

WATER PERMIT NO. 1881-1

Name of Applicant: **David Emery**

Address: **5648 Blue Stem Crt, Rapid City SD 57702**

Phone: **605 348-9438**

Amount of Water Claimed: **1 AF**

Total Acres: **NA**

Source of Water Supply: **North Boxelder Creek**

Water to be used for: **fish & wildlife propagation and recreation**

County: **Lawrence**

Type of Waste Disposal System:

Location: **10 miles southeast of Lead**

PRIORITY

Date Received: **2-27-07**

Application/License Fee: **\$200**

Corrected Application Received:

Period of Annual Use: **Jan 1 – Dec 31**

Remarks:

Diversion Point: **SE ¼ NE ¼ Sec 16-T3N-R4E**

Land to be Irrigated: **NA**

Depth of Well: **NA**

Well Driller:

Remarks:

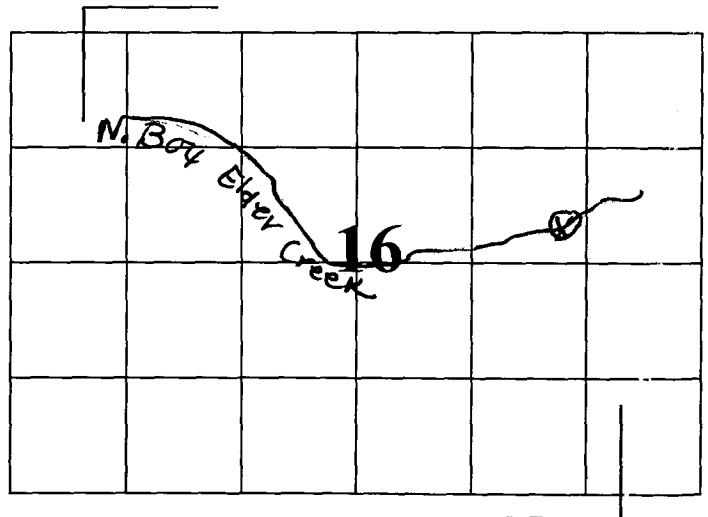
Type of Map: **topo**

Prepared by: **Tom Verhelst, NRCS**

Reviewed and the Number Assigned on: **2-27-07**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



RECEIVED
FEB 27 2007
WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1881-1</u> (office use only)	Hydrologic Unit <u>10120111</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Lawrence Co Journal Deadwood</u>	
	<u>376 Main *A 605 578-3305</u>	<u>57732</u>

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

Check use(s) of water:

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

Type of Application: (check one)

- ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ 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 David Emery Phone 605-348-9438
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 5648 Blue Stem Crt Rapid City State SD 57702
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed _____ *CFS or _____ **GPM 1.0 ***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 North Boxelder Creek
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Lawrence
Dugout in SE1/4 NE1/4 Section 16, T3N-R4E
5. County or counties where water will be used Lawrence
6. Annual period during which water is to be used Jan - Dec
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)

Project involves excavation of a 15'x125' by 10' deep dugout on North Boxelder Creek. A small fill with 12' top, 4:1 SS, and a maximum fill height of 5.3' will be constructed on the downstream side of the dugout. The fill will be 195' long with a 24" reinforced concrete arch pipe located in the center of the fill. Normal water flow will free flow through the pipe.

STATE OF SOUTH DAKOTA)
County of Pennington SS

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)

I, David R. Emery, 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.

Applicant's signature David R. Emery

Subscribed and sworn to before me this 23rd day of February 2007

Sybil E. Brown
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 1881-1

Date of first receipt of application February 27, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1881-1 to David Emery, 5648 Blue Stem Crt, Rapid City SD 57702 authorizing the construction of the dugout and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1881-1 authorizes impoundment of 1.0 acre-feet of water by constructing a dugout on North Boxelder Creek located in the SE 1/4 NE 1/4 Section 16-T3N-R4E.
2. The water appropriated shall be used for the purpose of fish & wildlife propagation and recreation 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. 1881-1 is July 9, 2007.
5. The date from which applicant may claim right is February 27, 2007.
6. One-fifth of the construction is to be completed on or before January 9, 2010.
7. All construction is to be completed on or before July 9, 2012.
8. Water is to be put to beneficial use on or before July 9, 2016.
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. 1881-1 authorizes a dugout with a storage capacity of 1.0 acre feet of water located on North Box Elder Creek.
2. North Fork Box Elder Creek at this location is classified by the South Dakota Surface Water Quality Standards and Uses Assigned to Streams for the following beneficial uses: 1) coldwater permanent fish life propagation waters; 2) limited contact recreation waters; 3) fish and wildlife propagation, recreation, and stock watering waters; and 4) irrigation waters. Best Management Practices (BMP) for sediment and erosion control during construction shall be incorporated into the planning, design, and construction. Measures shall be implemented to ensure that the total suspended solids standard of 30 mg/L is not violated during construction.

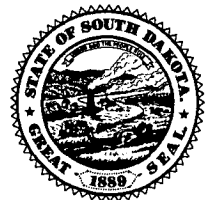
WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUL 26 2007

date



(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

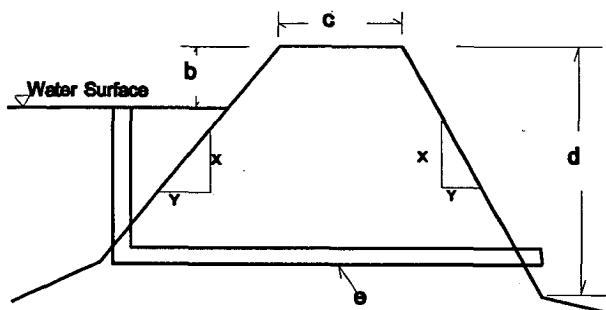
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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.

