

WATER PERMIT NO. 1669-1

Name of Applicant: Walter Gerbracht

Address: Box 445, Faith SD 57626

Phone: 605 967-2464

Amount of Water Claimed: 70.8 ac-ft

Total Acres: NA

Source of Water Supply: dry draw

Water to be used for: fish & wildlife and livestock water

County: Perkins

Type of Waste Disposal System: NA

Location: 30 miles west and 2 north of Faith

PRIORITY

Date Received: 5-27-98

Fee: \$150

Corrected Application Received:

Period of Annual Use: January 1 – December 31

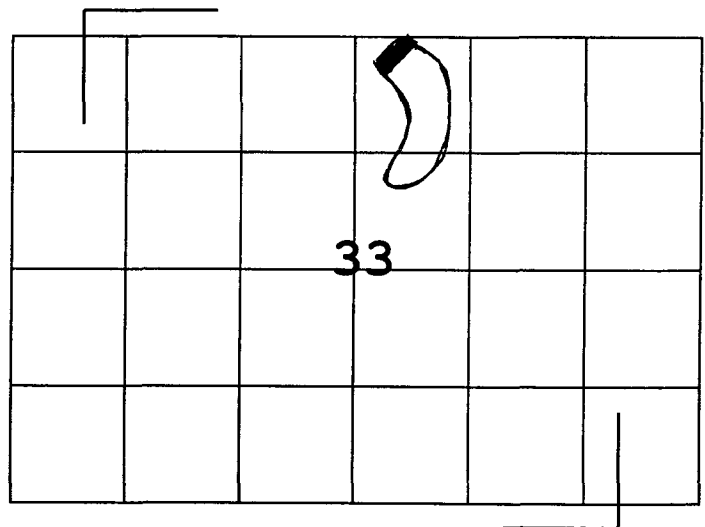
Remarks:

Diversion Point: NW ¼ NE ¼

Sec 33-T13N-R12E

Water Impounded: W ½ NE ¼

Sec 33-T13N-R12E



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: plat

Prepared by: Dennis Ellefson

Reviewed and the Number Assigned on: 5-28-98

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 1669-1

Date of first receipt of application May 27, 1998.

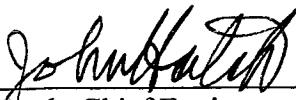
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1669-1 to Walter Gerbracht, Box 445, Faith SD 57626 authorizing the construction of a dam and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1669-1 authorizes impoundment of 70.8 acre-feet of water annually in a dam located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28 and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33 with water impounded in the W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33; all in T13N-R12E. The outlet elevation is approximately 2880.0 feet mean sea level.
2. The water appropriated shall be used for the purpose of providing habitat for fish and wildlife propagation and livestock water 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. 1669-1 is July 13, 1998.
5. The date from which applicant may claim right is May 27, 1998.
6. One-fifth of the construction is to be completed on or before January 13, 2001.
7. All construction is to be completed on or before July 13, 2003.
8. Water is to be put to beneficial use on or before July 13, 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 Permit No. 1669-1 authorizes a dam with storage capacity of 70.8 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

SEP 3 1998
date



No. 1669-1 Hydrologic Unit 10130305
Basin moreau River
Newspaper The Bison Courier, Bison, SD
(office use only)



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 517'

d) Height 28.1'

e) Primary Outlet Capacity 36.5 cfs

If pipe, diameter 18"

f) Secondary Spillway Capacity 360 cfs

Spillway Width 90' 00"

g) X & Y Slope

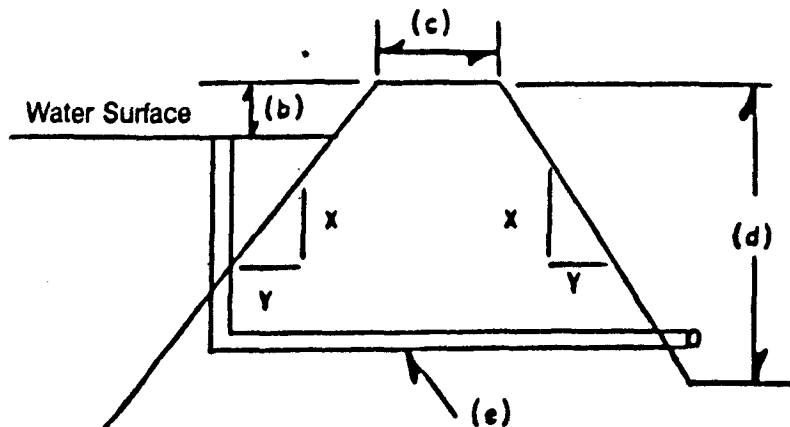
Upstream 3:1

Downstream 2:1

h) Surface Area of Impoundment 8.5

i) Storage 70.82 Acre Feet

j) Drainage Area above Dam 890 Acres



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 415776

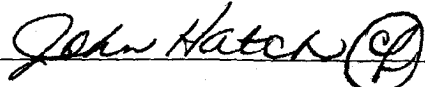
Pierre, May 27, 19 98

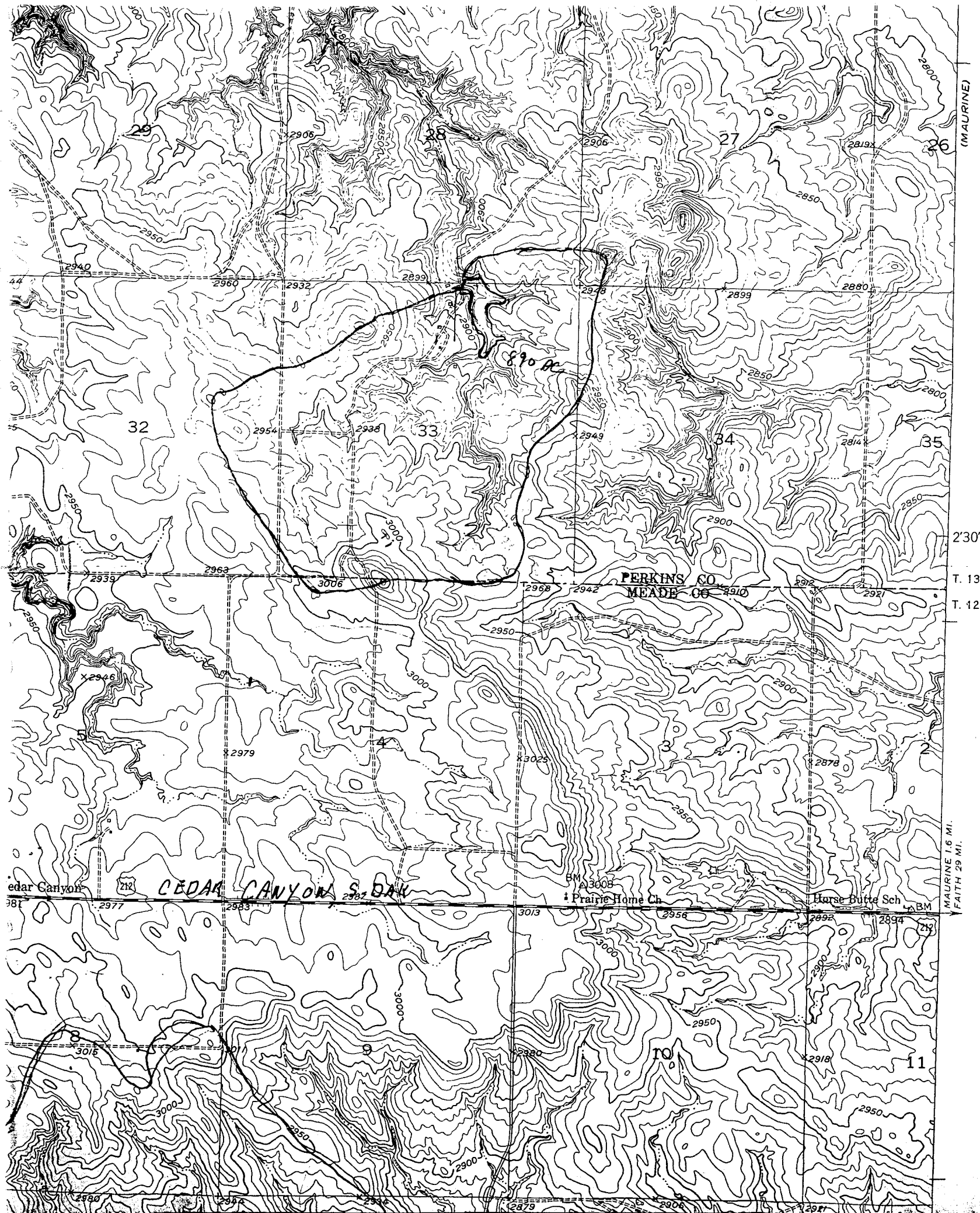
RECEIVED OF Walter Gerbracht, Box 445, Faith, SD 57626-9445
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1669-1</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 



Water Permit Application No. 1669-1
Walter Gerbracht

Cat. 3 - Low Hazard Dam

Top of Dam Elev. - 100
P. Spillway Elev. - 94.8
2nd Spillway Elev. - 97
Dis. Top Elev. - 72

} Height = 28 ft.

Normal Storage Capacity - 70.8 Ac.-Ft.
Int. Storage Capacity - 85 Ac.-Ft.
Max Storage Capacity - 98.5 Ac.-Ft.

Int. Storage Capacity x Est. Height = $85 \times 25 = 2125 < 3000$ ∴
25 year Minimum Spillway Design

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

DA = 1.39 mi.²
Slope = 120 ft/mile
SI = 2.50

$$Q_{25} = 83.4 A^{.6} S^{.46} S^{-.72}$$

$$= 83.4 (1.39)^{.6} (120)^{.46} (2.50)^{-.72}$$

$$= 83.4 (1.22) (8.21) (0.52)$$

$$= \underline{435 \text{ cfs}}$$

$$Q_{100} = 132 A^{.65} S^{.46} S^{-.67}$$

$$= 132 (1.39)^{.65} (120)^{.46} (2.50)^{-.67}$$

$$= 132 (1.24) (9.04) (0.54)$$

$$= \underline{800 \text{ cfs}}$$

Secondary Spillway Flow

C = 2.6
L = 100
H = 3

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

$$= (2.6) (100) (3)^{1.5}$$

$$= \underline{1350 \text{ cfs}}$$

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 Rating Data - OK
7. Spillway Details - OK
8. Specs. - S.H. NRCS - OK
9. EPP - N/A Cat. 3 - OK

NRCS Annual Yield

DA = 890 Ac - CN = 76, ISO = 1 1/2

80% chance = 0.10
 $0.10 \times 890^{1/2} = \underline{7.5 \text{ Ac.-Ft.}}$

50% chance = 0.30
 $0.30 \times 890^{1/2} = \underline{22 \text{ Ac.-Ft.}}$

10% chance = 1.5
 $1.5 \times 890^{1/2} = \underline{111 \text{ Ac.-Ft.}}$



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 17, 1998

Walter Gerbracht
Box 445
Faith SD, 57626

Dear Mr. Gerbracht:

We have reviewed the plans and specifications for your proposed dam located in the NW ¼ NE ¼ of Section 33-T13N-R12E, 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. 1669-1 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 you, 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 Gerbracht Dam will be classified as a small size Category 3, Low Hazard dam with a dam height of 28 feet and a normal storage capacity of 70.8 acre-feet and a maximum storage capacity of 98.5 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: Dennis Ellefson, NRCS

REPORT ON
WATER PERMIT APPLICATION NO. 1669-1
Walter Gerbracht
June 10, 1998

Water Permit Application No. 1669-1 has been filed by Walter Gerbracht to impound 70.8 acre-feet of water from runoff by constructing a dam located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33 and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28-T13N-R12E, in Perkins County. The application also requests impoundment of sufficient water to maintain the reservoir at the outlet elevation of approximately 2880 feet mean sea level. The water will be used for fish and wildlife propagation and livestock watering.

Discussion:

The Walter Gerbracht 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. 1669-1 is approved.

The Gerbracht Dam will be 28 feet high with a normal storage capacity of 70.8 acre-feet with a reservoir level at the spillway elevation, and a maximum storage capacity of 98.5 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.

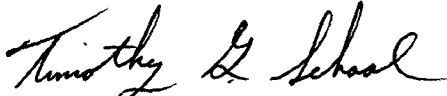
The dam is designed to have a 18 inch diameter PVC conduit with 5.2 feet of available head as the primary spillway and a 100 foot wide earthcut secondary spillway with 3.0 feet of available head. The dam will have a drainage area of 890 acres (1.39 square miles). A 25-year frequency event will produce a peak of approximately 435 cfs and a 100-year frequency event will produce a peak of approximately 800 cfs. The 100 foot wide earthcut secondary spillway will have a capacity of approximately 1350 cfs.

The annual yield for this drainage area with a 10 percent chance of occurrence, or 1 out of 10 years, is expected to be 111 acre-feet. The annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 22 acre-feet and the annual yield with a 80 percent chance of occurrence, or 8 out of 10 years, is expected to be 7.5 acre-feet.

The Walter Gerbracht Dam will be located in the NE $\frac{1}{4}$ of Section 33 and the SE $\frac{1}{4}$ of Section 28-T13N-R12E near the headwaters of Little Cedar Creek about 6.5 miles upstream of the confluence of Little Cedar Creek and the Moreau River. There are no existing Water Permits/Rights located on Little Cedar Creek between the proposed dam and the Moreau River.

Conclusions:

1. Water Permit Application No. 1669-1 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. 1669-1.



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

Approved by:



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

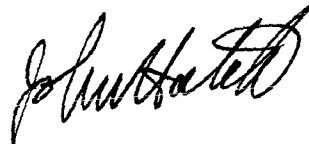
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1669-1, Walter Gerbracht**

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. 1669-1, Water Gerbracht, Box 445, Faith, SD 57626.

The Chief Engineer is recommending APPROVAL of Application No. 1669-1 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. 1669-1 authorizes a dam with storage capacity of 70.8 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", written in a cursive style.

JOHN HATCH, Chief Engineer
June 16, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

June 17, 1998

Walter Gerbracht
Box 445
Faith, SD 57626

Dear Mr. Gerbracht:

Water Permit Application No. 1669-1 for fish & wildlife and livestock water 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
www.state.sd.us/denr

June 17, 1998

The Bison Courier
Box 429
Bison, SD 57620-0429

ATTENTION: Legal Department

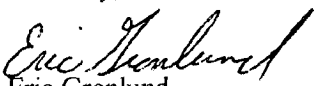
Enclosed is a Notice of Hearing on Application No. 1669-1 to Appropriate Water to be published twice. Please publish the first notice on June 25, 1998, with the second publication 7 days later.

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 Walter Gerbracht, Box 445, Faith, SD 57626 (Ph # (605) 967-2464).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 1669-1

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of June 17, 1998, enclosing Notice of Hearing to Appropriate Water by Application No. 1669-1 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 June 25, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1669-1 to Appropriate Water

Notice is given that Walter Gerbracht, Box 445, Faith SD 57626 has filed an application for a water permit to impound 70.8 acre-feet of runoff water in a dry draw located in the SW 1/4 SE 1/4 Section 28 and NW 1/4 NE 1/4 Section 33 with water impounded in the W 1/2 NE 1/4, NE 1/4 NE 1/4 Section 33; all in T13N-R12E. This application requests impoundment of sufficient water to maintain water at the approximate outlet elevation of 2880 feet mean sea level and is to be used to provide habitat for fish and wildlife propagation and livestock water.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1669-1 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 13, 1998.

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

)
SS
)

)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 3 1998

Walter Gerbracht
Box 445
Faith, SD 57626

Dear Mr. Gerbracht:

Enclosed is Water Permit No. 1669-1 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 USEDate Oct. 15, 1998TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Walter Gerbracht PO Box 445
(name) (address)
Faith SD 57626 605)967-2464
(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. 1669-1.

Water Permit No. 1669-1 states that the diversion system is to be constructed by Dec. 31, 1998, and that the water is put to beneficial use by
(date)

Sept. 30, 1998
(date)

The diversion system was completed on Sept. 30, 1998
(date)

Applying the water to beneficial use was completed on Sept. 30, 1998
(date)

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

Walter Gerbracht
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 13, 2000

1669-1

Walter Gerbracht
Box 445
Faith, SD 57626

Dear Mr. Gerbracht:

The investigation of your water use system was conducted on September 1, 1999, by Timothy G. Schaal, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 1669-1. 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 416452

Pierre, March 30, 2000

RECEIVED OF Walter G. Gerbracht, Box 445, Faith, SD 57626-0445
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. <u>1669-1</u>	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. Bell 
Chief Engineer

Permit No. 1669-1
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, September 1, 1999, made a thorough examination of the water use system constructed by Walter Gerbracht of Box 445, Faith SD, 57626 holder of Permit No. 1669-1, bearing the priority of May 27, 1998 authorizing the storage of 70.8 acre-feet of the waters of dry draw (runoff) for fish & wildlife and livestock use purposes, in Perkins County.

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

A. Works used to divert the water:

28 foot high earth dam with 70.8 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:

28 foot high earth dam with 70.8 acre-feet storage capacity

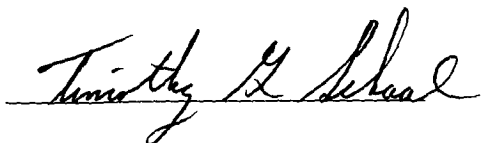
The system is in the following condition **Good**. The point of diversion is located 100 feet south & 1700 feet west of the NE corner of Sec. 33-T13N-R12E (NW 1/4 NE 1/4). The works are capable storing 70.8 acre-feet of water which is to be used for fish & wildlife and livestock use. Water has been put to beneficial use to the maximum extent as follows:

28 foot high earth dam with 70.8 acre-feet storage capacity

and the license should be issued for 70.8 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: March 9, 2000



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

REPORT ON INSPECTION OF PERMIT NO. 1669-1

Other permit(s) associated with the project: XXXX

DATE OF INSPECTION: September 1, 1999

NAME & ADDRESS OF INSPECTION CONTACT/ Mrs. Gerbracht
RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Walter Gerbracht

DIVERSION POINT LEGAL LOCATION: 100 feet south & 1700 feet west of the NE corner of
Sec. 33-T13N-R12E (NW 1/4 NE 1/4).

DAM INFORMATION:

- 1) Height to crest 28 feet
- 2) Height to primary spillway 23 feet
- 3) Height to secondary spillway 25 feet
- 4) Crest width 12 feet
- 5) Crest length 517 feet
- 6) Spillway length XXX feet
- 7) Spillway width 100 feet
- 8) Approx. storage (Normal) 70.8 acre-feet
- 9) Approx. storage (Maximum) 98.5 acre-feet
- 10) Date constructed: 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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1669-1

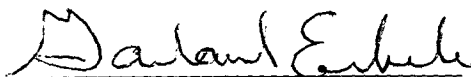
(1) Walter Gerbracht, PO Box 445, Faith, SD 57626-0445 made Application No. 1669-1, May 27, 1998, for a water permit to impound 70.8 acre feet of water annually from a dry draw (runoff), Perkins County, South Dakota for fish & wildlife propagation and livestock watering purposes. Permit No. 1669-1, with a priority date of May 27, 1998 was approved July 13, 1998 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 13, 2003 and for the application to beneficial use of said water on or before July 13, 2007.

On October 13, 1998, the permit holder submitted a "*Notice of Completion of Works and Application of Water To Beneficial Use*". The "*Notice*" indicated the system was constructed and water placed to beneficial use on September 30, 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 70.8 acre feet of water for beneficial use with sufficient water annually to maintain the water level at the outlet elevation. The outlet elevation is approximately 2880.0 feet mean sea level. The location of the storage dam (spillway) is 100'S and 1,700'W of the NE corner of Section 33, T13N, R12E (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 Walter Gerbracht, PO Box 445, Faith, SD 57626-0445 the holder and/or owner of Water Right No. 1669-1, with a priority date of May 27, 1998, is issued a license to appropriate water, the right to impound 70.8 acre feet of water from a dry draw (runoff) with sufficient water annually to maintain the water level to the outlet elevation of approximately 2880.0 feet mean sea level from the location specified in (2) of this license. The water is impounded for the purpose of fish and wildlife propagation and livestock watering use. This license is subject to any limitations or qualifications listed in Water Right No. 1669-1 and subject to South Dakota State Law.

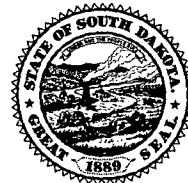


Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

APR 10 2000

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 10 2000

1669-1

Walter Gerbracht
P.O. Box 445
Faith, SD 57626-0445

Dear Mr. Gerbracht:

Enclosed is Water License No. 1669-1 and Receipt No. 416452 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 1669-1 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

gm
enclosures