Considered: _____ WATER PERMIT NO. 5519-3

Phone: 773-3718

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

Post Office Address: 523 E Capitol, Pierre

Amount of Water Claimed: ~~591.48 AF~~ 625 Total Acres: _____

Source of Water Supply: South Fork Twelvemile Creek & Coffee Creek

Water to be used for: recreation County: Hutchinson

About 2 miles East of Dimock

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 11-29-90 Fee: NA Remarks Dimock Lake Dam

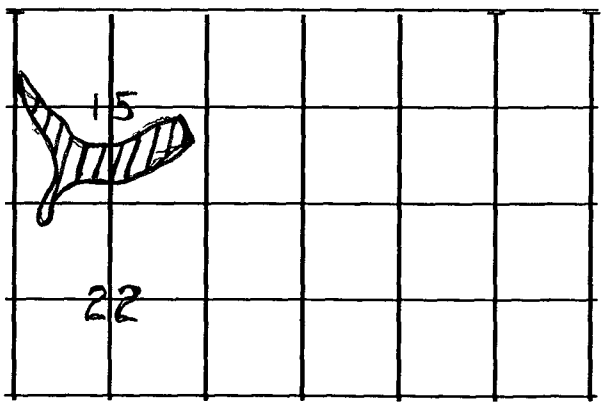
Corrected Application Received _____ Period of Annual Use Jan 1- Dec 31

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

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

Diversion Point: S 1/2, SW 1/4 NW 1/4 Sec 15, N 1/2 NW 1/4 Sec 22; all in T100N-R60W

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES ____ NO ____

Depth of Well: _____ REMARKS _____

Type of Map: topo PREPARED BY: Tim Olson Reviewed and the Number Assigned on 3-14-91 By Karen Schlaak

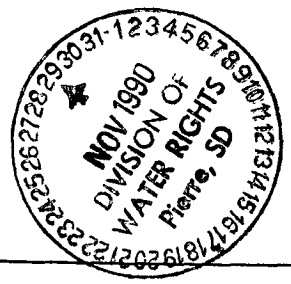
FORM 2: Application for uses other than irrigation (type or print)

No. 5519-3 Hydrologic Unit 10160011
Map No. _____ Basin James River
Newspaper Parkston Advance, Box J, (Weds)

Mail to: Water Rights Div. 69
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

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 ☒ Fish & Wildlife Production



Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐
☐ Amend Permit No._____ with old priority date retained
Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____
☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____
☐ Construction to use water reserved by Future Use Permit No._____

1. Name of Applicant South Dakota Dept. of Game, Fish & Parks Phone No. 773-3718
   Post Office Address 445 East Capitol (Street, RR or Box) Pierre (City) SD State 57501 Zip Code
2. Amount of water claimed (c.f.s) _____ 591.48 acre-feet of storage to outlet elevation of 1310 feet mean sea level.
3. Source of water supply South Fork Twelvemile Creek & Coffee Creek
4. Location of point of diversion Sec. 15 & 22, T100N, R60W Lake Dimock
   S½, SW¼ NW¼ Sec 15, N½ NW¼ Sec 22; all in T100N-R60W
   _____ County Hutchinson
5. Counties where water will be used Hutchinson
6. Annual period during which water is to be used January 1 - 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)

   Reconstruction of Dimock Lake dam and spillway and excavation of lakebed to provide fishing and other recreational opportunities. Also see enclosed preliminary engineering report prepared by Flannery Engineering.

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 Hughes)ss

I, South Dakota Department of Game, Fish and Parks 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 Timothy J. Flynn Water Permits Coordinator

Subscribed and sworn to before me this 29th day of November 19 90

Notary Public

4-87

SOUTH DAKOTA
WATER PERMIT No. 5519-3

Date of first receipt of application November 29, 1990.
Date of return to applicant for corrections, amendments or changes December 7, 1990.
Date of receipt of corrected application March 11, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5519-3 to the SD Department of Game, Fish and Parks, 523 E Capitol, Pierre SD 57501 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. 5519-3 impounds 625 acre-feet of water by restoring the Dimock Lake Dam. The dam site is located on tributaries of South Fork Twelvemile Creek and Coffee Creek in the NE 1/4 SE 1/4 Section 15-T110N-R62W. The impounded water will be in portions of the S 1/2, SW 1/4 NW 1/4 Section 15, N 1/2 NW 1/4 Section 22; all in T110N, R60W. Water is to be stored annually to an approximate elevation of 1310 feet mean sea level.

2. The water appropriated shall be used for the purpose of providing fishing and recreational opportunities and may not exceed the amount of water needed for beneficial use for recreational 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. 5519-3 is May 1, 1991.

5. The date from which applicant may claim right is March 11, 1991.

6. One-fifth of the construction is to be completed on or before November 1, 1993.

7. All construction is to be completed on or before May 1, 1996.

8. Water is to be put to beneficial use on or before May 1, 2000.

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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

2. Approval of Permit No. 5519-3 authorizes storage of up to 625 acre-feet annually to an elevation of 1310 msl.

WATER MANAGEMENT BOARD

By: _____ SEP 4 1991
Chief Engineer, Water Rights Division — date
Department of Environment and Natural Resources

Form 2A

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 Thickness _____ Length of Gravel Pack _____

   e) Depth to Top of Water Bearing Material _____

   f) Depth to Water (ground surface to water level) _____

   g) Distance to nearest existing domestic well:

   On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

   a) Surface Dimensions _____ Depth _____

   b) Depth to water (ground surface to water level) _____

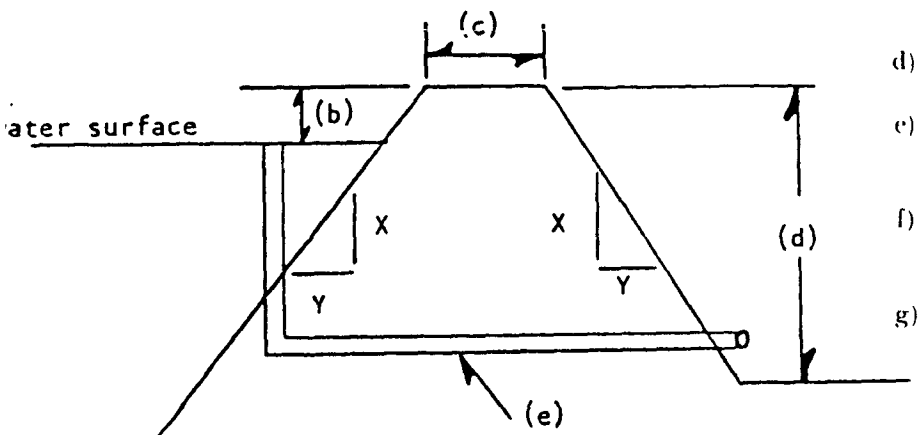
3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should 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

Flannery Engineering

Rt. 2 Box 6A, Elk Point, SD 57025



b) Freeboard 9'

c) Crest Width 16'

Crest Length 800'

d) Height 25'

e) Primary Outlet Capacity 3614 cfs
If Pipe, diameter _____

f) Secondary Spillway Capacity 12,248 cfs
Spillway width 200'

g) X & Y Slope
Upstream 1:5

Downstream 1:2.4

Surface Area of Impoundment 71.47 Ac.

Storage 591.48 acre feet

Drainage area above dam 67,107 acres.

Timothy J. Allen

Signature of Applicant

Risk assessment,
as applied to dam safety, the process of identifying the likelihood and consequences of dam failure to provide the basis for informed decisions on a course of action.

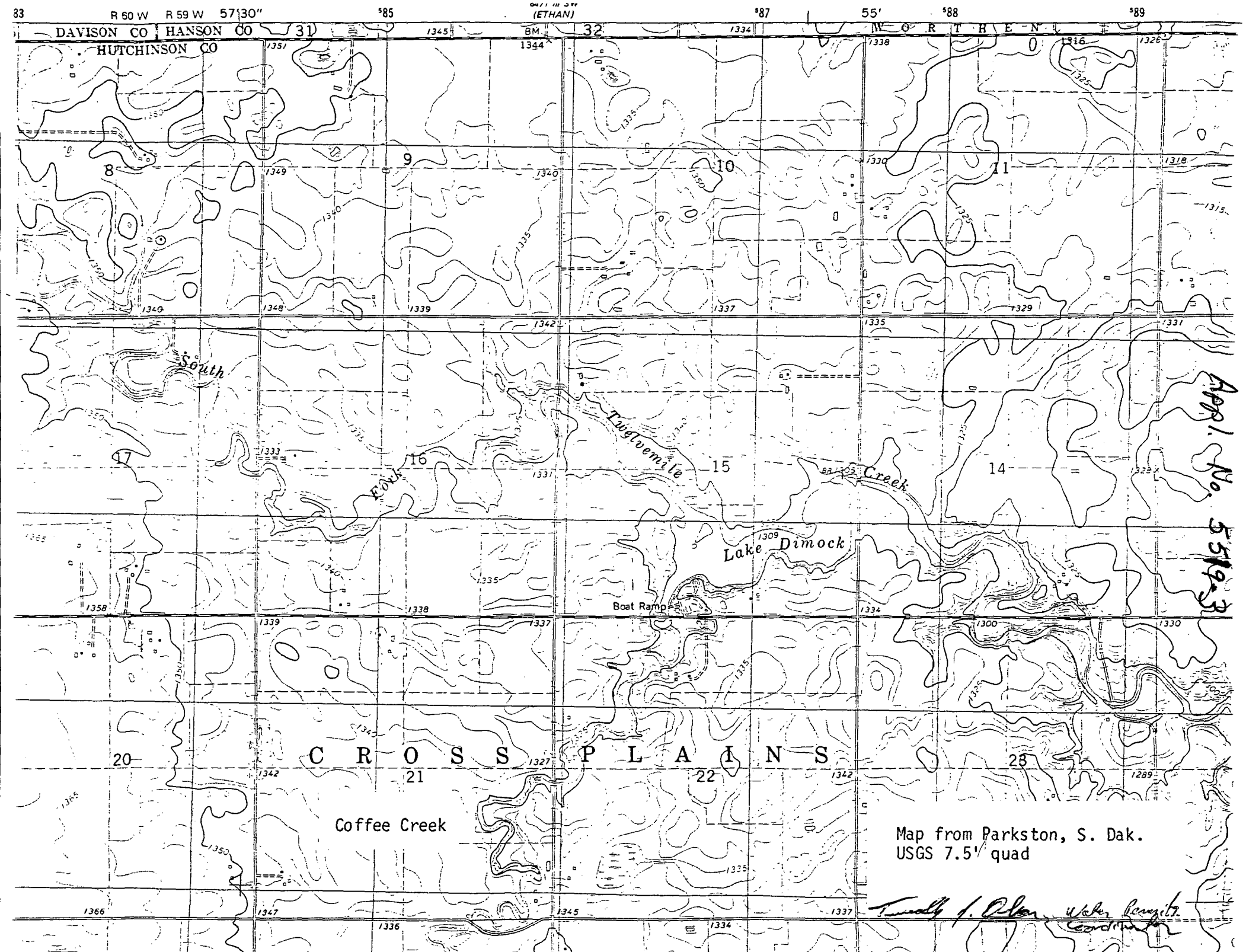
Spillway,
an open or closed channel, conduit, or drop structure used to convey water from a reservoir.

Spillway design flood,
the flood that the spillway of a given project is designated to pass safely without overtopping the structure.

25-year, 24-hour duration flood,
the flood magnitude expected to be equaled or exceeded on the average of once in 25 years, with a four percent chance of being exceeded in any given year, determined by using the 25-year, 24-hour storm unless gauging data is available and proved to be accurate.

50-year, 24-hour duration flood,
the flood magnitude expected to be equaled or exceeded on the average of once in 50 years, with a two percent chance of being exceeded in any given year, determined by using the 50-year, 24-hour storm unless gauging data is available and proved to be accurate.

100-year flood,
the flood magnitude expected to be equaled or exceeded on the average of once in 100 years, with a one percent chance of being exceeded in any given year, determined by using the 100-year, 24-hour storm unless gauging data is available and proved to be accurate.


R 60 W
R 59 W
57'30"
(ETHAN)
55'
DAVISON CO
HANSON CO
HUTCHINSON CO
BM 1344
South
Fork
Twigtwemile
Creek
Lake Dimock
Boat Ramp
C R O S S P L A I N S
Coffee Creek
Map from Parkston, S. Dak.
USGS 7.5' quad
Appl. No. 5193

FILE COPY

REPORT OF

ENGINEERING STUDY FOR

DIMOCK LAKE AND DIMOCK DAM
HUTCHINSON COUNTY, SOUTH DAKOTA

DECEMBER, 1989

FLANNERY ENGINEERING

CONSULTING ENGINEERS AND LAND SURVEYORS

THE ELK POINT OFFICE
RT. 2, BOX 6A, ELK POINT, SOUTH DAKOTA 57025
TELEPHONE 605-356-2308 OR 605-356-3200

THE PARKSTON BRANCH OFFICE
P. O. BOX 916, PARKSTON, SOUTH DAKOTA 57366
TELEPHONE 605-928-7676

REPORT OF ENGINEERING STUDY

OF

DIMOCK LAKE AND DIMOCK DAM

HUTCHINSON COUNTY, SOUTH DAKOTA

DECEMBER, 1989

I HEREBY CERTIFY that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Registered Engineer under the laws of the State of South Dakota.

Gerald F. Flannery

Dated January 30, 1990 Reg.No. 2185

TABLE OF CONTENTS

ENGINEERING REPORT

DIMOCK LAKE AND DIMOCK DAM

DECEMBER, 1989

1 Reason For Study

In 1984, after near record periods of precipitation, a 150 foot section of Dimock Dam washed out completely. As a result Dimock Lake was completely drained.

Dimock Lake until that time had been quite a popular fishing and recreation area.

There is considerable interest in repairing the dam and once again developing the area into a suitable fishing and recreation spot.

It was decided that a review of the conditions and the feasibility of rebuilding the facilities should be made. This engineering study and report is a first step in the process of rebuilding Dimock Lake and Dimock Dam.

2 Topography

The geographic location of this study area is in the northwest part of Hutchinson County, and particularly an area 2-1/2 miles due east of Dimock, South Dakota. Dimock Lake is located in the James River drainage basin. The lake is manmade and is located on the south fork of Twelvemile Creek which enters the James River approximately 5 miles southeast of the lake.

The lake is also just east of the Coteau du Missouri (Missouri Hill Country) region of South Dakota. This vast dissected highland, which was named by early French traders, occupies an area nearly 200 miles long between the Missouri River and James River lowland, extending north-south through North Dakota and South Dakota. The Coteau du Missouri is nearly 75 miles wide at the northern border of South Dakota, and narrows to less than 25 miles where it crosses the Missouri River near the Charles Mix-Bon Homme County Boundary.

Area topography is characterized by flat to gently rolling hills.

3 Project Soil Conditions

Soil types are relatively uniform in the project area. Loam and clay soils are predominate with isolated occurrences of gravel and clay shale. The soil is well drained in general, but some localized high water tables may be encountered in trenching. No occurrences of unfractured rock were noted in the area. Area well construction logs indicate that the area is underlain with clay, gravel, chalk, and sand to a depth of up to 120 feet. Soil related construction problems encountered in various types of work are expected to be minimal.

In the draws and ravines the soil is predominantly of the Chaska type.

The Chaska series consists of deep, somewhat poorly drained to poorly drained, nearly level, silty and loamy soils on bottom land. These soils formed in alluvium. The native vegetation consisted of tall grasses, sedges, and deciduous trees and shrubs.

In a representative profile the surface layer is about 28 inches thick. The upper 8 inches is very dark gray silt loam, and the rest is very dark gray calcareous loam. The underlying material, to a depth of 47 inches, is dark gray calcareous fine sandy loam. Gray and grayish brown calcareous loamy fine sand is at a depth of 47 inches.

The Chaska soils have a rather high permeability ranging up to 6 inches per hour. It is not good soil for building dikes, dams or levees because of its low strength and susceptibility to piping. The unified soil classification is CL, CL-ML.

The higher ground around the rim of the lake is an ethan-betts type of loam. These soils are on uplands in areas that range from 10 to 50 acres. They are on the sides of entrenched drainageways and on ridges and hills of glacial end moraines. Slopes are short and convex. The mapped areas are about 45 percent Ethan soil, 30 percent Betts soil, and 25 percent other soils. Glacial stones and boulders are on some ridges and hills in areas that range from 1 to 5 acres in size. The Ethan soil is on the middle part of the landscape. The Betts soil is on the upper side slopes and tops of ridges and hills In areas of native grassland the Ethan soil has a non-calcareous surface layer. In cultivated areas the Betts soil is moderately to severely eroded and has a lighter colored surface layer than is typical of the series. The ethan-betts soils are among the best soils in the area for construction of dikes, dams, and levees because of its low permeability, 0.6 to 2 inches per hour. The unified soil classificatin is CL, ML, CL-ML.

Soil boring was done on the dam embankment. The fill was found to be very hard and stable and very low moisture through the depth of the fill. The fill is constructed of a clay till.

Soil boring was also done 500 to 1000 feet west of the dam in the level mid height lake bottom. The area tested is approximately 40 acres of flat field. There was found to be about 3-1/2 feet of silt on this area.

4 Climate

The climate of the area is of the continental type, and features wide variations in temperature, with normally ample spring and summer rainfall and lighter fall and winter precipitation. There are frequent changes in weather from day-to-day or week-to-week. The mean annual temperatures fluctuate frequently in the area. Cold air masses often move in very rapidly, causing strong gusty winds for several hours. During the late fall and winter, these cold fronts sometimes bring temperature drops of 20 degrees to 30 degrees in a 24 hour period. Severe cold spells ordinarily last only a few days, but, in 1936, during January and February, daily minimum temperatures were usually well below zero with the average temperature for that period being 8 degrees below zero. The winter of 1978-79 was the coldest on record, with temperatures December through February averaging 8 degrees. The 1980-81 winter also had the record spell of over 60 consecutive days with the temperature below 32 degrees. During a cold winter, frost will penetrate open ground to a depth of about four feet unless there is a heavy snow cover to protect the ground.

Temperatures of 100 degrees and above are infrequent. There are normally only two or three such occurrences each year, and these are most likely to occur in July. There is usually enough cooling to make the summer nights comfortable.

The average date of the last freeze in the spring is May 8. Average date of the first freeze in the fall is September 30, making the average growing season 145 days. The longest growing season on record in Eastern South Dakota was 196 days in 1938, and the shortest was 131 days in 1897.

Approximately 77% of the normal yearly precipitation falls during the months of April through September. This southeastern portion of South Dakota receives more precipitation annually than do the other sections of the State. The area usually has one or two very heavy snows during each winter season. Eight to twelve inches of snow may fall in 24 hours. There have been a few instances of snowfall in excess of 15 inches. The average seasonal snowfall is 32 inches.

Snowfall is at times accompanied by much drifting. Incomplete records of wind velocity show the strongest winds as seventy mph, with gusts to ninety mph on June 23, 1952. Strong winds and blowing snow normally bring blizzard conditions a few times each year. Tornadoes are observed occasionally, but they are not as frequent here as in the Southern Plains States. Hail and tornadoes are most likely to occur in June.

The average rainfall for the area is approximately 21.09 inches (rainfall equivalent) per year. Record low rainfall amounts occurred in the years 1974 and 1976, while a record high amount of rainfall occurred in the years of 1909 and 1944. A high amount of rainfall also occurred in the spring of 1984. 26.16 inches fell in January through August while the norm for

that period is 17.10 inches. 22.67 inches fell in April through August, the norm for this period being 14.85 inches.

5 Historical Data

Dimock Dam was built by WPA forces in the 1930's. In 1984 very heavy rainfall and high runnoff caused water to overtop the dam and wash out a 150 foot section of the dam causing the lake to completely drain away downstream.

When the dam creating Dimock Lake washed out in 1984, a valuable local recreational resource was lost. Before the breech of the dam, many area residents used the lake for fishing, boating, camping, and picnicking. A majority of the persons utilizing the lake's recreational opportunities were senior citizens and youths. Lake Dimock filled a recreational void for area residents. Although some persons from the area have the money and equipment to take advantage of Missouri River opportunities, a far greater population do not. Before the dam breeched, Lake Dimock provided the only viable means of outdoor recreation in the area to people with limited resources. The reconstruction and upgrade of the facilities at Lake Dimock will enable the Lake to once again fill the recreational void of area residents. Nearly 2,000 people reside within 10 miles of Lake Dimock. This entire population will realize benefits from the increased recreational possibilities the Lake would provide. The project will provide long-term benefits, as the dsign will enable the dam to maintain lake levels for the foreseeable future.

The dam is owned by the State of South Dakota. It is a catagory 3 dam. The land is leased by State Game, Fish and Parks and the Department of School and Public Lands. The two organizations have joint jurisdiction.

6 Statistical Data

Built in the 1930's, Dimock Dam is an earthen dam with maximum height of 35 feet. There is a concrete spillway at the north end of the dam with a height of 25 feet and a width of 42 feet.

There is an emergency spillway at the south end of the dam 100 feet wide at an elevation which is 5 feet below the crest of the earthen dam.

56.6% of the lake volume is 0 to 5 feet deep.

30.3% of the lake is 5 to 10 feet deep.

During periods of heavy ice cover, 43% of the lake volume would be available for fish habitat.

64.2 acres or 88% of the lake area is less than 10 feet deep.

The lake has a drainage area of 67,107 acres.

7 Existing Condition of the Lake and Dam

At present the lakebed is dry. Part of it was formed in 1989. There is a 150 foot wide hole in the earthen dam the hole is 100 feet south of the concrete spillway. The lakebed in the flat area west of the dam is covered by about 3-1/2 feet of silt. There are steep banks along parts of the creek bed running through the middle of the lakebed. A considerable amount of work has been done in the area of the boat ramp to clear trees and improve access to that area. All trees and brush have been removed from the dam and spillway area. A new concrete bridge has recently been constructed some 200 feet downstream of the dam on the South Fork of Twelvemile Creek.

8 Field Studies

8.1 Topographic Survey

A topographic survey of the lakebed was accomplished by taking 780 elevation shots throughout the lake area. A contour map was then computer generated using the 780 elevation locations.

8.2 Concrete Spillway

The concrete spillway was inspected for structural integrity, soundness of concrete , undermixing and stability of wingwalls. Two holes were drilled through the spillway face and soundings were taken to check for subsidence of the foundation soils and undermining of the spillway face.

8.3 Earthen Dam

The earthen dam was cored to determine the stability of the soils. Borings were taken along the crest of the dam.

8.4 Lakebed Borings

Borings were taken in the lakebed to determine silt depth and soil types.

9 Results of Field Studies

9.1 Lake Topography

The topography of the lake showed that 56.6% of the lake volume is 0 to 5 feet deep. 30.3% of the lake is 5 to 10 feet deep. 10.5% of the lake is 10 to 15 feet deep. 2.5% of the lake is 15 to 20 feet deep. 0.1% of the lake is over 20 feet deep.

9.2 Concrete Spillway

The retaining walls along the sides of the spillway have tilted in places due to trees growing against the outside of the walls.

The upper lip of the concrete spillway has degenerated from cracking and spalling concrete.

9.3 Earthen Dam

The earthen dam has a 150 foot wide hole breeched in it, caused by water overtopping the dam. Otherwise the dam is in good condition with all trees and brush having been removed from both faces recently. The riprap on the face of the dam is in fair to good condition.

9.4 The Lakebed

The lakebed shows signs of having silted in over the years though not to any great extent. Soil borings show up to 3-1/2 feet of silt in some areas.

10 Dam Capacity Computations

10.1 Primary Spillway

The primary spillway is 42' wide and is 10' below the top of the dam berm.

The primary spillway will pass 3614 cubic feet per second of water when the flood water is at the top of the dam berm.

$Q=3.33\ (L-0.24H)\ H^{1.5}$ L=42' H=9' Q=3614 CFS

10.2 Emergency Spillway

The emergency spillway is 100 feet wide and 5 feet below the dam berm. Q= 4835 CFS.

TOTAL CAPACITY OF BOTH SPILLWAYS = 8449 CFS.

10.3 Probable Maximum Flood

The probable maximum flood for Dimock Lake is 45,429 CFS. Dimock Dam is a catagory 3 dam.

Therefore, the dam must be capable of handling a 100 year flood without overtopping.

The 100 year flood is taken to be 35% of the PMF (probable maximum flood) or 15,900 CFS.

The existing dam will only handle 8449 CFS.

If the emergency spillway would be lowered by 1 foot and made twice as wide, it would then handle 12,248 CFS. The combination of both spillways would handle 15,862 CFS, which is equal to the 100 year flood.

Lowering the emergency spillway by one foot and making it 200 feet wide instead of 100 feet wide would involve moving 311 cubic yards of soil.

11 Recommendations

11.1 Breech in the Dam

The breech in the dam needs to be filled. This will require some 500 cubic yards of good clay fill. The fill dirt is available in the area. The soil in the lakebed is generally not suitable for fill on the dam. The emergency spillway needs to be enlarged and that soil would be suitable for rebuilding the breech. Proper compaction and properly keying the new fill into the old embankment in critical. Proper moisture content of the soil used to build the fill is also critical. At the time of construction the amount of moisture to be added to the soil will be determined. The amount of compaction to be applied to the new fill will also need to be monitored during construction. The compaction will probably require a sheeps foot type compactor. It may be difficult to obtain proper density by the use of rubber tired equipment.

11.2 Concrete Spillway

The concrete spillway needs portions of the walls replace.

The upper lip of the spillway needs to be chipped away down to solid concrete and replaced.

Rock gabions should be placed against the upper lip of the spillway to protect the spillway from undermining. The gabions should be 2 feet thick and extend 6 feet from the lip of the spillway.

11.3 Emergency Spillway

The emergency spillway needs to be enlarged. The spillway is now 100 feet wide and 5 feet deep This needs to be increased to 200 feet wide and 6 feet deep from the top of the earthen dam.

11.4 Ripraps

The riprap on the lake side of the dam needs some filling in and dressing up. The breech face needs to be riprapped when it is completed.

11.5 Steep Cut Slopes

Any steep cut slopes around the lake need to be flattened out some, to about 3:1 slope. The soil should be pushed away from the lake if possible.

As much dirt as possible should be removed from the lakebed. The lake now has only 23.6% of its volume that is deeper than 10 feet. Fisheries guidelines recommend that at least 25% of the lake be 15 feet deep or deeper. It would require the removal of 44,000 cubic yards of soil just to make 25% of the lake 15 feet deep or deeper.

To bring the lake up to reasonable standards from a fisheries standpoint and from the standpoint of discouraging undesireable weed growth there needs to be at least 60,000 cubic yards of soil removed from the lakebed.

12 Cost Estimates

12.1 Estimated Costs

1	Riprap dam face and erosion areas	13,750
2	Gabions at upper lip of dam	1,800
3	Emergency spillway enlarged and ripraped	5,000
4	Fill breech in dam	22,500
5	Concrete work on spillway	36,000
6	Lakebed Excavation	60,000
7	Outlet Structure	26,500
	Total Construction Cost	165,550
8	Testing	2,500
9	A/E Design 8.25%	13,660
10	Inspection 8.25%	13,660
11	Administration 1.25%	2,070
	Total A/E and Administration	30,890

Construction	165,550
A/E and Administration	30,890
Total Project Cost	196,440

12.2 Explanation of Costs

1. Riprap

Repair riprap on dam face 250 c.y. @ $25	$6,250	
Riprap on probable slopes around lake and in boat ramp area 300 c.y. @ $25	7,500	
Total		13,750

2. Gabions

Gabions at upper lip of spillway 20 c.y. @ $90	1,800

3. Emergency Spillway

Earthwork 800 c.y. @ $2	$1,600	
Riprap 136 c.y. @ $25	$3,400	
Total		$5,000

4. Breech in Dam

Earthwork 7500 c.y. @ $3	$22,500

5. Concrete Spillway

Top Lip replacement and retaining wall replacement L.S.	$36,000

6. Lake Excavation

60,000 c.y. @ $1	$60,000

7. Outlet Structure

Bottom water overflow drop tube type L.S.	$26,500
TOTAL CONSTRUCTION COSTS	$165,550

8. Testing

Soil Borings - Compaction testing for embankment work - concrete Quality testing L.S.	$2,500

9. Design

Prepare plans and specifications for all construction phases. Hold bid letting 8.25% of construction costs	$13,660

10. Inspection and Staking

Oversee all phases of construction to insure plans and specifications are adhered to insure proper compaction on dam rebuildings - survey line and grade on all constructin phases. 8.25 of construction costs	$13,660

11. Administration

Keep accounting records of construction expenses and payments and receipts. 1.25% of construction costs	$2,070
TOTAL PROJECT COSTS	$196,440

APPENDIX A

South Dakota
Department of
Game, Fish and Parks

Division of Wildlife
Sigurd Anderson Building
445 East Capitol
Pierre, South Dakota 57501-3185
(605) 773-3381

November 22, 1989

MEMO TO: Engineers

FROM: Robert L. Hanten

SUBJECT: Dimock Lake Fisheries Potential

Dimock Lake as mapped includes:

Contours:	Area	%
surface elevation 1310	72.9 acres	100.0%
5' elevation 1305	47.0 acres	64.5%
10' elevation 1300	23.6 acres	23.6%
15' elevation 1295	7.3 acres	7.3%
20' elevation 1290	0.4 acres	0.4%

Volumes:		
0 to 5'	299.75 ac ft	56.6%
5 to 10'	160.50 ac ft	30.3%
10 to 15'	55.75 ac ft	10.5%
15 to 20'	13.25 ac ft	2.5%
> 20'	0.25 ac ft	0.1%
Total	529.50 ac ft	100.0%

Comments:

1. 56.6% of the volume is in the upper 5 feet of the lake. During normal years with evaporation decreasing the lake 2 feet by fall and ice depth to over 3 feet, only 43.6% of the water volume would be available for sustaining fish life through the winter. Winterkill probability is high.

2. 64.2 acres or 88.1% of the surface area is ten feet deep or less. Weed growth would range from severe (64.5%) to moderate (23.6%) over this area during the summer months. This would cause very serious fish management problems and make the lake difficult for people to fish, swim, boat or otherwise use during the summer.

3. Although the lake would have about 20' maximum depth, little of the area (approximately 7.7%), and only 13.1% of the volume is in water over 10 feet deep.

Recommendations:

1. The lake should be at least 15 feet deep over 25% of the area. A safety factor for drought years should include an additional 3 to 5 feet in this area.

2. To make the lake suitable for a good, sustaining fisheries, extensive earth movement must be accomplished in the basin. Most of the 5 feet or less water should be deepened and sloped to 10 feet. The basin 15 to 20 feet must be enlarged by over 10 acres. Excess dirt can be used to build islands, jetties or can be hauled out.

3. A regular bowl-shaped basin should be avoided. Good fisheries require a variety of bottom structures of earthen mounds, rock piles or timber structures.

4. Costs have not been considered in this evaluation, but normal construction of fishing waters should be in the $2,000 to $5,000 per acre range.

5. The outlet structures should include a bottom-water overflow type of drop tube.

6. Cut banks should be sloped and erosion sites riprapped with rock two feet below and one foot above normal water level.

7. Good boat access and parking should be part of the development plan. It's easy to put a boat ramp in while the lake is dry.

APPENDIX B

GLOSSARY

Area capacity curves,
graphic curves which show the relationship between reservoir surface area and the storage capacity of the reservoir at given elevations.

Category 1 dam,
a high hazard dam whose failure may cause loss of life.

Category 2 dam,
a significant hazard dam whose failure may cause damage to buildings, highways, railroads, bridges, or public utilities; loss of a water supply reservoir for a water distribution system; other extensive economic loss or the reservoir is the only source of water for a water distribution system.

Category 3 dam,
a low hazard dam whose failure may cause limited damage to agricultural lands or county and township roads or minimum economic loss.

Conservation storage capacity,
the volume in acre-feet in the reservoir at the crest of the primary spillway.

Dam,
for the purpose of this chapter an artificial barrier, including appurtenant works, which impounds or diverts water and which is 25 feet or more in height from the natural bed of the stream or watercourse measured at the downstream toe of the barrier or from the lowest elevation of the outside limit of the barrier, if it is not across a stream channel or watercourse, to the maximum water storage elevatin or has an impounding capacity at maximum water storage elevation of 50 acre-feet or more. A barrier is not considered a dam for the purpose of this chapter if the height does not exceed 6 feet regardless of storage capacity or if the storage capacity at maximum water storge elevation does not exceed 15 acre-feet regardless of height.

Effective height,
the difference in elevation in feet between the lowest point in the cross section taken along the centerline of the dam and the crest of the emergency spillway. If there is no emergency spillway, the top of the dam is the upper limit.

Emergency preparedness plan, EPP,
a predetermined plan of action to be taken to reduce the potential for property damage and loss of lives in an area that may be affected by a dam break.

Engineer,
a person who is registered as a professional engineer pursuant to SDCL 36-18, or a person who is employed by a federal or state agency and who designs or inspects dams as a part of the person's employment, acting under the supervision of a professional engineer registered pursuant to SDCL 36-18.

Height,
the difference in the elevation of either the natural bed of the stream or watercourse or the lowest point on the toe of the dam, whichever is lower, and the crest elevation of the dam.

Inspection,
a visual or mechanical check by measuring, boring, or any method necessary to determine the adequacy of construction techniques and the safety and operating performance of a dam.

Intermediate storage capacity,
the volume in acre-feet in the reservoir at the crest of the emergency spillway.

Maximum storage capacity,
the volume in acre-feet in the reservoir at the crest of the dam.

Owner, dam owner,
a person as defined by SDCL 46-1-6(1) who owns, controls, operates, maintains, manages, or proposes to construct a dam or reservoir.

Probable maximum flood, PMF,
the flood that may be expected from the most severe combination of critical meteorologic and hydrologic conditions that are possible in the region.

Probable maximum precipitation, PMP,
the precipitation that may be expected from the most severe combination of critical meteorologic conditions that are reasonably possible in an area as found in the National Weather Service Hydrometeorological Report No. 51, "Probable Maximum Precipitation Estimates, United State East of the 105th Meridian"; or Hydrometeorological Report No. 55, the Continental Divide and the 103rd Meridian.

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

December 7, 1990

Tim Olson, Permits Coordinator
Department of Game, Fish & Parks
445 East Capitol
Pierre, SD 57501

RE: Water Permit Application for Reconstruction of Dimock Lake

Dear Tim:

This letter is in reference to the water permit application for the reconstruction of Dimock Lake received by this office on November 29, 1990. In order to process the permit application, plans and specifications will be required. It is my understanding that plans and specifications are currently being prepared for reconstruction of Dimock Lake.

Also, the legal description of the impoundment from my review of the topographic map is the S1/2, SW1/4 NW1/4 Section 15, N1/2 NW1/4 Section 22; all in T100N, R60W. Please let me know if you concur with this legal description of Dimock Lake.

I will await a copy of the plans and specification for reconstruction of Dimock Lake. If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

GREAT FACES. GREAT PLACES.

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 15, 1991

Gerald Flannery, P.E.
Flannery Engineering
Rt. 2, Box 6A
Elk Point, SD 57025

Dear Mr. Flannery:

We have reviewed the Plans and Specifications for the Dimock Lake Restoration Project. According to Section 74:02:08:09 of the Water Management Board Safety of Dams Rules an area-capacity curve and a spillway rating curve must be included in the plans and specifications. The secondary spillway also needs to be addressed and included in the plans.

Enclosed is a copy of the Water Management Board Safety of Dams Rules. These requirements are addressed in Nos. 4, 6 and 7 of Section 74:02:08:09.

Dimock Dam is classified as an intermediate size, Category 3 low hazard dam. A dam of this size and category is required to have the hydraulic capacity to pass a minimum spillway design flood equal to a 100-year frequency event. Our calculation indicate a 100-year frequency event produces a peak runoff of approximately 4900 cfs.

In the past, we have indicated that Dimock Dam already had the spillway capacity to pass a 100-year frequency event. This statement was made in a letter, dated March 14, 1990, to the Department of Game, Fish and Parks referencing our review of your initial Engineering Report titled " Report of Engineering Study for Dimock Lake and Dimock Dam, December, 1989." Our statement was based on calculations made from data taken from page 15 of your Engineering Report. This data indicates that the primary spillway is 42 feet wide and 10 feet below the top of dam and the secondary spillway is 100 feet wide and 5 feet below the top of dam.

The current plans and specifications for the Dimock Lake Restoration Project indicate that the elevation of the top of the dam is 1315, and the elevation of the primary spillway crest is 1310. The elevation of the secondary spillway channel is assumed to be approximately 1312. Using these figures, Dimock Dam would only have the spillway capacity to pass approximately 2900 cfs.

The spillway capacity for Dimock Dam needs to be increased to pass the minimum spillway design flood requirement of a 100-year frequency event or 4900 cfs.

In addition to the above requirements we have the following comments:

1. There should be more details on the low level drawdown structure. Information and details on connecting the transite pipe sections should be included. Also more information on the valve and keyway should be provided. We are also curious on the use of the transite pipe instead of reinforced concrete pipe. Will the use of this pipe with the number of necessary joint connections lead to potential seepage or piping problem? Will there be any trash rack on this structure?

2. The top of dam elevation should be included on the embankment cross-section. The current elevation appears to be 1315, in order to provide the project more spillway capacity, the elevation of the embankment crest needs to be increased. Most dams have a top of dam elevation equal to the elevation of the primary spillway walls, which in this case would be 1318.

3. The riprap protection on the entire embankment should be improved, not just the breached area. We usually recommend that the embankment be ripraped to an elevation at least 3 feet above the spillway crest.

4. We did not see any information on seeding the disturbed areas.

The Department of Game, Fish, and Parks has filed a Water Permit Application for Dimock Dam storing 591.48 acre-feet of water to the primary spillway elevation of 1310 msl.

Construction of the project can not begin until the plans and specifications and the Water Permit Application have been approved.

The next Water Management Board Meeting is scheduled for May 1 & 2, 1991. Advertisement notices need to be sent out before the end of March. It appears that this deadline will not be met. If there is no opposition to the Department of Game, Fish and Parks application, it can be approved by the Chief Engineer without going before the Water Management Board. If there is opposition to their application, the next Water Management Board Meeting is scheduled for July 24 & 25, 1991.

If you have any questions on this matter, please let us know.

Sincerely,

Gale N Selken

Gale N. Selken, P.E.
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division
605 773-3352

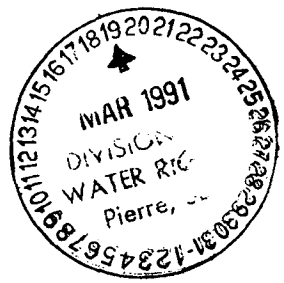
cc: James Lichtenberg, Flannery Engineering, Parkston, SD
Pat Bowar, Dimock Lake Association, Parkston, SD
Jeff Peters, Dept. of Game, Fish and Parks
Tim Olson. Dept. of Game, Fish and Parks
Curt Johnson, School and Public Lands

T. Schaal

South Dakota

DEPARTMENT OF GAME, FISH AND PARKS
Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182
(605) 773-6082

GREAT FACES. GREAT PLACES.



March 18, 1991

Flannery Engineering
Route 2, Box 6A
Elk Point, SD 57025-9502

RE: Dimock Lake Restoration Project

Dear Mr. Flannery:

We have completed review of the referenced plans and specifications and offer the following comments:

1. We would recommend the plan sheets be numbered 1 of 10, 2 of 10, etc. for future reference.

2. Sheet 2 of 10:
   a. The typical sections should be referred to the contour layout on sheet 4 of 10.
   b. We recommend the toe trench on all riprap sections be placed into the embankment at a minimum 1:1 slope.
   c. There should be a minimum 3' freeboard on the riprap section and preferably 4 or 5'.
   d. Our experience has been that class II riprap requires a minimum 2' layer to obtain adequate coverage.
   e. Will the bentonite collars used on the drawdown pipe be adequate enough to prevent piping? There are several connections on the transite pipe shown.

3. Sheet 5 of 10:
   a. Complete reservoir data including capacities of the primary and secondary spillways should be shown.
   b. Is there any renovation scheduled for the secondary spillway?

4. Sheet 6 of 10:
   a. The fishing pier should probably have a gravel surface.
   b. We would recommend a turnaround radius be incorporated above the boat ramp and consideration should be given to provide adequate drainage away from the ramp area. This area should also be graveled to allow use during wet conditions.

5. Sheet 7 of 10:
   a. Riprap repair should be provided along the entire face of the dam to the elevations of new riprapping.

6. Sheet 8 of 10:
   a. Define new work with distinct line weights, hatching, etc.

7. Sheet 9 of 10:
   a. Our experience and information would suggest that all spalled concrete repair areas should have vertical edges of 1" (min.) in depth.
   b. We recommend that where stress crack repair is necessary, the contractor should route a receptacle with vertical walls, backer rod, and sealant similar to expansion joints in order to propagate the new crack location.
   c. We usually refer to mudjacking as pressure grouting when our intention is not to elevate the slab. There may be a need to use pressure gauges to assure all voids are eliminated.

8. Specifications:
   a. Who will be responsible for seeding and what application methods will be used?

Thank you for this review opportunity. We would appreciate an opportunity for a second review prior to the bid advertisement.

Sincerely,

ENGINEERING SECTION

Jeffrey Peters by ln.
Jeffrey Peters, P.E.
Buildings Engineer II

JP/ln

cc: Tim Schaal, DWNR
Curt Johnson, SPL
Bob Hanten, GFP
Allen Knapp, GFP
Wayne Winter, GFP

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 29, 1991

Gerald Flannery, P.E.
Flannery Engineering
Rt. 2, Box 6A
Elk Point, SD 57025

Dear Mr. Flannery:

We have reviewed the final plans and specification for the Dimock Lake Restoration Project. The plans and specifications as submitted are approved.

Our review was to determine compliance with the minimum requirements of the Water Management Board Safety of Dams Rules, Chapter 74:02:08. Approval of these plans and specification does not release the South Dakota Department of Game, Fish, and Parks as owner of Dimock Lake Dam from the responsibility of operating and maintaining Dimock Lake Dam in good repair to assure the safety of the project.

After discussing the low level outlet structure with James Lichtenberg on March 27, 1991, our only comment on using the transite pipe for this structure would be that it may require additional construction supervision to insure proper bedding, coupling, backfilling and alignment.

The Department of Game, Fish and Parks, as owner of the project, have additional comments regarding the construction of the project; however, these comments will not affect the approval of the plans.

If you have any questions, please let us know.

Sincerely,

Gale N Selken

Gale N. Selken, P.E.
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division
605 773-3352

cc: James Lichtenberg, Flannery Engineering, Parkston, SD
Pat Bower, Dimock Lake Association, Parkston, SD
Jeff Peters, Dept. of Game, Fish, and Parks
Tim Olson, Dept. of Game, Fish and Parks
Curt Johnson, School and Public Lands

REPORT ON
WATER PERMIT APPLICATION NO. 5519-3
SD DEPARTMENT OF GAME, FISH & PARKS
MARCH 29, 1991

Water Permit Application No. 5519-3 was filed by the Department of Game, Fish & Parks to impound 625 acre-feet of water. The water will be stored annually in Dimock Lake Dam to the primary spillway elevation of 1310 msl and will be used for recreational purposes.

Water Permit Application was filed to reconstruct Dimock Lake Dam, located in the NE 1/4 SE 1/4 of Section 15-T110N-R62W in Hutchinson County. Dimock Lake Dam was originally constructed by the Works Progress Administration (WPA) in the early 1930's. On June 21, 1984, Dimock Lake Dam was overtopped and breached, resulting in a complete drawdown of the reservoir.

There have never been any permits issued for Dimock Lake Dam. Since it was constructed in the 1930's, a Vested Right Claim could have been filed; however, since it has been in a breached condition and empty since 1984, any Vested Right Claim has now been forfeited. Therefore, the Department of Game, Fish and Parks has filed Water Permit Application No. 5519-3.

Dimock Lake Dam will be 30 feet high and have a normal storage capacity of 625 acre-feet and a maximum storage capacity of 1900 acre-feet. Dimock Lake Dam is classified as an intermediate size Category 3, low hazard dam. A dam of this size and classification is required to pass a minimum spillway design flood equal to a 100-year frequency event or approximately 4900 cfs without overtopping the embankment. According the the submitted plans and specifications, the primary spillway for the reconstructed Dimock Lake Dam will have a capacity of approximately 4100 cfs and the secondary spillway will have a capacity of approximately 3000 cfs, for a total spillway capacity for the project of approximately 7100 cfs

The plans and specifications for Dimock Lake Dam have been reviewed and approved. The Department of Game, Fish and Parks will be the owner of Dimock Lake Dam.

The Hutchinson County Commissioners have designated the downstream floodplain a flood zone and have restricted development within the flood zone. This will insure that Dimock Lake Dam will stay a Category 3 dam.

Existing Water Rights

Dimock Lake Dam is located at the confluence of Coffee Creek and the South Fork of Twelve Mile Creek. There are no existing Water Right/Permits on these drainages. The confluence of Twelve Mile Creek with the James River is approximately 6 miles downstream from Dimock Lake Dam.

There are 14 Water Rights/Permits on the James River between the confluence of Twelve Mile Creek and the Hutchinson County/Yankton County line. All but 2 of these Water Rights/Permits were issued prior to the breaching of Dimock Lake Dam. These 2 Water Permits appropriate 5.16 cfs or 724 acre-feet annually to irrigate 362 acres. Water Rights/Permits on the James River below the Hutchinson County/ Yankton County line receive backup water from the Missouri River.

The drainage area above Dimock Lake Dam is approximately 105 square miles. The following table represent the annual yield from this drainage. The total drainage area of Twelve Mile Creek above its confluence with the James River is approximately 280 square miles. The drainage area above Dimock Lake Dam is approximately 38 % of the total Twelve Mile Creek Drainage area.

TABLE 1
Estimated annual yield for the drainage above Dimock Lake Dam.

Percent Chance of Occurrence	Expected Yield CN=75	Conservative Yield CN=70
80 %	2460 Ac-Ft	670 Ac-Ft
50 %	3243	1900
20 %	8947	6150
10 %	14,540	10,625

The estimated annual loss from the reservoir due to evaporation would be expected to be approximately 3 feet, or 175 acre-feet. The conservative annual yield estimate from a runoff event with an 80% chance of occurrence would be 670 acre-feet. This would be enough to replace the evaporation loss and also provide water for downstream domestic use and prior Water Rights/Permits.

Conclusions:

1. Water Permit Application No. 5519-3 should be approved. There is reasonable probability that unappropriated water is available. There have been no complaints filed on Dimock Lake Dam prior to its failure in 1984.

2. Approval of Water Permit Application No. 5519-3 should have no adverse effects on existing Water Rights/Permits on the James River.

3. Plans and specifications for the reconstruction of Dimock Lake Dam have been reviewed and approved.

Timothy G. Schaal

Timothy G. Schaal, P.E.
Natural Resources Engineer III

Reviewed by:

Gale N Selken

Gale N. Selken, P.E.
Natural Resources Engineer IV

References:

Water Rights Division, 1991, Water Rights/Permits Files, DWNR, Joe Foss Building, Pierre, SD

Soil Conservation Service, Engineering Field Manual, 1970, USDA Soil Conservation Service, Huron, SD

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5519-3, SD Department of Game, Fish & Parks

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. 5519-3, SD Department of Game, Fish & Parks, Joe Foss Building, 523 E. Capitol, Pierre, SD.

The Chief Engineer is recommending APPROVAL of Application No. 5519-3 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) in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

2. Approval of Permit No. 5519-3 authorizes storage of up to 625 acre-feet annually to an elevation of 1310 msl.

See report on application for additional information.

JOHN HATCH, Chief Engineer
March 29, 1991

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.

March 29, 1991

Timothy Olson
Game, Fish and Parks
Joe Foss Building
523 E Capitol
Pierre, SD 57501

Dear Mr. Olson:

Water Permit Application No. 5519-3 for recreational 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 Parkston Advance printed at Parkston, 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.

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 29, 1991

Parkston Advance
Box J
Parkston, SD 57366

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5519-3 to be published twice. Please publish the first notice on April 3, 1991, with the second publication 7 days later.

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 the SD Department of Game, Fish and Parks, 523 E Capitol, Pierre, SD 57501.

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

----------CUT HERE----------

FIRST TRANSMITTAL NOTICE

No._____

Date_____

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

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application 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 April 3, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5519-3 to Appropriate Water

Notice is given that the SD Department of Game, Fish and Parks, 523 E Capitol, Pierre, SD 57501 has filed an application for a water permit to impound 625 acre-feet of water by restoring the Dimock Lake Dam. The dam site is located on tributaries of South Fork Twelvemile Creek and Coffee Creek in the NE 1/4 SE 1/4 Section 15, T110N-R62W. The impounded water will be in portions of the S 1/2, SW 1/4 NW 1/4 Section 15, N 1/2 NW 1/4 Section 22; all in T110N-R60W. Water is to be stored annually to an approximate elevation of 1310 feet mean sea level and is to be used for recreational purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5519-3 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 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 April 22, 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. 5519-3 and 2) the chief engineer's recommendation, a Board meeting is scheduled for May 1, 1991, at 10:00 am in the meeting room at Chef Louie's, 601 E. Havens, Mitchell, SD. If this application is opposed or the recommendation is contested, the May 1, 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 May 1, 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 April 22, 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, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Form 8 - Proof of Publication

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Hutchinson)

I, Edward J. Ehler

certify that the attached printed Notice was

from the Parkston Advance

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

City of Parkston

County of Hutchinson and State of South D
that the said notice was published in said newspaper
following two dates:

April 3, 1991

April 10, 1991

Edward J. Ehler
(Signature)

Publisher
(Title)

4-10-91
(Date Signed)

Cost of Printing: $60.36

NOTICE OF HEARING ON APPLICATION NO. 5519-3 TO APPROPRIATE WATER

Notice is given that the SD Department of Game, Fish and Parks, 523 E. Capitol, Pierre, S.D. 57501 has filed an application for a water permit to impound 625 acre-feet of water by restoring the Dimock Lake Dam. The dam site is located on tributaries of South Fork Twelvemile Creek and Coffee Creek in the NE¼ SE¼ Section 15, T110N-R62W. The impounded water will be in portions of the S½, SW¼ NW¼ Section 15, N½ NW¼ Section 22; all in T110N-R60W. Water is to be stored annually to an approximate elevation of 1310 feet mean sea level and is to be used for recreational purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5519-3 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 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, S.D. 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 April 22, 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. 5519-3 and 2) the chief engineer's recommendation, a Board meeting is scheduled for May 1, 1991, at 10:00 a.m. in the meeting room at Chef Louie's, 601 E. Havens, Mitchell, S.D. If this application is opposed or the recommendation is contested, the May 1, 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 May 1, 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 automatic delay must be filed by April 22, 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, 46-5-21, 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.

14-15c

5-88

Water Rights Division - DWNR File No. 5519-3

Conversation or File Documentation

NAME OF PERSON OR FILE: Dept. G, F&P (Dimock Lake)

ADDRESS: _____ COUNTY _____

DATE: 6/25/91 TELEPHONE _____

RE: Completion of Water Permit Application

COMMENTS:

The plan & specifications for the restoration of Dimock Lake were received of March 11, 1991 and are filed with the dam program section.

The March 11, 1991 establishes the priority date for this application

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Lundlund

4/82

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

SEP 4 1991

Timothy Olson
SD Department of Game, Fish & Parks
523 E Capitol
Pierre, SD 57501

Dear Mr. Olson:

Enclosed is Water Permit No. 5519-3 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.

FORM 10

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

Date February 8, 1993

TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181

FROM: South Dakota Department of Game, Fish and Parks (name) 523 E Capitol (address) Pierre, SD 57501 (city)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5519-3 . Dimock Lake

Water Permit No. 5519-3 states that the diversion system is to be constructed by May 1, 1996, and that the water it put to beneficial use by May 1, 2000.

The diversion system was completed on August 5, 1991.
Applying the water to beneficial use was completed on See Note Below.

You may schedule an inspection so that the Water License may be issued.

Timothy J. Olson 3/9/93
signature GF&P Water Permits Coordinator

NOTE: Due to lack of adequate runoff, Dimock Lake has not yet filled. Fish and Wildlife production beneficial uses will accrue as the lake fills.

Form 12

Permit No. 5519-3

James 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, April 20, 1994, made a thorough examination of the water use system constructed by South Dakota Game, Fish & Parks of 445 East Capitol, Joe Foss Building, Pierre, SD, 57501 holder of Permit No. 5519-3, bearing the priority of March 11, 1991 authorizing the storage of 625 acre-feet of water for recreational purposes, in Hutchinson County.

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

DAM INFORMATION:

1) Height to crest 30 feet
2) Height to primary spillway 1310 MSL feet
3) Height to secondary spillway 1314 MSL ft
4) Crest width 15 feet
5) Crest length 900 feet
6) Spillway length 108 feet
7) Spillway width 42 feet
8) Approx. storage 625 ac-ft
9) Approx. storage to crest 1900 ac-ft
10) Date constructed: 10-1991
11) Outlet tubes:
    a) diameter 24 inches
    b) type CMP
    c) valved Y
    d) valve type Flanged Gate Valve
12) Category of Dam II
13) Inspection Sheet Completed Y

****NOTE: Dimock Lake/Dam was restored in 1991-92 after the spillway failed in 1984. All structures on and around the dam/spillway are in excellent condition with no visible signs of wear, erosion, cracking, or otherwise.**

The system is in excellent condition. The point of diversion is located 2450 feet N and 460 feet W from the SE corner of Section 15; T100N-R60W (NE1/4 SE1/4). The works are capable of storing 625 acre-feet of water which is to be used for recreational purposes. The license should be issued for 625 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: None **Date report completed: 12-13-94**

Barry A. McLaury
Environmental Scientist
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 5519-3

DATE OF INSPECTION: April 20, 1994

Name/address of contact: James Lichtenberg (Flannery Engineering)

Contacts relationship to permit holder: Project Engineering Firm

Name/Address of permit holder: SD Game Fish & Parks, Joe Foss Building, 445 East Capitol, Pierre, SD 57501

Other permit(s) associated with the project: None

DIVERSION POINT LEGAL LOCATION: 2450 feet N and 460 feet W from the SE corner of Section 15; T100N-R60W (NE1/4 SE1/4).

DAM INFORMATION:

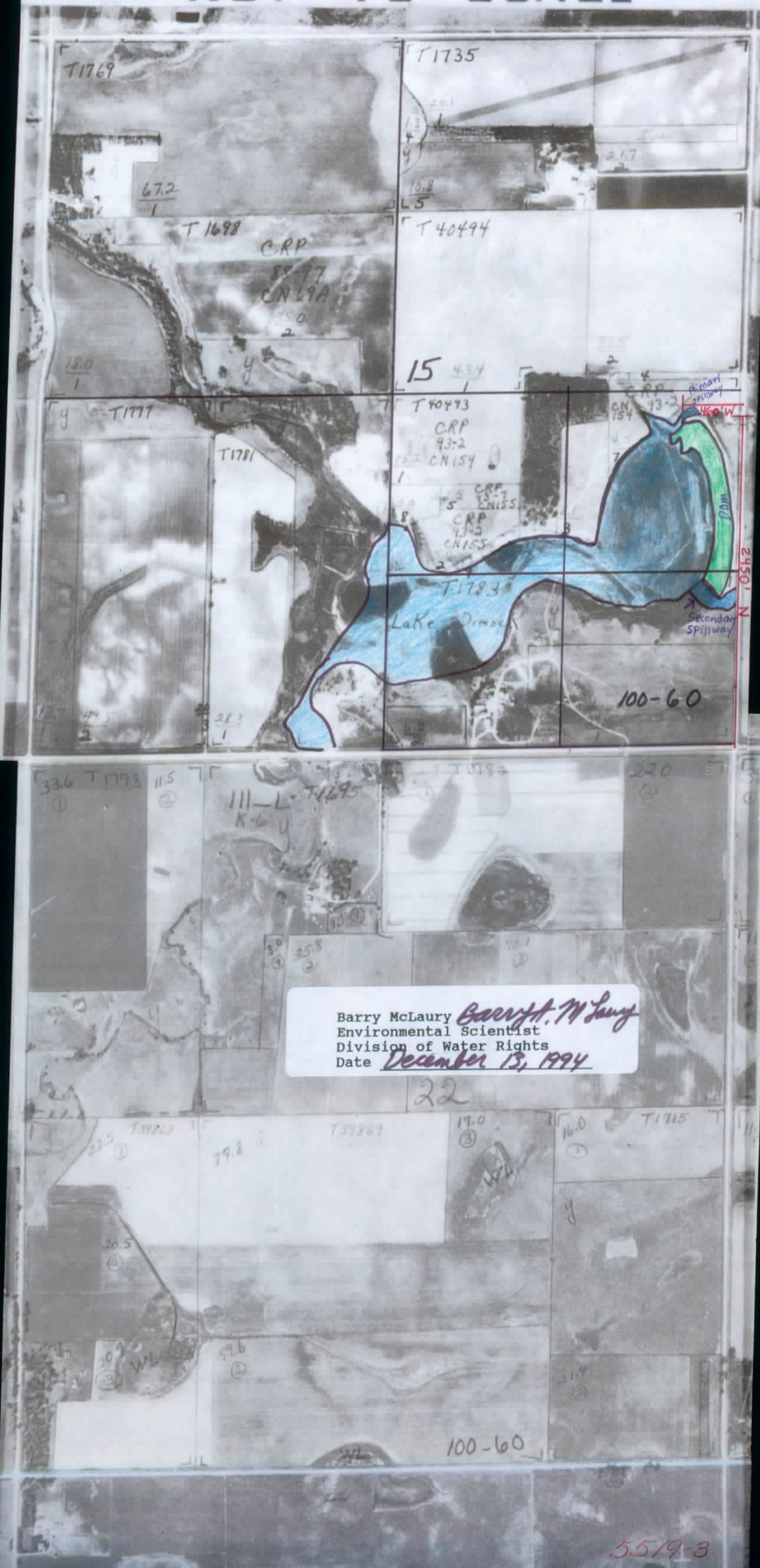
1) Height to crest 30 feet
2) Height to primary spillway 1310 MSL feet
3) Height to secondary spillway 1314 MSL ft
4) Crest width 15 feet
5) Crest length 900 feet
6) Spillway length 108 feet
7) Spillway width 42 feet
8) Approx. storage 625 ac-ft
9) Approx. storage to crest 1900 ac-ft
10) Date constructed: 10-1991
11) Outlet tubes:
    a) diameter 24 inches
    b) type CMP
    c) valved Y
    d) valve type Flanged Gate Valve
    e) location on structure
12) Category of Dam II
13) Inspection Sheet Completed Y

**NOTE: Dimock Lake/Dam was restored in 1991-92 after the spillway failed in 1984. All structures on and around the dam/spillway are in excellent condition with no visible signs of wear, erosion, cracking, or otherwise. Most information for this inspection was taken from the plans drawn up by Flannery Engineering, Elk Point, SD.

PERMIT QUALIFICATIONS AND REGULATIONS:

1) Special qualifications to permit being abided by Y
2) All structures, wells and lands on map Y
3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A

NOT TO SCALE



5519-3

REPORT ON WATER PERMIT NO. 5519-3
SOUTH DAKOTA DEPARTMENT OF GAME, FISH AND PARKS
OCTOBER 5, 1995

Water Permit No. 5519-3 impounds 625 acre-feet of water by restoring the Dimock Lake Dam. The dam site is located on tributaries of South Fork Twelvemile Creek and Coffee Creek in the NE 1/4 SE 1/4 Section 15-T100N-R60W. The impounded water is located in portions of the S 1/2, SW 1/4 NW 1/4 Section 15, N 1/2 NW 1/4 Section 22; all in T100N-R60W. Readvertisement of this permit is necessary to correct the location of the dam site and impounded water prior to issuance of the water license. The location of the dam site was incorrectly advertised on April 3 and 10, 1991 in the Parkston Advance as Section 15-T110N-R62W. The location of the impounded water was incorrectly advertised as T110N-R60W. The readvertisement does not authorize any increase the amount of water impounded.

Conclusions

1. This is a readvertisement of the Notice of Hearing for Water Permit No. 5519-3.

2. This readvertisement is necessary to correct the legal description of dam site and impounded water priot to issuance of the water license. The correct location was identified on the map and the permit application.

3. The correct legal description of the dam site is the NE 1/4 SE 1/4 Section 15-T100N-R60W. The correct legal description of the location of the impounded water is in portions of S 1/2, SW 1/4 NW 1/4 Section 15, N 1/2 NW 1/4 Section 22; all in T100N-R60W.

Eric Gronlund
Natural Resources Engineer

Ron Duvall
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER PERMIT APPLICATION NO. 5519-3, South Dakota 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 readvertised Water Permit Application No. 5519-3, South Dakota Department of Game, Fish and Parks, %Tim Olson, 523 East Capitol, Pierre, SD 57501.

The Chief Engineer is recommending APPROVAL of readvertised Application No. 5519-3 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 qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

2. Approval of Permit No. 5519-3 authorizes storage of up to 625 acre-feet annually to an elevation of 1310 feet msl.

See report on application for additional information.

JOHN HATCH, Chief Engineer
October 5, 1995

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

October 12, 1995

SD Department of Game, Fish and Parks
Tim Olson
523 E Capitol
Pierre SD 57501

Dear Mr. Olson:

The original notice of hearing for Water Permit No. 5519-3 was published with an error regarding the location of the dam site and impounded water. 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 Parkston Advance printed at Parkston SD (Ph # 605 928-3111). 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 Water Rights Program. 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

October 12, 1995

The Parkston Advance
Box J
Parkston, SD 57366

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 5519-3 to be published twice. Please publish the first notice on October 25, 1995, with the second publication 7 days later.

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

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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
Natural Resources Engineer
605 773-3352

enclosures

----------CUT HERE----------

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
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 October 25, 1995, with the second publication 7 days later.

READVERTISEMENT OF NOTICE OF HEARING ON APPLICATION NO. 5519-3 to Appropriate Water

Notice is given of readvertisement of Water Permit No. 5519-3 held by the South Dakota Department of Game, Fish and Parks, 523 East Capitol, Pierre, SD 57501. The water permit was originally applied for on November 29, 1990. Water Permit No. 5519-3 authorized impoundment of 625 acre-feet of water by restoring the Dimock Lake Dam. The dam site is located on tributaries of South Fork Twelvemile Creek and Coffee Creek in the NE 1/4 SE 1/4 Section 15-T100N-R60W. The impounded water is located in portions of the S 1/2, SW 1/4 NW 1/4 Section 15, N 1/2 NW 1/4 Section 22; all in T100N-R60W. Readvertisement of this permit is necessary to correct the location of the dam site and impounded water. The location of the dam site was incorrectly advertised on April 3 and 10, 1991, as Section 15-T110N-R62W. The location of the impounded water was incorrectly advertised as T110N-R60W. The readvertisement does not authorize any increase in the amount of water impounded.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Application No. 5519-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 13, 1995.

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. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF HUTCHINSON

SCOTT E. EHLER, BEING DULY SWORN, SAYS: THAT THE PARKSTON ADVANCE IS, AND DURING ALL THE TIMES HEREINAFTER MENTIONED WAS, A WEEKLY LEGAL NEWSPAPER AS DEFINED IN SDCL 17-2-2.1 THROUGH 17-2-2.4 INCLUSIVE, AS AMENDED, PUBLISHED AT PARKSTON, HUTCHINSON COUNTY, SOUTH DAKOTA BY THE PARKSTON ADVANCE, INC.; THAT AFFIANT IS AND DURING ALL OF SAID TIMES WAS, AN EMPLOYEE OF THE PUBLISHER OF SUCH NEWSPAPER AND HAS PERSONAL KNOWLEDGE OF THE FACTS STATED IN THIS AFFIDAVIT; THAT THE NOTICE, ORDER OR ADVERTISEMENT, A PRINTED COPY OF WHICH IS ATTACHED, WAS PUBLISHED IN SAID NEWSPAPER FOR 2 SUCCESSIVE ISSUES, BEARING THE FOLLOWING DATES:

OCTOBER 25, 1995
NOVEMBER 1, 1995

THAT THE FULL AMOUNT OF THE FEE CHARGED FOR PUBLISHING THE SAME, TO-WIT, THE SUM OF $ 46.42, INURES SOLELY TO THE BENEFIT OF THE PUBLISHER OF SAID NEWSPAPER; THAT NO AGREEMENT OR UNDERSTANDING FOR THE DIVISION OF THE FEE HAS BEEN MADE WITH ANY PERSON, AND THAT NO PART OF THE FEE HAS BEEN AGREED TO BE PAID TO ANY OTHER PERSON.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 1ST DAY OF NOVEMBER A.D., 1995

Kim Ehler
NOTARY PUBLIC, COUNTY OF HUTCHINSON, SOUTH DAKOTA

SEAL
KIM EHLER
Notary Public
South Dakota

MY COMMISSION EXPIRES JANUARY 12, 1998

READVERTISEMENT OF NOTICE OF HEARING ON APPLICATION NO. 5519-3 TO APPROPRIATE WATER

Notice is given of readvertisement of Water Permit No. 5519-3 held by the South Dakota Department of Game, Fish and Parks, 523 East Capitol, Pierre, SD 57501. The water permit was originally applied for on November 29, 1990. Water Permit No. 5519-3 authorized impoundment of 625 acre-feet of water by restoring the Dimock Lake Dam. The dam site is located on tributaries of South Fork Twelvemile Creek and Coffee Creek in the NE 1/4 SE 1/4 Section 15-T100N-R60W. The impounded water is located in portions of the S 1/2, SW 1/4 NW 1/4, Section 15, N 1/2 NW 1/4 Section 22; all in T100N-R60W. Readvertisement of this permit is necessary to correct the location of the dam site and impounded water. The location of the dam site was incorrectly advertised on April 3 and 10, 1991, as Section 15-T110N-R62W. The location of the impounded water was incorrectly advertised as T110N-R60W. The readvertisement does not authorize any increase in the amount of water impounded.

Pursuant to SDCL 46-2A-2, the Chief Engineering recommends APPROVAL of Readvertised Application No. 5519-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water right 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 November 13, 1995.

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. Nettie H. Myers, Secretary, Department of Environment and Natural Resources. 43-44Ac

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5519-3

(1) The South Dakota Department of Game, Fish and Parks, 523 E Capitol, Pierre SD 57501 made Application No. 5519-3, November 29, 1990 for a water permit to store 625 acre feet of water annually from South Fork Twelve Mile Creek and Coffee Creek, to restore Dimock Lake Dam in Hutchinson County, South Dakota for recreational and fish and wildlife production purposes. Permit No. 5519-3, with a priority date of March 11, 1991 was approved May 1, 1991 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 1, 1996 and for the application to beneficial use of said water on or before May 1, 2000.

The permit hold submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on February 9, 1993. The "*Notice*" stated the diversion system was completed on Augusut 5, 1991. At that time, the water had not been placed to beneficial use due to inadequate runoff to fill Dimock Lake Dam.

The permit was readvertised October 25 and November 1, 1995 to correct the legal description of the dam site and impounded water. The readvertisement did not increase the amount of water impounded.

(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 625 acre feet of water annually to an elevation of 1310 feet mean sea level (msl) for beneficial use. The location of the diversion point is 2450 feet north and 460 feet west from the southeast corner of Section 15-T100N-R60W (NE 1/4 SE 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 South Dakota Water Law 46-5-30.1 the South Dakota Department of Game, Fish and Parks, 523 E Capitol, Pierre SD 57501 the holder and/or owner of Water Permit No. 5519-3 is issued a license to appropriate water, the right to store 625 acre feet of water annually to an elevation of 1310 feet msl from South Fork Twelvemile Creek and Coffee Creek with a priority date of March 11, 1991 from the location specified in (2) of this license. The water stored for the purpose of recreational use and fish and wildlife production. This license is subject to any limitations or qualifications listed in Water Permit No. 5519-3 and subject to South Dakota State Law.

John Hatch

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

DEC 5 1995

date

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

DEC 5 1995

4922-3
5519-3

Tim Olson
Water Permits Coordinator
South Dakota Department
of Game, Fish and Parks
523 E. Capitol
Pierre, SD 57501

Dear Mr. Olson:

Enclosed is Water License Nos. 4922-3 and 5519-3. Water License Nos. 4922-3 and 5519-3 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 Program
(605) 773-3352

rd
enclosures