

onsidered: _____

Flood Control

WATER PERMIT NO.

FC-12

MAP No. Same 784-3839

Name of Applicant Burton RaymerPost Office Address RR 1, Box 1A, Bradley SD 57217Amount of Water Claimed none - Flood Control Total Acres NASource of Water Supply small watershed - 365 acresWater to be used for bypassing feedlot area County ClarkAbout 1/2 miles SE of Bradley

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received August 4, 1989 Fee \$50.00 Remarks _____

Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

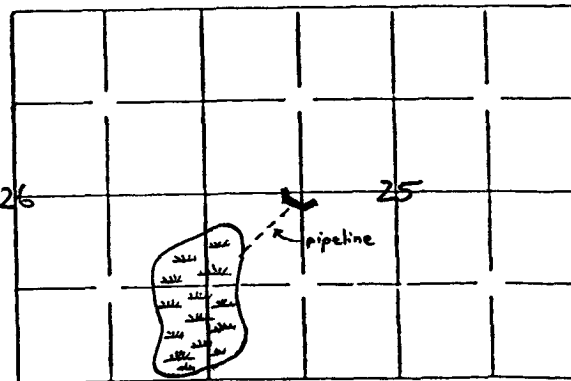
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point dam: N 1/2 SW 1/4 section 25-T119N-R57W

Land to be Irrigated NA

Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map aerial photo PREPARED BY _____ Reviewed and the Numberassigned on _____ By Ron Duvall

SOUTH DAKOTA
FLOOD CONTROL PERMIT No. FC-12

Date of first receipt of application August 4, 1989.

Date of return to applicant for corrections, amendments or changes August 7, 1989.

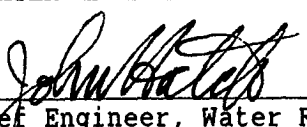
Date of receipt of corrected application August 9, 1989.

The Water Management Board approved Flood Control Permit Application No. FC-12 on September 28, 1989 for Burton Raymer, RR 1, Box 1A, Bradley SD 57217 authorizing the construction of the flood control project subject to the following limitations, conditions and qualifications:

1. Flood Control Permit No. FC-12 authorizes construction of a dam with a 12 inch PVC drain pipe to divert runoff to a wetland area located in the E1/2 SE1/4 section 26; W1/2 SW1/4 section 25; all in T119N-R57W. The dam is to be located in the N1/2 SW1/4 section 25-T119N-R57W.
2. Approval of the permit does not increase the likelihood or severity of downstream flood damages, does not impair existing water rights or endanger human life or property. The permit authorizes construction of the proposed project to prevent runoff from running through a feedlot and polluting the wetland area.
3. The date from which applicant may claim right is August 4, 1989.
4. All construction is to be completed on or before September 28, 1994.
5. The prior water rights of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to use the water must not be unlawfully impaired by this flood control permit.

WATER MANAGEMENT BOARD

By: _____


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

NOV 20 1989

(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 Thickness _____ 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. Dugout Information Estimates

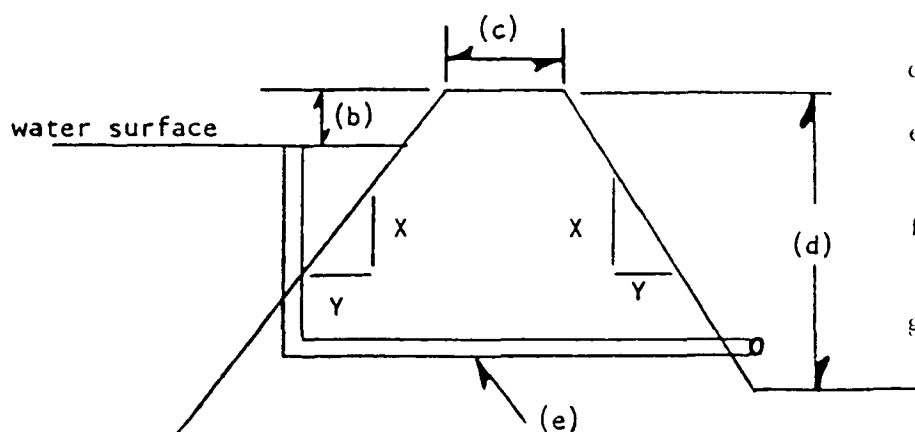
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should 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

USDA Soil Conservation Service
Brookings, South Dakota



- b) Freeboard 7.2'
- c) Crest Width 8'
 Crest Length 970'
- d) Height 8.2'
- e) Primary Outlet Capacity: _____
 If Pipe, diameter 12" PE
- f) Secondary Spillway Capacity N/A
 Spillway width _____
- g) X & Y Slope
 Upstream 3 to 1
 Downstream 2 to 1
- Surface Area of Impoundment 0
- Storage 0 acre feet
- Drainage area above dam 365

[Signature]
 Signature of Applicant

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411009

Pierre, August 4, 19 80

a

RECEIVED OF Barton, Wiles & Ryance, attys-at-law, Box 227, Watertown, SD 57201

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

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

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. _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

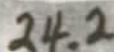
Fee for Certifying _____

Fee for Flood Control Permit Application No. FC-12 50 00

(Any Other Work Provided by Law) Total 50 00

By John Halch
Chief Engineer ma

NOT TO SCALE



T-451

579-126L

Bradley

46.2

16.5

260

127.6

2.9

77.9

21.7

12.8

16.0

HEL

119-57

9.6

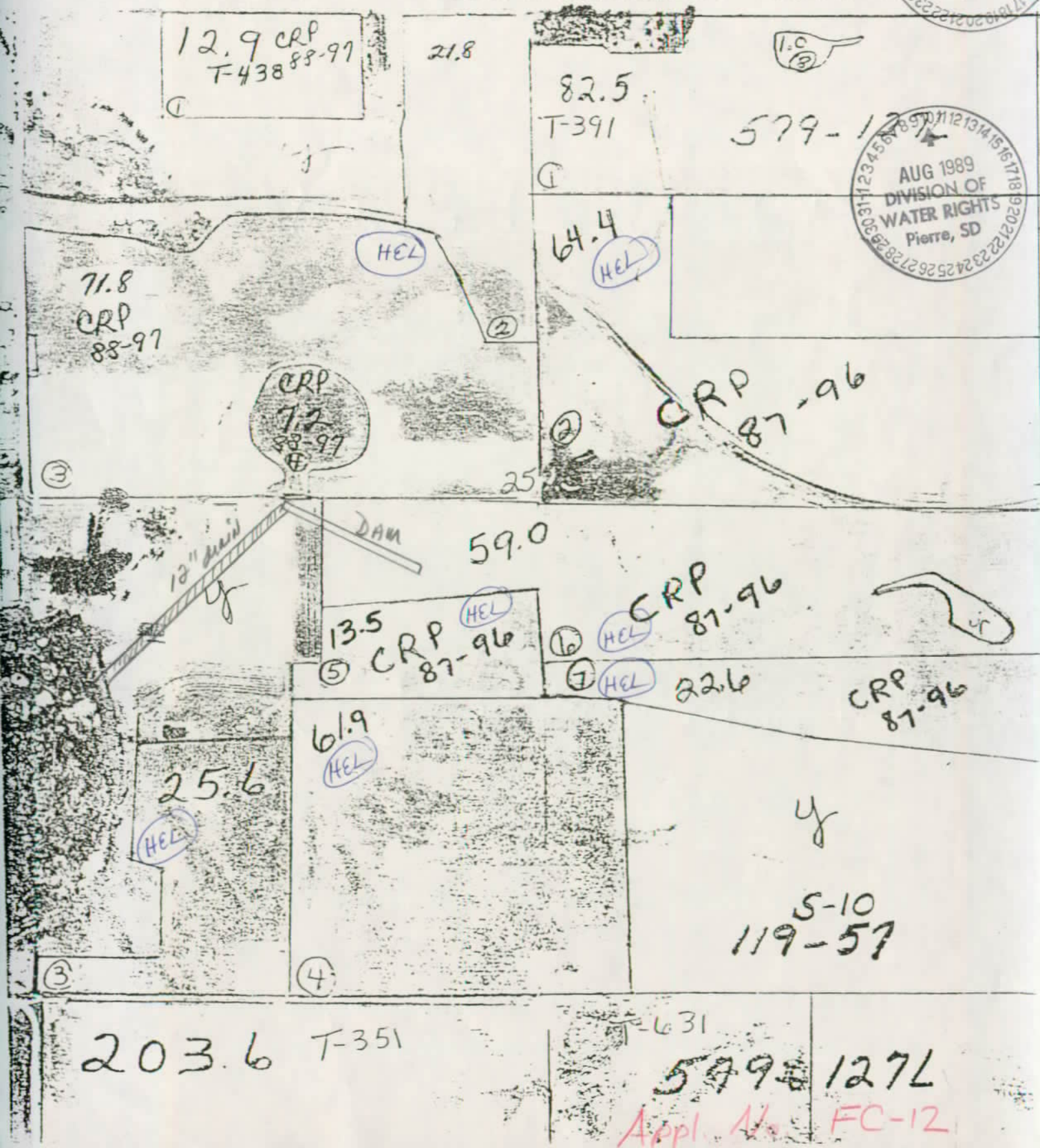
T-383

64.0

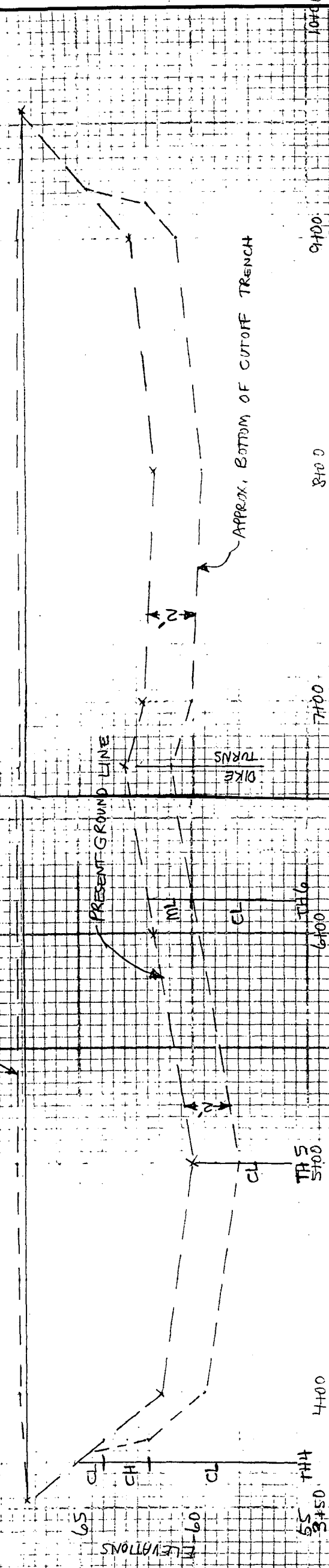
Appl. No. FC-12

579-1261

NOT TO SCALE

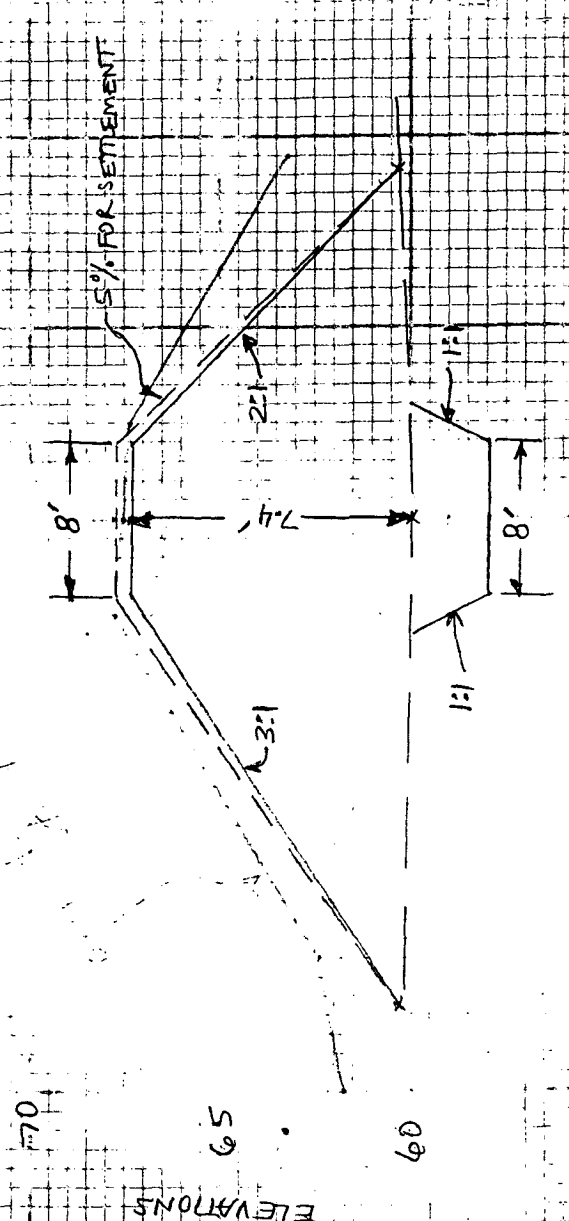


ALLOWANCE FOR SETTLEMENT 5%



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

(NOTE: NO EMERGENCY SPILLWAY)



MAXIMUM CROSS SECTION OF DAM

(NOTE: NARROW DITCH AT EL 59.2)

NO EMERGENCY SPILLWAY

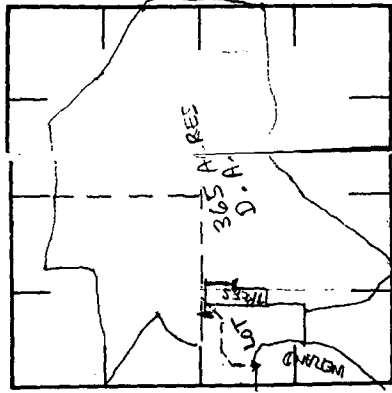
PROFILE ALONG E OF EMERGENCY SPILLWAY

SEDIMENT YIELD

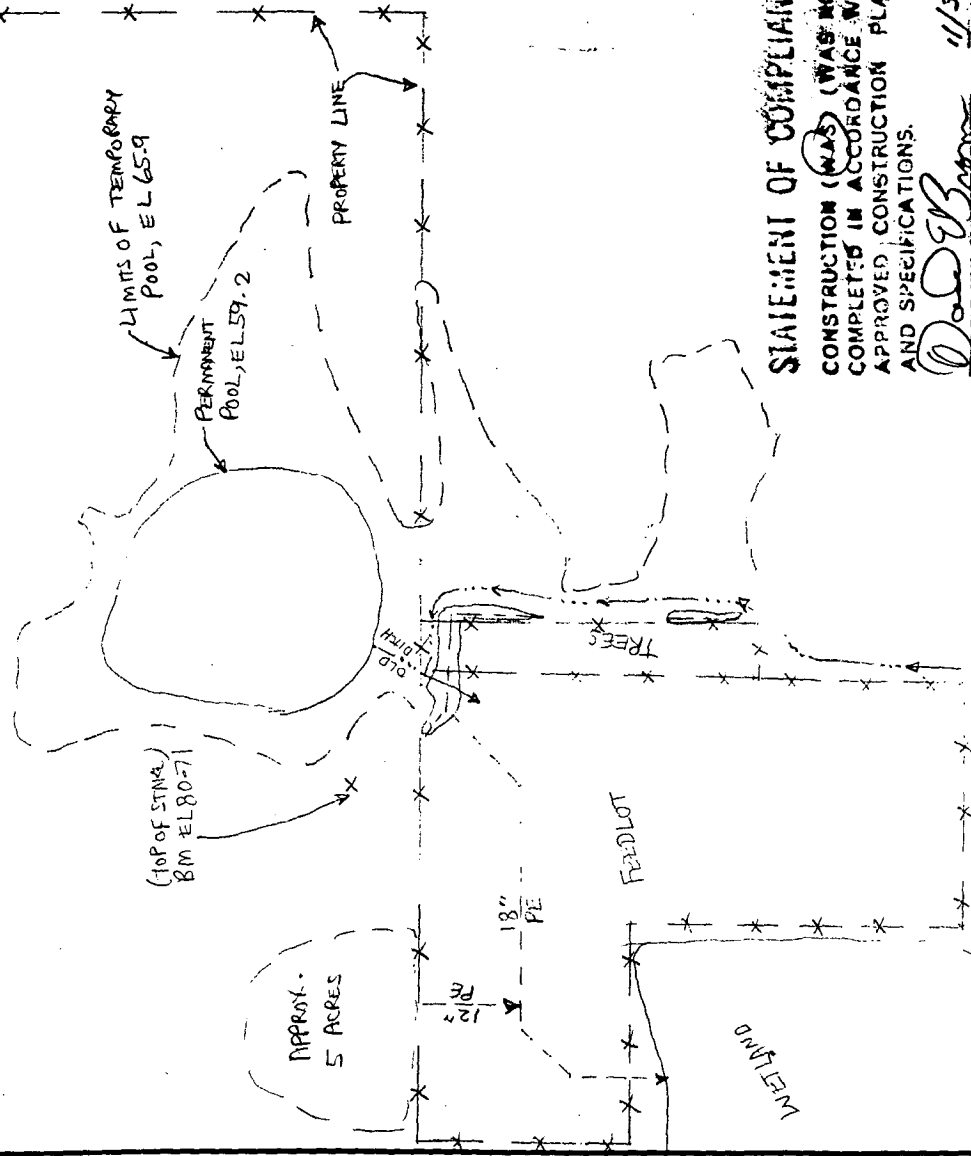
ERODIBILITY AREA ACRES	GROSS RATE A.F./AC./YR.	DRAINAGE AREA ACRES	DELIVERY RATE %	DESIGN PERIOD YEARS	REQ'D. SEDIMENT VOLUME AC.FT.
F	0.0012 X 2/3	365	24	25	1.8

STRUCTURE DATA

DRAINAGE AREA ACRES	ANNUAL YIELD AC. FT.	PEAK RUNOFF 100- 25-YR.	EMERG. SPLWY. CAPACITY C.F.S.	WATER DEPTH T.O.D. FEET	SURFACE AREA T.O.D. ACRES	SEDIMENT STORAGE AC. FT.	TOTAL STORAGE T.O.D. AC. FT.
365	8.2	370	-0-	8.9	23.3	1.8	114.7



LOCATION



STATEMENT OF COMPLIANCE

CONSTRUCTION (WAS NOT) COMPLETED IN ACCORDANCE WITH APPROVED CONSTRUCTION PLANS AND SPECIFICATIONS.

11/30/90
DATE

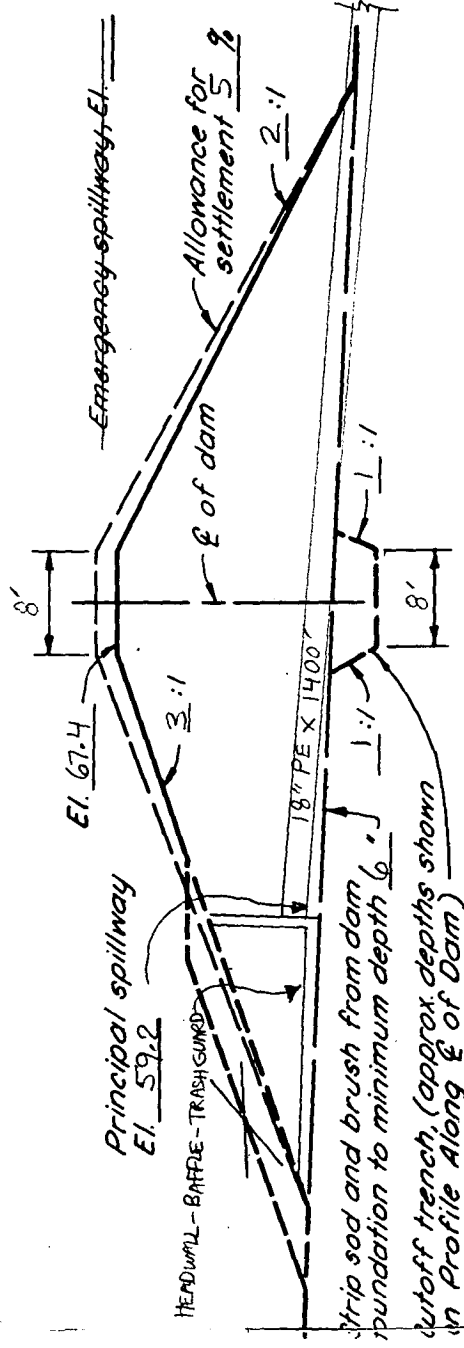
SKETCH PLAN OF DAM AND RESERVOIR AREA

Approximate scale 1" = 500

REFERENCE: GUIDE PLAN NO. 1.0

TABLE OF QUANTITIES

ITEM	UNIT	QUANTITY
COMPACTED EARTH FILL IN DAM	YD ³	2,978
EXCAVATION AND FILL IN CUTOFF TRENCH	YD ³	401
HEADWALL - BARRIE - TRASH GUARD (SEE DETAIL)	EACH	1
PIPE, SMOOTH INTERIOR CORRUGATED PE, 18" DIA., WITH WATER-TIGHT CONNECTIONS (PRINCIPAL SPILLWAY)	LF	1,400
PIPE, SMOOTH INTERIOR CORRUGATED PE, 12" DIA., WITH WATER-TIGHT CONNECTIONS	LF	240
SAND ANTISEEP COLLAR (JOB PLAN 2-3)	EACH	1
ROCK RIP RAP AROUND BUTLET END OF 18" PE	LUMP SUM	
SEEDING (EXCLUDING CRP ACRES)	AC	0.6
CLEARING OF TREES	LUMP SUM	



TYPICAL CROSS SECTION OF DAM

EARTH DAM

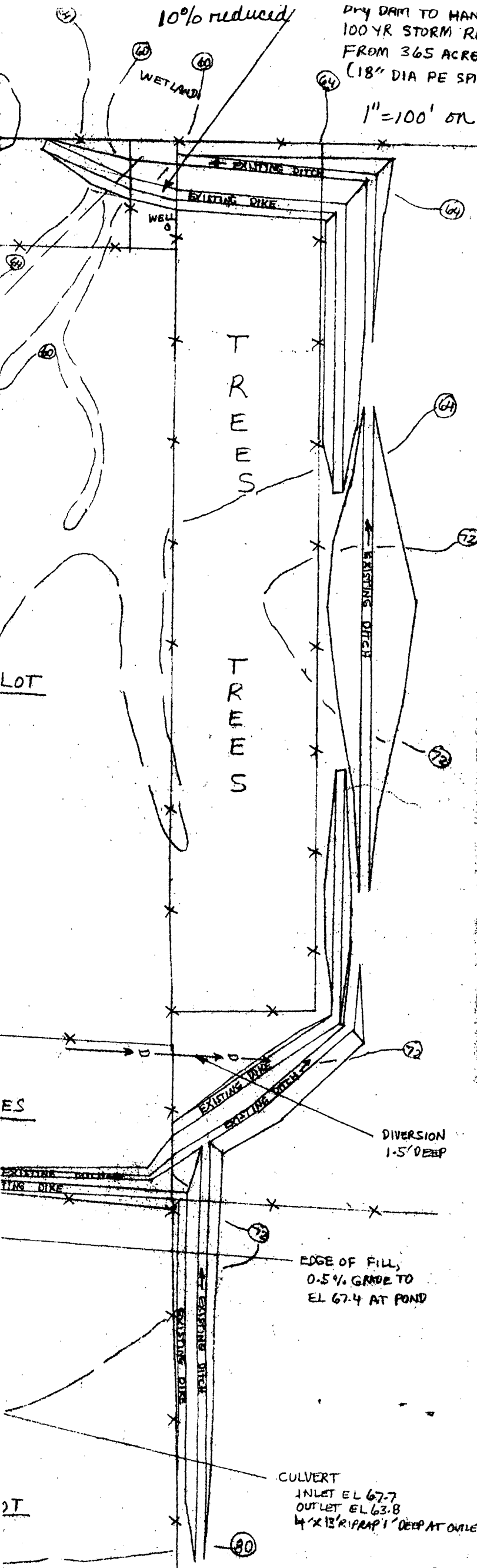
OPERATOR: BURTON RAYMER
CONSERVATION DISTRICT: CLARKU. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICEDesigned: K. READ 11/89
Drawn: K. READ 11/89
Title: Earth Dam
Checked: [Signature] 11/89
Sheet: 1 of 1
Drawing No. 50-04M-378-1

S.D. CONSTRUCTION AND MATERIAL SPECIFICATIONS:

- D-1 CLEARING
- D-4 STRIPPING
- D-7S EARTH FILL - CLASS S
- D-10 SALVAGING AND SPREADING TOP SOIL
- D-12B CONCRETE FOR MINOR STRUCTURES
- D-13 STEEL REINFORCEMENT
- D-20A PIPELINE
- SP-28 SEEDING

50-04M-378-1

JOB PLAN NO. 1.0



ATTACHMENTS

Construction Specifications:
SD-11 Clearing and Earthwork
SD-23 Diversion
SD-30 Fencing

Standard Plans:
Fence Detail (Type 43)

SD-06M-312 Operation and Maintenance
Waste Utilization Plan (to be prepared)

OPERATION AND MAINTENANCE NOTES

1. This system is designed to control lot runoff and with average weight of 1,000 pounds kept in the lot.
2. The south holding pond is designed to handle runoff agitated and pumped each fall prior to freezeup.
3. The north holding pond is designed to handle runoff from the lots. It should be pumped within 30 days of each agitated prior to pumping at least once a year.
4. Comply with Operation and Maintenance 312 Guidelines.
5. Water from the two wells will be tested for nitrate submitted to SCS prior to construction.

CONSTRUCTION NOTES

1. Landowner or operator is responsible for complying with fences as required for construction, and for clearing area to prepare for construction.
2. Liquids and sludge in the two old ponds must be removed.
3. Ponds must be enclosed by a fence to exclude livestock at least two sides to keep people out. Signs will be placed saying CONTAMINATED WATER - KEEP OUT.
4. Stripping and top dressing will not be required but will be in the feedlot area containing no vegetation.
5. In areas where coarse material is encountered during slopes below emergency spillway elevation will be over clay material to provide a 4 foot thick clay lining. Spillway elevation shall be compacted to at least 95% depth of 12 inches. Testing will be required as specified under earth fill. Payment will be made at the bid amount.
6. Fill will be subsidiary to excavation for pay. Excavation will be in the feedlot area containing no vegetation.
7. Approximately 9,487 cubic yards of excess fill material will be placed in the lots as directed by the cooperators.
8. The well casing for the west well must be extended to the bottom of the well.
9. The culvert through the driveway east of the north pond must be at least 4 feet deep. The culvert east of the south pond must be at least 4 feet deep over these culverts.

LOG OF EARTH BORINGS

	TH1	TH2	TH3	TH4	TH5	TH6
66						
64				CL		
62				CH	MH	
60						CH
58				CL		
56	CH				CH	
54	CL					
52		CL	CL			NO MT.
50	CH					
48					NO W.T.	

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 7, 1989

Burton Raymer
RR 1, Box 1A
Bradley SD 57217

Dear Mr. Raymer:

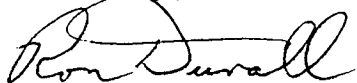
This letter is in response to two applications received on August 4, 1989. The following information is needed to complete the applications:

- 1) The proposed locations of the dams/dikes to divert runoff around the feedlot need to be clearly drawn on a map. The flow path along the dams/dikes should also be shown on the map. An original aerial photo with the dams/dikes and flow path would be preferable to the enclosed aerial photo which did not copy clearly. The map for the application needs to be prepared by either a South Dakota registered professional employee that regularly prepares maps as part of his or her duties. Enclosed is a copy of a topographical map of the wetland area.
- 2) The maps for the application to store 120 acre-feet of water for recreational purposes need to outline the areas in which the water is stored. A complete description of the intended recreational uses also needs to be submitted.
- 3) The enclosed application to store a total of 120 acre-feet of water needs to specify the amount of storage in each separate wetland and the elevation (feet mean sea level) to which water is stored in each wetland. According to information supplied by the US Fish & Wildlife Service, the total storage of the wetland located in the SW1/4 section 25 and SE1/4 section 26 is approximately 70 acre-feet up to the road culvert (1760.9 feet mean sea level - bottom of north end of culvert).

The applications can not be processed for consideration by the Water Management Board until the applications are complete. Please return the completed maps and application to begin the processing of your applications.

If you have any questions, please contact me.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352
enc.

cc: Raymond D Rylance



Conversation or File Documentation

NAME OF PERSON OR FILE: Burton RaymerADDRESS: RR1, Box 1A COUNTY ClarkDATE: August 8, 1989 TELEPHONE 784-3639RE: Phone conversation with Raymond Rylance regarding letterCOMMENTS: dated August 7, 1989

Raymond Rylance called to respond to items 1 thru 3
on my letter dated August 7, 1989:

1) Mr. Rylance indicated a dam is to be constructed
across a drainage leading to the wetland area
via a feedlot area. Construction of the dam is to
include a 12 inch PVC pipe that will drain the
dam directly to the wetland. The dam is to be located
S of the quarter line in the N $\frac{1}{2}$ SW $\frac{1}{4}$ section 25. Mr.
Rylance also stated that a signed map with the dam
located will be sent.

2) Mr. Rylance indicated that the wetland area is located
in the SE $\frac{1}{4}$ section 26 and SW $\frac{1}{4}$ section 25. The legal
description on the application for section 26 is in error
and the needed corrections can be made according to Mr.
Rylance. Use of the water for recreational purposes
includes wildlife management according to Mr. Rylance

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Ron Duval

Conversation or File Documentation

NAME OF PERSON OR FILE: Burton Raymer

ADDRESS: _____ COUNTY _____

DATE: August 8, 1989 TELEPHONE _____RE: Phone conversation with Ray Rylance

COMMENTS:

- continued from page 1 -

3) Mr. Rylance indicated that Mr. Raymer's application and Ms. Springer's application involve the same wetland area. According to Mr. Rylance, the Raymer application should be revised using the storage capacity (70 acre-feet) and outlet elevation (1760.9 ftmsl) established by the US Fish & Wildlife Service. As mentioned in item No. 2 only one wetland area is involved, the legal description of section 26 needs to be corrected.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

BARTRON, WILES & RYLANCE

(A PARTNERSHIP OF PROFESSIONAL CORPORATIONS)

ATTORNEYS AT LAW

3 EAST KEMP - SUITE 200

P.O. BOX 227

WATERTOWN, SOUTH DAKOTA 57201-0227

(605) 886-5881

R GREG BARTRON, P.C.

JOHN C. WILES, P.C.

RAYMOND D. RYLANCE, P.C.

MICHAEL B. THOMPSON

TELECOPIER

(605) 886-3934

COUNSEL TO THE FIRM:
DONALD E. OSHEIM

August 8, 1989



Mr. Ron Duvall
South Dakota Department of Water
& Natural Resources
523 East Capitol
Pierre, South Dakota 57501-3181

Re: Burton Raymer

Dear Mr. Duvall:

Pursuant to your letter of August 7, 1989, please find enclosed the following:

- 1) The map for Section 5-119-57; and
- 2) The map for Section 26-119-57.

If there is any additional information you need, please indicate and we will provide as soon as possible.

Very truly yours,

BARTRON, WILES & RYLANCE

Raymond D. Rylance

RDR/lrj
Enclosures

cc: Burton Raymer

REPORT ON APPLICATION NO. 5344-3
AND FLOOD CONTROL APPLICATION NO. FC-12
Burton Raymer
August 11, 1989

Water Permit Application No. 5344-3 seeks to appropriate sufficient runoff water annually to fill a wetland to the outlet elevation (road culvert) of approximately 1760.9 feet mean sea level (fmsl). The wetland is located in portions of the E 1/2, SE 1/4, sec. 26 and the W 1/2, SW 1/4, sec. 25; all in T119N, R57W, Clark County, South Dakota. The water is to be used for recreational purposes and to provide habitat for wildlife management.

In addition to Application No. 5344-3, the applicant proposes to divert runoff water around a feedlot on his land to the above described wetland. To this end, Mr. Raymer has applied for a Flood Control Permit No. FC-12. The diversion dam is to be located in the N 1/2, SW 1/4, sec. 25, T119N, R57W.

DISCUSSION

Water Permit Application No. 5344-3 is for the appropriation of enough annual runoff water for a wetland that is partially located on their property. The portion of the wetland area that is on the applicant's land is the NE 1/4, SE 1/4, sec. 26, and the SW 1/4, sec. 25; all in T119N, R57W. The remaining portion of the wetland lies on property owned by Laverne Springer.

According to information supplied by Gary Elderik, Land Surveyor with the US Fish and Wildlife Service, the total acreage that may be covered by the wetland is 39.8 acres with a potential storage capacity of 70 acre-feet. The depth of the wetland at the deepest point is 3.6 feet with a bottom elevation of 1757.3 fmsl. The bottom elevation of the outflow culvert is 1760.9 fmsl. At the time of inspection by Mr. Elderik, the water level stood at 1760.8 fmsl.

Approximately 55% of the wetland area lies on the applicant's property and is comprised of 21.9 acres of surface area and approximately 38 acre-feet of storage. The remaining 32 acre-feet of potential storage has been proposed for appropriation by the Springers in Water Right Application No. 5342-3.

Approval of Water Permit No. 5344-3 will allow the applicant to store water in the wetland at an elevation of 1760.9 fmsl. The appropriated water is to be used for wildlife habitat and recreational purposes.

In conjunction with the above described water permit, the applicant is proposing to construct a diversion structure approximately 970 feet long, 8.2 feet high, and a crest width of 8 feet. This structure will be located to the northeast of the wetland and will divert runoff around the feedlot on the applicant's property. The purpose of the diversion is to minimize the amount of contaminants that may be carried by runoff water to the wetland. The water will be diverted around the feedlot and routed to the wetland via a 12 inch PVC pipe. The maximum water level anticipated upstream of the structure is 1 foot with 7.2 feet of freeboard. The diversion structure will not affect the natural drainage amounts that enter the wetland area.

Water Permit Applications Nos. 5342-3 and 5344-3 have similar purposes and seek to store runoff water in a wetland that has shared boundaries. Neither permit proposes to remove water from the wetland but only to provide a shared wildlife habitat with the added benefits of recreational and domestic uses.

CONCLUSIONS

1. The maximum elevation of the wetland is controlled by the discharge culvert elevation of 1760.9 fmsl.
2. The approximate storage capacity of the wetland is 70 acre-feet with a surface area of 39.8 acres.
3. Approximately 45% of the wetland is outside the property boundaries of the applicant.
4. Approval of the permit would allow the storage of 70 acre-feet of annual runoff at an elevation of 1760.9 fmsl. Of this amount, 38 acre-feet (or 55% of the total storage) is the appropriation for use by the applicant for wildlife habitat and recreational uses. This does not allow for storage of water on another person's property but only allows the appropriated right to 38 acre-feet of water in this wetland for the use as described.
5. Approval of the flood control permit would serve to minimize contaminant movement from the feedlot on the applicant's land to the wetland area by diverting the runoff and routing it via a pipe to the wetland.
6. It is recommended that Water Permit Application No. 5344-3 be approved for the potential storage of annual runoff in the amount of 70 acre-feet at an elevation of 1760.9 fmsl in a wetland area. The amount of water appropriated by this permit does not exceed 38 acre-feet.

7. It is further recommended that Flood Control Permit No. FC-12 be approved to authorize construction of a dam with a 12 inch drain pipe to minimize the amount of feedlot contaminated runoff that may reach the wetland.

Terry L. Jorgensen /KS

Terry L. Jorgensen
Natural Resources Engineer
Division of Water Rights

Approved by:

Gale N. Selken /KS

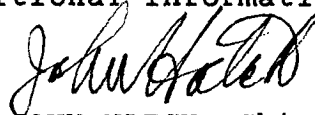
Gale N. Selken, P.E.
Hydrologist
Division of Water Rights

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. FC-12, Burton Raymer

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Flood Control Permit Application No. FC-12, Burton Raymer, RR #1 Box 1A, Bradley, SD.

The Chief Engineer is recommending APPROVAL of Application No. FC-12 because 1) The project will reduce damage from flooding, 2) will not increase the likelihood or severity of flood damages downstream, 3) will not endanger human life or property, and 4) will not impair existing water rights.

See the attached report for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", is written over the typed name.

JOHN HATCH, Chief Engineer
August 15, 1989



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 16, 1989

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

Burton Raymer
RR #1 Box 1A
Bradley, SD 57217

Dear Mr. Raymer:

Water Permit Application No. 5344-3 for recreation and fish & wildlife production and Flood Control Permit No. 12 for by-passing a feedlot area have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Clark County Courier printed at Clark SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also 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 of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

August 16, 1989

Clark County Courier
Box 189
Clark, SD 57225

Dear Sir:

Enclosed is a Notice of Hearing on Application Nos. FC-12 and 5344-3 to be published twice. Please publish the first notice on or before August 23, 1989 with the second publication 7 days later.

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 Burton Raymer, RR #1 Box 1A, Bradley, SD 57217.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Instruction to Newspaper - Publish first Notice on or before August 23, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. FC-12 for a Flood Control
Permit and Application No. 5344-3 to Appropriate Water

Notice is given that Burton Raymer, RR #1, Box 1A, Bradley, SD 57217 has filed applications for a water permit and for a flood control permit. Application No. FC-12 is for a flood control permit to authorize construction of a dam with a 12 inch PVC drain pipe to divert runoff via pipeline to a wetland located in the E1/2 SE1/4 Section 26; W1/2 SW1/4 Section 25; all in T119N-R57W. The purpose of the dam and drain pipe is to prevent runoff from running through a feedlot and polluting the wetland. The dam is to be located in the N1/2 SW1/4 Section 25-T119N-R57W.

Application No. 5344-3 is for sufficient runoff water annually to fill a wetland to the outlet elevation (road culvert) at approximately 1760.9 feet mean sea level. The wetland is located in portions of the E1/2 SE1/4 Section 26; W1/2 SW1/4 Section 25; all in T119N-R57W and water is to be used for recreational purposes and to provide habitat for wildlife management.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application FC-12 because 1) the project will reduce damage from flooding, 2) will not increase the likelihood or severity of flood damages downstream 3) will not endanger human life or property, and 4) will not impair existing water rights and APPROVAL of Application No. 5344-3 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. These applications will be considered by the Water Management Board in Room 216 of the Joe Foss Building at 523 E. Capitol, Pierre, SD September 27, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny these applications based on the facts presented at the public hearing.

Any interested person that intends to participate in a hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by September 15, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in an application, the petitioner's reasons for opposing or supporting an application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on these applications or to assure access to the hearings by the handicapped.

These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of a hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 15, 1989.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-5-47; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 Clark) ss.
 County _____)

I, Bert Moritz
 certify that the attached printed Notice was taken
 from the Clark County Courier

A newspaper which during the whole time of publication of
 said notice herein after stated, has been and is printed and
 published in the Clark County Courier

_____ State _____ of _____ South Dakota

County of Clark and State of South Dakota;
 that the said notice was published in said newspaper on the
 following two dates:

August 23, 1989

August 30, 1989

Bert Moritz
 (Signature)

Publisher
 (Title)

9/1/89
 (Date Signed)

Cost of Printing: Notice 103 lines

2 times
\$42.64



NOTICE OF HEARING on
 Application No. FC-12 for a Flood
 Control Permit and Application No.
 5344-3 to Appropriate Water

Notice is given that Burton Raymer,
 RR No. 1, Box 1A, Bradley, SD 57217
 has filed applications for a water
 permit and for a flood control permit.
 Application No. FC-12 is for a flood
 control permit to authorize
 construction of a dam with a 12 inch
 PVC drain pipe to divert runoff via
 pipeline to a wetland located in the E 1/2
 SE 1/4 Section 26; W 1/2 SW 1/4 Section 25;
 all in T119N-R57W. The purpose of the
 dam and drain pipe is to prevent runoff
 from running through a feedlot and
 polluting the wetland. The dam is to be
 located in the N 1/2 SW 1/4 Section 25,
 T119N-R57W.

Application No. 5344-3 is for sufficient
 runoff water annually to fill a wetland
 to the outlet elevation (road culvert) at
 approximately 1760.9 feet mean sea
 level. The wetland is located in portions
 of the E 1/2 SE 1/4 Section 26; W 1/2 SW 1/4
 Section 25; all in T119N-R57W and
 water is to be used for recreational
 purposes and to provide habitat for
 wildlife management.

Pursuant to SDCL 46-2A-2, the Chief
 Engineer of the Water Rights Division
 recommends APPROVAL of
 Application FC-12 because 1) the
 project will reduce damage from
 flooding, 2) will not increase the
 likelihood of severity of flood damages
 downstream 3) will not endanger
 human life or property, and 4) will not
 impair existing water rights and
 APPROVAL of Application No. 5344-3
 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. These applications will
 be considered by the Water
 Management Board in Room 216 of the
 Joe Foss Building at 523 E. Capitol,
 Pierre, SD September 27, 1989 at 10:00
 am. The Chief Engineer's
 recommendation is not final or binding
 upon the Board. The Board is
 authorized to 1) approve, 2) approve
 with qualifications, 3) defer or 4) deny
 these applications based on the facts
 presented at the public hearing.

Any interested person that intends to
 participate in a hearing before the
 Board by presenting evidence or cross-
 examining witnesses according to
 SDCL 1-26, must file a written petition
 with BOTH the applicant and Chief
 Engineer by September 15, 1989. The
 Chief Engineer's address is: "Water
 Rights Division, Foss Building, 523 E
 Capitol, Pierre, SD 57501, (605) 773-
 2322. The petition may be prepared

but must include a statement describing the petitioner's interest in an application, the petitioner's reasons for opposing or supporting an application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on these applications or to assure access to the hearings by the handicapped.

These hearings are adversary proceedings. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of a hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by September 15, 1989.

These applications are made pursuant to ~~SR 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-17, 46-5-20, 46-5-22, 46-5-23, 46-5-31, 46-5-47; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.~~ 8-23-2t



Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

NOV 20 1989

Burton Raymer
RR 1, Box 1A
Bradley SD 57217

Dear Mr. Raymer:

Enclosed is Flood Control Permit No. FC-11 as approved by the Water Management Board. If you have any questions pertaining to the Permit, please contact this office.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

GREAT FACES. GREAT PLACES.

July 29, 1991

5344-3
FC-12

Burton Raymer
RR #1 Box 1A
Bradley, SD 57217

Dear Mr. Raymer:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5344-3 and FC-12, has been completed. The final water right documents, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of a Water License. Upon receipt of a \$100.00 fee from you (\$50.00 for each), we will begin processing the Water Licenses.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the license fee has been paid. Please contact us if you have any questions.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412729

Pierre, _____ November 22, 19 91

RECEIVED OF Burton or Colleen Raymer, RR 1, Box 1A, Bradley, SD 57217

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
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>FC-12</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatcher (CF)
Chief Engineer

LICENSE FOR PERMIT NUMBER 5344-3 + FC 12

1. Legal location of wells: _____

dams & structures: along center going North & South in the SW 1/4 of
Section 25 - T119N - R57W

2. Well Information: Well Drilling Firm _____

Completion Report Yes ___ No ___ No. of Wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model No. _____

c) size _____ c) horsepower rating _____

d) capacity _____ gpm

e) turbine pump - no. of stages _____

f) operating PSI _____

3. Distribution lines or canals

a) size _____

b) type _____

c) length _____

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway none 1) diameter 18"

c) height to secondary spillway none 2) type drain tile

d) crest width 13' 3) valved (Y/N) N

e) crest length 1700 4) valve type _____

f) spillway length none 5) location on structure _____

g) spillway width none _____

h) approx. storage 70 Acre-feet n) Category of Dam 3

i) approx. storage to crest _____

j) date constructed Fall 1989

k) inspection sheet completed (Y/N) _____

l) Name of Contractor Ben Anderson

See attached
Specs

Permit No. FC-12James River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Burton Raymer
RR 1 Box 1A of Bradley, SD 57217 holder of
Permit No. FC-12, bearing the priority of August 4 19 89 authorizing
the diversion of NA cu. ft. per second of the waters of run off from watershed
for flood control purposes, in Clark County.

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

A. Works used to divert the water:

See attached specs

B. Works used to transport water to place of use:

18" draintile 1400' in length which goes under the
feed lot and into the slough.

C. Works used to apply water to beneficial use:

NAThe system is in the following condition goodThe point of diversion is located SW 1/4 of Sec 25-T119N-R57WThe works are capable of diverting and conveying to the place of use NAcu. ft. per second of water which is to be used for flood control

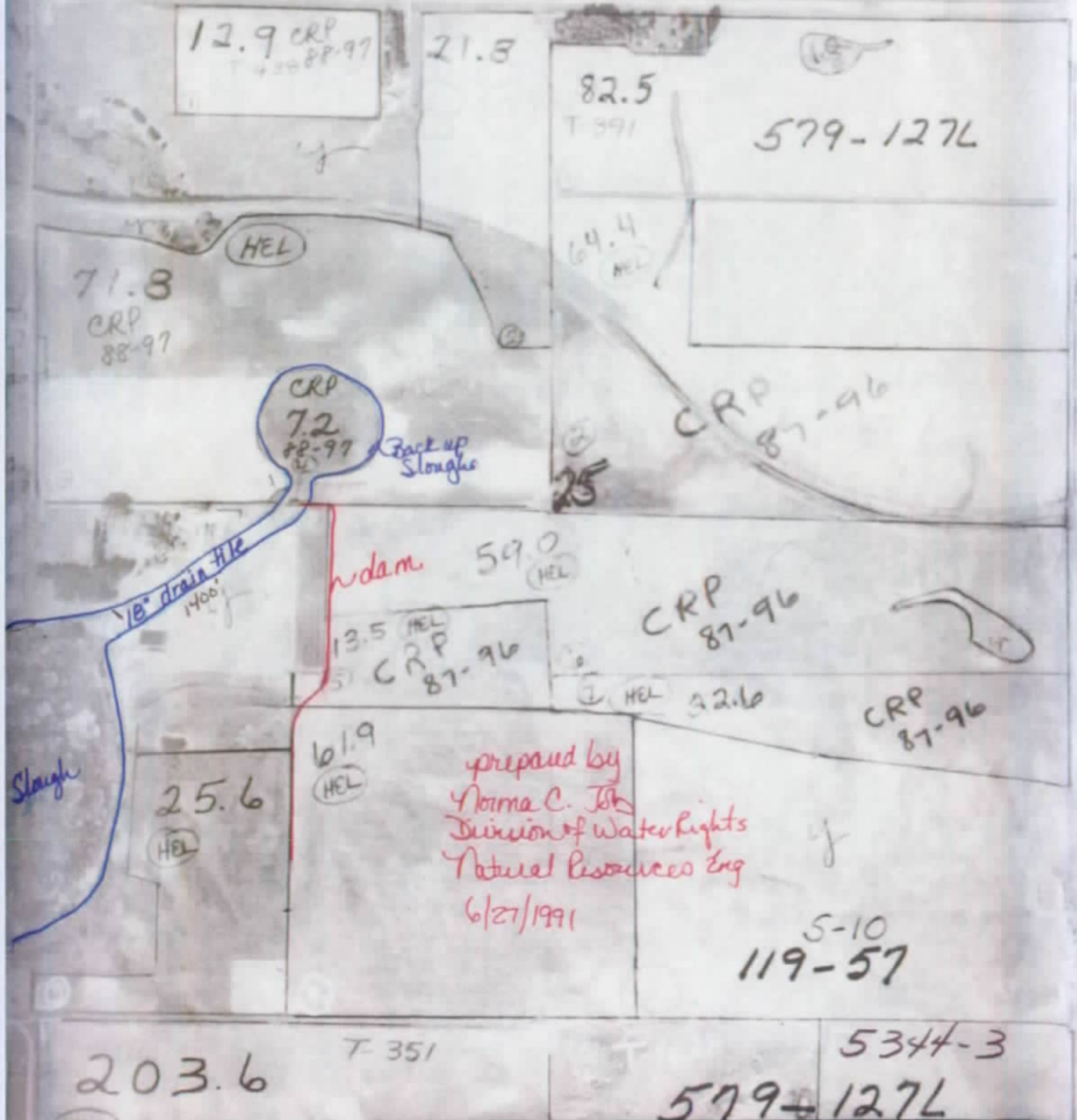
Water has been put to beneficial use to the maximum extent as follows:

NAcomprising a total of NA acres of land and the license should be issued for NA cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: Date 5/30/1991Norma C. Tob
(signature)

permit # 5344-3

+ FC 12

NOT TO SCALE



permit #5344-3 +
FC 12

NOT TO SCALE



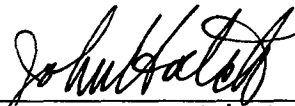
STATE OF SOUTH DAKOTA

FLOOD CONTROL LICENSE NO. FC-12

(1) Burton Raymer of RR 1, Box 1A, Bradley, SD 57217 made Application No. FC-12, August 4, 1989 for a flood control permit which authorized construction of a dam for temporary storage of runoff water until the water could drain through a 12 inch PVC pipe into a wetland area, located in Clark County, South Dakota to prevent runoff from running through a feedlot and polluting the wetland area. Flood Control Permit No. FC-12 with a priority date of August 4, 1989 was approved September 28, 1989 and issued to the applicant with construction of the described system to be completed on or before September 28, 1994.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the flood control system and is entitled to store runoff water in a flood control dam until the water can drain through an 18 inch draitile beneath the feedlot into a wetland area located in the E 1/4 SE 1/4 Section 26 and W 1/2 SW 1/4 Section 25, all in T119N, R57W. The dam located in the SW 1/4 Section 25, T119N, R57W, has a storage capacity of 70 acre-feet.

(3) Pursuant to Section 46-5-30.1 Burton Raymer of RR 1, Box 1A, Bradley, SD 57217 the holder(s) and/or owner(s) of Flood Control Permit No. FC-12 is issued a flood control license to appropriate water for flood control purposes. FC-12 has a priority date of August 4, 1989. The water is diverted to prevent pollution of a wetlands area and is subject to the limitations or qualifications listed in Flood Control Permit No. FC-12 and subject to South Dakota State Law.



AUG 6 1992

JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

AUG 6 1992

FC-12

Burton Raymer
RR 1, Box 1A
Bradley, SD 57217

Dear Mr. Raymer:

Enclosed is Flood Control License No. FC-12. This is the final document completing your process of obtaining a flood control right. Enclosed is Receipt No. 412929 in the amount of \$50.00 which you paid for the inspection and issuance of this flood control license.

As long as you use the flood control works, as stated in the License, the State Water Laws provide that you have continuing right to do so.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures