

WATER PERMIT NO. 2525-2

Name of Applicant: **Jeff Munsell & Richard Dillion**

Address: **c/o Excelsior Homes, Inc., 135 Hwy 7 West, Hutchinson MN 55350** Phone: **605 587-4990**

Amount of Water Claimed: **56 AF** Total Acres:

Source of Water Supply: **unnamed tributary to Owl and Dog Ear Creeks**

Water to be used for: **fish & wildlife propagation** County: **Tripp**

Type of Waste Disposal System:

Location: **15 miles northwest of Winner**

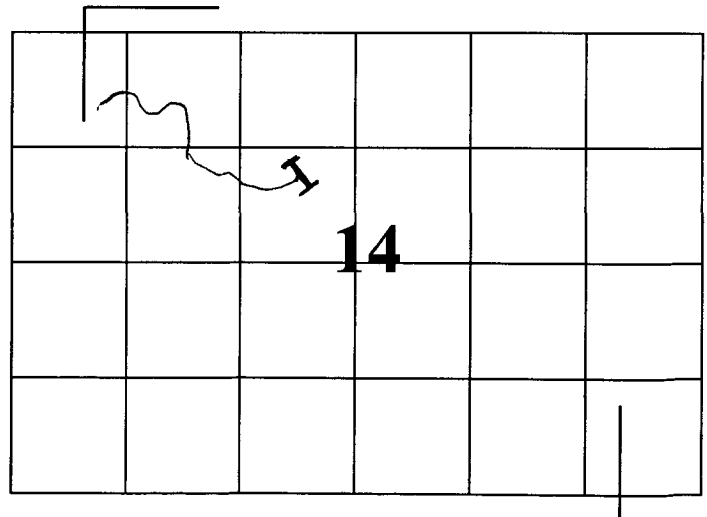
PRIORITY Date Received: **4-8-04** Application/License Fee: **\$200**

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

Remarks:

Diversion Point: **SE ¼ NW ¼ Sec 14-T101N-R77W**

Water Impounded: **S ½ NW ¼ Sec 14-T101N-R77W**



Depth of Well: **NA**

Well Driller: : **NA**

Remarks:

Type of Map: **topo**

Prepared by: **Roger C Smith, PE**

Reviewed and the Number Assigned on: **4-8-04**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2525-2</u> (office use only) Hydrologic Unit <u>10140204</u>
	Basin <u>White River</u>
	Newspaper <u>Winner Advocate, Winner</u>

RECEIVED
APR 08 2004
WATER RIGHTS
PROGRAM

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

Check use(s) of water:

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

Type of Application:

(check one)

- ☐ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ 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 MUNSELL 9/8/04 Jeff Monsell / Richard Dillon Phone (320) 587-4990
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address c/o Excelsior Homes Inc. 135 Hwy 7 west Hutchinson MN 55350
(Street, RR, or Box and City) (Zip Code)
Excelsior 4/04
2. Amount of water claimed _____ *CFS or _____ **GPM 56.00 ***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 unnamed tributary to owl creek tributary to Dog Ear Creek tributary to White River
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) - County Tripp
NE1/4, NW1/4, Section 14, T101N-R77W Water Impounded in S1/2 NW1/4 Sec 14-T101N-R77W
SE1/4
5. County or counties where water will be used Tripp
6. Annual period during which water is to be used 12 months Jan 1 - Dec 31
7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
Reconstruction of an existing failed dam including the installation of a primary spillway and construction of an emergency spillway. See Design Report for more information.

Arizona
STATE OF ~~SOUTH DAKOTA~~ ARIZONA SS
County of Pima

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, Jeff Monsell, 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.

Applicant's signature Jeff Monsell

Subscribed and sworn to before me this 27 day of February 20 04



Heather K. Pattison
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 2525-2**

Date of first receipt of application April 8, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2525-2 to Jeff Munsell and Richard Dillion, c/o Excelsior Homes Inc., 135 Hwy 7 West, Hutchinson MN 55350 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. 2525-2 authorizes impoundment of 56 acre-feet of water from unnamed tributaries of Owl and Dog Ear Creeks by reconstructing an existing dam located in the SE ¼ NW ¼ Section 14 with water impounded in the S ½ NW ¼, NW ¼ NW ¼ Section 14; all in T101N-R77W. The outlet elevation is 1,824 feet mean sea level.
2. The water appropriated shall be used for the purpose of fish and wildlife propagation 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. 2525-2 is June 21, 2004.
5. The date from which applicant may claim right is April 8, 2004.
6. One-fifth of the construction is to be completed on or before December 21, 2006.
7. All construction is to be completed on or before June 21, 2009.
8. Water is to be put to beneficial use on or before June 21, 2013.
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. 2525-2 authorizes a dam with a storage capacity of 56 acre feet of water and sufficient water annually to maintain the water level to an outlet elevation.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
3. Prior to construction of the dam, flood easements shall be obtained on the adjacent private property (NE¼ NE ¼ Section 15, T101N, R77W) lying below the top of dam elevation of 1830.5 fmsl. A copy of the easement shall be filed with the Water Rights Program before the project is constructed.

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program

AUG 03 2004
date



(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

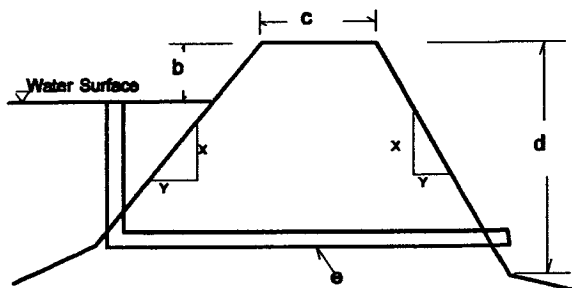
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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:

Roger Smith, P.E.
Ducks Unlimited
2525 River Road
Bismarck, ND 58503 (701) 355-3553



- b) Freeboard _____ 6.5'
- c) Crest Width _____ 12'
- Crest Length _____ 748.5'
- d) Height _____ 23.5'
- e) Primary Outlet Capacity 246 cfs @ES
If pipe, diameter 84" Riser/ 54" Pipe
- f) Secondary Spillway Capacity 1400 cfs
Spillway Width 100'
- g) X & Y Slope _____
Upstream 3:1 with 10' berm
Downstream 3:1
- h) Surface Area of Impoundment 17 acres
- i) Storage 56.0 Acre Feet
- j) Drainage Area Above Dam 4,100.0 Acres

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 8, 2004

RECEIVED OF Jeff Munsell, 1355 Hwy 7 West, Hutchinson MN 55350

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>0525-2</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. <u>0525-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	200.00

No. 000214

By J. Dawand Erbe

Chief Engineer gm

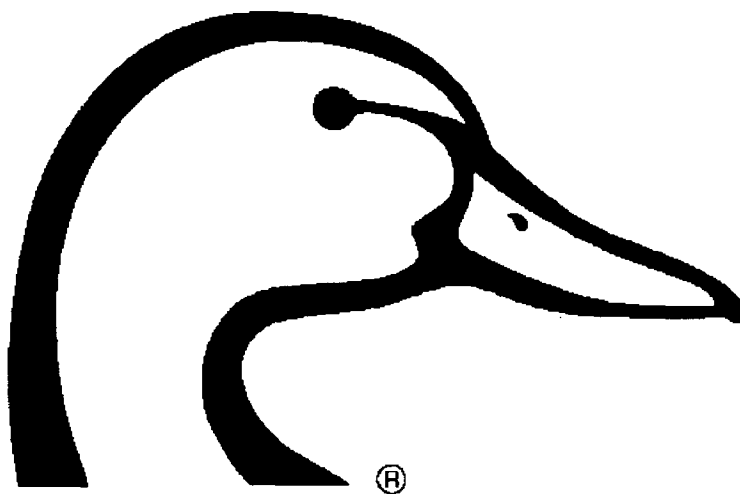
DESIGN REPORT

For

LONE TREE WETLAND

TRIPP COUNTY, SD (SD-291-01)

March 31, 2004



**Great Plains Regional Office
Ducks Unlimited, Inc.
Bismarck, ND**

PROJECT: Lone Tree Wetland
SD -291-01

LOCATIONS: NW¼, NW¼, SECTION 14, TWP. 101 N RGE. 77W
Latitude 43° 33' 11.88"N, Longitude 100° 00' 448"W
Tripp County, South Dakota

MARSH DATA: Full Service Level (FSL) @ 1824.0 MSL
17.0 Surface Acres @ FSL
55.3 Acre-Feet Capacity @ FSL
Maximum Depth - 9' (measured from marsh bottom, outside of eroded channel)

PROJECT DATA: Top of Dam - elevation 1830.5 (Top of compacted fill add 4" for topsoil)
Primary Spillway - elevation 1824.0
Emergency Spillway - elevation 1827.0 (Top of finished grade)
Upstream Berm - 10' wide @ elevation 1824.0
Side Slopes - 3 (horizontal): 1 (vertical)

CLASSIFICATION: Based on the classification criteria outlined in Chapter 74:02:08 "Safety of Dams," it is recommended that the proposed reconstructed dam be classified as a small, Category 3 dam. No loss of life and minimal economic loss is expected should failure occur. The product of the "maximum storage capacity" times the "effective height" is 5073. (267 acre-feet x 19.0').

PRELIMINARY RISK ASSESSMENT: The proposed dam reconstruction planned on an unnamed tributary, approximately 5200' upstream of its confluence with Owl Cree, a tributary to Dog Ear Creek, a tributary to the White River. USGS topography maps do not show any structures on Owl Creek for 2.9 river miles downstream of the said confluence.

PROPOSED PROJECT: The project consists of reconstructing an existing dam, installing a primary spillway, and excavating a new emergency spillway. The full history of the dam has not been obtained. The existing dam has failed due to an eroded spillway. The embankment either never had a primary spillway or the area of the breach contained a primary spillway and it no longer exists.



Existing Embankment,
Looking Downstream

Breach Area, west abutment

Reconstruction will include the installation of a riser / barrel type primary spillway with a separate water control structure providing variable level drawdown capabilities. The new emergency spillway will be constructed on the right (east) abutment. The integrity of the existing embankment is suspect due to evidence of burrowing animals. To address the unknown of the existing fill, the dam will be excavated to elevation 1824. See EXCAVATION PLAN, Sheet 3 of the construction plans. The area adjacent to the breach and the centerline of the proposed structure will be excavated to 3:1 slopes. Fill from the excavated emergency spillway will be used to bring the fill up to plan elevations, the majority of that fill being placed downstream of the existing dam centerline. The face of the existing embankment will function as a berm for the new fill. The existing dam face has remnants of rock rip rap. The new embankment material will be compacted to 95% of the Standard Proctor at -1% to +3% of optimum moisture. The dam will be constructed having a top width of 12'. A minimum width of 10' of the existing embankment will act as an upstream berm at the upstream full service level. All slopes will be constructed to a 3:1 slope.

PRIMARY SPILLWAY: The structure will have fixed level water control capability at elevation 1824.0. Variable level water control will be provided by a separate structure having the capability of retaining water at 4" increments between elevations 1824.0 and 1819.0. The fixed level structure will have a riser that will act as a circular weir and be 84" diameter 12 gage corrugated metal pipe. The outlet barrel will be a 54", 12 gage corrugated metal pipe at a 0% slope at elevation 1809.0. All corrugated metal pipe will be coated with a 10-mill polymeric film laminate both inside and outside. A protected plunge pool will be located at the discharge end of the outlet pipe.

EMERGENCY SPILLWAY: The emergency spillway will be excavated having a 100' bottom width and 3:1 slopes. The top of the finished spillway grade, after replacing 4" of topsoil, will be 1827.0 or 3 feet above the crest of the primary spillway. The length of the level crest at the spillway centerline is 140' feet. The new emergency spillway will outlet onto a 7% well vegetated slope.

HYDROLOGY / HYDRAULICS: A hydrologic analysis of surface water runoff was performed using two methods. A peak discharge was determined from regression equations developed in WATER-RESOURCE INVESTIGATIONS REPORT 80-80 USGS. HydroCAD, a computer assisted hydrologic model using the NRCS TR-20 METHOD was used to determine the inflow hydrograph. The hydraulic curve number used in the models were manipulated to create peak discharges similar to those developed from the regression equation. Other assumptions made in developing inflow hydrographs by the TR-20 METHOD were:

Rain Duration = 1.00
Rain Table # = Type 1 - 24 Hour
Antecedent moisture condition = 2

Inflow hydrographs developed from the TR-20 METHOD were routed through the primary and emergency spillways. This yielded outflow hydrographs revealing peak discharges at maximum reservoir elevations corresponding to various runoff events. The following table is a summary of that printout:

PARAMETERS:

WATERSHED - 6.4 SQ MI
TIME OF CONCENTRATION - 3.33 HOURS
CURVE #'s - 68 (5 yr) 68 (10 yr) 70 (25yr) 72 (100 yr)

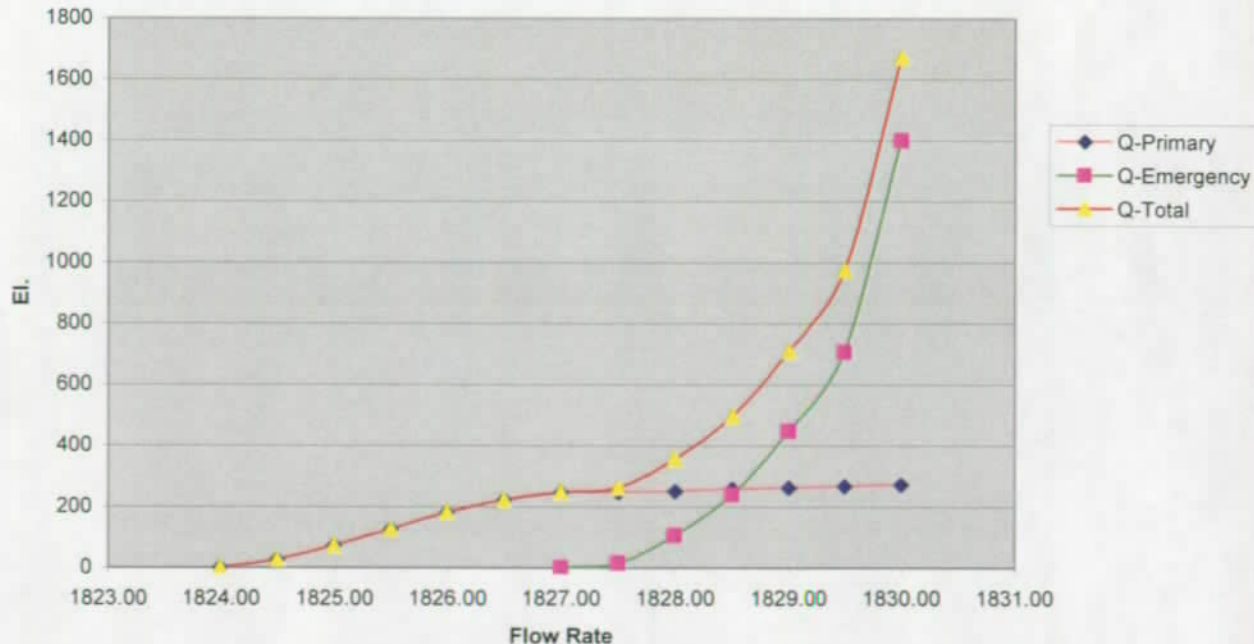
Event Frequency	Rainfall (in.)	Runoff (ac-ft)	Inflow (cfs)	Outflow (cfs)	Max WSP (el.)	Freeboard* (ft.)	Flow in ES (cfs)
20%	3.1	33	287.8	201	1826.25	4.25	0
10%	3.6	53	442.8	246.9	1827.45	3.05	12
25%	4.2	81	749	512	1828.54	1.96	255
1%	5.4	134	1409	1222	1829.68	0.82	953

*Calculated from top of compacted fill, excluding topsoil.

A spillway rating curve for the primary and emergency spillways is contained within this report.

The primary spillway capacity was calculated by comparing discharges developed by the weir flow formula and formulas for calculating head loss through corrugated metal pipe. The emergency spillway capacity was estimated from FLOWCOMP, a computer-aided hydraulic program analyzing gradually varied flow profiles in prismatic open channels using the standard step method.

Spillway Hydrograph



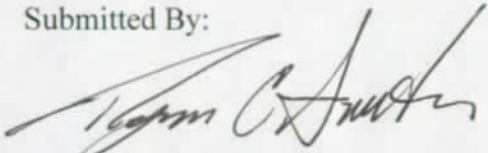
DROUGHT ANALYSIS: The frequency in which there will be adequate runoff was not an important criteria to project sponsors. Using NRCS methods, the 80% and 50% annual runoff will generate 30 and 92 acre-feet respectively (using isogram map #2.5 and curve number 70). The annual requirement assuming an evaporative loss of approximately 3.0 feet is 38 acre-feet. Periodic dry spells will result in years that runoff will not be sufficient to replace evaporative losses.

SOIL INVESTIGATION: As of this writing a soil investigation has not been completed. A preliminary investigation determined that suitable quantities of acceptable material are likely. A soil investigation report, to be completed in the near future, will be available upon request. The plans will be modified to show the approved borrow areas as well as any other modifications recommended by the geotechnical consultant.

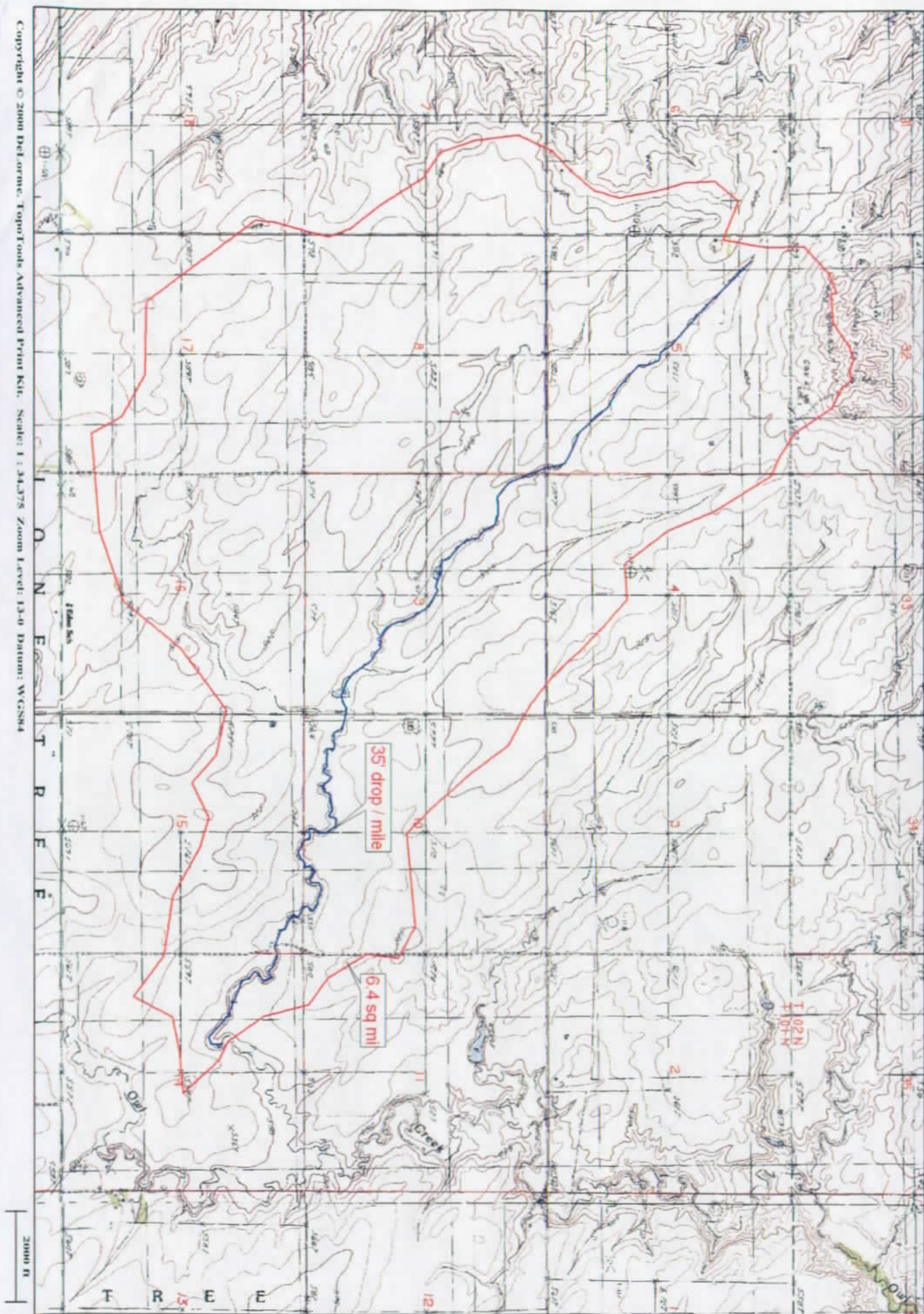
IMPACTS TO SURROUNDING PROPERTY: The planned construction and subsequent reservoir at the full service level will be contained within land owned by Jeff Munsell and a partner Dick Dillon, both believed to be from Hutchinson, MN. Water levels above 1828 will extend west across an abandoned (in practice) township roadway and onto the NE ¼ of Section 15, owned by Mark Eklo, Chaska, MN. The SD Game Fish, and Parks Department is securing a Private Lands Agreement, or Flood Easement from Mr. Eklo on the portion of land outside of the land owned by Mr. Munsell and Mr. Dillon. There are approximately 5 acres of land within the NE ¼ of Section 15 below the top of dam elevation, 1830.5.

Dated: March 31, 2004

Submitted By:



Roger Smith, P.E. (#-4325)
Regional Engineer
Ducks Unlimited
Great Plains Regional Office





GREAT PLAINS REGIONAL OFFICE
2525 River Road
Bismarck, ND 58503-9011
(701) 355-3500 Fax (701) 355-3575
www.ducks.org

April 5, 2004

Eric Gronlund
Water Rights Division
SD Dept Water & Natural Resources
523 E. Capitol
Pierre, SD 57501

Re: Lone Tree Wetland DU-SD-291-1

Dear Mr. Gronlund:

RECEIVED
APR 08 2004
WATER RIGHTS
PROGRAM

Enclosed is a water right application for a dam reconstruction project in Tripp County, SD. The land is owned by Jeff Munsell and Richard Dillon.

I have included the application (forms 2 and 2A), plans, Design Report, and a payment of \$200.

If you have any questions please feel free to contact me.

Sincerely,

Roger Smith, P.E.
Regional Engineer
Great Plains Regional Office

Cc: Jeff Munsell
Tim Olson

Gronlund, Eric

From: ROGER SMITH [rsmith@ducks.org]
Sent: Monday, April 12, 2004 9:06 AM
To: Eric.Gronlund@state.sd.us
Subject: Re: Jeff Munsell & Richard Dillon water permit application in Tripp Cty, SD

We have an approximated section corner on sheet 2. Transposing quarter lines you get the following. You are right, the dam is in the SE1/4, NW1/4 of 14. Water will be impounded in the S1/2, NW1/4, as well as the NW1/4, NW1/4, of 14. The only quadrant / of the NW1/4 not effected by the project is the NE1/4, NW1/4.

Roger Smith, P.E.
Regional Engineer
Ducks Unlimited
2525 River Road
Bismarck, ND 58503-9011
rsmith@ducks.org
(701) 355-3553

>>> <Eric.Gronlund@state.sd.us> 04/09/04 09:32AM >>>
Roger,

Water Rights received this application for a 56 acre foot dam. The application states the dam is located in the NE 1/4 NW 1/4 of Section 14, T101N, R77W. From looking at the maps submitted, it appears the dam structure will be located in the SE1/4 NW 1/4 of Section 14 with water impounded in the S 1/2 NW 1/4 of this section. Do you concur?

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352

4/12/2004

Water Permit Application No. 2525-2
Jeff Mansell & Richard Dillon

Top of Dam Elev. - 1830.57
2nd Spillway Elev. - 1827
P. Spillway Elev. - 1824
D/S Emb. Toe Elev. - 1807

Cat. 3 - Low Hazard Dam

Ht. = 23.5 ft.

Normal Storage Capacity - 56 A.-Ft
Int. Storage Capacity - 122 A.-Ft
Max. Storage Capacity - 267 A.-Ft

Int. Capacity x Eff. Height = $122 \times 20 = 2440 < 3000 \therefore 25 \text{ yr}$
Minimum Spillway Design

From USGS WRI 80-80 "Tech. for Est. Flood Peaks ... in 50"

DA = 4100 A. = 6.40 mi.²

Slope = 35 ft/mi.

Si = 2.05

$$\begin{aligned} Q_{25} &= 83.4 A^{.65} S^{.46} S_i^{-.67} \\ &= 83.4 (6.40)^{.65} (35)^{.46} (2.05)^{-.67} \\ &= 83.4 (3.0476) (4.7796) (0.5964) \\ &= \underline{725 \text{ cfs}} \end{aligned}$$

$$\begin{aligned} Q_{100} &= 132 A^{.65} S^{.46} S_i^{-.67} \\ &= 132 (6.40)^{.65} (35)^{.46} (2.05)^{-.67} \\ &= 132 (3.3421) (5.1318) (0.6182) \\ &= \underline{1400 \text{ cfs}} \end{aligned}$$

Secondary Spillway Flow

$$\begin{aligned} Q &= CLH^{1.5} \quad C=2.6 \\ &= 2.6 (100) (3.5)^{1.5} \quad L=100 \quad H=3.5 \\ &= \underline{1700 \text{ cfs}} \end{aligned}$$

Ducks Unlimited uses the NRCS TR-20 Hydrologic Model to route a Q_{25} peak of 749 cfs through the structure with 1.96 ft. of freeboard remaining, and a Q_{100} peak of 1409 cfs through the structure with 0.82 ft. of freeboard remaining.

Section 74:02:08:09

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

NRCS Annual Yield

DA = 4100 A. SI = 212 CN = 70

80% chance = 0.09

$$0.09 \times 4100 \text{ A.} = \underline{30.75 \text{ A.-Ft}}$$

50% chance = 0.27

$$0.27 \times 4100 \text{ A.} = \underline{92 \text{ A.-Ft}}$$

10% chance = 1.7

$$1.7 \times 4100 \text{ A.} = \underline{580 \text{ A.-Ft}}$$



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 20, 2004

Jeff Munsell
c/o Excelsior Homes, Inc.
135 Hwy 7 West
Hutchinson, MN 55350

Dear Mr. Munsell:

We have reviewed the plans and specifications for your dam project located in the NW 1/4 of Section 14-T101N-R77W, in Tripp County. The plans and specifications as submitted are approved. Approval of the plans and specifications does not authorize construction of the dam. The construction may not begin until Water Permit Application No. 2525-2 is approved.

Our review was to determine compliance with the requirements of the Water Management Board Safety of Dams Rules, Chapter 74:02:08. Approval of these plans and specifications does not release 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 Lone Tree Dam will be classified as a small size Category 3, Low Hazard dam with a dam height of 23.5 feet and a normal storage capacity of 56 acre-feet and a maximum storage capacity of 267 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: Tim Olson, SD GF&P
Roger Smith, Ducks Unlimited, Inc.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 27, 2004

Leslie Petersen
SD Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

Dear Leslie:

Jeff Munsell and Richard Dillon have applied for a water permit to reconstruct a dam on an unnamed tributary of Owl and Dog Ear Creek in Tripp County. This is the old Lone Tree Dam which was authorized by GF&P's Vested Water Right No. 679-2. You should be receiving a copy of the notice of cancellation of Right No. 679-2. Enclosed is a copy of the report, recommendation and public notice prepared on the application.

The notice of hearing will be published in the Winner Advocate on June 2 and 9, 2004. If GF&P desires to participate in the hearing, petitions to intervene must be submitted by June 21, 2004.

This information is being sent to you because of the water right GF&P held for this dam. I believe Tim Olson has been the GF&P staff person who has worked with the applicants. If you have any questions, please feel free to contact Tim Schaal or myself.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
(605) 773-3352

enclosures

REPORT ON
WATER PERMIT APPLICATION No. 2525-2
Jeff Munsell & Richard Dillon
May 20, 2004

Water Permit Application No. 2525-2 has been filed by Jeff Munsell & Richard Dillon to impound 56 acre-feet of water from runoff by reconstructing an existing dam located in the SE ¼ NW ¼ of Section 14-T101N-R77W, in Tripp County. The application also requests impoundment of sufficient water to maintain water at the outlet elevation of 1824.0 feet mean sea level. The water will be used for fish and wildlife production in a wetland restoration project.

Discussion:

The dam will be classified as a small size, Category 3, Low Hazard dam. The Ducks Unlimited, Inc. (DU) has designed the dam. The plans and specifications have been reviewed and will be approved; however, reconstruction of the dam can not begin until Water Permit Application No. 2525-2 is approved.

The Lone Tree Dam will be 23.5 feet high with a normal storage capacity of 56 acre-feet with a reservoir level at the primary spillway elevation, and a maximum storage capacity of 267 acre-feet with a reservoir level at the top of dam elevation. A dam of this size and hazard classification is required to have a minimum spillway design capable of passing a 25-year frequency event.

The dam has a drainage area of 4100 acres or 6.40 square miles. The dam is designed to have an 84 inch diameter CMP riser and a 54 inch diameter CMP barrel with 6.5 feet of available freeboard as the primary spillway, and a 100 foot wide earthcut secondary spillway with 3.5 feet of available freeboard. Ducks Unlimited uses the NRCS TR-20 Hydrologic Model to route a 25 frequency event peak of 749 cfs through the structure with 1.96 feet of freeboard remaining, and a 100 year frequency event peak of 1409 cfs through the structure with 0.82 feet of freeboard remaining.

The annual yield for this drainage area with an 80 percent chance of occurrence, or 8 out of 10 years, is expected to be 31 acre-feet. The annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 92 acre-feet and the annual yield with a 10 percent chance, or 1 out of 10 years, is expected to be 580 acre-feet.

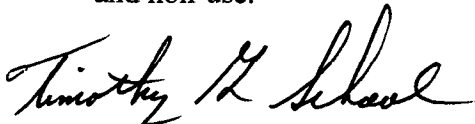
The Lone Tree Dam will be located in the SE 1/4 NW 1/4 of Section 14-T101N-R77W on an unnamed tributary to Owl Creek about three-fourths of a mile upstream of the confluence of the unnamed tributary and Owl Creek and about 3 miles upstream of the confluence of Owl Creek and Dog Ear Creek. Dog Ear Creek is a tributary to the White River and the confluence to the White River is about 9 miles downstream of the Owl Creek confluence. There are no existing Water Permits/Rights located on the unnamed tributary, Owl Creek, or Dog Ear Creek between the proposed dam and the White River. However, the SD Department of Game, Fish and Parks holds Vested Right Claim No. 679-2 for storage of approximately 76 acre feet in the original Lone Tree Dam. The priority date is January 1, 1937. The original Lone Tree Dam was probably

constructed as a Works Progress Administration (WPA) project; however, it has been washed out or breached for a number of years. The restoration of Lone Tree Dam, associated with Water Permit Application No. 2525-2, is a corporative effort between the applicants, Ducks Unlimited Inc., and the Department of Game, Fish and Parks. Vested Right Claim No. 679-2 held by the Department of Game, Fish and Parks should be scheduled for cancellation due to abandonment and non-use.

The Design Report prepared by Ducks Unlimited indicates that a small area, approximately 5 acres, on adjacent property is lower than the top of dam elevation of 1830.5. Flooding of this property could occur; however, not until the reservoir level reaches elevation 1828, which is one foot higher than the secondary spillway elevation of 1827. The applicants are working with the SD Department of Game, Fish & Parks to secure a flood easement for this property.

Conclusions:

1. Water Permit Application No. 2525-2 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. 2525-2.
3. A flood easement for the above mentioned property must be obtained and on file with the Water Rights Program before the project can be developed.
4. Vested Right Claim No. 679-2 should be scheduled for cancellation due to abandonment and non-use.



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. 2525-2, Jeff Munsell and Richard Dillon**

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. 2525-2, Jeff Munsell and Richard Dillon, c/o Excelsior Homes, Inc., 135 Hwy 7 West, Hutchinson MN 55350.

The Chief Engineer is recommending APPROVAL of Application No. 2525-2 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. 2525-2 authorizes a dam with a storage capacity of 56 acre feet of water and sufficient water annually to maintain the water level to an outlet elevation.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
3. Prior to construction of the dam, flood easements shall be obtained on the adjacent private property (NE¼ NE¼ Section 15, T101N, R77W) lying below the top of dam elevation of 1830.5 fmsl. A copy of the easement shall be filed with the Water Rights Program before the project is constructed

See report on application for additional information.

Garland Erbele, Chief Engineer
May 27, 2004

AFFIDAVIT OF PUBLICATION

State of South Dakota, county of Tripp-ss.

Cheryl Schroeder

of said county being first duly sworn, on oath says that she is the Advertising Manager of

THE WINNER ADVOCATE

a weekly newspaper printed and published at Winner, said county of Tripp, and has full and personal knowledge of all the facts herein stated that said newspaper is a legal newspaper and has a bona fide circulation of a least two hundred copies weekly and has been published within said County for fifty-two successive weeks prior to the publication of the notice herein mentioned, and was printed wholly or in part in a office maintained at said place of publication; that the

35 lines @ 2 col rate x 80%

appropriate water

Jeff Munsell

Excelsior Homes, Inc.

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper at least one in each week for 2 successive weeks, on the day of each week on which said newspaper was regularly published to wit:

6-2-04

6-9-04

That the full amount of the fees for the publication of the annexed notice is \$ 41.11

Cheryl Schroeder

Subscribed and sworn to before me this 9th

day of June, 2004

Patricia Irwin

County of Tripp, South Dakota

Notary Public

My Commission Expires November 4, 2009

NOTICE OF APPLICATION NO. 2525-2

to Appropriate Water

Notice is given that Jeff Munsell and Richard Dillon, c/o Excelsior Homes Inc., 135 Hwy 7 West, Hutchinson, MN 55350, have filed an application for a water permit to impound 56 acre-feet of water from unnamed tributaries of Owl and Dog Ear Creeks by reconstructing an existing dam located in the SE1/4 NW1/4 Section 14 with water impounded in the S1/2 NW1/4, NW1/4 NW1/4 Section 14; all in T101N-R77W. This application request impoundment of sufficient water to maintain water to the outlet elevation 1824 feet mean sea level. The water is for fish and wildlife propagation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2525-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 21, 2004.

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.

(22-23 1151)

RECEIVED
JUN 15 2004
WATER RIGHTS
PROGRAM



**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.

May 27, 2004

Jeff Munsell and Richard Dillon
%Excelsior Homes Inc.
135 Hwy 7 West
Hutchinson MN 55350

Dear Mr. Munsell & Mr. Dillon:

Water Permit Application No. 2525-2 for fish & wildlife propagation 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 Winner Advocate printed at Winner, SD (Ph # 605-842-1979). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also 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 57501-3182
www.state.sd.us/denr

May 27, 2004

Winner Advocate
PO Box 71
Winner SD 57580-0071

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 2525-2 to Appropriate Water to be published twice. Please publish the first notice on June 2, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Jeff Munsell & Richard Dillon, % Excelsior Homes Inc., 135 Hwy 7 West, Hutchinson MN 55350 (Ph # 320-587-4990).

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. 2525-2

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

Date _____

We are in receipt of your letter of May 27, 2004 enclosing Notice of Hearing to Appropriate Water by Application No. 2525-2 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 June 2, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2525-2 to Appropriate Water

Notice is given that Jeff Munsell and Richard Dillon, c/o Excelsior Homes Inc., 135 Hwy 7 West, Hutchinson MN 55350 have filed an application for a water permit to impound 56 acre-feet of water from unnamed tributaries of Owl and Dog Ear Creeks by reconstructing an existing dam located in the SE ¼ NW ¼ Section 14 with water impounded in the S ½ NW ¼, NW ¼ NW ¼ Section 14; all in T101N-R77W. This application request impoundment of sufficient water to maintain water to the outlet elevation 1824 feet mean sea level. The water is for fish and wildlife propagation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2525-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 21, 2004.

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

AUG 03 2004

Jeff Munsell & Richard Dillion
% Excelsior Homes Inc
135 Hwy 7 West
Hutchinson MN 55350

Dear Mr. Munsell & Mr. Dillion:

Enclosed is Water Permit No. 2525-2 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

c: Tim Olson, Game Fish & Parks, Foss Building, Pierre

enclosures

2525-2

Document prepared by:
Tim Olson
SD Game, Fish and Parks
523 E. Capitol Ave.
Pierre, SD 57501
(605) 773-3658

Grantor	
Grantee	
Indexed	
Assignment	
Release	
Transfer	
Report	

592,777

State of South Dakota }
County of Tripp }

OFFICE OF
REGISTER OF DEEDS

Filed for record this 26th day of
October A.D., 2004, at 11:30
o'clock A. M. and recorded in book 3
of Easements on page 595

[Signature]
Register of Deeds.

By _____ Deputy

Fee \$24.00 paid

Ret: SD Game, Fish & Parks
Tim Olson
523 E. Capitol Ave.
Pierre, SD 57501

AGREEMENT AND GRANT OF EASEMENTS

This AGREEMENT AND GRANT OF EASEMENTS is made by and between Mark Eklo of 3360 Bavaria Rd., Chaska, MN 55318, hereafter referred to as GRANTOR, and Jeffrey G. Munsell c/o Excelsior Homes, Inc., 1355 Hwy 7 West, Hutchinson MN 55350, and Richard L. Dillon of PO Box 17, Paynesville, MN 56362 hereafter referred to as GRANTEES.

Consideration for this agreement is \$1 and other valuable consideration, receipt of which is acknowledged by GRANTOR. In consideration thereof the parties agree as follows:

GRANTOR is the owner in fee of real property situated in Tripp County, South Dakota and described as: NE 1/4 NE 1/4 Section 15, T101N, R77W, which property is hereafter referred to as PROPERTY.

Due to an approved renovation project by the GRANTEES, in cooperation with the South Dakota Department of Game, Fish and Parks, and Ducks Unlimited Inc., on and to a structure locally known as the Lone Tree Dam located on GRANTEES downstream property in the NW 1/4 Section 14, T101N, R77W and need for additional easements to facilitate said project, GRANTOR grants and conveys to the GRANTEE additional rights and easements on GRANTOR'S PROPERTY as provided herein.

GRANTOR grants and conveys to GRANTEE the right to temporarily flood certain portions of GRANTOR'S PROPERTY as described above in perpetuity. Temporary flooding of PROPERTY during rare and extreme runoff events will extend to elevation 1830.5 feet mean sea level, the same elevation as the top of the reconstructed Lone Tree Dam structure. Elevation of the normal dam pool is at 1824.0 feet mean sea level and will not impound water on GRANTOR'S PROPERTY.

GRANTOR, for the consideration stated herein, for himself and for his heirs, successors, and assigns, expressly waives and releases GRANTEE and its assigns or representatives from any and all claims they may have for damages which may have occurred or which in the future may occur by reason of construction or maintenance of any of the facilities and structures contemplated by the renovation project and as permitted by this agreement by reason of flooding, overflow, or the depositing of material resulting from said flooding or overflow.

The covenants, agreements, and obligations herein contained shall extend to, bind and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors and assigns.

IN WITNESS WHEREOF, the GRANTOR and the GRANTEE have executed this Agreement as of the day affixed to this Agreement.

GRANTOR

[Signature: Mark Eklo]
MARK EKLO executed this 15 day of September, 2004.

GRANTEE

JEFFREY G. MUNSELL

executed this 15th day of October, 2004.

GRANTEE

RICHARD L. DILLON

executed this 15 day of Oct., 2004.

STATE OF MINNESOTA

COUNTY OF ANOKA

)SS

)

On this the 15 day of SEPTEMBER 2004, before me, the undersigned officer, personally appeared Mark Eklo, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In WITNESS WHEREOF, I hereunto set my hand and official seal.

(NOTARY SEAL)



Karen R. Emery
Notary Public, Minnesota
Commission expires: 1/31/05

~~STATE OF MINNESOTA~~ SOUTH DAKOTA

COUNTY OF Tripp

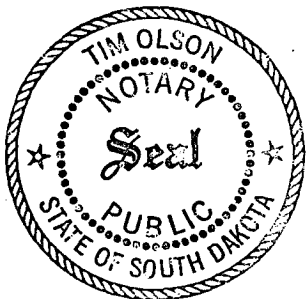
)SS

)

On this the 15th day of October, 2004, before me, the undersigned officer, personally appeared Jeffrey G. Munsell, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In WITNESS WHEREOF, I hereunto set my hand and official seal.

(NOTARY SEAL)



Tim Olson
Notary Public, ~~Minnesota~~ South Dakota
Commission expires: May 18, 2007

~~SOUTH DAKOTA~~
STATE OF MINNESOTA

COUNTY OF Tripp)SS
)

On this the 15th day of October, 2004, before me, the undersigned officer, personally appeared Richard L. Dillon, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In WITNESS WHEREOF, I hereunto set my hand and official seal.

(NOTARY SEAL)



Tim Olson
Notary Public, ~~Minnesota~~ SOUTH DAKOTA
Commission expires: May 18, 2007

Permit No. 2525-2
White 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, **October 19, 2005**, made a thorough examination of the water use system constructed by **Jeff Munsell & Richard Dillion** of **c/o Excelsior Homes, Inc., 135 Hwy 7 West, Hutchinson MN 55350** holder of Permit No. **2525-2**, bearing the priority of **April 8, 2004** authorizing the storage of **56** acre-feet of the waters of **runoff** for **fish & wildlife propagation** purposes, in **Tripp** County.

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

A. Works used to divert the water:

A 23.5 foot high earth dam with a normal storage capacity of 56 acre-feet

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

N/A

C. Works used to apply water to beneficial use:

A 23.5 foot high earth dam with a normal storage capacity of 56 acre-feet

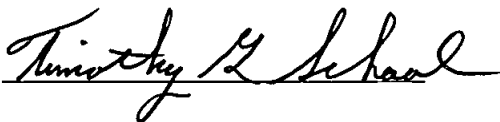
The system is in the following condition **good**. The point of diversion is located **1600 ft. south & 2000 ft. east of the NW corner of Sec. 14-101N-R77W (SE ¼ NW ¼) (Lat. 43.553543, Long. -100.013712)**. The works are capable of storing **56** acre-feet of water which is to be used for **fish & wildlife propagation use**. Water has been put to beneficial use to the maximum extent as follows:

A 23.5 foot high earth dam with a normal storage capacity of 56 acre-feet

and the license should be issued for **56** acre-feet of storage.

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

Exceptions to compliance are: **none** Date Report Completed: **March 15, 2006**



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

REPORT ON INSPECTION OF PERMIT NO. 2525-2

DATE OF INSPECTION: October 19, 2005

NAME & ADDRESS OF INSPECTION CONTACT/ Jeff Munsell

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Jeff Munsell & Richard Dillion, c/o Excelsior Homes, Inc., 135 Hwy 7 West, Hutchinson MN 55350

DIVERSION POINT LEGAL LOCATION: 1600 ft. south & 2000 ft. east of the NW corner of Sec. 14-T101N-R77W (SE ¼ NW ¼) (Lat. 43.553543, Long. -100.013712).

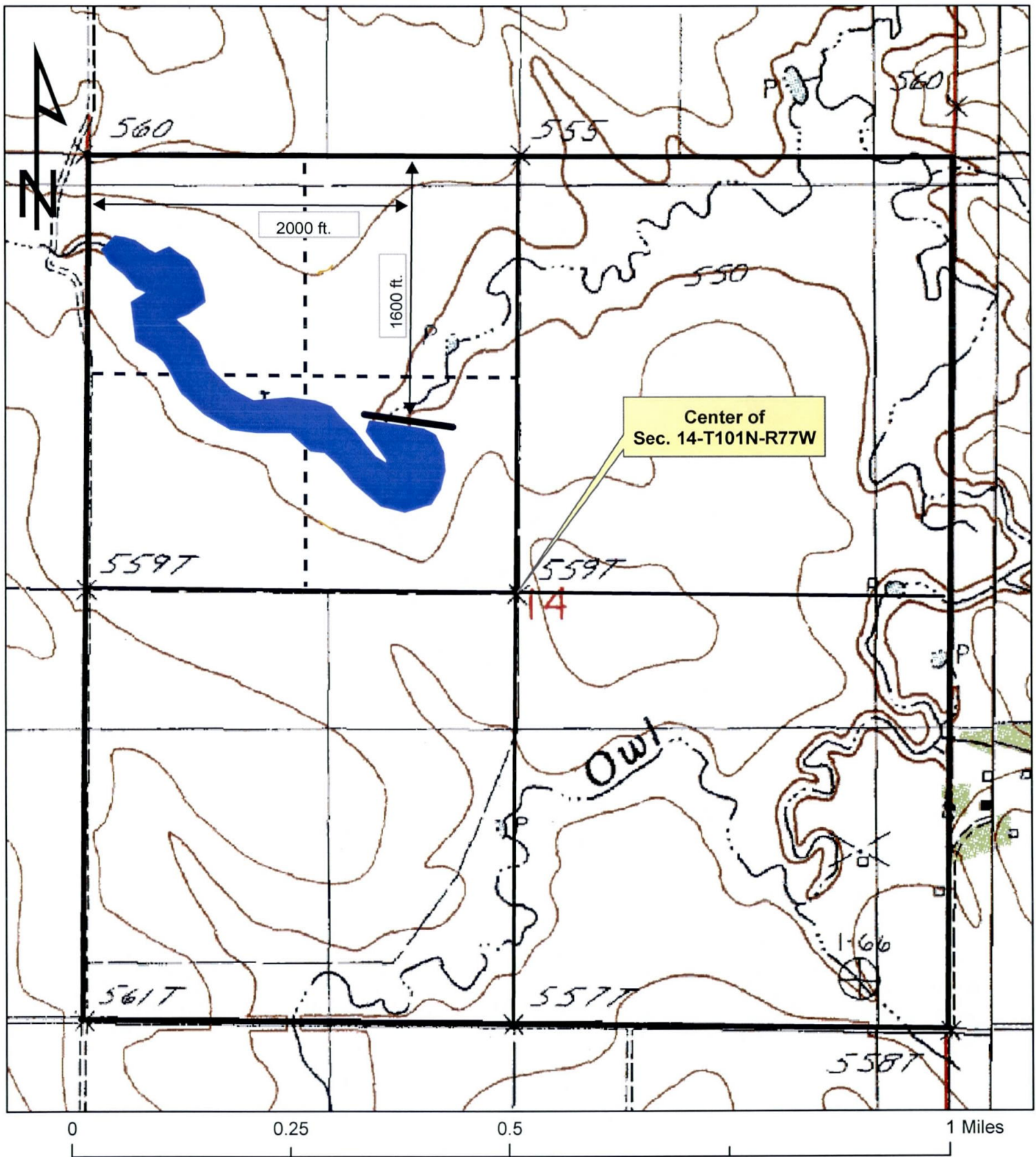
DAM INFORMATION:

- 1) Height to crest 23.5 feet
- 2) Height to primary spillway 17 feet
- 3) Height to secondary spillway 20 feet
- 4) Crest width 12 feet
- 5) Crest length 750 feet
- 6) Spillway length XXX feet
- 7) Spillway width 100 feet
- 8) Approx. storage (Normal) 56 acre-feet
- 9) Approx. storage (Maximum) 267 acre-feet
- 10) Date constructed: 2004

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

Water Permit Application No. 2525-2



Timothy G. Schaal

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

3/15/06

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2525-2

(1) Jeff Munsell and Richard Dillion, Excelsior Homes Inc, 135 Hwy 7 West, Hutchinson, MN 55350 made Application No. 2525-2, April 8, 2004 for a water permit to impound 56 acre feet of water from unnamed tributaries of Owl and Dog Ear Creeks by reconstructing a dam located in Tripp County, South Dakota for fish and wildlife propagation purposes. Permit No. 2525-2, with a priority date of April 8, 2004 was approved June 21, 2004 and issued to the applicants for impoundment of water with construction of the storage dam to be completed on or before June 21, 2009 and for the application to beneficial use of said water on or before June 21, 2013.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the project and are entitled to store 56 acre feet of water with sufficient water annually to maintain the water level to an outlet elevation of 1,824 feet mean sea level. The location of the storage dam (spillway) is 1,600 feet S and 2,000 feet E of the NW corner of Section 14, T101N, R77W (SE ¼ NW ¼).

(3) The permit holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for fish and wildlife propagation purposes.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jeff Munsell and Richard Dillion, Excelsior Homes Inc., 135 Hwy 7 West, Hutchinson MN 55350 the holders and/or owners of Water Right No. 2525-2 are issued a license authorizing impoundment of 56 acre feet of water from tributaries of Owl and Dog Ear Creeks with a priority date of April 8, 2004 from the location specified in (2) of this license. The water is impounded for the purpose of providing fish and wildlife propagation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 2525-2 and subject to the following qualifications:

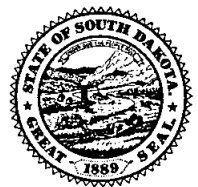
- Water Right No. 2525-2 authorizes a dam with a storage capacity of 56 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
- Low flows as needed for downstream domestic use including livestock water and prior water rights must be bypassed.
- Prior to construction of the dam, flood easements shall be obtained on the adjacent private property (NE ¼ NE ¼ Section 15, T101N, R77W) lying below the top of dam elevation of 1830.5 fmsl. A copy of the easement shall be filed with the Water Rights Program before the project is constructed (*the easement was obtained and is on file with the Water Rights Program*).



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

APR 07 2008

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

APR 07 2006

2525-2

Jeff Munsell & Richard Dillion
Excelsior Homes Inc
135 Hwy 7 W
Hutchinson MN 55350

Dear Sirs:

Enclosed is your Water License No. 2525-2. The water license is the final document which completes the process of obtaining a water right. Also enclosed is a map prepared by the staff engineer who conducted the field investigation.

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

25252

DUCKS UNLIMITED

LONE TREE WETLAND

SECTION 14, T-101-N, R-77-W
TRIPP COUNTY, SOUTH DAKOTAIN COOPERATION WITH
SOUTH DAKOTA GAME, FISH, AND PARKS

DUCKS UNLIMITED

SPECIFICATIONS

- 101 GENERAL CONDITIONS
- 102 SUPPLEMENTAL CONDITIONS
- 201 MOBILIZATION
- 202 SITE PREPARATION
- 203 EXCAVATION
- 204 EMBANKMENT CONSTRUCTION
- 205 WATER
- 206 WATER CONTROL STRUCTURE INSTALLATION
- 206A WATER CONTROL STRUCTURE AND CULVERT APPURTENANCES
- 207 CULVERT INSTALLATION
- 208 CAST-IN-PLACE REINFORCED CONCRETE
- 209 RIPRAP PLACEMENT

PLAN INDEX

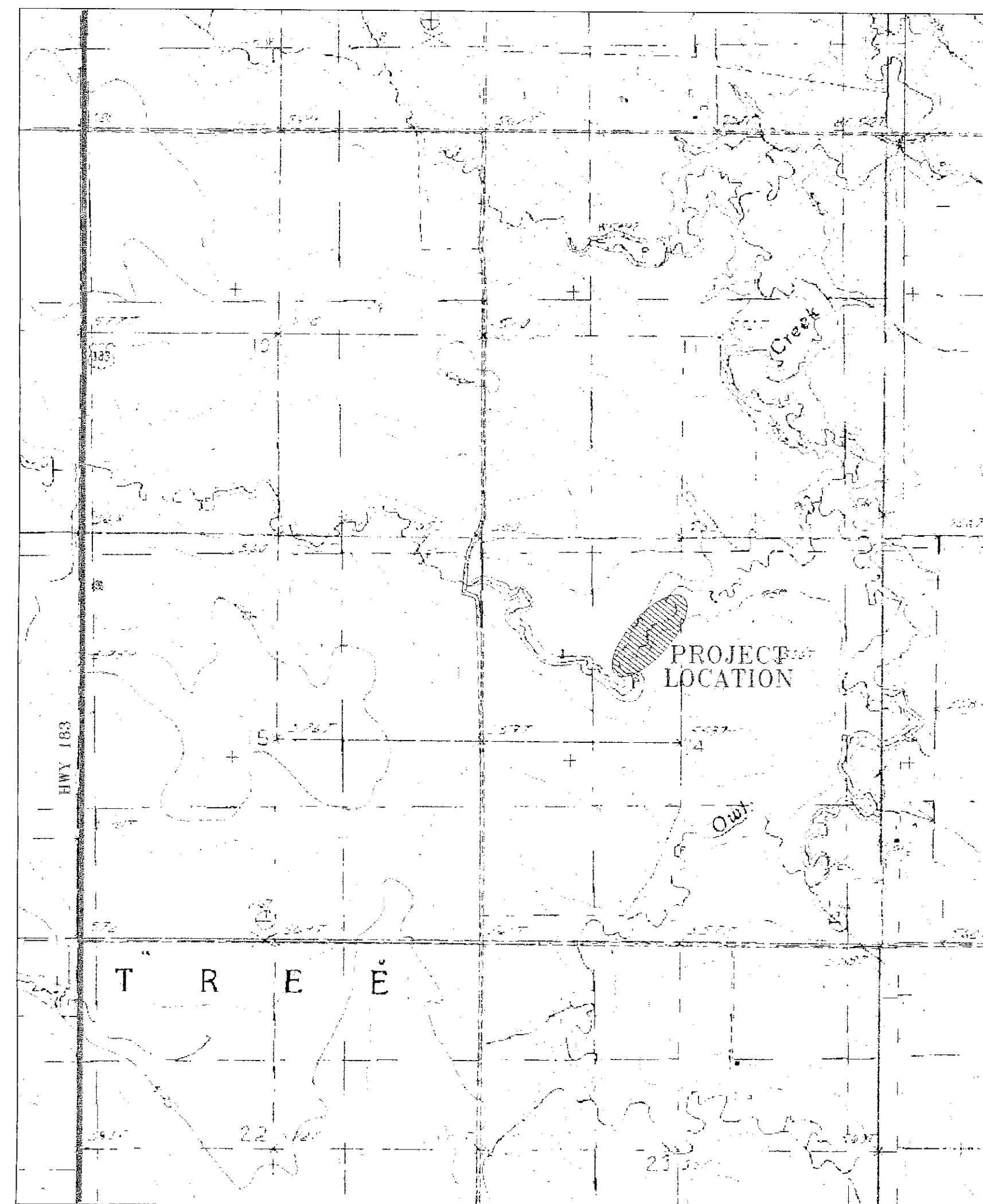
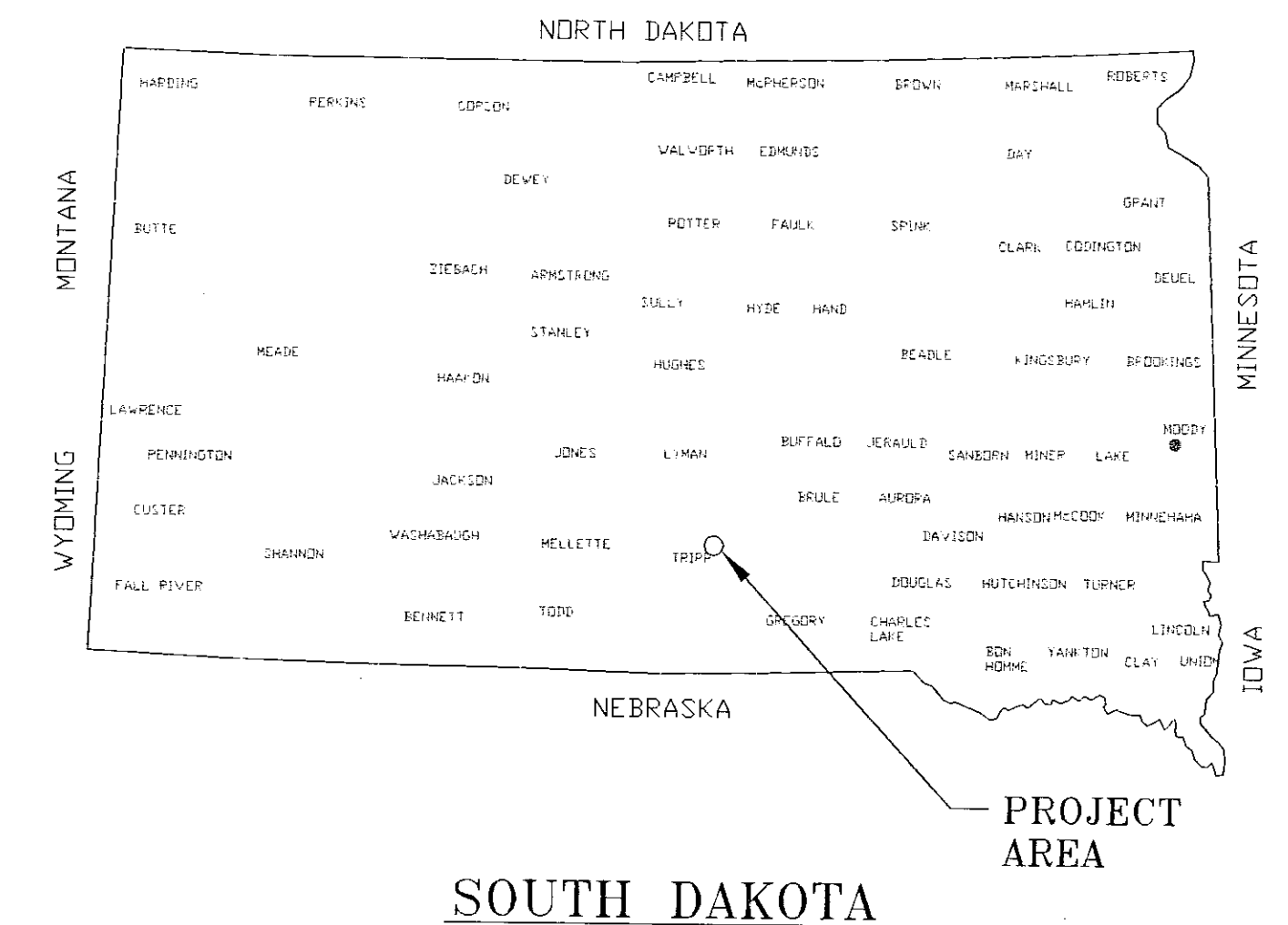
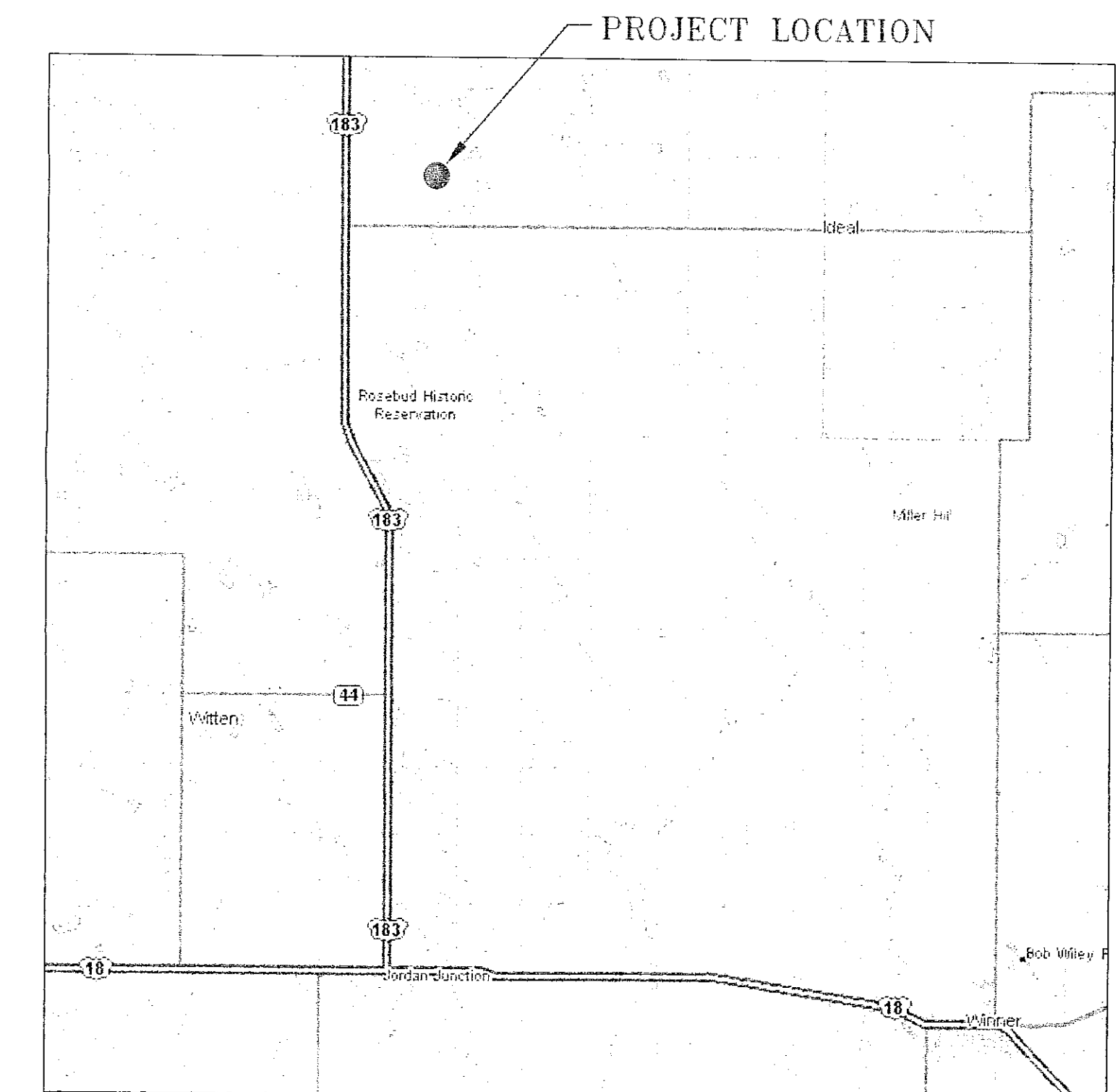
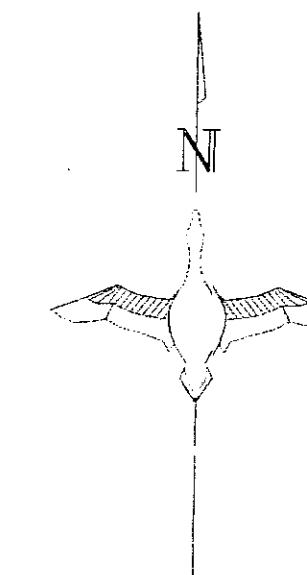
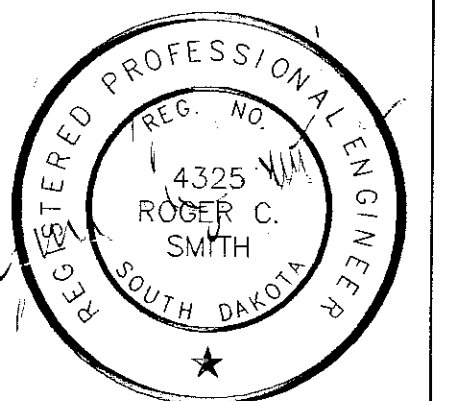
- 1 LOCATION MAPS
- 2 PROJECT TOPOGRAPHY
- 3 EXCAVATION - PLAN, PROFILE, X-SECTIONS
- 4 EMBANKMENT - PLAN, PROFILE, X-SECTIONS
- 5 WATER CONTROL STRUCTURE - PLAN & PROFILE
- 6 WATER CONTROL STRUCTURE - DETAILS
- 7 SOIL INFORMATION WHEN AVAILABLE

ESTIMATED QUANTITIES

MOBILIZATION	1 L.S.
SITE PREPARATION (6")	838 CY-P
EXCAVATION	
BREACH EXCAVATION	1699 C.Y.-P
EXISTING EMBANKMENT EXCAVATION	1246 C.Y.-P
EMERGENCY SPILLWAY	7333 C.Y.-P
OUTLET CHANNEL	963 C.Y.-P
CONTROL STRUCTURE EXCAVATION	2717 C.Y.-P
TOTAL	13958 C.Y.-P
EMBANKMENT CONSTRUCTION	13697 CY-S
*WATER	140 MGAL.
WATER CONTROL STRUCTURE INSTALLATION	
84"Ø CMP RISER	1 EA.
AGRI-DRAIN INLINE DRAWDOWN STRUCTURE	1 EA.
WATER CONTROL STRUCTURE APPURTENANCES	INC.
CULVERT INSTALLATION	
54"Ø CMP	96 L.F.
12"Ø PVC	22 L.F.
RIPRAP PLACEMENT	
CLASS I	18 CY-P
CLASS II	89 CY-P

CY-P - PAYMENT WILL BE BASED ON THIS PLAN QUANTITY.

CY-S- PAYMENT WILL BE BASED ON AN AS STAKED QUANTITY AS CALCULATED FROM CONSTRUCTION STAKING DATA AND INCLUDES MATERIAL REMOVED FOR STRUCTURE INSTALLATION SITE PREPARATION, AND CORE TRENCH EXCAVATION. A 15% SHRINKAGE WAS APPLIED TO EMBANKMENT VOLUME.

* ONLY ACTUAL QUANTITY OF WATER USED WILL BE PAID FOR.
10 GALLONS/CY WAS USED TO ESTIMATE AMOUNT OF WATER.PROJECT LOCATION MAP
NOT TO SCALEPROJECT LOCATION MAP
NOT TO SCALERECEIVED
APR 08 2004
WATER RIGHTS
PROGRAM

AGENCY CONTACT

TIM OLSON
SD GAME FISH + PARKS
(605) 773-3381

LANDOWNER CONTACT

JEFF MONSELL
(800) 547-4990
(320) 275-2860

DUCKS UNLIMITED INC.		PROJECT NO. SD-0291-001	DESIGNED BY: RCS
LONE TREE WETLAND LOCATION MAPS		DRAWN BY: TSP	CHECKED BY: BRK
GREAT PLAINS REGIONAL OFFICE	SHEET NO. 1 OF 7	APPROVED BY: [Signature]	APPROVED BY: [Signature]
DATE: 2-12-2004			25252

2525-2



DUCKS UNLIMITED

DUCKS UNLIMITED

PROJECT

LONE TREE WETLAND

SECTION 14, T-101-N, R-77-W
TRIPP COUNTY, SOUTH DAKOTA

IN COOPERATION WITH
SOUTH DAKOTA GAME, FISH, AND PARKS

SPECIFICATIONS

- 101 GENERAL CONDITIONS
- 102 SUPPLEMENTAL CONDITIONS
- 201 MOBILIZATION
- 202 SITE PREPARATION
- 203 EXCAVATION
- 204 EMBANKMENT CONSTRUCTION
- 205 WATER
- 206 WATER CONTROL STRUCTURE INSTALLATION
- 206A WATER CONTROL STRUCTURE AND CULVERT APPURTENANCES
- 207 CULVERT INSTALLATION
- 208 CAST-IN-PLACE REINFORCED CONCRETE
- 209 RIPRAP PLACEMENT

PLAN INDEX

- 1 LOCATION MAPS
- 2 PROJECT TOPOGRAPHY
- 3 EXCAVATION - PLAN, PROFILE, X-SECTIONS
- 4 EMBANKMENT - PLAN, PROFILE, X-SECTIONS
- 5 WATER CONTROL STRUCTURE - PLAN & PROFILE
- 6 WATER CONTROL STRUCTURE - DETAILS
- 7 SOIL INFORMATION WHEN AVAILABLE

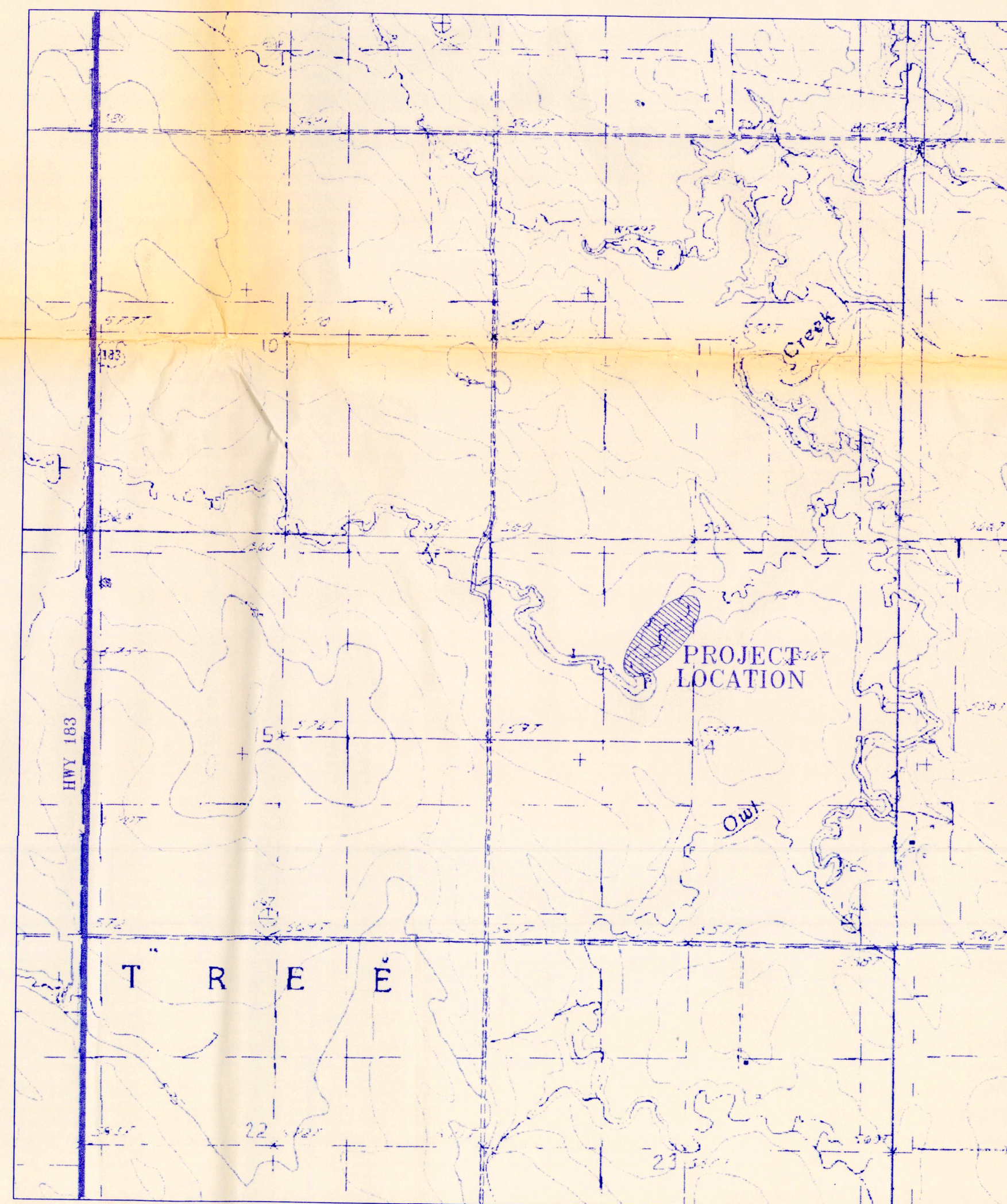
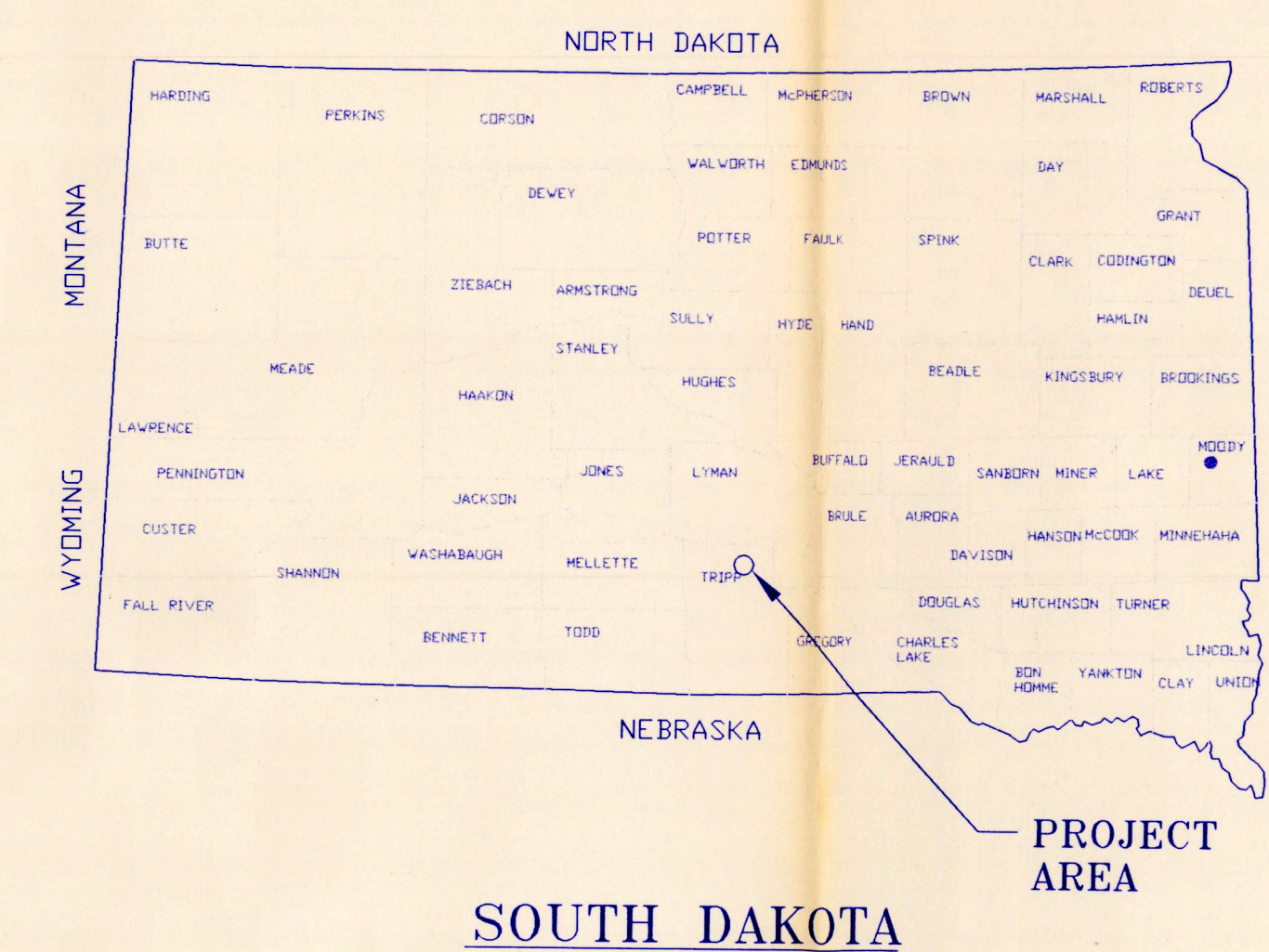
ESTIMATED QUANTITIES

MOBILIZATION	1 L.S.
SITE PREPARATION (6")	838 CY-P
EXCAVATION	
BREACH EXCAVATION	1699 C.Y.-P
EXISTING EMBANKMENT EXCAVATION	1246 C.Y.-P
EMERGENCY SPILLWAY	7333 C.Y.-P
OUTLET CHANNEL	963 C.Y.-P
CONTROL STRUCTURE EXCAVATION	2717 C.Y.-P
TOTAL	13958 C.Y.-P
EMBANKMENT CONSTRUCTION	13697 CY-S
*WATER	140 MGAL.
WATER CONTROL STRUCTURE INSTALLATION	
84"Ø CMP RISER	1 EA.
AGRI-DRAIN INLINE DRAWDOWN STRUCTURE	1 EA.
WATER CONTROL STRUCTURE APPURTENANCES	INC.
CULVERT INSTALLATION	
54"Ø CMP	96 L.F.
12"Ø PVC	22 L.F.
RIPRAP PLACEMENT	
CLASS I	18 CY-P
CLASS II	89 CY-P

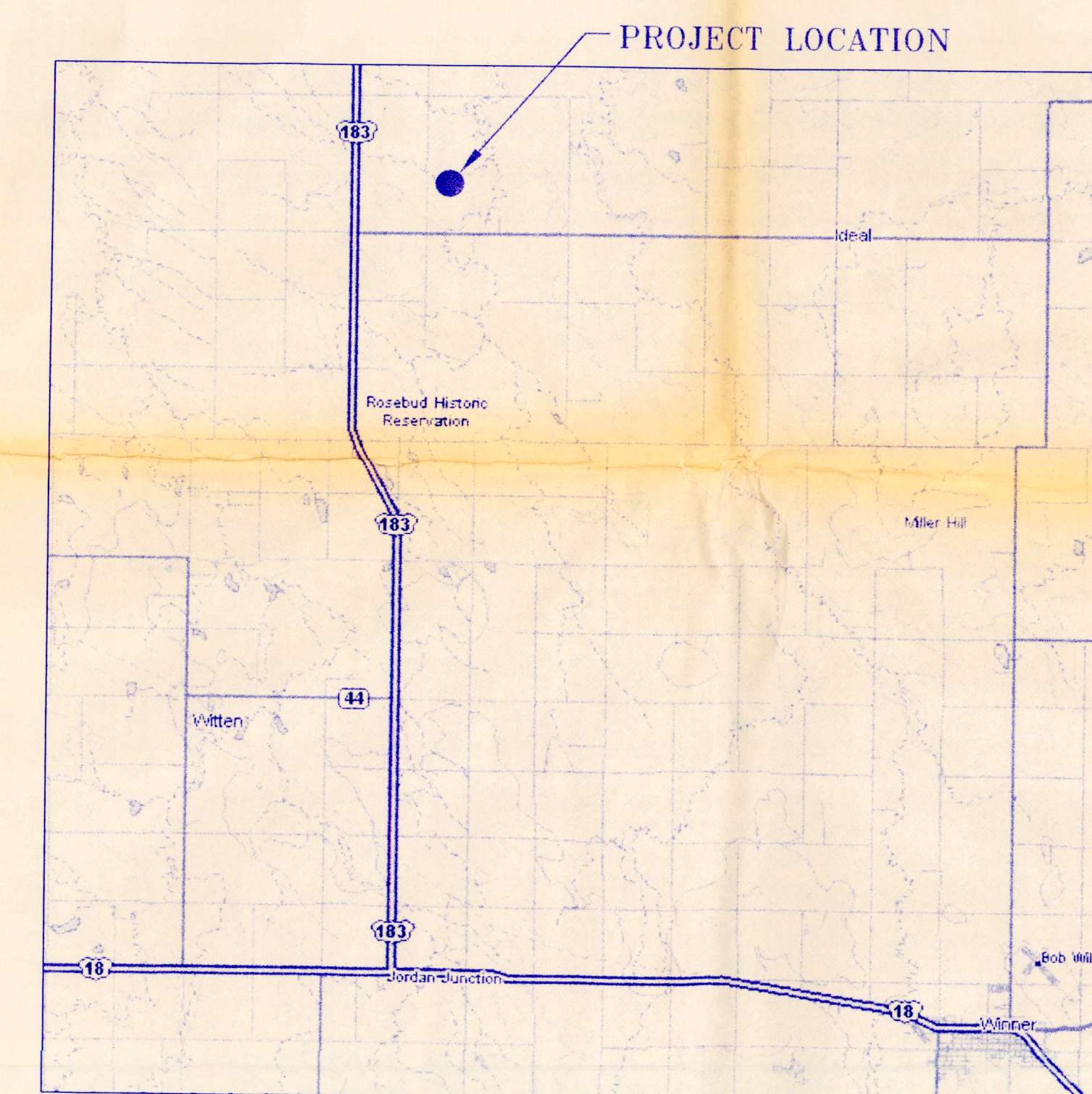
CY-P - PAYMENT WILL BE BASED ON THIS PLAN QUANTITY.

CY-S- PAYMENT WILL BE BASED ON AN AS STAKED QUANTITY AS CALCULATED FROM CONSTRUCTION STAKING DATA AND INCLUDES MATERIAL REMOVED FOR STRUCTURE INSTALLATION SITE PREPARATION, AND CORE TRENCH EXCAVATION. A 15% SHRINKAGE WAS APPLIED TO EMBANKMENT VOLUME.

* ONLY ACTUAL QUANTITY OF WATER USED WILL BE PAID FOR.
10 GALLONS/CY WAS USED TO ESTIMATE AMOUNT OF WATER.

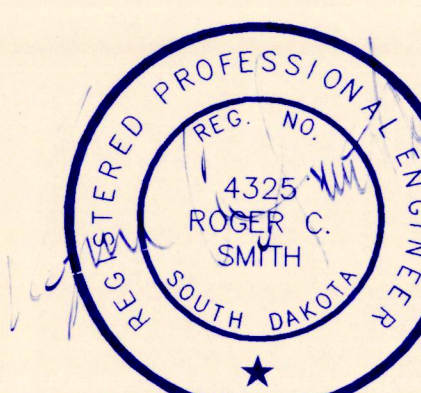


PROJECT LOCATION MAP
NOT TO SCALE



PROJECT LOCATION MAP
NOT TO SCALE

RECEIVED
APR 08 2004
WATER RIGHTS
PROGRAM



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SD GAME FISH + PARKS
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LANDOWNER CONTACT

JEFF MONSELL
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DUCKS UNLIMITED INC.	PROJECT NO. SD-0291-001	DESIGNED BY: RCS
	LONE TREE WETLAND LOCATION MAPS	DRAWN BY: TSP
GREAT PLAINS REGIONAL OFFICE	CHECKED BY: BRK	
DATE: 2-12-2004	SHEET NO. 1 OF 7	APPROVED BY: [Signature]

2525-2



AREA/CAPACITY		
ELEVATION	SURFACE ACRES	ACRE-FEET
1815	0.0	0.0
1816	0.1	0.1
1817	0.8	0.6
1818	1.4	1.7
1819	3.3	4.0
1820	6.1	8.7
1821	9.2	16.3
1822	11.7	26.7
1823	14.3	39.7
1824 (FSL)	17.0	55.3
1825	20.2	73.9
1826	23.9	96.0
1827	27.8	121.8
1828	31.2	151.3
1829	37.5	185.7
1830	40.3	226.0
1830.5	42.0	267.0

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HORIZONTAL AND VERTICAL CONTROL: THERE WAS NO SURVEY CONTROL NEAR THIS PROJECT THEREFORE CONTROL WAS ESTABLISHED USING THE NGS (NATIONAL GEODETIC SURVEY) OPUS (ONLINE POSITIONING USER SERVICE). DU-45-2003 WAS OBSERVED WITH A TRIMBLE 5700 GPS RECEIVER FOR 2.5 HOURS WITH THE DATA RINEX FILE 34012590.030 SENT INTO NGS FOR ONLINE PROCESSING. COORDINATES ARE UTM ZONE 14 GRID COORDINATES IN US FEET, AND ARE ON NAD 83 (1996). THE VERTICAL ELEVATION WAS ESTABLISHED FROM THE GEOID 99 ON THE NAVD88.

	PROJECT NO. SD-0291-001	DESIGNED BY: RCS
	LONE TREE WETLAND PROJECT SITE TOPOGRAPHY	DRAWN BY: TSP
GREAT PLAINS REGIONAL OFFICE	SHEET NO. 2 OF 7	SURVEYED BY: GLJ
DATE: 2-12-2004	APPROVED BY:	CHECKED BY: BRK

STRIP & STOCKPILE TOPSOIL
PRIOR TO EXCAVATING CHANNEL.
RESPREAD TOPSOIL OVER CHANNEL
SIDESLOPES.

3:1

12'

3:1

CHANNEL BOTTOM
ELEV. 1811.0

TYPICAL CHANNEL SECTION

NOT TO SCALE

A
31

Diagram illustrating a typical emergency spillway section. The section shows a cross-section of the spillway with a width of 100' and a spillway bottom elevation of 1827.0 (including topsoil). The slopes are indicated as 3:1. The diagram also shows the existing ground level and the strip & stockpile topsoil prior to excavating the spillway, with the topsoil being respread over the completed spillway bottom and sideslopes.

EXISTING GROUND

STRIP & STOCKPILE TOPSOIL
PRIOR TO EXCAVATING SPILLWAY.
RESPREAD TOPSOIL OVER COMPLETED
SPILLWAY BOTTOM AND SIDESLOPES.

3:1

100'

3:1

SPILLWAY BOTTOM
ELEV. 1827.0
(INCLUDING TOPSOIL)

TYPICAL EMERGENCY SPILLWAY SECTION

NOT TO SCALE

3/3

RECONSTRUCT EMBANKMENT
SEE SHEET 4

TOP OF RECONSTRUCTED EMBANKMENT
ELEV. 1830.5

EXCAVATE EXISTING EMBANKMENT
TO ELEV. 1824.0

EXISTING GROUND

EXCAVATED MATERIAL, IF SUITABLE,
SHALL BE USED FOR COMPACTED
EMBANKMENT, OR WASTED AS DIRECTED
IF DEEMED UNSUITABLE.

EXISTING EMBANKMENT EXCAVATION - SECTION

SCALE: 1" = 10' HORIZ. & VERT.

C
3/3

EXCAVATED MATERIAL, IF SUITABLE,
SHALL BE USED FOR COMPACTED
EMBANKMENT, OR WASTE AS DIRECTED
IF DEEMED UNSUITABLE.

EXISTING GROUND

3:1

3:1

24'

BOTTOM OF EXCAVATION
ELEV. 1807.0

BREACH EXCAVATION - SECTION

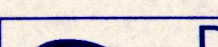
SCALE: 1" = 20' HORIZ. & VERT.

North Arrow

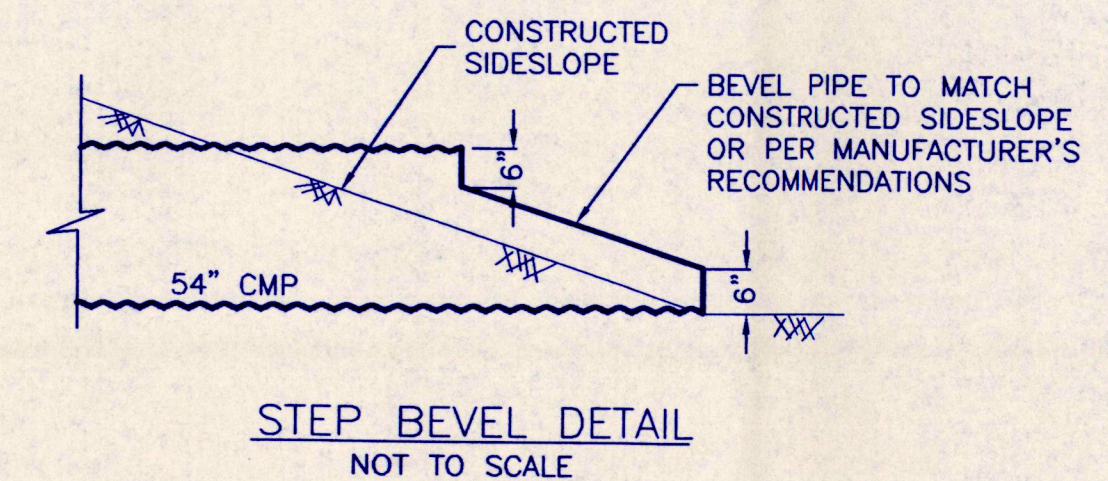
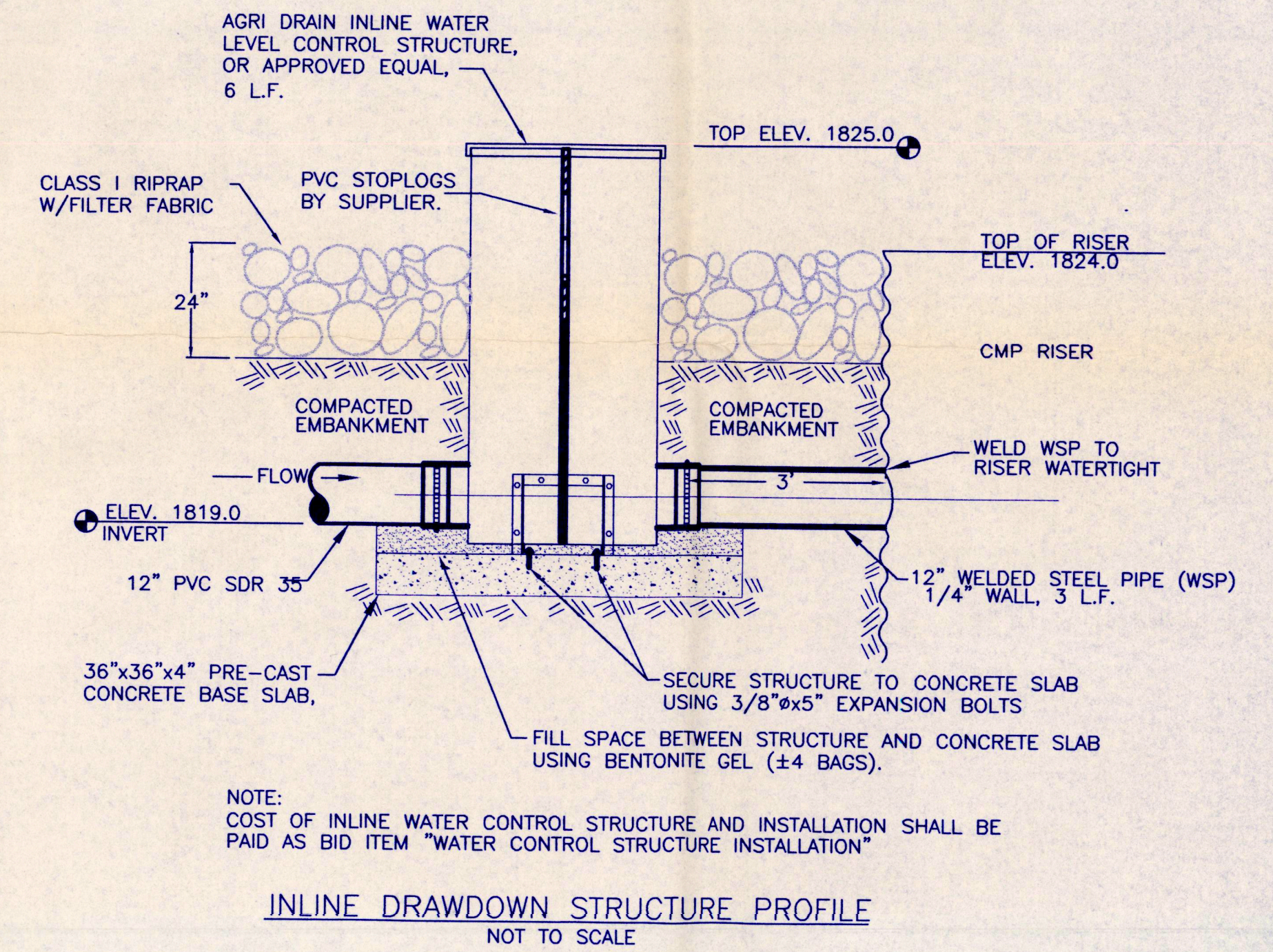
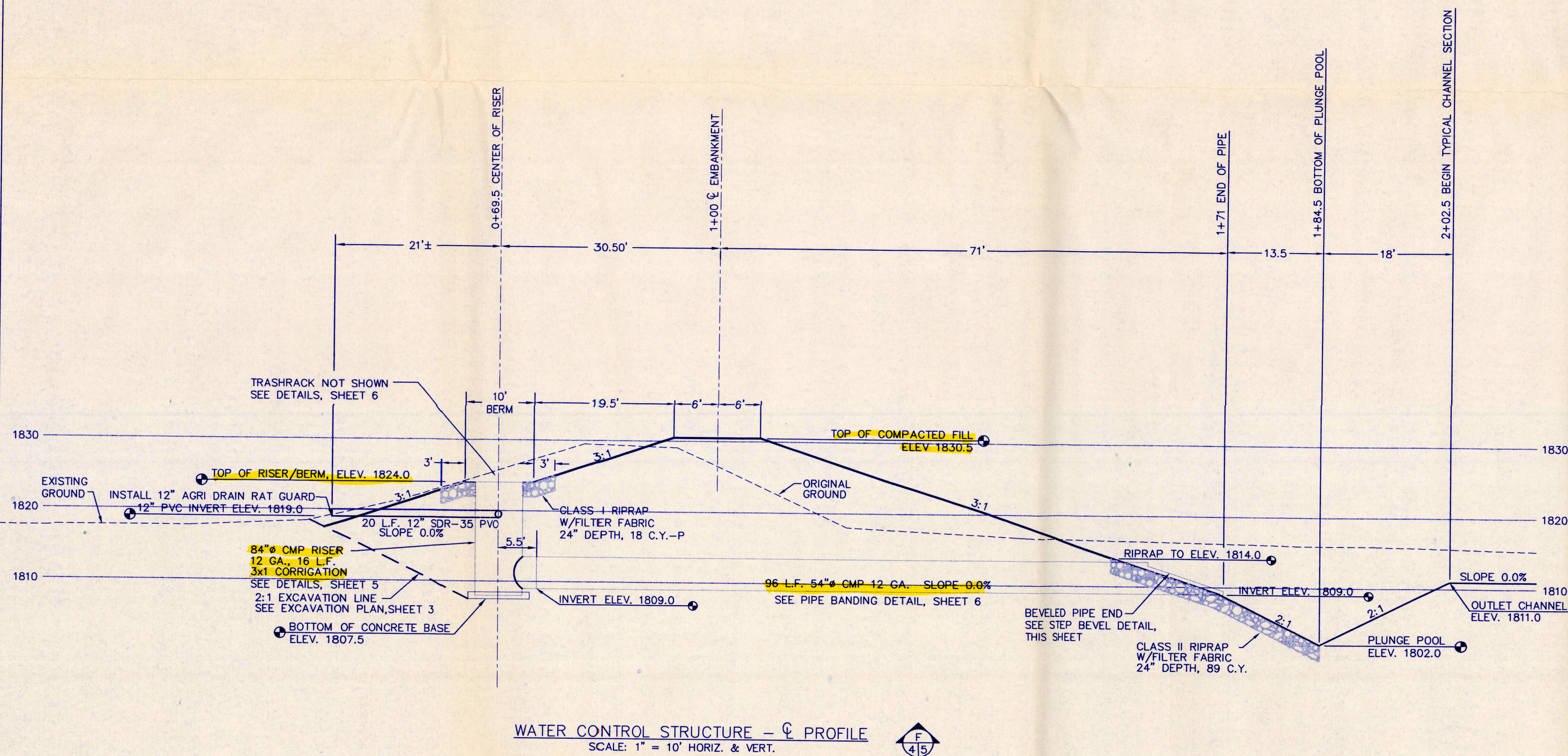
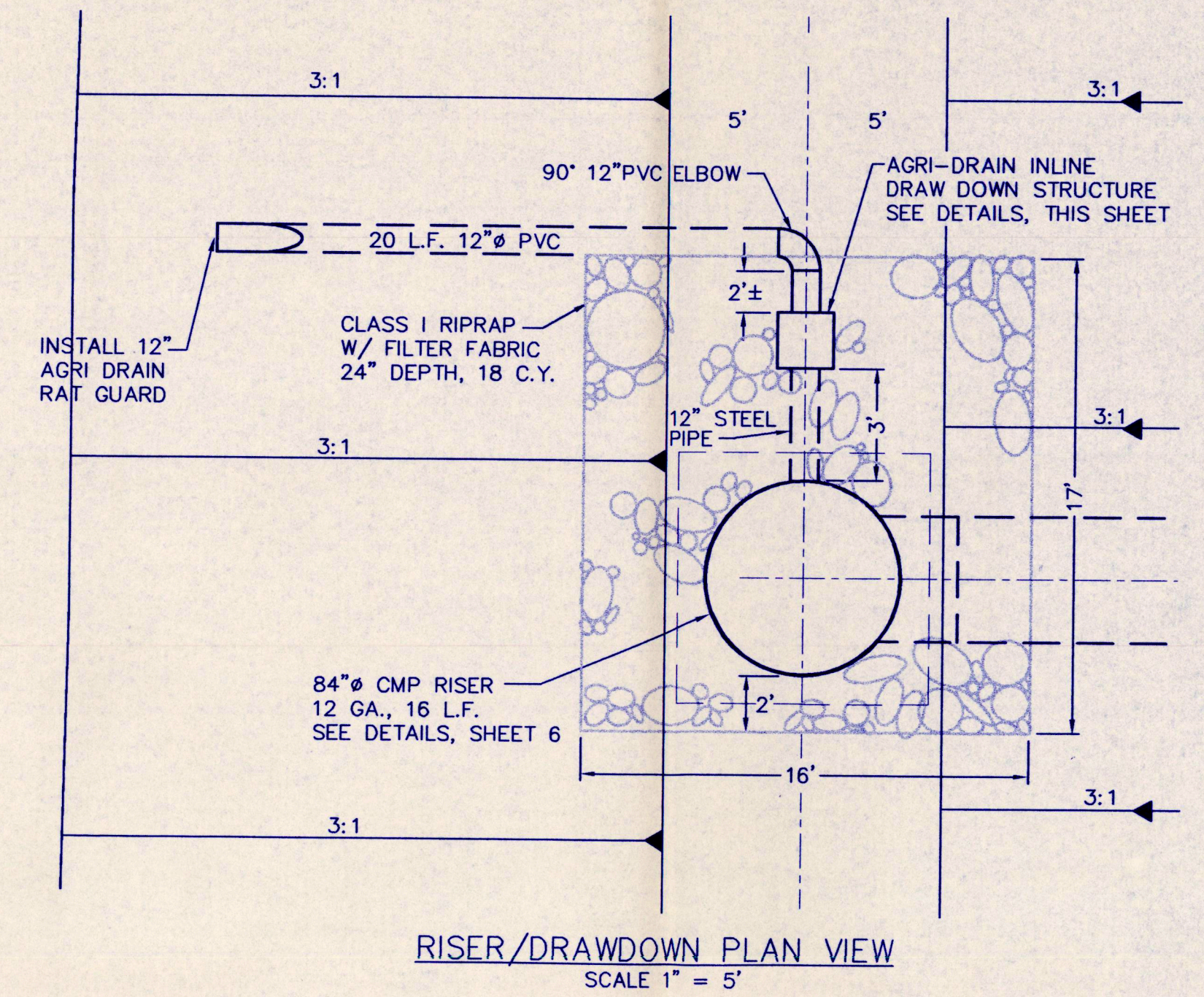
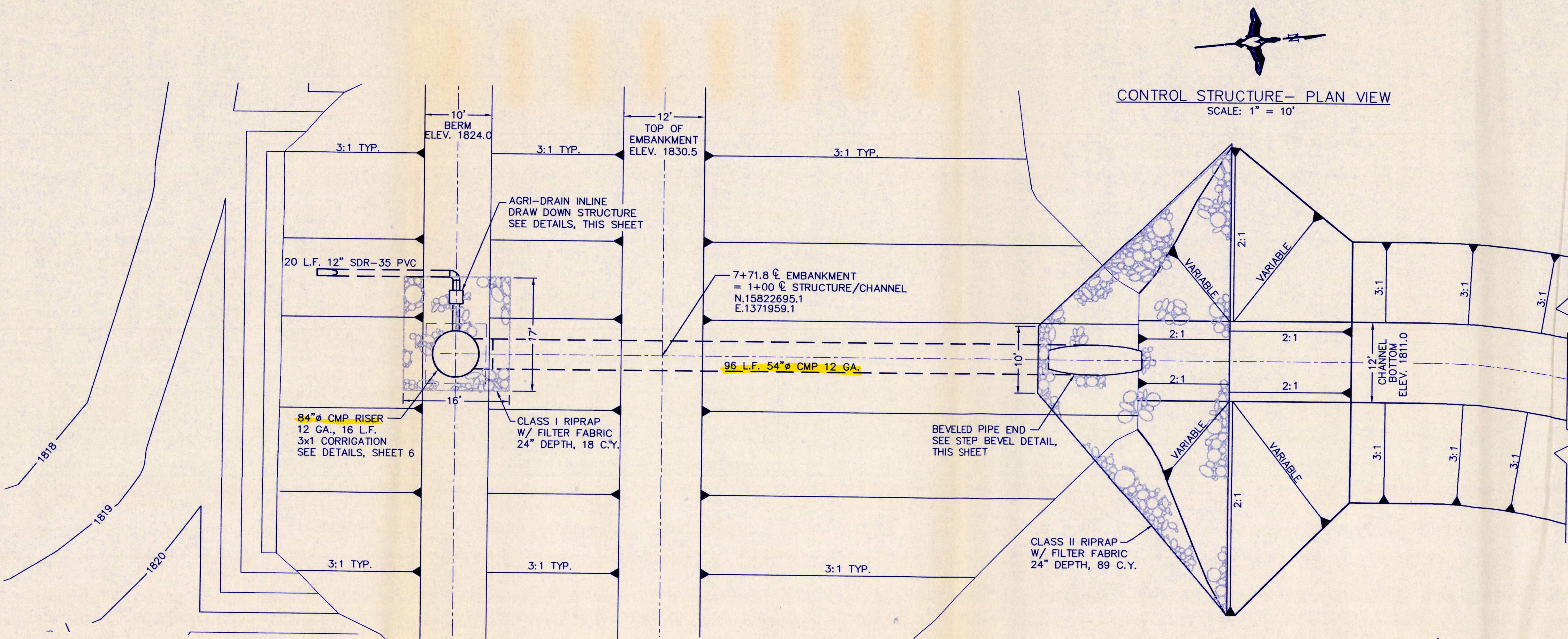
 DUCKS UNLIMITED INC.	PROJECT NO. SD-0291-001		DESIGNED BY: RCS
	LONE TREE WETLAND EXCAVATION PLAN		DRAWN BY: TSP SURVEYED BY: GLJ
GREAT PLAINS REGIONAL OFFICE	DATE: 2-05-2004	SHEET NO. 3 OF 7	APPROVED BY: APPROVED BY:

EMBANKMENT PROFILE
SCALE: 1" = 50' HORIZ.
1" = 10' VERT.

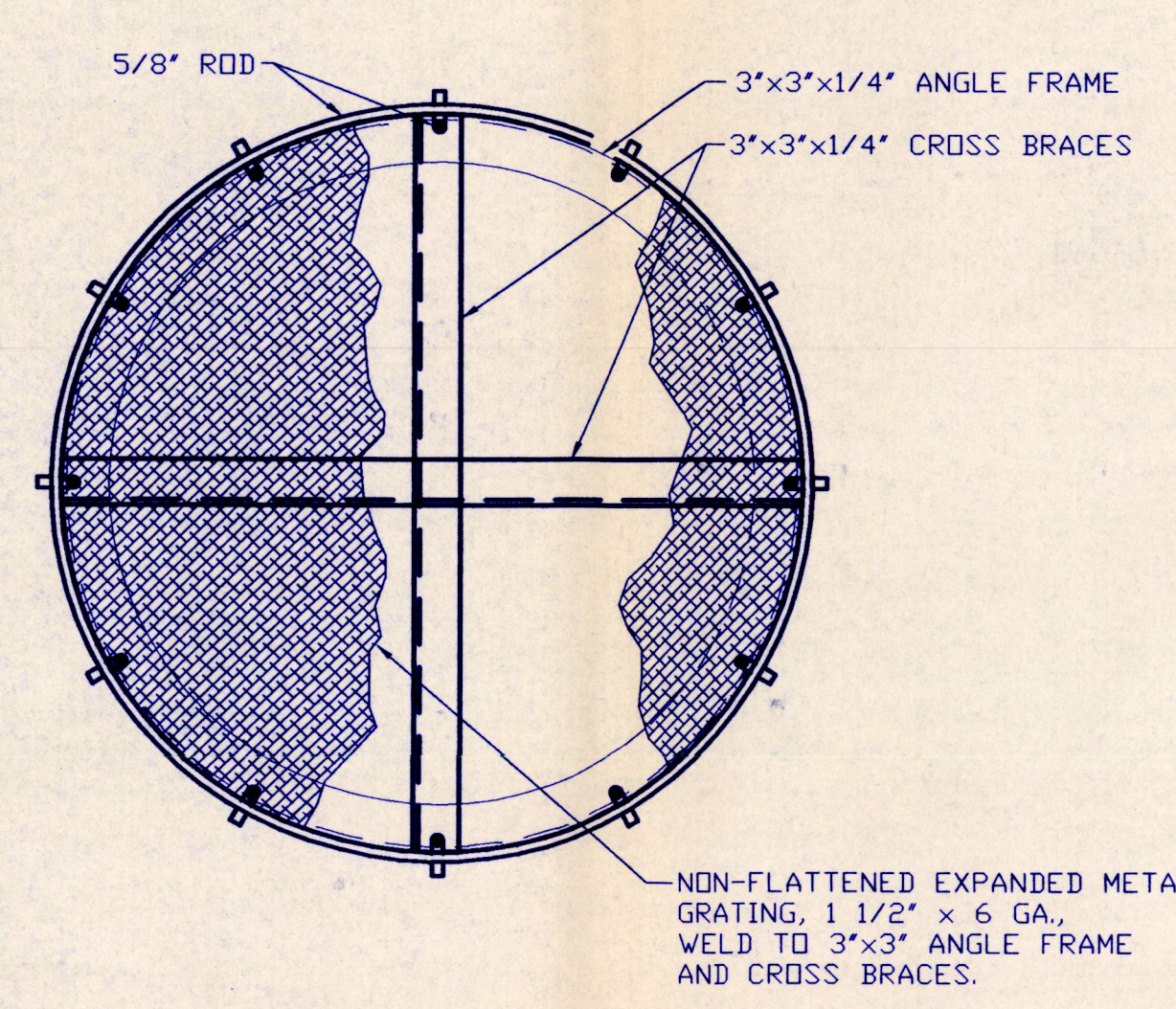
NOTE:
SUITABLE MATERIAL FROM ALL REQUIRED
EXCAVATIONS SHALL BE USED IN THE
EMBANKMENT CONSTRUCTION. ADDITIONAL
BORROW MATERIAL, IF REQUIRED, SHALL BE
OBTAINED LOCALLY AS DIRECTED BY THE
ENGINEER.

 DUCKS UNLIMITED INC.	PROJECT NO. SD-0291-001	DESIGNED BY: RCS
	LONE TREE WETLAND EMBANKMENT PLAN	DRAWN BY: TSP SURVEYED BY: GLJ CHECKED BY: BRK
GREAT PLAINS REGIONAL OFFICE		
DATE: 2-09-2004	SHEET NO. 4 OF 7	APPROVED BY:
		APPROVED BY:

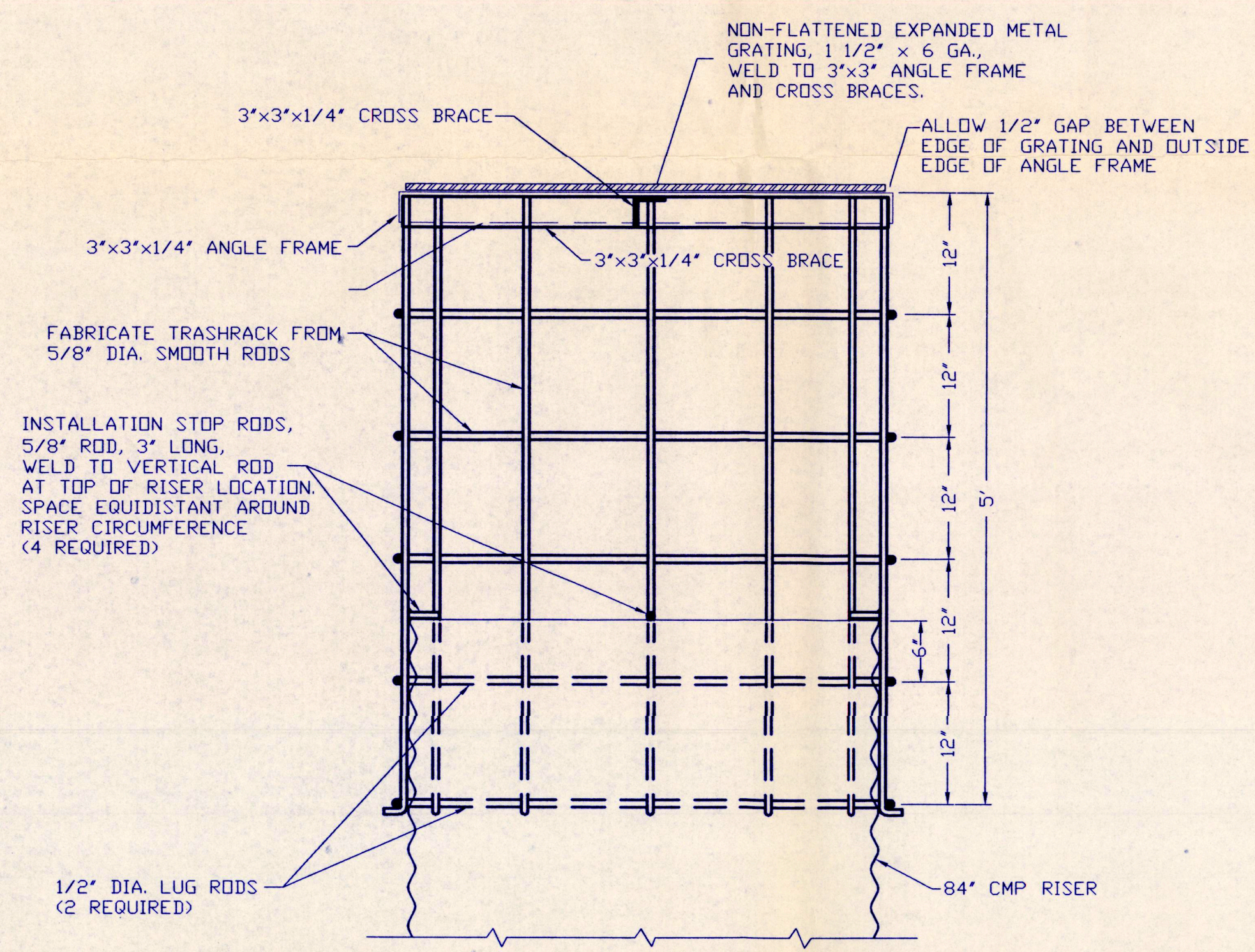
25252



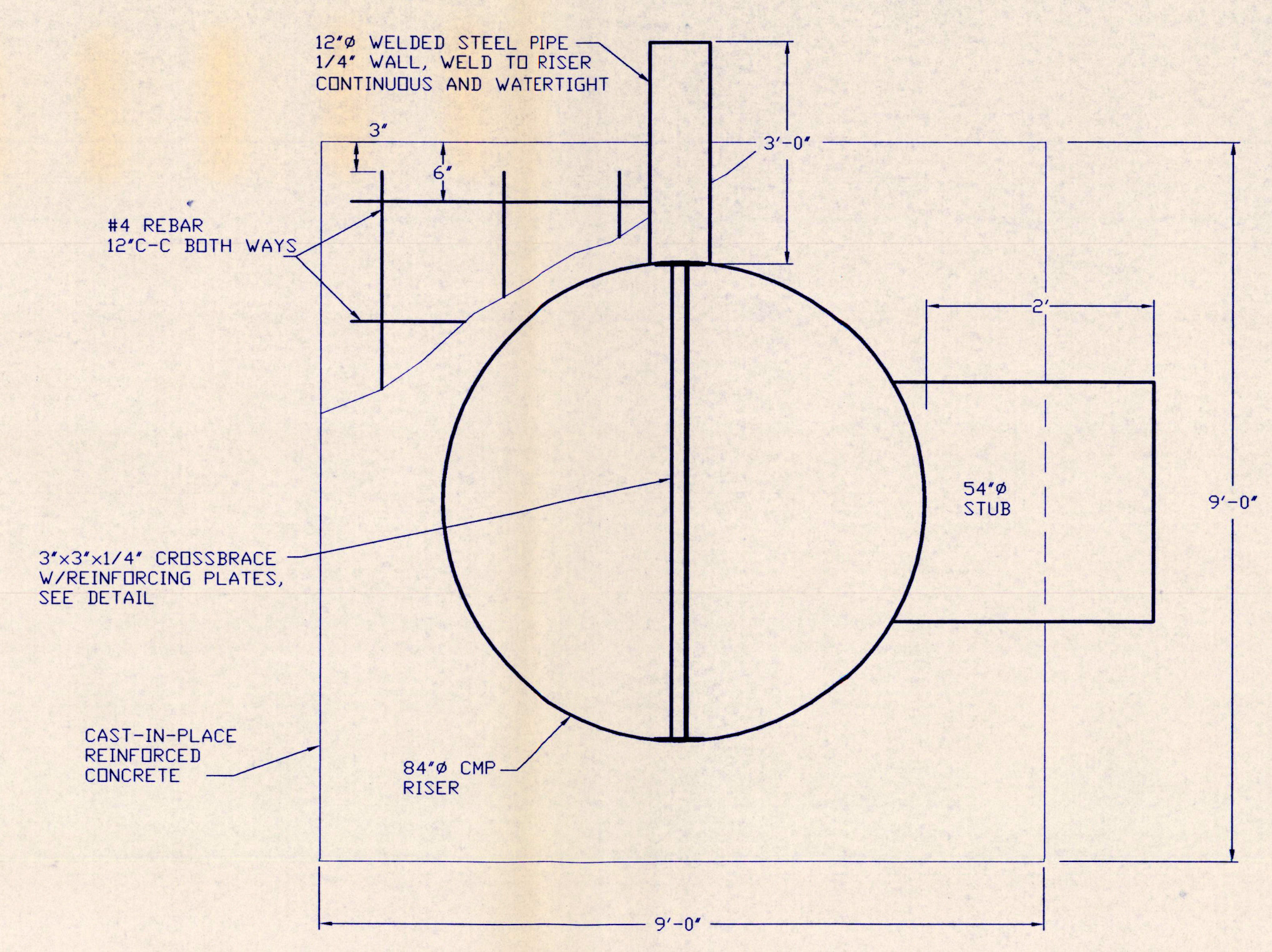
	PROJECT NO. SD-0291-001	DESIGNED BY: RCS
	LONE TREE WETLAND	DRAWN BY: TSP
	WATER CONTROL STRUCTURE	SURVEYED BY: GLJ
	PLAN AND PROFILE	CHECKED BY: BRK
DATE: 2-11-2004	SHEET NO. 5 OF 7	APPROVED BY:



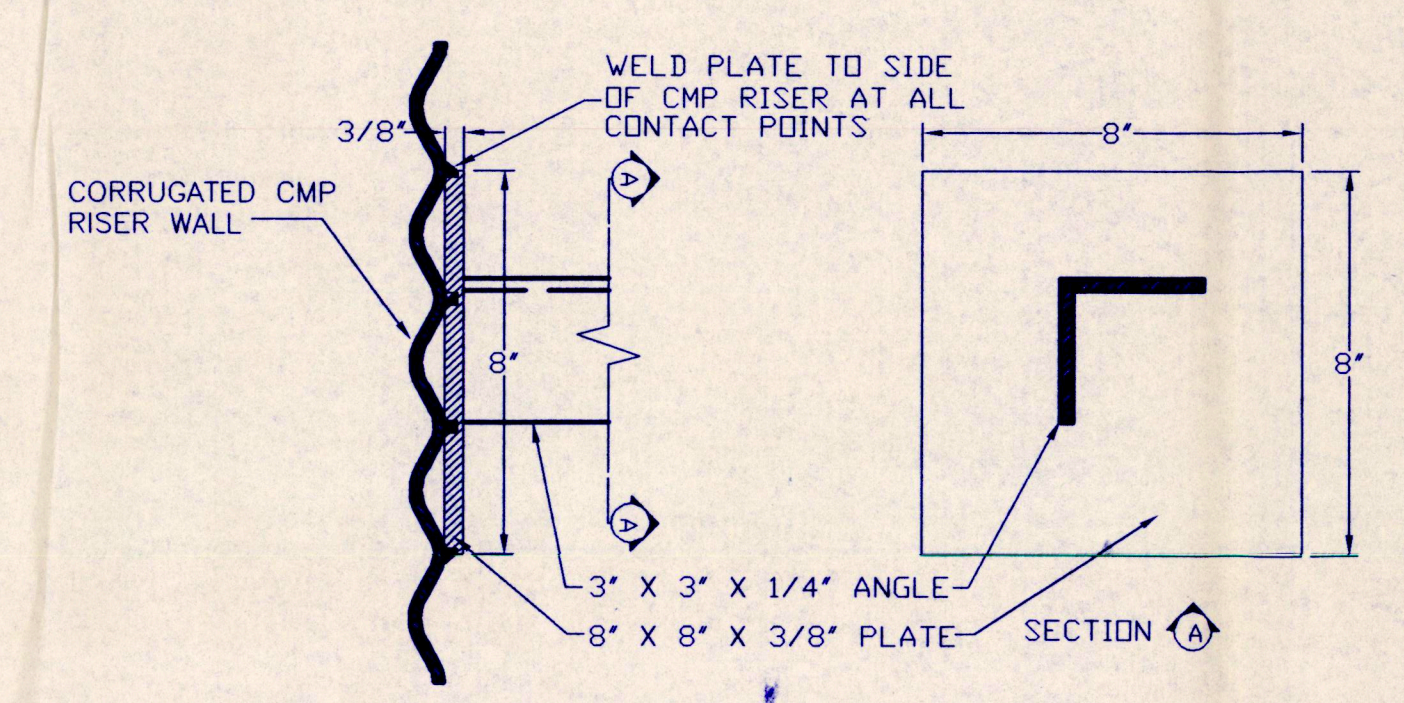
NOTE TO SUPPLIER:
TRASHRACK TO BE PAINTED INSIDE AND OUT,
CONSISTING OF ONE SHOP COAT OF ZINC BASE
PRIMER WITH TWO COATS OF ALKYD ENAMEL
FLAT BLACK PAINT.



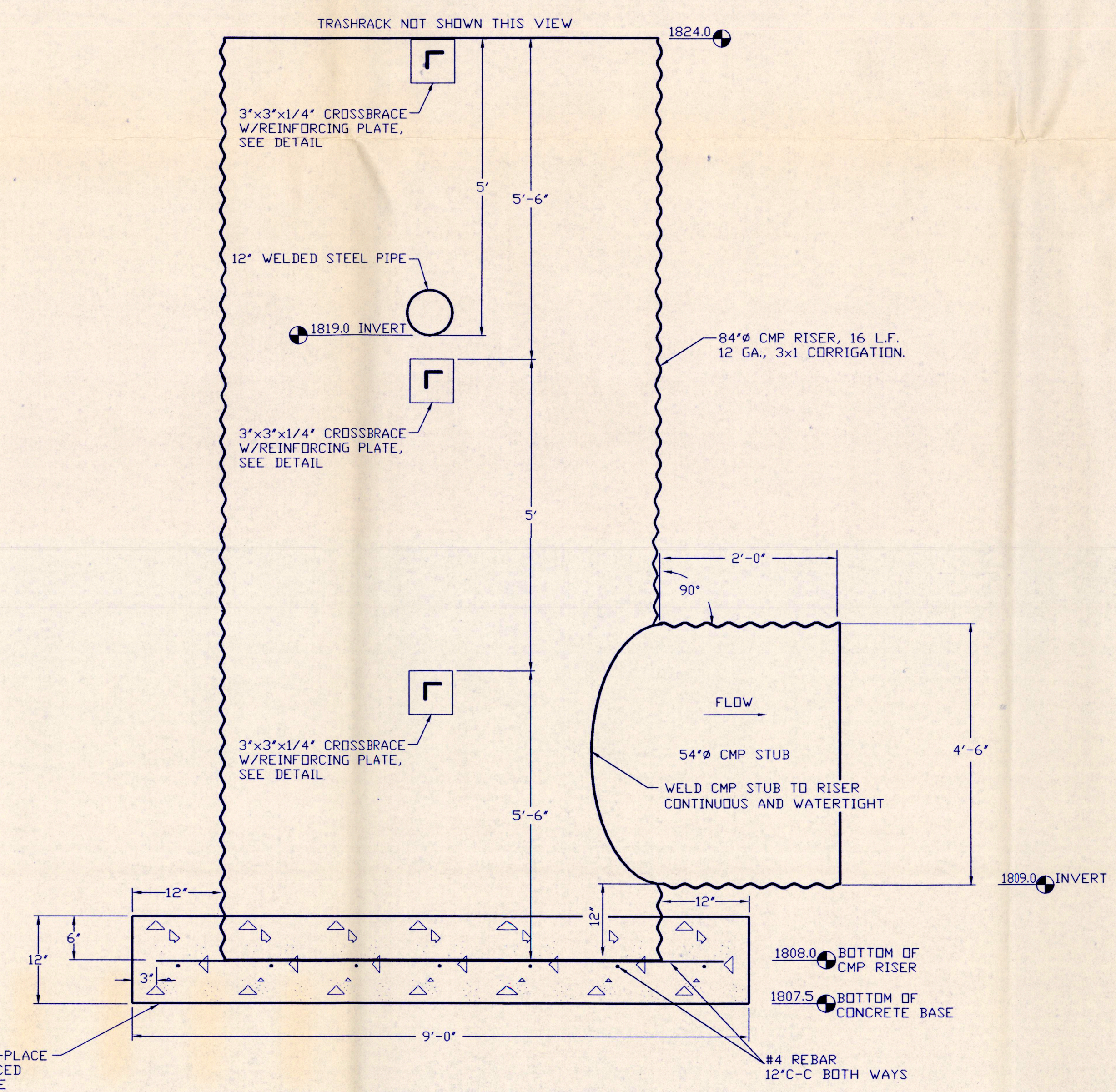
TRASHRACK DETAIL
NOT TO SCALE



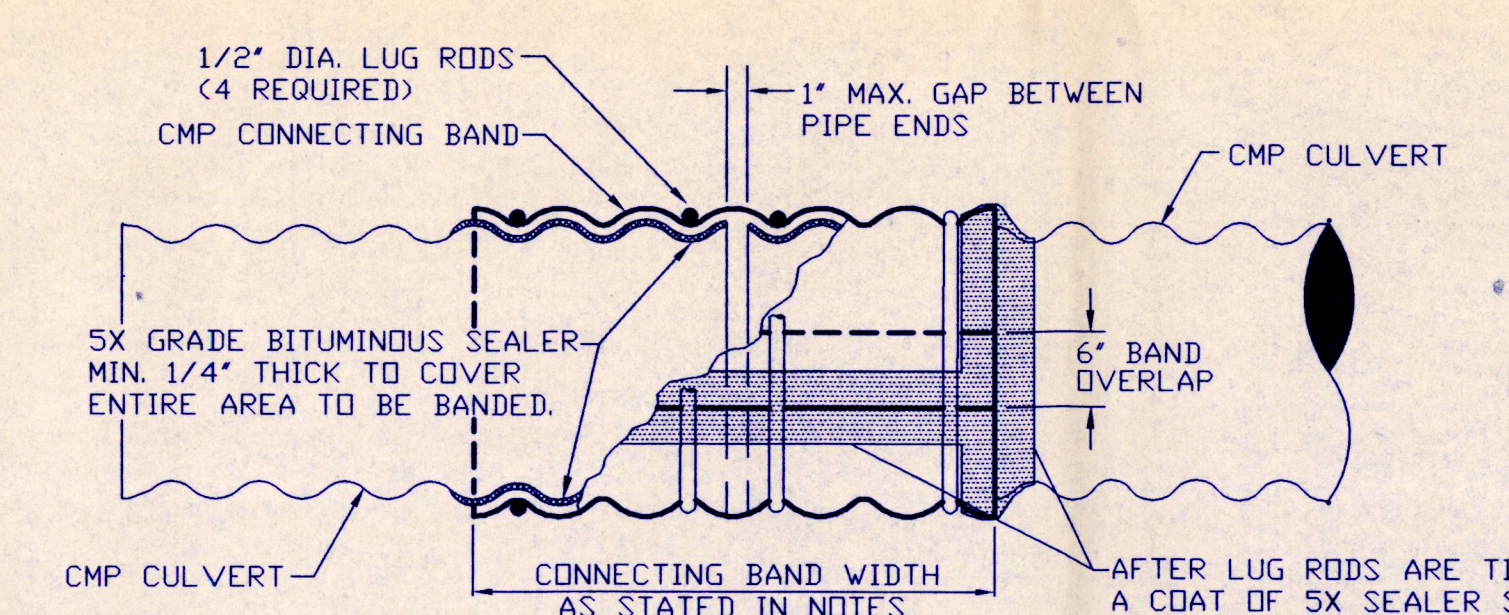
CONTROL STRUCTURE PLAN
NOT TO SCALE



CROSS BRACE REINFORCING PLATE
NOT TO SCALE



CONTROL STRUCTURE PROFILE
NOT TO SCALE



NOTE TO SUPPLIERS:
IF ANNULAR PIPE IS USED, USE A 2 FT. WIDE
ANNULAR BAND. IF HELICAL PIPE WITH 4
CORRUGATIONS REROLLED TO ANNULAR IS USED,
USE A 21 INCH WIDE ANNULAR BAND. SEE
SPECIFICATION 207.2.

CONNECTING BAND DETAIL
NOT TO SCALE