

WATER PERMIT NO. 1748-1

Name of Applicant: Daniel A Brooks

Address: 841 Michigan Ave SW, Huron SD 57350 Phone: 605 353-9921

Amount of Water Claimed: ^{43.7}
29.6 AF Total Acres: NA

Source of Water Supply: runoff

Water to be used for: fish & wildlife propagation and recreational County: Dewey

Type of Waste Disposal System:

Location: 1 mile northwest of Isabel

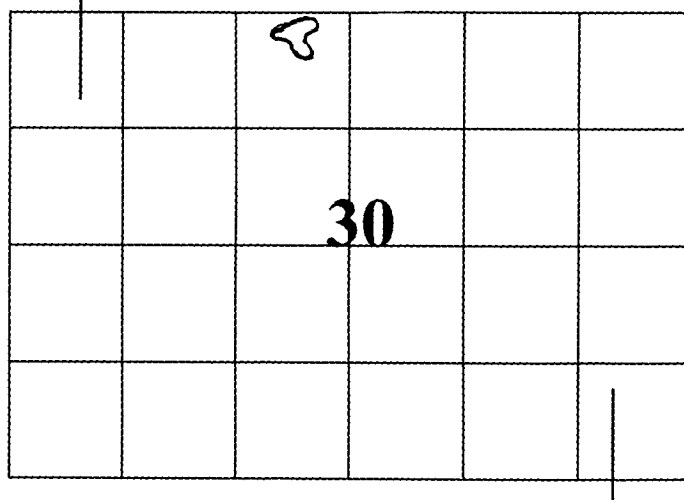
PRIORITY Date Received: 4-2-2001 Fee: \$150

Corrected Application Received:: Period of Annual Use: January 1 - December 31

Remarks:

Diversion Point: NE 1/4 NW 1/4 Sec 30-T17N-R22E

Water Impounded: NE 1/4 NW 1/4 Sec 30-T17N-R22E



Depth of Well: NA

Well Driller: :

Remarks:

Type of Map: aerial

Prepared by: Michael J LaCompte

Reviewed and the Number Assigned on: 4-2-2001

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 1748-1

Date of first receipt of application April 2, 2001.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1748-1 to Daniel A Brooks, 841 Michigan Ave SW, Huron SD 57350 authorizing the construction of the dam and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1748-1 authorizes impoundment of 43.7 acre-feet of water from runoff by constructing a dam located in the NE ¼ NW ¼ Section 30 with water impounded in the NE ¼ NW ¼ Section 30; all in T17N-R22E. This permit authorizes impoundment of sufficient water to maintain water at the outlet elevation.
2. The water appropriated shall be used for the purpose of supplying water for fish and wildlife propagation and recreational use 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. 1748-1 is September 10, 2001.
5. The date from which applicant may claim right is April 2, 2001.
6. One-fifth of the construction is to be completed on or before March 10, 2003.
7. All construction is to be completed on or before September 10, 2006.
8. Water is to be put to beneficial use on or before September 10, 2010.
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. 1748-1 authorizes a storage capacity of 43.7 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: Garland Erbele

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

NOV 07 2001

date



Form 2A Supplemental Information

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

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

3. Dugout Information

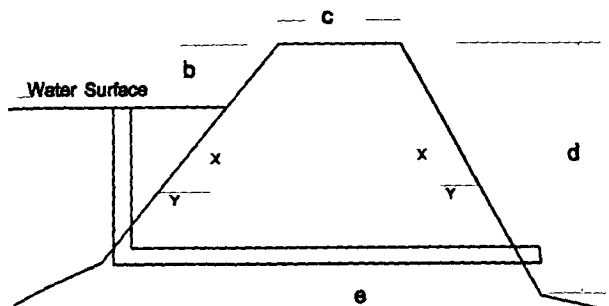
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

USDA - NRCS, P O Box 66
Timber Lake SD 57656-0066



- b) Freeboard 3.0
- c) Crest Width 18.0
Crest Length 321.0
- d) Height 22.5
- e) Primary Outlet Capacity 40.0 (Spillway width)
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream 3:1
Downstream 3:1
- h) Surface Area of Impoundment 7.0
- i) Storage 29.6 43.7 Acre Feet (Spillway)
- j) Drainage Area Above Dam 772 Acres

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 416813

Pierre, April 2, 20 01

RECEIVED OF Daniel Brooks, 841 Michigan Ave., SW, Huron, SD 57350-2257

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct
(Location Notice 75595 (2-21-01) voided \$20. added to application fee
and to put water to beneficial use _____

140 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. _____

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

190 00

By

Darland Erbele

Chief Engineer

gm



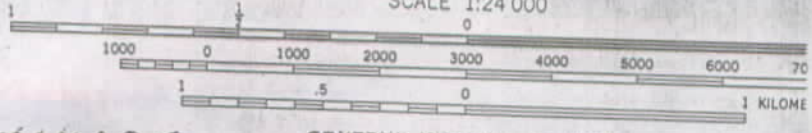
Mapped, edited, and published by the Geological Survey
Control by USGS and NOS/NOAA
Topography by photogrammetric methods from aerial photographs
taken 1975. Field checked 1976. Map edited 1978
Projection and 10,000-foot grid ticks: South Dakota coordinate
system, north zone (Lambert conformal conic)
1000-meter Universal Transverse Mercator (UTM), zone 14
1927 North American datum
Fine red dashed lines indicate selected fence and field lines where
generally visible on aerial photographs. This information is unchecked



DAN BROOKS

**DRAINAGE
AREA**

10-27-2000
SCALE 1:24 000



CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS

Michael J. LaCompte D.C.

CONSTRUCTION SPECIFICATIONS

for

EARTH DAM

DAN BROOKS

DEWEY CO.

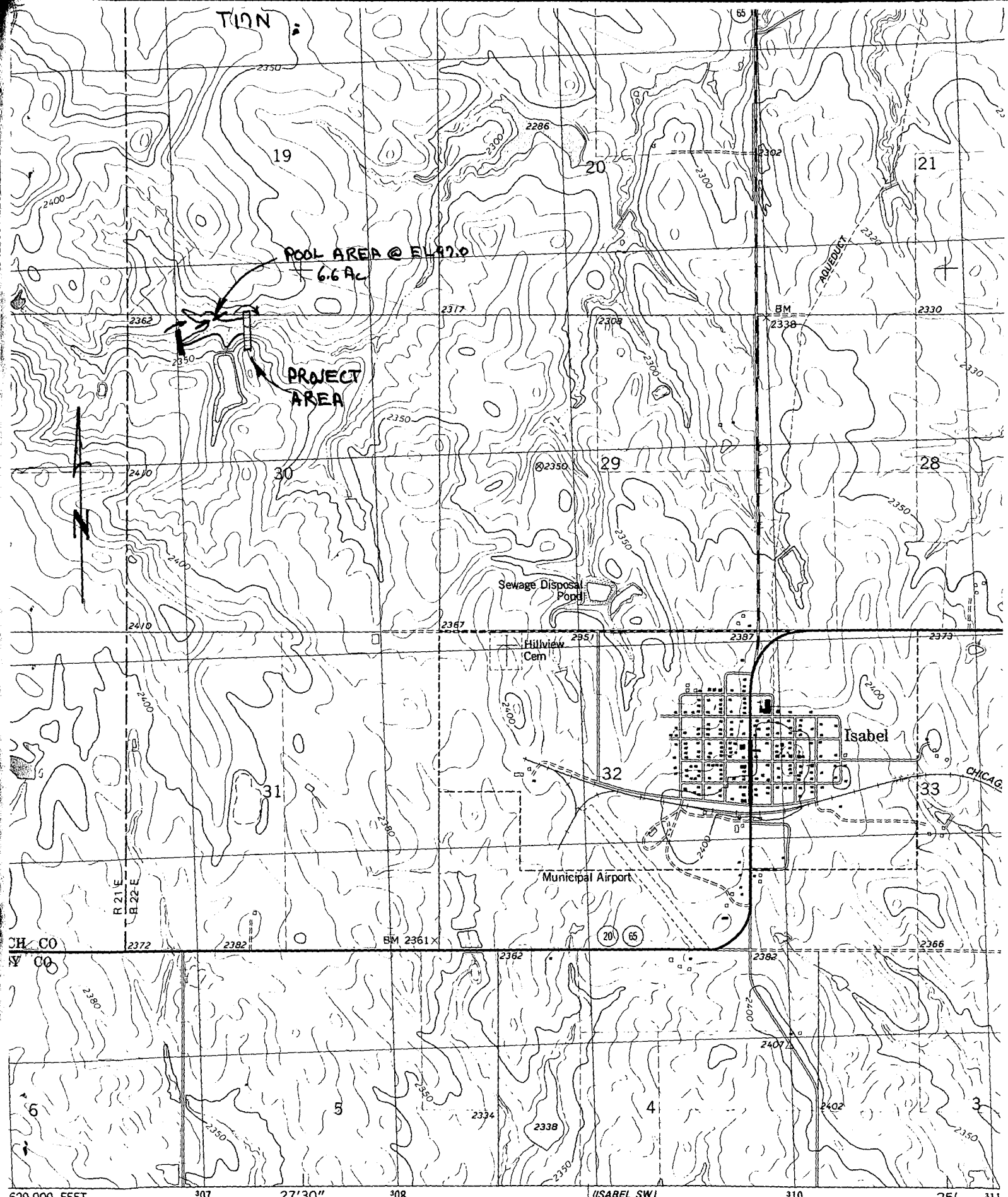
Prepared by:

USDA-NATURAL RESOURCES CONSERVATION SERVICE

Assisting:

DEWEY

Conservation District



cal Survey

ographs

inate

1° 44' 11 1/2°

1200' MILE

SCALE 1:24 000

QUAD SHEET ISABEL, S. DAK.

1 0 1000 2000 3000 4000 5000 6000 7000 FEET

1 0 1 KILOMETER

CONT. INTERVAL 10 FEET

by : DAN BROOKS By: BFR Date: 12-08-99
 by : DEWEY State: SD Checked: Date:
 type: STOCKWATER POND

Drainage Area : 772 Acres
 Curve Number : 80
 Watershed Length : 8120 Feet
 Watershed Slope : 6 Percent
 Time of Concentration: 1.15 Hours
 Infall Type : II

Curve Number	1	2	3	4	5	6	7
Frequency (yrs)	1	2	5	10	25	50	100
24-Hr Rainfall (in)	1.8	2.1	2.8	3.4	3.9	4.4	4.9
I/P Ratio	0.28	0.24	0.18	0.15	0.13	0.11	0.10
Runoff (in)	0.44	0.62	1.10	1.56	1.96	2.38	2.81
Unit Peak Discharge (cfs/acre/in)	0.426	0.444	0.472	0.487	0.496	0.503	0.508
Peak Discharge (cfs)	146	214	402	566	750	922	1101

SEDIMENT YIELD

Erodibility Area	Gross Rate (Ac.Ft./Ac./Yr.)	Drainage Area Acres	Delivery Rate (%)	Design Period Years	Req'd. Sediment Volume (Ac.Ft.)

HYDRAULIC DATA

SPILLWAYS - EARTH OR VEGETATED

$$d_c = 1.2'$$

Crest Elev.	Crest Length	Permissible Velocity	Hp (ft)	qx (ft ³ /s/ft)	Width (ft)	Velocity at Control Section	Q (ft ³ /s)
97.0	210'	6.0	2.0	6.8	40	6.0	296

CHANNELS (DITCHES, DIVERSIONS, WATERWAYS, ETC.)

[illegible]

PRINCIPAL SPILLWAYS

[illegible]

CULVERTS

Type	Dia. (in)	Length (ft)	Inlet Control		Outlet Control		Q (ft ³ /s)
			Head-ft	Q-ft ³ /s	Head-ft	Q-ft ³ /s	

WATERWAYS-DIVERSIONS (FROM TABLES)

[illegible]

SCD	Date	7/17/61
Field Office	TIMBER LAKE	
Name	DAN BROOKS	
Individual Group Unit of Govt. (circle one)		
Job	DAM- WATER RIGHTS CHTA	
Design Sur.	Const. Layout	
Const. Check	Other	
Ident. No.	Field No.	

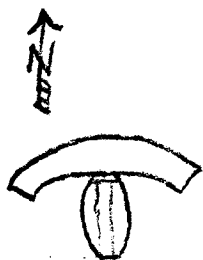
Scale 1" = 100'

Legal Description

Sec. or Location:

SCS-ENG-28 REV. 5-75

Sta.	B.S.	H.I.	F.S. or Grade Rod	Elev. or Planned Elev.
Downstream 1/2 Station 60 350.1 x 2 700				
Upstream Full Station 7.1 1.2 490				
TOP OF DAM				
EMERGENCY SPW				
TOP OF DAM				



Dan Brooks
DAM SURVEY
FILL
C/L

9-29-2000
Strip .5' dam base

HI 2.65
use 2.7

Top width 18'

Both slopes
3:1, 3:1

UPSTREAM

C/L

DOWNSTREAM

$$\frac{4.7 - 2.7 = 2.0}{F 0.0}$$

9.0'

8.0'

$$\frac{4.7 - 2.7 = 2.0}{C 0.0}$$

9.0'

$$\frac{4.7 - 2.7 = 2.0}{F 0.0}$$

$$\frac{6.0 - 2.7 = 3.3}{F 3.3}$$

18.9'

33.0'

$$\frac{6.1 - 2.7 = 3.4}{C 1.0}$$

17.7'

$$\frac{5.6 - 2.7 = 2.9}{F 2.9}$$

$$\frac{9.6 - 2.7 = 6.9}{F 6.9}$$

29.7'

50.0'

$$\frac{10.3 - 2.7 = 7.6}{C 2.0}$$

32.1'

$$\frac{10.4 - 2.7 = 7.7}{F 7.7}$$

$$\frac{15.3 - 2.7 = 12.6}{F 12.6}$$

46.8'

50.0'

$$\frac{16.1 - 2.7 = 13.4}{C 3.0}$$

51.0'

$$\frac{16.7 - 2.7 = 14.0}{F 14.0}$$

$$\frac{21.1 - 2.7 = 18.4}{F 18.4}$$

64.2'

45.0'

$$\frac{21.3 - 2.7 = 18.6}{C 3.0}$$

64.8'

$$\frac{21.3 - 2.7 = 18.6}{F 18.6}$$

$$\frac{24.5 - 2.7 = 21.8}{F 21.8}$$

74.4'

50.0'

$$\frac{24.7 - 2.7 = 22.0}{C 3.0}$$

77.7'

$$\frac{25.6 - 2.7 = 22.9}{F 22.9}$$

$$\frac{24.6 - 2.7 = 21.9}{F 21.9}$$

74.7'

40.0'

$$\frac{25.2 - 2.7 = 22.5}{C 3.0}$$

78.9'

$$\frac{26.0 - 2.7 = 23.3}{F 23.3}$$

$$\frac{17.5 - 2.7 = 14.8}{F 14.8}$$

53.4'

45.0'

$$\frac{18.7 - 2.7 = 16.0}{C 3.0}$$

71.1'

$$\frac{23.4 - 2.7 = 20.7}{F 20.7}$$

$$\frac{2.7 - 2.7 = 0.0}{F 0.0}$$

9.0'

$$\frac{2.7 - 2.7 = 0.0}{C 0.0}$$

9.0'

$$\frac{2.7 - 2.7 = 0.0}{F 0.0}$$

STATE		PROJECT <u>DAN BROOKS</u>		
BY <u>T. Ver Helst</u>	DATE <u>7/18/01</u>	CHECKED BY	DATE	JOB NO.
SUBJECT <u>WATER RIGHTS DATA</u>				SHEET <u>1</u> OF <u>1</u>

Water Depth:

Dam Ht - Freeboard

$$D = 21.9 - 3' = 18.9'$$

Pool Length:

$$L = (600 - 50) + (450 - 50) = 950'$$

Pool Width:

$$W = 379 - 73 = 306'$$

Water Storage: (Factor Method)

$$\text{Storage} = \frac{D \times L \times W \times \text{SA factor} \times D_{\text{factor}}}{43560}$$

$$= \frac{18.9 \times 950 \times 306 \times .6 \times .35}{43560}$$

$$= 26.5 \text{ ac-ft}$$

Enlarged Surface Area

$$\frac{950 \times 306 \times .6}{43560} = 4.0$$

Planimetered Surface Area @ EL 97

$$6.6 \text{ ac}$$

Water Storage: (Planimeter Method)

$$\text{Storage} = 18.9' \times 6.6 \text{ ac} \times .35 = 43.7 \text{ ac-ft}$$

Note: Will use planimeter method due to significant pool area from side tributary.

Water Storage Top of Dam: (Planimeter Method)

$$\text{Storage} = 21.9 \times 8.25 \times .35 = 63.2 \text{ ac-ft}$$

Planimetered Surface Area @ 10

$$8.25 \text{ ac}$$

DENR Dam Safety Criteria:

$$\text{Height} = 100 - 77.7 = 22.3'$$

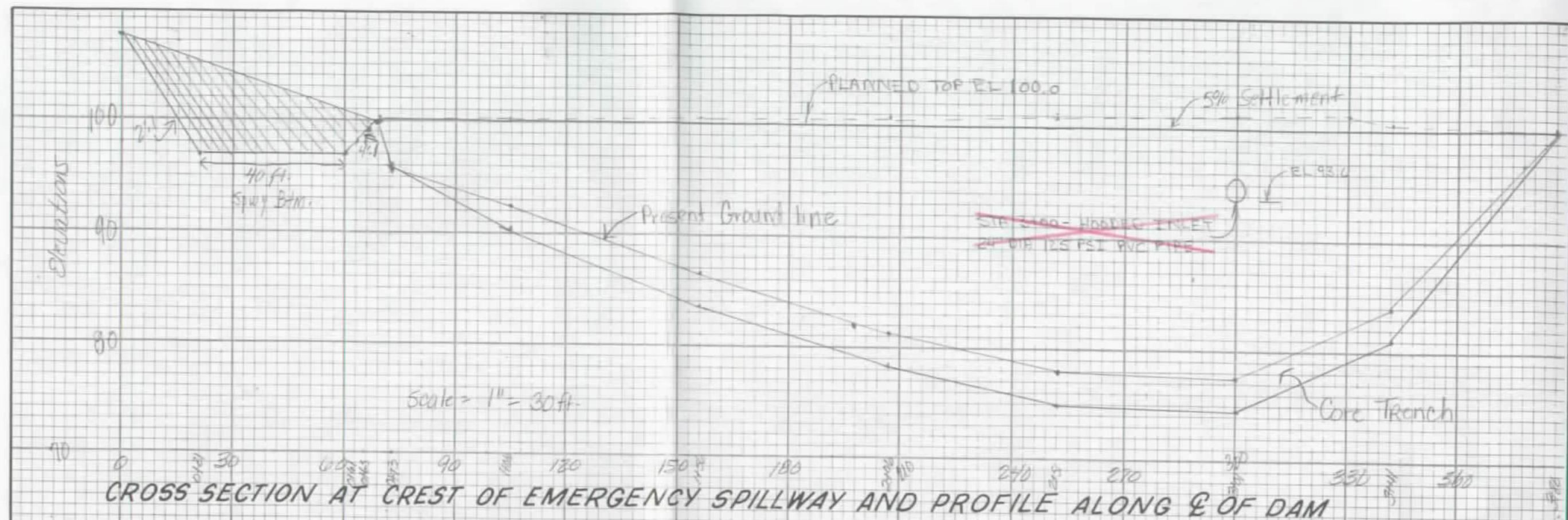
Category - 3

Size - Small

$$\text{Effective Height} = 97 - 77.5 = 19.5'$$

$$\text{Intermediate Storage} = 18.9 \times 6.6 \times .35 = 43.7 \text{ ac-ft}$$

$$\text{Spillway Design Flood} = 43.7 \text{ ac-ft} \times 19.5' = 852 < 3000 \text{ Use 25yr-24hr}$$



DRAINAGE AREA	ANNUAL YIELD	PEAK RUNOFF	EMERG. SPPLY. CAPACITY	WATER DEPTH	SURFACE AREA	SEDIMENT STORAGE	TOTAL STORAGE
ACRES	AC. FT.	25-YR.	C.F.S.	FEET	ACRES	AC. FT.	AC. FT.
772.0	41.2	750	296	15.5	5.4	4.6	29.3
DATA WITHOUT PRINCIPAL				18.9	6.6	4.6	43.2

Type of Draw

25

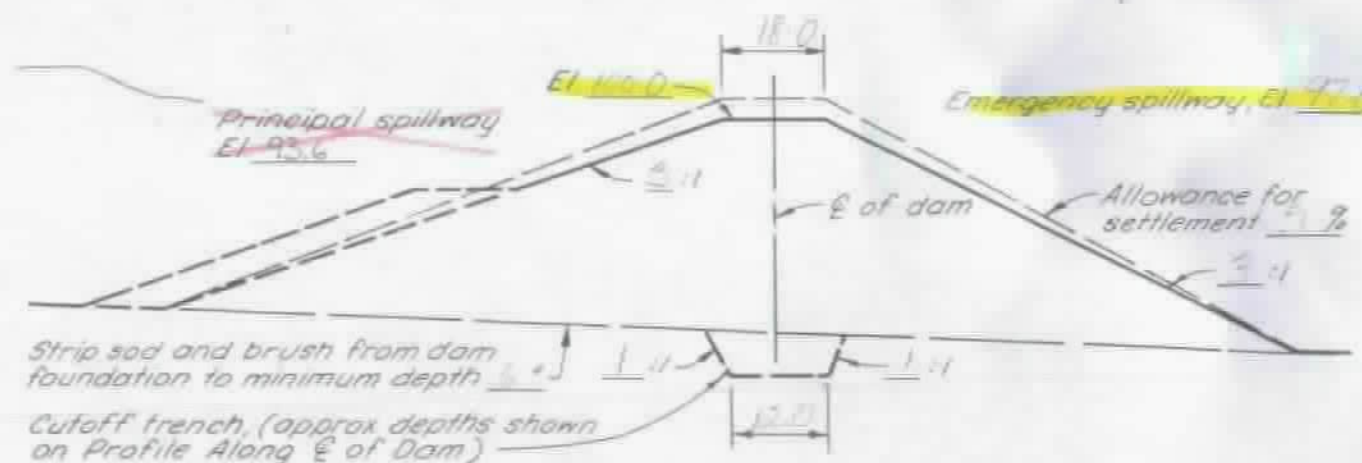
632



Sec 30T 17 R 22
DEWEY County

Approximate scale 1" = 100'

REFERENCE: GUIDE PLAN NO. 1.0

[illegible]

S.D. CONSTRUCTION AND MATERIAL SPECIFICATIONS:

OPERATOR: Dan Brooks

CONSERVATION DISTRICT: Dewey

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed: <u>MLB</u>	Date: _____	Approved by: _____
Drawn: <u>LB</u>		Title: _____
Traced: _____		Title: _____
Checked: _____	Sheet No. _____	Drawing No. _____

JOB PLAN NO. 1.0

(Rev. 4-73) 5, N-29, 073.10(1

Jan 26, 2001

Mr. Eric Gronlund
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre SD 57501-3181



Dear Sir:

In September 2000, my wife and I purchased land in Dewey County near my wife's hometown of Isabel. The land is native prairie and has been used only for grazing. There are no buildings on it or roads to it. We plan to build our retirement home there in 2005 to coincide with my wife's planned retirement in January 2006.

As my wife and I both love to fish, we decided to build a large dam on our property and stock it. On September 5th, Bonita Richter from the USDA-NRCS office in Timber Lake took core samples of the soil at the dam site. On September 28th and 29th, Mike LaCompte, District Conservationist for NRCS, surveyed and staked-out our dam. It would be 14,400 cubic yards. Miller Construction of Isabel would build the dam but probably not until spring.

Early in November we learned that Ducks Unlimited had a program which would cost-share dams that benefit waterfowl. I went to the SDGF&P office on the fairgrounds here in Huron to find out how to contact Ducks Unlimited. At GF&P, I talked with Tim Olson. When he learned about our dam, Tim said GF&P also had a cost-share program for dams.

We discussed the various aspects of our dam, i.e, size, location, use, etc. Then Tim wanted to know if I had secured a "permit" to build the dam. I told him that I hadn't ... in fact, no one had even mentioned a permit to me. He said I would definitely need a permit to build a dam in South Dakota.

I soon learned that Miller Construction had decided that it could start on our dam now instead of next spring. The dam construction had begun on November 2nd and finished on December 2nd (except for the rip-rap). I went to Isabel to observe the construction as soon as I was told they had started.

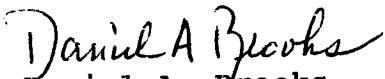
While up in Dewey County, I visited the Timber Lake NRCS office. Both Bonita Richter and Mike LaCompte were there. I asked them about a permit for building a dam. Bonita said she used to process the applications. She sent the original copy to your office in Pierre and a duplicate copy to the Dewey County Register of Deeds. However, she said, this practice was discontinued "at least four or five years ago" because the Cheyenne River Sioux Tribe claims it owns all water rights on the reservation.

When I next saw Tim Olson here in Huron, I told him what I had learned at the Timber Lake NRCS office. Tim expressed some exasperation over the federal versus state dispute. He then gave me your name and said I should write you concerning this matter.

We have a few concerns about this situation:

- Why would we be required to obtain a permit (or at least a location notice) for our dam when apparently the dams built by ranchers and others on the reservation over the past "at least four or five years" haven't needed one?
- Tim Olson has taken my application for a GF&P cost-share on our dam. If we don't get a permit or location notice, does that disqualify us from being considered?
- Who decides if our dam requires a permit or only a location notice? Tim said that the dam's specifications NRCS had given me didn't make sense to him.

Respectfully yours,


Daniel A. Brooks
841 Michigan Ave SW
Huron SD 57350-2247



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

Ph# 353-9921

February 6, 2001

Daniel A. Brooks
841 Michigan Avenue SW
Huron SD 57350-2247

Dear Mr. Brooks:

I am writing in response to your letter regarding when a water right permit needs to be obtained or a location notice filed in South Dakota. I understand that you have constructed a dam in Dewey County near Isabel. I believe this dam is located within the reservation boundaries.

Your question of whether the state asserts jurisdiction over the water right permitting on the reservation depends on your tribal status and whether the property is deeded or trust lands. If you are a non-tribal member owning deeded land in Dewey County, then I believe the state has jurisdiction over water right permitting. On the other hand, if you are a tribal member owning deeded land or this dam is located on trust land, then the tribal government has jurisdiction. Finally, any water use system outside the reservation boundaries is required to follow state water right permitting procedures.

If the state has jurisdiction in your particular instance, then either a water right permit application or location notice needs to be filed.

A dam with a storage capacity greater than 25 acre feet of water at the primary spillway is required to obtain a water right permit. If the dam stores less than 25 acre feet of water and is located on a dry draw then simply a location notice is to be filed with our office and also the County Register of Deeds. A copy of a water right permit application and a location notice is enclosed.

In specific answer to the questions you raised:

1. If this dam is located on deeded land and you are not an enrolled tribal member, then a water right permit application or location notice is required under SD state law.
2. You will have to discuss eligibility for G,F&P cost-share with Tim Olson.
3. As specified previously, the size of the dam determines whether a water right permit needs to be obtained or a location notice filed with this office and the County Register of Deeds. We will accept the NRCS storage capacity estimates for determining whether a water right permit or location notice applies.

Please feel free to contact me if you have additional question on water right permitting in South Dakota.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

Feb 15, 2001

Mr. Eric Gronlund
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre SD 57501-3182

Dear Mr. Gronlund,

Thanks for your Feb 6th letter responding to my earlier letter to you.

Even though I'm not a native South Dakotan, I'm aware there are many issues of dispute between the state and the tribes. Water rights is apparently another of these disputes. Your statement "If you are a non-tribal member owning deeded land in Dewey County, then I believe the state has jurisdiction over water right permitting" indicates we're in a kind of gray area here.

I want to do the right thing and so have completed a Location Notice for our dam. Your letter states that a dam located on a dry draw with a storage capacity of less than 25 acre feet at the primary spillway requires a location notice. Our dam has a storage capacity at the spillway of 7.8 acre feet (item 7h). All information on the location notice form was provided by Bonita Richter of the USDA-NRCS office in Timber Lake.

Thanks again for assisting in this matter.

Daniel A Brooks
Daniel A. Brooks
841 Michigan Ave SW
Huron SD 57350-2247



Mail to: Water Rights Program
DENR, Foss Bldg.
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

LOCATION NOTICE FOR DAM\DUGOUT

75595
Location Notice No. (Office Use)

I, Daniel A. Brooks, of _____, of
Name
841 Michigan Ave SW, Huron SD 57350-2247
Address & Zip Code

(check one) ☒ owner, ☐ operator, of the following described land, do hereby notify the Water Management Board of the State of South Dakota and all others concerned that I am exercising my right under SDCL 46-4, for construction of a (check one) ☒ dam, ☐ *dugout for the purpose of impounding runoff waters for fish & wildlife purposes.
type of use - livestock, recreation, fish & wildlife, etc.

The following data is presented in compliance with SDCL 46-4-3 and 46-4-4.

(1) Date of:

(a) This notice Feb 14, 2001

(b) Proposed construction Completed Dec 2, 2000 except for rip-rap

(2) Legal description of the land upon which the dam\dugout is located:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 30 T17N R22E

(describe to the nearest 40 acre subdivision, e.g. NE $\frac{1}{4}$ SW $\frac{1}{4}$ section 10-T98N-R65W)

(3) Location of the dam/dugout from a section corner:

$\frac{1}{2}$ mi. east of NW corner of Sec 30 (where above qtr sections meet)

(describe distance N.S.E.W. in feet from the section corner)

(4) County where dam\dugout is located Dewey

(5) Name of landowner Daniel A. Brooks

(6) **Acre feet of water claimed annually 41.8

* A location notice is required for a dugout only if the dugout captures surface surface runoff.

** If the storage of the proposed structure at the spillway crest or overflow elevation exceeds twenty five (25) acre feet, a water permit from the Water Management Board is required.

-- Continue on other side --

(7) Complete the following information for the proposed dam/dugout:

*Items to be completed for a dugout

*a) Dam/Dugout designed by USDA - NRCS, P O Box 66
Timber Lake SD 57656-0066

b) Freeboard 3.0

c) Crest Width 18.0

Crest Length 321.0

d) Height 22.5

*Depth, if Dugout _____

e) Outlet Dimensions _____

Pipe diameter -

Spillway width 40.0

f) X & Y Slope: _____

Upstream 3:1

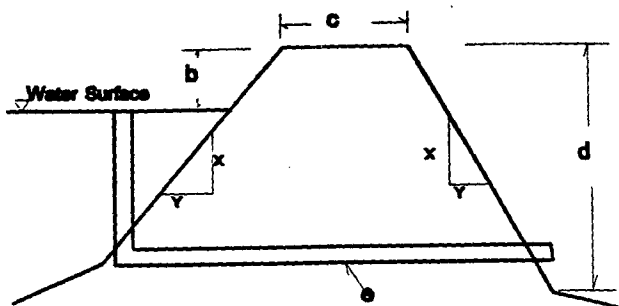
Downstream 3:1

*g) Water surface area 7.0

*h) Storage at spillway crest or overflow elevation
(acre feet) 7.8

i) Maximum storage to top of dam crest
(acre feet) 32.6

*j) Drainage area above dam/dugout
(acres) 772



Enclosed is ten dollars (\$10.00). The Water Management Board is requested to file this copy of the Location Notice in their official records. The original Location Notice has been filed (do not record) with the Register of Deeds of Dewey County in accordance with SDCL 46-4-3.

Daniel A. Brooks (or) _____
Owner

Locator

STATE OF SOUTH DAKOTA)SS
COUNTY OF _____)

I, Daniel A. Brooks the applicant, certify that I have read this Location Notice and that the matters stated in this notice are true and that I intend, and am able to start construction within sixty days after the filing of this notice.

Signed Daniel A Brooks

Subscribed and sworn to before me this 15TH day of February, 20 01

(seal)

Cindy M. Zing (Formerly 'Schmidt')
Notary
State of So. Dakota, Beadle County
My Commission expires 8-28-2004



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 22, 2001

Daniel A. Brooks
841 Michigan Avenue SW
Huron SD 57350-2247

Dear Mr. Brooks:

I am in receipt of your letter submitting a location notice for the dam in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, T17N, R22E. In the letter you indicate the storage capacity of the dam at the spillway is 7.8 acre feet of water, therefore you filed a location notice. After a review of this location notice, further clarification is necessary. A copy of the location notice is attached.

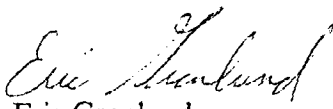
Item No. 6 on the front side of the location notice states the water claimed annually is 41.8 acre feet. This amount exceeds the 25 acre feet threshold that requires a water right permit to be obtained. However, on the backside of the location notice Item No. 7(h) states that storage at spillway crest to be 7.8 acre feet of water. At a storage capacity of 7.8 acre feet of water, the filing of a location notice is appropriate.

In reviewing the information on Item No. 7 of the location notice, the storage capacity of 7.8 acre feet of water appears suspect. I base this on the fact that Item No. 7(g) states the water surface area inundated is 7.0 acres and the effective height of the dams is 18.5 feet based on information provided on Item Nos. 7 (b & d). A 7 surface acre dam with a maximum depth of 18.5 feet would most certainly exceed a storage capacity of 25 acre feet of water and thus require a water right permit to be obtained.

If plans and specifications were prepared by NRCS for the dam, we'd appreciate a copy.

I ask that you please provide clarification on the storage capacity of the dam. Please feel free to contact me if you have any questions.

Sincerely,


Eric Gronlund
Water Rights Program
(605) 773-3352

c: Bonita Richter, NRCS, PO Box 66, Timber Lake SD 57656-0066

enclosure

Dear Mr. Gronlund,

The specs she gave me back in December (and of which Tim Olson made a copy) have nearly all been revised. To illustrate, I drew up the following table:

Today, as I was studying the water right permit form, I spotted another discrepancy: the storage at the spillway crest and at the dam crest are the same. So I've written Bonita asking for the correct data.

Please scan the specs under the "Now" column. Do you see any possible discrepancies (other than the duplicate storage areas)?

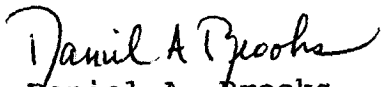
It appears our dam would require a water right permit. Can you determine the cost based on the above specs? Is there a penalty for building a dam prior to obtaining a permit?

Would you please send us a copy of GF&P's list of private fish culturists? I can't locate it on the internet.

Jerome Miller of Miller Construction in Isabel (our dam builder) has raised his dam construction fee to \$1.20 per cubic yard. Mike LaCompte, District Conservationist in Timber Lake, said that \$1.30 is being charged by some builders in the area now.

Thanks for spending time to help us sort this out, Mr. Gronlund.

Respectfully yours,


Daniel A. Brooks
841 Michigan Ave SW
Huron SD 57350-2247

March 30, 2001

Mr. Eric Gronlund
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre SD 57501-3182

Dear Eric,

Please find enclosed my application for the water permit. I hope everything is in order.

I've enclosed a check for \$190.00 as my previous check of \$10.00, which accompanied the original location notice, was negotiated by DENR.

This application (water permit) does not require the "maximum storage to top of dam crest" like the location notice did, so I guess Bonita Richter's 32.6 acre feet is irrelevant now!

Thanks for cutting me out of the "ping pong match" between NRCS and your office. Appreciate that.

Sincerely,

Dan

Daniel A. Brooks
841 Michigan Ave SW
Huron SD 57350-2247





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 6, 2001

Daniel A. Brooks
841 Michigan Avenue SW
Huron SD 57350 -2247

Dear Mr. Brooks:

As per your request, we have reviewed the amended specifications that the NRCS provided you for a dam in Dewey County. Besides the issue you pointed out with the same storage capacity listed at the spillway crest as at the top of dam, we have only one other question. The amount of water claimed annually is listed at 41.8 acre feet of water while the storage capacity is listed at 32.6 acre feet of water. Where did the NRCS arrive at the 41.8 acre feet of water claimed? Normally, a water right permit claims the amount of storage to the spillway elevation.

You also asked what the application filing fee will be for the water right permit application. The filing fee will be \$150 plus a licensing fee of \$50. The total amount that must accompany the application is \$200. I also want to make you aware that the applicant is responsible for the cost of the required public notice. This expense will be between you and the newspaper and you will be prompted regarding this after the application is processed.

State law provides that you are to obtain a water right permit prior to building a dam with a storage capacity greater than 25 acre feet of water. However, we would rather work to make you aware of the law and get a water right permit in place. Therefore, we will not pursue imposing any penalty as long as you proceed to obtain the necessary water right permit.

Finally, please find attached a copy of SD Department of Game, Fish and Parks' list of 2000 private fish culturists. When I contacted them they had not compiled the 2001 list but indicated that the list would likely not change very much.

I hope this answers your questions. Please do not hesitate to contact me if you have additional questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

File No. 1748-1

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Daniel A. Brooks

ADDRESS: 841 Michigan Ave SW, Huron SD 57350 COUNTY: Dewey

DATE: July 18, 2001

TELEPHONE: XXXXXXX

RE: dam storage capacity

I talked to Tom Ver Helst, from the NRCS in Belle Fourche, today about Water Permit Application No. 1748-1 for Daniel Brooks. He inspected the project and will be sending us some new storage capacity figures and plan sheets. He explained that some of the previous confusion with the amount of storage capacity was due to the dam being constructed without the designed 24 inch diameter PVC primary spillway. He indicated that the existing storage capacity was 43.7 acre-feet, and the capacity would be more; however, the reservoir backs up to two existing smaller dams and a partially breached dam.

A handwritten signature in cursive script, reading "Timothy G. Schaal", written over a horizontal line.

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

Water Permit Application No 1748-1

Daniel A. Brooks

Cat. 3 - Low Hazard Dam

$$\left. \begin{array}{l} \text{Top of Dam Elev.} - 100 \\ \text{P. Spillway Elev.} - 97 \\ \text{D/S Toe Elev.} - 87 \end{array} \right\} \underline{H. = 23 \text{ ft}}$$

Max. Storage Capacity - 63 Ac-Ft

Normal Storage Capacity - 43.7 Ac-Ft

$$\text{Max Capacity} \times H. = 63 \times 23 = 1449 < 3000 \therefore \underline{25 \text{ yr Minimum Spillway Design}}$$

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

$$DA = 772 \text{ Ac} = 1.2 \text{ mi}^2$$

$$\text{Slope} = 100 \text{ ft/mi}$$

$$SI = 2.66$$

$$\begin{aligned} Q_{25} &= 83.4 A^{.60} S^{.44} S_i^{-.72} \\ &= 83.4 (1.2)^{.60} (100)^{.44} (2.66)^{-.72} \\ &= 83.4 (1.12) (7.58) (.4944) \\ &= \underline{350 \text{ cfs}} \end{aligned}$$

$$\begin{aligned} Q_{50} &= 106 A^{.63} S^{.45} S_i^{-.69} \\ &= 106 (1.2)^{.63} (100)^{.45} (2.66)^{-.69} \\ &= 106 (1.12) (7.94) (.5091) \\ &= \underline{480 \text{ cfs}} \end{aligned}$$

Spillway Flow

$$\begin{aligned} Q &= C L H^{3/2} & C &= 2.6 \\ &= (2.6)(40)(3)^{1.5} & L &= 40 \\ &= \underline{540 \text{ cfs}} & H &= 3 \end{aligned}$$

Section 74:02:08:09

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

NRCS Annual Yield

$$DA = 772, CN = 80 ISU = 2$$

$$\begin{aligned} 80\% \text{ chance} &= 0.25 \\ 0.25 \times 772/12 &= \underline{16 \text{ Ac-Ft.}} \end{aligned}$$

$$\begin{aligned} 50\% \text{ chance} &= 0.64 \\ 0.64 \times 772/12 &= \underline{42 \text{ Ac-Ft.}} \end{aligned}$$

$$\begin{aligned} 10\% \text{ chance} &= 2.5 \\ 2.5 \times 772/12 &= \underline{160 \text{ Ac-Ft.}} \end{aligned}$$



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

August 13, 2001

Daniel A. Brooks
841 Michigan Ave SW
Huron, SD 57350-9921

Dear Mr. Brooks:

We have reviewed the plans and specifications for your dam in Dewey County. Water Permit Application No. 1748-1 has been filed for a dam located in the NE 1/4 NW 1/4 of Section 30 T17N-R22E. The plans and specifications as submitted are 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 dams.

The Brooks Dam will be classified as a small size Category 3, Low Hazard dam with a dam height of 23 feet and a normal storage capacity of 43.7 acre-feet and a maximum storage capacity of 63 acre-feet.

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

Sincerely,

Gale N. Selken, P.E.
Natural Resources Engineer Director
for Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

c: Tom Ver Helst, NRCS, Belle Fourche

REPORT ON
WATER PERMIT APPLICATION NO. 1748-1
Daniel A. Brooks
August 2, 2001

Water Permit Application No. 1748-1 has been filed by Daniel A. Brooks to impound 43.7 acre-feet of water from runoff in an existing dam located in the NE 1/4 NW 1/4 of Section 30-T117N-R22E, in Dewey County. The application also requests impoundment of sufficient water to maintain water at the outlet elevation. The water will be used for fish and wildlife production and recreational use.

Discussion:

The dam will be classified as a small size, Category 3, Low Hazard dam. The Natural Resources Conservation Service (NRCS) has designed the dam. The plans and specifications have been reviewed and will be approved.

The Brooks Dam will be 23 feet high with a normal storage capacity of 43.7 acre-feet with a reservoir level at the primary spillway elevation, and a maximum storage capacity of 63 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 has a drainage area of 772 acres or 1.2 square miles. A 25-year frequency event for this drainage area produces a peak runoff of approximately 350 cfs. A 50-year frequency event produces a peak of approximately 480 cfs. The dam was designed to have a 24 inch diameter PVC pipe with 6.5 feet of available freeboard as the primary spillway, and a 40 foot wide earthcut spillway with 3.0 feet of available freeboard as the secondary spillway. However, the dam was constructed with only the 40 foot wide earthcut spillway, which has a capacity of approximately 540 cfs.

The annual yield for this drainage area with an 80 percent chance of occurrence, or 8 out of 10 years, is expected to be 16 acre-feet. The annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 42 acre-feet and the annual yield with a 10 percent chance, or 1 out of 10 years, is expected to be 160 acre-feet.

The Brooks Dam is located in the NE 1/4 NW 1/4 of Section 30-T117N-R22E on an unnamed tributary to Firesteel Creek about six miles upstream of its confluence with Firesteel Creek. The Department of Game, Fish & Parks holds Vested Right Claim No. 486-1 for 660 acre-feet in Isabel Lake Dam, which is located about 2 miles downstream of Water Permit Application No. 1748-1. There are also two Location Notices, Nos. 1288-1 & 1390-1, on file for dams located about one mile downstream of the Brooks Dam. Both Isabel Lake Dam and the Location Notice dams have additional drainage area other than the drainage area above the Brooks Dam. Approval of Water Permit Application No. 1748-1, should not have any adverse effect on the downstream dams considering their additional drainage area.

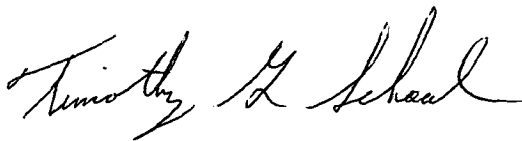
Page 2

Application No. 1748-1

Daniel A. Brooks

Conclusions:

1. Water Permit Application No. 1748-1 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. 1748-1.



Timothy G. Schaal, P.E.

Natural Resources Engineer Specialist

Approved by:



Gale N. Selken, P.E.

Natural Resources Engineer Director



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1748-1, Daniel A. Brooks**

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. 1748-1, Daniel A. Brooks, 841 Michigan Ave. SW, Huron SD 57350-9921.

The Chief Engineer is recommending APPROVAL of Application No. 1748-1 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. 1748-1 authorizes a storage capacity of 43.7 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.

Garland Erbele, Chief Engineer
August 13, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

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

August 14, 2001

Daniel A. Brooks
841 Michigan Ave SW
Huron, SD 57350-2247

Dear Mr. Brooks:

Water Permit Application No. 1748-1 for recreational use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Isabel Dakotan printed at Isabel, SD (Ph # 605-466-2258). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 also 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 57501-3182
www.state.sd.us/denr

August 14, 2001

Isabel Dakotan
Box 207
Isabel, SD 57633-0207

ATTENTION: Legal Public Notice

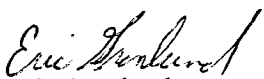
Enclosed is a Notice of Hearing on Application No. 1748-1 to Appropriate Water to be published twice. Please publish the first notice on August 23, 2001 with the second publication 7 days later.

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 Daniel A. Brooks, 841 Michigan Ave. SW, Huron, SD 57350-2247 (Ph # 605-353-9921).

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. 1748-1

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

Date _____

We are in receipt of your letter of August 14, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 1748-1 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 August 23, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1748-1 to Appropriate Water

Notice is given that Daniel A. Brooks, 841 Michigan Ave SW, Huron SD 57350-9921 has filed an application for a water permit to impound 43.7 acre-feet of water from runoff by constructing a dam located in the NE ¼ NW ¼ Section 30 with water impounded in the NE ¼ NW ¼ Section 30; all in T17N-R22E. This application requests impoundment of sufficient water to maintain water at the outlet elevation. The water will be used to provide habitat for fish & wildlife propagation and recreational use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1748-1 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 September 10, 2001.

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Dewey) SSI, Barbara Begeman

certify that the attached printed Notice was taken

from the Isabel Dakotanprinted and published in DeweyCounty of Deuel - Isabel and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

August 23, 2001August 30, 2001

Cost of Printing

19.10 x 2 = \$38.19Barbara Begeman
(Signature)Editor of Isabel Dakotan
(Title)8-30-01
(Date Signed)Bonnie M. Boyser
7-21-2002

NOTICE OF AUDIT OF THE FISCAL AFFAIRS OF ISABEL SCHOOL DISTRICT NO. 20-2

Notice is hereby given that the records and books of account of Isabel School District No. 20-2 of Dewey County, South Dakota have been audited by Ronald L. Schur, Certified Public Accountant as of June 30, 2000 and for the two years then ended and that a detailed report thereon is file with the governing board, the Business Manager, and the Department of Legislative Audit, 427 South Chapelle, Pierre, South Dakota, for public inspection.

The following is hereby published in compliance with the provisions of SDCL 4-11-7.2:

STATUS OF PRIOR AUDIT RECOMMENDATIONS

As of the end of this period, the prior audit recommendations that proper subsidiary records of all fixed assets be maintained and a general ledger be established and maintained for general fixed assets; a record of general fixed asset additions and deletions be maintained; and, financial reports be prepared completely and accurately in accordance with generally accepted accounting principles were not deemed to be satisfactorily implemented.

Ronald L. Schur
Certified Public Accountant

Published in the Isabel Dakotan Aug. 23, & Aug. 30, 2001

NOTICE OF REQUEST TO TRANSFER OFF-SALE LIQUOR LICENSE

NOTICE IS HEREBY GIVEN that Harley and Carol Morgan have made application for a transfer of Off-sale Liquor License from Jo Lynn Schrempf doing business as Diamond A Cattle Company of Eagle Butte, SD. Harley and Carol Morgan will operate the business known as Diamond A Cattle Company in the present location, Lot L 11 in NE1/4 of 18-12-24. Jo Lynn Schrempf has completed an Affidavit of Bulk Sale as required by SDCL 35-2-7. Said license, if transferred will be held in the names of Harley and Carol Morgan doing business as Diamond A Cattle Company.

NOTICE IS FURTHER GIVEN that said application will be considered for transfer by the Board of Dewey County Commissioners on September 4th, 2001 at 11:45 a.m. in the Dewey County Courthouse at Timber Lake, South Dakota. At this time and place, all persons interested in either the granting or rejecting of said transfer may appear and be heard.

Dated this 15th day of August, 2001

Adele R. Enright
Dewey County Auditor

Published in the Isabel Dakotan 8-23-1

Isabel Dakotan - Total Coverage

NOTICE OF APPLICATION NO. 1748-1 to Appropriate Water

Notice is given that Daniel A. Brooks, 841 Michigan Ave. SE, Huron, SD 57350-9921 has filed an application for a water permit to impound 43.7 acre-feet of water from runoff by constructing a dam located in the NE 1/4 NW 1/4 Section 30 with water impounded in the NE 1/4 NW 1/4 Section 30; all in T17N-R22E. This application requests impoundment of sufficient water to maintain water at the outlet elevation. The water will be used to provide habitat for fish & wildlife propagation and recreational use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1748-1 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 September 10, 2001.

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published in the Isabel Dakotan August 23 and August 30, 2001.

Attention: Users of Fen-Phen or Redux





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

NOV 07 2001

Daniel A. Brooks
841 Michigan Ave SW
Huron, SD 57350

Dear Mr. Brooks:

Enclosed is Water Permit No. 1748-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

Permit No. 1748-1
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, November 17, 2003, made a thorough examination of the water use system constructed by Daniel A. Brooks of 841 Michigan Ave. SW, Huron, SD 57350-9921 holder of Permit No. 1748-1, bearing the priority of April 2, 2001 authorizing the storage of 43.7 acre-feet of the waters of runoff for fish & wildlife propagation and recreational use purposes, in Dewey County.

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

A. Works used to divert the water:

A 23 foot high earthen dam with a normal storage capacity of 43.7 acre-feet

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

N/A

C. Works used to apply water to beneficial use:

A 23 foot high earthen dam with a normal storage capacity of 43.7 acre-feet

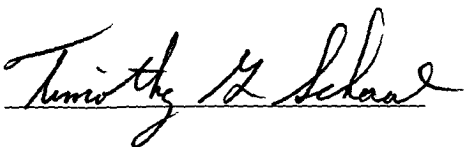
The system is in the following condition good. The point of diversion is located 200 ft. south & 2000 ft. east of the NW corner of Sec. 30-T17N-R22E (NE ¼ NW ¼). The works are capable of storing 43.7 acre-feet of water which is to be used for fish & wildlife propagation and recreational use. Water has been put to beneficial use to the maximum extent as follows:

A 23 foot high earthen dam with a normal storage capacity of 43.7 acre-feet

and the license should be issued for 43.7 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: January 16, 2004



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

REPORT ON INSPECTION OF PERMIT NO. 1748-1

DATE OF INSPECTION: 1748-1

NAME & ADDRESS OF INSPECTION CONTACT/ Daniel A. Brooks

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Daniel A. Brooks, 841 Michigan Ave SW, Huron SD 57350

DIVERSION POINT LEGAL LOCATION: 200 ft. south & 2000 ft. east of the NW corner of Sec. 30-T17N-R22E (NE ¼ NW ¼).

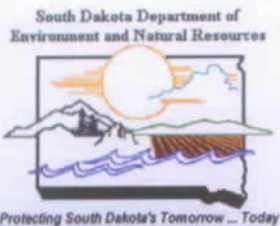
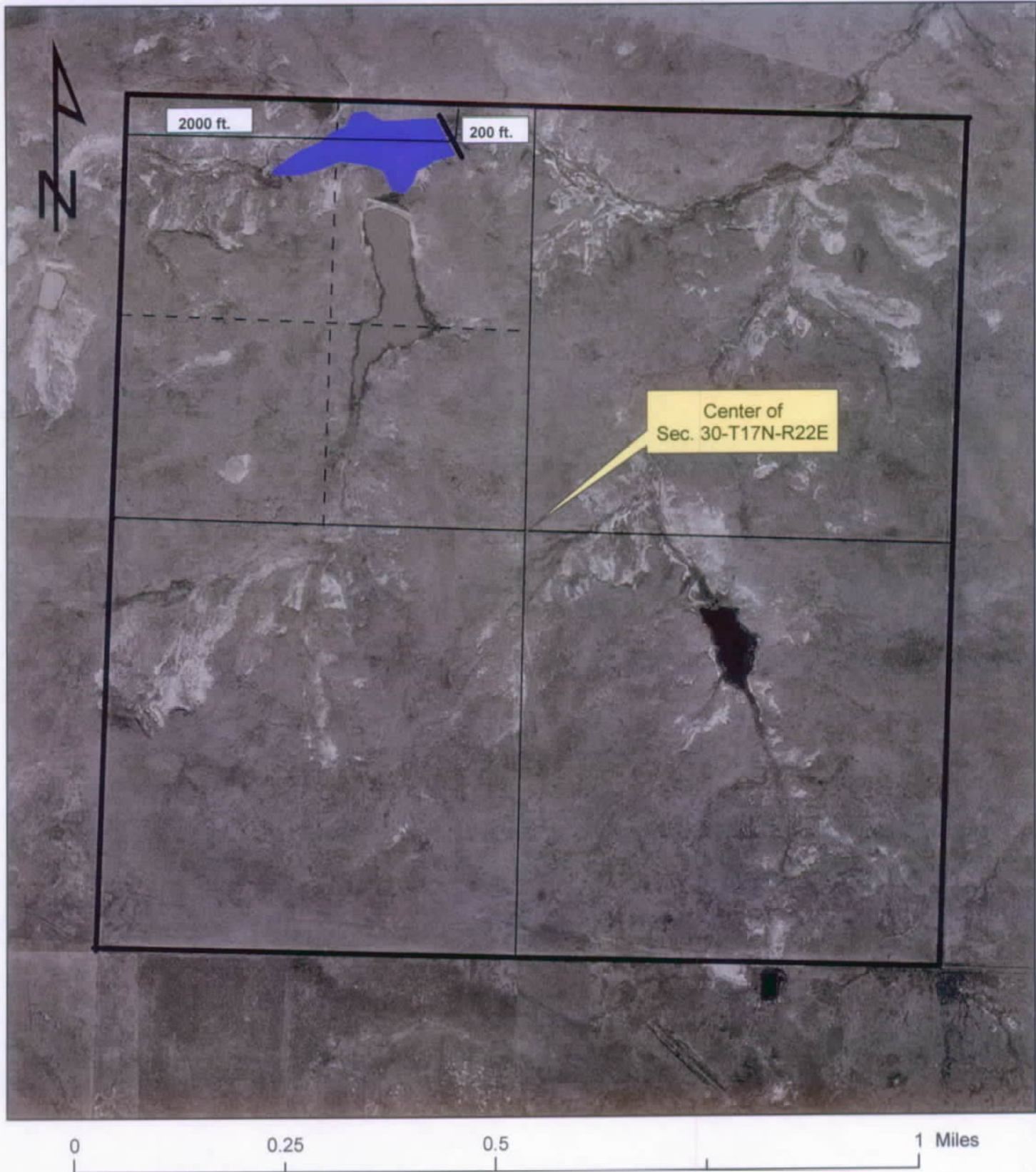
DAM INFORMATION:

- 1) Height to crest 23 feet
- 2) Height to primary spillway 20 feet
- 3) Height to secondary spillway N/A feet
- 4) Crest width 18 feet
- 5) Crest length 321 feet
- 6) Spillway length XXX feet
- 7) Spillway width 40 feet
- 8) Approx. storage (Normal) 43.7 acre-feet
- 9) Approx. storage (Maximum) 63 acre-feet
- 10) Date constructed: Fall 2001

PERMIT QUALIFICATIONS AND REGULATIONS:

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

Water Permit Application No. 1748-1



Timothy G. Schaal
Timothy G. Schaal, P.E. 1/16/04
Natural Resources Engineer Specialist
Water Rights Program

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1748-1

(1) Daniel A Brooks, 841 Michigan Ave SW, Huron SD 57350-9921 made Application No. 1748-1, April 2, 2001 for a water permit to impound 43.7 acre feet of water from runoff, Dewey County, South Dakota for fish and wildlife propagation and recreational use purposes. Permit No. 1748-1, with a priority date of April 2, 2001 was approved September 10, 2001 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 10, 2006 and for the application to beneficial use of water on or before September 10, 2010.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 1748-1 is issued a license, bearing a priority date of April 2, 2001, to impound 43.7 acre feet of water.

The location of the storage dam (spillway) is 200 feet south and 2,000 feet east of the northwest corner of Section 30-T17N-R22E (NE ¼ NW ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1748-1, including the following now applicable qualifications:

- Water Permit No. 1748-1 authorizes a storage capacity of 43.7 acre-feet of water and sufficient water annually to maintain the water level to the outlet elevation.
- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

Garland Erbele

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

FEB 03 2004

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

FEB 03 2004

1748-1

Daniel A Brooks
841 Michigan Ave SW
Huron SD 57350-9921

Dear Mr. Brooks:

Enclosed is Water License No. 1748-1. This is the final water right document completing your 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

enclosures