

WATER PERMIT NO. 7158-3

Name of Applicant: **Marvin Piotter**

Address: **11651 468th Ave, Sisseton SD 57262**

Phone: **605 694-2738**

Amount of Water Claimed: **83.7**
81.2 AF

Total Acres: **NA**

Source of Water Supply: **runoff**

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

County: **Roberts**

Type of Waste Disposal System: **NA**

Location: **about 10 miles northeast of Sisseton**

PRIORITY Date Received: **9-16-09**

Application/License Fee: **\$700**

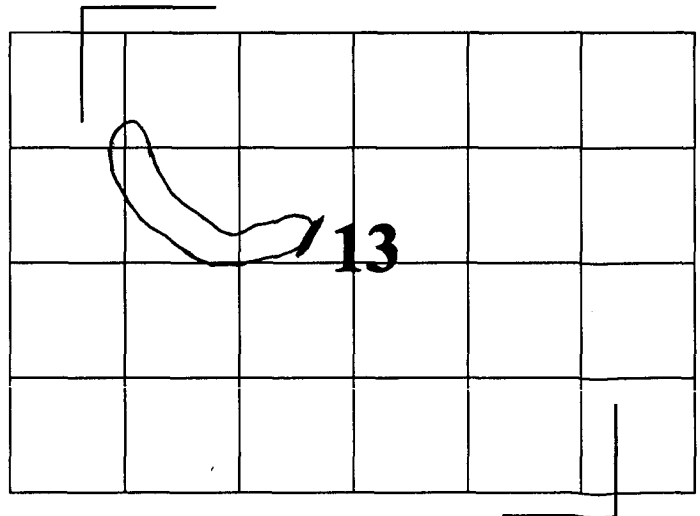
Corrected Application Received:

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

Remarks: **reconstruction of a dam**

Diversion Point: **SE ¼ NW ¼ Sec 13-T126N-**
R50W

Water Impounded: **S ½ NW ¼ NW ¼ NW ¼ Sec**
13 and E ½ NE ¼ Sec 14; all in T126N-R50W



Depth of Well: **NA**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Donald R Larson, PE**

Reviewed and the Number Assigned on: **9-16-09**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7158-3</u> (office use only)	Hydrologic Unit <u>07020001</u>
	Basin <u>Minnesota - Whetstone</u>	
	Newspaper <u>Sisseton Courier P.O. Box 169</u>	
	<u>605-188-7642</u> <u>5262</u>	

RECEIVED
JUL 21 2009
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 Marvin Piotter Phone (605) 694-2738
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 11651 468th Avenue Sisseton State SD 57262
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed _____ *CFS or _____ **GPM 83.7 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Runoff
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Roberts
S1/2 S1/2 NW 1/4 Section 13-T126N-R50W Water impounded: S1/2 NW 1/4 NW 1/4
SE 1/4 NW 1/4 Sec 13 E 1/2 NE 1/4 Sec 14
- County or counties where water will be used Roberts All in T126N R50W
- Annual period during which water is to be used Year round 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)

Reconstruction of a dam that was built in the 1980s

STATE OF SOUTH DAKOTA)
County of Roberts 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, MARVIN PIOTTER, 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 Marvin Piotter

Subscribed and sworn to before me this 20th day of July 20 09

Carol Martenson

Notary Public signature

Comm. exp. 1-16-2010

SOUTH DAKOTA
WATER PERMIT NO. 7158-3

Date of first receipt of application July 21, 2009.

Date of return to applicant for corrections, amendments or changes July 21, 2009.

Date of receipt of corrected application September 16, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7158-3 to Marvin Piotter, 11651 468th Sisseston SD 57262 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. 7158-3 authorizes impoundment of 83.7 acre-feet of water from runoff by repairing an existing dam located in the SE 1/4 NW 1/4 Section 13 with water impounded in the S 1/2 NW 1/4, NW 1/4 NW 1/4 Section 13; E 1/2 NE 1/4 Section 14; all in T126N-R50W. This permit authorizes impoundment of sufficient water to maintain water to the outlet elevation of 1,051.0 feet mean sea level.
2. The water appropriated shall be used for 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. 7158-3 is October 26, 2009.
5. The date from which applicant may claim right is July 21, 2009.
6. One-fifth of the construction is to be completed on or before April 26, 2012.
7. All construction is to be completed on or before October 26, 2014.
8. Water is to be put to beneficial use on or before October 26, 2018.
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. 7158-3 authorizes a dam with a storage capacity of 83.7 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

NOV 04 2009

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

3. Dugout Information

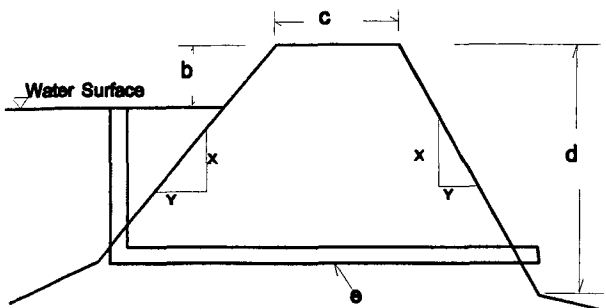
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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

LARSON ENGINEERING 803 S Dakota Street
Milbank, SD 57252
Originally designed in the 1980s by unknown.



- b) Freeboard _____ 5'
- c) Crest Width _____ 14'
- Crest Length _____ 400'
- d) Height _____ 17'
- e) Primary Outlet Capacity _____ 33.06cfs
If pipe, diameter _____ 24"
- f) Secondary Spillway Capacity _____ 71.6cfs
Spillway Width _____ 34'
- g) X & Y Slope _____ 1:3
Upstream _____ x=1y=3
Downstream _____ x=1y=3
- h) Surface Area of Impoundment _____ 15.4acres
- i) Storage _____ 81.2 _____ Acre Feet
- j) Drainage Area Above Dam _____ 6,385.6 _____ Acres

Mail to: Water Rights Program
DENR, Foss Bldg.
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

LOCATION NOTICE
FOR DAM\DUGOUT

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JUL 21 2009
WATER RIGHTS
PROGRAM

Location Notice No. (Office Use)

I, Marvin Piotter, of _____

Name

11651 468th Avenue

Address

Sisseton

City

SD

State

57262

Zip Code

(check one) ☒ owner, ☐ operator, of the following described land, do hereby notify the Water Management Board of the State of South Dakota and all others concerned that I am exercising my right under SDCL 46-4, for construction of a (check one) ☒ dam, ☐ *dugout for the purpose of impounding runoff waters for wild life habitat purposes.

type of use - livestock, recreation, fish & wildlife, etc.

The following data is presented in compliance with SDCL 46-4-3 and 46-4-4.

(1) Date of:

(a) This notice 7/17/2009

(b) Proposed construction 8/1/2009

(2) Legal description of the land upon which the dam\dugout is located:

S 1/2 S 1/2 NW 1/4 Section 13, T126N-R50W

(describe to the nearest 40 acre subdivision, e.g. NE¼SW¼ section 10-T98N-R65W)

(3) Location of the dam/dugout from a section corner:

from NW corner of section 13, 2278' south, 2025' east

(describe distance N.S.E.W. in feet from the section corner)

(4) County where dam\dugout is located Roberts

(5) Name of landowner Marvin Piotter

(6) **Acre feet of water claimed annually 81.20

* A location notice is required for a dugout only if the dugout captures surface runoff.

** If the storage of the proposed structure at the spillway crest or overflow elevation exceeds twenty five (25) acre feet, a water permit from the Water Management Board is required.

(7) Complete the following information for the proposed dam/dugout:

*Items to be completed for a dugout

*a) Dam/Dugout designed by **LARSON ENGINEERING 803 South Dakota Street Milbank, SD 57252**
Originally designed in the 1980s by unknown.

b) Freeboard 5'

c) Crest Width 14'

Crest Length 400'

d) Height 17'

*Depth, if Dugout _____

e) Outlet Dimensions _____

Pipe diameter 24"

Spillway width 34'

f) X & Y Slope: 1:3

Upstream x=1y=3

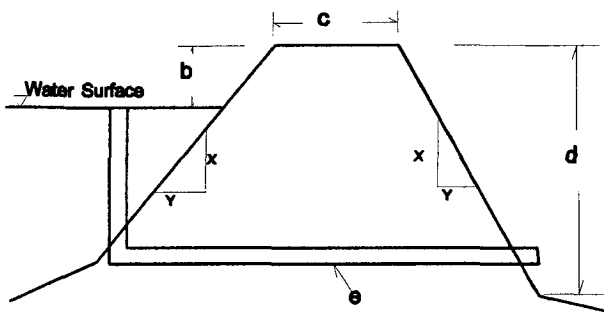
Downstream x=1y=3

*g) Water surface area 15.4 acres

*h) Storage at spillway crest or overflow elevation
(acre feet) 81.2

i) Maximum storage to top of dam crest
(acre feet) 171

*j) Drainage area above dam/dugout
(acres) 6385



Enclosed is fifty dollars (\$50.00). The Water Management Board is requested to file this copy of the Location Notice in their official records. The original Location Notice has been filed (do not record) with the Register of Deeds of _____ County in accordance with SDCL 46-4-3.

(or)

Owner

Locator

STATE OF SOUTH DAKOTA)

COUNTY OF Roberts) SS

I, MARVIN PIOTTER the applicant, certify that I have read this Location Notice and that the matters stated in this notice are true and that I intend, and am able to start construction within sixty days after the filing of this notice.

Signed Marvin Piotter

Subscribed and sworn to before me this 20th day of July, 20 09

(seal)

Carol Martenson

Notary

Comm. ex. 1-16-2010

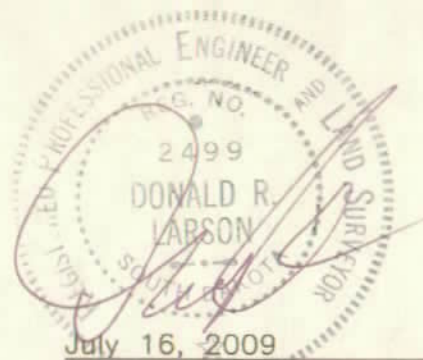


SCALE: 1"=500'

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WATER RIGHTS
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LARSON ENGINEERING

803 South Dakota Street Milbank, South Dakota 57252
605-432-4069

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/16, 20 09

RECEIVED OF Marvin Plotter 11651 468th Ave Sisseton SD 57262

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

Fee for Application for Permit No. <u>7152-3</u> 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. <u>7158-3</u>	2000	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. 64209

By Nataniel Schiele
Chief Engineer



United States Department of the Interior

National Park Service

Midwest Region
601 Riverfront Drive
Omaha Nebraska 68102-4226



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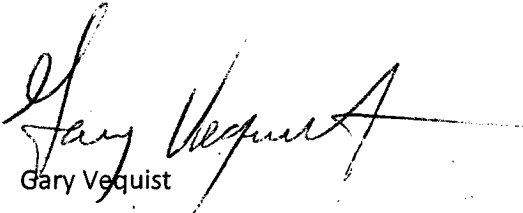
June 26, 2009

Mr. Marvin Piotter
11651 468 Ave.
Sisseton, SD 57262

Dear Mr. Piotter

I enjoyed the opportunity to visit with you on your ranch and learn about your resource stewardship activities to the natural resource conditions of the Cottonwood Slough National Natural Landmark. You have demonstrated willingness to protect the natural features and wildlife habitat within this National Natural Landmark.

I appreciated the opportunity to view the small farm pond dam that you plan to repair in Section 13 of your ranch. The repair of this dam and impoundment of water behind it would not threaten or damage the national natural landmark status; rather it would enhance the wildlife habitat values and likely decrease the downstream erosion. You are welcome to submit this letter with your permit application to repair the earth dam on your property.



Gary Vequist

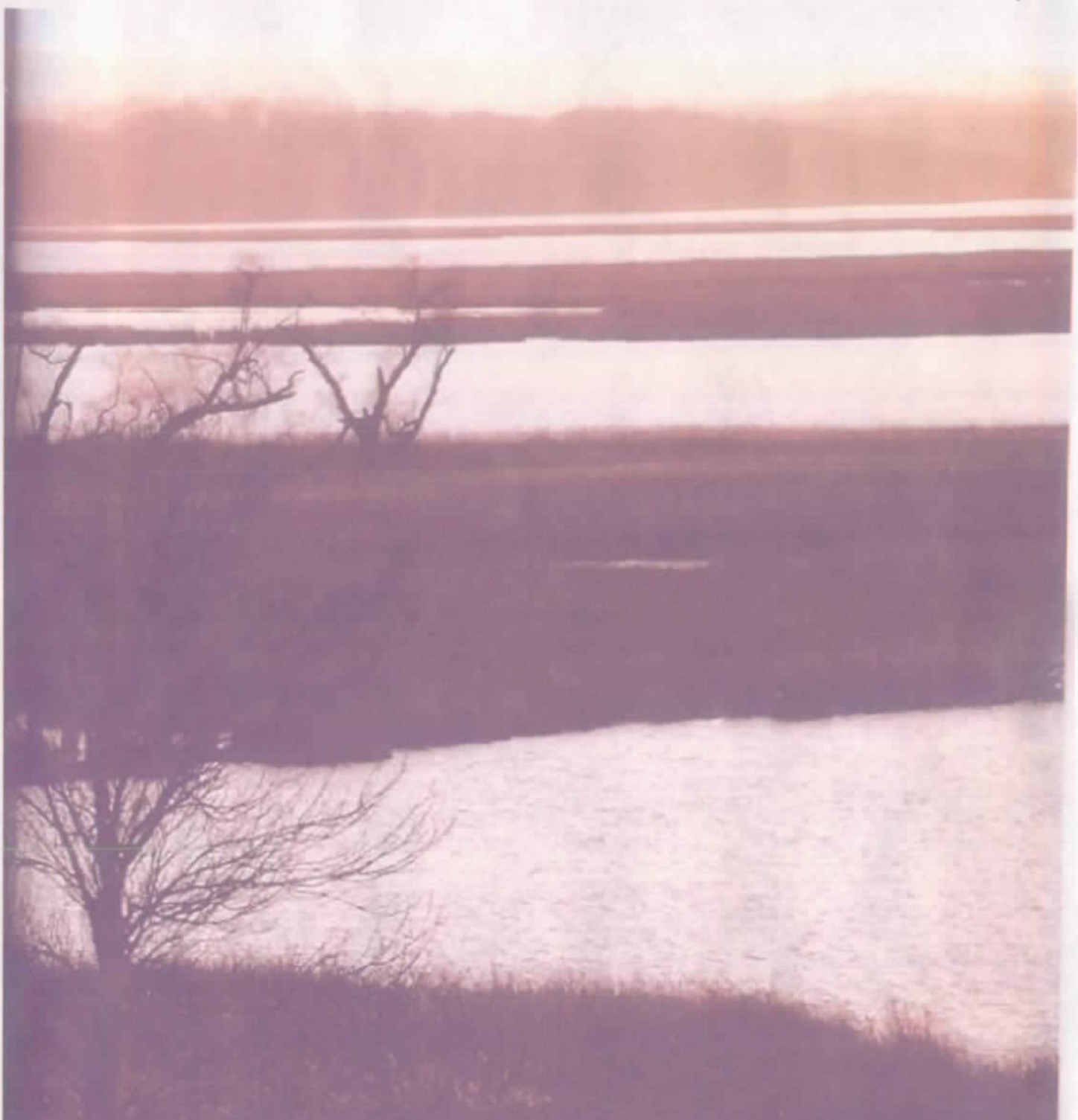
Associate Regional Director Natural Resources and Science



COTTONWOOD SLOUGH A NATURAL TREASURE

An 11-mile stretch of Roberts County lakes and wetlands remains wild and undisturbed.

Story and Photography By Bernie Hunhoff



MARVIN AND CONNIE PIOTTER felt their 400-acre Roberts County farm was unusual when they bought it in the early 1970s, and they later found out why.

"Sometimes I would make a cup of coffee and go out above the lake at 4:30 or 5:00 in the morning and listen to the world wake up," says Connie. She listened to the songbirds, saw ducks and geese lifting off from their overnight stay and spotted

deer as they looked for daytime nesting places. Nature also has a violent side. She once saw a bald eagle lift an adult Canada goose off the lake and fly away with it.

The Piotters' native grass pasture is on the southeastern border of Lake Bde-Sake (Dakota for "Dirty Water"), but Marvin and Connie eventually learned that the lake has other names. Eons ago, the 11-mile stretch of water was part of Lake



The hill country surrounding Cottonwood Slough (above) in northeast South Dakota is sparsely populated, but JoAnn Sheldon (inset) and her husband built a house on a bluff.

Agassiz, the world's largest glacial lake. Only archeologists and Roberts County residents are likely to know that. Local people call the area Cottonwood Slough or Dry Run.

The lakes eventually drain into Jim Creek below the Piotters' farm; Jim Creek flows south for a mile and feeds into Lake Traverse, which flows northward into North Dakota and the Red River Valley. "They drink our water in Grand Forks," says Marvin.

Canadians far to the north might also drink rainwater and snowmelt that begins to collect in the Cottonwood Slough, because the slough constitutes the southern tip of the massive Hudson Bay watershed.

All the rest of South Dakota drains into the Gulf of Mexico, via the Missouri and Mississippi rivers. The two watersheds are separated by one of North America's five great continental divides—ranges of hills and mountains that send the continent's waters to the Pacific, Arctic and Atlantic oceans, and to Hudson Bay and the Gulf of Mexico.

Roberts County citizens are familiar with the geology of the divide, but only a few probably recognized the watershed's international importance before the National Park Service sent scientists from the University of Colorado to study the site. They concluded that the wetlands were a buffer zone

that divided the tall grass prairie from the eastern deciduous forest country. "It is among the top natural areas in this part of the country for concentrating and production of waterfowl," they concluded, "and one of the best natural riverine wetland complexes remaining...."

Scientists also found the rare piping plover, a tiny bird listed on the endangered species list. Further exploration indicated that Native American artifacts and burial sites lay in the hills above the lakes. In 1975 the National Park Service declared the lakes a Natural National Landmark.

The landmarks program identifies unique geological and biological lands owned by either public or private parties. Less than 600 have been found in the entire United States. Cottonwood Slough is one of a dozen such sites in South Dakota. Some others include Sica Hollow, a prairie forest northwest of Sisseton; the Castles, a series of sandstone spires in Harding County; the Fort Randall Eagle Roost, west of Wagner; the Mammoth Site in Hot Springs; and Bijou Hills, north of Platte.

"Cottonwood Slough is a glaciated finger of the world's largest glacial lake," says Mike Gallagher, a now-retired NPS staffer who was involved with the Natural National Landmarks program. "It is well preserved, and the intention of the

NPS was to identify unique features like this and encourage their preservation."

Gallagher says Roberts County farmers and landowners who surround Cottonwood Slough are good conservationists. "The Piotters and others have done an excellent job with the property. This is a perfect example of what we hoped to achieve. The goal wasn't to have public ownership of these unique land features, but to work with private owners to preserve and protect the land."

The Cottonwood Slough begins just east of the little town of Victor, near the North Dakota border, and meanders below farmsteads and cattle pastures before narrowing into the creek and then into Lake Traverse. The Cottonwood valley is about a half-mile wide and constitutes 5,400 acres in total. Its tiny lakes, marshes and potholes are rimmed and intersected with a thick growth of cattails and rushes. The foothills on both sides are thick with cedar, cottonwood, ash and box elder trees.

"The park service just raised our pride in what we already loved," Connie says. "It should remain wild and natural. I'd hate to see it built up with resorts and lodges."

Other neighbors feel the same. Gary and JoAnn Sheldon recently moved from North Dakota and built a home on a bluff high above the lakes. "Gary grew up here and we had our choice of sites, but this is what I wanted for a view," says JoAnn, looking northward to the lakes, which run to the horizon.

Bill Klein, now of Watertown, grew up near the Cottonwood Slough and still owns part of it today. His first clue of the area's importance came when a power company dug footings for a tower four miles south of Victor.

Everyone was surprised when the workers unearthed Indian artifacts. "As far as I know, that land and much of the land around it has never been broken," Klein says. "We never found any artifacts, but then we never did anything to disturb the land."

Klein says the big, wide valley that slopes into the string of unusual lakes seems remote, but outsiders are discovering it. Land surrounding the lakes now fetches over \$1,000 an acre—a price that would have been shocking just a few years ago. "People always considered it marginal land," he says. "But today some buyers are placing a premium on it, not because of its agricultural value but because of the beauty and the hunting."

Living by the lakes has been entertaining and educational for people like the Kleins and Piotters. "When we first moved here, I remember watching some young Indian boys playing in the water," Connie Piotter says. "They would grab onto the gills of these huge carp in the shallow waters, and then they'd ride them a little ways before they'd fall off. It was something to see."

Several species of fish swim up from the Red River (up-river is south for this country), and they spawn in the Cottonwood Slough. "First come the northern," says Marvin,

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Pete Shannon Trail, www.shannontrail.com
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Motel/Bed & Breakfasts, Camper Court
One on a string of Lewis & Clark
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Fly-in Breakfast at the Airport

www.harrington125.com

email: q125@harrington.net

Harrington Chamber of Commerce
PO Box 742, Harrington, NE 68024-0546
www.HarringtonChamber.com

NEBRASKA
"goodies and more"

"Then it's the bullheads and the carps."

Ducks and geese visit by the thousands in spring and autumn. "It's not always pleasant to live along the flyway," Connie says. "The geese have been so thick that they've turned the hills white with droppings. We tried to grow sunflowers but the blackbirds just decimated them. There was nothing left to harvest."

Well-known Madison artists John and Larry Green have visited the slough, both to hunt and to photograph scenes for paintings. "The area is so undisturbed, and so pristine," says Larry. "I first saw it years ago, and it still looks that way."

Hunting from a boat is an adventure. "The rocks in the lake can be as big as cars," Larry says. The boulders are often just below the surface, waiting to pound a boat's hull or smash a propeller. They are especially dangerous on windy days, when waves and murky water hamper a boater's visibility.

Eagles, rarely seen in Roberts County 30 years ago, are



Connie and Marvin Piotter, and their friend and neighbor Bill Klein (center), never cease to enjoy their Roberts County lakescapes.

now common. A few are starting to nest in the trees. They are a noble sight, but pesty. "We had cows calving near the slough, and the eagles would fly down and eat the afterbirth when a cow had her calf," Marvin says. "That would cause the cow to go nuts, but the eagles never did bother the calves."

The Piotters graciously share the hills and lakes with others who show an interest. In fact, they've signed an agreement with the National Park Service

"to protect, use and manage the site in a manner which prevents the destruction or deterioration of its nationally significant values and to consult periodically with NPS staff about any problems in managing the area."

The Piotters raised four daughters and two sons on their Roberts County land, and both of the sons — Matt and Daniel — now farm with them. "We want to preserve it for them and for our grandchildren and beyond," Connie says. "We always knew it was special." ■

Say hello to your new best friend.

You can just call us Howard, for short. We're right here in South Dakota. And we're a community of one thousand, which means a community small enough to walk most everywhere, small enough so the sights and sounds of the natural world are ever present, so there's a sense of safety that most contemporary Americans don't get to enjoy everyday.

But our town of a thousand is also big enough to feel a world apart from tiny spots that are at risk of disappearing. There's commerce here, places to grab lunch, coffee or dinner, and sufficient school enrollment to ensure quality public education, kindergarten through high school. Howard is a thriving rural community with plenty of opportunity for young families. Even though you'll come to know us by name, we think you'll find that we're so much more.

Howard, S.D. Opportunity Lives Here.

For more information about employment opportunities, lifestyle and innovative ideas in Howard, S.D., visit our website at:

www.opportunityhoward.com

or contact:
Miner County Community
Revitalization

P.O. Box 10
109 North Main Street
Howard, SD 57340
(605) 773-5153

Howard
south dakota





United States Department of Agriculture
Farm Service Agency

13-126-50

December 11, 2003

Roberts County

1997 Digital Orthophotography - Not To Scale

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PROGRAM

Larson Engineering

DONALD R. LARSON

REGISTERED PROFESSIONAL ENGINEER AND LAND SURVEYOR

PHONE (605) 432-4069
803 S. DAKOTA STREET
MILBANK, SOUTH DAKOTA 57252

July 17, 2009

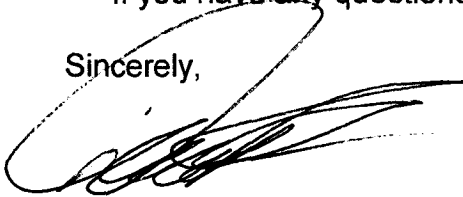
Marvin Piotter
11651 468th Avenue
Sisseton, SD 57262

RE: Dam reconstruction
Section 13 T126N-R50W

Enclosed are the forms that you need for your project. Some of the forms require signatures and notarized signatures. Attach a list of adjacent landowners. Then forward the forms to the appropriate agencies.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald R. Larson', with a large, sweeping flourish extending from the end of the signature.

Donald R. Larson, PE
LARSON ENGINEERING

Enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 21, 2009

Marvin Piotter
11651 468th Ave
Sisseton SD 57262

Dear Mr. Piotter:

Thank you for submitting the *Application for a Permit to Appropriate Water* for the reconstruction of the 81.2 acre-feet storage dam in Roberts County. In order to complete the application, the following is required.

Plans and specifications for the dam will be needed pursuant to Safety of Dams Rules Chapter 74:02:08 (copy enclosed). Part of the plans and specifications includes a written preliminary risk assessment of the downstream hazard potential needs to be provided to aid in determining the hazard classifications for the dam (Safety of Dams Rules Sections 74:02:08:05 and 74:02:08:05.01). The hazard classifications for the dam (Category 1, 2 or 3) needs to be known in order to determine what provisions of the Safety of Dams rules will apply to your dam.

An assessment of the downstream hazard potential is to consist of properties downstream from the dam (homes, roads, dams and other structures) with the potential affects of a dam failure to these properties. The legal descriptions of these downstream properties and the elevation above the waterway need to be included in the assessment. The risk assessment needs to be prepared by an engineer as defined in the Safety of Dams rules.

Enclosed is your check for \$50.00. The Legislature passed a bill this year raising the filing fees on applications, licenses and ownership changes. The fee increases became effective July 1, 2009. The application/license fee for this application will be \$700.00.

If you have any questions, please contact Tim Schaal at 605 773-3352.

Sincerely,

Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us

c: Donald R Larson, Larson Engineering

enclosure



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
SOUTH DAKOTA REGULATORY OFFICE
28563 POWERHOUSE ROAD, ROOM 118
PIERRE, SOUTH DAKOTA 57501-6174

August 19, 2009

South Dakota Regulatory Office
28563 Powerhouse Road, Room 118
Pierre, South Dakota 57501

Marvin Piotter
11651 468th Ave
Sisseton, SD 57262

Dear Mr. Piotter:

We have reviewed your request for Department of the Army authorization for the dam repair in Jim Creek. The project is located in the Northwest Quarter of Section 13, Township 126 North, Range 50 West, Roberts County, South Dakota.

Based on the information you provided, this office has determined that your work is authorized by the Department of the Army Nationwide Permit No. (3), found in the March 12, 2007 Federal Register (72 FR 11092), Reissuance of Nationwide Permits. Enclosed is a fact sheet that fully describes this Nationwide Permit and lists the General Conditions that must be adhered to for this authorization to remain valid. Please note that deviations from the original plans and specifications of your project could require additional authorization from this office.

A Preliminary Jurisdictional Determination (JD) has been completed for your project, which is a written indication that wetlands and waterways within your project area are Waters of the United States (Enclosed). If you concur with the findings of the Preliminary JD, please sign it and return it to the letterhead address within two weeks. The preliminary jurisdictional determination is not appealable. If you do not concur with the findings, you may request an approved jurisdictional determination from this office.

You are responsible for all work accomplished in accordance with the terms and conditions of the Nationwide Permit. If a contractor or other authorized representative will be accomplishing the work authorized by the Nationwide Permit in your behalf, it is strongly recommended that they be provided a copy of this letter and the attached conditions so that they are aware of the limitations of the applicable Nationwide Permit. Any activity that fails to comply with all of the terms and conditions of the Nationwide Permit will be considered unauthorized and subject to appropriate enforcement action.

In compliance with General Condition 26, the attached Compliance Certification form must be signed and returned to the address listed upon completion of the authorized work and any required mitigation.

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SEP 29 2009

**WATER RIGHTS
PROGRAM**



United States Department of the Interior

National Park Service

Midwest Region
991 Riverfront Drive
Omaha, Nebraska 68107-2336



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WATER RIGHTS
PROGRAM

COPY

June 26, 2009

Mr. Marvin Plotter
11551 468 Ave.
Sisseton, SD 57262

Dear Mr. Plotter

I enjoyed the opportunity to visit with you on your ranch and learn about your resource stewardship activities to the natural resource conditions of the Cottonwood Slough National Natural Landmark. You have demonstrated willingness to protect the natural features and wildlife habitat within this National Natural Landmark.

I appreciated the opportunity to view the small farm pond dam that you plan to repair in Section 13 of your ranch. The repair of this dam and impoundment of water behind it would not threaten or damage the national natural landmark status; rather it would enhance the wildlife habitat values and likely decrease the downstream erosion. You are welcome to submit this letter with your permit application to repair the earth dam on your property.

Gary Vequist

Associate Regional Director Natural Resources and Science

TAKE PRIDE
IN AMERICA 

We do not have any objections to proposed dam on Marvin Piotter land in Grant Township.

We give our endorsement for this dam by signing below.

Legal description is:

Roberts County South Dakota S1/2S1/2NW1/4 Section 13-T126N-R50W

Brian Steen
11451 466th Ave
Sisseton SD 57262
(605) 637-5455

Signed: Brian Steen

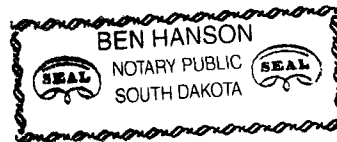
Date: 9-27-09

Signed: Linda Steen

Date: 9-27-09

Notarized:

Ben Hanson



Commission expires 2-20-10

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SEP 29 2009

WATER RIGHTS
PROGRAM

We do not have any objections to proposed dam on Marvin Piotter land in Grant Township.

We give our endorsement for this dam by signing below.

Legal description is:

Roberts County South Dakota S1/2S1/2NW1/4 Section 13-T126N-R50W

Jason and Rachel Piechowski

11660 466th Ave

Sisseton SD 57262

(605) 237-2203

Signed: Rachel Piechowski

Date: 9-23-09

Signed: Sam Piotter

Date: 9-23-09

Notarized: Kenneth A Westbrook Date 9-23-09

Exp. 1-31-2010

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WATER RIGHTS
PROGRAM





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 1, 2009

Marvin Piotter
11651 468th Ave.
Sisseton, SD 57262

Dear Mr. Piotter:

We have reviewed the plans and specifications for your dam project located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 13-T126N-R50W, in Roberts County. The plans and specifications for your 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. 7158-3 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 Piotter Dam will be classified as a small size Category 3, Low Hazard dam with a dam height of 17 feet and a normal storage capacity of 83.7 acre-feet and a maximum storage capacity of 175 acre-feet.

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

Sincerely,

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

c: Donald Larson, Larson Engineering

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WATER RIGHTS
PROGRAM

DAM RECONSTRUCTION PROJECT

located in

**S ½ S ½ NW ¼ SECTION 13,
TOWNSHIP 126 NORTH,
RANGE 50 WEST OF THE 5TH P.M.,
ROBERTS COUNTY, SOUTH DAKOTA**

for

**Marvin Piotter
11651 468th Avenue
Sisseton, SD 57262**

September 9, 2009

**LARSON ENGINEERING
803 S DAKOTA STREET
MILBANK, SD 57252
PHONE: 605-432-4069**



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
SOUTH DAKOTA REGULATORY OFFICE
28563 POWERHOUSE ROAD, ROOM 118
PIERRE, SOUTH DAKOTA 57501-6174

August 19, 2009

COPY

South Dakota Regulatory Office
28563 Powerhouse Road, Room 118
Pierre, South Dakota 57501

Marvin Piotter
11651 468th Ave
Sisseton, SD 57262

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SEP 16 2009

**WATER RIGHTS
PROGRAM**

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In compliance with General Condition 26, the attached Compliance Certification form must be signed and returned to the address listed upon completion of the authorized work and any required mitigation.



United States Department of the Interior

National Park Service

Midwest Region
601 Riverfront Drive
Olmsted National 68 07-0236



COPY

June 26, 2009

Mr. Marvin Plotter
11651 468 Ave.
Sisseton, SD 57262

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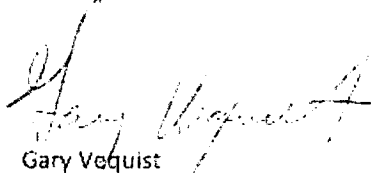
SEP 16 2009

**WATER RIGHTS
PROGRAM**

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Gary Vequist

Associate Regional Director, Natural Resources and Science

**TAKE PRIDE
IN AMERICA** 

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SEP 16 2009

WATER RIGHTS
PROGRAM

04/04/2009



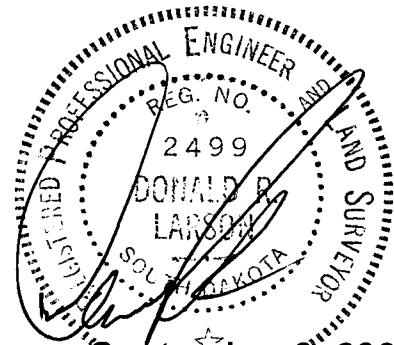
DAM RECONSTRUCTION PROJECT

located in

**S ½ S ½ NW ¼ SECTION 13,
TOWNSHIP 126 NORTH,
RANGE 50 WEST OF THE 5TH P.M.,
ROBERTS COUNTY, SOUTH DAKOTA**

for

**Marvin Piotter
11651 468th Avenue
Sisseton, SD 57262**



September 9, 2009

**LARSON ENGINEERING
803 S DAKOTA STREET
MILBANK, SD 57252
PHONE: 605-432-4069**

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
(33 CFR 325)OMB APPROVAL NO. 0710-0003
Expires December 31, 2004

The public reporting burden for this collection of information is estimated to average 10 hours per response, although the majority of applications should require 5 hours or less. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies. Submission of requested information is voluntary, however, if information is not provided, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
--------------------	----------------------	------------------	-------------------------------

(ITEMS BELOW TO BE FILLED BY APPLICANT)

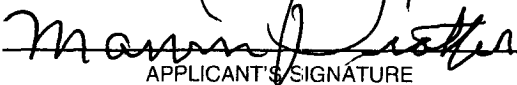
5. APPLICANT'S NAME Marvin Piotter	8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required)
---------------------------------------	---

6. APPLICANT'S ADDRESS 11651 468th Avenue Sisseton, SD 57262	9. AGENT'S ADDRESS
--	--------------------

7. APPLICANT'S PHONE NUMBERS WITH AREA CODE a. Residence 605-694-2738 b. Business	10. AGENT'S PHONE NUMBERS WITH AREA CODE a. Residence b. Business
---	---

11. STATEMENT OF AUTHORIZATION

I hereby authorize _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.


APPLICANT'S SIGNATURE

9.15.09

DATE

NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)

Dam

13. NAME OF WATERBODY, IF KNOWN (if applicable)

Jim Creek

15. LOCATION OF PROJECT

Roberts
COUNTYSD
STATE

14. PROJECT STREET ADDRESS (if applicable)

approximate
latitude N45d41'48.07"
longitude W96d52'04.55"

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions)

S 1/2 S 1/2 NW 1/4 Section 13, T126N-R50W

17. DIRECTIONS TO THE SITE

From Sisseton, SD, 8 miles east, 2 1/2 miles north

18. Nature of Activity (Description of project, include all features)

Reconstruct a dam that was built in the 1980s

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

Wildlife habitat

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

23. Is Any Portion of the Work Already Complete? Yes _____ No _____ IF YES, DESCRIBE THE COMPLETED WORK

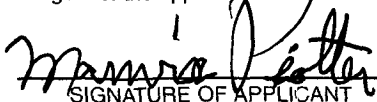
24. Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

25. List of Other Certifications or Approvals/Denials Received from other Federal, State, or Local Agencies for Work Described in This Application

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

*Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.


SIGNATURE OF APPLICANT

9.15.09
DATE

SIGNATURE OF AGENT

DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up any trick scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

Instructions for Preparing a
Department of the Army Permit Application

Blocks 1 through 4. To be completed by Corps of Engineers.

Block 5. Applicant's Name. Enter the name of the responsible party or parties. If the responsible party is an agency, company, corporation, or other organization, indicate the responsible officer and title. If more than one party is associated with the application, please attach a sheet with the necessary information marked Block 5.

Block 6. Address of Applicant. Please provide the full address of the party or parties responsible for the application. If more space is needed, attach an extra sheet of paper marked Block 6.

Block 7. Applicant Telephone Number(s). Please provide the number where you can usually be reached during normal business hours.

Blocks 8 through 11. To be completed, if you choose to have an agent.

Block 8. Authorized Agent's Name and Title. Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer, or any other person or organization. Note: An agent is not required.

Blocks 9 and 10. Agent's Address and Telephone Number. Please provide the complete mailing address of the agent, along with the telephone number where he / she can be reached during normal business hours.

Block 11. Statement of Authorization. To be completed by applicant, if an agent is to be employed.

Block 12. Proposed Project Name or Title. Please provide name identifying the proposed project, *e.g.*, Landmark Plaza, Burned Hills Subdivision, or Edsall Commercial Center.

Block 13. Name of Waterbody. Please provide the name of any stream, lake, marsh, or other waterway to be directly impacted by the activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

Block 14. Proposed Project Street Address. If the proposed project is located at a site having a street address (not a box number), please enter it here.

Block 15. Location of Proposed Project. Enter the county and state where the proposed project is located. If more space is required, please attach a sheet with the necessary information marked Block 15.

Block 16. Other Location Descriptions. If available, provide the Section, Township, and Range of the site and / or the latitude and longitude. You may also provide description of the proposed project location, such as lot numbers, tract numbers, or you may choose to locate the proposed project site from a known point (such as the right descending bank of Smith Creek, one mile downstream from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed project site if known.

Block 17. Directions to the Site. Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site.

Block 18. Nature of Activity. Describe the overall activity or project. Give appropriate dimensions of structures such as wingwalls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles, or float-supported platforms.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 18.

Block 19. Proposed Project Purpose. Describe the purpose and need for the proposed project. What will it be used for and why? Also include a brief description of any related activities to be developed as the result of the proposed project. Give the approximate dates you plan to both begin and complete all work.

Block 20. Reasons for Discharge. If the activity involves the discharge of dredged and/or fill material into a wetland or other waterbody, including the temporary placement of material, explain the specific purpose of the placement of the material (such as erosion control).

Block 21. Types of Material Being Discharged and the Amount of Each Type in Cubic Yards. Describe the material to be discharged and amount of each material to be discharged within Corps jurisdiction. Please be sure this description will agree with your illustrations. Discharge material includes: rock, sand, clay, concrete, etc.

Block 22. Surface Areas of Wetlands or Other Waters Filled. Describe the area to be filled at each location. Specifically identify the surface areas, or part thereof, to be filled. Also include the means by which the discharge is to be done (backhoe, dragline, etc.). If dredged material is to be discharged on an upland site, identify the site and the steps to be taken (if necessary) to prevent runoff from the dredged material back into a waterbody. If more space is needed, attach an extra sheet of paper marked Block 22.

Block 23. Is Any Portion of the Work Already Complete? Provide any background on any part of the proposed project already completed. Describe the area already developed, structures completed, any dredged or fill material already discharged, the type of material, volume in cubic yards, acres filled, if a wetland or other waterbody (in acres or square feet). If the work was done under an existing Corps permit, identify the authorization, if possible.

Block 24. Names and Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Project Site. List complete names and full mailing addresses of the adjacent property owners (public and private) lessees, etc., whose property adjoins the waterbody or aquatic site where the work is being proposed so that they may be notified of the proposed activity (usually by public notice). If more space is needed, attach an extra sheet of paper marked Block 24.

Information regarding adjacent landowners is usually available through the office of the tax assessor in the county or counties where the project is to be developed.

Block 25. Information about Approvals or Denials by Other Agencies. You may need the approval of other federal, state, or local agencies for your project. Identify any applications you have submitted and the status, if any (approved or denied) of each application. You need not have obtained all other permits before applying for a Corps permit.

Block 26. Signature of Applicant or Agent. The application must be signed by the owner or other authorized party (agent). This signature shall be an affirmation that the party applying for the permit possesses the requisite property rights to undertake the activity applied for (including compliance with special conditions, mitigation, etc.).

DRAWINGS AND ILLUSTRATIONS

General Information.

Three types of illustrations are needed to properly depict the work to be undertaken. These illustrations or drawings are identified as a Vicinity Map, a Plan View or a Typical Cross-Section Map. Identify each illustration with a figure or attachment number.

Please submit one original, or good quality copy, of all drawings on 8½ x 11 inch plain white paper (tracing paper or film may be substituted). Use the fewest number of sheets necessary for your drawings or illustrations.

Each illustration should identify the project, the applicant, and the type of illustration (vicinity map, plan view, or cross-section). **While illustrations need not be professional (many small, private project illustrations are prepared by hand), they should be clear, accurate, and contain all necessary information.**

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. _____ (office use only)
	Basin _____ Hydrologic Unit _____
	Newspaper _____

RECEIVED
SEP 16 2009
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 Marvin Piotter Phone (605) 694-2738
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 11651 468th Avenue Sisseton State SD 57262
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed _____ *CFS or _____ **GPM 81.2 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Runoff
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Roberts
S 1/2 S 1/2 NW 1/4 Section 13-T126N-R50W
- County or counties where water will be used Roberts
- Annual period during which water is to be used Year round
- 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)
Reconstruction of a dam that was built in the 1980s

STATE OF SOUTH DAKOTA)

County of Roberts 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, Marvin Piotter, 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 Marvin Piotter

Subscribed and sworn to before me this 15th day of Sept. 20 09

Carol Martenson

Notary Public signature

Comm. exp. 1-16-2010

(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

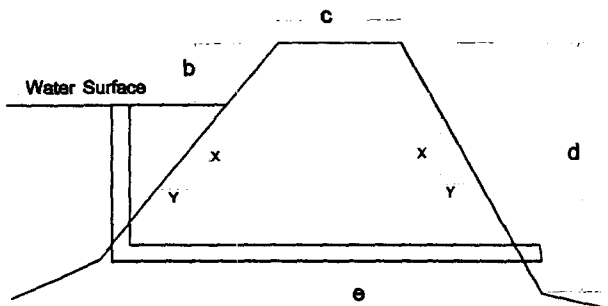
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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:

LARSON ENGINEERING 803 S Dakota Street
Milbank, SD 57252
Originally designed in the 1980s by unknown.



- b) Freeboard _____ 5'
- c) Crest Width _____ 14'
- Crest Length _____ 400'
- d) Height _____ 17'
- e) Primary Outlet Capacity _____ 33.06cfs
- If pipe, diameter _____ 24"
- f) Secondary Spillway Capacity _____ 71.6cfs
- Spillway Width _____ 34'
- g) X & Y Slope _____ 1:3
- Upstream _____ x=1y=3
- Downstream _____ x=1y=3
- h) Surface Area of Impoundment _____ 15.4acres
- i) Storage _____ 81.2 _____ Acre Feet
- j) Drainage Area Above Dam _____ 6,385.6 _____ Acres

Mail to: Water Rights Program
DENR, Foss Bldg.
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

LOCATION NOTICE
FOR DAM\DUGOUT

RECEIVED
SEP 16 2009
WATER RIGHTS
PROGRAM

Location Notice No. (Office Use)

I, Marvin Piotter, of _____, of

Name

11651 468th Avenue

Sisseton

SD

57262

Address

City

State

Zip Code

(check one) ☒ owner, ☐ operator, of the following described land, do hereby notify the Water Management Board of the State of South Dakota and all others concerned that I am exercising my right under SDCL 46-4, for construction of a (check one) ☒ dam, ☐ *dugout for the purpose of impounding runoff waters for wildlife habitat purposes.
type of use - livestock, recreation, fish & wildlife, etc.

The following data is presented in compliance with SDCL 46-4-3 and 46-4-4.

(1) Date of:

(a) This notice 9/9/2009

(b) Proposed construction 9/25/2009

(2) Legal description of the land upon which the dam\dugout is located:

S 1/2 S 1/2 NW 1/4 Section 13, T126N-R50W

(describe to the nearest 40 acre subdivision, e.g. NE1/4SW1/4 section 10-T98N-R65W)

(3) Location of the dam/dugout from a section corner:

from NW corner of Section 13, 2278' south, 2025' east

(describe distance N.S.E.W. in feet from the section corner)

(4) County where dam\dugout is located Roberts

(5) Name of landowner Marvin Piotter

(6) **Acre feet of water claimed annually 81.20

* A location notice is required for a dugout only if the dugout captures surface runoff.

** If the storage of the proposed structure at the spillway crest or overflow elevation exceeds twenty five (25) acre feet, a water permit from the Water Management Board is required.

(7) Complete the following information for the proposed dam/dugout:

*Items to be completed for a dugout

*a) Dam/Dugout designed by

LARSON ENGINEERING 803 South Dakota Street Milbank, SD 57252
Originally designed in the 1980s by unknown.

b) Freeboard 5'

c) Crest Width 14'

Crest Length 400'

d) Height 17'

*Depth, if Dugout _____

e) Outlet Dimensions _____

Pipe diameter 24"

Spillway width 34'

f) X & Y Slope: 1:3

Upstream x=1y=3

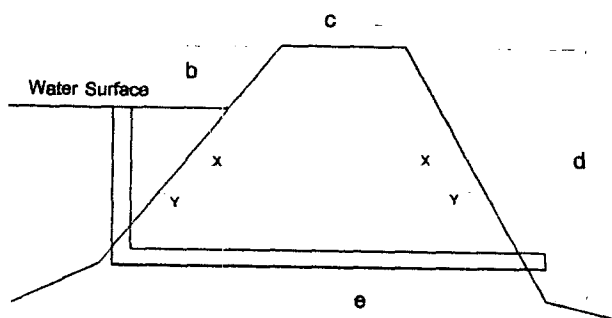
Downstream x=1y=3

*g) Water surface area 15.4 acres

*h) Storage at spillway crest or overflow elevation
(acre feet) 81.2

i) Maximum storage to top of dam crest
(acre feet) 171

*j) Drainage area above dam/dugout
(acres) 6385



Enclosed is fifty dollars (\$50.00). The Water Management Board is requested to file this copy of the Location Notice in their official records. The original Location Notice has been filed (do not record) with the Register of Deeds of _____ County in accordance with SDCL 46-4-3.

Owner

(or)

Locator

STATE OF SOUTH DAKOTA

COUNTY OF

Roberts

)
) SS

I, Marvin Piotter the applicant, certify that I have read this Location Notice and that the matters stated in this notice are true and that I intend, and am able to start construction within sixty days after the filing of this notice.

Signed

Marvin Piotter

Subscribed and sworn to before me this

15th

day of

Sept.

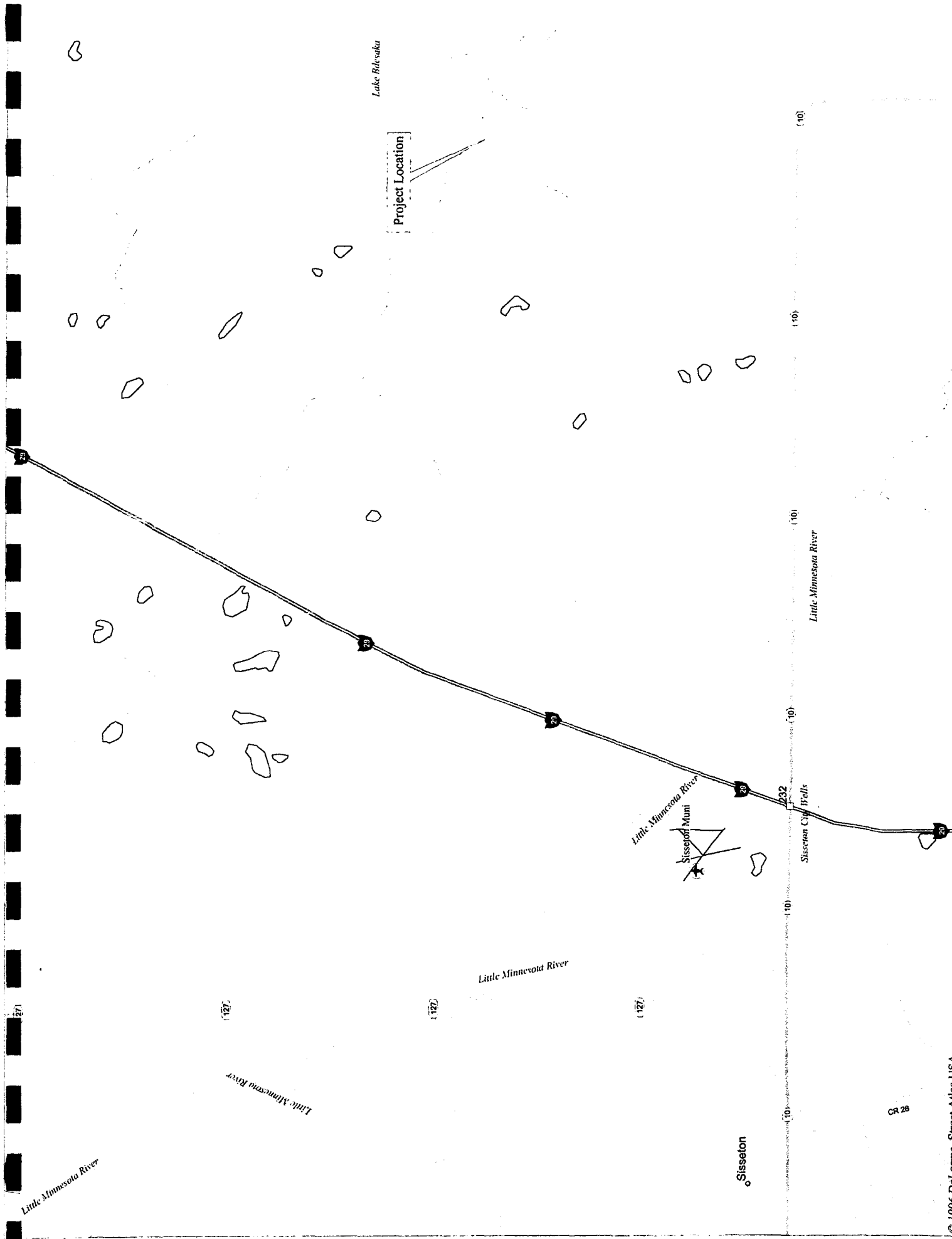
, 20 09

(seal)

Carol Martenson

Notary

Comm. Ex. 1-16-2010



Lake Riveaux

Project Location

(10)

(10)

(10)

Little Minnesota River

(10)

(10)

Little Minnesota River

Sisseton Muni

Sisseton City Wells

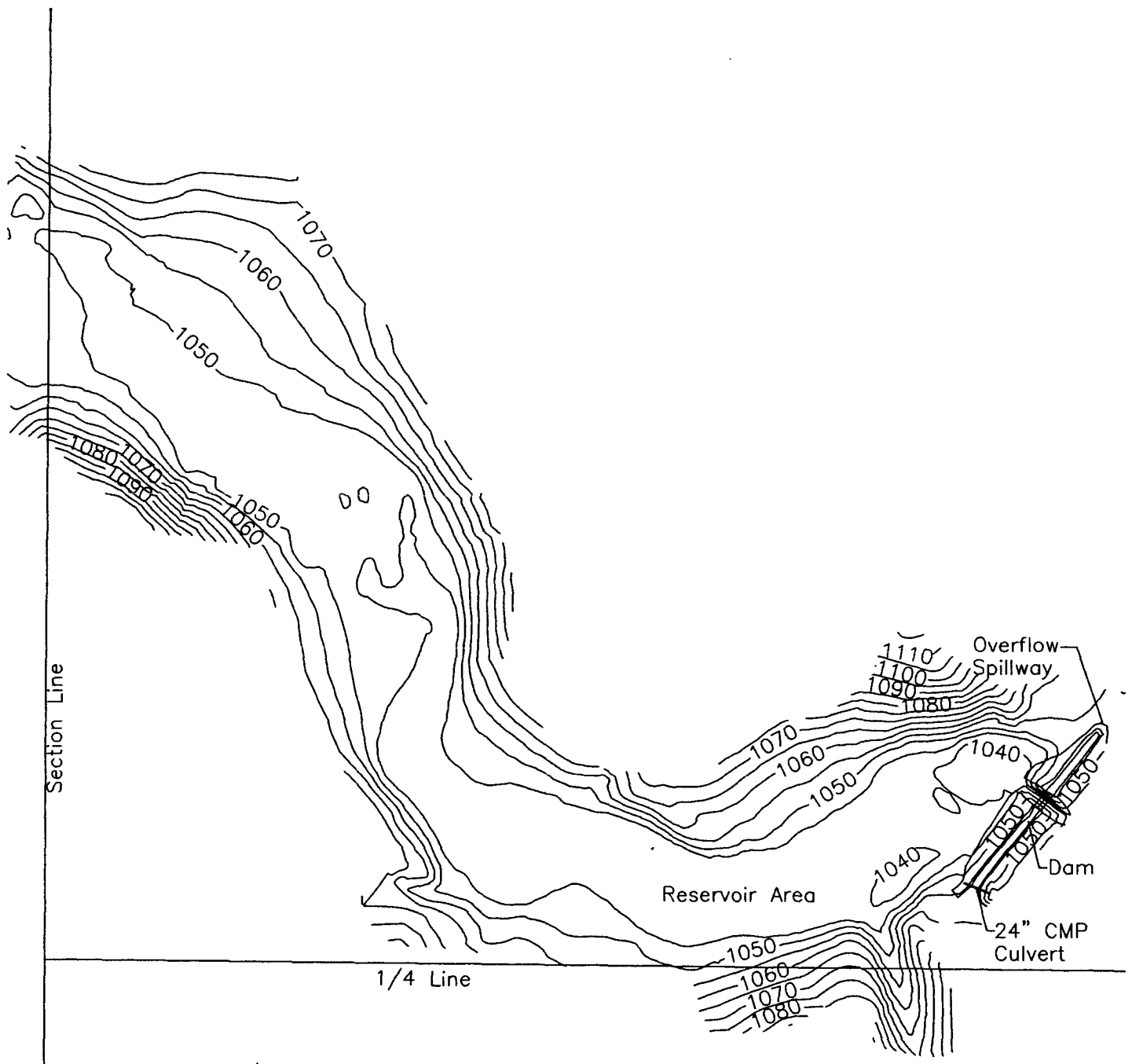
Little Minnesota River

Little Minnesota River

Little Minnesota River

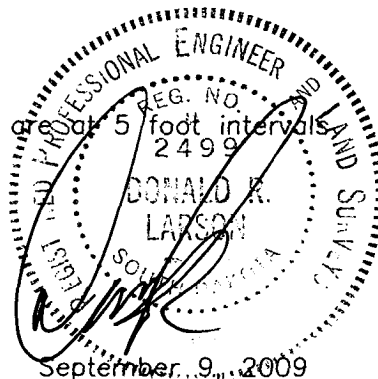
Sisseton

CR 28



SCALE: 1"=300'

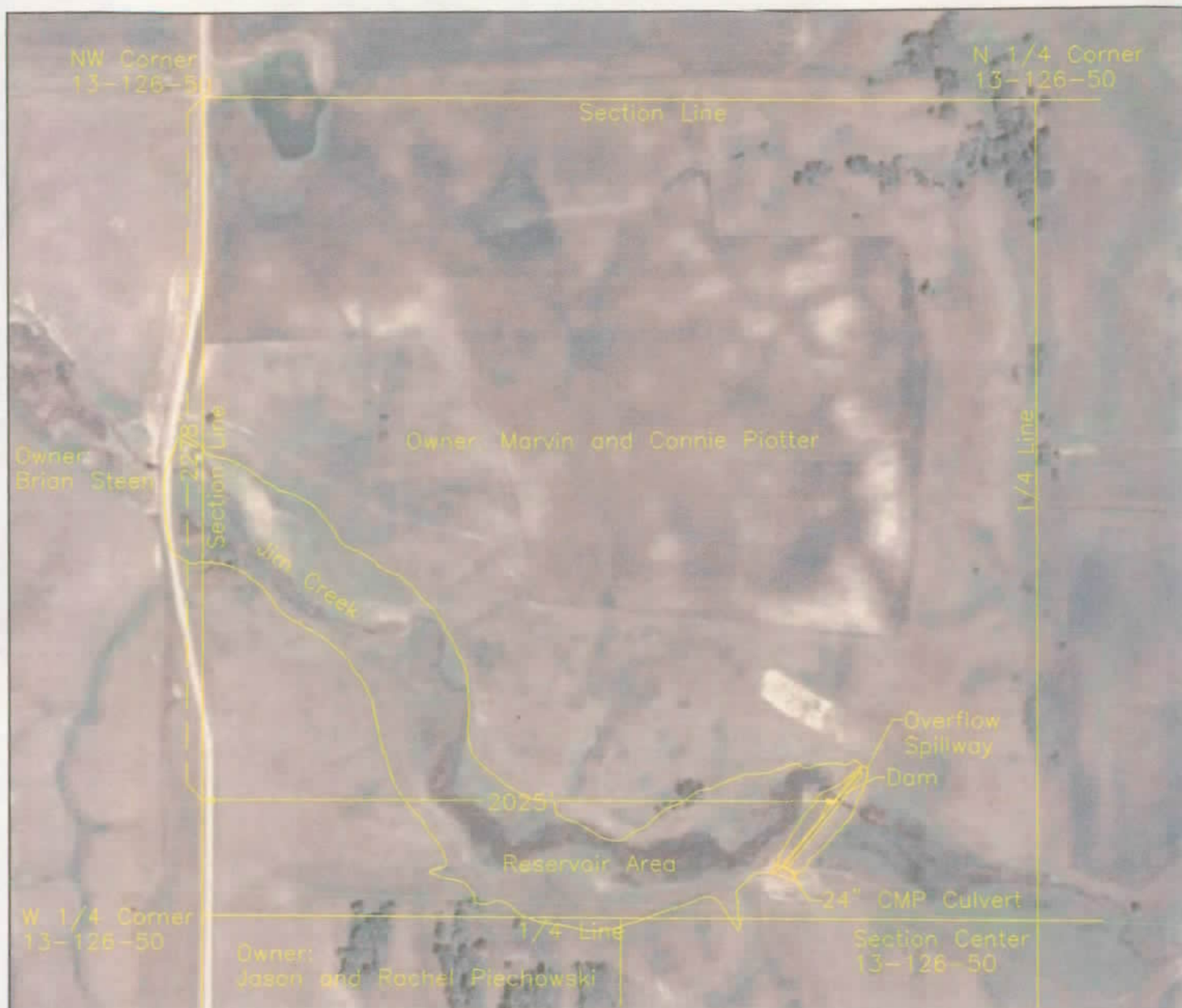
Note: Contours are at 5 foot intervals



Topo Map with Contours
Marvin Piotter
NW 1/4, Section 13
Township 126 North,
Range 50 West of the 5th P.M.,
Roberts County, South Dakota

LARSON ENGINEERING

803 South Dakota Street Millbank, South Dakota 57252
605-432-4069



SCALE: 1"=500'

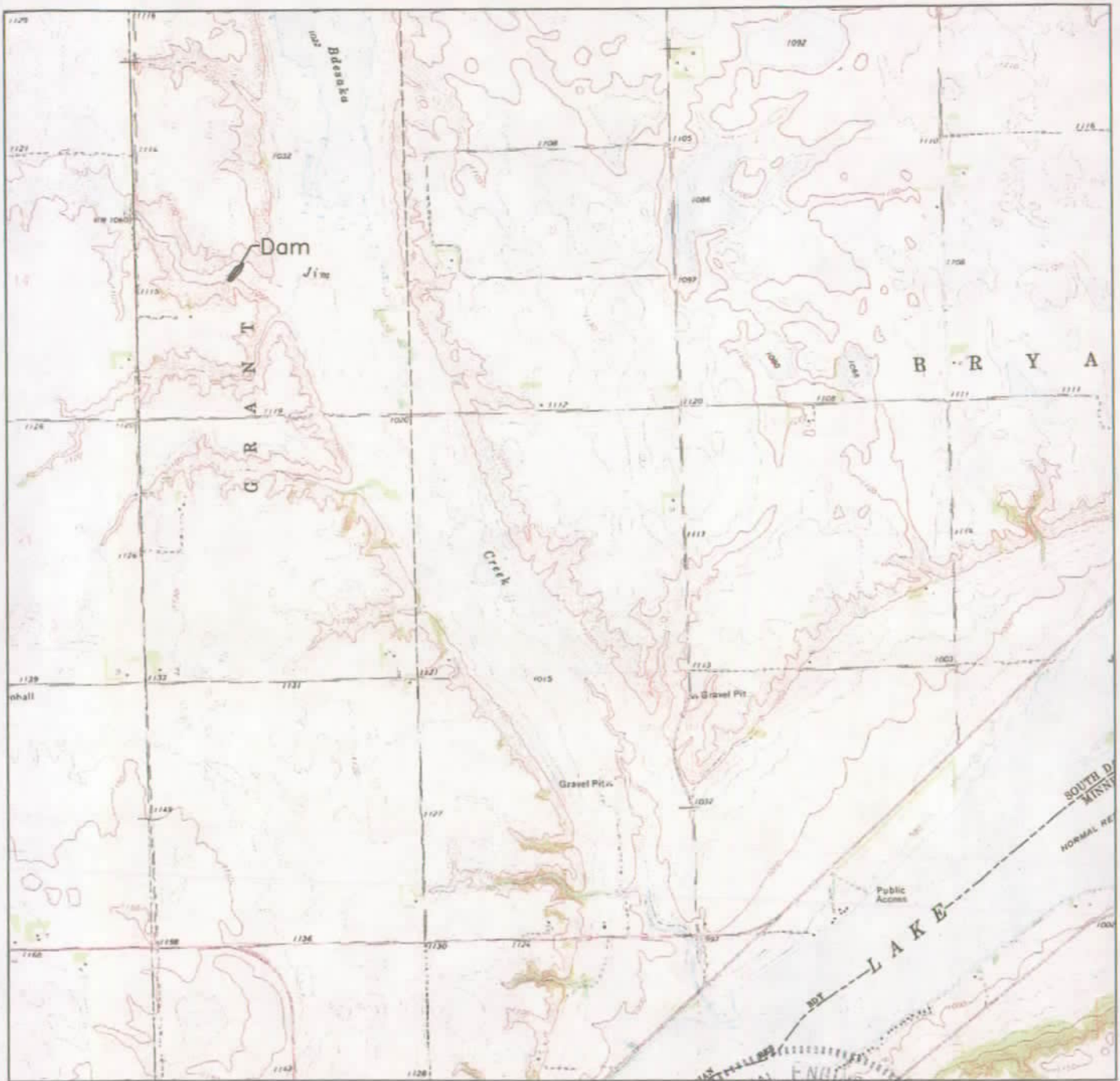
Topo Map
 Marvin Plotter
 NW 1/4, Section 13
 Township 126 North,
 Range 50 West of the 5th P.M.,
 Roberts County, South Dakota