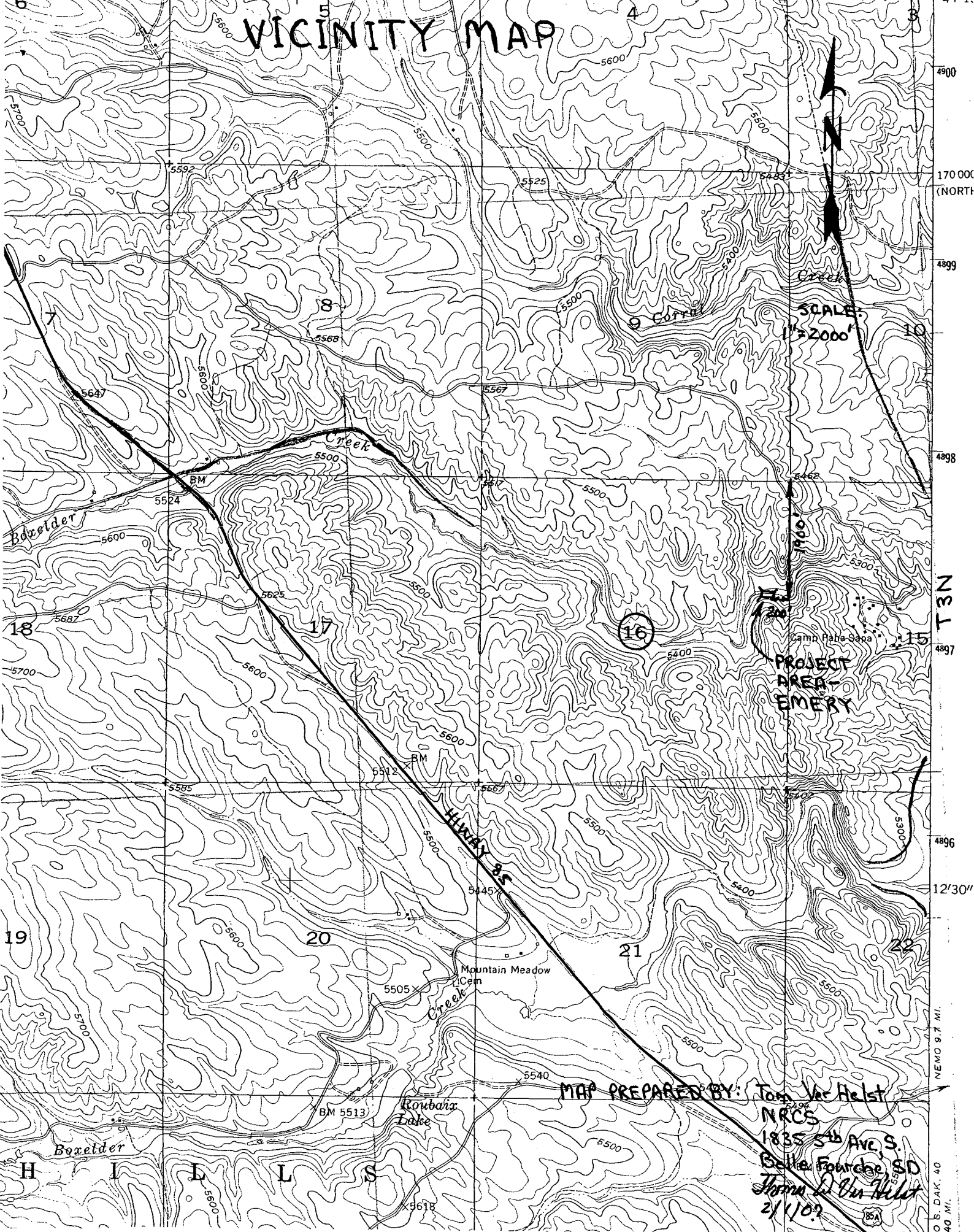
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

NRCS
1835 5th Ave. S.
Belle Fourche, SD 57717
Tom Ver Helst



- b) Freeboard 3.5'
- c) Crest Width 12'
Crest Length 190'
- d) Height 5.3'
- e) Primary Outlet Capacity 3.5 cfs
If pipe, diameter 24" arch pipe
- f) Secondary Spillway Capacity 390 cfs
Spillway Width 65'
- g) X & Y Slope _____
Upstream 4:1
Downstream 4:1
- h) Surface Area of Impoundment .25
- i) Storage 1.0 Acre Feet
- j) Drainage Area Above Dam 4290 Acres

VICINITY MAP



SCALE: 1" = 2000'

PROJECT AREA - EMERY

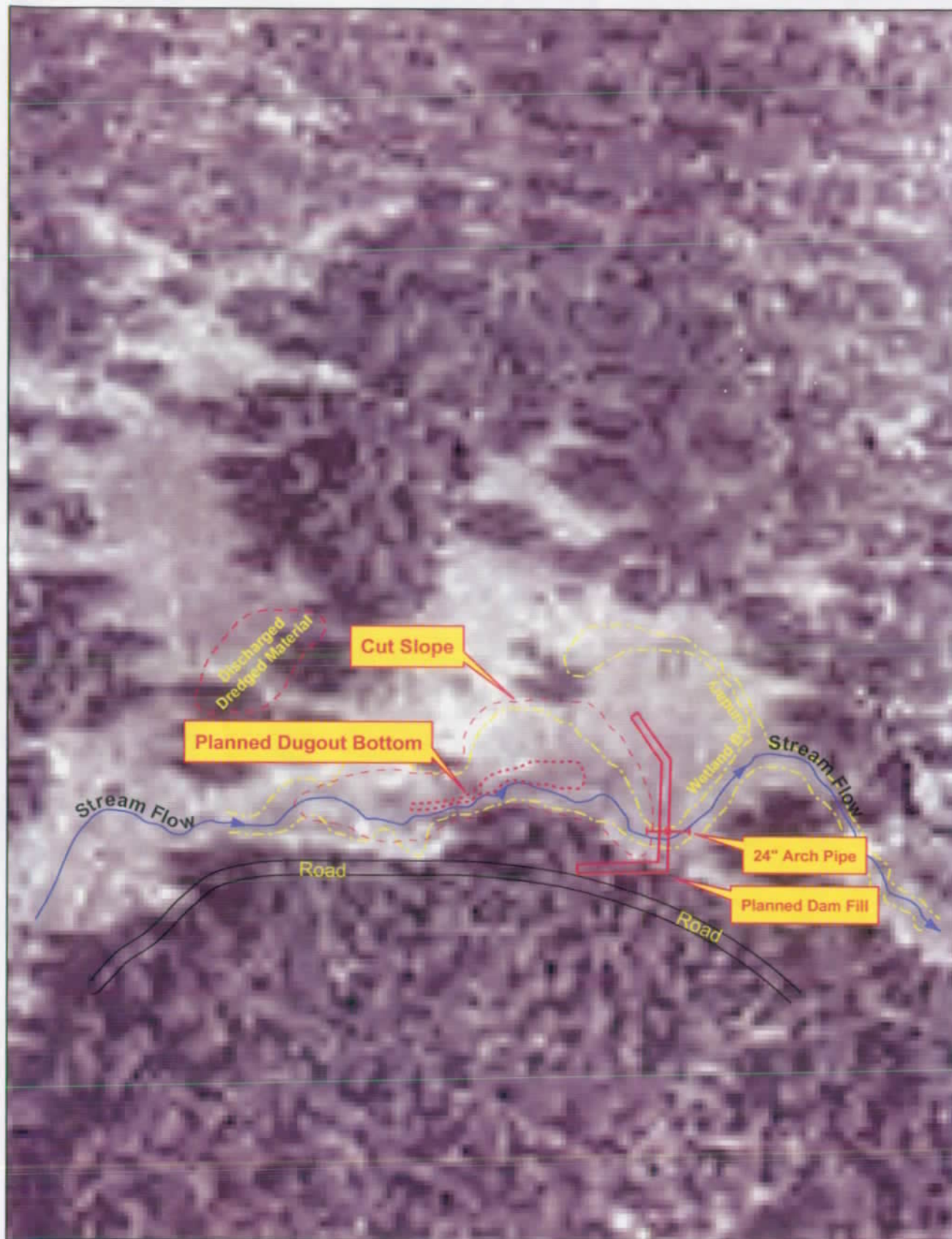
MAP PREPARED BY: Tom Van Helst
NRCS
1835 5th Ave. S.
Belle Fourche, SD
Tom Van Helst
2/1/02

NEMO 9.7 MI.
O.S. DAK. 40
40 MI.

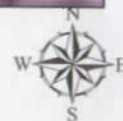
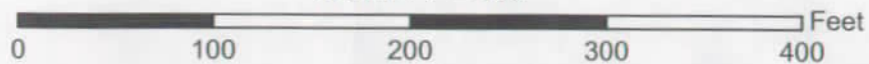
Landowners:
David & Deanna Emery
Lawrence County
1/31/07

PLAN MAP 404 PERMIT

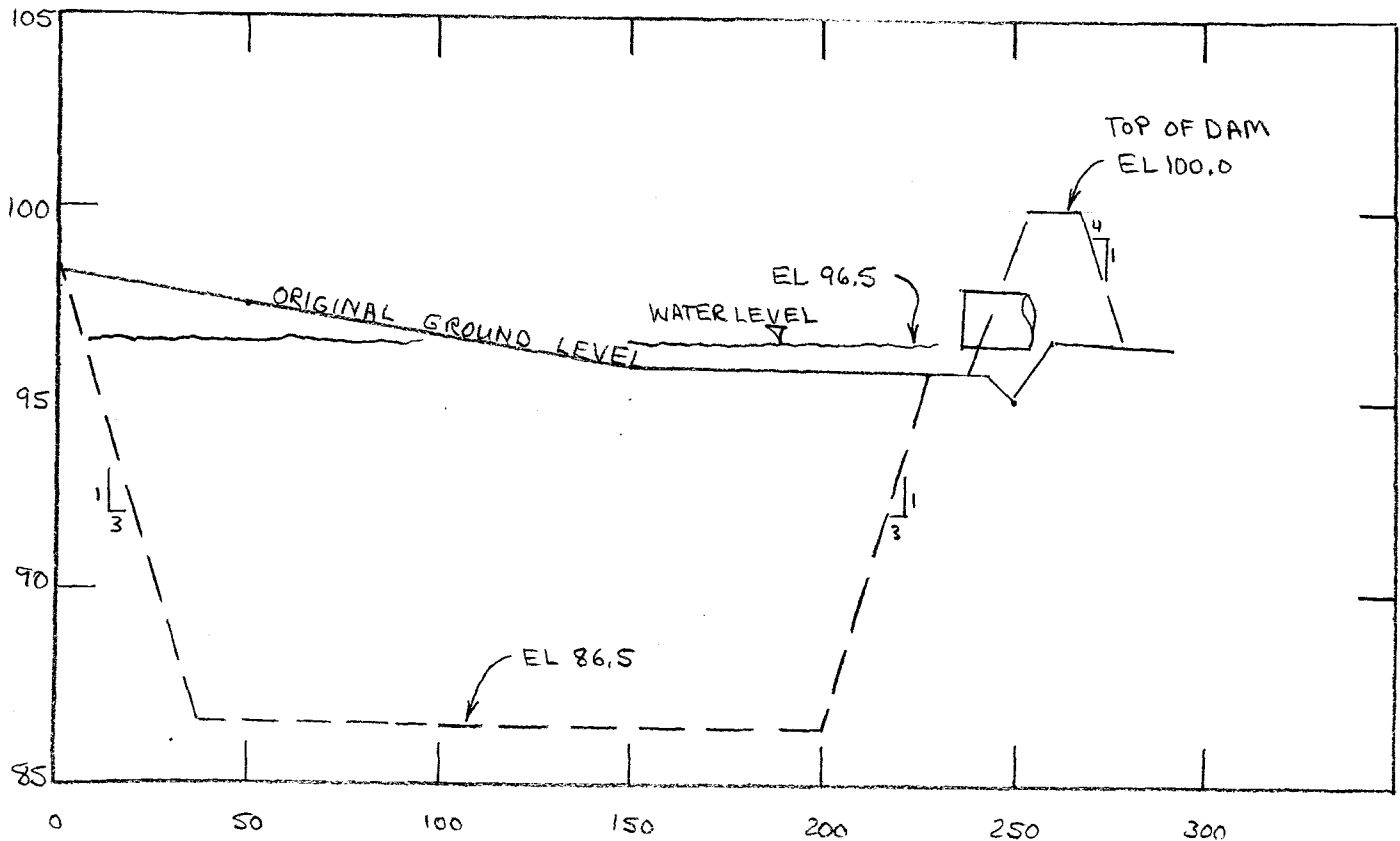
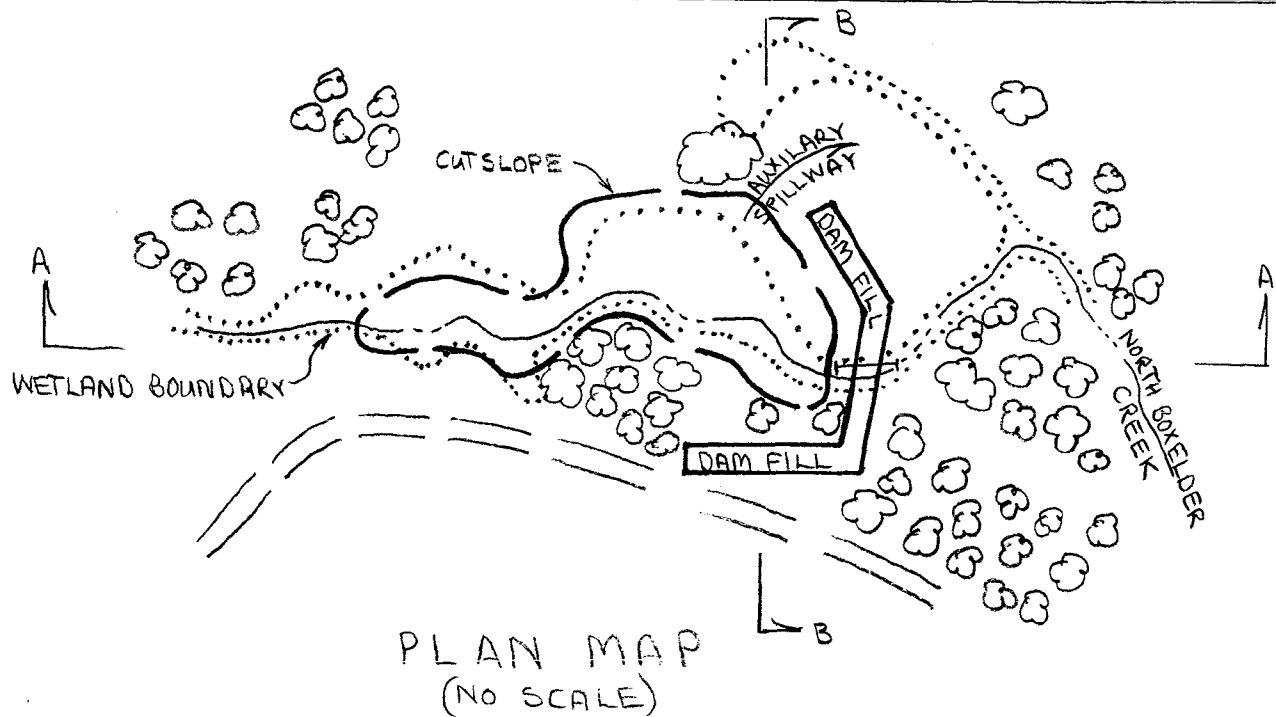
Map Prepared By:
Thomas D. Ver Helst
USDA-NRCS
Belle Fourche, SD



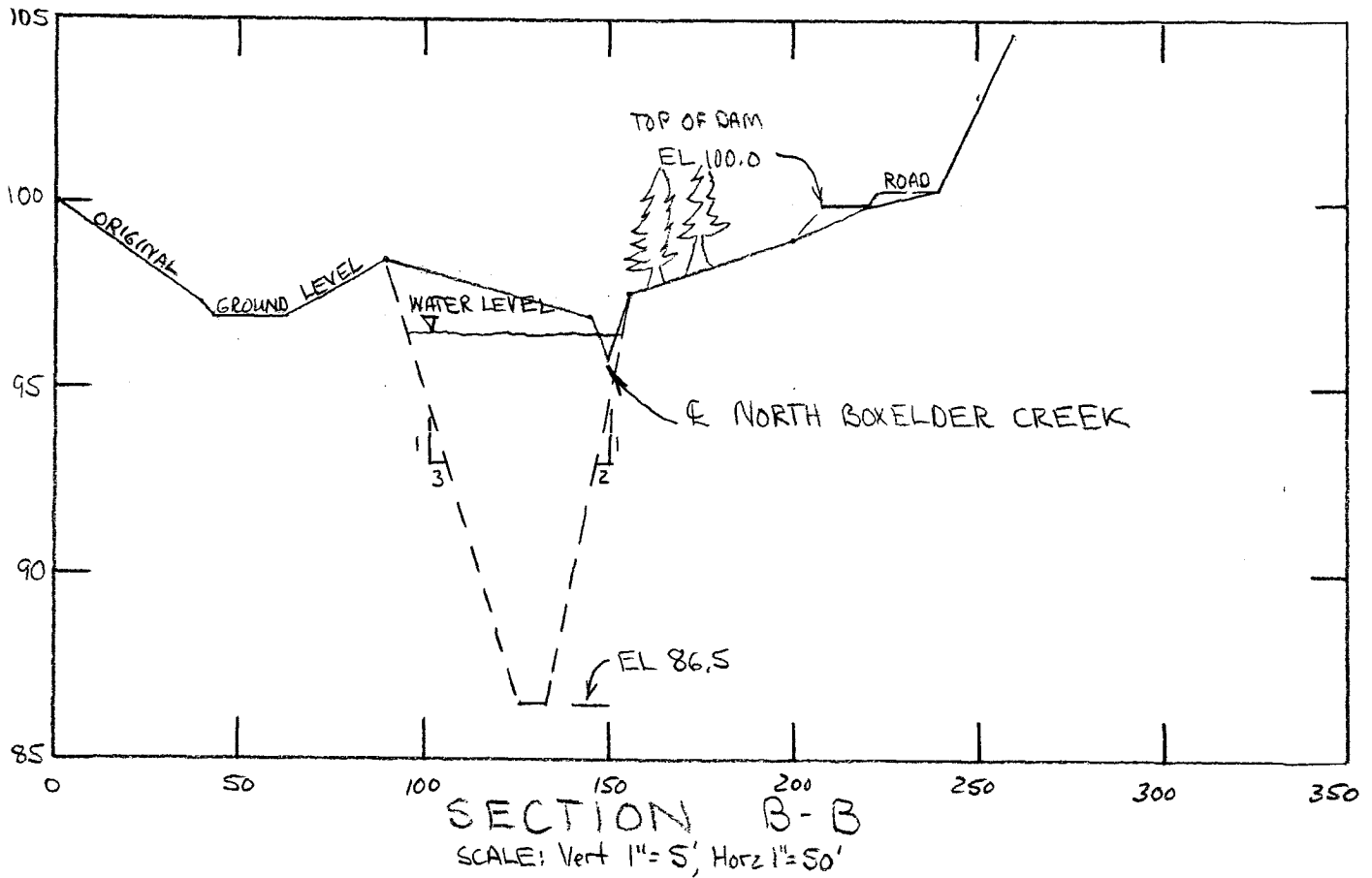
SCALE: 1" = 100'



STATE		PROJECT		
BY T. Ver Helst	DATE 1/30/07	CHECKED BY	DATE	JOB NO.
SUBJECT EMERY WILDLIFE POND				SHEET 1 OF 2



STATE		PROJECT		
BY T. Ver Helst	DATE 1/30/07	CHECKED BY	DATE	JOB NO.
SUBJECT EMERY WILDLIFE POND				SHEET 2 OF 2



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/27/07, 20 07

RECEIVED OF DAVID EMEFY 5648 BLUESTEM CT RAPID CITY SD 57702

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

Fee for Application for Permit No. <u>12311</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>12311</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)		
TOTAL	200	00

No.

02960

By [Signature] [Signature]
Chief Engineer

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 1881-1, David Emery

ADDRESS: 5648 Blue stem Court, Rapid City COUNTY: Lawrence County

DATE: May 31, 2007 TELEPHONE: work - 721-2511

RE: Call regarding status of application

COMMENTS:

Mr. Emery called regarding where his application to construct a small pond on North Box Elder Creek is at in the water permitting process. I explained that a staff report has been prepared and the application is awaiting the Chief Engineer's recommendation.

Mr. Emery indicated that the Corps of Engineers was not going to allow them to place the dam fill (berm) as represented on the submitted map because of wetland concerns. Therefore, the fill will not be placed on the downstream side of the pond. Mr. Emery's project now consists of solely placing a dugout within the creek channel.

NAME:

Eric Haulberg



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 1881-1, David Emery**

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. 1881-1, David Emery, 5648 Blue Stem Court, Rapid City SD 57702.

The Chief Engineer is recommending APPROVAL of Application No. 1881-1 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:

81

1. Water Permit No. ~~1873~~-1 authorizes a dugout with a storage capacity of 1.0 acre feet of water located on North Box Elder Creek.
2. North Fork Box Elder Creek at this location is classified by the South Dakota Surface Water Quality Standards and Uses Assigned to Streams for the following beneficial uses: 1) coldwater permanent fish life propagation waters; 2) limited contact recreation waters; 3) fish and wildlife propagation, recreation, and stock watering waters; and 4) irrigation waters. Best Management Practices (BMP) for sediment and erosion control during construction shall be incorporated into the planning, design, and construction. Measures shall be implemented to ensure that the total suspended solids standard of 30 mg/L is not violated during construction.

See report on application for additional information.

Garland Erbele, Chief Engineer

June 7, 2007

NOTE: Questions regarding SD Surface Water Quality Standards and Best Management Practices that should be taken during construction may be directed to John Miller, Surface Water Quality Program, DENR at (605) 773-3351.

In addition, the discharge of pollutants from any source, including indiscriminate use of fill material, may not cause destruction or impairment except where authorized under Section 404 of the Federal Water Pollution Control Act. Please contact the U.S. Army Corps of Engineers at (605) 224-8531 concerning federal permitting requirements.

REPORT ON APPLICATION NO. 1881-1

For David Emery

May 1, 2007

Water Permit Application No. 1881-1, David Emery, proposes to impound 1.0 acre-feet of water by constructing a dam on North Boxelder Creek located in the SE ¼ NE ¼ Section 16, T3N-R4E in Lawrence County. The water is for non-consumptive recreation, fish and wildlife purposes.

WATER SOURCE – NORTH BOXELDER CREEK

The proposed water source for this project is North Boxelder Creek in Lawrence County. North Boxelder Creek flows east for approximately 1½ miles until converging with two other streams (Middle Boxelder Creek and Corral Creek) to form Boxelder Creek. The U.S. Geological Survey (USGS) maintains a stream flow gaging station on Boxelder Creek approximately 16 miles downstream of the proposed project near Nemo, South Dakota. Historical data from 1967 to 2006 for this stream gage recorded Boxelder Creek flows with a median rate of 18.9 cubic feet per second (cfs), a maximum of 6700.0 cfs and a minimum of 0.1 cfs. The majority of the annual flow in the creek is received from surface runoff which generally occurs in a two to three month time span in late spring and early summer (Table 1).

Plot Data	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
10 Percentile	2	2	4	7	7	5	2	2	2	2	3	2
25 Percentile	2	3	6	10	10	7	6	4	3	4	4	3
50 Percentile	4	4	9	13	21	22	13	8	7	7	6	5
75 Percentile	6	6	12	25	52	43	23	13	10	9	8	6
90 Percentile	7	9	16	42	76	88	41	20	11	11	10	8

REVIEW OF EXISTING WATER PERMITS/RIGHTS

This proposed project is located upstream of all existing water appropriations. Two permits are located between the proposed diversion point and the USGS stream flow gage near Nemo, SD. Water Permit No. 1498-1 impoundment of 8.5 acre-feet for non-consumptive recreational use by the Kinship Mountain Ministries and Water Permit No. 1781-1 impoundment of 2.0 acre-feet for fish and wildlife propagation (Water Rights, 2007).

If this application is approved, the applicant's impoundment of water would not be expected to adversely impact downstream domestic water use or prior water rights except during extremely dry conditions. At such times, a low-flow bypass would be ordered to protect domestic use and senior water rights.

In 1989, Application Nos. 1456-1 (William A. Meyer) and 1478-1 (Pete Lien & Sons) were submitted to the Water Management Board to divert water from Boxelder Creek for a small golf course and a mining operation respectively. In denying these applications, the Water Management Board concluded that the withdrawal of as little as 0.06 cfs (26.9 gallons per minute) of water from Boxelder Creek was not in the public interest and that no future water rights should be granted on Boxelder Creek in this area. The Findings of Fact, Conclusions of Law and Final Decisions in both of these issues further state in part; *"The Water Management Board views the preservation of the 300-miles of trout streams of the Black Hills to be of very high significance in public interest terms. ... As articulator of policy on the use of limited water supplies, the Water Management Board places a high value on the preservation of existing cold water trout streams in the Black Hills for environmental, esthetic and economic purposes"* The Water Management Board also found it desirable to maintain Boxelder Creek at 30-percent of average flow, or 5.0 cfs.

CONCLUSIONS

1. Water Permit Application No. 1881-1 proposes to impound 1.0 acre-feet from North Boxelder Creek for non-consumptive recreation, fish and wildlife use.
2. During extremely dry conditions, a low-flow bypass may be ordered by the Chief Engineer in order to protect downstream domestic use and prior water rights.
3. Historically, the Water Management Board has found it desirable to maintain Boxelder Creek at 30-percent of average flow or 5.0 cfs.
4. Boxelder Creek's base stream flow can diminish quickly during periods of low precipitation.



Aaron R. Tieman
Natural Resources Engineer

Approved by



Mark D. Rath
Natural Resources Engineering Specialist

BIBLIOGRAPHY

USGS National NWISWeb Water Information System 2007, Historical Stream Flow for South Dakota.

Water Right, 2007, Unpublished Water Rights Data, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

AFFIDAVIT OF PUBLICATION

RECEIVED

STATE OF SOUTH DAKOTA
COUNTY OF LAWRENCE

JUN 29 2007

WATER RIGHTS
PROGRAM

Teri Adler, being duly sworn, says: That the *Lawrence County Journal* is, and during all times hereafter mentioned, was a legal newspaper as defined in SDCL 17-2-2, as amended, published at Spearfish, Lawrence County, South Dakota, by Lee Enterprises; that affidavit is and, during all of said times, was employed as Customer Service Representative by the publisher of such newspaper and has personal knowledge of the facts stated in the affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper for successive issues, bearing the following dates:

