

WATER PERMIT NO. 2553-2

Name of Applicant: Martin Vanderploeg

Address: Box 188, Tuthill SD 57574

Phone: 605 685-1199

Amount of Water Claimed: 0.44 cfs

Total Acres: NA

Source of Water Supply: springs

Water to be used for: fish and wildlife propagation

County: Bennett

Type of Waste Disposal System:

Location: 8 miles southeast of Martin

PRIORITY

Date Received: 3-18-05

Application/License Fee: \$300

Corrected Application Received: 3-23-05

Period of Annual Use: March 1 – November 30

Remarks:

Diversion Point: NW ¼ SE ¼ Sec 21-T36N-R37W

Land to be Irrigated: NA

Depth of Well: NA

Well Driller:

Remarks:

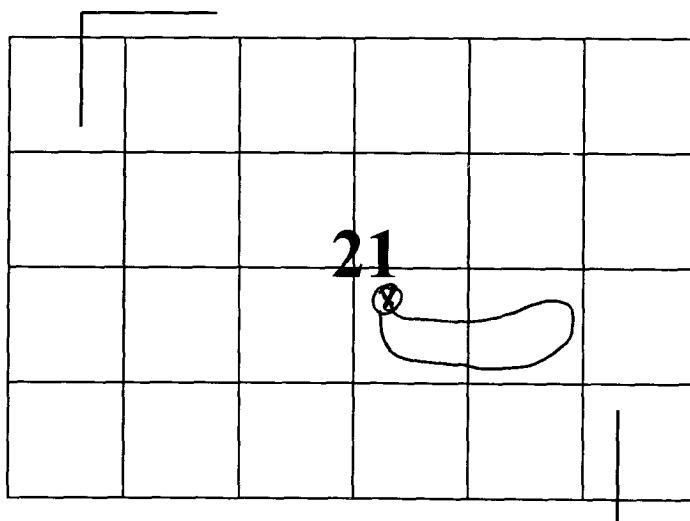
Type of Map: aerial

Prepared by: Patty Beck, BT Co Con Dist.

Reviewed and the Number Assigned on: 3-23-05

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



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>2553-2</u>	(office use only) Hydrologic Unit <u>10140208</u>
	Basin <u>White River</u>	
	Newspaper <u>Bennett Co. Booster 11, Martin</u>	
	<u>57551</u>	

RECEIVED
MAR 18 2005
WATER RIGHTS
PROGRAM

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 Martin J. Vanderploeg Phone 605-685-1199
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address Box 188, Tuthill State SD 57574
(Street, RR. or Box) (Zip Code)
- Amount of water claimed 0.44 *CFS or 200 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Springs
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) spring on the SE1/4 of
section 21-T36N-R37W (NW1/4 SE1/4)
County Bennett
- County or counties where water will be used Bennett
- Annual period during which water is to be used March 1 through November 30 diversion year round storage
- 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)

Please see attached sheet

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, Marty Vanderploeg 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 Marty Vanderploeg
Subscribed and sworn to before me this 10 day of March 2005

Kimberly Harris
Notary Public ComExp 3-7-06

SOUTH DAKOTA
WATER PERMIT NO. 2553-2

Date of first receipt of application March 18, 2005.

Date of return to applicant for corrections, amendments or changes March 18, 2005.

Date of receipt of corrected application March 23, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2553-2 to Martin J Vanderploeg, Box 188, Tuthill SD 57574 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. 2553-2 appropriates 0.44 cubic feet of water per second from springs located in the NW ¼ SE ¼ Section 21-T36N-R37W. Water will be diverted from the springs to create waterfowl habitat area (20 acre feet of water storage capacity) located in the N ½ SE ¼ Section 21-T36N-R37W.
2. The water appropriated shall be used for the purpose of fish & wildlife propagation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: March 1 – November 30 (diversion from springs) and January 1 – December 31 (storage).
4. The date of approval of Permit No. 2553-2 is June 5, 2005.
5. The date from which applicant may claim right is March 18, 2005.
6. One-fifth of the construction is to be completed on or before December 5, 2007.
7. All construction is to be completed on or before June 5, 2010.
8. Water is to be put to beneficial use on or before June 5, 2014.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUN 23 2005

date



7. Water is to be diverted from an unnamed spring flow to flood a grass meadow. The spring flows into Lake Creek approximately 300 yards from the diversion point. The water passing over the meadow will also flow into Lake Creek approximately ½ mile further downstream. The purpose of the diversion is to create waterfowl habitat for both nesting in the spring and feeding in the fall. Typically, diversions would take place in March, April and May for nesting, and then again in September, October and November for staging waterfowl. The meadow is shallow and holds a small amount of water, less than 20 acre feet. After it fills, the net loss of flow in Lake Creek would be only from evaporation on the meadow.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 23, 20 05

RECEIVED OF Marty Vanderploeg, PO Box 188, Tuthill SD 57574-0188

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

Fee for Application for Permit No. <u>0553-2</u> to Appropriate Water, to construct and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>0553-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	300.00

No.

001012

By

Douglas Ebele
Chief Engineer *gm*



Map Not to Scale
No Official Wetland Determination

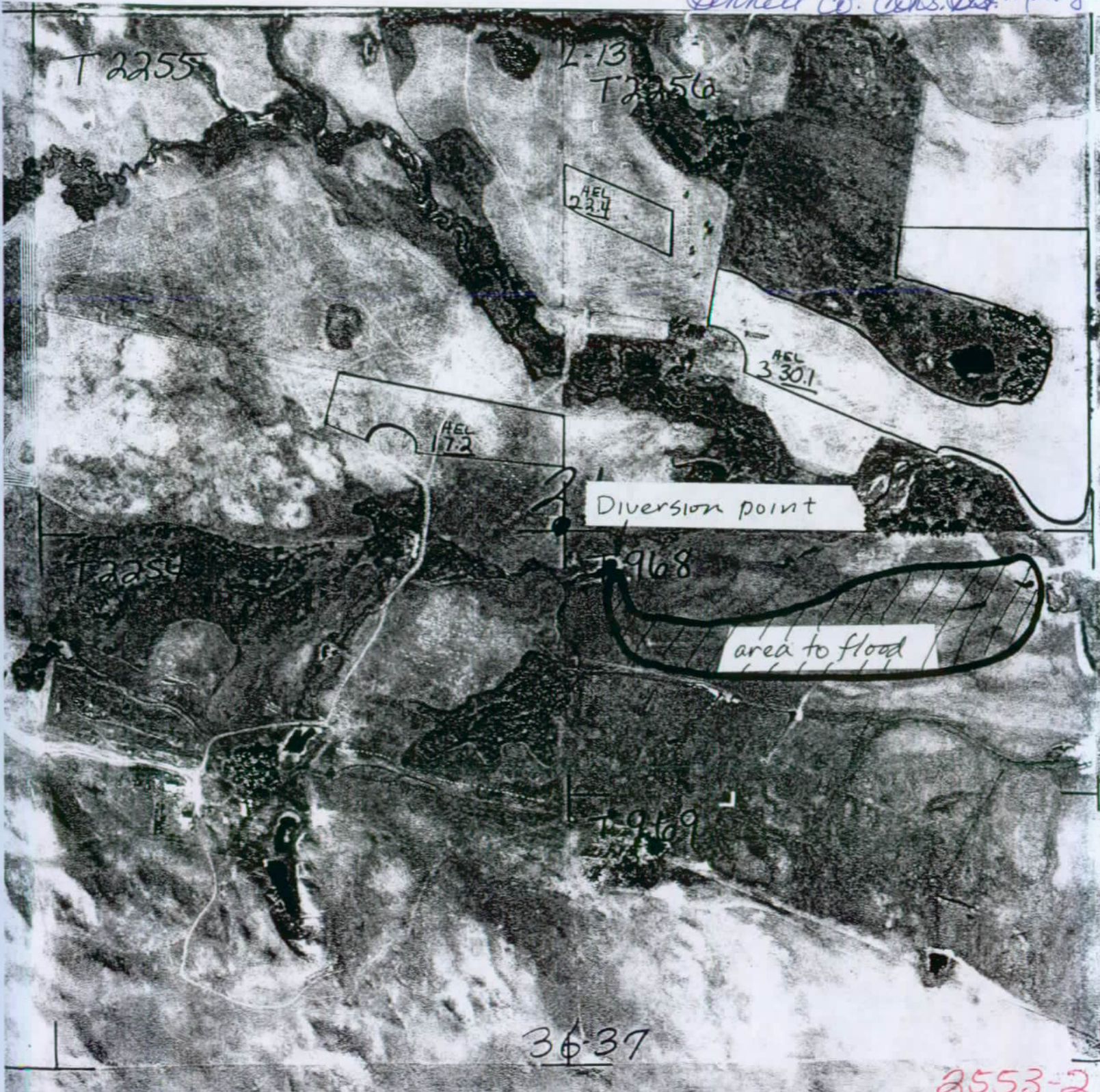
Bennett County, South Dakota

Sec-Twp-Rng: 21-36N-37W

Map Printed: Oct 8, 2004



3/4/05
Tatty Beck, Dist.
Bennett Co. Cons. Dist. Manager





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 18, 2005

Martin J Vanderploeg
Box 188
Tuthill SD 57574

Dear Mr. Vanderploeg:

Thank you for submitting the *Application for a Permit to Appropriate Water* for fish and wildlife propagation.

The application/license filing fee will be \$300.00.

Upon receipt of the fee, we will continue processing the application. If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

Karen

Sorry for the oversight

Marty

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WATER RIGHTS
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REPORT ON WATER PERMIT APPLICATION 2553-2

Martin J. Vanderploeg

Box 188

Tuthill, SD 57574

(605)685-1199

Water Permit Application No. 2553-2 Martin J. Vanderploeg, proposes to appropriate 0.44 cubic feet per second (cfs) of spring water in the NW¼ SE¼ Section 21 to create a waterfowl habitat area in the N½ SE¼ Section 21, all T36N R37W. Diversion of the spring's flow would normally occur each year in March, April, and May for waterfowl nesting, and September, October, and November for waterfowl staging.

Proposed Project

The applicant proposes to appropriate water from an unnamed spring to flood approximately 30-acres of a grass meadow about 8-inches deep. Water would flow from the meadow into Lake Creek thence into the Lacreek National Wildlife Refuge, about 4-miles distance. The water use would be non-consumptive except for ground absorption when the meadow is being flooded and surface evaporation once the meadow is flooded. Ground absorption should be minimal as the water table in the area is normally near the surface. Surface evaporation from the flooded 30-acres would also be minimal.

Water Source

The Lacreek National Wildlife Refuge area includes sandhills, springs, meadows with near surface saturated zones, impounded freshwater marshes, and short-grass prairie. There are several springs in the immediate area of the proposed project that flow into Lake Creek. Fed mainly by springs, Lake Creek maintains a steady flow throughout the year. The periods of use requested by the applicant are months with the highest recorded flows (Graph 1). The applicant proposes to divert the water from one of the springs to create an additional 30-acre surface area fresh water marsh for wildlife propagation.

Existing Water Rights

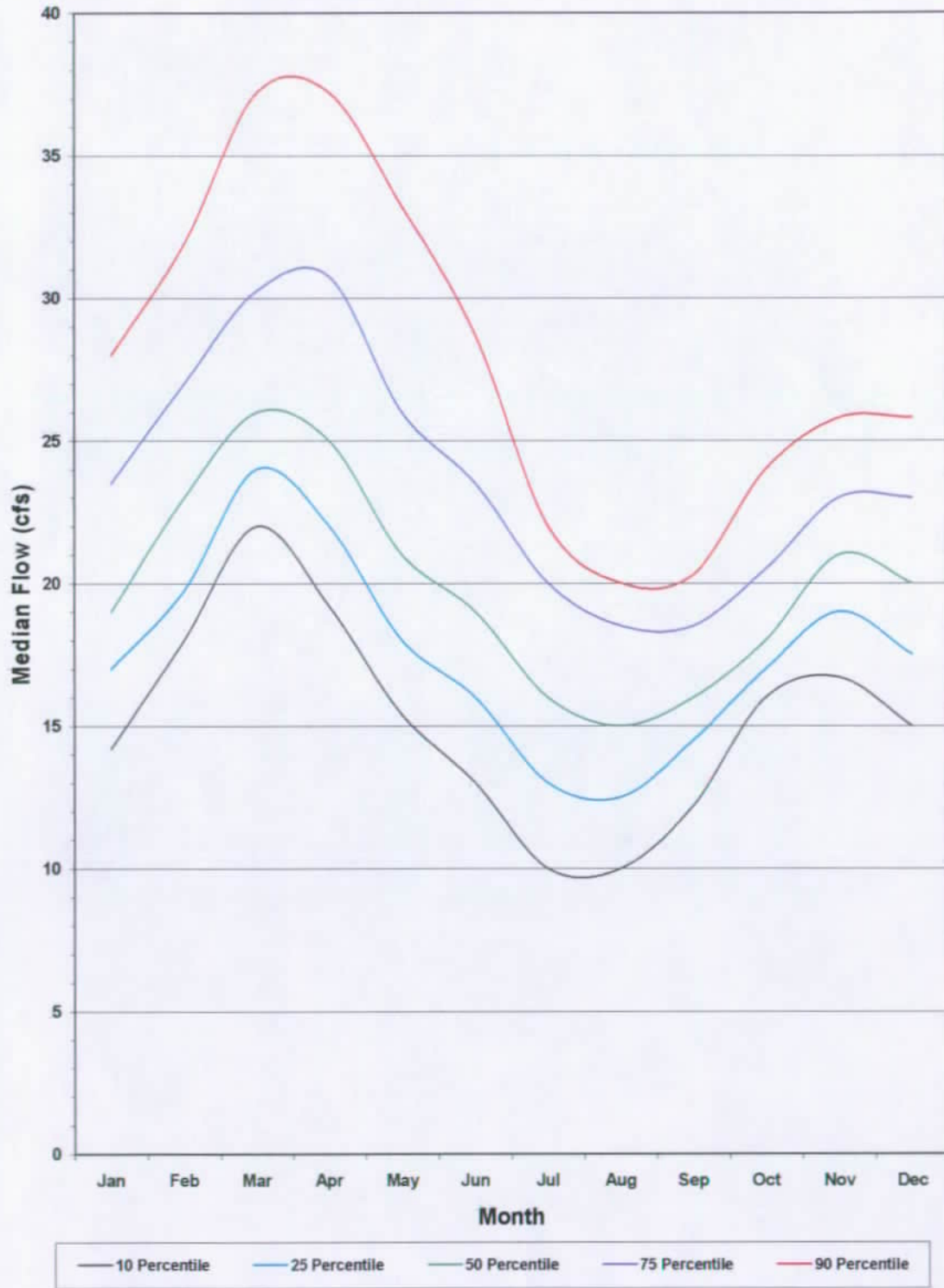
The prior surface water rights between the proposed diversion point and the Lacreek National Wildlife Refuge are held by the U.S. Fish and Wildlife Service except one held by the Cedar Creek Sportsman Club. These prior rights are for wildlife propagation basically using the same irrigation technique from springs as that proposed by the applicant. If approved, this application will not impair these prior water rights.

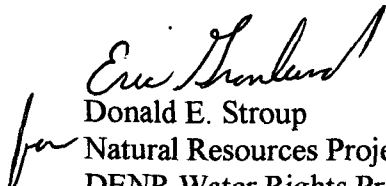
Conclusions

1. Water Permit Application No. 2553-2 Martin J. Vanderploeg, proposes to appropriate 0.44-cfs (197 gallons per minute) of spring water to create waterfowl habitat.
2. Prior water rights between the applicant's diversion point and the wildlife refuge are mainly irrigation from springs for wildlife propagation. If approved, this application will not impair any of these prior water rights.

Graph 1. Lake Creek Hydrograph

Lake Creek
Above Refuge
1938-1940, 1962-1978 & 1997-2003




Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

Reviewed by:


Mark D. Rath
Natural Resources Engineering Specialist
DENR Water Rights Program

References:

South Dakota Department of Environment and Natural Resources, Water Rights Program Records

U.S. Geological Survey, NWISWeb National Water Information System, Historical Stream Flow Data for South Dakota



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www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2553-2, Martin J. Vanderploeg**

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. 2553-2, Martin J. Vanderploeg, Box 188, Tuthill SD 57574.

The Chief Engineer is recommending APPROVAL of Application No. 2553-2 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.

See report on application for additional information.

Garland Erbele, Chief Engineer
May 11, 2005

Affidavit of Publication

State of South Dakota

County of Bennett

ss.

Mandy Scherer

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 2 successive issues, bearing the following dates:

May 18, 2005

May 25, 2005

_____, 20____

_____, 20____

_____, 20____

_____, 20____

that the full amount of the fee charged for publishing

the same, to-wit, the sum of \$ 40.87, 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.

Mandy Scherer

Subscribed and sworn to before me this 25 day

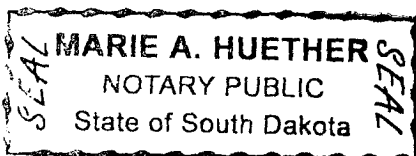
of May, 2005.

Marie A. Huether

Notary Public

County of Bennett, South Dakota

My commission expires _____, 20____.



My Commission Expires
July 6, 2007

NOTICE OF APPLICATION

NO. 2553-2 to Appropriate Water

Notice is given that Martin J. Vanderploeg, Box 188, Tuthill, SD 57574 has filed an application for a water permit to appropriate 0.44 cubic feet of water per second from springs located in the NW1/4SE1/4 Section 21-T36N-R37W. Water will be diverted from the springs to create waterfowl habitat area (20 acre feet of water storage capacity) located in the N1/2SE1/4 Section 21-T36N-R37W. The water use is for fish and wildlife propagation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2553-2 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 June 5, 2005.

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. 2tc-5/25

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MAY 31 2005
WATER RIGHTS
PROGRAM

Instruction to Newspaper - Publish first Notice on May 18, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2553-2 to Appropriate Water

Notice is given that Martin J Vanderploeg, Box 188, Tuthill SD 57574 has filed an application for a water permit to appropriate 0.44 cubic feet of water per second from springs located in the NW ¼ SE ¼ Section 21-T36N-R37W. Water will be diverted from the springs to create waterfowl habitat area (20 acre feet of water storage capacity) located in the N ½ SE ¼ Section 21-T36N-R37W. The water use is for fish and wildlife propagation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2553-2 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 June 6, 2005.

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

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

May 12, 2005

Martin J Vanderploeg
Box 188
Tuthill SD 57574

Dear Mr. Vanderploeg:

Water Permit Application No. 2553-2 for fish and wildlife propagation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Bennett Co Booster II printed at Martin, SD (Ph # 605-685-6866). You will need to contact the newspaper and authorize publication of this notice. 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 and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also 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

PMB 2020
JOE FOSS BUILDING
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

May 12, 2005

Bennett Co Booster II
PO Box 610
Martin SD 57551-0610

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2553-2 to Appropriate Water to be published twice. Please publish the first notice on May 18, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Martin J. Vanderploeg, Box 188, Tuthill, SD (Ph # 605-685-1199).

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. 2553-2

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

Date _____

We are in receipt of your letter of May 12, 2005 enclosing Notice to Appropriate Water by Application No. 2553-2 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

JUN 23 2005

Martin J Vanderploeg
Box 188
Tuthill SD 57574

Dear Mr. Vanderploeg:

Enclosed is Water Permit No. 2553-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

Permit No. 2553-2
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 25, 2005, made a thorough examination of the water use system constructed by Martin Vanderploeg of Box 188, Tuthill SD 57574 holder of Permit No. 2553-2, bearing the priority of March 18, 2005 authorizing the diversion of 0.44 cu. ft. per second and/or the storage of 20 acre-feet of the waters of a spring for fish and wildlife propagation purposes, in Bennett County.

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

A. Works used to divert the water:

Spring box with a slide gate on the spring to provide head so that water is divert. (see pictures)

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

Water is diverted into a 16" culvert

C. Works used to apply water to beneficial use:

None – water spreads over an approximate 32 acre parcel of land.

The system is in the following condition -- good. The point of diversion is located approximately 2,460 feet north and 2,380 west of the SE corner (NW 1/4 SE 1/4) of Section 21, T36N, R37W Lat/Lon -- N43.081827 W-101.681827. The works are capable of diverting and conveying to the place of use 0.44 cu. ft. per second of water and/or storing 20 acre-feet of water which is to be used for fish and wildlife propagation. Water is capable of being put to beneficial use to the maximum extent and the license should be issued for 0.44 cfs and up to 20 acre-feet of storage.

Applicable permit qualifications have been complied with: YES

Exceptions to compliance are: none Date Report Completed: November 15, 2005



Eric Gronlund

Natural Resources Engineer

DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 2553-2

DATE OF INVESTIGATION:	October 25, 2005
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	Martin Vanderploeg Box 188 Tuthill SD 57574
NAME & ADDRESS OF PERMIT HOLDER	same
DIVERSION POINT LEGAL LOCATION	<u>located approximately 2,460 feet north and 2,380 west of the SE corner (NW 1/4 SE 1/4) of Section 21, T36N, R37W</u> <u>Lat/Lon -- N43.081827 W-101.681827</u>

Other permit(s) associated with the project:

WELL INFORMATION: Not Applicable

DISTRIBUTION LINES OR CANALS: floods a
grass meadow

SYSTEM TYPE: Not Applicable

DAM INFORMATION: Not Applicable

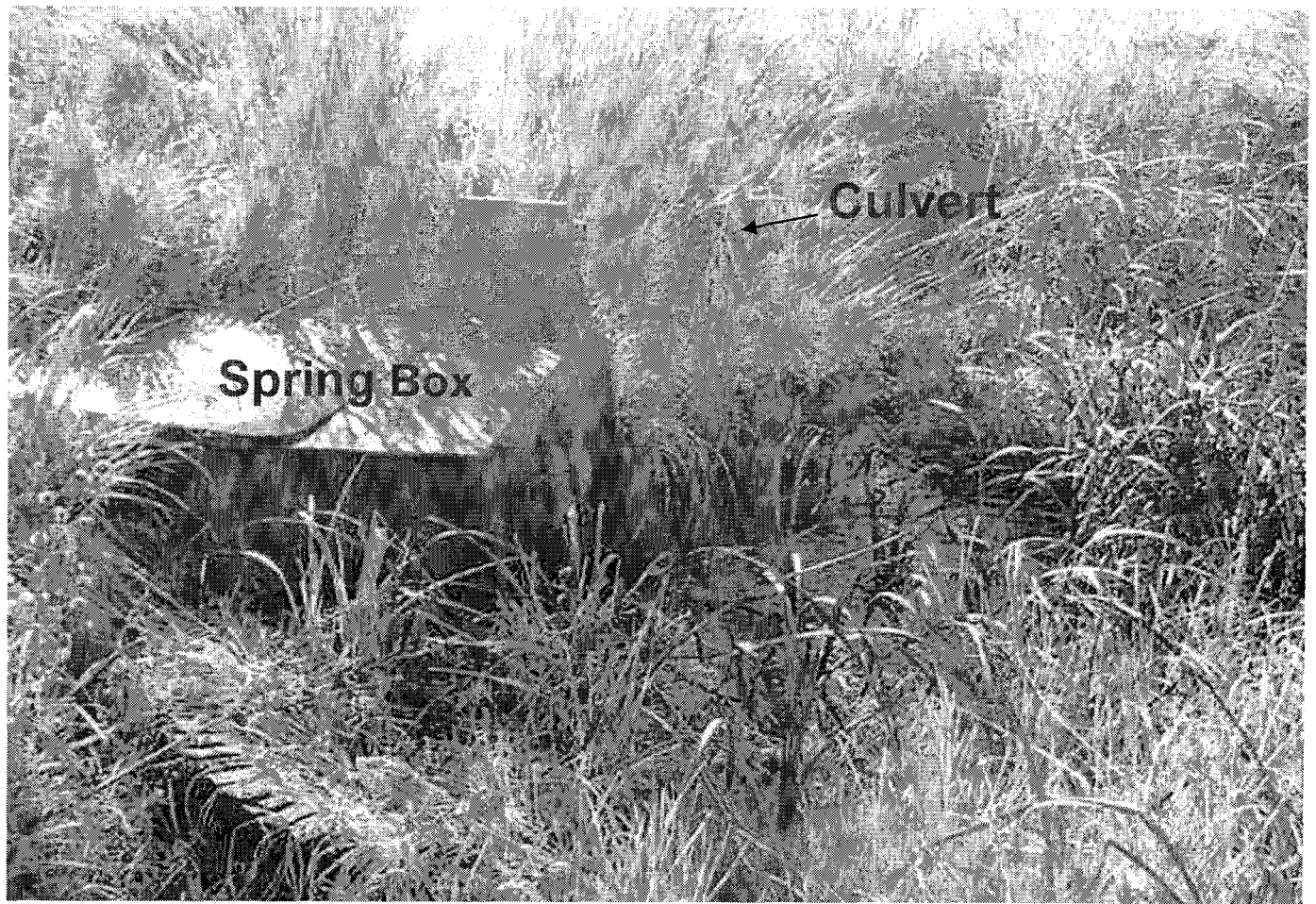
CHEMIGATION EQUIPMENT: Not Applicable

Comments on System

This has been a long existing system that Mr. Vanderploeg wanted to get permitted once he acquired the property. The system consists of a culvert on a spring which is capable of being closed by means of a slide gate. Closes this provides the necessary head to cause water to flow through a 16 culvert (CMP) pipe a short distance where it then discharges to flood a grass meadow. This provides habitat at various times of the year for waterfowl. The wet meadow is approximately 30 acres in size and in my estimation will not hold more than 20 acre feet when full.

PERMIT QUALIFICATIONS:

- 1) Special qualifications to permit being abided by there are no qualification on the permit
- 2) All structures, wells and lands on map Yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period not applicable



Spring Box (in the open position). The slide gate can be seen in the picture.

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date 2553-2

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

FROM:

Martin Vanderploeg
(name)

Box 188
(address)

Tuthill SD 57574
(city, state, zip)

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 2553-2 states that the water use system is to be constructed by

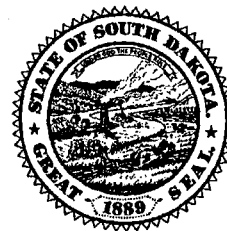
existing , and water is to be put to beneficial use by _____
(date) (date)

The water use system was completed on has been existing
(date)

Applying the water to beneficial use was completed on has been in place
(date)

You may schedule an investigation so that the water license may be issued.

Martin Vanderploeg



**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

Date

12/24/05

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

FROM:

MARTIN VANDERKLOEG
(name)PO BOX 184
(address)Tutthill SD 57574
(city, state, zip)605-685-1199
(phone)

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JAN 10 2006
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I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 2553-2 states that the water use system is to be constructed by _____
(date), and water is to be put to beneficial use by _____
(date)

The water use system was completed on existing
(date)

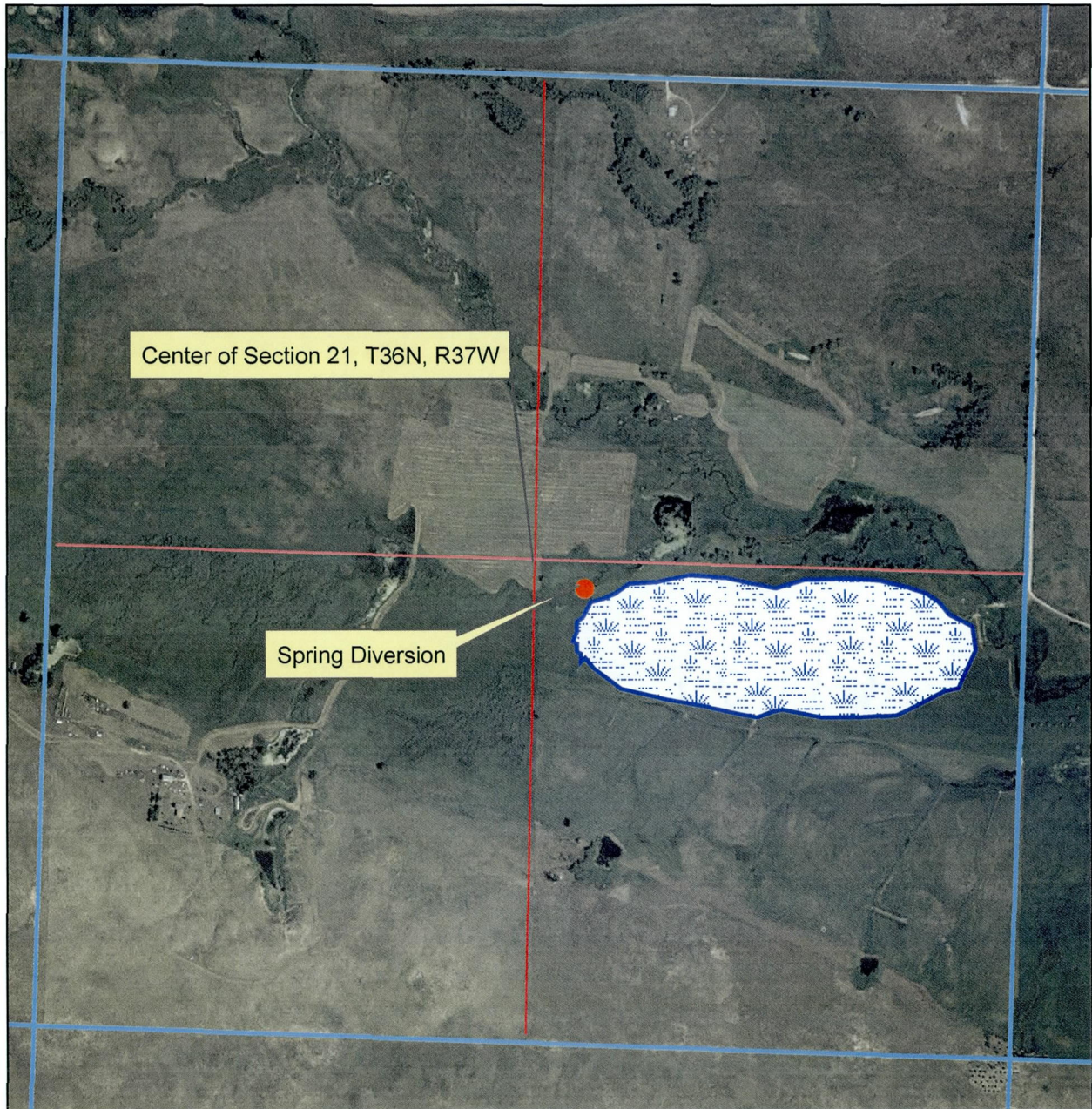
Applying the water to beneficial use was completed on 4/01/06
(date)

You may schedule an investigation so that the water license may be issued.

Eric G has inspected the use for this permit last fall.

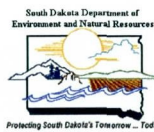
M Vanderkloeg
(signature)





0 380 760 1,520 2,280 3,040
Feet

Spring Box Diversion Structure is located approximately 2,460 feet north and 2,380 west of the SE corner (NW 1/4 SE 1/4) of Section 21, T36N, R37W
Lat/Lon -- N43.081827 W-101.681827



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
Licensing Investigation - October 25, 2005



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

2455-2
2478-2
2553-2

NOV 01 2006

Martin Vanderploeg
PO Box 188
Tuthill SD 57574

Dear Mr. Vanderploeg:

Enclosed are Water License Nos. 2455-2, 2478-2 and 2553-2. These are the final documents completing your process of obtaining a Water Right.

As long as you use the water beneficially, as stated in the Water Licenses, 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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2553-2

(1) Martin Vanderploeg, PO Box 188, Tuthill SD 57574 made Application No. 2553-2, March 18, 2005 for a water permit to divert 0.44 cubic feet of water per second and impound 20 acre-feet of water from springs, Bennett County, South Dakota for fish and wildlife propagation purposes. Permit No. 2553-2, with a priority date of March 18, 2005 was approved June 5, 2005 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 5, 2010 and for the application to beneficial use of water on or before June 5, 2014.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on October 25, 2005. The *Notice* stated the diversion system has been completed and the water placed to beneficial use for many years.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 2553-2 is issued a license, bearing a priority date of March 18, 2005 to appropriate 0.44 cubic feet of water per second and impound 20 acre-feet of water from a spring for fish and wildlife propagation purposes.

The diversion point is located: approximately 2,460 feet north and 2,380 feet west of the southeast corner Section 21-T36N-R37W (NW ¼ SE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2553-2.



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

NOV 01 2008

date





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



Sand Lake Wetland Acquisition Office
39650 Sand Lake Drive
Columbia, SD 57433
PHONE: (605) 885-6357 Fax: (605) 885-6360

April 15, 2016

RECEIVED

APR 18 2016

WATER RIGHTS
PROGRAM

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

Dear Ms. McMath:

Please advise if there are any water rights on file or pending on the following legal description in Bennett County:

T. 36 N., R. 37 W., 6th P.M.
Section 21, SE $\frac{1}{4}$.

Thank you for your time and consideration.

Sincerely,

Emily Fischer
Realty Specialist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

April 18, 2016

Emily Fischer, Realty Specialist
Sand Lake Wetland Acquisition Office
39650 Sand Lake Dr
Columbia SD 57433

Dear Ms. Fischer:

I am writing in response to your letter of April 15th inquiring about any water permits on file for the SE ¼ Section 21, T36N, R37W.

Enclosed for your review are Water Right No. 2553-2 and Location Notice Nos. 76302 and 76523, all for Marty Vanderploeg from Tuthill SD.

If you have any questions, please give me a call.

Sincerely,

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

enclosures

2553-2



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



IN REPLY REFER TO:

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

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

BA WTR
WR SD
Mail Stop 60189

RECEIVED

FEB 06 2018

WATER RIGHTS
PROGRAM

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

JAN 29 2018

Ref: Water License No. 2553-2

Dear Ms. Goodman:

Enclosed is a completed Notice of Transfer of Ownership form and applicable warranty deed for the referenced water license. Please contact Carrie Cordova of my staff at 303-236-5399 and she will provide credit card information for the \$50.00 fee.

Thank you for your assistance in this matter.

Sincerely,

Brian S. Caruso,
Chief, Water Resources Division

Enclosures



IN REPLY REFER TO:

**BA WTR
WR SD
Mail Stop 60189**

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



RECEIVED
FEB 06 2018
WATER RIGHTS
PROGRAM

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

JAN 29 2018

Ref: Water License No. 2553-2

Dear Ms. Goodman:

Enclosed is a completed Notice of Transfer of Ownership form and applicable warranty deed for the referenced water license. Please contact Carrie Cordova of my staff at 303-236-5399 and she will provide credit card information for the \$50.00 fee.

Thank you for your assistance in this matter.

Sincerely,

B. B. Cunningham

Brian S. Caruso,
Chief, Water Resources Division

DO NOT WRITE

ABOVE THIS LINE

CAROLINE M CARDOVA

XXXX XXXX XXXX 5590

EXPIRATION
☒ DATE
 CHECKED

10/20

SIGN HERE

ix

The issuer of the card identified on this item is authorized to pay the amount shown as TOTAL upon proper presentation. I promise to pay such TOTAL (together with any other charges due thereon) subject to and in accordance with the agreement governing the use of such card.

↑ PLEASE DO NOT WRITE ABOVE THIS LINE ↑

QTY.	CLASS	DESCRIPTION	PRICE	AMOUNT
1		TRANSFER OF OWNERSHIP		50.00
		WATER LICENSE 2553-2		
DATE 02/07/2018		AUTHORIZATION 073286	SUB TOTAL	50.00
REFERENCE NO. 001		SERVER	TAX	
ID-FOLIO / CHECK NO. / LIC. NO. STATE		REG/DEPT	CLERK	TIP
			MISC.	
 		5766367	TOTAL	50.00

**SALES SLIP
ORIGINAL**

BANKCARD SALES SLIP 2 FT.

8410-8801-7303 ©1997, Mooney® All Rights Reserved - 03035m

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED
FEB 06 2018
WATER RIGHTS
PROGRAMMail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182Water Right/Permit No. 2553-2Date: January 29, 2018I/We request that Water Right/Permit No. 2553-2 formerly owned by:
Martin J. Vanderploeg be transferred to:New Owner Name: U.S. Fish and Wildlife Service
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:

Attached is a warranty deed dated January 4 2017 transferring 160 acres in the SE1/4 of Section 21,
Township 36 North, Range 37 West to the United States of America, Fish and Wildlife Service☒ I understand that the validity of Water Right/Permit No. 2553-2 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.

Send to:
 US Fish and Wildlife Service
 Sand Lake Wetlands Acquisition Office
 39650 Sand Lake Drive
 Columbia, SD 57433



EXEMPT FROM TRANSFER FEE
 PURSUANT TO SDCL 43-4-22(2)

DOC #: 20170036 # of Pages: 4
 Bennett County, SD Rec Fee: \$30.00 Trans Fee: \$0.00
 Recorded and Filed 2/1/2017 at 9:12 AM
 Nancy Sterkel, Register of Deeds *Nancy Sterkel*

File ☒ Record ☐ Indx ☐ # Indx ☐ Transferred ☒ Satisfy

WARRANTY DEED

THIS INDENTURE, Made this 4th day of January, 2017, between **Martin J. Vanderploeg, Trustee of the Martin J. Vanderploeg 2001 Revocable Living Trust and Martin J. Vanderploeg, a single man, of 22958 293rd St., Martin, South Dakota 57551**, Grantor, and the **UNITED STATES OF AMERICA** and its assigns, Grantee, under authority of the Migratory Bird Conservation Act of February 18, 1929, 16 U.S.C. 715-715d, 715e, 715f-715r, as amended, and under authority of the Fish and Wildlife Act of 1956, 16 U.S.C 742a-742j, as amended, and

WITNESSETH, That the Grantor, for and in consideration of the sum of **ONE HUNDRED SEVENTY SIX THOUSAND and NO/100 DOLLARS (\$176,000)** to it in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these presents Grant, Bargain, Sell, and Convey unto the Grantee and its assigns, Forever, all that tract or parcel of land lying and being in the County of Bennett, State of South Dakota, described as follows, to-wit:

Township 36 North, Range 37 West, 6th Principal Meridian
Section 21, SE1/4.

The above-described tract of land contains **160.00** acres, more or less.

The above-described lands are acquired for administration by the Secretary of the Interior through the United States Fish and Wildlife Service, P.O. Box 25486, Denver, Colorado 80225.

TOGETHER, With any and all water rights, water, ditches and ditch rights-of-way, reservoirs, springs, easements and profits thereunto belonging or in anywise appertaining which are now or hereafter may be used on the aforesaid land which in any manner entitle said Grantors, their heirs, successors and assigns, to water for irrigation, domestic, stock or other purposes on said lands including but not limited to:

Location Notice No. 76,302, 15.0 acre-feet per year filed August 12, 2004;
Location Notice No. 76,523, 1.5 acre-feet per year filed October 14, 2005; and
Water License No. 2553-2, 0.44 cfs (20.0 acre-feet) priority date March 18, 2005.

TO HAVE AND TO HOLD THE SAME, Together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the Grantee and its assigns, FOREVER. And the said Grantor, for himself, his heirs, executors and administrators, does covenant with the Grantee and its assigns, that it is well seized in fee of the lands and premises aforesaid and has good right to sell and convey the same in manner and form aforesaid, and that the same are free from all encumbrances whatsoever, subject to:

-
1. Existing rights-of-way for highways, railroads, roads, pipelines, canals, ditches, laterals, electrical transmission lines and telegraph, telephone, and cable lines including but not limited to:
 - a. Statutory section line right-of-way 33 feet wide on each side of each section line, pursuant to SDCL, chapter 31-18.
 2. Any oil, gas or mineral rights of record reserved to or outstanding in third parties.
 3. Rights of the United States, State of South Dakota and third persons, if any, as provided for by the Patent(s).
 4. State Conservation Commission Supporting Information for appropriation of ground water in accordance with SDCL 46-6-3, as amended, upon the SE1/4 of Sec. 21-T36N-R37W of the 6th P.M., as set forth in instrument recorded May 29, 1985, in Book 14 of Miscellaneous, Page 114.
 5. Location Notice for Dam/Dugout upon the NE1/4SE1/4 of Sec. 21-T36N-R37W of the 6th P.M., as set forth and shown in instrument recorded August 20, 2004, in DOC #: 20040424.
 6. Location Notice for Dam/Dugout upon the NE1/4SE1/4 of Sec. 21-T36N-R37W of the 6th P.M., as set forth and shown in instrument recorded October 21, 2005, in DOC #: 20050486.
 7. Plat of Vanderploeg Conservation Easement Tract 1 and Access Easement Tract 1 located in the SE1/4 of Sec. 21-T36N-R37W of the 6th P.M., as set forth on Plat filed in DOC #: 20130234, Plat No. 117.

And the above bargained and granted lands and premises in the quiet and peaceable possession of the Grantee and its assigns against all persons lawfully claiming or to claim the whole or any part thereof, the Grantor will WARRANT AND DEFEND.

IN WITNESS WHEREOF, The Grantor hereunto sets his hand the day and year first above written.

Martin J. Vanderploeg 2001 Revocable Living Trust

By: Martin J. Vanderploeg 2001 Rev Living trust
Martin J. Vanderploeg, Trustee

Title: Trustee

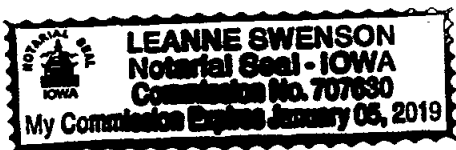
Martin J. Vanderploeg L.S.
Martin J. Vanderploeg

ACKNOWLEDGMENT FOR TRUSTEE

State of Iowa)
) ss
County of Story)

On this 4th day of January, 20 17, before me personally appeared **Martin J. Vanderploeg, Trustee of the Martin J. Vanderploeg 2001 Revocable Living Trust**, and being authorized so to execute the foregoing instrument in the capacity therein stated for the purposes therein contained, and acknowledged to me that he executed the same.

In witness whereof, I hereunto set my hand and official seal.



(SEAL)

Leanne Swenson
Notary Public

Story, Iowa County, Iowa

My Commission Expires: 1/5/19

ACKNOWLEDGMENT

State of Iowa)
) ss
County of Story)

On this 4th day of January, 2017, before me personally appeared **Martin J. Vanderploeg, a single man, of 22958 293rd St., Martin, South Dakota 57551**, and being authorized so to execute the foregoing instrument in the capacity therein stated for the purposes therein contained, and acknowledged to me that he executed the same.

In witness whereof, I hereunto set my hand and official seal.



(SEAL)

Leanne Swenson
Notary Public

Story County, Iowa

My Commission Expires: 1/5/19



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 15, 2018

2553-2

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

RE: Transfer of Ownership of No. 2553-2

Dear Mr. Caruso:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for transferring ownership of Water Right No. 2553-2.

The ownership change has been completed. Water Right No. 2553-2, formerly held by Martin J Vanderploeg is now listed in the name of US Fish & Wildlife Service.

If I can answer any questions for you, please let me know.

Sincerely,

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