

Water Right Number 967-1

1. Considered Sept. 6, 1972
2. Name of Applicant Bureau of Sport Fisheries & Wildlife
3. Post Office Address Twin Cities, Minn.
4. Amount of water claimed 1.50
5. Source of water supply Shoof water
6. Water to be used for Fish Culture

Acres to be irrigated —

7. Water to be diverted and used in Lawrence County
about in City of Springfield Miles — of —

8. Proof of Publication Received 9-5-72

Not received —

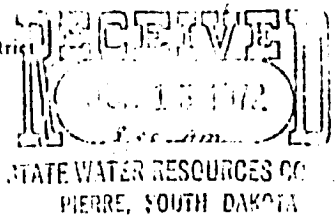
9. Application Approved —

Subject to —

Not approved —

Action deferred —

10. Remarks:

No. 967-1
 Map No. 797-1 Water Division No. 1 **BELLE FOURCHE RIVER** District 1
 (Blanks to be filled by the Engineer for the W. R. C.)


APPLICATION FOR PERMIT

STATE WATER RESOURCES OFFICE
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable)

 1. Name of Applicant Travis S. Roberts, Regional Director, Bureau of Sport Fisheries & Wildlife
 Postoffice address Federal Bldg., Ft. Snelling State Twin Cities, Minnesota 55111
If a corporation show date and place of incorporation -----2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract3. Name of diversion work No diversion - plan for a well4. Amount of water claimed (cubic feet per second) 1.0 to 1.55. Source of water supply shallow groundwater formation
 6. Location of ~~diversion~~ well SW 1/4 Sec. 15 R2E, T6N (see attached
Drawing No. 3F-S, N. 17 401)
County Lawrence7. Annual period or periods during which water is to be used Primarily mid-winter but some at other times.8. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) Fish rearing9. For irrigation use. Total number of acres to be irrigated None

List below each forty-acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
-----		-----	

Attach sheet if more space is needed

 10. Time required to complete construction of water supply system one years. Additional time required to complete application of water to the proposed beneficial use one years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Queen City Mail, Spearfish, S.D.

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Drilling a shallow well and piping 100 feet to raceways.

B. Works proposed to transport water to place of use.

About 100 feet of pipeline

C. Works proposed to apply water to beneficial use.

Running it through the existing raceways and ponds at the Spearfish Hatchery with effluent to Spearfish Creek.Estimated Total Cost \$ 3,500.00
 Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)
MINNESOTA
STATE OF ~~MINNESOTA~~County of HennepinI, Travis S. Roberts the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend and am able to complete the necessary construction.Subscribed and sworn to before me this 13th day of June, 1977.

Notary Public (or other qualified officer)

 LORNE E. THOMAS
 Notary Public, Hennepin County, Minn.
 My Commission Expires April 16, 1977.

SPEARFISH NATIONAL FISH HATCHERY

UNITED STATES
DEPARTMENT OF THE INTERIOR
103° 51' 45"

LAWRENCE COUNTY, SOUTH DAKOTA

R. 2 E.

FISH AND WILDLIFE SERVICE
BUREAU OF SPORT FISHERIES AND WILDLIFE
103° 51' 35"

44° 28' 55"

T. 6 N.

44° 28' 45"

103° 51' 45"

R. 2 E.

103° 51' 35"

COMPILED IN THE BRANCH OF ENGINEERING
FROM SURVEYS BY THE B.S.F. & W.

MINNEAPOLIS, MINNESOTA
REV. F.M.B. 701104

MAY 1965

BLACK HILLS PRINCIPAL MERIDIAN
Scale 0 80 160 240 320 FEET

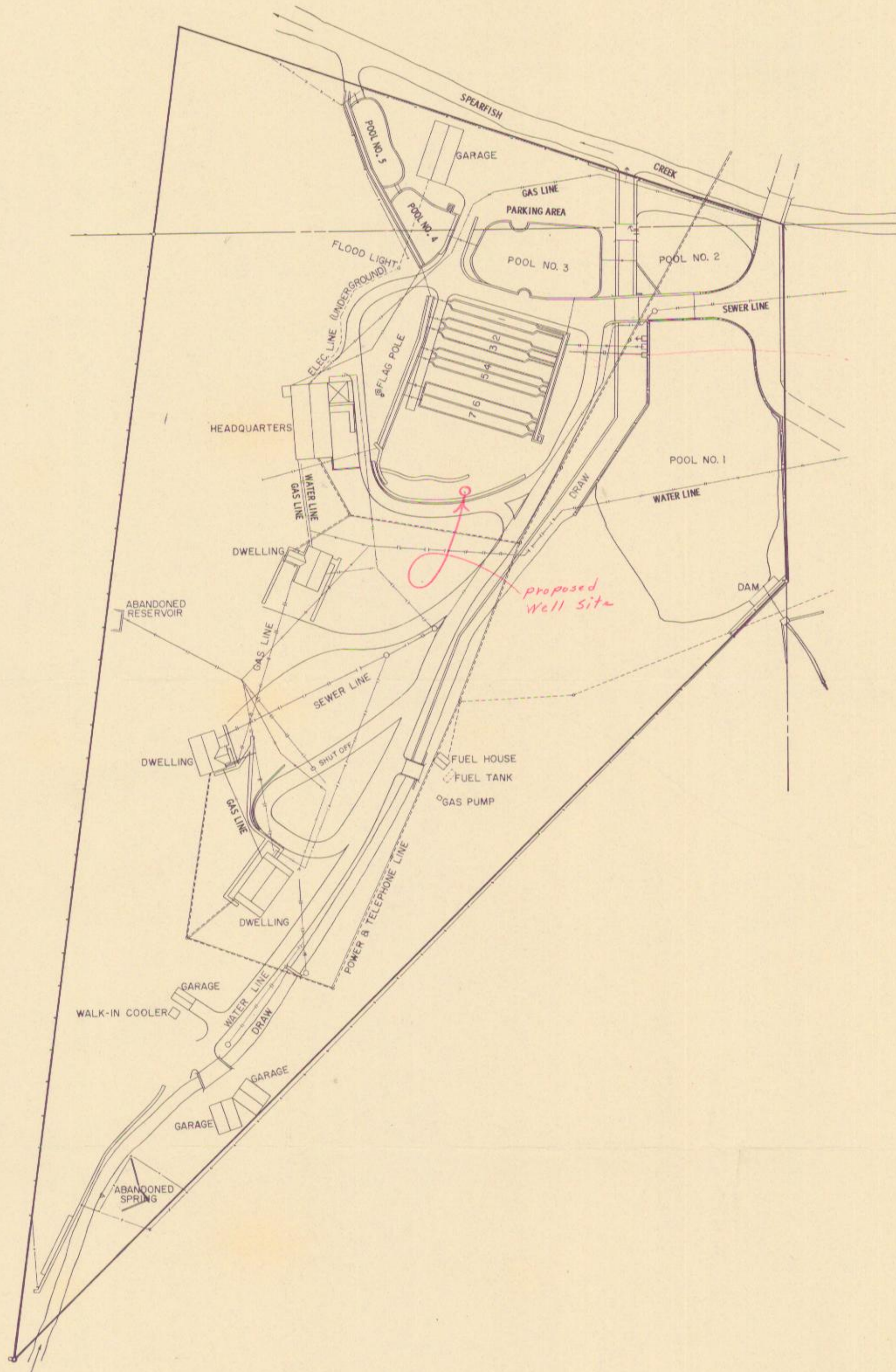
6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

TOWNSHIP
DIAGRAM

TRUE NORTH
MAGNETIC N

MEAN
DECLINATION
1960

3F S.D. 17 401



APPL NO 967-12

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 967-1
BUREAU OF SPORT FISHERIES & WILDLIFE FEDERAL BLDG.
 (Applicant) ROOM 696 FISHING, TWIN CITIES
 (Post Office Address)

MINNESOTA 55111 With the following modifications:
 (State)

The ~~irrigation~~ well approved under this Permit will be located near domestic wells and other ~~irrigation~~ wells which may obtain water from the same aquifer. The ~~irrigation~~ well owner, under this Permit, shall control his ~~irrigation~~ withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in ~~irrigation~~ wells having prior water rights.

Date of receipt of application JUNE 15 19 72
 Date of return to applicant for correction, amendments or changes required _____ 19 ____
 Date of receipt of corrected application _____ 19 ____
 Approved SEPTEMBER 6 19 72 Recorded in Book 12 Page 138

WATER RIGHT PERMIT NO. 967-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 967-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JUNE 15 19 72
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 6 19 73
3. The whole of said work is to be completed on or before SEPTEMBER 6 19 73
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 6 19 74
5. The water appropriated shall be used for the purpose of FISH CULTURE
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 1.5 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~irrigation~~ USED FOR FISH CULTURE and if for the irrigation purpose said appropriation shall be limited to not more than ~~2.5~~ 2.5 acre feet per year and be limited to not more than ~~1.5~~ 1.5 cubic feet of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before SEPTEMBER 6 19 74 said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 7TH day of SEPTEMBER 19 72

WATER RESOURCES COMMISSION

By: XOOO (Signature)
 Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 5 19 74

Water License Issued DECEMBER 5 19 74

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 10 or 12-inch, Depth Est. 50 Ft.
- (2) Casing, Type steel (wood, concrete, steel, etc) Diameter 10-inch Thickness 14/32 or 16/32-inch
- (3) Perforated Screen
Pipe will be perforated
Type through saturated zone, Diameter 10-inches, Length Est. 42 feet
formation is
- (4) Gravel Pack. Thickness gravel, Length of gravel pack Est. 42 feet

E. Dugout Information or Estimates.

- (1) Surface dimensions -----, Depth -----

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Believed to be gravel and rock

Depth to top of water bearing material Estimated 3 feet

Depth to bottom of water bearing material Estimated 50 feet

Thickness of water bearing material Estimated 42 feet

Depth to water (ground surface to water level) Est. 8 feet

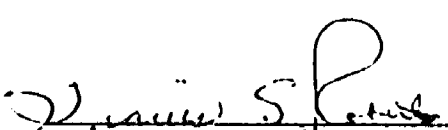
- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property None rds. On property owned by others 70 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

None planned


Signature of Applicant

Travis S. Roberts

WATER LICENSE NO. 967-1

(1) WHEREAS, On the 15th day of June A. D. 19 72
the Bureau of Sport Fisheries and Wildlife
 made Water Right Application No. 967-1 for a permit to use 1.5 cubic feet per second of the waters
 of ground water
 County of Lawrence, State of South Dakota, for fish culture
purposes; and
 (2) WHEREAS, On the 7th day of September A. D. 19 72
 Permit No. 967-1, with a date of priority of June 15, 1972
 was issued to said applicant --- for the diversion of said water, and provided for the completion of construction of the water
 supply system therein described on or before the 6th day of September A. D. 19 73 and for the
 application to beneficial use of said water on or before the 6th day of September A. D. 19 74

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to completion of the construction of the water supply system and is entitled to divert 1.11 cubic feet
 per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to the application of water to beneficial use of the following extent,

water is diverted to the fish hatchery facilities for fish culture purposes

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to _____ the Bureau of Sport Fisheries and Wildlife

_____ of _____ Denver, Colorado

the holder _____ and owner _____ of said permit No. 967-1 a water right, dating from June 15, 1972

_____ to use of 1.11 cubic feet per second of the water of ground water

in the County of Lawrence and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at

a point in the SW $\frac{1}{4}$, Section 15, T6N, R2E

and is to be used for _____ conducted to the fish hatchery facilities

for the purpose of fish culture

Subject to any limitations listed in Water Right Permit No. 967-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 5th day of December A. D.

Nineteen hundred and Seventy-four

WATER RIGHTS COMMISSION

By:

Chief Engineer, Executive Officer DONALD BRISCOLL

Permit No. 967-1Water Diversion No. 1 BELLE FOURCHE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That the Bureau of Sport Fisheries and Wildlife

_____ the holder _____ of
Permit No. 967-1, issued upon Application No. 967-1, bearing date of priority of June 15, 1972
_____ authorizing the diversion of 1.5 cu. ft. per second of the waters of _____
ground water County of Lawrence, State of South Dakota at _____
a point in the SW $\frac{1}{4}$, Section 15, T6N, R2E

_____, for Fish Culture

purposes, has complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.11 cu. ft. per second of water.

Date December 5, 1974By: WATER RIGHTS COMMISSIONDONALD DRISCOLL, Chief Engineer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lawrence) ss.

I, Jane Carlstrom hereby
certify that the annexed pri copy of Notice of Intent to Appropriate
Water was taken from the San City Mail

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

City San City of Spearfish

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

Aug. 24, 1972

Aug. 31, 1972

Jane Carlstrom
(Signature)

bookkeeper
(Title)

Sept 1 - 1972
(Date Signed)

NOTICE
INTENT TO APPROPRIATE WATER
Pierre, South Dakota 57501
June 18, 1972
Notice is hereby given that Bureau
of Sport Fisheries and Wildlife whose
post office address is Minneapolis,
Minnesota, has made an application in
accordance with the provisions of the
water laws of South Dakota for a per-
mit to appropriate for beneficial use
1.5 cubic feet of water per second of
time from shallow ground water
through the Spearfish N.Y.H. Well, the
point of diversion of which is to be
located in the SW1/4 of Section 15, Twp.
6N, Range 2E. Said water to be used
for the purpose of providing supplies
for operation of a fish hatchery and
rearing operation. This application No. 167-1 will be con-
sidered by the Water Resources Com-
mission at their office at Pierre upon
mission at their office at Pierre upon
the 6th day of September, 1972, at
2:00 p.m. All interested persons may
appear and be heard.
WATER RESOURCES COMMISSION
By: Burton F. Jones
Water Rights Specialist
(B - 21, A 4431)

RECEIVED
SEP 5 1972

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

J. 957-1

Publish first publication, on or before August 26, 1972

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

June 18, 1972

Notice is hereby given that Bureau of Sport Fisheries and Wildlife
whose post office address is Minneapolis, Minnesota ~~South Dakota~~, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

1.5 cubic feet of water per second of time from the ~~shallow ground water~~ through the
Spearfish N.F.H. Well, the point of diversion of which is to be located in the _____

SW 1/4
of Section 15, Twp. 6N, Range 2E. Said water to be used for the purpose
of providing irrigation on the following described land:

~~supply for operation of a fish hatchery and rearing operation~~

This application No. 967-1 will be considered by the Water Resources Commission at their office at
Pierre upon the 6th day of September, 1972, at 2:00 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON P. JONES, Water Rights Specialist

cc: Travis S. Roberts, Director, Bureau of Sport Fisheries and Wildlife,
Federal Building, Ft. Snelling, Room 696, Twin Cities, Minn. 55111

Permit No. 967-1
 Water Division 1 BELLE FOURCHE RIVER Water District

REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by BUREAU OF SPORT
FISHERIES & WILDLIFE of DENVER, COLORADO holder _____
 of Permit No. 967-1, bearing date of priority of JUNE 15, 1972
 authorizing the diversion of 1.5 cu. ft. per second of the waters of GROUND WATER
 for FISH CULTURE purposes, in LAWRENCE County.

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

The Water Use System consists of,

A. Works used to divert the water:

44' DEEP WELL WITH 12" CASING
6" CRANE-DEMINING PUMP, POWERED BY
10 H.P. U.S. ELECTRIC MOTOR

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

SERIES OF PIPELINES (4" & 6" & 8") TO
PONDS & RACEWAYS

C. Works used to apply water to beneficial use.

SERIES OF REARING PONDS & RACEWAYS
FOR RAISING TROUT

The system is in the following condition: EXCELLENT

The point of diversion is located _____

The works are capable of diverting and conveying to the place of use 1.11

cu. ft. per second of water which is to be used for FISH CULTURE

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

comprising a total of _____ acres of land.

Date

SEPTEMBER 25, 1974

(Signature)

Barton Jones
 WATER RIGHT SPECIALIST
 WATER RIGHTS COMMISSION

OVERSIZE

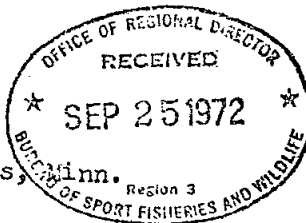
DOCUMENT IS

SUPPLEMENTARY

TO MICROFILM FILE

UNITED STATES GOVERNMENT

Memorandum



TO : Regional Director, Minneapolis,
Attention Regional Engineer

DATE: 9/21/72

FROM : Director - Spearfish Fisheries Center

SUBJECT: Record of Well

Attached are two copies of each the "Record of Well" and chemical analysis of the water from the well.

As a matter of record, you mentioned the abandoned well. It wasn't abandoned. We could have only recovered about \$140 from the casing and then would have had the expense of filling the hole etc. I left the casing in the ground and put a cap on it. The well was pumped for several hours at a sustained flow about 150 gpm but was pulled down to more than our 12 feet of suction hose when pumped at an estimated 175 gpm. It was similar to the other well in that it was drilled through limestone gravel and rock but contained considerable red clay. The water would clear up on sustained pumping.

It would probably make a suitable water supply for a visitor center or something similar so it is still there and a water right could be filed on it if there were ever a need for a relatively small capacity water supply.

Sorry for the delay in providing this material.

C. L. Sowards

cc Hatcheries for hatchery guide

RECORD OF WELL

Location:

State South Dakota

County Lawrence

NE¹ of SW¹ 1/4 Sec.) 15

T. 6N R. 2 east

Locate well on plat
of Section

Nearest town <u>Spearfish, S. D.</u>	Miles distant <u>In edge of</u>	Contract No. (if any) <u>None</u>
Owner (Name and Address) <u>Bur. Sport Fisheries & Wildlife U.S.D.I.</u> <u>Spearfish Fisheries Center, P.O. Box 640</u> <u>Spearfish, S. D. 57783</u>	Driller (Name and Address) <u>Bice and Taylor Drilling Co.</u> <u>Rapid City, S. D.</u>	
Type of well (Dug, driven, bored or drilled) <u>Driven with a cable-tool rig</u>	Drilling rig used (Solid tool, jetting, rotary, etc.) <u>Cable-tool</u>	
Depth of well <u>28 ft.</u>	Year finished <u>1972</u>	Does well enter rock? ☒ Yes ☐ No
Diameter at top <u>10 inches</u>	Diameter at bottom <u>10 inches</u>	Cost of well, excluding pump <u>\$1,316 1/</u>
Principal water bed (Gravel, sand, clay or rock; if rock, state kind) <u>Sand and gravel</u>	Depth to principal water bed <u>7-11.5 ft.</u>	Kind of rock <u>limestone</u>
	Seasonal fluctuation <u>7-11.5 ft.</u>	Temp. of water <u>47</u> °F.
		Thickness of bed <u>20 ft.</u>

If other water supplies were found, give depth to each

Saturated all the way

Well is located ☐ On upland ☒ In valley ☐ On hillside	Elevation of top of well <u>2</u> ft. above level of Pond No. <u></u> (above or below) (sea, lake And 8' above surface of or stream) <u>Spearfish Creek</u>
--	---

Casings: Kind steel; size 10-inch; length 28 ft.; between depths of and ft.
Kind ; size ; length ft.; between depths of and ft.
Kind ; size ; length ft.; between depths of and ft.
Packers (if any): Depth at which used None ft.; kind

Was well finished with screen or strainer? ☐ Yes ☒ No	If so, kind	Length ft.	Diameter inches	Size of openings
---	-------------	---------------	--------------------	------------------

Head: Does well at present overflow without pumping? ☐ Yes ☒ No
If flowing, give pressure lb. per sq. inch; or height water will rise in pipe ft. above surface;
If not flowing, give static water level in well 5 ft. below surface

Pump: Make <u>Deming</u>	Date installed <u>Not yet but here</u>	Type <u>2-stage turbin</u>	Model	Capacity <u>500 GPM</u> gpm	Intake depth (below ground) <u>25</u> ft.
Motor: Make <u>U.S. Electric of Emerson Electric</u>	Horsepower <u>10 HP.</u>	Type	Speed <u>1750 RPM</u>	Voltage <u>230</u>	Phase <u>three</u>

For water purpose is the water to be used?

Rearing fish - no consumptive - all water sent to creek.

Quality of water (hard, soft, fresh, salty, etc.) <u>Fresh - considerable carbonates</u>	Is there an analysis? ☒ Yes ☐ No
---	--

Information completed by <u>C. L. Sowards</u>	Station <u>Spearfish Fish-eries Center</u>	Address <u>P.O. Box 640, Spearfish South Dakota, 57783</u>	Date <u>Sept. 20, 197</u>
--	---	---	------------------------------

Give record of the formations through which the well passes on reverse side.

83-123 (2/68) 1/ \$1,316 was for two wells. Other well not used but still cases.

Kind of Rock or other Material (Give color and tell whether hard or soft)	Depth in Feet		Thickness in Feet	Remarks (Especially information as to water found)
	From	To		

Samples were not saved of the excavated material from the well but it was a whitish-gray to brownish-gray material that appeared to be limestone gravel with some mixture of sand. Rocks were occasionally encountered but the driller believed that they were single rocks lying in the path of the rig. The ground up material from these rocks did not look appreciably different from the material from the gravel beds.

The well was cased with steel casing with $\frac{1}{8}$ -inch walls and weighed more than 54.5 lbs. per foot. The pipe was perforated on all four sides with 6-inch perforations every 20 inches arranged such that the wall retained good strength.

The model number is not shown as such on the pump. It is marked: Figure 4700, Serial No. T-71866 and the number 33715 is cast in large numbers on both sides of the pump housing. The complete description of the pump: Water lubricated Deming 2 stage line shaft turbine pump. With 8-inch bowl assy. 40 Ft. X 6-inch column and shaft, 6-inch flanged discharge head, 8-inch galv. suction strainer, 10 H.P. vertical hollow shaft motor with non reversible ratchet, drip proof 1750 RPM 230 Volt, 3 phase, and size $\frac{3}{4}$ furnace across line magnetic starter with hand off auto switch. To furnish 500 GPM at 40 Ft. lift and 0 discharge pressure.

The well was pumped in July and measured with a makeshift weir and the flow appeared to be 387 gallons per minute. There was an initial drawdown of around 5 feet and this level was maintained for three to four hours while the flow was 387 gallons per minute.

PUMP TEST DATA

Test No.	Pumping Rate (gpm)	Hours Pumped	Static Level at Test Beginning	Max. Drawdown in Feet	Yield (gal./min. per foot)	Recovery Rate in Minutes
1	Est. 387	3 $\frac{1}{2}$	7 feet	4 $\frac{1}{2}$		Less than 15 minute
2						
3						
4						
5						

ANALYSIS OF SUPPLY WATER
(Parts per million)

Station: Spearfish NFH

Date of analysis: Aug. 2, 1972

By: Howard Jackson

Source of sample:	New Well						
Carbon Dioxide (CO ₂)							
Oxygen (O ₂)	4.0						
pH	8.6						
Calcium (Ca) Flame	50.0						
Magnesium (Mg) Flame	20.0						
Potassium (K) Flame	0.0						
Sodium (Na) Flame	1 "						
M.C. Alkalinity (CO ₂)	277.0						
Phth. Alkalinity (CO ₂)	10.0						
Total Alkalinity	27.0						
Ammonia (NH ₃)	0.0						
Chloride (Cl)	1.0						
Nitrate (NO ₃)	0.0						
Nitrite (NO ₂)	0.001						
Phosphate (Ortho)							
Total Phosphate (PO ₄)	0.0						
Sulfate (SO ₄)	10.0						
Iron (Ferrous)	-						
Total Iron	0.1						
Hardness (Calcium)	172.0						
Total Hardness	279.0						
Copper (Cu)	0.0						
Zinc (Zn)	0.0						

OK
11-1-72

Remarks on the reverse

1972 Shellco Products



United States Department of the Interior
FISH AND WILDLIFE SERVICE
Mountain-Prairie Region



IN REPLY REFER TO:

BA WTR
WR SD
Mail Stop 60189

MAILING ADDRESS:
P.O. Box 25486, DFC
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

RECEIVED

OCT 09 2018

WATER RIGHTS
PROGRAM

South Dakota Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Ref: Application to Amend License No. 967-1

The U.S. Fish and Wildlife Service hereby submits the enclosed application to add an additional point of diversion for License No. 967-1. In addition to the application, enclosed are the following documents:

- Map identifying the location of the existing point of diversion and proposed additional point of diversion
- Well logs and pump test for the proposed additional point of diversion

If you have any questions or require further information, please contact Brian Newman of my staff at 303-236-4493.

Sincerely,

Brian S. Caruso
Chief, Division of Water Resources

Enclosures

RECEIVED
OCT 09 2018
WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. _____ (office use only) Hydrologic Unit _____
	Basin _____
	Newspaper _____

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

Check use(s) of water:

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

Type of Application: (check one)

☐ New	☐ Vested Right (Use predates Mar 2, 1955)	☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____		
☒ Amendment/Correction to Permit No. <u>967-1</u>		

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

Amendment to add an additional point of diversion

1. Name to Appear on Water Permit U.S. Fish and Wildlife Service

Mailing Address P.O. Box 25486, DFC MS 60189 Denver ☒ CO 80225
(Address) (City) (State) (Zip Code)

Phone 303-236-5322 Mobile _____ Email brian_caruso@fws.gov

2. Amount of water claimed 1.1 *CFS or **GPM and ***AF or Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply Groundwater from surficial aquifer (Minnelusa)

4. Location of point of diversion 2 wells in NE1/4 SW1/4 section 15 T6N,R2E County Lawrence ☒
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No

If "Yes," where will water be used? _____

(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Lawrence

6. Annual period during which water is to be used January 1 - December 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)

The additional point of diversion is from a nearby well previously drilled at the Hatchery. The Record of Well is included with this application. The additional well is necessary to enhance water security at the facility.

I, Brian S. Caruso Chief, Water Resources, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by Bice and Taylor Drilling Company

For either Existing or Proposed Wells:

c) Well Depth (required) 28 ft Depth to Top of Water Bearing Material _____ Depth to Water from Surface 7 ft

d) Distance to nearest domestic well on applicant's property NA Property owned by others Unknown

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) _____

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of Spearfish Sanitary System

3. Dugout Information

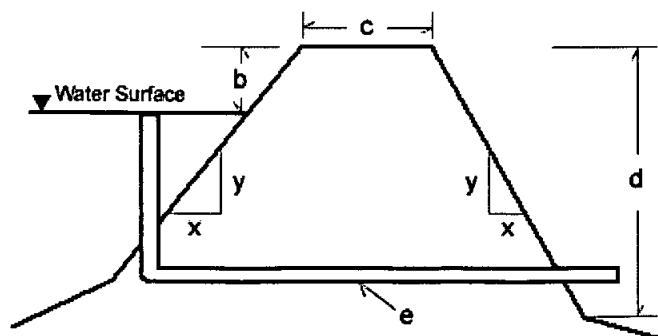
a) Surface Dimensions _____ Depth _____

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 _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres

Map in support of request to amend Permit No. 967-1 with an additional point of diversion



0 75 150 300 Feet

The proposed additional point of diversion is located 150 ft away from the existing permitted well.

-  Existing well
-  Proposed additional point of diversion
-  PLSS Second Division (Quarter-Quarter)
-  PLSS First Division (Sections)

Coordinate System: NAD 1983 2011 StatePlane South Dakota South FIPS 4002 Ft US
Projection: Lambert Conformal Conic



967-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

October 22, 2018

U.S. Fish and Wildlife Service
BA WTR
WR SD
Mail Stop 60189
P.O. Box 25486, DFC
Denver, CO 80225

To Mr. Caruso:

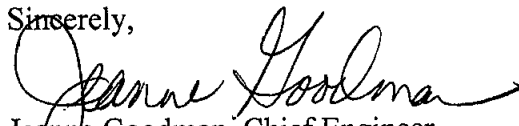
Water Right No. 967-1 appropriates 1.11 cubic feet of water per second (cfs) from one well completed in the Quaternary Alluvium aquifer in Lawrence County for use in a fish hatchery located in the SW $\frac{1}{4}$ Section 15, T6N R2E. At the time of the licensing inspection (September 25, 1974), the diversion point was identified as a 44 foot deep well, capable of producing 1.11 cfs and located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15, T6N R2E.

U.S. Fish and Wildlife Service filed a request to add an additional diversion point for Water Right No. 967-1. The proposed diversion is an existing well (28 feet deep) located approximately 150 feet southwest of the licensed well, and remains located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 15, T6N R2E. This well is needed so that in combination with the licensed well, the total water produced will be 1.11 cfs. The well is also completed in the Quaternary Alluvium.

Upon review of the request and pursuant to SDCL 46-5-13.1, the addition of a diversion point on Water Right No. 967-1 is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. No increase in the authorized diversion rate or appropriation has been requested or approved.

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

Sincerely,



Jeanne Goodman, Chief Engineer
Water Rights Program

Request for Additional Diversion Point

NAME: U.S. Fish and Wildlife Service

ADDRESS: P.O. Box 25486, DFC MS 60189, Denver, CO 80225

DATE: October 15, 2018

COUNTY: Lawrence

TELEPHONE: 303-236-5322

BACKGROUND:

Water Right No. 967-1 appropriates 1.11 cubic feet per second (cfs) of water from one well completed in the Quaternary Alluvium aquifer in Lawrence County for operation of a fish hatchery in the SW ¼ Section 15, T6N R2E Black Hills Meridian. At the time of the licensing inspection (September 25, 1974), the diversion point was described as a 44 foot deep well with a 12" casing, capable of conveying 1.11 cfs (500 gallons per minute (gpm)). Additionally, a "Record of Well" submitted with this request shows a well that was completed in 1972 to a depth of 28 feet with a 10" casing. This well was test pumped at 387 gpm with 4 ½ feet of drawdown after 3 ½ hours. A second well was mentioned in the 1972 correspondence submitted with the request. This second well was indicated as only being about to sustain a pumping rate of 150 gpm and was not abandoned, but capped. There are no well completion reports on file with the state for these wells as they were completed before submittal to the state was required.

A request was filed for an additional diversion point for Water Right No. 967-1 to "enhance water security" at the hatchery. The proposed additional well is identified as the existing 28 foot deep well and is located approximately 150 feet southwest of the existing 44 foot deep well. As indicated on the map provided with the request, the existing well and proposed additional diversion are both located in the NE ¼ SW ¼ of Section 15, T6N R2E Black Hills Meridian.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be permitted provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source**

The water source authorized by Water Right No. 967-1 is the Quaternary Alluvium aquifer. The licensed well is completed to a depth of 44 feet. The proposed additional well is completed to a similar depth in the Quaternary Alluvium aquifer along Spearfish Creek.

- **No additional water appropriated**

No additional appropriation of water is requested. This request is for an additional diversion point. Water Right No. 967-1 currently appropriates 1.11 cfs (500 gpm) for use in a fish hatchery from one well. The proposed additional well does not increase the appropriation of Water Right No. 967-1.

Review of Existing Diversions

The well completion report and water rights databases were reviewed for the nearest domestic wells and water rights/permits on file. There are no domestic wells completed into the Quaternary Alluvium aquifer on file within 1.5 miles of the existing and proposed diversions. The nearest water right/permit completed into this aquifer is approximately 0.75 miles north of the existing and proposed diversion locations. The distance to the nearest domestic well or water right/permit has essentially remained the same due to the small distance between the existing and proposed diversion points. Based upon the small change in distance from other users in the Quaternary Alluvium aquifer and the unconfined nature of the aquifer; interference is not expected to be a concern.

Observation Well Data

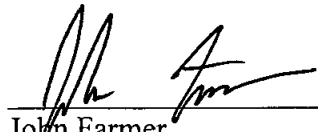
The Water Rights Program has 36 observation wells completed into the Quaternary Alluvium aquifer. The nearest observation well completed into this aquifer (LA-98B) is located approximately 2.9 miles north-northwest of the well site. Historic water levels in LA-98B show that the groundwater surface trend has remained steady since the observation well was constructed in 1998. Even though the long term trend has remained steady, there are annual fluctuations of approximately 10 feet at this observation well.

CONCLUSION

- The water source continues to be the Quaternary Alluvium aquifer.
- The addition of the diversion point in the NE ¼ SW ¼ Section 15, T6N R2E does not propose to appropriate additional water.
- Unlawful impairment of existing water rights/permits and domestic wells is not expected to occur.

RECOMMENDED ACTION

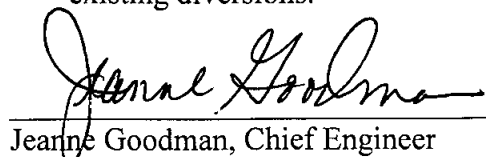
Based on the above criteria, it is recommended that an additional diversion point location under Water Right No. 967-1 should be approved.



John Farmer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

The addition of this diversion point does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program

Gronlund, Eric

From: Gronlund, Eric
Sent: Monday, October 22, 2018 9:59 AM
To: brian_newman@fws.gov
Subject: USFWS request for additional diversion point ot WR No. 967-1
Attachments: 967-1addldivpoint.pdf

Brian:

Attached is a letter being sent to Mr. Caruso authorizing the addition diversion point to Water Right No. 967-1 at the DC Booth National Fish Hatchery.

One issue that came to light during the review is that Water Right No. 967-1 and 1041-1 continue to be held in the name of Bureau of Sports Fisheries and Wildlife. The US Fish and Wildlife Service should consider transferring ownership of these two water rights into the Service's name. The notice of transfer of ownership can be found on the Water Rights Program's website under "Forms".

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us



IN REPLY REFER TO:

NWRS WTR
WR SD
Mail Stop 69016

United States Department of the Interior
FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

MAILING ADDRESS:
P.O. Box 25486, DFC
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807



AUG 21 2019

RECEIVED

AUG 26 2019

WATER RIGHTS
PROGRAM

Eric Gronlund
South Dakota Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol Avenue
Pierre, South Dakota 57501

Reference: License Nos. 967-1, 1041-1 and US4-2

Dear Mr. Gronlund:

In 1940, the United States of American combined the Bureau of Fisheries and the Bureau of Biological Survey to create the Fish and Wildlife Service. The Fish and Wildlife Service further reorganized in 1956 and was renamed the U.S. Fish and Wildlife Service that consisted of the Bureau of Sport Fisheries and Wildlife and Bureau of Commercial Fisheries.

Recently, I reviewed the State's water rights database and License Nos. 967-1 and 1041-1 reflects the U.S. Bureau of Sport Fisheries as the owner. Please update both licenses to reflect the U.S. Fish and Wildlife Service as the owner and the contact information is as follows:

U.S. Fish and Wildlife Service
Water Resources Division
P.O. Box 25486, Denver Federal Center, Mailstop 60189
Denver, Colorado 80225
303-236-5322

Also, the State's database lists the U.S. Fish and Wildlife Service as the owner for License No. US4-2 and it actually belongs to the U.S. Forest Service, please correct the ownership.

Thank you for your assistance in this matter. If you have questions or require further information, please contact me at (303) 236-5399.

Sincerely,

Carrie Cordova
Water Rights Specialist

Gronlund, Eric

From: Gronlund, Eric
Sent: Wednesday, August 28, 2019 8:53 AM
To: 'Carrie_Cordova@fws.gov'
Cc: McMath, Genny
Subject: South Dakota Water Right Nos. 967-1 and 1041-1
Attachments: VWR1041-1.pdf; Transfer967-1.pdf; EMail10222018.pdf

Ms. Cordova:

South Dakota DENR is in receipt of your letter regarding the ownership of Water Right Nos. 967-1 and 1041-1 and request to update both licenses to reflect the US Fish and Wildlife Service as the owner.

Vested Water Right No. 1041-1 was validated in 1992 in the name of US Fish and Wildlife Service. See attached validated vested water right. Therefore the water right is rightly in the name of US Fish and Wildlife Service and we will update our database accordingly.

However that is not the case with Water Right No. 967-1. While recent correspondence from last October dealing with the additional diversion point was in the name of US Fish and Wildlife Service, the water right has never been transferred to the Service's name. There is a formal process to transfer a water right in South Dakota when the change occurs – see South Dakota Codified Law 46-5-30.3 below. The issue of transferring both water rights to the Service's name was brought up last October when the request for the additional diversion point was process – see attached email.

Attached is a partially completed transfer of ownership form to be completed and submitted for No. 967-1. This does not need to be done for No. 1041-1 because it was validated in the name of US Fish and Wildlife Service and is thereby cured. Also below is the link to the transfer of ownership form on DENR's website.

<https://denr.sd.gov/des/wr/app/D0495LDV2-Transferofownership.pdf>

Let me know if you have questions.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

46-5-30.3. Sale or transfer of application, permit, or license--Notice to chief engineer. Notice of any sale, grant, lease, conveyance, or other transfer of an application, permit, or license to appropriate water under the provisions of this title shall be filed with the chief engineer within ninety days.



United States Department of the Interior
FISH AND WILDLIFE SERVICE
Mountain-Prairie Region



IN REPLY REFER TO:

NWRS WTR
WR SD
Mail Stop 69016

MAILING ADDRESS:
P.O. Box 25486, DFC
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

AUG 28 2019

RECEIVED

SEP 03 2019

WATER RIGHTS
PROGRAM

Eric Gronlund
South Dakota Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol Avenue
Pierre, South Dakota 57501

Reference: License No. 967-1

Dear Mr. Gronlund:

Enclosed is the Notice of Transfer of Ownership for the referenced license. Please contact me at 303-236-5399 so I can pay the \$50.00 filing fee via credit card. Thank you for your assistance in this matter.

Sincerely,

Carrie Cordova
Water Rights Specialist

Enclosure

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

SEP 03 2019

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 967-1Date: August 28, 2019

I/We request that Water Right/Permit No. 967-1 formerly owned by:
Bureau of Sport Fisheries and Wildlife be transferred to:

New Owner Name: U.S. Fish and Wildlife Service, Water Resources Division
Address: P.O. Box 25486, Denver Federal Center, Mailstop 60189
City, State, Zip Denver CO 80225 Telephone No. 303-236-5322

Title to the following described land(s)/property has been transferred as described above:

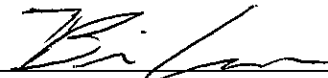
Two wells located in the NESW Section 15, Township 6 North, Range 2 East

☒ I understand that the validity of Water Right/Permit No. 967-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Brian S. Caruso, Agent, the new owner, certify that the above information is true and correct.



(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 4, 20 19

RECEIVED OF Bureau of Sport Fisheries & Wildlife Service PO Box 25486 Dnever Federal Center
Mailstop 60189

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	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>967-1 (with CC)</u>		
Fee for <u>967-1</u>		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	50	00

No. **09200**

By Jeanne Goodman
Chief Engineer
vm

967-1

Van Bockel, Jenny

From: Auto-Receipt <noreply@mail.authorize.net>
Sent: Wednesday, September 4, 2019 8:41 AM
To: Verhelst, Sandy; Douglas, Wade; Mitchel Williams; Van Bockel, Jenny; Adair, Katie
Subject: [EXT] Merchant Email Receipt

===== SECURITY STATEMENT =====

It is not recommended that you ship product(s) or otherwise grant services relying solely upon this e-mail receipt.

===== GENERAL INFORMATION =====

Merchant : DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES (1869311) Date/Time : 4-Sep-2019 8:40:30 CDT

===== ORDER INFORMATION =====

Invoice :

Description : Transfer of Ownership 967-1 Amount : 50.00 (USD) Payment Method: Visa xxxx2891 Transaction Type:
Authorization and Capture

===== Line Items =====

===== RESULTS =====

Response : This transaction has been approved.

Auth Code : 008143

Transaction ID : 41560548072

Address Verification : Street Address: No Match -- First 5 Digits of Zip: Match

===== CUSTOMER BILLING INFORMATION =====

Customer ID :

First Name : Caroline

Last Name : Cordova

Company :

Address :

City :

State/Province :

Zip/Postal Code : 80225

Country :

Phone :

Fax :

E-Mail :

===== CUSTOMER SHIPPING INFORMATION =====

First Name :

Last Name :

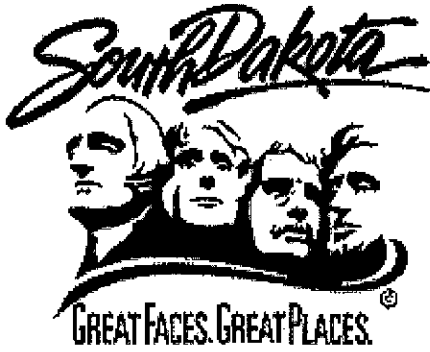
Company :

Address :

City :

State/Province :

Zip/Postal Code :



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

September 4, 2019

967-1

Brian S Caruso
US Fish & Wildlife Service
PO Box 25486, DFC
Denver CO 80225-0486

Dear Mr. Caruso:

I am writing to acknowledge receipt of the transfer form and filing fee for changing ownership on Water Right No. 967-1.

The ownership change has been completed. Water Right No. 967-1, formerly held by the Bureau of Sport Fisheries & Wildlife is now listed in the name of US Fish & Wildlife Service.

If you have any questions, please let us know.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

July 17, 2023

Brian S. Caruso
U.S. Fish and Wildlife Service.
BA WTR
WR SD
Mail Stop 60189
P.O. Box 25486, DFC
Denver, CO 80225

Water Right
No. 967-1

To Mr. Caruso:

Water Right No. 967-1 appropriates 1.11 cubic feet of water per second (cfs) from two wells completed into the Quaternary Alluvium aquifer in Lawrence County for use in a fish hatchery located in the SW $\frac{1}{4}$ of Section 15, T6N R2E. Two diversion points have been previously approved for the use of 1.11 cfs in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, T6N R2E.

U.S. Fish and Wildlife Service filed a request to add an additional diversion point for Water Right 967-1. The proposed diversion is a new well located approximately 130 feet north of the existing diversion point and remains located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, T6N R2E. The new well in combination with the previously existing wells must not exceed a total water diversion rate of 1.11 cfs. The new well will also be completed into the Quaternary Alluvium.

Upon review of the request and pursuant to SDCL 46-5-13.1, the addition of a diversion point on Water Right No. 967-1 is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. No increase in the authorized diversion rate or appropriation has been requested or approved.

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program

Approval of Additional Diversion Points

NAME: U.S. Fish and Wildlife Service, c/o Brian Caruso

ADDRESS: PO Box 25486, DFC, Mailstop 60189, Denver, CO, 80225

DATE: June 9, 2023

COUNTY: Lawrence

TELEPHONE: 303-236-4491

BACKGROUND:

Water Permit No. 967-1 authorizes a maximum instantaneous diversion rate of 1.11 cubic feet per second (cfs) from two wells completed into the Quaternary Alluvium aquifer to be used for fish propagation at the D.C. Booth National Historic Fish Hatchery, all in Section 15, T6N-R2E. At this time, two wells have been completed for the appropriation of water at a maximum instantaneous rate of 1.11 cfs

Brian S. Caruso, Chief of the Division of Water Resources for U.S. Fish and Wildlife Service, submitted a letter on May 30th, 2023 requesting one additional well to be located in the NE ¼ SW ¼ in Section 15 for water to be used in the SE ¼ NW ¼ of Section 15, all in T6N-R2E as indicated on the map provided with the request. It was noted in the letter that the additional well is requested to supply the recirculation system for the Kendall Warm Spring Dace (KWSD) population.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed, or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The water source continues to be the Quaternary Alluvium aquifer. Combinations of diversions from the two existing wells and the proposed well may not exceed an instantaneous pump rate of 1.11 cfs. Therefore, no additional water is appropriated.

- **Review of existing diversions**

Well completion reports and water rights databases were reviewed for the nearest domestic wells and water rights/permits on file. The nearest domestic well completed into the Quaternary Alluvium aquifer on file is approximately 1.1 miles northeast of the existing and proposed diversions. The nearest water right/permit also completed into this aquifer is approximately 0.8 miles north of the existing and proposed diversion points. The proposed additional diversion point will be a well located approximately 130 feet north of the existing diversion points. Due to the small change in distance from other users in the Quaternary Alluvium aquifer and the unconfined nature of the aquifer, there is a reasonable probability that the additional well will not increase the potential for unlawful impairment of existing water rights/permits, or domestic users with adequate wells within the Quaternary Alluvium aquifer.

RECOMMENDED ACTION:

Based on the above criteria, it is recommended that the additional diversion point locations be authorized under Water Permit No. 967-1.



Brittan R. Hullinger
Natural Resources Engineer I
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46:5:13.1 and ARSD 74:02:01:14:01 that:

The additional diversion points do not increase the potential for adverse effects to existing diversions.



Eric Gronlund, Chief Engineer
Water Rights Program

Hullinger, Brittan

From: Newman, Brian <brian_newman@fws.gov>
Sent: Wednesday, July 12, 2023 7:53 AM
To: Hullinger, Brittan
Subject: Re: [EXT] [EXTERNAL] Additional Diversion Point No. 967-1
Attachments: Outlook-a3xveqcp

Greetings Brian,

Yes, I can confirm that additional point of diversion combined with the existing points of diversion will not exceed 1.11 cfs.

-Brian

*Brian J. Newman - Hydrologist
Region 6 Division of Water Resources
U.S. Fish and Wildlife Service
134 Union Blvd, Suite 250
Lakewood, CO 80228
office: 303.236.4493/mobile: 720.309.2796*



From: Hullinger, Brittan <Brittan.Hullinger@state.sd.us>
Sent: Monday, July 10, 2023 7:28 AM
To: Newman, Brian <brian_newman@fws.gov>
Subject: [EXTERNAL] Additional Diversion Point No. 967-1

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Newman,

My name is Brittan Hullinger from the South Dakota Department of Agriculture and Natural Resources, Water Rights program. I'm emailing you for confirmation that the additional diversion point you requested on May 30, 2023, along with the other two wells on the property, will not exceed the maximum instantaneous diversion rate of 1.11 cubic feet of water per second.

Thank you,
Brittan Hullinger



IN REPLY REFER TO:

FWS/R6/NWRS/WTR
WR SD
Mailstop 60189

United States Department of the Interior

FISH AND WILDLIFE SERVICE Mountain-Prairie Region

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807



RECEIVED

JUN 09 2023

OFFICE OF
WATER

MAY 30 2023

Eric Gronlund, Chief Engineer
South Dakota Department of Agriculture and Natural Resources
Water Rights Program
523 East Capitol
Pierre, South Dakota 57501

Ref: Permit No. 967-1 Alternate Point of Diversion Request

The U.S. Fish and Wildlife Service hereby submits an application for an additional (alternate) point of diversion under the referenced permit for D.C. Booth National Historic Fish Hatchery.

Enclosed are the following documents:

- Form 2 – Application for Permit to Appropriate Water in South Dakota
- Form 2A – Supplemental Information
- Additional supplemental Information page
- Map identifying alternate point of diversion

If you have any questions, please contact Brian Newman of my staff at 303-236-4493 or brian_newman@fws.gov. Thank you for your assistance in this matter.

Sincerely,

Brian S. Caruso
Chief, Division of Water Resources

Enclosures

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

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____
	(office use only)

Application for Permit to Appropriate Water in South Dakota

Check use(s) of water:

☐ Municipal
☐ Rural Water System
☐ Domestic (over 18 gpm)

☐ Water Distribution System
☐ Commercial
☐ Industrial

☒ Recreational
☒ Fish & Wildlife
☐ Other _____

☐ Institutional
☐ Geothermal

Type of Application:
(check one)

☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☒ Amendment/Correction to Permit No. 967-1

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

The Service wishes to file for an additional point of diversion.

- Name to Appear on Water Permit U.S. Fish and Wildlife Service
Mailing Address P.O. Box 25486, DFC, Mailstop 60189 Denver CO 80225
(Address) (City) (State) (Zip Code)
Phone 303-236-4491 Mobile _____ Email brian_caruso@fws.gov
- Amount of water claimed 1.1 *CFS or _____ **GPM and _____ ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)
- Source of water supply Quaternary Alluvium Aquifer
- Location of point of diversion NE 1/4 SW 1/4 Section 15, T6N R2E County Lawrence
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☒ Yes ☐ No
If "Yes," where will water be used? Also SE 1/4 NW 1/4 Section 15, T6N R2E
(example - NW1/4 section 12-T104N-R53W)
- County or counties where water will be used Lawrence
- Annual period during which water is to be used Jan 1 - Dec 31
- 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)

I, **BRIAN CARUSO** Digitally signed by BRIAN CARUSO
Date: 2023.05.25 08:09:16 -06'00' _____ Agent _____, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

2021-08

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

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable)

☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 1 Have test holes been drilled? ☐ Yes ☒ No Drilled by _____
(If yes, please provide copies of logs)

b) If existing wells, how many 2 Provide copy of log(s), if available. Drilled by _____

For either existing or proposed wells:

c) Well Depth (required) 28 Depth to Top of Water Bearing Material 2-4 Depth to Water from Surface Unk

d) Distance to nearest domestic well on applicant's property None Property owned by others 1500 ft. (alluvial)

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) _____

b) System Capacity (gallons) _____ Year Constructed _____

c) 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 _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

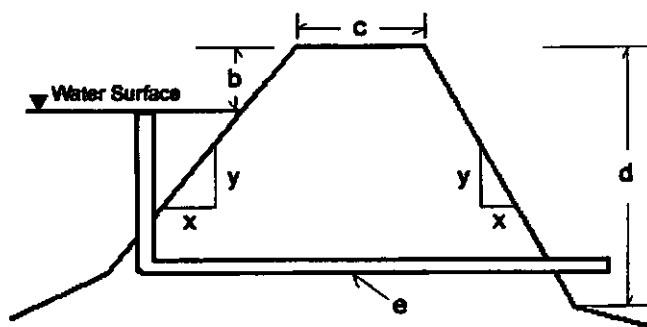
Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Supplemental Information

Project Description

In partnership with the Bozeman Fish Technology Center and the Gavin's Point National Fish Hatchery, D.C. Booth Historic National Fish Hatchery is in the process of converting their four-stall garage into an aquatic quarantine unit that will be used to propagate captive population(s) of the Kendall Warm Spring Dace (KWSD).

The KWSD is found in only one small thermal spring-fed stream roughly 300 meters in length. This extremely limited distribution leads to a small population size with substantial risk of catastrophic loss due to local factors such as habitat manipulation, stream pollution, non-native species introductions, and habitat degradation from development (e.g., oil and gas development or changes in grazing practices). Therefore, in addition to ensuring protections for the wild population, a primary recovery objective is to establish captive refugia populations. The purpose, need, and guidelines for captive refugia populations are enumerated in the recovery plan for KWSD.

The water from the alternative point of diversion is the best option currently available, to supply the recirculation system for the KWSD population. This proposed alternative diversion, located in the Quaternary Alluvium, will be a well (approx. 28 feet deep) located approximately 130 feet southwest of the licensed well, and remains located in the NE ¼ SW ¼ Section 15, T6N R2E.

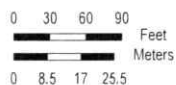


U.S. Fish & Wildlife Service

D.C. Booth National Historic Fish Hatchery- Permit 967-1 Alternative Point of Diversion



1:1,916



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Projected Coordinate System:
NAD 1983 UTM Zone 13N
Datum:
North American 1983