

WATER PERMIT NO. 1632-1

Name of Applicant: William C./Deborah L. Kukuchka

Address: RR 1, Box 217, Belle Fourche SD 57717

Phone: 605 892-6013

Amount of Water Claimed: 88.3 acre-feet

Total Acres: NA

Source of Water Supply: runoff

Water to be used for: livestock watering, fish and wildlife, recreational County: Butte

Type of Waste Disposal System: NA

Location: 24 miles north of Belle Fourche

PRIORITY Date Received: 9-8-95

Fee: \$150.00

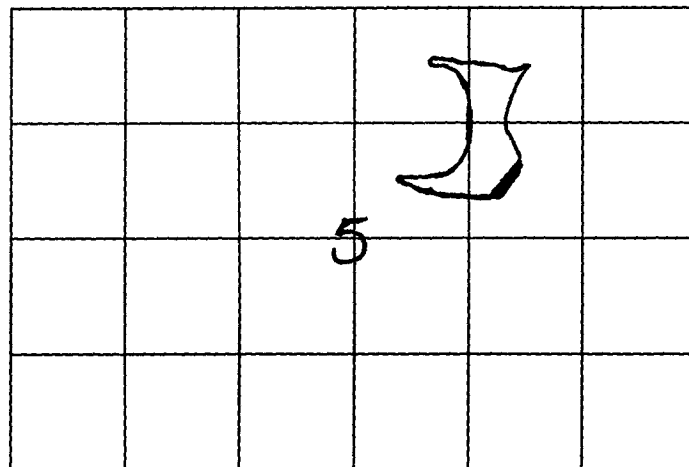
Corrected Application Received: NA

Period of Annual Use: January 1 - December 31

Remarks: Restore an old WPA structure which has silted in and has an eroded spillway

Diversion Point: SE 1/4 NE 1/4 Sec 5-T12N-R3E

Water Impounded: NE 1/4 Sec 5-T12N-R3E



Depth of Well: NA

Well Driller: NA

Remarks:

Type of Map: topo

Prepared by: Thomas Verhelst, NRCS

Reviewed and the Number Assigned on: 9-13-95

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 1632-1

Date of first receipt of application September 8, 1995.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1632-1 to William C. or Deborah L. Kukuchka, RR 1, Box 217, Belle Fourche SD 57717 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. 1632-1 authorizes impoundment of 88.3 acre-feet of water annually by restoring an existing dam located in the S 1/2 NE 1/4 Section 5 with water impounded in the NE 1/4 Section 5; all in T12N-R3E. This permit authorizes impoundment of water sufficient to maintain water to the outlet elevation.
2. The water appropriated shall be used for the purpose of supplying water to provide habitat for fish and wildlife propagation and livestock watering and may not exceed the amount of water needed for beneficial use for fish and wildlife propagation and livestock watering.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 1632-1 is December 11, 1995.
5. The date from which applicant may claim right is September 8, 1995.
6. One-fifth of the construction is to be completed on or before June 11, 1998.
7. All construction is to be completed on or before December 11, 2000.
8. Water is to be put to beneficial use on or before December 11, 2004.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Water Permit No. 1632-1 authorizes a dam with storage capacity of 88.3 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

WATER MANAGEMENT BOARD

By: John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 3 1996
date



FORM 2: Application for uses other than irrigation

(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 1632-1 Hydrologic Unit 10130304
Basin Moreau River
Newspaper Belle Fourche Post, Belle Fourche, SD
(office use only)



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

Check use of water:

☐ Municipal ☐ Suburban Housing ☒ Recreational ☐ Institutional
☐ Rural Water System ☐ Commercial ☒ Fish & Wildlife ☐ Geothermal Heat
☐ Domestic ☐ Industrial ☒ Other Livestock (under 18 GPM)
(over 18 gpm)

Type of Application: ☐ New ☒ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☒ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

Amendment to dry draw location notice

- Name of Applicant William C. Kukuchka and/or Deborah L. Kukuchka Phone 892-6013
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address RR1 - Box 217 Belle Fourche State SD 57717
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed ~~0.03~~ *CFS or 88.3 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Runoff
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1000' West and 1800' South of the Northeast corner of Sec 5, T12N-R3E (SE1/4NE1/4) Water Impounded: NE1/4 Sec. 5-T12N-R3E County Butte
- County or counties where water will be used Butte
- Annual period during which water is to be used Jan. 1 thru Dec. 31
- Give a description of the 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)
Existing dam is an old WPA structure which has silted in and has an eroded emergency spillway. Proposed project is to restore depth of pond by raising dam and installing a 10" dia. principal spillway to protect new emergency spillway. A pumping station and distribution lines will be added in future to supply livestock water.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Butte)^{SS}

Deborah L. Kukuchka, the applicant, certify that I have read this application, have examined the attached map and the information stated are true and that I intend, and am able to complete the necessary construction.

Signed

Deborah L. KukuchkaSubscribed and sworn to before me this 5th day of September 19 95

Dei J. Hudson
Dei J. Hudson

Notary Public

9-21-2000



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 to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of _____ Sanitary System.

3. Dugout Information

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

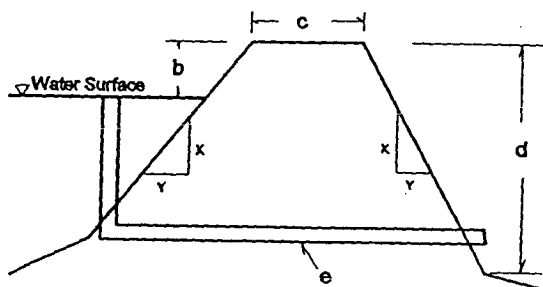


4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to 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:

Natural Resources Conservation Service
1847 5th Ave, South - Belle Fourche, SD



- b) Freeboard _____ 4'
- c) Crest Width _____ 12'
- Crest Length _____ 574'
- d) Height _____ 20.3'
- e) Primary Outlet Capacity _____ 8.5 cfs
If pipe, diameter _____ 10"
- f) Secondary Spillway Capacity _____ 400 cfs
Spillway Width _____ 100'
- g) X & Y Slope
Upstream _____ 3:1
Downstream _____ 2:1
- h) Surface Area of Impoundment _____ 18.4 Ac.
- i) Storage _____ 88.3 _____ Acre Feet
- j) Drainage Area Above Dam _____ 702 _____ Acres

RECEIPT

414613

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre,

September 12, 19 95

RECEIVED OF Debbie Kukuchka, Bar 69 Ranch, RR 1 Box 217, Belle Fourche, SD 57717

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

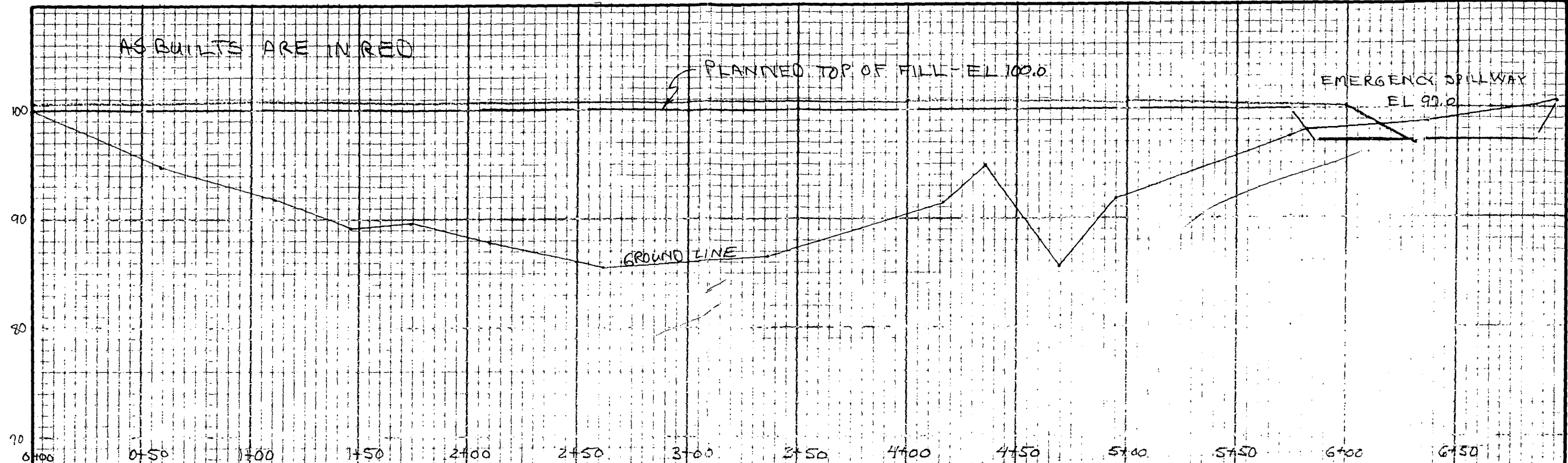
Fee for Application for Permit No. <u>1638-1</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	150 00

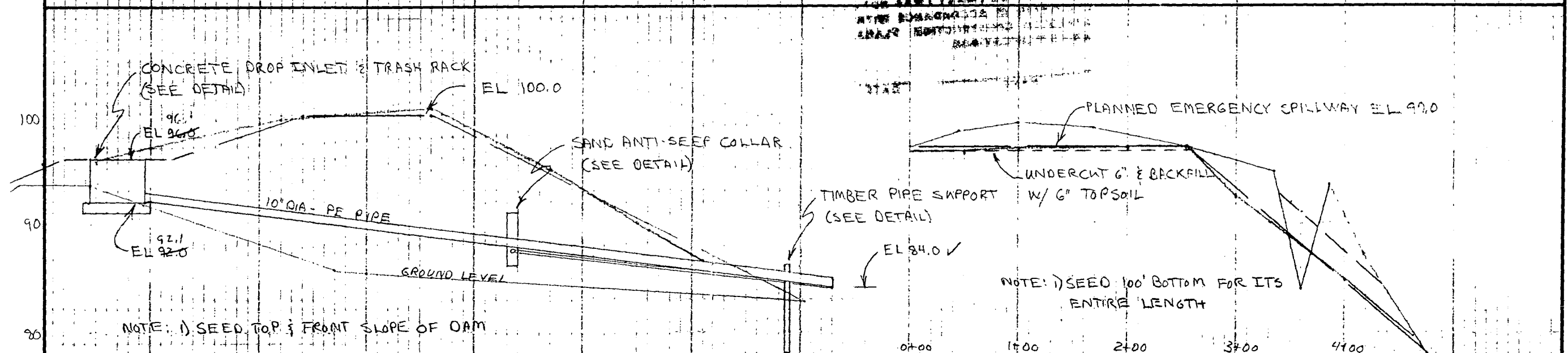
By

Chief Engineer

John Hatch



CROSS SECTION AT CREST OF EMERGENCY SPILLWAY AND PROFILE ALONG E OF DAM



PROFILE ALONG E OF EMERGENCY SPILLWAY

SEDIMENT YIELD

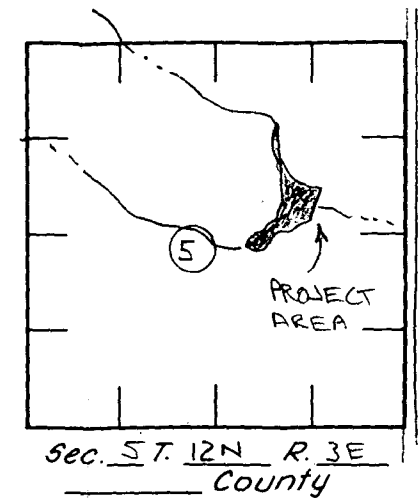
ERODIBILITY AREA ACRES	GROSS RATE A.F./AC./YR.	DRAINAGE AREA ACRES	DELIVERY RATE %	DESIGN PERIOD YEARS	REQ'D. SEDIMENT VOLUME AC.FT.
702	.003	702	20	60	25.3

MAXIMUM CROSS SECTION OF DAM



STRUCTURE DATA

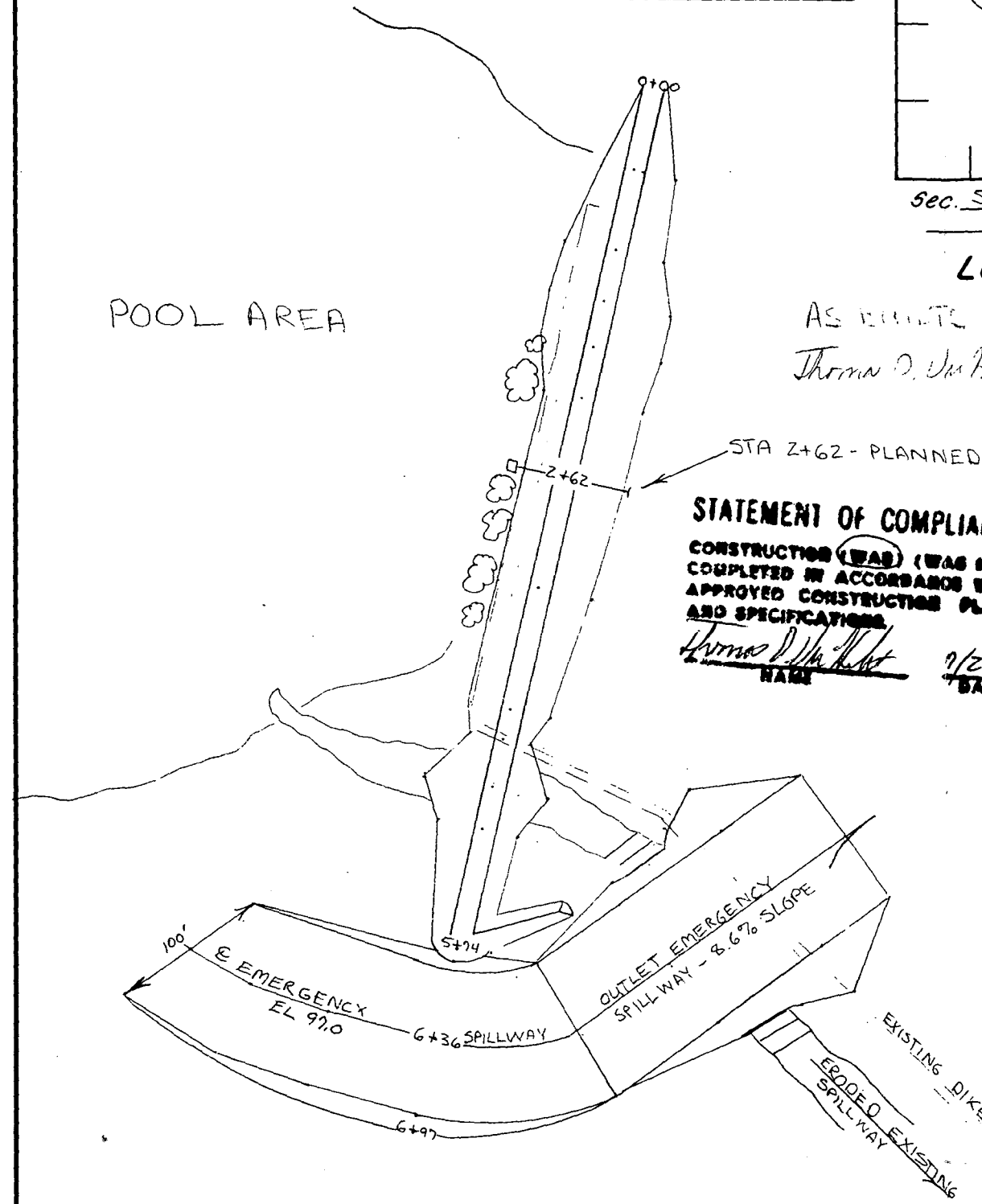
DRAINAGE AREA	ANNUAL YIELD	PEAK RUNOFF	EMERG. SPLWY. CAPACITY	WATER DEPTH	SURFACE AREA	SEDIMENT STORAGE	TOTAL STORAGE
ACRES	AC.FT.	25-YR.	C.F.S.	FEET	ACRES	AC.FT.	AC.FT.
702	28.1	499	446	16.3	18.4	25.3	180



LOCATION

AS DIRECTED BY
Thomas D. Verhelst

POOL AREA



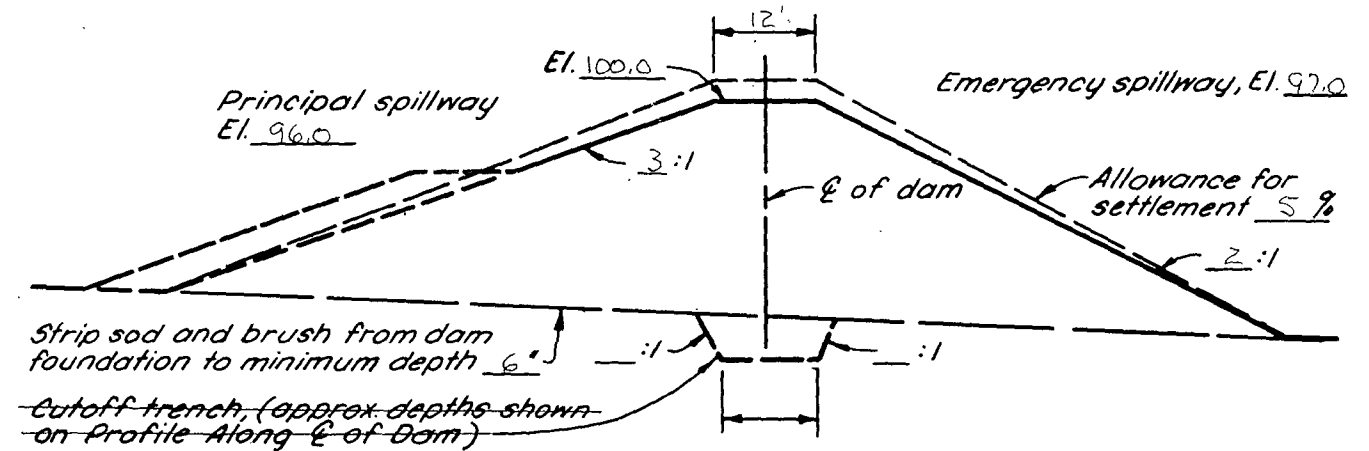
SKETCH PLAN OF DAM AND RESERVOIR AREA

Approximate scale 1" = 100'.

REFERENCE: GUIDE PLAN NO. 1.0

TABLE OF QUANTITIES

ITEM	UNIT	QUANTITY
DAM FILL + 5% SETTLEMENT	CY	2247
EMERGENCY SPILLWAY FILL + 5% SETTLEMENT	CY	229
STRIPPING	CY	588
TOPSOIL	CY	970
CONCRETE DROP INLET (PER DETAIL)	EA	1
TRASH RACK (PER DETAIL)	EA	1
SAND ANTI-SEEP COLLAR (PER DETAIL)	EA	1
TIMBER PIPE SUPPORT (PER DETAIL)	EA	1
SEEDING	Ac	1.5
10" DIA. HDPE PIPE	LF	66



TYPICAL CROSS SECTION OF DAM

S.D. CONSTRUCTION AND MATERIAL SPECIFICATIONS:

- SD-4 STRIPPING
- SD-7S EARTH FILL - CLASS S
- SD-10 SALVAGING & SPREADING TOPSOIL
- SD-12B CONCRETE FOR MINOR STRUCTURES
- SD-13 STEEL REINFORCEMENT
- SD-28 SEEDING
- SD-55 PLASTIC PIPE

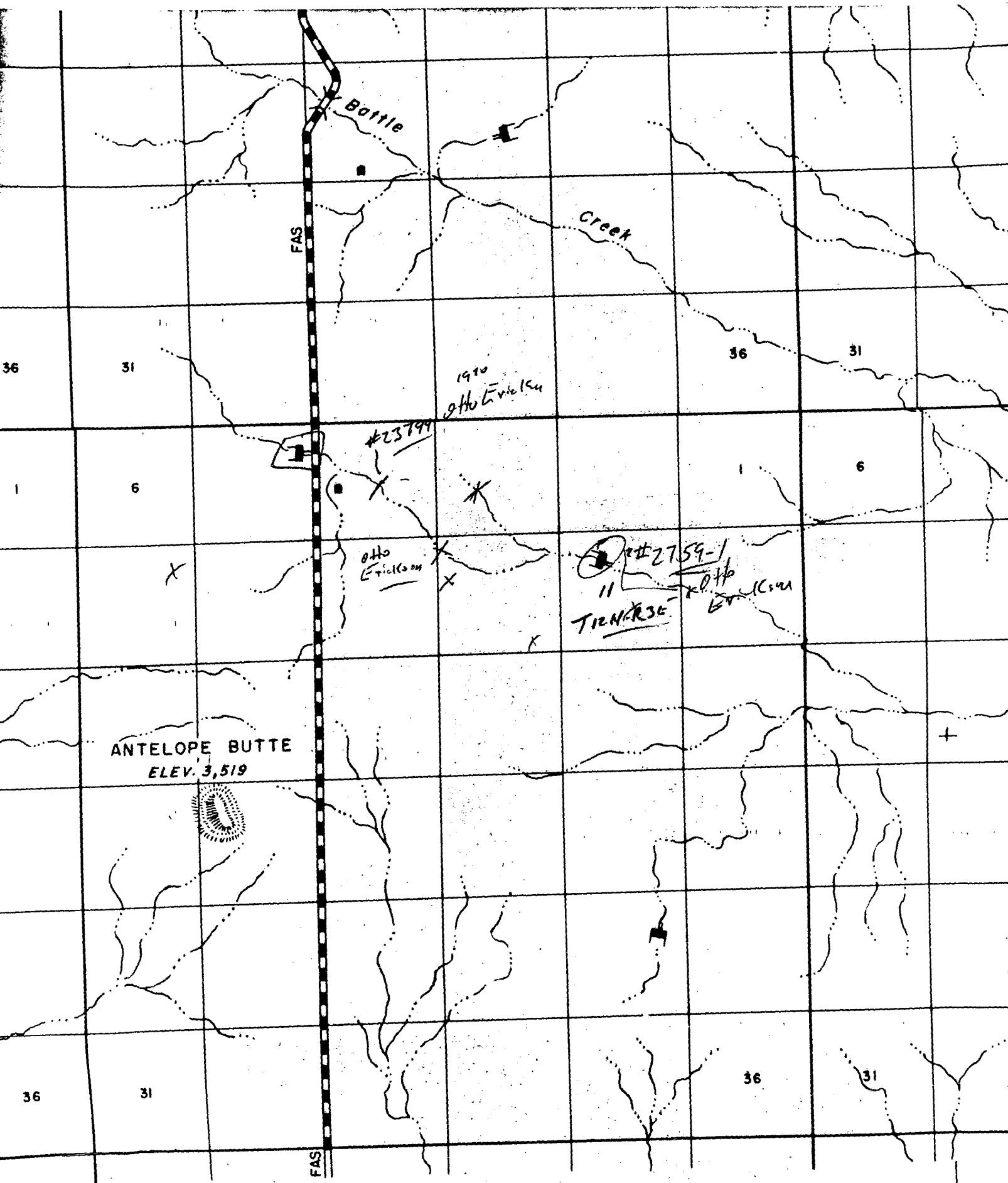
EARTH DAM

OPERATOR: WILLIAM C. KUKUCHKA
CONSERVATION DISTRICT: BUTTE

U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE

Designed: T. VERHELST Date: 6/95
Drawn: T. VERHELST Date: 6/95
Title: Ag. Engineer
Traced: _____
Checked: _____

JOB PLAN NO. 1.0



R 3 E

"As Builts"

Water Permit Application # 1632 - 1
William & Deborah Kukuchka
Butte County

Top of Dam Elev. - 100
P. Spillway - 96
2nd Spillway - 97
Bottom - 83

17 ft. high

Cat. 3 - Low Hazard Dam
(Phone call to Tom VerHelst
10/23/95)

Normal Storage Capacity - 88.3 Ac.-Ft.
Int. Capacity - 120 Ac.-Ft.
Maximum Capacity - 180 Ac.-Ft.

Eff Height x Int. Capacity = $14 \times 120 = 1680 < 3000 \therefore$ 25 year
Minimum Spillway Design

$$\begin{aligned} DA = 702 \text{ Ac} &= 1.1 \text{ mi}^2 & Q_{25} &= 83.4 A^{.65} S^{.46} S_i^{-.72} \\ \text{Slope} &= 80' \text{ mi} & &= 83.4 (1.1)^{.65} (.80)^{.46} (1.90)^{-.72} \\ SI &= 1.90 & &= 83.4 (1.06) (6.87) (0.63) \\ & & &= \underline{\underline{385 \text{ cfs}}} \end{aligned}$$

$$\begin{aligned} Q_{100} &= 132 A^{.65} S^{.46} S_i^{-.67} \\ &= 132 (1.1)^{.65} (.80)^{.46} (1.90)^{-.67} \\ &= 132 (1.04) (7.50) (0.65) \\ &= \underline{\underline{670 \text{ cfs}}} \end{aligned}$$

Secondary Spillway Capacity

$$\begin{aligned} Q &= CLH^{3/2} \quad H=3 \quad L=100 \\ &= (2.6)(100)(3)^{1.5} \\ &= \underline{\underline{1350 \text{ cfs}}} \end{aligned}$$

Section 74:02:08:09

1. Topo Map - OK
 2. Dam Axis Profile - OK
 3. Dam X-Sec. - OK
 4. Area Capacity - OK
 5. Outlet Detail - OK
 6. Discharge Capacity - No - OK?
 7. Spillway Detail - OK
 8. Specs. - std SCS - OK
 9. EPP - Cat. 3 - N/A
- (Called Tom VerHelst on 10/23/95
He said it was Cat. 3 dam - Told
him to send us letter.)

SCS Annual Yield

Use CN = 84
Isoqram = 1

$$\begin{aligned} 10\% \text{ chance} &= 2.0 \text{ Ac.-In/Ac} \\ 2.0 \times 702 / 12 &= \underline{\underline{117 \text{ Ac.-Ft}}} \end{aligned}$$

$$\begin{aligned} 50\% \text{ chance} &= 0.5 \text{ Ac.-In/Ac} \\ 0.5 \times 702 / 12 &= \underline{\underline{30 \text{ Ac.-Ft}}} \end{aligned}$$

BAR 69 RANCH
Craig & Deb Kukuchka
RR 1, Box 217
Belle Fourche, SD 57717
September 5, 1995



Water Rights Division
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3131
Attn: Ron Duvall

Dear Ron:

I am enclosing two copies of a completed water rights application and the filing fee. If there is any more that I need to do to file this, please let me know. My phone number is (605) 892-2875.

Thank you very much.

Sincerely,

Debbie Kukuchka

Debbie Kukuchka

United States
Department of
Agriculture

Natural
Resources
Conservation
Service

USDA Service Center
1847 Fifth Avenue
Belle Fourche, SD 57717

October 23, 1995

Tim Schaal
Water Rights Division, DENR
Joe Foss Building
523 E. Capitol
Pierre, SD 57501



Tim Schaal,

I am sorry that I neglected to put a hazard classification on the Kukuchka dam repair (Sec 5, T12N-R3E). The NRCS hazard class is "a", which is equivalent to DENR's low hazard rating.

Thomas D. Ver Helst
Thomas D. Ver Helst
Ag Engineer, NRCS, Belle Fourche

REPORT ON
WATER PERMIT APPLICATION NO. 1632-1
WILLIAM & DEBORAH KUKUCHKA
October 23, 1995

Water Permit Application No. 1632-1 has been filed by William & Deborah Kukuchka to impound 88.3 acre-feet of water annually by restoring an existing dam located in the SE 1/4 NE 1/4 of Section 5-T12N-R3E, in Butte County. The water will be used for livestock watering, recreation and to provide habitat for fish and wildlife propagation.

Discussion:

The restoration project involved raising the embankment of an old WPA dam that had silted in and had an eroded earth spillway. The project also included adding a RCP drop inlet structure with a 10 inch barrel as the primary spillway and constructing a new 100 foot wide earthcut secondary spillway.

The Kukuchka Dam will be classified as a Category 3, Low Hazard dam. "As Built" plans and specifications have been approved by the Natural Resources Conservation Service (NRCS). The "As Built" plans and specifications have been reviewed and they meet the minimum standards of our Safety of Dams Rules, Chapter 74:02:08; however, approval will not be issued since restoration of the dam has already been completed.

The dam is 17 feet high with a normal storage capacity of 88.3 acre-feet with a reservoir level at the spillway elevation, and a maximum storage capacity of 180 acre-feet with a reservoir level at the top of dam elevation. A dam of this size and hazard classification is required to have a minimum spillway design capable of passing a 25 year frequency event.

The Kukuchka Dam has a drainage area of 702 acres (1.10 square miles) which produces a peak runoff of approximately 400 cfs for a 25- year frequency event. A 100-year frequency event for this drainage will produce a peak of approximately 700 cfs. The Kukuchka Dam has an 100 foot wide earthcut spillway with 3 feet of available head, giving the spillway the capacity to pass approximately 1350 cfs

The annual yield for this drainage with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 30 acre-feet. The annual yield with a 10 percent chance, or 1 out of 10 years, is expected to be 117 acre-feet.

The Kukuchka Dam is located at the headwaters of Antelope Creek approximately 12 miles upstream of the confluence of Antelope Creek and Battle Creek, which eventually enters the South Fork of the Moreau River. Water Right No. 395-1, Daniel Conner, is located approximately three-quarters of a mile below the Kukuchka Dam. Water Right No. 395-1 is a waterspreading project that appropriates 3.08 cfs of Antelope Creek to irrigate 215.7 acres. Location Notice No. 23799, for storage of 2.9 acre-feet of water, is also located approximately three-fourth of mile downstream. According to the applicant, they received an upstream flood

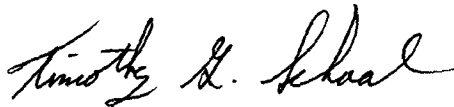
page 2

Water Permit Application No. 1632-1

easement from the downstream landowner and did not expect Water Permit Application No. 1632-1 to cause any problems with the downstream Water Right or Location Notice, especially since there has been a dam existing at this location for some time.

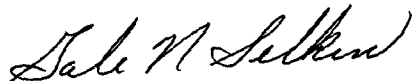
Conclusions:

1. Water Permit Application No. 1632-1 should be approved since approval should not have any adverse effects on existing Water Permits/Rights.
2. If approved, the low flow bypass requirement for downstream domestic use and prior Water Permits/Rights should be a qualification on Water Permit Application No. 1632-1



Timothy G. Schaal, P.E.
Natural Resources Engineer III

Approved by:



Gale N. Selken, P.E.
Natural Resources Engineer IV

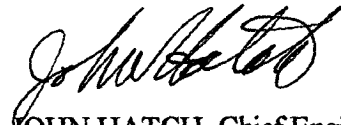
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1632-1, William C. and Deborah L. Kukuchka**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 1632-1, William C. and Deborah L. Kukuchka, RR 1, Box 217, Belle Fourche, SD 57717

The Chief Engineer is recommending APPROVAL of Application No. 1632-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been 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. Water Permit No. 1632-1 authorizes a dam with storage capacity of 88.3 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

See report on application for additional information.



JOHN HATCH, Chief Engineer
October 31, 1995



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

November 13, 1995

William C. and Deborah L. Kukuchka
RR 1, Box 217
Belle Fourche, SD 57717

Dear Mr. and Ms. Kukuchka:

Water Permit Application No. 1632-1 for livestock watering, fish and wild, and recreational 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 Belle Fourche Post printed at Belle Fourche, SD (Ph # (605) 892-2528). 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 action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 13, 1995

Belle Fourche Post
Box 400
Belle Fourche, SD 57717-0400

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1632-1 to be published twice. Please publish the first notice on November 22, 1995, 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 William C. and Deborah L. Kukuchka, RR 1, Box 217, Belle Fourche, SD 57717 (Ph # (605) 892-6013).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
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

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Deborah Kukuchka

ADDRESS: RR 1, Box 217, Belle Fourche SD COUNTY: Butte

DATE: November 14, 1995 TELEPHONE: 605 892-6013

RE: Publication Notice

COMMENTS:

Deborah Kukuchka called concerning the copy of the publication they received regarding Application No. 1632-1. Mrs. Kukuchka stated they would like the "recreational use" deleted from the notice. I informed Mrs. Kukuchka that we included that use in the notice because it was marked as such on the application. I further stated that "recreational use" could be deleted from the notice. Mrs. Kukuchka stated they were concerned about the public viewing this as "public recreational use".

I called the Belle Fourch Post and informed them that the words "recreational use" should be deleted from the notice. Mary Ellen at the paper told me they would make the change.

Karen Schlaak
Karen Schlaak
Environmental Scientist

Instruction to Newspaper - Publish first Notice on November 22, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1632-1 to Appropriate Water

Notice is given that William C. and Deborah L. Kukuchka, RR 1, Box 217, Belle Fourche, SD 57717 has filed an application for a water permit to impound 88.3 acre-feet of water annually by restoring an existing dam located in the S 1/2 NE 1/4 Section 5 with water impounded in the NE 1/4 Section 5; all in T12N-R3E. This application requests impoundment of water sufficient to maintain water to the outlet elevation. Water is to be used to provide habitat for fish and wildlife propagation, recreational use and livestock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1632-2 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by December 11, 1995.

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 the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Butte) SS



I, Faye D. Pate

certify that the attached printed Notice was

taken from the _____

Belle Fourche Post

printed and published in Belle Fourche

County of Butte and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

November 22, 1995

November 29, 1995

Cost of Printing: _____

33.71

Faye D. Pate
(Signature)

Accountant

(Title)

November 29, 1995

(Date Signed)

NOTICE OF APPLICATION NO. 1632-1 to Appropriate Water

Notice is given that William C. and Deborah L. Kukuchka, RR 1, Box 217, Belle Fourche, SD 57717 has filed an application for a water permit to impound 88.3 acre-feet of water annually be restoring an existing dam located in the S 1/2 NE 1/4 Section 5 with water impounded in the NE 1/4 Section 5; all in T12N-R3E. This application requests impoundment of water sufficient to maintain water to the outlet elevation. Water is to be used to provide habitat for fish and wildlife propagation, and livestock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1632-2 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a

hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by December 11, 1995.

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 the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Nettie H. Myers, Secretary,
Department of Environment
and Natural Resources

P2111/22-29



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 3 1996

William C. or Deborah L. Kukuchka
RR 1, Box 217
Belle Fourche, SD 57717

Dear Mr. and Ms. Kukuchka:

Enclosed is Water Permit No. 1632-1 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 15, 2000

1632-1

William C. and Deborah L. Kukuchka
RR 1, Box 217
Belle Fourche, SD 57717

Dear Mr. and Ms. Kukuchka:

The investigation of your water use system was conducted on August 31, 1999, by Timothy G. Schaal, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 1632-1. Your final water right document, the Water License, can now be issued.

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

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

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

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 416470

Pierre, April 14, 2000

RECEIVED OF Minnehaha Community Water Corp., 47381 248th St., Dell Rapids, SD 57022
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. 5805-3

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Chief Engineer

Harland Ebel

Permit No. 1632-1
Moreau River - Water District

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

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

I have this day, August 31, 1999, made a thorough examination of the water use system constructed by William C./Deborah L. Kukuchka of RR1, Box 217, Belle Fourche, SD 57717 holder of Permit No. 1632-1, bearing the priority of September 8, 1995 authorizing the storage of 88.3 acre-feet of the waters of runoff for fish & wildlife and livestock use purposes, in Butte County.

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

A. Works used to divert the water:

17 foot high earth dam with 88.3 acre-feet storage capacity

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

N/A

C. Works used to apply water to beneficial use:

17 foot high earth dam with 88.3 acre-feet storage capacity

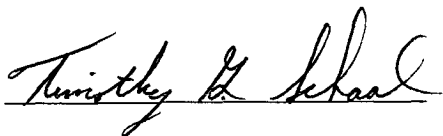
The system is in the following condition **Good**. The point of diversion is located **1900 ft. south & 1000 ft. west of the NE corner of Sec. 5-T12N-R3E (SE 1/4 NE 1/4)**. The works are capable of storing 88.3 acre-feet of water which is to be used for fish & wildlife and livestock use. Water has been put to beneficial use to the maximum extent as follows:

17 foot high earth dam with 88.3 acre-feet storage capacity

and the license should be issued for 88.3 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes **X**

Exceptions to compliance are: none Date Report Completed: March 10, 2000



Timothy G. Schaal, P.E.
Natural Resources Engineer
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 1632-1

Other permit(s) associated with the project: XXXX

DATE OF INSPECTION: August 31, 1999

NAME & ADDRESS OF INSPECTION CONTACT/ Mrs. Kukuchka

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: William C./Deborah L. Kukuchka

RR 1, Box 217, Belle Fourche, SD 57717

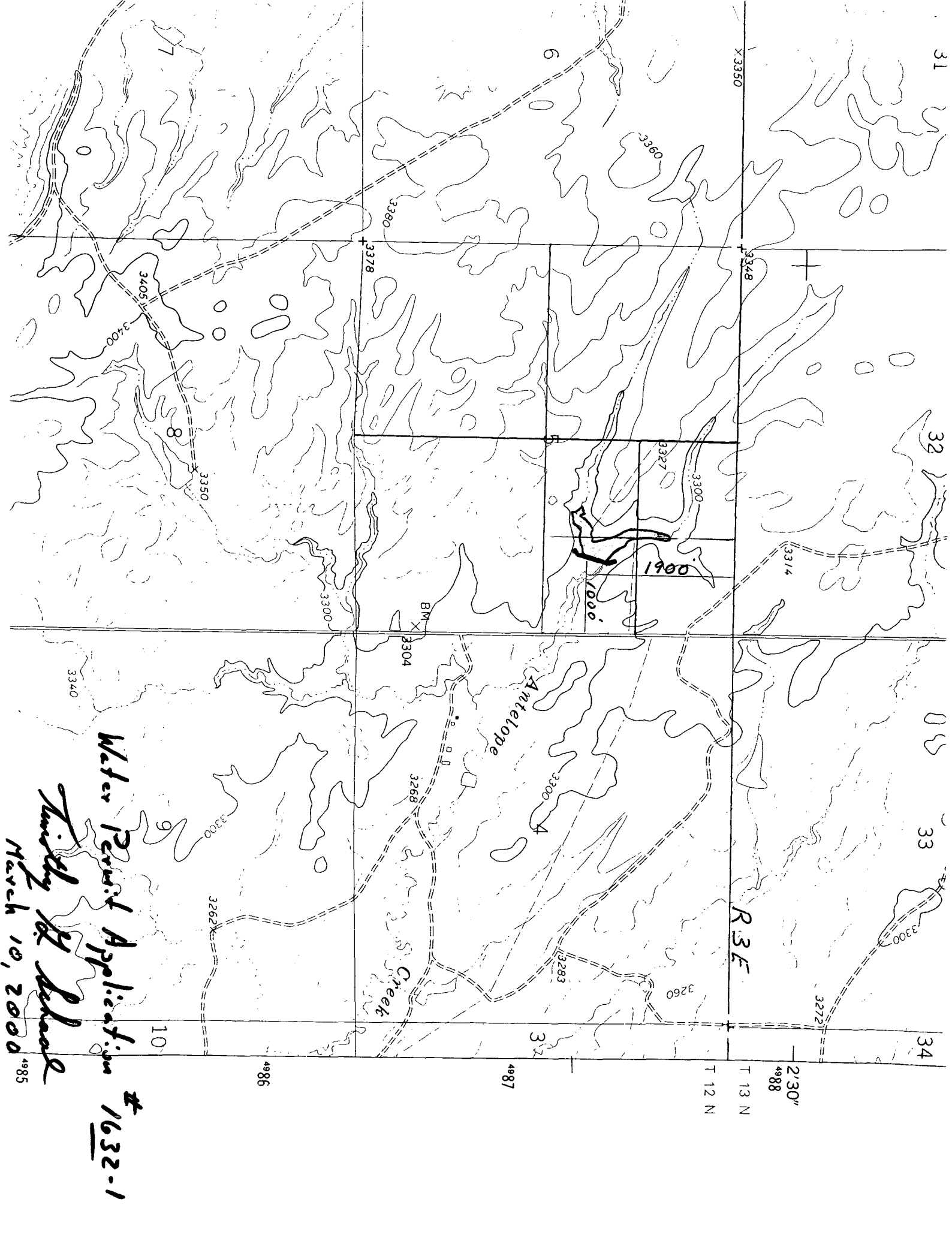
DIVERSION POINT LEGAL LOCATION: 1900 ft. south & 1000 ft. west of the NE corner of Section 5-T12N-R3E (SE 1/4 NE 1/4).

DAM INFORMATION:

- 1) Height to crest 17 feet
- 2) Height to primary spillway 13 feet
- 3) Height to secondary spillway 14 feet
- 4) Crest width 12 feet
- 5) Crest length 574 feet
- 6) Spillway length XXX feet
- 7) Spillway width 100 feet
- 8) Approx. storage (Normal) 88.3 acre-feet
- 9) Approx. storage (Maximum) 180 acre-feet
- 10) Date constructed: 1995

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A
- 2) Special qualifications to permit being abided by yes
- 3) All structures, wells and lands on map yes
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A



Water Permit Application # 1632-1

Timothy H. Schaal
March 10, 2000

4985

STATE OF SOUTH DAKOTA

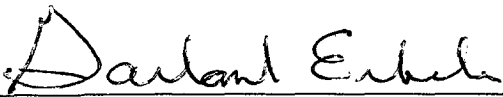
WATER LICENSE NO. 1632-1

(1) William C/Deborah L Kukuchka, RR 1 Box 217, Belle Fourche SD 57717 made Application No. 1632-1, September 8, 1995 for a water permit to impound 88.3 acre-feet of water from runoff, Butte County, South Dakota for fish & wildlife propagation and livestock water purposes. Permit No. 1632-1, with a priority date of September 8, 1995 was approved December 11, 1995 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 11, 2000 and for the application to beneficial use of said water on or before December 11, 2004.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the storage dam and is entitled to impound 88.3 acre-feet of water for beneficial use with sufficient water annually to maintain the water level to the outlet elevation. The location of the storage dam is (spillway) 1,900 feet south and 1,000 feet west of the northeast corner of Section 5-T12N-R3E (SE ¼ NE ¼).

(3) The permit holder 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 William C/Deborah L Kukuchka, RR 1 Box 217, Belle Fourche SD 57717 the holder and/or owner of Water Right No. 1632-1 is issued a license to appropriate water, the right to impound 88.3 acre-feet of water from runoff with sufficient water annually to maintain the water level to the outlet elevation with a priority date of September 8, 1995 from the location specified in (2) of this license for fish & wildlife propagation and livestock water purposes. This license is subject to any limitations or qualifications listed in Water Right No. 1632-1 and subject to South Dakota State Law.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 08 2000

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

MAY 08 2000

1632-1

William C. or Deborah L. Kukuchka
RR 1, Box 217
Belle Fourche, SD 57717

Dear Mr. and Ms. Kukuchka:

Enclosed is Water License No. 1632-1 and Receipt No. 416466 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 1632-1 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.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

ks
enclosures