

Considered: _____

WATER PERMIT NO. 5500-3 5490-3

Phone: 303-236-5321

Name of Applicant: US Fish & Wildlife Service

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

Amount of Water Claimed: 0.09 cfs 40 gpm Total Acres: NA

Source of Water Supply: groundwater (two wells)

Water to be used for: aquatic contaminant research County: Yankton

About 3 W miles _____ of Yankton

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY _____ Date Received: 11/15/90 ~~12-26-90~~ Fee: \$50.00 Remarks _____

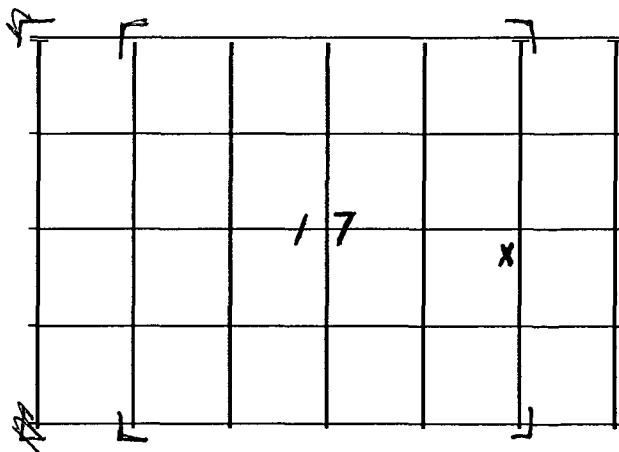
Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Point: NE 1/4 SE 1/4 17-93-56

Land to be Irrigated: _____



Well Log: Driller: Pullman Well Drilling Licensed YES X NO _____

Depth of Well: 45' REMARKS _____

Type of Map: plat PREPARED BY: Steven R. Meyer Reviewed and the Number

Assigned on 12-31-90 By Karen Schlaak

523 E. Capitol
Pierre, SD 57501
(605) 773-3352

No. <u>5490-3</u>	Hydrologic Unit <u>10170101</u>
Map No. _____	Basin <u>Missouri</u>
Newspaper <u>Daily Press & Dakotan</u> ,	PO Box <u>56</u>
<u>Yankton, SD</u>	

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 ☒ Aquatic contaminant research with fish

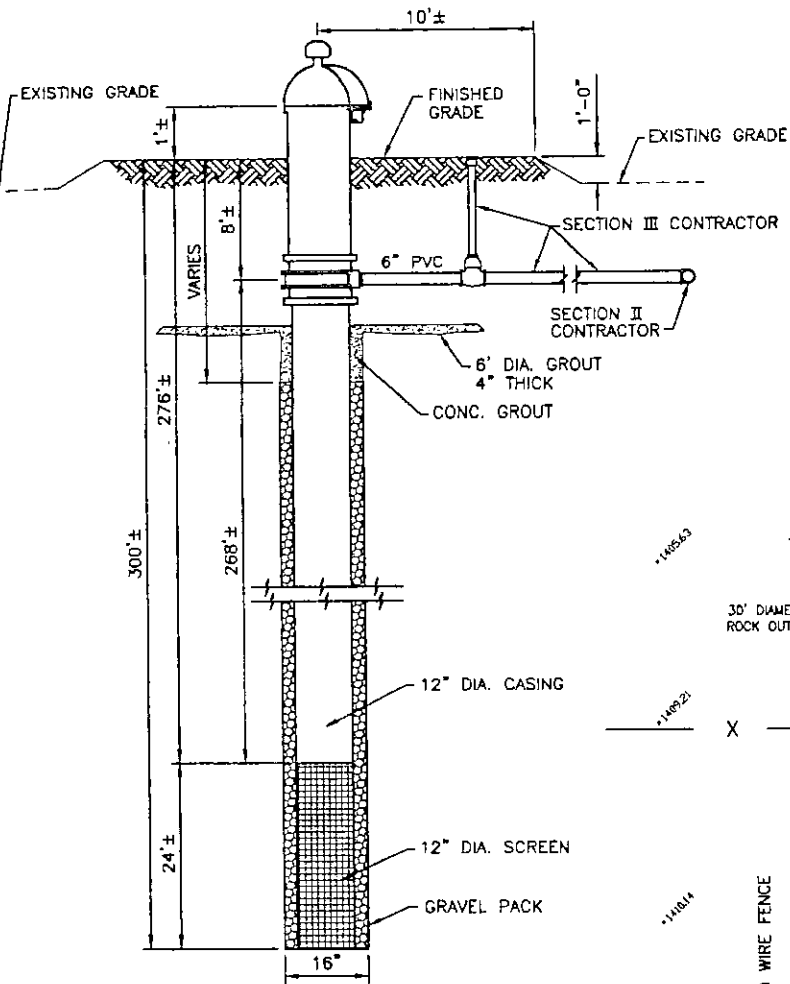
Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____
United States of America1. Name of Applicant Fish and Wildlife Service Phone No. 303/236-5321Post Office Address P.O. Box 25486, Denver Federal Center, Denver State Colorado 80225
(Street, RR or Box) (City) Zip Code2. Amount of water claimed (c.f.s) 0.09 (40 gpm) -- combined total for both wells3. Source of water supply Two wells: (1) east well; (2) west well4. Location of point of diversion See attached map (from well drillers report) NE 1/4Section 17, T93N, R56W) NE 1/4 SE 1/4 Sec 17, T93N, R56WCounty Yankton5. Counties where water will be used Yankton6. Annual period during which water is to be used January 1 to 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)

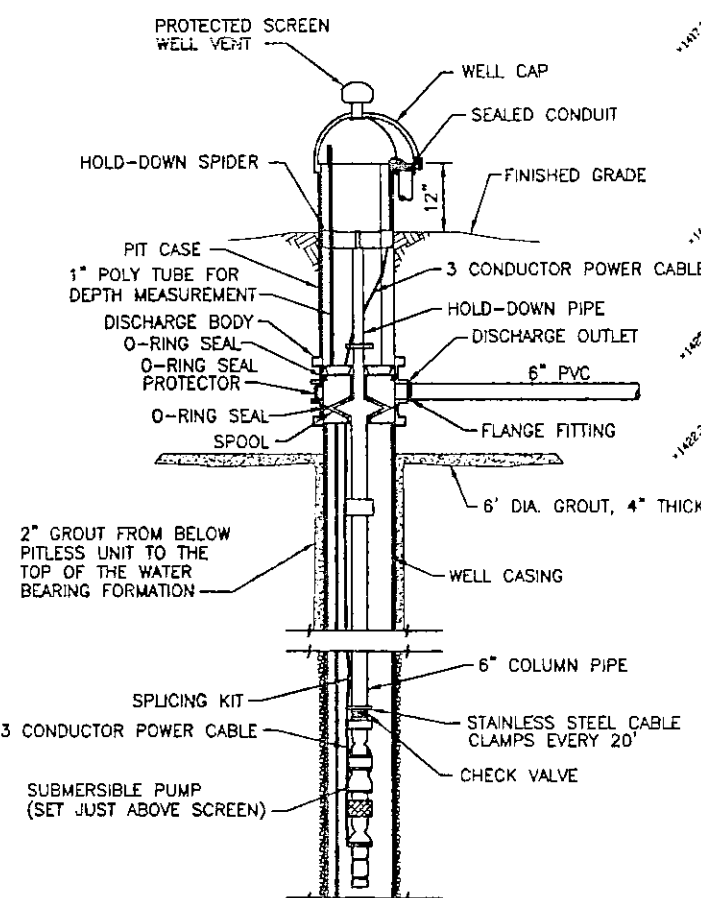
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF ~~SOUTH DAKOTA~~ COLORADO
County of Jefferson ssI, Lynn B. Starnes the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.Signed Lynn B. Starnes
REGIONAL DIRECTORSubscribed and sworn to before me this 17th day of December 1990Susan E. Craddock
Notary Public
My Comm Expires Aug. 5, 1993



WATER SUPPLY WELL (GRAVEL PACKED)

NOT TO SCALE

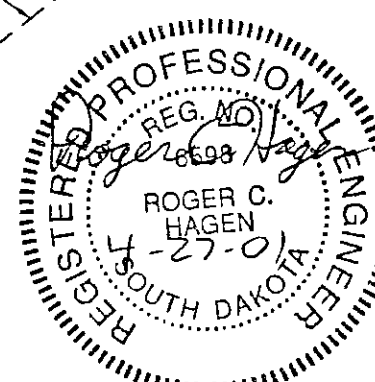
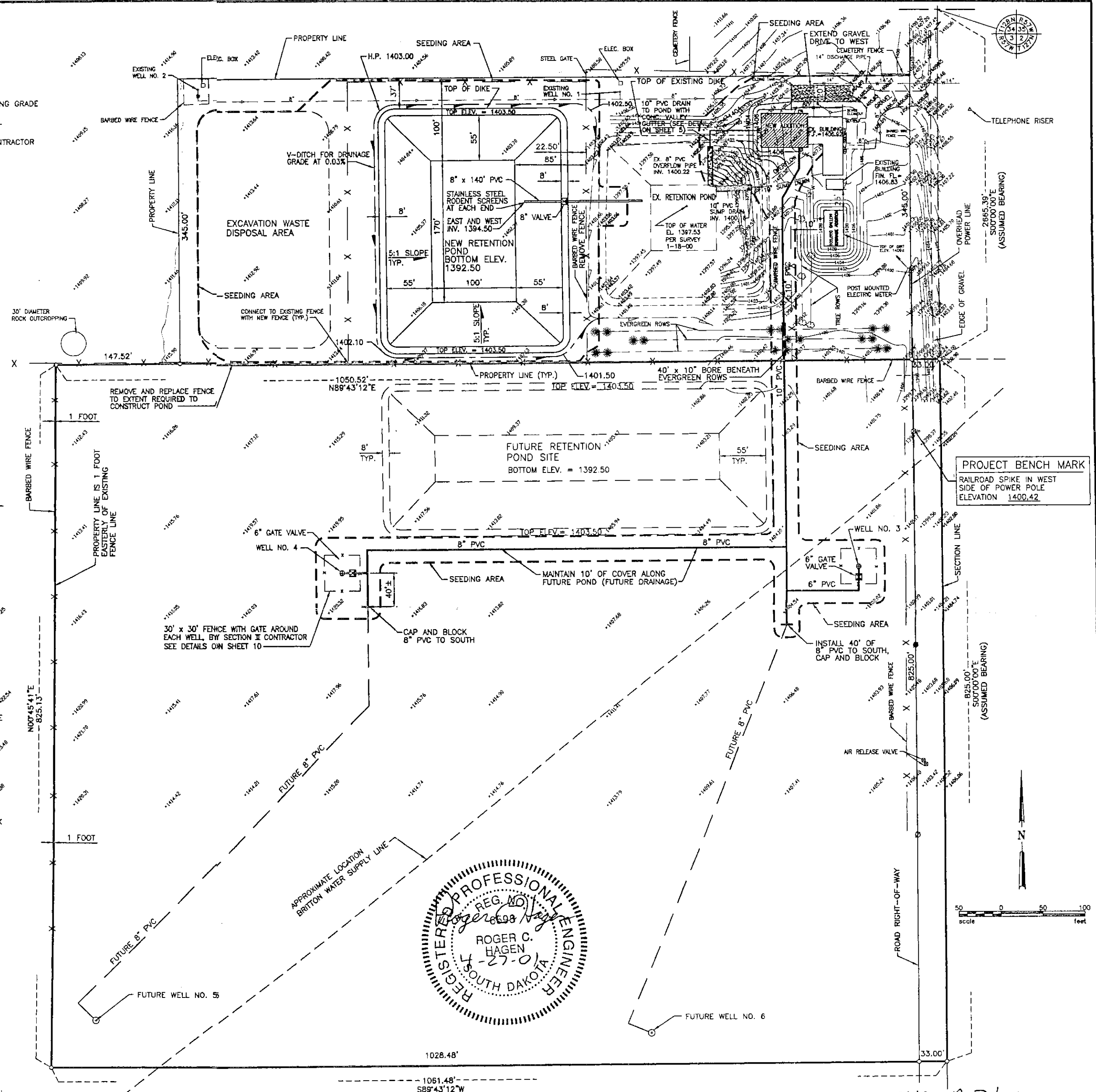


WELL DETAIL

NOT TO SCALE

NOTES:

1. ALL CABLES SHALL BE SUITABLE FOR DIRECT BURIAL. CABLES SHALL BE BURIED TO A MINIMUM DEPTH OF 4 FEET.
2. SEC. II CONTRACTOR SHALL DO FINISH GRADING AROUND EACH WELL SITE.
3. SEC. II CONTRACTOR SHALL BE RESPONSIBLE FOR ELECTRICAL WORK FROM RESERVOIR TO EACH WELL.
4. SEE SITE PLAN AT RIGHT FOR WELL SITE LOCATIONS.
5. SEC. II CONTRACTOR TO INSTALL 8" AND 10" RAW WATER LINE. SEC. III CONTRACTOR TO INSTALL 6" WELL LEADS AND 6" GATE VALVES.



**SE 1/4 OF SECTION 3,
T. 127 N., R. 57 W.**

5490A-3 & 6371-3

WELL FIELD AND RETENTION POND SITE PLAN - RESERVOIR 1
B.D.M. RURAL WATER SYSTEM, INC. - PHASE 2
SECTION II - RESERVOIR AND PUMPING EQUIPMENT
BRITTON, SOUTH DAKOTA

Scale AS SHOWN Drawn by DMR, LEW Checked by RCH, JDF Project No. 1834.012 Date 4-27-01 Sheet 3 of 16

PREPARED BY
HOUSTON ENGINEERING, INC.
P.O. BOX 5054 FARGO, NORTH DAKOTA 58105
PHONE: (701) 237-5065 FAX: (701) 237-5101

No.	Revision	Date	By

**SOUTH DAKOTA
WATER PERMIT No. 5490-3**

Date of first receipt of application November 15, 1990.

Date of return to applicant for corrections, amendments or changes
November 16, 1990.

Date of receipt of corrected application December 26, 1990.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5490-3 to U.S. Fish & Wildlife Service, Denver Federal Center, PO 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. 5490-3 appropriates 40 gallons per minute (0.09 cubic feet of water per second) from two wells (Missouri-Elk Point Aquifer) 65 feet deep located in the NE 1/4 SE 1/4 Section 17-T93N-R56W.
2. The water appropriated shall be used for the purpose of supplying water for research purposes at the Field Research Station and may not exceed the amount of water needed for beneficial use for fish and wildlife propagation.
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. 5490-3 is May 1, 1991.
5. The date from which applicant may claim right is November 15, 1990.
6. One-fifth of the construction is to be completed on or before November 1, 1993.
7. All construction is to be completed on or before May 1, 1996.
8. Water is to be put to beneficial use on or before May 1, 2000.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

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

SEP 4 1991
(date)

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction "For Both East and West Wells"

- a) Drill Hole Diameter 10" Depth 65 feet
- b) Casing Type PVC Diameter 6" Thickness 1/2"
- c) Screen Type manufactured Diameter 6" Thickness 1/2"
- d) Gravel Pack Thickness 4" Length of Gravel Pack 40 feet
- e) Depth to Top of Water Bearing Material approx. 15 feet
- f) Depth to Water (ground surface to water level) 19 feet
- g) Distance to nearest existing domestic well:
- On applicants property 20 feet On property owned by others (unknown) 1/4 - 1/2 mile

2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

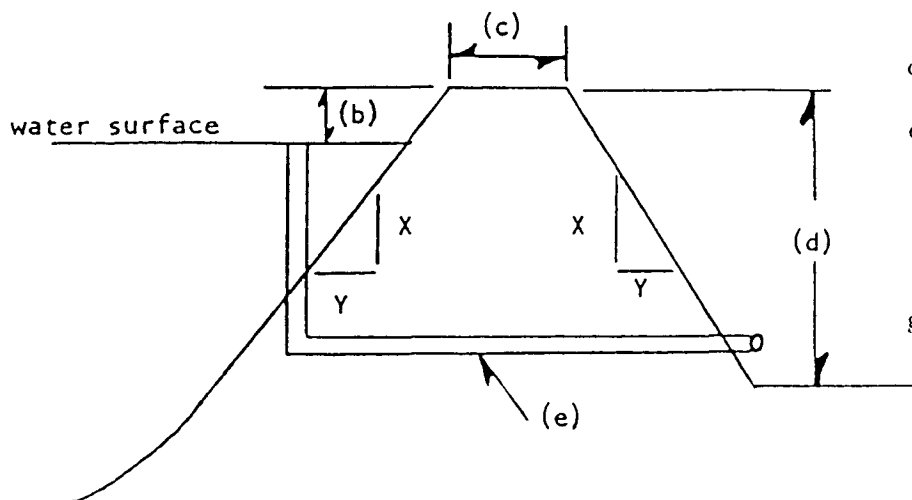
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant Lynn B. Starnes Regional Director

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412472

Pierre, December 26, 19 90

RECEIVED OF U.S. Fish & Wildlife Service, 134 Union Blvd, Lakewood CO 80228

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

Fee for Application for Permit No. <u>5490-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	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	50 00

By John Hatten
Chief Engineer

KS

 **Department of
Water & Natural Resources**

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

February 3, 1988

Columbia National Fishery Research Laboratory
c/o Steven Hamilton
RR 1, Box 295
Yankton SD 57078

X

Dear Mr. Hamilton:

A well drillers report filed with this office by Pullman Well Drilling indicates you have recently completed a new well. The well driller is required by South Dakota Compiled Laws (SDCL 46-6-11) to file a well construction report within 30 days of completion. The purpose of this letter and the enclosed "Summary of South Dakota Water Law and Water Rights Information" are to provide general information and to inform you, the well owner, of the responsibilities you have incurred.

1. If your new well was drilled as a replacement well and if you do not plan to use the old well, the old well is considered abandoned and must be plugged pursuant to SDCL 46-6-27. Other abandoned wells must also be plugged.
2. If the old well is not to be abandoned, or will be used, the well must still be sealed or capped at the surface pursuant to SDCL 46-6-27.

Please feel free to contact us if you have questions, need information or water permit application forms.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

cc: Well Driller

Enclosure

 **Department of
Water & Natural Resources**

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

November 6, 1990

COLUMBIA NAT'L FISHERY RES. LAB
STEVEN HAMILTON
RR1 BOX 295
YANKTON SD 57078

Dear MR. HAMILTON:

A well drillers report filed with this office by PULLMAN WELL DRILLING indicates you have completed a new well. The well driller is required by South Dakota Codified Laws (SDCL 46-6-11) to file a well construction report.

The purpose of the enclosed "Summary of South Dakota Water Law and Water Right Information" is to provide general information regarding what types of water use in South Dakota require obtaining a permit to appropriate water. Based on the type of water use specified on the well driller's report, you probably need a water permit.

I am enclosing application forms and an instruction sheet for preparing a water permit application. The completed application can be submitted with the required fee to the "Water Rights Division, Joe Foss Building, 523 E. Capitol, Pierre, SD 57501". Please respond by 12/7/90.

If you have questions or need assistance contact Regan Fanning, Natural Resource Analyst (605-773-3352).

Very truly yours,

Ron Duvall
Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division

enclosure



United States Department of the Interior

Fish and Wildlife Service

National Fisheries Contaminant Research Center

Route 2

4200 New Haven Road

Columbia, Missouri 65201

TAKE
PRIDE IN
AMERICA

In Reply Refer to:

U.S. Fish and Wildlife Service
National Fisheries Contaminant Research Center
Field Research Station
RR 1 Box 295
Yankton, SD 57078



November 13, 1990

Ron Duvall
SD Department of Water and
Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Dear Mr. Duvall:

Please find enclosed the completed application forms for a water permit for two wells used at our facility. This facility conducts research to evaluate the effects of environmental contaminants on fish in acute and chronic toxicity tests. Water from the East Well is used in five sinks in our chemistry laboratory to wash glassware, in one bathroom, and in a water softener-reverse osmosis-deionizer water treatment system to provide ultrapure water to the chemistry laboratory. Water from the West Well is used in the wet laboratory to culture small numbers of fish used in toxicity tests.

If you have any questions, please call me at (605)665-9217. Otherwise, if the information in the application is acceptable and ready to be processed, please inform me as soon as possible so that I can request a purchase order number from our headquarters in Columbia, MO, to cover the cost of the filing fee.

Steven J. Hamilton

Steven J. Hamilton, Ph.D.
Project Leader

kks
Enclosures



Department of Water & Natural Resources

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

November 16, 1990

U.S. Fish & Wildlife Service
National Fisheries Contaminant Research Center
Steven J Hamilton, Project Leader
RR 1, Box 295
Yankton SD 57078

Dear Mr. Hamilton:

In regard to your water permit application received on November 15, 1990, the following items are needed to process your application.

- 1) The application fee for the amount of water claimed is \$50.00.
- 2) The map submitted with the application is being returned because it must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or buy any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).
- 3) The application is being returned because it needs to be signed by a notary public.

The water permit application can not be considered until the application is complete. Upon receipt of the fee, signed map and notarized application, further processing will continue.

If you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosures



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

DEC 17 1990



Ms. Karen Schlaak
Natural Resources Analyst
South Dakota Department of
Water and Natural Resources
Joe Foss Building, 523 East Capitol
Pierre, South Dakota 57501-3181

Dear Ms. Schlaak:

We have reviewed your letter dated November 16, 1990, to Project Leader Steven J. Hamilton, National Fisheries Contaminant Research Center in Yankton, South Dakota, as well as the returned application and filing map. In compliance with your directions, please find the following enclosed:

- (1) Money Order in the amount of \$50 to cover filing fees.
- (2) Filing Map No. 6R-SD-492-WR-P-21.0. This map was prepared and submitted by field personnel, subsequently reviewed and returned for signature by your office. It is our understanding that with the addition of the required signature, which was obtained from Mr. Steven P. Meyer, District Conservationist, Soil Conservation Service, this map fully meets the state's requirements. We have only amended the map number.
- (3) Completed application, signed by the U. S. Fish and Wildlife Service's authorized representative and duly notarized.

We appreciate your assistance in this matter and hope that this completes the information required so that processing of the application can proceed.

Should you have any questions or require further information, please contact Ginger Chesy of our Engineering Division at (303) 236-5321.

Sincerely,

Regional Director

Enclosures (3)

Conversation or File Documentation

NAME OF PERSON OR FILE: USF&WSADDRESS: _____ COUNTY YanktonDATE: 1/3/91 TELEPHONE (303) 236-5321

RE: _____

COMMENTS:

Talked with Ginger Chesy regarding diversion point location and well depth. The well is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17 T93N R56W and the depth of the well should be 65' feet deep as noted on the well completion report.

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

NAME: Eric Thompson 1/3/91

REPORT ON APPLICATION NO. 5490-3
for US Fish and Wildlife Service
February 20, 1991

Application No. 5490-3 proposes to appropriate 40 gpm (0.09cfs) from two wells approximately 65 feet deep located in the NE 1/4 SE 1/4 of section 17, T93N R56W in Yankton County. The water will be used for research purposes at the National Fisheries Contaminant Research Center, Field Research Station.

AQUIFER - MISSOURI-ELK POINT (M-EP)

The Missouri-Elk Point aquifer is a alluvium mantled outwash which is under water table conditions in this area. The M-EP aquifer underlies 45,000 acres and contains an estimated 675,000 acre feet of recoverable water in Yankton County. The aquifer is hydraulically connected to the much larger Lower James Missouri aquifer to the north and to the Missouri River. The well is located directly below Gavins Point Dam and about 1/8 mile from the Missouri River. The completion report filed with the application indicates sand from 21 feet below land surface to 65 feet below land surface with a static water level of 19 feet below land surface.

The Division of Water Rights does not monitor any observation wells in this immediate area; however, there are seven monitoring completed into the M-EP aquifer in Yankton County. Water level records for these wells indicate a good response to climatic changes, that is, rising water levels during wet years and gradually declining water levels during dry years. The M-EP aquifer is capable of sustaining additional withdrawals (Water Rights, 1991).

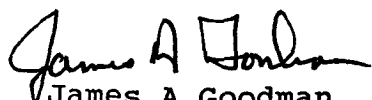
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing Water Permit Nos. 954-3 and 4224-3 issued to US Fish and Wildlife for groundwater in this immediate area. The wells for this application are located immediately adjacent to those diversions. Interference is likely but not expected to be a problem. Drawdowns due to pumping are probably not significant and will not adversely affect water availability from the aquifer.

CONCLUSIONS

1. Water is available from the M-EP Aquifer.
2. The aquifer is under water table conditions and interference is not expected to be a problem.
3. Both wells listed for this application are existing. No completion data is available for the east well. The west well completion report is filed with the application and this well is completed in accordance with SD Well Construction Standards.

4. Any abandoned wells must be plugged in accordance with SD Well Construction Standards.
5. US Fish and Wildlife has an approved treatment system and permits to discharge into Lake Yankton.


James A Goodman

Natural Resources Engineer

BIBLIOGRAPHY

Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD, 57501.

Water Rights, 1991, Observation Well Records for M-EP Aquifer in Yankton County, SD DWR, Div. of Water Rights, Pierre, SD, 57501.

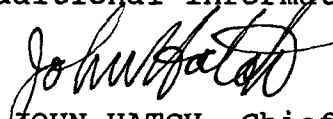
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5490-3, U.S. Fish & Wildlife Service

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. 5490-3, U.S. Fish & Wildlife Service, Denver Federal Center, PO Box 25486, Denver CO.

The Chief Engineer is recommending APPROVAL of Application No. 5490-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) in the public interest with the following qualification:

The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.


JOHN HATCH, Chief Engineer
February 21, 1991



DEPARTMENT OF WATER & NATURAL RESOURCES

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

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

March 21, 1991

Lynn B. Starnes
U.S. Fish & Wildlife Service
Denver Federal Center
PO Box 25486
Denver, CO 80225

Dear Ms. Starnes:

Water Permit Application No.5490-3 for research 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 Daily Press & Dakotan printed at Yankton, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above 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 been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

March 21, 1991

Daily Press & Dakotan
PO Box 56
Yankton, SD 57078

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5490-3 to be published twice. Please publish the first notice on March 27, 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. Please BILL the APPLICANT for the cost of publication. The APPLICANT is U.S. Fish & Wildlife Service, Denver Federal Center, PO Box 25486, 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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund

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 March 27, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5490-3 to Appropriate Water

Notice is given that the U.S. Fish & Wildlife Service, Denver Federal Center, PO Box 25486, Denver CO 80225 has filed an application for a water permit to appropriate 40 gallons per minute from two wells (Missouri-Elk Point Aquifer) 65 feet deep located in the NE 1/4 SE 1/4 Section 17-T93N-R56W. The water will be used for research purposes at the National Fisheries Contaminant Research Center, Field Research Station.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5490-3 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 April 22, 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. 5490-3 and 2) the chief engineer's recommendation, a Board meeting is scheduled for May 1, 1991, at 10:00 am in the meeting room at Chef Louie's, 601 E. Havens, Mitchell, SD. If this application is opposed or the recommendation is contested, the May 1, 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 May 1, 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 April 22, 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Yankton) ss.I, Robert C. Helsleycertify that the attached printed Notice was taken
from the Yankton Press & DakotanA newspaper which during the whole time of publication of
said notice herein after stated, has been and is printed and
published in the cityof YanktonCounty of Yankton and State of South Dakota;
that the said notice was published in said newspaper on the
following two dates:Mar. 27 1991Apr. 3 1991

Robert C. Helsley
(Signature)
Publ. Sec.
(Title)
4/3/91
(Date Signed)

Cost of Printing: 2 days x 8 3/4" @ 3.05 = 53.38

Notice is given that the U.S. Fish & Wildlife Service, Denver Federal Center, PO Box 25486, Denver CO 80225 has filed an application for a water permit to appropriate 40 gallons per minute from two wells (Missouri-Elk Point Aquifer) 65 feet deep located in the NE 1/4 SE 1/4 Section 17-T93N-R56W. The water will be used for research purposes at the National Fisheries Contaminant Research Center, Field Research Station.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5490-3 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 April 22, 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. 5490-3 and 2) the chief engineer's recommendation, a Board meeting is scheduled for May 1, 1991, at 10:00 am in the meeting room at Chief Louie's, 601 E. Havens, Mitchell, SD. If this application is opposed or the recommendation is contested, the May 1, 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 May 1, 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 April 22, 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; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

South Dakota

GREAT FACES. GREAT PLACES.

SEP 4 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

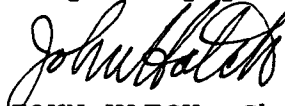
Lynn B. Starnes
U.S. Fish & Wildlife Service
Denver Federal Center
PO Box 25486
Denver, CO 80225

Dear Mr. Starnes:

Enclosed is Water Permit No. 5490-3 authorizing construction of 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.



United States Department of the Interior
FISH AND WILDLIFE SERVICE



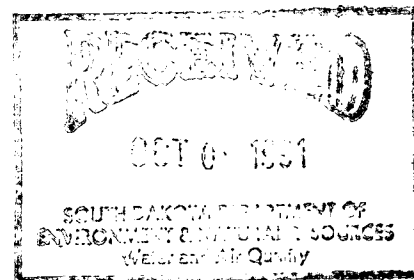
IN REPLY REFER TO:

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

OCT 4 1991



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

Dear Sir or Madam:

The Fish and Wildlife Service holds Conditional Water Permit No. 5490-3 for construction of a water use system at the National Fisheries Contaminant Research Center in Yankton, South Dakota.

Enclosed is the Notice of Completion of Works and Application of Water to Beneficial Use stating that construction was completed and water put to beneficial use. Please place us on your schedule for an inspection so that a Water License can be issued.

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

Sincerely,

Lynn B. Staines

Acting Regional Director



Enclosure



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

Date OCT 04 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, DFC Denver, CO 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. 5490-3.

Water Permit No. 5490-3 states that the diversion system is to be constructed by May 1, 1996, and that the water it put to beneficial use by May 1, 2000.

The diversion system was completed on East well: around 1962*
West well: 1987.
Applying the water to beneficial use was completed on 1978.

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

*East well was transferred from
Gavins Point National Fish
Hatchery, SD, to NFCR-Field
Research Station, Yankton, SD
in 1978

Alvin B. Starnes
signature **Acting** Regional Director



United States Department of the Interior
National Biological Survey
National Fisheries Contaminant Research Center
Field Research Station

IN REPLY REFER TO:

RR 1 Box 295
Yankton, South Dakota 57078-9214
Commercial and FTS No: 605-665-9217 FAX No: 605-665-9335

February 22, 1994

SD Department of Environment and Natural Resources
Water Rights Division
523 East Capitol, Joe Foss Building
Pierre, SD 57501-3181

Re: Converting permits from FWS to NBS

In October 1993 the Yankton FRS became part of the National Biological Survey in the U.S. Department of Interior. Accordingly, on February 9, 1994, I was informed that it was time to notify agencies with which we have permits to notify them of the agency change. The following permit should be amended with the new agency name.

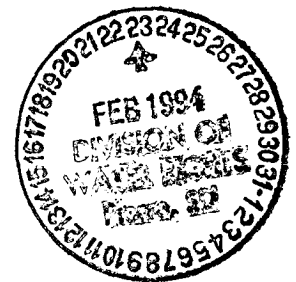
PERMIT NUMBER: Water Permit No. 5490-3

OLD NAME AND ADDRESS:

U.S. Fish and Wildlife Service
National Fisheries Contaminant Research Center
Field Research Station
RR 1 Box 295
Yankton, South Dakota 57078

NEW NAME AND ADDRESS:

National Biological Survey
National Fisheries Contaminant Research Center
Field Research Station
RR 1 Box 295
Yankton, South Dakota 57078



Thank you for your attention to this request.

Steven J. Hamilton
Steven J. Hamilton, PhD
Leader, Yankton FRS

cc: Administrative Officer, NFCR, Columbia, MO
Chief, NFCR Field Research Division
Deputy Chief, NFCR Field Research Division
USFWS, Engineering Center, Denver Federal Center, P.O. Box
25486, Denver, CO 80225



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Mountain-Prairie Region

IN REPLY REFER TO:

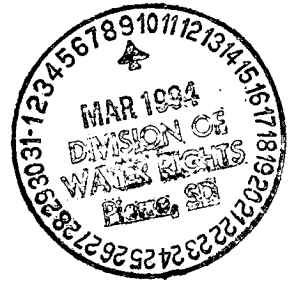
BA EN
WR SD
Mail Stop 60190

MAILING ADDRESS:

Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225

STREET LOCATION:

134 Union Blvd.
Lakewood, Colorado 80228



MAR 01 1994

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

Dear Sir or Madam:

We recently received a copy of a letter dated February 22, directing you to change the name on Water Permit No. 5490-3 from the Fish and Wildlife Service (Service) to the National Biological Survey (NBS). A copy of the letter is enclosed.

Although the Permit is in the name of the United States, the administrative agency name should be changed from the Service to the NBS. However, because the Service will continue to provide administrative support to the NBS until such time as they are fully staffed, please continue to forward all correspondence and notices regarding this Permit to the U.S. Fish and Wildlife Service, Division of Engineering, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

Your assistance in this matter is appreciated and I hope you have not been inconvenienced by these actions.

Sincerely,

William A. Godby
Regional Engineer

Enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 1, 1994

No. 5490-3

Steven J. Hamilton, PhD
National Biological Survey
National Fisheries Contaminant
Research Center
Field Research Station
RR 1, Box 295
Yankton, SD 57078-9214

Dear Mr. Hamilton:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 5490-3. The water permit is currently listed in the name of US Fish & Wildlife Service.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl F. Frost".

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

Is your RETURN ADDRESS completed on the reverse

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address

2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: *5490-3*

Steven J. Hamilton, PhD
National Biological Survey
National Fisheries Contaminant
Research Center
Field Research Station
RR 1, Box 295
Yankton, SD 57078-9214

4a. Article Number

P 318 052 650

4b. Service Type

☐ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

☐ Return Receipt for Merchandise

7. Date of Delivery

5-12-94

5. Signature (Addressee)

K. Lauer

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 11, 1994

SECOND NOTICE
Permit No. 5490-3

Steven J. Hamilton, PhD
National Biological Survey
National Fisheries Contaminant
Research Center
Field Research Station
RR 1, Box 295
Yankton, SD 57078-9214

Dear Mr. Hamilton:

On March 1, 1994, notice was sent to you concerning the transfer of Water Permit No. 5490-3 in the name of US Fish & Wildlife Service. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water permit can then be transferred to your name. If you are not the present owner of the land covered under this water permit, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Ron Duvall".

for RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

5490-3

Steven J. Hamilton, PhD
National Biological Survey
National Fisheries Contaminant
Research Center
Field Research Station
RR 1, Box 295

Yankton, SD 57078-9214

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

P 318 052 672

4b. Service Type

- ☐ Registered ☐ Insured
- ☒ Certified ☐ COD
- ☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

7-15-94 JS

8. Addressee's Address (Only if requested and fee is paid)



July 14, 1994

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

THIRD NOTICE
Water Permit No. 5490-3

Steven J. Hamilton, PhD
National Biological Survey
National Fisheries Contaminant
Research Center
Field Research Station
RR 1, Box 295
Yankton, SD 57078-9214

Dear Mr. Hamilton:

On January 3, 1994, and May 11, 1994, notices were sent to you concerning the transfer of Water Permit No. 5490-3 in the name of US Fish & Wildlife Service. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The water right can then be transferred to your name. If you are not the present owner of the land covered under this water right, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water be filed with this office within ninety days.

Failure to keep records current can mean a delay in receiving a notice or even no receipt of a notice that pertains to the water permit. In some cases, a notice from this office includes an order which could result in up to one year suspension of a permit or other penalty if not complied with.

The Statutes provide that a permit for irrigation remains appurtenant to the land. If there is an ownership change; however, no such assignment (transfer) shall be binding except upon the parties thereto, unless filed for record in this office.

If you have any questions, please contact Genny McMath, (605) 773-3352.

Very truly yours,

RON DUVALL
Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Division

enclosure

RECEIPT

414252

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ August 17 _____, 19 94

RECEIVED OF National Biological Survey, RR 1 Box 295, Yankton, SD 57078-9244

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

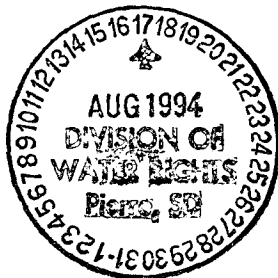
Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Permit No. 5490-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John W. Hatch
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181



No. 5490-3

Date: July 26, 1994

I\We request that Water Permit No. 5490-3

formerly owned by: US Fish & Wildlife Service

be transferred to: National Biological Survey, National Fisheries Contaminant Research Center, Field Research Station,

RR #1 Box 295, Yankton, SD 57078-9214

Title to the following described land(s)/property has been transferred as described above:

location of wells: NE¼ SE¼ Section 17, T93N, R56W

I\We understand that the validity of Water Permit No. 5490-3 has not been determined by this transfer action. If I\We have any questions on validity, I\We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Yankton)

I\We Steven J. Hamilton of the National Biological Survey being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Steven J. Hamilton
(Signed)

Subscribed and sworn to before me this 15th day of September, 19 94

John J. Hughes
(Notary Public)
John J. Hughes, Notary Public
South Dakota
Commission expires 12-3-99

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 23, 1994

No. 5490-3

National Biological Survey
National Fisheries Contaminant
Research Center
Field Research Station
RR 1, Box 295
Yankton, SD 57078-9214

Dear Sirs:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 5490-3.

Our records now show you as the owner of Water Permit No. 5490-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

Permit No. 5490-3
Missouri River - Water District

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

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

I have this day, **July 31, 1995** made a thorough examination of the water use system constructed by **National Biological Survey** of **RR #1 Box 295, Yankton, SD** holder of Permit No. **5490-3** bearing the priority of **November 15, 1990** authorizing the diversion of **0.09** cu. ft. per second of the waters of **groundwater** for **fish and wildlife propagation** purposes, in **Yankton** County.

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

A. Works used to divert the water:

Water is diverted from two wells located 751' S15°W and 737' S10°W respectively form the east 1/4 corner of Sec. 17, T93N-R56W (NE 1/4 SE 1/4 Sec. 17, T93N-R56W). The east well uses a 4 inch, Sta-rite submersible pump (Model No. L70J4-3A); powered by a Franklin electric motor (Model No. P21813 33C). The west well uses a 4-inch, Sta-rite submersible pump (Model No. L70J4-3A); powered by a Sta-Rite electric motor (Model No. M4J035-20)

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

Water is transported through 135 feet of buried 2-inch diameter PVC pipe from the east well to the Research Station. Water is transported through 165 feet of buried 2-inch diameter PVC pipe from the west well to the Research Station.

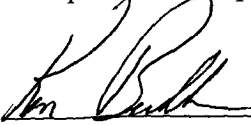
C. Works used to apply water to beneficial use:

Water is used in the Yankton Field Research Station through tanks and aquariums.

The system is in the following condition **good** The point of diversion is located **751' S15°W and 737' S10°W respectively form the east 1/4 corner of Sec. 17, T93N-R56W.** The works are capable of diverting and conveying to the place of use **0.09** cu. ft. per second of water which is to be used for **fish and wildlife propagation** . The license should be issued for **0.09** cfs.

Applicable permit qualifications have been complied with: **yes**

Exceptions to compliance are: **na**



Ken Buhler
Natural Resources Engineer
DENR, Water Rights Program

11/22/95

Date

REPORT ON INSPECTION OF PERMIT NO. 5490-3

DATE OF INSPECTION: 7/31/95

Other permit(s) associated with the project:

DIVERSION POINT LEGAL LOCATION:

West Well: 751' S15°W of the East 1/4 corner of Sec.17, T93N-R56W (NE 1/4 SE 1/4 Sec.17,T93N-R56W)

East Well: 737' S10°W of the East 1/4 corner of Sec.17, T93N-R56W (NE 1/4 SE 1/4 Sec.17,T93N-R56W)

WELL INFORMATION:

WEST WELL

- 1) Well Drilling Firm: Pullman Well Drilling
- 2) No. of Wells one
- 3) Depth(s) 65 feet
- 4) Well log is available yes

EAST WELL

- 1) Well Drilling Firm: Unknown
- 2) No. of Wells one
- 3) Depth(s) approx. 65 feet
- 4) Well log is available no

Casing:

WEST WELL

- 1) Diameter 6 inches
- 2) Length 45 feet
- 3) Type PVC

EAST WELL

- 1) Diameter 6 inches
- 2) Length ? feet
- 3) Type Steel

Screen:

WEST WELL

- 1) Type PVC
- 2) Length 20 feet
- 3) Static water level 19 feet

EAST WELL

- 1) Type ?
- 2) Length ? feet
- 3) Static water level ? feet

Pump:

WEST WELL

- 1) Make Sta-Rite Pump
- 2) Model L70J4-3A
- 3) Size 4"
- 4) Capacity 50 GPM

EAST WELL

- 1) Make Sta-Rite Pump
- 2) Model L70J4-3A
- 3) Size 4"
- 4) Capacity 50 GPM

Motor:

WEST WELL

- 1) Make Sta-Rite
- 2) Model No. M4J035-20
- 3) Serial No. 5K87A
- 4) Horsepower rating 5 hp

EAST WELL

- 1) Make Franklin
- 2) Model No. P21813 33C
- 3) Serial No. B9210-0545
- 4) Horsepower rating 5 hp

DISTRIBUTION LINES OR CANALS:

- A. 1) Type PVC 2) Size 2 inches 3) Length 135 feet
B. 1) Type PVC 2) Size 2 inches 3) Length 165 feet

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by YES
- 2) All structures, wells and lands on map YES
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5490-3

(1) The US Fish & Wildlife Service of Denver, CO made Application No. 5490-3, November 15, 1990 for a water permit to appropriate 0.09 cubic feet of water per second from ground water (two wells), Yankton County, South Dakota for fish and wildlife propagation purposes. Permit No. 5490-3, with a priority date of November 15, 1990 was approved May 1, 1991 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 1, 1996 and for the application to beneficial use of said water on or before May 1, 2000.

The permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on October 4, 1991. The "*Notice*" indicated the east well was constructed around 1962 and the west well was constructed in 1987. The water was applied to beneficial use in 1978.

On August 17, 1994, the permit was transferred to the National Biological Survey, National Fisheries Contaminant Research Center, Field Research Station.

(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 divert 0.09 cubic feet of water per second for beneficial use. The location of the diversion point(s) is 751' S 15°W and 737' S 10°W respectively from the E 1/4 corner of Section 17, T93N, R56W (NE 1/4 SE 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use at the Yankton Field Research Station through tanks and aquariums.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the National Biological Survey, National Fisheries Contaminant Research Center, Field Research Station of RR #1 Box 295, Yankton, SD 57078-9214 the holder and/or owner of Water Permit No. 5490-3 is issued a license to appropriate water, the right to use 0.09 cubic feet of water per second from ground water (two wells) with a priority date of November 15, 1990 from the location specified in (2) of this license. The water is used for the purpose of fish and wildlife propagation. This license is subject to any limitations or qualifications listed in Water Permit No. 5490-3 and subject to South Dakota State Law.



John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 2 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 8, 1996

5490-3

Steven J. Hamilton
National Biological Survey
National Fisheries Contaminant
Research Center
Field Research Station
RR 1, Box 295
Yankton, SD 57078-9214

Dear Mr. Hamilton:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5490-3, has been completed. Your final water right document, the Water License, can now be issued.

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

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

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

RECEIPT

414903

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ April 15, 19 96

RECEIVED OF National Biological Service, RR 1, Box 295, Yankton, SD 57078

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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>5490-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch 
Chief Engineer

To: U.S. Geological Survey / BRD
Columbia Environmental Research Center
~~Field Research~~ Address correction requested:
NATL BIOLOGICAL SURVEY
FIELD RESEARCH ST, RR-1 BOX 295-31247 436th Avenue
YANKTON SD 57078-9214
-6364

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit\Right No. 5490-3. If you have other permits\rights in the same water source, also include water use under those permits\rights on this questionnaire.

Water Source:	GROUNDWATER	County:	YANKTON
Aquifer:	MISSOURI	Pumping Pt. Legal:	SEC 17-T093N-R56W
Management Unit:	ELK POINT	Type of Water Use:	FISH AND WILDLIFE PROPAGATION

- 1) Please estimate your year 2000 water use from the above water source: ~ 3.2 million gallons
- 2) If no water use in 2000, please list the reason(s) why in the comments section.

Comments:

Contact Person:

Steven J. Hamilton

Telephone No:

605-665-9217

Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.



Thank you for completing the 2000 water use questionnaire.

Water Rights on the Web: www.state.sd.us/denr/wr





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 30, 2001

No. 5490-3

U.S. Geological Survey/BRD
Columbia Environmental Research Center
31247 436th Ave
Yankton SD 57078-6364

Dear Mr. Hamilton:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 5490-3. The water right is currently listed in the name of National Biological Survey, National Fisheries Contaminant Research Center.

The transfer form should be checked over for accuracy and **signed by the new owner** in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181



No. 5490-3

Date: 02-05-01

I/We request that Water Right No. 5490-3

formerly owned by: National Biological Survey, National Fisheries Contaminant Research Center

be transferred to: (name & address) U.S. Geological Survey, CERC Field Research Station

31247 436th Avenue, Yankton, SD 57078

Telephone No. 605-665-9217

Title to the following described land(s)/property has been transferred as described above:

2 wells - NE 1/4 SE 1/4 Section 17-T93N-R56W

I/We understand that the validity of Water Right No. 5490-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

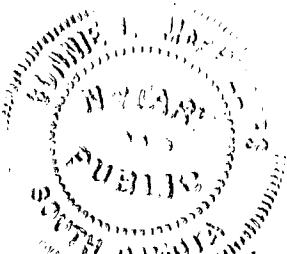
STATE OF SOUTH DAKOTA)

County of Yankton)

I/We STEVEN J. HAMILTON being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Steven J. Hamilton
(Signed)

Subscribed and sworn to before me this 5th day of February, 20 01.



Connie L. McPhillips
(Notary Public)

CONNIE L. MCPHILLIPS, NOTARY
SOUTH DAKOTA
MY COMMISSION EXPIRES JULY 29, 2004

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416770

Pierre, February 14, 2001

RECEIVED OF U.S. Geological Survey, CERC Field Research Station, 31247 436th Ave, Yankton SD 57078
the following amount in fees for services rendered as provided for by law: (National Biological Survey)

Fee for Application for Permit No. _____ to Appropriate Water, to construct
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. _____

Fee for Filing Transfer Form _____ 5490-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By David S. Ebele
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 2 1996

5490-3

Steven J. Hamilton
National Biological Survey
National Fisheries Contaminant
Research Center
Field Research Station
RR 1, Box 295
Yankton, SD 57078-9214

Dear Mr. Hamilton:

Enclosed is Water License No. 5490-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414903 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5490-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

gm
enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 14, 2001

5490-3

Steven J Hamilton
US Geological Survey
CERC Field Research Station
31247 436th Ave
Yankton, SD 57078

Dear Mr. Hamilton:

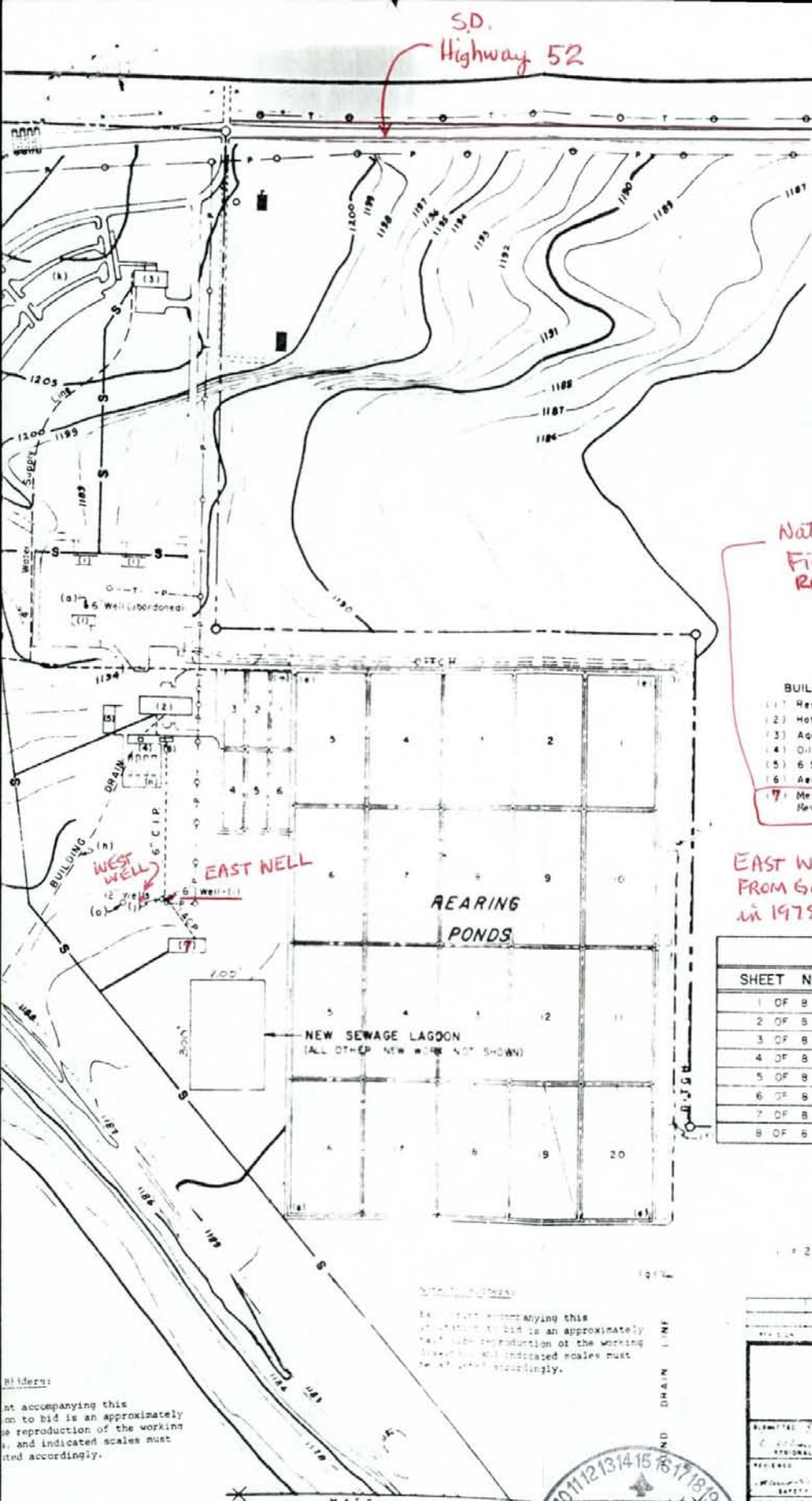
Thank you for following up on the change for Water Right No. 5490-3. The transfer has been completed. The water right formerly listed in the name of National Biological Survey, National Fisheries Contaminant Research Center is now listed in the name of US Geological Survey, CERC Field Research Station.

Enclosed is your Receipt No. 416770 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosure

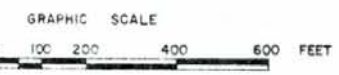


National Fisheries Contaminant Research Center
Field Research Station
 RR1 Box 295, Yankton, SD 57073
FACILITIES CONSTRUCTED (605 665-9217)

LEGEND

- | | |
|--|--|
| BUILDINGS | OTHER FEATURES |
| (1) Residences | (a) Well No. 1 - (6" domestic) - abandoned |
| (2) Hatchery Bldg. | (b) 24" C.I. Siphon and Vacuum Pump House. |
| (3) Aquarium | (c) Floodway |
| (4) Oil House | (d) 24" Steel Main Supply pipeline. |
| (5) 6 Stall Garage | (e) 20-1/2 acre Rearing Ponds. |
| (6) Aerator Bldg. | (f) Outside Collection Kettles |
| (7) Metal Bldg (Fisheries Research Building) | (g) Pond drain |
| | (h) Hatchery Bldg drain |
| | (i) Well No. 2 - (6" domestic) |
| | (j) Well No. 3 - (12" production) with pump house |
| | (k) Parking lot and road blacktop. |
| | (l) 6" x 12" tile |
| | (m) 6-1/4 acre Catfish Rearing Ponds |
| | (n) 8-4 X 55 Raceways |
| | (o) Well No. 4 - (12" production) without pump house |

INDEX TO DRAWINGS	
SHEET NO.	TITLE
1 OF 8	LOCATION PLAN, VICINITY MAP AND INDEX TO DRAWINGS
2 OF 8	PLAN AND DETAILS - NEW PIPING NEAR WELLS
3 OF 8	PLAN AND CROSS SECTIONS - NEW SEWAGE LAGOON
4 OF 8	AERATOR BUILDING ADDITION - PLANS AND ELEVATIONS
5 OF 8	AERATOR BUILDING ADDITION - SECTIONS AND DETAILS
6 OF 8	AERATOR BUILDING ADDITION - SECTIONS AND DETAILS
7 OF 8	AERATOR BUILDING ADDITION - ELECTRICAL PLAN
8 OF 8	AERATOR BUILDING ADDITION - POWER PLAN AND DIAGRAM



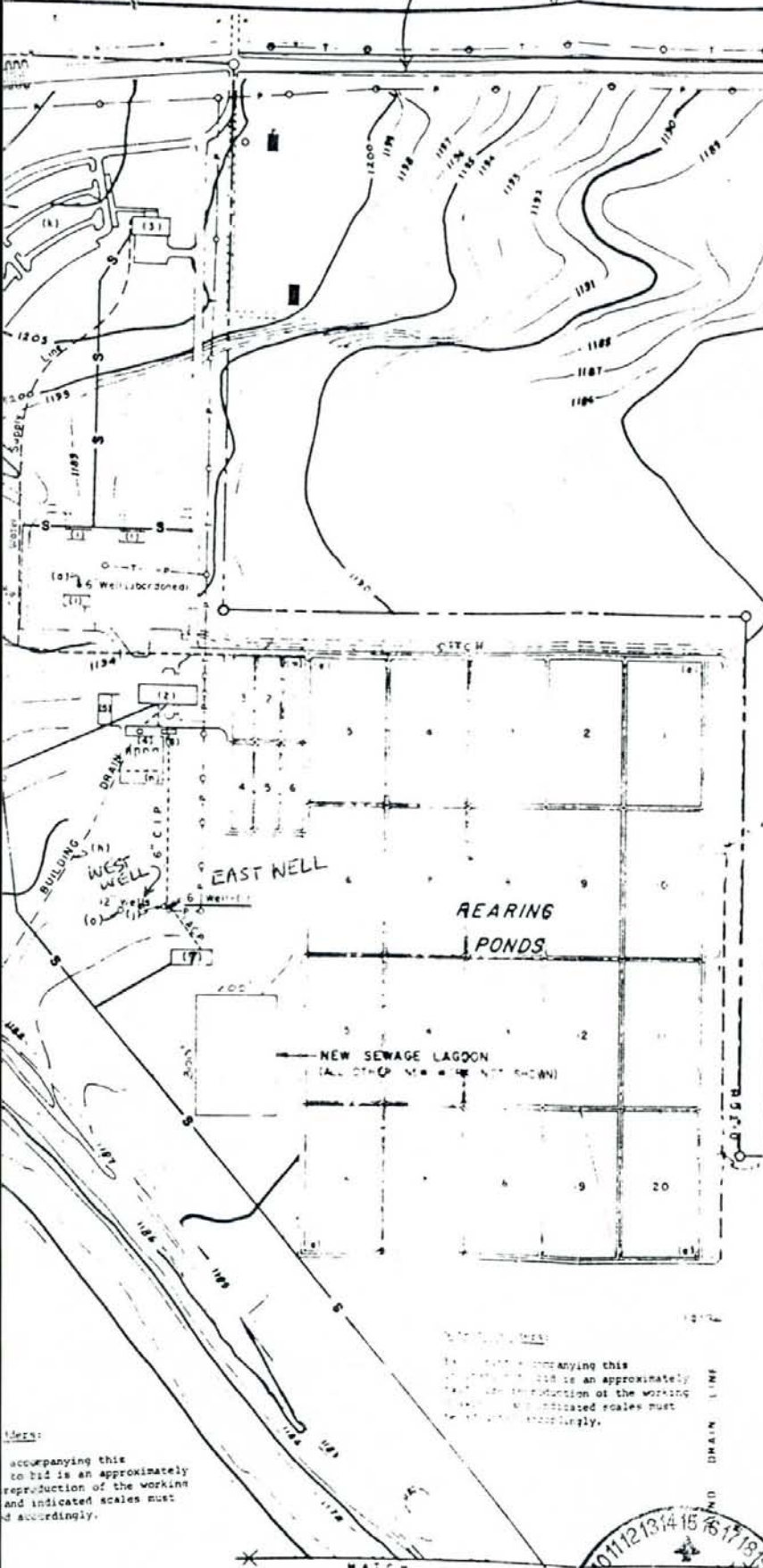
Soil Conservation Service
 610 West 23rd, Suite 4
 Yankton, SD 57078

Steven R. Meyer
 District Conservationist



UNITED STATES DEPARTMENT OF THE INTERIOR	
FISH AND WILDLIFE SERVICE	
ENGINEERING	
PROJECT NO. 68-SD-492-WR-P	DATE 6-78
FISH PESTICIDE RESEARCH LAB AT: GAVINS POINT NATIONAL FISH HATCHERY	
REVIEWED BY: [Signature]	DATE: 6-78
TANKTON COUNTY SOUTH DAKOTA	
WATER DEVELOPMENT	
LOCATION PLAN, VICINITY MAP AND INDEX TO DRAWINGS	
APPROVED BY: [Signature]	DATE: 6-78
REGIONAL DIRECTOR: [Signature]	CHECKED: [Signature]
SHEET 1 OF 1	

Highway 52



VICINITY MAP
National Fisheries Contaminant Research
Field Research Station
RR 1 Box 295, Yankton, SD 57403
FACILITIES CONSTRUCTED (65665-927)

LEGEND

- | | |
|---|---|
| BUILDINGS | OTHER FEATURES |
| 1. Residence | (a) Well No 1 - (16" domestic) - abandoned |
| 2. Hatchery Bldg | (b) 24" C.I. Siphon and Vacuum Pump House |
| 3. Aquarium | (c) Floodway |
| 4. Oil House | (d) 24" Steel Main Supply pipeline |
| 5. 6 Stall Garage | (e) 20-1/2 acre Rearing Ponds |
| 6. Aerator Bldg | (f) Outside Collection Kettles |
| 7. Metal Bldg (Fisheries Research Building) | (g) Pond drain |
| | (h) Hatchery Bldg drain |
| | (i) Well No 2 - (6" domestic) |
| | (j) Well No 3 - (12" production), with pump house |
| | (k) Parking lot and road blacktop |
| | (l) 6" x 8" tile |
| | (m) 6" x 6" Corrugated Rearing Ponds |
| | (n) 8-4 X 55 Roadways |
| | (o) Well No 4 - (12" production) without pump house |

EAST
EAST WELL TRANSFERRED
FROM GAVINS PT. NPH
IN 1978.

INDEX TO DRAWINGS

SHEET NO.	TITLE
1 OF 8	LOCATION PLAN, VICINITY MAP AND INDEX TO DRAWINGS
2 OF 8	PLAN AND DETAILS - NEW PIPING NEAR WELLS
3 OF 8	PLAN AND CROSS SECTIONS - NEW SEWAGE LAGOON
4 OF 8	AERATOR BUILDING ADDITION - PLANS AND ELEVATIONS
5 OF 8	AERATOR BUILDING ADDITION - SECTIONS AND DETAILS
6 OF 8	AERATOR BUILDING ADDITION - SECTIONS AND DETAILS
7 OF 8	AERATOR BUILDING ADDITION - ELECTRICAL PLAN
8 OF 8	AERATOR BUILDING ADDITION - POWER PLAN AND DIAGRAM

GRAPHIC SCALE



UNITED STATES DEPARTMENT OF THE INTERIOR	
FISH AND WILDLIFE SERVICE	
ENGINEERING	
APPROVED: [Signature]	DATE: [Date]
REVIEWED: [Signature]	DATE: [Date]
RECOMMENDED: [Signature]	DATE: [Date]
APPROVED: [Signature]	DATE: [Date]
FISH HATCHERY: GAVINS POINT NATIONAL FISH HATCHERY	
YANKTON COUNTY SOUTH DAKOTA	
WATER DEVELOPMENT	
LOCATION PLAN, VICINITY MAP AND INDEX TO DRAWINGS	
DESIGNED: JRB	CHECKED: JRB
DRAWN: WEB	DATE: 8-78
PROJECT NO: 6F-50 DAK-492-30	SHEET 1 OF 8



accompanying this to bid is an approximately reproduction of the working and indicated scales must be accordingly.

Highway 52



VICINITY MAP

National Fisheries Contaminant Research
Field Research Station
Center
RR1 Box 295, Yankton, SD 57073
FACILITIES CONSTRUCTED (605 645 9217)

LEGEND

BUILDINGS

1. Residences
2. Hatchery Bldg
3. Aquarium
4. Oil House
5. 6 Stall Garage
6. Aerator Bldg
7. Metal Bldg (Hatchery Research Building)

OTHER FEATURES

- (a) Well No 1 - (16" domestic) - abandoned
- (b) 24" C.I. Siphon and Vacuum Pump House
- (c) Floodway
- (d) 24" Steel Main Supply pipeline
- (e) 20-1/2 acre Rearing Ponds
- (f) Outside Collection Kettles
- (g) Pond drain
- (h) Hatchery Bldg drain
- (i) Well No 2 - (6" domestic)
- (j) Well No 3 - (12" production) with pump house
- (k) Parking lot and road blacktop
- (l) 6" x 10" tank
- (m) 6" Vacuum Coffer Rearing Ponds
- (n) 8-4 X 55 Roadways
- (o) Well No 4 - (12" production) without pump house

EAST

EAST WELL TRANSFERRED
FROM GAVINS PT. NEH
in 1978

INDEX TO DRAWINGS

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GRAPHIC SCALE



UNITED STATES DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE ENGINEERING

PROJECT NO.	DATE	FISH HATCHERY RESEARCH LAB AT	GAVINS POINT
DESIGNED BY	APPROVED BY	YANKTON COUNTY	NATIONAL FISH HATCHERY
CONSTRUCTED BY	DATE	WATER DEVELOPMENT	SOUTH DAKOTA
RECOMMENDED BY	DATE	LOCATION PLAN, VICINITY MAP AND INDEX TO DRAWINGS	
APPROVED BY	DATE	6R-SD-492-WR-P-1	

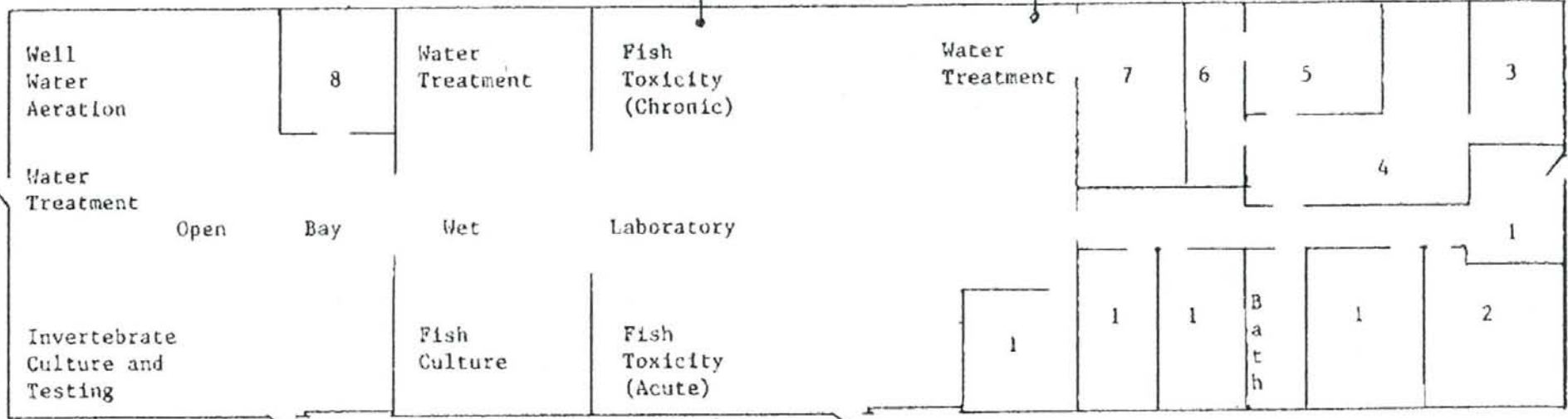
KEN BUHLER
NATURAL RESOURCES ENGINEER
DENR - WATER RIGHTS

21.0

Soil Conservation Service
610 West 23rd, Suite 4
Yankton, SD 57078

Steve R. Meyer
District Conservationist





- 1 Office
- 2 Staff Room
- 3 Sample Prep
- 4 Water Chemistry
- 5 AA Spectrophotometer
- 6 Hood Room
- 7 Physical Maintenance Room
- 8 Behavior Room

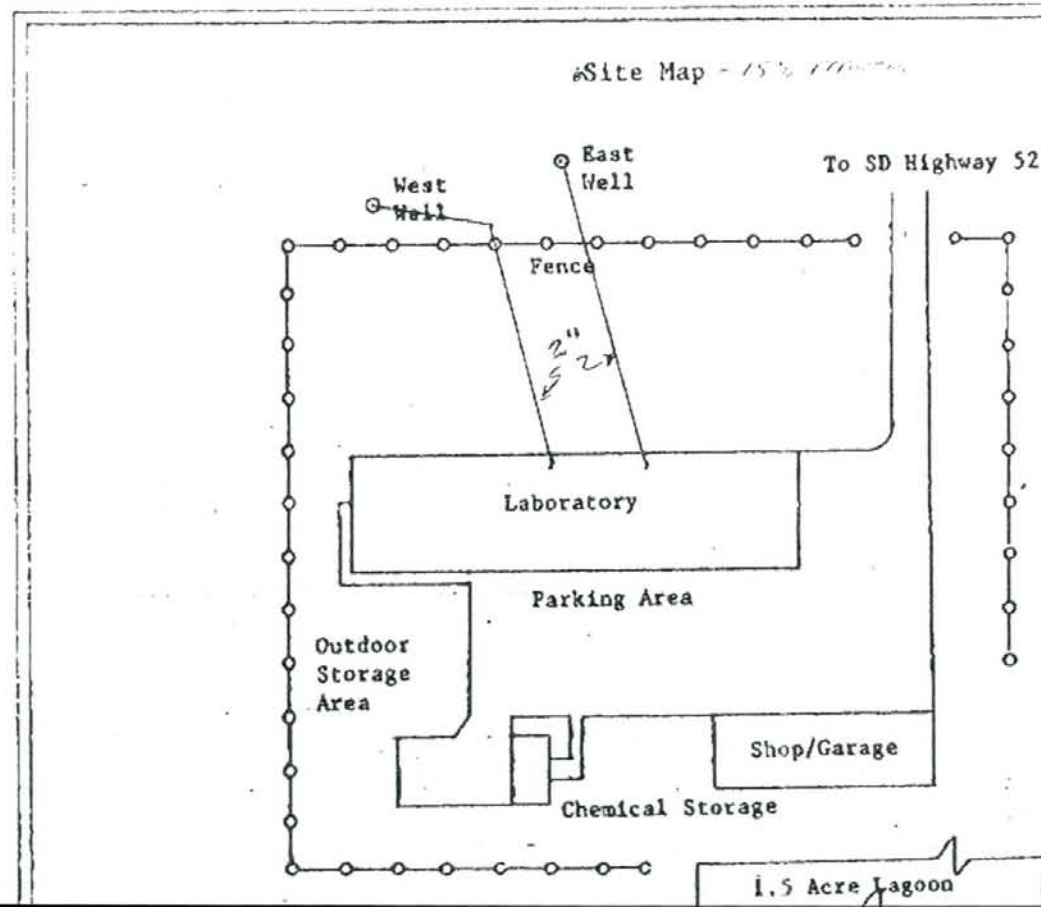
Yankton Field Research Station

RR 1 Box 295

Yankton SD 57078

605-665-9217

FAX 605-665-9335



5490-3



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region



RECEIVED

APR 15 2024

OFFICE OF
WATER

IN REPLY REFER TO:

FWS/R6/NWRS/WTR
WR SD
Mail Stop 60189

MAILING ADDRESS:
Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225-0486

Eric Gronlund, Chief Engineer
South Dakota Department of Agriculture & Natural Resources
Office of Water
523 East Capitol Avenue
Pierre, South Dakota 57501-3182

APR 09 2024

Ref: Transfer of Ownership – License No. 5490-3

Dear Mr. Gronlund:

In 2023, the U.S. Geological Survey – Columbia Environmental Research Center transferred all property to the U.S. Fish and Wildlife Service. Enclosed is the Notice of Transfer of Ownership and Transfer of Real Property Memorandum of Understanding for the referenced water license.

Please contact Carrie Cordova of my staff at (303) 236-5399 for credit card information for the \$50.00 fee and if you have any questions or require additional information.

Sincerely,

BRIAN CARUSO Digitally signed by BRIAN CARUSO
Date: 2024.04.03 15:20:40 -06'00'

Brian S. Caruso
Chief, Water Resources Division

Enclosures

RECEIVED

APR 15 2024

OFFICE OF
WATER



United States Department of the Interior
U. S. GEOLOGICAL SURVEY
Columbia Environmental Research Center
4200 New Haven Road
Columbia, Missouri 65201

Transfer of Real Property

between

U.S. Fish & Wildlife Service – Gavins Point National Fish Hatchery

and

U.S. Geological Survey – Columbia Environmental Research Center

This Memorandum of Understanding (MOU) is entered into by and between the U.S. Fish & Wildlife Service, United States Department of the Interior, acting through the Acting Deputy Assistant Regional Director, Fisheries Regional Office (hereinafter "FWS"), and the U.S. Geological Survey (hereinafter "USGS"), United States Department of the Interior, acting through the Director of the Columbia Environmental Research Center (hereinafter "CERC").

ARTICLE I - BACKGROUND AND OBJECTIVES

Gavins Point National Fish Hatchery is located adjacent to the Missouri River near Yankton, South Dakota. The facility has been producing fish for sport fishing and restoration projects for nearly 60 years. It is one of 70 federal hatcheries and fish technology centers operated nationwide by the U.S. Fish and Wildlife Service.

The CERC is a USGS Scientific Research Center with research that focuses on environmental contaminants and the effects of habitat alterations on aquatic and terrestrial ecosystems.

The USGS is responsible for providing scientific research, information and services to the Department of Interior agencies including FWS (Secretarial Order 3165).

ARTICLE II - PURPOSE AND OBJECTIVE

The objective of this transfer document is to formally transfer custody and accountability of improvements on the Yankton Field Research Station (YFRS) from USGS CERC to U.S. Fish and Wildlife Service located at Yankton, South Dakota. USGS CERC can only transfer the improvements (buildings and structures) since the land is not ours to transfer. The land is owned by the Army Corp of Engineers with whom we have a property use permit. The current replacement value of the site is approximately \$3.5 million based on Dergis Sherman model.

Upon acceptance of the property identified, as evidenced by your signature on this document, the real property records will be transferred to FWS. Your agency will need to contact the Army Corp of Engineers for a land use permit for the property.

The YFRS is located at 31247 436th Avenue, Yankton, SD, 57078.

ARTICLE III – AUTHORITY

The authorities for entering into this agreement are the Fish and Wildlife Act of 1956, 16 USC 1, the Economy Act of 1932, as amended, 31 USC 1535, 16 USC 742f, the Endangered Species Act of 1972, as amended, 16 USC 1536, the Sikes Act of 1960, 16 USC 670g-h, and the Organic Act of March 3, 1879, as amended, 43 U.S.C. 31 et seq., and 43 U.S.C. 36c

ARTICLE IV – ROLES AND RESPONSIBILITIES OF EACH PARTY

Property records:

USGS agrees to transfer the building via form DI-104 and to provide all real property records and files related to the building in its “as-is” condition to FWS.

Environmental Conditions and Assessments:

FWS agrees to not require any environmental assessments and will take site in as-is condition.

USGS will sample holding lagoon and provide results to FWS before transfer date or as soon as sampling and analysis can be completed.

Security, maintenance, repairs, and improvements:

FWS agrees to:

- Be responsible for any future renovations or improvements to the building.
- Install and maintain all electrical, phone, and internet services for the building. Pay for services directly to the utility providers.
- Provide for the ongoing maintenance and upkeep of the interior and exterior of the buildings and grounds.
- Provide and maintain appropriate signage that identifies the building as a FWS building.
- Be responsible for the safe disposal and removal of all refuse generated by the FWS.

USGS agrees to:

- Transfer all real property to FWS
- Identify any known (if any) chemicals in holding ponds in coordination with USGS Environmental Office, Facilities Asset Management Branch
- Remove all laboratory organisms
- Vacate premises in an orderly fashion
- Dispose of any unwanted non accountable property
- Pay for all utilities until 9/30/2023

FBMS

Transfers without Reimbursement between DOI Entities - Real property transferred without reimbursement to another DOI bureau or office must be recorded as a transfer-out (Financial and Business Management System (FBMS) retirement) by the transferring bureau or office and a transfer-in (FBMS acquisition) by the receiving bureau or office at the net book value (net of original acquisition cost and accumulated depreciation). The net book value associated with the transferred asset is removed from the transferring

entity and recorded by the receiving entity. Both transferring and receiving entities should work together to reciprocate the transactions so the effect of the transfer nets to zero at the Department level. The asset that will be transferred is Construct Lab Bldg Not Otherwise Classified. See page 6 for more details.

ARTICLE VI - TERM OF AGREEMENT

This Agreement transfers all real property. Any additional future mitigation of property will be between FWS and Corp of Engineers.

ARTICLE VII - KEY OFFICIALS AND COMMUNICATIONS

Key officials are essential to ensure maximum coordination and communication between the parties and the work being performed. The key officials for this agreement are:

For FWS:

Carlos Martinez
Acting Deputy Assistant Regional Director
Fisheries Regional Office
423 Hatchery Circle
Spearfish, SD 57783
Email: carlos_martinez@fws.gov
Office: 605-642-7730 x223

For USGS:

Jeffery A Steevens
Acting Director
Columbia Environmental Research Center
4200 East New Haven Road
Columbia, MO 65201
Email: aostroff@usgs.gov
Office: 573-876-1900
Cell: 703-338-2544

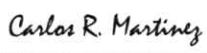
Public Information Release

Neither party will release to the press or other public notice venue information regarding the transfer of the YFRS without review and agreement from the other party.

ARTICLE XI – SIGNATURES

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date(s) set forth below.

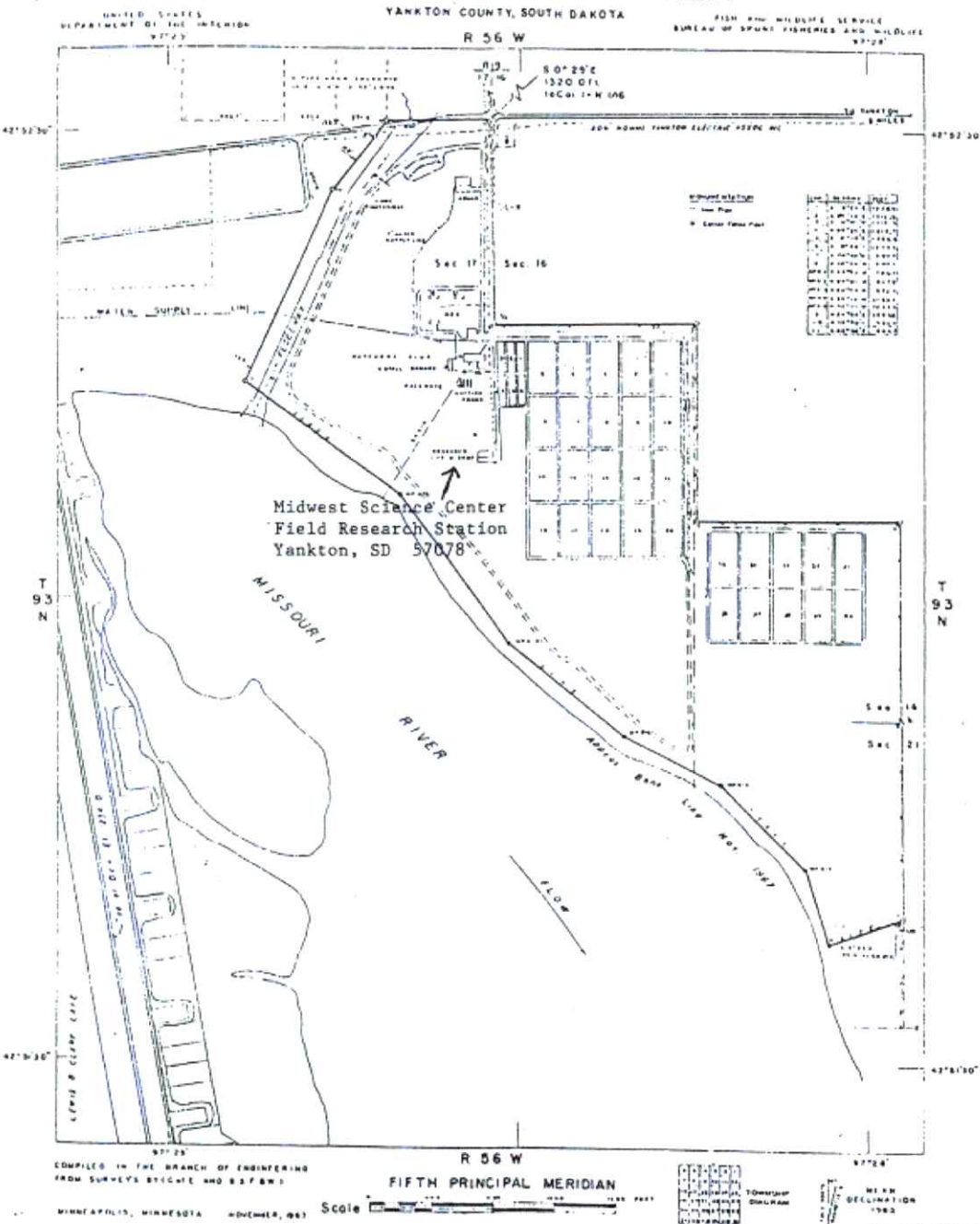
FOR THE U.S. FISH AND WILDLIFE SERVICE:

Signature:  Digitally signed by CARLOS MARTINEZ
Date: 2023.05.18 15:15:24 -06'00' Date: _____
Name: Carlos Martinez
Title: Acting Deputy Assistant Regional Director, Fisheries Regional Office

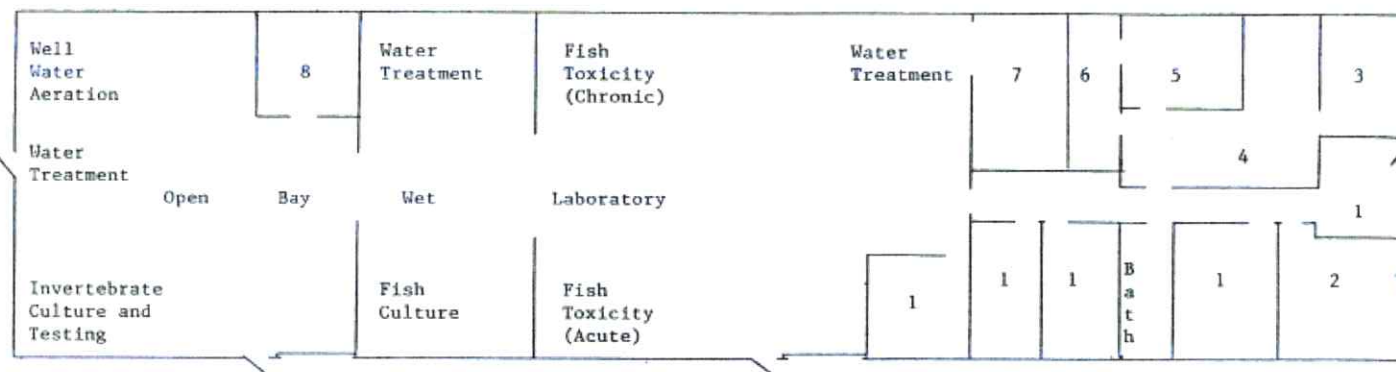
FOR THE U. S. GEOLOGICAL SURVEY:

Signature:  Digitally signed by JEFFERY STEEVENS
Date: 2023.05.08 10:00:35 -05'00' Date: _____
Name: Jeffery A Steevens
Title: Acting Director, Columbia Environmental Research Center

100

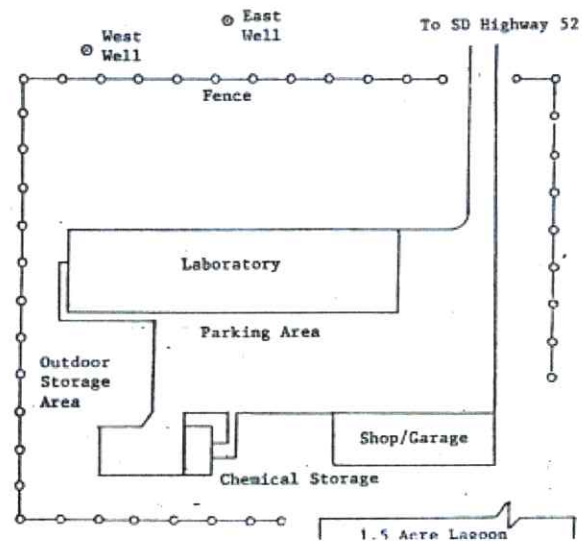


Floor Plan (40 ft. x 160 ft.)



- 1 Office
- 2 Staff Room
- 3 Sample Prep
- 4 Water Chemistry
- 5 AA Spectrophotometer
- 6 Hood Room
- 7 Physical Maintenance Room
- 8 Behavior Room

Site Map - 15 N. 47 W. 50'



Asset	BE	Building Number	Name of BU	SNo.	GL Account	Asset Class	Asset description	Fund	Cap.date	Acquis.val.	Accum.dep.	NBV	Cap vs Non-Cap
							CONSTRUCT LAB BLDG NOT OTHERWISE CLASSIFIED	XXXG0804	1/1/1963	159,000.00	(159,000.00)	0.00	Capitalized
50000341153	10000119	20000000	YFS - SRV BLD	0	1730.323C	54CA323C	CONSTRUCT OTHER WAREHOUSE / STORAGE BLDG	XXXG0804	1/1/1981	8,000.00			Non-Capitalized
50000341154	10000119	20000001	YFS - STG BLD	0			CONSTRUCT OTHER WAREHOUSE / STORAGE BLDG	XXXG0804	1/1/1984	4,000.00			Non-Capitalized
50000341155	10000119	20000003	YFS - S and F UTIL	0			CONSTRUCT OTHER UTILITY STRUCTURES	XXXG0804	1/1/1979	20,000.00			Non-Capitalized
50000341156	10000119	20000004	YFS - ASPHALT ROAD	0			CONSTRUCT PAVED ROAD	XXXG0804	1/1/1963	2,000.00			Non-Capitalized
50000341232	10000119	20000005	YFS - PARKING LOT AND FENCING	0			CONSTRUCT ALL OTHER NONBLDG STRUCTURES & FACILITY	XXXG0804	1/1/1963	11,000.00			Non-Capitalized
50000341913	10000119	20000006	YFS - FENCING	0			CONSTRUCT ALL OTHER NONBLDG STRUCTURES & FACILITY	XXXG0804	2/4/2013	0.01			Non-Capitalized

RECEIVED

APR 15 2024

OFFICE OF
WATER

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 5490-3

Date: March 27, 2024

I/We request that Water Right/Permit No. 5490-3 formerly owned by:
U.S. Geological Survey - Columbia Environmental Research Center (CERC) be transferred to:

New Owner Name: U.S. Fish and Wildlife Service
Address: P.O. Box 25486, Denver Federal Center, Mailstop 60189 mobile: 303-236-5322
City, State, Zip Denver, CO 80225 email: brian_caruso@fws.gov

Title to the following described land(s)/property has been transferred as described above:

Please see the attached Transfer of Real Property Memorandum of Understanding between the two agencies.

☒ I understand that the validity of Water Right/Permit No. 5490-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Brian S. Caruso, the new owner, certify that the above information is true and correct.

BRIAN CARUSO Digitally signed by BRIAN CARUSO
Date: 2024.04.03 15:19:22 -06'00'

(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five-year construction period has expired. Once a water permit is developed, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three-year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date April 19, 2024

RECEIVED OF Caroline Cordova for Fish and Wildlife Service PO Box 25486 Denver Federal Center Denver CO /0225-0486

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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. _____	\$ _____
Fee for Filing Transfer Form <u>5490-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer
vm



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

April 22, 2024

5490-3

USFWS, c/o Brian Caruso
PO Box 25486
Denver Federal Mail Center
Mailstop 60189
Denver CO 80225

Dear Caruso:

I have received your "Notice of Transfer of Ownership" form and the required fees. Enclosed is a receipt of payment for your records.

Water Right No. 5490-3 previously held by US Geological Survey (CERC), is now listed under US Fish & Wildlife Service. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in Water Right No. 5490-3, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the water right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosure