

WATER PERMIT NO. 6769-3

Name of Applicant: K Lazy K Ranch, John Kusser

Address: 34080 216th St, Highmore SD 57345 Phone: 605 852-2020

Amount of Water Claimed: 45.5 AF Total Acres: NA

Source of Water Supply: unnamed trib to West Fork Elm Creek

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

Type of Waste Disposal System:

Location: 3 miles east of Stephan

PRIORITY Date Received: 11-17-06 Application/License Fee: \$200

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

Remarks: reconstruction of a breached dam

Diversion Point: SW ¼ NE ¼ Sec 20-T109N-R71W

Water Impounded: NE ¼ Sec 20-T109N-R71W

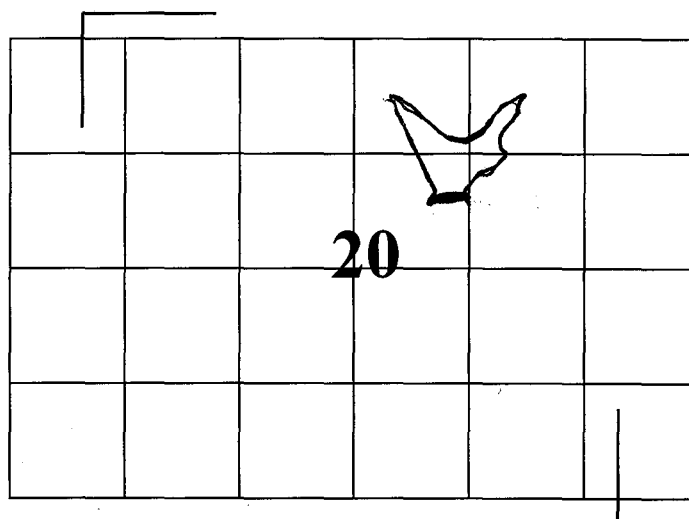
Depth of Well: NA

Well Driller:

Remarks:

Type of Map: topo

Prepared by: Tim Olson, GFP



Reviewed and the Number Assigned on: 11-20-06

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6769-3

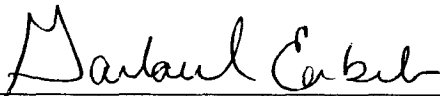
(1) K Lazy K Ranch, c/o John Kusser, 34080 216th St, Highmore SD 57345 made Application No. 6769-3, November 17, 2006 for a water permit to impound 45.4 acre feet of water from an unnamed tributary to West Fork Elm Creek, Hyde County, South Dakota for fish and wildlife propagation, recreation and livestock watering purposes. Permit No. 6769-3, with a priority date of November 17, 2006 was approved January 15, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 15, 2012 and for the application to beneficial use of water on or before January 15, 2016.

(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. 6769-3 is issued a license, bearing a priority date of November 17, 2006, to impound 45.5 acre feet of water for fish and wildlife propagation, recreation and livestock watering purposes.

The location of the storage dam (spillway) is 1,800 feet south and 1,400 feet west of the northeast corner of Section 20-T109N-R71W (SW ¼ NE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6769-3, including the following now applicable qualifications:

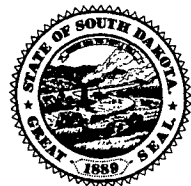
- Water Permit No. 6769-3 authorizes a dam with a storage capacity of 45.5 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.



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

APR 09 2010

date



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6769-3</u> (office use only) Hydrologic Unit <u>10140105</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Highmore Herald</u>
	<u>Highmore</u>

RECEIVED
NOV 17 2006
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 <u>Livestock</u>	

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

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

- Name of Applicant K Lazy K Ranch (John Kusser) Phone 605-852-2020
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 34080 216th St, Highmore State SD 57345
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed _____ *CFS or _____ **GPM 45.5 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Unnamed tributary to West Fork Elm Creek
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) SW 1/4 NE 1/4 Sec 20, T109N, R71W
Water impounded: NE 1/4 Sec 20 T 109N R 71W
County Hyde County
- County or counties where water will be used Hyde County
- Annual period during which water is to be used Year around Jan 1 - Dec 31
- 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)

Project will be a reconstruction and enhancement of an existing, but breached dam.

STATE OF SOUTH DAKOTA)

County of Hyde

SS

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

I, John Kusser, 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 John Kusser

Subscribed and sworn to before me this 15 day of November 20 06

Richard A. Larson

Notary Public signature

EXPIRES 10-6-09

SOUTH DAKOTA
WATER PERMIT NO. 6769-3

Date of first receipt of application November 17, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6769-3 to K Lazy K Ranch, c/o John Kusser, 34080 216th St, Highmore SD 57345 authorizing the construction of the dam and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6769-3 authorizes impoundment 45.5 acre-feet of water from an unnamed tributary to West Fork Elm Creek by reconstructing a dam located in the SW ¼ NE ¼ Section 20 with water impounded in the NE ¼ Section 20; all in T109N-R71W.
2. The water appropriated shall be used for the purpose of fish and wildlife propagation, recreation and livestock water purposes 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: January 1 – December 31.
4. The date of approval of Permit No. 6769-3 is January 15, 2007.
5. The date from which applicant may claim right is November 17, 2006.
6. One-fifth of the construction is to be completed on or before July 15, 2009.
7. All construction is to be completed on or before January 15, 2012.
8. Water is to be put to beneficial use on or before January 15, 2016.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Water Permit No. 6769-3 authorizes a dam with a storage capacity of 45.5 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

MAR 14 2007

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

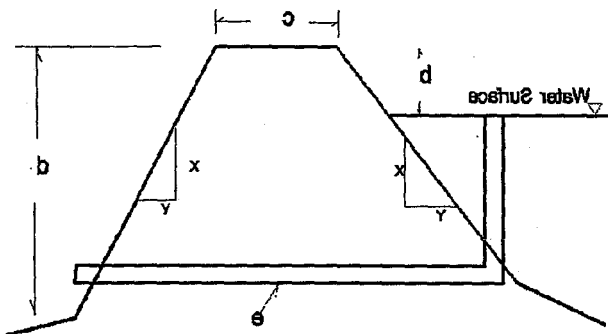
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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:

Konechne Engineering
104 Capitol Hill Dr.
Pierre, SD 57501



- b) Freeboard 3 ft
- c) Crest Width 12 ft
Crest Length 610 ft
- d) Height 14
- e) Primary Outlet Capacity 68 cfs
If pipe, diameter 24" pipe w/ 48" Riser
- f) Secondary Spillway Capacity 696 cfs
Spillway Width 50 ft
- g) X & Y Slope _____
Upstream 3:1
Downstream 3:1
- h) Surface Area of Impoundment 11.1 acres
- i) Storage 45.5 Acre Feet
- j) Drainage Area Above Dam 2365 Acres

Water Permit Application No. 6764-3
K Lazy K Ranch

Top of Dam Elev. - 101 }
 2nd Spillway Elev. - 98 }
 P. Spillway Elev. - 96 } Ht = 14 ft.
 Dis Emb Toe Elev. - 87 } Cont. 3-Low Hazard Dam

Normal Storage Capacity - 45.5 Ac-Ft
 Int Storage Capacity - 70
 Max. Storage Capacity - 111

Int Capacity x Eff Ht. = $70 \times 11 = 770 < 3000 \therefore$ 25 yr
Minimum Spillway Design

From USGS WRI 98-4055 "Tech. for Est Peak Flows... in SD"
 DA = 2365 ac. = 3.70 mi.²
 Region B PIF = 0.85

$$Q_{25} = 148 (CA)^{.584} P_{II}^{.73}$$

$$= 148 (3.70)^{.584} (0.85)^{.73}$$

$$= 148 (2.147) (0.888)$$

$$= \underline{282 \text{ cfs}}$$

$$Q_{100} = 275 (CA)^{.625} P_{II}^{.742}$$

$$= 275 (3.70)^{.625} (0.85)^{.742}$$

$$= 275 (2.265) (0.886)$$

$$= \underline{552 \text{ cfs}}$$

Secondary Spillway Flow

$$Q = CLH^{3/2} \quad C = 2.6$$

$$= 2.6 (50) (3)^{1.5} \quad L = 50$$

$$= \underline{625 \text{ cfs}} \quad H = 3$$

NRCS Annual Yield

Section 74:02:08:09

DA = 2365 Ac CN = 75 ISO = 2

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

$$80\% \text{ chance} = 0.13$$

$$0.13 \times 2365^{1/2} = \underline{25.62 \text{ Ac-Ft}}$$

$$50\% \text{ chance} = 0.36$$

$$0.36 \times 2365^{1/2} = \underline{71 \text{ Ac-Ft}}$$

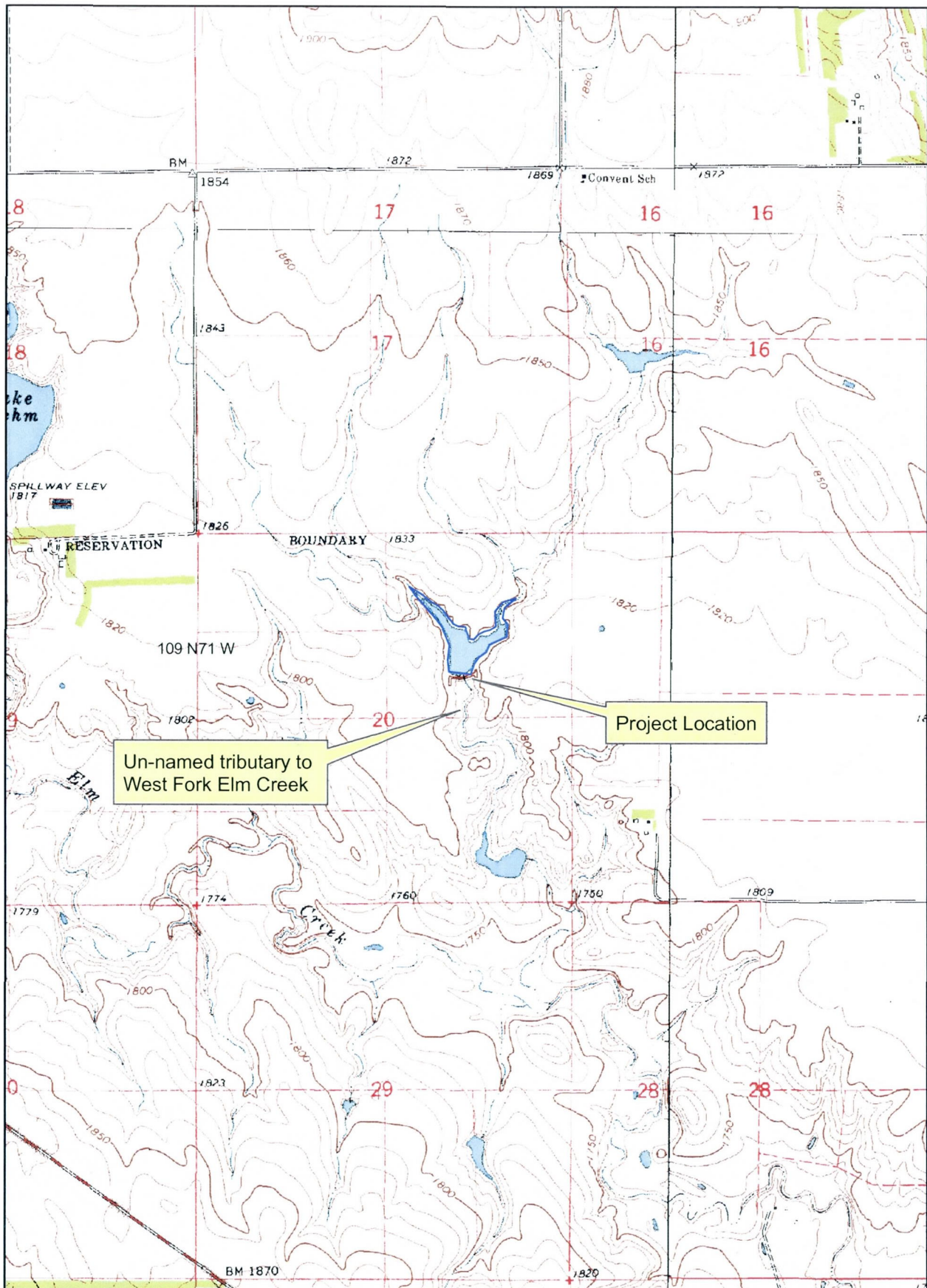
$$10\% \text{ chance} = 1.8$$

$$1.8 \times 2365^{1/2} = \underline{355 \text{ Ac-Ft}}$$

K Lazy K Ranch Dam Reconstruction NE1/4 Sec 20, T109N, R71W, Hyde Co.

Point of diversion located approximately 2,575 feet southwest of the northeast corner of Section 20, T109N, R71W

Storage is 45.4 acre-ft and surface area at fsl is 11.1 acres

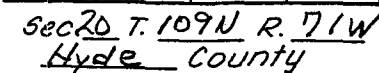


Map prepared by Tim Olson, SD Game, Fish & Parks

Tim Olson

DRAINAGE AREA	ANNUAL YIELD	PEAK RUNOFF	EMERG. SPLWY. CAPACITY	WATER DEPTH	SURFACE AREA	SEDIMENT STORAGE	TOTAL STORAGE
ACRES	AC.FT.	25-YR.	C.F.S.	FEET	ACRES	AC.FT.	AC.FT.
2365	28.8	343	451	10	11.1	—	45.5

DRAINAGE AREA	ANNUAL YIELD	PEAK RUNOFF	EMERG. SPLWY. CAPACITY	WATER DEPTH	SURFACE AREA	SEDIMENT STORAGE	TOTAL STORAGE
ACRES	AC.FT.	25-YR.	C.F.S.	FEET	ACRES	AC.FT.	AC.FT.
2365	28.8	343	451	10	11.1	—	45.5



Eleu 100.0

50 ft E.S.

572 5737
E.S.

sta 1 + 20
- p.s.

Failed
section

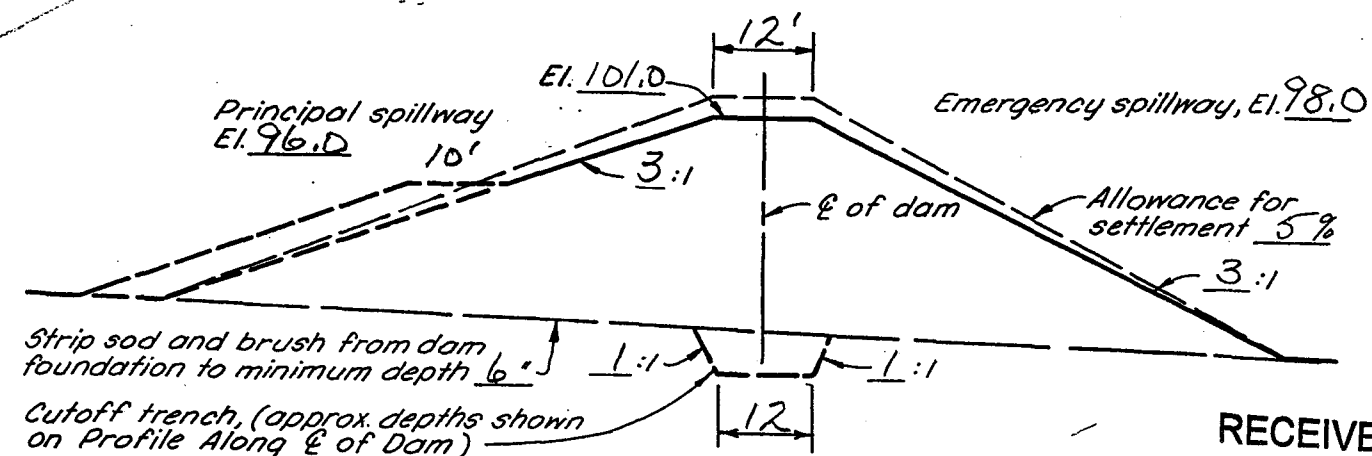
Approximate scale 1" = NA

REFERENCE: GUIDE PLAN NO. 1.0

USDA-SCS-LINCOLN, NEBR. 1973

1:00 1 hr

2:30

[illegible]

TYPICAL CROSS SECTION OF DAM

S.D. CONSTRUCTION AND MATERIAL SPECIFICATIONS:

SD-2 Clearing & Grubbing
SD-7.5 Earth Fill
SD-9 Drain Fill
SD-12B Concrete
SD-13 Reinforcing steel
SD-16 Timber Fabrication
SD-19 PVC pipe
SD-55A PE Pipe

EARTH DAM

OPERATOR: John Kusser

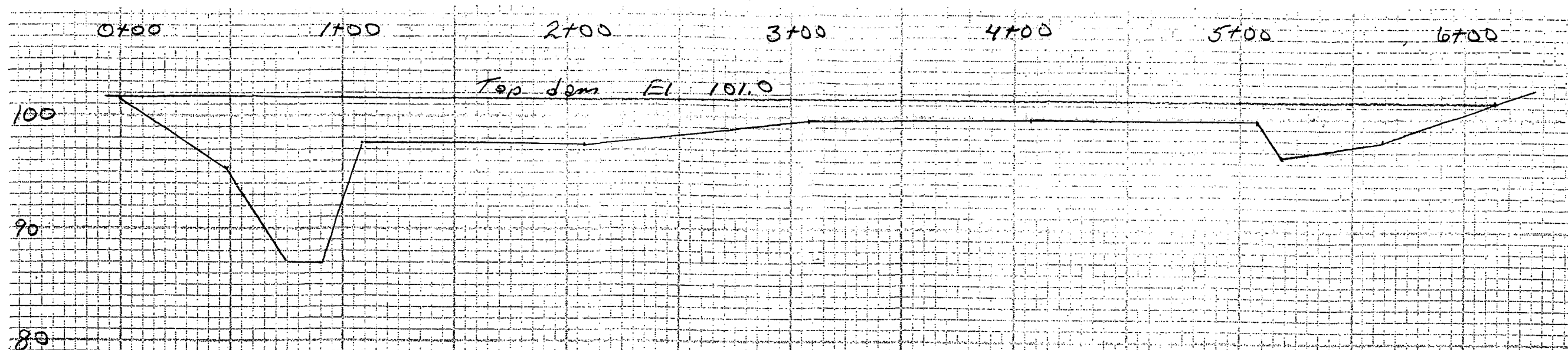
CONSERVATION DISTRICT: Hyde

CLASS "A" Ddm

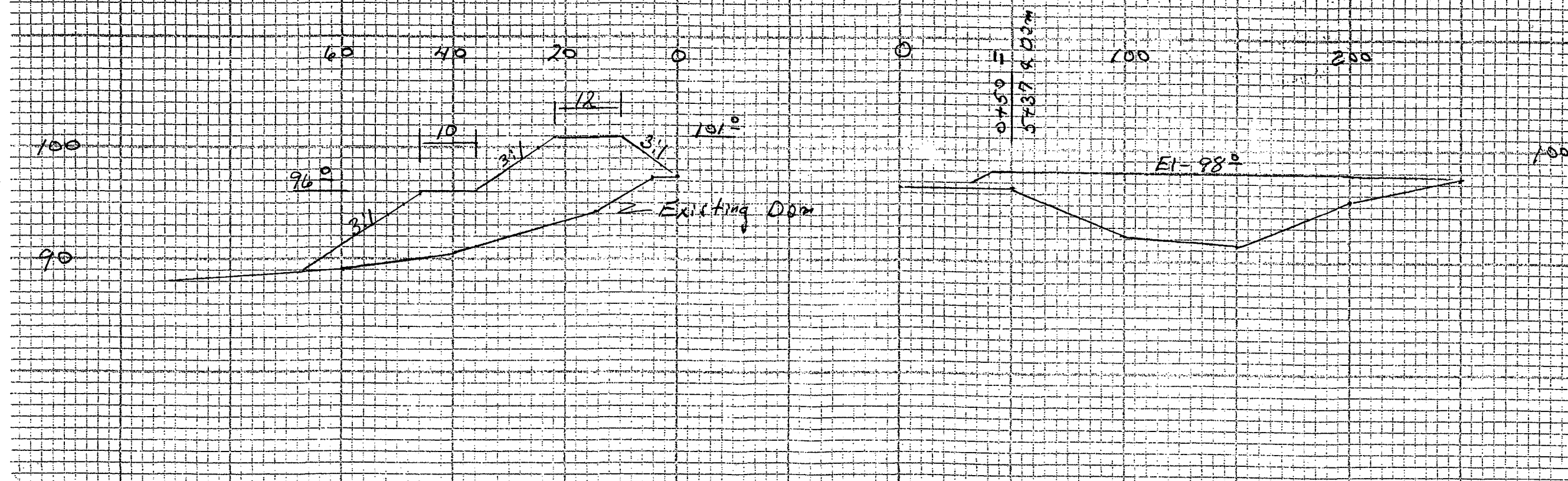
	Date	Approved by.....	
Designed.....		Title.....	
Drawn.....		Title.....	
Traced.....		Sheet	Drawing No.
Checked.....		No	
		of	

JOB PLAN NO. 1.0

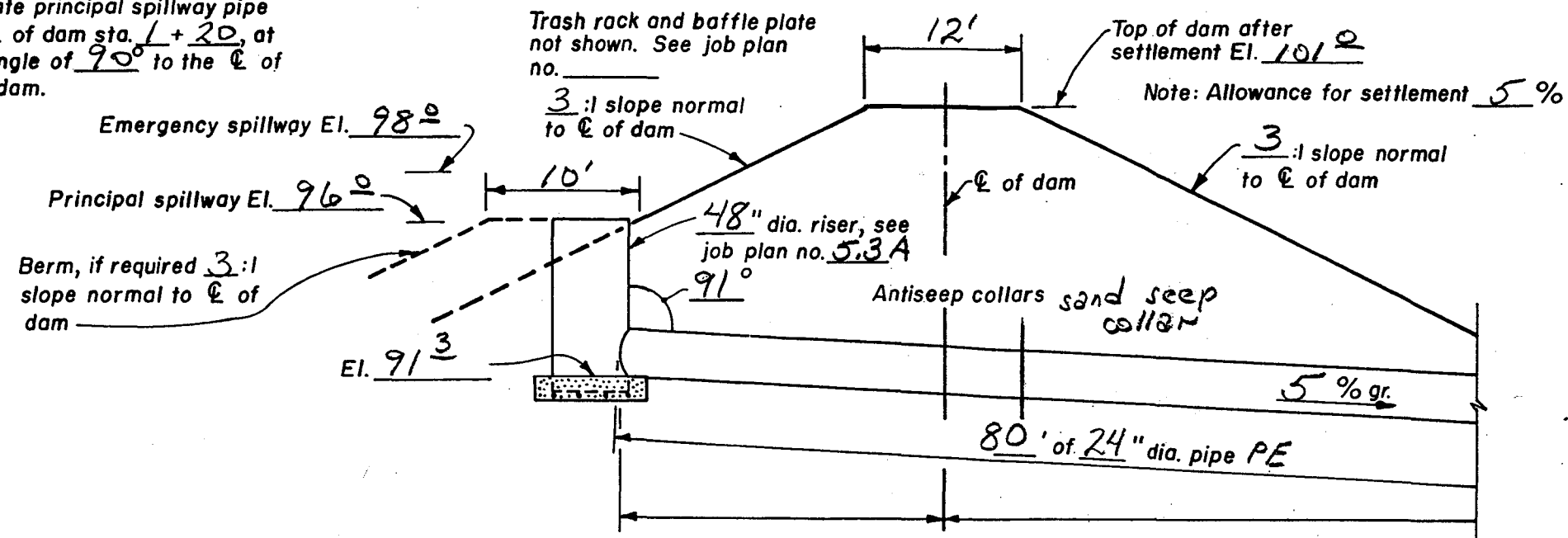
Page 1 of 6 (Rev. 4-73) 5, N-29, 073.1a(1,



CROSS SECTION AT CREST OF EMERGENCY SPILLWAY AND PROFILE ALONG E OF DAM



Locate principal spillway pipe at $\mathbb{C}$ of dam sta. $L + 20$, at an angle of 90° to the $\mathbb{C}$ of the dam.



CROSS SECTION OF DAM ALONG $\mathbb{C}$ OF PRINCIPAL SPILLWAY
(Not to scale)

SPECIFICATION NOTES

- ELBOW, IF REQUIRED, MAY BE FABRICATED BY CONTINUOUS WELDING SEPERATE PIPE SECTIONS OR BY FABRICATING A CONTINUOUS WELDED JOINT ON THE UPSTREAM END OF LAST SECTION OF PIPE.
- PIPE WALL THICKNESS SHALL BE _____ GAGE OR _____ INCHES.

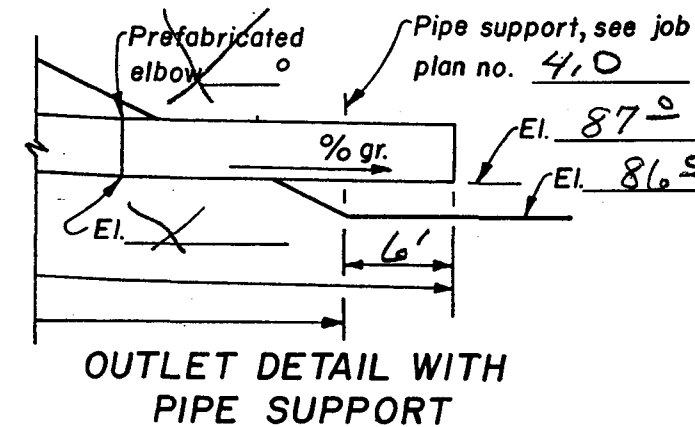
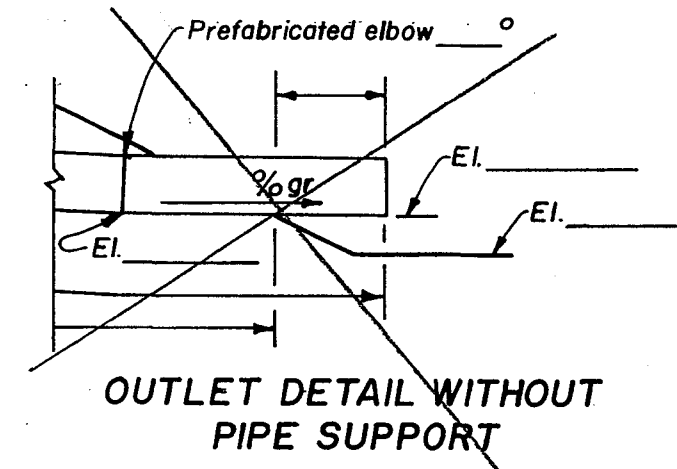
Pipe shall be 24" dia
Dual-wall pipe with
watertight joints.

HDPE pipe
About 11 ft of fill

TABLE OF QUANTITIES

ITEM	UNIT	QUANTITY

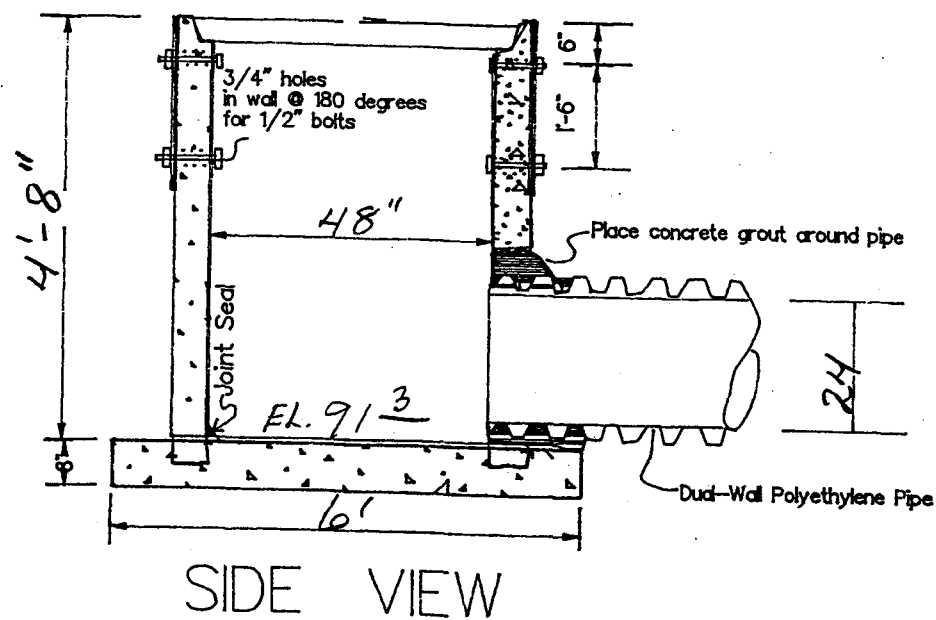
APPLICABLE STANDARD SCS. SPECIFICATIONS



Sec. 20, T. 109N, R. 71W
Hyde County
LOCATION

CORRUGATED METAL PIPE DROP INLET PRINCIPAL SPILLWAY

OPERATOR <u>John Kusser</u>	
CONSERVATION DISTRICT _____	
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE	
Designed _____	Date _____
Drawn _____	Approved by _____
Traced _____	Title _____
Checked _____	Title _____
	Sheet _____
	Drawing No. _____
	No. _____
	of _____

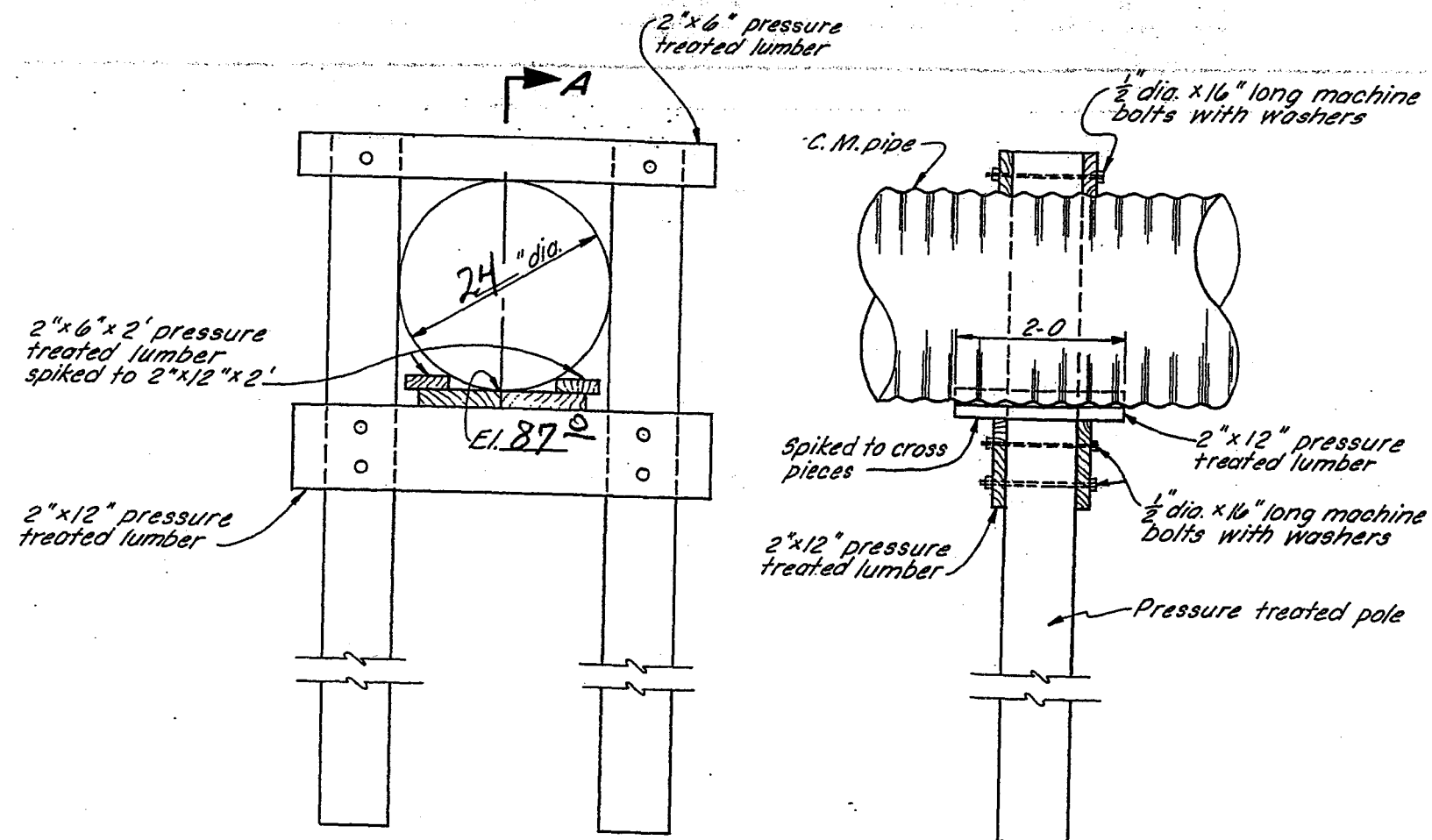


- 1- Reinforced concrete pipe shall meet ASTM C-478.
- 2- Polyethylene pipe shall be equal to ADS N-12 or equal.
- 3- Provide holes in concrete pipe for lifting lugs.
- 4- ~~Alternative~~ to concrete base is poured in place concrete base

RISER DIA. IN.	BAR SIZE	MARK	TYPE	NO. REQ'D.	LENGTH FT.-IN.	TOTAL LENGTH FT.-IN.	TOTAL WT. LB.	C IN.	L FT.-IN.
48	4	1	STR.	10	5-0	50-0	33.5	6	5-0

ITEM	UNIT	QUANTITY
CONCRETE	CU. YD.	0.9
REINFORCING STEEL	LB.	33.5

CONCRETE RISER for Polyethylene Pipe					
John Kusser					
DESIGNED BY <u>D. Kusser</u>	APPROVED BY _____				
DRAWN BY <u>D. Kusser</u>	TITLE _____				
DATE _____	<table border="1"> <tr> <td> SHEET _____ </td> <td> OF _____ </td> </tr> <tr> <td colspan="2"> DWG NO. _____ </td> </tr> </table>	SHEET _____	OF _____	DWG NO. _____	
SHEET _____	OF _____				
DWG NO. _____					



ELEVATION

SECTIONAL ELEVATION A-A

TABLE OF QUANTITIES

ITEM	LENGTH FOR 24" DIA. C.M. PIPE	UNIT	QUANTITY
PRESSURE TREATED POLE 8" DIA.	8'-0"	EACH	2
2" X 12" PRESSURE TREATED LUMBER	12'-0"	EACH	2
2" X 6" PRESSURE TREATED LUMBER	6'-0"	EACH	2
2" X 12" PRESSURE TREATED LUMBER	6'-0"	EACH	2
2" X 6" PRESSURE TREATED LUMBER	2'-0"	EACH	2
1/2" DIA. MACHINE BOLTS WITH NUTS		EACH	
1/2" DIA. WASHERS		EACH	

NOTES:

- HAND OR MACHINE TAMP BACKFILL THOROUGHLY AROUND FOOTINGS AND COLUMNS.

TIMBER PIPE SUPPORT

OPERATOR: John Kusser
CONSERVATION-DISTRICT: _____

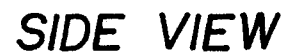
Designed _____	Date _____	Approved by _____
Drawn _____		Title _____
Traced _____		Title _____
Checked _____	Sheet _____ of _____	Drawing No. _____

REFERENCE: GUIDE PLAN NO. 4.0

JOB PLAN NO. 4.0



1. THE 4" DIA. PIPE SHALL BE ASTM D1785, SCHEDULE 40, PVC.
2. PROVIDE AN ANIMAL GUARD ON DRAIN OUTLET PIPE. DRILL 2, 1/2" DIA. HOLES, ON $\frac{1}{2}$ 6" FROM END OF PIPE AND PLACE A 3/8" DIA., 5 1/2" LONG GALVANIZED STEEL BOLT THRU THEM AND SECURE WITH A NUT (PLACE BOLT HORIZONTAL).



cu. yd.
10.4

LOCATION

SAND ANTISEEP COLLAR

	Date	Approved by	
Designed		Title	
Drawn		Title	
Traced		Sheet	Drawing No.
Checked		No	
		of	

Page 6 of 6

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date NOVEMBER 17, 20 06

RECEIVED OF K-6 K Lazy K Ranch, 34080 216th St., Highmore SD 57345

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

Fee for Application for Permit No. <u>6769-3</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>6769-3</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.

02631

By

Darland Elvle

Chief Engineer

gm

Tim Olson
Dept. of Game Fish and Parks
Foss Building
523 East Capitol Ave.
Pierre, SD 57501

RECEIVED
NOV 17 2006
WATER RIGHTS
PROGRAM

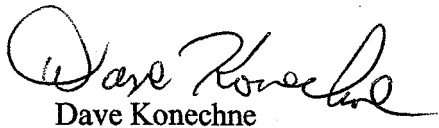
April 3, 2006

Attached is one copy of approved plans and specifications for the ~~John Kusser Dam~~ located in Section 20, T109N, R71E, Hyde County. The yardage is an estimate; final yardage will be available after staking the structure.

Also attached are:

- Stage - Storage curve
- Flood Routing using Sites method
- General Topographic map with scale 1 inch = 1200 ft
- Cost Estimate
- Bid Form

Since minimum to no construction inspection is scheduled, it is imperative that a competent contractor be hired to construct the structure according to plans. A final checkout will be made to verify that the structure was constructed to elevations on the plans.



Dave Konechne
Konechne Engineering
104 Capitol Hill Dr.
Pierre, SD 57501

Table of Quantities & Cost Estimate

Date:

3-Apr-06

[illegible]

BID FORM

The undersigned state at the end of this form, having reviewed the local conditions affecting the cost of the work, construction specifications, drawings, and other contract documents which shall govern the purchase of materials, labor, and the awarding of the contract, hereby purposes and agrees to do all work and provide all materials or other items per the drawing which pertains to the contract work for:

Labor and Materials associated with the repair of the John Kusser Dam

BID SCHEDULE

ITEM	WORK	SPEC #	EST. QUANTITY	UNIT PRICE	UNIT	AMOUNT
1	EARTH FILL	7S	5,000		C.Y.	
2	PRINCIPAL SPILLWAY	SD-55A	xxxxxxx	xxxxxx	xxxxx	xxxxx
	-48 Inch Dia. Concrete Riser 5 ft long W/24 inch Dia opening		1		Lump Sum	
	-24 inch Dia. PE (dual wall)		80		Lin. Ft.	
3	Concrete	SD-12B	0.9		C.Y.	
4	Reinforcing Steel	SD-13	33.5		Lbs.	
5	Sand Seep Collar	SD-9	10.4		C.Y.	
6	PVC Drain Pipe	SD-55	62		Lin. Ft.	
7	Timber Pipe Support	SD-16	1		Each	

The Contractor shall include all costs for Labor, Materials and applicable taxes including Excise Tax for this Proposal. The Bidder understands that the Owner reserves the right to reject any and all bids and to wave any irregularities.

BIDDER _____

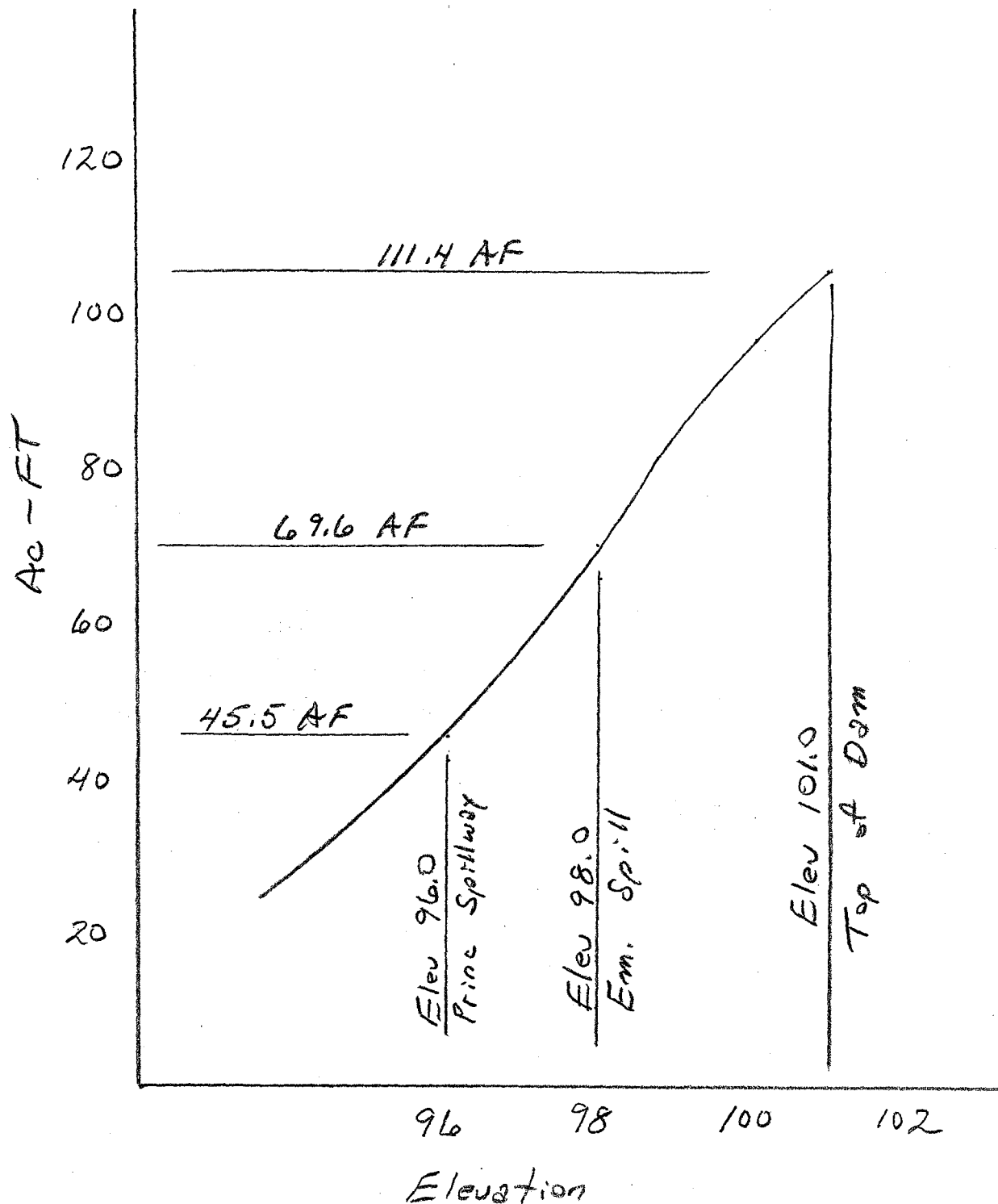
DATE _____

TELEPHONE NUMBER _____

COMPUTATION SHEET

BY	DATE	PROJECT <i>John Kusser</i>	SHEET ____ OF ____
CHKD BY	DATE	FEATURE	
DETAILS <i>Sec 20, T109N, R71W Hyde Co.</i>			

STAGE - STORAGE



 SITES XEQ 04/02/2006 WATER RESOURCE SITE ANALYSIS COMPUTER PROGRAM
 VER 2000 (USER MANUAL - DATED MAY 2001)
 TIME 12:46:55

***** 80-80 LIST OF INPUT DATA *****

SITES 05/01/2000 John Kusser 3.6953125 H5
 SAVMOV 0 101
 SAVMOV 101 1 1
 STRUCTURE kusser pond

86.0 0
 88.0 1.9
 90.0 2.9
 92.0 5.2
 94.0 7.2
 96.0 11.1
 98.0 12.3
 101 16

ENDTABLE
 WSDATA 5A1 AC 75 2365 19000 .5
 PDIRECT 1.8 .00 4.10
 POOLDATA ELEV 96.0 96.0 84 82 SC
 PSINLET 1 12.7
 PSDATA 1 80 24 .009 82
 ASDATA 41 300 100 2 .02 2
 ASINSURF 41 .03
 ASINLET 41 0.0 0.0 30 0.0 3
 100 2

Top dam - 101.0
 E.S. - 98.0
 P.S. - 96.0

ENDTABLE
 ASEXSURF 41 .03
 .65
 3
 2
 .02

ENDTABLE
 ASEXIT 41 Y 150
 BTMWIDTH FEET 50 E.S.
 GRAPHICS 1
 GO,DESIGN HL TYPE2 24 TYPE2378 24
 SAVMOV 2 101 1
 ENDJOB

***** MESSAGE - ALTERNATE STRUCTURE ID (S 1) BEING USED
 SINCE USER DID NOT INPUT AN ID.

***** MESSAGE - ALTERNATE SUBWATERSHED ID (A) BEING USED SINCE
 USER DID NOT INPUT AN ID.

***** MESSAGE - DRAINAGE AREA FROM WSDATA CONTROL BEING CONVERTED FROM
 ACRES TO SQUARE MILES FOR COMPUTATION PURPOSES.

1SITES -----
 XEQ 04/02/2006 John Kusser WSID=
 VER 2000 kusser pond SUBW= A
 TIME 12:46:55 SITE = S 1 PASS= 1 PART= 1

***** BASIC DATA *****
 CLIMATE AREA - NOT DEFINED DESIGN CLASS A1 = LT 3000.

STORM DISTRIBUTION-PSH 24 HOUR TYPE II RAINFALL DISTRIBUTION

STORM DISTRIBUTION AUX. -24 HOUR TYPE II RAINFALL DISTRIBUTION

PRECIP. - P-PS,1-DAY P-PS,10-DAY P-SD P-FB
 1.80 0.00 0.00 4.10

WSDATA - CN DA-SM TC/L -/H QRF
 75.00 3.70 19000.00 0.50 0.00

SITEDATA- PERM POOL CREST PS FP SED VALLEY FL 378?
 96.00 96.00 0.00 82.00 YES

BASEFLOW INITIAL EL EXTRA VOL SITE TYPE
 0.00 0.00 0.00 DESIGN

PSDATA - NO. COND COND L DIA/W -/H
 1.00 80.00 24.00 0.00

PS N KE WEIR L TW EL
 0.009 1.00 12.70 82.00

2ND STG ORF H ORF L START AUX.
 0.00 0.00 0.00 0.00

ASCRESTS - AUX.1 AUX.2 AUX.3 AUX.4 AUX.5
 0.00 0.00 0.00 0.00 0.00

AUX.DATA - REF.NO. RETARD. Ci TIE STATION INLET LENGTH
 41 0.00 300.00 100

AUX.DATA - INLET N SIDE SLOPE EXIT N EXIT SLOPE ACTUAL AUX?
 0.030 2.00 0.030 0.020 NO

BTM WIDTH - BW1 BW2 BW3 BW4 BW5
 ft 50.00 0.00 0.00 0.00 0.00

AUXILIARY SPILLWAY RATING DEVELOPED USING WSPVRT.

1SITES -----
 XEQ 04/02/2006 John Kusser WSID=
 VER 2000 kusser pond SUBW= A
 TIME 12:46:55 SITE = S 1 PASS= 1 PART= 2

PERM POOL 96.00 FT 45.5 ACFT 11.10 AC 0.0 CFS

CREST PS 96.00 FT 45.5 ACFT 11.10 AC 0.0 CFS

SED ACCUM 96.00 FT 45.5 ACFT 11.10 AC 0.0 CFS

START ELEV 96.00 FT 45.5 ACFT 11.10 AC 0.0 CFS

NRCS-PSH D= 24.00 HR P= 1.80 IN Q= 0.29 IN DA= 3.70 SM
TC= 9.17 HR CN= 75.00 VOL= 56.7 ACFT

2yr
1yr - 28.8 AF

PEAK = 60.3 CFS, AT 19.1 HRS.

ROUTED RESULT - HYD TYPE EMAX VOL-MAX AMAX QMAX
NRCS-PSH 97.17 FT 58.9 ACFT 11.80 AC 50.2 CFS

PS STORAGE 13.4 ACFT, BETWEEN AUX. CREST AND SED. ACCUM ELEVATIONS.

DRAWDOWN (DDT) TEST 96.00 FT 45.5 ACFT 0.00 CFS
CONTROL IS 0.000 DETENTION STORAGE

TIME = 1.96 DAYS, TO 0.0 CFS (LIMIT = 10.00 DAYS)

RATING TABLE DEVELOPED, SITE = S 1:
BY PROGRAM FOR PS AND AUX. SPILLWAYS
AUX. RATING USED WSPVRT METHOD.

RATING TABLE NUMBER 1

	ELEV. FEET	Q-TOTAL CFS	Q-PS CFS	Q-AUX. CFS	VOLUME AC-FT	AREA ACRE
1	96.00	0.00	0.00	0.00	45.50	11.10
2	96.34	7.84	7.84	0.00	49.32	11.30
3	96.68	22.17	22.17	0.00	53.21	11.51
4	97.02	40.74	40.74	0.00	57.17	11.71
FULL CONDUIT FLOW, ELEV = 97.36 FT						
5	97.36	62.72	62.72	0.00	61.20	11.92
6	97.82	63.69	63.69	0.00	66.68	12.19
7	98.27	64.60	64.60	0.00	72.30	12.64
8	98.73	65.49	65.49	0.00	78.17	13.20
9	99.18	66.38	66.38	0.00	84.30	13.76
10	99.64	67.25	67.25	0.00	90.68	14.32
11	100.09	68.11	68.11	0.00	97.32	14.88
12	100.55	68.96	68.96	0.00	104.21	15.44
13	101.00	69.80	69.80 ✓	0.00	111.35	16.00

1SITES

XEQ 04/02/2006

VER 2000

TIME 12:46:55

John Kusser

kusser pond

SITE = S 1

WSID=

SUBW= A

PASS= 1 PART= 3

AUX. CREST 97.17 FT 58.9 ACFT 11.80 AC 50.2 CFS

PS STORAGE 13.4 ACFT, BETWEEN AUX. CREST AND SED. ACCUM ELEVATIONS.

START ELEV 96.00 FT 45.5 ACFT 11.10 AC 0.0 CFS

EFFECTIVE HEIGHT(H)= 13.2 FEET, PRODUCT= 776. (H * STORAGE AT CREST AUX.).

INPUT DESIGN CLASS = A1 = LT 3000. PRODUCT.

NRCS-FBH D= 24.00 HR P= 4.10 IN Q= 1.74 IN DA= 3.70 SM
TC= 9.17 HR CN= 75.00 VOL= 343.3 ACFT

25yr

PEAK = 414.3 CFS, AT 18.1 HRS.

RATING TABLE DEVELOPED, SITE = S 1:
BY PROGRAM FOR PS AND AUX. SPILLWAYS
AUX. RATING USED WSPVRT METHOD.

RATING TABLE NUMBER 2

	ELEV. FEET	Q-TOTAL CFS	Q-PS CFS	Q-AUX. CFS	VOLUME AC-FT	AREA ACRE
1	96.00	0.00	0.00	0.00	45.50	11.10
2	96.13	1.85	1.85	0.00	46.95	11.18
3	96.26	5.22	5.22	0.00	48.41	11.26
4	96.39	9.59	9.59	0.00	49.88	11.33
5	96.52	14.77	14.77	0.00	51.35	11.41
6	96.65	20.64	20.64	0.00	52.84	11.49
7	96.78	27.13	27.13	0.00	54.34	11.57
8	96.91	34.19	34.19	0.00	55.85	11.65
9	97.04	41.77	41.77	0.00	57.37	11.72
10	97.17	49.84	49.84	0.00	58.90	11.80
11	97.23	56.38	54.03	2.35	59.66	11.84
12	97.30	63.03	58.32	4.71	60.43	11.88
FULL CONDUIT FLOW, ELEV = 97.36 FT						
13	97.36	69.78	62.72	7.06	61.20	11.92
14	97.55	82.01	63.14	18.87	63.38	12.03
15	97.73	103.77	63.51	40.26	65.57	12.14
16	98.05	155.96	64.16	91.79	69.58	12.37
17	98.45	242.40	64.96	177.45	74.62	12.86
18	99.18	452.08	66.38	385.70	84.30	13.76
19	100.09	786.88	68.11	718.77	97.32	14.88
20	101.00	1196.44	69.80	1126.64	111.35	16.00

SUMMARY OF AUXILIARY SPILLWAY SURFACE CONDITIONS USED IN COMPUTATIONS BY REACH

REACH	FROM	TO	SLOPE	RETARDANCE	VEGETAL	MAINT.	ROOTING	REACH
STA	STA	CURVE	COVER	CODE	DEPTH	LOCATION		
(ft)	(ft)	(%)	INDEX@	FACTOR	(ft)	*		

1	200.	270.	-2.9	0.030	**	**	**	INLET
2	270.	300.	0.0	0.030	**	**	**	CREST
3	300.	450.	2.0	0.030	0.65	3	2.0	EXIT !

@ The program interprets retardance curve index entries of less than 1 as Manning's n values.

* Upper case indicates a reach of constructed spillway channel.

** The program does not use vegetal cover factor, maintenance code, and rooting depth for inlet and crest reaches in computations.

! Reach 3 used in computing exit channel velocities.

DRAWDOWN USING FREEBOARD STORM FOLLOWS, STARTING AT ELEVATION 97.17 FT.

DRAWDOWN (DDT) TEST 96.00 FT 45.5 ACFT 0.00 CFS
CONTROL IS 0.000 DETENTION STORAGE

TIME = 2.28 DAYS, TO 0.0 CFS (LIMIT = 10.00 DAYS)

ROUTED RESULTS	BTM WIDTH FT	MAX ELEV FT	VOL-MAX ACFT	AREA-MAX AC	AUX.-HP FT	VOL-AUX. ACFT
NRCS-FBH	50.0	99.03	82.2	13.6	1.86	23.3

PEAK - CFS Q-PS Q-AUX. Q-TOT.
DISCHARGE = 66.1 341.0 407.1

	CRITICAL DEPTH FT	CRITICAL VELOCITY FT/SEC	CRITICAL SLOPE-Sc FT/FT	25% OF Q Sc FT/FT
AUXILIARY SPILLWAY	1.11	5.86	0.013	0.017

EFFECTIVE STRESS FOR STABILITY ANALYSIS OF AUX. EXIT CHANNEL

(Refer to Ag. Handbook 667, Chapt. 3, for allowable stresses.)

Aux. Discharge = 341. cfs; Bottom Width = 50. ft

REACH FROM TO SLOPE MANNING'S VELOCITY STRESS

NO.	STA	STA	%	n	ft/s	lb/ft^2
3	300.	450.	2.00	0.030	6.70	0.744

AUXILIARY SPILLWAY DURATION FLOW = 18.6 HOURS

ATTACK, OE/B = 4.5 ACFT/FT

***** MESSAGE - NHCP378 CRITERIA USED BUT AUXILIARY SPILLWAY RATING NOT BASED ON ASFILE RATINGS.

EXIT CHANNEL FLOW SUPERCRITICAL: MAX VELOCITY= 6.7 FT/SEC

EXIT SLOPE = 0.020 FT/FT

FLOW DEPTH = 1.0 FT

>>>> NHCP378 RUN - MINIMUM FLOW IN AUX. SPILLWAY FROM TR60
USING FORMULA WITHOUT 200 CFS MINIMUM LIMIT (451. CFS).

ROUTED	BTM	WIDTH	MAX ELEV	VOL-MAX	AREA-MAX	AUX.-HP	VOL-AUX.
RESULTS	FT	FT	ACFT	AC	FT	ACFT	
MIN. AUX.	50.0	99.37	86.9	14.0	2.20	28.0	

PEAK - CFS Q-PS Q-AUX. Q-TOT.
DISCHARGE = 66.7 451.4 518.2

CRITICAL CRITICAL CRITICAL 25% OF Q
DEPTH VELOCITY SLOPE-Sc Sc
AUXILIARY FT FT/SEC FT/FT FT/FT
SPILLWAY — 1.34 6.40 0.012 0.016

>>>>> NHCP378 RUN - MINIMUM DEPTH, DESIGN FLOW TO TOP OF DAM; 1.00 FT REQUIRED
FOR THIS PASS. NEW TOP OF DAM ELEVATION = 100.03.

ROUTED	BTM	WIDTH	MAX ELEV	VOL-MAX	AREA-MAX	AUX.HP	VOL-AUX.
RESULTS	FT	FT	ACFT	AC	FT	ACFT	
MINIMUM AUX.	50.0	100.03	96.4	14.8	2.86	37.5	

PEAK - CFS Q-PS Q-AUX. Q-TOT.
DISCHARGES = 68.0 696.4 764.4

CRITICAL CRITICAL CRITICAL 25% OF Q
DEPTH VELOCITY SLOPE-Sc Sc
AUXILIARY FT FT/SEC FT/FT FT/FT
SPILLWAY — 1.78 7.32 0.011 0.015

INFLOW HYD 1 PSH-PEAK = 50.18 CFS AT 21.68 HRS, LOCATION POINT

INFLOW HYD 1 FBH-PEAK = 407.11 CFS AT 18.59 HRS, LOCATION POINT
HYDOUT 1

1SITES.....JOB NO. 1 COMPLETE.

John Kusser

0 SUBWATERSHED(S) ANALYZED.

1 STRUCTURE(S) ANALYZED.

2 HYDROGRAPHS ROUTED AT LOWEST SITE.

0 TRIALS TO OBTAIN BOTTOM WIDTH FOR SPECIFIED STRESS OR VELOCITY.

SITES.....COMPUTATIONS COMPLETE

>>> SITE SUBWS SUBWS DA CURVE TC TOTAL DA TYPE STRUC <<<
 ID ID (SQ MI) NO. (HRS) (SQ MI) DESIGN CLASS

S 1 A 3.70 75. 9.17 3.70 378CR A1

PASS DIA./ AUX.CREST BTM. MAX. MAX. EMB. INTEGR.* EXIT* TYPE
 NO. WIDTH ELEV WIDTH HP ELEV VOL. DIST. VEL. HYD
 (IN/FT) (FT) (FT) (FT) (FT) (CY) (FT) (FT/SEC)

1 24.0 97.2 50.0 2.9 100.0 0. 0. 6.7 MIN. AUX.

* INTEGRITY DIST. AND EXIT VEL. ARE BASED ON THE ROUTED HYDROGRAPH
 AND WILL NOT RELATE TO THE MAX. ELEV. (TOP OF DAM),
 WHICH IS SET BY MINIMUM DESIGN CRITERIA.

SITES.....SUMMARY TABLE 1 COMPLETED.

NRCS SITES VERSION 2000 ,05/01/2000
 FILES

INPUT

C:\data\Engineering\kusser\24-kusser.D2C

OUTPUT - DATED 04/02/2006 12:46:55

C:\data\Engineering\kusser\24-kusser.OUT

GRAPHICS FILES GENERATED

OPTION "L" DATED 04/02/2006 12:46:55

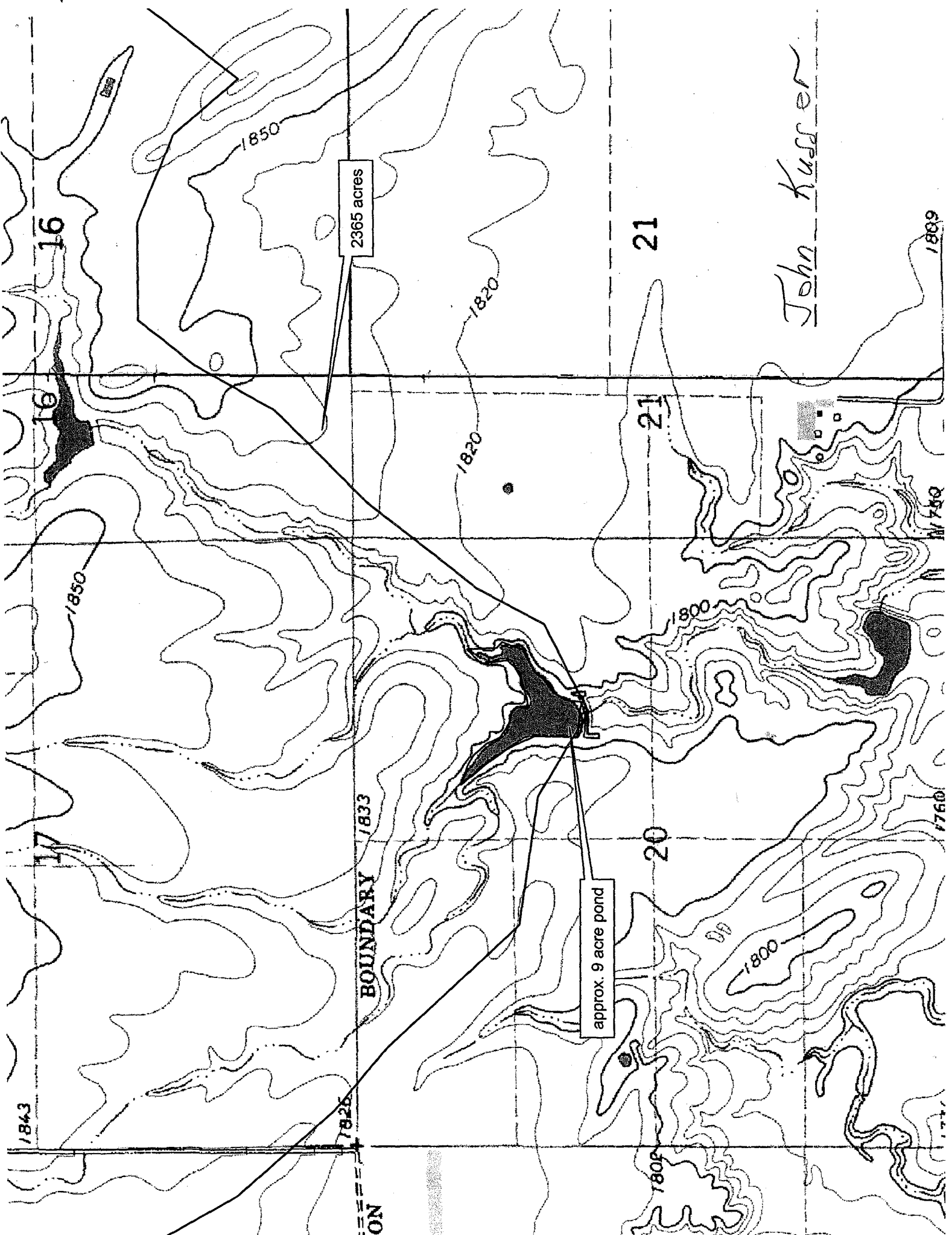
C:\data\Engineering\kusser\24-kusser.DRG

OPTION "P" DATED 04/02/2006 12:46:55

C:\data\Engineering\kusser\24-kusser.DHY

OPTION "E" DATED 04/02/2006 12:46:55

C:\data\Engineering\kusser\24-kusser.DEM





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 18, 2006

John Kusser
K Lazy K /Ranch
34080 216th St.
Highmore, SD 57345

Dear Mr. Kusser:

We have reviewed the plans and specifications for your dam project located in the NE ¼ of Sec. 20-T109N-R71W, in Hyde County. The plans and specifications for the reconstruction of your dam are approved. Approval of the plans and specifications does not authorize reconstruction of the dam. The reconstruction of the dam may not begin until Water Permit No. 6769-3 is approved.

Our review was to determine compliance with the requirements of the Water Management Board Safety of Dams Rules, Chapter 74:02:08. Approval of these plans and specifications does not release you, as owner of the dam, from the responsibility for operating and maintaining the dam in good repair to ensure the safety of the dam.

The K Lazy K Dam will be classified as a small size Category 3, Low Hazard dam with a dam height of 14 ft. and a normal storage capacity of 45.5 acre-feet and a maximum storage capacity of 111 acre-feet.

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

Sincerely,

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

c: Dave Konechne, Konechne Engineering
Tim Olson, GF&P



**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. 6769-3, K Lazy K Ranch**

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. 6769-3, K Lazy K Ranch, c/o John Kusser, 34080 216th Street, Highmore SD 57345.

The Chief Engineer is recommending APPROVAL of Application No. 6769-3 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. 6769-3 authorizes a dam with a storage capacity of 45.5 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

See report on application for additional information.

Garland Erbele, Chief Engineer
December 18, 2006

REPORT ON
WATER PERMIT APPLICATION No. 6769-3
K Lazy K Ranch
December 15, 2006

Water Permit Application No. 6769-3 has been filed by the K Lazy K Ranch to impound 45.5 acre-feet of water by reconstructing a dam located in the SW ¼ NE ¼ of Section 20-T109N-R71W, in Hyde County. The application also requests impoundment of sufficient water to maintain water at the outlet elevation. The water will be used for recreation, fish and wildlife production and livestock watering purposes.

Discussion:

The dam will be classified as a small size, Category 3, Low Hazard dam. Konechne Engineering has designed the dam. The plans and specifications have been reviewed and will be approved; however, construction of the dam can not begin until Water Permit Application No. 6769-3 is approved.

The dam will be 14 feet high with a normal storage capacity of 45.5 acre-feet with a reservoir level at the primary spillway elevation, and a maximum storage capacity of 111 acre-feet with a reservoir level at the top of dam elevation. A dam of this size and hazard classification is required to have a minimum spillway design capable of passing a 25-year frequency event.

The dam has a drainage area of 2365 acres or 3.70 square miles. The dam is designed to have a 48 inch diameter concrete drop inlet structure with a 24 inch barrel as the primary spillway and a 50 foot wide earthcut spillway. A 25 year frequency event produces a peak runoff of approximately 282 cfs and a 100 year frequency event produces a peak runoff of approximately 552 cfs. The earthcut secondary spillway will have a capacity of approximately 625 cfs.

The annual yield for this drainage area with an 80 percent chance of occurrence, or 8 out of 10 years, is expected to be 25 acre-feet. The annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 71 acre-feet and the annual yield with a 10 percent chance, or 1 out of 10 years, is expected to be 355 acre-feet.

The K Lazy K dam will be located in the SW ¼ NE ¼ of Section 20-T109N-R71W on an unnamed tributary to the West Fork of Elm Creek about 1.0 mile upstream of the confluence of the unnamed tributary and the West Fork of Elm Creek. There are no existing Water Permits/Rights or Location Notices filed on the unnamed tributary between the proposed dam and the West Fork of Elm Creek. However, there is a small dam located about one-half mile downstream of the K Lazy K Dam. Water Permit Application No. 6769-3 is for repair of an existing dam on the K Lazy K property. The two dams existed before, and repair of the upstream dam should not have any adverse effect on the downstream dam that did not exist before. The annual yield with a 50 percent chance of occurrence is expected to be 71 acre-feet of water, which should be enough runoff for both dams.

Conclusions:

1. Water Permit Application No. 6769-3 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. 6769-3.



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

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF HYDE

)
) ss.
)

MARY ANN MORFORD

of said county and state, being duly sworn, on her oath says: THE HIGHMORE HERALD is a weekly newspaper of general circulation, printed and published in HIGHMORE in said county and state by Mary Ann Morford and has been such a newspaper during the times hereinafter mentioned; that the said HIGHMORE HERALD is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned, and has more than two hundred bona fide subscribers; that I the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit and that the advertisement entitled

Notice of Application to Appropriate Water

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive issues, the first publication being made on December 28, 2006 and the last publication on January 4, 2007; that \$ 44.08 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever.

Mary Ann Morford
Mary Ann Morford, Publisher

Subscribed and sworn to before me this 17th

day of January 2007

Mary E. Hank
Notary Public, Hyde County, South Dakota

My Commission Expires July 8, 2010

NOTICE OF APPLICATION NO. 6769-3 TO APPROPRIATE WATER

Notice is given that K Lazy K Ranch, John Kusser, 34080 216th Street, Highmore, SD 57345 has filed an application for a water permit to impound 45.5 acre-feet of water from an unnamed tributary to West Fork Elm Creek by reconstructing a dam located in the SW 1/4 NE 1/4 Section 20 with water impounded in the NE 1/4 Section 20; all in T109N-R71W. This application requests impoundment of sufficient water to maintain water to the outlet elevation. The water is for fish and wildlife propagation, recreation and livestock water purposes.

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

APPROVAL of Application No. 6769-3 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 January 15, 2007.

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.

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

FPNO 18 LPNO 19

RECEIVED

JAN 19 2007

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

December 19, 2006

Highmore Herald
PO Box 435
Highmore SD 57345-0435

ATTENTION: Legal Public Notice

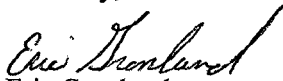
Enclosed is a Notice on Application No. 6769-3 to Appropriate Water to be published twice. Please publish the first notice on December 28, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

Please BILL the APPLICANT for the cost of publication. The APPLICANT is K Lazy K Ranch, John Kusser, 34080 216th St, Highmore, SD (Ph # 650-852-2020).

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. 6769-3

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

Date _____
We are in receipt of your letter of December 19, 2006 enclosing Notice to Appropriate Water by Application No. 6769-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**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.

December 19, 2006

K Lazy K Ranch
% John Kusser
34080 216th St
Highmore SD 57345

John

Dear ~~Mr. Kusser~~:

Water Permit Application No. 6769-3 for recreation, fish & wildlife propagation, livestock water 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 Highmore Herald printed at Highmore, SD (Ph # 605-852-2927). 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 December 28, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6769-3 to Appropriate Water

Notice is given that K Lazy K Ranch, John Kusser, 34080 216th St, Highmore SD 57345 has filed an application for a water permit to impound 45.5 acre-feet of water from an unnamed tributary to West Fork Elm Creek by reconstructing a dam located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20 with water impounded in the NE $\frac{1}{4}$ Section 20; all in T109N-R71W. This application requests impoundment of sufficient water to maintain water to the outlet elevation. The water is for fish and wildlife propagation, recreation and livestock water purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6769-3 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 January 15, 2007.

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

MAR 14 2007

K Lazy K Ranch
c/o John Kusser
34080 216th St
Highmore SD 57345

Dear Mr. Kusser:

Enclosed is Water Permit No. 6769-3 authorizing construction of your dam 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

Permit No. 6769-3
Missouri River - Water District

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

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

I have this day, **November 11, 2009**, made a thorough examination of the water use system constructed by **K Lazy K Ranch, c/o John Kusser** of **34080 216th St. Highmore, SD 57345** holder of Permit No. **6769-3**, bearing the priority of **November 17, 2006** authorizing the storage of **45.5** acre-feet of the waters of **unnamed tributary to West Fork Elm Creek** for **recreation, fish & wildlife propagation, livestock watering** purposes, in **Hyde** County.

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

A. Works used to divert the water:

A 14 ft. high earthen dam with a normal storage capacity of 45.5 acre-feet of water

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

N/A

C. Works used to apply water to beneficial use:

A 14 ft. high earthen dam with a normal storage capacity of 45.5 acre-feet of water

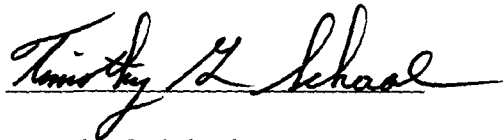
The system is in the following condition **good**. The point of diversion is located **1800 ft. south & 1400 ft. west of the NE corner of Section 20-T109N-R71W (SW ¼ NE ¼) (Lat. 44.23263, Long. -99.386672)**. The works are capable of storing **45.5** acre-feet of water which is to be used for **recreation, fish & wildlife propagation, livestock watering use**. Water has been put to beneficial use to the maximum extent as follows:

A 14 ft. high earthen dam with a normal storage capacity of 45.5 acre-feet of water

and the license should be issued for **45.5** acre-feet of storage.

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

Exceptions to compliance are: **none** Date Report Completed: **February 26, 2010**



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

REPORT ON INSPECTION OF PERMIT NO. 6769-3

DATE OF INSPECTION: November 10, 2020

NAME & ADDRESS OF INSPECTION CONTACT/ K Lazy K Ranch, c/o John Kusser, 34080 216th Street, Highmore, SD 57345

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: same

DIVERSION POINT LEGAL LOCATION: 1800 ft south & 1400 ft west of the NE corner of Section 20-T109N-R71W (SW ¼ NE ¼) (Lat. 44.23263, Long -99.386672).

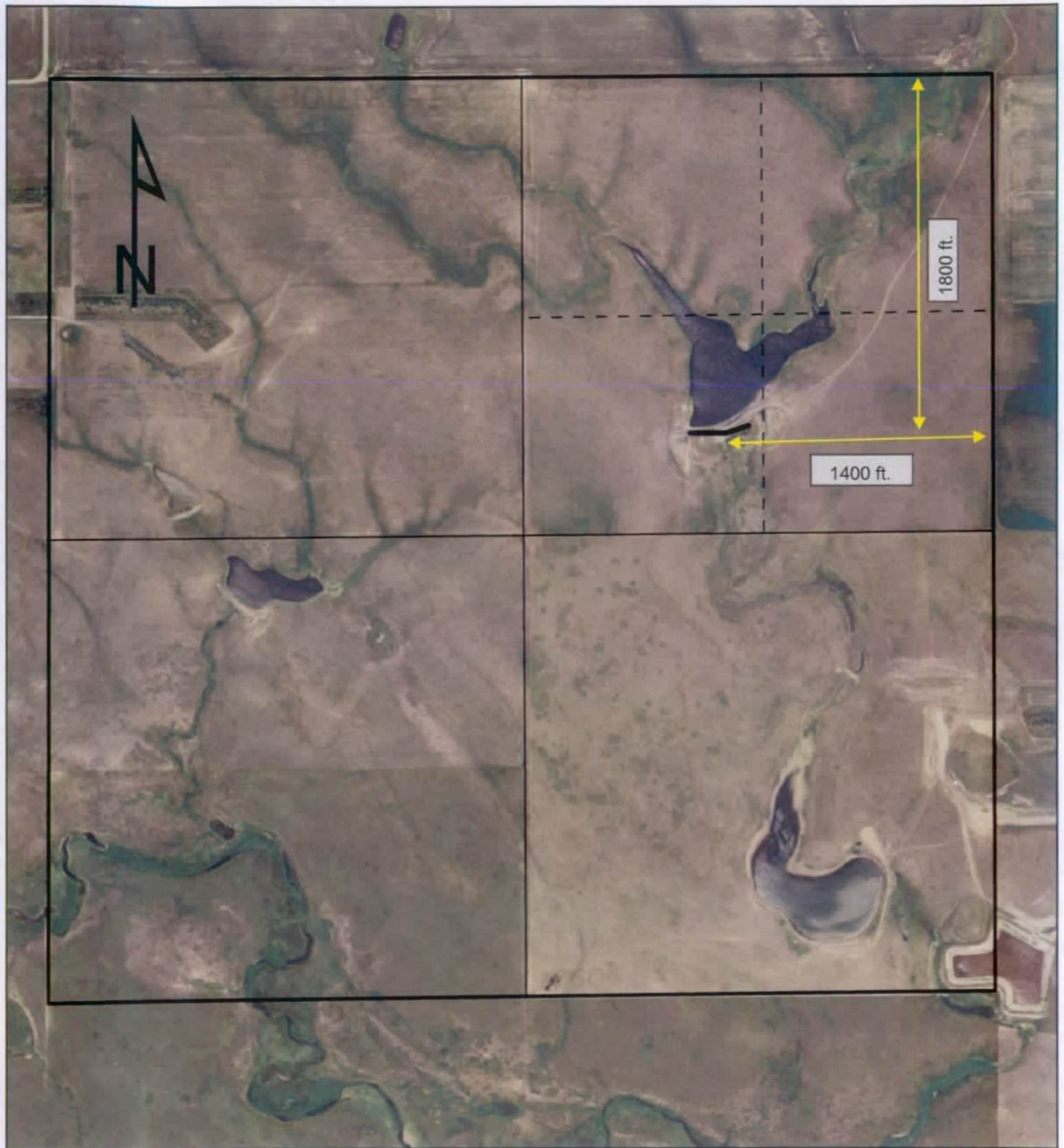
DAM INFORMATION:

- 1) Height to crest 14 feet
- 2) Height to primary spillway 9 feet
- 3) Height to secondary spillway 11 feet
- 4) Crest width 12 feet
- 5) Crest length 610 feet
- 6) Spillway length XXX feet
- 7) Spillway width 50 feet
- 8) Approx. storage (Normal) 45.5 acre-feet
- 9) Approx. storage (Maximum) 111 acre-feet
- 10) Date constructed: 2007

PERMIT QUALIFICATIONS AND REGULATIONS:

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

Water Permit Application No. 6769-3



0 0.25 0.5 1 Miles



Timothy G. Schaal 2/26/10

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 09 2010

6769-3

John Kusser
K Lazy K Ranch
34080 216th St
Highmore SD 57345

Dear Mr. Kusser:

Enclosed is Water License No. 6769-3. 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,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6769-3

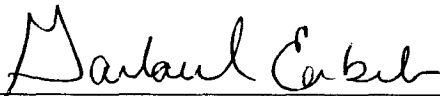
(1) K Lazy K Ranch, c/o John Kusser, 34080 216th St, Highmore SD 57345 made Application No. 6769-3, November 17, 2006 for a water permit to impound 45.4 acre feet of water from an unnamed tributary to West Fork Elm Creek, Hyde County, South Dakota for fish and wildlife propagation, recreation and livestock watering purposes. Permit No. 6769-3, with a priority date of November 17, 2006 was approved January 15, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 15, 2012 and for the application to beneficial use of water on or before January 15, 2016.

(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. 6769-3 is issued a license, bearing a priority date of November 17, 2006, to impound 45.5 acre feet of water for fish and wildlife propagation, recreation and livestock watering purposes.

The location of the storage dam (spillway) is 1,800 feet south and 1,400 feet west of the northeast corner of Section 20-T109N-R71W (SW ¼ NE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6769-3, including the following now applicable qualifications:

- Water Permit No. 6769-3 authorizes a dam with a storage capacity of 45.5 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.



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

APR 09 2010

date

