

FORM 2: Application for flood control permit
(type or print)



Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. FC-24 Hydrologic Unit 10140103
Basin Missouri River
Newspaper Highmore Herald, Highmore, SD
(office use only)

APPLICATION FOR A FLOOD CONTROL PERMIT WITHIN THE STATE OF SOUTH DAKOTA

1. Name of Applicant Hyde County
Address P.O. Box 260
Highmore S.D. 57345 Phone No. 605-852-2518
(City) (State) (Zip Code)
2. Name of watercourse North Medicine Creek
3. Location of project (legal description) Sec. 4 115 N R73W & Sec. 9 115 N R73W
4. County or counties where project is located Hyde
5. Give a brief description of the proposed project including the type of project (Dam, Dikes, Channel Modifications, etc.) and purpose for 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.)

Attachment: Attach map (see instruction)

STATE OF SOUTH DAKOTA)
County of Hyde) SS

I, Hyde County Ron Van Den Berg the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Hyde County Ronald Van Den Berg

Subscribed and sworn to before me this 9th day of December 19 97

Connie Konrad

Notary Public

**SOUTH DAKOTA
FLOOD CONTROL PERMIT NO. FC-24**

Date of first receipt of application December 10, 1997.

The Water Management Board approved Flood Control Permit No. FC-24 on February 25, 1998 for Hyde County, PO Box 260, Highmore SD 57345 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. Flood Control Permit No. FC-24 authorizes construction of a permanent outlet for Spring Lake. In May of 1997, Hyde County installed approximately 3,000 feet of buried 24 inch pipe to lower the water level of Spring Lake and the connecting chain of upstream lakes/wetlands. The outlet is located in the SE 1/4 of Section 4-T115N-R73W. Depending on construction limitations, the outlet elevation for Spring Lake will be approximately 1,760.0 feet mean sea level.
2. Approval of the project will reduce damage from flooding and erosion, will not increase the likelihood or the severity of flood damages downstream, the necessary easements have been obtained, will not impair existing rights and is in the public interest.
3. The date from which applicant may claim right is December 10, 1997.

WATER MANAGEMENT BOARD

By: _____

John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

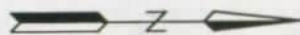
APR 23 1998

date



S.F. 1/4 SEC. 4, T. 115 N., R. 73 W.

Scale: 1" = 300'



Chargé de Comptes
Régulièrement
05 ans
4 ans

temporary Road

Water Lilies

1760.2
P.D.
1761.1

1775.3
x
1774.8
x
1775.5
x

9/6

17725

Section Line
End of Road

$\times 1784.7$
Road

Road

approx - 10 to 12 ft Water
+ 176.5 over top of Road

N., R. 73 W.

N.E. 1/4 SEC. 9, T. 115 N., R. 73 W

Bonnie J. Arckelson, Hyde Co FSA

NOT TO SCALE

T575

NO WETLAND
INVENTORY

NO WETLAND
INVENTORY

4



NO WETLAND
INVENTORY

T587

T575

11.7
2

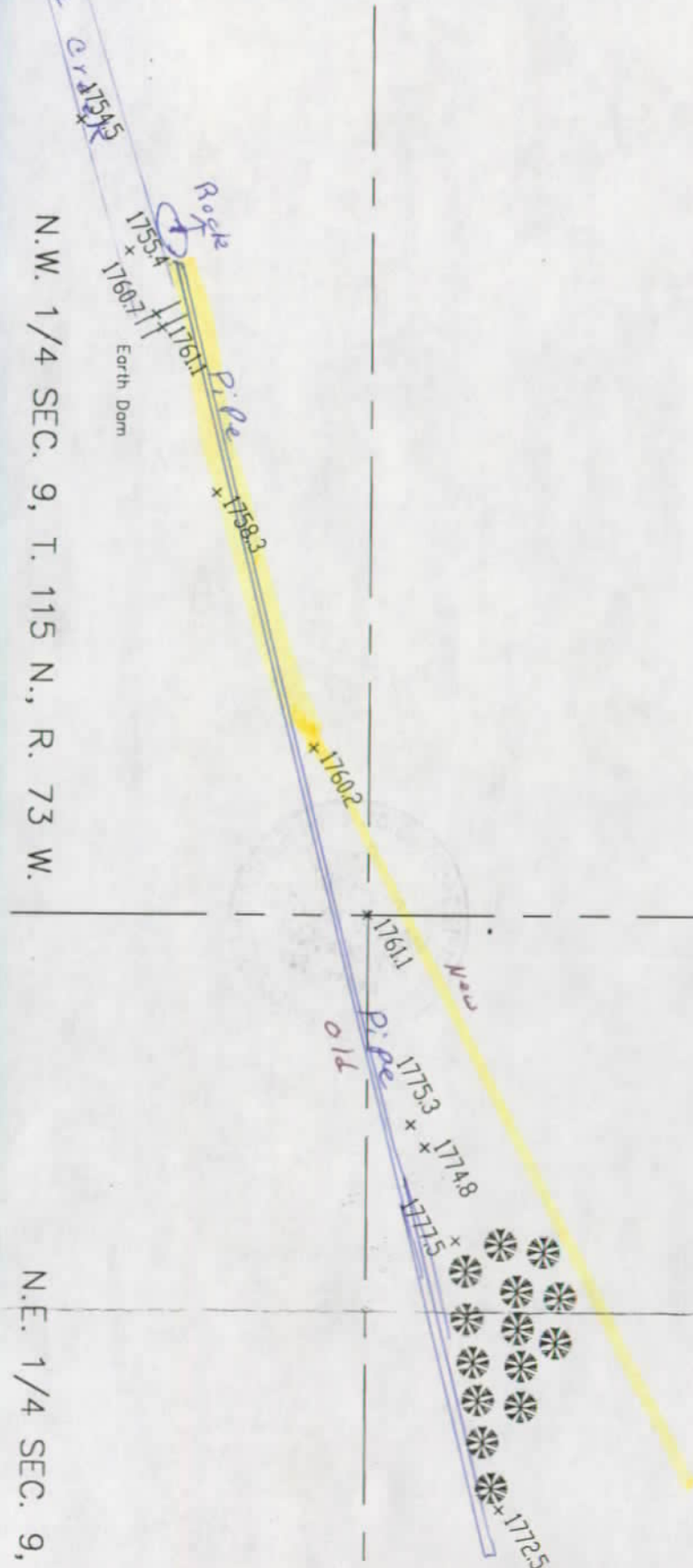
OT

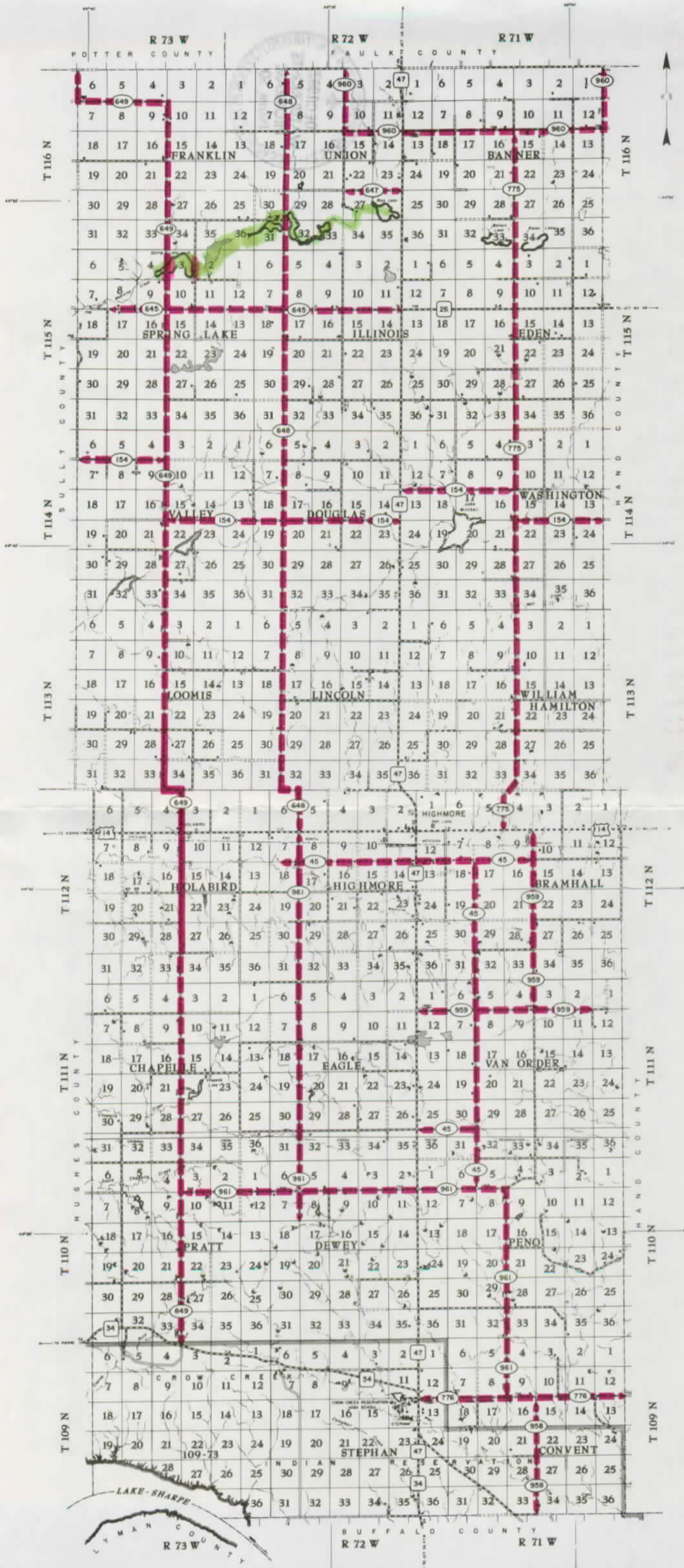
S.W. 1/4 SEC. 4, T. 115 N., R. 73 W.

