Considered: _____ WATER PERMIT NO. 5187-3

MAP No. same

Name of Applicant Department of Game, Fish and Parks

Post Office Address 445 East Capitol, Pierre SD 57501

Amount of Water Claimed 93 acre-feet Total Acres NA

Source of Water Supply South Fork Pearl Creek

Water to be used for Recreation & fish & wildlife habitat County Kingsbury

About 1½ miles SE of Iroquois.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved 12/8/88 Subject to _____

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

PRIORITY Date Received Oct 19, 1988 Fee NA Remarks _____

10/19/88 restoration of Lake Iroquois Dam

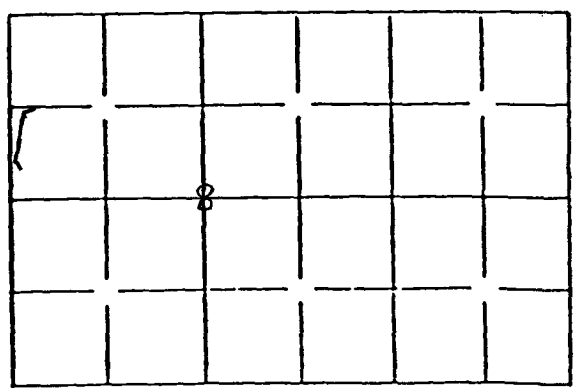
Corrected Application Received _____ Period of Annual Use _____

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

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

Diversion Point dam: NW¼ section 8-
T110N-R58W

Land to be Irrigated NA



Well Log: Driller NA Licensed YES ___ NO ___

Depth of Well _____ REMARKS _____

Type of Map topo PREPARED BY Rodney S DeJong Reviewed and the Number

assigned on April 7, 1988 By Ron Duvall

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

OCT 1988 DIVISION OF WATER RIGHTS Pierre, SD

No. 5187-3 Hydrologic Unit 10160006
Map No. same Basin James River
Newspaper DeSmet News, Box 69 (Wed)
Huron Daily Plainsman, Box 1278

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

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 & Wildlife production

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐
☐ Amend Permit No._____ with old priority date retained
Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____
☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____
☐ Construction to use water reserved by Future Use Permit No._____

1. Name of Applicant South Dakota Dept. of Game, Fish and Parks Phone No. 773-3718

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

2. Amount of water claimed (c.f.s) 93 ~~XX~~ AF Storage dam

3. Source of water supply Tributary of South Fork of Pearl Creek

4. Location of point of diversion NW¼ Sec. 8, T110N, R58W
   3/8 mile south of NW corner of Sec. 8
   _____ County Kingsbury

5. Counties where water will be used Kingsbury

6. Annual period during which water is to be used January 1 - 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)

   See report and P&S on file with Division of Water Rights

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

STATE OF SOUTH DAKOTA)
County of Hughes)ss

I, South Dakota Department of Game, Fish and Parks the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Francis M. Kolb, Wildlife Biologist

Subscribed and sworn to before me this 18th day of Oct. 1988

Donald Cathin
Notary Public

My Commission expires 9/1/95

4-87

SOUTH DAKOTA
WATER PERMIT No. 5187-3

Date of first receipt of application October 19, 1988.

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

Date of receipt of corrected application _____.

The Water Management Board approved Water Permit Application No. 5187-3

on December 8, 1988 for the Department of Game, Fish & Parks (Applicant)

445 E. Capitol (Street, RR or Box) Pierre (City) SD (State) 57501 (Zip Code)

authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5187-3 authorizes impoundment of 93 acre-feet of water by restoring Iroquois Lake Dam. The dam site is located on a tributary on the South Fork of Pearl Creek in the NW¼, Section 8, T110N-R58W. Water is to be stored annually to an approximate outlet elevation of 1408.0 mean sea level.

2. The water appropriated shall be used for the purpose of re-establishing the lake to provide for recreational opportunities and to provide habitat for fish & wildlife and may not exceed the amount of water needed for beneficial use for recreational/fish and wildlife habitat uses.

3. The water is to be used during the following described annual period: January 1 - December 31.

4. The date from which applicant may claim the right is October 19, 1988.

5. One-fifth of the construction is to be completed on or before June 8, 1991.

6. All construction is to be completed on or before December 8, 1993.

7. Water is to be put to beneficial use on or before December 8, 1997.

8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Approval of this permit is subject to the securing of easements to flood land not belonging to the owner prior to construction of the dam.

2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

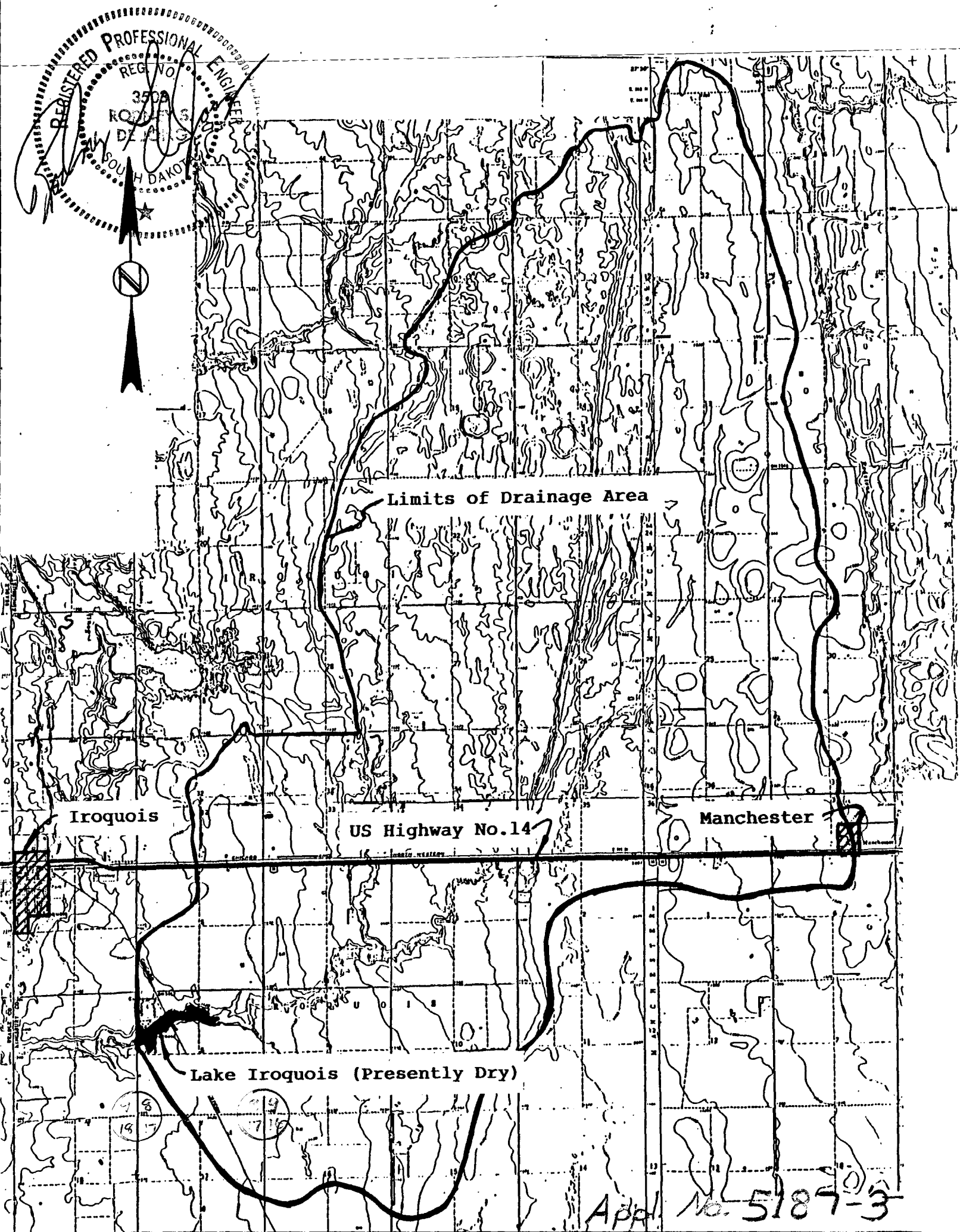
WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer

MAR 10 1989

Division of Water Rights
Dept. of Water and Natural Resources

5-88


REGISTERED PROFESSIONAL ENGINEER
REG. NO.
SOUTH DAKOTA
Limits of Drainage Area
Iroquois
US Highway No.14
Manchester
Lake Iroquois (Presently Dry)
Appl. No. 5187-3

28

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

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

No. 5187-3 Hydrologic Unit 10160006
Map No. same Basin James River
Newspaper DeSmet News, Box 69 (Wed)
Huron Daily Plainsman, Box 1278

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 ☐

JAN 1988 MAR 1988 DIVISION OF WATER RIGHTS Pierre, SD

1 copy mark no fee

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐
☐ Amend Permit No._____ with old priority date retained
Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____
☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____
☐ Construction to use water reserved by Future Use Permit No._____

1. Name of Applicant Iroquois Lake Association Phone No. 605-546-2402
   Post Office Address Box 104 (Street, RR or Box) Iroquois (City) State SD 57353 Zip Code
2. Amount of water claimed (c.f.s) _____
3. Source of water supply Creek
4. Location of point of diversion NW¼ Sec.8, T110N, R58W
   3/8 mile South of NW Section Corner of Section 8
   _____ County Kingsbury
5. Counties where water will be used Kingsbury
6. Annual period during which water is to be used year-round
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)

   "See Attached 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 Kingsbury)ss

I, Leo Hallan, President the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Leo Hallan

Subscribed and sworn to before me this _____ day of _____ 19__

_____ Notary Public

MAYNARD E. SWEET NOTARY PUBLIC
MY COMMISSION EXPIRES MARCH 16, 1990

4-87

Form 2A

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 to 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 _____

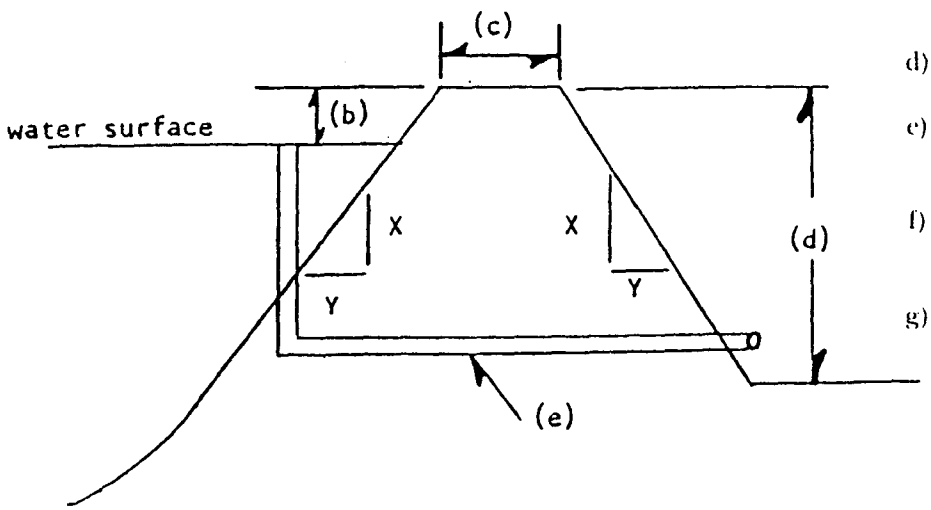
   b) Depth to water (ground surface to water level) _____

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

   Aason Engineering Company
   1311 Ninth Ave. SW
   Watertown, SD 57201



   b) Freeboard 10.5 Feet

   c) Crest Width 15 feet

   Crest Length 930 feet

   d) Height 24.5 feet

   e) Primary Outlet Capacity 487cfs
   If Pipe, diameter 72 inch

   f) Secondary Spillway Capacity 23,900cfs
   Spillway width 83 feet

   g) X & Y Slope
   Upstream 5:1

   Downstream 3:1

   Surface Area of Impoundment 19 acres

   Storage 77 acre feet

   Drainage area above dam 28 sq. mi.

Leo Hallan
Signature of Applicant Leo Hallan- Pres.
Iroquois Lake Association

4-87

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT

(33 CFR 325)

OMB APPROVAL NO. 0702-0036
Expires 30 June 1986

The Department of the Army permit program is authorized by Section 10 of the River and Harbor Act of 1899, Section 404 of the Clean Water Act and Section 103 of the Marine, Protection, Research and Sanctuaries Act. These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Information provided on this form will be used in evaluating the application for a permit. Information in this application is made a matter of public record through issuance of a public notice. Disclosure of the information requested is voluntary; however, the data requested are necessary in order to communicate with the applicant and to evaluate the permit application. If necessary information is not provided, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application *(see sample drawings and instructions)* and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

1. APPLICATION NUMBER *(To be assigned by Corps)*

2. NAME AND ADDRESS OF APPLICANT

Iroquois Lake Association
Box 104
Iroquois, SD 57353
Leo Hallan, President

Telephone no. during business hours

A/C (605) 546-2402 *(Residence)*
A/C ( ) _____ *(Office)*

3. NAME, ADDRESS, AND TITLE OF AUTHORIZED AGENT

Telephone no. during business hours

A/C ( ) _____ *(Residence)*
A/C ( ) _____ *(Office)*

Statement of Authorization: I hereby designate and authorize _____ to act in my behalf as my agent in the processing of this permit application and to furnish, upon request, supplemental information in support of the application.

SIGNATURE OF APPLICANT

DATE

4. DETAILED DESCRIPTION OF PROPOSED ACTIVITY

4a. ACTIVITY

The main intent of the Association is to re-establish the lake for public use. In order to do this, approximately 50,000 cubic yards of silt needs to be removed from the lake bed. Part of the silt will remain in the lake area. This silt will be used to construct a island for wildlife habitat. The remaining silt will be disposed of in areas adjacent to the lake.
See Attachment

4b. PURPOSE

The purpose of re-establishing the lake is to provide a facility for public use. This will be for both recreational and wildlife habitat. The area will be developed for fishing, camping, hiking, hunting, swimming, and other related activities.

4c. DISCHARGE OF DREDGED OR FILL MATERIAL

The material to be removed is silt of which the quantity is approximately 50,000 cubic yards. Also, the dam with an outlet structure is to be rebuilt. The amount of fill required will be approximately 11,000 cubic yards.

5. NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS, LESSEES, ETC., WHOSE PROPERTY ALSO ADJOINS THE WATERWAY

NW¼ Sec.8, T110N, R58W-SD Game, Fish & Parks
NE¼ Sec.8, T110N, R58W-Janetta Ward, Box 204, DeSmet, SD
SW¼ Sec.8, T110N, R58W-West of R.R. Tracks-Ruth Aughenbaugh,R.R.2,Box 19
Iroquois, SD
NE¼ Sec.7, T110N, R58W-Lewis Williams, R.R.2, Box 10
Iroquois, SD

6. WATERBODY AND LOCATION ON WATERBODY WHERE ACTIVITY EXISTS OR IS PROPOSED

Lake Iroquois-presently dry due to breaching in 1972
Fill is to be placed around existing dam site to strengthen the dam.
Silt is in the old lake bottom.

7. LOCATION ON LAND WHERE ACTIVITY EXISTS OR IS PROPOSED

ADDRESS: NW¼ Section 8, T110N, R58W of the 5th P.M.
Lake Iroquois
Located 1 mile East and 1 mile South of Lake Iroquois

STREET, ROAD, ROUTE OR OTHER DESCRIPTIVE LOCATION

Kingsbury	South Dakota	57353
COUNTY	STATE	ZIP CODE

Game, Fish, & Parks
LOCAL GOVERNING BODY WITH JURISDICTION OVER SITE

8. Is any portion of the activity for which authorization is sought now complete? ☐ YES ☒ NO
If answer is "Yes" give reasons, month and year the activity was completed. Indicate the existing work on the drawings.

9. List all approvals or certifications and denials received from other federal, interstate, state or local agencies for any structures, construction, discharges or other activities described in this application.

ISSUING AGENCY	TYPE APPROVAL	IDENTIFICATION NO.	DATE OF APPLICATION	DATE OF APPROVAL	DATE OF DENIAL

10. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities or I am acting as the duly authorized agent of the applicant.

Leo Hallan	3-14-88		
SIGNATURE OF APPLICANT	DATE	SIGNATURE OF AGENT	DATE

Leo Hallan, President

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in Block 3 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of The United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false,fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

Do not send a permit processing fee with this application. The appropriate fee will be assessed when a permit is issued.

PART III
PROGRAM NARRATIVE STATEMENT
IROQUOIS LAKE RESTORATION PROJECT

A. Project Description

The Iroquois Lake Association proposes to restore the Iroquois dam and lake recreation area, built in 1934, to a usable facility. In order to restore the area, the proposed project includes clearing trees off the dam and spillway, removing approximately 50,000 cubic yards of silt from the lake bottom, constructing a drop inlet spillway, installing approximately 1,800 cubic yards of rip rap, and developing camp sites, a swimming beach, bath houses, and restrooms. The lake site is located one mile south and one mile east of Iroquois (see attached map).

This project will benefit all 348 residents of Iroquois (1980 Census) plus the surrounding populations winich will include both Kingsbury and Beadle County residents.

Preliminary engineering was provided by Rod DeJong of Aason Engineering. A preliminary report and cost estimates are attached.

B. Elgibility

This project meets the eligibility requirements of the program since:

1. Eligible applicants must be counties or incorporated municipalities--- Iroquois is an incorporated municipality and can apply on behalf of other ineligible entities.

2. This project was amended to the 1988 South Dakota State Water Plan.

3. It meets one of the five State set objectives--This project will promote more rational land use. This project does address the #1 priority of the Lake Association of providing recreational activities to the residents of Iroquois and surrounding areas. In addition, there will be an added benefit of flood control on South Pearl Creek.

4. It meets at least one of the three national objectives--This project would benefit at least 51 percent low and moderate income persons. An early April, 1987, income survey conducted indicated that 54 percent of the households and 54 percent of the people in Iroquois are low and moderate income.

C. Need/Problem Identification

The Department of Game, Fish & Parks breached the spillway at Iroquois Lake. This site was a major recreation area not only to the residents of Iroquois but the surrounding residents of Kingsbury and Beadle Counties. It is the desire of the Iroquois residents that this project be undertaken to once again provide area residents with easily accessible recreation facilities, as the nearest water recreation facilities for swimming, fishing, and boating are Lake Byron, 40 miles away and Lake Carthage, 20 miles away. The Lake Association has been in contact with the Department of Game, Fish & Parks, The East Dakota Water Development District, and the James River Water Development District concerning theproject and has hired Rod DeJong of Aason Engineering to develop a preliminary engineering report for this project.

D. Benefit/Abiltiy to Solve Identified Problems

Although this project will create no new permanent jobs, it will provide increased recreational revenue to the existing businesses by keeping locat dollars spent at home.

E. Project Design/Proposed Method of Accomplishment

The total project cost is estimated at ~~$177,500~~ $114,580.00 as developed by Rod DeJong, Aason Engineering, and Jerry Siegel, East Dakota Water Development District. See attached cost estimates. Also enclosed for your review is a preliminary engineering report and map of the proposed project area.

The restoration of the Iroquois Lake site was chosen over further development within the City limits suchas a swimming pool and campsites, as this will not only use a natural setting, but will provide flood control benefits to area residents as well. Over the long term, this project will be more cost-effective versus building new recreational facilities within the city limits. This project is compatible with other projects in the area as well as with local comprehensive plans and zoning ordinances.

F. Previous Actions

As indicated previously, the Lake Associationhas hired an engineer to do a preliminary study, and has been in constant contact with Game, Fish & Parks people, and the James River and East Dakota Water Development Districts. In addition, they have received local pledges in cash, labor, materials, and equipment toward this project in the amount of $24,000. The East Dakota Water Development District has also pledged $20,000 toward the project, and the James River Water Development District has pledged $10,000. Also the Department of Game, Fish and Parks has pledged $20,000.

G. Persons to Benefit

This project will benefit all 348 people in the City of Iroquois, as well as the surrounding residents. Median family income for the City of Iroquois, based on the 1980 census was $11,667. At the same time, 74 residents or 21% are below the poverty level and 59 or 17% are age 65+. A recent survey of 91 households involving 289 people indicated that 155 people or 54% were below poverty level, and that 49 households or 54% of the households surveyed were at poverty level based on 1986 total family income figures. In addition, the City of Iroquois is unable to give a great deal of financial assistance at this time as they are undertaking a $460,000 water source and system improvement project. The city is also approximately $76,000 in debt on previous sewer loans. For the City of Iroquois the residents tax levies are as follows: County--10.17, School--35.69, and city--32.10 mills. In addition, President Regan issued a Federal Disaster Declaration for Kingsbury County in 1986. Taking these facts into account, it would be almost impossible to take on a project of this type without financial assistance.

H. Local Involvement

As indicated previously, the Lake Association has raised pledges in the amount of $24,000 in cash, labor, materials, and equipment for this project. The City has also agreed to help the Association obtain any State and Federal Grants and loans and other sources of funding for this project. The Department of Game, Fish and Parks Commission approved obligation $20,000 to the project at their March, 1988 meeting. Plus the City of Iroquois has obligated $10,000 of inkind service with city equipment. The East Dakota Water Development District Board pledged $20,000 for this project at their March 1987 board meeting and the James River Water Development District has pledged $10,000.

I. Environmental Concerns

There will be no adverse environmental concerns or displacements due to this project. This is a restoration project of a lake that was in place for about fifty years--built as a WPA project in 1934. Also, it will serve to enhance the quality of life by providing adequate recreational facilities to area residents plus serve as a flood control structure for Beadle and Kingsbury County residents.

COOPERATIVE AGREEMENT

The State of South Dakota, Department of Game, Fish and Parks the undersigned landowner of land located in

NW 1/4 of Section Eight (8), Township One Hundred-Ten (110) North, Range Fifty-Eight (58) West 5th PM.

lying in Kingsbury County, said land adjoining the area commonly known as Iroquois Lake, do hereby permit and allow the City of Iroquois to install or contract for the installation of, and maintain a dike to create a lake on the above described property. We further stipulate and agree that the lake so installed shall remain the property of the Department of Game, Fish and Parks and the public shall be permitted access to the lake located on the above described property. The specifications as stipulated by South Dakota Department of Water and Natural Resources for water bypass must be met or exceeded.

Robert C. Reynolds
City of Iroquois (Mayor)

2 Sept 1986
Date

Jeff Stingley
Department of Game, Fish & Parks

9-24-86
Date

James W. Salyer

10/7/86
Date

AGREEMENT

This Agreement, made this 18th day of August, 1986, between the City of Iroquois, South Dakota (Iroquois) and the Iroquois Lake Association of Iroquois, South Dakota, a private, non-profit association (Association), WITNESSETH:

1. That the propose of the Association is to manage restoration development and future maintenance of Iroquois Lake, located in the Northwest Quarter (NW 1/4) of Section Eight (8), Township One Hundred Ten (110) North, Range Fifty-Eight (58), West of the Fifth Principal Meridian, Kingsbury County, South Dakota.

2. That the improvement of the lake would benefit the community of Iroquois, South Dakota.

3. That in order to obtain Federal and State grants, loans, and other sources of funding, the City must become involved as applicant for said funds from time to time.

4. The City hereby agrees that when necessary it will act as applicant for State and Federal funding, and will do any other thing it deems reasonable to aid and assist the Association in the obtaining of funding. It is understood that the City will bear no responsibility for the management or disbursement of said funds, and that the Association will be responsible for the receipt and disbursement of all such funds.

5. In the event the Association ceases to exist as an organization, the City may voluntarily agree to assume responsibility for the project, or the City may revert said responsibilities to the Department of Game, Fish and Parks with the understanding that the Department will remove, or maintain the developments at its discretion.

Dated this 18th day of August, 1986.

CITY OF IROQUOIS, SOUTH DAKOTA

ATTEST:

Curtis E. Kludt
Curtis E. Kludt
Finance Officer

By: Roberts A. Rounds
Roberts A. Rounds, Mayor

IROQUOIS LAKE ASSOCIATION

ATTEST:

Secretary

By: Leo Hallam
President

IROQUOIS LAKE ASSOCIATION
IROQUOIS
SOUTH DAKOTA
CORPORATE 1986 SEAL

September 14, 1988 | TGS

Review of Lake Iroquois Dam P&S

Safety of Dam Rules
74:02:08:09 - Contents of P&S

#1 - OK
2 - OK
3 - OK
4 - OK
5 - OK
6 - OK 25 year ≅ 1000 cfs, Spillway Cap. ≅ 2900 cfs
7 - OK
8 - No, Assume OK
9 - NA

GRANT AGREEMENT 1-87 BETWEEN
JAMES RIVER WATER DEVELOPMENT DISTRICT
AND CITY OF IROQUOIS

Grant Agreement made and entered into this 12th day of May, 1987, by and between the James River Water Development District, P.O. Box 849, City Hall, Huron, South Dakota - 57350, hereinafter referred to as the "District" and the City of Iroquois, P.O. Box 186, Iroquois, South Dakota - 57353, hereinafter referred to as "Grantee" acting on behalf of the Lake Iroquois Association.

WITNESSETH:

WHEREAS, the James River Water Development District, pursuant to authority granted by statute has the power to enter into contracts either as principal or guarantor for the accomplishment of the purposes and intents of SDCL Chapters 46A-3A to 46A-3E inclusive; and

WHEREAS, Grantee has made a timely application for a grant from the District seeking funds for the purpose hereinafter set forth, and has submitted the necessary information concerning its project to the District; and,

WHEREAS, the Board of Directors of the District has considered the request for funds at its April 28, 1987 meeting, and has approved a grant up to the sum of ten thousand dollars ($10,000) to the Grantee, subject to the terms and conditions hereinafter set forth;

NOW THEREFORE IT IS MUTUALLY AGREED AS FOLLOWS:

1. In consideration of Grantee's convenants, assurances and representations as set forth herein, and Grantee's faithful observance and performance of the terms and conditions hereof, the District hereby grants to Grantee a principal sum up to, but not exceeding the amount of Ten Thousand dollars ($10,000), contingent upon the following:

A) Additional contributions from the City of Iroquois and local pledges equal to at least forty thousand dollars ($40,000).

B) A East Dakota Water Development District grant of at least twenty thousand dollars ($20,000).

C) A five thousand dollar ($5,000) grant from both Kingsbury and Beadle County.

D) An eleven thousand dollar ($11,000) grant from the Game, Fish and Parks.

E) Total project funds of $177,800 being secured by December 31, 1988.

2. The grant proceeds will be distributed quarterly to Grantee over a two year period commencing on July 1, 1987.

The Grantee shall submit requests for payment to the District vouchers duly authorized and executed by an authorized representative of the Grantee, certifying the the voucher submitted is correct and a valid expenditure for the purposes described herein. Such vouchers must be accompanied by a written itemization of the services, labor or materials for which payment is being sought. The District reserves the right to reject requests for payment if in the opinion of the Board the purposes for which payment is requested is not within the scope of work described herein.

3. This contract shall expire as of July 1, 1989. Any funds not paid out by the District as of the close of business on that date shall revert to the District. It is agreed that funds will be considered paid out if there is pending a request for payment which is subsequently approved by the District.

4. The Grantee warrants and represents that it will utilize the grant funds for the purpose of restoring Iroquois dam and lake by clearing trees off the dam and spillway, removing approximately 50,000 cubic yards of silt from the lake bottom, constructing a drop inlet spillway, installing approximately 1,800 cubic yards of rip rap, and developing camp sites, a swimming beach, bath houses and restrooms.

5. No part of the funding provided hereunder may be utilized for the payment of costs associated with litigation directly or indirectly involving the Grantee of the project. No Director, or other agents, employees or immediate family members, shall receive direct personal benefit from this agreement. Grantee will establish safeguards to prevent officers and employees from using their positions for a purpose that is, or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom may have family, business, or other ties.

6. Grantee agrees to comply with all federal, state and local laws, regulations and ordinances relating to the construction, operation and maintenance of its project.

7. Grantee agrees to cause its contractors, subcontractors, employees and legal representatives to comply with all applicable federal, state and local laws, regulations, ordinances, guidelines and requirements, and to adopt such review and inspection procedures as are necessary to assure such compliance. In the event of conflict between federal, state and local laws and regulations, compliance with the more restrictive laws and regulations shall be deemed compliance with less restrictive laws and regulations.

8. Grantee agrees to establish and maintain books and records relating to the construction, operation and maintenance of its office and its financial affairs in accordance with accepted accounting procedures.

Grantee agrees to give the District through any authorized representatives access to and the right to examine and copy all books, records, papers or documents relating to the project. Grantee will retain all books and records for a period of not less than three years following completion and acceptance of the annual audit described herein.

9. Grantee will submit, upon request by the District during the term of this agreement, management reports to the District detailing the operation and financial condition of its project, which report shall include the entire operation of the Grantee, all revenues and expenditures and a financial audit performed by a qualified independent accountant duly licensed in the State of South Dakota. Each management report shall be submitted annually, within ninety days after the close of the Grantee's fiscal year.

10. Grantee agrees to acquire and maintain such property, worker's compensation, and liability insurance in the amounts and with the scope of coverage as required by law, and provide proof of such coverage to the District.

11. Grantee agrees to indemnify and hold the District harmless from any and all claims of liability of any kind or character whatsoever arising from the construction, operation or maintenance of its project.

12. In the event of default by Grantee or of the breach of any of its duties hereunder, or in the event of its failure or refusal to perform any covenants or agreements, or in the event of an improper use of grant funds hereunder, or in the event of the insolvency or dissolution of the Grantee, or in the event that for any reason the Grantee is no longer pursuing the water resources project described herein, or in the event the project is not feasible, the District may, at its sole option, declare this agreement to be in default, and shall provide Grantee with thirty days written notice to such default. If such default has not been cured within thirty days following Grantee's receipt of such written notice, the District may, at its sole option, cancel this agreement, and Grantee shall be obligated to reimburse the District for any grant funds theretofore expended by or for the benefit of Grantee, or any part thereof, and if not promptly paid the District may pursue any rights and remedies under any applicable laws or regulations. Failure of the District to enforce strict performance of any covenant, promise, term or condition herein contained, shall not operate as a waiver of the District's right thereafter to require that the terms hereof be strictly performed.

13. This agreement may not be modified or amended except in writing, which writing shall be expressly identified as a part of this agreement, and which writing shall be signed by an authorized representative of each of the parties hereto.

14. This agreement, or any part thereof, or the benefits to be

received hereunder, shall not be assigned, transferred, or otherwise disposed of to any person, firm, corporation or other entity by Grantee without the express prior written consent of the District.

15. This agreement may be terminated, prior to the date specified in paragraph 3 hereof, upon 30 days written notice from the party terminating to the other party, with or without cause. Termination shall be effective upon the date specified in the written notice. Any grant funds not expended on the termination date shall be handled by the District in the manner provided in paragraph 3 hereto.

16. This agreement, and the covenants herein contained, shall inure to the benefit of and be obligatory upon the agents, employees, administrators, executors, heirs, legal representatives, assigns, and successors in interest of the respective parties hereto.

City of Iroquois
GRANTEE

BY: Robert Rounds
Mayor

Merlin D. Rieck
Finance Officer

DATE: May 12, 1987

James River Water Development

By: Merle D. Lewis
Chairman

Ray Mettler
Secretary

DATE: 4-28-87

EAST DAKOTA WATER DEVELOPMENT DISTRICT

Office
524 Seventeenth Avenue
BROOKINGS, SOUTH DAKOTA 57006
TELEPHONE (605) 692-5185

BOARD OF DIRECTORS

EARL ACHESON, CHAIRMAN, Chester
JOHN L. WIERSMA, VICE-CHAIRMAN, Brookings
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HOBERT STORER, Colman

JERRY L. SIEGEL
Manager-Treasurer

March 8, 1988

Leo Hallan
Iroquois Lake Association
P.O. Box 104
Iroquois, SD 57353

Dear Leo:

This letter will confirm that the $20,000 grant approved by the Water Development Board of Directors on March 19, 1987 for the Iroquois Lake Rehabilitation Project is still available.

When the grant was approved, the grant was contingent on "(1) contributions from the City of Iroquois and local pledges equal to at least $40,000, (2) a James River WDD grant of at least $10,000, (3) total project funds of $177,200 except for $11,000 of Land and Water Conservation Funds being secured during calendar year 1987, and (4) that the BoWNR authorize the project into the Water Facilities Plan."

As you are aware, conditions (1) and (3) have not been fully satisfied. The WDD Board of Directors recognizing this took action on January 26, 1988 to place the $20,000 grant into our Capital Reserve Fund. In so doing, they recommitted the $20,000 project grant and thus, allowed local sponsors additional time to complete a successful financial package for the project.

The Iroquois Lake Rehabilitation Project's estimated cost of $177,200 included an estimated $22,000 for recreational/sanitary facilities. Thus, the WDD's $20,000 can be used as guaranteed local cash match for Iroquois' proposed Land and Water Conservation Fund grant. Obviously, the recreational facilities near the Iroquois dam will not be redeveloped unless the dam and reservoir are rehabilitated.

Incidentally, the WDD strongly supports your Land and Water Conservation Fund grant request for the project recreational facilities. We also strongly support (1) Department of Game, Fish and Parks' Secretary Richard Beringson's intended March request to his Commission for a $20,000 grant for rehabilitation of the dam and reservoir and (2) the South Dakota Department of Transportation's proposed project cost-sharing so it can become an initial deposit in the proposed State wetland mitigation bank.

If you have further questions, please contact this office.

Sincerely,

Jerry L. Siegel
Manager-Treasurer

JLS/kah

cc: Mayor Robert Rounds
Richard Beringson

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
South Dakota State Office (FWE)
Post Office Box 986
Pierre, South Dakota 57501

September 30, 1987

Richard Howard, Secretary
SD Department of Transportation
700 Broadway Avenue East
Pierre, South Dakota 75501

Dear Mr. Howard:

This is in response to Mr. Lowell Richard's August 26, 1987, request for comments on the environmental assessment of ER 6312(4), Rehabilitation of County FAS Route Number 6312 (Oldham Oil) across Lake Thompson.

The Fish and Wildlife Service's (Service) mission is to provide the federal leadership to conserve, protect, and enhance fish and wildlife and their habitat. In South Dakota the Service has given high priority to the prairie pothole wetland resources because of their demonstrated high values to wildlife. Congress has directed the Service, under the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e), to investigate all proposed federal undertakings and non-federal actions needing a federal permit or license which would impound, divert, deepen, or otherwise control or modify a stream or other body of water and to make mitigation and enhancement recommendations to the federal agency involved. Therefore, the Service becomes involved in many federally funded road projects or state road projects requiring a federal permit.

For many years our agencies have been cooperating in pre-development consultation so that agency concerns can be viewed early and incorporated into projects early in the design stage. This has been a successful venture that allows project impacts to fish and wildlife resources to be minimized. However, sometimes our agencies have had difficulties in providing for mitigation of unavoidable impacts, especially to wetlands. In a letter to you dated June 4, 1987, the Service offered an idea that has proven to be successful across the country to address many of the mitigation problems we have had difficulties with. This idea was "mitigation banking." We still believe "mitigation banking" provides a workable tool that our agencies need to pursue. This office would be more than willing to set aside some time to discuss with you the idea of "mitigation banking."

The current conditions at Lake Thompson have highlighted the importance of wetlands in South Dakota. It has been estimated that some 1,500-3,000 wetland basins have been eliminated in the Lake Thompson watershed. One drain in the watershed has been estimated to have drained almost 50,000 acres alone. Therefore, it seems reasonable to assume that the high water problems and road inundation problems in the Lake Thompson watershed are largely a result of past wetland drainage. Although the Service's primary interest in wetlands is for fish and wildlife resources, we recognize these other functions and values that should be of great interest to others as well.

Comments on our review of the environmental assessment are provided in two parts, general and specific comments, to aid in your review.

General Comments

High water conditions in the Lake Thompson watershed have lead to an inundation of local roads. Six alternatives were proposed to alleviate local transportation problems due to road inundation. The Oldham road project has been chosen as the preferred alternative by the Department, and we concur that the Oldham road alternative is the least environmentally damaging alternative. Additionally, the Department has proposed measures to minimize project impacts to wetlands by (1) reducing slopes from 4:1 to 3:1, (2) riprapping slopes to prevent siltation into adjacent wetlands, and (3) culverting to maintain water fluctuations between wetlands disected by the road. Avoidance is the first step in conservation of these public values, and we commend this approach. However, we note that no measures to compensate for the unavoidable wetland losses are contained or identified in this environmental assessment.

It is our understanding that the Federal Highway Administration can provide funding for any necessary wetland mitigation purposes. Wetland replacement can be achieved in several ways: (1) physical modification of replacement habitat to convert it to the same type lost, (2) restoration or rehabilitation of previously altered habitat, (3) increased management of similar replacement habitat so that the in-kind value of the lost habitat is replaced, or (4) a combination of these measures. Although the Service believes the preferred area for mitigation should be within the same general area of the benefits lost, we are aware of the proposal for a project wetlands mitigation at Iroquois Lake. The Iroquois Lake project was discussed at a September 9, 1987, meeting with representatives from this office, the Department, Game, Fish and Parks, the Federal Highway Administration, East Dakota Water Development District, and the Iroquois Lake Association. To facilitate the process, we would presume such a "bank" of wetland habitat could be considered for the unavoidable loss in this project if we could all agree to this process.

Also, in accordance with Section 7(c) of the Endangered Species Act, we have determined that the following species may occur in the proposed project area.

Listed Species	Expected Occurrence
Bald eagle (Haliaeetus leucocephalus)	Migration, winter resident
Peregrine falcon (Falco peregrinus)	Migration
Whooping crane (Grus americana)	Migration, spring and fall

Bald eagles utilize mature riparian timber near streams and lakes. Peregrine falcons are generally associated with wetlands and open areas, such as cropland and grassland.

Sightings of whooping cranes have been made in Kingsbury County. One of these sightings was made at Lake Whitewood which is not far from Lake Thompson. Whooping cranes will use cropland and pasture; wet meadows; shallow marshes; shallow portions of rivers, lakes, reservoirs, and stock ponds; fresh water; and alkaline basins for both feeding and loafing. However, overnight roosting appears to require shallow water in which they stand and rest.

If the federal action agency determines that a project may affect listed species, formal Section 7 consultation should be requested from this office. For your convenience a summary of the Section 7 consultation process is attached. If the federal action agency determines that there will be no effect, further consultation may not be necessary. However, a copy of the no effect determination for the proposed project should be sent to this office.

Specific Comments

Page 28, No. 2 - The reasoning that because seasonal palustrine emergent wetlands (PEMCX) were created by the original road, replacement is unnecessary, does not follow either federal planning or legal precedence. The original road was obviously placed through the middle of a wetland, and wetlands were lost due to the original road construction. It would seem unproductive to revisit that issue.

The text refers to the PEM/ADF classification. This should be corrected to PEM/ABF.

Page 30 - The comment that replacement of wetlands is "unwarranted" or "excessive" is interesting since the current water conditions at Lake Thompson are largely due to the same kind of piecemeal destruction of wetlands (primarily wetland drainage) within the Lake Thompson watershed over a period of years. The loss of wetland storage area only exacerbates the high water problem somewhere else and, when considered cumulatively, creates severe problems. State law prohibits individuals from draining onto others, thus causing damages.

Page 32 - Threatened or Endangered Species - The determination of jeopardy for a threatened or endangered species is a biological opinion to be determined by the Service in accordance with Section 7(a)(2) of the Endangered Species Act. The federal action agency, in this case the Federal Highway Administration, is responsible for the determination of

"may affect" or "no effect" as discussed above and in the attachment. A biological opinion is made after the federal action agency has determined "may affect" for the project, completed a biological assessment, and initiated consultation with the Service. Therefore, this section should be re-worded to conform with the Endangered Species Act regulations for interagency cooperation (50 CFR 402).

In summary, the Service concurs with the selection of the Oldham alternative as the least environmentally damaging alternative and commends the attempts at reducing damages. We believe that compensation for the unavoidable loss of wetlands expected due to project implementation can be accomplished through discussions already begun.

We appreciate the opportunity to review the assessment. These comments are provided as technical assistance only and represent the views of the Service. They do not constitute formal review of the project pursuant to Section 102(c) of the National Environmental Policy Act. Thank you for the opportunity to review and provide comments on this environmental assessment.

Sincerely,

M. S. Zschomler
State Supervisor, FWE
South Dakota State Office

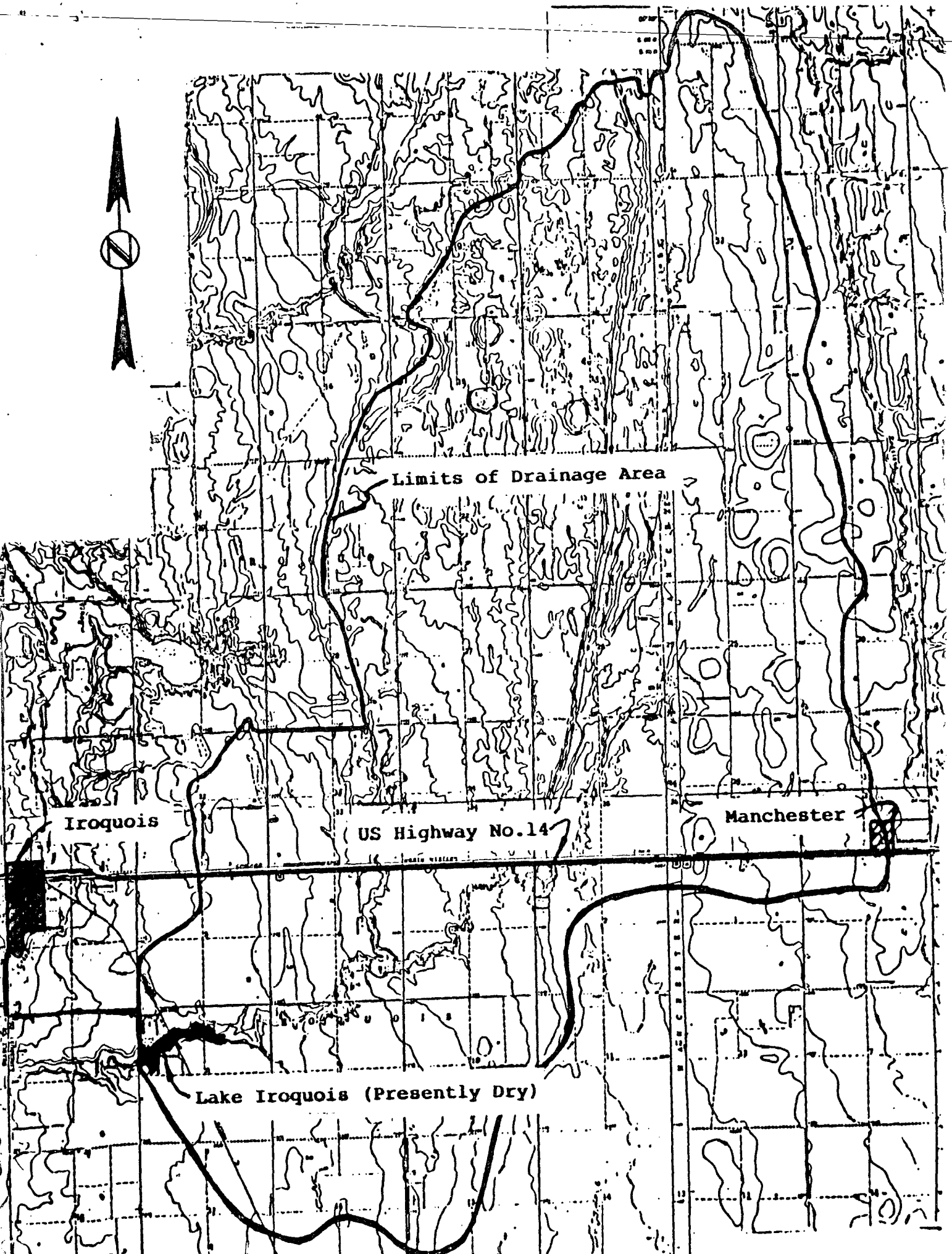
Attachment

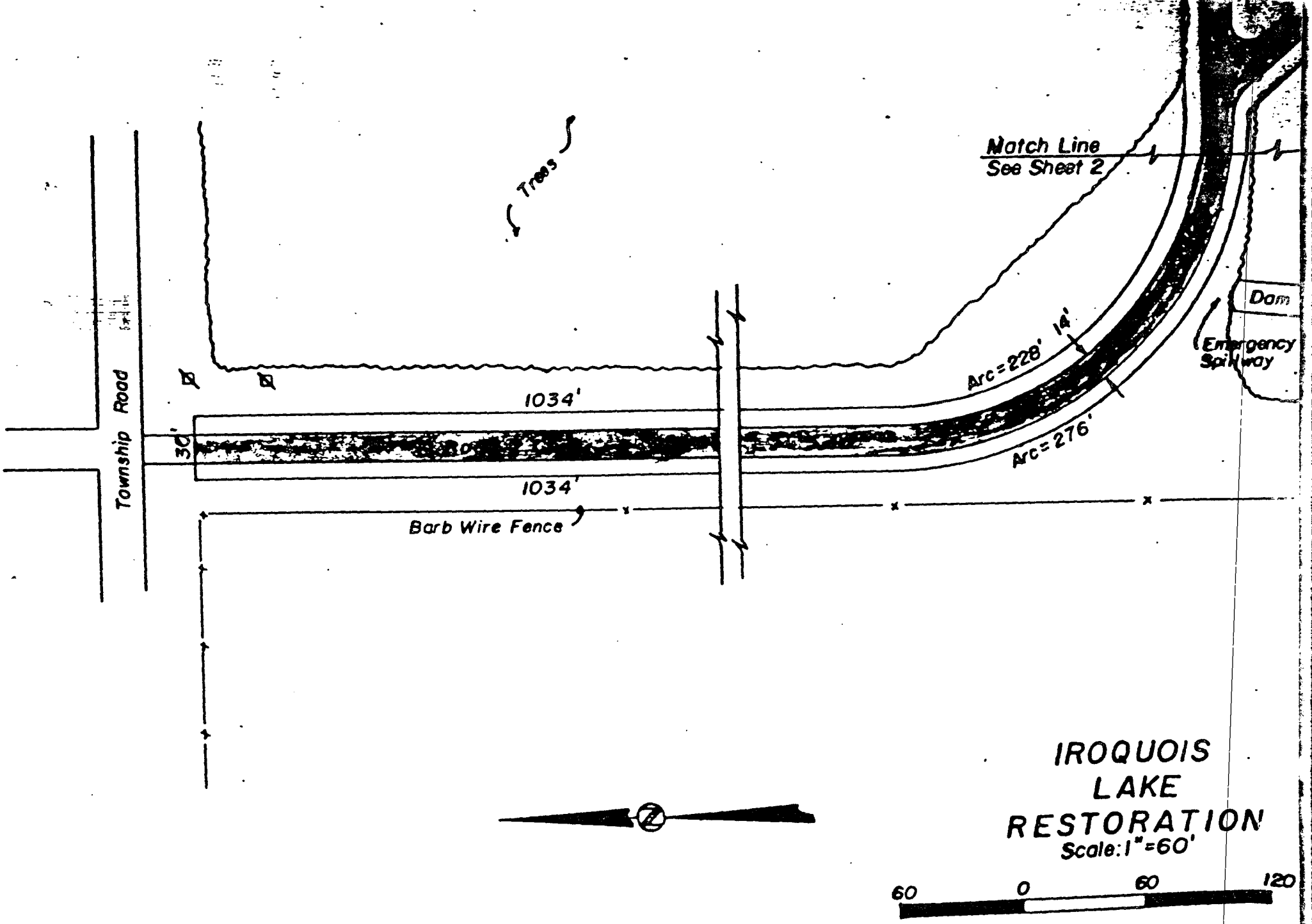
cc: FHWA; Pierre, SD
FHWA; Denver, CO

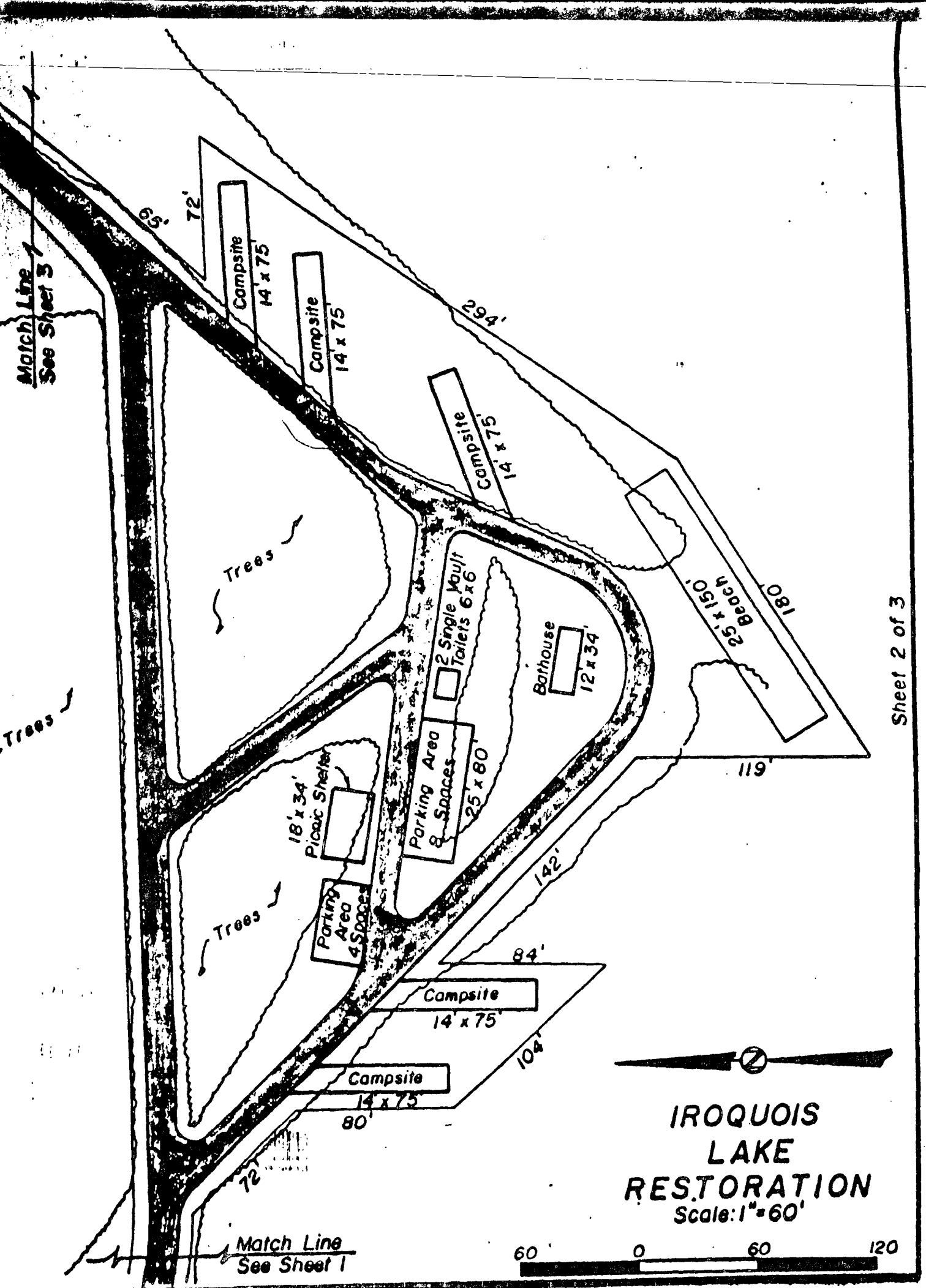
bcc: COE; Pierre, SD
COE; Omaha, NE
Attention: Russ Rocheford
SDDGFP; Pierre, SD
Leo Holland; Iroquois, SD
EPA; Denver, CO
SE File

ESTIMATED QUANTITIES
& ESTIMATED COST

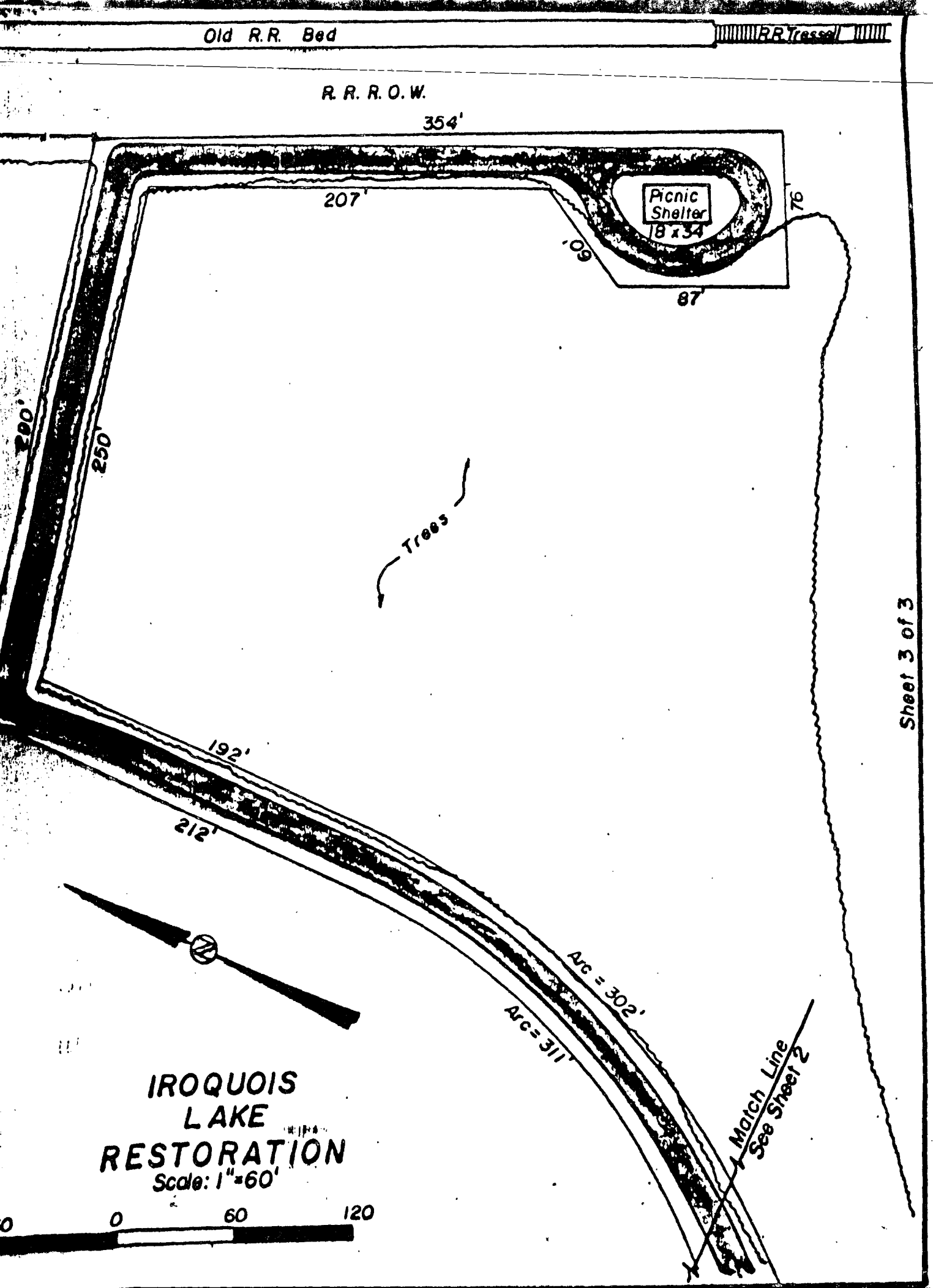
Picnic Shelters	2 each @ $3,000/ea	$6,000.00
Single Vault Toilets	2 each @ 650/ea	1,300.00
Bath House	1 each @ 4,000/ea	4,000.00
Picnic Tables	7 each @ 125/ea	875.00
Grills	7 each @ 49/ea	343.00
Camping Pads	5 each @ 275/ea	1,375.00
Shape & Gravel Roads	Lump Sum	6,875.00
Parking Areas	Lump Sum	750.00
Construct Beach	Lump Sum	2,500.00
TOTAL RECREATIONAL COSTS		**$24,018.00**


Limits of Drainage Area
Iroquois
US Highway No.14
Manchester
Lake Iroquois (Presently Dry)

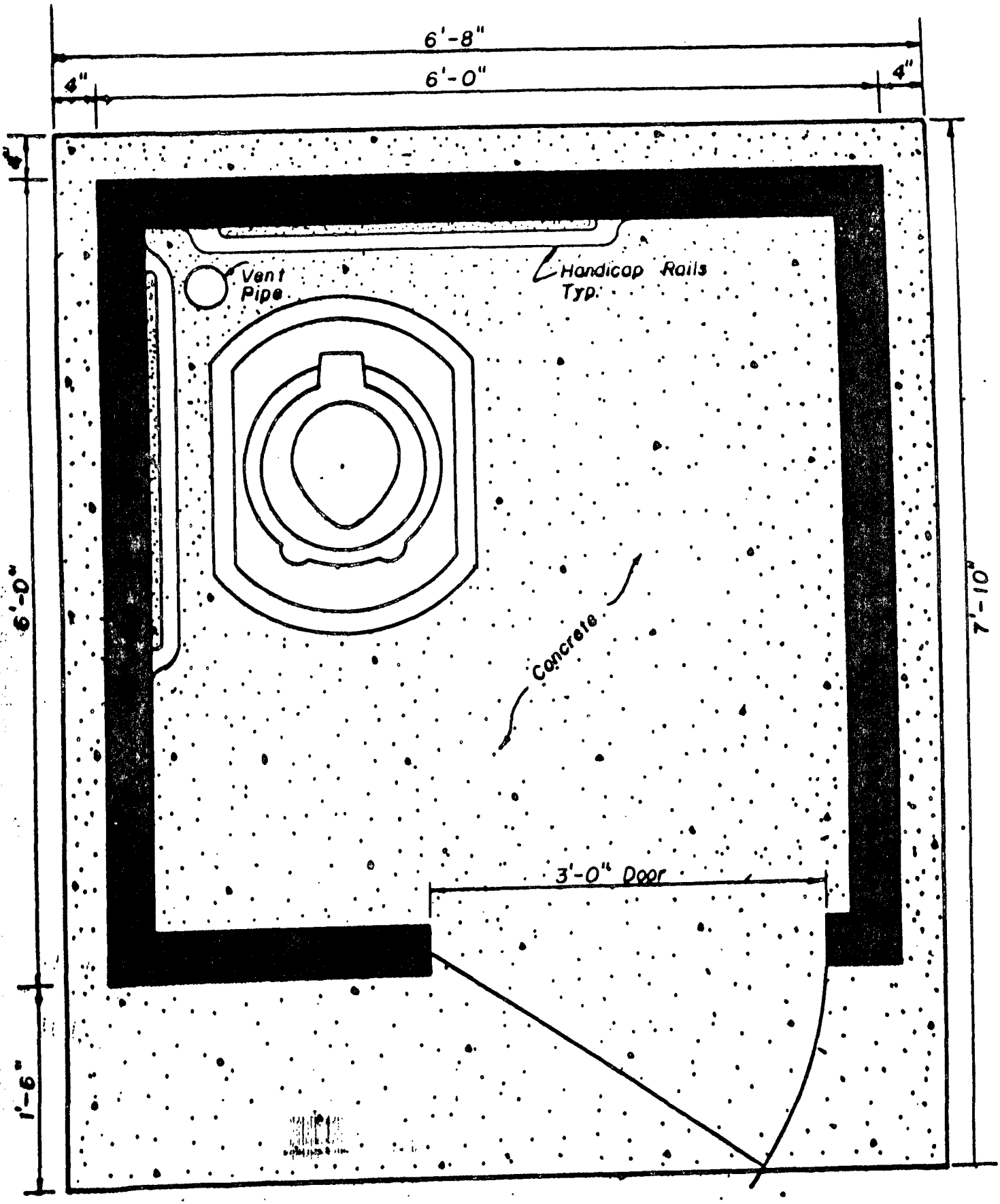

Trees
Match Line
See Sheet 2
Dam
Emergency
Spillway
Arc=228'
14'
Arc=276'
1034'
1034'
30'
Township Road
Barb Wire Fence
IROQUOIS
LAKE
RESTORATION
Scale: 1"=60'
60
0
60
120



IROQUOIS
LAKE
RESTORATION
Scale: 1" = 60'


Old R.R. Bed
R.R. Trestle
R. R. R. O. W.
354'
207'
Picnic Shelter 18 x 34
76'
60'
87'
290'
250'
Trees
192'
212'
Arc = 302'
Arc = 311'
Match Line See Sheet 2
Sheet 3 of 3
IROQUOIS LAKE RESTORATION
Scale: 1" = 60'
0
60
120

Floor Plan for Single Vault Toilet Handicap Equipped

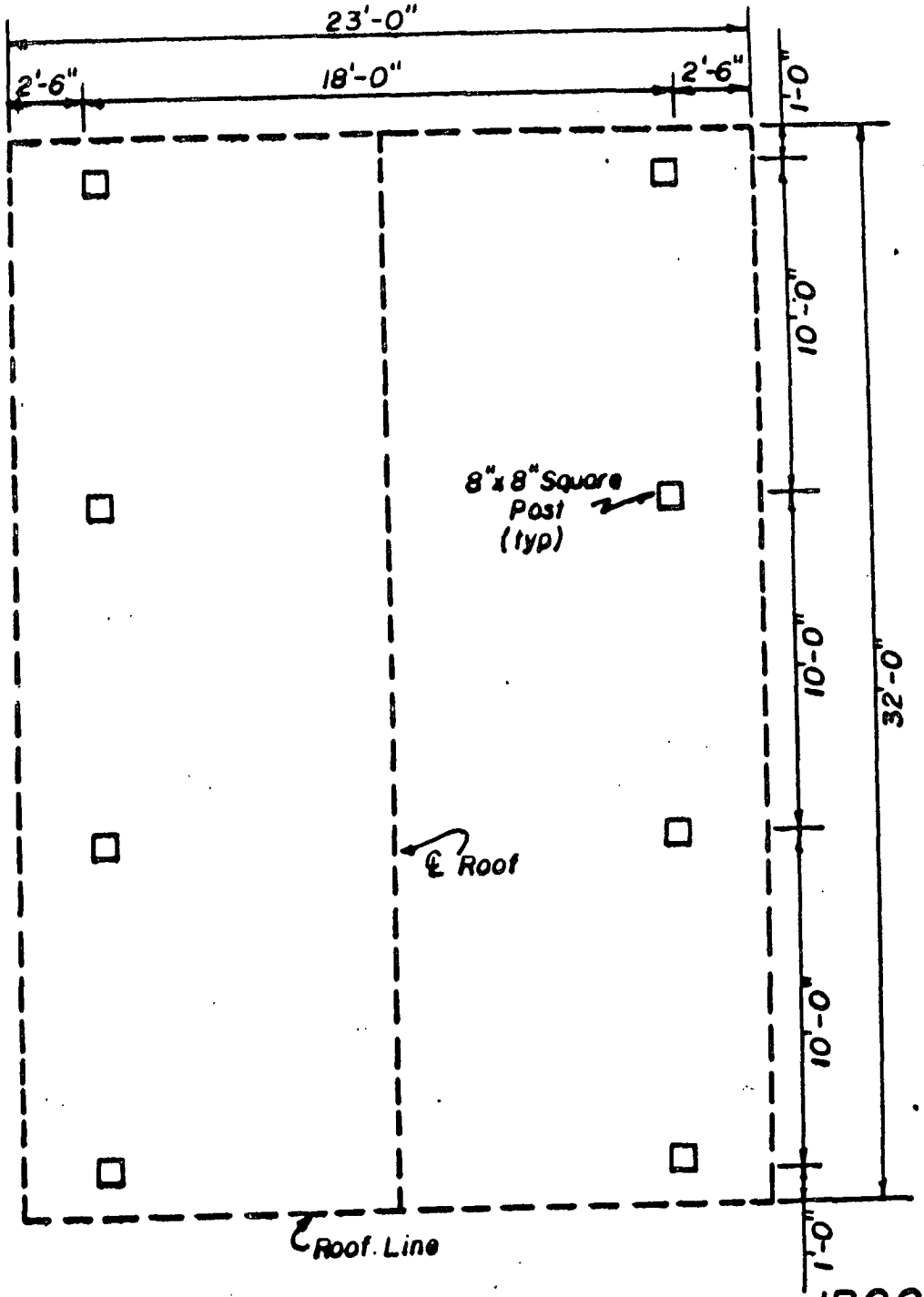


Scale: 1" = 1'-0"

IROQUOIS LAKE RESTORATION

Floor Plan
for
Picnic Shelter

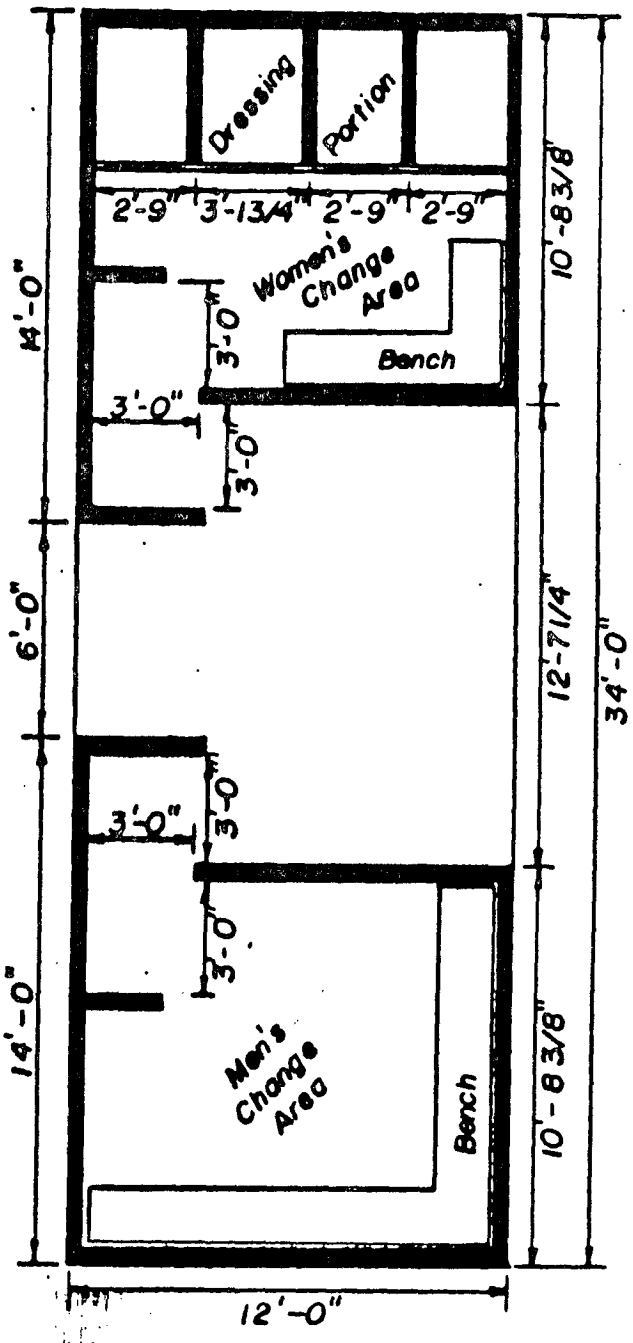
Scale: 3/16" = 1'-0"



IROQUOIS LAKE RESTORATION

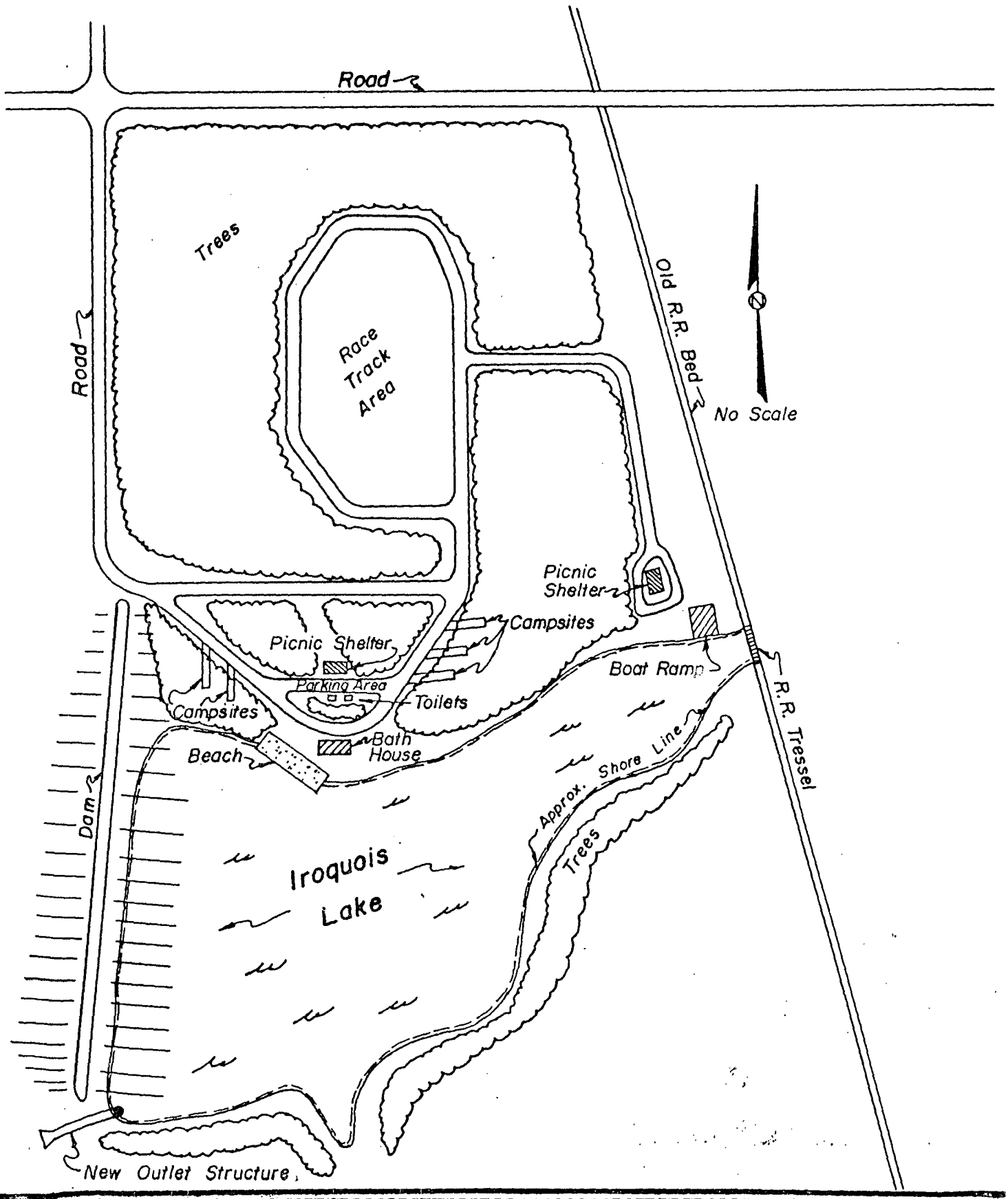
Floor Plan for Bathouse

Scale: 3/16" = 1'-0"



IROQUOIS LAKE RESTORATION

IROQUOIS LAKE



ESTIMATED COSTS

1. Items to be handled under contract

Items	Quantity	Unit Price	Cost
72" R.C. Pipe	94 L.F.	$ 140.00	$13,160.00
72" R.C.P. Flared End	1 Each	1,100.00	1,100.00
96'R.C.P. Manhole	10 L.F.	225.00	2,250.00
24" R.C. Pipe	48 L.F.	20.00	960.00
Concrete	17 cu.yd.	350.00	5,950.00
Gate Valve	1 Each	1,000.00	1,000.00
	Item #1	Subtotal	$24,420.00

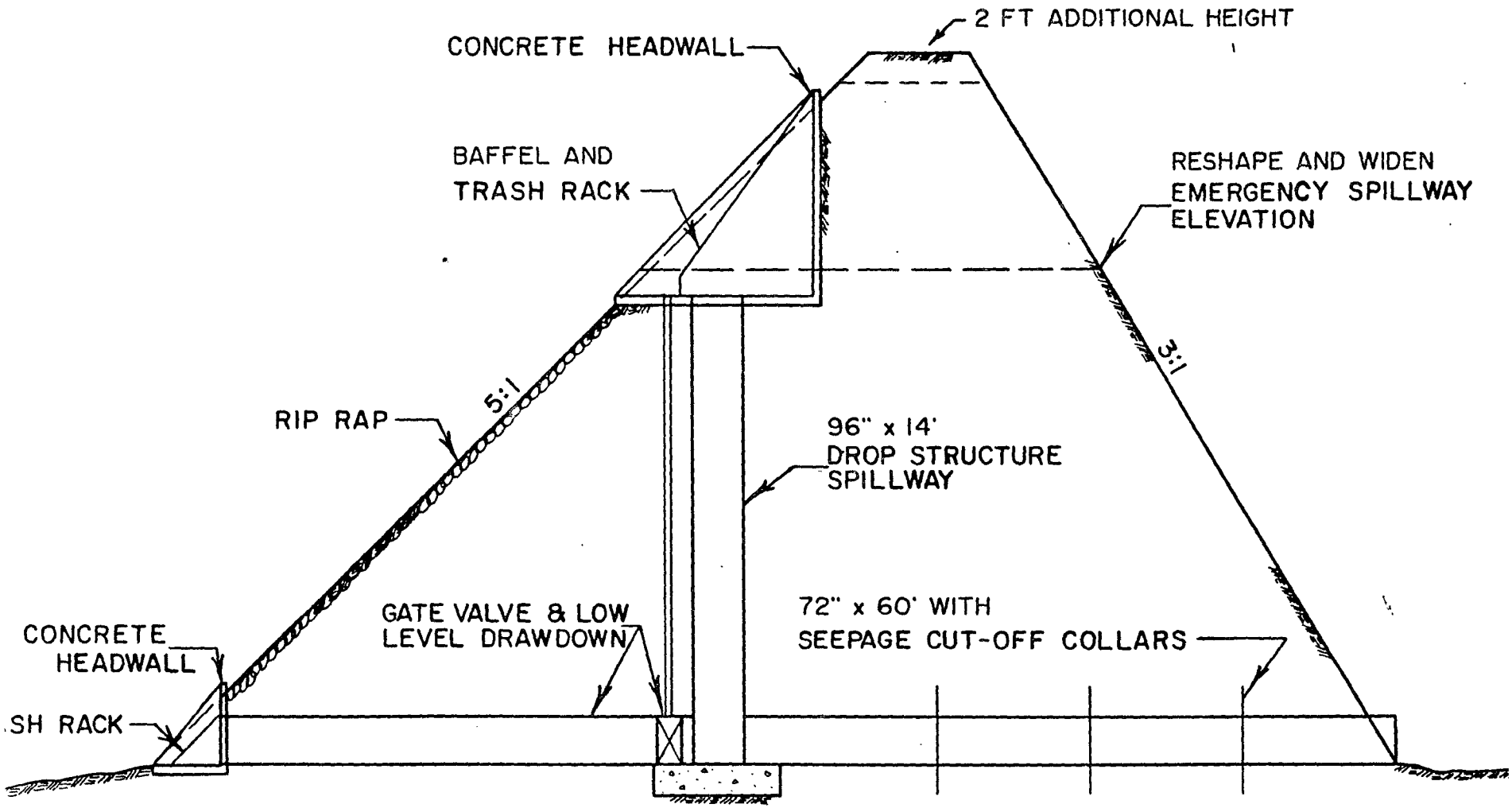
2. Items to be handled by Pledges

Items	Quantity	Unit Price	Cost
Removal of Trees-Clearing	Lump Sum		$ 2,000.00
Strip topsoil & Vegetation	2299 Cu.Yds.	0.80	1,839.00
Seeding	18 Lbs.	20.00	360.00
Grate	1 Each	1,000.00	1,000.00
Remove of Silt(Topsoil)	8555 Cu. Yds.	0.80	6,844.00
	Item #2	Subtotal	$12,043.00

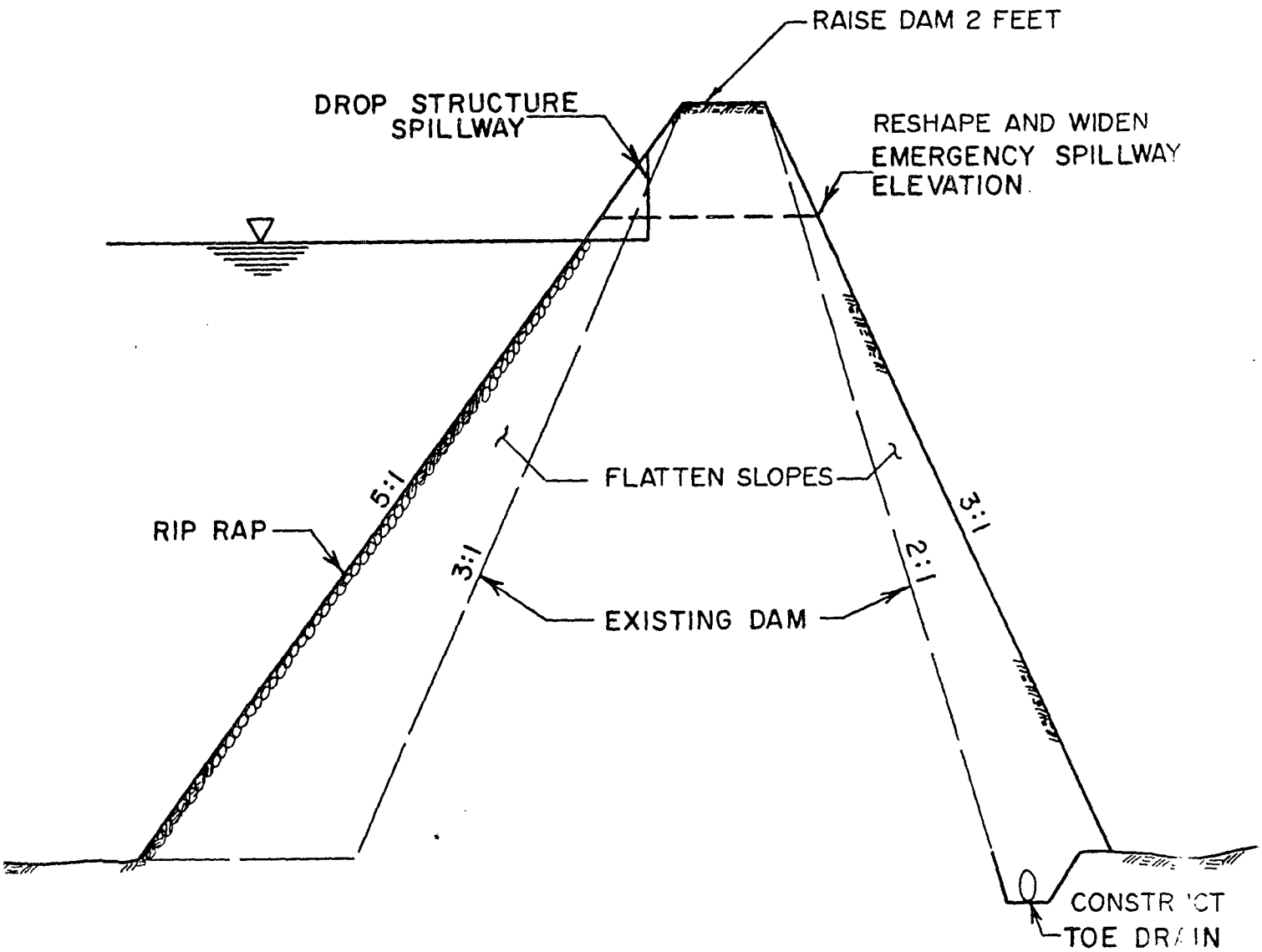
3. Items for construction of Dam
(to be handled by Contract or pledge)

Items	Quantity	Unit Price	Cost
Removal of Rip Rap	695 cu. yds.	$ 6.00	$ 4,170.00
Furnish Rip Rap	440 cu. yds.	9.00	3,960.00
Place Rip Rap	1135 cu. yds.	6.00	6,810.00
Place Topsoil	823 cu. yds.	1.00	823.00
Embankment-Clay	14,700 cu. yds.	0.80	11,760.00
4" Underdrain Pipe	710 L.F.	1.50	1,065.00
Granular Backfill	74 Tons	8.60	636.00
	Item #3	Subtotal	$29,232.00

Total Item #1, #2, and #3	$65,695.00
Recreational Cost	24,018.00
Engineering	13,750.00
Contingencies (10%)(89,713)	8,971.00
Excise Tax (4%)(24,420+29,232)	2,146.00
Grand Total	$114,580.00



TYPICAL SECTION AT SPILLWAY



PROPOSED RECONSTRUCTION OF DAM

MAR 1988
DIVISION OF
WATER RIGHTS
Pierre, SD

Dear: Ron

Enclosed is a check of $150.00 for the permit. The final details on the dam are still being worked on and will be forwarded as soon as possible.

Sincerely
Leo Hallan Box 104
546-2402 Iroquois
57353

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411187

Pierre, March 30, 1988

RECEIVED OF Iroquois Lake Association, c/o Leo Hallan, Box 104, Iroquois, SD 57353

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 _____	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

VOID Refunded 10-20-88

By John Hatch
Chief Engineer JOHN HATCH (ms)

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 21, 1988

Leo Hallan, President
Iroquois Lake Association
Box 104
Iroquois SD 57353

Dear Mr. Hallan:

This letter is in response to the water permit application submitted by the Iroquois Lake Association on March 16, 1988. The following information is needed to complete the water permit application:

1) The application fee for an application to store 77 acre-feet of water is $150.00.

2) The proposed reconstruction of the dam will require submission of plans and specifications pursuant to Safety of Dams Rules Chapter 74:02:08 (see attached copy). The contents of the plans and specifications are outlined in the attached copy. If the plans and specifications are not yet complete, please inform us.

The water permit application can not be processed until the application is complete. Please remit the $150.00 application fee with the plans and specifications. Contact us if you have any questions.

Sincerely,

Ron Duvall

Ron Duvall
Natural Resources Engineer
enc.

Water Rights Division - DWNR File No._____

Conversation or File Documentation

NAME OF PERSON OR FILE: Rod De Jong

ADDRESS: _____ COUNTY _____

DATE: May 6, 1988 TELEPHONE _____

RE: Status of water permit application for Iroquois Lake

COMMENTS:

Rod De Jong called to determine if any plans & specs were on file for dams that had been restored recently. I told Mr De Jong I would check & see what I could come up with. I asked Mr De Jong if an outlet elevation had been established as earlier requested via phone on April 8, 1988. Mr. De Jong stated that an approximate elevation had been surveyed and was 1408.0 feet msl. Mr. De Jong believed this would be the outlet elevation after reconstruction with perhaps some slight variation

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Ron Stewart

4/82

South Dakota
Department of
Game, Fish and Parks

Division of Parks & Recreation
Sigurd Anderson Building
445 East Capitol Avenue
Pierre, South Dakota 57501-3185
(605) 773-3391

May 20, 1988

Backlunds File

Leo Hallan
Box 104
Iroquois, SD 57353

Dear Leo:

The South Dakota Department of Game, Fish and Parks received 51 Land and Water Conservation Fund (LWCF) applications this year with requests totaling nearly $590,000. As you know, South Dakota's 1988 apportionment is approximately $135,000. The low level of funding made the process of selecting projects for assistance extremely difficult, as many worth proposals including yours were received.

Unfortunately, Iroquois' application was not approved. While there was considerable support for what the community is attempting to accomplish, we felt we could not commit any of the limited funds available for water based recreation on a lake that won't be constructed until next year. Of the 51 projects reviewed, only 10 that could utilize the funds this year were selected for funding. If additional funding had been available, more projects would have been assisted. I invite you to resubmit your application if funds are available next year.

If you have any questions, please contact Dan Shelbourn or Bob Schneider with the Division of Parks and Recreation, telephone 773-3391. Thank you for your interest in improving outdoor recreational opportunities.

Sincerely,

Douglas Hofer

Douglas Hofer
Director

DH/DS/hw
hallan2.let

CELEBRATE THE CENTURY
1889 1989
South Dakota

To Backlund

JUN 1 REC'D
1988

Art;
This is much as i could think of if you need more call. I talked with Ron Duval from Water Rights Division our permit will come up for consideration in July. We would like to get the ok to do some of the small work before then like tree removal and rip rap removal. Let me know what you think.

Sincerely
Leo

Water Rights Division - DWNR

File No. 5187-3

Conversation or File Documentation

NAME OF PERSON OR FILE: Leo Hallan, Iroquois Lake Association

ADDRESS: Box 104, Iroquois SD COUNTY Kingsbury

DATE: June 14, 1988 TELEPHONE

RE: Status of application for Iroquois Lake

COMMENTS:

Leo Hallan called regarding Game, Fish & Park's request that the water permit application be transferred to the Department's name. Mr. Hallan stated he did not object to the application being transferred to the Department of Game, Fish & Parks. I told Mr. Hallan the transfer would be completed and the $150.00 application fee would be refunded to the Iroquois Lake Association c/o Mr. Hallan. I also informed Mr. Hallan that the Dept. of Game, Fish & Parks was planning to request that the Board allow the existing vested right on Iroquois Lake to remain valid based on a legal excuse for nonuse of water.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Ron Duvall

4/82

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

June 22, 1988

JUN 1988
DIVISION OF
WATER RIGHTS
Pierre, SD

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:

The South Dakota Department of Game, Fish and Parks requests that an agenda item be scheduled for the July Board of Water Management meeting for the purpose of a declaratory ruling on the status of vested water right 1856-3, Iroquois Lake, Kingsbury County.

Documentation regarding the basis for the legal excuse argument will be provided to you as soon as possible.

If you have any questions please contact me at 773-5511.

Sincerely,

R.M.Koth

Ronald M. Koth
Water Permits Coordinator

RMK/ld

cc: Gary Richter

Aason Engineering Company

1311 - Ninth Avenue S.W.
West Hwy. 212
Watertown, South Dakota 57201
Telephone: 882-2371

SEP 1988
DIVISION OF
WATER RIGHTS
Pierre, SD

September 12, 1988

Tim Schaal
Dept. of Water & Natural Resources
Foss Building
523 East Capitol Ave.
Pierre, SD 57501

Re: Lake Iroquois Restoration Project
Iroquois, SD

Dear Tim:

Enclosed you will find rating curves for the 60" Concrete Pipe and for the Emergency Spillway on the above noted project. Also enclosed is a combined curve for both structures.

If you need any further information, feel free to contact our office.

Sincerely yours,

AASON ENGINEERING COMPANY

Rodney DeJong, P.E.

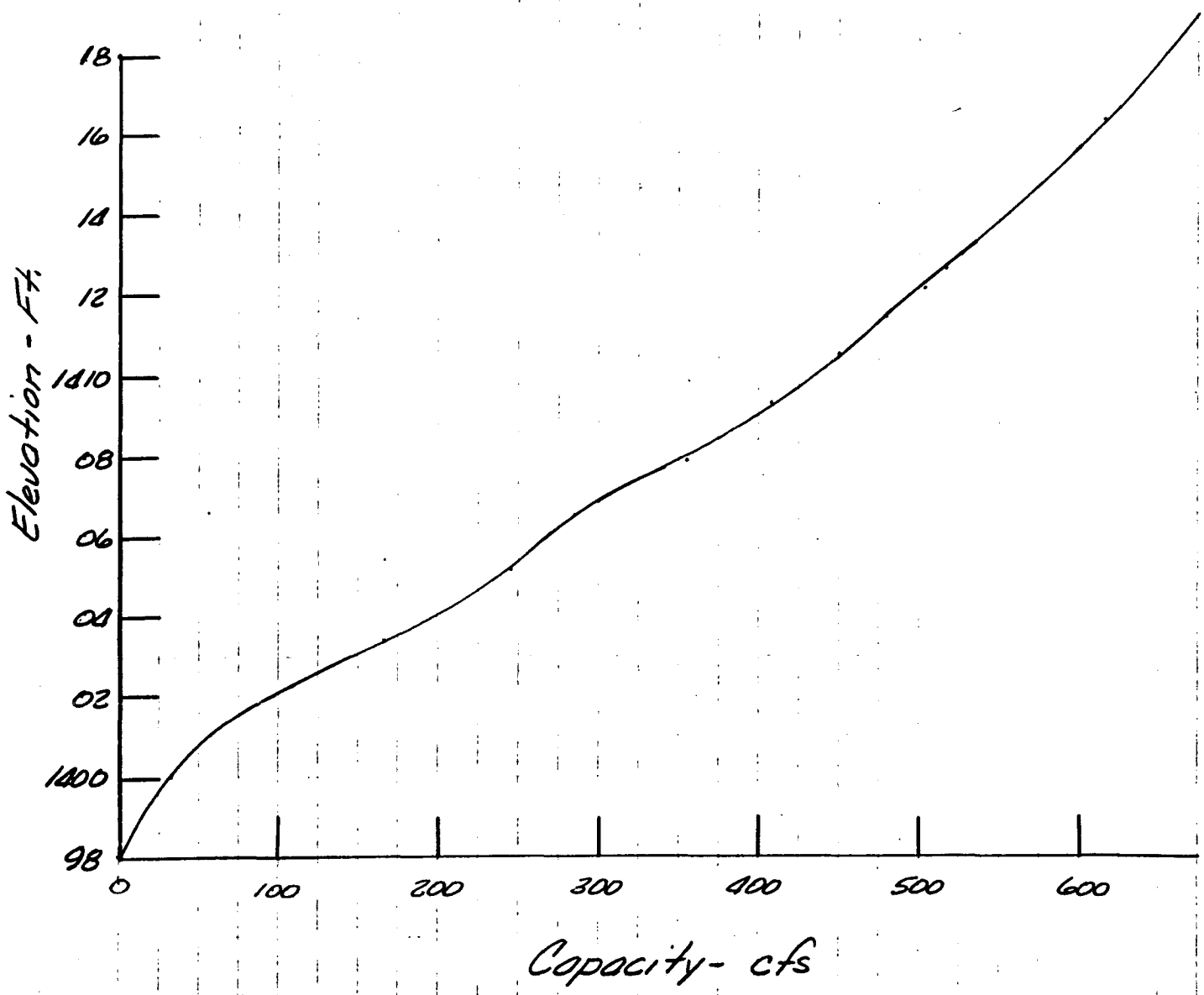
RSD:la

Enclosures

Aason Engineering Company

1311 Ninth Avenue S.W. West Hwy. 212
Watertown, South Dakota 57201
Telephone: 882-2371

PROJECT Rating Curve for 60" R.C. Pipe DATE

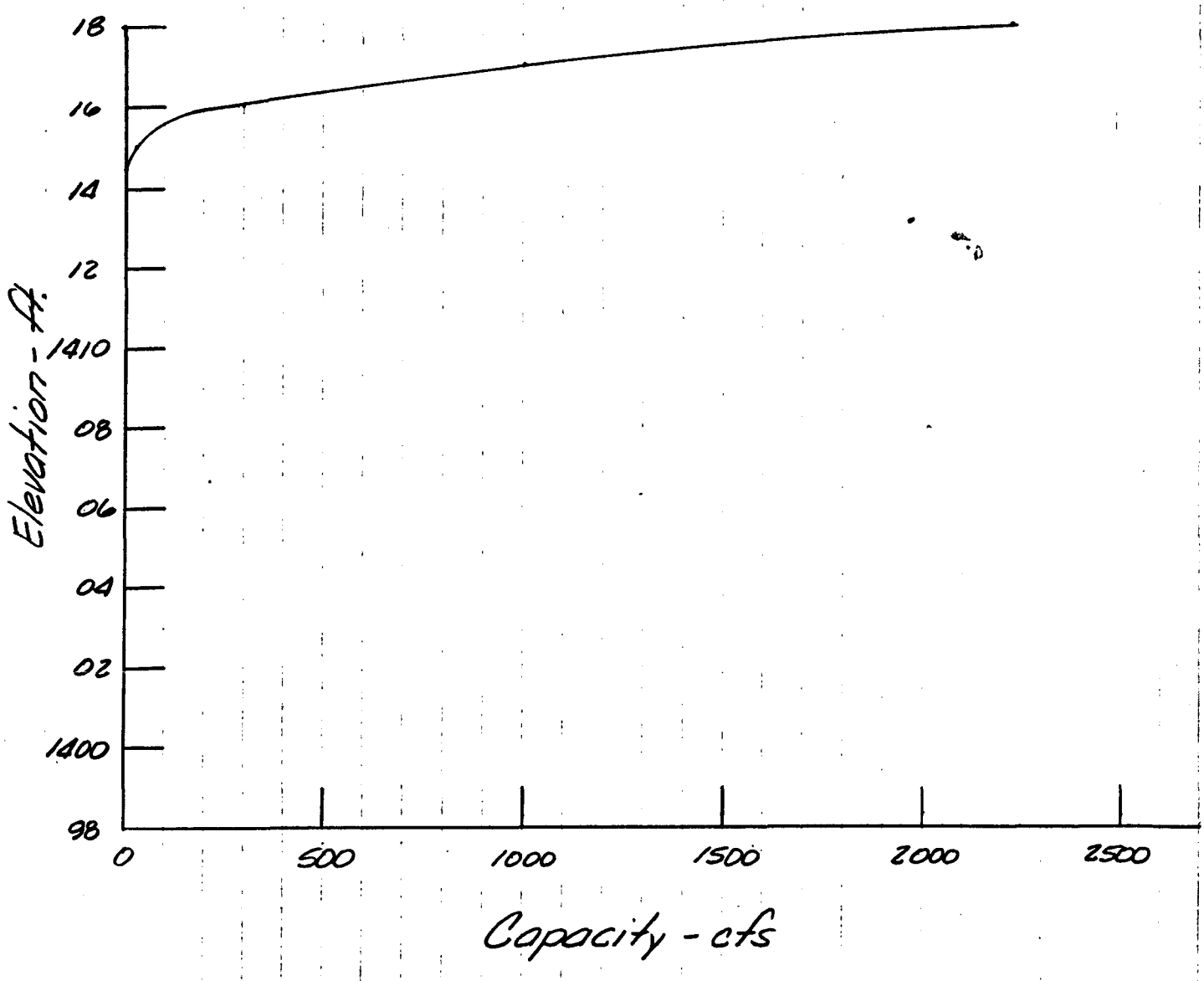


SEP 1988
DIVISION OF
WATER RIGHTS
Pierre, SD

Aason Engineering Company

1311 Ninth Avenue S.W. West Hwy. 212
Watertown, South Dakota 57201
Telephone: 882-2371

PROJECT Rating Curve for Emergency Spillway DATE

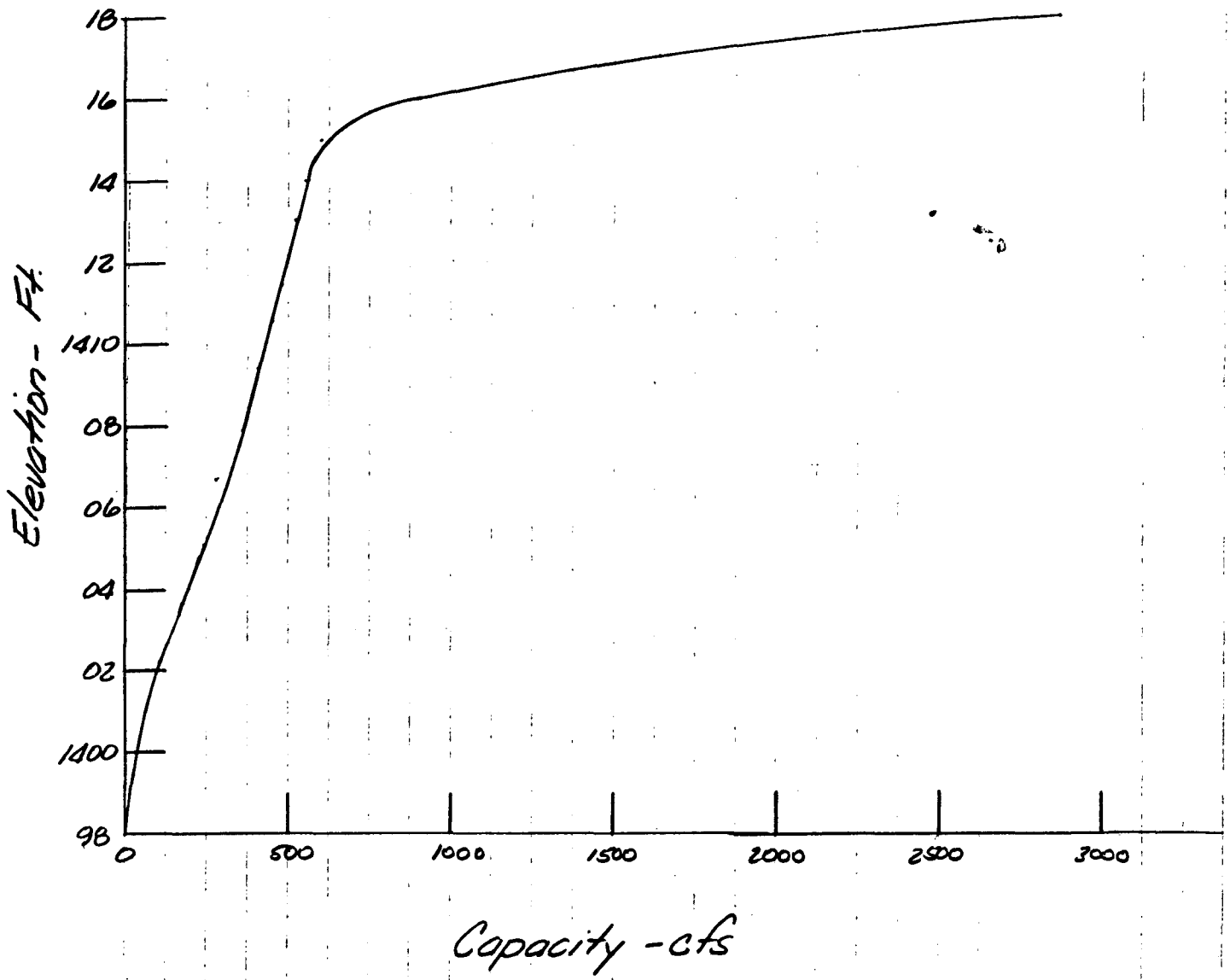


SEP 1988
DIVISION OF
WATER RIGHTS
Pierre, SD

Aason Engineering Company

1311 Ninth Avenue S.W. West Hwy. 212
Watertown, South Dakota 57201
Telephone: 882-2371

PROJECT Rating Curve for both Spillways DATE



SEP 1998
DAVISON CO.
WATER RIGHTS
Pierre, SD

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 15, 1988

Leo Hallen, President
Iroquois Lake Association
Box 104
Iroquois, SD 57353

Dear Mr. Hallen:

We have reviewed the plans and specifications for the Lake Iroquois Restoration Project. The plans and specifications as submitted are approved.

Our review was to determine compliance with the minimum spillway design flood requirements as specified by Water Management Board Rules Chapter 74:02:08 Safety of Dams. Approval applies only to the portion of the plans and specifications that could result in uncontrolled release of water from Lake Iroquois Dam. Approval of these plans and specifications does not release the owner of Lake Iroquois Dam from the responsibility for operating and maintaining the dam in good repair to assure the safety of the dam.

If you have any questions, please contact us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division

cc: Rodney DeJong, Asson Engineering Company
Richard Beringson, Department of Game, Fish & Parks

CELEBRATE THE CENTURY
1889 · 1989
South Dakota

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

October 20, 1988

Leo Hallan
Box 104
Iroquois SD 57353

Dear Mr. Hallan:

This letter is in response to our phone conversation on June 14, 1988 regarding transfer of Application No. 5187-3 to the Department of Game, Fish and Parks.

On October 19, 1988, an application for a water permit was received from the Department of Game, Fish and Parks for the Iroquois Lake project. Therefore, the $150.00 application fee will be refunded to the Iroquois Lake Association. Please allow 2 to 3 weeks for processing of the refund.

Please contact me if you have any questions.

Sincerely,

Ron Duvall

Ron Duvall
Natural Resources Engineer
605 773-3352

CELEBRATE THE CENTURY
1889 · 1989
South Dakota

Report on Application No. 5187-3
SD Department of Game, Fish, and Parks
October 25, 1988

Water Permit Application No. 5187-3 was submitted by the SD Department of Game, Fish, and Parks to impound 93 acre-feet of water through the restoration of Iroquois Lake Dam. The dam site is located on a tributary of South Fork of Pearl Creek in the NW 1/4, Section 8, T110N-R58W. Water is to be stored to an approximate spillway elevation of 1408.0 feet mean sea level (msl). The stored water will be used for recreational purposes and to provide habitat for fish and wildlife production.

Background

Iroquois Lake Dam was an artificial lake built by the Works Progress Administration in 1936. The lake lies almost entirely within the NW 1/4 of Section 8, T110N-R58W. This quarter section is owned by the South Dakota Department of Game, Fish and Parks and the Department also maintained the dam. Overflow in the spring of 1972 undermined the open concrete spillway and seriously damaged it (WRD Dam Files, 1988). Later that year, the dam was breached (Water Permit Application No. 5187-3, 1988). No renovation of the dam has occurred since the time of the breach.

Water Availability

According to Permit Application No. 5187-3, 93 acre-feet will fill the reservoir to an outlet elevation of approximately 1408 feet msl. The drainage basin above the dam covers approximately 28 square miles. Using the SCS method of estimating annual yield with an isogram number of 2 1/2 and a CN value of 75 (Konechne, 1988), annual runoff totals (in acre-feet) listed below were calculated (Kent, 1971).

Curve Number	Percent Chance Occurrence			
	10	20	50	80
75	3285	1941	687	254

This method is more accurate for areas of 3-4 square miles or less, but the method does give a ballpark figure that the annual runoff will seldom be less than 93 acre-feet. For example, 8 of every 10 years should produce at least 254 acre-feet of runoff. Surface evaporation off the lake would reduce the effectiveness of the runoff for lake storage, but water availability should only be a problem in very dry years.

Existing Water Rights

The only water right in the vicinity of the proposed lake was the South Dakota Department of Game, Fish & Park's (GF&P) Vested Right Claim No. 1856-3 for the original Iroquois Dam (WRD Permit Files, 1988). Because the dam was washed out in 1972 and had not been rebuilt, the Vested Right Claim was cancelled for forfeiture at the October 6, 1988 Water Management Board meeting. GF&P has now requested approval of Application No. 5187-3 for a dam in the same location.

In order to proceed with the dam and reservoir reconstruction, easements from all land owners who may be affected by the flooding of Lake Iroquois must be obtained. The Water Rights Division has no record of complaints against the planned renovation of the dam and lake (WRD Complaint Files, 1988).

Safety of Dams Requirements

The plans and specifications for the proposed dam have been received and approved by the Division of Water Rights pursuant to Safety of Dams Rules Chapter 74:02:08. An inspection of the breached dam location in 1983 by a Water Rights Division engineer revealed that a reconstructed dam would be classified as a small, low hazard category 3 dam (WRD Dam Files, 1988). Specifications sent with the application confirm this rating provided no homes have been placed in the downstream flood zone.

According to the present Dam Safety Rules (74:02:08:07.01), this Category 3 dam would be required to pass a 25 year storm outflow (a 4% chance occurrence in any given year) safely through the spillway structures. A USGS method for estimating flood flows on South Dakota streams produced a peak stream flow of approximately 1000 cubic feet per second (cfs) under a 25 year storm situation (USGS, 1980). The proposed dam could safely pass about 2900 cfs based on spillway rating curves submitted with the application and therefore does meet the South Dakota dam safety regulations.

Conclusions

1. Unappropriated water is available from the watershed. Only in very dry years will there be insufficient runoff to fill the reservoir.

2. The requested annual impoundment of 93 acre-feet of water will not have any adverse effects on existing water rights. The SD Department of Game, Fish & Parks had held Vested Right Claim 1856-3 on the lake, but the dam had not been rebuilt since it was breached in 1972, and this right was recently cancelled because of forfeiture. No other water rights are located in the area.

3. No complaints against past use of the dam have been filed with the Water Rights Division.

4. Easements for lands that will be flooded by rebuilding the dam must be obtained before work can proceed.

5. The proposed dam is a small, Category 3 low hazard dam which does meet the South Dakota Safety of Dams rules for spillway capacity. The plans and specifications required under the dam safety rules have been submitted and approved.

6. This permit application can be approved subject to obtaining the proper easements and the low flow bypass qualification for domestic use.

Thomas M. Brandner

Thomas M. Brandner
Natural Resources Engineer

References

Becker, Lawrence D., 1980, Techniques for Estimating Flood Peaks, Volumes, and Hydrographs on Small Streams in South Dakota, USGS, Prepared in cooperation with SD Dept. of Transportation, US Dept. of Transportation and Federal Highway Administration, Huron, SD.

Kent, Kenneth, 1971, "Estimating Runoff", South Dakota Engineering Field Manual for Conservation Practices, US Dept. of Agriculture, Soil Conservation Service, Huron, SD.

Konechne, Dave, 1988, Personal Conversation, Soil Conservation Service, Federal Bldg., Pierre, SD.

Water Rights Division, 1988, Complaint Files, DWNR, Joe Foss Bldg., Pierre, SD.

Water Rights Division, 1988, Iroquois Lake Dam File, DWNR, Joe Foss Bldg., Pierre, SD.

Water Rights Division, 1988, Permit Files, DWNR, Joe Foss Bldg., Pierre, SD.

Water Rights Division, 1988, SD Safety of Dams Rules, DWNR, Joe Foss Bldg., Pierre, SD.

Water Rights Division, 1988, Water Right Permit Application No. 5187-3, Information on Iroquois Lake Association Permit Application, Iroquois, SD.

SOUTH DAKOTA Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

October 28, 1988

DeSmet News
Box 69
DeSmet SD 57231

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5187-1 to be published twice. Please publish the first notice on or before November 2, 1988 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the Department of Game, Fish and Parks, Anderson Building, 445 E Capitol, Pierre SD.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

----------CUT HERE----------

FIRST TRANSMITTAL NOTICE
No._____

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

Date_____
We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No._____ which was first published in our issue of_____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

_____ _____
Date Newspaper

CELEBRATE THE CENTURY 1889 · 1989 South Dakota

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

October 28, 1988

Huron Daily Plainsman
Box 1278
Huron SD 57350

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5187-1 to be published twice. Please publish the first notice on or before November 2, 1988 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is the Department of Game, Fish and Parks, Anderson Building, 445 E Capitol, Pierre SD.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

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Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

----------CUT HERE----------

FIRST TRANSMITTAL NOTICE
No._____

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

Date_____
We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No._____ which was first published in our issue of_____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

_____ _____
N Newspaper

CELEBRATE THE CENTURY 1889 · 1989 South Dakota

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5187-3, Department of Game, Fish and Parks

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5187-3, Department of Game, Fish and Parks, Anderson Building, 445 E Capitol, Pierre SD.

The Chief Engineer is recommending APPROVAL of Application No. 5187-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. Approval of this permit is subject to the securing of easements to flood land not belonging to the owner prior to construction of the dam.

2. Low 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.

JOHN HATCH, Chief Engineer
October 27, 1988

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

October 28, 1988

NOTE: TO BE SURE OF PUBLICATION ON THE CORRECT DATES, CONTACT THE NEWSPAPERS RIGHT AWAY.

Ron Koth
Department of Game, Fish and Parks
Anderson Building
445 E Capitol
Pierre SD 57501

Dear Mr. Koth:

Application No.5187-3 for a permit to appropriate water for recreational use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your intent to appropriate water has been sent to the Publishers of the DeSmet News, DeSmet SD and the Huron Daily Plainsman, Huron SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspapers to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the papers can eliminate delays. The publishers have been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

CELEBRATE THE CENTURY
1889 · 1989
South Dakota

Instruction to Newspaper - Publish first Notice on or before November 2, 1988 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5187-3 to Appropriate Water

Notice is given that the Department of Game, Fish and Parks, Anderson Building, 445 E Capitol, Pierre SD 57501 has filed an application for a water permit to impound 93 acre-feet by restoring Iroquois Lake Dam. The dam site is located on a tributary on the South Fork of Pearl Creek in the NW 1/4 Section 8-T110N-R58W. Water is to be stored annually to an approximate spillway elevation of 1408.0 feet mean sea level and is to be used for recreational purposes plus to provide habitat for fish and wildlife production.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5187-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room Dakota A, Howard Johnson, 3300 West Russell, Sioux Falls SD on December 7, 1988 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by November 25, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by November 25, 1988.

This application is made pursuant to 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.

Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Kingsbury.

Dale Blegen

of said county being first duly sworn, on oath says that

he is the publisher ~~or~~

of **THE DE SMET NEWS**, a weekly newspaper printed and published in De Smet in said County of Kingsbury and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the Notice of Hearing, a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for two successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

November 9 1988; 19

November 16 1988; 19

19; 19

19; 19

that the full amount of the fee charged for the publication of said notice inures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person; and that no part thereof has been agreed to be paid to any person whomsoever, and that the fees charged for the publication thereof are $ 36.50

Dale Blegen

Subscribed and sworn to before me this 23 day of November A. D., 1988

Notary Public
County of Kingsbury, South Dakota.

MY COMMISSION EXPIRES
APRIL 7, 1993

NOV 1988
DIVISION OF
WATER RIGHTS
Pierre, SD

NOTICE OF HEARING
on Application No. 5187-3 to Appropriate Water

Notice is given that the Department of Game, Fish and Parks, Anderson Building, 445 E Capitol, Pierre SD 57501 has filed an application for a water permit to impound 93 acre-feet by restoring Iroquois Lake Dam. The dam site is located on a tributary on the South Fork of Pearl Creek in the NW 1/4 Section 8-T110N-R58W. Water is to be stored annually to an approximate spillway elevation of 1408.0 feet mean sea level and is to be used for recreational purposes plus to provide habitat for fish and wildlife production.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5187-3 because 1] unappropriated water is available, 2] existing rights will not be unlawfully impaired, 3] it is a beneficial use of water and 4] it is in the public interest. The application will be considered by the Water Management Board in Room Dakota A, Howard Johnson, 3300 West Russell, Sioux Falls SD on December 7, 1988 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1] approve, 2] approve with qualifications, 3] defer or 4] deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by November 25, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 [605-773-3352]". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written re-

quest to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by November 25, 1988.

This application is made pursuant to 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 46-5-19, 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.

11-9-2w-11-16

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

No. 5187-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Beadle)

I, James L. Hein hereby certify that the annexed printed copy of Notice of Intent to Appropriate Water was taken from the Huron Daily Plainsman

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 Huron

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

November 2, 1988

November 9, 1988

James L Hein
(Signature)

Controller
(Title)

November 9, 1988
(Date Signed)

Cost of Printing: $68.00

F.P. 11-2-88 F.P. 11-9-88

NOTICE OF HEARING ON APPLICATION NO. 5187-3 TO APPROPRIATE WATER

Notice is given that the Department of Game, Fish and Parks, Anderson Building, 445 E. Capitol, Pierre, SD 57501 has filed an application for a water permit to impound 93 acre-feet by restoring Iroquois Lake Dam. The dam site is located on a tributary on the South Fork of Pearl Creek in the NW 1/4 Section 8-T110N-R58W. Water is to be stored annually to an approximate spillway elevation of 1408.0 feet mean sea level and is to be used for recreational purposes plus to provide habitat for fish and wildlife production.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5187-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room Dakota A, Howard Johnson, 3300 West Russell, Sioux Falls, SD on December 7, 1988 at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Boards by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by November 25, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre, SD 57501 (605-773-3352)." The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited is not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for a least twenty days upon written request to the Chief Engineer from the applicants or a petitioner. The request for a delay must be received by November 25, 1988.

This application is made pursuant to 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.

6"x2 x 3.40 = 68.00 No. 527 (adv.)

NOV 1988
DIVISION OF WATER RIGHTS
Pierre, SD

WNR-808-7/79
Proof of Publication

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

MAR 10 1989

Dept of Game, Fish & Parks
445 E. Capitol
Pierre, SD 57501

Dear Sirs:

Enclosed is Water Permit No. 5187-3__ as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in Water Permit No. _5187-3_.

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 the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

John Hatch

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

JH: mra

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.

Form 12

Permit No. 5187-3

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 Dept. of Game, Fish and Parks** of **523 E. Capitol Pierre SD 57501** holder of Permit No. **5187-3**, bearing the priority of **October 19, 1988** authorizing the storage of **93** acre-feet of the waters of **the South Fork of Pearl Creek into Iroquois Lake** for **recreation/fish and wildlife habitat** purposes, in **Kingsbury** County.

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

A. Works used to divert the water:

A 930' long 15' wide and 24.5' high dam

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

NA

C. Works used to apply water to beneficial use:

Iroquois Lake

The system is in the following condition **good**. The point of diversion is located **1780' South of the NW corner Section 8-T110N-R58W**. The works are capable of diverting and conveying to the place of use **NA** cu. ft. per second of water and/or storing **93** acre-feet of water which is to be used for **recreation/fish and wildlife habitat**. Water has been put to beneficial use to the maximum extent as follows: NA

comprising a total of **NA** acres of land and the license should be issued for **NA** cfs and/or **93** acre-feet of storage.

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

Exceptions to compliance are:

Date **6-11-92**

Norma C. Job

NORMA C. JOB
Natural Resources Engineer II
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NUMBER 5187-3 **DATE** 6-11-1992

Other permit(s) associated with the project

DIVERSION POINT LEGAL LOCATION: SW 1/4 NW 1/4 Section 8-T110N-R58W

DAM INFORMATION:

a) height to crest 24.5 feet
b) height to primary spillway 14 feet
c) height to secondary spillway 21 feet
d) crest width 15 feet
e) crest length 930 feet
f) spillway length feet
g) spillway width 80 feet
h) approximate storage 93 ac-ft
i) approximate storage to crest 360 ac-ft
j) date constructed

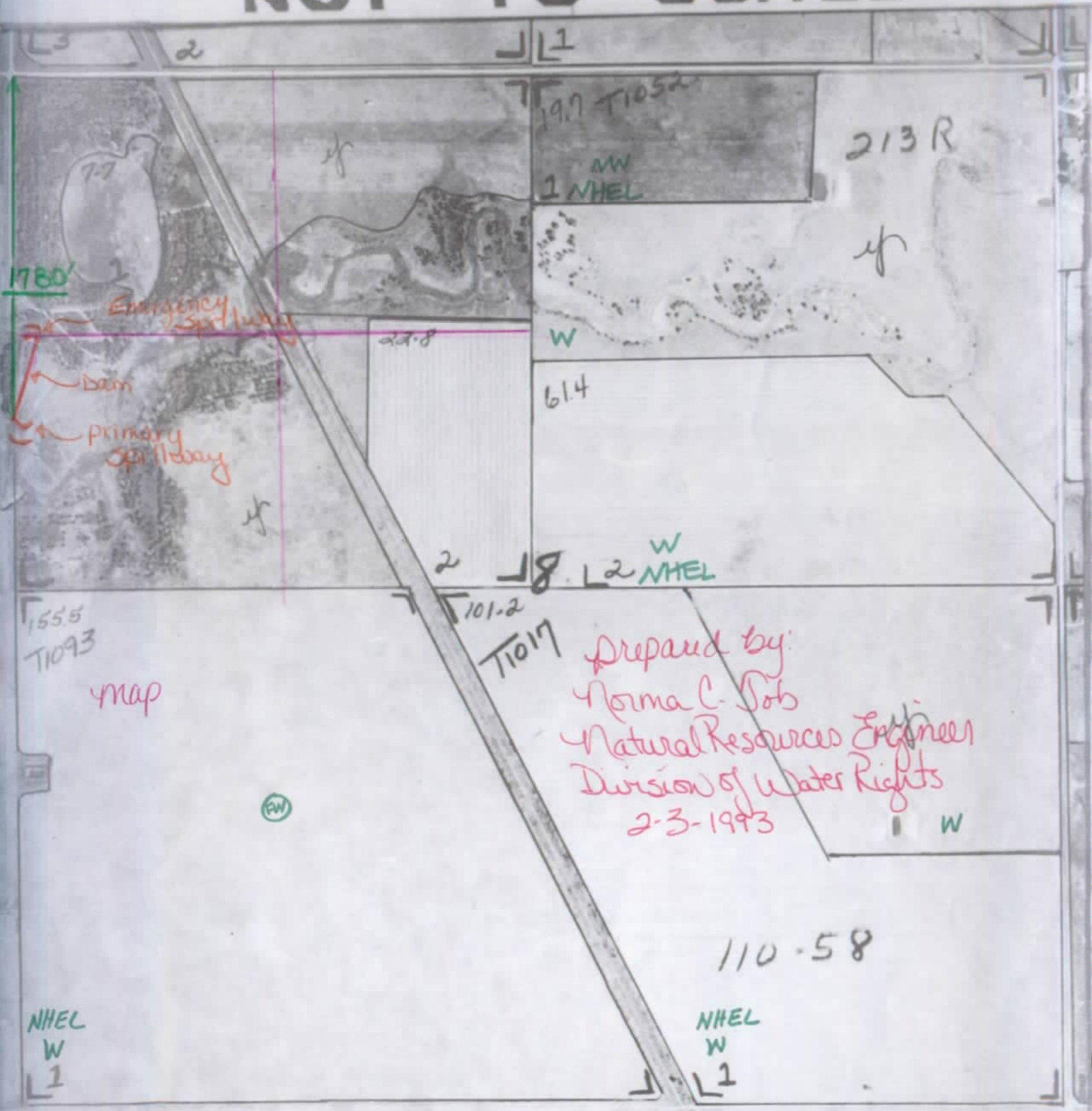
k) outlet tubes: primary spillway
1) diameter 60 inches
2) type concrete
3) valved N (Y/N)
4) valve type
5) location on structure

l) category of dam III (I,II,III)
m) inspection sheet completed Y (Y/N)
n) name of contractor: Aason Engineering Company
1311 Ninth Ave. SW
Watertown SD 57201

PERMIT QUALIFICATIONS AND REGULATIONS:

a) Soil and water permit lands agree with lands being irrigated and lands listed on permit NA (Y/N)
b) Special qualifications to permit being abided by NA (Y/N)
c) All structures, wells and lands on map Y (Y/N)
d) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA (Y/N)

NOT TO SCALE


3
2
1
19.7 T1052
213 R
NW
1 NHEL
7.7
1780'
Emergency Spillway
22.8
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dam
61.4
primary Spillway
2
8
2
W
NHEL
1555
T1093
101.2
T1017
map
Prepared by:
Norma C. Tobs
Natural Resources Engineer
Division of Water Rights
2-3-1993
W
110.58
NHEL
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1

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5187-3

(1) The South Dakota Department of Game, Fish & Parks, of 523 E Capitol, Pierre, SD 57501 made Application No. 5187-3, October 19, 1988 for a water permit to impound 93 acre feet of water annually from a tributary to the South Fork of Pearl Creek, Kingsbury County, South Dakota for recreation and fish & wildlife habitat purposes. Permit No. 5187-3, with a priority date of October 19, 1988 was approved December 8, 1988 and issued to the applicant(s) for diversion of water with construction of the described water supply system to be completed on or before December 8, 1993 and for the application to beneficial use of said water on or before December 8, 1997.

(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 93 acre feet of water annually beneficial use. The location of the diversion point is 1780 feet south of the NW corner Section 8, T110N, R58W. The water is impounded in Iroquois Lake Dam.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The water is to be stored annually to an approximate outlet elevation of 1408.0 feet mean sea level.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the 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. 5187-3 is issued a license to appropriate water, the right to impound 93 acre feet of water annually in Iroquois Lake Dam from a tributary to the South Fork of Pearl Creek with a priority date of October 19, 1988 from the location specified in (2) of this license. The water to be stored in Iroquois Lake Dam for recreation and fish & wildlife habitat purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5187-3 and subject to South Dakota State Law.

John Hatch MAR 12 1993

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

DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

MAR 12 1993

5187-3

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

Dear Sirs:

Enclosed is Water License No. 5187-3. Water License No. 5187-3 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,

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

enclosures