

WATER PERMIT NO. 7085-3

Name of Applicant: **Dakota Wind LLC**

Address: **PO Box 9, Gary SD 57237**

Phone: **605 272-2021**

Amount of Water Claimed: **12 acre-feet**

Total Acres: **NA**

Source of Water Supply: **small stream**

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

County: **Deuel**

Type of Waste Disposal System:

Location: **within city of Gary**

PRIORITY Date Received: **12-9-08**

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

Corrected Application Received: **12-12-08**

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

Remarks: **reconstructing small lake**

Diversion Point: **NE ¼ SE ¼ Sec 4-T115N-R47W**

Land to be Irrigated: **NA**

Depth of Well: **NA**

Well Driller:

Remarks:

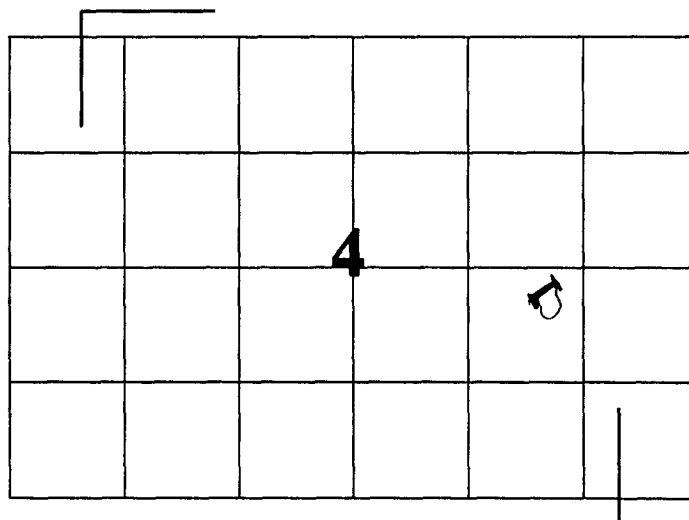
Type of Map: **plat**

Prepared by: **Mark Junker, PE**

Reviewed and the Number Assigned on: **12-12-08**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SD EForm - 1585 V2
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

(office use only)
No. 7085-3 Hydrologic Unit 07020003
Basin Minnesotan - Whetstone
Newspaper Clear Lake Courier PO Box 830
605-874-2499 (Wed) Clear Lake 57224

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DEC - 9 2008
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 Dakota Wind, LLC Phone (605) 272-2021
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address PO Box 9 Gary State SD 57237
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.98 *CFS or 12 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Small Stream
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Deuel
Within the city limits of Gary, SD
W 1/2 SW 1/4 Sec 3 T115N R47W
- County or counties where water will be used Deuel
- Annual period during which water is to be used Perpetual 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)
Replacing a previously existing small, recreational lake

STATE OF SOUTH DAKOTA)
County of Deuel) 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, Dakota Wind, LLC, 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 Dakota Wind, LLC by Joe Kellach, president
Subscribed and sworn to before me this 5th day of December 20 07



Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7085-3**

Date of first receipt of application December 9, 2008.

Date of return to applicant for corrections, amendments or changes December 9, 2008.

Date of receipt of corrected application December 12, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7085-3 to Dakota Wind, LLC, PO Box 9, Gary SD 57237 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. 7085-3 authorizes impoundment of 12 acre-feet of water by reconstructing a dam on the west branch of the Lac Qui Parle River located in the NW ¼ SW ¼ Section 3 with water impounded in the W ½, SW ¼ Section 3; all in T115N-R47W. This permit authorizes impoundment of sufficient water to maintain water to the outlet elevation of 1419.0 feet mean sea level.
2. The water appropriated shall be used for fish and wildlife propagation and recreational use 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. 7085-3 is February 16, 2009.
5. The date from which applicant may claim right is December 9, 2008.
6. One-fifth of the construction is to be completed on or before August 16, 2011.
7. All construction is to be completed on or before February 16, 2014.
8. Water is to be put to beneficial use on or before February 16, 2018.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

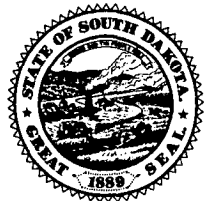
Water Permit No. 7085-3 authorizes a dam with a storage capacity of 12.0 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUN 12 2009
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 _____

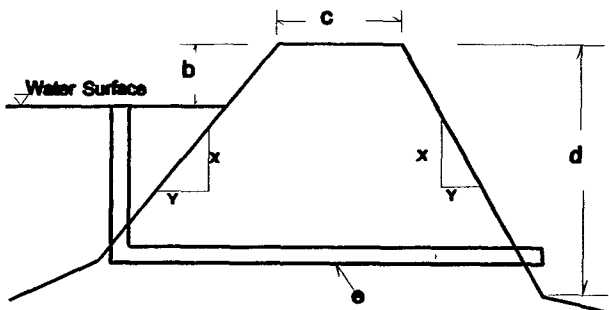
3. Dugout Information

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

4. Water Storage Dams

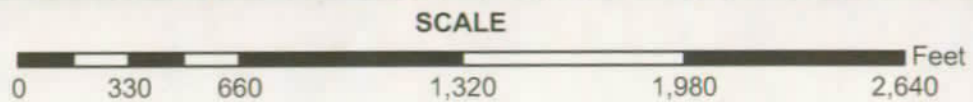
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard _____ 2'
- c) Crest Width _____ 40'
- Crest Length _____ 4'
- d) Height _____ 8'
- e) Primary Outlet Capacity _____
- If pipe, diameter _____ 36"
- f) Secondary Spillway Capacity _____ 24,000cfm
- Spillway Width _____ 100'
- g) X & Y Slope _____ concrete dam
- Upstream _____ N/A
- Downstream _____ N/A
- h) Surface Area of Impoundment _____ 48k sq ft
- i) Storage _____ 12.0 _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

PERMIT APPLICATION NO. 7085-3
Dakota Wind, LLC
January 9, 2009



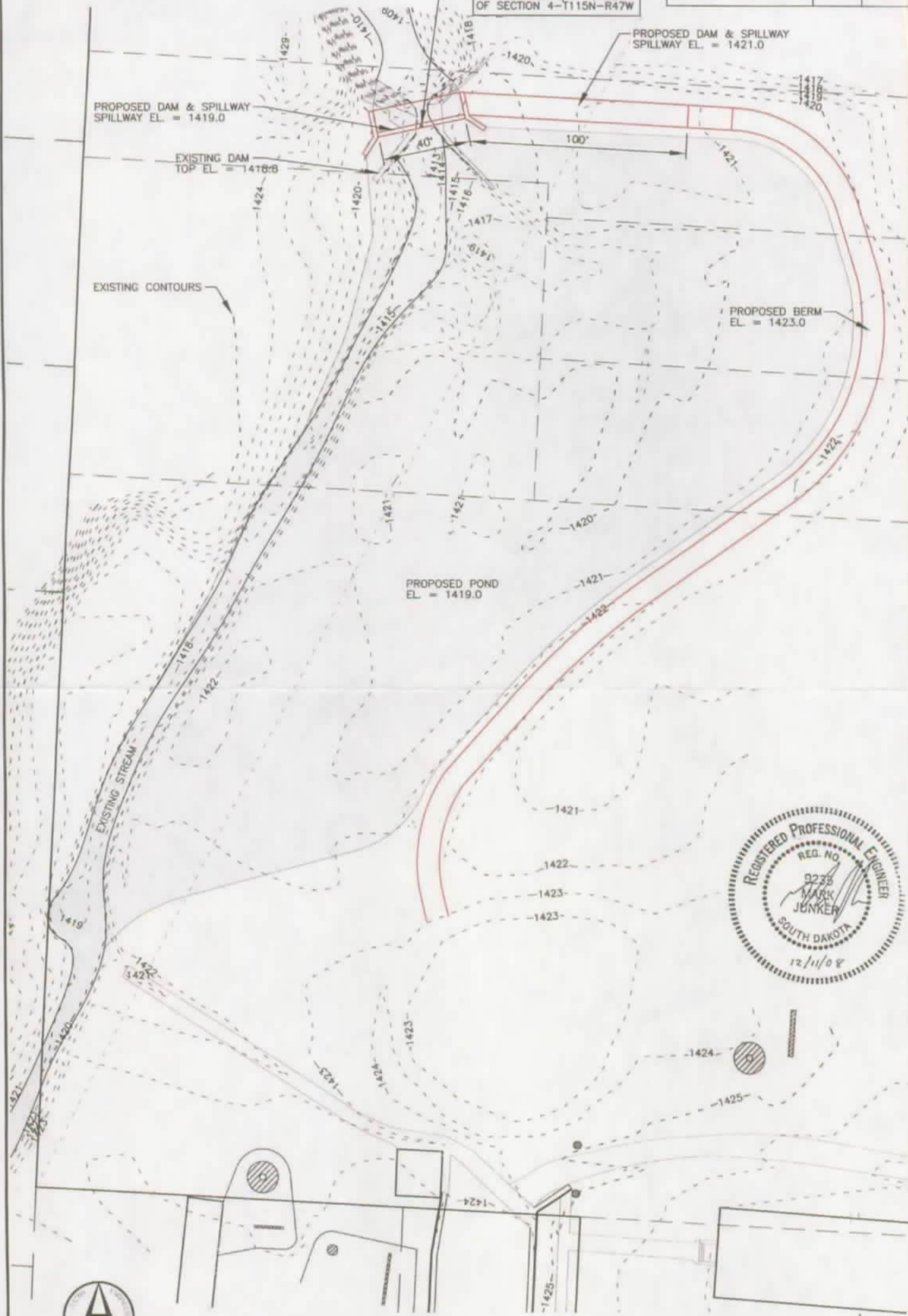
Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program



VERTICAL DATUM: NAVD 88

173' SOUTH AND 908' EAST
OF THE EAST 1/4 CORNER
OF SECTION 4-T115N-R47W

PROJECT	Sheet No.	Total Sheets
2008-275 JOE KOLBACH		



Prepared By
AASON ENGINEERING COMPANY, INC.
1022 SIXTH STREET S.E.
WATERTOWN, SD
Ph. 605-882-2371

PROPOSED DAM & SPILLWAY
SCALE: 1"=40'

RECEIVED

DECEMBER, 2008

DEC 12 2008

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/12, 20 08

RECEIVED OF Dakota Wind LLC PO Box 9 Gary SD 57237

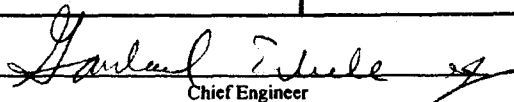
The following amount in fees for services rendered as provided for by law:

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

13013

By


Chief Engineer



December 9, 2008

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Dakota Wind, LLC
c/o Joesph Kolbach
PO Box 9
Gary SD 57237

Dear Mr. Kolbach:

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

- Enclosed is the map submitted with the application. The map needs to reference the dam in relation to a government section corner or quarter corner by direction and distance.
- The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties.
- What is the proposed storage capacity at the top of the dam elevation? Plans and specifications for the dam will be required if this amount is more than 50 acre-feet.
- Enclosed is your check for \$670.10. The application/license filing fee for this application will be \$200.00.

If you have any questions, please contact me.

Sincerely,

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

enclosure

Dakota Wind, LLC
PO Box 9
Gary, SD 57237
Telephone: (605) 272-2021
Fax: (605) 272-2022

RECEIVED
DEC 12 2008
WATER RIGHTS
PROGRAM

December 11, 2008

Ms. Karen Schlaak
Water Rights Program, DENR
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

Dear Ms. Schlaak:

Pursuant to your letter of December 9, 2008 regarding our *Application for a Permit to Appropriate Water*, enclosed please find two copies of a map referencing the dam in relation to a government section corner or quarter corner by direction and distance, which has been signed by a Registered Land Surveyor.

In response to your question regarding the proposed storage capacity at the top of the dam elevation, this amount is 12 acre-feet.

Additionally, enclosed please find a check in the amount of \$200.00 for the applicable application/license fee.

Please contact me with any additional questions you may have regarding this matter. Thank you.

Sincerely,



Heidi M. Nelson,
Dakota Wind, LLC
Office: (605) 272-2021
Cell: (605) 695-9717



**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. 7085-3, Dakota Wind LLC**

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. 7085-3, Dakota Wind LLC, c/o Joseph Kolbach, PO Box 9, Gary SD 57237.

The Chief Engineer is recommending APPROVAL of Application No. 7085-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

1. Water Permit No. 7085-3 authorizes a dam with a storage capacity of 12.0 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.

See report on application for additional information.

Garland Erbele, Chief Engineer
January 22, 2009

REPORT ON WATER PERMIT APPLICATION NO. 7085-3

Dakota Wind, LLC

January 9, 2009

Application No. 7085-3 proposes to allow storage of 12 acre-feet of water from local runoff and from the West Branch Lac qui Parle River. The dam and resulting impounded water is located in the NW¼ SW¼ Section 3, T115N, R47W. This application requests sufficient water to maintain the water level to the outlet elevation of 1419.0 feet mean sea level (fmsl). The water is for fish and wildlife propagation and recreational use.

The dam impounds 12 acre-feet and its effective height is 10 feet. This dam is classified as a category 3, small size dam and is exempt from the Safety of Dams Rules, Chapter 74:02:08. The project replaces a previously existing dam that impounded a small recreational lake in the town of Gary, SD.

The dam is located on the West Branch of the Lac qui Parle River, in the town of Gary, SD. There are no USGS stream gages on the West Branch Lac qui Parle, however due to the small amount of storage in this project, there is sufficient water available. There are no other permits downstream to the Minnesota boarder that will be affected by this application.

Conclusions:

1. Water is available from the drainage and the West Branch Lac qui Parle River for storage.
2. Existing water rights will not be impaired.
3. The dam is a small size category three and is not subject to the Safety of Dams Rules.



Lynn Beck
Natural Resources Engineer Specialist

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF DEUEL

The undersigned Ken Reiste being first duly sworn, on oath deposes and says: That he is in charge of the advertising department of the Clear Lake Courier; which newspaper is published by Ken Reiste; that the Clear Lake Courier is a weekly newspaper printed and published in Clear Lake, Deuel County, South Dakota and the undersigned has full and personal knowledge of all facts hereinafter stated; that said newspaper is a legal newspaper and has a bona-fide circulation of a least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication, that the

Department of Environment & Natural Resources

Notice of Application to Appropriate Water Lac Qui Parle River

a printed copy of which, taken from the paper in which the same was printed, is attached to this sheet, and is made part of the Affidavit, was published in said newspaper at least once in each week for two successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

January 28, 2009

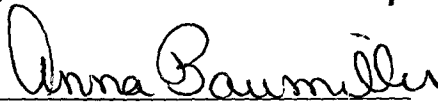
February 4, 2009

that the full amount of the fees for the publication of the annexed notice is \$45.06


Ken Reiste

Subscribed and sworn to before me

this 15 day of Feb, 2009.


Notary Public, South Dakota
Anna Baumiller

My Commission Expires: May 21, 2010

RECEIVED

FEB 20 2009

WATER RIGHTS
PROGRAM

**NOTICE OF APPLICATION
NO. 7085-3 TO
APPROPRIATE WATER**

Notice is given that Dakota Wind, LLC, c/o Joseph Kolbach, PO Box 9, Gary SD 57237 has filed an application for a water permit to impound 12 acre-feet of water by reconstructing a dam on the west branch of the Lac qui Parle River located in the NW1/4 SW1/4 Section 3 with water impounded in the W1/2 SW1/4 Section 3; all in T115N-R47W. This application requests impoundment of sufficient water to maintain water to the outlet elevation of 1419.0 feet mean sea level. The water is for fish and wildlife propagation and recreational use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7085-3 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 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 February 16, 2009.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary
Department of Environment
and Natural Resources
Jan. 28, Feb. 4

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF DEUEL

RECEIVED

FEB 27 2009

WATER RIGHTS
PROGRAM

The undersigned Ken Reiste being first duly sworn, on oath deposes and says: That he is in charge of the advertising department of the Clear Lake Courier; which newspaper is published by Ken Reiste; that the Clear Lake Courier is a weekly newspaper printed and published in Clear Lake, Deuel County, South Dakota and the undersigned has full and personal knowledge of all facts hereinafter stated; that said newspaper is a legal newspaper and has a bona-fide circulation of a least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication, that the

Dakota Wind, LLC

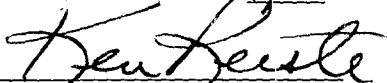
**Notice of Application to Appropriate
Water/Lac Qui Parle River**

a printed copy of which, taken from the paper in which the same was printed, is attached to this sheet, and is made part of the Affidavit, was published in said newspaper at least once in each week for two successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

January 28, 2009

February 11, 2009

that the full amount of the fees for the publication of the annexed notice is \$45.06


Ken Reiste

Subscribed and sworn to before me

this 19 day of February, 2009.



Notary Public, South Dakota
Anna Baumiller

My Commission Expires: May 21, 2010

**NOTICE OF APPLICATION
NO. 7085-3 TO
APPROPRIATE WATER**

Notice is given that Dakota Wind, LLC, c/o Joseph Kolbach, PO Box 9, Gary SD 57237 has filed an application for a water permit to impound 12 acre-feet of water by reconstructing a dam on the west branch of the Lac qui Parle River located in the NW1/4 SW1/4 Section 3 with water impounded in the W1/2 SW1/4 Section 3; all in T115N-R47W. This application requests impoundment of sufficient water to maintain water to the outlet elevation of 1419.0 feet mean sea level. The water is for fish and wildlife propagation and recreational use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7085-3 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 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 February 16, 2009.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary
Department of Environment
and Natural Resources
Jan. 28, Feb. 4



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2009

Clear Lake Courier
PO Box 830
Clear Lake SD 57226

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7085-3 to Appropriate Water to be published twice. Please publish the first notice on January 28, 2009 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 Dakota Wind LLC, c/o Joseph Kolbach, PO Box 9, Gary SD 57237 (Ph # 605-272-2021).

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. 7085-3

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

Date _____

We are in receipt of your letter of January 22, 2009 enclosing Notice to Appropriate Water by Application No. 7085-3 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.**

January 22, 2009

Dakota Wind LLC
c/o Joseph Kolbach
PO Box 9
Gary SD 57237

Dear Mr. Kolbach:

Water Permit Application No. 7085-3 for fish & 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 Clear Lake Courier printed at Clear Lake SD (Ph # 605-874-2499). 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 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 January 28, 2009 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7085-3 to Appropriate Water

Notice is given that Dakota Wind, LLC, c/o Joseph Kolbach, PO Box 9, Gary SD 57237 has filed an application for a water permit to impound 12 acre-feet of water by reconstructing a dam on the west branch of the Lac qui Parle River located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 3 with water impounded in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 3; all in T115N-R47W. This application requests impoundment of sufficient water to maintain water to the outlet elevation of 1419.0 feet mean sea level. The water is for fish and wildlife propagation and recreational use.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 12 2009

Dakota Wind LLC
c/o Joe Kolbach
PO Box 9
Gary SD 57237

Dear Mr. Kolbach:

Enclosed is Water Permit No. 7085-3 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

Permit No. 7085-3
Minnesota River - Water District

Contact Person & Address: **Joe Kolbach, PO Box 9 Gary SD 57237 605-695-2525**

Report of Examination of Works

On, **May 15, 2017**, I made a thorough examination of the water use system constructed by **Dakota Wind LLC** holder of Permit No. **7085-3**, bearing the priority of **December 9, 2008** authorizing the impoundment of **12 ac-ft** of the waters of **surface water, West Branch of Lac Qui Parle River** for **fish and wildlife and recreation** purposes, in **Deuel** County.

The system is in the following condition **good**. The dam is located **from the SW corner of Section 3 T115N-R47W, 880 feet east and 2400 feet north** with latitude of **44.7972** and a longitude of **-96.4565** as determined using **GPS**. The works are capable of **12 ac-ft** of water which is to be used for **fish and wildlife and recreation**. Water has been put to beneficial use and the license should be issued for **12 ac-ft**.

Review of Permit Qualifications and Regulations:

- 1) Special qualifications to permit being abided by **yes**
- 2) All structures, wells and lands on map **yes**
- 3) Exceptions to compliance are: **none**

Report On the Specifics of the System

DAM INFORMATION:

- | | |
|---|--|
| 1) Height to crest <u>8</u> feet | 2) Height to primary spillway <u>6</u> feet |
| 3) Height to secondary spillway <u>7</u> ft | 4) Crest width <u>6</u> feet |
| 5) Crest length <u>100</u> feet | 6) Spillway length <u>900</u> feet |
| 7) Spillway width <u>8</u> feet | 8) Approx. storage <u>12</u> ac-ft |
| 9) Approx. storage to crest <u>14</u> ac-ft | 10) Date constructed: <u>2009</u> |
| 11) Outlet works | |
| a) type <u>stop log</u> | |
| b) location on structure <u>on left side of embankment</u> | |
| 12) Category of dam <u>3</u> | 13) Inspection Sheet Completed <u>no</u> |

Comments: Mr. Kolbach said he was the current owner of Dakota Wind LLC and Buffalo Ridge Resort and Business Center. The dam and small impoundment is on the grounds of the Buffalo Ridge Resort and Business Center. Mr. Kolbach indicated he was in the process of selling the resort but he would make the staff aware that the water permit would need to be transferred to the new owner.



June 20, 2017

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

Dam Location

From the SW corner of Sec 3 T115N R47W
880 feet east and 2400 feet north

Latitude 44.7972 Longitude -96.4565

Sec 3 T115N R47W



0 245 490

980 1,470 1,960 2,450 Feet

Mark D. Rath

Mark D. Rath
Natural Resources Engineer
SD DENR -Water Rights Program

June 20, 2017



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

7085-3

JUN 30 2017

Dakota Wind LLC
c/o Joe Kolbach
PO Box 9
Gary SD 57237

Dear Mr. Kolbach:

Enclosed is Water License No. 7085-3. 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.

Please be aware if this property is sold the water right will need to be transferred to the new owner. The Notice of Transfer form can be found on our web site at <http://denr.sd.gov/des/wr/watrightsapps.aspx>

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7085-3

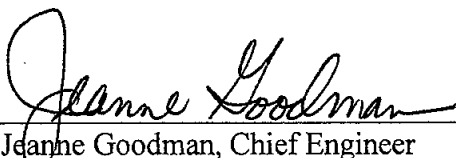
(1) Dakota Wind LLC, PO Box 9, Gary SD 57237 made Application No. 7085-3, December 9, 2008 for a water permit to impound 12 acre feet of water from the west branch of the Lac Qui Parle River, Deuel County, South Dakota for fish and wildlife propagation and recreational use purposes. Permit No. 7085-3, with a priority date of December 9, 2008 was approved February 16 2009 and issued to the applicant for impoundment of water with construction of the described water supply system to be completed on or before February 16, 2014 and for the application to beneficial use of water on or before February 16, 2018.

(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. 7085-3 is issued a license, bearing a priority date of December 9, 2008 to impound 12 acre feet of water from the west branch of the Lac Qui Parle River for fish and wildlife propagation and recreational use purposes.

The location of the storage dam (spillway) is 800 feet east and 2,400 feet north of the SW corner of Section 3-T115N-R47W (NW 1/4 SW 1/4) with water impounded in the same area.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 7085-3, including the following qualification:

Water Permit No. 7085-3 authorizes a dam with a storage capacity of 12.0 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.



Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

JUN 30 2017

date

