

WATER PERMIT NO. 2403-2

Name of Applicant: **Roy E Ireland**

Address: **Box 417, Martin SD 57551**

Phone: **605 685-6388**

Amount of Water Claimed: **102 acre-feet**

Total Acres: **NA**

Source of Water Supply: **runoff**

Water to be used for: **fish & wildlife production**

County: **Bennett**

Type of Waste Disposal System: **NA**

Location: **10 miles east of Martin**

PRIORITY Date Received: **3-23-1998**

Fee: **\$150.00**

Corrected Application Received:

Period of Annual Use: **January 1 - December 31**

Remarks: **Wetland restoration project**

Diversion Point: **NE 1/4 NE 1/4**

Sec 23-T37N-R36W

Water Impounded: **SE 1/4 Sec 14; W 1/2 SW 1/4**
Sec 13; NE 1/4 NE 1/4 Sec 23; all in T37N-R36W

Depth of Well: **NA**

Well Driller:

Remarks:

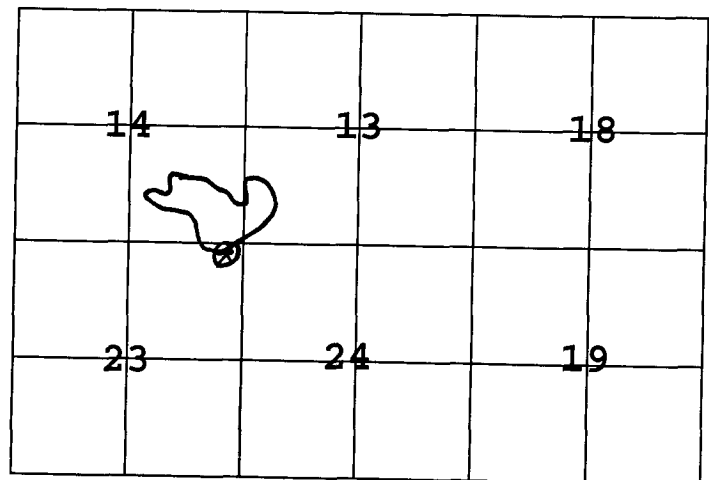
Type of Map: **aerial**

Prepared by: **Joseph E Nichols, US Fish &**
Wildlife Service

Reviewed and the Number Assigned on: **3-24-1998**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 2403-2**

Date of first receipt of application March 23, 1998.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2403-2 to Roy E Ireland, Box 417, Martin SD 57551 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2403-2 authorizes impoundment of 102 acre-feet of water annually from runoff by plugging a drainage ditch located in the NE ¼ NE ¼ Section 23-T37N-R36W. Water will be impounded in portions of the SE ¼ Section 14; W ½ SW ¼ Section 13; and the NE ¼ NE ¼ Section 23; all in T37N-R36W. The permit authorizes impoundment of sufficient water annually to maintain the water level to the outlet elevation.
2. The water appropriated shall be used for the purpose of providing habitat for fish and wildlife propagation through wetland restoration and may not exceed the amount of water needed for beneficial use for this purpose.
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. 2403-2 is May 4, 1998.
5. The date from which applicant may claim right is March 23, 1998.
6. One-fifth of the construction is to be completed on or before November 4, 2000.
7. All construction is to be completed on or before May 4, 2003.
8. Water is to be put to beneficial use on or before May 4, 2007.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

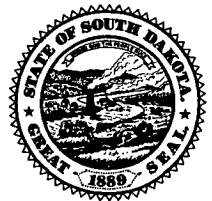
Water Permit No. 2403-2 authorizes impoundment of 102 acre-feet of water by installation of a ditch plug and is entitled to sufficient water annually to maintain the water level to the outlet elevation.

WATER MANAGEMENT BOARD

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

JUN 29 1998

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	No. <u>2403-2</u>	(office use only) Hydrologic Unit <u>10/40203</u>
	Basin <u>White River</u>	
	Newspaper <u>Bennett Co. Booster II, Martin, 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.) _____

- Name of Applicant Roy E. Ireland Phone (605) 685-6388
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address Box 417 Martin State SD 57551
(Street, RR, or Box) (Zip Code)
- Amount of water claimed _____ *CFS or _____ **GPM 102 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Runoff from adjacent lands of higher elevation into a wetland basin.
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) NE1/4 NE1/4 Sec. 23-T37N-R36W
water impounded: SE1/4 Section 14 T37N R36W W1/2 SW1/4 Sec. 13-T37N-R36W, NE1/4 NE1/4
Sec. 23-T37N-R36W County Bennett
- County or counties where water will be used Bennett
- Annual period during which water is to be used By wildlife - yearly 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)
This project is a wetland restoration to be accomplished by plugging a drainage ditch that runs into the Little White River in Bennett co.

STATE OF SOUTH DAKOTA)
County of Bennett SS

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)

I, ROY IRELAND, 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 Roy Ireland

Subscribed and sworn to before me this 18 day of March 19 98

Joseph E. [Signature]
Notary Public

Supplemental Information

(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 _____ 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) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

3. Dugout Information

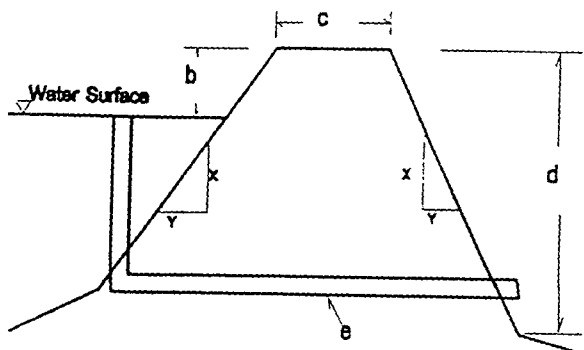
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams Ditch Plug on Wetland

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: Contact: Joseph E. Nichols
Private Lands Tech.
685-6508

Lacreek Nat'l Wildlife Refuge
HC 5 Box 114
Martin, SD 57551



- b) Freeboard 1'
- c) ~~Ditch~~ Width 59' ~~Ditch~~ Ditch depth = 4.4
~~Gate~~ Length 1,600'
- d) Height 3.5-4.1 Ave dept 2'
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage 102 Acre Feet
- j) Drainage Area Above Dam _____ Acres

Little White River
Recreation Area

51 total ac

DRAINAGE DITCH

36 ac

15 ac

Joseph E. Nichols
Surveyed by: Joseph E. Nichols
U.S. Fish & Wildlife Service
Owned by: Roy Ireland
SE 1/4 Section 14 T37N R36W

2403-2

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

415704

Pierre,

March 23, 19 98

RECEIVED OF USF&WS (Roy Ireland), HC 5, Box 114, Martin, SD 57551

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

Fee for Application for Permit No. <u>2403-2</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 

File No. XXX

Water Rights Division -DENR
Conversation or File Documentation

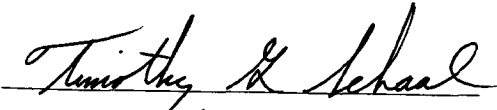
NAME OF PERSON OR FILE: Roy E. Ireland

ADDRESS: Box 417 COUNTY: Bennett

DATE: March 23, 1998 TELEPHONE: 685-6388

RE: Ditch plug application/Location of plug

I talked to Joseph Nichols (685-6508) from the USFWS at the LaCreek National Wildlife Refuge today about the application we received from Roy E. Ireland. I asked him for the location of the proposed ditch plug and after reviewing the topo map we determined that the plug will be located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23-T37N-R36W, about 100 feet south and 300 feet west of the NE corner. I called Mr. Ireland about the change we would make to the application and he said that would be OK.



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

REPORT ON
WATER PERMIT APPLICATION NO. 2403-2
Roy E. Ireland
March 30, 1998

Water Permit Application No. 2403-2 has been filed by Roy E. Ireland to impound 102 acre-feet of water annually from runoff by plugging a drainage ditch located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23-T37N-R36W. The water will be used to provide habitat for fish and wildlife propagation through wetland restoration.

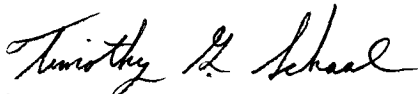
Discussion:

The ditch plug will be 2 to 4 feet high and impound 102 acre-feet of water in the restored wetland. Due to the small size of the ditch plug, design of the structure is not subject to the requirements of the Safety of Dams Rules, Chapter 74:02:08.

The ditch plug will be located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23-T37N-R36W on a drainage ditch that drains a 51 surface acre wetland. The drainage ditch has an approximate length of 1600 feet. The drainage ditch runs from the wetland and discharges into the Little White River approximately one-half mile below the Little White River Dam on the LaCreek National Wildlife Refuge. There are no existing Water Permits/Rights located on the Little White River that would be adversely effected by the plugging of this drainage ditch.

Conclusion:

Water Permit Application No. 2403-2 should be approved since unappropriated water is available and approval should not have any adverse effect on existing Water Permits/Rights.



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. 2403-2, Roy E. Ireland**

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. 2403-2, Roy E. Ireland, Box 417, Martin, SD 57551.

The Chief Engineer is recommending APPROVAL of Application No. 2403-2 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 qualification:

Water Permit No. 2403-2 authorizes impoundment of 102 acre feet of water by installation of a ditch plug and is entitled to sufficient water annually to maintain the water level to the outlet elevation.

See report on application for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
April 8, 1998



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

April 8, 1998

Roy E. Ireland
Box 417
Martin, SD 57551

Dear Mr. Ireland:

Water Permit Application No. 2403-2 for fish & wildlife production 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 Bennett Co. Booster II printed at Martin, SD (Ph # (605) 685-6866). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 8, 1998

Bennett Co. Booster II
Box 610
Martin, SD 57551-0610

ATTENTION: Legal Department

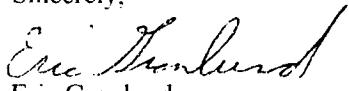
Enclosed is a Notice of Hearing on Application No. 2403-2 to Appropriate Water to be published twice. Please publish the first notice on April 15, 1998, with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Roy E. Ireland, Box 417, Martin, SD 57551 (Ph # (605) 685-6388).

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

-----CUT HERE-----

No. 2403-2

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

Date _____

We are in receipt of your letter of April 8, 1998, enclosing Notice of Hearing to Appropriate Water by Application No. 2403-2 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 15, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2403-2 to Appropriate Water

Notice is given that Roy E Ireland, Box 417, Martin SD 57551 has filed an application for a water permit to impound 102 acre-feet of water annually from runoff by plugging a drainage ditch located in the NE 1/4 NE 1/4 Section 23-T37N-R36W. Water will be impounded in portions of the SE 1/4 Section 14; W 1/2 SW 1/4 Section 13; and the NE 1/4 NE 1/4 Section 23; all in T37N-R36W. This application requests impoundment of water sufficient to maintain the water level to the outlet elevation. Water is to be used to provide habitat for fish and wildlife propagation through wetland restoration.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2403-2 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 May 4, 1998.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. 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.

Affidavit of Publication

State of South Dakota }
County of Bennett } ss.

Dale R. Lewis

being duly sworn, says: the Bennett County Booster II is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined in SDCL 17-2-2, as amended published at Martin, Bennett County, South Dakota; that affiant is and during all of said times was, an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is attached, was

published in said newspaper for two successive issues, bearing the following dates:

April 15, 1998

April 22, 1998

_____, 19____

_____, 19____

_____, 19____

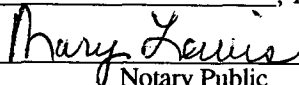
_____, 19____

that the full amount of the fee charged for publishing

the same, to-wit, the sum of \$ 40.01, inures solely to the benefit of the publisher of said newspaper; that no agreement or understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

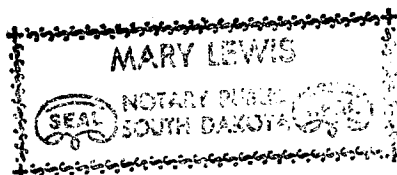


Subscribed and sworn to before me this 23 day
of April, 1998.



Notary Public
County of Bennett, South Dakota

My commission expires June 27, 2002



NOTICE OF APPLICATION NO. 2403-2 to Appropriate Water

Notice is given that Roy E. Ireland, Box 417, Martin, SD 57551, has filed an application for a water permit to impound 102 acre-feet of water annually from runoff by plugging a drainage ditch located in the NE1/4NE1/4 Section 23-T37N-R36W. Water will be impounded in portions of the SE1/4 Section 14; W1/2SW1/4 Section 13; and the NE1/4NE1/4 Section 23; all in T37N-R36W. This application requests impoundment of water sufficient to maintain the water level to the outlet elevation. Water is to be used to provide habitat for fish and wildlife propagation through wetland restoration.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2403-2 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 May 4, 1998.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for the 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.

2tc-46





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 29 1998

Roy E. Ireland
Box 417
Martin, SD 57551

Dear Mr. Ireland:

Enclosed is Water Permit No. 2403-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 4, 2002

2403-2

U.S. Fish & Wildlife Service
Attn: Sandy
PO Box 247
Brookings SD 57006

RE: Water Permit No. 2403-2, Roy Ireland

Dear Sandy:

On October 23, 2001 the investigation of the water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 2403-2, was completed by Tim Schaal, a staff engineer with our program. Water Permit No. 2403-2 was issued to Roy Ireland and is located in the NE ¼ Section 23-T37N-R36W in Bennett County. The final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee, we will complete processing the water license. The check or money order for the fee should be made payable to the "Water Rights Program". Enclosed is an invoice.

A licensed water right will be similar to a property right that can not be lost as long as the water use continues and the permit requirements are abided by.

If you have any questions regarding the water permit, investigation of the water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

REC 417115

Pierre, March 11, 20 02

RECEIVED OF ~~US~~ Fish & Wildlife Service, PO 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. 2403-2

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

payment was an electronic transfer

(Any Other Work Provided by Law)

Total

50 00

By

Darland Elbe
Chief Engineer

gm

Verhelst, Sandy

From: Tillman, Sandy
Sent: Friday, March 08, 2002 10:42 AM
To: Verhelst, Sandy
Subject: RE: Wire

FWS TREAS 312 MISC PAY 030802 466000364141600 RMT*IV*20411-2403-2 **

\$50.0003/08/2002

-----Original Message-----

From: Verhelst, Sandy
Sent: Wednesday, March 06, 2002 1:06 PM
To: Tillman, Sandy
Cc: Verhelst, Sandy
Subject: Wire

I'm expecting another \$50.00 wire from US Fish & Wildlife Serv. Thanks.
Yesterday's wire I said USGS, but it's suppose to be US Fish & Wildlife Serv.

Permit No. 2403-2
White 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, **October 23, 2001**, made a thorough examination of the water use system constructed by **Roy Ireland** of **Box 417, Martin, SD 57551** holder of Permit No. **2403-2**, bearing the priority of **March 23, 1998** authorizing the storage of **102** acre-feet of the waters of **runoff** for **fish & wildlife production** purposes, in **Bennett** County.

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

A. Works used to divert the water:

Ditch Plug--approximately 4 ft. high, 75 ft. wide & 50 ft. long

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

N/A

C. Works used to apply water to beneficial use:

Ditch Plug--approximately 4 ft. high, 75 ft. wide & 50 ft. long that floods a wetland with 36 acres in the SE 1/4 of Sec.14-T37N-R36W and 15 acres in the W 1/2 SW 1/4 Sec. 13-T37N-R36W.

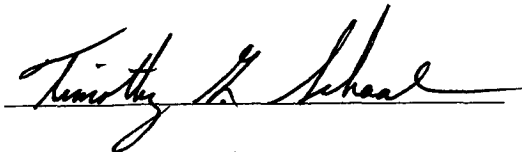
The system is in the following condition **good**. The point of diversion is located **300 ft. west & 100 ft. south of the NE corner of Sec. 23-T37N-R36W (NE 1/4 NE 1/4)**. The works are capable of storing **102** acre-feet of water which is to be used for **fish & wildlife production**. Water has been put to beneficial use to the maximum extent as follows:

Ditch Plug--approximately 4 ft. high, 75 ft. wide & 50 ft. long that floods a wetland with 36 acres in the SE 1/4 of Sec.14-T37N-R36W and 15 acres in the W 1/2 SW 1/4 Sec. 13-T37N-R36W.

and the license should be issued for **102** acre-feet of storage.

Applicable permit qualifications have been complied with: Yes **X**

Exceptions to compliance are: **none** Date Report Completed: **February 25, 2002**



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

REPORT ON INSPECTION OF PERMIT NO. 2403-2

Other permit(s) associated with the project: XXXX

DATE OF INSPECTION: October 23, 2001

NAME & ADDRESS OF INSPECTION CONTACT/ Joseph Nichols

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: USFWS, Lacreek National Wildlife Refuge, HC 5 Box 114, Martin, SD 57551

NAME & ADDRESS OF PERMIT HOLDER: Roy E. Ireland, Box 417, Martin, SD 57551

DIVERSION POINT LEGAL LOCATION: Ditch Plug-- 300 ft. west & 100 ft. south of the NE corner of Section 23-T37N-R36W (NE 1/4 NE 1/4).

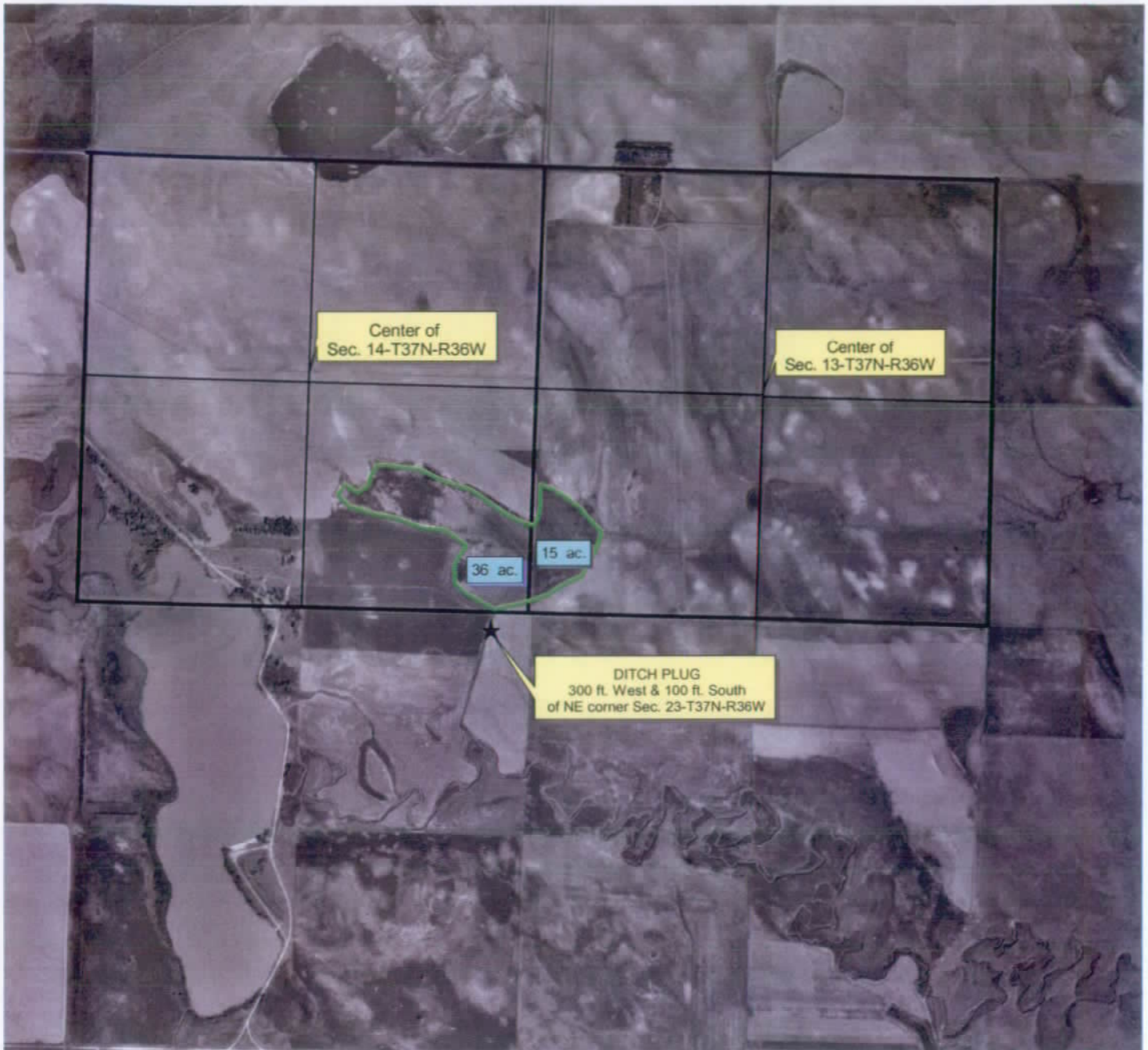
DAM INFORMATION:

- 1) Height to crest 4 feet
- 2) Height to primary spillway 2.5 feet
- 3) Height to secondary spillway N/A feet
- 4) Crest width 75 feet
- 5) Crest length 50 feet
- 6) Spillway length XXX feet
- 7) Spillway width 18 inch feet
- 8) Approx. storage (Normal) 102 acre-feet
- 9) Approx. storage (Maximum) N/A acre-feet
- 10) Date constructed: 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

Water Permit Application No. 2403-2



Timothy G. Schaal
Timothy G. Schaal, P.E. 2/25/02
Natural Resources Engineer Specialist
Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2403-2

(1) Roy Ireland, Box 417, Martin SD 57551 made Application No. 2403-2, March 23, 1998 for a water permit to impound 102 acre-feet of water from runoff, Bennett County, South Dakota for fish & wildlife propagation purposes. Permit No. 2403-2, with a priority date of March 23, 1998 was approved May 4, 1998 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 4, 2003 and for the application to beneficial use of said water on or before May 4, 2007.

(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 102 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 (ditch plug) is 300 feet west and 100 feet south of the northeast corner of Section 23-T37N-R36W (NE ¼ NE 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 Roy Ireland, Box 417, Martin SD 57551 the holder and/or owner of Water Right No. 2403-2 is issued a license to appropriate water, the right to impound 102 acre-feet of water from runoff with sufficient water annually to maintain the water level to the outlet elevation with a priority date of March 23, 1998 from the location specified in (2) of this license for fish & wildlife propagation. This license is subject to any limitations or qualifications listed in Water Right No. 2403-2 and subject to South Dakota State Law.

Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 16 2002

date





APR 16 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

2403-2

Roy Ireland
Box 417
Martin SD 57551

Dear Mr. Ireland:

Enclosed is Water License No. 2403-2. This is the final water right document completing your process of obtaining a Water Right.

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.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

c: USFWS, Brookings