

Considered: _____

WATER PERMIT NO. 5531-3

Phone: 303 236-5321

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

Post Office Address: PO Box 25486, Denver Federal Center, Denver CO 80226

Amount of Water Claimed: 200 ac ft Total Acres: _____

Source of Water Supply: unnamed tributary of Lake Preston

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

About 4 miles West of Arlington

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 3-29-91 Fee: \$225.00 Remarks _____

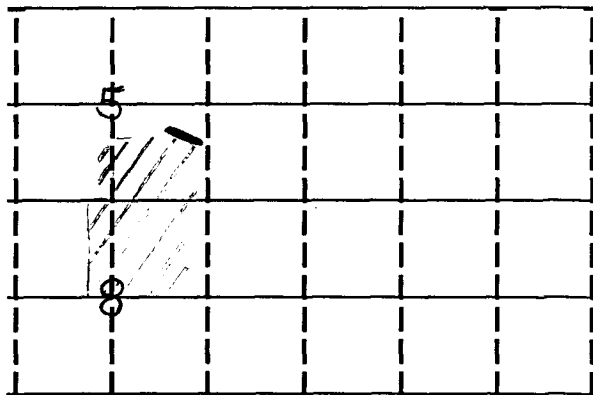
Corrected Application Received _____ Period of Annual Use Jan 1 - Dec 31

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

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

Diversion Point: NE 1/4 SE 1/4 5-110-53

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

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

Assigned on 4-1-91 By Karen Schlaak

No. 5531-3 Hydrologic Unit 10170103
 Map No. _____ Basin Vermillion River
 Newspaper The Arlington Sun, Box 370, Arlington, SD

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

(Wed)

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

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

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 America

1. Name of Applicant Fish and Wildlife Service Phone No. (303) 236-5321

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

2. Amount of water claimed (200) 200 Acre-Feet (106.3 AF Storage plus 93.42 AF Seasonal Use)3. Source of water supply unnamed tributary of Lake Preston4. Location of point of diversion S1/2 NE1/4 SE1/4 Section 5 T110N R53WImpoundment - Sections 5 and 8, T110N R53W County Kingsbury5. Counties where water will be used Kingsbury6. Annual period during which water is to be used January 1 - December 31

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

See Attached: (1) ET Computation (2) Plans and Specifications-6 pages

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, John L. Spinks, Jr. 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 John L. Spinks, Jr.
 Deputy REGIONAL DIRECTOR

Subscribed and sworn to before me this 22nd day of March 1991

Susan E. Craddock
 Notary Public

My Comm Expires Aug 5, 1993

**SOUTH DAKOTA
WATER PERMIT No. 5531-3**

Date of first receipt of application March 29, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5531-3 to U.S. Fish and Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80226 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. 5531-3 impounds 106.3 acre-feet of water by constructing a dike on an unnamed tributary into Lake Preston. The dike will be located in the NE 1/4 SE 1/4 Section 5-T110N-R53W. Water will be impounded in the S 1/2 Section 5 and the N 1/2 Section 8; all in T110N-R53W. Water it to be stored annually to an approximate elevation of 1717 feet mean sea level. Additional replacement water to make up for evaporation losses is authorized by this permit.
2. The water appropriated shall be used for the purpose of providing habitat for fish and wildlife production and may not exceed the amount of water needed for beneficial use.
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. 5531-3 is June 5, 1991.
5. The date from which applicant may claim right is March 29, 1991.
6. One-fifth of the construction is to be completed on or before December 5, 1993.
7. All construction is to be completed on or before June 5, 1996.
8. Water is to be put to beneficial use on or before June 5, 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. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. Approval of Permit No. 5531-3 authorizes storage of up to 106.3 acre-feet of water annually and replacement water as necessary to make up for evaporation losses.

WATER MANAGEMENT BOARD

By: _____

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

JUL 29 1991

_____ date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction NA

- 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 to Water (ground surface to water level) _____
- Distance to nearest existing domestic well:

On applicants property _____ On property owned by others _____

2. Dugout Information Estimates NA

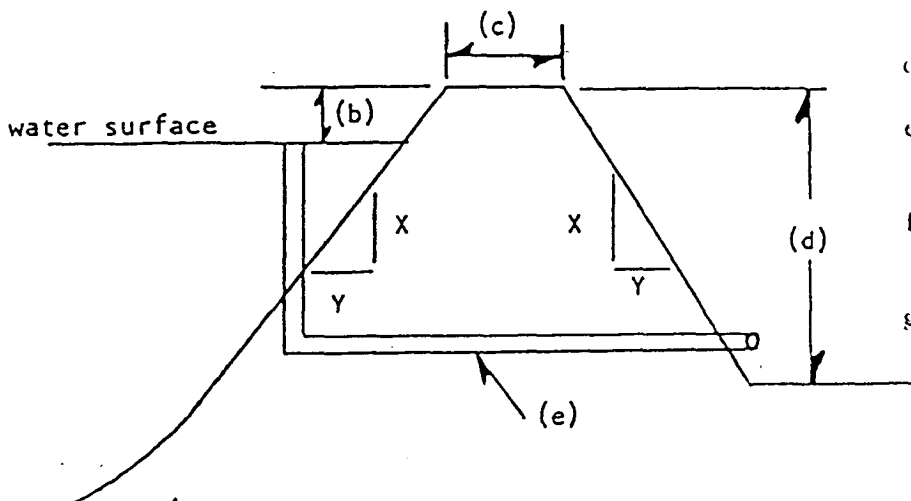
- Surface Dimensions _____ Depth _____
- Depth to water (ground surface to water level) _____

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

Ducks Unlimited, Inc.
6115 East Main Avenue
Bismarck, ND 58501
(701) 258-5599



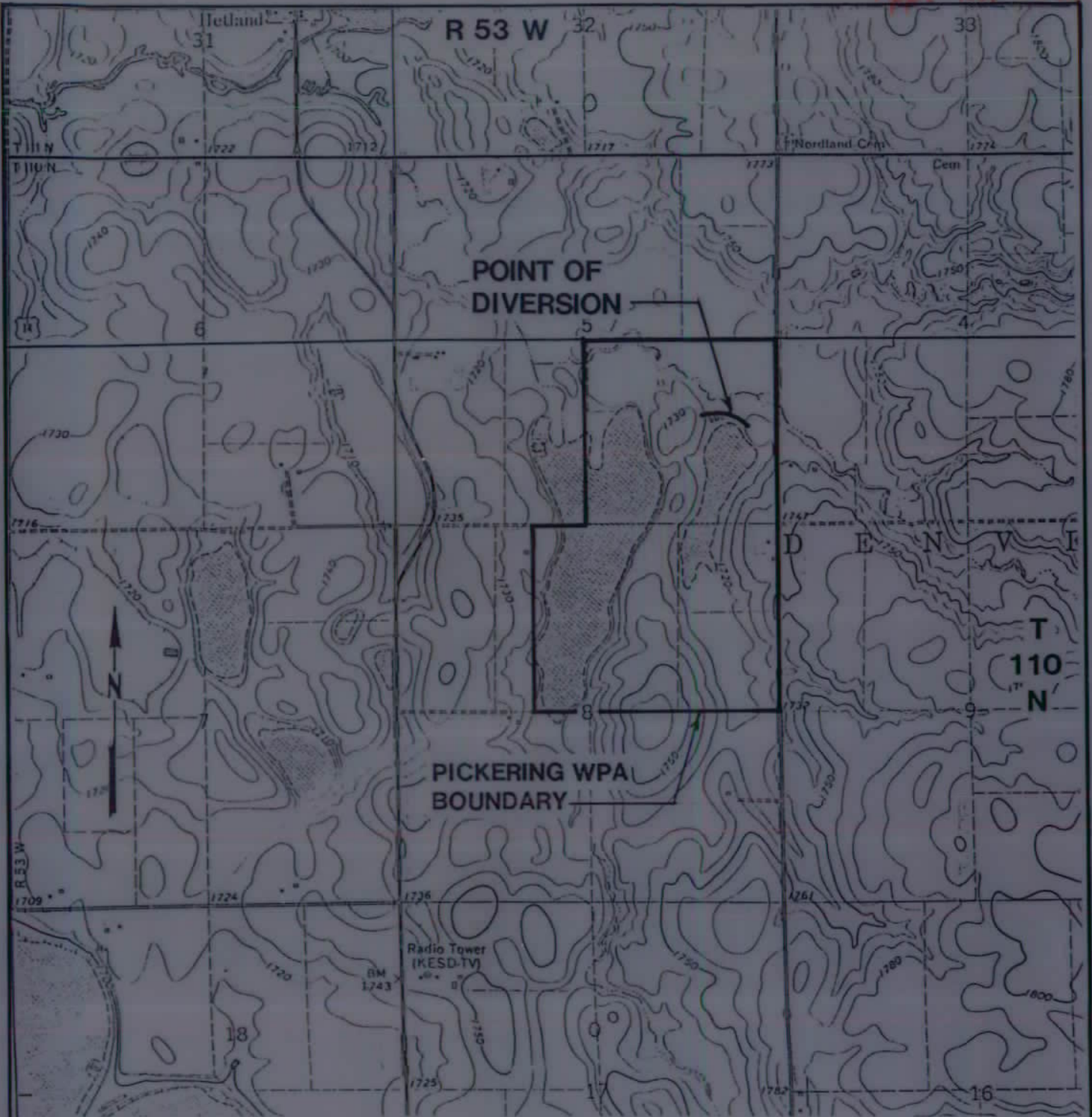
- Freeboard 3.0' @ F.S.L.
- Crest Width 12'
Crest Length 833'
- Height 6.0'
- Primary Outlet Capacity 62 cfs @ 1718.83'
If Pipe, diameter 36" CMP
24 cfs @ 1718.83'
- Secondary Spillway Capacity _____
Spillway width 60'
- X & Y Slope
Upstream 3:1
Downstream 3:1
Surface Area of Impoundment 39.6 acres
Storage 10643 acre feet
Drainage area above dam 1.16 sq. miles
watershed

Signature of Applicant John L. [Signature]
 Deputy REGIONAL DIRECTOR

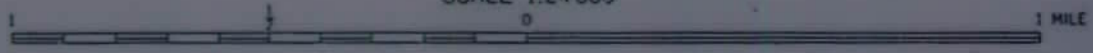
EVAPOTRANSPIRATION COMPUTATION
for
PICKERING WATERFOWL PROTECTION AREA
KINGSBURY COUNTY, SOUTH DAKOTA

The Mean Annual Precipitation of 21.69 inches and the Mean Annual Evaporation of 50.00 inches results in a loss of 28.31 inches or 2.36 feet annually. Over the 39.6 surface acre impoundment, this results in a net loss of 93.42 acre-feet annual seasonal use.

Appl No. 5531-3



SCALE 1:24 000



STATE OF COLORADO }
COUNTY OF JEFFERSON } SS.

I, William A. Godby, of the U.S. Fish and Wildlife Service, P.O. Box 25486, DFC, Denver, CO 80225, do hereby certify that this map was prepared from notes and drawings obtained from Ducks Unlimited, made under my direction, and that it correctly represents the works for the accompanying application.

William A. Godby
Regional Engineer

UNITED STATES DEPARTMENT OF THE INTERIOR				
FISH AND WILDLIFE SERVICE				
ENGINEERING				
PICKERING WPA				
KINGSBURY COUNTY,			SOUTH DAKOTA	
WATER RIGHTS FILING MAP				
DESIGNED GC	DRAWN MCG	CHECKED CW	DATE 3/91	DENVER, COLO.
DRAWING NO. 6R-SD-653-WR-P-22.0				SHEET 1 OF 1

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412628

Pierre, April 5, 1991

RECEIVED OF U.S. Fish & Wildlife Service; P.O. Box 25486; DFC, Denver, CO

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

Fee for Application for Permit No. <u>5531-3</u> to Appropriate Water, to construct works and to put water to beneficial use	225	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	225 00

By John Hatch CE
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

MAR 22 1991

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

Dear Sirs:

Enclosed please find the following documentation for the Pickering Waterfowl Production Area in Kingsbury County, South Dakota:

- 1) Application For Permit to Appropriate Water - Form 2;
- 2) Supplemental Information - Form 2A;
- 3) Evapotranspiration Computation - (Attachment #1);
- 4) Construction Plans and Specifications - (Attachment #2);
- 5) Filing Map No. 6R-SD-653-WR-P-22.0;
- 6) Money Order in the amount of \$225 to cover the appropriate filing fees.

Prior to publication of the Notice of Hearing, please advise this office of the newspaper selected so that the necessary documents can be forwarded to them.

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

Sincerely,

JOHN L. SPINKS, JR.

Deputy Regional Director

Enclosures (6)

REPORT ON
WATER PERMIT APPLICATION NO. 5531-3
U.S. FISH AND WILDLIFE SERVICE
APRIL 12, 1991

Water Permit Application No. 5531-3 was filed by the U.S. Fish and Wildlife Service to impound 106.3 acre-feet of water by constructing a dike on an unnamed tributary into Lake Preston in Kingsbury County. The dike is to be located in the NE 1/4 SE 1/4 Section 5-T110N-R53W. Water will be impounded in the S 1/2 of Section 5 and the N 1/2 of Section 8, all in T110N-R53W. Additional water up to 93.42 acre-feet annually is also requested for evaporation losses.

Discussion:

Water Permit Application No. 5531-3 was filed by the U. S. Fish and Wildlife Service for the construction of the Ducks Unlimited Lake Thompson-Pickering Waterfowl Protection Area (WPA) Project. This project consists of constructing a dike 6 feet high that will impound 106.3 acre-feet of water at its outlet elevation of 5517 feet mean sea level. The additional water up to 93.42 acre-feet of water annually takes into account the evapotranspiration for the Pickering WPA Project.

The dike will be constructed on an unnamed tributary into Lake Preston, which is a meandered lake located approximately 3 miles downstream of the project. The Department of Game, Fish, and Parks holds Water Right No. 708-3 for Lake Preston. This Water Right has an 1889 priority date for 13,500 acre-feet of water to the outlet elevation of Lake Preston. Lake Preston would have an estimated surface area of 4482 acres with the lake at the outlet elevation.

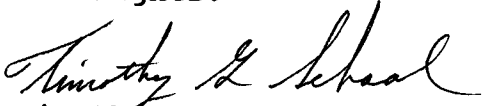
The Lake Thompson-Pickering Lake Project will have a drainage area above the project of approximately 1.6 square miles. This represents only a small portion of the drainage area into Lake Preston. Approval of Water Permit Application No. 5531-3 should have no adverse effects on Lake Preston or the Department of Game, Fish, and Park's existing Water Right.

Using the Soil Conservation Service's Annual Surface Yield procedure for pasture ground in fair condition, the Lake Thompson-Pickering Lake watershed has a 50 percent chance of producing approximately 50 acre-feet of runoff annually.

According to Section 74:02:08:01(7) of the Water Management Board Safety of Dams Rules, a barrier is not considered a dam if the height does not exceed 6 feet regardless of storage capacity. The dike for the Thompson-Pickering Lake Project does not exceed 6 feet; therefore, review and approval of plans and specification for Safety of Dams purposes is not necessary.

Conclusion:

1. Water Permit Application No. 5531-3 should be approved since there is reasonable probability that water will be available for this project.
2. Approval of Water Permit Application No. 5531-3 should have no adverse effects on downstream domestic use or existing Water Rights.



Timothy G. Schaal, P.E.
Natural Resources Engineer III

Reviewed by:



Gale N. Selken, P.E.
Natural Resources Engineer IV

References:

Soil Conservation Service, Engineering Field Manual, 1970, USDA Soil Conservation Service, Huron, SD

Water Rights Division, Water Right Files, 1991, Department of Water and Natural Resources, Joe Foss Building, Pierre SD

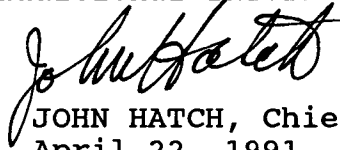
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5531-3, U.S. Fish and Wildlife Service

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. 5531-3, U.S. Fish and Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80226.

The Chief Engineer is recommending APPROVAL of Application No. 5531-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. Approval of Permit No. 5531-3 authorizes storage of up to 106.3 acre-feet of water annually and replacement water as necessary to make up for evaporation losses.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", is written over the typed name and date.

JOHN HATCH, Chief Engineer
April 22, 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.

April 29, 1991

John L. Spinks, Jr.
U.S. Fish & Wildlife Service
Denver Federal Center
PO Box 25486
Denver CO 80226

Dear Mr. Spinks:

Water Permit Application No. 5531-3 for habitat for fish and wildlife production 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 Arlington Sun printed at Arlington, 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

The Arlington Sun
Box 370
Arlington, SD 57212

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5531-3 to be published twice. Please publish the first notice on May 8, 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 the U.S. Fish and Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80226.

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 May 8, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5531-3 to Appropriate Water

Notice is given that the U.S. Fish and Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80226 has filed an application for a water permit to impound 106.3 acre-feet of water by constructing a dike on an unnamed tributary into Lake Preston. The dike is to be located in the NE 1/4 SE 1/4 Section 5-T110N-R53W. Water will be impounded in the S 1/2 Section 5 and the N 1/2 Section 8; all in T110N, R53W. Water is to be stored annually to an approximate elevation of 1717 feet mean sea level and is to be used to provide habitat for fish and wildlife production. Additional replacement water to make up for evaporation losses will be authorized if this application is approved.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5531-3 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 May 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. 5531-3 and 2) the chief engineer's recommendation, a special Board meeting is scheduled for June 5, 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 June 5, 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 June 5, 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 May 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.

Affidavit of Publication

STATE OF SOUTH DAKOTA
SS:
COUNTY OF KINGSBURY

Cheryl Sturges, being duly sworn, says: That THE ARLINGTON SUN is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined in SDCL 17-2-2, as amended, published at Arlington, Kingsbury County, South Dakota, by Community Web, Incorporated; that affiant is and during all of said times was, an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper for 2 successive issues, bearing the following dates:

May 8, 1991
_____, 19____

May 15, 1991
_____, 19____

That the full amount of the fee charged for publishing the same, to-wit, the sum of \$ 49.98, inures solely to the benefit of the publisher of said newspaper; that no agreement of understanding for the division of the fee has been made with any person, and that no part of the fee has been agreed to be paid to any other person.

Cheryl Sturges

Subscribed and sworn to before me this 15th day of May A.D., 1991.

R. J. Sturges

My commission expires Feb. 6, 1995

Notary Public
County of Kingsbury, SD

NOTICE OF HEARING ON APPLICATION NO. 5531-3

TO APPROPRIATE WATER

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5531-3 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.

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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 June 5, 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 May 28, 1991.

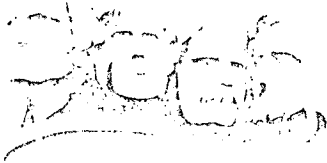
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5-15-2

*128 lines
8pt - 11 pica
21.74*

South Dakota



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 29 1991

John L Spinks, Jr.
U.S. Fish and Wildlife Service
Denver Federal Center
PO Box 25486
Denver, CO 80226

Dear Mr. Spinks:

Enclosed is Water Permit No. 5531-3 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

Mountain-Prairie Region

TAKE
PRIDE IN
AMERICA

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

JUN 11 1993



Ms. Cheryl F. Frost
Department of Environment and
Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

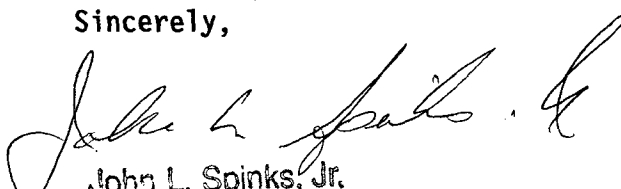
Dear Ms. Frost:

The Fish and Wildlife Service (Service) holds Water Permit No. 5531-3 for storage of 106.3 acre-feet of water annually and replacement water as necessary to make up for evaporation losses at the Pickering Waterfowl Production Area in Kingsbury County, South Dakota.

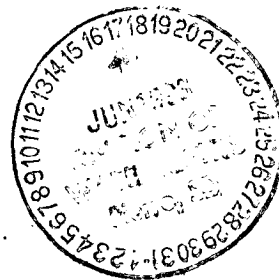
Enclosed is the Notice of Completion of Works and Application of Water to Beneficial Use. Also enclosed is a Money Order in the amount of \$50 to cover the inspection fee and issuance of the Water License for Water Permit No. 5531-3.

If you have questions or require further information, please contact Linda Coe, Water Rights Branch at (303) 236-5321.

Sincerely,


John L. Spinks, Jr.
Deputy Regional Director

Enclosures



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

Date JUN 14 1993

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

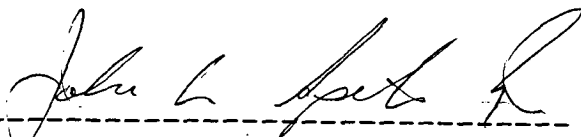
FROM: UNITED STATES OF AMERICA
Fish and Wildlife Service, P.O. Box 25486, DFC, Denver, Colorado 80225
name address city

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. 5531-3.

Water Permit No. 5531-3 states that the diversion system is to be constructed by June 5, 1996, and that the water it put to beneficial use by June 5, 2000.

The diversion system was completed on November 14, 1991.
Applying the water to beneficial use was completed on April 9, 1992

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


signature REGIONAL DIRECTOR

Deputy



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 17, 1993

John L Spinks, Jr
Deputy Regional Director
US Fish & Wildlife Service
PO Box 25486
Denver Federal Center
Denver, CO 80225

Dear Mr. Spinks:

Enclosed is your money order in the amount of \$50.00 which you submitted for payment of the final inspection and license fee for Water Permit No. 5531-3.

The final inspection of the water use facilities at Pickering Waterfowl Production Area in Kingsbury County has not been conducted. Payment of the \$50.00 fee is not due until the actual inspection has been conducted.

The "Notice of Completion of Works and Application of Water to Beneficial Use" submitted by US Fish & Wildlife will enable an inspection to be scheduled. Inspections are done on a county by county basis and as staff time permits.

You have complied with all of the necessary requirements in the permitting process. If you have any questions, please contact us.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

enclosure

Permit No. 5531-3
Vermillion 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

On, **August 10, 1998**, I made a thorough examination of the water use system constructed by **US Fish and Wildlife Service of PO Box 25486, Federal Center, Denver CO 80225** holder of Permit No. **5531-3**, bearing the priority of **March 29, 1991** authorizing the storage of **106.3** acre-feet of the waters of **surface water, local runoff** for **habitat for fish and wildlife production** purposes, in **Kingsbury** County.

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

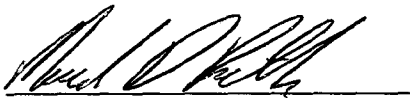
A. Works used to divert the water:

A dam capable of impounding 106.3 ac-ft of water

The system is in the following condition **good**. The diversion point is located **From the NE corner of Section 5 T110N-R53W: 750 ft West and 3550 ft South.** The works are capable of diverting and conveying to the place of use storing **106.3** acre-feet of water which is to be used for **habitat for fish and wildlife production**. Water has been put to beneficial use and the license should be issued for **106.3** acre-feet of storage.

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

Exceptions to compliance are: **none**



Mark D. Rath
Natural Resources Engineer
DENR, Water Rights Program



Date

REPORT ON INSPECTION OF PERMIT NO. 5531-3

DATE OF INSPECTION: 8/10/1998

Contact Person & Address: Colleen Kolbeck, PO Box 48, Madison SD

DIVERSION POINT LEGAL LOCATION: From the NE corner of Section 5

T110N-R53W: 750 ft West and 3550 ft South

WATER SUPPLY Source: Surface water, runoff

DAM INFORMATION:

- | | |
|--|---|
| 1) Height to crest <u>6</u> feet | 2) Height to primary spillway <u>3</u> feet |
| 3) Height to secondary spillway <u>4.3</u> ft | 4) Crest width <u>12</u> feet |
| 5) Crest length <u>830</u> feet | 6) Spillway length <u>800</u> feet |
| 7) Spillway width <u>60</u> feet | 8) Approx. storage <u>106</u> ac-ft |
| 9) Approx. storage to crest <u>#</u> ac-ft | 10) Date constructed: <u>1991</u> |
| 11) Outlet tubes: | |
| a) diameter <u>36</u> inches | b) type <u>CMP</u> |
| c) valved <u>y</u> | d) valve type <u>Stop log</u> |
| e) location on structure <u>towards west end</u> | |

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes

4914000m.N.

DESMET 15 MI.
LAKE PRESTON 6 MI.

T 111 N
T 110 N

1722

1712

1717

1773

14

6

5

4913

1716

4912

1720

7

8

4911

1709

1724

1736

1761

1700

18

BM 1743

Radio Tower
(KESD-TV)

1725

17

20'

4910

INDEFINITE
LAKE

BDY
WHITEWOOD

T 110 N - R 53 W

3550'

ENERGARY
SPILLWAY

OUTLET

DAM

750'

1747

1732

1761

1782

1754

W. D. Platt
NATURAL RESOURCES ENGINEER

8/19/98

5531-3

STATE OF SOUTH DAKOTA

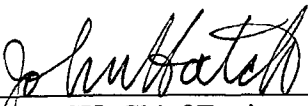
WATER LICENSE NO. 5531-3

(1) US Fish and Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80225 made Application No. 5531-3, March 29, 1991 for a water permit to impound 106.3 acre-feet of water from runoff (unnamed tributary into Lake Preston), Kingsbury County, South Dakota for fish and wildlife propagation purposes. Permit No. 5531-3, with a priority date of March 29, 1991 was approved June 5, 1991 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 5, 1996 and for the application to beneficial use of said water on or before June 5, 2000.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the storage dam and is entitled to impound 106.3 acre-feet of water for beneficial use with sufficient water annually to maintain the water level to the outlet elevation of approximately 1717.0 feet mean sea level. The location of the storage dam (spillway) is 750 feet west and 3,550 feet south from the northeast corner of Section 5-T110N-R53W (NE ¼ SE ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 US Fish and Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80225 the holder and/or owner of Water Permit No. 5531-3 is issued a license to appropriate water, the right to impound 106.3 acre-feet of water from runoff (tributary into Lake Preston) with sufficient water annually to maintain the water level to the outlet elevation of approximately 1717.0 feet mean sea level with a priority date of March 29, 1991 from the location specified in (2) of this license for fish and wildlife propagation. This license is subject to any limitations or qualifications listed in Water Permit No. 5531-3 and subject to South Dakota State Law.



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

APR 26 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

September 9, 1998

5531-3

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

Dear Mr. Spinks:

The investigation of your water use system was conducted on August 10, 1998, by Mark D. Rath, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 5531-3. Your final water right document, the Water License, can now be issued. This is a dam located in Kingsbury County (SE 1/4 Section 5-T110N-R53W.)

Statutes require that we charge a \$50.00 fee for the investigation 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.



United States Department of the Interior

FISH AND WILDLIFE SERVICE Mountain-Prairie Region

IN REPLY REFER TO:

BA WTR
WR SD
Mail Stop 60190

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

STREET LOCATION:
134 Union Blvd.
Lakewood, Colorado 80228-1807



SEP 22 1998

Ms. Cheryl F. Frost
Department of Environment and
Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Ms. Frost:

This is in response to your letter dated September 9 concerning Water Permit 5531-3, Pickering WPA, located in Kingsbury County. The Fish and Wildlife Service submitted *Notice of Completion of Works and Application of Water to Beneficial Use* form and a Money Order in the amount of \$50 to cover the inspection fee on June 11, 1993. (copy enclosed).

If you have questions or require further information, please contact Linda Coe, Water Rights Branch at (303) 236-5321 extension 227.

Sincerely,

Cheryl C. Williss
Chief, Water Resources Division

Enclosures



United States Department of the Interior

FISH AND WILDLIFE SERVICE Mountain-Prairie Region

IN REPLY REFER TO:

BA WTR
WR SD
Mail Stop 60190

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

STREET LOCATION:
134 Union Blvd.
Lakewood, Colorado 80228-1807

SEP 29 1998



Ms. Cheryl F. Frost
Department of Environment and
Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Ms. Frost:

In response to your letter of September 9 concerning the the final inspection for Water Permit 5531-3, Pickering WPA, located in Kingsbury County, please find enclosed FedSelect Check No. 448 in the amount of \$50 to cover the inspection fee.

If you have questions or require further information, please contact me at (303) 236-5321 extension 227.

Sincerely,

Linda Coe
Water Rights Technician

Enclosure

RECEIPT
Water Rights Program
South Dakota Department of Environment and Natural Resources

N2 415886

Pierre, _____ October 2, 19 ~~88~~

RECEIVED OF US Fish & Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, CO 80225
the following amount in fees for services rendered as provided for by law: 0486

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. 5531-3 _____

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Chief Engineer

John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

APR 26 1999

5531-3

US Fish and Wildlife Service
%Linda Coe, Water Rights Technician
P.O. Box 25486
Denver Federal Center
Denver, CO 809225

Dear Ms. Coe:

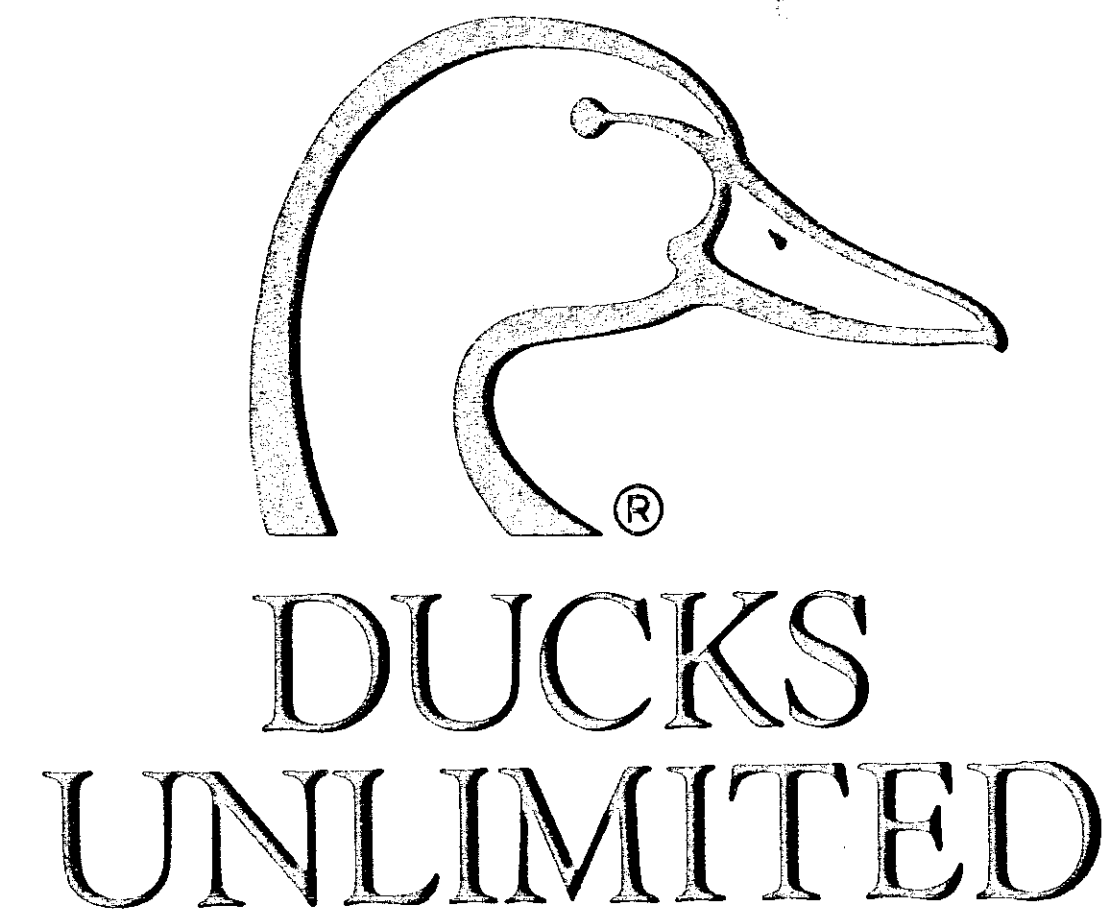
Enclosed is Water License No. 5531-3 and Receipt No. 415886 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 5531-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

ks
enclosures



DUCKS UNLIMITED

PROJECT

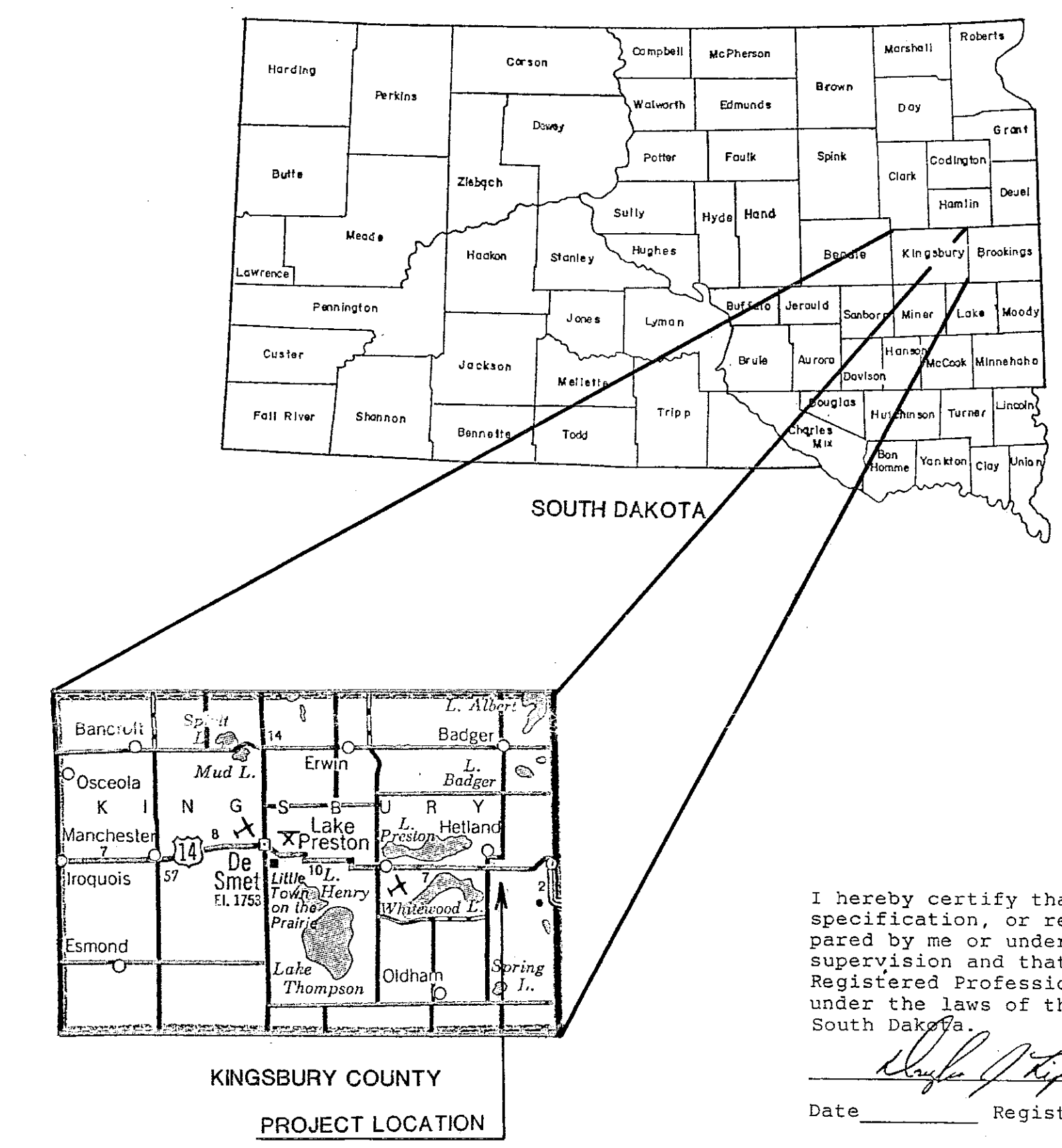
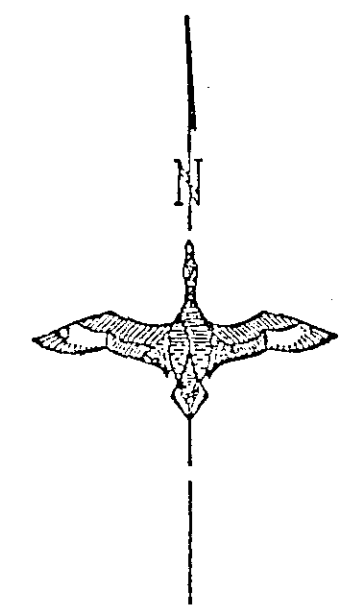
LAKE THOMPSON - PICKERING WPA

SEC. 5 & 8, TWP. 110 N., RGE. 53 W.

KINGSBURY COUNTY, SOUTH DAKOTA

IN COOPERATION WITH

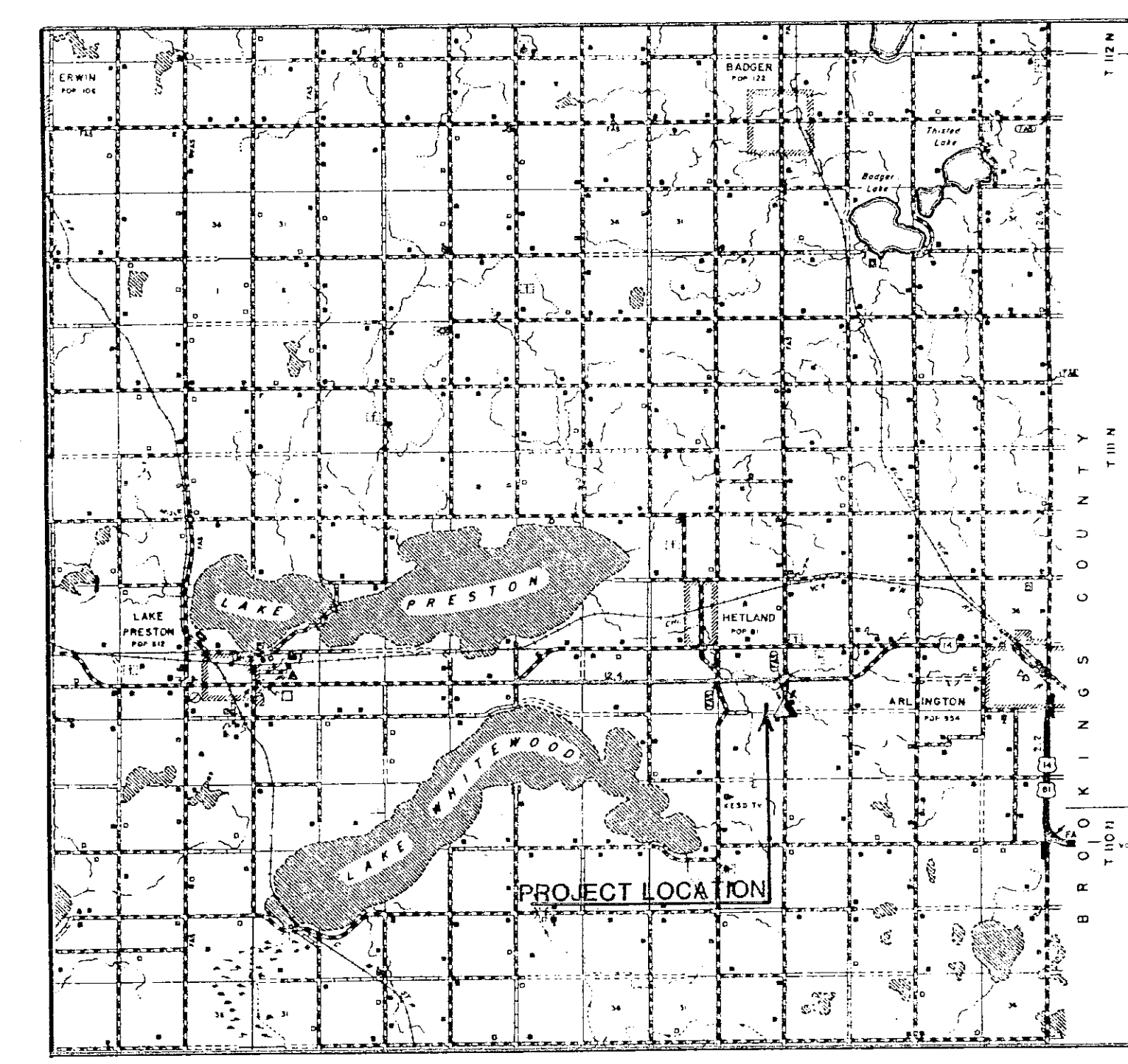
U.S. FISH & WILDLIFE SERVICE



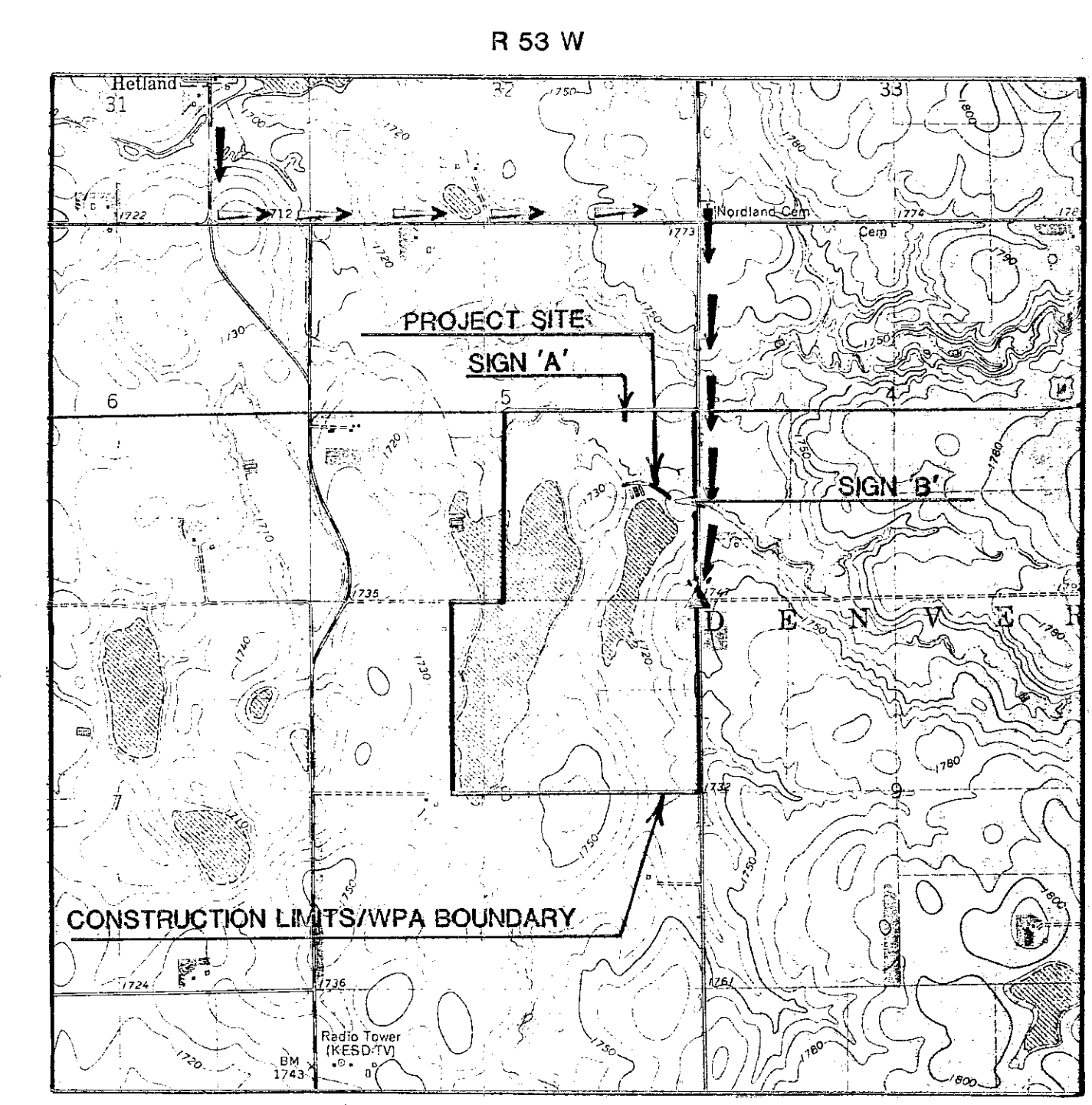
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of South Dakota.

[Signature]
Date _____ Registration No. 4499

PRELIMINARY



LOCATION MAP



X IS 1/4 MI. S., 1 1/4 MI. E. & 1 MI. S. OF HETLAND S.D.

VICINITY MAP
SCALE: 1" = 2,000'

INDEX

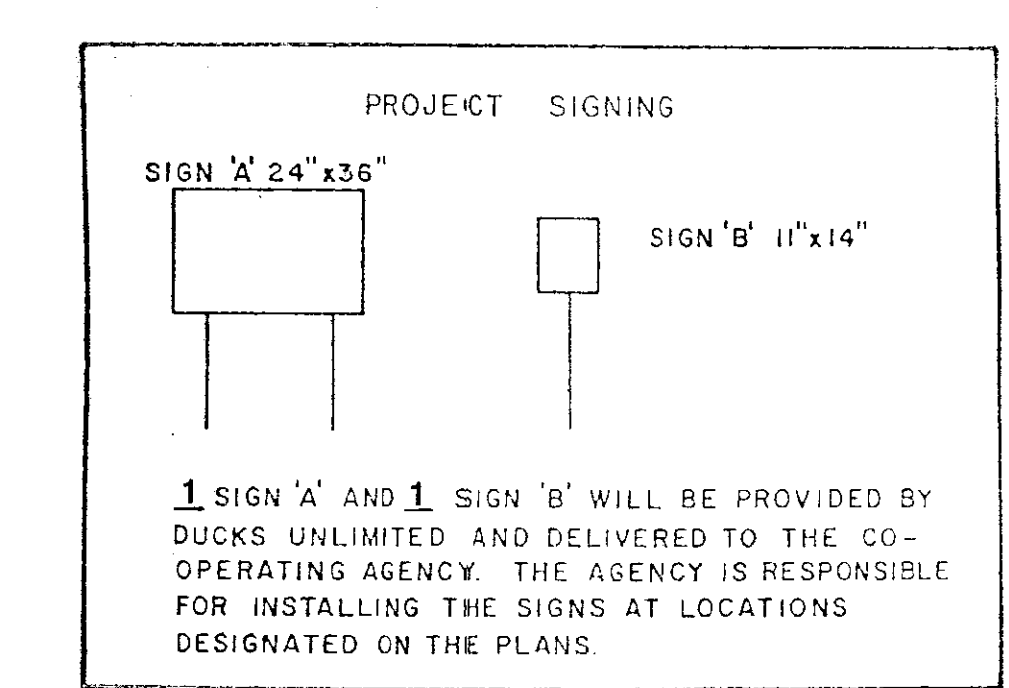
1. VICINITY MAP
2. RESERVOIR TOPO
3. SITE PLAN
4. C PROFILES & X-SECTIONS
5. STRUCTURE PLAN & PROFILE VIEWS
6. DETAILS
7. SOILS INFORMATION (NOT YET AVAILABLE)

SPECIFICATIONS

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ESTIMATED QUANTITIES

MOBILIZATION	1 L.S.
SITE PREPARATION	636 C.Y.-P
EMBANKMENT*	4405 C.Y.-S
WATER	XXXX M-GAL.
WATER CONTROL STRUCTURE	1 L.S.
48" Ø RISER, 6 L.F.	
WATER CONTROL STRUCTURE APPURTENANCES (TRASHRACK, ETC.)	1 (INC)
CULVERT INSTALLATION	
36" Ø CMP	48 L.F.
24" Ø CMP	10 L.F.
RIP RAP	60 C.Y.



App'l. 5531-3

DUCKS UNLIMITED INC.
GREAT PLAINS REGIONAL OFFICE

PROJECT NO. DU-1-SD-078-07

PICKERING WPA VICINITY MAP

DESIGNED BY: DJL
DRAWN BY: TD
SURVEYED BY: GLJ
CHECKED BY: BRK

DATE: 3-7-91
SHEET NO.: 1 OF 7
APPROVED BY: _____



DUCKS UNLIMITED

PROJECT

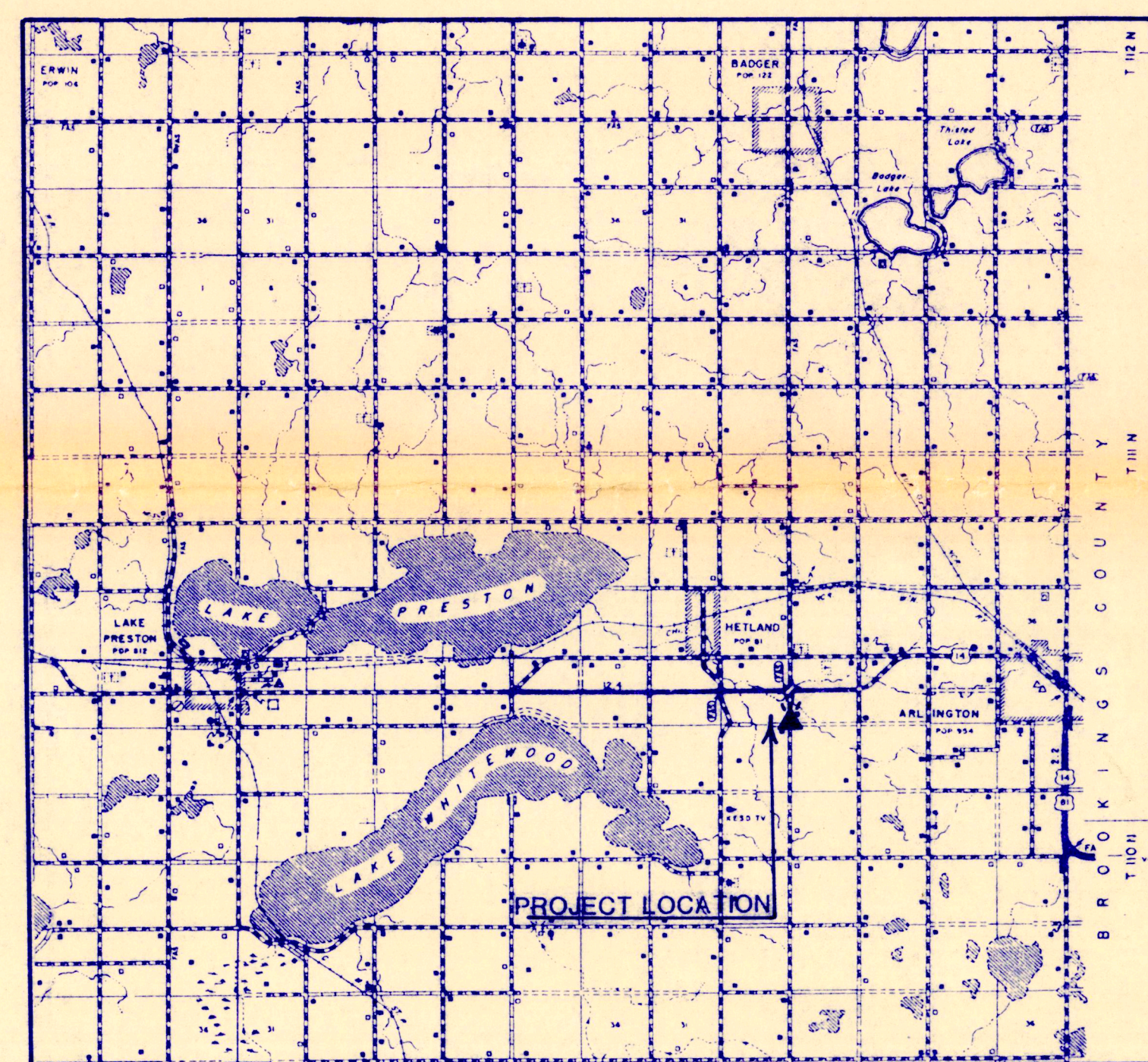
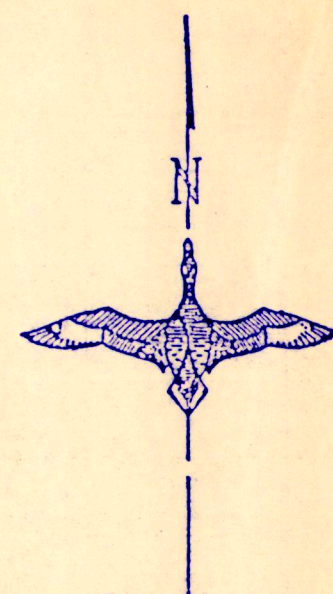
LAKE THOMPSON - PICKERING WPA

SEC. 5 & 8, TWP. 110 N., RGE. 53 W.

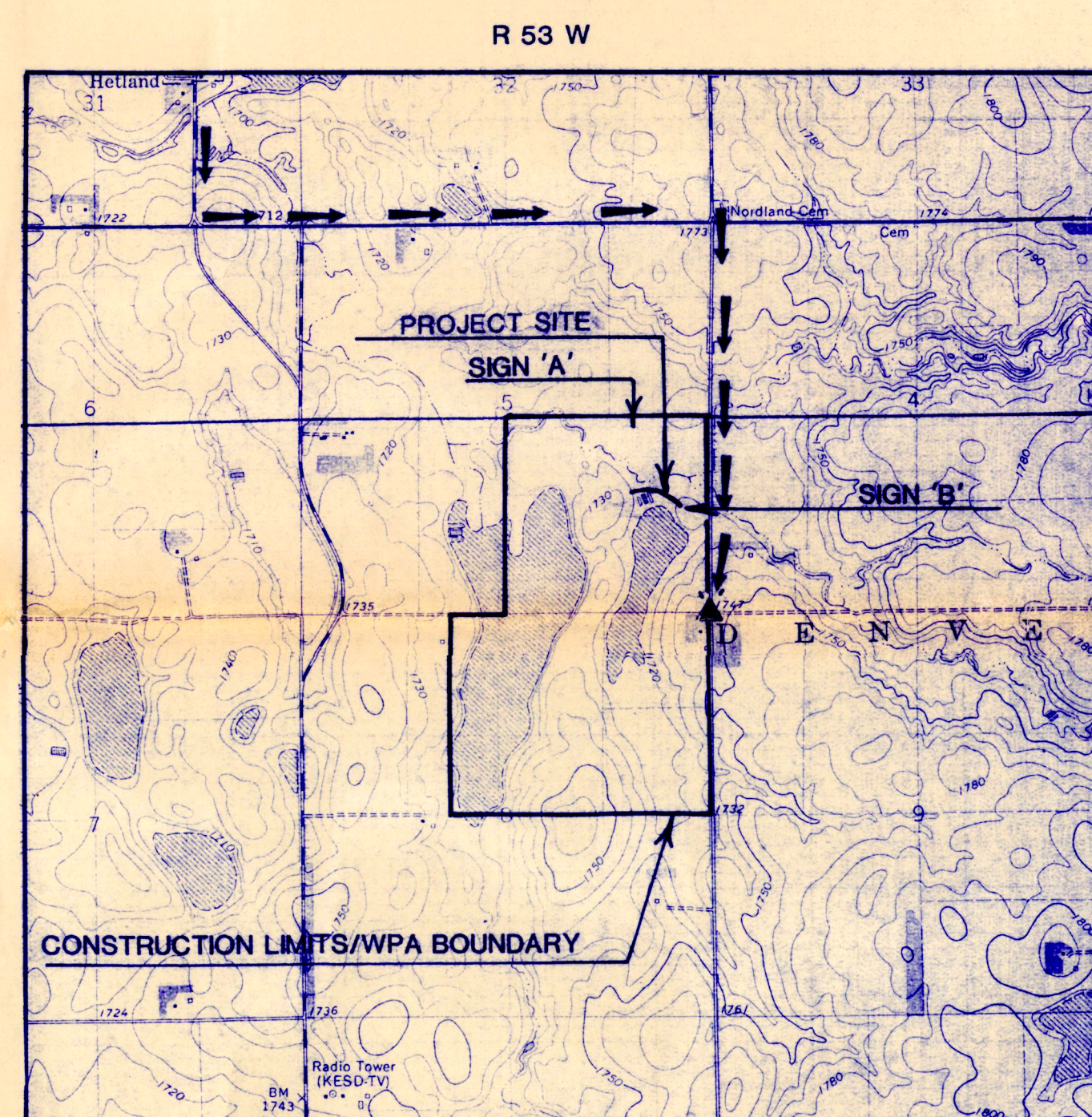
KINGSBURY COUNTY, SOUTH DAKOTA

IN COOPERATION WITH

U.S. FISH & WILDLIFE SERVICE

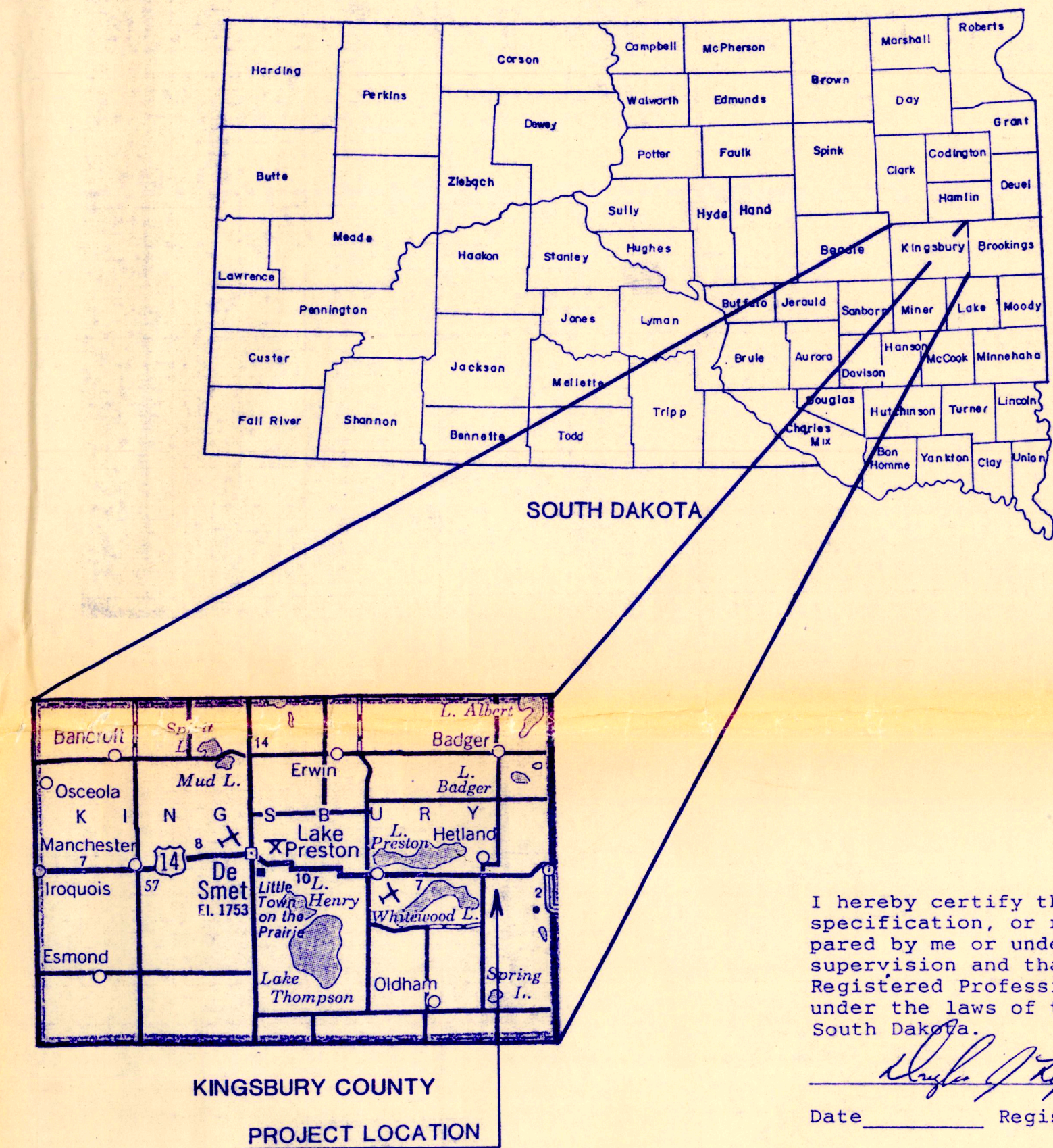


LOCATION MAP



VICINITY MAP
SCALE: 1" = 2,000'

▲ IS 1/4 MI. S., 1 1/4 MI. E. & 1 MI. S. OF HETLAND S.D.



I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of South Dakota.

Date _____ Registration No. 4499

PRELIMINARY

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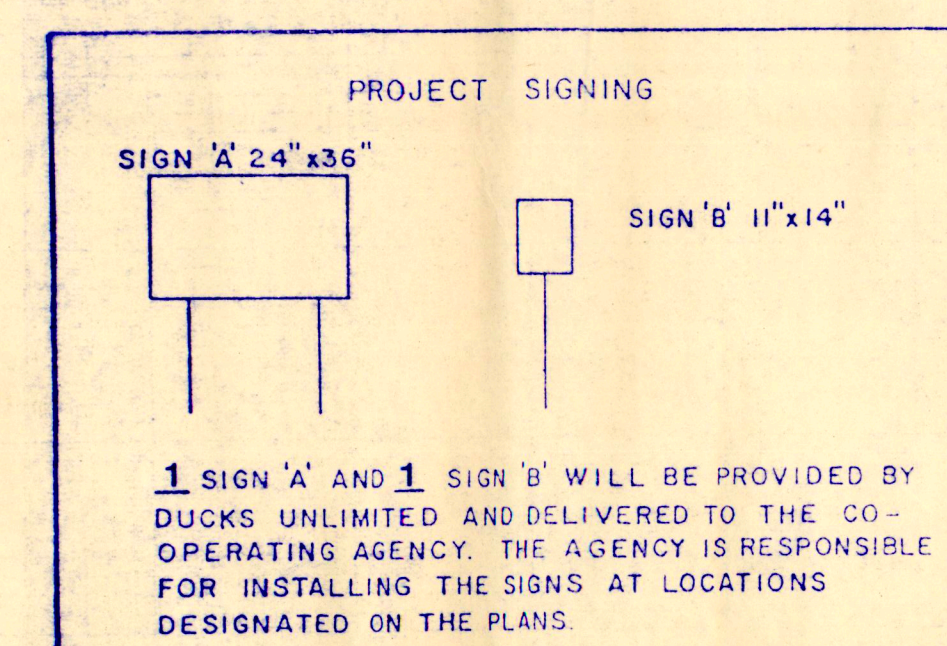
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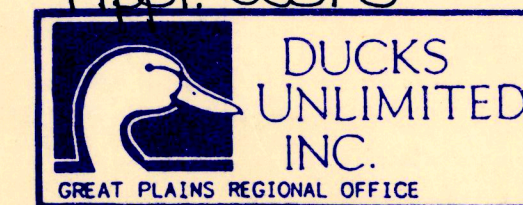
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48" Ø RISER, 6 L.F.	
WATER CONTROL STRUCTURE APPURTENANCES (TRASHRACK, ETC.)	1 (NC.)
CULVERT INSTALLATION	
36" Ø CMP	48 L.F.
24" Ø CMP	10 L.F.
RIP RAP	60 C.Y.

* INCLUDES 15% FOR SHRINKAGE

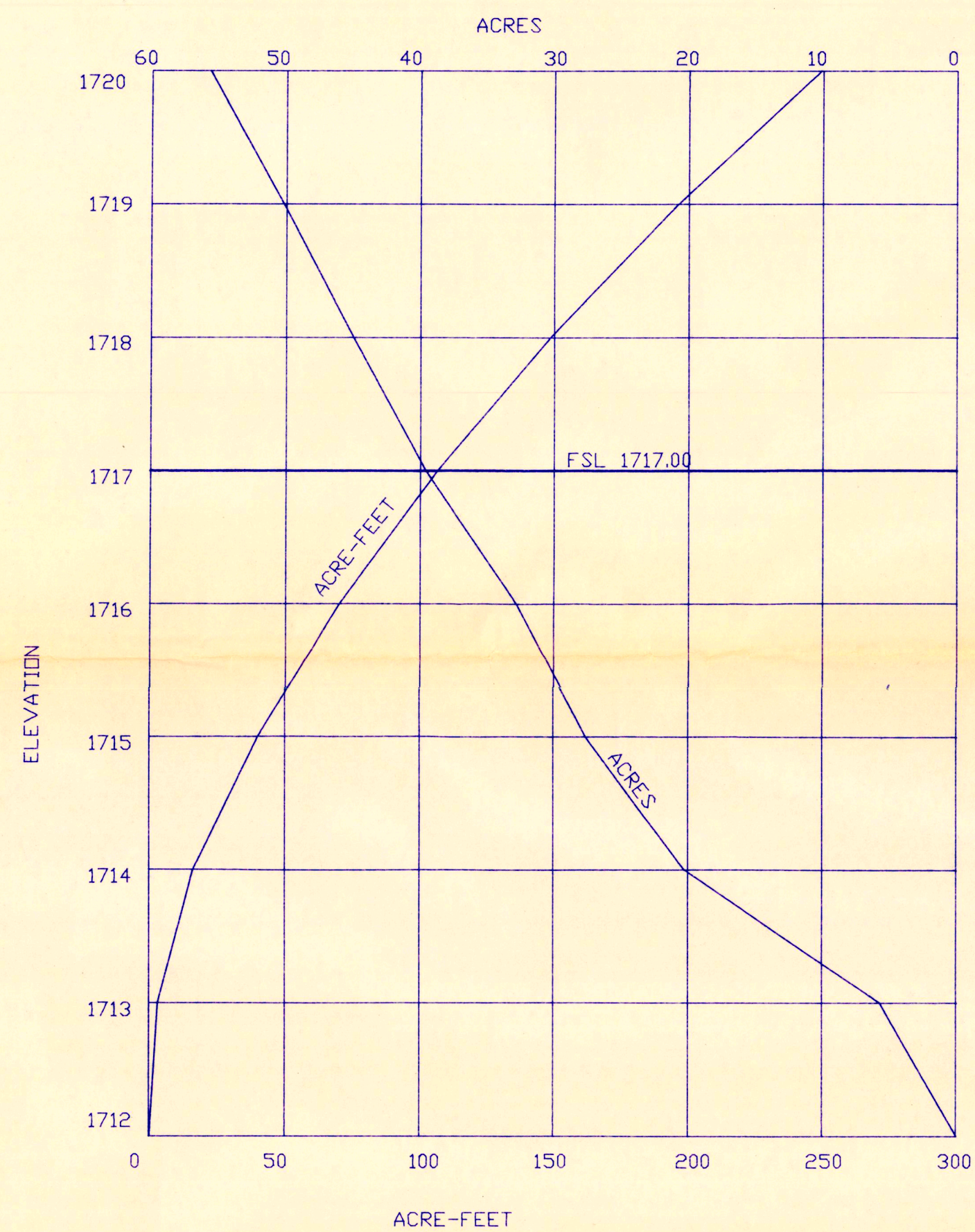


Appl 5531-3



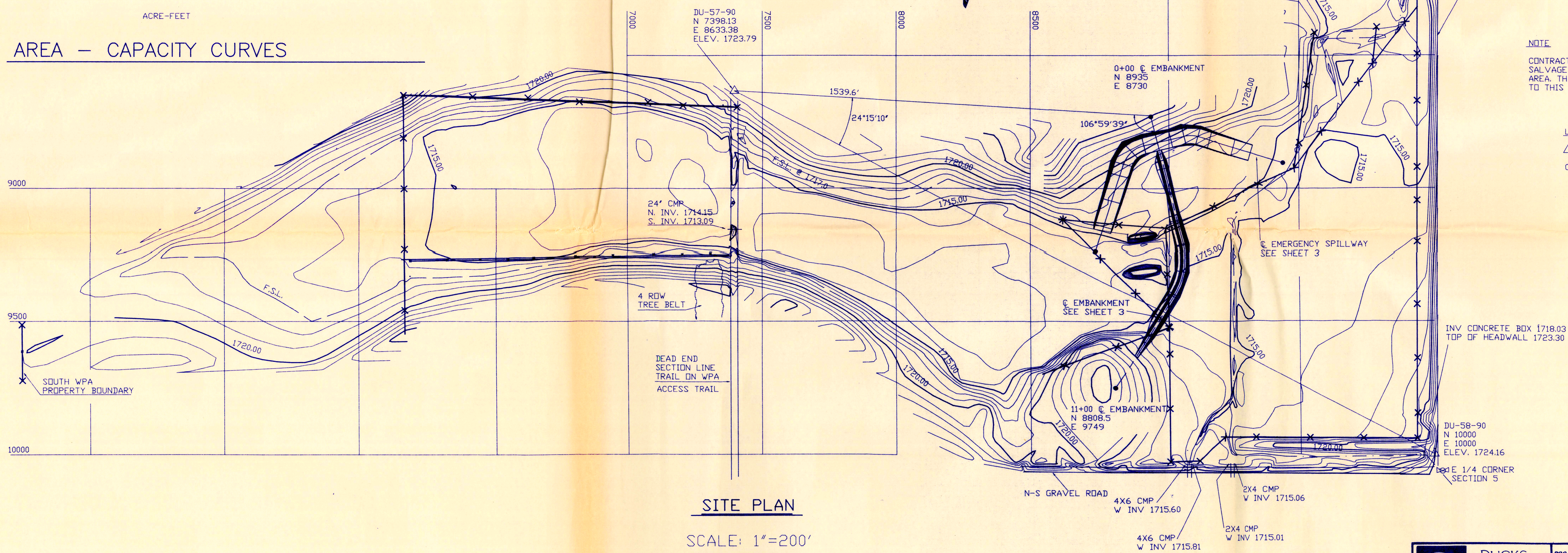
PROJECT NO. DU-1-SD-078-07	DESIGNED BY: DJL
	DRAWN BY: TD
	SURVEYED BY: GLJ
	CHECKED BY: BRK

DATE: 3-7-91	SHEET NO.: 1 OF 7	APPROVED BY:	APPROVED BY:
--------------	-------------------	--------------	--------------



MARSH CRITERIA	
FULL SUPPLY LEVEL (F.S.L.)	1717.00
FLOODED AREA AT F.S.L.	39.6 AC
SHORELINE AT F.S.L.	1.5 MILES
CAPACITY AT F.S.L.	106.3 AC-FT

AREA – CAPACITY CURVES



NOTE

CONTRACTOR SHALL REMOVE & SALVAGE ALL FENCE IN CONSTRUCTION AREA. THIS SHALL BE CONSIDERED INCIDENTAL TO THIS CONTRACT.

LEGEND

△ = DU CONTROL POINT
#5 REBAR W/ ALUM.
CAP PROPERLY STAMPED

PRELIMINARY

SITE PLAN

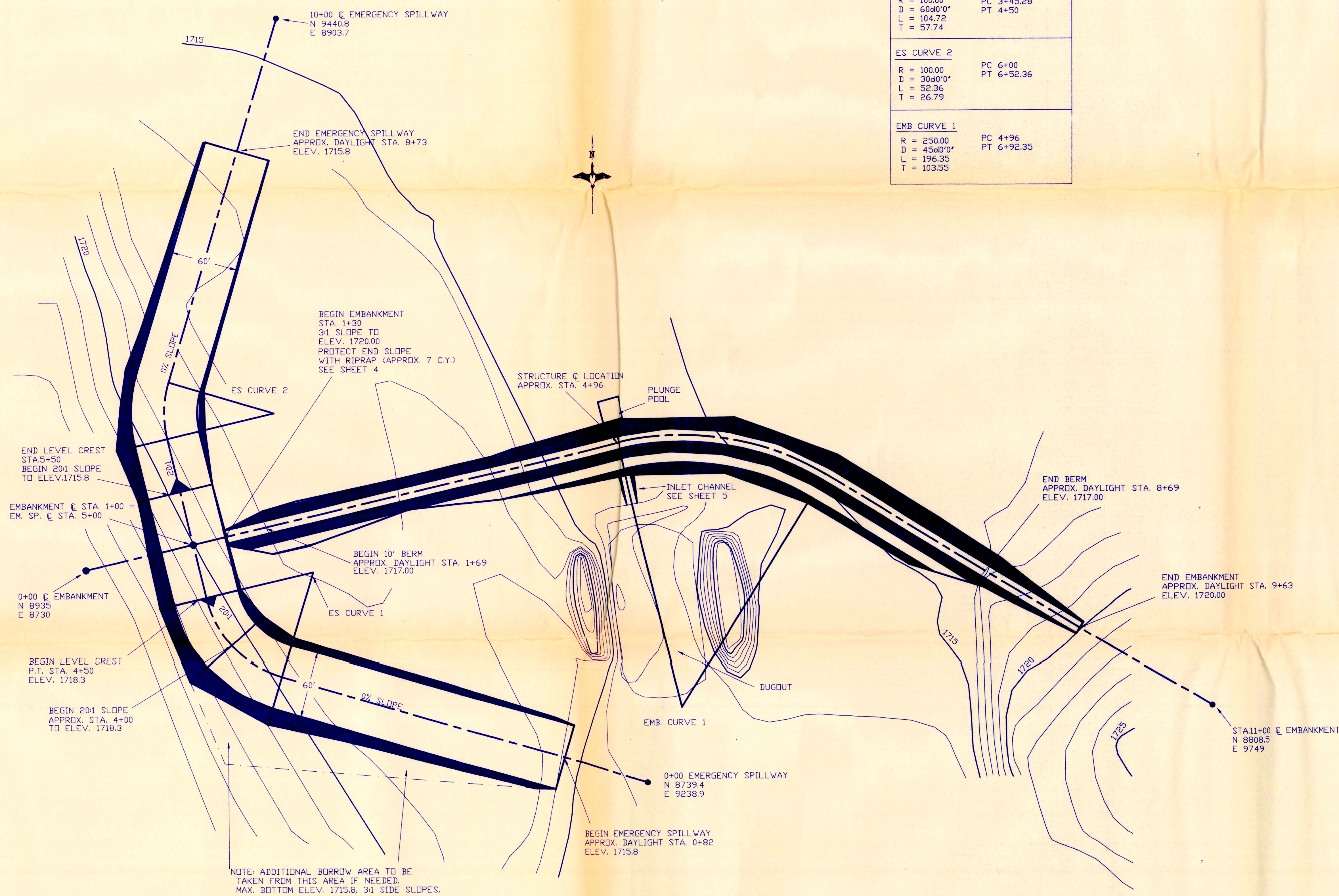
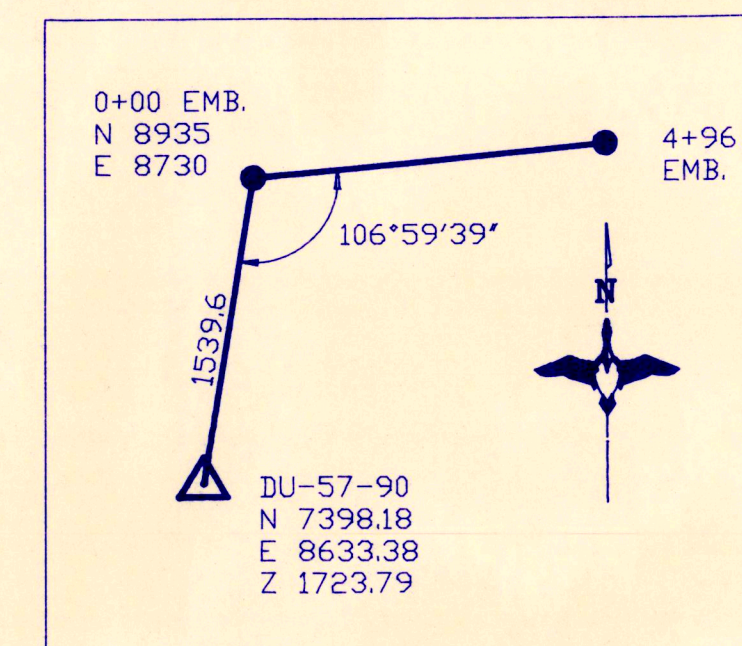
SCALE: 1"=200'

 DUCKS UNLIMITED INC. GREAT PLAINS REGIONAL OFFICE	PROJECT NO: <u>DU-1-SD-078-07</u>		DESIGNED BY: <u>DJL</u>
	PICKERING WPA RESERVOIR TOPO		DRAWN BY: <u>TE</u>
DATE: <u>3-14-91</u>	SHEET NO: <u>2 OF 7</u>	APPROVED BY: <u>S</u>	SURVEYED BY: _____ CHECKED BY: _____

CURVE DATA

ES CURVE 1	
R = 100.00	PC 3+45.28
D = 60°00'0"	PT 4+50
L = 104.72	
T = 57.74	
ES CURVE 2	
R = 100.00	PC 6+00
D = 30°00'0"	PT 6+52.36
L = 52.36	
T = 26.79	
EMB CURVE 1	
R = 250.00	PC 4+96
D = 45°00'0"	PT 6+92.35
L = 196.35	
T = 103.55	

CONSTRUCTION CONTROL POINTS

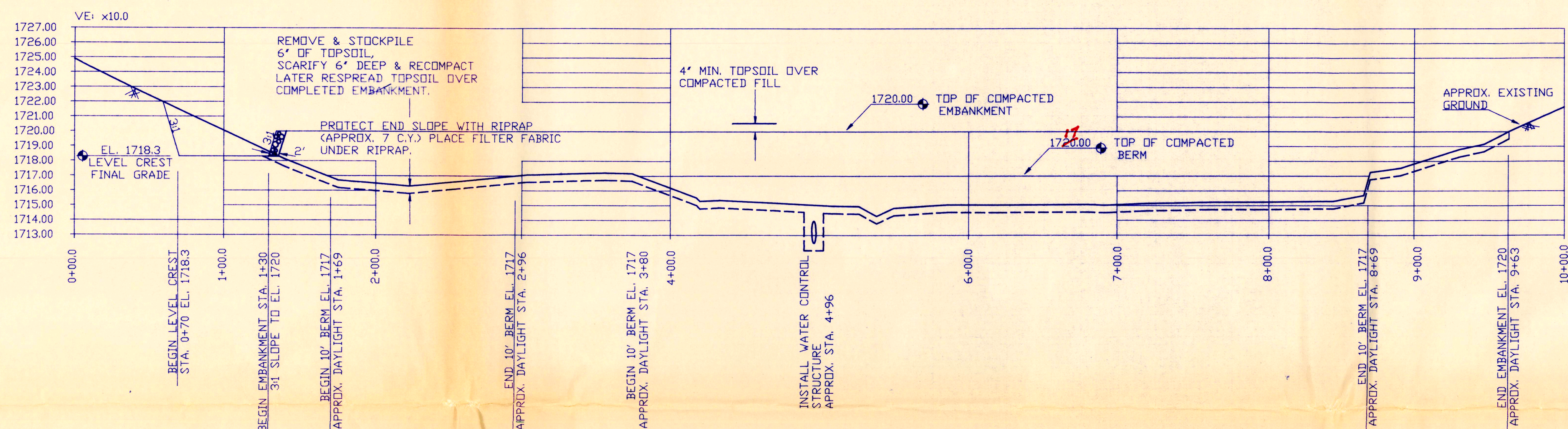


SITE PLAN

SCALE: 1"=50'

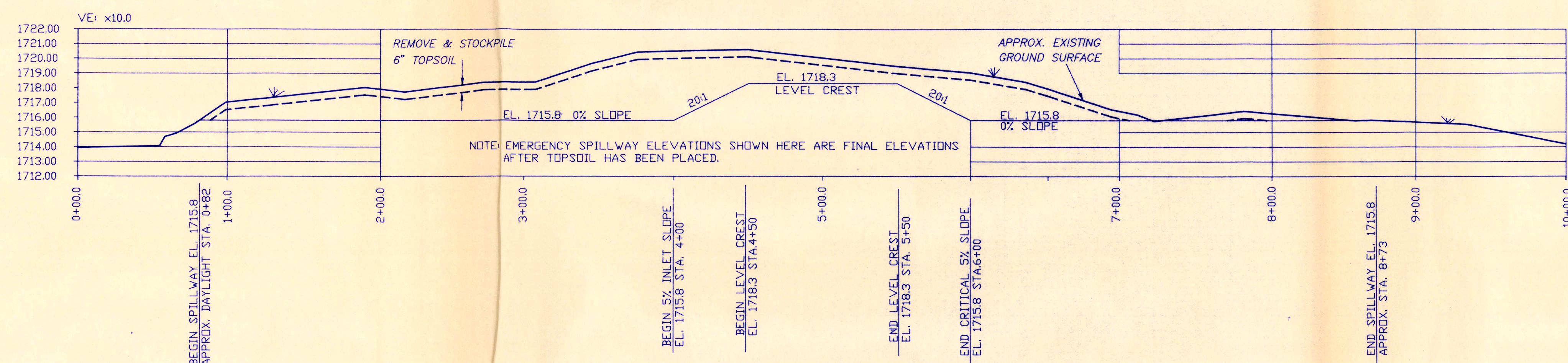
PRELIMINARY

DUCKS UNLIMITED INC. GREAT PLAINS REGIONAL OFFICE	PROJECT NO. DU-1-SD-078-07	DESIGNED BY: DJL
	PICKERING WPA SITE PLAN	DRAWN BY: TE
DATE: 3-14-91	SHEET NO. 3 OF 7	CHECKED BY:
APPROVED BY:		APPROVED BY:



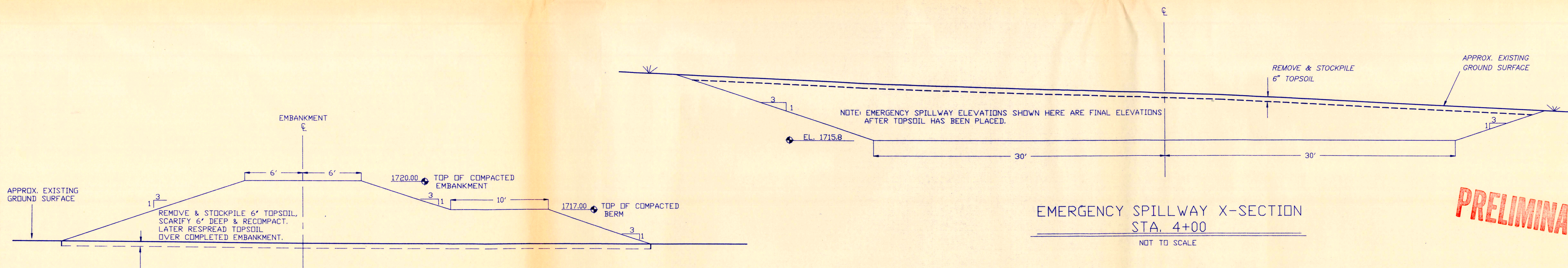
EMBANKMENT C PROFILE

SCALE: 1"=50' HORZ, 1"=5' VERT



EMERGENCY SPILLWAY C PROFILE

SCALE: 1"=50' HORZ, 1"=5' VERT



EMBANKMENT X-SECTION

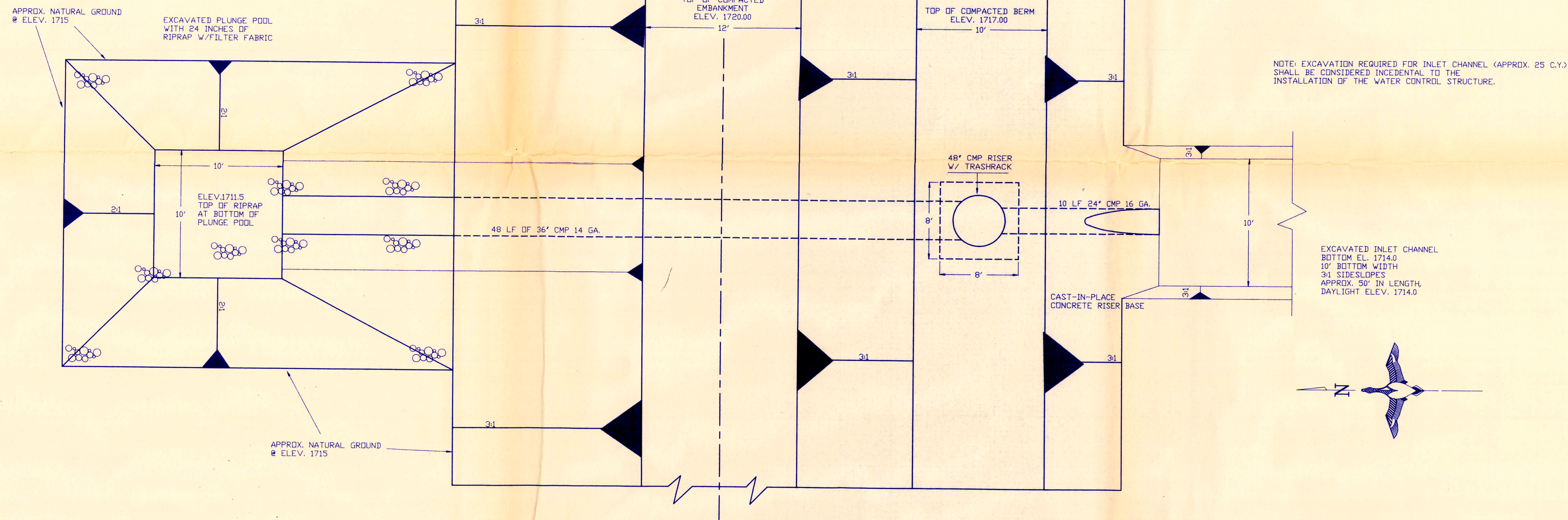
NOT TO SCALE

EMERGENCY SPILLWAY X-SECTION
STA. 4+00

NOT TO SCALE

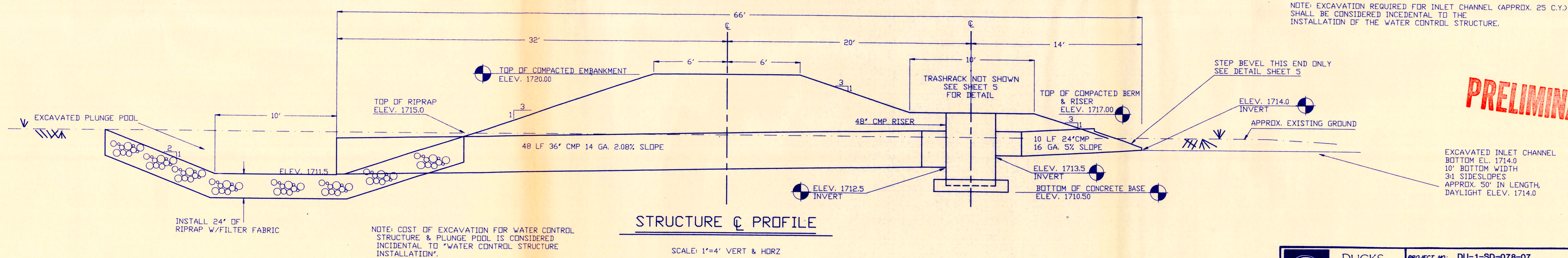
PRELIMINARY

DUCKS UNLIMITED INC. GREAT PLAINS REGIONAL OFFICE	PROJECT NO. DU-1-SD-078-07 PICKERING WPA C PROFILES & X-SECTIONS	DESIGNED BY: DJL DRAWN BY: TE SURVEYED BY: CHECKED BY:
	DATE: 3-14-91 SHEET NO: 4 OF 7	APPROVED BY: APPROVED BY:



STRUCTURE PLAN VIEW

SCALE: 1"=4'



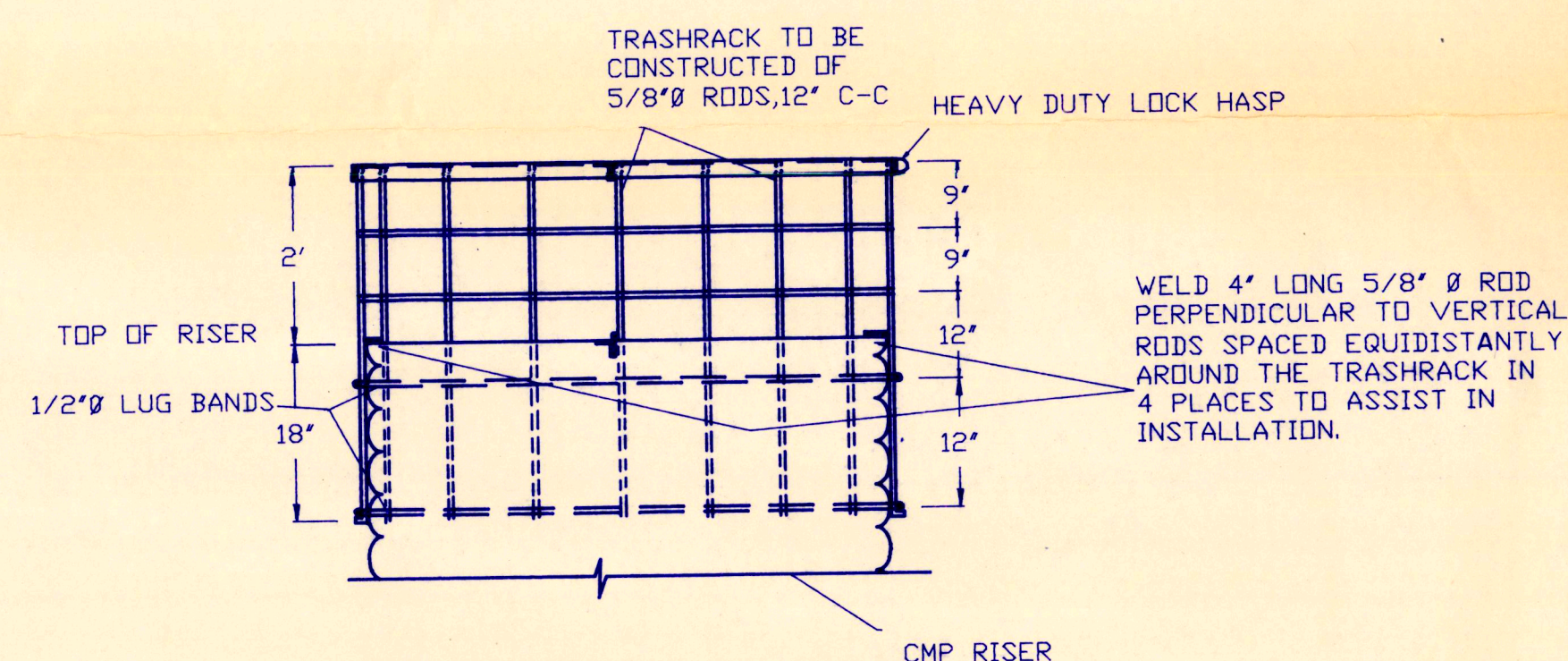
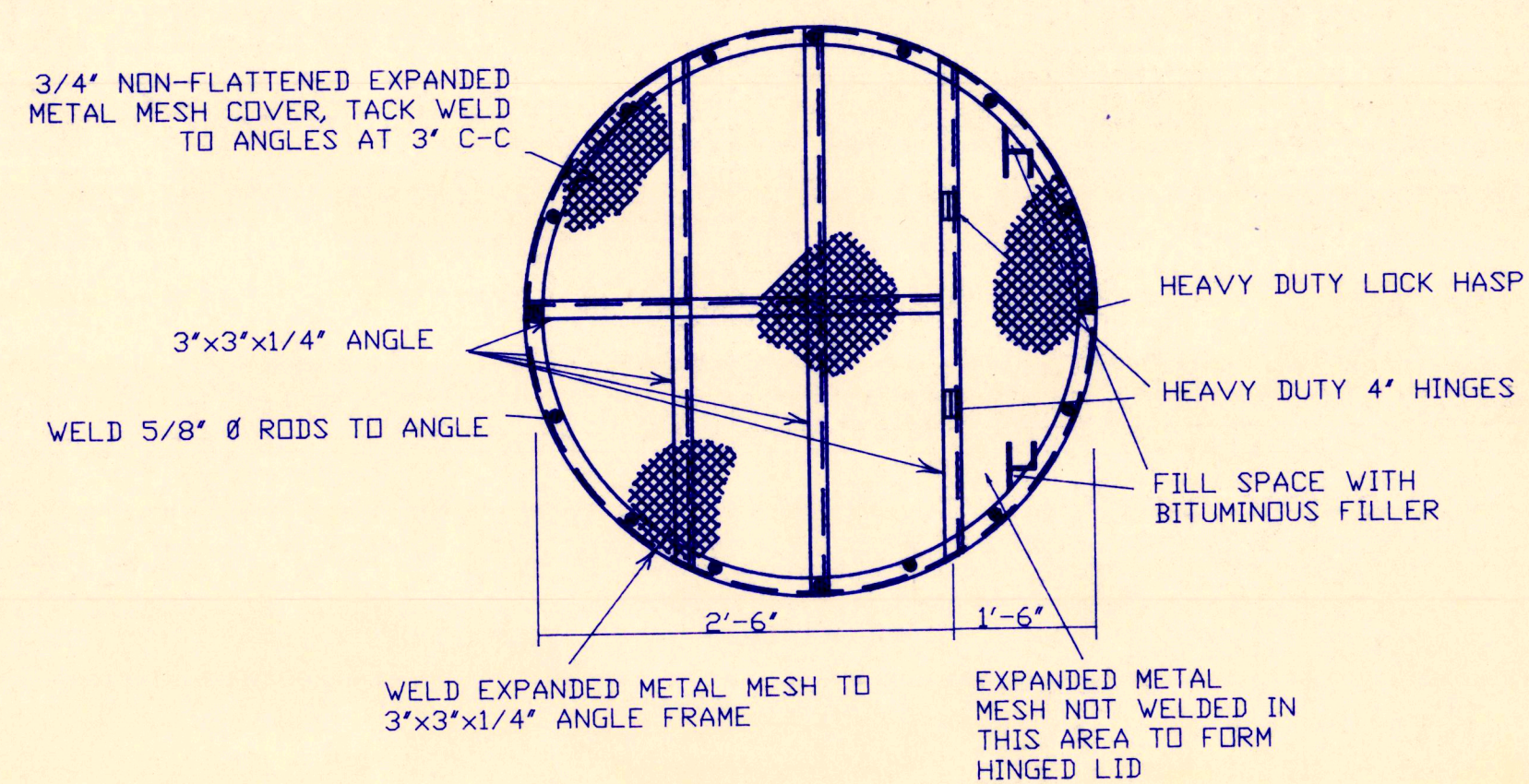
STRUCTURE & PROFILE

SCALE: 1"=4' VERT & HORIZ

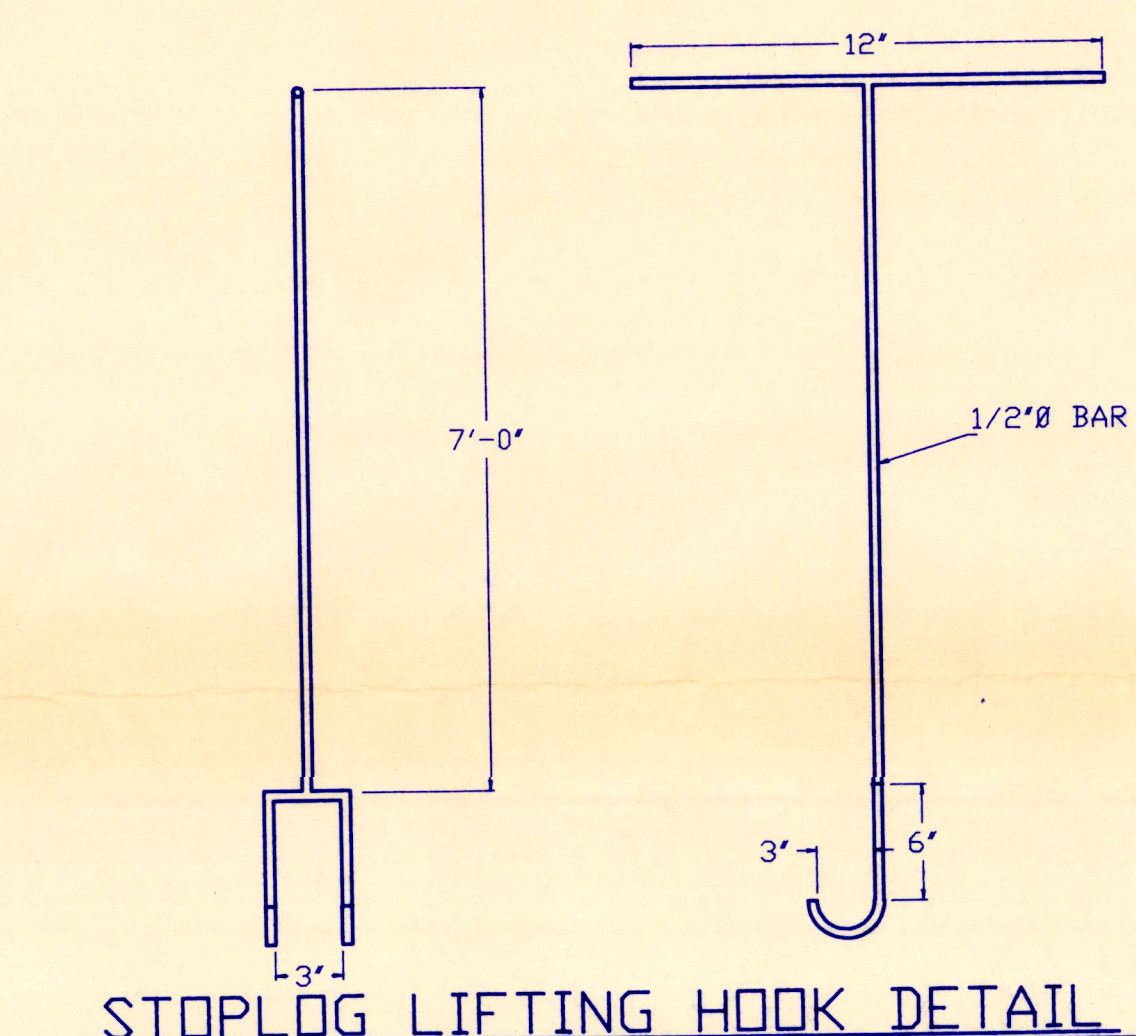
PRELIMINARY

EXCAVATED INLET CHANNEL
BOTTOM EL. 1714.0
10' BOTTOM WIDTH
3:1 SIDESLOPES
APPROX. 50' IN LENGTH,
DAYLIGHT ELEV. 1714.0

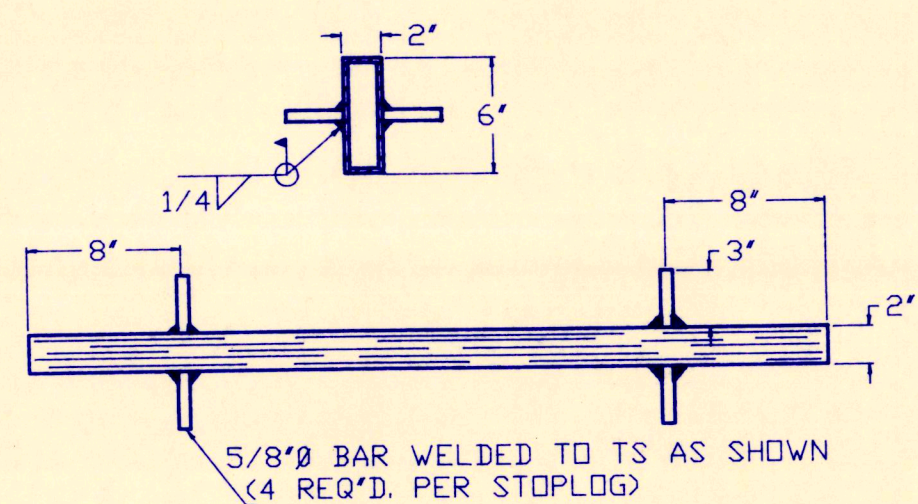
 DUCKS UNLIMITED INC. GREAT PLAINS REGIONAL OFFICE	PROJECT NO: DU-1-SD-Q78-07		DESIGNED BY: DJL
	PICKERING WPA STRUCTURE PLAN & PROFILE VIEWS		DRAWN BY: TE
DATE: 3-14-91	SHEET NO: 5 OF 7	APPROVED BY:	SURVEYED BY: CHECKED BY:



TRASHRACK DETAIL
NOT TO SCALE

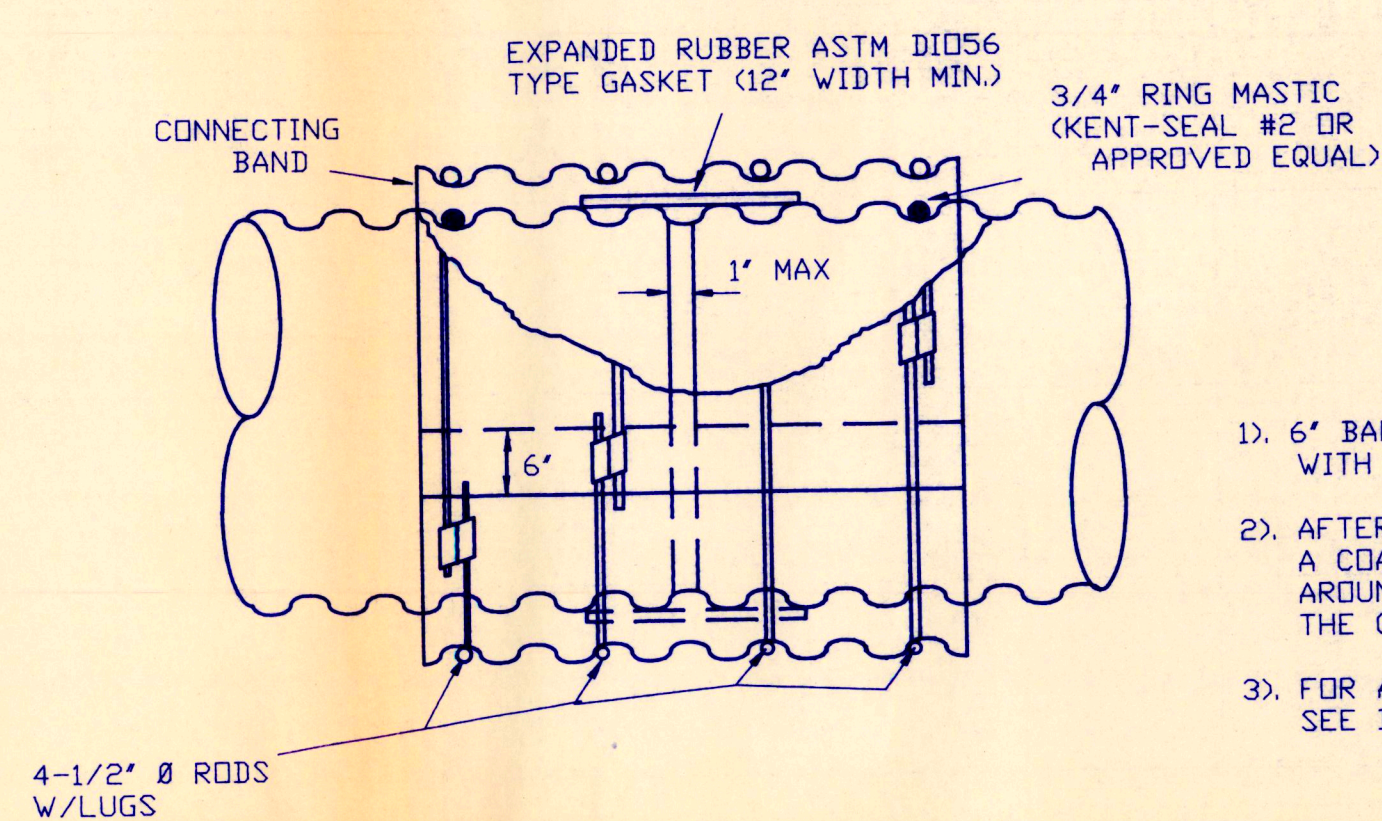


STOPLOG LIFTING HOOK DETAIL
NTS
(2 REQUIRED)

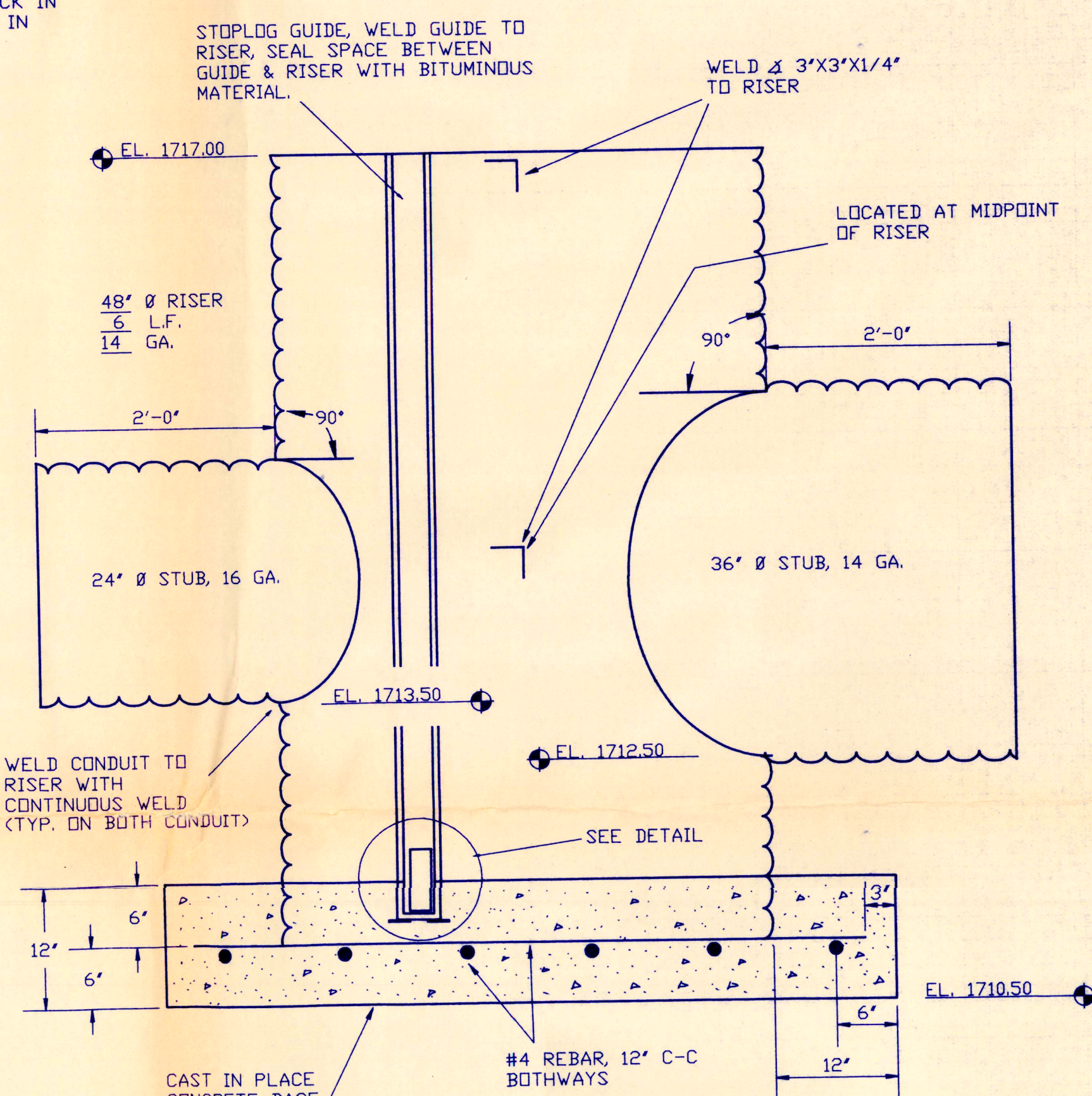


NOTE: ALL STEEL STOPLOGS EXCEPT BOTTOM ONE FURNISHED BY DUCKS UNLIMITED, CONTRACTOR SHALL SUPPLY & WELD ON PEGS, PLUS DELIVER LOGS TO SITE.

STEEL STOPLOG DETAIL
NTS

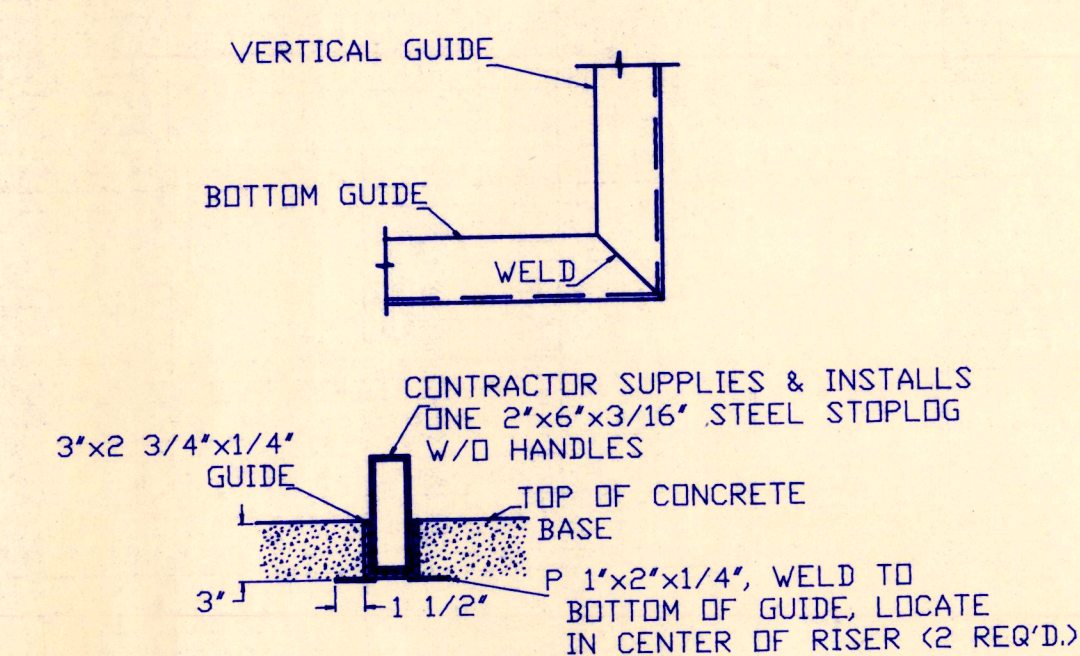


CONNECTING BAND DETAIL
NTS

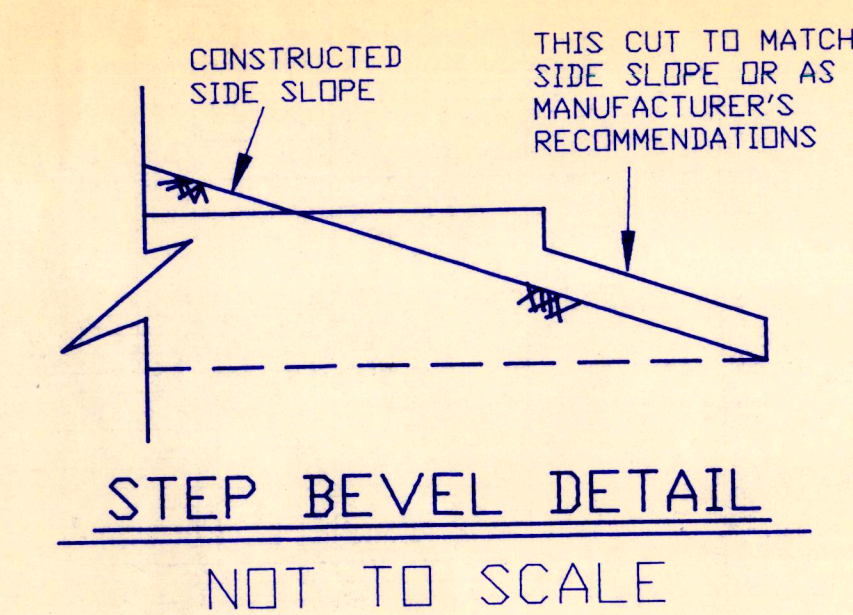


CONTROL STRUCTURE DETAIL
NOT TO SCALE
DO NOT SCALE OFF THIS DRAWING

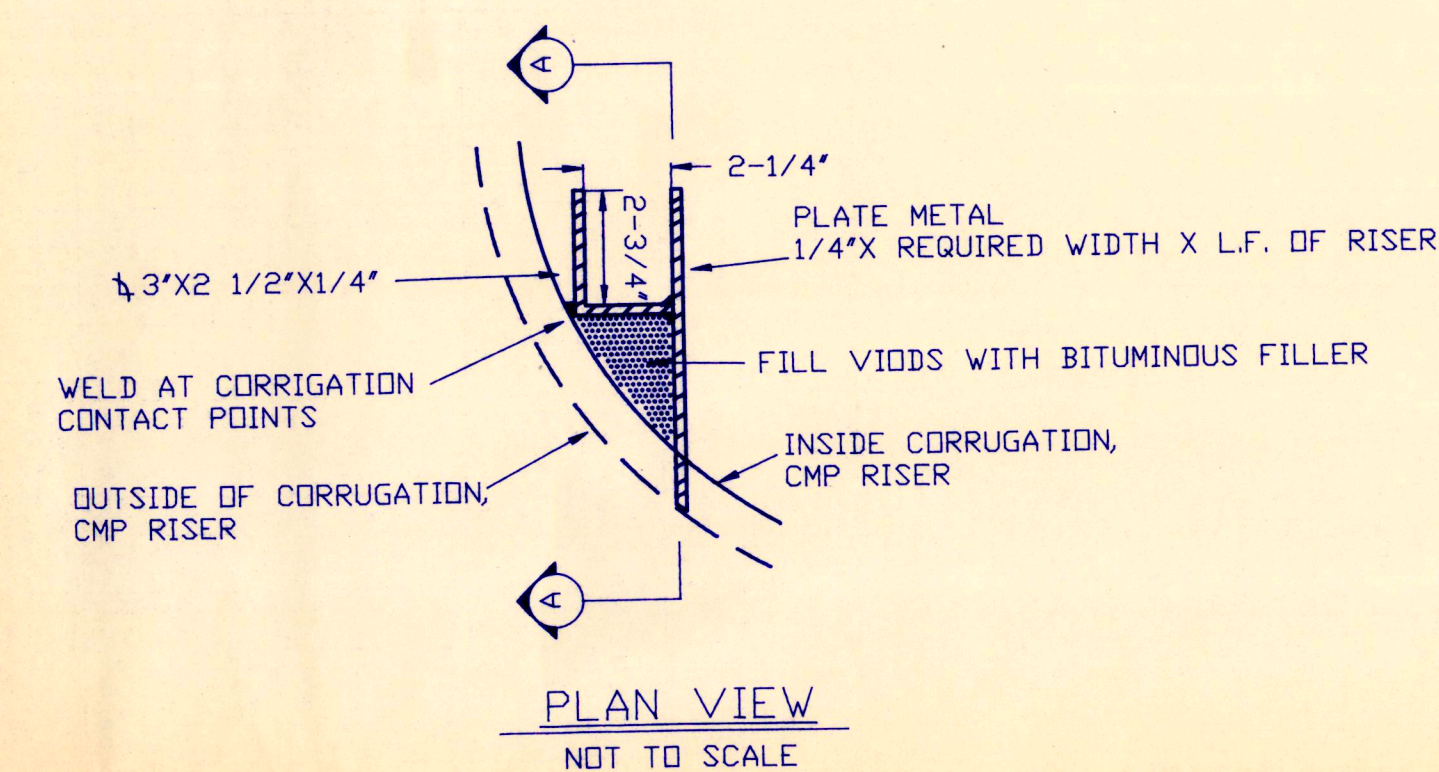
- NOTES**
1. 6" BAND OVERLAP SHALL BE COATED WITH TAR, PRIOR TO SECURING RODS
 2. AFTER BANDS HAVE BEEN TIGHTENED, A COAT OF TAR SHALL BE PLACED AROUND THE PIPE AT THE ENDS OF THE CONNECTING BANDS
 3. FOR ACCEPTABLE GASKET ALTERNATIVES SEE D.U. SPECIFICATION 207



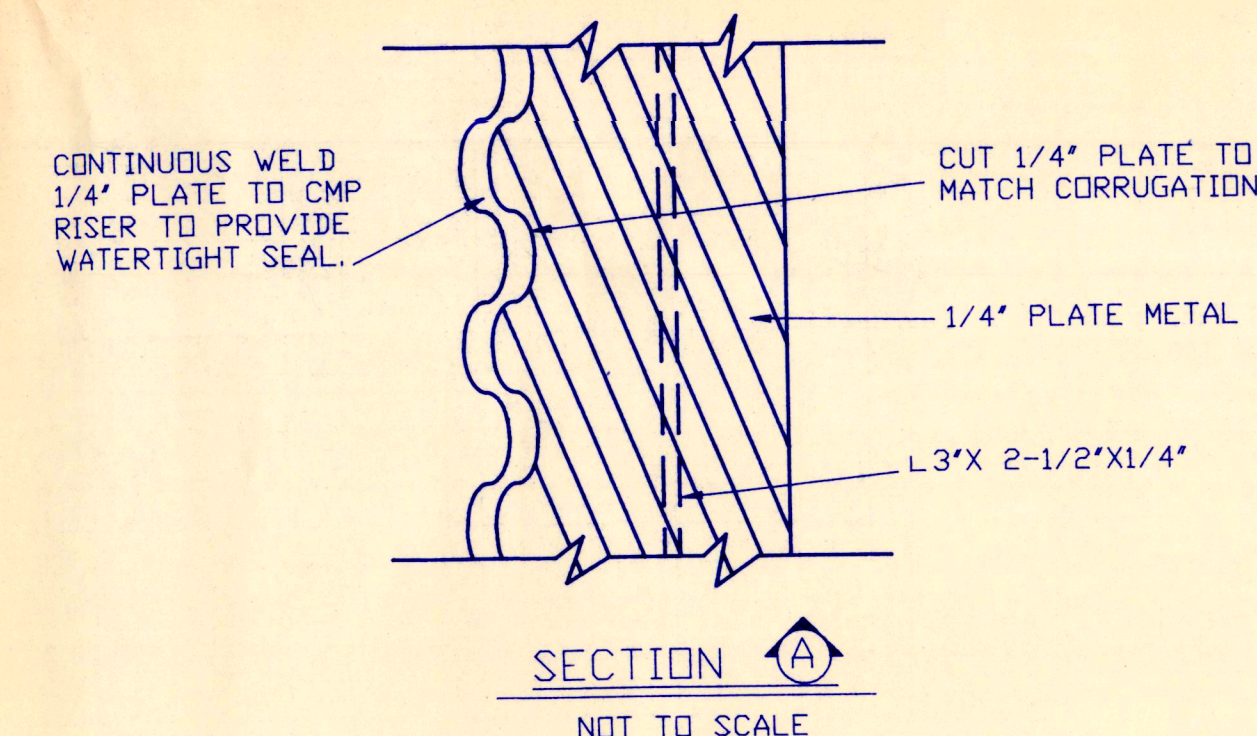
HORIZONTAL STOPLOG GUIDE DETAIL
NTS



STEP BEVEL DETAIL
NOT TO SCALE



PLAN VIEW
NOT TO SCALE



SECTION A
NOT TO SCALE

STOPLOG GUIDE DETAIL
NOT TO SCALE

PRELIMINARY

	DUCKS UNLIMITED INC. GREAT PLAINS REGIONAL OFFICE	PROJECT NO.: DU-1-SD-078-07 PICKERING WPA DETAILS	DESIGNED BY: DJL DRAWN BY: TJE CHECKED BY: APPROVED BY:
DATE	SHEET NO.	APPROVED BY:	APPROVED BY:
1-11-91	6 OF 7		