

WATER PERMIT NO. 2567-2

Name of Applicant: Jody Jessop

Address: 24188 300th Ave, Presho SD 57568

Phone: 605 895-2696

Amount of Water Claimed: 144.30 AF

Total Acres: na

Source of Water Supply: runoff

Water to be used for: fwp, domestic

County: Lyman

Type of Waste Disposal System:

Location: 5 miles northwest of Presho

PRIORITY Date Received: 9-1-05

Application/License Fee: \$275

Corrected Application Received: 9-12-05

Period of Annual Use: January 1 – December 31

Remarks: Restoring a wetland

Diversion Point: NE ¼ SE ¼ Sec 35-T106N-R78W

Land to be Irrigated:

Depth of Well: NA

Well Driller:

Remarks:

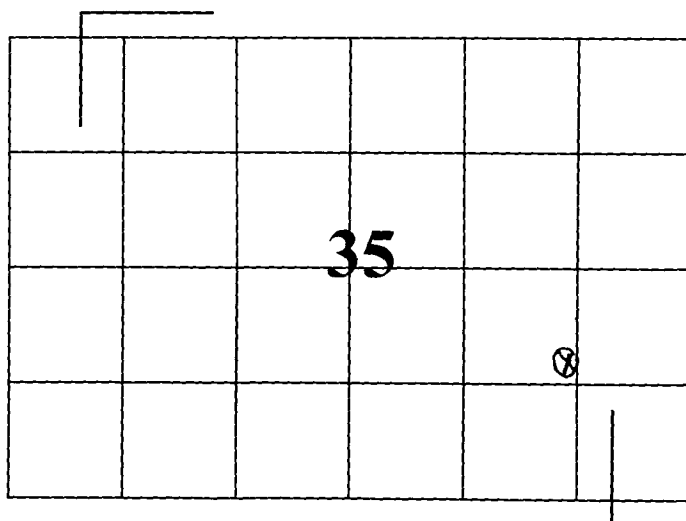
Type of Map: aerial

Prepared by: Boyd Schultz, USFWS

Reviewed and the Number Assigned on: 9-12-05

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2567-2</u> (office use only) Hydrologic Unit <u>10140104</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Lyman Co. Herald, Presho</u>

RECEIVED
SEP 01 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: (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. _____

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

1. Name of Applicant Jody Jessop Phone (605) 895-2696
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 24188 300th Ave Presho State SD 57568
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed _____ *CFS or _____ **GPM 144.30 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Local runoff
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Lyman
NE1/4 SE1/4 section 35-T106N-R77W Water Impounded: SE1/4 E1/2 SW1/4, SE1/4 NW1/4,
S 1/2 NE1/4 Sec 35; SW1/4 Sec 36; T106N-R77W.
5. County or counties where water will be used Lyman
6. Annual period during which water is to be used all year Jan 1-Dec 31
7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

The project involves partially restoring a tile drained wetland. The tile riser will be raised to allow 1.6 feet of water depth to be stored in the wetland when the project is complete. A township road will also be raised approximately two feet in order to retain public use of the road. The project design has been completed by Brosz Engineering, Inc. of Pierre South Dakota.

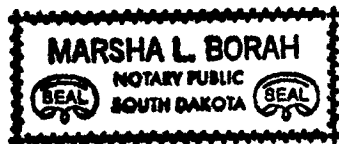
STATE OF SOUTH DAKOTA)
County of Lyman SS

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, Jody Jessop, 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

Applicant's signature Jody A. Jessop

Subscribed and sworn to before me this 31st day of August 2005



Marsha L. Borah
Notary Public signature
my Commission expires 10-15-2010

**SOUTH DAKOTA
WATER PERMIT NO. 2567-2**

Date of first receipt of application September 1, 2005.

Date of return to applicant for corrections, amendments or changes September 6, 2005.

Date of receipt of corrected application September 12, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2567-2 to Jody Jessop, 24188 300th Ave, Presho SD 57568 authorizing the construction of the impoundment and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2567-2 authorizes impoundment of 144.30 acre-feet of water from runoff by restoring a wetland located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35 with water impounded in the SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 35 and SW $\frac{1}{4}$ Section 36; all in T106N-R77W.
2. The water appropriated shall be used for the purpose of fish and wildlife propagation and livestock water purposes and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 2567-2 is November 14, 2005.
5. The date from which applicant may claim right is September 1, 2005.
6. One-fifth of the construction is to be completed on or before May 14, 2008.
7. All construction is to be completed on or before November 14, 2010.
8. Water is to be put to beneficial use on or before November 14, 2014.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Water Permit No. 2567-2 authorizes restoration of a wetland with a storage capacity of 144.3 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation of 1,809.2 feet mean sea level.
2. Permit No. 2567-2 does not allow water to be impounded on property owned by others unless all necessary easements are obtained.

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

NOV 18 2005

date



(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

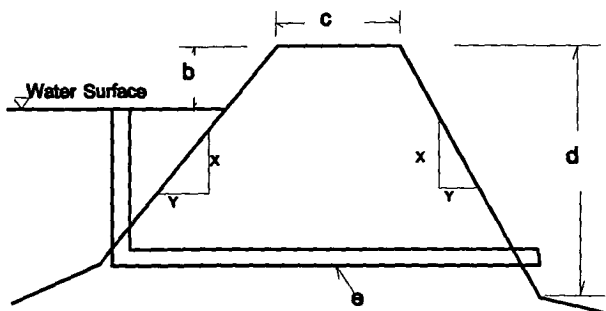
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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:

Brosz Engineering, Inc.
3030 Airport Rd. Suite A
Box 23
Pierre, SD 57501



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter 1.1 feet
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment 185.81
- i) Storage 144.3 Acre Feet
- j) Drainage Area Above Dam 1,403.0 Acres

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date AUGUST 20, 20 05

RECEIVED OF Royd Schults, 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	225	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. _____	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	275.00

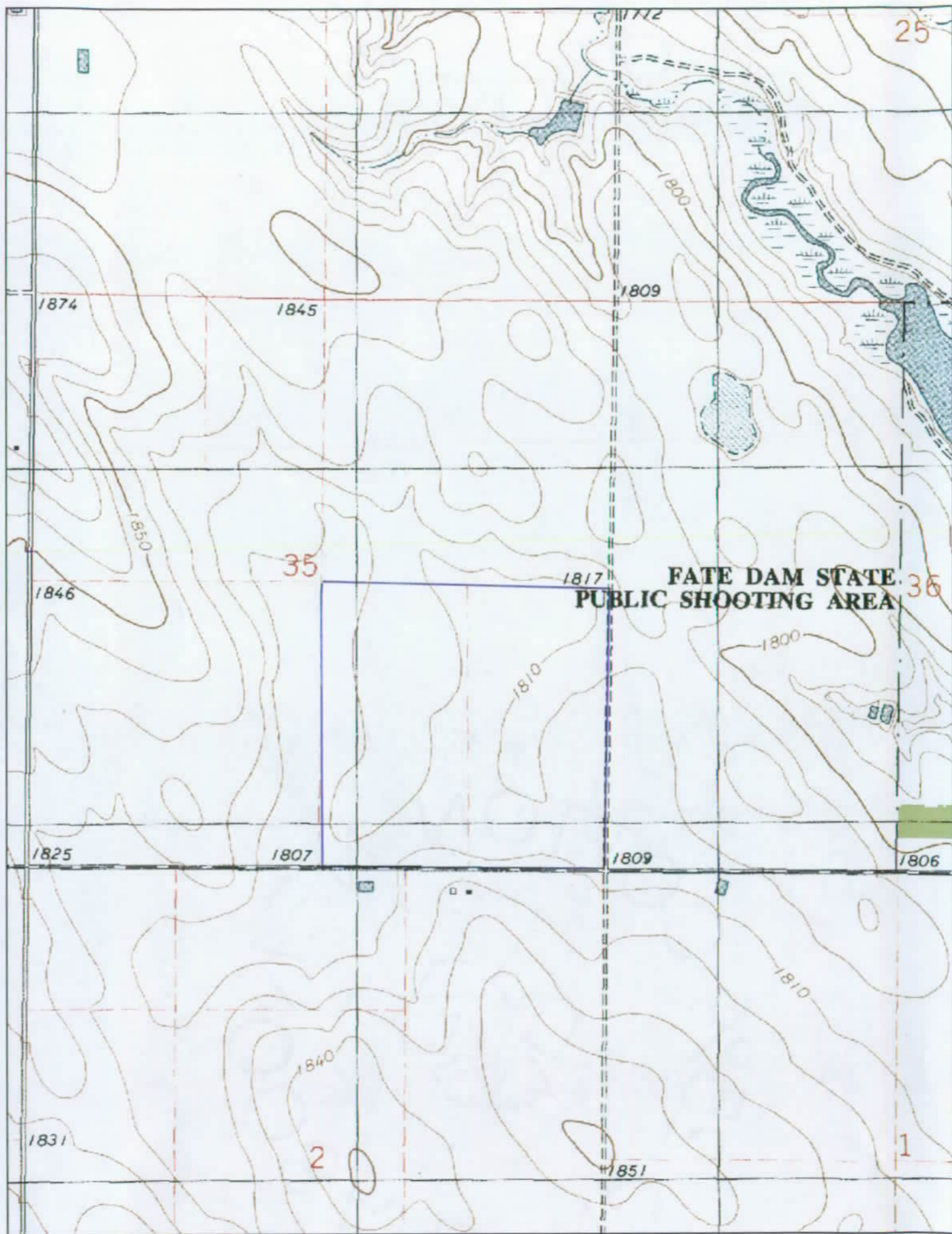
No.

001940

By

Darlene Schults
Chief Engineer
grw

Chief Engineer

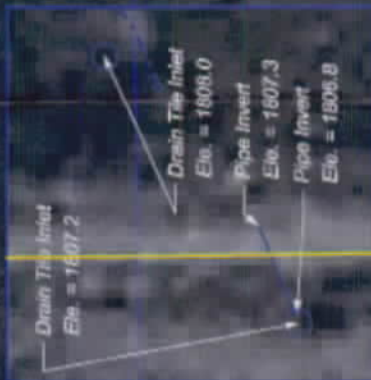


Base of

Jessop Property Possible Wetland Boundaries Lyman County, South Dakota

Fate Lake

T106 N
R78W
SE4 sec 35



Flooded
Elevation, Area
1807.6, 6.7 Ac.
1807.8, 9.8 Ac.
1808.0, 14.0 Ac.
1808.2, 18.9 Ac.
1808.4, 31.5 Ac.
1808.6, 39.7 Ac.
1808.8, 46.7 Ac.
1809.0, 54.9 Ac.
1809.2, 116.0 Ac.
1809.4, 128.3 Ac.
1809.6, 137.2 Ac.
1809.8, 145.1 Ac.
1810.0, 181.1 Ac.
1810.2, 194.9 Ac.
1810.4, 201.7 Ac.
1810.6, 208.3 Ac.
1810.8, 214.7 Ac.
1811.0, 221.0 Ac.

SW1/4 Sec. 36

43560

Elevation	Acres
1807.6	0
1807.8	0
1808	0
1808.2	0
1808.4	0
1808.6	21.13
1808.8	21.98
1809	22.83
1809.2	25.79
1809.4	26.65
1809.6	27.49
1809.8	28.28
1810	29.08
1810.2	29.90
1810.4	30.64
1810.6	31.38
1810.8	32.11
1811	32.83

NE1/4 Sec. 2

43560

Elevation	Acres
1807.6	9.65
1807.8	9.99
1808	10.35
1808.2	10.75
1808.4	11.14
1808.6	11.54
1808.8	12.55
1809	13.05
1809.2	13.53
1809.4	13.96
1809.6	14.38
1809.8	14.81
1810	15.24
1810.2	15.72
1810.4	16.18
1810.6	16.66
1810.8	17.14
1811	17.62

NW1/4 Sec. 2

43560

Elevation	Acres
1807.6	20.88
1807.8	22.28
1808	23.62

1808.2	25.15
1808.4	26.25
1808.6	27.31
1808.8	28.34
1809	29.34
1809.2	30.51
1809.4	31.46
1809.6	32.41
1809.8	33.36
1810	34.31
1810.2	35.47
1810.4	36.47
1810.6	37.45
1810.8	38.43
1811	39.39

SW1/4 Sec. 35

43560

Elevation	Acres
1807.6	0.00
1807.8	0.00
1808	0.00
1808.2	0.00
1808.4	2.70
1808.6	3.96
1808.8	5.90
1809	8.35
1809.2	10.69
1809.4	12.69
1809.6	14.42
1809.8	15.81
1810	16.99
1810.2	18.31
1810.4	19.54
1810.6	20.58
1810.8	21.56
1811	22.74

NW1/4 Sec. 35

43560

Elevation	Acres
1807.6	0.00
1807.8	0.00
1808	0.00
1808.2	0.00
1808.4	0.00
1808.6	0.06
1808.8	0.27
1809	0.67
1809.2	1.26

1809.4	2.11
1809.6	3.07
1809.8	3.81
1810	4.54
1810.2	5.26
1810.4	5.93
1810.6	6.84
1810.8	7.73
1811	8.54

NE1/4 Sec. 35

43560

Elevation	Acres
1807.6	0.00
1807.8	0.00
1808	0.00
1808.2	0.00
1808.4	0.03
1808.6	0.58
1808.8	1.18
1809	2.13
1809.2	4.85
1809.4	8.62
1809.6	9.26
1809.8	9.97
1810	10.67
1810.2	11.46
1810.4	12.20
1810.6	12.96
1810.8	13.69
1811	14.38

SE1/4 Sec. 35

43560

Elevation	Acres
1807.6	6.65
1807.8	9.76
1808	14.05
1808.2	18.86
1808.4	28.86
1808.6	35.05
1808.8	39.37
1809	43.76
1809.2	99.18
1809.4	104.90
1809.6	110.47
1809.8	115.48
1810	120.51
1810.2	130.01
1810.4	134.77

1810.6

136.53

1810.8

139.54

1811

142.45

Jessop Property Wetland Rehabilitation
Ponded volumes per water surface elevation

Elevation	Acre-Feet
1808.2	13.3
1808.4	48.4
1808.6	67.9
1808.8	89.3
1809.0	112.7
1809.2	144.3
1809.4	188.1
1809.6	231.0
1809.8	276.1



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Brookings Wildlife Habitat Office
520-B 3rd Avenue North, P.O. Box 247
Brookings, South Dakota 57006
Phone: 605-697-2500 Fax: 605-697-2505

August 24, 2005

Eric Gronlund
Water Rights Program
Joe Foss Building
523 E Capitol
Pierre, SD 57501-3181

Mr. Gronlund:

Enclosed is a check for \$275.00 for a water permit application you will be receiving soon. The application will be from **Jody Jessop**.

Please make the receipt for the \$275.00 to me and mail it to:

Boyd Schulz
U.S. Fish and Wildlife Service
P.O. Box 247
Brookings, SD 57006

The U.S. Fish and Wildlife Service will also be paying for the needed newspaper advertisement fees when they occur.

Please contact me with any questions.

Thank you,

Boyd Schulz
Wildlife Biologist

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Brookings Wildlife Habitat Office
520-B 3rd Avenue North, P.O. Box 247
Brookings, South Dakota 57006
Phone: 605-697-2500 Fax: 605-697-2505



Eric Gronlund
Water Rights Program
Joe Foss Building
523 E Capitol
Pierre, SD 57501-3181

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August 24, 2005

Mr. Gronlund:

Attached are two copies of a water permit application and additional corresponding materials. The control structure for the project is located in the SE ¼ section 35-T106N-R78W in Lyman county. The majority of the land on which water will pool is owned/operated by Jody Jessop of Presho, SD. Ronald Cropsey, also of Presho, has a small amount of land on which water will pool. Both Mr. Jessop and Mr. Cropsey want to restore the wetland to the extent possible.

The project involves partially restoring a wetland that is currently completely drained by subsurface drainage tile. The current drainage tile has a 1.1 feet diameter riser intake. Additional height is proposed to be added to the riser to allow the wetland to store water. Only a partial restoration will be possible because of the proximity of the wetland to two township roads. At the proposed restoration elevation of 1809.2, the wetland will have a maximum depth of 1.6 feet, cover 185.81 surface acres, and store 144.3 acre feet of water. Please note that the surface acre amounts on the attached 8 ½" x 14" map are for the surface acreage north of the east-west township road only. Total surface acreage is included on the water permit application and a separate sheet included in the corresponding information.

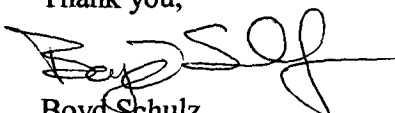
The project was surveyed and designed by Brosz Engineering Inc. of Pierre South Dakota.

The township in which the project is located is an unorganized township. The roads are therefore maintained by the county. You will notice from the maps that the project has two township roads within the project boundary. Mr. Jessop and I attended a Lyman County Commissioners Meeting on August 16, 2005. We explained the proposed project to them. The County Commissioners, Mr. Jessop and I agreed that the north-south township road (non-graveled, dirt surfaced) should be built up approximately two feet to allow continued use by the public. The U.S. Fish and Wildlife Service will incur this cost as part of the restoration expense.

The U.S. Fish and Wildlife Service will pay all water permit application fees but would like any permits to be in Mr. Jessop's name.

Please contact me with any questions, concerns, or if additional information is needed.

Thank you,


Boyd Schulz
Wildlife Biologist



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 6, 2005

Boyd Schulz, Wildlife Biologist
US Fish & Wildlife Service
PO Box 247
Brookings SD 57006

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SEP 12 2005

WATER RIGHTS
PROGRAM

RE: Water Permit Application for Jody Jessop

Dear Mr. Schulz:

Thank you for submitting the *Application for a Permit to Appropriate Water* on behalf of Jody Jessop. In order to complete the application the following is required.

- Enclosed is the map submitted with the application. The map needs to reference the location of the control structure in relation to a government section corner or quarter corner. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure

Karen,
Enclosed is the map with needed additions. I called your office on 9-9-05. You were not available so I visited with Tim Schaal. Please give me a call with questions. Thank you. Boyd 697-2500



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Brookings Wildlife Habitat Office
520-B 3rd Avenue North, P.O. Box 247
Brookings, South Dakota 57006
Phone: 605-697-2500 Fax: 605-697-2505

Tim Schaal
Water Rights Program
Joe Foss Building
523 E Capitol
Pierre, SD 57501-3181

September 27, 2005

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SEP 29 2005

WATER RIGHTS
PROGRAM

Tim,

Attached are two copies of a map indicating the general location of road culverts around the proposed Jody Jessop wetland restoration project and a description of the size and placement of the culverts.

A copy of the Wildlife Extension Agreement with Rolly Cropsey will be coming soon.

Please contact me with any questions regarding this information.

Thank you,

Boyd Schulz
Wildlife Biologist

Jessop Property Road Culverts

- #1 40 feet of 15 inch culvert
elevation of 1807.6
1545 feet north of intersection
- #2 40 feet of 18 inch culvert
elevation of 1807.8
849 feet west of abandon building site approach
- #3 40 feet of 18 inch culvert
elevation of 1808.4
west side of intersection
- #4 40 feet of 18 inch culvert
elevation of 1808.4
east side of intersection

Wetland Outlet





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2567-2, Jody Jessop**

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. 2567-2, Jody Jessop, 24188 300th Avenue, Presho SD 57568.

The Chief Engineer is recommending APPROVAL of Application No. 2567-2 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 qualifications:

1. Water Permit No. 6635-3 authorizes restoration of a wetland with a storage capacity of 144.3 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation of 1,809.2 feet mean sea level.
2. Permit No. 2567-2 does not allow water to be impound on property owned by others unless all necessary easements are obtained.

See report on application for additional information.

Garland Erbele, Chief Engineer
October 13, 2005

REPORT ON
WATER PERMIT APPLICATION No. 2567-2
Jody Jessop
October 5, 2005

Water Permit Application No. 2567-2 has been filed by Jody Jessop to impound 144.30 acre-feet of water by restoring an existing drained wetland located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35-T106N-R77W, in Lyman County. Water will be stored in the SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 35 and SW $\frac{1}{4}$ of Section 36-T106N-R77W; and the N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 2-T105N-R77W. The application also requests impoundment of sufficient water to maintain water at the outlet elevation of 1809.2 feet mean sea level (fmsl). The water will be used for fish and wildlife production, recreation and livestock water purposes.

Discussion:

The project involves restoring a wetland that has been drained by a subsurface tile drain. The current drainage tile has a 1.1 foot diameter riser intake. The project design will raise the intake to elevation 1809.2 fmsl, the wetland will have a maximum depth of 1.6 feet and cover 185.1 surface acres with a storage capacity of 144.3 acre feet of water.

The project is a cooperative agreement between the US Fish & Wildlife Service (USFWS); Jody Jessop, who owns/operates the majority of the flooded land; and several adjacent landowners who may have a small portion of the flooded land, which will be authorized under a Wildlife Extension Agreement with the USFWS. It has been designed and surveyed by Brosz Engineering, of Pierre, South Dakota. The USFWS met with the Lyman County Commissioners on August 16, 2005 to discuss the adjacent roads. The USFWS will raise the north-south township road, located just downstream of the outlet between Sections 35 & 36-T106N-R77W, approximately 2 feet to insure public access along this section line road.

The proposed project's outlet structure will be located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35-T106N-R77W. The Department of Game, Fish & Parks holds Vested Right Claim No. 601-2 for Fate Dam, which is located on Nail Creek about one mile downstream in the SW $\frac{1}{4}$ of Section 31-T106N-R76W. Fate Dam has a drainage area of approximately 29 square miles and a storage capacity of 360 acre-feet of water. The proposed wetland restoration project should not have any adverse effect on Fate Dam.

Conclusions:

1. Water Permit Application No. 2567-2 should be approved since unappropriated water is available and approval should not have any adverse effect on existing Water Permits/Rights.
2. The Wildlife Extension Agreements between the USFWS and the adjacent landowners should be signed before the project is completed.



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

File No. 2567-2

Water Rights Division -DENR
Conversation or File Documentation

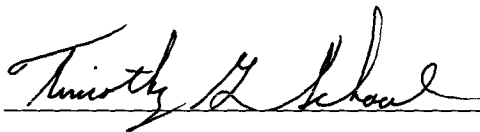
NAME OF PERSON OR FILE: Boyd Schulz, USFWS

ADDRESS: XXXXXXXXXXXXXXXX COUNTY: XXXXXX

DATE: September 22, 2005 TELEPHONE: 697-2500

RE: Application N0. 2567-2, Jody Jessop, correct legal location

I talked to Boyd Schulz, with the US Fish & Wildlife Service in Brookings, today about the legal location on Judy Jessop's Water Permit Application No. 2567-2. Boyd agreed with me that the legal location should be corrected to read **Section 35-T106N-R77W** instead of Range 78W as listed on the application.

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

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

Publisher's Affidavit of Publication

OK

STATE OF SOUTH DAKOTA)
COUNTY OF LYMAN)SS

Lucy Halverson, of said county and state being duly sworn on her oath says: The Lyman County Herald is a weekly newspaper of general circulation and published in Presho, Lyman County, and State of South Dakota; and has been such newspaper during the times hereinafter mentioned; That said newspaper is a legal weekly, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said County of Lyman more than fifty-two successive weeks next prior to publication of the notice hereinafter mentioned and maintained at the place of publication; That I, the undersigned am editor of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; that the advertisement headed:

Notice of Application
2567-2

a printed copy of which is hereto attached and published in the said newspaper for 2 consecutive week(s).

The first publication of said notice in said newspaper aforesaid was on Wednesday, the 19 day of Oct A.D., 2005 and that the succeeding publications were severally
Wednesday, the _____ day of _____ A.D., 2005
Wednesday, the _____ day of _____ A.D., 2005
Wednesday, the _____ day of _____ A.D., 2005
Wednesday, the _____ day of _____ A.D., 2005
Wednesday, the _____ day of _____ A.D., 2005
Wednesday, the _____ day of _____ A.D., 2005
Wednesday, the _____ day of _____ A.D., 2005

and the last publication on Wednesday, the 26 day of Oct 2005, that the full sum of fees charged for publishing the same, to-wit; the sum of \$ 40.43 insures solely to the editor of The Lyman County Herald. That no agreement or understanding for any division thereof had been made with any other person, and that no part thereof has been agreed to be paid to any person whatsoever.

Lucy Hal
Michael J. Sprenger
Notary Public

Subscribed and sworn to before me this 20 day of Oct, 2005
My Commission expires _____, 200__

MICHAEL J. SPRENGER
NOTARY PUBLIC - SOUTH DAKOTA
My Commission Expires
March 27, 2009

RECEIVED
OCT 26 2005
WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION NO. 2567-2 to Appropriate Water

Notice is given that Jody Jessop, 24188 300th Ave, Presho SD 57568 has filed an application for a water permit to impound 144.30 acre-feet of water from runoff by restoring a wetland located in the NE 1/4 SE 1/4 Section 35 with water impounded in the SE 1/4, E 1/2 SW 1/4, SE 1/4 NW 1/4, S 1/2 NE 1/4 Section 35 and SW 1/4 Section 36; all in T106N-R77W. This application requests impoundment of sufficient water to maintain water to the outlet elevation of 1809.2 feet mean sea level. The water is for fish and wildlife propagation and livestock water purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2567-2, 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 November 14, 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.

Instruction to Newspaper - Publish first Notice on October 19, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2567-2 to Appropriate Water

Notice is given that Jody Jessop, 24188 300th Ave, Presho SD 57568 has filed an application for a water permit to impound 144.30 acre-feet of water from runoff by restoring a wetland located in the NE ¼ SE ¼ Section 35 with water impounded in the SE ¼, E ½ SW ¼, SE ¼ NW ¼, S ½ NE ¼ Section 35 and SW ¼ Section 36; all in T106N-R77W. This application requests impoundment of sufficient water to maintain water to the outlet elevation of 1809.2 feet mean sea level. The water is for fish and wildlife propagation and livestock water purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2567-2 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.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
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.

October 13, 2005

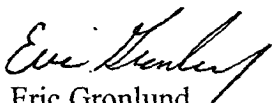
Jody Jessop
24188 300th Ave
Presho SD 57568

Dear Mr. Jessop:

Water Permit Application No. 2567-2 for fish and wildlife propagation and domestic use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Lyman County Herald printed at Presho, SD (Ph # 605-895-6397). 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. Boyd Schulz with the US Fish and Wildlife Service will 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

cc: Boyd Schulz, US Fish & Wildlife Service, PO Box 247, Brookings, SD 57006

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



DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

October 13, 2005

Lyman County Herald
PO Box 518
Presho SD 57568

ATTENTION: Legal Public Notice

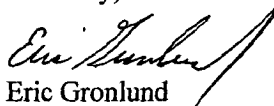
Enclosed is a Notice on Application No. 2567-2 to Appropriate Water to be published twice. Please publish the first notice on October 19, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. The APPLICANT is Jody Jessop, 24188 300th Ave., Presho SD (Ph # 605-895-2696). Please **BILL Boyd Schulz, US Fish & Wildlife Service, PO Box 247, Brookings, SD 57006 for the cost of publication.**

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. 2567-2

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

Date _____

We are in receipt of your letter of October 13, 2005 enclosing Notice to Appropriate Water by Application No. 2567-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



NOV 18 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

Jody Jessop
24188 300th Ave
Presho SD 57568

Dear Mr. Jessop:

Enclosed is Water Permit No. 2567-2 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

cc: Boyd Schulz, USFWS

Permit No. 2567-2
Missouri 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, **April 29 2008**, made a thorough examination of the water use system constructed by **Jody Jessop** of **24188 300th Ave., Presho, SD 57568** holder of Permit No. **2567-2**, bearing the priority of **September 1, 2005** authorizing the storage of **144.3** acre-feet of the waters of **runoff** for **fish & wildlife propagation and livestock water** purposes, in **Lyman** County.

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

A. Works used to divert the water:

A restored wetland with 185.1 surface acres and storage capacity of 144.3 ac-ft of water.

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

N/A

C. Works used to apply water to beneficial use:

A restored wetland with 185.1 surface acres and storage capacity of 144.3 ac-ft of water.

The system is in the following condition **good**. The point of diversion is located **2130 ft. north of the SE corner of Sec. 35-T106N-R77W (NE ¼ SE ¼) (Lat. 43.939987 & Long. -100.026183).** The works are capable of storing **144.3** acre-feet of water which is to be used for **fish & wildlife propagation and livestock water** purposes. Water has been put to beneficial use to the maximum extent as follows:

A restored wetland with 185.1 surface acres and storage capacity of 144.3 ac-ft of water.

and the license should be issued for **144.3** acre-feet of storage.

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

Exceptions to compliance are: **none** Date Report Completed: **August 20, 2009**



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

REPORT ON INSPECTION OF PERMIT NO. 2567-2

DATE OF INSPECTION: **April 29, 2008**

NAME & ADDRESS OF PERMIT HOLDER: **Jody Jessop, 24188 300th Ave, Presho, SD 57568**

DIVERSION POINT LEGAL LOCATION: **2130 ft. north of the SE corner of Sec. 35-T106N-R77W (NE ¼ SE ¼) (Lat. 43.939987 & Long. -100.026183).**

WETLAND RESTORATION:

The project involves restoring a wetland that has been drained by a subsurface tile drain. The current drainage tile has a 1.1 foot diameter intake riser. The project raised the intake to elevation 1809.2 fmsl, the wetland has a maximum depth of 1.6 feet and covers 185.1 surface acres with a storage capacity of 144.3 acre-feet of water.

NOTE: A portion of the 185.1 acre wetland authorized is located in the N ½ NW ¼ and N ½ NE ¼ of Sec. 2-T105N-R77W. This portion of the wetland was included in the application map, but was mistakenly not included in the published Notice of Application.

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 No. 2567-2



Timothy G. Schaal

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

8/20/09



**DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

AUG 24 2003

2567-2

Jody Jessop
24188 300th Ave
Presho SD 57568

Dear Mr. Jessop:

Enclosed is your Water License No. 2567-2. Water License No. 2567-2 is the final document which completes the process of obtaining a water right. Also included is a map prepared by the staff engineer who conducted the field investigation.

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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2567-2

(1) Jody Jessop, 24188 300th Ave, Presho SD 57568 made Application No. 2567-2, September 1, 2005 for a water permit to impound 144.3 acre feet of runoff water by restoring a wetland in Lyman County, South Dakota for fish and wildlife propagation and livestock watering purposes. Permit No. 2567-2, with a priority date of September 1, 2005 was approved November 14, 2005 and issued to the applicant for diversion of water with construction to be completed on or before November 14, 2010 and for the application to beneficial use of water on or before November 14, 2014.

(2) The wetland has been restored and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Jody Jessop, 24188 300th Ave, Presho SD 57568 the holder and/or owner of Water Right No. 2567-2 is issued a license, bearing a priority date of September 1, 2005 to impound 144.3 acre feet of runoff water for fish and wildlife propagation and livestock watering purposes.

The wetland (control structure) is located:

- 2,130 feet north of the SE corner of Section 35, T106N, R77W (NE $\frac{1}{4}$ SE $\frac{1}{4}$).
- Water is impounded in the SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 35 and SW $\frac{1}{4}$ Section 36, T106N, R77W and also in the N $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 2, T105N, R77W.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2567-2, including the following qualifications:

- Water Permit No. 2567-2 authorizes restoration of a wetland with a storage capacity of 144.3 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation of 1,809.2 feet mean sea level.
- Permit No. 2567-2 does not allow water to be impounded on property owned by others unless all necessary easements are obtained.


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

AUG 24 2009

date

