

WATER PERMIT NO. 6089-3

Name of Applicant: Curt Mundt

Address: PO Box 125, Agar SD 57520-0125

Phone: 605 258-2324

Amount of Water Claimed: 105 acre-feet

Total Acres:

Source of Water Supply: tributary to Okobojo Creek

Water to be used for: fish & wildlife propagation, recreation and livestock water County: Sully

Type of Waste Disposal System:

Location: 2 miles northeast of Agar

PRIORITY Date Received: 6-26-1998

Fee: \$15.00

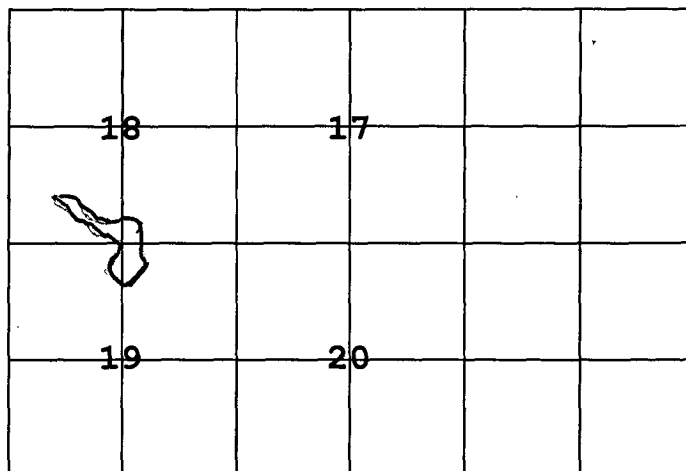
Corrected Application Received: 7-8-1998

Period of Annual Use: January 1 – December 31

Remarks: Claimed priority date of April 6, 1934

Diversion Point: NW ¼ NE ¼ Sec 19-T116N-
R76W

Water Impounded: NE ¼ NW ¼, NW ¼ NE ¼ Sec
19 and S ½ SW ¼, SW ¼ SE ¼ Sec 18; all in
T116N-R76W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial *Cong Lorenz*

Prepared by: Gary Larson

Reviewed and the Number Assigned on: XX

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 6089-3

(1) Curt Mundt, PO Box 125, Agar SD 57520-0125 made Application No. 6089-3, for validation of a vested right claim to appropriate 105 acre-feet of water annually from a tributary of Okobojo Creek, Sully County, South Dakota, for fish and wildlife propagation, recreation and livestock watering purposes. Vested Water Right No. 6089-3 was validated September 28, 1998 with a priority date of April 6, 1934. Construction of the described dam and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

(2) It is certified that the vested right owner is entitled to impound 105 acre-feet of water for beneficial use with sufficient water annually to maintain the water level to the spillway elevation. The location of the diversion point is: NW ¼ NE ¼, NE ¼ NW ¼ Section 19 with water impounded in portions of the NE ¼ NW ¼, NW ¼ NE ¼ Section 19 and S ½ SW ¼, SW ¼ SE ¼ Section 18; all in T116N-R76W.

(3) Pursuant to Section 46-5-30.1 Curt Mundt, PO Box 125, Agar SD 57520-0125 the holder and/or owner of Vested Water Right No. 6089-3 with a priority date of April 6, 1934, is issued a license to impound 105 acre-feet of water from a tributary of Okobojo Creek with sufficient water annually to maintain the water level to the spillway elevation. The water is to be used for fish and wildlife propagation, recreation and livestock watering. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 6089-3 and subject to South Dakota State Law.



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

NOV 10 1998

date



SOUTH DAKOTA
VESTED WATER RIGHT NO. 6089-3

Date of Receipt of Claim June 26, 1998.

Date of Validation September 28, 1998.

The Chief Engineer, on behalf of the Water Management Board validated Vested Water Right Claim No. 6089-3 for Curt Mundt, PO Box 125, Agar SD 57520-0125 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 6089-3 validates a vested water right claim for a 105 acre-foot impoundment known as Mundt Dam. The dam is located in the NW ¼ NE ¼ and NE ¼ NW ¼ Section 19 with water impounded in the NE ¼ NW ¼, NW ¼ NE ¼ Section 19 and S ½ SW ¼, SW ¼ SE ¼ Section 18; all in T116N-R76W.
2. The water is appropriated from a tributary of Okobojo Creek and used to provide habitat for fish and wildlife propagation, recreation and livestock water and may not exceed the amount of water needed for beneficial use for these 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 April 6, 1934.
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: 
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 10 1998

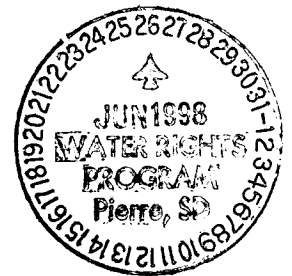
date



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

Mail to:
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

(office use only)
No. 6089-3 Hydrologic Unit 10130105
Basin Missouri River
Newspaper Orida Watchman, Orida, SD



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

Check use(s) of water:

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

Type of Application: New ☒ Vested Right (Use predates Mar 2, 1955) Future Use Reservation
(check one) Place to Beneficial Use Water Reserved by Future Use Permit No.
Amendment/Correction to Permit No.

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

- Name of Applicant Curt Mundt Phone 605) 258-2324
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P O Box 125 State SD 57520-0125
Agar (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed CFS or **GPM 105 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply tributary to Okobojo Creek
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NW1/4 NE1/4, NE1/4 NW1/4
NE1/4 NW1/4, NW1/4 NE1/4 Section 19-T 116N
R 76W with water stored in portions of 19 and 18 all in T 116N
R 76W 5 1/2 SW1/4, SW1/4 SE1/4 County Sully
- County or counties where water will be used Sully
- Annual period during which water is to be used 1 January thru 31 December
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
A dam as described above, the primary spillway is to be rebuilt and a low flow tube installed. Water claimed annually to maintain water to outlet elevation

STATE OF SOUTH DAKOTA)

County of Sully

SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

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

Applicant's signature Curtis Mundt

Subscribed and sworn to before me this 25th day of June 19 98

Notary Public signature Mand. Lauree Hall

Supplemental Information

(type or print in ink)

Mundt Dam



1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____
- On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

3. Dugout Information

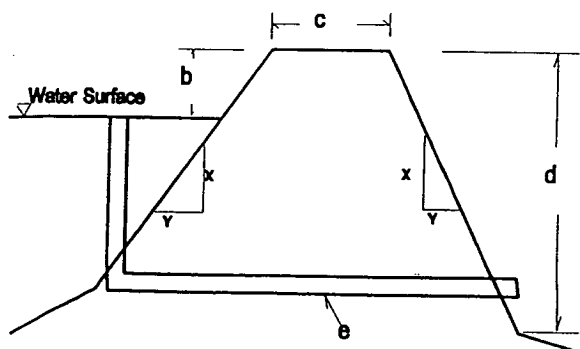
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

USDA - NRCS
P.O. Box 203
ONIDA, SD 57564-0203



- b) Freeboard 3'
- c) Crest Width 127'
Crest Length 396'
- d) Height 25' ~~35'~~
- e) Primary Outlet Capacity _____
If pipe, diameter 48"
- f) Secondary Spillway Capacity 568 CFS
Spillway Width 100'
- g) X & Y Slope _____
Upstream 3:1
Downstream 3:1
- h) Surface Area of Impoundment 21 Acres
- i) Storage 184 Acre Feet
- j) Drainage Area Above Dam 7870 Acres

Affidavit of Water Use

Form 2B

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit is needed to document historical water use, 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) Curt Mundt

Mailing Address PO Box 125 Agar SD 57520-0125
(Street, RR or Box) (City) (State) (Zip Code)

A. Notice of Appropriation January 2, 1934 Date of Posting N/A

Date of Recording _____ Recording Date April 6, 1934

B. Date of start of construction of water supply system _____

C. Date that water was first applied to beneficial use _____

D. Name of owner of original water supply system State of South Dakota (School & Public Lands)

E. Amount of water originally applied to beneficial use 184⁷⁵
105 acre-feet

F. Present use of water - amount of water now being used 105 acre-feet

Date that this water was first used _____

G. Chronological History of Water Use

Mundt Dam is a Works Progress Administration (WPA) dam and was originally constructed in 1934. The Easement Contract for the dam was entered into on January 2, 1934 and filed with the Sully County Register of Deeds on April 6, 1934.

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 SULLY)

I, CURTIS MUNDT
(print or type)

the applicant, certify that I have read the foregoing and that the matters therein are true.

Signed

Curtis Mundt

Subscribed and sworn to before me

July 7, 19 98

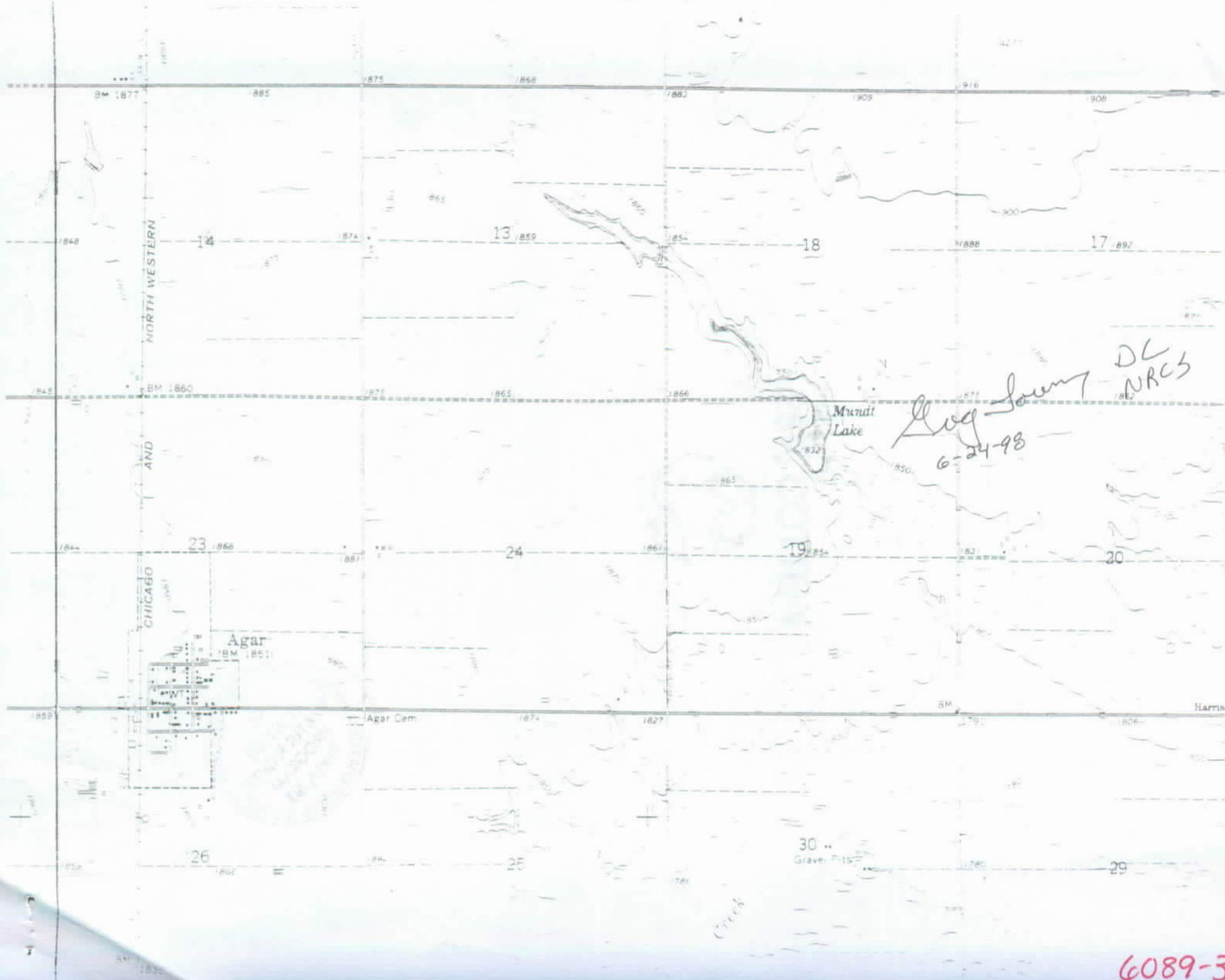
My Commission Expires
6-30-2001

Manda Lawrence Hall
Notary Public

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 are true.

_____, 19_____
(Print Name)

_____, 19_____
(Print Name)



6089-3

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP.

T-2067

1310

Harold Mundt

T-2585

Curtis & Craig Mundt

~~Rudolph E. Mundt~~

116-76 KK-8

19

116-76 KK-8

6089-3

Water Permit Application No. 6088-3
Curt Mundt

Repair of Mundt Dam (ID No. 431)

Cat. 3 - Low Hazard Dam

Top of Dam Elev. - 1839
P. Spillway Elev. - 1832
2nd Spillway Elev. - 1836
D/S Toe Elev. - 1814

25 ft. high

Normal Storage Capacity - 105 Ac.-Ft.
Int. Storage Capacity - 247 Ac.-Ft.
Max. Storage Capacity - 354 Ac.-Ft.

Int. Storage Capacity x Eff. Height = $247 \times 22 = 5434 > 3000 \therefore$
50 year flood Minimum Spillway Design

From USGS WRI 80-80 "Tech. for Est. Flood Peaks ... in SD"

DA = 7870 acres = 12.3 mi.²
Slope = 20 ft/mile
SI = 3.33

$$\begin{aligned} Q_{50} &= 106 A^{.63} S^{.45} S_i^{-.69} \\ &= 106 (12.3)^{.63} (20)^{.45} (3.33)^{-.69} \\ &= 106 (4.86) (3.85) (0.44) \\ &= \underline{873 \text{ cfs}} \end{aligned}$$

$$\begin{aligned} Q_{100} &= 132 A^{.65} S^{.46} S_i^{-.67} \\ &= 132 (12.3)^{.65} (20)^{.46} (3.33)^{-.67} \\ &= 132 (5.11) (3.97) (0.45) \\ &= \underline{1205 \text{ cfs}} \end{aligned}$$

Secondary Spillway Flow

$$\begin{aligned} Q &= C L H^{1.5} \quad C = 2.6 \quad L = 100 \\ &= 2.6 (100)^{1.5} \quad H = 3' \\ &= \underline{1350 \text{ cfs}} \end{aligned}$$

Section 74:02:08:09

1. Topo Map - OK
2. Dam Axis Profile - OK
3. Dam X- Sec. - OK
4. Area Capacity - OK
5. Outlet Details - OK
6. Spillway Rating - OK
7. Spillway Details - OK
8. Specs. std NRCS - OK
9. EPP - N/A Cat. 3 - OK

NRCS Annual Yield

DA = 7870 Ac, CN = 80, ISO = 2

$$\begin{aligned} 80\% \text{ chance} &= 0.25 \\ 0.25 \times 7870/12 &= \underline{164 \text{ Ac.-Ft}} \end{aligned}$$

$$\begin{aligned} 50\% \text{ chance} &= 0.64 \\ 0.64 \times 7870/12 &= \underline{420 \text{ Ac.-Ft}} \end{aligned}$$

$$\begin{aligned} 10\% \text{ chance} &= 2.5 \\ 2.5 \times 7870/12 &= \underline{1640 \text{ Ac.-Ft}} \end{aligned}$$

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 415813

Pierre, June 29, 19 98

RECEIVED OF Mundt Brothers, P.O. Box 125, Agar, SD 57520
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6689-3</u> to Appropriate Water, to construct 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 _____		

(Any Other Work Provided by Law)	Total	15 00

By _____
Chief Engineer

John Hatch

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SD-CPA-3
1/91

ENVIRONMENTAL INVENTORY FOR CONSERVATION PLANNING

NEPA Compliance - See 190, General Manual, Part 410 - Resources identified through this inventory will be considered in plan development to avoid adverse impacts.

Area covered by this environmental evaluation:

Owner: CURT Mundt

Completed By: GREG LORENZ

Location: NW NE 19-116-76

Date: 6-4-98

1. WETLANDS: Present on unit: Yes X No
Scope of FSA wetland determination: Entire farm
Cropland only X
Not done

2. CULTURAL RESOURCES: Present on unit: Yes No X
Location:
Describe resource:

3. FLOOD PLAINS: Present on unit: Yes No X
Location:

4. NATURAL AREAS: Present on unit: Yes No X
Location:
Describe resource:

5. PRIME FARMLANDS: Present on unit: Yes No X
Soil mapping units present:

6. THREATENED AND ENDANGERED SPECIES AND OTHER SPECIES OF CONCERN:
Present on unit: Yes No X Potentially present

Species of concern:

Status of species: (Circle those that apply)

Endangered - Federal list

Rare

State list

Common

Threatened - Federal list

Candidate for federal
list

State list

Location of habitat used by species:

7. LANDSCAPE RESOURCES (scenic beauty, etc.): Present on unit: Yes No X
Location:
Describe resource:

8. OTHER SENSITIVE ENVIRONMENTAL RESOURCES:
Location:
Describe resource:



58-13

EASEMENT CONTRACT

Mundt Dam

COMPARED

THIS AGREEMENT, MADE AND ENTERED INTO THIS 2ND DAY OF January 1934, by and between the
 Wm Mundt of . South Dakota, party of the first part, and the State of South Dakota, Pierre,
 South Dakota, Party of the second part,

Witnesseth:

the
 That for and in/consideration of the sum of One Dollar and other valuable consider-
 ations, the receipt whereof is hereby acknowledged, the party of the first part hereby
 grants, bargains and sells, unto the party of the second part the easement and right to
 build and construct an artificial lake which will flow with water the following described
 land, in Sully County, South Dakota, to-wit:

NW $\frac{1}{4}$ sec.19 and SW $\frac{1}{4}$ 18- 116-76,

In addition thereto, the party of the first part hereby grants, bargains and sells,
 to the party of the second part an easement and right to dedicate to the public a strip
 of land twelve (12) feet in width lying above the highwater contour of the lake.

It is mutually understood and agreed that if said lake project shall be abandoned,
 the land herein described, and all rights hereunder shall revert to the grantor, his
 successors and assigns.

In witness whereof, we have hereunto set our hands and seals this 2nd day of January,
 1934.

William Mundt

STATE OF SOUTH DAKOTA. }

COUNTY OF SULLY }

ss.

(continued)

COMPARED

On this 2nd day of January in the year 1934, before me, a Notary Public within and
 for said County and State, personally appeared Wm Mundt known to me to be the person described
 and who executed the within instrument, and acknowledged to me that he executed the same.

(Notarial)

Claude M. Jones

(Seal)

Notary Public.

STATE OF SOUTH DAKOTA)

COUNTY OF SULLY)

ss.

Filed for record the 6th day of April A.D., 1934 at

9 o'clock and 30 minutes A.M., and recorded in Book 10 of Misc. in pages 639-640.

By Ruth D. Huston

James Huston

REPORT ON
WATER PERMIT APPLICATION NO. 6089-3
Curt Mundt
July 16, 1998

Water Permit Application No. 6089-3 has been filed by Curt Mundt to validate a Vested Water Right Claim to appropriate 105 acre-feet of water from runoff in Mundt Dam which is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19-T116N-R76W, in Sully County. The application also requests impoundment of sufficient water to maintain the reservoir at the outlet elevation. The water will be used for fish and wildlife propagation, recreation and livestock watering with a claimed priority date of April 6, 1934.

Discussion:

Mundt Dam is an existing Category 3, Low Hazard dam. It was originally built in 1934 by the Works Progress Administration (WPA) with an easement to the State of South Dakota through the Office of School and Public Lands. The earthcut spillway has deteriorated through the years and is in need of repair. The repair project has been designed by the Natural Resources Conservation Service. The repair project will consist of the addition of a CMP drop inlet structure as the primary spillway and repair of the existing eroded earthcut spillway, which will function as the secondary spillway. The plans and specifications have been reviewed and will be approved.

The repaired Mundt Dam will be 25 feet high with a normal storage capacity of 105 acre-feet (originally 184 acre-feet) with a reservoir level at the spillway elevation, and a maximum storage capacity of 354 acre-feet with a reservoir level at the top of dam elevation. A dam of this size and hazard classification is required to have a minimum spillway design capable of passing a 50-year frequency event.

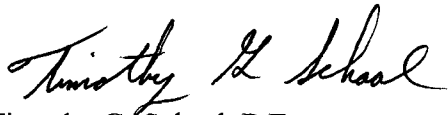
The dam is designed to have a CMP drop inlet spillway with a 60 inch diameter riser and a 48 inch barrel with 7 feet of available head as the primary spillway and a 100 foot wide earthcut secondary spillway with 3 feet of available head. The dam will have a drainage area of 7870 acres (12.3 square miles). A 50-year frequency event will produce a peak of approximately 875 cfs and a 100-year frequency event will produce a peak of approximately 1200 cfs. The 100 foot wide earthcut secondary spillway will have a capacity of approximately 1350 cfs.

The annual yield for this drainage area with a 10 percent chance of occurrence, or 1 out of 10 years, is expected to be 1640 acre-feet. The annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 420 acre-feet and the annual yield with a 80 percent chance of occurrence, or 8 out of 10 years, is expected to be 164 acre-feet.

Mundt Dam is located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19-T116N-R76W on an unnamed tributary to Okobojo Creek about 1.5 miles upstream of the confluence of the unnamed tributary and Okobojo Creek. There are no existing Water Permits/Rights located on the unnamed tributary or Okobojo Creek.

Conclusions:

1. Vested Water Right Claim No. 6089-3 should be approved since unappropriated water is available, the dam has been in existence since 1934 and approval should not have any adverse effect on existing Water Rights/Permits.
2. If approved, the low flow bypass requirement for downstream domestic use should be a qualification on Water Permit Application No. 6089-3.



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

Approved by:



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

**RECOMMENDATION OF CHIEF ENGINEER FOR VALIDATION OF VESTED WATER
RIGHT APPLICATION NO. 6089-3, Curt Mundt**

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 Validation of Vested Water Right Application No. 6089-3, Curt Mundt, P.O. Box 125, Agar, SD 57520-0125.

The Chief Engineer is recommending VALIDATION of Application No. 6089-3 for 105 acre feet of water because 1) water has been appropriated as described for fish and wildlife propagation, recreation and livestock water uses with a priority date of April 6, 1934, 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.


for JOHN HATCH, Chief Engineer
July 24, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

July 27, 1998

Curt Mundt
PO Box 125
Agar, SD 57520-0125

Dear Mr. Mundt:

We have reviewed the plans and specifications for the Mundt Dam Repair Project located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19-T116N-R76W, in Sully County. The plans and specifications as submitted are approved. Our review was to determine compliance with the requirements of the Water Management Board Safety of Dams Rules, Chapter 74:02:08.

The Mundt Dam is classified as a small size Category 3, Low Hazard dam with a dam height of 25 feet and a normal storage capacity of 105 acre-feet and a maximum storage capacity of 354 acre-feet.

If you have any questions, please feel free to contact us.

Sincerely,

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

c: Greg Lorenz, NRCS Onida
Mike Cornelison, S&PL



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

July 29, 1998

Curt Mundt
P.O. Box 125
Agar, SD 57520-0125

Dear Mr. Mundt:

Thank you for bringing to my attention that the recommendation for your Vested Water Right Application No. 6089-3 incorrectly referenced your first name as "Carl". Please find enclosed the recommendation which has been corrected.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

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

July 27, 1998

Curt Mundt
P.O. Box 125
Agar, SD 57520-0125

Dear Mr. Mundt:

Water Permit Application No. 6089-3 for fish & wildlife propagation, recreation and livestock watering 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 Onida Watchman printed at Onida, SD (Ph # (605) 258-2604). 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
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 ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

July 27, 1998

Onida Watchman
Box 245
Onida, SD 57564-0245

ATTENTION: Legal Department

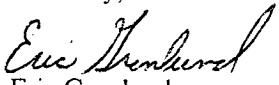
Enclosed is a Notice of Hearing on Application No. 6089-3 to Appropriate Water to be published twice. Please publish the first notice on August 6, 1998, with the second publication 7 days later.

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 Curt Mundt, P.O. Box 125, Agar, SD 57520-0125 (Ph # (605) 258-2324).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6089-3

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

Date _____

We are in receipt of your letter of July 27, 1998, enclosing Notice of Hearing to Appropriate Water by Application No. 6089-3 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 August 6, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION to Validate
Vested Water Right Application No. 6089-3 to Appropriate Water

Notice is given that Curt Mundt, PO Box 125, Agar SD 57520-0125 has filed an application to validate a vested water right claim to appropriate 105 acre-feet of water annually from a tributary of Okobojo Creek in Mundt Dam located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 19 with water impounded in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19 and S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18; all in T116N-R76W. The application is for sufficient water annually to maintain the water level to the outlet elevation. Water is used to provide habitat for fish and wildlife propagation, recreation and livestock water with a claimed priority date of April 6, 1934.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 6089-3 because 1) water has been appropriated as described for fish and wildlife propagation, recreation and livestock water with a claimed priority date of April 6, 1934, 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. 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 August 24, 1998.

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.



OK

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Sully) SS

I, Alice Olson

certify that the attached printed Notice was taken
 from the Onida Watchman

printed and published in Onida

County of Sully and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Thursday, Aug. 6, 1998

Thursday, Aug. 13, 1998

Cost of Printing \$ 38.10

Alice Olson

(Signature)

Publisher

(Title)

8-20-98

(Date Signed)

**NOTICE OF APPLICATION
 to Validate Vested Water Right
 Application No. 6089-3
 to Appropriate Water**

Notice is given that Curt Mundt, PO Box 125, Agar, SD 57520-0125 has filed an application to validate a vested water right claim to appropriate 105 acre-feet of water annually from a tributary of Okobojo Creek in Mundt dam located in the NE1/4 NW1/4 and NE1/4 NW1/4 Section 19 with water impounded in the NE1/4NW1/4, NW1/4NE1/4 Section 19 and S1/2 SW1/4, SW1/4 SE1/4 Section 18; all in T116N-R76W. The application is for sufficient water annually to maintain the water level to the outlet elevation. Water is used to provide habitat for fish and wildlife propagation, recreation and livestock water with a claimed priority date of April 8, 1934.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Vested Water Right Application No. 6089-3 because 1) water has been appropriated as described for fish and wildlife propagation, recreation and livestock water with a claimed priority date of April 6, 1934, 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. 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.

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

31-32



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

August 31, 1998

Curt Mundt
P.O. Box 125
Agar, SD 57520-0125

Dear Mr. Mundt:

The original notice of hearing for Vested Water Right Application No. 6089-3 published August 6 and 13, 1998 contained an error. The legal description of the dam location was listed as the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 19. The legal description should have been NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 19. 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 Onida Watchman. For your information, a copy of the notice is 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
www.state.sd.us/denr

August 31, 1998

Onida Watchman
Box 245
Onida, SD 57564-0245

ATTENTION: Legal Department

Enclosed is Readvertisement of Notice of Application No. 6089-3 to Appropriate Water to be published twice. Please publish the first notice on September 10, 1998 with the second publication 7 days later.

The Water Rights program will be responsible for the cost of publication.

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

No. 6089-3

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

Date _____

We are in receipt of your letter of August 31, 1998, enclosing Readvertisement of Notice of Appropriation to Validate Vested Water Right Application No. 6089-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

**READVERTISEMENT OF NOTICE OF APPLICATION to Validate
Vested Water Right Application No. 6089-3 to Appropriate Water**

Notice is given of readvertisement of Application No. 6089-3, Curt Mundt, PO Box 125, Agar SD 57520-0125. No. 6089-3 is an application to validate a vested water right claim to appropriate 105 acre-feet of water annually from a tributary of Okobojo Creek in Mundt Dam located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 19 with water impounded in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19 and S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 18; all in T116N-R76W. Readvertisement of the notice published August 6 and 13, 1998 is needed to correct the legal description of the dam location. The application is for sufficient water annually to maintain the water level to the outlet elevation. Water is used to provide habitat for fish and wildlife propagation, recreation and livestock water with a claimed priority date of April 6, 1934.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends VALIDATION of Readvertised Vested Water Right Application No. 6089-3 because 1) water has been appropriated as described for fish and wildlife propagation, recreation and livestock water with a claimed priority date of April 6, 1934, 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. 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.

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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

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Sully)

Alice Olson of said County and State, being first duly sworn on her oath, says that THE ONIDA WATCHMAN is a weekly newspaper of general circulation, published in the English language in the City of Onida, in said County and State, by said Alice Olson, and has been admitted to the United States mail under the second class mailing privilege at all the times hereinafter mentioned, and for more than one year immediately preceding the first publication herein mentioned, and that all of said times has had more than 200 bonafide paid subscribers; that I, the undersigned, am the publisher of said newspaper, in charge of the advertising department thereof and have personal knowledge of all the facts stated in the affidavit; and that the advertisement headed:

Readvertisement of Notice

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive issues, the first publication being made on THURSDAY, the 3 day of Sept, 1998, and the last publication on THURSDAY, the 10 day of Sept, 1998, and that \$ 40.82, being the full amount of the fee for publication of the annexed notice insures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a revision thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever.

Alice Olson

Subscribed and sworn to before me this

28 day of Sept, 1998

(SEAL)

My commission expires: 4-24-2004

William Tilberg

Notary Public in and for Sully County, South Dakota



READVERTISEMENT OF NOTICE
OF APPLICATION
to Validate Vested Water Right
Application No. 6089-3 to
Appropriate Water

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

The Onida Watchman

215 South Main Street
P.O. Box 245
Onida, SD 57564

Statement

DATE

9-10-98

BILL TO

Water Rights Program
523 E. Capital
Pierre, SD 57501



AMOUNT DUE

AMOUNT ENC.

\$40.82

DATE	DESCRIPTION	IN.WRD/LN	RATE	AMOUNT	BALANCE
9-3-98	Readvertisement of Notice of Application to Validate Vested Water Right - Application No. 6089-3 to Appropriate Water 90 lines @ 25.2¢ 2 nd insert @ 80%			\$40.82	\$40.82
CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	AMOUNT DUE
\$40.82					\$40.82

PAYMENT REQUEST FORM

PAYEE: The Onida Watchman
P.O. Box 245
Onida, SD 57564

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Publication for Readvertisement of Notice of Application to
Validate Vested Water Right Application No. 6089-3 to
Appropriate Water published on September 3 & 10, 1998.

AMOUNT: \$40.82

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION: _____

John H. Atch

9-30-98

I declare and affirm under the penalties of perjury that this claim is
in all things, true and correct. I further agree to comply with the
provisions of the Civil Rights Act of 1964 and regulations issued
thereunder relating to nondiscrimination in federal assisted programs.

Permit No. 6089-3
Missouri River - Water District

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

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

I have this day, August 13, 1998, made a thorough examination of the water use system constructed by Curt Mundt of PO Box 125, Agar SD 57520-0125 holder of Permit No. 6089-3, bearing the priority of April 6, 1934 authorizing the storage of 105 acre-feet of the waters of trib. Okobojo Creek for fish & wildlife propagation, recreation and livestock watering purposes, in Sully County.

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

- A. Works used to divert the water:
25 foot high dam with 105 Ac-Ft storage capacity
- B. Works used to transport water to place of use:
N/A
- C. Works used to apply water to beneficial use:
25 foot high dam with 105 Ac-Ft storage capacity

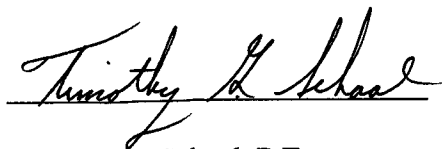
The system is in the following condition **good**. The point of diversion is located **1200 feet south & 2300 feet west of the NE corner of Section 19-T116N-R76W (NW ¼ NE ¼)**. The works are capable of storing 105 acre-feet of water which is to be used for fish & wildlife propagation, recreation and livestock watering. Water has been put to beneficial use to the maximum extent as follows:

25 foot high dam with 105 Ac-Ft storage capacity

and the license should be issued for 105 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: August 26, 1998



Timothy G. Schaal, P.E.
Natural Resources Engineer
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 6089-3

Other permit(s) associated with the project: XXXX

DATE OF INSPECTION: August 13, 1998

NAME & ADDRESS OF INSPECTION CONTACT/ Curt Mundt, PO Box 125, Agar SD 57520-0125
RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: same

DIVERSION POINT LEGAL LOCATION: 1200 feet south & 2300 feet west of the NE corner of
Section 19-T116N-R76W (NW ¼ NE ¼).

DAM INFORMATION:

- 1) Height to crest 25 feet
- 2) Height to primary spillway 18 feet
- 3) Height to secondary spillway 22 feet
- 4) Crest width 13 feet
- 5) Crest length 400 feet
- 6) Spillway length XXX feet
- 7) Spillway width 100 feet
- 8) Approx. storage (Normal) 105 acre-feet
- 9) Approx. storage (Maximum) 354 acre-feet
- 10) Date constructed: 1934, repaired 1998

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A
- 2) Special qualifications to permit being abided by yes
- 3) All structures, wells and lands on map yes
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

NOV 10 1998

VR 6089-3

Curt Mundt
P.O. Box 125
Agar, SD 57520-0125

Dear Mr. Mundt:

Enclosed are your Validated Vested Water Right and Water License No. 6089-3. 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 Program
(605) 773-3352

enclosures



Timothy L. School
August 26, 1998