

WATER PERMIT NO. 1757-1

Name of Applicant: Gary Ham

Address: HC 69 Box 47, Parks NE 69041

Phone: 308 423-2739

Amount of Water Claimed: 280 acre-feet

Total Acres: NA

Source of Water Supply: runoff

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

County: Butte

Type of Waste Disposal System:

Location: 15 miles southeast of Newell

PRIORITY Date Received: 9-28-2001

Fee: \$250

Corrected Application Received:: 10-9-2001

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NE ¼ NW ¼ Sec 17-T8N-R9E

Water Impounded: NE ¼ NW ¼ Sec 17 and
SE ¼ SW ¼ Sec 8; all in T8N-R9E

Depth of Well: NA

Well Driller: : NA

Remarks:

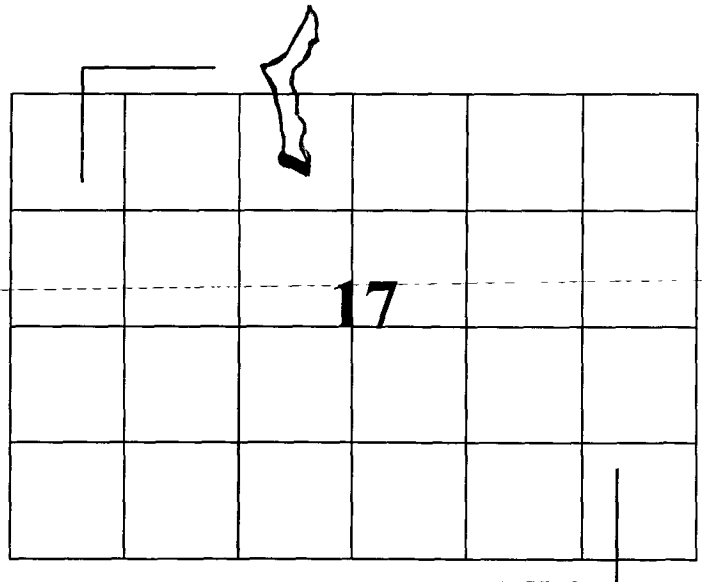
Type of Map: topo

Prepared by: Tom Verhelst, NRCS

Reviewed and the Number Assigned on: 10-10-2001

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 1757-1**

Date of first receipt of application September 28, 2001.

Date of return to applicant for corrections, amendments or changes October 1, 2001.

Date of receipt of corrected application October 9, 2001.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1757-1 to Gary Ham,
HC 69 Box 47, Parks NE 69041 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. 1757-1 authorizes impoundment of 280 acre-feet of water from runoff by constructing a dam located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17 with water impounded in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8; all in T8N-R9E. This permit authorizes impoundment of sufficient water to maintain water to the outlet elevation.
2. The water appropriated shall be used for the purpose of 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. 1757-1 is December 17, 2001.
5. The date from which applicant may claim right is September 28, 2001.
6. One-fifth of the construction is to be completed on or before June 17, 2004.
7. All construction is to be completed on or before December 17, 2006.
8. Water is to be put to beneficial use on or before December 17, 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. 1757-1 authorizes a dam with a storage capacity of 280 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

JAN 15 2002

date



FORM 2: Application for uses other than irrigation

(type or print)

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

No. 1757-1 Hydrologic Unit 10120202
Basin Belle Fourche River
Newspaper Butte C. Valley Irrigator, Newell
(office use only)



Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water:

☐ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☐ Commercial ☒ Fish & Wildlife ☐ Geothermal Heat
☐ Domestic ☐ Industrial ☒ Other Livestock
(over 18 gpm)

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

1. Name of Applicant Gary Ham Phone 308-423-2939
(check one) ☒ Owner ☐ Tenant/lessee

Mailing Address HC 69 Box 47 Parks State NE 69041
(Street, RR, or Box) (City) (Zip Code)

2. Amount of water claimed _____ *CFS or _____ **GPM 280 ***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 Runoff

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
NE 1/4, NW 1/4 Section 17, T8N-R9E Water Impounded: NE 1/4 NW 1/4 Sec 17
SE 1/4 SW 1/4 Sec 8; all T8N-R9E County Butte

5. County or counties where water will be used Butte

6. Annual period during which water is to be used Jan - 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)

Planned earthen dam with natural spillway for livestock and wildlife use.

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)

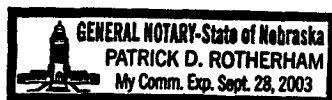
STATE OF SOUTH DAKOTA

County of DUNDY ^{SS}

I, Gary Ham, 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 * Gary Ham

Subscribed and sworn to before me this 26th day of September 2001



Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

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

2. Wastewater Disposal System Information

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

3. Dugout Information

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

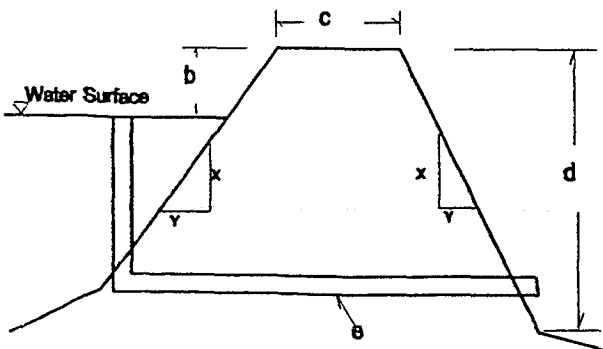
4. Water Storage Dams

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:

NRCS
1837 5th Ave. South
Belle Fourche, SD 57717

- b) Freeboard 3'
- c) Crest Width 12'
Crest Length 437'
- d) Height 26'
- e) Primary Outlet Capacity N/A
If pipe, diameter _____
- f) Secondary Spillway Capacity 333 cfs
Spillway Width 80'
- g) X & Y Slope
Upstream 3:1
Downstream 3:1
- h) Surface Area of Impoundment 30.4
- i) Storage 280 Acre Feet
- j) Drainage Area Above Dam 778 Acres



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

416929

Pierre, October 9, 2001

RECEIVED OF Gary Ham, HC 69 Box 47, Parks, NE 69041
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 1757-1 to Appropriate Water, to construct
and to put water to beneficial use _____

250 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. 1757-1 _____

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

300 00

By

David E. Erbe

Chief Engineer

gsm

CONSTRUCTION SPECIFICATIONS

for



POND #2

GARY HAM

BUTTE CO.

