Considered: _____ Vested Right ~~WATER PERMIT~~ NO. 2017-2

MAP No. same

Name of Applicant USDA, Forest Service

Post Office Address 270 Pine Street, Chadron NE 69337

Amount of Water Claimed 82 acre-feet Total Acres NA

Source of Water Supply Kimball Creek

Water to be used for domestic & ~~wildlife~~ waterfowl & wildlife production County Pennington

About 12 miles SE of Wall SD.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F.& C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received Mar 12, 1987 Fee $15.00 Remarks _____

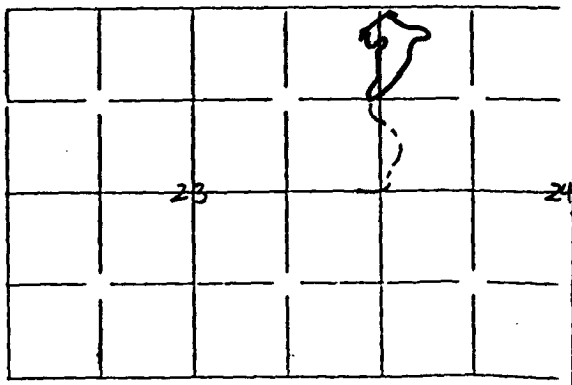
12/21/49

Corrected Application Received Mar 19, 1987 Period of Annual Use _____

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES ___ NO ___ REMARKS _____

Diversion Point dam: NE¼NE¼ section 23; NW¼NW¼ section 24; all in T2S-R1E



Land to be Irrigated NA

Well Log: Driller NA Licensed YES ___ NO ___

Depth of Well NA REMARKS _____

Type of Map Topo PREPARED BY Scott J. Kenner Reviewed and the Number assigned on March 23, 1987 By Ron Duvall

FORM 2: Application for uses other than irrigation (type or print)

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352
P.I. 3/5/87

No. 2017-2 Hydrologic Unit 10140102
Map No. same Basin Bad River
Newspaper Pennington County Courant, Box 435, Wall (Thurs)
Kadoka Press, Box 309 (Thurs)

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

Check use of water: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☒
Domestic ☐ (above 18gpm) Other ☒ Livestock watering (Pikes Pond)

3pm MAR 1987 DIVISION WATER RIGHTS Pierre, SD

Type of Application: Check one or more of the following

New ☐ Vested Right ☒ Future Use ☐ Change Use ☐
☐ Amend Permit No. ?? with old priority date retained
Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☒ Wildlife enhancement
☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____
☐ Construction to use water reserved by Future Use Permit No. _____

1. Name of Applicant USDA, Forest Service, Nebraska National Forest Phone No. (308) 432-3367
   Post Office Address 270 Pine Street, Chadron (Street, RR or Box) State NE Zip Code 69337
2. Amount of water claimed (c.f.s) Water storage only (82 acre-feet)
3. Source of water supply Kimball Creek
4. Location of point of diversion Sections 23 and 24, T.2S., R.17E., Project is the repair of breach on an existing dam. NE¼ NE¼ Section 23; NW¼ NW¼ Section 24, T2S, R17E
   County Pennington
5. Counties where water will be used Pennington
6. Annual period during which water is to be used ~~March through November~~ Jan 1 - Dec 31
7. Give a brief description of proposed 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 includes the reconstruction of an existing dam that has a vested water right. The dam has been constructed since early 50's. The reconstruction includes repair of a breach section, installing of new primary spillway, and enlargement of emergency spillway.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF ~~SOUTH DAKOTA~~ NEBRASKA)
County of Dawes)ss

I, John A. Prochaska Acting Forest Supervisor the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed _____

Subscribed and sworn to before me this 10 day of March 1987

GENERAL NOTARY State of Nebraska JOAN J. CLARKE My Comm. Exp. July 20, 1989

Joan J. Clarke
Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. _____

_____ _____
(Applicant) (Post Office Address)

_____ _____ With the following qualifications.
(State) (Zip Code)

Date of first receipt of application _____ , 19_____.

Date of return to applicant for correction, amendments or changes required _____ , 19_____.

Date of receipt of corrected application _____ , 19_____. Approved _____ , 19_____.

The Water Management Board hereby approves this Water Permit No. _____ authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____ , 19_____.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before _____, 19_____.
3. The whole of said work is to be completed on or before _____ , 19_____.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is _____, 19_____.
5. The water appropriated shall be used for the purpose of _____

   _____
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed _____ cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served and to which water is actually and beneficially applied for _____ on or before _____, 19_____; said water to be used during the following described annual period: _____

WATER MANAGEMENT BOARD

By: _____
Chief Engineer
Division of Water Rights
Dept. of Water and Natural Resources

_____ , 19_____

VESTED WATER RIGHT

The Water Management Board hereby validates Vested Water Right Claim No. 2017-2.

USDA, Forest Service, Nebraska National Forest
210 Pine Street, Chadron NE 69337

Date of receipt of Application March 12, 1987.

Validated July 8, 1987.

The Water Management Board hereby validates the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Vested Water Right, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is December 21, 1949.

2. The water appropriated is used for the purpose of domestic, recreational and wildlife habitat uses.

3. The prior rights of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be unlawfully impaired by this appropriation.

4. The amount of appropriation hereby validated shall not exceed 82 acre-feet annually; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served and to which water has been actually and beneficially applied for domestic, recreational and wildlife habitat uses. The water to be used during the following described period January 1 - December 31.

5. The Vested Water Right is subject to the following qualifications:

   a. That reconstruction of Pike's Pond Dam comply with Water Management Board rules Chapter 74:02:08, Safety of Dams.

   b. That domestic uses of the dam by authorized permittee during the grazing season shall not be prohibited by the Forest Service.

WATER MANAGEMENT BOARD

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural Resources

AUG 25 1987

STATE OF SOUTH DAKOTA
VESTED RIGHT WATER LICENSE NO. 2017-2

(1) USDA, Forest Service, Nebraska National Forest of 270 Pine Street, Chadron NE 69337 made Application No. 2017-2, March 12, 1987 for validation of a vested right claim to store 82 acre-feet annually of water in Pikes Pond Dam, Pennington County, South Dakota for domestic, recreation and waterfowl and wildlife production purposes. Vested Water Right No. 2017-2, with a priority date of December 21, 1949 was validated July 8, 1987 and issued to applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(2) It is certified that the application 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 store 82 acre-feet annually of water for beneficial use. The location of Pikes Pond Dam is located on Kimball Creek in the NE 1/4 NE 1/4 Section 23 and NW 1/4 NW 1/4 Section 24, T2S, R17E.

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

(4) Pursuant to Section 46-5-30.1 USDA Forest Service, Nebraska National Forest of 270 Pine Street, Chadron NE 69337 the holder(s) and/or owners(s) of Vested Water Right No. 2017-2 is issued a license to appropriate water, the right to store 82 acre-feet annually of water in Pikes Pond Dam with a priority date of December 21, 1949 from the location specified in (2) of this license. The water is to be used for the purpose of domestic, recreational and waterfowl and wildlife production. This license is subject to any limitations or qualifications listed in Vested Water Right No. 2017-2 and subject to South Dakota State Law.

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural Resources

MAY 1 1988

Form 2A

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction N/A

   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 of Water (ground surface to water level) _____

   g) Distance to nearest existing domestic well:

   On applicants property _____ On property owned by others _____

2. Dugout Information Estimates N/A

   a) Surface Dimensions _____ Depth _____

   b) Depth to water (ground surface to water level) _____

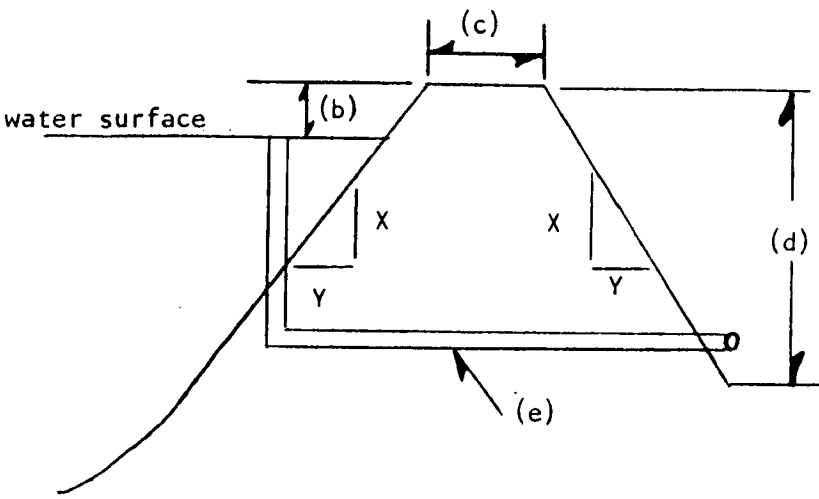
3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should 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

Bell, Galyardt and Associates

Rapid City, SD 57701



b) Freeboard 5 feet

c) Crest Width 10 feet

Crest Length 600 feet

d) Height 20 feet

e) Outlet Dimensions:
Pipe diameter 84"Ø

Spillway width 200 feet

f) X & Y Slope
Upstream 3:1

Downstream 3:1

Surface Area of Impoundment 28.5 Acres

Storage 82.0 acre feet

Drainage area above dam 25 Sq. Miles

_____
Signature of Applicant

Form 2B

Affidavit of Water Use

No. _____

(Type or Print in Ink)



Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.

Affidavit Of Construction Of Water Use System And Application Of Water To Beneficial Use

Pikes Pond

Name of Applicant (Same as Form 2) USDA, Forest Service, Nebraska National Forest

Post Office Address 270 Pine Street (Street, RR or Box) Chadron, NE (State) 69337 (Zip Code)

A. Notice of Appropriation 12/21/49 (#1484-2) Date of Posting December 14, 1949

Date of recording December 21, 1949 Recording date Pennington Co. (Unknown) (Where / Book / Page)

B. Date of start of construction of water supply system Unknown, Reconstruction-Summer, 1987

C. Date that water was first applied to beneficial use Stock water

D. Name of owner of original water supply system Lee Williams, Quinn, South Dakota

E. Amount of water originally applied to beneficial use 74.5 cfs

F. Present Use of Water - Amount of water now being used Water storage only (82-Acre-Feet)

Date that this water was first used Unknown, probably in summer of 1950

G. Chronological History of Water Use The dam (Pike Pond) was originally constructed in early 1950. The main purpose of the dam was stock water supply. The primary spillway was a small (24"Ø) riser pipe and a horizontal pipe through the dam. Wave erosion was a constant problem. The dam crest and primary spillway was worked on in 1979. The dam breached in 1986. It is planned to repair the breach, install a new primary spillway and enlarge the emergency spillway.

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of ~~XXXXXXXXXX~~ Nebraska)
ss
County of _____)

I, ROBERT L. STORCH (print or type) the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Robert L. Storch

Subscribed and sworn to before me March 17, 19 87

GENERAL NOTARY - State of Nebraska
LOUISE L. COE
My Comm. Exp. 3-20-89

Louise L. Coe
Notary Public or other qualified officer

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

_____ 19____
(Print name)

_____ 19____
(Print name)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410779

Pierre, March 12, 19 87

RECEIVED OF (Deb Summerville) USDA Forest Service, Nebraska National Forest, 270 Pine St., Chadron, NE 69337

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

Fee for Application for Permit No. 2017-2 to Appropriate Water, to construct works and to put water to beneficial use	15	00 VR
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.		
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for _____ (Any Other Work Provided by Law) **Total**	15	00

By John Hatch
Chief Engineer JOHN HATCH

MS

File with State Engineer

1484 Book Page

LOCATION NOTICE

RECEIVED
DEC 21 1949
OFFICE OF STATE ENGINEER
PIERRE, S. DAK.

KNOW ALL MEN BY THESE PRESENTS:

That Lee Williams whose post office is Quinn, South Dakota, a citizen of the United States, above the age of 21 years, being in possession of the following described land, to wit: One Dry Draw Stock Water Dam NW 1/4 Section 24 Township 2S Range 17E B. H. M., in Pennington County, South Dakota, Availing himself of the right granted him under the provisions of Chapter 2, Article 1, Paragraph 8239 of the Revised Code of 1919, has located and claims the right to construct a certain dam across a dry draw situated in the NW ¼ of the NW ¼ of Section 24 Township 2S Range 17E, B. H. M., and has located and claims the right to construct ditches and flumes for the purpose of directing flood waters from said dam for irrigation of the land first above described and for Live Stock Purposes, and claims the right of way across any land for the purpose of conveying water for said purposes.

Said locator claims for the above purpose 745 cubic feet of water per second during the following described annual periods, all year inclusive, each year.

The location of the point of diversion of the reservoir is as follows:

From the NW Corner Sec 24, T 2S, R 17E, 30 rds South to the Point of Diversion

The ditch None will run in a direction to and on said land for a distance of feet.

Said location was made on the 14th day of December, 1949

Witness my hand and seal this day of , 19

Locator

STATE OF SOUTH DAKOTA,
County of Pennington } ss.

On the 14 day of Dec 1949 before me [redacted], a Notary Public in and for the County and State aforesaid, personally appeared Lee Williams to me personally known to be the person who executed the foregoing instrument and acknowledged that he executed the same for the uses and purposes therein set forth.

Witness my hand and official seal the day and date above written.

[redacted]
Notary Public

WATER RIGHTS DIVISION
(605) 773-3352

March 5, 1987

Dave Coe
c/o Nebraska National Forest Service
270 Pine Street
Chadron, Nebraska 69337

Dear Mr. Coe:

This letter is in response to our phone conversation on March 5, 1987 regarding several Ducks Unlimited projects. Enclosed are five water permit applications with instructions. Please contact us if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION
(605) 773-3352

March 13, 1987

Dave Coe
c/o Nebraska National Forest Service
270 Pine Street
Chadron, Nebraska 69337

Dear Mr. Coe:

This letter is in response to the Vested Right Applications received on March 12, 1987. The following information is needed before the application can be considered by the Water Management Board.

1. Enclosed are three Affidavit of Water Use Forms, one for each dam. I did not enclose the forms with the original applications. However, I have located some information which will be helpful in completing the Affidavits.

   --The enclosed Location Notice No. 1484-2 specifies the location of the dam in Sections 23, 24-T2S-R17E. The Location Notice provides excellent documentation of the dam's existence. The priority date established by this document would be December 21, 1949 if you choose to use this Location Notice for documentation.

   --I could not locate any Location Notice of filings on the Weta dam. However, the enclosed map indicates the dam was in existence at least by 1950. The 1950 date may be used for a priority date or some earlier date, if you have information about the construction date of the dam.

I have partially completed one of the Affidavit forms for Pikes Pond. You may complete this form with the December 21, 1949 priority date or disregard the form and use other information available to you.

Complete the forms as much as possible, sign and notarize the forms and return to the Division of Water Rights. Please contact us if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

UNITED STATES DEPARTMENT OF AGRICULTURE

FOREST SERVICE

Nebraska National Forest
270 Pine Street
Chadron, Nebraska 69337

In Reply Refer To:

2540

March 17, 1987



Mr. Ron Duvall
South Dakota Department of Water
and Natural Resources
Joe Foss Building
523 East Capital
Pierre, SD 57501-3181

Dear Mr. Duvall:

Enclosed are two Affidavit of Water Uses for Weta Dam and Pike Pond. The Forest Service filed applications for vested water rights for the two projects last week. Our applications did not include Form 2B.

Please let us know if additional information is required. We could possibly locate aerial photos which show Weta Dam in use, but we used a 1950 priority date.

Sincerely,

ROBERT L. STORCH
Forest Supervisor

Enclosures (2)

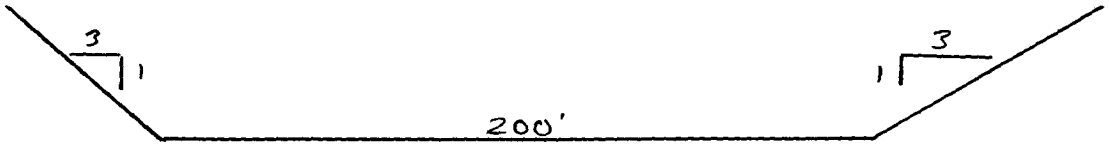
cc: Wall R.D.
D. Coe

USDA Forest Service
Application No 2017-2
Pikes Pond
3/25/87

Secondary Spillway

top of dam - 49
Spillway Crest - 45

82 acre feet x 8' (Effective Height) = 656 < 3000'
small size dam



Spillway Slope
n = .035

D	A	WP	R	Q	V	$V^2/2g$	Pool El.
3.0	627	219	2.86	3816	6.08	.58	48.58

Using "Techniques for Estimating Flood Peaks, Volumes, and Hydrographs on small streams in South Dakota" Published by USGS.

Q_{25} = 1100 cfs Q_{50} = 1200 cfs

Spillway ~~can~~ pass 350% of 25 yr. flood.

Tim Tallyfund
Natural Resources Engineer

REPORT ON VESTED WATER RIGHT APPLICATION NO. 2017-2
USDA FOREST SERVICE
March 24, 1987

Application No. 2017-2 requests validation of a vested right claim to store 82 acre-feet of water annually in Pikes Pond dam located on Kimball Creek in the NE 1/4 NE 1/4 Section 23; NW 1/4 NW 1/4 Section 24; both in T2S, R17E. The water use has a claimed priority date of December 21, 1949 and is used for domestic purposes and to provide habitat for waterfowl and wildlife production.

Pikes Pond Dam breached during 1986. The USDA Forest Service, in cooperation with Ducks Unlimited, plan to repair the breach and make improvements to the dam. The proposed plans include installation of a new primary spillway (84 inch CMP) and enlargement of the emergency spillway. A complete set of plans are included with the application.

Conclusions:

1. According to Location Notice No. 1484-2, a priority date of December 21, 1949 should be assigned to this application.
2. The breach repair should be completed within three years of the 1986 breach or the Vested Water Right Claim will be subject to forfeiture due to three years of nonuse (SDCL 46-5-37).
3. Restoration of the dam should not allow an increase in the pre-breach storage capacity. Additional storage resulting from raising the spillway elevation or removal of parent material behind the dam needs to be authorized by a new water permit. Removal of collected silt should be considered dam maintenance. Dave Coe with the Forest Service was made aware that additional storage requires obtaining a new permit during a phone conversation on March 5, 1987.
4. Pikes Pond dam is classified as a small, category 3 dam. The spillway must be capable of passing a 50 year flood pursuant to the Safety of Dams rules Section 74:02:08:07. A 50 year flood for Pikes Pond dam is approximately 2760 cfs. The earthen emergency spillway (excluding the primary spillway) meets requirements by being capable of passing approximately 3800 cfs.
5. It is recommended that the vested water right claim be validated.

Ron Duvall

RON DUVALL
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER RIGHT APPLICATION NO. 2017-2

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Validation of Vested Water Right Application No. 2017-2, USDA Forest Service, 270 Pine Street, Chadron NE.

The Chief Engineer is recommending VALIDATION of Application No. 2017-2 because 1) water has been appropriated as described for domestic purposes and to provide habitat for waterfowl and wildlife production with a priority date of December 21, 1949, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest with the following qualification:

> That reconstruction of Pikes Pond Dam comply with Water Management Board Rules Chapter 74:02:08, Safety of Dams.

See the attached report for additional information.

JOHN HATCH, Chief Engineer
March 30, 1987

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 1, 1987

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

USDA Forest Service
270 Pine Street
Chadron NE 69337

Dear Sir:

Your Application Nos. 2019-2 and 2017-2 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the KADOKA PRESS printed at Kadoka SD. 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 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 to validate a vested right and to arrange for payment. Early contact with the paper can eliminate delays. 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. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 1, 1987

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

USDA Forest Service
270 Pine Street
Chadron NE 69337

Dear Sir:

Your Application No. 2017-2 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the PENNINGTON CO. COURANT printed at Wall SD. 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 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 to validate a vested right and to arrange for payment. Early contact with the paper can eliminate delays. 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. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 1, 1987

KADOKA PRESS
Box 309
Kadoka SD 57543

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application Nos. 2019-2 and 2017-2. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before April 9, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. The applicant is to pay the cost of publication and should make the necessary arrangement with you to pay these costs.

A copy of BOTH publications must be sent to the Water Rights Division. IMMEDIATELY after the FIRST publication, return a copy of the notice with the FIRST Publication Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made before the second notice is published.

Please be sure the SECOND publication is returned with the enclosed Proof of Publication form. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

----------CUT HERE----------

FIRST TRANSMITTAL NOTICE

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date_____
We are in receipt of your letter of _____ enclosing Notice of Hearing to Validate A Vested Right Application which was first published in our issue of_____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

_____ _____
Name Newspaper

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 1, 1987

PENNINGTON CO. COURANT
Box 435
Wall SD 57790

Dear Sir:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 2017-2. Please publish this notice once each week for two consecutive weeks in your paper. The first publication should be on or before April 9, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. The applicant is to pay the cost of publication and should make the necessary arrangement with you to pay these costs.

A copy of BOTH publications must be sent to the Water Rights Division. IMMEDIATELY after the FIRST publication, return a copy of the notice with the FIRST Publication Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made before the second notice is published.

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Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

----------CUT HERE----------

FIRST TRANSMITTAL NOTICE

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date_____
We are in receipt of your letter of _____ enclosing Notice of Hearing to Validate A Vested Right Application which was first published in our issue of_____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

_____ _____
Name Newspaper

WATER RIGHTS DIVISION
(605) 773-3352

April 1, 1987

Glen Lakner
HCR 3, Box 41
Wall, South Dakota 57790

Dear Mr. Lakner:

Enclosed is a copy of a public notice to be advertised in the Kadoka Press for Application Nos. 2017-2 and 2019-2. This notice has been sent to you because during your office visit with Jim Winterton, you requested to be notified of any Ducks Unlimited projects in your area.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

Instruction to Newspaper - Publish first publication of the following Notice on or before April 9, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Right Application Nos. 2019-2 and 2017-2 to Appropriate Water

Notice is hereby given that the USDA Forest Service whose mailing address is 270 Pine Street, Chadron, Nebraska has filed Application No. 2019-2 to validate a vested right claim to store 61 acre-feet of water annually in Weta Dam located on a tributary of Fifteen Creek in the W 1/2 SW 1/4 Section 22, T3S, R20E. The water use has a claimed priority date of January 1, 1950 and is used for domestic purposes and to provide habitat for waterfowl and wildlife production. This application does not authorize any increase in storage capacity by repair of the 1986 dam breach. Repairs are to include a stoplog water control structure to allow the dam pool to be maintained at various levels or drained and construction of an emergency spillway. The proposed full water supply level is 2286.0 feet mean sea level.

And Application No. 2017-2 to validate a vested right claim to store 82 acre-feet of water annually in Pikes Pond Dam located on Kimball Creek in the NE 1/4 NE 1/4 Section 23; NW 1/4 NW 1/4 Section 24; both in T2S, R17E. The water use has a claimed priority date of December 21, 1949 and is used for domestic purposes and to provide habitat for waterfowl and wildlife production. This application does not authorize any increase in storage capacity by repair of the 1986 dam breach. Repairs are to include installation of a primary spillway (proposed inlet elevation - 2544.0 feet mean sea level) and enlargement of the emergency spillway.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application Nos. 2019-2 and 2017-2 because 1) water has been appropriated as described for domestic use and waterfolw and wildlife production with claimed priority dates of January 1, 1950 and December 21, 1949 respectively, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board in Room 216, Joe Foss Bldg, Pierre SD, May 6, 1987 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by April 24, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by April 24, 1987.

Instruction to Newspaper - Publish first publication of the following Notice on or before April 9, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Right Application No. 2017-2 to Appropriate Water

Notice is hereby given that the USDA Forest Service whose mailing address is 270 Pine Street, Chadron, Nebraska has filed an application to validate a vested right claim to store 82 acre feet of water annually in Pikes Pond Dam located on Kimball Creek in the NE 1/4 NE 1/4 Section 23; NW 1/4 NW 1/4 Section 24; both in T2S, R17E. The water use has a claimed priority date of December 21, 1949 and is used for domestic purposes and to provide habitat for waterfowl and wildlife production. This application does not authorize any increase in storage capacity by repair of the 1986 dam breach. Repairs are to include installation of a primary spillway (proposed inlet elevation - 2544.0 feet mean sea level) and enlargement of the emergency spillway.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 2017-2 because 1) water has been appropriated as described for domestic use and waterfowl and wildlife production with a claimed priority date of December 21, 1949, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board in Room 216, Joe Foss Bldg, Pierre SD, May 6, 1987 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by April 24, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by April 24, 1987.

Form 8 - Proof of Publication - Notice of Intent to Appropriate Water

No. 2017-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Pennington)

I, Belle Ravellette hereby certify that the annexed printed copy of Notice of Intent to Appropriate Water was taken from the Pennington County Courant

A newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the City of Wall County of Pennington and State of South Dakota; that the said notice was published in said newspaper on the following two dates:

April 9,1987

April 16,1987

Belle Ravellette
(Signature)

Bookkeeper
(Title)

April 24,1987
(Date Signed)

APR 1987
DIVISION OF WATER RIGHTS
Pierre, SD

Cost of Printing: 43.04

Notice of Hearing

NOTICE OF HEARING
To Validate Vested Right
Application No. 2017-2
to Appropriate Water

Notice is hereby given that the USDA Forest Service whose mailing address is 270 Pine Street, Chadron, Nebraska has filed an application to validate a vested right claim to store 82 acre feet of water annually in Pikes Pond Dam located on Kimball Creek in the NE¼NE¼ Section 23; NW¼NW¼ Section 24; both in T2S, R17E. The water use has a claimed priority date of December 21, 1949 and is used for domestic purposes and to provide habitat for waterfowl and wildlife production. This application does not authorize any increase in storage capacity by repair of the 1986 dam breach. Repairs are to include installation of a primary spillway (proposed inlet elevation - 2544.0 feet mean sea level) and enlargement of the emergency spillway.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends VALIDATION of Vested Water Right Application No. 2017-2 because 1) water has been appropriated as described for domestic use and waterfowl and wildlife production with a claimed priority date of December 21, 1949, 2) the use has been developed without unlawful impairment of existing rights, 3) it is a beneficial use of water and 4) it is in the public interest.

Validation of this application will be considered by the Water Management Board in Room 216, Joe Foss Bldg, Pierre, S.D., May 6, 1987 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application after it reachs a conclusion based upon presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by April 24, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition

WNR-808-7/79
Proof of Publication

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15 and 74:02:01:19 thru 74:02:01:22.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by April 24, 1987.

Pub.: April 9 and 16, 1987

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 30, 1987

John A Prochazka, Jr.
Acting Forest Supervisor
USDA Forest Service
270 Pine Street
Chadron NE 69337

RE: Water Right Application No. 2019-2 Weta Dam and Water Right Application No. 2017-3 Picks Pond Dam

Dear Mr. Prochazka:

We have reviewed the plans and specifications for Water Permit Applications No. 2019-2 and 2017-2. The plans and specifications as submitted are approved.

Our review was to determine compliance with the minimum spillway design flood requirements as specified by Water Management Board Rules Chapter 74:02:08 Safety of Dams. Approval applies only to the portion of the plans and specifications that could result in uncontrolled release of water from these dams. Approval of these plans and specifications does not release the Forest Service as owner of Weta Dam and Picks Pond Dam from the responsibility for operating and maintaining the dams in good repair to assure their safety.

If you have any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

May 6, 1987
(date)

Parties of Record before Water Management Board on Water Permit Application No. 2017-2, USDA, Forest Service

FOR:	AGAINST:
1. John A. Prochazka, Jr. Acting Forest Supervisor USDA, Forest Service 270 Pine St Chadron NE 69337	
2.	
3.	
4.	
5.	

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 12, 1987

NOTICE

TO: Parties of Record to Vested Water Right Application No. 2017-2, USDA Forest Service

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and Final Decision

The Water Management Board has directed John Guhin, the Board's attorney to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision on Validation of Vested Water Right Application No. 2017-2, USDA, Forest Service. The Board will consider the proposed Findings, Conclusions and Final Decision at 1:00 pm, July 8, 1987, Room 216, Joe Foss Building, Pierre SD. The agenda time is an estimate. The actual time of consideration may be delayed due to prior agenda items.

The Board has requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and all Parties of Record and their attorneys (copy enclosed) by June 18, 1987. Any comments pertaining to the proposed Findings, Conclusions and Decision are to be mailed to each Board member and all Parties of Record and their attorneys by June 26, 1987.

The public hearing on Validation of Water Right Application No. 2017-2 was completed May 6, 1987. No additional testimony on this application will be received on July 8, 1987.

cc: Harold Deering, Assistant Attorney General
John Guhin, Assistant Attorney General

CERTIFICATION

I hereby certify that on May 12, 1987 I have personally deposited with the U.S. Mail, postage prepaid envelopes containing Notice for Preparation of Findings of Fact, Conclusions of Law and Final Decision on Vested Right Application No. 2017-2 sent to the person listed on the Parties of Record sheet.

Karen Schlaak

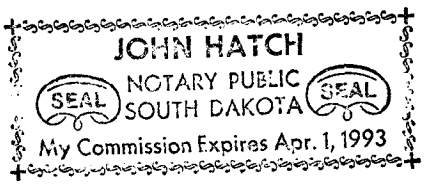
KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 12th day of May, 1987.

John Hatch

Notary Public



STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

VALIDATION OF VESTED RIGHT APPLICATION NO. 2017-2; USDA FOREST SERVICE	)))	FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL DECISION

FINDINGS OF FACT

1. On December 21, 1949, Lee Williams filed a location notice on a dry draw dam in the NW-1/4 of the NW-1/4 of Section 24, Township 2S, Range 17E, Black Hills Meridian. The dam was built on land leased from USDA-Soil Conservation Service. In 1954, the administrative jurisdiction over the land was transferred to the Forest Service.

2. The dam was breached and repaired in the 1960s. Fifty percent of the cost of the repair was paid by the United States; fifty percent was paid by Williams.

3. In 1986 the dam failed again.

4. The cost of repair of the dam will be very high and the United States Forest Service and Ducks Unlimited have completed a plan to rehabilitate the dam.

5. Lee Williams has not expressed a willingness to pay the high expense of repairing the dam.

6. The dam has, in effect, been employed by the Forest Service and its predecessor since its construction for wildlife purposes.

7. If repaired, the dam would be useful for domestic purposes, recreational and wildlife purposes.

8. The United States Forest Service has indicated that it would set up a water gap to allow access of the permitted cattle to the site during the permitted grazing season if the Forest Service is granted the vested right and if it is able to complete the project as contemplated.

9. The water has been used for domestic purposes and wildlife purposes with no three year gap, since 1949.

CONCLUSIONS OF LAW

1. This Board has jurisdiction of this matter.

2. All notice as required by the statutes and Constitution have been given.

3. The Forest Service may lawfully be granted a vested right for a resource on property owned by it but leased to a private citizen even when the private citizen originally constructed a dam on the site when (a) the water has been consistently used with no three year gap; (b) the dam is presently in disrepair; (c) the person who constructed the dam or his successor has not indicated a capacity or willingness to repair the dam; (d) the Forest Service, as the lessor of the land, has indicated a willingness and a capacity to repair the dam; (e) the Forest Service has used the water source in question for its purposes on an informal basis in the past; and (f) the Forest Service makes reasonable provisions, under the circumstances, for the use of water by the person who

originally constructed the dam. As set out above and in the final decision, each of these qualifications has been met.

4. In addition, the use must have been developed without unlawful impairment of existing rights. There is no evidence that there has been any unlawful impairment of existing rights.

5. The use proposed must be a beneficial use. The uses proposed, i.e., domestic, wildlife and recreation, are beneficial uses.

6. The project must be in the public interest. When the benefits of the projects are considered, along with the qualifications on the final decision set forth below, the project is in the public interest.

FINAL DECISION

The application of the United States Forest Service for Vested Water Right Application No. 2017-2 is granted subject to the following qualifications.

1. That reconstruction of Pike's Pond Dam comply with Water Management Board rules Chapter 74:02:08, Safety of Dams.

2. That domestic use of the dam by authorized permittee during the grazing season shall not be prohibited by the Forest Service.

Dated and signed this 13th day of July, 1987.

BY THE BOARD

Marian B. Sundreson
chairman

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

July 14, 1987

NOTICE

TO: Parties of Record to Vested Water Right Application No. 2017-2, USDA Forest Service

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Findings of Fact, Conclusions of Law and Final Decision

This is to notify you that a Final Decision including Findings of Fact, Conclusions of Law were adopted by the Water Management Board on Vested Right No. 2017-2, USDA Forest Service which was considered at the July 8, 1987 meeting.

Enclosed is a copy of the signed Final Decision, Findings and Conclusions as adopted by the Board. South Dakota Statutes provide that the decisions of the Board may be appealed to the Courts.

CERTIFICATION

I hereby certify that on July 14, 1987 I have personally deposited with the U.S. Mail, postage prepaid envelopes containing Notice for Findings of Fact, Conclusions of Law and Final Decision on Vested Right No. 2017-2 sent to the person listed on the Parties of Record sheet.

Karen Schlaak

KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 14th day of July, 1987.

JOHN HATCH
SEAL NOTARY PUBLIC SEAL
SOUTH DAKOTA
My Commission Expires Apr. 1, 1993

John Hatch

Notary Public

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

AUG 25 1987

John A Prochazka, Acting Forest Supervisor
USDA Forest Service
Nebraska National Forest
270 Pine Street
Chadron NE 69337

Dear Mr. Prochazka:

Enclosed is your Validated Vested Water Right and Notice of Completion of Reconstruction. The Notice of Completion of Reconstruction should be returned to this office when reconstruction has been completed so that an inspection can be conducted.

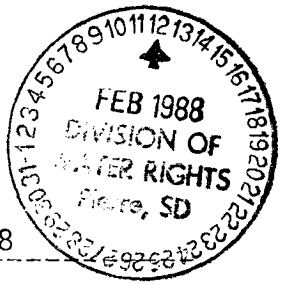
Very truly yours,

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

NOTICE OF COMPLETION OF RECONSTRUCTION OF DAM FOR VESTED WATER RIGHT NO. 2017-2



Date February 8, 1988

TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181

FROM: USDA FS, Nebraska NF, 270 Pine, Chadron, NE 69337
name address city

I have completed the reconstruction of Pikes Pond Dam and I have again put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Vested Water Right No. 2017-2.

Reconstruction of Pikes Pond Dam must have been completed within three years of the 1986 breach or Vested Water Right No. 2017-2 will be subject to forfeiture.

The reconstruction of Pikes Pond Dam was completed on 01/26/88.

You may schedule an inspection so that the Water License may be issued.

Robert L. Storch

signature ROBERT L. STORCH
Forest Supervisor

Form 12 Permit No. 2017-2

10140102 Water District

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

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by USDA Forest Service of 270 Pine Str., Chadron NE 69337 holder of Permit No. 2017-2, bearing the priority of December 21 1949 authorizing the diversion of 82 Acre feet of the waters of Kimball Creek for domestic & wildlife production purposes, in Pennington County.

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

A. Works used to divert the water:
Rolled earth Dam - 16 ft. high - spillway crest - primary - 9 ft above channel
embankment - 700' Long primary spillway - 7' cmp emergency - 10 ft above channel
crest - 12' wide emergency spillway - 200' wide 82 ac. ft. storage

B. Works used to transport water to place of use:
Rolled Earth Dam. freeboard - 6' upstream slope - 3.5:1
downstream slope - 4:1

C. Works used to apply water to beneficial use:
Rolled Earth Dam.

The system is in the following condition Good

The point of diversion is located NE1/4 of the NE1/4 of Sec 23 and NW1/4 of the NW1/4 of Section 24. - T2S - R17E

The works are capable of diverting and conveying to the place of use 82 acre feet of water which is to be used for domestic and wildlife purposes

Water has been put to beneficial use to the maximum extent as follows:
Rolled earth dam with 82 acre feet storage. 16 feet high 7' diameter cmp - primary spillway, 200' wide emergency spillway embankment 700 ft long; crest 12' wide.

comprising a total of ____ acres of land and the license should be issued for 82 acre feet.

Applicable permit qualifications have been complied with ✓ Yes ____ No

Exceptions to compliance are: ____ Date 4/26/88

Tim Goldsmith
(signature)

LICENSE FOR PERMIT NUMBER 2017-Z

1. Legal location of wells: _____

_____

dams & structures: NE¼ NE¼ Sec 23 & NW¼ NW¼ Sec 24 - T25-R17E

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model no. _____

c) size _____ c) horsepower rating _____

d) capacity _____ GPM d) motor efficiency rating

e) turbine pump no. of stages _____ _____

3. Distribution lines:

a) size of lines _____

b) type _____

c) length _____

4. Dam information:

a) height to crest 16'

b) height to spillway 9'

c) crest width 12'

d) crest length 700'

e) spillway length 400'

f) spillway width 200'

g) approx. storage 82 ac. ft

h) Distribution lines or canals:

1) size NA

2) type NA

3) length NA

i) Outlet tubes:

1) diameter 7 ft.

2) type CMP

3) valued (Y/N) N

4) valve type NA

5) location on structure

10' from Right Abutment

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers

_____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers

_____

3) spacing of sprinklers _____

4) nozzle size _____

5. System Type: c) center pivot

1) make _____
2) number of towers _____
3) distance between towers _____
4) overall length _____
5) End gun (Y/N) _____
6) high or low pressure _____
7) make & size of nozzles _____
8) PSI reading while system is running _____
9) GPM _____

d) Gate Pipe

1) length _____
2) diameter _____
3) spacing of gates _____

e) Siphons

1) number _____
2) size _____

f) Portable boom

1) make _____
2) serial number _____
3) nozzle size _____
4) capacity (GPM) _____
5) PSI _____

g) Gun

1) make _____
2) serial number _____
3) nozzle size _____
4) capacity (GPM) _____
5) PSI _____
6) hose size _____
7) hose length _____

h) Hydromatic

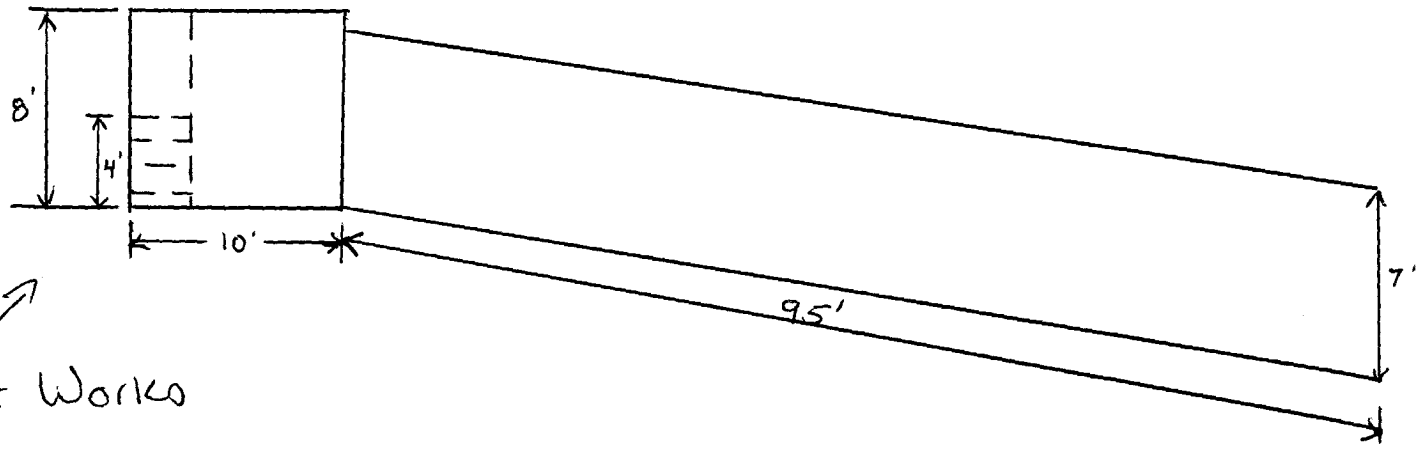
1) make _____
2) model _____
3) serial number _____
4) length _____
5) nozzle size _____
6) spacing _____
7) PSI _____
8) capcity (GPM) _____

YES	NO	Check Items
NA	___	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
✓	___	2. Special Qualifications to permit being abided by.
✓	___	3. All Structures, wells and lands on map.

REMARKS:

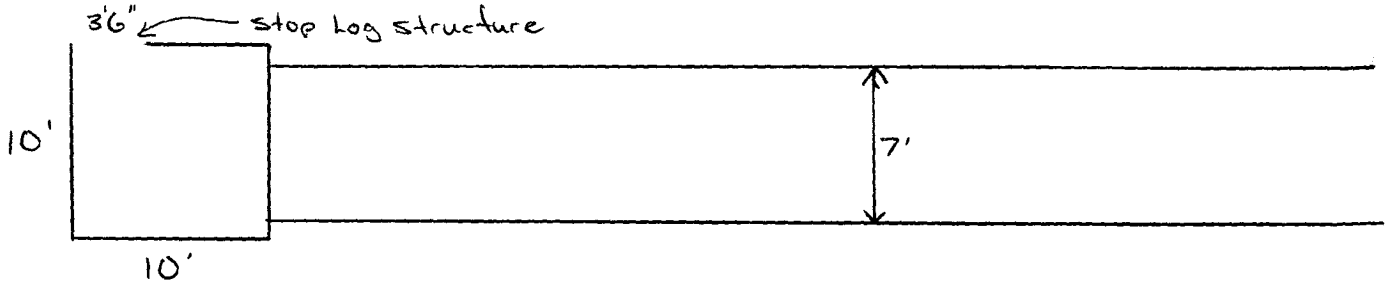
Pikes Pond Dam - inspection - 4/13/88 Tim Tollefsrud
U.S. Forest Service

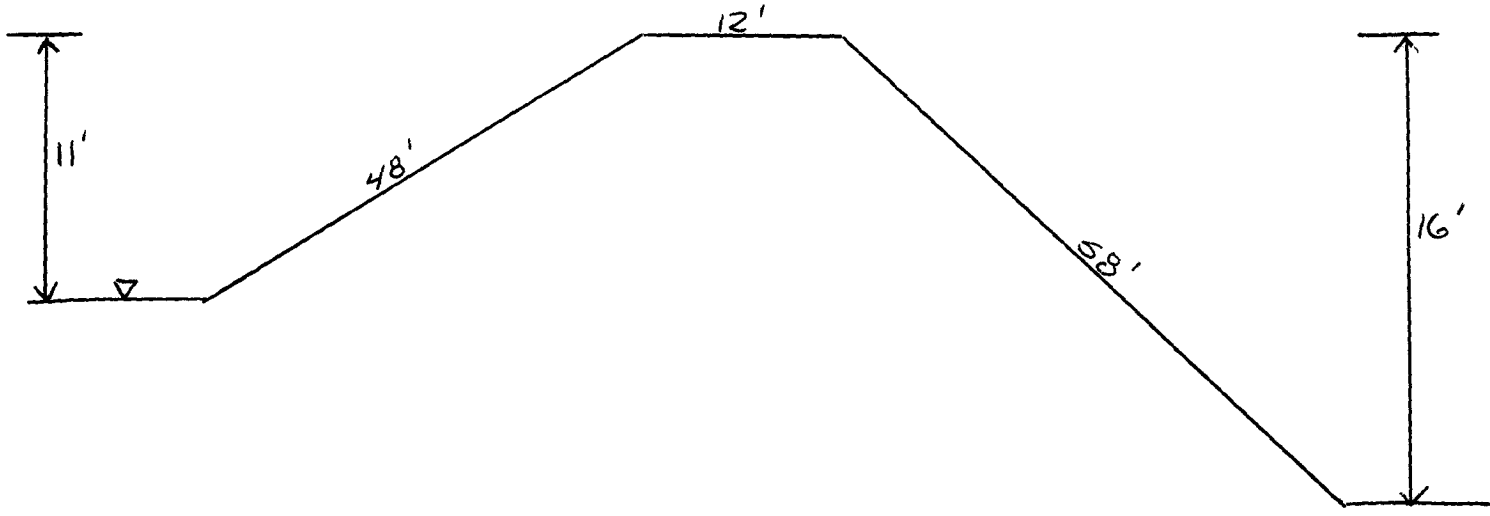
X-section

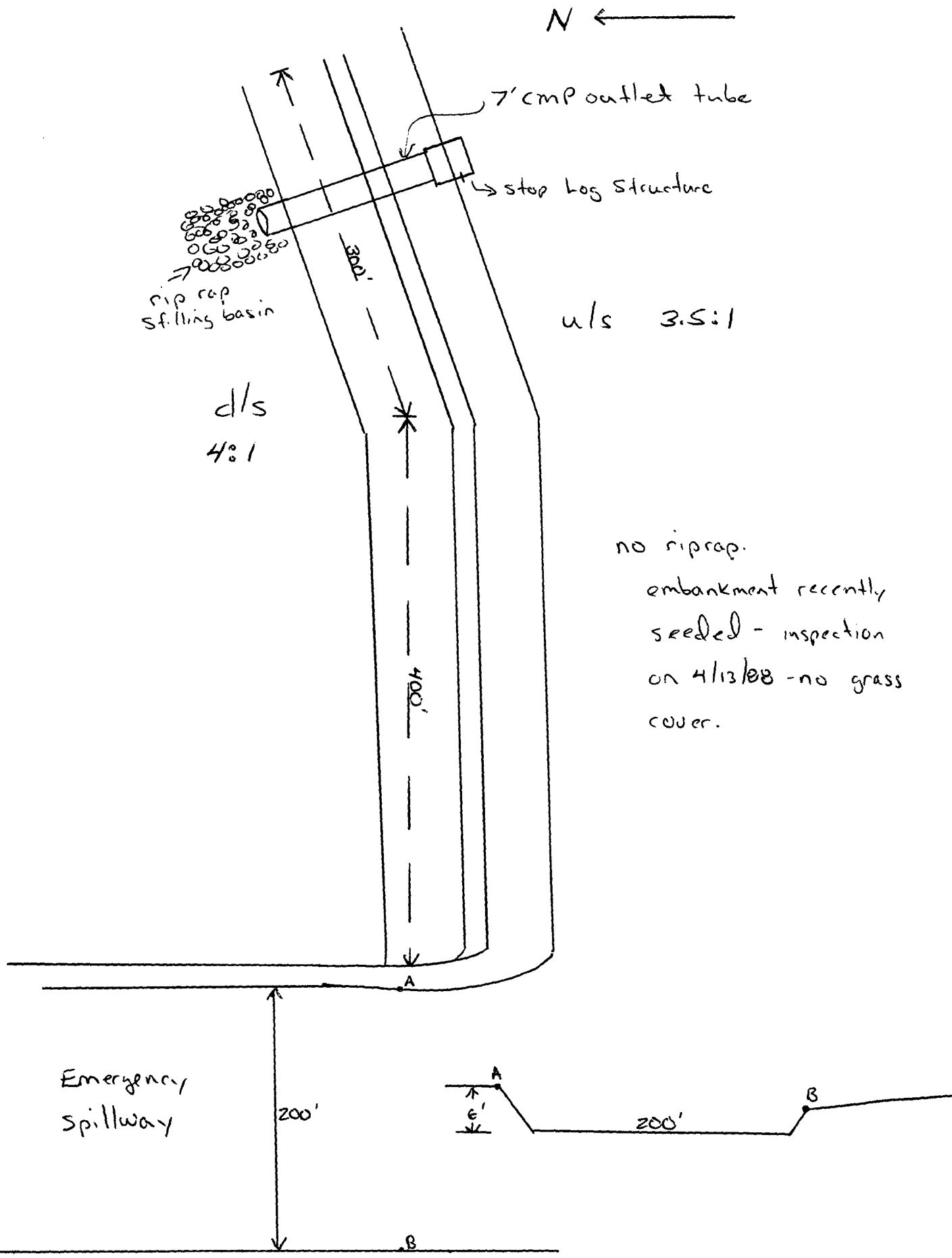


Outlet Works

Plane View






N
7' cmp outlet tube
stop log structure
rip rap
stilling basin
300'
u/s 3.5:1
d/s
4:1
400'
no riprap.
embankment recently seeded - inspection on 4/13/08 - no grass cover.
A
Emergency
Spillway
200'
B
A
6'
200'
B

South Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

MAY 1 1988

2017-2
2019-2

Robert L. Storch, Forest Supervisor
USDA Forest Service
Nebraska National Forest
270 Pine Street
Chadron NE 69337

Dear Mr. Storch:

Enclosed are Vested Right Water License Nos. 2017-2 and 2019-2 for the USDA, Forest Service. As long as the water is beneficially used, as stated in the Water Licenses, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

Water Rights Division - DWNR File No. 2017-2

Conversation or File Documentation

NAME OF PERSON OR FILE: USDA Forest Service.

ADDRESS: 270 Pine Street, Chadron NE COUNTY Pennington

DATE: August 24, 1988 TELEPHONE 308-432-3367

RE: Regarding qualification on Permit No. 2017-2

COMMENTS:

Gary Williams called regarding the Forest Service ordering them to remove cattle from the Pikes Pond Dam. Mr. Williams stated that the water gap installed did not reach water of good quality for the cattle. According to Vested Water Right No. 2017-2, a qualification states that access to the dam for domestic use shall not be denied to the authorized permittee during the grazing season.

I contacted Bill Perry, District Ranger, (279-2125) regarding this situation. Mr. Perry stated the water level was very low (poor quality) and the embankment was seeded to grass and the Forest Service did not want cattle on the embankment. I told Mr. Perry that from a Safety of Dams viewpoint that cattle should never be allowed on the embankment. I told Mr. Perry that the qualification on the Vested Right was very specific about cattle being allowed access. Mr Perry indicated in a second call that a meeting was to be held with the permittee (Eastern Pennington Grazing Assn) next week. I informed Mr. Williams of the meeting and that we should see if the situation can be resolved to everyone's satisfaction during that meeting.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Ron Duvall

4/82

DUCKS UNLIMITED

PROJECT

PIKES POND
BUFFALO GAP NATIONAL GRASSLAND

SECTION 23 & SECTION 24, TOWNSHIP 2 SOUTH, RANGE 17 EAST, B.H.M.
PENNINGTON COUNTY, SOUTH DAKOTA

IN COOPERATION WITH

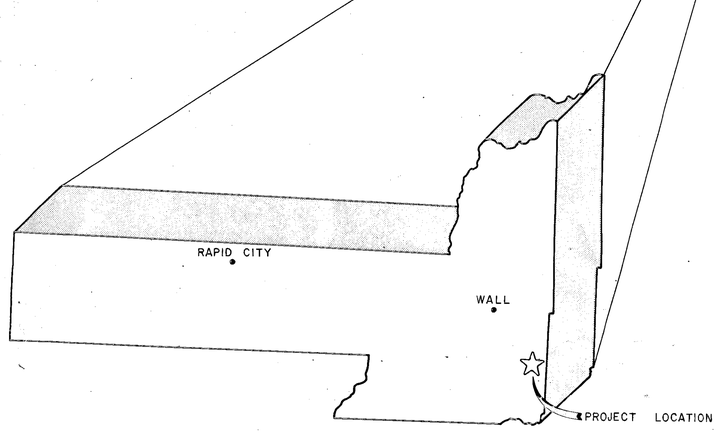
U.S. FOREST SERVICE

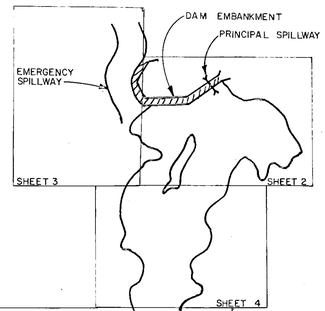
PLAN INDEX

1 TITLE SHEET
2 GRADING PLAN & SITE LAYOUT
3 GRADING PLAN & SITE LAYOUT
4 SITE LAYOUT & AREA CAPACITY CURVE
5 SITE LAYOUT
6 SITE LAYOUT
7 CONCRETE WIER BOX SECTIONS, DETAILS & ESTIMATED QUANTITIES
8 DAM EMBANKMENT & PRINCIPAL SPILLWAY PROFILES
9 DAM EMBANKMENT CROSS SECTIONS
10 DAM EMBANKMENT CROSS SECTIONS
11 EMERGENCY SPILLWAY CROSS SECTIONS

DUCKS UNLIMITED



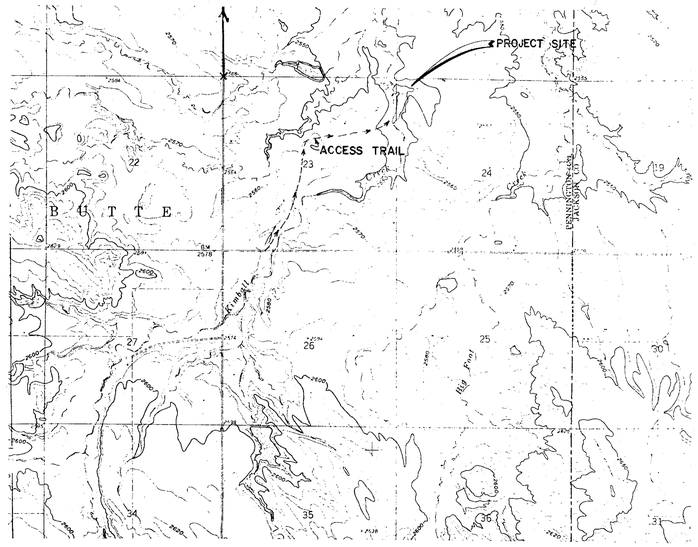




PROJECT LAYOUT SHEET INDEX

NORTH

3.1 MILES NORTH
TO I-90 EXIT 121, THEN APPROX. 12 MILES WEST TO WALL, S.D.



SURVEY BY: BELL, GALYARDT & ASSOC.
RAPID CITY, S.D.
PLANS BY: BELL, GALYARDT & ASSOC.
RAPID CITY, S.D.

PRELIMINARY

NO	DESCRIPTION OF REVISION	DATE	BY

DUCKS UNLIMITED, INC.

PIKES POND

TITLE SHEET

REGISTERED PROFESSIONAL ENGINEER REG. NO. 4097 SCOTT J. KOERNER SOUTH DAKOTA

DESIGNED	DRAWN	SURVEYED	CHECKED
S J K	I D F		D L K

APPROVED

APPROVED

DESCRIPTION
SEC 23 & 24 TWP 2 S RGE 17 E

DATE JAN. 1987

DRAWING NO 1 OF 11

REV

MAR 1987
DIVISION OF WATER RIGHTS
Pierre, SD

V.R. Appl. No. 2017-2

DUCKS UNLIMITED

PROJECT

PIKES POND
BUFFALO GAP NATIONAL GRASSLAND

SECTION 23 & SECTION 24, TOWNSHIP 2 SOUTH, RANGE 17 EAST, B.H.M.
PENNINGTON COUNTY, SOUTH DAKOTA

IN COOPERATION WITH

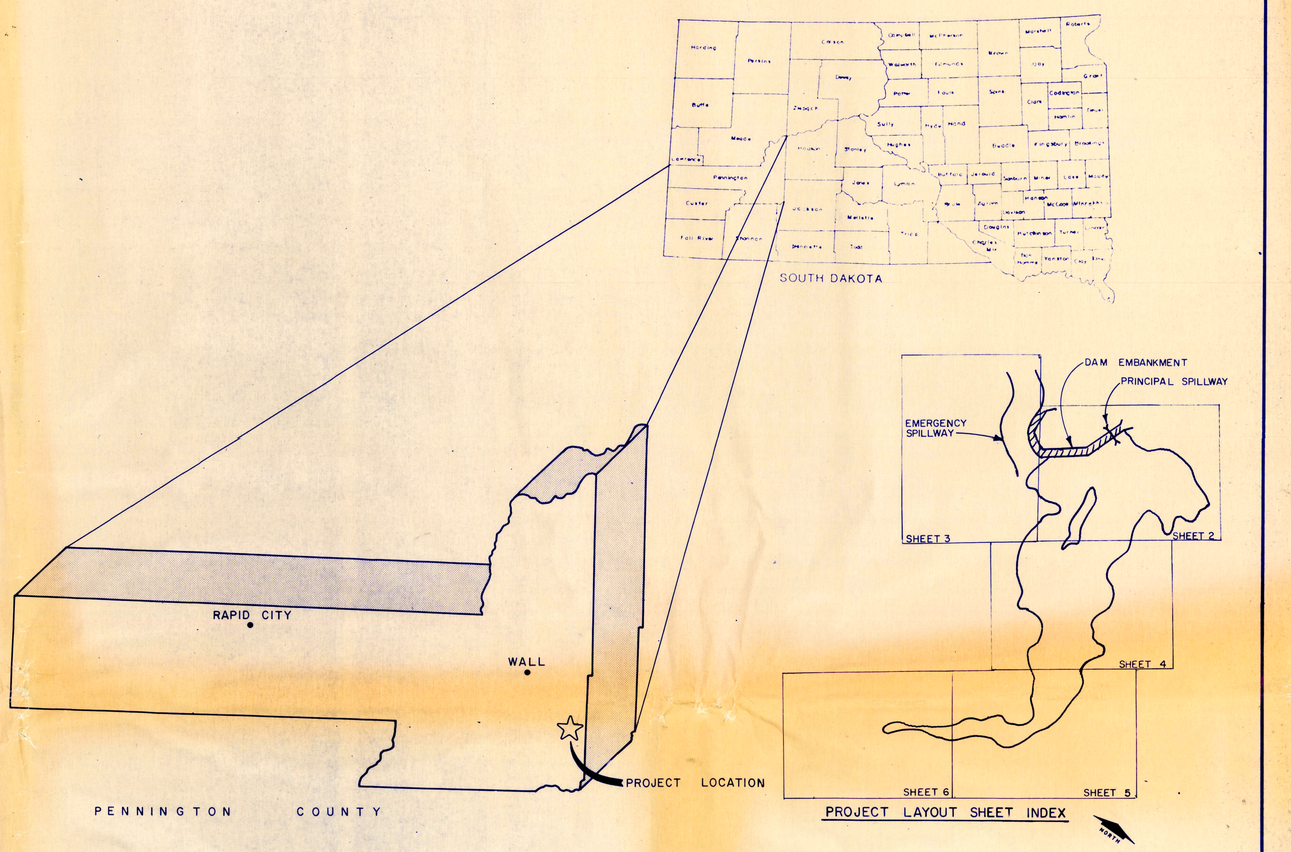
U.S. FOREST SERVICE

PLAN INDEX

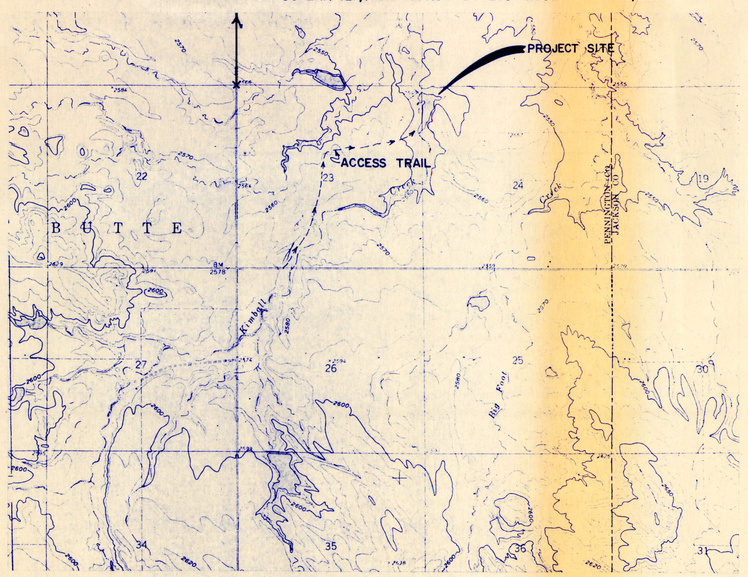
1 TITLE SHEET
2 GRADING PLAN & SITE LAYOUT
3 GRADING PLAN & SITE LAYOUT
4 SITE LAYOUT & AREA CAPACITY CURVE
5 SITE LAYOUT
6 SITE LAYOUT
7 CONCRETE WIER BOX SECTIONS, DETAILS & ESTIMATED QUANTITIES
8 DAM EMBANKMENT & PRINCIPAL SPILLWAY PROFILES
9 DAM EMBANKMENT CROSS SECTIONS
10 DAM EMBANKMENT CROSS SECTIONS
11 EMERGENCY SPILLWAY CROSS SECTIONS

DUCKS UNLIMITED

MAR 1987
DIVISION OF WATER RIGHTS
Pierre, SD



3.1 MILES NORTH
TO I-90 EXIT 121, THEN APPROX. 12 MILES WEST TO WALL, S.D.



SURVEY BY: BELL, GALYARDT & ASSOC. RAPID CITY, S.D.
PLANS BY: BELL, GALYARDT & ASSOC. RAPID CITY, S.D.

PRELIMINARY

NO	DESCRIPTION OF REVISION	DATE	BY

DUCKS UNLIMITED, INC.

PIKES POND

TITLE SHEET

REGISTERED PROFESSIONAL ENGINEER
REG. NO. 4097
SCOTT J. KENNER
SOUTH DAKOTA

DESIGNED	DRAWN	SURVEYED	CHECKED
SJK	IDF		DLK

APPROVED

APPROVED

DESCRIPTION
SEC 23 & 24 TWP 2 S RGE 17 E

DATE JAN. 1987

DRAWING NO 1 OF 11 REV

V.R. Appl. No. 2017-2

MATCH LINE SHEET 3

MATCH LINE SHEET 4

± EMERGENCY SPILLWAY

SOIL BORING #1

SOIL BORING #3

TEMP TP #2

TEMP TP #1

RIPRAP APRON SEE DETAIL SHEET 7

INV. ELEV 310

768'

14° 30' 45"

11 4X11.4 CONC. WEIR AND 84 CMP CARREL SEE PROFILE SHEET 8 INV. ELEV 360

0+00

0+05

N 66° 46' 09" E

BM #1 ELEV 2553.81

SOIL BORING LOG # 1

SOIL BORING LOG # 3

NORTH

SCALE 1" = 50'

NOTES:

1. DAM EMBANKMENT CROSS SECTIONS GIVEN ON SHEETS 9 AND 10.
2. REMOVE AND DISPOSE OF ALL EXISTING CMP FROM DAM EMBANKMENT.
3. BORROW MATERIAL FOR EMBANKMENT WILL COME FROM POND AREA AND THE EMERGENCY SPILLWAY.
4. THE CONTRACTOR SHALL USE THE FAT CLAY SOILS FOR CONSTRUCTION OF THE EMBANKMENT. ALL BORROW MATERIAL SHALL BE APPROVED BY THE ENGINEER PRIOR TO PLACEMENT AS DAM EMBANKMENT.
5. ADDITIONAL TOPSOIL NEEDED FOR FINAL COVER MAY BE BORROWED FROM THE WETLAND AREA.

BENCH MARKS

NO.	ELEVATION	SHEET NO.
BM 1	2553.81	2
BM 2	2545.32	3
TP 1	2548.06	2
TP 2	2548.80	2
TP 3	2548.17	2
TP 4	2555.92	5
TP 5	2559.46	6

SHEET 2 of 11

REVISIONS

DATE JAN. 15, 1987
DESIGNED SJK
DRAWN JDE, IDF
CHECKED DLK
COMM. NO. 860905

GRADING PLAN & SITE LAYOUT

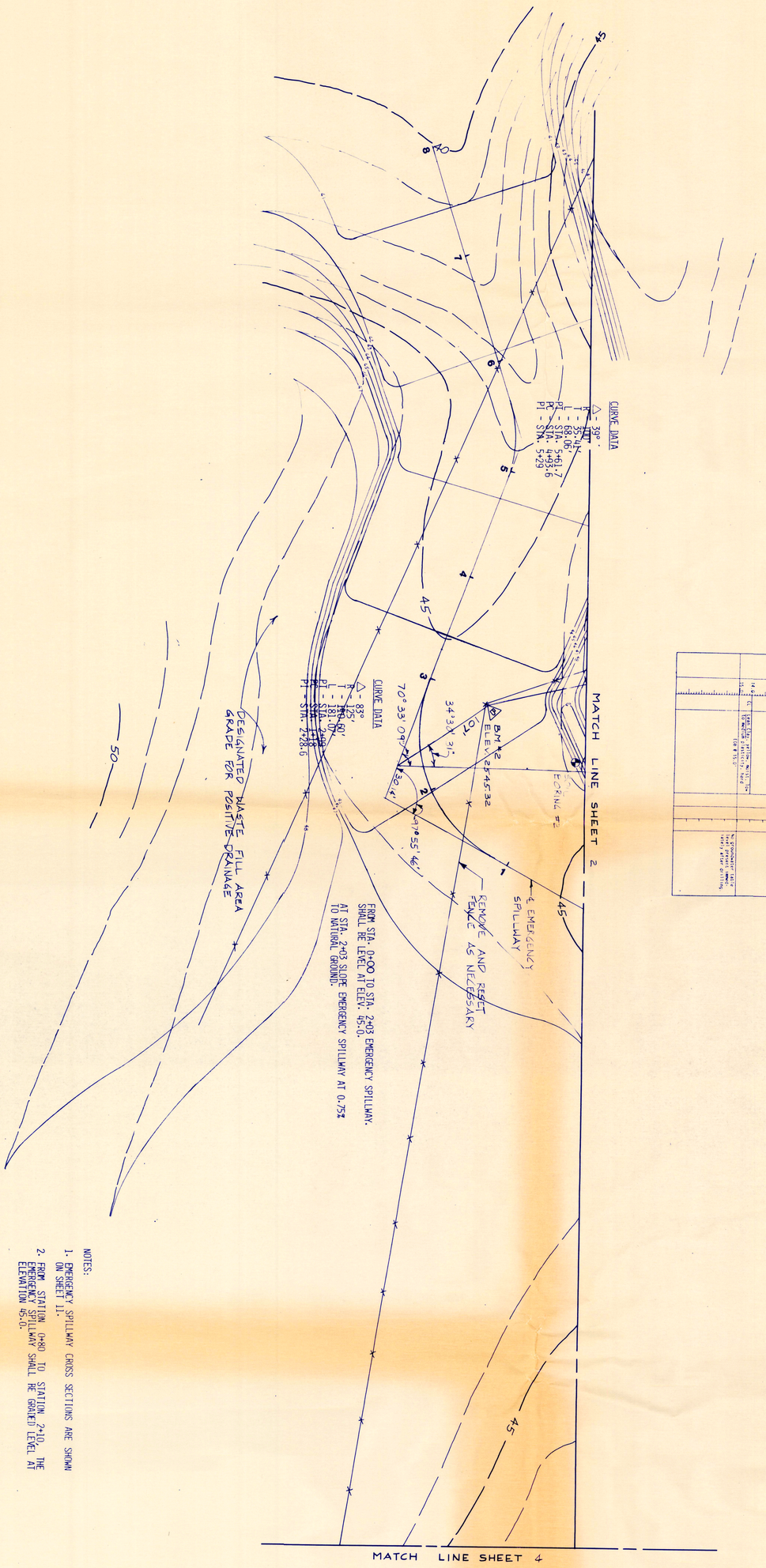
DUCKS UNLIMITED, INC.

PIKES POND

BUFFALO GAP NATIONAL GRASSLAND

Bell Galyardt Associates
architects engineers surveyors

2017-2



NOTES:

1. EMERGENCY SPILLWAY CROSS SECTIONS ARE SHOWN ON SHEET 11.
2. FROM STATION 0+80 TO STATION 2+10, THE EMERGENCY SPILLWAY SHALL BE GRADED LEVEL AT ELEVATION 45.0.

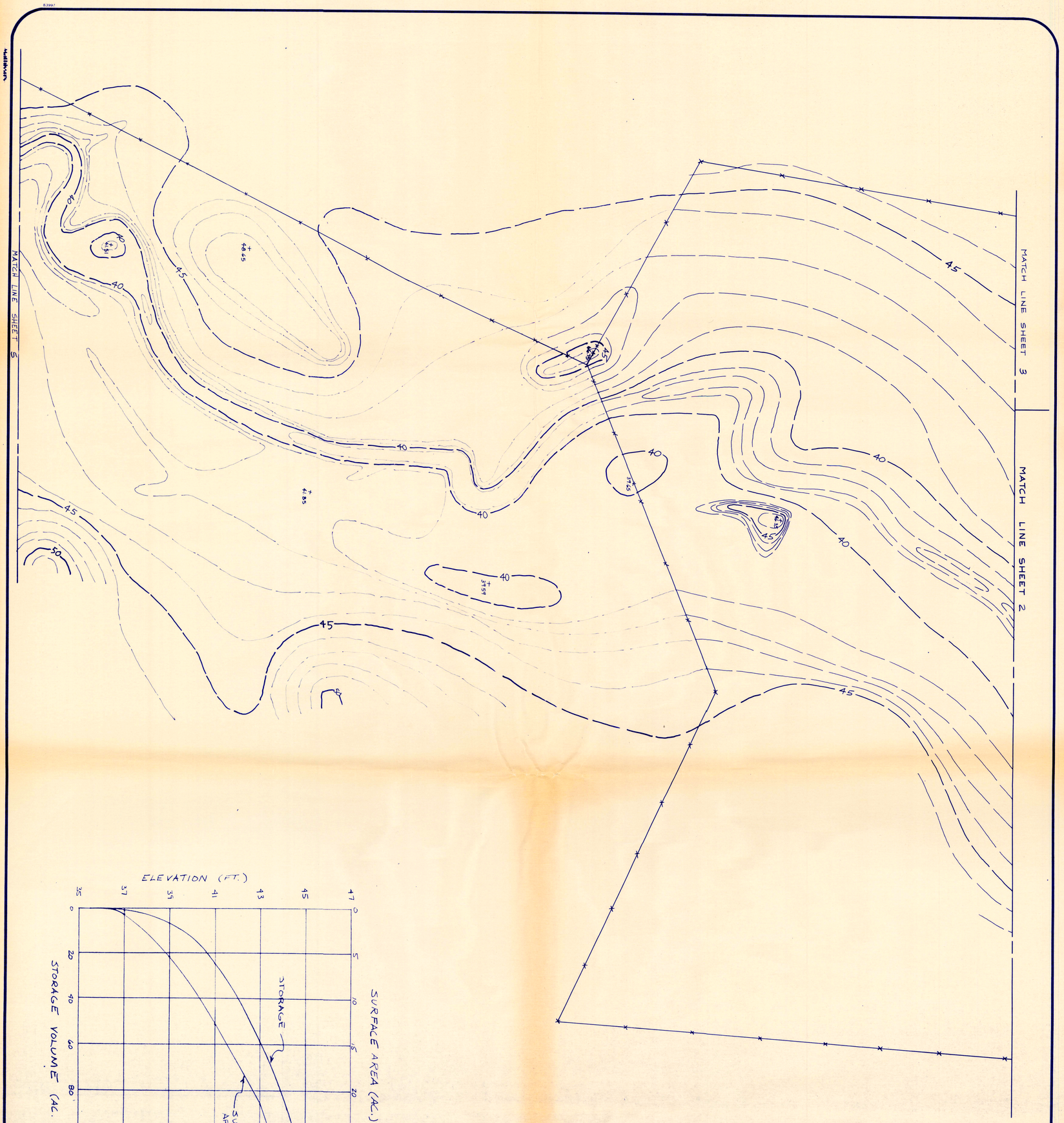
SOIL BORING LOG # 2

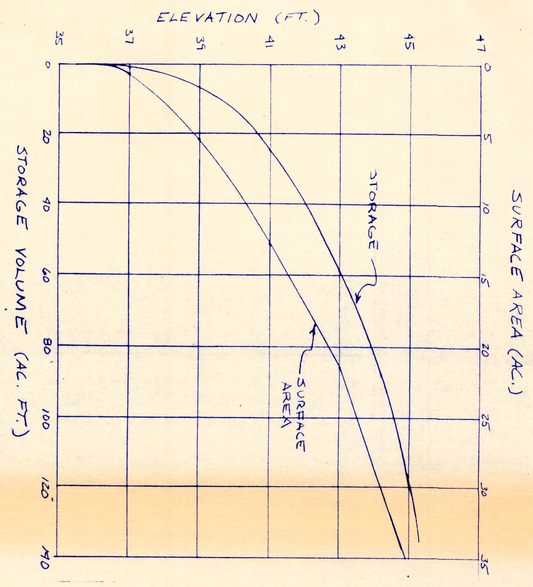
SCALE 1" = 50'

NORTH

SHEET 3 of 11	DATE JAN. 15, 1987	GRADING PLAN & SITE LAYOUT	DUCKS UNLIMITED, INC.	Bell Galyardt Associates architects engineers surveyors
REVISIONS	DESIGNED SJK		PIKES POND	
	DRAWN JDE, IDF		BUFFALO GAP NATIONAL GRASSLAND	
	CHECKED DLK			
	COMM. NO. 860705			

2017-2





AREA CAPACITY CURVE

FULL SUPPLY LEVEL (FSL)	44.0
SURFACE AREA @ FSL	28.5 AC.
STORAGE @ FSL	82.0 AC.-FT.
SHORELINE MILES @ FSL	2.44 MI.

SHEET	4 of 11
REVISIONS	
DATE	JAN 15, 1987
DESIGNED	SJK
DRAWN	JDE
CHECKED	DLK
COMM. NO.	860705

SITE LAYOUT & AREA CAPACITY CURVE

DUCKS UNLIMITED, INC.

PIKES POND

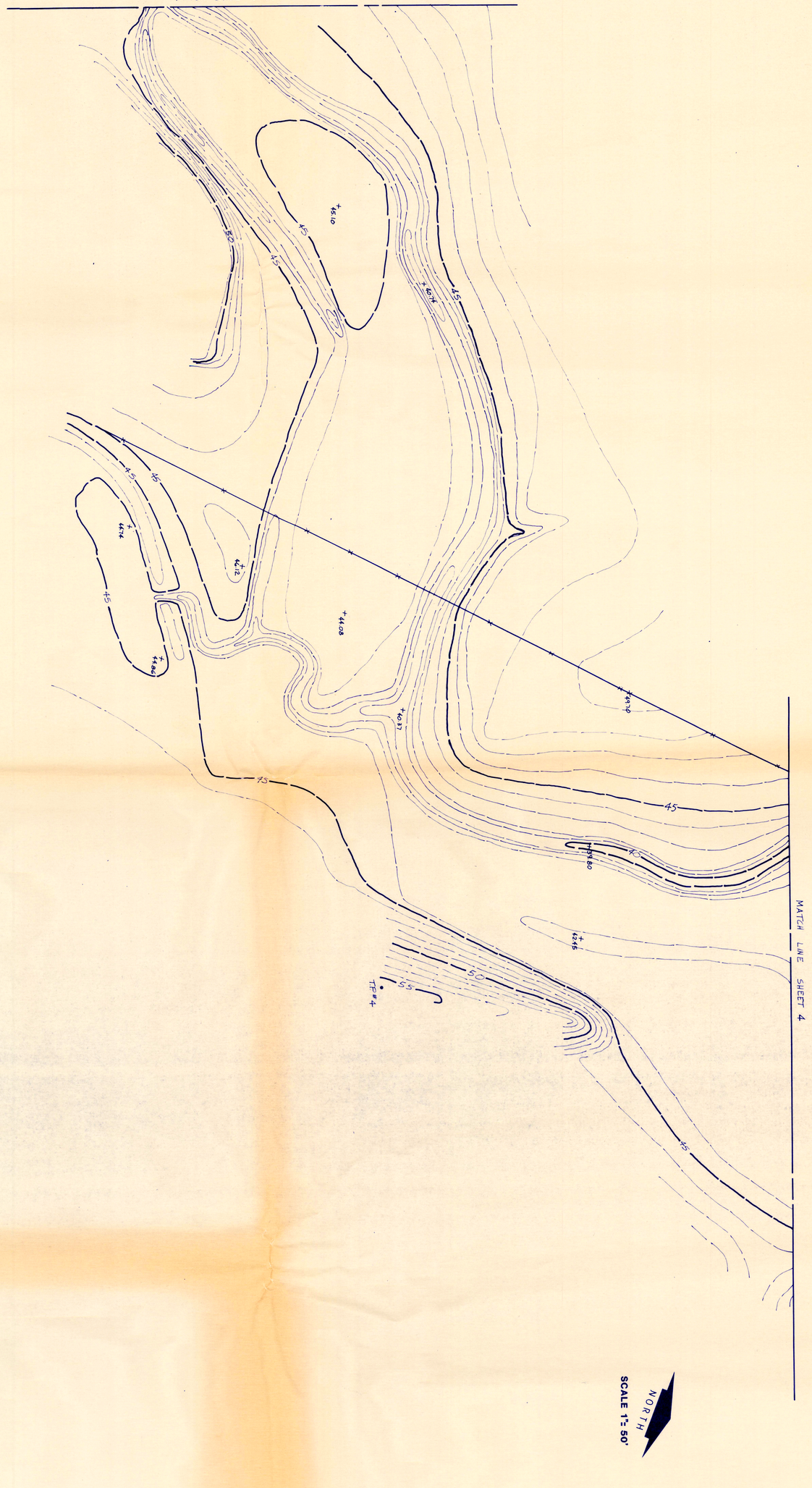
BUFFALO GAP NATIONAL GRASSLAND

Bell Galyardt Associates
architects engineers surveyors

2017-2

R3997

MATCH LINE SHEET 6



MATCH LINE SHEET 4

NORTH

SCALE 1" = 50'

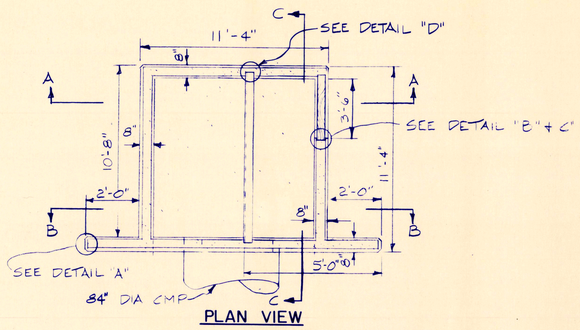
SHEET 5 of 11 REVISIONS	DATE JAN. 15, 1987 DESIGNED SJK DRAWN IDF CHECKED DLK COMM. NO. 860905	SITE LAYOUT	DUCKS UNLIMITED, INC. PIKES POND BUFFALO GAP NATIONAL GRASSLAND	Bell Galyardt Associates architects engineers surveyors	

2017-2

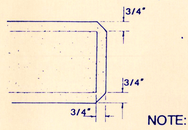


SHEET				
6 of 11	DATE JAN. 15, 1987	SITE LAYOUT	DUCKS UNLIMITED, INC.	Bell Galyardt Associates architects engineers surveyors
REVISIONS	DESIGNED SJK		PIKES POND	
	DRAWN IDF		BUFFALO GAP NATIONAL GRASSLAND	
	CHECKED DLK			
	COMM. NO. 860905			

2017-2



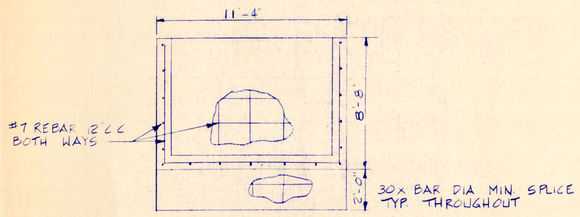
PLAN VIEW



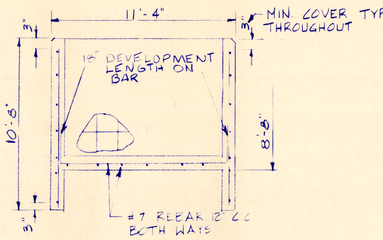
DETAIL 'A'
SHOWN REVERSED

NOTE: ALL EXPOSED EDGES TO BE CHAMFERED 3/4" THROUGHOUT CONCRETE BOX

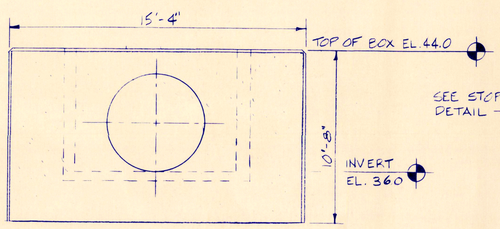
NOTE: USE WATERSTOP (TYPE TO BE APPROVED BY ENGINEER IN FIELD) AT ALL COLD JOINTS



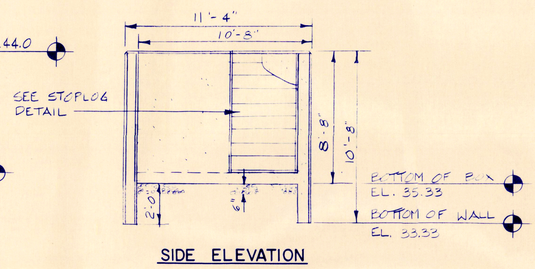
REBAR SECTION A-A



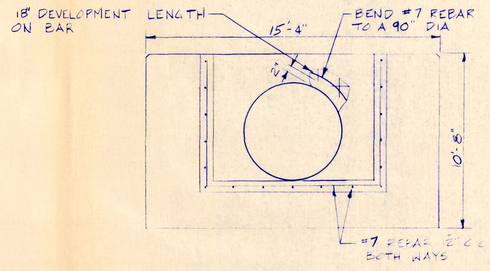
REBAR SECTION C-C



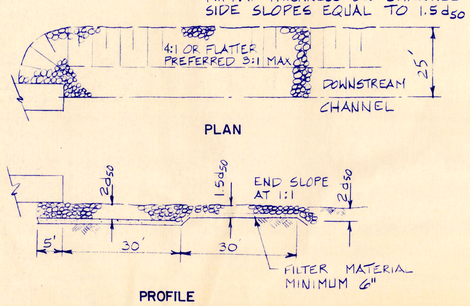
REAR ELEVATION



SIDE ELEVATION



REBAR SECTION B-B

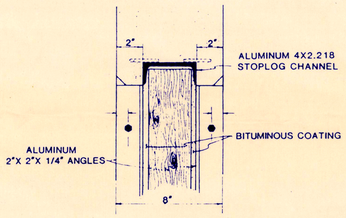


PROFILE

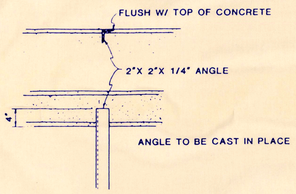
CONDUIT OUTLET EROSION PROTECTION

RIPRAP SIZE DISTRIBUTION

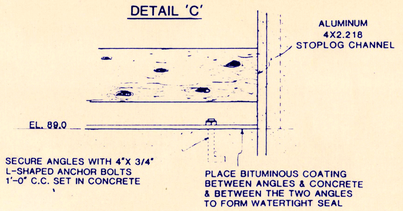
% SMALLER THAN GIVEN SIZE BY WEIGHT	INTERMEDIATE ROCK SIZE (INCHES)	
100	30	
50-70	24	d_{50} = 18"
35-50	18	
2-10	6	

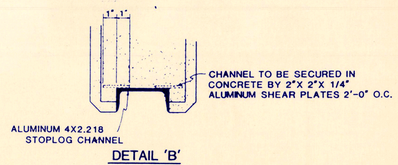


DETAIL 'C'

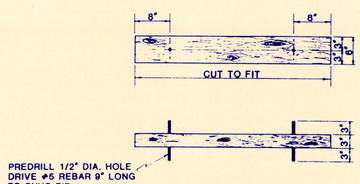


DETAIL 'D'





DETAIL 'B'

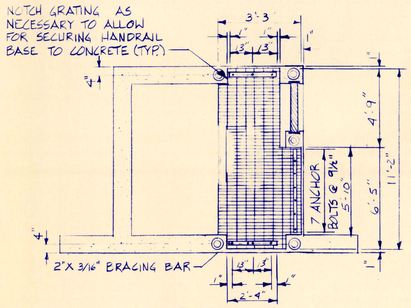


STOPLOG DETAIL

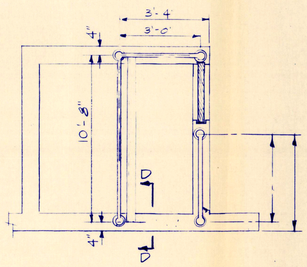
GRATING NOTES:
SECURE GRATING + BRACING STRIP TO CONCRETE W. EXPANSION TYPE ANCHOR BOLTS

RYERSON RY-WELD OPEN STEEL GRATING TYPE 19-W-4 OR APPROVED EQUAL

BEARING BAR 1 1/4" x 3/16"
CROSS BAR 1/4"



GRATING PLAN



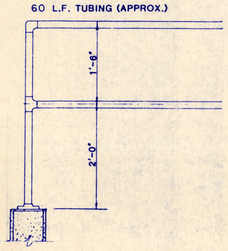
HANDRAIL PLAN

HANDRAIL NOTES:
INSTALL & SECURE HANDRAIL TO CONCRETE AS PER MFR. RECOMMENDATIONS

ALL HANDRAIL TO BE 1 1/2" ALUMINUM R & B WAGNER PIPE & TUBULAR FITTINGS OR APPROVED EQUAL

HANDRAIL MATERIALS LIST

20 BOLTS
4 ELLS
1 ELL W/ SIDE OUTLET
4 TEES
1 TEE W/ SIDE OUTLET
5 4-HOLE FLANGES
60 L.F. TUBING (APPROX.)



HANDRAIL SECTION D-D

ESTIMATED QUANTITIES

TOTAL DISTURBED AREA	7.6 AC
CLEARING AND GRUBBING	L.S.
EARTHWORK	
EXCAVATION	
DAM EMBANKMENT	1,400 C.Y.
EMERGENCY SPILLWAY	4,090 C.Y.
TOTAL	5,490 C.Y.
EMBANKMENT (INCLUDES 30% SHRINKAGE)	
DAM EMBANKMENT	1,600 C.Y.
EMERGENCY SPILLWAY	800 C.Y.
TOTAL	2,400 C.Y.
ROCK RIPRAP	
ROCK (D_{50} = 18")	320 C.Y.
FILTER MATERIAL	80 C.Y.
PRINCIPAL SPILLWAY	
CONCRETE WEIR BOX	1 EA.
84" DIA. CMP 12 GA. BARREL	111 L.F.

Bell Galyardt Associates
architects engineers surveyors

DUCKS UNLIMITED, INC.

PIKES POND

BUFFALO GAP NATIONAL GRASSLAND

CONCRETE WIER BOX
SECTIONS, DETAILS
& ESTIMATED
QUANTITIES

DATE JAN 15, 1987
DESIGNED SJK
DRAWN IDF
CHECKED DLK
COMM. NO. 862904

SHEET 7 of 11
REVISIONS

2017-2

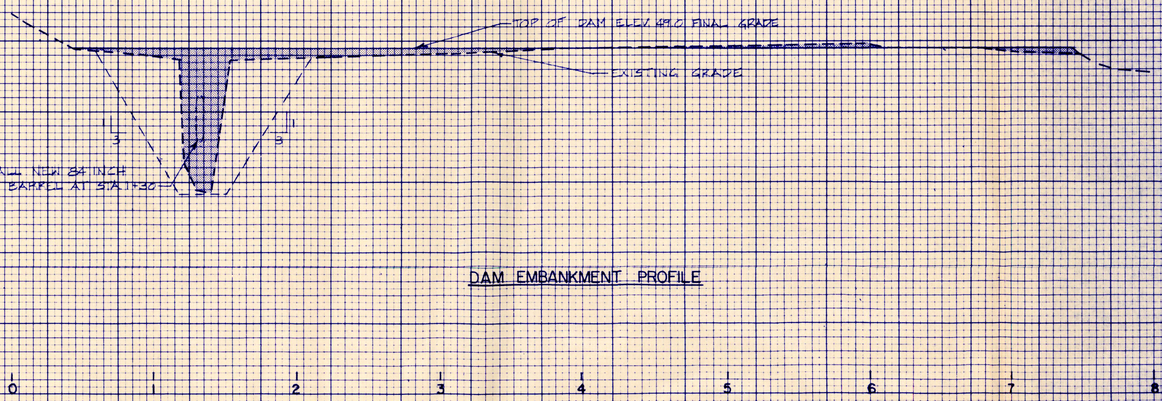
PIKES POND

DAM EMBANKMENT PROFILE-SCALE: HORZ. 1"=50', VERT. 1"=10'

PRINCIPAL SPILLWAY PROFILE-SCALE: HORZ. 1"=10', VERT. 1"=5'

8 OF 11

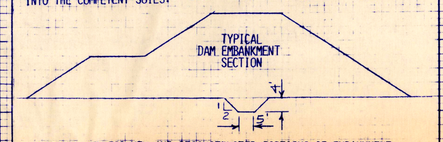
FINAL SURVEY — SURVEYED, PLOTTED, TEMPLATE, NOTE BOOK, AREAS, AREAS CHECKED, NO., BY, DATE



DAM EMBANKMENT PROFILE

REMOVE ALL TREES, STUMPS, BRUSH AND ORGANIC MATERIAL FROM EXISTING EMBANKMENT AND EXCAVATE BACK TO COMPETENT MATERIAL APPROVED BY THE ENGINEER. AREAS TO RECEIVE FILL SHALL BE SCARIFIED AND COMPACTED TO THE REQUIREMENTS OF THE SPECIFICATIONS.

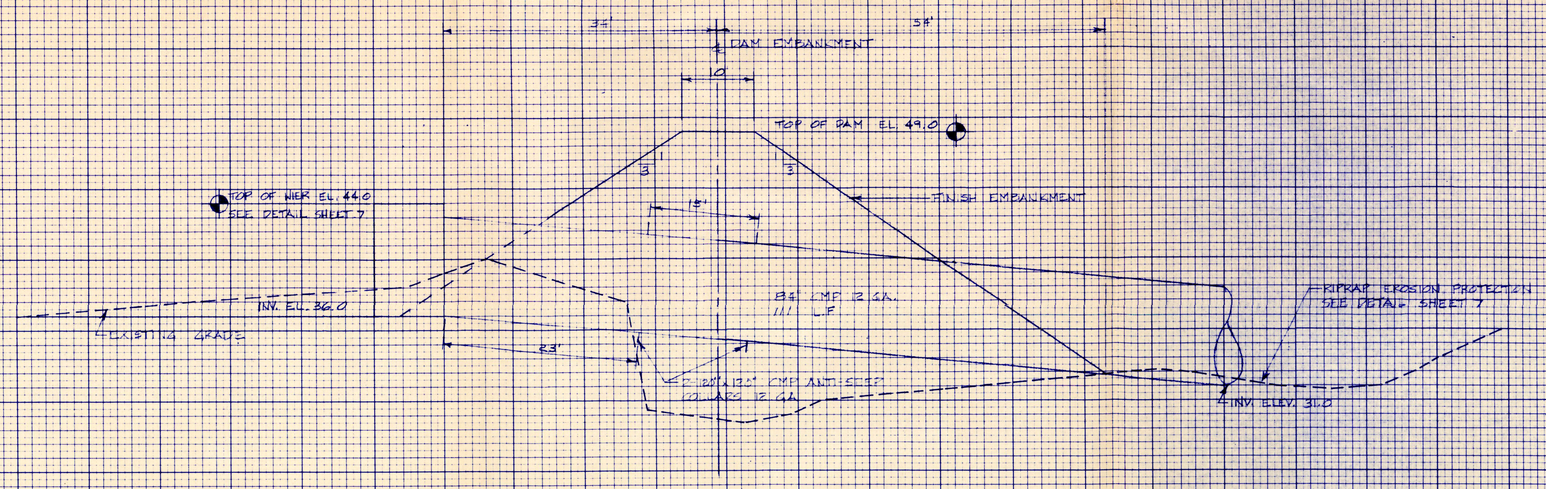
RECONSTRUCTED AND NEW PORTIONS OF THE EMBANKMENT SHALL BE KEYED INTO THE COMPETENT SOILS.



TYPICAL KEY FOR NEW AND RECONSTRUCTED PORTIONS OF EMBANKMENT.

N.T.S.

ORIGINAL SURVEY — SURVEYED, PLOTTED, NOTE BOOK, TEMPLATE, AREAS, AREAS CHECKED, NO., BY, DATE



PRINCIPAL SPILLWAY PROFILE STA. 1+30

SCALE HORZ 1" = 10'
VERT 1" = 5'

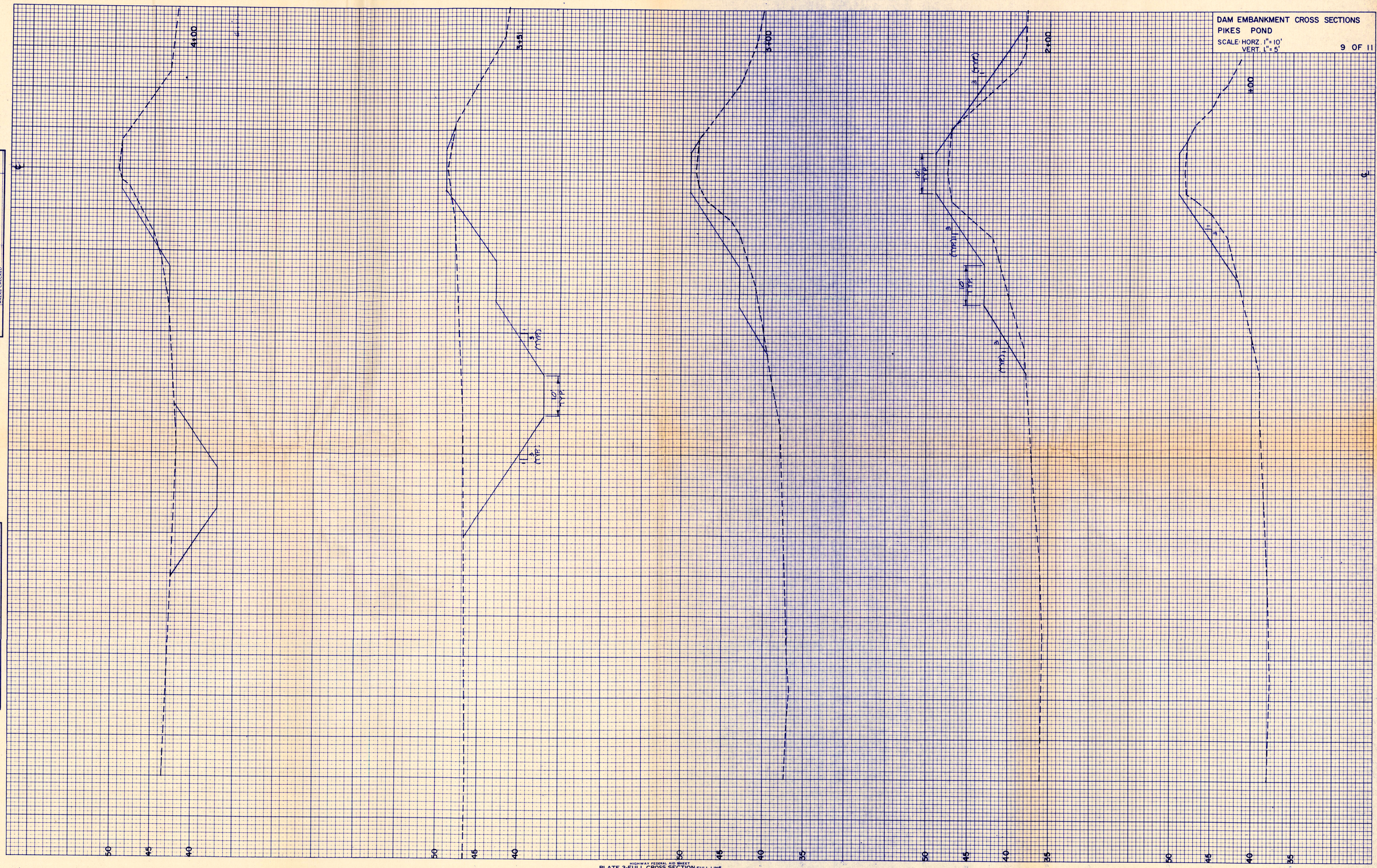
HIGHWAY FEDERAL AID SHEET
PLATE 3-FULL CROSS SECTION-FULL LINE
TELEDYNE
PRINTED IN U.S.A.

2017-2

DAM EMBANKMENT CROSS SECTIONS
PIKES POND

SCALE: HORZ. 1"=10'
VERT. 1"=5'

9 OF 11



FINAL SURVEY
SURVEYED
PLOTTED
TEMPLATE
AREAS
AREAS CHECKED
BY
DATE
NOTE BOOK
NO.

ORIGINAL SURVEY
SURVEYED
PLOTTED
TEMPLATE
AREAS
AREAS CHECKED
BY
DATE
NOTE BOOK
NO.

2017-2

DAM EMBANKMENT CROSS SECTIONS
PIKES POND
SCALE-HORZ. 1"=10'
VERT. 1"=5'

10 OF 11

17+00

16+00

15+00

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50 45 40 35 50 45 40 35 50 45 40 35

FINAL SURVEY
SURVEYED
PLOTTED
NOTE BOOK TEMPLATE
NO. AREAS
AREAS CHECKED
BY
DATE

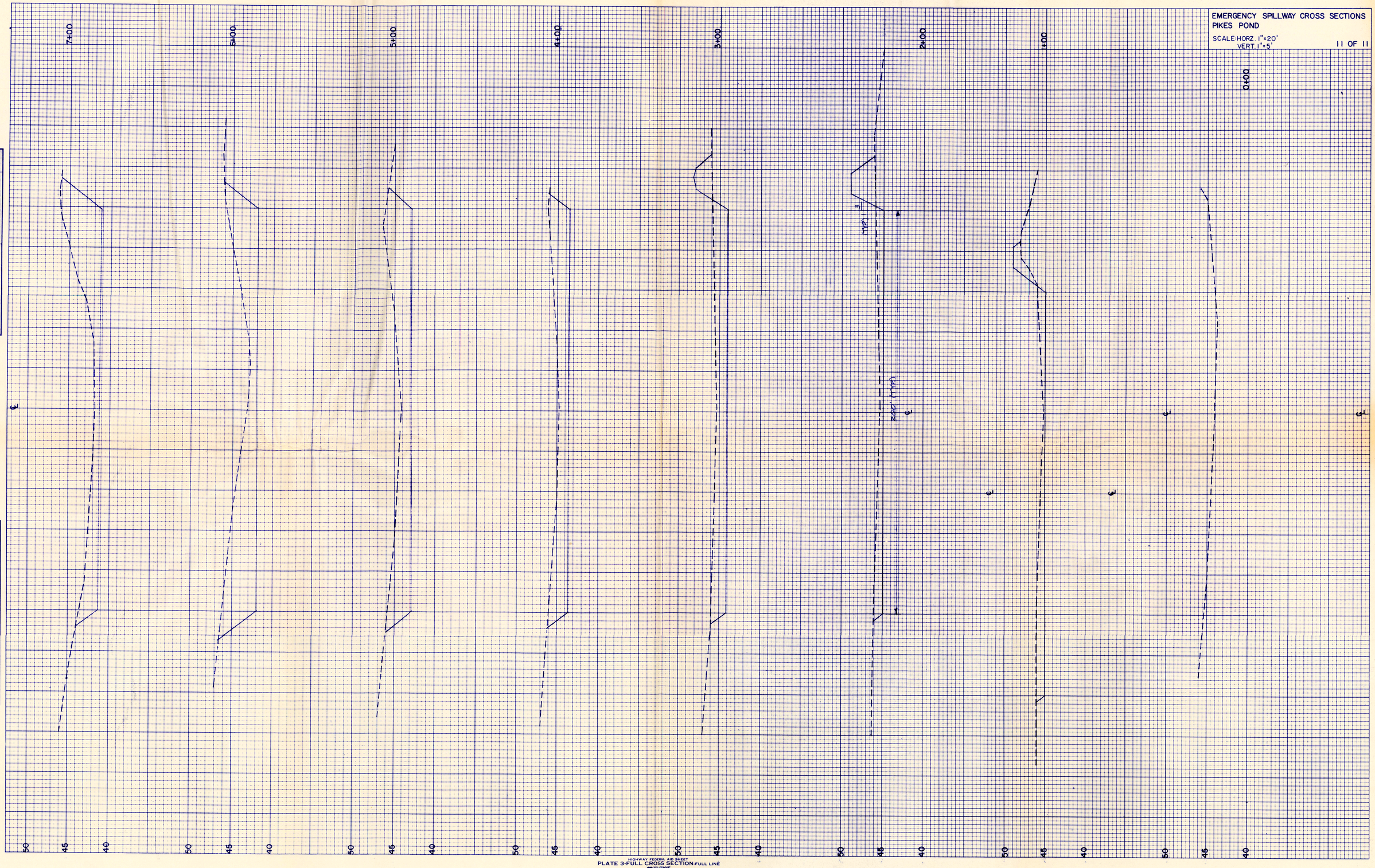
ORIGINAL SURVEY
SURVEYED
PLOTTED
NOTE BOOK TEMPLATE
NO. AREAS
AREAS CHECKED
BY
DATE

HIGHWAY FEDERAL AID SHEET
PLATE 3-FULL CROSS SECTION-FULL LINE
TELEDYNE
PRINTED IN U.S.A.

2017-2

EMERGENCY SPILLWAY CROSS SECTIONS
PIKES POND

SCALE: HORZ. 1"=20'
VERT. 1"=5'



FINAL SURVEY
SURVEYED
PLOTTED
TEMPLATE
NOTE BOOK
AREAS
NO
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ORIGINAL SURVEY
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