

WATER PERMIT NO. 1655-1

Name of Applicant: **Douglas Simons**

Address: **Box 30, White Owl SD 57792**

Phone: **605 985-5555**

Amount of Water Claimed: **100.5 acre-feet**

Total Acres: **NA**

Source of Water Supply: **runoff**

Water to be used for: **livestock** County: **Meade**

Type of Waste Disposal System: **NA**

Location: **approximately 25 miles southwest of Faith**

PRIORITY Date Received: **8-25-1997**

Fee: **\$150.00**

Corrected Application Received: **9-25-1997**

Period of Annual Use: **January 1 - December 31**

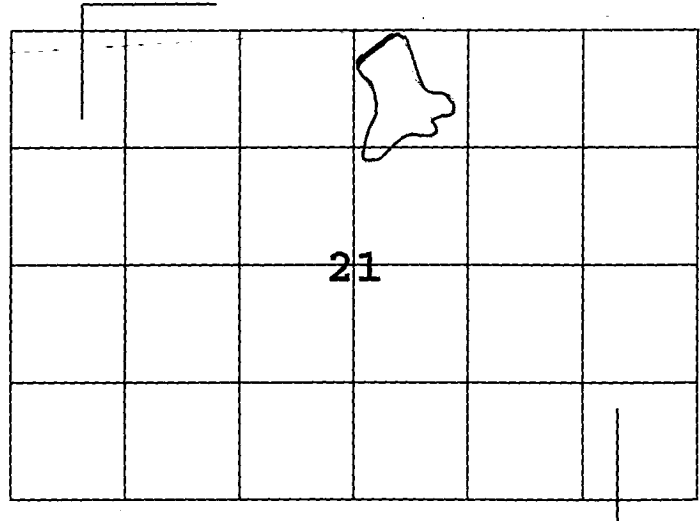
Remarks:

Diversion Point: **NW 1/4 NE 1/4**

Sec 21-T9N-R15E

Water Impounded: **W 1/2 NE 1/4**

Sec 21-T9N-R15E



Depth of Well:

Well Driller:

Remarks:

Type of Map: **plat**

Prepared by: **D Ellefson, SCS**

Reviewed and the Number Assigned on: **10-30-1997**

By: **Karen Schlaak** *

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 1655-1**

Date of first receipt of application August 25, 1997.

Date of return to applicant for corrections, amendments or changes August 26, 1997.

Date of receipt of corrected application October 30, 1997.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1655-1 to Douglas Simons, Box 30, White Owl SD 57792 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. 1655-1 appropriates 100.5 acre-feet of water annually by constructing a dam on a dry draw located in the NW 1/4 NE 1/4 Section 21 with water impounded in the W 1/2 NE 1/4 Section 21; all in T9N-R15E.
2. The water appropriated shall be used for the purpose of supplying water for livestock watering purposes 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. 1655-1 is December 29, 1997.
5. The date from which applicant may claim right is October 30, 1997.
6. One-fifth of the construction is to be completed on or before June 29, 2000.
7. All construction is to be completed on or before December 29, 2002.
8. Water is to be put to beneficial use on or before December 29, 2006.
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. 1655-1 authorizes a dam with a storage capacity of 100.5 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

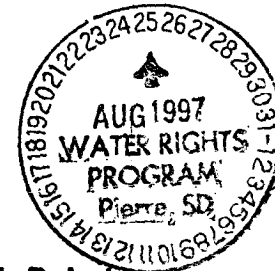
FEB 27 1998

date



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

No. 1655-1 Hydrologic Unit 10120113
Basin Lower Cheyenne
Newspaper Meade Co. Times-Tribune, Sturgis, 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 Douglas Simons Phone 605-985-5555
 Mailing Address Box 30 White Owl State S.D. 57792
 (Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed _____ *CFS or _____ **GPM 100.5 ***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)
NW 1/4 NE 1/4 S-21 T-9N R-15E Water Impounded: W 1/2 NE 1/4
Sec. 21-T9N-R15E County Meade
- County or counties where water will be used Meade
- Annual period during which water is to be used 12 month 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)

Restoration of old Pond (Emergency spillway not built)
 increase water storage
 surface AC = 11.8
 Depth = 21.3'
 14' TOP
 3:1 US
 2:1 DS

Total Storage 100.5 AC FT

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 Meade ss

I, Douglas Simons, 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 Douglas Simons

Subscribed and sworn to before me this 22nd day of August 19 97

Baronnie Hansen
Notary Public

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. 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 517'

d) Height 28.7'

e) Primary Outlet Capacity N/A

If pipe, diameter N/A

f) Secondary Spillway Capacity 6 CFS

Spillway Width 100'

g) X & Y Slope

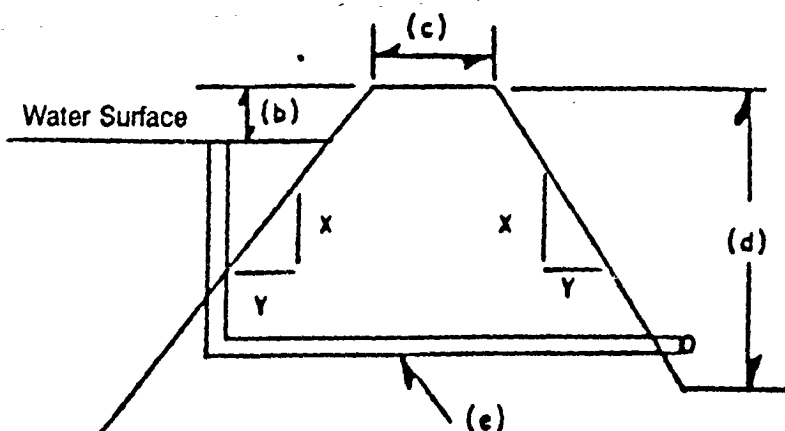
Upstream 3:1

Downstream 2:1

h) Surface Area of Impoundment 11.8

i) Storage 100.5 Acre Feet

j) Drainage Area above Dam 491 Acres



RECEIPT

415453

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 26 19 97

RECEIVED OF Douglass or Darleen Simons, P.O. Box 30, White Owl, SD 57792

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

Fee for Application for Permit No. <u>1655-1</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

Water Permit Application No. 1655-1
Douglas Simons

Top of Dam Elev. = 100
Spillway Elev. = 97
Bottom = 71 } Height = 29 ft. Cat. 3 - Low Hazard Dam

Normal Storage Capacity = 100.5 Ac.-Ft.
Maximum Storage Capacity = 111 Ac.-Ft.

Max. Capacity (111) x Eff. Height (26) = 2886 < 3000 ∴
Min. Spillway Design = 25 year frequency event

DA = 491 acres = 0.77 mi²

Slope = 150' / mile

SI = 2.50

CN = 76

From USGS WRI 80-80 "Tech. for Est. Flood Peaks ... in 30"

$$Q_{25} = 83.4 A^{.65} S^{.44} S_i^{-.72}$$

$$= 83.4 (.77)^{.65} (.150)^{.44} (2.50)^{-.72}$$

$$= 83.4 (.855) (9.067) (0.517)$$

$$= \underline{360 \text{ cfs}}$$

$$Q_{100} = 132 A^{.65} S^{.44} S_i^{-.67}$$

$$= 132 (.77)^{.65} (.150)^{.44} (2.50)^{-.67}$$

$$= 132 (0.844) (10.2) (0.541)$$

$$= \underline{615 \text{ cfs}}$$

Spillway Flow - 95 ft wide / 3' head

$$Q = C L H^{3/2} \quad C = 2.6$$

$$= (2.6)(95)(3)^{1.5} \quad L = 95$$

$$= \underline{1285 \text{ cfs}} \quad H = 3$$

Section 74:02:08:09

1. Topo Map - OK
2. Dam Axis Profile - OK
3. Dam X-Section - OK
4. Area - Capacity - OK
5. Spillway Discharge - DAMZ - OK
6. Outlet Detail - N/A - OK
7. Spillway Detail - OK
8. Specs - std. NRCS - OK
9. EPP - N/A - OK

NRCS Annual Yield

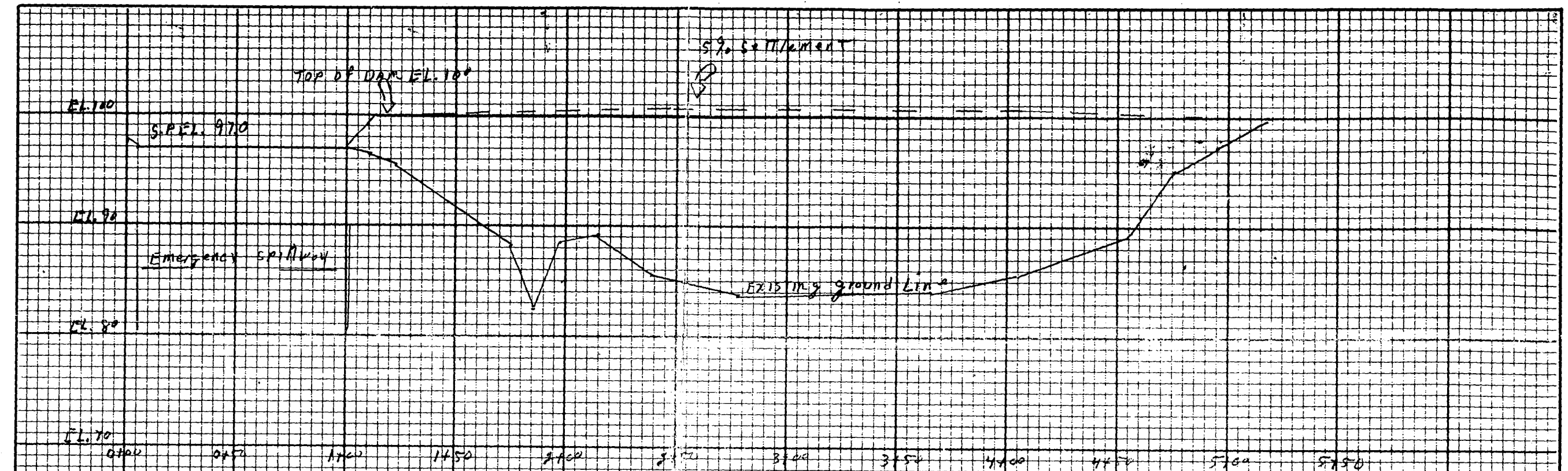
CN = 76 ISOgram = 2
DA = 491 acres

80% chance = 0.15
 $0.15 \times 491/12 = \underline{6 \text{ Ac.-Ft}}$

50% chance = 0.40
 $0.40 \times 491/12 = \underline{16 \text{ Ac.-Ft}}$

10% chance = 1.90
 $1.9 \times 491/12 = \underline{77 \text{ Ac.-Ft}}$



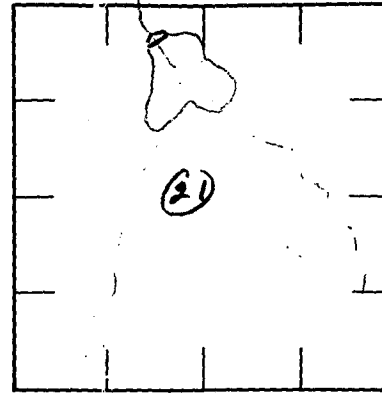
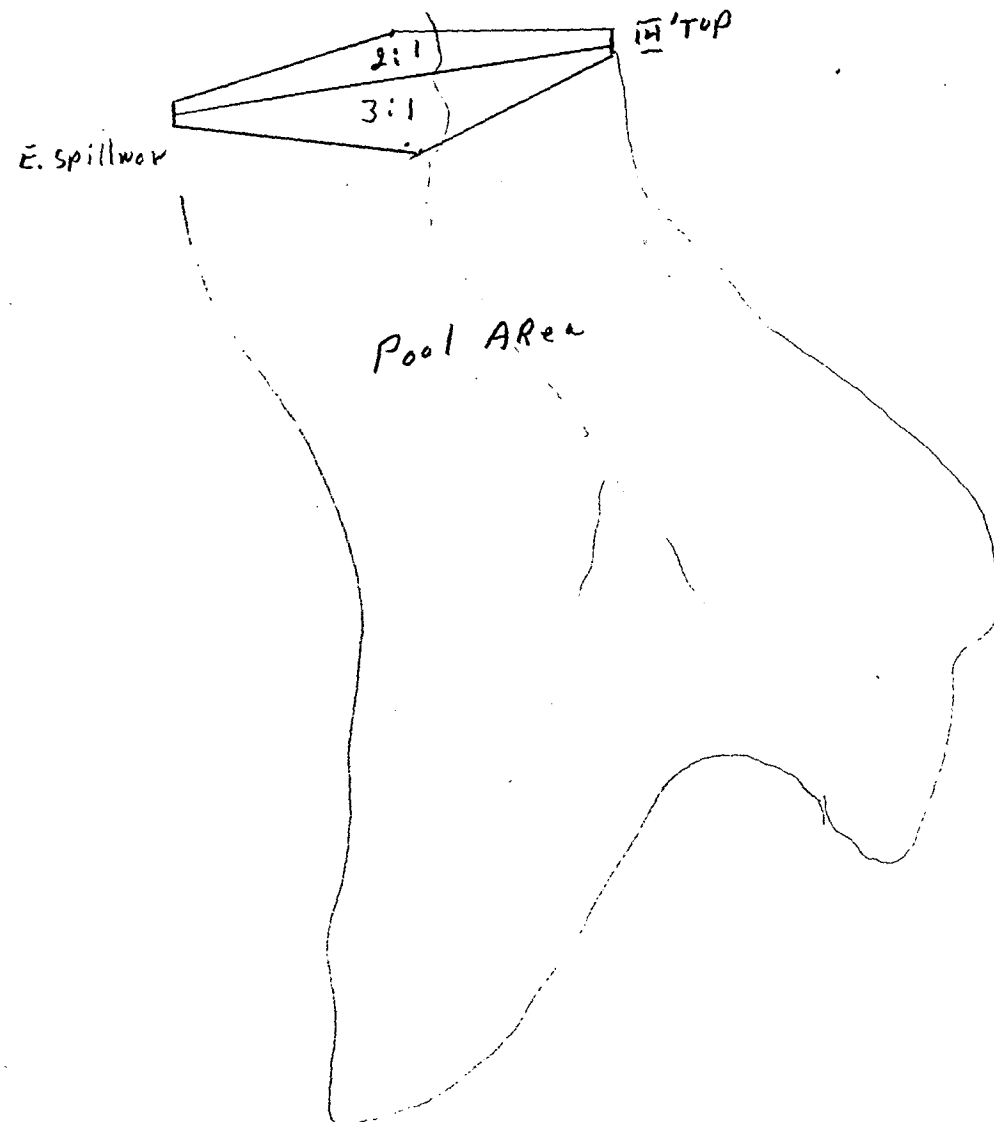


Hand-drawn cross-section diagram of a road embankment on grid paper. The diagram shows a proposed road profile (solid line) and an existing ground profile (dashed line). The road has a 5% settlement allowance. Slopes are indicated as 3:1 on the left and 2:1 on the right. The top width is 14 feet. Elevation markers on the left are EL 100, EL 90, EL 80, and EL 70. Stationing markers at the bottom are 0+60, 0+40, 0+20, 0+00, 0+20, 0+40, 0+60, and 0+80. The existing ground is labeled "EXISTING GROUND".

ERODIBILITY AREA ACRES	GROSS RATE A.F./AC./YR.	DRAINAGE AREA ACRES	DELIVERY RATE %	DESIGN PERIOD YEARS	REQ'D. SEDIMENT VOLUME AC.FT.
1.0	.0018	491	18	20	3.2

STRUCTURE DATA

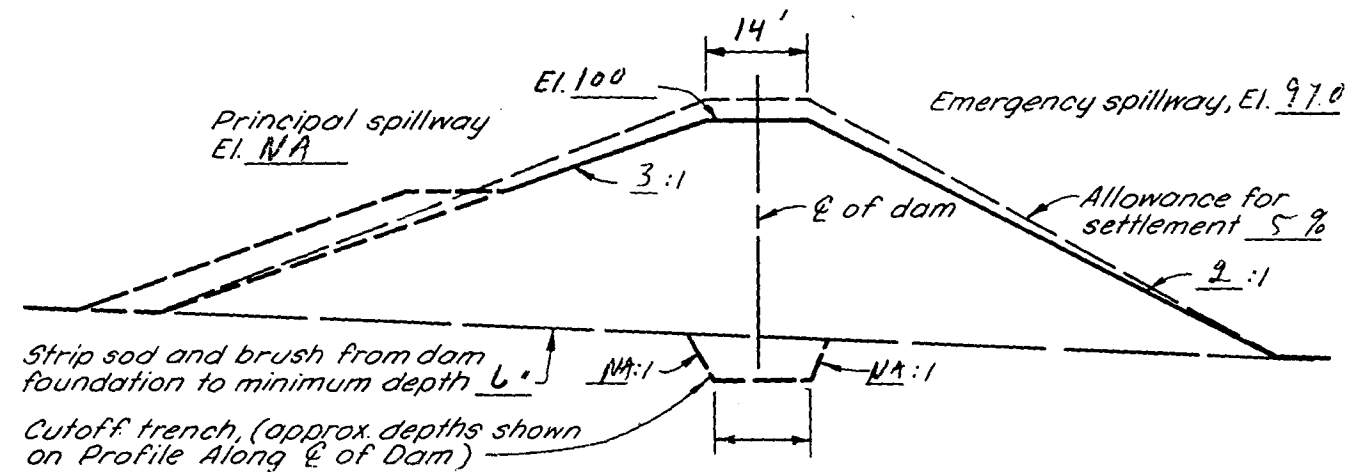
DRAINAGE AREA	ANNUAL YIELD	PEAK RUNOFF	EMERG. SPLWY. CAPACITY	WATER DEPTH	SURFACE AREA	SEDIMENT STORAGE	TOTAL STORAGE
ACRES	AC. FT.	25-YR.	C. F. S.	FEET	ACRES	AC. FT.	AC. FT.
491	18	64	5	21.3	11.8	3.2	100.5



Sec. 21 T. 9N R. 15E
Meade County

LOCATION

TABLE OF QUANTITIES

[illegible]

TYPICAL CROSS SECTION OF DAM

S.D. CONSTRUCTION AND MATERIAL SPECIFICATIONS:

EARTH Fill	Class-S	SD-7S
Solvinging & spreading	Topsoil	SD-10
STRIPPING		SD-4

EARTH DAM

OPERATOR: Douglas SIMMONS

CONSERVATION DISTRICT: TR-County

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed 9.5.1977 Date 8-7-97 Approved by _____

Drawn Phil 8-2-07 Title _____

Traced	Title	
	Sheet	Drawing No.

Checked	No
	of

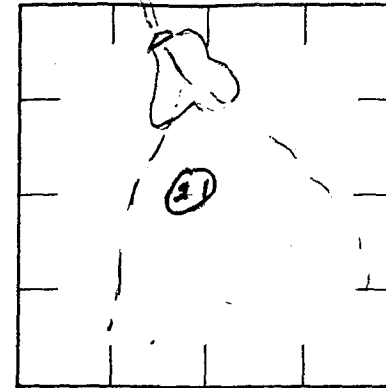
SKETCH PLAN OF DAM AND RESERVOIR AREA

Approximate scale $1'' = \underline{250'}$

REFERENCE: GUIDE PLAN NO. 1.0

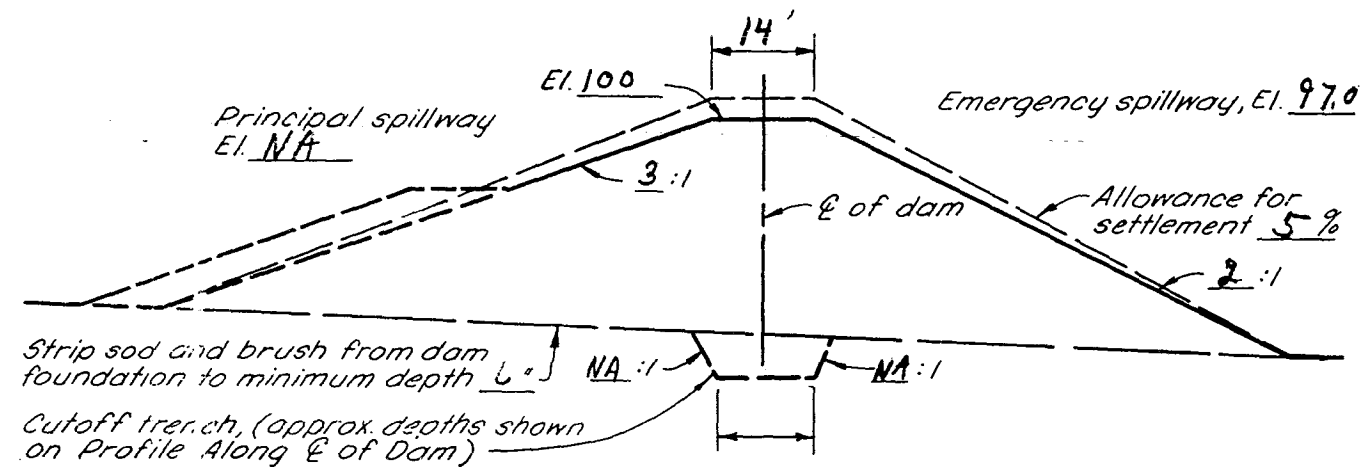
JOB PLAN NO. 1.0

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.
491	18	64	5	21.3	11.8	3.2	100.5



Sec. 21 T. 9N R. 15E
Meade County

Hand-drawn sketch of a pool area. The sketch shows a large, irregularly shaped area labeled "Pool Area". A dashed line runs diagonally across the pool area. At the top of the pool area, there is a rectangular structure with two horizontal lines. The top line is labeled "2:1 DS." and the bottom line is labeled "3:1 DS.". To the right of this structure, there is a label "14' TO PEL. 100". On the left side of the sketch, there is a label "EMERGENCY S.P." and "EL. 97.0 95' Bottom".

[illegible]

S.D. CONSTRUCTION AND MATERIAL SPECIFICATIONS:

EARTH FILL CLASS-S SD-7S
SALVAGING & SPREADING TOPSOIL SD-10
STRIPPING SD-4
EXCAVATION SD-5

OPERATOR: Douglas Simons

CONSERVATION DISTRICT: TRI-COUNTY

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

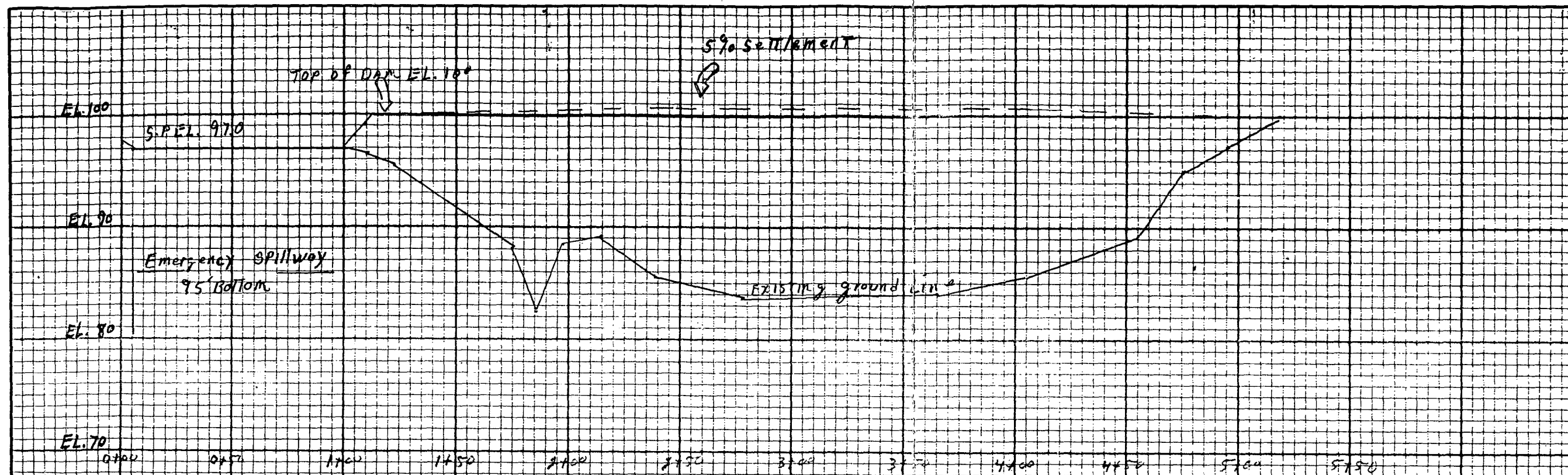
Designed <u>P. Elphson</u>	Date <u>8-20-71</u>	Approved by <u>P. Elphson</u>
Drawn <u>P. Elphson</u>	<u>8-20-71</u>	Title <u>C. E. 71</u>
Traced _____	Sheet _____	Drawing No. _____
Checked _____	No. _____	of _____

SKETCH PLAN OF DAM AND RESERVOIR AREA

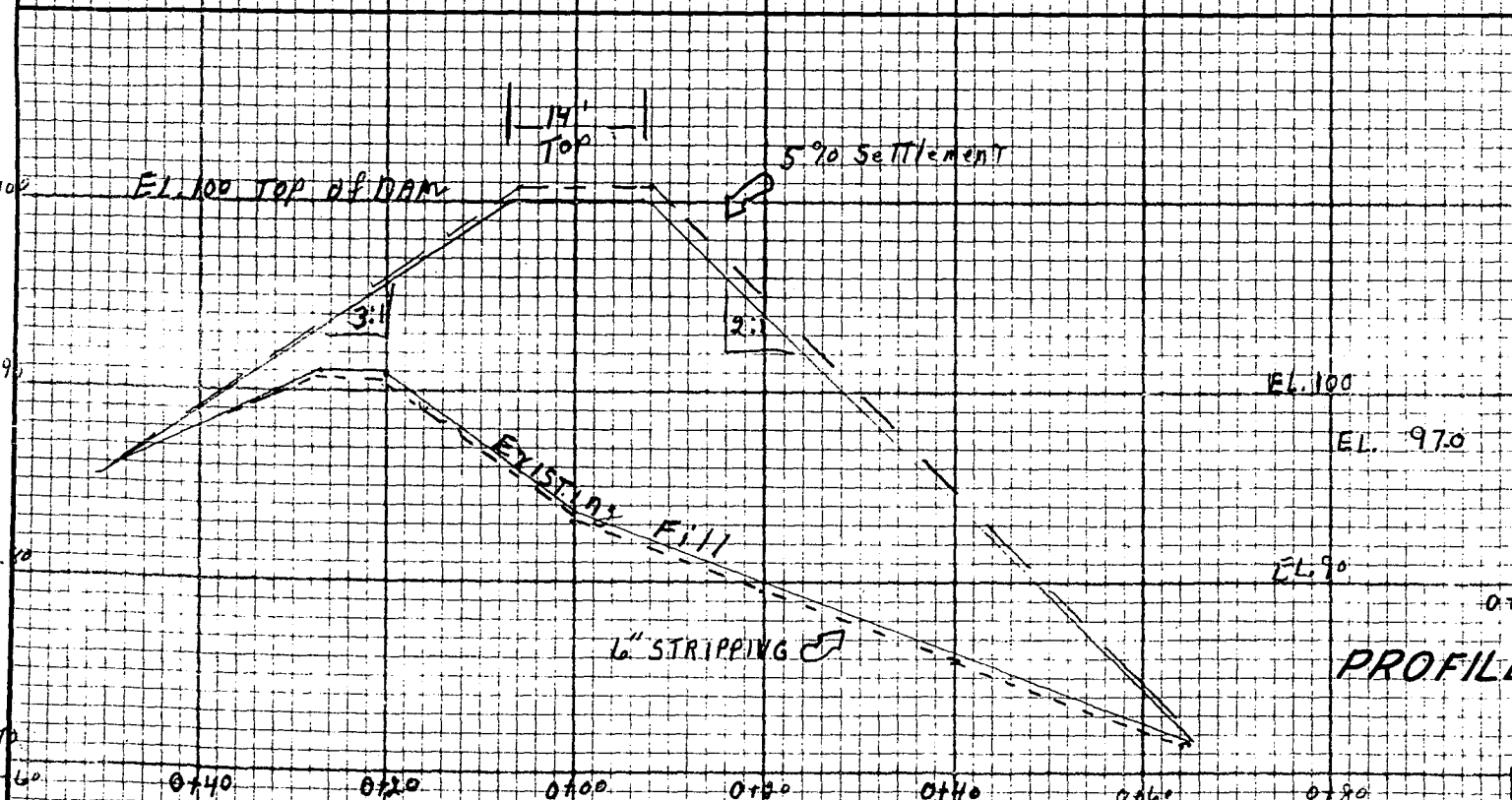
Approximate scale $1'' = 250'$

REFERENCE: GUIDE PLAN NO. 1.0

JOB PLAN NO. 1.0



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



MAXIMUM CROSS SECTION 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.
Q	.0018	491	18	20	3.2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 26, 1997

Douglas Simons
Box 30
White Owl SD 57792

Dear Mr. Simons:

Thank you for submitting your *Application for a Permit to Appropriate Water Within the State of South Dakota*.

After review of the application, it was determined that a written preliminary risk assessment of the downstream hazard potential needs to be provided to aid in determining the hazard classification for the proposed 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.

An assessment of 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 Natural Resources Conservation Service which have assisted you in design of the structure, may be able to assist with the risk assessment.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

File No. 1655-1

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Douglas Simons

ADDRESS: Box 30 White Owl, SD 57792

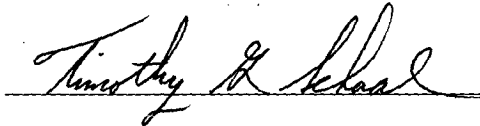
COUNTY: Meade

DATE: October 30, 1997

TELEPHONE: 985-5555

RE: Hazard Classification

I talked to Dennis Ellefson from the Faith NRCS Office (967-2561) today about the Hazard Classification for the Douglas Simons dam associated with Water Permit Application No. 1655-1. He said to check their DAMS2 model printout, he classified this dam as a Class A (Category 3, Low Hazard) dam. I told him this would be OK and we would not need another letter and risk assessment from him.



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

December 3, 1997

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

Dear Mr. Ellefson:

We have reviewed the plans and specifications for the Douglas Simons Dam located in the NW ¼ NE ¼ of Section 21-T9N-R15E, in Meade 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. 1655-1 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 Douglas Simons, 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 Douglas Simons Dam will be classified as a small size Category 3, Low Hazard dam with a dam height of 29 feet and a normal storage capacity of 100.5 acre-feet and a maximum storage capacity of 111 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: Douglas Simons

REPORT ON
WATER PERMIT APPLICATION NO. 1655-1
Douglas Simons
November 24, 1997

Water Permit Application No. 1655-1 has been filed by Douglas Simons to impound 100.5 acre-feet of water from runoff by constructing a dam. The dam will be located in the NW 1/4 NE 1/4 of Section 21-T9N-R15E, in Meade County. The water will be used for livestock watering.

Discussion:

The Douglas Simons 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. 1655-1 is approved.

The Douglas Simons Dam will be 29 feet high with a normal storage capacity of 100.5 acre-feet with a reservoir level at the spillway elevation, and a maximum storage capacity of 111 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.

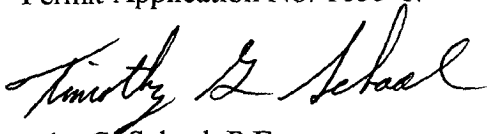
The Douglas Simons Dam is designed to have a 95 foot wide earthcut spillway with 3.0 feet of available head. The dam will have a drainage area of 491 acres (0.77 square miles). A 25-year frequency event will produce a peak of 360 cfs and a 100-year frequency event produces a peak of 615 cfs. The 95 foot wide earthcut emergency spillway will have a capacity of approximately 1285 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 16 acre-feet. The annual yield with a 80 percent chance of occurrence, or 8 out of 10 years, is expected to be 6.0 acre-feet. The annual yield with a 10 percent chance, or 1 out of 10 years, is expected to be 77 acre-feet.

The Douglas Simons Dam will be located in the NE 1/4 of Section 21-T9N-R15E on an unnamed tributary to Cherry Creek about 1.5 miles upstream of the confluence of the unnamed tributary and Cherry Creek. There are no existing Water Permits/Rights located on the unnamed tributary between the Douglas Simons Dam and Cherry Creek.

Conclusions:

1. Water Permit Application No. 1655-1 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. 1655-1.



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. 1655-1, Douglas Simons

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. 1655-1, Douglas Simons, Box 30, White Owl, SD 57792.

The Chief Engineer is recommending APPROVAL of Application No. 1655-1 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) it is in the public interest with the following qualifications:

1. Water Permit No. 1655-1 authorizes a dam with a storage capacity of 100.5 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
December 2, 1997



**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.

December 4, 1997

Douglas Simons
Box 30
White Owl, SD 57792

Dear Mr. Simons:

Water Permit Application No. 1655-1 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 Meade Co. Times-Tribune printed at Sturgis, SD (Ph # (605) 347-2503). 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

December 4, 1997

Meade Co. Times-Tribune
Box 69
Sturgis, SD 57785-0069

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1655-1 to be published twice. Please publish the first notice on December 10, 1997, 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 Douglas Simons, Box 30, White Owl, SD 57792 (Ph # (605) 985-5555).

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 December 10, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1655-1 to Appropriate Water

Notice is given that Douglas Simons, Box 30, White Owl SD 57792 has filed an application for a water permit to appropriate 100.5 acre feet of water annually by constructing a dam on a dry draw located in the NW 1/4 NE 1/4 Section 21 with water impounded in the W 1/2 NE 1/4 Section 21; all in T9N-R15E. This application requests impoundment of water sufficient to maintain water at the outlet elevation. Water is to be used for livestock watering purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1655-1 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 December 29, 1997.

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.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF MEADE

Teresa A. Fox or Allana L. Houser, being duly sworn, says: That the Times-Tribune, is and, during all the times hereinafter mentioned, was published as defined in SDCL 17-2-2, as amended, published at Sturgis, South Dakota, by Dickson Media, Inc.; that affiant is and, during all the times hereinafter mentioned, was employed as an accountant by the publisher of such newspaper and has the personal knowledge of the facts stated in the affidavit; the notice, order, and printed copy of which is attached, was published in said newspaper in successive issues, bearing the following dates:

Dec 10	1997	
Dec 17	1997	
	199	
	199	
	199	

that the full amount of the fee charged for publishing the same, to-wit \$ 3316, inures solely to the benefit of the publisher of the same; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any person.

Teresa A. Fox

Subscribed and sworn to before me this

18 day of Dec, 1997
Sharon Allison
Notary Public, South Dakota

com. expires
mar 22, 2001

Water Application

NOTICE OF APPLICATION

NO. 1655-1 to Appropriate Water

Notice is given that Douglas Simons, Box 30, White Owl SD 57792 has filed an application for a water permit to appropriate 100.5 acre feet of water annually by constructing a dam on a dry draw located in the NW 1/4 NE 1/4 Section 21 with water impounded in the W 1/2 NE 1/4 Section 21; all in T9N-R15E. This application requests impoundment of water sufficient to maintain water at the outlet elevation. Water is to be used for livestock watering purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1655-1 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 December 29, 1997.

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. A legal counsel is not required. Eric Gronlund of the Water Rights Program is available to receive copies of information pertaining to this application. Nettie M. Hays, Secretary, Department of Environmental and Natural Resources.

Publ Dec. 10 and 17, 1997
Meade County Times-Tribune



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 27 1998

Douglas Simons
Box 30
White Owl, SD 57792

Dear Mr. Simons:

Enclosed is Water Permit No. 1655-1 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.

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



Date 4-20-98

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

FROM: Douglas Simon Box 30
(name) (address)
White Owl, S.D. 57792 605-985-5555
(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. 1655-1.

Water Permit No. 1655-1 states that the diversion system is to be constructed by 12-29-2002, and that the water is put to beneficial use by 12-29-2002.
(date)

12-29-2006.
(date)

The diversion system was completed on 11-15-97.
(date)

Applying the water to beneficial use was completed on 6-1-98.
(date)

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

Douglas Simon
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 16, 1999

1655-1

Douglas Simons
Box 30
White Owl, SD 57792

Dear Mr. Simons:

The investigation of your water use system was conducted on September 16, 1999, by Tim Schaal, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 1655-1. 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 416343

Pierre, January 11, 2000

RECEIVED OF Douglass or Darleen Simons, P.O..Box 30, White Owl, SD 57792
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. 1655-1

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By

John Harold Erbe
Chief Engineer

Permit No. 1655-1
Lower Cheyenne 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, September 16, 1999, made a thorough examination of the water use system constructed by Douglas Simons of Box 30, White Owl, SD 57792 holder of Permit No. 1655-1, bearing the priority of October 30, 1997 authorizing the storage of 100.5 acre-feet of the waters of runoff for livestock use purposes, in Meade County.

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

A. Works used to divert the water:

29 foot high earth dam with 100.5 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:

29 foot high earth dam with 100.5 acre-feet storage capacity

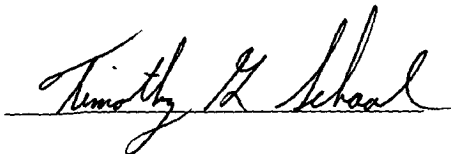
The system is in the following condition **Good**. The point of diversion is located 200 feet south & 3000 feet east of the NW corner of Sec. 21-T9N-R15E (NW 1/4 NE 1/4). The works are capable of storing 100.5 acre-feet of water which is to be used for livestock use. Water has been put to beneficial use to the maximum extent as follows:

29 foot high earth dam with 100.5 acre-feet storage capacity

and the license should be issued for 100.5 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: None Date Report Completed: December 14, 1999



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

REPORT ON INSPECTION OF PERMIT NO. 1655-1

Other permit(s) associated with the project: XXXX

DATE OF INSPECTION: September 16, 1999

NAME & ADDRESS OF INSPECTION CONTACT/ Mrs. Simons

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Douglas Simons, Box 30, White Owl, SD 57792

DIVERSION POINT LEGAL LOCATION: 200 feet south & 3000 feet west of the NW corner of Section 21-T9N-R15E (NW 1/4 NE 1/4).

DAM INFORMATION:

- 1) Height to crest 29 feet
- 2) Height to primary spillway 26 feet
- 3) Height to secondary spillway N/A feet
- 4) Crest width 14 feet
- 5) Crest length 517 feet
- 6) Spillway length XXX feet
- 7) Spillway width 95 feet
- 8) Approx. storage (Normal) 100.5 acre-feet
- 9) Approx. storage (Maximum) 111 acre-feet
- 10) Date constructed: Fall 1997

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

T2012

3000'

200'

Dam

NW 1/4 NE 1/4

21

T2133

V17
(9-15)

T2133

Water Permit No. 1655-1

Thomas J. Johnson
December 1989

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1655-1

(1) Douglas Simons, Box 30, White Owl SD 57792 made Application No. 1655-1, August 25, 1997 for a water permit to impound 100.5 acre-feet of water from runoff, Meade County, South Dakota for livestock watering purposes. Permit No. 1655-1, with a priority date of October 30, 1997 was approved December 29, 1997 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 29, 2002 and for the application to beneficial use of said water on or before December 29, 2006.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on May 15, 1998. The *Notice* stated the diversion system was completed on November 15, 1997 and the water placed to beneficial use on June 1, 1998.

(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 100.5 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 200 feet south and 3,000 feet east of the northwest corner of Section 21-T9N-R15E (NW 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 Douglas Simons, Box 30, White Owl SD 57792 the holder and/or owner of Water Right No. 1655-1 is issued a license to appropriate water, the right to impound 100.5 acre-feet of water from runoff with sufficient water annually to maintain the water level to the outlet elevation with a priority date of October 30, 1997 from the location specified in (2) of this license for livestock watering. This license is subject to any limitations or qualifications listed in Water Right No. 1655-1 and subject to South Dakota State Law.

Garland Erbele

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

JAN 21 2000

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 21 2000

1655-1

Douglas Simons
Box 30
Whit Owl, SD 57792

Dear Mr. Simons:

Enclosed is Water License No. 1655-1 and Receipt No. 416343 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 1655-1 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