

WATER PERMIT NO. 2394-2

Name of Applicant: Vern Armstrong

Address: 1021 N. Willow, Pierre, SD 57501

Phone: 945-1336

Amount of Water Claimed: 39.7 ac-ft

Total Acres: N/A

Source of Water Supply: **runoff**

Water to be used for: wildlife, livestock, water quality

County: **Stanley**

Type of Waste Disposal System: **N/A**

Location: 8 miles east and 8 miles north of Hayes

PRIORITY Date Received: **9/29/97**

Fee: **\$50**

Corrected Application Received: **XX**

Period of Annual Use: **XX**

Remarks:

Diversion Point: **SW1/4 NE1/4 Sec. 15, T6N,
R27E**

Land to be Irrigated:

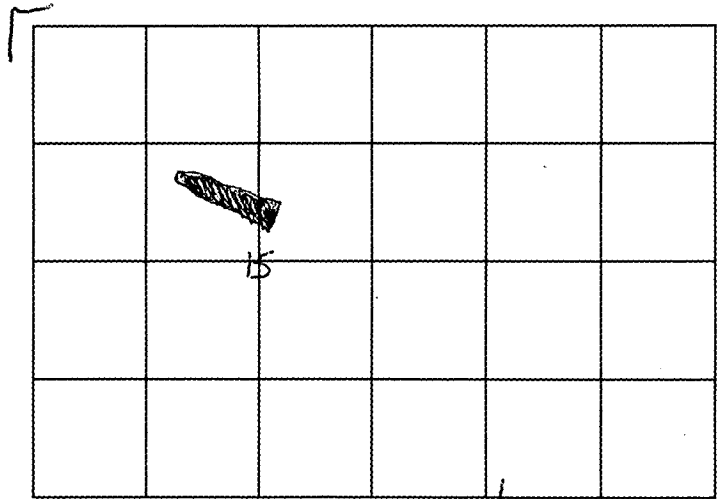
Depth of Well:

Well Driller:

Remarks:

Type of Map: Aerial

Prepared by: **Lowell Noeske**



Reviewed and the Number Assigned on: **XX**

By: **Eric Gronlund**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 2394-2**

Date of first receipt of application September 29, 1997.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2394-2 to Vern Armstrong, 1021 N Willow, Pierre SD 57501 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. 2394-2 authorizes impoundment of 39.7 acre-feet of water in a storage dam. The dam is located in the SW 1/4 NE 1/4 Section 15-T6N-R27E with water also being impounded in the SE 1/4 NW 1/4 of the same section.
2. The water appropriated shall be used for the purpose of supplying water for wildlife habitat, livestock watering and to improve the water quality in the Bad River drainage 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. 2394-2 is October 27, 1997.
5. The date from which applicant may claim right is September 29, 1997.
6. One-fifth of the construction is to be completed on or before April 27, 2000.
7. All construction is to be completed on or before October 27, 2002.
8. Water is to be put to beneficial use on or before October 27, 2006.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

Water Permit No. 2394-2 authorizes a dam with storage capacity of 39.7 acre-feet of water and sufficient water annually to maintain the water level to the outlet elevation.

WATER MANAGEMENT BOARD

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

NOV 12 1997

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. 2394-2 Hydrologic Unit 10140102
Basin Bad River
Newspaper Pierre 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 ☐ Industrial ☒ Other water quality
(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.) _____

1. Name of Applicant Vern Armstrong Phone 945-1336
(check one) ☐ Owner ☒ Tenant/lessee operator
Mailing Address 1021 N. Williams Pierre State SD
(Street, RR, or Box) (City) (Zip Code)

2. Amount of water claimed _____ *CFS or _____ **GPM 39.7 ***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 Runoff

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
SW 1/4 NE 1/4 Sec 15 - T6N R27E

5. County or counties where water will be used _____ County Stanley

6. Annual period during which water is to be used Year around

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)

Pond is to be constructed to improve wildlife habitat and also improve the water quality in the Bad River Drainage.

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 Hughes ^{SS}

I, VERN ARMSTRONG, 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 Vern Armstrong
Subscribed and sworn to before me this 28th day of September 19 97

MARY L. DEICHERT, Notary Public
My Commission Expires July 26, 1998
Mary L. Deichert
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. 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

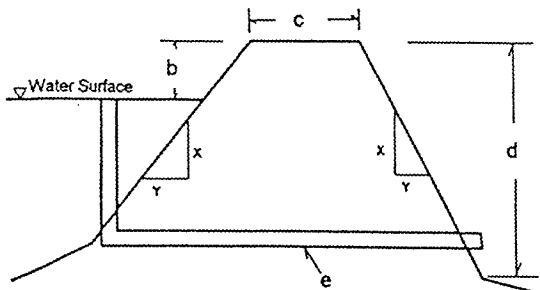
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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:

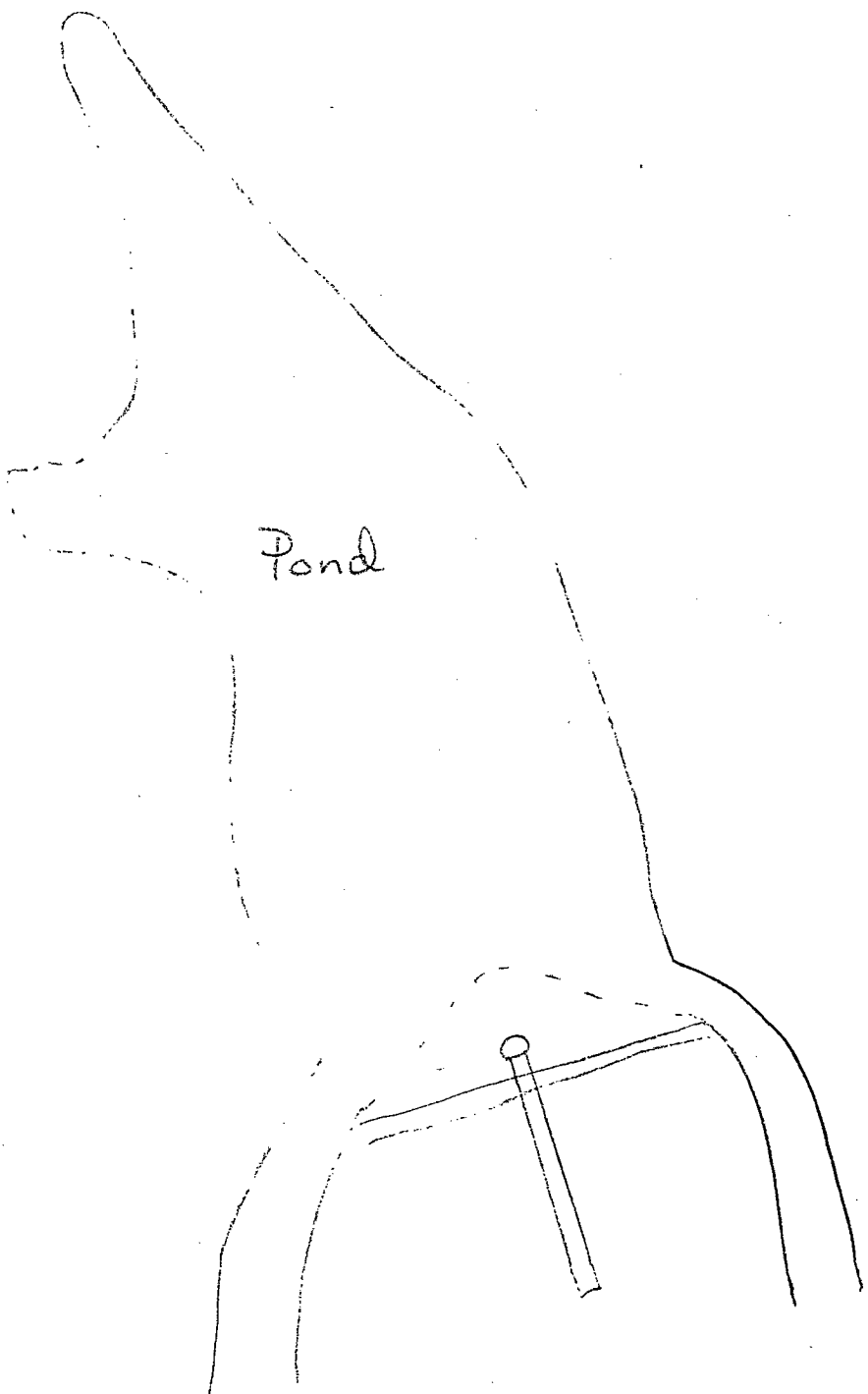
Kerrin Paulsen NRCS
316 S. Coteau
Pierre, SDak



