

WATER PERMIT NO. 6664-3

Name of Applicant: White Rock Colony

Address: 47788 102nd St, Rosholt SD 57260 Phone: 605 537-4871

Amount of Water Claimed: 0.70 cfs & 84 AF storage Total Acres: 49

Source of Water Supply: runoff

Water to be used for: irrigation County: Roberts

Type of Waste Disposal System:

Location: 6 miles northeast of Rosholt

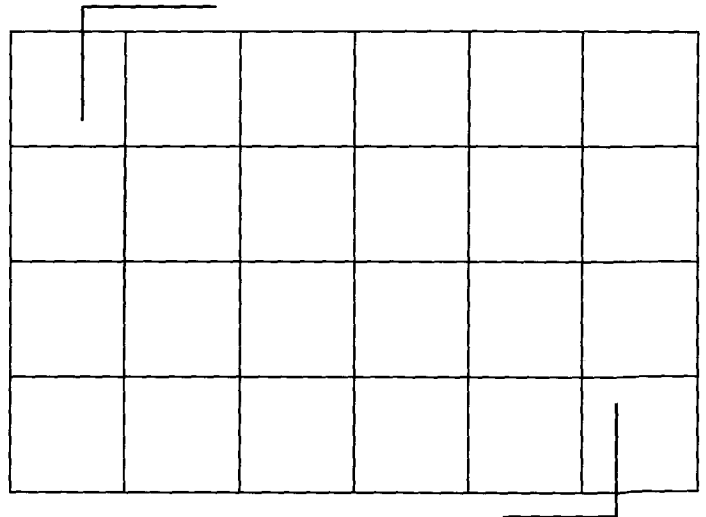
PRIORITY Date Received: 9-22-05 Application/License Fee: \$200

Corrected Application Received: Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SE ¼ SE ¼ & Lot 1 Section 35-
T129N-R48W and NE ¼ NE ¼ & SW ¼ SW ¼
Sec 7-T128N-R47W

Land to be Irrigated: NE ¼ NE ¼, SW ¼ NE ¼,
Lot 4 Sec7-T128N-R47W and SE ¼ SE ¼, Lot 2
Sec 35-T129N-R48W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Tim Schaal

Reviewed and the Number Assigned on: 9-22-05

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6664-3</u> (office use only)
	Basin <u>Red Rainy</u>
	Newspaper <u>The Rosholt Review, Rosholt</u>
	Hydrologic Unit <u>09020101</u>

RECEIVED
SEP 22 2005
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

1. Name of Applicant White Rock Colony Phone 537-4871
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 47788 102nd Street Rosholt State SD 57260
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.70 *CFS or 84 **GPM 49 ***AF Total Acreage 49
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Runoff
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W), SE1/4 SE1/4 of Lot 1
of Sec. 35-T129N-R48W and SE1/4 NE1/4 of SW1/4 SW1/4 of
Sec. 7-T128N-R47W County Roberts
5. County or counties where water will be used Roberts
6. Annual period during which water is to be used Jan. 1 - Dec. 31
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE1/4 NE1/4 Sec. 7-T128N-R47W	28	SE1/4 SE1/4 Sec. 35-T129N-R48W	7
SW1/4 NE1/4 " "	2.5	Lot 2 " "	9
Lot 4	2.5		

8. Give a description of the project. (Attach sheet if more space is needed)

Irrigation from 2 existing storage dams

STATE OF SOUTH DAKOTA) SS
County of Roberts

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, Mike Waldner, 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 Mike Waldner

Subscribed and sworn to before me this 20th day of September 2005

Carol D. Swartz
Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 6664-3

Date of first receipt of application September 22, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6664-3 to White Rock Colony, 47788 102nd St, Rosholt SD 57260 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. 6664-3 appropriates 0.70 cubic feet of water per second from runoff in two existing storage dams (total 84 acre-feet storage capacity) located in Lot 1 Section 35-T129N-R48W and the SE ¼ NE ¼ Section 7-T128N-R47W. The water will be used to irrigate 49 acres located in the NE ¼ NE ¼, SW ¼ NE ¼, Lot 4, Section 7-T128N-R47W and SE ¼ SE ¼, Lot 2 Section 35-T129N-R48W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: January 1 – December 31 (storage) and March 1 – November 30 (irrigation).
3. The date from which applicant may claim right is September 22, 2005.
4. The date of approval of Permit No. 6664-3 is November 28, 2005.
5. One-fifth of the construction is to be completed on or before May 28, 2008.
6. All construction is to be completed on or before November 28, 2010.
7. Water is to be put to beneficial use on or before November 28, 2014.
8. 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. 6664-3 authorizes two dams with a combined storage capacity of 84 acre feet of water and sufficient water annually to maintain the water level to the outlet elevations.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JAN 26 2008

date



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 _____ 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

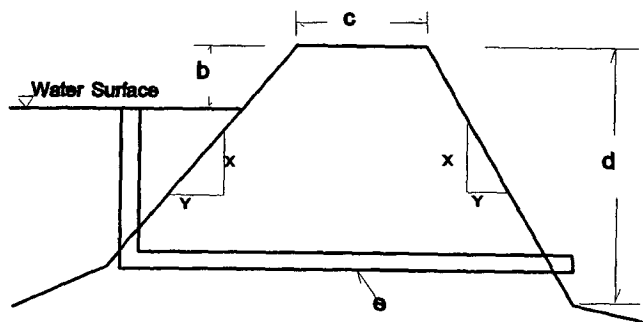
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams North dam

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:

Existing dam



- b) Freeboard 6 ft.
- c) Crest Width 15 ft.
Crest Length 270 ft.
- d) Height 18 ft.
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width 25 ft.
- g) X & Y Slope _____
Upstream 1 to 3
Downstream 1 to 3
- h) Surface Area of Impoundment 12.5 Ac
- i) Storage 60 Acre Feet
- j) Drainage Area Above Dam 2335 Acres

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 _____ 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

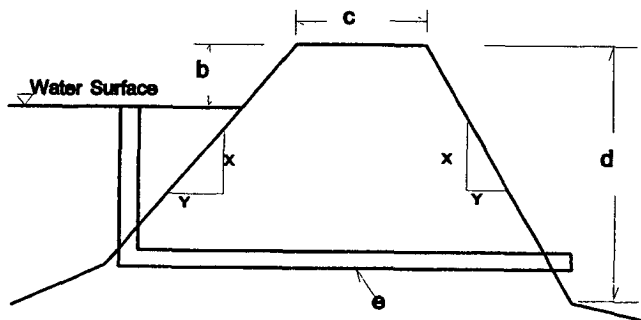
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams *South Dam*

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:

Existing dam



- b) Freeboard *6 ft.*
- c) Crest Width *15 ft.*
Crest Length *180 ft.*
- d) Height *16 ft.*
- e) Primary Outlet Capacity *120 cfs*
If pipe, diameter *4 ft.*
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream *1 to 3*
Downstream *1 to 3*
- h) Surface Area of Impoundment *6.5 Ac*
- i) Storage *24* Acre Feet
- j) Drainage Area Above Dam *435* Acres

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 6, 20 05

RECEIVED OF White Rock Putterian Brethren Inc., 47788 102nd St., Rosholt SD 57260-6422

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

Fee for Application for Permit No. <u>6664-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	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>6664-3</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	200.00

No.

By

Darlene Ebele
Chief Engineer *gm*

001949



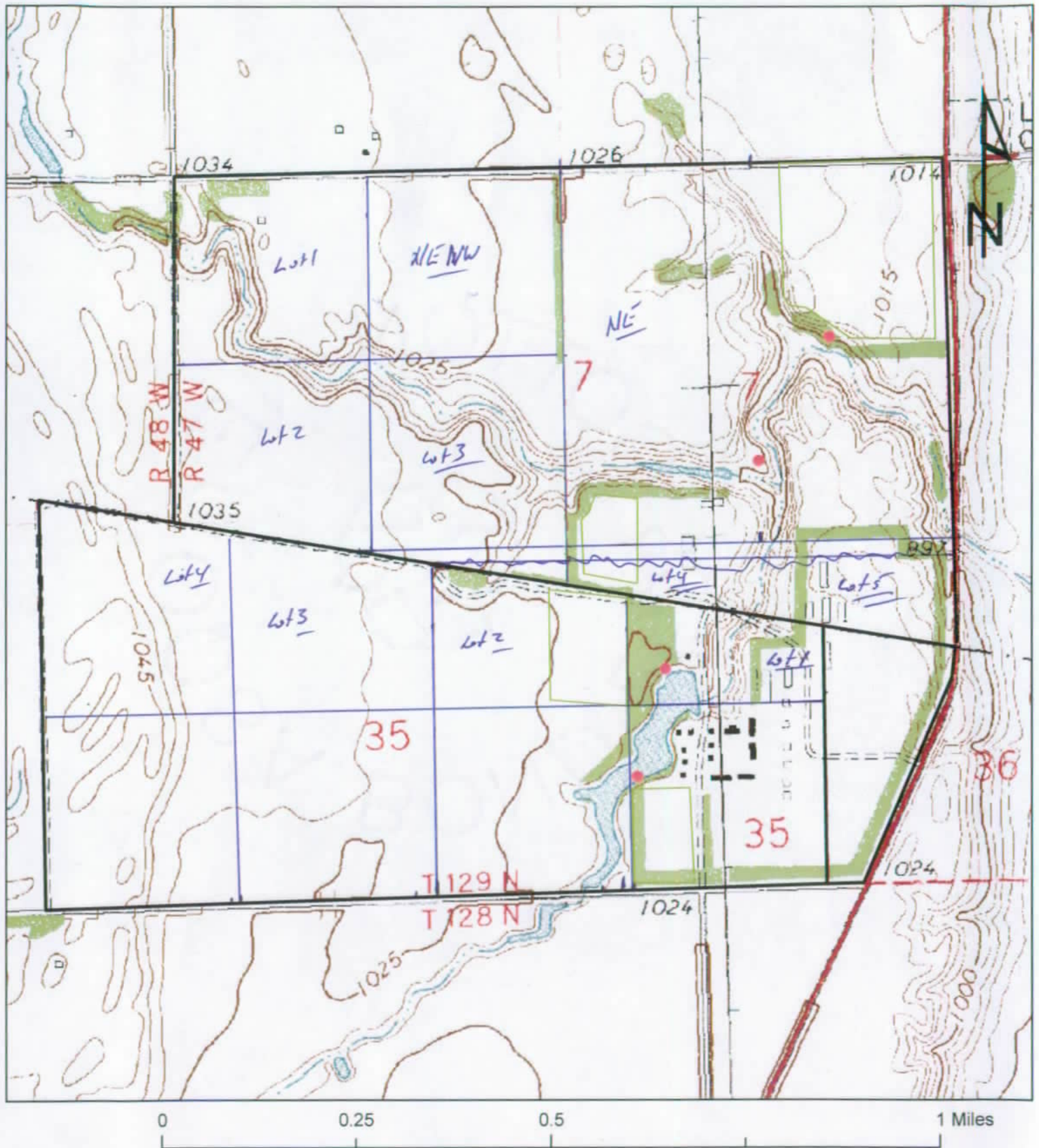
0 0.25 0.5 1 Miles



Timothy G. Schaal

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

3/24/05



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

Tim

TOWNSHIP N: 128 North RANGE N: 47 West of the 5th Principal MERIDIAN

G F E D C B A



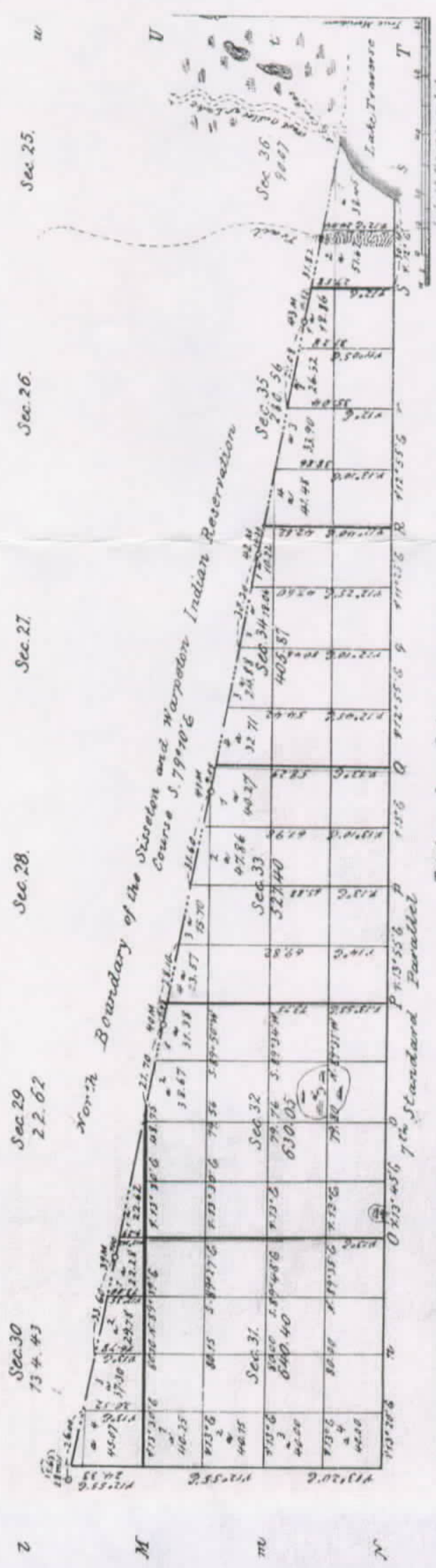
Numbers of Acres of each section and of the whole township

Section	Acres	Section	Acres	Section	Acres
1	36.00	13	36.00	25	36.00
2	36.00	14	36.00	26	36.00
3	36.00	15	36.00	27	36.00
4	36.00	16	36.00	28	36.00
5	36.00	17	36.00	29	36.00
6	36.00	18	36.00	30	36.00
7	36.00	19	36.00	31	36.00
8	36.00	20	36.00	32	36.00
9	36.00	21	36.00	33	36.00
10	36.00	22	36.00	34	36.00
11	36.00	23	36.00	35	36.00
12	36.00	24	36.00	36	36.00
Total 1296.00					

Sec 7
Sec 8
Sec 9
Sec 10
Sec 11
Sec 12
T 129 N - R 48 W
Tim

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N



Survey Designated	By Whom Surveyed	Date of Control	Amount of Survey	When Surveyed
Township lines	Theo. H. Barrett	Aug. 22 ^d 1868	21 - 53 - 32	Nov. 1868
Subdivisions	"	"	"	"

The above Map of Township 129 N. of Range 48 W. is hereby approved and approved notes of the survey thereof are filed in this Office which have been examined and approved by the General Land Office
General Land Office
Washington, D. C.
January 3^d 1869

DEPARTMENT OF THE
GENERAL LAND
OFFICE
Washington, D. C.
I hereby certify that this
is a true and literal exemplification
of the original plat of survey to which it is
on file in this office.



September 8, 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

White Rock Colony
c/o Mike Waldner
47788 102nd St
Rosholt SD 57260

Dear Mr. Waldner:

Thank you for submitting the filing fee of \$200 for your *Application for a Permit to Appropriate Water* for irrigation from the two storage dams.

This letter is a reminder that we have not received the signed and notarized *Application for a Permit to Appropriate Water*.

Upon receipt of the completed application, further processing of your application will continue. If you have any questions, please contact Tim Schaal or me.

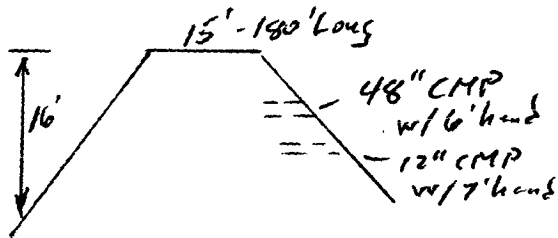
Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

Water Permit Application # 6664-3 White Rock Colony

2 Existing Dams

South Dam - Cont. 3 Low Hazard



Colony said they would
add Add'l 24" CMP w/ 7.5' head

From US68 WRI 98-4055
CA = 435 Ac = 0.68 mi²
Region A P_{II} = 0.9

$$\begin{aligned}
 Q_{25} &= 218 (CA)^{.513} P_{II}^{4.80} \\
 &= 218 (0.68)^{.513} (0.9)^{4.80} \\
 &= 218 (.8205) (.6031) \\
 &= \underline{108 \text{ cfs}}
 \end{aligned}$$

$$\begin{aligned}
 Q_{100} &= 362 CA^{.521} P_{II}^{4.47} \\
 &= 362 (0.68)^{.521} (0.9)^{4.47} \\
 &= 362 (0.818) (.6244) \\
 &= \underline{185 \text{ cfs}}
 \end{aligned}$$

Spillway Flow

48" CMP $a = 12.56$

$$Q = a \sqrt{\frac{2.914}{1 + K_m + K_p L}}$$

$$= 12.56 \sqrt{\frac{2(32.2)(6)}{1 + 1 + 0.0168(40)}}$$

$$= \underline{150 \text{ cfs}}$$

24" CMP $Q = 35 \text{ cfs}$

Total = 185 cfs plus

$$\begin{aligned}
 K_m &= 1 \\
 K_p &= 0.0168 \\
 L &= 40 \\
 A &= 12.56
 \end{aligned}$$

NRC's Annual Flood
CN = 72 ISJ = 2 1/2 DA = 435 Ac

$$80\% \text{ chance} = 0.11$$

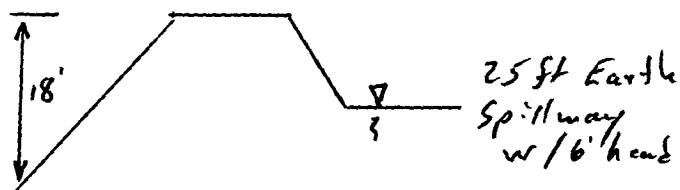
$$0.11 \times 435/12 = \underline{4 \text{ Ac-Ft.}}$$

$$50\% \text{ chance} = 0.33$$

$$0.33 \times 435/12 = \underline{12 \text{ Ac-Ft.}}$$

$$10\% \text{ chance} = 1.8$$

$$1.8 \times 435/12 = \underline{65 \text{ Ac-Ft.}}$$

North Dam - Cat. 3 Low Hazard

Surface Area = 12.5 Ac

$$12.5 \times 12 \times .4 = \underline{60 \text{ Ac-Ft Normal}}$$

$$15 \times 18 \times .4 = \underline{100 \text{ Ac-Ft Max.}}$$

From USGS WRI 98-4055
 $CA = 2335 \text{ Ac} = 3.65 \text{ mi}^2$

$$\begin{aligned}
 Q_{25} &= 218 CA^{.513} P_{II}^{4.80} \\
 &= 218 (3.65)^{.513} (0.9)^{4.80} \\
 &= 218 (1.9429) (0.6031) \\
 &= \underline{255 \text{ cfs}}
 \end{aligned}$$

$$\begin{aligned}
 Q_{100} &= 362 CA^{.521} P_{II}^{4.47} \\
 &= 362 (3.65)^{.521} (0.9)^{4.47} \\
 &= 362 (1.9632) (0.6244) \\
 &= \underline{444 \text{ cfs}}
 \end{aligned}$$

Spillway Flow

$$\begin{aligned}
 Q &= CLH^{3/2} \\
 C &= 2.6 \\
 L &= 25 \\
 H &= 6 \\
 &= 2.6(25)(6)^{1.5} \\
 &= \underline{950 \text{ cfs}}
 \end{aligned}$$

NRCs Annual Yield

$$CN = 72 \quad DA = 2335 \text{ Ac} \quad Iso = 2\frac{1}{2}$$

$$\begin{aligned}
 80\% \text{ chance} &= 0.11 \\
 0.11 \times 2335^{1/2} &= \underline{21 \text{ Ac-Ft.}}
 \end{aligned}$$

$$\begin{aligned}
 50\% \text{ chance} &= 0.33 \\
 0.33 \times 2335^{1/2} &= \underline{64 \text{ Ac-Ft.}}
 \end{aligned}$$

$$\begin{aligned}
 10\% \text{ chance} &= 1.8 \\
 1.8 \times 2335^{1/2} &= \underline{350 \text{ Ac-Ft.}}
 \end{aligned}$$



Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: White Rock Colony

ADDRESS: 47788 102nd Street, Rosholt, SD 57260

COUNTY: Roberts

DATE: October 28, 2004

TELEPHONE: 537
573-4871

RE: Complaint from Michael Lick

On October 26, 2004, I meet with Michael Lick (10317 477th Ave, Rosholt SD) and Mike Waldner from the White Rock Colony. Mr. Lick owned the land to the south of the Colony and was concerned that the Colony's south dam, located in Lot 1 of Section 35-T-129N-R48W, was backing water across the road. This would be the road on the South side of the Colony and located between Section 35-T129N-R48W and Section 2-T128N-R48W. There was a 3 foot CMP culvert and an 18 inch CMP culvert in the road. The water on the upstream side of the road was about 6 inches above the culvert inverts. The colony dam had a 4 foot culvert with about 6 feet of freeboard and a 12 inch culvert with about 7 feet of freeboard. They had recently (last year) added the 12 inch culvert. Mr. Lick's concern was this new culvert was supposed to be at the same elevation or lower than the road culverts. Mr. Waldner said that the Colony would add another culvert to their dam, probably a 24 inch culvert and at least 6 inches to 1 foot lower than their existing 12 inch culvert. Both Mr. Lick and I thought that would be sufficient to prevent the upstream concerns.

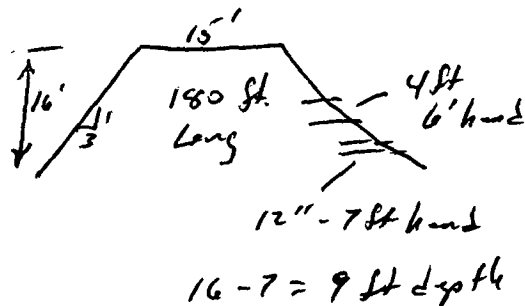


Timothy G. Schaal, P.E.
Natural Resources Engineer Specialist
Water Rights Program

Oct. 26, 2004

White Rock Colony
47788 102 Street
Rosholt SD 57260
c/o Mike Waldner

South Dam

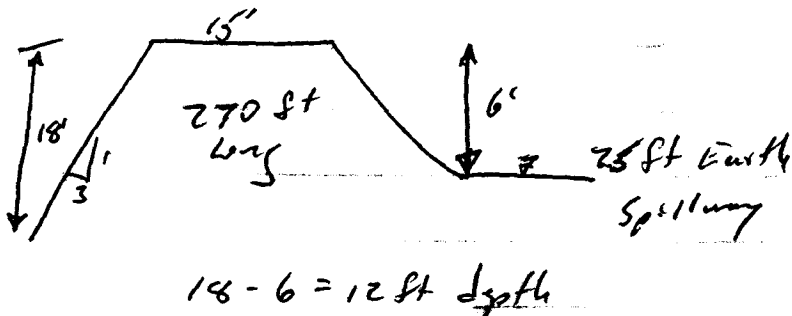


$$\text{Surf. Area} = 6.5 \text{ Ac}$$

$$6.5 \times 9 \times .4 = 24 \text{ Ac-ft}$$

$$8 \times 16 \times .4 = 51 \text{ Ac-ft}$$

North Dam



$$\text{Surf. Area} = 12.5 \text{ Ac}$$

$$12.5 \times 12 \times .4 = 60$$

$$15' \times 18 \times .4 = 100$$

$$Q = cL^{3/2} \quad c = 2.6$$

$$= 2.6(25)^{3/2} \quad L = 25$$

$$= 950 \text{ cfs} \quad H = 6$$

South Dam

$$Q = a \sqrt{\frac{2.5H}{1 + K_m + K_p L}}$$

$$= 12.56 \sqrt{\frac{2(32.2)(4)}{1 + 1 + .0168(40)}}$$

$$= 120 \text{ cfs}$$

$$K_m = 1$$

$$K_p = 0.02, 0.0168$$

$$L = 40$$

$$A = 12.56$$



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 24, 2005

White Rock Colony
C/o Mike Waldner
47788 102nd Street
Rosholt, SD 57260

Dear Mr. Waldner:

If you remember, I met with you last year on October 26 to investigate a complaint we received from Mr. Michael Lick concerning your south dam and water being backed up across the road. We discussed the Colony installing an additional culvert in your south dam at a lower elevation to eliminate his concern. We also discussed the Colony applying for an irrigation permit for the three small garden areas currently being irrigated from your dams and a potentially new field located in the NE ¼ NE ¼ of Sec. 7-T128N-R47W.

Enclosed is the Application for Permit to Appropriate Water for Irrigation and copies of the application map and original survey plat maps. Please look these over and let me know if there are any corrections needed. You can keep the maps, the application needs to be signed and notarized and returned to us along with the application and licensing fee of \$200.00.

If you have any questions, please let me know. Also, please remember that the additional culvert in the south dam still needs to be installed.

Sincerely,

Timothy G. Schaal, P.E.
Natural Resources Engineer Specialist
DENR, Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 17, 2005

White Rock Colony
c/o Mike Waldner
47788 102nd St
Rosholt SD 57260

Dear Mr. Waldner:

On March 24, 2005, you were sent forms for *An Application For Permit to Appropriate Water For Irrigation* based on an investigation of a complaint, by Tim Schaal, an engineer with this office. Enclosed is a copy of that letter. The investigation determined that a permit is necessary to will reflect your water use. To date, we have not received the application.

Enclosed is another set of application forms. Please complete the application and have it signed and notarized and return to us by September 15, 2005. The filing fee for this application will be \$200.

Obtaining a water permit that accurately reflects water use ultimately benefits you by protecting the colony's right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352
karen.schlaak@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 2, 2005

Michael Lick
10217 477th Avenue
Rosholt SD. 57260

Dear Mr. Lick

Enclosed is a copy of the report, recommendation and public notice for Water Permit Application No. 6664-3, White Rock Colony. The public notice is scheduled to be published November 9 and 16, 2005 in the Rosholt Review.

This information is being sent to you because of past concerns with the Colony's south dam.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric Gronlund".

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures

REPORT ON
WATER PERMIT APPLICATION No. 6664-3
White Rock Colony
October 18, 2005

Water Permit Application No. 6664-3 has been filed by the White Rock Colony to appropriate 0.70 cfs from two existing storage dams with a total storage capacity of 84 acre-feet. The South Dam is located in Lot 1 of Section 35-T129N-R48W and the North Dam is located in SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7-T128N-R47W, in Roberts County. The water will be used to irrigate 49 acres located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and Lot 4 of Section 7-T128N-R47W and the SE $\frac{1}{4}$ SE $\frac{1}{4}$, and Lot 2 of Section 35-T129N-R48W.

Discussion:

The existing dams will be classified as small size, Category 3, Low Hazard dams. Since they were constructed before 1986, the date our Safety of Rules Chapter 74:02:08 were adopted, they are exempt from minimum spillway design flood requirements. However, if minimum spillway requirements were in affect, a dam of this size and hazard classification would be required to pass a 25-year frequency event.

The South Dam is 16 feet high with a normal storage capacity of 24 acre-feet with a reservoir level at the primary spillway elevation, and a maximum storage capacity of 51 acre-feet with a reservoir level at the top of dam elevation. It has a drainage area of 435 acres or 0.68 square miles. The South dam has several conduits acting as spillways. There is a 48 inch CMP conduit with 6 feet of available freeboard, a 12 inch HDPE conduit with 7 feet of available freeboard, and last fall the Colony agreed to install and additional 24 inch HDPE conduit with at least 7.5 ft. of available freeboard. A 25-year frequency event for this drainage produces a peak runoff off of approximately 108 cfs and a 100-year frequency event produces a peak runoff of approximately 185 cfs. The combined capacity of the three conduits is in excess of 185 cfs.

The North Dam is 18 feet high with a normal storage capacity of 60 acre-feet with a reservoir level at the primary spillway elevation, and a maximum storage capacity of 100 acre-feet with a reservoir level at the top of dam elevation. It has a drainage area of 2335 acres or 3.65 square miles. The North dam has a 25 foot wide earth spillway with 6 feet of available freeboard. A 25-year frequency event for this drainage produces a peak runoff off of approximately 255 cfs and a 100-year frequency event produces a peak runoff of approximately 444 cfs. The 25 foot wide earth spillway has a capacity of approximately 950 cfs.

The annual yield for the South dam with an 80 percent chance of occurrence, or 8 out of 10 years, is expected to be 4 acre-feet; the annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 12 acre-feet; and the annual yield with a 10 percent chance of occurrence, or 1 out of 10 years, is expected to be 65 acre-feet. The annual yield for the North dam with an 80 percent chance of occurrence, or 8 out of 10 years, is expected to be 21 acre-feet; the annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 64 acre-feet; and the annual yield with a 10 percent chance of occurrence, or 1 out of 10 years, is expected to be 350 acre-feet.

The White Rock Colony dams are located in Lot 1 of Section 35-T129N-R48W and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7-T128N-R47W on an unnamed tributary to the Bois De Sioux River and about one-half mile upstream of the Upper Lake Traverse State Wildlife Management Area. The Department of Game,

Fish and Parks holds Vested Right Claim No. 1826-3 for storage of 4800 acre-feet of water for the Clubhouse Lakes in the Upper Lake Traverse State Wildlife Management Area. Approval of Water Permit Application No. 6664-3 should not have an adverse effect on Vested Right Claim No. 1826-3.

Conclusions:

1. Water Permit Application No. 6664-3 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. 6664-3

A handwritten signature in cursive script, reading "Timothy G. Schaal".

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



**DEPARTMENT of ENVIRONMENT
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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6664-3, White Rock Colony**

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. 6664-3, White Rock Colony, c/o Mike Waldner, 47788 102nd Street, Rosholt SD 57260.

The Chief Engineer is recommending APPROVAL of Application No. 6664-3 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. 6664-3 authorizes two dams with a combined storage capacity of 84 acre feet of water and sufficient water annually to maintain the water level to the outlet elevations.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
November 2, 2005

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of ROBERTS)

I, CALVIN CEROLL

certify that the attached printed Notice was taken

from the ROSHOLT REVIEW
6 MAIN ST
ROSHOLT, SD 57260

printed and published in Rosholt, SD

County of Roberts and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

November 9, 2005

November 16, 2005

Cost of Printing \$39.49

Calvin F. Ceroll
(Signature)

David R. Ruppel
(Title)

11/16/2005
(Date Signed)

NOTICE OF APPLICATION NO. 6664-3 to Appropriate Water

Notice is given that White Rock Colony, c/o Mike Waldner, 47788 102nd St, Rosholt SD 57260 has filed an application for a water permit to appropriate 0.70 cubic feet of water per second from runoff in two existing storage dams (total 84 acre-foot storage capacity) located in Lot 1 Section 35-T129N-R48W and the SE1/4NE1/4 Section 7-T128N-R47W. The water will be used to irrigate 49 acres located in the NE1/4NE1/4, SW1/4NE1/4, Lot 4, Section 7-T128N-R47W and SE 1/4SE1/4, Lot 2 Section 35-T129N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6664-3 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 SDCL the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 28, 2005.

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.

(November 9 & 16, 2005)

RECEIVED

NOV 17 2005

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
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November 2, 2005

The Rosholt Review
PO Box 136
Rosholt SD 57260-0136

ATTENTION: Legal Public Notice

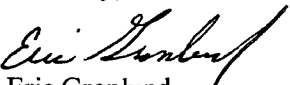
Enclosed is a Notice on Application No. 6664-3 to Appropriate Water to be published twice. Please publish the first notice on November 9, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 White Rock Colony, % Mike Waldner, 47788 102nd St, Rosholt (Ph # 605-537-4871).

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. 6664-3

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

Date _____

We are in receipt of your letter of November 2, 2005 enclosing Notice to Appropriate Water by Application No. 6664-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



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

November 2, 2005

White Rock Colony
% Mike Waldner
47788 102nd St
Rosholt SD 57260

Dear Mr. Waldner:

Water Permit Application No. 6664-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Rosholt Review printed at Rosholt, SD (Ph # 605-537-4276). 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 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. 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

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.

Instruction to Newspaper - Publish first Notice on November 9, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6664-3 to Appropriate Water

Notice is given that White Rock Colony, c/o Mike Waldner, 47788 102nd St, Rosholt SD 57260 has filed an application for a water permit to appropriate 0.70 cubic feet of water per second from runoff in two existing storage dams (total 84 acre-feet storage capacity) located in Lot 1 Section 35-T129N-R48W and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7-T128N-R47W. The water will be used to irrigate 49 acres located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Lot 4, Section 7-T128N-R47W and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Lot 2 Section 35-T129N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6664-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 28, 2005.

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.



JAN 26 2008

**DEPARTMENT of ENVIRONMENT
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White Rock Colony
% Mike Waldner
47788 102nd St
Rosholt SD 57260

Dear Mr. Waldner:

Enclosed is Water Permit No. 6664-3 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



6664-3

**DEPARTMENT of ENVIRONMENT
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January 26, 2007

NOTICE

TO: WHITE ROCK COLONY, MIKE WALDNER, 47788 102ND ST, ROSHOLT, SD 57260

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6664-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6664-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6664-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



6664-3

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United States Postal Service Signature Confirmation® Receipt	
SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0799 6408	WHITE ROCK COLONY MIKE WALDNER 47788 102ND ST ROSHOLT SD 57260
	Waiver of Signature ☐ YES ☐ NO
	Postmark Here
	POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811
Check one (required): ☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel	
FORM 3800 (Rev. 10/02) (Use Reverse)	



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February 9, 2007

6664-3

Mike Waldner
White Rock Colony
47788 102nd St
Rosholt SD 57260

Dear Mr. Waldner:

I am writing to acknowledge receipt of your 2006 irrigation questionnaire. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Permit No. 6664-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



6664-3

DEPARTMENT of ENVIRONMENT
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January 18, 2008

NOTICE

TO: WHITE ROCK COLONY, MIKE WALDNER, 47788 102ND ST, ROSHOLT, SD 57260

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6664-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6664-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6664-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

c: GREGG MAGERA, ATTORNEY AT LAW, PO BOX 490, ABERDEEN SD 57402-0490

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 3714	
WHITE ROCK COLONY MIKE WALDNER 47788 102ND ST ROSHOLT SD 57260	
Waiver of Signature	☐ YES ☐ NO
Postmark Here	
POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com or call 1-800-222-1811	
☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel	



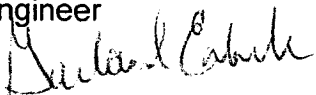
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March 12, 2008

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: Mike Waldner, White Rock Colony, 47788 102nd St., Rosholt SD 57260

FROM: Garland Erbele Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Permit No. 6664-3

On March 11, 2008, the Water Management Board ordered:

That effective April 11, 2008, Water Permit No. 6664-3 be suspended for the 2008 irrigation season for failure to submit the 2007 irrigation questionnaire.

If the 2007 irrigation questionnaire is received prior to April 11, 2008 the suspension will not take effect.

Suspension of the water permit means water may not be pumped during the 2008 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2008 unless the irrigation questionnaire is submitted by April 11th.

After April 11th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2007 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 7, 2008 in Pierre, SD. The letter should include your reasons for not completing the 2007 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

c: Gregg Magera, Attorney at Law, P:O Box 490, Aberdeen SD 57402-0490

CERTIFICATION

I hereby certify that on March 12, 2008, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 12, 2008 regarding Board action concerning irrigation questionnaire violations addressed as stated below:

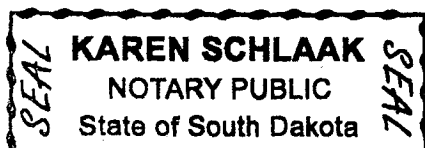
Nos. 400-2, 401-2, 1714-2, 2063-2 Melvin Brassfield Box 24 Caputa SD 57725	No. 5600-3 Castlewood Community Golf Course In 411 E Cemetary Rd Castlewood SD 57223-2206	Nos. 407-2, 408-2 & 409-2 Miles DeJong DeJong Ranch 31842 DeJong Rd Kennebec SD 57544-5999
No. 1755-1 John Bachman, Mayor City of Eagle Butte PO Box 150 Eagle Butte SD 57645-0150	Nos. 6792-3 & 6793-3 Dennis Mitchell Eagle Venture PO Box 711 Yankton SD 57078-0711	Nos. 2826-3 & 3109-3 Joseph R Edelen Jr 311 Canby St Vermillion SD 57069
Nos. 5341-3 & 5820-3 John Hartemink 5569 Pernod Dr Ft Myers FL 33919	No. 5777-3 Gerald A Person 42479 116 th St Britton SD 57430-2239	No. 2106-2 Stuart Rice 2300 Skyline Ranch Rd Rapid City SD 57701
No. 6664-3 Mike Waldner White Rock Colony 47788 102 nd St Rosholt SD 57260 and Gregg Magera, Attorney at Law PO Box 490 Aberdeen SD 57402-0490	No. 3791-3 Paul R Bremmon 42641 113 th St Britton SD 57430	No. 402-1 Calvin & Jana Meyers 1409 Willow Creek Estates Belle Fourche SD 57717
No. 773-1 James G & Brenda A Beauchene 10095 Borderline Rd Hettinger ND 58639	No. 2300-3 James E Dailey 48184 335 th St Jefferson SD 57038	No. 452-3 Harold Fornia 33044 484 th Ave Jefferson SD 57038
No. 3395-3 Todd Grohs 509 Slocum Ave S Wessington Springs and W H (Bill) Wittrig 13111 N Creekview Rd Rapid City SD 57702	No. 1529-3 Lloyd L Meyer 21175 396 th Ave Huron SD 57350	No. 2954-3 Lane Tekrony 47840 180 th St Clear Lake SD 57226-5405

Genny McMath
Genny McMath
Water Rights Program

[illegible]

Sworn to, before me, this 12th day of March, 2008.

Notary Public *Karen Schlaak*



My Commission
Expires 4/1/13



6664-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: WHITE ROCK COLONY, MIKE WALDNER, 47788 102ND ST, ROSHOLT, SD 57260

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6664-3. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6664-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 7, 2012** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6664-3 in accordance with applicable provisions of SDCL 46-1-12;
Due to a past violation, the Water Rights Program will be recommending the water permit be suspended for three years.
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

c: GREGG MAGERA, ATTORNEY AT LAW, PO BOX 490, ABERDEEN SD 57402-0490

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 31, 2012

6664-3

Mike Waldner
White Rock Colony
47788 102nd St
Rosholt SD 57260

Dear Mr. Waldner:

I am writing to acknowledge receipt of your 2011 irrigation questionnaire.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Permit No. 6664-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

c: Gregg Magera, Attorney at Law



DEPARTMENT of ENVIRONMENT
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October 16, 2012

6664-3

Simon Kleinsasser
White Rock Colony
47788 102nd St
Rosholt SD 57260

Dear Mr. Kleinsasser:

Thank you for calling in reference to Water Permit No. 6664-3. Enclosed is a copy of the water permit and map.

It is my understanding from our conversation that the colony does not irrigate. Prior to doing anything with the water permit, I wanted to have you take a look at the areas marked on the map to see whether or not some of the area may be a garden area and still irrigated. Gardens in excess of an acre would still need to be permitted.

If you do irrigate some of those areas as a garden, you would need to report that on the annual irrigation questionnaire. If none of the area is irrigated anymore, we could remove the irrigation component from the permit during the licensing process and issue a water license for the two storage dams.

Once you have had a chance to review the enclosed material, please give me a call. Thank you in advance for your help in updating the water permit.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath".

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Simon Kleinsasser, White Rock Colony, 47788 102nd St, Rosholt SD

DATE: October 17, 2012

RE: irrigation use for Water Permit No. 6664-3

COMMENTS:

Simon called after receiving my October 16th letter concerning the colony's irrigation use. He said after looking over the map I had sent, they still irrigate some from diversion points 1 and 2 as shown on the map. He said he would fill out the irrigation questionnaire with the irrigation of those acres.

I think he originally thought that "irrigation use" pertained only to field irrigation and not garden irrigation which is why he thought they did not irrigate.



Genny McMath
Environmental Scientist

Permit No. 6664-3
Red Rainy - Water District

Contact Person & Address: **Simon Kleinsasser, 47788 102nd ST, Rosholt SD 57260**
Cell – 701-640-0803 email Simon@venturecomm.net

Report of Examination of Works

On, **August 30, 2016**, I made a thorough examination of the water use system constructed by **White Rock Colony** holder of Permit No. **6664-3**, bearing the priority of **September 22, 2005** authorizing the storage of up to **84 acre-feet** and the diversion of **0.70** cu. ft. per second of the waters of **surface runoff** for **irrigation** purposes, in **Roberts** County.

The system is in the following condition **good**. Diversion point 1 for the south dam is located in **Lot 1 of Section 35 T29N(res)R48W** with a latitude of **45.91099** and a longitude of **– 96.2585** and diversion point 2 for the north dam is located in the **SE 1/4 NE 1/4 of Sec 7 T128N-R47W** with a latitude **45.91569** longitude **– 96.61991** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **NA** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

Land is located in **Section 35 T129N(res)-R48W**

SE 1/4 SE 1/4 - 3.7 acres **Lot 2 - 3.6 acres**

Land is located in **Section 7 T128N-R47W**

SE 1/4 NE 1/4 - 2.5 acres **Lot 4 - 2.5 acres**

comprising a total of **12.3** acres of land and the license should be issued for **0.176** cfs.

Review of Permit Qualifications and Regulations:

- 1) Special qualifications to permit being abided by **yes**
- 2) All structures, wells and lands on map **yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **yes**.
- 4) Exceptions to compliance are: **none**

Report On the Specifics of the System

Diversion Point Information:

Pump: #1

- 1) Make **Berkely** 2) Model **727857** 3) Size **3** 4) Capacity **NA**GPM

Motor:

- 1) Make **Uniclosed** 2) Model No. **284TP** 3) Horsepower rating **30** hp

Pump: #2

- 1) Make **Teel** 2) Model **NA** 3) Size **NA** 4) Capacity **NA** GPM

Motor:

- 1) Make **Franklin** 2) Model No. **1103007434** 3) Horsepower rating **2** hp

Pump: #3

- 1) Make **LP** 2) Model **SB2508-6** 3) Size **NA** 4) Capacity **NA** GPM

Motor:

- 1) Make **Allis Chalmers** 2) Model No. **APWWT** 3) Horsepower rating **25** hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Aluminum Pipe 2) Size 3 inches 3) Length NA feet

Traveling Big Gun:

- 1) Make Nelson 2) Nozzle size 1 inches
3) Capacity NA GPM 4) Hose size 3 inches

DAM INFORMATION: South Dam

- 1) Height to crest 16 feet 2) Height to primary spillway 10 feet
3) Height to secondary spillway NA ft 4) Crest width 15 feet
5) Crest length 180 feet 6) Spillway length NA feet
7) Spillway width NA feet 8) Approx. storage 24 ac-ft
9) Approx. storage to crest NA ac-ft 10) Date constructed: NA
11) Outlet tubes:
a) diameter 48 inches b) type CMP
c) valved no d) valve type none
e) location on structure center

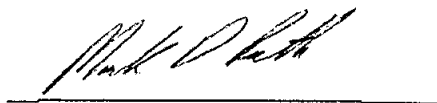
- 12) Category of dam 3

- 13) Inspection Sheet Completed no

DAM INFORMATION: North Dam

- 1) Height to crest 18 feet 2) Height to primary spillway 12 feet
3) Height to secondary spillway NA ft 4) Crest width 15 feet
5) Crest length 270 feet 6) Spillway length 50 feet
7) Spillway width 25 feet 8) Approx. storage 60 ac-ft
9) Approx. storage to crest # ac-ft 10) Date constructed: NA
11) Outlet tubes: None
12) Category of dam 3 13) Inspection Sheet Completed no

Comments: Pump capacities diverting from the dams are not available, the license should be issued for 0.176 cfs based upon acreage limitations of the equivalent of 1 cfs per 70 acres.



Mark D. Rath
Natural Resources Engineer III
DENR, Water Rights Program

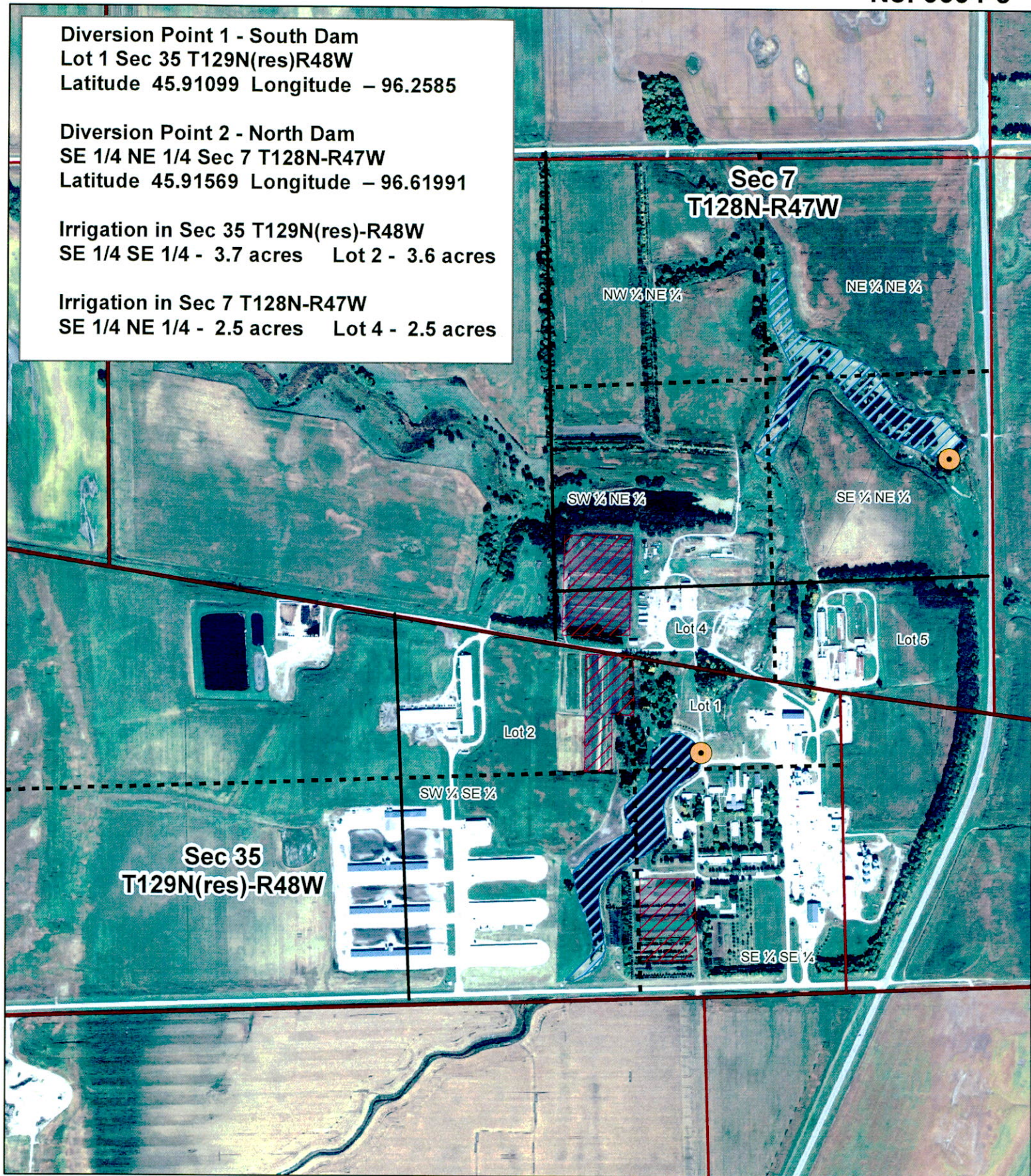
September 8, 2016

Diversion Point 1 - South Dam
 Lot 1 Sec 35 T129N(res)R48W
 Latitude 45.91099 Longitude - 96.2585

Diversion Point 2 - North Dam
 SE 1/4 NE 1/4 Sec 7 T128N-R47W
 Latitude 45.91569 Longitude - 96.61991

Irrigation in Sec 35 T129N(res)-R48W
 SE 1/4 SE 1/4 - 3.7 acres Lot 2 - 3.6 acres

Irrigation in Sec 7 T128N-R47W
 SE 1/4 NE 1/4 - 2.5 acres Lot 4 - 2.5 acres



0 350 700 1,400 2,100 2,800 Feet

Mark D Rath
 Mark D Rath
 Natural Resources Engineer
 SD DENR - Water Rights
 09-07-2016



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

6664-3

OCT 24 2016

White Rock Colony
Simon Kleinsasser
47788 102nd St
Rosholt SD 57260

Dear Mr. Kleinsasser:

Enclosed is Water License No. 6664-3. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

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. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

Enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6664-3

(1) White Rock Colony, c/o Simon Kleinsasser, 47788 102nd St, Rosholt SD 57260 made Application No. 6664-3, September 22, 2005 for a water permit to divert 0.70 cubic feet of water per second from runoff into two storage dams (84 acre-feet storage capacity), Roberts County, South Dakota for irrigation purposes. Permit No. 6664-3, with a priority date of September 22, 2005 was approved November 28, 2005 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 28, 2010 and for the application to beneficial use of water on or before November 28, 2014.

(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. 6664-3 is issued a license, bearing a priority date of September 22, 2005 to appropriate 0.176 cubic feet of water per second from runoff into two storage dams (84 acre-feet storage capacity) to irrigate 12.3 acres.

The diversion points are located: South Dam – Lot 1, Section 35-T129N-R48W and North Dam – SE 1/4 NE 1/4 Section 7-T128N-R47W. The acres authorized for irrigation are as follows: (all located within the former boundaries of the Sisseton Wahpeton Indian Reservation)

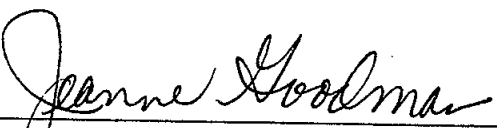
Section 35-T129N-R48W SE 1/4 SE 1/4 3.7 acres Lot 2 3.6 acres

Section 7-T128N-R47W SE 1/4 NE 1/4 2.5 acres Lot 4 2.5 acres

Total 12.3 acres

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6664-3 including the following qualifications:

- Water Permit No. 6664-3 authorizes two dams with a combined storage capacity of 84 acre feet of water and sufficient water annually to maintain the water level to the outlet elevations.
- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.


Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 24 2016

date





6664-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

January 23, 2020

NOTICE

TO: WHITE ROCK COLONY, MIKE WALDNER, 47788 102ND ST, ROSHOLT, SD 57260
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6664-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6664-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

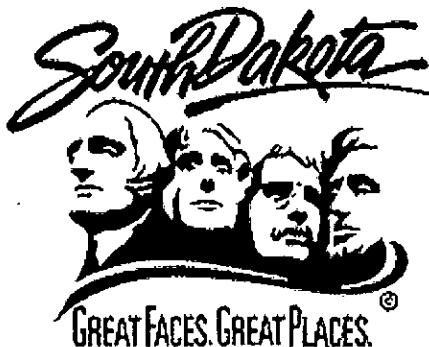
1. Suspend or cancel Permit No(s) 6664-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, the Board may consider up to a three year suspension of the water right.**
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: AMFQBF**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

6664-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 27, 2020

6664-3

Simon Kleinsasser
White Rock Colony
47788 102nd St
Rosholt SD 57260

Dear Sir:

I am writing to acknowledge receipt of the online submission of your 2019 irrigation questionnaire.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right No. 6664-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us