

WATER PERMIT NO. 1639-1

Name of Applicant: Kelly Escott

Address: HCR 71, Box 5, Faith SD 57626

Phone: 605 739-5341

Amount of Water Claimed: 95.9 acre-feet

Total Acres: NA

Source of Water Supply: runoff

Water to be used for: livestock

County: Perkins

Type of Waste Disposal System: NA

Location: 10 miles north of Faith

PRIORITY Date Received: 4-17-96

Fee: \$150

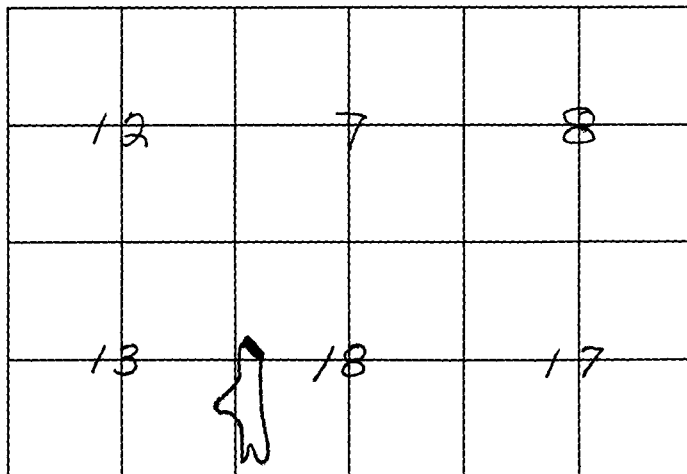
Corrected Application Received: 4-29-96

Period of Annual Use: January 1 - December 31

Remarks:

Diversion Point: SW 1/4 NW 1/4 Sec 18-
T14N-R17E

Water Impounded: SW 1/4 NW 1/4, W 1/2
T14N-R17E
SW 1/4 Sec 18; NE 1/4 SE 1/4 Sec 13; and
in T14N-R17E



Depth of Well: _

Well Driller:

Remarks:

Type of Map: topo

Prepared by: Dennis Ellefson, NRCS

Reviewed and the Number Assigned on: 5-15-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 1639-1**

Date of first receipt of application April 17, 1996.

Date of receipt of corrected application April 29, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1639-1 to Kelly Escott, HCR 71, Box 5, Faith SD 57626 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. 1639-1 authorizes impoundment of 95.9 acre-feet of water from runoff by constructing a dam located in the SW 1/4 NW 1/4 Section 18-T14N-R17E with water impounded in the SW 1/4 NW1/4, W1/2 SW 1/4 Section 18-T14N-R17E and the NE 1/4 SE 1/4 Section 13-T14N-R16E. This permit authorizes impoundment of water sufficient to maintain water to the outlet.
2. The water appropriated shall be used for the purpose of supplying water for livestock and may not exceed the amount of water needed for beneficial use.
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. 1639-1 is July 1, 1996.
5. The date from which applicant may claim right is April 17, 1996.
6. One-fifth of the construction is to be completed on or before January 1, 1999.
7. All construction is to be completed on or before July 1, 2001.
8. Water is to be put to beneficial use on or before July 1, 2005.
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. 1639-1 authorizes a dam with storage capacity of 95.9 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

JUL 17 1996

date



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

No. 1639-1 Hydrologic Unit 10130306
Basin Moreau River
Newspaper The Bison Courier, Bison, 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
(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.) _____

- Name of Applicant KELLY ESCOTT Phone 605-739-5341
Mailing Address HCR 71 Box 5 FAITH State SD 57626
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed _____ *CFS or _____ **GPM 95.9 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply DRY DRAW
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
SW1/4 NW1/4 S-18 T-14N R-17E water impounded: SW1/4 NW1/4, W1/2
SW1/4 SEC. 18; T14N, R17E; NE1/4 SE1/4 SEC. 13; T14N-R16E County Perkins
- County or counties where water will be used Perkins
- Annual period during which water is to be used year long use Jan 1-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)
Earth Dam, with excavated emergency spillway

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 Perkins)^{ss}

I, Kelly Escott, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Kelly Escott

Subscribed and sworn to before me this 16 day of April 19 96

Melinda Hulm 4-11-97
Notary Public

(Complete applicable portions only)

(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. Dugout Information

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

3. Water Storage Dams

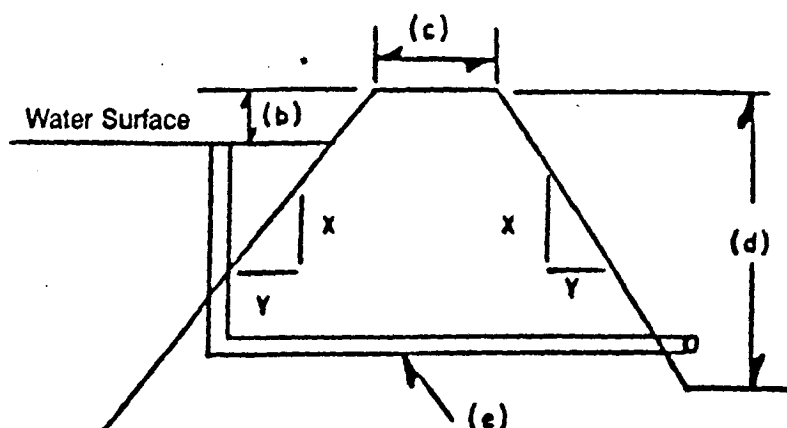
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- 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

Box 399

Faith, S.D. 57626



- b) Freeboard 3
- c) Crest Width 14'
Crest Length 400'
- d) Height 24'
- e) Primary Outlet Capacity NA
If pipe, diameter NA
- f) Secondary Spillway Capacity _____
Spillway Width 100'
- g) X & Y Slope
Upstream 3:1
Downstream 2:1
- h) Surface Area of Impoundment 13
- i) Storage 95.9 Acre Feet
- j) Drainage Area above Dam 570 Acres



RECEIPT

414923

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 23, 19 96

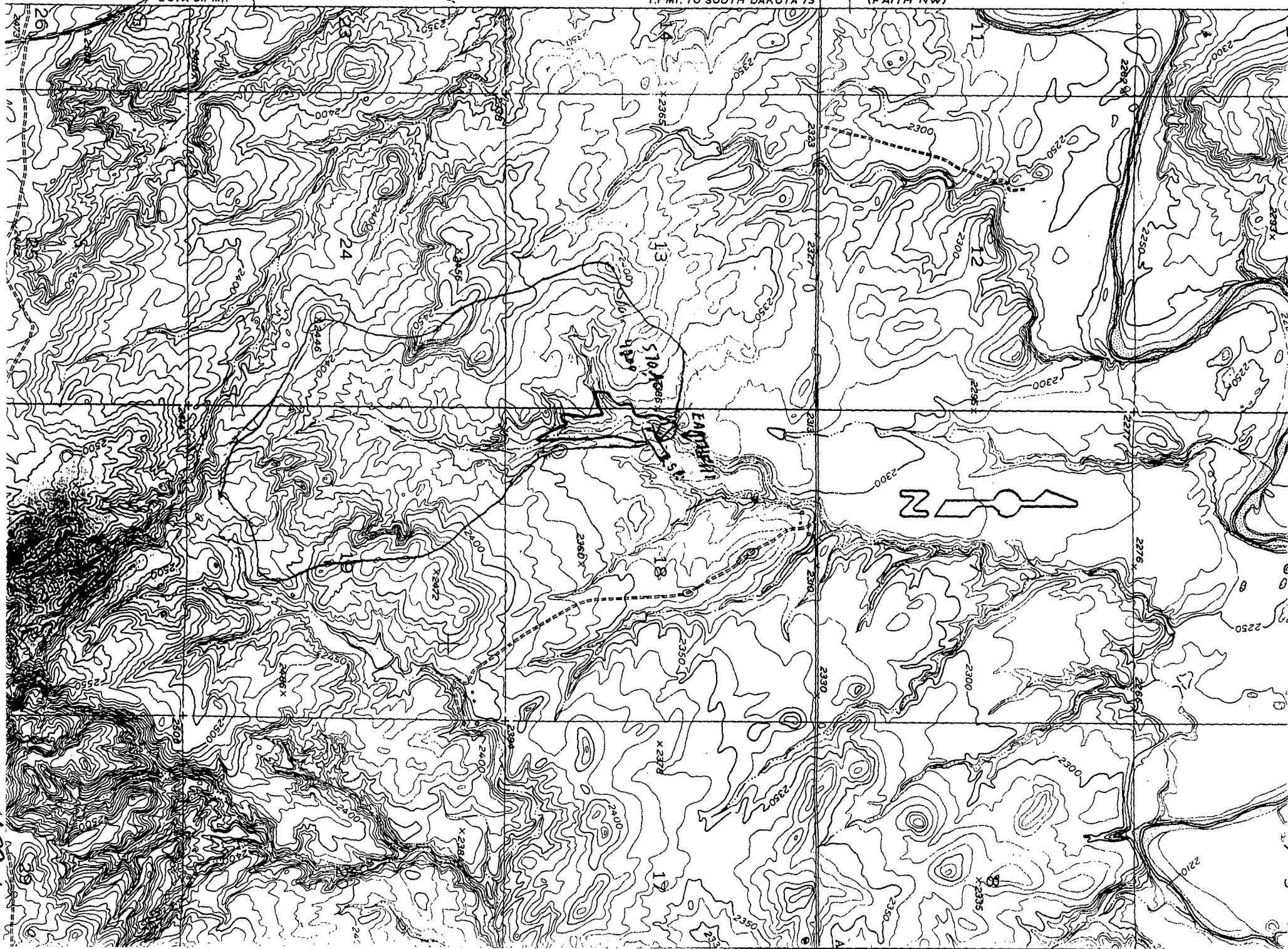
RECEIVED OF Kelly Escott, P.O. Box 622, Faith, SD 57626

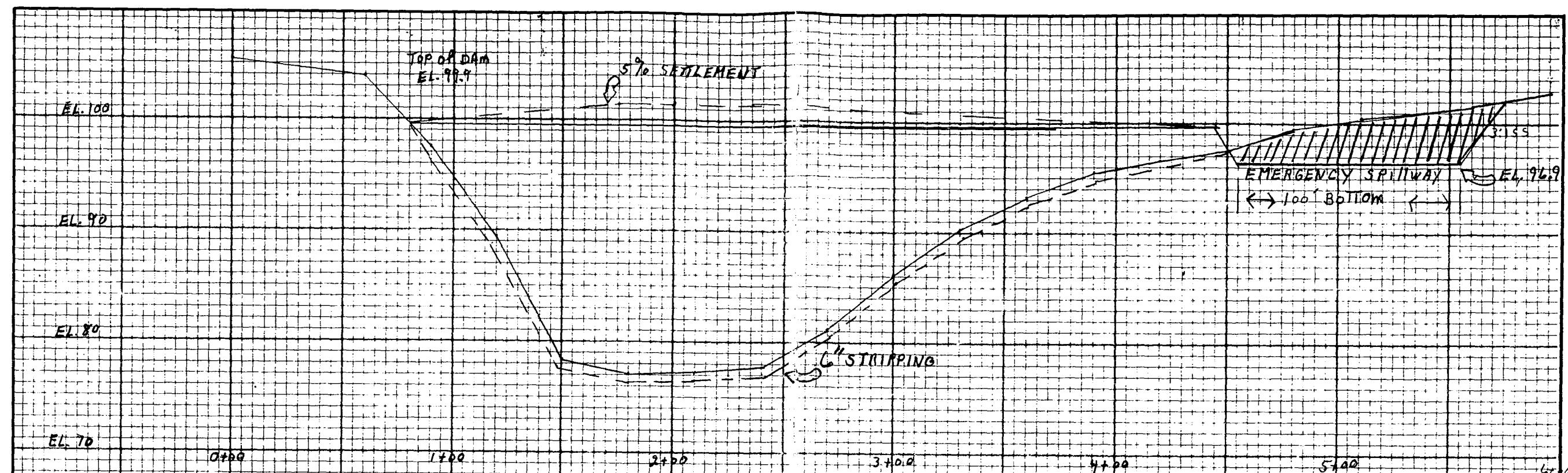
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1659-1</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 _____		

