

WATER PERMIT NO. 2450-2

Name of Applicant: Glenn O'Connell

Address: PO Box 908, Philip SD 57567

Phone: 605 859-2020

Amount of Water Claimed: 33.6 acre-feet

Total Acres: NA

Source of Water Supply: runoff and springs

Water to be used for: fish & wildlife propagation

County: Haakon

Type of Waste Disposal System:

Location: ½ southwest of Philip

PRIORITY

Date Received: 10-25-2000

Fee: \$150

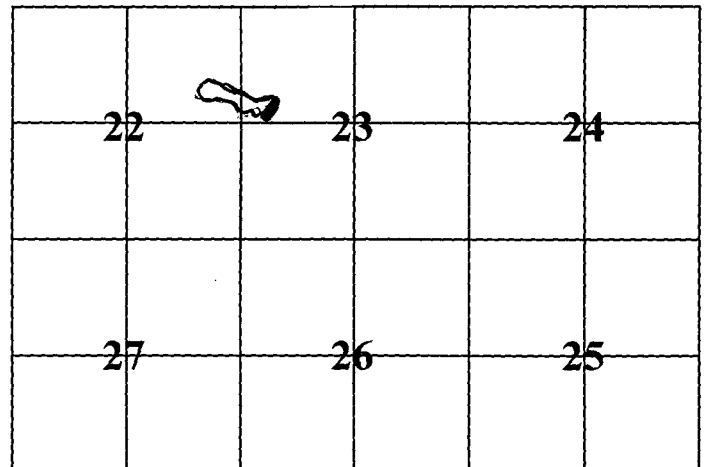
Corrected Application Received::

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SW ¼ NW ¼ Sec 23-T1N-R20E

Water Impounded: SW ¼ NW ¼ Sec 23 and
SE ¼ NE ¼ Sec 22; all in T1N-R20E



Depth of Well: NA

Well Driller: : NA

Remarks:

Type of Map: topo

Prepared by: June Heston, FSA

Reviewed and the Number Assigned on: 10-27-2000

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 2450-2**

Date of first receipt of application October 25, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2450-2 to Glenn O'Connell, PO Box 908, Philip SD 57567 authorizing the construction of the dam and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2450-2 authorizes impoundment of 33.6 acre feet of water from springs and runoff by constructing a dam located in the SW ¼ NW ¼ Section 23 with water impounded in the SW ¼ NW ¼ Section 23 and SE ¼ NE ¼ Section 22; all in T1N-R20E.
2. The water appropriated shall be used for the purpose of supplying water for fish and wildlife propagation and recreational use 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. 2450-2 is December 18, 2000.
5. The date from which applicant may claim right is October 25, 2000.
6. One-fifth of the construction is to be completed on or before June 18, 2003.
7. All construction is to be completed on or before December 18, 2005.
8. Water is to be put to beneficial use on or before December 18, 2009.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

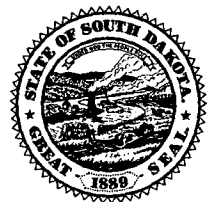
1. Water Permit No. 2450-2 authorizes a dam with a storage capacity of 33.6 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

WATER MANAGEMENT BOARD

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

JAN 29 2001

date





Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only) No. <u>2450-2</u>	Hydrologic Unit <u>10140102</u>
	Basin <u>Bad River</u>	
	Newspaper <u>Pioneer Review, Philip</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</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. _____

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

- Name of Applicant GLENN O'CONNELL Phone 605 859-2020
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address PO Box 908 PHILIP State SD 57567
(Street, RR. or Box) (Zip Code)
- Amount of water claimed _____ *CFS or _____ **GPM 33.6 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Springs & Natural Runoff
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SW1/4 NW1/4 S23 T1N R20E Water Impounded: SW1/4 NW1/4 Sec. 23
and SE 1/4 NE1/4 Sec. 22; all T1N-R20E County Haakon
- County or counties where water will be used Haakon
- Annual period during which water is to be used Year around Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Fish & Wildlife Pond

STATE OF SOUTH DAKOTA)
County of Haakon 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, Glenn O'Connell, 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 Glenn O'Connell

Subscribed and sworn to before me this 20 day of October 2000

Hallie Oebrecht

(Complete applicable portions only)

(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) _____

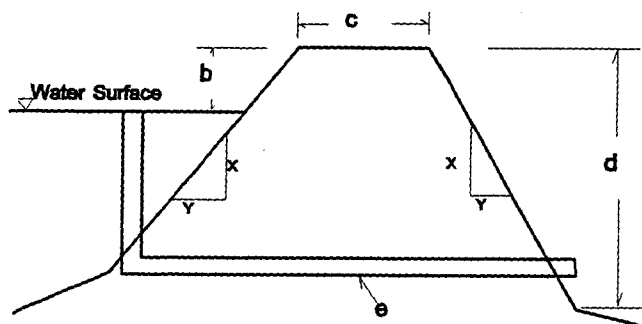
4. Water Storage Dams

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.

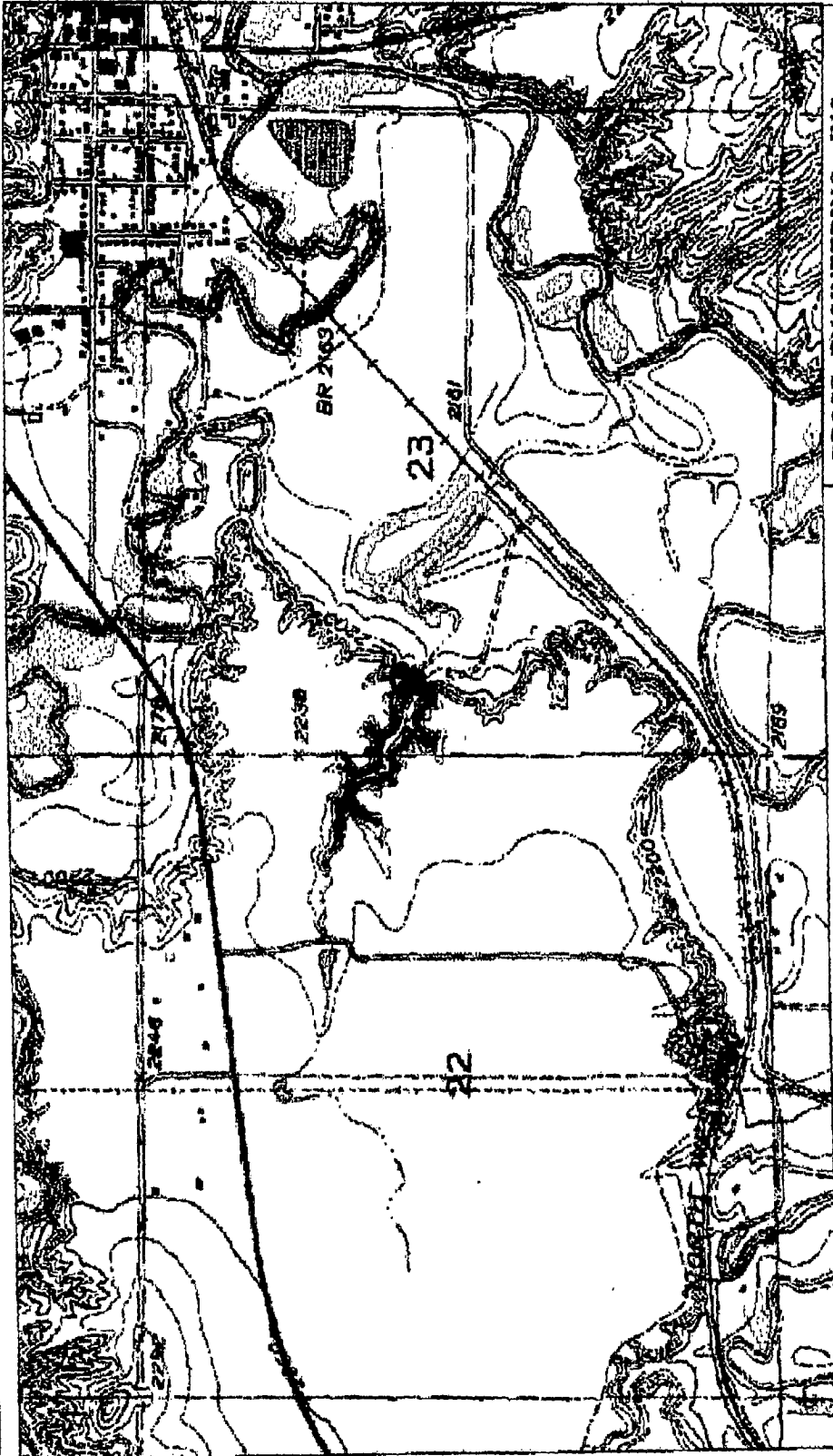
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

Beosz Engineering

Box 23 Pickers SD 57501



- b) Freeboard 5' 5"
- c) Crest Width 16'
Crest Length 200'
- d) Height 32'
- e) Primary Outlet Capacity _____
If pipe, diameter 18"
- f) Secondary Spillway Capacity _____
Spillway Width 85'
- g) X & Y Slope _____
Upstream 2.7:1
Downstream 3:1
- h) Surface Area of Impoundment 3.3 Acres
- i) Storage 33.6 Acre Feet
- j) Drainage Area Above Dam 606 Acres



TOP OF DAM = ±2207' 70.5 Acre Feet
 TOP OF PRIMARY SPILLWAY = ±2201.5' 33.6 Acre Feet
 TOP OF EMERGENCY SPILLWAY = ±2204' 48.2 Acre Feet

BROSZ ENGINEERING, INC.

Glen O'Connell Dam

NE4 22, NW4 23, T1N, R20E

DATE	SCALE	DATE	SCALE
CAN	MTS	101700	1 OF 2

*Gunn Hudson, Program Tech
 Farm Service Agency, Philip SD*

2450-2

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No 416663

Pierre, October 25, 2000

O'Connell Construction, Inc. PO Box 908, Philip SD 57567

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

Fee for Application for Permit No. 2450-3 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. 2450-3 _____

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

200 00

By

Chief Engineer

John H. Garland Enbels

KS

"As Built Plans"

Water Permit Application No. 2450-2
Glenn O'Connell

Top of Dam Elev. - 2207
2nd Spillway Elev. - 2204
P. Spillway Elev. - 2201.5
D/S Toe Elev. - 2175

Cat. 2 - Significant Hazard Dam

Ht. = 32 feet

Normal Storage Capacity - 33.6 Ac-Ft
Int. Storage Capacity - 48.2 Ac-Ft
Max. Storage Capacity - 70.5 Ac-Ft

Minimum Spillway Requirements - Cat. 2 Hazard Small Site Dam =
100 year frequency event.

From USGS WRI 80-80 "Tech for Est Peak Floods ... in SD"

DA = 606 Ac = 0.95 mi.²
Slope = 100 ft/mi
SI = 1.76

$$Q_{100} = 132 A^{.65} S^{.46} SI^{.67}$$

$$= 132 (.95)^{.65} (100)^{.46} (1.76)^{.67}$$

$$= 132 (0.97) (8.32) (0.68)$$

$$= \underline{730 \text{ cfs}}$$

2nd Spillway Flow

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

$$= (2.6)(85)^{1.5}(3)$$

$$= \underline{1150 \text{ cfs}}$$

Section 74:02:08:09

"As Built Plans"

1. Topo Map - OK
2. Dam Apr's Profile - OK
3. Dam Max X-Sec. - OK
4. Area Capacity - OK
5. Outlet Details - OK (original)
6. Spillway Rating - OK
7. Spillway Details - OK
8. Specs - std. NRCS - OK (original)
9. EPP - N/A - OK

NRCS Annual Yield

CN = 81, DA = 606, ISO = 2

$$80\% \text{ chance} = 0.3$$

$$0.3 \times 606/12 = \underline{15 \text{ Ac-Ft}}$$

$$50\% \text{ chance} = 0.7$$

$$0.7 \times 606/12 = \underline{35 \text{ Ac-Ft}}$$

$$10\% \text{ chance} = 2.7$$

$$2.7 \times 606/12 = \underline{136 \text{ Ac-Ft}}$$



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 17, 2000

Glenn O'Connell
PO Box 908
Phillip, SD 57567

Dear Mr. O'Connell:

We have reviewed the "As Built" plans for the modifications you made to your dam, located in the NW ¼ of Section 23-T1N-R20E, in Haakon County. The "As Built" plans as submitted are approved. Due to the increase in spillway elevation and storage capacity, a Water Permit is now required. Water Permit Application No 2450-2 has been filed with the "As Built" plans.

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 does not release you, as owner of the dam, from the responsibility for operating and maintaining the dam in good repair to ensure the safety of the dam.

The O'Connell Dam will still be classified as a small size Category 2 dam; however, the dam height will be changed to 32 feet and the normal storage capacity change to 33.6 acre-feet and the maximum storage capacity changed to 70.5 acre-feet.

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

Sincerely,

Gale N. Selken, P.E.
Natural Resources Engineer Director
for Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

c: Nina Pekron, NRCS, Philip
Gerard Magelky, NRCS, Kadoka
Blake Barringer, Brosz Engineering

WATER PERMIT APPLICATION NO. 2450-2

Glenn O'Connell

October 31, 2000

Water Permit Application No. 2450-2 has been filed by Glenn O'Connell to impound 33.6 acre-feet of water from runoff in an existing dam located in the SW 1/4 NW 1/4 of Section 23-T1N-R20E, in Haakon County. The application also requests impoundment of sufficient water to maintain water at the outlet elevation. The water will be used for fish and wildlife propagation livestock watering.

Discussion:

The O'Connell Dam is classified as a small size, Category 2, Significant Hazard dam. The Natural Resources Conservation Service (NRCS) designed the original dam, which was constructed in 1999. Mr. O'Connell recently modified the dam by increasing the top of dam and spillway elevations, resulting in an increase in storage capacity. The "As Built" plans for the modifications have been reviewed and will be approved.

The modified O'Connell Dam will still be classified as a small size Category 2, Significant Hazard dam; however, the height will be changed to 32 feet and the normal storage capacity changed to 33.6 acre-feet with a reservoir level at the primary spillway elevation, and the maximum storage capacity changed to 70.5 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 100-year frequency event.

The dam has a drainage area of 606 acres (0.95 square miles). A 100-year frequency event for this drainage area produces a peak runoff of approximately 730 cfs. The dam has an 18 inch primary spillway with 5.5 feet of available freeboard and an 85 foot wide earthcut secondary spillway with 3 feet of available freeboard. The secondary spillway will have a capacity of approximately 1150 cfs.

The annual yield for this drainage area with an 80 percent chance of occurrence, or 8 out of 10 years, is expected to be 15 acre-feet. The annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 35 acre-feet and the annual yield with a 10 percent chance, or 1 out of 10 years, is expected to be 136 acre-feet.

The O'Connell Dam will be located in the SW 1/4 NW 1/4 of Section 23-T1N-R20E on an unnamed tributary of the South Fork of the Bad River about one-half mile upstream of its confluence with the Bad River. There are no existing Water Permits/Rights located on the unnamed tributary between the proposed dam and the Bad River.

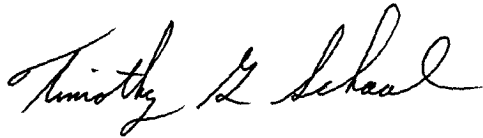
Page 2

Application No. 2450-2

Glenn O'Connell

Conclusions:

1. Water Permit Application No. 2450-2 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. 2450-2.



Timothy G. Schaal, P.E.

Natural Resources Engineer Specialist

Approved by:



Gale N. Selken, P.E.

Natural Resources Engineer Director



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2450-2, Glenn O'Connell**

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. 2450-2, Glenn O'Connell, PO Box 908, Philip SD 57567.

The Chief Engineer is recommending APPROVAL of Application No. 2450-2 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 qualifications:

1. Water Permit No. 2450-2 authorizes a dam with a storage capacity of 33.6 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.

Garland Erbele, Chief Engineer
November 14, 2000

PUBLISHER'S AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

)ss

COUNTY OF HAAKON

Donna Koehn, of said County and State, being duly sworn, on oath says: THE PIONEER REVIEW is a weekly newspaper of general circulation, printed and published in PHILIP, in said County and State and has been such newspaper during the times hereinafter mentioned; that the said PIONEER REVIEW is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned; and has more than 200 bonafide subscribers; that I, the undersigned, am Legal Advertising Manager, of said newspaper, and in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit; and that the advertisement headed

Notice of Application
No. 2450-2 to
Appropriate Water

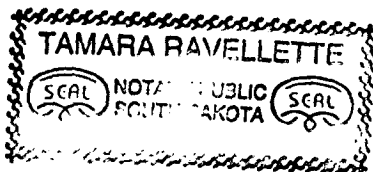
a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive issues, the first publication being on the 30th day of November, 20 00 and the last publication on the 7th day of Dec., 20 00 that \$40.50 being the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Donna Koehn

Subscribed and sworn to before me this 18th day of December, 20 00.

Tamara Ravellette

Notary Public, Haakon County
My Commission Expires
January 24, 2002



Notice of Application No. 2450-2 to Appropriate Water

Notice is given that Glenn O'Connell, PO Box 908, Philip, SD 57567, has filed an application for a water permit to impound 33.6 acre feet of water from springs and runoff by constructing a dam located in the SW1/4NW1/4 Section 23 with water impounded in the SW1/4NW1/4 Section 23 and SE1/4NE1/4 Section 22; all in T1N-R20E. This application requests impoundment of sufficient water to maintain water at the outlet elevation. The water is to be used for fish and wildlife propagation purposes and livestock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2450-2 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 December 18, 2000.

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.

Steven M. Pimer, Secretary,
Department of Environment and
Natural Resources

[Publish Nov. 30 & Dec. 7, 2000]

Instruction to Newspaper - Publish first Notice on November 30, 2000 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2450-2 to Appropriate Water

Notice is given that Glenn O'Connell, PO Box 908, Philip SD 57567 has filed an application for a water permit to impound 33.6 acre feet of water from springs and runoff by constructing a dam located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23 with water impounded in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23 and SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22; all in T1N-R20E. This application requests impoundment of sufficient water to maintain water at the outlet elevation. The water is to be used for fish and wildlife propagation purposes and livestock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2450-2 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 December 18, 2000.

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 17, 2000

Pioneer Review
Box 788
Philip SD 57567-0788

ATTENTION: Legal Public Notice

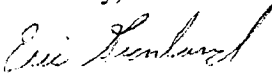
Enclosed is a Notice of Hearing on Application No. 2450-2 to Appropriate Water to be published twice. Please publish the first notice on November 30, 2000 with the second publication 7 days later.

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 Glenn O'connell, PO Box 908, Philip SD 57567 (Ph # 605 859-2020).

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

-----CU T HERE-----

No. 2450-2

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

Date _____

We are in receipt of your letter of November 17, 2000 enclosing Notice of Hearing to Appropriate Water by Application No. 2450-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

November 17, 2000

Glenn O'Connell
PO Box 908
Philip SD 57567

Dear Mr. O'Connell:

Water Permit Application No. 2450-2 for fish & wildlife propagation and livestock watering 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 Pioneer Review printed at Philip, SD (Ph # 605 859-2516). 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.



JAN 29 2001

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Glenn O'Connell
PO Box 908
Philip, SD 57567

Dear Mr. O'Connell:

Enclosed is Water Permit No. 2450-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

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

Date 02-12-01

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

FROM: Glenn O'Connell
(name)
Po Box 908
(address)
Philip SD 57567 (605) 859-2020
(city, state, zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

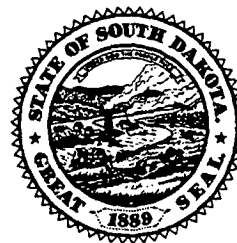
Water Permit No. 2450-2 states that the water use system is to be constructed by
December 18, 2005, and water is to be put to beneficial use by December 18, 2009.
(date) (date)

The water use system was completed on December 28, 2000.
(date)

Applying the water to beneficial use was completed on December 28, 2000.
(date)

You may schedule an investigation so that the water license may be issued.

Glenn O'Connell
(signature)



Permit No. 2450-2
Bad 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 29, 2001**, made a thorough examination of the water use system constructed by **Glenn O'Connell** of **PO Box 908, Phillip, SD 57567** holder of Permit No. **2450-2**, bearing the priority of **October 25, 2000** authorizing the storage of **33.6** acre-feet of the waters of **runoff & springs** for **fish & wildlife** purposes, in **Haakon** County.

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

- A. Works used to divert the water:
32 foot high dam with 33.6 acre-feet storage capacity
- B. Works used to transport water to place of use:
N/A
- C. Works used to apply water to beneficial use:
32 foot high dam with 33.6 acre-feet storage capacity

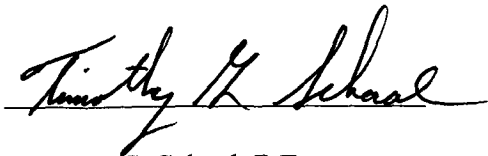
The system is in the following condition **good**. The point of diversion is located **650 ft. east & 2350 ft. south of the NW corner of Sec. 23-T1N-R20E (SW 1/4 NW 1/4)**. The works are capable of storing **33.6** acre-feet of water which is to be used for **fish & wildlife propagation**. Water has been put to beneficial use to the maximum extent as follows:

32 foot high dam with 33.6 acre-feet storage capacity

and the license should be issued for **33.6** acre-feet of storage.

Applicable permit qualifications have been complied with: Yes **X**

Exceptions to compliance are: **none** Date Report Completed: **March 5, 2002**



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

STATE OF SOUTH DAKOTA

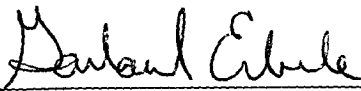
WATER LICENSE NO. 2450-2

(1) Glenn O'Connell, PO Box 908, Philip SD 57567 made Application No. 2450-2, October 25, 2000 for a water permit to impound 33.6 acre-feet of water from springs and runoff, Haakon County, South Dakota for fish & wildlife propagation and domestic purposes. Permit No. 2450-2, with a priority date of October 25, 2000 was approved December 18, 2000 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 18, 2005 and for the application to beneficial use of said water on or before December 18, 2009.

(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 33.6 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 650 feet east and 2350 feet south of the northwest corner of Section 23-T1N-R20E (SW ¼ NW ¼).

(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 Glenn O'Connell, PO Box 908, Philip SD 57567 the holder and/or owner of Water Right No. 2450-2 is issued a license to appropriate water, the right to impound 33.6 acre-feet of water from springs & runoff with sufficient water annually to maintain the water level to the outlet elevation with a priority date of October 25, 2000 from the location specified in (2) of this license for fish & wildlife propagation and domestic purposes. This license is subject to any limitations or qualifications listed in Water Right No. 2450-2 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

2450-2

Glenn O'Connell
PO Box 908
Philip, SD 57567

Dear Mr. O'Connell:

Enclosed is Water License No. 2450-2. This is the final water right document completing your process of obtaining a Water Right.

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