Considered: _____

WATER PERMIT NO. 5066-3

MAP No. same

Name of Applicant S.D. Dept. Game Fish and Parks

Post Office Address 445 E. Capitol Pierre, S.D.

Amount of Water Claimed 481.5 acre feet Total Acres _____

Source of Water Supply Black Slough drainage

Water to be used for Waterfowl enhancement County Marshall

About _____ miles _____ of _____.

PROOF OF PUBLICATION: Received 1st 7-11-85 Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F.& C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY Date Received 6-14-85 Fee N.A. Remarks _____

6-14-85

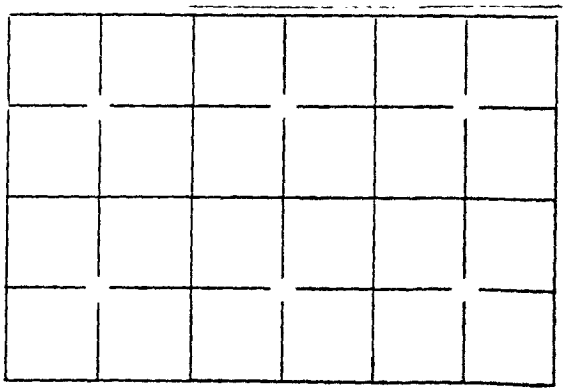
Corrected Application Received _____ Period of Annual Use 1-1 to 12-31

WATER QUALITY APPROVAL RECEIVED N.A. APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES ___ NO ___ REMARKS _____

Diversion Point Three water control structures on Black Slough sec. 3 & 4 T126N-R56W

Land to be Irrigated N.A.



Well Log: Driller _____ Licensed YES ___ NO ___

Depth of Well _____ REMARKS _____

Type of Map Topo. PREPARED BY ULTeig Engineers Inc. Reviewed and the Number assigned on 6-27-85 By Kevin C. Larson

FORM 2: Application for uses other than irrigation (type or print)

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

No. 5066-3 Hydrologic Unit 10160010
Map No. Same Basin James River
Newspaper Britton Journal Box 69 (Wed)

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 ☐

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._____

11:30 A.M. JUN 1985 DIVISION OF WATER RIGHTS Pierre, SD

I also have map

1. Name of Applicant S.D. Department of Game, Fish and Parks Phone No. 773-3387
   Post Office Address 445 E. Capitol, Pierre, South Dakota State 57501
   (Street, RR or Box) Zip Code
2. Amount of water claimed (c.f.s) See below description of project for water level elevations.
3. Source of water supply Crow Creek (upper)
4. Location of point of diversion Black Slough, T126N, R56W, Sec 3 & 4, Marshall County, South Dakota (see map)
   County Marshall
5. Counties where water will be used Marshall
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)

   Three water control structures will be constructed in Black Slough to create three separate pools (see map) for enhancement of waterfowl production. North dam will be at elevation 1773.6 and middle and south dams will be at elevation 1780.0.

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

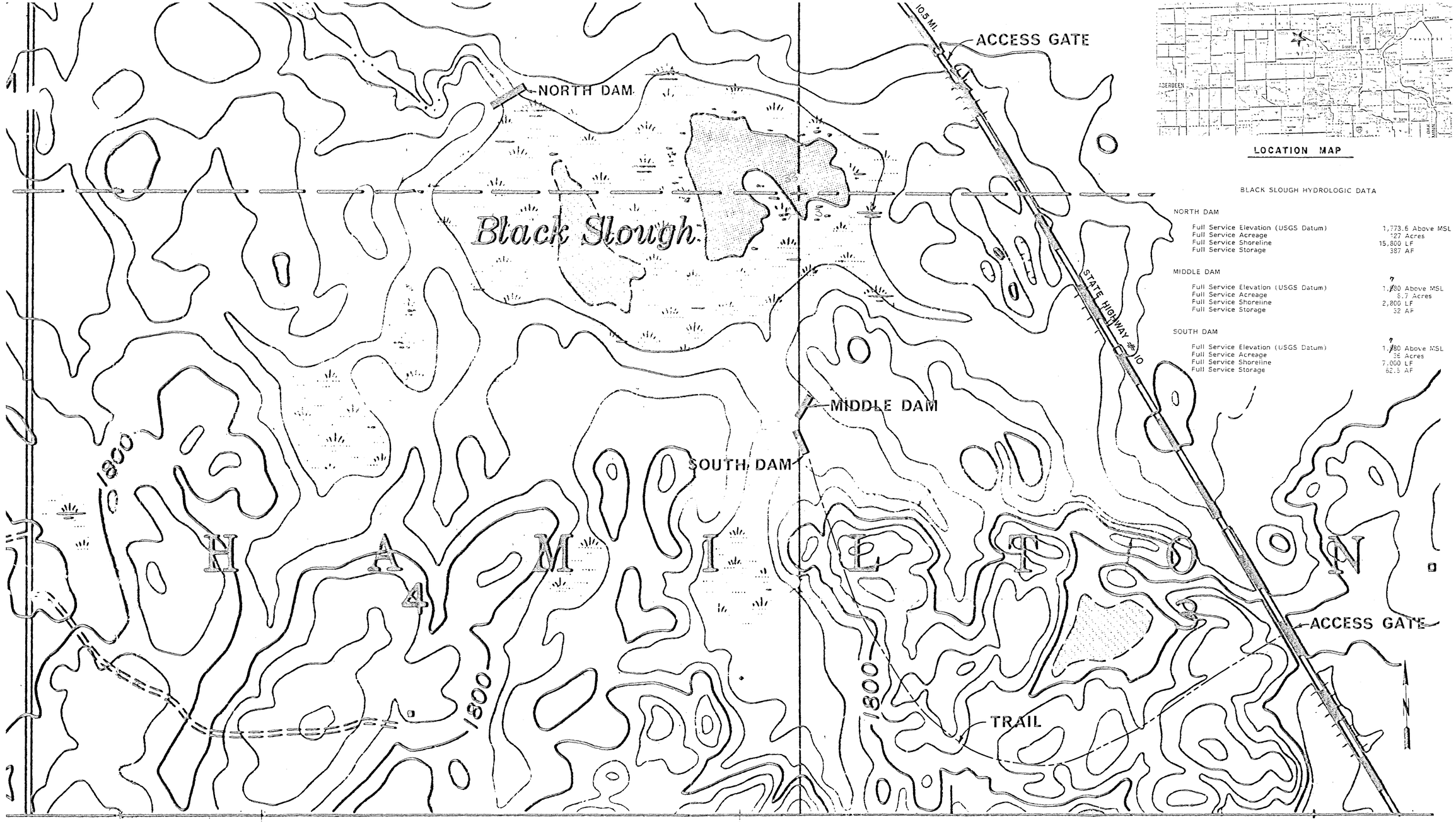
STATE OF SOUTH DAKOTA)
County of Hughes)ss

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 Donald M. Kotts Wildlife Biologist

Subscribed and sworn to before me this 14th day of June 19 85

Charles E Keeler
Notary Public (or other qualified officer)



LOCATION MAP

BLACK SLOUGH HYDROLOGIC DATA

NORTH DAM

Full Service Elevation (USGS Datum)	1,773.6 Above MSL
Full Service Acreage	127 Acres
Full Service Shoreline	15,800 LF
Full Service Storage	387 AF

MIDDLE DAM

Full Service Elevation (USGS Datum)	1,780 Above MSL
Full Service Acreage	6.7 Acres
Full Service Shoreline	2,800 LF
Full Service Storage	32 AF

SOUTH DAM

Full Service Elevation (USGS Datum)	1,780 Above MSL
Full Service Acreage	36 Acres
Full Service Shoreline	7,000 LF
Full Service Storage	62.5 AF

PREPARED BY: Ulteig Engineers, Inc.

DATE: MAY · 1985

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF SOUTH DAKOTA.

James R. McLaughlin

REG. NO. 1258 DATE 5/7/85

PROJECT: Black Slough Water Control Structure

PROJECT FOR: Ducks Unlimited, Inc.

5066-3

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5066-3

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

South Dakota (State) 57501 (Zip Code) With the following qualifications.

Approval of this Permit authorizes storage of 481.5 acre feet of water annually.

Date of first receipt of application June 14, 1985.

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

Date of receipt of corrected application —, 19—. Approved August 12, 1985.

The Water Management Board hereby approves this Water Permit No. 5066-3 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 June 14, 1985.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before February 12, 1988.
3. The whole of said work is to be completed on or before August 12, 1990.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is August 12, 1994.
5. The water appropriated shall be used for the purpose of Waterfowl Enhancement
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 481.5 Acre Feet per year ~~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 Enhancement on or before August [illegible], 1994; said water to be used during the following described annual period: January 1 to December 31

WATER MANAGEMENT BOARD

By: John Hadd
Chief Engineer
Division of Water Rights
Dept. of Water and Natural Resources

SEP 11 1985, 19—

WATER PERMIT

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7. The amount of the appropriation herein granted shall not exceed 481.5 Acre Feet per year ~~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 enhancement on or before August 12, 1994; said water to be used during the following described annual period: January 1 to December 31

WATER MANAGEMENT BOARD

By: John Hadel
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

SEP 11 1985, 19—

Form 2A

Middle Dam

Supplemental Information

(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

Ulteig Engineering
P.O. Box 1569
Fargo, ND 58107

b) Freeboard 3'

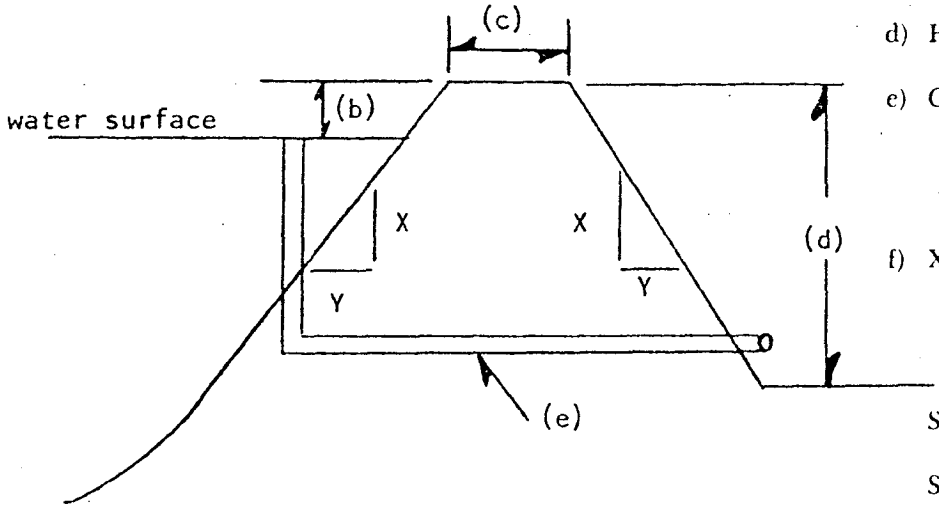
c) Crest Width 10'

Crest Length 280'

d) Height 8' + or -

e) Outlet Dimensions:
Pipe diameter _____
Spillway width 30'

f) X & Y Slope
Upstream 3:1
Downstream 3:1



Surface Area of Impoundment 8.7 Ac.

Storage 32 acre feet

Drainage area above dam 2350 Ac. +/-

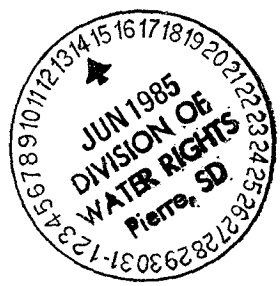
Ronald M. Kott

Signature of Applicant

South Dakota
Department of Game, Fish and Parks

Division of Administration
Sigurd Anderson Building
445 East Capitol
Pierre, South Dakota 57501

June 14, 1985



MEMO TO: John Hatch, Chief Engineer
Division of Water Rights

FROM: Ron Koth, Water Permits Coordinator
Department of Game, Fish & Parks

SUBJECT: Black Slough Water Rights

Attached is the application for water rights on the cooperative waterfowl enhancement project that Ducks Unlimited and GF&P propose to construct on Black Slough, Marshall County.

The water to be impounded by the north structure will be "added" to the water to be reserved by a vested water right for Black Slough (recognition pending). The middle and south structures will impound water on wetland areas that are currently very seasonal but will be improved to a more perennial nature with this project.

I was very encouraged following our telephone conversation of 05/28/85 that you and your staff would make every effort to assist GF&P and Ducks Unlimited in securing these water rights so that construction could begin by the end of July. Please keep me informed of any additional requirements that develop regarding the recognition of the vested water right and thanks in advance for your cooperation in making a special advertisement for the water right request on the control structures. I realize that holding a telephone conference call Board meeting is awkward, but if Ducks Unlimited is thwarted in their attempts to build the Black Slough project, South Dakota may never see the new money that DU plans to bring into the state and the public may not realize the additional benefits of improved waterfowl habitat via DU projects.

Please call if you have any questions or need any additional information. The plans and specifications of the proposed project will be available for review.

RK/ld

Enc:

REPORT ON GAME, FISH & PARKS
Application No. 5066-3
June 25, 1985

The application requests an appropriation of water from Crow Creek in Marshall County for the construction of small dams in Black Slough to create three separate pools for the enhancement of waterfowl production. The dams will consist of the following:

	Height	Freeboard	Surface Area	Storage
North Dam	6.6'	3'	127 Acres	387 AF
Middle Dam	8'+	3'	8.7 Acres	32 AF
South Dam	8'+	3'	36 Acres	62.5 AF
			TOTAL	481.5 AF

The present outlet elevation of the Black Slough area is 1769.95 feet msl. The proposed project will provide for the water elevation in the north dam to be maintained at 1770.6 feet msl, the middle dam and the south dam will maintain the water level around 1777 feet msl.

This portion of Crow Creek has one location notice filed for 1 acre foot of water from ground water. The domestic use in the area is served primarily by groundwater sources. The Water Rights Division has no other surface water rights on file in the immediate area.

It is recommended that application No. 5066-3 be approved.

James Winterton 6/28/85

James Winterton
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT

APPLICATION NO. 5066-3, SD Department of Game, Fish & Parks

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. 5066-3, Department of Game, Fish and Parks, Pierre SD.

The Chief Engineer is recommending APPROVAL of Application No. 5066-3 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:

Approval of this Permit authorizes storage of 481.5 acre feet of water annually.

See the attached report for additional information.

James D Waterton

for JOHN HATCH, Chief Enginer
June 28, 1985

DWNR 806-7/83

No. 5066-3

Instruction to Newspaper - Publish first publication of the following Notice on or before July 3, 1985 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5066-3 to Appropriate Water ~~and/or to Amend Water Permit or Water Rights No.~~

Notice is hereby given that SD Dept. of Game, Fish & Parks whose mailing address is 445 E Capitol, Pierre, South Dakota has made an application for a permit to construct three water control structures (dams) in Black slough to store 481.5 acres feet of water per year. Black Slough is located in Section 3 & 4, T126N, R56W and S 1/2 of Section 33 & 34, T127N, R56W. Water will be used for waterfowl production.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends approval of Application No. 5066-3 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~~ during a special Board meeting conducted via telephone conference call in Room 425, Foss Building, Pierre SD, August 12 19 85 at 9:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on 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 August 2, 1985. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason 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. If there are any written petitions in opposition to this application the hearing will be continued until the next regular Board meeting October 9, 1985.

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, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; ~~(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 August 2, 1985.

Form 8 - Proof of Publication - Notice of Intent to Appropriate Water

No. 5066-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Marshall)

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

July 3, 1985
July 10, 1985

C. L Card
(Signature)

publisher
(Title)

July 10 1985
(Date Signed)

Cost of Printing: $38.33

JUL 1985 DIVISION OF WATER RIGHTS Pierre, SD

WNR-808-7/79
Proof of Publication

2T(July 3, 10)

NOTICE OF HEARING
on Application No. 5066-3
to Appropriate Water

NOTICE IS HEREBY GIVEN that SD Dept. of Game, Fish & Parks whose mailing address is 445 E. Capitol, Pierre, South Dakota has made an application for a permit to construct three water control structures (dams) in Black slough to store 481.5 acres feet of water per year. Black Slough is located in Section 3 & 4, T126N, R56W, and S½ of Section 33 & 34, T127N, R56W. Water will be used for waterfowl production.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends approval of Application No. 5066-3 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 during a special Board meeting conducted via telephone conference call in Room 425, Foss Building, Pierre, SD, August 12, 1985 at 9:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the 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 regarding to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by August 2, 1985. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason 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 consel is obtained. The applicant need not file a petition. If there are any written petitions in opposition to this application the hearing will be continued until the next regular Board meeting October 9, 1985.

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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, 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 August 2, 1985.

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

SEP 11 1985

SD Department of Game, Fish & Parks
Ronald M Koth, Wildlife Biologist
Anderson Bldg.
Pierre SD 57501

Dear Mr. Koth:

Enclosed herewith is your Water Permit No. 5066-3 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. 5066-3.

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 acquistion of a Water Right.

Very truly yours,

John Hatch

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ks

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

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

MAR 19 2003

5066A-3

South Dakota Department of Game Fish & Parks
% John Cooper
523 E Capitol
Pierre SD 57501

Dear Mr. Cooper:

Enclosed is Water License No. 5066A-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

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

NOTE: The applicable portions of No. 5066-3 are incorporated into Water License No.5066A-3.

c: Aaron Kahre, PO Box 1078, Britton SD 57430

enclosures