

Considered: _____

WATER PERMIT NO. 5075A-3

Phone: 698-3761

Name of Applicant: Gary Kriz

Post Office Address: RR 3, Box 134, Sisseton SD 57262

Amount of Water Claimed: 97 acre-feet Total Acres: NA

Source of Water Supply: dry draw

Water to be used for: rec, domestic, wildlife County: Roberts

About 3 miles N & 3W of Sisseton

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C/.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received: 11-1-90 Fee: \$50 Remarks Extension of

Time on Application No. 5075-3

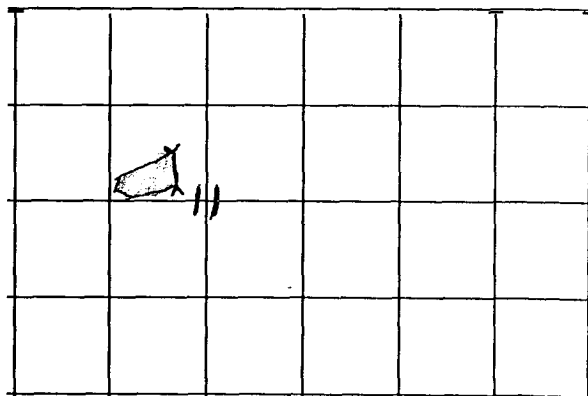
Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES ____ NO ____ REMARKS _____

Diversion Point: SE 1/4 NW 1/4 11-26-52

Land to be Irrigated: _____



Well Log: Driller: NA Licensed YES ____ NO ____

Depth of Well: _____ REMARKS _____

Type of Map: aerial PREPARED BY: Lloyd Schaunaman, SCS Reviewed and the Number

Assigned on 11-2-90 By Karen Schlaak

523 E. Capitol
Pierre, SD 57501
(605) 773-3352

No. 5075A-3 Hydrologic Unit 07020001
 Map No. _____ Basin Minnesota-Wheatstone
 Newspaper Sisseton Courier

Box 169 (W)

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

Check use of water: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☒
 Domestic ☒ (above 18gpm) Other ☒ WILDLIFE & FIRE

Type of Application: Check one or more of the following

New ☐ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☒ EXTENSION OF TIME FOR WP 5075-3☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. 5075-3☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant GARY KRIZ Phone No. 698-3761Post Office Address RR 3 Box 134 SISSETON State SD 57262
(Street, RR or Box) (City) (Zip Code)2. Amount of water claimed (cfs) 9790 - FT PER YEAR3. Source of water supply RUNOFF4. Location of point of diversion SE 1/4 NW 1/4 SECTION 11 T 126N R 52WCounty ROBERTS5. Counties where water will be used ROBERTS6. Annual period during which water is to be used JANUARY 1 to DECEMBER 31

7. Give a brief description of proposed 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)

EXTENSION FOR PERIOD OF CONSTRUCTION OF DAM COVERED UNDER WATER PERMIT
No. 5075-3. USED FOR RECREATION, DOMESTIC, WILDLIFE & FIRE. NOT CONSTRUCTED
DUE TO UNAVOIDABLE DECAYS TO WEATHER.

Attachments: ~~Attach Form 2A~~ if diversion from a well or dugout, or if storage of water, is proposed. ~~Attach map~~
 (see instruction)

STATE OF SOUTH DAKOTA)

County of _____)

I, GARY KRIZ the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed, Gary KrizSubscribed and sworn to before me this 31 day of October 1990

Marjorie Lide
 Notary Public Commission Expires March 15 1996

**SOUTH DAKOTA
WATER PERMIT No. 5075A-3**

Date of first receipt of application November 1, 1990.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5075A-3 to Gary Kriz, RR 3, Box 134, Sisseton, SD 57262 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5075A-3 extends the length of time allowed for construction of project works authorized by Permit No. 5075-3. Permit No. 5075-3 appropriates water from a dry draw dam (97 acre-feet storage capacity) located in the SE1/4 NW1/4 of Section 11, T126N, R52W.
2. The water appropriated shall be used for the purpose of impounding water and may not exceed the amount of water needed for beneficial use for domestic, recreation and wildlife purposes.
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. 5075A-3 is February 7, 1991.
5. The date from which applicant may claim right is July 19, 1985.
6. All construction is to be completed on or before December 4, 1991.
7. Water is to be put to beneficial use on or before December 4, 1994.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

(Established by Water Permit No. 5075-3)

1. Approval of this Permit authorizes storage of 97 acre feet.

WATER MANAGEMENT BOARD

By: _____

John Hated
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

MAR 27 1991

(date)

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181



September 28, 1990

Mr. Gary Kriz
RR 3 Box 134
Sisseton, SD 57262

Dear Mr. Kriz:

On August 19, 1990 I attempted to make an inspection of Water Permit No. 5075-3. At that time I was informed that the dam had not been constructed, but you still intended to construct the project. I was also told that you intended to finish construction of the project before the end of the allowed construction period which is December 4, 1990, however, if this was not possible could the construction period be extended.

Enclosed is a partially completed application for extension of the construction covered under Water Permit No. 5075-3. If you wish to apply for the extension please review, sign and return this application to our office along with a \$50.00 fee. Also it would be beneficial if you included a letter stating why the project could not be completed within the construction period. If you would return this as quickly as possible the application could possibly be considered by the Water Management Board at their December meeting.

If you have any questions feel free to contact me.

Sincerely,

Mark D. Rath
Mark D. Rath
Natural Resources Engineer II
Water Rights Division
605 733-3352

enclosure

October 26, 1990

S.D. Dept. of Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



Mr. Rath:

Here is a brief summary of what transpired after I receive my water use permit # 5075-3:

1. It took the SCS two construction season to do the design and drawing up of the plans.
2. Because of a change of people in the SCS, the third season; staking of the project was not done early in May. They showed up the third week in July to begin staking.
3. Then the ASCS withdrew my funding, they would not give me any more extension of time. It was beyond my control that the engineering took so long and I could not start before it was complete. I then went through the appeals process to try to restore the cost share funding which took the balance of that construction season. I was not successful in obtaining the cost share funding. I had already purchased all the materials prior to the withdrawal of the cost share, so I decided to build it anyway; without the cost share money.
4. I have the project about 25% to 30 % completed but wet weather and loss of help this past year has put me in a positoin that I will not be able to finish by December 4, 1990. I would like an extension of time to complete the project next year if weather permits. The ground will freeze up shortly, stopping all dirt work.

Paramount in this situation is water. The water this dam will supply will be used for cattle. I had a new well dug and it does not supply enough water. Please take this need into consideration. If you have any questions, please contact me.

Thank you for your cooperation.

Sincerely,

Gary Kriz
Rt. 3, Box 134
Sisseton
SD 57262

enclosure

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412415

Pierre, November 2, 1990

RECEIVED OF Kriz Construction (Gary J. Kriz) Sisseton SD 57262

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

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. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request <u>Water Permit No. 5075-3</u>	50	00
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

John Watchko
Chief Engineer

REPORT ON WATER PERMIT APPLICATION NO. 5075A-3
GARY KRIZ
NOVEMBER 7, 1990

Application No. 5075A-3, Gary Kriz, is a request to the Water Management Board for a one year extension in time to construct a dam authorized by Water Permit 5075-3. SDCL 46-5-26 states that a permit may be amended by extending the time for completion of construction on account of delays due to engineering difficulties which could not be reasonably anticipated or due to exigent circumstances. Water Permit No. 5075-3 was approved on December 4, 1985 and the project was to be completed by December 4, 1990 with water being put to beneficial use by December 4, 1994. Application No. 5075A-3 is to extend the length of time allowed for construction from December 4, 1990 to December 4, 1991 with the time period to put water to beneficial use remaining the same.

Background

Water Permit No. 5075-3 allows the construction of a dam on a dry draw located in the SE1/4 NW1/4 of Section 11-T126N-R52W. The storage capacity would be 97 acre-feet and water would be used for recreational, domestic and wildlife purposes. The dam would be classified as a small low hazard dam and listed as a Category III dam.

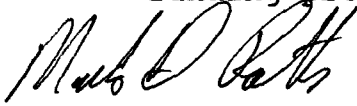
Summary

A letter from Mr. Kriz which accompanied this application stated that his reasons for requesting the extension were approximately three construction seasons were lost due to engineering delays by the U.S. Soil Conservation Service. Because of the engineering delays the U.S. Agriculture Stabilization and Conservation Service withdrew cost sharing and did not grant an extension. Mr. Kriz stated that he still plans to construct the dam. He has completed 25% to 30% of the construction but was unable to finish due to wet weather conditions and loss of help within the past year.

Conclusions

1. This is an application for a one year extension of the construction period for a dry draw dam for Water Permit No. 5075A-3.
2. SDCL 46-5-26 allows for a permit to be amended by extending the time for the completion of construction due to delays caused by engineering difficulties which could not be reasonably anticipated or due to exigent circumstances.
3. Construction of the dam authorized by Water Permit No.

5075-3 was not completed due to engineering difficulties,
funding problems, weather delays and loss of help.

A handwritten signature in cursive script, appearing to read "Mark D. Rath".

Mark D. Rath
Natural Resources Engineer II

Approved by:

A handwritten signature in cursive script, appearing to read "Delvin D. Brosz".

Delvin D. Brosz
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5075A-3, Gary Kriz

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5075A-3, Gary Kriz, RR 3 Box 134, Sisseton, SD.

The Chief Engineer is recommending APPROVAL of Application No. 5075A-3 because there have been delays in construction due to engineering difficulties which could not be reasonably anticipated and exigent circumstances beyond the control of the applicant.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", is written over the printed name.

JOHN HATCH, Chief Engineer
December 14, 1990



DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

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

December 31, 1990

Gary Kriz
RR 3 Box 134
Sisseton, SD 57262

Dear Mr. Kriz:

Water Permit Application No. 5075A-3 for recreational, wildlife, and domestic use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Sisseton Courier printed at Sisseton, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
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 January 9, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5075A-3
to Amend Water Permit No. 5075-3

Notice is given that Gary Kriz, RR 3, Box 134, Sisseton, SD 57262 has filed an application to extend the length of time allowed for construction of project works authorized by Permit No. 5075-3. Permit No. 5075-3 appropriates water from a dry draw dam (97 acre-feet storage capacity) located in the SE 1/4 NW 1/4 of Section 11-T126N-R52W. Water will be used for recreational, wildlife and domestic purposes. The permit was approved on December 4, 1985, and the project was to be completed by December 4, 1990, with water being put to beneficial use by December 4, 1994. Application No. 5075A-3 is to extend the length of time allowed for construction of project works from December 4, 1990, to December 4, 1991. The time period to put water to beneficial use would remain December 4, 1994. Application No. 5075A-3, if approved, proposes to retain the July 19, 1985, priority date assigned to Permit No. 5075-3.

Application No. 5075A-3 to amend Permit No. 5075-3 is made pursuant to SDCL 46-5-26 which allows for reasonable extensions of time due to delays caused by engineering difficulties, delays caused by operation of law or delays caused by other exigent circumstances as identified by the Water Management Board. This application for an extension of time is based on delays caused by engineering difficulties and wet weather conditions.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5075A-3 because there have been delays in construction due to engineering difficulties which could not be reasonably anticipated and exigent circumstances beyond the control of the applicant. Unless a 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 January 28, 1991. 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. 5075A-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for February 7, 1991, 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 February 7, 1991, 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 February 7, 1991, 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 January 28, 1991.

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, 46-5-26, 46-5-30.2, 46-5-30.4, 46-5-31; Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County ROBERTS) ss.

I, JACK ADAMS
 certify that the attached printed Notice was taken
 from the SISSETON COURIER

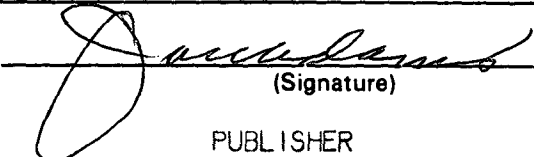
A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the SISSETON COURIER

CITY of SISSETON

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

JAN. 9, 1991

JAN. 16, 1991


 (Signature)

PUBLISHER
 (Title)

1-16-91

(Date Signed)

Cost of Printing: 1ST INSERTION - \$42.45

2ND INSERTION - 33.96

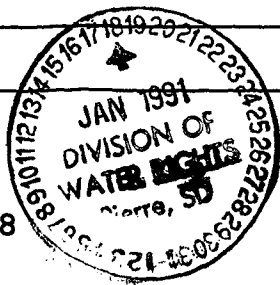
\$76.41

**NOTICE OF HEARING ON
 APPLICATION NO. 5075A-3
 TO AMEND WATER PERMIT
 NO. 5075-3**

Notice is given that Gary Kriz, RR 3, Box 134, Sisseton, SD 57262 has filed an application to extend the length of time allowed for construction of project works authorized by Permit No. 5075-3. Permit No. 5075-3 appropriates water from a dry draw dam (97 acre-feet storage capacity) located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11-T126N-R52W. Water will be used for recreational, wildlife and domestic purposes. The permit was approved on December 4, 1985, and the project was to be completed by December 4, 1990, with water being put to beneficial use by December 4, 1994. Application No. 5075A-3 is to extend the length of time allowed for construction of project works from December 4, 1990, to December 4, 1991. The time period to put water to beneficial use would remain December 4, 1994. Application No. 5075A-3, if approved, proposes to retain the July 19, 1985, priority date assigned to Permit No. 5075-3.

Application No. 5075A-3 to amend Permit No. 5075-3 is made pursuant to SDCL 46-5-26 which allows for reasonable extensions of time due to delays caused by engineering difficulties, delays caused by operation of law or delays caused by other exigent circumstances as identified by the Water Management Board. This application for an extension of time is based on delays caused by engineering difficulties and wet weather conditions.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5075A-3 because there have been delays in construction due to engineering difficulties which could not be reasonably anticipated and exigent circumstances beyond the control of the applicant. Unless a 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.



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For purposes of publishing 1) the notice of hearing on Application No. 5075A-3 and 2) the chief engineer's recommendation, a special Board

meeting is scheduled for February 7, 1991, 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 February 7, 1991, 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 February 7, 1991, 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 January 28, 1991.

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(Jan. 9-16-2w)



GREAT FACES. GREAT PLACES.

MAR 27 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Gary Kriz
RR 3 Box 134
Sisseton, SD 57262

Dear Mr. Kriz:

Enclosed is Water Permit No. 5075A-3 authorizing construction of your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



5075-3
Robert G.

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office Sisseton S.D.

Date 12/3/91

TO: Water Rights
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No.

5075-3.

Water Right Permit No. 5075-3 states that the diversion system is to be constructed by 12-4-91, and that the water is put to beneficial use by 12-4-95.

The diversion system was completed on 10/29/91. Applying the water to beneficial use was completed on The Dam Has not Filled with any water yet.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.


(Signature)

Permit No. 5075A-3

MINNESOTA 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 GARY KRIZ of RR3 BOX 134, SISSETON, SD holder of Permit No. 5075-3 AND 5075A-3, bearing the priority of JULY 19, 1985 authorizing the storage of 97 acre-feet of the waters of SURFACE WATER for RECREATIONAL, DOMESTIC AND WILDLIFE purposes, in ROBERTS County.

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

A. Works used to divert the water:

A DAM 30 FEET HIGH BY 300 FEET LONG CAPABLE OF IMPOUNDING 97 AC-FT OF WATER

The system is in the following condition GOOD. The point of diversion is located SE1/4 NW1/4 OF SECTION 11 T126N-R52W. The works are capable of storing 97 acre-feet of water which is to be used for RECREATIONAL, DOMESTIC, AND WILDLIFE PURPOSES.

The license should be issued for 97 acre-feet of storage.

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: NONE Date 6/3/1992



Mark D. Rath
Natural Resources Engineer II
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 5075A-3

DATE 6/3/1992

Other permit(s) associated with the project 5075-3

DIVERSION POINT LEGAL LOCATION: SE1/4 NW1/4 SECTION 11 T126N-R52W

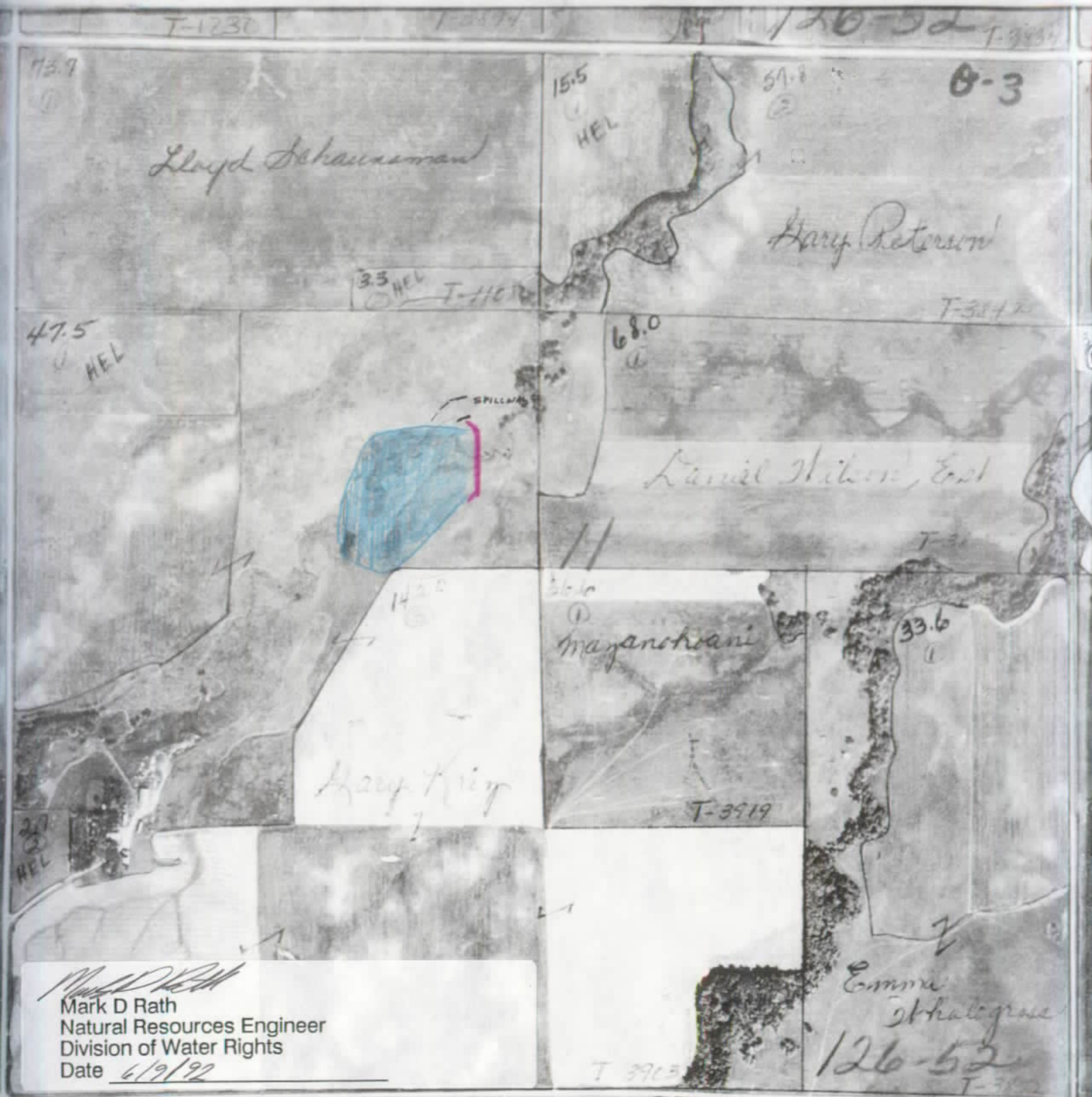
DAM INFORMATION:

- a) height to crest 30 feet
- b) height to primary spillway 21 feet
- c) height to secondary spillway 25 feet
- d) crest width 14 feet
- e) crest length 300 feet
- f) spillway length 85 feet
- g) spillway width 100 feet
- h) approximate storage 97 ac-ft
- i) approximate storage to crest ac-ft
- j) date constructed 1991
- k) outlet tubes:
 - 1) diameter 18 inches
 - 2) type PVC
 - 3) valved N (Y/N)
 - 4) valve type
 - 5) location on structure
CENTER
- l) category of dam III (I,II,III)
- m) inspection sheet completed N (Y/N)
- n) name of contractor: GARY KRIZ
- o) comments : THE DAM OWNER AND CONTRACTOR INDICATED THAT HE HAD BUILT THE DAM WITH A THICKER CORE THAN WHAT THE DESIGN CALLED FOR. HE ALSO INCREASED THE HEIGHT OF THE DAM BUT LEFT THE PRIMARY SPILLWAY AT THE ORIGINAL ELEVATION.

PERMIT QUALIFICATIONS AND REGULATIONS:

- a) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA (Y/N)
- b) Special qualifications to permit being abided by Y (Y/N)
- c) All structures, wells and lands on map Y (Y/N)
- d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA (Y/N)

NOT TO SCALE



Mark D Rath
 Natural Resources Engineer
 Division of Water Rights
 Date 6/9/92

5075A-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

September 2, 1992

Permit No. 5075A-3

Gary Kriz
RR 3, Box 134
Sisseton, SD 57262

Dear Mr. Kriz:

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 Nos. 5075-3 and 5075A-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 5075-3 will be incorporated into 5075A-3.

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.



9-15-92

Dear Sirs:

Enclosed is the check for \$50.⁰⁰
for the inspection fee & water license
Permit Nos. 5075-3 & 5075A-3

Sincerely,

GARY KRIZ



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 24 1992

5075A-3

Gary Kriz
RR 3, Box 134
Sisseton, SD 57262

Dear Mr. Kriz:

Enclosed is Water License No. 5075A-3 and Receipt No. 413428 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 5075A-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

NOTE: The applicable portions of Water Permit No. 5075-3 are incorporated into this Water License No. 5075A-3.

RECEIPT

413428

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 17, 19 92

RECEIVED OF Gary Kriz, RR 3 Box 173, Sisseton, SD 57262

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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>5075A-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5075A-3

(1) Gary Kriz of RR 3, Box 134, Sisseton, SD 57262 made Application No. 5075A-3, November 1, 1990 for a water permit to appropriate no additional cubic feet of water per second from a dry draw dam, Roberts County, South Dakota for domestic, recreational and wildlife purposes. Permit No. 5075A-3 with a priority date of July 19, 1985 was approved February 7, 1991 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before December 4, 1991 and for the application to beneficial use of said water on or before December 4, 1994. The permit holder submitted a "Notice of Completion of Works" which stated the project was completed October 29, 1991.

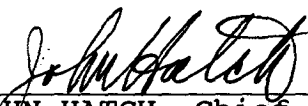
Water Permit No. 5075A-3 extended the length of time allowed for construction of works authorized by Permit No. 5075-3. A priority date of July 19, 1985, as established under Permit No. 5075-3, was retained.

The applicable portions of Water Permit No. 5075-3 are incorporated into this Water License No. 5075A-3.

(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 97 acre feet of water for beneficial use. The location of the storage dam is: in the SE 1/4 NW 1/4 Section 11, T126N, R52W.

(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 Gary Kriz of RR 3, Box 134, Sisseton, SD 57262 the holder(s) and/or owner(s) of Incorporated Water Permit No. 5075A-3 is issued a license to appropriate water, the right to impound 97 acre feet of water in a dry draw dam with a priority date of July 19, 1985 from the location specified in (2) of this license. The water is to be used for domestic, recreational and wildlife purposes. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5075A-3 and subject to South Dakota State Law.

 NOV 24 1992
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources