

WATER PERMIT NO. 2361-2

Name of Applicant: Bob and Steve Stoesser

Address: HCR 33, Box 26, Pierre, SD 57501

Phone: 223-3154

Amount of Water Claimed: 52.7 acre feet

Total Acres:

Source of Water Supply: Storage dam along drainage

Water to be used for: livestock watering and wildlife production

County: Stanley

Type of Waste Disposal System:

Location: approximately 15 west of Pierre

PRIORITY

Date Received: 5/7/96

Fee: \$150

Corrected Application Received: Period of Annual Use: January 1 - December 31

Remarks:

Diversion Point: SW1/4 NE1/4 Section 7,
T5N, R29E

Land to be Irrigated:

Depth of Well:

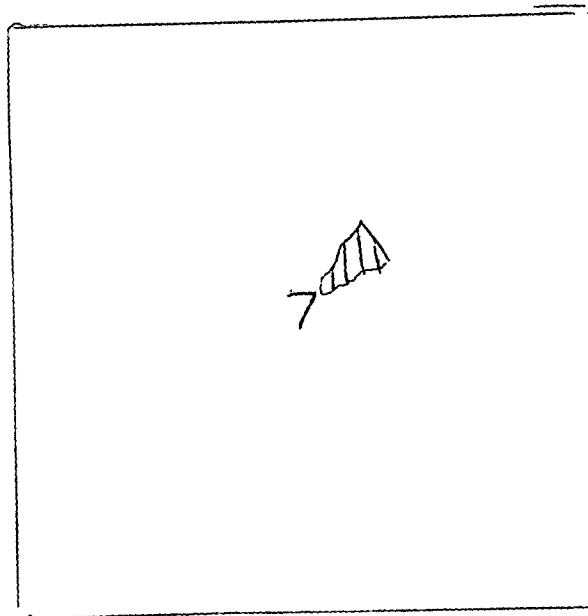
Well Driller:

Remarks:

Type of Map: Aerial

Prepared by: Kevin Paulsen, NRCS

Reviewed and the Number Assigned on: 5/7/96



By: Eric Gronlund

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. 2361-2 Hydrologic Unit 10140102
Basin Bad River
Newspaper Capital Journal, Pierre, SD
(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 (over 18 gpm) ☐ Industrial ☒ Other Livestock

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.) _____

- Name of Applicant Bobt Steve Stoecker (Deadwood Trail Ranch) Phone 223-3154
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address HCR 33 Box 26 Ft. Pierre State SD 57532
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed _____ *CFS or _____ **GPM 52.7 ***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) 80 rods south and 80 rods west of the NE corner of the NE 1/4 of Sec. 7 T5N. R. 29E. SW 1/4 NE 1/4 section 7, T5N, R29E County Stanley
- County or counties where water will be used _____
- Annual period during which water is to be used Year around January 1 - December 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This is being built to enhance wildlife production and provide livestock water.

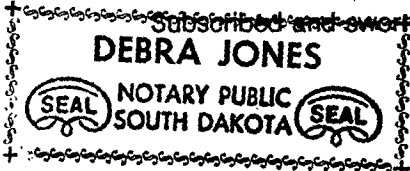
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Stanley SS

I, Deadwood Trail Ranch by Bobt Steve Stoecker, 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 Deadwood Trail Ranch by Bobt Steve Stoecker



Subscribed and sworn to before me this 7th day of May 19 96
Debra Jones
Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 2361-2**

Date of first receipt of application May 7, 1996.

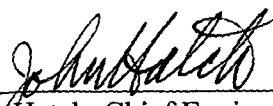
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2361-2 to Bob & Steve Stoesser, HCR 33 Box 26, Ft. Pierre SD 57532 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2361-2 authorizes impoundment of 52.7 acre feet of water in a storage dam. The dam is to be located in the SW 1/4 NE 1/4 Section 7-T5N-R29E.
2. The water appropriated shall be used for the purpose of impounding water and may not exceed the amount of water needed for beneficial use for supplying water for livestock and wildlife production.
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. 2361-2 is June 24, 1996.
5. The date from which applicant may claim right is May 7, 1996.
6. One-fifth of the construction is to be completed on or before December 24, 1998.
7. All construction is to be completed on or before June 24, 2001.
8. Water is to be put to beneficial use on or before June 24, 2005.
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. 2361-2 authorizes a storage dam with storage capacity of 52.7 acre-feet of water. The dam may be filled one or more times per year.
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 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 _____ 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. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of _____ Sanitary System.

3. Dugout Information

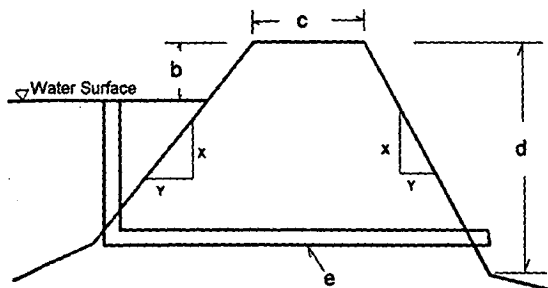
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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

Natural Resource Conservation Service
316 So. Courtois
Pierre, So. Dak.



- b) Freeboard 5.0'
- c) Crest Width 12'
Crest Length 320'
- d) Height 21.9'
- e) Primary Outlet Capacity _____
If pipe, diameter 18" Rise 12" Barrel
- f) Secondary Spillway Capacity 5.3 cfs
Spillway Width 65
- g) X & Y Slope
Upstream 3:1
Downstream 3:1
- h) Surface Area of Impoundment 6.2
- i) Storage 52.7 Acre Feet
- j) Drainage Area Above Dam 808 Acres

RECEIPT

414953

Division of Water Rights

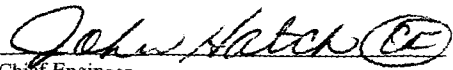
South Dakota Department of Environment and Natural Resources

Pierre, _____ May 10, 19 96

RECEIVED OF Willow Creek Wildlife, Inc., 20628 Willow Creek Rd., Ft. Pierre, SD 57532
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>2361-2</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 _____		

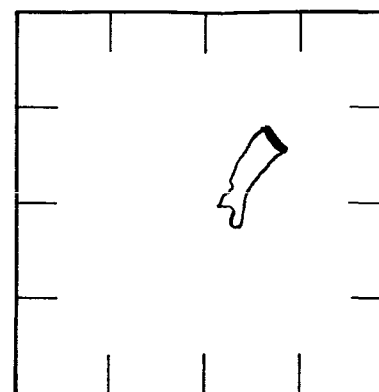
(Any Other Work Provided by Law)	Total	150 00

By John Hatch 
Chief Engineer

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.
808	29.6	344	5.3	17	6.2		527

5.3 cfs/ft width
344 / 5.3 = 65 ft wide



Sec. 7 T. 5N R. 29E
Stanley County

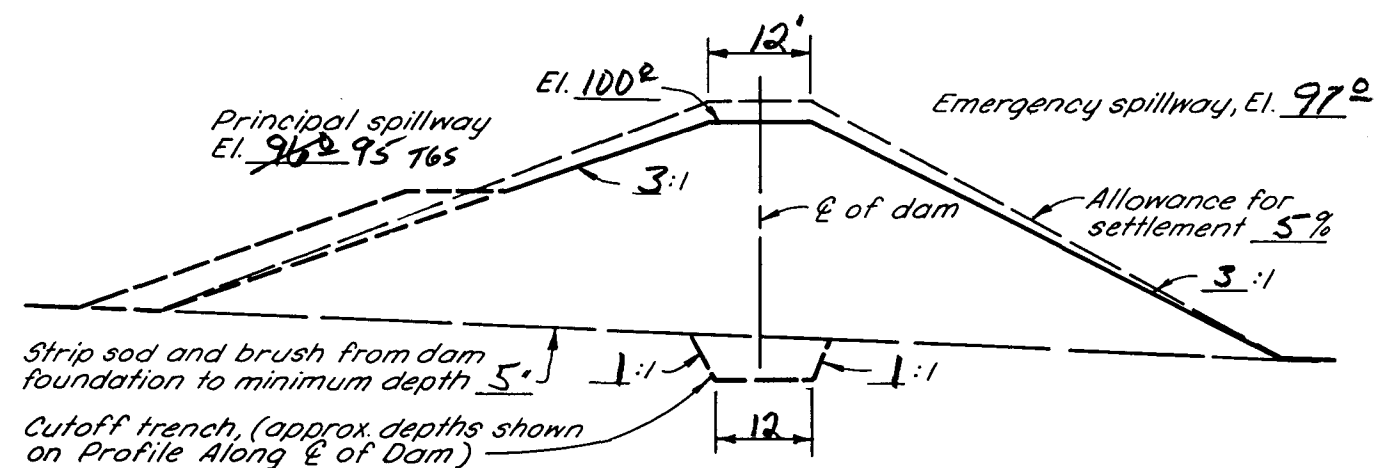
LOCATION

TABLE OF QUANTITIES

[illegible]

Class "A"
Hazard

Pond



TYPICAL CROSS SECTION OF DAM

S.D. CONSTRUCTION AND MATERIAL SPECIFICATIONS:

SD-4 Stripping
SD-7s Earth Fill Class S
SD-16 Timber Fabrication
SD-55 Plastic Pipe
PFCorrugated Pipe

EARTH DAM

OPERATOR: Deadwood Trail Ranch
CONSERVATION DISTRICT: Stanley Co.

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

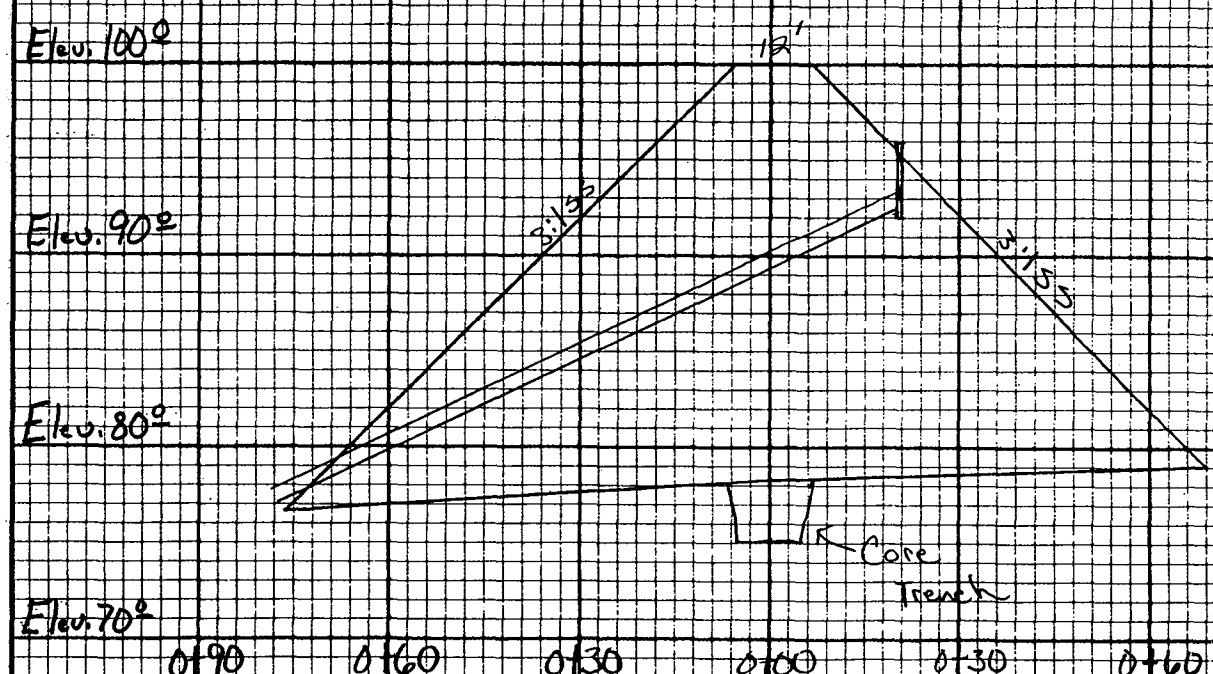
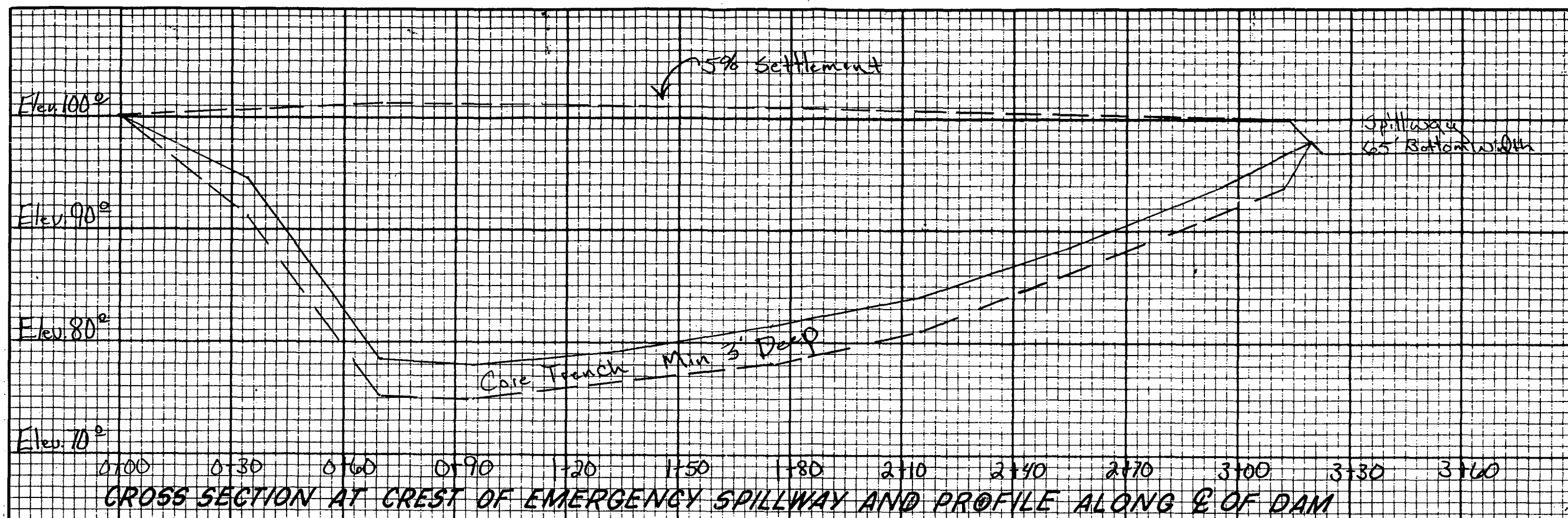
Designed	K. Paulsen	Date	7-95	Approved	[Signature]
Drawn	K. Paulsen		7-95	Title	[Signature]
Traced				Sheet	
Checked				No	
				Drawing No.	

SKETCH PLAN OF DAM AND RESERVOIR AREA

Approximate scale 1" = N/A

REFERENCE: GUIDE PLAN NO. 1.0

JOB PLAN NO. 1.0

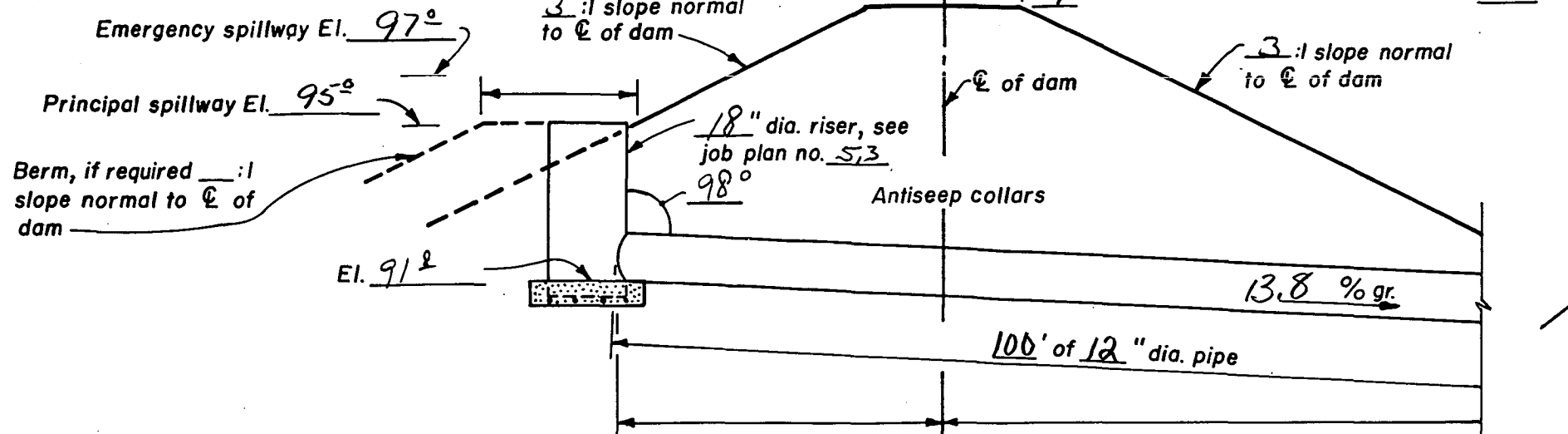


PROFILE ALONG E OF EMERGENCY SPILLWAY

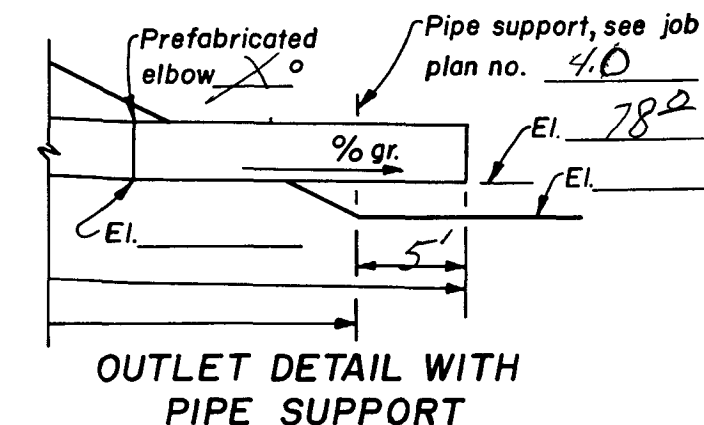
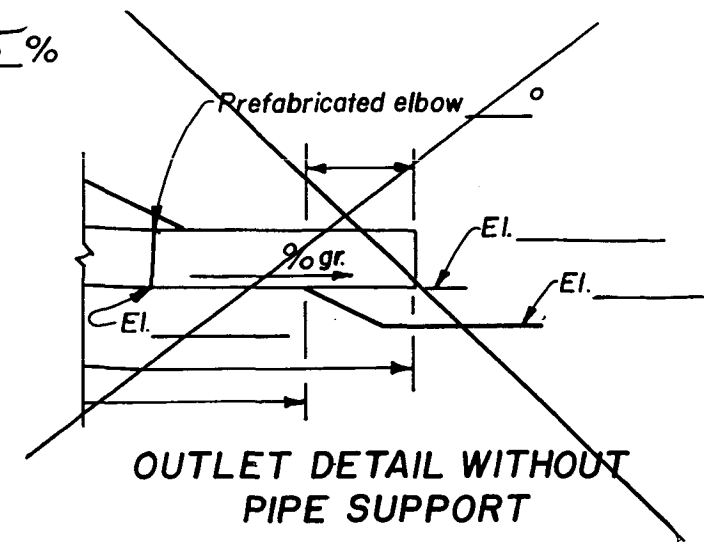
SEDIMENT YIELD

ERODIBILITY AREA ACRES	GROSS RATE A.F./AC./YR.	DRAINAGE AREA ACRES	DELIVERY RATE %	DESIGN PERIOD YEARS	REQ'D. SEDIMENT VOLUME AC.FT.

Locate principal spillway pipe at $\mathcal{C}$ of dam sta. $D + 95$, at an angle of 95° to the $\mathcal{C}$ of the dam.



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



SPECIFICATION NOTES

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

- Use PE double wall pipe

TABLE OF QUANTITIES

ITEM	UNIT	QUANTITY
See Job Plan No. 1.0		

APPLICABLE STANDARD S.C.S. SPECIFICATIONS

Sec. 7, T. 5N, R. 29E
Stanley County

LOCATION
Plastic PE Pipe
~~CORRUGATED METAL PIPE~~
DROP INLET PRINCIPAL SPILLWAY

OPERATOR Deadwood Trail Ranch

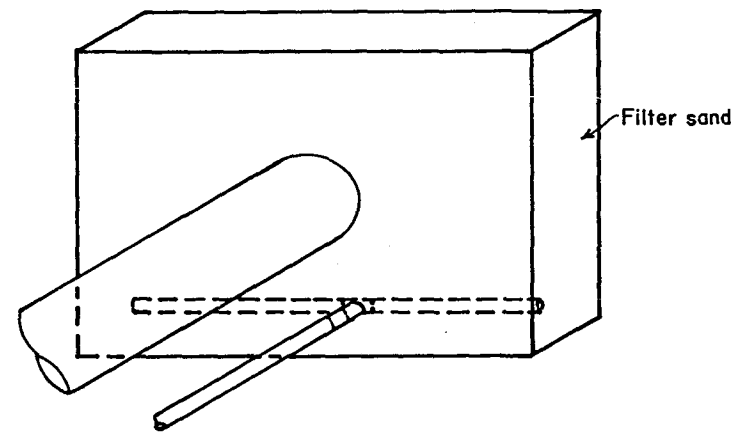
CONSERVATION DISTRICT Stanley Co.

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

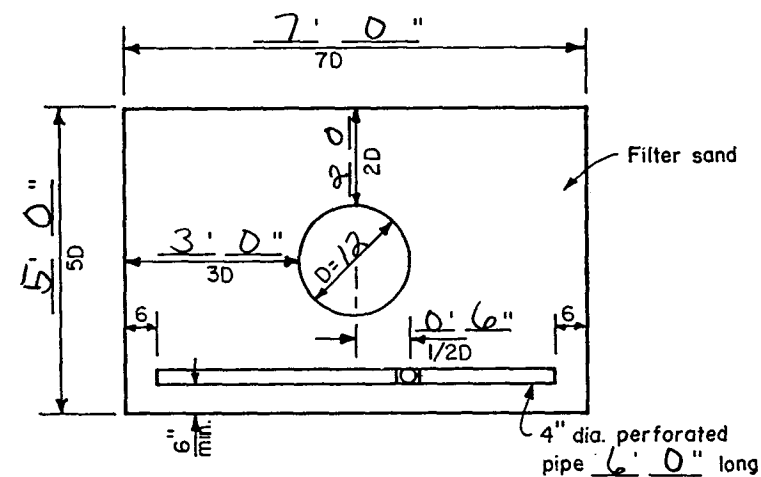
Designed K. Paulsen Date 7-95 Approved by _____
Drawn _____ Title _____
Traced _____ Sheet _____ Drawing No. _____
Checked _____ of _____

REFERENCE: GUIDE PLAN NO. 2.0

Rev. 8/80
JOB PLAN NO. 2.0



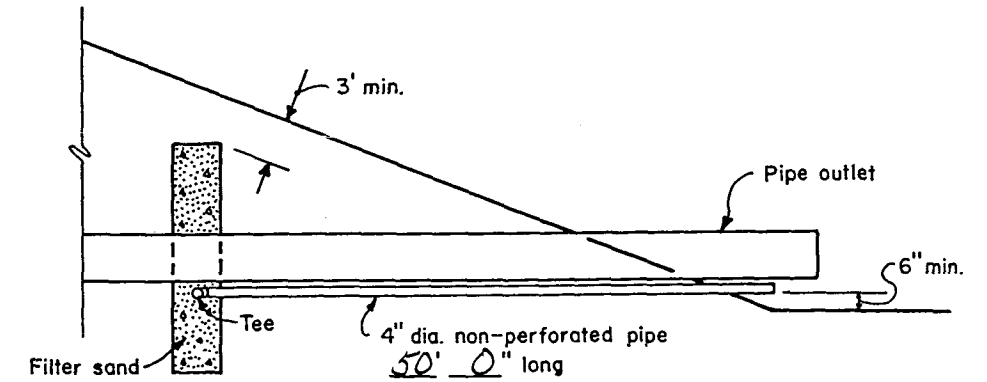
ISOMETRIC VIEW



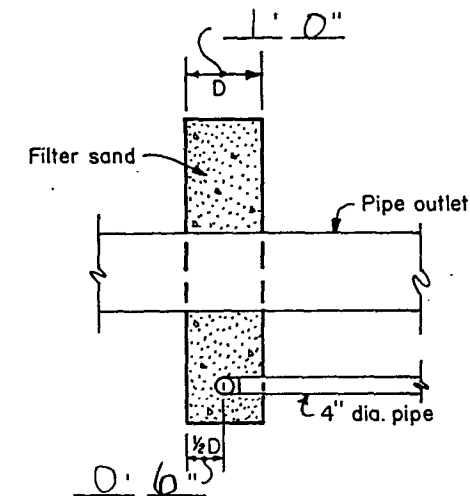
UPSTREAM VIEW

NOTE:

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



OUTLET DETAIL



SIDE VIEW

$$\frac{7 \times 5 \times 1}{27} = 1.3 \text{ cyd}$$

FILTER GRADATION

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

Sec. 7, T. 5N, R. 29E
Stanley County
 LOCATION

SAND ANTISEEP COLLAR

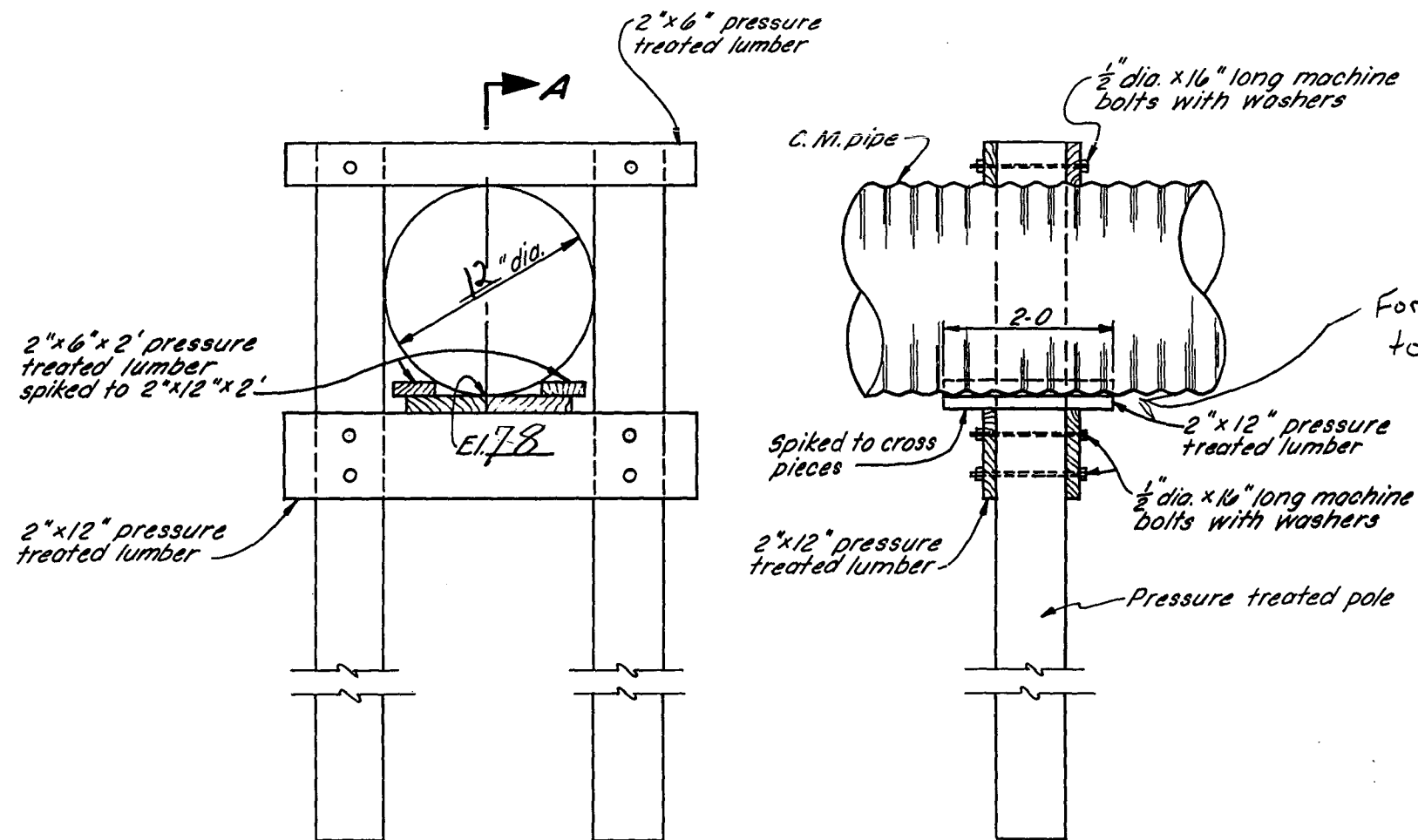
OPERATOR Deadwood Trail Ranch

CONSERVATION DISTRICT Stanley Co.

U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

Designed <u>K. P. Baker</u>	DATE <u>7/5</u>	Approved by _____
Drawn _____	Title _____	
Traced _____	Sheet _____	Drawing No. _____
Checked _____	No. _____	of _____

JOB PLAN NO. 3.8



ELEVATION

SECTIONAL ELEVATION A-A

TABLE OF QUANTITIES

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

NOTES:

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

TIMBER PIPE SUPPORT

OPERATOR: Deadwood Trail Ranch
 CONSERVATION DISTRICT: Stanley Co.

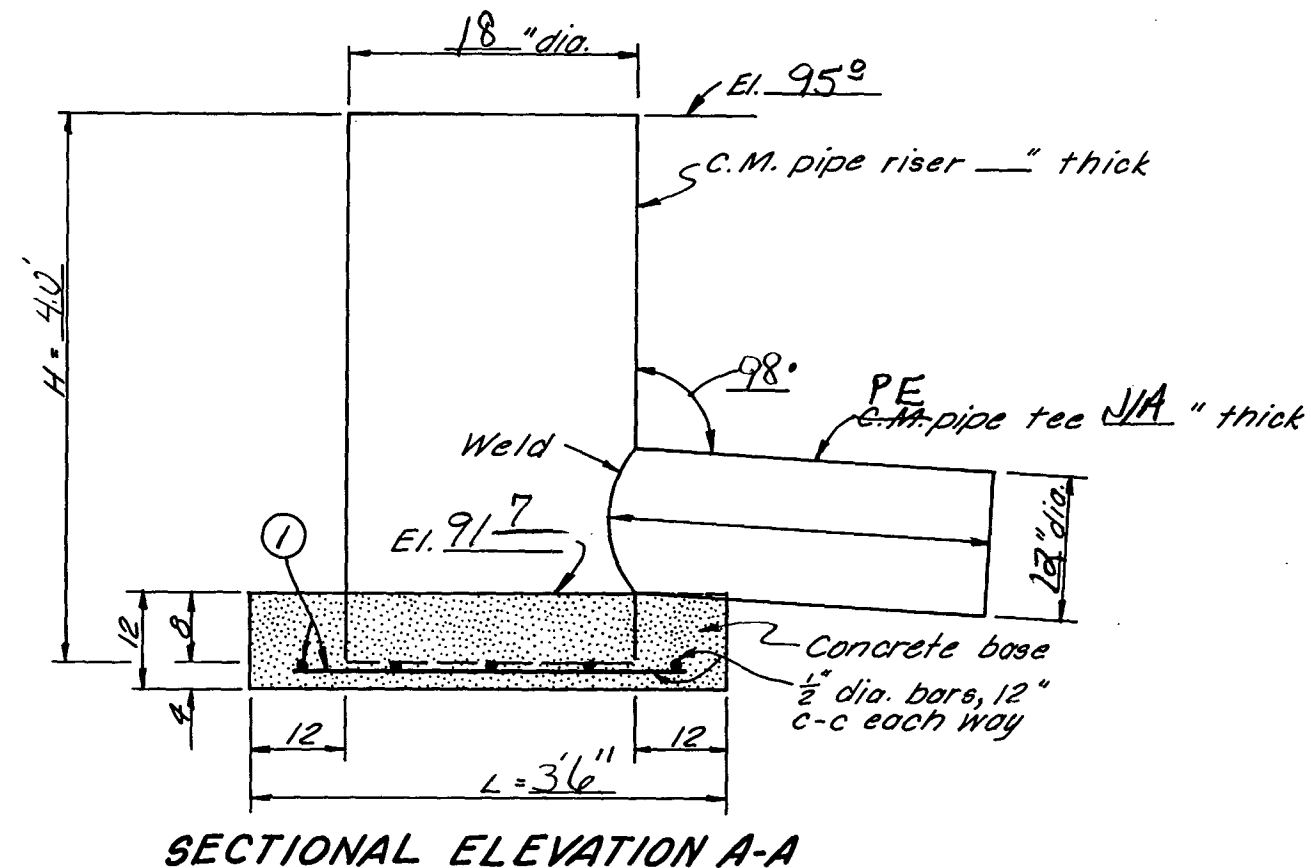
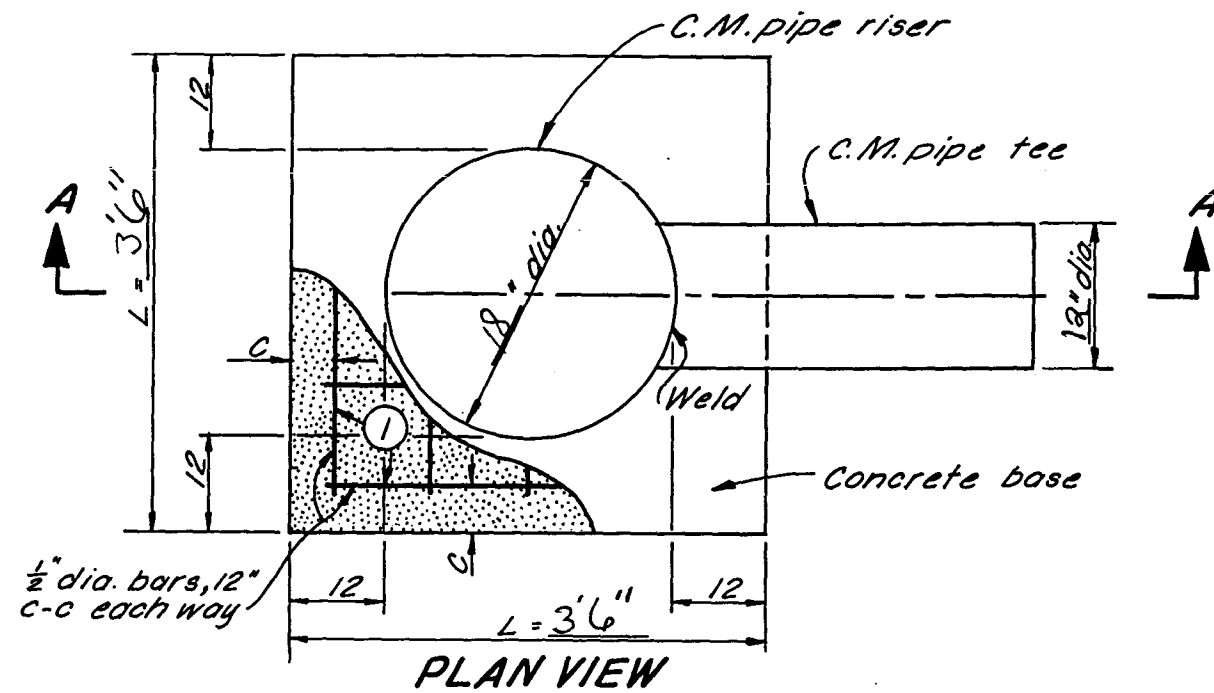
U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

Designed: K. Paulsen Date: _____ Approved by: _____
 Drawn: _____ Title: _____
 Traced: _____ Title: _____
 Checked: _____ Sheet No. _____ Drawing No. _____
 of _____

REFERENCE: GUIDE PLAN NO. 4.0

JOB PLAN NO. 4.0

5, N-29,073.4a



STEEL SCHEDULE

RISER DIA. IN.	BAR SIZE	MARK	TYPE	NO. REQ'D.	LENGTH FT.-IN.	TOTAL LENGTH FT.-IN.	TOTAL WT. LB.	C IN.	L FT.-IN.
18	4	1	STR.	8	3-0	24-0	16	3	3-6

TABLE OF QUANTITIES

ITEM	UNIT	QUANTITY
CONCRETE	CU. YD.	0.5
REINFORCING STEEL	LB.	

NOTE:

PE PIPE RISER WITH FABRICATED TEE

OPERATOR: Deadwood Trail Ranch
 CONSERVATION DISTRICT: Stanley Co.

U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

Designed: K. Paulsen Date: 7-95 Approved by: _____
 Drawn: _____ Title: _____
 Traced: _____ Title: _____
 Checked: _____ Sheet: _____ Drawing No. _____
 of _____

REFERENCE: GUIDE PLAN NO. 5.3

JOB PLAN NO. 5.3

5, N-29,073.5-30

LOCATION NOTICE FOR DAM/DUGOUT

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



Stanley
County

Location Notice No. (office use)

I, Bob Stoesser + Steve Stoesser (Deadwood Trail Ranch), of
Name

HCR 33 Box 26 Ft. Pierre S.D. Stanley
Address & Zip Code County

Owners, of the following described land, do hereby
(owner or operator)

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

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

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

(1) Date of:

(a) This notice _____

(b) Proposed construction Aug 96

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

(describe to the nearest 40 acre subdivision)

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

SW 1/4 of the NE 1/4 Sec 7 T. 5 N. R. 29 E.
(describe distance N.S.E.W. in feet from the corner)

(4) County Stanley

(5) The owner of the land Bob + Steve Stoesser

(6) Acre feet of water claimed annually 52.7

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

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

(7) Complete the following information for the proposed dam/dugout:
* Items to be completed for a dugout

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

b) Freeboard 5'

c) Crest Width 12'

Crest Length 320'

d) Height 21.9'

* Depth, if Dugout _____

e) Outlet Dimensions:

Pipe diameter 18" Riser 12" Barrel

Spillway width 65'

f) X & Y Slope:

Upstream 3:1

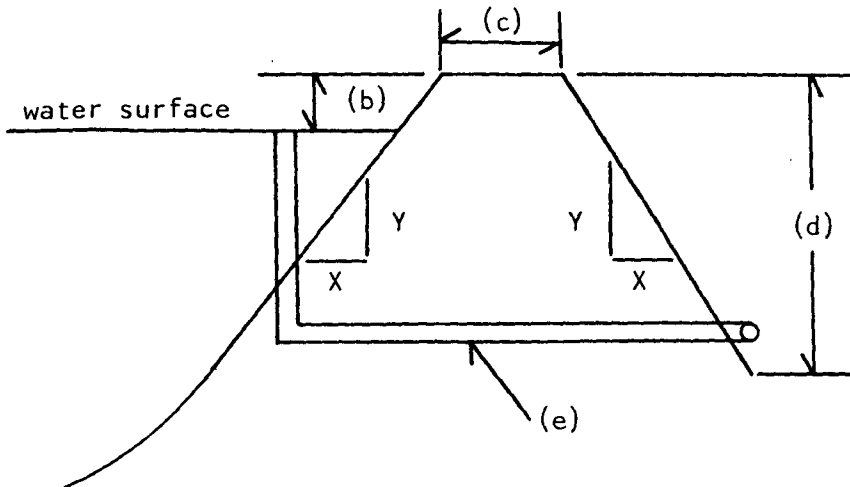
Downstream 3:1

*g) Water surface area 6.2

*h) Storage at spillway crest or overflow elevation
(acre feet) 52.7

i) Maximum storage to top of dam
(acre feet) 93.0

*j) Drainage area above dam/dugout
(acres) 808



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

owner

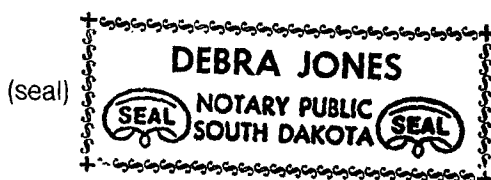
locator

STATE OF SOUTH DAKOTA
COUNTY OF Stanley) ss

I, Deborah Trail Ranch by [Signature] the applicant, certify that I have read this Location Notice and that the matters stated in this notice are true and that I intend, and am able to start construction within sixty days after the filing of this notice.

Signed Deborah Trail Ranch by [Signature]

Subscribed and sworn to before me this 7th day of May, 19 96.



Debra Jones
notary public

Water Permit Application No. 2361-2

Bob & Steve Stoesser

Top of Dam Elev. - 100
 Primary Spillway - 95
 2nd Spillway Elev - 97
 Bottom - 78

22 ft. high

Cat. 3 Low Hazard Dam

Normal Storage Capacity - 52.7 Ac.-ft.
 Intermediate Capacity - 67
 Maximum Storage Capacity - 93

Intermediate Capacity () x Eff Ht. (19 ft) = 23000 cu ft.
 Minimum Spillway Design = 25 year

From USGS WRI 80-80 - "Tech. for estimating Flood Peaks... in SD"

DA = 808 Ac. = 1.26 mi.²
 Slope = 100 ft/mile
 SI = 1.76

$$Q_{25} = 83.4 A^{.6} S^{.44} S^{-.72}$$

$$= 83.4 (1.26)^{.6} (100)^{.44} (1.76)^{-.72}$$

$$= 83.4 (1.15) (7.59) (0.67)$$

$$= \underline{484 \text{ cfs}}$$

$$Q_{100} = 132 A^{.6} S^{.44} S^{-.67}$$

$$= 132 (1.26)^{.6} (100)^{.44} (1.76)^{-.67}$$

$$= 132 (1.15) (7.59) (0.68)$$

$$= \underline{873 \text{ cfs}}$$

2nd Spillway Capacity

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

$$C = 2.6 \quad L = 65 \quad H = 3 \text{ ft}$$

$$= 2.6 (65) (3)^{1.5}$$

$$= \underline{878 \text{ cfs}}$$

Section 74:02:08:09

1. Topo Map - OK
2. Dam Axis Profile - OK
3. Dam X-Sec. - OK
4. Area Capacity Data - OK
5. Outlet Details - OK
6. Spillway Routing - 2nd - OK
7. Spillway Details - OK
8. Specs. - std. - OK
9. EPP - N/A Cat. 3 - OK

SCS Annual Yield

Isoqram 2 DA = 808 Ac. - CN = 76

50% chance - 0.40

$$0.40 \times 808 / 12 = \underline{27 \text{ Ac.-ft.}}$$

80% chance - 0.15

$$0.15 \times 808 / 12 = \underline{10 \text{ Ac.-ft.}}$$

10% chance - 1.9

$$1.9 \times 808 / 12 = \underline{128 \text{ Ac.-ft.}}$$

File No. 2361-2

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Bob and Steve Stoesser

ADDRESS: HCR 33, Box 26 Ft. Pierre SD 57501

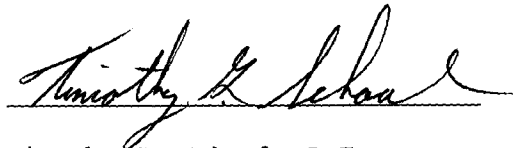
COUNTY: Stanley

DATE: May 17, 1996

TELEPHONE: 223-3154

RE: Plans and specifications

I talked to Kevin Paulsen from the Natural Resources Conservation Service today about the plans for Application No. 2361-2 for Bob and Steve Stoesser. I asked him if the elevation for the primary spillway on the first page of the plans should be 95 instead of 96 as shown, he said yes. I also asked him for the area-capacity data. He said the Normal Capacity was 52.7 acre-feet, the Intermediate Capacity was 67 acre-feet and the Maximum Capacity was 93 acre-feet.

A handwritten signature in cursive script, reading "Timothy G. Schaal". The signature is written in dark ink and is positioned above the printed name and title.

Timothy G. Schaal, P.E.
Natural Resources Engineer III
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 29, 1996

Kevin Paulsen
Natural Resources Conservation Service
316 South Coteau
Pierre, SD 57501

Dear Mr. Paulsen:

We have reviewed the plans and specifications for the Stoesser Dam located in the NE 1/4 of Section 7-T5N-R29E, in Stanley County. The plans and specifications as submitted are approved. Approval of the plans and specifications does not authorize construction of the project. Construction of the project may not begin until Water Permit Application No. 2361-2 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 Bob and Steve Stoesser, as owners of the dam, from the responsibility for operating and maintaining the dam in good repair to ensure the safety of the dam.

The Stoesser Dam will be classified as a small size Category 3, Low Hazard dam with a dam height of 22 feet, a normal storage capacity of 52.7, and a maximum storage capacity of 93 acre-feet.

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

Sincerely,

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

c: Bob & Steve Stoesser, landowners

REPORT ON
WATER PERMIT APPLICATION NO. 2361-2

Bob and Steve Stoesser

May 17, 1996

Water Permit Application No. 2361-2 has been filed by Bob and Steve Stoesser to impound 52.7 acre-feet of water from runoff by constructing a dam. The dam will be located in the SW 1/4 NE 1/4 of Section 7-T5N-R29E, in Stanley County. The water will be used for livestock watering and wildlife production.

Discussion:

The Stoesser Dam will be classified as a Category 3, Low Hazard dam. It has been designed by the Natural Resources Conservation Service. The plans and specifications have been reviewed and will be approved; however, construction of the dam can not begin until Water Permit Application No. 2361-2 is approved.

The Stoesser Dam will be 22 feet high with a normal storage capacity of 52.7 acre-feet with a reservoir level at the spillway elevation, and a maximum storage capacity of 93 acre-feet with a reservoir level at the top of dam elevation. A dam of this size and hazard classification is required to have a minimum spillway design capable of passing a 25 year frequency event.

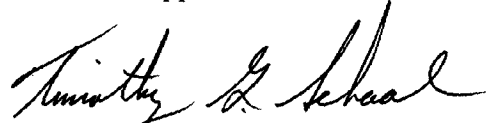
The Stoesser Dam is designed to have an 18 inch diameter CMP riser with a 12 inch diameter polyurethane barrel with 5.0 feet of available head as the primary spillway and a 65 foot wide earthcut emergency spillway with 3.0 feet of available head. The dam will have a drainage area of 808 acres (1.26 square miles). A 25-year frequency event will produce a peak of 484 cfs and a 100-year frequency event produces a peak of 873 cfs. The 65 foot wide earthcut emergency spillway has a capacity of approximately 880 cfs.

The annual yield for this drainage area with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 27 acre-feet. The annual yield with a 80 percent chance of occurrence, or 8 out of 10 years, is expected to be 10 acre-feet. The annual yield with a 10 percent chance, or 1 out of 10 years, is expected to be 128 acre-feet.

The Stoesser Dam will be located in the NE 1/4 of Section 7-T5N-R29E on an unnamed tributary to Willow Creek about one-half mile upstream of the confluence of the tributary and Willow Creek. There are no existing Water Permits/Rights located on the unnamed tributary or the 14 miles of Willow Creek between the confluence and the Bad River.

Conclusions:

1. Water Permit Application No. 2361-2 should be approved since unappropriated water is available and approval should not have any adverse effect on existing Water Permits/Rights.
2. If approved, the low flow bypass requirement for downstream domestic use should be a qualification on Water Permit Application No. 2361-2.



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

Approved by:



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

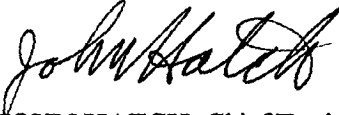
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2361-2, Bob and Steve Stoesser**

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. 2361-2, Bob and Steve Stoesser, HCR 33, Box 26, Ft. Pierre, SD 57532.

The Chief Engineer is recommending APPROVAL of Application No. 2361-1 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 with the following qualifications:

1. Water Permit No. 2361-2 authorizes a storage dam with storage capacity of 52.7 acre feet of water. The dam may be filled one or more times per year.
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
May 28, 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.

May 29, 1996

Bob and Steve Stoesser
HCR 33, Box 26
Ft. Pierre, SD 57532

Dear Sirs:

Water Permit Application No. 2361-2 for livestock watering and wildlife production 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 Capital Journal printed at Pierre, SD (Ph # (605) 224-7301). 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

May 29, 1996

Capital Journal
P.O. Box 878
Pierre, SD 57501-0878

ATTENTION: Legal Department

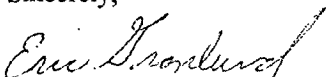
Enclosed is a Notice of Hearing on Application No. 2361-2 to be published twice. Please publish the first notice on June 5, 1996, with the second publication 7 days later.

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 Bob and Steve Stoesser, HCR 33, Box 26, Ft. Pierre, SD 57532 (Ph # (605) 223-3154).

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 June 5, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2361-2 to Appropriate Water

Notice is given that Bob and Steve Stoesser, HCR 33, Box 26, Ft. Pierre, SD 57532 has filed an application for a water permit to appropriate water by impounding 52.7 acre feet of water in a storage dam. The dam is to be located in the SW 1/4 NE 1/4 Section 7, T5N, R29E. Water will be used for livestock watering and wildlife production.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2361-2 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 June 24, 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 Hughes) SS

1. Peggy Warner

certify that the attached printed Notice was
taken from the Capital Journal

printed and published in Pierre

County of Hughes and State of

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

June 5, 1996

June 12, 1996

Cost of Printing: 35.19

Peggy Warner
(Signature)

Legal Ad Representative
(Title)

June 13, 1996
(Date Signed)



No. 9265 2tdly 6/5, 6/12

NOTICE OF APPLICATION NO. 2361-2 to Appropriate Water

Notice is given that Bob and Steve Stoesser, HCR 33, Box 26, Fort Pierre, S.D. 57532 has filed an application for a water permit to appropriate water by impounding 52.7 acre feet of water in a storage dam. The dam is to be located in the SW 1/4 NE 1/4 Section 7, T5N, R29E. Water will be used for livestock watering and wildlife production.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 17 1996

Bob and Steve Stoesser
HCR 33, Box 26
Ft. Pierre, SD 57532

Dear Sirs:

Enclosed is Water Permit No. 2361-2 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.