September 9, 2009

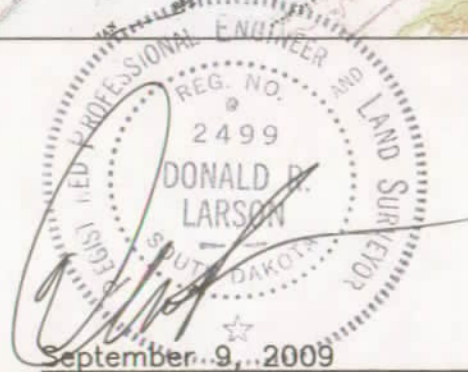
LARSON ENGINEERING

803 South Dakota Street Milbank, South Dakota 57252
 605-432-4069



SCALE: 1"=3000'

USGS Topographic Map
 Marvin Piotter
 NW 1/4, Section 13
 Township 126 North,
 Range 50 West of the 5th P.M.,
 Roberts County, South Dakota



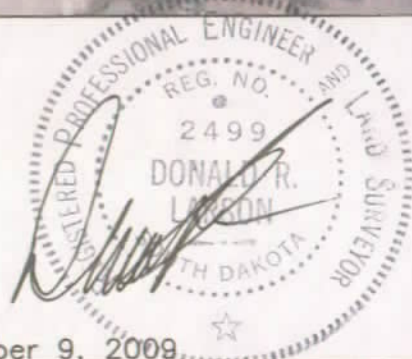
LARSON ENGINEERING

803 South Dakota Street Millbank, South Dakota 57252
 605-432-4069



SCALE: 1"=3000'

Topo Map
 Marvin Piotter
 NW 1/4, Section 13
 Township 126 North,
 Range 50 West of the 5th P.M.,
 Roberts County, South Dakota



September 9, 2009

LARSON ENGINEERING

803 South Dakota Street Millbank, South Dakota 57252
 605-432-4069

RISK ASSESSMENT OF THE DOWNSTREAM HAZARD POTENTIAL

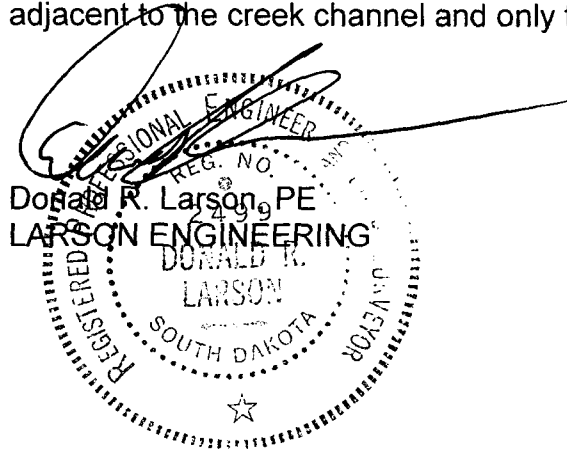
Location: NW ¼ Section 13, Township 126 North,
Range 50 West of the 5th P.M.,
Roberts County, South Dakota

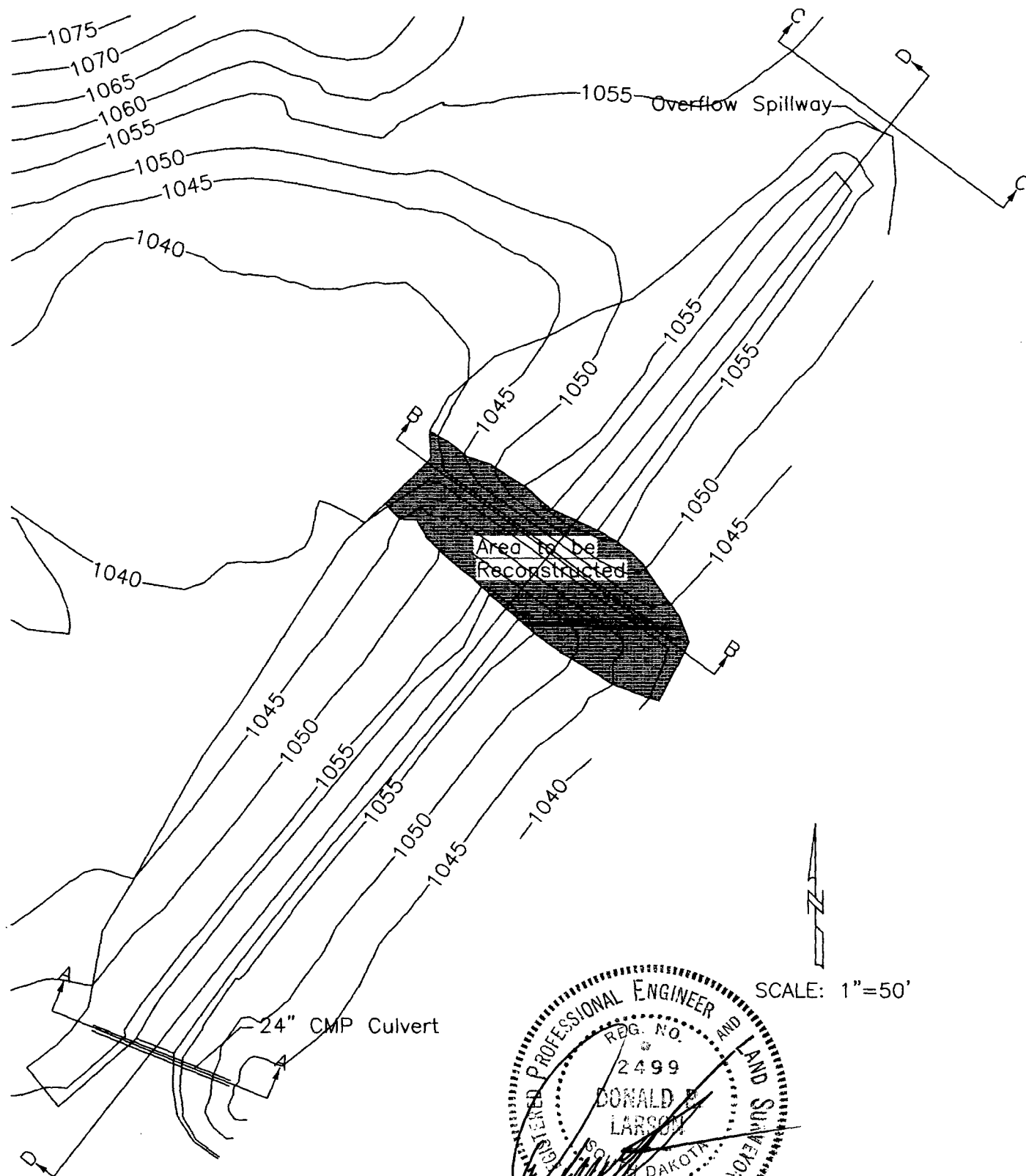
Classification – Hazard Potential	Category 3
Classification – Size	Small
Capacity	81.2 acre feet
Dam Height	18 feet

The area below the dam is a broad (approximately ½ mile) creek channel falling about 25 feet in approximately 3.2 miles to Lake Traverse. There are four building sites downstream from the dam. The closet site is about 1.7 miles below the dam and located in the SW ¼ of Section 7-T126N-R49W at an elevation above the top of the dam. The other three building sites are located about 2.9 miles below the dam with the main channel being about 15 to 20 feet lower in the NE ¼ of Section 31-T126N-R49W.

The only significant road is Roberts County Highway 7 adjacent to Lake Traverse.

In my opinion, the hazard potential is very low as there are no residences in or adjacent to the creek channel and only the County Highway adjacent to the lake.

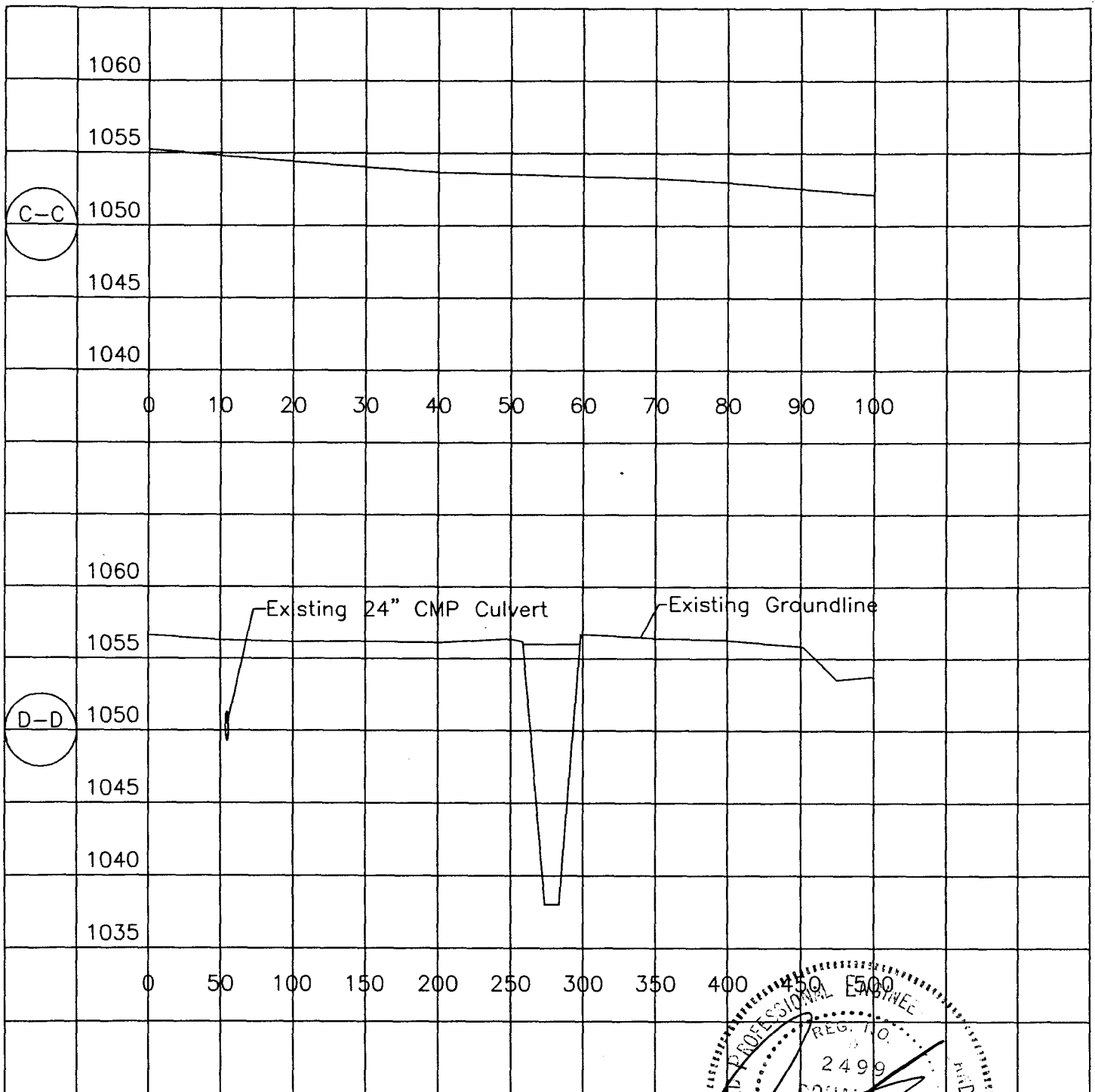




Plan View
 Marvin Piotter
 NW 1/4, Section 13
 Township 126 North,
 Range 50 West of the 5th P.M.,
 Roberts County, South Dakota

LARSON ENGINEERING

803 South Dakota Street Milbank, South Dakota 57252
 605-432-4069

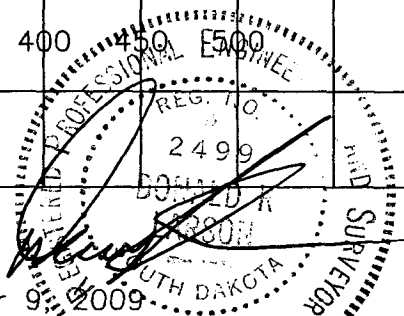


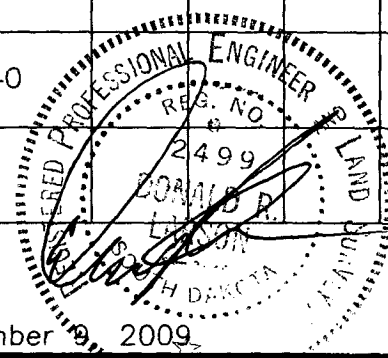
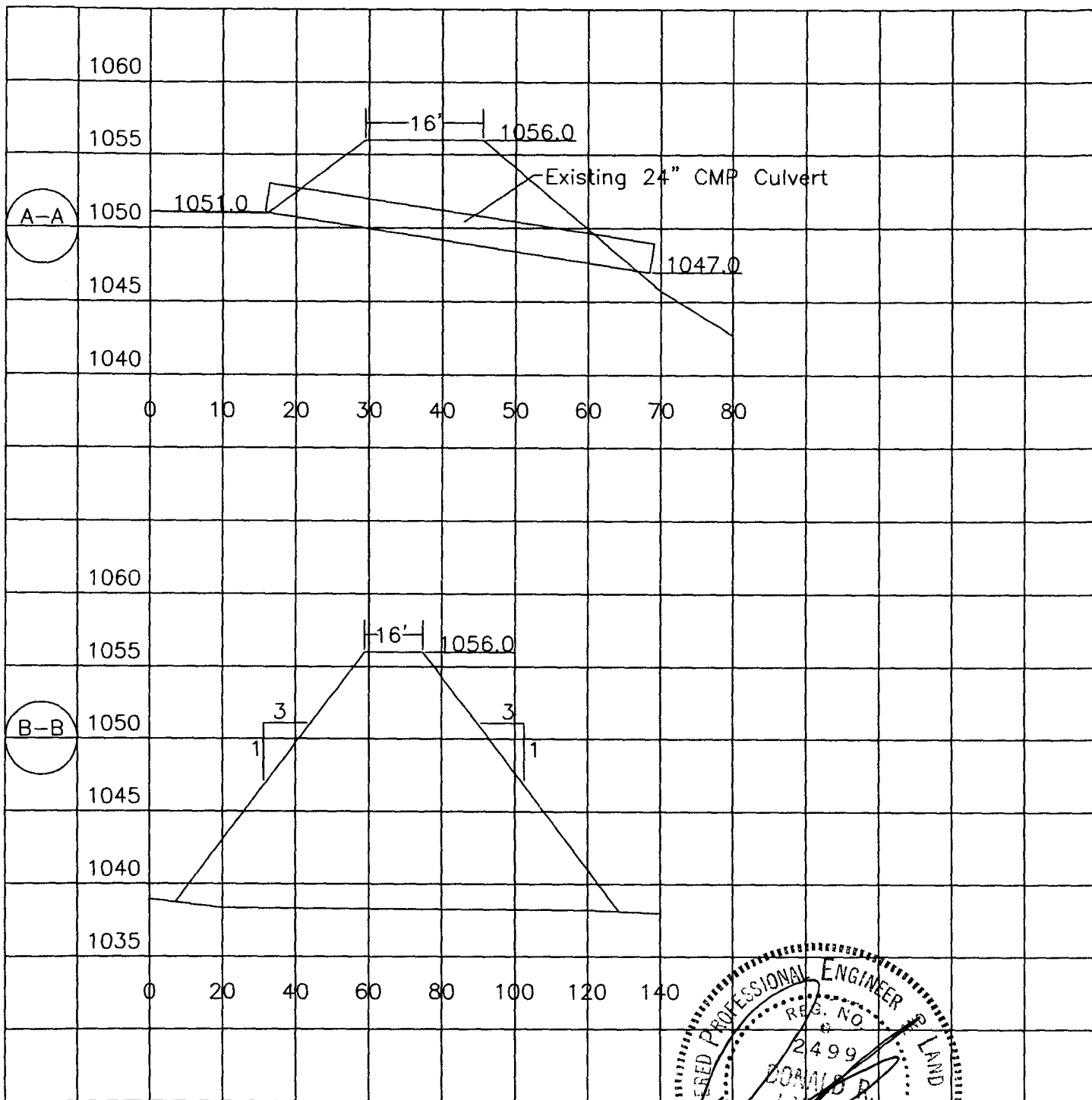
Cross Sections
 Marvin Piotter
 NW 1/4, Section 13
 Township 126 North,
 Range 50 West of the 5th P.M.,
 Roberts County, South Dakota

September 9, 2009

LARSON ENGINEERING

803 South Dakota Street Milbank, South Dakota 57252
 605-432-4069





September 9, 2009

Cross Sections
 Marvin Piotter
 NW 1/4, Section 13
 Township 126 North,
 Range 50 West of the 5th P.M.,
 Roberts County, South Dakota

LARSON ENGINEERING
 803 South Dakota Street Milbank, South Dakota 57252
 605-432-4069

Piotter 2

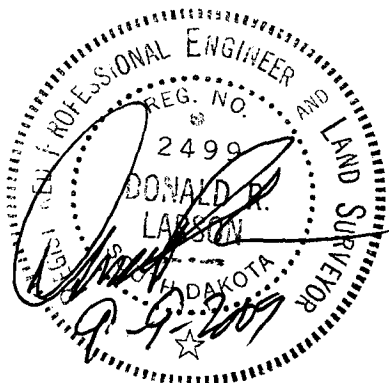
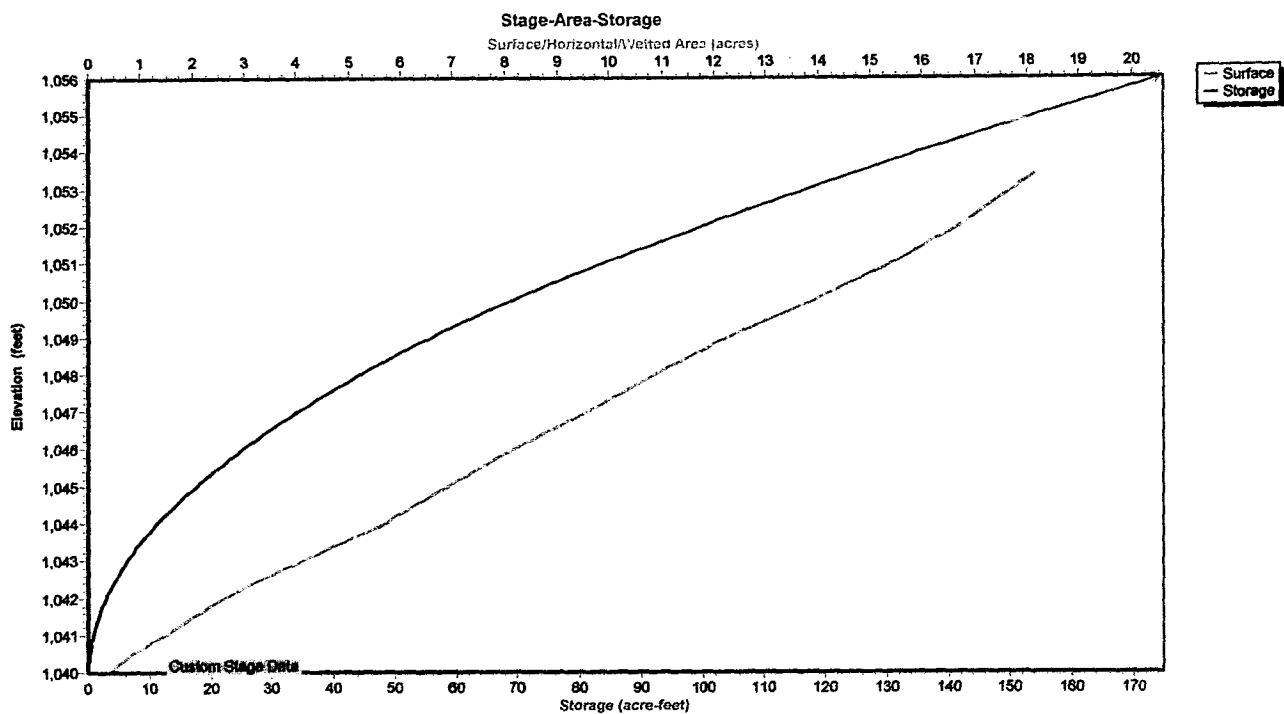
Prepared by Larson Engineering

HydroCAD® 8.50 s/n 005941 © 2007 HydroCAD Software Solutions LLC

Type II 24-hr Rainfall=2.50"

Printed 8/28/2009

Pond 4P: Lake



Plotter 2

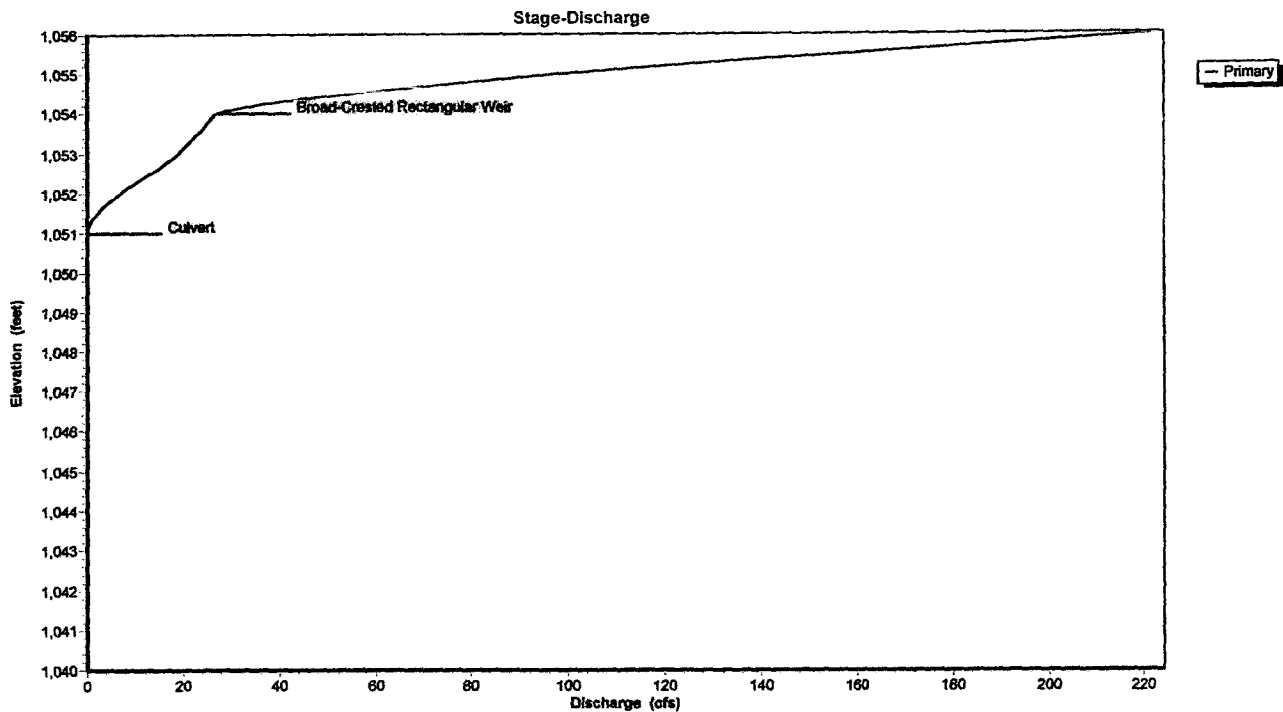
Prepared by Larson Engineering

HydroCAD® 8.50 s/n 005941 © 2007 HydroCAD Software Solutions LLC

Type II 24-hr Rainfall=2.50"

Printed 8/28/2009

Pond 4P: Lake



Piotter 2

Prepared by Larson Engineering

HydroCAD® 8.50 s/n 005941 © 2007 HydroCAD Software Solutions LLC

Type II 24-hr Rainfall=2.50"

Printed 8/28/2009

Summary for Pond 4P: Lake

Inflow Area = 6,385.000 ac, 0.00% Impervious, Inflow Depth = 0.42"
 Inflow = 245.02 cfs @ 18.66 hrs, Volume= 223.901 af
 Outflow = 104.73 cfs @ 26.71 hrs, Volume= 127.079 af, Atten= 57%, Lag= 482.7 min
 Primary = 104.73 cfs @ 26.71 hrs, Volume= 127.079 af

Routing by Stor-Ind method, Time Span= 0.00-72.00 hrs, dt= 0.02 hrs / 3
 Peak Elev= 1,055.06' @ 26.71 hrs Surf.Area= 19.712 ac Storage= 155.567 af

Plug-Flow detention time= 1,032.2 min calculated for 127.044 af (57% of inflow)
 Center-of-Mass det. time= 816.0 min (2,126.7 - 1,310.7)

Volume #1	Invert 1,040.00'	Avail.Storage 174.544 af	Storage Description Custom Stage Data (Irregular) Listed below (Recalc)
--------------	---------------------	-----------------------------	--

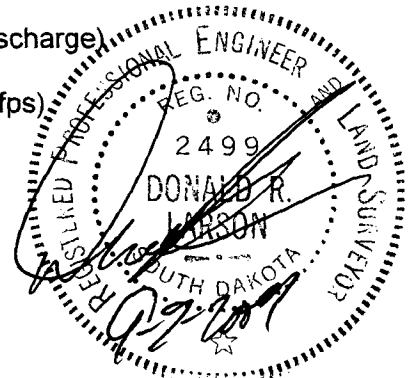
Elevation (feet)	Surf.Area (acres)	Perim. (feet)	Inc.Store (acre-feet)	Cum.Store (acre-feet)	Wet.Area (acres)
1,040.00	0.420	552.0	0.000	0.000	0.420
1,041.00	1.520	1,461.0	0.913	0.913	3.763
1,042.00	2.650	2,245.0	2.059	2.972	9.071
1,043.00	4.160	3,212.0	3.377	6.349	18.711
1,044.00	5.730	3,790.0	4.924	11.273	26.105
1,045.00	6.930	4,446.0	6.320	17.593	35.976
1,046.00	8.200	4,929.0	7.556	25.149	44.249
1,047.00	9.610	5,110.0	8.896	34.045	47.570
1,048.00	10.900	5,454.0	10.248	44.293	54.210
1,049.00	12.300	5,692.0	11.593	55.886	59.058
1,050.00	13.960	6,083.0	13.121	69.008	67.470
1,051.00	15.430	6,350.0	14.689	83.696	73.536
1,052.00	16.710	6,389.0	16.066	99.762	74.455
1,053.00	17.760	6,479.0	17.232	116.995	76.576
1,054.00	18.730	6,624.0	18.243	135.237	80.050
1,055.00	19.660	6,707.0	19.193	154.430	82.077
1,056.00	20.570	6,785.0	20.113	174.544	84.006

Device	Routing	Invert	Outlet Devices
#1	Primary	1,051.00'	24.0" x 52.6' long Culvert RCP, groove end projecting, Ke= 0.200 Outlet Invert= 1,047.00' S= 0.0760 ' / ' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior
#2	Primary	1,054.00'	25.0' long Broad-Crested Rectangular Weir Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.68 2.70 2.70 2.64 2.63 2.64 2.64 2.63

Primary OutFlow Max=104.67 cfs @ 26.71 hrs HW=1,055.06' (Free Discharge)

1=Culvert (Inlet Controls 33.06 cfs @ 10.52 fps)

2=Broad-Crested Rectangular Weir (Weir Controls 71.60 cfs @ 2.71 fps)



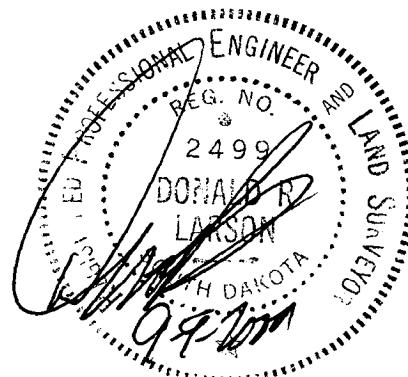
01600 INSPECTION OF EARTHEN FILL

- A. The placement of the earthen fill requires special inspection.
- B. The inspector shall be the design engineer or a qualified soil analyst working under his direction.
- C. The Inspector's records and log during earthen fill placement shall include:
 - 1. One set of construction plans and specifications.
 - 2. Log shall indicate date and time of inspection, tests conducted and results.
- D. Daily check for frozen soil, before May 31 and after September 1.
ASTM D4083 Description of Frozen Soils (Visual-Manual Procedure).
- E. Daily check density, moisture content and classification of fill material. There shall be a minimum of 4 density tests.

ASTM D2488 Visual-Manual Procedure, Description and Identification of Soils.
ASTM D4643 Determination of Water Content by Microwave Oven Method.
ASTM D3017 Moisture content of Soil by Nuclear Methods (shallow depth).
ASTM D2922 Density of Soil by Nuclear Methods (shallow depth).
ASTM D1556 Density and Unit Weight of Soil by Sand-Cone Method.
ASTM D2937 Density of Soil by the Drive-Cylinder Method.

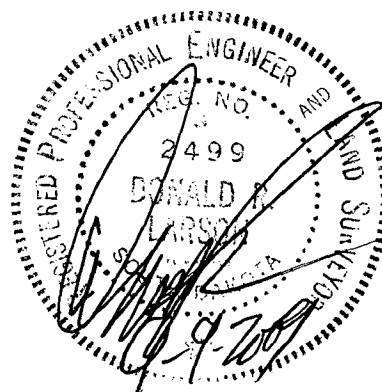
- F. Advance field or laboratory tests shall determine Atterberg Limits and Standard Proctor Density. Minimum of one set for each soil type used in earthen fill. Minimum of one set per 5,000 cyds of earthen fill. Save 1 lb portion of samples in clear bottle for identification and use by field inspector.

ASTM D4318 Standard Test Method for LL, PL and PI (Atterberg Limits).
ASTM D2487 Classification of Soils for Engineering Purposes (USCS).
ASTM K2488 Visual-Manual Procedure, Description and Identification Soils.
ASTM D4643 Determination of Water Content by Microwave Oven Method.
ASTM D3017 Moisture content of Soil by Nuclear Methods (shallow depth).
ASTM D5080 Rapid Determination of Percent Compaction (in field use).
ASTM D698 Laboratory Compaction of Soil (Standard Proctor Test).



02100 EARTHWORK

- A. This section applies to earthwork for embankments.
- B. Remove 1' of top soil under embankments. Save top soil for finish grading.
- C. Fill shall be native material, without organic matter. Fill for embankments shall be compacted to 95% of maximum standard density.
- D. Finish grading on all areas to be planted to grass, including the top and outside slopes of embankments. Disk and smooth soil for planting.
- E. Pollution Control: No water which transports sediment resulting from earth moving, demolition or other construction activities shall be permitted to discharge into waters of the State of South Dakota or beyond the construction limits of the project. The Contractor shall install diversions, silt fences and settling ponds as necessary to control erosion and sediment transport.



Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Marvin Piotter

ADDRESS: XXXXXXXXXXXXXXXXXX COUNTY: Roberts

DATE: September 18, 2009 TELEPHONE: XXXXXXX

RE: P&S

I talked to Dan Larson from Larson Engineering (605-432-4069) today about the P&S for Water Permit Application No. 7158-3. I told him it looked like they did not have the correct spillway capacity design for this dam, especially since it has a drainage area of almost 10 square miles. They need a minimum peak event of about 450 cfs and they only used 245 cfs. He said he would look at the spillway design again. We also discussed if any flood easements were needed, he mentioned he thought Mr. Piotter had some kind of agreement and would check into that for us. I also asked about the Corps of Engineers application and he would check that also, but he thought the Piotter had already sent that application in to the COE. Also discussed the dam's storage capacity and the amount of water claimed on the application, it should be 83.7 acre-feet.

A handwritten signature in black ink, appearing to read "Timothy G. Schaal", written over a horizontal line.

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

RECEIVED

SEP 29 2009

**WATER RIGHTS
PROGRAM**

DAM RECONSTRUCTION PROJECT

CHANGE AND MODIFICATION OF SPILLWAY

located in

**S ½ S ½ NW ¼ SECTION 13,
TOWNSHIP 126 NORTH,
RANGE 50 WEST OF THE 5TH P.M.,
ROBERTS COUNTY, SOUTH DAKOTA**

for

**Marvin Piotter
11651 468th Avenue
Sisseton, SD 57262**

September 23, 2009

**LARSON ENGINEERING
803 S DAKOTA STREET
MILBANK, SD 57252
PHONE: 605-432-4069**

MODIFICATIONS TO EXISTING SPILLWAY DESIGN

September 23, 2009

The design rainfall was changed to 4.5 inches, a 25 year/24 hour event.

The secondary spillway was modified to 60 feet with a bottom elevation of 1052.0.

MODIFICATIONS TO FORMS

SD EForm - 1585 V3

Form 2A – Supplemental Information

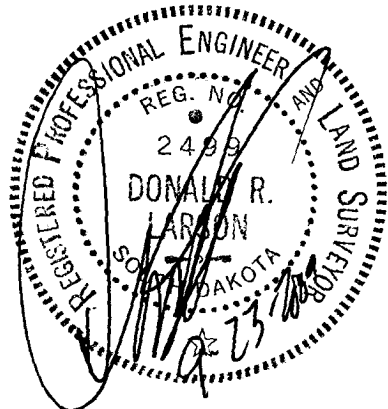
e) Primary Outlet Capacity 34.94 cfs

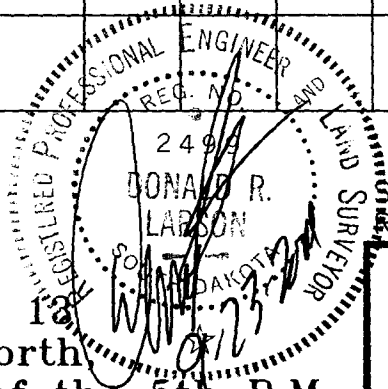
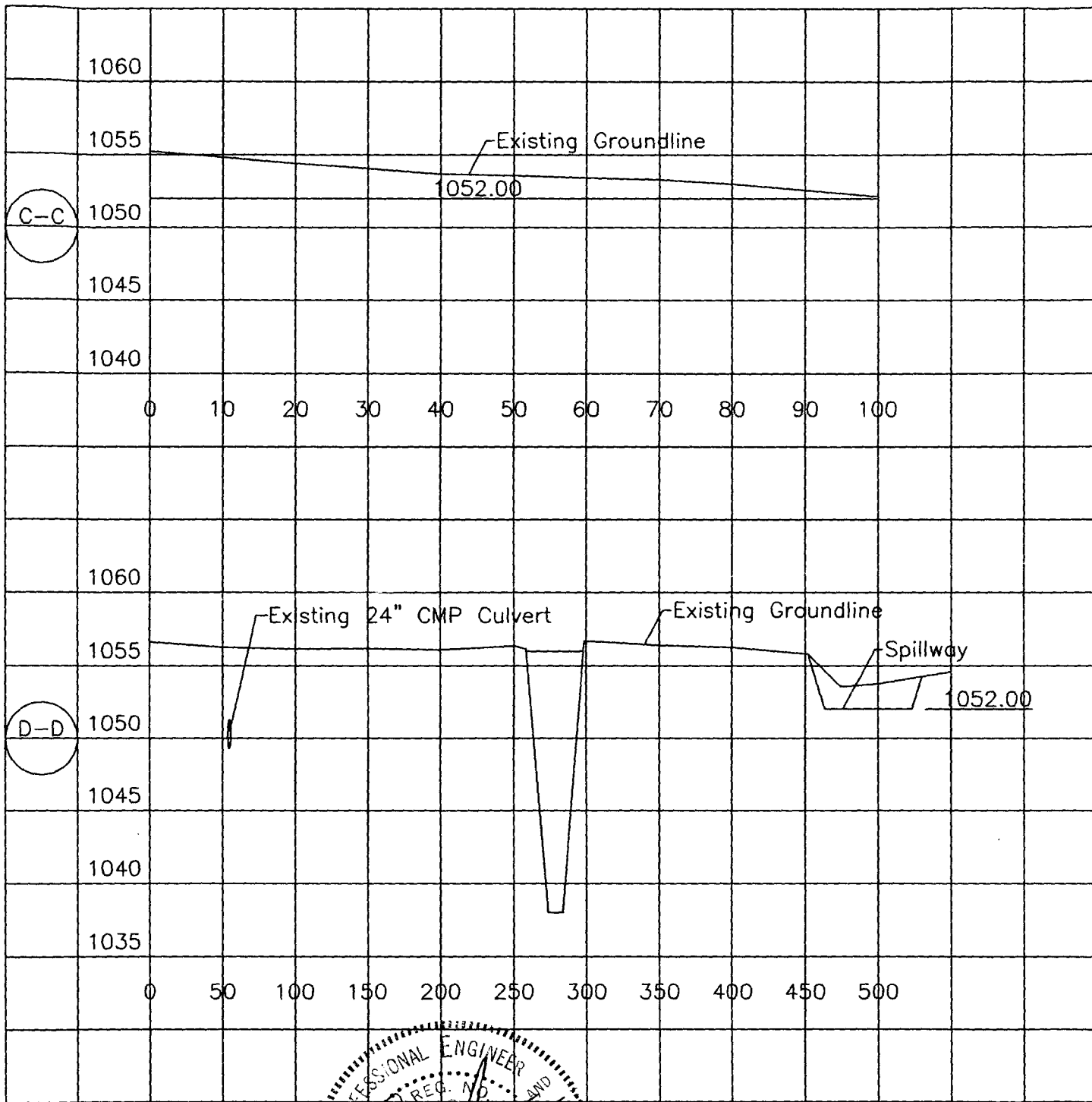
f) Secondary Spillway Capacity 996.03 cfs

Spillway Width 60'

SD EForm – 0459 V2

(7) e) Spillway width 60'





Cross Sections
 Marvin Plotter
 NW 1/4, Section 18
 Township 126 North
 Range 50 West of the 5th P.M.,
 Roberts County, South Dakota

September 9, 2009
 Revised September 23, 2009

LARSON ENGINEERING

803 South Dakota Street Millbank, South Dakota 57252
 605-432-4069

Plotter 2

Prepared by Larson Engineering

HydroCAD® 8.50 s/n 005941 © 2007 HydroCAD Software Solutions LLC

Type II 24-hr Rainfall=4.50"

Printed 9/23/2009

Summary for Pond 4P: Lake

Inflow Area = 6,385.000 ac, 0.00% Impervious, Inflow Depth = 1.60"
 Inflow = 1,063.16 cfs @ 17.30 hrs, Volume= 852.608 af
 Outflow = 1,031.16 cfs @ 18.18 hrs, Volume= 760.906 af, Atten= 3%, Lag= 52.6 min
 Primary = 1,031.16 cfs @ 18.18 hrs, Volume= 760.906 af

Routing by Stor-Ind method, Time Span= 0.00-72.00 hrs, dt= 0.02 hrs / 3
 Peak Elev= 1,055.42' @ 18.18 hrs Surf.Area= 20.036 ac Storage= 162.676 af

Plug-Flow detention time= 194.1 min calculated for 760.906 af (89% of inflow)
 Center-of-Mass det. time= 122.2 min (1,349.7 - 1,227.6)

Volume	Invert	Avail.Storage	Storage Description
#1	1,040.00'	174.544 af	Custom Stage Data (Irregular) Listed below (Recalc)

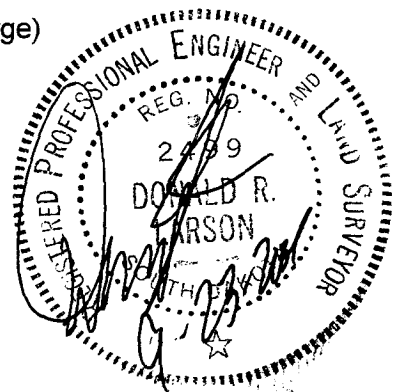
Elevation (feet)	Surf.Area (acres)	Perim. (feet)	Inc.Store (acre-feet)	Cum.Store (acre-feet)	Wet.Area (acres)
1,040.00	0.420	552.0	0.000	0.000	0.420
1,041.00	1.520	1,461.0	0.913	0.913	3.763
1,042.00	2.650	2,245.0	2.059	2.972	9.071
1,043.00	4.160	3,212.0	3.377	6.349	18.711
1,044.00	5.730	3,790.0	4.924	11.273	26.105
1,045.00	6.930	4,446.0	6.320	17.593	35.976
1,046.00	8.200	4,929.0	7.556	25.149	44.249
1,047.00	9.610	5,110.0	8.896	34.045	47.570
1,048.00	10.900	5,454.0	10.248	44.293	54.210
1,049.00	12.300	5,692.0	11.593	55.886	59.058
1,050.00	13.960	6,083.0	13.121	69.008	67.470
1,051.00	15.430	6,350.0	14.689	83.696	73.536
1,052.00	16.710	6,389.0	16.066	99.762	74.455
1,053.00	17.760	6,479.0	17.232	116.995	76.576
1,054.00	18.730	6,624.0	18.243	135.237	80.050
1,055.00	19.660	6,707.0	19.193	154.430	82.077
1,056.00	20.570	6,785.0	20.113	174.544	84.006

Device	Routing	Invert	Outlet Devices
#1	Primary	1,051.00'	24.0" x 52.6' long Culvert RCP, groove end projecting, Ke= 0.200 Outlet Invert= 1,047.00' S= 0.0760 ' /' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior
#2	Primary	1,052.00'	60.0' long Broad-Crested Rectangular Weir Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.68 2.70 2.70 2.64 2.63 2.64 2.64 2.63

Primary OutFlow Max=1,030.97 cfs @ 18.18 hrs HW=1,055.42' (Free Discharge)

1=Culvert (Inlet Controls 34.94 cfs @ 11.12 fps)

2=Broad-Crested Rectangular Weir (Weir Controls 996.03 cfs @ 4.86 fps)



Piotter 2

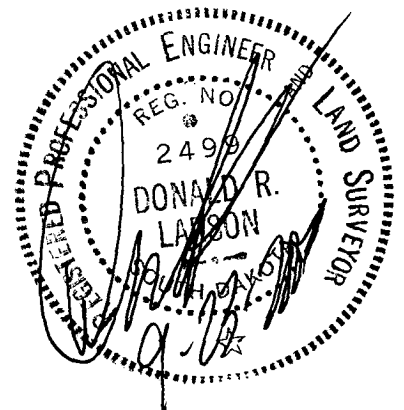
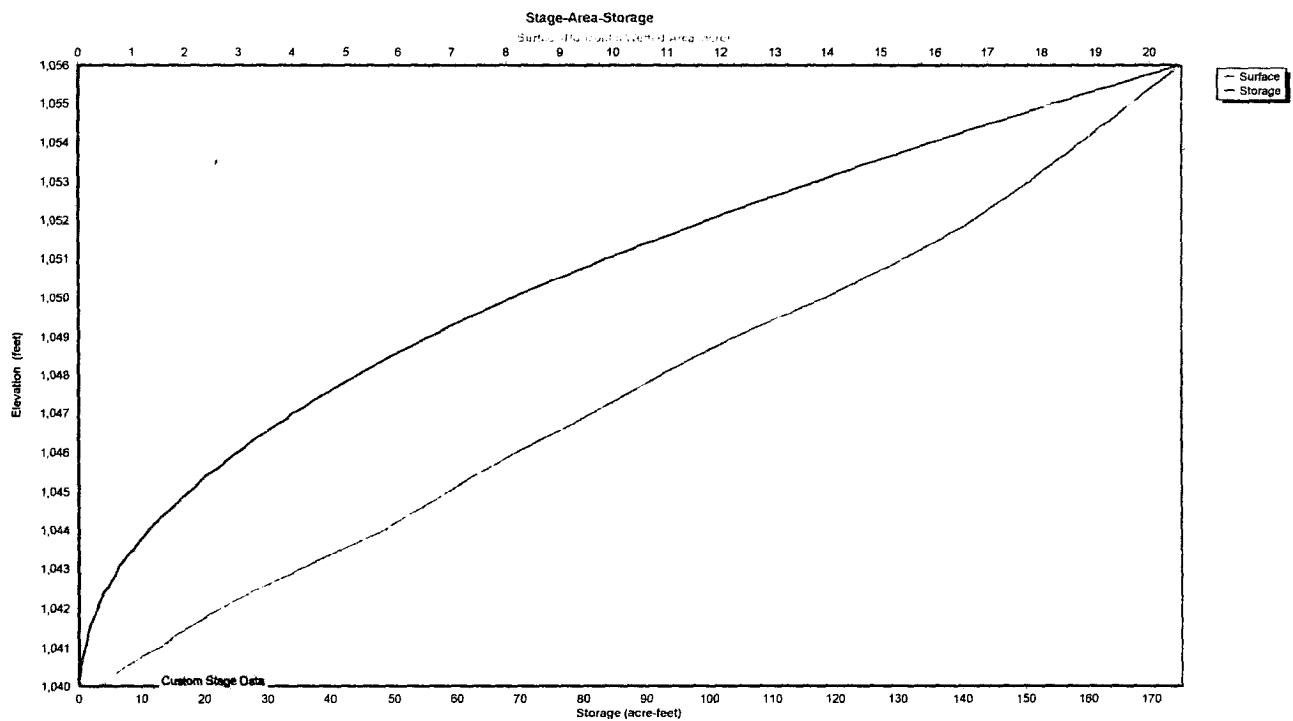
Prepared by Larson Engineering

HydroCAD® 8.50 s/n 005941 © 2007 HydroCAD Software Solutions LLC

Type II 24-hr Rainfall=4.50"

Printed 9/23/2009

Pond 4P: Lake



Piotter 2

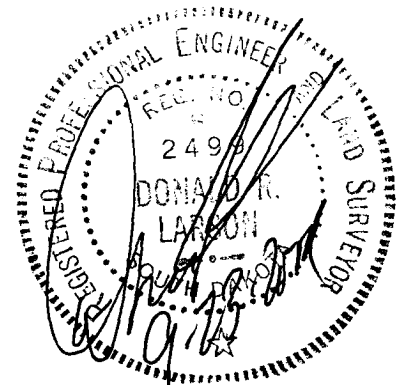
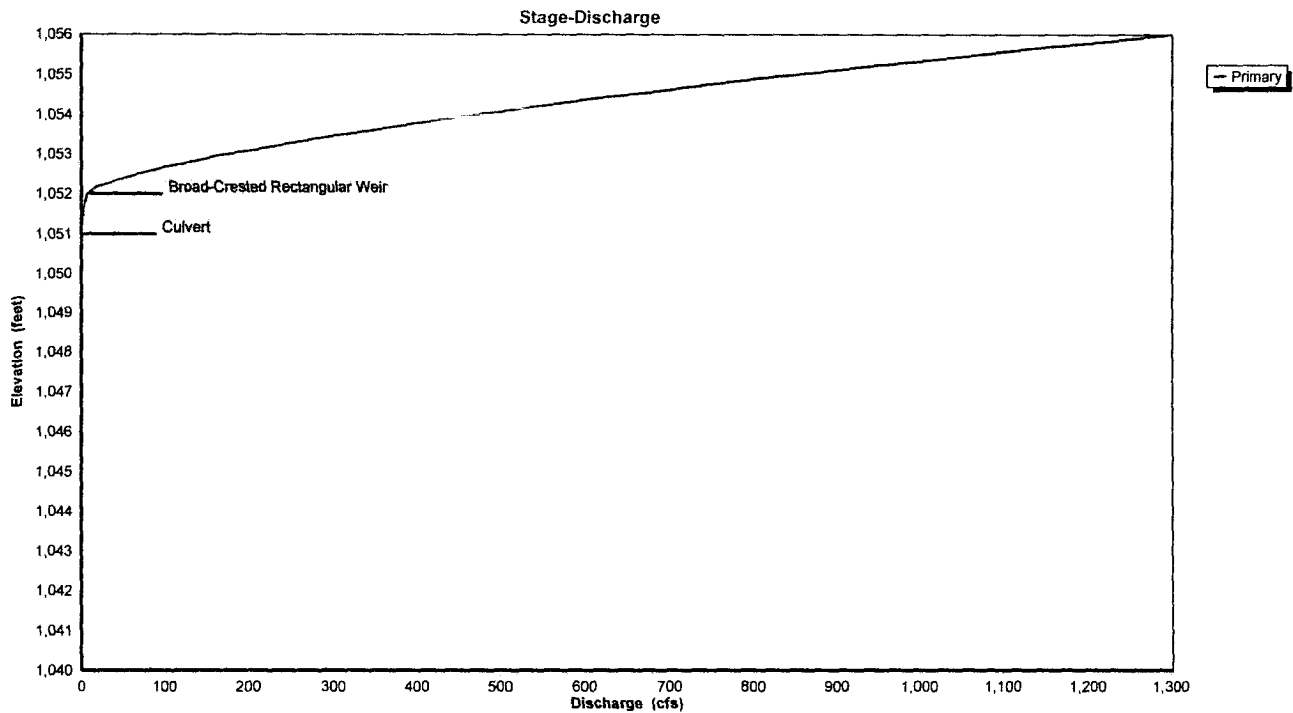
Prepared by Larson Engineering

HydroCAD® 8.50 s/n 005941 © 2007 HydroCAD Software Solutions LLC

Type II 24-hr Rainfall=4.50"

Printed 9/23/2009

Pond 4P: Lake



Water Permit Application No. 7158-3
Marvin Piottler

Top of Dam Elev. - 1056
2nd Spillway Elev. - 1052
P. Spillway Elev. - 1051
OIS Emb. Toe Elev. - 1039

Cat. 3 - Low Hazard Dam

Ht. = 17 ft.

Normal Storage Capacity - 83.7 A.-Ft
Int. Storage Capacity - 100
Max. Storage Capacity - 175

Int. Capacity x Eff Ht. = $100 \times 15 = 1500 < 3000 \therefore 25 \text{ yr}$
Minimum Spillway Design

From USGS WRI 98-4055 "Tech. for Est. Peak Flows ... in 50"
Region A $DA = 6385 \text{ A} = 9.97 \text{ mi}^2$ $P_{II} = 0.9$

$$Q_{95} = 218 CA^{.513} P_{II}^{4.80}$$

$$= 218 (9.97)^{.513} (0.9)^{4.80}$$

$$= 218 (3.2533)(0.6031)$$

$$= \underline{430 \text{ cfs}}$$

$$Q_{100} = 362 CA^{.521} P_{II}^{4.47}$$

$$= 362 (9.97)^{.521} (0.9)^{4.47}$$

$$= 362 (3.3138)(.6244)$$

$$= \underline{750 \text{ cfs}}$$

Secondary Spillway Capacity

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

$$C = 2.6$$

$$L = 60$$

$$H = 4$$

$$= (2.6)(60)(4)^{1.5}$$

$$= \underline{1250 \text{ cfs}}$$

Larson Engineering used HydroCAD Software to route a
Q₉₅ event with a Type II 24hr Rainfall of 4.5 in through
the 24 in. primary spillway & 60 ft Secondary Spillway
with a peak inflow of 1063 cfs and peak Res Elev of 1055.42 OK

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 - OK
9. EPP - N/A Cat. 3 - OK

NRCS Annual Yield

$$DA = 6385 \text{ CN} = 72 \text{ ISO} = 2\frac{1}{2}$$

$$60\% \text{ chance} = 0.11$$

$$0.11 \times 6385/12 = \underline{59 \text{ A.-Ft}}$$

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

$$0.33 \times 6385/12 = \underline{175 \text{ A.-Ft}}$$

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

$$1.8 \times 6385/12 = \underline{960 \text{ A.-Ft}}$$



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7158-3, Marvin Piotter**

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. 7158-3, Marvin Piotter, 11651 468th Avenue, Sisseton SD 57262.

The Chief Engineer is recommending APPROVAL of Application No. 7158-3 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. 7158-3 authorizes a dam with a storage capacity of 83.7 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.

A handwritten signature in black ink, reading "Garland Erbele".

Garland Erbele, Chief Engineer
September 30, 2009

REPORT ON
WATER PERMIT APPLICATION No. 7158-3
Marvin Piotter
September 29, 2009

Water Permit Application No. 7158-3 has been filed by Marvin Piotter to impound 83.7 acre-feet of water from runoff by reconstructing an existing dam located in the SE ¼ NW ¼ Section 13-T126N-R50W, in Roberts County. The application also requests impoundment of sufficient water to maintain water to the outlet elevation of 1051 feet mean sea level. 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 Larson 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. 7158-3 is approved.

The dam will be 17 feet high with a normal storage capacity of 83.7 acre-feet with a reservoir level at the primary spillway elevation, and a maximum storage capacity of 175 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 6385 acres or 9.97 square miles. The dam is designed to have a 24 inch diameter CMP primary spillway with 5 feet of freeboard, and a 60 foot wide earthcut secondary spillway with 4.0 feet of freeboard. A 25 year frequency event produces a peak runoff of approximately 430 cfs and a 100 year frequency event produces a peak runoff of approximately 750 cfs. The earthcut spillway will have a capacity of approximately 1250 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 59 acre-feet. The annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 175 acre-feet and the annual yield with a 10 percent chance, or 1 out of 10 years, is expected to be 960 acre-feet.

The Piotter Dam will be located in the SE ¼ NW ¼ of Section 13-T126N-R50W on Jim Creek, about three miles upstream of the confluence of Jim Creek and Lake Traverse. There are no existing Water Permits/Rights filed on Jim Creek between the proposed dam and Lake Traverse.

Conclusions:

1. Water Permit Application No. 7158-3 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. 7158-3.



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

Water Rights Program - File Documentation

NAME: Connie Piotter

ADDRESS: Sisseton SD

DATE: 10-2-09 **COUNTY:** RB **TELEPHONE:**

RE: Publication notice

COMMENTS:

Connis Piotter called wondering if their notice could be published next week instead of a week later.

Mary with the Sisseton Courier called and said she had time to get the notice in next week's paper. I emailed her the text to be published October 6 and 13 with the petition date changed to October 26, 2009.



Karen Schlaak
Environmental Scientist

WATER RIGHTS PROGRAM

(Oct. 6-13 -- 2 wks)



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October 1, 2009

Sisseton Courier
PO Box 169
Sisseton SD 57262

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7158-3 to Appropriate Water to be published twice. Please publish the first notice on October 13, 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 Marvin Piotter, 11651 468th Ave., Sisseton SD 57262 (Ph # 605-694-2738).

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. 7158-3

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

Date _____

We are in receipt of your letter of October 1, 2009 enclosing Notice to Appropriate Water by Application No. 7158-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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denr.sd.gov

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

October 1, 2009

Marvin Piotter
11651 468th Ave
Sisseton SD 57262

Dear Mr. Piotter:

Water Permit Application No. 7158-3 for domestic 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 Sisseton Courier printed at Sisseton SD (Ph # 605-698-7642). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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 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.

Instruction to Newspaper - Publish first Notice on October 13, 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. 7158-3 to Appropriate Water

Notice is given that Marvin Piotter, 11651 468th Ave, Sisseton SD 57262 has filed an application for a water permit to impound 83.7 acre-feet of water from runoff by repairing an existing dam located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13 with water impounded in the S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13; E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 14; all in T126N-R50W. This application requests impoundment of sufficient water to maintain water to the outlet elevation of 1,051.0 feet mean sea level. 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. 7158-3 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 November 2, 2009.

Oct 26, 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.

Published twice at the total approximate cost of _____.



NOV 04 2009

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Marvin Piotter
11651 468th Ave
Sisseton SD 57262

Dear Mr. Piotter:

Enclosed is Water Permit No. 7158-3 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. 7158-3
Minnesota - Whetstone - Water District

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

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

I have this day, November 20, 2013, made a thorough examination of the water use system constructed by Marvin Piotter of 11651, 468th Ave., Sisseton, SD 57262 holder of Permit No. 7158-3, bearing the priority of July 21, 2009 authorizing the storage of 83.7 acre-feet of the waters of runoff for fish & wildlife propagation and livestock water purposes, in Roberts County.

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

A. Works used to divert the water:

A 17 foot high earthen dam with a normal storage capacity of 83.7 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 17 foot high earthen dam with a normal storage capacity of 83.7 acre-feet of water.

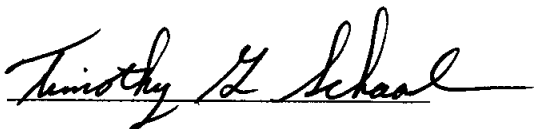
The system is in the following condition good. The point of diversion is located 2250 ft. south & 2000 ft. east of the NW corner of Sec. 13-T126N-R50W, SE ¼ NW ¼ (Lat. 45.69668 Long. -96.86740). The works are capable of storing 83.7 acre-feet of water which is to be used for fish & wildlife propagation and livestock water. Water has been put to beneficial use to the maximum extent as follows:

A 17 foot high earthen dam with a normal storage capacity of 83.7 acre-feet of water.

and the license should be issued for 83.7 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: January 14, 2014



Timothy G. Schaal, P.E.
Engineer IV
SD DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 7138-3

DATE OF INSPECTION: November 20, 2013

NAME & ADDRESS OF PERMIT HOLDER: Marvin Piotter, 11651 468th Ave., Sisseton SD 57262

DIVERSION POINT LEGAL LOCATION: 2250 ft. south & 2000 ft. east of the NW corner of Sec. 13-T126N-R50W, SE ¼ NW ¼ (Lat. 45.69668 Long. -96.86740).

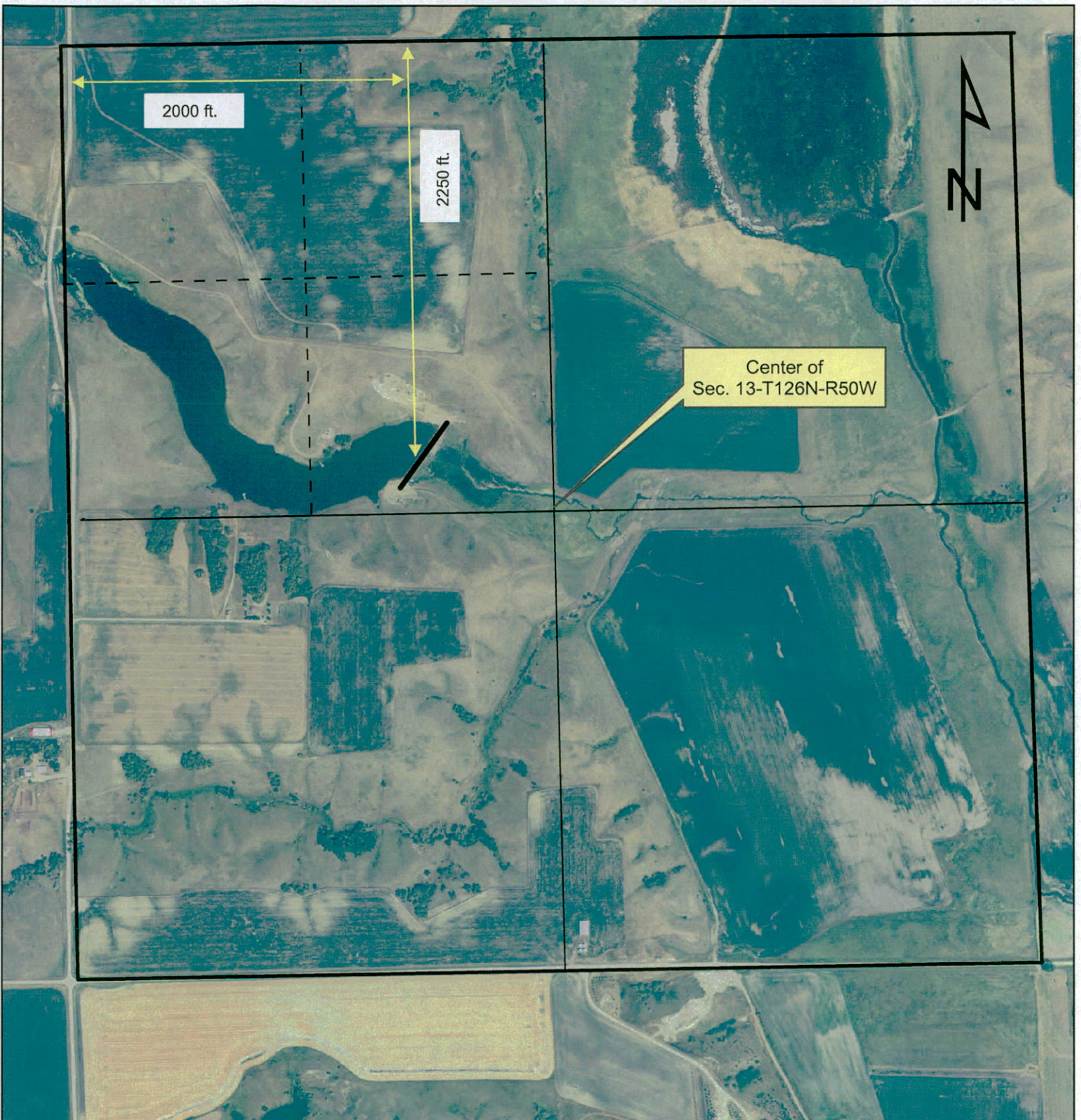
DAM INFORMATION:

- 1) Height to crest 17 feet
- 2) Height to primary spillway 12 feet
- 3) Height to secondary spillway 13 feet
- 4) Crest width 14 feet
- 5) Crest length 400 feet
- 6) Spillway length XXX feet
- 7) Spillway width 60 feet
- 8) Approx. storage (Normal) 83.7 acre-feet
- 9) Approx. storage (Maximum) 175 acre-feet
- 10) Date constructed: 2009

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. 7158-3



0 0.25 0.5 1 Miles



Timothy G. Schaal

Timothy G. Schaal, P.E.
Engineer IV
SD DENR, Water Rights Program

1/14/14



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JAN 29 2014

7158-3

Marvin Piotter
11651 468th Ave
Sisseton SD 57262

Dear Mr. Piotter:

Enclosed is Water License No. 7158-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7158-3

(1) Marvin Piotter, 11651 468th Ave., Sisseton SD 57262 made Application No. 7158-3, July 21, 2009 for a water permit to impound 83.7 acre feet of water from runoff in a dam located in Roberts County, South Dakota and used for fish & wildlife propagation and domestic livestock water purposes. Permit No. 7158-3, with a priority date of July 21, 2009 was approved October 26, 2009 and issued to the applicant for impoundment of water with construction of the storage dam to be completed on or before October 26, 2014 and the application to beneficial use of water on or before October 26, 2018.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the storage dam and is entitled to impound 83.7 acre feet of water beneficial use with sufficient water annually to maintain the water level to the outlet elevation of 1,051.0 feet mean sea level.

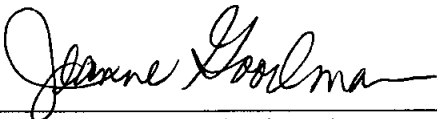
The location of the storage dam (spillway) is 2,250 feet south and 2,000 feet east of the NW corner of Section 13, T126N, R50W (SE ¼ NW ¼). Water is impounded in NW ¼ Section 13 and the E ½ NE ¼ Section 14, T126N, R50W.

(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 Marvin Piotter, 11651 468th Ave., Sisseton SD 57262 the holder and/or owner of Water Right No. 7158-3 is issued a license to impound 83.7 acre feet water from runoff in a storage dam with a priority date of July 21, 2009 from the location specified in (2) of this license. The water is used for fish and wildlife propagation and domestic livestock watering.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7158-3 and subject to the following qualifications:

- Water Right No. 7158-3 authorizes a dam with storage capacity of 83.7 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.



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

JAN 29 2014

date