Prepared by:

USDA-NATURAL RESOURCES CONSERVATION SERVICE

Assisting:

BUTTE Conservation District

CONSTRUCTION SPECIFICATION

SD-28 SEEDING

28.1 SCOPE

The work shall consist of furnishing all labor, equipment, and materials for seeding a permanent grass mixture on the areas shown on the drawings.

28.2 GENERAL

The seeding and related operations shall be performed at such times as designated below.

Dates: As soon as construction is completed.

28.3 FERTILIZER

The fertilizer, where required, shall be a regular commercial fertilizer (including liquid form) meeting the requirements of the applicable state laws, and shall be in such physical condition to insure uniform application over the area to be fertilized. Rates of application per acre shall be as specified below. Organic fertilizers may be used when specifically authorized.

Types and Rates: NA

28.4 SEED

The required seed species, variety, or seed source, and the required rate of seeding are designated below. Documentation will be provided showing that the seed meets the current state seed laws for sale of seed. The seed must be planted within one year of the date of its latest germination test.

Intermediate Wheatgrass - 10 # PLS

Western Wheatgrass - 12.5 # PLS

28.5 PREPARATION OF SEEDBED

The entire area to be seeded shall be reasonably smooth and firm and all washes and gullies shall be filled to conform to the desired cross section before actual seedbed preparation is begun. At this stage of the operation, the fertilizer, if required, shall be applied uniformly and incorporated into the top 3 inches of the soil with suitable tillage equipment. The Contractor shall suspend operations when the soil is too wet or too dry.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 1, 2001

Gary Ham
HC 69, Box 47
Parks NE 69041

Dear Mr. Ham:

Thank you for submitting the *Application for a Permit to Appropriate Water* for a 280 acre-feet storage dam located in Butte County.

The application/license filing fee will be \$300.00. The filing fee for the two Location Notices will be \$10.00 each (total \$320.00).

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352



Water Permit Application No. 1757-1

Gary Ham

Top of Dam Elev. - 100
 Spillway Elev. - 97
 Dis. Toe Elev. - 74

Cat. 3 - Low Hazard Dam

Ht. = 26 ft.

Normal Storage Capacity - 280 Ac-Ft
 Max Storage Capacity - 400 Ac-Ft

Max Capacity x Ht. = 400 x 26 = 10,400 + 3000 ∴ 50 year
Minimum Spillway Design

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

DA = 778 Ac = 1.22 mi²

Slope = 40 ft/mi

Si = 1.90

$$Q_{50} = 106 A^{.63} S^{.45} Si^{.69}$$

$$= 106 (1.22)^{.63} (40)^{.45} (1.90)^{.69}$$

$$= 106 (1.134) (5.26) (.6422)$$

$$= \underline{406 \text{ cfs}}$$

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

$$= 132 (1.22)^{.65} (40)^{.46} (1.90)^{.67}$$

$$= 132 (1.138) (5.26) (.6505)$$

$$= \underline{514 \text{ cfs}}$$

Spillway Flow

$$Q = CLH^{3/2}$$

$$C = 2.6$$

$$L = 80$$

$$H = 3$$

$$= (2.6)(80)(3)^{1.5}$$

$$= \underline{1080 \text{ cfs}}$$

Section 74:02:08:09

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

NRCS Annual Yield

DA = 778 CN = 80 ISO = 1 1/2

80% chance = 0.18

$$0.18 \times 778^{1/2} = \underline{12 \text{ Ac-Ft}}$$

50% chance = 0.45

$$0.45 \times 778^{1/2} = \underline{30 \text{ Ac-Ft}}$$

10% chance = 2.0

$$2.0 \times 778^{1/2} = \underline{130 \text{ Ac-Ft}}$$

EFM-2 ESTIMATING RUNOFF AND PEAK DISCHARGE
Curve Number Computation

VERSION 1.10

Client : GARY HAM
County : BUTTE
Practice: DAM

By: TVH
State: SD Checked: _____

Date: _____
Date: _____

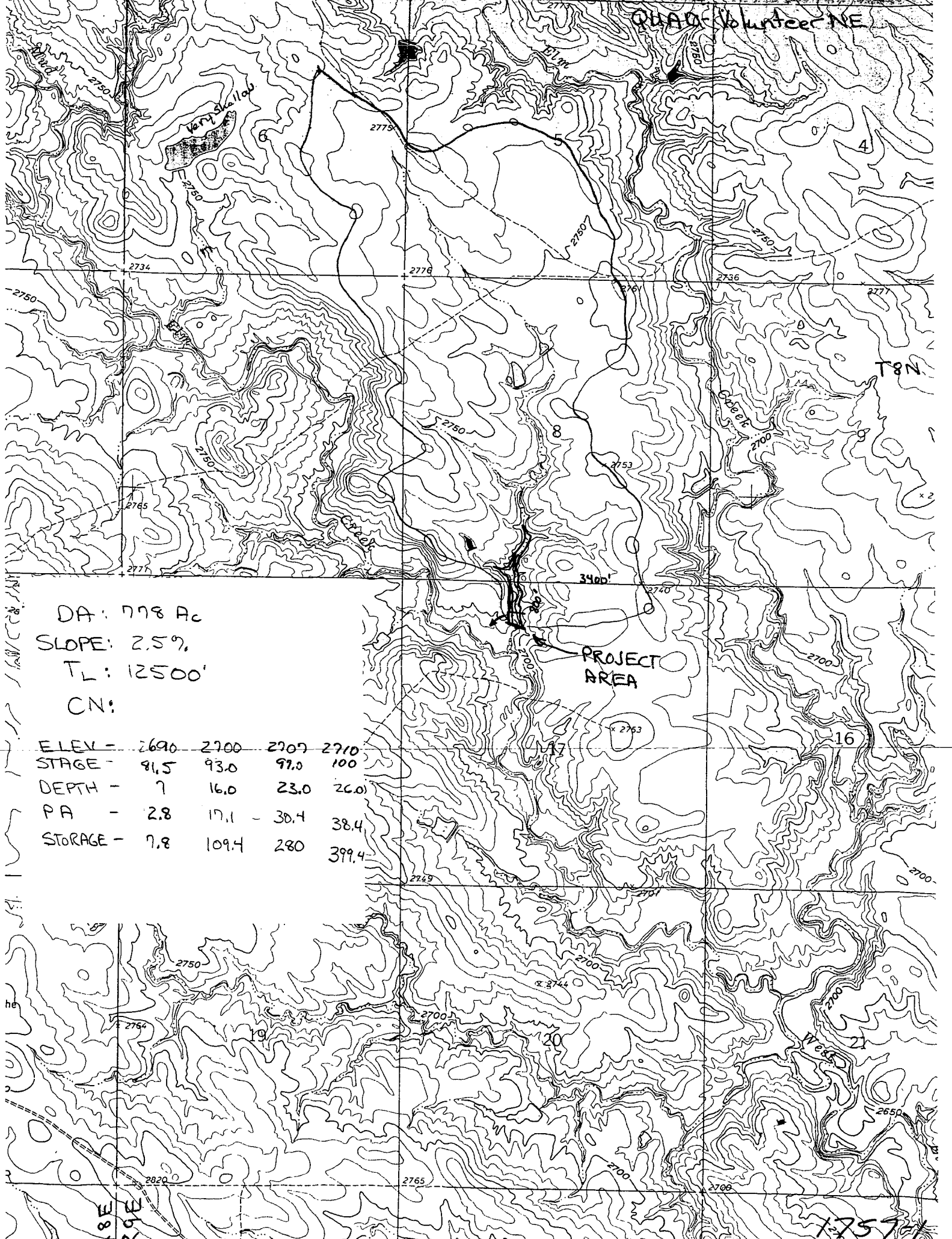
COVER DESCRIPTION	A	Hydrologic Soil Group			D
		B	C	Acres (CN)	
OTHER AGRICULTURAL LANDS					
Pasture, grassland or range	good	-	-	-	778(80)

Total Area (by Hydrologic Soil Group) 778
=====

TOTAL DRAINAGE AREA: 778 Acres

WEIGHTED CURVE NUMBER: 80

QUAD Volunteer NE



DA: 778 Ac
SLOPE: 2.5%,
TL: 12500'
CN:

ELEV -	2690	2700	2707	2710
STAGE -	91.5	93.0	97.0	100
DEPTH -	7	16.0	23.0	26.0
PA -	2.8	17.1	30.4	38.4
STORAGE -	7.8	109.4	280	399.4

R9E

1257

Client : GARY HAM
 County : BUTTE
 Practice: DAM

State: SD

By: TVH
 Checked: _____Date: _____
 Date: _____

Drainage Area : 778 * Acres
 Curve Number : 80 *
 Watershed Length : 12500 Feet
 Watershed Slope : 2.5 Percent
 Time of Concentration: 2.53 Hours
 Rainfall Type : II

Storm Number	1	2	3	4	5	6	7
Frequency (yrs)	1	2	5	10	25	50	100
24-Hr Rainfall (in)	1.5	1.6	2.2	2.5	3.1	3.4	3.8
Ia/P Ratio	0.33	0.31	0.23	0.20	0.16	0.15	0.13
Runoff (in)	0.29	0.34	0.69	0.89	1.33	1.56	1.88
Unit Peak Discharge (cfs/acre/in)	0.231	0.240	0.264	0.271	0.281	0.284	0.288
Peak Discharge (cfs)	51	63	141	187	290	345	421

* - Value(s) provided by CN subroutine (F9)

Emergency Spillway - Natural 80' Wide

$$q = 4.0 \text{ cfs/ft}$$

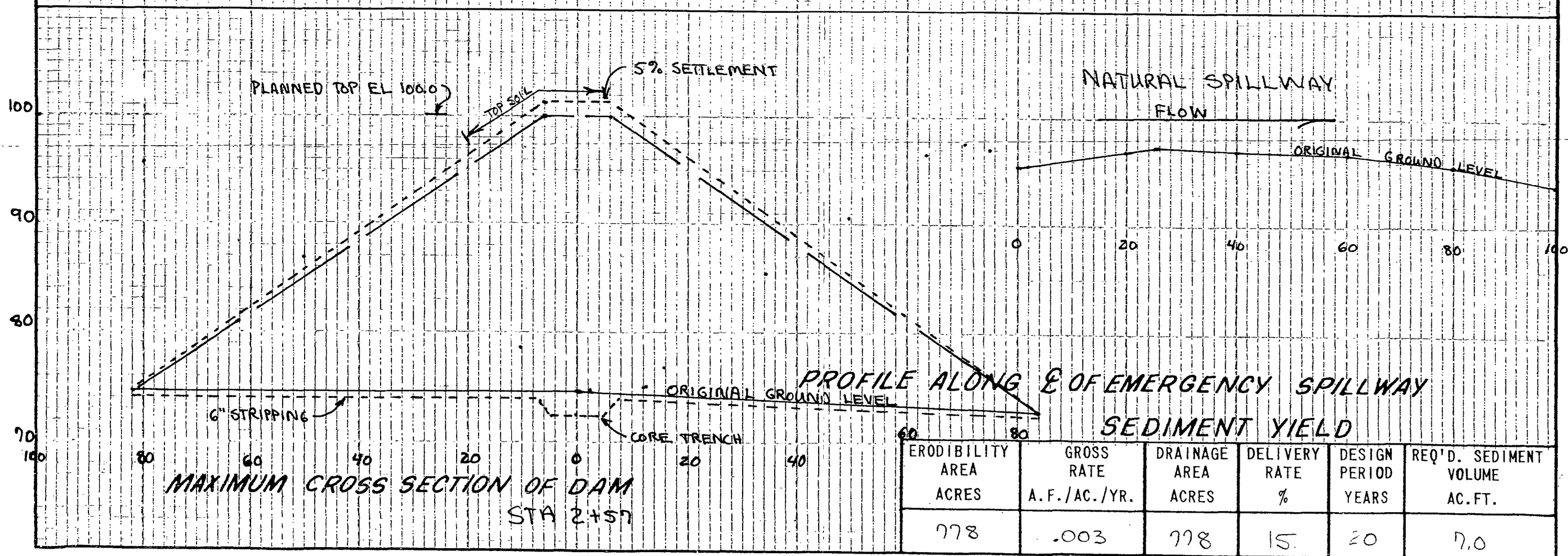
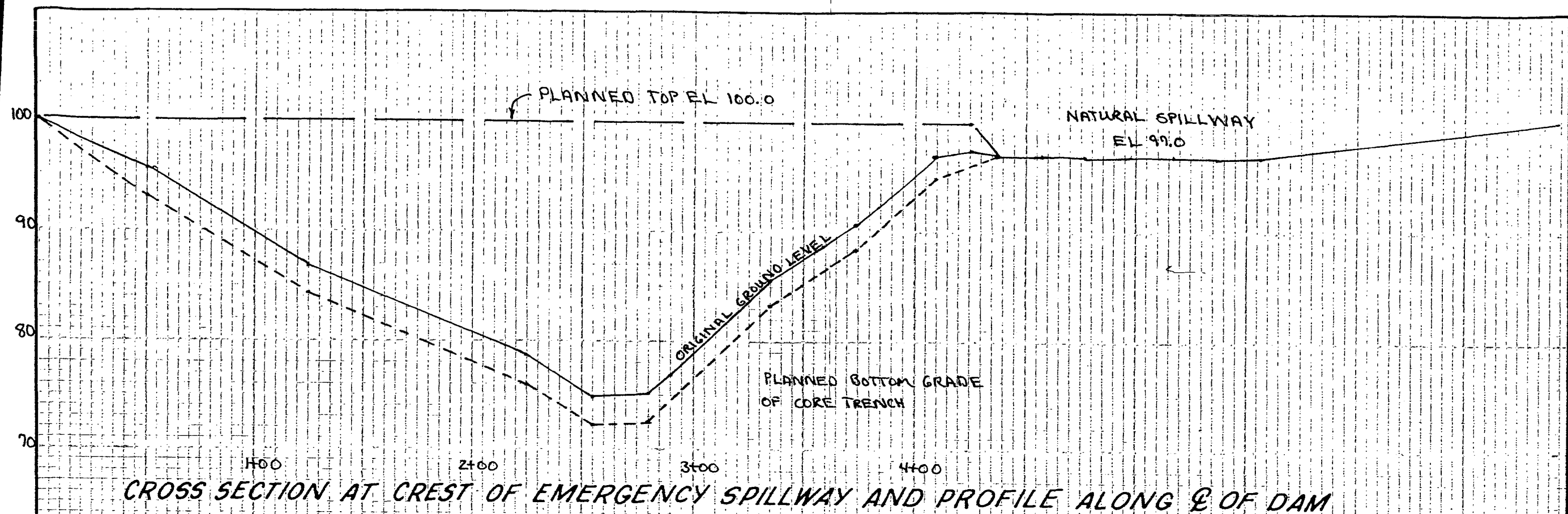
$$W = 80 + 4(.8)$$

$$H_p = 1.4'$$

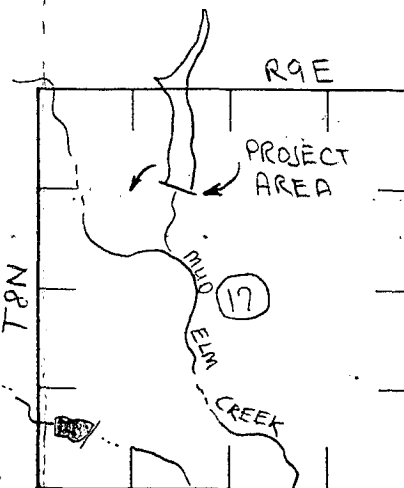
$$W = 83.2$$

$$d_c = .8'$$

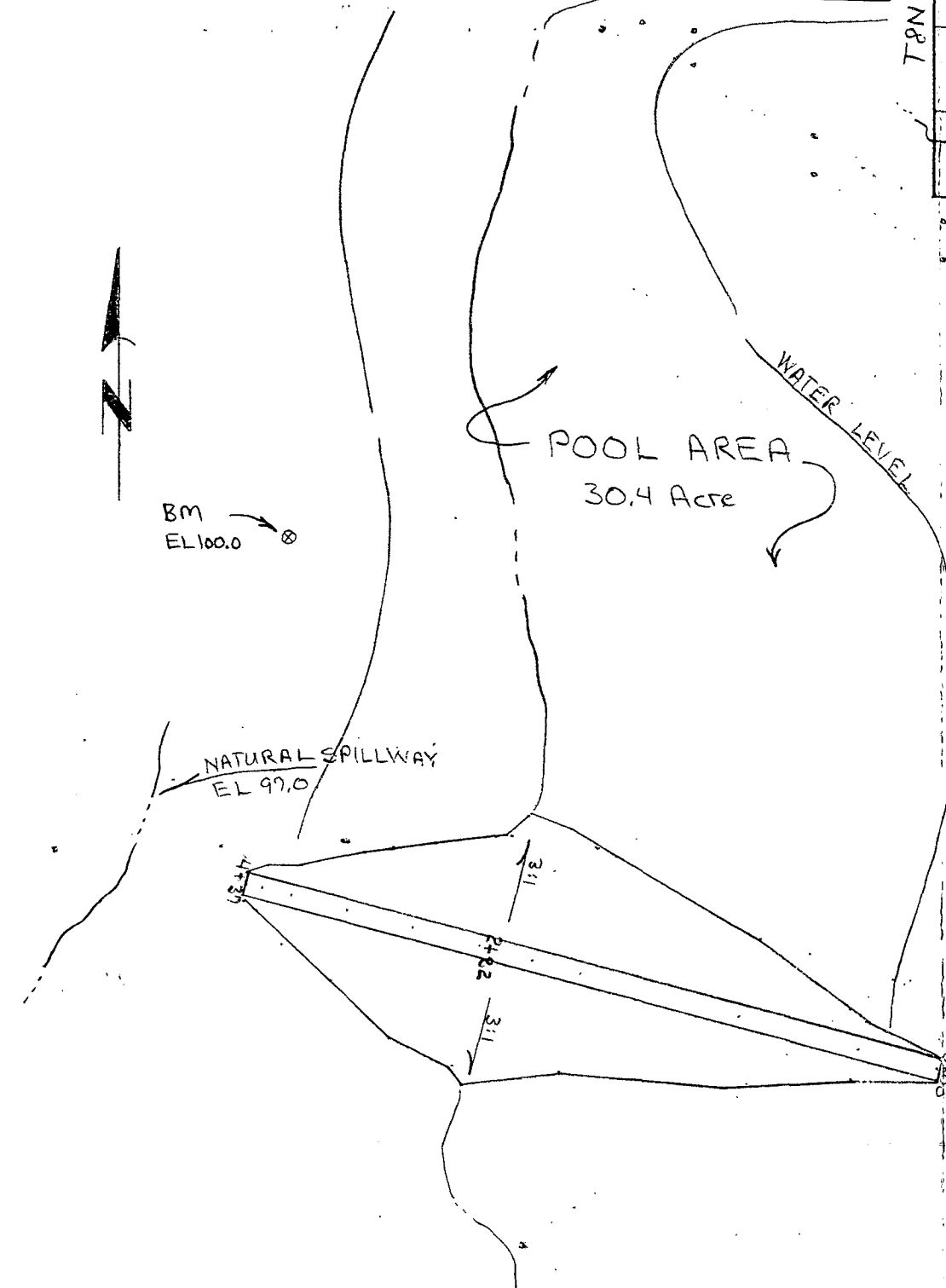
$$Q = 83.2 \times 4 = 333 \text{ cfs}$$



DRAINAGE AREA	ANNUAL YIELD	PEAK RUNOFF	EMERG. SPLWY. CAPACITY	WATER DEPTH	SURFACE AREA	SEDIMENT STORAGE	TOTAL STORAGE
ACRES	AC. FT.	25-YR.	C. F. S.	FEET	ACRES	AC. FT.	AC. FT.
978	29.8	290	333	23	30.4	7.0	280

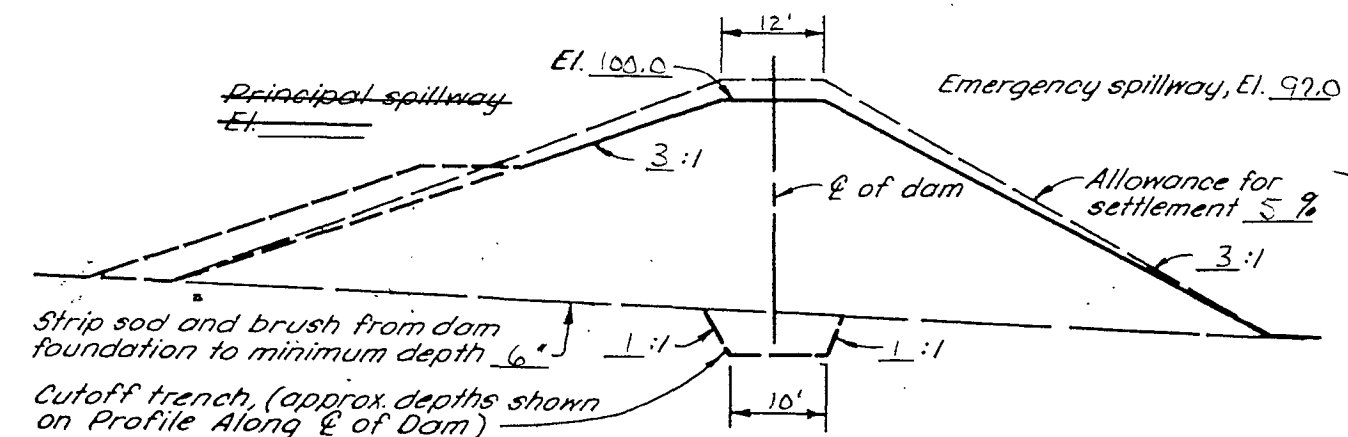


Sec. 17 T. 8N R. 9E
Butte County

[illegible]

Approximate scale 1" = 100'

REFERENCE: GUIDE PLAN NO. 1.0



TYPICAL CROSS SECTION OF DAM

EARTH DAM

SD-4 STRIPPING
SD-7S EARTH FILL-CLASS S
SD-10 SALVAGING & SPREADING TOPSOIL
SD-28 SEEDING

OPERATOR: GARY HAM
CONSERVATION DISTRICT: BUTTE

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed	T. Ver Helst	Date	8/01	Approved by	Thomas D. V. Helst
Drawn	T. Ver Helst		8/01	Title	Ag Engineer
Traced				Title	
Checked				Sheet	Drawing No.
				No	

JOB PLAN NO. 1.0

(Rev. 4-73) 5, N-29, 073.1a(1,
1757-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 16, 2001

Gary Ham
HC 69 Box 47
Parks, NE 69041

Dear Mr. Ham:

We have reviewed the plans and specifications for the design of your dam project located in the NE 1/4 NW 1/4 of Section 17-T8N-R9E, in Butte County. The plans and specifications as submitted are approved. Approval of the plans and specifications does not authorize construction of the dam. The construction of the dam may not begin until Water Permit No. 1757-1 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 dams.

The Ham Dam will be classified as a small size Category 3, Low Hazard dam with a dam height of 26 feet and a normal storage capacity of 280 acre-feet and a maximum storage capacity of 400 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. 1757-1
Gary Ham
November 7, 2001

Water Permit Application No. 1757-1 has been filed by Gary Ham to impound 280 acre-feet of water from runoff by constructing a dam located in the NE 1/4 NW 1/4 of Section 17-T8N-R9E, in Butte 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 livestock watering.

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 Ham Dam will be 26 feet high with a normal storage capacity of 280 acre-feet with a reservoir level at the primary spillway elevation, and a maximum storage capacity of 400 acre-feet with a reservoir level at the top of dam elevation. A dam of this size and hazard classification is required to have a minimum spillway design capable of passing a 50-year frequency event.

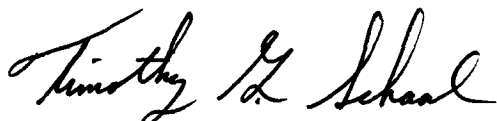
The dam has a drainage area of 778 acres or 1.22 square miles. A 50-year frequency event for this drainage area produces a peak runoff of approximately 400 cfs. A 100-year frequency event produces a peak of approximately 500 cfs. The dam is designed to have an 80 foot wide natural earth spillway with 3.0 feet of available freeboard and a capacity of approximately 1080 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 12 acre-feet. The annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 30 acre-feet and the annual yield with a 10 percent chance, or 1 out of 10 years, is expected to be 130 acre-feet.

The Ham Dam is located in the NE 1/4 NW 1/4 of Section 17-T8N-R9E on an unnamed tributary to Mud Elm Creek, about five hundred feet upstream of its confluence with Mud Elm Creek; and about two miles upstream of the confluence of Mud Elm Creek and West Elm Creek. There are no existing Water Permits/Rights located on the unnamed tributary or Mud Elm Creek between the proposed dam and West Elm Creek.

Conclusions:

1. Water Permit Application No. 1757-1 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. 1757-1.



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. 1757-1, Gary Ham**

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. 1757-1, Gary Ham, HC 69, Box 47, Parks NE 69041.

The Chief Engineer is recommending APPROVAL of Application No. 1757-1 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. 1757-1 authorizes a dam with a storage capacity of 280 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
November 14, 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.

November 16, 2001

Gary Ham
HC 69 Box 47
Parks, NE 69041

Dear Mr. Ham:

Water Permit Application No. 1757-1 for fish and wildlife propagation and livestock water 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 Butte Co. Valley Irrigator printed at Newell, SD (Ph # 605-456-2585). 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

November 16, 2001

Butte Co. Valley Irrigator
Box 167
Newell, SD 57760-0167

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1757-1 to Appropriate Water to be published twice. Please publish the first notice on November 29, 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 Gary Ham, HC 69 Box 47, Parks, NE 69041 (Ph # 308-423-2739).

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. 1757-1

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

Date _____

We are in receipt of your letter of November 16, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 1757-1 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 November 29, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1757-1 to Appropriate Water

Notice is given that Gary Ham, HC 69 Box 47, Parks NE 69041 has filed an application for a water permit to impound 280 acre-feet of water from runoff by constructing a dam located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17 with water impounded in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8; all in T8N-R9E. This application request impoundment of sufficient water to maintain water to the outlet elevation. The water is for fish and wildlife propagation and livestock water purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1757-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by December 17, 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.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF Butte

Mureen G. Moss, Being duly sworn, says: That the Butte is and, during all the times hereinafter mentioned, was a legal news SDDCL 17-2-2, as amended, published at Newell. Butte South Dakota, by Country Media, Inc.; that affiant is and, during all employed as an accountant by the publisher of such newspaper and knowledge of the facts stated in the affidavit; that the notice, order or printed copy of which is attached, was published in said newspaper issues, bearing the following dates:

<u>Nov. 29</u>	<u>2001</u>	<u>200</u>	<u>1</u>
<u>Dec. 6</u>	<u>2001</u>	<u>200</u>	<u>1</u>
	<u>200</u>	<u>200</u>	
	<u>200</u>	<u>200</u>	

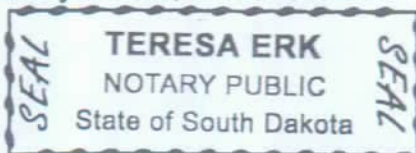
that the full amount of the fee charged for publishing the same, to-wit \$ 3767, insures solely to the benefit of the newspaper; that no agreement or understanding for the division of the made with any person, and that no part of the fee has been agreed to other person.

Mureen G. Moss
Ed

Subscribed and sworn to before me this

7th day of December, 2001
Teresa Erk

Notary Public, South Dakota



My Commission Expires 11-21-07

NOTICE OF APPLICATION

NO. 1757-1 to

Appropriate Water

Notice is given that Gary Ham, HC 69 Box 47, Parks NE 69041 has filed an application for a water permit to impound 280 acre-feet of water from runoff by constructing a dam located in the NE 1/4 NW 1/4 Section 17 with water impounded in the NE 1/4 NW 1/4 Section 17, SE 1/4 SW 1/4 Section 8; all in T8N-R9E. This application request impoundment of sufficient water to maintain water to the outlet elevation. The water is for fish and wildlife propagation and livestock water purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1757-1 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.

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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. Pirmer, Secretary, Department of Environment and Natural Resources.

Published Thur., Nov. 29, 2001

And Thur., Dec. 6, 2001

Butte County Valley Irrigator





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JAN 15 2002

Gary Ham
HC 69 Box 47
Parks, NE 69041

Dear Mr. Ham:

Enclosed is Water Permit No. 1757-1 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

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

Date 9-24-02

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

RECEIVED
SEP 30 2002
WATER RIGHTS
PROGRAM

FROM: GARY HAM
(name)
HC 69 Box 47
(address)
PARKS, NE. 69041
(city, state, zip)

308-423-2739
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

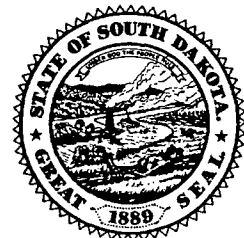
Water Permit No. 1757-1 states that the water use system is to be constructed by
2-4-02 (date), and water is to be put to beneficial use by 6-10-02 (date).

The water use system was completed on 2-4-02 (date).

Applying the water to beneficial use was completed on 6-10-02 (date).

You may schedule an investigation so that the water license may be issued.

Gary Ham
(signature)



Permit No. 1757-1
Belle Fourche 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, **October 26, 2005**, made a thorough examination of the water use system constructed by **Gary Ham** of **HC 69, Box 47, Parks, NE 69041** holder of Permit No. **1757-1**, bearing the priority of **September 28, 2001** authorizing the storage of **280** acre-feet of the waters of **runoff** for **fish & wildlife propagation and livestock water** purposes, in **Butte** County.

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

A. Works used to divert the water:

A 26 foot high dam with a normal storage capacity of 280 acre-feet

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

N/A

C. Works used to apply water to beneficial use:

A 26 foot high dam with a normal storage capacity of 280 acre-feet

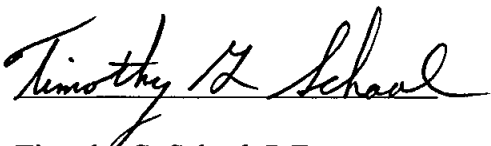
The system is in the following condition **good**. The point of diversion is located **800 ft. south & 1900 ft. east of the NW corner of Sec. 17-T8N-R9E (NE ¼ NW ¼) (Lat. 44.660327, Long. -103.057927)**. The works are capable of storing **280** acre-feet of water which is to be used for **fish & wildlife propagation and livestock water purposes**. Water has been put to beneficial use to the maximum extent as follows:

A 26 foot high dam with a normal storage capacity of 280 acre-feet

and the license should be issued **280** acre-feet of storage.

Applicable permit qualifications have been complied with: Yes **X**

Exceptions to compliance are: **none** Date Report Completed: **January 31, 2006**



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

REPORT ON INSPECTION OF PERMIT NO. 1757-1

DATE OF INSPECTION: October 26, 2005

NAME & ADDRESS OF INSPECTION CONTACT/ Mark Jensen, 15850 Hoover Road,
Newell, SD 57760 (605- 866-4609)

NAME & ADDRESS OF PERMIT HOLDER: Gary Ham, HC 69 Box 47, Parks, NE 69041

DIVERSION POINT LEGAL LOCATION: 800 ft. south & 1900 ft. east of the NW corner of Sec. 17-
T8N-R9E (NE ¼ NW ¼) (Lat. 44.660327, Long. -103.057927).

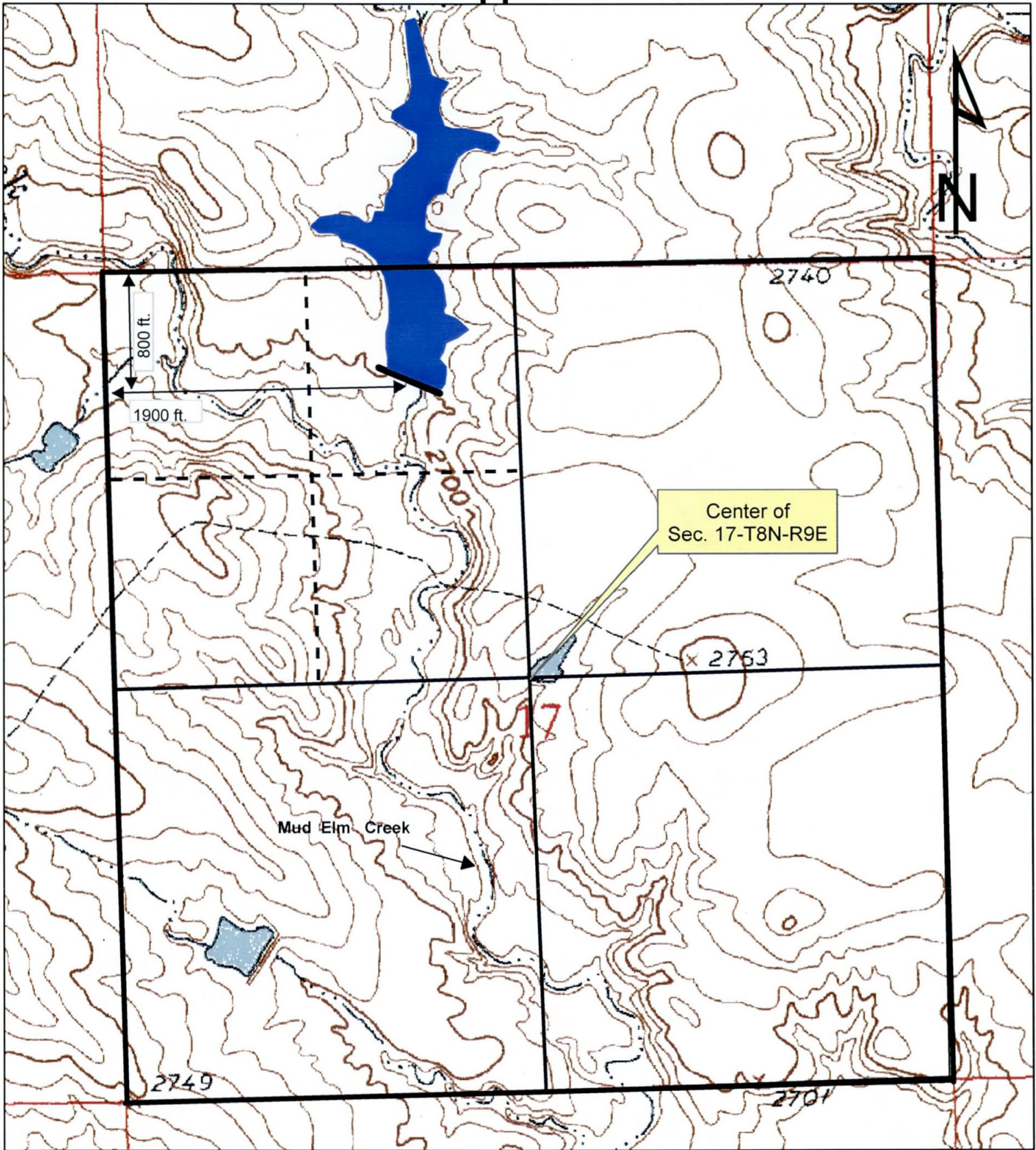
DAM INFORMATION:

- 1) Height to crest 26 feet
- 2) Height to primary spillway 23 feet
- 3) Height to secondary spillway N/A feet
- 4) Crest width 12 feet
- 5) Crest length 437 feet
- 6) Spillway length XXX feet
- 7) Spillway width 80 feet
- 8) Approx. storage (Normal) 280 acre-feet
- 9) Approx. storage (Maximum) 400 acre-feet
- 10) Date constructed: 2002

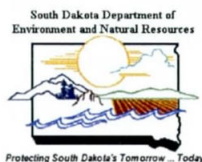
PERMIT QUALIFICATIONS AND REGULATIONS:

- 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. 1757-1



0 0.25 0.5 1 Miles



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

1/31/06

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1757-1

(1) Gary Ham, HC 69 Box 47, Parks NE 69041 made Application No. 1757-1, September 28, 2001 for a water permit to impound 280 acre-feet of water from runoff, Butte County, South Dakota for fish and wildlife propagation and domestic purposes. Permit No. 1757-1, with a priority date of September 28, 2001 was approved December 17, 2001 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 17, 2006 and for the application to beneficial use of said water on or before December 17, 2010.

On September 30, 2002, the permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* form. The *Notice* indicated the project was completed in February, 2002 and water was applied to beneficial use in June, 2002.

(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 water supply system and is entitled to impound 280 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 (spillway) is: 800 feet south and 1,900 feet east of the NW corner of Section 17, T8N, R9E (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 for fish and wildlife propagation and domestic use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Gary Ham, HC 69 Box 47, Parks NE 69041 the holder and/or owner of Water Right No. 1757-1 is issued a license to appropriate water, the right to impound 280 acre feet of water from runoff with sufficient water annually to maintain the water level to the outlet elevation from the location specified in (2) of this license. Water Right No. 1757-1 carries a priority date of September 28, 2001.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1757-1 and subject to the following qualifications:

- Water Right No. 1757-1 authorizes a dam with a storage capacity of 280 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 bypassed.



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

APR 07 2006

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

APR 07 2006

1757-1

Gary Ham
HC 69 Box 47
Parks NE 69041

Dear Mr. Ham:

Enclosed is Water License No. 1757-1 and a map prepared by the staff engineer who conducted the field investigation. Water License No. 1757-1 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

enclosures