

WATER PERMIT NO. 6092-3

Name of Applicant: Melvin Kallas

Address: 36740 117th St, Wetonka SD 57481

Phone: 605 439-3498

Amount of Water Claimed: 49 AF

Total Acres:

Source of Water Supply: runoff

Water to be used for: fish & wildlife propagation and livestock water

County: McPherson

Type of Waste Disposal System: NA

Location: 4 miles southeast of Leola

PRIORITY Date Received: 7-31-1998

Fee: \$150.00

Corrected Application Received: 8-5-1998

Period of Annual Use: January 1 – December 31

Remarks: Repairing a breached dam

Diversion Point: NE ¼ SE ¼ Sec 30-T126N-R66W

Water Impounded: S ½, NE ¼ SE 1/4

Sec 30-T126N-R66W

Depth of Well: NA

Well Driller:

Remarks:

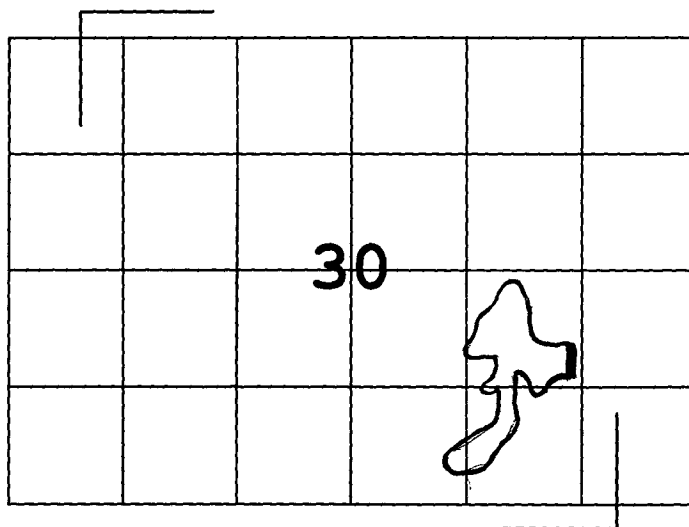
Type of Map: aerial

Prepared by: Brian Wehausen, USFWS

Reviewed and the Number Assigned on: 8-5-1998

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6092-3

Date of first receipt of application July 31, 1998.

Date of return to applicant for corrections, amendments or changes July 31, 1998.

Date of receipt of corrected application August 5, 1998.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6092-3 to Melvin Kallas, 36740 117th St, Wetonka SD 57481 authorizing the construction of a dam and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6092-3 authorizes impoundment of 49 acre-feet of water annually from runoff by reconstructing a dam located in the NE ¼ SE ¼ Section 30 with water impounded in the S ½ SE ¼, NE ¼ SE ¼ Section 30; all in T126N-R66W.
2. The water appropriated shall be used for the purpose of providing water for fish and wildlife propagation and livestock 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 described annual period: January 1 – December 31.
4. The date of approval of Permit No. 6092-3 is September 7, 1998.
5. The date from which applicant may claim right is July 31, 1998.
6. One-fifth of the construction is to be completed on or before March 7, 2001.
7. All construction is to be completed on or before September 7, 2003.
8. Water is to be put to beneficial use on or before September 7, 2007.
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. Water Permit No. 6092-3 authorizes a dam with storage capacity of 49 acre-feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

WATER MANAGEMENT BOARD

By: John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 22 1998

date



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



Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 6092-3 Hydrologic Unit 10160004
Basin James River
Newspaper McPherson Co. Herald, Leola, SD
(office use only)

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

Check use of water:

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

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.) _____

1. Name of Applicant Melvin Kallas Phone (605)439-3498
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 36740 117th St. Wetonka State SD 57481
(Street, RR, or Box) (City) (Zip Code)
2. Amount of water claimed _____ *CFS or _____ **GPM 49 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Surface Runoff
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
NE1/4 of SE1/4 of Sec. 30 T126N R66W Water Impounded: 5 1/2 SE 1/4, NE 1/4 SE 1/4
Sec. 30 - T126N - R66W County McPherson
5. County or counties where water will be used McPherson
6. Annual period during which water is to be used Year Round Jan 1 - Dec 31
7. 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)

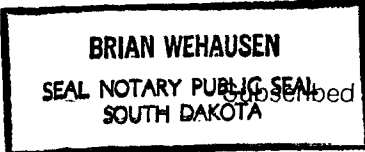
See Attached. This is a repair of a breached dam, with a new emergency spillway being cut on the south side of the dam and the old spillway being filled in.

