

WATER PERMIT NO. 1678-1

Name of Applicant: Les Lindskov

Address: Box 17, Isabel SD 57633

Phone: 605 466-2453

Amount of Water Claimed: 84 acre-feet

Total Acres: NA

Source of Water Supply: runoff

Water to be used for: fish & wildlife propagation & domestic

County: Corson

Type of Waste Disposal System: NA

Location: 20 miles northwest of Isabel

PRIORITY Date Received: 1-25-1999

Fee: \$150

Corrected Application Received: 2-1-1999

Period of Annual Use: January 1 – December 31

Remarks: Reconstruction of an existing dam

Diversion Point: SE ¼ SW ¼ Sec 5-T19N-R21E

Water Impounded: SW ¼ Sec 5-T19N-R21E

Depth of Well: NA

Well Driller:

Remarks:

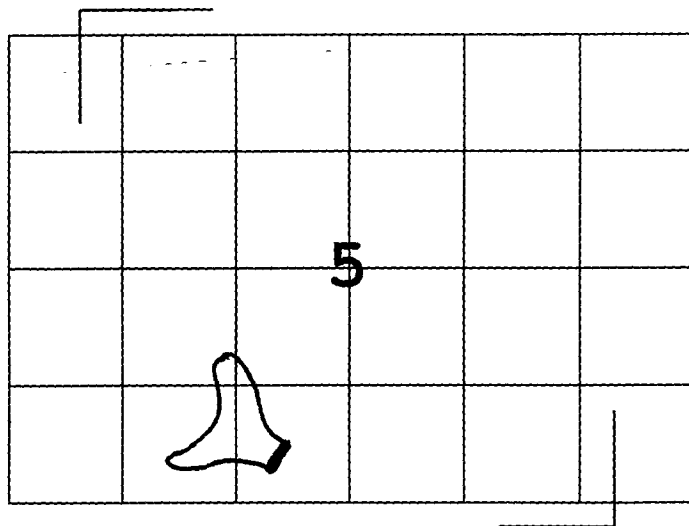
Type of Map: topo

Prepared by: Boyd Schultz, USFWS

Reviewed and the Number Assigned on: 2-2-1999

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 1679-1**

Date of first receipt of application January 25, 1999.

Date of return to applicant for corrections, amendments or changes January 25, 1999.

Date of receipt of corrected application February 1, 1999.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1679-1 to Les Lindskov, Box 17, Isabel SD 57633 authorizing the construction of the dam and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1679-1 authorizes impoundment of 84 acre-feet of runoff by reconstructing a dam located in the SE ¼ SW ¼ Section 5 with water impounded in the SW ¼ Section 5; all in T19N-R21E. The permit also authorizes impoundment of sufficient water to maintain water at the outlet elevation.
2. The water appropriated shall be used for the purpose of supplying water for fish and wildlife propagation and domestic use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 1679-1 is April 19, 1999.
5. The date from which applicant may claim right is January 25, 1999.
6. One-fifth of the construction is to be completed on or before October 19, 2001.
7. All construction is to be completed on or before April 19, 2004.
8. Water is to be put to beneficial use on or before April 19, 2008.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Water Permit No. 1679-1 authorizes a dam with storage capacity of 84 acre-feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

WATER MANAGEMENT BOARD

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

AUG 6 1999

date



FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>1679-1</u> Hydrologic Unit <u>10130303</u>
	Basin <u>Grand River</u>
	Newspaper <u>Corson County News, McLaughlin, SD</u>



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

Check use(s) of water:

☐ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☐ Commercial ☒ Fish & Wildlife ☐ Geothermal Heat
☒ Domestic (over 18 gpm) ☐ Industrial ☐ Other _____

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

1. Name of Applicant Les Lindskov Phone 605-466-2453
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address Box 17 Isabel State SD 57633
(Street, RR. or Box) (Zip Code)

2. Amount of water claimed _____ *CFS or _____ **GPM 84 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Local runoff

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
SE 1/4 SW 1/4 Sec 5, T 19 N, R 21 E Water Impounded: SW1/4 sec. 5-T19N-R21E
County Corson

5. County or counties where water will be used Corson

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

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

A dam that was built about 1955 and is still operational will be given some general maintenance. The dam face will be reshaped, the downstream toe will be reshaped, and the rusted metal pipe will be replaced with a plastic pipe. All elevations and dimensions will remain the same.

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

STATE OF SOUTH DAKOTA)

SS

County of Corson)

I, Les Lindskov, 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 Les Lindskov

Subscribed and sworn to before me this 7 January 1999

Notary Public
Dewey County, South Dakota
My Commission Expires April 7, 2001

Notary Public

FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____



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

Check use(s) of water:

☐ Municipal	☐ Suburban Housing	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☐ Fish & Wildlife	☐ Geothermal Heat
☒ Domestic (over 18 gpm)	☐ Industrial	☐ Other _____	

Type of Application: ☐ New ☒ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

- Name of Applicant Les Lindskov Phone (605) 466-2453
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address Box 17 Isabel State SD 57633
(Street, RR. or Box) (Zip Code)
- Amount of water claimed _____ *CFS or _____ **GPM 84.0 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply local runoff
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
SE 1/4 SW 1/4 Section 5-T19N-R21E
County Corson
- County or counties where water will be used Corson
- Annual period during which water is to be used year round
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)
Dam face will be repaired and downstream toe will be extended.

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

STATE OF SOUTH DAKOTA)

SS

County of Corson

I, Les Lindskov, 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.

PAUL P. SCHWEITZER
Notary Public
Dewey County, South Dakota
My Commission Expires April 7, 2001

Signed Les Lindskov

Notary Public

Affidavit of Water Use

Form 2B

(Type or Print in Ink)

Note: This Form is supplemental to Form 2 and is to be used when an affidavit is needed to document historical water use, primarily with vested right claims.

Affidavit Of Construction Of Water Use System And Application Of Water To Beneficial Use

Name of Applicant (Same as Form 2) Les Lindskov

Mailing Address Box 17 Isabel SD 57633
(Street, RR or Box) (City) (State) (Zip Code)

A. Notice of Appropriation _____ Date of Posting _____

Date of Recording _____ Recording Date _____

B. Date of start of construction of water supply system _____

C. Date that water was first applied to beneficial use _____

D. Name of owner of original water supply system _____

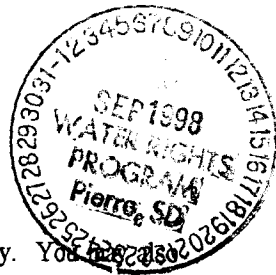
E. Amount of water originally applied to beneficial use _____

F. Present use of water - amount of water now being used _____

Date that this water was first used _____

G. Chronological History of Water Use

A map is enclosed showing the dam in 1956. The dam has been used as a source of livestock water every year of its existence.



Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You attach any written statement by you, or by others, that you deem pertinent.

State of South Dakota)
SS

County of Corson)

I, Les Lindskov the applicant, certify that I have read the foregoing and that
(print or type) the matters therein are true.

PAUL P. SCHWEITZER
Notary Public
Dewey County, South Dakota
My Commission Expires April 7, 2001

Signed Les Lindskov
9-4-, 1998
Paul Schweitzer
Notary Public

I, the undersigned do hereby certify that I know about the water use system described above, that I have read the foregoing, and that the matters therein are true.

_____, 19____
(Print Name)

_____, 19____
(Print Name)

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416021

Pierre, January 25, 1999

RECEIVED OF US Fish & Wildlife Services (Les Lindskov), P.O. Box 247, Brookings, SD 57006
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1679-1</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 Hatch

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No 415857

Pierre, September 8, 1998

Les Lindskov, Box 17, Isabel SD 57633

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

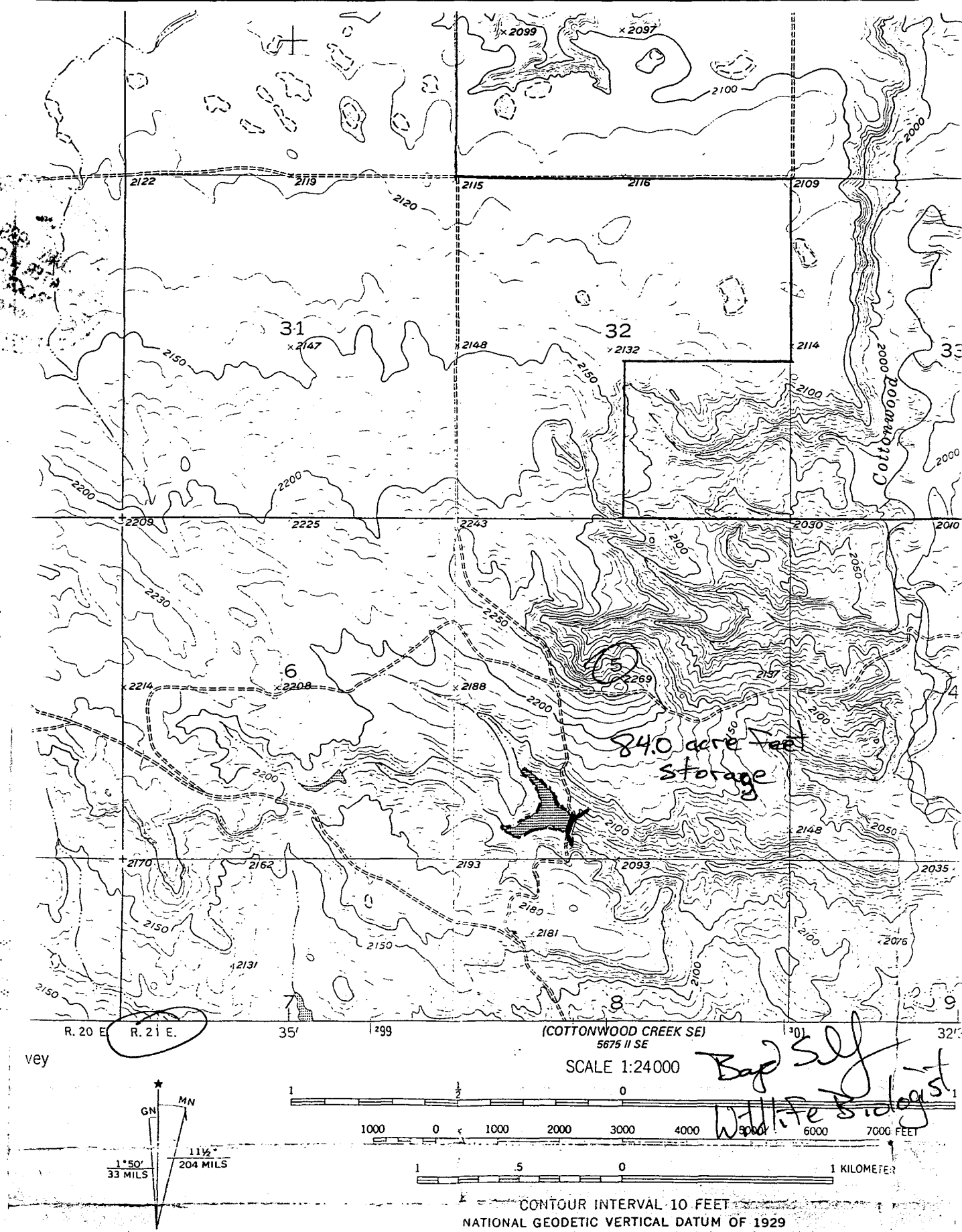
Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____	15	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting 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	1500

By John Hatch
Chief Engineer

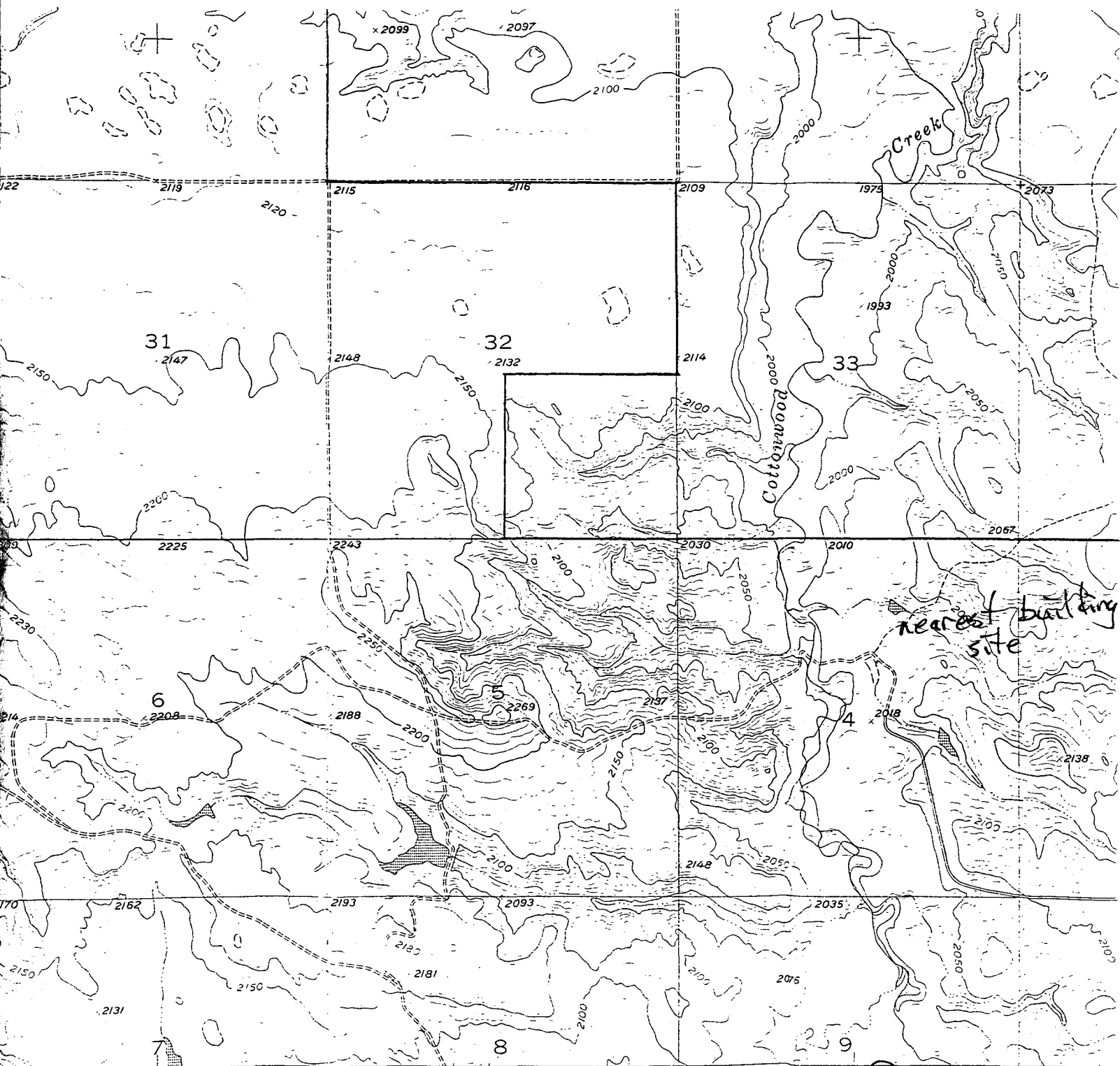
JOHN HATCH (ks)

T.19.N



UTM GRID AND 1978 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 220
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

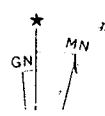
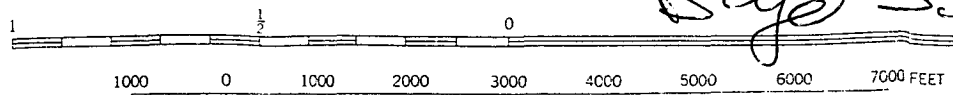


nearest building site

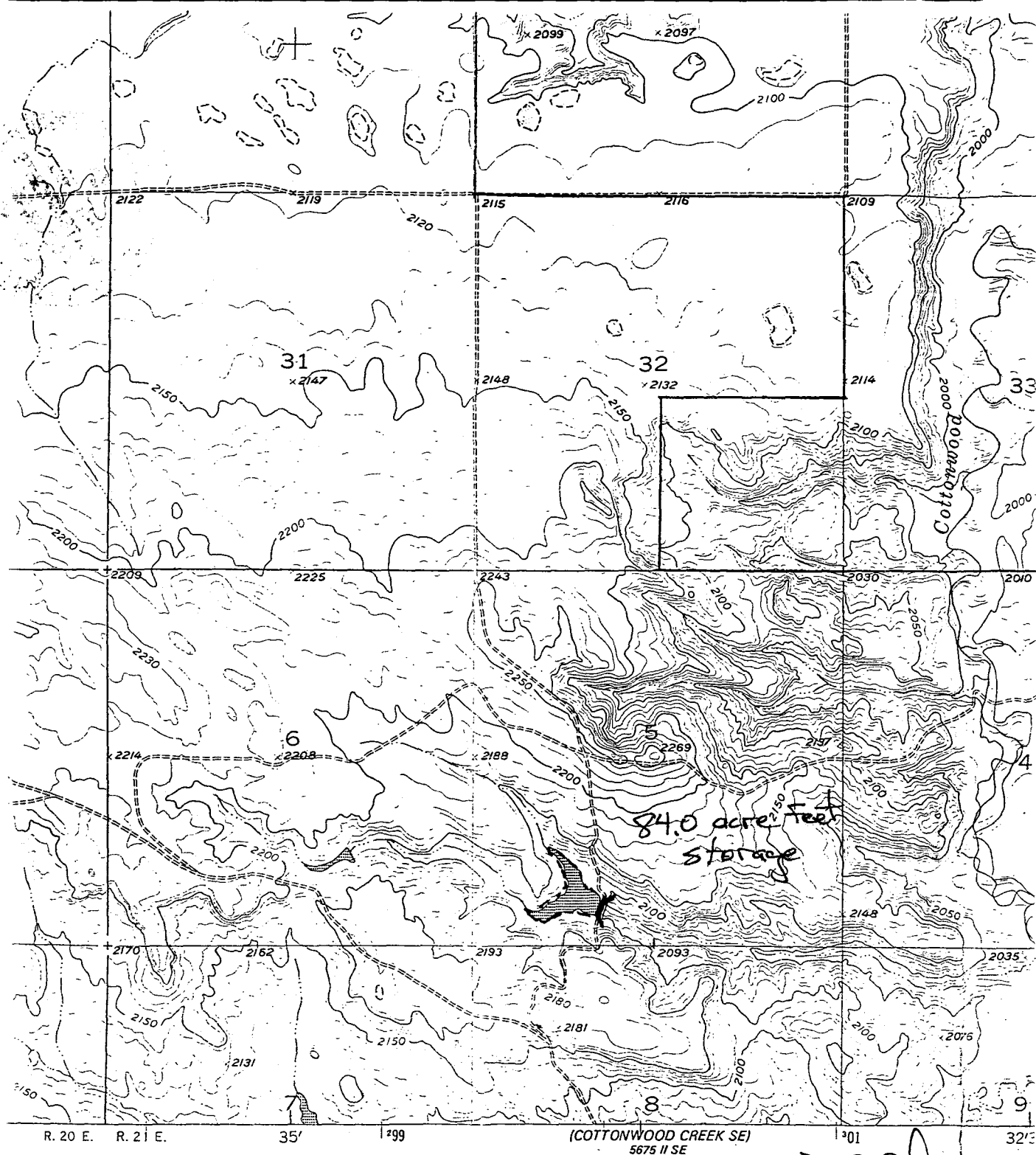
(COTTONWOOD CREEK SE)
5675 II SE

SCALE 1:24 000

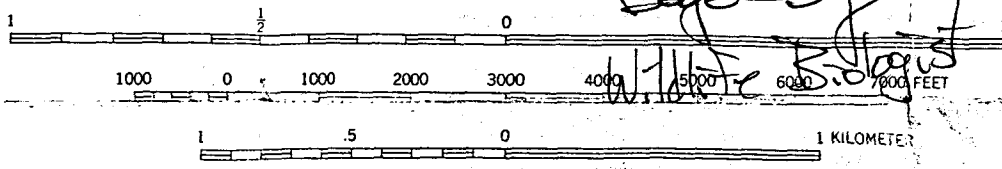
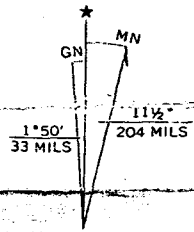
Bay S. J.



P
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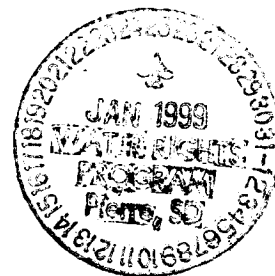


CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

UTM GRID AND 1978 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET.

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 220
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

(type or print in ink)



1. Well Information - Proposed Construction

- a) Drill Hole Diameter_____ Depth_____
- b) Casing Type_____ Diameter_____ Thickness_____
- c) Screen Type_____ Diameter_____ Thickness_____
- d) Gravel Pack Thickness_____ Length of Gravel Pack_____
- e) Depth to Top of Water Bearing Material_____
- f) Depth to Water (ground surface to water level)_____
- g) Distance to nearest existing domestic well:
- On applicants property_____ On property owned by others_____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
b) System Capacity (gallons) _____ c) Year Constructed _____
d) Connected to the City of _____ Sanitary System.

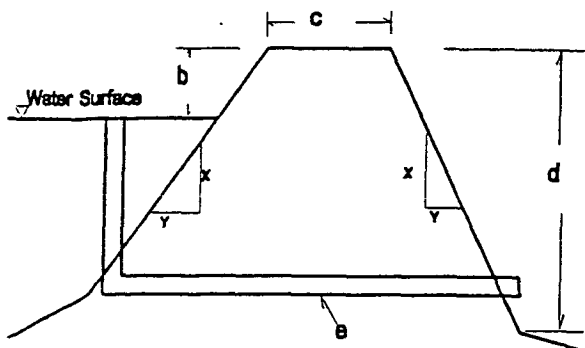
3. Dugout Information

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard 4 feet
- c) Crest Width 12 feet
Crest Length 225 feet
- d) Height 24 feet
- e) Primary Outlet Capacity _____
If pipe, diameter 18 inch
- f) Secondary Spillway Capacity _____
Spillway Width 50 feet
- g) X & Y Slope
Upstream 3:1
Downstream 3:1
- h) Surface Area of Impoundment 8.4
- D) Storage 84 Acre Feet
- j) Drainage Area Above Dam 766 Acres

Les Lindskov

Repair of existing dam is SE 1/4 SW 1/4 Sec. 5-T19N-R21E
by replacing rusted out CMP spillway w/ 18" HDPE

Does Not Require P&S Review

$$\left. \begin{array}{l} \text{Top of Dam Elev.} = 100 \\ \text{2nd Spillway Elev.} = 97 \\ \text{P. Spillway Elev.} = 95 \\ \text{D/S Toe Elev.} = 76 \end{array} \right\} \text{Ht} = 24 \text{ ft}$$

Cat. 3 Low Hazard Dam

Normal Cap. = 84 Ac.-Ft

Int. Cap. = 110

Max. Cap. = 150

$$\text{Int. Cap.} \times \text{Eff. Ht} = 110 \times 21 = 2310 \text{ } \approx 3000$$

∴ 25 year Min Spillway Design

From USGS WRI 80-80 "Tech. for Est. Flood Peaks ... in SD"

$$DA = 1.19 \text{ mi.}^2 \quad \text{Slope} = 80 \text{ ft/mi} \quad SI = 2.66$$

$$\begin{aligned} Q_{25} &= 83.4 A^{.6} S^{.44} S_i^{-.72} \\ &= 83.4 (1.19)^{.6} (80)^{.44} (2.66)^{-.72} \\ &= 83.4 (1.11) (6.87) (.49) \\ &= \underline{312 \text{ cfs}} \end{aligned}$$

2nd Spillway Flow

$$\begin{aligned} Q &= C L H^{3/2} \quad C = 2.6 \\ &= 2.6 (50) (3)^{1.5} \quad L = 50 \\ &= \underline{675 \text{ cfs}} \quad H = 3 \end{aligned}$$

NRCS Annual Yield

$$DA = 766 \text{ acres} \quad ISO = 1 1/2 \quad CN = 70$$

$$\begin{aligned} 80\% \text{ chance} &= 0.044 \\ 0.044 \times 766/12 &= \underline{3 \text{ Ac.-Ft}} \end{aligned}$$

$$\begin{aligned} 50\% \text{ chance} &= 0.15 \\ 0.15 \times 766/12 &= \underline{10 \text{ Ac.-Ft}} \end{aligned}$$

$$\begin{aligned} 10\% \text{ chance} &= 1.0 \\ 1.0 \times 766/12 &= \underline{64 \text{ Ac.-Ft}} \end{aligned}$$

$$\begin{aligned} CN = 75 \quad 80\% \text{ chance} &= 0.086 \\ 0.086 \times 766/12 &= \underline{5.5 \text{ Ac.-Ft}} \\ 50\% \text{ chance} &= 0.25 \\ 0.25 \times 766/12 &= \underline{16 \text{ Ac.-Ft}} \\ 10\% \text{ chance} &= 1.40 \\ 1.40 \times 766/12 &= \underline{90 \text{ Ac.-Ft}} \end{aligned}$$

CE AGREEMENT NO.
#SD-64120-98-025



CONSERVATION EXTENSION AGREEMENT

THIS AGREEMENT DATED August 26, 1998 BETWEEN Les Lindskov, CONSERVATION COOPERATOR(S) AND THE U.S. FISH AND WILDLIFE SERVICE (FWS) IS ENTERED INTO PURSUANT TO AUTHORITY CONTAINED IN SECTION 1 OF THE FISH AND WILDLIFE ACT OF 1956, U.S.C. 4.
Les Lindskov, Box 17, Isabel, SD 57633

HEREBY AGREE TO OR PARTICIPATE WITH THE FWS IN CONDUCTING CERTAIN CONSERVATION MANAGEMENT PRACTICES ON LANDS OWNED BY THEM IN Corson COUNTY, STATE OF S. Dak. described as follows.
SW Sec. 5, T 19 N., R 21 E., 5th P.M.

THE CONSERVATION COOPERATORS IN SIGNING THIS AGREEMENT JOIN AS PARTICIPANTS IN A CONSERVATION MANAGEMENT PROGRAM AND GRANT TO THE FWS THE AUTHORITY TO COMPLETE CONSERVATION DEVELOPMENTS, OR TO PERSONALLY CARRY OUT CONSERVATION ACTIVITIES WITH FINANCIAL OR MATERIAL SUPPORT, AS DESCRIBED IN THE ATTACHED SPECIAL PROVISIONS (EXHIBIT A). ANY DONATION OF SUPPLIES, EQUIPMENT, OR DIRECT PAYMENT FROM THE FWS TO THE CONSERVATION COOPERATORS FOR CARRYING OUT THE CONSERVATION DEVELOPMENTS, ARE ALSO INCLUDED IN THE ATTACHED SPECIAL PROVISIONS (EXHIBIT A).

THE TERMS OF THIS AGREEMENT WILL BE FOR 10 YEARS BEGINNING August 26, 1998 AND ENDING August 25, 2008. PAYMENT AS APPROPRIATE WILL BE MADE AS DESCRIBED AND AGREED TO IN EXHIBIT A.

THIS AGREEMENT MAY BE MODIFIED AT ANY TIME BY MUTUAL WRITTEN CONSENT. IT MAY ALSO BE TERMINATED IN WRITING BY EITHER PARTY THIRTY (30) DAYS IN ADVANCE. IF TERMINATED BY THE COOPERATOR, COOPERATOR WILL REIMBURSE FWS FOR THE COST OF THE CONSERVATION DEVELOPMENTS PLACED ON THE LAND.

AT THE END OF THE TERM, THE CONSERVATION DEVELOPMENT WILL BECOME THE PROPERTY OF THE CONSERVATION COOPERATOR.

THE FWS, DOES NOT ASSUME JURISDICTION OVER THE PREMISES BY THIS AGREEMENT. THE CONSERVATION COOPERATOR RETAINS ALL RIGHTS TO CONTROL TRESPASS AND RETAINS ALL RESPONSIBILITY FOR TAXES, ASSESSMENTS, AND DAMAGE CLAIMS.

IF A FWS EASEMENT IS GRANTED, THE EASEMENT WILL SUPERSEDE THE PROVISIONS AND TERMS OF THIS AGREEMENT.

THE FWS, ITS AGENTS, OR ASSIGNEES RESERVE THE RIGHT TO ENTER THE LAND AT REASONABLE TIMES FOR CONSERVATION DEVELOPMENT AND MANAGEMENT PURPOSES AND TO INSPECT COMPLETED WORK.

THE SERVICE ASSUMES NO LIABILITY FOR DAMAGE OR INJURY OTHER THAN THAT CAUSED BY ITS OWN NEGLIGENCE, ON THE ABOVE ACREAGE. SPECIFIC WORK COMPLETED WILL BE DOCUMENTED ON EXHIBIT A.

A CHANGE IN OWNERSHIP SHALL NOT CHANGE THE TERMS OF THIS AGREEMENT. THE AGREEMENT AND TERMS SHALL BE IN EFFECT ON THE DESCRIBED LAND FOR THE PERIOD OF THE AGREEMENT. THE CONSERVATION COOPERATOR WILL NOTIFY THE FWS OF PLANNED OR PENDING CHANGES IN OWNERSHIP.

AT THE END OF THIS AGREEMENT, THE COOPERATOR ASSUMES FULL AND COMPLETE RESPONSIBILITY FOR ALL CONSERVATION DEVELOPMENTS MADE DURING THIS AGREEMENT ON THE PROJECT TRACT. THERE SHALL BE NO OBLIGATION TO ANY OF THE AGENCIES OF THE AGREEMENT AFTER THE TERM OF THE AGREEMENT HAS EXPIRED.

THE LANDOWNER WILL BE RESPONSIBLE FOR SECURING ANY NECESSARY PERMITS. TECHNICAL ADVICE AND SUPPORT WILL BE PROVIDED BY PARTICIPATING AGENCIES IN THE APPLICATION FOR THE PERMIT.

THE FWS IS PROHIBITED BY LAW FROM MAKING OBLIGATIONS THAT EXCEED AVAILABLE FUNDS AND, THEREFORE THE FWS CAN DO ONLY THAT WORK WHICH IS FUNDED. IN THE EVENT FUNDS ARE NOT AVAILABLE TO DO THE CONSERVATION DEVELOPMENT WORK WITHIN THE PERIOD OF TIME OR IN THE MANNER PRESCRIBED IN THE SPECIAL PROVISIONS. THE FWS WILL ADVISE THE CONSERVATION COOPERATOR OF THE FACT.

CONSERVATION COOPERATOR GUARANTEES OWNERSHIP OF THE ABOVE DESCRIBED LAND AND WARRANTS THAT THERE ARE NO OUTSTANDING RIGHTS WHICH INTERFERE WITH THE WILDLIFE MANAGEMENT AGREEMENT.

Lin Lindsta
CONSERVATION COOPERATOR

504-60-7569
SOCIAL SECURITY NUMBER

Rep J S J
FWS REFUGEE MANAGER

FOR THE CONSERVATION DISTRICT

FWS, ASSISTANT REGIONAL DIRECTOR,
REFUGES AND WILDLIFE

*PRIVACY ACT NOTICE: THE FWS IS REQUIRED TO OBTAIN THIS INFORMATION TO PROCESS ANY PAYMENT(S) TO THE WILDLIFE COOPERATOR AS A RESULT OF THIS AGREEMENT. THIS INFORMATION WILL BE FURNISHED TO THE INTERNAL REVENUE SERVICE AS REQUIRED BY THE TAX REFORM ACT OF 1986 AND MAY BE SHARED WITH THE DEPARTMENT OF JUSTICE FOR CRIMINAL OR CIVIL LITIGATION. FURNISHING A SOCIAL SECURITY NUMBER IS VOLUNTARY, BUT FAILURE TO DO SO MAY RESULT IN DISQUALIFICATION FROM THIS PROGRAM.

EXHIBIT A
SPECIAL PROVISIONS

The conservation developments described below are agreed to by Mr. Lindskov and the FWS in a Conservation Extension Agreement dated August 19, 1998.

Planned work: Mr. Lindskov agrees to create wetland(s) by repairing an embankment(s) (see attached map for locations of wetlands to be repaired). Mr. Lindskov agrees to pay 25% of the embankment construction to the Corson County Conservation District prior to construction. Funding for the remaining 75% will be provided by the Ducks Unlimited, Inc., and Federal Management Emergency Agency.

Design criteria are NRCS engineering standards, modified in consultation with DU and FWS to fit specific sites. Mr. Lindskov agrees to allow the Service, or its designee, to access the property to inspect the condition of the embankment(s) during the term of this agreement.

There will be no restrictions regarding use of the impoundment(s) for stock water. Mr. Lindskov may fence embankment(s) and spillway(s) to protect them from erosion if structure is used by livestock. FWS will provide the necessary fence material when required. Spoil sites will be seeded by the landowner.

The cooperator agrees not to tamper with or alter the design of the embankment without the consultation with the FWS and Conservation District.

Itemized costs of payments, materials, supplies, completed work, and schedule of payments. if applicable, however, any payments will be for only one fiscal year.) This is a one-time Fiscal Year payment only.

Wetland Creation:

Partners Cost-Share

Federal Emergency Management Agency (Daddy) (67.48%)	
Dirtwork.....	\$2024.40
Materials	\$ 0
Duck Unlimited, Inc (7.52%).....	\$ 225.60
Mr. Lindskov (25%).....	\$ <u>750.00</u>
<u>Total Project Cost</u>	\$3000.00

In-kind Service

District (20%).....	\$ 600.00
Landowner (5%).....	\$ <u>150.00</u>
<u>In-Kind Total</u>	\$ 750.00

Grand Total.....\$3750.00

Materials Provided by FEMA

Principal Spillway Pipe

Pipe Length: 0 feet

Pipe Diameter: inch

Cost: \$0

Anti-Seep Collar

Size:

Cost: \$0

Materials Provided by FWS

Fence

Rods: 0 rods

Cost: \$0

Fiber Mat

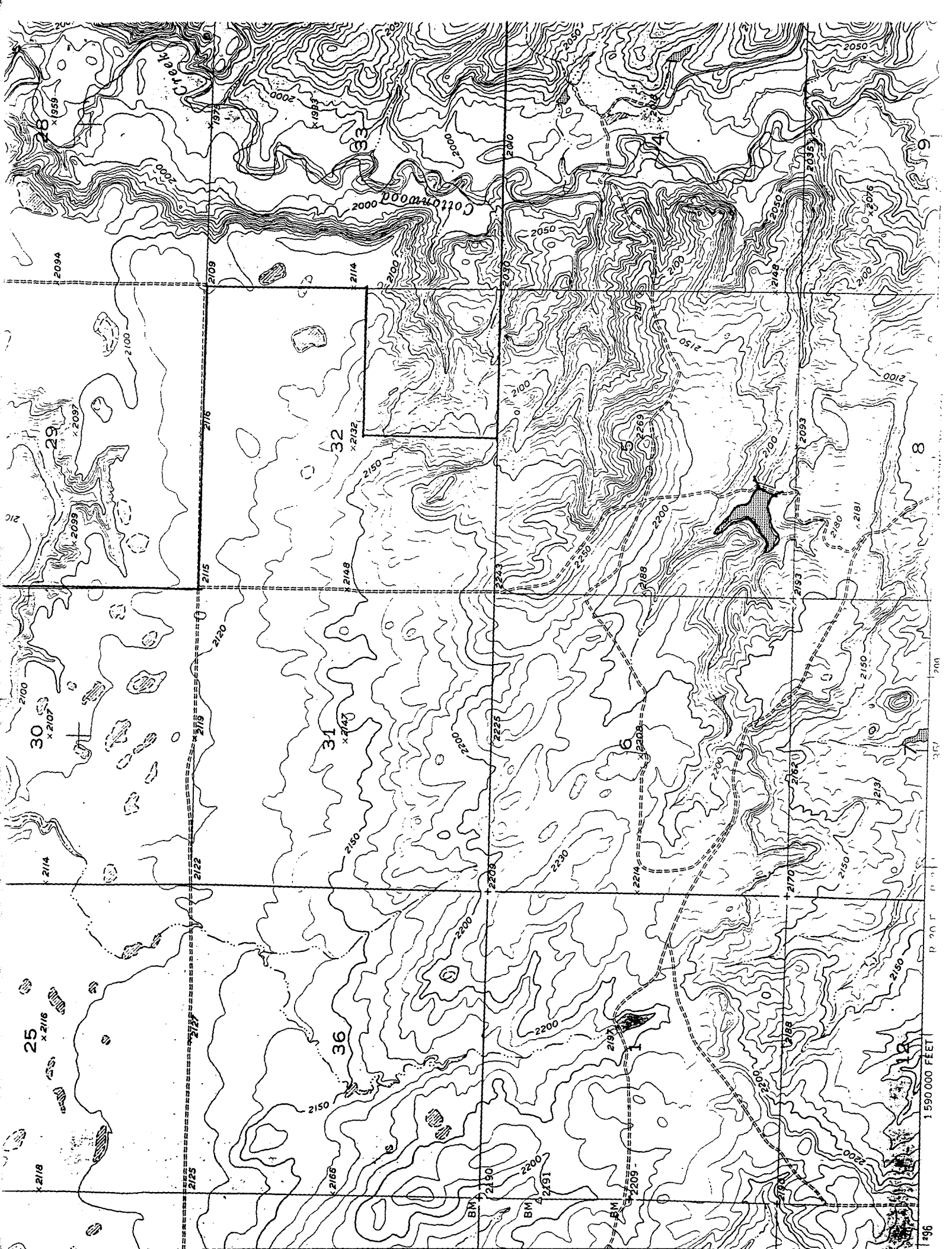
Feet: 0 rolls

Cost: \$0

After completion of the work and inspected, Mr. Lindskov agrees to submit a signed invoice.

Completed work (as modified by mutual agreement)

	<u>Wetland #</u>	<u>Wetland Size (Acres)</u>
	<u>1</u>	<u>8.0</u>
Totals=	1	8.0



Request for Taxpayer
Identification Number and Certification

Give this form to
the requester. Do
NOT send to IRS.

Please print or type	Name (If joint names, list first and circle the name of the person or entity whose number you enter in Part I below. See instructions on page 2 if your name has changed.) Les Lindskov	
	Business name (Sole proprietors see instructions on page 2.)	
	Address (number and street) Box 17	List account number(s) here (optional)
	City, state, and ZIP code Isabel, SD 57633	
Part I Taxpayer Identification Number (TIN)		Part II For Payees Exempt From Backup Withholding (See instructions on page 2)
Enter your TIN in the appropriate box. For individuals, this is your social security number (SSN). For sole proprietors, see the instructions on page 2. For other entities, it is your employer identification number (EIN). If you do not have a number, see How To Obtain a TIN, below.		
Social security number 510146075189		
OR		
Employer identification number 1 1 1 1 1 1 1 1		Requester's name and address (optional)
Note: If the account is in more than one name, see the chart on page 2 for guidelines on whose number to enter.		

Certification.—Under penalties of perjury, I certify that:

- (1) The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- (2) I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding.

Certification Instructions.—You must cross out item (2) above if you have been notified by the IRS that you are currently subject to backup withholding because of underreporting interest or dividends on your tax return. For real estate transactions, item (2) does not apply. For mortgage interest paid, the acquisition or abandonment of secured property, contributions to an individual retirement arrangement (IRA), and generally payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (Also see Signing the Certification on page 2.)

Please Sign Here	Signature Les Lindskov	Date 9-1-98
------------------	-------------------------------	--------------------

(Section references are to the Internal Revenue Code.)

Purpose of Form.—A person who is required to file an information return with the IRS must obtain your correct TIN to report income paid to you, real estate transactions, mortgage interest you paid, the acquisition or abandonment of secured property, or contributions you made to an IRA. Use Form W-9 to furnish your correct TIN to the requester (the person asking you to furnish your TIN) and, when applicable, (1) to certify that the TIN you are furnishing is correct (or that you are waiting for a number to be issued), (2) to certify that you are not subject to backup withholding, and (3) to claim exemption from backup withholding if you are an exempt payee. Furnishing your correct TIN and making the appropriate certifications will prevent certain payments from being subject to backup withholding.

Note: If a requester gives you a form other than a W-9 to request your TIN, you must use the requester's form.

How To Obtain a TIN.—If you do not have a TIN, apply for one immediately. To apply, get Form SS-5, Application for a Social Security Number Card (for individuals), from your local office of the Social Security Administration, or Form SS-4, Application for Employer Identification Number (for businesses and all other entities), from your local IRS office.

To complete Form W-9 if you do not have a TIN, write "Applied for" in the space for the TIN in Part I, sign and date the form, and give it to the requester. Generally, you will then have

60 days to obtain a TIN and furnish it to the requester. If the requester does not receive your TIN within 60 days, backup withholding, if applicable, will begin and continue until you furnish your TIN to the requester. For reportable interest or dividend payments, the payer must exercise one of the following options concerning backup withholding during this 60-day period. Under option (1), a payer must backup withhold on any withdrawals you make from your account after 7 business days after the requester receives this form back from you. Under option (2), the payer must backup withhold on any reportable interest or dividend payments made to your account, regardless of whether you make any withdrawals. The backup withholding under option (2) must begin no later than 7 business days after the requester receives this form back. Under option (2), the payer is required to refund the amounts withheld if your certified TIN is received within the 60-day period and you were not subject to backup withholding during that period.

Note: Writing "Applied for" on the form means that you have already applied for a TIN OR that you intend to apply for one in the near future.

As soon as you receive your TIN, complete another Form W-9, include your TIN, sign and date the form, and give it to the requester.

What Is Backup Withholding?—Persons making certain payments to you are required to withhold and pay to the IRS 20% of such payments under certain conditions. This is called "backup withholding." Payments that could be subject to backup withholding include interest, dividends,

broker and barter exchange transactions, rents, royalties, nonemployee compensation, and certain payments from fishing boat operators, but do not include real estate transactions.

If you give the requester your correct TIN, make the appropriate certifications, and report all your taxable interest and dividends on your tax return, your payments will not be subject to backup withholding. Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester, or
2. The IRS notifies the requester that you furnished an incorrect TIN, or
3. You are notified by the IRS that you are subject to backup withholding because you failed to report all your interest and dividends on your tax return (for reportable interest and dividends only), or
4. You fail to certify to the requester that you are not subject to backup withholding under (3) above (for reportable interest and dividend accounts opened after 1983 only), or
5. You fail to certify your TIN. This applies or to reportable interest, dividend, broker, or barter exchange accounts opened after 1983, or broker accounts considered inactive in 1983.

Except as explained in (5) above, other reportable payments are subject to backup withholding only if (1) or (2) above applies. Certain payees and payments are exempt from backup withholding and information reporting. See Payees and Payments Exempt From

Backup Withholding, below, and Exempt Payees and Payments under Specific Instructions, below, if you are an exempt payee. Payees and Payments Exempt From Backup Withholding.—The following is a list of payees exempt from backup withholding and for which no information reporting is required. For interest and dividends, all listed payees are exempt except item (9). For broker transactions, payees listed in (1) through (13) and a person registered under the Investment Advisers Act of 1940 who regularly acts as a broker are exempt. Payments subject to reporting under sections 6041 and 6041A are generally exempt from backup withholding only if made to payees described in items (1) through (7), except a corporation that provides medical and health care services or bills and collects payments for such services is not exempt from backup withholding or information reporting. Only payees described in items (2) through (6) are exempt from backup withholding for barter exchange transactions, patronage dividends, and payments by certain fishing boat operators.

- (1) A corporation.
- (2) An organization exempt from tax under section 501(c)(3), or an IRA, or a custodial account under section 403(b)(7).
- (3) The United States or any of its agencies or instrumentalities.
- (4) A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities.
- (5) A foreign government or any of its political subdivisions, agencies, or instrumentalities.
- (6) An international organization or any of its agencies or instrumentalities.
- (7) A foreign central bank of issue.
- (8) A dealer in securities or commodities required to register in the United States or a possession of the United States.
- (9) A futures commission merchant registered with the Commodity Futures Trading Commission.
- (10) A real estate investment trust.
- (11) An entity registered at all times during the tax year under the Investment Company Act of 1940.
- (12) A common trust fund operated by a bank under section 584(a).
- (13) A financial institution.
- (14) A middleman known in the investment community as a nominee or listed in the most recent publication of the American Society of Corporate Secretaries, Inc., Nominee List.
- (15) A trust exempt from tax under section 664 or described in section 4947.

Payments of dividends and patronage dividends generally not subject to backup withholding include the following:

- Payments to nonresident aliens subject to withholding under section 1441.
- Payments to partnerships not engaged in a trade or business in the United States and that have at least one nonresident partner.
- Payments of patronage dividends not paid in money.
- Payments made by certain foreign organizations.

Payments of interest generally not subject to backup withholding include the following:

- Payments of interest on obligations issued by individuals.

Note: You may be subject to backup withholding if this interest is \$500 or more and is paid in the course of the payee's trade or business and you have not provided your correct TIN to the payer.

- Payments of tax-exempt interest (including exempt-interest dividends under section 852).
- Payments described in section 6049(b)(5) to nonresident aliens.
- Payments on tax-free covenant bonds under section 1451.
- Payments made by certain foreign organizations.
- Mortgage interest paid by you.

Payments that are not subject to information reporting are also not subject to backup withholding. For details, see sections 6041, 6041A(a), 6042, 6044, 6045, 6049, 6050A, and 6050N, and their regulations.

Penalties

Failure To Furnish TIN.—If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil Penalty for False Information With Respect to Withholding.—If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

Criminal Penalty for Falsifying Information.—Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Specific Instructions

Name.—If you are an individual, you must generally provide the name shown on your social security card. However, if you have changed your last name, for instance, due to marriage, without informing the Social Security Administration of the name change, please enter your first name, the last name shown on your social security card, and your new last name.

If you are a sole proprietor, you must furnish your individual name and either your SSN or EIN. You may also enter your business name on the business name line. Enter your name(s) as shown on your social security card and/or as it was used to apply for your EIN on Form SS-4.

Signing the Certification.—

(1) Interest, Dividend, and Barter Exchange Accounts Opened Before 1984 and Broker Accounts Considered Active During 1983.—You are required to furnish your correct TIN, but you are not required to sign the certification.

(2) Interest, Dividend, Broker, and Barter Exchange Accounts Opened After 1983 and Broker Accounts Considered Inactive During 1983.—You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item (2) in the certification before signing the form.

(3) Real Estate Transactions.—You must sign the certification. You may cross out item (2) of the certification.

(4) Other Payments.—You are required to furnish your correct TIN, but you are not required to sign the certification unless you have been notified of an incorrect TIN. Other payments include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services, payments to a nonemployee for services (including attorney and accounting fees), and payments to certain fishing boat crew members.

(5) Mortgage Interest Paid by You, Acquisition or Abandonment of Secured Property, or IRA Contributions.—You are required to furnish your correct TIN, but you are not required to sign the certification.

(6) Exempt Payees and Payments.—If you are exempt from backup withholding, you should complete this form to avoid possible erroneous backup withholding. Enter your correct TIN in Part I, write "EXEMPT" in the block in Part II, sign and date the form. If you are a nonresident alien or foreign entity not subject to backup withholding, give the requester a completed Form W-8, Certificate of Foreign Status.

(7) TIN "Applied for."—Follow the instructions under How To Obtain a TIN, on page 1, sign and date this form.

Signature.—For a joint account, only the person whose TIN is shown in Part I should sign the form.

Privacy Act Notice.—Section 6109 requires you to furnish your correct TIN to persons who must file information returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, or contributions you made to an IRA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. You must provide your TIN whether or not you are required to file a tax return. Payers must generally withhold 20% of taxable interest, dividend, and certain other payments to a payee who does not furnish a TIN to a payer. Certain penalties may also apply.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account ¹
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor ²
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee ³
b. So-called trust account that is not a legal or valid trust under state law	The actual owner ⁴
5. Sole proprietorship	The owner ³
For this type of account:	Give name and EIN of:
6. Sole proprietorship	The owner ³
7. A valid trust, estate, or pension trust	Legal entity ⁴
8. Corporate	The corporation
9. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
10. Partnership	The partnership
11. A broker or registered nominee	The broker or nominee
12. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity

¹ List first and circle the name of the person whose number you furnish.

² Circle the minor's name and furnish the minor's social security number.

³ Show the individual's name. See item 5 or 6. You may also enter your business name.

⁴ List first and circle the name of the legal trust, estate, or pension trust. (Do not furnish the identification number of the personal representative or trustee unless the legal entity itself is not designated in the account title.)

Note: If no name is circled when there is more than one name, the number will be considered to be that of the first name listed.

File No. XXX

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Les Lindskov

ADDRESS: Box 17

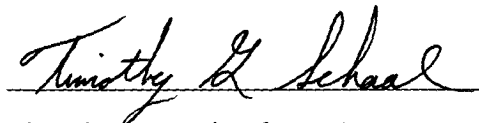
COUNTY: Corson

DATE: September 9, 1998

TELEPHONE: XXXXXXXX

RE: more information for Vested Right Claim

I talked to Boyd Schulz from the USFWS in Brookings (697-2500) today regarding the application for a Vested Right Claim we received from Les Lindskov. I told him we would need Form 2A for more information on the dam and more information on the Affidavit of Use, maybe something from the previous landowner. We discussed the hazard classification for the dam and agree with him that the dam should be classified as a low hazard Category 3 dam. The repair project involves repair to the upstream and downstream slope with no change to the existing spillway.



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

*I called Boyd Schultz back and asked him to
send a signed map.*



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Brookings Wildlife Habitat Office
P.O. Box 247, 520-B 3rd Avenue North
Brookings, South Dakota 57006



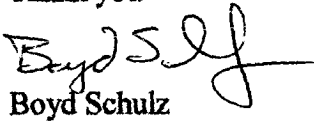
Tim Schaal
Water Rights Division
DENR, Foss Bldg.
Pierre, SD 57501

September 9, 1998

Dear Tim,

Enclosed are two copies of Form 2A and three signed maps, two of which show the closest occupied building site, for the Les Lindskov dam repair project. A signed affidavit will be forthcoming from the previous owner regarding the original date of construction. Please call if I can be of any further assistance. 697-2500

Thank you


Boyd Schulz

File No. XXX

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Les Lindskov

ADDRESS: Box 17

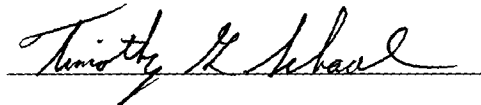
COUNTY: Corson

DATE: December 22, 1998

TELEPHONE: XXXXXXX

RE: more information for Vested Right Claim

I talked to Boyd Schulz from the USFWS in Brookings (697-2500) again today regarding the application for a Vested Right Claim we received from Les Lindskov. Boyd indicated that they could not document the date of construction for the dam, and it may have been built in 1956. He said they would forget about the Vested Right Claim and would send in a regular Water Right Permit application.



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



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Brookings Wildlife Habitat Office
P.O. Box 247, 520-B 3rd Avenue North
Brookings, South Dakota 57006



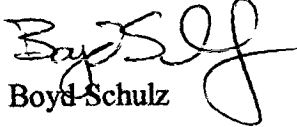
Water Rights Program, DENR
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

January 21, 1999

Attn. Tim Schaal:

Enclosed are two copies of an Application for Water Permit and the \$150.00 fee for a dam repair project for Les Lindskov in Corson county. Please call if I you need any further information or I can be of any assistance. 697-2500

Thank you


Boyd Schulz



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 25, 1999

Boyd Schulz
US Fish and Wildlife Service
PO Box 247
Brookings SD 57006

Dear Mr. Schulz:

Thank you for submitting the *Application for a Permit to Appropriate Water* on behalf of Les Linskov in Corson County.

We are in receipt of the \$150.00 application filing fee. In addition to the application filing fee, the Water Rights Program now collects the \$50 licensing fee at the time of filing. Please submit \$50 for the licensing of the water permit.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

File No. 1679-1

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Les Lindskov

ADDRESS: Box 17 Isabel, SD 57633

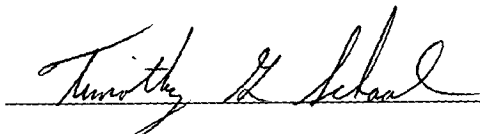
COUNTY: Corson

DATE: March 11, 1999

TELEPHONE: XXXXXXX

RE: Repair of existing dam

I talked to Boyd Schulz (697-2500) from the USFWS in Brookings today about the repair of the existing dam associated with Les Lindskov's Water Permit Application No. 1679-1. He indicated that about all they would be doing is replacing the rusted CMP spillway with a new 18 inch HDPE spillway. I told him we would not need to review plans and specifications for this project since it was basically just maintenance.

A handwritten signature in cursive script, reading "Timothy G. Schaal", written over a horizontal line.

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

REPORT ON
WATER PERMIT APPLICATION NO. 1679-1
Les Lindskov
March 16, 1999

Water Permit Application No. 1679-1 has been filed by Les Lindskov to impound 84 acre-feet of water from runoff by reconstructing a dam located in the SE ¼ SW ¼ of Section 5-T19N-R21E, in Corson County. The water will be used for fish and wildlife production and livestock watering.

Discussion:

The Lindskov Dam was originally constructed in about 1955. The proposed repair involves replacement of a rusted out CMP spillway with a new 18 inch HDPE spillway with minor reshaping on the upstream and downstream embankment slopes.

The dam will be classified as a Category 3, Low Hazard dam. It has a current height of 24 feet with a normal storage capacity of 84 acre-feet with a reservoir level at the spillway elevation, and a maximum storage capacity of 150 acre-feet with a reservoir level at the top of dam elevation. The dam was built before the adoption of the Safety of Dam Rules (October 1986) and is exempt from the requirements of the rules. However, a dam of this size and hazard category would normally be required to have a minimum spillway design capable of passing a 25-year frequency event.

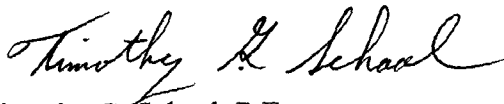
The dam has a drainage area of 1.19 square miles. A 25-year frequency event for this drainage area produces a peak runoff of approximately 312 cfs. The dam will have an 18 inch HDPE spillway with 5 feet of available freeboard and a 50 foot wide earthcut secondary spillway with 3 feet of available freeboard. The secondary spillway has a maximum spillway capacity of approximately 675 cfs.

The annual yield for this drainage area with an 80 percent chance of occurrence, or 8 out of 10 years, is expected to be 6 acre-feet. The annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 16 acre-feet and the annual yield with a 10 percent chance, or 1 out of 10 years, is expected to be 90 acre-feet.

The Lindskov Dam is located in the SE ¼ SW ¼ of Section 5-T19N-R21E on an unnamed tributary to the Cottonwood Creek about five miles upstream of the confluence of Cottonwood Creek and the Grand River. There are no existing Water Permits/Rights located on the unnamed tributary or Cottonwood Creek between the dam and the Grand River.

Conclusions:

1. Water Permit Application No. 1679-1 should be approved since unappropriated water is available and approval should not have any adverse effect on existing Water Permits/Rights.
2. If approved, the low flow bypass requirement for downstream domestic use should be a qualification on Water Permit Application No. 1679-1.



Timothy G. Schaal, P.E.
Natural Resources Engineer III

Approved by:



Gale N. Selken, P.E.
Natural Resources Engineer IV

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1679-1, Les Lindskov**

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 Water Permit Application No. 1679-1, Les Lindskov, Box 17, Isabel SD 57633.

The Chief Engineer is recommending APPROVAL of Application No. 1679-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Water Permit No. 1679-1 authorizes a dam with storage capacity of 84 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

See report on application for additional information.



JOHN HATCH, Chief Engineer
March 18, 1999



**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.

March 19, 1999

Les Lindskov
Box 17
Isabel, SD 57633

Dear Mr. Lindskov:

Water Permit Application No. 1679-1 for fish and wildlife propagation and domestic use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Corson County News printed at McLaughlin, SD (Ph # (605) 823-4490). 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

c: Boyd Schulz, US Fish & Wildlife Service, P.O. Box 247, Brookings, SD 57006.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 19, 1999

Corson County News
Box 788
McLaughlin, SD 57642-0788

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 1679-1 to Appropriate Water to be published twice. Please publish the first notice on April 1, 1999, 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 Les Lindskov, Box 17, Isabel, SD 57633 (Ph # (605) 466-2453).

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. 1679-1

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

Date _____

We are in receipt of your letter of March 19, 1999, enclosing Notice of Hearing to Appropriate Water by Application No. 1679-1 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on April 1, 1999, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1679-1 to Appropriate Water

Notice is given that Les Lindskov, Box 17, Isabel SD 57633 has filed an application for a water permit to impound 84 acre-feet of runoff by reconstructing a dam located in the SE ¼ SW ¼ Section 5 with water impounded in the SW ¼ Section 5; all in T19N-R21E. This application requests impoundment of water sufficient to maintain water at the outlet elevation and is to be used to provide for fish and wildlife propagation and domestic use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1679-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. 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 April 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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

**NOTICE OF APPLICATION
NO. 1679-1
TO APPROPRIATE WATER**

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Corson) SS

I, Merle E. Lafgren

certify that the attached printed Notice was taken

from the Corson County News

printed and published in McIntosh

County of Corson and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

April 1, 1999

April 8, 1999

Cost of Printing ~~1.00~~

\$ 34.46

Merle E. Lafgren
(Signature)

Publisher
(Title)

April 12, 1999
(Date Signed)

Notice is given that Les Lindskov, Box 17, Isabel, SD 57633 has filed an application for a water permit to impound 84 acres-feet of runoff by reconstructing a dam located in the SE 1/4 SW1/4 Section 5 with water impounded in the SW1/4 Section 5; all in T19N-R21E. This application requests impoundment of water sufficient to maintain water at the outlet elevation and is to ~~be used to provide for fish and wildlife propagation and domestic use.~~

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends **APPROVAL** of Application No. 1679-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. 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 April 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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Nettie H. Myers
Secretary
Department of Environment
and Natural Resources
(News, April 1-8, 1999)



WATER RIGHT PROGRAM

SOUTH DAKOTA DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES

FACSIMILE TRANSMITTAL SHEET

TO:	Cody	FROM:	Eric Gronlund
COMPANY:	Standing Rock Sioux Tribe	DATE:	March 31, 1999
FAX NUMBER:	82 701 854-7500	TOTAL NO. OF PAGES INCLUDING COVER:	8
PHONE NUMBER:		SENDER'S TELEPHONE NUMBER:	(605) 773-3352
RE:	Les Lindskov Application	SENDER'S FAX NUMBER:	(605) 773-4068

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ AS YOU REQUESTED

NOTES/COMMENTS:

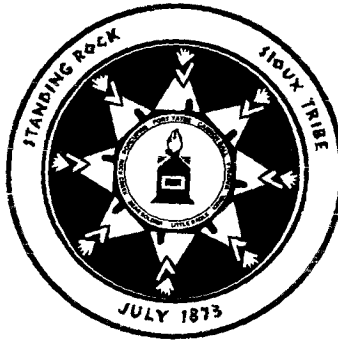
Please find the information that you requested regarding Les Lindskov's water right permit application. This application involves the repair and maintenance of a dam that has been in place for a number of years. The repair is being done in cooperation with the U.S. Fish & Wildlife Service. I believe that when they discovered that a water right permit was not in place, they worked with Mr. Lindskov to file the necessary application. The file also includes a conservation extension agreement between Mr. Lindskov and USFWS that I did not include as an attachment.

Petitions to intervene and cause of hearing before the Water Management Board on this application must be submitted by April 19, 1999.

Please feel free to contact me any time you would like information on a pending water right permit application.

WATER RIGHTS PROGRAM
JOE FOSS BUILDING
523 E. CAPITOL AVE.
PIERRE, SD 57501

Charles W. Murphy
Chairman



Tom Iron
Vice Chairman

Elaine McLaughlin
Secretary

DISTRICTS

Robert Cordova
Cannonball District

Raphael See Walker
Fort Yates District

Joe Strong Heart
Wakpala District

Palmer Defender
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Dean Bear Ribs
Bear Soldier District

Milton Brown Otter
Rock Creek District

Farren Long Chase
Little Eagle District

Randal White Sr.
Porcupine District

AT LARGE

Joe Keepseagle

Dave Archambault

Jesse Taken Alive

Reva Gates

Sharon Two Bears

Verna Bailey

April 27, 1999

Eric Gronlund
Water Rights Program
Foss Building
523 E. Capitol
Pierre, S.D. 57501

Dear Mr. Gronlund,

As per our conversation this morning. In reference to the water permit application no. 1679-1, that was applied for by Les Lindskov.

We have the following questions / suggestions:

- Mr. Lindskov must file for a tribal water permit.
- Land ownership above & below site must be identified.
- Does applicant lease tribal or allotted lands?
- When will fish be stocked?
- What type of fish?
- Are there other competing water users which would cause controversy?

These are only a few of the questions/suggestions we have.

You may contact me at (701) 854-7214. Thank you.

Sincerely,

Shirley Marvin, Director
Department of Water & Natural Resources





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 4, 1999

Shirley Marvin, Director
Department of Water & Natural Resources
Standing Rock Sioux Tribe
P.O. Box D
Fort Yates, ND 58538

Dear Ms. Marvin:

I am writing in response to your letter regarding Water Permit No. 1679-1 for Les Lindskov. This water right permit is to authorize reconstruction of a dam that had been in existence for many years.

South Dakota Water Permit No. 1679-1 was approved based on the fact that no petitions were filed by April 19, 1999. The Water Rights Program did provide notice of this application to the Standing Rock Sioux Tribe. A fax was sent to Cody Iron Eyes on March 31st that included a copy of the notice, report and recommendation on the application. A copy of the staff report on this water right permit is again enclosed for your information.

I am unable to answer your other questions regarding whether Mr. Lindskov leases tribal land or what type of fish is to be stocked in the impoundment. However, I will include a statement in our cover letter that Mr. Lindskov should contact you regarding tribal water permit requirements.

The Water Rights Program has tried to keep tribal governments informed of state water right activities near their boundaries. We will continue to provide you such notice. If you have any questions regarding a pending application please contact Eric Gronlund of my staff at (605) 773-3352.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Program

Enclosure

C: Boyd Schulz, USFWS, Box 247, Brookings SD 57006



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 6 1999

Les Lindskov
Box 17
Isabel, SD 57633

Dear Mr. Lindskov:

Enclosed is Water Permit No. 1679-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

You should contact Shirley Marvin at (701) 854-7214 with the Standing Rock Sioux Tribe to determine if any tribal permitting is necessary.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Very truly yours,

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

enclosures

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No 418029

Pierre, February 1 19 99

RECEIVED OF US Fish & Wildlife Service (Les Lindskov), P.O. Box 247, Brookings, SD 57006
the following amount in fees for services rendered as provided for by law:

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

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. ~~76-7-1~~ 1679-1

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Chief Engineer

John Hatch

Permit No. 1679-1
Grand River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day, September 2, 1999, made a thorough examination of the water use system constructed by Les Linskov of Box 17, Isabel, SD 57633 holder of Permit No. 1679-1, bearing the priority of January 25, 1999 authorizing the storage of 84 acre-feet of the waters of runoff for fish & wildlife propagation and livestock use purposes, in Corson County.

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

A. Works used to divert the water:

24 foot high earth dam with 84 acre-feet storage capacity

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

N/A

C. Works used to apply water to beneficial use:

24 foot high earth dam with 84 acre-feet storage capacity

The system is in the following condition **Good**. The point of diversion is located 500 feet north & 1700 feet east of the SW corner of Sec. 5-T19N-R21E (SE 1/4 SW 1/4). The works are capable of storing 84 acre-feet of water which is to be used for fish & wildlife propagation and livestock use. Water has been put to beneficial use to the maximum extent as follows:

24 foot high earth dam with 84 acre-feet storage capacity

and the license should be issued for 84 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: None Date Report Completed: December 15, 1999



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

REPORT ON INSPECTION OF PERMIT NO. 1679-1

Other permit(s) associated with the project: XXXX

DATE OF INSPECTION: September 2, 1999

NAME & ADDRESS OF INSPECTION CONTACT/ Mrs. Lindskov
RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Les Lindskov, Box 17, Isabel, SD 57633

DIVERSION POINT LEGAL LOCATION: 500 feet north & 1700 feet east of the SW corner of Section 5-T19N-R21E (SE 1/4 SW 1/4).

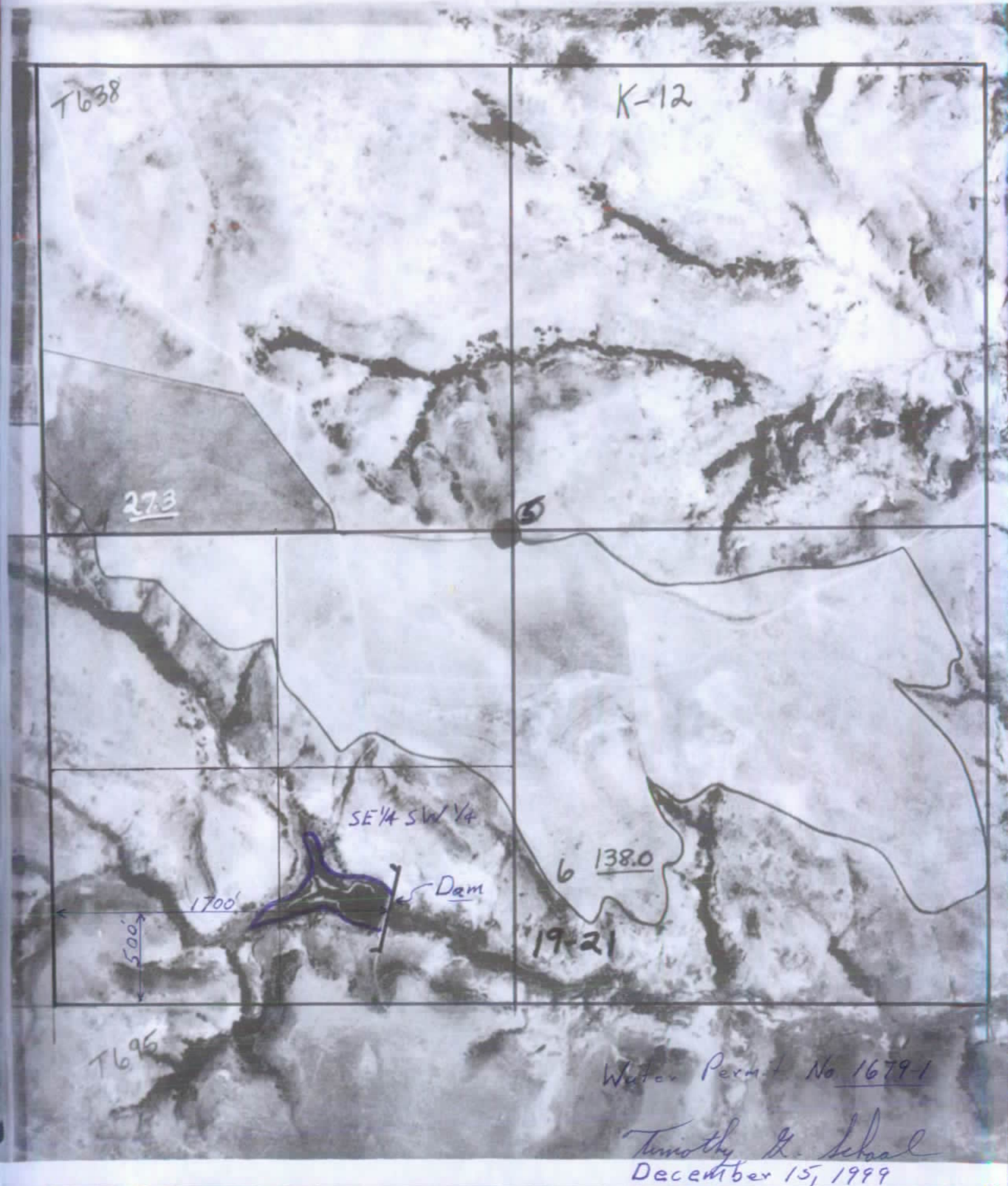
DAM INFORMATION:

- 1) Height to crest 24 feet
- 2) Height to primary spillway 19 feet
- 3) Height to secondary spillway 21 feet
- 4) Crest width 12 feet
- 5) Crest length 225 feet
- 6) Spillway length XXX feet
- 7) Spillway width 50 feet
- 8) Approx. storage (Normal) 84 acre-feet
- 9) Approx. storage (Maximum) 150 acre-feet
- 10) Date constructed: Spring 1999

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A
- 2) Special qualifications to permit being abided by Yes
- 3) All structures, wells and lands on map Yes
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP.



STATE OF SOUTH DAKOTA

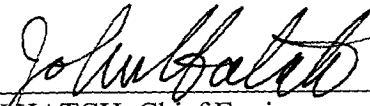
WATER LICENSE NO. 1679-1

(1) Les Lindskov, Box 17, Isabel SD 57633 made Application No. 1679-1, January 25, 1999 for a water permit to impound 84 acre-feet of water from runoff, Corson County, South Dakota for fish & wildlife propagation and domestic purposes. Permit No. 1679-1, with a priority date of January 25, 1999 was approved April 19, 1999 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 19, 2004 and for the application to beneficial use of said water on or before April 19, 2008.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the storage dam and is entitled to impound 84 acre-feet of water for beneficial use with sufficient water annually to maintain the water level to the outlet elevation. The location of the storage dam is 500 feet north and 1,700 feet east of the southwest corner of Section 5-T19N-R21E (SE ¼ SW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Les Lindskov, Box 17, Isabel SD 57633 the holder and/or owner of Water Right No. 1679-1 is issued a license to appropriate water, the right to impound 84 acre-feet of water from runoff with sufficient water annually to maintain the water level to the outlet elevation with a priority date of January 25, 1999 from the location specified in (2) of this license for fish & wildlife propagation and domestic purposes. This license is subject to any limitations or qualifications listed in Water Right No. 1679-1 and subject to South Dakota State Law.



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

DEC 30 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 30 1999

1679-1

Les Lindskov
Box 17
Isabel SD 57633

Dear Mr. Lindskov:

Enclosed is Water License No. 1679-1. This water license is the final document which completes the process of obtaining a water right.

A review of the file indicates you originally submitted \$15, which is the filing fee for a vested right application. Because documentation of the dam construction date was unavailable, it was determined not to pursue the vested right. The US Fish & Wildlife Service submitted the \$150 application filing fee and \$50 license fee. The \$15 vested right application fee will be refunded and you should be receiving the check within the next couple of weeks.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

ks

enclosures

c: Boyd Schulz, US Fish & Wildlife Service
w/receipt

PAYMENT REQUEST FORM

PAYEE: Les Lindskov
Box 17
Isabel, SD 57633

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Applicant originally submitted \$15.00 fee for Vested Right Application, but did not pursue the Vested Right, but did file an application and the fee was paid by US Fish & Wildlife Service; therefore, \$15.00 is being refunded.

AMOUNT: \$15.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION: _____

John H. Hatt

12-30-99

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.