

Considered: _____

WATER PERMIT NO. 5077-3

MAP No. same

Name of Applicant U.S. D.O.I. Fish & Wildlife Service

Post Office Address P.O. Box 25486 Denver Fed. Ctr. Denver, CO 80225

Amount of Water Claimed 131.2 acre feet Total Acres Na.

Source of Water Supply Toubert Drainage Ditch

Water to be used for REC & Wildlife propagation County Charles Mix

About 6 miles E of Platte

PROOF OF PUBLICATION: Received 1st 1-10-86 Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received 10-7-85 Fee \$225⁰⁰ Remarks _____

Fee received 11-18-85

Corrected Application Received _____ Period of Annual Use _____

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

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

Diversion Point SE4 SW4 sec. 13 T100N-R67W

Land to be Irrigated N.A.

	13				
⊗					

Well Log: Driller N.A. Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map Platte PREPARED BY Kenneth Royce Reviewed and the Number

assigned on 11-19-85 By Kevin C. Larson

No. 5077-3 Hydrologic Unit 10140101
 Map No. same Basin Missouri
 Newspaper Platte Enterprise Box 546 (Thurs)

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 retainedChange 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. _____

United States of America

1. Name of Applicant Department of Interior, Fish & Wildlife Service Phone No. (303) 236-5322Post Office Address P.O. Box 25486, Denver Federal Center, Denver State Colorado 80225
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) Natural Flow3. Source of water supply Joubert Drainage Ditch tributary to Platte Creek4. Location of point of diversion NE 1/4 SE 1/4 SW 1/4 Sec. 13 T100N R67W, 5th P.M. (Dam)County Charles Mix5. Counties where water will be used Charles Mix6. Annual period during which water is to be used January 1 thru December 31

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)

Restoration of previously drained wetland. Plans and specifications attached.

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

STATE OF COLORADO)
County of JEFFERSON)ssI, FRANK DUNKLE 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

ACTING REGIONAL DIRECTOR

Subscribed and sworn to before me this

27

day of

September19 85

Notary Public (or other qualified officer)



DUCKS UNLIMITED, INC.

PROJECT

5077-3

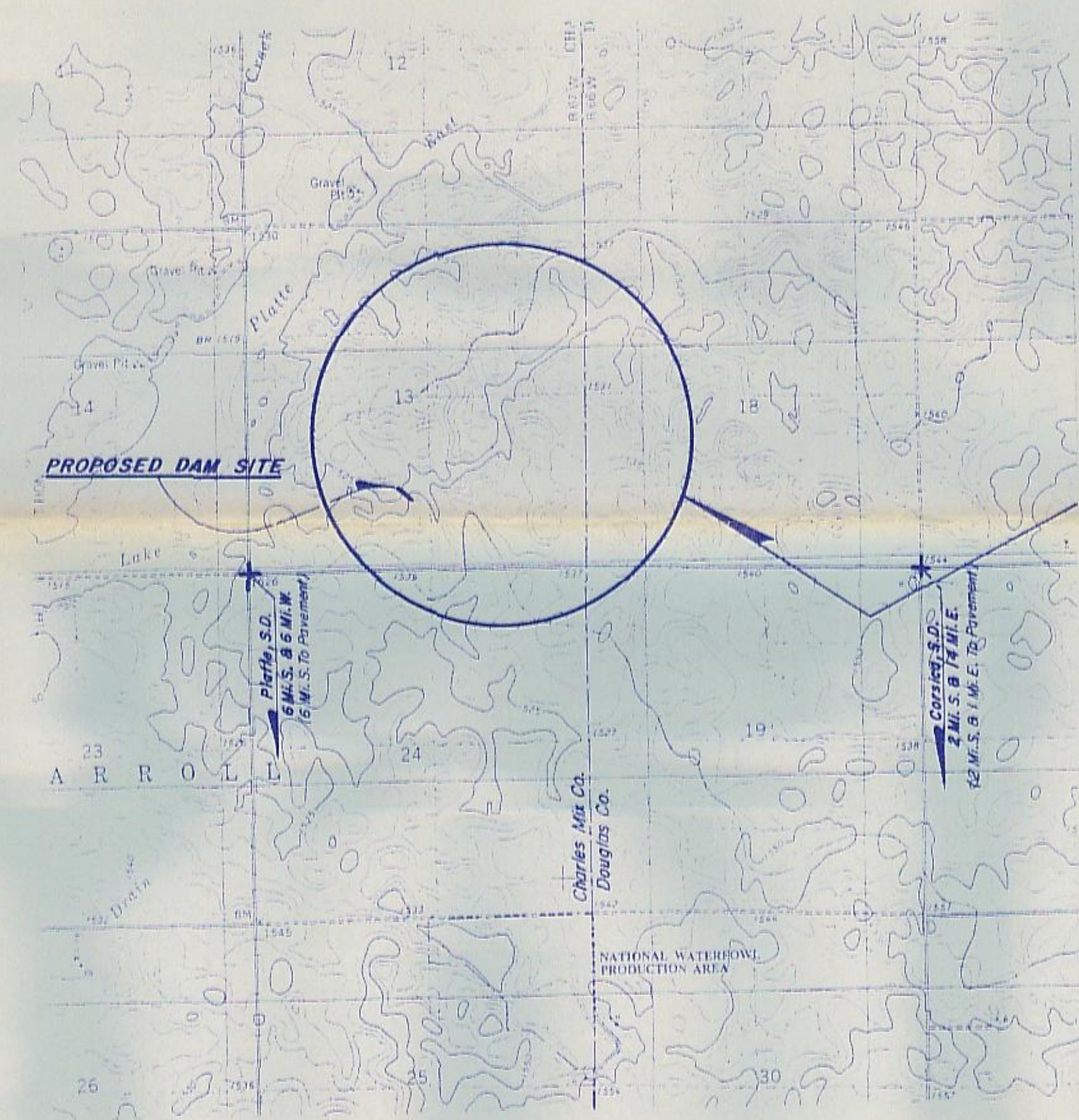
BROKEN ARROW

WATERFOWL PRODUCTION AREA

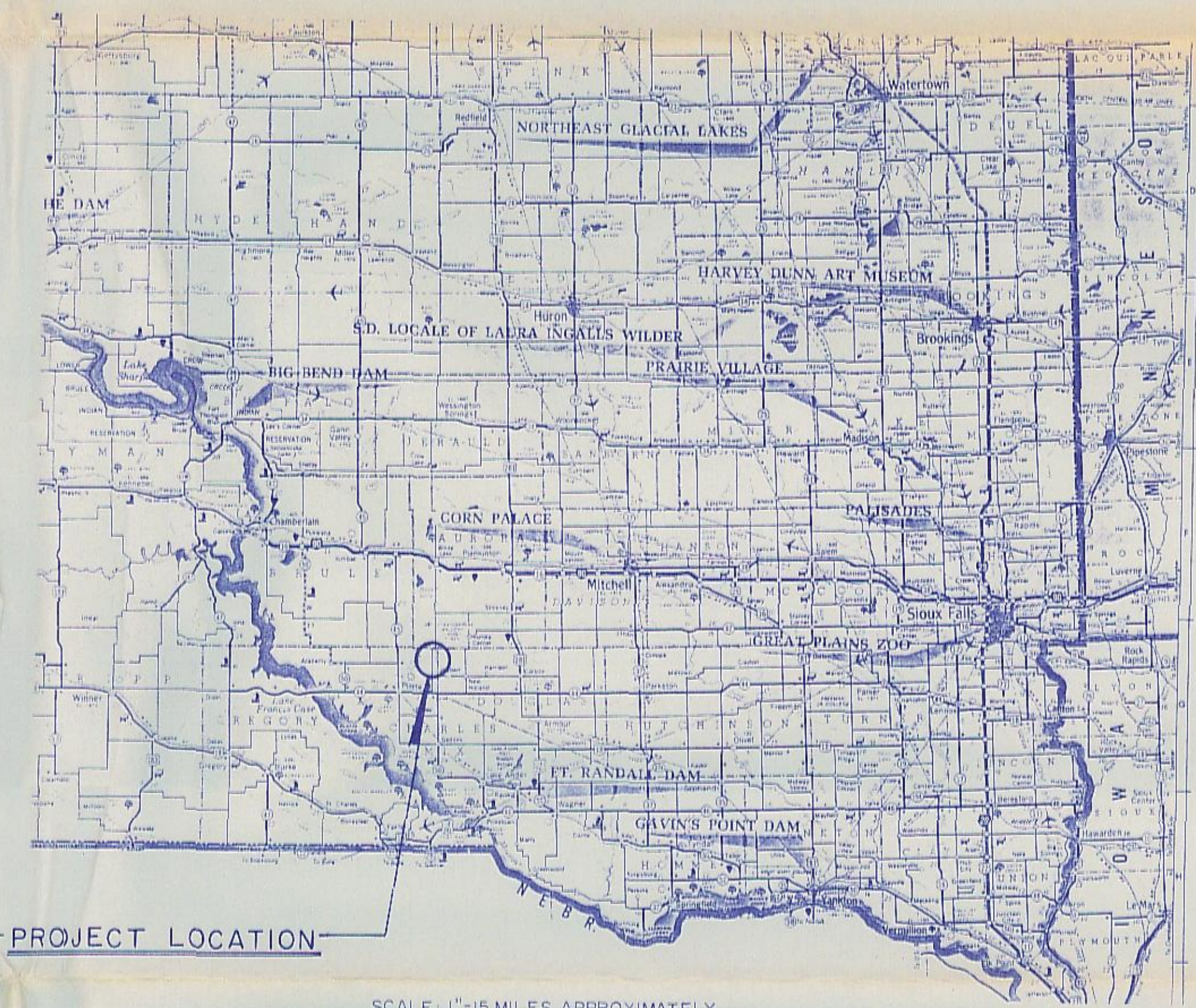


INDEX

1. TITLE AND INDEX SHEET
2. LAYOUT PLAN SHEET
3. DAM LAYOUT, PROFILES & SCHEDULES
4. SECTIONS AND DETAILS



SCALE 1"=24000



PROJECT LOCATION

SCALE 1"=15 MILES APPROXIMATELY

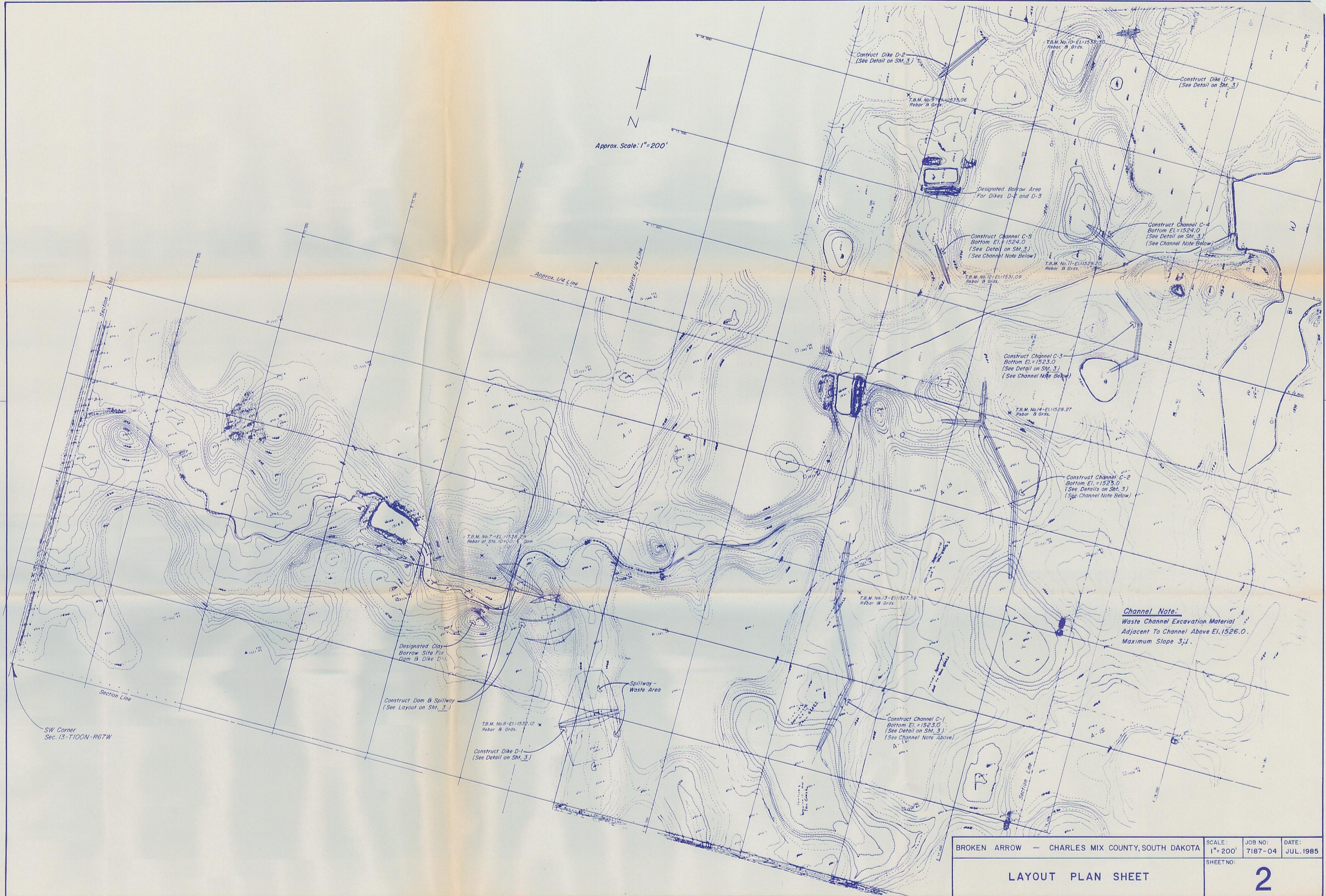


DRAWN BY DGK.	REVIEWED DATE	FOR
DESIGNED BY DCE/RLS.	REVIEWED DATE	FOR
CHECKED BY JOE	DATE	FOR

BANNER
BANNER ASSOCIATES, INC. • CONSULTING ENGINEERS & ARCHITECTS
409 22ND AVENUE SOUTH • P.O. BOX 298 • BROOKINGS, SD 57006 • (605) 692-6342

REVISION	DATE	DESCRIPTION	BY	CK'D

BROKEN ARROW	CHARLES MIX COUNTY, SOUTH DAKOTA	SCALE: NONE	JOB NO: 7187-04	DATE JUL 1985
TITLE AND INDEX SHEET		SHEET NO: 1		



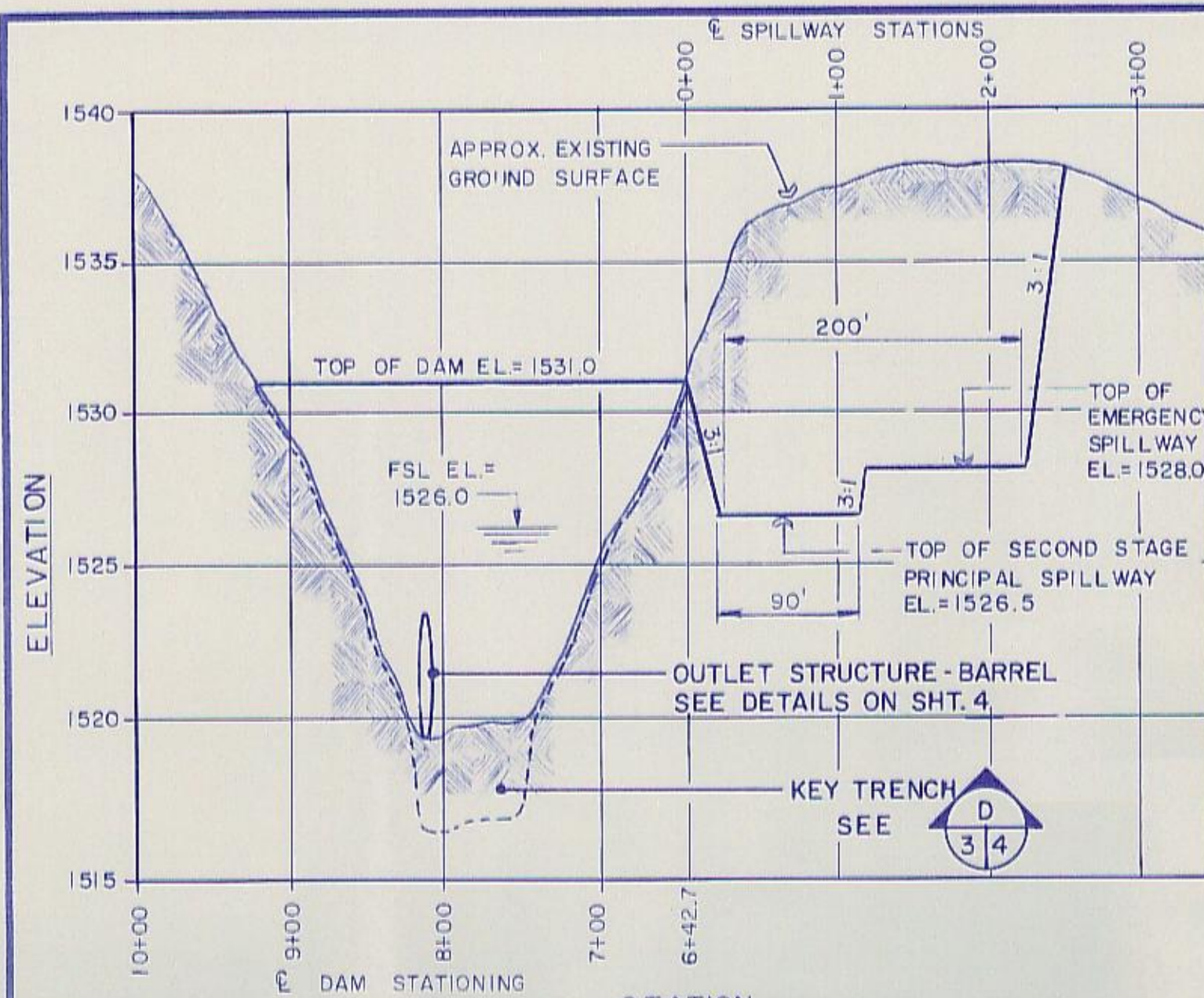
BROKEN ARROW — CHARLES MIX COUNTY, SOUTH DAKOTA

SCALE: 1" = 200' JOB NO: 7187-04 DATE: JUL. 1985

LAYOUT PLAN SHEET

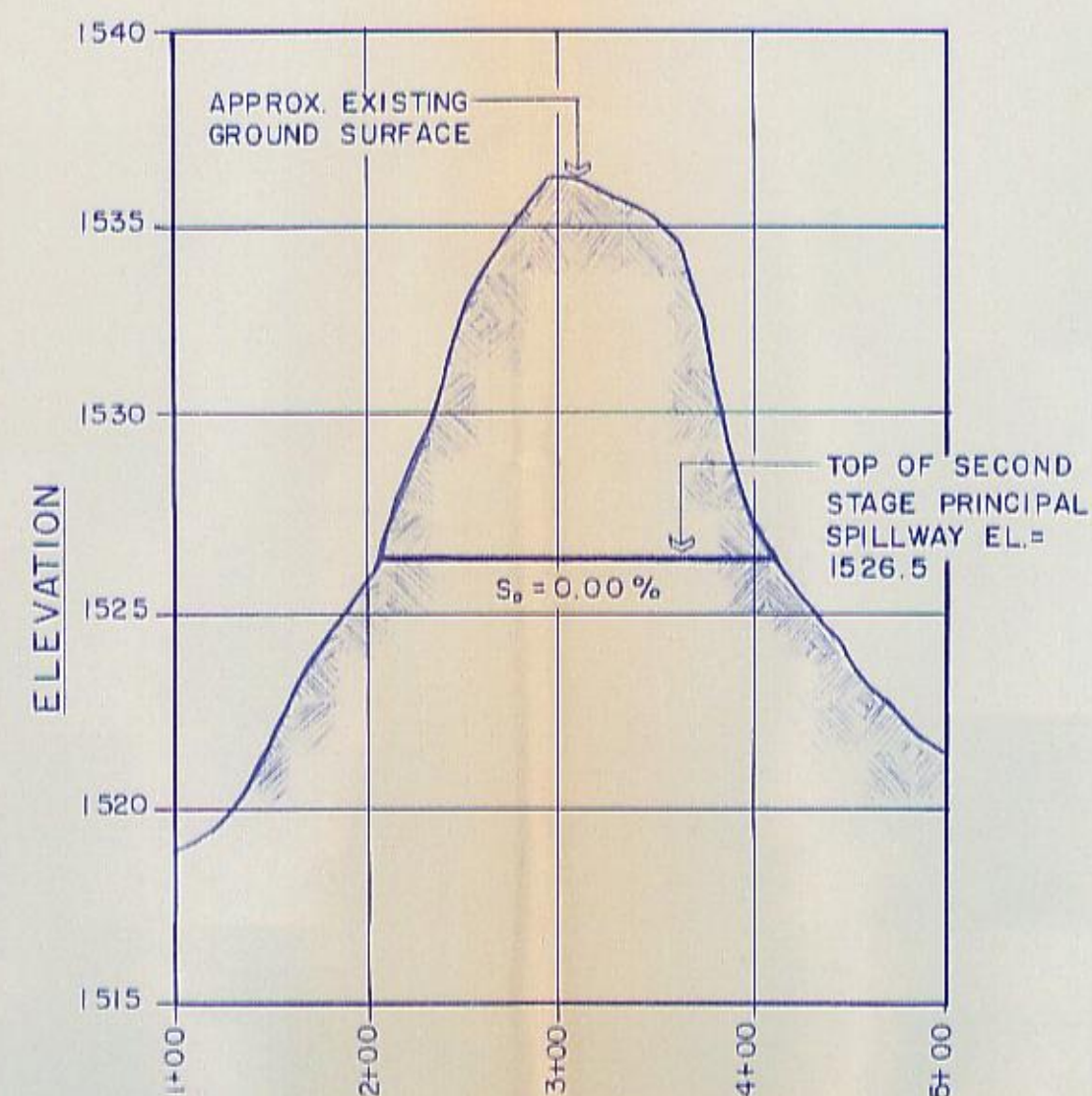
SHEET NO:

2



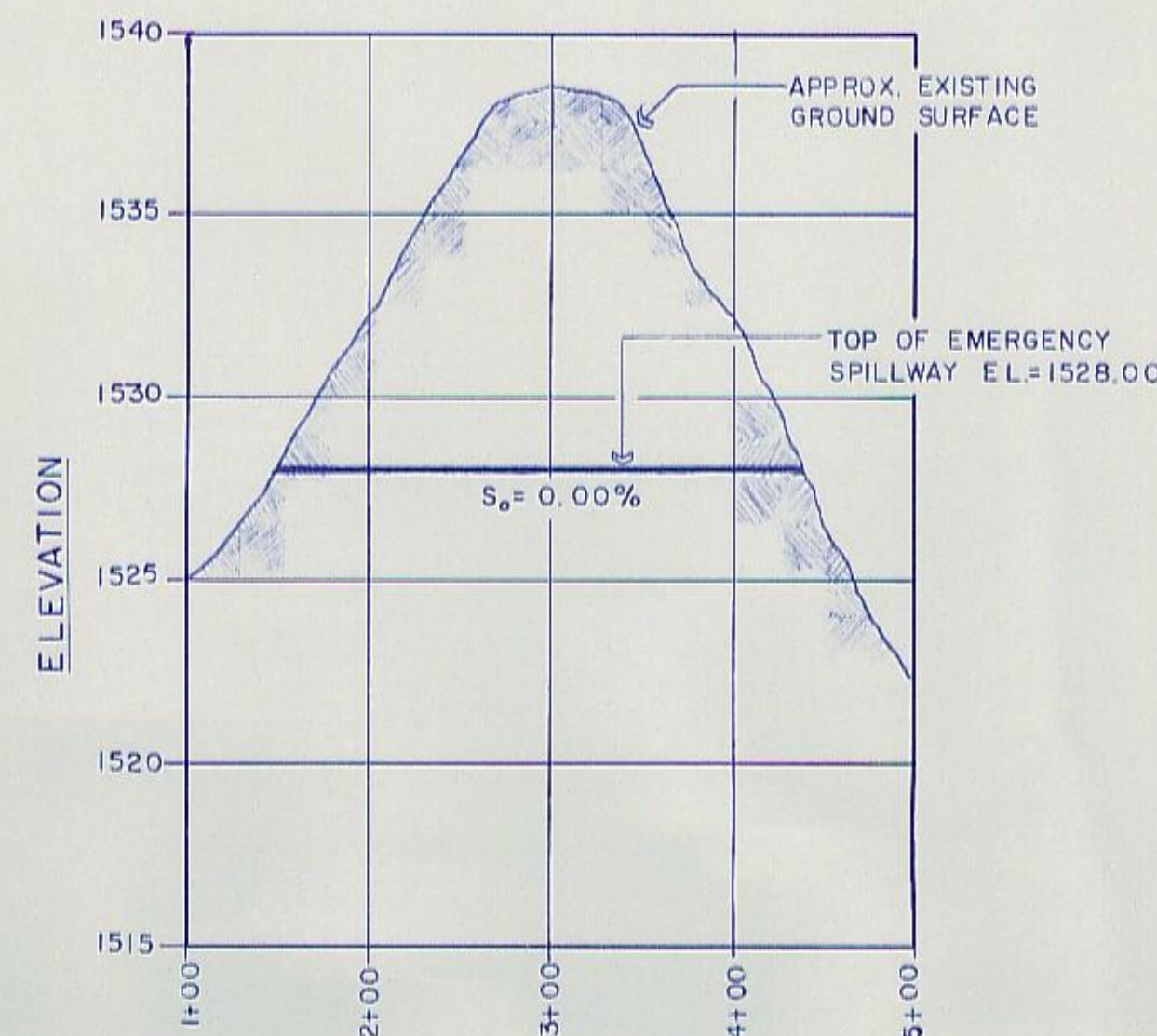
DAM CENTERLINE PROFILE

SCALE: 1"=100' HORIZ.
1"=5' VERT.



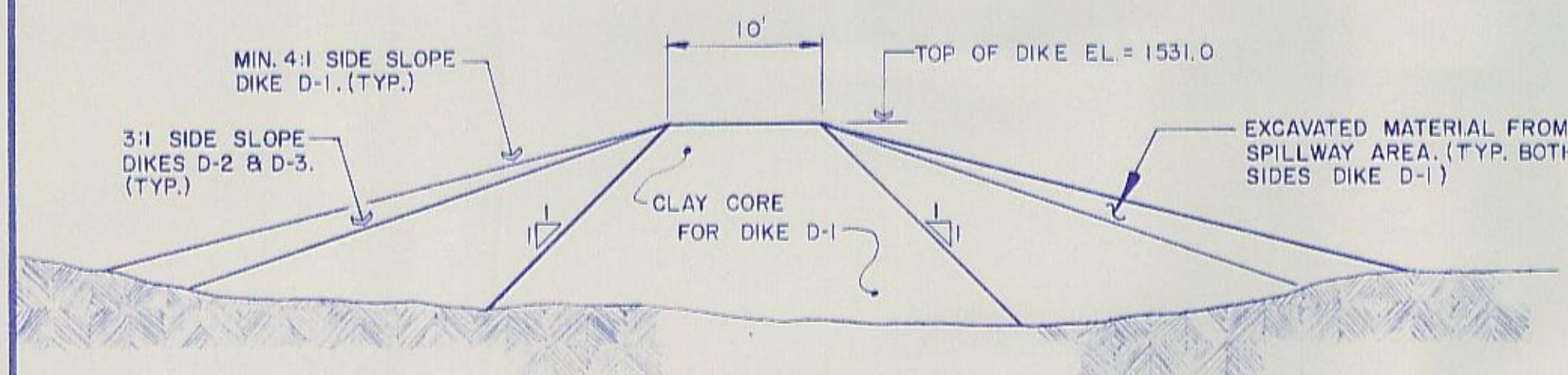
SECOND STAGE PRINCIPAL SPILLWAY CENTERLINE PROFILE

SCALE: 1"=100' HORIZ.
1"=5' VERT.



EMERGENCY SPILLWAY CENTERLINE PROFILE

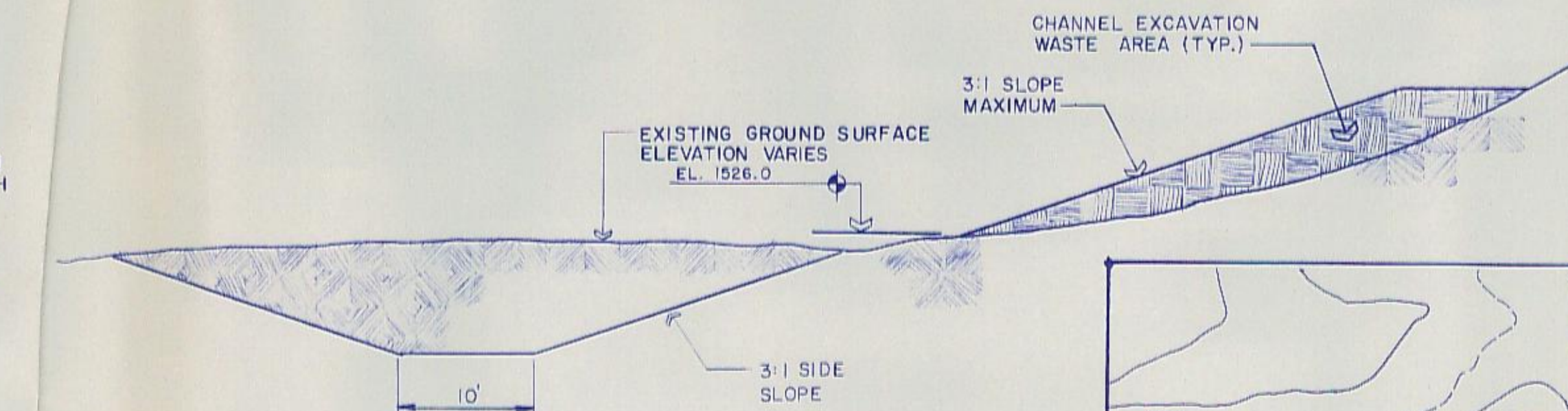
SCALE: 1"=100' HORIZ.
1"=5' VERT.



TYPICAL DIKE CROSS SECTION

SCALE: NONE

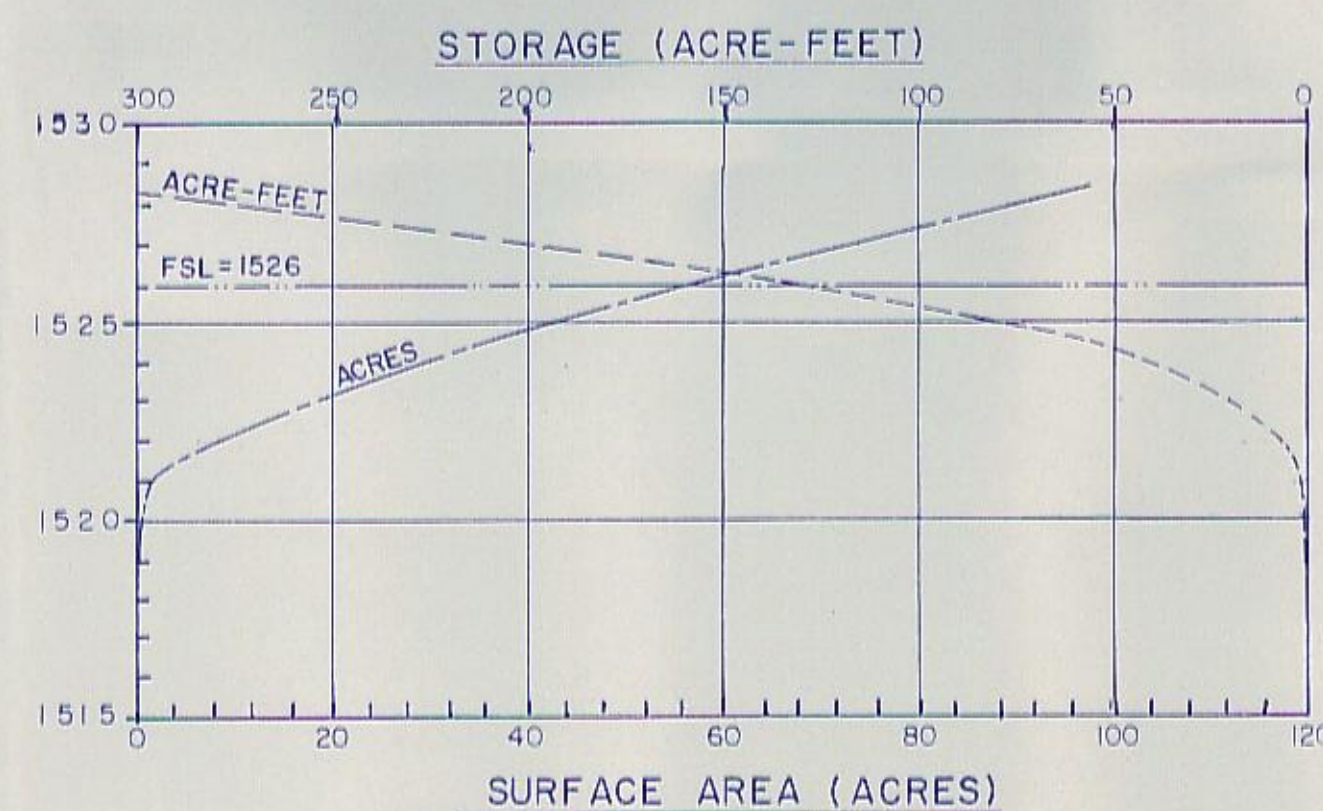
DIKE NO.	TOP OF DIKE ELEVATION	SIDE SLOPE	LENGTH
D-1	1531.0	MIN. 4:1	313' ±
D-2	1531.0	3:1	315' ±
D-3	1531.0	3:1	114' ±



TYPICAL CHANNEL CROSS SECTION

SCALE: NONE

CHANNEL NO.	BOTTOM ELEVATION	LENGTH
C-1	1523	1119' ±
C-2	1525	1250' ±
C-3	1523	530' ±
C-4	1524	226' ±
C-5	1524	225' ±



STAGE-STORAGE CURVE

FULL SERVICE LEVEL = 1526.0
FSL SURFACE AREA = 56.4 ACRES
FSL STORAGE = 131.2 ACRE-FEET
SHORELINE MILES = 5.9 MILES

ESTIMATED QUANTITIES

SEEDING, FERTILIZING & MULCHING	9 ACRES
STOP LOG CONTROL STRUCTURE W/ TRASH RACK	1 EACH
CULVERT 18" DIA. CMP	14 L.F.
48" DIA. CMP W/ ANTISEEP COLLAR	70 L.F.
CONCRETE BASE	1.8 C.Y.
RIP-RAP	167 C.Y.

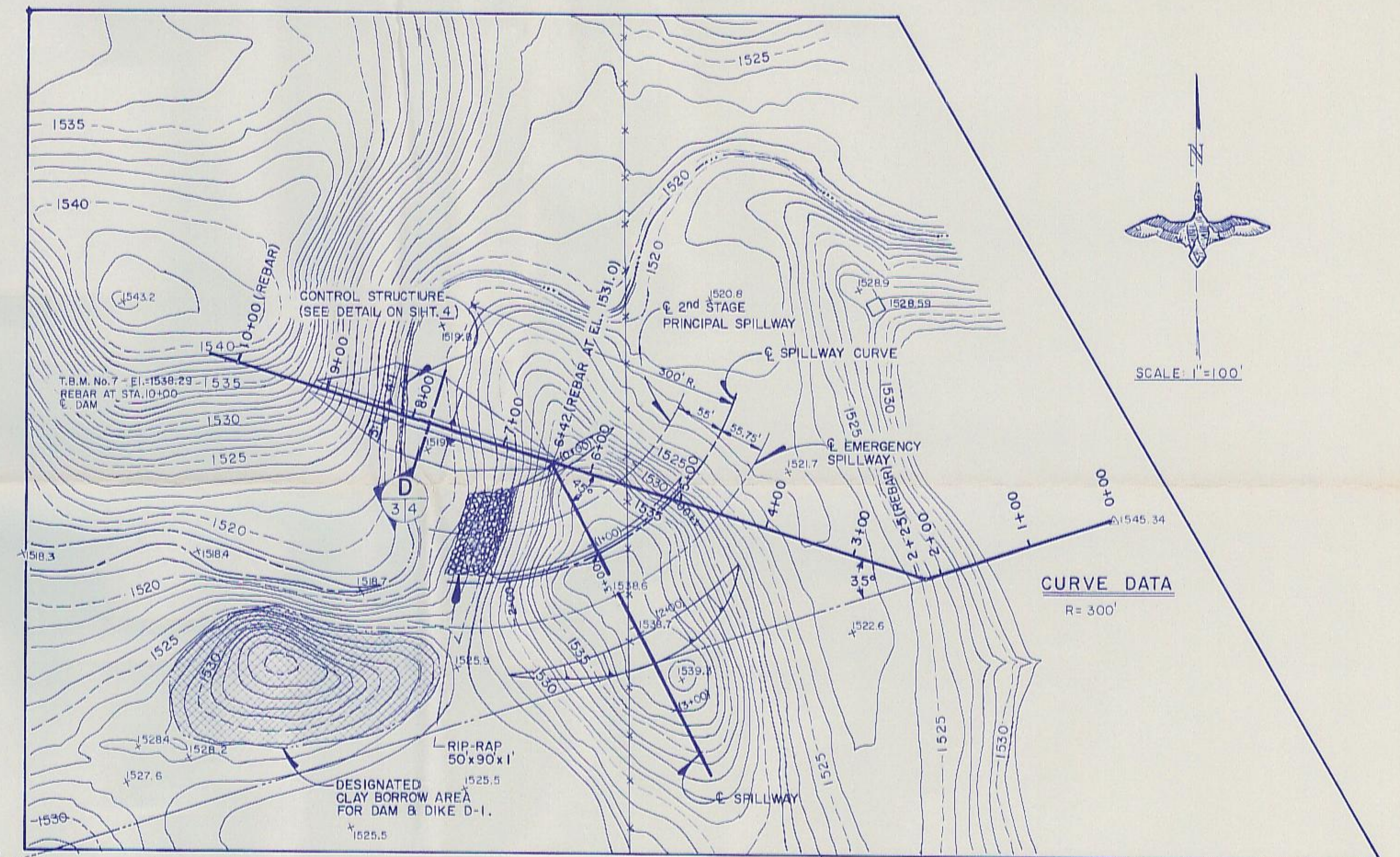
HYDROLOGIC DATA

DRAINAGE AREA	10.4 SQ. MILES
RAINFALL	1.5 INCHES
10 YEAR 24 HOUR	1.5 INCHES
100 YEAR 24 HOUR	3.0 INCHES
RUNOFF	850 AC-FT
10 YEAR 24 HOUR	850 AC-FT
100 YEAR 24 HOUR	1680 AC-FT
TIME OF CONCENTRATION	8.7 HOURS
PEAK DISCHARGE	600 CFS
100	1260 CFS

EARTHWORK SUMMARY

Description	Excavation Cu. Yds.	Embankment Cu. Yds.	Topsoil Cu. Yds.
SPILLWAY	9,800		1,030
DAM		1,960 *	370
DIKE D-1		720 *	2,030
D-2		550 *	90
D-3		100 *	50
CHANNEL C-1	2,520		1,250
C-2	1,320		810
C-3	230		250
C-4	420		170
C-5	110		150
BORROW (DIKES D-2, D-3)			300
BORROW - CLAY CORE (DAM & DIKE D-1)		2,270	650
KEYTRENCH	590 C.Y.		

* Measured "In-Place" - No Allowance for Shrinkage.



DAM & SPILLWAY LAYOUT

DRAWN BY: DGK.	REVIEWED: _____
DESIGNED BY: DCE/RLS	DATE: _____ FOR: _____
CHECKED BY: J.O.E.	REVIEWED: _____
	DATE: _____ FOR BANNER ASSOCIATES, INC.

BANNER

BANNER ASSOCIATES, INC. • CONSULTING ENGINEERS & ARCHITECTS
409 22ND AVENUE SOUTH • P.O. BOX 298 • BROOKINGS, SD 57006 • (605) 692-6342

REVISION	DATE	DESCRIPTION	BY	CHK'D

BROKEN ARROW

CHARLES MIX COUNTY, SOUTH DAKOTA

DAM LAYOUT, PROFILES, & SCHEDULES

SCALE: AS SHOWN	JOB NO: 7187-04	DATE: JUL. 1985
SHEET NO:		

3

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5077-3
United States of America
Dept of Interior, Fish & Wildlife Service P.O. Box 25486, Denver Federal Center,
(Applicant) (Post Office Address)
Denver CO 80225 With the following qualifications.
(State) (Zip Code)

Before storing any water under this Permit, flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.

That approval of this permit authorizes storage of 131.2 acre feet of water annually.

Date of first receipt of application October 7, 19 85.

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

Date of receipt of corrected application _____, 19 ____ Approved March 5, 19 86.

The Water Management Board hereby approves this Water Permit No. 5077-3 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 October 7, 19 85.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before August 5, 19 88.
3. The whole of said work is to be completed on or before March 5, 19 91.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is March 5, 19 95.
5. The water appropriated shall be used for the purpose of wildlife propagation and recreation.
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 131.2 ^{acre - feet} ~~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 wildlife propagation & recreation on or before March 5, 19 95; said water to be used during the following described annual period: Jan 1 - Dec 31

WATER MANAGEMENT BOARD

By: John H. Harty Chief Engineer

Division of Water Rights
 Dept. of Water and Natural Resources

APR 21 1986

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

Banner Associates, Inc.

409 22nd Ave. S., Box 298

Brookings, SD 57006

b) Freeboard _____ 5 feet

c) Crest Width _____ 12 feet

Crest Length _____ 260 feet

d) Height _____ 12 feet

e) Outlet Dimensions:
Pipe diameter _____ 4 feet

Spillway width _____ 200 feet

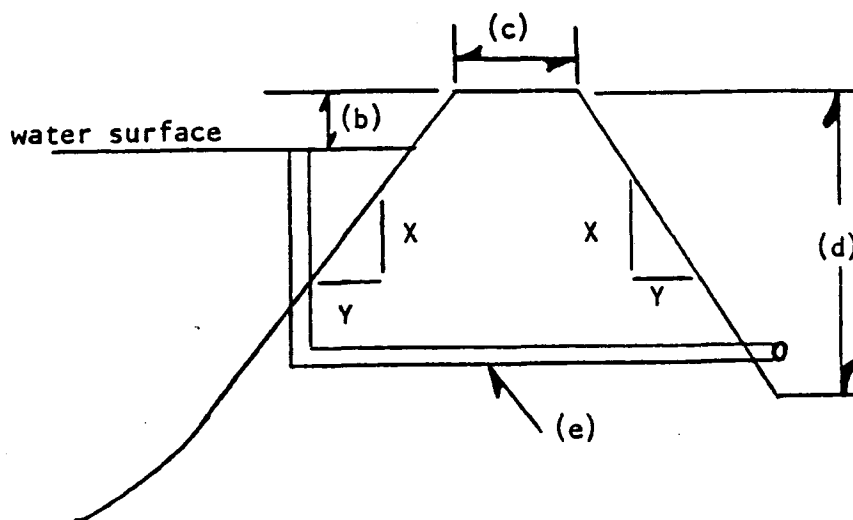
f) X & Y Slope
Upstream _____ 4:1

Downstream _____ 3:1

Surface Area of Impoundment _____ 56.4 acres

Storage _____ 131.2 acre feet

Drainage area above dam _____ 10.4 sq. miles



Signature of Applicant _____

RECEIPT

Division of Water Rights

No 410240

South Dakota Department of Water and Natural Resources

Pierre, November 18, 1985, 19

RECEIVED OF Dept. of Interior, U.S.A., Fish & Wildlife Service, PO Box 25486, DFC, Denver CO 80225
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. 5077-3 to Appropriate Water, to construct works and to put water to beneficial use	225	00
Fee for Application for Permit No. to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No.		
Fee for Filing Transfer Form		
Fee for Filing Extension Request		
Fee for Certified Copy of		
Fee for Print Copy of Map		
Fee for Certifying		
Fee for		
(Any Other Work Provided by Law)	Total	225 00

By John Hatch
Chief Engineer JOHN HATCH



United States Department of the Interior
FISH AND WILDLIFE SERVICE

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225

STREET LOCATION:
134 Union Blvd.
Lakewood, Colorado 80228

IN REPLY REFER TO:

FR/EN
WR SD

SEP 27 1985



James E. Winterton
Natural Resources Administrator
South Dakota Department of
Water and Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Winterton:

Under a Memorandum of Understanding between Ducks Unlimited and the U. S. Fish and Wildlife Service, certain construction is proposed at the Broken Arrow Waterfowl Production Area. Upon review of the plans and specifications of this proposed work, you advised that an application for permit was required to proceed.

Enclosed please find the required documents pertaining to this project:

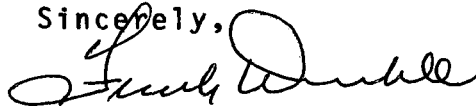
1. Application for Permit to Appropriate Water Within the State of South Dakota, Forms 2 and 2A.
2. Government Purchase Order in the amount of \$225 to cover filing fees.
3. Filing Map No. 6R-SD-660-WR-P-7.0
4. Construction Plans and Specifications, four sheets. (Previously reviewed by your office.)

Since we are required by Government Regulation to issue an approval of advertising prior to publication of Notice of Application, please advise this office the name and address of the newspaper selected.

Since valuable construction time has been lost during the application process, and due to administrative fiscal year-end delays, we would appreciate your prompt consideration of this application so that construction can commence before inclement weather sets in.

If you have any questions or require further information, please contact Ginger Chesy of our Water Resources Section at (303) 236-5322.

Sincerely,



FRANK DUNKLE
Acting Regional Director

Enclosures (4)

REPORT ON WATER PERMIT APPLICATION NO. 5077-3

U.S. Fish & Wildlife Service

November 21, 1985

Application No. 5077-3 is for the diversion and storage of 131.2 acre feet of water annually. The dam is to be located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, T100N, R67W, Charles Mix County. The source of water will be Joubert Drainage Ditch, a tributary to Platte Creek.

Review of Existing Water Rights

725-3	Dept. of Game, Fish & Parks	Carroll Lake	Annual Storage
		SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.21-T100N-R67W	360 ac. ft.
729-3	Dept. of Game, Fish & Parks	Platte Lake	Annual Storage
		NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.21-T99N-R68W	450 ac. ft.
4346-3	John Rasmussen	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.21-T100N-R67W	2 cfs

The above permits are located downstream from this permit application on Platte Creek. Permit No. 4346 diversion point appears to be on Carroll Lake from the legal description given.

Conclusions

1. Joubert Drainage Ditch is an ephemeral stream according to available topographic maps.
2. Runoff from the 10.4 square mile drainage area in most years will provide a sufficient quantity of water to fill the dam (131.2 ac. ft.).
3. Since there are prior water rights downstream of this permit application, the low flow bypass qualification should be added to this permit.



Tim Tollefsrud
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5077-3, U.S. Fish & Wildlife
Service

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. 5077-3, U.S. Fish and Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO.

The Chief Engineer is recommending APPROVAL of Application No. 5077-3 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:

Before storing any water under this Permit, flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

See the attached report for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
November 27, 1985

No. 5077-3

Instruction to Newspaper - Publish first publication of the following Notice on or before January 2, 1986 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5077-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that U.S. Fish & Wildlife Service whose mailing address is PO Box 25486, Denver Federal Center, _____, South Dakota has made an application for a permit Denver CO

to appropriate 131.2 acre feet per year from the Joubert Drainage Ditch to be stored in a dam located in the SE 1/4 SW 1/4 Section 13, T100N, R67W. Water will be used for recreational and wildlife propagation.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5077-3 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 SD on March 5 19 86 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 21, 1986. 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 21, 1986.

No. 5077-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Charles Mix) ss.

I, Ralph Nachtigal hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Platte Enterprise

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 Platte

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

Jan. 2
Jan. 9

Ralph Nachtigal
(Signature)

Editor
(Title)

1-9-86
(Date Signed)

Cost of Printing: \$35.41

NOTICE OF HEARING
ON APPLICATION NO. 5077-3
TO APPROPRIATE WATER

Notice is hereby given that U.S. Fish and Wildlife Service, whose mailing address is P.O. Box 25486, Denver Federal Center, Denver, CO, has made an application for a permit to appropriate 131.2 acre feet per year from the Joubert Drainage Ditch to be stored in a dam located in the SE 1/4 SW 1/4 Section 13, T100N, R67W. Water will be used for recreational and wildlife propagation.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends approval of Application No. 5077-3 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 in Room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD on March 5, 1986 at 10 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 21, 1986.

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, 46-5-30.4, 46-5-31; and Board Rules ASD 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 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.

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(Jan. 2, 9)





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

APR 21 1986

U. S. Fish & Wildlife Service
PO Box 25486
Denver Federal Center
Denver, Colorado 80225

Dear Sir:

Enclosed herewith is your Water Permit No. 5077-3 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. 5077-3.

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,

A handwritten signature in black ink that reads "John Hatch". The signature is written in a cursive, flowing style.

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.

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

Post Office _____

Date APR 8 1987

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

Dear Sirs:

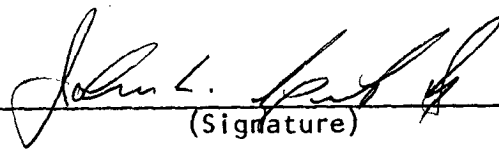
This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No. 5077-3.

Water Right Permit No. 5077-3 states that the diversion system is to be constructed by March 5, 1991, and that the water is put to beneficial use by March 5, 1995.

The diversion system was completed on October 30, 1986. Applying the water to beneficial use was completed on March 30, 1987.

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




(Signature)
Acting Regional Director
U.S. Fish and Wildlife Service
P.O. Box 25486, Denver Federal Center
Denver, CO 80225

Permit No. 5077-3
Missouri River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by the **U.S. Fish & Wildlife Service** of **P.O. Box 25486, Denver Federal Center, Denver, CO 80225** holder of Permit No. **5077-3**, bearing the priority of **October 7, 1985** authorizing the storage of **131.2** acre-feet of the waters of the **Joubert Drainage Ditch tributary** for **recreational and wildlife propagation** purposes, in **Charles Mix** County.

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

A. Works used to divert the water:

N/A

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

Natural drainage

C. Works used to apply water to beneficial use:

Joubert Drainage Ditch tributary

The system is in the following condition **good**. The point of diversion is located **1120 feet N and 200 feet W of the S quarter corner of Section 13 T100N-R67W (SE1/4 SW1/4)**. The works are capable of storing **131.2** acre-feet of water which is to be used for **recreational and wildlife propagation**.

Applicable permit qualifications have been complied with: Yes **X** No

Exceptions to compliance are: **None** Date: **4-26-93**



Barry A. McLaury
Natural Resources Analyst
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 5077-3

DATE: 4-26-93

Other permit(s) associated with the project: None

DIVERSION POINT LEGAL LOCATION: 1120 feet N and 200 feet W of the S quarter corner of Section 13 T100N-R67W (SE1/4 SW1/4).

DAM INFORMATION:

- | | |
|---|---|
| 1) Height to crest <u>12</u> feet | 12) Date constructed: <u>October 30, 1986</u> |
| 2) Height to primary spillway <u>8</u> feet | 13) Outlet tubes: |
| 3) Height to secondary spillway <u>10</u> ft | a) diameter <u>48</u> inches |
| 4) Crest width <u>12</u> feet | b) type <u>culvert</u> |
| 5) Crest length <u>260</u> feet | c) valved <u>N</u> |
| 6) Spillway length <u>100</u> feet | d) valve type <u>drop inlet</u> |
| 7) Spillway width <u>75</u> feet | e) location on structure <u>center of</u> |
| 8) Emergency spillway length <u>150</u> feet | <u>embankment</u> |
| 9) Emergency spillway width <u>90</u> feet | 14) Category of Dam <u>III</u> |
| 10) Approx. storage <u>131.2</u> ac-ft | 15) Inspection Sheet Completed <u>N</u> |
| 11) Approx. storage to crest <u>260</u> ac-ft | |

****NOTE: At the time of inspection, the crest, upstream & downstream slopes, abutment contacts, spillway, and all visible parts within, appeared to be in excellent condition. There was adequate grass cover throughout the project with no visible erosion.**

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A

NOT TO SCALE



Barry McLaury *Barry McLaury*
Natural Resources Analyst
Division of Water Rights
Date May 4, 1993

5077-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 8, 1994

5077-3

Frank Dunkle, Acting Regional Director
U.S. Fish and Wildlife Service
P.O. Box 25486
Denver Federal Center
Denver, CO 80225

Dear Mr. Dunkle:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5077-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Division
523 E. Capitol
Pierre, SD 57501-3181

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Mountain-Prairie Region

IN REPLY REFER TO:

BA EN
WR SD
Mail Stop 60190

MAILING ADDRESS:

Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225

STREET LOCATION:

134 Union Blvd.
Lakewood, Colorado 80228



SEP 15 1994

Ms. Cheryl F. Frost
Department of Environment and
Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Ms. Frost:

In response to your letter of September 8, enclosed is a Money Order in the amount of \$50 to cover the inspection fee and issuance of the Water License for Water Permit No. 5077-3, Broken Arrow Waterfowl Production Area, Charles Mix County.

If you have questions or require further information, please contact Linda Coe in our Water Rights Branch at (303) 236-5321.

Sincerely,

William A. Godby
Regional Engineer

Enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 15 1994

5077-3

William A. Godby, Regional Engineer
U.S. Fish and Wildlife Service
P.O. Box 25486
Denver Federal Center
Denver, CO 80225

Dear Mr. Godby:

Enclosed is Water License No. 5077-3 and Receipt No. 414278 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 5077-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch".

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

rd
enclosures

RECEIPT

414278

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 19, 19 94

RECEIVED OF US Fish & Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80225

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5077-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By *John Hatch*
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5077-3

(1) U. S. Fish and Wildlife Service, of PO Box 25486, Denver Federal Center, Denver CO 80225 made Application No. 5077-3, October 7, 1985 for a water permit to store 131.2 acre-feet of water from the Joubert Drainage Ditch, Charles Mix County, South Dakota for wildlife propagation and recreational purposes. Permit No. 5077-3, with a priority date of October 7, 1985 was approved March 5, 1986 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before March 5, 1991 and the application to beneficial use of said water to be completed on or before March 5, 1995.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to store 131.2 acre-feet of water for beneficial use. The location of the storage dam (spillway) is 1120 feet N and 200 feet W of the S quarter corner of Section 13-T100N-R67W (SE 1/4 SW 1/4).

(3) The applicant complied with the provisions of South Dakota Water Law relating to the application of water to beneficial use at the Broken Arrow Waterfowl Production Area.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the U. S. Fish and Wildlife Service of PO Box 25486, Denver Federal Center, Denver CO 80225 the holders and/or owners of Water Permit No. 5077-3 is issued a license to appropriate water, the right to store 131.2 acre-feet of water from the Joubert Drainage tributary with a priority date of October 7, 1985 from the location specified in (2) of this license. The water is to be used for wildlife propagation and recreational purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5077-3 and subject to South Dakota State Law.



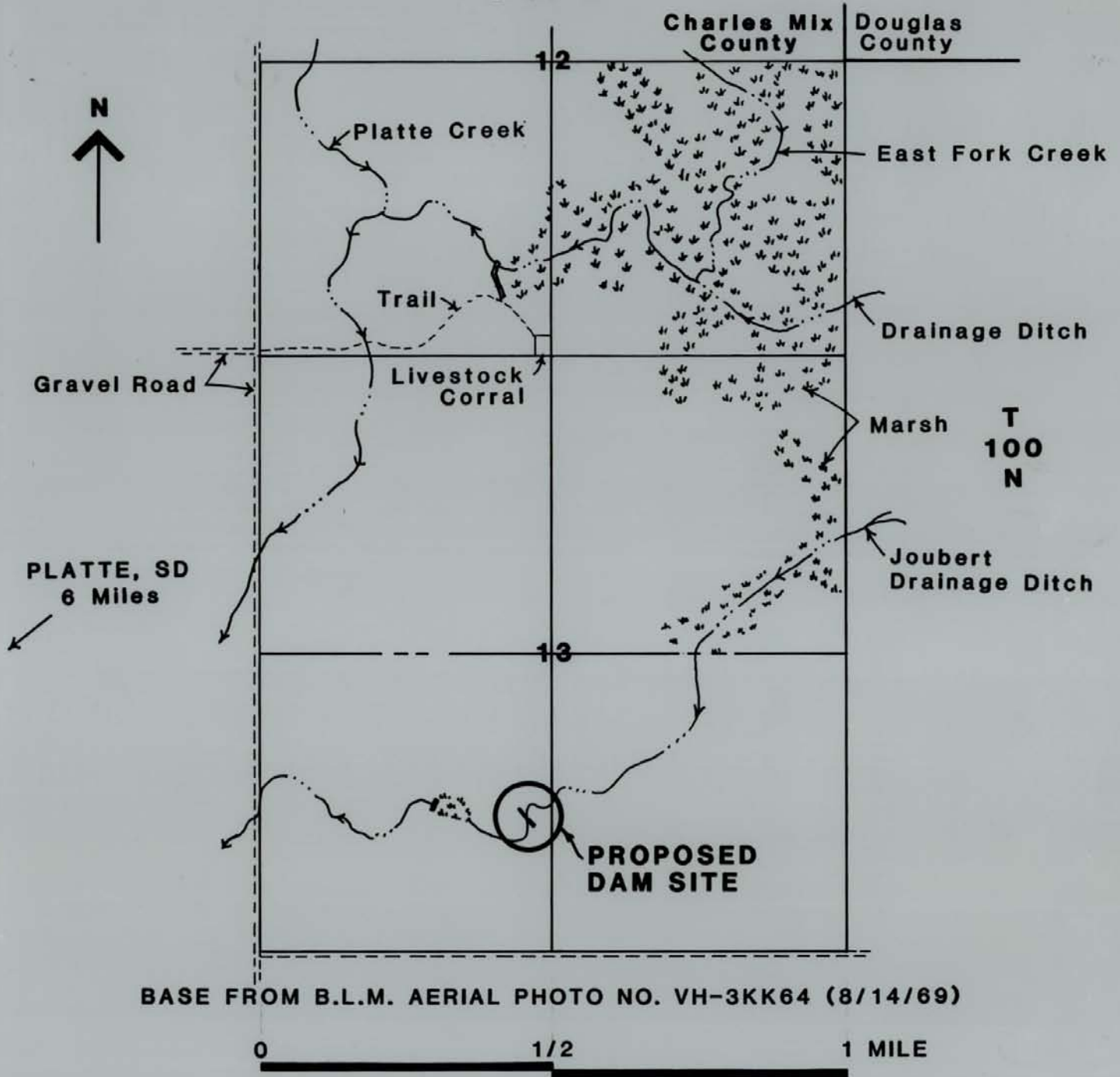
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

NOV 15 1994

date

FIFTH PRINCIPAL MERIDIAN

R 67 W



BASE FROM B.L.M. AERIAL PHOTO NO. VH-3KK64 (8/14/69)

STATE OF COLORADO)
) SS.
COUNTY OF JEFFERSON)

I, KENNETH C. ROZAS, of Denver, Colorado, do hereby certify that this map was prepared from notes and information obtained from an actual survey and that it correctly represents the facilities for the accompanying application.

Kenneth C. Rozas
Regional Engineer

UNITED STATES DEPARTMENT OF THE INTERIOR				
FISH AND WILDLIFE SERVICE				
ENGINEERING				
BROKEN ARROW WPA				
CHARLES MIX COUNTY,			SO. DAK.	
WATER RIGHTS FILING MAP				
DESIGNED GC	DRAWN JFG	CHECKED CW	DATE 9/85	DENVER, COLO.
DRAWING NO. 6R-SD-660-WR-P-7.0				SHEET 1 of 1

5077-3