

Water Right Number 2099-3

1. Considered 7-17, 19 74
2. Name of Applicant FRANKLIN G. ALVINE, M.D.
3. Post Office Address SIoux FALLS
4. Amount of Water claimed 27 AC FT ANNUALLY 81 AC FT INITIAL FILL
5. Source of Water supply DRY DRAW
6. Water to be used for RECREATION

Acres to be irrigated _____

7. Water to be diverted and used in LAKE County
- about 3S 1E miles _____ of WINFRED

8. Proof of publication

Received 7-10-74

Not Received _____

9. Application

Approved _____

Subject to _____

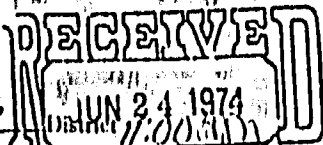
Not Approved _____

Action Deferred _____

10. Remarks:

No. 2099-3Map No. 1499-3 Water Division No. 3 VERMILLION RIVER

(Blanks to be Filled by the Engineer for the W. R. C.)

STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant FRANK LIN G. ALVINE MD.
Postoffice address 2709 S. GARFIELD, State S.D.
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Employment of others
3. Name of diversion work Dr. Alvin Recreation Dam
4. Amount of water claimed (cubic feet per second) Flow necessary to maintain adequate pool
5. Source of water supply Dry Ditch
6. Location of point of diversion From the NE corner of section 28, T102, R54, Lake County, South Dakota S 37° 15' W approx 2140'
County Lake
7. Annual period or periods during which water is to be used Annually
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Recreation
9. For irrigation use. Total number of acres to be irrigated _____

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication DAILY CALL, MADISON, S.D.
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Recreation Dam 36.0 A.E. Permanent storage
4.0 A.E. Surface area

B. Works proposed to transport water to place of use.

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ 10,000

Attachments: Attach Form 2A if diversion from a well or ditch, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Lake

I, F. G. Alvino the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed F. G. AlvinoSubscribed and sworn to before me this 21 day of June, 1974

Notary Public (or other qualified officer)

LOG OF SOIL BORINGS

TEST HOLE	1	1A	2	2A	3	4	5
ELEVATION	1719.0	1701.4	1703.0	1702.5	1736.6	1737.7	1702.0
5	CL	CL	CL	CL	CL	CL	CL
10	CL	CL	CL	CL	CL	CL	CL
15	CL	CL	CL	CL	CL	CL	CL
20	CL	CL	CL	CL	CL	CL	CL
25	CL	CL	CL	CL	CL	CL	CL
30	CL	CL	CL	CL	CL	CL	CL

19	20	21
30	29	28
31	32	33
6	5	4
7	8	9

LOCATION AND DRAINAGE AREA MAP
1" = 1 MILE

TABLE OF QUANTITIES

ITEM	UNIT	QUANTITY
EARTH FILL METHOD COMPACTION	CU. YD.	16,300
EXCAVATION		
EMERGENCY SPILLWAY		5620
CORE TRENCH		1100
PIPE TRENCH		150
OUTLET CHANNEL		720
PRINCIPAL SPILLWAY		
30" CMP CAULK SEAM 0.079" DOUBLE RIVETED	FT.	110
WATERTIGHT CONNECTING BANDS 30" 0.079"	EA.	5
2 PIECE CUTOFF COLLARS 78" x 78" 16' 6"	EA.	3
RISER 36" FABRICATED 12' 6" WITH		
4' FLANGED 12" DRAW DOWN		
4' OF 30" PIPE STUB	EA.	1
12" CMP CAULK SEAM 0.064" DOUBLE RIVETED	FT.	44
TRASH RACK CONICAL 36" RISER	EA.	1
WATERTIGHT CONNECTING BAND 12" CMP	EA.	2
PIPE SUPPORT	EA.	1
CONCRETE REINFORCED RISER BASE	CU.	1
SEEDING	AC.	3.0
BONDING CABLE ON CONNECTING BANDS	EA.	7
TEST STATION	EA.	1

CONSTRUCTION SPECIFICATION

SPECIFICATION NO.	TITLE
4	STRIPPING
5	EXCAVATION
7S	EARTH FILL - CLASS 5 (METHOD TYPE COMPACTION)
12B	CONCRETE FOR MINOR STRUCTURES (LESS THAN 5 C.Y.)
13	STEEL REINFORCEMENT
15	CORRUGATED METAL PIPE CONDUITS
16	TIMBER FABRICATION AND INSTALLATION
2B	SEEDING (REQUIRES SPECIFIC SITE RECOMMENDATIONS)
	BONDING CABLE / TEST STATION

MATERIAL SPECIFICATIONS

50	ZINC-COATED IRON OR STEEL CORRUGATED PIPE
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SEDIMENT YIELD

ERODIBILITY AREA ACRES	GROSS RATE A.F. / AC. / YR.	DRAINAGE AREA ACRES	DELIVERY RATE %	DESIGN PERIOD YEARS	REQ'D. SEDIMENT VOLUME AC. FT.
F	0.0029	690	25	25	12.5

LOG OF SOIL BORINGS
LOCATION & DRAINAGE AREA
SEDIMENT YIELD
TOPOGRAPHIC MAP OF DAM SITE
TABLE OF QUANTITIES
CONSTRUCTION & MATERIAL SPECIFICATION

DR. ALVINE

RECREATION DAM
NE 1/4 SEC. 29, T. 107, R. 54

LAKE COUNTY

SOUTH DAKOTA

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed	Date	Approved by	Signature
Drawn by	5-74	Checked by	Signature
Traced		Title	
Checked	6-74	Sheet	Drawing No.
		No.	of 11

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2099-3
FRANKLIN J. ALVING, M.D. 2709 S. GARFIELD, SIOUX FALLS
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57105 With the following modifications:
 (State)

APPROVAL OF THIS PERMIT AUTHORIZES STORAGE
 OF 31 ACRE FEET (INITIAL FILL) AND 27 ACRE FEET
 ANNUALLY

Date of first receipt of application JUNE 24 19 74
 Date of return to applicant for correction, amendments or changes required — 19 —
 Date of receipt of corrected application — 19 —
 Approved JULY 17 19 74 Recorded in Book 13 Page 40

WATER RIGHT PERMIT NO. 2099-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2099-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JUNE 24 19 74
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 17 19 77
3. The whole of said work is to be completed on or before JULY 17 19 79
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 17 19 79
5. The water appropriated shall be used for the purpose of RECREATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 27 ACRE FEET ANNUALLY ~~entire feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial use~~
~~and if for the irrigation purpose said appropriation must be limited to not more than 1 acre foot per acre per season~~
USED FOR RECREATION PURPOSES JULY 17 19 79 said water to be used during the
 actually and beneficially applied for irrigation on or before CONTINUOUSLY
 following described annual period:

Witness my hand this 19TH day of JULY 19 74

WATER RIGHTS COMMISSION

by: Donald W. Quinell
 Chief Engineer, Executive Officer

Certificate of Construction Issued — 19 —
 Water License Issued — 19 —

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type _____, Diameter _____, Length _____
- (4) Gravel Pack. Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

- (2) Distance to nearest existing household or livestock watering wells.

On the owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

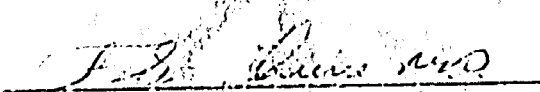
Height - 29.6'

Depth - 20.0'

Surface area - 9.0 ac.

Storage - 30.0 AF at Permanent Pool EL

" - 81.0 AF at E.M. Spillway EL


Signature of Applicant

Publish first publication, on or before July 4, 1974NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 25, 1974

Franklin G. Alvine, M.D.

Notice is hereby given that

whose post office address is Sioux Falls, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 27 acre feet annually a dry draw cubic feet of water per second of time from the through the Dr. Alvine's Recreation Dam, the point of diversion of which is to be located in the

S1/4 NE1/4

of Section 24, Twp. 107N, Range 54W. Said water to be used for the purpose

of providing irrigation on the following described land:

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
recreation use on a small dam

This application No. 2099-3 will be considered by the **WATER RIGHTS COMMISSION** at their office at Pierre upon the 17th day of July, 1974, at 2:30 P. M. All interested persons may appear and be heard.

~~WATER RIGHTS COMMISSION~~

By:

BURTON F. JONES, Water Rights Specialist

BFJ/bv

cc: Franklin G. Alvine, M.D., 2709 E. Garfield, Sioux Falls, S.D. 57105

11/11

No. 2099-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lake) ss.

I, Merrill D. Hunter hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Madison Daily Leader

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City of Madison of Madison, SD

County of Lake and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

Monday 1st day of July 1974

Monday-8th day of July 1974

Merrill D. Hunter
(Signature)

Published
(Title)

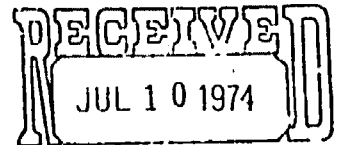
July 5, 1974
(Date Signed)

Subscribed and sworn to before me this 8th. day
of July, 1974

Stacy C. Decker
Notary Public, Lake County, South Dakota

July 1, 8
NOTICE
INTENT TO APPROPRIATE WATER
Notice is hereby given that Franklin G. Alvine, M.D. whose post office address is Sioux Falls, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 27 acre feet of water annually from a dry draw through the Dr. Alvine's Recreation Dam, the point of diversion of which is to be located in the SW 1/4 NE 1/4 of Section 24, Twp. 107N, Range 54W. Said water to be used for the purpose of providing recreation use on a small dam.

This application No. 2099-3 will be considered by the Water Resources Commission at their office at Pierre upon the 17th day of July, 1974, at 2:30 P.M. All interested persons may appear and be heard
BURTON F. JONES
Water Rights Specialist



STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

Permit No. 2099-3

Vermillion River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Frank Alvine of 405 Harpel Drive Sioux Falls, SD 57105 holder of Permit No. 2099-3, bearing the priority of June 24, 1974 authorizing the diversion of 27 acre-feet annually and storage of 81 acre-feet (initial fill) acre-feet of the waters of unnamed drainage for recreation purposes, in Lake County.

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

A. Works used to impound the water:

Dam - height to crest - 29.5', height to primary spillway - 24', crest width - 10', crest length - 353', spillway length - 150', spillway width - 58', 36" CMP outlet pipe located 100' S of the North end of crest at downstream toe of dam, storage -81 acre-feet at spillway, -100 acre-feet at crest of dam.

The dam is in the following condition good. The point of diversion is located 1450' South and 1850' West of the NE corner of Section 29-T107N-R54W, Minnehaha County, SD. The works are capable of storing 81 acre-feet of water which is to be used for recreational purposes. Water has been put to beneficial use to the maximum extent as follows:

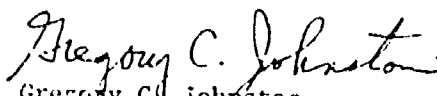
Alvine Dam located in NE1/4 of Section 29-T107N-R54W:

Contained 36 acre-feet of water on 2/13/92 with an areal extent of 9 acres.

comprising a total of 81 acre-feet of storage.

Applicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: None Date 2/13/92


Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER 2099-3

1. Legal location of wells: N/A

Dams and Structures Dam located 1450'S and 1850'W of the NE corner of
Section 29-T107N-R56W or SW1/4 NE1/4 29-107-54, Minnehaha County, SD

2. Dam Information:

- a) height to crest 29.6 feet m) Outlet tubes:
- b) height to primary spillway 24 feet 1) diameter 36 inches
- c) height to secondary spillway N/A feet 2) type GMP
- d) crest width 10 feet 3) valved (Y/N) N
- e) crest length 353 feet 4) valve type N/A
- f) spillway length 150 feet 5) location on structure:
- g) spillway width 58 feet 100' S of the north end of crest at
downstream toe of dam
- h) approx. storage 81 AC-FT n) Category of Dam 3
- i) approx. storage to crest 100 AC-FT
- j) date constructed 1974
- k) inspection sheet completed? (Y/N) Y
- l) name of contractor Unknown

Yes No

Check Items

N/A

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
2. Special qualifications to permit being abided by?
3. All structures, wells and lands on map?
4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
5. Is chemigation used?
6. If yes, does equipment comply with chemigation rules?

REMARKS:

REPORT ON WATER PERMIT NO. 2099-3
FRANK ALVINE
April 29, 1992

Water Permit No. 2099-3 appropriated 27 acre feet annually from a dam (81 acre total capacity) located in the SW1/4 NE1/4 Section 29, T107N, R54W. The water is being used for recreational purposes. Readvertisement of the notice of hearing published July 1 and 8, 1974 in the Madison Daily Leader is necessary to correct the legal description of the dam. The location of the dam was incorrectly published as being located in the SW/4 NE1/4 Section 24, T107N, R54W. The correct location of the dam is the SW1/4 NE1/4 Section 29, T107N, R54W, as specified on the application for No. 2099-3. This readvertisement does not authorize any increase in the water appropriated.

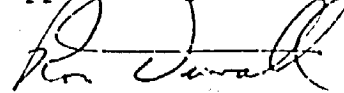
The original notice of hearing did not state the total storage capacity of the dam. The capacity of the dam at the spillway elevation is 81 acre-feet. Permit No. 2099-3 was issued with a qualification authorizing storage of 81 acre feet (initial fill) and 27 acre feet annually. Approval of the readvertised permit will include the total capacity of the dam.

Conclusion

1. This is a readvertisement of the Notice of Hearing for Water Permit No. 2099-3.
2. This readvertisement is necessary to correct the legal description of the location of the dam.
3. The correct legal description of the dam is the SW1/4 NE1/4 Section 29, T107N, R54W.
4. This Permit is to authorize a storage of 81 acre feet in the dam and to appropriate 27 acre feet annually to refill the dam each year.


Eric Gronlund
Natural Resources Engineer

Approval by:


Ron Duvall
Natural Resources Engineer IV

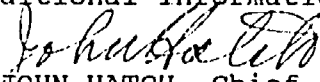
RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER
PERMIT NC. 2099-3, Frank Alvine

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2099-3, Frank Alvine, 405 Harpel Drive, Sioux Falls, SD 57105.

The Chief Engineer is recommending APPROVAL of Readvertised Permit No. 2099-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

Approval of this Permit authorizes storage of 81 acre feet and appropriates 27 acre feet annually.

See report on application for additional information.


JOHN HATCH, Chief Engineer
May 11, 1992



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

July 14, 1992

Frank Alvine
405 Harpel Drive
Sioux Falls, SD 57105

Dear Mr. Alvine:

The original notice of hearing for Water Permit Application No. 2091-3 was published with an error. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of the Daily Leader printed at Madison, SD (Ph # 256-4555). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

May 14, 1992

Daily Leader
PO Box 348
Madison, SD 57042

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 2099-3 to be published twice. Please publish the first notice on May 22, 1992, with the second publication 7 days later.

Please bill the Water Rights Division for the cost of the advertisement.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Readvertisement of Notice of Hearing to Appropriate Water by Permit No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on or before May 22, 1992, with the second publication 7 days later.

Readvertisement of NOTICE OF HEARING on Application No. 2099-3 to Appropriate Water

Notice is given that Frank Alvine, 405 Harpel Drive, Sioux Falls, SD 57105 filed an application for a water permit authorize storage of 81 acre feet in a dam located in the SW1/4 NE1/4 Section 29, T107N, R54W and to appropriate 27 acre feet annually to maintain the pool elevation. The water is used for recreational purposes. Readvertisement of the notice of hearing published July 1 and 8, 1974 in the Madison Daily Leader is necessary to correct the legal description of the dam. The location of the dam was incorrectly published in 1974 as being located in the SW/4 NE1/4 Section 24, T107N, R54W. The correct location of the dam is the SW1/4 NE1/4 Section 29, T107N, R54W. The notice of hearing also did not state that the total storage capacity of the dam was 81 acre feet of water. This readvertisement does not authorize any increase in the water appropriated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2099-3 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. Unless petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 8, 1992. 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.

For purposes of publishing 1) the notice of hearing on Application No. 2099-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for June 18, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the June 18, 1992, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 18, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by June 8, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Fri., May 22, 29

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

County of Lake



Deanna Bergheim, of the City of Madison, County of Lake, State of South Dakota, being first duly sworn on oath, deposes and says:

The Madison Daily Leader is a daily legal newspaper of general circulation, printed and published in the City of Madison, in said County of Lake, by Hunter Publishing, Inc., Jon M. Hunter, publisher, and has been such legal newspaper during the times hereinafter mentioned; that the said Madison Daily Leader has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during the said time had, and now has, more than 200 bona fide subscribers; that the undersigned, the affiant, is the Secretary of the said newspaper, in charge of the advertising department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed

Notice of Hearing on Application No. 2099-3 to

Appropriate Water, printed copy of which hereunto attached, was printed and published in the said

newspaper for two successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Friday, the 22nd day of May, 1992;

On Friday, the 29th day of May, 1992;

On _____, the _____ day of _____, 1992.

On _____, the _____ day of _____, 1992.

On _____, the _____ day of _____, 1992.

On _____, the _____ day of _____, 1992.

On _____, the _____ day of _____, 1992.

On _____, the _____ day of _____, 1992.

On _____, the _____ day of _____, 1992.

That \$ 55.67 being the full amount the attached notice inures solely for the benefit of the publisher that no arrangement or understanding for a division thereof with any other person and that no part thereof has been agreed to by the publisher.

Deanna Bergheim

Subscribed and sworn to before me this 29th

May, 1992.

Johanna H. Wilson
Notary Public, Lake County, South Dakota

JOHANNA H. WILSON

SEAL NOTARY PUBLIC SEAL
SOUTH DAKOTA

My Commission Expires Jan. 15, 1993

NOTICE OF HEARING
ON APPLICATION NO. 2099-3
TO APPROPRIATE WATER

Notice is given that Frank Alvine, 465 Harpel Drive, Sioux Falls, SD 57105 filed an application for a water permit authorize storage of 81 acre feet in a dam located in the SW 1/4 NE 1/4 Section 29, T107N, R54W and to appropriate 27 acre feet annually to maintain the pool elevation. The water is used for recreational purposes. Readvertisement of the notice of hearing published July 1 and 8, 1974 in the Madison Daily Leader is necessary to correct the legal description of the dam. The location of the dam was incorrectly published in 1974 as being located in the SW 1/4 NE 1/4 Section 21, T107N, R54W. The correct location of the dam is the SW 1/4 NE 1/4 Section 29, T107N, R54W. The notice of hearing also did not state that the total storage capacity of the dam was 81 acre feet of water. This readvertisement does not authorize any increase in the water appropriated.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2099-3 because 1) appropriated 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. Unless petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre SD 57501 (605 773-3332)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 8, 1992. 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.

For purposes of publishing 1) the notice of hearing on Application No. 2099-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for June 18, 1992, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the June 18, 1992, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The June 18, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the

Received



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

July 8, 1992

2099-3

Frank Alvine
405 Harpel Drive
Sioux Falls, SD 57105

Dear Mr. Alvine:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 2099-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

NOTE: On check or money order, please specify your permit number.
This will insure proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

418014

Pierre, July 20, 1992

RECEIVED OF Marilyn / Frank Alvine, N.D., 408 Harrel Dr., Sioux Falls, SD 57105
the following amount in fees for services rendered as provided for by law: -681

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2094-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By [Signature]
Chief Engineer

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 2099-3

(1) Frank Alvine of 405 Harpel Drive, Sioux Falls, SD 57105 made Application No. 2099-3, June 24, 1974 for a water permit to store 27 acre feet of water annually (with an initial fill of 81 acre feet of water) from a dry draw, Lake County, South Dakota for recreational purposes. Permit No. 2099-3 with a priority date of June 24, 1974 was approved July 17, 1974 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before July 17, 1979 and for the application to beneficial use of said water on or before July 17, 1979.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to store 81 acre feet of water for beneficial use and appropriate 27 acre feet of water annually to maintain pool elevation. The location of the dam (to crest) is: 1450'S and 1850'W of the NE corner of Section 29, T107N, R54W (NE 1/4).

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

(4) Pursuant to Section 46-5-30.1 Frank Alvine of 405 Harpel Drive, Sioux Falls, SD 57105 the holder(s) and/or owner(s) of Water Permit No. 2099-3 is issued a license to appropriate water, the right to store 81 acre feet of water in a dry draw dam, with an appropriation of 27 acre feet of water annually to maintain pool elevation with a priority date of June 24, 1974 from the location specified in (2) of this license. The water is stored for recreational purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 2099-3 and subject to South Dakota State Law.

 AUG 18 1992

JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

AUG 18 1992

2099-3

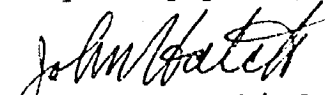
Frank Alvine
405 Harpel Drive
Sioux Falls, SD 57105

Dear Mr. Alvine:

Enclosed is Water License No. 2099-3 and Receipt No. 413314 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 2099-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

PHASE I INSPECTION CHECKLIST

NAME OF DAM: *Alvina Dam*
 STATE: *SD* (Permit No. 2099-3)
 COUNTY: *Lake*
 INVENTORY NO.: *-*
 HAZARD CATEGORY: *N/A*
 TYPE OF DAM: *E/R*

OWNER: *Frank Alvina*
 DATE INSPECTED: *2/13/92*
 WEATHER: *Cold / Clear*
 TEMPERATURE: *30°*
 POOL ELEVATION: *Low*
 TAILWATER ELEVATION: *-*

DIRECTIONS: Mark an "X" in the YES or NO column.

If an item does not apply, write "N/A" in the REMARKS column.

ITEM	YES	NO	REMARKS
1. CREST.			
a. Any visual settlements?	X		<i>Minor, Road over top of crest (353' long, 10' wide.)</i>
b. Misalignment?		X	
c. Cracking?		X	
2. UPSTREAM SLOPE.			
a. Adequate grass cover?	X		
b. Any erosion?		X	
c. Are trees growing on slope?		X	
d. Longitudinal cracks?		X	
e. Transverse cracks?		X	
f. Adequate riprap protection?		X	<i>None (weeds growing on upstream N/A slope)</i>
g. Any stone deterioration?			
h. Visual depressions or bulges?		X	
i. Visual settlements?		X	
3. DOWNSTREAM SLOPE.			
a. Adequate grass cover?	X		
b. Any erosion?		X	
c. Are trees growing on slope?	X		<i>Numerous 5-6' Saplings near toe</i>
d. Longitudinal cracks?		X	
e. Transverse cracks?		X	
f. Visual depressions or bulges?		X	
g. Visual settlements?		X	
h. Is the toe drain dry?			<i>N/A</i>
i. Are the relief wells flowing?			
j. Are boils present at the toe?		X	
k. Is seepage present?		X	
4. ABUTMENT CONTACTS.			
a. Any erosion?		X	
b. Visual differential movement?		X	
c. Any cracks noted?		X	
d. Is seepage present?		X	
5. INTAKE STRUCTURE.			
a. Do concrete surfaces show:			
(1) Spalling?			
(2) Cracking?			
(3) Erosion?			
(4) Scaling?			
(5) Exposed reinforcement?			
(6) Other?			
b. Do the joints show:			
(1) Displacement or offset?			
(2) Loss of joint material?			
(3) Leakage?			

ITEM	YES	NO	REMARKS
c. Metal appurtenances?			
(1) Corrosion present?			
(2) Breakage present?			
(3) Anchor system secure?			
6. CONDUIT.			
a. Is the conduit concrete?		X	Located 100' S of Nend of crest @ downstream toe of dam
b. Do concrete surfaces show:			
(1) Spalling?			
(2) Cracking?			
(3) Erosion?			
(4) Scaling?			
(5) Exposed reinforcement?			
(6) Other?			
c. Do the joints show:			
(1) Displacement or offset?			
(2) Loss of joint material?			
(3) Leakage?			
d. Is the conduit metal?	X		
(1) Corrosion present?	X	X	
(2) Protective coating adequate?	X		
(3) Is the conduit misaligned?		X	
7. STILLING BASIN.			
a. Do concrete surfaces show:			
(1) Spalling?			
(2) Cracking?			
(3) Erosion?			
(4) Scaling?			
(5) Other?			
(6) Exposed reinforcement?			
b. Do the joints show:			
(1) Displacement or offset?			
(2) Loss of joint material?			
(3) Leakage?			
c. Do the energy dissipators show:			
(1) Signs of deterioration?			
(2) Are they covered with debris?			
(3) Other?			
d. Is the channel:			
(1) Eroding or backcutting?		X	
(2) Sloughing?		X	
(3) Obstructed?	X		
e. Is released water:			
(1) Undercutting the outlet?			
(2) Eroding the embankment?			
8. SPILLWAY.			
a. Does spillway concrete show:			
(1) Spalling?			
(2) Cracking?			
(3) Erosion?			
(4) Scaling?			
(5) Other?			
(6) Exposed reinforcement?			
b. Do the joints show:			
(1) Displacement or offset?			
(2) Loss of joint material?			
(3) Leakage?			

ITEM	YES	NO	REMARKS
c. Do the energy dissipators show:			
(1) Signs of deterioration?			
(2) Are they covered with debris?			
(3) Other?			
d. Is the spillway earth cut?	X		Located @ Scar of crest
(1) Are slopes eroding?		X	58' wide & 5' 2" below crest
(2) Are slopes sloughing?		X	~150' long
(3) Other?		-	
e. Is the channel:			
(1) Eroding or backcutting?	X	X	Along OK
(2) Obstructed?		X	
f. Has released water:			
(1) Eroded the embankment?		X	
(2) Undercut the outlet?		X	
(3) Other?		X	
g. Is weir in good condition?			N/A
h. Is control at the weir?			"
9. GATES.			
a. Are the flood gates:			
(1) Broken or bent?			
(2) Corroded or rusted?			
(3) Periodically maintained?			
(4) Operational?			
(5) Date last operated.			
b. Is there a low level gate?			
c. Is the low-level gate operational?			
10. RESERVOIR CONTROL.			
a. Recent upstream development?			
b. Slides in reservoir area?			
c. Change in reservoir operation?			
d. Large impoundment upstream?			
11. INSTRUMENTATION.			
a. List type(s) of instrumentation.			
b. In good condition?			
c. Read periodically?			
d. Is data available?			

Other comments:

This dam was inspected by:

6J

Section 29-107-54

NO. 2099-3

105L

ALVINE DAM

LAKE COUNTY, SD

Drawn by:

Gregory C. Johnston

Gregory C. Johnston

Natural Resources Engineer
Water Rights Division, DENR
Pierre, SD

2/19/92

