

Considered: _____

WATER PERMIT NO. 5051A-3

MAP No. Same

Name of Applicant S.D. Department of Game, Fish and Parks

Post Office Address Anderson Bldg, 445 E. Capitol, Pierre SD

Amount of Water Claimed 2000 acre-feet Total Acres NA

Source of Water Supply Crow Creek drainage

Water to be used for FWP County Brown

About 8 miles N of Claremont.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted May 18, 1987 Not Approved _____ Deferred _____

PRIORITY Date Received Jan. 19, 1987 Fee not needed Remarks restore concrete

1/19/87 outlet elevation at 1284.0 msl and construct two enclosed dikes

Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

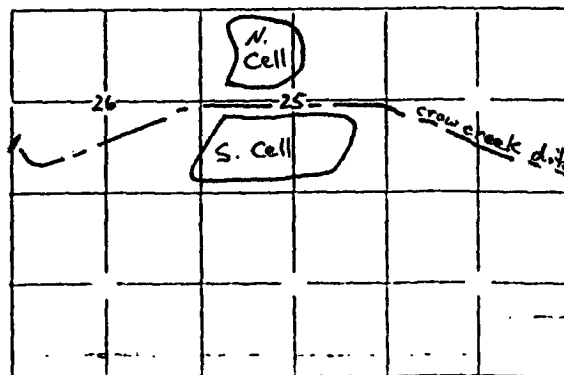
WI-1 Description same as Application YES NO REMARKS _____

Diversion Point outlet structure: NW 1/4 SW 1/4 section 26

-T127N-R60W; North cell: N 1/2 section 25; South cell:

S 1/2 section 25; both in T127N-R60W

Land to be Irrigated NA



Well Log: Driller NA Licensed YES NO

Depth of Well _____ REMARKS _____

Type of Map Topo PREPARED BY Ron Koth Reviewed and the Number

assigned on January 20, 1987 By Ron Duvall

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

No. <u>5051A-3</u>	Hydrologic Unit <u>10160003</u>
Map No. <u>same</u>	Basin <u>James River</u>
Newspaper <u>Aberdeen American News, Box 4430</u>	
<u>Hecla Independent, Box 158 (Wed)</u>	

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
Domestic ☐ (above 18gpm) Other ☒ Waterfowl Production

Type of Application: Check one or more of the following

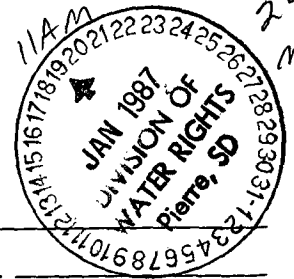
New ☒ Vested Right ☐ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____

☐ Construction to use water reserved by Future Use Permit No. _____



1. Name of Applicant S.D. Department of Game, Fish & Parks Phone No. 773-3718

Post Office Address Anderson Building, 445 E. Capitol, Pierre State SD 57501
(Street, RR or Box) Zip Code

2. Amount of water claimed (c.f.s.) 2,000 acre feet

3. Source of water supply Crow Creek drainage

4. Location of point of diversion Renziehausen Slough, Sections 25, 26, 35 & 36

T127N, R60W outlet structure: NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26; N. Cell: N $\frac{1}{2}$ Section 25; S. Cell:

S $\frac{1}{2}$ Section 25; E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 26; all in T127N-R60W County Brown

5. Counties where water will be used Brown

6. Annual period during which water is to be used 01-01 through 12-31 annually

7. Give a brief description of proposed 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)

Construction of 3 water control structures to manage for improved waterfowl production (see attached narrative).

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

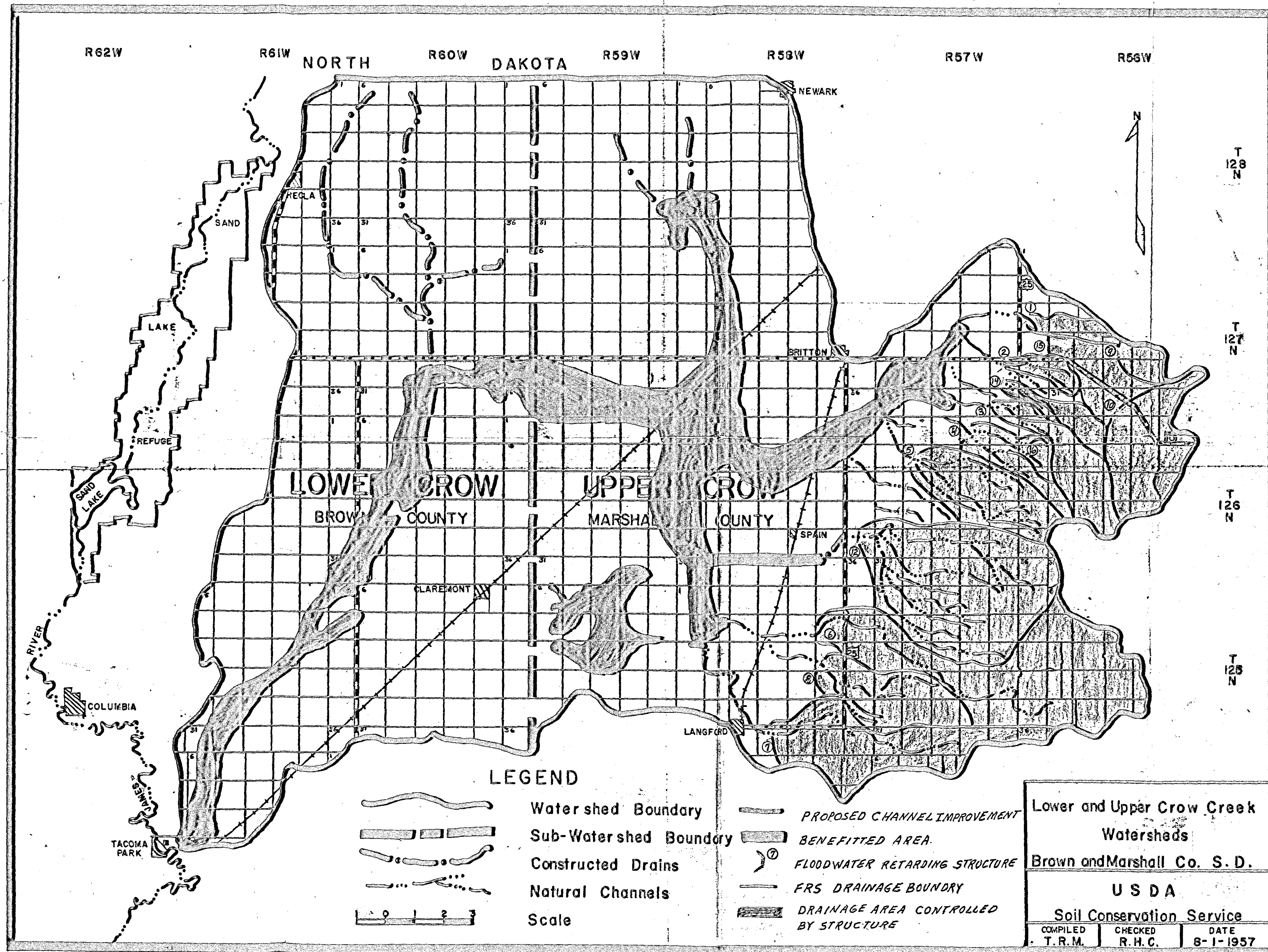
STATE OF SOUTH DAKOTA)
County of Hughes)^{ss}

I, South Dakota Department of Game, Fish and Parks the applicant, certify that I have read the foregoing application, 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 Conrad M. Roth

Subscribed and sworn to before me this 19th day of January 1987

Charles E. Hecker
Notary Public (or other qualified officer)



WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5051A-3

S.D. Dept. of Game, Fish & Parks 445 E Capitol, Anderson Bldg, Pierre
(Applicant) (Post Office Address)

SD 57501 With the following qualifications.
(State) (Zip Code)

1. That if a flowing well is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, T127N, R60W, be plugged pursuant to Board Rules Chapter 74:02:04: prior to beginning construction of the project. *that it* *JH*
2. That no land which is not under the control of the Department of Game, Fish and Parks may be flooded unless easements or other authorizations to do so are obtained.

Date of first receipt of application January 19, 1987.

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

Date of receipt of corrected application _____, 19____. Approved May 7, 1987.

The Water Management Board hereby approves this Water Permit No. 5051A-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is January 19, 1987.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before October 7, 1989.
3. The whole of said work is to be completed on or before May 7, 1992.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is May 7, 1996.
5. The water appropriated shall be used for the purpose of providing habitat for water-fowl and wildlife production
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2,000 ~~acre-feet annually~~ 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 to which water is actually and beneficially applied for waterfowl and wildlife production on or before May 7, 1996; said water to be used during the following described annual period: Jan 1 - Dec 31

WATER MANAGEMENT BOARD

By: *John H. Bates* Chief Engineer

Division of Water Rights
 Dept. of Water and Natural Resources

AUG 19 1987

_____, 19____

Supplemental Information

Structure #1 - North Cell

(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 Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

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

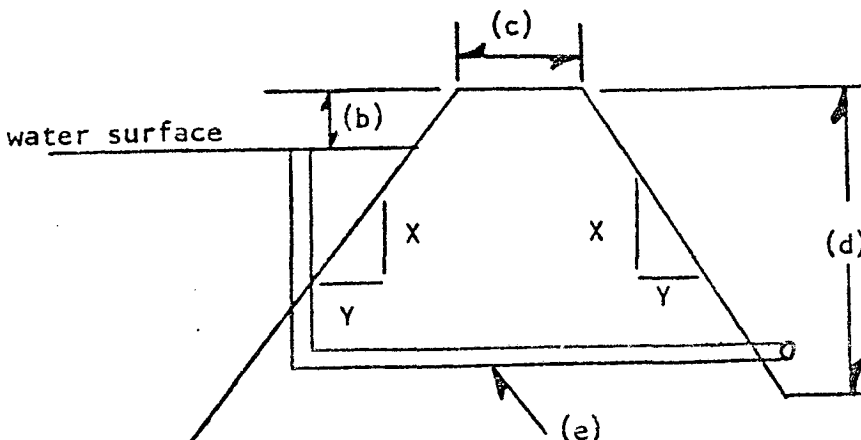
3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should 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

Ducks Unlimited

- b) Freeboard 3'
- c) Crest Width 10'
- Crest Length _____
- d) Height 7'



- e) Outlet Dimensions: 48" ϕ CMP
- Pipe diameter _____
- Spillway width 0
- f) X & Y Slope 3 horiz : 1 vert.
- Upstream _____
- Downstream 3 horiz : 1 vert.

Surface Area of Impoundment 120 Acres

Storage 480 acre feet $\pm$

Drainage area above dam 316 sq.mi.

Donna M. Kott

Signature of Applicant

Supplemental Information

Structure #2

(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 Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

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

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should 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

Ducks Unlimited

b) Freeboard 3'

c) Crest Width 10'

Crest Length _____

d) Height 7'

e) Outlet Dimensions: Pipe diameter 48" x CMP

Spillway width 100 ft.

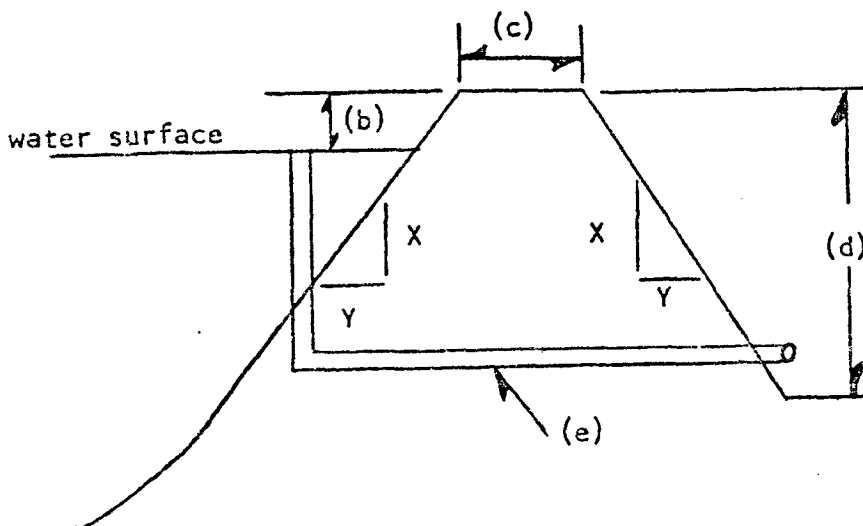
f) X & Y Slope Upstream 3 horiz : 1 vert.

Downstream 3 horiz : 1 vert.

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam 316 sq. mi.



Thomas M. Kelt
Signature of Applicant

Supplemental Information

Structure #3 - South Cell

(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 Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

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

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should 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

Ducks Unlimited

b) Freeboard 5'

c) Crest Width 10'

Crest Length _____

d) Height 9'

e) Outlet Dimensions: 48"Ø CMP

Spillway width 0

f) X & Y Slope 3 horiz : 1 vert

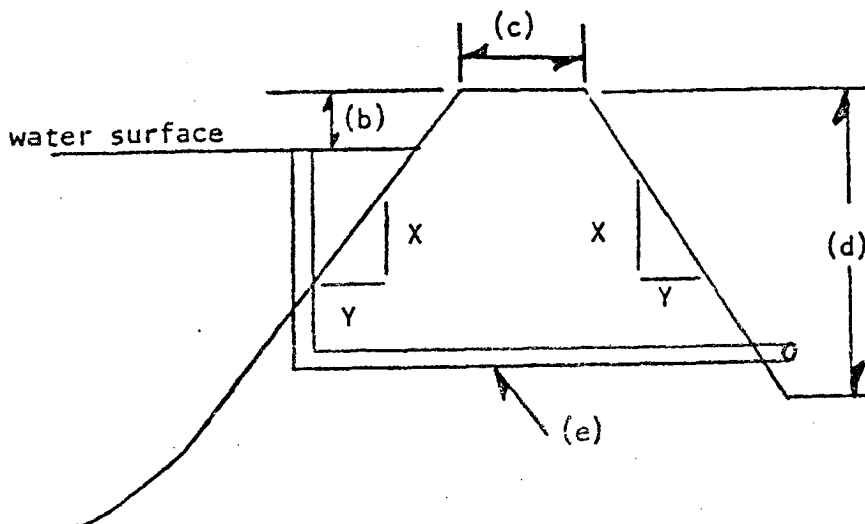
Upstream 3 horiz : 1 vert

Downstream 3 horiz : 1 vert

Surface Area of Impoundment 189 Acres

Storage 756 acre feet $\pm$

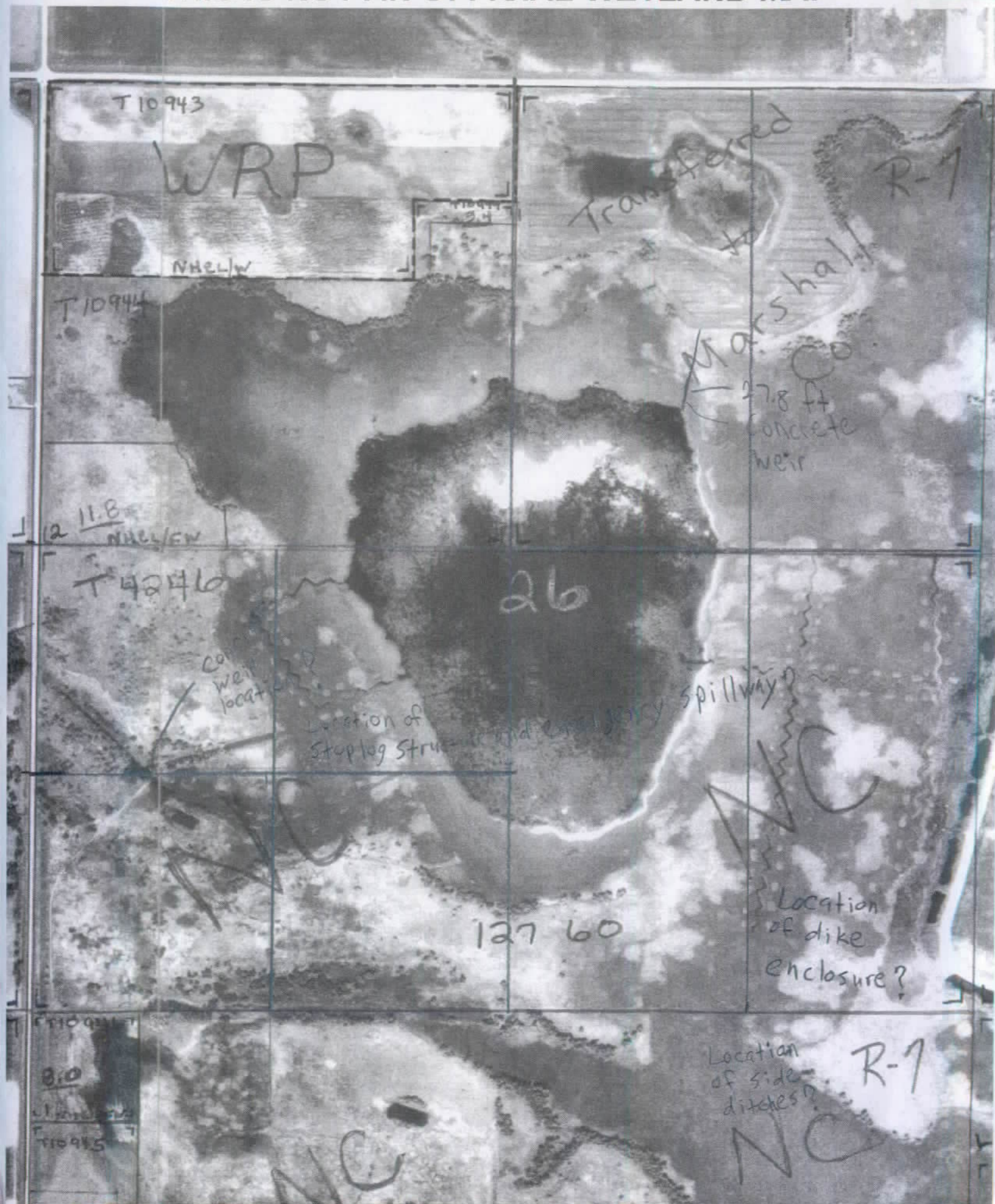
Drainage area above dam 316 sq. mi.



Donna M. [Signature]

Signature of Applicant

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP



R-7

T4247

R-7

25

Location of dike enclosure?

Location of dike enclosure?

NC

127 60

T4633

T4247

NC

NC

Location of side ditches?

T3356

R-7

[illegible]

127 60

R-7

NC

NO

3.0

710945

17.0

1. NAME / FNAME

7 710945

75

2 2.7

L3 2.7

83.0

L2 NACL

35

FT-11889

127 60

1342

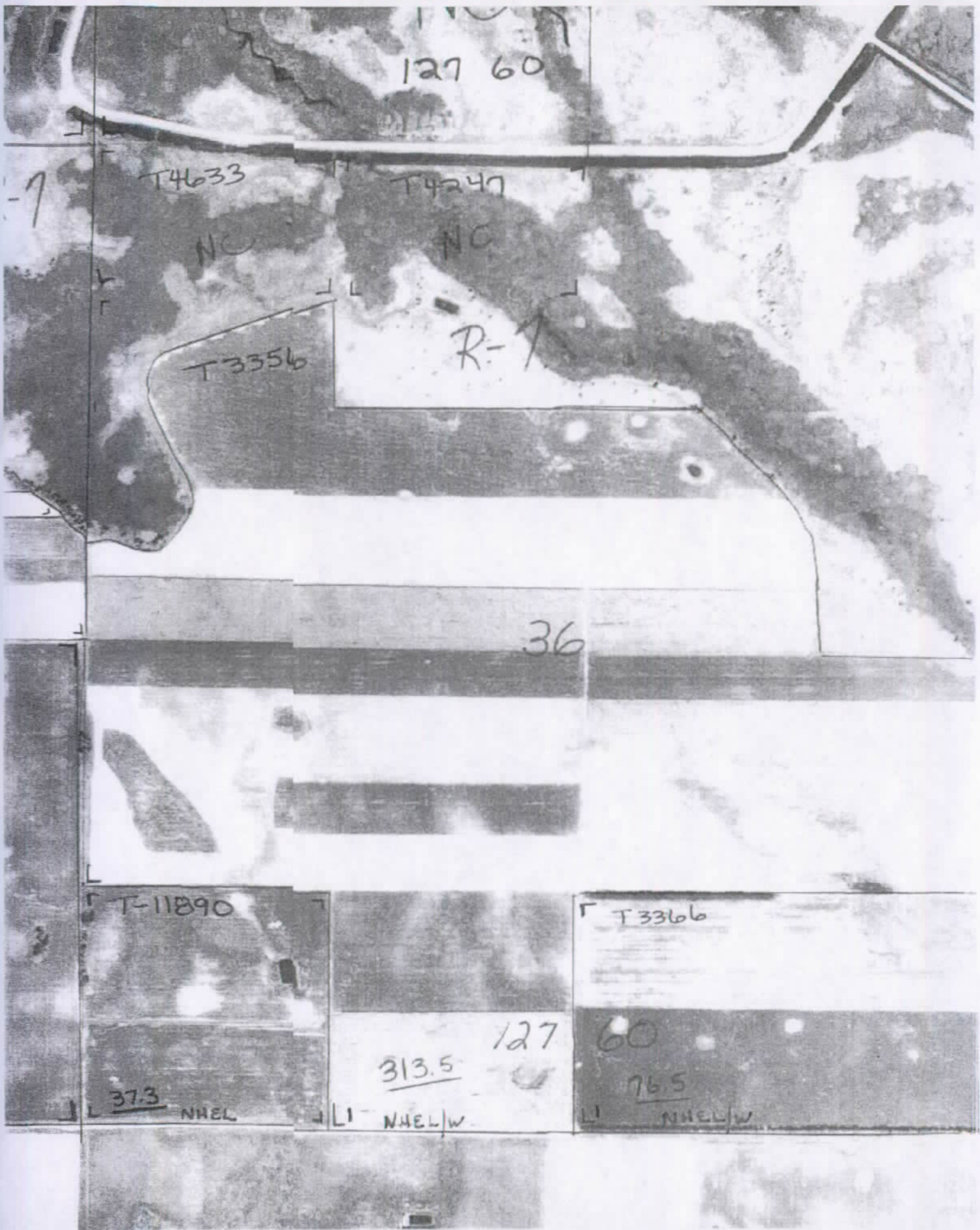
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1 NHCL

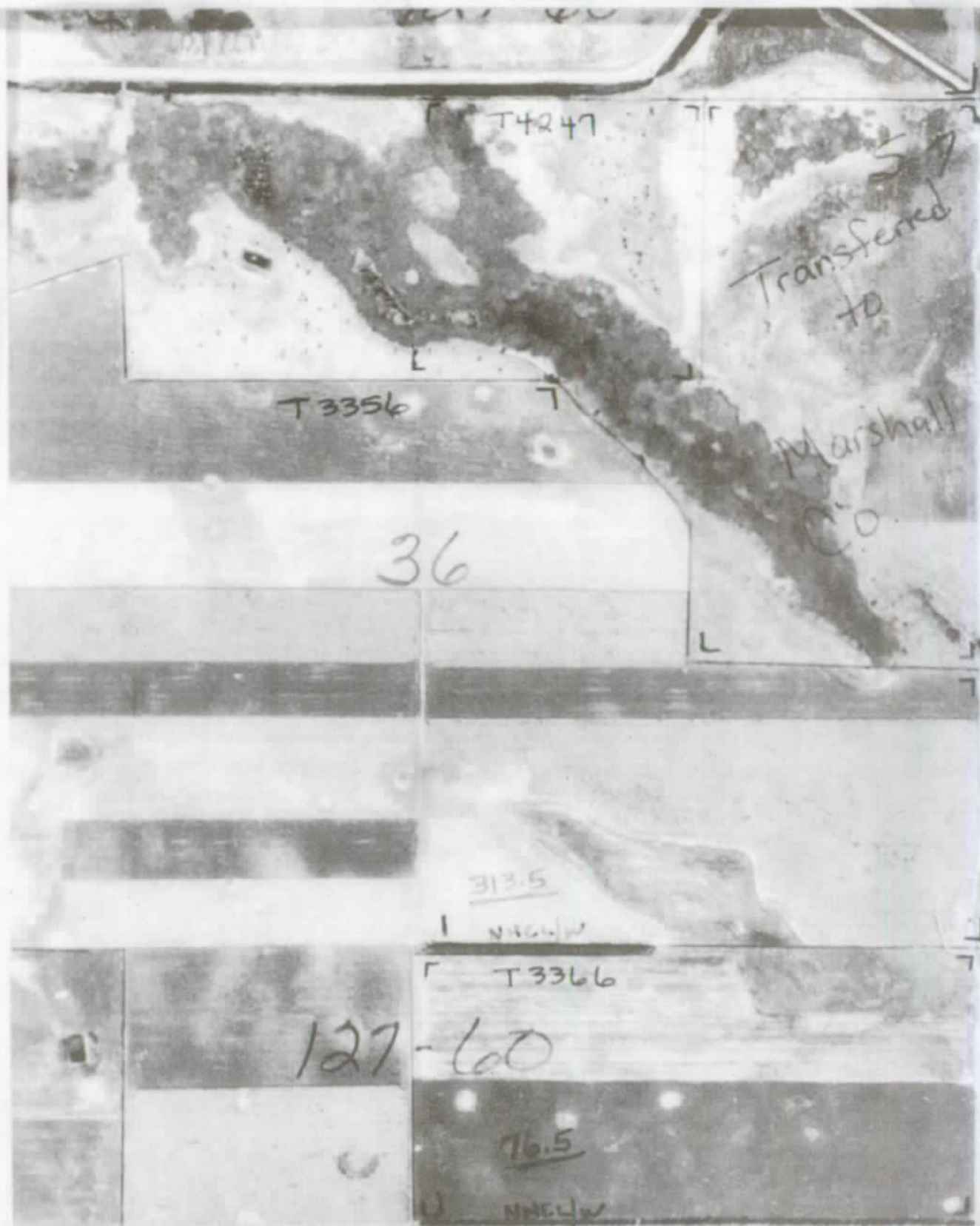
147.5

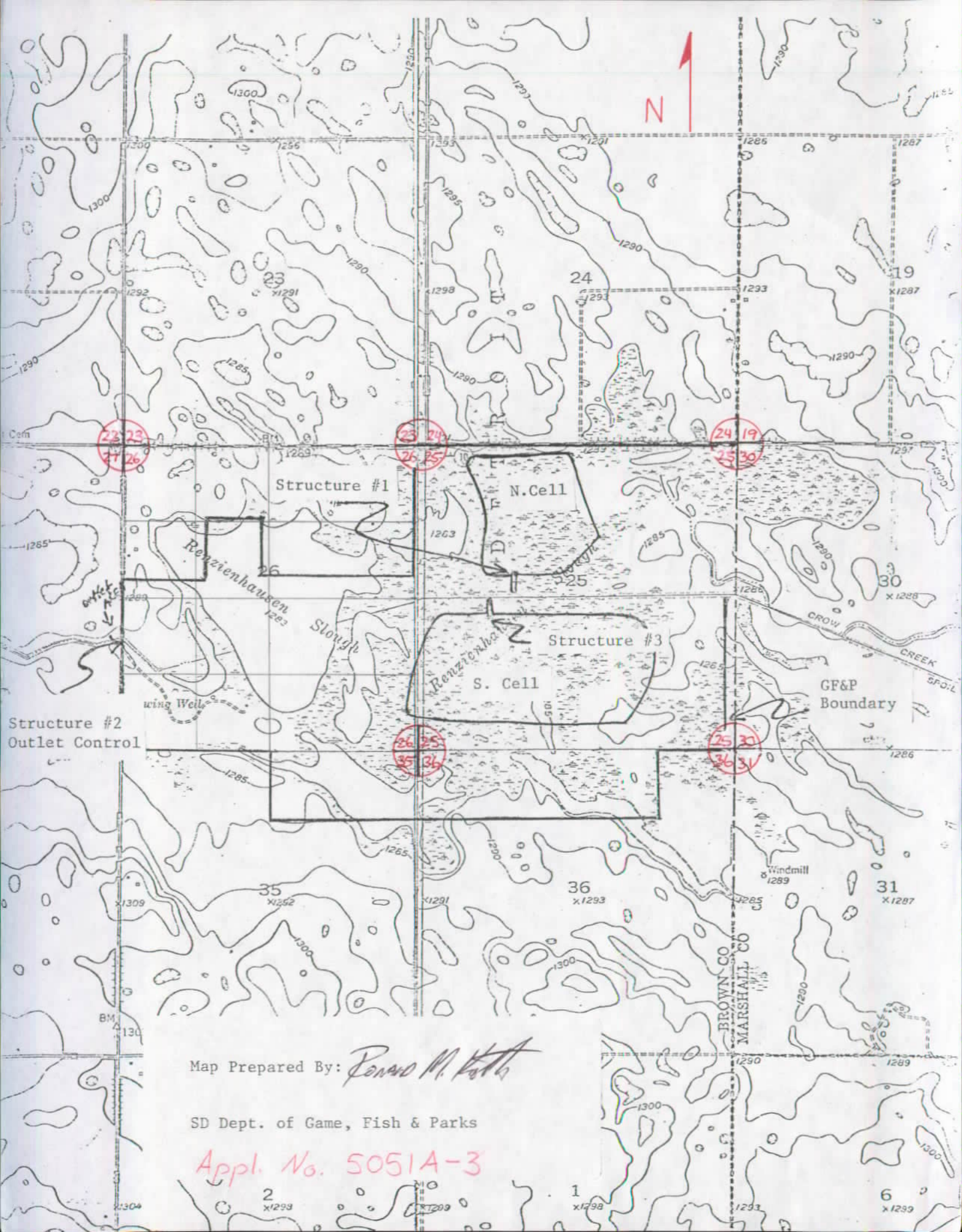
3 NACN

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP



NOT TO SCALE



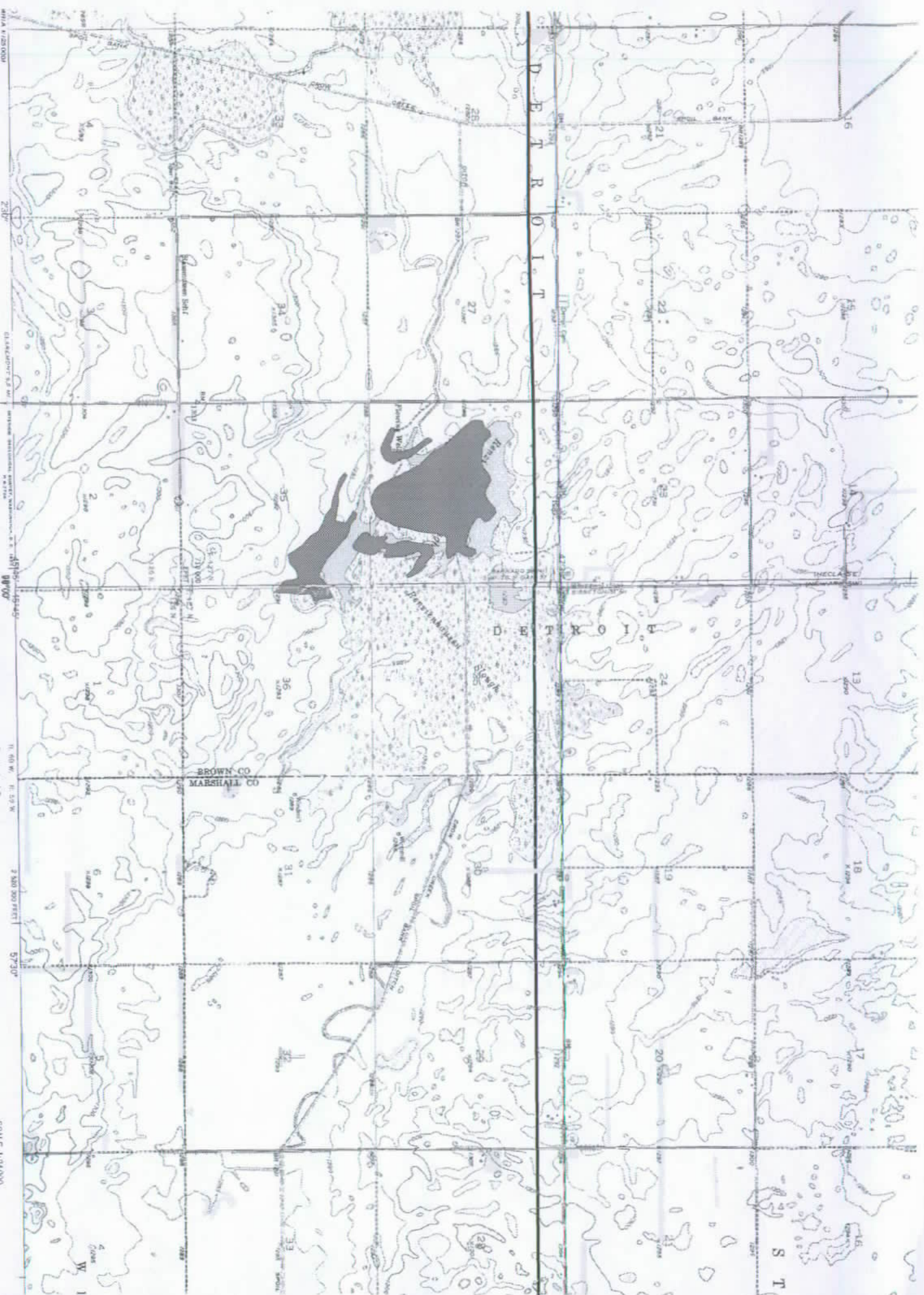


Map Prepared By:

Donna M. Kott

SD Dept. of Game, Fish & Parks

Appl. No. 5051A-3



Scale 1:24,000
Contour Interval 5 Feet
North Arrow
Legend:
Road Classification:
Major Road
Minor Road
Unimproved Road
U.S. Route
State Route
Map compiled, edited, and published by the Geological Survey
as part of the Department of the Interior program
for the development of the Missouri River Basin
Control by USGS and USFWS
Contours and drainage in part compiled from aerial photographs
taken 1951. Topography by plane table surveys 1953





Stacy J Johnson 6-29-01
Stacy J Johnson
Natural Resources Engineer
SD DENR Water Rights Program



Map Prepared By: *Donald M. Kott*

SD Dept. of Game, Fish & Parks

App'l. No. 5051A-3

2
x1293

1
x1298

6
x1289

Notice is hereby given that the SD Department of Game, Fish and Parks whose mailing address is Anderson Building, 445 E Capitol, Pierre, South Dakota has made an application for a permit to store up to 2000 acre-feet of additional water annually in Renziehausen Slough primarily located in sections 25, 26, 35 and 36 all in T127N-R60W. This application proposes to establish the outlet elevation of Renziehausen Slough at 1284.0 feet mean sea level and proposes construction of two diked enclosures within the slough. Vested Water Right Claim No. 5051-3 held by the Dept. of Game, Fish and Parks authorizes sufficient water annually to fill the slough to the existing outlet elevation of 1283.0 feet msl. This application proposes to increase the outlet elevation by 1 foot to 1284.0 msl by removing the existing wooden weir and using the existing concrete weir as the outlet structure. Diking is to be completed adjacent to the concrete weir to ensure that the weir is the only outlet. A variable water level stoplog structure (48 inch tube with 60 inch riser) is to be placed in the dike to allow the slough to be drained for construction and maintenance purposes. An emergency spillway is also to be constructed with a crest elevation of 1284.5 msl. The outlet structure is located in the W 1/2 SW 1/4 section 26-T127N-R60W. The project also proposes construction of two diked enclosures to be located in the N 1/2 and S 1/2 section 25 and a portion of the E 1/2 SE 1/4 section 26 all in T127N-R60W. The north enclosure is to cover 120 acres, have a top elevation of 1287.0 msl and have a 10 foot top width with 3:1 side slopes. The south enclosure is to cover 189 acres, have a top elevation of 1289.0 msl and have a 10 foot top width with 3:1 side slopes. A four foot berm with a top elevation of 1286.0 msl is to be constructed adjacent to the south enclosure to prevent wave action erosion. Both enclosures are also to be equipped with 48 inch stoplog water control structures. The north enclosure is to be used for establishing and protecting upland nesting cover from flooding. The option also exists for the north enclosure to be used as wetland habitat and has the capacity to store 480 acre-feet of water. The south enclosure is to be used as a water supply reservoir for the slough and is capable of storing 756 acre-feet of water. Flood flows are to be used to fill the south enclosure by gravity flow. Additional flood flows needed to raise the pool elevation to 1287.0 msl are to be pumped into the south enclosure. Nesting islands are also to be constructed in the south enclosure. The combined storage capacity of the two diked enclosures plus increasing the outlet elevation by 1 foot results in a potential storage of 2,000 acre-feet of water annually. The project also proposes to deepen and widen the portion of the Crow Creek Ditch located in sections 26 and 25 both in T127N-R60W. The Crow Creek Ditch is to be cleaned to a bottom elevation of 1280.0 msl with a 10 foot bottom width and 3:1 side slopes. Cleaning of the Crow Creek Ditch plus construction of several side ditches is to improve water movement within the slough and provide access to brood-rearing areas. The purpose of this project is to develop adequate waterfowl breeding pair territory sites, nesting sites and provide a reliable water supply for brood-rearing.

STATE OF SOUTH DAKOTA
BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT	)	
APPLICATION NO. 5051A-3, GAME,	)	FINDINGS OF FACT,
FISH AND PARKS APPLICATION FOR	)	CONCLUSIONS OF LAW,
RENZIEHAUSEN SLOUGH	)	FINAL DECISION

FINDINGS OF FACT

1. In December of 1985, the Board of Water Management recognized South Dakota Game, Fish and Parks as the holder of Vested Water Right No. 5051-3 for the Renziehausen slough. The right had a priority date of 1935. Water may be used under the vested right for recreational and wildlife purposes. The vested right allowed Game, Fish and Parks sufficient water to fill the slough annually to an outlet elevation of 1283.0 ft. msl.

2. The current application of Game, Fish and Parks would allow it to store up to an additional 2,000 acre feet of water in the slough by setting the outlet for the slough at 1284.0. The application would also allow Game, Fish and Parks to construct two diked enclosures within the slough and to perform other work in the area.

3. The purpose of the project is to develop waterfowl breeding territory sites, nesting sites and to provide a reliable water supply for brood rearing.

4. There are presently two structures which operate as outlets and which are in close proximity to each other. One is set at an elevation of 1283.0 and one is set at 1284.0.

5. If the slough outlet level is set consistently at 1284.0 the slough will hold more water.

6. The consequences of holding more water include the following. The slough will be able to diminish, to some degree, the downstream effect of an upstream precipitation event (usually in the spring) by capturing some of the runoff from the event. This project will be operated to capture such water in the slough and then to slowly release the water after the spring runoff season. The effect on downstream flooding will therefore be beneficial. Because the area which is drained is so large, however, the amount of flood control assistance available through the slough will be minimal during a large precipitation event.

7. The raising of water level and the holding of water in the slough will also have the effect of improving waterfowl habitat as proposed in the project plan. This will be a beneficial effect of the plan.

8. The raising of the water level and the holding of water in the slough area may also have detrimental effects. Seepage from the two diked enclosures and the ditch could affect the lands of adjoining neighbors. Moreover, the operation of the project could, and in at least three cases will, cause surface water damage to adjoining landowners. The permit must be conditioned to provide for these effects.

9. There are interested parties and entities in the area, including the Brown County Emergency and Disaster Service, which have requested that mutual agreement be made with Game, Fish and Parks to provide for restriction or release of water by any of the parties. No proposed agreements were presented to the Board, however.

10. There is a reasonable probability that there is 2,000 acre feet of water available for use by the applicant.

11. There is limited evidence that there is a flowing well in the area which should be capped.

CONCLUSIONS OF LAW

1. All notices required by statute and Constitution have been given.

2. There is a reasonable probability that there is unappropriated water available for the use of the applicant.

3. If the project is conditioned as set out in the Final Decision, it can be developed without unlawful impairment of existing rights.

4. The development of the area for enhancement of waterfowl production is a beneficial use of the waters of the state.

5. While it is possible that an agreement can be reached among the persons and entities interested in the operation of the project, the absence of such an agreement does not indicate that the grant of the permit would not be

in the public interest. This is especially true when no proposed agreement has been presented to the Board and when Game, Fish and Parks has presented to the Board a careful plan for operation of the project.

6. The use of water for this project is in the public interest.

FINAL DECISION

The application for Permit No. 5051A-3 is granted subject to the following conditions.

1. That if a flowing well is located in the SW1/4 of Section 26, Township 127 North, Range 60 West, that it be plugged pursuant to Board rules, Chapter 74:02:04 prior to beginning construction of the project.

2. That no land which is not under control of the Department of Game, Fish and Parks may be flooded either by surface water or seepage unless easements or other authorization to do so are obtained.

BY THE BOARD

Marian B. Gunderson

DEC 09 1986

RENZIEHAUSEN SLOUGH PROJECT PUBLIC MEETING

Claremont, SD
October 1, 1986

In examining Renziehausen Slough for its waterfowl production capabilities, it was evident that good water levels occurred in early spring following the spring runoff, but that the water levels decreased rather rapidly during the spring and summer in most years. The shallow, wet areas created ideal conditions for the growth of cattails. The cattail-choked marsh provided few waterfowl breeding pair territory sites, and the low water levels during the summer were not adequate for secure, brood-rearing habitat. Also, there is a deficiency of secure, flood-free upland nesting habitat on the state property. Aware of these factors limiting waterfowl production on Renziehausen Slough, we began developing plans for the Renziehausen Slough cooperative project between Ducks Unlimited and the South Dakota Department of Game, Fish and Parks. We have strived to address the waterfowl production problems of insufficient breeding pair territory and nesting sites, inadequate brood-rearing habitat, and a lack of water level control on Renziehausen. We are also aware of the concerns, interests, and rights of surrounding landowners, sportsmen, and citizens of South Dakota. It is our desire that this plan to improve waterfowl production on Renziehausen Slough respects and addresses these concerns and interests as well as fulfilling the project's primary objective.

Renziehausen Slough
Sections 25, 26, 35, and 26; Township 127N
Range 60W; Brown County, SD

The first consideration that needs to be stressed is "that the downstream channel of Crow Creek controls the water in Renziehausen Slough and surrounding area during periods of high water". The maximum volume of water that can pass under the bridge located along the black-topped road immediately west of Renziehausen Slough is 838 C.F.S. The capacity of the downstream channel is considerably less. A 50 year runoff event would result in 1,000 C.F.S. The water level in Renziehausen would bounce to 1286.1^{M.S.L.} under those conditions. This past spring (1986) approximately 400 C.F.S. passed through the area. This would approximate a 5 to 10 year event. Water level was 1285.5 in April when two DU engineers were on site.

The concrete structure on the outlet channel (Crow Creek) from Renziehausen Slough is set at elevation 1284.0. This would seem to be a permanent, desired Full Supply Level (F.S.L.) for the wetland. A rather crude, wooden board weir structure is located near the concrete structure and is set at 1283.0 elevation. Much

erosion has occurred around the wooden structure. This structure and surrounding low area currently controls or sets the F.S.L. in Renziehausen after sufficient time has elapsed to allow the downstream channel to accommodate the high flows.

We desire to restore the water control elevation to 1284.0 - the level of the concrete weir. The outlet channel from the concrete weir to the bridge will be cleaned to allow efficient water flow to exit Renziehausen Slough. The existing Crow Creek channel has silted to become a V shaped channel and is very inefficient. The project will deepen Crow Creek to an invert elevation of 1280 with a 10-foot bottom width and 3:1 side slopes.

Diking will be accomplished in the vicinity of the structure to ensure that the full supply water level in the slough is 1284.0. A variable level stoplog water control structure (48-inch tube in a 60-inch riser) will be installed to allow water levels to be managed below the 1284.0 elevation, including complete drawdown capabilities. An emergency spillway will be constructed with a crest elevation of 1284.5.

The channel leading from the open water (deeper) area (1280 contour) of the slough to the water level control structures will be cleaned. Again this is done to allow efficient water movement through the system.

Sinuous patterned (S shaped) level ditching will be constructed throughout the slough to provide better water movement within the slough. Biologically, this will increase the waterfowl breeding pair territory sites and improve access to the brood rearing areas of the slough. These level ditches are 3 feet deep, 12 feet wide on the bottom, with 3:1 side slopes. The excavated spoil will be placed adjacent to the ditch on the outside curves. These small islands will provide excellent nesting and loafing sites for geese and ducks.

Moving east up the Crow Creek ditch, the channel will be cleaned to elevation 1280 with a 10-foot wide bottom and 3:1 side slopes.

Two diked units will be constructed on the east sector of the project management area. There is a distance of 1000 feet between the north and south diked cells. The north cell will be 120 acres in size. The top of dike will be at 1287.0 elevation with a 10-foot wide top and 3:1 side slopes. Borrow will come from inside the dike on the west, north and east sides. Borrow for the south side of the dike will come from the 200-foot wide floodway along Crow Creek channel. This cell will be managed to provide excellent upland nesting cover that will not be subjected to flooding. Level ditching and island construction will occur in this cell to improve breeding pair territory sites. A 48-inch stoplog water level control structure will be installed to allow water to gravity flow from the Crow Creek channel and floodway

through the structure and into the level ditches. South Dakota Department of Game, Fish and Parks will have the option of developing this cell as wetland habitat in the future if they so desire. Approximately 23,000 cubic yards of fill will be required to build this dike.

The south cell will be 189 acres in size. It will be managed as a water-supply reservoir for the 680-acre Renziehausen Slough. The top of dike will be 1289.0 elevation with a 10-foot wide top and 3:1 sideslopes. A 4-foot wide berm at elevation 1286.0 will be utilized to decrease dike erosion from wave action. Borrow for the dike on the west, south, and east sides will be excavated from outside the dike. Borrow for the north dike section will again be taken from the 200-foot wide floodway along the Crow Creek channel. Approximately 68,000 cubic yards of fill will be required to construct this dike. A 48-inch stoplog water control structure will be installed to allow water to gravity flow from the Crow Creek channel and waterway into this cell during periods of high water flow.

In addition, a 30 horsepower, permanent electric water pump will be located on this south cell to allow water to be pumped into the cell. The pump has been sized to fill the cell in 10 days. It will pump 15 C.F.S. or 300 acre-feet of water in 10 days. A buried electric power line will enter the management area in the southwest section and be laid directly to the south dike. The line will be buried in the dike to the pumpsite. A flood event on Crow Creek will fill the south cell to elevation 1285.5 in 10 days by gravity flow. The additional water necessary to raise the pool level to 1287.0 would then be pumped. During dry periods, water can be released from this storage reservoir to recharge the 680-acre Renziehausen Slough. Level ditching and the construction of standard 0.1 acre nesting islands will be constructed in this cell also. Approximately 150 nesting and loafing islands will be constructed in the complete project development.

As part of the engineering evaluation, Ducks Unlimited has attempted to design a project which would not be a detriment to upstream and downstream lands. Since the hydraulic control (bridge and downstream channel capacity) of Crow Creek will remain unchanged and are downstream from the project site, downstream flows will not increase. The project will increase the water storage capacity of Renziehausen Slough by an additional 1000 acre-feet. This would appear to provide some benefit to downstream landowners. In reality the additional amount of water retained in Renziehausen Slough will lower the downstream flows a very small percentage.

By the use of the diked cells and pump, the project is capable of retaining a larger volume of water (again an additional 1000 acre-feet) without flooding additional lands upstream. Actually,

some lands immediately upstream from the project will drain at a faster rate after the Crow Creek channel is deepened and widened.

In addition, a 200-foot wide floodway will be excavated along Crow Creek to aid in removing water off upstream lands.

The water level in Renziehausen Slough during relatively low spring flows will be similar to levels attained in former years. Water levels on upstream lands should recede quicker due to improved drainage through the area. During springs when runoff exceeds the bridge capacity or downstream channel capacity, water levels in Renziehausen Slough and on private, upstream lands will be a result of these downstream constrictions. This is the situation that exists presently.

Construction of the project is tentatively planned to proceed from west to east in a manner similar to our description of the project.

R. Warhurst, Regional Biologist
R. Smith, Regional Engineer
D. McDonough, Civil Engineer

DEC 09 1986

RENZIEHAUSEN SLOUGH PROJECT PUBLIC MEETING

Claremont, SD
October 1, 1986

In examining Renziehausen Slough for its waterfowl production capabilities, it was evident that good water levels occurred in early spring following the spring runoff, but that the water levels decreased rather rapidly during the spring and summer in most years. The shallow, wet areas created ideal conditions for the growth of cattails. The cattail-choked marsh provided few waterfowl breeding pair territory sites, and the low water levels during the summer were not adequate for secure, brood-rearing habitat. Also, there is a deficiency of secure, flood-free upland nesting habitat on the state property. Aware of these factors limiting waterfowl production on Renziehausen Slough, we began developing plans for the Renziehausen Slough cooperative project between Ducks Unlimited and the South Dakota Department of Game, Fish and Parks. We have strived to address the waterfowl production problems of insufficient breeding pair territory and nesting sites, inadequate brood-rearing habitat, and a lack of water level control on Renziehausen. We are also aware of the concerns, interests, and rights of surrounding landowners, sportsmen, and citizens of South Dakota. It is our desire that this plan to improve waterfowl production on Renziehausen Slough respects and addresses these concerns and interests as well as fulfilling the project's primary objective.

Renziehausen Slough
Sections 25, 26, 35, and 26; Township 127N
Range 60W; Brown County, SD

The first consideration that needs to be stressed is "that the downstream channel of Crow Creek controls the water in Renziehausen Slough and surrounding area during periods of high water". The maximum volume of water that can pass under the bridge located along the black-topped road immediately west of Renziehausen Slough is 838 C.F.S. The capacity of the downstream channel is considerably less. A 50 year runoff event would result in 1,000 C.F.S. The water level in Renziehausen would bounce to 1286.1^{M.S.L.} under those conditions. This past spring (1986) approximately 400 C.F.S. passed through the area. This would approximate a 5 to 10 year event. Water level was 1285.5 in April when two DU engineers were on site.

The concrete structure on the outlet channel (Crow Creek) from Renziehausen Slough is set at elevation 1284.0. This would seem to be a permanent, desired Full Supply Level (F.S.L.) for the wetland. A rather crude, wooden board weir structure is located near the concrete structure and is set at 1283.0 elevation. Much

erosion has occurred around the wooden structure. This structure and surrounding low area currently controls or sets the F.S.L. in Renziehausen after sufficient time has elapsed to allow the downstream channel to accommodate the high flows.

We desire to restore the water control elevation to 1284.0 - the level of the concrete weir. The outlet channel from the concrete weir to the bridge will be cleaned to allow efficient water flow to exit Renziehausen Slough. The existing Crow Creek channel has silted to become a V shaped channel and is very inefficient. The project will deepen Crow Creek to an invert elevation of 1280 with a 10-foot bottom width and 3:1 side slopes.

Diking will be accomplished in the vicinity of the structure to ensure that the full supply water level in the slough is 1284.0. A variable level stoplog water control structure (48-inch tube in a 60-inch riser) will be installed to allow water levels to be managed below the 1284.0 elevation, including complete drawdown capabilities. An emergency spillway will be constructed with a crest elevation of 1284.5.

The channel leading from the open water (deeper) area (1280 contour) of the slough to the water level control structures will be cleaned. Again this is done to allow efficient water movement through the system.

Sinuuous patterned (S shaped) level ditching will be constructed throughout the slough to provide better water movement within the slough. Biologically, this will increase the waterfowl breeding pair territory sites and improve access to the brood rearing areas of the slough. These level ditches are 3 feet deep, 12 feet wide on the bottom, with 3:1 side slopes. The excavated spoil will be placed adjacent to the ditch on the outside curves. These small islands will provide excellent nesting and loafing sites for geese and ducks.

Moving east up the Crow Creek ditch, the channel will be cleaned to elevation 1280 with a 10-foot wide bottom and 3:1 side slopes.

Two diked units will be constructed on the east sector of the project management area. There is a distance of 1000 feet between the north and south diked cells. The north cell will be 120 acres in size. The top of dike will be at 1287.0 elevation with a 10-foot wide top and 3:1 side slopes. Borrow will come from inside the dike on the west, north and east sides. Borrow for the south side of the dike will come from the 200-foot wide floodway along Crow Creek channel. This cell will be managed to provide excellent upland nesting cover that will not be subjected to flooding. Level ditching and island construction will occur in this cell to improve breeding pair territory sites. A 48-inch stoplog water level control structure will be installed to allow water to gravity flow from the Crow Creek channel and floodway

through the structure and into the level ditches. South Dakota Department of Game, Fish and Parks will have the option of developing this cell as wetland habitat in the future if they so desire. Approximately 23,000 cubic yards of fill will be required to build this dike.

The south cell will be 189 acres in size. It will be managed as a water-supply reservoir for the 680-acre Renziehausen Slough. The top of dike will be 1289.0 elevation with a 10-foot wide top and 3:1 sideslopes. A 4-foot wide berm at elevation 1286.0 will be utilized to decrease dike erosion from wave action. Borrow for the dike on the west, south, and east sides will be excavated from outside the dike. Borrow for the north dike section will again be taken from the 200-foot wide floodway along the Crow Creek channel. Approximately 68,000 cubic yards of fill will be required to construct this dike. A 48-inch stoplog water control structure will be installed to allow water to gravity flow from the Crow Creek channel and waterway into this cell during periods of high water flow.

In addition, a 30 horsepower, permanent electric water pump will be located on this south cell to allow water to be pumped into the cell. The pump has been sized to fill the cell in 10 days. It will pump 15 C.F.S. or 300 acre-feet of water in 10 days. A buried electric power line will enter the management area in the southwest section and be laid directly to the south dike. The line will be buried in the dike to the pumpsite. A flood event on Crow Creek will fill the south cell to elevation 1285.5 in 10 days by gravity flow. The additional water necessary to raise the pool level to 1287.0 would then be pumped. During dry periods, water can be released from this storage reservoir to recharge the 680-acre Renziehausen Slough. Level ditching and the construction of standard 0.1 acre nesting islands will be constructed in this cell also. Approximately 150 nesting and loafing islands will be constructed in the complete project development.

As part of the engineering evaluation, Ducks Unlimited has attempted to design a project which would not be a detriment to upstream and downstream lands. Since the hydraulic control (bridge and downstream channel capacity) of Crow Creek will remain unchanged and are downstream from the project site, downstream flows will not increase. The project will increase the water storage capacity of Renziehausen Slough by an additional 1000 acre-feet. This would appear to provide some benefit to downstream landowners. In reality the additional amount of water retained in Renziehausen Slough will lower the downstream flows a very small percentage.

By the use of the diked cells and pump, the project is capable of retaining a larger volume of water (again an additional 1000 acre-feet) without flooding additional lands upstream. Actually,

some lands immediately upstream from the project will drain at a faster rate after the Crow Creek channel is deepened and widened.

In addition, a 200-foot wide floodway will be excavated along Crow Creek to aid in removing water off upstream lands.

The water level in Renziehausen Slough during relatively low spring flows will be similar to levels attained in former years. Water levels on upstream lands should recede quicker due to improved drainage through the area. During springs when runoff exceeds the bridge capacity or downstream channel capacity, water levels in Renziehausen Slough and on private, upstream lands will be a result of these downstream constrictions. This is the situation that exists presently.

Construction of the project is tentatively planned to proceed from west to east in a manner similar to our description of the project.

R. Warhurst, Regional Biologist
R. Smith, Regional Engineer
D. McDonough, Civil Engineer

Report on Application No. 5051A-3
S.D. Dept. of Game, Fish, and Parks
January 22, 1987

The South Dakota Dept. of Game, Fish, and Parks is proposing to store up to 2,000 acre feet of additional water annually in Renziehausen Slough by installing an outlet for the slough at an elevation of 1284.0 ft. msl and the construction of two diked enclosures within the slough. The Renziehausen Slough project is located in Brown County and encompasses sections 25, 26, 35, and 36 all in T127N, R60W.

Discussion:

The purpose of the Renziehausen Slough project is to develop adequate waterfowl breeding pair territory sites, nesting sites and provide a reliable water supply for brood rearing.

The Dept. of Game, Fish, and Parks presently holds a Vested Right Claim No. 5051-3 authorizing sufficient water annually to fill the slough to the existing outlet elevation of 1283.0 ft. msl. This application proposes to increase the outlet elevation by one foot to elevation 1284.0 ft. msl by removing the existing wooden weir and using the existing concrete weir as the outlet structure. The concrete weir is located in the W1/2SW1/4 of section 26, T127N, R60W.

Diking is to be completed adjacent to the concrete weir to ensure that the weir is the only outlet. A variable water level stoplog structure (48 inch tube with 60 inch riser) will be placed in the dike to allow the slough to be drained for construction and maintenance purposes. An emergency spillway will be constructed with a crest elevation of 1284.5 ft. msl.

The project also proposes the construction of two diked enclosures to be located in the N 1/2 and S 1/2 of section 25 and the E 1/2 SE 1/4 of section 26 all in T127N, R60W. The north enclosure is to cover 120 acres and have a top elevation of 1287.0 ft. msl. The capacity of the enclosure will be 480 acre feet. The south enclosure will cover 189 acres with a top elevation of 1289.0 feet msl. The capacity will be 756 acre feet. The dikes will have a 10 foot top width with 3:1 side slopes. A 4 foot berm with a top elevation of 1286.0 ft. msl is planned to be constructed adjacent to the south enclosure to prevent wave action erosion. Both enclosures are also equipped with 48 inch stoplog water control structures.

The north enclosure will be used for establishing and protecting upland nesting cover from flooding. The option also exists for the north enclosure to be used as wetland habitat. The south enclosure will be used as a water supply reservoir for the slough. Flood flows will be used to fill the south enclosure by gravity flow. Additional flows needed to fill the pool to an elevation of 1287.0 ft. msl will be pumped by use of a 30 horsepower, permanent electric pump capable of a pumping rate of 15 cfs.

The combined storage capacity of the two diked enclosures plus increasing the outlet elevation by one foot results in the 2,000 acre feet of water annually requested by Application No. 5051A-3.

Additional project work includes the deepening and widening the portion of Crow Creek Ditch located in sections 25 and 26, T127N, R60W. The Crow Creek Ditch will be cleaned to a bottom elevation of 1280 ft. msl with a 10 foot bottom width and 3:1 side slopes. The cleaning of the Crow Creek Ditch plus construction of several side ditches is to improve water movement within the slough and provide access to the brood rearing areas.

Water Availability:

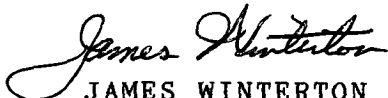
Renziehausen Slough is located on the Crow Creek Drainage Ditch. The Division of Water Rights has no record of any water rights existing which use water out of the Crow Creek Ditch below the proposed project. The ditch is used primarily to drain excess water from the surrounding area, therefore the use for wildlife enhancement should cause no problems with any existing uses.

There are two concerns about the project: One would be the raising of the outlet by one foot and its affect on the private lands located adjacent to the slough area. The increase in outlet elevation must not flood lands other than the lands owned by the Dept. of Game, Fish, and Parks, the applicant, unless easements or other authorizations are acquired. See SDCL 46-5-2. The second is the flowing well located near the slough area and within the project boundary. SDCL 46-6-18 requires that any abandoned or forfeited well must be plugged by the owner so that no leaking of its waters occurs underground or over the surface.

Conclusions:

Water is available for the Renziehausen Slough project as applied for by the Dept. of Game, Fish, and Parks, however the concerns as stated above should be addressed before construction of the project begins. Application No. 5051A-3 can be approved with the following qualifications:

1. That the flowing well located in the SE 1/4 SW 1/4 of Section 26, T127N, R60W be plugged pursuant to Board Rules, Chapter 74:02:04 prior to beginning construction of the project.
2. That no land which is not under the control of the Dept. of Game, Fish and Parks may be flooded unless easements or other authorizations to do so are obtained.



JAMES WINTERTON
Natural Resources Engineer

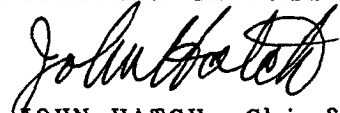
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5051A-3

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5051A-3, South Dakota Department of Game, Fish and Parks, Anderson Building, Pierre SD.

The Chief Engineer is recommending APPROVAL of Application No. 5051A-3 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) in the public interest with the following qualifications:

1. That the flowing well located in the SE 1/4 SW 1/4 Section 26, T127N, R60W be plugged pursuant to Board Rules Chapter 74:02:04 prior to beginning construction of the project.
2. That no land which is not under the control of the Department of Game, Fish and Parks may be flooded unless easements or other authorizations to do so are obtained.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
January 23, 1987



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

January 27, 1987

Hecia Independent
Box 158
Hecia, South Dakota 57446

Dear Sir:

Enclosed is a Notice of Intent to Appropriate Water by SD Dept. Game, Fish & Parks
Application No. 5051A-3, in Brown County, South Dakota. Please
publish this notice once each week for two consecutive weeks in your paper. The
first publication should be on, or before February 4, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you
make the first publication. The applicant is to pay the cost of publication and
should make the necessary arrangements with you to pay these costs.

A copy of BOTH publications must be sent to the Water Rights Division. IMMEDIATELY
after the FIRST publication, return a copy of the notice with the FIRST Publication
Transmittal form on the bottom of this page. The first copy is needed to check
the publication for errors so any corrections can be made before the second
notice is published.

Please be sure the SECOND publication is returned with the enclosed Proof of
Publication form. The permit application cannot be considered by the Water
Management Board until proof of publication has been received.

Thank you for your assistance.

Sincerely,

RON DUVALL
Natural Resources Engineer

cc: applicant

***** CUT HERE *****

FIRST
Publication
Transmittal

No. _____

Date _____

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

We are in receipt of your letter dated _____ and Notice of Hearing to
Appropriate Water by Application No. _____. The notice was first published
in our issue dated _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

NAME _____ NEWSPAPER _____

Equal Opportunity Employer



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

January 27, 1987

Britton Journal
Box 69
Britton, South Dakota 57430

Dear Sir:

Enclosed is a Notice of Intent to Appropriate Water by SD Dept. Game, Fish & Parks
Application No. 5051A-3, in Brown County, South Dakota. Please
publish this notice once each week for two consecutive weeks in your paper. The
first publication should be on, or before February 4, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you
make the first publication. The applicant is to pay the cost of publication and
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notice is published.

Please be sure the SECOND publication is returned with the enclosed Proof of
Publication form. The permit application cannot be considered by the Water
Management Board until proof of publication has been received.

Thank you for your assistance.

Sincerely,

RON DUVAL
Natural Resources Engineer

cc: applicant

***** CUT HERE *****

FIRST
Publication
Transmittal

No. _____ Date _____
TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

We are in receipt of your letter dated _____ and Notice of Hearing to
Appropriate Water by Application No. _____. The notice was first published
in our issue dated _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

NAME _____ NEWSPAPER _____

Equal Opportunity Employer



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

January 27, 1987

NOTE:

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

Department of Game, Fish & Parks
Anderson Building
Pierre, SD 57501

Dear Sir:

Your Application No. 5051A-3 for a permit to appropriate water for

FWP use, has been examined and found to
comply with the South Dakota Water Laws and applicable rules. A notice of
your intent to appropriate water has been sent to the Publisher of the
Aberdeen American News printed at Aberdeen
Britton Journal printed at Britton

Hecia Independent printed at Hecia
South Dakota. For your information, a copy of this notice, the recommendation
of the Chief Engineer and a report on the application are enclosed. Please
review this notice prior to publication and notify this office, if you have
any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your notice
of intent to appropriate water and to arrange for payment. Early contact with
the paper can eliminate delays. The publisher has been instructed to publish
your notice once each week for two consecutive weeks with the last publication
to occur at least thirty days before the board meeting. We must receive
Proof of Publication before the application can be considered by the Water
Management Board.

Sincerely,

RON DUVALL
Natural Resources Engineer

enclosures



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

January 27, 1987

Aberdeen American News
Box 4430
Aberdeen, South Dakota 57401

Dear Sir:

Enclosed is a Notice of Intent to Appropriate Water by SD Game, Fish & Parks
Application No. 5051A-3, in Brown County, South Dakota. Please
publish this notice once each week for two consecutive weeks in your paper. The
first publication should be on, or before February 4, 1987.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you
make the first publication. The applicant is to pay the cost of publication and
should make the necessary arrangements with you to pay these costs.

A copy of BOTH publications must be sent to the Water Rights Division. IMMEDIATELY
after the FIRST publication, return a copy of the notice with the FIRST Publication
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notice is published.

Please be sure the SECOND publication is returned with the enclosed Proof of
Publication form. The permit application cannot be considered by the Water
Management Board until proof of publication has been received.

Thank you for your assistance.

Sincerely,

RON DUVAL
Natural Resources Engineer

cc: applicant

***** CUT HERE *****

FIRST
Publication
Transmittal

No. _____

Date _____

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

We are in receipt of your letter dated _____ and Notice of Hearing to
Appropriate Water by Application No. _____. The notice was first published
in our issue dated _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

NAME _____ NEWSPAPER _____

Equal Opportunity Employer

No. 5051A-3

Instruction to Newspaper - Publish first publication of the following Notice on or before February 4, 1987 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5051A-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

~~Notice is hereby given that _____ whose mailing address is _____, South Dakota has made an application for a permit~~

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5051A-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, March 4, 1987 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by February 20, 1987. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2 46-5-30.4, 46-5-31; ~~(ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.~~

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 20, 1987.

February 17, 1987



Chief Engineer
Water Rights Division
DWNR
Joe Foss Building
Pierre, South Dakota 57501

Dear Sir:

We the undersigned petitioners on Application No. - 5051A - 3 to appropriate water at Renziehausen Slough in Brown County are landowners adjacent to and/or in the surrounding area of Renziehausen Slough.

We request to appear at the March 4, 1987, hearing in question of the control and operation of the structures to be built in conjunction with this water rights request.

Among our concerns are possible water seepage damage to adjacent lands and possible flooding problems. We also want to protect the Upper and Lower Crow Creek Watershed Districts and their standing in the decision making process if problems arise from the above mentioned water rights request.

Please send us a copy of the Chief Engineer's recommendations.

Arnold Beck	RR Box 104	Armstrong S.D.	57421
Clark Moeckly	RR2 Box 157	Britton S.D.	57430
Ronald Moeckly	RR2 Box 155	Britton S.D.	57430
Hubert Deinger	RR1 Box 108	Hickla S.D.	57446
Art Beck	RR1 Box 113	Hickla S.D.	57446
Burton Radmacher	RR Box 10	Armstrong S.D.	57421
Dale Stanley	RR1 Box 16	Claremont S.D.	57432
George Schuller	Box 8	Claremont S.D.	57432

(No. 618 Feb. 2, 9-2T)
NOTICE OF HEARING
 on Application No. 5051A-2
 to Appropriate Water

Notice is hereby given that the SD Department of Game, Fish and Parks, whose mailing address is Anderson Building, 445 E. Capitol, Pierre, South Dakota has made an application for a permit to store up to 2000 acre feet of additional water, annually in Renziehausen Slough primarily located in sections 25, 26, 35 and 36 all in T127N R60W. This application proposes to establish the outlet elevation of Renziehausen Slough at 1284.0 feet mean sea level and proposes construction of two diked enclosures within the slough. Vested Water Right Claim No. 50513 held by the Dept. of Game, Fish and Parks authorizes sufficient water annually to fill the slough to the existing outlet elevation of 1283.0 feet msl. This application proposes to increase the outlet elevation by 1 foot to 1284.0 msl by removing the existing wooden weir and using the existing concrete weir as the outlet structure. Diking is to be completed adjacent to the concrete weir to ensure that the weir is the only outlet. A variable water level stoplog structure (48 inch tube with 60 inch riser) is to be placed in the dike to allow the slough to be drained for construction and maintenance purposes. An emergency spillway is also to be constructed with a crest elevation of 1284.5 msl. The outlet structure is located in the W 1/2 SW 1/4 section 26 T127N R60W. The project also proposes construction of two diked enclosures to be located in the N 1/2 and S 1/2 section 25 and a portion of the E 1/2 SE 1/4 section 26 all in T127N R60W. The north enclosure is to cover 120 acres, have a top elevation of 1287.0 msl and have a 10 foot top width with 3:1 side slopes. The south enclosure is to cover 189 acres, have a top elevation of 1289.0 msl and have a 10 foot top width with 3:1 side slopes. A four foot berm with a top elevation of 1286.0 msl is to be constructed adjacent to the south enclosure to prevent wave action erosion. Both enclosures are also to be equipped with 48 inch stoplog water control structures. The north enclosure is to be used for establishing and protecting upland nesting cover from flooding. The option also exists for the north enclosure to be used as wetland habitat and has the capacity to store 480 acre-feet of water. The south enclosure is to be used as a water supply reservoir for the slough and is capable of storing 756 acre-feet of water. Flood flows are to be used to fill the south enclosure by gravity flow. Additional flood flows needed to raise the pool elevation to 1287.0 msl are to be pumped into the south enclosure. Nesting islands are also to be constructed in the south enclosure. The combined storage capacity of the two diked enclosures plus increasing the outlet elevation by 1 foot results in a potential storage of 2,000 acre feet of water annually. The project also proposes to deepen and widen the portion of the Crow Creek Ditch located in sections 26 and 35 both in T127N R60W. The Crow Creek Ditch is to be cleaned to a bottom elevation of 1280.0 msl with a 10 foot bottom width and 3:1 side slopes. Cleaning of the Crow Creek Ditch plus construction of several side ditches is to improve water movement within the slough and provide access to brood rearing areas. The purpose of this project is to develop adequate water-fowl breeding pair territory sites, nesting sites and provide a reliable water supply for brood rearing.

Pursuant to SDCL 46-2A the Chief Engineer of the Water Rights Division recommends **APPROVAL** of Application No. 5051A-2 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, March 4 1987 at 10:00 a.m. The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by February 20, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01.01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to

DATA DICK
 2/2/87

be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure to the hearing by the handicapped can contact the Water Rights Division, DWR, Joe Foss Bldg, Pierre SD (605 773 3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 20, 1987.



George W. Schuller
Box 8

Claremont, South Dakota 57432

CERTIFIED

P 733 672 173

MAIL

LETTER PROOF REQUESTED

Chief Engineer

Water Rights Division

DWMR

Joe Foss Building

Pierre, South Dakota 57501

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

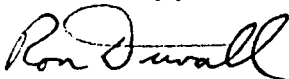
February 20, 1987

George Schuller
Box 8
Claremont SD 57432

Dear Mr. Schuller:

As requested in the petition dated February 17, 1987, enclosed is a copy of the Chief Engineer's recommendation for Permit Application No. 5051A-3, Renziehausen Slough.

Sincerely,



RON DUVAL
Natural Resources Engineer

RD:ks

enclosures

cc: Arnold Beck
Clark Moeckly
Randall Moeckly
Hubert Dinger
Art Beck
Burton Rademacher
Dale Stanley

BROWN COUNTY EMERGENCY & DISASTER SERVICE

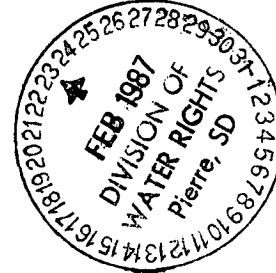
JOHN L. RUCKMAN
DIRECTOR

P. O. Box 1358
ABERDEEN, SOUTH DAKOTA 57401

605/229-5100
605/622-2556

February 20, 1987

Ron Duvall
Water Rights Division
Dept. of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501



Dear Sir:

I am petitioning to appear at the hearing on Application Number 5051A-3 to be held March 4, 1987.

My interest in this application is as follows: Renzihausen Slough is in Brown County and the Crow Creek Drainage Ditch runs through the slough and down to the James River.

I will support this application if a mutual agreement can be made between Brown County, the Crow Creek Drainage Ditch Operating Committee, and Game Fish and Parks on the restriction or release of water by any of the parties.

I therefore petition to speak to the hearing committee on this matter.

Sincerely,


John L. Ruckman

cc: Chief Engineer
S.D. Dept. of G.F. & P.

BROWN COUNTY EMERGENCY & DISASTER SERVICE

JOHN L. RUCKMAN
DIRECTOR

P. O. Box 1358
ABERDEEN, SOUTH DAKOTA 57401

605/229-5100
605/622-2556

February 20, 1987

Chief Engineer
Water Rights Division
Dept. Water & Natural Resources
Joe Foss Building
Pierre, SD 57501



Dear Sir:

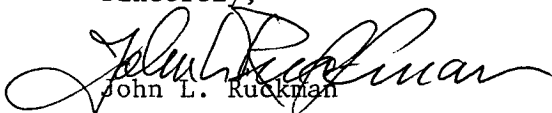
I am petitioning to appear at the hearing on Application Number 5051A-3 to be held March 4, 1987.

My interest in this application is as follows: Renzihausen Slough is in Brown County and the Crow Creek Drainage Ditch runs through the slough and down to the James River.

I will support this application if a mutual agreement can be made between Brown County, the Crow Creek Drainage Ditch Operating Committee, and the Game, Fish and Parks Dept. on the restriction or release of water by any of the parties.

I therefore petition to speak to the hearing committee on this matter.

Sincerely,


John L. Ruckman

cc: S.D. Dept. G.F. & P.
Ron Duvall



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 10, 1987

NOTICE

TO: Persons Interested in Permit Application No. 5051A-3,
SD Department of Game, Fish and Parks

FROM: John Hatch, Chief Engineer 
Water Rights Division
605 773-3352

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and
Final Decision

The Water Management Board has directed Mr. Guhin, the Board's attorney to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision regarding approval of Permit Application No. 5051A-3, SD Department of Game, Fish and Parks. The Board will consider the proposed Findings, Conclusions and Final Decision at 1:00 pm, May 6, 1987, Room 216, Joe Foss Building, Pierre SD.

The Board has requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to the Board and other interested parties by April 16, 1987. Any comments pertaining to the proposed Findings, Conclusions and Decision are to be mailed to the Board and other interested parties by April 24, 1987.

The public hearing on Application No. 5051A-3 was completed March 4, 1987. No additional testimony will be received on May 6, 1987.



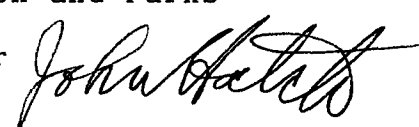
Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 10, 1987

NOTICE

TO: Persons Interested in Permit Application No. 5051A-3,
SD Department of Game, Fish and Parks

FROM: John Hatch, Chief Engineer 
Water Rights Division
605 773-3352

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and
Final Decision

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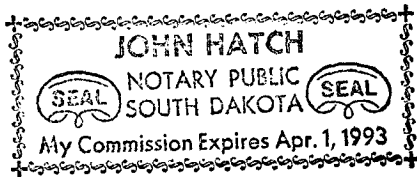
CERTIFICATION

I hereby certify that on March 10, 1987 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice pertaining to Findings of Fact, Conclusions of Law and a Final Decision on Application No. 5051A-3 addressed as shown on the attached sheet.


KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 1986.



John Hatch
Notary Public

5051A-3
SD Game, Fish & Parks

Jeff Stingley, Secretary
Game, Fish and Parks

Roger Schuller
Box 7
Claremont SD 57432

Mrs. Edna Scott Johnson
Box 555
Aberdeen, SD 57401

Ron Koth
Game, Fish and Parks

George Schuller
Box 8
Claremont SD 57432

Roger Smith
6115 E Main
Bismarck ND 58501

Irwin Symens
RR 1, Box 53
Claremont SD 57432

Jim Salyer
Game, Fish and Parks

Leonard Zuehlke
RR 2, Box 152
Britton SD 57430

Richard Symens
Box 54
Claremont SD 57432

Clark Moeckly
RR 2, Box 157
Britton SD 57430

Larry Uolan
RR 1
Claremont SD 57432

Randall Moeckly
RR 2, Box 155
Britton SD 57430

Burton Radmacher
RR Box 10
Claremont SD 57432

Hubert Dinger
RR 1, Box 108
Hecla SD 57440

Harold & Lela Olson
RR 1, Box 107
Amherst SD 57421

Art Beck
RR 1, Box 113
Hecla SD 57440

Arnold Beck
Rt 1, Box 104
Amherst SD 57421

Dale Stanley
RR 1, Box 16
Claremont SD 57432

John Ruckman
PO Box 1358
Aberdeen SD 57401



RESOLUTION: Operation of Renziehausen Slough

Whereas, local landowners are concerned that the SD Department of Game, Fish and Parks and Ducks Unlimited will possibly operate the proposed Renziehausen Slough development to the detriment of area landowners;

Whereas, local landowners are concerned that an outlet elevation of 1284.0 feet MSL along with other proposed storage structures may cause additional flooding and seepage damage to adjoining lands;

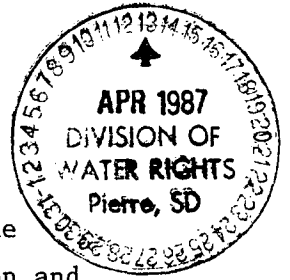
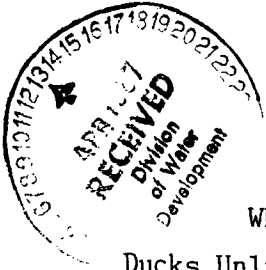
Whereas, the SD Water Management Board approved application 5051A-3 to appropriate water in Renziehausen Slough on March 4, 1987, at Pierre, South Dakota, over the objection of local landowners in Brown and Marshall Counties;

Therefore, be it resolved that the outlet level be left at 1283.0, and that the Marshall County Commission supports a joint management agreement between Lower Crow Creek Watershed District, Upper Crow Creek Watershed District, South Dakota Department of Game, Fish and Parks, and Ducks Unlimited on the operation of Renziehausen Slough as outlined in Application No. 5051A-3 to appropriate water.

Dated this 24th day of March, 1987.

Cornelius Keintz
Connie Williams
Maurice Erickson
Silford Hill

RESOLUTION: OPERATION OF RENZIEHAUSEN SLOUGH



Whereas, the Upper Crow Creek Watershed District commends the Ducks Unlimited and State Game, Fish and Parks for their construction and management of the Black Slough area in the Upper Crow Creek Watershed;

Whereas, local landowners are concerned that the S.D. Department of Game, Fish and Parks and Ducks Unlimited will possibly operate the proposed Renziehausen Slough development to the detriment of area land-owners;

Whereas, local landowners are concerned that an outlet elevation of 1284.0 feet MSL may cause additional flooding and seepage damage to adjoining lands;

Whereas, the S.D. Water Management Board approved application 5051A-3 to appropriate water in Renziehausen Slough on March 4, 1987, at Pierre, South Dakota, over the objection of local landowners in Brown and Marshall counties;

Therefore be it resolved, that the outlet level be left at 1283' and the Upper Crow Creek Watershed supports a joint management agreement between Lower Crow Creek Watershed District, Upper Crow Creek Watershed District, S.D. Department of Game, Fish and Parks and Ducks Unlimited on the operation of Renziehausen Slough as outlined in Application No. 5051A-3 to appropriate water.

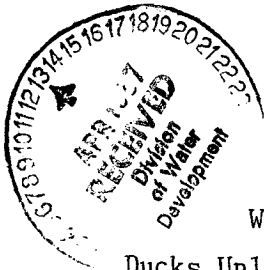

Walton Johnson


Leonard Zuehlke


Irwin Symens


Ron Patterson


Clark Moeckly



RESOLUTION: OPERATION OF RENZIEHAUSEN SLOUGH



Whereas, the Upper Crow Creek Watershed District commends the Ducks Unlimited and State Game, Fish and Parks for their construction and management of the Black Slough area in the Upper Crow Creek Watershed;

Whereas, local landowners are concerned that the S.D. Department of Game, Fish and Parks and Ducks Unlimited will possibly operate the proposed Renziehausen Slough development to the detriment of area landowners;

Whereas, local landowners are concerned that an outlet elevation of 1284.0 feet MSL may cause additional flooding and seepage damage to adjoining lands;

Whereas, the S.D. Water Management Board approved application 5051A-3 to appropriate water in Renziehausen Slough on March 4, 1987, at Pierre, South Dakota, over the objection of local landowners in Brown and Marshall counties;

Therefore be it resolved, that the outlet level be left at 1283' and the Upper Crow Creek Watershed supports a joint management agreement between Lower Crow Creek Watershed District, Upper Crow Creek Watershed District, S.D. Department of Game, Fish and Parks and Ducks Unlimited on the operation of Renziehausen Slough as outlined in Application No. 5051A-3 to appropriate water.

Walton Johnson
Walton Johnson

Leonard Zuehlke
Leonard Zuehlke

Irwin Symens
Irwin Symens

Ron Patterson
Ron Patterson

Clark Moeckly
Clark Moeckly

SCOTT - JOHNSON

P. O. BOX 555

ABERDEEN, SOUTH DAKOTA 57401

April 22, 1987



To the WATER MANAGEMENT BOARD
State House
Pierre, S.D. 57501

Gentlemen:

Regarding the memorandum received today from John P. Guhin, Assistant Attorney General, on the water permit application no. 5051A-3 by Game, Fish and Parks for Renziehausen Slough, may I enter a protest to this action on the following grounds:

Under no. 3, the purpose is to develop breeding sites. Have you had a report on how much land and water is now devoted to this in Brown County? Much tax revenue has been given up for this.

Number 4 is misleading for the dike at 1284 elevation is not separated from the wooden one at 1283, thus making the 1284 now useless.

Number 8 explains probable future damage to private property around the slough, and certain (will) damage to at least three properties. What are these three properties- the public has a right to know this. In fact, I am wondering if my land is one of these. The soil in this area is one of the most permeable, and dikes and roads constructed of this are subject to seepage.

In this same section 8, the last sentence is far too vague as to the responsibilities of Game, Fish and Parks. In meetings they have spoken of easements. Of what benefit are these to farmers?

Under number 10, are the officials using the last few years of high water table as a guide? Many years have found Renziehausen Slough dry.

In Conclusions of Law, under number 5, are you disregarding the fact that both the Upper and Lower Crow Creek Watershed Districts have voted to hold Renziehausen Slough at the 1283 elevation?

Please give consideration to these points.
Thanking you, I am

Yours truly,

Edna Scott Johnson

BROWN COUNTY EMERGENCY & DISASTER SERVICE

JOHN L. RUCKMAN
DIRECTOR

P. O. Box 1358
ABERDEEN, SOUTH DAKOTA 57401

605/229-5100
605/622-2556

April 24, 1987

S.D. Dept. of Water & Natural Resources
Water Rights Division
Water Management Board
Joe Foss Building
Pierre, SD 57501



To whom it may concern:

Please find enclosed a copy of the proposed agreement between Game, Fish and Parks (GFP), Brown County Commission and the Lower Crow Creek Watershed District. We are asking that this agreement be included in the application number 5051A-3.

The following people will be in attendance at the May 6, 1987 meeting: John L. Ruckman, E&DS Director; Larry Mitzel, Brown County Highway Superintendent; Rick Sommers, Deputy States Attorney; and members of the Brown County Commission. We request time for comments during this hearing.

Sincerely,


John L. Ruckman

enc.

JLR/gw

JOINT AGREEMENT BETWEEN
SOUTH DAKOTA DEPARTMENT OF GAME, FISH AND PARKS,
BROWN COUNTY COMMISSION, AND
LOWER CROW CREEK DRAINAGE ASSOCIATION

1. It is agreed by the parties of this agreement that the South Dakota Department of Game, Fish and Parks (GFP) will design, construct, operate and keep in repair a water control system on property under their control known as the Renziehausen Slough Game Production Area.
2. It is further agreed the GFP will operate the system so as not to aggregate damage to private land by flood or seep waters from the system. It is further agreed that GFP will take the necessary steps to repair said water control system so as to prevent and or stop any flooding or seepage from the system unto private land, and that GFP will be solely responsible for the costs of these repairs. It is also agreed that some flooding and seepage of Crow Creek drainage waters onto private lands has occurred regularly prior to the construction of the new water control system. The new water control system is not a flood control system and is not intended to provide flood protection for private lands.
3. It is agreed that GFP will prepare a water management plan defining scheduled impoundment and drawdown periods and the plan will be reviewed with the parties of this agreement before implementation. Any changes to the plan will be reviewed with the parties of this agreement before implementation. Any releases, scheduled or unscheduled, will be coordinated with the Lower Crow Creek Drainage Ditch Operating Committee before the release is effected.
4. It is finally agreed the GFP will not be held responsible for flows that exceed the capacity of the control structures.

	Secretary	
_____	Department of Game, Fish & Parks	
I concur	Date	

	Chairman	
_____	Brown County Commission	
I concur	Date	

	Chairman	
_____	Lower Crow Creek Watershed District	
I concur	Date	



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 28, 1987

Edna Scott Johnson
Box 555
Aberdeen SD 57401

Dear Ms. Johnson:

As requested, enclosed is a copy of portion of the March 4, 1987 minutes pertaining to Water Permit Application No. 5051A-3, Department of Game, Fish and Parks for Renziehausen Slough. This is a draft and is subject to Water Management Board approval.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

KAREN SCHLAAK
Senior Secretary

enclosure



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 22, 1987

NOTICE

TO: Douglas Hofer, Acting Secretary
Department of Game, Fish and Parks
Anderson Building
Pierre SD 57501
and Other Interested Persons

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352



SUBJECT: Findings of Fact, Conclusions of Law and Final Decision

This is to notify you that a Final Decision including Findings of Fact, Conclusions of Law were adopted by the Water Management Board for approval of Water Permit Application No. 5051A-3, SD Department of Game, Fish and Parks which was considered at the May 6, 1987 meeting.

The Final Decisions, Findings and Conclusions are on file in this office and signed copies will be furnished upon request. South Dakota Statutes provide that the decisions of the Board may be appealed to the Courts.

CERTIFICATION

I hereby certify that on May 22, 1987 I have personally deposited with the U.S. Mail postage prepaid envelopes containing a Notice pertaining to Findings of Fact, Conclusions of Law and a Final Decision on Application No. 5051A-3 addressed as stated on the attached sheet.

Haren Schlaak

KAREN SCHLAAK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 22nd day of May, 1986.

day of May
John G. [Signature]
 Notary Public



5051A-3
SD Game, Fish & Parks

Douglas Hofer
~~Jeff Stingley~~, Secretary
Game, Fish and Parks

Roger Schuller
Box 7
Claremont SD 57432

Mrs. Edna Scott Johnson
Box 555
Aberdeen, SD 57401

Ron Koth
Game, Fish and Parks

George Schuller
Box 8
Claremont SD 57432

Roger Smith
6115 E Main
Bismarck ND 58501

Irwin Symens
RR 1, Box 53
Claremont SD 57432

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Arnold Beck
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Dale Stanley
RR 1, Box 16
Claremont SD 57432

John Ruckman
PO Box 1358
Aberdeen SD 57401



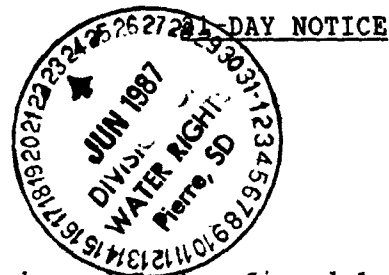
**US Army Corps
of Engineers**
Omaha District

Public Notice

Reply to:
Regulatory Branch
Federal Building, Room 253
Pierre, South Dakota 57501

Application No: SD 2SB OXT 2 009934
Date: June 19, 1987
Expiration Date: July 10, 1987

MROOP-N-1
SD Dept. of Game, Fish and Parks
Fill
Renzienhausen Slough



NOTICE OF PERMIT PENDING

The application of South Dakota Department of Game, Fish, and Parks, Sigurd Anderson Building, 445 East Capitol Avenue, Pierre, South Dakota 57501-3185, 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 authorization to place fill in Renzienhausen Slough in conjunction with the construction of two (2) diked structures, level ditching, nesting islands and water control structures. The project is located in Sections 25 and 26, Township 127 North, Range 60 West, Brown County, South Dakota.

The proposed project would consist of replacing an existing concrete structure and an adjacent wooden board weir structure with a variable level stoplog water control structure (48-inch tube in a 60-inch riser). The structure will allow water levels to be managed below the 1284.00 elevation, including complete drawdown capabilities. Elevation 1284.00 is the desired full supply level (F.S.L.) for Renzienhausen Slough. Diking will be accomplished in the vicinity of the structure to ensure that the full supply water level in the slough is 1284.00. An emergency spillway will be constructed with a crest elevation of 1284.50. The existing structures have deteriorated and are currently being circumvented by exiting waters (see attached drawings - structure #2). The existing outlet channel from the control structure to the bridge (from structure #2 west to the bridge) will be cleaned out to allow efficient water flow to exit Renzienhausen Slough. The existing Crow Creek channel has silted in to become a "V" shaped channel and is inefficient. The excavated channel will have an invert elevation of 1280.00 with a 10-foot bottom width and 3 to 1 side slopes. In addition, the Crow Creek channel from the control structure east to the open water area (designated as point A on the attached plan view) will also be cleaned out. Again, this would be done to allow efficient water movement through the area. From point B to point C on Crow Creek channel, the channel would be cleaned/excavated to an elevation of 1280.00 with a 10-foot wide bottom and 3 to 1 side slopes. In addition, a 200-foot wide floodway will be excavated along this reach to aid in removing water off upstream lands.

Sinuuous patterned (S shaped) level ditching will be constructed throughout the slough to provide better water movement within the slough (see attached plan view). Biologically, this would increase the waterfowl breeding pair territory sites and improve access to the brood rearing areas of the slough. These level ditches would be three (3) feet deep, twelve (12) feet wide on the bottom with 3 to 1 side slopes. The excavated spoil will be placed adjacent to the ditch on the outside curves. These small islands, approximately one-tenth of an acre in size, would provide nesting and loafing sites for geese and ducks. There would be approximately 208 islands resulting in an estimated 14,560 cubic yards of fill below water elevation 1284.00.

Two (2) diked units will be constructed on the east sector of the project management area. There is a distance of 1000 feet between the north and south diked cells. The north cell will be 120 acres in size. The top of the dike will be at 1287.00 elevation with a ten (10) foot wide top and 3 to 1 side slopes. Borrow will come from inside the dike on the west, north and east sides. Borrow for the south side of the dike will come from the 200-foot wide floodway along Crow Creek channel. This cell will be managed to provide excellent upland nesting cover that will not be subjected to flooding. Level ditching and island construction will occur in this cell to improve breeding pair territory sites. A 48-inch stoplog water level control structure (structure #1) will be installed to allow water to gravity flow from the Crow Creek channel and floodway through the structure and into the level ditches. South Dakota Department of Game, Fish and Parks will have the option of developing this cell as wetland habitat in the future if they so desire. Approximately 23,000 cubic yards of fill will be required to build this dike; 5400 cubic yards would be placed below elevation 1284.00.

The south cell will be 189 acres in size. It will be managed as a water-supply reservoir for the 680-acre Renzienhausen Slough. The top of the dike will be 1289.00 elevation with a 10-foot wide top and 3 to 1 side slopes. A four (4) foot wide berm at elevation 1286.00 will be utilized to decrease dike erosion from wave action. Borrow for the dike on the west, south, and east sides will be excavated from outside the dike. Borrow for the north dike section will again be taken from the 200-foot wide floodway along the Crow Creek channel. Approximately 68,000 cubic yards of fill will be required to construct this dike; 20,140 cubic yards would be placed below elevation 1284.00. A 48-inch stoplog water control structure (structure #3) will be installed to allow water to gravity flow from the Crow Creek channel and waterway into this cell during periods of high water flow.

In addition, a 30 horsepower, permanent electric water pump will be located on this south cell to allow water to be pumped into the cell. The pump has been sized to fill the cell in 10 days. It will pump 15 cubic feet per second (C.F.S.) or 300 acre-feet of water in 10 days. A buried electric power line will enter the management area in the southwest section and be laid directly to the south dike. The line will be buried in the dike to the pumpsite. A flood event on Crow Creek will fill the south cell to elevation 1285.50 in 10 days by gravity flow. The additional

water necessary to raise the pool level to 1287.00 would then be pumped. During dry periods, water can be released from this storage reservoir to recharge the 680-acre Renzienhausen Slough. Level ditching and the construction of standard one-tenth of an acre nesting islands will be constructed in this cell also.

As part of the engineering evaluation, there was an attempt to design a project which would not be a detriment to upstream and downstream lands. Since the hydraulic control (bridge and downstream channel capacity) of Crow Creek will remain unchanged and are downstream from the project site, downstream flows would not increase. Currently, the volume of water that can pass through the bridge located on the west side of the slough is 838 cubic feet per second. The capacity of the downstream channel is considerably less. The project would increase the water storage capacity of Renzienhausen Slough by an additional 1000 acre-feet. By the use of the diked cells and pump, the project is capable of retaining a larger volume of water (again an additional 1000 acre-feet) without flooding additional lands upstream. Actually, some lands immediately upstream from the project would drain at a faster rate after the Crow Creek channel is deepened and widened.

The purpose of the project would be to enhance waterfowl production at Renzienhausen Slough. The slough currently does not provide a desirable waterfowl habitat due to inadequate waterfowl breeding pair sites, broad rearing habitat, or upland nesting habitat on the state owned property.

Certification that the proposed project will not violate applicable water quality standards has been requested from the Regional Administrator, U.S. Environmental Protection Agency, Region VIII, One Denver Place, Suite 1300, 999 18th Street, Denver, Colorado.

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 project.

In compliance with the Endangered Species Act, our review indicates that the 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).

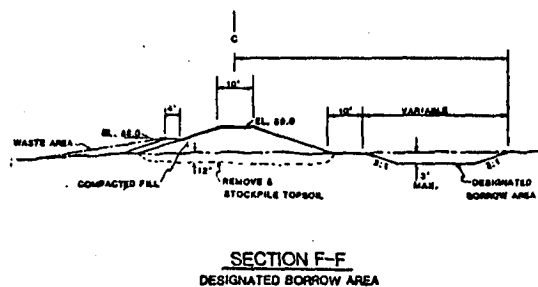
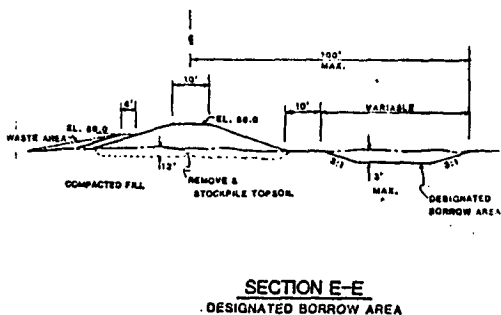
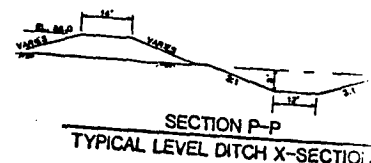
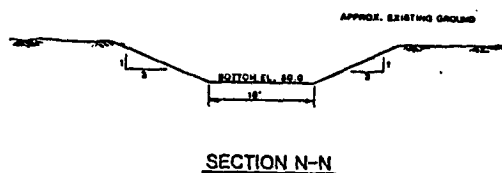
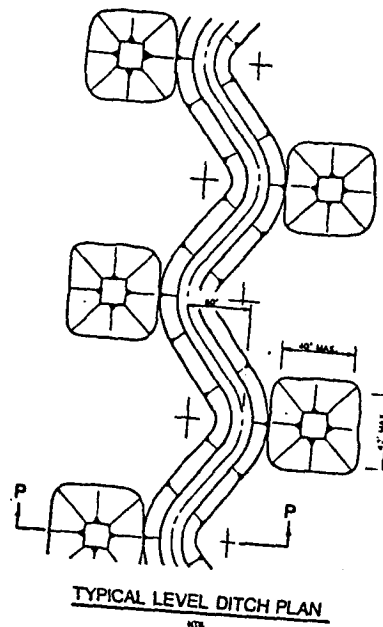
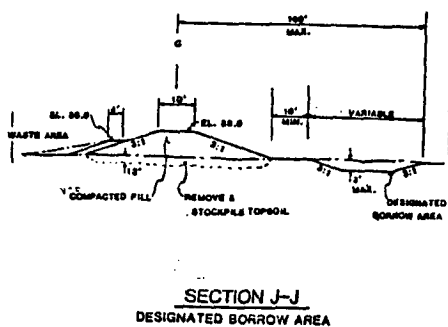
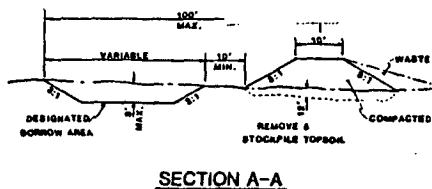
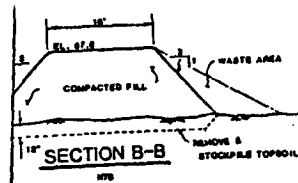
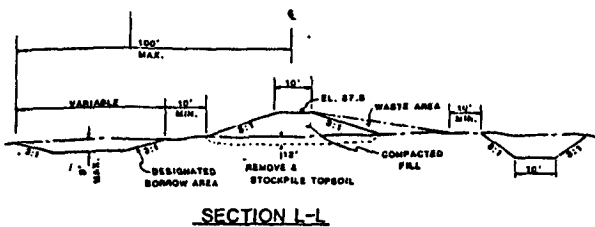
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the U.S. Army Corps of Engineers, Regulatory Branch, Federal Building, Room 260, Pierre, South Dakota 57501.

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 to this office written facts, arguments, or objections on or before July 10, 1987. 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. All replies to the Public Notice should be addressed to the address listed in the previous paragraph. Mr. Steve Naylor, telephone number (605) 224-8531, may be contacted for additional information.

Comments received after the close of the business on the expiration date of the public notice will not be considered.

A permit, if granted, will be under the provisions of Section 404 of the Clean Water Act.

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



PURPOSE: NESTING ISLANDS / LEVEL DITCHING / CONTROL STRUCTURE / DIKES

DATUM

ADJACENT PROPERTY OWNERS:

1

2

SD 258 OXT 2 009934

IN WETLAND

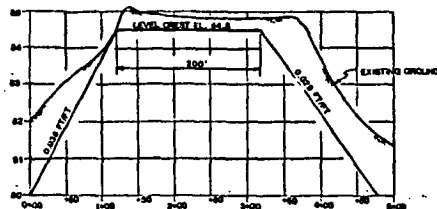
AT RENZIENHAUSEN SLOUGH

COUNTY OF BROWN

STATE SD

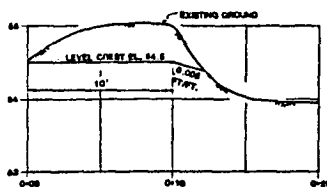
APPLICATION BY SD DEPT. OF GAME, FISH & PARKS

SHEET 2 OF 5 DATE JUNE 1987



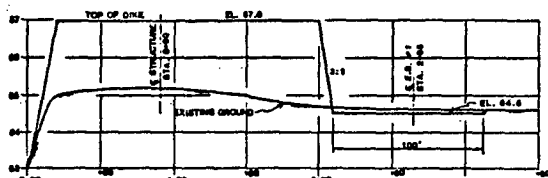
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HORIZ. 1"=100'



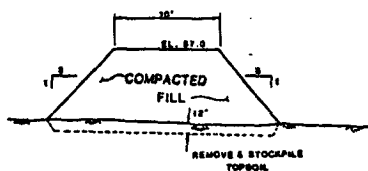
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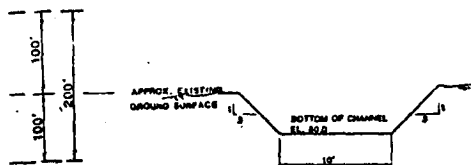


DIKE C PROFILE W/ E. S. #1 X-SECTION

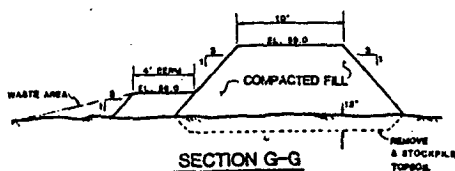
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HORIZ. 1"=40'



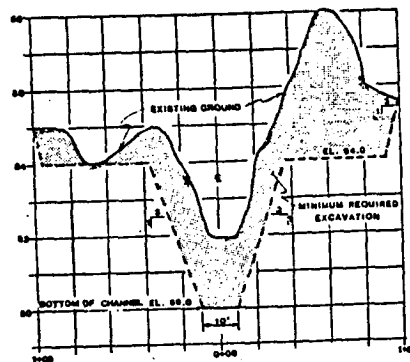
TYPICAL DIKE SECTION



SECTION D-D

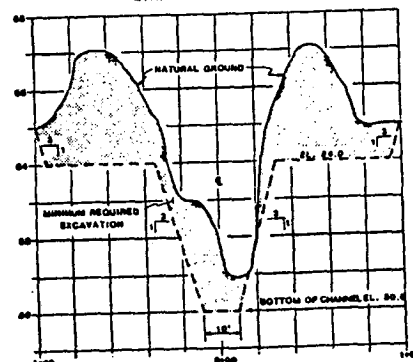


SECTION G-G



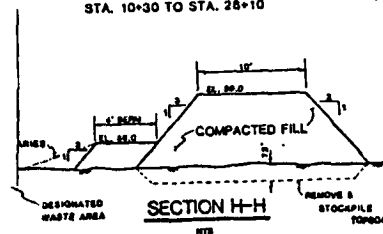
SECTION C-C

STA. 0+00 TO STA. 10+30

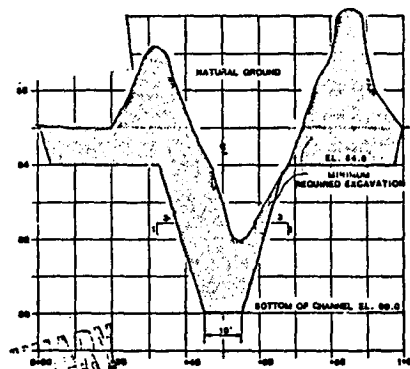


SECTION D-D

STA. 10+30 TO STA. 28+10



SECTION H-H



SECTION M-M

PURPOSE: NESTING ISLANDS / LEVEL DITCHING / CONTROL STRUCTURE / DIKES

DATUM

ADJACENT PROPERTY OWNERS:

1

2

SD 25B OXT 2 009934

IN WETLAND

AT RENZIENHAUSEN SLOUGH

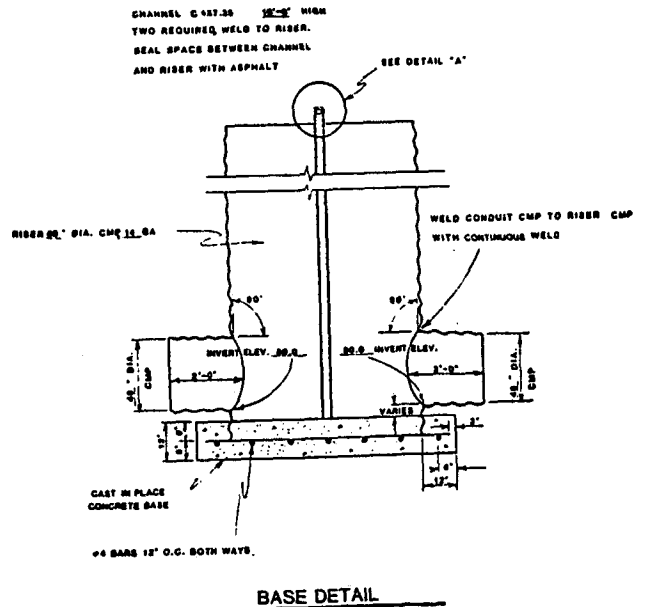
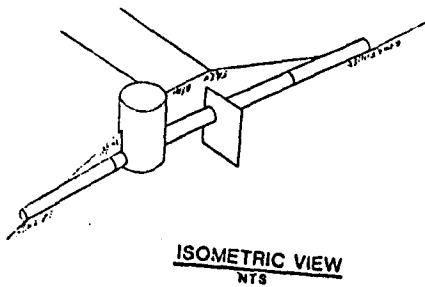
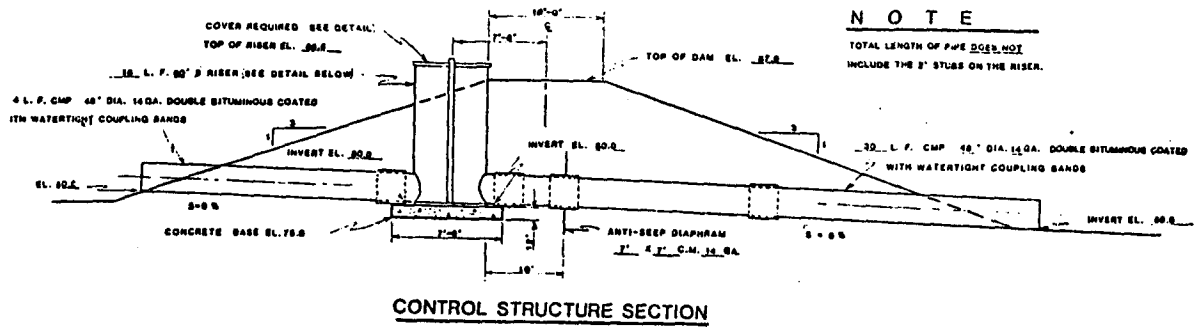
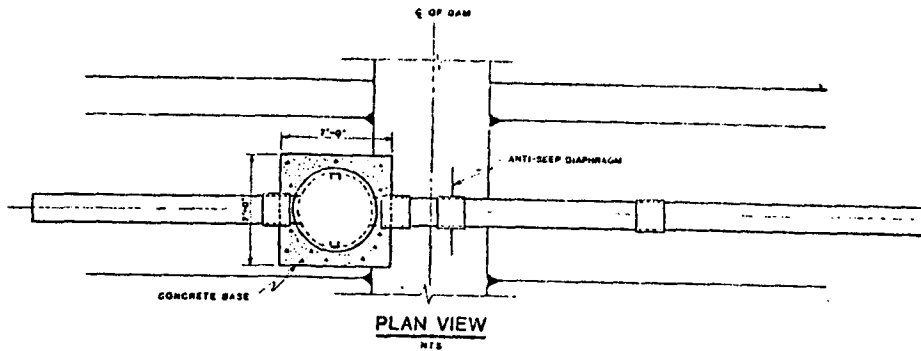
COUNTY OF BROWN

STATE SD

APPLICATION BY SD DEPT. OF GAME, FISH & PARKS

SHEET 3 OF 5 DATE JUNE 1987

STRUCTURE #1 & #2 DETAILS



PURPOSE: NESTING ISLANDS / LEVEL DITCHING / CONTROL STRUCTURE / DIKES

DATUM

ADJACENT PROPERTY OWNERS:

1

2

SD 2SB OXT 2 009934

IN WETLAND

AT RENZIENHAUSEN SLOUGH

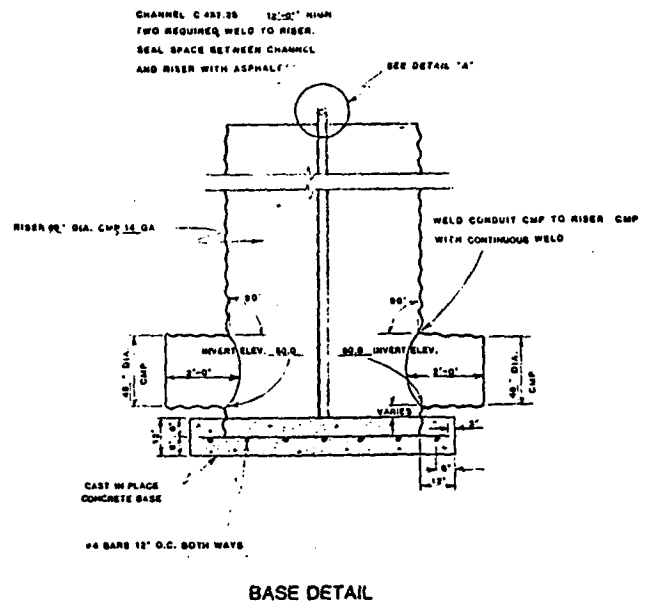
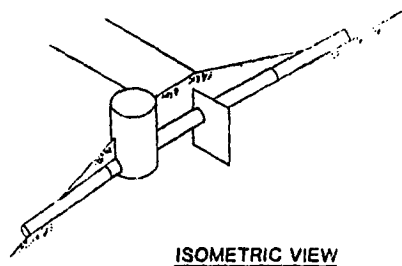
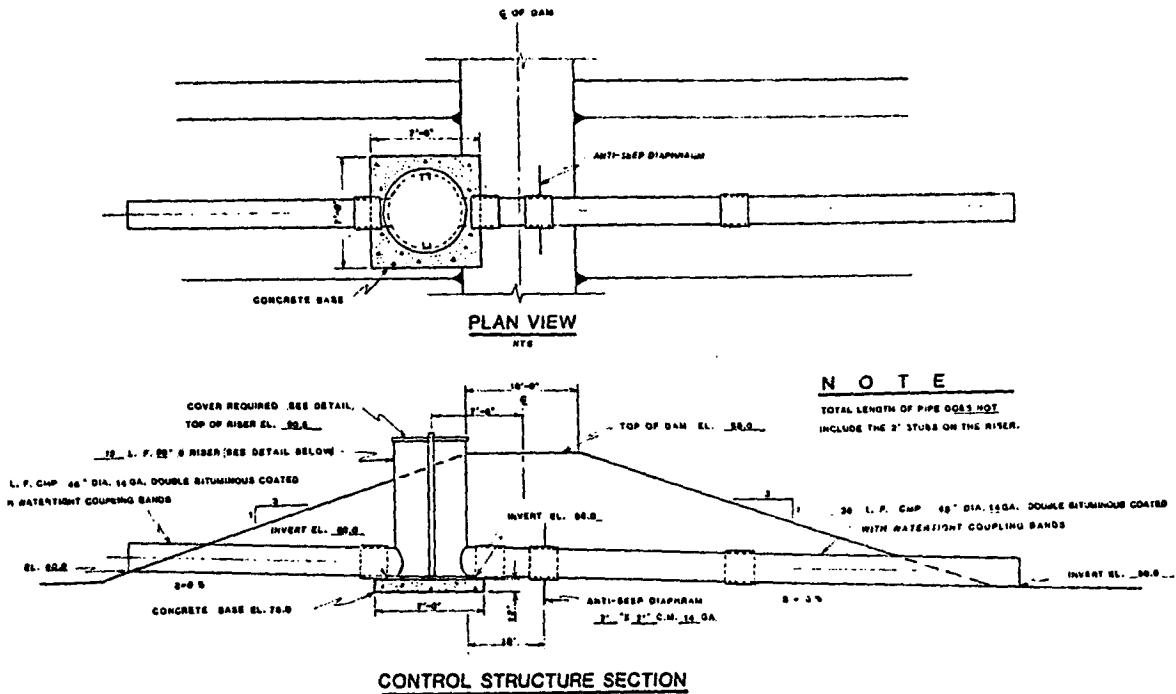
COUNTY OF BROWN

STATE SD

APPLICATION BY SD DEPT. OF GAME, FISH & PARKS

SHEET 4 OF 5 DATE JUNE 1987

STRUCTURE #3 DETAILS



PURPOSE: NESTING ISLANDS / LEVEL DITCHING / CONTROL STRUCTURE / DIKES

DATUM**ADJACENT PROPERTY OWNERS:**

1

2

SD 2SB OXT 2 009934

IN WETLAND

AT RENZIENHAUSEN SLOUGH

COUNTY OF BROWN

STATE SD

APPLICATION BY SD DEPT. OF GAME, FISH & PARKS

SHEET 5 OF 5 DATE JUNE 1987

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF BROWN

ss.

Lori Noltner BEING DULY SWORN, ON HIS OATH SAYS:

That the ABERDEEN AMERICAN NEWS is a DAILY newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned, that affiant is an employee and principal clerk of said publisher and has personal knowledge of all the facts stated in this affidavit; that the advertisement headed Notice of hearing

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 thereof, once each week for 2 successive weeks

The first publication being made on the 2nd day of Feb 1987

The second publication being made on the 9th day of Feb 1987

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

That said newspaper is a legal newspaper, being published five days or more each week, having a bona fide circulation of more than two hundred copies daily, having been published in the English language within the said County of Brown for more than one year next prior to the first publication of said notice, and is printed in whole in an office maintained at the place of publication of said newspaper. That the whole amount of the fee paid for the publication of the annexed notice is \$103.95, which inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Lori Noltner

Subscribed and sworn to before me this 9th day of

Feb 1987

Ella Jaasha

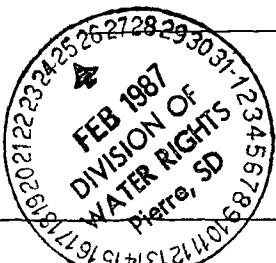
Notary Public, Brown County, S. D.

My commission expires 7-13-87

daily circulation 19930

NOTICE OF HEARING on Application No. 5051A-3 to Appropriate Water

Notice is hereby given that the SD Department of Game, Fish and Parks whose mailing address is Anderson Building, 445 E. Capitol, Pierre, South Dakota has made an application for a permit to store up to 2000 acre-feet of additional water annually in Renziehausen Slough primarily located in sections 25, 26, 35 and 36 all in T127N-R60W. This application proposes to establish the outlet elevation of Renziehausen Slough at 1284.0 feet mean sea level and proposes construction of two diked enclosures within the slough. Vested Water Right Claim No. 5051.3 held by the Dept. of Game, Fish and Parks authorizes sufficient water annually to fill the slough to the existing outlet elevation of 1283.0 feet msl. This application proposes to increase the outlet elevation by 1 foot to 1284.0 msl by removing the existing wooden weir and using the existing concrete weir as the outlet structure. Diking is to be completed adjacent to the concrete weir to ensure that the weir is the only outlet. A variable water level stoplog structure (48 inch tube with 60 inch riser) is to be placed in the dike to allow the slough to be drained for construction and maintenance purposes. An emergency spillway is also to be constructed with a crest elevation of 1284.5 msl. The outlet structure is located in the W 1/2 SW 1/4 section 26 T127N-R60W. The project also proposes construction of two diked enclosures to be located in the N 1/2 and S 1/2 section 25 and a portion of the E 1/2 SE 1/4 section 26 all in T127N-R60W. The north enclosure is to cover 120 acres, have a top elevation of 1287.0 msl and have a 10 foot top width with 3:1 side slopes. The south enclosure is to cover 189 acres, have a top elevation of 1289.0 msl and have a 10 foot top width 3:1 side slopes. A four foot berm with a top elevation of 1286.0 msl is to be constructed adjacent to the south enclosure to prevent wave action erosion. Both enclosures are also to be equipped with 48 inch stoplog water control structures. The north enclosure is to be used for establishing and protecting upland nesting cover from flooding. The option also exists for the north enclosure to be used as wetland habitat and has the capacity to store 480 acre-feet of water. The south enclosure is to be used as a water supply reservoir for the slough and is capable of storing 756 acre-feet of water. Flood flows are to be used to fill the south enclosure by gravity flow. Additional flood flows needed to raise the pool elevation to 1287.0 msl are to be pumped into the south enclosure. Nesting islands are also to be constructed in the south enclosure. The combined storage capacity of the two diked enclosures plus increasing the outlet elevation by 1 foot results in a potential storage of 2,000 acre-feet of water annually. The project also proposes to deepen and widen the portion of the Crow Creek Ditch located in sections 26 and 25 both in T127N-R60W. The Crow Creek Ditch is to be cleaned to a bottom elevation of 1280.0 msl with a 10 foot bottom width and 3:1 side slopes. Cleaning of the Crow Creek Ditch plus construction of several side ditches is to improve water movement within the slough and provide access to brood-rearing areas. The purpose of this project is to develop adequate water-fowl breeding pair territory sites, nesting sites and provide a reliable water supply for brood-rearing.



Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends ~~APPROVAL~~ of Application No. 5051A-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 216, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, March 4 1987 at 10:00 a.m. The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by February 20, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 20, 1987.

No. 5051A-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Marshall) ss.

I, Charles L. Card hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Britton Journal

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

City Britton of _____

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

February 4, 1987

February 11, 1987



Charles L. Card
(Signature)

publisher
(Title)

February 11, 1987
(Date Signed)

Cost of Printing: \$70.27

21 Feb 4 11
NOTICE OF HEARING
on Application No. 5051A-3
to Appropriate Water

Notice is hereby given that the SD Department of Game, Fish and Parks whose mailing address is Anderson Building, 445 E. Capitol, Pierre, South Dakota has made an application for a permit to store up to 2000 acre-feet of additional water annually in Renziehausen Slough primarily located in sections 25, 26, 35 and 36 all in T127N-R60W. This application proposes to establish the outlet elevation of Renziehausen Slough at 1284.0 feet mean sea level and proposes construction of two diked enclosures within the slough. Vested Water Right Claim No. 5051-3 held by the Dept. of Game, Fish and Parks authorizes sufficient water annually to fill the slough to the existing outlet elevation of 1283.0 feet msl. This application proposes to increase the outlet elevation by 1 foot to 1284.0 msl by removing the existing wooden weir and using the existing concrete weir as the outlet structure. Diking is to be completed adjacent to the concrete weir to ensure that the weir is the only outlet. A variable water level stoplog structure (48 inch tube with 60 inch riser) is to be placed in the dike to allow the slough to be drained for construction and maintenance purposes. An emergency spillway is also to be constructed with a crest elevation of 1284.5 msl. The outlet structure is located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ section 26-T127N-R60W. The project also proposes construction of two diked enclosures to be located in the N $\frac{1}{2}$ and S $\frac{1}{2}$ section 25 and a portion of the E $\frac{1}{2}$ SE $\frac{1}{4}$ section 26 all in T127N-R60W. The north enclosure is to cover 120 acres, have a top elevation of 1287.0 msl. and have a 10 foot top width with 3:1 side slopes. The south enclosure is to cover 189 acres, have a top elevation of 1289.0 msl and have a 10 foot top width with 3:1 side slopes. A four foot berm with a top elevation of 1286.0 msl is to be con-

constructed adjacent to the south enclosure to prevent wave action and erosion. Both enclosures are also to be equipped with 48 inch stoplog water control structures. The north enclosure is to be used for establishing and protecting upland nesting cover from flooding. The option also exists for the north enclosure to be used as wetland habitat and has the capacity to store 480 acre-feet of water. The south enclosure is to be used as a water supply reservoir for the slough and is capable of storing 756 acre-feet of water. Flood flows are to be used to fill the south enclosure by gravity flow.

Additional flood flows needed to raise the pool elevation to 1287.0 msl are to be pumped into the south enclosure. Nesting islands are also to be constructed in the south enclosure. The combined storage capacity of the two diked enclosures plus increasing the outlet elevation by 1 foot results in a potential storage of 2,000 acre-feet of water annually. The project also proposes to deepen and widen the portion of the Crow Creek Ditch located in section 26 and 25 both in T127N-R60W. The Crow Creek Ditch is to be cleaned to a bottom elevation of 1280.0 msl with a 10 foot bottom width and 3:1 side slopes. Cleaning the Crow Creek Ditch plus construction of several side ditches is to improve water movement within the slough and provide access to brood-rearing areas. The purpose of this project is to develop adequate waterfowl breeding pair territory sites, nesting sites and provide a reliable water supply for brood-rearing.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 505-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is in the beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at room 218, Joe Foss Building, 523 E. Capitol, Pierre, South Dakota, March 4, 1987 at 10:40 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by February 20, 1987. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

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Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foss Bldg., Pierre, SD (605-773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by February 20, 1987.

Affidavit of Publication

STATE OF SOUTH DAKOTA)

County of Brown

)ss.

)

Connie or Dale Groop, of said County and State being first duly sworn, on oath, says: That the Brown County News and Hecla Independent is a weekly newspaper as defined by Section 7070, 1919 Revised Code printed and published in Frederick is said County and State by Connie or Dale Groop, and has been such newspaper during the time hereinafter mentioned and that I, Connie or Dale Groop, the undersigned am publisher of said newspapers, in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit, and

that the advertisement headed: _____

Notice of Hearing on
application No. 5051-A-3
to Appropriate Water

a printed copy of which is hereto attached, was printed

and published in the said newspaper for 2
successive issues, to-wit: The first publication being

made on February 4, 1987

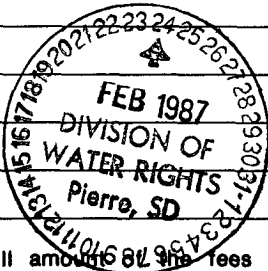
the second on February 11, 1987

the third on _____

the fourth on _____

the fifth on _____

the sixth on _____



That the full amount of the fees charged for pub-

lishing the same, to-wit: the sum of \$ _____
insures solely to the benefit of the publisher of the
Brown County News and Hecla Independent. That no
agreement or understanding of any division thereof has
been made with any person, and that no part thereof has
been agreed to be paid to any person whomsoever.

Dale Groop Publisher

Subscribed and sworn to before me this 23

day of February, 19 87.

Connie Dale Groop Notary Public

My commission expires Nov 19, 19 90

Hearing on building dikes

NOTICE OF HEARING on Application No. 5051A-3 to Appropriate Water

Notice is hereby given that the SD Department of Game, Fish and Parks whose mailing address is Anderson Building, 445 E. Capitol, Pierre, South Dakota has made an application for a permit to store up to 2000 acre-feet of additional water annually in Renziehausen Slough primarily located in sections 25, 26, 35 and 36 all in T127N-R60W. This application proposes to establish the outlet elevation of Renziehausen Slough at 1284.0 feet mean sea level and proposes construction of two diked enclosures within the slough. Vested Water Claim No. 5051-3 held by the Dept. of Game, Fish and Parks authorizes sufficient water annually to fill the slough to the existing outlet elevation of 1283.0 feet msl. This application proposes to increase the outlet elevation by 1 foot to 1284.0 msl by removing the existing wooden weir and using the existing concrete weir as the outlet structure. Diking is to be completed adjacent to the concrete weir to ensure that the weir is the only outlet. A variable water level stoplog structure (48 inch tube with 60 inch riser) is to be placed in the dike to allow the slough to be drained for construction and maintenance purposes. An emergency spillway is also to be constructed with a crest elevation of 1284.5 msl. The outlet structure is located in the W 1/2 SW 1/4 section 26-T127N-R60W. The project also proposes construction of two diked enclosures to be located in the N 1/2 and S 1/2 section 25 and a portion of the E 1/2 SE 1/4 section 26 all in T127N-R60W. The north enclosure is to cover 120 acres, have a top elevation of 1287.0 msl and have a 10 foot top width with 3:1 side slopes. The South enclosure is to cover 189

day, February 11, 1987, Page 3

msl and have a 10 foot top width with 3:1 side slopes. A four foot berm with a top elevation of 1286.0 msl is to be constructed adjacent to the south enclosure to prevent wave action erosion. Both enclosures are also to be equipped with 48 inch stoplog water control structures. The north enclosure is to be used for establishing and protecting upland nesting cover from flooding. The option also exists for the north enclosure to be used as wetland habitat and has the capacity to store 480 acre-feet of water. The south enclosure is to be used as a water supply reservoir for the slough and is capable of storing 756 acre-feet of water. Flood flows are to be used to fill the south enclosure by gravity flow. Additional flood flows needed to raise the pool elevation to 1287.0 msl are to be pumped into the south enclosure. Nesting islands are also to be constructed in the south enclosure. The combined storage capacity of the two diked enclosures plus increasing the outlet elevation by 1 foot results in a potential storage of 2,000 acre-feet of water annually. The project also proposes to deepen and widen the portion of the Crow Creek Ditch located in sections 26 and 25 both in T127N-R60W. The Crow Creek Ditch is to be cleaned to a bottom elevation of 1280.0 msl with a 10 foot bottom width and 3:1 slide slopes. Cleaning of the Crow Creek Ditch plus construction of several side ditches is to improve water movement within the slough and provide access to brood-rearing areas. The purpose of this project is to develop adequate waterfowl breeding pair territory sites, nesting sites and provide a reliable water supply for brood-rearing.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water Rights Division recommends APPROVAL to the provisions of SDCL 46-1-1 thru
Application No. 5051A-3 because 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1,
1) unappropriated water is 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1
available, 2) will be no unlawful thru 46-2A-10, 46-2A-12; 46-2A-14, 46-
impairment of existing rights, 3) is 2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru
beneficial use of water and 4) is in 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-
the public interest. 30.4, 46-5-31; and Board Rules ARSD

This application will be considered 74:02:01:01 thru 74:02:01:15.
by the Water management Board at This hearing is an adversary
room 216, Joe Foss Building, 523 E. proceeding. The applicant or any
Capitol, Pierre, South Dakota, person, after filing a petition, has
March 4, 1987 at 10:00 a.m. The the right to be present or to be
recommendation of the Chief represented by a lawyer. These and
Engineer is not final or binding upon other due process rights will be
the Board and the Board is forfeited if they are not exercised.
authorized to 1) approve, 2) approve Decisions of the Board may be
with qualifications, 3) defer, or appealed to the Circuit Court and the
4) deny this application after it State Supreme Court as provided by
reaches a conclusion based upon law.

facts presented at the public Any person wishing a copy of the
hearing. Any interested person who Chief Engineer's recommendation,
may be affected by Board decision further information on this
and who intends to participate in the application or to assure access to the
hearing before the Board and hearing by the handicapped can
present evidence or cross-examine contact the Water Rights Division,
witnesses according to SDCL 1-26, DWRN, Joe Foss Bldg., Pierre, SD
must file a written petition with (605 773-3352) for assistance prior to
BOTH the applicant and the Chief the hearing date. The time of the
Engineer by February 20, 1987. The hearing will be automatically
petition may be informal, but it must extended for at least twenty days
include a statement describing the upon written request of the applicant
petitioners interest in the or any person who has filed a
application, the reasons for the petition to oppose or support the
petitioner's opposition to or support application. The request for
of the application and the signature extension must be filed with the
and mailing address of the petitioner Chief Engineer by February 20, 1987.
or his legal counsel if legal counsel is
obtained. The applicant need not file
a petition.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

AUG 19 1987

South Dakota Department of Game, Fish & Parks
445 E. Capitol
Anderson Building
Pierre, South Dakota 57501

Dear Sir:

Enclosed herewith is your Water Permit No. 5051A-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 5051A-3.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: Mary Clawson **File No.** 5051A-3

Address: South Dakota State Of Game Fish & Parks Dept Of Wildlife Division-District Office
5850 E Hwy 12 Aberdeen SD 57401 **County:** Brown

Date: June 11, 2001 **Telephone:** (605) 626-2391

RE: Clarification on Water Permit No. 5051A-3

Comments: I told Mary that if Game, Fish, & Parks replaces the current electric pump with a portable pump that is ok. They will not have to do an amendment to their water permit. I also told her that if the current electric pump pumped 100 gallons per minute (gpm) that a new portable pump could only pump 100 gpm. She is still doing some checking on the flowing well located in Section 26 to see if it has been plugged or not. She will get back to me on this.



Stacy J. Johnson
Natural Resources Project Engineer

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: Mary Clawson **File No.** 5051A-3

Address: South Dakota State Of Game Fish & Parks Dept Of Wildlife Division-District Office
5850 E Hwy 12 Aberdeen SD 57401 **County:** Brown

Date: July 12, 2001 **Telephone:**

RE: Clarification on Water Permit No. 5051A-3

Comments: I saw Mary Clawson at the Water Management Board Meeting. She told me that the well located in Section 26 is now underwater. She told me that once the water goes down that she will check to see if the well is plugged or not. I told her that we have rules for plugging wells. She has access to the web and to the well construction standards. She told me that if the well is not plugged they will get it plugged. I also told her that if a licensed well driller plugs the well that they need to send us a plugging report.



Stacy J. Johnson

Natural Resources Project Engineer

Permit No. 5051A-3
James River - Water District

Other permit/license(s) associated with project: 5051-3

Contact Person & Address: Mary Clawson, South Dakota State of Game Fish & Parks, Dept of Wildlife Division-District Office, 5850 E Hwy 12, Aberdeen SD 57401

Report Of Examination Of Works

On, June 5, 2001, I made a thorough examination of the water use system constructed by South Dakota State of Game Fish & Parks of 5850 E Hwy 12, Aberdeen SD 57401 holder of Permit No. 5051A-3, bearing the priority of January 1, 1987, the storage of an additional 2,000 acre-feet and to restore concrete outlet elevation to 1284 feet msl and construct two enclosed dikes. This permit authorizes additional storage and restoration of outlet work for an existing project covered under Vested Water Right No. 5051-3, bearing the priority of January 1, 1935, authorizing sufficient water annually to fill the slough to the existing outlet elevation of 1283 feet msl for fish & wildlife propagation purposes, in Brown County.

The concrete outlet elevation is at 1284 feet msl and the two enclosed dikes are in place. The concrete weir is located on the quarter line between NW ¼ SW ¼ and SW ¼ SW ¼ of Section 26 T127N-R60W. One side ditch is located in the NW ¼ SW ¼ of Section 26 T127N-R60W. The other side ditch is located in the SW ¼ SW ¼ of Section 26 T127N-R60W. One stoplog structure is located in the SE ¼ NW ¼ of Section 25 T127N-R60W. The other stoplog structure is located in the NW ¼ SW ¼ of Section 25 T127N-R60W. The electric pump is located in the NE ¼ SW ¼ of Section 25 T127N-R60W. One enclosed dike is located in Section 26 T127N-R60W. The other enclosed dike is located in Sections 25, and 26 T127N-R60W.

The license should be issued for an outlet elevation of 1284 feet msl, two enclosed dikes and for the storage of an additional 2,000 acre-feet in Section 26 T127N-R60W.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period n/a
- 4) Exceptions to compliance are: none

Report On the Specifics of the System

COMMENTS: Mary Clawson with Game, Fish, & Parks is going to get back to me on whether or not the flowing well in Section 26 has been plugged. Game, Fish, & Parks is thinking about replacing the electric pump with a portable pump. They will let us know if they do this.

Stacy J. Johnson

Stacy J. Johnson

Natural Resources Project Engineer

DENR, Water Rights Program

7-23-01

Date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 13 2001

5051A-3

The South Dakota Dept. of Game, Fish and Parks
523 E. Capitol
Pierre, SD 57501

Dear Sir:

Enclosed is Water License No. 5051A-3. This is the final water right document completing your process of obtaining a Water Right.

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

Sincerely,

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

c: Mary Clawson

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5051A-3

(1) The South Dakota Department of Game, Fish and Parks, 523 E Capitol, Pierre SD 57501 made Application No. 5051A-3, January 19, 1987 for a water permit to impound an additional 2,000 acre-feet of water from the Crow Creek drainage (Renziehausen Slough), Brown County, South Dakota for fish & wildlife propagation purposes. Permit No. 5051A-3, with a priority date of January 19, 1987 was approved May 7, 1987 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 7, 1992 and for the application to beneficial use of said water on or before May 7, 1996.

Vested Right No. 5051-3 with a priority date of January 1, 1935 authorizes sufficient water annually to fill Renziehausen Slough to a maximum outlet elevation of 1283.0 feet mean sea level.

Water Right No. 5051A-3 also authorizes two dike enclosures within the slough area. The dikes are maintained by stoplog structures located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$, all in Section 25-T127N-R60W.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction and is entitled to impound an additional 2,000 acre-feet of water for beneficial use with sufficient water annually to maintain the water level to the outlet elevation of 1284.0 feet mean sea level. The location of the concrete outlet weir is on the quarter line between NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26-T127N-R60W.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in Renziehausen Slough located in Sections 25, 26, 35 & 36; all in T127N-R60W.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the South Dakota Department of Game, Fish and Parks, 523 E Capitol, Pierre SD 57501 the holder and/or owner of Water Right No. 5051A-3 is issued a license to appropriate water, the right to impound an additional 2,000 acre-feet of water from the Crow Creek Drainage with sufficient water annually to maintain the water level to the outlet elevation of 1284.0 feet mean sea level with a priority date of January 19, 1987 from the location specified in (2) of this license for fish & wildlife propagation. This license is subject to any limitations or qualifications listed in Water Right No. 5051A-3 and subject to South Dakota State Law.



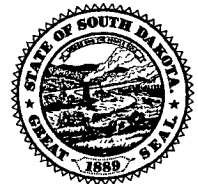
Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

AUG 13 2001

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2002

Mary Clawson
South Dakota State of Game Fish & Parks
Dept of Wildlife Division-District Office
5850 E Hwy 12
Aberdeen SD 57401

Dear Mary Clawson:

Enclosed is a map with the general location of the well that needs to be plugged. The green lines on the map break the land into quarter sections. The brown lines break the land into quarter-quarter sections. The land outlined in pink is where the flowing well is located. The flowing well is located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26 T127N-R60W.

If the well is not plugged, please look at our well plugging rules on our website. If you have any questions about the well plugging rules, please call (605) 773-3352 and talk to either Jim Goodman or Ken Buhler.

If you have any questions, feel free to contact me at (605) 773-5671 or via email at stacy.johnson@state.sd.us.

Sincerely,

Stacy J. Johnson
Natural Resources Project Engineer

Enclosures (1)

Section 26 T127N-R60W

Dike

Well located somewhere in this area

Stacy J Johnson 8-1-08
Stacy J Johnson
Natural Resources Project Engineer
SD DENR Water Rights Program

0

0.2

0.2



S. Oak. Upper & Lower Crow Creek Watershed
 Kilmor 4-25-63
 Abbreviated Table No. 3

Item	Unit	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Drainage Area	mi ²	5.2	2.2	6.7	2.0	8.2	18.0	11.7	9.2	4.1	8.1	26.0	2.6	2.0	1.8		
Storage Capacity	cu ft	41	20	20	178	63	17	59	41	13	4	125	21	15	17	474	
Gated	ACF	620	258	605	235	960	2100	1370	1080	350	690	2770	304	234	210	11786	
Detention	ACF	527	223	570	200	830	1820	1180	730	262	520	2370	262	202	182	10078	
Total	ACF	1183	501	1195	453	1853	3937	2609	2051	625	1214	5265	587	451	409	22,338	
Surface Area																	
Sediment	AC	8	4	4	4	16	4	15	9	2	8	30					
Gated	AC	49	25	45	29	93	132	142	84	30	160	210	23	23	20		
Detention	AC	26	35	67	45	132	182	160	124	116	200	370	23	23	20		
Vol. of fill	yd ³	164	93	140	79	260	280	250	212	11	1	443					
Max. height dam	ft.	55	35	53	38	33	63	54	44	21	14	49					
Principal Spillway																	
Capacity, cu.	GFS	16	7	20	6	25	54	35	23	12	24	28	8	6	8		
Capacity Equivalent																	
Sediment	inches	0.15	0.17	0.06	0.17	0.14	0.02	0.10	0.08	0.06	0.01	0.09	0.15	0.14	0.17		
Gated	in.	2.2	2.2	1.7	2.2	2.2	2.2	2.2	2.2	1.6	1.6	2.0	2.2	2.2	2.2		
Detention	in.	1.9	1.9	1.6	1.9	1.9	1.9	1.9	1.9	1.2	1.2	1.7	1.9	1.9	1.9		
Class of Structure		B	B	B	B	B	B	B	B	A	A	B	B	B	B		
Const. Cost \$		95	63	82	64	123	142	121	115	21	12	190	85	54	58		

\$ In thousands
 Note:

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit No. 5051A-3, SD Dept of Game, Fish & Parks

ADDRESS: 523 E Capitol Ave., Pierre SD 57501 COUNTY: Brown

DATE: May 12, 2010 TELEPHONE:

RE: Reissuance of Water License No. 5051A-3

Water License No. 5051A-3 authorizes impoundment of water in the Crow Creek drainage (Renziehausen Slough). Water Permit No. 5051A-3 was an amendment to Vested Water Right No. 5051-3 authorizing two dike enclosures within the slough area. Vested Water Right No. 5051-3 authorizes sufficient water annually to fill Renziehausen Slough to a maximum outlet elevation of 1283.0 feet mean sea level.

The Chief Engineer found that location of the concrete outlet weir is misrepresented in the language used in the legal description.

The legal description in item No. 2 of the license states the concrete outlet weir is on the quarter line between the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, T127N, R60W. This is errant in that the reference should be the quarter-quarter line.

Water License No. 5051A-3 should be reissues describing the location of the concrete outlet weir as being

on the quarter-quarter line between the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, T127N, R60W.

NAME:

Eric H. [Signature]



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

MAY 13 2010

5051A-3

SD Department of Game, Fish & Parks
c/o Leslie Peterson
523 E Capitol
Pierre SD 57501

Dear Ms. Peterson:

Enclosed is Reissued Water License No. 5051A-3. The license is being issued to correct the legal description of the concrete weir location for Renziehausen Slough (Crow Creek Drainage) located in Brown County.

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.

Sincerely,

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

enclosures

REISSUED
STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5051A-3

(1) The South Dakota Department of Game, Fish and Parks, 523 E Capitol, Pierre SD 57501 made Application No. 5051A-3, January 19, 1987 for a water permit to impound an additional 2,000 acre-feet of water from the Crow Creek drainage (Renziehausen Slough), Brown County, South Dakota for fish & wildlife propagation purposes. Permit No. 5051A-3, with a priority date of January 19, 1987 was approved May 7, 1987 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 7, 1992 and for the application to beneficial use of said water on or before May 7, 1996.

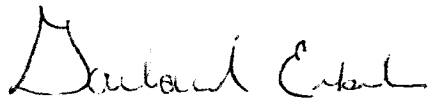
Vested Right No. 5051-3 with a priority date of January 1, 1935 authorizes sufficient water annually to fill Renziehausen Slough to a maximum outlet elevation of 1283.0 feet mean sea level.

Water Right No. 5051A-3 also authorizes two dike enclosures within the slough area. The dikes are maintained by stoplog structures located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$; all in Section 25-T127N-R60W.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction and is entitled to impound an additional 2,000 acre-feet of water for beneficial use with sufficient water annually to maintain the water level to the outlet elevation of 1,284.0 feet mean sea level. The location of the concrete weir is on the quarter-quarter line between the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26-T127N-R60W.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in Renziehausen Slough located in Sections 25, 26, 35 & 36; all in T127N-R60W.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the South Dakota Department of Game, Fish and Parks, 523 E Capitol, Pierre SD 57501 the holder and/or owner of Water Right No. 5051A-3 is issued a license to appropriate water, the right to impound an additional 2,000 acre-feet of water from the Crow Creek Drainage with sufficient water annually to maintain the water level to the outlet elevation of 1,284.0 feet mean sea level with a priority date of January 19, 1987 from the location specified in (2) of this license for fish & wildlife propagation. This license is subject to any limitations or qualifications listed in Water Right No. 5051A-3 and subject to South Dakota State Law.



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

MAY 13 2010

date

