

Considered: _____

WATER PERMIT NO. 1429-1

MAP No. Same 374-3592

Name of Applicant USDA, Forest Service

Post Office Address Box 390, Lemmon SD 57638

Amount of Water Claimed 220 acre-feet Total Acres NA

Source of Water Supply dry draw - First Creek

Water to be used for Recreation, Domestic and Fish & Wildlife propagation County Carson

About 23 miles S of Thunderhawk.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received Dec. 30, 1987 Fee 225⁰⁰ Remarks _____

Corrected Application Received Jan 15, 1988 Period of Annual Use Jan 1 - Dec 31

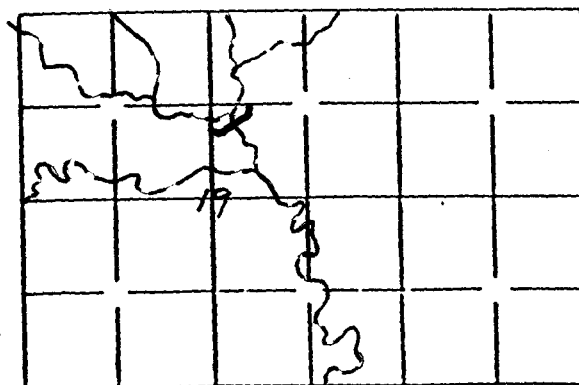
WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point dam: SW 1/4 NE 1/4 section 19 -

T19N-R18E

Land to be Irrigated NA



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map plat. PREPARED BY Curtis W. Glasoe Reviewed and the Number

assigned on January 18, 1988 By Ron Duvall

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 1429-1
USDA, Forest Service Box 390
(Applicant) (Street, RR or Box)
Lemmon SD 57638 With the following qualifications.
(City) (State) (Zip Code)

Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed.

Date of first receipt of application December 30, 1987.

Date of return to applicant for correction, amendments or changes required January 7, 1988.

Date of receipt of corrected application Jan. 15, 1988. Approved March 3, 1988.

The Water Management Board approved this Water Permit No. 1429-1 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is December 30, 1987.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before September 3, 1990.
3. The whole of said work is to be completed on or before March 3, 1993.
4. The limit of time for proof of beneficial use of water appropriated in accordance herewith is March 3, 1997.
5. The water appropriated shall be used for the purpose of domestic, recreational use and provide habitat for fish and wildlife propagation
6. 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 unlawfully impaired by this appropriation.
7. The amount of the appropriation granted shall not exceed 220 acre-feet storage capacity ~~cubic feet per second~~; neither shall it exceed the amount of water needed for the beneficial uses served and to which water is actually and beneficially applied for DOM, REC & FWP on or before March 3, 1997. The water is to be used during the following described annual period: Jan. 1 - Dec. 31

WATER MANAGEMENT BOARD

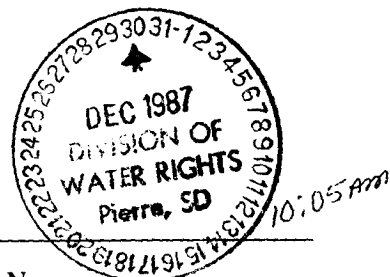
By: John Hatch
Chief Engineer
 Division of Water Rights JOHN HATCH
 Dept. of Water and Natural Resources
APR 28 1988

No. 1429-1 Hydrologic Unit 10130303
 Map No. same Basin Grand River
 Newspaper Corson Co. News, Box 388, McLaughlin
(week)

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☒ (above 18gpm) Other ☒ Fish & Wildlife Propagation

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant USDA, Forest Service Phone No. (605) 374-3592Post Office Address Box 390, Lemmon

(Street, RR or Box)

State SD 57638

Zip Code

2. Amount of water claimed (c.f.s) 220 ac. ft. Storage Dam3. Source of water supply Dry Draw First Creek4. Location of point of diversion See attached map. SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19-T19N-R18ECounty Corson5. Counties where water will be used Corson6. Annual period during which water is to be used Yearlong January 1 - December 31

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

The dam being proposed will be designed and constructed by Ducks Unlimited. Its purpose will be to provide habitat for waterfowl, to serve as a public fishery, and to provide water for livestock.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
 County of Perkins)^{ss}

I, Tom Heintz, USDA, Forest Service the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Tom HeintzSubscribed and sworn to before me this 29th day of December 19 87

Mary J. Hase formerly Mary J. Hase
 Notary Public (or other qualified officer)
 My commission expires 6/1/93

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

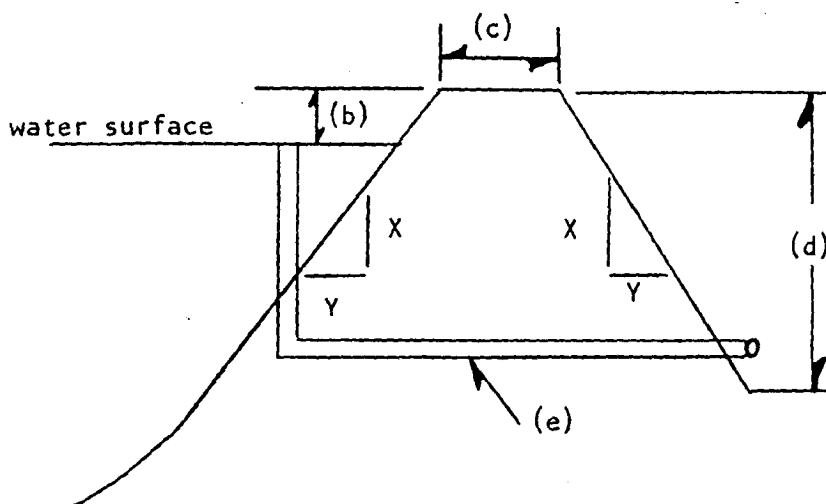
3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

Ducks Unlimited
6115 East Main Avenue
Bismarck, ND 58501

- b) Freeboard _____ 3.5
- c) Crest Width _____ 12'
- Crest Length _____ 530'
- d) Height _____ 22'
- e) Outlet Dimensions:
Pipe diameter _____ 60"
- Spillway width _____ 100'
- f) X & Y Slope
Upstream _____ 3:1
- Downstream _____ 3:1



Surface Area of Impoundment _____ 39 ac.

Storage _____ 220 _____ acre feet

Drainage area above dam _____ 5200 ac.

Tom Heint
Signature of Applicant *USDA Forest Service*

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411123

Pierre, January 15, 19 88

RECEIVED OF USDA, Forest Service, PO Box 60800, New Orleans LA 70160

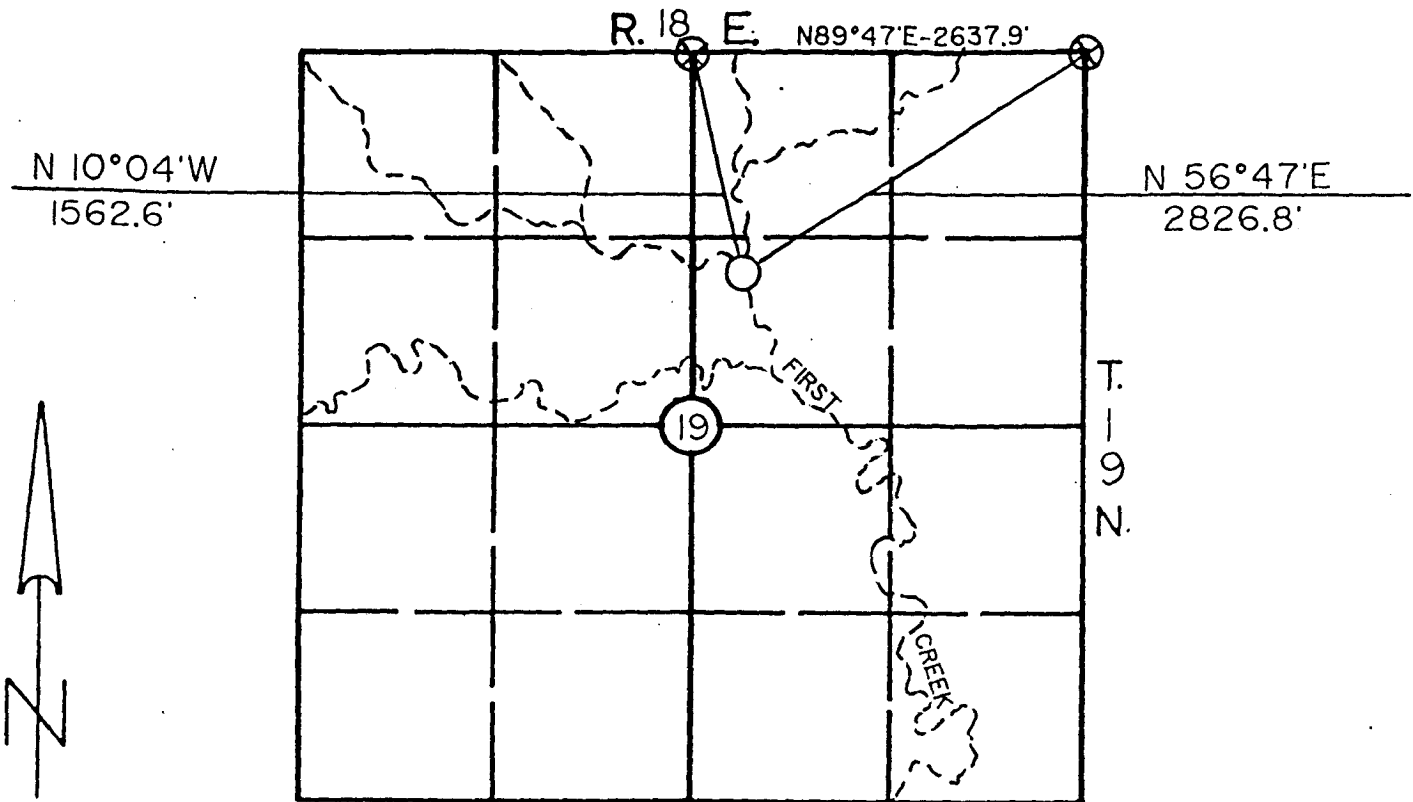
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1429-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	225 00

By John Hatch
Chief Engineer JOHN HATCH

(ks)

TEXLEY EAST PROJECT
GRAND RIVER RANGER DISTRICT
CUSTER NATIONAL FOREST
BILLINGS, MONTANA



○ PROPOSED SITE
⊗ BRASS CAP

STATE OF SOUTH DAKOTA)

COUNTY OF CORSON) SS

Scale: 1 inch=1320 feet

I, CURTIS W. GLASOE of DICKINSON, ND do hereby certify that this map was made from data taken from a field survey by me, (or, made under my direction by Steve Volesky for whose work I stand personally responsible), the 21st day of July, 1987, and that it correctly represents the recreation/wildlife habitat works described in the accompanying application, together with a meander of streams and shows accurately the location and area of the lands proposed to be developed in each subdivision.

Curtis W. Glasoe RLS # 4120
Surveyor

Map to accompany

Approved: _____
State Engineer

Application No. _____

United States
Department of
Agriculture

Forest
Service

Grand River
Ranger
District

P.O. Box 390
Lemmon, SD 57638

Reply To: 2610

Date: December 28, 1987

Water Rights Division, DWNR
Joe Foss Building
Pierre, SD 57501



Dear Sir:

Enclosed for your review are two copies of an application for water rights concerning a project that Ducks Unlimited and the USDA, Forest Service are cooperatively working on. I understand that the filing fee will be \$225 for the project. As such, I have instructed our Supervisor's Office in Billings, Montana to process payment to you for the above amount.

Please call if you have any questions or if you should need additional information.

Sincerely,

Tom Heintz
THOMAS W. HEINTZ
District Ranger

Enclosures

SOUTH DAKOTA
Department of
Water & Natural Resources

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

January 7, 1988

Thomas W. Heintz, District Ranger
USDA Forest Service
Box 390
Lemmon, South Dakota 57638

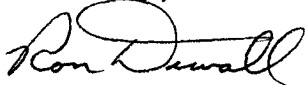
Dear Mr. Heintz:

This letter is in response to the water permit application received on December 30, 1987 to store 220 acre-feet of water. The project is to be completed with the cooperation of Ducks Unlimited. The following information is needed to begin processing of the application.

1. The \$225.00 application fee which is currently being processed.
2. The proposed outlet elevation of the dam.

Please contact me if you have any questions regarding the application.

Sincerely,



Ron Duvall
Natural Resources Engineer

RD:ms

Application No. 1429-2
 USDA Forest Service
 January 22, 1988

Secondary Spillway
 width: 100'

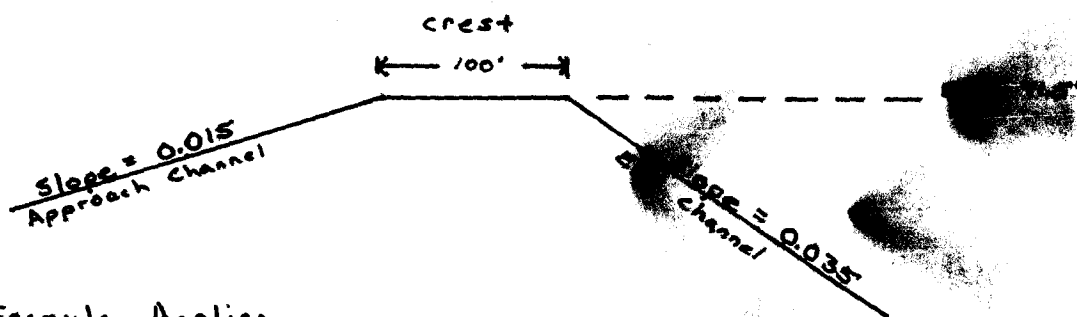
top of dam = 75'
 Spillway crest = 71.5'

Storage capacity: 225 ac.ft.

Effective Hght = 18.5'

$$18.5' \times 220 = 4070 > 3000$$

Small, Category 3 dam



Weir Formula Applies

$$Q = CLH^{3/2}$$

$$C = 2.9$$

$$L = 100'$$

$$H = 3.6$$

$$Q = 1899 \text{ cfs}$$

Spillway Requirements - 50 year frequency Flood

"Techniques for Estimating Flood Peaks, Volumes, and Hydrographs on Small Streams in South Dakota" U.S. Geological Survey.

$$Q_{50} = 106'' A^{.63} S^{.45} Si^{.69}$$

$$A = 4.7 \text{ mi}^2$$

$$S = 15' / \text{mile}$$

$$Si = 2.66$$

$$Q_{50} = 484 \text{ cfs}$$

Designed spillway can safely pass 50 year frequency flood without overtopping the structure.

Tim Colby
 1/25/88

REPORT ON APPLICATION NO. 1429-1
USDA Forest Service
January 22, 1988

Water Permit Application No. 1429-1 is for the construction of a dam to store 220 acre feet of water annually in the SW1/4 of the NE1/4 of Section 19 - T19N - R18E, Corson County. The dam will be located on First Creek and will be used for domestic purposes, recreational purposes, and provide habitat for waterfowl and wildlife production.

DISCUSSION

First Creek is a tributary of Black Horse Butte Creek which is a tributary of the Grand River. U.S. Geological Survey topographic maps show First Creek as being an ephemeral stream. The drainage area above the dam is approximately 3000 acres. There are currently no water rights on First Creek or Black Horse Butte Creek downstream from the location of this proposed dam.

Plans and specifications have been submitted with this application. The dam will be equipped with a low-level drawdown facility and a primary spillway consisting of a six foot diameter drop inlet structure. The level of the reservoir can be controlled by operating a stop log structure constructed within the drop inlet. A 100 foot wide emergency spillway will be constructed at the right abutment of the dam. The upstream and downstream slopes will both have slopes of three horizontal to one vertical.

Upon reviewing U.S. Geological Survey topographic maps of the downstream area from the proposed dam, this dam can be classified as a category 3 dam. The dam is 22 feet high and has a maximum storage capacity of 395 acre feet. According to Water Management Board Rules Chapter 74:02:08 Safety of Dams, a dam with this height and storage capacity is classified as a small size dam.

The plans and specifications submitted with this application indicate the dam will have a spillway capacity in excess of 1900 cubic feet of water per second (cfs). Pursuant to Water Management Board Rules Chapter 74:02:08 Safety of Dams, a small size, category 3 dam must have a minimum spillway capacity to pass a 50 year frequency flood without overtopping the structure. Using "Techniques for Estimating Flood Peaks, Volumes, and Hydrographs on Small Streams in South Dakota", prepared by the U.S. Geological Survey, the peak discharge from a 50 year frequency flood is estimated to be 484 cfs. The current plans meet the spillway requirements set forth by the Water Management Board Safety of Dam Rules.

CONCLUSIONS

1. There are no existing water rights on First Creek or Black Horse Butte Creek downstream from this proposed dam.
2. The dam can be classified as a small size, category 3 dam.
3. The plans and specifications submitted with this application meet the requirements set forth by Water Management Board Rules Chapter 74:02:08 Safety of Dams for a small size, category 3 dam.
4. It is recommended Water Permit Application No. 1429-1 be approved with the qualification that low flows as needed for downstream domestic use including livestock water must be by-passed.



Tim Tollefsrud
Natural Resources Engineer

Reference:

U.S. Geological Survey, Techniques for Estimating Flood Peaks, Volumes, and Hydrographs on Small Streams in South Dakota, September, 1980.

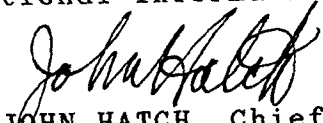
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1429-1, USDA, Forest Service

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 1429-1, USDA Forest Service, Box 390, Lemmon SD.

The Chief Engineer is recommending APPROVAL of Application No. 1429-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
January 26, 1988



Department of Water & Natural Resources

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

Water Rights Division
(605) 773-3352

January 27, 1988

NOTE:

TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT THE
NEWSPAPER RIGHT AWAY.

USDA Forest Service
PO Box 390
Lemmon, South Dakota 57638

Dear Sir:

Your Application No. 1429-1 for a permit to appropriate water for

domestic, recreation & FWP use, has been examined and found to
comply with the South Dakota Water Laws and applicable rules. A notice of
your intent to appropriate water has been sent to the Publisher of the

Corson County News

printed at McLaughlin

South Dakota. For your information, a copy of this notice, the recommendation
of the Chief Engineer and a report on the application are enclosed. Please
review this notice prior to publication and notify this office, if you have
any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION
OF YOUR NOTICE OF INTENT TO APPROPRIATE WATER AND TO ARRANGE FOR PAYMENT.
Early contact with the paper can eliminate delays. The publisher has been
instructed to publish your notice once each week for two consecutive weeks
with the last publication to occur at least twenty days before the board
meeting. We must receive Proof of Publication before the application can be
considered by the Water Management Board.

Sincerely,

RON DUVALL
Natural Resources Engineer

enclosures



Department of Water & Natural Resources

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

January 28, 1988

Corson County News
Box 388
McLaughlin, South Dakota 57642

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 1429-1 to be published twice. Please publish the first notice on or before February 3, 1988 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is USDA Forest Service Box 390, Lemmon, SD 57638.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE
No. _____

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first publication of the following Notice on or before February 3, 1988 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1429-1 to Appropriate Water
and/or to Amend Water Permit or Water Right No. _____

Notice is hereby given that the USDA Forest Service whose mailing address is
Box 390, Lemmon,, South Dakota has made an application for a permit

to construct a dam (220 acre-feet storage capacity) on First Creek. The storage dam is to be located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19-T19N-R18E and store water to outlet elevation 2369.0 feet mean sea level. Water is to be used for domestic and recreational purposes plus water is to be used to provide habitat for waterfowl and wildlife production.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends

APPROVAL of Application No. 1429-1 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, March 2 1988 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by February 19, 1988. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2 46-5-30.4, 46-5-31; ~~(ground)~~ 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; ~~(future use)~~ 46-5-38 thru 46-5-40; ~~(transfer lands)~~ 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-3.1, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 ~~(future use)~~ 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNr, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 19, 1988.

No. 1429-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Corson) ss.

I, Rosemary Verbanac hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Corson County News

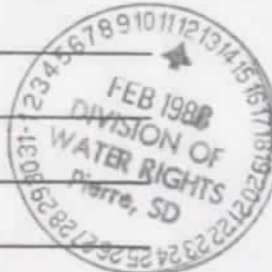
A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

Corson County News of McLaughlin

County of Corson and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

2/4/88

2/11/88



Rosemary Verbanac
(Signature)

Lookkeeper
(Title)

2/11/88

(Date Signed)

Cost of Printing: \$ 44.39

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foss Bldg, Pierre, S.D. (605-773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant of any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 19, 1988.

(News Feb. 4-11)

Notice Of Hearing
On Application
No 1429-1 to Appropriate Water

Notice is hereby given that the USDA Forest Service whose mailing address is Box 390, Lemmon, South Dakota has made an application for a permit to construct a dam (220 acre-feet storage capacity) on First Creek. The storage dam is to be located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19-T19N-R18E and store water to outlet elevation 2369.0 feet mean sea level. Water is to be used for domestic and recreational purposes plus water is to be used to provide habitat for waterfowl and wildlife production.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 1429-1 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, March 2, 1988 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by the Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by February 19, 1988. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

APR 28 1988

Thomas W. Heintz, District Ranger
USDA, Forest Service
Box 390
Lemmon, South Dakota 57638

Dear Mr. Heintz:

Enclosed herewith is your Water Permit No. 1429-1 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 1429-1.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:MS

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

August 5, 1993

1429-1

Thomas F. Heintz, District Ranger
USDA Forest Service
Box 390
Lemmon, SD 57638

Dear Mr. Heintz:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 1429-1, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

413862

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____

August 18, 19 93

RECEIVED OF US Dept of Agriculture, Grand River Dist, PO Box 390, Lemmon, SD 57638

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years _____

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. 1429-1 _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50

By

Chief Engineer

John Blatchford



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

SEP 20 1993

1429-1

Thomas F. Heintz, District Ranger
USDA Forest Service
Box 390
Lemmon, SD 57638

Dear Mr. Heintz:

Enclosed is Water License No. 1429-1 and Receipt No. 413862 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 1429-1 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

gm
enclosures

Permit No. 1429-1
Grand River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by US Forest Service of Box 390, Lemmon, SD holder of Permit No. 1429-1, bearing the priority of December 30, 1987 authorizing the storage of 220 acre-feet of the waters of surface water for domestic, recreational and provide habitat for fish and wildlife propagation purposes, in Corson County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

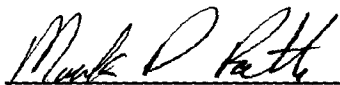
A 22 feet high 550 foot long dam

The system is in the following condition good. The point of diversion is located SW1/4 NE1/4 of Section 19 T19N-R18E. The works are capable of storing 220 acre-feet of water which is to be used for domestic, recreational and provide habitat for fish and wildlife proagation. The license should be issued for 220 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes x No

Exceptions to compliance are: none

Date: 6/22/1993



Mark D. Rath
Natural Resources Engineer
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 1429-1

DATE: 6/22/1993

DIVERSION POINT LEGAL LOCATION: SW1/4 NE1/4 of Section 19 T19N-R18E

DAM INFORMATION:

- 1) Height to crest 22 feet
- 2) Height to primary spillway 16 feet
- 3) Height to secondary spillway 18 ft
- 4) Crest width 15 feet
- 5) Crest length 550 feet
- 6) Spillway length 250 feet
- 7) Spillway width 150 feet
- 8) Approx. storage 220 ac-ft
- 9) Approx. storage to crest ac-ft
- 10) Date constructed:
- 11) Outlet tubes:
 - a) diameter 48 inches
 - b) type cmp
 - c) valved Y
 - d) valve type stop log
 - e) location on structure
center
- 12) Category of Dam III
- 13) Inspection Sheet Completed N

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1429-1

(1) The USDA Forest Service, of Box 390, Lemmon, SD 57638 made Application No. 1429-1, December 30, 1987 for a water permit to impound 220 acre feet of water annually from First Creek, Corson County, South Dakota for domestic, recreational use and fish and wildlife propagation purposes. Permit No. 1429-1, with a priority date of December 30, 1987 was approved March 3, 1988 and issued to the applicant(s) for diversion of water with construction of the described water supply system to be completed on or before March 3, 1993 and for the application to beneficial use of said water on or before March 3, 1997.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to store 220 acre feet of water annually for beneficial use. The location of the storage dam is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19, T19N, R18E.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the USDA Forest Service of Box 390, Lemmon, SD 57638 the holder(s) and/or owner(s) of Water Permit No. 1429-1 is issued a license to appropriate water, the right to store 220 acre feet of water annually from First Creek with a priority date of December 30, 1987 from the location specified in (2) of this license. The water is to be impounded for domestic, recreational use and fish and wildlife propagation purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 1429-1 and subject to South Dakota State Law.

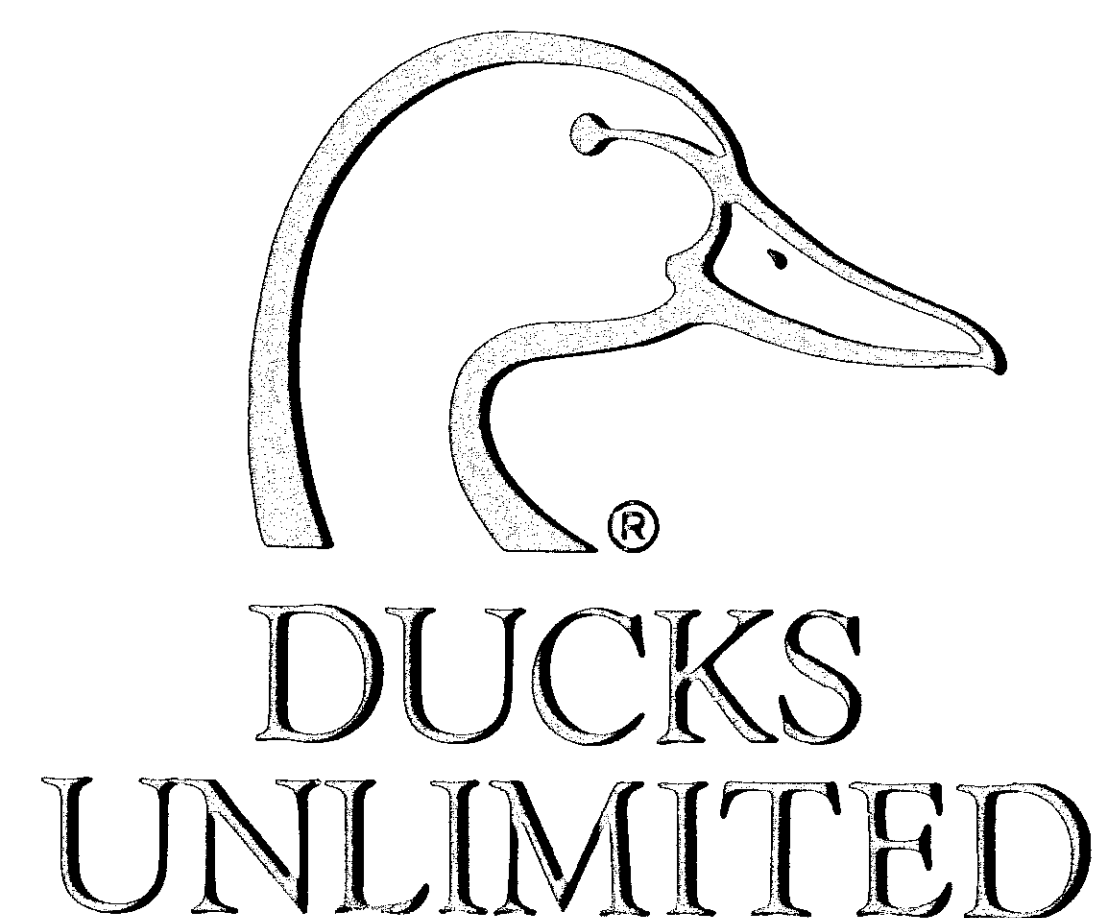


SEP 20 1993

JOHN HATCH, Chief Engineer

Water Rights Division

Department of Environment and Natural Resources



DUCKS UNLIMITED

PROJECT AT

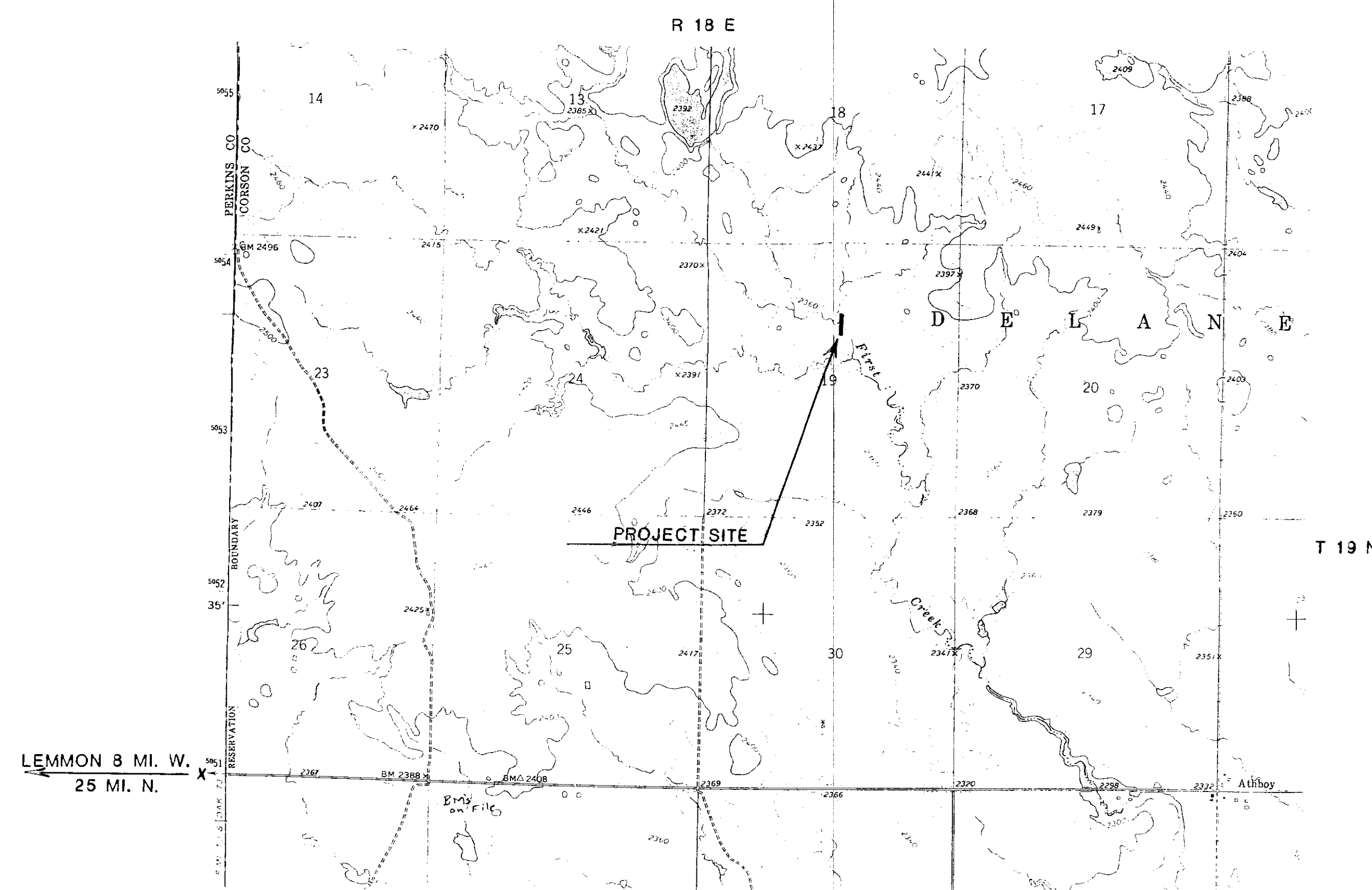
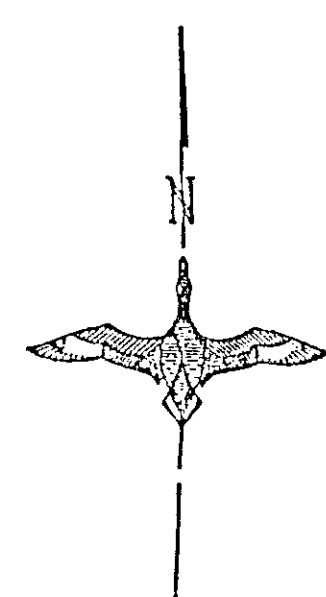
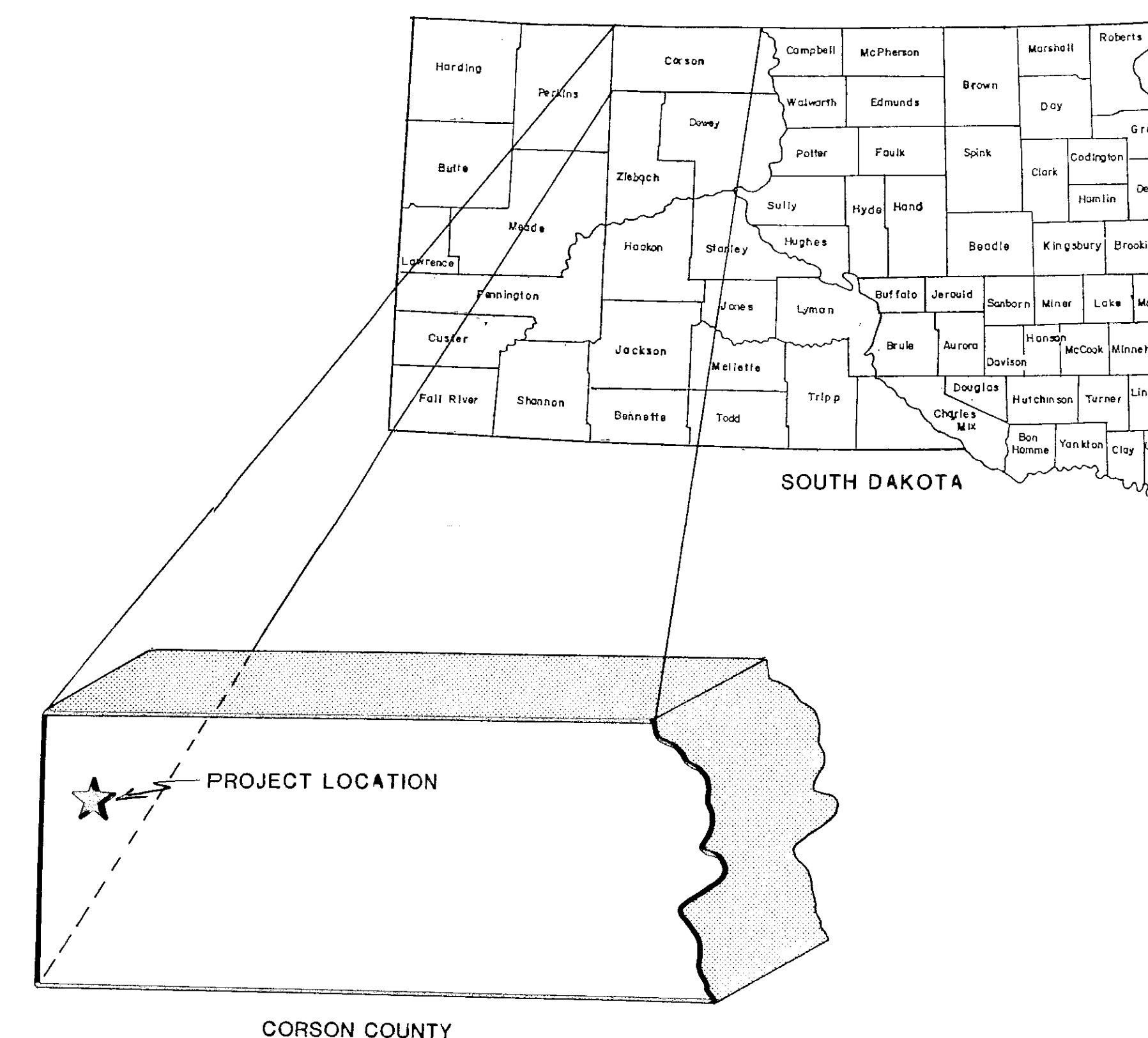
TEXLEY EAST

SEC. 30, TWP. 19 N., RGE. 18 E

CORSON COUNTY, SOUTH DAKOTA

IN COOPERATION WITH

USDA-FOREST SERVICE



VICINITY MAP

SCALE : 1" = 2,000'

INDEX

1. VICINITY MAP
2. SITE TOPOGRAPHY
3. STRUCTURE DETAILS
4. CENTERLINE PROFILES
5. SOIL BORINGS

PRELIMINARY

NO.	DESCRIPTION OF REVISION	DATE	BY
 DUCKS UNLIMITED, INC.			
TEXLEY EAST VICINITY MAP			
DESIGNED: RCS	DRAWN: TD	SURVEYED: DJM	CHECKED: DT
APPROVED:  APPROVED: 			
DESCRIPTION: SEC. 30 TWP. 19N RGE. 18E			
DATE: 10-21-87		DRAWING NO: DU-1-SD-059 01 OF 5	



Appl. No 1429-1



DUCKS UNLIMITED

PROJECT AT

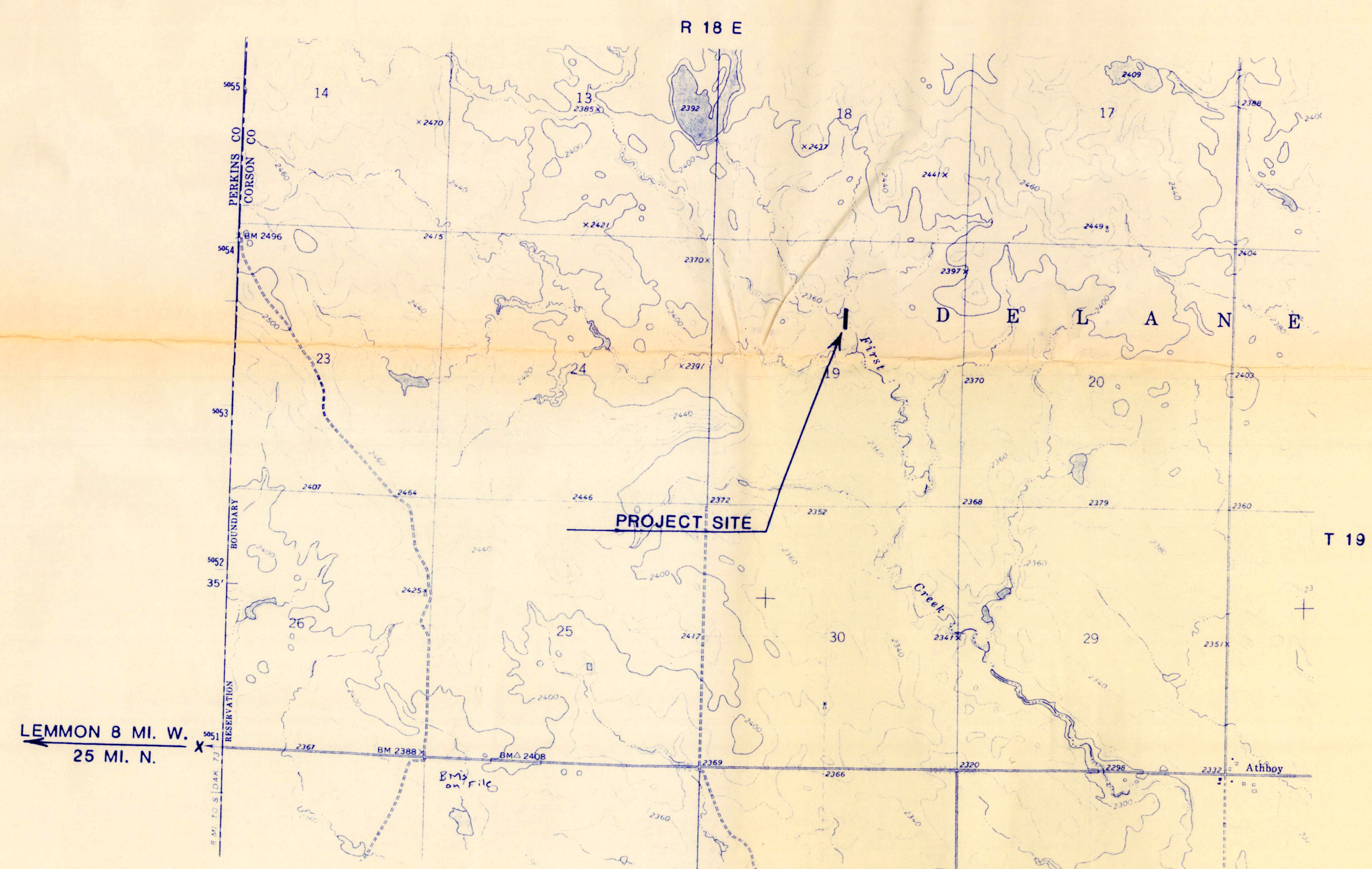
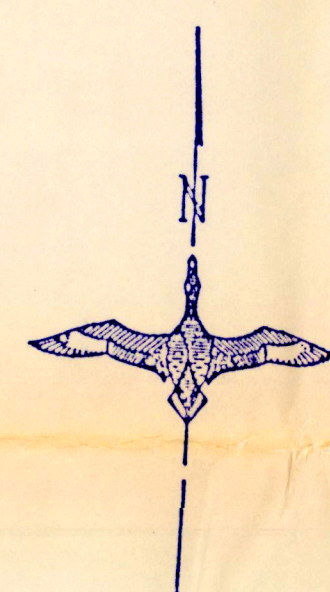
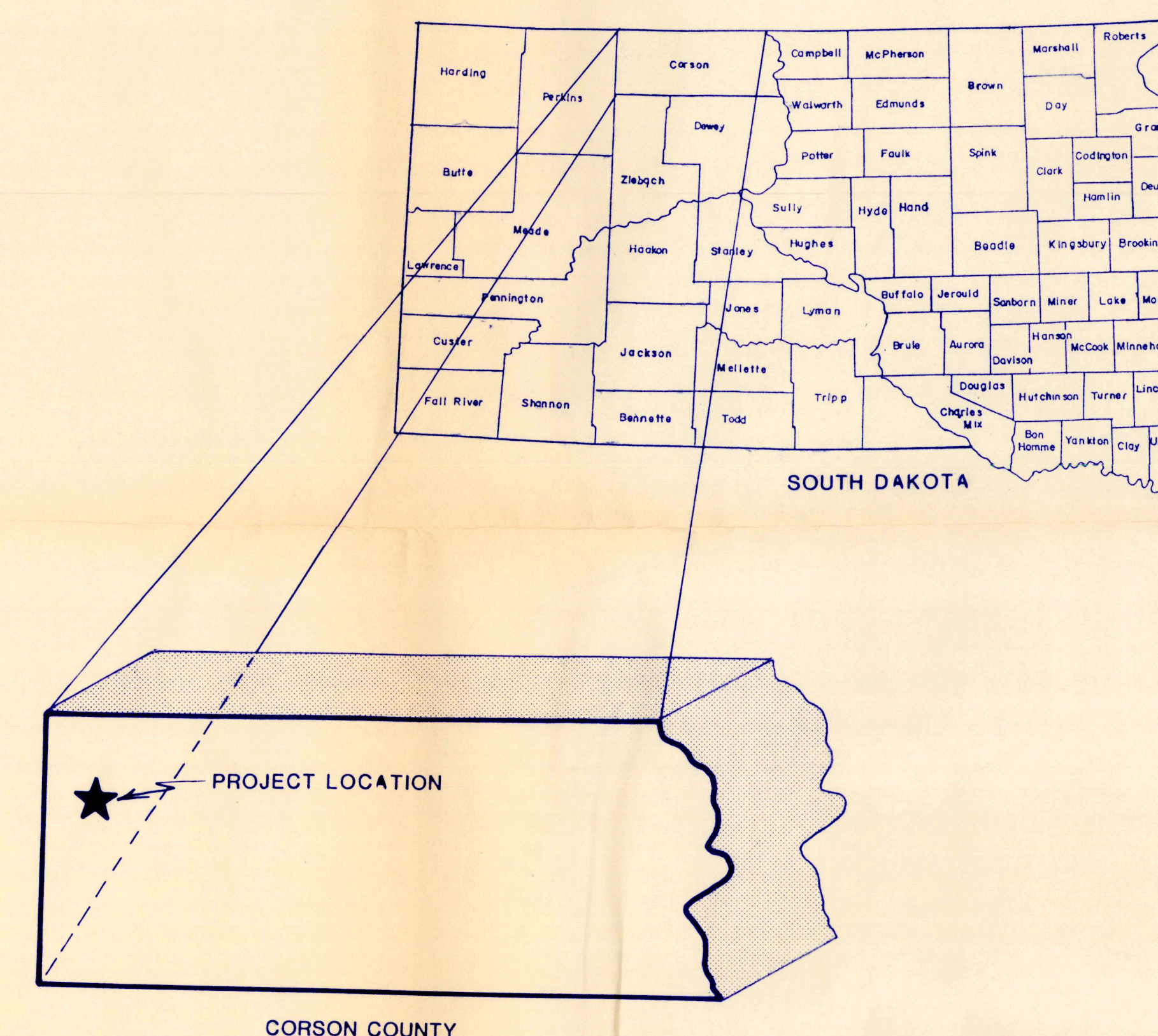
TEXLEY EAST

SEC. 30, TWP. 19 N., RGE. 18 E

CORSON COUNTY, SOUTH DAKOTA

IN COOPERATION WITH

USDA-FOREST SERVICE



VICINITY MAP

SCALE : 1" = 2,000'

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PRELIMINARY

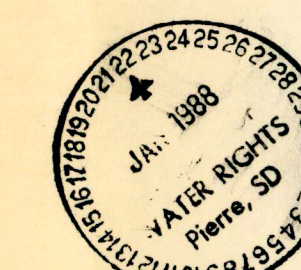
NO.	DESCRIPTION OF REVISION	DATE	BY



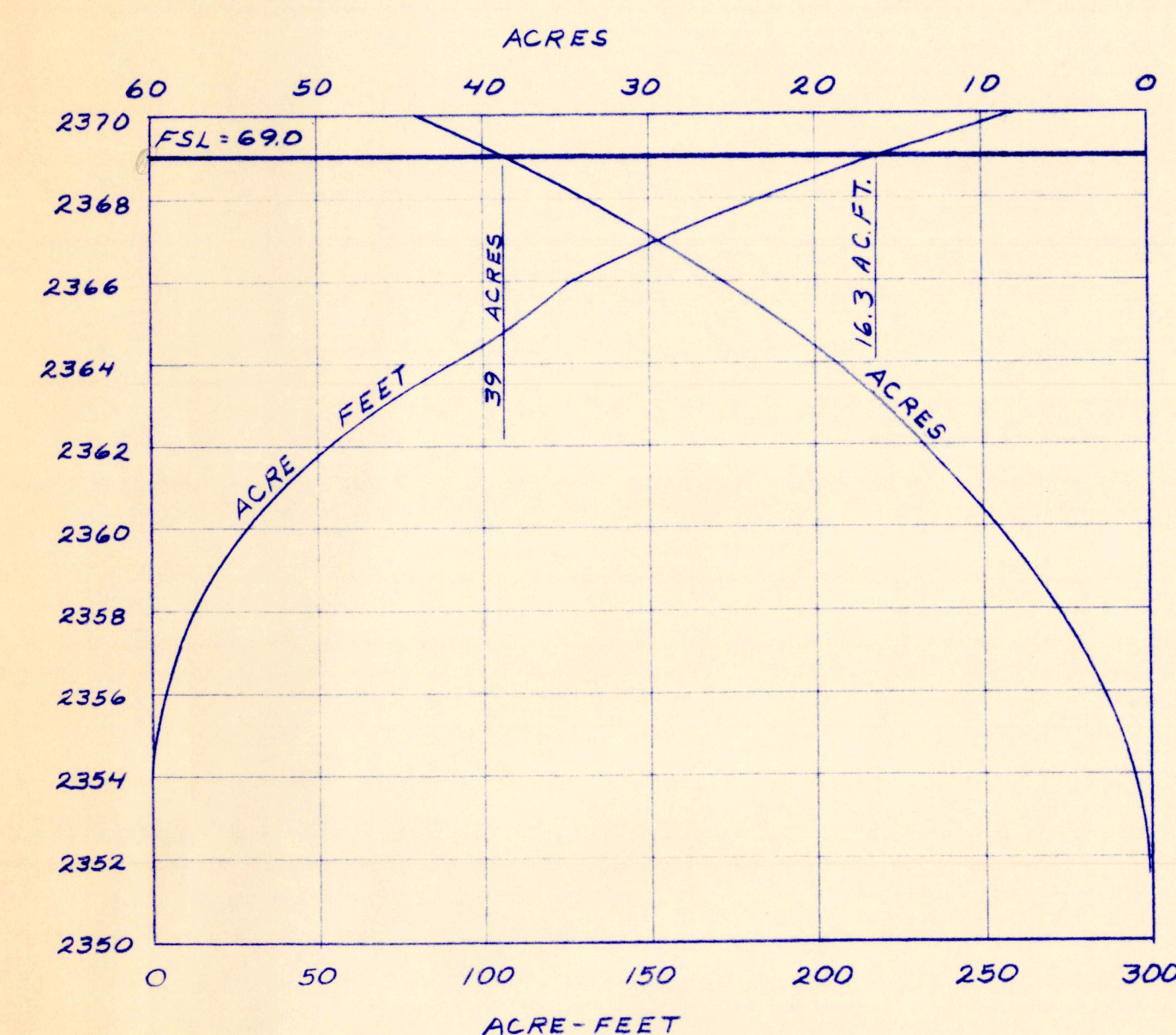
DUCKS UNLIMITED, INC.

TEXLEY EAST
VICINITY MAP

DESIGNED: RCS	DRAWN: TD	SURVEYED: DJM	CHECKED: DT
APPROVED: <i>[Signature]</i> P.E.			
APPROVED: <i>[Signature]</i>			
DESCRIPTION: SEC. 30 TWP. 19N RGE. 18E			
DATE: 10-21-87	DRAWING NO: DU-1-SD-059 01 OF 5		REV.



Appl. No 1429-1



AREA-CAPACITY CURVE

FSL = EL. 69.0
ACRES = 39.0
AC. FT. = 220.0

NOTES

ADDITIONAL BORROW AREAS

APPROACH CHANNEL (1ST ALTERNATIVE)

ADDITIONAL BORROW MATERIAL MAY BE OBTAINED
IN THE APPROACH CHANNEL. THIS AREA IS THE
1ST ALTERNATIVE BORROW AREA.

MINIMUM APPROACH SLOPE .002 FT./FT.
MAXIMUM APPROACH SLOPE .25 FT./FT.
MAXIMUM SIDE SLOPE 3:1
SEE EMERGENCY SPILLWAY & CENTERLINE
PROFILE. PAGE 4

ADJACENT TO LEVEL CREST (2ND ALTERNATIVE)

ADDITIONAL BORROW MAY BE OBTAINED ADJACENT TO THE LEVEL CREST AS SHOWN ON THE DAM CENTERLINE PROFILE & EMERGENCY SPILLWAY CROSS SECTION. PAGE 4

BENCH MARKS

DU-A ELEV. 2375.00 TOP OF CAPPED
PIN/POST (ASSUMED)

DU-8 ELEV. = 2383.00 TOP OF CAPPED
PIN/POST

NO.	DESCRIPTION OF REVISION	DATE	BY



DUCKS UNLIMITED, INC.

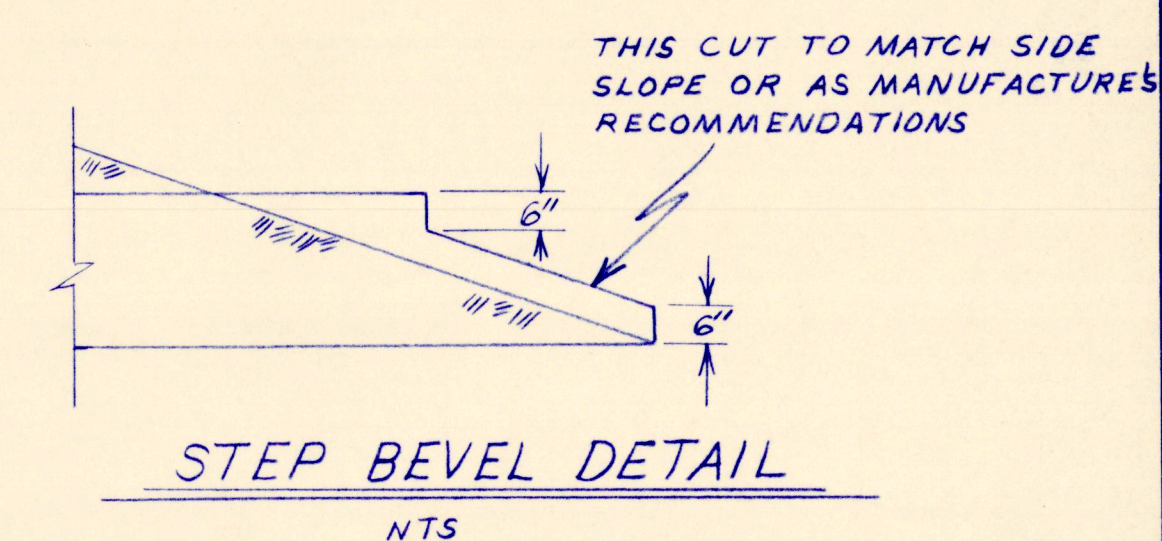
TEXLEY EAST

SITE TOPOGRAPHY

	DESIGNED:	DRAWN:	SURVEYED:	CHECKED:
	RCS	TD	DJM	DT
	APPROVED:			
	APPROVED:			
	DESCRIPTION:			
	SEC. <u>JO</u> TWP. <u>19 N</u> RGE. <u>18 E</u>			

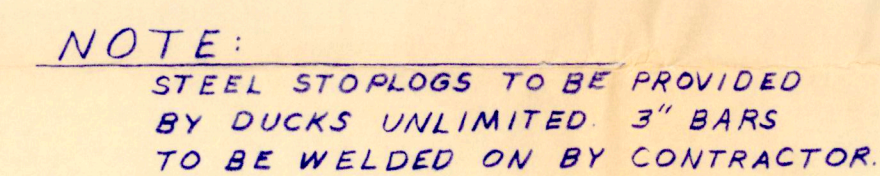
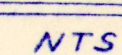
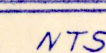
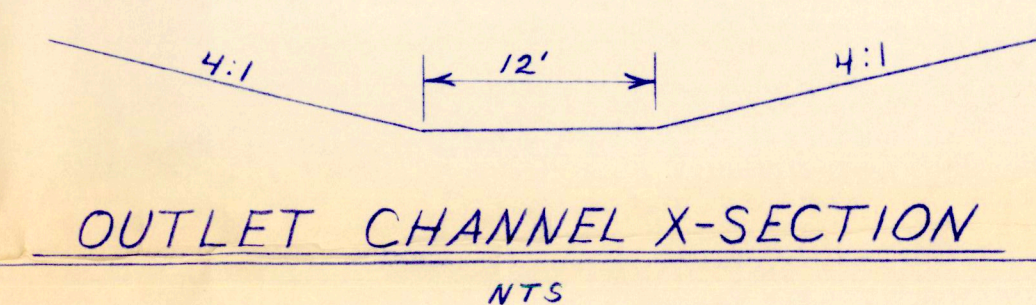
DATE:	DRAWING NO:
10-20-87	DU-I-SO-O59-02 OF 5

RE

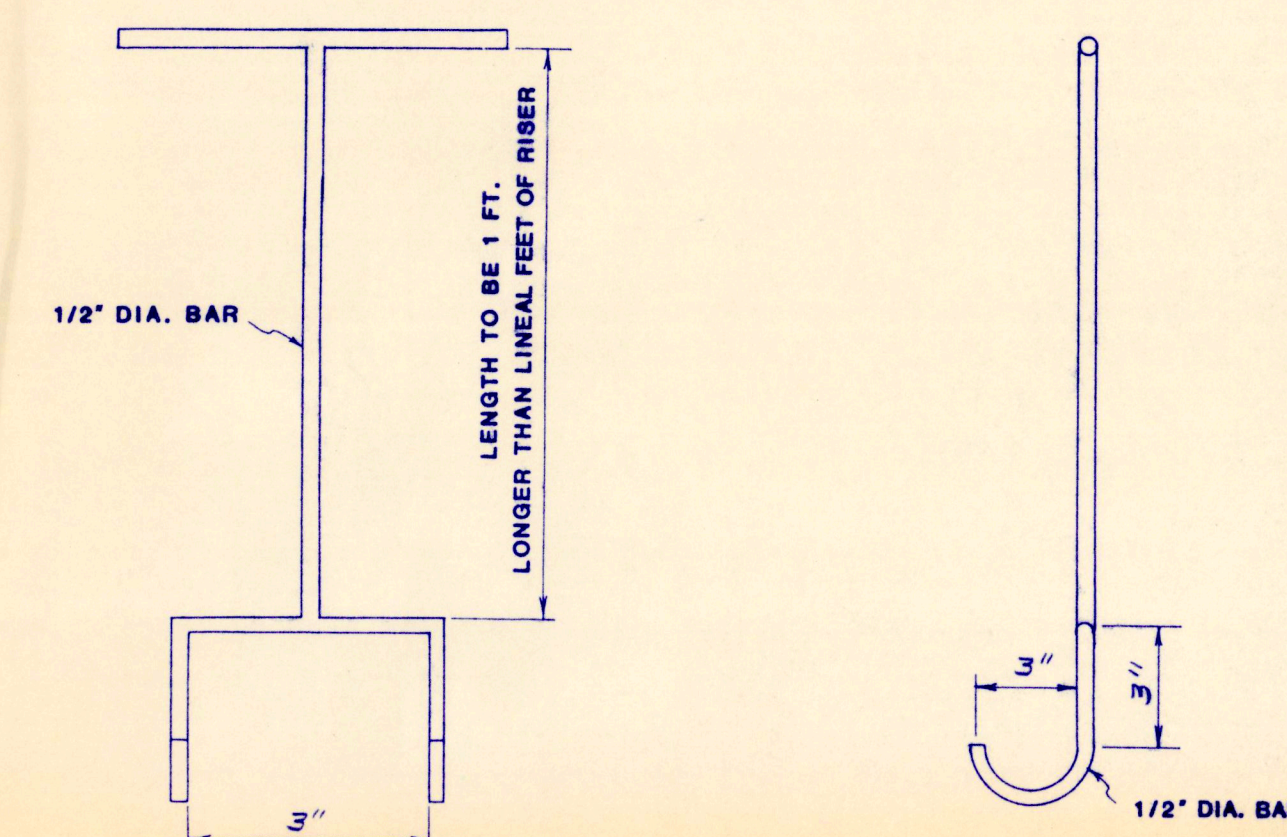


SCALE: 1" = 10'

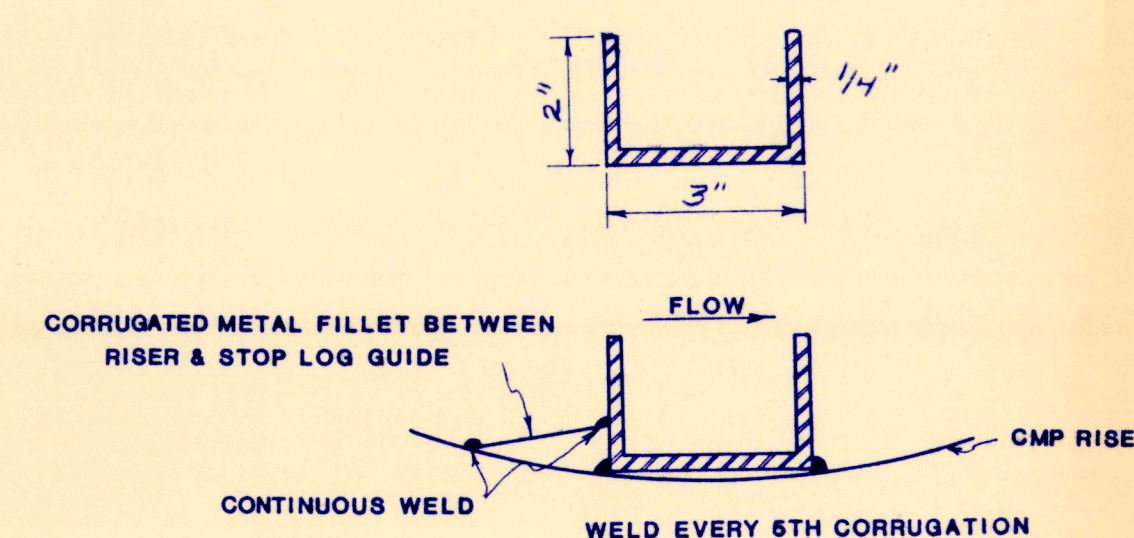
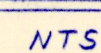
PLUNGE POOL 2'
TRANSITION CHANNEL BOTTOM 1'
ABOVE ELEV 51.0 1'



STOPLOG DETAILS

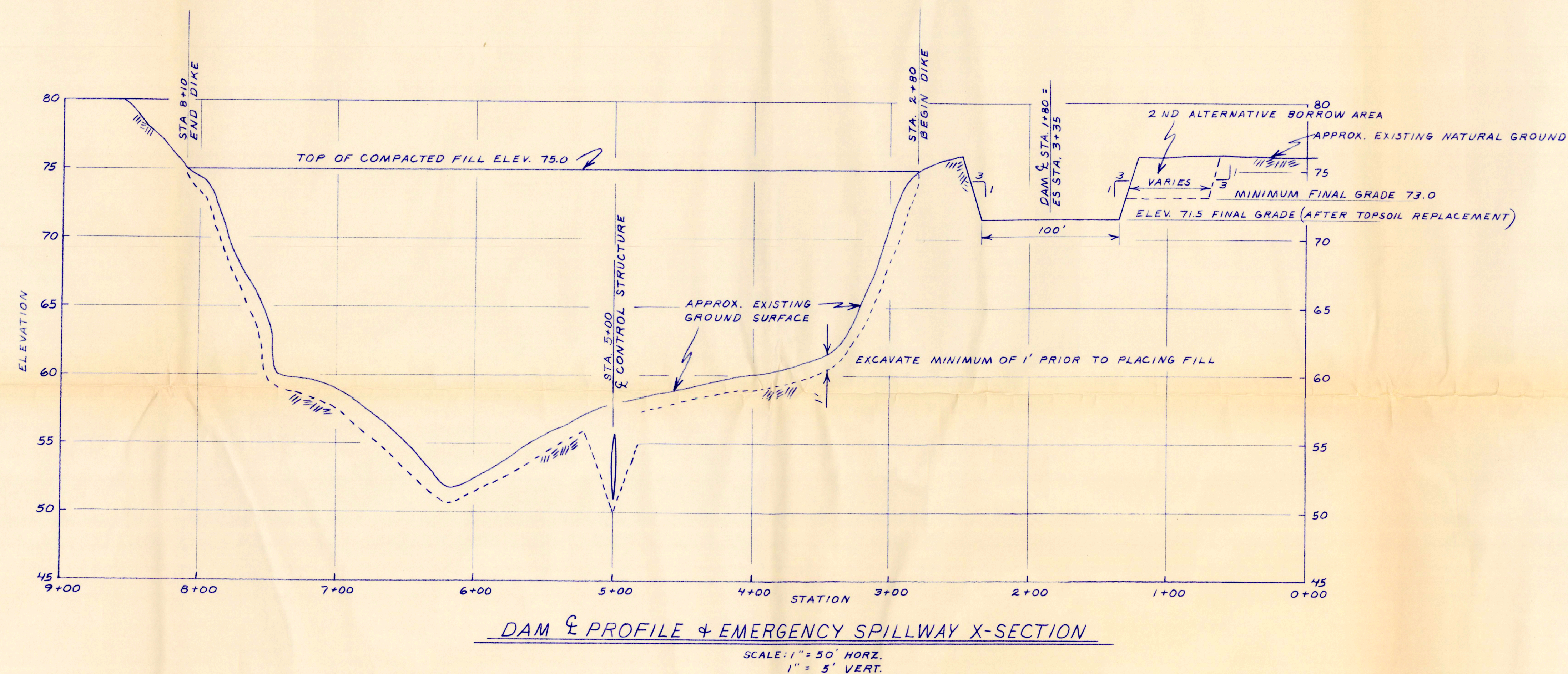


STOPLOG LIFTING HOOK



NTS

NO.	DESCRIPTION OF REVISION	DATE	BYP
			
	DUCKS UNLIMITED, INC.		
<i>TEXLEY EAST</i> <i>STRUCTURE DETAILS</i>			
		DESIGNED: <u>RCS</u> DRAWN: <u>TD</u> SURVEYED: <u>DJM</u> CHECKED: <u>DT</u>	
		APPROVED:	
		APPROVED:	
		DESIGNATION:	
		SEC. <u>30</u> TWP. <u>19 N</u> RGE. <u>18 E</u>	
DATE:	<u>11-12-87</u>	DRAWING NO:	<u>DU-S-D-059-03 OF 5</u>
			RE

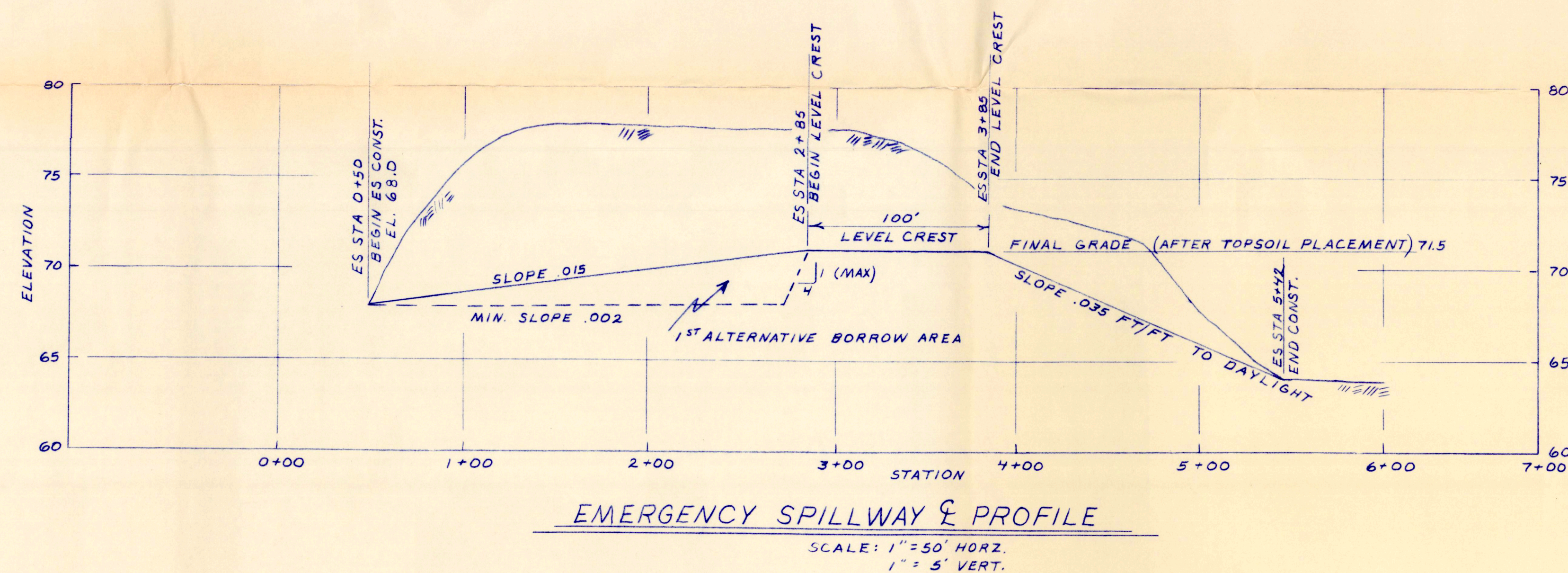


ESTIMATED QUANTITIES

EMBANKMENT	*26,740 C.Y.
STRIPPING	2,203 C.Y.
EMERGENCY SPILLWAY EXC.	16,000 C.Y.
ROCK RIPRAP	60 C.Y.

72" RISER 15 LINEAL FEET 16 GA.
 24" INLET PIPE 45 LINEAL FEET 16 GA.
 60" OUTLET PIPE 94 LINEAL FEET 16 GA.

*REPRESENTS 20% SHRINKAGE FACTOR



NO.		DESCRIPTION OF REVISION		DATE	BY
 DUCKS UNLIMITED, INC.					
TEXLEY EAST CENTERLINE PROFILES					
DESIGNED:	RCS	DRAWN:	TD	SURVEYED:	DJM
APPROVED:					
DESCRIPTION: SEC. 30 TWP. 19 N RGE. 18 E					
DATE:	11-13-87	DRAWING NO.:	DV-1-SD-059-04 OF 5	REV.	

MIDWEST TESTING LABORATORY

JOB NO. B2021 PROJECT Proposed Impoundment Structure, Texley East, Corson County, South Dakota

BORING NO. 1		WATER LEVEL DATA	
LAYER	SOIL DESCRIPTION	DATE	TIME
0-3"	TOPSOIL		
3"-3'	LEAN CLAY-brown (CL) w% = 11.5		
3-5'	LEAN CLAY WITH SAND AND GRAVEL-brown (CL) w% = 11.6		
5-7'	SILTY SAND-olive yellow, fine (SM)		
7-10'	FAT CLAY-grayish brown (CH) w% = 21.6		
BORING DATA			
STARTED 11-12-87			
COMPLETED 11-12-87 @ 14:25			
CREW CHIEF D. Roberson			

BORING NO. 2		WATER LEVEL DATA	
LAYER	SOIL DESCRIPTION	DATE	TIME
0-3"	TOPSOIL		
3"-4'	LEAN CLAY WITH SAND AND GRAVEL-brown, cobbles at 3' (CL)		
4-10'	FAT CLAY-grayish brown (CH)		
BORING DATA			
STARTED 11-12-87			
COMPLETED 11-12-87 @ 12:10			
CREW CHIEF D. Roberson			

BORING NO. 3		WATER LEVEL DATA	
LAYER	SOIL DESCRIPTION	DATE	TIME
0-3"	TOPSOIL		
3"-7'	SANDY LEAN CLAY WITH GRAVEL-brown (CL)		
7-8'	SILTY SAND-olive yellow, fine (SM)		
8-10'	FAT CLAY-grayish brown (CH)		
BORING DATA			
STARTED 11-12-87			
COMPLETED 11-12-87 @ 14:10			
CREW CHIEF D. Roberson			

MIDWEST TESTING LABORATORY

JOB NO. B2021 LOG OR TEST BORING NO. 5 VERTICAL SCALE 1"=3'

PROJECT Proposed Impoundment Structure, Texley East, Corson County, SD

DEPTH IN FEET	SOIL DESCRIPTION	SURFACE ELEV. 2353.4	SAMPLE		N	LABORATORY TESTS			
			NO.	TYPE		MOISTURE	DENSITY	LL/PL	Qu
2	SANDY LEAN CLAY-brown, medium, top 4" with vegetation (CL)		1	SB	6				
	FAT CLAY-grayish brown, medium to rather stiff, moist (CH)		2	SB	7				
			3	SB	9	26.0	96.0	51/19	4815 psf
6 1/2	CLAYEY SAND-brown, coarse to fine, very loose, waterbearing (SC)		4	SB	4				
9 1/2	LEAN CLAY-grayish brown, stiff, weathered with silty sand lenses (CL)		5	SB	17				
12	FAT CLAY-olive to gray, very stiff (CH)		6	SB	63				
14	CLAYEY SILTY SAND-gray, fine, very dense (SM-SC)		7	SB	73				
16	END OF BORING								
*3" thinwall tube sample obtained at this depth at adjacent pilot hole.									

WATER LEVEL DATA				BORING DATA	
DATE	TIME	CAVE IN DEPTH	WATER LEVEL	STARTED	COMPLETED
11-12-87	12:30	HSA 14 1/2'	6 1/2'	11-12-87	11-12-87 @
11-12-87	12:45	HSA 14 1/2'	8'	METHOD USED:	
11-12-87	12:55	14'	9'	3 1/4" HSA 0-14 1/2'	
11-12-87	16:00	13'	6'	CREW CHIEF D. Roberson	

MIDWEST TESTING LABORATORY

JOB NO. B2021 LOG OR TEST BORING NO. 4 VERTICAL SCALE 1"=3'

PROJECT Proposed Impoundment Structure, Texley East, Corson County, SD

DEPTH IN FEET	SOIL DESCRIPTION	SURFACE ELEV. 2361.7	SAMPLE		N	LABORATORY TESTS			
			NO.	TYPE		MOISTURE	DENSITY	LL/PL	Qu
2	LEAN CLAY WITH SAND-brown, stiff, dry, top 3" with vegetation (CL)		1	SB	20				
	FAT CLAY-olive, stiff, with alkali and silty sand lenses (CH)		2	SB	29				
			3	SB	21				
			4	SB	26				
8	CLAYEY SILTY SAND-grayish brown, fine, dense (SM-SC)		5	SB	20				
10	FAT CLAY-olive, stiff, with silty sand seams and lenses (CH)								
12	LEAN CLAY-gray, very stiff, with silty sand laminations (CL)		6	SB	44				
14	SILTY SAND-grayish brown, very fine, very dense (SM)		7	SB	64				
16	END OF BORING								

WATER LEVEL DATA				BORING DATA	
DATE	TIME	CAVE IN DEPTH	WATER LEVEL	STARTED	COMPLETED
11-12-87	13:50	HSA 14 1/2'	None	11-12-87	11-12-87 @
11-12-87	13:55	13'	None	METHOD USED:	
11-12-87	15:55	13'	None	3 1/4" HSA 0-14 1/2'	
				CREW CHIEF D. Roberson	

MIDWEST TESTING LABORATORY

JOB NO. B2021 LOG OR TEST BORING NO. 6 VERTICAL SCALE 1"=3'

PROJECT Proposed Impoundment Structure, Texley East, Corson County, SD

DEPTH IN FEET	SOIL DESCRIPTION	SURFACE ELEV. 2359.1	SAMPLE		N	LABORATORY TESTS			
			NO.	TYPE		MOISTURE	DENSITY	LL/PL	Qu
2	LEAN CLAY WITH SAND-brown, stiff, dry, top 4" with vegetation (CL)		1	SB	21				
	SANDY LEAN CLAY-olive yellow, very stiff (CL)		2	SB	43				
			3	SB	44				
			4	SB	60				
9 1/2	FAT CLAY-grayish brown, very stiff (CH)		5	SB	42				
			6	SB	67				
13	SANDY LEAN CLAY-gray, very stiff (CL)		7	SB	100				
16	END OF BORING								

WATER LEVEL DATA				BORING DATA	
DATE	TIME	CAVE IN DEPTH	WATER LEVEL	STARTED	COMPLETED
11-12-87	15:30	HSA 14 1/2'	None	11-12-87	11-12-87 @
11-12-87	15:35	13 1/2'	None	METHOD USED:	
11-12-87	16:05	13 1/2'	None	3 1/4" HSA 0-14 1/2'	
				CREW CHIEF D. Roberson	

NO.	DESCRIPTION OF REVISION	DATE	BY


DUCKS UNLIMITED, INC.

TEXLEY EAST SOIL BORINGS

DESIGNED:	DRAWN:	SURVEYED:	CHECKED:
RCS	TD		DT

APPROVED:

DESCRIPTION:

SEC. 30 TWP. 19 N RGE. 18 E

DRAWING NO. DU-1-SD-059-05 OF 5

DATE: 12-4-87

REV.