

WATER PERMIT NO. 7157A-3

Name of Applicant: Glenn Mayer

Address: 606 S Merrill St, Chamberlain SD 57325 Phone: 605 730-1281

Amount of Water Claimed: no add'l Total Acres: NA

Source of Water Supply: runoff

Water to be used for: recreation County: Buffalo

Type of Waste Disposal System:

Location: 15 miles northeast of Pukwana

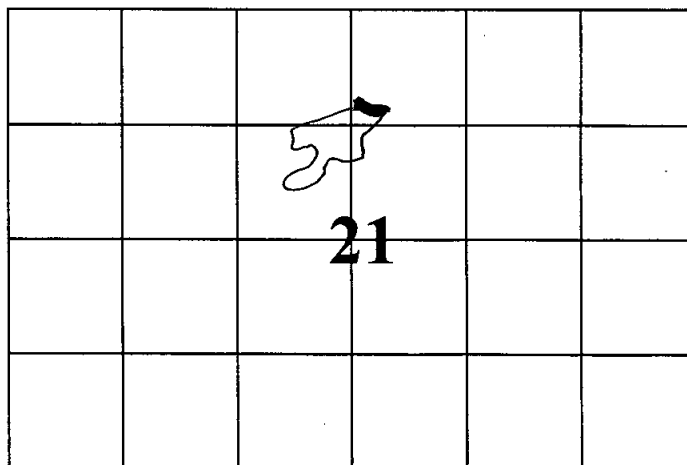
PRIORITY Date Received: 8-29-16 Application/License Fee: \$ 300 (need to refund \$400)

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

Remarks: Additional use requested

Diversion Point: NW 1/4 NE 1/4 Sec 21-T106N-R69W

Water Impounded: W 1/2 NE 1/4 and E 1/2 NW 1/4 Sec 21-T106N-R69W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map:

Prepared by:

Reviewed and the Number Assigned on: 9-29-16

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7175A-3</u> (office use only) Hydrologic Unit <u>10140105</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Central Dakota Times, Chamberlain</u> <u>605 234-0266 (Wed)</u>
	<u>Plainsman 605 353-7401</u>

RECEIVED
AUG 29 2016
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. 7157-3

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

Adding recreational use as we were awarded the Doug Walton Conservation award. We have improved this dam by adding rip-rap to the face and gravel and sand along the sides to ensure nice beaches. over

1. Name to Appear on Water Permit Glenn Mayer(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 606 S Merrill St. Chamberlain SD 57325
(Address) (City) (State) (Zip Code)Home Phone 605 730-1281 Cell _____ Email _____2. Amount of water claimed _____ *CFS or _____ **GPM no add'l ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply runoff4. Location of point of diversion NW 1/4 NE 1/4 Sec 21-T106N-R69W County Buffalo
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☐ NoIf "Yes," where will water be used? Water Impounded W 1/2 NE 1/4 and E 1/2 NW 1/4 Sec 21-T106N-R69W
(example - NW 1/4 section 12-T104N-R53W)5. County or counties where water will be used Buffalo6. Annual period during which water is to be used Jan 1 - Dec 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

I, Glenn Mayer, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

SOUTH DAKOTA
WATER PERMIT NO. 7157A-3

Date of first receipt of application August 29, 2016.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7157A-3 to Glenn Mayer, 606 S Merrill St, Chamberlain SD 57325 authorizing the additional use and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7157A-3 authorizes an additional use on Water Right No. 7157-3. Water Right No. 7157-3 authorizes impoundment of 51.3 acre-feet of water annually from runoff in a dam located in the NW 1/4 NE 1/4 Section 21 with water impounded in the W 1/2 NE 1/4 and the E 1/2 NW 1/4 Section 21; all in T106N-R69W for fish and wildlife propagation and livestock water purposes. This permit authorizes the addition of recreational use. There is no increase in the authorized storage capacity of 51.3 acre-feet annually.
2. The water appropriated shall be used for the purpose of fish and wildlife propagation, livestock water and recreational use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 7157A-3 is November 7, 2016.
5. The date from which applicant may claim right is August 18, 2009.
6. 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. 7157A-3 and Water Right No. 7157-3, combined, authorize an impoundment with a storage capacity of 51.3 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.
3. Water Permit No. 7157A-3 incorporates Water Right No. 7157-3.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

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

DEC 08 2016

date



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7157A-3

(1) Glenn Mayer, 606 S Merrill St, Chamberlain SD 57325 was issued Water License No. 7157-3, August 27, 2015 for a water right to impound 51.3 acre feet of water from runoff, Buffalo County, South Dakota for fish and wildlife propagation and livestock watering purposes. Water Right No. 7157-3, with a priority date of August 18, 2009 was issued to the permit holder for diversion of water with the described water supply system and the application to beneficial use completed.

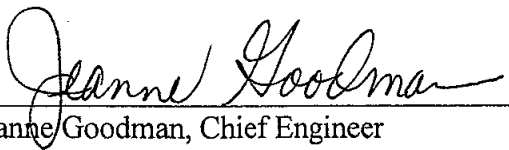
On November 7, 2016, Water Permit No. 7157A-3 was obtained to add recreational use to Water Right No. 7157-3. The applicable portions of No. 7157-3 are incorporated into No. 7157A-3.

(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. 7157A-3 is issued a license, bearing a priority date of August 18, 2009, to impound 51.3 acre feet of water from runoff for fish and wildlife propagation, livestock watering and recreational use purposes.

The storage dam is located (spillway): 940 feet south and 2,190 feet west of the NE corner of Section 21-T106N-R69W (NW 1/4 NE 1/4) with water impounded in the W 1/2 NE 1/4 and the E 1/2 NW 1/4 Section 21-T106N-R69W.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 7157A-3 including the following qualifications:

- Water Permit No. 7157A-3 and Water Right No. 7157-3, combined, authorize an impoundment with a storage capacity of 51.3 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.
- Water Permit No. 7157A-3 incorporates Water Right No. 7157-3.


Jeanne Goodman, Chief Engineer

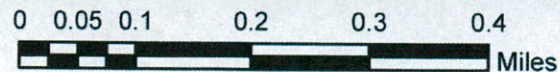
Water Rights Program

Department of Environment and Natural Resources

DEC 08 2016
date



7157-3




Mark D Rath
Natural Resource Engineer
May 20, 2015

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/29, 20 16

RECEIVED OF Glenn J Mayer 606 S Merrill St Chamberlain SD 57325

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	500	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. _____	200	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	700 00

No. **07903**

By

J. L. Goodman
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

October 27, 2016

Glenn Mayer
606 S Merrill Street
Chamberlain SD 57325

Dear Mr. Mayer:

Water Permit Application No. 7175A-3 was filed by you to amend the existing permit for a dam to include recreational use. You called to inquiry whether amending the permit to add recreational use provides for public access to the dam.

I am unaware of any provision that the issuance of a water permit provides for access by the public to the permit holder's property without permission.

This is not to be construed as legal advice. If specific legal advice is needed, you are encouraged to consult with private legal counsel.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

Water Permit No. 7157A-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 7157A-3, Mayer

ADDRESS: COUNTY: Buffalo County

DATE: November 3, 2016 TELEPHONE:

RE: call from Lynn Mayer

Mr. Mayer called in regard to the permit application. He indicated that the report is in error in that there is a location notice on file for the small dugout in the creek between the dam and Crow Creek. He directed me to a September 2009 email I sent to him attaching location notice No. 10610 in regards to his inquiry back when Mr. Mayer initially filed the application for the dam.

I acknowledged that there is a location on file for the dugout and would put documentation in the file regarding the existence of this downstream location notice.

He asked if water could be required to be released from the dam during dry times to fill the dugout. I said DENR could not require release of stored water but that during periods when there is inflow to the dam, bypass of an amount equal to the inflow can be required until he has a one time fill in his dugout. He indicated he did not want to pursue it at this time.

NAME: Eric Humlund

LOCATION NOTICE—DRY DRAW

Buffalo
County

10610
~~7222~~
Dry Draw No.

I, John C. Mayer, of
Name

South Dakota
Address

Pukwana
Town

Buffalo
County

owner, of the following described land, do hereby notify the Water Resources
owner or operator

Commission of the State of South Dakota and all others concerned that I am exercising my
right under Section 61.0138 of Chapter 430 of the Session Laws of 1955 for construction of a
Dry Draw dam for the purpose of storing flood waters for
(storing, diverting, or both)

livestock purposes.
(livestock, irrigation or both)

The following data is presented in compliance with Section 61.0138:

(1) Dates of

(a) This application 10/1/58

(b) Posting at construction site

(2) Legal description of the land upon which the dam is located. NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of
Section 16, Township 106, Range 69. The dam is located 130 rods
N and 125 rods E of the SW corner of said Section
(N.S.E.W.) (N.S.E.W.) (NW,NE,SE,SW)

in the County of Brule

The owner of the land is John C. Mayer, Pukwana, So. Dak.
Name Address

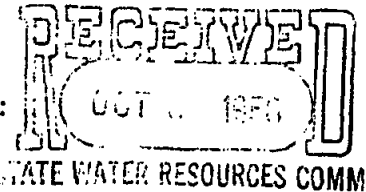
(3) Amount of water claimed for all purposes each year 1.5 acre feet.

(4) Storage capacity of reservoir 1.5 acre feet.

(5) Surface area of reservoir .24 acres.

(6) Size of watershed above dam 200 acres.

(Over)



STATE WATER RESOURCES COMM
PIERRE, SOUTH DAKOTA

for record, 100

Enclosed herewith is one dollar (\$1.00). The Water Resources Commission is requested to file this Location Notice in their official records.

A copy of this Location Notice has been filed (do not record) with the Register of Deeds of ~~Butte~~ Buffalo County and has been posted at the structure site in accordance with Section 61.0138 of the Water Laws.

John C. Mayer
Owner

by _____
Locator

STATE OF SOUTH DAKOTA }
County of Buffalo } ss.

On this 1st day of October, 1958, before me

Marjorie Miller, a Notary Public
(Notary Public or other Official having a seal)

in and for the County and State aforesaid, personally appeared John C. Mayer
to me personally known to be the person who executed the foregoing instrument and acknowledged that he executed the same for the purposes therein set forth.

Witness my hand and official seal the day and date above written.

Marjorie Miller
Name

(SEAL)

Notary Public
Title



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7157A-3, Glenn Mayer**

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. 7157A-3, Glenn Mayer, 606 S Merrill Street, Chamberlain SD 57325.

The Chief Engineer is recommending APPROVAL of Application No. 7157A-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. Water Permit No. 7157A-3 and Water Right No. 7157-3, combined, authorize an impoundment with a storage capacity of 51.3 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.
3. Water Permit No. 7157A-3 incorporates Water Right No. 7157-3.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
October 19, 2016

REPORT TO THE CHIEF ENGINEER
ON WATER PERMIT APPLICATION NO. 7157A-3, GLENN MAYER
SEPTEMBER 8, 2016

Application No. 7157A-3 proposes to add recreational use to Water Right No. 7157-3. Water Right No. 7157-3 authorizes impoundment of 51.3 acre-feet of water annually from runoff in a dam located in the NW 1/4 NE 1/4 Section 21- T106N- R69W, in Buffalo County. Water is impounded in the W 1/2 NE 1/4 and the E 1/2 NW 1/4 Section 21- T106N-R69W for fish and wildlife propagation and livestock water purposes. There is no increase in the authorized storage capacity of 51.3 acre-feet annually.

Water Permit Application No. 7157-3 was originally filed on August 18, 2009. The application went through the normal review process and was public noticed. No petitions to intervene were filed and the permit was issued September 24, 2009. A licensing investigation was conducted and the water license issued in August 27, 2015.

Mr. Mayer filed an application to add recreational use to the water right. The application states "adding recreational use as we were awarded the Isaac (sic) Walton Conservation award. We have improved this dam by adding rip-rap to the face and gravel and sand along the sides to ensure nice beaches. This dam is stocked with perch, crappie, walleye and bass."

Applicable statutes for amendment of permit or license.

46-2A-12. Amendment of permit or license--When granted. An amendment of an existing permit or license may be granted for a change in use, a change in point of diversion or other change only if the change does not unlawfully impair existing rights and is for a beneficial use and in the public interest.

46-5-30.4. Amendment of permits or rights. Subject to the limitations in §§ 46-5-33 and 46-5-34 governing changes in irrigation rights from one parcel of land to another, any water permit or right holder may apply for a change of use of the water, a change of location of the use or other amendment to the permit or right. Permits or rights may be amended pursuant to the procedure contained in chapter 46-2A. Priority shall be retained upon amendment. An amendment of a water permit or right may not increase the rate of diversion or increase the volume of water to be appropriated under the original water permit or right. The amendment may not impair existing rights.

46-5-31. Change of use or place of diversion. Any appropriator of water may use the water for purposes other than for which it was appropriated, or may change the place of diversion, storage, or use, in a manner and under conditions approved by the Water Management Board, except that changes in irrigation permits shall be as prescribed by §§ 46-5-34 to 46-5-36, inclusive.

Discussion

The criteria to amend a water right includes the change may not unlawfully impair existing rights and is for a beneficial use and in the public interest. The amendment may not increase the volume of water appropriated under the original water right.

This application is not to increase the 51.3 acre feet of water impounded by this dam. Therefore the application does not increase the volume of water appropriated.

The original report prepared on Water Right No. 7157-3 found this dam is on an unnamed tributary to Crow Creek. There are no existing water rights or location notices on file between the dam and Crow Creek. Therefore, adding recreational use to the water right will not unlawfully impair existing rights. Google Map does show a small dugout in the creek between the dam and Crow Creek but no location notice is on file.

Beneficial use is the use of water that is reasonable and useful and beneficial to the appropriator and at the same time is consistent with the interests of the public of this state in the best utilization of water supplies. Recreational use of water has in the past been determined to be a beneficial use (see Findings of Fact No. 33 in the Findings of Fact, Conclusion of Law and Final Decision of Water Permit Application No. 2639-2, Robert Cannon).

Public interest is not defined in state statutes. Recreational use has been determined to be in the public interest in similar prior applications. However, public interest considerations can come to light during the public notice process.

Conclusions

1. Application No. 7157A-3 proposes to add recreational use to Water Right No. 7157-3.
2. No increase in the storage capacity of the dam is requested.
3. The addition of recreational use will not unlawfully impair existing rights.
4. Recreational use is a beneficial use of water.
5. Recreational use has been deemed in the public interest but other public interest consideration could be brought up through the public notice process.
6. The August 18, 2009, priority date for Water Right No. 7157-3 should be retained.



Eric Gronlund

Natural Resources Engineering III
Water Rights Program, DENR



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

October 20, 2016

Glenn Mayer
606 S Merrill St
Chamberlain SD 57325

Dear Mr. Mayer:

Water Permit Application No. 7157A-3 for recreational use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Central Dakota Times printed at Chamberlain SD (Ph # 605-234-0266) and the Plainsman printed at Huron SD (Ph # 605-353-7401). You will need to contact the newspaper(s) 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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.

NOTICE OF APPLICATION NO. 7157A-3 to Appropriate Water

Notice is given that Glenn Mayer, 606 S Merrill St, Chamberlain SD 57325 has filed an application for an additional use on Water Right No. 7157-3. Water Right No. 7157-3 authorizes impoundment of 51.3 acre-feet of water annually from runoff in a dam located in the NW 1/4 NE 1/4 Section 21 with water impounded in the W 1/2 NE 1/4 and the E 1/2 NW 1/4 Section 21; all in T106N-R69W for fish and wildlife propagation and livestock water purposes. This application proposes the addition of recreational use. There is no increase in the authorized storage capacity of 51.3 acre-feet annually.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1757A-3 with qualifications because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 7, 2016.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, October 20, 2016 11:38 AM
To: Ruby Crandall (rnewman.plainsman@midconetwork.com)
Subject: 7157A-3, Glenn Mayer
Attachments: 7157A-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on October 26, 2016.

Glenn Mayer, 606 S Merrill St, Chamberlain SD 57325 (605 730-1281) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Thursday, October 20, 2016 11:38 AM
To: cdt@midstatesd.net
Subject: 7157A-3, Glenn Mayer
Attachments: 7157A-3public.short.docx; FORM8.FRM.doc

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Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss

RECEIVED

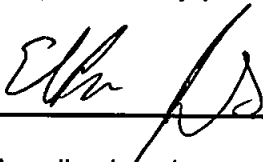
NOV 15 2016

WATER RIGHTS
PROGRAM

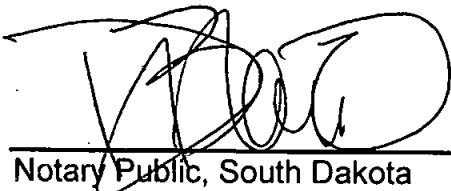
I, ELDON JACOBS, being duly sworn on oath say that the PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

**GLENN MAYER- #2678 WATER RIGHTS-
MAYER**

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 26TH Day OCTOBER 2016. That the full amount of the fee charged for publishing is THIRTY-NINE & 77/100 dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.



Subscribed and sworn to me before this 14TH Day
of NOVEMBER 2016.


Notary Public, South Dakota

My term expires 03/11/2022
Legal #2678

F.P. 10-26-16

**NOTICE OF
APPLICATION
NO. 7157A-3 to**

Appropriate Water

Notice is given that Glenn Mayer, 606 S Merrill St, Chamberlain SD 57325 has filed an application for an additional use on Water Right No. 7157-3. Water Right No. 7157-3 authorizes impoundment of 51.3 acre-feet of water annually from runoff in a dam located in the NW 1/4 NE 1/4 Section 21 with water impounded in the W 1/2 NE 1/4 and the E 1/2 NW 1/4 Section 21; all in T106N-R69W for fish and wildlife propagation and livestock water purposes. This application proposes the addition of recreational use. There is no increase in the authorized storage capacity of 51.3 acre-feet annually.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7157A-3 with qualifications because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 7, 2016.

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If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Steven M. Pirner,
Secretary, Department
of Environment and
Natural Resources.
No. 2678 (adv.)

Published once at an
approximate cost of
\$39.77.

AFFIDAVIT OF PUBLICATION

RECEIVED

OCT 28 2016

WATER RIGHTS
PROGRAM

State of South Dakota

ss.

County of Brule

Debi Ruiz of said county, being first duly sworn, on oath, says: That she is the publisher of *Central Dakota Times*, a weekly newspaper, published in the City of Chamberlain, in said County of Brule and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice and that the

Notice of Application
No. 7157A-3 To Appropriate
Water

a printed copy of which, taken from the paper in which the same was published and which is hereto attached and made a part of this affidavit, was published in said newspaper for one successive week(s) to wit:

October 26, 2016; _____, 20____;
_____, 20____; _____, 20____;
_____, 20____; _____, 20____;

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

\$ 24.70

Signed: Debi Ruiz

Subscribed and sworn to before me this 27th day

of October, 2016.

Janet L. Petrak

Notary Public In and For The County of Brule,
South Dakota

NOTICE OF APPLICATION

NO. 7157A-3

TO APPROPRIATE WATER

Notice is given that Glenn Mayer, 606 South Merrill Street, Chamberlain, SD 57325 has filed an application for an additional use on Water Right No. 7157-3. Water Right No. 7157-3 authorizes impoundment of 51.3 acre-feet of water annually from runoff in a dam located in the NW 1/4 NE 1/4 Section 21 with water impounded in the W 1/2 NE 1/4 and the E 1/2 NW 1/4 Section 21; all in T106N-R69W for fish and wildlife propagation and livestock water purposes. This application proposes the addition of recreational use. There is no increase in the authorized storage capacity of 51.3 acre-feet annually.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1757A-3 with qualifications because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water and 3) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information or other information, at the Water Rights Program address provided below.

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 East 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 Nov. 7, 2016.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no peti-

tion to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

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

(Published one week, October 26, 2016, at a total approximate cost of \$24.70.)

(October 26)

JANET L. PETRAK
Notary Public
SEAL
South Dakota

December 8, 2016

PAYMENT REQUEST FORM

PAYEE: Glenn Mayer
606 S Merrill St
Chamberlain SD 57325

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

refund on Water License # 7157A-3 (overpayment)

AMOUNT: \$400.00

FUNDING SOURCE:

GENERAL:

FEDERAL:

OTHER: Water Right Fees

COMMENTS:

AUTHORIZATION:



I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

7157-3
7157A-3

DEC 08 2016

Glenn Mayer
606 S Merrill St
Chamberlain SD 57325

Dear Mr. Mayer:

Enclosed are Water Permit and Water License No. 7157A-3. The permit authorizes the addition of recreational use which was not covered under Water Right No. 7157-3. This water license incorporates the two permits together under one document to reflect all the beneficial uses.

The application was submitted with a fee of \$700.00. The application /license fee for Permit No. 7157A-3 is \$300.00. Therefore, \$400.00 will be refunded to you. The refund check should be received within a couple of weeks.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures