

Considered: 1

WATER PERMIT NO. 5188-3

MAP No. same 303 236-5322

Name of Applicant US Fish + Wildlife Service

Post Office Address PO Box 25486, DFC, Denver CO 80225

Amount of Water Claimed 18 ac-ft Total Acres NA

Source of Water Supply runoff - closed basin

Water to be used for Fish + Wildlife propagation County Marshall

About 20 miles E of Britton.

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received May 8, 1987 Fee \$150⁰⁰ Remarks _____

Corrected Application Received Apr 22, 1988 Period of Annual Use _____

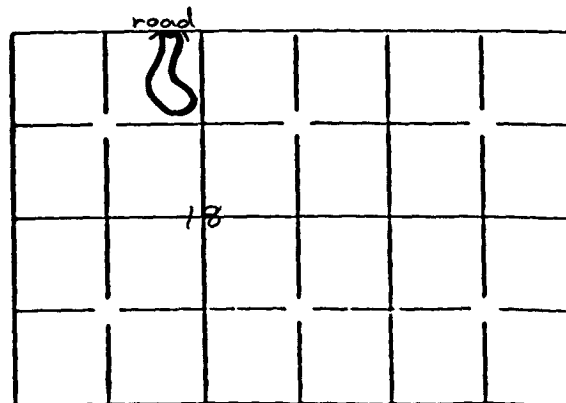
WATER QUALITY APPROVAL RECEIVED NA APPROVED/CONDITIONAL (Circle one)

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

Diversion Point dam: NE 1/4 NW 1/4 section 18 -

T127N - R53W

Land to be Irrigated NA



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well NA REMARKS _____

Type of Map topo PREPARED ^{under supervision of} William A. Godby Reviewed and the Number assigned on May 4, 1988 By Ron Turrell

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

No. 5188-3 Hydrologic Unit 07020001
Map No. same Basin Minnesota-Whetstone
Newspaper Britton Journal, Box 69 (Wed)

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☒
Domestic ☐ (above 18gpm) Other ☒ Fish & Wildlife Propagation

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 United States of America, Dept. of Interior
Fish & Wildlife Service Phone No. (303) 236-5322

Post Office Address P.O. Box 25486, Denver Federal Center, Denver State Colorado 80225
(Street, RR or Box) Zip Code

2. Amount of water claimed (c.f.s) 18 Acre Feet

3. Source of water supply Closed Basin

4. Location of point of diversion NE 1/4 NE 1/4 NW 1/4 Section 18, T127N, R53W

County Marshall

5. Counties where water will be used Marshall

6. Annual period during which water is to be used January 1 thru December 31

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Restoration of previously drained wetland. Specifications not available.

Refuge personnel installed riser with stoplog control structure on culvert under township road.

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

STATE OF COLORADO)
County of Jefferson)ss

I, John L. Spinks, Jr. the applicant, certify that I have read the foregoing application, have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed John L. Spinks, Jr.

Subscribed and sworn to before me this 6th day of May 19 87

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

My Commission Expires Aug. 5, 1989

The Water Management Board hereby approves Water Permit Application No. _____

(Applicant)

(Post Office Address)

(State)

(Zip Code)

With the following qualifications.

Date of first receipt of application _____, 19____.

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

Date of receipt of corrected application _____, 19____. Approved _____, 19____.

The Water Management Board hereby approves this Water Permit No. _____ authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is _____, 19____.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before _____, 19____.
3. The whole of said work is to be completed on or before _____, 19____.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is _____, 19____.
5. The water appropriated shall be used for the purpose of _____

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed _____ cubic feet per second; neither shall it exceed the capacity of the above described water supply system nor shall it exceed the amount of water needed for beneficial uses served and to which water is actually and beneficially applied for _____ on or before _____, 19____; said water to be used during the following described annual period: _____

WATER MANAGEMENT BOARD

By _____
Chief Engineer
Division of Water Rights
Dept. of Water and Natural Resources

_____, 19____

**SOUTH DAKOTA
WATER PERMIT**

Date of first receipt of application May 8, 1987

Date of return to applicant for correction, amendments or changes required May 8, 1987

Date of receipt of corrected application April 22, 1988

The Water Management Board approved Water Permit Application No. 5188-3

on July 27, 1988 for U.S. Fish & Wildlife Service

PO Box 25486, DFC Denver, Colorado 80225
(Street, RR or Box) (City) (State) (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. 5188-3 authorizes an 18 acre-feet impoundment located in the Hofland Waterfowl Production Area in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, T127N, R53W. Water is to be stored annually to an elevation approximately 2 feet below the road surface (dam crest).

2. The water appropriated shall be used for the purpose of restoring a previously drained wetland

and may not exceed the amount of water needed for beneficial use for recreation use, fish & wildlife propagation

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 April 22, 1988

5. One-fifth of the construction is ~~to be completed on or before~~ _____

6. All construction is ~~to be completed on or before~~ _____

7. Water is ~~to be put to beneficial use on or before~~ _____

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

QUALIFICATIONS

WATER MANAGEMENT BOARD

By: *John H. Hatcher*
Chief Engineer

DEC 1 1988

Division of Water Rights
Dept. of Water and Natural Resources

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

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

b) Freeboard 2 feet

c) Crest Width 25 feet

Crest Length 245 feet

d) Height 4 feet

e) Outlet Dimensions:
 Pipe diameter 18" culvert with 24"
 riser and stoplogs
 Spillway width _____

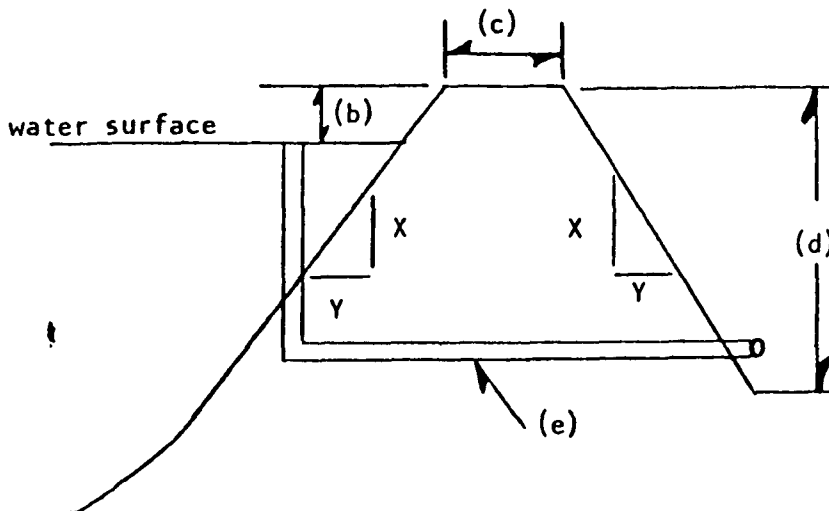
f) X & Y Slope
 Upstream 2:1

Downstream 2:1

Surface Area of Impoundment 7 AF

Storage 18 acre feet

Drainage area above dam 656 acres



Signature of Applicant _____

VEBLEN QUADRANGLE
SOUTH DAKOTA—MARSHALL CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

BM 1856 1849 School No 2 1821 1813

1854 1839 1830 1832

**HOFLAND WPA
BOUNDARY**

**POINT OF
DIVERSION**

1871 1884 1875 1863 1870 1903

T 127 N

1908 1876 1891 1905

R 54 W R 53 W

1892 1919 1892 Hill Lake 1913 1918

1915 1919 20

SCALE 1:24 000

1000 0 1000 2000 3000 4000 5000 6000 7000 FEET

1 5 0 1 KILOMETER

CONTOUR INTERVAL 10 FEET
DATUM IS MEAN SEA LEVEL

**HOF LAND WPA
BOUNDARY**

T 127 N

R 54 W R 53 W

Hill Lake

SCALE 1:24 000

CONTOUR INTERVAL 10 FEET
DATUM IS MEAN SEA LEVEL

I, William A. Godby, Regional Engineer, do hereby certify that this map was prepared under my direction and correctly represents the works for the accompanying application.

William A. Godby
William A. Godby

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
ENGINEERING

HOFLAND WPA
MARSHALL COUNTY, SOUTH DAKOTA

WATER RIGHTS FILING MAP

DESIGNED CW	DRAWN JFG	CHECKED	DATE 5-87	DENVER, COLO.
DRAWING NO. 6R-SD-562-WR-P-11.0				SHEET 1 OF 1

91.35°

TRUE NORTH

MAGNETIC NORTH

APPROXIMATE MEAN DECLINATION, 1958

Appl. No. 5188-3

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411189

Pierre, April 4, 1988

RECEIVED OF U.S. Fish & Wildlife Service, PO Box 25486, Denver, CO 80225

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	150 00

By

Chief Engineer

John Hatch

JOHN HATCH

(MS)



United States Department of the Interior
FISH AND WILDLIFE SERVICE

IN REPLY REFER TO:

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

STREET LOCATION:
134 Union Blvd.
Lakewood, Colorado 80228

BA/EN
WR SD
MAIL STOP 60190

MAY 6 1987



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

Gentlemen:

In 1985, after receiving permission from township officials, the Fish and Wildlife Service replaced an 18-inch culvert under a township road and installed a 24-inch riser and stoplog structure in order to restore previously drained wetlands at the Hofland Waterfowl Production Area in Marshall County. Enclosed please find the following documents pertaining to that project:

1. Form 2, Application for Permit to Appropriate Water
2. Form 2A, Supplemental Information
3. Filing Map No. 6R-SD-562-WR-P-11.0, 1 sheet
4. Government Purchase Order in the amount of \$150 to cover the filing fee.

Please sign the purchase order where indicated and return to this office or send an invoice so that payment can be issued.

Also, please advise us of the name and address of the newspaper selected to publish the Notice of Application so that we can forward the required Advertising Order prior to publication.

If you have any questions or need further information, please contact Cheryl Williss at 303/236-5322.

Sincerely,


JOHN L. SPINKS, JR.
Acting Regional Director

Enclosures

2-19-88

Dear Mr. Duvall:

Pursuant to our telephone conversation of February 19, 1988, enclosed an a second copy of the Government Purchase Order in the amount of \$150 for Hofland Waterfowl Production Area in Marshall County.

If you have any questions or need further information, please contact Linda Coe at 303/236-5321.

Thank you.

Linda Coe

Linda Coe



IN REPLY REFER TO:

United States Department of the Interior
FISH AND WILDLIFE SERVICE

MAILING ADDRESS:

Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225

STREET LOCATION:

134 Union Blvd.
Lakewood, Colorado 80228



BA/EN
WR SD
Mail Stop 60190

JAN 21 1988

Mr. Ron Duvall
South Dakota Department of Water
and Natural Resource Development
Water Rights Division
Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181



Dear Mr. Duvall:

Pursuant to your telephone conversation of January 20, 1988, with Cheryl Williss, enclosed is the Government Purchase Order in the amount of \$150 to cover the filing fee at the Hofland Waterfowl Production Area in Marshall County. This is a certified copy of the original document which was submitted May 6, 1987, but cannot be located for payment.

Please sign the purchase order where indicated and return to this office or send an invoice so that payment can be issued.

If you have any questions or need further information, please contact Cheryl Williss at 303/236-5321.

Sincerely,

William A. Godby
Regional Engineer

Enclosure



Department of Water & Natural Resources

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

April 11, 1988

John W. Koerner, Refuge Manager
Waubay National Wildlife Refuge
RR 1, Box 79
Waubay SD 57273-9736

Dear Mr. Koerner:

This letter is in response to the water permit application for the Hofland Waterfowl Production Area. The application fee was received on April 4, 1988; however, two additional items are needed to complete the application.

- 1) The enclosed map needs to be signed by one of the following persons according to General Rules Section 74:02:01:07 -- a) South Dakota Licensed Land Surveyor, b) South Dakota registered professional engineer or c) government employee that regularly prepares such maps as part of his or her employment. The plans and specifications submitted by Ducks Unlimited have complied with this rule in the past, but no plans have been completed for this application.
- 2) Parts of the enclosed Form 2A have not been completed. The items that need to be completed are Nos. 3c, 3d and 3f.

The application can be scheduled for a hearing before the Water Management Board in July if the above information is received by the end May. Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

NAME OF PERSON OR FILE: Cheryl Williss, US Fish & Wildlife Service

DATE: April 18, 1988 TELEPHONE

RE: Status of Application No. 5188-3

Ms. Williss contacted me via phone regarding my letter dated April 11, 1988 to John W. Koerner. Ms Williss informed me of the dimensions of the crest width, crest length, height and side slopes of the embankment. No outlet elevation has been determined.

NAME: Don Duvall



United States Department of the Interior
FISH AND WILDLIFE SERVICE



IN REPLY REFER TO:

BA/EN
WR SD
Mail Stop 60190

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

STREET LOCATION:
134 Union Blvd.
Lakewood, Colorado 80228

APR 19 1988

Mr. Ron Duvall
South Dakota Department of Water
and Natural Resource Development
Water Rights Division
Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181



Dear Mr. Duvall:

In response to your letter of April 11, 1988, to John Koerner, Waubay Refuge Manager, enclosed is a signed map for the Hofland Waterfowl Production Area in Marshall County. The items requested to complete Form 2A were provided by Cheryl Williss during your telephone conversation on April 18, 1988.

If you have any questions or need further information, please contact Cheryl at 303/236-5321.

Sincerely,

William A. Godby
Regional Engineer

Enclosure

cc: Waubay NWR (64590)

Conversation or File Documentation

NAME OF PERSON OR FILE: US Fish & Wildlife ServiceADDRESS: Denver CO COUNTY MarshallDATE: May 4, 1988 TELEPHONE _____RE: Status of Application fee for Hoiland WPA

COMMENTS:

I returned the government purchase order attached to the application on the same day (5/8/87) that the application was received. The application fee was not received. On January 20, 1988 during a phone conversation with Cheryl Willis, I mentioned that no fee had been received for the application. A second purchase order was received on January 25, 1988 and was also returned. No fee was received. On February 19, 1988, Linda Coe sent a third purchase order in response to our phone conversation. The fee was received on April 4, 1988

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.

Report on Application No. 5188-3
U.S. Fish and Wildlife Service
June 6, 1988

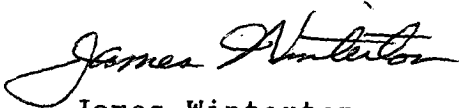
Application No. 5188-3 for the U.S. Fish and Wildlife Service proposes to appropriate 18 acre feet of water for an existing impoundment located in the Hofland Waterfowl Production Area. The water is impounded by a township road in the NE1/4 of section 18, T127N, R53W by means of a stoplog control structure on the culvert through the road. Water is to be stored annually at an elevation approximately 2 feet below the road surface. The water is to be used for recreational purposes and to provide habitat for waterfowl and wildlife production.

The project will restore a previously drained wetland. The structure will consist of a crest width of 25 feet, crest length of 245 feet and a maximum height of 4 feet. The outlet will be a 18 inch culvert with a 24 inch riser and stoplogs. The surface area of the impoundment will be 7 acres. The drainage area above the structure is 656 acres. The drainage area consists mostly of potholes and sloughs above the impoundment which would provide limited runoff.

Conclusions:

There are no water rights in the area which would be adversely affected by this project. On a limited basis, water is available to meet the needs of this application .

It is recommended that Application No. 5188-3 be approved with no qualifications.



James Winterton
Natural Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5188-3, U.S. Fish & Wildlife Service

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5188-3, U.S. Fish and Wildlife Service, PO Box 25486, DFC, Denver CO.

The Chief Engineer is recommending APPROVAL of Application No. 5188-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
June 7, 1988

Instruction to Newspaper - Publish first Notice on or before June 15, 1988
with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5188-3 to Appropriate Water
and/or to Amend Water Permit or Water Right No. _____

Notice is given that the U.S. Fish and Wildlife Service,
P.O. Box 25486, DFC, Denver, Colorado 80225 has filed an application for a water permit
for an existing 18 acre-foot impoundment located in the Hofland Waterfowl Production Area.
The water is impounded by a township road in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18-T127N-R53W by means of
a stoplog control structure on the culvert through the road. Water is to be stored annually
at an elevation approximately 2 feet below the road surface. The water is to be used for
recreational purposes and to provide habitat for waterfowl and wildlife production.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends
APPROVAL of Application No. 5188-3 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 216, Joe Foss Building, 523 E. Capitol, Pierre SD on
July 27, 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 July 15, 1988.
The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol,
Pierre SD (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
July 15, 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; (ground) ~~46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14;~~
(future use) ~~46-5-38 thru 46-5-40; (transfer lands) 46-5-33 thru 46-5-35; (10,000 AF)~~
~~46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use)~~
~~74:02:01:24 thru 74:02:01:25; (10,000 AF) 74:02:01:15:02 thru 74:02:01:15:05.~~

No. 5188-3

PROOF OF PUBLICATION

2T(June 15-22)

STATE OF SOUTH DAKOTA)
County Marshall) ss.

NOTICE OF HEARING
On Application No. 5188-3
To Appropriate Water

I, Charles L Card hereby

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

Water was taken from the Britton Journal

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

City of Britton

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

June 15, 1988
June 22, 1988

Charles L Card
(Signature)

Publisher
(Title)

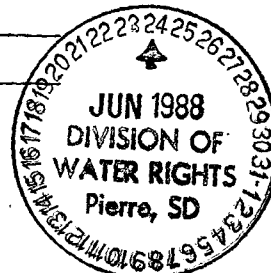
June 22, 1988
(Date Signed)

Cost of Printing: \$35.93

Notice is given that the U. S. Fish and Wildlife Service, P. O. Box 25486, DFC, Denver, Colorado 80225 has filed an application for a water permit for an existing 18 acre-foot impoundment located in the Hofland Waterfowl Production Area. The water is impounded by a township road in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18-T127N-R53W by means of a stoplog control structure on the culvert through the road. Water is to be stored annually at an elevation approximately 2 feet below the road surface. The water is to be used for recreational purposes and to provide habitat for waterfowl and wildlife production.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5188-3 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 216, Joe Foss Building, 523 E. Capitol, Pierre, SD on July 27, 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 July 15, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD (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 July 15, 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.



Department of Water & Natural Resources

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

DEC 1 1988

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

Dear Sir:

Enclosed is your Water Permit No. 5188-3 as approved by the Water Management Board authorizing construction of the water system and the application of water to beneficial use, not exceeding the limits as specified in the Water Permit.

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

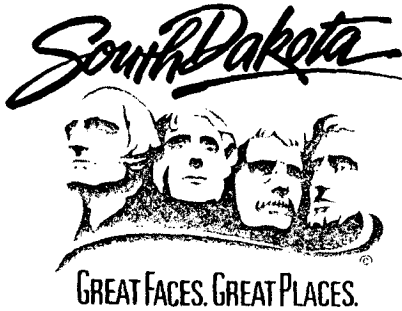
Very truly yours,

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

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

JH:ms

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 18, 1991

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

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

Dear Ms. Williss:

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

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

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

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

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



United States Department of the Interior
FISH AND WILDLIFE SERVICE



IN REPLY REFER TO:

BA/EN
WR SD
Mail Stop 60190

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

STREET LOCATION:
134 Union Blvd.
Lakewood, Colorado 80228



JUL 26 1991

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

Dear Ms. McMath:

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

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

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

Sincerely,

William A. Godby
Regional Engineer

Enclosure

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412770

Pierre, _____ August 1, 19 91

RECEIVED OF U.S. Dept of Interior, Fish & Wildlife Serv, PO Box 25486, Denver, CO 80225

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5188-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By

John Hatch, PE
Chief Engineer

Permit No. 5188-3

Minnesota/Whetstone Water District

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

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

I have this day made a thorough examination of the water use system constructed by US Fish and Wildlife Service of Denver, CO holder of Permit No. 5188-3, bearing the priority of 4/22/1991 authorizing the diversion of 0 cu. ft. per second and/or the storage of 18 acre-feet of the waters of surface water for recreation use and fish and wildlife propagation purposes, in Marshall County.

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

A. Works used to divert the water:

One dam located in the NE1/4 NW1/4 Section 18-T127N-R53W capable of impounding 18 ac-ft.

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

C. Works used to apply water to beneficial use:

The system is in the following condition good. The point of diversion is located NE1/4 NW1/4 Section 18-T127N-R53W. The works are capable of diverting and conveying to the place of use 0 cu. ft. per second of water and/or storing 18 acre-feet of water which is to be used for recreation and fish and wildlife propagation. Water has been put to beneficial use to the maximum extent as follows:

comprising a total of 0 acres of land and the license should be issued for 0 cfs and/or 18 acre-feet of storage.

Application permit qualifications have been complied with ☒ Yes ☐ No

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



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

LICENSE FOR PERMIT NUMBER 5188-3

1. Legal location of wells:

Dams and Structures NE1/4 NW1/4 Section 18-T127N-R53W

2. Well Information: Well Drilling Firm

Completion Report? Yes No No. of Wells Depth(s) feet

Casing a) diameter inches Screen a) type
b) length feet b) length feet
c) type Static Water Level feet

Pump a) make Motor a) make
b) model b) model no.
c) size c) horsepower rating
d) capacity GPM d) serial no.
e) turbine pump - no. of stages
f) operating PSI

3. Distribution lines or canals

a) size inches
b) type
c) length feet

4. Dam Information:

a) height to crest 4 feet m) Outlet tubes:
b) height to primary spillway 2feet 1) diameter 24 inches
c) height to secondary spillway feet 2) type CMP
d) crest width 25feet 3) valved (Y/N) Y
e) crest length 245feet 4) valve type stop log

4. Dam Information Continued:

- f) spillway length feet 5) location on structure:
g) spillway width feet near center
h) approx. storage 18 AC-FT n) Category of Dam 3
i) approx. storage to crest AC-FT
j) date constructed 1987
k) inspection sheet completed? (Y/N)
l) name of contractor US Fish and Wildlife Service

5. System Type a) sideroll:

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

b) towline:

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

c)gun:

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

d) center pivot:

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

e) gated pipe:

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

6) high or low pressure

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

5. System Type Continued:

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

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

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

Yes	No	Check Items
-----	----	-------------

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

REMARKS:

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5188-3

(1) US Fish and Wildlife Service of P.O. Box 25486, Denver Federal Center, Denver, CO 80225 made Application No. 5188-3, May 8, 1987 for a water permit to impound 18 acre feet of water from surface runoff within the Hofland Waterfowl Production Area, Marshall County, South Dakota for recreational use and fish and wildlife propagation purposes. Permit No. 5188-3 with a priority date of April 22, 1988 was approved July 27, 1988 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(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 18 acre feet of water for beneficial use. The location of the impoundment is: in the Hofland Waterfowl Production area in the NE 1/4 NW 1/4, Section 18, T127N, R53W.

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

(4) Pursuant to Section 46-5-30.1 the US Fish & Wildlife Service of P.O. Box 25486, Denver Federal Center, Denver, CO 80225 the holder(s) and/or owner(s) of Water Permit No. 5188-3 is issued a license to impound water, the right to store 18 acre feet of water from surface runoff in an impoundment within the Hofland Waterfowl Production area with a priority date of April 22, 1988 from the location specified in (2) of this license. The water is to be used for recreational purposes and fish & wildlife propagation. This license is subject to any limitations or qualifications listed in Water Permit No. 5188-3 and subject to South Dakota State Law.

 AUG 12 1992
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

AUG 12 1992

5188-3

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

Dear Sirs:

Enclosed is Water License No. 5188-3. This is the final water right document completing your process of obtaining a water right. Enclosed is Receipt No. 412770 in the amount of \$50.00 which you paid for the inspection and issuance of this water license.

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

Very truly yours,

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

enclosures