

1. Considered: October 7, 19 82 Water Right No. 4921-3
2. Name of Applicant ~~City~~ Department of Game, Fish and Parks
3. Post Office Address Pierre
4. Amount of Water Claimed 4.46 maximum acre feet
5. Source of Water Supply Missouri River
6. Water to be used for Fish Hatchery acres to be irrigated
7. County Potter about 14N, 3N miles of GETTYSBURG
8. PROOF OF PUBLICATION: Received 12-9-82 Not Received
- APPLICATION: Approved 10-7-82 Subject to OK
- Not Approved Action Deferred

PRIORITY 9/2/82 Dated Received 9/2/82 Application complete-yes x no FEE n/a

Remarks EAST WHITLOCK'S SPAWNING AND IMPRINT STATION

Corrected Application received Period of Annual Use

WATER QUALITY Received yes no APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application-yes no Remarks

Disapproved Returned

		*			
			10		

Diversion Point

NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10-T118N-R78W

Land to be irrigated

WELL LOG Driller Licensed - yes no

Depth

Remarks

MAP Map No. 4121-3 Map located in Water Right CX Map file _____
Type of Map drawn-aerial Prepared by Winston Douglas PE

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

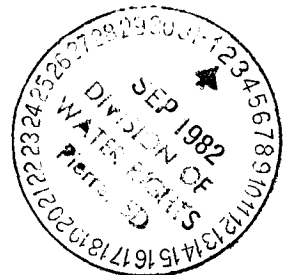
9/3/82


(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
F.F. & C. Final Decision, including F.F. & C. of Law were adopted _____
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
DECISIONS adopted _____
ETC. Remarks _____

No. 4921-3Map No. 4121-3 Water Division No. 3 MISSOURI RIVER District
Above for Office Use 10130105

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

4:00 pm

Check one of the following:

New X Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Department of Game, Fish & Parks Phone No. 773-3381
 Post Office Address Anderson Building, Pierre State South Dakota 57501
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract3. Name of diversion work East Whitlock's Spawning and Imprint Station4. Amount of water claimed (cubic feet per second) 4.46 cfs (2000 gpm taken from surface water)5. Source of water supply Missouri River6. Location of point of diversion NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 10, T 118N, R 78WCounty Potter7. Annual period or periods during which water is to be used Continuously8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Fish Hatchery

9. For irrigation use, Total number of acres to be irrigated _____

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

Land Description	No. Acres Irr.

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Potter Co. News Gettysburg 57442

12. Principal Features of the Proposed Water Supply System.

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

Pump.- all water will be returned to the source

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

Pipeline

C. Works proposed to apply water to beneficial use.

Fish tanks within cold storage building.

Estimated Total Cost \$ 190,600.00

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

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

I, Art R. Talsma 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 Art R. TalsmaSubscribed and sworn to before me this 20th day of August, 1982Charles Keeler

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4921-3

DEPARTMENT OF GAME, FISH AND PARKS

ANDERSON BUILDING, PIERRE

(Applicant)

(Post Office Address)

SOUTH DAKOTA 57501

(State)

With the following qualifications

Date of first receipt of application September 2, 1982

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

Date of receipt of corrected application, 19

Approved October 7, 1982, Recorded in Book Page

WATER RIGHT PERMIT NO. 4921-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4921-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is September 2, 1982
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before April 7, 1985
3. The whole of said work is to be completed on or before October 7, 1987
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is October 7, 1991
5. The water appropriated shall be used for the purpose of a fish hatchery (FWP)

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 4.46 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

USED for a Fish Hatchery

for irrigation on or before October 7, 1991; said water to be used during the following described

annual period: January 1 to December 31

Witness my hand this 12th day of October, 1982

THE WATER MANAGEMENT BOARD

By:

Chief Engineer, Water Rights

JOHN HATCH

Certificate of Construction Issued, 19

Water License Issued, 19



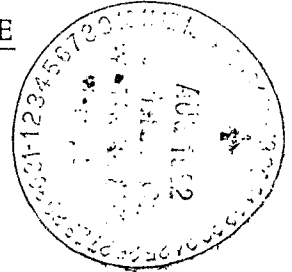
4921-3

Reply to:
Permits Branch
PO Box 5
Omaha, NE 68101

Application No: G.P. 82-09
Date: 10 August 1982
Expiration Date: 24 August 1982

MROOP-N-1.
SD 2SB OXT 3 004801
South Dakota Department of Game,
Fish and Parks
Fisheries Structures
Missouri River Reservoirs

15 DAY NOTICE



NOTICE OF PERMIT PENDING

1. In accordance with Section 325.5(c) as published in the Federal Register, Volume 47, No. 141 of Thursday, 22 July 1982, the US Army Corps of Engineers, Omaha District, Omaha, Nebraska is proposing to issue a General Permit to the South Dakota Department of Game, Fish and Parks for construction of fisheries structures pursuant to Section 404 of the Clean Water Act and Section 10 of the River and Harbor Act.
2. This General Permit will apply to the construction of fisheries structures in the Missouri River Reservoirs within the **State of South Dakota**.
3. When performed under the limitations and conditions explained below, which a proposed activity must meet to receive consideration under this General Permit, they will have only minimal adverse cumulative effects on the environment. These limitations and considerations include:
 - a. That each artificial fisheries structure be constructed in accordance with one of the following methods:
 - (1) Imprint and spawning stations are permanent facilities which are located lakeside where fish concentrate for the purpose of spawning. Typical facilities would include a 30 x 60 ft. cold-storage building to house several modular raceways or tanks, a fishway and fish trap, electrical power for lights and permanent pumps, a well or lake water supply of approximately 400 to 1,000 g.p.m., a parking area for trucks and boat trailers, and security fencing (see drawing, sheet 1 of 8).
 - (2) Rearing subimpoundments would range in size from approximately 5 - 100 acres. They would be constructed with earthen dikes and generally would be shallow water impoundments of 4 - 8 ft. deep. Control structures (gates, planks, or monks) would be installed to drain the subimpoundments so small fish

could be released to the reservoirs. The source of water would be natural drainage or pumping from the reservoirs. Fill material would be borrowed from adjacent project lands and dikes or berms would be sloped at a minimum grade of 1 to 3 and riprapped (see drawing, sheet 2 of 8).

(3) Warmwater Pools would protect and improve warmwater springs which are now flowing into the reservoirs. Construction would generally include excavation and dike work to provide a pool of approximately 1-2 acres which would be open to the reservoir for fish passage. Excavation and fill would be approximately equal and all exposed berms would be sloped at a minimum slope of 1 to 3 and riprapped. Design objectives would be to provide a pool area approximately 15 ft. deep wherein the water temperature would be 5 - 10°F higher than ambient reservoir temperatures (see drawing, sheet 3 of 8).

(4) Fenced Natural Spawning Areas would protect existing riparian habitat associated with creeks and shallow water embayments. Fence construction would occur during low water periods using wood and steel posts and 4 or 5 strand barbed wire (see drawing, sheet 4 of 8).

(5) Aeration Systems would be added to existing or future subimpoundments to provide oxygen to the water during winter for fish survival. Aeration systems would be constructed of one of the following types: compressed air diffusion, aerohydraulic system, surface blower, or Helixor system (see drawing, sheets 5 and 6 of 8).

(6) Rough Fish Barriers may also be constructed. The rough fish barriers are constructed of 3/4-inch bars placed parallel to each other to allow approximately 1-inch space between each. This type structure allows for debris to pass through yet detain fish (see drawing, sheet 7 of 8).

(7) Artificial Reefs and Fishing Piers are constructed of rock and large gravel which would be located in mid to deep water zones for attraction and spawning of cold water species and in the littoral zone for warm water species. Rock and gravel would be placed on firm bottoms forming a reef approximately 300 x 30 x 10 ft. Reefs with an attached fishing pier would be joined to land and have a 10 ft. flat compacted top with sloped riprapped sides to allow fishing access. Reefs which would be submerged will be clearly marked to protect navigational interests (see drawing, sheet 8 of 8).

4. The South Dakota Department of Game, Fish and Parks will notify the District Engineer thirty days in advance of their intent to construct a specific project under the General Permit. This Notice of Intent will contain the following information:

- a. Application for permit (ENG Form 4345).
- b. A drawing or sketch showing details of the proposed project and a location map (with the project location clearly marked).
- c. Brief description of the work.
- d. A completed environmental questionnaire with photographs of the project site.

If the evaluation of the above information indicates compliance with the General Permit requirements, the South Dakota Department of Game, Fish and Parks will be so notified and construction may proceed.

5. Certification that the proposed activities associated with this general permit will not violate applicable water quality standards has been requested from the Regional Administrator, Environmental Protection Agency, Region VIII, Denver, Colorado.
6. The General Permit will be conditioned to include the following:
 - a. That equipment for handling and conveying materials during construction shall be operated to prevent dumping or spilling the materials into the waterway except as authorized herein.
 - b. That no petroleum products, chemicals, or other deleterious materials shall be allowed to enter or be disposed of in such a manner so that they could enter the water and that precautions be taken to prevent entry of these materials into the water.
 - c. That fuel storage tanks above ground shall be diked or curbed or other suitable means provided to prevent the spread of liquids in case of leakage in tank or piping. Such diking or curbed area shall have a capacity at least equal in volume to that of the tank plus 10 percent.
 - d. That the project area is kept clean and free from discarded material.
 - e. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.
 - f. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

g. That this permit may be either modified, suspended, or revoked, in whole or in part, if the District Engineer determines that there has been a violation of any of the terms or conditions of this permit or that such action would otherwise be in the public interest.

h. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

i. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

j. Meet the General Permit conditions and any other special conditions the District Engineer includes to protect the public interest.

7. Any interested parties or agencies entertaining objections to or desiring to express their views concerning the General Permit may do so by filing their comments, in writing, to the District Engineer, Omaha District, Corps of Engineers, PO Box 5, Omaha, Nebraska 68101, on or before 24 August 1982. A lack of response will be interpreted as meaning that there is no objection to the permit approval.

8. The decision whether to issue a General Permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use, energy needs, safety, food production, navigation, recreation, water supply, water quality, and in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (40 C.F.R., Part 230). Issuance of the General Permit will not be considered unless it is found to be in the public interest and in compliance with the following: National Environmental Policy Act of 1969, Fish and Wildlife Coordination Act, the Historical and Archaeological Act, National Historic Preservation Act, Endangered Species Act, and the Clean Water Act of 1977.

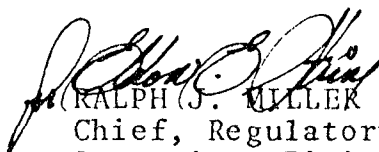
9. A preliminary determination has been made that neither singularly nor cumulatively would this project have a significant effect on the quality of the human environment within the meaning of the National Environmental Policy Act and, therefore, an Environmental Impact Statement will not be required. An Environmental Assessment is currently being prepared which will consider in its preparation, comments received in response to this public notice.

10. If adopted, the policies of the General Permit will be subject to reconsideration at anytime but at least every five (5) years.

11. A permit, if granted, will be under the provisions of Section 10 of the River and Harbor Act of 3 March 1899 (30 Stat. 1151; 33 USC 403) and Section 404 of the Clean Water Act.

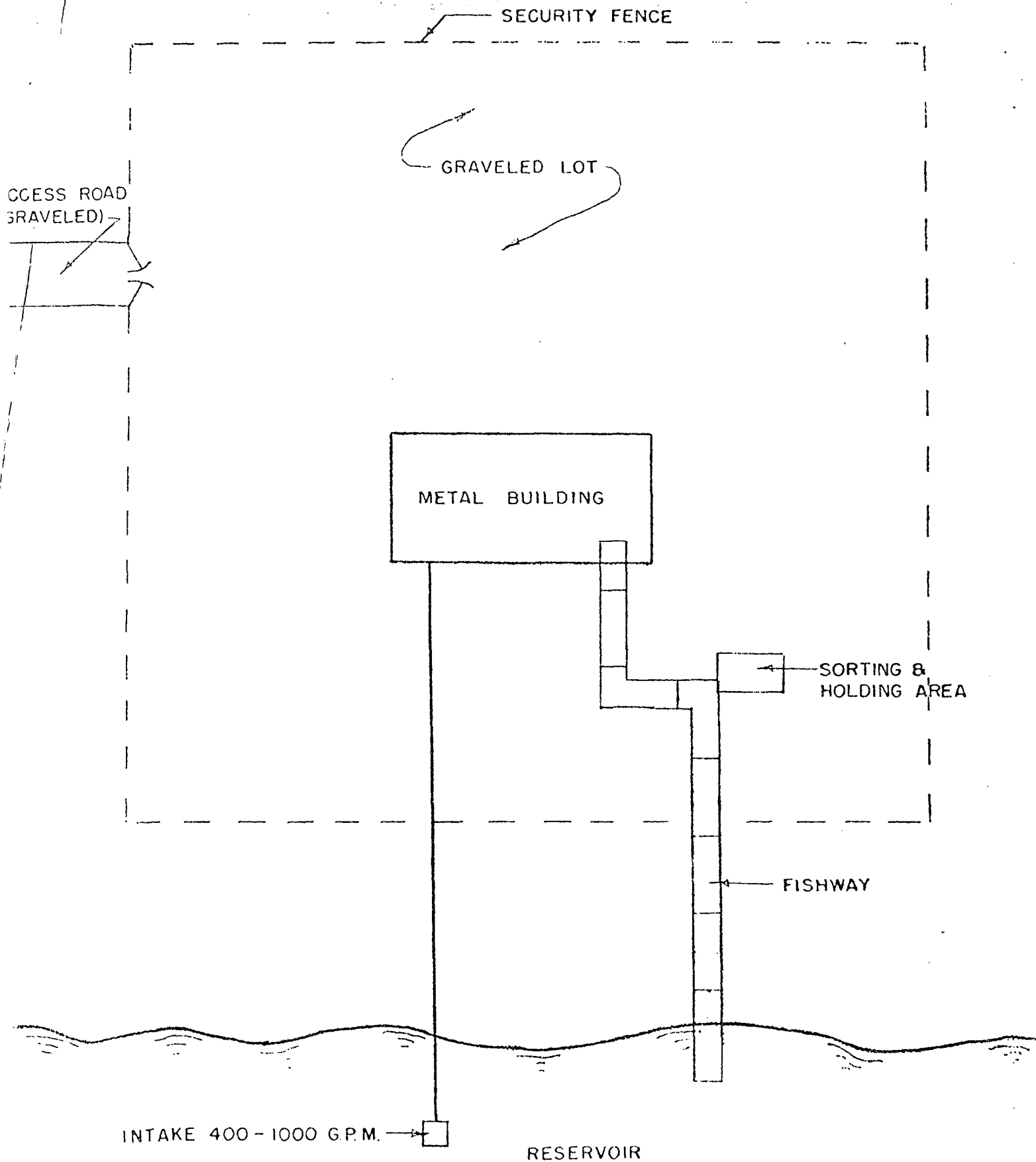
12. Drawings showing the location and extent of the work are attached to this notice.

Attachments
As stated



(RALPH J. MILLER

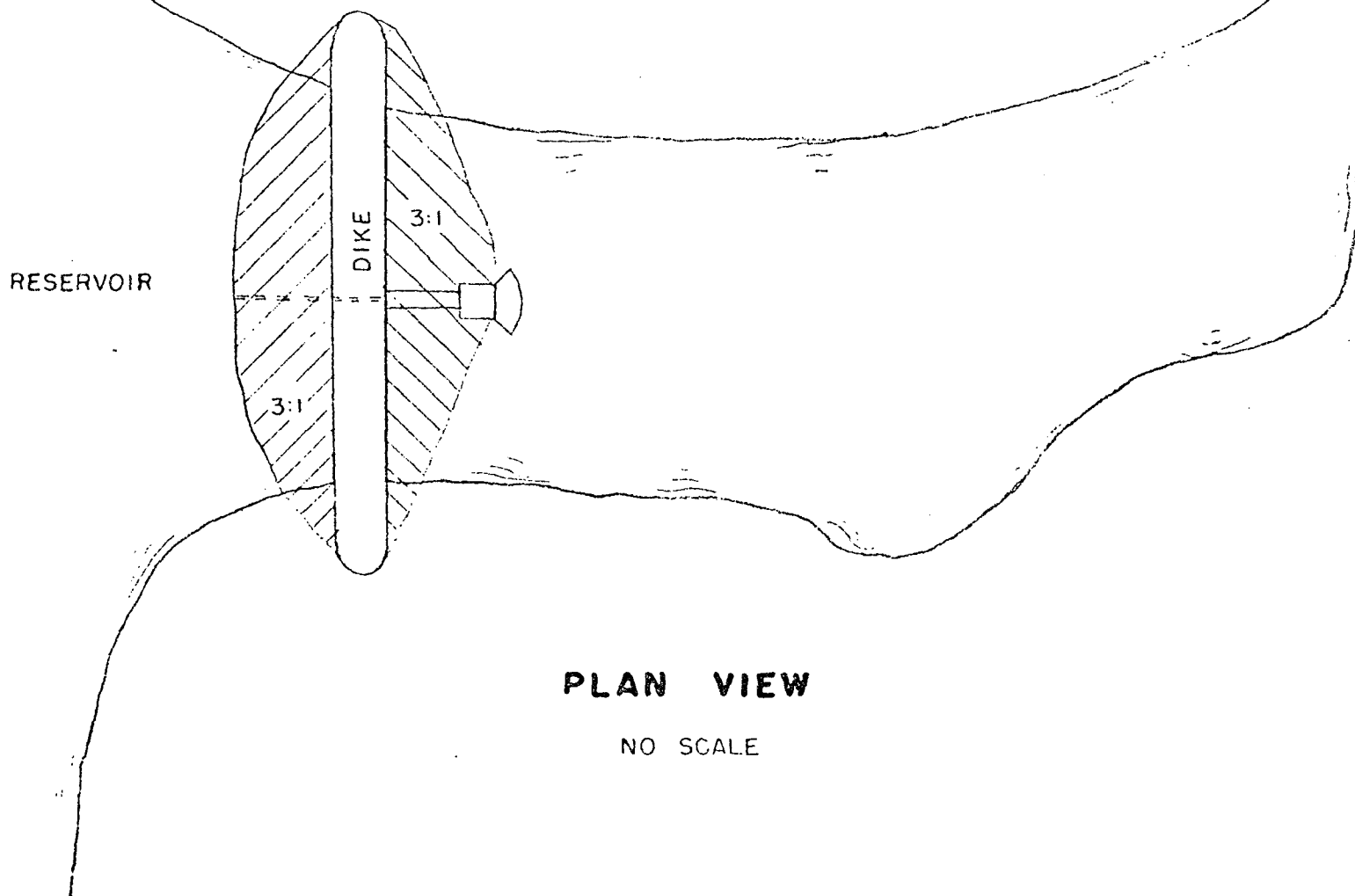
Chief, Regulatory Functions Branch
Operations Division



SPAWNING AND IMPRINT STATION

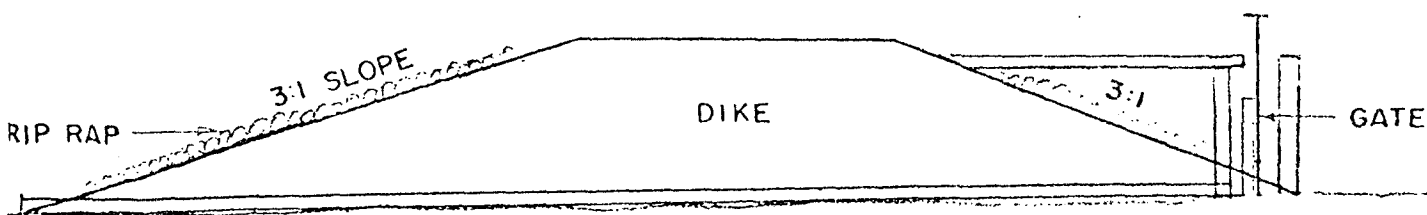
NO SCALE

Sheet 1 of 2



PLAN VIEW

NO SCALE

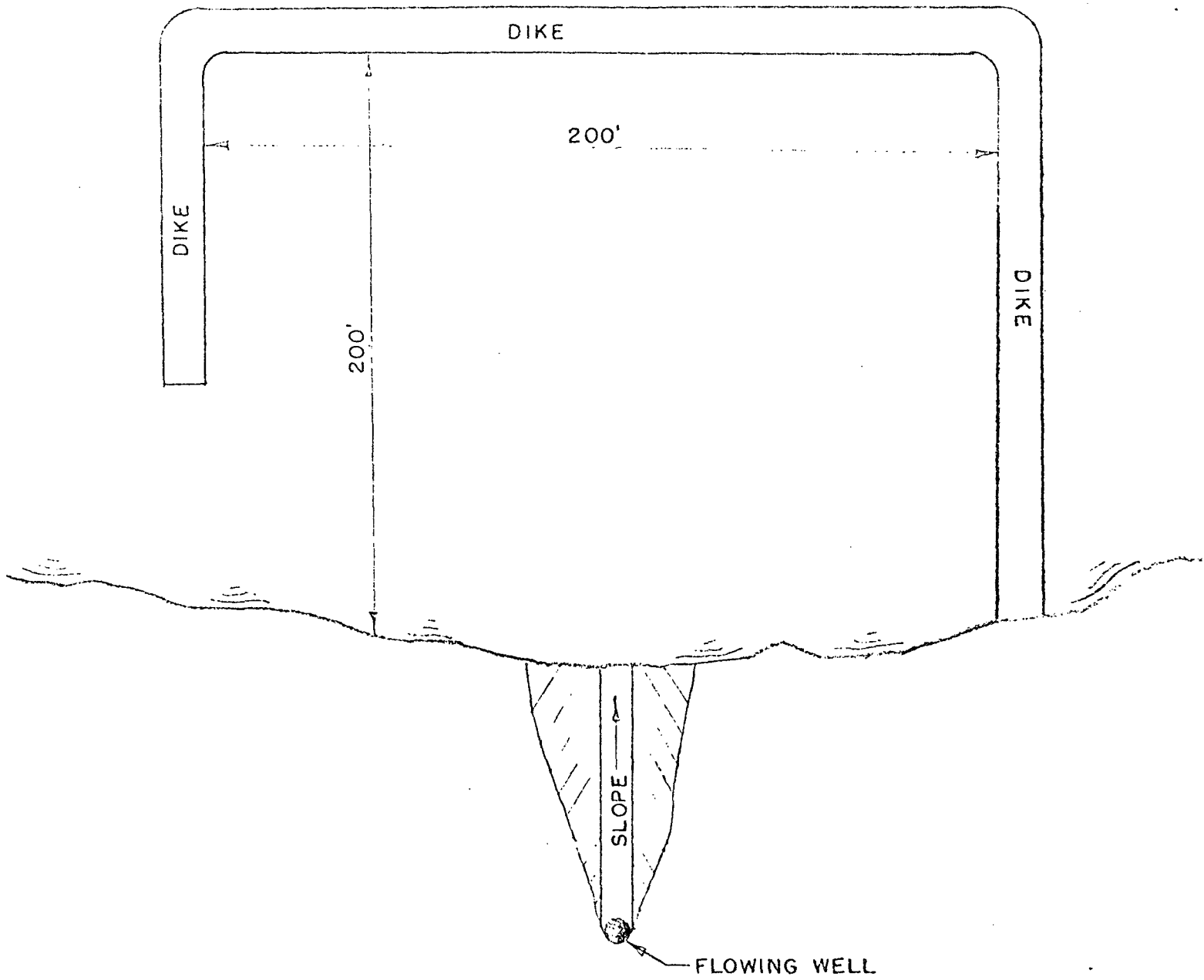


TYP. CROSS SECTION

NO SCALE

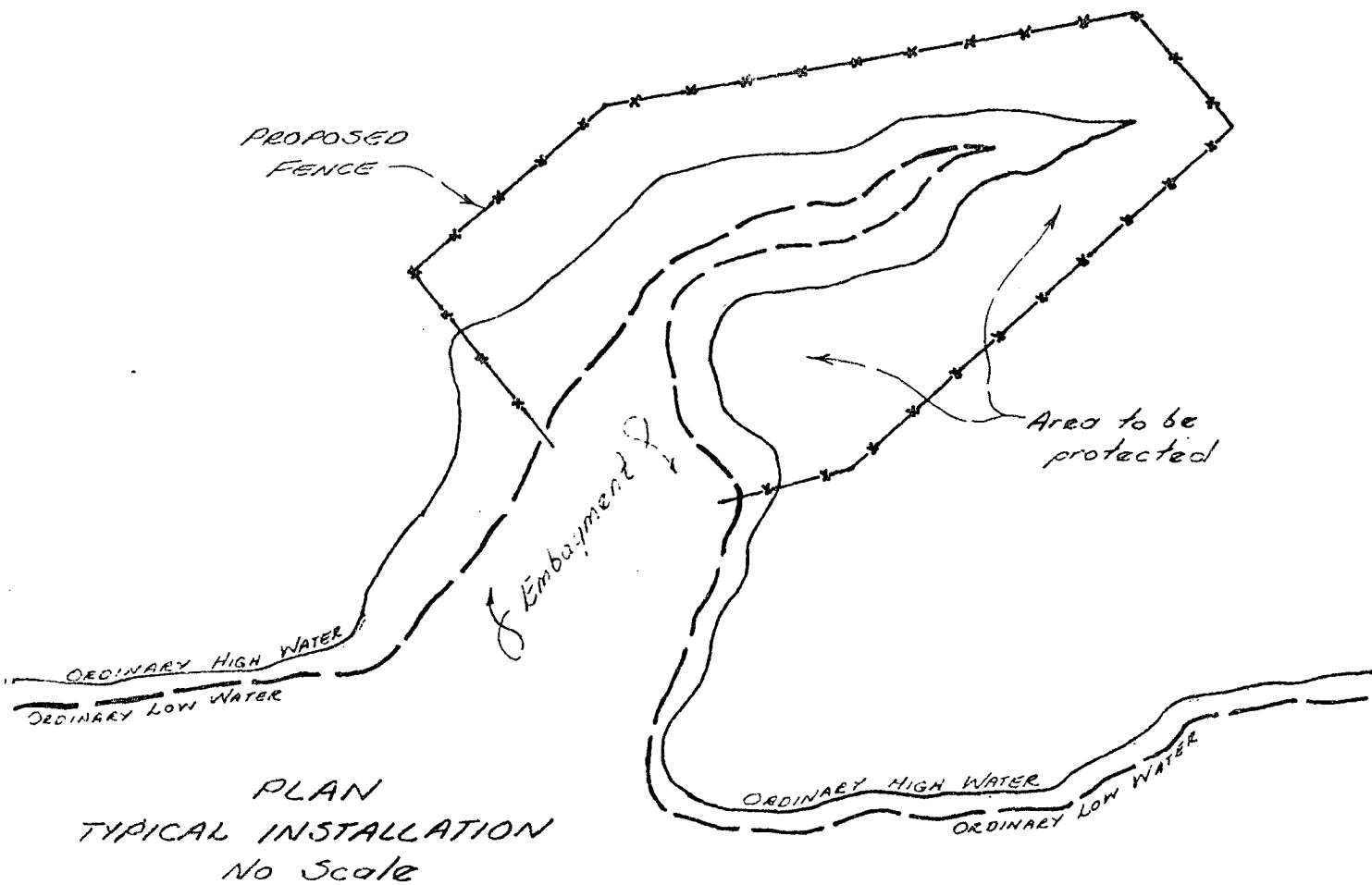
REARING SUBIMPOUNDMENTS

RESERVOIR

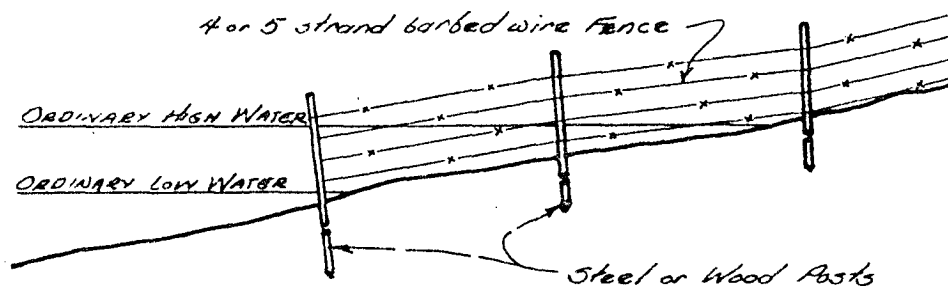


WARMWATER POOL

NO SCALE



FENCED NATURAL SPAWNING AREAS



TYPICAL SECTION No Scale

NOTE:

DEPARTMENT OF THE ARMY PERMIT
IS ONLY REQUIRED FOR THAT PORTION
OF THE FENCE CONSTRUCTED BELOW
THE ORDINARY HIGH WATER LINE

Aeration-Destratification

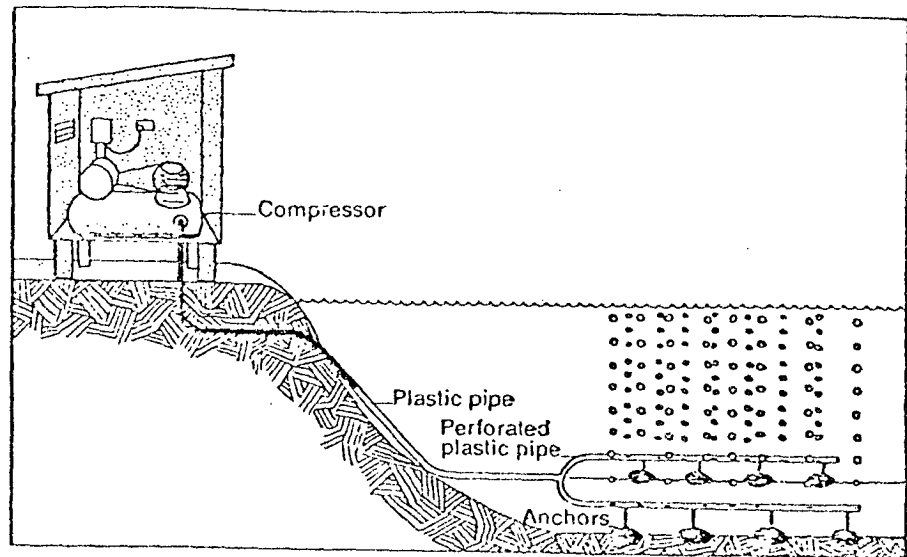


Exhibit 1. Compressed air diffusion system for aeration-destatification

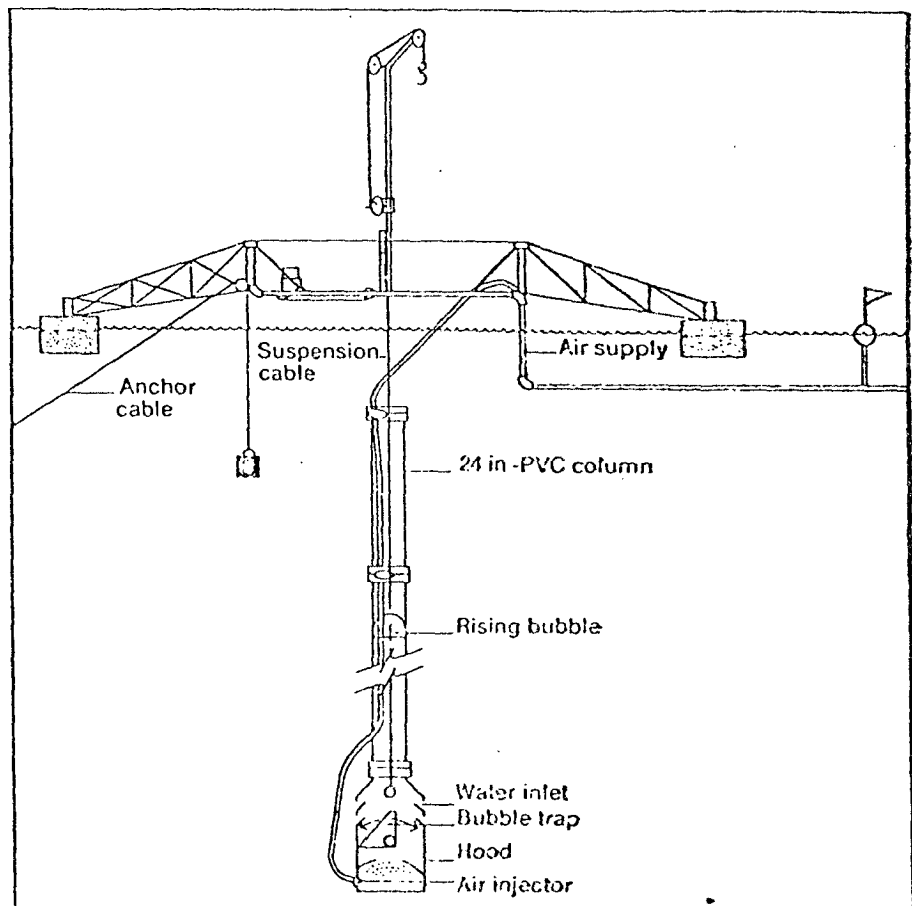
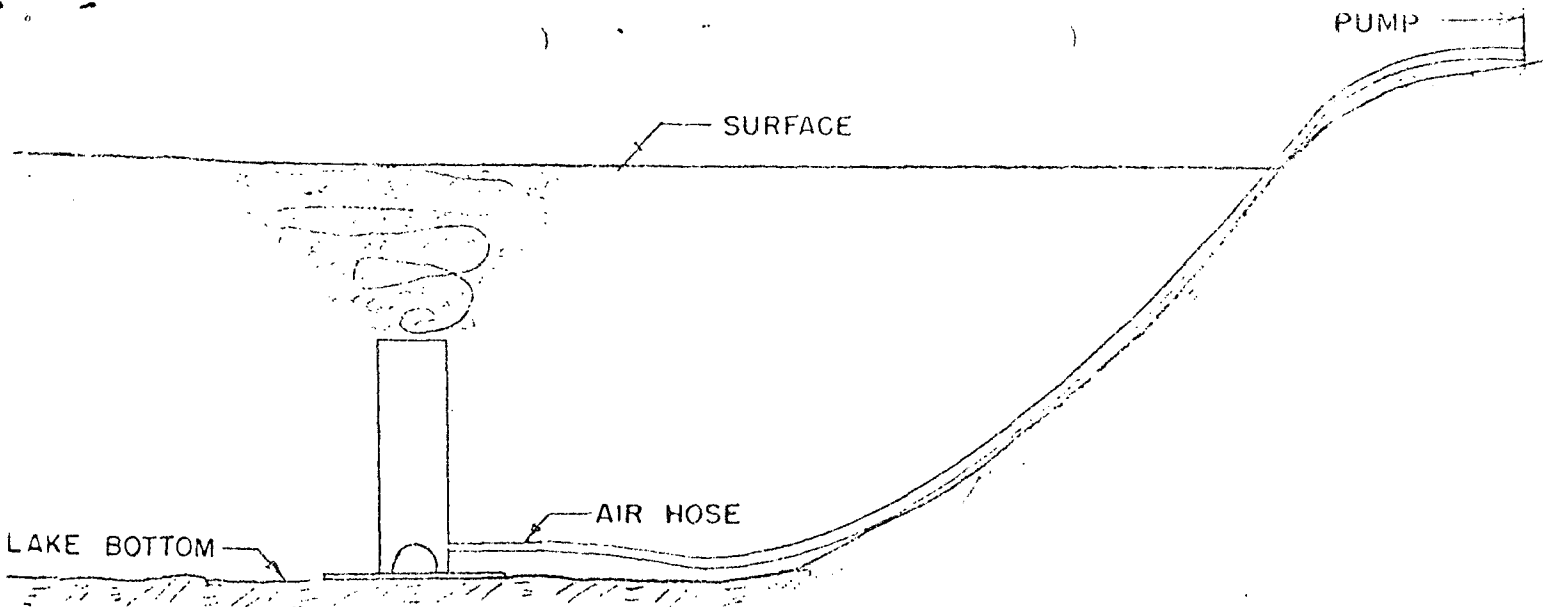
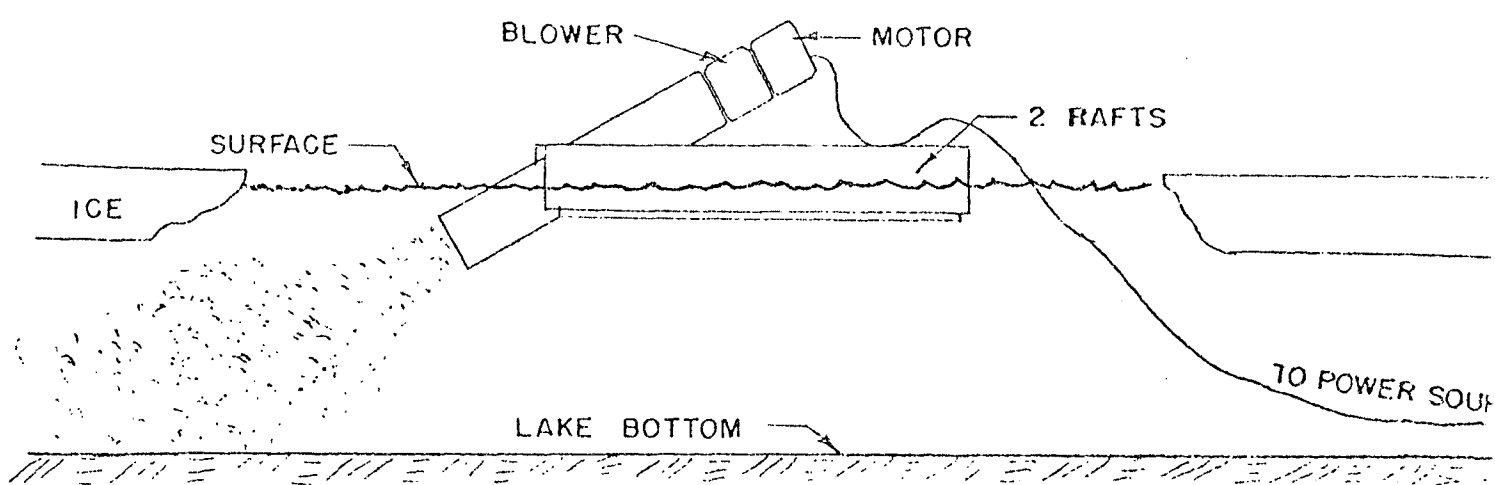


Exhibit 2. Aerohydraulic gun for aeration-destatification.



HELIXOR SYSTEM

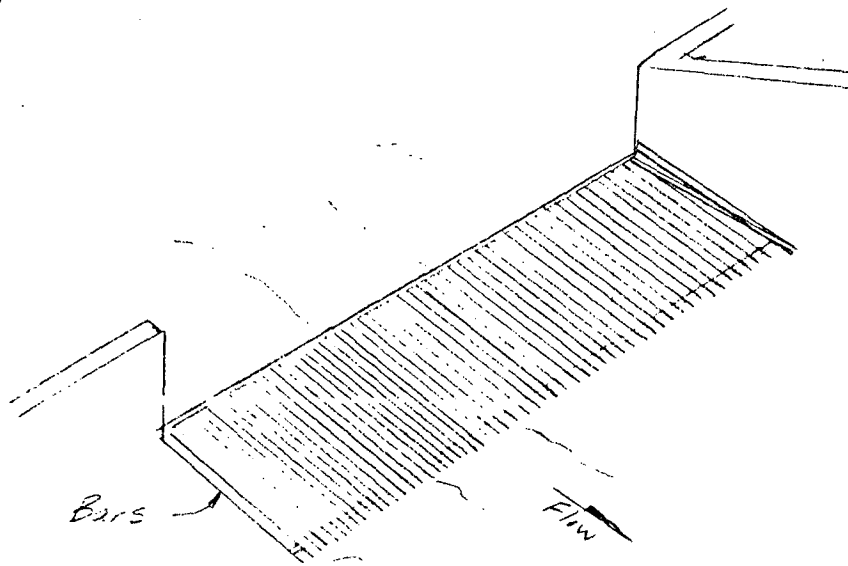
NO SCALE



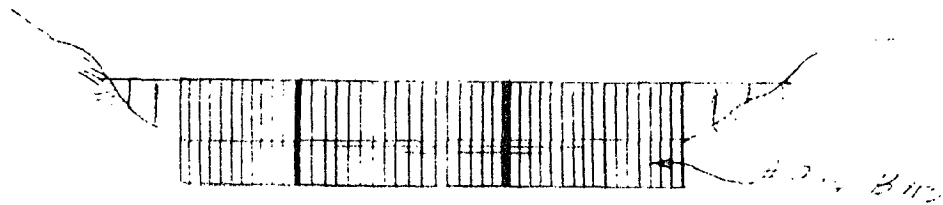
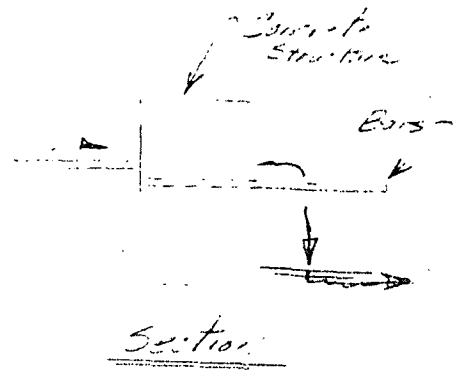
SURFACE BLOWER SYSTEM

NO SCALE

AERATION SYSTEMS



ROUGH FISH BARRIER
TYPICAL



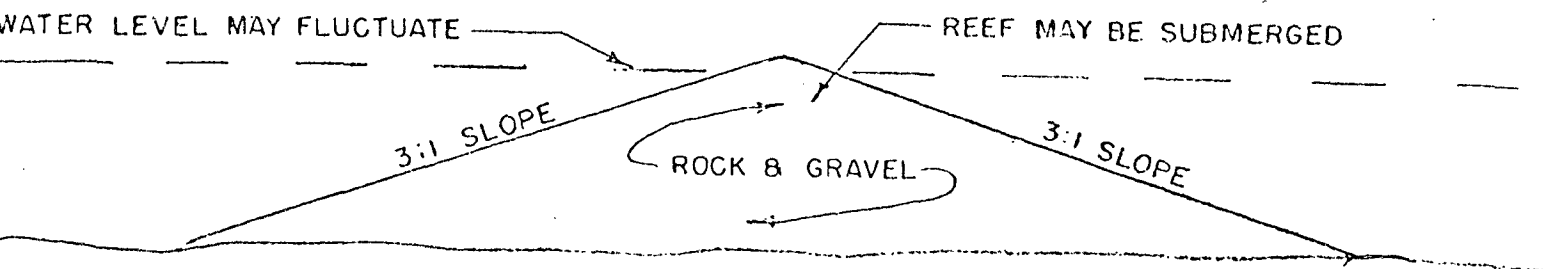
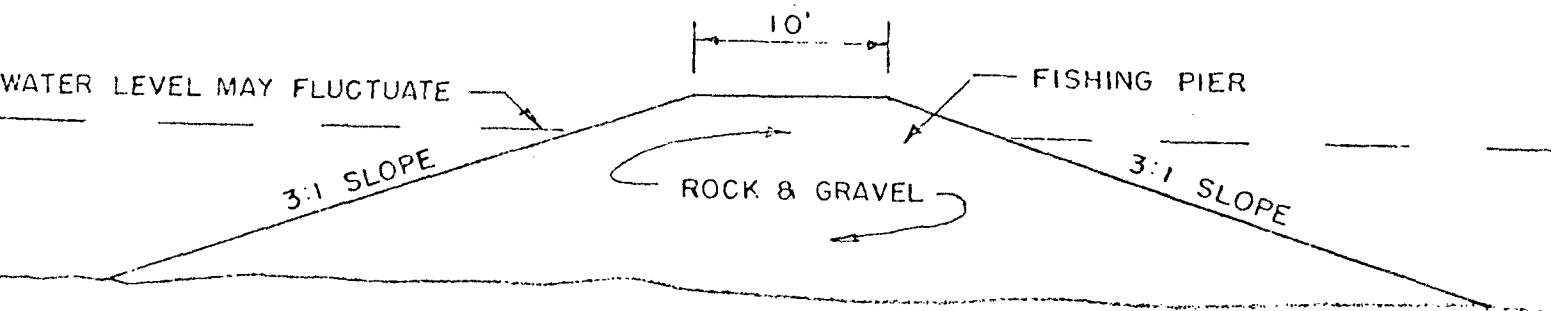
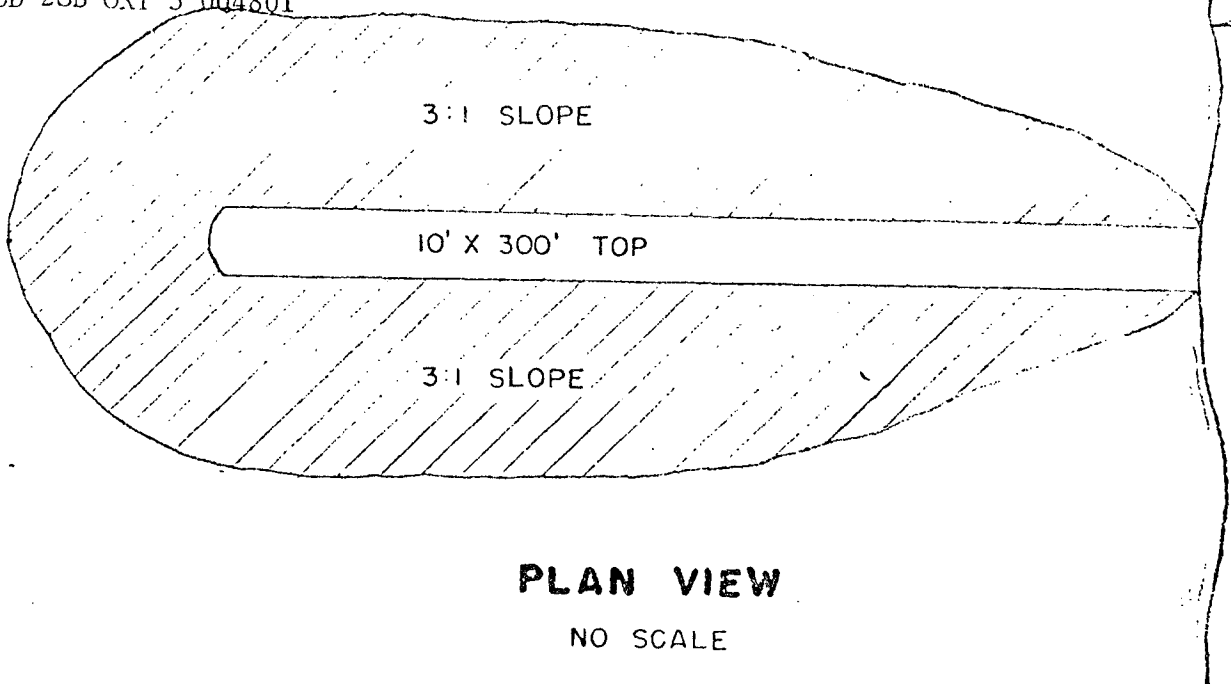
ROUGH FISH BARRIER
TYPICAL

ROUGH FISH BARRIER

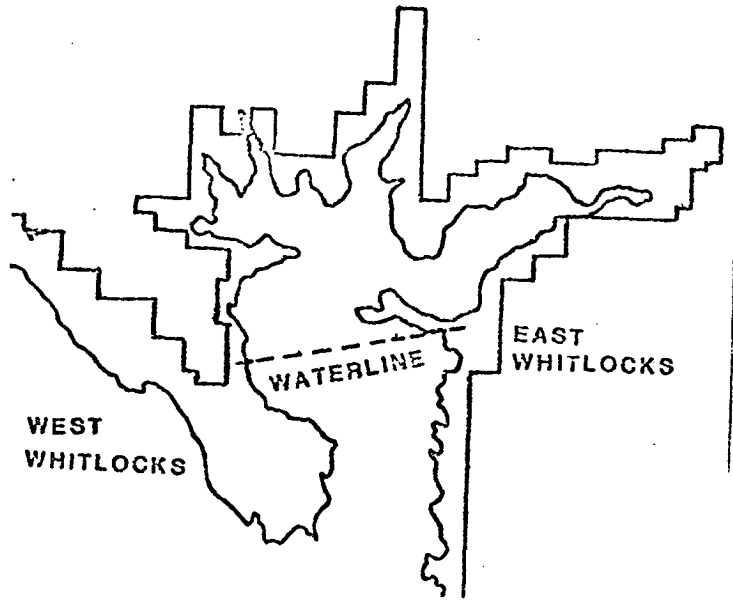
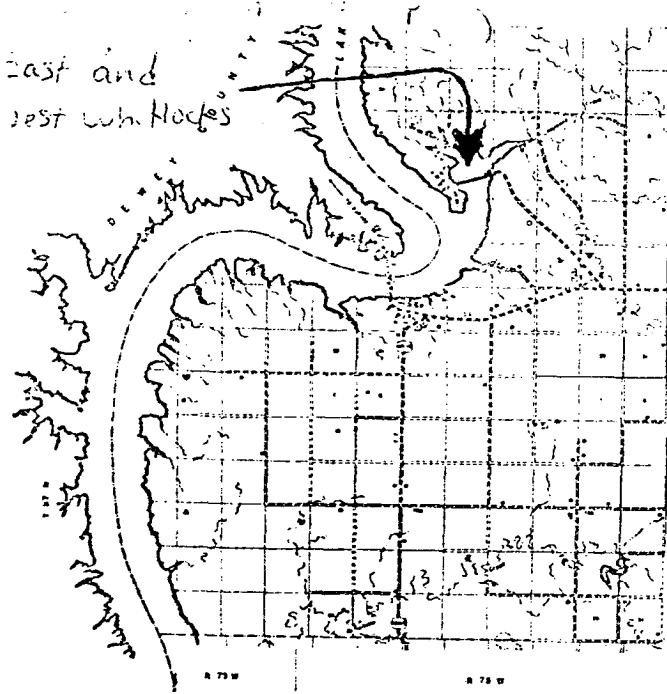
G.P. 82-10
SD 2SB OXT 3 004801

MAY BE ATTACHED TO SHORELINE, AS SHOWN OR BE AN ISLAND

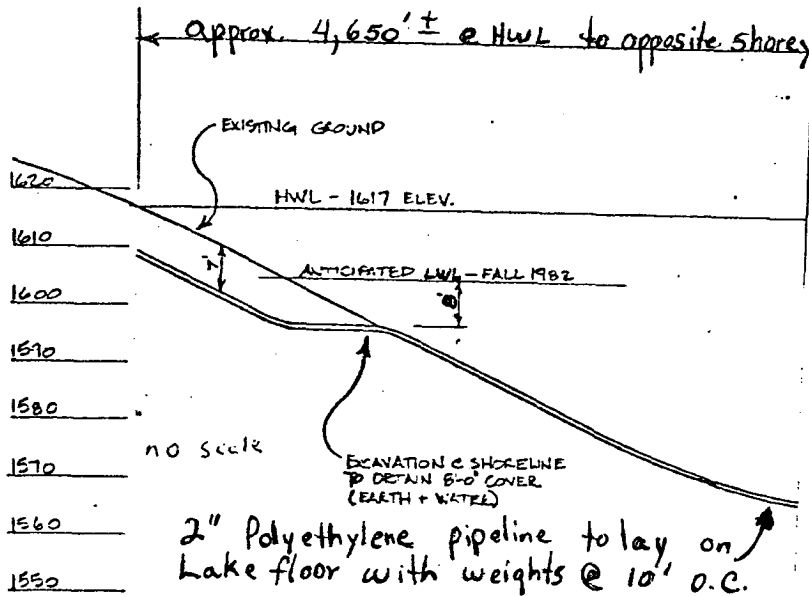
SHORELINE



ARTIFICIAL REEFS AND FISHING PIERS



This cross-sectional view same for East and West Whitlocks



PURPOSE: To provide water to East & West Whitlocks Rec. Areas

DATUM Naughton - Stockwell Engineers - Sioux Falls,

ADJACENT PROPERTY OWNERS:

1 Corps of Engineers

2

IN Cheyenne Creek
AT River mile 1153

COUNTY OF Potter

APPLICATION BY S.D. Division of Parks & Rec. STATE South Dakota

SHEET OF DATE

1 of 1

10-5-82

to this office written facts, arguments, or objections on or before 4 November 1982. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this permit application.

Comments received after Public Notice expiration date will not be considered.

A permit, if granted, will be under Section 10 of the River and Harbor Act of 3 March 1899 (30 Stat. 1151; 33 USC 403) and under the provisions of Section 404 of the Clean Water Act.

A drawing showing the location and extent of the work is attached to this notice.

Attachment
As stated



DELMAR A. BROERS
Ass't Chief, Regulatory Functions Branch
Operations Division

4921-3
No. 4921-3

Publish first publication, on or before September 16, 1982

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 6, 1982

Notice is hereby given the Department of Game Fish & Parks whose post office

address is Anderson Building, Pierre, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-41 (ground) 46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, (future use) 46-5-38; (transfer lands) 46-5-33 thru 46-5-35 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, (future use) 74:02:01:23 thru 74:02:01:26 (10,000 AFA) ~~74:02:07:01 thru 74:02:07:03~~, for a permit to appropriate for beneficial use

4.46 cubic feet of water per second of time from the Missouri River through the East Whitlock's Spawing and Imprint Station, the point ~~(s)~~ of diversion which is ~~(are)~~ to be located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$

of Section 10, Twp. 118N, Range 78W. Said water to be used for purpose of providing ~~irrigation on portions of the following described land:~~

water supplies for a fish hatchery

This Application No. 4921-3 will be considered by the Water Management Board at Knelp Building, Meeting Room #1 Church & Illinois, Pierre SD upon the 7th day of October, 1982

at 10 A.M. The Board 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 Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board

cc: applicant
WNR-806-2/82

BETTY WESTLUND, Water Rights Specialist

No. 4921-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Potter) ss.

I, Jack L. Stoner hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Potter County News

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

Potter County News at Gettysburg

County of Potter and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

September 16, 1982
September 23, 1982

Jack L. Stoner
(Signature)

Publisher
(Title)

September 27, 1982
(Date Signed)

Cost of Printing: \$31.76



NOTICE OF
HEARING ON
APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
September 6, 1982

Notice is hereby given the
Department of Game Fish &
Parks whose post office
address is Anderson
Building, Pierre, South
Dakota, has made an ap-
plication in accordance with
the provisions of SDCL 46-1-
1 thru 46-1-9; 46-1-12 thru 46-
1-14; 46-2-9 thru 46-2-11, 46-2-
13; 46-5-1 thru 46-5-8, 46-5-10
thru 46-5-22, 46-5-25, 46-5-41
and Board Rules ARSD
74:02:01:01 thru 74:02:01:15,
for a permit to appropriate
for beneficial use 4.46 cubic
feet of water per second of
time from the Missouri
River through the East
Whitlock's Spawning and
Imprint Station, the point of
diversion which is to be
located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of
Section 10, Twp. 118N,
Range 78W. Said water to
be used for purpose of
providing water supplies for
a fish hatchery.

This Application No. 4921-
3 will be considered by the
Water Management Board
at Kneip Building, Meeting
Room No. 1, Church &
Illinois, Pierre, S.D. upon
the 7th day of October, 1982
at 10 A.M. The Board is
authorized to make a
determination on this ap-
plication at the hearing. All
interested persons may
appear and be heard. Any
person who may be affected
by a Board decision who
desires to present evidence
or cross-examine witnesses
according to SDCL 1-26 may
notify the Board in writing
prior to the hearing or
orally at the hearing.

This hearing is an ad-
versary proceeding. Any
person has the right to be
present or to be represented
by a lawyer. These and
other due process rights will
be forfeited if they are not
exercised at the hearing.
Decisions of the Board may
be appealed to the Circuit
Court and the State
Supreme Court as provided
by law.

Any handicapped person
wishing to attend this
hearing can contact the
Water Rights Division,
DWNr, Joe Foss Building,
Pierre, S.D., prior to the
hearing date for assistance
to assure access to the
hearing.

For the Water
Management Board
BETTY WESTLUND,
Water Rights Specialist

(Published in the Potter County
News, September 16 and 23, 1982.)

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USEPost Office Pierre, South DakotaDate October 19, 1983

TO: Water Rights
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 maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No. 4921-3.

Water Right Permit No. 4921-3 states that the diversion system is to be constructed by October 7, 1987, and that the water is put to beneficial use by October 7, 1991.

The diversion system was completed on Sept 30 1983. Applying the water to beneficial use was completed on Sept 30 1983.

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.

Art R. Talsma
(Signature)

Art R. Talsma

DEPT. OF GAME, FISH & PARKS
WILDLIFE DIVISION
Sigurd Anderson Building
Pierre, South Dakota 57501

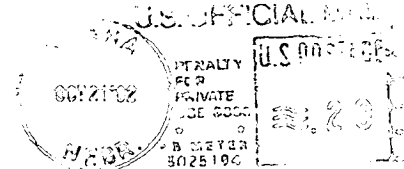
DEPARTMENT OF THE ARMY
U. S. ARMY ENGINEER DISTRICT, OMAHA
CORPS OF ENGINEERS
6014 U. S. POST OFFICE AND COURTHOUSE
OMAHA, NEBRASKA 68102

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

MR00P-N-1

PUBLIC NOTICE

John Hatch, Chief Engineer
Division of Water Rights
Dept. of Water and Natural Resources
Foss Building
Pierre, SD 57501





US Army Corps
of Engineers
Omaha District

Public Notice

Reply to:
Permits Branch
PO Box 5
Omaha, NE 68101

Application No: SD 2SB OXT 3 004994
Date: 21 October 1982
Expiration Date: 4 November 1982

MROOP-N-1
South Dakota Department of
Game, Fish and Parks
Pipeline/Fill
Missouri River Mile 1154.00L

15 DAY NOTICE

NOTICE OF PERMIT PENDING

The application of the South Dakota Department of Game, Fish and Parks, Sigurd Anderson Building, 445 East Capitol Avenue, Pierre, South Dakota 57501, for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Engineer District, Omaha, Nebraska.

The applicant requests permission to place fill material in the Missouri River in conjunction with a pipeline crossing located in Section 9, Township 118 North, Range 78 West, Potter County, South Dakota.

The work will involve burying a pipeline via a trencher to the projected low water level of 1603. A backhoe will then be used on the shoreline to bury the pipeline to approximately 1600 elevation (see attached drawing). Approximately 40 cubic yards of excavated material will be required to place the pipe at elevation 1603. As the water level drops in future years, the lines point of emergence into the water will be lowered to elevation 1570. Approximately 410 cubic yards of material will be required to be excavated to the elevation of 1570. Excavated materials will be used to refill the trench upon completion of the project.

The purpose of the project is to connect the park and fishery facilities at the East and West Whitlocks Recreation Areas with the Gettysburg Rural Water System.

The State of South Dakota has waived its right to certify compliance with applicable water quality standards required under the provisions of Section 401 of the Clean Water Act. Accordingly, certification that the proposed project will not violate applicable water quality standards has been requested from the Regional Administrator, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295.

In compliance with the National Environmental Policy Act of 1969 and Section 106 of the National Historic Preservation Act of 1966, as amended the National Register of Historic Places and current supplements have been consulted. There are no sites included or which have been determined eligible for inclusion therein which will be affected by the proposed project. The left bank of Lake Oahe in South Dakota was investigated for cultural resources by the University of Nebraska in 1978. One site may be affected by the installation of the waterline: 39P021. The South Dakota Area Archeologist will monitor the work on the eastern side of Whitlocks Bay.

In compliance with the Endangered Species Act, our review indicates that the proposed activity will not affect species designated as threatened or endangered pursuant to the Endangered Species Act or their critical habitat.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R., Part 230).

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the District Engineer, Omaha District, Corps of Engineers, PO Box 5, Omaha, Nebraska 68101.

Any interested party (particularly officials of any town, city, county, state, federal agency, or local association whose interests may be affected by the proposed work) is invited to submit



4921-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 19 1993

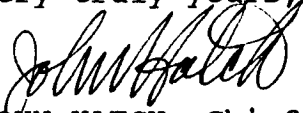
Tim Olson
SD Department of Game, Fish & Parks
523 East Capitol
Pierre, SD 57501

Dear Mr. Olson:

Enclosed is Water Permit and License No. 4921A-3. The license is the final document and completes the process of obtaining a water right.

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

Very truly yours,



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

enclosures

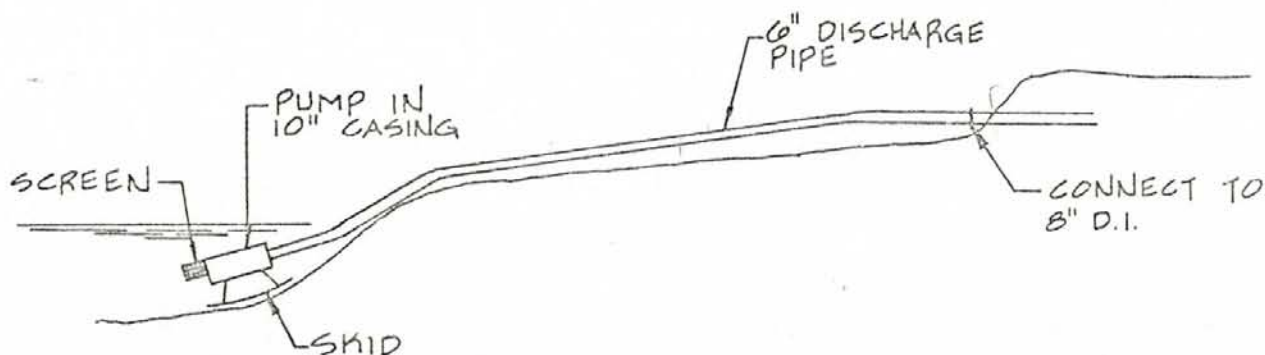
NOTE: The applicable portions of Water Permit No. 4921-3 were incorporated into Water License No. 4921A-3.

WHITLOCK BAY SPAWNING AND IMPRINT STATION

PROPOSED LAKE INTAKE

4.6.3 Alternatives for Water Pumping

It is assumed that a $2\frac{1}{2}$ exchange per hour water flow will be included in the main pumping system capacity, or 2000 gpm. It would be preferable to have a duplex pump system such that each pump would provide about 60% of the total water demand establishing some back-up capability if one pump were to fail.

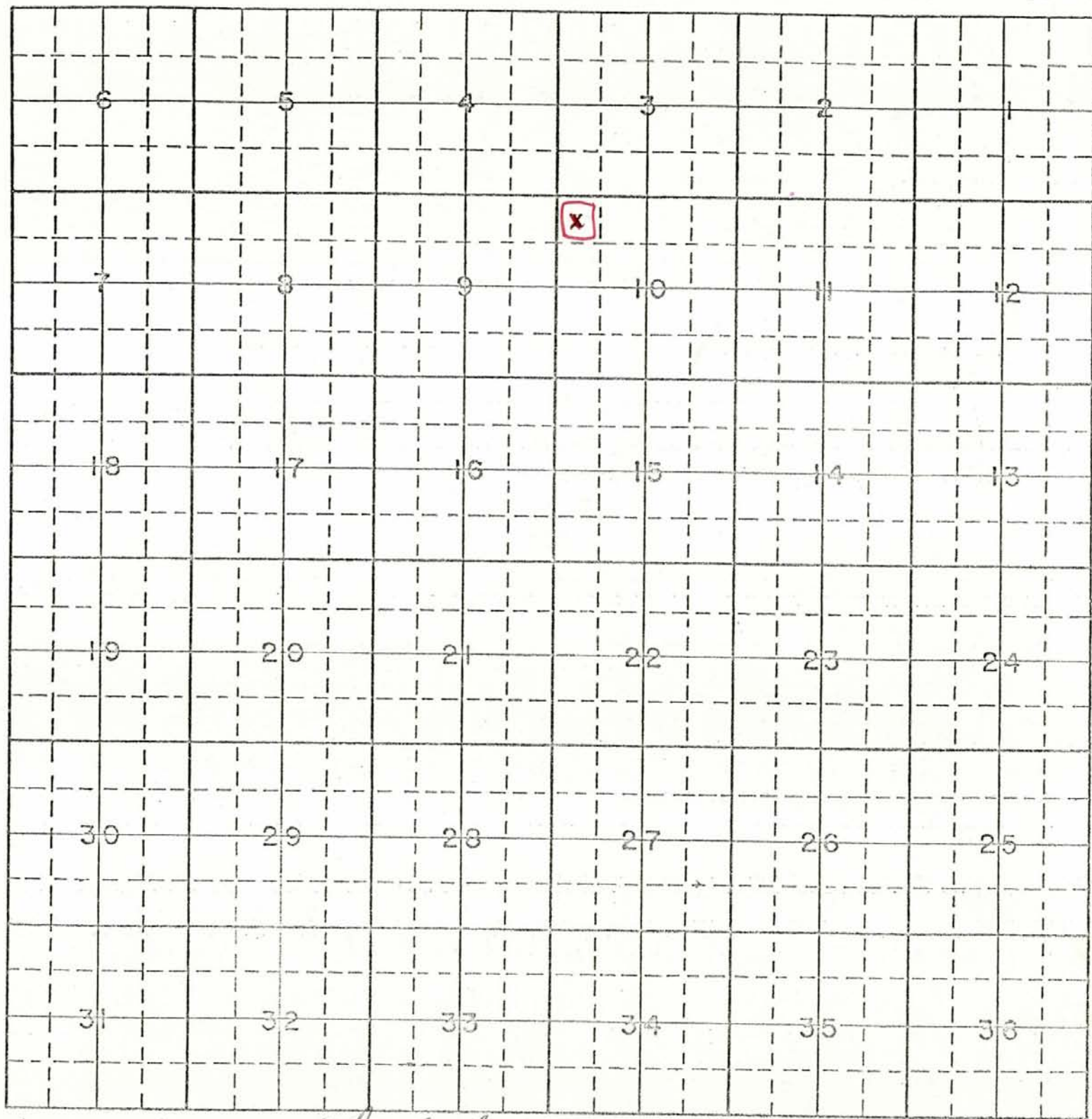
Alternative "A" - Skid mounted, slide-in pumps

It is common practice in local irrigation applications to use submersible turbine pumps mounted horizontally on a skid that is pushed into the Reservoir in the pumping season and pulled out when not in use. Some have gone as far into the water as 300-400 feet, so the approximate 330 feet needed for this station is realistic.

East Whitlock's Fish & Wildlife Area Potter, COUNTY, SOUTH DAKOTA
Location: NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 10

TOWNSHIP NO. 118N

RANGE NO. 78W



H. Mangler Sr. Engr.

Scale = 1" = 4000'

~~Map # 4121-3~~ appl 4921-3

