

WATER PERMIT NO. 2291-2

Phone: 567-3366

Name of Applicant: 500 1st Street c/o David Neuharth

Post Office Address: HC 33, Box 30, Ft. Pierre SD 57501

Amount of Water Claimed: 87.5 acre-feet Total Acres: NA

Source of Water Supply: runoff

Water to be used for: fish & wildlife, livestock County: Stanley

About 1 mile North of Hayes

PRIORITY Date Received: 9-1-93 Fee: \$150 Remarks: _____

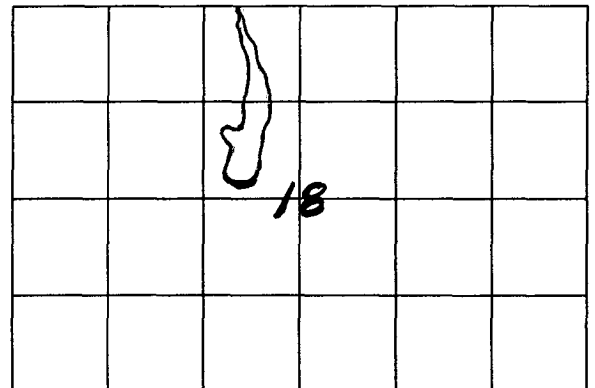
Corrected Application Received: 9-10-93 Period of Annual Use: Jan 1 - Dec 31

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

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

Diversion Point: SW 1/4 NW 1/4 Sec 18-T5N-R26E

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: aerial PREPARED BY: Kevin L. Paulsen, SCS Reviewed and the Number

Assigned on: 9-10-93 By: Karen Schlaak

**SOUTH DAKOTA
WATER PERMIT NO. 2291-2**

Date of first receipt of application September 1, 1993.

Date of return to applicant for corrections, amendments or changes September 7, 1993.

Date of receipt of corrected application September 10, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2291-2 to 500 1st Street Partnership, c/o David Neuharth, HC 33, Box 30, Ft. Pierre SD 57532 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. impounds 45.5 acre-feet of runoff water by constructing a dam in the SW 1/4 NW 1/4 Section 18-T5N-R26E. Water will be impounded in portions of the E 1/2 NW 1/4 Section 18-T5N-R26E.
2. The water appropriated shall be used for the purpose of supplying water for fish and wildlife propagation and livestock watering 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. 2291-2 is October 18, 1993.
5. The date from which applicant may claim right is September 1, 1993.
6. One-fifth of the construction is to be completed on or before April 18, 1996.
7. All construction is to be completed on or before October 18, 1998.
8. Water is to be put to beneficial use on or before October 18, 2002.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

Approval of Water Permit No. 2291-2 authorizes storage of up to 45.5 acre-feet of water annually.

WATER MANAGEMENT BOARD

By: _____

John Hatch
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

OCT 20 1993

date

FORM 2: Application for uses other than irrigation

(type or print)

Mail to:

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

No. 2291-2 Hydrologic Unit 10140102
Basin Bad River
Newspaper Capital Journal, PO Box 878, Pierre
(office use only)

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

Check use of water:

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

Type of Application:

(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.) _____

- Name of Applicant 500 1st Street Phone 567-3366
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address HC 33 Box 30 Ft. Pierre State SD 57532
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed _____ *CFS or _____ **GPM 45.5875 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet -- storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Runoff
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SW1/4 NW1/4 Sec 18 T5N. 26 E. with water impounded
in E1/2 NW1/4 Sec 18-T5N-R26E County Stanley
- County or counties where water will be used Stanley
- Annual period during which water is to be used Year around Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
This is a repair of a existing pond, that has failed. Construction will meet SCS specifications. See attache design for additional information.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of STANLEY)^{SS}

I, David J. Neuhardt, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

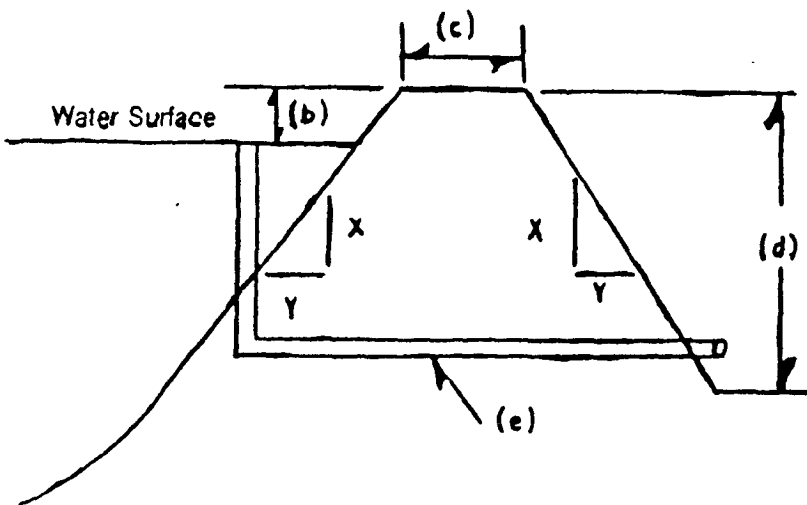
Signed

David J. Neuhardt

JAMES E. MEIDINGER, NOTARY PUBLIC
MY COMMISSION EXPIRES 8-31-1999

sworn to before me this 1st day of SEPT. 19 93

James E. Meidinger
Notary Public



RECEIPT

413891

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 10, 19 93

RECEIVED OF David Neuharth, HCR 33 Box 30, Ft. Pierre, SD 57352

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

Fee for Application for Permit No. <u>229/-2</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	150 00

By John Hater
Chief Engineer

LOCATION NOTICE FOR DAM/DUGOUT

Mail to: Water Rights Div.
DENR, Foss Bldg.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

Stanley
County

Location Notice No. (office use)

I, 500 1st Street Part., of
Name

HC 33 Box 30 Ft. Pierre, SD 57532 Stanley
Address & Zip Code County

By David J. Neuhaert POA, of the following described land, do hereby
(owner or operator)

notify the Water Management Board of the State of South Dakota and all others concerned that I am exercising my right
under SDCL 46-4, for construction of a Dam (repair) for the purpose of impounding runoff waters
(dam or dugout)

for livestock/wildlife purposes.
(type of use i.e. livestock, recreation, etc.)

The following data is presented in compliance with SDCL 46-4-3 and 46-4-4.

(1) Date of:

(a) This notice 8-1-93

(b) Proposed construction Oct 1st 1993

(2) Legal description of the land upon which the dam/dugout is located:

SW 1/4 NW 1/4 Sec 18 T.5N. R.26E.
(describe to the nearest 40 acre subdivision)

(3) Location of the dam/dugout from a section corner:

2200' So + 1300' W. of the NW corner of Sec 5
(describe distance N.S.E.W. in feet from the corner)

(4) County Stanley

(5) The owner of the land 500 1st Street

(6) Acre feet of water claimed annually 87.5

Notes: If the storage of the proposed structure at the spillway crest or overflow elevation exceeds twenty five (25) acre feet, a water permit from the Water Management Board is required.

A location notice is only required on a dugout, if the dugout captures surface runoff waters.

(7) Complete the following information for the proposed dam/dugout:

* Items to be completed for a dugout

*a) Dam/Dugout designed by SCS
316 So. Coteau Pierre, SD 57501
(name and address)

b) Freeboard 3.0'

c) Crest Width 12'0

Crest Length 500'0

d) Height 15.0'

* Depth, if Dugout _____

e) Outlet Dimensions:

Pipe diameter 30" barrel

' Spillway width 100.0'

f) X & Y Slope:

Upstream 3:1

Downstream 3:1

*g) Water surface area 17.5

*h) Storage at spillway crest or overflow elevation

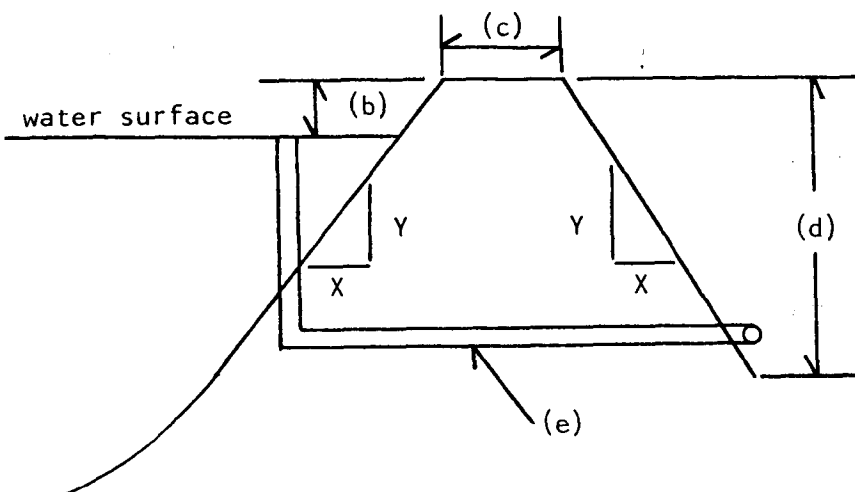
(acre feet) 87.5

i) Maximum storage to top of dam

(acre feet) 115.0

*j) Drainage area above dam/dugout

(acres) 4,277



Enclosed is ten dollars (\$10.00). The Water Management Board is requested to file this copy of the Location Notice in their official records. The original Location Notice has been filed (do not record) with the Register of Deeds of _____ County in accordance with SDCL 46-4-3.

owner

locator

STATE OF SOUTH DAKOTA)
COUNTY OF Stanley) ss

I, 500 1st Street the applicant, certify that I have read this Location Notice and that the matters stated in this notice are true and that I intend, and am able to start construction within sixty days after the filing of this notice.

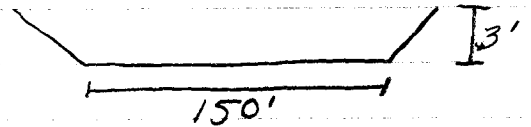
Signed David J. Neuharth

Subscribed and sworn to before me this 1st day of SEPT., 19 93.

JAMES E. MEIDINGER, NOTARY PUBLIC
MY COMMISSION EXPIRES 8-31-1999

James E. Meidinger
notary public

Emergency Spillway Capacity:



$$Q = 2.6 * 200' * 3^{1.5} = 2702$$

$$H = 100.6 - 92.5 = 8.1$$

Lev. of
horz. pipe

Primary Spillway Capacity:

$$Q = \frac{a}{\sqrt{1 + K_m + K_p L}} \sqrt{\frac{2gH}{2 * 32.2 * 8.3}}$$
$$= 7.07 \sqrt{1 + 0.5 + .0207 * 80}$$
$$= 92 \text{ cfs}$$

$$a = \frac{\pi 3^2}{4} = 7.07 \text{ ft}^2$$

$$g = 32.2 \text{ ft/s}^2$$

$$H = 8.3$$

$$K_m = 0.5$$

$$K_p = .0207$$

$$L = 80'$$

$$Q_{\text{TOTAL}} = 2794 \text{ fs} > Q_{50}$$

9-16-93

Dave Konechne

Storage to drop inlet elev. for dam in
Sec 18-T5N-R26E will be 45.5 ac. ft. Mr
Konechne will send me the area-capacity
curve for the dam in Sec. 12-T5N-R26E.

Lynn

T. 3
Cat. 3

9-13-93 - Application No. 2291-2
500 1st Street, Yr David Neuhardt
SW 1/4 NW 1/4 Sec 18 - T5N - R26E
87.5 ac. ft.

bottom 200'
97.02 crest

12 x 87.5 ac = 1050
1050 < 3000 ∴ sm. size

Runoff:

#1 Watershed $S = .025$
 $A = 1313$
#2 Watershed $S = .016$
 $A = 3093$
 $A_{total} = 4,406$

$Q_{\#1(25)} = 83.4(A)^{0.6} S^{0.44} S_i^{-0.72}$
 $= 83.4(2.0516)^{.6} (132)^{.44} (1.76)^{-.72}$
 $= 732.33 \text{ cfs}$
 $Q_{\#2(25)} = 83.4(4.8328)^{.6} (84.48)^{.44} (1.76)^{-.72}$
 $= 1606.21 \text{ cfs}$
 $Q_{25} = 1738.54 \text{ cfs}$

$A = 2.0516 \text{ mi}^2$
 $S = 132' / \text{mile}$
 $S_i = 1.76$
 $A = 4.8328$
 $S = 84.48' / \text{mile}$
 $S_i = 1.76$

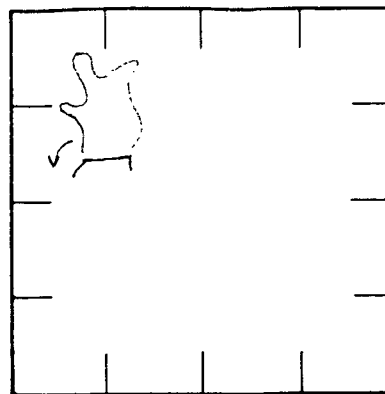
$Q_{\#1(50)} = 106(2.0516)^{.63} (132)^{.45} (1.76)^{-.69}$
 $= 1015.73 \text{ cfs}$
 $Q_{\#2(50)} = 106(4.8328)^{.63} (84.48)^{.45} (1.76)^{-.69}$
 $= 1425.56 \text{ cfs}$
 $Q_{50} = 2441.29 \text{ cfs}$

$Q_{\#1(100)} = 132(2.0516)^{.65} (132)^{.46} (1.76)^{-.67}$
 $= 1362.71 \text{ cfs}$
 $Q_{\#2(100)} = 132(4.8328)^{.65} (84.48)^{.46} (1.76)^{-.67}$
 $= 1936.94 \text{ cfs}$
 $Q_{100} = 3299.65 \text{ cfs}$

STRUCTURE DATA

DRAINAGE AREA	ANNUAL YIELD	PEAK RUNOFF	EMERG. SPLWY. CAPACITY	WATER DEPTH	SURFACE AREA	SEDIMENT STORAGE	TOTAL STORAGE
ACRES	AC. FT.	25-YR.	C. F. S.	FEET	ACRES	AC. FT.	AC. FT.
4277			1449		17.5	-	45.5

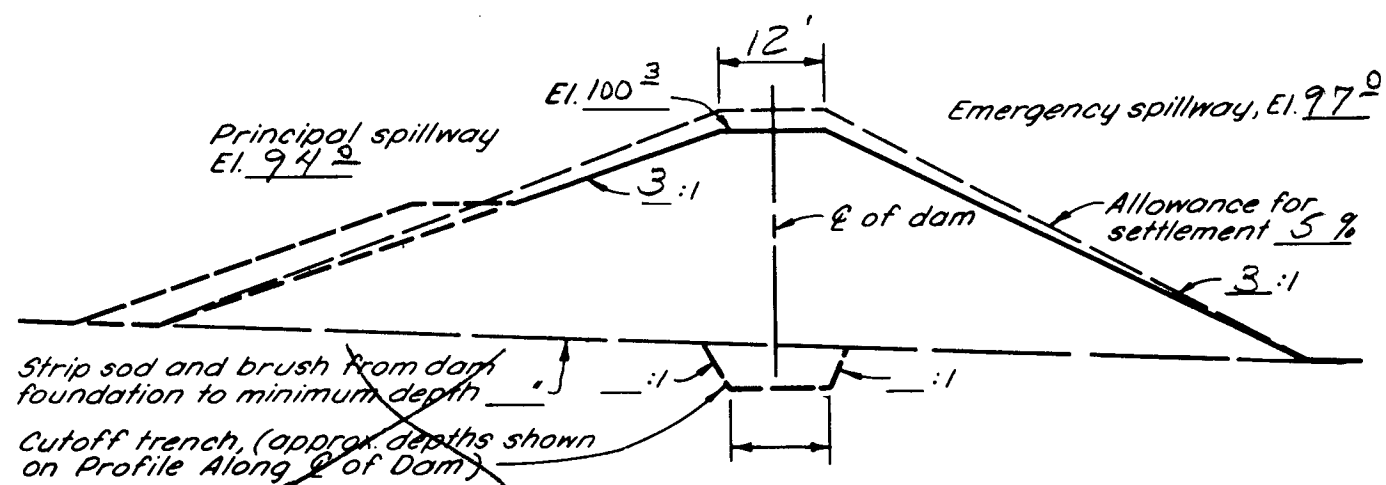
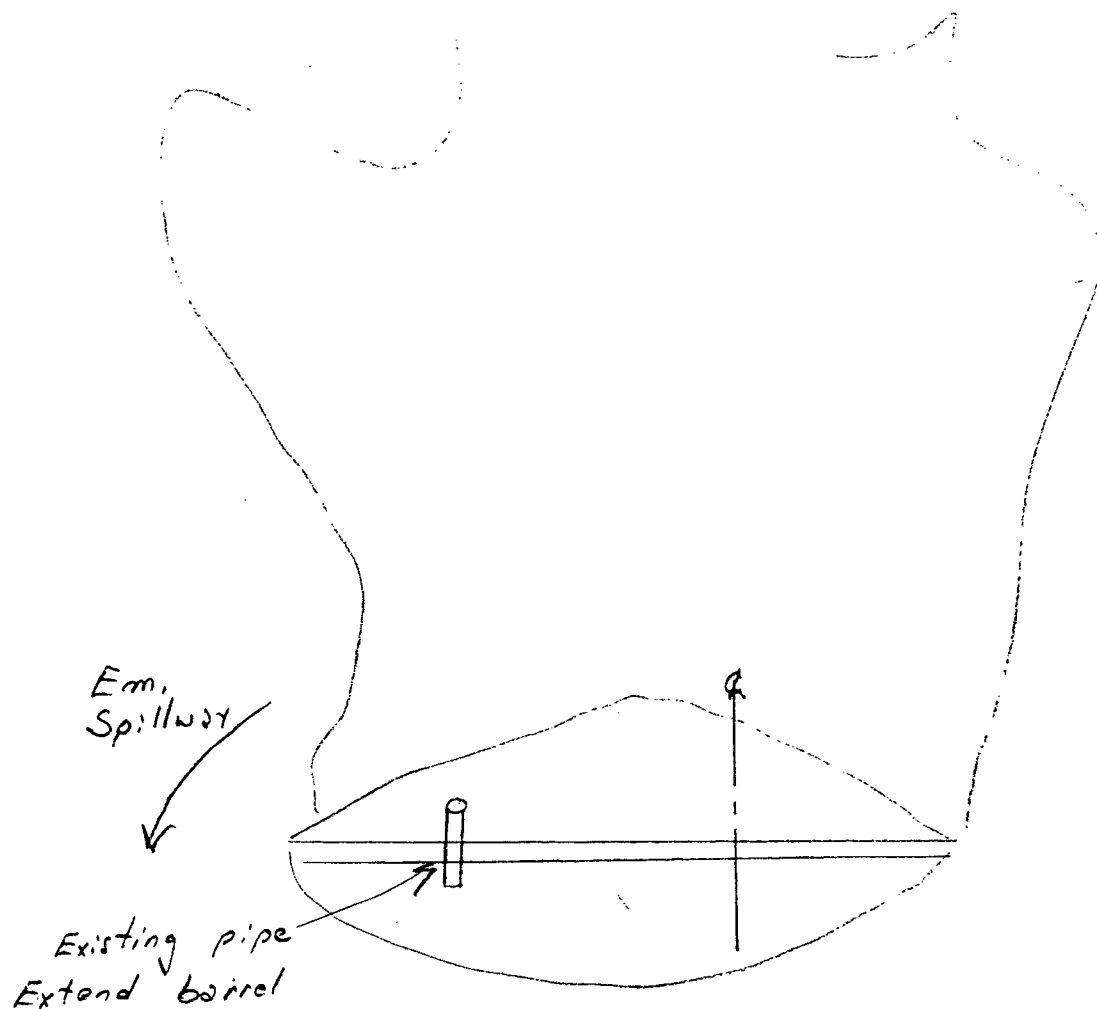
to Elev 94



Sec. 18 T. 5 N R. 26 E
Stanley County

LOCATION

TABLE OF QUANTITIES

[illegible]

TYPICAL CROSS SECTION OF DAM
Class "A" Hazard Dam
EARTH DAM

S.D. CONSTRUCTION AND MATERIAL SPECIFICATIONS:

SD-1
SD-7s
SD-12B
SD-13
SD-16
SD-55

attached spec. on oval wall P2

OPERATOR: 500 1st Street
CONSERVATION DISTRICT: Stanley

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

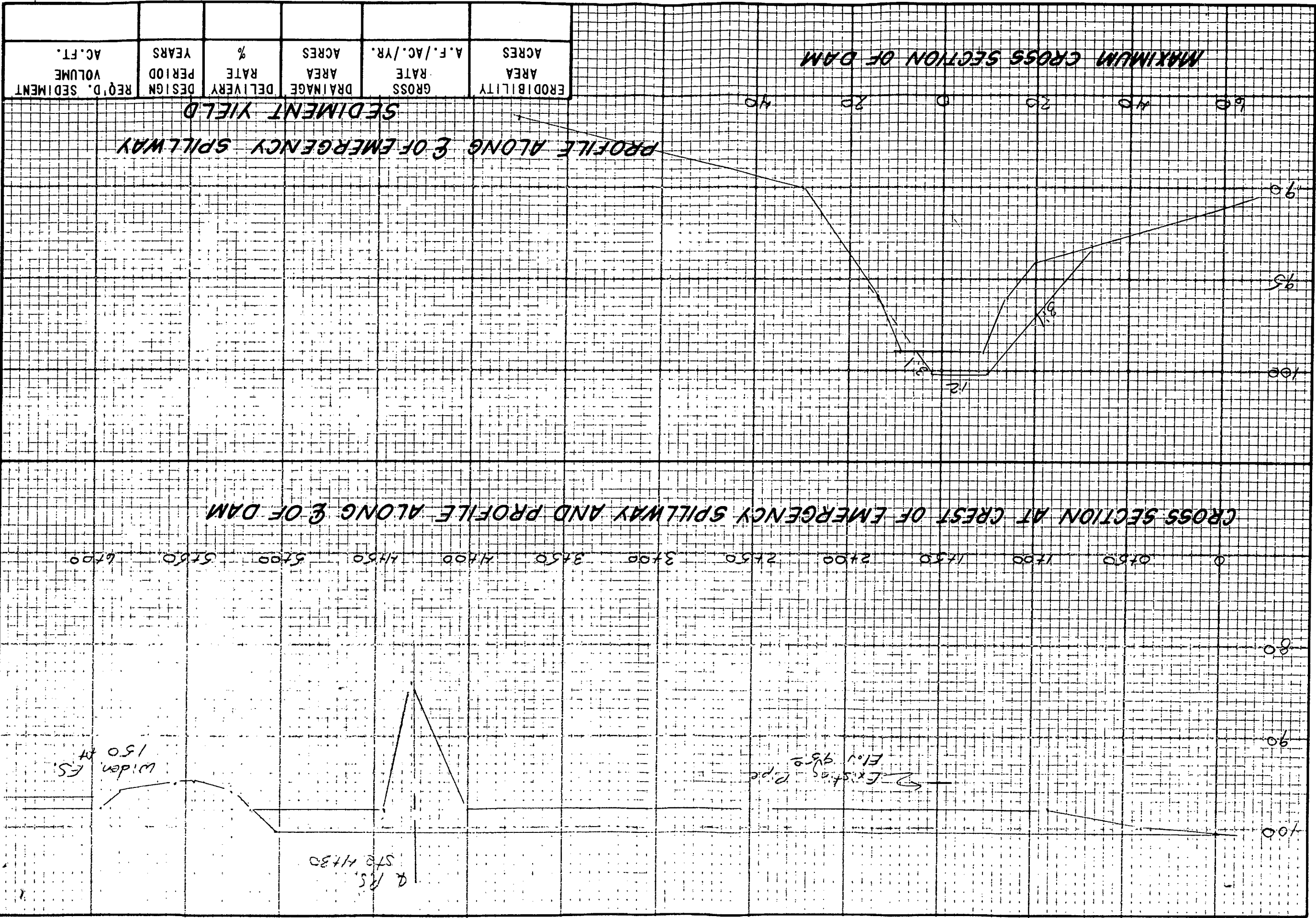
Designed <u>D.F. Konechny</u>	Date _____	Approved by <u>Diane Konechny</u>
Drawn <u>DFK</u>		Title _____
Traced _____		Title _____
Checked _____		Sheet No. <u>9-9-93</u>

SKETCH PLAN OF DAM AND RESERVOIR AREA

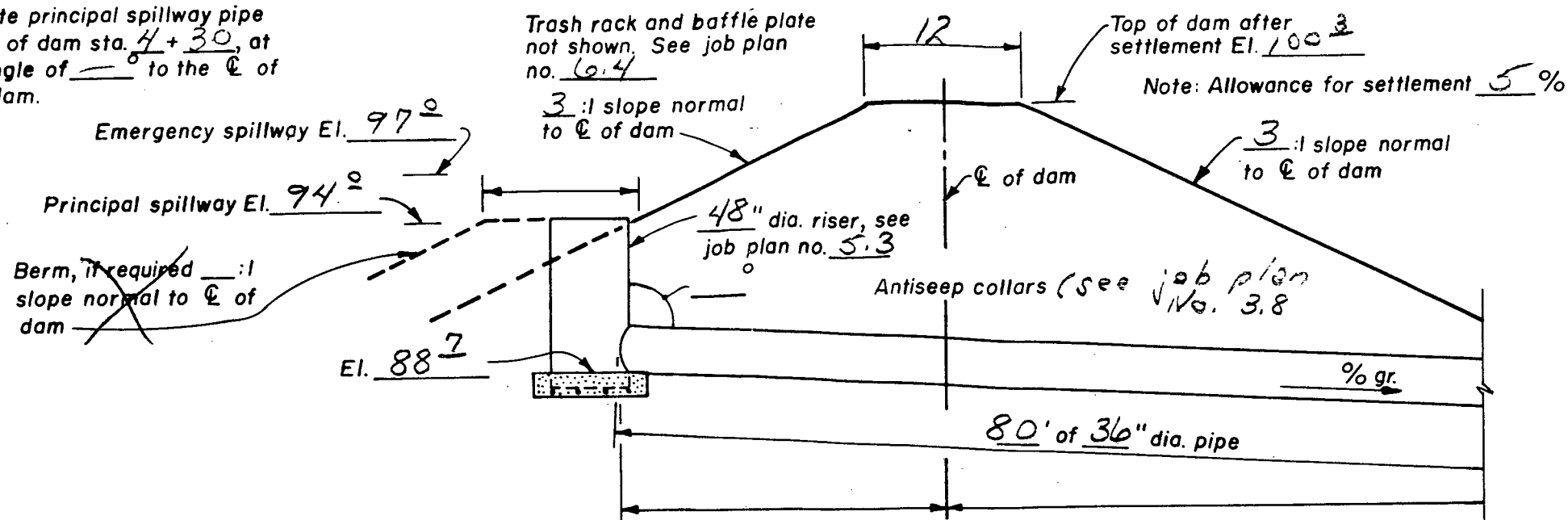
Approximate scale 1" = _____

REFERENCE: GUIDE PLAN NO. 1.0

JOB PLAN NO. 1.0



Locate principal spillway pipe at $\mathcal{C}$ of dam sta. $4 + 30$, at an angle of $\frac{1}{8}^\circ$ to the $\mathcal{C}$ of the dam.



CROSS SECTION OF DAM ALONG $\mathcal{C}$ OF PRINCIPAL SPILLWAY
(Not to scale)

SPECIFICATION NOTES

- ELBOW, IF REQUIRED, MAY BE FABRICATED BY CONTINUOUS WELDING SEPERATE PIPE SECTIONS OR BY FABRICATING A CONTINUOUS WELDED JOINT ON THE UPSTREAM END OF LAST SECTION OF PIPE.
- PIPE WALL THICKNESS SHALL BE _____ GAGE OR _____ INCHES.

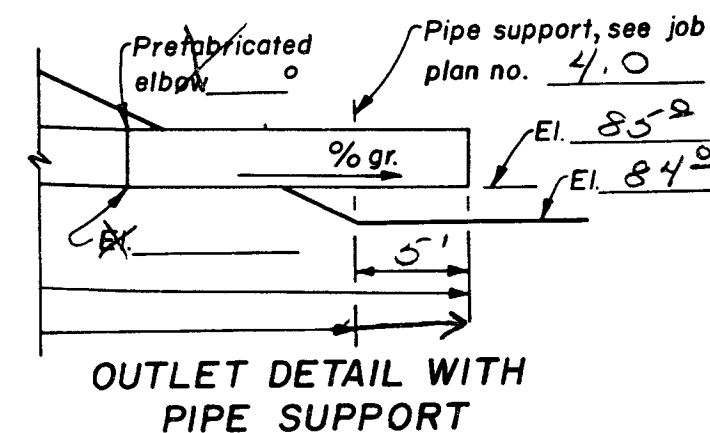
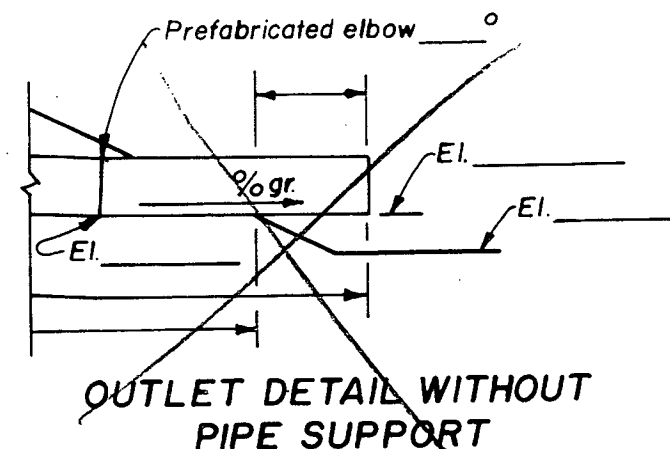
36" barrel is dual-wall
PE

48" dia riser is concrete
or CMP

TABLE OF QUANTITIES

ITEM	UNIT	QUANTITY

APPLICABLE STANDARD S.C.S. SPECIFICATIONS



Sec. _____, T. _____, R. _____
County _____

LOCATION

CORRUGATED METAL PIPE
DROP INLET PRINCIPAL SPILLWAY

OPERATOR 500 1st Street

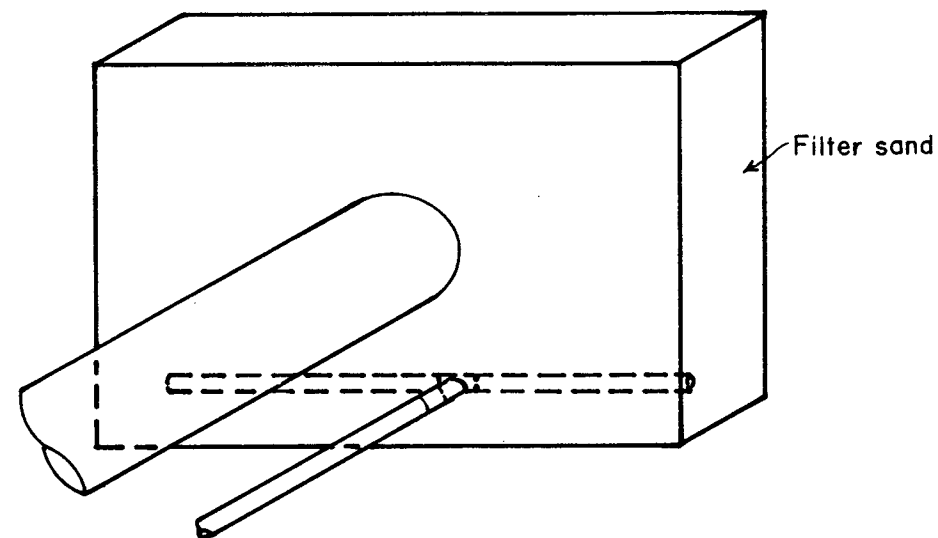
CONSERVATION DISTRICT Stanley

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

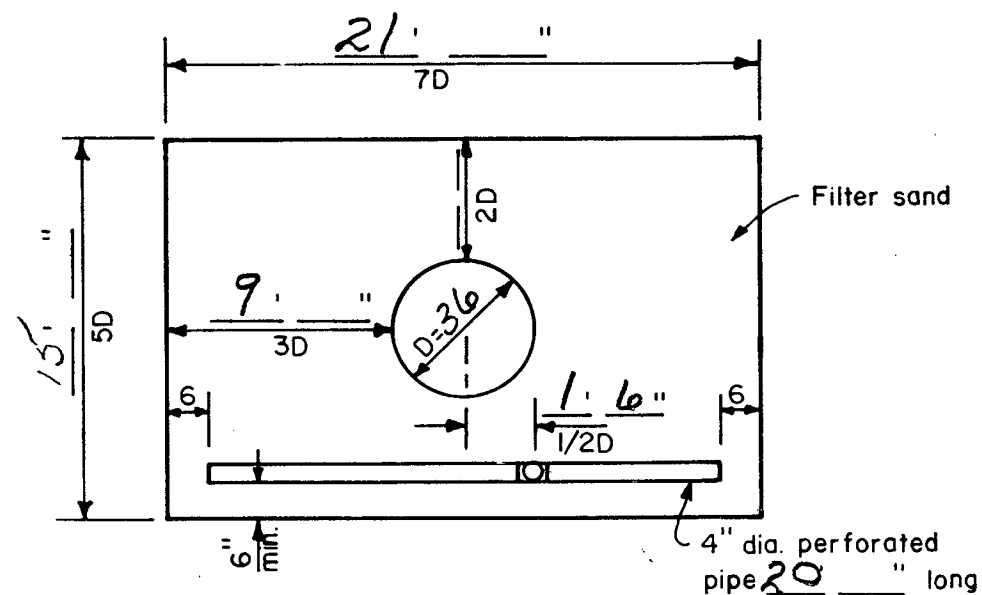
Designed _____ Date _____ Approved by _____
Drawn _____ Title _____
Traced _____ Title _____
Checked _____ Sheet 3 Drawing No. 6

REFERENCE: GUIDE PLAN NO. 2.0

Rev. 8/80
JOB PLAN NO. 2.0



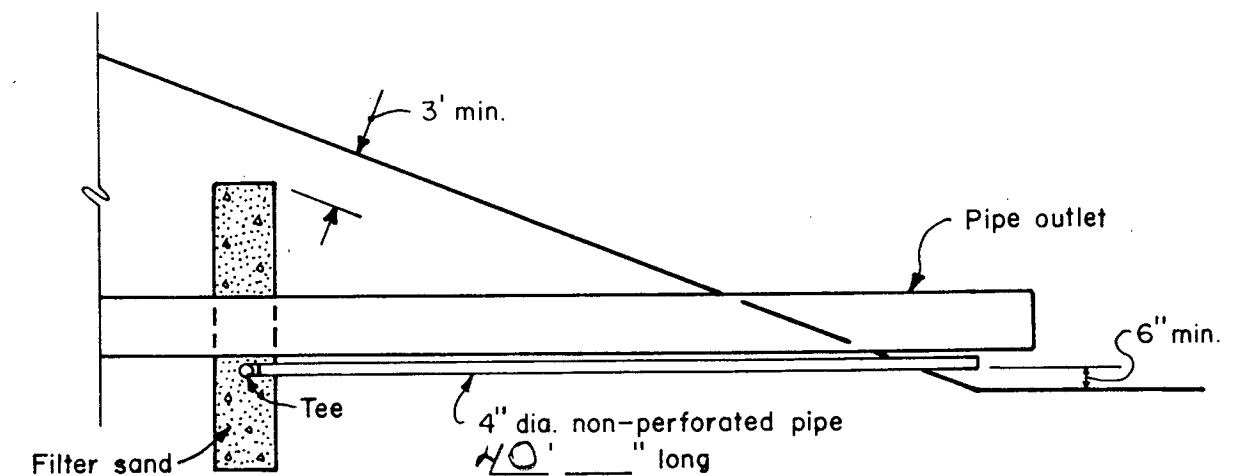
ISOMETRIC VIEW



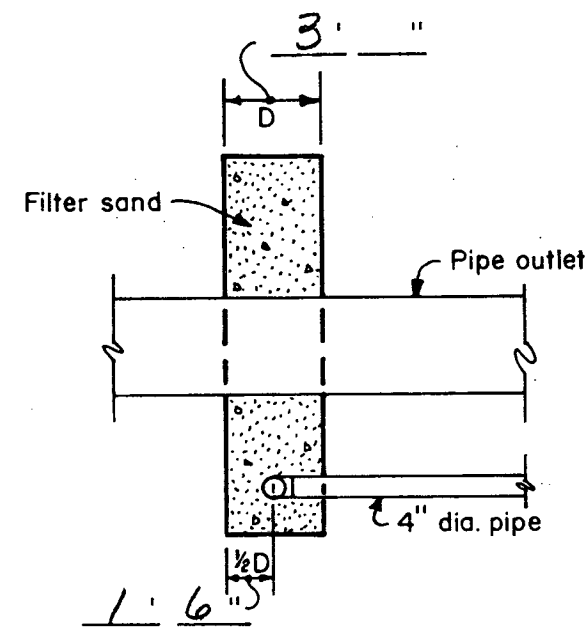
UPSTREAM VIEW

NOTE:

1. THE 4" DIA. PIPE SHALL BE ASTM D1785, SCHEDULE 40, PVC.
2. PROVIDE AN ANIMAL GUARD ON DRAIN OUTLET PIPE. DRILL 2, 1/2" DIA. HOLES, ON 6" FROM END OF PIPE AND PLACE A 3/8" DIA., 5 1/2" LONG GALVANIZED STEEL BOLT THRU THEM AND SECURE WITH A NUT (PLACE BOLT HORIZONTAL).



OUTLET DETAIL



SIDE VIEW

$$\frac{21' \times 15' \times 3'}{27} = 35 \text{ cy}$$

FILTER GRADATION	
SIEVE SIZE	PERCENT PASSING
3/8"	100
4	95-100
8	80-100
16	50-85
30	25-60
50	10-30
100	2-10

Sec. _____, T. _____, R. _____

_____ County

LOCATION

SAND ANTISEEP COLLAR

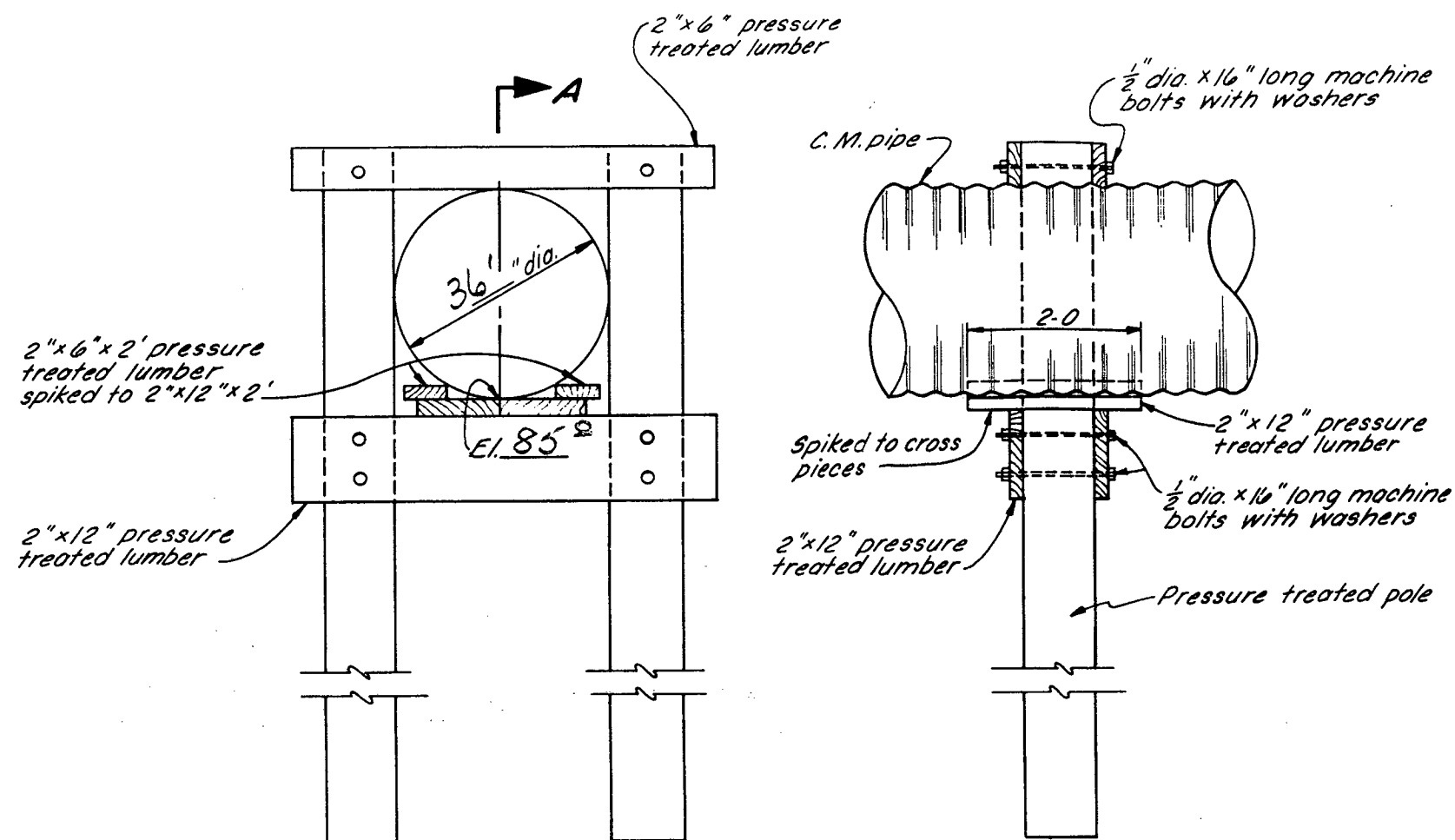
OPERATOR 500 1st Street

CONSERVATION DISTRICT Stanley

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Date _____		Approved by _____	
Designed _____		Title _____	
Drawn _____		Title _____	
Traced _____		Title _____	
Checked _____		Title _____	
Sheet No. <u>3</u>		Drawing No. _____	
of <u>6</u>			

JOB PLAN NO. 3.8



ELEVATION

SECTIONAL ELEVATION A-A

NOTES:

1. HAND OR MACHINE TAMP BACKFILL THOROUGHLY AROUND FOOTINGS AND COLUMNS.

TABLE OF QUANTITIES

ITEM	LENGTH FOR 36" DIA. P.E. PIPE	UNIT	QUANTITY
PRESSURE TREATED POLE 10" DIA.	10-0	EACH	2
2" X 12" PRESSURE TREATED LUMBER	5-0	EACH	2
2" X 6" PRESSURE TREATED LUMBER	5-0	EACH	2
2" X 12" PRESSURE TREATED LUMBER	2-0	EACH	3
2" X 6" PRESSURE TREATED LUMBER	2-0	EACH	2
1/2" DIA. MACHINE BOLTS WITH NUTS	1-4	EACH	10
1/2" DIA. WASHERS		EACH	20

TIMBER PIPE SUPPORT

OPERATOR: 500 1st Street

CONSERVATION DISTRICT: Stanley

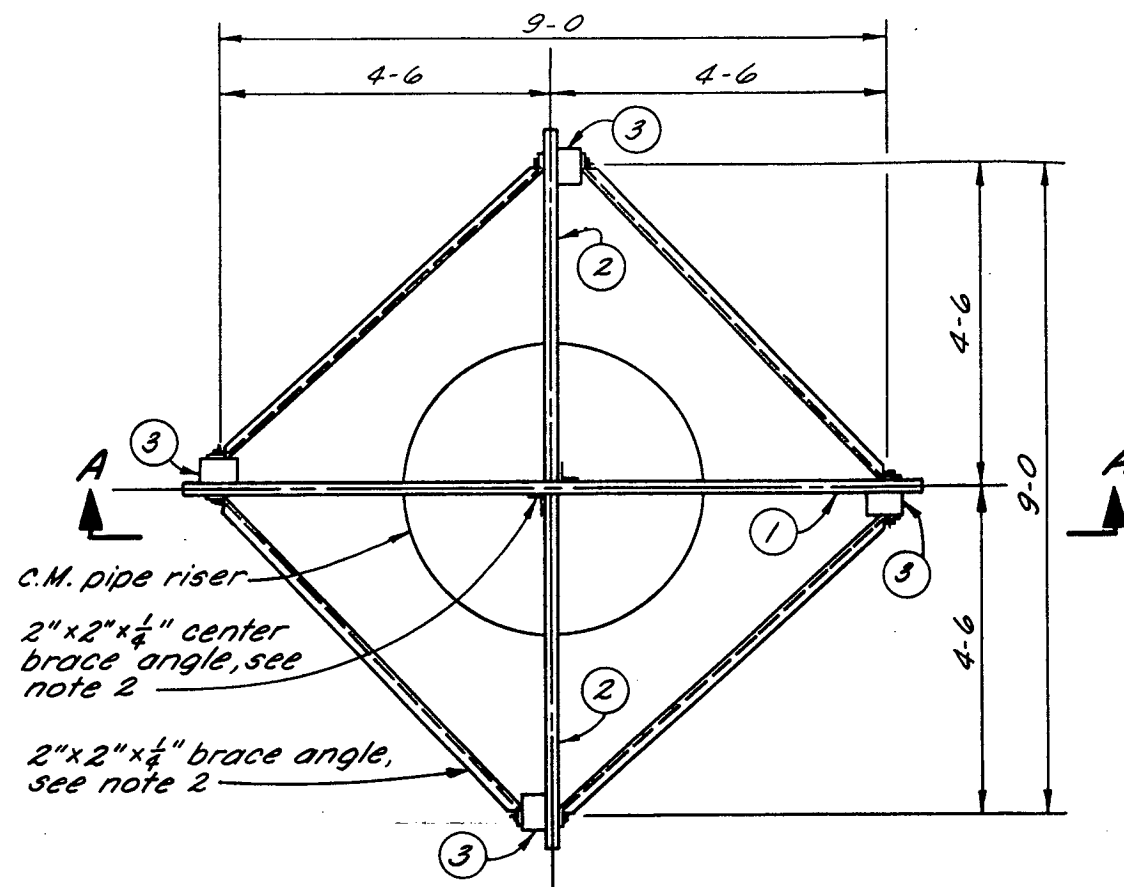
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed.....	Date.....	Approved by.....
Drawn.....		Title.....
Traced.....		Title.....
Checked.....		Drawing No. 4 of 6

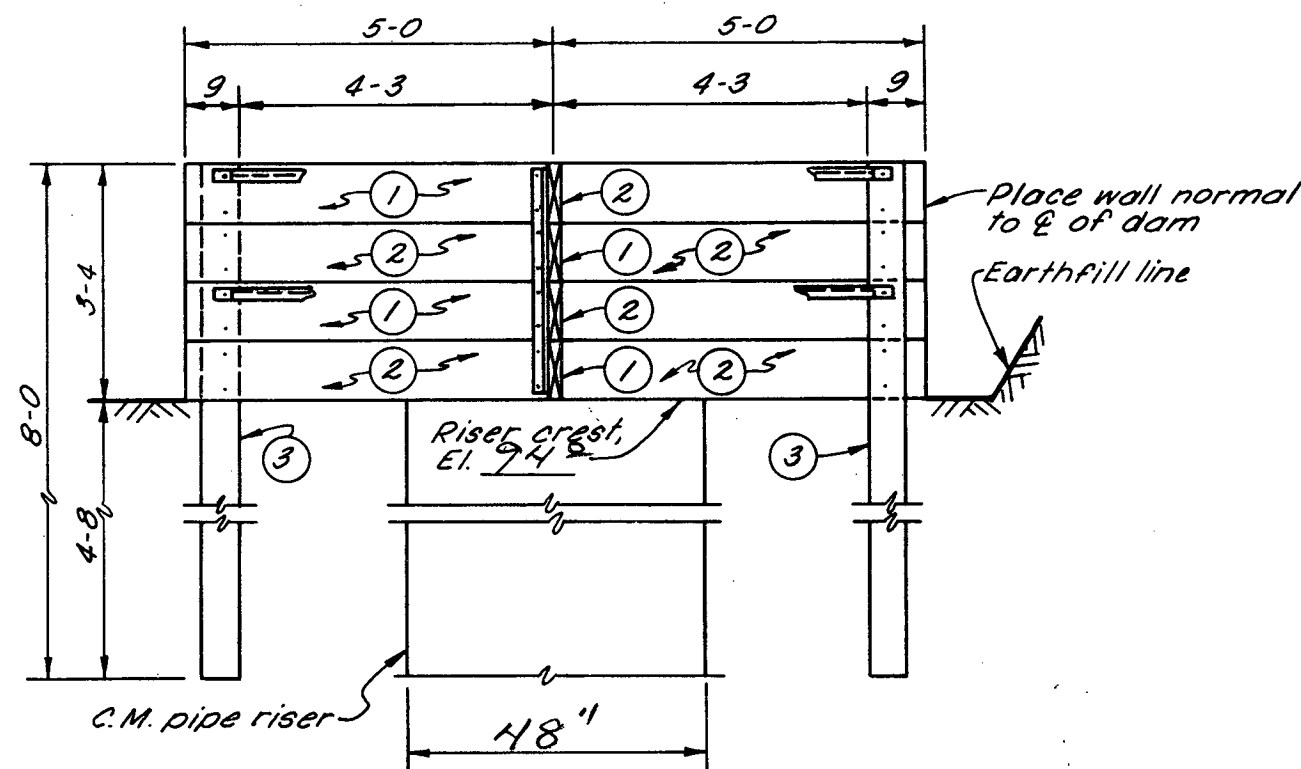
REFERENCE: GUIDE PLAN NO. 4.0

JOB PLAN NO. 4.0

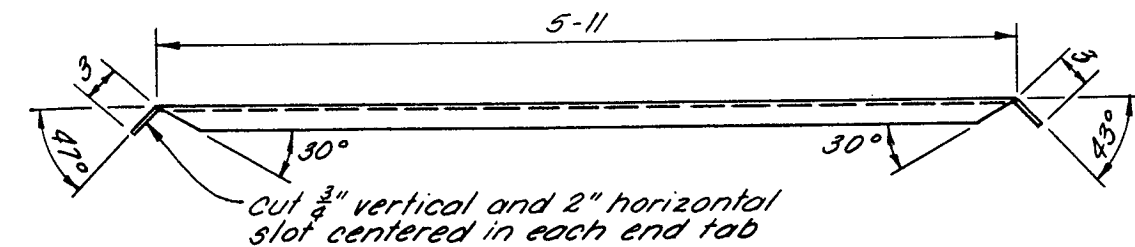
5, N-29,073.4a



PLAN VIEW



SECTIONAL ELEVATION A-A



PLAN VIEW OF BRACE ANGLE

TABLE OF QUANTITIES

ITEM	MARK	NO. REQ'D.	QUANTITY
2" X 10" X 10' PRESSURE TREATED LUMBER	1	4	67 BD.FT.
2" X 10" X 4'-11" PRESSURE TREATED LUMBER	2	8	66 BD.FT.
4" X 6" X 8' PRESSURE TREATED POST	3	4	64 BD.FT.
2" X 2" X 1/4" X 6'-5" STEEL ANGLE		8	164 LB.
2" X 2" X 1/4" X 3'-2" STEEL ANGLE		2	20 LB.
5/8" X 8" STEEL BOLTS, NUTS, 2 WASHERS		32	32 SETS
1/2" X 3" STEEL BOLTS, NUTS, 2 WASHERS		32	32 SETS

NOTES:

- TO 4" X 6" POSTS (4 REQUIRED) BOLT 2" X 10" BOARDS USING TWO 5/8" X 8" BOLTS PER 2" X 10" BOARD. DO NOT PLACE BOLTS CLOSER THAN 1 1/2" FROM EDGE OF BOARD.
- FOR CENTER BRACE ANGLES DRILL 8 - 9/16" HOLES 5/8" FROM OUTER EDGE OF EACH LEG OF EACH ANGLE AND CENTERED 5 1/4" APART ALONG THE LEG.
- ATTACH BRACE ANGLES TO TOP BOLT ON TOP 2" X 10" BOARD AND TO TOP BOLT ON NEXT TO BOTTOM BOARD.

TRASH RACK AND BAFFLE
FOR RISER DIA. 36" THRU 60"

OPERATOR: 500 1st Street
CONSERVATION DISTRICT: Stanley

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

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

JOB PLAN NO. 6.4

5, N-29, 073.6-40

Application Report No. 2291-2
500 1st Street, David Neuharth
September 16, 1993

This application proposed to impound 45.5 acre-feet of runoff water by constructing a dam in the SW 1/4 NW 1/4 Section 18-T5N-R26E. The water will be impounded in the E 1/2 NW 1/4 Section 18-T5N-R26E. The water is for fish and wildlife propagation and livestock watering.

According to the Stanley County Soil Conservation's risk assessment, the dam is a type A dam which corresponds to a category 3 dam. "Category 3 dam" is a low hazard dam whose failure may cause limited damage to agricultural lands or county and township roads or minimum economic loss. The dam will be 15 feet high (effective height of 12 feet) with a storage capacity of 45.5 acre-feet to the primary spillway elevation. The spillway is required to have a minimum capacity of passing a 25 year frequency event based on Safety of Dams rule 74:02:08:07:01.

The plans and specifications have been reviewed for this project and will be approved after a water permit is obtained. The drainage area of the proposed dam is 6.68 square miles (4275 acres) and a 25 year frequency will produce a peak runoff of 1738 cubic feet per second (cfs). The dam is designed with a 200 foot wide emergency spillway with a capacity of 2700 cfs and a primary spillway with a capacity of 92 cfs. The combined capacity of 2792 cfs exceeds the 50 year frequency event.

The dam will be located on an unnamed drainage 1.5 miles north of Hayes, South Dakota. Vested Right No. 562-2 dating back to 1937, is held by SD Department of Game, Fish and Parks for 150 acre-feet to fill the Hayes Dam annually, for public recreation. The Hayes dam is on Frozen Man Creek. This application is on an unnamed tributary to Frozen Man Creek upstream of Vested Right No. 562-2. Because of the small size of the proposed dam and the extensive drainage into the Hayes dam, water availability should not be a problem.

Conclusions:

1. There is water available from the drainage.
2. Existing water rights will not be impaired.
3. The emergency spillway will pass more than a 50 year frequency event.
4. Plans and Specifications for the dam are acceptable and will be approved upon approval of the water right application.


Lynn Beck
Natural Resources Engineer III

Approved by:


Gale N. Selken
Natural Resources Engineer IV

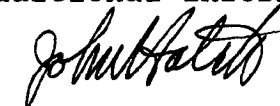
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2291-2, 500 1st Street Partnership, c/o David Neuharth

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2291-2, 500 1st Street Partnership, c/o David Neuharth, HC 33 Box 30, Ft. Pierre, SD 57532.

The Chief Engineer is recommending APPROVAL of Application No. 2291-2 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) in the public interest with the following qualification:

Approval of Water Permit No. 2291-2 authorizes storage of up to 45.5 acre-feet of water annually.

See report on application for additional information.



JOHN HATCH, Chief Engineer
September 20, 1993



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

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

September 21, 1993

David Neuharth
500 1st Street Partnership
HC 33 Box 30
Ft. Pierre, SD 57532

Dear Mr. Neuharth:

Water Permit Application Nos. 2291-2 and 2292-2 for fish and wildlife, and livestock watering use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Capital Journal printed at Pierre, SD (Ph # 224-7301). For your information, a copy of the notice, the recommendations of the Chief Engineer and the reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

September 21, 1993

Capital Journal
PO Box 878
Pierre, SD 57501

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 2291-2 and 2292-2 to be published twice. Please publish the first notice on September 29, 1993, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is David Neuharth, 500 1st Street Partnership, HC 33 Box 30, Ft. Pierre, SD 57532 (Ph # 567-3366).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST 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 in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit applications until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ 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 29, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 2291-2 and 2292-2 to Appropriate Water

Notice is given that 500 1st Street Partnership, c/o David Neuharth, HC 33 Box 30, Ft. Pierre, SD 57532 has filed applications for water permits.

Water Permit Application No. 2291-2 proposes to impound 45.5 acre-feet of runoff water by constructing a dam in the SW 1/4 NW 1/4 Section 18-T5N-R26E. Water will be impounded in portions of the E 1/2 NW 1/4 Section 18-T5N-R26E. The water is for fish and wildlife propagation and livestock watering.

Water Permit Application No. 2292-2 proposes to impound 43.8 acre-feet of runoff water by constructing a dam in the SE 1/4 NE 1/4 Section 12-T5N-R25E. Water will be impounded in portions of the S 1/2 NE 1/4 and the SE 1/4 NW 1/4 Section 12-T5N-R25E. The water is for fish and wildlife propagation and livestock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2291-2 and 2292-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendations. The Chief Engineer's address is "Water Rights Division, 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 October 18, 1993.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 Division address to request copies of information pertaining to these applications. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hughes) ss

I, Peggy Warner
certify that the attached printed Notice was
taken from the Capital Journal

printed and published in Pierre

County of Hughes and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

Sept. 29, 1993
Oct. 6, 1993

Cost of Printing: 45.39

Peggy Warner
(Signature)

Legal Ad Representative
(Title)

October 7, 1993
(Date Signed)

No. 7152 2tdly 9/29, 10/6
NOTICE OF APPLICATION
NOS. 2291-2 and 2292-2
to Appropriate Water

Notice is given that 500 First Street Partnership, c/o David Neuharth, HC 33 Box 30, Fort Pierre, S.D. 57532 has filed applications for water permits.

Water Permit Application No. 2291-2 proposes to impound 45.5 acre-feet of runoff water by constructing a dam in the SW 1/4 NW 1/4 Section 18-T5N-R26E. Water will be impounded in portions of the E 1/2 NW 1/4 Section 18-T5N-R26E. The water is for fish and wildlife propagation and livestock watering.

Water Permit Application No.

2292-2 proposes to impound 43.8 acre-feet of runoff water by constructing a dam in the SE 1/4 NE 1/4 Section 12-T5N-R25E. Water will be impounded in portions of the S 1/2 NE 1/4 and the SE 1/4 NW 1/4 Section 12-T5N-R25E. The water is for fish and wildlife propagation and livestock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 2291-2 and 2292-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendations. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, S.D. 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 October 18, 1993.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 Division address to request copies of information pertaining to these applications.

Robert E. Roberts, Secretary
Department of Environment
and Natural Resources





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

OCT 20 1993

David Neuharth
500 First Street Partnership
HC 33 Box 30
Ft. Pierre, SD 57532

Dear Mr. Neuharth:

Enclosed are Water Permit Nos. 2291-2 and 2292-2 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Also enclosed is a Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the systems and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water Licenses may be issued, thus completing your acquisition of Water Rights.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

November 10, 1999

No. 2291-2 & 2292-2

Neshem South Farms
HCR 2 Box 128
Bertold ND 58718

Dear Sir:

Enclosed are partially completed "Notice of Transfer" forms for use in filing an ownership change on Water Permit No. 2291-2 and 2292-2. The water permits are currently listed in the name of 500 1st Street, c/o David Neuharth. It is our understanding that you are now the owner of these water permits located in Stanley County.

The transfer forms should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the forms to our office with a required filing fee of \$2.50 each (\$5.00 total).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath or me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 7, 2000

2291-2 and 2292-2

Neshem South Farms
HCR 2 Box 128
Bertold ND 58718

Dear Sir:

The investigation of the water use systems, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 2291-2 and 2292-2, were completed by Mark Rath on February 8, 2000. The final water right document, the Water License, can now be issued for each permit.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of each Water License. Upon receipt of the \$100.00 fee, we will begin processing the Water Licenses.

Our records indicate on November 10, 1999, *Notice of Transfer of Ownership* forms were sent to you regarding these two dams located in Stanley County. Enclosed are two additional *Notice of Transfer of Ownership* forms. The forms need to be completed, signed by the owner, notarized and returned with a \$2.50 filing fee each.

**Please submit \$105.00 to: Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

If you have questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify permit numbers. This will insure proper handling of the fee.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 1, 2001

944-2
2291-2
2292-2

William Maddocks
1505 Baylor Dr
Woodland CA 95695

Dear Mr. Maddocks:

Thank you for taking the time to visit with me concerning the water rights in Stanley County, SD. I am enclosing information on Water Permit Nos. 944-2, 2291-2 and 2292-2.

If I understand correctly, all three water permits should be transferred. I am enclosing a partially completed "Notice of Transfer of Ownership" form for each one. Please review them and complete as needed. Upon completion, please sign the forms in the presence of a notary and return them to our office with a required filing fee of \$2.50 each (total of \$7.50).

In February, 2000, one of our staff was out and conducted an investigation of the areas described in each permit. I am enclosing a copy of the reports for Water Permit Nos. 2291-2 and 2292-2. A water license can be issued for these as soon as the appropriate fee is paid for each. Statutes require that we assess a \$50.00 fee for each investigation and water license issuance. The total due for the licenses is \$100.00.

Water Permit No. 944-2 authorizes impoundment of 300 acre feet of water for irrigation and domestic purposes. We were told that the land described in the permit is currently in the Conservation Reserve Program (CRP). We will hold up issuance of the water license for No. 944-2 until the land comes out of CRP. Another investigation will be conducted after 2008.

For now, all that is needed is filing ownership changes for all three permits and issuance of the water license for Nos. 2291-2 and 2292-2. Please remit a total of \$107.50 (transfer and license fees) to our office. The check or money order can be made payable to the Water Rights Program.

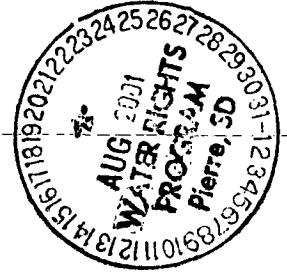
If I can answer any questions for you, please contact me.

Sincerely,

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

enclosures

500 FIRST STREET
1505-BAYLOR DRIVE
WOODLAND, CALIFORNIA 95695



August 15, 2001

Ms. Mc Math
Environmental Scientist, Water Rights Program
923 East Capitol
Pierre, South Dakota 57501-3182

RE: Water permits # 2291-2 and 2292-2 - Stanley County

Dear Ms. McMath:

Attached is my check for \$100.00 the water licenses on the above numbered permits.

For your information, 500 First Street is a General Partnership composed of Kent N. Calfee, Kenneth L. Wallace and William H. Maddocks. We are in Title to land wherein the water is impounded in Water Permit 944.2.

The other permits mentioned above are in Title to 2 children of Kent N. Calfee; the daughter of Kenneth L. Wallace and my 2 adult daughters. We manage the property for them and take care of all business matters. I therefore feel we do not need to transfer the ownership. If, and when, the children take separate parcels, we will transfer ownership at that time..

If you have any questions, please contact me. (916-425-4738).

Sincerely,

William H. Maddocks

WHM:sm

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

FILE 416895

Pierre, August 20, 2001

RECEIVED OF William Maddocks, 1505 Baylor Dr, Woodland, CA 95695
the following amount in fees for services rendered as provided for by law:

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

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. 2291-2

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By _____
Chief Engineer

Garland Erbele

Permit No. 2291-2
Bad River - Water District

Other permit/license(s) associated with project: none

Report Of Examination Of Works

On, February 8, 2000, I made a thorough examination of the water use system constructed by David Neuharth of HC, Box 30, Fort Pierre, SD 57532 holder of Permit No. 2291-2, bearing the priority of September 1, 1993, authorizing the storage of 45.5 acre-feet of the waters of runoff for fish and wildlife propagation and livestock watering purposes, in Stanley County.

The system is in the following condition good. The point of diversion is located from the NW corner of Section 18 T5N-R26E: 2156 feet south and 1756 feet east with a longitude of -101.02716 and a latitude of 44.39492. The works are capable of diverting and conveying to the place of use storing 45.5 acre-feet of water which is to be used for fish and wildlife propagation and livestock watering.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none

Stacy J. Johnson
Stacy J. Johnson
Natural Resources Engineer
DENR, Water Rights Program

3-8-00
Date

REPORT ON INSPECTION OF PERMIT NO. 2291-2

DATE OF INSPECTION: February 8, 2000

Other permit/license(s) associated with the project: none

Contact Person & Address: Roger Neshem HCR2 Box 128 Berthold, ND 58718

DIVERSION POINT LEGAL LOCATION: from the NW corner of Section 18 T5N-R26E: 2156 feet south and 1756 feet east

Longitude: -101.02716 Latitude: 44.39492

WATER SUPPLY Source: Runoff

DAM INFORMATION:

- | | |
|--|---|
| 1) Height to crest <u>12</u> feet | 2) Height to primary spillway or outlet <u>4</u> feet |
| 3) Height to secondary spillway <u>8</u> ft | 4) Crest width <u>13</u> feet |
| 5) Crest length <u>550</u> feet | 6) Spillway length <u>350</u> feet |
| 7) Spillway width <u>#</u> feet | 8) Approx. storage <u>45.5</u> ac-ft |
| 9) Outlet tubes: | |
| a) diameter <u>2-36</u> inches <u>tubes side by side</u> | b) type <u>Drop inlet</u> |
| c) valved <u>no</u> | d) valve type <u>N/A</u> |

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A

COMMENTS:

Stacy J. Johnson
Stacy J. Johnson
Natural Resources Engineer
DENR, Water Rights Program

3-8-00
Date

Approval of Location Change and/or Additional Diversion Point(s)

NAME: 500 1st Street

ADDRESS: 1505 Baylor Dr, Woodland, CA 95696

DATE: August 21, 2001

COUNTY: Stanley

TELEPHONE: (916) 425-4738

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- Developed water source same as permitted source and no additional water appropriated

Yes

- If irrigation, no new land is irrigated

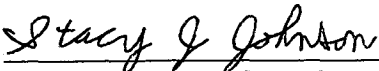
N/A

- Review of Existing Diversions

Dam was to be located in the SW ¼ NW ¼ of Section 18 T5N-R26E according to water permit. Dam is located in the SE ¼ NW ¼ of Section 18 T5N-R26E.

RECOMMENDED ACTION

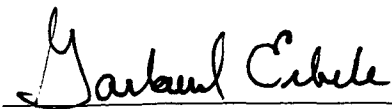
Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



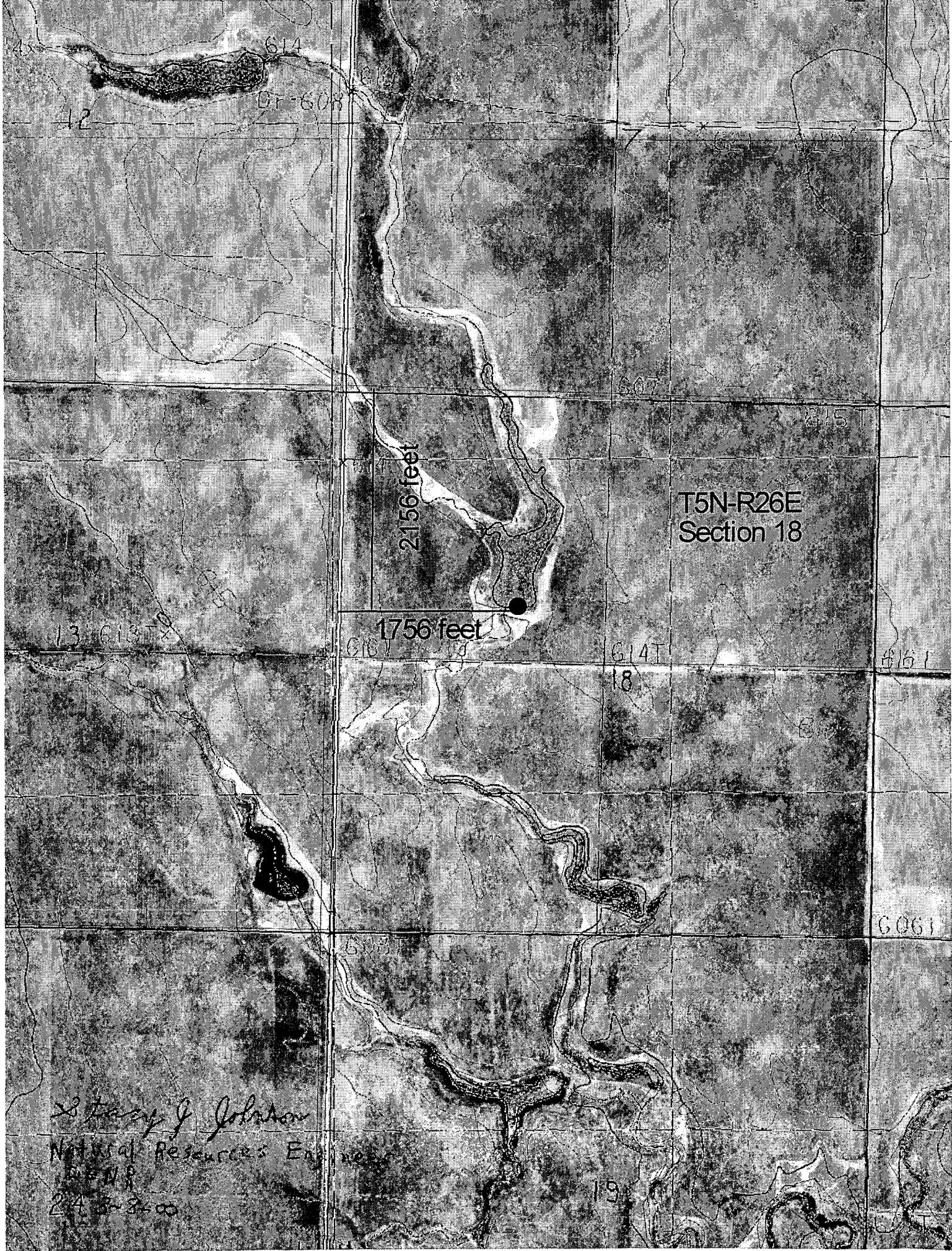
Stacy J. Johnson, Natural Resources Project Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2291-2

(1) 500 1st St Street, a general partnership, c/o William H Maddocks, 1505 Baylor Dr., Woodland CA 95695 made Application No. 2291-2, September 1, 1993 for a water permit to impound 45.5 acre-feet of water from runoff, Stanley County, South Dakota for fish & wildlife propagation and livestock watering purposes. Permit No. 2291-2, with a priority date of September 1, 1993 was approved October 18, 1993 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 18, 1998 and for the application to beneficial use of said water on or before October 18, 2002.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the storage dam and is entitled to impound 45.5 acre-feet of water for beneficial use with sufficient water annually to maintain the water level to the outlet elevation. The location of the storage dam is approximately 2,156 feet south and 1,756 feet east of the northwest corner of Section 18-T5N-R26E (SE ¼ NW ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 500 1st St Street, a general partnership, c/o William H Maddocks, 1505 Baylor Dr., Woodland CA 95695 the holder and/or owner of Water Right No. 2291-2 is issued a license to appropriate water, the right to impound 45.5 acre-feet of water from runoff with sufficient water annually to maintain the water level to the outlet elevation with a priority date of September 1, 1993 from the location specified in (2) of this license. for fish & wildlife propagation and livestock watering purposes. This license is subject to any limitations or qualifications listed in Water Right No. 2291-2 and subject to South Dakota State Law.



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

SEP 24 2001

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 24 2001

2291-2 & 2292-2

William H. Maddocks
1505 Baylor Dr
Woodland, CA 95695

Dear Mr. Maddocks:

Enclosed are Water License Nos. 2291-2 & 2292-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 416895 and 416896 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

The upstream side of the dam authorized by No. 2292-2, has two erosion areas, one approximately 3' x 3' and one approximately 1' x 1'. There are two seeps on the downstream side that correspond to the upstream erosion areas. It appears that piping is taking place within the dam and there is a possibility of dam failure. Repairs should be undertaken if the owner wants to maintain the dam for storage.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures