

WATER PERMIT NO. 2327-2

Phone: 605 344-2240

Name of Applicant: Michael Karrels

Post Office Address: HC 76, Box 3, Belvidere SD 57521

Amount of Water Claimed: 64.4 acre-feet Total Acres: _____

Source of Water Supply: runoff

Water to be used for: fish & wildlife/livestock County: Jackson

Location: 12 miles south of Belvidere

PRIORITY Date Received: 2-6-95 Fee: \$150.00

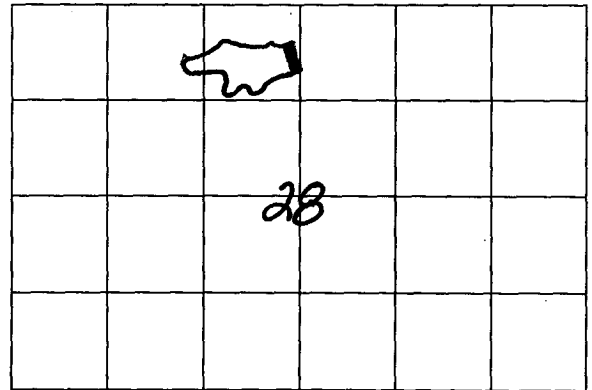
Corrected Application Received: _____ Period of Annual Use: Jan 1 - Dec 31

Remarks: _____

Diversion Point: NE 1/4 NW 1/4 Sec 28-T43N-R33E

Water Impounded in: N 1/2 NW 1/4

Sec 28-T43N-R33E



Well Log: Driller: _____ Licensed: YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: aerial Prepared By: Gerald Magelky Reviewed and the Number

Assigned on: 2-6-95 By: Karen Schlaak

**REISSUED
SOUTH DAKOTA
WATER PERMIT NO. 2327-2**

Date of first receipt of application February 6, 1995.

On April 12, 2010, Water Permit No. 2327-2 was transferred from Michael Karrels to Rapid Creek Ranch, LLC c/o Ken Wilson, PO Box 869, Canton NC 28716.

The original permit, issued March 29, 1995, contained an error in the legal description of the dam. The range designation was incorrectly listed as R33E and should have been R33W. The permit was readvertised to correct the error and the permit is being reissued.

The Chief Engineer, on behalf of the Water Management Board, reissues Water Permit No. 2327-2 to Rapid Creek Ranch, LLC authorizing the dam and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2327-2 authorizes impoundment of 64.4 acre-feet of water from run-off in a dam located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 28 with water impounded in portions of the NW $\frac{1}{4}$ Section 28; all in T43N-R33W.
2. The water appropriated shall be used for the purpose of providing habitat for fish and wildlife production and livestock water 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. 2327-2 is March 13, 1995.
5. The date from which applicant may claim right is February 6, 1995.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Water Permit No. 2327-2 authorizes a dam with storage capacity of 64.4 acre-feet of water and sufficient water annually to maintain the water level to the outlet elevation of 2247 feet mean sea level.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUL 28 2010

date



**SOUTH DAKOTA
WATER PERMIT NO. 2327-2**

Date of first receipt of application February 6, 1995.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2327-2 to Michael Karrels, HC 76, Box 3, Belvidere SD 57521 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. 2327-2 authorizes impoundment of 64.4 acre-feet of water from runoff by constructing a dam located in the E 1/2 NW 1/4 Section 28 with water impounded in portions of the NW 1/4 Section 28; all in T43N-R33E. This permit authorizes impoundment of water sufficient to maintain the water level at the outlet elevation of 2,247 feet mean sea level.
2. The water appropriated shall be used for the purpose of providing habitat for fish and wildlife production 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. 2327-2 is March 13, 1995.
5. The date from which applicant may claim right is February 6, 1995.
6. One-fifth of the construction is to be completed on or before September 13, 1997.
7. All construction is to be completed on or before March 13, 2000.
8. Water is to be put to beneficial use on or before March 13, 2004.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Water Permit No. 2327-2 authorizes a dam with storage capacity of 64.4 acre-feet of water and sufficient water annually to maintain the water level to the outlet elevation of 2247 feet mean sea level.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

WATER MANAGEMENT BOARD

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

MAR 29 1995

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. 2327-2 Hydrologic Unit 10140202
Basin White River
Newspaper Kadoka Press, Kadoka
(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: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____
Reconstruct existing dam that was cut out by previous owner
Original construction 1995 1955

- Name of Applicant Michael Karrels Phone 344-2240
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address HC 76, Box 3 Belvidere State SD 57521
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed _____ *CFS or _____ **GPM 64.4 ***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) Dam Location
NE 1/4 NW 1/4 Section 28 T 43N R 33E Water Impounded: NW 1/4 Sec 28-T43N-R33E
151 Rods East, 30 Rods South of the NW corner said County Jackson
section
- County or counties where water will be used Jackson
- Annual period during which water is to be used all year 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)
Reconstruct dam due to previous owner cutting dam grade out

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 Haakon ss

I, Michael H. Karrels, 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 Michael H. Karrels
Subscribed and sworn to before me this 31st day of January 19 95

CRYSTAL MARTINEZ, Notary Public
My Commission Expires: 4-20-95

Notary Public

Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____

2. Dugout Information

- 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 for each dam. The locations of the dams need to be shown on the map submitted with the application.

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

Gerard Magelky, SCS

P.O. Box 457, Kadoka, SD 57543

b) Freeboard _____ 3 feet

c) Crest Width _____ 12 feet

Crest Length _____ 475 feet

d) Height _____ 24.5 feet

e) Primary Outlet Capacity _____ 84.0

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____ 50 feet

g) X & Y Slope

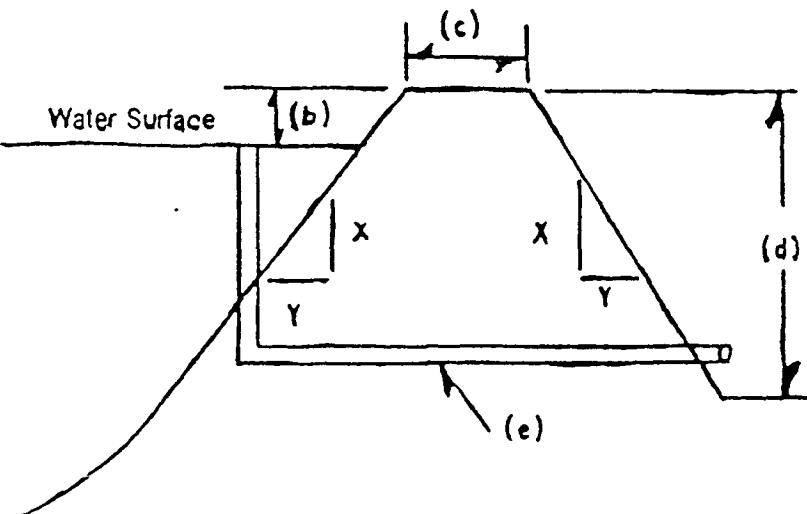
Upstream _____ 4:1

Downstream _____ 3:1

h) Surface Area of Impoundment _____ 7.8 Acres

i) Storage _____ 84.0 Acre Feet

j) Drainage Area Above Dam _____ 500 Acres



RECEIPT

414391

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 6, 19 95

RECEIVED OF Michael H. Karrels, HCR 76 Box 3, Belvidere, SD 57521

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

Fee for Application for Permit No. <u>2327-2</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 Hatch
Chief Engineer

Project

28.

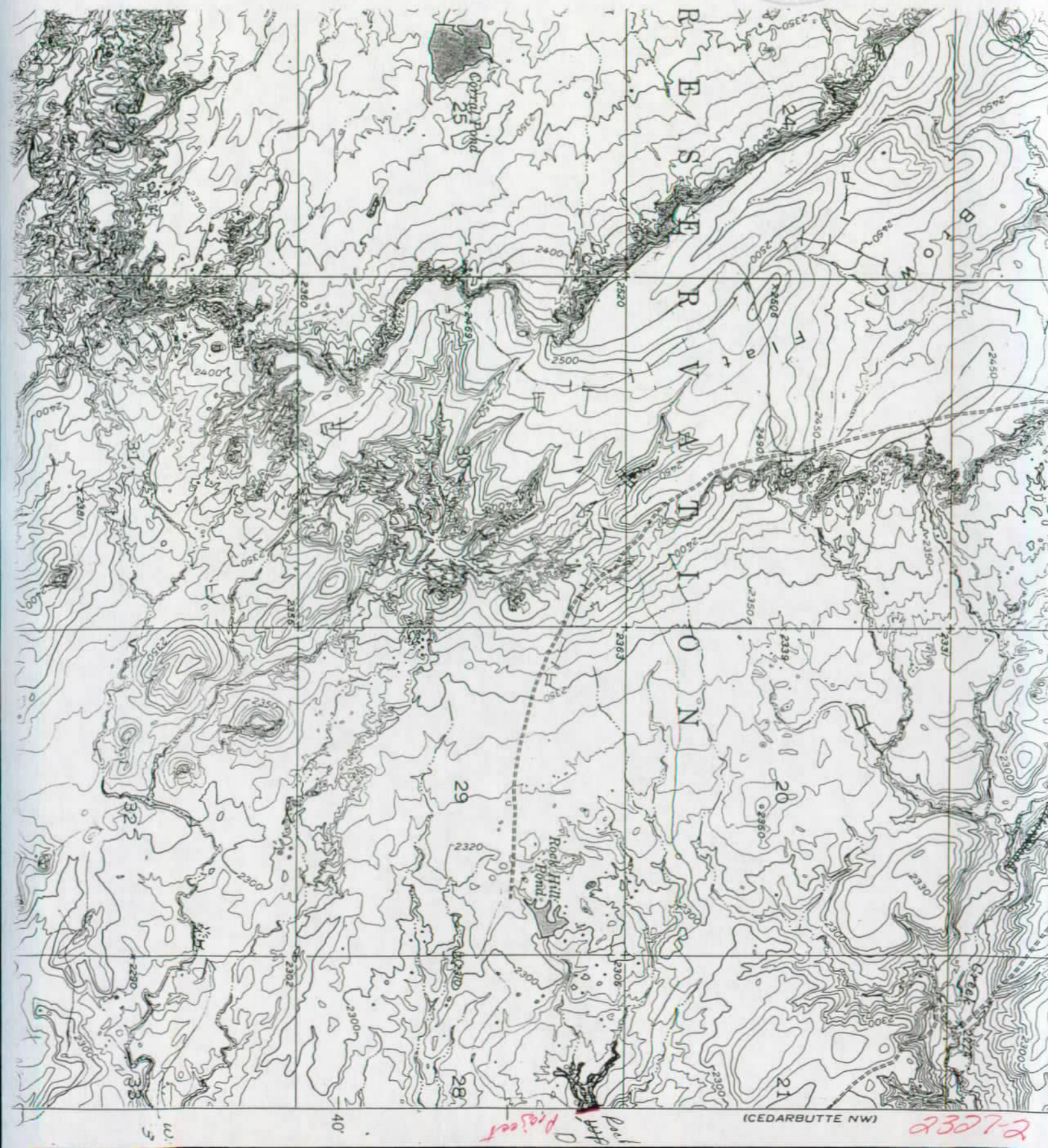
43-33
225-R

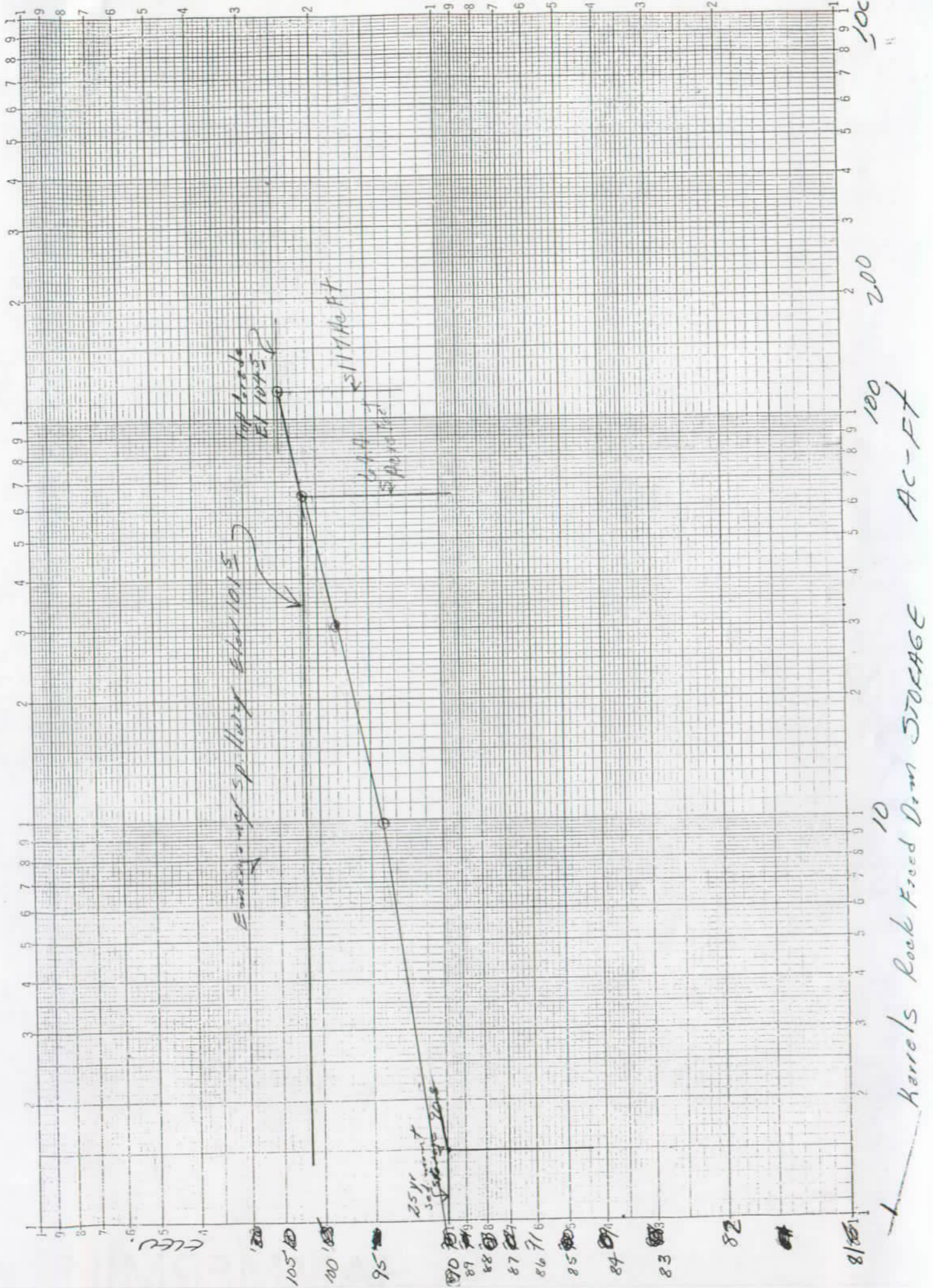
505

[Signature]

LET

23272





Karrels Rock Faced Dam Storage

AC-FT

2.00

100

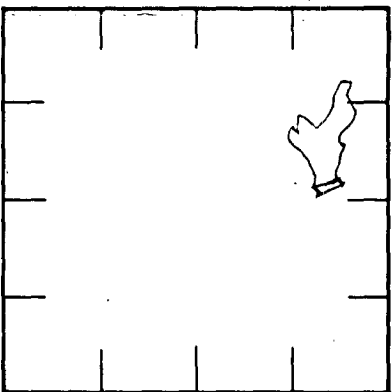
10

100

SD-ENG-17
7/74

STRUCTURE DATA

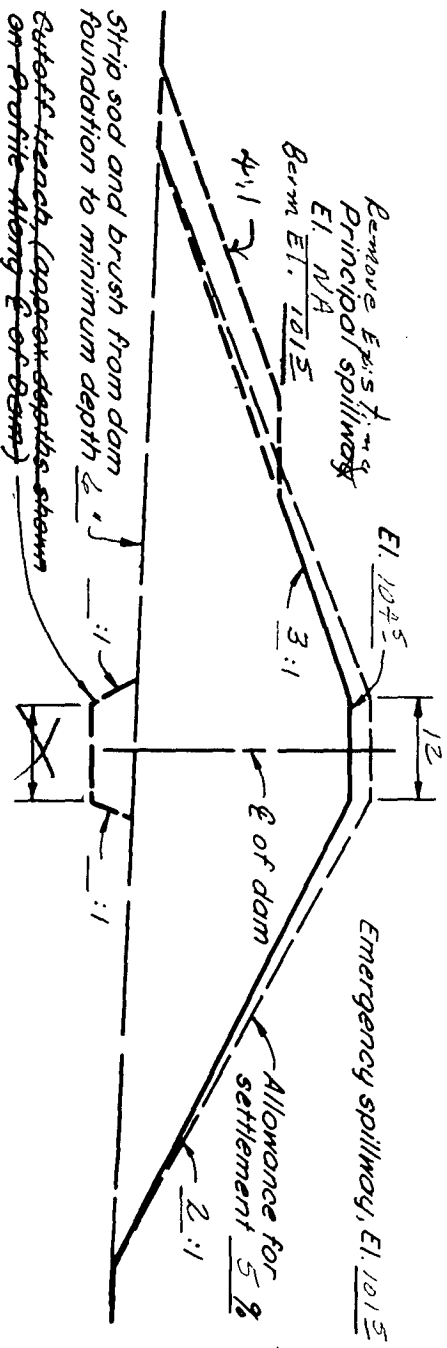
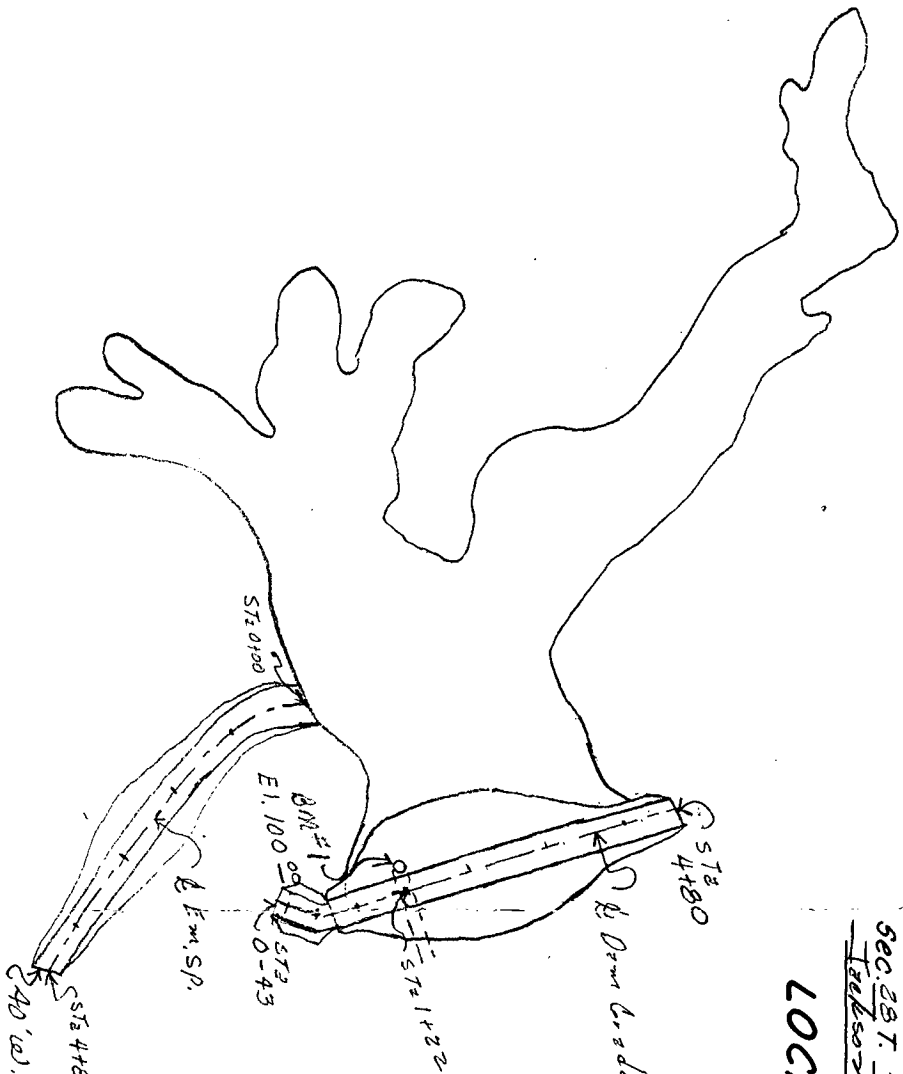
DRAINAGE AREA	ANNUAL YIELD	PEAK RUNOFF	EMERG. SPLWY. CAPACITY	WATER DEPTH	SURFACE AREA	SEDIMENT STORAGE	TOTAL STORAGE
ACRES	AC. FT.	25-YR.	C.F.S.	FEET	ACRES	AC. FT.	AC. FT.
500	13.3	194	200	12.8	12.3	1.5	24.4



Sec. 28 T. 43N R. 33E
Tulsa County

LOCATION

ITEM	UNIT	QUANTITY
EARTH FILL		
Embankment (including 5% Settlement)	cu yd	5304
Stripping (0.5')	cu yd	430
Total Embankment	cu yd	5734
Waste	cu yd	158
EXCAVATION		
Emergency Spillway	cu yd	3589
Stripping	cu yd	430
Remove Existing FILL for Access to Rebuild	cu yd	1873
TOTAL PAY	cu yd	5892
Structure Removal (18" Drop Inlets Tube)	Each	1



TYPICAL CROSS SECTION OF DAM

S.D. CONSTRUCTION AND MATERIAL SPECIFICATIONS:

- SD-4 Strippling
- SD-5 Embankment
- SD-7S Earth Fill Class S
- SD-3 Structure Removal

EARTH DAM

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

OPERATOR: Mike Kervels
CONSERVATION DISTRICT: Tule 5024

SKETCH PLAN OF DAM AND RESERVOIR AREA
Approximate scale 1" = 250'
REFERENCE: GUIDE PLAN NO. 1.0

JOB PLAN NO. 1.0

Designed by	Date	Approved by
Drawn by		
Traced		
Checked		

ES CREST 101.50 FT 64.4 ACFT 12.29 AC 1.0 CFS

PS STORAGE 1.2 ACFT BETWEEN ES CREST AND SED ACCUM ELEVATIONS

STARTING E 101.50 FT 64.4 ACFT 12.29 AC 1.0 CFS

EFFECTIVE HEIGHT(H) = 12.8 FEET, PRODUCT = 824. (H * STORAGE AT CREST EMG.)

INPUT DESIGN CLASS = A1 = LT 3000

SCS-ESH D= 24.00 HR P= 3.90 IN Q= 1.52 IN DA = .78 SM
25year TC= 2.82 HR CN= 74.00 VOL= 63.5 ACFT

PEAK = 186.2 CFS, AT 13.7 HRS.

SCS-FBH D= 24.00 HR P= 4.40 IN Q= 1.90 IN DA = .78 SM
50year TC= 2.82 HR CN= 74.00 VOL= 79.0 ACFT

PEAK = 235.9 CFS, AT 13.7 HRS.

RATING TABLE DEVELOPED, SITE = KARRE
BY PROGRAM FOR PS AND EMG SPILLWAYS

RATING TABLE NUMBER 2

	ELEV FEET	Q-TOTAL CFS	Q-PS CFS	VOLUME AC-FT	AREA ACRE
1	101.40	.00	.00	63.16	12.14
2	101.42	.12	.12	63.42	12.17
3	101.44	.34	.34	63.68	12.21
4	101.46	.63	.63	63.94	12.24
5	101.49	.97	.97	64.20	12.27
FULL CONDUIT FLOW, ELEV = 101.49 FT					

6	101.49	.98	.98	64.22	12.27
7	101.49	.98	.98	64.25	12.28
8	101.49	.98	.98	64.27	12.28
9	101.49	.98	.98	64.29	12.28
10	101.49	.98	.98	64.32	12.29
11	101.50	.98	.98	64.34	12.29
12	101.50	.98	.98	64.36	12.29
13	101.50	.98	.98	64.38	12.29
14	101.65	7.04	.98	66.25	12.52
15	101.80	13.16	.98	68.14	12.75
16	102.07	24.25	.99	71.64	13.35
17	102.40	37.93	1.00	76.28	14.77
18	103.00	107.49	1.01	85.91	17.34
19	103.75	229.41	1.03	100.12	20.55
20	104.50	398.64	1.05	116.75	23.77

ROUTED BTM WIDTH MAX ELEV VOL-MAX AREA-MAX EMG. HP VOL-ES
RESULTS FT ACFT AC FT ACFT
SCS-ESH 40.0 102.97 85.5 17.2 1.47 21.1

PEAK - CFS
DISCHARGE = 1.0

Q-PS Q-ES Q-TOT
1.0 103.2 104.2

CRITICAL CRITICAL CRITICAL

25% OF

3'-1.47' = 1.53 ft freeboard

19.8

EMERGENCY FT FT/SEC FT/FT FT/FT
SPILLWAY----- .58 4.25 .011 .015

DURATION ATTACK SUMMATION
FLOW DE/B VEL**2 DELTA T
EMERGENCY HRS ACFT/FT (FT/SEC)**2 HRS
SPILLWAY----- 26.7 1.5 594.8

***** MESSAGE - ES378 CRITERIA USED BUT EMERGENCY SPILLWAY NOT BASED
ON RETARDANCE.

EXIT CHANNEL FLOW SUPERCRITICAL: MAX VELOCITY= 8.33 FT/SEC
EXIT SLOPE = .100 FT/FT
FLOW DEPTH = .303

ROUTED BTM WIDTH MAX ELEV VOL-MAX AREA-MAX EMG. HP VOL-ES
RESULTS FT FT ACFT AC FT ACFT
SCS-FBH 40.0 103.22 89.8 18.3 1.72 25.4

PEAK - CFS Q-PS Q-ES Q-TOT
DISCHARGE = 1.0 139.6 140.6

CRITICAL CRITICAL CRITICAL 25% OF
DEPTH VELOCITY SLOPE-S/C S/C
EMERGENCY FT FT/SEC FT/FT FT/FT
SPILLWAY----- .71 4.67 .010 .014

DURATION ATTACK SUMMATION
FLOW DE/B VEL**2 DELTA T
EMERGENCY HRS ACFT/FT (FT/SEC)**2 HRS
SPILLWAY----- 27.4 1.9 706.4

***** MESSAGE - ES378 CRITERIA USED BUT EMERGENCY SPILLWAY NOT BASED
ON RETARDANCE.

EXIT CHANNEL FLOW SUPERCRITICAL: MAX VELOCITY= 9.37 FT/SEC
EXIT SLOPE = .100 FT/FT
FLOW DEPTH = .362

***** ES378 RUN - MINIMUM FLOW IN EMG. SPILLWAY FROM TR&O
USING FORMULA WITHOUT 200 CFS MINIMUM LIMIT. *****

ROUTED BTM WIDTH MAX ELEV VOL-MAX AREA-MAX EMG. HP VOL-ES
RESULTS FT FT ACFT AC FT ACFT
MINIMUM ES 40.0 103.64 98.0 20.1 2.14 33.6

PEAK - CFS Q-PS Q-ES Q-TOT
DISCHARGE = 1.0 209.8 210.9

CRITICAL CRITICAL CRITICAL 25% OF
DEPTH VELOCITY SLOPE-S/C S/C
EMERGENCY FT FT/SEC FT/FT FT/FT
SPILLWAY----- .93 5.29 .010 .013

***** ES378 RUN - MINIMUM DEPTH, DESIGN FLOW TO TOP OF DAM, REQUIRED
FOR THIS PASS. NEW TOP OF DAM ELEVATION = 104.22

ROUTED BTM WIDTH MAX ELEV VOL-MAX AREA-MAX EMG. HP VOL-ES
RESULTS FT FT ACFT AC FT ACFT
MINIMUM ES 40.0 104.22 110.5 22.6 2.73 46.1

PEAK - CFS Q-PS Q-ES Q-TOT
DISCHARGES = 1.0 333.7 334.7

3'-1.72 ~ 1.28' *Arched*

DAMS2.....JOB NO. 1 COMPLETE

Crow1 ROCK FACED DAM JACKSON COUNTY, S.D.

0 SUBWATERSHED(S) ANALYZED

1 STRUCTURE(S) ANALYZED

10 HYDROGRAPHS ROUTED AT LOWEST SITE

0 TRIALS TO OBTAIN BOTTOM WIDTH FOR SPECIFIED VELOCITY(S)

DAMS2.....COMPUTATIONS COMPLETE

WATERSHED ID

RUN DATE

RUN TIME

Crow1

12/27/94

13:28:12

>>>		SITE	SUEWS	SUEWS DA	CURVE	TC	TOTAL DA	TYPE	STRUC	<<<	
		ID	ID	(SQ MI)	NO.	(HRS)	(SQ MI)	DESIGN	CLASS		
		KARRE	01	.78	74.	2.82	.78	378CR	A1		
PASS NO.	DIA/ WIDTH (IN/FT)	ES CREST ELEV (FT)	ETM WIDTH (FT)	MAX HP (FT)	MAX ELEV (FT)	YARDAGE EMB (CY)	OE/B* (AF/FT)	EXIT* VELOCITY (FT/SEC)	TYPE HYD		
1	4.0	101.50	40.00	2.73	104.22	0.	1.9	9.37	MINIMUM ES		
1	4.0	101.50	50.00	2.62	104.10	0.	1.5	8.89	MINIMUM ES		
1	4.0	101.50	60.00	2.52	104.00	0.	1.3	8.46	MINIMUM ES		
1	4.0	101.50	70.00	2.44	103.93	0.	1.1	8.15	MINIMUM ES		
1	4.0	101.50	80.00	2.37	103.86	0.	1.0	7.87	MINIMUM ES		

* OE/B AND EXIT VELOCITY ARE BASED ON THE ROUTED HYDROGRAPH
AND WILL NOT RELATE TO THE MAX. ELEV.(TOP OF DAM),
WHICH IS SET BY MINIMUM DESIGN CRITERIA.

DAMS2.....SUMMARY TABLE 1 COMPLETED

SCS DAMS2 VERSION 01/01/90
Crow1 FILES

INPUT = C:\DAMS2\REVISE\KARRELI
OUTPUT = C:\DAMS2\REVISE\KARRELI

DATED 12/27/94 13:28:12

***** THIS PROGRAM IS IN TEST STATUS *****

***** 80-80 LIST OF INPUT DATA *****

DAMS2 01/01/90 Crowl ROCK FACED DAM JACKSON COUNTY, S.D.
 STRUCTURE KARELS1 Trial #1 12/27/94 G MAGELKY(378 Design)

88.7 0.0
 90.0 1.14
 94.0 3.4
 98.0 7.0
 102.0 13.05
 104.5 23.77

Surface Area

ENDTABLE	2A101	AC 74	500	2.82	4.40	82.0
MSDATA	2.1	101.5	4	88.7		
PDIRECT	1	100	12.5664	0.01		
PSDATA	ELEV	1.0				
PSINLET	ELEV	101.5				
ESCREST	ELEV	480	0.03	3	0.025	10
ESDATA	01	40	50	60	70	80
BTMWIDTH	FEET					
COMMENT	THIS IS A 378 DESIGN FOR A DAM WITHOUT					
COMMENT	A PRINCIPAL SPILLWAY.					
COMMENT	4" P. S. IS USED IN ROUTING TO SATISFY DAMS2 PROGRAM AND YET					
COMMENT	AFFECT THE ROUTING A NEGLIGIBLE AMOUNT.					
COMMENT	EMERGENCY SPILLWAY STORM IS 25 YEAR 24 HOUR.					
COMMENT	THE FREEBOARD HYDROGRAPH STORM IS THE 50 YEAR 24 HOUR.					
COMMENT						
GD, DESIGN L	TYPE2	24	TYPE2	378	24	
ENDJOB						

 ***** MESSAGE - DRAINAGE AREA FROM MSDATA CONTROL BEING CONVERTED FROM
 ACRES TO SQUARE MILES FOR COMPUTATION PURPOSES.

THIS IS A 378 DESIGN FOR A DAM WITHOUT
A PRINCIPAL SPILLWAY.

4" P. S. IS USED IN ROUTING TO SATISFY DAMS2 PROGRAM AND YET
AFFECT THE ROUTING A NEGLIGIBLE AMOUNT.

EMERGENCY SPILLWAY STORM IS 25 YEAR 24 HOUR.

THE FREEBOARD HYDROGRAPH STORM IS THE 50 YEAR 24 HOUR.

***** BASIC DATA *****
HUMID- SUEHUMID CLIMATE AREA DESIGN CLASS A1 =LT 3000

STORM DISTRIBUTION-PSH 24 HOUR TYPE II RAINFALL DISTRIBUTION

STORM DISTRIBUTION ESH..24 HOUR TYPE II RAINFALL DISTRIBUTION

PRECIP.- P-PS1 DAY P-PS10 DAY P-ES P-FB
2.10 .00 3.90 4.40

MSDATA- CN DA-SM TC/L -/H
74.00 .78 2.82 .00

SITEDATA- PERM PDDL CREST PS FP SED QRF
101.50 101.40 .00 .00

BASEFLW INITIAL EL EXTRA VOL.
.00 .00

PSDATA- NO. COND. COND L D/W -/H
1.00 100.00 4.00 .00

PS N KE WEIR L TM EL
.010 1.00 12.57:00 82.00

2ND STG QRF H QRF L START ES
.00 .00 .00

CRESTS- ES1 ES2 ES3 ES4 ES5
101.50 .00 .00 .00 .00

EMG DATA- SIDE SLOPE EXIT N EXIT SLOPE
3.00 .025 .100

EMG DATA- ES TYPE ES LENGTH ES ENTRANCE N
1 480 .030

BTM WIDTH- BW1 BW2 BW3 BW4 BW5
40.00 50.00 60.00 70.00 80.00

***** NOTE - THIS IS ONLY A PRELIMINARY EMG RATING CURVE OF DISCHARGE/FT
OF WIDTH AND DOES NOT INCLUDE SIDESLOPE CORRECTION OR
REVISED RATING USING ACTUAL EMG. CONFIGURATION.

EMG ID CODE01 ELEVATION INCREMENT (FT) = 1.000
DISCHARGES-Q1 Q2 Q3 Q4
1.004 4.096 9.018 15.461

Q5 Q6 Q7 Q8
23.331 32.404 42.553 53.696

Q9 Q10 Q11 Q12
65.801 78.769 92.540 107.089

***** NOTE - PRINCIPAL SPILLWAY CONDUIT AREA (.0873 SQ.FT.) IS LESS THAN
NCP5378 CRITERIA FOR USE IN ROUTING THE DESIGN STORM. PRINCIPAL
SPILLWAY HYDROGRAPH ROUTINGS WILL BE IGNORED AND EMERGENCY SPILLWAY
ROUTING WILL START AT THE CREST OF EMERGENCY SPILLWAY.

PERM POOL	101.50 FT	64.4 ACFT	12.29 AC	1.0 CFS
CREST PS	101.40 FT	63.2 ACFT	12.14 AC	.0 CFS
SED ACCUM	101.40 FT	63.2 ACFT	12.14 AC	.0 CFS
STARTING E	101.40 FT	63.2 ACFT	12.14 AC	.0 CFS

File No.

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Mike Karrels

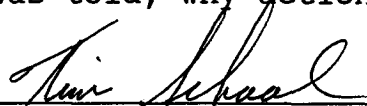
ADDRESS: _____ COUNTY: JACKSON

DATE: January 26, 1994 TELEPHONE: _____

RE: P&S for dam/No application

COMMENTS: I talked to Gerald Magelky today about the P&S we received for the Mike Karrels dam. I told him we have not received a Water Permit Application yet. He said Mr. Karrels had a completed application and all he needs to do is sign it and send it in. He also said the application was originally filled out for 84 acre-feet, new calculations for the dam show it will only store 64.4 acre-feet. I told him we could change the application when we receive it.

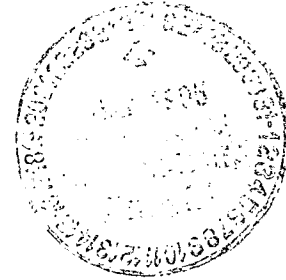
File in permit or other files as necessary. Use to document conversations and what the other party was told, why action or decision was made.

NAME: 



January 23, 1995

Gale Selken
DENR
Division of Water Rights
Joe Foss Building
523 E Capitol
Pierre, SD 57501-3181



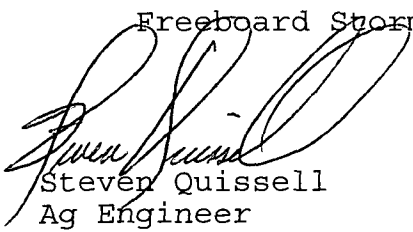
RE: Karrels Dam, Jackson County, SD
Review of Construction Plans

Attached for review and approval by your engineering staff is a set of construction plans for a farm pond for Mike Karrels, Jackson County, South Dakota.

These plans are for rehabilitation of an existing dam that has been breached for a number of years. Karrels has made application for a water permit for this structure.

The pond is designed without a principal spillway due to the runoff volume/storage volume ratio. The structure is classified as a hazard class A, 378 farm pond (NRCS); and as a small dam, category 3 (state statutes). Pond data is as follows:

Location - NW 1/4, S28, T43N, R33W
Drainage Area - 500 ac.
Dam Height - 24.5 ft.
Effective Height - 21.5 ft.
Storage at emergency spillway crest - 64.4 ac-ft.
Storage at top of dam - 117 ac-ft.
Storage x Effective Height - 1385
Peak Flow, 25 year storm - 186 cfs
Emergency Spillway Capacity - 180 cfs
50% chance annual yields - 13.3 ac-ft.
Freeboard Storm - 50 yr. 24 hr.


Steven Quissell
Ag Engineer

cc: Dwight Hale, SCE, NRCS, Huron
Ron Christensen, DC, NRCS, Kadoka (837-2242)
Rod Baumberger, ASTC, NRCS, Rapid City

Water Permit Application No. 2327-2
Michael Karrals
Sec. 28-T43N-R33W
Jackson County

Cat. 3 Low Hazard Dam

Top of Dam Elev. - 104.5
Spillway Elev. - 101.5 } Height = 24.5 ft.
Bottom Elev. - 80.0

Top of Dam Approx Elev. - 2250 msl

Normal Storage Capacity - 64.4 Ac-Ft
12.3 Surt. Ac.

Max. Storage Capacity - 117 Ac-Ft
23.7 Surt. Ac.

Normal

Max. Storage x Eff. Ht. = $64.4 \times 21.5 = 1385 < 3000 \therefore 25 \text{ yr. Flood}$
Min. Spillway Design

DA = 500 Ac = 0.78 mi.²

Slope = 90'/mile

SI = 1.90

$$Q_{25} = 83.4 A^{.64} S^{.72}$$

$$= 83.4 (.78)^{.64} 90^{.72} 1.90$$

$$= 83.4 (.86) (7.24) (0.63)$$

$$= 327 \text{ cfs}$$

40 ft. wide Spillway

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

$$= 2.6(40)(31)^{1.5}$$

$$= 540 \text{ cfs}$$

The SCS uses their DAMS2 program to route a 25 year - 24 hr event to size the emergency spillway and a 50 year - 24 hr event for the emergency spillway freeboard hydrograph. They route a peak of 186 cfs for the 25 year event thru the 40 ft. wide earth spillway and get a peak discharge of 103 cfs with 1.57 feet of freeboard. They route a peak of 236 cfs for the 50 year event thru with a peak discharge of 140 cfs with 1.28 ft freeboard.

Section 74:02:08:09

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

SCS Annual Yield

CN = 74 Isoqram #2
DA = 0.78 50% use 0.32 Ac-In/Ac
TCL = 2.82

50% chance = 13.3 Ac-Ft.

10% chance use 2.0 Ac-In/Ac

10% = 83.3 Ac-Ft.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 14, 1995

Steve Quissell
US Department of Agriculture
Natural Resources Conservation Service
Federal Building, Room 239
515 9th Street
Rapid City, SD 57701-2663

Dear Mr. Quissell:

We have reviewed the plans and specifications for the Michael Karrels Dam located in the NW 1/4 of Section 28-T43N-R33E in Jackson County. The plans and specifications as submitted are approved. Approval of the plans and specifications does not authorize construction of the project. Construction may not begin until Water Permit Application No. 2327-2 is approved.

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

The Karrels Dam will be classified as a small size Category 3 dam with a dam height of 24.5 feet and a normal storage capacity of 64.4 acre-feet and a maximum storage capacity of 117 acre-feet.

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

Sincerely,

A handwritten signature in cursive script, reading "Gale N. Selken".

Gale N. Selken, P.E.
Natural Resources Engineer IV
for John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

c: Michael Karrels, owner
Ron Christensen, DC, NRCS, Kadoka

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2327-2, Michael Karrels**

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. 2327-2, Michael Karrels, HC 76 Box 3, Belvidere, SD 57521.

The Chief Engineer is recommending APPROVAL of Application No. 2327-2 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 qualifications:

1. Water Permit No. 2327-2 authorizes a dam with storage capacity of 64.4 acre-feet of water and sufficient water annually to maintain the water level to the outlet elevation of 2247 feet mean sea level.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

See report on application for additional information.


JOHN HATCH, Chief Engineer
February 14, 1995

REPORT ON
WATER PERMIT APPLICATION No. 2327-2
MICHAEL KARRELS
February 14, 1995

Water Permit Application No. 2327-2 has been filed by Michael Karrels to impound 64.4 acre-feet of water by constructing a dam on an un-named tributary to Black Pipe Creek. The dam will be located in the E 1/2 NW 1/4 of Section 28-T43N-R33E and will impound water in portions of the NW 1/4 of Section 28-T43N-R33E. The water will be used to provide habitat for fish and wildlife production and livestock water.

Discussion:

The Karrels Dam will be classified as a Category 3, Low Hazard dam. It has been designed by the Natural Resources Conservation Service (NRCS). The plans and specifications for the Karrels Dam have been reviewed and approved, however; approval of the plans and specifications does not authorize construction of the project. No construction may begin until Water Permit Application No. 2327-2 is approved.

The Karrels Dam will be 24.5 feet high with a normal storage capacity of 64.4 acre-feet with a reservoir level at the spillway elevation, and a maximum storage capacity of 117 acre-feet with the reservoir level at the top of dam elevation. A dam of this size and hazard classification is required to have a minimum spillway design capable of passing a 25-year frequency event.

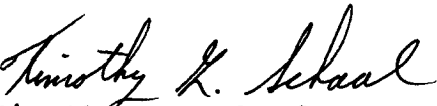
The Karrels Dam is designed to have a 40 foot wide earthcut spillway with 3 feet of available head. The NRCS used DAMS2 flood routing model to route a 25-year 24-hour event to size the earthcut spillway and a 50-year 24-hour event to determine the required freeboard. A 25-year 24-hour event with a peak inflow of 186 cfs was routed through the dam with 1.53 feet of freeboard, and a 50-year 24-hour event with a peak inflow of 236 cfs was routed through the dam with 1.28 feet of freeboard.

The annual yield for this drainage area with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be approximately 13 acre-feet of water. The annual yield with a 10 percent chance of occurrence, or 1 out of 10 years, is expected to be approximately 83 acre-feet of water.

The Karrels Dam will be located on an un-named tributary to Black Pipe Creek and will be located approximately 10 miles upstream of the confluence of Black Pipe Creek with the White River. There are no existing Water Permits/Rights on Black Pipe Creek.

Conclusions:

1. Water Permit Application No. 2327-2 should be approved since there is unappropriated water available and approval will not have any adverse effects on existing Water Permits/Rights.
2. If approved, the low flow bypass requirement for downstream domestic use should be a qualification on Water Permit Application No. 2327-2.


Timothy G. Schaal, P.E.
Natural Resources Engineer III

Approved by:


Gale N. Selken, P.E.
Natural Resources Engineer IV



**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.**

February 16, 1995

Michael Karrels
HC 76 Box 3
Belvidere, SD 57521

Dear Mr. Karrels:

Water Permit Application No. 2327-2 for fish and wildlife production, and livestock water use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Kadoka Press printed at Kadoka, SD (Ph # 605-837-2259). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. 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 application.

Sincerely,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 15, 1995

Kadoka Press
Box 309
Kadoka, SD 57543-0309

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2327-2 to be published twice. Please publish the first notice on February 23, 1995, 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 Michael Karrels, HC 76 Box 3, Belvidere, SD 57521 (Ph # 605-344-2240).

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 application 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 February 23, 1995, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2327-2 to Appropriate Water

Notice is given that Michael Karrels, HC 76 Box 3, Belvidere, SD 57521 has filed an application for a water permit to impound 64.4 acre-feet of water from runoff by constructing a dam located in the E 1/2 NW 1/4 Section 28 with water impounded in portions of the NW 1/4 Section 28; all in T43N-R33E. This application requests impoundment of water sufficient to maintain water at the outlet elevation of 2247 feet mean sea level to provide habitat for fish and wildlife production, and livestock water.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2327-2 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 application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. 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 March 13, 1995.

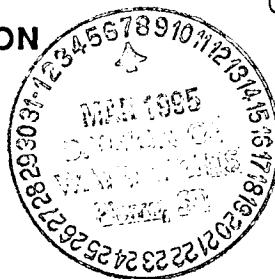
The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Steven M. Pirner, Acting Secretary, Department of Environment and Natural Resources.

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

)SS

COUNTY OF JACKSON



OK

NOTICE
OF APPLICATION NO. 2327-2
TO APPROPRIATE WATER

Notice is given that Michael Karrels, HC 76, Box 3, Belvidere, SD 57521 has filed an application for a water permit to impound 64.4 acre-feet of water from run-off by constructing a dam located in the E 1/2 NW 1/4, Section 28, with water impounded in portions of the NW 1/4, Section 28; all in T43N, R33E. This application requests impoundment of water sufficient to maintain water at the outlet elevation of 2,247 feet mean sea level to provide habitat for fish and wildlife production and livestock water.

Pursuant to SDCL 46-2A-2, the chief engineer recommends APPROVAL of Application No. 2327-2 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 application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. 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 March 13, 1995.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Steven M. Pirner, Acting Secretary, Department of Environment and Natural Resources.

PUBLISH: Feb. 23 & Mar. 2, 1995

Ronda K. Dennis of said County and State, being duly sworn, on oath says: THE KADOKA PRESS is a weekly newspaper of general circulation, printed and published in KADOKA, in said County and State and has been such newspaper during the times hereinafter mentioned; that the said KADOKA PRESS is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bona fide subscribers; that I, the undersigned, am Legal Adv. Manager of said newspaper, and in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed Notice of Application #2327-2 a printed copy of which is hereto attached, was printed and published in said newspaper for two successive issues, the first publication being on the 23rd day of February, 1995 and the last publication on the 2nd day of March, 1995; that \$ 39.15 being the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publishers said newspaper; that no arrangement or understanding for a division thereof has been made with any person that no part thereof has been agreed to be paid to any other person whomsoever.

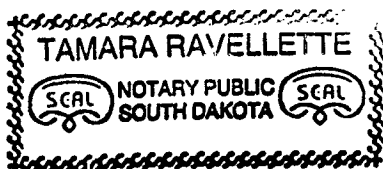
Ronda K. Dennis

Subscribed and sworn to before me this 6th day of March,
19 95.

Tamara Ravellette

Notary Public

My commission expires Jan. 24, 2002.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 29 1995

Michael Karrels
HC 76 Box 3
Belvidere, SD 57521

Dear Mr. Karrels:

Enclosed is Water Permit No. 2327-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is 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 system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

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

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

March 29, 2010

No. 2327-2

Rapid Creek Ranch LLC
c/o Ken W Ford
769 Champion Dr
Box 869
Canton NC 28716

RECEIVED

APR 12 2010

WATER RIGHTS
PROGRAM

Dear Mr. Ford:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 2327-2 (also enclosed). The water permit is currently listed in the name of Michael Karrels and authorizes impoundment of 64.4 acre-feet of water from run-off in a dam located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 28 with water impounded in portions of the NW $\frac{1}{4}$ Section 28; all in T43N-R33W. The water permit was approved in 1995, when Mr. Karrels reconstructed the dam to provide habitat for fish and wildlife production and livestock water.

A recent review of the permit found the original public notice was published with an error in the legal description of the dam location. The notice indicated that the dam was located in the NW $\frac{1}{4}$ Section 28-T43N-R33E. The Jackson County Director of Equalization office has informed us you are the current owner of this property.

The transfer form should be checked over for accuracy and **signed by the new owner**. Upon completion, return the form to our office with a required filing fee of \$50.00. After the water permit has been transferred to you, we will readvertise the public notice for Water Permit No. 2327-3 in the Kadoka Press to correct the legal description of the dam location.

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

Sincerely,

Karen Schlaak

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED

APR 12 2010

WATER RIGHTS
PROGRAM

No. 2327-2

Date: _____

I/We request that Water Right/Permit No. 2327-2

formerly owned by: Michael Karrels, Belvidere SD

be transferred to: (name & address) X Ken Wilson

Rap. D Creek Ranch LLC

P.O. BOX 869, CANTON, NC 28716 Telephone No. X 828.648.2313

Title to the following described land(s)/property has been transferred as described above:

64.4 acre-feet storage dam located in the E 1/2 NW 1/4 Section 28-T43N-R33W - Jackson County

I/We understand that the validity of Water Right/Permit No. 2327-2 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Ken Wilson, the new owner, certify that the above information is true and correct.

X 
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 12, 20 10

RECEIVED OF Ken Wilson Rapid Creek Ranch LLO, PO Box 860, Canton NC 28716

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	50.00	
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 <u>Water Permit No. 2327-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No. **04531**

By Bertrand Erbe
Chief Engineer

(15)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 13, 2010

Rapid Creek Ranch LLC
c/o Ken Wilson
Box 869
Canton NC 28716

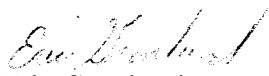
Dear Mr. Wilson:

Thank you for following up on the ownership change for Water Permit No. 2327-2. The transfer has been completed. The water permit formerly listed in the name of Michael Karrels is now listed in your name. Enclosed is the receipt for payment of the \$50 transfer fee.

As stated in our March 29th letter, the original public notice was published with an error in the legal description of the dam location. The Readvertisement of Notice of Permit No. 2327-2 to Appropriate Water has been sent to the Kadoka Press printed in Kadoka SD. A copy of the notice is enclosed.

The cost of publication of this notice will be paid to the Water Rights Program. After the permit has been readvertised, the petition period has passed, the permit will be reissued to reflect the correct legal description of the dam.

Sincerely,


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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 12, 2010

Kadoka Press
PO Box 309
Kadoka SD 57543

ATTENTION: Legal Public Notice

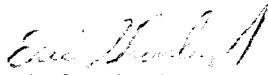
Enclosed is a Notice on Permit No. 2327-2 to Appropriate Water to be published twice. Please publish the first notice on April 22, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

Please BILL the WATER RIGHTS PROGRAM for the cost of publication.

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 2327-2

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

Date _____

We are in receipt of your letter of April 13, 2010 enclosing the Readvertisement of Notice of Permit No. 2327-2 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 April 22, 2010 with the second publication 7 days later. The Water Rights Program is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

Readvertisement of Notice of Permit No. 2327-2 to Appropriate Water

Notice is given of readvertisement of Water Permit No. 2327-2 held by Rapid Creek Ranch LLC, c/o Ken Wilson, PO Box 869, Canton NC 28716. Water Permit No. 2327-3 authorizes impoundment of 64.4 acre-feet of water from run-off in a dam located in the E ½ NW ¼ Section 28 with water impounded in portions of the NW ¼ Section 28; all in T43N-R33W. The water is to provide habitat for fish and wildlife production and livestock water. Readvertisement is necessary to correct the legal description of the dam. The legal description was incorrectly advertised on February 23 and March 2, 1995 as being located in Section 28-T43N-R33E. The correct Range designation is R33W. This readvertisement does not authorize any increase in the amount of water impounded.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Permit No. 2327-2 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 this readvertisement, as recommended, unless a petition is filed opposing the permit or the permit holder files a petition contesting the Chief Engineer's recommendation. If a petition opposing the readvertisement or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this readvertisement. Notice of the hearing will be given to the permit holder and any person filing a petition.

Any person interested in opposing or supporting this readvertised permit or recommendations must file a written petition with BOTH the permit holder and Chief Engineer. The permit holder must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the permit holder must be filed by May 10, 2010.

The petition may be informal, but must include a statement describing the petitioner's interest in the readvertised permit, the petitioner's reasons for opposing or supporting the permit, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this permit. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published at an approximate cost of_____.

**READVERTISEMENT
OF NOTICE OF
PERMIT NO. 2327-2
to Appropriate Water**

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

) SS

COUNTY OF JACKSON

RECEIVED

APR 30 2010

**WATER RIGHTS
PROGRAM**

_____Brittney Drury____ of said County and State, being duly sworn on oath says: THE KADOKA PRESS is a weekly newspaper of general circulation, printed and published in KADOKA, in said County and State and has been such newspaper during the times thereafter mentioned; that the said KADOKA PRESS is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bonafide subscribers; that I, the undersigned, am Administrative Assistant of said newspaper, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed:

DENR

Water Rights Program

a printed copy of which is hereto attached, was printed and published in said newspaper for two successive issues, the first publication being on the 22nd day of April, 20 10, and the last publication on the 29th day of April.

20 10, that \$ 51.34 being the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

x Brittney Drury

Subscribed and sworn to before me this 30th day of April, 20 10.

x Tamar Rawell

Notary Public, State of South Dakota

My Commission Expires

January 24th, 2014

Notice is given of readvertisement of Water Permit No. 2327-2 held by Rapid Creek Ranch LLC, c/o Ken Wilson, PO Box 869, Canton, NC 28716. Water Permit No. 2327-3 authorizes impoundment of 64.4 acre-feet of water from run-off in a dam located in the E 1/2 NW 1/4 Section 28 with water impounded in portions of the NW 1/4 Section 28; all in T43N-R33W. The water is to provide habitat for fish and wildlife production and livestock water. Readvertisement is necessary to correct the legal description of the dam. The legal description was incorrectly advertised on February 23 and March 2, 1995 as being located in Section 28-T43N-R33E. The correct Range designation is R33W. This readvertisement does not authorize any increase in the amount of water impounded.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Permit No. 2327-2 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 this readvertisement, as recommended, unless a petition is filed opposing the permit or the permit holder files a petition contesting the Chief Engineer's recommendation. If a petition opposing the readvertisement or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this readvertisement. Notice of the hearing will be given to the permit holder and any person filing a petition.

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[Published April 22 & 29, 2010 at the total approximate cost of \$59.22]

05/10/2010

PAYMENT REQUEST FORM

PAYEE: Kadoka Press
PO Box 309
Kadoka SD 57543

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Re advertisement for 2327-2 Rapid Creek Ranch

AMOUNT: \$51.34

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Barbara C. C. 5/10/10

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 28 2010

Rapid Creek Ranch LLC
c/o Ken Wilson
PO Box 869
Canton NC 28716

Dear Mr. Wilson:

Enclosed is Reissued Water Permit No. 2327-2 authorizing a dam and the beneficial use of the water, not exceeding the limits as specified in the Water Permit. The permit is being reissued to correct an error in the legal description of the dam.

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Garland Erbele".

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

enclosures