

WATER PERMIT NO. 2355-2

Name of Applicant: U.S. Army Corps of Engineers

Address: HC 69, Box 74, Chamberlain SD 57325

Phone: 605 245-2255

Amount of Water Claimed: 0.078 cfs (35 gpm)

Total Acres: NA

Source of Water Supply: groundwater

Water to be used for: recreational use

County: Lyman

Type of Waste Disposal System: stabilization pond

Location: adjacent to Big Bend Dam

PRIORITY Date Received: 2-20-96

Fee: \$50.00

Corrected Application Received: 3-27-96

Period of Annual Use: May 1 - October 31

Remarks:

Diversion Point: NE 1/4 SW 1/4 Sec 26-

T107N-R72W

Land to be Irrigated: NA

			26 ⊗		

Depth of Well: 60 feet deep

Well Driller: Chase Drilling

Remarks:

Type of Map: topo

Prepared by: Michael Trumm

Reviewed and the Number Assigned on: 3-27-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>2355-2</u> Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Lyman Co. Herald, Presko, SD</u>



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

Check use(s) of water:

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

Type of Application: ☒ 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.) _____

1. Name of Applicant U.S. ARMY CORPS OF ENGINEERS Phone 605-245-2255
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address HC 69 BOX 74, CHAMBERLAIN, State SD 57325
(Street, RR. or Box) (Zip Code)
2. Amount of water claimed 0.078 *CFS or 35 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Ground Water
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
1 well in NE 1/4, SW 1/4, Sec 26, T107N, R72W
County LYMAN
5. County or counties where water will be used LYMAN
6. Annual period during which water is to be used MAY/- OCTOBER 31
7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Provides potable drinking water to three (3) campground comfort stations, six (6) convenience water sigots, and one (1) fish cleaning station.

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)

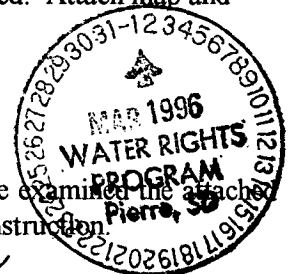
County of Deuel SS

I, George H. Wolf, 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 George H. Wolf

Subscribed and sworn to before me this 26 day of February 19 96

Stephanie R. Decker
Notary Public



11-26-96

**SOUTH DAKOTA
WATER PERMIT NO. 2355-2**

Date of first receipt of application February 20, 1996.

Date of return to applicant for corrections, amendments or changes February 21, 1996.

Date of receipt of corrected application March 27, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2355-2 to U.S. Army Corp of Engineers, HC 69, Box 74, Chamberlain SD 57325 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. 2355-2 appropriates 0.078 cubic feet of water per second (35 gallons per minute) from one well (Pleistocene Unknown) 49 feet deep located in the NE 1/4 SW 1/4 Section 26-T107N-R72W.
2. The water appropriated shall be used for the purpose of supplying water at campground comfort stations, water spigots and a fish cleaning stations and may not exceed the amount of water needed for beneficial use for recreational use purposes.
3. The water is to be used during the following described annual period: May 1 - October 31.
4. The date of approval of Permit No. 2355-2 is July 1, 1996.
5. The date from which applicant may claim right is February 20, 1996.
6. One-fifth of the construction is to be completed on or before January 1, 1999.
7. All construction is to be completed on or before July 1, 2001.
8. Water is to be put to beneficial use on or before July 1, 2005.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

JUL 17 1996

date



Supplemental Information

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter 10" Depth 80'
- b) Casing Type PVC Diameter 6" Thickness Sch 80
- c) Screen Type PVC Diameter 6" Thickness 10'
- d) Gravel Pack Thickness 2" Length of Gravel Pack 11'
- e) Depth to Top of Water Bearing Material 38'
- f) Depth to Water (ground surface to water level) 15'
- g) Distance to nearest existing domestic well:
On applicants property N/A On property owned by others ±2 miles

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) Stabilization Pond
- b) System Capacity (gallons) 6,000 GPD c) Year Constructed 1972
- d) Connected to the City of US Army Corps Sanitary System.
of Engineers

3. Dugout Information

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

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____
Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If pipe, diameter _____

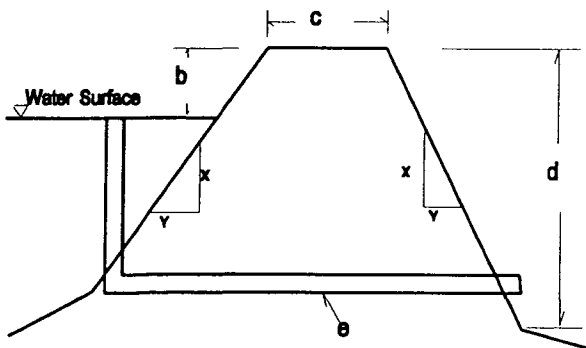
f) Secondary Spillway Capacity _____
Spillway Width _____

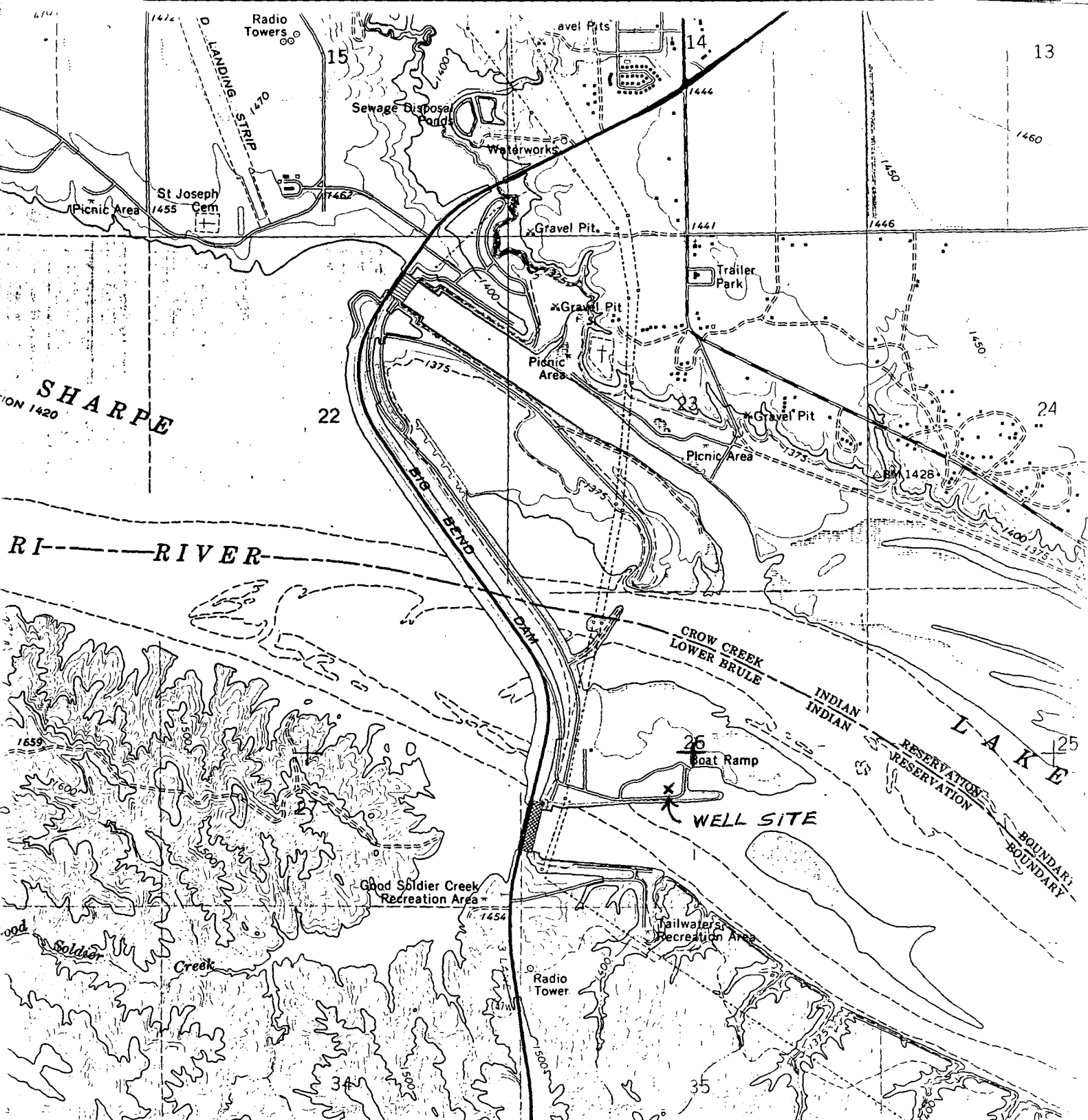
g) X & Y Slope
Upstream _____
Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





WELL LOCATION: Approximately
675' SW of the NE Corner of the
NE $\frac{1}{4}$, SW $\frac{1}{4}$, Sec 26, T107N, R72W
at a bearing of 214° Degrees.

Michael J. Tamm 2/14/1996

Civil Engr.
U.S. Army Corp. of Engrs.
Big Bend Project
Omaha District



ROAD CLASSIFICATION

Heavy-duty —————
Medium-duty —————
Light-duty —————
Unimproved dirt =====

State Route

scale 1:24000

BIG BEND DAM, S. DAK.
N4400—W9922.5/7.5

1966

AMS 6172 III SW—SERIES V873

2355-2

RECEIPT

414876

Division of Water Rights

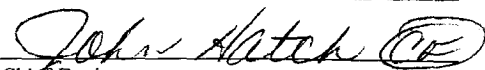
South Dakota Department of Environment and Natural Resources

Pierre, _____ March 27, 19 96

RECEIVED OF Corps of Engineers, Big Bend Project Office, HC 69, Box 74, Chamberlain, SD
the following amount in fees for services rendered as provided for by law: 57235

Fee for Application for Permit No. <u>2355-2</u> 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 _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer

07-92

MARKS

FEB 1980
WATER RIGHTS
PROGRAM
SIOUX SD

Date:



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 1996

Mike Trumm
U.S. Army Corps of Engineers
HC 69, Box 74
Chamberlain, SD 57325

Dear Mr. Trumm:

A well driller's report filed by Chase Drilling shows that they completed a new well for you which produced 35 Gallons Per Minute (GPM). Based on the information in the report, it appears that you need a water permit.

1. A water permit must be obtained for any water use except for reasonable, private domestic use. Reasonable domestic use is defined as use of 18 Gallons Per Minute (GPM) or less, on an average daily basis (26,000 gallons per day), with a maximum rate not exceeding 25 GPM. Households, farms and ranches that exceed reasonable domestic use require a water permit.
2. Also, as a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

Please use the enclosed postage free envelope to send us the completed application form by February 29, 1996. If you need assistance, contact Barry McLaury at 605-773-3352.

Sincerely,

Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 21, 1996

Michael Trumm
U.S. Army Corps of Engineers
HC 69, Box 74
Chamberlain SD 57325

Dear Mr. Trumm:

Handwritten: 2-21-96
The water permit application received on February 20, 1996 for the U.S. Army Corps of Engineers is being returned. The application needs to be signed and notarized. Enclosed is an invoice for the filing fee of \$50.00.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

* INVOICE *

Invoice No. 20411-02/21/96

Corps of Engineers
ATTN: Wanda Parent
Big Bend Project Office
HC 69, Box 74
Chamberlain, SD 57235

Fee for filing an application for a water permit.

PLEASE PAY THIS AMOUNT:

\$50.00


CHERYL F. FROST
Secretary
Water Rights Program
(605) 773-3352

REPORT ON WATER PERMIT APPLICATION NO. 2355-2
for the US Army Corps of Engineers
March 28, 1996

Application No. 2355-2 proposes to appropriate 0.078 cfs (35 gpm) from one well approximately 49 feet deep located in the NE 1/4 SW 1/4 of section 25, T107N R72W in Lyman County. The water is for recreational use.

AQUIFER - PLEISTOCENE UNKNOWN (PS-U)

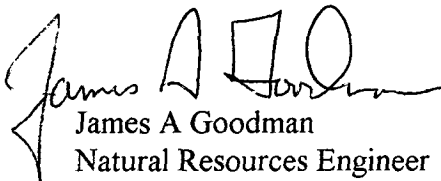
The aquifer consists of a buried glacial outwash (sand and gravel) which is under water table conditions at this site. The site is directly below Big Bend Dam and the aquifer is in hydraulic connection with the Missouri River. The well log submitted with the application indicates clay and fill from the surface to a depth of 15 feet, gravel and sand from 15 to 49 feet below land surface. The completed well has a static water level of 15 feet below land surface and was capable of producing 50 gpm with a drawdown of 29 feet. There is no estimate available for the amount of water in storage nor does the Water Rights Program monitor any observation wells in the area.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other existing water permits/rights in this area. Interference is not a concern. The aquifer is in direct communication with the Missouri River.

CONCLUSIONS

1. Water is available from the aquifer.
2. The aquifer is under water table conditions and hydraulically connected to the Missouri River. There are no other permits/rights in the area and interference is not a concern.
3. The well is constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2355-2, U.S. Army Corps of Engineers**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2355-2, U.S. Army Corps of Engineers, HC 69, Box 74, Chamberlain, SD 57325.

The Chief Engineer is recommending APPROVAL of Application No. 2355-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
April 1, 1996



**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.

April 2, 1996

Wanda J. Parent, Ordering Officer
U.S. Army Corps of Engineers
HC 69, Box 74
Chamberlain, SD 57325

Dear Ms. Parent:

Water Permit Application No. 2355-2 for recreational 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 Lyman Co. Herald printed at Presho, SD (Ph # (605) 895-2505). 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,

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

April 2, 1996

Lyman Co. Herald
Box 280
Presho, SD 57568-0280

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2355-2 to be published twice. Please publish the first notice on April 10, 1996, 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 U.S. Army Corps of Engineers, HC 69, Box 74, Chamberlain, SD 57325 (Ph # (605) 245-2255).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 Program
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 April 10, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2355-2 to Appropriate Water

Notice is given that the U.S. Army Corps of Engineers, HC 69, Box 74, Chamberlain, SD 57325 has filed an application for a water permit to appropriate 0.078 cubic feet of water per second (35 gallons per minute) from one well (Pleistocene Unknown) 49 feet deep located in the NE 1/4 SW 1/4 Section 25-T107N-R72W. The water is for recreational use at campground comfort stations, water spigots and a fish cleaning station.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2355-2 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 Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 29, 1996.

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

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Lyman) SS

I, Patricia McNaught

certify that the attached printed Notice was

taken from the Lyman County
Herald

printed and published in Presho

County of Lyman and State of

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

4-10-96

4-17-96

Cost of Printing: \$36.47

Patricia J. McNaught
(Signature)

Editor

(Title)

4-19-96

(Date Signed)

Debra Lakey

exp. 11/29/03

NOTICE OF APPLICATION NO. 2355-2 to Appropriate Water

Notice is given that the U.S. Army Corps of Engineers, HC 69, Box 74, Chamberlain, SD 57325 has filed an application for a water permit to appropriate 0.078 cubic feet of water per second (35 gallons per minute) from one well (Pleistocene Unknown) 49 feet deep located in the NE 1/4 SW 1/4 Section 25-T107N-R72W. The water is for recreational use at campground comfort stations, water spigots and a fish cleaning station.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2355-2 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 Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 29, 1996.

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

REPORT ON WATER PERMIT NO. 2355-2
U.S. ARMY CORPS OF ENGINEER
MAY 31, 1996

Water Permit No. 2355-2 appropriates 0.078 cubic feet of water per second (35 gallons per minute) from one well (Pleistocene Unknown) 49 feet deep for supplying water for recreational use at campground comfort stations, water spigots and fish cleaning stations. Readvertisement of this permit is necessary to correct the location of the well. The well is located in the NE 1/4 SW 1/4 Section 26-T107N-R72W and was incorrectly advertised on April 10 and 17, 1996 in the Lyman County Herald as being located in the NE 1/4 SW 1/4 Section 25-T107N-R72W. This readvertisement does not authorize any increase in the water appropriation.

Conclusions

1. This is a readvertisement of the Notice of Hearing for Water Permit No. 2355-2.
2. This readvertisement is necessary to correct the legal description of the location of the well. The correct location of the well was identified on the map and permit application.
3. The correct legal description of the well is the NE 1/4 SW 1/4 Section 26-T107N-R72W.



Eric Gronlund
Natural Resources Engineer



Ron Duvall
Natural Resources Engineer

**RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER PERMIT
APPLICATION NO. 2355-2, U.S. Army Corps of Engineers**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning readvertised Water Permit Application No. 2355-2, U.S. Army Corps of Engineers, HC 69, Box 74, Chamberlain, SD 57325.

The Chief Engineer is recommending APPROVAL of Application No. 2355-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", is positioned above the printed name.

JOHN HATCH, Chief Engineer
June 5, 1996



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 1996

Michael Trumm
U.S. Army Corps of Engineers
HC 69, Box 74
Chamberlain, SD 57325

Dear Mr. Trumm:

The original notice of hearing for Water Permit No. 2355-2 was published with an error in the location of the well. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of the Lyman Co. Herald printed at Presho, SD (Ph # (605) 895-2505). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Water Rights Program. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 1996

Lyman Co. Herald
Box 280
Presho, SD 57568-0280

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 2355-2 to be published twice. Please publish the first notice on June 12, 1996, with the second publication 7 days later.

Please bill the Water Rights Program for the cost of the advertisement.

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Readvertisement of Notice of Hearing to Appropriate Water by Permit No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Readvertisement of NOTICE OF APPLICATION NO. 2355-2 to Appropriate Water

Notice is given of readvertisement of Water Permit No. 2355-2 held by the U.S. Army Corps of Engineers, HC 69, Box 74, Chamberlain, SD 57325. The water permit was originally applied for on February 20, 1996. Water Permit No. 2355-2 appropriates 0.078 cubic feet of water per second (35 gallons per minute) from one well (Pleistocene Unknown) 49 feet deep for supplying water for recreational use at campground comfort stations, water spigots and fish cleaning stations. Readvertisement of the notice of hearing for Water Permit No. 2355-2 is necessary to correct the location of the well. The well is located in the NE 1/4 SW 1/4 Section 26-T107N-R72W and was incorrectly advertised on April 10 and 17, 1996, as being located in the NE 1/4 SW 1/4 Section 25-T107N-R72W. This readvertisement does not authorize any increase in the water appropriation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Application No. 2355-2 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 Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 1, 1996.

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Lyman) SS

I, Patricia McNaughton

certify that the attached printed Notice was

taken from the Lyman
County Herald

printed and published in Presho

County of Lyman and State of

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

6-12-96

6-19-96

Cost of Printing: \$45.31

Patricia J. McNaughton
(Signature)

Editor

(Title)

6-20-96

(Date Signed)

**Readvertisement of
NOTICE OF APPLICATION
NO. 2355-2 to
Appropriate Water**

Notice is given of readvertisement of Water Permit No. 2355-2 held by the U.S. Army Corps of Engineers, HC 69, Box 74, Chamberlain, SD 57325. The water permit was originally applied for on February 20, 1996. Water Permit No. 2355-2 appropriates 0.078 cubic feet of water per second (35 gallons per minute) from one well (Pleistocene Unknown) 49 feet deep for supplying water for recreational use at campground comfort stations, water spigots and fish cleaning stations. Readvertisement of the notice of hearing for Water Permit No. 2355-2 is necessary to correct the location of the well. The well is located in the NE 1/4 SW 1/4 Section 26-T107N-R72W and was incorrectly advertised on April 10 and 17, 1996, as being located in the NE 1/4 SW 1/4 Section 25-T107N-R72W. This readvertisement does not authorize any increase in the water appropriation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Application No. 2355-2 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 Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 1, 1996.

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

6/12-19



PAYMENT REQUEST FORM

PAYEE: Lyman County Herald
P.O. Box 280
Presho, SD 57568-0280

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Publication of Readvertisement of Notice of Application No. 2355-2
to Appropriate Water published on June 12 & 19, 1996.

AMOUNT: \$45.31

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:



7-3-96

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**

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

JUL 17 1996

Michael Trumm
U.S. Army Corps of Engineers
HC 69, Box 74
Chamberlain, SD 57325

Dear Mr. Trumm:

Enclosed is Water Permit No. 2355-2 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 Program
605 773-3352

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.

NOTICE OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE



Date JULY 22, 1996

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

FROM: BIG BEND PROJECT
U.S. ARMY CORPS OF ENGINEERS HC 69, BOX 74
(name) (address)

CHAMBERLAIN, SOUTH DAKOTA 57325 605-245-2255
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 2355-2.

Water Permit No. 2355-2 states that the diversion system is to be constructed by JULY 1, 2001, and that the water is put to beneficial use by JULY 1, 2005.
(date) (date)

The diversion system was completed on SEPTEMBER 14, 1995.
(date)

Applying the water to beneficial use was completed on MAY 1, 1996.
(date)

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

for ROBERT E. PLETKA
Project Manager (signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 27, 2000

2355-2

Mike Trumm
Big Bend Project
US Army Corps of Engineers
HC 69 Box 74
Chamberlain, SD 57325

Dear Mr. Trumm:

On August 10, 2000 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 2355-2, was completed by Donald Stroup, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No 416651

Pierre, October 11, 2000

RECEIVED OF US Army Corps of Engineers, Big Bend Project Office, HC 69 Box 74, Chamberlain, SD
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. _____ **Water Permit No. 2355-2**

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By Garland Erbele
Chief Engineer
Garland Erbele

REPORT ON EXAMINATION OF PERMIT NO. 2355-2

DATE OF EXAMINATION: 8/10/2000

Other permit(s) associated with the project: **None**

Contact Person & Address: **Mike Trumm, Big Bend Project Civil Engineer**

DIVERSION POINT LEGAL LOCATION: NE¼ SW¼ Section 26 T107N R72W (N44° 02.388' W99° 26.343')

WATER SUPPLY SOURCE: Pumped Well

Well Information:

- | | |
|--|--------------------------------------|
| 1) Well Drilling Firm: Chase Drilling | 2) No. of Wells: 1 |
| 3) Depth(s) feet: 60 | 4) Well log is available: Yes |

Casing:

Type: **Plastic**

Diameter & Length: **6 inch – 60 feet**

Screen:

- | | |
|---------------------------------------|---------------------------|
| 1) Type: 6" Slotted PVC | 2) Length: 10 feet |
| 3) Static water level: 15 feet | |

Pump:

3 hp 25 gpm

Applicable permit qualifications have been complied with: **Well is pumped at 25 gpm. A 10,000 gallon storage tank is installed in the system to meet peak demand periods.**

Exceptions to compliance are: **None**



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Permit No. 2355-2

Report Of Examination Of Works

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

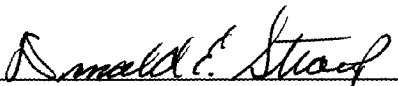
On, **August 10, 2000**, I made a thorough examination of the water use system constructed by **US Army Corps of Engineers of Fort Thompson, SD** holder of Permit No. **2355-2**, bearing the priority date of **February 20, 1996** and authorizing the diversion of **0.078** cubic feet per second of the water of **one well** for **recreational** purposes, in **Lyman** County.

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

Works used to apply water to beneficial use:

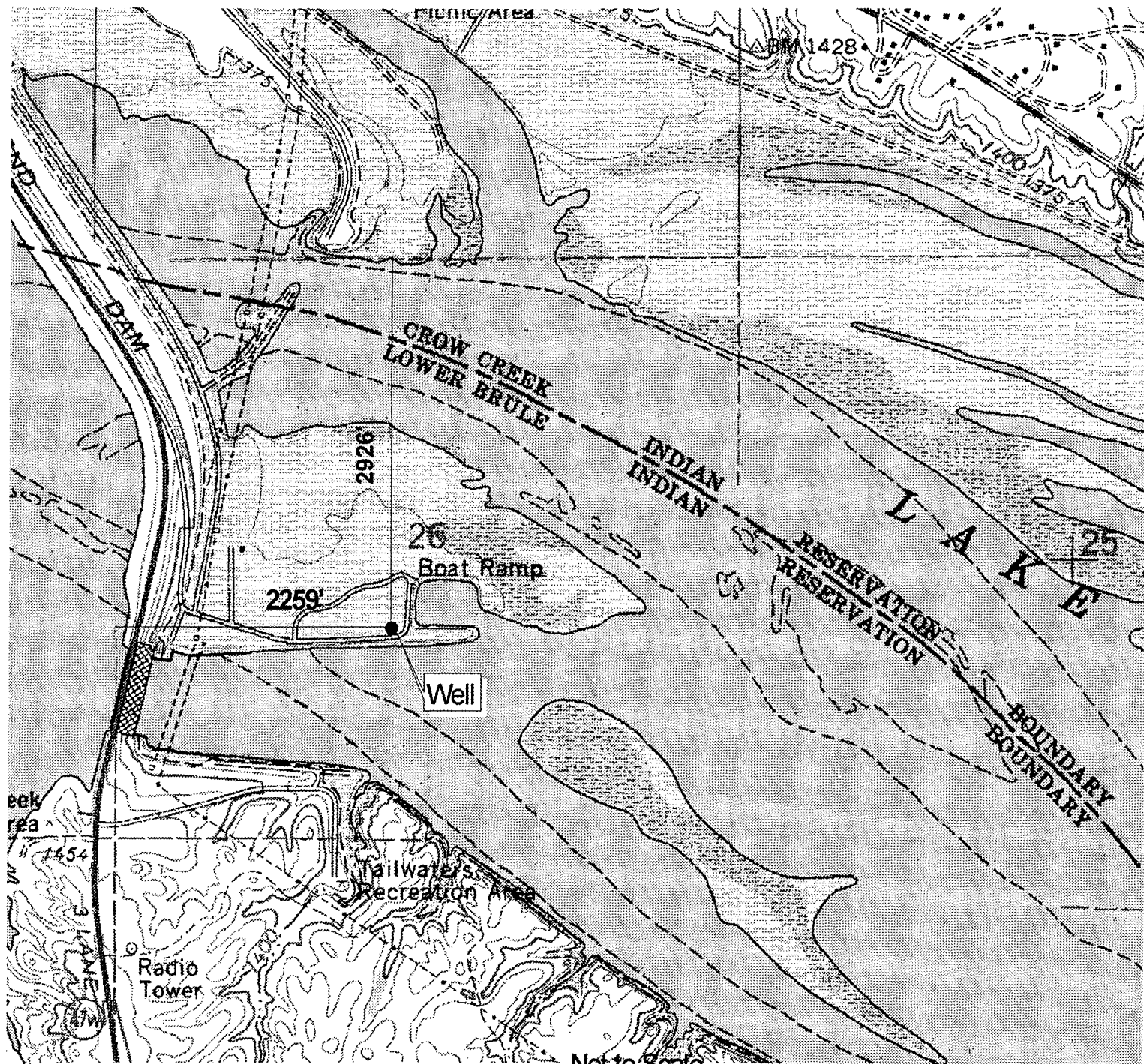
One pumped well.

The system is in the following condition: **Good**. The point of diversion is located **2259 feet East and 2926 feet South from the NW corner of Section 26 T107N R72W (N44° 02.388' W99° 26.343')**. The works are capable of diverting and conveying to the place of use **0.078** cubic feet per second of water. Well supplies water for campground comfort stations, spigots, and fish cleaning stations.


Donald E. Stroup

Natural Resources Engineer
DENR, Water Rights Program


Date



2355-2
US Army Corps of Engineer
Big Bend Project

NE1/4 SW1/4
Section 26
T107N R72W

Donald E. Stroup
DENR Natural Resources Engineer

2355-2

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2355-2

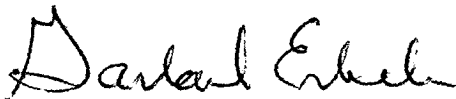
(1) The US Army Corps of Engineers, HC 69 Box 74, Chamberlain, SD 57325 made Application No. 2355-2, February 20, 1996 for a water permit to divert 0.078 cubic feet of water per second from ground water (one well), Lyman County, South Dakota for recreational purposes. Permit No. 2355-2, with a priority date of February 20, 1996 was approved July 1, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 1, 2001 and for the application to beneficial use of said water on or before July 1, 2005.

On July 26, 1996, the permit holder submitted at "*Notice of Completion of Works and Application of Water to Beneficial Use*". The "*Notice*" stated the diversion system was completed in September, 1995 and the water placed to beneficial use in May, 1996.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.078 cubic feet of water per second for beneficial use. The location of the diversion point is 2,259'E and 2,926'S of the NW corner of Section 26, T107N, R72W (NE ¼ SW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The well supplies water for campground comfort stations, spigots and fish cleaning stations.

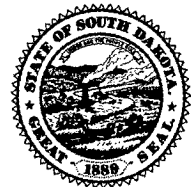
(4) Pursuant to South Dakota Water Law 46-5-30.1 US Army Corps of Engineers, HC 69 Box 74, Chamberlain, SD 57325 the holder and/or owner of Water Right No. 2355-2 is issued a license to appropriate water, the right to use 0.078 cubic feet of water per second from ground water (one well) with a priority date of February 20, 1996 from the location specified in (2) of this license. The water is used for recreational purposes. This license is subject to any limitations or qualifications listed in Water Right No. 2355-2 and subject to South Dakota State Law.



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

OCT 23 2000

date





OCT 23 2000

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

2355-2

Mike Trumm
US Army Corps of Engineers
Big Bend Project Office
HC 69 Box 74
Chamberlain, SD 57325

Dear Mr. Trumm:

Enclosed is Water License No. 2355-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416651 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2355-2, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

2000 South Dakota Water Use Questionnaire

To:

Address correction requested:

US ARMY CORPS OF ENG
HC 69 BOX 74
CHAMBERLAIN SD 57325

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 2355-2. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER

County: LYMAN

Aquifer: PLEISTOCENE SERIES

Pumping Pt. Legal: SEC 26-T107N-R72W

Management Unit: UNNAMED CREEK

Type of Water Use: RECREATION

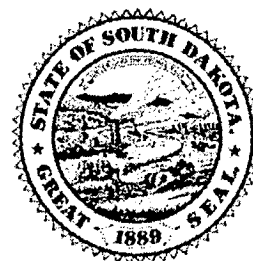
- 1) Please estimate your year 2000 water use from the above water source: 750,080 gallons
- 2) If no water use in 2000, please list the reason(s) why in the comments section.

Comments: LOWER BROKE SIOUX TRIBE WILL TAKE CONTROL
OF THE LEFT THILRACE CAMPGROUND AT A
YET TO BE DETERMINED DATE. BIG BEND PROJECT
WILL NOTIFY SDDENR WHEN THIS OCCURS.

Contact Person:

TERRY QUILT

Telephone No:

(605) 245-2255

Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.

Thank you for completing the 2000 water use questionnaire.

Water Rights on the Web: www.state.sd.us/denr/wr

