

Considered: _____

WATER PERMIT NO. 5091-3

MAP No. same

Name of Applicant U.S. Fish and Wildlife Service Ringer WPA

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

Amount of Water Claimed 94.1 acre-feet ^{at 1864.0 M.S.L.} Total Acres NA

Source of Water Supply surface runoff and springs

Water to be used for Fish & Wildlife County Marshall

About 7 miles N of Lake City

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved July 1, 1986 Subject to _____

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

PRIORITY _____ Date Received February 28, 1986 Fee \$150.00 Remarks _____

2/28/86

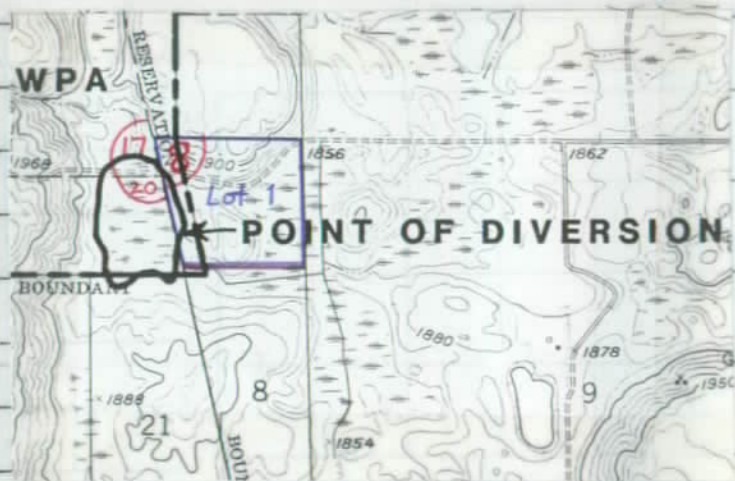
Corrected Application Received April 24, 1986 Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Point storage dam: Lot 1 of
section 8 - T127N - R54W

Land to be Irrigated NA



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map Topo + plat PREPARED BY Bureau of Land Management Reviewed and the Number assigned on April 24, 1986 By Ron Duvall

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

No. 5091-3 Hydrologic Unit 10160010
Map No. same Basin James River
Newspaper Britten 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 ☒ Fish and Wildlife ☐

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. _____
United States of America, Department of Interior

1. Name of Applicant Fish and Wildlife Service Phone No. (303) 236-5322

Post Office Address P.O. Box 25486, DFC, Denver State CO Zip Code 80225
(Street, RR or Box)

2. Amount of water claimed (c.f.s) less than 5 cfs storage 94.1 ac-ft at 1864.0 MSL

3. Source of water supply Surface runoff and springs

4. Location of point of diversion ^{Dam} Lot 1 Sec. 8 T127N R54W

County Marshall

5. Counties where water will be used Marshall

6. 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)

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) ss

I, Galen L. Buterbaugh 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 Galen L. Buterbaugh
Regional Director

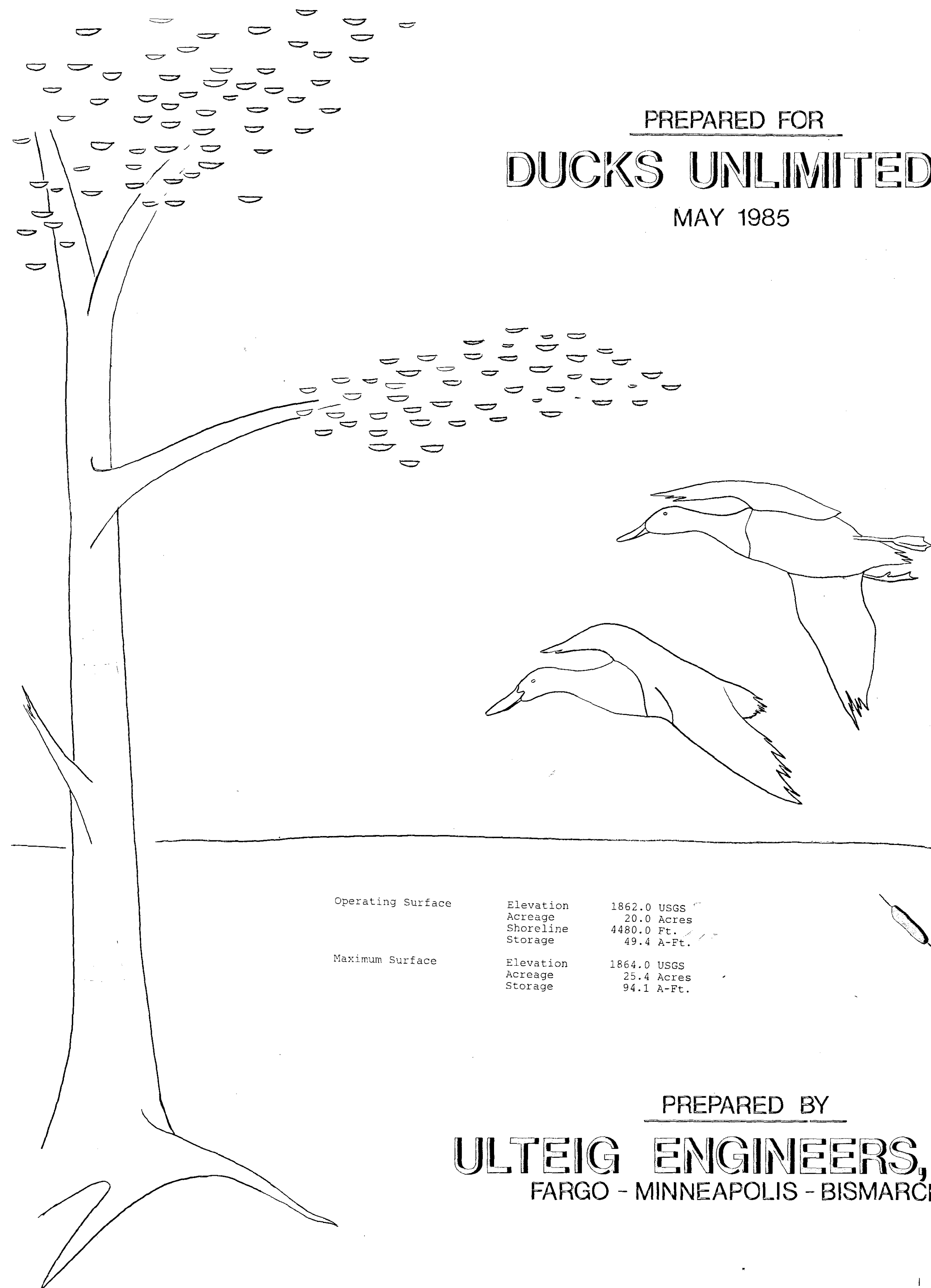
Subscribed and sworn to before me this 24th day of February 1986

My Commission Expires 8/5/89

Susan E. Craddock
Notary Public (or other qualified officer)

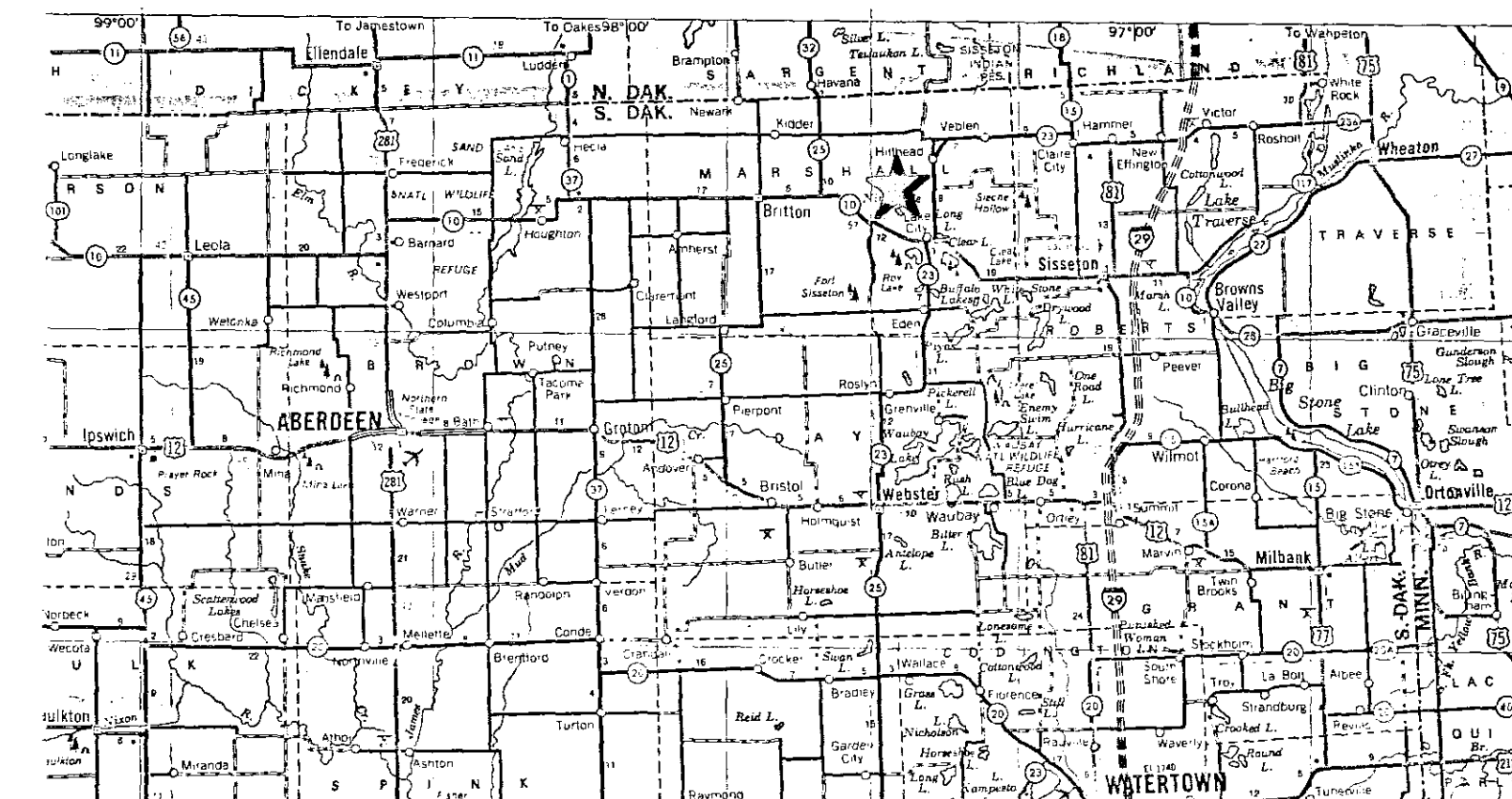
DETAIL PLANS FOR
RINGER SLOUGH W.P.A.
STRUCTURE FOR WATER CONTROL

PREPARED FOR
DUCKS UNLIMITED
 MAY 1985



Operating Surface	Elevation	1862.0 USGS
	Acreage	20.0 Acres
	Shoreline	4480.0 Ft.
	Storage	49.4 A-Ft.
Maximum Surface	Elevation	1864.0 USGS
	Acreage	25.4 Acres
	Storage	94.1 A-Ft.

PREPARED BY
ULTEIG ENGINEERS, INC.
 FARGO - MINNEAPOLIS - BISMARCK



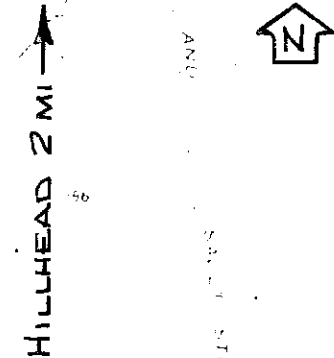
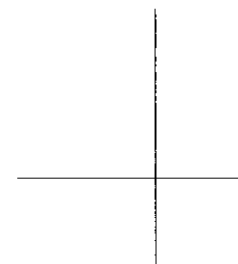
LOCATION MAP

INDEX	
SHT. NO.	DESCRIPTION
1	COVER SHEET & INDEX
2	TOPO MAP
3	DAM & SPILLWAY LAYOUT
4	CROSSECTIONS
5	DETAILS
6	DETAILS

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 M. L. [Signature]
 REG. NO. 1207 DATE 8/1/85

Appl # 5091-3



RISSEL GUY
PASTURE

CURVE DATA
R=200.00'
Δ=41°
C=140.08'
L=143.11'
T=74.77'

CURVE DATA
R=225.00'
Δ=84°30'
C=302.56'
L=331.83'
T=204.32'

18" CULVERT
FROM EXISTING
CROSSING

FARM
ACCESS ROAD

CURVE DATA
R=200.00'
Δ=67°
C=220.77'
L=233.87'
T=132.37'

CONTROL
POINT

BENCH MARK: R/R SPIKE N
FENCE POST AT S.E. PROP. CORNER
ELEV. 1073.3 PER USGS DATUM

AREA MAP

CARVIN GUY
CULTIVATION

SURVEY CONTROL LINE

EDGE OF
BRUSH

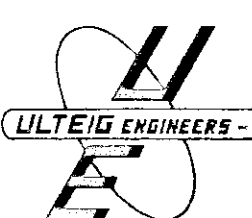
STA. 0+00

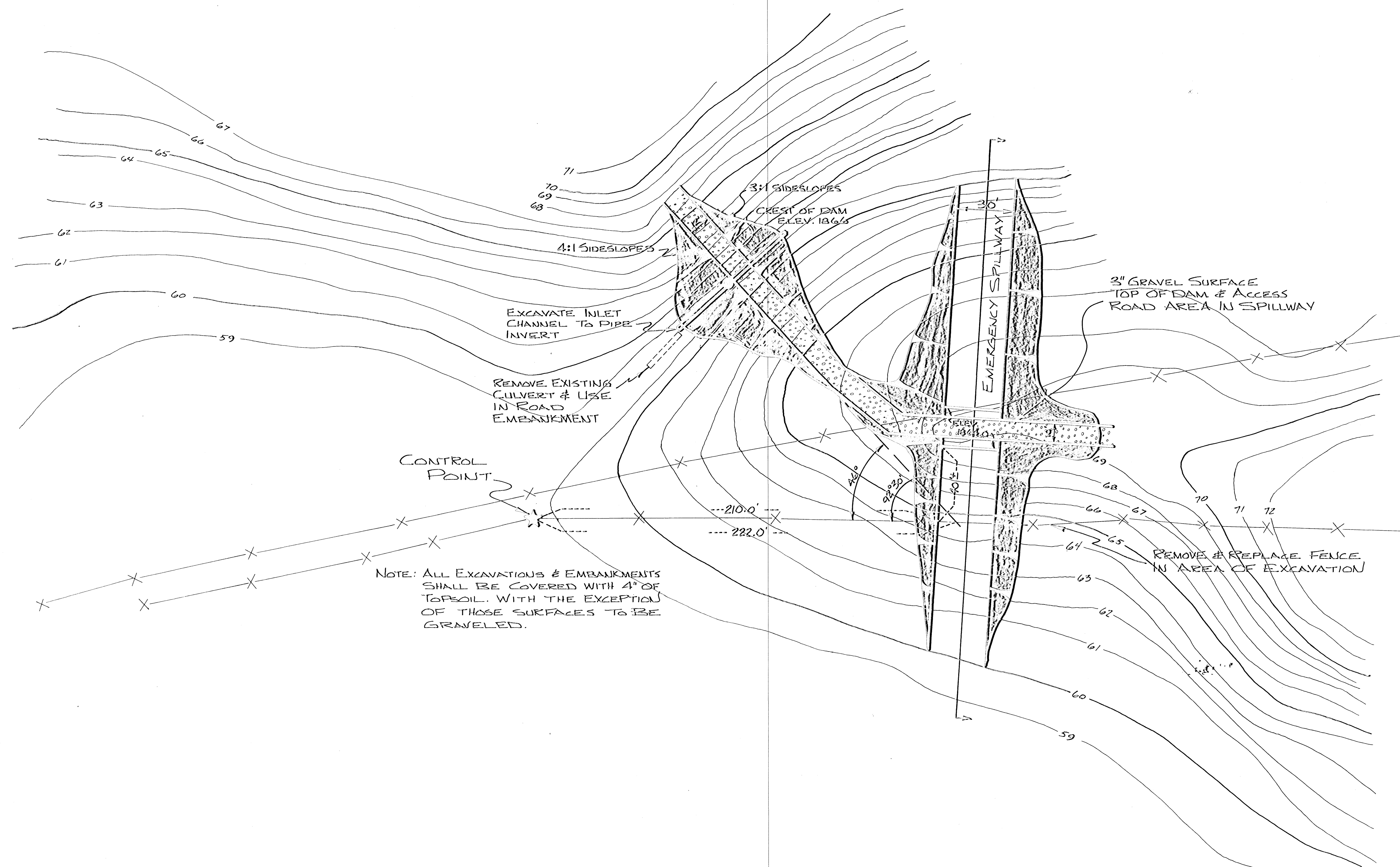
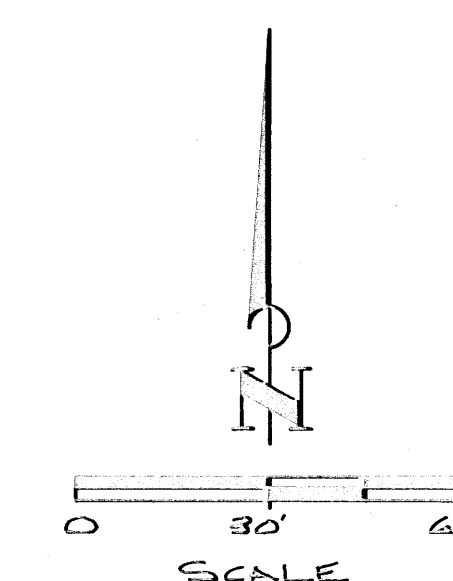


SECTION 17
TWP 127 N
RANGE 55 W
MARSHALL COUNTY S.D.

W P A
NATIVE GRASSES

REV	DATE	DESCRIPTION	BY
RINGER SLOUGH			
TOPOGRAPHIC MAP			
ULTEIG ENGINEERS, INC. CONSULTING ENGINEERS • ARCHITECT FARGO • BISMARCK • MINNEAPOLIS			
DRAWN BY: JZ	SCALE: 1" = 80'	PROJECT NO. 1892.04	
CHECKED BY: WWS	DATE: 5-20-85	SHEET 2 of 6	
APPROVED BY: [Signature]			





Δ				
Δ				
Δ				
Δ				
REV	DATE	DESCRIPTION	BY	
RINGER SLOUGH W.P.A.				
DAM & SPILLWAY LAYOUT				
ULTRIS ENGINEERS, INC. CONSULTING ENGINEERS & ARCHITECT FARGO • BISMARCK • MINNEAPOLIS				
DRAWN BY: MJB	SCALE: AS SHOWN	PROJECT NO. 1892.04		
CHECKED BY: uls	DATE: 5-20-85	SHEET 33 of 60		
APPROVED BY: uls				



The Water Management Board hereby approves Water Permit Application No. 5091-3

U.S. Fish and Wildlife Service P.O. Box 25486, DFC, Denver
(Applicant) (Post Office Address)
CO 80225
(State) (Zip Code) With the following qualifications.

1. Low flows as needed for downstream domestic use including livestock water, and prior water rights must be by-passed.
2. Approval of this Permit authorizes storage of up to 94.1 acre feet annually.

Date of first receipt of application February 28, 1986.

Date of return to applicant for correction, amendments or changes required March 7, 1986.

Date of receipt of corrected application April 24, 1986. Approved July 1, 1986.

The Water Management Board hereby approves this Water Permit No. 5091-3 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 February 28, 1986.
2. The equivalent of at least one-fifth of the specified work is ~~to be completed on or before~~ _____, 19____.
3. The whole of said work is ~~to be completed on or before~~ _____, 19____.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is _____, 19____.
5. The water appropriated shall be used for the purpose of 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 94.1 ^{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 production ~~on or before~~ _____, 19____; said water to be used during the following described annual period: Jan 1 - Dec 31

WATER MANAGEMENT BOARD

By: John Hatch
 Division of Water Rights
 Dept. of Water and Natural Resources

AUG 18 1986

. 19

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 Engineers Inc.
1401 Oak Manor Ave. So.
Fargo, ND 58102

b) Freeboard 2'

c) Crest Width 12'

Crest Length 116'

d) Height 9.4'

e) Outlet Dimensions: 24" CMP
 Pipe diameter

Spillway width 30'

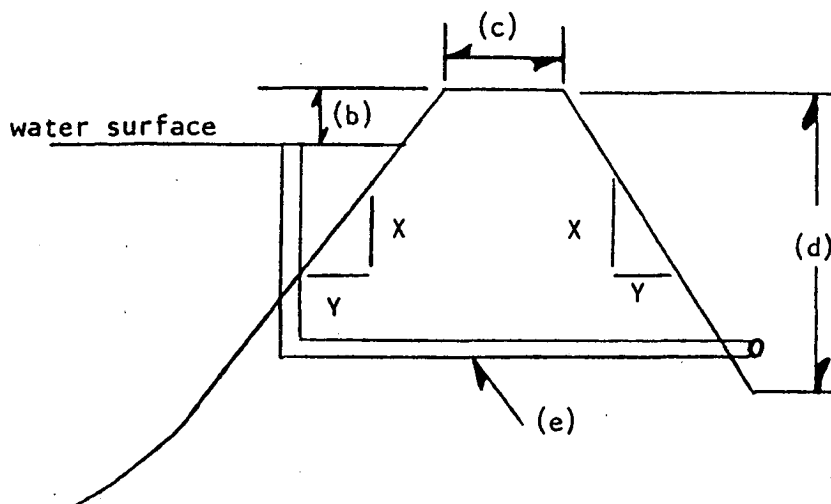
f) X & Y Slope 3:1
 Upstream

Downstream 4:1

Surface Area of Impoundment 25.4

Storage 94.1 acre feet

Drainage area above dam 410 acres



Robert B. Osterlough
 Signature of Applicant Regional Director

UNITED STATES DEPARTMENT OF THE INTERIOR

U.S. FISH AND WILDLIFE SERVICE

CONVEYANCE OF FLOWAGE EASEMENT

THIS INDENTURE, by and between Carvin Guy and Anita Guy, husband and wife, of Veblen, South Dakota, parties of the first part, and the UNITED STATES OF AMERICA, acting by and through the Secretary of the Interior or his authorized representative, party of the second part.

WITNESSETH:

WHEREAS, the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended by the Act of August 1, 1958 (72 Stat. 486, 16 U.S.C., sec. 718d) authorizes the Secretary of the Interior to acquire certain lands or interests therein;

AND WHEREAS, acquisition of an interest in the lands described below has been determined necessary in furtherance of the purposes of that Act;

NOW THEREFORE, for and in consideration of the sum of (\$1.00) One and No/100----- Dollars, the parties of the first part do hereby convey to the party of the second part, commencing with the acceptance of this indenture by the Secretary of the Interior or his authorized representative which acceptance must be made within -- nine -- months of the execution of this indenture by the parties of the first part, or any subsequent date as may be mutually agreed upon during the term of this option, a perpetual right, power, privilege and easement to overflow, flood the following described property:

T.127 N, R. 55 W., 5th P.M. Marshall County, South Dakota
Section 21, Government Lot 2

The above property contains 41.74 acres, more or less (See attached Exhibit A map).

Such right, power privilege and easement to include the right to lower the water level or raise the water level not to exceed a maximum of 1864.0 feet mean sea level by means of dams, ditches, spillways or other structures located on lands owned by the party of the second part.

The parties of the first part, for themselves and for their heirs, successors, and assigns, expressly waive and release the party of the second part from any and all claims they may have for damages which may have occurred or which in the future may occur by reason of construction, building or maintenance of dams or spillways on lands owned or controlled by the party of the second part or by reason of flooding, overflow, or the depositing of material resulting from said flooding or overflow.

Subject, however, to all existing rights-of-way for highways, roads, railroads, pipelines, canals, laterals, electrical transmission lines, telegraph and telephone lines, cable lines and all outstanding mineral rights.

SPECIAL PROVISIONS

1. This indenture shall not be binding upon the party of the second part until accepted by the Secretary of the Interior or his authorized representative, although this indenture is acknowledged by the parties of the first part to be presently binding upon them and to remain so until the expiration of said period for acceptance, as hereinabove described, by virtue of the payment to parties of the first part, by the party of the second part, of the sum of One Dollar, the receipt of which is hereby expressly acknowledged by parties of the first part.

2. Notice of acceptance of this agreement shall be given to parties of the first part by certified mail addressed to: Mr. Carvin Guy, Veblen, South Dakota 57270 and such notice shall be binding upon all parties of the first part without sending a separate notice to each.

3. It is further mutually agreed that no Member of or Delegate to Congress, or Resident Commissioner shall be admitted to any share or part of this contract, or to any benefit to arise thereupon. Nothing, however, herein contained shall be construed to extend to any incorporated company, where such contract is made for the general benefit of such corporation or company.

4. Payment of the consideration will be made after acceptance of this indenture by the Secretary of the Interior or his authorized representative and after the Field Solicitor of the Department of the Interior shall have approved the easement interest thus vested in the United States.

IN WITNESS WHEREOF the parties of the first part have hereunto set their hands and seals this 24th day of June, 1985.

(L.S.)

(L.S.)

Carvin Guy (L.S.)
Carvin Guy

Anita Guy (L.S.)
Anita Guy

ACKNOWLEDGMENT

STATE S.D.)
COUNTY OF Marshall) ss

On this 24th day of June, in the year 1985, before me personally appeared Carvin Guy and Anita Guy, husband and wife, known to me to be the persons described in and who executed the foregoing instrument and acknowledged to me that they executed the same as their free act and deed.

(SEAL)

Betty A. Kuchelberg
Notary Public
(Notary Public)

My commission expires: 12.11.90

ACCEPTANCE

The Secretary of the Interior, acting by and through his authorized representative, has executed this agreement on behalf of the United States this 27th day of September, 1985.

THE UNITED STATES OF AMERICA

By (Sgd.) Robert W. Young

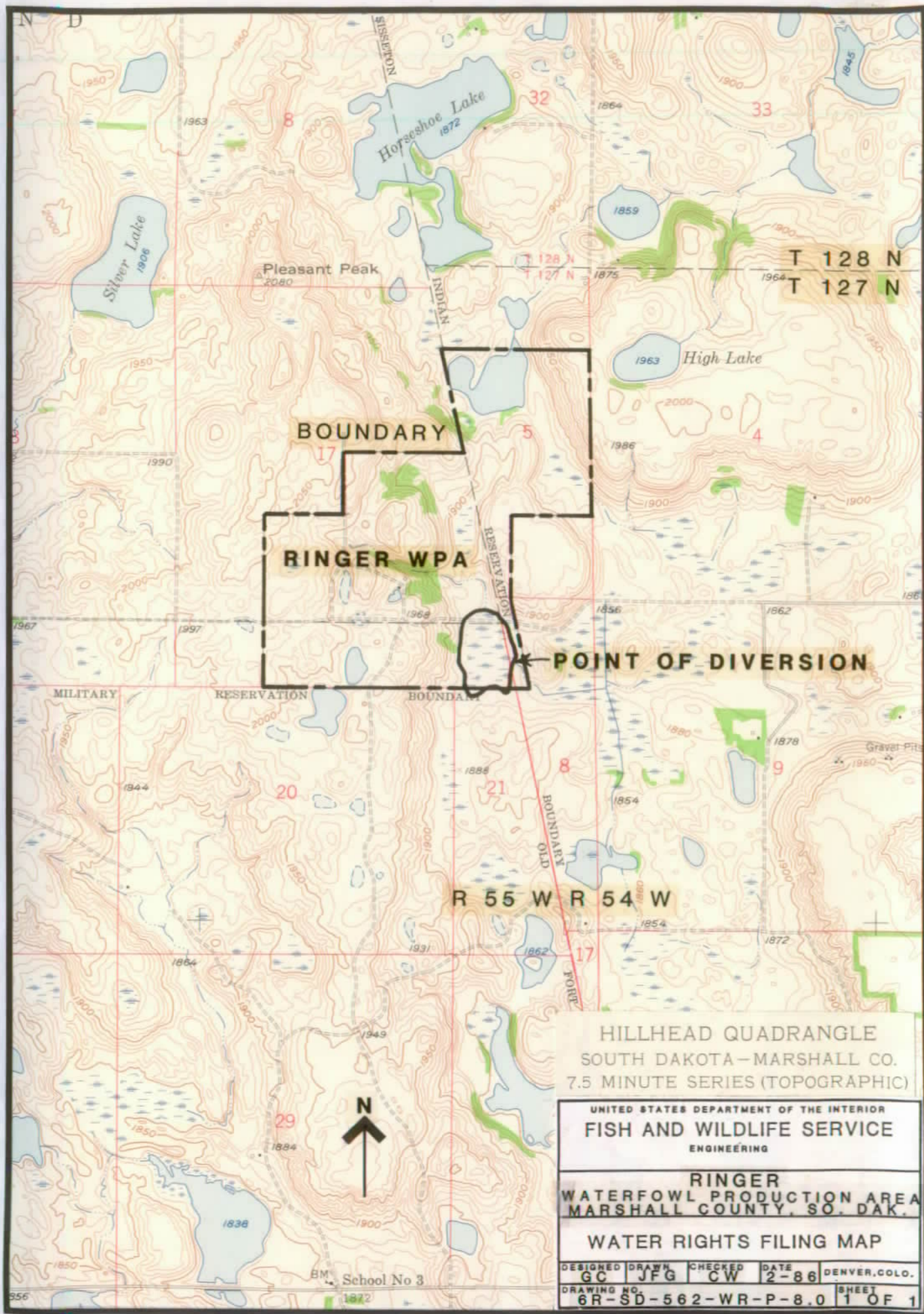
Senior Realty Officer

(Title)

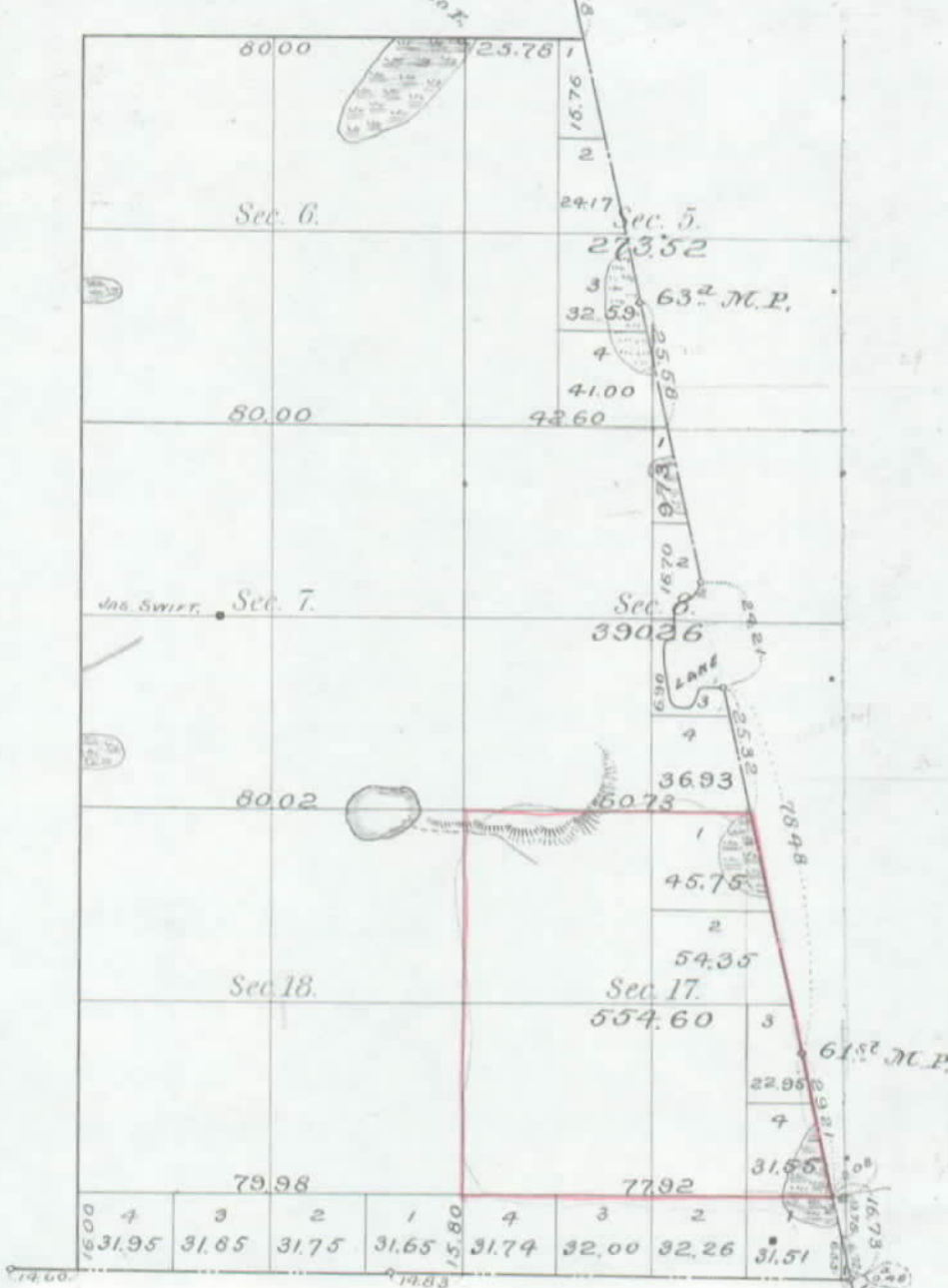
A horizontal scale bar with markings at 0, 1320, 2640, 3960, and 5280 FEET. The bar is divided into four equal segments by vertical tick marks. The text '0' is at the left end, '1320' is at the first tick mark, '2640' is at the second tick mark, '3960' is at the third tick mark, and '5280 FEET' is at the right end.



Appl. No. 5091-3



G f F π C. S. 501 e E d D c C



COURSE N. 12° 02' E.

Area of Public Land 3,393.57 Acres - of Water 23.06 Acres,		Total number of Acres 3,416.63					
Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys			When Surveyed	True North East
N. Township lines	W. H. H. Beadle	July 14, 1882	7	23	78	Sept. 1882	14° 20'
Subdivisions	Thomas J. Marshall	Nov. 28, 1884	8	43	60	Dec. 21, 1884	13° 41'
Meanders	do	do		47	44	do	
County Lines	do	do	1	39	85	do	
West Boundary	do	do	3	16	00	Dec. 1884	13° 45'
East "	J. H. Barrett	Aug. 22, 1868,				July 1869	
South "	War Department					Sept. 1883	

Recd with T.H. Barretto letter Mch 17 1870

TOWNSHIP N^o 127 NORTH RANGE N^o 54 WEST OF THE 5th PRINCIPAL

G F F 62nd E E d D c C b

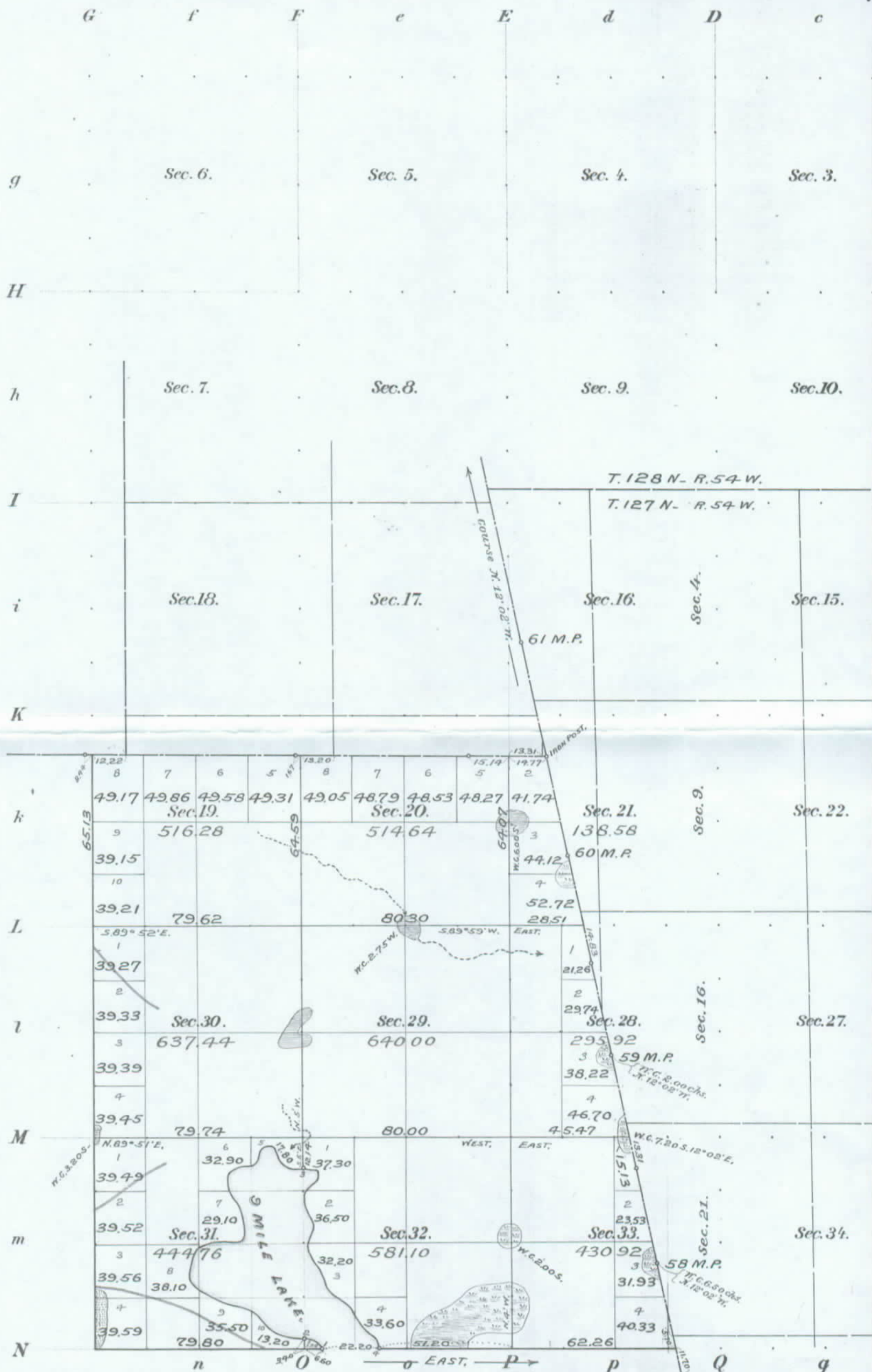


Total number of Acres. 14315.57

Surveys Designated	By Whom Surveyed.	Date of Contract	Amount of Surveys	When Surveyed.
Township Lines	Theo. H. Barretto	Aug 22 ^d 1868	M. Ch ^s Lk ^s	
Subdivisions	"	"	49-62-72	Aug st 1869
Lines Sub Sections.	"	May 6 th 1869	67-41-26	Sep ^{tr} 1869

The above Map of
5th Principal Meridian
notes of the survey by
General Land
Surveyor Gen
March 2

Township N^o 127 NORTH, Range N^o 55 WEST. 5TH.



Area of Land Surface 4,199,64 Acres - of Water 252.30 Acres - Total number of Acres 4,451.94

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys M. Ch. Lk.	When Surveyed	Mean Decl. East
Township lines	Roscoe H. Watson	June 24 1891.		May 1892.	
Subdivisions	" " "	" " "	9 57 84	" 5 & 6 "	11° 46'
Connecting lines	" " "	" " "	16 44	" " " "	
Meander "	" " "	" " "	3 03 51	" " " "	
North boundary	War Department			Sept 1893.	
East	N. H. Brown	May 22, 1868.		July 1869.	

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410419

Pierre, April 24, 19 86

RECEIVED OF U.S. Fish & Wildlife Service, PO 25486, Denver Federal Center, Denver CO
the following amount in fees for services rendered as provided for by law: 80225

Fee for Application for Permit No. <u>5091-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	150	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	150 00

By John Hatch
Chief Engineer JOHN HATCH/ms



United States Department of the Interior
FISH AND WILDLIFE SERVICE

IN REPLY REFER TO:

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

STREET LOCATION:
134 Union Blvd.
Lakewood, Colorado 80228

FR/EN
WR SD
MAILSTOP 60190

FEB 24 1986

South Dakota Department of Water
and Natural Resource Development
Water Rights Division
Foss Building
Pierre, SD 57501-3181



Gentlemen:

Enclosed please find the following documents pertaining to the
Ringer Waterfowl Production Area in Marshall County:

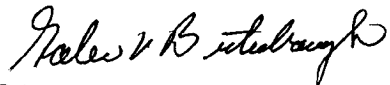
1. Form 2, Application for Permit to
Appropriate Water.
2. Form 2A, Supplemental Information.
3. Filing Map No. 6R-SD-562-WR-P-8.0,
1 Sheet.
4. Government Purchase Order in the
amount of \$150 to cover filing
fees.
5. Detail Plans and Specifications,
6 Sheets.
6. Copy of Conveyance of Flowage
Easement.

Please advise this office of the name and address of the
newspaper selected to publish the Notice of Application so that
we can forward the required Authorization of Advertisement prior
to publication.

Also, please sign the Purchase Order where indicated and return
to this office or send an invoice so that payment can be issued.

If there are any questions, please contact Ginger Chesy of our Water Resources Section at (303) 236-5322.

Sincerely,


GALEN L. BUTERBAUGH
Regional Director

Enclosures (6)

WATER RIGHTS DIVISION
(605) 773-3352

March 7, 1986

Galen L. Buterbaugh
P.O. Box 25486
Denver Federal Center
Denver, Colorado 80225

Dear Mr. Buterbaugh:

Enclosed is the purchase order for the \$150.00 water permit application fee. The notice of application will be advertised in the following paper:

Britton Journal
Box 69
Britton, South Dakota 57430

Further processing can begin on the permit application upon receipt of the application fee. Please contact our office if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer

RD:ms
Enc.

REPORT ON APPLICATION NO. 5091-3
U.S. FISH AND WILDLIFE SERVICE
April 25, 1986

The application requests the storage of 94.1 acre feet of water annually from surface runoff and springs in Ringer Slough by an existing dam location in lot 1 of Section 8, T127N, R54W in Marshall County. The storage of the water would improve the migratory bird habitat in the area.

Review of Existing Water Rights

No water rights exist in the area which could be affected by the approval of this permit.

Conclusion

1. The existence of the dam would not pose any threat to the area in case of flooding. The lands flooded by the impoundment are controlled by the Fish and Wildlife Service.
2. Unappropriated water is available.
3. Existing Water permits will not be affected.
4. The approval of this permit should contain the low flow qualification for the protection of downstream domestic use.

Rassool Ahadi /KS
RASSOOL AHADI
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5091-3, U.S. Fish and Wildlife Service

Pursuant to SDCL 46-2-A2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5091-3, U. S. Wildlife Service, P.O. Box 25486, DFC, Denver CO.

The Chief Engineer is recommending APPROVAL of Application No. 5091-3 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 right, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use including livestock water, and prior water rights must be by-passed.
2. Approval of this Permit authorizes storage of up to 94.1 acre feet annually.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
May 1, 1986

Instruction to Newspaper - Publish first publication of the following Notice on or before **May 14, 1986** with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. **5091-3** to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that **the U.S. Fish & Wildlife Service** whose mailing address is
P.O. Box 25486, DFC, Denver, Colorado, ~~South Dakota~~ has made an application for a permit

to store 94.1 acre-feet of water annually in Ringer Slough by an existing dam located in Lot 1 of Section 8-T127N-R54W. Portions of Lot 1, Section 20; Lot 4, Section 17; Lots 1 and 2, Section 21; all in T127N-R55W and Lot 1 of Section 8-T127N-R54W will be flooded to provide habitat for wildlife production.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends **APPROVAL** of Application No. **5091-3** 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, July 1,** 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 **June 20, 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, 46-5-3.1, 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 **June 20, 1986**.

No. 5091-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Marshall) ss.

2T(May 14-21)

No. 5091-3

NOTICE OF HEARING
on Application No. 5091-3
to Appropriate Water

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:

May 14, 1986

May 21, 1986

C. L. Card
(Signature)

Published
(Title)

May 21, 1986
(Date Signed)

Cost of Printing: 95 lines X 2 weeks =
.399258(2 times) X lines = 37.93

Notice is hereby given that the U. S. Fish & Wildlife Service whose mailing address is P. O. Box 25486, DFC, Denver, Colorado, has made an application for a permit to store 94.1 acre-feet of water annually in Ringer Slough by an existing dam located in Lot 1 of Section 8-T127N-R54W. Portions of Lot 1, Section 20; Lot 4, Section 17; Lots 1 and 2, Section 21; all in T127N-R55W and Lot 1 of Section 8-T127N-R54W will be flooded to provide habitat for wildlife production.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5091-3 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, July 1, 1986 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 June 20, 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, 46-5-30.2, 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 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 June 20, 1986.



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

5091-3

AUG 18 1986

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

Dear Sir:

Enclosed is your Water Permit No. 5091-3 as approved by the Water Management Board authorizing the water diversion system and apply the water to beneficial use, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in cursive script, reading "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

Permit No. 5091-3

James 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 US Fish and Wildlife Services of Denver, CO holder of Permit No. 5091-3, bearing the priority of 2/28/1986 authorizing the diversion of 0 cu. ft. per second and/or the storage of 94.1 acre-feet of the waters of surface water for wildlife production purposes, in Marshall County.

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

A. Works used to divert the water:

One dam located in Lot 1 of Section 8-T127N-R55W which is capable of impounding 94.1 ac-ft of water.

The system is in the following condition good. The point of diversion is located from the NE corner of Section 8-T127N-R55W, 1000'S 1300'W in Lot 1. The works are capable of diverting and conveying to the place of use 0 cu. ft. per second of water and/or storing 94.1 acre-feet of water which is to be used for wildlife production. Water has been put to beneficial use to the maximum extent as follows:

comprising a total of 0 acres of land and the license should be issued for 0 cfs and/or 94.1 acre-feet of storage.

Application permit qualifications have been complied with ☒ Yes No

Exceptions to compliance are: none Date 5/14/1991



Mark D. Rath
Natural Resources Engineer II
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER 5091-3

1. Legal location of wells:

Dams and Structures Lot 1 Section 8-T127N-R54W or from the NE corner of Section 8
1000'S 1300'W.

2. Well Information: Well Drilling Firm

Completion Report?	Yes	No	No. of Wells	Depth(s)	feet
Casing	a) diameter	inches	Screen	a) type	
	b) length	feet		b) length	feet
	c) type		Static Water Level		feet
Pump	a) make		Motor	a) make	
	b) model			b) model no.	
	c) size			c) horsepower rating	
	d) capacity	GPM		d) serial no.	
	e) turbine pump	- no. of stages			
	f) operating PSI				

3. Distribution lines or canals

a) size inches
b) type
c) length feet

4. Dam Information:

a) height to crest <u>10</u> feet	m) Outlet tubes:
b) height to primary spillway <u>3</u> feet	1) diameter <u>24</u> inches
c) height to secondary spillway <u>7</u> feet	2) type <u>CMP</u>
d) crest width <u>15</u> feet	3) valved (Y/N) <u>y</u>
e) crest length <u>72</u> feet	4) valve type <u>stop log</u>

4. Dam Information Continued:

- f) spillway length 100 feet 5) location on structure:
g) spillway width 36 feet center
h) approx. storage 94.1 AC-FT n) Category of Dam 3
i) approx. storage to crest AC-FT
j) date constructed 1985
k) inspection sheet completed? (Y/N)
l) name of contractor Ducks Unlimited

5. System Type a) sideroll:

- 1) length feet
2) diameter of pipe inches
3) make, model & number of
sprinklers
4) spacing of sprinklers feet
5) nozzle size

b) towline:

- 1) length feet
2) make, model & number of
sprinklers
3) spacing of sprinklers
4) nozzle size

c)gun:

- 1) make
2) nozzle size
3) capacity (GPM)
4) hose size inches
5) hose length feet

d) center pivot:

- 1) make
2) number of towers
3) distance between towers
4) overall length feet
5) end gun (Y/N)
6) high or low pressure

e) gated pipe:

- 1) length feet
2) diameter inches
3) spacing of gates inches

- 7) make and size of nozzles:
8) capacity (GPM)

5. System Type Continued:

- | f) portable boom: | g) siphons: |
|-------------------|---------------------|
| 1) make | 1) size inches |
| 2) nozzle size | 2) number |
| 3) capacity (GPM) | |

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project

Yes No Check Items

- | | |
|-----------|---|
| <u>NA</u> | 1. Soil and water permit lands agree with lands being irrigated and lands listed on permit? |
| <u>Y</u> | 2. Special qualifications to permit being abided by? |
| <u>Y</u> | 3. All structures, wells and lands on map? |
| <u>NA</u> | 4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period? |
| <u>NA</u> | 5. Is chemigation used? |
| <u>NA</u> | 6. If yes, does equipment comply with chemigation rules? |

REMARKS:

Ringel

5091-3

Maas D. Helt
NATURAL RESOURCES ENGINEER II
WATER RIGHTS DIVISION
5/24/91

BB
Floyd Ringel

SECTION 17-T127N-R55W

5133 BTM - WAHPETON IADUA PERS. UNIT 10M

SECTION 5-T127N-R54W

SECTION 8-T127N-R54W
LOT 1

1000'

DAM 40
1300'

SECTION 20
T127N-R55W

SECTION 21
T127N-R55W

165

124R

127-55-

140

16.0

17

2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 18, 1991

Cheryl Williss
US Fish & Wildlife Service
Denver Federal Center
PO Box 25486
Denver, CO 80225

RE: Licensing of Water Permit Nos. 4865-3, 5091-3, 5135-3,
5177-3, 5188-3, 5221-3 and 5472-3

Dear Ms. Williss:

The inspection of the water use systems and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 4865-3, 5091-3, 5135-3, 5177-3, 5188-3, 5221-3 and 5472-3, have been completed. The water licenses for these permits can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of each of the Water Licenses. Upon receipt of \$350.00 from you, we will begin processing your Water Licenses.

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,

Genny McMath
Natural Resources Analyst
(605) 773-3352

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



United States Department of the Interior
FISH AND WILDLIFE SERVICE

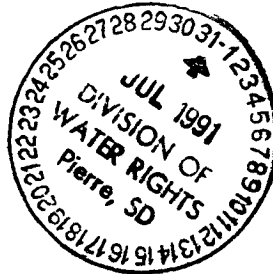


IN REPLY REFER TO:

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



JUL 26 1991

Ms. Genny McMath
South Dakota Department of
Water and Natural Resources
523 East Capitol, Foss Building
Pierre, South Dakota 57501-3181

Dear Ms. McMath:

In response to your letter of July 18, 1991, please find enclosed a Money Order in the amount of \$350 to cover the inspection and issuance of the following Water Licenses:

4865-3	Janssen WPA (Grant County)
5091-3	Ringer WPA (Marshall County)
5135-3	Medenwald WPA, Marshall County)
5177-3	Roe WPA (Codington County)
5188-3	Hofland WPA (Marshall County)
5221-3	Reyelts WPA (Grant County)
5472-3	Spink County WPA (Spink County)

If you have any questions or require further information, please contact Linda Coe in our Engineering office at (303) 236-5321.

Sincerely,

William A. Godby
Regional Engineer

Enclosure

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412767

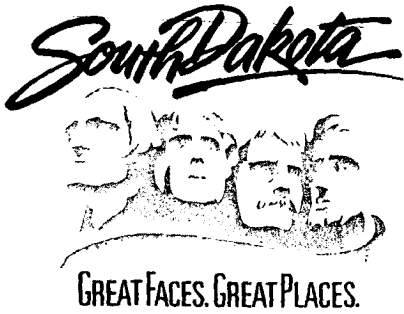
Pierre, August 1, 1991

RECEIVED OF U.S. Dept of Interior, Fish & Wildlife Serv., PO Box 25486, 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 works 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>5091-3</u>	50	00
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	50 00

By John Hattler PE
Chief Engineer



SEP 27 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

U.S. Fish & Wildlife Service
Denver Federal Center
P.O. Box 25486
Denver, CO 80225

Dear Sirs:

Enclosed are Water License Nos. 4579-3, 4865-3, 5091-3, 5135-3, 5177-3, 5221-3, and 5472-3. They are the final water right documents completing your process of obtaining water rights. Enclosed are the receipts which you paid for the inspection and issuance of these water licenses.

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

Very truly yours,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5091-3

(1) The U.S. Fish & Wildlife Service of Denver Federal Center, P.O. Box 25486, Denver, CO 80225 made Application No. 5091-3, February 28, 1986 for a water permit to store up to 94.1 acre feet of water annually from surface runoff and springs in Ringer Slough by an existing dam, Marshall County, South Dakota for wildlife production purposes. Permit No. 5091-3 with a priority date of February 28, 1986 was approved July 1, 1986 and issued to applicant(s) for storage of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(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 94.1 acre feet of water annually for beneficial use. The location of the dam is: in Lot 1 of Section 8, T127N, R55W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to Section 46-5-30.1 the U.S. Fish & Wildlife Service of Denver Federal Center, P.O. Box 25486, Denver, CO 80225 the holder(s) and/or owner(s) of Water Permit No. 5091-3 is issued a license for storage of water, the right to store 94.1 acre feet of water annually from surface runoff and springs in Ringer Slough by an existing dam with a priority date of February 28, 1986 from the location specified in (2) of this license. The water is stored for wildlife production purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5091-3 and subject to South Dakota State Law.

 SEP 27 1991
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources



MAR 24 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5091-3

US Fish and Wildlife Service
Denver Federal Center
P.O. Box 25486
Denver, CO 80225

Dear Sirs:

Enclosed is your reissued Water License No. 5091-3. The license has been reissued to correct an error in the legal description of the dam. Reissuance of the license did not alter the remaining portions of the original license.

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

Very truly yours,

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

enclosures

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 5091-3

(1) The US Fish and Wildlife Service of Denver Federal Center, P.O. Box 25486, Denver, CO 80225 were issued Water License No. 5091-3, September 27, 1991 for a water right to store up to 94.1 acre feet of water annually from surface runoff and springs in Ringer Slough by an existing dam, Marshall County, South Dakota for wildlife production purposes. Water License No. 5091-3 with a priority date of February 28, 1986 was issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

A review of the original Water License, issued September 27, 1991, found an error in the legal description of the dam. The Range was described as being in 55W and should have been 54W.

Water License No. 5091-3 is being reissued to correct this error. Reissuing this license does not change the remaining portions of the original license.

(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 94.1 acre feet of water annually for beneficial use. The location of the dam is: in Lot 1 of Section 8, T127N, R54W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to Section 46-5-30.1 the US Fish & Wildlife Service of Denver Federal Center, P.O. Box 25486, Denver, CO 80225 the holder(s) and/or owner(s) of Water Permit No. 5091-3 is issued a license to appropriate water, the right to store 94.1 acre feet of water annually from surface runoff and springs in Ringer Slough by an existing dam with a priority date of February 28, 1986 from the location specified in (2) of this license. The water is stored for wildlife production purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5091-3 and subject to South Dakota State Law.

 MAR 24 1992
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources