

FLOOD CONTROL PERMIT NO. FC-26

Name of Applicant: City of Waubay

Address: PO Box 155, Waubay SD 57273

Phone: 605 947-4261

Amount of Water Claimed: Total Acres:

Source of Water Supply: Rush Lake

Water to be used for: flood control purposes

County: Day

Type of Waste Disposal System: NA

Location: west side of the City of Waubay

PRIORITY Date Received: 10-20-1998

Fee: \$150

Corrected Application Received:

Period of Annual Use: January 1- December 31

Remarks: Flood control project to protect the City of Waubay

Diversion Point: Section 33-T122N-R54W

Land to be Irrigated: NA

Depth of Well: NA

Well Driller:

Remarks:

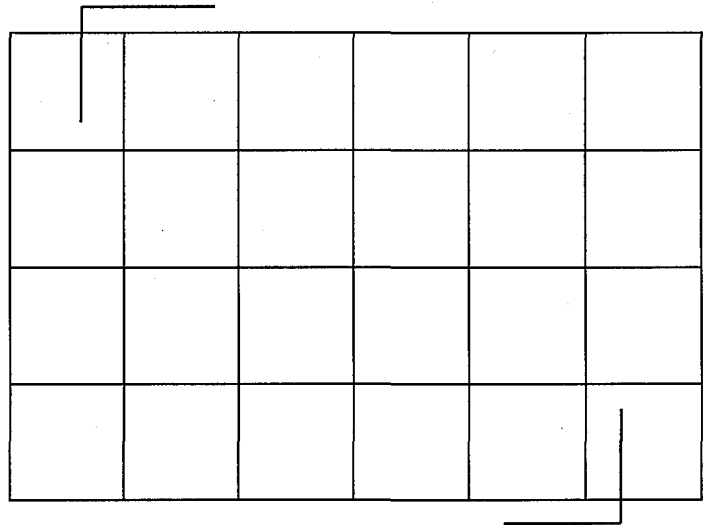
Type of Map:

Prepared by:

Reviewed and the Number Assigned on: 10-20-1998

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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-26 Hydrologic Unit 10160010
Basin Texas River
Newspaper Waubay Clipper, Waubay, SD
(office use only)



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

1. Name of Applicant City of Waubay
Address P.O. Box 155
(Street, RR or Box)
Waubay South Dakota 57273 Phone No. (605) 947-4261
(City) (State) (Zip Code)
2. Name of watercourse Rush Lake
3. Location of project (legal description) see attached West side of Waubay located in
Section 33-T122N-R54W
4. County or counties where project is located Day County
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.)

see attached

Attachment: Attach map (see instruction)

STATE OF SOUTH DAKOTA)
County of Day) ss
Carelton Barse, Jr.

I, Mayor of Waubay 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

Subscribed and sworn to before me this 7th day of October 19 98

Notary Public

JUDY HELWIG, Notary Public
Day County, So. Dak.
My Commission Expires

**SOUTH DAKOTA
FLOOD CONTROL PERMIT NO. FC-26**

Date of first receipt of application October 20, 1998.

Date of return to applicant for corrections, amendments or changes October 20, 1998.

Date of receipt of corrected application October 27, 1998.

The Water Management Board approved Flood Control Permit No. FC-26 on March 3, 1999 for the City of Waubay, PO Box 155, Waubay SD 57273 authorizing the flood control project subject to the following limitations, conditions and qualifications:

1. Flood Control Permit No. FC-26 authorizes two levees constructed to protect the city of Waubay from flooding. The levees were constructed as emergency facilities in the spring of 1998. The levees are approximately 515 feet and 935 feet in length and located in the E ½ of Section 33-T122N-R54W.
2. Approval of the project reduces damage from flooding, will not increase the likelihood or the severity of flood damages downstream, will not impair existing water rights and is in the public interest.
3. The date from which applicant may claim right is October 20, 1998.

WATER MANAGEMENT BOARD

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

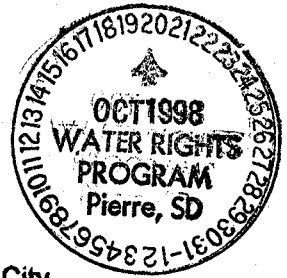
MAR 12 1999

date



SCOPE OF WORK

Advance Measures **Waubay, South Dakota**

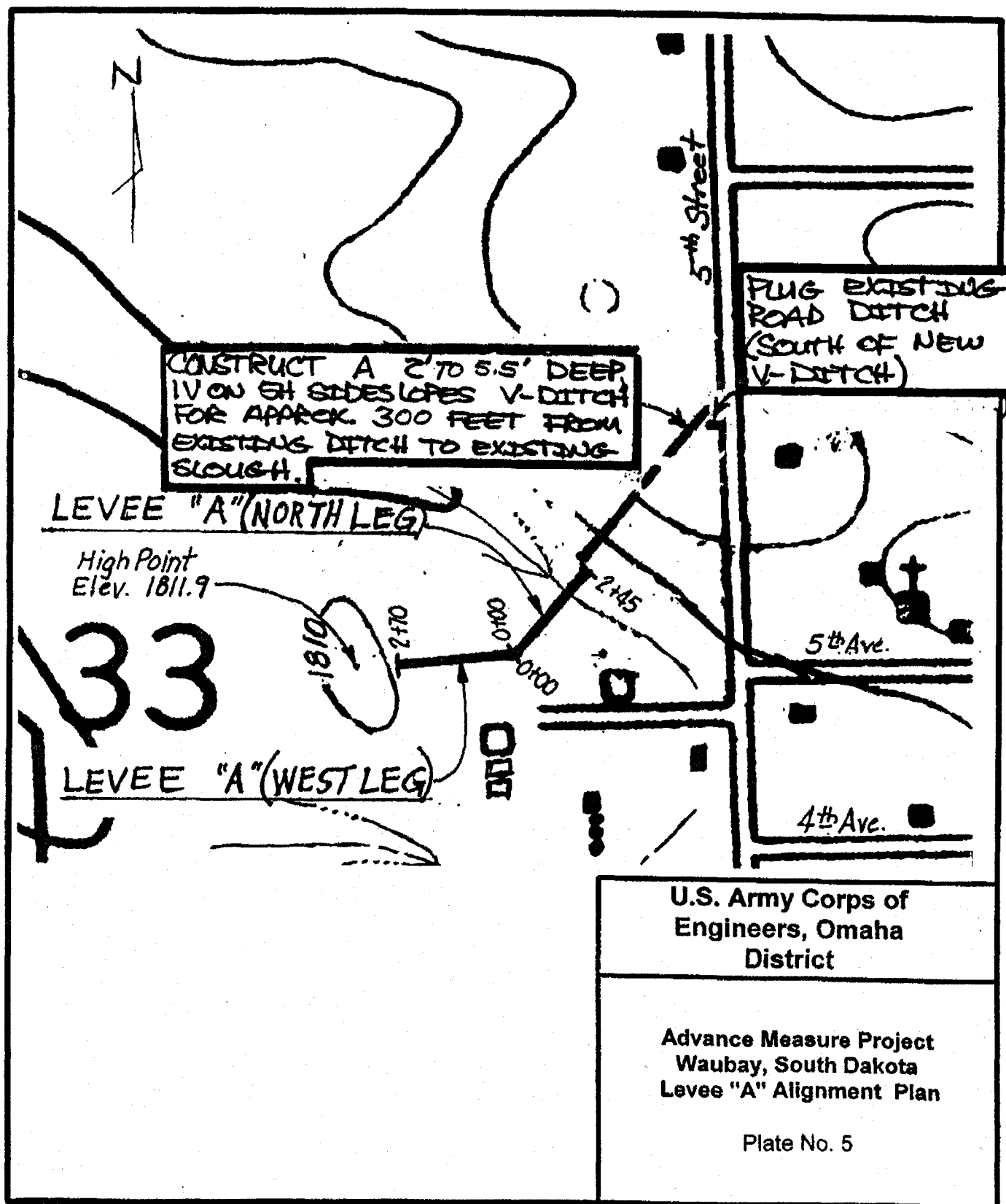


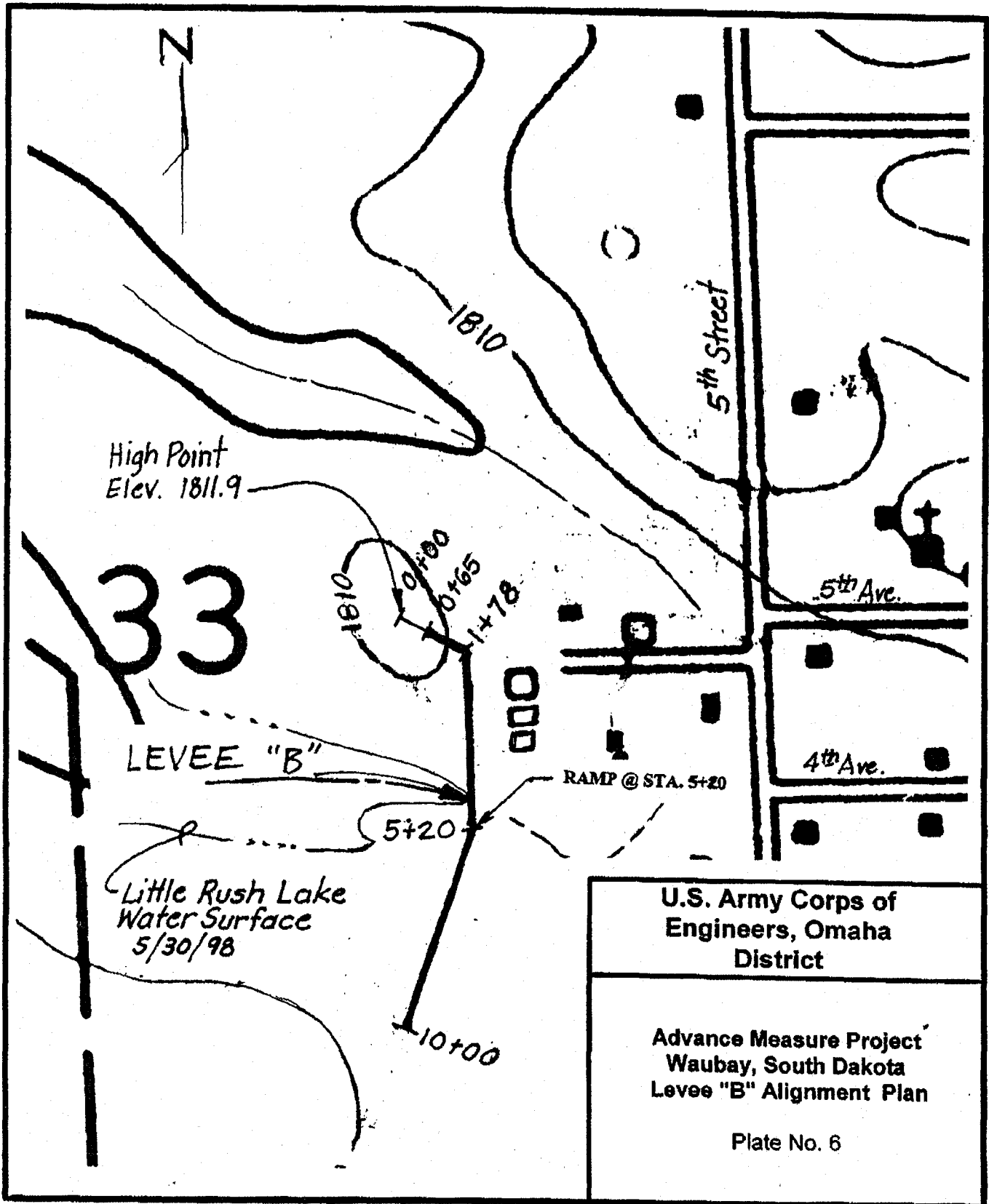
1.0. General. The location of this construction project is on the West Side of the City of Waubay, South Dakota, Day County, T122N, R54W, Section 33. The work covered under this contract shall consist of the construction of two emergency levees to protect the west side of the City of Waubay from flooding. One levee section (Levee A) shall be constructed across a low area west of the intersection of Fifth Street and Fifth Avenue. The other levee section (Levee B) shall be constructed across a low area west of the intersection of Fifth Street and Fourth Avenue. Levee alignments will be as staked in the field or outlined by the Contracting Officer's Representative (COR).

2.0. Levee A Construction. Levee A shall be constructed across the northwesterly low area on the west side of the city. Levee A shall be generally, 500 feet west of the intersection of Fifth Street and Fourth Ave, and northwest of the farm buildings. Levee A shall be approximately 515 feet long. The North leg of Levee A (approximately 245 feet in length) shall vary in height to a maximum height of approximately 6.1 feet. The West leg of Levee A (approximately 270 feet in length) shall vary in height to a maximum height of approximately 2 foot. Levee A shall be constructed with 1Vertical (V) on 3 Horizontal (H) side slopes, with a 10-foot wide crest, and with a top elevation of 1809.5 feet msl. Site preparation shall consist of: grubbing and clearing four 10 inch diameter trees, stripping and removing the grass and crop cover, stripping and removing the top soil to a depth of 6 to 12 inches and scarifying the foundation to assure a good bond with the fill material. A v-ditch shall also be constructed from the lakeside sideslope terminus of Levee A (approx. Sta. 2+45) and extend to 5th Street. This shall significantly reduce the amount of surface water that may pond landward of Levee A. The v-ditch shall be 2 to 5.5 feet deep and have 1V on 5H sideslopes.

3.0. Levee B Construction. Levee B shall be constructed across the westerly low area also on the west side of the city. Levee B shall be generally 517 feet west of Fifth Street and west of the farm buildings. Levee B shall be approximately 935 feet long. Levee B shall vary in height to a maximum of approximately 6.5 feet. Levee B shall be constructed with 1V on 3H side slopes, with a 10-foot wide crest, and with a top elevation of 1809.5 feet msl. Site preparation shall consist of: stripping and removing the grass and crop cover, stripping and removing the top soil to a depth of 6 to 12 inches and scarifying the foundation to assure a good bond with the fill material. A levee crossing ramp shall be constructed at Station 5+20. The ramp shall extend from the natural ground on the landside of the levee to the natural ground on the lakeside of the levee. The ramp crest shall be constructed on a 1V on 10H with 1V on 3H side slopes.

4.0. Riprap Slope Protection. Riprap slope protection shall be placed on the entire lakeside of the levee embankment and on the lakeside sideslopes of the lakeside ramp. The riprap slope protection shall consist of a 9 inch layer of granular filter material placed on the levee sideslopes followed by the placement of a 20 inch thick layer of riprap. Both dimensions shall be as measured perpendicular to the slope. The riprap protection shall be placed along the entire length of the lakeward sideslopes.





RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N^o 415901

Pierre, _____, October 27, 19____ 98

RECEIVED OF City of Waubay, PO Box 155, Waubay SD 57273

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

Fee for Application for Permit No. <u>FC-26</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. <u>FC-26</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	200 00

By

Chief Engineer

JOHN HATCH (KS)

KOLKER LAW OFFICE

P.O. Box 467 - 102 N. Main
Groton, South Dakota 57445

Richard L. Kolker
Kari A. Bartling

605-397-8464
Fax - 605-397-8497
email: tdlaw@iw.net

October 19, 1998

Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181



RE: City of Waubay Application for Flood Control Permit

Dear Sirs,

Enclosed you will find two original completed applications for a flood control permit, including attachments, for the City of Waubay.

I appreciate you time and attention in processing this application.

If you have any questions, please don't hesitate to contact me.

Best regards.

Sincerely,

Kari A. Bartling

KAB/jn
pc: City of Waubay



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 20, 1998

Kari A Bartling
Kolker Law Office
PO Box 467
Groton SD 57445

RE: City of Waubay Application for Flood Control Permit

Dear Ms. Bartling

Thank you for submitting the *Application for a Flood Control Permit* on behalf of the City of Waubay.

The application filing fee is \$150.00 and the licensing fee is \$50.00 (\$200.00 total). If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

c: Carelton Barse Jr., Mayor
City of Waubay

RECOMMENDATION OF CHIEF ENGINEER FOR FLOOD CONTROL
APPLICATION NO. FC-26, City of Waubay

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-26, City of Waubay, c/o Carelton Barse, Jr., P. O. Box 155, Waubay, SD 57273.

The Chief Engineer is recommending APPROVAL of Application No. FC-26 because 1) the project will reduce damage from flooding, 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.


JOHN HATCH, Chief Engineer
December 9, 1998

REPORT ON FLOOD CONTROL PERMIT APPLICATION NO. FC-26

**City of Waubay
November 24, 1998**

Flood Control Permit Application No. FC-26 submitted by the City of Waubay, Day County, is for two levees constructed to protect the town of Waubay from flooding. The levees are approximately 515 feet and 935 feet in length and are located in the E½ of Section 33, T122N, R54W.

PROJECT DESCRIPTION

The U.S. Army Corp of Engineers (Corps) designed the project as an "Advanced Measures" project. Two levees, levee A and B, were constructed to prevent Rush Lake floodwater from spilling into the town of Waubay. Both levees have 3:1 side slopes and 10 foot wide crests. Levee A has a maximum height of 6.1 feet while levee B has a maximum height of 6.5 feet. Both levees were constructed to an elevation of 1809.5 feet mean sea level (fmsl).

A v-ditch was also constructed. It begins at the west ditch of 5th Street and terminates at the beginning of levee A at the toe of the lakeside slope. The purpose of the ditch is to reduce ponding of surface water on the landward side of levee A. The ditch is 2 to 5.5 feet in depth with 5:1 side slopes. Also an approach was constructed across levee B to provide access to the field on the lakeside of levee B.

HYDROLOGY

The levees protect 39 acres that lie between the levees and a natural overflow located in the SW¼ SW¼ SE¼ Section 33, T122N, R54W. Fifteen of the 39 acres lie within the town of Waubay. Without the levees in place Rush Lake would begin to inundate the 39 acres at a water elevation of approximately 1806 fmsl. Once Rush Lake water level reached an elevation of 1809.6 fmsl the lake would inundate the 39 acres and begin to spill over the natural overflow. The water would flow toward a culvert through the railroad at the west edge of town.

The loss of flood storage for Rush Lake due to the levees is insignificant compared to the current size of the lake. As of November 13, 1998, Rush Lake water level was 1802.7 fmsl making the surface area of the Waubay/Rush/Blue Dog lakes system approximately 24,500 acres. The levees will protect the town of Waubay and will not affect the lake level of Rush Lake.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The only water right for Rush Lake is Vested Right No. 632-3 held by Game, Fish and Parks for 7,800 acre-feet of storage. There are other water rights for surface water in the area all held by GFP. They are for storage in Blue Dog Lake and Minnewasta Lake and for diversion for the Blue Dog Fish Hatchery.

CONCLUSIONS

1. Permit Application No. FC-26 is for flood control and does not require new water appropriations, therefore water availability is not an issue.
2. Potential flooding problems remain if Rush Lake reaches an elevation over 1809.5 fmsl, therefore overtopping the levees.
3. The levees will protect the town of Waubay and will have a minimal affect on the lake level of Rush Lake.
4. Flood Control Application No. FC-26 should be approved since the project will reduce damages from flooding, 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.

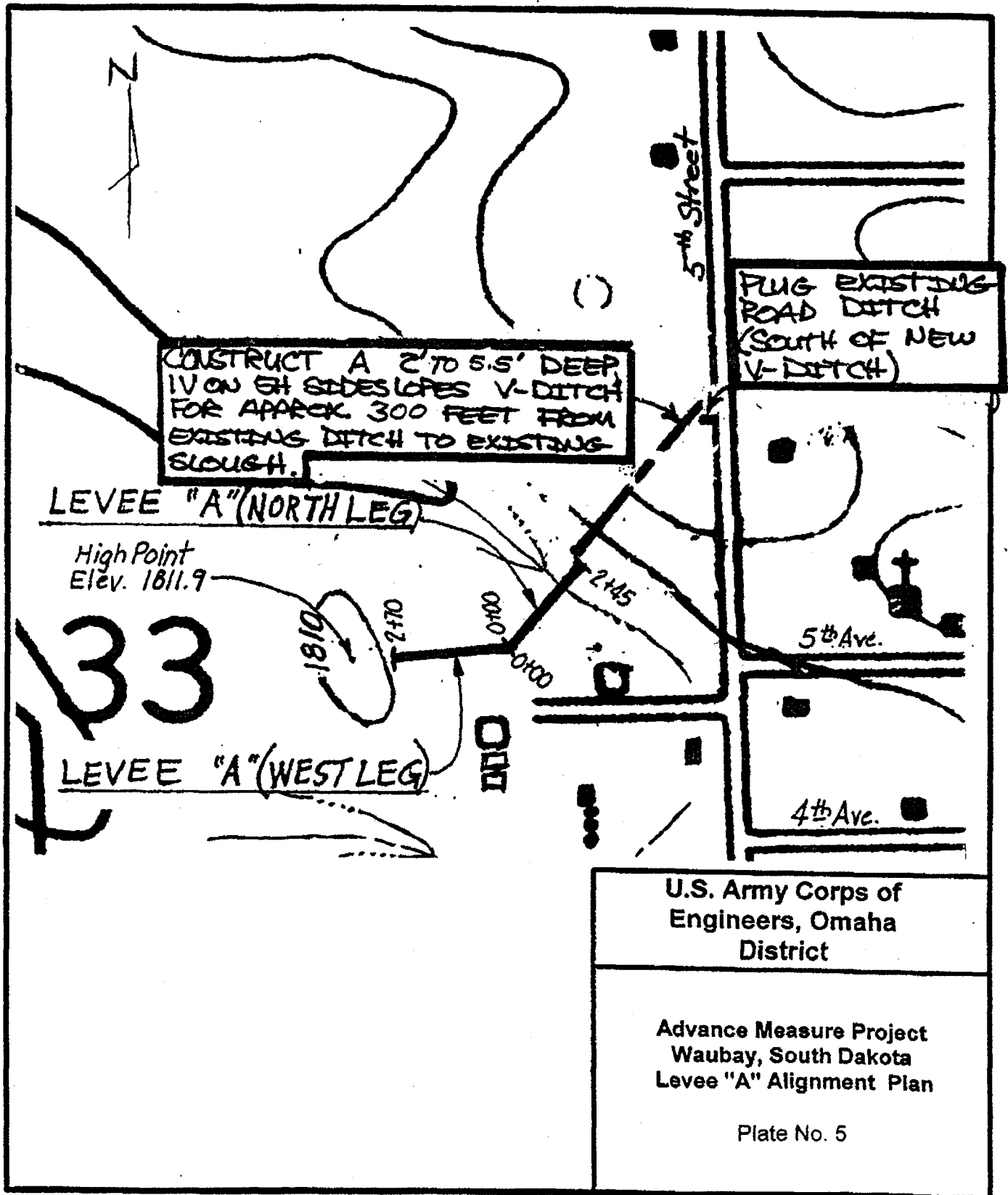


Lynn Beck
Natural Resources Engineer III
Water Rights Program

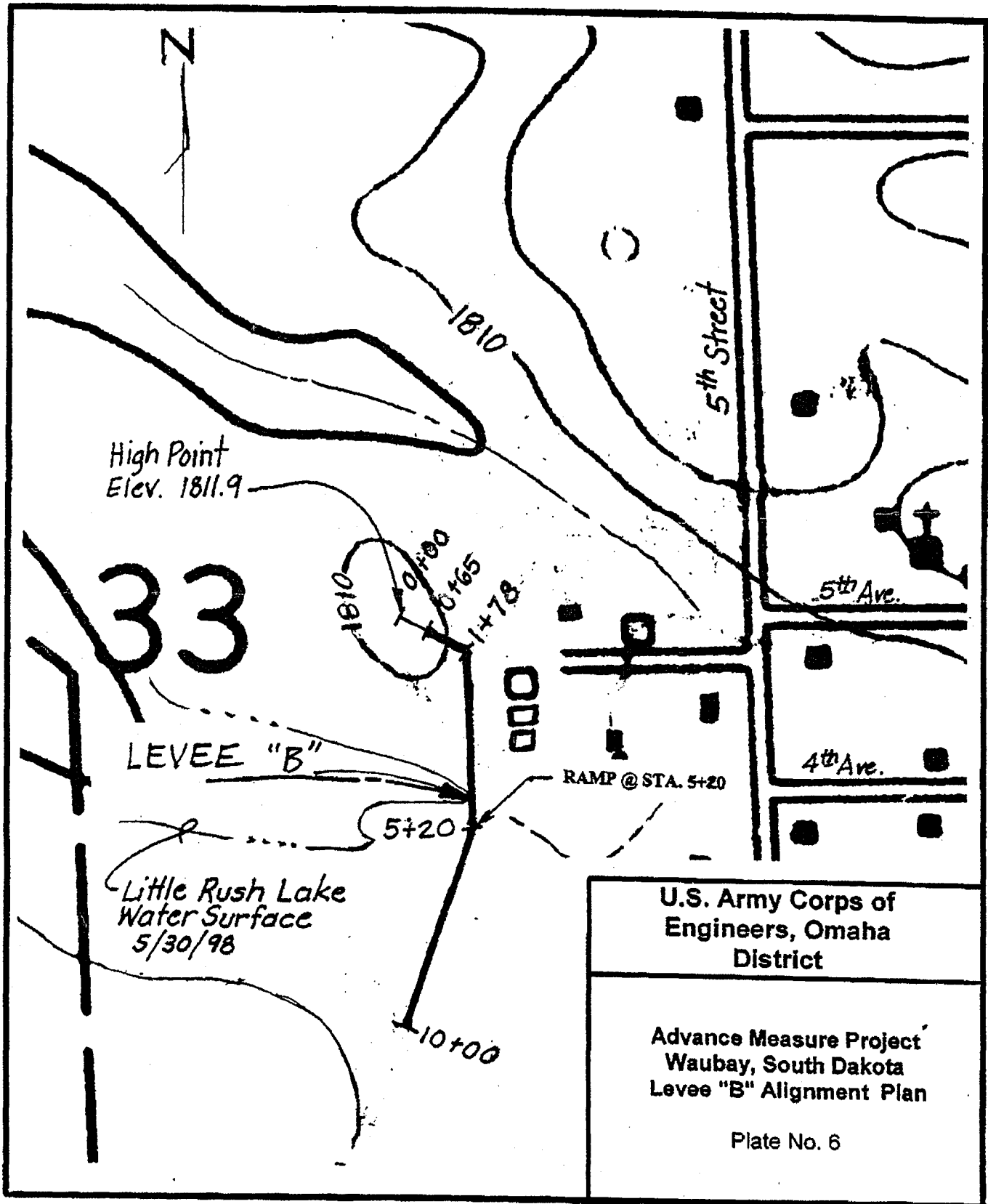
Approved by:



Gale N. Selken, P.E.
Natural Resources Engineer IV
Water Rights Program



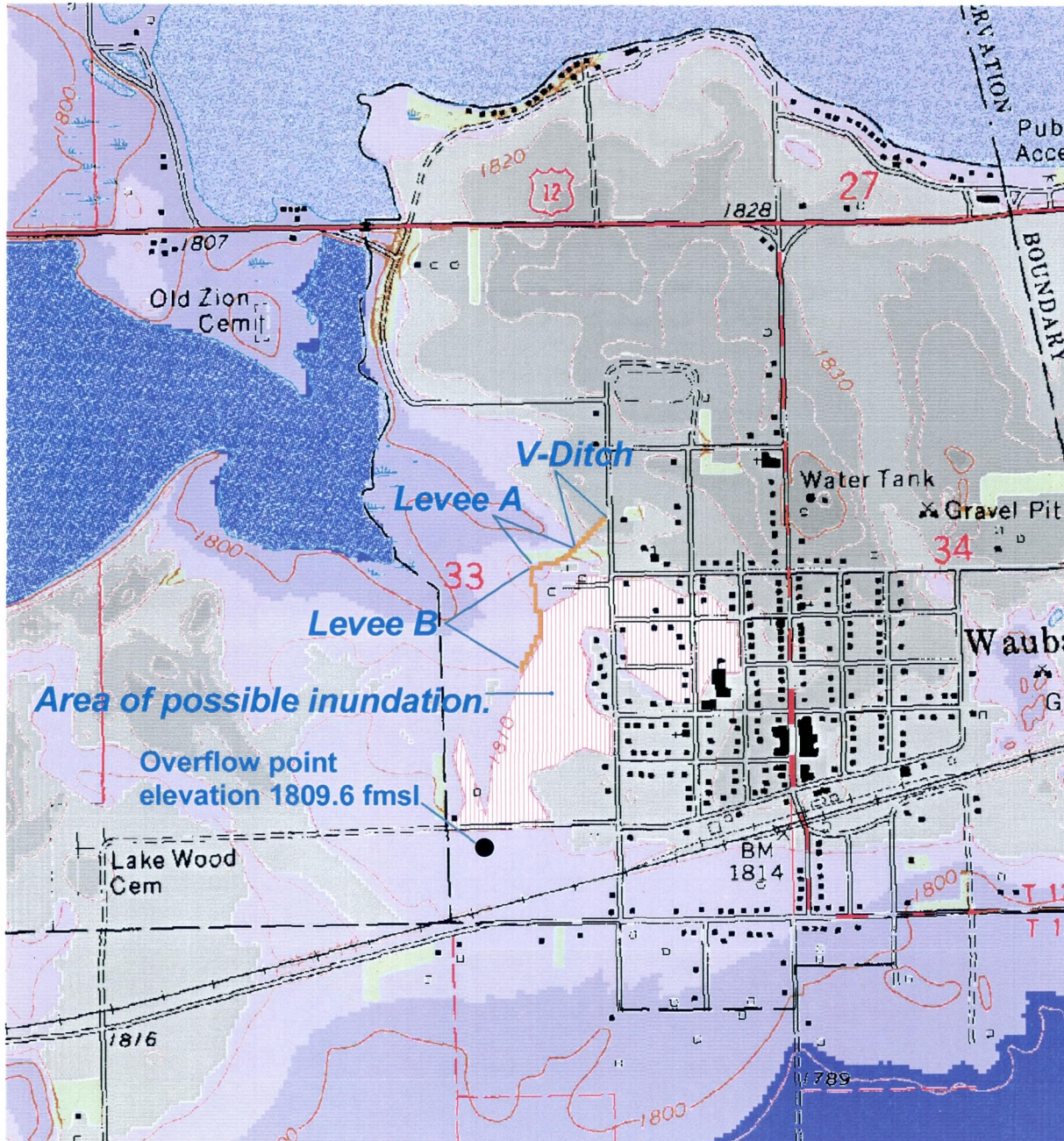
Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Program
11-12-98



Lynn Beck
Natural Resources Engineer III
DENR, Water Rights Program
11-12-98

FLOOD CONTROL APPLICATION NO. FC-26

City of Waubay
November 23, 1998



Top of levee
1809.5 fmsl
Area of possible
inundation

1770 - 1780
1780 - 1791
1791 - 1803
1803 - 1810
1810 - 1820
1820 - 1830
1830 - 1840
1840 - 1850
1850 - 1860
1860 - 1870

0.5 0 0.5 Miles





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

December 16, 1998

City of Waubay
%Carelton Barse, Jr., Mayor
P.O. Box 155
Waubay, SD 57273

Dear Mr. Barse:

Flood Control Application No. FC-26 for flood control purposes 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 Waubay Clipper printed at Waubay, SD (Ph # (605) 947-4501). 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.



December 16, 1998

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Waubay Clipper
P.O. Box 47
Waubay, SD 57273-0047

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Flood Control Application No. FC-26 to Appropriate Water to be published twice. Please publish the first notice on December 30, 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 City of Waubay, %Carleton Barse, Jr., Mayor, P.O. Box 155, Waubay, SD 57273 (Ph # (605) 947-4261).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

No. FC-26

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

Date _____

We are in receipt of your letter of December 16, 1998, enclosing Notice of Hearing to Appropriate Water by Flood Control Application No. FC-26 which was first published in our issue of _____.
ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice December 30, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Flood Control Application No. FC-26

Notice is given that the City of Waubay, c/o Carelton Barse, Jr., Mayor, P. O. Box 155, Waubay SD 57273 has filed application to authorize the two levees constructed to protect the town of Waubay from flooding. These levees were constructed as emergency facilities in the spring of 1998. The levees are approximately 515 feet and 935 feet in length and located in the E1/2 of Section 33, T122N, R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No FC-26 because 1) the project reduces damage from flooding, 2) does not increase the likelihood or the severity of flood damages downstream, 3) will not impair existing water rights, and 4) 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 19, 1999. 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 a.m., March 3, 1999, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, 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 19, 1999.

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 19, 1999, 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.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA
COUNTY OF DAY SS.

I, Paula Beisch, of said county and state being duly sworn, on oath says that she is an employee of the Waubay Clipper, a weekly newspaper printed and published in Waubay of said County of Day, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bon-fide circulation of at least two hundred copies weekly; and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned; and was and is printed wholly or in part in an office maintained at said place of publication; that the notice of

Hearing on Flood Control
Application 134 lines - Items

a printed copy of which is attached was printed and published in said newspaper at least once each week, for 2 successive weeks on the day of each week on which said newspaper was regularly published, to-wit:

Dec. 28, 1998
Jan. 4, 1999

That the full amount of the fees for the publication of the annexed notice is \$ 63.40.

Paula Beisch

Subscribed and sworn to before me this 21st day of

January 19 98.

Linda M. Walters

Notary Public, Day County, South Dakota.

LINDA M. WALTERS
Notary Public, DAY COUNTY, S. DAK.
My Commission Expires JULY 5, 1999



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4. it is in the public interest.

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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 19, 1999.

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**NETTIE MYERS,
SECRETARY
DEPARTMENT OF
ENVIRONMENT AND
NATURAL RESOURCES**

(Publish Dec. 28, 1998 & Jan. 3, 1999)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 12 1999

City of Waubay
%Carelton Barse, Jr., Mayor
P.O. Box 155
Waubay, SD 57273

Dear Mayor Barse:

Enclosed is Flood Control Permit No. FC-26 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 Program
(605) 773-3352

Enclosure