

WATER PERMIT NO. 6479-3

Name of Applicant: McCook Lake Recreation Association

Address: 315 Lakeshore Dr, McLake SD 57049

Phone: 605 242-4434

Amount of Water Claimed: 13.81 cfs (7,519 acre-feet)

Total Acres: NA

Source of Water Supply: Missouri River

Water to be used for: fish & wildlife propagation and recreation

County: Union

Type of Waste Disposal System:

Location: south end of McCook Lake

PRIORITY

Date Received: 9-27-2002

Application/License Fee: \$1200.00

Corrected Application Received: 3-11-2004

Period of Annual Use: March 1 – December 1

Remarks: increase the diversion rate authorized by Water Right No. 5878A-3

Diversion Point: SW ¼ SW ¼ Sec 17-T89N-R48W

Land to be Irrigated: NA

Depth of Well: NA

Well Driller: : NA

Remarks:

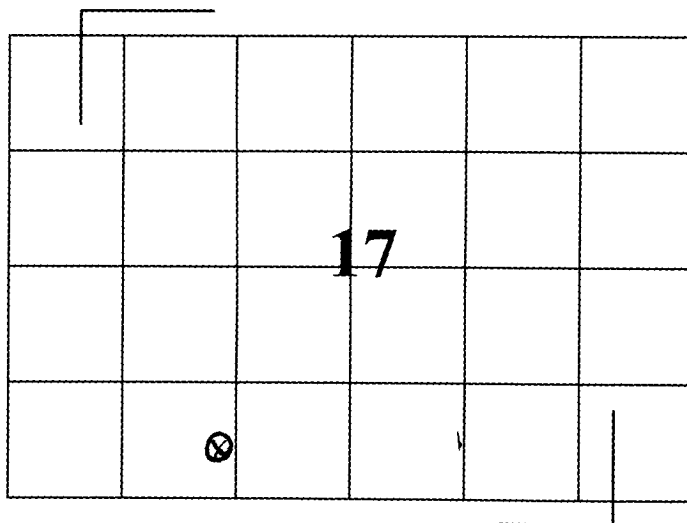
Type of Map: aerial

Prepared by: Ron Duvall

Reviewed and the Number Assigned on: 3-11-04

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



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	No. <u>6479-3</u>	(office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>Leader-Courier, Elk Point</u>	

RECEIVED
SEP 27 2002
WATER RIGHTS
PROGRAM

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	

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. 5878A-3

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) upgrading pump, and adding G.P.M.

1. Name of Applicant McCook LK. Recreation Association Phone 605-242-4434
(check one) ☐ Owner ☐ Tenant/lessee

Mailing Address 315 Lakeshore Dr. McCook LK. State SD 57049
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 13.85 *CFS or 12,000 **GPM 7,519 ***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 Missouri River

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SW 1/4 section 17 Big Sioux Township
SW1/4 SW1/4 Sec 17 - T89N-R48W County Union

5. County or counties where water will be used Union

6. Annual period during which water is to be used March 1st thru Dec. 1st

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)

We are not changing anything from previous permit other than increasing our G.P.M.

IOWA
STATE OF ~~SOUTH DAKOTA~~ SS
County of WOODBURY ~~WYOMING~~

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, Todd Cook, 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 Todd Cook

Subscribed and sworn to before me this 24 day of Sept.

20

Rb Soto

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6479-3**

Date of first receipt of application September 27, 2002.

Date of return to applicant for corrections, amendments or changes October 1, 2002.

Date of receipt of corrected application March 11, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6479-3 to McCook Lake Recreation Association, 315 Lakeshore Dr., McCook Lake SD 57049 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6479-3 appropriates 13.85 cubic feet of water per second (cfs) (7,519 acre feet annually) by increasing the diversion rate authorized by Water Right No. 5878A-3. Water Right No. 5878A-3 appropriates 12.89 cfs from the Missouri River located in the SW ¼ SW ¼ Section 17-T89N-R48W to maintain the water level of McCook Lake. This permit increases the water appropriation from 12.89 cfs to 26.7 cfs.
2. The water appropriated shall be used for the purpose of recreational use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: March 1 – December 1.
4. The date of approval of Permit No. 6479-3 is April 19, 2004.
5. The date from which applicant may claim right is March 11, 2004.
6. One-fifth of the construction is to be completed on or before October 19, 2006.
7. All construction is to be completed on or before April 19, 2009.
8. Water is to be put to beneficial use on or before April 19, 2013.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

Water Right No. 5878A-3 and Water Permit No. 6479-3 authorize diversion of Missouri River water only when the McCook Lake water elevation is below 1090.3 fmsl.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

MAY 10 2004

date



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 11, 2004

RECEIVED OF McCook Lake Recreation Assn., PO Box 1185, North Sioux City SD 57049

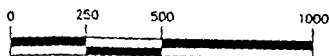
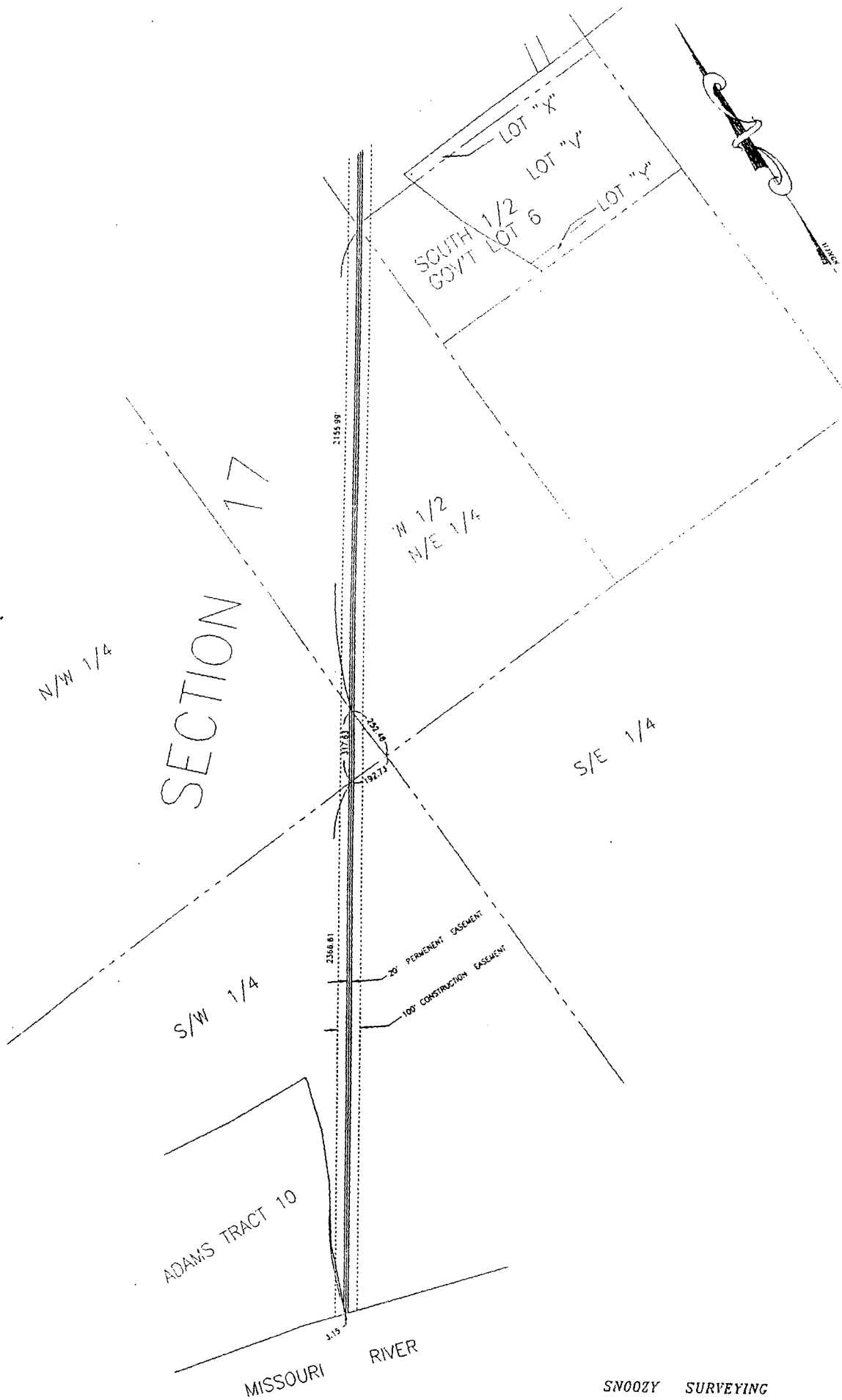
The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6479-3</u> to Appropriate Water, to construct and to put water to beneficial use	1750	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>6479-3</u>	50	00
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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1800.00

No. 0012331

By Darland Ebele
Chief Engineer

gm



SNOOZY SURVEYING
19 ALCOMA DRIVE
NORTH SIOUX CITY, SD 57049
605-232-3032



October 1, 2002

McCook Lake Recreation Association
c/o Todd Cook
315 Lakeshore Dr.
McCook Lake SD 57049

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Dear Mr. Cook:

Thank you for submitting the *Application for a Permit to Appropriate Water* to increase the diversion rate authorized by Water Right No. 5878A-3. In order to complete the application, the following needs to be clarified.

The application states the amount of water claimed as 12,000 gallons per minute (gpm). The Association currently holds a water right from the Missouri River for 5,800 gpm. Is the 12,000 gpm listed on application in addition to the 5,800 gpm currently authorized or is it the cumulative total diversion rate from the river after upgrading the pump? If the latter were true, the actual new appropriation would be an additional 6,200 gpm.

I want to make you aware that the application filing fee will be considerable and is dependent on the amount of water claimed. For instance:

The fee for 12,000 gpm of additional pumping authority is \$4,225.00.

The fee if the additional pumping authority is 6,200 gpm is \$2,300.00.

The application filing fee can also be calculated based on the total volume (acre-feet of water) diverted annually. This method of calculating may provide for a reduced fee but only if the pumps are not run continuously 24 hours a day and 365 days a year. For your information, one acre-foot of water is equal to 325,900 gallons and 450 gpm run continuously for one year equates to 724 acre feet.

A request for the 12,000 gpm being continuously diverted for one year is equal to 19,358 acre feet of water annually. But as an example, if the pump is only run 50% of the time, the annual volume would be 9,680 acre feet. The fee could then be based on the acre foot amount which would cause the filing fee to be almost cut in half. If you want to quantify the amount of water claimed on an acre foot basis, please contact Eric Gronlund at (605) 773-3352 and he will help you calculate the correct fee.

I realize this may be somewhat complicated so do not hesitate to contact Eric or myself if you have any questions.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

Gronlund, Eric

From: Gronlund, Eric
Sent: Monday, March 24, 2003 8:47 AM
To: 'Mike Zediker'; 'pse225@aol.com'
Cc: Schlaak, Karen
Subject: RE: McCook Lake Rec Assn. pumping permit

Mike & Todd

The application was filed last September. As a result of our discussions you put the application on hold until you obtained Corps approval. If you want to proceed with the application, the application filing fee will need to be submitted. Please see below the e-mail from last October. As I recall our discussion the application is for additional diversion authority of 6,215 gpm with an annual volume of 7,519 acre feet of water. Based on this, the application filing fee will be \$ 1,800

The other issue that hanging out there is the use of the well which is pumped over the dike to preserve a wetland area. This was some requirement with the Corps. This well is not permitted.

Eric Gronlund
Water Rights Program, DENR
605 773-3352

-----Original Message-----

From: Mike Zediker [mailto:forgunz@yahoo.com]
Sent: Sunday, March 23, 2003 7:47 PM
To: Eric.Gronlund@state.sd.us
Subject: McCook Lake Rec Assn. pumping permit

Dear Eric; If you haven't heard, the Corps of Engineers has granted us the permit we need to increase our pumping to 12,000 gpm. I e-mailed you last October about increasing our permit up to 7,519 acre feet annually. Could you please send us the necessary paperwork to get this done. You can reach me at 47527 Burbank Rd, Elk Point, SD. 57025, 605-356-0277, or forgunz@yahoo.com. You can also get ahold of Todd Cook, 225 Westshore Drive, McCook Lake, SD 57049, 605-232-6213 or pse225@aol.com. Thanks for your help on this venture, talk to you later, Mike Zediker.

***** past e-mail *****

-----Original Message-----

From: Mike Zediker [mailto:forgunz@yahoo.com]
Sent: Monday, October 14, 2002 7:42 PM
To: Eric.Gronlund@state.sd.us
Subject: Re: McCook Lake Recreation Association

Dear Eric; Todd was wondering if we could wait on this permit until we get the Corps of Engineers permission to put the new pump in. We need thier permission since it is going to hang out in the navigible channel. Please let us know about this. Thank you, Mike Z.

3/24/2003

Eric.Gronlund@state.sd.us wrote:

Mike Zediker

I am writing to follow-up on your conversation with Karen Schlaak of the Water Rights Program regarding McCook Lake Recreation Association's water right permit application to increase the Missouri River pump rate. The Association currently holds permits appropriating a total of 5,785 gallons per minute (gpm) to maintain McCook Lake during the period March 1 - December 31. Water is to be diverted only when the lake water elevation is below 1090.3 feet mean sea level.

It is our understanding the application filed in September seeks to increase the diversion so that the Association total diversion authority is 12,000 gpm. This would mean the pending application proposes an additional diversion authority of 6,215 gpm ($5,785 \text{ gpm} + 6,215 \text{ gpm} = 12,000 \text{ gpm}$).

The filing fee calculated based on the increased diversion rate of 6,215 gpm is \$2,300.

There is an alternate method to calculate the filing fee that can result in a reduced fee. This method bases the fee on the volume (acre-feet of water) diverted in a year. For your information, one acre-foot of water is equal to approximately 325,900 gallons of water. This method only provides a fee savings if water is not pumped continuously throughout the months authorized for diversion.

In this particular situation, I assume the Association pumps continuously during the months authorized (March 1 - December 1) whenever the lake elevation is below 1090.3 fmsl. At a diversion rate of 6,215 gpm (the additional requested rate) being pumped for nine months equates to 7,519 acre feet of water annually. The fee for this quantity is \$1,800.00.

An application filing fee of \$1,800.00 will need to be submitted in order for the Water Rights Program to process the application.

Please do not hesitate to contact me if you have any questions.

Eric Gronlund
Water Rights Program, DENR
523 E. Capitol Ave.
Pierre SD 57501
605 773-3352

WATER PERMIT APPLICATION No. 6479-3
McCook Lake Recreation Association
c/o Todd Cook
315 Lakeshore Drive
McCook Lake, SD 57049
(605)242-4434

Water Permit Application No. 6479-3, McCook Lake Recreation Association, proposes increasing the appropriation of Missouri River water by an additional 13.85 cubic feet per second (cfs) over the 12.89-cfs authorized by Water Right No. 5878A-3. The combined total appropriation of 26.70-cfs (11984 gallons per minute) for Water Right No. 5878A-3 and this application is to be used to maintain the water level in the lake at 1090.3-feet mean sea level (msl) for fish and wildlife propagation, and recreation use. The requested annual period of use is from March 1 through December 1.

Review of Proposed Project

The applicant previously held Water Permit Nos. 4330-3, 5781-3, and 5878-3 for the diversion of Missouri River water into McCook Lake near North Sioux City, SD. Permit No. 4330-3 authorized the diversion of 1.27-cfs of water. This was increased to 6.22-cfs by Permit No. 5781-3 and further increased to 12.89-cfs by 5878-3. Water Right No. 5878A-3 changed the annual period of use to March 1 through December 1 and the diversion point of these permits from the NW¼ SW¼ Section 21 to the SW¼ SW¼ Section 17, all T89N R48W. The water is transported from the Missouri River through an 8000-foot pipeline to augment the water stored in McCook Lake. (Attachment 1) The priority dates and status of these diversions are:

- Permit No. 4330-3, August 17, 1979 for 1.27-cfs, incorporated into Permit No. 5781-3
- Permit No. 5781-3, August 12, 1993 for 4.95-cfs, incorporated into Permit No. 5878A-3
- Right No. 5878A-3, August 18, 1995 for 6.67-cfs, incorporated Permit No. 5781-3, and amended Permit No. 5878-3

The Water Management Board previously established the maximum surface water elevation that McCook Lake can be maintained at by the diversion of Missouri River water at 1090.3-feet msl.

Water Source and Existing Water Rights

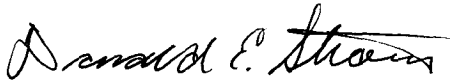
The water source for this proposed project is the Missouri River downstream of the Gavins Point Dam. The only prior right in the vicinity of this proposed project is held by the SD Department of Game, Fish, and Parks (GF&P) to stabilize the surface water level in Mud Lake. This prior right uses the same pipeline as this proposed project with a branch line to Mud Lake to transport Missouri River water. Sufficient Missouri River water should be available and this proposed project should not interfere with any prior rights.

Conclusions

1. Water Permit Application No. 6479-3, McCook Lake Recreation Association, proposes increasing the total appropriation of Missouri River water to 26.70-cfs (11984 gpm), an

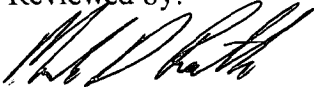
additional 13.85 cubic feet per second (cfs) over the 12.89-cfs authorized by Water Right No. 5878A-3, to augment the water stored in McCook Lake.

2. Sufficient Missouri River water should be available and this proposed project should not interfere with any prior rights. There have been no complaints or opposition to previous appropriations of Missouri River water to augment McCook Lake.
3. This application should contain the preceding Water Management Board qualification that the maximum surface water elevation that McCook Lake can be maintained at by the diversion of Missouri River water be set at 1090.3-feet msl.
4. Priority dates of August 17, 1979 for 1.27-cfs, August 12, 1993 for 4.95-cfs, and August 18, 1995 for 6.67-cfs should be retained.



Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

Reviewed by:



Mark D. Rath
Natural Resources Engineering Specialist
DENR Water Rights Program

References

South Dakota Department of Environment and Natural Resources, Water Rights Program Records

USGS National NWISWeb Water Information System, Historical Stream Flow for South Dakota

APPLICATION No. 6479-3
McCook Lake Recreation Association
c/o Todd Cook
315 Lakeshore Drive
McCook Lake, SD 57049
(605)242-4434



Donald E. Stroup

Donald E. Stroup
Natural Resources Project Engineer
DNR Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6479-3, McCook Lake Recreation Association**

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. 6479-3, McCook Lake Recreation Association, c/o Todd Cook, 315 Lakeshore Drive, McCook Lake SD 57049.

The Chief Engineer is recommending APPROVAL of Application No. 6479-3 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 qualification:

Water Right No. 5878A-3 and Water Permit No. 6479-3 authorize diversion of Missouri River water only when the McCook Lake water elevation is below 1090.3 fmsl.

See report on application for additional information.

Garland Erbele, Chief Engineer
March 25, 2004

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Union) SS

I, Susan Odsom

certify that the attached printed Notice was taken

from the Leader-Courier

printed and published in Elk Point

County of Union and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

April 1, 2004

April 8, 2004

Cost of Printing 44.36

Susan Odsom
 (Signature)

Affidavits Coordinator
 (Title)

April 8, 2004
 (Date Signed)

**NOTICE OF APPLICATION,
 NO. 6479-3
 TO APPROPRIATE WATER**

Notice is given that McCook Lake Recreation Association, c/o Todd Cook, 315 Lakeshore Dr., McCook Lake SD 57049 has filed an application for a water permit to appropriate 13.85 cubic feet of water per second (cfs) (7,519 acre feet annually) by increasing the diversion rate authorized by Water Right No. 5878A-3. Water Right No. 5878A-3 appropriates 12.89 cfs from the Missouri River located in the SW1/4 SW1/4 Section 17-T89N-R48W to maintain the water level of McCook Lake for recreational use. This application proposes to increase the water appropriation from 12.89 cfs to 26.7 cfs. The annual period of use would be March 1 thru December 1.

The South Dakota Department of Game, Fish & Parks holds Water Permit No. 6275-3 to use the Association's pump system to stabilize Mud Lake.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6479-3 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 April 19, 2004.

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. Steven M. Pirner, Secretary Department of Environment and Natural Resources.
 Publish April 1 and 8, 2004
 14-9-79

44.36

RECEIVED
 APR 12 2004
 WATER RIGHTS
 PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 26, 2004

Leader-Courier
PO Box 310
Elk Point SD 57025-0310

ATTENTION: Legal Public Notice

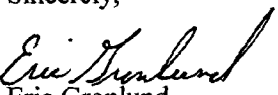
Enclosed is a Notice of Hearing on Application No. 6479-3 to Appropriate Water to be published twice. Please publish the first notice on April 1, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 McCook Lake Recreation Association, % Todd Cook, 315 Lakeshore Dr., McCook Lake SD (Ph # 605-242-4434).

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. 6479-3

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

Date _____

We are in receipt of your letter of March 26, 2004 enclosing Notice of Hearing to Appropriate Water by Application No. 6479-3 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 April 1, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6479-3 to Appropriate Water

Notice is given that McCook Lake Recreation Association, c/o Todd Cook, 315 Lakeshore Dr., McCook Lake SD 57049 has filed an application for a water permit to appropriate 13.85 cubic feet of water per second (cfs) (7,519 acre feet annually) by increasing the diversion rate authorized by Water Right No. 5878A-3. Water Right No. 5878A-3 appropriates 12.89 cfs from the Missouri River located in the SW ¼ SW ¼ Section 17-T89N-R48W to maintain the water level of McCook Lake for recreational use. This application proposes to increase the water appropriation from 12.89 cfs to 26.7 cfs. The annual period of use would be March 1 thru December 1.

The South Dakota Department of Game, Fish & Parks holds Water Permit No. 6275-3 to use the Association's pump system to stabilize Mud Lake.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6479-3 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 April 19, 2004.

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

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

March 26, 2004

McCook Lake Recreation Association
% Todd Cook
315 Lakeshore Dr
McCook Lake SD 57049

Dear Mr. Cook:

Water Permit Application No. 6479-3 for fish & wildlife propagation and recreation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Leader-Courier printed at Elk Point, SD (Ph # 605-356-2632). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 also 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

c: Leslie Petersen, Game Fish & Parks, Foss Building, Pierre SD 57501

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.



MAY 10 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

McCook Lake Recreation Assoc
% Todd Cook
315 Lakeshore Dr
McCook Lake SD 57049

Dear Mr. Cook:

Enclosed is Water Permit No. 6479-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures