

WATER PERMIT NO. 8658-3

Name of Applicant: **Randy Barondeau**

Address: **701 1st Ave, Frederick SD 57441**

Phone: **605 290-5256**

Amount of Water Claimed: **43.3 AF**

Total Acres: **NA**

Source of Water Supply: **runoff**

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

County: **Faulk**

Type of Waste Disposal System:

Location: **4 1/2 miles southeast of Onaka SD**

PRIORITY

Date Received: **8-22-22**

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

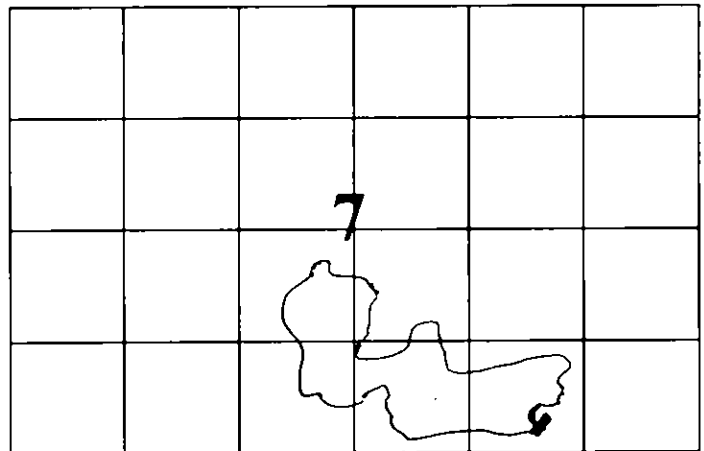
Corrected Application Received:

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

Remarks:

Diversion Point: **SE 1/4 SE 1/4 Sec 7-T119N-R71W**

Water Impounded: **E 1/2 SW 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4 Sec 7-T119N-R71W**



Depth of Well: **na**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **8-22-22**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8657-3**

Date of first receipt of application August 22, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8657-3 to Randy Barondeau, 701 1st Ave, Frederick SD 57441 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8657-3 authorizes impoundment of 83.4 acre-feet of water from runoff by constructing a dam located in the NE 1/4 SE 1/4 Section 15 in a wetland basin with water impounded in the S 1/2 NE 1/4, SE 1/4 Section 15; all T119N-R71W. This permit authorizes impoundment of sufficient water annually to maintain water to the outlet elevation. This site is located approximately 7 miles southeast of Onaka SD.
2. The water appropriated shall be used for the purpose of fish & wildlife propagation and livestock watering 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. 8657-3 is November 28, 2022.
5. The date from which applicant may claim right is August 22, 2022.
6. One-fifth of the construction is to be completed on or before May 28, 2025.
7. All construction is to be completed on or before November 28, 2027.
8. Water is to be put to beneficial use on or before November 28, 2031.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

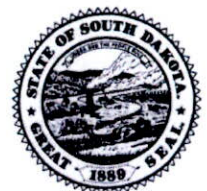
QUALIFICATIONS

1. Water Permit No. 8657-3 authorizes storage of up to 83.4 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: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 08 2022
date



SD EForm - 1585LD V5
FORM 2: Application for uses other than irrigation
(type or print)

PAID

AUG 22 2022

Ck# 4243

Rec't#

RECEIVED

AUG 22 2022

OFFICE OF
WATER

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8658-3</u> (office use only) Hydrologic Unit <u>10160007</u>
	Basin <u>James River</u>
	Newspaper <u>Faulk County Record</u>
	<u>American News</u>

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

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☒ Fish & Wildlife	☐ Geothermal
☐ Domestic (over 18 gpm)	☐ Industrial	☒ Other Livestock Water	

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.)

1. Name to Appear on Water Permit Randy Barondeau

Mailing Address 701 1st Ave Frederick SD 57441
(Address) (City) (State) (Zip Code)

Phone _____ Mobile 605-290-5256 Email _____

2. Amount of water claimed _____ *CFS or _____ **GPM and 43.3 ***AF or _____ Gallons
Flow rate and volume are both required (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply Runoff/snowmelt

4. Location of point of diversion Dry run in SE 1/4 Sec. 7-T119N-R71W (SE 1/4 SE 1/4) County Faulk
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No

If "Yes," where will water be used? Water Impounded: E 1/2 SW 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4
(example - NW 1/4 section 12-T104N-R53W)

5. County or counties where water will be used Faulk Sec 7-T119N-R71W

6. Annual period during which water is to be used Year-round Jan 1 - Dec 31

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

A small earthen dam is proposed to be built across a dry run to increase water depth and size of two existing wetland basins. Current size of wetlands is about 41.2 surface acres typically ponding a few feet of water until late summer when much of the wetlands dry out. Construction of the dam would add 1 foot of water to the existing wetlands and add 13.6 surface acres inundated at spillway elevation and prolong the length of time water is available to livestock and wildlife during summer and fall months. Height of dam would be 2 feet, including 1 foot of freeboard. The spillway would be a grassed overflow area 80 feet wide flowing around either side of the dam. Overflowing water would return to the dry run.

I, Randy Barondeau, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

2015-10

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

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many _____ Have test holes been drilled ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

For either Existing or Proposed Wells:

c) Well Depth (required) _____ Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest domestic well on applicant's property _____ 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:

Randy Meidinger
Regional Biologist - Ducks Unlimited, Inc.
34697 107th Street
Long Lake, SD 57457
605-380-0380

b) Freeboard _____ 1.0 foot

c) Crest Width _____ 40 feet

Crest Length _____ 165 feet

d) Height _____ 2.0 feet

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity 135 cfs - flow rate

Spillway Width 80 feet

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

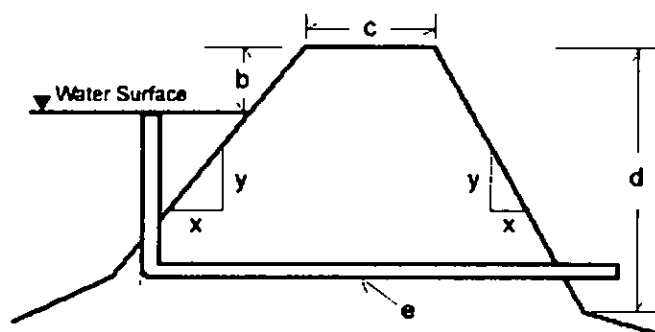
Upstream 5:1

Downstream 10:1

h) Surface Area of Impoundment 54.8

i) Storage 43.3 Acre Feet

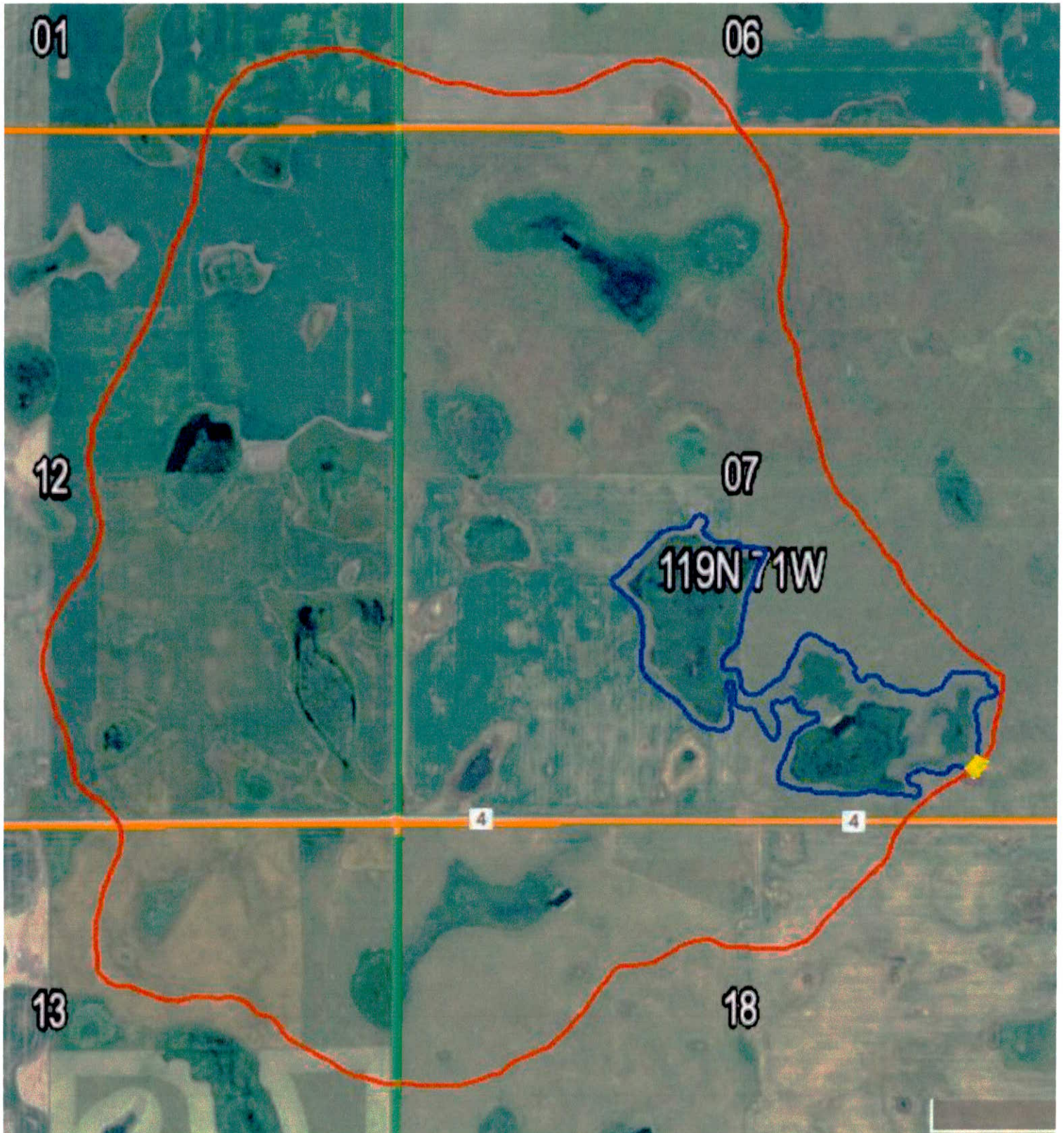
j) Drainage Area Above Dam 920 Acres



Proposed dam in SE¼ of Section 7, T119N, R71W, Faulk County, SD

Drainage area above dam = 920 acres (red outline)

FSL Wetland surface acres = 54.8 acres (blue outline)



Proposed dam in SE¼ of Section 7, T119N, R71W, Faulk County, SD

FSL Wetland surface acres = 54.8 ac

Top of dam wetland surface acres = 67.7 ac

FSL Wetland storage = 43.3 ac-ft

Top of dam storage = 90.9 ac-ft

Drainage area above dam = 920 ac

Dam dimensions: 165' Long x 40' Wide x 2' High (Height includes 1' freeboard/headspace above spillway elevation)

Spillway: 80 wide, flow rate 135 c.f.s.





U.S. Department of Agriculture
Natural Resources Conservation Service

EARTHWORK COMPUTATION SHEET SD-ENG-32

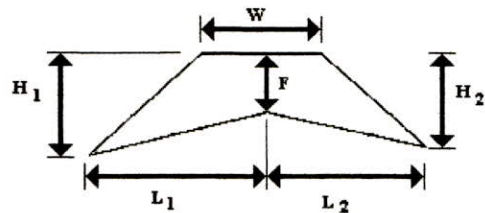
11/99 Rev
Sheet 1 of 4

Owner: **R. Barondeau**
Practice: **DITCH PLUG**
Legal Description: **SE1/4 7, T119N, R71W**
L1 (ss) = **5** L2(ss) = **10**

County: **Faulk**
Computations By: **Meidinger**
Checked By: _____

Field Office: **SD**
Date: **01-Aug-22**
Date: _____

STATION	F	L ₁	L ₂	PRODUCT	W	H ₁	H ₂	PRODUCT	END-AREA	END-AREA SUMS	STATION DISTANCE	VOLUME PRODUCT
0+00	0.0	5.0	5.0	0.0	40	0.0	0.0	0.0	0.0	XXXXXXX	XXXXXXX	XXXXXXX
0+03	1.1	25.5	32.0	31.6	40	1.1	1.2	23.0	54.6	54.6	3	163.9
0+20	1.4	27.0	35.0	43.4	40	1.4	1.5	29.0	72.4	127.0	17	2,159.4
0+40	1.6	28.0	37.0	52.0	40	1.6	1.7	33.0	85.0	157.4	20	3,148.0
0+60	2.0	30.0	41.0	71.0	40	2.0	2.1	41.0	112.0	197.0	20	3,940.0
0+80	1.8	29.0	39.0	61.2	40	1.8	1.9	37.0	98.2	210.2	20	4,204.0
1+00	1.6	28.0	37.0	52.0	40	1.6	1.7	33.0	85.0	183.2	20	3,664.0
1+20	1.4	27.0	35.0	43.4	40	1.4	1.5	29.0	72.4	157.4	20	3,148.0
1+40	1.3	26.5	34.0	39.3	40	1.3	1.4	27.0	66.3	138.7	20	2,774.5
1+62	1.1	25.5	32.0	31.6	40	1.1	1.2	23.0	54.6	121.0	22	2,660.9
1+65	0.0	20.0	20.0	0.0	40	0.0	0.0	0.0	0.0	54.6	3	163.9



POND FILL (yd³) = **482.0**

OVER-FILL @ 10% SHRINKAGE (yd³) = **48.2**

POND STRIPPING (yd³) = **192.7**

POND CUT (yd³) = **0.0**

CORE TRENCH (yd³) =

TOTAL EXCAVATION (yd³) = **0.0**

TOTAL FILL (yd³) = **722.9**

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date August 22, 2022

RECEIVED OF Randy/Janelle Barondeau 701 1st Ave., Frederick SD 57441

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

Fee for Application for Permit No. <u>8658-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>500.00</u>
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>8658-3</u>	\$ <u>200.00</u>
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL.	\$ <u>700.00</u>

By Eric Bronlund
Chief Engineer
Em



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8658-3, Randy Barondeau**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8658-3, Randy Barondeau, 701 1st Avenue, Frederick SD 57441.

The Chief Engineer is recommending APPROVAL of Application No. 8658-3 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. Water Permit No. 8658-3 authorizes storage of up to 43.3 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. Low flows as needed for downstream domestic use, including livestock water must be by-passed.

See report on application for additional information.

Eric Gronlund, Chief Engineer
October 20, 2022

REPORT ON WATER PERMIT APPLICATION NO. 8658-3
RANDY BARONDEAU
October 18th, 2022

Application No. 8658-3 proposes to impound 43.3 acre-feet of water from runoff by constructing a dam located in the SE 1/4 SE 1/4 Section 7 in a wetland basin with water impounded in the E 1/2 SW 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 7; all T119N-R71W. This application, if approved, will authorize impoundment of sufficient water annually to maintain water to the outlet elevation. The water is for fish & wildlife propagation and livestock watering. This site is located approximately 4 1/2 miles southeast of Onaka SD in Faulk County.

South Dakota Codified Law SDCL 46-2A-2 directs the Chief Engineer to make a recommendation to the Water Management Board on a permit application. The Chief Engineer needs to consider four criteria in making a recommendation on whether a permit should be approved, approved with qualifications, denied, or deferred. They are: 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 domestic water uses and water rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board. This report will analyze the available information to make a recommendation to the Chief Engineer on the first two criteria the Chief Engineer needs to consider in making an official recommendation to the Water Management Board.

Review of the Proposed Project

The applicant proposes construct a small dam across the outlet of a wetland to increase storage in the wetland by up to 43.3 ac-ft annually by impounding runoff from a 1,281.4 acres watershed. The proposed use is for fish & wildlife propagation and livestock watering. Due to the size of dam structure, dam safety regulations requiring submittal of plans and specifications do not apply.

A watershed yield analysis was made for runoff from the watershed located upstream into the wetland. The analysis estimated the drainage area above the wetland to be 1,281.4 acres and had a potential annual yield with an 80% chance of occurrence, or 4 out of 5 years, of yielding 10.4 acre-feet annually. At a 50% chance of occurrence or, 1 out of 2 years of yielding 31.0 acre-feet annually. At a 20% chance of occurrence or, 1 out of 5 years of yielding 93.9 acre-feet annually (USDA-NRCS, 2009). The watershed has the potential to provide runoff to the wetland to supply the expanded wetland, but there may not be sufficient runoff to fill it in years of normal to drier climatic conditions.

Review of Existing Water Rights

There are no existing water rights/permit appropriating water from the watershed located downstream from the wetland (Water Rights. 2022).

Conclusions

1. This application proposes to construct a small dam across the outlet of a wetland to increase the storage of runoff in the wetland by up to 43.3 ac-ft annually for fish & wildlife propagation and livestock watering.
2. A watershed yield analysis estimated a potential annual yield with an 80% chance of occurrence of 10.4 acre-feet annually, at a 50% chance of occurrence of 31.0 acre-feet annually and at a 20% chance of occurrence of 93.9 acre-feet annually.
3. The watershed has the potential to provide runoff to the wetland to supply the expanded wetland, but there may not be sufficient runoff to fill it in years of normal to drier climatic conditions.
4. There are no existing water rights/permits appropriating water from the watershed located downstream from the wetland.



Tyler Jensen
Natural Resources Engineer I

Reviewed by:



Mark D. Rath
Natural Resources Engineer III

References

1. USDA-NRCS. 2009. National Engineering Handbook Part 630 Hydrology - South Dakota Engineering Field Manual - Watershed Yield.
2. Water Rights. 2022. Water Right/Permit Files. SD DANR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

RECEIVED

NOV 21 2022

OFFICE OF
WATER

No. 209, Nov. 16, 2022

**NOTICE OF APPLICATION
NOS. 8657-3 and 8658-3 to
Appropriate Water**

Notice is given that Randy Baron-deau, 701 1st Ave, Frederick SD 57441 has filed the following applications for a water permit. Application No. 8657-3 proposes to impound 83.4 acre-feet of water from runoff by constructing a dam located in the NE 1/4 SE 1/4 Section 15 in a wetland basin with water impounded in the S 1/2 NE 1/4, SE 1/4 Section 15; all T119N-R71W. This application, if approved, will authorize impoundment of sufficient water annually to maintain water to the outlet elevation. The water is for fish & wildlife propagation and livestock watering. This site is located approximately 7 miles southeast of Onaka SD.

Application No. 8658-3 proposes to impound 43.3 acre feet of water from runoff by construction a dam located in the SE 1/4 SE 1/4 Section 7 in a wetland basin with water impounded in the E 1/2 SW 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 7; all in T119N-R71W. This application, if approved, will authorize impoundment of sufficient water annually to maintain water to the outlet elevation. The water is for fish & wildlife propagation and livestock watering. This site is located approximately 4.5 miles southeast of Onaka SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8657-3 and 8658-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendations with qualifications, the applications, and staff reports are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing the applications or recommendations shall allege that the applications, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the applications, or other matter concerning the applications within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the applications with BOTH the applicant and Chief Engineer. A petition opposing the applications shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing

address is given above. If contesting the Chief Engineer's recommendations, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by November 28, 2022.

The petition shall include a statement describing the unique injury upon approval of the applications on the petitioner, the petitioner's reasons for opposing the applications, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the applications with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 28, 2022.

If the applicant does not contest the recommendations of the Chief Engineer and no petition to oppose the applications is received, the Chief Engineer shall act on the applications pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled, and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Published one time at the total approximate cost of \$46.76.

Affidavit of Publication

State of South Dakota

County of Faulk

Jennifer Miller of said county, being first duly sworn, on oath says that she is the publisher of the **Faulk County Record LLC**, a weekly newspaper printed and published in Faulkton in said County of Faulk and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

Notice of Application

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

One (1)

week(s), on the day of each week on which said newspaper was regularly published, to-wit:

Wednesday, November 16, 2022

that the full amount of the fees for the publication of the annexed notice is **\$ 46.73**

Jennifer Miller

Subscribed and sworn to before me this

16, November 2022

Kristen M. Bent

Notary Public
Faulk County, South Dakota



LOCALiQ

Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

PROOF OF PUBLICATION

Randy Barondeau
Randy Barondeau
701 1st AVE
Frederick SD 57441-2106

RECEIVED

NOV 14 2022

**OFFICE OF
WATER**

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers in the issue dated:

11/02/2022

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper.
Sworn to and subscribed before on 11/02/2022

Legal Clerk

Notary, State of WI, County of Brown.

My commission expires

Publication Cost: \$54.28

Order No: 7959112

of Copies:

Customer No: 861694

1

PO #:

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

NICOLE JACOBS
Notary Public
State of Wisconsin

NOTICE OF APPLICATION NOS. 8657-3 and 8658-3
to Appropriate Water

Notice is given that Randy Barondeau, 701 1st Ave, Frederick SD 57441 has filed the following applications for a water permit. Application No. 8657-3 proposes to impound 83.4 acre-feet of water from runoff by constructing a dam located in the NE 1/4 SE 1/4 Section 15 in a wetland basin with water impounded in the S 1/2 NE 1/4, SE 1/4 Section 15; all T119N-R71W. This application, if approved, will authorize impoundment of sufficient water annually to maintain water to the outlet elevation. The water is for fish & wildlife propagation and livestock watering. This site is located approximately 7 miles southeast of Onaka SD.

Application No. 8658-3 proposes to impound 43.3 acre feet of water from runoff by construction a dam located in the SE 1/4 SE 1/4 Section 7 in a wetland basin with water impounded in the E 1/2 SW 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 7; all in T119N-R71W. This application, if approved, will authorize impoundment of sufficient water annually to maintain water to the outlet elevation. The water is for fish & wildlife propagation and livestock watering. This site is located approximately 4.5 miles southeast of Onaka SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8657-3 and 8658-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendations with qualifications, the applications, and staff reports are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing the applications or recommendations shall allege that the applications, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the applications, or other matter concerning the applications within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the applications with BOTH the applicant and Chief Engineer. A petition opposing the applications shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendations, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by November 14, 2022.

The petition shall include a statement describing the unique injury upon approval of the applications on the petitioner, the petitioner's reasons for opposing the applications, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the applications with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 14, 2022.

If the applicant does not contest the recommendations of the Chief Engineer and no petition to oppose the applications is received, the Chief Engineer shall act on the applications pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled, and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Published November 2, 2022, at the total approximate cost of \$54.28 and may be viewed free of charge at www.sdpublicnotices.com #7959112

NOTICE OF APPLICATION NOS. 8657-3 and 8658-3 to Appropriate Water

Notice is given that Randy Barondeau, 701 1st Ave, Frederick SD 57441 has filed the following applications for a water permit. Application No. 8657-3 proposes to impound 83.4 acre-feet of water from runoff by constructing a dam located in the NE 1/4 SE 1/4 Section 15 in a wetland basin with water impounded in the S 1/2 NE 1/4, SE 1/4 Section 15; all T119N-R71W. This application, if approved, will authorize impoundment of sufficient water annually to maintain water to the outlet elevation. The water is for fish & wildlife propagation and livestock watering. This site is located approximately 7 miles southeast of Onaka SD.

Application No. 8658-3 proposes to impound 43.3 acre feet of water from runoff by construction a dam located in the SE 1/4 SE 1/4 Section 7 in a wetland basin with water impounded in the E 1/2 SW 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 7; all in T119N-R71W. This application, if approved, will authorize impoundment of sufficient water annually to maintain water to the outlet elevation. The water is for fish & wildlife propagation and livestock watering. This site is located approximately 4.5 miles southeast of Onaka SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8657-3 and 8658-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendations with qualifications, the applications, and staff reports are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing the applications or recommendations shall allege that the applications, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the applications, or other matter concerning the applications within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the applications with BOTH the applicant and Chief Engineer. A petition opposing the applications shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendations, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by November 14, 2022.

The petition shall include a statement describing the unique injury upon approval of the applications on the petitioner, the petitioner's reasons for opposing the applications, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the applications with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 14, 2022.

If the applicant does not contest the recommendations of the Chief Engineer and no petition to oppose the applications is received, the Chief Engineer shall act on the applications pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled, and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of

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Application No. 8658-3 proposes to impound 43.3 acre feet of water from runoff by construction a dam located in the SE 1/4 SE 1/4 Section 7 in a wetland basin with water impounded in the E 1/2 SW 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 7; all in T119N-R71W. This application, if approved, will authorize impoundment of sufficient water annually to maintain water to the outlet elevation. The water is for fish & wildlife propagation and livestock watering. This site is located approximately 4.5 miles southeast of Onaka SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8657-3 and 8658-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendations with qualifications, the applications, and staff reports are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing the applications or recommendations shall allege that the applications, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the applications, or other matter concerning the applications within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the applications with BOTH the applicant and Chief Engineer. A petition opposing the applications shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendations, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by November 28, 2022.

The petition shall include a statement describing the unique injury upon approval of the applications on the petitioner, the petitioner's reasons for opposing the applications, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the applications with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by November 28, 2022.

If the applicant does not contest the recommendations of the Chief Engineer and no petition to oppose the applications is received, the Chief Engineer shall act on the applications pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled, and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Published once at the total approximate cost of_

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, November 14, 2022 1:56 PM
To: Info
Subject: 8657-3 & 8658-3, Randy Barondeau
Attachments: 8657-3public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on November 16, 2022.

Randy Barondeau, 701 1st Ave, Frederick SD 57441 (605 290-5256) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak

DANR - Water Rights Program
(605) 773-3352
Website: <https://danr.sd.gov>



*Faulk Co Record didn't publish
November 9. Resent to publish
November 16.*



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

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

October 24, 2022

Randy Barondeau
701 1st Ave
Frederick SD 57441

Dear Mr. Barondeau:

Water Permit Application Nos. 8657-3 and 8658-3 for fish & wildlife propagation and livestock watering use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Faulk Co. Record printed at Faulkton (Ph # 605 598-6525) and the American News printed at Aberdeen (Ph # 605 225-4100). You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have 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,

Karen Schlaak

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

DEC 08 2022

Randy Barondeau
701 1st Ave
Frederick SD 57441

Dear Mr. Barondeau:

Enclosed are Water Permit Nos. 8657-3 and 8658-3 authorizing construction of the water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return this completed form after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
on DANR Website**

Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 8658-3

Name of Applicant: Randy Barondeau

Date of Posting: 11/1/2022

Date of Removal: 12/8/2022

Ron Duvall, Water Rights Permitting Administrator

Date

Subscribed and sworn to before me, a notary public, this 8th day of dec, 2022.

Notary Public - South Dakota

My commission expires: 4/1/2025

