

WATER PERMIT NO. 2677-2

Name of Applicant: SD Dept of Game, Fish & Parks

Address: 523 E Capitol, Pierre SD 57501 Phone: 605 773-6208

Amount of Water Claimed: 30 AF Total Acres: NA

Source of Water Supply: surface water – unnamed creek

Water to be used for: fish & wildlife propagation County: Gregory

Type of Waste Disposal System:

Location: approximately 20 miles northeast of Gregory

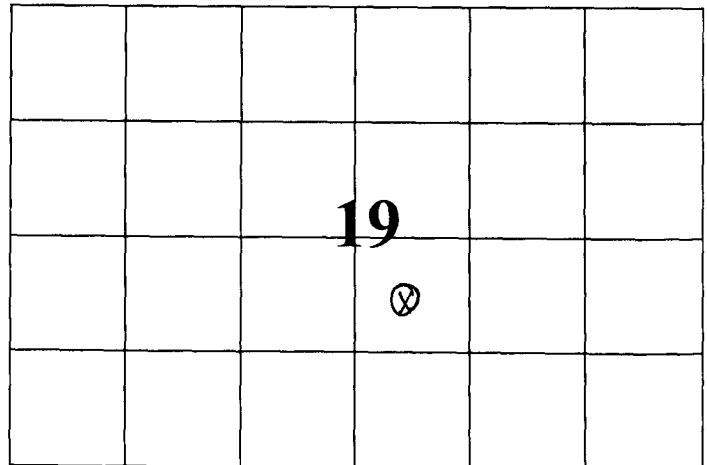
PRIORITY Date Received: 1-11-12 Application/License Fee: \$ 700

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

Remarks:

Diversion Point: NW ¼ SE ¼ Sec 19-T99N-R70W

Water Impounded: W ½ SE ¼ Sec 19-T99N-R70W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: topo

Prepared by: Leslie Murphy, GF&P

Reviewed and the Number Assigned on: 1-11-12

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SD EForm - 1585LD V3

FORM 2: Application for uses other than irrigation

(type or print)

RECEIVED

JAN 11 2012

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. <u>2677-2</u>	Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Times-Advocate PO Box 378</u> <u>605-835-8089</u> <u>Gregory 57533</u>	

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

Check use(s) of water:

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

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 South Dakota Department of Game, Fish and Parks Phone 605.773.6208
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 523 East Capitol Avenue Pierre SD 57501
(Address) (City) (State) (Zip Code)
2. Amount of water claimed *CFS or **GPM 30 ± ***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 creek (Tributary to Lake Francis Case)
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Gregory
NW1/4 SE1/4 Section 19 - T99N - R70W Water impounded w/ 1/2 SE 1/4
Sec 19 T99N R 70W
5. County or counties where water will be used Gregory
6. Annual period during which water is to be used N/A 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)

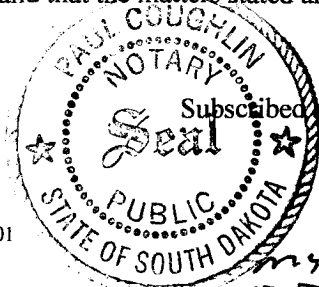
The purpose of this project is to create an impoundment for wildlife habitat. It will be done in conjunction with a DOT project that will stabilize SD HWY 44, which has been impacted from numerous landslides in the past.

STATE OF SOUTH DAKOTA)

County of HUGHES) 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, Leslie Murphy, 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 Leslie MurphySubscribed and sworn to before me this 11th day of JANUARY 20 12

[Signature]
Notary Public signature

2010-01

My Commission
EXPIRES AUGUST 24, 2013

**SOUTH DAKOTA
WATER PERMIT NO. 2677-2**

Date of first receipt of application January 11, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2677-2 to South Dakota Department of Game, Fish and Parks, 523 E Capitol, Pierre SD 57501 authorizing the construction of an impoundment and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2677-2 authorizes impoundment of 30 acre-feet of water from an unnamed creek (tributary to Lake Francis Case) by constructing an impoundment located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19 with water impounded in the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 19; all in T99N-R70W.
2. The water appropriated shall be used for fish and wildlife propagation and constructed in conjunction with a South Dakota Department of Transportation project to stabilize SD HWY 44 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. 2677-2 is February 27, 2012.
5. The date from which applicant may claim right is January 11, 2012.
6. One-fifth of the construction is to be completed on or before August 27, 2014.
7. All construction is to be completed on or before February 27, 2017.
8. Water is to be put to beneficial use on or before February 27, 2021.
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. 2677-2 authorizes an impoundment with a storage capacity of 30 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

MAY 02 2012

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) _____

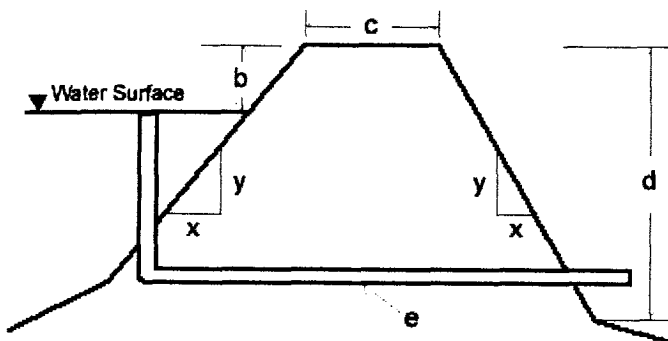
4. Water Storage Dams

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:

SD Department of Transportation
700 East Broadway Avenue
Pierre, SD 57501

- b) Freeboard _____ N/A
- c) Crest Width _____ 335 ft
- Crest Length _____ N/A
- d) Height 30-ft (upstream side only)
- e) Primary Outlet Capacity _____ N/A
- If pipe, diameter _____ no pipe
- f) Secondary Spillway Capacity _____
- Spillway Width _____ 335 ft
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
- Upstream _____ 3H:1V
- Downstream _____ 100H:1V ±
- h) Surface Area of Impoundment _____ 3 acres
- i) Storage _____ 30 ± _____ Acre Feet
- j) Drainage Area Above Dam _____ 640 Acres



State of South Dakota
VOUCHER

11/13
PA

#N/A

APPL. AREA 75 APPROVAL NUMBER _____
D A T E 01.11.2012 APPROVAL DATE _____
DOCUMENT ID N20201018 D A T A T Y P E 1

FROM: DENR

to: Agriculture
Foss Bldg
Pierre SD

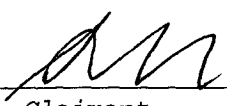
LINE	COMP	ACCOUNT	CENTER	AMOUNT	SIGN
1	3072	429980 ²	2020000800	500.00	CR
2	3072	429980 ³	2020000801	200.00	CR
3					DR
4					
5					
6					
7					
8					
TOTAL			DR	700.00	
TOTAL			CR	700.00	

VOUCHER TOTAL \$1,400.00

DESCRIPTION OF SERVICE, PRODUCT, OR TRANSFER

Water Rights Application \$500.00
Water Rights Inspection \$200.00

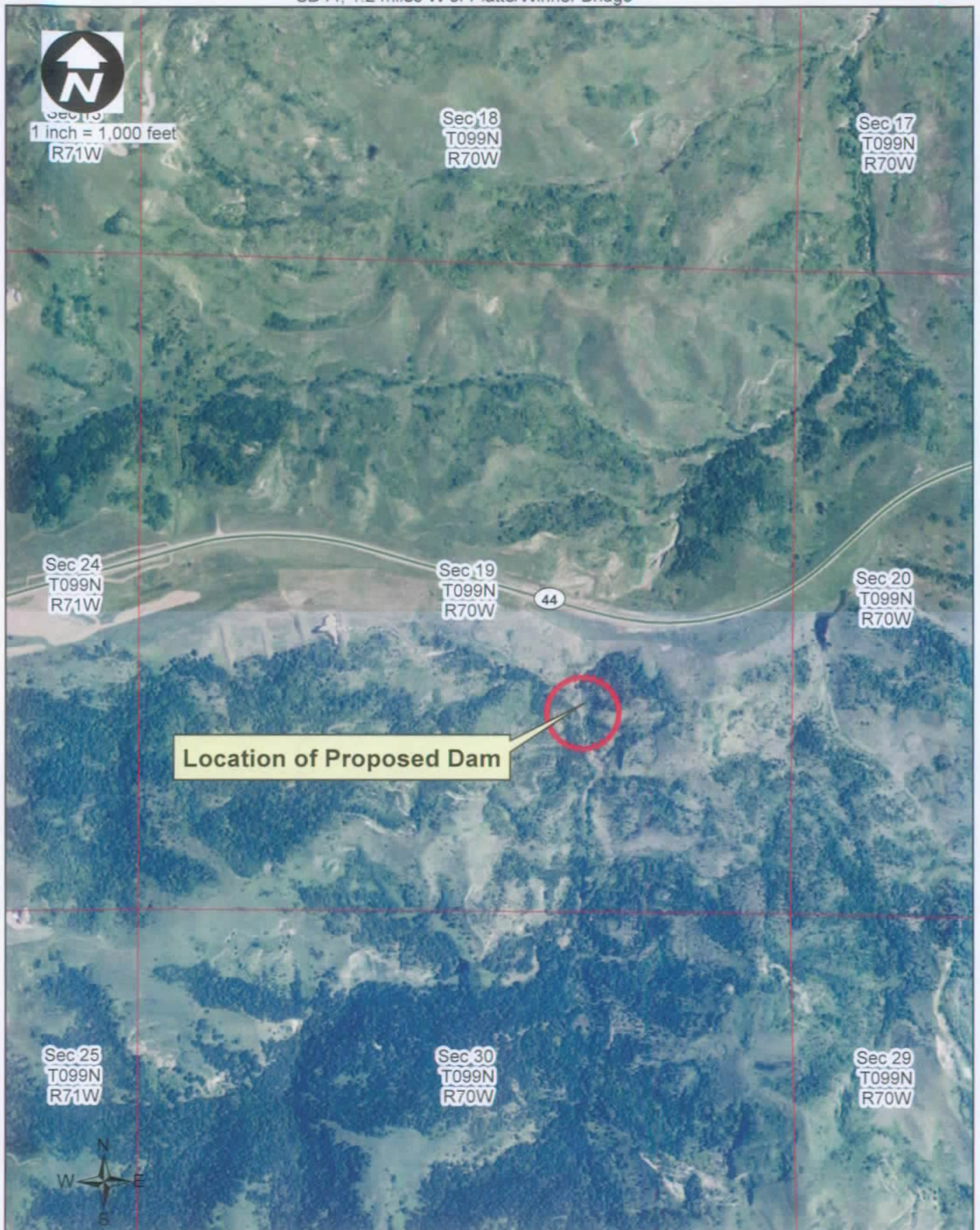
I declare and affirm under the penalties of perjury that this claim has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.

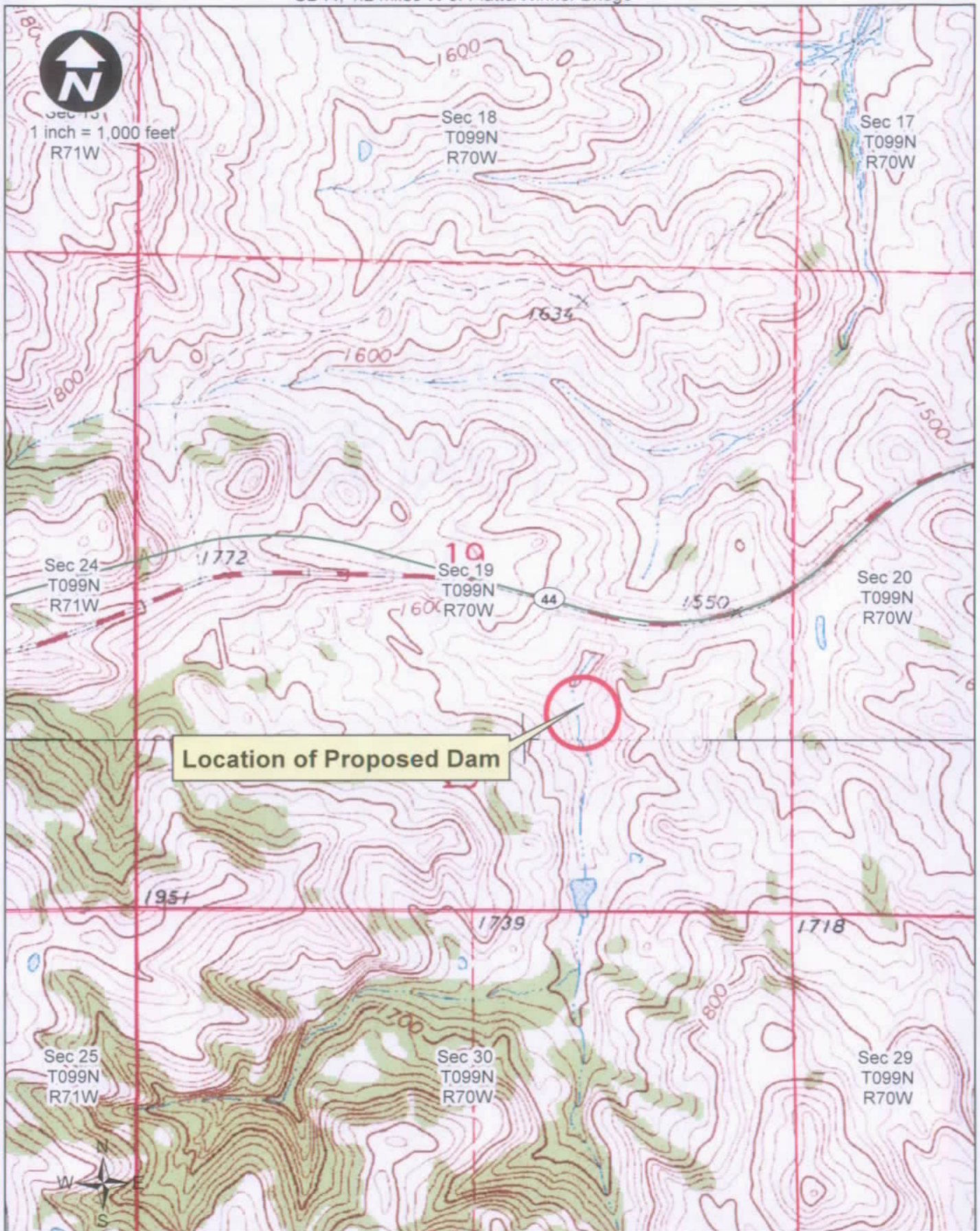
 1-11-12

Claimant Date
Sandy Verhelst
773-5242

Authorization Date

Authorization Date





Leslie Murphy

STATE OF SOUTH DAKOTA	PROJECT	SHEET	TOTAL SHEETS
	P 0044(160)284	B23	B38

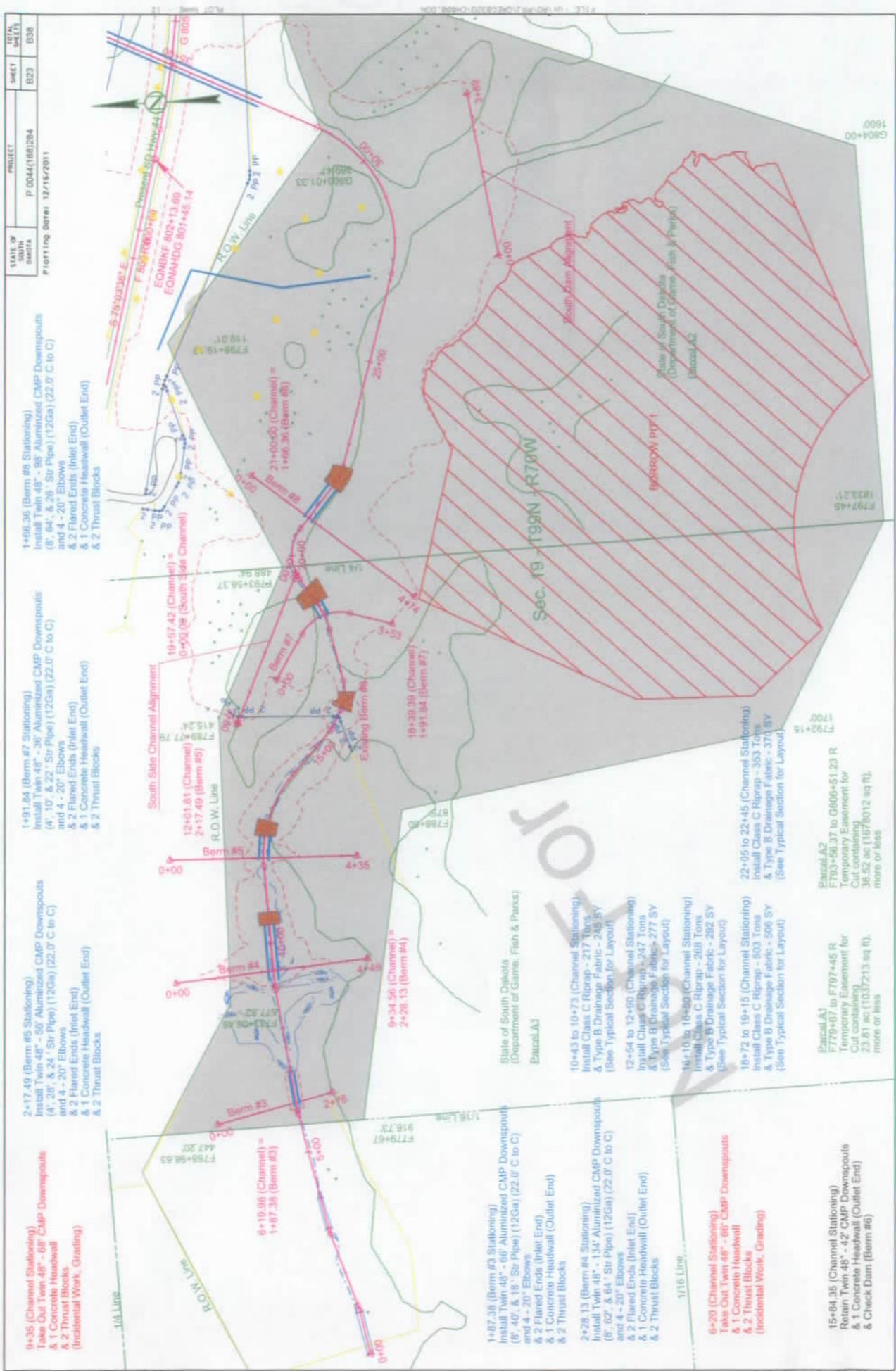
Plotting Date: 12/16/2011

1+66.36 (Berm #8 Stationing)
Install Twin 48" - 66" Aluminized CMP Downspouts
(8' 64" & 24" Str Pipe) (12Ga) (22.0' C to C)
& 4 - 20' Elbows
& 2 Flared Ends (Inlet End)
& 1 Concrete Headwall (Outlet End)
& 2 Thrust Blocks

1+01.84 (Berm #7 Stationing)
Install Twin 48" - 36" Aluminized CMP Downspouts
(4' 10" & 22" Str Pipe) (12Ga) (22.0' C to C)
& 4 - 20' Elbows
& 2 Flared Ends (Inlet End)
& 1 Concrete Headwall (Outlet End)
& 2 Thrust Blocks

2+17.49 (Berm #5 Stationing)
Install Twin 48" - 36" Aluminized CMP Downspouts
(4' 28" & 24" Str Pipe) (12Ga) (22.0' C to C)
& 4 - 20' Elbows
& 2 Flared Ends (Inlet End)
& 1 Concrete Headwall (Outlet End)
& 2 Thrust Blocks

9+35 (Channel Stationing)
Take Out Twin 48" - 66" CMP Downspouts
& 1 Concrete Headwall
& 2 Thrust Blocks
(Incidental Work, Grading)



State of South Dakota
(Department of Game, Fish & Parks)
Brazel, A2

10+43 to 10+73 (Channel Stationing)
Install Class C Riprap - 217 Tons
& Type B Drainage Fabric - 246 SY
(See Typical Section for Layout)

13+64 to 13+90 (Channel Stationing)
Install Class C Riprap - 247 Tons
& Type B Drainage Fabric - 277 SY
(See Typical Section for Layout)

14+10 to 14+40 (Channel Stationing)
Install Class C Riprap - 208 Tons
& Type B Drainage Fabric - 282 SY
(See Typical Section for Layout)

18+72 to 19+15 (Channel Stationing)
Install Class C Riprap - 503 Tons
& Type B Drainage Fabric - 506 SY
(See Typical Section for Layout)

Partial A1
F793+67 to F797+45 R
Temporary Easement for
Cut containing
23.81 ac (1037273 sq ft),
more or less

Partial A2
F793+50.37 to G806+51.23 R
Temporary Easement for
Cut containing
38.52 ac (1678012 sq ft),
more or less

22+05 to 22+45 (Channel Stationing)
Install Class C Riprap - 353 Tons
& Type B Drainage Fabric - 371 SY
(See Typical Section for Layout)

15+04.35 (Channel Stationing)
Retain Twin 48" - 42" CMP Downspouts
& 1 Concrete Headwall (Outlet End)
& Check Dam (Berm #6)

6+20 (Channel Stationing)
Take Out Twin 48" - 66" CMP Downspouts
& 1 Concrete Headwall
& 2 Thrust Blocks
(Incidental Work, Grading)

1+87.38 (Berm #3 Stationing)
Install Twin 48" - 66" Aluminized CMP Downspouts
(8' 40" & 18" Str Pipe) (12Ga) (22.0' C to C)
& 4 - 20' Elbows
& 2 Flared Ends (Inlet End)
& 1 Concrete Headwall (Outlet End)
& 2 Thrust Blocks

2+28.13 (Berm #4)
9+34.56 (Channel) =
2+28.13 (Berm #4)

2+28.13 (Berm #4 Stationing)
Install Twin 48" - 134" Aluminized CMP Downspouts
(8' 62" & 64" Str Pipe) (12Ga) (22.0' C to C)
& 4 - 20' Elbows
& 2 Flared Ends (Inlet End)
& 1 Concrete Headwall (Outlet End)
& 2 Thrust Blocks

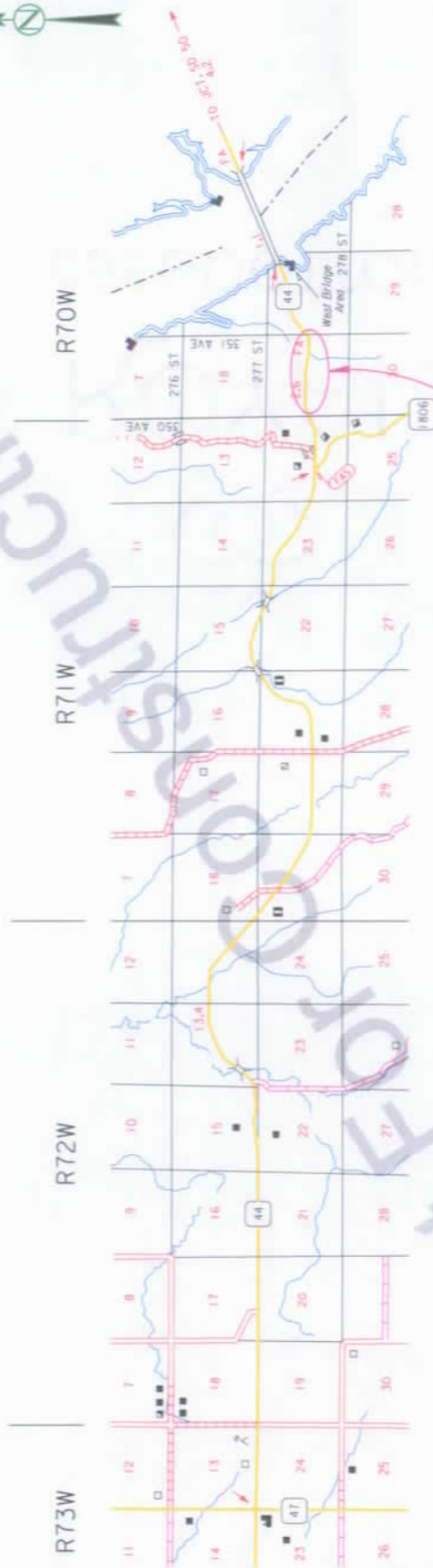
Section B: Grading Plans

STATE OF	PROJECT	SHEET	TOTAL
SOUTH	P 0044(168)284	B1	B38
DAKOTA			

Plotting Date: 12/16/2011

INDEX OF SHEETS

- B1 General Layout w/Index
- B2-B7 Estimate With General Notes & Tables
- B8 Table of Pipe Quantities
- B9 Table of Fence Quantities
- B10-B12 Typical Sections
- B13-B14 Horizontal Alignment Sheets
- B15 Control Data Sheet
- B16 Topography Symbolology & Legend
- B17-B26 Plan & Profile Sheets
- B27-B29 Design Contour Sheets
- B30-B32 Headwall & Thrust Block Details
- B33 Underdrain Details
- B34-B38 Standard Plates



Project P 0044(168)284
 Station 730+00.08 = 79+82.94 on F 008-211
 Station 750+00 to 827+27

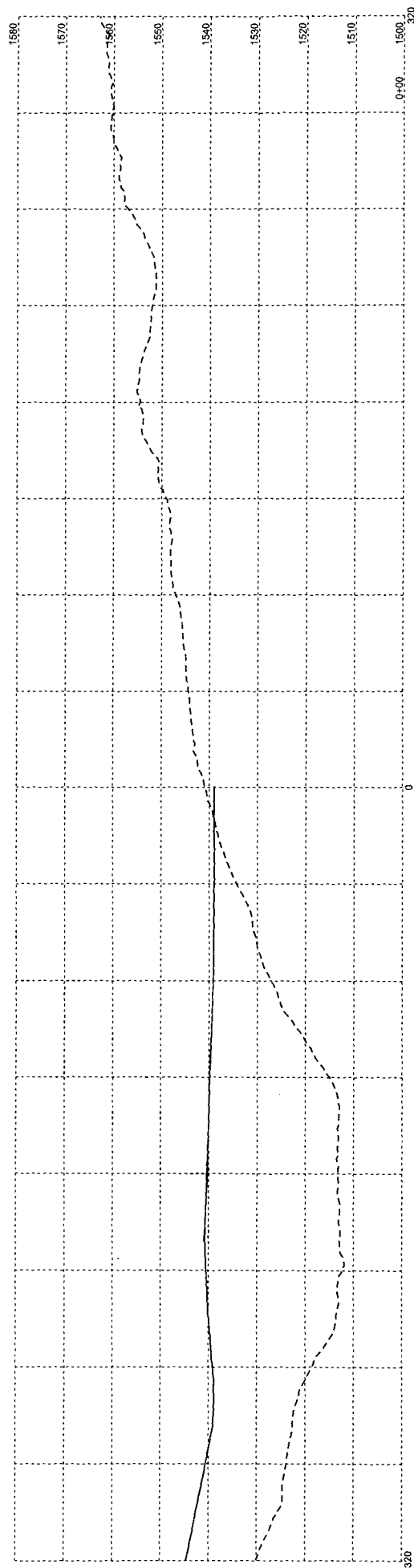
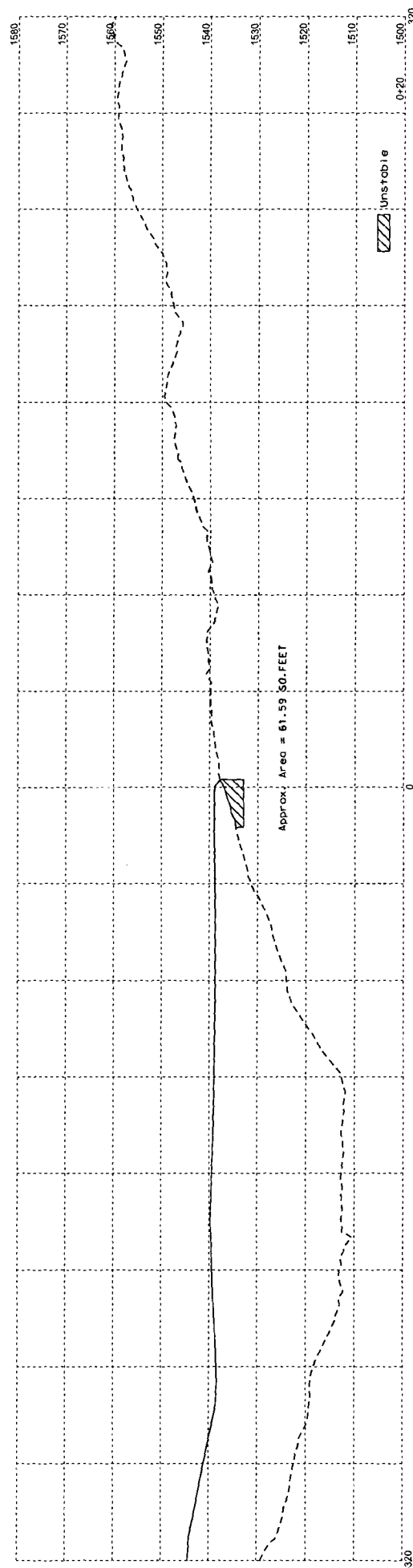
N661



Plotting Date: 12/21/2011

STATE OF SOUTH DAKOTA	PROJECT	SHEET		TOTAL SHEETS
		NO.	OF	
	P 0044(168)284	X108	X259	

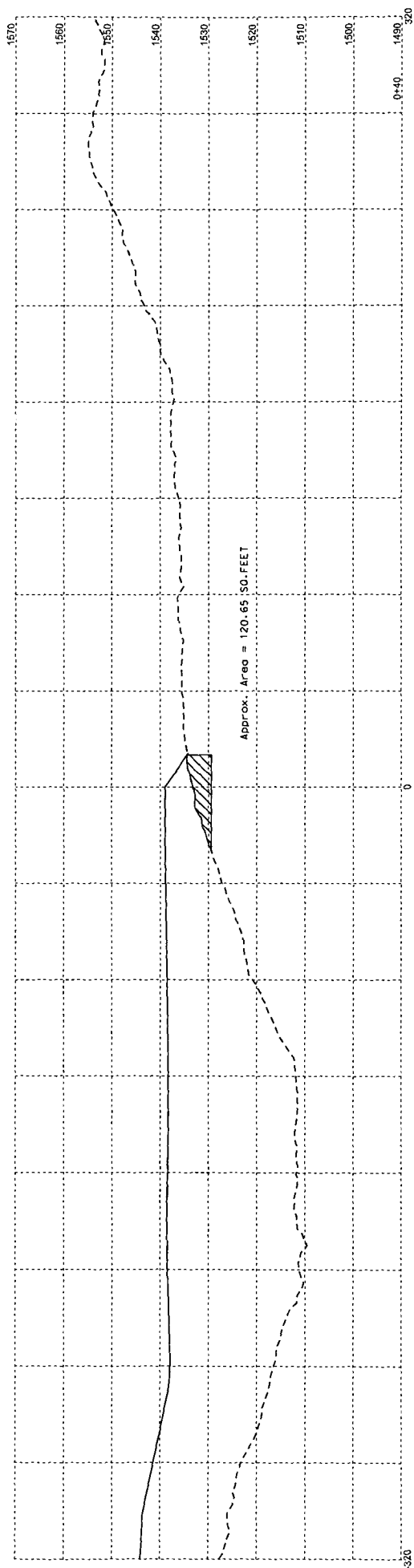
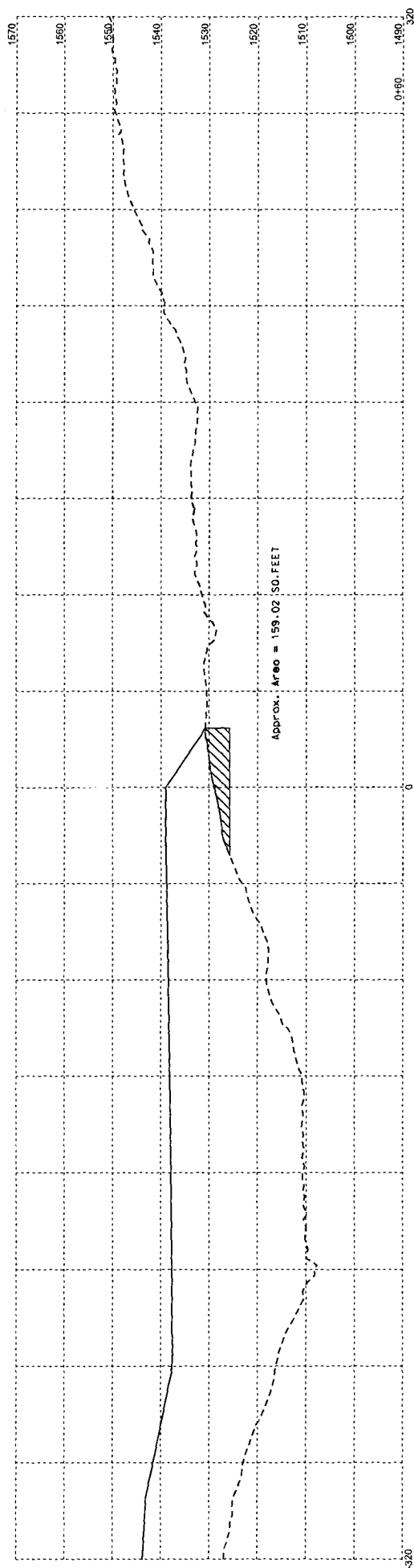
DAM



Plotting Date: 12/21/2011

STATE OF SOUTH CAROLINA	PROJECT	SHEET NO.	TOTAL SHEETS
	P 0044(168)284	X109	X259

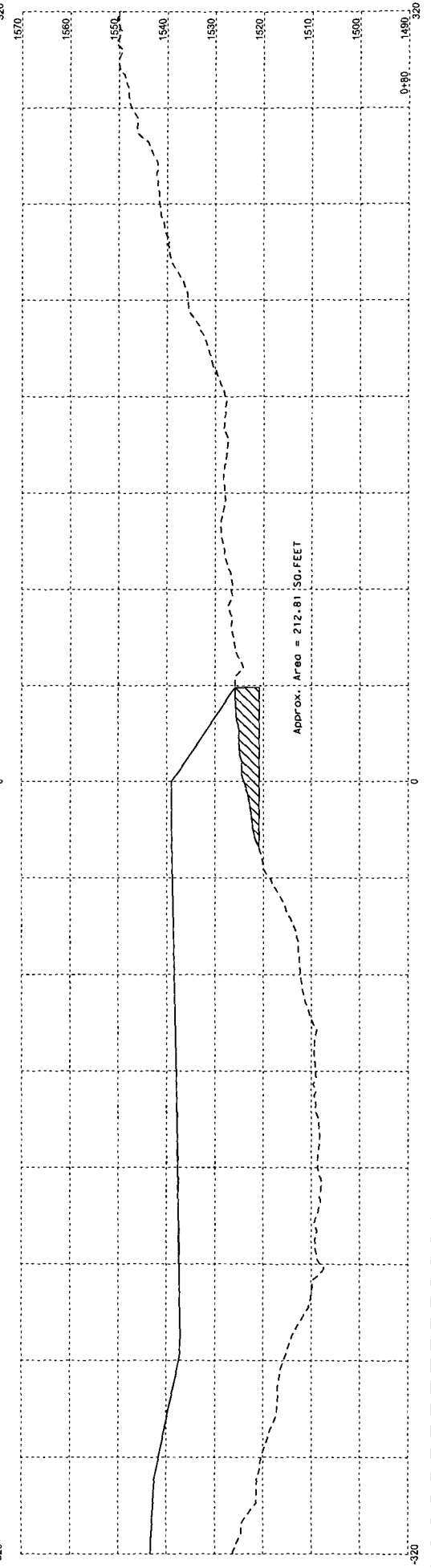
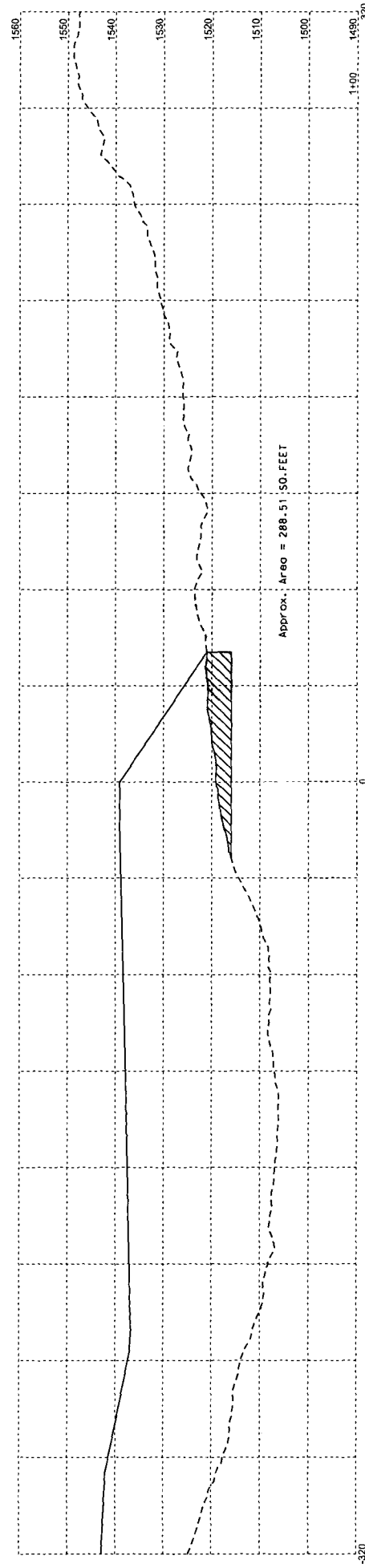
DAM



Plotting Date: 12/21/2011

STATE OF SOUTH DAKOTA	PROJECT	SHEET NO.		TOTAL SHEETS	
		X110	X111	X258	X259
	P 0044(188)284				

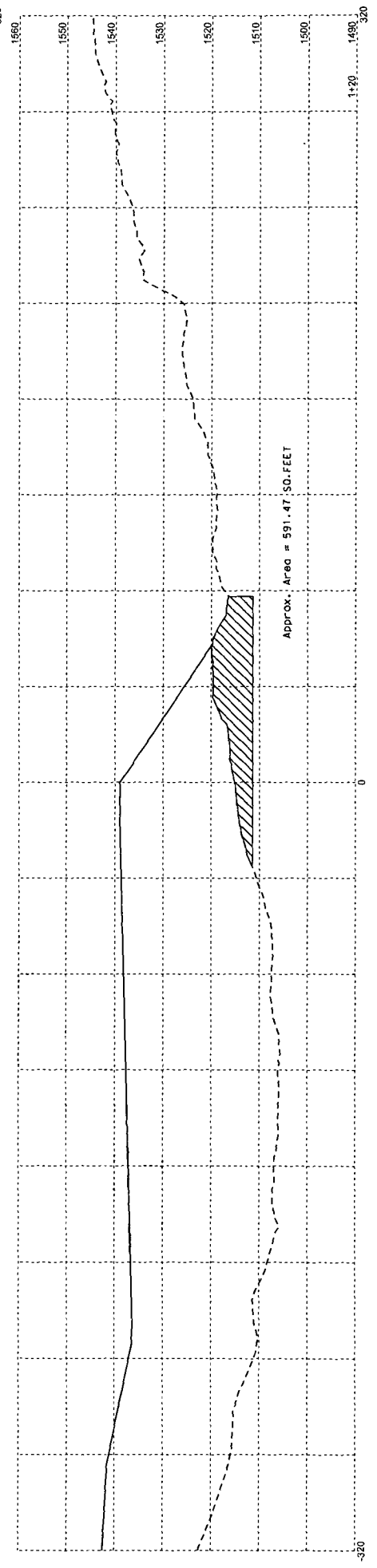
DAM



Plotting Date: 12/21/2011

STATE OF SOUTH DAKOTA	PROJECT P 0044(169)284	TOTAL SHEETS	
		SHEET NO.	X111 X259

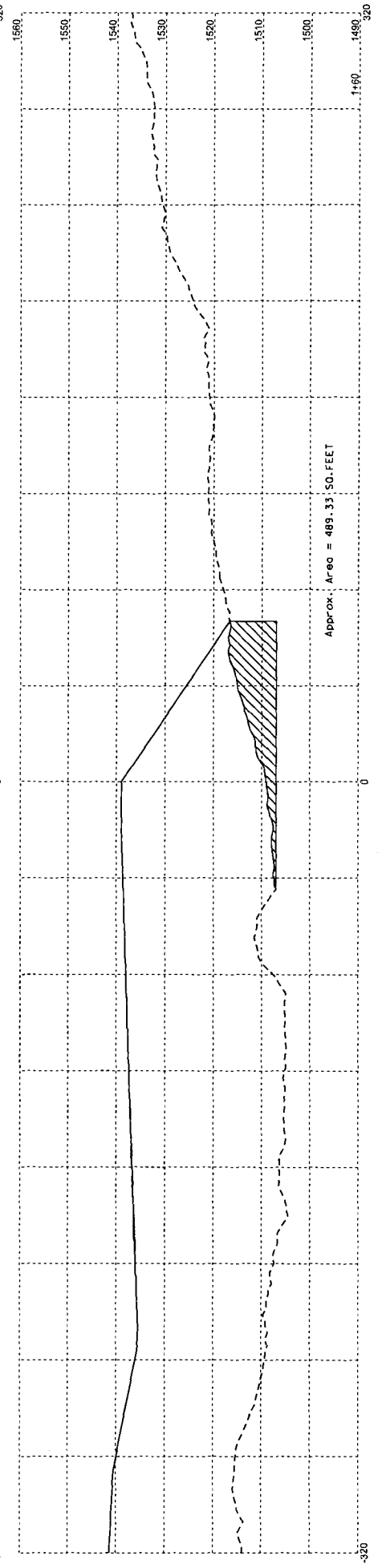
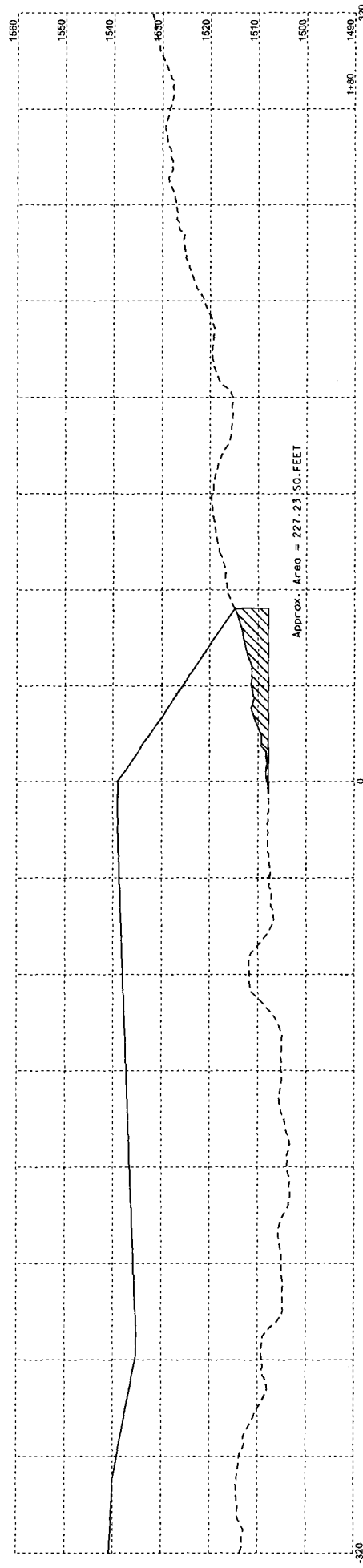
DAM



Plotting Date: 12/21/2011

STATE OF SOUTH CAROLINA	PROJECT	SHEET NO.	TOTAL SHEETS
	P 0044(168)284	X112	X259

DAM





PLOTTED FROM - TRSF12145

PLOT SCALE - 1:200

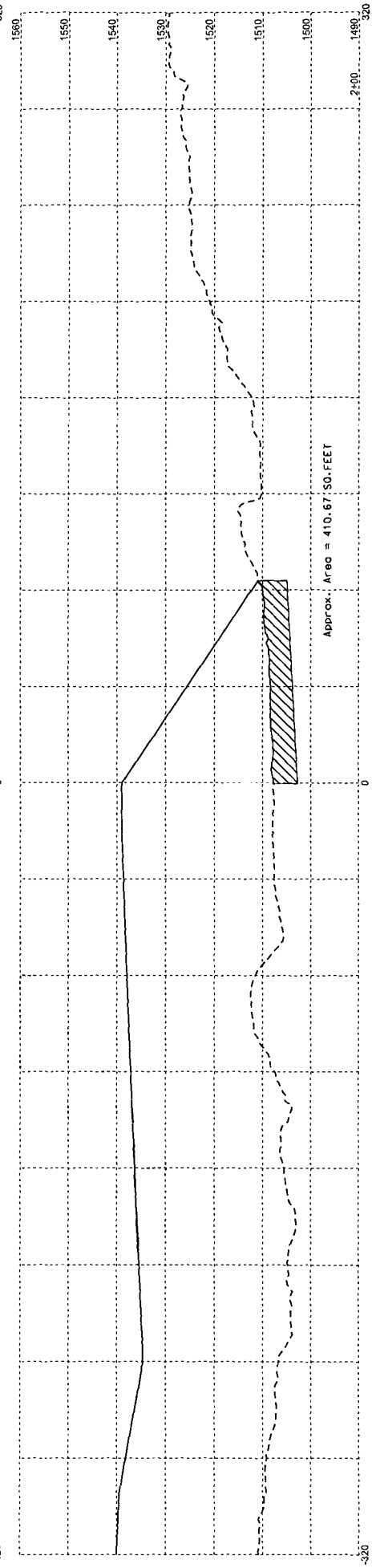
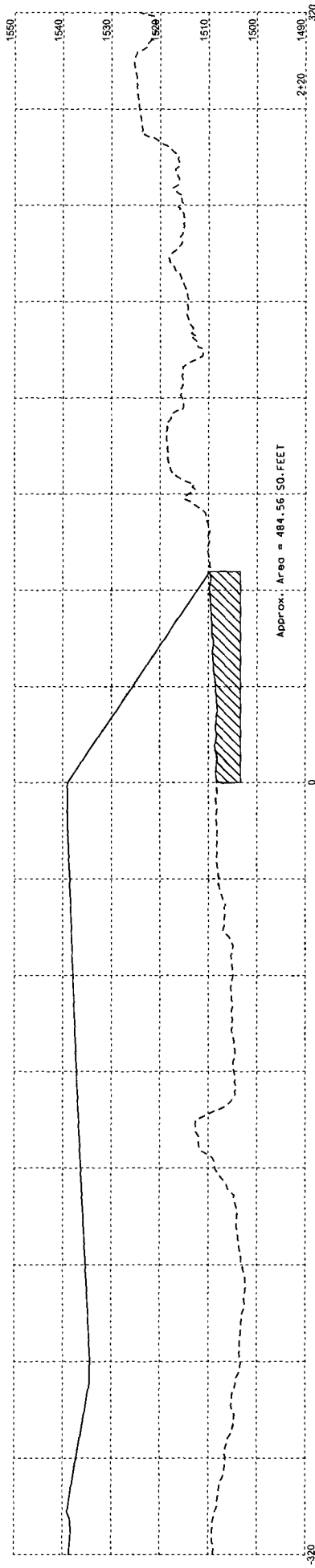
Plotting Date: 12/21/2011

STATE OF
SOUTH
DAKOTA

PROJECT
P 0044(68)284

SHEET
COUNT
X173 X259

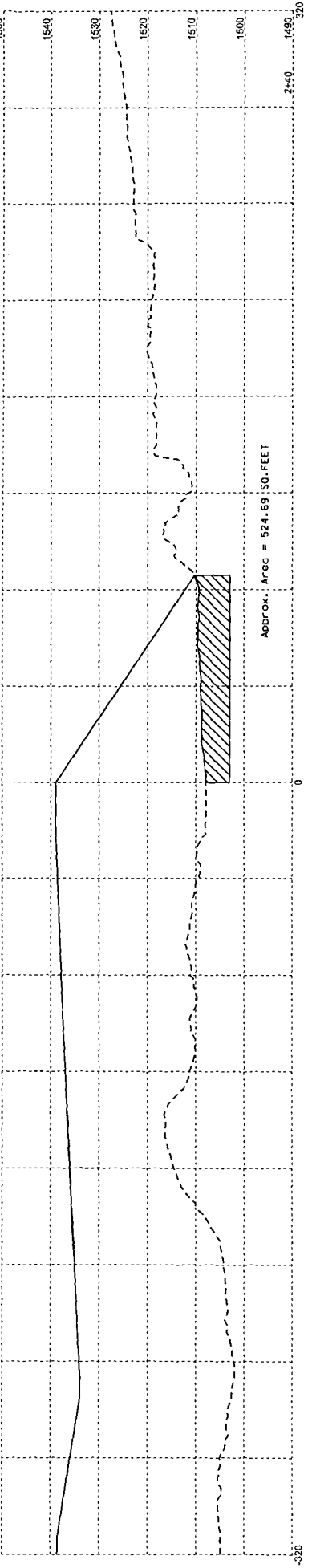
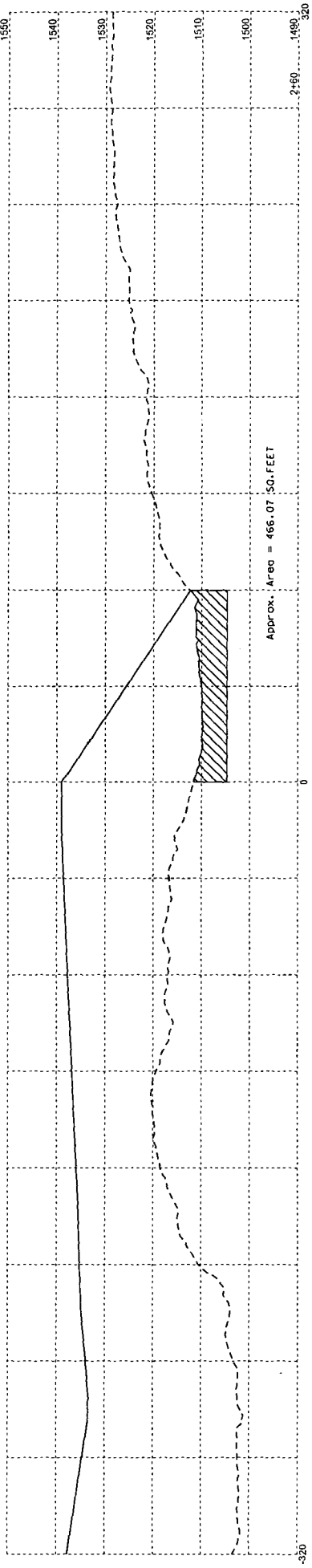
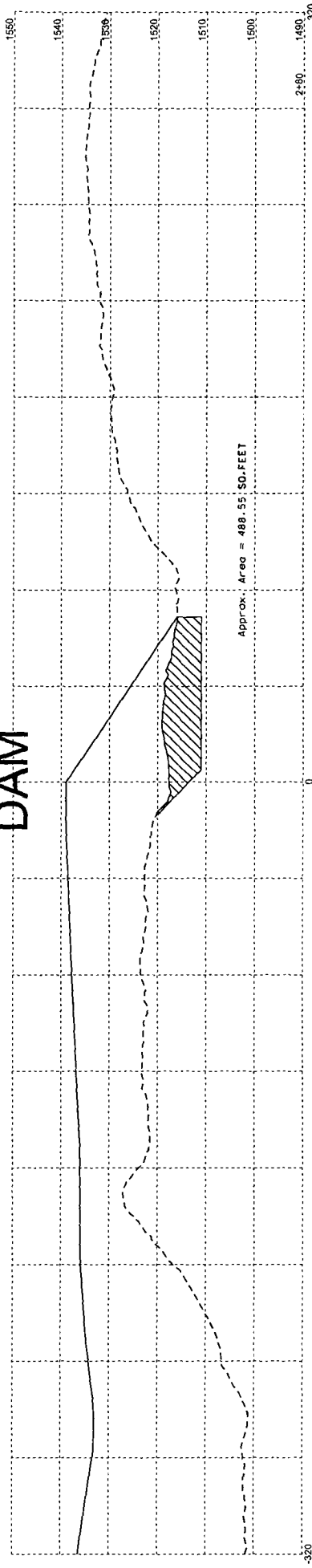
DAM



Plotting Date: 12/21/2011

STATE OF SOUTH DAKOTA	PROJECT P 0044(169)284	SHEET NO.	
		X114	X259

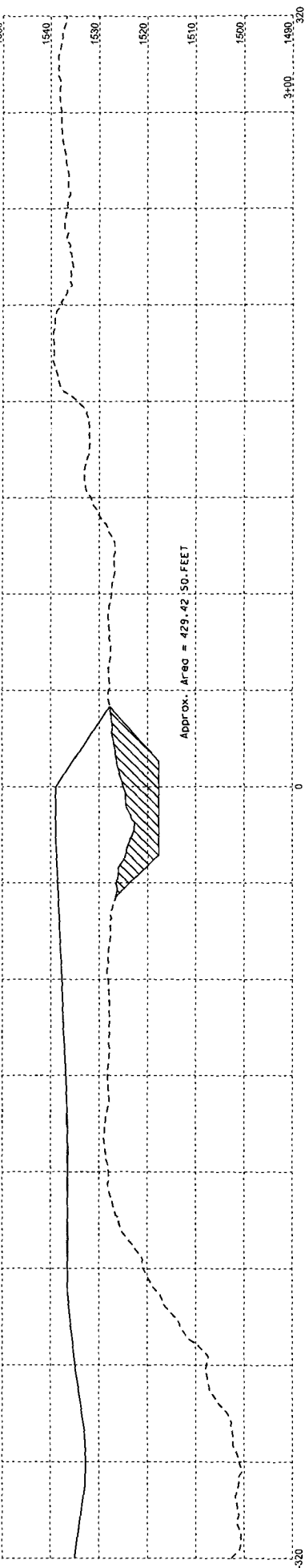
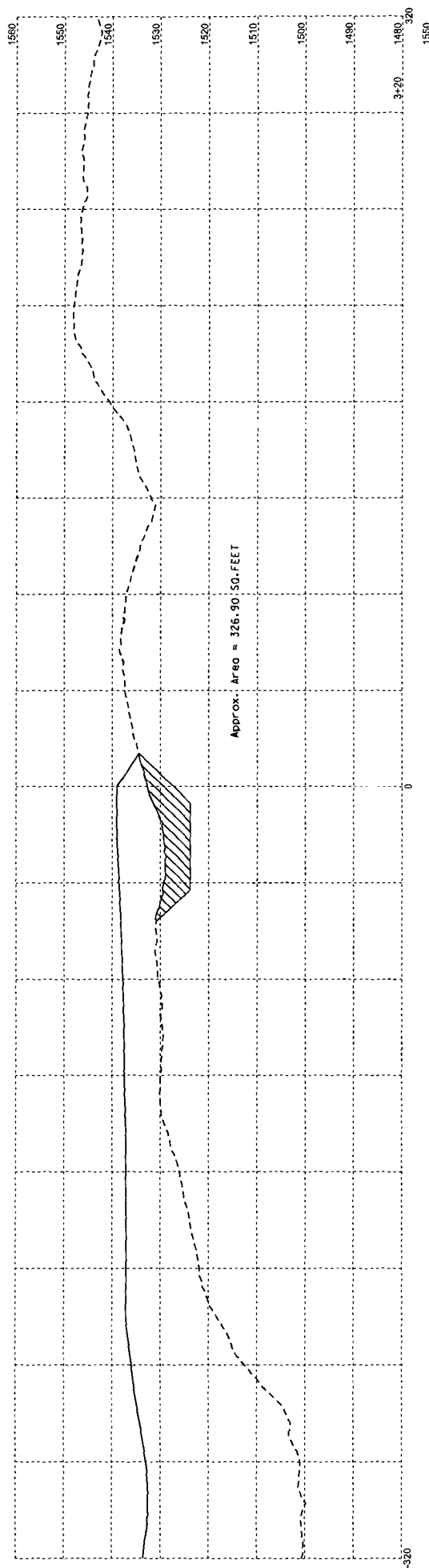
DAM



Plotting Date: 12/21/2011

STATE OF SOUTH DAKOTA	PROJECT P 0044(168)284	SHEET NO.	TOTAL SHEETS
		X115	X259

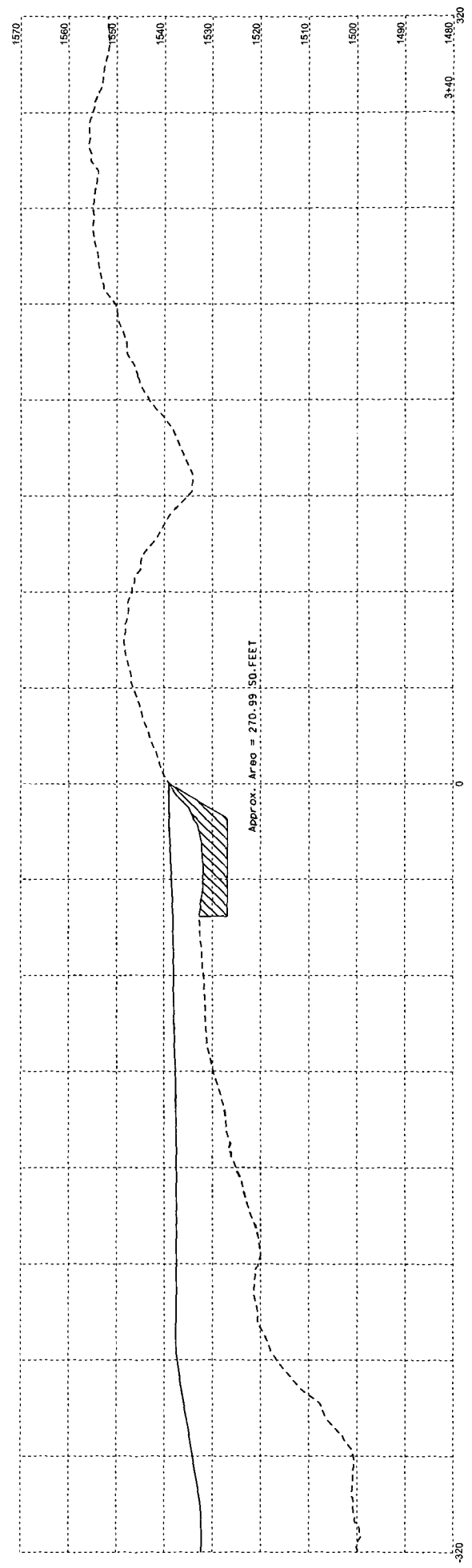
DAM



Plotting Date: 12/21/2011

STATE OF SOUTH DAKOTA	PROJECT	SHEET NO.		TOTAL SHEETS	
		X116	X259	X116	X259
	P 0044(168)284				

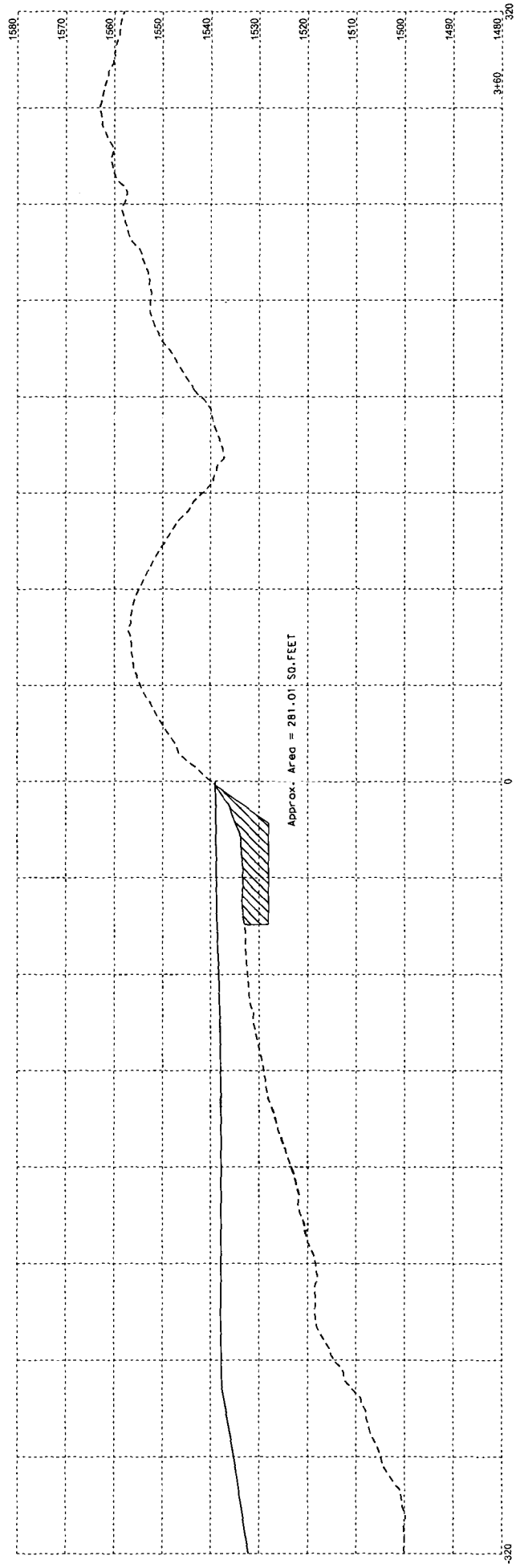
DAM



Plotting Date: 12/21/2011

STATE OF SOUTH DAKOTA	PROJECT P 0044(168)284	SHEET NO. 117 X117	TOTAL SHEETS X259
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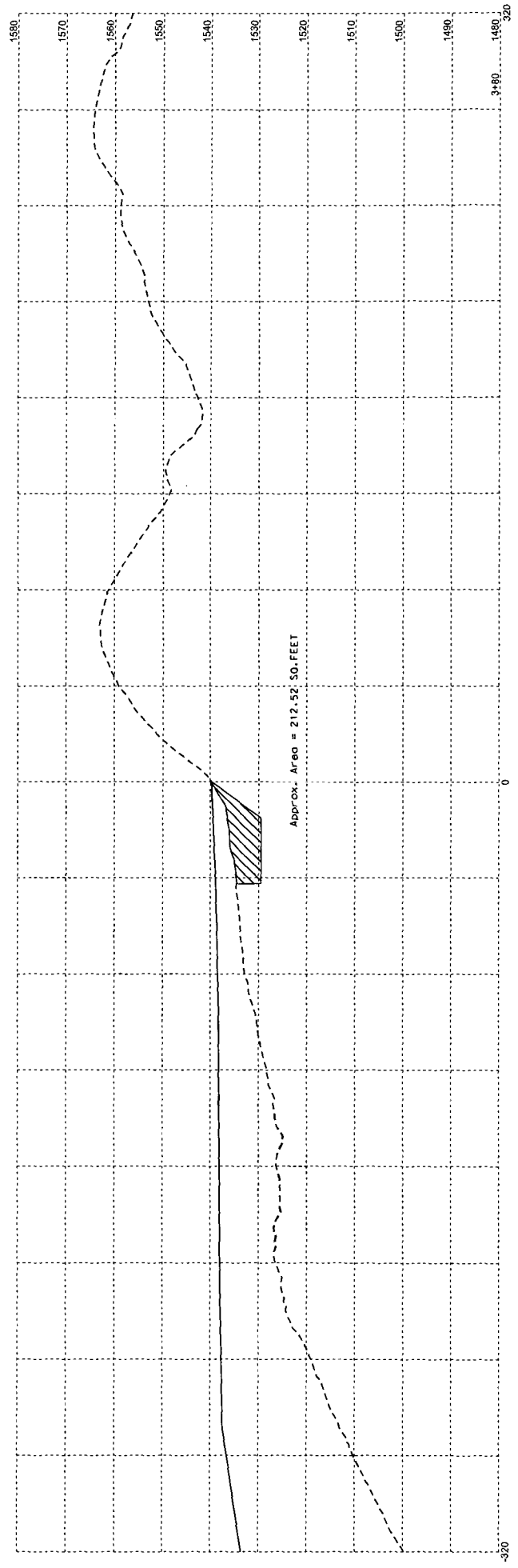
DAM



Plotting Date: 12/21/2011

STATE OF SOUTH DAKOTA	PROJECT	SHEET NO. X118	TOTAL SHEETS X259
	P 0044(168)284		

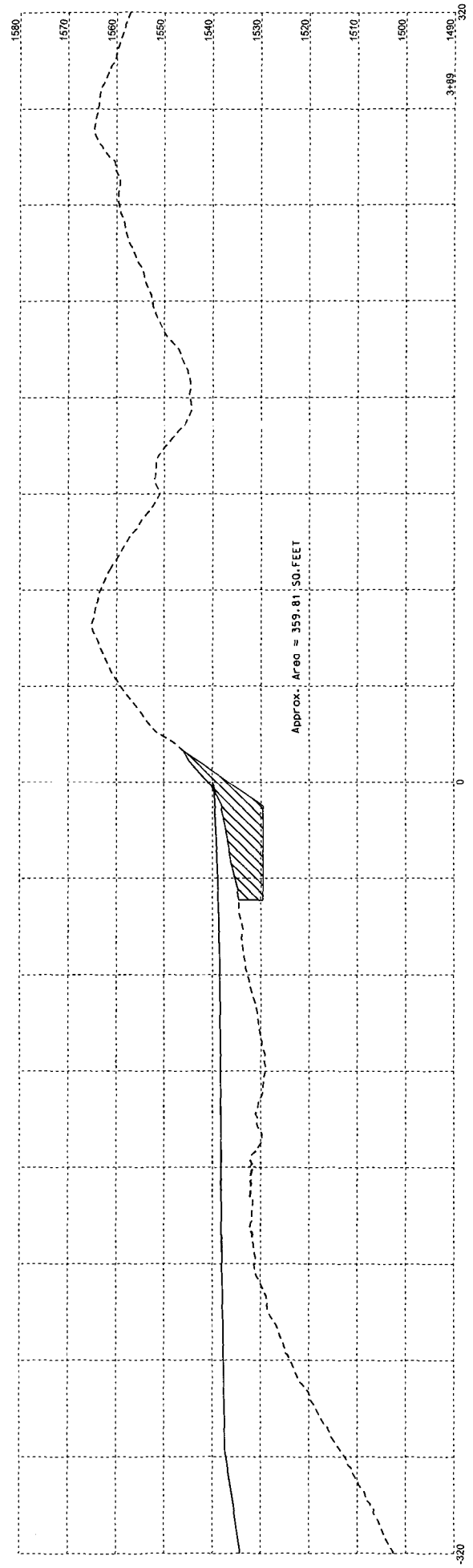
DAM



Plotting Date: 12/21/2011

STATE OF	PROJECT	SHEET	TOTAL
SOUTH	P 0044(68)284	NO.	SHEETS
DACOTA		X119	X259

DAM



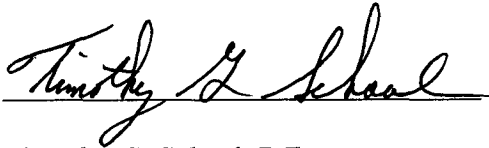
Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Kevin Marton—SD DOT

ADDRESS: XXXXXXXXXXXXXXXXXX COUNTY: XXXXXX

DATE: January 18, 2012 TELEPHONE: XXXXXXX

RE: I talked to Kevin Marton today about the impoundment associated with the Department of Game, Fish and Parks Water Permit Application No. 2677-2 and the DOT stabilization project for SD Highway 44. The embankment will have an upstream height of approximately 30 feet; however, the downstream slope is essentially flat and consists of fill between the impoundment and Highway 44. The impoundment will not be classified as a dam and does not need to meet the requirements of the Safety of Dams Rules, Chapter 74:02:08.

A handwritten signature in black ink, reading "Timothy G. Schaal", written over a horizontal line.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2677-2, SD Department of Game, Fish and Parks**

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. 2677-2, South Dakota Department of Game, Fish and Parks, c/o Leslie Murphy, 523 E Capitol Avenue, Pierre SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 2677-2 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. 2677-2 authorizes an impoundment with a storage capacity of 30 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
February 1, 2012

REPORT ON
WATER PERMIT APPLICATION NO. 2677-2
South Dakota Department of Game, Fish and Parks
January 18, 2012

Water Permit Application No. 2677-2 has been filed by the Department of Game, Fish and Parks to impound 30 acre-feet of water from runoff by constructing and impoundment in conjunction with the South Dakota Department of Transportation (DOT) project to stabilize SD Highway 44. The impoundment will be located in the NW ¼ SE ¼ of Section 19-T99N-R70W, in Gregory 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.

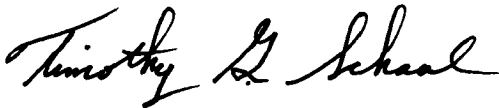
Discussion:

The proposed impoundment will be one of several grade stabilization sites used in the DOT project to stabilize the hill side adjacent to SD Highway 44. It will have a maximum height of 30 feet on the upstream side; however, the downstream slope will be essentially flat and consists of fill material between the impounded water and the highway grade. Since the impoundment will have a downstream height of less than 6 feet, it will not be classified as a dam or be required to meet the Safety of Dams Rules in Chapter 74:02:08.

The wetland restoration project will be located in the W ½ SE ¼ of Section 19-T99N-R70W on an unnamed tributary to Lake Francis Case on the Missouri River, about 1.5 miles upstream of Lake Francis Case. There are no existing Water Rights/Permits filed on the unnamed tributary between the impoundment and Lake Francis Case.

Conclusion:

1. Water Permit Application No. 2677-2 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. 2677-2.



Timothy G. Schaal, P.E.
Natural Resources Engineering Specialist

RECEIVED

FEB 17 2012

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Gregory) SS

I, Cheryl Spurl

certify that the attached printed Notice was taken

from the Gregory Times-Advocate

printed and published in Gregory

County of Gregory and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

February 8, 2012

February 15, 2012

Cost of Printing \$ 47.23

Cheryl Spurl
(Signature)

Publisher
(Title)

2/15/12
(Date Signed)

NOTICE OF APPLICATION NO. 2677-2

TO APPROPRIATE WATER

Notice is given that the South Dakota Department of Game, Fish and Parks, 523 E Capitol, Pierre, SD 57501 has filed an application for a water permit to impound 30 acre-feet of water from an unnamed creek (tributary to Lake Francis Case) by constructing an impoundment located in the NW 1/4 SE 1/4 Section 19 with water impounded in the W 1/2 SE 1/4 Section 19; all in T99N-R70W. This application requests impoundment of sufficient water to maintain water to the outlet elevation. The water is for fish and wildlife propagation and will be constructed in conjunction with a South Dakota Department of Transportation project to stabilize SD HWY 44.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2677-2 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 February 27, 2012.

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

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 2, 2012

Times Advocate
PO Box 378
Gregory SD 57533

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2677-2 to Appropriate Water to be published twice. Please publish the first notice on February 8, 2012 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 South Dakota Game, Fish & Parks, c/o Leslie Murphy, 523 E Capital Ave. Pierre, SD 57501 (Ph # 605-773-6208).

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. 2677-2

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

Date _____

We are in receipt of your letter of February 2, 2012 enclosing Notice to Appropriate Water by Application No. 2677-2 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
denr.sd.gov

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

February 2, 2012

Leslie Murphy
SD Game Fish & Parks
523 E Capitol Ave
Pierre SD 57501,

Leslie
Dear Ms. Murphy:

Water Permit Application No. 2677-2 for impoundment 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 Times Advocate printed at Gregory SD (Ph # 605-835-8089). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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 Notices 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 applications.

Sincerely,

Eric
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.

Instruction to Newspaper - Publish first Notice on February 8, 2012 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. 2677-2 to Appropriate Water

Notice is given that the South Dakota Department of Game, Fish and Parks, 523 E Capitol, Pierre SD 57501 has filed an application for a water permit to impound 30 acre-feet of water from an unnamed creek (tributary to Lake Francis Case) by constructing an impoundment located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19 with water impounded in the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 19; all in T99N-R70W. This application requests impoundment of sufficient water to maintain water to the outlet elevation. The water is for fish and wildlife propagation and will be constructed in conjunction with a South Dakota Department of Transportation project to stabilize SD HWY 44.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2677-2 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 February 27, 2012.

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
denr.sd.gov

MAY 02 2012

SD Dept. of Game Fish & Parks
Leslie Murphy
523 E Capitol Ave
Pierre SD 57501

Dear Ms. Murphy:

Enclosed is Water Permit No. 2677-2 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

McMath, Genny

Subject: FW: Water Right 2677-2; SD44 Pond

From: Murphy, Leslie
Sent: Wednesday, September 12, 2012 9:46 AM
To: Gronlund, Eric
Subject: FW: Water Right 2677-2; SD44 Pond

Eric,

Work has been completed on this project. I can't seem to find my sheet to fill out for you guys...

Leslie

From: Marton, Kevin
Sent: Wednesday, September 12, 2012 9:42 AM
To: Murphy, Leslie
Cc: Coughlin, Paul
Subject: Water Right 2677-2; SD44 Pond

Hi Leslie,

This project is complete so you can finish up your paper work. Let me know if you have any questions or if further information is needed.

Thanks,

Kevin P. Marton, PE
Bridge Hydraulics Engineer
Office of Bridge Design
Department of Transportation
Phone: (605) 773-4995 Fax: (605) 773-2614

Permit No. 2677-2
Missouri River - Water District

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

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

I have this day, August 19, 2014, made a thorough examination of the water use system constructed by SD Department of Game, Fish & Parks of 523 E. Capitol, Pierre, SD 57501 holder of Permit No. 2677-2, bearing the priority of January 11, 2012 authorizing the storage of 30 acre-feet of the waters of surface water-unnamed tributary to Lake Francis Case for fish and wildlife propagation purposes, in Gregory County.

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

A. Works used to divert the water:

A 30 ac-ft. impoundment created in conjunction with a DOT Highway 44 stabilization project

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

N/A

C. Works used to apply water to beneficial use:

A 30 ac-ft. impoundment created in conjunction with a DOT Highway 44 stabilization project

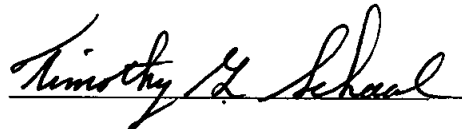
The system is in the following condition good. The point of diversion is located 1700 ft. north & 1750 ft. west of the SE corner of Sec. 19-T99N-R70W (NW ¼ SE ¼) (Lat. 43.37571, Long. -99.16557). The works are capable of storing 30 acre-feet of water which is to be used for fish & wildlife propagation. Water has been put to beneficial use to the maximum extent as follows:

A 30 ac-ft. impoundment created in conjunction with a DOT Highway 44 stabilization project

and the license should be issued for 30 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: March 5, 2015



Timothy G. Schaal, P.E.
Engineer IV
SD DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 2677-2

DATE OF INSPECTION: August 19, 2014

NAME & ADDRESS OF PERMIT HOLDER: SD Department of Game, Fish & Parks,
523 E. Capitol, Pierre, SD 57501

DIVERSION POINT LEGAL LOCATION: 1700 ft. north & 1750 ft. west of the SE corner of Sec.
19-T99N-R70W (NW ¼ SE ¼) (Lat. 43.37571, Long. -99.16557).

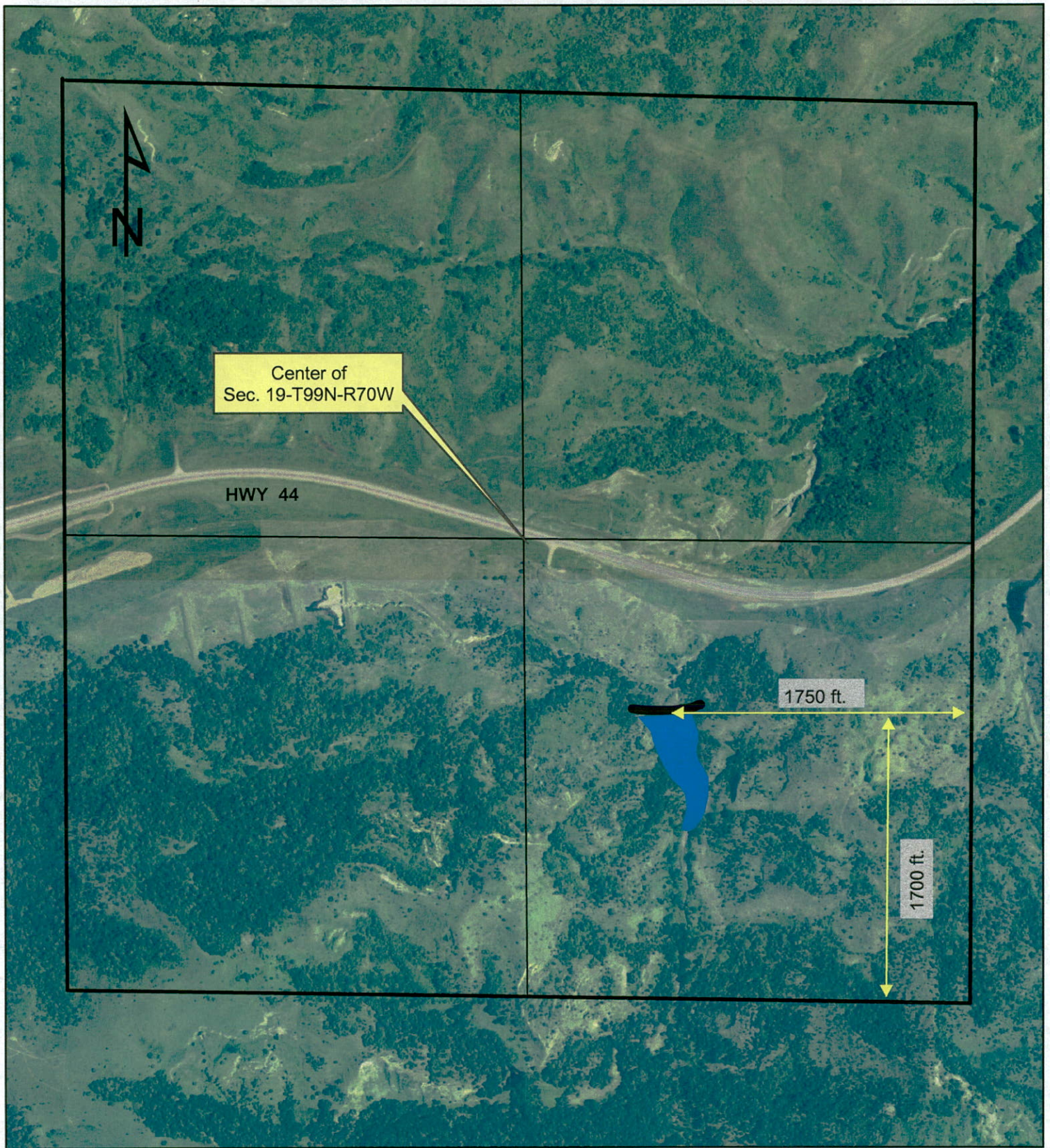
DAM INFORMATION:

- 1) Height to crest N/A feet
- 2) Approx. storage (Normal) 30 acre-feet
- 3) Date constructed: 2012

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. 2677-2



Timothy G. Schaal
Timothy G. Schaal, P.E.
Engineer IV
SD DENR, Water Rights Program

3/5/15



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

dnr.sd.gov

MAR 19 2015

2677-2

Leslie Murphy
SD Dept of Game Fish & Parks
523 E Capitol Ave
Pierre SD 57501

Dear Ms. Murphy:

Enclosed is Water License No. 2677-2. 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. 2677-2

(1) The South Dakota Department of Game, Fish and Parks, 523 E Capitol, Pierre SD 57501 made Application No. 2677-2, January 11, 2012 for a water permit to impound 30 acre feet of water from runoff into an unnamed creek (tributary to Lake Francis Case), Gregory County, South Dakota for fish and wildlife propagation purposes. Permit No. 2677-2, with a priority date of January 11, 2012 was approved February 27, 2012 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 27, 2017 and for the application to beneficial use of water on or before February 27, 2021.

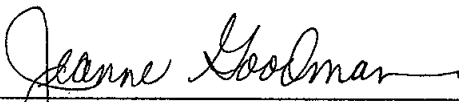
This impoundment was created in conjunction with a DOT Highway 44 stabilization project.

(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. 2677-2 is issued a license, bearing a priority date of January 11, 2012, to impound 30 acre feet of water for fish and wildlife propagation purposes.

The location of the storage dam (spillway) is 1,700 feet north and 1,750 feet west of the SE corner of Section 19-T99N-R70W (NW 1/4 SE 1/4).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2677-2, including the following now applicable qualifications:

- Water Permit No. 2677-2 authorizes an impoundment with a storage capacity of 30 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

MAR 19 2015

date

