



No. 1848-2
 Map No. 1848-2 Water Division No. 2 MISSOURI RIVER District
 Above for Office Use 10140101

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☐ Vested Right ☒ Future Use ☐Change in Diversion ☐ Additional Diversion ☐Change in Acreage ☐ Additional Acreage ☐

1. Name of Applicant USDA, FOREST SERVICE Phone No. 224-5517
 Post Office Address Box 417 PIERRE State S. D. 57501
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) _____

3. Name of diversion work MALLARD DAM4. Amount of water claimed (cubic feet per second) 88 ACRE FEET5. Source of water supply DRY DRAW

6. Location of point of diversion SE 1/4 of the NE 1/4 of SECTION 21,
T 108 N, R 78 W

County LYMAN7. Annual period or periods during which water is to be used 1/1 - 12/31 ANNUALLY8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) STOCKWATER, WILDLIFE9. For irrigation use, Total number of acres to be irrigated 0

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 NONE years. Additional time required to complete application of water to the proposed beneficial use _____ years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water N/A

12. Principal Features of the Proposed Water Supply System.

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

BUILT IN 1942

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

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ _____

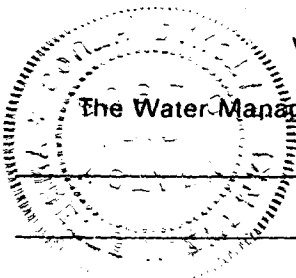
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)
) ss.
 County of Hughes)

I, USDA, FOREST SERVICE 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.

Signed Robert E. MountainSubscribed and sworn to before me this 12th day of August, 1983

Annette M. Jensen
 Notary Public (or other qualified officer) .



Vested **WATER RIGHT APPLICATION-APPROVAL**

recognizes Vested

1848-2

The Water Management Board hereby approves Water Right Application No. _____

USDA FOREST SERVICE

Box 417, Pierre

(Applicant)

(Post Office Address)

South Dakota 57501

(State)

With the following qualifications.

"VESTED RIGHT" claimed

Date of first receipt of application _____ August 12, 1983

Date of return to applicant for correction, amendments or changes required _____, 19__

Date of receipt of corrected application _____, 19__

Recognized Approved October 5, 1983, Recorded in Book _____ Page _____

Vested WATER RIGHT PERMIT NO. 1848-2

The Water Management Board hereby grants and issues this Vested Water Right Permit No. 1848-2 recognizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Vested Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____, 1943

2. ~~The equivalent of at least one fifth of the work above specified is to be completed on or before _____, 19__~~

3. The whole of said work is ~~to be completed on or before _____, 19__~~

4. The ~~limit of time from proof of beneficial use of water appropriated in accordance herewith is _____ completed, 19__~~

5. The water appropriated ~~shall be~~ ^{is} used for the purpose of Livestock, recreation and Fish and wildlife

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 88 ac. FT. annually ~~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 beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

~~for irrigation on or before October 5, 1983;~~ said water to be used during the following described

annual period: January 1 thru December 31

Witness my hand this 28TH day of October, 1983

THE WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19__

Water License Issued October 31, 1983

MALLARD DAM

D Well Information

- (1) Well Hole Diameter _____, Depth _____
- (2) Casing, Type _____, Diameter _____, Thickness _____
(wood, concrete, steel, etc)
- (3) Screen, Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

F Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

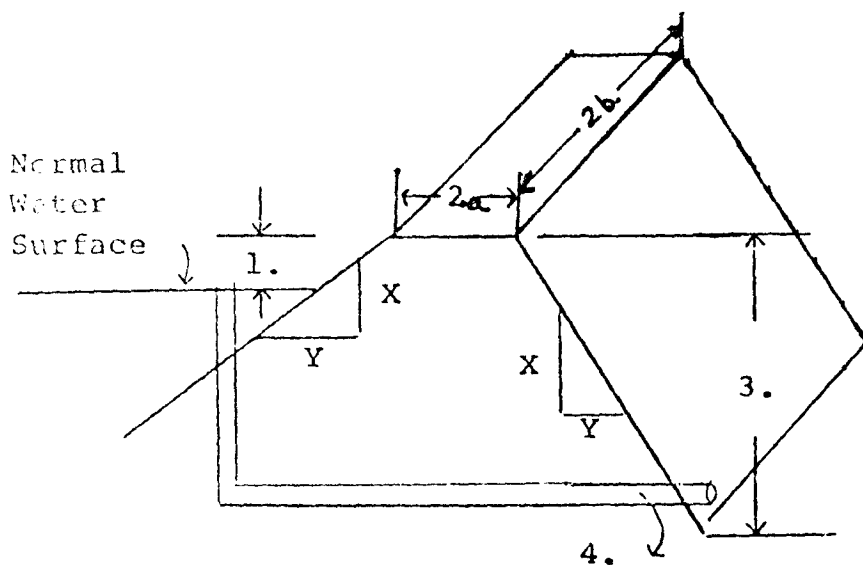
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property _____ rds.

On property owned by others _____ 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, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard 3.0'
- 2a Crest width 12.0' b. length Approx. 600'
3. Height of Dam 20.0'
4. Outlet dimensions:
Pipe diameter _____
Spillway width Approx. 100'
- X & Y slope:
Upstream 3:1
Downstream 2:1
- Surface area of impoundment
31.0 ACRES
- Drainage area above dam
1,754 ACRES

BUILT IN 1942

NOTE: This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

**AFFIDAVIT OF CONSTRUCTION OF WATER USE
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE**

Name of Applicant (Same as Form 2) USDA, FOREST SERVICE

Post Office Address Box 417 PIERRE, State S.D. 57501

If a Corporation show date and place of incorporation _____

13. Notice of Appropriation (If available)

Date of Posting _____ Date of Recording _____

Recording Date _____

14. Date of start of construction of water supply system BUILT IN 1942

15. Date that water was first applied to beneficial use 1943

16. Name of owner of original water supply system USDA, FOREST SERVICE

17. Amount of water originally applied to beneficial use 88 ACRE-FEET

18. Present Use of Water

Amount of water now being used 88 ACRE-FEET

Date that this amount of water was first used 1943

19. Chronological History of Water Use

MALLARD DAM

WAS BUILT IN 1942 AS A SOURCE FOR LIVESTOCK WATER. GRADUALLY SILTING IN OVER THE YEARS, IT IS NOW FENCED TO EXCLUDE LIVESTOCK GRAZING DURING MOST PERIODS. ITS CURRENT PRIMARY USE IS FOR WILDLIFE CONSUMPTION, WATERFOWL PRODUCTION, AND RECREATION.

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

STATE OF SOUTH DAKOTA)

County of Hughes) ss.

I, USDA, FOREST SERVICE, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Robert E. Mountain

Subscribed and sworn to before me this 12th day of August, 1983

Annette M. Ziemke
(Notary Public - or other qualified Officer)

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 stated are true.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9311

PIERRE, August 12, 1983, 19

RECEIVED OF USDA Forest Service, Box 417, Pierre, SD 57501

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

Fee for Application for Permit to Appropriate Water No. 1848-2 (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No. 1848-2	2	50
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	10	50

WATER RIGHTS COMMISSION

By *John H. Hatcher*
Chief Engineer, Executive Officer

State of South Dakota

Vested Water License No. 1848-2

(1) ~~USDA, Forest Service~~

of ~~Box 417, Pierre, South Dakota~~ recognition of a ^{vested} water ^{right} permit

Vested Right made Application No. ~~1848-2~~, ~~August 12, 1983~~ for a water permit to appropriate

~~88 acre~~ ^{annually} cubic feet ~~per second~~ of water from ~~a dam constructed on a dry draw (Mallard Dam)~~,
~~Lyman~~ County, South Dakota for ~~stockwatering, recreation and fish and/~~ ^{wildlife propagation} purposes.

Vested Right Permit No. ~~1848-2~~, with a priority date of ~~1943~~

~~was approved~~ ^{recognized} ~~October 5, 1983~~ and issued to applicant(s) for diversion of water ^{recognizing} ~~with~~ construction of the described
water supply system ~~to be completed on or before~~ and ~~for~~ the application to beneficial use of said
water ~~on or before~~

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert ~~store~~ ^{83 acre feet annually} cubic feet per second of water
for beneficial use. The location of the diversion point(s) is ~~1500'S of NE corner of Section 21,~~
~~T108N, R78W (AD)~~

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use, ~~to the following extent,~~ _____

(4) Pursuant to §46-5-30.1 ~~the USDA, Forest Service~~ _____
of ~~Box 417, Pierre, South Dakota 57501~~ _____
the holder(s) and/or owner(s) of ~~Water Permit No. 1848-2~~ **Vested Right** is issued a license to appropriate water, the right to use
~~88 acre~~ **feet annually** of water from ~~a dry draw~~ _____ with a priority date
of ~~1943~~ _____ from the location specified in (2) of this license. The water ~~to be~~
is stored in Mallard Dam
~~conducted to and upon lands specified in (3) of this license~~ for the purpose of **stockwatering, recreation,**
and fish & wildlife propagation

This license is subject to any limitations or qualifications listed in ~~Water Permit No. 1848-2~~ **Vested Right** and subject
to South Dakota State Law.



Chief Engineer, Water Rights Division
Department of Water and Natural Resources

October 31, 1983

**This Water License No. 1848-2 is based on a Vested Right Claim filed with
the Water Management Board**



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
(605) 773-3352

November 1, 1983

Robert Mountain
USDA, Forest Service
Box 417
Pierre SD 57501

Dear Mr. Mountain:

Enclosed herewith are your Vested Right Permit, Water License No. 1848-2.
This Water License is the final water right document completing your
process of obtaining a vested water right.

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

Very truly yours,

A handwritten signature in cursive script, reading "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ks

enclosures

MALLARD DAM

SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21, T108N, R78W, 5thPM

Robert E. Mountain
Robert E. Mountain
Range Conservationist

8-1-79 USDA 24 612070

MALLARD DAM

2.65" = 1 mile

Apple V/R Map 1848-2