

Considered: _____

WATER PERMIT NO. VR 5548-3

Phone: 724-2423

Name of Applicant: Douglas County

Post Office Address: PO Box 159, Armour SD 57313

Amount of Water Claimed: 824 acre feet Total Acres: NA

Source of Water Supply: Choteau Creek Drainage - Lake Corsica

Water to be used for: _____ County: Douglas

About 5 miles east of Corsica

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 4-10-91 Fee: \$15 Remarks Claimed

priority date of 1939

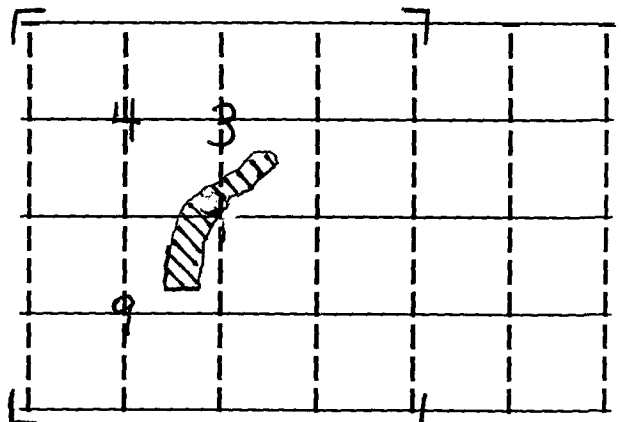
Corrected Application Received 4-19-91 Period of Annual Use January 1 - Dec 31

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

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

Dam Location: S 1/2 NE 1/4 Sec 9-T99N-R63W

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: plat PREPARED BY: Harlan O Silbuagh Reviewed and the Number

Assigned on 4-25-91 By Karen Schlaak

No. 5548-3 Hydrologic Unit 10170101
Map No. Basin Missouri River
Newspaper Corsica Globe, Box 45, Corsica (Weld)

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 ☐ ☐
Domestic ☐ (above 18gpm) Other ☐

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. _____



- Name of Applicant Douglas County Phone No. 724-2423
Post Office Address PO Box 159 Armour, State SD 57313
(Street, RR or Box) (City) Zip Code
- Amount of water claimed (c.f.s) 1200 ~~XXXX~~ acre feet per year
- Source of water supply Choteau Creek drainage (80.9 mi²) - Lake Corsica
- Location of point of diversion dam located in NE 1/4 Section 9-T99N-R63W
SE 1/2 - NE 1/4
County Douglas
- Counties where water will be used Douglas
- Annual period during which water is to be used January 1 - December 31
- 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)



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

STATE OF SOUTH DAKOTA
County of DOUGLAS)^{ss}

I, Douglas County Commission Chairman 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.

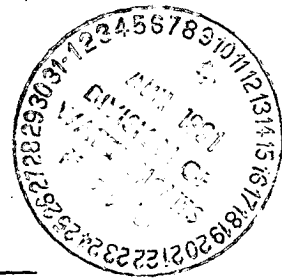
Signed [Signature]

Subscribed and sworn to before me this 2nd day of April 1991

[Signature] Auditor
Notary Public

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

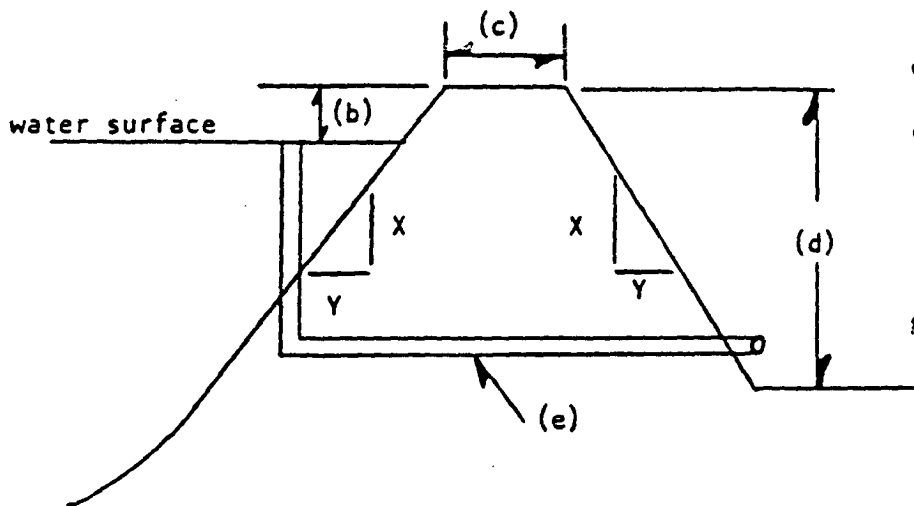
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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

Works Progress Administration



- b) Freeboard 11.4 feet
- c) Crest Width 13.0 feet
Crest Length 720.0 feet
- d) Height 32.0 feet
- e) Primary Outlet Capacity 2.5 ft square
If Pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway width 80.0 feet
- g) X & Y Slope
Upstream 1:4
Downstream 1:3
- Surface Area of Impoundment 116 ~~40~~ acres
- Storage 824 acre feet
- Drainage area above dam 80.9 mi²

Signature of Applicant _____

Affidavit of Water Use

No. _____

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit pertaining to construction and water use already constructed is needed, primarily with vested right claims.



**Affidavit Of Construction Of Water Use System
And Application Of Water To Beneficial Use**

Name of Applicant (Same as Form 2) Douglas County

Post Office Address PO Box 159 Armour SD 57313
(Street, RR or Box) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of recording _____ Recording date _____
Where Book Page

B. Date of start of construction of water supply system 1939C. Date that water was first applied to beneficial use 1939D. Name of owner of original water supply system ---E. Amount of water originally applied to beneficial use 824 acre feetF. Present Use of Water - Amount of water now being used 824 acre feetDate that this water was first used 1939

G. Chronological History of Water Use

Lake Corsica Dam was completed in 1939 by the Works Progress Administration.
~~The dam has remained unchanged since that time.~~ Its purpose has remained
 unchanged since that time. Some improvements to the structure have been
 made to preserve the integrity of the dam.

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)

ss

County of DOUGLAS)

I, Douglas County Commission Chairman the applicant, certify that I have read the foregoing
(print or type)
 and that the matters therein stated are true.

Signed

Subscribed and sworn to before me 2nd of April, 19 91

Notary Public or other qualified officer Douglas Co. Auditor

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein stated are true.

William E. Serr April 2, 19 91
(Print name)

Karen Blume April 2, 19 91
(Print name)

SOUTH DAKOTA

VESTED WATER RIGHT NO. 5548-3

Date of Receipt of Claim April 10, 1991.

Date of Validation June 19, 1991.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 5548-3 for Douglas County, PO Box 159, Armour SD 57313 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 5548-3 will impound 1200 acre-feet of water from the Choteau Creek drainage into Lake Corsica Dam. The dam site is located in the S 1/2 NE 1/4, Section 9-T99N-R63W. Water is impounded in portions of the NE 1/4, Section 9, SE 1/4 SE 1/4 Section 4 and the SW 1/4 Section 3; all in T99N-R63W.
2. The appropriated water is used for supplying water for Corsica Lake 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 annual period: January 1 - December 31.
4. The priority date of the Vested Water Right is January 1, 1939.
5. The water use system has been constructed and water has been applied to beneficial use.
6. Water Rights obtained in compliance with the laws of the State of South Dakota must not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Right Division
Department of Environment and Natural Resources

AUG 28 1991
date

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 5548-3

(1) Douglas County of PO Box 159, Armour, SD 57313-0159 made Application No. 5548-3, April 10, 1991 for validation of a vested right claim to impound 1200 acre feet of water annually from the Choteau Creek drainage into Lake Corsica, Douglas County, South Dakota for recreational purposes. Vested Water Right No. 5548-3 was validated June 19, 1991 with a priority date of January 1, 1939. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) The applicant is entitled to impound 1200 acre feet of water annually for beneficial use. The location of Lake Corsica is in the S 1/2 NE 1/4 Section 9, T99N, R63W.

(3) Pursuant to Section 46-5-30.1 Douglas County of PO Box 159, Armour, SD 57313-0159 the holder(s) and/or owner(s) of Vested Water Right No. 5548-3 is issued a license to impound 1200 acre feet of water annually from the Choteau Creek drainage into Lake Corsica with a priority date of January 1, 1939 from the location specified in (2) of this license. The water is to be used for the purpose of recreational use. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 5548-3 and subject to South Dakota State Law.



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

AUG 28 1991

**SOUTH Dakota Department of
Water & Natural Resources**

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

August 5, 1986

Jay A Larson
Planning & Development District III
200 East 4th Ave
Mitchell SD 57301

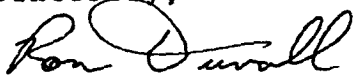
Dear Mr. Larson:

I am contacting you regarding the status of Lake Corsica. I have reviewed our records and found no water rights for Lake Corsica. According to SDCL 46-5-8 dams impounding more than 25 acre-feet of water require a water permit.

Enclosed are partially completed forms needed to apply for a vested right. Please check the forms and make corrections or additions as needed. The filing fee for a vested right application is \$15.00.

Please contact us if you have any questions.

Sincerely,



RON DUVAL
Natural Resources Engineer

RD:ks

enclosures

**HIGHLY ERODIBLE LAND AND WETLAND
CONSERVATION DETERMINATION**Douglas Co. Commissioners
Court House
Armour, S.D.

4/3/91

3. County

Douglas

4. Name of USDA Agency or Person Requesting Determination

Douglas Co. Commissioners

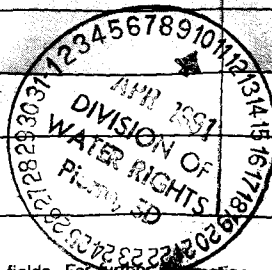
5. Farm No. and Tract No.

E 1/4 - Sec 9 - T 100 - R 63

SECTION 1 - HIGHLY ERODIBLE LAND

6. Is soil survey now available for making a highly erodible land determination?	Yes	No	Field No.(s)	Total Acres
7. Are there highly erodible soil map units on this farm?	☒	☐		
8. List highly erodible fields that, according to ASCS records, were used to produce an agricultural commodity in any crop year during 1981-1985.				
9. List highly erodible fields that have been or will be converted for the production of agricultural commodities and, according to ASCS records, were not used for this purpose in any crop year during 1981-1985; and were not enrolled in a USDA set-aside or diversion program.				
10. This Highly Erodible Land determination was completed in the : Office ☐ Field ☒				

NOTE: If you have highly erodible cropland fields, you may need to have a conservation plan developed for these fields. For further information, contact the local office of the Soil Conservation Service.

**SECTION II - WETLAND**

11. Are there hydric soils on this farm?	Yes	No	Field No.(s)	Total Wetland Acres
List field number and acres, where appropriate, for the following:				
12. Wetlands (W), including abandoned wetlands, or Farmed Wetlands (FW). Wetlands may be farmed under natural conditions. Farmed Wetlands may be farmed and maintained in the same manner as they were prior to December 23, 1985, as long as they are not abandoned.				
13. Prior Converted Wetlands (PC) - The use, management, drainage, and alteration of prior converted wetlands (PC) are not subject to FSA unless the area reverts to wetland as a result of abandonment. You should inform SCS of any area to be used to produce an agricultural commodity that has not been cropped, managed, or maintained for 5 years or more.				
14. Artificial Wetlands (AW) - Artificial Wetlands includes irrigation induced wetlands. These Wetlands are not subject to FSA.			5 1/2 - E 1/4 - Sec 9 - T 100 - R 63	
15. Minimal Effect Wetlands (MW) - These wetlands are to be farmed according to the minimal effect agreement signed at the time the minimal effect determination was made.				
16. Converted Wetlands (CW) - In any year that an agricultural commodity is planted on these Converted Wetlands, you will be ineligible for USDA benefits. If you believe that the conversion was commenced before December 23, 1985, or that the conversion was caused by a third party, contact the ASCS office to request a commenced or third party determination.				

17. The planned alteration measures on wetlands in fields _____ are considered maintenance and are in compliance with FSA.

18. The planned alteration measures on wetlands in fields _____ are not considered to be maintenance and if installed will cause the area to become a Converted Wetland (CW). See item 16 for information on CW.

19. This wetland determination was completed in the : Office ☐ Field ☒

20. This determination was: Delivered ☒ Mailed ☐ To the Person on Date: 4-3-91

NOTE: If you do not agree with this determination, you may request a reconsideration from the person that signed this form in Block 22 below. The reconsideration is a prerequisite for any further appeal. The request for the reconsideration must be in writing and must state your reasons for the request. The request must be mailed or delivered within 15 days after this determination is mailed to or otherwise made available to you. Please see reverse side of the producer's copy of this form for more information on appeals procedure.

NOTE: If you intend to convert additional land to cropland or alter any wetlands, you must initiate another Form AD-1026 at the local office of ASCS. Abandonment is where land has not been cropped, managed, or maintained for 5 years or more. You should inform SCS if you plan to produce an agricultural commodity on abandoned wetlands.

21. Remarks

Chateau Creek leaves the west end of the fill (dam)

Emergency spillway located on the east end of the fill (dam)

22. Signature of SCS District Conservationist

H. O. Silbaugh

23. Date

4-3-91

Appeals

The conservation provisions of the Food Security Act of 1985 place responsibility on U.S. Department of Agriculture (USDA) agencies for making determinations which may have significant economic impact on farm operations. These determinations are made as accurately as possible. However, there will be situations when persons believe the rules have not been properly applied in their case resulting in the denial of a USDA program benefit.

Each agency—the Agricultural Stabilization and Conservation Service (ASCS), Farmers Home Administration (FmHA), Federal Crop Insurance Corporation (FCIC), and Soil Conservation Service (SCS)—has an appeals procedure for the purpose of allowing producers to furnish evidence to support their claims that the rules have not been properly applied.

Items Appealed To ASCS	ASCS is responsible for determining: • whether a person is a producer on a field; • establishment of field boundaries; • whether land was planted to an agricultural commodity any of the years 1981 through 1985; • whether land was set aside, diverted, or otherwise not cultivated under a program administered by the Secretary of Agriculture; • whether the production of an agricultural commodity on highly erodible land or converted wetland by a tenant is required under terms and conditions of the agreement between the landlord and tenant; • whether the agricultural commodity planted on a field was planted before December 23, 1985, or during any crop year which began before December 23, 1985; and • whether the conversion of a particular wetland was commenced before December 23, 1985, or converted since December 23, 1985 by third party.
Items Appealed To FmHA	FmHA is responsible for determining whether the proceeds of any loan made, insured, or guaranteed under any provision of law administered by FmHA will be used for a purpose that will contribute to excessive erosion of highly erodible land or to the conversion of wetland.
Items Appealed To FCIC	FCIC is responsible for determining if insured producers or those applying for crop insurance are in compliance with the Food Security Act of 1985.
Items Appealed To SCS	SCS is responsible for appeals regarding: A. Highly erodible land determinations: • determination of the land capability classification of a field or a portion of a field; • determination of a predicted average annual rate of erosion for a field or a portion of a field; • determination of the potential average annual rate of erosion for a field or a portion of a field. • determination by a conservation district, or by a designated conservationist in those areas where no conservation district exists, that a conservation system or a conservation plan should not be approved. B. Wetland determinations: • determination that certain land is a "wetland" as defined by the act; • determination that certain land is a "converted wetland" as defined by the act; • determination of whether the conversion of wetland for the production of an agricultural commodity on such converted wetland will have minimal effect on the hydrological and biological aspects of wetland. • determination of whether wetlands are exempted as a result of being prior converted, artificial, or irrigation-induced wetlands, or wetlands farmed under natural conditions. C. Whether SCS followed its policies and procedures.

How To Appeal You should request reconsideration by the person or committee of the agency making the initial determination within 15 days (30 days for FmHA) of the mailing of the determination.

Appeals of adverse decisions may be made to the next level of appeal within 15 days (30 for FmHA) of the mailing of the decision. Decisions by the highest listed authority in each agency are final and there are no further administrative appeal rights. The succession of levels for appeal following reconsideration by the person or committee making the initial determination are:

For ASCS:

- 1st — County ASC Committee
- 2nd — State ASC Committee
- 3rd — Deputy Administrator for State and County Operations

For FCIC:*

- 1st — Field Operations
- 2nd — Kansas City Appeals Board: Claims Division
- 3rd — Assistant Manager, FCIC Washington, D.C.

For FmHA:

- 1st — County Supervisor
- 2nd — District Director
- 3rd — State Director
- 4th — Administrator

For SCS:

- 1st — District Conservationist
- 2nd — Area Conservationist
- 3rd — State Conservationist
- 4th — Deputy Chief for Programs

*Companies reinsured by FCIC will utilize their own appeal process.

This sheet provides general information on the appeals procedure of the Food Security Act of 1985. Published rules and regulations are available at local USDA offices.

All USDA programs and services are available without regard to race, color, national origin, religion, sex, age, marital status, or handicap.

SE $\frac{1}{4}$ SW $\frac{1}{4}$
Sec 4 Sec 3 - T99 R63
T99-R63

NE $\frac{1}{4}$
Sec 9
T100
R63

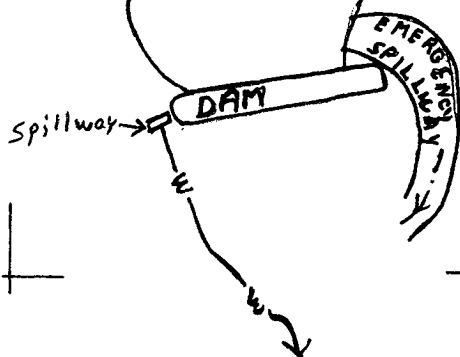
CORSICA
LAKE
Approx 116Ac

CORSICA LAKE

Lake boundry from several ASCS aerial slides from 1982 thru 1998. The slides were taken in July, August, or September.

Harlan O. Silbaugh

Harlan O. Silbaugh
Soil Conservationist
Soil Conservation Service
Armour, South Dakota
4/17/91



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412635

Pierre, April 10, 1991

RECEIVED OF Douglas County Treasurer, P.O. Box 68; Armour, SD 57313

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

Fee for Application for Permit No. <u>5548-3</u> to Appropriate Water, to construct works and to put water to beneficial use	15	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for _____		
(Any Other Work Provided by Law)	Total	15 00

By Ch. John Hatch (CF)
Chief Engineer



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 8, 1991

Jay Larson
Planning & Development District III
200 East 4th Ave
Mitchell SD 57301

Dear Mr. Larson:

In reference to your phone conversation with Tim Schaal, enclosed is an instruction sheet and partially completed application forms for Lake Corsica Dam. Please forward them to the proper person. The forms should be checked and the necessary corrections and additions made. The filing fee for a vested right application is \$15.00.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures



DEPARTMENT OF WATER & NATURAL RESOURCES

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

April 12, 1991

Douglas County Commission
Wm. E. Serr, Chairman
PO Box 159
Armour SD 57313

Dear Mr. Serr:

The water permit application received on April 10, 1991, for the Corsica Lake Dam is being returned because the application needs to be signed and notarized. Also, the following information needs to be submitted and/or clarified in order to process the application.

1. On Item No. 4 of the application, after reviewing the map submitted with the application and a topographic map, it appears that the location of the dam would be the S 1/2 NE 1/4 Section 9-T99N-R63W. Please let us know if you concur with this change on your application.
2. It also appears that water would be impounded in portions of the NE 1/4 Section 9, SE 1/4 SE 1/4 Section 4, SW 1/4, SW 1/4 NW 1/4 Section 3; all in T99N-R63W. Please submit a map(s) showing all of the impounded area that the lake encompasses.
3. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).
4. On Form 2A, Supplemental Information, Item No. 3 (g) Under Surface Area of Impoundment, it states 40 acres. The lake appears to be considerably larger than 40 acres. Please correct the number of acres.

Upon receipt of the above information, further processing of the application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

Conversation or File Documentation

NAME OF PERSON OR FILE: Karen Blume, Douglas County AuditorADDRESS: _____ COUNTY DouglasDATE: May 7, 1991 TELEPHONE 724-2423RE: Application No. 5548-3, Lake Corsica Dam

COMMENTS:

I talked to Karen Blume, Douglas County Auditor, today
about Application No. 5548-3 for Lake Corsica Dam.
Told her we needed to change the amount of
water claimed to 1200 Ac-ft. I did a new
Area Capacity Curve using the new Top of Dam Elev.
and Normal Surface Area.

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: Toni Schaal

REPORT ON
VESTED RIGHT CLAIM NO. 5548-3
DOUGLAS COUNTY
MAY 8, 1991

Vested Water Right Claim No. 5548-3 was filed by Douglas County for the impoundment of 1200 acre-feet of water in Lake Corsica Dam. Lake Corsica Dam is located on Choteau Creek in the S 1/2 NE 1/4 of Section 9-T99N-R63W in Douglas County. Water is impounded in portions of the NE 1/4 of Section 9, SE 1/4 SE 1/4 of Section 4, and the SW 1/4 of Section 3; all in T99N-R63W. Douglas County is claiming a priority date of 1939 for Lake Corsica Dam. The stored water is used for recreational purposes.

Discussion:

Lake Corsica Dam is classified as a Category 1 High Hazard Dam. It has this classification because a park and campground are located directly below the dam. Lake Corsica Dam is 35 feet high with a normal storage capacity of 1200 acre-feet, with a reservoir level at the primary spillway elevation, and a maximum storage capacity of 2020 acre-feet, with a reservoir level at the top of dam elevation.

Lake Corsica Dam was constructed by the Works Progress Administration (WPA) in 1939. An easement was granted to the State of South Dakota in 1938 for the construction of Lake Corsica Dam. In 1985 this easement was transferred to Douglas County. Until the transfer of the easement, Lake Corsica Dam was considered a State-owned dam under the jurisdiction of School and Public Lands. Lake Corsica Dam is now owned by Douglas County.

A repair project was completed to Lake Corsica Dam in 1986. The work completed included repair to joints, cracks, and deteriorated areas of the primary spillway structure, enlargement of the secondary spillway; and an increase in the top of dam elevation by approximately 3 feet. This work was completed in order to bring Lake Corsica Dam into compliance with the Water Management Board Safety of Dams Rules, Chapter 74:02:08.

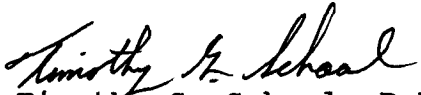
Lake Corsica Dam has a normal storage capacity of 1200 acre-feet with a reservoir surface area of 116 acres. Once filled, the average annual evaporation losses for the dam would be approximately 370 acre-feet (Spuhler, 1971; 39 inches) while the average direct precipitation would add approximately 190 acre-feet (NOAA, 1989; 20 inches). Assuming no additional losses, approximately 180 acre-feet of water would be needed on an average annual basis to fill the reservoir.

Lake Corsica Dam has a drainage area on Choteau Creek of approximately 81 square miles. This drainage will produce an estimated 376 acre-feet of water from a 2 year frequency event (50% chance of occurrence). Using these rainfall and runoff estimates, there is reasonable probability that Lake Corsica Dam will annually fill and by-pass inflows for downstream domestic use.

There are no existing downstream water permits on Choteau Creek in Douglas County. There are three existing water permits, Nos. 2324-3, 2648-3, and 3004-3, on Choteau Creek in Charles Mix County. These permits are located near the confluence of Choteau Creek and the Missouri River approximately 40 miles downstream from Lake Corsica Dam. The priority dates for these permits range from August 1975 to August 1976. Approval of the Vested Right Claim No. 5548-3 for Lake Corsica Dam will not have any adverse effects on these existing permits.

Conclusions:

1. Vested Water Right Claim No. 5548-3 should be validated. According to the affidavit of water use, Lake Corsica Dam was completed in 1939 by the WPA and has been used for recreational purposes since then.
2. The original Phase I Safety of Dams Inspection for Lake Corsica Dam was completed on October 9, 1979, Lake Corsica Dam was last inspected on June 8, 1989. These inspections found Lake Corsica Dam to exist as described.
3. The priority date for Vested Right Claim No. 5548-3 should be 1939 for the impoundment of 1200 acre-feet of water for recreational purposes.



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

Reviewed by:



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

References:

NOAA, South Dakota Climatological Data Annual Summary, 1989, Volume 94, Number 13, National Climatic Data Center, Asheville, North Carolina

Spuhler, William., et al, Climate of South Dakota, 1971, Bulletin 582, Agricultural Experiment Station, SDSU, Brookings, SD

Water Rights Division, Dam Safety Files, 1991, DENR, Joe Foss Building, Pierre, SD

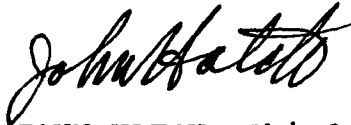
Water Rights Division, Water Rights/Permits Files, 1991, DENR, Joe Foss Building, Pierre, SD

RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 5548-3, Douglas County

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 Validation of Vested Water Right Application No. 5548-3, PO Box 159, Armour, SD 57313.

The Chief Engineer is recommending VALIDATION of Application No. 5548-3 for storage of 1200 acre-feet because 1) water has been appropriated as described for recreational use with a priority date of January 1, 1939, 2) the use has been developed without unlawful impairment of existing rights, 3) the use is a beneficial use and 4) it is in the public interest.

See report on application for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
May 10, 1991

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and 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.

May 15, 1991

William E. Serr
Douglas County
PO Box 159
Armour, SD 57313

Dear Mr. Serr:

Your Application No. 5548-3 for a vested water right claim has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your claim has been sent to the Publisher of the Corsica Globe printed at Corsica, 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 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 to validate a vested right 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. We must receive Proof of Publication before the application can be considered.

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.

South Dakota



GREAT FACES. GREAT PLACES.

May 15, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Corsica Globe
Box 45
Corsica, SD 57328

ATTN: Legal Publications:

Enclosed is a Notice of Hearing to Validate Vested Right Application No. 5548-3 to be published twice. Please publish the notice on or before May 22, 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 Douglas County, PO Box 159, Armour, SD 57313.

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

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

Sincerely,

Eric Gronlund

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: ATTN: Eric Gronlund
Water Rights Division
523 E Capitol
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Validate A Vested Right Application 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 May 22, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING To Validate
Vested Water Right Application No. 5548-3 to Appropriate Water

Notice is given that Douglas County, PO Box 159, Armour, SD 57313 has filed an application to validate a vested water right claim for impoundment of 1200 acre-feet of water from the Choteau Creek drainage into Lake Corsica Dam. The dam site is located in the S 1/2 NE 1/4 Section 9-T99N-R63W. Water is impounded in portions of the NE 1/4 Section 9, SE 1/4 SE 1/4 Section 4, and the SW 1/4 Section 3; all in T99N-R63W. The water has a claimed priority date of 1939 and is a recreational use of the water.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 5548-3 for storage of 1200 acre-feet because 1) water has been appropriated as described for recreational use with a priority of January 1, 1939, 2) the use has been developed without unlawful impairment of existing rights, 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 vested water right application as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 10, 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.

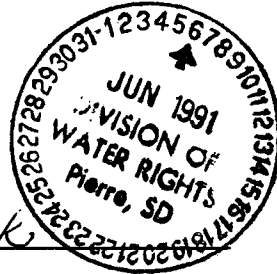
For purposes of publishing 1) the notice of hearing on Application No. 5548-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for June 19, 1991, at 9:00 a.m. in Room 413, Joe Foss Building, 523 E Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the June 19, 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 June 19, 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 June 10, 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 the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the 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, 46-2A-18; 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, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Douglas) ss.



I, Marsha Bordenyuk
 certify that the attached printed Notice was taken
 from the The Corsica Globe

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

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

May 21, 1991
May 28, 1991

Marsha Bordenyuk
 (Signature)
Office Manager
 (Title)
6-5-91
 (Date Signed)

NOTICE OF HEARING

To Validate Vested Water Right
 Application No. 5548-3 to
 Appropriate Water

Notice is given that Douglas County, PO Box 159, Armour, SD 57313, has filed an application to validate a vested water right claim for impoundment of 1200 acre-feet of water from the Choteau Creek drainage into Lake Corsica Dam. The dam site is located in the S 1/2, NE 1/4, Section 9-T99N-R63W. Water is impounded in portions of the NE 1/4, Section 9, SE 1/4, Section 4, and the SW 1/4, Section 3; all in T99N-R63W. The water has a claimed priority date of 1939 and is a recreational use of the water.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 5548-3 for storage of 1200 acre-feet because 1) water has been appropriated as described for recreational use with a priority of January 1, 1939, 2) the use has been developed without unlawful impairment of existing rights, 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 Manager Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the vested water right application as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or

supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 10, 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. 5548-3 and 2) the chief engineer's recommendation, a special Board meeting

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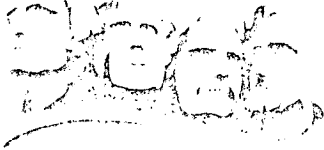
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binding upon the Board. The Board is authorized to 1) approve the validation, 2) approve the validation with qualifications, 3) defer, or 4) deny validation of the application based on the facts presented at the public hearing. Any hearing will be 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.

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46-2A-12, 46-2A-14, 46-2A-15, 46-2A-18; 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, 46-5-49; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; 74:02:01:19 thru 74:02:01:22. 5/21-28/c

South Dakota



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AUG 28 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5548-3

William E Serr
Douglas County
PO Box 159
Armour, SD 57313-0159

Dear Mr. Serr:

Enclosed are your Validated Vested Water Right and Water License No. 5548-3. As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

enclosures