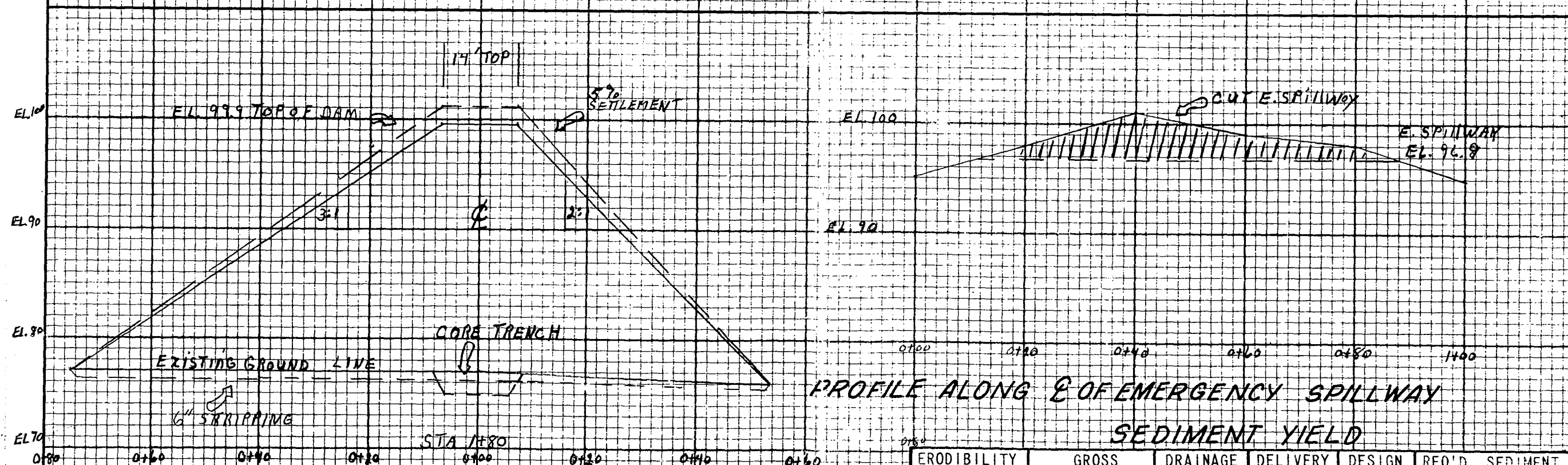
(Any Other Work Provided by Law)	Total	150 00

By John Hatch 
Chief Engineer





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



MAXIMUM CROSS SECTION OF DAM

PROFILE ALONG C OF EMERGENCY SPILLWAY

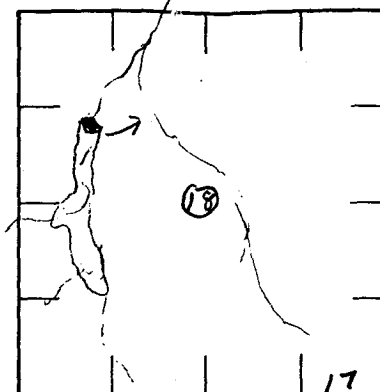
SEDIMENT YIELD

ERODIBILITY AREA ACRES	GROSS RATE A.F./AC./YR.	DRAINAGE AREA ACRES	DELIVERY RATE %	DESIGN PERIOD YEARS	REQ'D. SEDIMENT VOLUME AC. FT.
0	.0016	570	16	20	2.9

(Rev. 4-73) 5, N-29, 073.1a (2)

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.
570	16.5	85.5	4	20'	13	2.9	95.9

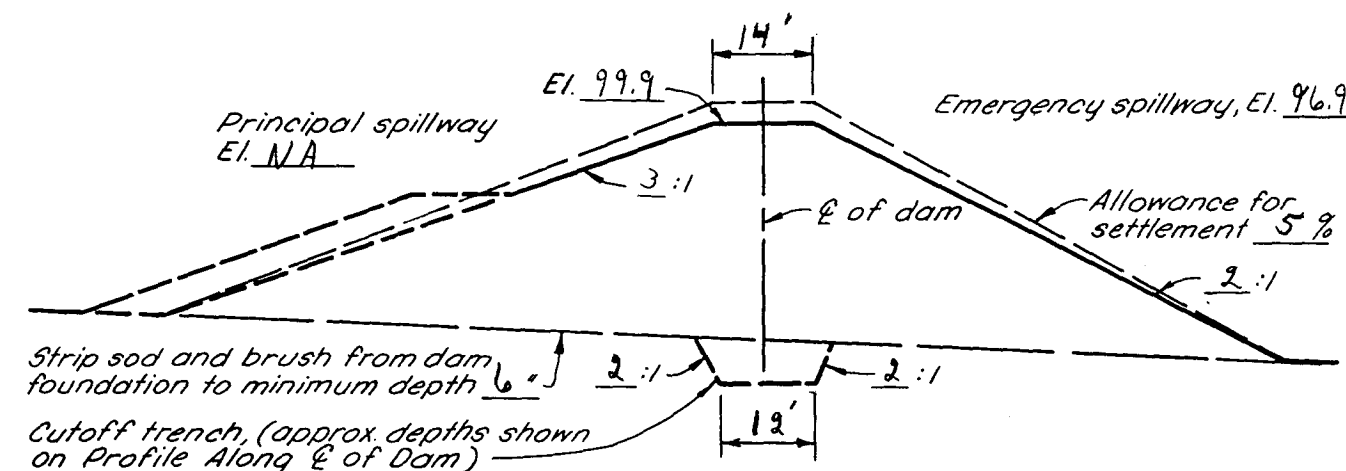
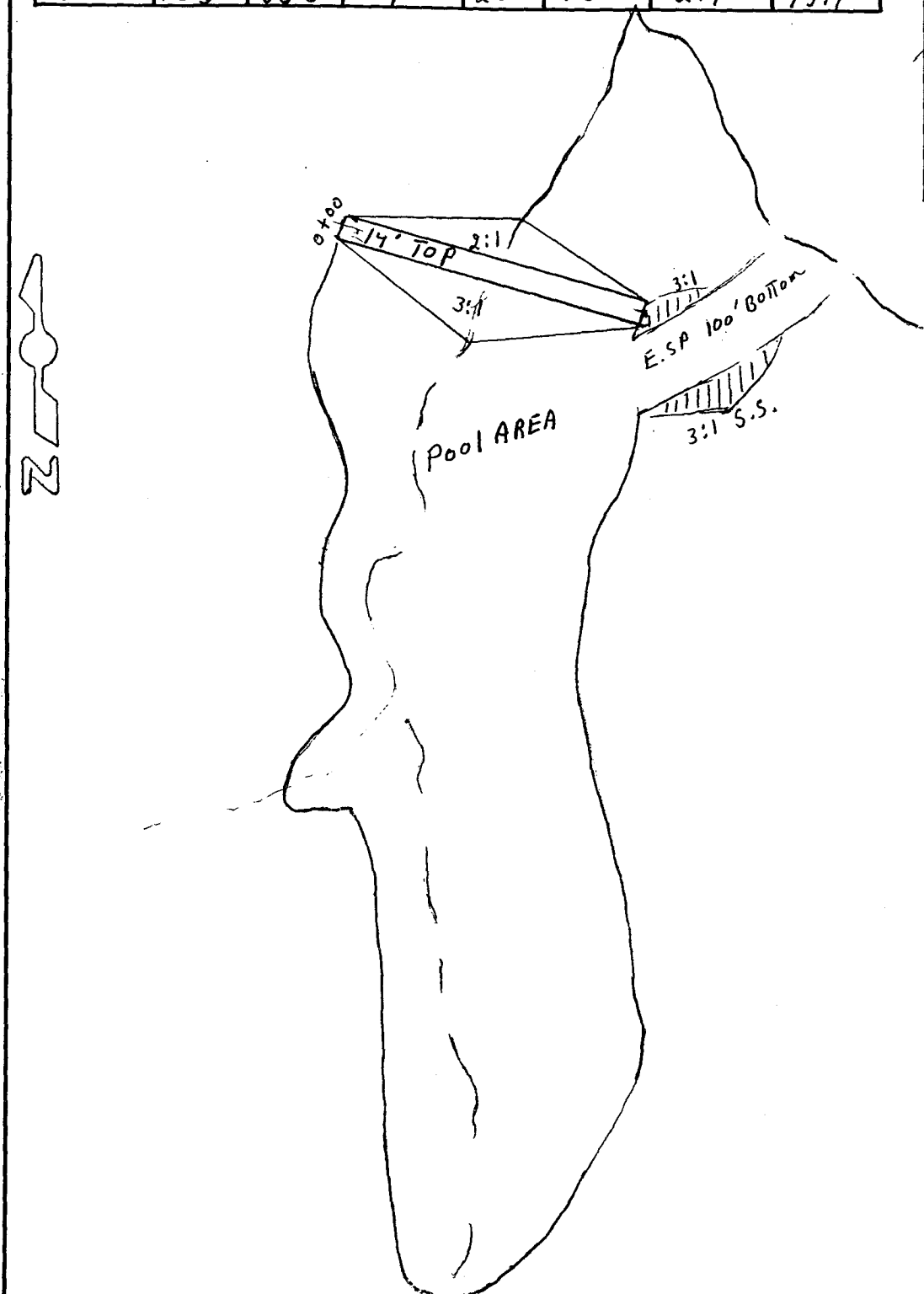


Sec. 18 T. 14N. R. 16E
Perkins County

LOCATION

TABLE OF QUANTITIES

ITEM	UNIT	QUANTITY
EARTHFILL	CY	11099
STRIPPING	CY	272
CORE TRENCH	CY	366
TOTAL	CY	11737



TYPICAL CROSS SECTION OF DAM

S.D. CONSTRUCTION AND MATERIAL SPECIFICATIONS:

- SD-7S EARTHFILL CLASS-S
- SD-10 SALVAGING & SPREADING Topsoil
- SD-4 STRIPPING
- SD-2 CLEARING & GRUBBING
- SD-5 EXCAVATION

EARTH DAM

OPERATOR: <u>KELLY ESCOTT</u>
CONSERVATION DISTRICT: <u>TRI-COUNTY</u>
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE
Designed <u>D. Elly</u> Date <u>4-8-96</u> Approved by _____
Drawn <u>D. Elly</u> Date <u>4-8-96</u> Title _____
Traced _____ Title _____
Checked _____ Sheet _____ Drawing No. _____

SKETCH PLAN OF DAM AND RESERVOIR AREA

Approximate scale 1" = 200'

REFERENCE: GUIDE PLAN NO. 1.0

JOB PLAN NO. 1.0



Water Permit Application No. 1639-1
Kelly Escott

Top of Dam Elev. - 99.9
Spillway Elev. - 96.9 } 24 ft. High Cat. 3 - Low Hazard Dam
Bottom - 75.9

Normal Storage Capacity - 95.9 Ac-Ft.
Maximum Storage Capacity - 133 Ac-Ft.

Max. Capacity x Height = $133 \times 24 = 3192 > 3000 \therefore$ 50 year frequency
Minimum Spillway Design

From USGS, WRI 80-80, "Tech. for Est. Flood Peaks... in 50"

DA = 570 Ac = 0.89 mi.²

SI = 2.50

Slope = 100'/mi.

$$\begin{aligned} Q_{50} &= 106 A^{0.63} S^{.45} S_i^{-.69} \\ &= 106 (.89)^{.63} (100)^{.45} 2.50^{-.69} \\ &= 106 (.93) (7.94) (0.53) \\ &= \underline{415 \text{ cfs}} \end{aligned}$$

$$\begin{aligned} Q_{100} &= 132 A^{.65} S^{.46} S_i^{-.67} \\ &= 132 (.89)^{.65} (100)^{.46} 2.50^{-.67} \\ &= 132 (.93) (8.32) (0.54) \\ &= \underline{552 \text{ cfs}} \end{aligned}$$

Spillway Capacity $Q = CLH^{3/2}$ $C = 2.6$
 $= (2.6)(100)(3)^{1.5}$ $L = 100$
 $= \underline{1350 \text{ cfs}}$ $H = 3 \text{ ft}$ OK

Section 74:02:08:09

1. Topo Map - OK
2. Dam Axis Profile - OK
3. Dam X-Sec. - OK
4. Area Capacity Data - OK
5. Outlet Details - N/A - OK
6. Spillway Discharge - OK
7. Spillway Details - OK
8. Specs. - Std. - OK
9. EPP - Cat. 3 N/A - OK

SCS Annual Yield

Assume CN = 76

Use Isogram 1 1/2

50% chance - 0.30

$$0.30 \times 570/12 = \underline{14.5 \text{ Ac-Ft.}}$$

80% chance - 0.10

$$0.10 \times 570/12 = \underline{5.0 \text{ Ac-Ft.}}$$

100% chance - 1.5

$$1.5 \times 570/12 = \underline{71.25 \text{ Ac-Ft.}}$$



WATER RIGHTS DIVISION (DWN
JOE FOSS BUILDING
PIERRE, S.D. 57501

4-24-96
DENNIS ELLEFSON
N.R.C.S.
BOX 399
FAITH, S.D. 57626

KELLY ESCOTT
POND S-18 T-14N R-17E

Drainage area: 570 ac.

Storage at emergency spillway : 13 surface=95.9 ac. ft.

Storage to top of Dam : 15 surface ac. = 133 ac. ft.

Design class = Class A

There are no dwellings in flood route of pond.
County road is located 2800 ft. down stream of proposed structu



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 1996

Dennis Ellefson
Natural Resources Conservation Service
Box 399
Faith, SD 57626

Dear Mr. Ellefson:

We have reviewed the plans and specifications for the Kelly Escott Dam located in the NW 1/4 of Section 18-T14N-R17E, in Perkins County. The plans and specifications as submitted are approved. Approval of the plans and specifications does not authorize construction of the project. Construction of the project may not begin until Water Permit Application No. 1639-1 is approved.

Our review was to determine compliance with the requirements of the Water Management Board Safety of Dams Rules, Chapter 74:02:08. Approval of these plans and specifications does not release Kelly Escott, as owner of the dam, from the responsibility for operating and maintaining the dam in good repair to ensure the safety of the dam.

The Kelly Escott Dam will be classified as a small size Category 3, Low Hazard dam with a dam height of 24 feet, a normal storage capacity of 95.9 acre-feet, and a maximum storage capacity of 133 acre-feet.

If you have any questions, please feel free to contact us.

Sincerely,

Gale N. Selken, P.E.
Natural Resources Engineer IV
for John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

c: Kelly Escott

REPORT ON
WATER PERMIT APPLICATION NO. 1639-1
Kelly Escott
May 28, 1996

Water Permit Application No. 1639-1 has been filed by Kelly Escott to impound 95.9 acre-feet of water from runoff by constructing a dam. The dam will be located in the SW 1/4 NW 1/4 of Section 18-T14N-R17E, in Perkins County. The water will be used for livestock watering.

Discussion:

The Kelly Escott Dam will be classified as a Category 3, Low Hazard dam. It has been designed by the Natural Resources Conservation Service. The plans and specifications have been reviewed and will be approved; however, construction of the dam can not begin until Water Permit Application No. 1639-1 is approved.

The Kelly Escott Dam will be 24 feet high with a normal storage capacity of 95.9 acre-feet with a reservoir level at the spillway elevation, and a maximum storage capacity of 133 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 50 year frequency event.

The Kelly Escott Dam is designed to have a 100 foot wide earthcut spillway with 3.0 feet of available head. The dam will have a drainage area of 570 acres (0.89 square miles). A 50-year frequency event will produce a peak of 415 cfs and a 100-year frequency event produces a peak of 552 cfs. The 100 foot wide earthcut emergency spillway will have a capacity of approximately 1350 cfs.

The annual yield for this drainage area with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 15 acre-feet. The annual yield with a 80 percent chance of occurrence, or 8 out of 10 years, is expected to be 5.0 acre-feet. The annual yield with a 10 percent chance, or 1 out of 10 years, is expected to be 71 acre-feet.

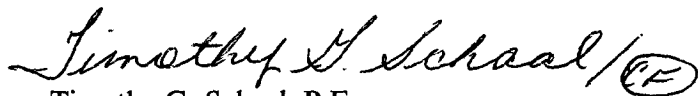
The Kelly Escott Dam will be located in the NW 1/4 of Section 18-T14N-R17E on an unnamed tributary to the Moreau River about two miles upstream of the confluence of the tributary and the Moreau River. There are no existing Water Permits/Rights located on the unnamed tributary between the Kelly Escott Dam and the Moreau River.

Page 2

Water Permit Application No. 1639-1

Conclusions:

1. Water Permit Application No. 1639-1 should be approved since unappropriated water is available and approval should not have any adverse effect on existing Water Permits/Rights.
2. If approved, the low flow bypass requirement for downstream domestic use should be a qualification on Water Permit Application No. 1639-1.

Handwritten signature of Timothy G. Schaal in cursive script, followed by a circled "P.E.".

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

Approved by:

Handwritten signature of Gale N. Selken in cursive script.

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

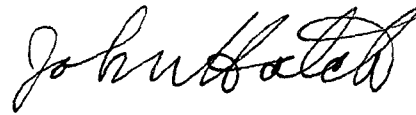
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1639-1, Kelly Escott**

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. 1639-1, Kelly Escott, HCR 71, Box 5, Faith, SD 57626.

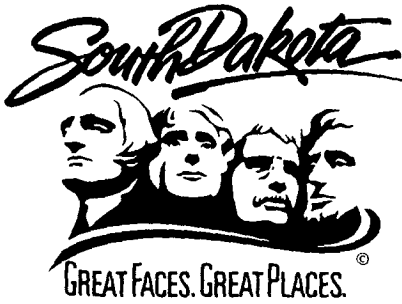
The Chief Engineer is recommending APPROVAL of Application No. 1639-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. Water Permit No. 1639-1 authorizes a dam with storage capacity of 95.9 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.

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

JOHN HATCH, Chief Engineer
June 5, 1996



**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.

June 6, 1996

Kelly Escott
HCR 71, Box 5
Faith, SD 57626

Dear Ms. Escott:

Water Permit Application No. 1639-1 for livestock 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 Bison Courier printed at Bison, SD (Ph # (605) 244-7199). 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

June 6, 1996

The Bison Courier
Box 429
Bison, SD 57620-0429

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1639-1 to be published twice. Please publish the first notice on June 13, 1996, 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 Kelly Escott, HCR 71, Box 5, Faith, SD 57626 (Ph # (605) 739-5341).

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

Instruction to Newspaper - Publish first Notice on June 13, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1639-1 to Appropriate Water

Notice is given that Kelly Escott, HCR 71, Box 5, Faith, SD 57626 has filed an application for a water permit to impound 95.9 acre-feet of water from runoff by constructing a dam located in the SW 1/4 NW 1/4 Section 18-T14N-R17E with water impounded in the SW 1/4 NW 1/4, W 1/2 SW 1/4 Section 18-T14N-R17E, NE 1/4 SE 1/4 Section 13-T14N-R16E. This application requests impoundment of water sufficient to maintain water to the outlet. Water will be used to provide water for livestock.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1639-1 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. 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 July 1, 1996.

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 Perkins) SS

I, Tamara Buer

certify that the attached printed Notice was
taken from the Bison Courier

printed and published in Bison

County of Perkins and State of

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

June 13, 1996

June 20, 1996

Cost of Printing: \$53.95

Tamara Buer
(Signature)

Secy.
(Title)

6/20/96
(Date Signed)

NOTICE OF APPLICATION NO. 1639-1 To Appropriate Water

Notice is given that Kelly Escott, HCR 71, Box 5, Faith, SD 57626 has filed an application for a water permit to impound 95.9 acre-feet of water from runoff by constructing a dam located in the SW1/4NW1/4 Section 18-T14N-R17E with water impounded in the SW1/4NW1/4, W1/2SW1/4 Section 18-T14N-R17E, NE1/4SE/14 Section 13-T14N-R16E. This application requests impoundment of water sufficient to maintain water to the outlet. Water will be used to provide water for livestock.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1639-1 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. 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 July 1, 1996.

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.
6-13,20



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 17 1996

Kelly Escott
HCR 71, Box 5
Faith, SD 57626

Dear Ms. Escott:

Enclosed is Water Permit No. 1639-1 authorizing construction of your water diversion system and beneficial use of the water, 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 Program
605 773-3352

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.

File No. 1639-1

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Kelly Escott

ADDRESS: XXXXXXXXXXXXXX

COUNTY: Perking

DATE: July 30, 1997

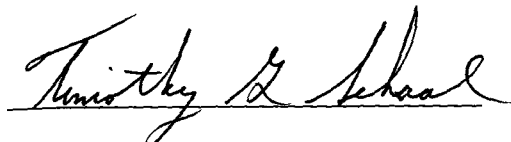
TELEPHONE: 739-5341

RE: call from Wes Escott 739-3521

Wes Escott called today concerning Water Permit No 1639-1 for Kelly Escott. He manages a ranch for his aunt, Mrs. Melvin (Violet) Spencer, who has Water Permit No. 1043-1 for a water spreader system located about 2 miles downstream of the proposed dam for Water Permit No. 1639-1. I explained to him that my application report was wrong when I stated there were no existing Water Rights on the unnamed tributary between the proposed Kelly Escott Dam and the Moreau River. However, Water Permit No. 1639-1 does have the low flow bypass qualification for downstream domestic use and prior water rights. We also discussed the drainage area where the drainage above Kelly's dam would be approximately 525 acres out of a total drainage area of 1660 acres above their spreader system, which also has approximately 290 additional acres of drainage from another draw. We discussed his conversation with Dennis Ellefson from the NRCS office and Dennis's thoughts about the upstream dam providing them some silt control. Wes also mentioned that he thought Kelly planned on irrigating from this dam by spreading discharge water from the spillway overflow. I told Wes that Kelly's permit was for domestic use only and Kelly would need another application if he intends to irrigate.

At this time, Wes was just gathering information and wanted to talk to his aunt and Kelly about this before any conflicts arose between them.

I also talked to Dennis Ellefson (967-2561) from the NRCS office in Faith. He said he did not think Kelly planned to irrigate and I reminded him that Kelly's permit was only for domestic use. He said he did not realize that there was an existing downstream Water Permit for Spencers, but thought there would be enough drainage area for both. He also discussed the silt detention benefits of the upstream dam. I told him they may want to install a low flow bypass tube in the dam, since the plans only had an earthcut spillway.



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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 17, 1997

NOTICE

TO: Kelly Escott
HCR 71, Box 5
Faith SD 57626

FROM: John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

SUBJECT: Order To Remove Irrigation Diversion Works from livestock dam authorized under Water Permit No. 1639-1.

On November 14, 1997, Tim Schaal completed an investigation of your dam authorized under Water Permit No. 1639-1, which allows storage of 95.9 acre-feet of water for livestock use in a dam located in the SW 1/4 NW 1/4 of Section 18-T14N-R17E. The purpose of the gated culvert and bermed ditch, located near the left abutment (west end) of the dam, was determined to be for irrigation.

You indicated that your intent was to divert water to other dams located on another drainage; however, Water Permit No. 1639-1 does not allow irrigation or storage of water in other dams. Your permit does not allow water to be diverted into another drainage, which would be the case if you diverted water to store in these other dams.

Pursuant to SDCL 46-2-18, this notice is an order to remove the gated culvert and enlarge the berm across the ditch to the same elevation and width as the existing top of dam.

Subject to weather conditions, the date for completion of this order must be as soon as possible but no later than May 1, 1998.

If you have any questions concerning this matter, please feel free to contact Tim Schaal, staff engineer, at (605) 773-3352.

c: Mrs. Melvin Spencer
Wes Escott
Bruce Schoonover, USFWS
Don McCrea, GF&P
Dennis Ellefson, NRCS
Diane Best, Assistant Attorney General

CERTIFICATION

I hereby certify that on November 17, 1997, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated November 17, 1997, regarding Order to Remove Irrigation Diversion Works from livestock dam authorized under Water Permit No. 1639-1, addressed as stated below:

Kelly Escott, HCR 71, Box 5, Faith, SD 57626.

Mrs. Melvin Spencer, Box 427, Faith, SD 57626.

Wes Escott, Faith, SD 57626.

Bruce Schoonover, USFWS, D.C. Booth HNFH, 423 Hatchery Circle, Spearfish, SD 57783.

Dennis Ellefson, NRCS, Box 399, Faith, SD 57626.

A copy of the above described Notice was sent Inter-office to:

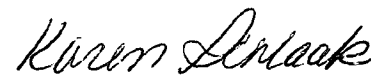
Don McCrea, Department of Game, Fish & Parks, Joe Foss Building.

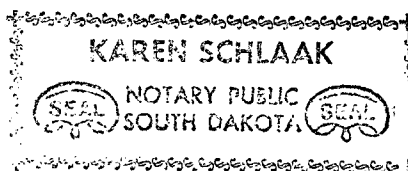
Diane Best, Assistant Attorney General, Capitol Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 18th day of November, 1997


Notary Public



KAREN SCHLAAK, Notary Public
My Commission Expires
April 1, 2001

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Kelly Escott

ADDRESS: XXXXXXXXXXXXXX

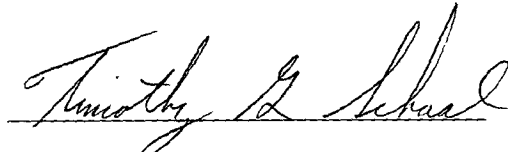
COUNTY: Perkins

DATE: November 17, 1997

TELEPHONE: 739-5341

RE: November 14, 1997 inspection

On November 14, 1997, I made an inspection of the dam associated with Water Permit No. 1639-1 and talked to Kelly Escott, Mrs. Melvin (Violet) Spencer, Wes Escott and Dennis Ellefson from the NRCS. Kelly constructed a ditch near the left (west) abutment of the dam with a berm and gated culvert at the entrance. He indicated he planned to run water downstream to two other dams, but we also discussed that he would be irrigating with this water. I explained to Kelly about Spencer's downstream Water Right (No. 1043-1) and that my application report was wrong when I stated that there were no downstream Water Rights. I also explained to him that his Water Permit was for storage of water in that dam only and he would in fact be irrigating with the water he diverted through the gate. I told him there were probably two options available: 1) remove the gated culvert and build up the berm to the top of dam elevation, and 2) correct this with a permit which would need to be accepted by Mrs. Spencer and Wes since they had the downstream Water Right. I talked to them about this and they did not want Kelly to irrigate and thought they would need the spillway flow for their irrigation, which they would not get if Kelly irrigated. I told them we would be sending Kelly a Notice to remove the gated culvert. I talked to Dennis Ellefson about the dam construction and asked him if everything else (except the gated culvert) was as designed and he said it was OK.



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



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

Date 12-4-97

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Kelly Escott Box 622
(name) (address)

Faith SD 57626 605-739-5341
(city) (state) (zip) (phone)

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. 1639-1.

Water Permit No. 1639-1 states that the diversion system is to be constructed by July 1, 2001, and that the water is put to beneficial use by (date)

July 1 2005
(date)

The diversion system was completed on 10-29-97
(date)

Applying the water to beneficial use was completed on 10-29-97
(date)

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

Kelly Escott
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 5, 1997

Kelly Escott
HCR 71, Box 5
Faith, SD 57626

Dear Mr. Escott:

I am writing in reference to the November 17, 1997, Notice of Order we sent you regarding the removal of the irrigation diversion works from your livestock dam authorized under Water Permit No. 1639-1. Tim Schaal completed an investigation of your dam on December 4, 1997, and found that you have completed the requirements of the Notice. The gated culvert has been removed and the berm enlarged to the same elevation and width as the existing dam.

We appreciate the timeliness of your efforts to resolve this issue. If you have any questions concerning this matter, please feel free to contact us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

c: Mrs. Melvin Spencer
Wes Escott
Bruce Schoonover, USFWS
Don McCrea, GF&P
Dennis Ellefson, NRCS
Diane Best, Assistant Attorney General



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 9, 1997

1639-1

Kelly Escott
HCR 71, Box 5
Faith, SD 57626

Dear Mr. Escott:

The investigation of your water use system was conducted on December 4, 1997, by Timothy G. Schaal, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 1639-1. 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

NO 415573

Pierre, December 29, 19 97

RECEIVED OF Kelly Escott, P.O. Box 622, Faith, SD 57626
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. 1639-1

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By _____
Chief Engineer

John Hatch 

Permit No. 1639-1
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, December 4, 1997, made a thorough examination of the water use system constructed by Kelly Escott of HCR 71, Box 5, Faith SD 57626 holder of Permit No. 1639-1, bearing the priority of April 17, 1996 authorizing the storage of 95.9 acre-feet of the waters of runoff for livestock purposes, in Perkins County.

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

A. Works used to divert the water:

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

C. Works used to apply water to beneficial use:

An earth fill dam, 24 feet high with a normal storage capacity of 95.9 acre-feet.

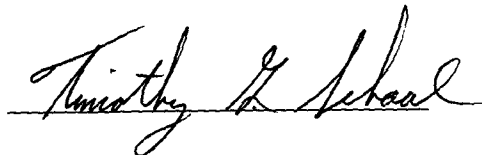
The system is in the following condition good. The point of diversion is located 1900 feet south & 750 feet east of the NW corner of Sec. 18-T14N-R17E (SW ¼ NW ¼). The works are capable of storing 95.9 acre-feet of water which is to be used for livestock. Water has been put to beneficial use to the maximum extent as follows:

An earth fill dam, 24 feet high with a normal storage capacity of 95.9 acre-feet.

and the license should be issued for 95.9 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: December 8, 1997



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

REPORT ON INSPECTION OF PERMIT NO. 1639-1

Other permit(s) associated with the project: XXXX

DATE OF INSPECTION: December 4, 1997

NAME & ADDRESS OF INSPECTION CONTACT/ Kelly Escott

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Kelly Escott, HCR 71, Box 5, Faith, SD 57626

DIVERSION POINT LEGAL LOCATION: 1900 feet south & 750 feet east of the NW corner of Section 18-T14N-R17E (SW ¼ NW ¼).

DAM INFORMATION:

- 1) Height to crest 24 feet
- 2) Height to primary spillway 21 feet
- 3) Height to secondary spillway XXX feet
- 4) Crest width 14 feet
- 5) Crest length 400 feet
- 6) Spillway length XXX feet
- 7) Spillway width 100 feet
- 8) Approx. storage (Normal) 95.9 acre-feet
- 9) Approx. storage (Maximum) 133 acre-feet
- 10) Date constructed: Fall 1997

Comments: We issued Mr. Escott a Notice of Order on November 17, 1997 to remove irrigation diversion works from his livestock dam and an inspection on December 4, 1997 found that he had completed the requirements of the Notice.

PERMIT QUALIFICATIONS AND REGULATIONS:

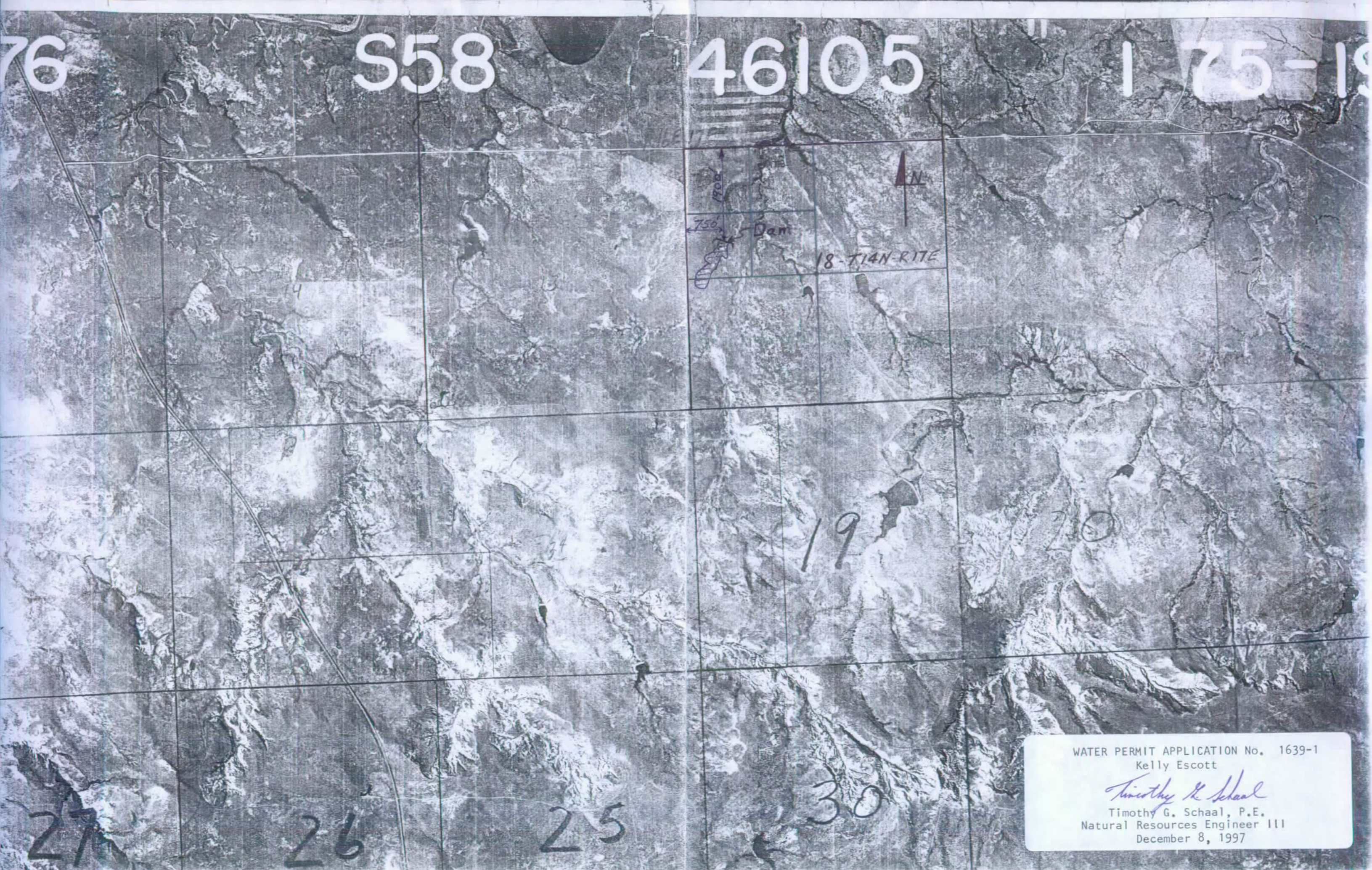
- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A
- 2) Special qualifications to permit being abided by yes
- 3) All structures, wells and lands on map yes
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end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

76

S58

46105

175-18



WATER PERMIT APPLICATION No. 1639-1
Kelly Escott

Timothy G. Schaal

Timothy G. Schaal, P.E.
Natural Resources Engineer III
December 8, 1997

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1639-1

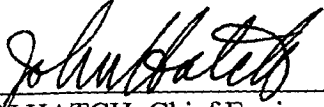
(1) Kelly Escott, Box 622, Faith SD 57626 made Application No. 1639-1, April 17, 1996 for a water permit to authorize storage of 95.9 acre feet of runoff water. The dam is located in Perkins County, South Dakota and used for livestock watering purposes. Permit No. 1639-1, with a priority date of April 17, 1996 was approved July 1, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 1, 2001 and for the application to beneficial use of said water on or before July 1, 2005.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on December 4, 1997. The *Notice* stated the diversion system was completed on November 29, 1997 and the water placed to beneficial use on November 29, 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 dam with a storage capacity of 95.9 acre-feet and is entitled to sufficient water annually to maintain the water level at the outlet elevation. The location of the dam is 1,900 feet south and 750 feet east of the northwest corner of Section 18-T14N-R17E (SW 1/4 NW 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 South Dakota Water Law 46-5-30.1 Kelly Escott, Box 622, Faith SD 57626 the holder and/or owner of Water Permit No. 1639-1 is issued a license to store 95.9 acre-feet of runoff water and is entitled to sufficient water annually to maintain the water level at the outlet elevation, with a priority date of April 17, 1996 from the location specified in (2) of this license for livestock watering purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 1639-1 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 28 1998

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 28 1998

1639-1

Kelly Escott
Box 622
Faith, SD 57626

Dear Mr. Escott:

Enclosed is Water License No. 1639-1 and Receipt No. 415573 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 1639-1 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 Program
(605) 773-3352

ks
enclosures