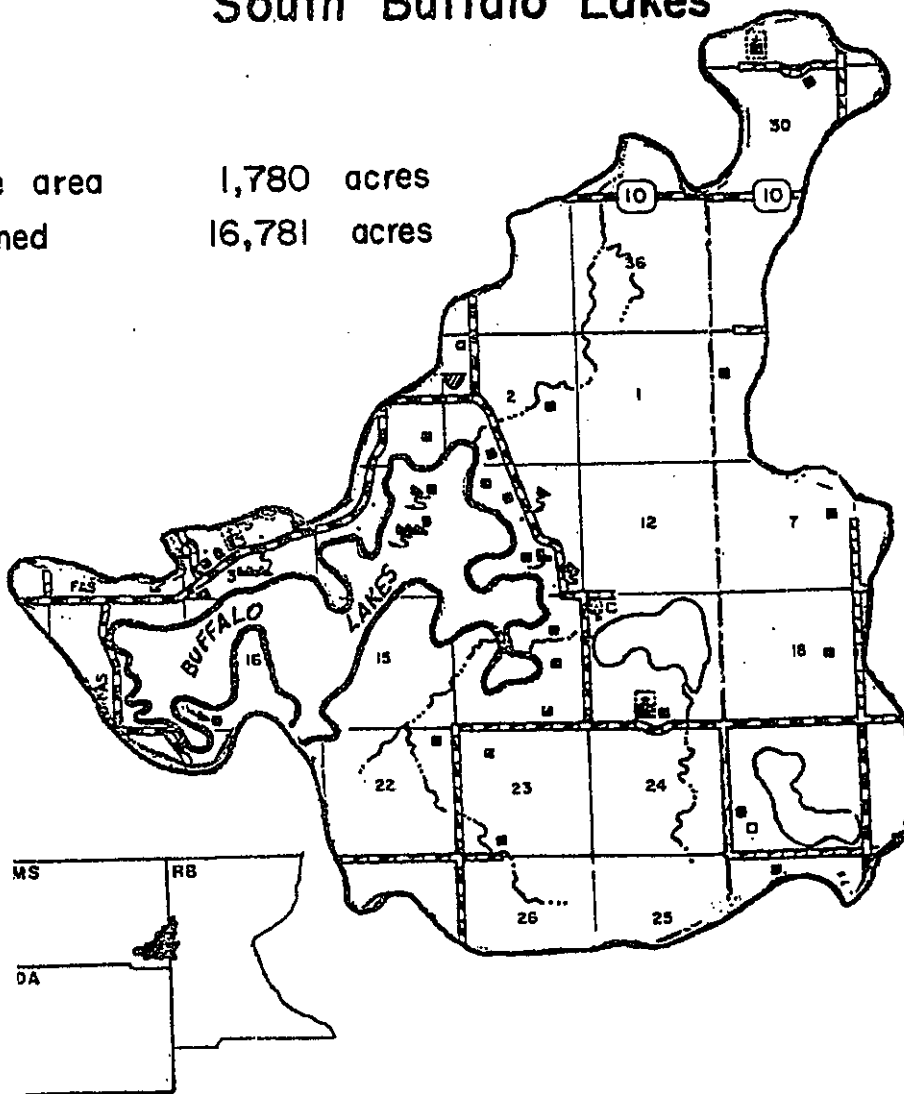
S-Spring

F-Fall

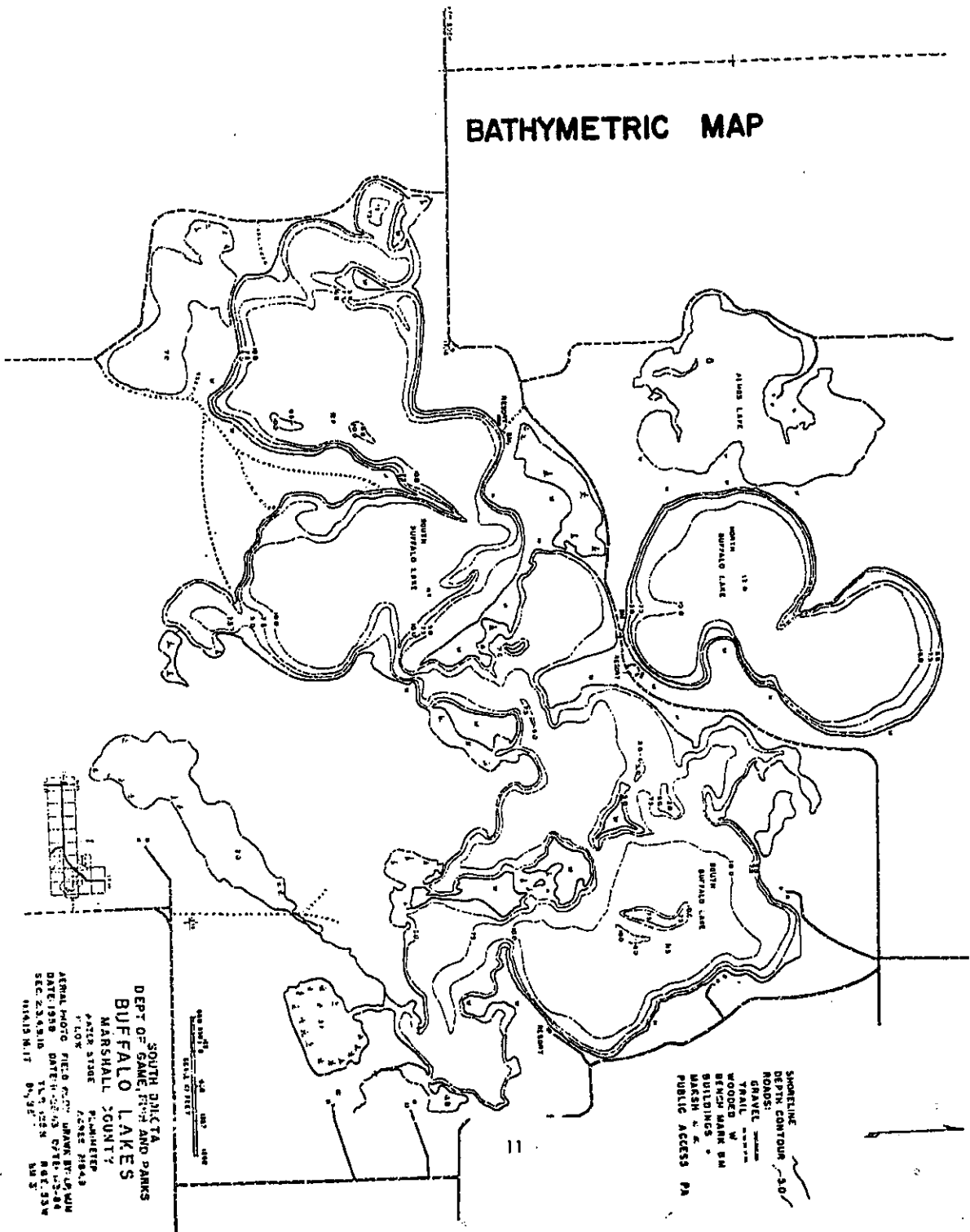
REPRODUCTIONS - REFLECTION 2017 ROLL NO 10 DATE MICROFILMED

South Buffalo Lakes

Surface area 1,780 acres
Watershed 16,781 acres



BATHYMETRIC MAP



SOUTH DAKOTA
 DEPT OF GAME, FISH AND PARKS
 BUFFALO LAKES
 MARSHALL COUNTY
 AERIAL PHOTO FIELD PHOTO
 DATE 1958 DATE 1958 DATE 1958
 SEC 234310 DATE 1958 DATE 1958
 REMARKS: 11-22-76

APPENDIX B
PHOTOS OF TREES GROWING BELOW THE OHWM



PHOTO NO. 1 Description: Dead Willow, Dia. 0.7', 0.7' & 0.6'
 Base Elevations: Lakeside----1833.2 Age 60 years
 Landside----1834.0



PHOTO NO. 2 Description: Dead Elm, Dia. 0.4' & 0.8', Age 35 years
 Base Elevations: Lakeside----1833.5
 Landside----1834.6

REPRODUCTIONS

REDUCTION

ROLL NO.

DATE MICROFILMED

CAMERA OPERATOR



(left tree)
 PHOTO NO. 3 Description: Slippery Elm, Dia 0.9 ft., Age 60 years
 Base Elevations Lakeside----1834.6
 Landside----1835.5
 (right tree) Description: Cottonwood, Dia. 2.3 ft., Age 75 years
 Base Elevations Lakeside----1833.8
 Landside----1837.0
 Horizontal mark on tree-----1836.0



PHOTO NO. 4 Description: Cottonwood, Dia. 2.0 ft., Age 70 years
 Base Elevations Lakeside----1833.8
 Landside----1837.0
 Bottom of cross-----1835.5

REPRODUCTION, REDUCTION 300% ROLL NO. 11

DATE MICROFILMED

CAMERA OPERATOR



PHOTO NO. 7 Description: Cottonwood, Dia. 2.7 ft., Age 85 years
 Base Elevations: Lakeside----1834.6
 Landside----1837.4

REPRODUCTIONS.

REDUCTION

25:1

ROLL NO

0

DATE MICROFILMED

CAMERA OPERATOR

APPENDIX C

PHOTOS OF TREES GROWING AT THE OHWM

(left tree)
PHOTO NO. 8 Description: Dead Oak, Dia. 0.5 ft., Age 35 years
Base Elevations: Lakeside----1835.3
Landside----1836.3
(right tree) Description: Live Willow, Dia. 0.7 ft., Age 40 years
Base Elevations: Lakeside----1835.4



(2nd from left)
PHOTO NO. 9 Description: Elm, Dia 0.6 ft., Age 35 years
Base Elevations: Lakeside----1835.3
Landside----1836.3
(4th from left) Description: Cottonwood, Dia. 1.9 ft., Age 70 years
Base Elevations: Lakeside----1836.4
Landside----1837.6



PHOTO NO. 10 Description: Cottonwood, Dia. 2.2 ft., Age 75 years
Base Elevations: Lakeside----1835.4
Landside----1837.5



PHOTO NO. 11 Description: Willow, Dia. 0.9 ft., Age 40 years
Base Elevations: Lakeside----1835.6
Landside----1836.7

REPRODUCTIONS.

REDUCTION

35:1

ROLL NO.

10

DATE MICROFILMED

CAMERA OPERATOR



PHOTO NO. 12 Description: Ash, Dia. 1.2 ft, Age 55 years
Base Elevations: Lakeside----1835.8
 Landside----1837.2

REPRODUCTIONS.

REDUCTION

25:1

ROLL NO

10

2-1-76
DATE MICROFILMED

CAMERA OPERATOR

APPENDIX D

PHOTOS OF TREES GROWING ABOVE THE OHWM



PHOTO NO. 13 Description: Cottonwood, Dia. 1.2 ft., Age 55 years
Base Elevations: Lakeside----1836.1
Landside----1837.4



PHOTO NO. 14 Description: Ash, Dia. 1.3 ft., Age 50 years
Base Elevations: Lakeside----1836.2
Landside----1837.2

REPRODUCTIONS, REDUCTION 30%

ROLL NO. 12

DATE MICROFILMED 1/10/60

CAMERA OPERATOR



PHOTO NO. 15 Description: Cottonwood, Dia. 1.0 ft., Age 50 years
Base Elevations: Lakeside----1836.4
Landside----1836.9



PHOTO NO. 16 Description: Cottonwood, Dia. 2.1 ft., Age 70 years
Base Elevations: Lakeside----1836.5
Landside----1837.9

REPRODUCTIONS.

REDUCTION

36/1

ROLL NO

10

DATE MICROFILMED

CAMERA OPERATOR



PHOTO NO. 17 Description: Cottonwood, Dia. 1.5 ft., Age 60 years
Base Elevations: Lakeside----1837.5
Landside----1838.8

REPRODUCTIONS:

REDUCTION

25:1

ROLL NO.

10

DATE MICROFILMED

1966

APPENDIX E
PHOTOS OF OUTLET STRUCTURE



PHOTO NO. 18 OUTLET STRUCTURE		
<u>Culverts</u>	<u>Dia.</u>	<u>Elevation of Flow line</u>
Left	1.5'	1835.3
Middle	0.8'	1835.0
Right	1.0'	1834.3



PHOTO NO. 19 NATURAL CHANNEL UPSTREAM
 Peak elevation of Natural Channel in front of Dam----1833.7

REPRODUCTIONS.

REDUCTION

200/

ROLL NO.

10

DATE MICROFILMED

CAMERA OPERATOR

BIBLIOGRAPHY

¹ Ronald M. Koth, South Dakota Lakes Classification and Inventory, South Dakota Department of Water and Natural Resources, Office of Water Quality, July 1, 1981, pp 260-266.

² State Lakes Preservation Committee,
A Plan for the Classification, Preservation, and Restoration of Lakes in Northeast South Dakota, July 1977, pp 111-112.

B91703JS.wr

REPRODUCTION: REDUCTION 25%
ROLL NO. 0
DATE MICROFILMED 4-22-76
FILMED BY
SERIALS SECTION
UNIVERSITY MICROFILMS
SERIALS ACQUISITION
300 N. ZEEB RD.
ANN ARBOR MI 48106

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 207-1-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-1108-1109-1110-1111-1112-1113-1114-1115-1116-1117-1118-1119-1120-1121-1122-1123-1124-1125-1126-1127-1128-1129-1130-1131-1132-1133-1134-1135-1136-1137-1138-1139-1140-1141-1142-1143-1144-1145-1146-1147-1148-1149-1150-1151-1152-1153-1154-1155-1156-1157-1158-1159-1160-1161-1162-1163-1164-1165-1166-1167-1168-1169-1170-1171-1172-1173-1174-1175-1176-1177-1178-1179-1180-1181-1182-1183-1184-1185-1186-1187-1188-1189-1190-1191-1192-1193-1194-1195-1196-1197-1198-1199-1200-1201-1202-1203-1204-1205-1206-1207-1208-1209-1210-1211-1212-1213-1214-1215-1216-1217-1218-1219-1220-1221-1222-1223-1224-1225-1226-1227-1228-1229-1230-1231-1232-1233-1234-1235-1236-1237-1238-1239-1240-1241-1242-1243-1244-1245-1246-1247-1248-1249-1250-1251-1252-1253-1254-1255-1256-1257-1258-1259-1260-1261-1262-1263-1264-1265-1266-1267-1268-1269-1270-1271-1272-1273-1274-1275-1276-1277-1278-127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Mr. Harms stated he agreed with the elevation of the recommendation of the OHWM. He agreed with the maximum elevation of the outlet structure. Mr. Harms stated he did not believe the Board has authority to direct the Game, Fish & Parks Department to maintain it at that elevation. When an irrigation permit is granted, the Board may allow the applicant to put 10 acre feet of water on the crops, but they do not require him to do that. They allow him to manage that water resource according to his own business. If the citizens want to approach Game, Fish and Parks to raise the outlet structure, then that is an issue between the two of them.

Mr. Arend commented as to what authority Game, Fish & Parks would have to raise the outlet, if this Board did not establish at least the maximum level that they can set it at.

Mr. Harms stated he agreed with setting a maximum level, what he did not agree with was the portion of the motion which states they have to maintain the water at that level.

Mr. Arend stated by establishing the level of the weir that would mean that it cannot be any higher. They cannot control the rain and the runoff. That is done by nature. Mr. Arend stated he would like to maintain the high level.

Mr. Timm stated the Board does have the authority to set the outlet weir level.

In answer to a question from Mr. Harms, Mr. Ryland stated they would have to maintain the weir level, not the water level.

Mr. Arend called the question. MOTION CARRIED with Mr. Harms voting NO.

Mr. Ryland stated for clarification purposes that the Board set the OHWM at 1823.7 and the weir level was set at 1823.0. By weir they mean outlet structure.

BUFFALO AND ALMOS LAKES

Jerry Steffen presented the report on Buffalo and Almos Lakes (copy on file). Mr. Steffen read the recommendations by the staff on the lakes.

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.

In reference to the hydrology of the lakes Mr. Steffen stated that North and South Buffalo are connected by a culvert through the road. The culvert is approximately one half foot below the outlet structure elevation on Almos Lakes. This is not the controlling structure of this lake system. It is just a waterway between the two so that a road could be put in between the lakes. Probably before the road was put in, the lakes when they were full were connected surficially in that area. Between North Buffalo and Almos Lakes there is a channel that drains high waters when the two lakes are surficially connected.

RECOMMENDATIONS: REDUCTION 25:1
ROLL NO. 10
DATE MICROFILMED
CAMERA OPERATOR

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
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Memo to File

Alamos Lake in Marshall County

VWR No. 932-3

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

OHWM elevation 1835.4 fmsl NGVD29

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

Outlet elevation 1834.8 fmsl NGVD29