

Considered: _____

WATER PERMIT NO. FC-14

Phone: 692-6629

Name of Applicant: City of Brookings

Post Office Address: P.O. Box 270, Brookings, SD 57006

Amount of Water Claimed: None Total Acres: -

Place of Flood Control: Sixmile Creek

Water to be used for: - County: Brookings

near Brookings Airport miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: February 28, 1991 Fee: \$50 Remarks This is for

a flood control permit to authorize relocation of a portion of creek for airport project

Corrected Application Received _____ Period of Annual Use _____

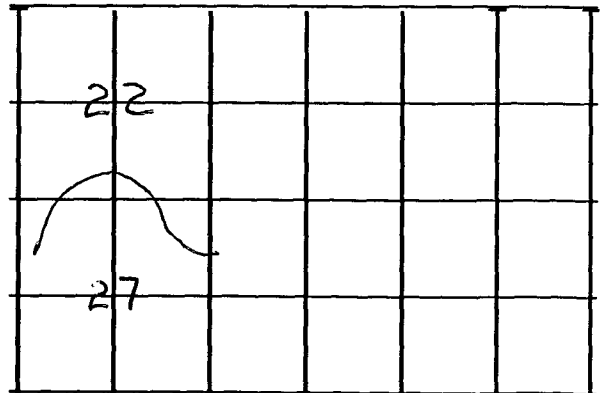
WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

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

Diversion Point: S1/2 S1/2 Section 22, N1/2 N1/2

Section 27, T110N, R50W

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: topo PREPARED BY: _____ Reviewed and the Number

Assigned on _____ By Eric Gronlund

No. FC-14 Hydrologic Unit 10170202
Map No. Basin Big Sioux River
Newspaper Brookings Daily Register, Box 177 57006

Application For [REDACTED] Within The State Of South Dakota

☐ Construction to use water reserved by Future Use Permit No. _____

4-87

N 1/2 SECTION 27 T110N R 50W

FC-14

Paul D. Hall
NATURAL RESOURCES ENGINEER
8/20/1998



APPROX
SCALE
1" = 200'

MARKHURD
13400 68TH AVE. N. MPLS., MN 55311
(612) 420-9606



DATE OF PHOTOGRAPHY NOVEMBER 15, 1994

CITY OF BROOKINGS

**SOUTH DAKOTA
FLOOD CONTROL PERMIT No. FC-14**

Date of first receipt of application February 28, 1991.

Date of return to applicant for corrections, amendments or changes March 6, 1991.

Date of receipt of corrected application March 18, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Flood Control Permit No. FC-14 to the City of Brookings, Box 270, Brookings SD 57006 authorizing the construction of the flood control project subject to the following limitations, conditions and qualifications:

1. Flood Control Permit No. FC-14 authorizes relocation of a portion of Sixmile Creek. The activity will include relocation of a portion of Sixmile Creek, placing fill in a portion of the existing creek channel, removal of the bridge, roadway, and roadbed along the southern border of Section 22-T110N-R50W, and relocation of the road to the north of the Sixmile Creek channel. The relocation activities will take place within the S 1/2 S 1/2 Section 22 and the N 1/2 N 1/2 Section 27; all in T110N-R50W.
2. Approval of the permit does not increase the likelihood or severity of downstream flood damages, does not impair existing rights or endanger human life or property. The permit authorizes construction of the proposed project to facilitate the construction of the Runway Safety Area and Runway Obstacle Free Area for Runway 12/30 at the Brookings Municipal Airport.
3. The date from which applicant may claim right is February 28, 1991.
4. All construction is to be completed on or before May 1, 1996.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

SEP 17 1991
date

ATTACHMENT "A"

- a. Activity - The proposed activity will include relocation of Sixmile Creek, placing fill in a portion of the existing Sixmile Creek channel, removal of the bridge, roadway, and roadbed along the southern border of Section 22, Township 110 North, Range 50 West (westerly extension of Sixth Street), and relocation of the road to the north of the proposed Sixmile Creek relocation. Refer to Sheet 1 and 2 for locations.

The Sixmile Creek relocation will involve construction of approximately 3,950 feet of stream channel involving excavation of approximately 45,000 cubic yards of material. The proposed relocated channel will be a grass-lined trapezoidal section with a 50-foot bottom width, 5H:1V sideslopes, and average 5 feet in depth (see Sheet 3). The current Sixmile Creek channel in the vicinity of all activities proposed in this application has been previously rechannelized and is not on its original alignment. In order to maintain continuity and avoid abrupt changes, the proposed channel relocation will maintain the configuration of the previous rechannelization efforts near the airport. The proposed channel capacity will be approximately 750 cfs - approximately a 5-year return frequency flood. As a note, based on the current FEMA map for Sixmile Creek, the 100-year floodway width in the vicinity of the proposed work varies from approximately 4,200 feet to 5,000 feet (100-year discharge equals 7,660 cfs). The relocated channel will pass through the railroad embankment at an existing railroad bridge approximately 2,500 feet northwest of its current crossing. The current railroad crossing will be left intact as will portions of the existing Sixmile Creek channel.

Fill will be placed beginning at the end of the Brookings Municipal Airport Runway 12/30 and extend in alignment with the runway centerline in a northwesterly direction (see Sheet 2). The fill will slope downward along the extension of the runway centerline at a grade of 1.133% until intersection with the original ground is reached (approximately 900 feet). In section, the fill will have a top width of 530 feet with a 2% crown from centerline. If necessary, a 5H:1V slope break will continue until the original ground line is intersected. This fill section will result in blockage of the current channel of Sixmile Creek. Total length of channel to be filled is approximately 800 feet. Portions of the existing Sixmile Creek channel not directly affected by the fill section will remain as is and will serve as an overflow area during large flood events.

ATTACHMENT "A" (continued)

The existing road along the southern border of Section 22, T110N, R50W (westerly extension of Sixth Street) will be obliterated in its entirety, with the exception of a short segment (approximately 300 feet) extending west from Western Avenue to maintain building access. Currently, the roadbed is a built-up section approximately 3 feet in height. The roadbed will be removed to the natural ground line, and the existing bridge crossing of Sixmile Creek will be removed (bridge located approximately 1,000 feet due west of the southeast corner of Section 22).

The roadway being removed will be replaced by a new roadway to be constructed north of the proposed Sixmile Creek relocation and will tie back into the previous road at the southwest corner of Section 22, T110N, R50W (see Sheet 2). The length of new roadway to be constructed is approximately 4,860 feet. The road will have a finished topwidth of 24 feet, 4H:1V slopes for 3 vertical feet, and an accompanying drainage ditch section. The height of road above natural ground will be similar to the existing road, that is, approximately 3 feet. Total embankment volume for the new road will be approximately 35,400 cubic yards. Since the new road will remain north of the proposed Sixmile Creek relocation, no new stream crossings will be necessary.

An alternative considered for the Sixmile Creek channel relocation was the construction of 4-10'x5' concrete box culverts through the proposed fill section. The box sections would actually be higher to allow placement of a natural bottom within the boxes and still maintain a 5-foot vertical opening. This option was not pursued further due to economic considerations.

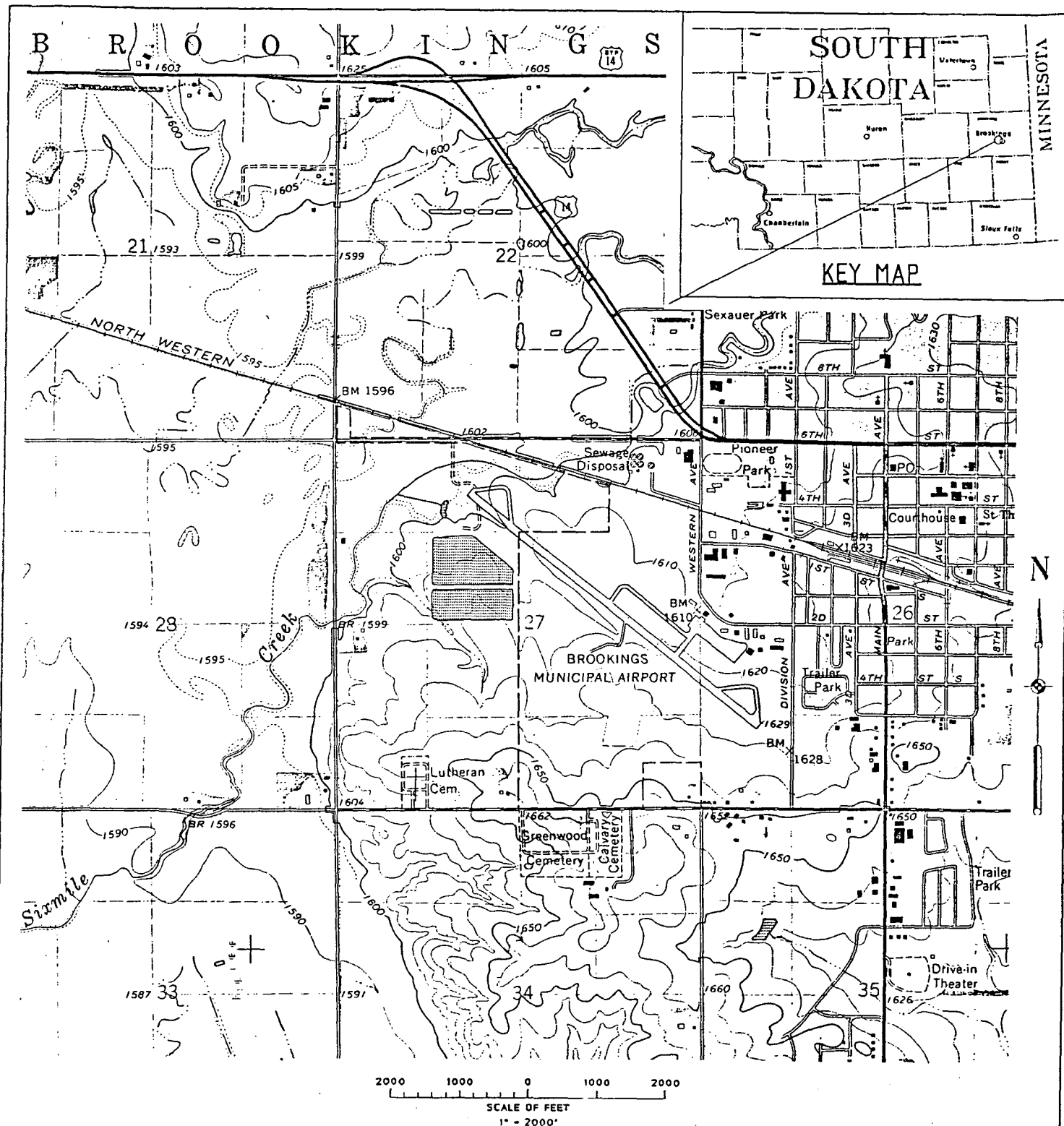
- b. Purpose - The purpose of the activities described above are to facilitate the construction of a Runway Safety Area and Runway Obstacle Free Area for Runway 12/30 at the Brookings Municipal Airport. The current schedule calls for awarding of construction contracts by June 1, 1991, and completion of construction by mid-September 1991.
- c. Discharge of Dredged or Fill Material - Approximately 16,200 cubic yards of material will be placed in the existing Sixmile Creek channel with total fill placed to construct the runway safety area of approximately 31,900 cubic yards. Material for the fill section will be native material obtained from the excavation necessary for the relocation of the Sixmile Creek channel and the removal of the existing roadbed as described above. Construction of the new road will not involve any stream crossings or placement of fill in any streams, however,

ATTACHMENT "A" (continued)

the road being removed as well as the proposed road relocation are located within the 100-year floodplain. The new road embankment volume will be approximately 35,400 cubic yards with material derived from the removal of the existing roadbed. Any excess material from the activities described above will be placed on airport property outside the influence of any drainages.

- Adjacent Property Owners

<u>Location (S-T-R)</u>	<u>Property Owner(s)</u>
Section 27-T110N-R50W	City of Brookings (applicant) P.O. Box 270 Brookings, SD 57006
SE $\frac{1}{4}$ Sec 21-T110N-R50W	Richard G. and Shirley M. Nichols RR #3, Box 126 Brookings, SD 57006
SW $\frac{1}{4}$ Sec 22-T110N-R50W	South Dakota State University Brookings, SD 57007
SE $\frac{1}{4}$ Sec 22-T110N-R50W NE $\frac{1}{4}$ Sec 28-T110N-R50W	John Moriarty 208 8th Street West Brookings, SD 57006
Railroad Right-of-Way	Dakota Minnesota & Eastern Railroad 337 22nd Avenue South Brookings, SD 57006



PURPOSE: GRADING FOR RUNWAY SAFETY AREA

DATUM: NAT. GEODETIC VERT. DATUM OF 1929

ADJACENT PROPERTY OWNERS:

1. RICHARD G. & SHIRLEY M. NICHOLS
2. JOHN MORTARTY
3. S.D. STATE UNIVERSITY
4. DAKOTA MINNESOTA & EASTERN RAILROAD

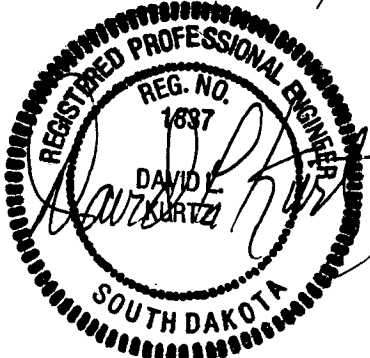
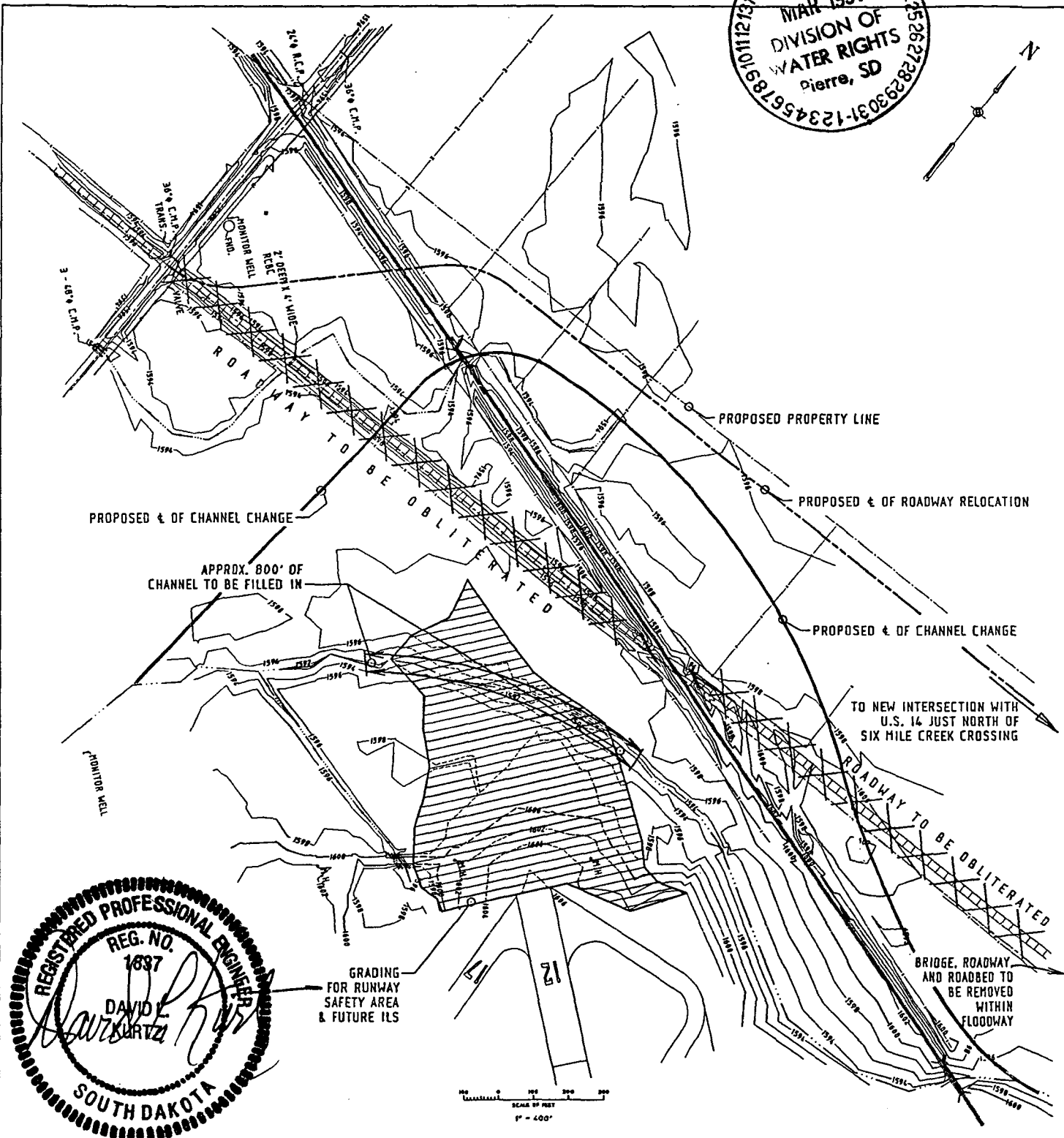
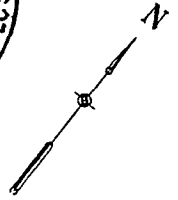
VICINITY MAP

BROOKINGS QUADRANGLE
SOUTH DAKOTA - BROOKINGS CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)
USDA - GEOLOGICAL SURVEY
1964
PHOTO REVISED 1981

PROPOSED CHANNEL RELOCATION SIX MILE CREEK

TRIBUTARY TO
BIG SOUTHERN RIVER

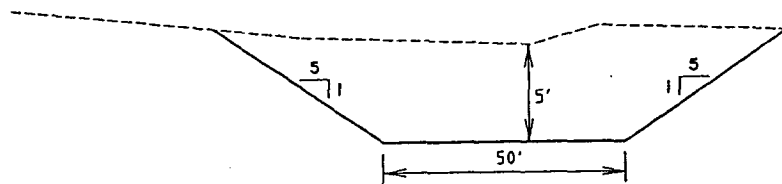
AT: SECTION 27, T 110 N, R 50 W
COUNTY OF: BROOKINGS STATE: SD
APPLICATION BY: CITY OF BROOKINGS
SHEET 1 OF 3 DATE 2-1-91



PURPOSE: GRADING FOR RUNWAY SAFETY AREA
DATUM: NAT. GEODETIC VERT. DATUM OF 1929
ADJACENT PROPERTY OWNERS:
1. RICHARD G. & SHIRLEY M. NICHOLS
2. JOHN MORIARTY
3. S.D. STATE UNIVERSITY
4. DAKOTA MINNESOTA & EASTERN RAILROAD

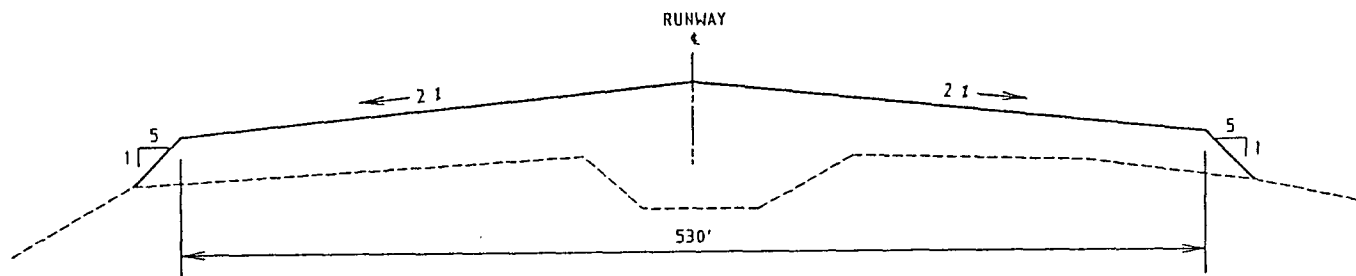
PLAN VIEW
BANNER ASSOCIATES, INC.
P.O. BOX 298
BROOKINGS, SD 57006
JANUARY 1991

**PROPOSED CHANNEL RELOCATION
SIX MILE CREEK**
TRIBUTARY TO
BIG SQUIX RIVER
AT: SECTION 27, T 110 N, R 50 W
COUNTY OF: BROOKINGS STATE: SD
APPLICATION BY: CITY OF BROOKINGS
SHEET 2 OF 3 DATE 2-1-91



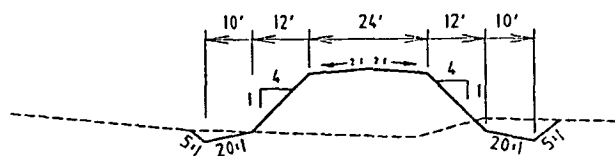
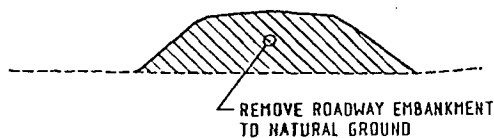
TYPICAL CHANNEL SECTION SIXMILE CREEK RELOCATION

HORIZONTAL SCALE: 1" = 40'
VERTICAL SCALE: 1" = 10'



TYPICAL FILL SECTION RUNWAY SAFETY AREA

HORIZONTAL SCALE: 1" = 100'
VERTICAL SCALE: 1" = 20'



ROADWAY EMBANKMENT SECTION
PROPOSED ROAD RELOCATION

TYPICAL ROADWAY SECTIONS

HORIZONTAL SCALE: 1" = 40'
VERTICAL SCALE: 1" = 10'

Handwritten signature: J. J. [unclear]

PURPOSE: GRADING FOR RUNWAY SAFETY AREA

DATUM: NAT. GEODETIC VERT. DATUM OF 1929

ADJACENT PROPERTY OWNERS:

1. RICHARD G. & SHIRLEY H. NICHOLS
2. JOHN MORIARTY
3. S.D. STATE UNIVERSITY
4. DAKOTA MINNESOTA & EASTERN RAILROAD

SECTIONS

BANNER ASSOCIATES, INC.
P.O. BOX 298
BROOKINGS, SD 57006

JANUARY 1991

PROPOSED CHANNEL RELOCATION SIX MILE CREEK

TRIBUTARY TO
BIG SQUIX RIVER

AT: SECTION 27, T 110 N, R 50 W
COUNTY OF: BROOKINGS STATE: SD
APPLICATION BY: CITY OF BROOKINGS
SHEET 3 OF 3 DATE 2-1-91

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412598

Pierre, _____ March 18, 19 91

RECEIVED OF City of Brookings, Brookings, SD 57006

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

Fee for Application for Permit No. <u>FC-14</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	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. _____		
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 Hatch
Chief Engineer



DEPARTMENT OF WATER & NATURAL RESOURCES

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



February 26, 1991

Steve Naylor
US Army Corps of Engineers
Pierre Regulatory Branch
Federal Bldg, Rm 260
Pierre SD 57501

Dear Mr. Naylor:

I am writing to comment on Application No. SD 2SB OXT 2 017199, City of Brookings, to place fill in Six Mile Creek as part of an airport expansion project.

In addition to obtaining a Section 404 permit for this project, the city will also need to obtain a flood control permit from the State of South Dakota pursuant to SDCL 46-2A-11 and 46-5-47. The flood control permit will be used to address any concerns the Division of Water Rights may have with this project. Application forms for a flood control permit are being forwarded to the City of Brookings.

Please contact us if you have any questions.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
605 773-3352

cc: Theodore Kryer, Fiscal Officer, City of Brookings

*Application forms
returned as per requested
Thank you for your
assistance. 2-27-91
JCH*



DEPARTMENT OF WATER & NATURAL RESOURCES

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

Copy

March 6, 1991

Gregg Jongeling, City Engineer
City of Brookings
Box 270
Brookings, SD 57006

COPY

Dear Mr. Jongeling:

I am writing in regards to the recent flood control permit application for the City of Brookings. The following issues must be addressed prior to processing the application.

1. A \$50 application filing fee is required.
2. The map must be signed by one of the following: 1) Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as part of his assigned duties.
3. From the map submitted with the application, am I correct in my assumption that all construction will take place within the S1/2 S1/2 Section 22, N1/2 N1/2 Section 27; all in T110N, R50W.

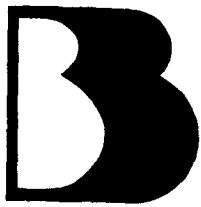
I will await the submittal of the \$50 application filing fee and the signed map. If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund

Eric Gronlund
Water Rights Division
605 773-3352

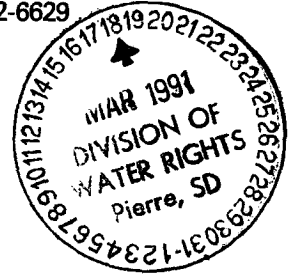
enclosure



CITY OF BROOKINGS

City Engineering Department
City Hall • P.O. Box 270
Brookings, S.D. 57006
Ph. (605) 692-6629

March 11, 1991



Eric Gronlund
Water Rights Division
Dept. of Water and Natural Resources
523 East Capitol
Pierre, SD 57501-3181

**Re: Flood Control Permit
Brookings Airport
3-46-0005-09**

Dear Mr. Gronlund:

Enclosed find a check for the \$50.00 application filing fee and a signed map and typical section of the proposed work. All work will take place within the S $\frac{1}{2}$, S $\frac{1}{2}$, Section 22 and the N $\frac{1}{2}$, N $\frac{1}{2}$, Section 27 all in the T110N-R50W. Thank you for your assistance in this matter.

Sincerely,

Gregg E. Jongeling, PE-LS
City Engineer

GEJ:dms
Enclosure

Report on Flood Control Permit Application No. FC-14
City of Brookings
March 12, 1991

The City of Brookings proposes to relocate a portion of Sixmile Creek. The purpose of the proposed relocation is to facilitate the construction of a Runway Safety Area and a Runway Obstacle Free Area for Runway 12/30 at the Brookings Municipal Airport. The proposed activity will include relocating a portion of Sixmile Creek, placing fill in a portion of the existing creek channel, removing the roadway, removing the bridge and removing the roadbed along the southern border of Section 22-T110N-R50W. The road will be relocated north of the proposed Sixmile Creek channel. The proposed relocation activities will take place within the S1/2 S1/2 of Section 22 and the N1/2 N1/2 of Section 27; all in T110N-R50W.

Discussion

The proposed project will involve the construction of a new channel approximately 3950 feet in length. It will start at Sixmile Creek in the NE1/4 of Section 27-T110N-R50W. The channel will run northwest into Section 22-T110N-R50W along the north side of the railroad right of way for approximately 2600 feet. The channel will then be routed south through the railroad embankment at an existing railroad bridge approximately 2500 feet northwest of its current crossing. The channel will tie back into Sixmile Creek at a point in the NW1/4 of Section 27-T110N-R50W. The existing channel will be partially filled with excavated material from the new channel. Portions of the existing channel, not affected by the fill, will remain intact as will the current railroad crossing. The existing roadway and bridge, which runs west along the section line between Sections 22 and 27, will be removed. A replacement road will be located north of the proposed channel.

The area of the watershed located above the site of the proposed project is approximately 42 square miles. The width of the flood plain at the project site is about 6000 feet. The proposed channel capacity will be approximately 750 cfs, which is the flow of a 5-year return frequency flood. The 100-year floodway width at the project site varies from 4200 feet to 5000 feet based on the current FEMA map for Sixmile Creek. The 100-year discharge is equal to 7660 cfs. The location of the existing channel and the proposed channel are both within the boundaries of the flood plain area.

Sixmile Creek is a tributary to the Big Sioux River. The point where Sixmile Creek flows into the Big Sioux River is located approximately 2 miles below the proposed project site. There are no existing water rights or location notices in the immediate vicinity which will be affected by the proposed project.

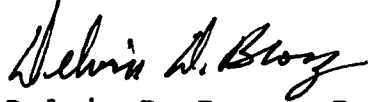
Conclusions

1. The application proposes to relocate and fill a portion of Sixmile Creek with a 3950 foot channel. The relocation of the channel is proposed so that construction of a Runway Safety Area and Runway Obstacle Free Area for the Brookings Municipal Airport can be completed.
2. The width of the flood plain near the proposed site is approximately 6000 feet. The 100-year floodway width near the site based on the current FEMA map is between 4200 feet and 5000 feet.
3. The proposed channel will be located in the current flood plain area.
4. There are no existing water rights or location notices which will be affected by the proposed project.



Mark D. Rath
Natural Resources Engineer II

Approved by:



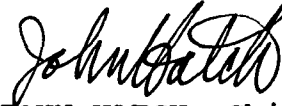
Delvin D. Brosz, P.E.
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR FLOOD CONTROL PERMIT
APPLICATION NO. FC-14, City of Brookings

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-14, City of Brookings, Box 270, Brookings, SD.

The Chief Engineer is recommending APPROVAL of Application No. FC-14 because 1) the project will not increase the likelihood or severity of flood damages downstream, 2) will not endanger human life or property, and 3) will not impair existing water rights.

See report on application for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
March 15, 1991



DEPARTMENT OF WATER & NATURAL RESOURCES

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

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

March 28, 1991

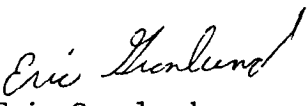
Gregg E. Jongeling, City Engineer
City of Brookings
Box 270
Brookings, SD 57006

Dear Mr. Jongeling:

Water Permit Application No. FC-14 for construction use has 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 Brookings Daily Register printed at Brookings, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

March 28, 1991

Brookings Daily Register
Box 177
Brookings, SD 57006

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. FC-14 to be published twice. Please publish the first notice on April 3, 1991, 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 City of Brookings, Box 270, Brookings, SD 57006.

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
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 April 3, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. FC-14 for a Flood Control Permit

Notice is given that City of Brookings, Box 270, Brookings, SD 57006 has filed an application for a flood control permit to authorize relocation of a portion of Sixmile Creek. The proposed activity will include relocation of a portion of Sixmile Creek, placing fill in a portion of the existing creek channel, removal of the bridge, roadway, and roadbed along the southern border of Section 22, T110N, R50W, and relocation of the road to the north of the proposed Sixmile Creek relocation. The relocation activities will take place within the S 1/2 S 1/2 Section 22 and the N 1/2 N 1/2 Section 27; all in T110N, R50W. The purpose of the relocation activity is to facilitate the construction of a Runway Safety Area and Runway Obstacle Free Area for Runway 12/30 at the Brookings Municipal Airport.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. FC-14 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, 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 April 22, 1991. 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.

For purposes of publishing 1) the notice of hearing on Application No. FC-14 and 2) the chief engineer's recommendation, a Board meeting is scheduled for May 1, 1991, at 10:00 am in the meeting room at Chef Louie's, 601 E. Havens, Mitchell, SD. If this application is opposed or the recommendation is contested, the May 1, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The May 1, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 22, 1991.

If a hearing is held, 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 this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 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, 46-5-48; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Affidavit of Publication

State of South Dakota

County of Brookings

ss

Rob James of said county, being first duly sworn, on oath, says: That he is one of the editors of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that he has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year next prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed in the office maintained at said place of publication; and that the

Legal #202

136 lines @ .376

a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit "A," and is made a part

of this affidavit, was published in said newspaper for two

successive week/s, to-wit:

April 3, 1991, 19

April 10, 1991, 19

19, 19

19, 19

That the full amount of the fee charged for the publication of said Exhibit "A" inures to the sole benefit of the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Fifty one dollars and fourteen cents Dollars

Subscribed and sworn to before me this 10th day of

April, 1991

Mary Schulte

Notary Public in and for the County of Brookings, South Dakota.

My Commission expires 1-28, 1999

Exhibit "A"

Legal 202, 2x, April 3, 10
NOTICE OF HEARING on
Application No. FC-14 for a Flood
Control Permit

Notice is given that City of Brookings, Box 270, Brookings, SD 57006 has filed an application for a flood control permit to authorize relocation of a portion of Sixmile Creek. The proposed activity will include relocation of a portion of Sixmile Creek, placing fill in a portion of the existing creek channel, removal of the bridge, roadway, and roadbed along the southern border of Section 22, T110N, R50W, and relocation of the road to the north of the proposed Sixmile Creek relocation. The relocation activities will take place within the S 1/2 S 1/2 Section 22 and the N 1/2 N 1/2 Section 27; all in T110N, R50W. The purpose of the relocation activity is to facilitate the construction of a Runway Safety Area and Runway Obstacle Free Area for Runway 12/30 at the Brookings Municipal Airport.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. FC-14 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, 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 April 22, 1991. 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.

For purposes of publishing 1) the notice of hearing on Application No. FC-14 and 2) the chief engineer's recommendation, a Board meeting is scheduled for May 1, 1991, at 10:00 am in the meeting room at Chef Louie's, 601 E. Havens, Mitchell, SD. If this application is opposed or the recommendation is contested, the May 1, 1991, hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The May 1, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 22, 1991.

If a hearing is held, 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 this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 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, 46-5-48; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



South Dakota



GREAT FACES. GREAT PLACES.

SEP 17 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Gregg E. Jongeling
City of Brookings
Box 270
Brookings, SD 57006

Dear Mr. Jongeling:

Enclosed is a Flood Control Permit No. FC-14 as approved by the Water Management Board. If you have any questions pertaining to the Permit, please contact this office.

Very truly yours,

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

Enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

August 26, 1998

FC-14

City of Brookings
Greg E. Jongeling, City Engineer
P.O. Box 270
Brookings, SD 57006

Dear Mr. Jongeling:

The investigation of your water use system was conducted on August 10, 1998, by Mark D. Rath, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Flood Control Permit No. FC-14. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 415859

Pierre, September 11, 19 98

RECEIVED OF City of Brookings, P.O. Box 270, Brookings, SD 57006
the following amount in fees for services rendered as provided for by law:

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

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. FC-14 _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By

Chief Engineer

John Hatch

Flood Control Permit No. FC-14
Big Sioux River - Water District

Report Of Examination Of Works

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

On, August 10, 1998, I made a thorough examination of the flood control project constructed by the city of Brookings of PO Box 270, Brookings SD 57006 holder of Flood Control Permit No. FC-14, bearing the priority of February 28, 1991 authorizing the construction and operation of the flood control project, in Brookings County.

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

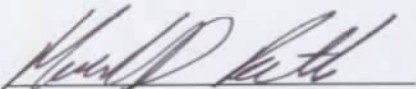
A. Flood control project description

A portion of the Sixmile Creek channel was rerouted using a ditch.

The system is in the following condition good. The flood control project is located in the **S1/2 S1/2 of Section 22 and N1/2 N1/2 Section 27 T110N-R50W.**

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none



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

8/20/98
Date

REPORT ON INSPECTION OF FLOOD CONTROL PERMIT NO. FC-14

DATE OF INSPECTION: 8/10/1998

Contact Person & Address: Gregg E. Jongeling, City Engineer

City of Brookings, PO Box 270, Brookings, SD 57006

PROJECT LEGAL LOCATION: S1/2 S1/2 of Section 22 and N1/2 N1/2 Section 27 T110N-R50W

Description of Flood Control Works: Rerouted a portion of Sixmile Creek to provide for an airport expansion. The cross section of the relocated channel has a bottom width of approximately 50 feet a depth of about 5 feet and 1:5 side slopes. The project has been in place for approximately 6 years during which time the area has experience well above normal moisture conditions. There have been no complaints filed with Water Rights concerning any flooding issues involving this project.

STATE OF SOUTH DAKOTA

FLOOD CONTROL WATER LICENSE NO. FC-14

(1) The City of Brookings, PO Box 270, Brookings SD 57006 made Application No. FC-14, February 28, 1991 for a flood control permit to relocate a portion of the Sixmile Creek in Brookings County, South Dakota to allow for airport expansion at the Brookings Municipal Airport. Permit No. FC-14, with a priority date of February 28, 1991 was approved May 1, 1991 and issued to the applicant with construction and operation of the project to be completed on or before May 1, 1996.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the flood control project which consisted of rerouting a portion of Sixmile Creek channel using a ditch. The location of the project is S ½ S ½ Section 22 and the N ½ N ½ Section 27; all in T110N-R50W.

(3) Pursuant to South Dakota Water Law 46-5-30.1 the City of Brookings, PO Box 270, Brookings SD 57006 the holder and/or owner of Permit No. FC-14 is issued a license to reroute a portion of Sixmile Creek from the location specified in (2) of this license for flood control purposes. This license with a priority date of February 28, 1991, is subject to any limitations or qualifications listed in Flood Control Permit No. FC-14 and subject to South Dakota State Law.

John Hatch

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

SEP 23 1998

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

SEP 23 1998

FC-14

City of Brookings
%Ted Kryger, Finance Officer
P.O. Box 270
Brookings, SD 57006

Dear Mr. Kryger:

Enclosed is your Flood Control Water License No. FC-14. This is the final document completing your process of obtaining a flood control permit. Also enclosed is Receipt No. 415859 in the amount of \$50.00 which you paid for the investigation and issuance of the water license.

If you have any questions concerning the enclosed license, please contact us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures