

Considered: _____

WATER PERMIT NO. 5472-3

Phone: 303 236-5321

Name of Applicant: U.S. Fish & Wildlife Service

Post Office Address: Box 25486, Denver Federal Center, Denver CO 80225

Amount of Water Claimed: 170 ac-feet Total Acres: NA

Source of Water Supply: runoff

Water to be used for: fish & wildlife, livestock water County: Spink

About 2 miles South of Conde

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 9-11-90 Fee: \$225 Remarks waiting for

add'l \$75 fee

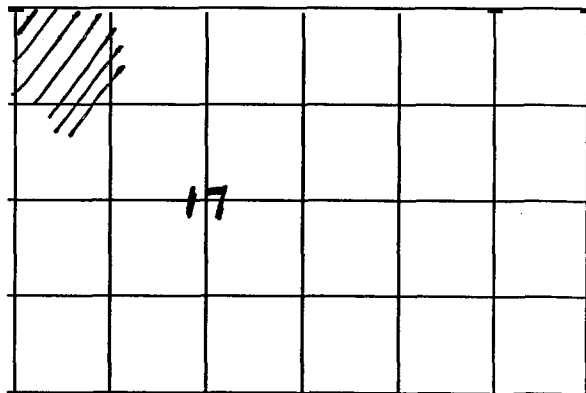
Corrected Application Received 10/4/90 Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Point: NW 1/4 NW 1/4 17-119-60

Land to be Irrigated: NA



Well Log: Driller: NA Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map: topo PREPARED BY: William A Godby Reviewed and the Number

Assigned on 9-17-90 By Karen Schlaak

No. 5472-3 Hydrologic Unit 1016006
Map No. _____ Basin James River
Newspaper Conde News, Box 148 57434 (Thurs)

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 and Wildlife, Stock

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 USA, Fish and Wildlife Service Phone No. 303/236-5321
Post Office Address Box 25486, Den. Fed. Center, Denver State Col. 80225
(Street, RR or Box) Zip Code

2. Amount of water claimed (c.f.s) 60 Ac-Ft storage plus 110 Ac-Ft seasonal use. * 170 ac-ft/annually

3. Source of water supply Local runoff

4. Location of point of diversion ~~XXXX~~ NW 1/4, Section 17, T119N, R60W, 5th PM

County Spink

5. Counties where water will be used Spink

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)
The FWS has a wildlife extension agreement and a perpetual wetlands easement for lands to be flooded. The ditch plug will restore drained marshes.

* Application is for initial storage of 60 AF plus 110 AF seasonal use to offset evapotranspiration and maintain pool elevation at management level. TOTAL 170 AF ANNUALLY.

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~~ COLORADO
County of Jefferson)^{ss}

I, Wilbur N. Ladd, 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 [Signature] ACTING REGIONAL DIRECTOR

Subscribed and sworn to before me this 31st day of August 1990

[Signature]
My Commission Expires Aug 5, 1993
Notary Public for other qualified officers

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: _____

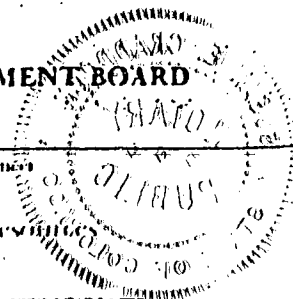
WATER MANAGEMENT BOARD

By: _____

Chief Engineer

Division of Water Rights

Dept. of Water and Natural Resources



**SOUTH DAKOTA
WATER PERMIT No. 5472-3**

Date of first receipt of application September 11, 1990.

Date of return to applicant for corrections, amendments or changes
September 12, 1990.

Date of receipt of corrected application October 4, 1990.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5472-3 to U.S. Fish and Wildlife Service, Box 25486, Denver, CO 80225 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. 5472-3 authorizes impoundment of 170 acre-feet of water in a wetland (60 acre-feet storage capacity) in the Spink County Waterfowl Production Area. The wetland is to be located in the NW1/4 Section 17, T119N, R60W.
2. The water appropriated shall be used for the purpose of fish and wildlife production and livestock watering and may not exceed the amount of water needed for beneficial use for domestic and wildlife propagation purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 5472-3 is February 7, 1991.
5. The date from which applicant may claim right is September 11, 1990.
6. One-fifth of the construction is to be completed on or before August 7, 1993.
7. All construction is to be completed on or before February 7, 1996.
8. Water is to be put to beneficial use on or before February 7, 2000.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

MAR 6 1991

(date)

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

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

2. Dugout Information Estimates

- Surface Dimensions _____ Depth _____
- 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.

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

US Fish and Wildlife Service
Box 25486, Den. Fed. Center
Denver, Co., 80225

b) Freeboard _____ -0-

c) Crest Width _____

Crest Length _____

d) Height _____ Ground Level

e) Outlet Dimensions:
Pipe diameter _____ Not Applicable

Spillway width _____ Not Applicable

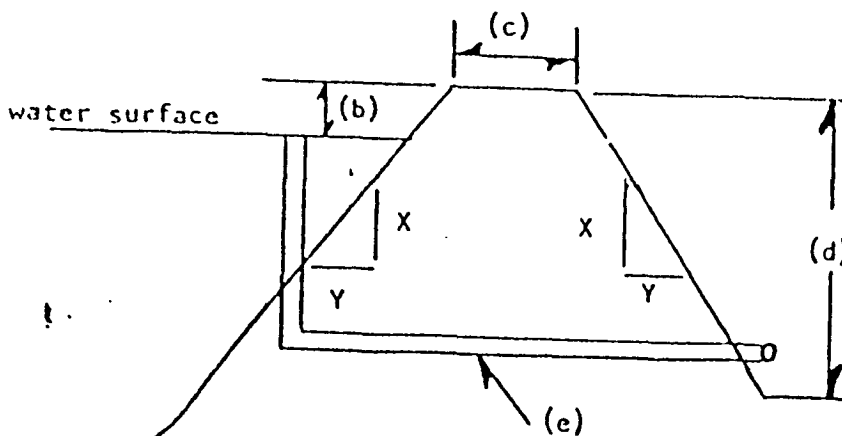
f) X & Y Slope
Upstream _____ Not Applicable

Downstream _____ Not Applicable

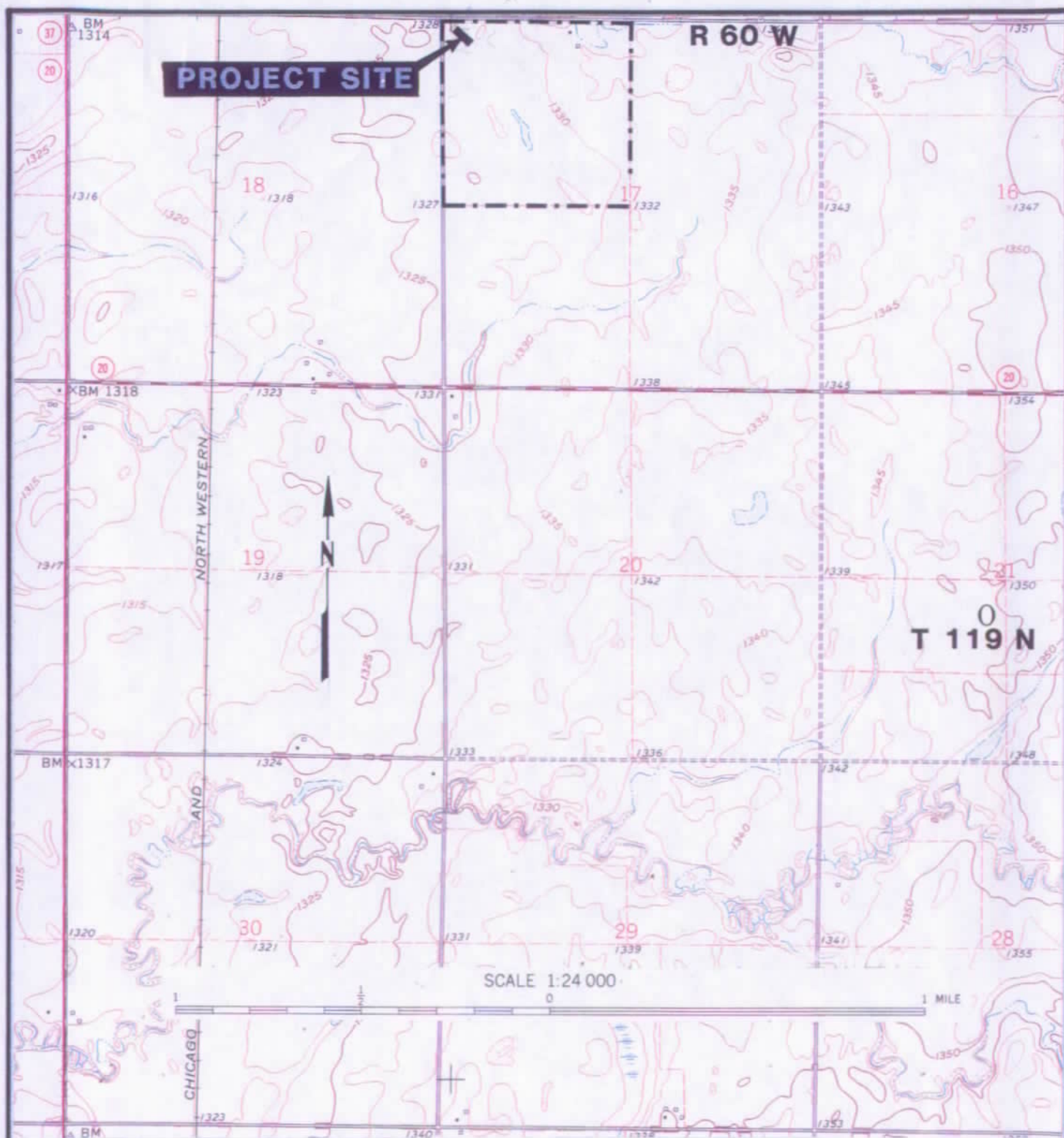
Surface Area of Impoundment _____ 56

Storage _____ 60 _____ acre feet

Drainage area above dam _____ unknown



[Signature]
Signature of Applicant
ACTING REGIONAL DIRECTOR



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

SPINK COUNTY WPA

SPINK COUNTY, SOUTH DAKOTA

WATER RIGHTS FILING MAP

DESIGNED GC	DRAWN MG	CHECKED CW	DATE 8/90	DENVER, COLO.
DRAWING NO. 6R-SD-644-WR-P-19.0				SHEET 1 OF 1

5472-3

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412385

Pierre, October 4, 1990, 19

RECEIVED OF USDI, Fish & Wildlife Service Box 25486, DFC, Denver CO 80225

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____	75	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	75 00

By

John Hatch (msd)
Chief Engineer

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412367

Pierre, September 11, 1990

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

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

Fee for Application for Permit No. 5472-3 to Appropriate Water, to construct works and to put water to beneficial use	150.00
Fee for Application for Permit No. to Appropriate Water for Future Use	
Fee to retain Future Use Permit No. after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No.	
Fee for Filing Transfer Form	
Fee for Filing Extension Request	
Fee for Certified Copy of	
Fee for Print Copy of Map	
Fee for Certifying	
Fee for	
(Any Other Work Provided by Law)	
Total	150.00

By

John Hatch / [Signature]
Chief Engineer



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

AUG 31 1990



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

Gentlemen:

The Fish and Wildlife Service proposes to install a ditch plug to restore wetlands on lands on which it holds a wildlife extension agreement and perpetual wetlands easement in Spink County, South Dakota.

Enclosed are the following documents:

1. Form 2, Application for Permit to Appropriate Water (duplicate);
2. Form 2A, Supplemental Information (duplicate);
3. Filing Map and;
5. Money Order in the amount of \$150.

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

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

Sincerely,

Acting Regional Director
WILBUR N. LADD JR.

Enclosures



Department of Water & Natural Resources

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

September 12, 1990

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

Dear Cheryl:

This letter is in reference to the water permit application submitted by the Fish and Wildlife Service for the Spink County WPA in the NW1/4 Section 17 T119N-R60W. The application filing fee for maximum storage of 170 acre feet of water is \$225. I will retain the \$150 money order sent with the application, please submit the additional \$75 required to proceed with processing this application.

The map submitted with the application shows the area impounded is very near the NW corner of Section 17 T119N-R60W. The application states the location of the point of diversion is the NW1/4 NW1/4 Section 17 T119N-R60W. Is there any possibility the impounded water will overlap in the NE1/4 of Section 18, SE1/4 Section 7, or SW1/4 of Section 8? If so, then the appropriate legal description should be included on the application.

Finally, it appears you used copies of an outdated application form in preparing this application. Enclosed for your future use are a number of Form 2 and 2A.

If you have any questions, please don't hesitate to give me a call.

Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

enc.

Water Rights Division - DWNR
Conversation File Documentation

NAME OF PERSON OR FILE: US Fish & Wildlife Service (Cheryl Willis)

ADDRESS:

COUNTY:

DATE: 9/14/90

TELEPHONE:

RE: Spink WPA Water Permit Application

COMMENTS:

Cheryl Willis called responding to my letter dated September 14, 1990. The water impounded in the wetland will be totally within the NW1/4 NW1/4 of Section 17 and will not overlap into the nearby sections.

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

NAME: Eric Humlund 9/14/90

9/18/90

Called Cheryl Willis because from our phone conversation on 9/14/90 which I interpreted all of the impoundment would be in the NW¹NW⁴ Section 17. ~~Cheryl stated that the water would in NW¹4 of Section~~ This conflicted with the surface water impoundment of 56 acres on Form 2A. Cheryl stated that the water would be in the NW¹4 of Section 17.

Eric Humlund



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



SEP 17 1990

Mr. Eric Gronlund
South Dakota Department of
Water and Natural Resources
523 East Capitol, Foss Building
Pierre, South Dakota 57501-3181

Dear Mr. Gronlund:

In response to your letter dated September 12, 1990, regarding the application to appropriate water in Spink County, this will confirm your telephone conversation of last week with Cheryl Williss. As she indicated, the water will be impounded toward the southeast and will not affect areas outside the Waterfowl Production Area boundary.

Enclosed is a money order in the amount of \$75 to cover the balance of the filing fee.

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

Sincerely,

William A. Godby
Regional Engineer

Enclosure

Report on Water Permit Application No. 5472-3
United States Fish and Wildlife Service
October 9, 1990

Background

Water Permit Application No. 5472-3 requests to appropriate 170 acre-feet of water in a wetland area. The application is for storage of 60 acre-feet plus 110 acre-feet seasonal use to offset evapotranspiration. The wetland is located in the NW1/4 Section 17, T119N-R60W, in Spink County. The wetland will be used to provide habitat for fish and wildlife production and livestock water use.

Discussion

According to the application, there is a wildlife extension agreement and a wetland easement for lands to be flooded. The source of water for flooding of the land is local runoff. The volume of impounded water depends on surface runoff in the area. An annual use of 170 acre-feet of water is requested by the applicant.

Conclusions and Recommendations

1. Flooding of land will be confined to the waterfowl production area in the NW1/4 Section 17, T119N-R60W.
2. Availability of water for the application depends on surface runoff.
3. There are no other water permits in the area that would be adversely affected by this application.



M. RASSOOL AHADI
Natural Resources Engineer II

Approved By:



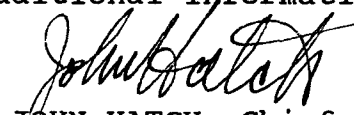
DELVIN D. BROSZ, P.E.
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5472-3, U.S. Fish and 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. 5472-3, U.S. Fish and Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO.

The Chief Engineer is recommending APPROVAL of Application No. 5472-3 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 report on application for additional information.


JOHN HATCH, Chief Engineer
October 25, 1990



Department of Water & Natural Resources

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

October 26, 1990

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

Cheryl Williss
U.S. Fish & Wildlife Service
Box 25486, DFC
Denver CO 80225

Dear Ms. Williss:

Water Permit Application No. 5472-3 for fish & wildlife use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Conde News printed at Conde SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also 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 newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has 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,

A handwritten signature in cursive script that reads "Eric Gronlund".

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



Department of Water & Natural Resources

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

October 26, 1990

Conde News
box 148
Conde SD 57434

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5472-3 to be published twice. Please publish the first notice on or before November 8, 1990 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 U.S. Fish & Wildlife Service, Box 25486, Denver Federal Center, Denver CO 80225.

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,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

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

No. _____

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.

Name _____

Newspaper _____



Department of Water & Natural Resources

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

November 8, 1990

Charles Trap
HCR Rt. 2, Box 98A
Turton, SD 57477

Mr. Trap:

Enclosed is the information you requested regarding Water Permit Application No. 5472-3. If you have any additional questions, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Division
605 773-3352

enclosure

Instruction to Newspaper - Publish first Notice on or before November 8, 1990 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5472-3 to Appropriate Water

Notice is given that the U.S. Fish and Wildlife Service, Box 25486, Denver Federal Center, Denver CO 80225 has filed an application for a water permit to impound 170 acre-feet of water in a wetland in the Spink County Waterfowl Production Area. The wetland is to be located in the NW1/4 Section 17-T119N-R60W and will provide habitat for fish & wildlife production and livestock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5472-3 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.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposing the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 26, 1990. 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 the petitioner's legal counsel, if legal counsel is obtained.

The Chief Engineer will act on this application in accordance with the above recommendation and no hearing will be held if the applicant does not contest the Chief Engineer's recommendation and no petition is filed opposing the application. If the applicant contests the recommendation or an interested person opposes the application, then the application will be considered by the Water Management Board. Petitions filed in support of the application will not require the Board to hear the application. The Board may conduct a hearing no sooner than 10:00 am, on December 5, 1990 at the Hilton Inn, Deerfield Room, 445 Mt. Rushmore Road, Rapid City SD and the hearing may be rescheduled for a later date. If the hearing is rescheduled, notice will be given of the time and place. The above hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 26, 1990.

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. This hearing is an adversary proceeding. Any person filing a petition opposing the application and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County Spink) ss.

I, Robert J. Miles

certify that the attached printed Notice was taken
 from the Times-Record

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

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

Nov 1, 1990
Nov 8, 1990

Robert J. Miles
 (Signature)
adv. Mg & Pub.
 (Title)
12th day of Nov, 1990
 (Date Signed)

Cost of Printing: 1st week 13.85
2nd week 11.08
Total 24.93



**NOTICE OF HEARING
 ON APPLICATION NO.
 5472-3
 TO APPROPRIATE
 WATER**

Notice is given that the U. S. Fish and Wildlife Service, Box 25486, Denver Federal Center, Denver, Co. 80225 has filed an application for a water permit to impound 170 acre-feet of water in a wetland in the Spink County Waterfowl Production Area. The wetland is to be located in the NW 1/4 Section 17-T119N-R60W and will provide habitat for fish and wildlife production and livestock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5472-3 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.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposing the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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.
 (Nov. 1 & 8, 1990)

2 paragraphs
 left out

54 L
 8 PT
 13 cm.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

December 21, 1991

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

Cheryl Williss
U.S. Fish & Wildlife Service
Box 25486, DFC
Denver CO 80225

Dear Ms. Willis:

I am writing to advise you that the legal notice of hearing published in the Conde News for Water Permit Application No. 5472-3 was not published correct. Enclosed is a copy of the Proof of Publication form that was submitted by the newspaper. As a result, the legal notice will need to be readvertised. The readvertisement is needed to ensure that the Water Permit is free from legal problems due to inaccurate and incomplete public notice. The information needed to readvertise the notice is being sent to the Publisher of the Conde News printed at Conde SD.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has 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. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before the application can be considered.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

cc: Conde News

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT OF WATER & NATURAL RESOURCES

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

December 31, 1990

Conde News
Box 387
Doland SD 57436

ATTENTION: Legal Department - Water Permit Application

Enclosed is a Notice of Hearing on Application No. 5472-3 to be published twice. Please publish the first notice on or before January 10, 1991 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.

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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

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.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on or before January 10, 1991 with the second publication 7 days later.

NOTICE OF HEARING on Application No. 5472-3 to Appropriate Water

Notice is given that the U. S. Fish and Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80225 has filed an application for a water permit to impound 170 acre-feet of water in a wetland (60 acre-feet storage capacity) in the Spink County Waterfowl Production Area. The wetland is to be located in the NW 1/4 Section 17-T119N-R60W and will provide habitat for fish & wildlife production and livestock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5472-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 28, 1991. 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 the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5472-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for February 7, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the February 7, 1991 hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The February 7, 1991 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by January 28, 1991.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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.

NOTICE OF HEARING
on Application No. 5472 - 3
to Appropriate Water

Notice is given that the U. S. Fish and Wildlife Service, PO Box 25486, Denver Federal Center, Denver, CO. 80225 has filed an application for a water permit to impound 170 acre - feet of water in a wetland (60 acre - feet storage capacity) in the Spink County Waterfowl Production Area. The wetland is to be located in the NW 1/4 Section 17 - T119N - R60W and will provide habitat for fish & wildlife production and livestock watering.

Pursuant to SDCL 46 - 2A - 2, the Chief Engineer recommends APPROVAL of Application No. 5472-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773 - 3352) and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 28, 1991. 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 the petitioner's legal counsel, if legal counsel is obtained.

Affidavit of Publication



STATE OF SOUTH DAKOTA

SS

County of Spink

I, Norbert J. Miles, of said County of Spink and State of South Dakota, being duly sworn, on his oath says: The Conde News is a weekly newspaper of general circulation printed and published in Conde, Spink County and State of South Dakota, by Norbert J. Miles and has been such newspaper during the times hereinafter mentioned; that The Conde News is a legal newspaper and has been in existence for more than one year immediately preceding the first publication herein mentioned, and has more than two hundred bonafide subscribers; that I, the undersigned, am publisher of said newspaper in charge of the advertising thereof, and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed

Notice of Hearing

a printed copy of which is hereto attached, was printed and published in the said

newspaper for *Two* successive issues,

the first publication *Jan 10* 19*91*

the second publication *Jan 17* 19*91*

the third publication 19.....

the fourth publication 19.....

the fifth publication 19.....

the sixth publication 19.....

the seventh publication 19.....

the eighth publication 19.....

the ninth publication 19.....

That \$....., being the full amount of the fee of publication of the annexed notice, insures solely to the benefit of the publisher of said newspaper; that no arrangement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to pay to any other person, whomsoever.

N. Miles

Subscribed and sworn to before me this

day of *Feb* 19*91*

Alyce L. Miles

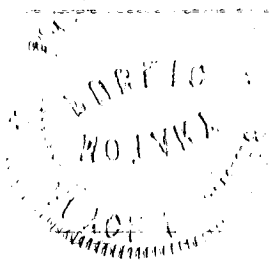
Notary Public, Spink County, South Dakota

For purposes of publishing 1) the notice of hearing on Application No. 5472-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for February 7, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E. Capitol, Pierre, SD. If this application is opposed or the recommendation is contested, the February 7, 1991 hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the

applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The February 7, 1991 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by January 28, 1991.

If a hearing is held 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence and cross-examine witnesses according to SDCL 1 - 26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46 - 1 - 1 thru 46 - 1 - 9, 46 - 1 - 12 thru 46 - 1 - 16; 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. (January 10 and 17, 1991)



South Dakota



GREAT FACES. GREAT PLACES.

MAR 6 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

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

Cheryl Williss
U.S. Fish and Wildlife Service
Denver Federal Center
PO Box 25486
Denver, CO 80225

Dear Ms. Williss:

Enclosed is Water Permit No. 5472-3 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 the Water Permit.

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, Chief Engineer
Water Rights Division
605 773-3352

enclosures

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

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



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

Date APR 10 1991

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

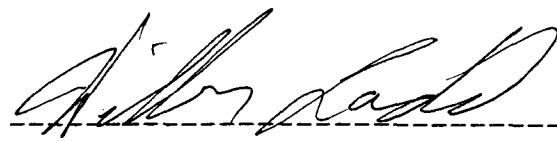
FROM: UNITED STATES OF AMERICA, Fish and Wildlife Service
P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5472-3.

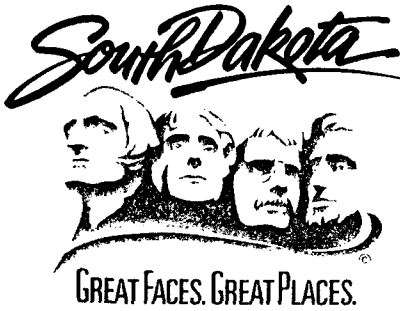
Water Permit No. 5472-3 states that the diversion system is to be constructed by February 7, 1996, and that the water it put to beneficial use by February 7, 2000.

The diversion system was completed on April 2, 1991.
Applying the water to beneficial use was completed on April 2, 1991.

You may schedule an inspection so that the Water License may be issued.


signature REGIONAL DIRECTOR

/s/ WILBUR N. LADD JR.



**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

Permit No. 5472-3

James River Water District

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

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

I have this day made a thorough examination of the water use system constructed by US Fish And Wildlife Service of Denver, CO holder of Permit No. 5472-3, bearing the priority of 9/11/1990 authorizing the diversion of 0 cu. ft. per second and/or the storage and annual use of 170 acre-feet of the waters of surface water for fish and wildlife production and livestock watering purposes, in Spink County.

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

A. Works used to divert the water:

A low level ditch plug located in the NW1/4 NW1/4 of Section 17-T119N-R60W. The ditch plug allows for the storage of 60 ac-ft plus 110 ac-ft of seasonal use to offset evapotranspiration.

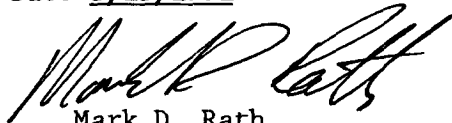
The system is in the following condition good. The point of diversion is located NW1/4 NW1/4 Section 17-T119N-R60W. The works are capable of diverting and conveying to the place of use 0 cu. ft. per second of water and/or storing 60 acre-feet of water plus 110 acre-feet seasonal use for a total of 170 ac-ft annually which is to be used for fish and wildlife production and livestock watering. 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 170 acre-feet of water.

Application permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: none

Date 5/15/1991



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

LICENSE FOR PERMIT NUMBER 5472-3

1. Legal location of wells:

Dams and Structures NW1/4 NW1/4 S17-T119N-R60W

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: Structure is a low level ditch plug

a) height to crest	<u>2</u> feet	m) Outlet tubes:	
b) height to primary spillway	feet	1) diameter	inches
c) height to secondary spillway	feet	2) type	
d) crest width	<u>40</u> feet	3) valved (Y/N)	<u>n</u>
e) crest length	<u>40</u> feet	4) valve type	

4. Dam Information Continued:

- f) spillway length feet 5) location on structure:
g) spillway width feet
h) approx. storage 60 AC-FT n) Category of Dam 3
i) approx. storage to crest 60 AC-FT
j) date constructed April 1991
k) inspection sheet completed? (Y/N)
l) name of contractor

5. System Type a) sideroll:

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

b) towline:

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

c)gun:

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

d) center pivot:

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

e) gated pipe:

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

- 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:

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412772

Pierre, August 1, 1991

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5472-3</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 (EF)
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5472-3

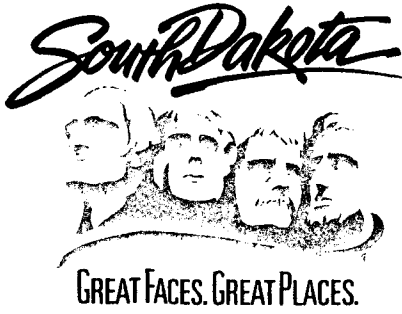
(1) The U.S. Fish & Wildlife Service of Denver Federal Center, P.O. Box 25486, Denver, CO 80225 made Application No. 5472-3, September 11, 1990 for a water permit to store 170 acre feet of water annually from local runoff into a wetland area (60 acre-feet storage capacity), Spink County, South Dakota for domestic and fish and wildlife production purposes. Permit No. 5472-3 with a priority date of September 11, 1990 was approved February 7, 1991 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before February 7, 1996 and for the application to beneficial use of said water on or before February 7, 2000.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to store 170 acre feet of water annually for beneficial use (60 acre feet plus 110 acre feet of seasonal use to offset evapotranspiration). The location of the wetland (within the Spink County Waterfowl Production Area) is: in the NW 1/4 NW 1/4 Section 17, T119N, R60W.

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

(4) Pursuant to Section 46-5-30.1 the U.S. Fish & Wildlife Service of Denver Federal Center, P.O. Box 25486, Denver, CO 80225 the holder(s) and/or owner(s) of Water Permit No. 5472-3 is issued a license for storage of water, the right to store 170 acre feet of water annually from local runoff into a wetland area within the Spink County Waterfowl Production Area with a priority date of September 11, 1990 from the location specified in (2) of this license. The water is to be stored in the wetland area for fish and wildlife propagation and livestock watering purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 5472-3 and subject to South Dakota State Law.

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



SEP 27 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

Dear Sirs:

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

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

Very truly yours,

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

enclosures