

Considered: _____

WATER PERMIT NO. 5092-3

MAP No. Same

Name of Applicant S.D. Dept. of Game, Fish & Parks

Post Office Address Anderson Bldg., 445 E. Capitol, Pierre, SD 57501

Amount of Water Claimed 67.4 AF Total Acres NA

Source of Water Supply Local drainage to Bitter Lake

Water to be used for Rec - Waterfowl prod. County DAY

About 4 miles S of Waubay

PROOF OF PUBLICATION: Received May 27, 1986 Not Received _____

APPLICATION: Approved July 1, 1986 Subject to _____

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

PRIORITY _____ Date Received 5-1-86 Fee NA Remarks Ducks

5/1/86 Unlimited Project

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

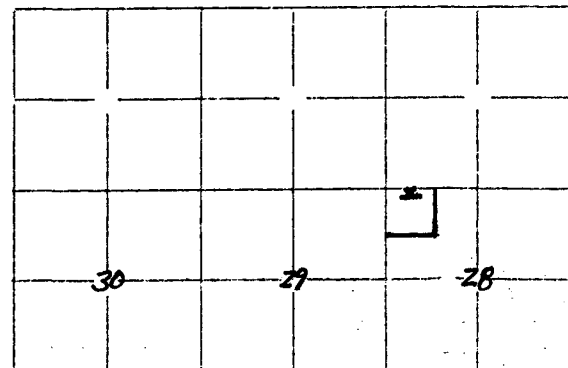
WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point NW 1/4 NW 1/4 Section 28,

T121N, R54W

Land to be Irrigated NA



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well _____ REMARKS _____

Type of Map drawn PREPARED BY Ducks Unlimited Reviewed and the Number

assigned on 5-1-86 By Elwin D. Bray

No. 5092-3 Hydrologic Unit 10160010
 Map No. Same Basin James River
 Newspaper Webster Reporter & Farmer 624 Main
Wed. Box 30

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. _____1. Name of Applicant S.D. Department of Game, Fish & Parks Phone No. 773-3718Post Office Address Anderson Building 445 E. Capitol, Pierre State S.D. 57501
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s) 67.4 Acre-feet at an elevation of 1774.5 M.S.L.3. Source of water supply Natural drainage4. Location of point of diversion NW 1/4, NW 1/4 Sec. 28, T121N, R54W_____ County Day5. Counties where water will be used Day6. 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)

Small subimpoundment to be used for waterfowl production within the Bitter Lake Game Production Area. (see attached plans and design report)

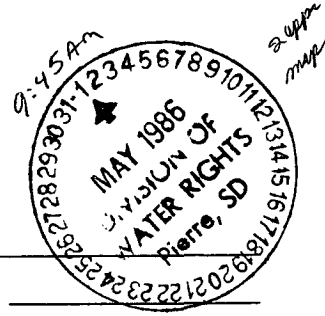
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

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

I, South Dakota Department of Game, Fish & 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 Pennie M. KeithSubscribed and sworn to before me this 30th day of Apr. 19 86Charles E. Keeler

Notary Public (or other qualified officer)



WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5092-3
S.D. Dept. of Game, Fish & Parks 445 E Capitol, Pierre
(Applicant) (Post Office Address)
SD 57501 With the following qualifications.
(State) (Zip Code)

Date of first receipt of application May 1, 1986.

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

Date of receipt of corrected application _____, 19____. Approved July 1, 1986.

The Water Management Board hereby approves this Water Permit No. 5092-3 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 May 1, 1986.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before December 1, 1988.
3. The whole of said work is to be completed on or before July 1, 1991.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is July 1, 1995.
5. The water appropriated shall be used for the purpose of waterfowl 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 67.4 ^{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 waterfowl production on or before July 1, 1995; said water to be used during the following described annual period: Jan 1 - Dec 31

WATER MANAGEMENT BOARD

By: John Hatch

JOHN HATCH Chief Engineer
 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

* b) Freeboard 2.5' above earth spillway

c) Crest Width 10'

Crest Length 585'

d) Height 4' average

e) Outlet Dimensions:
 Pipe diameter 24"

Spillway width 175'

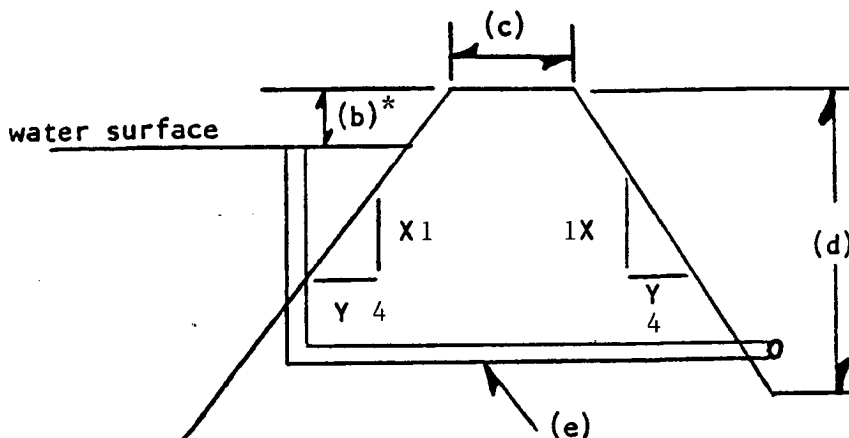
f) X & Y Slope
 Upstream 1:4

Downstream 1:4

Surface Area of Impoundment 37.4 Ac.

Storage 67.4 acre feet

Drainage area above dam 23.4 sq. mi.



*Stop log structure is above crest of dam

Signature of Applicant

DUCKS UNLIMITED, INC.

BITTER LAKE CONTROL STRUCTURE

DESIGN REPORT

FEBRUARY 1986

Prepared by: Roger Smith, Design Engineer

DESIGN REPORT

I. PROJECT CHARACTERISTICS

A. Purpose

A water control structure planned for the NW $\frac{1}{4}$ Section 28 Township 121 North, Range 54 West will create a reservoir for waterfowl use.

B. Design Standards

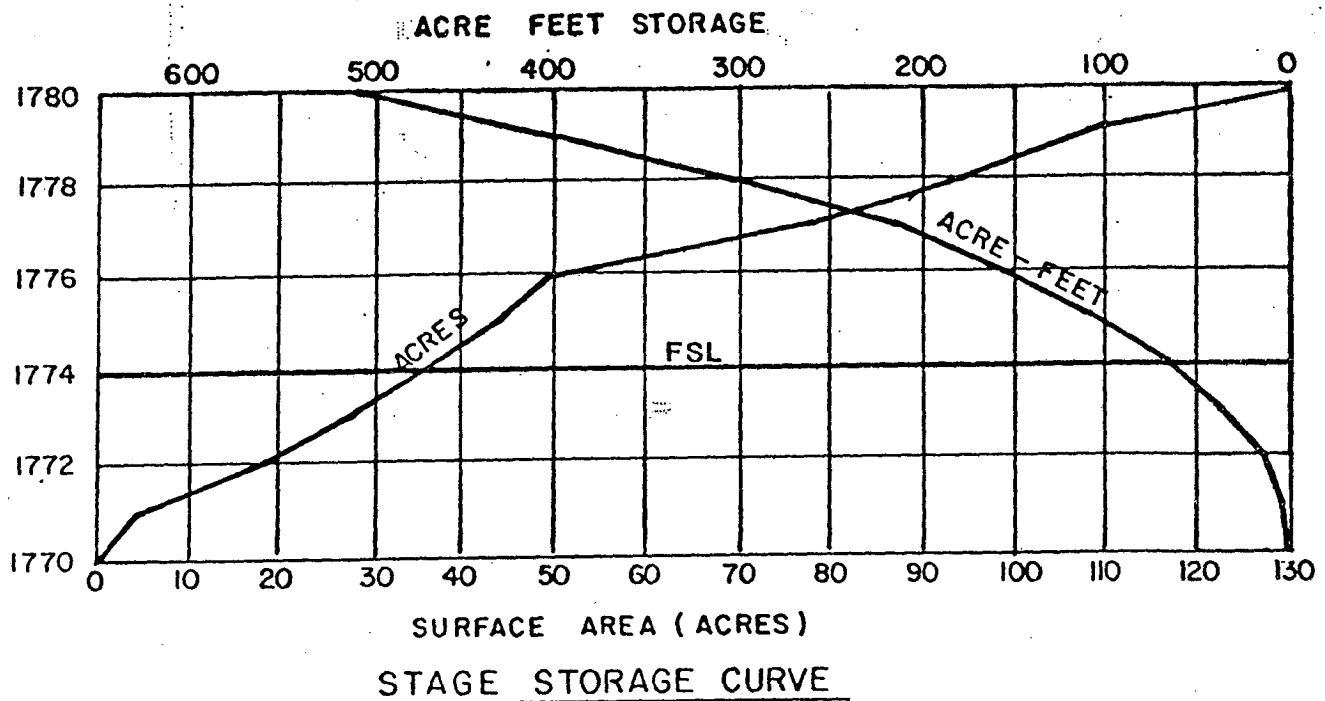
Ducks Unlimited design standards controlled the design of the dam and control structure. Design standards incorporate state of the art design procedures and acceptable engineering techniques.

Design Standards Governing Structures (Low Hazard Dam)

- | | | |
|--------------------------------------|---|--|
| Primary Spillway | - | CMP barrel and full round stoplog control structure to remove low flows and provide drawdown capabilities. |
| Secondary Spillway | - | pass the 100 year 24 hour runoff event without exceeding erosive velocities. |
| Freeboard | - | One foot freeboard from the top of the dam to the reservoir level during a 100 year runoff event. |
| Upstream & Downstream Considerations | - | Eliminate or minimize the effects of the project on any upstream or downstream facilities. |

C. Reservoir Characteristics

Full Service Level (FSL)	1774.0 MSL
FSL Surface Area	37.4 Acres
FSL Storage Capacity	67.4 Acres
Shoreline	1.6 Miles
% Below 3' Deep @ FSL	90%



II. DESIGN

A. Hydrology

Drainage Area = 23.4 sq. miles

<u>Event</u>	<u>Peak Runoff</u>
5 yr.	109 CFS
10 yr.	196 CFS
25 yr.	361 CFS
50 yr.	531 CFS
100 yr.	731 CFS

The flows were obtained from the SD Game Fish and Parks Engineering Staff. The flows were generated from a regression analysis of U.S.G.S. gauging station data in eastern South Dakota.

B. Hydraulics

1. Water Surface Elevation of Existing Reservoir Before Construction.

Note: Existing Structure = 2 arch 65" x 40" x 70' CMP with concrete headwall with stoplog control. Top of existing roadway 1780.4 MSL.

Conditions:

Without Stoplogs

Capacity = 310 CFS*

Upstream Water Elevation - 1780.1 (0.3' below road)

Stoplogs at 1775.16 (design elevation)

Capacity = 288 CFS*

Upstream Water Elevation - 1779.4 (1.0' below road)

Stoplogs above 1775.16 (common practice)

Capacity is reduced as stoplogs elevation increases.

* The above analysis assumed the pipes flowing full having a tailwater elevation 1775.2 (top of pipe at outlet)

2. Water Surface Elevation of Planned Reservoir.

NOTE: The water surface of the downstream reservoir becomes the tailwater elevation of the existing structure.

Conditions:

At Flow = 310 CFS
Water Surface Elevation = 1775.71 MSL

At Flow = 731 CFS (100 Year Event)
Water Surface Elevation = 1776.42 MSL

3. Water Surface Elevation of Existing Reservoir After Construction.

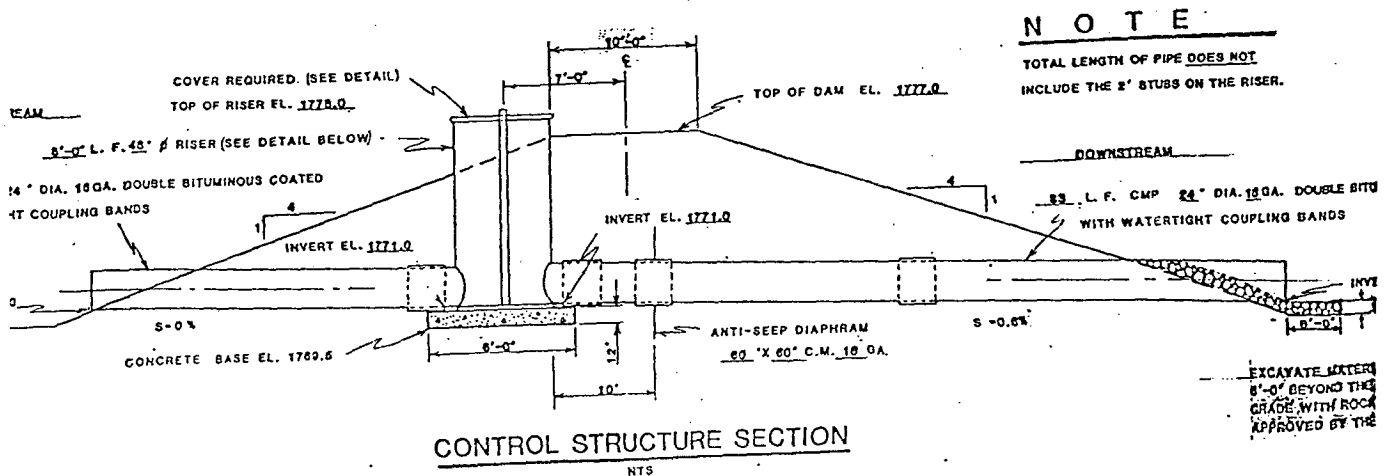
Conditions:

Without Stoplogs

At Flow = 310 CFS
Tailwater = 1775.71
Upstream Water Surface 1780.56 (0.16'
Over Road)

Stoplogs at 1775.16 (Design Elevation)

At Flow = 288 CFS
Tailwater = 1775.66
Upstream Water Surface 1779.8 (0.6'
Below Road)



III. CONCLUSIONS

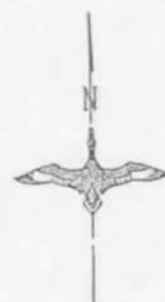
1. The reservoir level of the proposed dam affects the capacity of the existing structure. However, the greatest influence on the structure capacity is the level of the stoplogs. The roadway is protected to a lower degree by holding stoplogs higher than 1775.16 (Design Elevation).
2. With the new structure in place the design event (288 CFS) will continue to be passed through the structure. The 1' freeboard now anticipated at this event will be reduced to 0.6 feet.
3. During an event producing greater than 288 CFS the roadway will be in jeopardy but to no greater extent than it is under existing conditions (stoplogs above 1775.16).



SOUTH DAKOTA

PROJECT LOCATION

DAY COUNTY



DUCKS UNLIMITED

PROJECT

BITTER LAKE GAME PRODUCTION AREA

SECTIONS 29 & 30, TOWNSHIP 121 NORTH, RANGE 54 WEST, DAY COUNTY, SOUTH DAKOTA

IN COOPERATION WITH

SOUTH DAKOTA GAME, FISH, & PARKS

PLAN INDEX

VICINITY MAP	01
PLAN SHEET	02
PROFILES & X-SECTIONS	03
STOPLOG CONTROL STRUCTURE DETAILS	04

1/2 MI. NORTH,
1 MI. EAST,
1 MI. NORTH
TO WAUBAY, S.D.



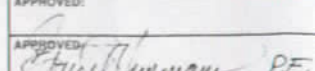
PROJECT SITE

BITTER LAKE



IMPOUNDMENT

PRELIMINARY

NO.	DESCRIPTION OF REVISION	DATE	BY
 DUCKS UNLIMITED, INC.			
BITTER LAKE GPA			
VICINITY MAP			
DESIGNED: R.C.S.	DRAWN: K.D.B.	SURVEYED: 	CHECKED: D.J.T.
APPROVED:  R.C.S.			
DESCRIPTION: SEC. 29 & 30 TWP. 121 N. RGE. 54 W.			
DATE:	DRAWING NO:	REV.	

App'l No. 5092-3

B.M. 'A'
REBAR
EL. 1787.69

B.M. 'D'
REBAR
EL. 1779.49

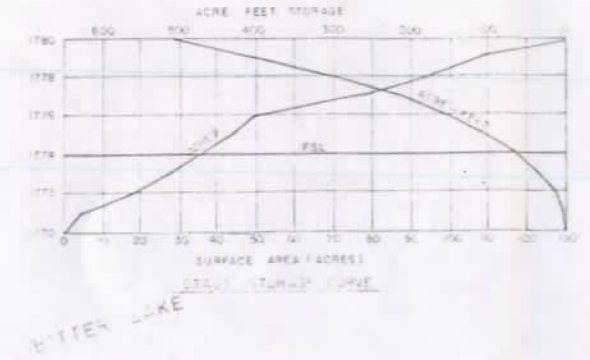
2-65"x40"
ARCH CMP

BITTER LAKE
SHORELINE EL. 1770.59
11/19/85

SHORELINE EL. 1770.59
11/19/85

CURVE DATA

$\Delta = 88.00^\circ$
 $R = 200'$
 $T = 115.47'$
 $L = 209.33'$



B.M. 'F'
EL. 1787.98

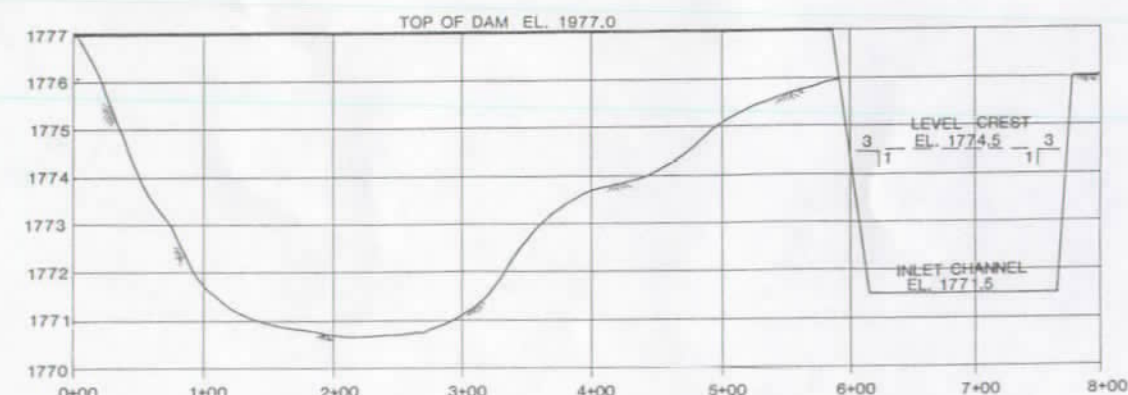
PRELIMINARY

NO. 1 DESCRIPTION OF REVISION		DATE	BY
DUCKS UNLIMITED, INC.			
BITTER LAKE GPA			
PLAN VIEW			
DESIGNED: R.C.S.	DRAWN: K.D.B.	SURVEYED:	CHECKED: D.J.T.
APPROVED:			
DESCRIPTION: SEC. 29 & 30 TWP. 121 N. RGE. 54 W.			
DATE:	DRAWING NO.	REV.	
	DL-80-022-02 OF 4		

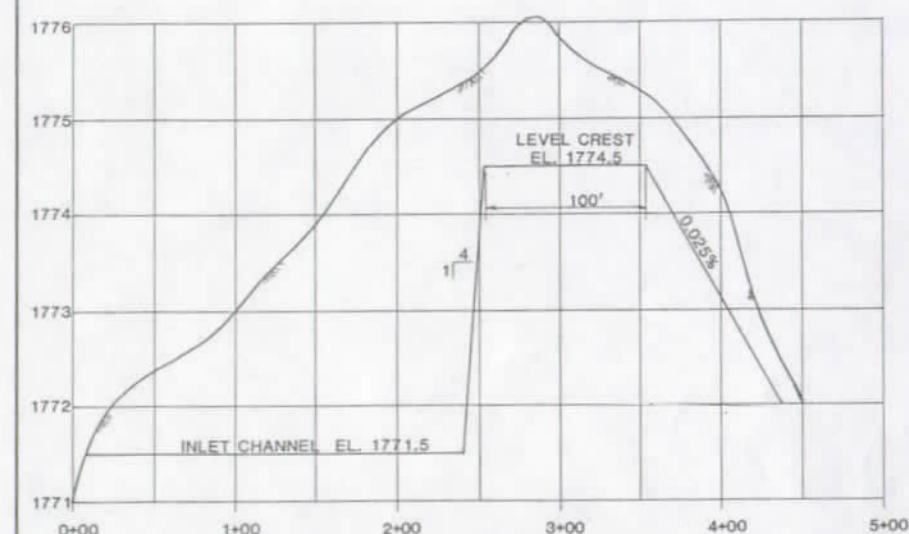
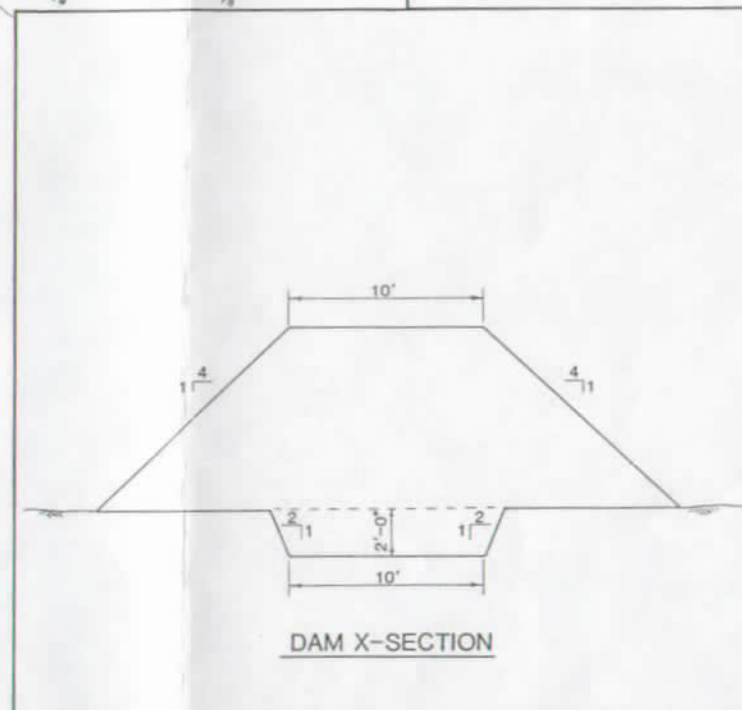


B.M. 'E'
REBAR
EL. 1775.68

NOTE: ADD 1700' TO ELEVATIONS



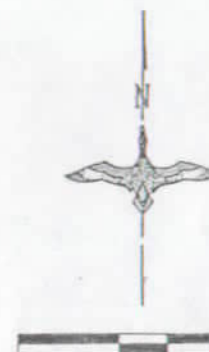
DAM CENTERLINE PROFILE W/ EMERGENCY SPILLWAY X-SECTION
SCALE VERT. 1"=2'
HORIZ. 1"=75'



EMERGENCY SPILLWAY CENTERLINE PROFILE
SCALE VERT. 1"=1'
HORIZ. 1"=50'

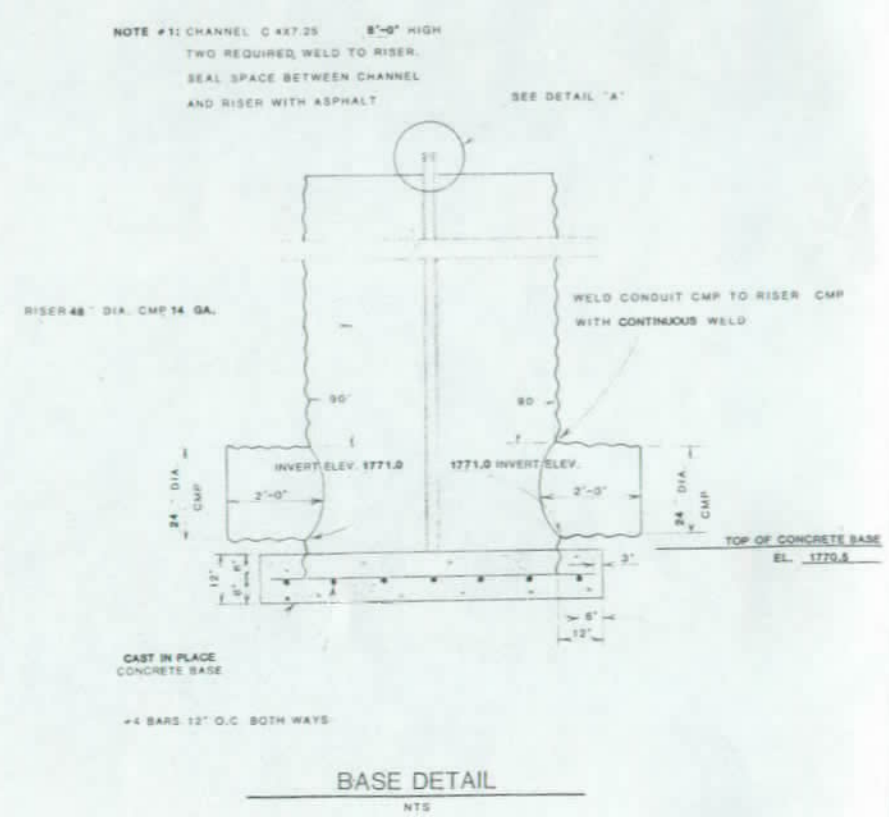
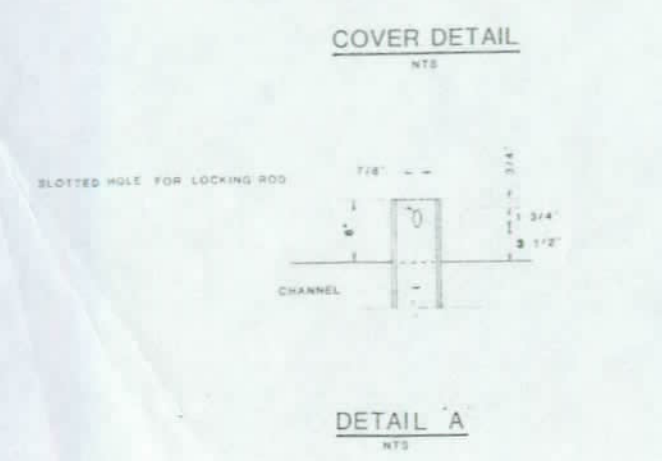
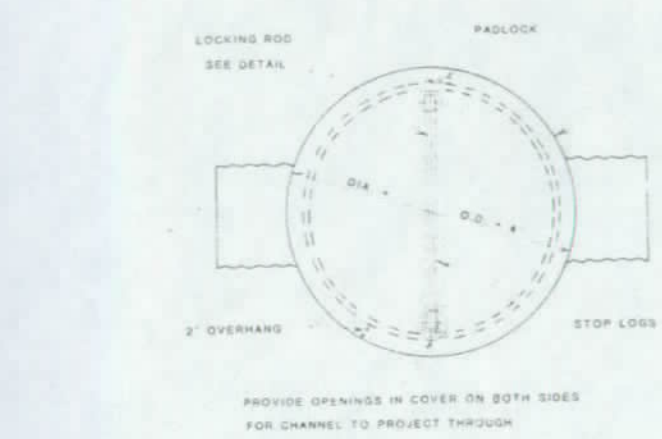
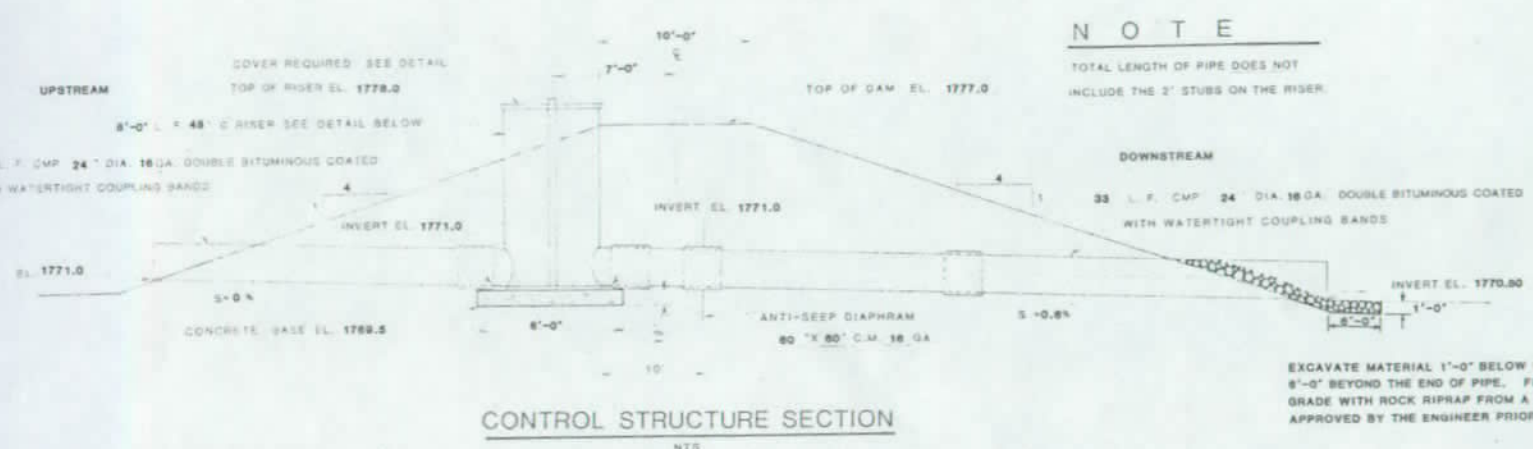
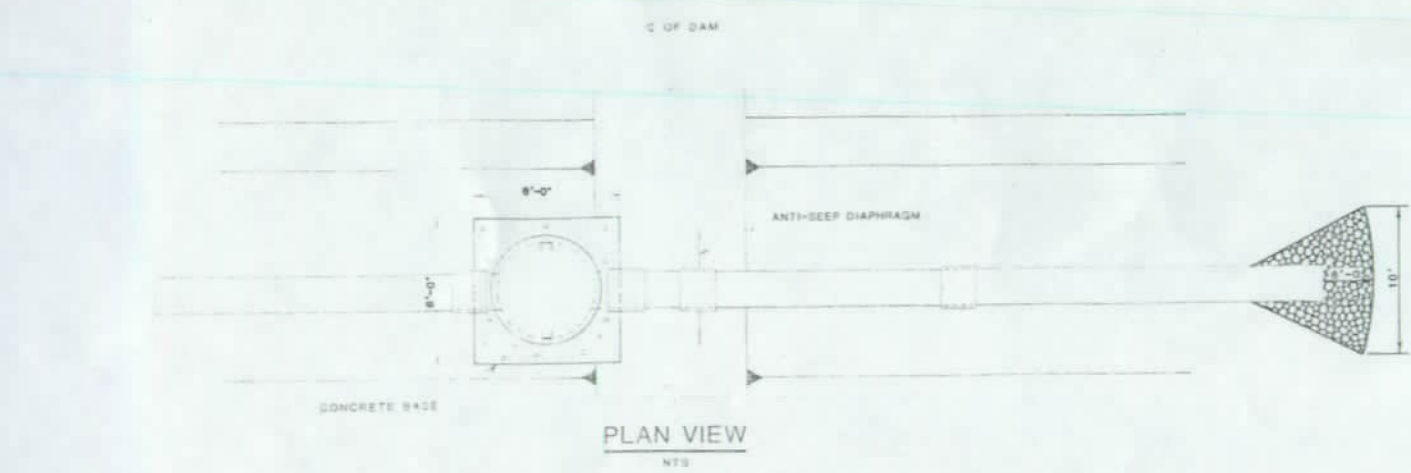
HYDROLOGICAL DATA

FULL SERVICE LEVEL (FSL)	1774.0
FSL SURFACE AREA	37.4 ACRES
FSL STORAGE CAPACITY	67.4 ACRE-FEET
SHORELINE	1.6 MILES
DRAINAGE AREA	23 SQ. MILES



PRELIMINARY

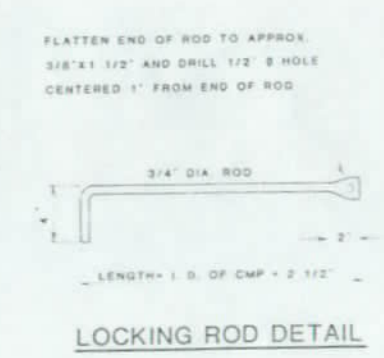
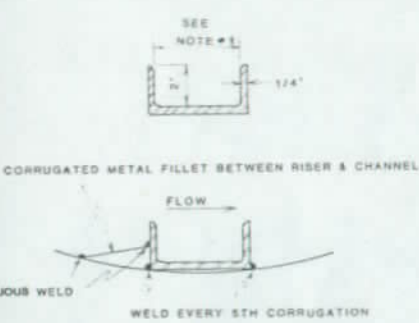
NO.		DESCRIPTION OF REVISION		DATE	BY
DUCKS UNLIMITED, INC.					
BITTER LAKE GPA					
PROFILES & X-SECTIONS					
DESIGNED: R.C.S.	DRAWN: K.D.B.	SURVEYED:	CHECKED: D.J.T.		
APPROVED:					
DESCRIPTION: SEC. 29 & 30 TWP. 121 N. RGE. 54 W.					
DATE: 1/17/88	DRAWING NO: DULSD-029-03 OF 4	REV			



STOP LOG RECOMMENDATIONS

DIA. OF INLET	NOMINAL STOP LOG THICKNESS IN INCHES									
	4	5	6	7	8	9	10	11	12	13
48	2	2	3	3	3	3	3	3	3	3
54	2	3	3	3	3	3	3	3	3	3
60	3	3	3	3	3	3	3	3	3	3
66	3	3	3	3	3	3	3	3	3	3
72	3	3	3	3	3	3	3	3	3	3
78	3	3	3	3	3	3	3	3	3	3
84	3	3	3	3	3	3	3	3	3	3

BASED ON FIBER STRESS 1,000 PSI AND SHEAR STRESS 80 PSI

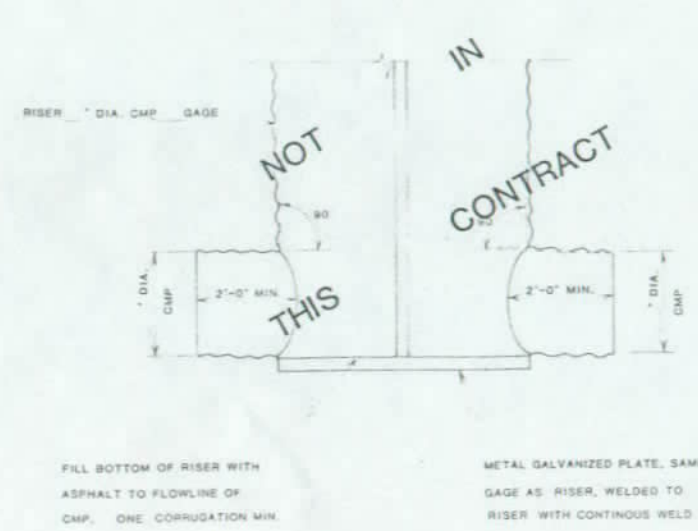


ISOMETRIC-VIEW
NTS

STOP LOG LIFTING HOOK
2 REQUIRED

CONDUIT - RISER
DIA. RELATIONSHIP

CONDUIT DIA.	RISER DIA.
12	48
18	48
24	48
30	48
36	48
42	48
48	48



METAL GALVANIZED PLATE, SAME
GAGE AS RISER, WELDED TO
RISER WITH CONTINUOUS WELD

PRELIMINARY

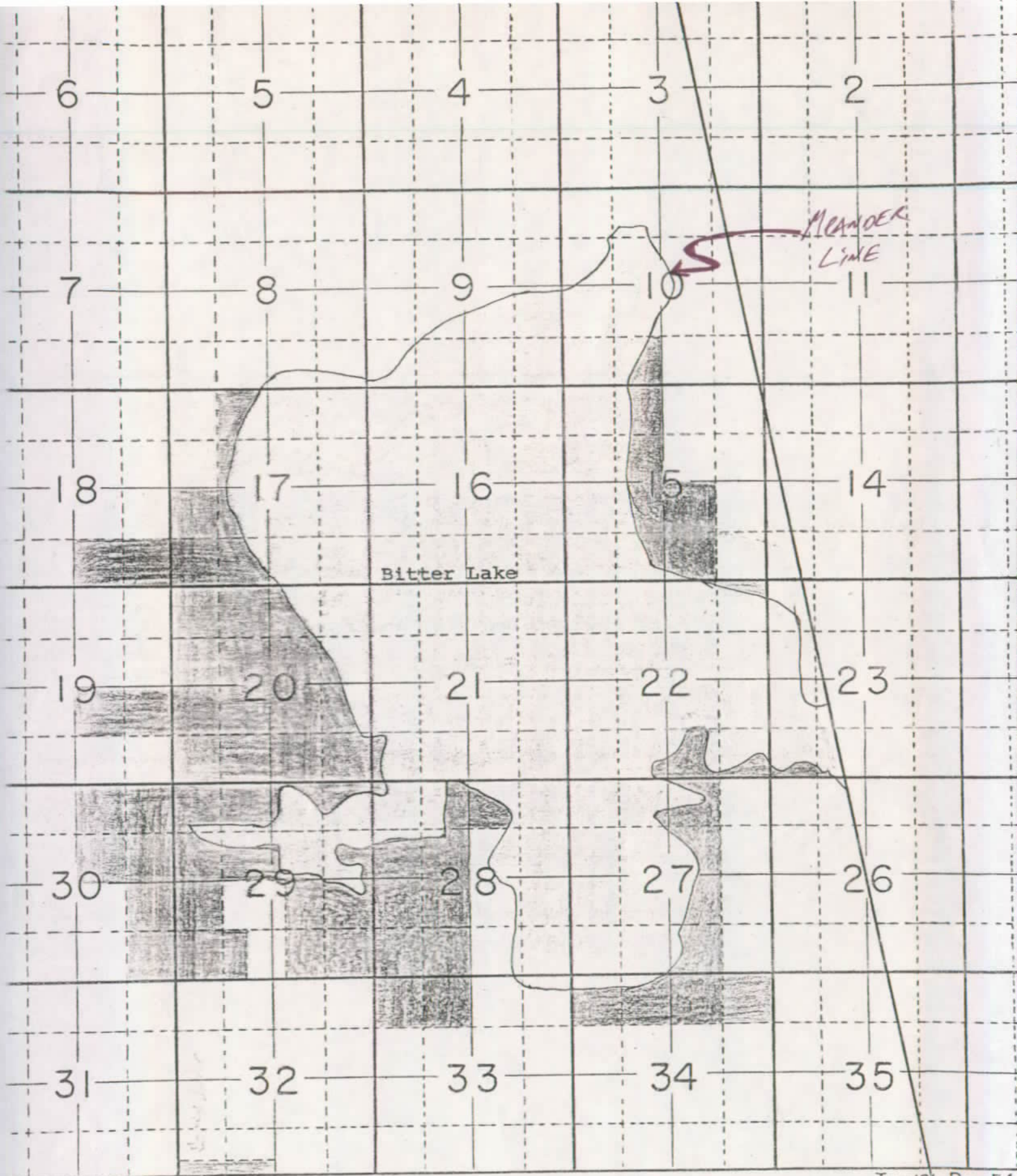
DUCKS UNLIMITED, INC.

BITTER LAKE GPA

FULL-ROUND
STOPLOG CONTROL STRUCTURE

DESIGNED: R.C.S. DRAWN: K.D.B. SURVEYED: D.J.T. CHECKED: D.J.T.

DATE: 29 & 30 APR 121 N AGE: 54 W



Twp 12 N Rng 54

 - GFAF land

Appl. No 5092-3

Billar Costa Water Right

App by May 12

preferably earlier

**South Dakota
Department of
Game, Fish and Parks**

Division of Wildlife
Sigurd Anderson Building
445 East Capitol
Pierre, South Dakota 57501-3185
(605) 773-3381

April 30, 1986

Mr. John Hatch, Chief Engineer
Division of Water Rights
S.D. Department of Water & Natural Resources
Joe Foss Building
Pierre, SD 57501



Dear Mr. Hatch:

Per our conversation of April 29, 1986, enclosed is an application for a water right to control 67.4 acre feet of water within Bitter Lake, Day County, South Dakota. No additional water is being requested through this application as the department already holds a water right on Bitter Lake for 9,210 acre feet, but we now plan to manage a small portion of this total water right specifically for waterfowl production.

The proposed project is a cooperative venture with Ducks Unlimited, Inc., scheduled for construction in July 1986. We would appreciate your efforts to bring this application before the July meeting of the Board of Water Management.

Thank you for your assistance and if you need any further information please contact me at 773-5511.

Sincerely,

Ron Koth
Water Permits Coordinator

RK/ld

enc.

Report on Application No. 5092-3
S.D. Dept. of Game, Fish and Parks
May 1, 1986

Application No. 5092-3 requests an appropriation of 67.4 acre feet of water per year to be used for waterfowl production within the Bitter Lake Game Production Area. The source of water is the natural drainage of Bitter Lake. The project includes construction of a small dam. The average height will be 4 feet, the surface area of the impoundment will be 37.4 acres.

The location of the dam will be in the NW 1/4 of section 28, T121N, R54W. The only existing water right in the area is Water Right No. 638-3 held by Game, Fish and Parks; therefore, no other water rights will be adversely affected.

Conclusion:

Unappropriated water is available for this application. Existing water rights will not be harmed other than the water right held by the applicant. The application can be approved with no qualifications.



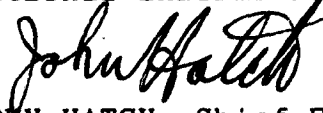
James Winterton
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5092-3, Department of Game, Fish and Parks

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. 5092-3, Department of Game, Fish and Parks, Pierre SD.

The Chief Engineer is recommending APPROVAL of Application No. 5092-3 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.

See the attached report for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch", is written over the typed name.

JOHN HATCH, Chief Engineer
May 6, 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. **5092-3** to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is hereby given that **S.D. Department of Game, Fish & Parks** whose mailing address is **Anderson Building, Pierre**, South Dakota has made an application for a permit

to appropriate 67.4 acre feet of water per year from local drainage to Bitter Lake. The water will be stored behind a small dam to be located in the NW 1/4 of Section 28, T121N, R54W. The 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. **5092-3** 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 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 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; ~~(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 **June 20, 1986**.

No. 5092-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Day) ss.

I, Larry Ingalls hereby

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

Water was taken from the Reporter and Farmer

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the 14th

and 21st of May, 1986

County of Day 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

Larry Ingalls

(Signature)

Editor

(Title)

May 21, 1986

(Date Signed)

Cost of Printing: 41.54

Hearing set

(First May 14)

DWNR 806-11-85
No. 5092-3

NOTICE OF HEARING ON APPLICATION No. 5092-3 TO APPROPRIATE WATER

Notice is hereby given that S.D. Department of Game, Fish & Parks whose mailing address is Anderson Building, Pierre, South Dakota has made an application for a permit to appropriate 67.4 acre feet of water per year from local drainage to Bitter Lake. The water will be stored behind a small dam to be located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28, T121N, R54W. The 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. 5092-3 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 statment 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; and Board Rules ARSD 74:02:01 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 the 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, DWR, Joe Foss Bldg, Pierre, SD (605-773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by June 20, 1986.

(Last May 21)



5092-3

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

AUG 18 1986

S.D. Dept. Game, Fish & Parks
445 E. Capitol
Pierre, South Dakota 57501

Dear Sir:

Enclosed herewith is your Water Permit No. 5092-3 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. 5092-3.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosure

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

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

WNR-809-5/83

Permit No. 5092-3

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 SD
Department of Game, Fish and Parks of Pierre, SD holder of Permit No. 5092-3, bearing the
priority of May 1, 1986 authorizing the diversion of 0 cu. ft. per second and/or the
storage of 67.4 acre-feet of the waters of surface for waterfowl production purposes, in
Day County.

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

A. Works used to divert the water:

One dam located in the NW1/4 NW1/4 of Section 28-T121N-R54W capable 67.4 ac-ft.

The system is in the following condition good. The point of diversion is located NW1/4
NW1/4 of Section 28-T121N-R54W. The works are capable of diverting and conveying to the
place of use 0 cu. ft. per second of water and/or storing 67.4 acre-feet of water which is
to be used for waterfowl 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
67.4 acre-feet of storage.

Application permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: none Date 5/15/1991



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

LICENSE FOR PERMIT NUMBER 5092-3

1. Legal location of wells:

Dams and Structures NW1/4 NW1/4 Section 28-T121N-R54W

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 5 feet m) Outlet tubes:
b) height to primary spillway 2.5 feet 1) diameter 24 inches
c) height to secondary spillway 3 feet 2) type CMP
d) crest width 10 feet 3) valved (Y/N) y
e) crest length 600 feet 4) valve type stop log

4. Dam Information Continued:

- f) spillway length 150 feet 5) location on structure:
g) spillway width 200 feet center
h) approx. storage 67.4 AC-FT n) Category of Dam 3
i) approx. storage to crest AC-FT
j) date constructed
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.

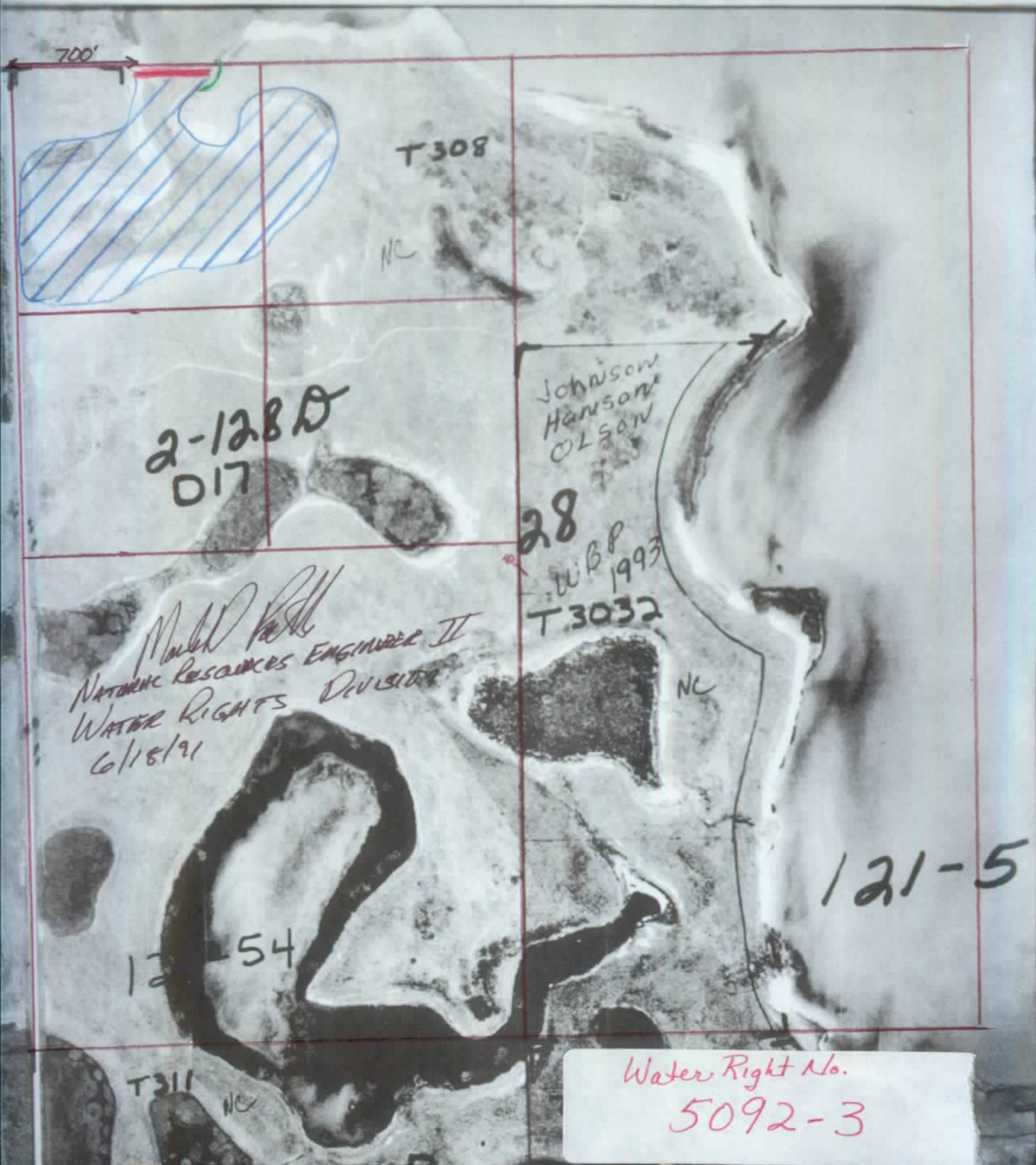
Indicate any other permit(s) which are associated with project

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:

5092-3

NOT TO SCALE 1991





GREAT FACES. GREAT PLACES.

SEP 16 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5092-3

South Dakota Department of Game Fish & Parks
523 E. Capitol
Pierre, SD 57501

Dear Sirs:

Enclosed is Water License No. 5092-3. 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, 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. 5092-3

(1) South Dakota Department of Game, Fish & Parks of 523 E. Capitol, Pierre, SD 57501 made Application No. 5092-3, May 1, 1986 for a water permit to impound 67.4 acre feet of water annually from natural drainage into a dam within the Bitter Lake Game Production area, Day County, South Dakota for waterfowl production purposes. Permit No. 5092-3 with a priority date of May 1, 1986 was approved July 1, 1986 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before July 1, 1991 and for the application to beneficial use of said water on or before July 1, 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 impound 67.4 acre feet of water annually for beneficial use. The location of the dam is: in the NW 1/4 NW 1/4 Section 28, T121N, 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 South Dakota Department of Game, Fish & Parks of 523 E. Capitol, Pierre, SD 57501 the holder(s) and/or owner(s) of Water Permit No. 5092-3 is issued a license to appropriate water, the right to impound 67.4 acre feet of water annually from natural drainage into a dam within the Bitter Lake Game Production area with a priority date of May 1, 1986 from the location specified in (2) of this license. The water is impounded for waterfowl production purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5092-3 and subject to South Dakota State Law.

 SEP 16 1991
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources