

WATER PERMIT NO. 1918-1

Name of Applicant: Wayne Besler

Address: 14281 Bixby Rd, Bison SD 57620

Phone: 605 244-5507

Amount of Water Claimed: 69.8 AF

Total Acres: NA

Source of Water Supply: runoff

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

County: Perkins

Type of Waste Disposal System: NA

Location: approximately 12 miles southwest of Bison

PRIORITY Date Received: 9-8-09

Application/License Fee: \$700

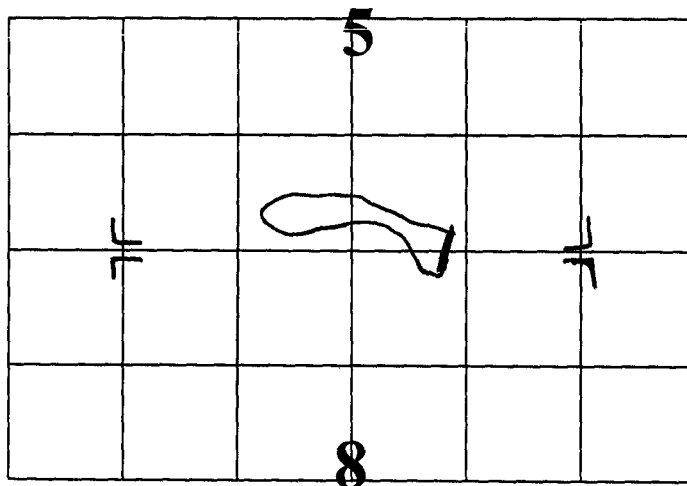
Corrected Application Received: 8-12-10

Period of Annual Use: January 1 - December 31

Remarks:

Diversion Point: on the section line between the
SW ¼ SE ¼ Sec 5 and NW ¼ NE ¼ Sec 8; all in
T16N-R13E

Water Impounded: SW ¼ SE ¼, SE ¼ SW ¼ Sec
5 and NW ¼ NE ¼ Sec 8; all in T16N-R13E



Depth of Well: NA

Well Driller: NA

Remarks:

Type of Map: aerial

Prepared by: Dave Kumble, GF&P

Reviewed and the Number Assigned on: 8-12-10

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>1918-1</u> (office use only)	Hydrologic Unit <u>10130305</u>	RECEIVED SEP - 8 2009 WATER RIGHTS PROGRAM
	Basin <u>Moreau River</u>		
	Newspaper <u>Bison Courier PO Box 429</u>		
	<u>605-244-7199</u> <u>Bison 57620</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 livestock | |

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 Wayne Besler Phone (605) 244-5507
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 14281 Bixby Rd. Bison State SD 57620
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed _____ *CFS or _____ **GPM 69.8 ***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 surface runoff
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Perkins
One dam in SW1/4 SE1/4 section 5-T16N-R13E : water impounded. SW1/4 SE1/4, SW1/4 SE1/4
on section line between NW1/4 NE1/4 Sec 8 T16N R13E and NW1/4 NE1/4 Sec 8 all in T16N R13E
5. County or counties where water will be used Perkins
6. Annual period during which water is to be used January 1-December 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)

This new dam will be a water source for livestock grazing on expiring Conservation Reserve Program acreage. New pond will also serve as wildlife habitat, especially for waterfowl.

STATE OF SOUTH DAKOTA)

County of Perkins 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, Wayne Besler, 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 Wayne Besler

Subscribed and sworn to before me this 11 day of Aug 11 20 10

Notary Public signature

My Commission Expires
July 13, 2011

SOUTH DAKOTA
WATER PERMIT NO. 1918-1

Date of first receipt of application September 8, 2009.

Date of return to applicant for corrections, amendments or changes September 28, 2009.

Date of receipt of corrected application August 12, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1918-1 to Wayne Besler, 14281 Bixby Rd, Bison SD 57620 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. 1918-1 authorizes impoundment of 69.8 acre-feet of water from runoff by constructing a dam located on the section line between the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8 with water impounded in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8; all in T16N-R13E.
2. The water appropriated shall be used for fish and wildlife propagation 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. 1918-1 is September 27, 2010.
5. The date from which applicant may claim right is August 12, 2010.
6. One-fifth of the construction is to be completed on or before February 27, 2013.
7. All construction is to be completed on or before September 27, 2015.
8. Water is to be put to beneficial use on or before September 27, 2019.
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. 1918-1 authorizes a dam with a storage capacity of 69.8 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

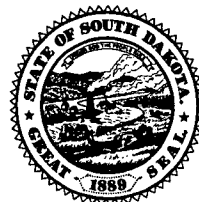
WATER MANAGEMENT BOARD

By: Garland Erbele

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

OCT 22 2010

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

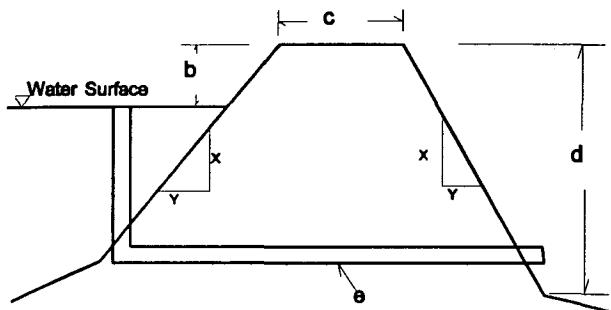
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

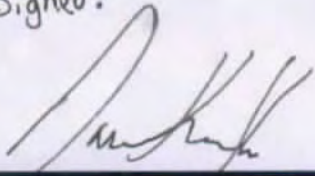
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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

Dave Konechne, Professional Engineer
Pierre, South Dakota
605-224-7092



- b) Freeboard _____ 3'
- c) Crest Width _____ 12'
- Crest Length _____ 333'
- d) Height _____ 16'
- e) Primary Outlet Capacity _____ N/A
- If pipe, diameter _____
- f) Secondary Spillway Capacity _____ 110
- Spillway Width _____ 80'
- g) X & Y Slope _____
- Upstream _____ 3:1
- Downstream _____ 3:1
- h) Surface Area of Impoundment _____ 13.4
- i) Storage _____ 69.8 _____ Acre Feet
- j) Drainage Area Above Dam _____ 327.0 _____ Acres

Signed: 

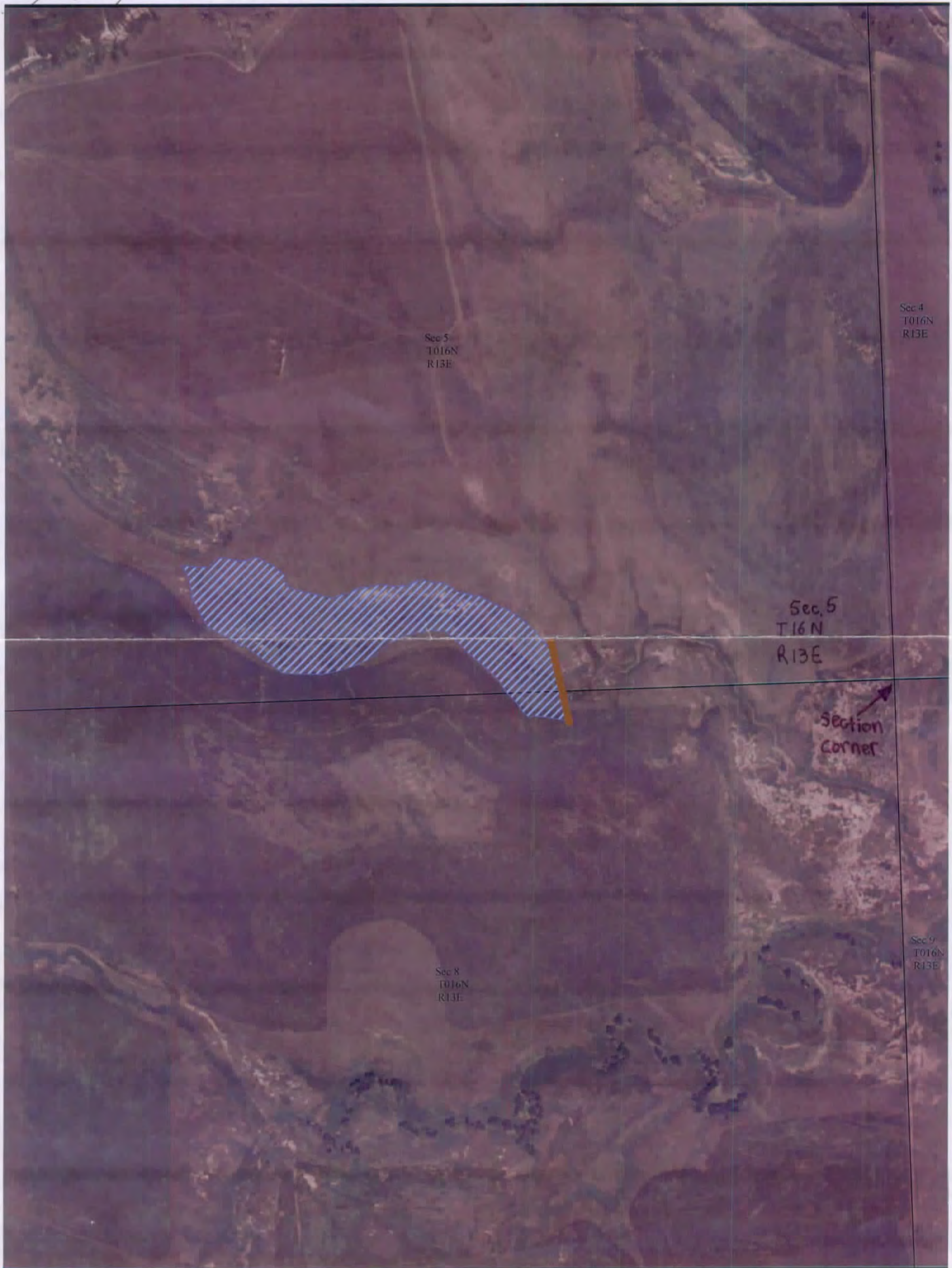
Besler Ranch--Perkins Co., SD

Map by Dave Kimble, SD Game, Fish & Parks

RECEIVED

SEP - 8 2009

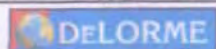
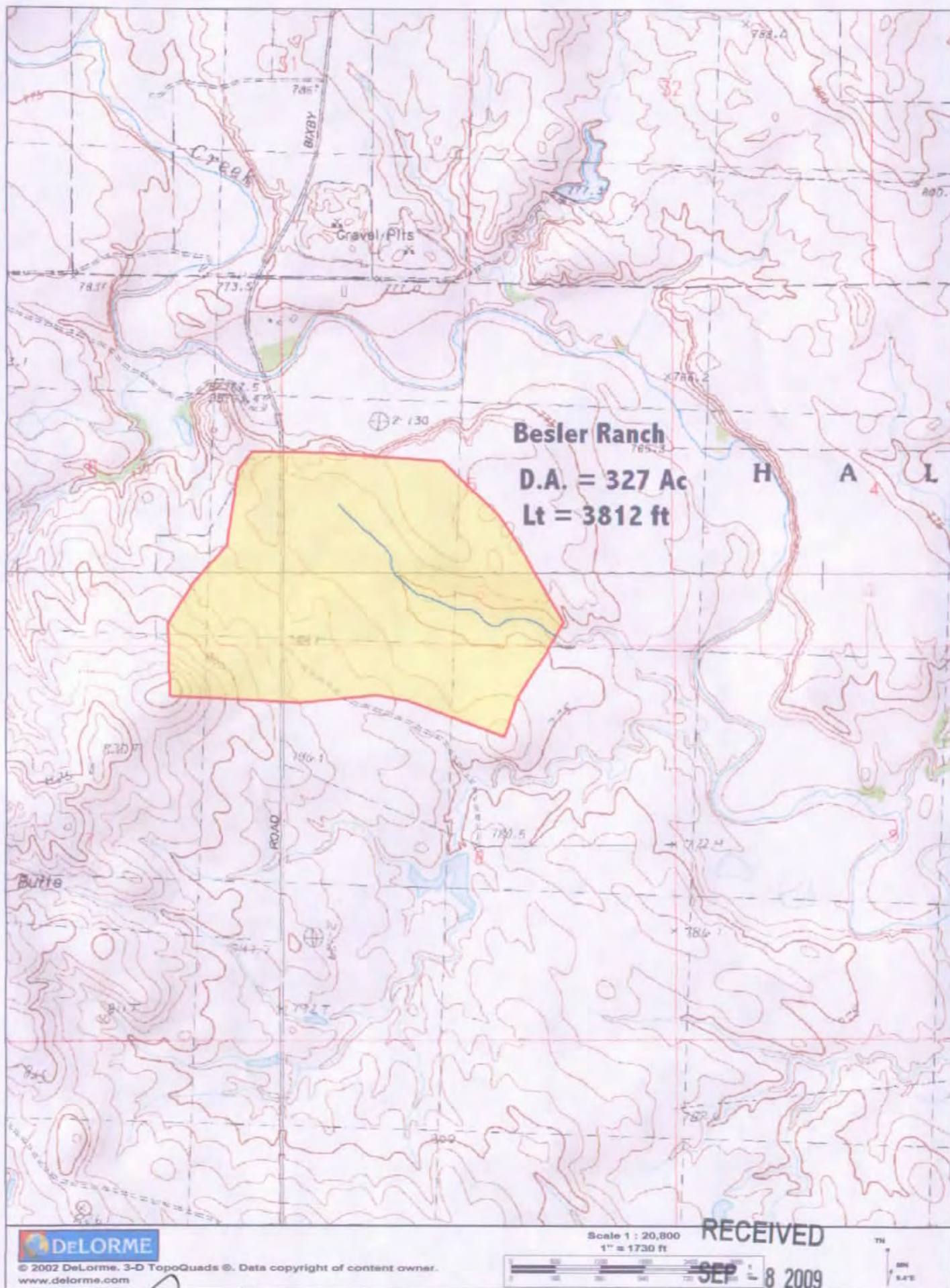
WATER RIGHTS
PROGRAM



0 250 500 1,000 1,500 2,000 Feet

Legend

 new_dam_waterline



© 2002 DeLorme. 3-D TopoQuads®. Data copyright of content owner.
www.delorme.com

Scale 1 : 20,800
1" = 1730 ft



RECEIVED

SEP 8 2009

WATER RIGHTS
PROGRAM

Signed: *Dan [Signature]*

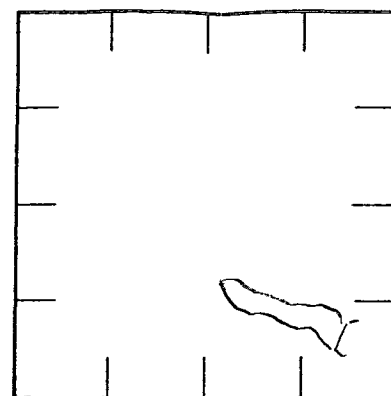
STRUCTURE DATA

DRAINAGE AREA	ANNUAL YIELD	PEAK RUNOFF	EMERG. SPLWY.	WATER DEPTH	SURFACE AREA	SEDIMENT STORAGE	TOTAL STORAGE
ACRES	AC. FT.	$A_c - FT$ 25-YR.	CAPACITY C. F. S.	FEET	ACRES	AC. FT.	AC. FT.
32.7	8.2	51	110	12	13.4	—	69.8

Top of D2m

115

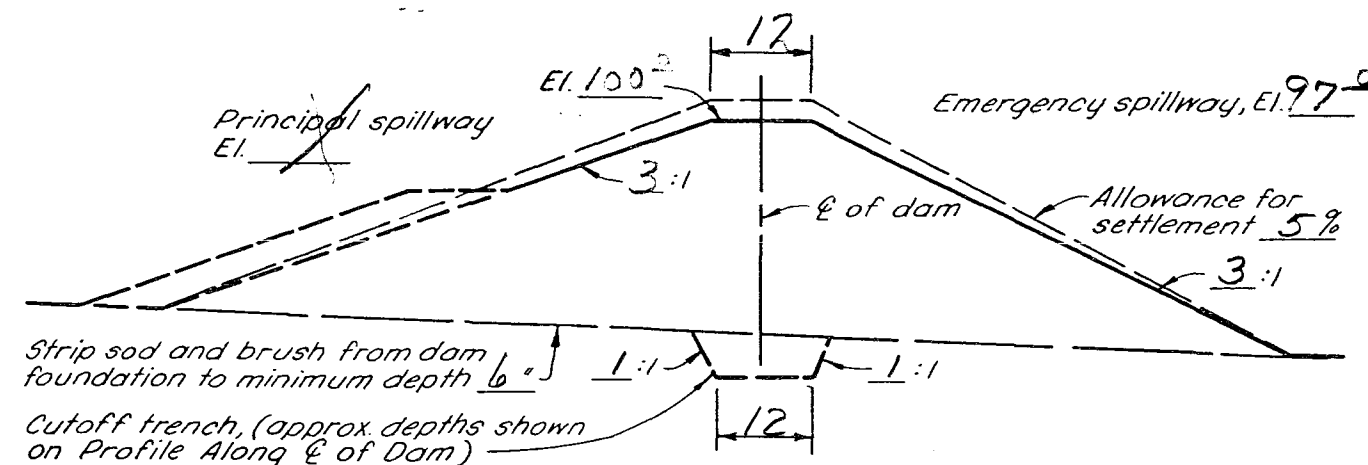
NOTE: Pond capacity is greater than 25-yr runoff. No principal spillway needed.



sec. 5 T. 16 N R. 13 E
Perkins County

LOCATION

TABLE OF QUANTITIES

[illegible]

TYPICAL CROSS SECTION OF DAM

S.D. CONSTRUCTION AND MATERIAL SPECIFICATIONS:

SD-2 Clearing & Grubbing
SD-7s Earth Fill

EARTH DAM

OPERATOR: Bester Ranch

CONSERVATION DISTRICT: _____

Class "A" Hazard

Date		Approved by	
Designed		Title	
Drawn		Title	
Traced		Sheet	Drawing No
Checked		No	

See attached topog

SKETCH PLAN OF DAM AND RESERVOIR AREA

Approximate scale 1" =

REFERENCE: GUIDE PLAN NO. 1.0

JOB PLAN NO. 1.0

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

RECEIVED
SEP - 8 2009
WATER RIGHTS
PROGRAM

Water Permit Application No 1918-1
Wayne Besler

Top of Dam Elev. - 100
Spillway Elev. - 97
Up Emb Toe Elev. - 84 } Ht. = 16 ft. Cat. 3 - Low Hazard Dam

Normal Storage Capacity - 69.8 Ac-Ft
Max Storage Capacity - 115

Max Cap x Ht. = $115 \times 16 = 1840 < 3000 \therefore 25 \text{ year}$
Minimum Spillway Design

From USGS WRI "Tech. Serv. List Peak Flows ... in 50"
Region C DA = 327 Ac = 0.511 mi.²

$$Q_{PS} = 207 CA^{.573}$$

$$= 207 (.511)^{.573}$$

$$= \underline{140 \text{ cfs}}$$

$$Q_{100} = 379 CA^{.566}$$

$$= 379 (.511)^{.566}$$

$$= \underline{260 \text{ cfs}}$$

Secondary Spillway Capacity

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

$$C = 2.6$$

$$L = 80$$

$$H = 3$$

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

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

Section 74:02:08:09

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

NRCS Annual Yield

DA = 327 Ac CN = 80 Iso = 1 1/2

80% chance = 0.18
 $0.18 \times 327^{3/2} = \underline{49 \text{ Ac-Ft}}$

50% chance = 0.46
 $0.46 \times 327^{3/2} = \underline{12.5 \text{ Ac-Ft}}$

10% chance = 2.0
 $2.0 \times 327^{3/2} = \underline{55 \text{ Ac-Ft}}$

Client : Besler Ranch
County : Perkins
Practice: Pond

State: SD

By: DFK
Checked: _____

Date: _____
Date: _____

Drainage Area : 327 Acres
Curve Number : 80
Watershed Length : 3812 Feet
Watershed Slope : 1 Percent
Time of Concentration: 1.54 Hours
Rainfall Type : II

Storm Number	1	2	3	4	5
Frequency (yrs)	1	2	5	10	25
24-Hr Rainfall (in)	1.6	2	2.8	3.2	3.8
Ia/P Ratio	0.31	0.25	0.18	0.16	0.13
Runoff (in)	0.34	0.56	1.10	1.40	1.88
Unit Peak Discharge (cfs/acre/in)	0.336	0.363	0.391	0.399	0.409
Peak Discharge (cfs)	37	67	141	183	251

RECEIVED

SEP - 8 2009

WATER RIGHTS
PROGRAM

DENR - Water Rights
523 E Capitol Ave
Pierre SD 57501

COPY

* INVOICE *

August 16, 2010
Invoice No. WB DAM-8-16

SD Game Fish & Parks
523 E Capitol Ave
Pierre SD 57501

Application fee for Water Right Permit for Wayne Besler Dam Bison SD

\$700.00

PLEASE PAY THIS AMOUNT:

\$700.00



GAIL JACOBSON

Secretary

Water Rights Program

(800) 438-3367

8/18/10 *[Signature]*

State of South Dakota
VOUCHER
Direct Invoice

BC

JOURNAL VOUCHER ENTRY

212

NEXT FUNCTION: _____ ACTION: _____

APP: 34

DOCUMENT ID: N06108M014

EFFECTIVE DATE	08172010	TOTAL	1400.00
COMPANY ID	3122	DATA TYPE CODE	1
LEVEL OF FUNDS CHK	-	UPDATE AFF	-
SOURCE GEN CODE	-	CLOSED PRD ADJ	-
PROJECT COMPANY	-	TRANSFER COMPANY	-

GAME FISH PARKS PAYS DENR FOR WATER RIGHT PERMIT FOR BESLER DAM, BISON SD_

302 4299802 - 2020 000800 700.00

OPTIONS: (E)ND, (H)OLD, (K)ILL, OR NEXT LINE _____

I declare and affirm under the penalties of perjury that this claim has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.

Claimant

Date

[Signature]
Authorization

Date

08/17/2010 8:37

Authorization

Date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

September 28, 2009

Wayne Besler
14281 Bixby Rd
Bison SD 57620

Dear Mr. Besler:

Thank you for submitting the *Application for a Permit to Appropriate Water* for a storage dam. In order to complete the application the following is required.

- As indicated, the bottom portion of the application needs to be signed by a notary public.
- Enclosed is your check for \$50.00. The Legislature passed a bill this year raising the filing fees on applications, licenses and ownership changes. The fee increases became effective July 1, 2009. The application/license fee for this application will be \$700.00.

Upon receipt of the notarized application and fee, further processing of the application will continue. If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, September 28, 2009 1:36 PM
To: Kimble, David
Subject: Water Permit application for Wayne Besler

We just received the Application for Permit to Appropriate Water from Wayne Besler (Perkins County) today. I have sent the application back to Mr. Besler to be notarized and for the correct fee.

I reviewed the 2 maps which you submitted a couple of weeks ago. Our rules require the map be signed by a Registered Land Surveyor, Registered Professional Engineer or any other government employee who normally prepares maps as a part of his assigned duties. Would you like me to send the maps back for your signature or can you just print another, sign and return to our office.

Let me know. If you want me to send them back, please email me your mailing address. Thanks.

Karen Schlaak
Water Rights Program, DENR
605 773-3352
email: Karen.Schlaak@state.sd.us

09/28/2009



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 10, 2009

Wayne Besler
14281 Bixby Rd
Bison SD 57620

Dear Mr. Besler

On September 8, 2009, you submitted *an Application for Permit to Appropriate Water Within the State of South Dakota* for 69.8 acre-feet storage dam to be constructed in Perkins County.

The application was returned because it needed to be signed and notarized. Also, an application/license fee of \$700.00 is required. It is our understanding that you were going to be contacting the Department of Game, Fish and Parks regarding the fee.

To date, we have not received the required information. Upon receipt of the above, further review of the application will continue.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352
karen.schlaak@state.sd.us

Schlaak, Karen

From: Kimble, David
Sent: Wednesday, August 04, 2010 12:07 PM
To: Schlaak, Karen
Cc: Olson, Tim (GFP)
Subject: RE: Water Permit application for Wayne Besler
Karen,

Thanks for the response. If you would please send the application back to Wayne and instruct him to have it notarized that would be good. If you would let Tim Olson know when you have recieved the notarized application from Wayne Besler, then Game, Fish & Parks will pay the fee.

Thanks for the help.

Dave Kimble, Wildlife Habitat Biologist
South Dakota Game, Fish & Parks
3305 West South Street
Rapid City, SD 57702
Office: (605) 394-5232
Cell: (605) 209-2776
E-mail: david.kimble@state.sd.us

-----Original Message-----

From: Schlaak, Karen
Sent: Wednesday, August 04, 2010 10:42 AM
To: Kimble, David
Subject: RE: Water Permit application for Wayne Besler

Dave,

I checked our files and we have not received the \$700 application/license fee. We would accept payment from GF&P for this application. I talked with our fiscal office person and she said you would need to initiate a non-cash voucher for this payment. Let me know if you are going to do this so I can tell them to be expecting something.

I was looking the application over to make sure it was complete and see that Wayne Besler signed the application but did not have it signed by a notary public. Prior to returning the application back last September, Mr. Besler called and requested the application be put on hold pending the fee issue. Therefore, before we can continue processing the application, the application will need to be notaried.

It is my intent to send the application back to Mr. Besler requesting the required signatures. I'm I correct in assuming that you have been in recent contact with Mr. Besler and if I indicate GF&P is paying the fee, he will know what I'm talking about?

Let me know. Thanks

Karen

-----Original Message-----

From: Kimble, David
Sent: Tuesday, August 03, 2010 3:38 PM
To: Schlaak, Karen
Cc: Olson, Tim (GFP)
Subject: RE: Water Permit application for Wayne Besler

Karen,

I was wondering if you ever recieved the signed and notarized water right application and fee from Wayne Besler. If you have not recieved the fee, is it possible for the Water Rights Program to accept the fee if it is vouchered from Game, Fish & Parks on Mr. Besler's behalf?

Thanks,

Dave Kimble, Wildlife Habitat Biologist
South Dakota Game, Fish & Parks
3305 West South Street
Rapid City, SD 57702
Office: (605) 394-5232
Cell: (605) 209-2776
E-mail: david.kimble@state.sd.us

-----Original Message-----

From: Schlaak, Karen
Sent: Tuesday, November 10, 2009 10:44 AM
To: Kimble, David
Subject: Water Permit application for Wayne Besler

For your information, attached is a letter I sent to Mr. Besler regarding his pending application for a storage dam in Perkins County.

Karen Schlaak
Water Rights Program, DENR
605 773-3352
email: Karen.Schlaak@state.sd.us

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, August 12, 2010 3:48 PM
To: Olson, Tim (GFP)
Subject: FW: Water Permit application for Wayne Besler

I have received the notarized application from Wayne Besler. I understand you will be initiating a non-cash voucher for the \$700 application fee. Let me know when this is done or send me a copy or something for our records.

Thanks,

Karen Schlaak
Water Rights Program, DENR
605 773-3352
email: Karen.Schlaak@state.sd.us

-----Original Message-----

From: Kimble, David
Sent: Wednesday, August 04, 2010 12:07 PM
To: Schlaak, Karen
Cc: Olson, Tim (GFP)
Subject: RE: Water Permit application for Wayne Besler

Karen,

Thanks for the response. If you would please send the application back to Wayne and instruct him to have it notarized that would be good. If you would let Tim Olson know when you have recieved the notarized application from Wayne Besler, then Game, Fish & Parks will pay the fee.

Thanks for the help.

Dave Kimble, Wildlife Habitat Biologist
South Dakota Game, Fish & Parks
3305 West South Street
Rapid City, SD 57702
Office: (605) 394-5232
Cell: (605) 209-2776
E-mail: david.kimble@state.sd.us



RECEIVED

AUG 12 2010

WATER RIGHTS
PROGRAM

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

August 3, 2010

Wayne Besler
14281 Bixby Rd
Bison SD 57620

Dear Mr. Besler:

Enclosed please find the *Application for a Permit to Appropriate Water* for a 69.8 acre-feet storage dam which was originally submitted September 8, 2009. The application is being returned because the bottom portion of the application needs to be signed and notarized. We received an additional application on September 28th, but it was only signed by you and not notarized.

Dave Kimble with the Dept of Game, Fish and Parks has indicated that they will be submitting the filing fee for this application.

Upon receipt the signed and notarized application, we will continue processing the application. I have enclosed a postage paid envelope for returning the application form.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

August 30, 2010

Wayne Besler
14281 Bixby Road
Bison, SD 57620

Dear Mr. Besler:

We have reviewed the plans and specifications for your dam project located on the section line between the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, all in T16N-R13E in Perkins County. The plans and specifications for the project 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. 1918-1 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 Besler Dam No. 6 will be classified as a small size Category 3, Low Hazard dam with a dam height of 16 feet and a normal storage capacity of 69.8 acre-feet and a maximum storage capacity of 115 acre-feet.

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

Sincerely,

Timothy G. Schaal, P.E.
Natural Resources Engineering Specialist
for Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

c: Dave Konechne, Konechne Engineering



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1918-1, Wayne Besler**

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. 1918-1, Wayne Besler, 14281 Bixby Rd, Bison SD 57620.

The Chief Engineer is recommending APPROVAL of Application No. 1918-1 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. 1918-1 authorizes a dam with a storage capacity of 69.8 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 30, 2010

REPORT ON
WATER PERMIT APPLICATION NO. 1918-1
Wayne Besler
August 25, 2010

Water Permit Application No. 1918-1 has been filed by Wayne Besler to impound 69.8 acre-feet of water from runoff by constructing a dam located on the section line between the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, all in T16N-R13E in Perkins County. The application also requests impoundment of sufficient water to maintain water to the outlet elevation. The water will be used for fish and wildlife production and livestock water purposes.

Discussion:

The dam will be classified as a small size, Category 3, Low Hazard dam. The dam has been designed by Konechne Engineering. The plans and specifications have been reviewed and will be approved; however, construction of the dam can not begin until Water Permit Application No. 1918-1 is approved.

The dam will be 16 feet high with a normal storage capacity of 69.8 acre-feet with a reservoir level at the primary spillway elevation, and a maximum storage capacity of 115 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 327 acres or 0.511 square miles. The dam is designed to have an 80 foot wide earthcut spillway with 3.0 feet of freeboard. A 25 year frequency event produces a peak runoff of approximately 140 cfs and a 100 year frequency event produces a peak runoff of approximately 260 cfs. The earthcut spillway will have a capacity of approximately 325 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 5 acre-feet. The annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 12.5 acre-feet and the annual yield with a 10 percent chance, or 1 out of 10 years, is expected to be 55 acre-feet.

The Besler Dam No. 6 is located on the section line between the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, all in T16N-R13E on an unnamed tributary to Rabbit Creek, about 1.0 miles upstream of the confluence of the tributary and Rabbit Creek. There are no existing Water Permits/Rights filed on the unnamed tributary between the proposed dam and Rabbit Creek.

Conclusions:

1. Water Permit Application No. 1918-1 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 domestic use should be a qualification on Water Permit Application No. 1918-1.



Timothy G. Schaal, P.E.
Natural Resources Engineering Specialist

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

)SS

COUNTY OF PERKINS

RECEIVED

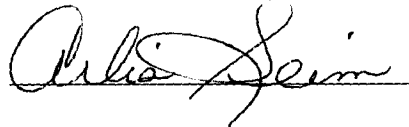
SEP 30 2010

WATER RIGHTS
PROGRAM

Arlis Seim, 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 No. 1918-1 to Appropriate Water

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 9 day of Sept., 2010 and the last publication on the 16 day of Sept., 2010 that \$49.39 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.



Subscribed and sworn to before me this 30 day of September, 2010.

Sylvia Chapman
Notary Public, Perkins County

My commission expires:



NOTICE OF APPLICATION NO. 1918-1 to Appropriate Water

Notice is given that Wayne Besler, 14281 Bixby Rd, Bison SD 57620 has filed an application for a water permit to impound 69.8 acre-feet of water from runoff by constructing a dam located on the section line between the SW 1/4 SE 1/4 Section 5 and the NW 1/4 NE 1/4 Section 8 with water impounded in the SW 1/4 SE 1/4, SE 1/4 SW 1/4 Section 5 and the NW 1/4 NE 1/4 Section 8; all in T16N-R13E. This application requests 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. 1918-1 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 this 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 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 recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 27, 2010.

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 twice on September 9th and 16th, 2010, at the total approximate



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

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

August 30, 2010

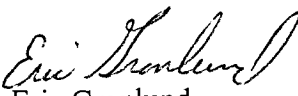
Wayne Besler
14281 Bixby Rd
Bison SD 57620

Dear Mr. Besler:

Water Permit Application No. 1918-1 for livestock water 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 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 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 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 application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352
eric.gronlund@state.sd.us

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

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

August 30, 2010

Bison Courier
PO Box 429
Bison SD 57620

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1918-1 to Appropriate Water to be published twice. Please publish the first notice on September 9, 2010 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 Wayne Besler, 14281 Bixby Rd., Bison SD 57620 (Ph # 605-244-5507).

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. 1918-1

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

Date _____

We are in receipt of your letter of August 30, 2010 enclosing Notice to Appropriate Water by Application No. 1918-1 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 September 9, 2010 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 1918-1 to Appropriate Water

Notice is given that Wayne Besler, 14281 Bixby Rd, Bison SD 57620 has filed an application for a water permit to impound 69.8 acre-feet of water from runoff by constructing a dam located on the section line between the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8 with water impounded in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 5 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8; all in T16N-R13E. This application requests 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. 1918-1 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 this 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 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 recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 27, 2010.

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 twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

OCT 22 2010

Wayne Besler
14281 Bixby Rd
Bison SD 57620

Dear Mr. Besler:

Enclosed is Water Permit No. 1918-1 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

NOV - 9 2010

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 10/27/10TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

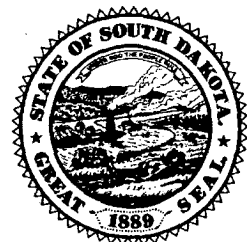
FROM:

Wayne Besler
(name)14281 Bixby Rd
(address)Bison So. Dak 57620 605-244-5507
(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. 1918-1 states that the water use system is to be constructed bySept 27 2019, and water is to be put to beneficial use by Sept 27 2018.
(date) (date)The water use system was completed on is 90% complete to date
(date)Applying the water to beneficial use was completed on will be complete by Oct 30
(date) 2010

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

Wayne Besler
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 10, 2010

1918-1

Wayne Besler
14281 Bixby Rd
Bison SD 57620

Dear Mr. Besler:

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 under Water Permit No. 1918-1.

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,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

Permit No. 1918-1
Moreau River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day, November 12, 2015, made a thorough examination of the water use system constructed by Wayne Besler of 14281 Bixby Road, Bison, SD 57620 holder of Permit No. 1918-1, bearing the priority of August 12, 2010 authorizing the storage of 69.8 acre-feet of the waters of runoff for 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 16 ft. high earthen dam with a normal storage capacity of 69.8 ac-ft. of water

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

N/A

C. Works used to apply water to beneficial use:

A 16 ft. high earthen dam with a normal storage capacity of 69.8 ac-ft. of water

The system is in the following condition good. The point of diversion is located 1500 ft. west of the SE corner of Sec. 5-T16N-R13E (on the section line between SW ¼ SE ¼ Sec. 5 and NW ¼ NE ¼ Sec 8; all in T16N-R13E) (Lat. 45.37238, Long. -102.55540). The works are capable of storing 69.8 acre-feet of water which is to be used for fish & wildlife propagation and livestock water use. Water has been put to beneficial use to the maximum extent as follows:

A 16 ft. high earthen dam with a normal storage capacity of 69.8 ac-ft. of water

and the license should be issued for 69.8 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: December 4, 2015



Timothy G. Schaal, P.E.
Engineer IV
SD DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 1918-1

DATE OF INSPECTION: November 12, 2015

NAME & ADDRESS OF PERMIT HOLDER: Wayne Besler, 14281 Bixby Rd., Bison SD 57620

DIVERSION POINT LEGAL LOCATION: 1500 ft. west of the SE corner of Sec. 5-T16N-R13E
(on the section line between SW ¼ SE ¼ Sec. 5 and NW ¼ NE ¼ Sec 8; all in T16N-R13E)
(Lat. 45.37238, Long. -102.55540).

DAM INFORMATION:

- 1) Height to crest 16 feet
- 2) Height to primary spillway 13 feet
- 3) Height to secondary spillway N/A feet
- 4) Crest width 12 feet
- 5) Crest length 333 feet
- 6) Spillway length XXX feet
- 7) Spillway width 80 feet
- 8) Approx. storage (Normal) 69.8 acre-feet
- 9) Approx. storage (Maximum) 115 acre-feet
- 10) Date constructed: 2010

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. 1918-1



0 0.25 0.5 1 Miles



Timothy G. Schaal

Timothy G. Schaal, P.E.
Engineer IV
SD DENR, Water Rights Program

12/4/15



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

1918-1

JAN 29 2016

Wayne Besler
14281 Bixby Rd
Bison SD 57620

Dear Mr. Besler:

Enclosed is Water License No. 1918-1. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1918-1

(1) Wayne Besler, 14281 Bixby Rd, Bison SD 57620 made Application No. 1918-1, September 8, 2009 for a water permit to impound 69.8 acre feet of water from runoff, Perkins County, South Dakota for fish and wildlife propagation and livestock watering purposes. Permit No. 1918-1, with a priority date of August 12, 2010 was approved September 27, 2010 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 27, 2015 and for the application to beneficial use of water on or before September 27, 2019.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on November 9, 2010. The *Notice* stated the diversion system was completed on October 30, 2010 and the water placed to beneficial use on October 30, 2010.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 1918-1 is issued a license, bearing a priority date of August 12, 2010, to impound 69.8 acre feet of water from runoff for fish and wildlife propagation and livestock watering purposes.

The location of the storage dam (spillway) is 1500 feet west of the SE corner of Section 5-T16-R13E (on the section line between SW 1/4 SE 1/4 Section 5 and NW 1/4 NE 1/4 Section 8; all in T16N-R13E).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 1918-1, including the following qualifications:

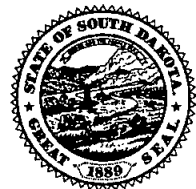
- Water Permit No. 1918-1 authorizes a dam with a storage capacity of 69.8 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.



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

JAN 29 2016

date



RECEIVED
SEP - 8 2009
WATER RIGHTS
PROGRAM

Elev	Area (Ac)	Storage (Ac FT)
84	0	0
86	0.9	0.9
90	3.7	10.1
94	9.2	35.9
97	13.4	69.8
100	19.1	115

