

WATER PERMIT NO. 1760-1

Name of Applicant: William Mollman

Address: HC 5 Box 150, Hettinger ND 58639

Phone: 701 567-2325

Amount of Water Claimed: 44 acre-feet

Total Acres: NA

Source of Water Supply: runoff

Water to be used for: recreation, fish & wildlife, livestock

County: Perkins

Type of Waste Disposal System:

Location: 25 northwest of Bison

PRIORITY Date Received: 9-27-2001

Fee: \$150

Corrected Application Received:: 12-17-2001

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SW ¼ SE ¼ Sec 29-T20N-R11E

Water Impounded: SW ¼ SE ¼ Sec 29-
T20N-R11E

Depth of Well: NA

Well Driller: : NA

Remarks:

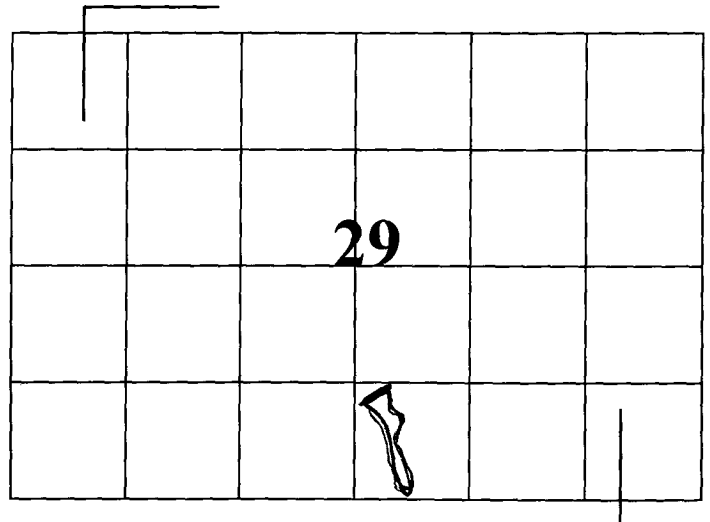
Type of Map: topo

Prepared by: Tom VerHelst, NRCS

Reviewed and the Number Assigned on: 12-17-2001

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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. 1760-1 Hydrologic Unit 10130302
Basin Grand River
Newspaper Bison Courier, Bison
(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 Stock water
(over 18 gpm)

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

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

- Name of Applicant William Mollman Phone 901-567-2325
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address HCS Box 150 Hettinger State ND 58639
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed _____ *CFS or _____ **GPM 44.0 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Runoff
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SW 1/4, SE 1/4 Sec 29, T20N-R11E
1150' North and 1900' West of the southeast corner SEC 29, T20N-R11E
Water Impounded; SW 1/4 SE 1/4 Sec. 29-T20N-R11E County Perkins
- County or counties where water will be used Perkins
- Annual period during which water is to be used Jan - Dec. 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
Planned pond is a multi-purpose structure with an earth fill and a vegetative earthen spillway. See NRCS Job Plan 1.0.

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 Adams)^{SS}

I, William Mollman, 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 William Mollman
Subscribed and sworn to before me this 11th day of September 2001

Ginger Dargatzis
Notary Public
Adams County, North DAKOTA

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) _____

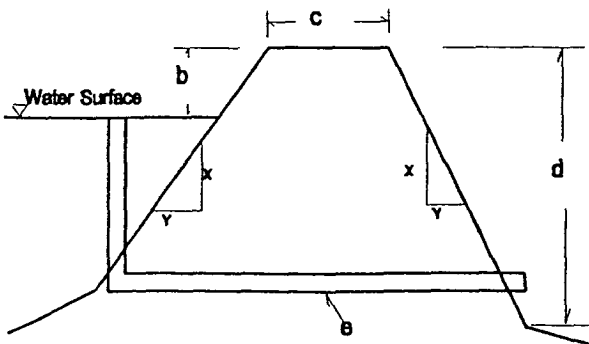
4. Water Storage Dams

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
P.O. Box 189
Bison, SD 57620

- b) Freeboard 3.0'
- c) Crest Width 12.0'
Crest Length 230'
- d) Height 25.8'
- e) Primary Outlet Capacity N/A
If pipe, diameter _____
- f) Secondary Spillway Capacity 210 cfs
Spillway Width 50'
- g) X & Y Slope
Upstream 3:1
Downstream 3:1
- h) Surface Area of Impoundment 4.0 Ac.
- i) Storage 44.0 Acre Feet
- j) Drainage Area Above Dam 245 Acres



SOUTH DAKOTA
WATER PERMIT NO. 1760-1

Date of first receipt of application September 27, 2001.

Date of return to applicant for corrections, amendments or changes September 27, 2001.

Date of receipt of corrected application December 17, 2001.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1760-1 to William Mollman, HC 5 Box 150, Hettinger ND 58639 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. 1760-1 authorizes impoundment of 44 acre-feet of water from runoff by constructing a dam located in the SW ¼ SE ¼ Section 29 with water impounded in the SW ¼ SE ¼ Section 29-T20N-R11E.
2. The water appropriated shall be used for the purpose of supplying water for fish and wildlife propagation, recreation and livestock water purposes and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 1760-1 is February 11, 2002.
5. The date from which applicant may claim right is December 17, 2001.
6. One-fifth of the construction is to be completed on or before August 11, 2004.
7. All construction is to be completed on or before February 11, 2007.
8. Water is to be put to beneficial use on or before February 11, 2011.
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. 1760-1 authorizes a dam with a storage capacity of 44 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

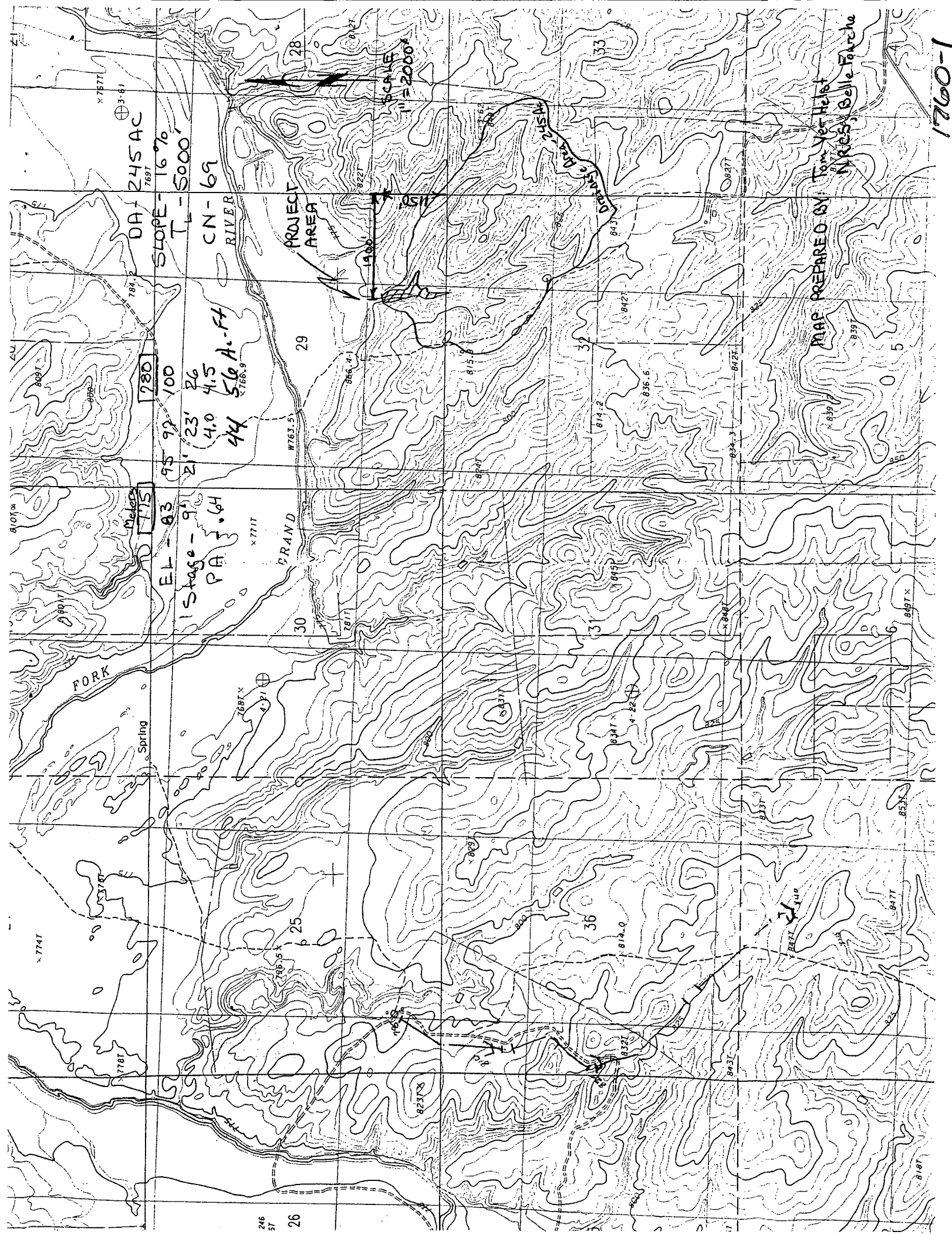
Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

MAR 01 2002

date





DA-245AC

SLOPE-16%

TL-5000

CN-69

44 56 A-FH

21 23 26

4.0 4.5

EL-03

1 Stage - 9

PA 3.6H

PROJECT AREA

SCALE 1"=2000'

MAP PREPARED BY: Tom Ver Helst
NRES, Belle Fourche

1760-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 20, 2001

William Mollman
HC 5 Box 150
Hettinger ND 58639

Dear Mr. Mollman:

On September 27, 2001, you submitted an *Application for Permit to Appropriate Water Within the State of South Dakota* for a 44 acre-feet storage dam in Perkins County.

This letter is a reminder that the application/license fee will be \$200.00. Upon receipt of the fee, further processing of the application will continue.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417023

Pierre, December 17, 20 01

RECEIVED OF William McIlwain, RC 5, Box 150, Hettlinger ND 58629
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	200 00

By

Chief Engineer

David E. Ebel

gms

Water Permit Application No. 1760-1

William Mollman

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

Cat. 3 - Low Hazard Dam

HH = 26 ft.

Normal Storage Capacity - 44 Ac-Ft
 Max Storage Capacity - 56 Ac-Ft

Max Capacity x HH. = 56 x 26 = 1456 < 3000 ∴ 25 year
 Minimum Spillway Design

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

DA = 245 Ac = 0.38 mi.²

Slope = 130 ft/mi

Si = 3.16

$$Q_{25} = 83.4 A^{.65} S^{.46} S_i^{-.72}$$

$$= 83.4 (0.38)^{.65} (130)^{.46} (3.16)^{-.72}$$

$$= 83.4 (1.56) (8.51) (.4367)$$

$$= 173 \text{ cfs}$$

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

$$= 132 (0.38)^{.65} (130)^{.46} (3.16)^{-.67}$$

$$= 132 (0.53) (9.38) (.4626)$$

$$= 304 \text{ cfs}$$

Spillway Flow

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

$$C = 2.6$$

$$= (2.6) (50) (3)^{1.5}$$

$$= 675 \text{ cfs}$$

$$L = 50 \text{ ft}$$

$$H = 3 \text{ ft}$$

Section 74:07:08:09

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

NRCS Annual Yield

$$DA = 245 \text{ Ac} \quad CN = 70 \quad ISD = 1$$

$$80\% \text{ chance} = 0.027$$

$$.027 \times 245 \text{ ft} = 0.5 \text{ Ac-Ft}$$

$$50\% \text{ chance} = 0.09$$

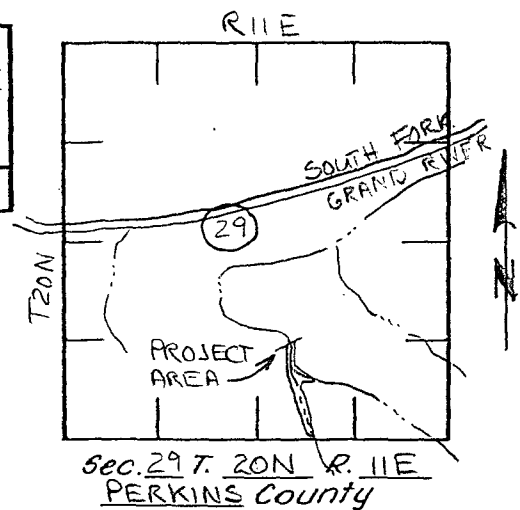
$$.09 \times 245 \text{ ft} = 1.8 \text{ Ac-Ft}$$

$$10\% \text{ chance} = 0.70$$

$$.70 \times 245 \text{ ft} = 14 \text{ Ac-Ft}$$

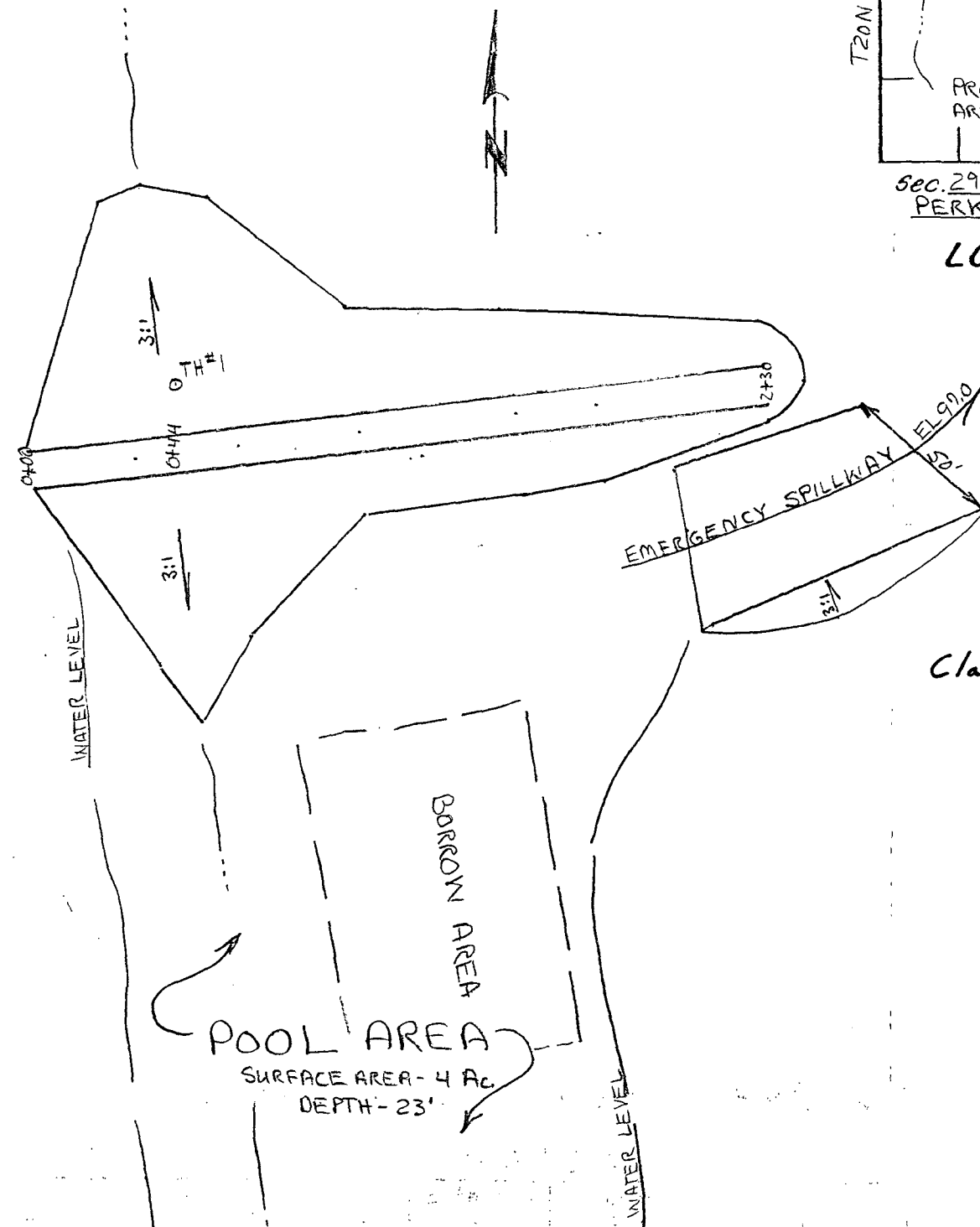
DRAINAGE AREA	ANNUAL YIELD	PEAK RUNOFF	EMERG. SPLWY. CAPACITY	WATER DEPTH	SURFACE AREA	SEDIMENT STORAGE	TOTAL STORAGE
ACRES	AC. FT.	25-YR.	C. F. S.	FEET	ACRES	AC. FT.	AC. FT.
245	1.7	154	210	22	4.0	2.5	44.0

DRAINAGE AREA	ANNUAL YIELD	PEAK RUNOFF	EMERG. SPLWY. CAPACITY	WATER DEPTH	SURFACE AREA	SEDIMENT STORAGE	TOTAL STORAGE
ACRES	AC. FT.	25-YR.	C. F. S.	FEET	ACRES	AC. FT.	AC. FT.
245	1.7	154	210	22	4.0	2.5	44.0

[illegible]

TH#1

1	CL	Clay
2		
3	SP	Sand w/ clay
4	CL	Clay w/ some sand
5	GP	Gravel w/ WT @ 5' Unable to dig thru



4' Dam

Principal spillway
El. 100.0

Emergency spillway, El. 97.0

3:1

3:1

12'

4' of dam

Allowance for settlement 5%

Strip sod and brush from dam foundation to minimum depth 12'

Cutoff trench (approx. depth shown on Profile Along C of Dam)

Note: Due to Gravel @ 5' will not expose this gravel or dig thru w/ core trench. Will keep as much CL material above gravel. **TYPICAL CROSS SECTION OF DAM** to minimize pool water leaking into gravel. $\frac{1}{4}$ "

S.D. CONSTRUCTION AND MATERIAL SPECIFICATIONS:

SD-4 STRIPPING
SD-7S EARTH FILL - CLASS S
SD-10 SALVAGING & SPREADING TOPSOIL
SD-28 SEEDING
SD-01M-378 OAM MAINTENANCE

EARTH DAM

OPERATOR: BILL MOLMAN
CONSERVATION DISTRICT: PERKINS

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

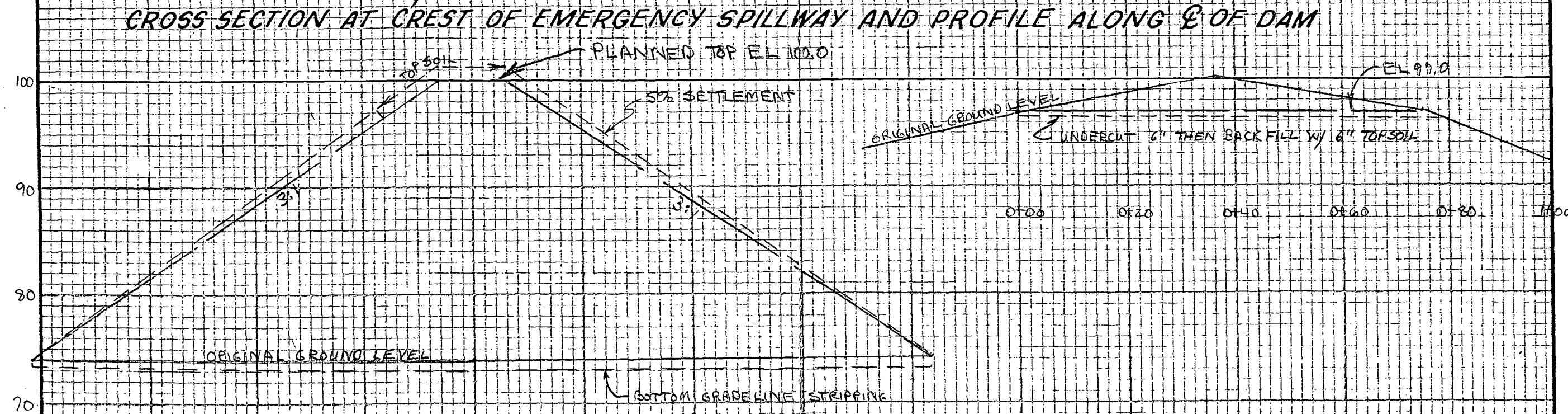
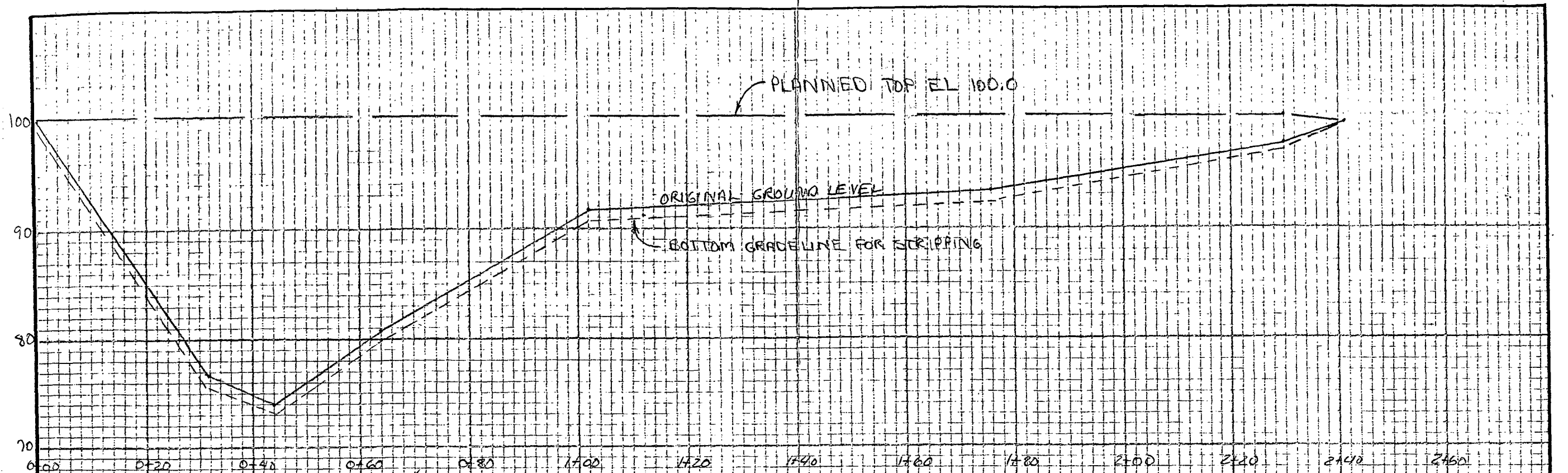
Designed	T. VERHELST	Date	8/01	Approved by	Thomas D. Van Halbe
Drawn	T. VERHELST		8/01	Title	Ag Engineer
Traced				Title	
Checked				Sheet	Drawing No.
				No	17160-1

SKETCH PLAN OF DAM AND RESERVOIR AREA

Approximate scale 1" = 50'

REFERENCE: GUIDE PLAN NO. 1.0

JOB PLAN NO. 1.0



MAXIMUM CROSS SECTION OF DAM

SEDIMENT YIELD

ERODIBILITY AREA ACRES	GROSS RATE A.F./AC./YR.	DRAINAGE AREA ACRES	DELIVERY RATE %	DESIGN PERIOD YEARS	REQ'D. SEDIMENT VOLUME AC.FT.
245	.002	245	25	20	2.5

(Rev. 4-73) 5,N-29, 073.1a (2)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 11, 2002

William Mollman
HC 5 Box 150
Hettinger, ND

Dear Mr. Mollman:

We have reviewed the plans and specifications for your dam project located in the SE 1/4 of Section 29-T20N-R11E, in Perkins 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. 1760-1 is approved.

Our review was to determine compliance with the requirements of the Water Management Board Safety of Dams Rules, Chapter 74:02:08. Approval of these plans and specifications does not release you, as owner of the dam, from the responsibility for operating and maintaining the dam in good repair to ensure the safety of the dam.

The Mollman 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 44 acre-feet and a maximum storage capacity of 56 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. 1760-1
William Mollman
January 9, 2002

Water Permit Application No. 1760-1 has been filed by William Mollman to impound 44 acre-feet of water by constructing a dam located in the SW 1/4 SE 1/4 of Section 29-T20N-R11E, in Perkins 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 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 Mollman Dam will be 26 feet high with a normal storage capacity of 44 acre-feet with a reservoir level at the primary spillway elevation, and a maximum storage capacity of 56 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.

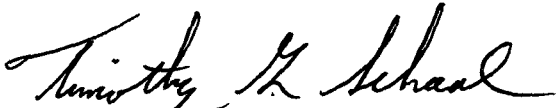
The dam has a drainage area of 245 acres or 0.38 square miles. A 25-year frequency event for this drainage area produces a peak runoff of approximately 173 cfs. A 100-year frequency event produces a peak of approximately 304 cfs. The dam is designed to have 50 foot wide earthcut spillway with 3.0 feet of available freeboard. The 50 foot wide earthcut spillway will have a capacity of approximately 675 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 0.5 acre-feet. The annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 1.8 acre-feet and the annual yield with a 10 percent chance, or 1 out of 10 years, is expected to be 14 acre-feet.

The Mollman Dam will be located in the SW 1/4 SE 1/4 of Section 29-T20N-R11E on an unnamed tributary to the South Fork of the Grand River about one mile upstream of its confluence with the Grand River. There are no existing Water Permit/Rights located between the proposed dam and the South Fork of the Grand River.

Conclusions:

1. Water Permit Application No. 1760-1 should be approved since unappropriated water is available and approval should not have an 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. 1760-1.



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. 1760-1, William Mollman**

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. 1760-1, William Mollman, HC 5, Box 150, Hettinger ND 58639.

The Chief Engineer is recommending APPROVAL of Application No. 1760-1 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. 1760-1 authorizes a dam with a storage capacity of 44 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
January 11, 2002

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

)SS

COUNTY OF PERKINS

Elizabeth Hulm, of said County and State, being duly sworn, on oath says: THE BISON COURIER is a weekly newspaper of general circulation, printed and published in Bison, in said County and State and has been such newspaper during the times hereinafter mentioned; that the said BISON COURIER is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bonafide subscribers; that I, the undersigned, am Legal Advertising Manager, of said newspaper, and in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed
Notice of Application

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive issues, the first publication being on the 24 day of Jan., 20 02 and the last publication on the 31 day of Jan., 20 02 that \$ 39.20 being the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Elizabeth Hulm

Subscribed and sworn to before me this 31 day of Jan., 20 02.

Marsha Veal
Notary Public, Perkins County

My commission expires:

June 27, 2006

RECEIVED

FEB - 4 2002

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION NO. 1760-1 to Appropriate Water

Notice is given that William Mollman, HC 5 Box 150, Hettinger ND 58639 has filed an application for a water permit to impound 44 acre-feet of water from runoff by constructing a dam located in the SW1/4SE1/4 Section 29 with water impounded in the SW1/4SE1/4 Section 29-T20N-R11E. This application request impoundment of sufficient water to maintain water to the outlet elevation. The water is for fish and wildlife propagation, recreation and livestock water purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1760-1 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 the 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 February 11, 2002.

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.

[Publish January 24 and 31, 2002]



**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.**

January 14, 2002

William Mollman
HC 5 Box 150
Hettinger, ND 58639

Dear Mr. Mollman:

Water Permit Application No. 1760-1 for recreation, fish & wildlife, livestock use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Bison Courier printed at Bison, SD (Ph # 605-244-7199). 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.

Instruction to Newspaper - Publish first Notice on January 24, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1760-1 to Appropriate Water

Notice is given that William Mollman, HC 5 Box 150, Hettinger ND 58639 has filed an application for a water permit to impound 44 acre-feet of water from runoff by constructing a dam located in the SW ¼ SE ¼ Section 29 with water impounded in the SW ¼ SE ¼ Section 29-T20N-R11E. This application request impoundment of sufficient water to maintain water to the outlet elevation. The water is for fish and wildlife propagation, recreation and livestock water purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1760-1 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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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2002

Bison Courier
Box 429
Bison, SD 57620-0429

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1760-1 to Appropriate Water to be published twice. Please publish the first notice on January 24, 2002 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 William Mollman, HC 5 Box 150, Hettinger, ND 58639 (Ph # 701-569-2325).

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. 1760-1

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

Date _____

We are in receipt of your letter of January 14, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 1760-1 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 01 2002

William Mollman
HC 5 Box 150
Hettinger, ND 58639

Dear Mr. Mollman:

Enclosed is Water Permit No. 1760-1 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. 1760-1
Grand 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, April 6, 2004, made a thorough examination of the water use system constructed by William Mollman of HC 5 Box 150, Hettinger, ND 58639 holder of Permit No. 1760-1, bearing the priority of December 17, 2001 authorizing the storage of 44 acre-feet of the waters of runoff for recreation, fish & wildlife propagation and livestock water purposes, in Perkins County.

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

A. Works used to divert the water:

A 26 foot high earthen dam with a normal storage capacity of 44 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 earthen dam with a normal storage capacity of 44 acre-feet

The system is in the following condition good. The point of diversion is located 1150 ft. north & 1900 ft. west of the SE corner of Sec. 29-T20N-R11E (SW ¼ SE ¼) (Lat. 45.664307, Long. -102.793393). The works are capable of storing 44 acre-feet of water which is to be used for recreation, fish & wildlife propagation and livestock water.

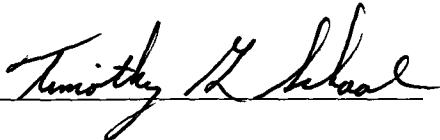
Water has been put to beneficial use to the maximum extent as follows:

A 26 foot high earthen dam with a normal storage capacity of 44 acre-feet

and the license should be issued for 44 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: August 9, 2004



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

REPORT ON INSPECTION OF PERMIT NO. 1760-1

DATE OF INSPECTION: April 6, 2004

NAME & ADDRESS OF INSPECTION CONTACT/ Mrs. William Mollman

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: William Mollman, HC 5 Box 150, Hettinger, ND 58639

DIVERSION POINT LEGAL LOCATION: 1150 ft. north & 1900 ft. west of the SE corner of Sec. 29-T20N-R11E (SW ¼ SE ¼) (Lat. 45.664307, Long. -102.793393).

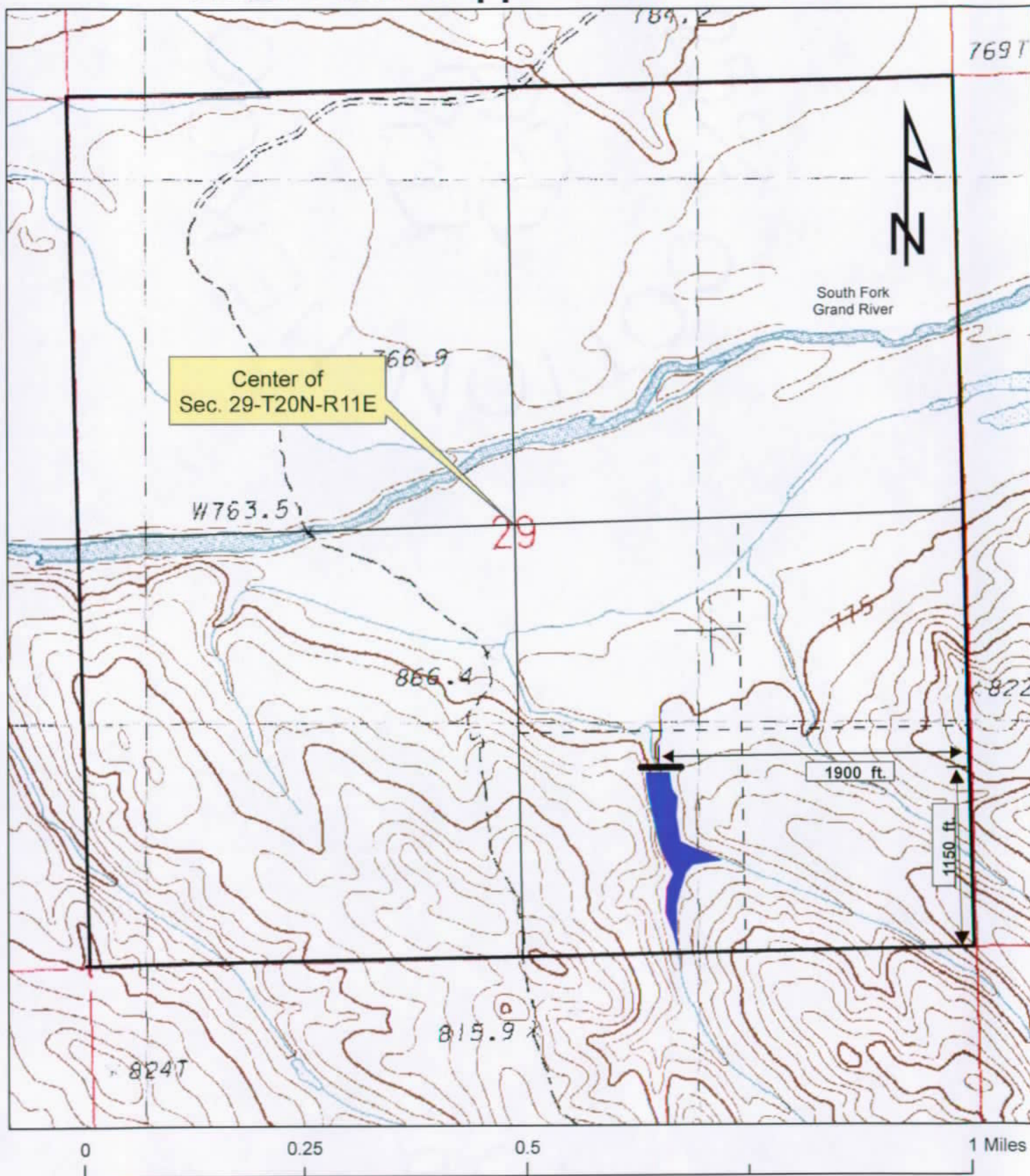
DAM INFORMATION:

- 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 230 feet
- 6) Spillway length XXX feet
- 7) Spillway width 50 feet
- 8) Approx. storage (Normal) 44 acre-feet
- 9) Approx. storage (Maximum) 56 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. 1760-1



8/9/04

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1760-1

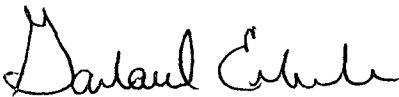
(1) William Mollman, HC 5 Box 150, Hettinger ND 58639 made Application No. 1760-1, September 27, 2001 for a water permit to impound 44 acre feet of water from runoff, Perkins County, South Dakota for fish and wildlife propagation, recreation and livestock watering purposes. Permit No. 1760-1, with a priority date of December 17, 2001 was approved February 11, 2002 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before February 11, 2007 and for the application to beneficial use of water on or before February 11, 2011.

(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. 1760-1 is issued a license, bearing a priority date of December 17, 2001, to impound 44 acre feet of water for fish and wildlife propagation, recreation and livestock watering purposes.

The location of the storage dam (spillway) is 1,150 feet north and 1,900 feet west of the southeast corner of Section 29-T20N-R11E (SW ¼ SE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1760-1 including the following now applicable qualifications:

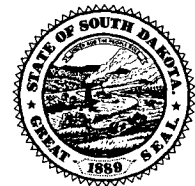
- Water Permit No. 1760-1 authorizes a dam with a storage capacity of 44 acre-feet of water and sufficient water annually to maintain the water level to the outlet elevation.
- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.



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

AUG 17 2004

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 17 2004

1760-1

William Mollman
HC 5 Box 150
Hettinger ND 58639

Dear Mr. Mollman:

Enclosed is Water License No. 1760-1. 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