<u>June 20</u>	<u>200</u>	<u>7</u>	<u>200</u>
<u>June 27</u>	<u>200</u>	<u>7</u>	<u>200</u>
	<u>200</u>		<u>200</u>
	<u>200</u>		<u>200</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, the sum of \$ 38.14, insures solely to the benefit of the publisher of said newspaper: that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Teri Adler
Customer Service Rep

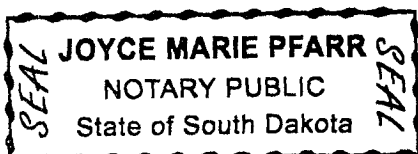
Subscribed and sworn to before me this

28th day of June, 2007

Joyce Marie Pfarr

My commission expires. 08/14/2013

Notary Public, South Dakota



Account No. 60026570

Total Amount \$ 38.14

**NOTICE OF APPLICATION NO.
1881-1 to Appropriate Water**

Notice is given that David Emery, 5648 Blue Stem Crt., Rapid City SD 57702 has filed an application for a water permit to impound 1.0 acre-feet of water by constructing a dugout on North Boxelder Creek located in the SE 1/4 NE 1/4 Section 16-T3N-R4E. The water is for fish & wildlife propagation and recreation purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1881-1 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 these applications, 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 this 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 recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 9, 2007. 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 June 27, 2007
Lawrence County Journal



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 12, 2007

Lawrence County Journal
376 Main Suite A
Deadwood SD 57732

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1881-1 to Appropriate Water to be published twice. Please publish the first notice on June 20, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 David Emery, 5648 Blue Stem Court, Rapid City SD 57702 (Ph # 605-348-9438).

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. 1881-1

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

Date _____

We are in receipt of your letter of June 12, 2007 enclosing Notice to Appropriate Water by Application No. 1881-1 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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.

June 12, 2007

David Emery
5648 Blue Stem Court
Rapid City SD 57702

Dear Mr. Emery:

Water Permit Application No. 1881-1 for fish and wildlife use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Lawrence County Journal printed at Deadwood SD (Ph# 605-578-3305). 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 report on the application is 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 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. 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 applications.

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 June 20, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1881-1 to Appropriate Water

Notice is given that David Emery, 5648 Blue Stem Crt., Rapid City SD 57702 has filed an application for a water permit to impound 1.0 acre-feet of water by constructing a dugout on North Boxelder Creek located in the SE ¼ NE ¼ Section 16-T3N-R4E. The water is for fish & wildlife propagation and recreation purposes.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

JUL 26 2007

David Emery
5648 Blue Stem Court
Rapid City SD 57702

Dear Mr. Emery:

Enclosed is Water Permit No. 1881-1 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

RECEIVED 1881-1

JAN - 3 2008

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate December 29, 2007

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

FROM: David R. Emery
(name)
5648 Blue Stem Court
(address)
Rapid City, SD 57702 (605) 348-9438
(city, state, zip) (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.

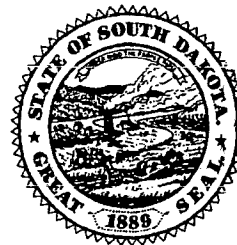
Water Permit No. 1881-1 states that the water use system is to be constructed by
July 9, 2012 , and water is to be put to beneficial use by July 9, 2016
(date) (date)

The water use system was completed on November 12, 2007
(date)

Applying the water to beneficial use was completed on November 13, 2007
(date)

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

David R. Emery
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 3, 2008

1881-1

David R Emery
5648 Blue Stem Court
Rapid City SD 57702

Dear Mr. Emery:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with the project authorized by Water Permit No. 1881-1.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

Permit Nos. 1881-1
Upper Cheyenne River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have on this day, **January 22, 2016**, made a thorough examination of the water use system constructed by **Dave Emery, 5648 Blue Stem Court, Rapid City, SD 57702** holder of Permit No. **1881-1** bearing the priority of **February 27, 2007**, authorizes water to be impounded in a **1.0 acre-feet** dugout constructed next to North Box Elder Creek for **fish and wildlife purposes**, in **Lawrence County**.

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

A. Works used to divert the water:

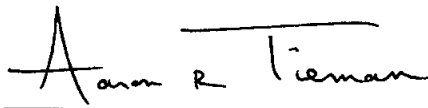
Water from North Box Elder Creek is impounded in a 1.0 acre-feet dugout constructed next to North Box Elder Creek (considered a non-consumptive use of water).

The system is in the following condition **good**. The point of diversion is located **1900 feet S and 275 feet W from the NE corner of Section 16, T3N-R4E (SE¼NE¼), Lat/Lon N44.222090/W-103.635856**. The works are capable impounding **1.0 acre-feet** of water which is to be used for **fish and wildlife purposes**. Water has been put to beneficial use to the maximum extent and the license should be issued for **1.0 acre-feet**.

All structures, wells and lands on map **Y**

Exceptions to compliance are: **none**

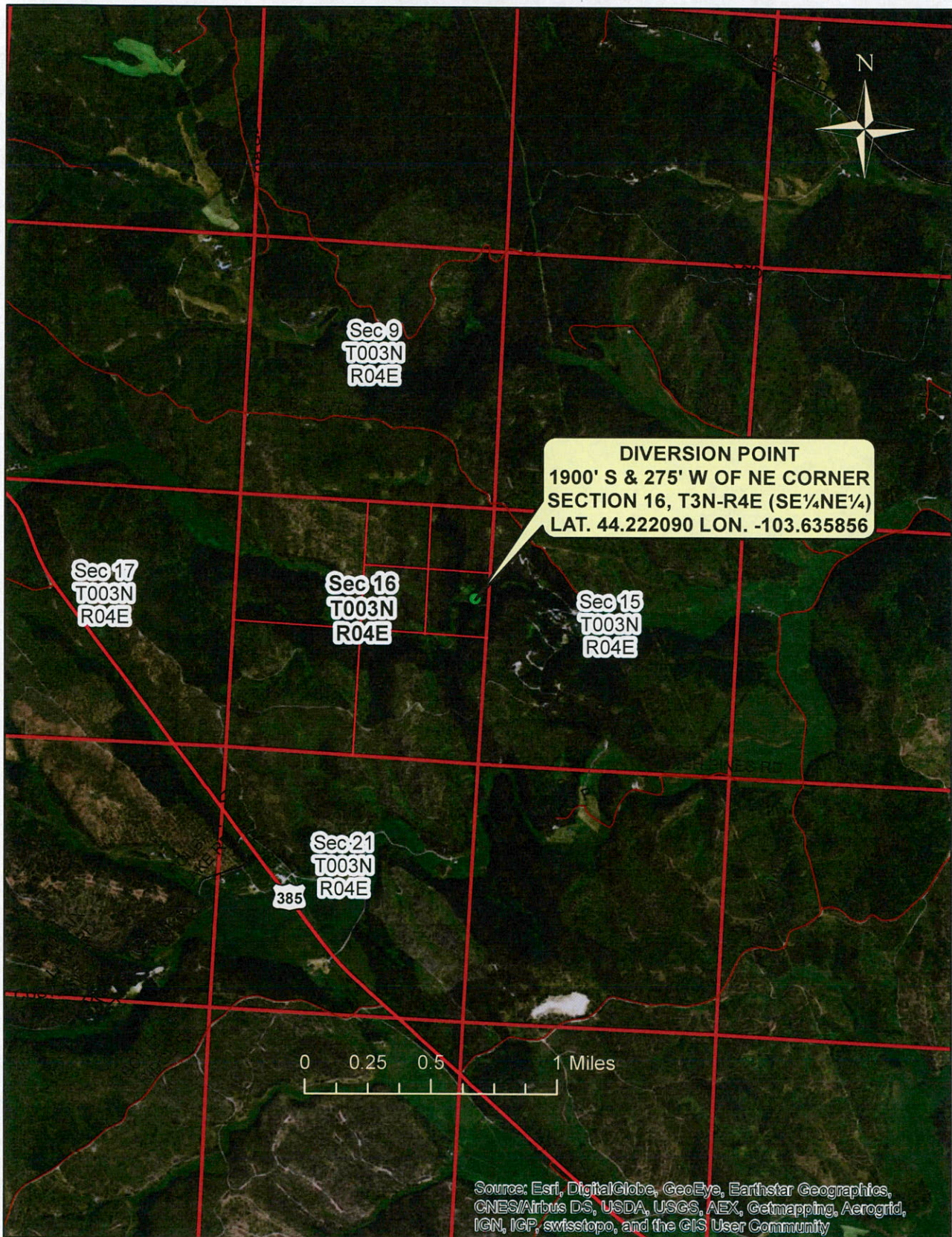
Comments:



Aaron Tieman
Natural Resources Engineer II
DENR Water Rights Program

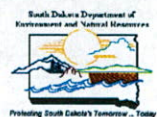
Date Report Completed: **June 29, 2016**

WATER PERMIT NO. 1881-1
JUNE 29, 2016



Aaron R. Tieman

Aaron Tieman
Natural Resources Engineer II
DENR Water Rights Program



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1881-1

(1) David Emery, 5648 Blue Stem Court, Rapid City SD 57702 made Application No. 1881-1, February 27, 2007 for a water permit to impound 1.0 acre foot of water by constructing a dugout on North Box Elder Creek, Lawrence County County, South Dakota for fish & wildlife propagation and recreational purposes. Permit No. 1881-1, with a priority date of February 27, 2007 was approved July 9, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 9, 2012 and for the application to beneficial use of said water on or before July 9, 2016.

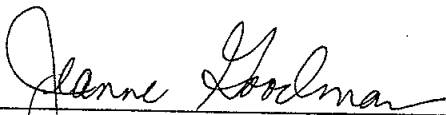
(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to impound 1.0 acre foot of water for beneficial use. The location of the dugout is 1,900 feet S and 275 feet W of the NE corner of Section 16, T3N, R4E (SE ¼ NE ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 David Emery, 5648 Blue Stem Court, Rapid City SD 57702 the holder and/or owner of Water Right No. 1881-1 is issued a license to appropriate water, the right to impound 1.0 acre foot of water in a dugout with a priority date of February 27, 2007 from the location specified in (2) of this license for fish & wildlife propagation and recreational purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1881-1 and subject to the following qualifications:

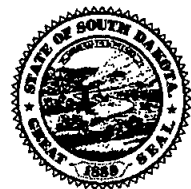
- Water Permit No. 1881-1 authorizes a dugout with a storage capacity of 1.0 acre foot of water located on North Box Elder Creek.
- North Fork Box Elder Creek at this location is classified by the South Dakota Surface Water Quality Standards and Uses Assigned to Streams for the following beneficial uses: 1) cold water permanent fish life propagation waters; 2) limited contact recreation waters; 3) fish and wildlife propagation, recreation and stock watering waters and 4) irrigation waters. Best Management Practices (BMP) for sediment and erosion control during construction shall be incorporated into the planning, design and construction. Measures shall be implemented to ensure that the total suspended solids of 30 mg/L is not violated during construction.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 22 2016

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

JUL 22 2016

1881-1

David Emery
5648 Blue Stem Court
Rapid City SD 57702

Dear Mr. Emery:

Enclosed is Water License No. 1881-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures