

Water Right Number 4224-3

1. Considered MARCH 28, 19 78
2. Name of Applicant U.S. FISH AND WILDLIFE SERVICE
3. Post Office Address DENVER, CO
4. Amount of water claimed 1.11
5. Source of water supply 80' DEEP WELL
6. Water to be used for FISH CULTURE

Acres to be irrigated -

7. Water to be diverted and used in YANKTON County
about 3 Miles WEST of YANKTON

8. Proof of Publication

Received 1ST 3-28-78

Not received _____

9. Application

Approved _____

Subject to _____

Not approved _____

Action deferred _____

10. Remarks:

No. 4224-3Map No. 3445-3 Water Division No. 3 JAMES RIVER District
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant U.S. Fish and Wildlife Service
 Postoffice address P.O. Box 25486, Denver Federal Center, State Colorado 80225
Denver,
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Gavins Point National Fish Hatchery Supply Well 1A
4. Amount of water claimed (cubic feet per second) 500 gpm
5. Source of water supply 12" Well 80 feet down
6. Location of point of diversion 460' from the east line and 300' from the south line of the NE $\frac{1}{2}$ SE $\frac{1}{2}$ of Section 17, T93N, R56W
- County Yankton
7. Annual period or periods during which water is to be used Year round--January 1 to December 31
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Fish hatchery uses
9. For irrigation use, fish hatchery use. Total number of acres to be irrigated N/A

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
Within the W $\frac{1}{2}$, Section 16, and the E $\frac{1}{2}$, Section 17, T93N, R56W	<u>40</u>	<u>Gavins Point National Fish Hatchery</u>	

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 1 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Yankton
12. Principal Features of the Proposed Water Supply System.

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

12" Well 80 feet down, pump and electric motor

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

8" steel pipeline up to 500 feet long from well to existing hatchery lines

C. Works proposed to apply water to beneficial use.

Existing works at Gavins Point HatcheryEstimated Total Cost \$ 20,000Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)STATE OF South DakotaCounty of YanktonI, James P. Sherman the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed

Subscribed and sworn to before me this

day of February19 78
Notary Public (or other qualified officer)
My Commission expires
Aug 27, 1981

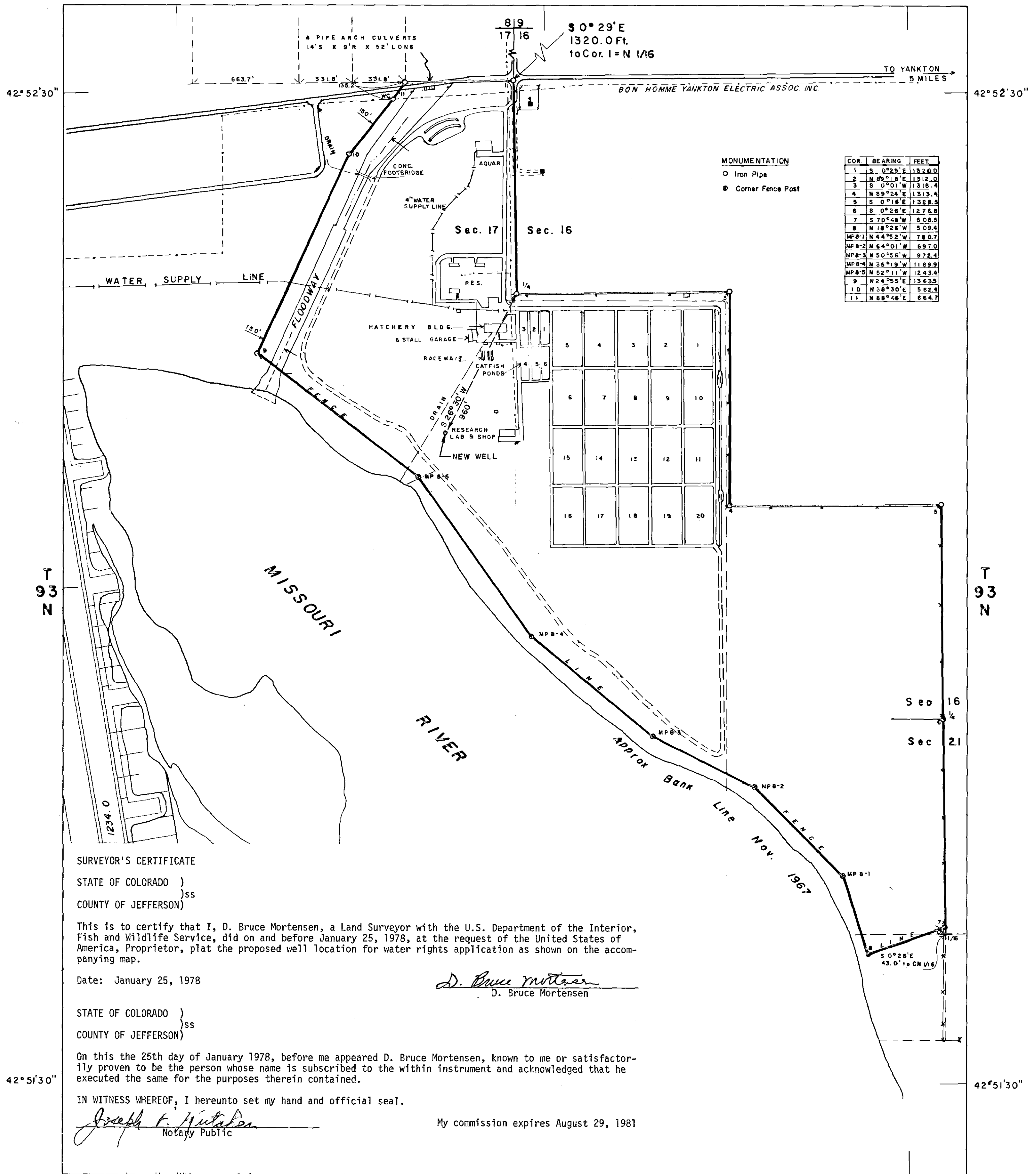
GAVINS POINT NATIONAL FISH HATCHERY

UNITED STATES
DEPARTMENT OF THE INTERIOR
97°29'

YANKTON COUNTY, SOUTH DAKOTA

FISH AND WILDLIFE SERVICE
BUREAU OF SPORT FISHERIES AND WILDLIFE
97°28'

R 56 W



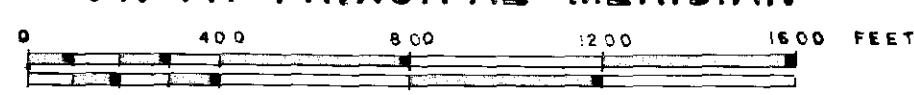
COMPILED IN THE BRANCH OF ENGINEERING
FROM SURVEYS BY (CofE AND BSFAW)

MINNEAPOLIS, MINNESOTA

NOVEMBER, 1967

Scale

FIFTH PRINCIPAL MERIDIAN



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

TOWNSHIP
DIAGRAM

TRUE NORTH
MAGNETIC N.

MEAN
DECLINATION
1965

3F S.D. 492 406

MAP # 3445-3 (APPL. # 4224-3)

RECEIPT

414771

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, January 29, 19 96

RECEIVED OF U.S.F.W.S., P.O. Box 25486, DFC, Denver, CO 80025-0486

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. <u>4224-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4224-3
U.S. FISH & WILDLIFE SERVICE P.O. Box 25486 - DENVER FEDERAL
 (Applicant) (Post Office Address) CENTER
DENVER, COLO. 80225 With the following modifications:
 (State)

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

Date of first receipt of application FEBRUARY 8 19 78

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

Date of receipt of corrected application _____ 19 _____

Approved MARCH 28 19 78 Recorded in Book 19 Page 315

WATER RIGHT PERMIT NO. 4224-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4224-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is FEBRUARY 8 19 78
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPT. 28 19 78
3. The whole of said work is to be completed on or before MARCH 28 19 79
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 28 19 80
5. The water appropriated shall be used for the purpose of FISH HATCHERY USE

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 1.11 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for ~~beneficial use~~ ~~and if for the irrigation purpose said appropriation must be limited to not more than 1.25 cubic feet per acre per year and be limited to not more than 1.25 cubic feet of water per second of time for each acre of land to which water is~~

USED FOR FISH HATCHERY PURPOSES actually and beneficially ~~applied~~ applied on or before MARCH 28 19 80; said water to be used during the following described annual period: CONTINUOUSLY

Witness my hand this 6th day of APRIL 19 78

WATER RIGHTS COMMISSION

By:

John Ketch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 _____

Water License Issued _____ 19 _____

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: NE 1/4 SE 1/4 Section 17 Township 93N Range 56W
 Well owner: Gavin Point National Fish Hatchery, R.R. 1, Yankton, SD 57078
 (Name) (Address)
 Date well drilling completed: 3/23/78 Purpose of well: municipal
 (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer	ft.
0' - 10'	top soil	50	
10' - 17'	brown clay	Depth to static water level	20
17' - 23'	fine sand	Name of producing aquifer (if known)	
23' - 30'	medium sand	Total depth of drill hole	70
30' - 43'	fine sand-some coarse	Depth to bottom of casing	50
43' - 50'	coarse sand small gravel	Casing information: In the space below show kind, size, weight, length per diameter, etc., for production casing and surface casing, if used.	
50' - 53'	gravel-rock (clay layer)		
53' - 70'	gravel-big rock		
		Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.	

50' of 12" PVC casing

20' Johnson screen (12")

If a flowing well, flow of completed well _____ G.P.M.

Nichols Well & Pump Co.

Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump: Western Land Roller HP. 15
 Type of pump: vertical turbine Capacity of installed pump: 700 G.P.M.
 Depth of pump placement: 60 ft., Date of pump installation: June 1978

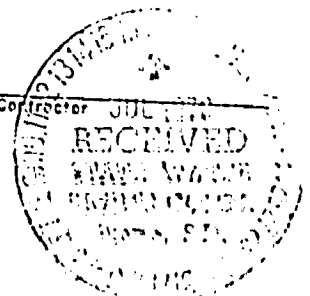
(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 66.403 of Chapter 66, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____ tube material _____

Nichols Well & Pump Co.

Name of Pump Installation Contractor



not for record
for 48

NICHOLS WELL & PUMP COMPANY
4104 Floyd Blvd.
SIOUX CITY, IOWA 51108

6423

(712) 239-1212

June 28, 1978

Gavin Point Fish Hatchery

R.R. 1

Yankton, SD 57078

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
	Men, tools, and equipment to furnish and install pump, motor, starter, and column, tube and shaft.		
1	2 stage 10C Western Land Roller pump with 6" flanged to 8" adapter - Serial #C79361		
60'	8 5/8" x 1 1/4" water lube column and shaft		
1	8M Western Land Roller pump head		
1	15HP US 3 phase motor - serial #2115457		
1	magnetic starter		
	Complete pump setting and installation per contract		3,969.
	Tax exempt		
1 hr.	cleaning and bailing well		35.
	Total due		4,004.

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 12", Depth 80'
(2) Casing, Type PVC or ABS Diameter 12" Thickness .606
(wood, concrete, steel, etc)
(3) Perforated Screen.
Type Stainless Steel Johnston Diameter 12" Length 30'
Wire
(4) Gravel Pack, Thickness 6", Length of gravel pack 30'

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

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

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

Character of Water bearing materials Not available--no test hole. Will forward
on completion of new well

Depth to top of water bearing material 50 feet (estimate)

Depth to bottom of water bearing material 80 feet (estimate)

Thickness of water bearing material 30 feet (estimate)

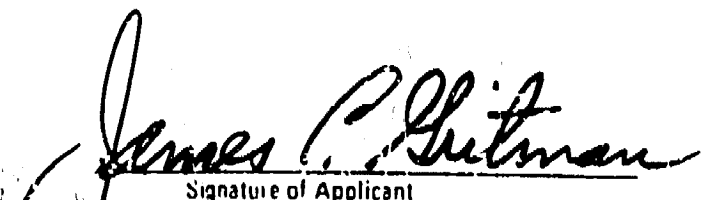
Depth to water (ground surface to water level) 20 feet (estimate)

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

On same owner's property 24 rds. On property owned by others 61 rds.

G. Water Storage Dams.

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


Signature of Applicant

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6341

PIERRE, February 10, 1978

RECEIVED OF Donald G. Stewart (U.S. Fish & Wildlife) Lakewood, CO FUND 290
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. 4224-4 (examination, processing, recording and filing) -----	150	00
Fee for Inspecting Construction, and issuing Cert. of Construction No. -----		
Fee for Inspecting Beneficial Use, and issuing Water License No. -----		
Fee for issuing Location Certificate-Dry Draw, No. -----		
Fee for filing -----		
Fee for certified copy of -----		
Fee for Print copy of map -----		
Fee for Certifying -----		
Fee for ----- (any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH kjw

Form 6 - Notice of () ent to Appropriate Water
GROUND WATER

No. 4224-3

Publish first publication, on or before March 10, 1978

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 16, 1978

Notice is hereby given that U.S. Fish & Wildlife Service whose post office address is Denver, Colorado, ~~XXXXXXXXXX~~ has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.11 cubic feet of water per second of time from ground water (One well) through the Gavens Point National Fish Hatchery Supply Well 1A, the point of diversion of which is to be located in the _____

NE 1/4 SE 1/4

of Section 17, Twp. 93N Range 56W Said water to be used for ~~XXXXXXXXXXXX~~
~~XX~~
Fish Hatchery Use.

This Application No. 4224-3 will be considered by the Water Rights Commission at the Guest House in Watertown SD upon the 28th day of March, 1978 at 10 AM. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS COMMISSION

BETTY WESTLUND
Water Rights Specialist

cc: U.S. Fish & Wildlife Service, Box 25486, Denver Federal Center, Denver CO 80225

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF YANKTON

SS.

Joan M. Monfore being first duly sworn says: That he is the Vice President of the Yankton Printing Company, a corporation, the printer and publisher of the Yankton Daily Press and Dakotan, a daily newspaper of general circulation, printed and published in the City and County of Yankton, South Dakota; that he has personal knowledge of all the facts stated in this affidavit; and that the advertisement captioned Notice of Hearing on Application to Appropriate Water

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement, once each Week for Two successive Weeks, the first publication being made on the 10th day of March, 1978, and the last publication being made on the 17th day of March, 1978.

The first publication being made on the 10th day of March.
The second publication being made on the 17th day of March.
The third publication being made on the _____ day of _____.
The fourth publication being made on the _____ day of _____.
The fifth publication being made on the _____ day of _____.
The sixth publication being made on the _____ day of _____.
The seventh publication being made on the _____ day of _____.
The eighth publication being made on the _____ day of _____.
The ninth publication being made on the _____ day of _____.
The tenth publication being made on the _____ day of _____.

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies daily and has been published in the English language within the said County of Yankton for more than one year next prior to the first publication of said notice, and is printed in Yankton in an office maintained in Yankton, South Dakota, the place of publication of said newspaper. That the full amount of the fee paid for the publication of the annexed notice is \$17.60, which inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 28th day

of March, 1978

Notary Public, South Dakota

3-13-78 NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501
February 16, 1978

Notice is hereby given that U.S. Fish & Wildlife Service whose post office address is Denver, Colorado has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11; 46-2-13; 46-3-1 thru 46-3-8; 46-5-10 thru 46-5-21; 46-5-41; 46-6-3; 46-6-5; 46-6-1; 46-6-18; 46-6-14 and Commission Rules ARSD 42:01:01:01 thru 42:01:01:13, for a permit to appropriate for beneficial use 1.11 cubic feet of water per second of time from ground water (one well) through the Gavins Point National Fish Hatchery Supply Well 1A, the point of diversion of which is to be located in the NE 1/4 SE 1/4 of Section 7, Twp. 60N, Range 56W. Said water to be used for Fish Hatchery use.

This Application No. 424-3 will be considered by the Water Rights Commission at the Court House in Watertown, S.D. upon the 28th day of March, 1978 at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-35 may notify the Commission in writing prior to the hearing or orally at the hearing.

WATER RIGHTS
COMMISSION
BETTY WESTLUND
Water Rights Specialist I

Publication Fees \$ _____

Received Payment, _____

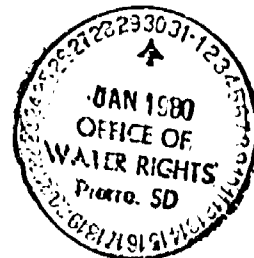
*Received
March 28, 1978*

Save Energy and You Serve America!

Form 10.

No. 4224-3 *Yankton*

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE



Post Office _____

Date _____

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 4224-3.

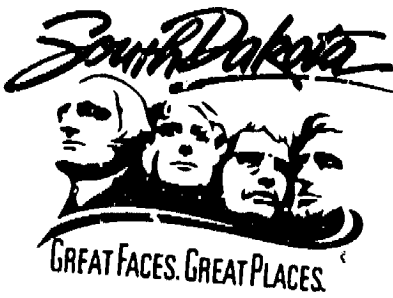
Water Right Permit No. 4224-3 states that the diversion system is to be constructed by March 28, 1979 and that the water is to be put to beneficial use by March 29, 1980.

The diversion system was completed on December 8, 1979.
Applying the water to beneficial use was completed on December 8, 1979.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

James P. Kuttman
(Signature)

Acting Regional Director



4224-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 2 1996

5907-3

Linda Coe
Water Rights Technician
U.S. Fish and Wildlife Service
Box 25486
Denver Federal Center
Denver, CO 80225

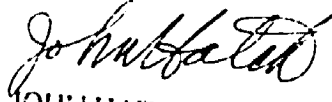
Dear Ms. Coe:

Enclosed are Water Permit No. 5907-3 and Water License No. 5907-3. These documents complete the process of obtaining a Water Right. Enclosed is Receipt No. 414771 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5907-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,


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

ks
enclosures

NOTE: The applicable portions of Nos. 953-3 and 4224-3 are incorporated into this Water License No. 5907-3.

Mark Drobish, Gavins Point National Fish Hatchery, Gavins Point Dam, Yankton, SD 57078