

WATER PERMIT NO. 1659-1

Name of Applicant: Howes Grazing Association

Address: PO Box 150, Howes SD 57748

Phone: 605 985-5325

Amount of Water Claimed: 45.1 acre-feet

Total Acres: NA

Source of Water Supply: runoff

Water to be used for: livestock & wildlife propagation

County: Meade

Type of Waste Disposal System: NA

Location: 22 miles south of Faith

PRIORITY Date Received: 1-16-1998

Fee: \$150.00

Corrected Application Received:

Period of Annual Use: January 1 - December 31

Remarks:

Diversion Point: NE 1/4 NW 1/4 Sec 34-
T9N-R17E

Water Impounded: N 1/2 NW 1/4
Sec 34-T9N-R17E

Depth of Well: NA

Well Driller:

Remarks:

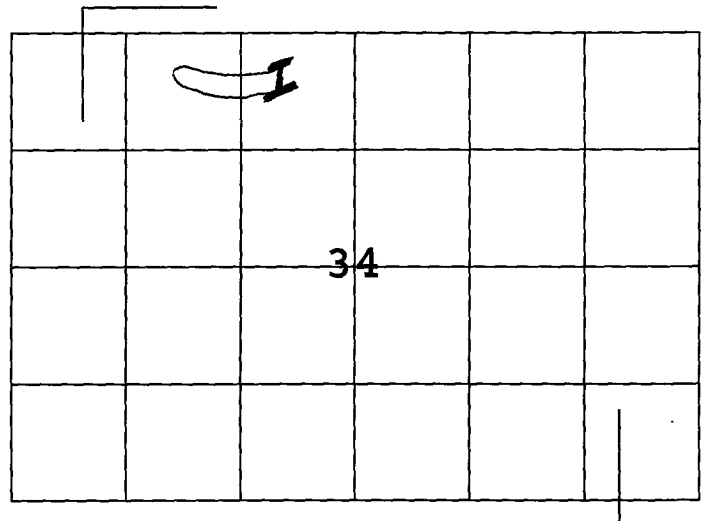
Type of Map: plat

Prepared by: D Ellefson, SCS

Reviewed and the Number Assigned on: 1-16-1998

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 1659-1**

Date of first receipt of application January 16, 1998.

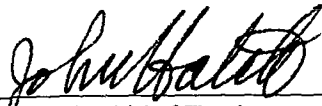
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1659-1 to Howes Grazing Association, c/o Paul Delbridge, PO Box 150, Howes SD 57748 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1659-1 impounds 45.1 acre-feet of water from runoff by constructing a dam located in the NE 1/4 NW 1/4 Section 34 with water impounded in the N 1/2 NW 1/4 Section 34; all in T9N-R17E. This permit authorizes impoundment of water sufficient to maintain water at the outlet elevation.
2. The water appropriated shall be used for the purpose of supplying water to provide habitat for fish and wildlife production and livestock water and may not exceed the amount of water needed for beneficial use for those purposes.
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. 1659-1 is March 9, 1998.
5. The date from which applicant may claim right is January 16, 1998.
6. One-fifth of the construction is to be completed on or before September 9, 2000.
7. All construction is to be completed on or before March 9, 2003.
8. Water is to be put to beneficial use on or before March 9, 2007.
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 Right No. 1659-1 authorizes a dam with storage capacity of 45.1 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, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 23 1998
date



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

No. 1659-1 Hydrologic Unit 10/20/13
Basin Lower Cheyenne
Newspaper Faith Independent, Faith, 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 & Wildlife
(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.) _____

1. Name of Applicant Howes Grazing Ass. Phone 605-985-5325
Mailing Address P.O. Box 150 Howes State S.D. 57748
(Street, RR, or Box) (City) (Zip Code)

2. Amount of water claimed _____ *CFS or _____ **GPM 45.1 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Dry Draw

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
NE⁴, NW⁴, S-34 T-9N R-17E Water Impounded: N¹/₂ NW⁴
Sec. 34-T9N-R17E County Mead

5. County or counties where water will be used Mead

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

7. 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)

Pond; structure will be earth fill with surface area 7.5 Ac
Principal spillway will be 12" Dia. Depth 16 ft
PVC pipe. Total Storage 45.1 Ac-FT
60' 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 Mead)^{ss}

I, Paul L. Delbridge, 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 Paul L. Delbridge Sec-Treas.

Subscribed and sworn to before me this 14 day of Jan 19 98

Wanda Selby
Notary Public

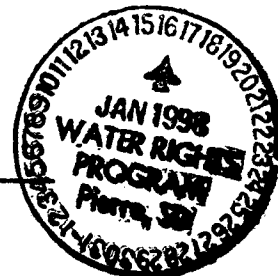
4-15-2005

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) _____

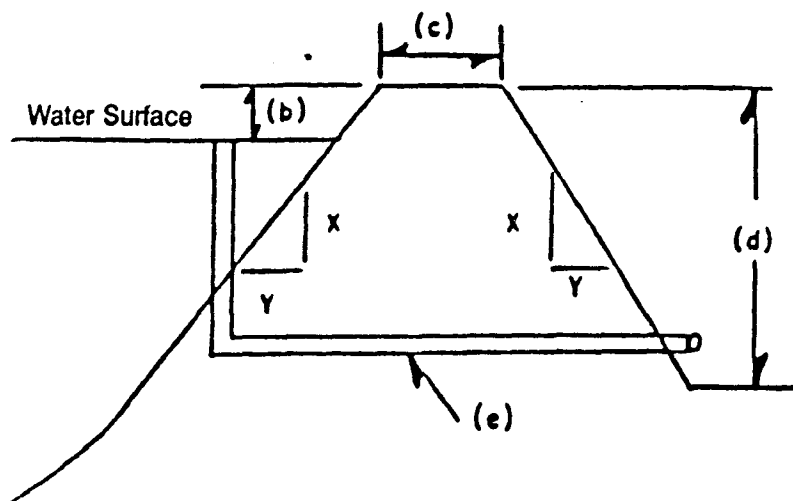
3. Water Storage Dams

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. 57624

- b) Freeboard 3'
- c) Crest Width 12'
Crest Length 445'
- d) Height 19'
- e) Primary Outlet Capacity 8 CFS
If pipe, diameter 12"
- f) Secondary Spillway Capacity 6 CFS
Spillway Width 60'
- g) X & Y Slope
Upstream 3:1
Downstream 2:1
- h) Surface Area of Impoundment 7.5 AC
- i) Storage 45.1 Acre Feet
- j) Drainage Area above Dam 560 Acres



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

415603

Pierre, January 16, 19 98

RECEIVED OF Howes Grazing Assn., Box 138, Howes, SD 57748
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 _____
Chief Engineer

John Hatch (signature)

Water Permit Application #1659-1 Howes Grazing Association

Top of Dam Elev. - 100
 Primary Spillway Elev. - 95.2
 2nd Spillway Elev. - 97.0
 Bottom Elev. - 81

19 ft. height

Cat. 3 - Low Hazard Dam

Normal Storage Capacity = 45.1 Ac-Ft.
 Int. Storage Capacity = 99 Ac-Ft.
 Max Storage Capacity = 170 Ac-Ft.

Int. Storage Capacity x Eff. Height = $99 \times 17 = 1683 < 3000 \therefore 25 \text{ yr.}$
Frequent Minimum Spillway Design

From USGS WRI 80-80 - "Techniques for Est. Flood Peaks in South Dakota"

$$DA = 560 \text{ acres} = 0.875 \text{ mi}^2$$

$$SI = 2.50$$

$$\text{Slope} = 120 \text{ ft/mi}$$

$$Q_{25} = 83.4 A^{0.60} S^{0.44} \text{ SI}^{-0.72}$$

$$= 83.4 (.875)^{0.60} (120)^{0.44} (2.50)^{-0.72}$$

$$= 83.4 (0.92) (8.22) (0.52)$$

$$Q_{25} = \underline{328 \text{ cfs}}$$

$$Q_{100} = 132 A^{0.65} S^{0.46} \text{ SI}^{-0.67}$$

$$= 132 (.875)^{0.65} (120)^{0.46} (2.50)^{-0.67}$$

$$= 132 (0.92) (9.04) (0.54)$$

$$Q_{100} = \underline{594 \text{ cfs}}$$

2nd Spillway Flow

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

$$C = \frac{2.8}{L^{0.5}} \quad L = 60 \text{ ft} \quad H = 3 \text{ ft}$$

$$= \frac{2.8}{(60)^{0.5}} (60) (3)^{1.5}$$

$$= \underline{873 \text{ cfs}}$$

12" PVC Primary $Q_{max} \approx 30 \text{ cfs}$

$$\text{Total } Q = \underline{900 \text{ cfs}}$$

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 - OK
6. Spillway Discharge - OK
7. Spillway Details - OK
8. Specs. - S&L SCS - OK
9. EPP - Cat. 3 N/A - OK

SCS Annual Yield

$$DA = 560 \text{ Ac.}$$

$$CN = 79$$

$$ISO = 2$$

$$10\% \text{ chance} - 2.5 \times 560^{1/2} = \underline{117 \text{ Ac-Ft}}$$

$$50\% \text{ chance} - 0.60 \times 560^{1/2} = \underline{28 \text{ Ac-Ft}}$$

$$80\% \text{ chance} - 0.23 \times 560^{1/2} = \underline{11 \text{ Ac-Ft}}$$



D.W.N.R.

CONSTRUCTION SPECIFICATIONS

for

POND (378)
HOWES GRAZING ASS.
S-34 T-9N R-17E

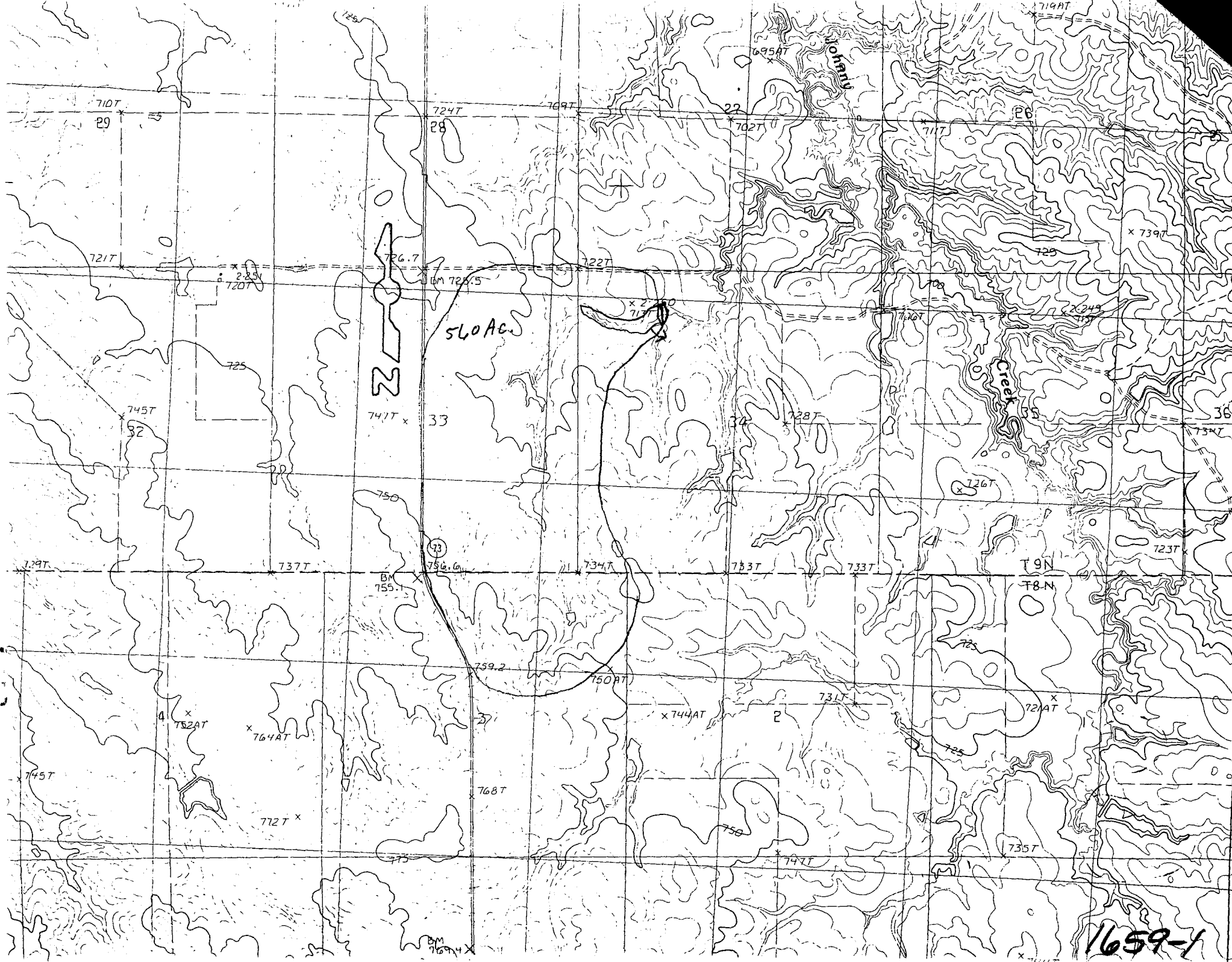
Prepared by:

USDA-NATURAL RESOURCES CONSERVATION SERVICE

GAME FISH & PARKS

Assisting:

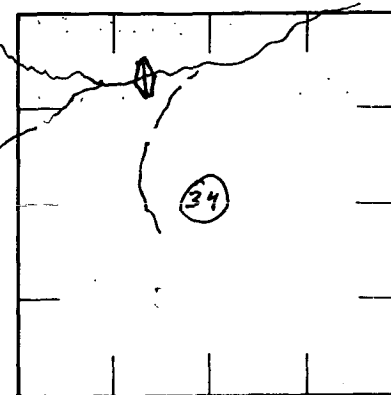
FBI - COUNTY Conservation District



1659-1

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	AG. FT.	AC. FT.
560	15.8	72.8	6	16	7.5	2.86	45.1

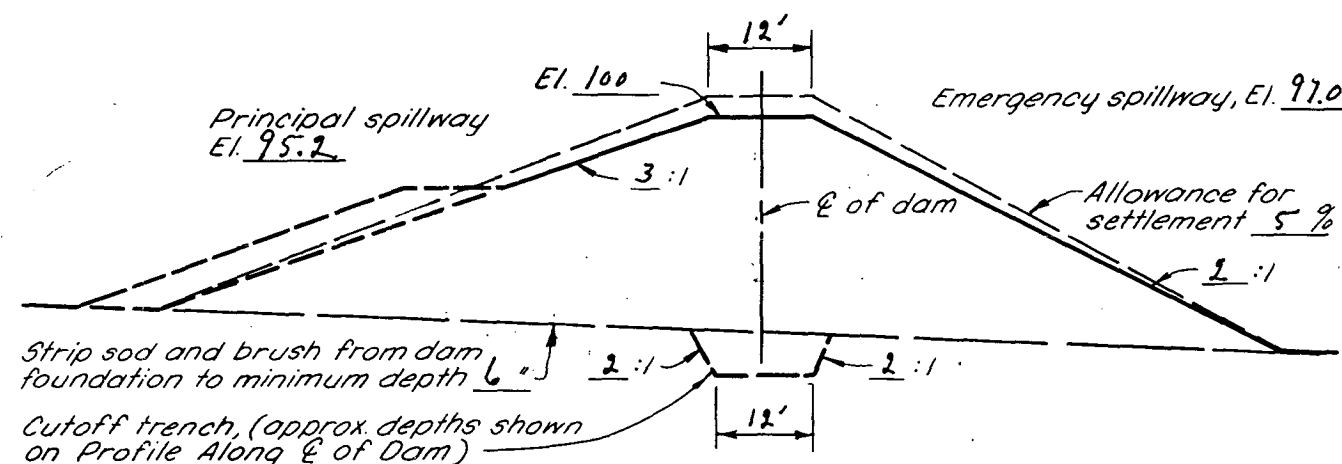
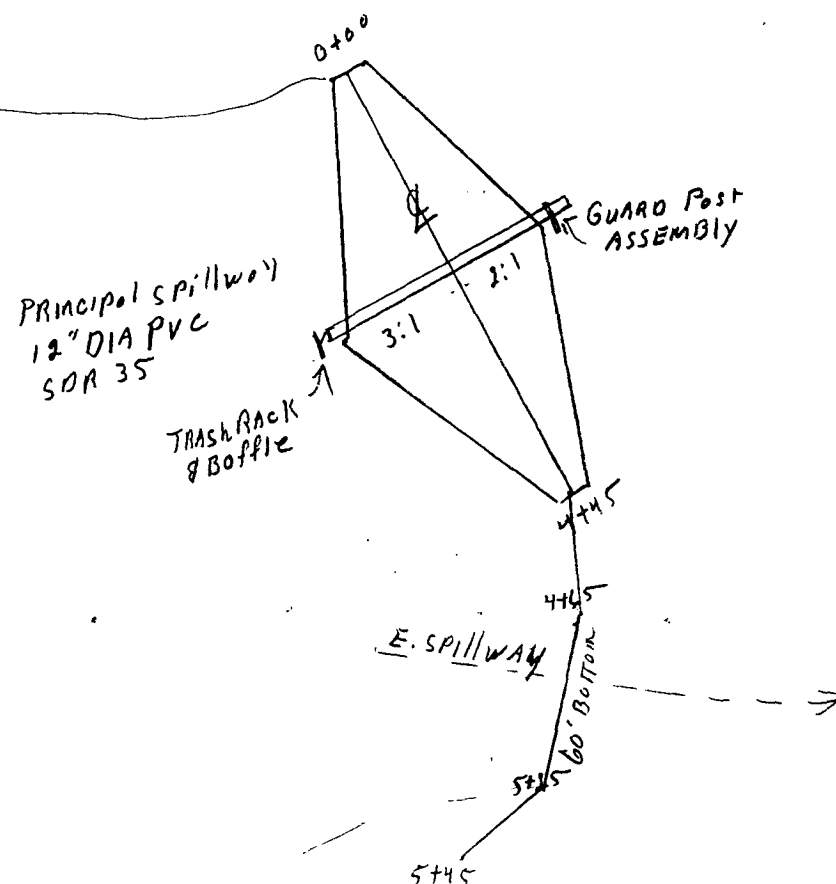


Sec. 34 T. 9N. R. 17E
Meade County

LOCATION

TABLE OF QUANTITIES

ITEM	UNIT	QUANTITY
EARTHFILL & SETTLEMENT	CY	6307
CORE TRENCH	CY	383
STRIPPING	CY	271
Total	CY	6961
12" DIA SDR 35 PVC PIPE	L.F.	70
TRASH RACK & BAFFLE	EA	1
Timber Pipe Support	EA	1
SAND ANTI-SEEP COLLAR		
Sand (PIT-RUN)	CY	5
4" sch 40 PVC PIPE (Perforated)	L.F.	12
4" sch 40 PVC PIPE	L.F.	30



TYPICAL CROSS SECTION OF DAM

S.D. CONSTRUCTION AND MATERIAL SPECIFICATIONS:

- SD-4 STRIPPING
- SD-5 EXCAVATION
- SD-7S EARTHFILL CLASS-S
- SD-10 Salvaging & Spreading Topsoil
- SD-5S Plastic Pipe
- SD-16 Timber Fabrication & Installation

EARTH DAM

OPERATOR: HOWES GRAZING ASS.

CONSERVATION DISTRICT: TRI-COUNTY

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

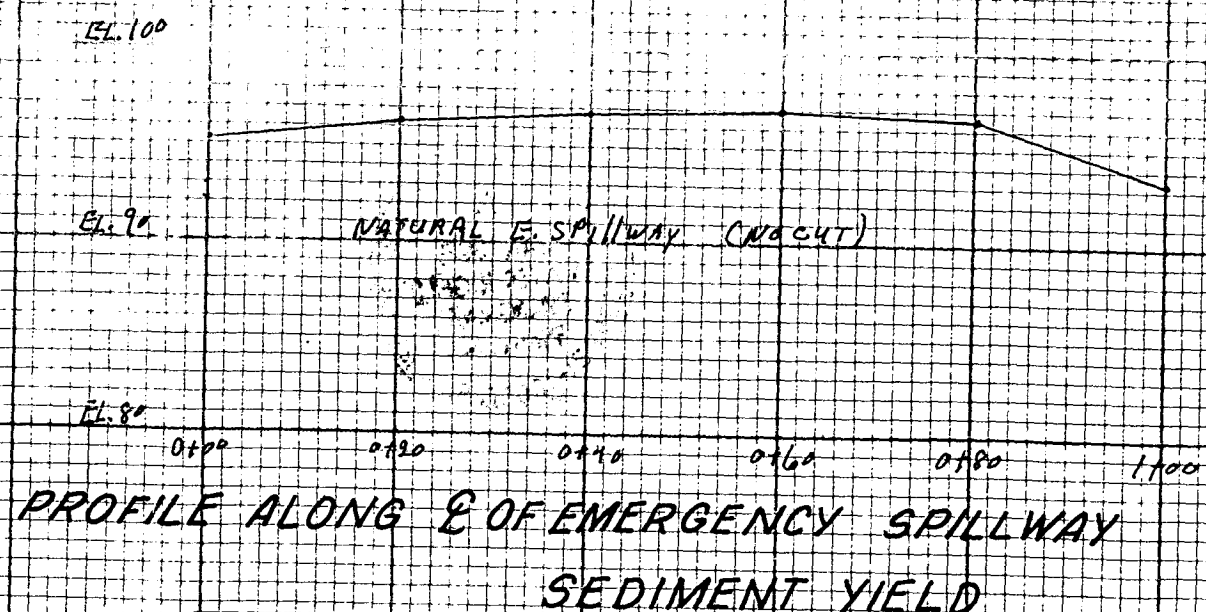
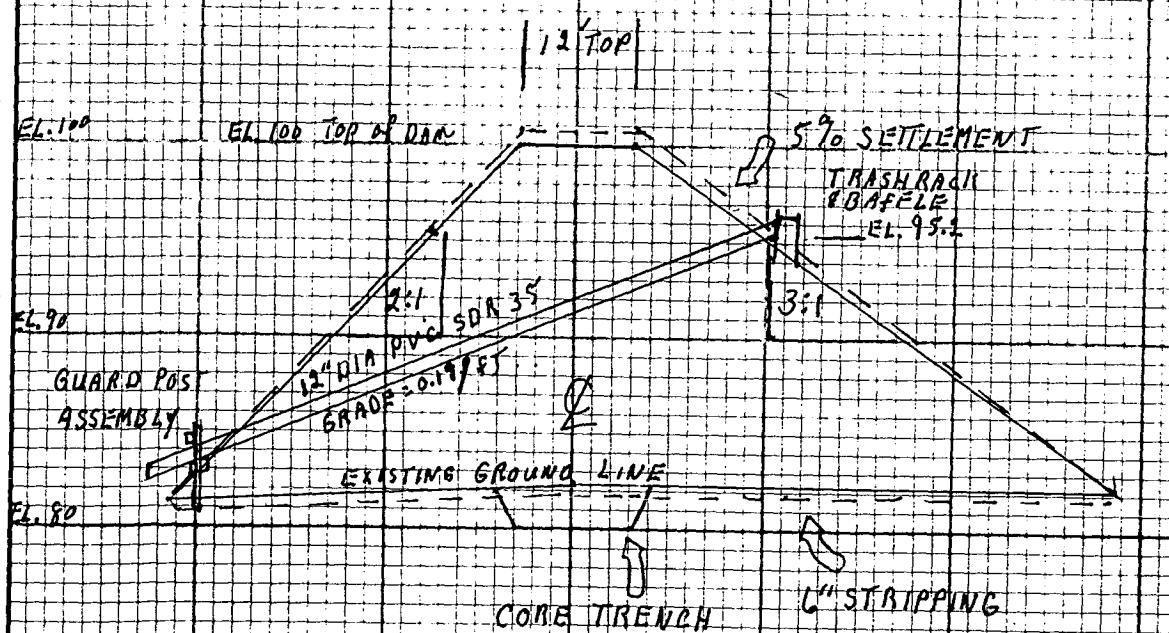
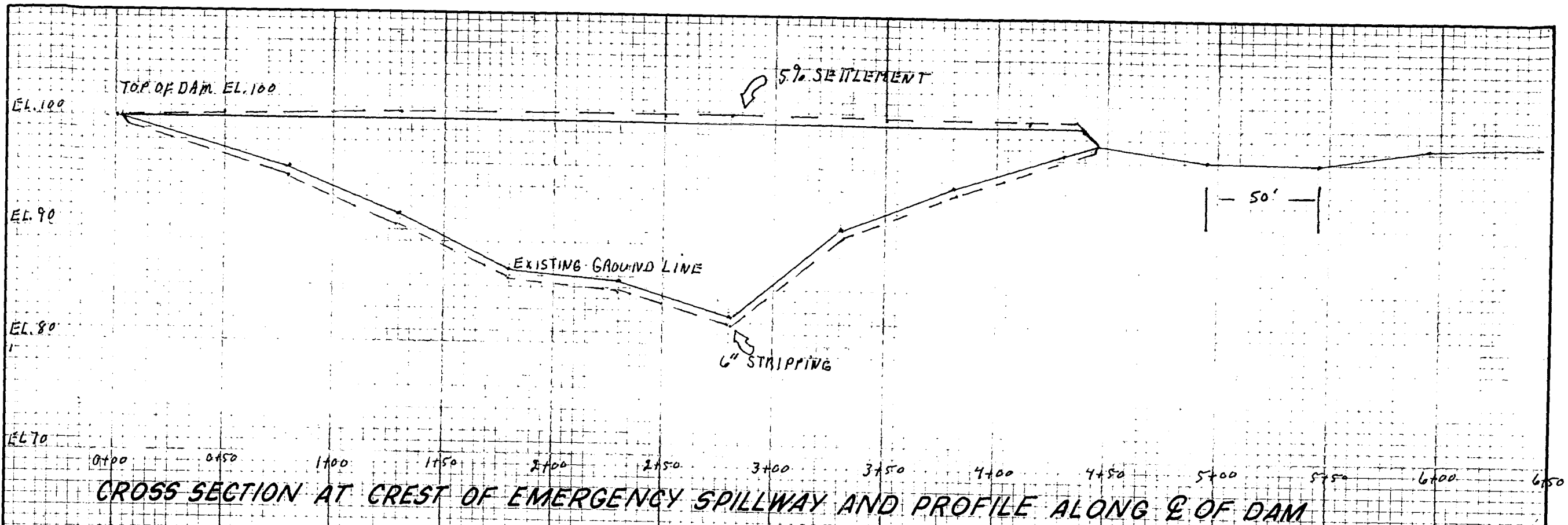
Designed: D. C. L. Jr. 1-7-78
Drawn: D. C. L. Jr. 1-8-78
Traced: _____
Checked: _____
Title: _____
Sheet: _____
Drawing No.: _____

JOB PLAN NO. 1.0

SKETCH PLAN OF DAM AND RESERVOIR AREA

Approximate scale 1" = 200'

REFERENCE: GUIDE PLAN NO. 1.0



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	.0016	560	16	20	2.84

File No. 1659-1
Water Rights Division -DENR
Conversation or File Documentation

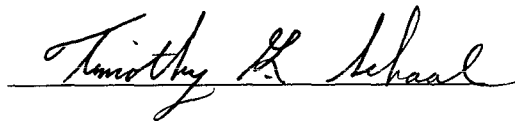
NAME OF PERSON OR FILE: Howes Grazing Association

ADDRESS: PO Box 150 Howes, SD 57748 COUNTY: Meade

DATE: January 30, 1998 TELEPHONE: 985-5325

RE: dam located downstream of Application No. 1659-1

I talked to Dennis Ellefson from the Faith NRCS Office (967-2561) today about Water Permit Application No. 1659-1 and the dam located downstream in the SE ¼ SE ¼ of Section 27-T9N-R17E. On May 7, 1953, G. W. Altfillisch filed Dry Draw Location Notice No. 4282-1 for this dam to store 7.5 acre-feet of water. The dam is now located on Helen Altfillisch's property. Mr. Ellefson thought there was enough additional drainage (about 400 acres) for this dam. The 400 acre watershed would produce about 20 acre-feet of runoff 50 percent of the time, or 1 out of 2 years. I also talked to Paul Delbridge from the Grazing Association about this and he said he would visit with Mrs. Altfillisch, and thought she would have no problem with them constructing the dam associated with Water Permit Application No. 1659-1.



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

Lulphur Creek

4282-1

229422 **Moade**

LOCATION NOTICE

County

Receipt # 12998

RECEIVED
10-23-53
12-053

1952 1953

Project Year

ACP Farm Serial Project
MAY 14 1953

KNOW ALL MEN BY THESE PRESENTS:

OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

That **G. V. Altfillisch**

whose post office is Moade, South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the land covered by the above ACP farm serial number, of which the land upon which the works described below are to be constructed is a part, in Moade County, South Dakota, availing himself of the right granted him under the provisions of Section 61.0133 South Dakota Code of 1939, has located and claims the right to construct a concrete dam across a dry draw situated on the SW 1/4 of the SW 1/4 of Section 27 Township 9 Range 17, and has located and claims the right to construct ditches and flumes for the purpose of directing flood waters from said dam irrigation of the land first above described and for Live Stock Purposes, and claims the right of way across any land for the purpose of conveying water for said purposes.

Said locator claims for the above purposes 7.8 acre feet of water annually.

Estimated surface area of storage basin 1.4 acres.

Estimated drainage area 200 acres.

The location of the works is as follows:

From the SW corner of Section 22, T. 9, R. 17 70 rods North and 15 rods West to the point of diversion.

The ditch will run in a _____ direction to and on said land for a distance of _____ feet.

Said location was made on the 7th day of May 1953
Witness my hand and seal this 7th day of May 1953

G. V. Altfillisch
Locator

Herewith is enclosed one dollar for filing in the State Engineer's Office as required under Section 55.1206 of the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA.) ss.
County of Moade)

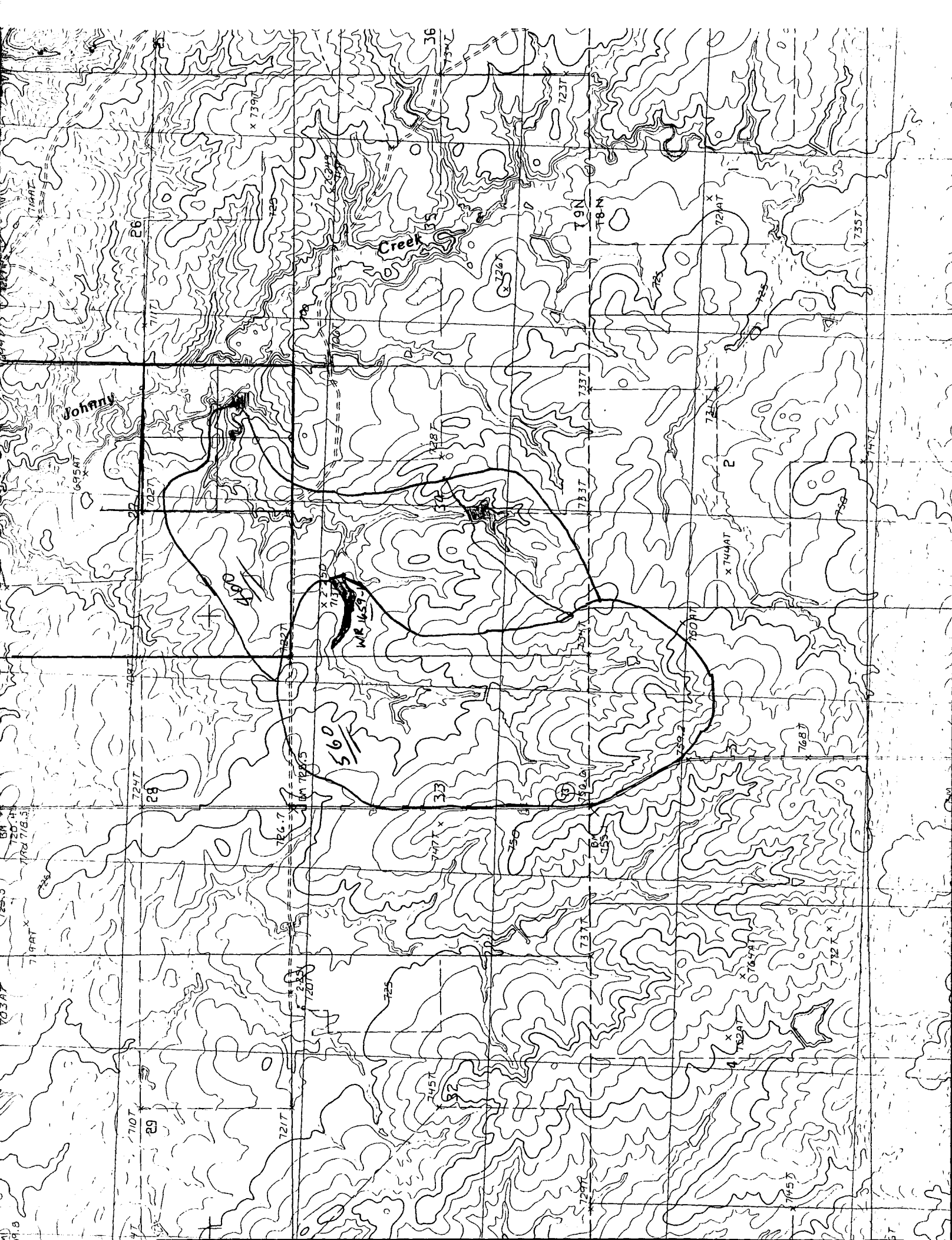
On the 7th day of May 1953, before me Otto V. Langhinrichs, a Notary Public in and for the County and State aforesaid, personally appeared G. V. Altfillisch to me personally known to be the person who executed the foregoing instrument and acknowledged that he executed the same for the use and purposes therein set forth.

Witness my hand and official seal this day and date first written.

(Seal)

My Commission Expires September 22, 1953

Otto V. Langhinrichs
Notary Public





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 1998

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

Dear Mr. Ellefson:

We have reviewed the plans and specifications for the Howes Grazing Association Dam located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34-T9N-R17E, 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. 1659-1 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 the Howes Grazing Association, 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 Howes Grazing Association Dam will be classified as a small size Category 3, Low Hazard dam with a dam height of 19 feet and a normal storage capacity of 45.1 acre-feet and a maximum storage capacity of 170 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: Paul Delbridge, Howes Grazing Association

REPORT ON
WATER PERMIT APPLICATION NO. 1659-1
Howes Grazing Association
January 28, 1998

Water Permit Application No. 1659-1 has been filed by the Howes Grazing Association to impound 45.1 acre-feet of water from runoff by constructing a dam. The dam will be located in the NE ¼ NW ¼ of Section 34-T9N-R17E, in Meade County. The water will be used for fish and wildlife production and livestock watering.

Discussion:

The Howes Grazing Association Dam will be classified as a Category 3, Low Hazard dam. The dam has been designed by the Natural Resources Conservation Service (NRCS). The plans and specifications have been reviewed and will be approved; however, construction of the dam can not begin until Water Permit Application No. 1659-1 is approved.

The Howes Grazing Association Dam will be 19 feet high with a normal storage capacity of 45.1 acre-feet with a reservoir level at the spillway elevation, and a maximum storage capacity of 170 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 Howes Grazing Association Dam is designed to have a 12 inch PVC primary spillway with 4 feet of available head and a 60 foot wide earthcut secondary spillway with 3.0 feet of available head. The dam will have a drainage area of 560 acres (0.875 square miles). A 25-year frequency event will produce a peak of 328 cfs and a 100-year frequency event will produce a peak of 594 cfs. The dam will have a combined spillway capacity of approximately 900 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 28 acre-feet. The annual yield with a 80 percent chance of occurrence, or 8 out of 10 years, is expected to be 11.0 acre-feet. The annual yield with a 10 percent chance, or 1 out of 10 years, is expected to be 117 acre-feet.

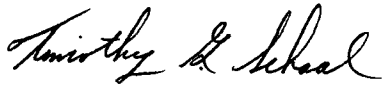
The Howes Grazing Association Dam will be located in the NE ¼ NW ¼ of Section 34-T9N-R17E on an unnamed tributary to Johnny Creek and located about two miles upstream of the confluence of Johnny Creek and Cherry Creek. There are no existing Water Permits/Rights located on the unnamed tributary or Johnny Creek between the proposed dam and Cherry Creek. However, a small dam is located about three-quarters of a mile downstream in the SE ¼ SE ¼ of Section 27-T9N-R17E. This dam is authorized under Dry Draw Location Notice No. 4282-1, which was filed on May 7, 1953 for 7.5 acre-feet of water. This dam has an additional 400 acres of watershed along with the 560 acres above the proposed dam. The annual yield for this additional 400 acre watershed with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 20 acre-feet.

Page 2

Water Permit Application No. 1659-1

Conclusions:

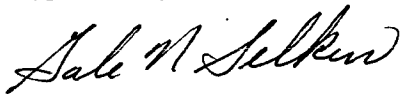
1. Water Permit Application No. 1659-1 should be approved since unappropriated water is available and approval should not have any adverse effect on existing Water Permits/Rights.
2. If approved, the low flow bypass requirement for downstream domestic use should be a qualification on Water Permit Application No. 1659-1.



Timothy G. Schaal, P.E.

Natural Resources Engineer III

Approved by:



Gale N. Selken, P.E.

Natural Resources Engineer IV

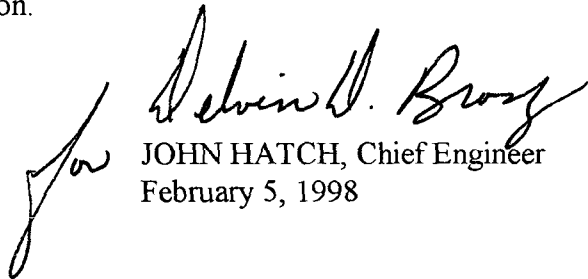
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1659-1, Howes Grazing Association**

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. 1659-1, Howes Grazing Association, c/o Paul L. Delbridge, P.O. Box 150, Howes, SD 57748.

The Chief Engineer is recommending APPROVAL of Application No. 1659-1 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. 1659-1 authorizes a dam with storage capacity of 45.1 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 black ink, appearing to read 'John Hatch', is written over the typed name and date.

JOHN HATCH, Chief Engineer
February 5, 1998



**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.**

February 10, 1998

Howes Grazing Association
%Paul L. Delbridge
P.O. Box 150
Howes, SD 57748

Dear Mr. Delbridge:

Water Permit Application Nos. 1659-1 and 1661-1 for livestock water and fish & wildlife have 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 Faith Independent printed at Faith, SD (Ph # (605) 967-2161). For your information, a copy of the notice, the recommendations of the Chief Engineer and the reports on the applications 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 applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 1998

Faith Independent
Box 38
Faith, SD 57626-0038

ATTENTION: Legal Department

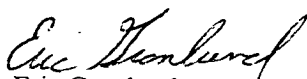
Enclosed is a Notice of Hearing on Application Nos. 1659-1 and 1661-1 to be published twice. Please publish the first notice on February 18, 1998, with the second publication 7 days later.

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 Howes Grazing Association, %Paul L. Delbridge, P.O. Box 150, Howes, SD 57748 (Ph # (605) 985-5325).

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 applications 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

Nos. 1659-1 & 1661-1

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application Nos. 1659-1 & 1661-1 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 February 18, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 1659-1 & 1661-1 to Appropriate Water

Notice is given that Howes Grazing Association, c/o Paul L Delbridge, PO Box 150, Howes SD 57748 has filed the following applications for water permits.

Application No. 1659-1 requests to impound 45.1 acre-feet of water from runoff by constructing a dam located in the NE 1/4 NW 1/4 Section 34 with water impounded in the N 1/2 NW 1/4 Section 34; all in T9N-R17E. This application requests impoundment of water sufficient to maintain water at the outlet elevation and is to be used to provide habitat for fish and wildlife production and livestock water.

Application No. 1661-1 requests impoundment of 1,700 acre-feet of water from a tributary of Luis Creek. The existing dam, known as Howes Grazing Lake, is located in the SE 1/4 SE 1/4 Section 25 with water impounded in the SE 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4, E 1/2 NW 1/4 Section 25; all in T8N-R17E. This application requests impoundment of water sufficient to maintain water at the outlet elevation at 2315 feet mean sea level and is to be used to provide habitat for fish and wildlife production and livestock water.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1659-1 and 1661-1 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendations. 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 March 9, 1998.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of MEADE) SS

I, MELANIE GAULKE

certify that the attached printed Notice was taken

from the FEB 10 LETTER FROM DEPT OF

Env. + Natural Resources

printed and published in THE FAITH INDEPENDENT

County of MEADE and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

FEB. 18, 1998

FEB. 25, 1998

Cost of Printing \$44.51

Melanie Gaulke
(Signature)

Edita
(Title)

March 9, 1998
(Date Signed)

NOTICE OF APPLICATION NOS. 1659-1 & 1661-1 to Appropriate Water

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Application No. 1661-1 requests impoundment of 1,700 acre-feet of water from a tributary of Luis Creek. The existing dam, known as Howes Grazing Lake, is located in the SE 1/4 SE 1/4 Section 25 with water impounded in the SE 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4, E 1/2 NW 1/4 Section 25; all in T8N-R17E. This application requests impoundment of water sufficient to maintain water at the outlet elevation at 2315 feet mean sea level and is to be used to provide habitat for fish and wildlife production and livestock water.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 1659-1 and 1661-1 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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[Publish February 18 & 25, 1998]



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 23 1998

Howes Grazing Association
%Paul Delbridge
P.O. Box 150
Howes, SD 57748

Dear Mr. Delbridge:

Enclosed is Water Permit No. 1659-1 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 15, 1999

1659-1

Howes Grazing Association
%Paul Delbridge
P.O. Box 150
Howes, SD 57748

Dear Mr. Delbridge:

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. 1659-1. 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 416340

Pierre, January 10, 2000

RECEIVED OF Howes Grazing Assn., Box 138, Howes, SD 57748
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. 1659-1

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By Harold E. Eble
Chief Engineer

Permit No. 1659-1
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 Howes Grazing Association of PO Box 150, Howes SD 57748 holder of Permit No. 1659-1, bearing the priority of January 16, 1998 authorizing the storage of 45.1 acre-feet of the waters of runoff for livestock & wildlife propagation purposes, in Meade County.

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

A. Works used to divert the water:

19 foot high earth dam with 45.1 acre-foot storage capacity

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

N/A

C. Works used to apply water to beneficial use:

19 foot high earth dam with 45.1 acre-foot storage capacity

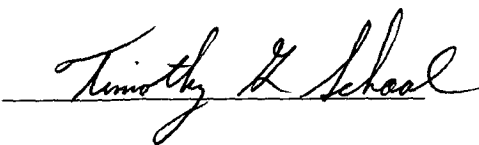
The system is in the following condition Good. The point of diversion is located 1600 feet east & 725 feet south from the NW corner of Sec. 34-T9N-R17E. The works are capable of storing 45.1 acre-feet of water which is to be used for livestock and wildlife propagation beneficial use to the maximum extent as follows:

19 foot high earth dam with 45.1 acre-foot storage capacity

and the license should be issued for 45.1 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: None Date Report Completed: December 13, 1999



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

REPORT ON INSPECTION OF PERMIT NO. 1659-1

Other permit(s) associated with the project: XXXX

DATE OF INSPECTION: September 16, 1999

NAME & ADDRESS OF INSPECTION CONTACT/ Paul Delbridge

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Secretary

NAME & ADDRESS OF PERMIT HOLDER: Howes Grazing Association, PO Box 150, Howes, SD
57748

DIVERSION POINT LEGAL LOCATION: 725 feet south & 1600 feet east of the NW corner of
Section 34-T9N-R17E (NE 1/4 NW 1/4).

DAM INFORMATION:

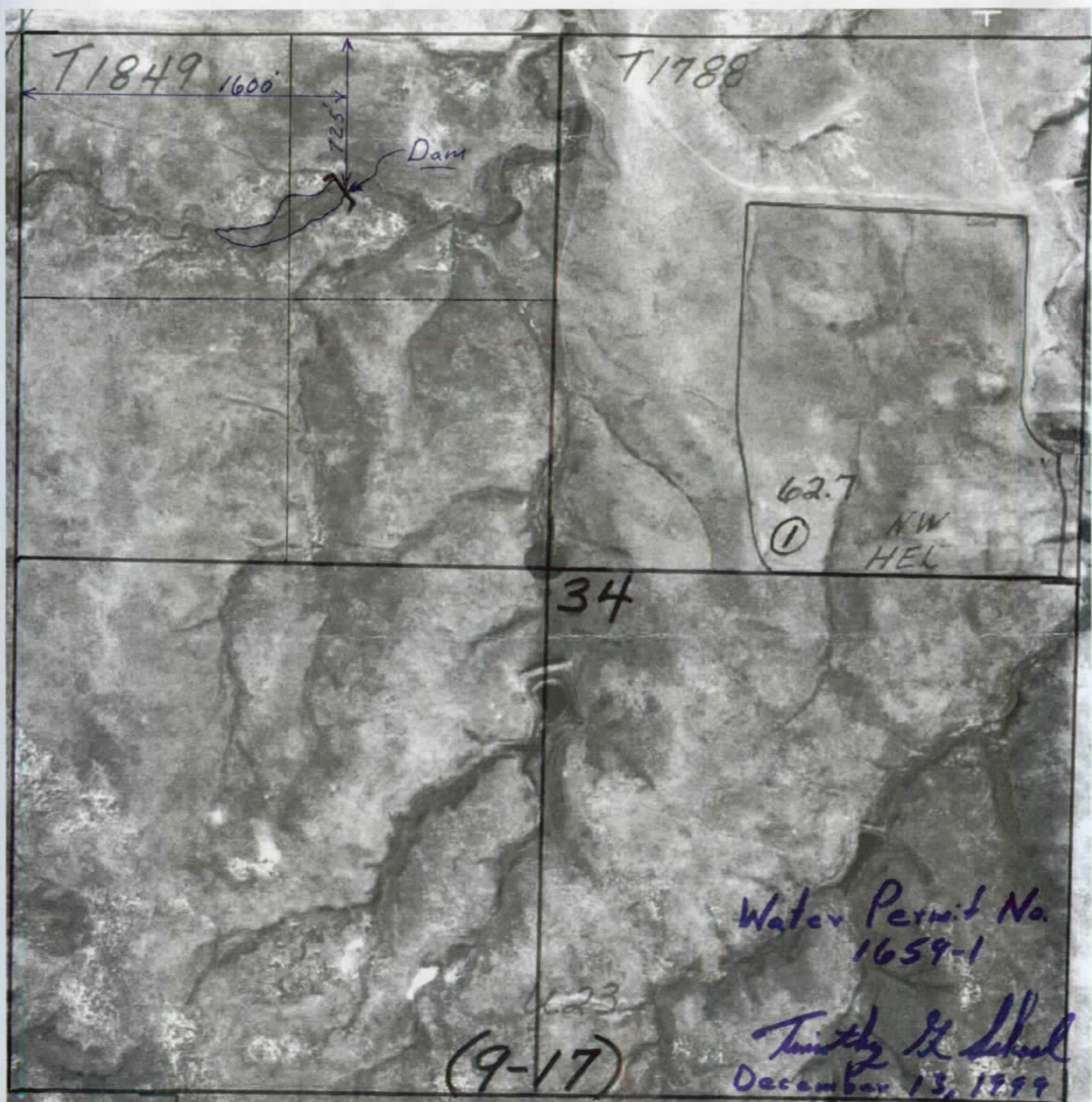
- 1) Height to crest 19 feet
- 2) Height to primary spillway 14 feet
- 3) Height to secondary spillway 16 feet
- 4) Crest width 12 feet
- 5) Crest length 445 feet
- 6) Spillway length XXX feet
- 7) Spillway width 60 feet
- 8) Approx. storage (Normal) 45.1 acre-feet
- 9) Approx. storage (Maximum) 170 acre-feet
- 10) Date constructed: Fall 1998

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

1659-1

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1659-1

(1) Howes Grazing Association, PO Box 150, Howes SD 57748 made Application No. 1659-1, January 16, 1998 for a water permit to impound 45.1 acre-feet of water from runoff, Meade County, South Dakota for fish & wildlife propagation and livestock water purposes. Permit No. 1659-1, with a priority date of January 16, 1998 was approved March 9, 1998 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 9, 2003 and for the application to beneficial use of said water on or before March 9, 2007.

(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 45.1 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 1,600 feet east and 725 feet south from the northwest corner of Section 34-T9N-R17E (NE ¼ NW 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 Howes Grazing Association, PO Box 150, Howes SD 57748 the holder and/or owner of Water Right No. 1659-1 is issued a license to appropriate water, the right to impound 45.1 acre-feet of water from runoff with sufficient water annually to maintain the water level to the outlet elevation with a priority date of January 16, 1998 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. 1659-1 and subject to South Dakota State Law.

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

FEB 22 2000

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 22 2000

1659-1

Howes Grazing Association
%Paul Delbridge
P.O. Box 150
Howes, SD 57748

Dear Mr. Delbridge:

Enclosed is Water License No. 1659-1 and Receipt No. 416340 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 1659-1 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