

WATER PERMIT NO. 2406-2

Name of Applicant: USDA, Forest Service

Address: 209 N River St, Hot Springs SD 57747

Phone: 605 745-4107

Amount of Water Claimed: 31.3 AF Total Acres: NA

Source of Water Supply: runoff

Water to be used for: fish & wildlife propagation and livestock

County: Fall River

Type of Waste Disposal System:

Location: 20 miles east of Hot Springs

PRIORITY Date Received: 4-1-1998

Fee: \$150.00

Corrected Application Received:

Period of Annual Use: Jan 1 – Dec 31

Remarks:

Diversion Point: NE ¼ SW ¼ Sec 28-T7S-R9E

Water Impounded: NE ¼ SW ¼, NW ¼ SE ¼
Sec 28-T7S-R9E

Depth of Well: NA

Well Driller:

Remarks:

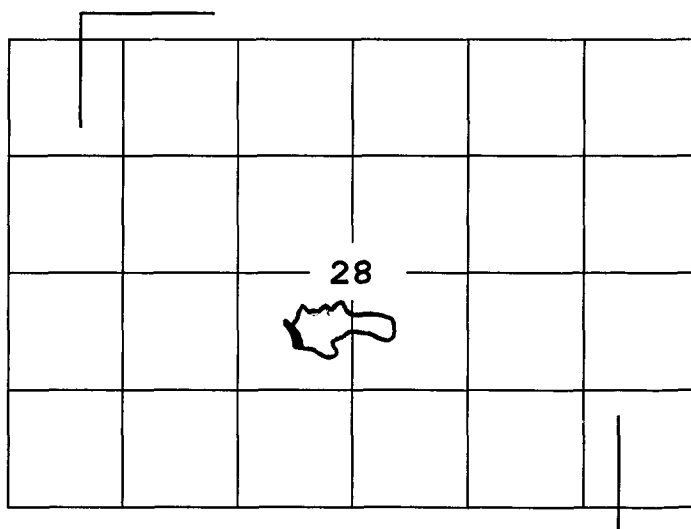
Type of Map: topo

Prepared by: Bob Novoty, USDA Forest Service

Reviewed and the Number Assigned on: 4-1-1998

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 2406-2

Date of first receipt of application April 1, 1998.

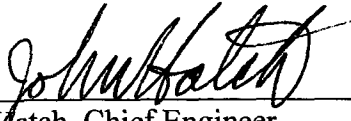
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2406-2 to USDA, Forest Service, 209 River St, Hot Springs SD 57747 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2406-2 impounds 31.3 acre-feet of water annually by reconstructing Island Dam on a tributary of Jim Wilson Canyon located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28 with water impounded in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28; all in T7S-R9E. This permit authorizes impoundment of water sufficient to maintain the water level at the outlet elevation. The applicable portions of Location Notice No. 61869 have been incorporated into this Water Permit.
2. The water appropriated shall be used for the purpose of providing habitat for fish and wildlife propagation and livestock water and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 2406-2 is May 8, 1998.
5. The dates from which applicant may claim right are: August 18, 1975 (17 ac-ft) April 1, 1998 (14.3 ac-ft).
6. One-fifth of the construction is to be completed on or before November 8, 2000.
7. All construction is to be completed on or before May 8, 2003.
8. Water is to be put to beneficial use on or before May 8, 2007.
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. 2406-2 authorizes a dam with storage capacity of 31.3 acre-feet of water and sufficient water annually to maintain the water level to the outlet elevation.
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

JUN 3 1998

date



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) 771-3352	No. <u>2406-2</u>	(office use only) Hydrologic Unit <u>10120109</u>
	Basin <u>Upper Cheyenne</u>	
	Newspaper <u>Hot Springs Star, Hot Springs, 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 <u>Livestock watering</u>	

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. Location Notice-Dry Draw #61869

Description of amendment/correction (i.e. change diversion point(s), add diversion point(s), change use, etc.)

Replace Location Notice with Water Right--reconstruction of stockdam will result in
storage capacity exceeding 25 acre feet

1 Name of Applicant USDA Forest Service Phone 605-745-4107
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 209 N. River St, Hot Springs State SD 57747
(Street RR or Box) (Zip Code)

2 Amount of water claimed _____ *CFS or _____ **GPM 31.3 ***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 Intermittent tributary of Jim Wilson Canyon

4 Location of point of diversion (example: 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) Stockdam in NE 1/4 SW 1/4 of
Section 28, T7S, R9E BHM approximately 120 rods east and 120 rods north of the
SW corner of said section Water Impounded: NESW, County _____
NWSE, SEC. 28-T7S-R9E

5 County or counties where water will be used Fall River

6 Annual period during which water is to be used Jan 1 - Dec 31 5/16-10/31
Fish & Wildlife yearround, livestock watering

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)

The Island Dam spillway washed out during the spring of 1997. The stockdam has supported a fishery and provided water for livestock grazing since its construction in 1975. The proposal is to reconstruct the dam through raising the embankment approximately 4 foot in elevation and reloacting the emergency spillway. Design specifications drawn up Gerald Miller of the NRCS Area Office in Rapid City.

STATE OF SOUTH DAKOTA)
County of Fall River) SS

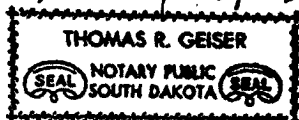
Attachments Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed Attach map and any other technical information (see instructions)

I, Robert Hodorff, 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 Robert Hodorff

Subscribed and sworn to before me this 31st day of March 19 98

my Notary Expires 5/11/2003



Thomas R. Geiser
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 _____ 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) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

3. Dugout Information

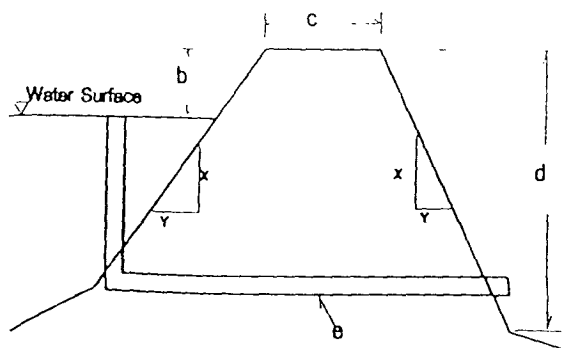
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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

Gerald Miller, NRCS Area Office
1530 Samco Dr
Rapid City, SD 57702



- b) Freeboard 3 feet
- c) Crest Width 12 feet
Crest Length 570 Feet
- d) Height 20.9 feet
- e) Primary Outlet Capacity n/a
If pipe, diameter n/a
- f) Secondary Spillway Capacity 316 cfs
Spillway Width 30 feet
- g) X & Y Slope
Upstream 3:1
Downstream 2:1
- h) Surface Area of Impoundment 5.1 acres
- i) Storage 31.3 Acre Feet
- j) Drainage Area Above Dam 306 Acres

ISLAND DAM

**T 7 S, R 9 E, BHM
Section 28**

LEGEND

**Scale: 1:24000
USGS Quadrangle: Smithwick NE**

ISLAND DAM EMBANKMENT LOCATION

Embankment location mapped using GPS
Capacity of reservoir at maximum pool elevation: 31.3 acre feet
Reservoir located on unnamed intermittent tributary of Jim Wilson Canyon
Map prepared by:

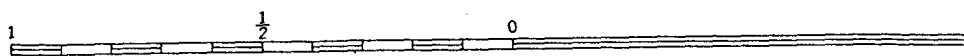
Bob Novotny
Bob Novotny 3/98

(OELRICHS 1:125000)

SCALE 1:24000

5'

230"

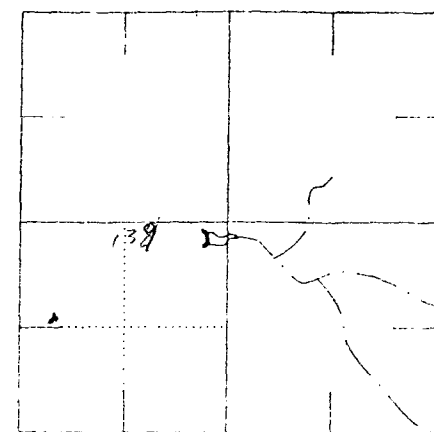


1 MILE

2406-2

STRUCTURE DATA

DRAINAGE AREA ACRES	ANNUAL YEILD 2-YR. AC.FT.	PEAK RUNOFF 25-YR. C.F.S.	EMERGENCY SPILLWAY CAPACITY C.F.S.	WATER DEPTH FT.	SURFACE AREA ACRES	SEDIMENT STORAGE AC.FT.	TOTAL STORAGE AC.FT.
306	11.73	316	316	12	5.1	2.0	31.3



SEC. 28 T. 75 R. 9E
FALL RIVER COUNTY
LOCATION MAP

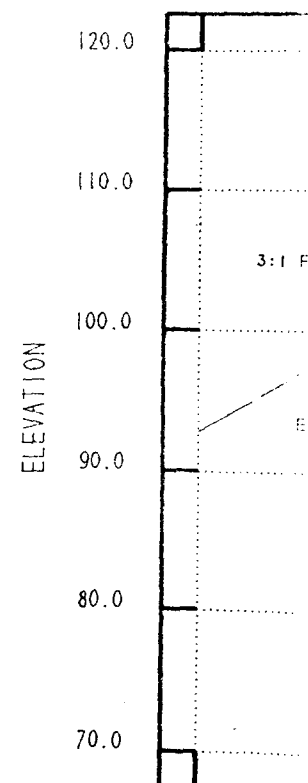
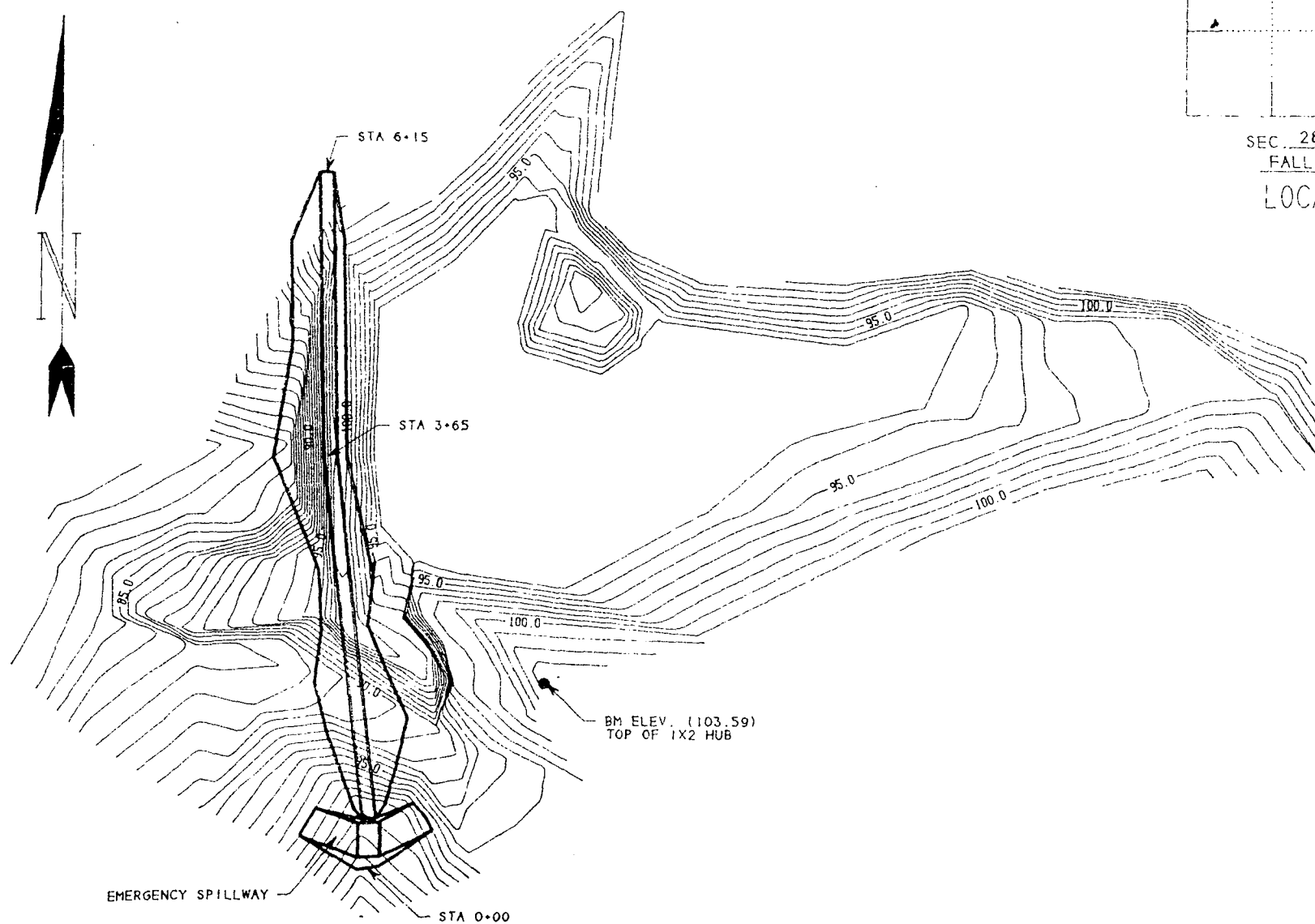
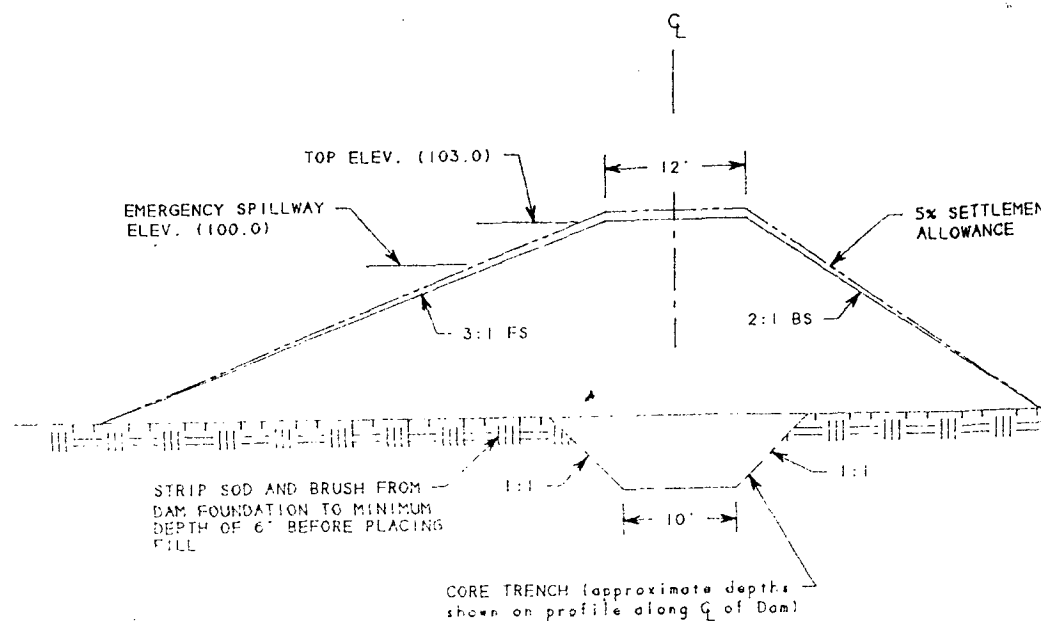


TABLE OF QUANTITIES

ITEM OR MATERIAL	UNIT	QUANTITY AS BUILT
1. DAM EARTHFILL	cy.	4600
2. STRIPPING EXCAVATION	cy.	520
3. CORE TRENCH EXCAVATION	cy.	220

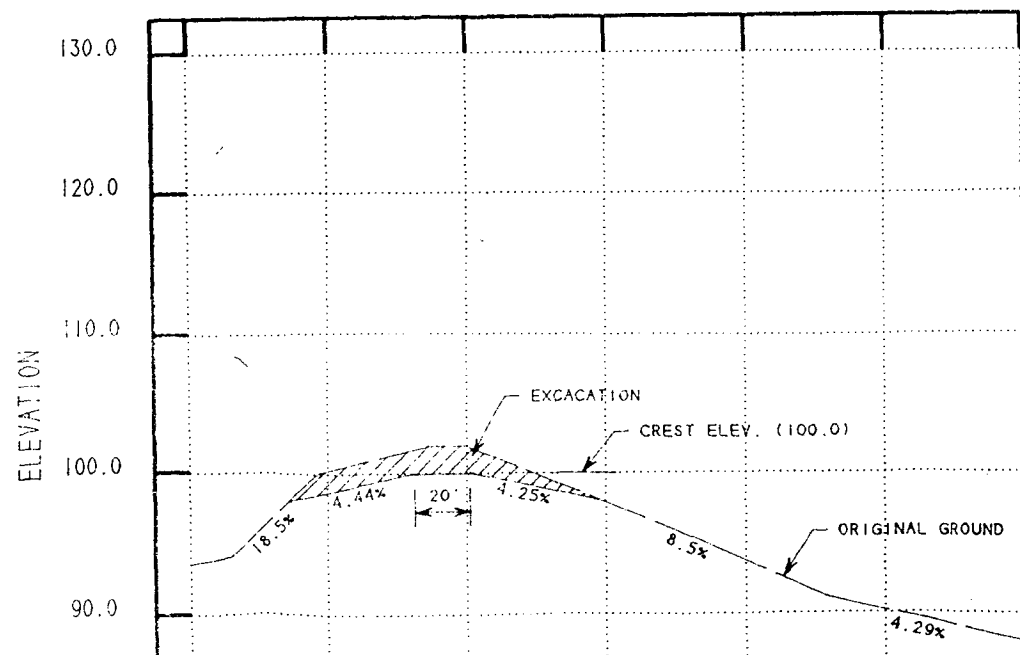
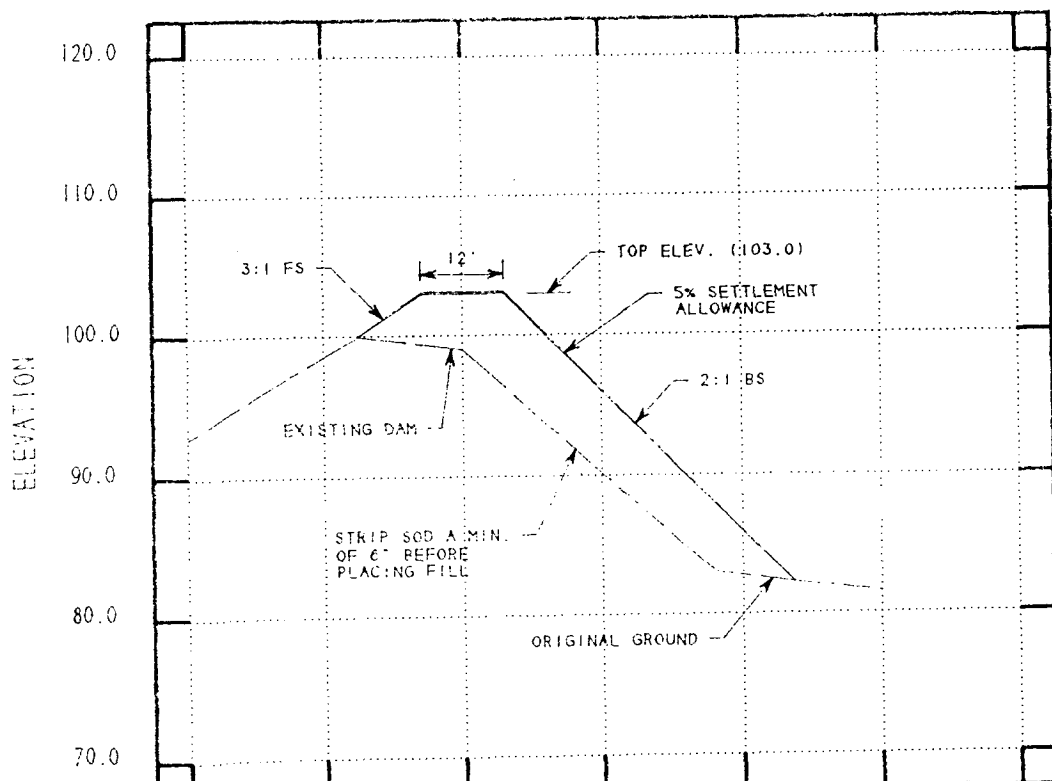
STRUCTURE DATA

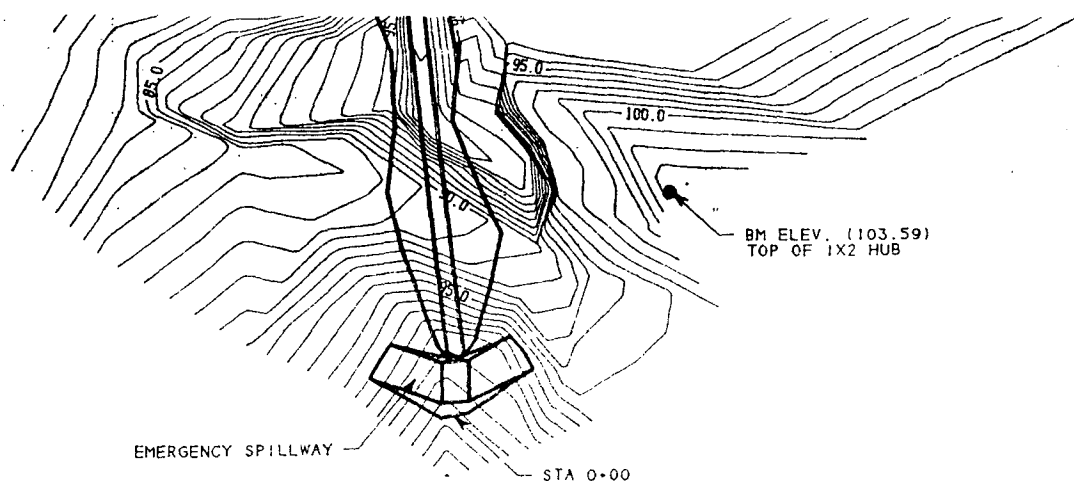
DRAINAGE AREA - 306 ac.
 FILL HEIGHT - 20.9' (Top of Dam to Downstream toe)
 FILL LENGTH - 520' ft.
 EFFECTIVE HEIGHT - 19.4'
 STORAGE • EMERGENCY SPILLWAY - 31.3 ac-ft.
 STORAGE TOP OF DAM - 47.9 ac-ft.
 STORAGE X EFFECTIVE HEIGHT - (31.3)(19.4) = 607
 EMERGENCY SPILLWAY DESIGN STORM - 25 yr



TYPICAL CROSS SECTION OF DAM

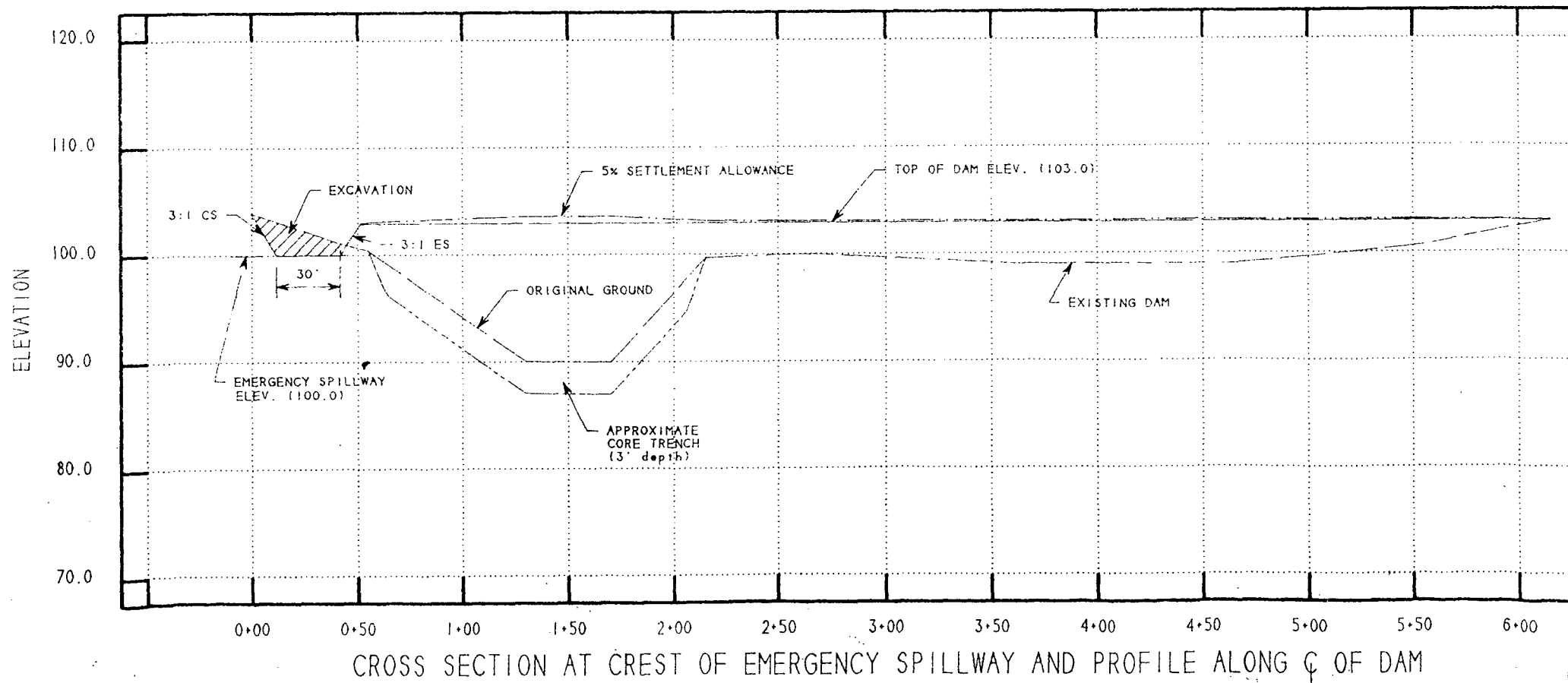
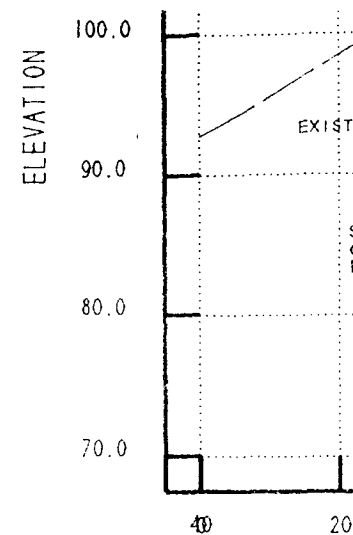
75 R. 9E
 ER COUNTY
 ON MAP

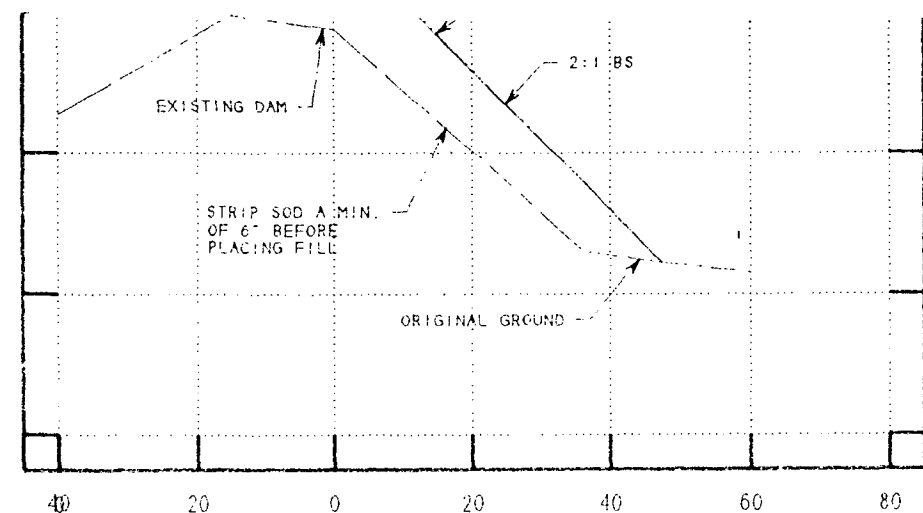




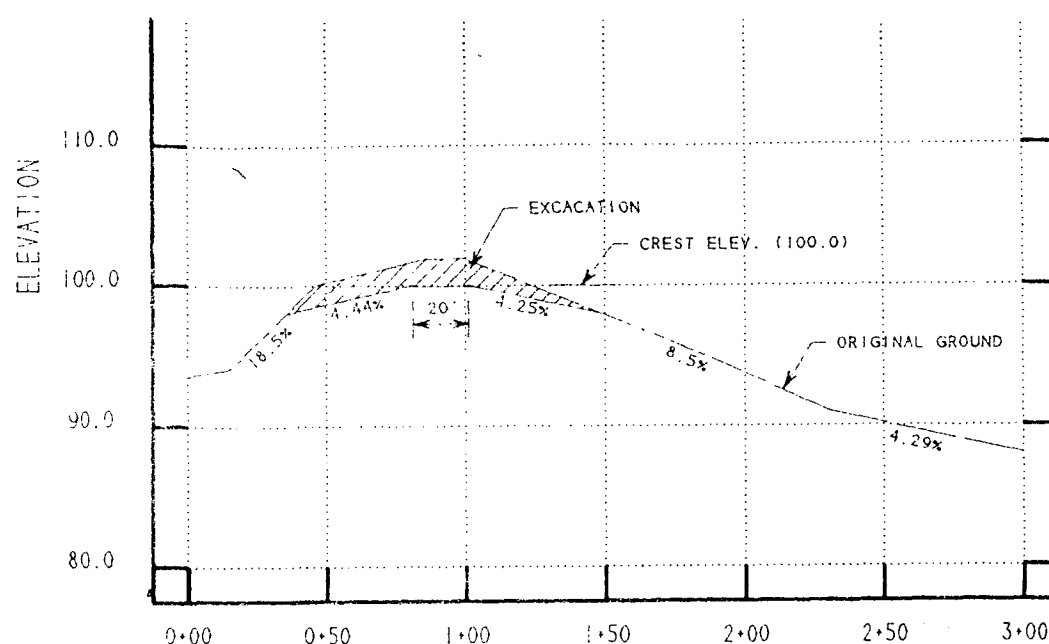
PLAN VIEW OF DAM AND RESERVOIR AREA

APPROXIMATE SCALE 1" = 100'

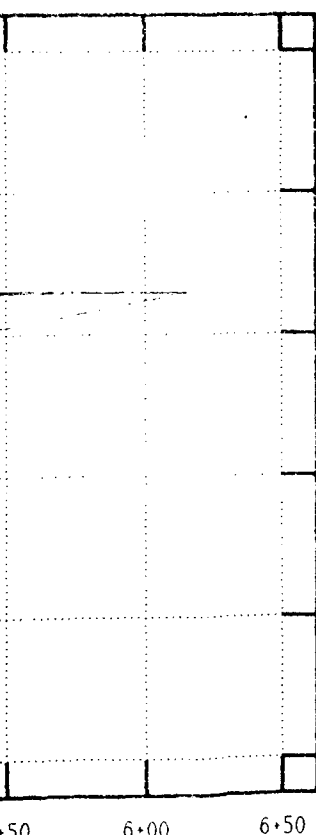




CROSS SECTION OF DAM STA 3+65



PROFILE ALONG C OF EMERGENCY SPILLWAY



SOUTH DAKOTA CONSTRUCTION AND MATERIAL SPECIFICATIONS

SD-4 STRIPPING
SD-5 EXCAVATION
SD-7S EARTH-FILL -CLASS S- (Method Type Compaction)

SEDIMENT YIELD

ERODIBILITY AREA ACRES	GROSS RATE A.E. /AC. /YR.	DRAINAGE AREA ACRES	DELIVERY RATE %	DESIGN PERIOD YEARS	REQ'D. SEDIMENT VOLUME AC. FT.
P	0.0011	306	24	25	2.0

BUFFALO GAP GRASSLANDS
USFS ISLAND DAM (DAM REST.)
FALL RIVER CO. SD. - FALL RIVER CD.
NE1/4 SW1/4 28-T7S-R9E



U.S. Department of Agriculture
Natural Resources Conservation Service

DESIGNED... g. miler

DRAFTED... g. miler

DATE... 2/98

APPROVED BY *Harold C. Miller*

TITLE *Civil Eng. Technician*

DWG NO.

SHEET 1 OF 1

bgj:lan

JOB PLAN 1.0A 1/97

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

42 415716

Pierre, April 1, 19 98

RECEIVED OF US Forest Service, 209 N. River Street, Hot Springs, SD 57747
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>2406-2</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 _____
Chief Engineer

John Hatch



United States
Department of
Agriculture

Forest
Service

Nebraska
National
Forest

Fall River Ranger District
209 N. River
Hot Springs, SD 57747
605 745-4107

File Code: 2540

Date: March 31, 1998

Water Rights Program, DENR
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



Dear Sir:

Enclosed is an application for a water permit for the Island Dam located on the Buffalo Gap National Grassland in Fall River County. Included in this application are:

- Two completed copies of Form 2
- Two completed copies of Form 2A
- Two maps of the project area
- Two copies of plans provided by the NRCS
- Third Party Draft in the amount of \$150.00.

If you have any questions or are in need of additional information regarding this application, please direct them to Bob Novotny of this office.

Sincerely,

ROBERT HODORFF
Acting District Ranger

Enclosure



Caring for the Land and Serving People



Water Permit Application No. 2406-2
USDA Forest Service
Island Dam

Top of Dam Elev. - 103
Spillway Elev. 100
D/S Toe Elev. 82 } Height = 21 ft.

Normal Storage Capacity = $\frac{31.3}{47.9}$ Ac.-Ft.
Maximum Storage Capacity = $\frac{47.9}{47.9}$ Ac.-Ft.

This dam has a Height < 25 feet and a Maximum Storage Capacity < 50 Ac-Ft. Therefore it is too small to be classified as a dam under Safety of Dams Rules, Chapter 74.02.08

No P&S Review Required

30 ft. spillway $Q = C L H^{3/2}$
 $= (2.6)(30)(3)$
 $= \underline{405 \text{ cfs}}$

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

$$\begin{aligned} P_{\text{res}} &= 83.4 \text{ A}^{.60} \text{ S}^{.44} \text{ S}^{.72} \\ &= 83.4 (.48)^{.6} (100)^{.44} (1.76)^{.72} \\ &= 83.4 (.64) (7.58) (0.66) \\ &= \underline{270 \text{ cfr}} \end{aligned}$$

$DA = 306 \text{ A}_c = 0.48 \text{ m}^2$
 $S_i = 1.76$
 $S = 100 \text{ ft}^2/\text{mi}^2$

NRCS Annual Yield

8870 = .17
 .17 x 30 1/2 = 4 A-Fl.

5070: 0.46
 $0.46 \times 306/2 = 12 \text{ Ac-Ft.}$

10% = 2.0
2.0 x 306/12 = 51 Ac-Ft.

DA = 306 Ac
Iso = 1 1/2
CN = 80

REPRODUCTIONS. REMOVED FROM ORIGINAL. 10-10-1962

LOCATION NOTICE - DRY DRAW

Fall River
County

61869
Dry Draw No.

I, USDA, Forest Service, of
Name

Star Route, Box 200 Hot Springs 57747 Fall River
Address & Zip Code Town County

owner, of the following described land, do hereby notify the Water
owner or operator

Resources Commission of the State of South Dakota and all others concerned that I am exercising my right under Section 61.0138 of the 1960 Supplement to the South Dakota Code of 1939, for construction of a Dry Draw dam for the purpose of storing
(storing, diverting, or both)
flood waters for livestock purposes.

The following data is presented in compliance with Section 61.0138, as amended:

(1) Dates of

(a) This application August 18, 1975

(b) Posting at construction site August 25, 1975

(2) Legal description of the land upon which the dam is located. STATE OF SOUTH DAKOTA

Section 28, Township 7S, Range 9E. The dam is located 140 rods
E and 90 rods N of the SW corner of said Section
(N.S.E.W.) (N.S.E.W.) (NW,NE,SE,SW)

in the County of Fall River

The owner of the land is USDA, Forest Service, Hot Springs
Name Address

(3) Amount of water claimed for all purposes each year 17 acre feet.

(4) Storage capacity of reservoir 17 acre feet.

(5) Surface area of reservoir 2.5 acres.

(6) Size of watershed above dam 232 acres.

(Over)

Enclosed herewith is one dollar (\$1.00). The Water Resources Commission is requested to file this Location Notice in their official records.

A copy of this Location Notice has been filed (do not record) with the Register of Deeds of Fall River County and has been posted at the structure site in accordance with Section 61.0138 of the Water Laws.

USDA, Forest Service

Owner

by James C. Johnson
Locator
James C. Johnson

STATE OF SOUTH DAKOTA

County of Fall River } ss.

On this 19th day of August, 19 75, before me

Clara M. Clay

Notary Public

(Notary Public or other Official having a seal)

in and for the County and State aforesaid, personally appeared James C. Johnson
to me personally known to be the person who executed the foregoing instrument and acknowledged that —he executed the same for the purposes therein set forth.

Witness my hand and official seal the day and date above written.

Clara M. Clay
Clara M. Clay Name

Notary Public

Title

(SEAL)

REPORT ON
WATER PERMIT APPLICATION NO. 2406-2
USDA FOREST SERVICE
April 6, 1998

Water Permit Application No. 2406-2 has been filed by the USDA Forest Service (USFS) to impound 31.1 acre-feet of water annually by reconstructing Island Dam. Island Dam is located in the NE ¼ SW ¼ of Section 28-T7S-R9E, in Fall River County. The water will be used to provide habitat for fish and wildlife propagation and livestock watering.

Discussion:

Dry Draw Location Notice No. 61869 was filed on August 18, 1975 to store 17 acre-feet of water in Island Dam. The earthcut spillway washed out in 1997. The NRCS has redesigned the dam by raising the top of dam elevation three feet and constructing a new 30 foot wide earthcut spillway.

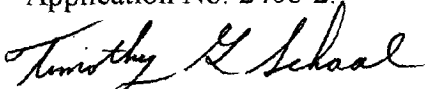
The new dam will be 21 feet high with a normal storage capacity of 31.1 acre-feet with a reservoir level at the spillway elevation, and a maximum storage capacity of 48 acre-feet with a reservoir level at the top of dam elevation. Due to the small size of the new dam, the design of the structure is not subject to the requirements of the Safety of Dams Rules, Chapter 74:02:08. However, a dam of this size would be required to pass a 25 year frequency event, which would be approximately 270 cfs for the 306 acre watershed. The 30 foot wide earthcut spillway with three feet of available freeboard has the capacity of pass approximately 400 cfs.

The annual yield for the drainage area above the dam with a 80 percent chance of occurrence, or 8 out of 10 years, is expected to be 4 acre-feet. The annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 12 acre-feet, and the annual yield with a 10 percent chance of occurrence, or 1 out of 10 years, is expected to be 51 acre-feet.

The new Island Dam will be located in the NE ¼ SW ¼ of Section 28-T7S-R9E on an unnamed tributary to Jim Wilson Canyon about 7 miles upstream of the confluence of Jim Wilson Canyon and the Cheyenne River. There are no existing Water Permits/Rights located on the Jim Wilson Canyon that would be adversely effected by the approval of Water Permit Application No. 2406-2. Location Notice No. 1616-2 was filed in November of 1949, for a 187 acre-foot dam located in the SW ¼ of Section 5-T7S-R9E about five miles downstream of Island Dam. This dam has a drainage area of approximately 10 square miles and should not be adversely effected by the proposed dam.

Conclusion:

1. Water Permit Application No. 2406-2 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 domestic use should be a qualification on Water Permit Application No. 2406-2.



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. 2406-2, USDA Forest Service**

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. 2406-2, USDA Forest Service, c/o Robert Hodorff, 209 N. River Street, Hot Springs, SD 57747.

The Chief Engineer is recommending APPROVAL of Application No. 2406-2 for a total of 31.3 acre feet of water with Dry Draw Location Notice No. 61869 being incorporated into No. 2406-2 with an August 18, 1975, priority date for 17 acre feet of water and a April 1, 1998, priority date for storage of the additional 14.3 acre feet of water 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 qualifications:

1. Water Permit No. 2406-2 authorizes a dam with storage capacity of 31.3 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
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
April 9, 1998



**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 14, 1998

USDA, Forest Service
Robert Hodorff
209 N. River Street
Hot Springs, SD 57747

Dear Mr. Hodorff:

Water Permit Application No. 2406-2 for fish & wildlife propagation and livestock 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 Hot Springs Star printed at Hot Springs, SD (Ph # (605) 745-4170). 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 14, 1998

Hot Springs Star
Box 1000
Hot Springs, SD 57747-1000

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2406-2 to Appropriate Water to be published twice. Please publish the first notice on April 21, 1998, 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 USDA, Forest Service, %Robert Hodorff, 209 N. River Street, Hot Springs, SD 57747 (Ph # (605) 745-4107).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 2406-2

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

Date _____

We are in receipt of your letter of April 14, 1998, enclosing Notice of Hearing to Appropriate Water by Application No. 2406-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on April 21, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2406-2 to Appropriate Water

Notice is given that USDA, Forest Service, 209 N River St, Hot Springs SD 57747 has filed an application for a water permit to impound 31.3 acre feet of water annually by reconstructing Island Dam on a tributary of Jim Wilson Canyon located in the NE ¼ SW ¼ Section 28 with water impounded in the NE ¼ SW ¼, NW ¼ SE ¼ Section 28; all in T7S-R9E. This application requests impoundment of water sufficient to maintain the water level at the outlet elevation. Water is to be used to provide habitat for fish and wildlife propagation and livestock watering purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2406-2 with Dry Draw Location No. 61869 incorporated 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 May 8, 1998.

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.



AFFIDAVIT OF PUBLICATION

State of South Dakota)
) ss.
 County of Fall River)

112

**NOTICE OF APPLICATION NO.
 2406-2 to Appropriate Water**

Notice is given that USDA, Forest Service, 209 N River St, Hot Springs SD 57747 has filed an application for a water permit to impound 31.3 acre feet of water annually by reconstructing Island Dam on a tributary of Jim Wilson Canyon located in the NE 1/4 SW 1/4 Section 28 with water impounded in the NE 1/4 SW 1/4, NW 1/4 SE 1/4 Section 28, all in T7S-R9E. This application requests impoundment of water sufficient to maintain the water level at the outlet elevation. Water is to be used to provide habitat for fish and wildlife propagation and livestock watering purposes.

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Apr. 21, 28

Tim Franklin of Hot Springs, Fall River County, South Dakota, being duly sworn, upon oath says that he is the publisher of the Hot Springs Star, is a legal newspaper, as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, and is published at Hot Springs, county and state aforesaid; that the advertisement headed —

Notice of Application
to Appropriate Water
2406-2

a true printed copy thereof is hereunto annexed, was published in the said Hot Springs Star, in the regular and entire issue of said paper,

for two

successive issues, beginning with the issue dated _____

April 21, 19 98

and ending with the issue dated _____

April 28, 19 98

That the full amount of the fee charged for the publication of said notice is \$ 36.18, and that

no agreement or understanding, for the division thereof, has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever, that the whole amount insures to the benefit of the publishers of said newspaper.

Tim Franklin

Subscribed and sworn to before me this 28 day of April

19 98

Loraine M. Leonard

Notary Public



Pioneer Cooperative Grazing Association
PO Box 173
Delrichs, SD 57763

May 5, 1998

Cheif Engineer
Water Rights Program
Foss Building
523 E Capitol
Pierre, SD 57501

Dear Sir:

This letter is in reference to application number 2406-2 to appropriate water. This application is for the reconstruction of the dam known as Island Dam which is on a tributary of Jim Wilson Canyon. This dam could impound 31.3 acre feet of water in the NE1/4SW1/4, NW1/4SE1/4 Section 28 all in T75 - R9E in Fall River Co.

Pioneer Grazing Association, as National Grassland Users, supports the approval of this application. This dam is needed for our members livestock that graze on this allotment and it would also assist in range management of the surrounding grassland. This dam would be benifical for fish habitat because of its projected size and depth. Other wildlife from water fowl to large game animals would also benifit from the water. Pioneer Grazing Association, therefore, requests approval of this application as it enhances the multiple use concept of the National Grasslands.

Sincerely,

Dave Dunbar, President
Pioneer Grazing Association



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 3 1998

USDA, Forest Service
Robert Hodorff
209 N. River St.
Hot Springs, SD 57747

Dear Mr. Hodorff:

Enclosed is Water Permit No. 2406-2 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 11/9/98

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

FROM: USDA, Forest Service, Fall River Ranger District, 209 N. River St
(name) (address)
Hot Springs, SD 57747 (605) 745-4107
(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. 2406-2.

Water Permit No. 2406-2 states that the diversion system is to be constructed by May 8, 2003, and that the water is put to beneficial use by
(date)
May 8, 2007.
(date)

The diversion system was completed on October 14, 1998.
(date)

Applying the water to beneficial use was completed on October 14, 1998.
(date)

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

Clint Kyhl
CLINTON D. KYHL (signature)
District Ranger



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 13, 2002

2406-2, 2408-2, 2409-2

U.S. Forest Service
209 N River St.
Hot Springs SD 57747

Dear Sir

On August 28, 2001 the investigation of three dams, including the extent of application of water to beneficial use, as developed under Water Permit Nos. 2406-2, 2408-2 and 2409-2, was completed by Tim Schaal, a staff engineer with our program. The final water right document, the water licenses, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of each water license (invoice enclosed). Upon receipt of the \$150.00 fee, we will complete processing the water licenses. The check or money order for the fee should be made payable to the "Water Rights Program".

A 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 permits, investigation of the dams or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

* INVOICE *

Invoice No. 20411-2406,2408,2409-2

US Forest Service
209 N River St.
Hot Springs, SD 57747

3 Licenses @ \$50.00 each

\$150.00

Water Permit Nos. 2406-2, 2408-2 and 2409-2

PLEASE PAY THIS AMOUNT:

\$150.00

Glenda Marks
Secretary
Water Rights Program
(605) 773-3352

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417093

Pierre, FEBRUARY 22, 20 02

RECEIVED OF US Forest Service, 209 N. River St., Hot Springs, SD 57747
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. 2406-2 _____

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Darland Erbel

Chief Engineer

gm

Permit No. 2406-2
Upper Cheyenne River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day, August 28, 2001, made a thorough examination of the water use system constructed by US Forest Service of 209 N. River Street holder of Permit No. 2406-2, bearing the priority of April 18, 1975 (17 Ac-ft) and April 1, 1998 (14.3 Ac-ft) authorizing the storage of 31.3 acre-feet of the waters of runoff for fish & wildlife production and livestock watering purposes, in Fall River County.

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

A. Works used to divert the water:

21 ft. high dam that stores 31.3 acre-feet of water

B. Works used to transport water to place of use:

N/A

C. Works used to apply water to beneficial use:

21 ft. high dam that stores 31.3 acre-feet of water

The system is in the following condition good. The point of diversion is located 2000 ft. north & 2000 ft. east of the SW corner of Sec. 28-T7S-R9E (NE 1/4 SW 1/4). The works are capable storing 31.3 acre-feet of water which is to be used for fish & wildlife production and livestock watering. Water has been put to beneficial use to the maximum extent as follows:

21 ft. high dam that stores 31.3 acre-feet of water

and the license should be issued for 31.3 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: February 6, 2002



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

REPORT ON INSPECTION OF PERMIT NO. 2406-2

Other permit(s) associated with the project: Location Notice No. 61869

DATE OF INSPECTION: August 28, 2001

NAME & ADDRESS OF INSPECTION CONTACT/ Bob Novotney (USFS)

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: employee

NAME & ADDRESS OF PERMIT HOLDER: US Forest Service, 209 N. River Street,
Hot Springs, SD 57747

DIVERSION POINT LEGAL LOCATION: 2000 ft. north & 2000 ft. east of the SW corner of
Sec. 28-T7S-R9E (NE 1/4 SW 1/4).

DAM INFORMATION:

- 1) Height to crest 21 feet
- 2) Height to primary spillway 18 feet
- 3) Height to secondary spillway N/A feet
- 4) Crest width 12 feet
- 5) Crest length 570 feet
- 6) Spillway length XXX feet
- 7) Spillway width 30 feet
- 8) Approx. storage (Normal) 31.3 acre-feet
- 9) Approx. storage (Maximum) 48 acre-feet
- 10) Date constructed: October 14, 1998

PERMIT QUALIFICATIONS AND REGULATIONS:

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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2406-2

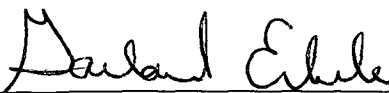
(1) USDA, Forest Service, 209 N. River St., Hot Springs SD 57747 made Application No. 2406-2, April 1, 1998 for a water permit to impound 31.3 acre-feet of water from runoff (tributary to Jim Wilson Canyon), Fall River County, South Dakota for fish & wildlife propagation and livestock water purposes. Permit No. 2406-2, with a priority date of August 18, 1975 and April 1, 1998 was approved May 8, 1998 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 8, 2003 and for the application to beneficial use of said water on or before May 8, 2007.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on November 12, 1998. The *Notice* stated the diversion system was completed on October 14, 1998 and the water placed to beneficial use on October 14, 1998.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the storage dam and is entitled to impound 31.3 acre-feet of water for beneficial use with sufficient water annually to maintain the water level to the outlet elevation. The location of the storage dam (spillway) is 2,000 feet north and 2,000 feet east of the southwest corner of Section 28-T7S-R9E (NE ¼ SW ¼) (Island Dam).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 USDA, Forest Service, 209 N. River St., Hot Springs SD 57747 the holder and/or owner of Water Right No. 2406-2 is issued a license to appropriate water, the right to impound 31.3 acre-feet of water from runoff (tributary to Jim Wilson Canyon) with sufficient water annually to maintain the water level to the outlet elevation with a priority date of August 18, 1975 (17 acre-feet) and April 1, 1998 (14.3 acre-feet) from the location specified in (2) of this license for fish & wildlife propagation and livestock water. This license is subject to any limitations or qualifications listed in Water Right No. 2406-2 and subject to South Dakota State Law.



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

APR 16 2002

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 16 2002

2406-2
2408-2
2409-2

USDA Forest Service
209 N. River St.
Hot Springs, SD 57747

Dear Sir:

Enclosed are Water License Nos. 2406-2, 2408-2 & 2409-2. This is the final water right document completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 417093, 417094, 417095 in the amount of \$50.00 each which you paid for the investigation and issuance of the Water Licenses.

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

Sincerely,

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

enclosures