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)

STATE OF SOUTH DAKOTA)

County of McPherson)^{SS}

I, Melvin Kallas, 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

X Melvin Kallas

Subscribed and sworn to before me this 21st day of July

19 98

Brian Wehausen

Supplemental Information

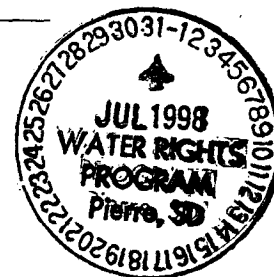
(type or print in ink)

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. Wastewater Disposal System Information

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



3. Dugout Information

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

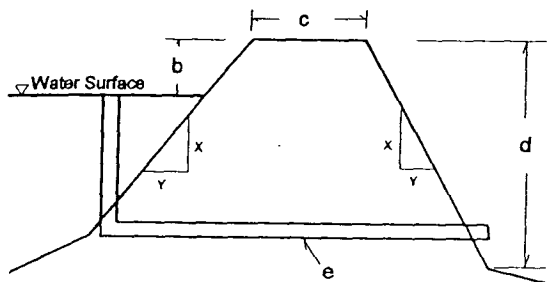
4. Water Storage Dams

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:

U.S. Fish and Wildlife Service
39650 Sand Lake Drive
Columbia, SD 57433

- b) Freeboard 3 ft.
- c) Crest Width 10 ft.
Crest Length 370 ft.
- d) Height 6 ft.



- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) ^{Emergency} Spillway Capacity 272 cfs
Spillway Width 50 ft.
- g) X & Y Slope
Upstream 3:1
Downstream 3:1
- h) Surface Area of Impoundment 28 acres
- i) Storage 49 at ESP Elevation Acre Feet
- j) Drainage Area Above Dam 1,200 Acres

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 415835

Pierre, July 31, 19 98

RECEIVED OF SAnd Lake Wildlife Refuge, 39650 Sand Lake Drive, Columbia, SD 57433
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 6092-3 to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

150 00

150 00

By

Chief Engineer

John Hatch (C)

[illegible]

CROSS SECTION VIEW:

Diagram illustrating the cross-section of a dam structure. The diagram shows the following dimensions and labels:

- TOP @ 100.00**: Top width of the dam.
- DAM**: The main structure.
- FRONT SLOPE 3 : 1**: Slope ratio on the left side.
- BACK SLOPE 3 : 1**: Slope ratio on the right side.
- CENTER FILL H. = 6 feet**: Height of the center fill.
- BOTTOM WIDTH C1 = 46 feet**: Width of the bottom of the dam.
- STRIPPING ZONE = 0.5**: Width of the stripping zone.
- 1:1**: Slope ratio for the core trench.
- CORE TRENCH**: The central excavation.
- 10'---**: Width of the core trench.

DAM LENGTH = 370 FEET

100

Slopes = 100:1

DAM

97.00 @ SPILLWAY ELEV.

SPILLWAY WIDTH = 50' FEET

NATURAL GROUND

LOWEST NATURAL GROUND @ 94.00

1 ?
1

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



 Face of dam



6092-3

Water Permit Application No 6092-3
Melvin Kallas

Top of Dam Elev. - 100
Spillway Elev. - 97
D/S Toe Elev. - 94 } Height = 6 ft * No P&S
Required

Spillway Flow

$$Q = C L H^{3/2}$$

$$C = 2.6$$

$$L = 50$$

$$H = 3$$

$$= (2.6)(50)(3)^{1.5}$$

$$= \underline{675 \text{ cfs}}$$

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

$$DA = 1200 A_c = 1.87 \text{ mi}^2$$

$$\text{Slope} = 10 \text{ ft/mile}$$

$$SI = 3.89$$

$$Q_{res} = 83.4 A^{.65} S^{.46} S_i^{-.67}$$

$$= 83.4 (1.87)^{.65} (10)^{.46} (3.89)^{-.67}$$

$$= 83.4 (1.46)(2.75)(0.38)$$

$$= \underline{130 \text{ cfs}}$$

$$Q_{100} = 132 A^{.65} S^{.46} S_i^{-.67}$$

$$= 132 (1.87)^{.65} (10)^{.46} (3.89)^{-.67}$$

$$= 132 (1.50)(2.88)(0.40)$$

$$= \underline{230 \text{ cfs}}$$

NRCS Annual Yield

$$DA = 1200 A_c$$

$$ISO = 2\frac{1}{2}$$

$$CN = 76 \text{ (Assumed)}$$

$$80\% \text{ chance} = 0.2$$

$$0.2 \times 1200/12 = \underline{20 \text{ A-cft}}$$

$$50\% \text{ chance} = 0.52$$

$$0.52 \times 1200/12 = \underline{52 \text{ A-cft}}$$

$$10\% \text{ chance} = 2.3$$

$$2.3 \times 1200/12 = \underline{230 \text{ A-cft}}$$



United States Department of the Interior

FISH AND WILDLIFE SERVICE
SAND LAKE NATIONAL WILDLIFE REFUGE
RR1, BOX 25
COLUMBIA, SOUTH DAKOTA 57433-9761
605/885-6320

IN REPLY REFER TO:

July 27, 1998

Water Rights Division
Joe Foss Building
523 E Capitol
Pierre, SD 57501-3181



To Whom It May Concern;

Included with this permit application is a simple computer model of the dam specifications. This is a homemade dam put in many years ago (not sure exactly when) and has recently blown out with the high water. The area is too wet to try to just build a new dam and I suspect that it will never dry out enough to get heavy equipment on site for new construction. My only option is to do simple repair by filling in the cut in the dam and bringing the spillway up to specifications. The dam is very low head and is used to water cattle and it also is an excellent wildlife dam.

If my drawings are not adequate or more information is needed please call me, Brian Wehausen at Sand Lake Refuge, (605) 885-6320.

Sincerely;

Brian Wehausen
Private Lands Technician



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 31, 1998

Brian Wehausen, Private Lands Technician
Sand Lake Nat'l Wildlife Refuge
39650 Sand Lake Dr.
Columbia SD 57433

RE: Water Permit Application for Melvin Kallas

Dear Mr. Wehausen:

Thank you for submitting the *Application for a Permit to Appropriate Water* for Melvin Kallas. In order to complete the application the following is required.

Enclosed is the aerial photo map submitted with the application. On the map, please mark the location of the face of the dam. 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.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



United States Department of the Interior

FISH AND WILDLIFE SERVICE
SAND LAKE NATIONAL WILDLIFE REFUGE
RR1, BOX 25
COLUMBIA, SOUTH DAKOTA 57433-9761
605/885-6320

IN REPLY REFER TO:

August 4, 1998

Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181



Dear Karen Schlaak;

Here is the map for the Melvin Kallas dam that I have requested a Water Rights Permit for. Sorry I forgot to have this signed in the first place.

Thank you for your attention in this matter and if you have any more questions about the water permit application for Melvin Kallas please contact me.

Sincerely;

Brian Wehausen
Private Lands Technician
(605) 885-6320

REPORT ON
WATER PERMIT APPLICATION NO. 6092-3
Melvin Kallas
August 6, 1998

Water Permit Application No. 6092-3 has been filed by Melvin Kallas to impound 49 acre-feet of water from runoff by reconstructing a dam located in the NE ¼ SE ¼ of Section 30-T126N-R66W, in McPherson 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 and livestock watering.

Discussion:

The reconstructed dam will only be 6 feet high and have a normal storage capacity of 49 acre-feet of water. Due to the small size of the dam, design of the structure is not subject to the requirements of the Safety of Dams Rules, Chapter 74:02:08.

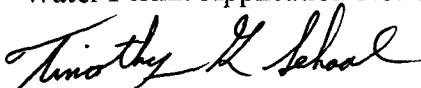
The reconstructed dam will have a 50 foot wide earthcut spillway with 3 feet of available head. The dam will have a drainage area of 1200 acres (1.87 square miles). A 25-year frequency event will produce a peak of approximately 130 cfs and a 100-year frequency event will produce a peak of approximately 230 cfs. The 50 foot wide earthcut spillway will have a capacity of approximately 675 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 230 acre-feet. The annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 52 acre-feet and the annual yield with a 80 percent chance of occurrence, or 8 out of 10 years, is expected to be 20 acre-feet.

The reconstructed Kallas Dam will be located in the SE¼ of Section 30-T126N-R66W on an unnamed tributary to Willow Creek about 2 miles upstream of the confluence of the tributary and Willow Creek and about 20 miles upstream of Willow Creek Dam. There are no existing Water Rights/Permits located on the unnamed tributary; however, the City of Aberdeen holds Water Permit No. 3009-3 for the storage of 4100 acre-feet of water in Willow Creek Dam. Willow Creek Dam has a drainage area of 155 square miles compared to the 1.87 square mile drainage area for reconstructed Kallas Dam. Considering the drainage area sizes, approval of Water Permit Application No. 6092-3 should not have any adverse effect on Water Permit No. 3009-3. There are no other existing Water Rights/Permits located on Willow Creek between the proposed reconstructed dam and Willow Creek Dam.

Conclusions:

1. Water Permit Application No. 6092-3 should be approved since unappropriated water is available and approval should not have any adverse effect on existing Water Permits/Rights.
2. If approved, the low flow bypass requirement for downstream domestic use should be a qualification on Water Permit Application No. 6092-3.



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 WATER PERMIT
APPLICATION NO. 6092-3, Melvin Kallas**

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 Water Permit Application No. 6092-3, Melvin Kallas, 36740 117th Street, Wetonka SD 57481.

The Chief Engineer is recommending APPROVAL of Application No. 6092-3 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) it is in the public interest with the following qualifications:

1. Water Permit No. 6092-3 authorizes a dam with storage capacity of 49 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

See report on application for additional information.


for JOHN HATCH, Chief Engineer
August 7, 1998



**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.

August 11, 1998

Melvin Kallas
36740 117th St.
Wetonka, SD 57481

Dear Mr. Kallas:

Water Permit Application No. 6092-3 for fish and wildlife propagation, and livestock water 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 McPherson Co. Herald printed at Leola, SD (Ph # (605) 439-3131). 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.

C: Brian Wehausen, Sand Lake National Wildlife Refuge, US Fish & Wildlife Services



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 11, 1998

McPherson Co. Herald
Box 170
Leola, SD 57456-0170

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 6092-3 to Appropriate Water to be published twice. Please publish the first notice on August 19, 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 Melvin Kallas, 36740 117th St., Wetonka, SD 57481 (Ph # (605) 439-3498).

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. 6092-3

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

Date _____

We are in receipt of your letter of August 11, 1998, enclosing Notice of Hearing to Appropriate Water by Application No. 6092-3 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 19, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6092-3 to Appropriate Water

Notice is given that Melvin Kallas, 36740 117th St, Wetonka SD 57481 has filed an application for a water permit to impound 49 acre-feet of water from runoff by reconstructing a dam located in the NE 1/4 SE 1/4 Section 30 with water impounded in the S 1/2 SE 1/4, NE 1/4 SE 1/4 Section 30; all in T126N-R66W. This application requests impoundment of water sufficient to maintain the water level to the outlet elevation. The water is to be used for fish and wildlife propagation and livestock water.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6092-3 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 September 7, 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.

NOTICE

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of McPherson) SS

I, Tammy Salzer

certify that the attached printed Notice was taken

from the McPherson County Herald

printed and published in Leola

County of McPherson and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Aug 19, 1998

Aug 26, 1998

Cost of Printing 18.95 / 15.16 = \$34.11

Tammy Salzer
(Signature)

Publisher
(Title)

8/28/98
(Date Signed)

NOTICE OF APPLICATION

NO. 6092-3 to Appropriate Water

Notice is given that Melvin Kallas, 36740 117th St, Wetonka, SD 57481 has filed an application for a water permit to impound 49 acre-feet of water from runoff by reconstructing a dam located in the NE 1/4 SE 1/4 Section 30 with water impounded in the S 1/2 SE 1/4, NE 1/4 SE 1/4 Section 30; all in T126NR66W. This application requests impoundment of water sufficient to maintain the water level to the outlet elevation. The water is to be used for fish and wildlife propagation and livestock water.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL

of Application No. 6092-3 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 Sept. 7, 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. Meyers, Secretary Department of Environment and Natural Resources.

8*19,26



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 22 1998

Melvin Kallas
36740 117th St.
Wetonka, SD 57481

Dear Mr. Kallas:

Enclosed is Water Permit No. 6092-3 authorizing construction of your water diversion system and beneficial use of the water, 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 Program
(605) 773-3352

enclosures

c: Brian Wehausen, Sand Lake National Wildlife Refuge, 39650 Sand Lake Dr., Columbia, SD 57433.

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

September 5, 2002

6092-3 & 5860-3

Sand Lake National Wildlife Refuge
39650 Sand Lake Refuge
Columbia SD 57433

Attention: Marcie

On August 14, 2002 the investigation of the water use systems, including the extent of application of water to beneficial use, as developed under Water Permit No. 5860-3 (Theophil Dohn) and 6092-3 (Melvin Kallas), were completed by Tim Schaal, a staff engineer with our program. Both permits are located in McPherson County. The final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of each water license. It is my understanding that the Sand Lake National Wildlife Refuge will be paying this fee via electronic transfer of funds.

Enclosed is the signed blanket purchasing agreement as well as an invoice. Upon receipt of the \$100.00 fee, we will complete processing the water licenses.

If you have any questions regarding the water permit, investigation of the water use systems or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

* INVOICE *

Invoice No. 20411-6092-3/5860-3

Sand Lake National Wildlife Refuge
39650 Sand Lake Refuge
Columbia SD 57433
Attn: Marcie

\$50.00 fee for investigation and issuance of water license No. 6092-3
\$50.00 fee for investigation and issuance of water license No. 5860-3

PLEASE PAY THIS AMOUNT:

\$100.00

Glenda Marks
Secretary
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 18, 20 02

RECEIVED OF Sand Lake National Wildlife Refuge, 39650 Sand Lake Perue, Columbia SD 57433

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50.00	
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. <u>6092-2</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50.00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
<u>Electronic Transfer</u>		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

000024

By

Darlene Elvick

Chief Engineer

gm

Permit No. 6092-3
James 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 14, 2002**, made a thorough examination of the water use system constructed by **Melvin Kallas** of **36740 117th St. Wetonka, SD 57481** holder of Permit No. **6092-3**, bearing the priority of **July 31, 1998** authorizing the storage of **49** acre-feet of the waters of **runoff** for **fish & wildlife propagation and livestock water** purposes, in **McPherson** County.

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

A. Works used to divert the water:

A 6 foot high dam with an 18 inch CMP as the primary spillway and a 50 foot wide earthen secondary spillway that stores 49 acre-feet of water.

B. Works used to transport water to place of use:

N/A

C. Works used to apply water to beneficial use:

A 6 foot high dam with an 18 inch CMP as the primary spillway and a 50 foot wide earthen secondary spillway that stores 49 acre-feet of water.

The system is in the following condition **good**. The point of diversion is located **1500 ft. north & 100 ft. west of the SE corner of Sec. 30-T126N-R66W (NE 1/4 SE 1/4)**. The works are capable of storing **49** acre-feet of water which is to be used for **fish & wildlife propagation and livestock water**. Water has been put to beneficial use to the maximum extent as follows:

A 6 foot high dam with an 18 inch CMP as the primary spillway and a 50 foot wide earthen secondary spillway that stores 49 acre-feet of water.

and the license should be issued for **49** acre-feet of storage.

Applicable permit qualifications have been complied with: Yes **X**

Exceptions to compliance are: **none** Date Report Completed: **August 16, 2002**



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

REPORT ON INSPECTION OF PERMIT NO. 6092-3

Other permit(s) associated with the project: XXXX

DATE OF INSPECTION: August 14, 2002

NAME & ADDRESS OF INSPECTION CONTACT/ Melvin Kallas

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Melvin Kallas, 36740 117th St., Wetonka, SD 57481

DIVERSION POINT LEGAL LOCATION: 1500 ft. north & 100 ft. west of the SE corner of Sec. 30-T126N-R66W (NE 1/4 SE 1/4).

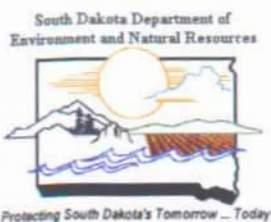
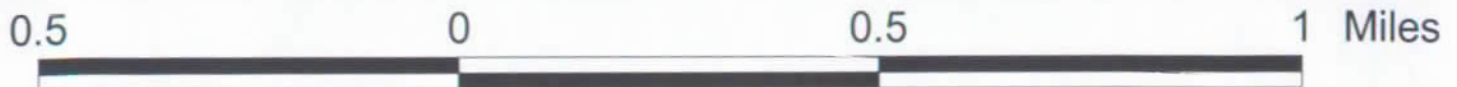
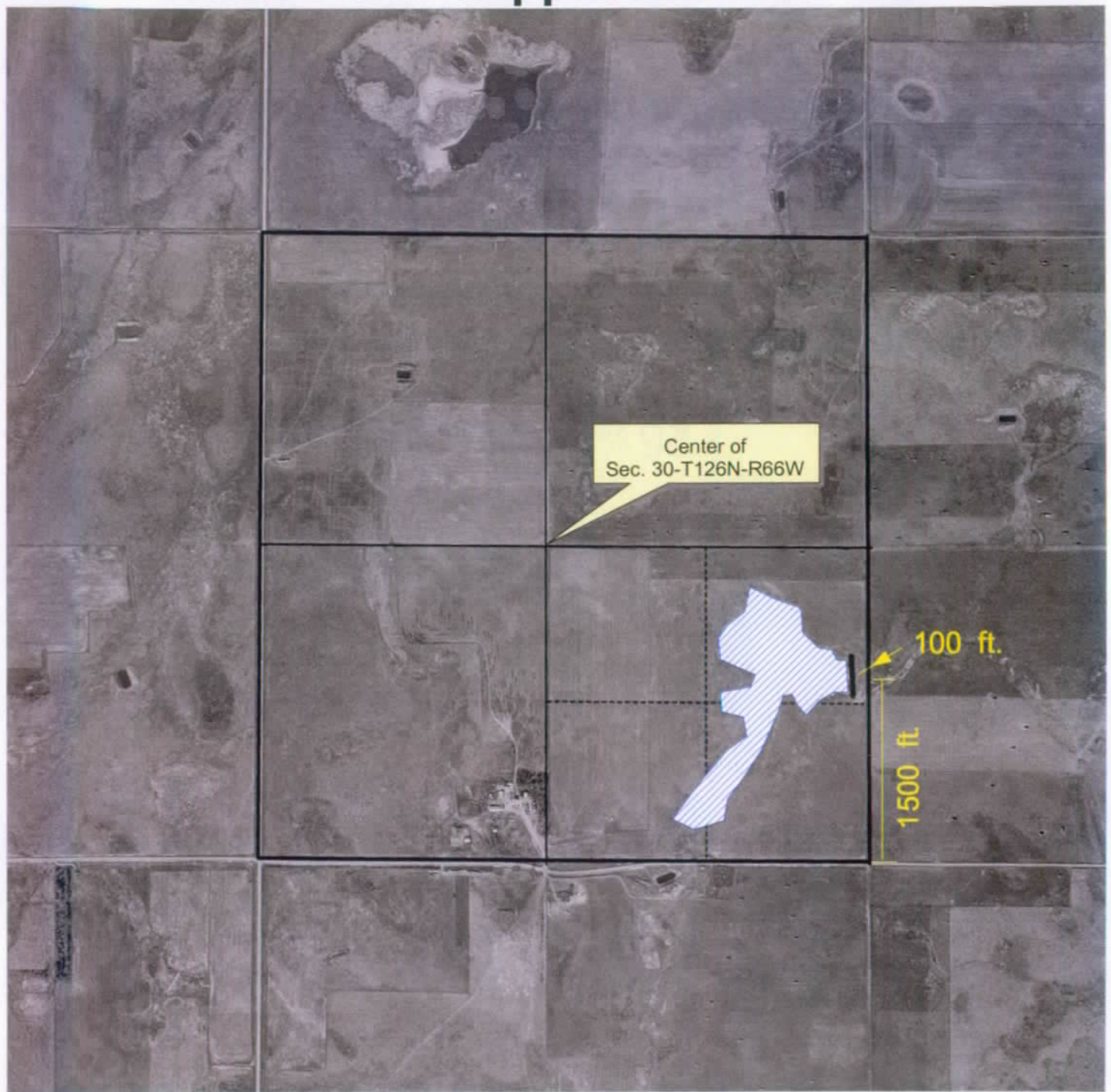
DAM INFORMATION:

- 1) Height to crest 6 feet
- 2) Height to primary spillway 3 feet (**18 inch CMP**)
- 3) Height to secondary spillway 3 feet
- 4) Crest width 10 feet
- 5) Crest length 370 feet
- 6) Spillway length XXX feet
- 7) Spillway width 50 feet
- 8) Approx. storage (Normal) 49 acre-feet
- 9) Approx. storage (Maximum) 90 acre-feet
- 10) Date constructed: 2001

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

Water Permit Application No. 6092-3



Timothy G. Schaal
Timothy G. Schaal, P.E. 8/16/02
Natural Resources Engineer Specialist
Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6092-3

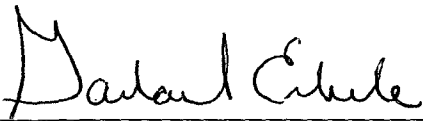
(1) Melvin Kallas, 36740 117th St., Wetonka SD 57481 made Application No. 6092-3, July 31, 1998 for a water permit to impound 49 acre feet of water from runoff, McPherson County, South Dakota for fish and wildlife propagation and livestock watering purposes. Permit No. 6092-3, with a priority date of July 31, 1998 was approved September 7, 1998 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 7, 2003 and for the application to beneficial use of water on or before September 7, 2007.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6092-3 is issued a license, bearing a priority date of July 31, 1998, to impound 49 acre feet of water.

The location of the storage dam (spillway) is 1,500 feet north and 100 feet west of the southeast corner of Section 30-T126N-R66W (NE ¼ SE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6092-3, including the following qualifications:

- Water Permit No. 6092-3 authorizes a dam with storage capacity of 49 acre-feet of water and sufficient water annually to maintain the water level to the outlet elevation.
- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 04 2002

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

NOV 04 2002

6092-3

Melvin Kallas
36740 117th St.
Wetonka SD 57481

Dear Mr. Kallas:

Enclosed is Water License No. 6092-3. This is the final water right document completing your 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.

Sincerely,

A handwritten signature in cursive script that reads "Garland Erbele".

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

cc: Sand Lake National Wildlife Refuge, 39650 Sand Lake Refuge, Columbia SD 57433