

WATER PERMIT NO. 2666-2

Name of Applicant: Casey J Foster

Address: HC 13 Box 35, Sparks NE

Phone: 402 322-0142

Amount of Water Claimed: 78 AF

Total Acres: NA

Source of Water Supply: runoff

Water to be used for: fish & wildlife propagation

County: Todd

Type of Waste Disposal System: NA

Location: 25 miles southeast of Mission

PRIORITY

Date Received: 3-17-11

Application/License Fee: \$700

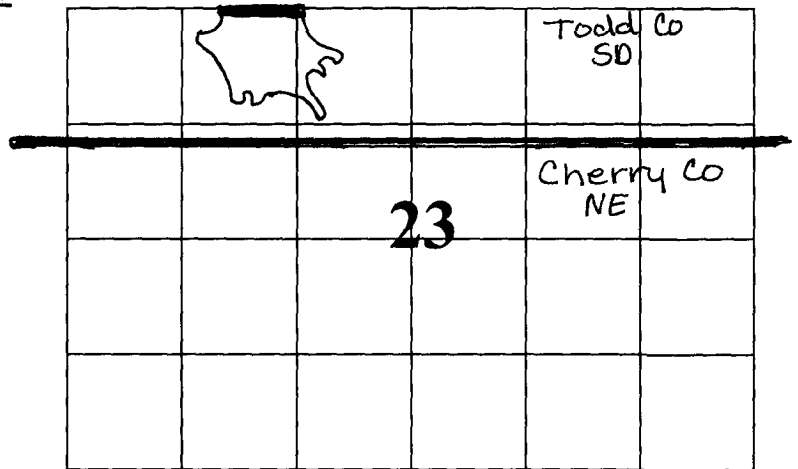
Corrected Application Received:

Period of Annual Use: Jan 1- Dec 31

Remarks:

Diversion Point: N ½ NW ¼ Sec 23-T35N-R25W

Water Impounded: N ½ NW ¼ Sec 23-T35N-
R25W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: plat

Prepared by: Dave Konechne, PE

Reviewed and the Number Assigned on: 3-17-11

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. <u>2666-2</u>	Hydrologic Unit <u>10150006</u>
	Basin <u>Mohrara Tributary</u>	
	Newspaper <u>Todd Co. Tribune</u>	<u>PO Box 229</u>
<u>605-856-4468</u>		<u>Mission 57555</u>

RECEIVED
MAR 17 2011
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.)

- Name of Applicant Foster Casey J. Foster Phone (402) 322-0142
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address xxx HC 13 Box 35 xxx Sparks NE xx 69220
 (Address) (City) (State) (Zip Code)
- Amount of water claimed *CFS or **GPM 78 ***AF
 (*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply dry draw - runoff
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Todd
N1/2 NW section 23, T35N, R25W water impounded. N1/2 NW1/4 Sec 23 T35N
R 25 W
- County or counties where water will be used Todd
- Annual period during which water is to be used 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)
An earth fill dam approximately 14 ft high with a 48 in dia concrete riser and 15 in dia PVC pipe

STATE OF SOUTH DAKOTA)

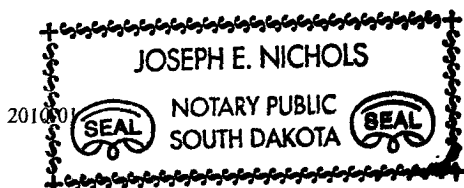
County of Todd) SS

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

I, Casey J. Foster, 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 Casey J. Foster

Subscribed and sworn to before me this 15th day of March 20 11



Joseph E. Nichols
Notary Public signature
My Comm. Expires: March 26, 2011

**SOUTH DAKOTA
WATER PERMIT NO. 2666-2**

Date of first receipt of application March 17, 2011.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2666-2 to Casey J Foster, 90805 Sparks N Rd, Sparks NE 69220 authorizing the construction of a dam and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2666-2 authorizes impoundment of 78 acre-feet of water from runoff by constructing a dam located in the N 1/2 NW 1/4 Section 23-T35N-R25W with water impounded in the same area.
2. The water appropriated shall be used for the purpose of fish and wildlife propagation and livestock water purposes 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. 2666-2 is May 23, 2011.
5. The date from which applicant may claim right is March 17, 2011.
6. One-fifth of the construction is to be completed on or before November 23, 2013.
7. All construction is to be completed on or before May 23, 2016.
8. Water is to be put to beneficial use on or before May 23, 2020.
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. 2666-2 authorizes a dam with a storage capacity of 78 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

AUG 26 2011
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ 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 applicant's 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) _____

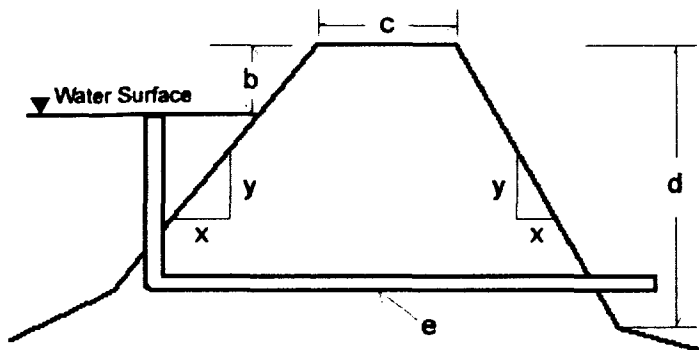
4. Water Storage Dams

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:
Konechne Engineering
104 Capitol Hill Dr
Pierre, SD 57501

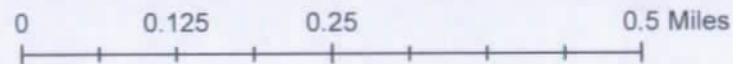
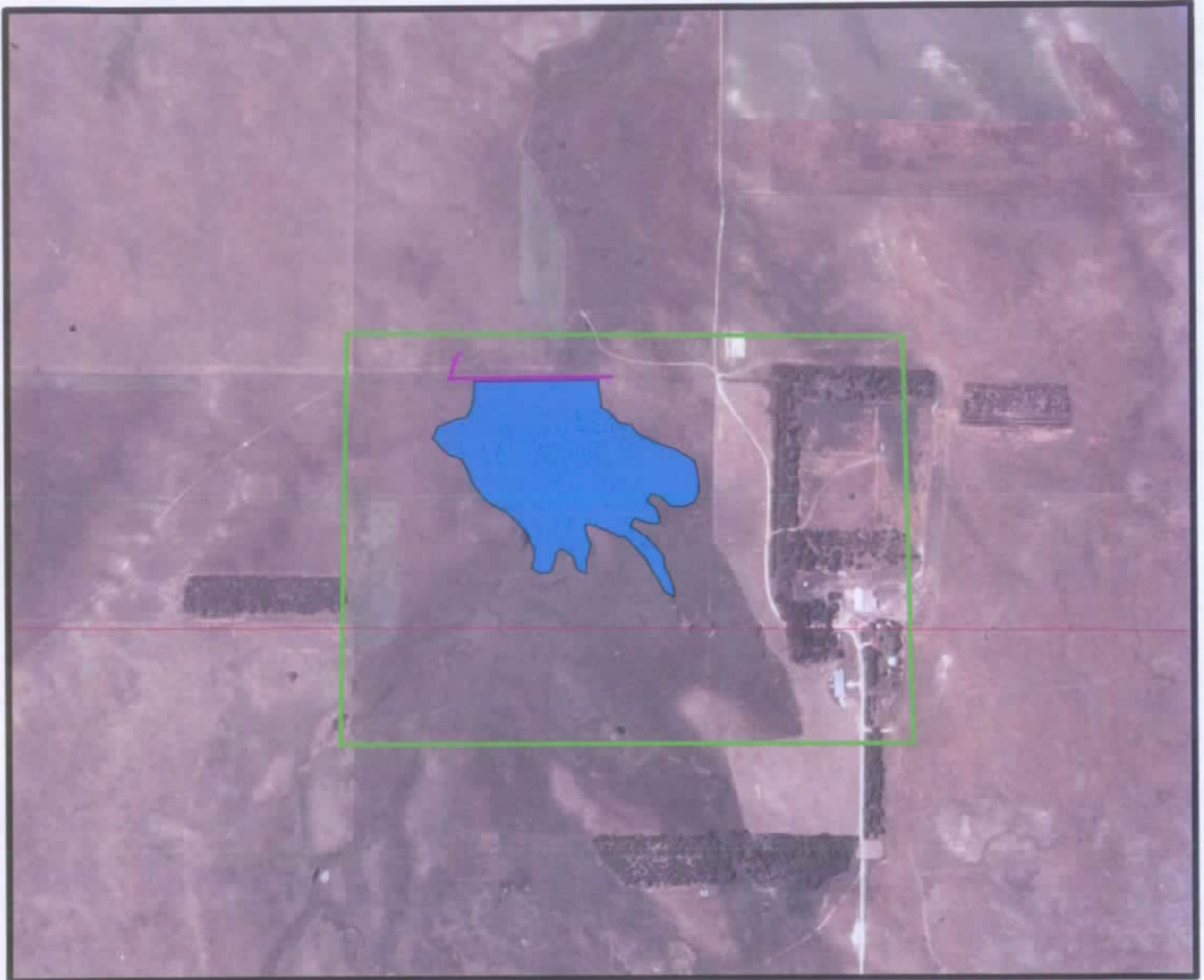
b) Freeboard 1.0c) Crest Width 12Crest Length 900d) Height 14e) Primary Outlet Capacity 20 cfsIf pipe, diameter 15 inchf) Secondary Spillway Capacity 526 cfsSpillway Width 40 ft

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

Upstream 3:1Downstream 3:1h) Surface Area of Impoundment 25i) Storage 78.0 Acre Feetj) Drainage Area Above Dam 3,225.0 Acres



Casey J. Foster Todd County Wetland Creation



Project Boundary



Embankment

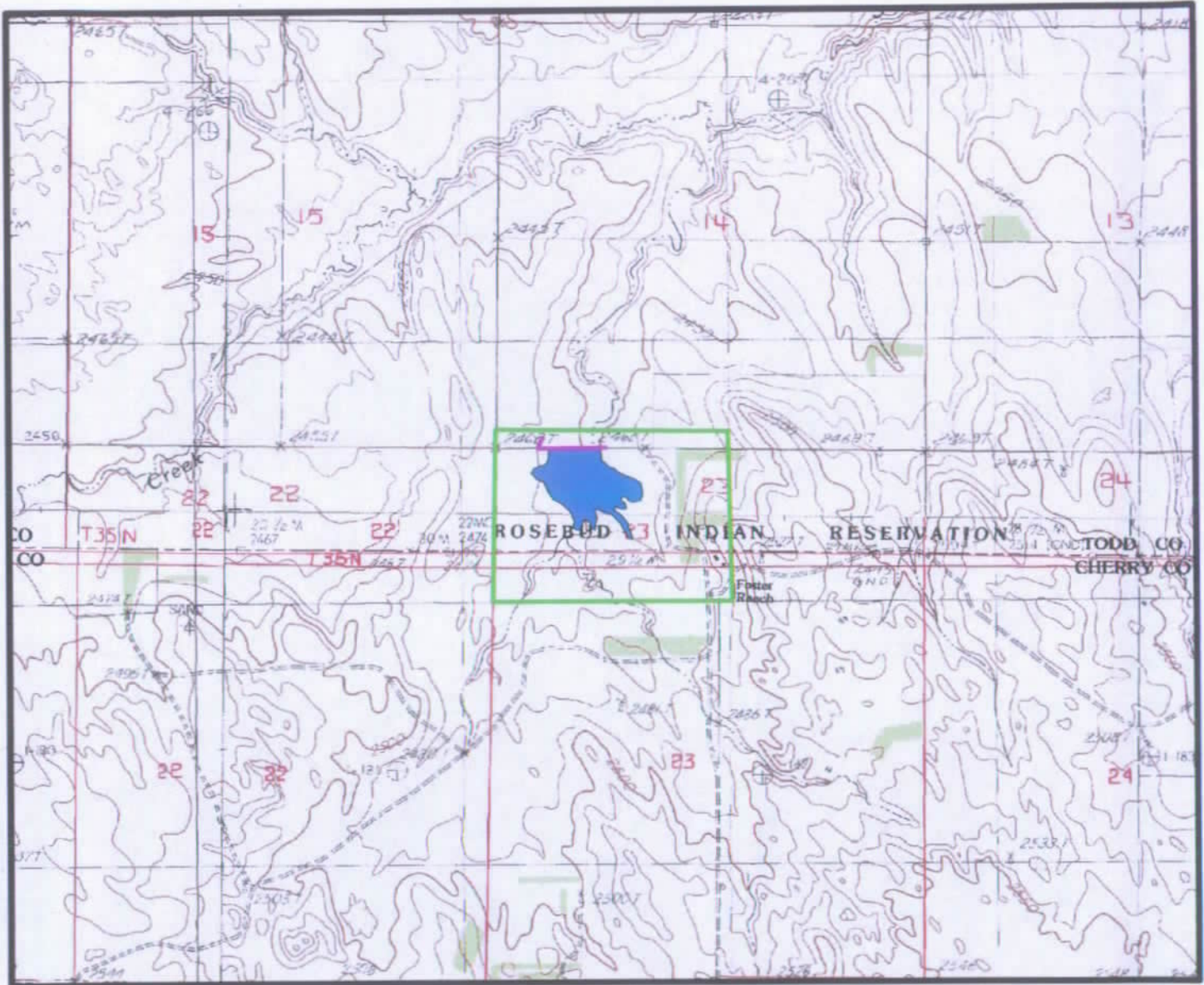


Wetland Created



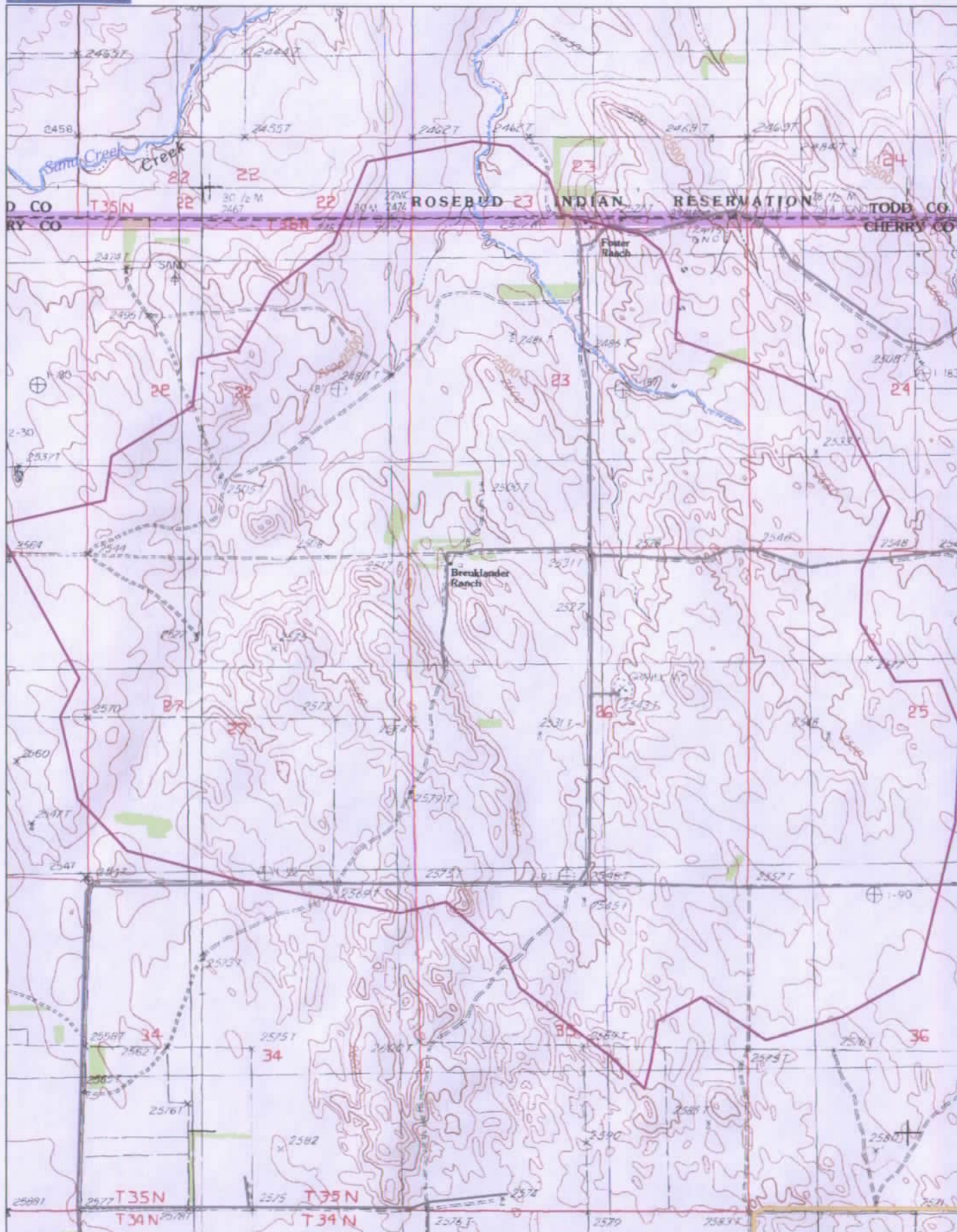


Casey J. Foster Todd County Wetland Creation



-  Project Boundary
-  Embankment
-  Wetland Created





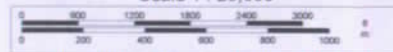
Data use subject to license.

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www.delorme.com

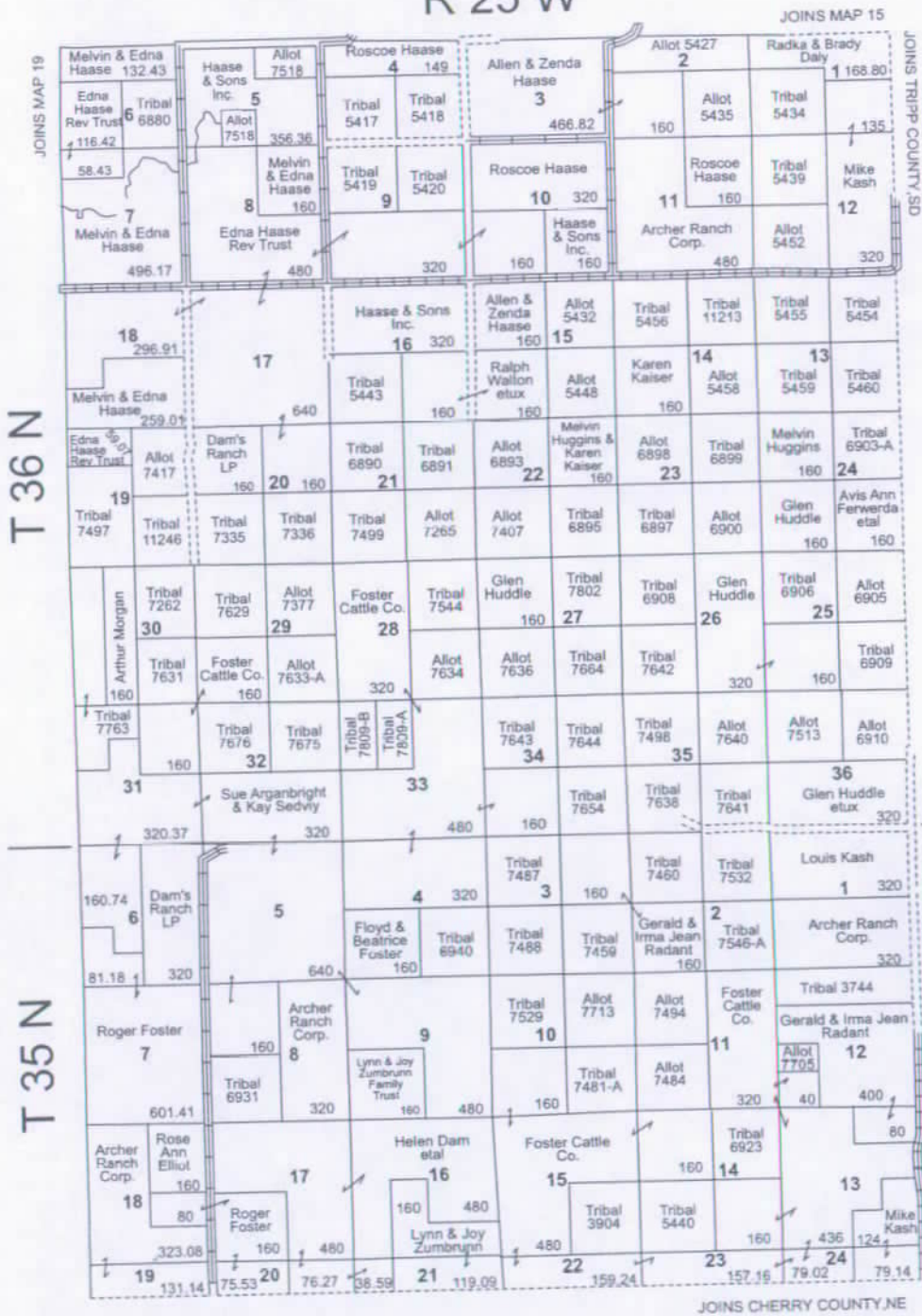


Scale 1 : 25,000



MAP 20

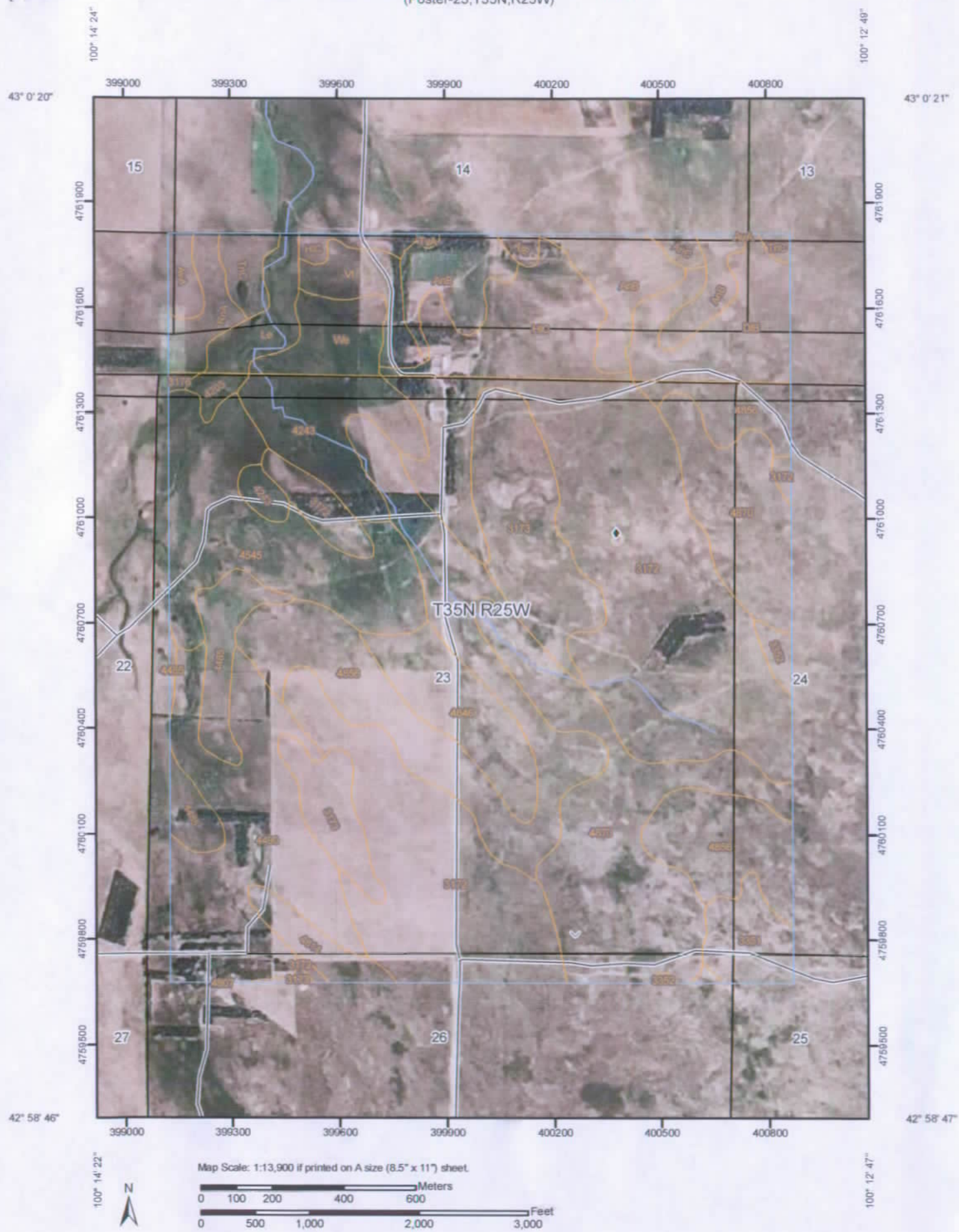
R 25 W



TODD COUNTRY

Map 1	Map 2	Map 3	Map 4	Map 5
Map 6	Map 7	Map 8	Map 9	Map 10
Map 11	Map 12	Map 13	Map 14	Map 15
Map 16	Map 17	Map 18	Map 19	Map 20

Soil Map—Cherry County, Nebraska, and Todd County, South Dakota
(Foster-23,T35N,R25W)



MAP LEGEND

	Area of Interest (AOI)		Very Stony Spot
	Area of Interest (AOI)		Wet Spot
	Soils		Other
	Soil Map Units		Special Line Features
	Special Point Features		Gully
	Blowout		Short Steep Slope
	Borrow Pit		Other
	Clay Spot		Political Features
	Closed Depression		Cities
	Gravel Pit		PLSS Township and Range
	Gravelly Spot		PLSS Section
	Landfill		Water Features
	Lava Flow		Oceans
	Marsh or swamp		Streams and Canals
	Mine or Quarry		Transportation
	Miscellaneous Water		Rails
	Perennial Water		Interstate Highways
	Rock Outcrop		US Routes
	Saline Spot		Major Roads
	Sandy Spot		Local Roads
	Severely Eroded Spot		
	Sinkhole		
	Slide or Slip		
	Sodic Spot		
	Spoil Area		
	Stony Spot		

MAP INFORMATION

Map Scale: 1:13,900 if printed on A size (8.5" x 11") sheet.

The soil surveys that comprise your AOI were mapped at scales ranging from 1:24,000 to 1:31,680.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 14N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cherry County, Nebraska
Survey Area Data: Version 13, Nov 3, 2009

Soil Survey Area: Todd County, South Dakota
Survey Area Data: Version 10, Jun 4, 2010

Your area of interest (AOI) includes more than one soil survey area. These survey areas may have been mapped at different scales, with a different land use in mind, at different times, or at different levels of detail. This may result in map unit symbols, soil properties, and interpretations that do not completely agree across soil survey area boundaries.

Date(s) aerial images were photographed: 7/12/2006

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Cherry County, Nebraska (NE031)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
3172	Holt-Longpine fine sandy loams, 2 to 6 percent slopes	218.2	23.7%
3173	Holt-Longpine fine sandy loams, 6 to 11 percent slopes	54.9	6.0%
3176	Holt-Vetal fine sandy loams, 0 to 6 percent slopes	0.8	0.1%
3351	Fishberry fine sandy loam, 0 to 6 percent slopes	14.3	1.6%
3352	Fishberry-Duda loamy fine sands, 6 to 30 percent slopes	3.5	0.4%
4205	Almeria loamy fine sand, channeled, frequently flooded	3.1	0.3%
4243	Ord loam, rarely flooded	33.4	3.6%
4485	Dunday loamy fine sand, 0 to 3 percent slopes	21.2	2.3%
4490	Dunday loamy fine sand, 3 to 9 percent slopes	71.3	7.8%
4545	Els-lpage fine sands, 0 to 3 percent slopes	60.3	6.6%
4646	lpage loamy fine sand, 0 to 3 percent slopes	26.2	2.9%
4807	Valentine fine sand, rolling	0.0	0.0%
4814	Valentine loamy fine sand, 0 to 3 percent slopes	9.4	1.0%
4856	Valentine-Duda complex, 3 to 9 percent slopes	117.1	12.7%
4870	Valentine-Duda complex, 9 to 24 percent slopes	108.9	11.9%
Subtotals for Soil Survey Area		742.8	80.8%
Totals for Area of Interest		918.7	100.0%

Todd County, South Dakota (SD121)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
AnB	Anselmo fine sandy loam, 2 to 5 percent slopes	40.3	4.4%
AnC	Anselmo fine sandy loam, 5 to 9 percent slopes	2.5	0.3%
AtE	Anselmo-Longpine fine sandy loams, 9 to 21 percent slopes	2.0	0.2%
AvA	Anselmo-Vetal fine sandy loams, 0 to 2 percent slopes	4.8	0.5%
DIB	Duda loamy fine sand, 0 to 6 percent slopes	29.7	3.2%
HIC	Holt-Vetal fine sandy loams, 3 to 9 percent slopes	37.7	4.1%
Le	Loup-Elsmere loamy fine sands	12.1	1.3%
RnA	Ronson-Anselmo fine sandy loams, 0 to 3 percent slopes	10.1	1.1%
TnC	Tuthill-Anselmo fine sandy loams, 3 to 9 percent slopes	8.1	0.9%
TvA	Tuthill-Vetal fine sandy loams, 0 to 3 percent slopes	0.5	0.1%
Vt	Vetal fine sandy loam	12.8	1.4%

Todd County, South Dakota (SD121)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
We	Wann loam, depressional	15.2	1.7%
Subtotals for Soil Survey Area		176.0	19.2%
Totals for Area of Interest		918.7	100.0%

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date 3-17, 2011

RECEIVED OF Casey Foster, HC 13 Box 35, Sparks NE 69220

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

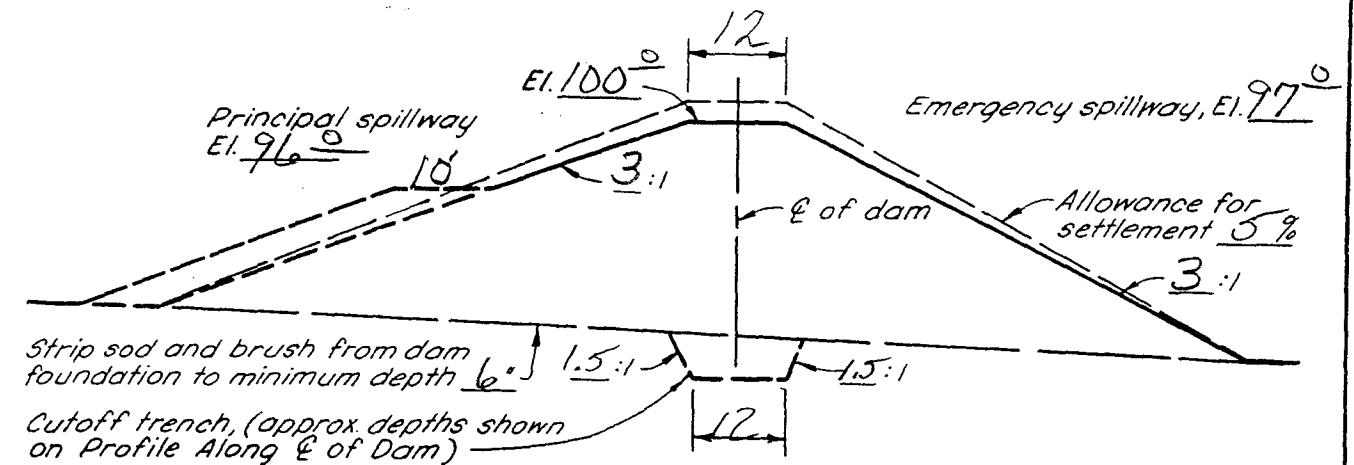
Fee for Application for Permit No. <u>2666-2</u> to Appropriate Water, to construct and to put water to beneficial use	500	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2666-2</u>	200	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	700.00

No. **04949**

By Marland Erbele
Chief Engineer
(KS)

DRAINAGE AREA	ANNUAL YIELD	PEAK RUNOFF <i>Ac-ft</i>	EMERG. SPLWY. CAPACITY	WATER DEPTH	SURFACE AREA	SEDIMENT STORAGE	TOTAL STORAGE
ACRES	AC. FT.	25-YR.	C. F. S.	FEET	ACRES	AC. FT.	AC. FT.
3225	0	107	526	10	25	—	78

LOCATION

[illegible]

Approximate scale 1" = _____

S.D. CONSTRUCTION AND MATERIAL SPECIFICATIONS:

- SD-2 Cleaning
- SD-7s Earth Fill
- SD-9 Drain Fill
- SD-12B Concrete
- SD-16 Timber Fabrication
- SD-17 Metal Fabrication
- SD-19 PVC

OPERATOR: Foster

CONSERVATION DISTRICT: _____

Class "A" Hazard

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

(Rev. 4-73) 5, N-29, 073.1a(1,

Topog by Nebraska
NRCS

Em Spillway
Elev 97.0

0+32.70

1+00

2+00

3+00

4+00

5+00

6+00

7+00

8+00

9+00

9+85.55

STA

BM

Property Line

Landowner:
Foster Farms

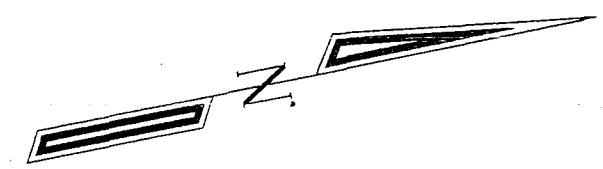
Landowner:
Rosebud
Indian
Reservation

8+00
& Pipe

BM = 1/2" REBAR IN
FENCE LINE
STA. 10+43.46.3

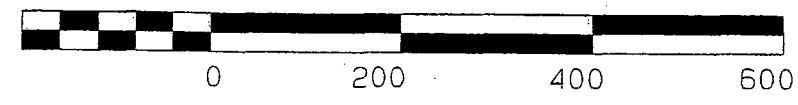
<100 Riser Elevation = 96.0

STA B

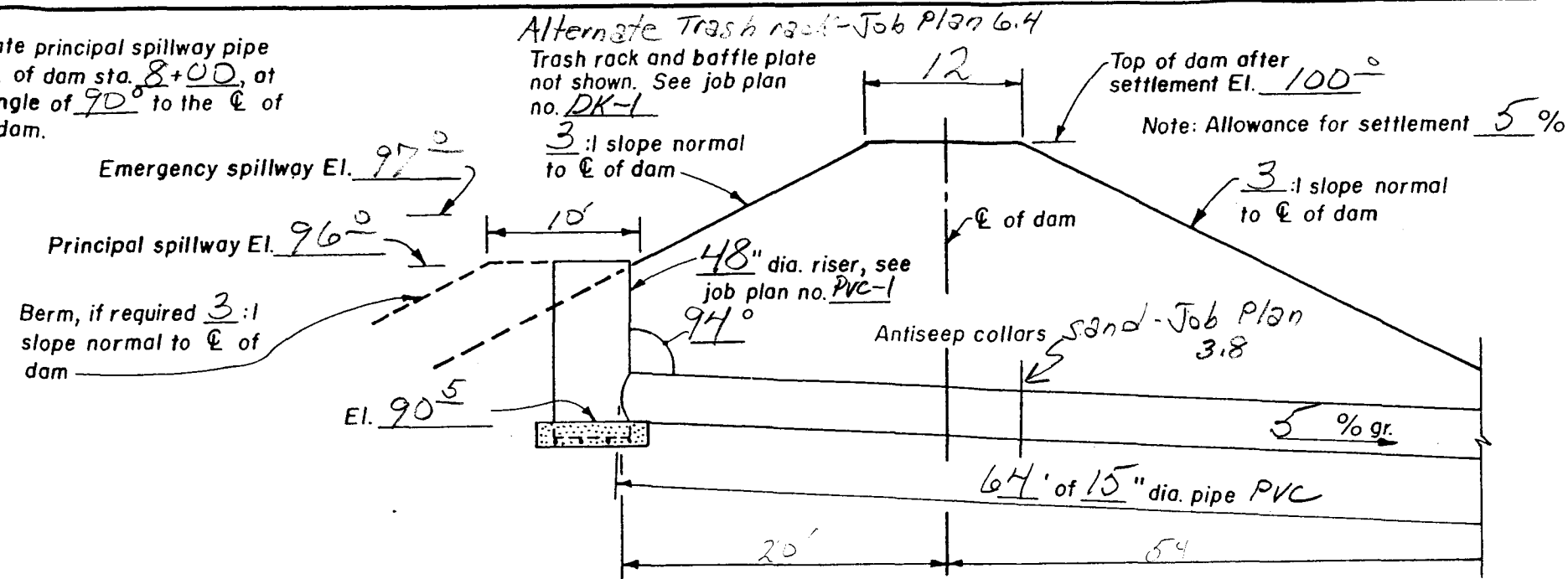


GRAPHIC SCALE

1"=200'



Locate principal spillway pipe at $\mathcal{C}$ of dam sta. $8+00$, at an angle of 90° to the $\mathcal{C}$ of the dam.



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

SPECIFICATION NOTES

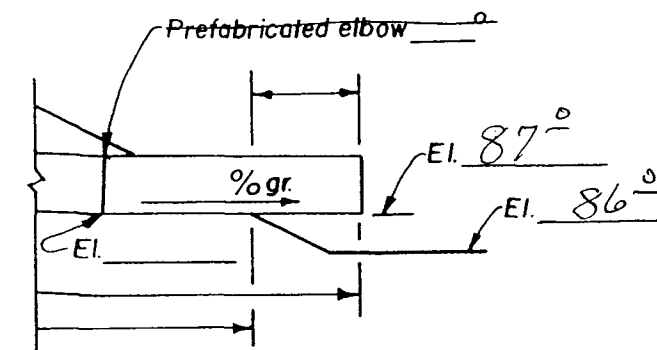
1. ELBOW, IF REQUIRED, MAY BE FABRICATED BY CONTINUOUS WELDING SEPERATE PIPE SECTIONS OR BY FABRICATING A CONTINUOUS WELDED JOINT ON THE UPSTREAM END OF LAST SECTION OF PIPE.
2. PIPE WALL THICKNESS SHALL BE _____ GAGE OR _____ INCHES.

$15"$ dia PVC

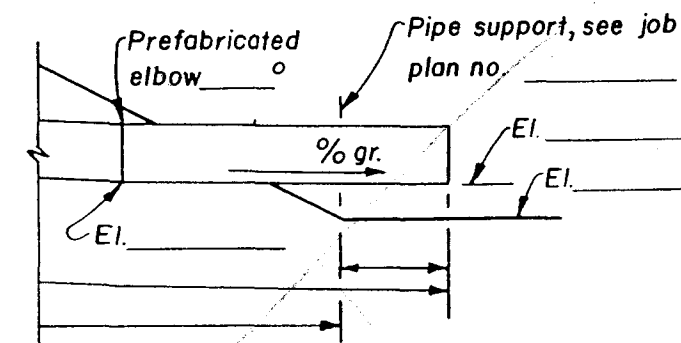
TABLE OF QUANTITIES

ITEM	UNIT	QUANTITY

APPLICABLE STANDARD S.C.S. SPECIFICATIONS



OUTLET DETAIL WITHOUT
PIPE SUPPORT



OUTLET DETAIL WITH
PIPE SUPPORT

Sec. _____, T. _____, R. _____
County _____

LOCATION

CORRUGATED METAL PIPE DROP INLET PRINCIPAL SPILLWAY

OPERATOR

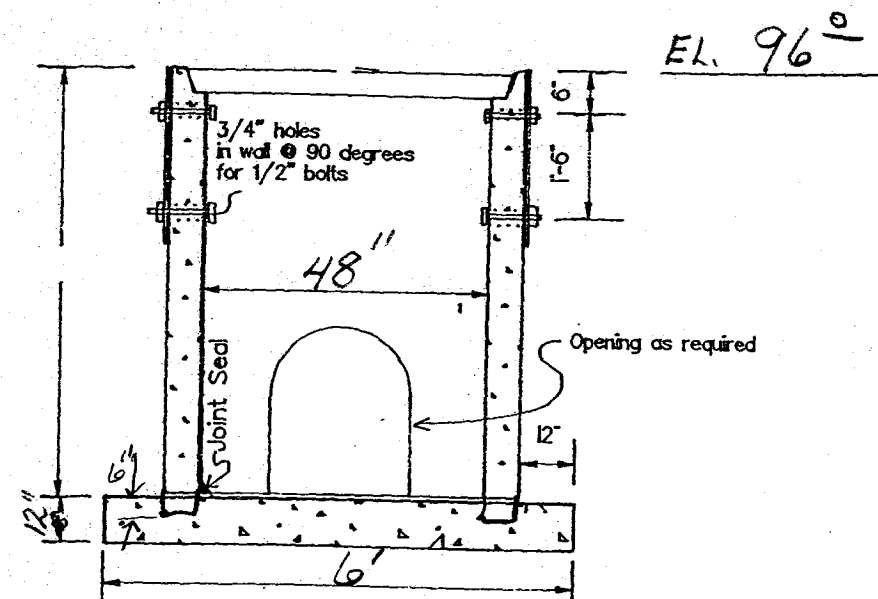
Foster

CONSERVATION DISTRICT _____

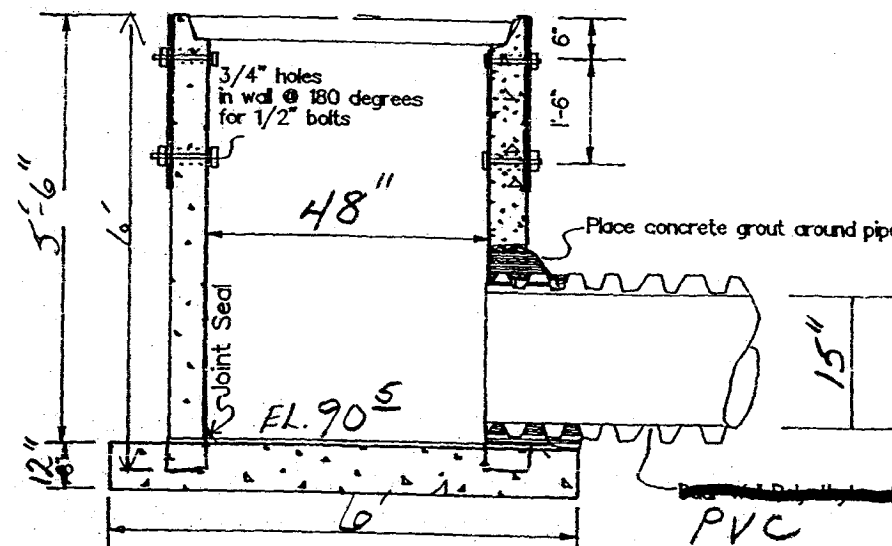
U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Date _____
Designed _____
Drawn _____
Traced _____
Checked _____

Approved by _____
Title _____
Title _____
Sheet _____
Drawing No. _____



FRONT VIEW



SIDE VIEW

CONSTRUCTION NOTES:

- 1- Reinforced concrete pipe shall meet ASTM C-478.
- 2- ~~Reinforced concrete pipe shall be equal to~~ *PVC - SDR-35 or SDR-26*
- 3- Provide holes in concrete pipe for lifting lugs.
- 4- Alternative to concrete base is poured in place concrete base

STEEL SCHEDULE

RISER DIA. IN.	BAR SIZE	MARK	TYPE	NO. REQ'D.	LENGTH FT.-IN.	TOTAL LENGTH FT.-IN.	TOTAL WT. LB.	C IN.	L FT.-IN.
48	4	1	STR.	12	5-6	66-0	44	6	6-0

TABLE OF QUANTITIES

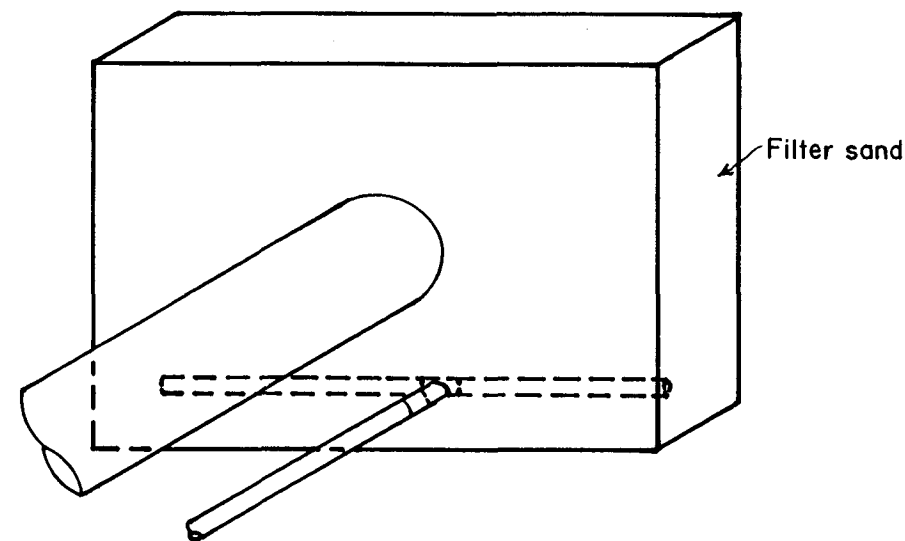
ITEM	UNIT	QUANTITY
CONCRETE	CU. YD.	1.3
REINFORCING STEEL	LB.	44

Foster

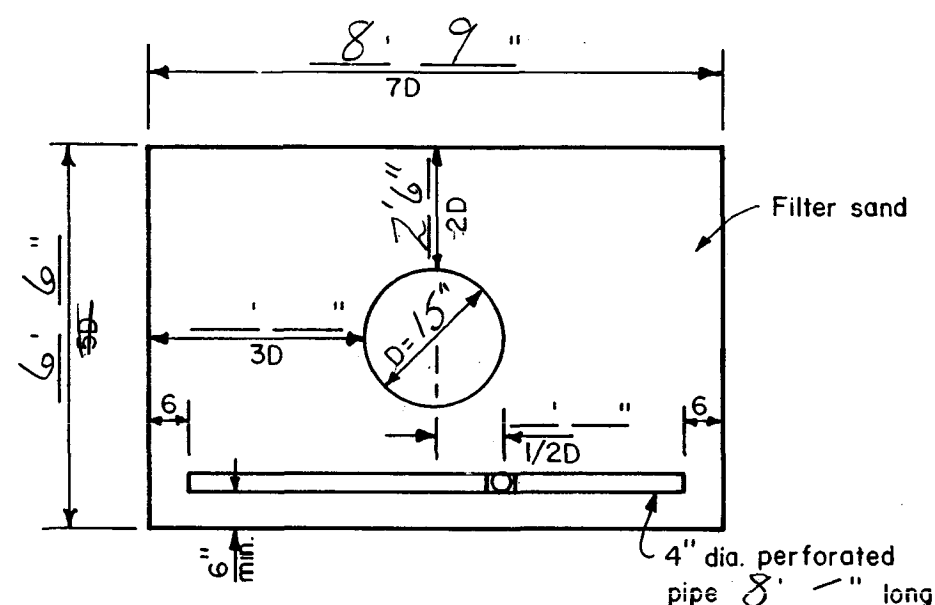
CONCRETE RISER
for ~~Reinforced~~ Pipe PVC

DESIGNED BY *Foster* APPROVED BY *Foster*
 DATED *10/1/10* TITLE *CONCRETE RISER*
 SHEET *1* OF *1* SHEET *1* OF *1*

PVC-1



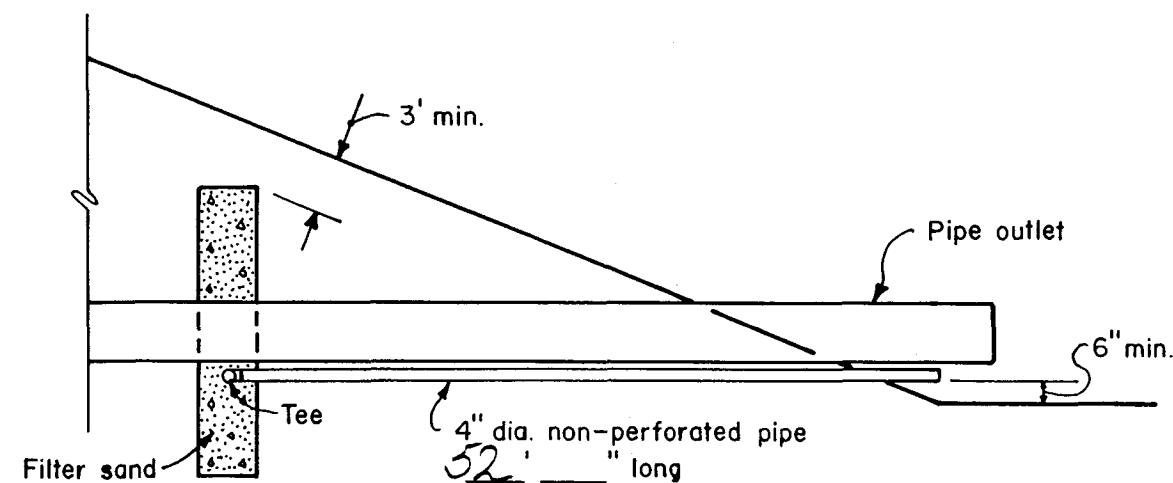
ISOMETRIC VIEW



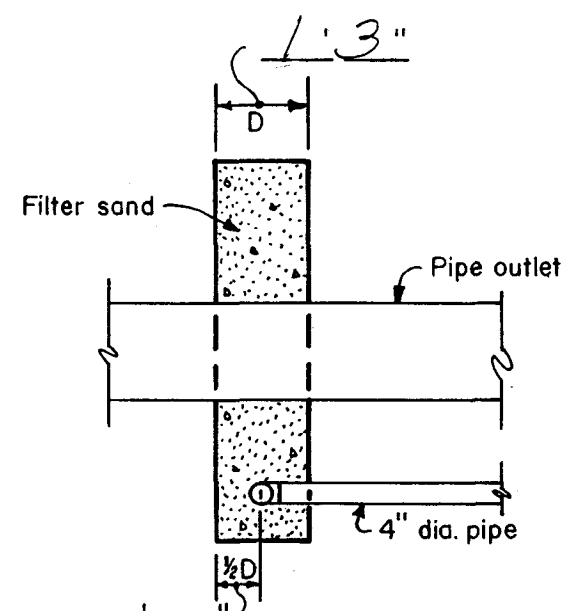
UPSTREAM VIEW

NOTE:

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



OUTLET DETAIL



SIDE VIEW

FILTER GRADATION

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

see spec SD-9
2.6 cy

Sec. _____, T. _____, R. _____

_____ County

LOCATION

SAND ANTISEEP COLLAR

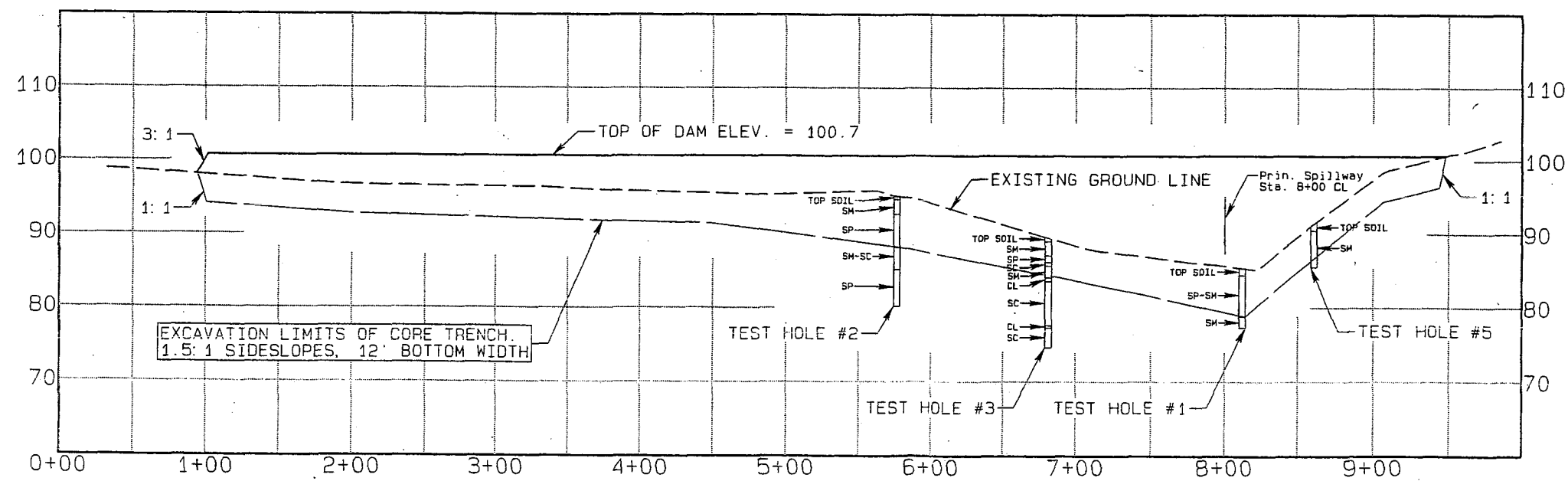
OPERATOR Foster

CONSERVATION DISTRICT _____

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

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

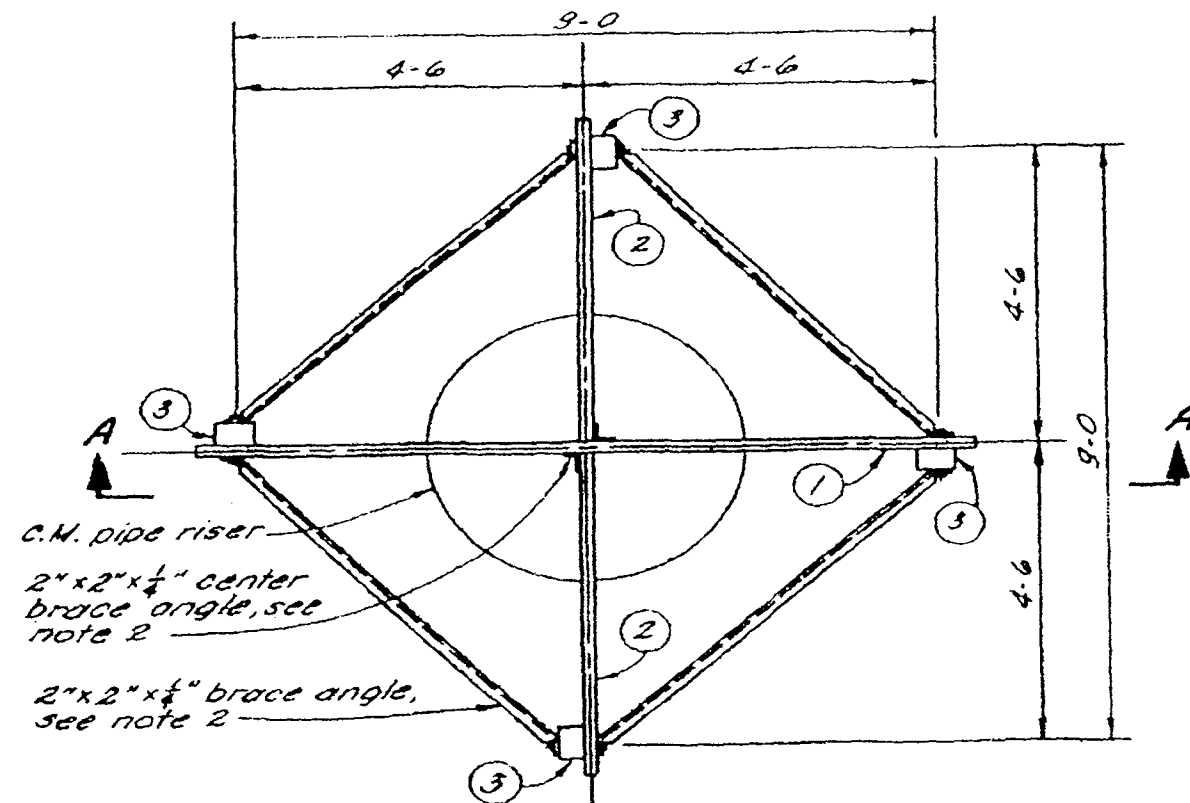
JOB PLAN NO. 3.8



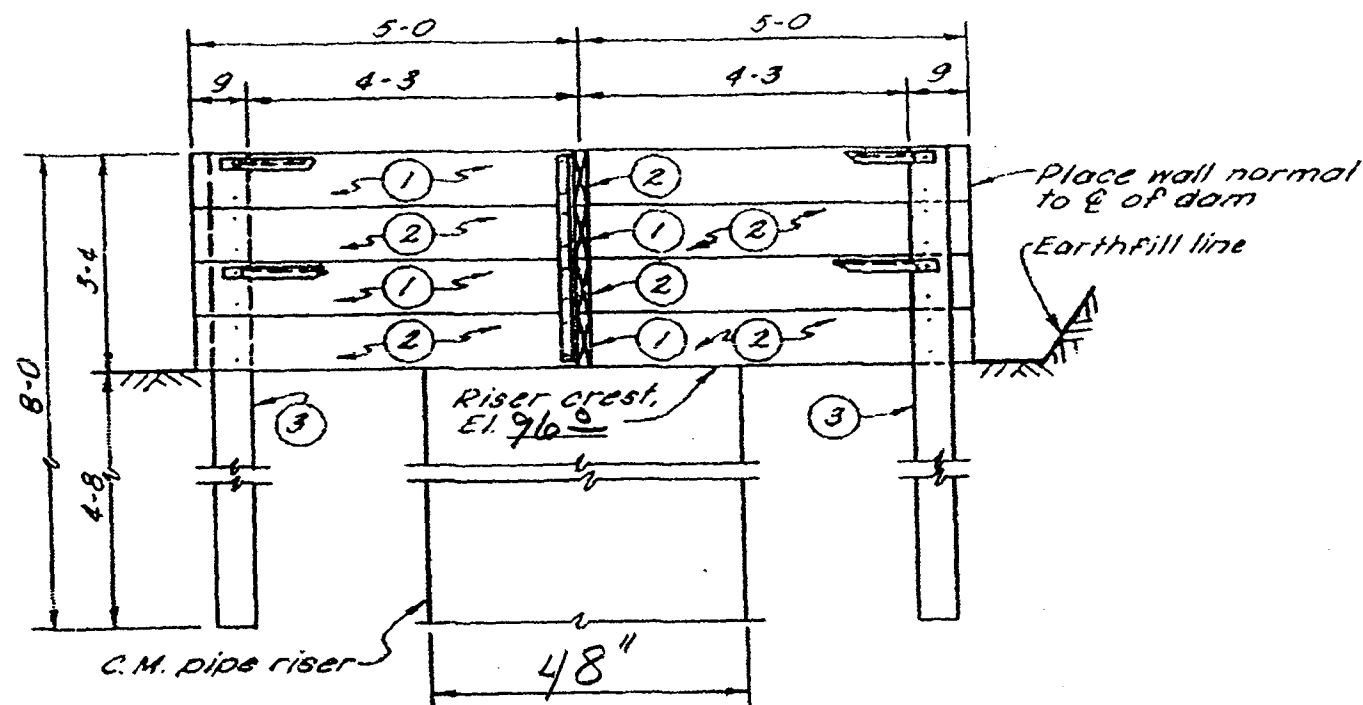
PROFILE ALONG CL OF STRUCTURE

Core trench
~ 900 cy

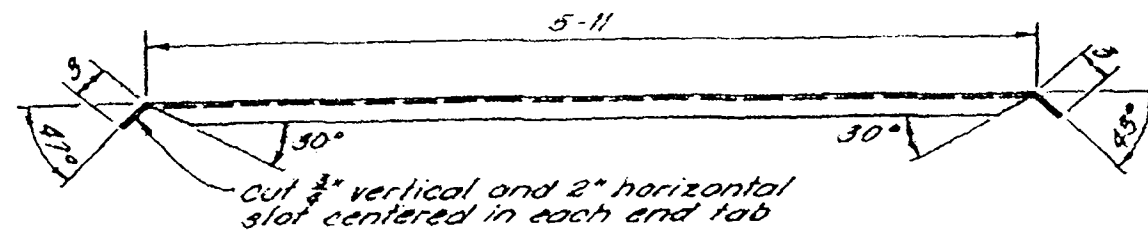
Foster



PLAN VIEW



SECTIONAL ELEVATION A-A



PLAN VIEW OF BRACE ANGLE

TABLE OF QUANTITIES

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

NOTES:

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

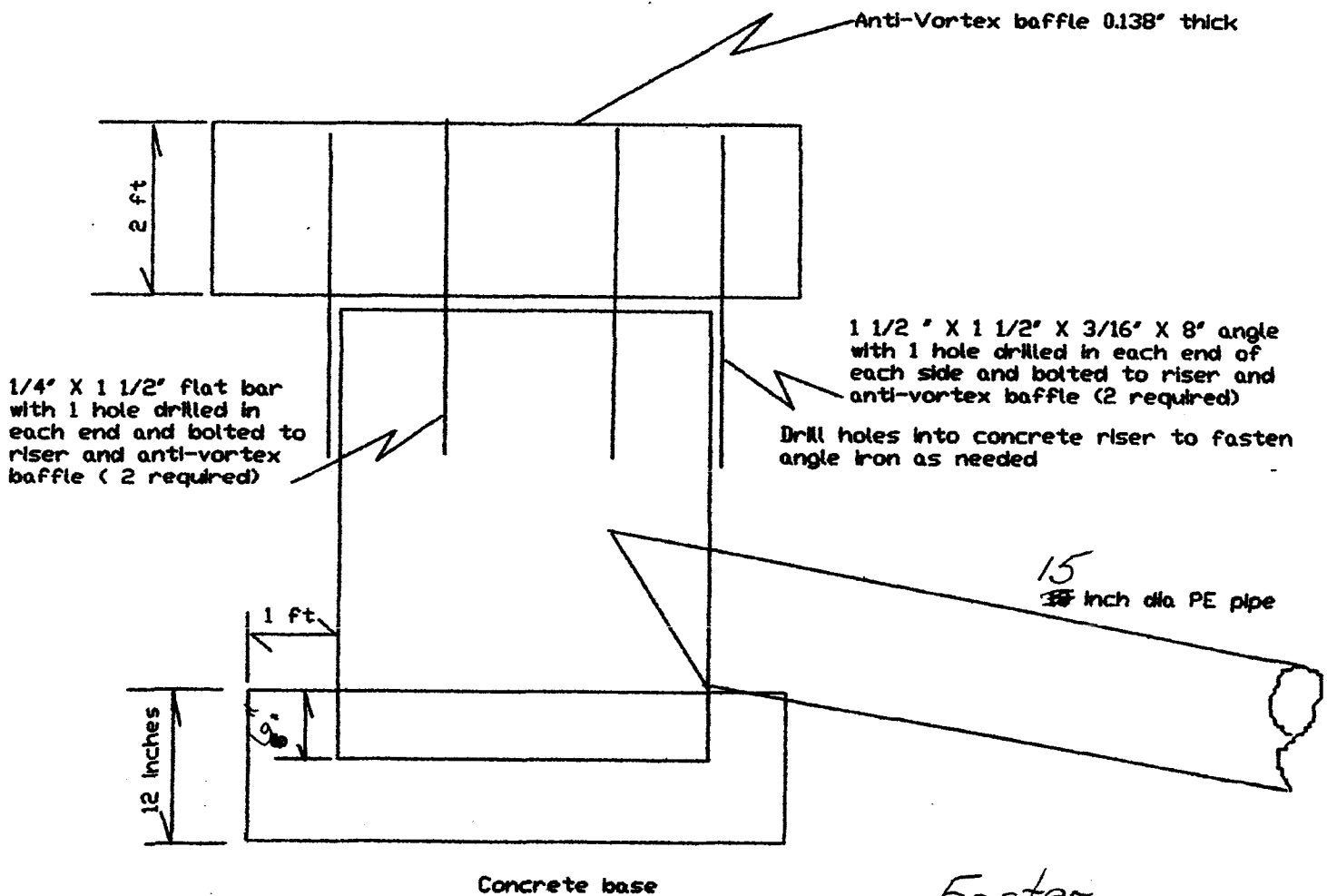
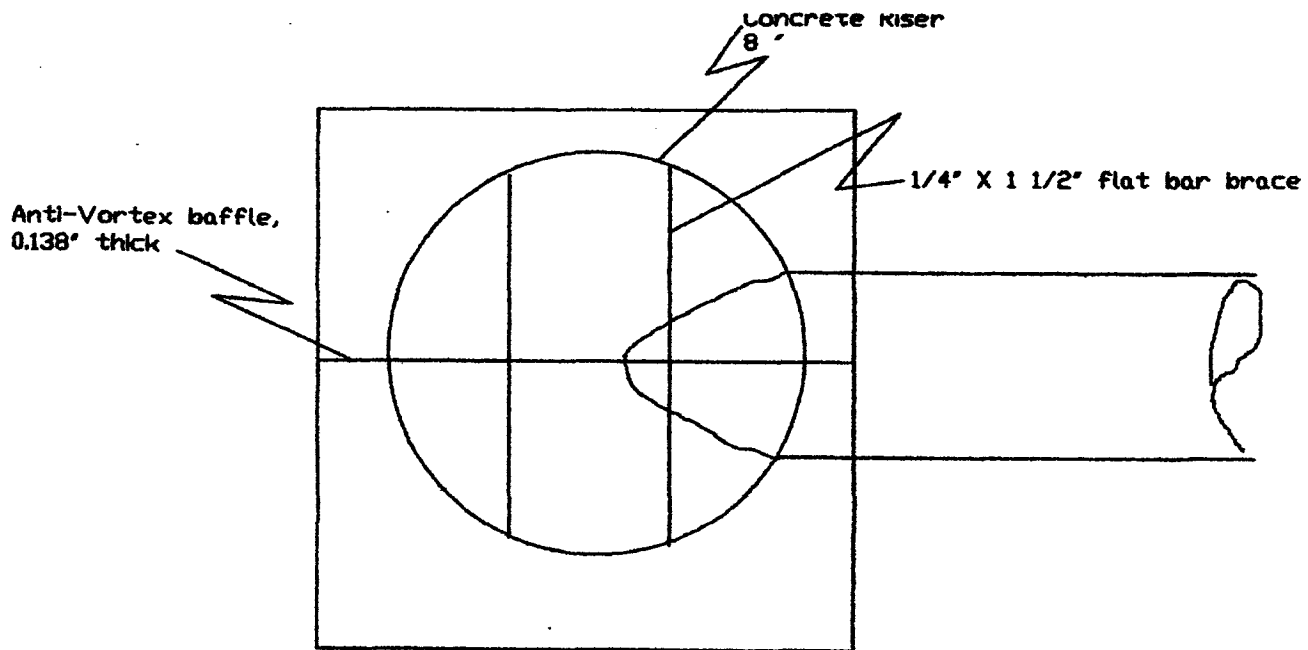
TRASH RACK AND BAFFLE
FOR RISER DIA. 36" THRU 60"

OPERATOR: <u>Foster</u>	
CONSERVATION DISTRICT: _____	
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE	
Designed _____	Date _____
Drawn _____	Approved by _____
Traced _____	Title _____
Checked _____	Sheet No. _____
	Drawing No. _____

JOB PLAN NO. 6.4

5, N-29, 073.6-40

Anti-Vortex For Concrete Riser



1*****
 SITES XEQ 03/02/2011 WATER RESOURCE SITE ANALYSIS COMPUTER PROGRAM
 VER 2005.1.04 (USER MANUAL - DATED DECEMBER 2005)
 TIME 14:08:13

***** 80-80 LIST OF INPUT DATA *****

SITES	01/01/2005	Foster-23, T35N, R25W	5.0390625	H5
SAVMOV	0 101			
SAVMOV	101 1			1
STRUCTURE	Foster			
	85	0		
	88	1.5		
	90	3.8		
	92	7.9		
	94	12.8		
	96	25.4		
	98	40.2		
	99	47.2		
ENDTABLE				
WSDATA	5A1 AC 50	3225	15523	2.6
PDIRECT		3.5		4.10
POOLDATA	ELEV 96	96		86 86 SC
PSINLET	1	12.56		
PSDATA	1 100	15		.01 86
ASDATA	41 200 140		3	.05 2
ASINSURF	41	.03		
ASINLET	41 0.0 140	0.0 5	80 0.0	3
ENDTABLE				
ASEXSURF	41	.03		
		.65	0	
		3		
		2	0	
		.02		
ENDTABLE				
ASEXIT	41 N			100
BTMWIDTH	FEET 40			
GRAPHICS	I			
GO,DESIGN	HL TYPE2 24		TYPE2378 24	
SAVMOV	2 101 1			
ENDJOB				

***** MESSAGE - ALTERNATE STRUCTURE ID (S 1) BEING USED
 SINCE USER DID NOT INPUT AN ID.

***** MESSAGE - ALTERNATE SUBWATERSHED ID (A) BEING USED SINCE
 USER DID NOT INPUT AN ID.

***** MESSAGE - DRAINAGE AREA FROM WSDATA CONTROL BEING CONVERTED FROM
 ACRES TO SQUARE MILES FOR COMPUTATION PURPOSES.

1SITES -----
 XEQ 03/02/2011 Foster-23, T35N, R25W WSID=
 VER 2005.1.04 Foster SUBW= A

TIME 14:08:13

SITE = S 1

PASS= 1 PART= 1

***** BASIC DATA *****
 CLIMATE AREA - NOT DEFINED DESIGN CLASS A1 = LT 3000.

STORM DISTRIBUTION-PSH 24 HOUR TYPE II RAINFALL DISTRIBUTION

STORM DISTRIBUTION AUX. -24 HOUR TYPE II RAINFALL DISTRIBUTION

PRECIP. - P-PS,1-DAY	P-PS,10-DAY	P-SD	P-FB	
3.50	0.00	0.00	4.10	
WSDATA - CN	DA-SM	TC/L	-/H	ORF
50.00	5.04	15523.00	2.60	0.00
SITEDATA- PERM POOL	CREST PS	FP SED	VALLEY FL	378?
96.00	96.00	0.00	86.00	YES
BASEFLOW	INITIAL EL	EXTRA VOL	SITE TYPE	
0.00	0.00	0.00	DESIGN	
PSDATA - NO. COND	COND L	DIA/W	-/H	
1.00	100.00	15.00	0.00	
PS N	KE	WEIR L	TW EL	
0.010	1.00	12.56	86.00	
2ND STG	ORF H	ORF L	START AUX.	
0.00	0.00	0.00	0.00	
ASCRESTS - AUX.1	AUX.2	AUX.3	AUX.4	AUX.5
0.00	0.00	0.00	0.00	0.00
AUX.DATA - REF.NO.	RETARD. Ci	TIE STATION	INLET LENGTH	
41	0.00	200.00	140	
AUX.DATA - INLET N	SIDE SLOPE	EXIT N	EXIT SLOPE	ACTUAL AUX?
0.030	3.00	0.030	0.050	NO
BTM WIDTH - BW1	BW2	BW3	BW4	BW5
ft 40.00	0.00	0.00	0.00	0.00

AUXILIARY SPILLWAY RATING DEVELOPED USING WSPVRT.

1SITES

XEQ 03/02/2011	Foster-23, T35N, R25W	WSID=
VER 2005.1.04	Foster	SUBW= A
TIME 14:08:13	SITE = S 1	PASS= 1 PART= 2

PERM POOL	96.00 FT	78.2 ACFT	25.40 AC	0.0 CFS
CREST PS	96.00 FT	78.2 ACFT	25.40 AC	0.0 CFS
SED ACCUM	96.00 FT	78.2 ACFT	25.40 AC	0.0 CFS

START ELEV 96.00 FT 78.2 ACFT 25.40 AC 0.0 CFS

NRCS-PSH D= 24.00 HR P= 3.50 IN Q= 0.20 IN DA= 5.04 SM

 TC= 6.57 HR CN= 50.00 VOL= 52.5 ACFT

PEAK = 55.9 CFS, AT 18.5 HRS.

ROUTED RESULT - HYD TYPE EMAX VOL-MAX AMAX QMAX

 NRCS-PSH 97.10 FT 110.5 ACFT 33.53 AC 17.8 CFS

PS STORAGE 32.4 ACFT, BETWEEN AUX. CREST AND SED. ACCUM ELEVATIONS.

DRAWDOWN (DDT) TEST 96.00 FT 78.2 ACFT 0.00 CFS

CONTROL IS 0.000 DETENTION STORAGE

DRAWDOWN TIME = 5.00 DAYS, TO 0.0 CFS (LIMIT = 10.00 DAYS)

RATING TABLE DEVELOPED, SITE = S 1:
BY PROGRAM FOR PS AND AUX. SPILLWAYS
AUX. RATING USED WSPVRT METHOD.

RATING TABLE NUMBER 1

	ELEV. FEET	Q-TOTAL CFS	Q-PS CFS	Q-AUX. CFS	VOLUME AC-FT	AREA ACRE
1	96.00	0.00	0.00	0.00	78.15	25.40
2	96.15	2.18	2.18	0.00	81.94	26.48
3	96.29	6.16	6.16	0.00	85.90	27.56
4	96.44	11.32	11.32	0.00	90.01	28.65
FULL CONDUIT FLOW, ELEV = 96.59 FT						
5	96.59	17.42	17.42	0.00	94.28	29.73
6	96.89	17.68	17.68	0.00	103.59	31.96
7	97.19	17.92	17.92	0.00	113.57	34.20
8	97.49	18.16	18.16	0.00	124.23	36.43
9	97.79	18.40	18.40	0.00	135.57	38.66
10	98.09	18.63	18.63	0.00	147.57	40.86
11	98.40	18.87	18.87	0.00	160.23	42.97
12	98.70	19.09	19.09	0.00	173.52	45.09
13	99.00	19.32	19.32	0.00	187.45	47.20

1SITES

XEQ 03/02/2011	Foster-23, T35N, R25W	WSID=
VER 2005.1.04	Foster	SUBW= A
TIME 14:08:13	SITE = S 1	PASS= 1
		PART= 3

AUX. CREST 97.10 FT 110.5 ACFT 33.53 AC 17.8 CFS

PS STORAGE 32.4 ACFT, BETWEEN AUX. CREST AND SED. ACCUM ELEVATIONS.

START ELEV 96.00 FT 78.2 ACFT 25.42 AC 0.0 CFS

EFFECTIVE HEIGHT(H)= 11.1 FEET, PRODUCT= 1226. (H * STORAGE AT CREST AUX.).

INPUT DESIGN CLASS = A1 = LT 3000. PRODUCT.

NRCS-FBH D= 24.00 HR P= 4.10 IN Q= 0.36 IN DA= 5.04 SM
TC= 6.57 HR CN= 50.00 VOL= 97.9 ACFT

PEAK = 113.6 CFS, AT 17.7 HRS.

RATING TABLE DEVELOPED, SITE = S 1:
BY PROGRAM FOR PS AND AUX. SPILLWAYS
AUX. RATING USED WSPVRT METHOD.

RATING TABLE NUMBER 2

	ELEV. FEET	Q-TOTAL CFS	Q-PS CFS	Q-AUX. CFS	VOLUME AC-FT	AREA ACRE
1	96.00	0.00	0.00	0.00	78.15	25.40
2	96.15	2.18	2.18	0.00	81.94	26.48
3	96.29	6.16	6.16	0.00	85.90	27.56
4	96.44	11.32	11.32	0.00	90.01	28.65
FULL CONDUIT FLOW, ELEV = 96.59 FT						
5	96.59	17.42	17.42	0.00	94.28	29.73
6	96.65	17.49	17.49	0.00	96.20	30.20
7	96.71	17.54	17.54	0.00	98.15	30.68
8	96.78	17.59	17.59	0.00	100.13	31.15
9	96.84	17.64	17.64	0.00	102.15	31.63
10	96.91	17.70	17.70	0.00	104.19	32.10
11	96.97	17.75	17.75	0.00	106.27	32.58
12	97.03	17.80	17.80	0.00	108.37	33.05
13	97.10	17.85	17.85	0.00	110.51	33.53
14	97.19	20.37	17.93	2.44	113.73	34.23
15	97.29	22.88	18.00	4.88	117.02	34.93
16	97.46	28.87	18.14	10.74	123.10	36.20
17	97.67	44.24	18.30	25.94	130.84	37.75
18	98.05	91.47	18.60	72.87	145.73	40.54
19	98.52	171.87	18.96	152.90	165.80	43.87
20	99.00	276.71	19.32	257.39	187.45	47.20

SUMMARY OF AUXILIARY SPILLWAY SURFACE CONDITIONS USED IN COMPUTATIONS BY REACH

REACH	FROM STA (ft)	TO STA (ft)	SLOPE (%)	RETARDANCE CURVE INDEX@	VEGETAL COVER FACTOR	MAINT. CODE	ROOTING DEPTH (ft)	REACH LOCATION *
1	60.	120.	-8.3	0.030	**	**	**	INLET
2	120.	200.	0.0	0.030	**	**	**	CREST
3	200.	300.	5.0	0.030	0.65	3	2.0	EXIT !

@ The program interprets retardance curve index entries of less than 1 as Manning's n values.

* Upper case indicates a reach of constructed spillway channel.

** The program does not use vegetal cover factor, maintenance code, and rooting depth for inlet and crest reaches in computations.

! Reach 3 used in computing exit channel velocities.

DRAWDOWN USING FREEBOARD STORM FOLLOWS, STARTING AT ELEVATION 97.10 FT.

DRAWDOWN (DDT) TEST 96.00 FT 78.2 ACFT 0.00 CFS
CONTROL IS 0.000 DETENTION STORAGE

DRAWDOWN TIME = 4.91 DAYS, TO 0.0 CFS (LIMIT = 10.00 DAYS)

ROUTED RESULTS	BTM WIDTH FT	MAX ELEV FT	VOL-MAX ACFT	AREA-MAX AC	AUX.-HP FT	VOL-AUX. ACFT
NRCS-FBH	40.0	97.74	133.6	38.3	0.64	23.1

^^^^ NOTE -- ACTUAL Hp OF 0.64 RAISED TO MEET MIN. 378 CRITERIA.

PEAK - CFS DISCHARGE =	Q-PS	Q-AUX.	Q-TOT.
	18.4	34.7	53.1

	CRITICAL DEPTH FT	CRITICAL VELOCITY FT/SEC	CRITICAL SLOPE-Sc FT/FT	25% OF Q Sc FT/FT
AUXILIARY SPILLWAY ---	0.28	2.99	0.020	0.027

EROSIONALLY EFFECTIVE STRESS FOR STABILITY ANALYSIS OF AUX. EXIT CHANNEL
(Refer to Ag. Handbook 667, Chapt. 3, for allowable stresses.)

Aux. Spillway Discharge = 35. cfs; Bottom Width = 40. ft

REACH NO.	FROM STA	TO STA	SLOPE %	MANNING'S n	VELOCITY ft/s	TOTAL STRESS lb/ft^2	EFFECTIVE STRESS lb/ft^2
3	200.	300.	5.00	0.030	3.95	0.68	0.411

AUXILIARY SPILLWAY DURATION FLOW =	21.6 HOURS
ATTACK, OE/B =	0.7 ACFT/FT

***** MESSAGE - NHCP378 CRITERIA USED BUT AUXILIARY SPILLWAY RATING NOT
BASED ON ASFILE RATINGS.

EXIT CHANNEL FLOW SUPERCRITICAL: MAX VELOCITY= 3.9 FT/SEC
EXIT SLOPE = 0.050 FT/FT
FLOW DEPTH = 0.2 FT

>>>> NHCP378 RUN - MINIMUM FLOW IN AUX. SPILLWAY FROM TR60
USING FORMULA WITHOUT 200 CFS MINIMUM LIMIT (526. CFS).

ROUTED RESULTS	BTM WIDTH FT	MAX ELEV FT	VOL-MAX ACFT	AREA-MAX AC	AUX.-HP FT	VOL-AUX. ACFT
MIN. AUX.	40.0	100.09	243.1	54.8	2.99	132.6

PEAK - CFS DISCHARGE =	Q-PS	Q-AUX.	Q-TOT.
	20.1	526.0	546.1

	CRITICAL DEPTH FT	CRITICAL VELOCITY FT/SEC	CRITICAL SLOPE-Sc FT/FT	25% OF Q Sc FT/FT
AUXILIARY SPILLWAY ---	1.68	6.97	0.012	0.015

***** WARNING - SOLUTION EXCEEDED MAX. INPUT ELEVATION (99.00) BY 1.09 FT.

Inflow Hyd 1 PSH-Peak = 17.85 CFS at 29.33 hrs., Location Point
Inflow Hyd 1 FBH-Peak = 53.11 CFS at 26.37 hrs., Location Point
HYDOUT 1

1SITES.....JOB NO. 1 COMPLETE.

Foster-23, T35N, R25W

0 SUBWATERSHED(S) ANALYZED.

1 STRUCTURE(S) ANALYZED.

2 HYDROGRAPHS ROUTED AT LOWEST SITE.

0 TRIALS TO OBTAIN BOTTOM WIDTH FOR SPECIFIED STRESS OR VELOCITY.

SITES.....COMPUTATIONS COMPLETE

>>>	SITE ID	SUBWS ID	SUBWS DA (SQ MI)	CURVE NO.	TC (HRS)	TOTAL DA (SQ MI)	TYPE DESIGN	STRUC CLASS	<<<
	S 1	A	5.04	50.	6.57	5.04	378CR	A1	

PASS NO.	DIA./ WIDTH (IN/FT)	AUX.CREST ELEV (FT)	BTM. WIDTH (FT)	MAX. HP (FT)	MAX. ELEV (FT)	EMB. VOL. (CY)	INTEGR.* DIST. (FT)	EXIT* VEL. (FT/SEC)	TYPE HYD
1	15.0	97.1	40.0	3.0	100.1	0.	0.	4.0	MIN. AUX.

* INTEGRITY DIST. AND EXIT VEL. ARE BASED ON THE ROUTED HYDROGRAPH
AND WILL NOT RELATE TO THE MAX. ELEV. (TOP OF DAM),
WHICH IS SET BY MINIMUM DESIGN CRITERIA.

SITES.....SUMMARY TABLE 1 COMPLETED.

NRCS SITES VERSION 2005.1.04 ,01/01/2005
FILES

INPUT = C:\Foster\48-15.D2C

Water Permit Application No. 2666-2
Casey J. Foster

Top of Dam Elev - 100
End Spillway Elev - 97
P. Spillway Elev - 96
Dis Emb Toe Elev - 86

Cat. 3 - Low Hazard Dam

Ht. = 14 ft.

Normal Storage Capacity - 78 Ac-ft
Ful. Storage Capacity - 100
Max Storage Capacity - 243

Int. Capacity x Est Ht. = $100 \times 11.1 = 1110 < 3000 \therefore 25$ year
Minimum Spillway Design

From USGS WRI 98-4055 "Tech. Ser. Est Peak Flows... in 30"
DA = 3225 Ac = 5.04 mi² Region E

$$\begin{aligned} Q_{25} &= 27.0 (CA)^{.702} \\ &= 27 (5.04)^{.702} \\ &= 27 (3.1125) \\ &= \underline{85 \text{ cfs}} \end{aligned}$$

$$\begin{aligned} Q_{100} &= 33.6 (CA)^{.769} \\ &= 33.6 (5.04)^{.769} \\ &= 33.6 (3.4687) \\ &= \underline{120 \text{ cfs}} \end{aligned}$$

Secondary Spillway Capacity

$$\begin{aligned} Q &= CLH^{1.48} \quad C = 2.6 \\ &= 2.6 (40) (3)^{1.48} \quad L = 40 \\ &= \underline{540 \text{ cfs}} \quad H = 3 \end{aligned}$$

Section 74:02:08:09

1. Topo Map - OK
2. Dam A's 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 NRCS - OK
9. EPP - N/A - Cont. 3

NRCS Annual Yield

$$ISO = 2 \quad CN = 50 \quad DA = 3225 \text{ Ac}$$

$$50\% \text{ chance} = \underline{0 \text{ Ac-ft}}$$

$$10\% \text{ chance} = 0.28$$

$$0.28 \times 3225/2 = \underline{75 \text{ Ac-ft}}$$

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
ROSEBUD AGENCY
P.O. BOX 550
ROSEBUD, SOUTH DAKOTA 57570

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300
Acq. & Disp. Section, Right-of-Way

AN EQUAL OPPORTUNITY EMPLOYER



JOSEPH NICHOLS, BIOLOGIST
LACREEK NATIONAL WILDLIFE REFUGE
29746 BIRD ROAD
MARTIN, SD 57551

LACREEK NAT. WILDLIFE REFUGE

MAR 18 2011

RECEIVED



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Rosebud Agency
P.O. Box 550
Rosebud, South Dakota 57570



IN REPLY REFER TO:

A07-Division of Trust Services

MAR 14 2011

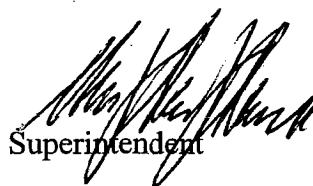
Casey Foster
HC 13, Box 35
Sparks, NE 69220

Dear Mr. Foster:

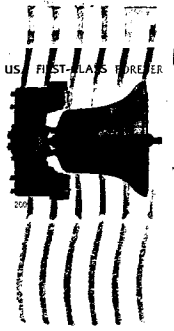
This is to inform you that we will need a written request from you to add the plunge pool/spillway to your lease on allotment 5440, SW¼, Section 14, T. 35 N., R. 25 W., 6th Principal Meridian, Todd County, South Dakota. We will not issue a right-of-way easement, instead we will make it a part of your lease.

If you should have any questions regarding this matter, please contact Ira Dean Wilson, Realty Officer at (605) 856-4649 or by writing to P.O. Box 550, Rosebud, South Dakota 57570-0550.

Sincerely,


Superintendent

Carey Foster
90805 Sparks N. Rd
Sparks, NE 69220



Joe Nichols
Lacreek NWR
29746 Bird Rd
Martin, SD 57551

LACREEK NAT. WILDLIFE REFUGE

APR 01 2011

RECEIVED



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Rosebud Agency
P.O. Box 550
Rosebud, South Dakota 57570



IN REPLY REFER TO:

A07-Division of Trust Services

MAP 1 2011

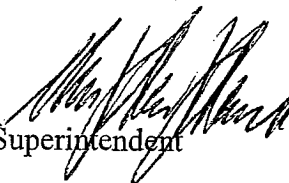
Casey Foster
HC 13, Box 35
Sparks, NE 69220

Dear Mr. Foster:

This is to inform you that we will need a written request from you to add the plunge pool/spillway to your lease on allotment 5440, SW $\frac{1}{4}$, Section 14, T. 35 N., R. 25 W., 6th Principal Meridian, Todd County, South Dakota. We will not issue a right-of-way easement, instead we will make it a part of your lease.

If you should have any questions regarding this matter, please contact Ira Dean Wilson, Realty Officer at (605) 856-4649 or by writing to P.O. Box 550, Rosebud, South Dakota 57570-0550.

Sincerely,


Superintendent

3/22/2011

A07-Division of Trust Services

Ira Dean Wilson
Bureau of Indian Affairs
P. O. Box 550
Rosebud, SD 57570

Dear Mr. Wilson,

I am writing to request that you add the plunge pool/spillway to Foster Cattle Company's lease on allotment 5440, SW1/4, Section 14, T. 35 N., R. 25 W., 6th Principal Meridian, Todd County, South Dakota. I understand that you will not issue a right-of-way easement, but will instead make it part of our lease.

If you have any questions please contact Casey Foster at (402) 322-0142 or (402) 376-5970.

Sincerely,

A handwritten signature in cursive script, appearing to read "Casey Foster".

Casey Foster
Foster Cattle Co.
90805 Sparks N Rd
Sparks, NE 69220



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 21, 2011

Casey Foster
HC 13, Box 35
Sparks, NE 69220

Dear Mr. Foster:

We have reviewed the plans and specifications for your dam project located in the N ½ NW¼ of Section 23-T35N-R25W, in Todd County. The plans and specifications for the project are approved. Approval of the plans and specifications does not authorize construction of the dam. The construction of the dam may not begin until Water Permit No. 2666-2 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 Foster Dam will be classified as a small size Category 3, Low Hazard dam with a dam height of 14 feet and a normal storage capacity of 78 acre-feet and a maximum storage capacity of 243 acre-feet.

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

Sincerely,

A handwritten signature in black ink that reads "Timothy G. Schaal". The signature is written in a cursive, flowing style.

Timothy G. Schaal, P.E.
Natural Resources Engineering Specialist
for Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

c: Dave Konechne, Pierre



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 26, 2011

Syed Huq
Water Resources
Rosebud Sioux Tribe
PO Box 910
Rosebud SD 57570

Mr. Huq:

Please find enclosed the staff report, recommendation and publication notice for a water permit application filed by Casey Foster in Todd County. Public notice is to be published in the Todd County Tribune.

This information is being sent to you as part of the DENR's commitment to keep the Rosebud Sioux Tribe informed of water permitting issues in Todd County.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 2666-2, Casey J Foster**

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. 2666-2, Casey J Foster, HC 13 Box 35, Sparks NE 69220.

The Chief Engineer is recommending APPROVAL of Application No. 2666-2 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. 2666-2 authorizes a dam with a storage capacity of 78 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
April 20, 2011

REPORT ON
WATER PERMIT APPLICATION NO. 2666-2
Casey Foster
April 19, 2011

Water Permit Application No. 2666-2 has been filed by Casey Foster to impound 78 acre-feet of water from runoff by constructing a dam located in the N1/2 NW ¼ of Section 23-T35N-R25W, in Todd County. The application also requests impoundment of sufficient water to maintain water to the outlet elevation. The water will be used for fish and wildlife production and livestock water purposes.

Discussion:

The dam will be classified as a small size, Category 3, Low Hazard dam. The dam has been designed by Konechne Engineering. The plans and specifications have been reviewed and will be approved; however, construction of the dam can not begin until Water Permit Application No. 2666-2 is approved.

The dam will be 14 feet high with a normal storage capacity of 78 acre-feet with a reservoir level at the primary spillway elevation, and a maximum storage capacity of 243 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 3225 acres or 5.04 square miles; however, most of the drainage area is considered to be in the Sand Hills region, which has very low runoff characteristics. The dam is designed to have a 48 inch diameter concrete riser with a 15 inch diameter PVC barrel with 4.0 feet of freeboard as the primary spillway, and a 40 foot wide earthcut secondary spillway with 3.0 feet of freeboard. A 25 year frequency event produces a peak runoff of approximately 85 cfs and a 100 year frequency event produces a peak runoff of approximately 120 cfs. The earthcut spillway will have a capacity of approximately 540 cfs.

The annual yield for this drainage area with an 80 percent chance of occurrence, or 8 out of 10 years, and a 50 percent chance of occurrence, or 1 out of 2 years, is less than zero; and the annual yield with a 10 percent chance, or 1 out of 10 years, is expected to be 75 acre-feet.

The Foster Dam will be located in the N ½ NW ¼ of Section 23-T35N-R25W on an unnamed tributary to Sand Creek, about one mile upstream of the confluence of the unnamed tributary and Sand Creek and about 12 miles upstream of the confluence of Sand Creek and the Keya Paha River. The Department of Game, Fish and Parks holds Vested Water Right No. 685-2, which has a priority date of 1935 for storage of 120 acre-feet of water in Sundell Dam. Sundell Dam is located on Sand Creek about 6 miles downstream of the proposed dam and has a drainage area of approximately 50 square miles. The approval of Water Permit Application No. 2666-2 should not have any adverse effects on Sundell Dam. There are no other existing Water Permits/Rights filed on the unnamed tributary or Sand Creek between the Foster Dam and Sundell Dam.

The secondary spillway channel for Foster Dam will cross over to and discharge on Tribal owned land. Mr. Foster has contacted the Bureau of Indian Affairs and made arrangements to add language to his existing lease of the Tribal land to authorize this action.

Page 2

Application No. 2666-2

April 19, 2011

Conclusions:

1. Water Permit Application No. 2666-2 should be approved since unappropriated water is available and approval should not have any adverse effect on existing Water Permits/Rights.
2. If approved, the low flow bypass requirement for domestic use should be a qualification on Water Permit Application No. 2666-2.
3. Arrangements have been made to construct the secondary spillway channel on Tribal owned land.

A handwritten signature in black ink, reading "Timothy G. Schaal". The signature is fluid and cursive, with the first name "Timothy" and last name "Schaal" clearly legible.

Timothy G. Schaal, P.E.

Natural Resources Engineering Specialist

RECEIVED

MAY 12 2011

WATER RIGHTS
PROGRAM

Casey Foster

Affidavit of Publication

State of South Dakota

County of Todd

Darcey Buresh, being, first duly sworn, on oath, says: That he/she is an employee of Huether Brothers Publishing, Inc., and that the **Todd County Tribune** is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined in the SDCL 17-2-2.1 through the 17-2-2.4 inclusive; that said newspaper has been published within the said county of Todd and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for **2** successive week(s) to wit:

May 4, 2011

May 11, 2011

That the full amount of the fee charged for the publication of the attached public notice, **\$52.89** insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Signed: _____

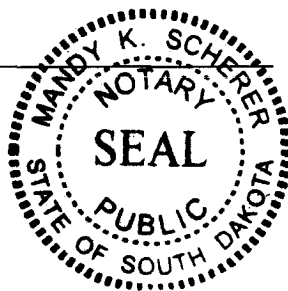
Darcey Buresh

Subscribed and sworn to before me this 11th day of May, 2011.

Notary Public

Mandy K. Scherer

My Commission Expires
December 9, 2015



Legal Notices

Notice of Application for Assignment of Tribal Land

Notice is hereby given that an application for a Tribal Land Enterprise (TLE) Assignment of land has been filed by a Rosebud Sioux Tribal member, Mr. William Craig LaFerty, of Rosebud, SD on the following described land:

Ref. #4551, T-2229, West-half Southeast Quarter (W1/2 SE1/4) of Section 07, Township 38 North, Range 32 West, 6th Principal Meridian, Todd County, South Dakota, containing 12.25 acres more or less. Subject to all Rights-of-way, egress, and regress.

Applicant: William Craig LaFerty

Please be advised that any Rosebud Sioux Tribal Member interested can submit written objections and/or make an application for this tract of land. Said objections and further applications will be accepted at the Tribal Land Enterprise office for thirty (30) days following the last date of publication of this notice.

Additional information may be obtained from Tribal Land Enterprise, P.O. Box 159, Rosebud, SD 57570. Telephone number: (605) 747-2371.

Assignment Manager, Tribal Land Enterprise

Published three times at the total approximate cost of \$44.50

Published: April 27, May 4 and 11, 2011

Lease Advertisement

SEALED BIDS for Farm/Pasture Leases on TLE lands will be accepted until 5:00 P.M., Central Standard Time, on May 6, 2011 at the Tribal Land Enterprise (TLE) Office, P.O. Box 159, Rosebud, South Dakota 57570-0159. The SEALED BIDS will be opened by the TLE Board of Directors during a TLE Board of Directors meeting in Rosebud. The leases will begin March 1, 2011.

The leases included in this advertisement are leases that are held by non-Members and Tribal members. On April 18, 2011, the TLE Board of Directors voted to make these lands available to All Interested Parties.

Therefore, the minimum acceptable bid will be On the BID SHEET, please enter the per acre rate that you are offering. All leases will be for a term not to exceed five (5) years.

All lease contracts will be issued through the Bureau of Indian Affairs and are subject to regulations in accordance with 25 Code of Federal Regulations (CFR), Part 162, Leasing and Permitting.

The Tribal Land Enterprise Board of Directors reserves the right to refuse any and all bids. No bids will be honored if the successful bidder has any delinquencies to the Rosebud Sioux Tribe, Tribal Land Enterprise, and/or the Bureau of Indian Affairs. All bidders will be notified, in writing, of the outcome of the bid opening.

Fully complete the attached bid sheet and the address form, including your full address and zip code. Place the bid sheet and address form in an envelope clearly marked "SEALED BID" and submit to Tribal Land Enterprise, P.O. Box 159, Rosebud, South Dakota 57570-0159. "SEALED BIDS" needs to be marked on the envelope to avoid being opened as mail is received at the TLE Office.

If you have questions, you may contact the TLE Office in person or call 1-605-747-2371.

Published twice at the total approximate cost of \$43.05

Published: April 27 and May 4, 2011

Office on Violence Against Women Notice of Availability of Finding of No Significant Impact

The Office on Violence Against Women (OVW) has made available to interested governmental and private bodies and individuals a Finding of No Significant Impact (FONSI) for the OVW grant program under the American Recovery and Reinvestment Act Grants to Indian Tribal Governments (ARRA OTG), in Washington, DC to renovate emergency housing/shelter for victims of domestic violence on tribal lands. The FONSI is supported by an Environmental Assessment (EA) which studied potential environmental impacts associated with renovation of emergency housing/shelter at ten tribal land locations nationwide. Based on the information gathered during preparation of the EA, OVW find that the proposed actions will not significantly impact the environment. The EA and FONSI are available at: <http://www.ovw.usdoj.gov/siw-gtc.html>. A limited number of hard copies are also available to fill single copy requests from: Marnie Shields at marnie.shields@ovw.gov.

Published: five times at the total approximate cost of \$69.12

Published: May 4, 11, 18, 25 and June 1, 2011

Notice of Application No. 2666-2 to Appropriate Water

NOTICE OF APPLICATION NO 2666-2 to Appropriate Water
Notice is given that Casey J. Foster, HC 13, Box 35, Sparks, NE 69220 has filed an application for a water permit to impound 78 acre-feet of water from runoff by constructing a dam located in the N 1/2 NW 1/4 Section 23-T35N-R25W with water impounded in the same area. This application requests impoundment of sufficient water to maintain water to the outlet elevation. The water is for fish and wildlife propagation and livestock water purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2666-2 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-2, the Chief Engineer will act on this 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 this 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, P.O. Box 523, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 23, 2011.

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
Published twice at the total approximate cost of \$52.89
Published: May 4 and 11, 2011

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Notice of Hearing on Name Change

Rosebud Sioux Tribal Court
Rosebud Indian Reservation
Rosebud, South Dakota

In The Matter of The Name Change) Docket# Civ 11-189
Notice of Hearing

Melissa Poigne) on Name Change

To: The Public

Please take notice that on the 10th, day of May, 2011, at 9:00 a.m., a hearing shall be held to change the name of:

Melissa Poigne to Melissa Jean Bear

at the Rosebud Sioux Tribal Court House, Rosebud, South Dakota.

All persons seeking to enter objections should appear at such time.

Dated this 8th day of April, 2011.

/s/ Michelle Hollow Horn Bear
Clerk of Courts

Rosebud Tribal Court

Published four times at the total approximate cost of \$53.59

Published: April 13, 20, 27 and May 4, 2011

Notice of Hearing on Name Change

Rosebud Sioux Tribal Court
Rosebud Indian Reservation
Rosebud, South Dakota

In The Matter of The Name Change) Docket# Civ 11-227
Notice of Hearing

Charles Joseph Redday) on Name Change

To: The Public

Please take notice that on the 13th, day of June, 2011, at 11:00 a.m., a hearing shall be held to change the name of:

Charles Joseph Redday to Charles Joseph Elk Looks Back

at the Rosebud Sioux Tribal Court House, Rosebud, South Dakota.

All persons seeking to enter objections should appear at such time.

Dated this 2nd day of May, 2011.

/s/ Michelle Hollow Horn Bear
Clerk of Courts

Rosebud Sioux Tribal Court

Published four times at the total approximate cost of \$53.59

Published: May 4, 11, 18 and 25, 2011

Notice of Hearing on Name Change

Rosebud Sioux Tribal Court
Rosebud Indian Reservation
Rosebud, South Dakota

In The Matter of The Name Change) Docket# Civ 11-198
Notice of Hearing

Josiah Whirlwind Soldier) on Name Change

To: The Public

Please take notice that on the 13th, day of May, 2011, at 11:00 a.m., a hearing shall be held to change the name of:

Josiah Whirlwind Soldier to Josiah Hunger

at the Rosebud Sioux Tribal Court House, Rosebud, South Dakota.

All persons seeking to enter objections should appear at such time.

Dated this 12th day of April, 2011.

/s/ Michelle Hollow Horn Bear
Clerk of Courts

Rosebud Tribal Court

Published four times at the total approximate cost of \$62.91

Published: April 20, 27 and May 4, 11, 2011

Notice of Surplus Property

Notice is hereby given that the St. Francis Indian School will accept sealed bids until 6:00 p.m., Wednesday, May 11, 2011, in the office of the Executive Assistant, Crazy Horse Administration Building, St. Francis Indian School, St. Francis, S.D., for surplus property, and they will be opened at that time by the Board Treasurer and/or Business Manager (Bidders are welcome to attend).

Vehicle designated as surplus property:

(1) 1996 Ford Taurus Green, VIN#1FALP5220G226195;

(1) 1997 Ford Taurus White, VIN#1FALP5220G226167;

(1) 1997 Chevy Tahoe Maroon, VIN#1GNEK13R7V403787;

(1) 1998 Ford Expedition White, VIN#1FMPU18L0WLA56661;

(1) 1999 Chevy Suburban Gray, VIN#3GNFK16RXXG264100.

The vehicles may be seen at the School's Transportation Department by contacting Lawrence Two Eagle, Transportation Director, at (605) 747-2296 between the hours of 8 a.m. and 3 p.m. (daylight savings time).

The bid must be accompanied by a check, cashier's check, or money order for ten percent (10%) of the total amount of bid; the bidder must clearly designate which vehicle is being bid. Removal of surplus property must be in 10 days.

The approval of bid will be made at a meeting of the Board of Education.

Bids should be addressed to BID-SURPLUS PROPERTY, c/o Executive Assistant, Sicanu Oyate Ho, Inc., P.O. Box 379, St. Francis, SD, 57572. Fax transmittals will not be accepted.

The Board reserves the right to accept or reject any and all bids.

For more information, please contact Transportation Director Lawrence Two Eagle at (605) 747-2296.

Marlene R. Short Bull
Executive Assistant

Published three times at the total approximate cost of \$62.30

Published: April 20, 27 and May 4, 2011

Public Hearing

Sponsored by
RST Child Care Services Program

The Rosebud Sioux Tribal Child Care Services Program will be hosting a Public Hearing for the tribal child care plan period 2011-2013. Public is invited to attend and comment on the program plan. Copies of the draft plan will be made available. Written comments are also accepted until Friday, May 27, 2011 at 5:00 p.m. Public hearings will be held as follows:

Antelope - May 16, 2011 at 5:30 p.m.,
Antelope Community Building
Black Pipe - May 17, 2011 at 6:00 p.m.,
Ben Looking White Memorial Hall
Bull Creek - May 19, 2011 at 6:00 p.m.,
RST Substation in Gregory, South Dakota
Butte Creek - May 10, 2011 at 7:15 p.m., Community Hall
Corn Creek - May 17, 2011 at 7:30 p.m., Community Building
Grass Mountain - May 23, 2011 at 7:30 p.m., Community Hall
He Dog - May 18, 2011 at 5:30 p.m., Youth Building
Horse Creek - May 16, 2011 at 7:30 p.m., Community Hall
Ideal - May 25, 2011 at 5:30 p.m., Community Hall
Milks Camp - May 11, 2011 at 2:00 p.m., Community Hall
Okreek - May 12, 2011 at 2:00 p.m., Community Center
Parmer - May 18, 2011 at 7:30 p.m., Community Hall
Ring Thunder - to be announced
Rosebud - May 19, 2011 at 7:00 p.m., Rosebud Daycare Center
Soldier Creek - May 26, 2011 7:00 p.m., Episcopal Church
Spring Creek - May 24, 2011 7:30 p.m., Community Building
St. Francis - May 31, 2011 at 7:00 p.m., Community building
Swift Bear - May 9, 2011 at 7:30 p.m., Community Building
Two Strike - May 11, 2011 at 7:30 p.m., Community Center
Upper Cut Creek - May 12, 2011 at 7:30 p.m., Youth Building

For further information you may contact Gail at (605) 828-2512 or 747-5264 or 877-424-7188.

Published four times at the total approximate cost of \$88.54

Published: May 4, 11, 18 and 25, 2011

Amended Summons

STATE OF SOUTH DAKOTA) IN CIRCUIT COURT
COUNTY OF HUGHES) SS

THE PEOPLE OF THE STATE OF SOUTH DAKOTA, EX REL SOUTH DAKOTA DEPARTMENT OF SOCIAL SERVICES, IN THE INTERESTS OF) Case No. JV 11-24

X. N.,) AMENDED SUMMONS

Minor Child,)

and concerning)

ELDON FLUTE, and)

KAMELIA SHOULDERS,)

Respondents.)

THE STATE OF SOUTH DAKOTA SENDS GREETINGS TO THE ABOVE-NAMED CHILD, PARENTS, GUARDIANS, CUSTODIAN OR OTHER RESPONDENTS, AND ALL WHOM IT MAY CONCERN.

YOU ARE HEREBY NOTIFIED that a Petition has been filed in the above named Court alleging the above-named child to be abused or neglected according to provisions of SDCL 26-7A and SDCL 26-8A for the reasons stated in the Petition.

YOU ARE HEREBY SUMMONED to appear, either in person or by attorney, before this Court at 11:00 a.m., on the 23rd day of May, 2011, at the third floor Courtroom in the Courthouse in Pierre, Hughes County, South Dakota, to answer to the Petition. Failure to appear shall be deemed an admission to the allegations contained in the Petition. The above-named child shall not appear before the Court unless otherwise required by the Court. If you (and the child if required by the Court) fail to appear, a warrant may be issued by the Court requiring that you (and the child if required by the Court) be brought before the Court. This hearing shall be an Advisory hearing.

YOU ARE HEREBY NOTIFIED that termination of your parental rights is a possible remedy under the proceedings. You and the child have the right to an attorney at all stages of the proceedings. According to the Petition filed in the Court, the Indian Child Welfare Act is applicable.

The Court does not require the child to appear before the Court.

Dated the 26th day of April, 2011.

Kelly Marnette
Prosecuting Attorney

Subscribed and sworn to before me this 26th day of April, 2011.

Kristi Schuchard
Notary Public

My Commission Expires: 9-13-2011

Amended Notice of Indian Child Custody Proceeding

STATE OF SOUTH DAKOTA) IN CIRCUIT COURT
COUNTY OF HUGHES) SS

THE PEOPLE OF THE STATE OF SOUTH DAKOTA, EX REL SOUTH DAKOTA DEPARTMENT OF SOCIAL SERVICES, IN THE INTERESTS OF) JV 11-24

X. N.,) AMENDED NOTICE

Minor Child,) OF INDIAN CHILD

and concerning) CUSTODY PROCEEDING

ELDON FLUTE, and) (ICWA)

KAMELIA SHOULDERS,)

Respondent.)

PLEASE TAKE NOTICE that, pursuant to the Indian Child Welfare Act of 1978 (25 U.S.C. § 1901, et. seq.), a custody proceeding is now pending in the above-named court. The child who is the subject of this proceeding is believed to be an "Indian child" (as defined in 25 U.S.C. § 1903 (4)) affiliated with the Crow Creek Sioux Tribe and/or the Ogala Sioux Tribe.

AN ADVISORY HEARING HAS BEEN SCHEDULED FOR MAY 23, 2011, AT 11:00 A.M. CST IN THE COURTROOM OF THE HUGHES COUNTY COURTHOUSE, PIERRE, SOUTH DAKOTA.

You are further notified that the parent, Indian custodian, and the child's tribe, may have a right to intervene in these proceedings.

If you, as the parent(s) or Indian custodian, are unable to afford an attorney, an attorney may be appointed to represent you. If you desire a court-appointed attorney, you should contact the court using the information provided below. You may have the right, as the parent(s), Indian custodian, or Indian tribe, to have, upon request, 20 additional days to prepare for hearing. If you desire additional time to prepare for the hearing, you should contact the Court using the information provided below.

You may have the right, as a parent, Indian custodian, or Indian tribe, to petition this Court for transfer of the proceeding to tribal court.

The Petitioner in this action is the State of South Dakota, and the name and address of the attorney for the Petitioner is set forth below. The Court's phone number is 605-773-3713. The Court's mailing address is P.O. Box 1238, Pierre, SD 57501 (physical address is 104 East Capitol Ave., Pierre, SD).

Please report to the Court or to the State all information you have as to the status of the above-named child, including the eligibility/membership of the child or the parent(s) in any Indian tribe.

If you are the child's parent, it is possible that your parental rights will be terminated in this proceeding. If your parental rights are terminated in this proceeding, you will no longer be able to exercise parental, custodial or any other rights with the regard to the child.

Dated this 26th day of April, 2011.

Kelly Marnette
Hughes Co. State's Attorney

104 East Capitol Ave.,
Pierre, SD 57501

Phone: 605-773-7462

Published once at the total approximate cost of \$85.68

Published: May 4, 2011

Legal Ad Deadline - Fridays 5 p.m.

Todd County Tribune

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

April 25, 2011

Todd County Tribune
PO Box 229
Mission SD 57555

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2666-2 to Appropriate Water to be published twice. Please publish the first notice on May 4, 2011 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 Casey Foster, HC 13 Box 35, Sparks NE 69220 (Ph # 402-322-0142).

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. 2666-2

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

Date _____

We are in receipt of your letter of April 25, 2011 enclosing Notice to Appropriate Water by Application No. 2666-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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.

April 25, 2011

Casey Foster
HC 13 Box 35
Sparks NE 69220

Dear Mr. Foster:

Water Permit Application No. 2666-2 for fish & wildlife & livestock water use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Todd County Tribune printed at Mission SD (Ph # 605-856-4469). 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 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 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
eric.gronlund@state.sd.us

enclosures

cc: Dave Konechne, 104 Capitol Hill Dr., Pierre SD 57501

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.

Instruction to Newspaper - Publish first Notice on May 4, 2011 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 2666-2 to Appropriate Water

Notice is given that Casey J Foster, HC 13, Box 35, Sparks NE 69220 has filed an application for a water permit to impound 78 acre-feet of water from runoff by constructing a dam located in the N ½ NW ¼ Section 23-T35N-R25W with water impounded in the same area. This application requests impoundment of sufficient water to maintain water to the outlet elevation. The water is for fish and wildlife propagation and livestock water purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2666-2 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 this 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 this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 23, 2011.

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.

Published twice at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 26 2011

Casey J Foster
90805 Sparks N Road
Sparks NE 69220

Dear Mr. Foster:

Enclosed is Water Permit No. 2666-2 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

2666-2

Post-it* Fax Note	7671	Date <u>7/25/11</u>	# of pages <u>1</u>
To <u>Joe</u>	From <u>Casey</u>		
Co./Dept.	Co.		
Phone #	Phone #		
Fax #	Fax #		

Allot. No. RS-5440
 Lease No. 1598390611
 Doc. No. _____

RECEIVED

AUG - 1 2011

WATER RIGHTS
PROGRAM

UNITED STATES
 DEPARTMENT OF THE INTERIOR
 Bureau of Indian Affairs

Rosebud Agency

LACREEK NAT. WILDLIFE REFUGE

JUL 25 2011

RECEIVED

* Administration Modification

It is hereby agreed by and between Bureau of Indian Affairs & Rosebud Sioux Tribe T.L.E.
 and Foster Cattle Company, C/O Casey Foster, 903 East 9th Street, Valentine, Nebraska 69220
Lessee, Farmers Alliance Mutual Insurance Company, PO Box 1401, McPherson, Kansas 67460
 Bondsmen, that Lease No. 59839 covering the *****See Legal Description Below
 Allotment of N/A be ** Modified as follows:

The purpose of this modification is in:

RS-5440: The SW $\frac{1}{4}$ of Section 14, T. 35 N., R. 25 W., 6th P.M., Todd County containing 80
 acres of grass land, 35 acres of farmland & 45 acres of hay land.

The modification will add the plunge pool/spillway to the improvements that our owned by the
 Lessee.

(Lessor) Elton Harold Wang
 Superintendent on behalf of all heirs pursuant (cont.)
 to 25 CFR 162.7 & 162.2(a)(4) Jon

The within *Modification is hereby approved and declared to be made in accordance with
 the rules and regulations prescribed by the Secretary of the Interior thereunder, and now in force.

7-15-11

(Date)

* Insert "Modification or Cancellation"
 ** Insert "Canceled or Modified"

Elton Harold Wang
 (act. in) Superintendent, Rosebud Agency
 Pursuant to Authority Delegated to the Asst. Secretary - Jon
 Indian Affairs by 209 DM 8, 230 DM 1, to the Great
 Plains Regional Director by 3 IAM 4, (Release No. 00-
 03), and to the Superintendents by Great Plains Regional
 Addendum 3 IAM 4, (Release No. 0502). Jon

**Water Permit No. 2666-2
Todd County**

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, November 23, 2015 made a thorough examination of the water system used by Casey J Foster, 90805 Sparks North Rd., Sparks, NE 69220, holder of Water Permit No. 2666-2, bearing the priority date of March 17, 2011. Water Permit No. 2666-2 authorizes the storage of 78 ac-ft of water through the construction of a dam in the N ½ NW ¼ of Section 23, T35N-R25W. The water impounded by this dam is in the same quarter section as the dam and is used for fish and wildlife propagation.

I have the following conditions to report for the system in question:

- 1) Works used to divert water:
Dam.
- 2) Works used to transport water to a place of use:
N/A
- 3) Works used to apply water to beneficial use:
N/A

The system is in the following condition: functional. The dam is in the following location:

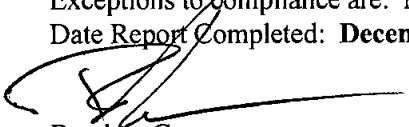
**100 feet south and 700 feet east (to 1,500 feet east) of the northwest corner of Section 23,
T35N-R25W. Lat 43.00200N Lon 100.23418W.**

License should be issued for the retention of: **78 ac-ft/yr**

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

Exceptions to compliance are: **None**

Date Report Completed: **December 1, 2015**



Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR WATER PERMIT NO. 2666-2

DATE OF INVESTIGATION:	November 23, 2015
NAME & ADDRESS OF PERMIT HOLDER	Casey J Foster 90805 Sparks North Rd., Sparks, NE 69220
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Casey J Foster
DIVERSION POINT LEGAL LOCATIONS	100 feet south and 700 feet east (to 1,500 feet east) of the northwest corner of Section 23, T35N-R25W. Lat 43.00200N Lon 100.23418W.

DAM INFORMATION:

Designed By: Konechne Engineering, 104 Capitol Hill Dr., Pierre, SD 57501

Constructed By: Jim Buer Excavating

Freeboard: 1 foot

Crest Width: 12 feet

Crest Length: 800 feet

Height: 14 feet

Surface Area: 25 acres

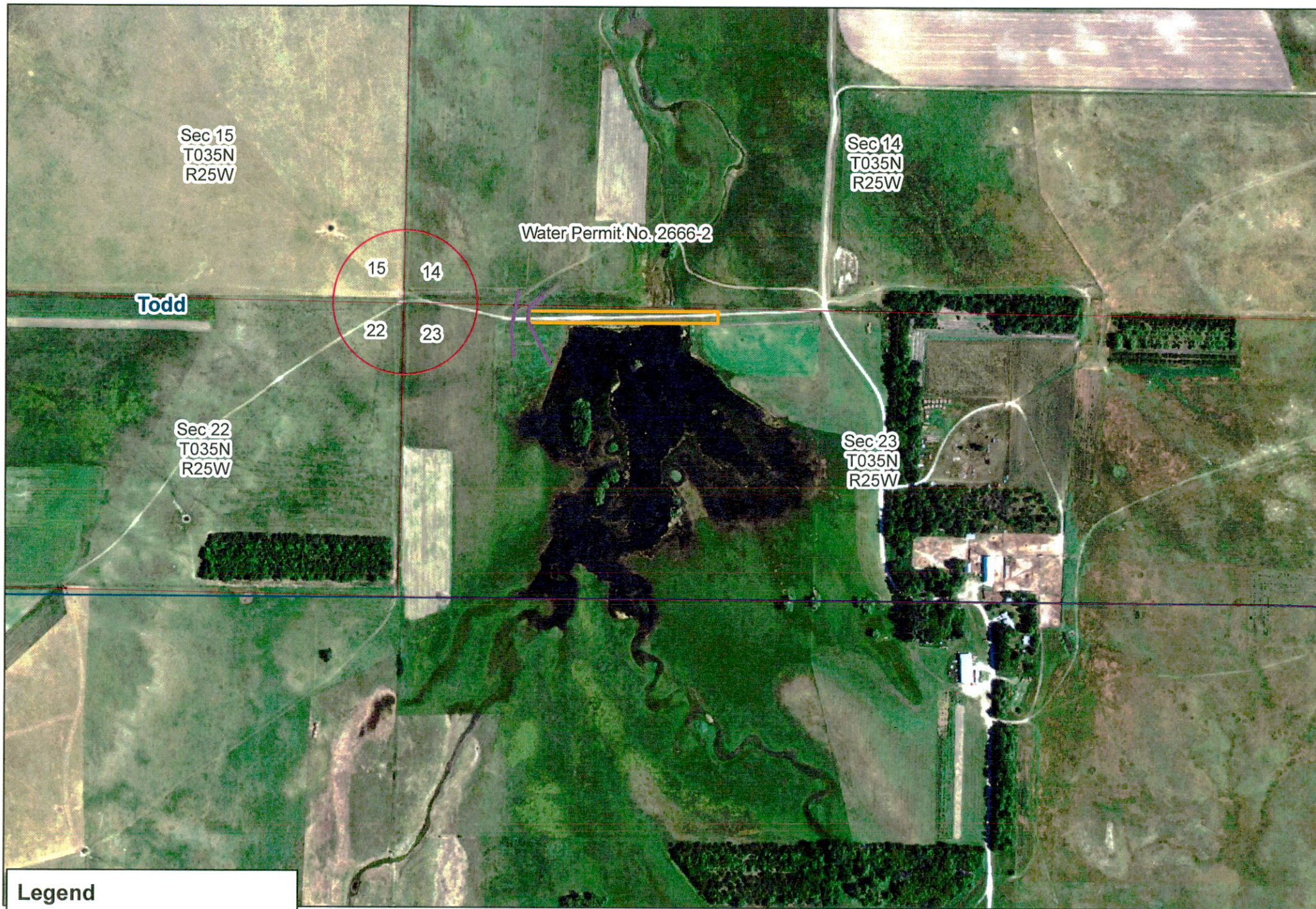
Storage: 78 ac-ft

Outlet Pipe Diameter: 15 inches

Secondary Spillway Width: 40 feet

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by: N/A
- 2) All structures, wells, and lands on map: Yes



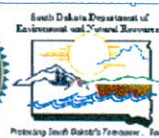
Legend

-  Secondary Spillway
-  Irrigated_Acres
-  Section Boundaries - PLSS



0 0.05 0.1 0.2 Miles

Prepared by Bracken Capen
Natural Resources Engineer
DENR, Water Rights Program



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

MAIL TO: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

Date

11/23/15

FROM:

Casey J. Foster
(name)90805 Sparks N RQ
(address)Sparks NE 69220
(city) (state) (zip)402 376 5970
(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. 2666-2 states that the water use system is to be constructed by
3-17-16, and water is to be put to beneficial use by 3-17-20
(date) (date)

The water use system was completed on

July 2015
(date)

Applying the water to beneficial use was completed on

July 2015
(date)

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

Casey J. Foster 11/23/15





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

JAN 29 2016

2666-2

Casey J Foster
90805 Sparks North Rd
Sparks NE 69220

Dear Mr. Foster:

Enclosed is Water License No. 2666-2. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne Goodman".

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2666-2

(1) Casey J Foster, 90805 Sparks North Rd, Sparks NE 69220 made Application No. 2666-2, March 17, 2011 for a water permit to impound 78 acre feet of water from runoff, Todd County, South Dakota for fish and wildlife propagation and livestock watering purposes. Permit No. 2666-2, with a priority date of March 17, 2011 was approved May 23, 2011 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 23, 2016 and for the application to beneficial use of water on or before May 23, 2020.

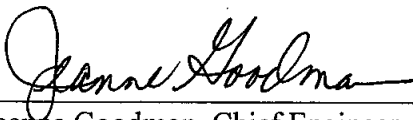
The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on November 23, 2015. The *Notice* stated the diversion system was completed in July, 2015 and the water placed to beneficial use in July, 2015.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 2666-2 is issued a license, bearing a priority date of March 17, 2011 to impound 78 acre feet of water from runoff for fish and wildlife propagation and livestock watering purposes.

The location of the storage dam (spillway) is 100 feet south and 700 feet east (to 1,500 feet east) of the northwest corner of Section 23-T35N-R25W (N 1/2 NW 1/4), with water impounded in the same area.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2666-2, including the following qualifications:

- Water Permit No. 2666-2 authorizes a dam with a storage capacity of 78 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 by-passed.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JAN 29 2016

date