- b) Freeboard 3.0'
- c) Crest Width 12.0'
Crest Length 250.0'
- d) Height 20.5'
- e) Primary Outlet Capacity 40 cfs
If pipe, diameter 36" Rain 24" barrel
- f) Secondary Spillway Capacity 5.3 cfs
Spillway Width 97.0'
- g) X & Y Slope
Upstream 3:1
Downstream 3:1
- h) Surface Area of Impoundment 9.3
- i) Storage 45.1 Acre Feet
- j) Drainage Area Above Dam 1,006 Acres

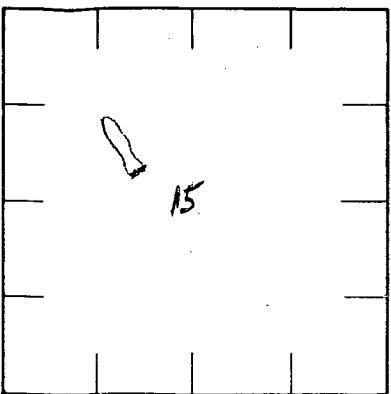
STRUCTURE DATA

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.
1,000	46.6	516	5.3	16	9.3		45.1



SKETCH PLAN OF DAM AND RESERVOIR AREA
Approximate scale 1" = N/A

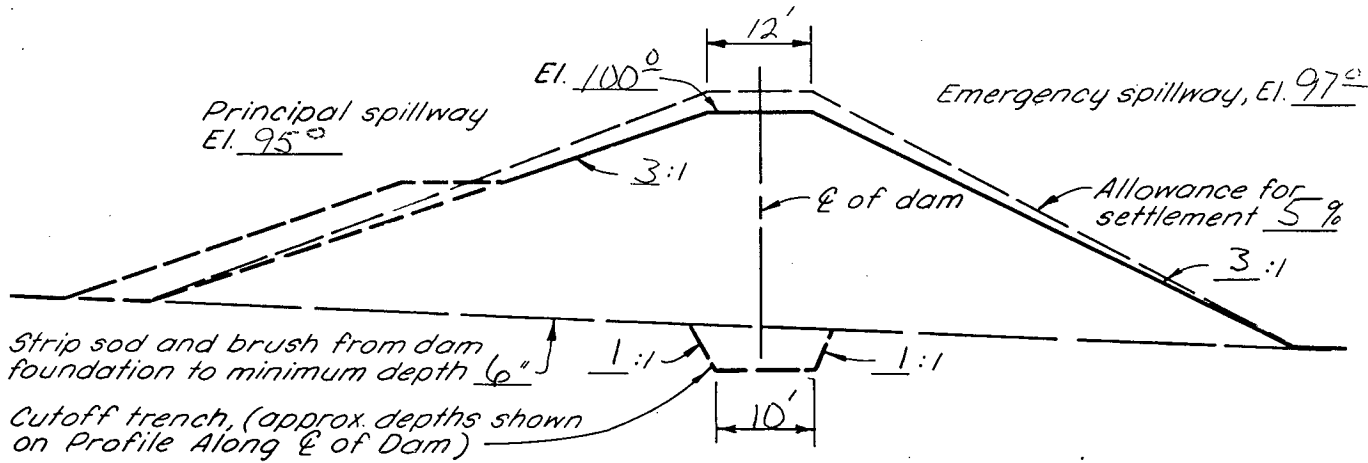
REFERENCE: GUIDE PLAN NO. 1.0



sec. 15 T. 6N R. 27E
Stanley County
LOCATION

TABLE OF QUANTITIES

ITEM	UNIT	QUANTITY
Earth Fill	Cu. yds	6,046
5% Settlement	Cu. yds	302
Core Trench	Cu. yds	302
Stripping	Cu. yds	375
Total	Cu. yds	7,025
36" Dia. Corrugated PE Riser w/24" stub	EA	1
24" Dia. Corrugated PE Pipe	FT	90
Sand Anti See collar Job Plan 3.8	EA	1
Baffle	EA	1
Pipe Support Job Plan 4.0	EA	1



TYPICAL CROSS SECTION OF DAM

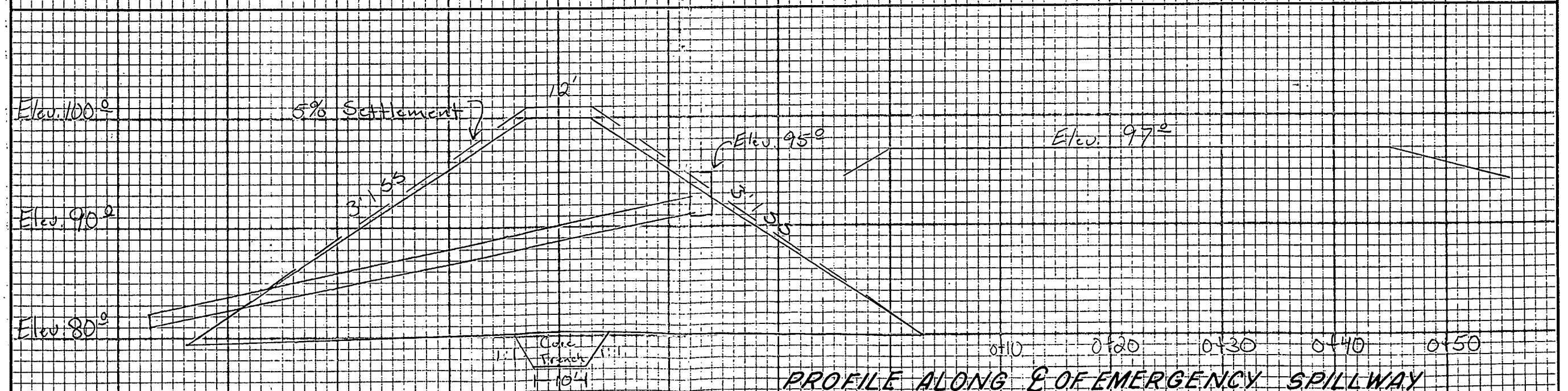
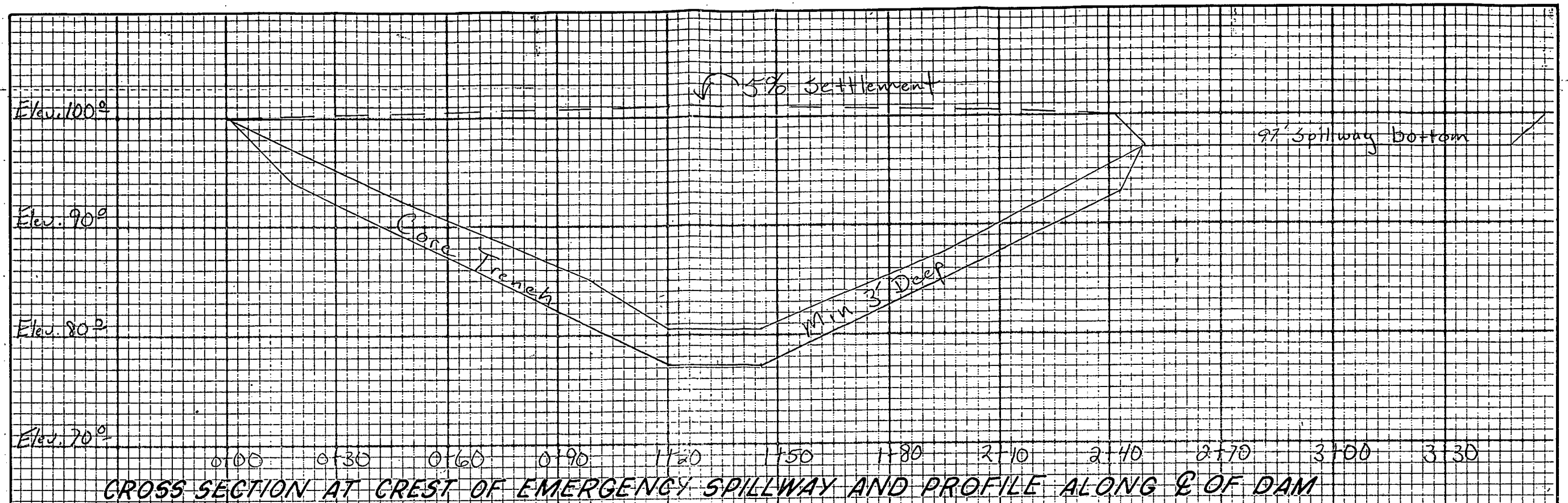
S.D. CONSTRUCTION AND MATERIAL SPECIFICATIONS:

- SD-4 Stripping
- SD-7S Earth Fill Class-S
- SD-16 Timber Fabrication
- SD-55 PE Corrugated Pipe

EARTH DAM CIN9

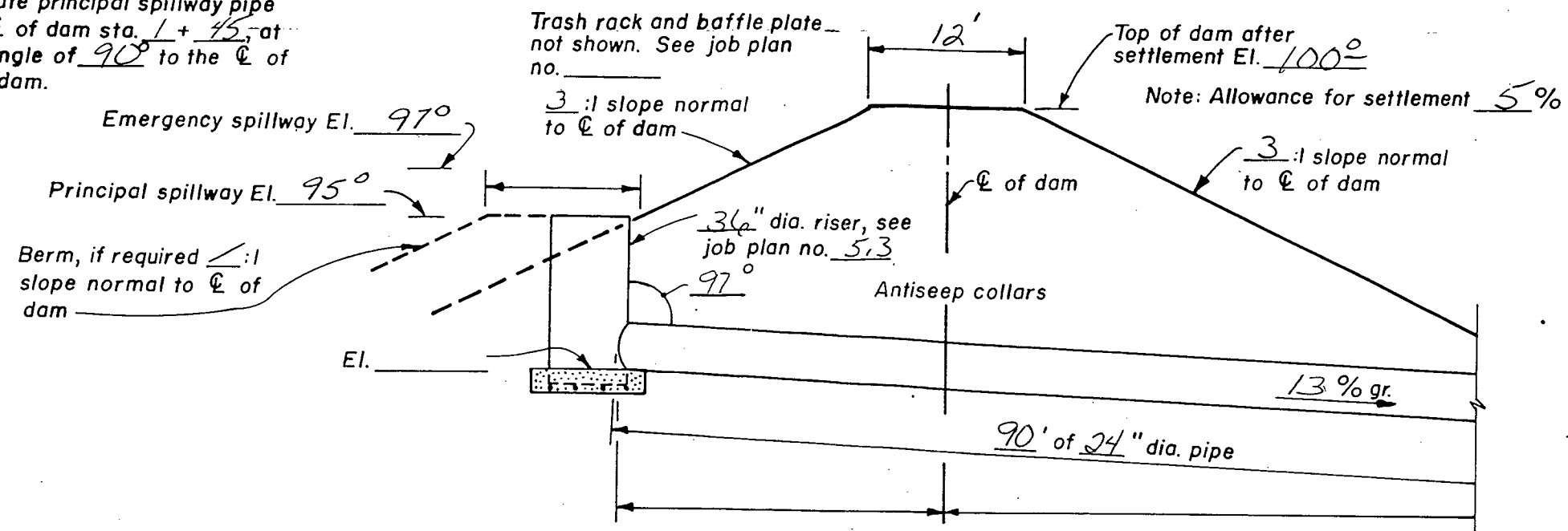
OPERATOR: Bobby Jones
CONSERVATION DISTRICT: Stanley Co.
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
Designed: K. Paulsen 9-97
Drawn: K. Paulsen 9-97
Traced: _____
Checked: _____
Approved by: _____
Title: _____
Drawing No. _____

JOB PLAN NO. 1.0



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. $1 + 45$ at an angle of 90° to the $\mathcal{C}$ of the dam.



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

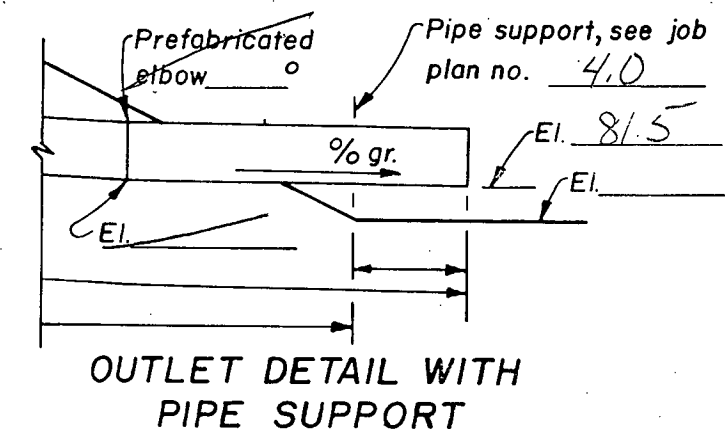
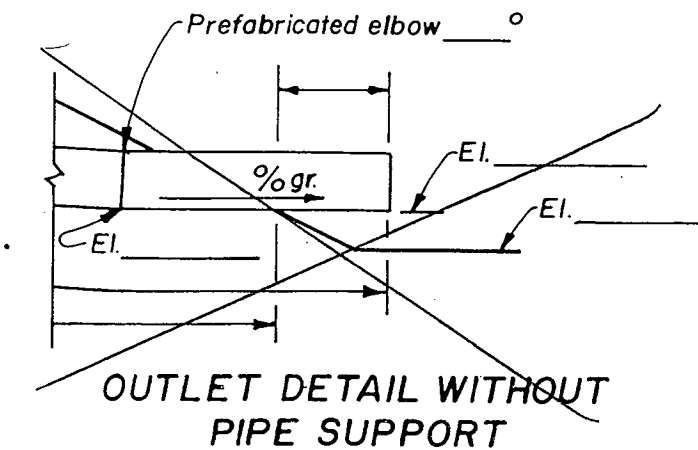
SPECIFICATION NOTES

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

TABLE OF QUANTITIES

ITEM	UNIT	QUANTITY
See Job Plan No. 1		

APPLICABLE STANDARD S.C.S. SPECIFICATIONS



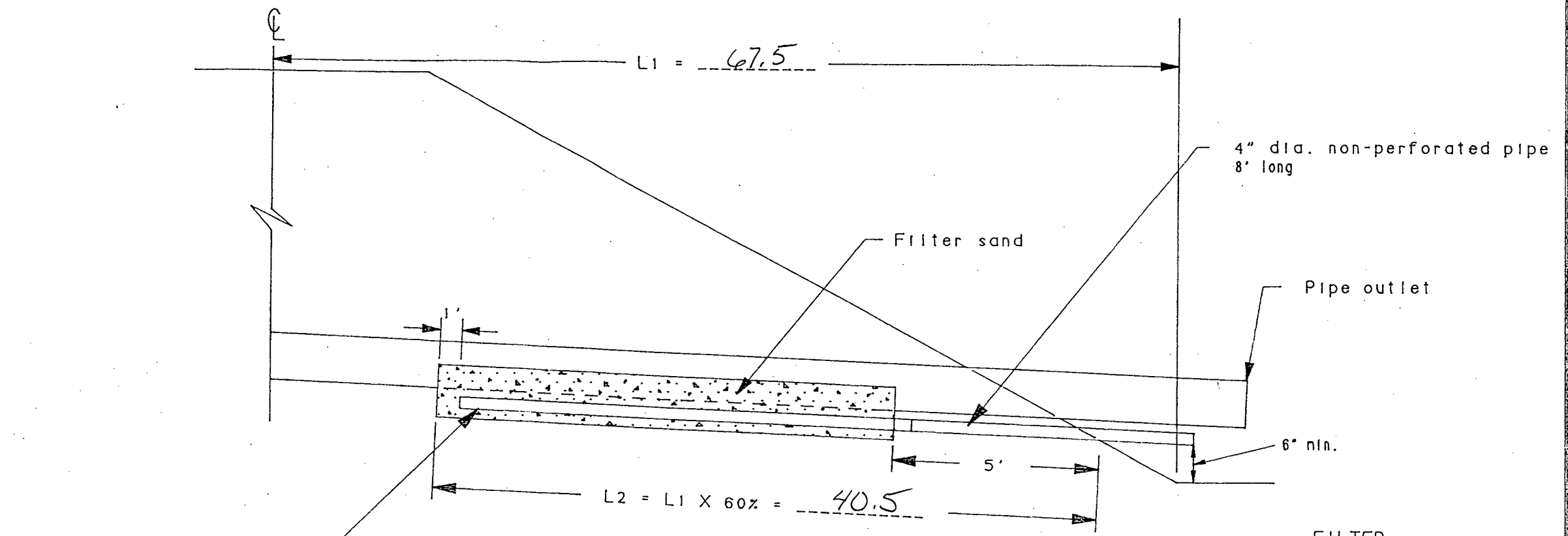
Sec. 21, T. 6N., R. 27E.
Stanley County
LOCATION

CORRUGATED METAL PIPE
DROP INLET PRINCIPAL SPILLWAY

OPERATOR <u>Bobby Jones</u>	
CONSERVATION DISTRICT <u>Stanley Co.</u>	
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE	
Designed <u>K. Paulsen</u> <u>9-97</u>	Approved by _____
Drawn <u>K. Paulsen</u> <u>9-97</u>	Title _____
Traced _____	Title _____
Checked _____	Sheet _____ of _____

REFERENCE: GUIDE PLAN NO. 2.0

Rev. 8/80
JOB PLAN NO. 2.0



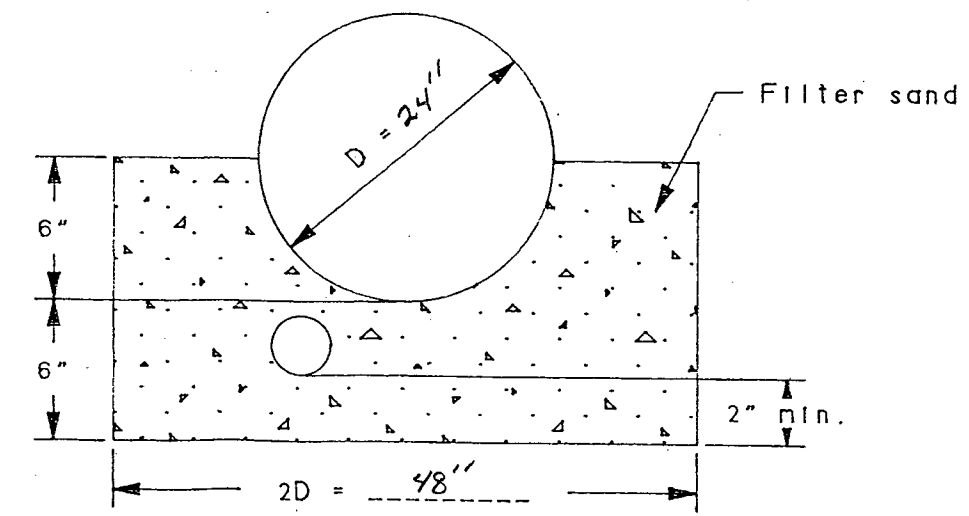
4" dia. perforated pipe
34' long

SIDE VIEW

$$\frac{35.5 \times 4 \times 1}{27} = 5.25 \text{ cu. yds.}$$

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



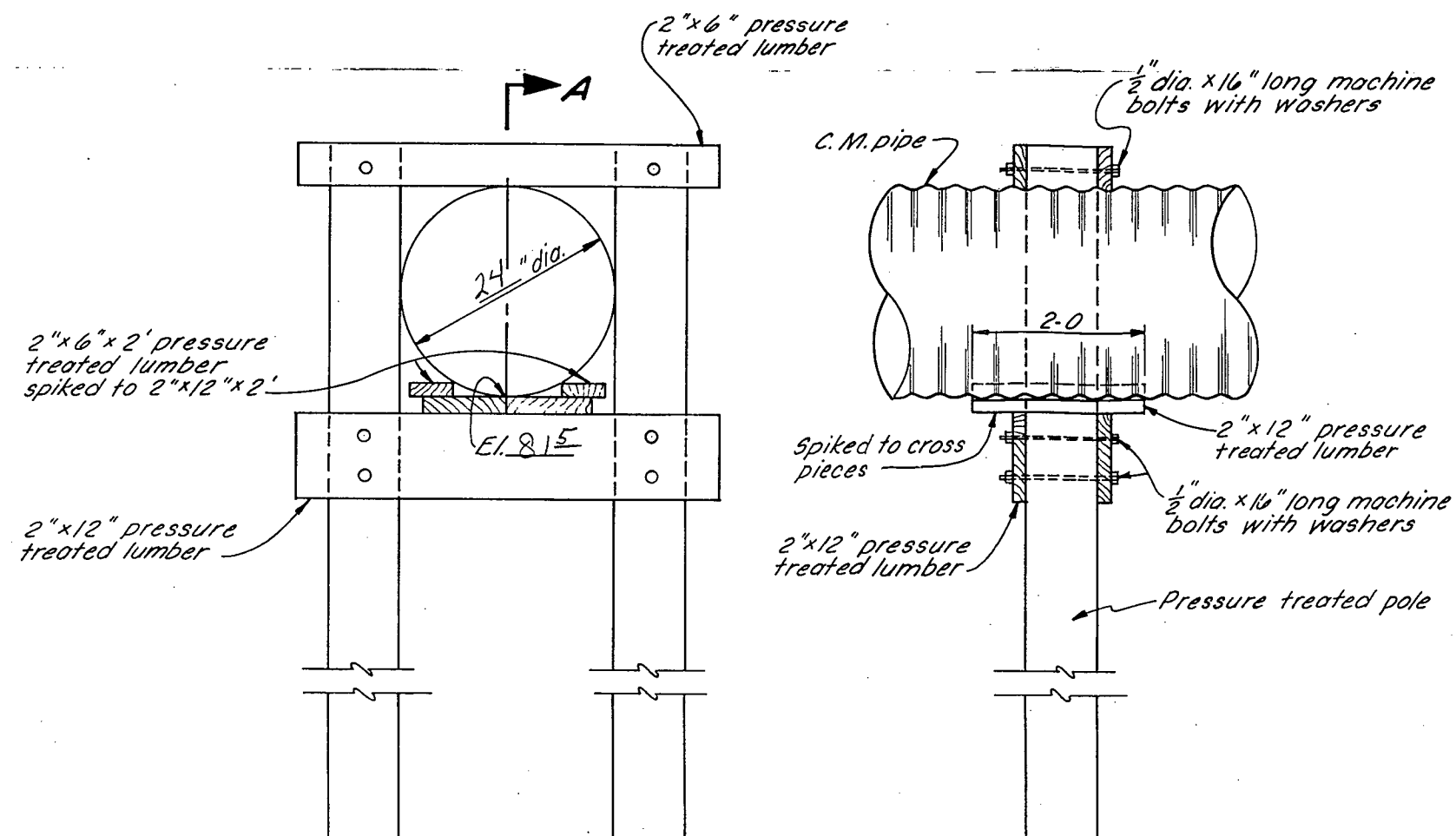
UPSTREAM VIEW

- NOTE:
1. THE 4" DIA. PIPE SHALL BE SDR 35 PVC, OR STRONGER
 2. PROVIDE AN ANIMAL GUARD ON DRAIN OUTLET PIPE. DRILL 2, 1/2" DIA. HOLES, ON 6" FROM END OF PIPE AND PLACE A 3/8" DIA., 5 1/2" LONG GALVANIZED STEEL BOLT THRU THEM AND SECURE WITH A NUT (PLACE BOLT HORIZONTAL).
 3. FILTER SAND WILL BE CLEAN PEA AGGREGATE OR CONCRETE SAND.

SAND ANTISEEP DRAIN

OPERATOR <u>Bobby Jones</u>	
CONSERVATION DISTRICT <u>Stanley Co.</u>	
U.S. DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE	
Designed <u>K. Paulsen</u> Date <u>9-97</u>	Approved by.....
Drawn <u>K. Paulsen</u> Date <u>9-97</u>	Title.....
Traced.....	Title.....
Checked.....	Sheet No. of.....
	Dwg. No. of.....

Rev. 3/96
JOB PLAN NO. 3.8-P



ELEVATION
SECTIONAL ELEVATION A-A

TABLE OF QUANTITIES

ITEM	LENGTH FOR 24" DIA. C.M. PIPE	UNIT	QUANTITY
PRESSURE TREATED POLE 10" DIA.	10'	EACH	2
2" X 12" PRESSURE TREATED LUMBER	5'	EACH	6
2" X 6" PRESSURE TREATED LUMBER	5'	EACH	2
2" X 12" PRESSURE TREATED LUMBER	2'	EACH	3
2" X 6" PRESSURE TREATED LUMBER	2'	EACH	2
1/2" DIA. MACHINE BOLTS WITH NUTS	16"	EACH	10
1/2" DIA. WASHERS		EACH	20

REFERENCE: GUIDE PLAN NO. 4.0

JOB PLAN NO. 4.0

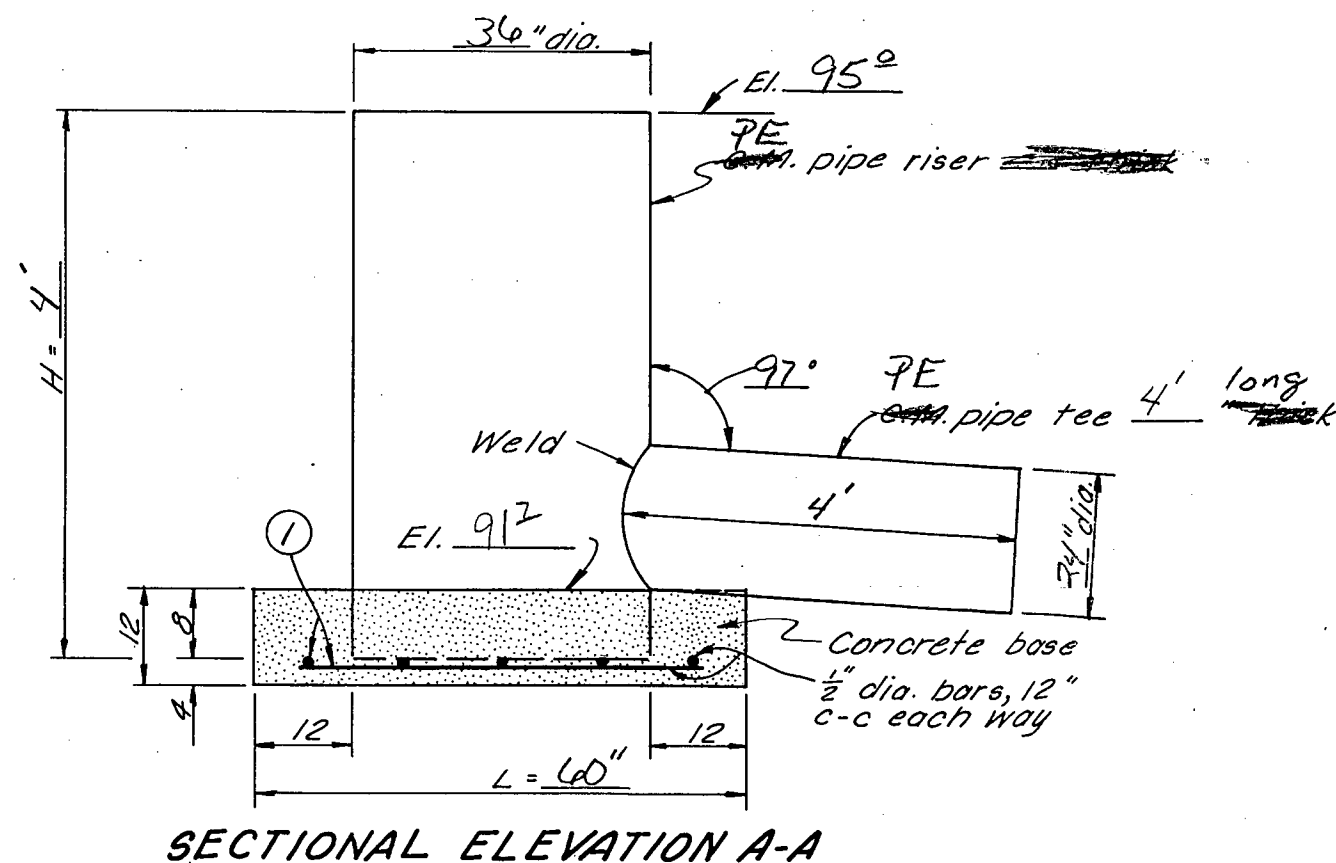
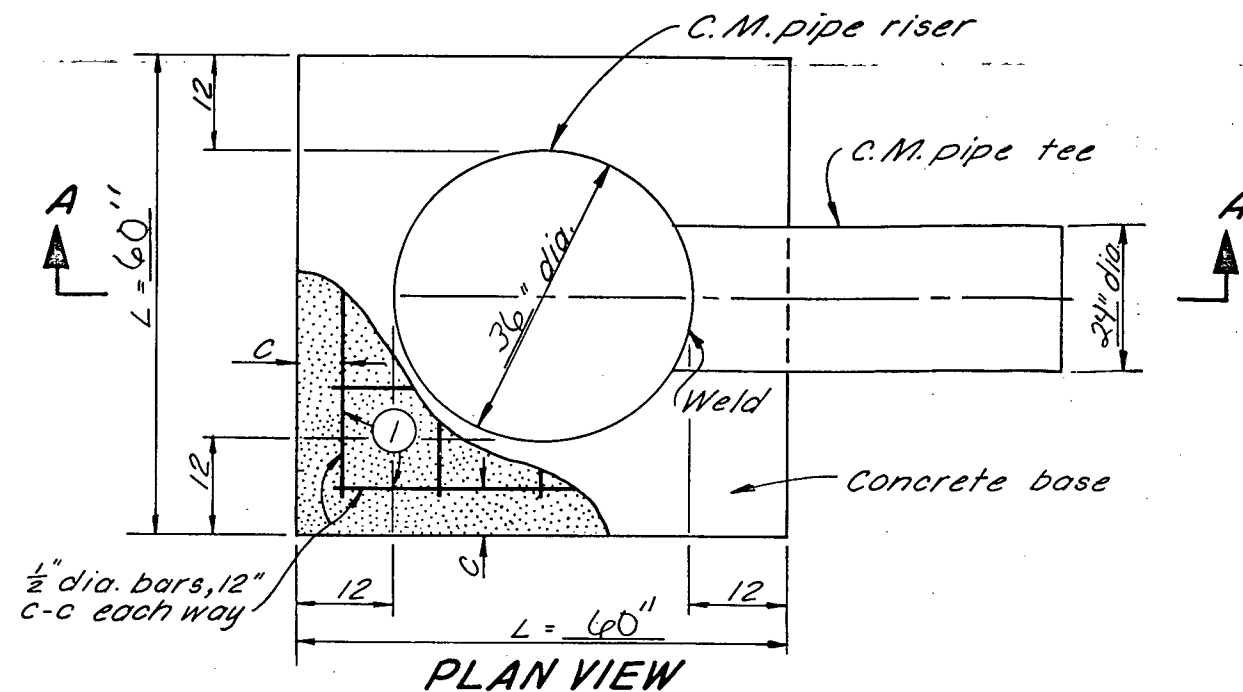
NOTES:

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

TIMBER PIPE SUPPORT

OPERATOR: <u>Bobby Jones</u>	
CONSERVATION DISTRICT: <u>Stanley Co.</u>	
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE	
Designed <u>Kevin Paulsen</u> <u>9-97</u>	Approved by _____
Drawn <u>K. Paulsen</u> <u>9-97</u>	Title _____
Traced _____	Title _____
Checked _____	Sheet _____ Drawing No. _____

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.
36	4	I	STR.	10	4-6	45-0	30	6	5-0

TABLE OF QUANTITIES

ITEM	UNIT	QUANTITY
CONCRETE	CU. YD.	1.0
REINFORCING STEEL	LB.	30

NOTE:

C.M. PIPE RISER WITH FABRICATED TEE

OPERATOR: Bobby Jones

CONSERVATION DISTRICT: Stanley Co.

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed: K. Paulsen Date: 9-97 Approved by: _____

Drawn: _____ Title: _____

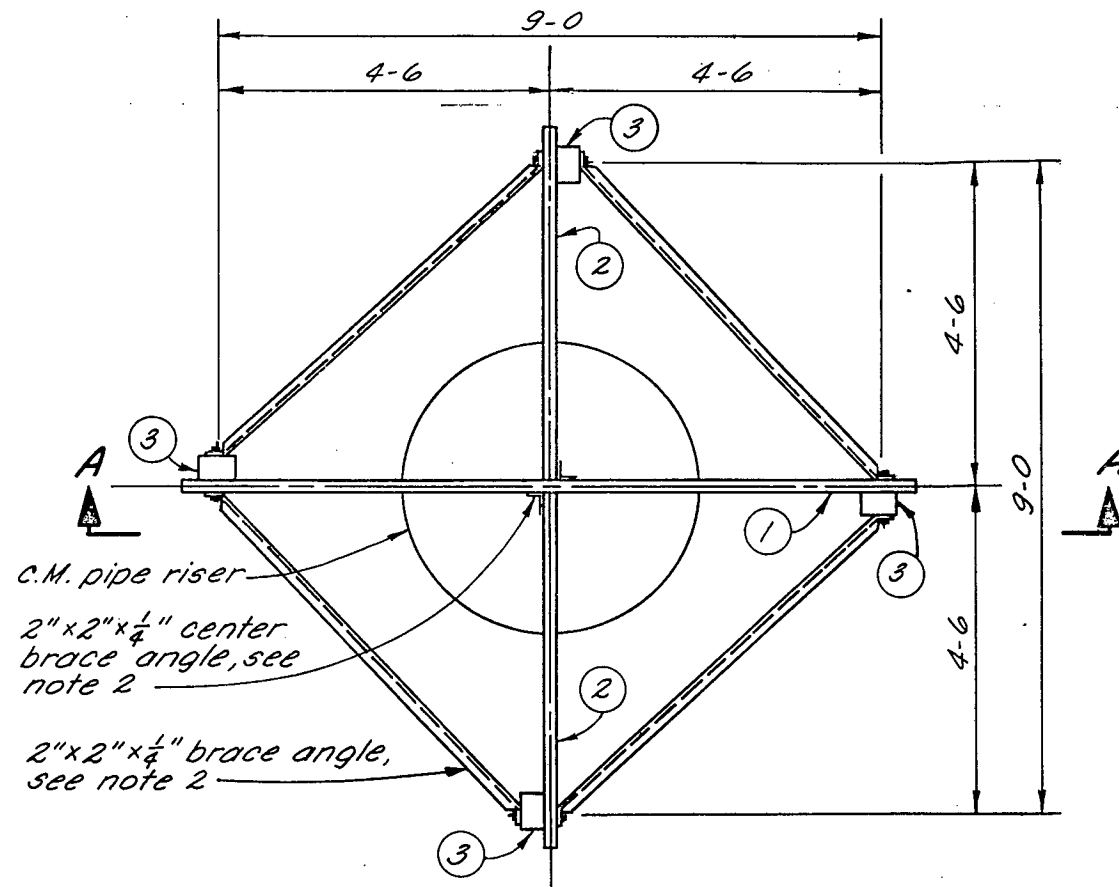
Traced: _____ Title: _____

Checked: _____ Sheet No. _____ Drawing No. _____

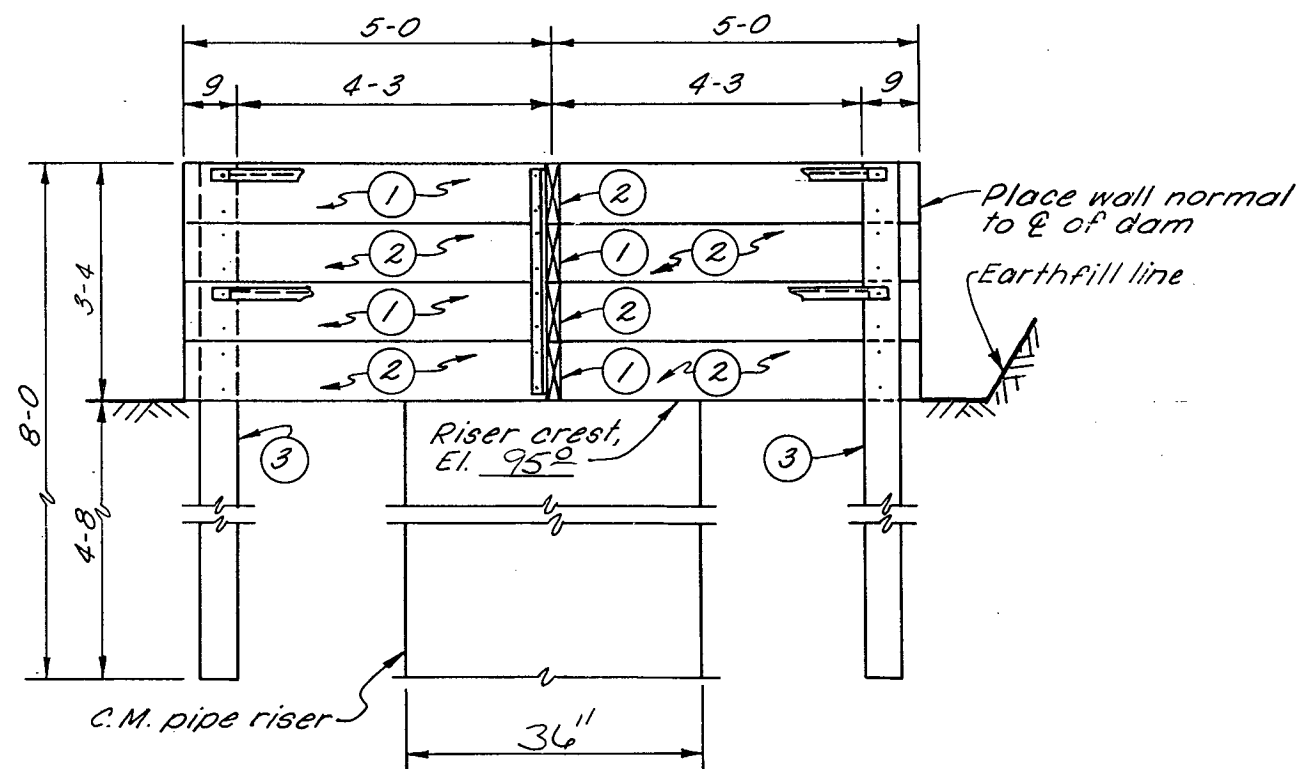
REFERENCE: GUIDE PLAN NO. 5.3

JOB PLAN NO. 5.3

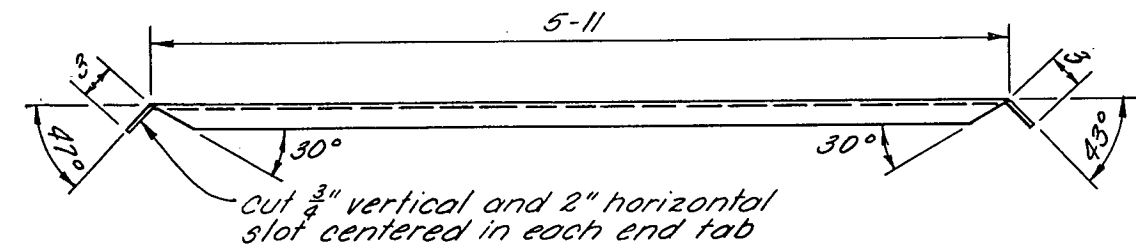
5, N-29,073.5-30



PLAN VIEW



SECTIONAL ELEVATION A-A



PLAN VIEW OF BRACE ANGLE

TABLE OF QUANTITIES

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

NOTES:

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

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

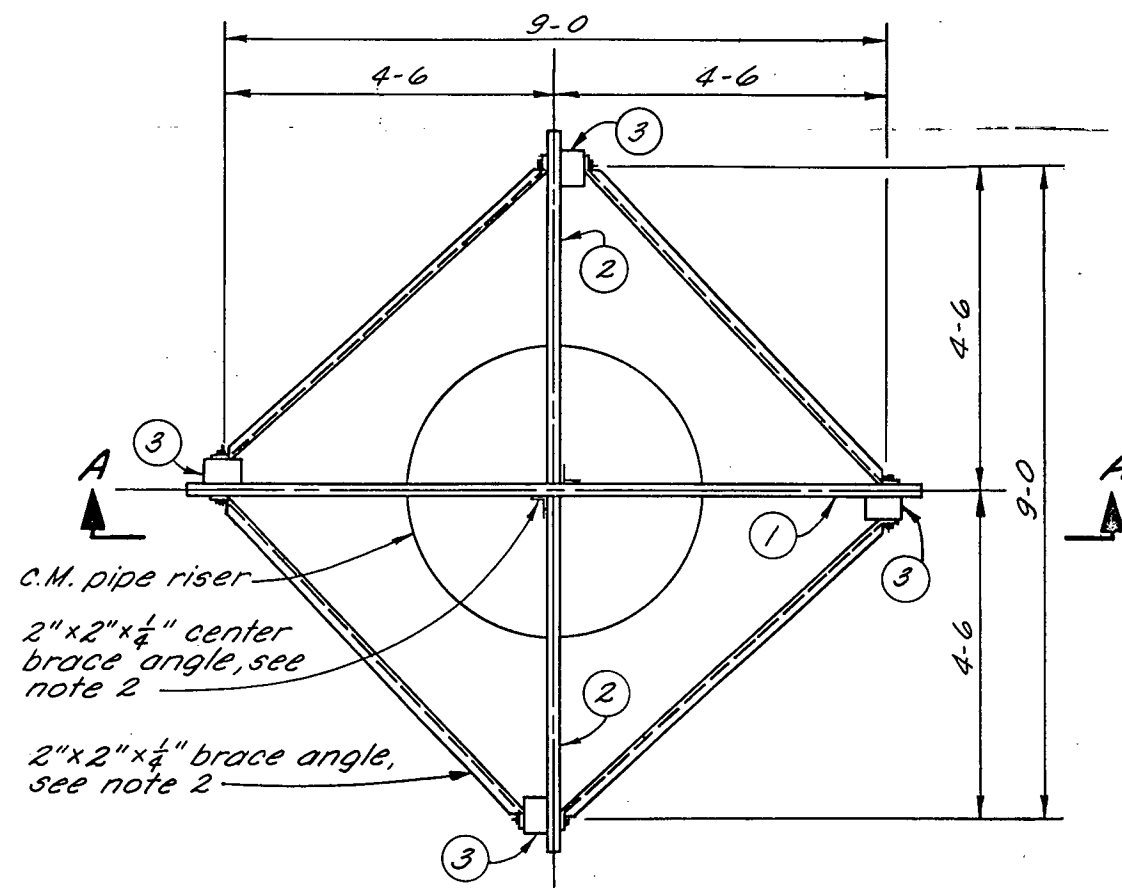
OPERATOR: Bobby Jones
CONSERVATION DISTRICT: Stanley Co.

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

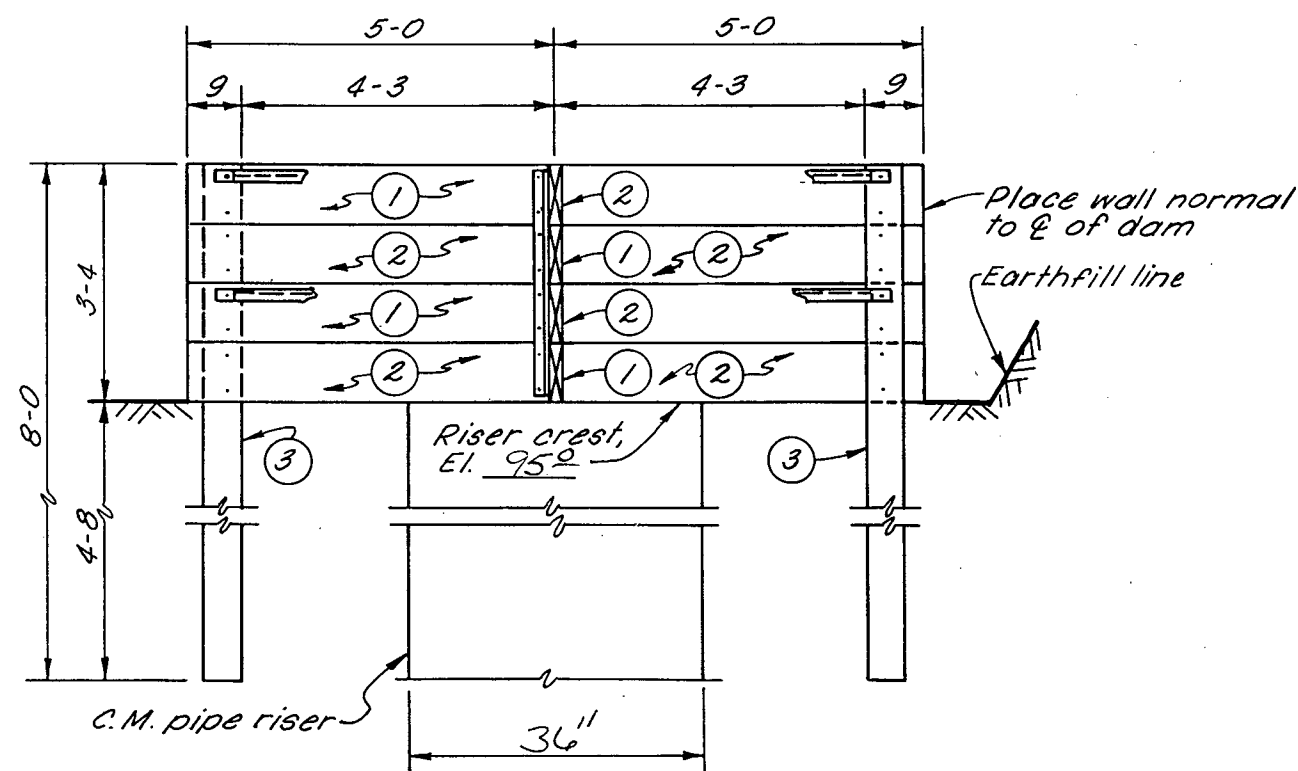
Designed K. Paulsen Date 9-9-57 Approved by _____
Drawn _____ Title _____
Traced _____ Title _____
Checked _____ Sheet _____ Drawing No. _____
of _____

JOB PLAN NO. 6.4

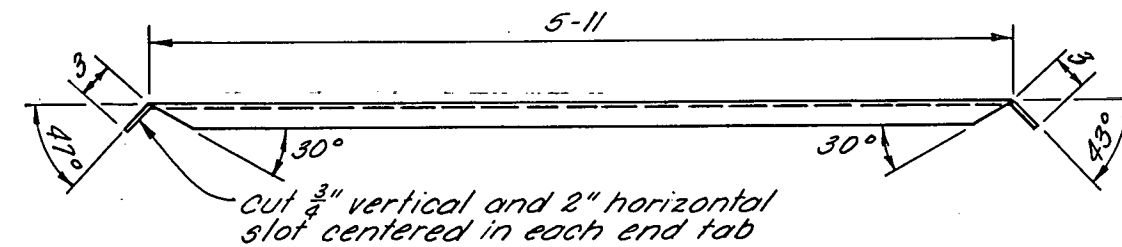
5, N-29, 073.6-40



PLAN VIEW



SECTIONAL ELEVATION A-A



PLAN VIEW OF BRACE ANGLE

TABLE OF QUANTITIES

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

NOTES:

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

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

OPERATOR: Bobby Jones
CONSERVATION DISTRICT: Stanley Co.

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed: K. Paulsen Date: 9-97 Approved by: _____
Drawn: _____ Title: _____
Traced: _____ Sheet: _____
Checked: _____ No. _____
of _____ Drawing No. _____

JOB PLAN NO. 6.4

5, N-29, 073.6-40



BTM - 638

0 Ac

640

3 Ac

645

14 Ac

	<u>Depth</u>	<u>Surf Area</u>	<u>Vol.</u>	<u>Cum. Vol.</u>
	0	0	9.8 Ac. Ft	9.8 Ac Ft
	6.5	3	29.9 Ac. Ft	39.7 Pipe
Emergency →	16.0	<u>9.3 Ac</u>	5.4 Ac. Ft	<u>45.1</u> Top
Top of Fill →	20.0	12 Ac	3.0 Ac. Ft	48.1
	23.0	14 Ac		

$$\frac{7.0}{16.5} \times \frac{x}{11} = 4.7'$$

$$\frac{3}{7} \times \frac{x}{4.7}$$

Robert M. Noe
Dist. Cost
NRCS

1969
10/10/69

1969
11/19/69

Hill

hill

hill

hill

hill

hill

hill

hill

hill

hill

hill

1969

hill

hill

1969

Lowell P. ...
District Conservationist
NRCS - USDA

RECEIPT

415480

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, September 29, 19 97

RECEIVED OF Armstrong Farms, Box 89, Pierre, SD 57501

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 _____	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

REPORT ON
WATER PERMIT APPLICATION NO. 2394-2
VERN ARMSTRONG
OCTOBER 2, 1997

Water Permit Application No. 2394-2 has been filed by Vern Armstrong to appropriate 39.7 acre feet of water annually in a storage dam. The dam is located in the SW1/4 NE1/4 section 15 T6N R27E with water also being impounded in the SE1/4 NW1/4 of the same section. The water is to be used for wildlife habitat, livestock watering and also for improvement of the water quality in the Bad River Drainage.

DISCUSSION:

The proposed dam is located in the upper reaches of Willow Creek, a tributary of the Bad River. There are no other water rights on Willow Creek that would be affected by approval of this application.

Due to the small size (less than 50 acre-feet) and height (less than 25 feet) the design of the structure is not subject to the requirements of the Safety of Dams rules, chapter 74:02:08. The structure will be 20.5 feet high and will store 39.7 acre feet at the primary spillway elevation. The drainage area above the structure is 1.56 square miles (1000 acres). The annual yield for this drainage area is 46.6 acre feet. The peak runoff for a 25 year frequency storm is 516 cubic feet per second. The combined spillway flows is 556 cubic feet per second.

Conclusions:

1. Water Permit Application No. 2394-2 should be approved since unappropriated water is available and approval should not have any adverse effect on existing Water Permits/Rights.
2. This application is not subject to the safety of dams rules because of the size of the structure.



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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2394-2, Vern Armstrong**

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. 2394-2, Vern Armstrong, 1021 N. Willow Ave., Pierre, SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 2394-2 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) it is in the public interest with the following qualification:

Water Permit No. 2394-2 authorizes a dam with storage capacity of 39.7 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.

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
October 2, 1997



**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.

October 3, 1997

Vern Armstrong
1021 N. Willow
Pierre, SD 57501

Dear Mr. Armstrong:

Water Permit Application No. 2394-2 for wildlife, livestock, and water quality 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 Pierre 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

October 3, 1997

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

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2394-2 to be published twice. Please publish the first notice on October 9, 1997, 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 Vern Armstrong, 1021 N. Willow, Pierre, SD 57501 (Ph # (605) 945-1336).

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 October 9, 1997, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2394-2 to Appropriate Water

Notice is given that Vern Armstrong, 1021 N. Willow, Pierre, SD 57501 has filed an application for a water permit to appropriate water by impounding 39.7 acre- feet of water in a storage dam. The dam is located in the SW1/4 NE1/4 Section 15, T6N, R27E with water also being impounded in the SE1/4 NW1/4 of the same section. The water is to be used for wildlife habitat, livestock watering and also to improve the water quality in the Bad River drainage.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2394-2 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 October 27, 1997.

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

I, Peggy Warner

certify that the attached printed Notice was taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

October 9, 1997

October 16, 1997

Cost of Printing 37.23

Peggy Warner
(Signature)

Legal Representative
(Title)

October 17, 1997
(Date Signed)



No. 1240 2tdly 10/9, 10/16 NOTICE OF HEARING on Application No. 2394-2 to Appropriate Water

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Nettie H. Myers, Secretary,
Department of Environment
and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 12 1997

Vern Armstrong
1021 N. Willow
Pierre, SD 57501

Dear Mr. Armstrong:

Enclosed is Water Permit No. 2394-2 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.