

Considered: _____

WATER PERMIT NO. 1480-1

HAP No. same

Name of Applicant Tim Smith

Post Office Address Box 215, Lodgepole SD 57640

Amount of Water Claimed 44.2 acre-feet Total Acres NA

Source of Water Supply dry draw runoff

Water to be used for Dam & FWP County Perkins

About 3 miles N of Lodgepole.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received Oct 17, 1989 Fee \$150.00 Remarks _____

Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

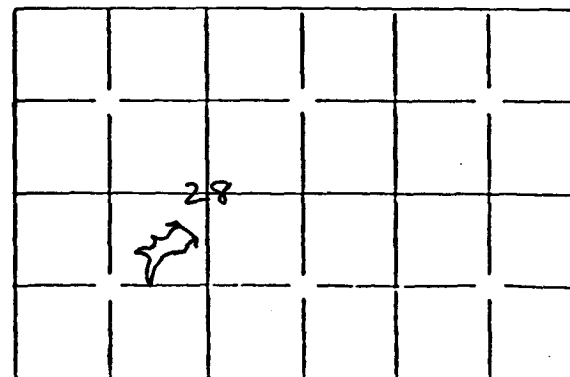
WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point dam: NE 1/4 SW 1/4 section 28-

T22N-R12E

Land to be Irrigated NA



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map topo PREPARED BY Thomas D VerHelst Reviewed and the Number

assigned on Jan 15, 1990 By Ron D. Wall

SOUTH DAKOTA
WATER PERMIT No. 1480-1

Date of first receipt of application October 17, 1989.

Date of return to applicant for corrections, amendments or changes November 16, 1989.

Date of receipt of corrected application December 26, 1989.

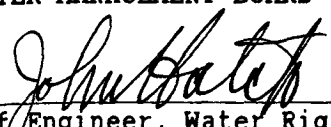
The Water Management Board approved Water Permit Application No. 1480-1 on March 7, 1990 for Tim Smith, Box 215, Lodgepole SD 57640 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1480-1 authorizes impoundment of 44.2 acre-feet of water in a dry draw dam located in the NE1/4 SW1/4 section 28-T22N-R12E.
2. The water appropriated shall be used for the purpose of supplying livestock and providing habitat for wildlife and may not exceed the amount of water needed for beneficial use for domestic purposes and wildlife production.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim right is October 17, 1989.
5. One-fifth of the construction is to be completed on or before September 7, 1992.
6. All construction is to be completed on or before March 7, 1995.
7. Water is to be put to beneficial use on or before March 7, 1999.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Approval of this Permit authorizes storage of up to 44.2 acre-feet of water annually.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

APR 25 1990

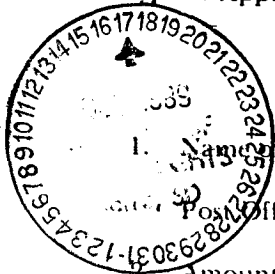
(date)

(See instructions)

No. 1480-1 Hydrologic Unit 10130301
Basin Grand River
Newspaper Lemmon Leader, P.O. Box 180 (Mon)
57688

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____



1. Name of Applicant Tim Smith Phone No. _____

Office Address Box 215 Lodgepole State SD 57640
(Street, RR or Box) (City) Zip Code

Amount of water claimed (c.f.s) 44.2 ac-ft Total acres irrigated N/A

3. Source of Water supply Runoff

4. Location of point of diversion No point of diversion. Dam is for livestock and wildlife purposes NE 1/4 SW 1/4 Section 28-T22N-R12E (dam location)

County Perkins

5. Counties where water will be used Perkins

6. Annual period during which water is to be used Year-round Jan 1 - Dec 31

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
<u>N/A</u>	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: N/A
(Specify)

9. Crops to be Irrigated: N/A

10. Give a description of proposed project. (Attach sheet if more space is needed)

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of PERKINS) ss

I, TIM R. SMITH, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Tim R Smith

Subscribed and sworn to before me this 16th day of October 1989

Gary LeFebvre

Notary Public
GARY LEFEBVRE
Notary Public, Perkins County, SD
My Commission Expires December 8, 1999

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, December 26, 1980

RECEIVED OF Tim R. Smith, Box 215, Lodgepole, SD 57540

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

Fee for Application for Permit No. <u>1480-1</u> to Appropriate Water, to construct works and to put water to beneficial use _____	15000
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	15000

By

Chief Engineer

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) _____

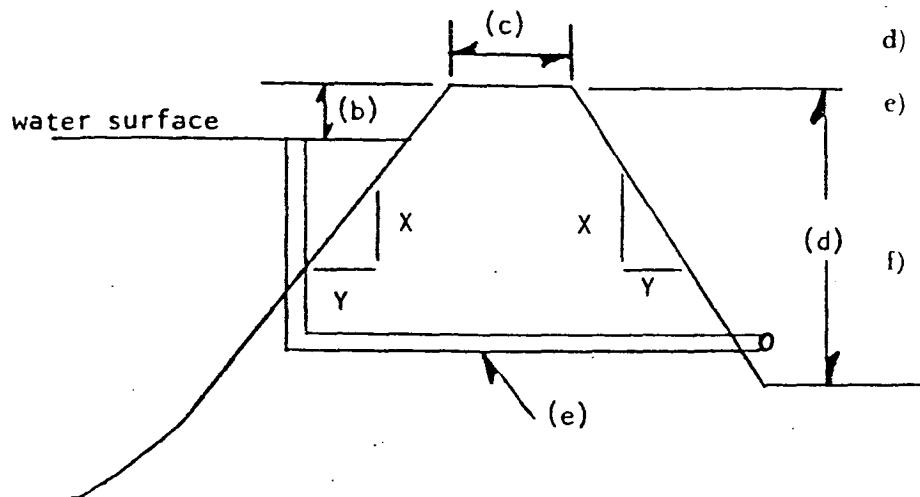
3. Water Storage Dams

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

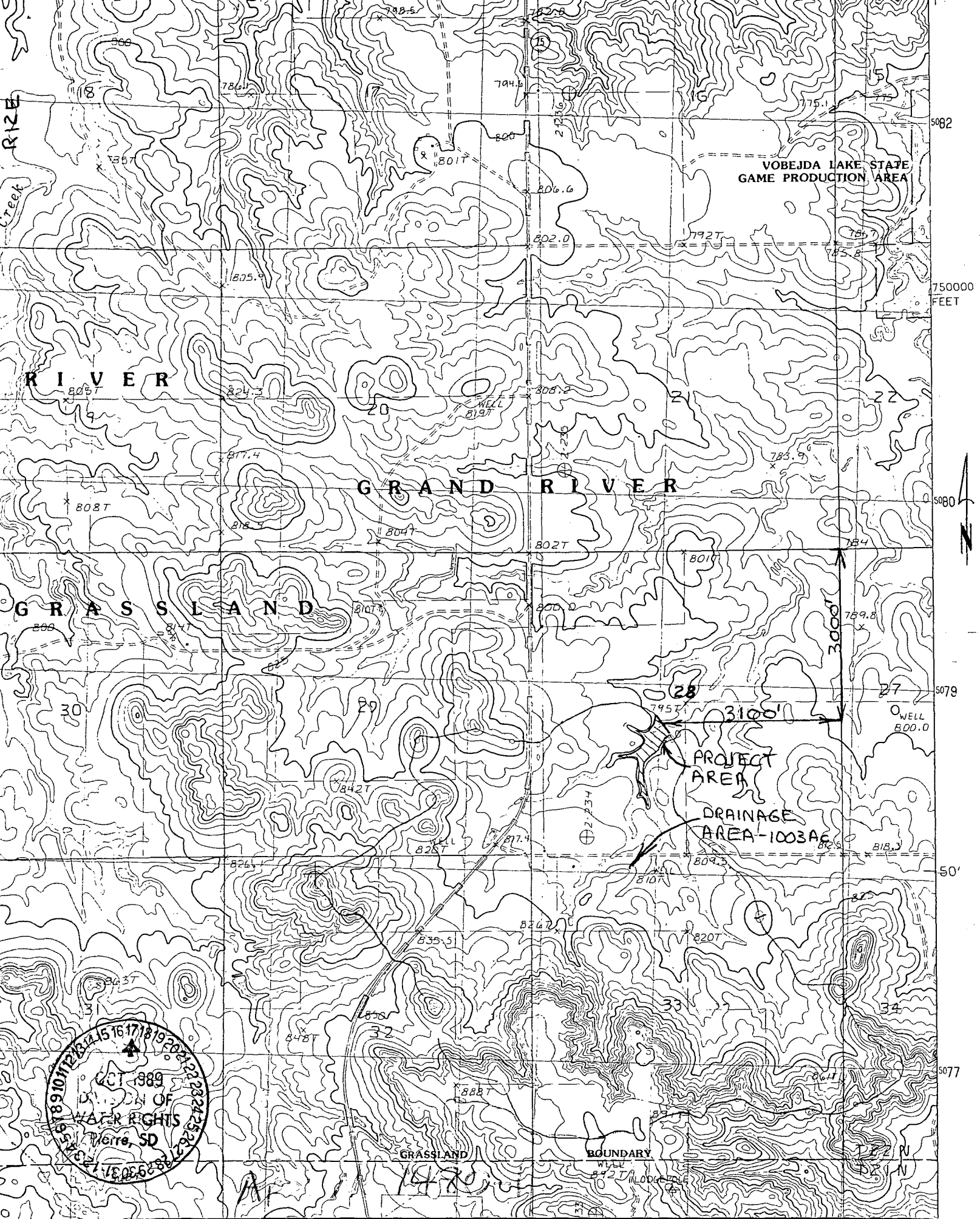
Soil Conservation Service
Box 189 Bison, SD 57620

- b) Freeboard 3'
- c) Crest Width 12'
 Crest Length 452'
- d) Height 17.4'
- e) Outlet Dimensions:
 Pipe diameter N/A
 Spillway width 100'
- f) X & Y Slope
 Upstream 3:1
 Downstream 2:1



Surface Area of Impoundment 8.5
 Storage 44.2 acre feet
 Drainage area above dam 1003

Signature of Applicant _____



18910112131415161718192021222324252627282930313233343536373839404142434445464748495051525354555657585960616263646566676869707172737475767778798081828384858687888990919293949596979899100101102103104105106107108109110111112113114115116117118119120121122123124125126127128129130131132133134135136137138139140141142143144145146147148149150151152153154155156157158159160161162163164165166167168169170171172173174175176177178179180181182183184185186187188189190191192193194195196197198199200201202203204205206207208209210211212213214215216217218219220221222223224225226227228229230231232233234235236237238239240241242243244245246247248249250251252253254255256257258259260261262263264265266267268269270271272273274275276277278279280281282283284285286287288289290291292293294295296297298299300301302303304305306307308309310311312313314315316317318319320321322323324325326327328329330331332333334335336337338339340341342343344345346347348349350351352353354355356357358359360361362363364365366367368369370371372373374375376377378379380381382383384385386387388389390391392393394395396397398399400401402403404405406407408409410411412413414415416417418419420421422423424425426427428429430431432433434435436437438439440441442443444445446447448449450451452453454455456457458459460461462463464465466467468469470471472473474475476477478479480481482483484485486487488489490491492493494495496497498499500501502503504505506507508509510511512513514515516517518519520521522523524525526527528529530531532533534535536537538539540541542543544545546547548549550551552553554555556557558559560561562563564565566567568569570571572573574575576577578579580581582583584585586587588589590591592593594595596597598599600601602603604605606607608609610611612613614615616617618619620621622623624625626627628629630631632633634635636637638639640641642643644645646647648649650651652653654655656657658659660661662663664665666667668669670671672673674675676677678679680681682683684685686687688689690691692693694695696697698699700701702703704705706707708709710711712713714715716717718719720721722723724725726727728729730731732733734735736737738739740741742743744745746747748749750751752753754755756757758759760761762763764765766767768769770771772773774775776777778779780781782783784785786787788789790791792793794795796797798799800801802803804805806807808809810811812813814815816817818819820821822823824825826827828829830831832833834835836837838839840841842843844845846847848849850851852853854855856857858859860861862863864865866867868869870871872873874875876877878879880881882883884885886887888889890891892893894895896897898899900901902903904905906907908909910911912913914915916917918919920921922923924925926927928929930931932933934935936937938939940941942943944945946947948949950951952953954955956957958959960961962963964965966967968969970971972973974975976977978979980981982983984985986987988989990991992993994995996997998999100010011002100310041005100610071008100910101011101210131014101510161017101810191020102110221023102410251026102710281029103010311032103310341035103610371038103910401041104210431044104510461047104810491050105110521053105410551056105710581059106010611062106310641065106610671068106910701071107210731074107510761077107810791080108110821083108410851086108710881089109010911092109310941095109610971098109911001101110211031104110511061107110811091110111111121113111411151116111711181119112011211122112311241125112611271128112911301131113211331134113511361137113811391140114111421143114411451146114711481149115011511152115311541155115611571158115911601161116211631164116511661167116811691170117111721173117411751176117711781179118011811182118311841185118611871188118911901191119211931194119511961197119811991200120112021203120412051206120712081209121012111212121312141215121612171218121912201221122212231224122512261227122812291230123112321233123412351236123712381239124012411242124312441245124612471248124912501251125212531254125512561257125812591260126112621263126412651266126712681269127012711272127312741275127612771278127912801281128212831284128512861287128812891290129112921293129412951296129712981299130013011302130313041305130613071308130913101311131213131314131513161317131813191320132113221323132413251326132713281329133013311332133313341335133613371338133913401341134213431344134513461347134813491350135113521353135413551356135713581359136013611362136313641365136613671368136913701371137213731374137513761377137813791380138113821383138413851386138713881389139013911392139313941395139613971398139914001401140214031404140514061407140814091410141114121413141414151416141714181419142014211422142314241425142614271428142914301431143214331434143514361437143814391440144114421443144414451446144714481449145014511452145314541455145614571458145914601461146214631464146514661467146814691470147114721473147414751476147714781479148014811482148314841485148614871488148914901491149214931494149514961497149814991500150115021503150415051506150715081509151015111512151315141515151615171518151915201521152215231524152515261527152815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December 5, 1989

Tim Smith
Box 215
Lodgepole, SD 57640



Mr. Smith,

This letter is in response to a letter you received from Department of Water and Natural Resources, 11/16/89. You may use this letter as your preliminary risk assessment.

Upon reviewing aerial photos of the area no downstream homes, roads, or other structures are in existence. However, 1.25 miles downstream is the tailwaters of Vobejda Lake State Game Production Area. Vobejda Lake's fill is in the SW1/4 Sec 15, T22N-R12E. The channel elevation is EL 2499 with the emergency spillway at EL 2525. The channel then proceeds downstream 3/4 of a mile until it joins the North Fork of the Grand River.

The hazard classification of your dam based off of DWSNR Chapter 74:02:08 is a small size category 3 dam. The storage times effective height is 574.6.



Thomas D. Ver Heist
Ag-Engineer, SCS, Belle Fourche

cc: Ron Duvall, DWSNR

Tim Smith Dam Water Permit Application 1480-1

11/17/90
David Brown

Telephone Conversations with Thomas Ver Heij, Ag-Engineer, SCS, Belle Fourche
not today, he will return call 892-2478

Area Capacity Curve

Spillway Rating Curve

1/25/89 talked to Tom, said he send info to us by March Board
meeting

30 SHEETS
42,381 SQUARE
42,381 SQUARE
42,381 SQUARE

NATIONAL

Review of Chapter 74:02:08 Safety of Dams Criteria

74:02:08:09 Contents of plans and specifications

- (1) Topo map (yes)
- (2) Profile along dam axis (yes)
- (3) Maximum cross section of dam (yes)
- (4) Area-capacity curves (no)
- (5) Detailed drawings showing plans, cross & longitudinal sections... (no) NA
- (6) Discharge rating curve (no)
- (7) Detailed plans of spillway structures (yes)
- (8) Specifications including provisions during construction (yes) "As built plans"
- (9) EPP (no) NA

Area-Capacity Curves

Not supplied with application

- Normal pool storage of 411.2 Ac-FT (indicated on application)
- Maximum pool storage of 80 Ac-FT (estimated by Division)

Spillway requirements

74:02:08:01 Size	Maximum Storage Capacity	Max Height	Height	effective height
Small	80 Ac-FT	17.4	16.5	

74:02:08:07.01 Qualifies For Cat. 3 Spillway design exception

Cat. 3 dam without emergency spillway?

$$(\text{Max Storage}) \times (\text{effective height}) \leq 3000$$

$$(80 \text{ Ac-FT}) \times (16.5 \text{ Ft}) \leq 3000$$

$$1320 \leq 3000$$

1320 is less than 3000 so dam qualifies for spillway exemption

Division's Estimate

required Spillway design Flood = 25 year Frequency

25 year design Flood

SCS value = 450 cfs

DOT value = 382 cfs (Division's check)

Spillway Capacity

SCS value = 450 cfs (no rating curve submitted with application)

Division's value = 1550 cfs (HEC2 Analysis, assuming critical depth at exit)

Spillway will handle a 25 year design Flood

Conclusions

1) All Safety of Dams Criteria have been met with the exception of # 446 and section 74:02:08:09

- Is submission of Area Capacity and Discharge rating curves necessary due to the small size of the dam? yes



Department of Water & Natural Resources

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

November 16, 1989

Tim Smith
Box 215
Lodgepole SD 57640

Dear Mr. Smith:

This letter is in response to your water permit application received on October 17, 1989. The following information also needs to be submitted with the application:

- 1) The fee to apply for a permit to store 44.2 acre-feet of water is \$150.00 as outlined on the enclosed instruction sheet.
- 2) A written preliminary risk assessment of the downstream hazard potential needs to be provided to aid in determining the hazard classification for the dam (see enclosed Safety of Dams Rules Sections 74:02:08:05 and 74:02:08:05.01). The hazard classification for the dam (Category 1, 2 or 3) needs to be known in order to determine what provisions of the Safety of Dams Rules will apply to your dam.

The downstream hazard potential is to consist of a list of properties downstream from the dam (homes, roads, dams and other structures) with the potential affects of a dam failure to these properties. The legal descriptions of these downstream properties and the elevation above the waterway need to be included in the assessment. The risk assessment needs to be prepared by an engineer as defined in the Safety of Dams rules. The Soil Conservation Service may be able to assist with the risk assessment.

- 3) Plans and specifications for the dam may be needed pursuant to Safety of Dams Rules Chapter 74:02:08 depending on whether or not the dam has been constructed. Please indicate if the dam is constructed and the date of construction if the dam is constructed.

The water permit application can not be considered by the Water Management Board until the application is complete. Please submit the \$150.00 application fee and have the risk assessment completed to begin the processing of your application.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Duvall". The signature is written in a cursive, flowing style.

Ron Duvall
Natural Resources Engineer
605 773-3352
enc.

REPORT ON WATER PERMIT APPLICATION NO. 1480-1

Tim Smith

January 17, 1990

Water Permit Application No. 1480-1 proposes to impound 44.2 acre-feet of runoff water in a dry draw dam located in the NE1/4 SW1/4 of Section 28, T22N R12E. Water is to be stored for livestock and wildlife uses.

This permit application is for a dam that is already constructed.

General Information

The water source for the dam is runoff water from a dry draw which is an unnamed tributary of the North Fork of the Grand River. The existing dam is located in the north western part of Perkins County approximately 2 1/2 miles north and 1 mile east of the town of Lodgepole.

The existing dam has the following characteristics:

Drainage area	- 1003 acres
Maximum height	- 17.4 feet
Crest length	- 452 feet
Crest Width	- 12 feet
Side slopes	- 3:1 upstream, 2:1 downstream
Surface area	- 8.5 acres
Normal storage	- 44.2 acre-feet
Maximum storage	- 80 acre-feet (estimated)

Existing Water Rights

There are four existing Water Permits in the immediate vicinity (see LOCATION MAP) of this Water Permit Application. Table No. 1 lists the existing Water Permits in the area (WRD, 1990).

Table No. 1

Water Permit No.	Owner	Diversion rate (cfs)	Water Source	Irrigated Land (acres)
607-1	SD Dept. GFP	90 ac-ft yrly	Dry Draw	recreational
956-1				
& 956A-1	C. Archibald	3.30	N. Fork Grand R.	230.8
1079-1	Sherrie Sonn	4.0	N. Fork Grand R.	278.5

Note: Water Right No. 607-1 (Vobedja Dam) is approximately 1 1/4 miles immediately downstream of this permit application

The drainage area above the dam is 1003 acres. Potential impacts to other Water Rights in the immediate vicinity would be limited to Water Right No. 607-1. It is the authors opinion that any impact to Water Right No. 607-1 would be minimal based upon the following information:

- 1) The total drainage area above Water Right No. 607-1 is 4880 acres while the sub-drainage area of this Water Permit application is 1003 acres (21% of total drainage area).
- 2) Water Right No. 607-1 claims 90 acre-feet annually for recreational purposes which should be available during most years even with the approval of this Water Permit Application.
- 3) After initial filling of the dam under this permit, approximately 15 acre-feet will be needed on an annual basis to maintain a "full" (normal operating) pool.

Safety of Dams Criteria

The existing dam under this permit application is classified as a low hazard, Category 3 dam under CHAPTER 74:02:08 Safety of Dams Rules with a minimum spillway design flood of a 25 year frequency. The existing dam has a spillway that is designed in excess of the 100 year flood frequency.

All plans and specifications for the existing dam have been submitted to the Division of Water Rights as directed under CHAPTER 74:02:08:09 Safety of Dams Rules. The exception being that the Division has not received the following information concerning the existing dam:

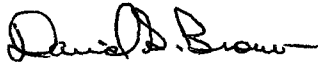
- 1) Area-capacity curves
- 2) Spillway rating curve

Although the Division does not have the above information at this time, a request for the information has been made to the Soil Conservation Service in Belle Fourche. Receipt of the above information is expected prior to consideration of this permit application by the Water Management Board.

Conclusions

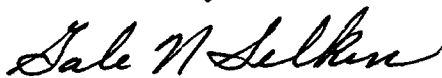
1. There is a reasonable probability that there is unappropriated water available for the applicant's proposed use.
2. The proposed diversion can be developed without unlawful impairment of existing rights.

3. The proposed use is a beneficial use.
4. Water Permit Application No. 1480-1 is requesting 44.2 acre-feet of runoff water from a dry draw annually for filling an existing dam.
5. All CHAPTER 74:02:08 Safety of Dams criteria have been met with the exception being receipt of area-capacity and spillway rating curves from the Soil Conservation Service in Belle Fourche.



David S. Brown
Natural Resources Engineer

Approved by:

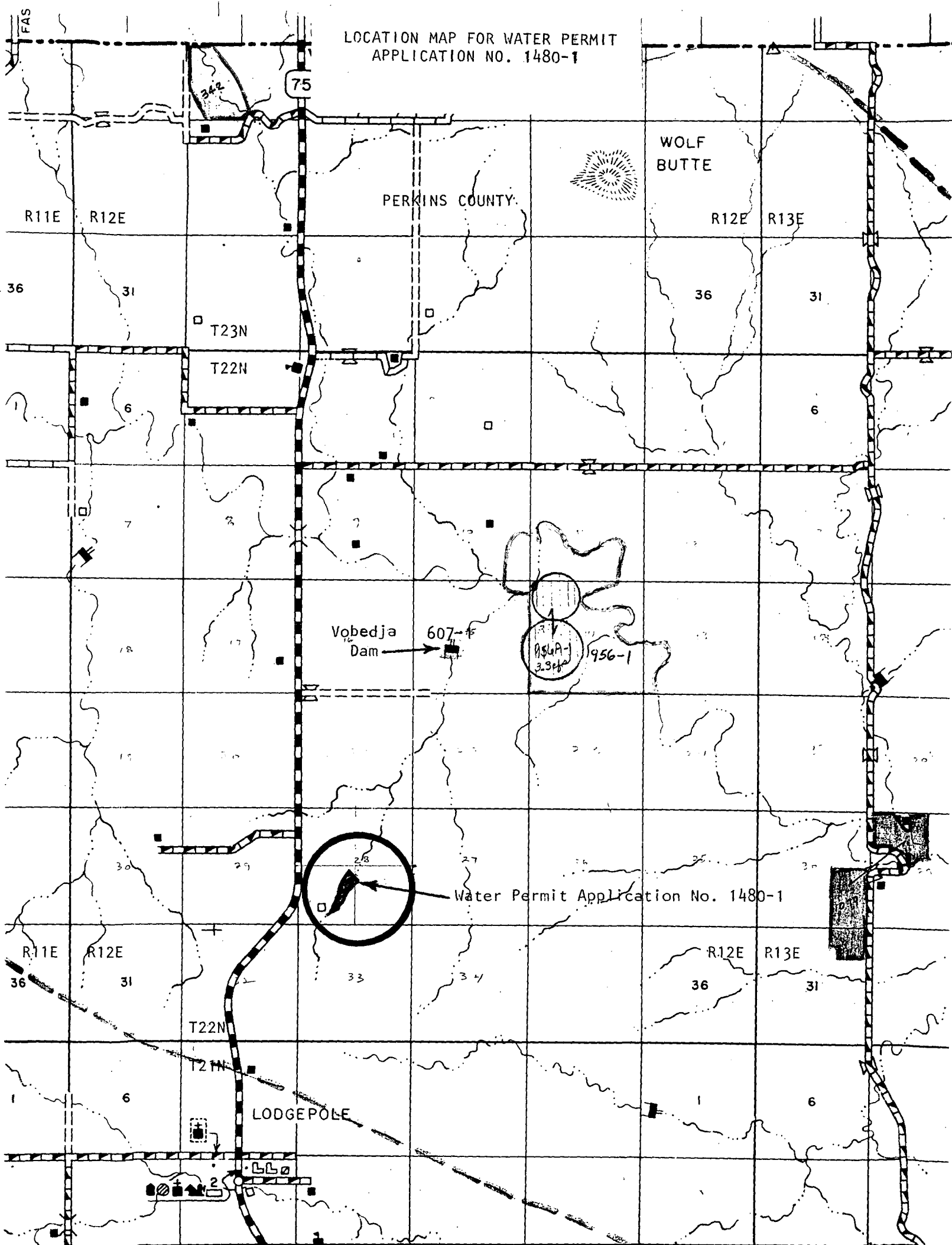


Gale N. Selken, P.E.
Hydrologist

References

Water Rights Division, 1990, Drillers Logs, Observation Well Logs and Permit Files, DWNR, Joe Foss Bldg., Pierre, SD.

LOCATION MAP FOR WATER PERMIT
APPLICATION NO. 1480-1



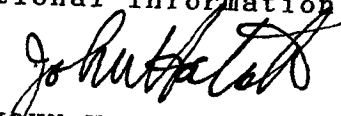
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1480-1, Tim Smith

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. 1480-1, Tim Smith, Box 215, Lodgepole SD.

The Chief Engineer is recommending APPROVAL of Application No. 1480-1 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 qualifications:

1. Approval of this Permit authorizes storage of up to 44.2 acre feet of water annually.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
January 18, 1990

**South Dakota Department of
Water & Natural Resources**

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

January 29, 1990

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

Tim Smith
Box 215
Lodgepole SD 57640

Dear Mr. Smith:

Water Permit Application No. 1480-1 for domestic and fish & wildlife propagation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Lemmon Leader printed at Lemmon SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing 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 twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



**SOUTH Dakota Department of
Water & Natural Resources**

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

January 29, 1990

Lemmon Leader
PO Box 180
Lemmon SD 57638

ATTENTION: Legal Department

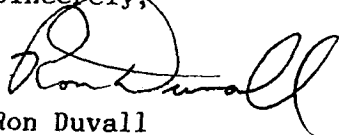
Enclosed is a Notice of Hearing on Application No. 1480-1 to be published twice. Please publish the first notice on or before February 5, 1990 with the second publication 7 days later.

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 Tim Smith, Box 215, Lodgepole SD.

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

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

No. _____

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 Notice on or before February 5, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 1480-1 to Appropriate Water

Notice is given that Tim Smith, Box 215, Lodgepole SD has filed an application for a water permit to impound 44.2 acre-feet of water in a dry draw dam located in the NE 1/4 SW 1/4 Section 28-T22N-R12E. Water is to be stored for livestock and wildlife uses.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1480-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Roosevelt-Jefferson Room, Howard Johnsons, 2211 LaCrosse, Rapid City SD on March 7, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 23, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 23, 1990.

This application is made pursuant to 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Perkins)

I, Alice A. Farstad

certify that the attached printed Notice was taken
 from the Lemmon Leader

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

of Lemmon

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

Feb. 1, 8, 1990

Alice A. Farstad

(Signature)

Publisher

(Title)

2-8-90

(Date Signed)

Cost of Printing: 32.56



NOTICE OF HEARING on Application No. 1480-1 to Ap- propriate Water

Notice is given that Tim Smith, Box 215, Lodgepole, SD has filed an application for a water permit to impound 44.2 acre-feet of water in a dry draw dam located in the NE 1/4 SW 1/4 Section 28-T22N-R12E. Water is to be stored for livestock and wildlife uses.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 1480-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Roosevelt-Jefferson Room, Howard Johnsons, 2211 LaCrosse, Rapid City, SD on March 7, 1990 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

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This application is made pursuant to 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.

(Pub. Feb. 1, 8, 1990)

SOUTH Dakota Department of
Water & Natural Resources

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

APR 25 1990

Tim Smith
Box 215
Lodgepole SD 57640

Dear Mr. Smith:

Enclosed is Water Permit No. 1480-1 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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 the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,



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

enclosures

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.



PK

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 9-10-90

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

FROM: Tom R. Smith Box 215 Leadville, S.D.
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 1480-1.

Water Permit No. 1480-1 states that the diversion system is to be constructed by 3-7-95, and that the water it put to beneficial use by domestic & livestock

The diversion system was completed on 4-1-90.
Applying the water to beneficial use was completed on _____.

You may schedule an inspection so that the Water License may be issued.

Tom R. Smith
signature



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 19, 1991

1480-1

Tim R Smith
Box 215
Lodgepole, SD 57640

Dear Mr. Smith:

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. 1480-1, has been completed. Your final water right document, the Water License, can now be issued.

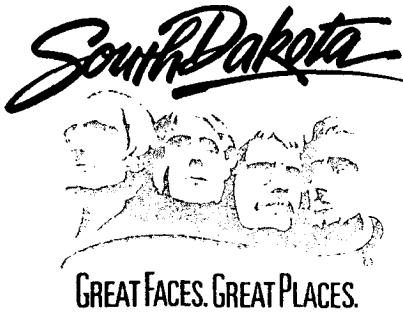
Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

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,

Genny McMath
Natural Resources Analyst
(605) 773-3352

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 11, 1991

SECOND NOTICE

Permit No. 1480-1

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Tim R Smith
Box 215
Lodgepole SD 57640

Dear Mr. Smith:

July 19, 1991 you were notified the final inspection fee of \$50.00 is due before Water License No. 1480-1 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: <i>Tim R Smith</i> <i>Box 215</i> <i>Lodge pole</i>	4. Article Number <i>P 694 059 395</i> Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise
5. Signature — Addressee <i>X</i>	Always obtain signature of addressee or agent and DATE DELIVERED .
6. Signature — Agent <i>X</i> <i>T. R. Smith</i>	8. Addressee's Address (ONLY if requested and fee paid)
7. Date of Delivery <i>Oct 12, 91</i>	

PS Form 3811, Apr. 1989

★ U.S.G.P.O. 1989-238-815

DOMESTIC RETURN RECEIPT

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, November 1, 1991

RECEIVED OF Tim R Smith, Box 215, Lodgepole, SD 57640

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. <u>1480-1</u>	50	00
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	50 00

By Gota Hatch/KMC
Chief Engineer

Permit No. 1480-1

Water District: Grand

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

I have this day made a thorough examination of the water use system constructed by Tim Smith of Box 215, Lodgepole, SD 57640 holder of Permit No. 1480-1, bearing the priority of October 17, 1989 authorizing the storage of 44.2 acre-feet of the waters of a dry draw for stockwatering and providing habitat for wildlife purposes, in Perkins County.

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

A. Works used to divert the water:

NA

B. Works used to transport water to place of use:

NA

C. Works used to apply water to beneficial use:

Water is used for stockwatering and wildlife production

The system is in the following condition Good. The point of diversion is located approximately 3100 feet west, 3000 feet south from the Northeast corner of Section 28, T22N-R12E (NE1/4 SW1/4). The works are capable of storing 44.2 acre-feet of water which is to be used for stockwatering and wildlife production. Water has been put to beneficial use to the maximum extent as follows:

water is used for domestic purposes (stock watering) and also for wildlife production. comprising a total of NA acres of land and the license should be issued for 44.2 acre-feet of storage.

Application permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: None

Date: 6/17/91

M. Rassool Ahadi

M. RASSOOL AHADI
Natural Resources Engineer III
DENR, Water Rights Division

6/17/91

LICENSE FOR PERMIT NUMBER 1480-1

1. Legal location of wells: NA

~~dams & structures~~: NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28, T22N-R12W

2. Well Information: Well Drilling Firm _____

Completion Report Yes___ No___ No. of Wells_____ Depth_____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model No. _____

c) size _____ c) horsepower rating _____

d) capacity _____ gpm

e) turbine pump - no. of stages _____

f) operating PSI _____

3. Distribution lines or canals

a) size _____

b) type _____

c) length _____

4. Dam Information:

a) height to crest 18 feet m) Outlet tubes:

b) height to primary spillway 14 feet 1) diameter _____

c) height to secondary spillway -- 2) type _____

d) crest width 12 feet 3) valved (Y/N) _____

e) crest length 450 feet 4) valve type _____

f) spillway length 100 feet 5) location on structure _____

g) spillway width 110 feet _____

h) approx. storage 44.2* ac. ft. n) Category of Dam _____

i) approx. storage to crest -- _____

j) date constructed -- * From Form 2A

k) inspection sheet completed (Y/N) N

l) Name of Contractor SCS

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
___	NA___	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
__X__	___	2. Special qualifications to permit being abided by?
__X__	___	3. All structures, wells and lands on map?
___	NA___	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
___	__X__	5. Is chemigation used?
___	___	6. If yes, does equipment comply with chemigation rules?

REMARKS: At the time of inspection, the dam was almost dry.

STATE OF SOUTH DAKOTA

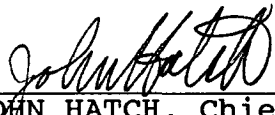
WATER LICENSE NO. 1480-1

(1) Tim Smith of Box 215, Lodgepole, SD 57640 made Application No. 1480-1, October 17, 1989 for a water permit to impound 44.2 acre feet of water in a dry draw dam, Perkins County, South Dakota for domestic and wildlife production purposes. Permit No. 1480-1 with a priority date of October 17, 1989 was approved March 7, 1990 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before March 7, 1995 and for the application to beneficial use of said water on or before March 7, 1999. The permit holder returned the "Notice of Completion of Works and Application of Water to Beneficial Use" September 11, 1990, which stated the diversion system was completed April 1, 1990.

(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 impound 44.2 acre feet of water for beneficial use. The location of the dry draw dam is: Approximately 3100'W and 3000'S of the NE corner of Section 28, T22N, R12E (NE 1/4 SW 1/4).

(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 Section 46-5-30.1 Tim Smith of Box 215, Lodgepole, SD 57640 the holder(s) and/or owner(s) of Water Permit No. 1480-1 is issued a license to impound water, the right to store 44.2 acre feet of water in a dry draw dam with a priority date of October 17, 1989 from the location specified in (2) of this license. The water is to be stored for the purpose of livestock watering and providing habitat for wildlife. This license is subject to any limitations or qualifications listed in Water Permit No. 1480-1 and subject to South Dakota State Law.

 FEB 19 1992
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



GREAT FACES. GREAT PLACES.

FEB 19 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

1480-1

Tim Smith
Box 215
Lodgepole, SD 57640

Dear Mr. Smith:

Enclosed is Water License No. 1480-1. This is the final water right document completing your process of obtaining a water right. Enclosed is Receipt No. 412895 in the amount of \$50.00 which you paid for the inspection and issuance of this water license.

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

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

enclosures