S.E. 1/4 SEC. 4, T.

N.W. 1/4 SEC. 9, T. 115 N., R. 73 W.

N.E. 1/4 SEC. 9, T.





All the Lakes in green were corrected this spring. Roads still under are pink.

HYDE COUNTY SOUTH DAKOTA

COUNTY HIGHWAY SYSTEM

BITUMINOUS

GRAVEL

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 415556

Pierre, December 10, 1997

RECEIVED OF Hyde County Treasurer, Highmore, SD 57345

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

Fee for Application for Permit No. <u>FC-24</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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 _____		

(Any Other Work Provided by Law)	Total	150 00

By _____
Chief Engineer

John Hatcher (Signature)



INVENTORY OF DAMS IN THE UNITED STATES

PAGE 52

06/23/75 16:55

IDENTITY NUMBER	STATE	DIVISION	COUNTY	STATE	COUNTY	DIST.	CONGR. DIST.	NAME	LATITUDE (NORTH)	LONGITUDE (WEST)	REPORT DATE DAY MO YR
SD 00033	SD	06	02					R. VAN HOCKLE	4449.0	9932.3	13 SEP 73

SW 14 NE 14, SEC. 36 T116N R73W

POPULAR NAME	NAME OF IMPOUNDMENT

REGION BASIN	RIVER OR STREAM	NEAREST DOWNSTREAM CITY - TOWN - VILLAGE	DIST. FROM DAM (MI.)	POPULATION
114 NORTH MEDICINE CREEK	NONE		0	0

TYPE OF DAM	YEAR COMPLETED	PURPOSES	STRUCTURAL HEIGHT (FT.)	HYDRAULIC HEIGHT (FT.)	IMPOUNDING CAPACITIES MAXIMUM (ACRE-FT.)	NORMAL (ACRE-FT.)
1940	1940	5	11	11	638	100

MR Ø NNNN 26 FEB 79

REMARKS
2-ESTIMATE 18-NONE IN FLOOD PLAIN

D/S HAS LENGTH	SPILLWAY TYPE	MAXIMUM DISCHARGE (CFS)	VOLUME OF DAM (CV)	POWER CAPACITY (KW)	NAVIGATION LOCKS
3	6-0	1-150	9000	8000	

OWNER	ENGINEERING BY	CONSTRUCTION BY
Raymond VanBerkle RAY VAN HOCKLE	WPA	WPA

DESIGN	CONSTRUCTION	OPERATION	MAINTENANCE
NONE	NONE	NONE	NONE

INSPECTION BY	INSPECTION DATE DAY MO YR	AUTHORITY FOR INSPECTION
NONE		

REMARKS
34 ESTIMATE

DAVID M. AXTMANN
HYDE COUNTY STATE'S ATTORNEY
107 Iowa Ave S
P.O. Box 187
Highmore, SD 57345-0187
Telephone: 605-852-2761



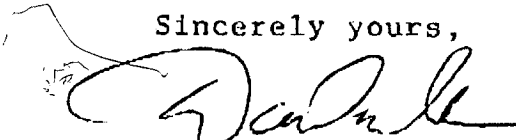
April 10, 1997

John Hatch
State Engineer
Pierre, SD 57501
Fax # 1-605-773-4068

Dear Mr. Hatch:

After visiting with Diane Best of the Attorney General's Office, I want to make a written request on behalf of Hyde County for inspection of the flooding occurring at the residence of Larry and Ramona Jensen located in Spring Lake Township of Hyde County, South Dakota and the general area which is more specifically located in Section 2 and Section 11, Township 115 North, Range 73 West of the 5th P.M. If you need further information, please feel free to contact my office or the County Highway Department.

Sincerely yours,


David M. Axtmann
Hyde County State's Attorney

DMA/dh

Selken, Gale

From: Rath, Mark
To: Best, Diane; Brosz, Del; Selken, Gale; Beck, Lynn; Rath, Mark
Subject: FW: Larry Jensen call-852-2462
Date: Thursday, April 10, 1997 9:39
Priority: High

Diane,

This is the issue that I left on your Audex. Eric said he has talked to the states attorney about this and it sounds like the county wants to sit on their thumbs on this one.

From: Stoneback, Susan
To: Rath, Mark
Subject: Larry Jensen call-852-2462
Date: Thursday, April 10, 1997 9:27AM
Priority: High

Here are the notes from Larry's call this morning. They will give you a little background on the problem. I also asked Clyde Pietz to check into it from the DOT aspect. Thanks, Mark.

Referred to Mark Rath at DENR and to Clyde Pietz in DOT. Larry visited with Co commission last year about flooding caused by a dam north of his property. The dam was put in in the 1930's and was a problem in the 1950 and 1960's put not again until three years ago.

At one time, the county put a drain tube in the dam, and it drains into a basin like area on caller's property. Caller said if it went another 3000 feet it would drain naturally, but it doesn't. He wants to put in a small channel to drain this small basin that is threatening their home.

Last year the water killed his shelter belt of 115- 120-yr old trees and flooded yards and also ruined his sewer system. The Co said it wasn't a problem, and they would worry about it next year which is now. Caller said that survey work was done.

(He evacuated his family recently and fears the water will soon be up to his house.)

Caller has gone to the Feds Fish and Wild life and the NRCS and SCS and the Corp of Engineers and each agency has given him permission to drain, agreeing that he shouldn't have to lose everything two generations have worked for. In fact, Dwight Hale at the NRCS office told him he thought that FEMA would pay for about 75% of the cost of the work needed to put in the channel.

Tuesday (4/8/97) caller went back to the county commission and the commission voted not to give him permission to drain the land because they didn't want the liability from property owners down stream. (Caller's neighbor had said he doesn't want liability either, but would allow the project to cross his property if the Co would take liability.)

Caller further notes that 4 roads would come out from

under flooding if the water was drained.

CALLER WANTS TO KNOW HOW TO GET RELIEF FROM WATER PROBLEMS WHEN COUNTY REFUSED TO ALLOW DRAINAGE. UPSET BECAUSE COUNTY ORIGINALLY CREATED THE PROBLEM FOR HIM AND HE HAS THE GO AHEAD FROM ALL OTHER AGENCIES THAT ARE INVOLVED.

Rath, Mark

From: Best, Diane
To: Brosz, Del; Selken, Gale; Beck, Lynn; Rath, Mark
Subject: RE: Larry Jensen call-852-2462
Date: Monday, April 14, 1997 10:12AM

I talked to the state's attorney and county commissioner Zeigler on Thurs. Tom Adam is looking at representing Larry Jensen on this; he called this morning and wanted to know why county is insisting on indemnity clauses for downstream flooding. I told him that if someone were approaching the state for flood control permits we'd ask for easements. Maybe this is a similar situation.... Call the state's attorney.... I also talked to the state's attorney. I advised that if this is a county drainage improvement project for the drainage of diffused surfaced water from agric. land, county needs to go ahead and do the project and get the easements or whatever themselves, including damage payments under SDCL 46A-10A-68. IF this is a definite watercourse, then the flood control laws apply and county has authority to do this on a temporary basis upon notification to the DENR. Consider yourself notified that Hyde county may be installing some type of control structure in the WPA dam or in Spring Lake along with a 3000 foot channel to cause the water to flow to Medicine Creek. I advised that if this is a permanent project, a flood control permit is necessary. Any required flowage easements or liability resulting from operation of the project is generally that of the persons operating the project. County clearly has authority to accept or reject responsibility for the project involving flooding on private land.

> To: Best, Diane; Brosz, Del; Selken, Gale; Beck, Lynn; Rath, Mark
> Subject: FW: Larry Jensen call-852-2462
> Date: Thursday, April 10, 1997 9:39AM
> Priority: High

> Diane,

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> caused by a dam north of his property. The dam was put in
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> it drains into a basin like area on caller's property.
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> naturally, but it doesn't. He wants to put in a small
> channel to drain this small basin that is threatening
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> old trees and flooded yards and also ruined his sewer
> system. The Co said it wasn't a problem, and they would

PRINTED BY BROWN & SAENGER, SIOUX FALLS, S. D.—16467

The Hyde County Board of Commissioners met at 2:00 p.m. on Tuesday, April 15, 1997. Present were Lane Zeigler, Chairman; Leonard Oligmueller, Barry L. Alger, Elton (Jake) Vilhauer, and Robert A. Bawdon. None absent. Also present were Tim Schaal from the S.D. Dept. of Environmental & Natural Resources-Engineer Division of Water Rights, Bob Barrett of U.S. Fish and Wildlife, Mr. & Mrs. Larry Jensen, Ray Van Bockel, Mark Hamlin, Terry Spilde, Duane Winkler, Oliver C. Olsen, Supt. Van Den Berg, and States Attorney Axtmann.

The project of placing a 24 inch pipe, with a gate, 20 feet deep, to alleviate the water problem involving Spring Lake, the Larry Jensen farm, and the Holabird grade was discussed. Upon recommendation of the S.D. Attorney General's office, Axtmann reported that Mr. Schaal, a state engineer, was contacted. Schaal advised that the commissioners could act under the emergency clause and do the pipe project as a temporary matter, but, a flood permit would need to be applied for and received within one year.

Bob Barrett, representing U.S. Fish & Wildlife, reported that Fish & Wildlife have an easement on this land protecting the wetlands. They have prepared a permit for Spilde, requiring his signature, to temporarily drain the wetland. If the permit is signed Fish & Wildlife will allow us to put a pipe in, but, within the next year and a half they may require a section of the pipe be filled with cement. Maybe, during this year and a half it is possible that they might agree to us having a gate on the pipe.

Larry Jensen presented a fax from John Irvin, Mayor, City of Blunt, addressed to the commissioners. The fax stated the City of Blunt would not have any objection to water being drained into Medicine Creek. Duane Winkler, landowner along Medicine Creek, stated he would not object to the pipe project. Jensen reported Howard Brown, landowner along Medicine Creek, is not in objection to the project. Jensen stated he would prefer a 3 foot in diameter pipe.

The possibility of receiving Federal Emergency funds, obtaining easements, and the estimated length of time before improvement is seen were discussed. Olsen reported that he was just informed that FEMA was going to be here tomorrow.

Motion by Alger to wait and make a decision tomorrow after consulting with FEMA. Seconded by Bawdon. Unanimous vote aye.

Motion by Alger to adjourn at 3:00 p.m. and reconvene Wednesday, April 16, at 4:00 p.m. to discuss issues with FEMA. Seconded by Bawdon. Unanimous vote aye.

Hyde County Board of Commissioners

Lane Zeigler, Chairman

ATTEST:

Connie Konrad
Connie Konrad, Auditor

File No. XXX

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Hyde County Flooding (Larry Jensen)

ADDRESS: XXXXXXXXXXXXXX

COUNTY: XXXXXX

DATE: April 16, 1997

TELEPHONE: XXXXXXX

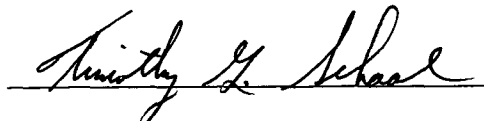
RE: XXXXXXX

I met with the Hyde County Highway Superintendent (Ron Van Den Berg) and attended the Hyde County Commissioners meeting yesterday April 15, 1997, to review and discuss the flooding concerns in the Spring Lake area in NW Hyde County. The County wants to install a buried culvert (24 or 36 inch) in the SW corner of Spring Lake to lower the lake elevation to about 4 feet below the road located between Sec. 3 & 4-T115N-R73W. The elevation of the road is about 1761 and the lake is currently about 4 to 5 above the road. I told them that it was my understand that the County could do this on a temporary basis for up to one year and after one year they would be required to have a Flood Control Permit from us. FEMA was planning to talk to them today and they decided to wait to hear what FEMA had to say about funding. They did discuss easements from downstream property owner, several of whom were at the meeting and said that they had no problem with the County doing this. I asked them to send me a copy of their minutes whenever they make a decision. Bob Barrett from the USFWS out of Huron was also at the meeting and said the USFWS had an easement on Spring Lake and would okay an elevation to 4 feet below the road.

Water was coming into Hyde County from Faulk County, then into Rice Lake which was flowing into Thomas Lake, which flows into the lake formed by the WPA dam located in the E 1/2 of Sec. 36-T116N-R73W. The dam has a 24 inch drop inlet spillway with an earthcut secondary spillway. The secondary has been plugged with fill and a 36 inch culvert to allow for access over the dam embankment. The reservoir was about one foot below the top of dam elevation. The water then flows into the lake north of the Larry Jensen farm (Jensen Lake) and then into Spring Lake. It appeared that Spring Lake would need to get to about elevation 1775 before it would drain naturally. Larry Jensen's home (south of the road) is at about elevation 1795, and a second home located (north of the road) is at about elevation 1785.

Estimated Elevations from the topo map are:

Spring Lake--1766, Jensen Lake--1775, WPA Lake/Lake Thomas--1779, and
Rice Lake--1790



Timothy G. Schaal, P.E.
Natural Resources Engineer III
Water Rights Program



APR 1977 022 NNNN 3. 2

Hyde Co
WPA Dam
2nd Spillway
4/15/97



APR 97 032 NNNN 2. 1

Hyda Co.
In/PA Dam
Dis slope
4/15/97



APR 197 092 JNNN 9. 7

Hyde Co
Larry Jensen hatte
Outlet & Barns
4/15/97



APR 77 092 ENNH 1 0

Hyde Co.
WPA Dam
4/15/97



APR 17 092 NNNN 2 6

Hyde Co
Larry Jensen Lake
Outlet
4/15/97



APR 1977 092 NNNN 6" 5

Hyde Co
WPA Dam
Spillway
U/S Slope
4/15/97



APR 97 092 NNNN 5. 4

Hyde Co
WPA Dam
Spillway
4/15/97



APR 1977 092 NNNN 4. 3

Hyde Co.
Below WPA Dam
4/15/97

File No. XXX

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Hyde County Flooding (Larry Jensen)

ADDRESS: XXXXXXXXXXXXXX

COUNTY: XXXXXX

DATE: April 24, 1997

TELEPHONE: XXXXXXX

RE: XXXXXXX

I talked to the Hyde County Highway Superintendent (Ron Van Den Berg) today about their proposed project at Spring Lake. He said they were ready to go ahead with it, except they were waiting to hear from FEMA on funding. He said they were told there were no Hazard Mitigation teams in the State yet.

I called Emergency Management and talked to Jim Ward, he said he has told Hyde County they should probably do the work to open the roads and worry about FEMA funding later. He said there were no Hazard Mitigation teams in the State and did not know if they would approve this project anyway. He thought if it was a County emergency they should be doing the work now. He said he would call Mr. Van Den Berg again and talk to him.



Timothy G. Schaal, P.E.
Natural Resources Engineer III
Water Rights Program

File No. XXX

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Hyde County Flooding (Larry Jensen)

ADDRESS: XXXXXXXXXXXXXX

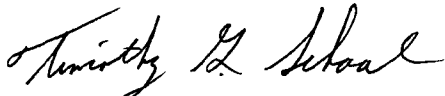
COUNTY: XXXXXX

DATE: June 10, 1997

TELEPHONE: XXXXXXX

RE: XXXXXXX

I talked to the Hyde County Highway Superintendent (Ron Van Den Berg 852-2518) today about their project at Spring Lake. He said they have installed a 24 inch pipe and that Spring Lake is now also spilling naturally. I reminded him to keep working on the Flood Control Application and we should have it within one year of the start of the project (May 23rd). He said that FEMA told them to do this under an emergency clause and they have already received some money back from them. He said Larry Jensen still is not living at his home (can't get there) but some of the upstream roads are now open. Said the upstream dam is OK with only a little flow coming through the 3 foot culvert. Said the Jensen house on the north side of the road was not flooded.



Timothy G. Schaal, P.E.
Natural Resources Engineer III
Water Rights Program

File No. XXX

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Hyde County Flooding (Larry Jensen)

ADDRESS: XXXXXXXXXXXXXXXX

COUNTY: XXXXXX

DATE: November 25, 1997

TELEPHONE: XXXXXXX

RE: Spring Lake drainage

I made an investigation of the drainage project at Spring Lake in Hyde County today. They installed about 2500 feet of 24 inch ribbed PVC pipe with a homemade headgate structure. The lake level has dropped considerably since my inspection on April 15, 1997. The first 2 roads to the east, between Sections 3 & 4 and Sections 2 & 3 -T115N-R73W, were still under water; however, the connection between Spring Lake and the Larry Jensen lake was dry and the roads to the east of there were all open. There was just a small flow of water going through the 18 inch culvert at the WPA dam. I stopped by the County Highway shop and reminded them of the Flood Control permit.



Timothy G. Schaal, P.E.
Natural Resources Engineer III
Water Rights Program



6- 5A

MINN OCT 23, 1907

11/25/97

Spring Lake

Hyde Co.

Buried Outlet
Discharge



44 S NNNN 020 26.00N

11/25/97

Spring Lake

Hyde Co.

Buried Outlet
Discharge



11/25/97
NOV. 97 070 NNNN 4. 3A

Spring Lake

Hyde Co.

Buried Outfall

looking West



42 "Σ

NNNN 070 26, AON

11/25/97

Spring Lake

Hyd. Co.

Buried Outlet

looking E. towards
lake



11/25/97

NOV 27 070 NNNN 2. 1A

Spring Lake
Hyd. Co.



40 "T NNNN 020 26.00N

11/25/97

Spring Lake

Hyde Co.

Road Between

Sec. 3 & 4 - T115N-R73W



NOV 27 11 20 AM '97

11/25/97

Spring Lake

Hyde Co

Road Between

Sec. 30 & 31 - T116-R72
(Dry)



NOV 27 1997

11/25/97

Spring Lake

Hyde Co

Road Between

Sec. 31 & 32 - T116 - R72

(Dry)



NOV 27 020 PM 1976

11/25/97

Spring Lake

Hyde Co.

Sec 2-T11S-N-R 73W

Between Spring Lake
& Jensen Lake

(Dry)



11/25/97

Spring Lake

Hyde Co

Sec. 2-T115N-R73W

Between Spring Lake
and Jensen Lake

(Dry)

Road between Sec.

2 & 3 still

flooded



11/25/97 NOV 27 070 NNNN 7. 6A

Spring Lake
Hyde Co
Buried Outlet
Headgate



02 78

NNNN 020 26.00N

11/25/97

Spring Lake

Hyde Co.

Buried Outlet

Headgate

Water Rights Division
Joe Foss Building
523 E. Capitol
Pierre, S.D. 57501-3181



December 9, 1997

Dear Sir:

Hyde County received a temporary flood permit from you in June of 1997. We had one of our main roads, 649, covered with approximately 12 ft. of water. This road was the main route for 7 families located in the NW corner of the County. The only way out was a road through Terry Spilde's pasture at one time!

We obtained FEMA money to put in a pipe to drain water off of 4 roads (see attached maps). We could drain the water into Northern Medicine Creek. With the approval of land owners and U.S. Fish & Wildlife we have partly completed this job.

Hyde County with the help of a Construction Co. installed a 24" plastic pipe which when completed will be approximately 3000 ft. long. We have a .001 per ft. raise in the pipe. When work is fully completed there will be a permanent bulk head with a flood gate installed.

U.S. Fish & Wildlife also wants us to fill ten feet of the pipeline with concrete by next September if the water level is down.

Sincerely,

Ronald Van Den Berg
Hyde County Highway Supt.

EASEMENT

COPY

WHEREAS Hyde County intends to construct a water pipe line approximately 24 inches in diameter as a flood control device to drain water from Spring Lake, located in Hyde County, South Dakota into Medicine Creek, which pipe line will have a control mechanism;

NOW AND THEREFORE, we the undersigned Howard A. Brown and Eleanor A. Brown, for good and valuable consideration, gives consent to Hyde County to add an additional 24 inch of water flow to Medicine Creek from a pipeline draining Spring Lake, located in Hyde County, South Dakota and grants an Easement for said purposes to Hyde County for the following property:

S 1/2 of Sec. 23 115N R74W

It is understood and agreed that this shall be deemed a covenant running with the land.

IN WITNESS WHEREOF, The undersigned have set their hands and seals this 26 day of April, 1997.

Howard A. Brown

Eleanor E. Brown

HYDE COUNTY

BY: Lane Feigh
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS



STATE OF SOUTH DAKOTA)
COUNTY OF Hyde) :SS

On this the 26 day of April, 1997, before me, R.L. Van Den Berg, the undersigned officer, personally appeared Howard A. and Eleanor E. Brown, known to me or satisfactorily proven to be the person's whose name are subscribed to the within instrument and acknowledged that they

executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and seal.

(SEAL)

R. L. Van Der Berg
Notary Public

My commission expires: March 10, 2000

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF HYDE)

On this the 28th day of April, 1997, before me, Connie Konrad, a Notary Public within and for said County, personally appeared Jane Zeigler, Chairman of the Board of County Commissioners of Hyde County, well known to me to be the person and officer who is described in and who executed the same in the name of and on behalf of said County.

(SEAL)

Connie Konrad
Notary Public

My commission expires: August 17, 2003

CONNIE KONRAD
Notary Public, State of South Dakota
My Commission Expires August 17, 2003

EASEMENT

COPY

WHEREAS Hyde County intends to construct a water pipe line approximately 24 inches in diameter as a flood control device to drain water from Spring Lake, located in Hyde County, South Dakota into Medicine Creek, which pipe line will have a control mechanism;

NOW AND THEREFORE, ~~we~~ the undersigned Edith R. Bouzek

for good and valuable consideration, gives consent to Hyde County to add an additional 24 inch of water flow to Medicine Creek from a pipeline draining Spring Lake, located in Hyde County, South Dakota and grants an Easement for said purposes to Hyde County for the following property:

I have an undivided one-third (1/3) interest in the land listed below:

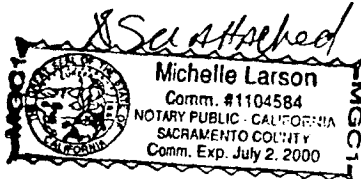
The W 1/2 of Section 26 T-115-N Range 74-W Sully County

The E1/2 of N/E 1/4 of Section 27 T-115-N Range 74-W Sully County

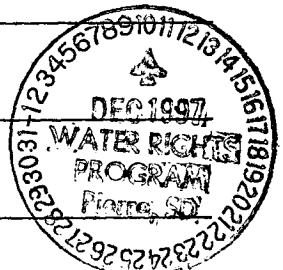
It is understood and agreed that this shall be deemed a covenant running with the land.

IN WITNESS WHEREOF, The undersigned have set their hands and seals this 5th day of MAY, 1997.

Edith R. Bouzek



HYDE COUNTY



BY: Lane Feigler
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

STATE OF SOUTH DAKOTA)

COUNTY OF _____):SS

On this the _____ day of _____, 1997,
before me, _____, the undersigned
officer, personally appeared _____

_____, known to me
or satisfactorily proven to be the person _____ whose name _____
subscribed to the within instrument and acknowledged that _____ he _____

executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and seal.

(SEAL)

Notary Public

My commission expires: _____

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF HYDE)

On this the 16th day of May, 1997, before
me, Connie Konrad, a Notary Public within and for
said County, personally appeared Lane Zeigler,
Chairman of the Board of County Commissioners of Hyde County, well
known to me to be the person and officer who is described in and who
executed the same in the name of and on behalf of said County.

(SEAL)

Connie Konrad

Notary Public

My commission expires: August 17, 2003

CONNIE KONRAD
Notary Public State of South Dakota
My Commission Expires August 17, 2003

ALL-PURPOSE ACKNOWLEDGMENT

State of

California

County of

Sacramento

On

5-5-97

before me,

Michelle Larson

Notary Public
(name, title of officer).

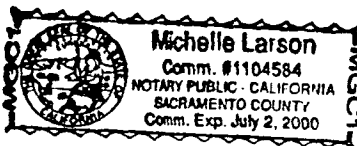
personally appeared

EDITH R BOUZEL

☐ personally known to me – OR – ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[Signature]
Signature



EASEMENT

COPY

WHEREAS Hyde County intends to construct a water pipe line approximately 24 inches in diameter as a flood control device to drain water from Spring Lake, located in Hyde County, South Dakota into Medicine Creek, which pipe line will have a control mechanism;

NOW AND THEREFORE, we the undersigned Harry Thomas and Kay Thomas

for good and valuable consideration, gives consent to Hyde County to add an additional 24 inch of water flow to Medicine Creek from a pipeline draining Spring Lake, located in Hyde County, South Dakota and grants an Easement for said purposes to Hyde County for the following property:

W. 1/2 of section 4 T114N R74W

N.W. 1/4 of section 8 T114N R74W

It is understood and agreed that this shall be deemed a covenant running with the land.

IN WITNESS WHEREOF, The undersigned have set their hands and seals this 26 day of April, 1997.

Nary Thomas

Kay Thomas

HYDE COUNTY

BY: Lane Feigler
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS



STATE OF SOUTH DAKOTA)
:SS
COUNTY OF Hyde)

On this the 26 day of April, 1997,
before me, R. L. Van Den Berg, the undersigned
officer, personally appeared Harry Thomas and Kay Thomas

_____, known to me
or satisfactorily proven to be the person s whose name are
subscribed to the within instrument and acknowledged that t hey

executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and seal.

(SEAL)

R. J. Van Der Berg
Notary Public
My commission expires: March 10, 2000

STATE OF SOUTH DAKOTA)
 :SS
COUNTY OF HYDE)

On this the 28th day of April, 1997, before
me, Connie Konrad, a Notary Public within and for
said County, personally appeared Lane Zeigler,
Chairman of the Board of County Commissioners of Hyde County, well
known to me to be the person and officer who is described in and who
executed the same in the name of and on behalf of said County.

(SEAL)

Connie Konrad
Notary Public
My commission expires: August 17, 2003

CONNIE KONRAD
Notary Public: State of South Dakota
My Commission Expires August 17, 2003

COPY

NOW AND THEREFORE, we the undersigned Robert W. Johnson

N.E. 1/4 of Sec. 8 114N R74W

It is understood and agreed that this shall be deemed a covenant running with the land.

IN WITNESS WHEREOF, The undersigned have set their hands and seals this 26 day of April, 1997.

Robert W Johnson



HYDE COUNTY

BY: Lane Feigler
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

STATE OF SOUTH DAKOTA)
COUNTY OF Hyde) :SS

On this the 26th day of April, 1997,
before me, R.L. Van Den Berg, the undersigned
officer, personally appeared Robert W. Johnson, known to me
or satisfactorily proven to be the person whose name is
subscribed to the within instrument and acknowledged that he

executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and seal.

(SEAL)

R. Y. Van Der Berg
Notary Public

My commission expires: March 10, 2000

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF HYDE)

On this the 28th day of April, 1997, before
me, Connie Konrad, a Notary Public within and for
said County, personally appeared Gene Ziegler,
Chairman of the Board of County Commissioners of Hyde County, well
known to me to be the person and officer who is described in and who
executed the same in the name of and on behalf of said County.

(SEAL)

Connie Konrad
Notary Public

My commission expires: August 17, 2003

CONNIE KONRAD
Notary Public State of South Dakota
My Commission Expires August 17, 2003

EASEMENT

COPY

WHEREAS Hyde County intends to construct a water pipe line approximately 24 inches in diameter as a flood control device to drain water from Spring Lake, located in Hyde County, South Dakota into Medicine Creek, which pipe line will have a control mechanism;

NOW AND THEREFORE, we the undersigned Pompadour Hills Partnership
Brady Rinehart Ptrs.

for good and valuable consideration, gives consent to Hyde County to add an additional 24 inch of water flow to Medicine Creek from a pipeline draining Spring Lake, located in Hyde County, South Dakota and grants an Easement for said purposes to Hyde County for the following property:

S. 1/2 of Sec. 7

115N R73W

Sec.13

115N R74W Sully County

Sec.24

115N R74W Sully County

It is understood and agreed that this shall be deemed a covenant running with the land.

IN WITNESS WHEREOF, The undersigned have set their hands and seals this 26 day of April, 1997.

Pompadour Hills Ptrs., Brady Rinehart, Partners



HYDE COUNTY

BY:

Lane Feigler
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF Hyde)

On this the 26 day of April, 1997,
before me, R.L. Van Den Berg, the undersigned
officer, personally appeared Pompadour Hills Partnership
Brady Rinehart Ptrs., known to me
or satisfactorily proven to be the person's whose name's are
subscribed to the within instrument and acknowledged that they

executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and seal.

(SEAL)

Robt. Van Der Bey

Notary Public

My commission expires: March 10, 2000

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF HYDE)

On this the 28th day of April, 1997, before me, Connie Konrad, a Notary Public within and for said County, personally appeared Lane Zeigler, Chairman of the Board of County Commissioners of Hyde County, well known to me to be the person and officer who is described in and who executed the same in the name of and on behalf of said County.

Connie Konrad

(SEAL)

Notary Public

My commission expires: August 17, 2003

CONNIE KONRAD
Notary Public: State of South Dakota
My Commission Expires August 17, 2003

COPY

EASEMENT

WHEREAS Hyde County intends to construct a water pipe line approximately 24 inches in diameter as a flood control device to drain water from Spring Lake, located in Hyde County, South Dakota into Medicine Creek, which pipe line will have a control mechanism;

NOW AND THEREFORE, we the undersigned Jody Hill

for good and valuable consideration, gives consent to Hyde County to add an additional 24 inch of water flow to Medicine Creek from a pipeline draining Spring Lake, located in Hyde County, South Dakota and grants an Easement for said purposes to Hyde County for the following property:

S.E. $\frac{1}{4}$ of Section 27 T115N R74W

It is understood and agreed that this shall be deemed a covenant running with the land.

IN WITNESS WHEREOF, The undersigned have set their hands and seals this 26 day of April, 1997.

Jody Hill



HYDE COUNTY

BY: Lane Zeigler
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF Hyde)

On this the 26 day of April, 1997,
before me, R. L. Van Den Berg, the undersigned
officer, personally appeared Jody Hill, known to me
or satisfactorily proven to be the person whose name is
subscribed to the within instrument and acknowledged that he

executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and seal.

(SEAL)

B. Y. Van Der Berg
Notary Public
My commission expires: March 10, 2000

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF HYDE)

On this the 28th day of April, 1997, before
me, Connie Konrad, a Notary Public within and for
said County, personally appeared Lane Zeigler,
Chairman of the Board of County Commissioners of Hyde County, well
known to me to be the person and officer who is described in and who
executed the same in the name of and on behalf of said County.

(SEAL)

Connie Konrad
Notary Public
My commission expires: August 17, 2003

CONNIE KONRAD
Notary Public: State of South Dakota
My Commission Expires August 17, 2003

EASEMENT

COPY

WHEREAS Hyde County intends to construct a water pipe line approximately 24 inches in diameter as a flood control device to drain water from Spring Lake, located in Hyde County, South Dakota into Medicine Creek, which pipe line will have a control mechanism;

NOW AND THEREFORE, we the undersigned Robert Stirling

for good and valuable consideration, gives consent to Hyde County to add an additional 24 inch of water flow to Medicine Creek from a pipeline draining Spring Lake, located in Hyde County, South Dakota and grants an Easement for said purposes to Hyde County for the following property:

S. 1/2 of Sec. 8 115N R73W

N.W. 1/4 of Sec. 8 115N R73W

It is understood and agreed that this shall be deemed a covenant running with the land.

IN WITNESS WHEREOF, The undersigned have set their hands and seals this 28 day of April, 1997.

x Robert Stirling



HYDE COUNTY

BY: Lane Feigler
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF Hyde)

On this the 28 day of April, 1997,
before me, R.L. Van Den Berg, the undersigned
officer, personally appeared Robert Stirling

_____, known to me
or satisfactorily proven to be the person _____ whose name is
subscribed to the within instrument and acknowledged that he

executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and seal.

(SEAL)

R. L. Van Der Berg
Notary Public
My commission expires: March 10, 2000

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF HYDE)

On this the 28th day of April, 1997, before
me, Connie Konrad, a Notary Public within and for
said County, personally appeared Lane Zeigler,
Chairman of the Board of County Commissioners of Hyde County, well
known to me to be the person and officer who is described in and who
executed the same in the name of and on behalf of said County.

(SEAL)

Connie Konrad
Notary Public
My commission expires: August 17, 2003

CONNIE KONRAD
Notary Public State of South Dakota
My Commission Expires August 17, 2003

EASEMENT

COPY

WHEREAS Hyde County intends to construct a water pipe line approximately 24 inches in diameter as a flood control device to drain water from Spring Lake, located in Hyde County, South Dakota into Medicine Creek, which pipe line will have a control mechanism;

NOW AND THEREFORE, we the undersigned _____

Wayne M Bouzek

for good and valuable consideration, gives consent to Hyde County to add an additional 24 inch of water flow to Medicine Creek from a pipeline draining Spring Lake, located in Hyde County, South Dakota and grants an Easement for said purposes to Hyde County for the following property:

W. 1/2 of section 26

T115N

R74W

E. 1/2 of N.E. 1/4 of section 27

T115N

R74W

It is understood and agreed that this shall be deemed a covenant running with the land.

IN WITNESS WHEREOF, The undersigned have set their hands and seals this 30th day of May, 1997.

Wayne M. Bouzek

1402 minute man Dr.
Rapid City, S.D. 57701

HYDE COUNTY



BY: Jane Feigler
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF Hyde)

On this the 30th day of May, 1997,
before me, R. L. Van Den Berg, the undersigned
officer, personally appeared Wayne M. Bouzek, known to me
or satisfactorily proven to be the person whose name is
subscribed to the within instrument and acknowledged that he

executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and seal.

(SEAL)

R. L. Van Der Berg
Notary Public

My commission expires: March 10, 2000

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF HYDE)

On this the 3rd day of June, 1997, before
me, Connie Konrad, a Notary Public within and for
said County, personally appeared Lane Zeigler,
Chairman of the Board of County Commissioners of Hyde County, well
known to me to be the person and officer who is described in and who
executed the same in the name of and on behalf of said County.

(SEAL)

Connie Konrad
Notary Public

My commission expires: August 17, 2003

CONNIE KONRAD
Notary Public: State of South Dakota
My Commission Expires August 17, 2003

COPY

EASEMENT

WHEREAS Hyde County intends to construct a water pipe line approximately 24 inches in diameter as a flood control device to drain water from Spring Lake, located in Hyde County, South Dakota into Medicine Creek, which pipe line will have a control mechanism;

NOW AND THEREFORE, we the undersigned Richards Farms Inc.
Robert F. Richards Pres,
for good and valuable consideration, gives consent to Hyde County to add an additional 24 inch of water flow to Medicine Creek from a pipeline draining Spring Lake, located in Hyde County, South Dakota and grants an Easement for said purposes to Hyde County for the following property:

E. 1/2 of Sec. 33

115N R74W

It is understood and agreed that this shall be deemed a covenant running with the land.

IN WITNESS WHEREOF, The undersigned have set their hands and seals this 30 day of April, 1997.



HYDE COUNTY

BY: Jane J. J. J.
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

STATE OF SOUTH DAKOTA)
:SS
COUNTY OF McCook)

On this the 1st day of May, 1997,
before me, Robert F. Richards Jean M. Tulson, the undersigned
officer, personally appeared Robert F. Richards, known to me
or satisfactorily proven to be the person whose name (he)
subscribed to the within instrument and acknowledged that (he)

executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and seal.

(SEAL)

Jan M. Gelsa
Notary Public
My commission expires: April 23, 2005

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF HYDE)

On this the 6th day of May, 1997, before me, Connie Konrad, a Notary Public within and for said County, personally appeared Lane Zeigler, Chairman of the Board of County Commissioners of Hyde County, well known to me to be the person and officer who is described in and who executed the same in the name of and on behalf of said County.

(SEAL)

Connie Konrad
Notary Public
My commission expires: August 17, 2003

CONNIE KONRAD
Notary Public: State of South Dakota
My Commission Expires August 17, 2003

COPY

EASEMENT

WHEREAS Hyde County intends to construct a water pipe line approximately 24 inches in diameter as a flood control device to drain water from Spring Lake, located in Hyde County, South Dakota into Medicine Creek, which pipe line will have a control mechanism;

NOW AND THEREFORE, we the undersigned Lamont Hill

for good and valuable consideration, gives consent to Hyde County to add an additional 24 inch of water flow to Medicine Creek from a pipeline draining Spring Lake, located in Hyde County, South Dakota and grants an Easement for said purposes to Hyde County for the following property:

S.E. 1/4 of Section 22 T115N R74W
N. 1/2 of Section 34 T115N R74W
S. 1/2 of Section 5 T114N R74W

It is understood and agreed that this shall be deemed a covenant running with the land.

IN WITNESS WHEREOF, The undersigned have set their hands and seals this 26 day of April, 1997.

Lamont Hill



HYDE COUNTY

BY: Lane Feigler
CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

STATE OF SOUTH DAKOTA)
COUNTY OF Hyde) :SS

On this the 26 day of April, 1997,
before me, R, L. Van Den Berg, the undersigned
officer, personally appeared Lamont Hill, known to me
or satisfactorily proven to be the person is whose name is
subscribed to the within instrument and acknowledged that he

executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and seal.

(SEAL)

R. Y. Van De Berg
Notary Public

My commission expires: March 10, 2000

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF HYDE)

On this the 28th day of April, 1997, before
me, Connie Konrad, a Notary Public within and for
said County, personally appeared Lane Zeigler,
Chairman of the Board of County Commissioners of Hyde County, well
known to me to be the person and officer who is described in and who
executed the same in the name of, and on behalf of said County.

(SEAL)

Connie Konrad
Notary Public

My commission expires: August 17, 2003

CONNIE KONRAD
Notary Public: State of South Dakota
My Commission Expires August 17, 2003

EASEMENT

COPY

KNOW ALL MEN BY THESE PRESENTS, That we the undersigned, TERRY A. SPILDE and PAULA KAY SPILDE a/k/a PAULA SPILDE, husband and wife, Party of the First Part, for good and valuable consideration, do grant unto HYDE COUNTY, a Public Corporation, Party of the Second Part the right to construct, repair and maintain a water pipe line approximately 24 inches in diameter, which will be buried at various depths along with the right of ingress and egress to maintain said water pipe line over the following described real estate:

NORTH HALF (N $\frac{1}{2}$) OF SECTION NINE (9), AND THE SOUTH EAST QUARTER (SE $\frac{1}{4}$) OF SECTION FOUR (4), TOWNSHIP ONE HUNDRED FIFTEEN (115) NORTH, RANGE SEVENTY-THREE (73), WEST OF THE 5TH P.M. HYDE COUNTY, SOUTH DAKOTA

which said real estate is owned by the Party of the First Part. The cost of maintaining and constructing said water pipe line shall be solely the responsibility of the Party of the Second Part. It is further agreed that Party of the Second Part shall be responsible to restore the surface of the property after construction, to a like condition as prior to construction.

It is further agreed that Second Party will hold First Party harmless from any liability in regard to the construction, repair or use of said water pipe line, including claims, if any resulting from the flow of the water downstream.

It is understood and agreed that this shall be deemed a covenant running with the land.

IN WITNESS WHEREOF, The undersigned have set their hands and seals this 26 day of April, 1997.

Terry A. Spilde
TERRY A. SPILDE - Party of the First Part

Paula Kay Spilde
PAULA KAY SPILDE - Party of the First Part
a/k/a PAULA SPILDE



HYDE COUNTY

BY: Lance Feigler
CHAIRMAN OF BOARD OF COUNTY COMMISSIONERS

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF HYDE,)

On this the 26 day of April, 1997,
before me, R. L. Van Den Berg, the undersigned
officer, personally appeared TERRY A. SPILDE and PAULA KAY
SPILDE, a/k/a PAULA SPILDE husband and wife, known to me or
satisfactorily proven to be the persons whose names are subscribed
to the within instrument and acknowledged that they executed the
same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and seal.

(SEAL)

R. L. Van Den Berg
Notary Public

My commission expires: March 10, 2000

STATE OF SOUTH DAKOTA)

:SS

COUNTY OF HYDE)

On this the 28th day of April, 1997, before
me, Connie Konrad, a Notary Public within and for
said County, personally appeared Lane Zeigler,
Chairman of the Board of County Commissioners of Hyde County, well
known to me to be the person and officer who is described in and who
executed the same in the name of and on behalf of said County.

(SEAL)

Connie Konrad
Notary Public

My commission expires: August 17, 2003

CONNIE KONRAD
Notary Public: State of South Dakota
My Commission Expires August 17, 2003



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Huron Wetland Management District
Room 317, Federal Bldg.
200 4th Street SW
Huron, SD 57350
605/352-5894 Fax: 605/352-6709
Internet: R6RW_HUR@FWS.GOV



January 7, 1998

Tim Shawl
SD Dept. of Natural Resources
Water Rights Program
Joe Foss Building
523 East Capital
Pierre, SD 57501

Dear Mr. Shawl:

Enclosed is a copy of the U.S. Fish and Wildlife Service (Service) easement permit that we discussed. The permit will expire on September 25, 1998. The purpose of the permit is to allow the temporary drainage of the wetland flooding the county road. If the flooding problem continues, the Service would at that time request the landowner and Hyde County to consider an alternative solutions. Please call if you have any other questions.

Sincerely,

Bob Barrett, Asst. Refuge Manager
Huron Wetland Management District

UNITED STATES DEPARTMENT OF THE INTERIOR
U.S. Fish and Wildlife Service

EASEMENT PERMIT

Station: Huron WMD	Date: 03-25-97	Permit No. E97-06
Permittee (Name & Address): Mr. Terry Spilde HCl, Box 78A Highmore, SD 57345 (605)852-2129 This permit is not assignable to subsequent landowner.	Period of Use (inclusive) From: March 25, 1997 To: September 25, 1998	

Purpose: Permit allows for the temporary ditching of a wetland to relieve flooding of a county road and allow access to homes. It will be the responsibility of the county or township road department to raise the level of the road to prevent the need for any future drainage requests for this wetland. The ditching must meet the terms and conditions listed below.

Land Description (Easement No.; legal description; attach copy of map):

Hyde County Easement # 93X

T. 115 N., R. 73 W., 5th P.M.
sec. 4, SE1/4 (see map)

Statement of Effect & Compatibility:

The activity allowed by this permit has been determined to be compatible with the purpose of which the easement interest was acquired.

Special Conditions: (Specifications and other details of permitted activities. Attach copy of guidelines):

1. The temporary ditching of a wetland will be permitted. Ditching may continue until the water elevation will be 48 inches below the crest of the adjacent county road (see map).
2. On or before September 25, 1998, the temporary ditch/pipe shall be filled in to restore the wetland to the original capacity. The ditch pipe must be filled in with concret for an 10' length and the ditch filled entirely with 10% overfill to allow for settling.
3. The Fish and Wildlife Service shall not be responsible for any accidents, injury or liability for any portion of the prescribe activities.
4. Permittee must obtain any other necessary county, State or Federal permits necessary to drain a wetland. This may include but not limited to Corp of Engineer 404 permit and NRCS minimal effects agreements.
5. Permittee must contact the Fish and Wildlife Service when work has been completed for a on site inspection.
6. The Fish and Wildlife Service is not responsible for securing permission from downstream landowners, local officials and county commissioners. The temporary ditch must be filled in immediately if any downstream landowners express opposition or the project causes additional flooding roads and property.

Permittee (signature):

Issuing Officer (signature and title)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 13, 1998

Bob Barrett, Asst. Refuge Manager
U.S. Fish and Wildlife Service
Huron Wetland Management District
Room 317, Federal Bldg.
200 4th Street SW
Huron, SD 57350

Dear Mr. Barrett:

Please find enclosed a copy of the report, recommendation and notice of hearing for Flood Control Application No. FC-24. The notice is scheduled to be published in the Highmore Herald.

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

Sincerely,


Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

RECOMMENDATION OF CHIEF ENGINEER FOR FLOOD CONTROL
APPLICATION NO. FC-24, Hyde County

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Flood Control Application No. FC-24, Hyde County, c/o Ronald Van Den Berg, P.O. Box 260, Highmore, SD 57345.

The Chief Engineer is recommending APPROVAL of Application No. FC-24 because 1) the project will reduce damage from flooding and erosion, 2) will not increase the likelihood or the severity of flood damages downstream, 3) necessary easements have been obtained, 4) will not impair existing water rights, and 5) it is in the public interest.

See report on application for additional information.

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

JOHN HATCH, Chief Engineer
January 13, 1998

REPORT ON FLOOD CONTROL APPLICATION No. FC-24
Hyde County
January 12, 1998

Flood Control Application No. FC-24 has been filed by Hyde County to construct a permanent outlet for Spring Lake. The outlet will be in the SW portion of the lake and located in the SE $\frac{1}{4}$ of Section 4-T115N-R73W in Hyde County.

Project Description

The project is located in the northwest corner of Hyde County with the 100 square mile drainage area extending into southwestern Faulk County. The flooding problems started in 1993, when heavy spring runoff filled Spring Lake and the upstream chain of lakes/wetlands to the point where several county and township roads had to be raised to prevent them from being overtopped and flooded. The heavy spring runoff of 1997, again increased the lake levels to the point where four county and township roads were flooded, with up to 12 feet of water over the county road that divides Spring Lake.

In May of 1997, Hyde County installed approximately 3000 feet of buried 24inch plastic pipe to lower the water level of Spring Lake and the connecting chain of upstream lakes/ wetlands. They did this on a temporary basis under the county drainage laws and were told to file for a Flood Control Permit if they intended to keep this as a permanent outlet.

The invert elevation at the outlet end of the buried pipe is approximately 1755.4 msl. The pipe was constructed with a 0.001 percent slope, so the proposed final invert elevation of the inlet end of the pipe will be approximately 1758.4 msl. Depending on construction limitations, they may only be able to obtain an inlet elevation of 1760 msl, with the low point of the upstream road that divides Spring Lake at elevation 1761.4 msl.

The US Fish and Wildlife Service (USFWS) holds a perpetual wetlands easement from the adjacent landowner for Spring Lake. They granted a temporary easement to the adjacent landowner for this project. The temporary easement allows drainage of Spring Lake to an elevation four feet below the road grade or approximately 1757.4 msl, or drainage of water until the mandatory completion date of September 25, 1998. At that time, a 10 foot section of the temporary outlet must be plugged with concrete. Even with this requirement to plug the outlet pipe with concrete, Hyde County wants to have a Flood Control Permit for the outlet just in case runoff conditions would again require drainage of Spring Lake.

Hyde County has obtained easements from adjacent landowners along Medicine Creek for approximately 10 miles below the outlet structure. These easements are for the county to add additional flow from the 24 inch pipe into Medicine Creek.

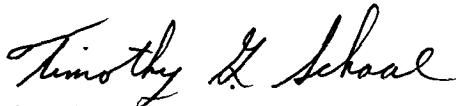
Page 2

Application No. FC-24

January 12, 1998

Conclusions

1. The Spring Lake outlet structure will reduce flooding to upstream roads resulting in increased public safety. It will reduce costly flood damage to county and township roads.
2. Flood Control Permit Application No. FC-24 should be approved since the project will reduce damage from flooding or erosion, will not increase the likelihood or the severity of flood damages in areas other than the project area, and will not impair existing water rights.

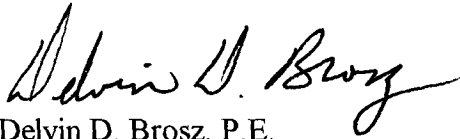


Timothy G. Schaal, P.E.

Natural Resources Engineer III

Water Rights Program

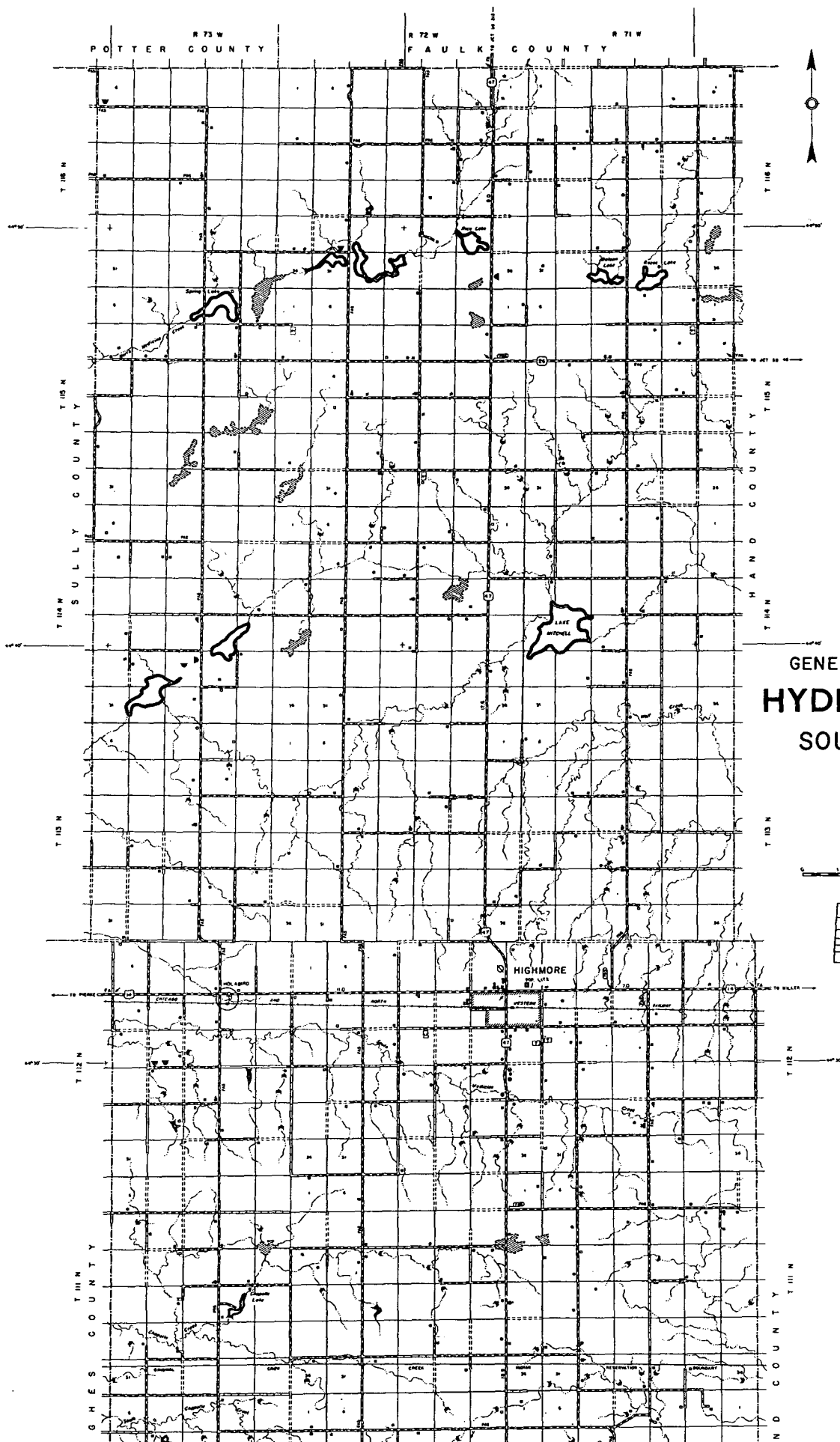
Approved by:



Delvin D. Brosz, P.E.

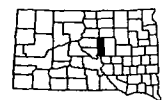
Natural Resources Engineer IV

Water Rights Program



GENERAL HIGHWAY MAP
HYDE COUNTY
SOUTH DAKOTA

SCALE 0 1 2 3 4 5 MILES





**DEPARTMENT of ENVIRONMENT
and 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.**

January 13, 1998

Hyde County
%Ronald Van Den Berg
P.O. Box 260
Highmore, SD 57345

Dear Mr. Van Den Berg:

Flood Control Application No. FC-24 for a flood control project 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 Highmore Herald printed at Highmore, SD (Ph # (605) 852-2927). 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.

C: David M. Axtmann, Hyde county State's Attorney, P.O. Box 187, Highmore, SD 57345-0187



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 13, 1998

Highmore Herald
Box 435
Highmore, SD 57345-0435

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Flood Control Application No. FC-24 to be published twice. Please publish the first notice on January 22, 1998, 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 Hyde County, %Ronald Van Den Berg, P.O. Box 260, Highmore, SD 57345 (Ph # (605) 852-2518).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 Program
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 January 22, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Flood Control Application No. FC-24

Notice is given that Hyde County, c/o Ronald Van Den Berg, P.O. Box 260, Highmore, SD 57345 has filed application to authorize construction of a permanent outlet for Spring Lake. In May of 1997, Hyde County installed approximately 3,000 feet of buried 24 inch pipe to lower the water level of Spring Lake and the connecting chain of upstream lakes/wetlands. The outlet is located in the SE1/4 of Section 4, T115N, R73W. Depending on construction limitations, the outlet elevation for Spring Lake will be approximately 1,760.0 feet mean sea level.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No FC-24 because 1) the project will reduce damage from flooding and erosion, 2) will not increase the likelihood or the severity of flood damages downstream, 3) necessary easements have been obtained, 4) will not impair existing water rights, and 5) it is in the public interest.

Any person interested in opposing or supporting the 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 recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 16, 1998. 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.

The Water Management Board will consider this application at 10:00 am, February 25, 1998, in the Conference Room, Floyd Matthew Center, 523 E. Capitol Ave., Pierre, SD. The Chief Engineer's recommendations are 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. The 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 February 16, 1998.

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 Eric Gronlund by February 16, 1998, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application are 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-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 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. Nettie Myers, Secretary, Department of Environment and Natural Resources.

Form 8



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hyde) SS

I, Mary Ann Morford

certify that the attached printed Notice was taken

from the Highmore Herald

printed and published in Highmore

County of Hyde and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

January 22, 1998

January 29, 1998

Cost of Printing \$54.90

Mary Ann Morford
(Signature)

owner/publisher
(Title)

1-30-98

(Date Signed)

and by February 16, 1998, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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FPNO 20

LPNO 21

NOTICE OF HEARING ON FLOOD CONTROL APPLICATION NO. FC-24

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FACSIMILE TRANSMITTAL COVER SHEET

TRANSMITTAL DATE: Feb. 3rd

PLEASE DELIVER THE FOLLOWING PAGE(S) TO:

NAME: Denise

DESTINATION: Highmore Herald

ADDRESS: _____

PHONE: _____ FAX: 852-2927

MESSAGE: Denise - here is the change that I spoke to you on the phone regarding the Notice of Hearing for Flood Control Application No. FC-24. The only change is in the last sentence of the first paragraph. Remove the word approximately and replace with the words 'between 1,758.4 and' (this language is highlighted for your reference). No other changes need to be made. This will be the third publication of the notice and needs to be in the February 5th edition of the Highmore Herald. Please bill the Water Rights Program at the address below for this 3rd publication. Hyde County is still responsible for the first two publications. We will need an affidavit of publication sent to this office. Thanks!

FROM: Eric Gronlund

AGENCY: DENR/WATER RIGHTS PROGRAM

ADDRESS: JOE FOSS BUILDING, 523 EAST CAPITOL, PIERRE, SD 57501-3181

PHONE: (605) 773-3352 FAX: (605) 773-4068

****THIS TRANSMISSION INCLUDES 2 PAGES INCLUDING THIS PAGE****

IF THERE IS ANY PROBLEM WITH THIS TRANSMITTAL, PLEASE CALL (605) 773-3352.

THANK YOU.

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF HYDE

)
) SS.
)

MARY ANN MORFORD

of said county and state, being duly sworn, on her oath says: THE HIGHMORE HERALD is a weekly newspaper of general circulation, printed and published in HIGHMORE in said county and state by Mary Ann Morford and has been such a newspaper during the times hereinafter mentioned; that the said HIGHMORE HERALD is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned, and has more than two hundred bona fide subscribers; that I the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit and that the advertisement entitled

Notice of Hearing

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive issues, the first publication being made on February 5, 1998, and the last publication on February 5, 1998; that \$ 30.50 being the full amount of the fee

for publication of the annexed notice, insures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whomsoever.

Mary Ann Morford
Mary Ann Morford, Publisher

Subscribed and sworn to before me this 16th
day of February, 1998

Mary E. Hamilton
Notary Public, Hyde County, South Dakota

My Commission Expires July 8, 2004



NOTICE OF HEARING ON FLOOD CONTROL APPLICATION NO. FC-24

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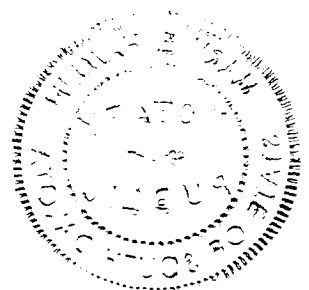


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FPNO 22

LPNO 22



PAYMENT REQUEST FORM

PAYEE: Highmore Herald
P.O. Box 435
Highmore, SD 57345

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Publication of Notice of Hearing on Flood Control
Application No. FC-24.

AMOUNT: \$30.50

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION: _____



2/11/88

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

We hereby support Spring Lake flood Control application filled by Hyde County. We would like our main road open to travel.

Kathy Stirling 32535 180th St, Highmore, SD

Bob Stirling 32530 180th St, Highmore SD

Verny Poyer 17574 Holabird Grade Onida SD

Joe Weller 17459 331st Ave Highmore, S. D. 57345

Cal Stirling 32535 180th St. Highmore SD.

Dan L. Myers 17365 Holabird Grade, Onida SD.

Erny A Spilke 32930 180th St. Highmore S.D.

Greg Myers 17384 Holabird Grade Onida SD

Nanda Myers 17384 Holabird Grade, Onida, SD

Luille Myers 17350 Holabird Grade Onida, SD

~~Jim Myers 17350 Holabird Grade, Onida, S. Dak.~~

Jim Myers 17350 Holabird Grade, Onida, S. Dak.



**PARTIES OF RECORD
FLOOD CONTROL PERMIT APPLICATION NO. FC-24
HYDE COUNTY**

Applicant:

Hyde County
P.O. Box 260
Highmore, SD 57345

PETITIONERS IN SUPPORT OF APPLICATION

Kathy, Bob and Cal Stirling
32535 180th St.
Highmore, SD 57345

Joe Weber
17459 331st Ave.
Highmore, SD 57345

Terry A. Spilde
32930 180th St.
Highmore, SD 57345

Lucille and Jim Myers
17350 Holabird Grade
Onida, SD 57564

Henry Polzer
17574 Holabird Grade
Onida, SD 57564

Gary L. Myers
17365 Holabird Grade
Onida, SD 57564

Greg and Wanda Myers
17384 Holabird Grade
Onida, SD 57564



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 23 1998

Hyde County
%Ron VanDenBerg
P.O. Box 260
Highmore, SD 57345

Dear Mr. VanDenBerg:

Enclosed is Flood Control Permit No. FC-24 as approved by the Water Management Board. If you have any questions pertaining to the permit, please contact Tim Schaal with this office.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch", is written over a horizontal line.

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

Enclosure