

WATER PERMIT NO. 6873-3

Name of Applicant: **Richard A McQueen**

Address: **24182 373rd Ave, White Lake SD 57383**

Phone: **605 249-2594**

Amount of Water Claimed: **35 AF**

Total Acres: **NA**

Source of Water Supply: **runoff**

Water to be used for: **FWP & domestic**

County: **Aurora**

Type of Waste Disposal System:

Location: **15 miles north of White Lake**

PRIORITY

Date Received: **7-27-07**

Application/License Fee: **\$200**

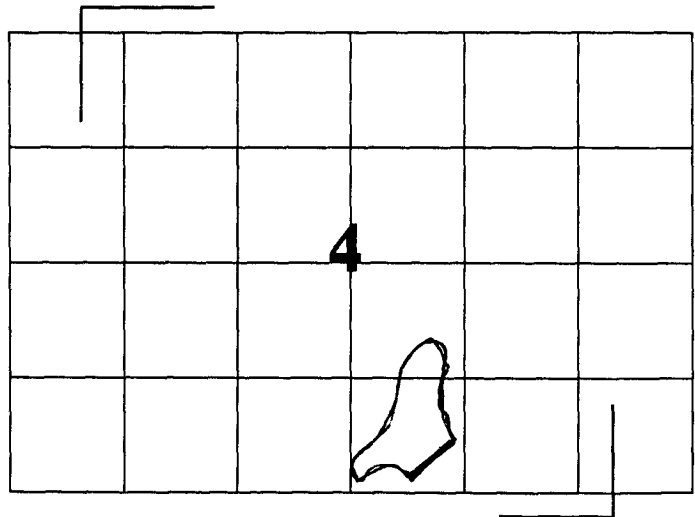
Corrected Application Received:

Period of Annual Use: **January 1 – December 31**

Remarks:

Diversion Point: **SW ¼ SE ¼ Sec 4-T105N-R66W**

Water Impounded: **W ½ SE ¼ Sec 4-T105N-R66W**



Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **topo**

Prepared by: **David E Konechne, PE**

Reviewed and the Number Assigned on: **7-30-07**

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

(office use only)
No. 6873-3 Hydrologic Unit 10140105
Basin Missouri River
Newspaper Aurora Co. Standard

RECEIVED

JUL 27 2007

WATER RIGHTS
PROGRAM

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

Check use(s) of water:

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

Type of Application: (check one)

- ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ 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 Richard A. McQueen Phone (605) 249-2594
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address 24182 373rd Ave. White Lake State SD 57383
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed _____ *CFS or _____ **GPM 35.00 ***AF
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Surface Runoff
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Aurora
SW 1/4 SE 1/4 Section 4-T105N-R66W Water Impounded: S 1/2 SE 1/4
S 1/2 Sec 4-T105N-R66W
- County or counties where water will be used Aurora
- Annual period during which water is to be used March-November 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)

See attached design and construction specifications completed by Konechne Engineering, Pierre, SD.

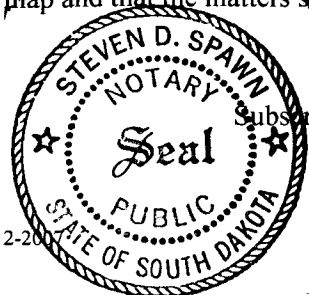
STATE OF SOUTH DAKOTA)

County of Aurora

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, Richard A. McQueen, 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 Richard A. McQueenSubscribed and sworn to before me this 26th day of July 20 07

My Commission Expires:

July 30, 2007

Date

Steven D. Spawn

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6873-3**

Date of first receipt of application July 27, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6873-3 to Richard A McQueen, 24182 373rd Ave, White Lake SD 57383 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. 6873-3 authorizes impoundment of 35 acre-feet of water from runoff by constructing a dam located in the S 1/2 SE 1/4 Section 4 with water impounded in the S 1/2 SE 1/4 Section 4; all in T105N-R66W.
2. The water appropriated shall be used for the purpose of fish and wildlife propagation 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. 6873-3 is October 1, 2007.
5. The date from which applicant may claim right is July 27, 2007.
6. One-fifth of the construction is to be completed on or before April 1, 2010.
7. All construction is to be completed on or before October 1, 2012.
8. Water is to be put to beneficial use on or before October 1, 2016.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

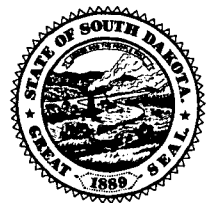
QUALIFICATIONS

1. Water Permit No. 6873-3 authorizes a dam with a storage capacity of 35.0 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

OCT 11 2007
date



(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

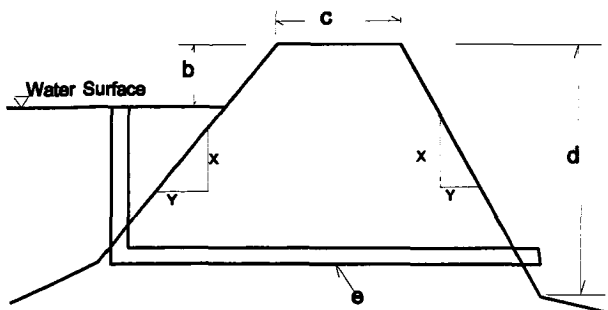
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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 (Dave Konechne, P.E.)
Pierre, SD 57501



- b) Freeboard _____ 3.5
- c) Crest Width _____ 12
Crest Length _____ 435
- d) Height _____ 12.3
- e) Primary Outlet Capacity _____ N/A
If pipe, diameter _____
- f) Secondary Spillway Capacity _____ 105
Spillway Width _____ 25
- g) X & Y Slope _____ 3:1
Upstream _____ 3:1
Downstream _____ 3:1
- h) Surface Area of Impoundment _____ 7.50 A.
- i) Storage _____ 35.0 Acre Feet
- j) Drainage Area Above Dam _____ 252.0 Acres

Water Permit Application No 6873-3
Richard A. McQueen

Top of Dam Elev. - 98.3
Spillway Elev. - 94.8
Dis Toe Elev. - 86.0 } - Ht. = 12.3 ft Cat. 3 - Low Hazard Dam

Normal Storage Capacity - 35 Ac-Ft
Max Storage Capacity - 63

Max Cap. x Ht = $\frac{63}{100} \times 12.3 = 7.75 \approx 3000 \therefore$ 25 year
Minimum Spillway Design

From USGS WRI 98-4055 "Tech. for Est Peak Flows... in SD"
DA = 252 ac = 0.39 mi.²
Region B P_{II} = 0.9

$$Q_{25} = 148 CA^{.584} P_{II}^{.730}$$

$$= 148 (0.39)^{.584} (0.9)^{.730}$$

$$= 148 (.577) (.926)$$

$$= \underline{80 cfs}$$

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

$$= 275 (0.39)^{.625} (0.9)^{.742}$$

$$= 275 (.5552) (.926)$$

$$= \underline{142 cfs}$$

Spillway Capacity

$$Q = CLH^{3/2}$$

$$C = 2.6$$

$$L = 21$$

$$H = 3.5$$

$$= 2.6(21)(3.5)^{1.5}$$

$$= \underline{360 cfs}$$

NRCS Annual Yield

DA = 252 A. - CN = 72 ISO = 2 1/2

Section 74:02:08:09

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 - N/A cat. 3 - OK

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

$$0.11 \times 252/12 = \underline{2.5 \text{ Ac-Ft}}$$

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

$$0.36 \times 252/12 = \underline{8 \text{ Ac-Ft}}$$

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

$$1.8 \times 252/12 = \underline{39 \text{ Ac-Ft}}$$

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

Date 7/27, 20 07

RECEIVED OF Richard DeQuero 14182 373rd Ave White Lake SD 57383

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

Fee for Application for Permit No. <u>67-5</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>6725-5</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.

131 R

By

[Signature]

Chief Engineer

Client : Richard McQueen
 County : Aurora
 Practice: Wildlife Pond

State: SD

By: DFK
 Checked: _____

Date: _____
 Date: _____

Drainage Area : 252 Acres
 Curve Number : 72
 Watershed Length : 4488 Feet
 Watershed Slope : .5 Percent
 Time of Concentration: 3.15 Hours
 Rainfall Type : II

Storm Number	1	2	3	4	5	6	7
Frequency (yrs)	1	2	5	10	25	50	100
24-Hr Rainfall (in)	1.9	2.4	3.2	3.8	4.4	5	5.5
Ia/P Ratio	0.41	0.32	0.24	0.20	0.18	0.16	0.14
Runoff (in)	0.25	0.48	0.93	1.32	1.75	2.20	2.59
Unit Peak Discharge (cfs/acre/in)	0.173	0.201	0.221	0.229	0.235	0.239	0.242
Peak Discharge (cfs)	11	24	52	76	103	133	158

stage-storage (From Wind pond)

Elev	Area (Acres)	Accum Storage (Ac-Ft)
85	0	0
88	1.4	2.1
90	3.4	6.9
92	5.2	15.5
94	6.6	27.3
96	8.4	42.3
98	9.3	60

-35 @ 95

25 yr runoff

$$\frac{1.75 \text{ in} \times 252}{12} = 37 \text{ Ac-Ft}$$

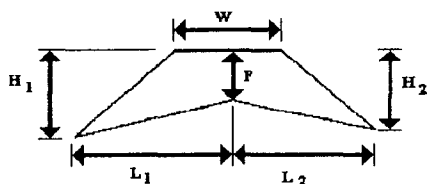
Principal spillway not needed

$$\text{Em. Spillway width} = \frac{103 \text{ cfs}}{5 \text{ cfs/ft}} = 21 \text{ ft}$$



11/99 Rev
Sheet 1 of 4

Field Office: Pierre
Date: 14-Jul-07
Date: _____

[illegible]

POND CUT (yd³) = 0.0

TOTAL EXCAVATION (yd³) = 0.0

POND FILL (yd³) = 6,152.2

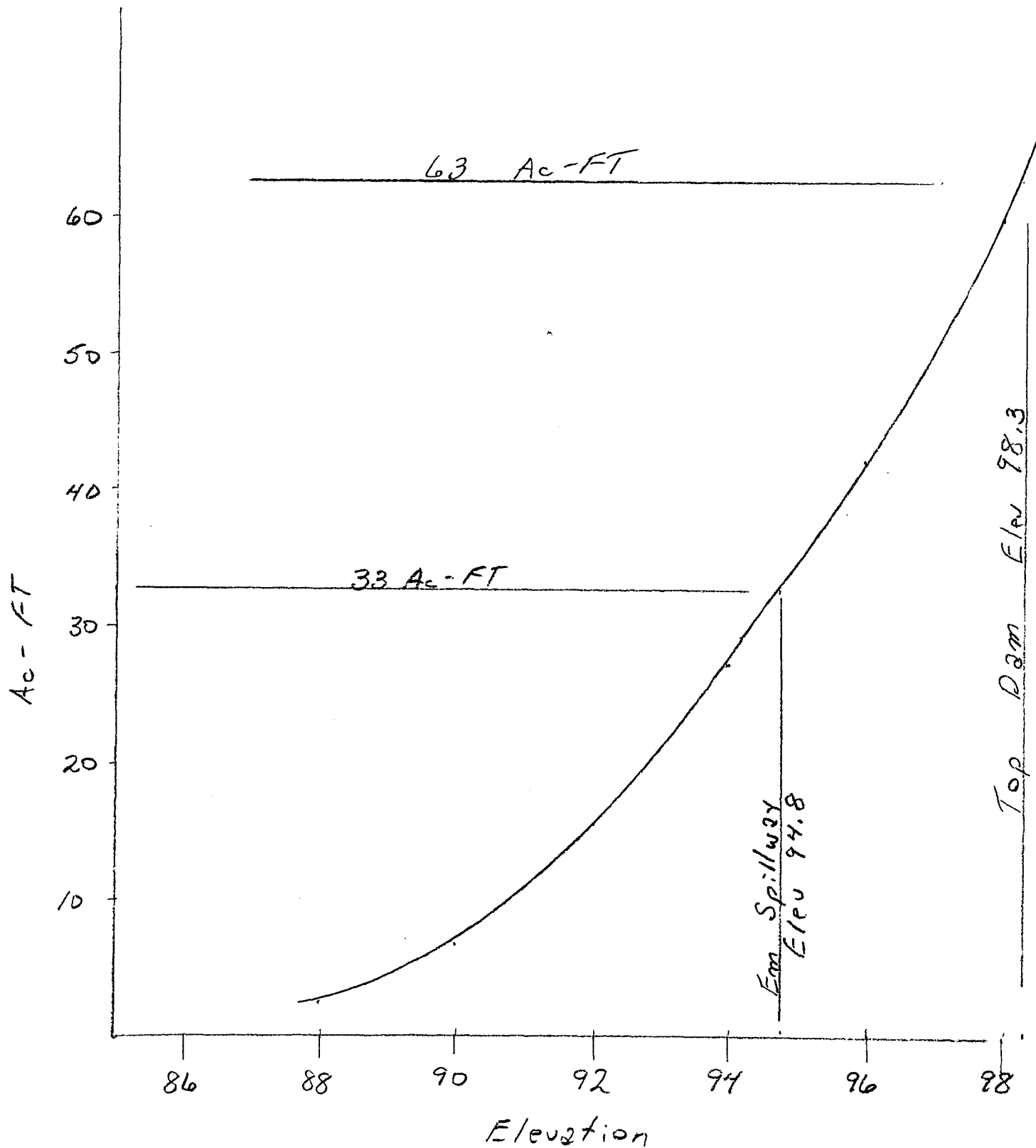
OVER-FILL @ 5% SHRINKAGE (yd³) = 307.6

POND STRIPPING (yd³) = 528.0

CORE TRENCH (yd³) = 563.3

TOTAL FILL (yd³) = 75512

Richard McQueen
SE Sec 4, T105N, R66W



695

1

$L_7 = 4488$

16.5 = 640

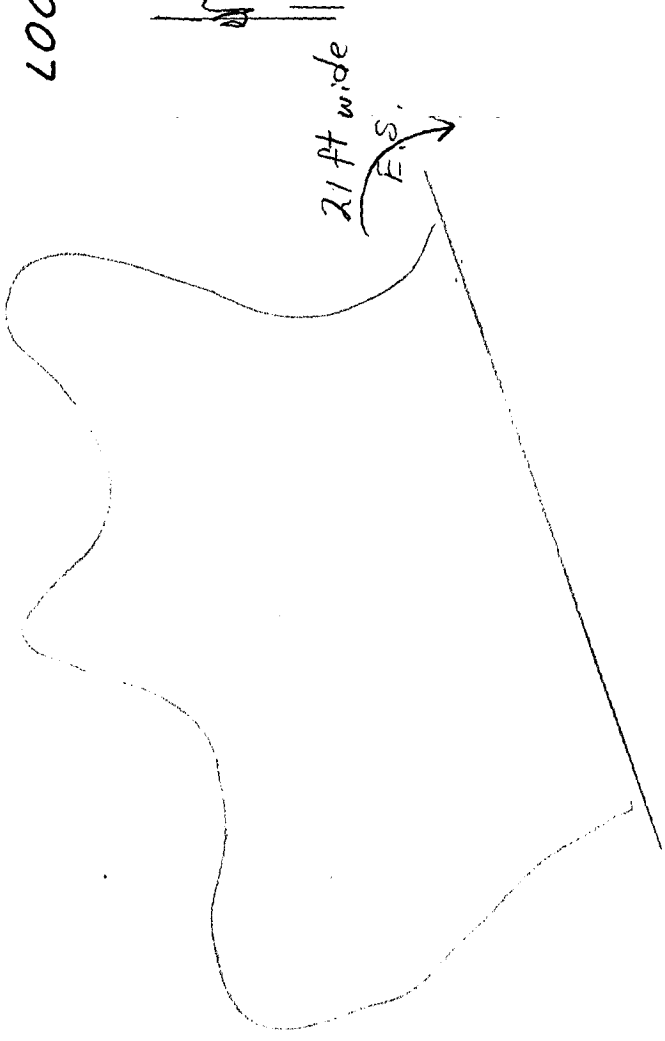
TABLE OF QUANTITIES

[illegible]

Top D2m 60



LOCATION



S.D. CONSTRUCTION AND MATERIAL SPECIFICATIONS:

OPERATOR: Richard McQueen

Class "A" Hazard

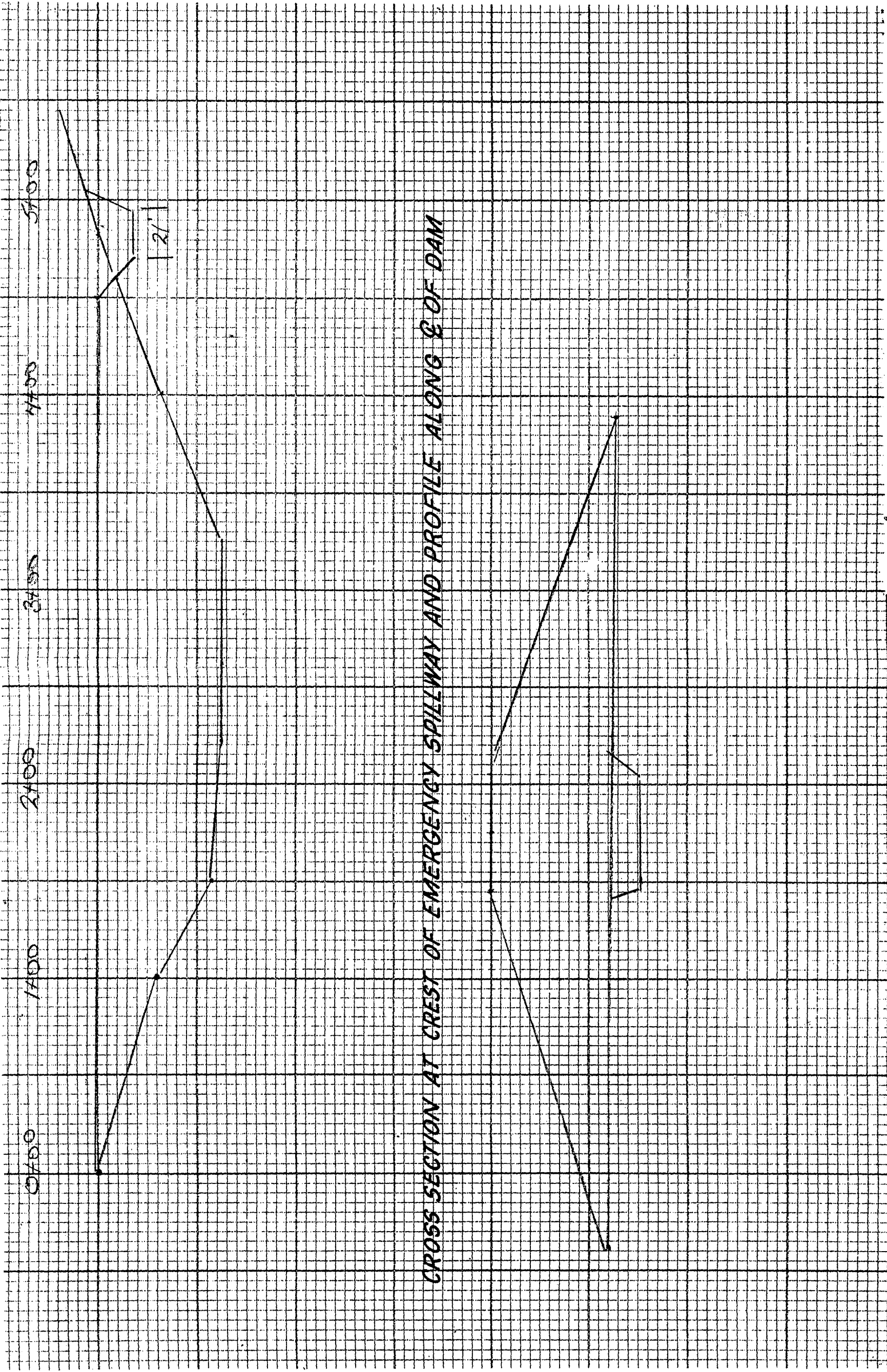
Designed Drawn Traced Checked	Date	Approved by		
		Title		
		Title		
		Sheet	Drawing No.	
		No	of	

Approximate scale 1" =

JOB PLAN NO. 1.0

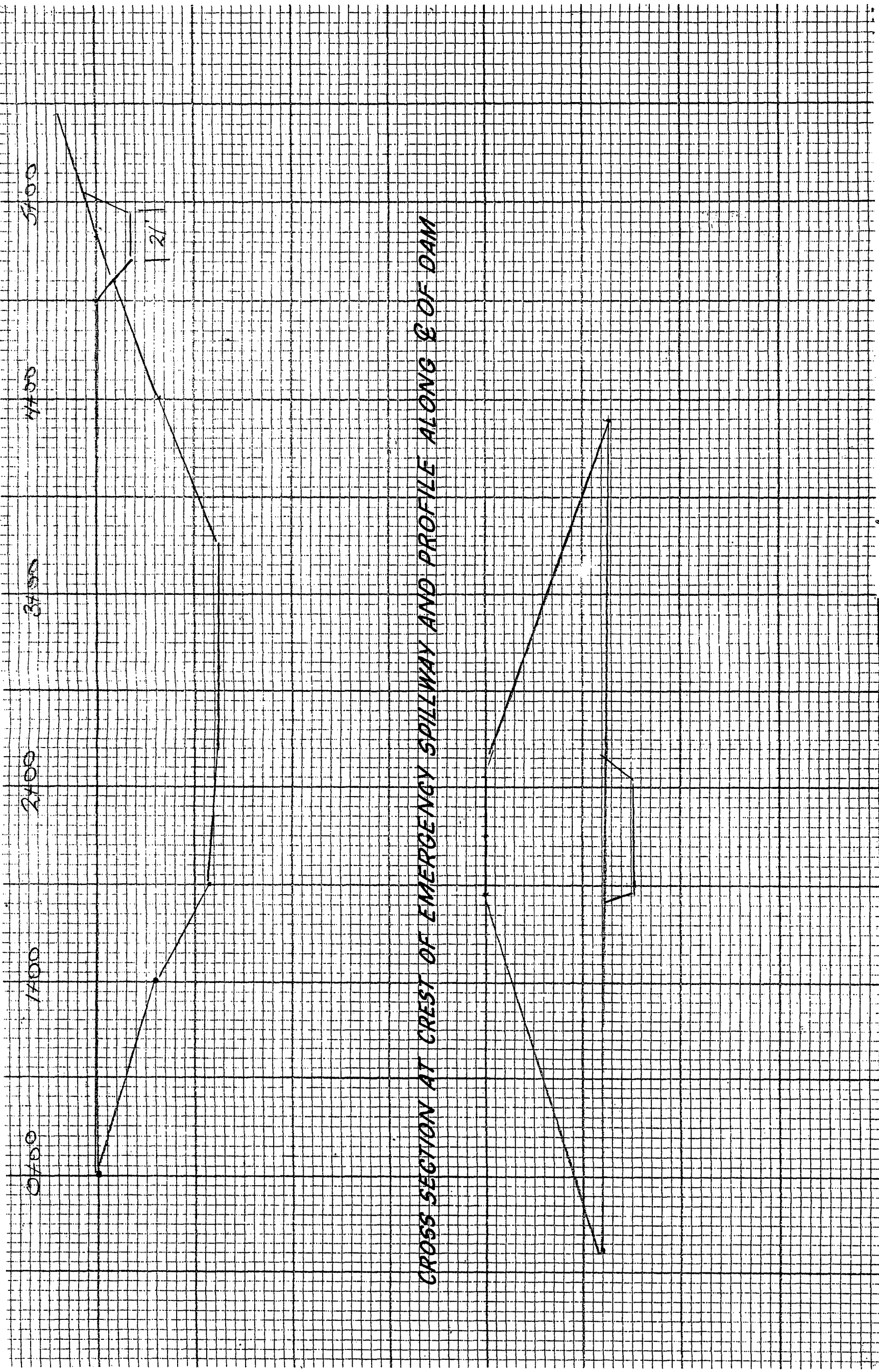
USDA-SCS-LINCOLN, NEBR. 1973.

(Rev. 4-73) 5, N-29, 073.10(1,



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

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



August 21, 2007

Richard A. McQueen
24182 373rd Ave.
White Lake, SD 57383

Dear Mr. McQueen:

We have reviewed the plans and specifications for your dam project located in the S ½ SE 1/4 of Sec. 4-T105N-R66W, in Aurora County. The plans and specifications for the construction of the dam are approved. Approval of the plans and specifications does not authorize construction of the dam. The construction of the dam may not begin until Water Permit No. 6873-3 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 dam will be classified as a small size Category 3, Low Hazard dam with a dam height of 12 ft. and a normal storage capacity of 35 acre-feet and a maximum storage capacity of 63 acre-feet.

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

Sincerely,

A handwritten signature in black ink, reading "Timothy G. Schaal". The signature is fluid and cursive, with the first name "Timothy" being the most prominent.

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

c: Dave Konechne, Konechne Engineering



**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. 6873-3, Richard A. McQueen**

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. 6873-3, Richard A. McQueen, 24182 373rd Avenue, White Lake SD 57383.

The Chief Engineer is recommending APPROVAL of Application No. 6873-3 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. 6873-3 authorizes a dam with a storage capacity of 35.0 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
August 17, 2007

REPORT ON
WATER PERMIT APPLICATION NO. 6873-3
Richard A. McQueen
August 13, 2007

Water Permit Application No. 6873-3 has been filed by the U.S. Fish & Wildlife Service (USFWS) to impound 35 acre-feet of water from runoff by constructing a dam located in the S ½ SE ¼ of Section 4-T105N-R66W, in Aurora County. The application also requests impoundment of sufficient water to maintain water to the outlet elevation. The water will be used for fish and wildlife production and livestock water purposes.

Discussion:

The dam will be classified as a small size, Category 3, Low Hazard dam. The dam has been designed by Konechne Engineering. The plans and specifications have been reviewed and will be approved; however, construction of the dam can not begin until Water Permit Application No. 6873-3 is approved.

The dam will be 12 feet high with a normal storage capacity of 35 acre-feet with a reservoir level at the primary spillway elevation, and a maximum storage capacity of 63 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.

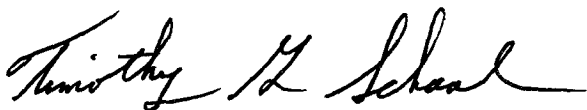
The dam has a drainage area of 252 acres or 0.39 square miles. The dam is designed to have a 21 foot wide earthcut primary spillway with 3.5 feet of freeboard. A 25 year frequency event produces a peak runoff of approximately 80 cfs and a 100 year frequency event produces a peak runoff of approximately 142 cfs. The earthcut spillway will have a capacity of approximately 360 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 2.5 acre-feet. The annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 8 acre-feet and the annual yield with a 10 percent chance, or 1 out of 10 years, is expected to be 39 acre-feet.

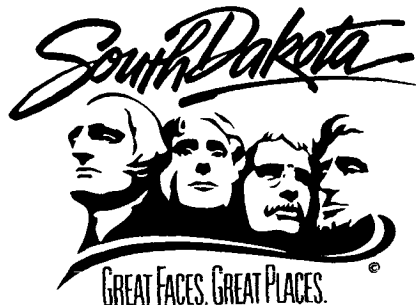
The McQueen Dam will be located in the S ½ SE ¼ of Section 4-T105N-R66W on an unnamed tributary to Smith Creek, about 3 miles upstream of the confluence of the unnamed tributary and Smith Creek. Smith Creek empties into Lake Francis Case, about 30 miles downstream of the confluence, near Fort Thompson. There are no existing Water Permits or Location Notices filed between the proposed dam and Smith Creek; however, Mr. McQueen has an existing dam located about one-half mile downstream of the proposed dam.

Conclusions:

1. Water Permit Application No. 6873-3 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 domestic use should be a qualification on Water Permit Application No. 6873-3.



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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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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.

August 21, 2007

Richard McQueen
24182 373rd Ave
White Lake SD 57383

Dear Mr. McQueen:

Water Permit Application No. 6873-3 for domestic and fish and wildlife 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 Aurora County Standard printed at White Lake SD (Ph # 605-249-2420). 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 report on the application is 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 applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 21, 2007

Aurora County Standard
PO Box 216
White Lake SD 57383

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6873-3 to Appropriate Water to be published twice. Please publish the first notice on August 29, 2007 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 Richard McQueen, 24182 373rd Ave, White Lake SD 57383 (Ph # 605-249-2594).

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. 6873-3

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

Date _____

We are in receipt of your letter of August 21, 2007 enclosing Notice to Appropriate Water by Application No. 6873-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on August 29, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6873-3 to Appropriate Water

Notice is given that Richard A McQueen, 24182 373rd Ave, White Lake SD 57383 has filed an application for a water permit to impound 35 acre-feet of water from runoff by constructing a dam located in the S ½ SE ¼ Section 4 with water impounded in the S ½ SE ¼ Section 4; all in T105N-R66W. This application requests impoundment of sufficient water to maintain water to the outlet elevation. The water is for fish and wildlife propagation and livestock water purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6873-3 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 this 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 this 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 recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 17, 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.

Water Rights Program - File Documentation

NAME: Aurora County Standard

ADDRESS: White Lake SD

DATE: 9-11-07 **COUNTY:** AU **TELEPHONE:** 605 249-2420

RE: Notice for Application No. 6873-3

COMMENTS:

I called the Aurora County Standard requesting the affidavit for this Notice. The lady with the paper indicated they never received the notice or a call from Richard McQueen authorizing publication.

The lady with the paper indicated if I emailed her the information immediately, she would get in the September 12th publication with the second publication on September 19th.

The date for filing petitions will now be October 1, 2007. I am sending a letter to Mr. McQueen explaining the situation.



Karen Schlaak
Environmental Scientist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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September 11, 2007

Aurora County Standard
PO Box 216
White Lake SD 57383

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6873-3 to Appropriate Water to be published twice. As stated in our phone conversation this morning, this notice will be published on September 12 and 19, 2007. I have emailed the text to you.

Please BILL the APPLICANT for the cost of publication. The APPLICANT is Richard McQueen, 24182 373rd Ave, White Lake SD 57383 (Ph # 605-249-2594).

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. 6873-3

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

Date _____

We are in receipt of your letter of September 11, 2007 enclosing Notice to Appropriate Water by Application No. 6873-3 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

September 11, 2007

Richard McQueen
24182 373rd Ave
White Lake SD 57383

Dear Mr. McQueen:

On August 21, 2007, we sent you a letter indicating that Water Permit Application No. 6873-3 for domestic and fish and wildlife use had been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice was sent to the Publisher of the Aurora County Standard printed at White Lake SD (Ph # 605-249-2420).

The notice was originally to be published on August 29 and September 5. I contacted the paper and they indicated the notice was never received. Enclosed is a revised copy of the notice which the paper will publish on September 12 and 19, 2007.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosures

c: Aurora County Standard

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 September 12, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6873-3 to Appropriate Water

Notice is given that Richard A McQueen, 24182 373rd Ave, White Lake SD 57383 has filed an application for a water permit to impound 35 acre-feet of water from runoff by constructing a dam located in the S 1/2 SE 1/4 Section 4 with water impounded in the S 1/2 SE 1/4 Section 4; all in T105N-R66W. This application requests impoundment of sufficient water to maintain water to the outlet elevation. The water is for fish and wildlife propagation and livestock water purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6873-3 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 this 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 this 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 recommendations 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 October 1, 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.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF AURORA

SS.

Standard Publishing, Inc.
of said County and State, being first duly sworn, on his oath says:

RECEIVED
OCT 16 2007
WATER RIGHTS
PROGRAM

AURORA COUNTY STANDARD is a weekly newspaper of general circulation, printed and published in White lake, in Aurora County and State of South Dakota by Candice and Gus Walti and has been such a newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said county of Aurora in the English language for more than fifty-two successive weeks next prior to the publication of the notice hereinafter mentioned, and has been printed during said period and at the present time, in whole or in part in an office maintained at the said place of publication; and 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; that the advertisement headed Appropriate Water

a printed copy of which is hereto attached, was printed and published in the said newspaper for two weeks; That said notice was published in the issues of said paper on the dates as follows, to-wit:

The first publication being made on 9-12-, 20 07;
the second publication on 9-19-, 20 07;
the third publication on _____, 20 _____;
the fourth publication on _____, 20 _____;
the fifth publication on _____, 20 _____;
the sixth publication on _____, 20 _____;
and the last publication on _____, 20 _____;

that \$ 162.00, the full amount of the fee charged for publication of the annexed notice, insures solely to the benefit of the publishers of the 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 persons whomsoever.

Candice M. Walti

Subscribed and sworn to before me this _____

day of _____, 20 _____

Notary Public, _____ County

NOTICE OF APPLICATION
NO. 6873-3 to Appropriate Water

Notice is given that Richard A McQueen, 24182 373rd Ave, White Lake SD 57383 has filed an application for a water permit to impound 35 acre-feet of water from runoff by constructing a dam located in the S 1/2 SE 1/4 Section 4 with water impounded in the S 1/2 SE 1/4 Section 4; all in T105N-R66W. This application requests impoundment of sufficient water to maintain water to the outlet elevation. The water is for fish and wildlife propagation and livestock water purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6873-3 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 this 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 this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

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

(Publ: 9-12&19-07)

Printer's Affidavit of Publication

IN _____ COURT

STATE OF SOUTH DAKOTA

COUNTY OF AURORA

} ss.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 11 2007

Richard A McQueen
24182 373rd Ave
White Lake SD 57383

Dear Mr. McQueen:

Enclosed is Water Permit No. 6873-3 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

DEC 28 2007

WATER RIGHTS
PROGRAM**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 12/21/2007

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

FROM: Richard A. McQueen

(name)

24182 373rd Ave.

(address)

White LakeSD57383

(city, state, zip)

(605) 249-2594

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6873-3 states that the water use system is to be constructed by 10/1/2012, and water is to be put to beneficial use by 10/1/2016.

(date)

(date)

The water use system was completed on 11/10/2007

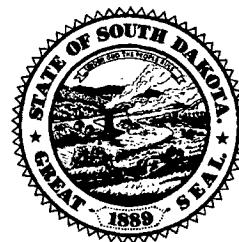
(date)

Applying the water to beneficial use was completed on 11/10/2007

(date)

You may schedule an investigation so that the water license may be issued.

Richard A. McQueen
(Signature)





**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 28, 2007

6873-3

Richard A McQueen
24182 373rd Ave
White Lake SD 57383

Dear Mr. McQueen:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your project.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

Permit No. 6873-3
James River - Water District

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

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

I have this day, **October 14, 2008**, made a thorough examination of the water use system constructed by **Richard A. McQueen** of **24182 373rd Ave., White Lake, SD 57383** holder of Permit No. **6873-3**, bearing the priority of **July 27, 2007** authorizing the storage of **35** acre-feet of the waters of **runoff** for **fish & wildlife propagation and domestic use** purposes, in **Aurora** County.

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

A. Works used to divert the water:

A 12 ft. high earthen dam with a normal storage capacity of 35 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 12 ft. high earthen dam with a normal storage capacity of 35 acre-feet of water

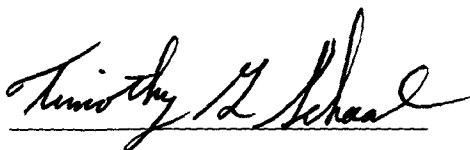
The system is in the following condition **good**. The point of diversion is located **400 ft north & 1500 ft. west of the SE Corner of Sec. 4-T105N-R66W (SW ¼ SE ¼) (Lat. 43.921893 & Long. -98.753929)**. The works are capable of storing **35** acre-feet of water which is to be used for **fish & wildlife propagation and domestic use**. Water has been put to beneficial use to the maximum extent as follows:

A 12 ft. high earthen dam with a normal storage capacity of 35 acre-feet of water

and the license should be issued for **35** acre-feet of storage.

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

Exceptions to compliance are: **none** Date Report Completed: **February 11, 2009**



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

REPORT ON INSPECTION OF PERMIT NO. 6873-3

DATE OF INSPECTION: October 14, 2008

NAME & ADDRESS OF PERMIT HOLDER: Richard A. McQueen, 24182 373rd Ave.
White Lake, SD 57383

DIVERSION POINT LEGAL LOCATION: 400 ft. north & 1500 ft. west of the SE corner of
Sec. 4-T105N-R66W (SW ¼ SE ¼), (Lat. 43.921893 & Long. -98.753929).

DAM INFORMATION:

- 1) Height to crest 12 feet
- 2) Height to primary spillway 8.5 feet
- 3) Height to secondary spillway N/A feet
- 4) Crest width 12 feet
- 5) Crest length 435 feet
- 6) Spillway length XXX feet
- 7) Spillway width 25 feet
- 8) Approx. storage (Normal) 35 acre-feet
- 9) Approx. storage (Maximum) 63 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. 6873-3



0 0.25 0.5 1 Miles



Timothy G. Schaal
2/11/09

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 05 2009

6873-3

Richard A McQueen
24182 373rd Ave
White Lake SD 57383

Dear Mr. McQueen:

Enclosed is your Water License No. 6873-3. Included with the license is a map prepared by the staff engineer who conducted the inspection. Water License No. 6873-3 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6873-3

(1) Richard A McQueen, 24182 373rd Ave, White Lake SD 57383 made Application No. 6873-3, July 27, 2007 for a water permit to impound 35 acre feet of runoff water in a storage dam located in Aurora County, South Dakota for fish & wildlife propagation and domestic use purposes. Permit No. 6873-3, with a priority date of July 27, 2007 was approved October 1, 2007 and issued to the applicant for storage of water with construction of the impoundment to be completed on or before October 1, 2012 and the application to beneficial use of water on or before October 1, 2016.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on December 28, 2007. The "*Notice*" stated the water use system (storage dam) was completed and the water placed to beneficial use on November 10, 2007.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the project and is entitled to impound 35 acre feet of water for beneficial use. The location of the storage dam (spillway) is:

- 400 feet north and 1,500 feet west of the SE corner of Section 4, T105N, R66W (SW $\frac{1}{4}$ SE $\frac{1}{4}$).
Water is impounded in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, T105N, R66W.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Richard A McQueen, 24182 373rd Ave, White Lake SD 57383 the holder and/or owner of Water Right No. 6873-3 is issued a license to appropriate water, the right to impound 35 acre feet of runoff water in a storage dam with a priority date of July 27, 2007 from the location specified in (2) of this license for fish & wildlife propagation and domestic use purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6873-3 and subject to the following qualifications:

- Water Right No. 6873-3 authorizes a dam with a storage capacity of 35 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 bypassed.



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

MAR 05 2008

date

