

Considered: _____

WATER PERMIT NO. 5563-3

Phone: 605-598-4203

Name of Applicant: Roger D. Melius

Post Office Address: Rt 2, Box 14, Faulkton SD 57438

Amount of Water Claimed: 200 ac-ft Total Acres: NA

Source of Water Supply: runoff

Water to be used for: wildlife propagation County: Faulk

About 3 miles NE of Faulkton

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 6-24-91 Fee: \$225.00 Remarks _____

Corrected Application Received 7-10-91 Period of Annual Use Jan 1- Dec 31

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

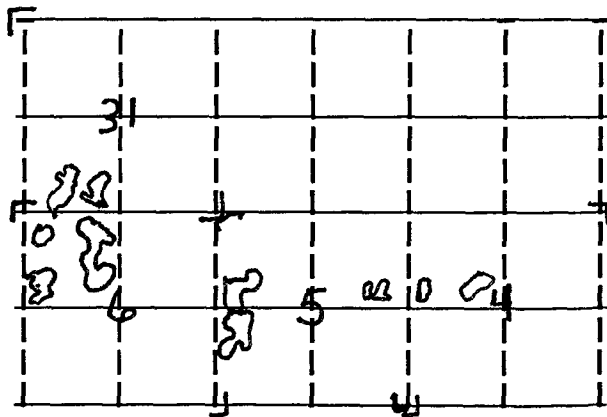
WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point: S 1/2 NW 1/4 Sec 4; SW 1/4 NW

1/4, NW 1/4 SW 1/4, SE 1/4 NE 1/4 Sec 5; NW 1/4

Sec 6; all in T118N-R68W; SW 1/4 Sec 31-T119N-R68W

Land to be Irrigated: _____



Well Log: Driller: NA Licensed YES _____ NO _____

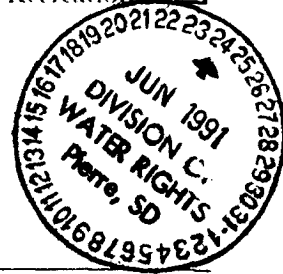
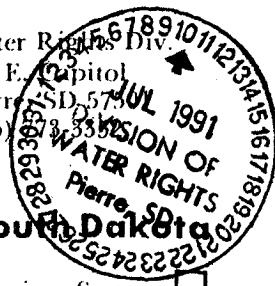
Depth of Well: _____ REMARKS _____

Type of Map: aerial PREPARED BY: Jerry King, ASCS Reviewed and the Number

Assigned on 7-10-91 By Karen Schlaak

No. 5563-3 Hydrologic Unit 10160008
 Map No. _____ Basin James River
 Newspaper Faulk Co Record, Box 68, Faulkton
 (Wed)

523 E. Capitol
 Pierre, SD 57501
 (605) 773-3333



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

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

Type of Application: Check one or more of the following

New ☒ Vested Right ☒ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

Change diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____

☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____

☐ Construction to use water reserved by Future Use Permit No. _____

1. Name of Applicant Roger D. Melius Phone No. 605/598-4203

Post Office Address Rt 2, Box 14, Faulkton State SD Zip Code 57438
(Street, RR or Box) (City)

2. Amount of water claimed (c.f.s.) 98 Ac.-Ft storage plus 200 Ac.-Ft seasonal use

3. Source of water supply Local runoff

4. Location of point of diversion See attached aerial photos

S 1/2 NW 1/4 Sec 4-T118N-R68W; SW 1/4 NW 1/4, NW 1/4 SW 1/4, SE 1/4 NE 1/4 Sec 5-T118N-R68W
NW 1/4 Sec 6-T118N-R68W; SW 1/4 Sec 31-T119N-R68W County Faulk

5. Counties where water will be used Faulk

6. Annual period during which water is to be used Jan 1 - Dec 31

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

Fish and Wildlife Service has a wildlife extension agreement for the lands to be flooded. The ditch plugs will restore drained marshes.

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

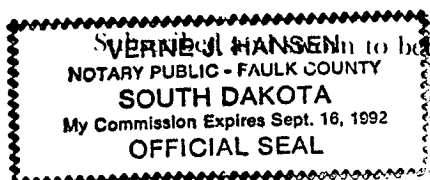
STATE OF SOUTH DAKOTA)

County of Faulk)^{ss}

I, Roger D. Melius

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 Roger D. Melius



in to before me this 8 day of June 1991

Verne H. Hansen
 Notary Public

**SOUTH DAKOTA
WATER PERMIT No. 5563-3**

Date of first receipt of application June 24, 1991.

Date of return to applicant for corrections, amendments or changes June 25, 1991.

Date of receipt of corrected application July 10, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5563-3 to Roger D Melius, Rt 2, Box 14, Faulkton SD 57438 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. 5563-3 appropriates 200 acre feet of water annually (98 acre feet storage) from local runoff by constructing a series of small dams to restore marsh areas. The dam sites and areas impounded are to be located in the S 1/2 NW 1/4 Section 4; SW 1/4 NW 1/4, NW 1/4 SW 1/4, SE 1/4 NE 1/4 Section 5; NW 1/4 Section 6; all in T118N-R68W and the SW 1/4 Section 31-T119N-R68W.
2. The water appropriated shall be used for the purpose of supplying water to provide habitat for fish and wildlife production and may not exceed the amount of water needed for beneficial use for 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. 5563-3 is October 1, 1991.
5. The date from which applicant may claim right is June 24, 1991.
6. One-fifth of the construction is to be completed on or before April 1, 1994.
7. All construction is to be completed on or before October 1, 1996.
8. Water is to be put to beneficial use on or before October 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.

QUALIFICATION

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

WATER MANAGEMENT BOARD

By: _____

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

FEB 27 1992

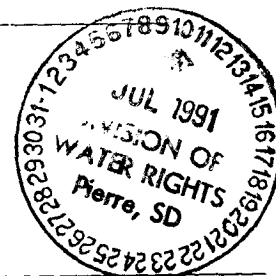
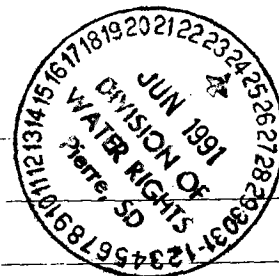
date

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

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



2. Dugout Information Estimates

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

3. Water Storage Dams

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

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

US Fish + Wildlife Service
Rt 1 Box 25
Columbia, SD 57433

b) Freeboard 0

c) Crest Width _____

Crest Length _____

d) Height Ground level

e) Primary Outlet Capacity Not Applicable
 If Pipe, diameter Not Applicable

f) Secondary Spillway Capacity Not Applicable
 Spillway width Not Applicable

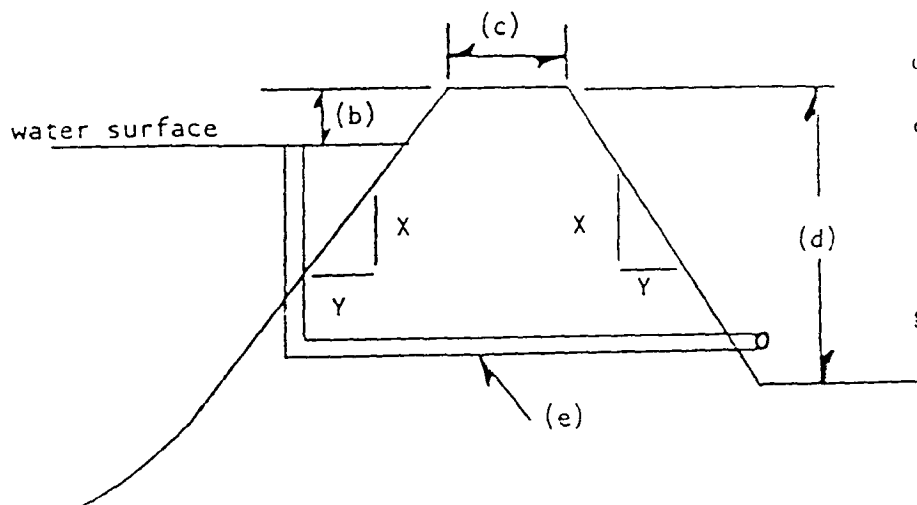
g) X & Y Slope Not Applicable
 Upstream Not Applicable

Downstream Not Applicable

Surface Area of Impoundment 98

Storage 98 acre feet

Drainage area above dam Unknown



Signature of Applicant _____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412731

Pierre, July 10, 19 91

RECEIVED OF Roger or Janet Mellus, RR 2, Box 14, Faulkton, SD 57438

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

Fee for Application for Permit No. <u>5563-3</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
Chief Engineer

NOT TO SCALE

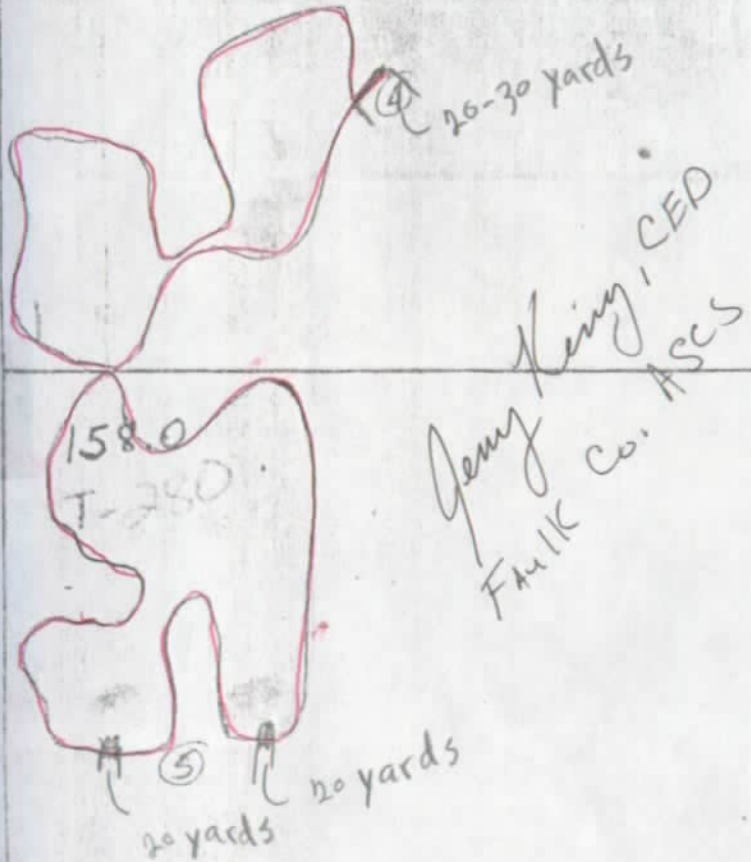
158.6
T-280

56.7
T-280



95R

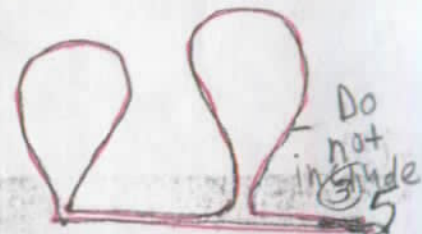
3
2



11.4

49.2

5 118 68



154.2
T-284



2

158.6
T-282

158.9
T-394

6.30

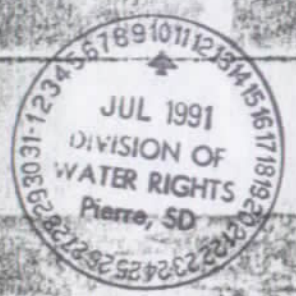
NOT TO SCALE

59.7

T-279

142.9

T-328



95R

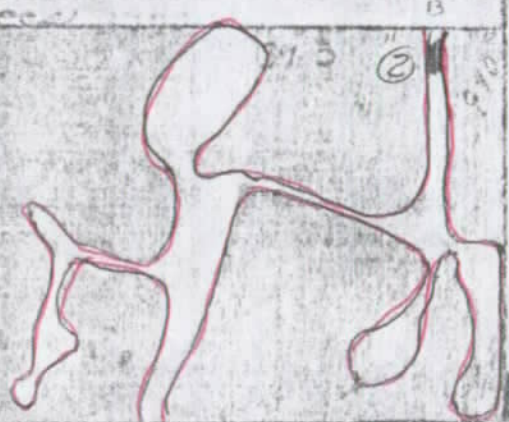
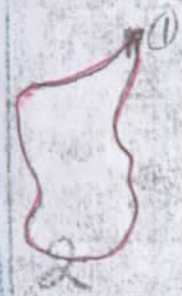
Tree

B

82.1

13

②



4 118 68

159.0

T-329

*Jerry King CED
Faulk County ASC*

149.2

T-278

157.0

⑬

150.6

T-325

93A

NOT TO SCALE

156.0
⑥ T-281



*Jerry King, CEO
Faulk Co. ASCS*

155.3
T-322

⑧ 100 yards



6 118 68

150.0
T-1828



157.0
T-322

156.0

94R

NOT TO SCALE

4

79.5

156.0

115.1

T-480



CFD

31 118 68

159.1

T-280

Jerry King
Faulk Co ASCS

159.7

T-729



left top
75 yards

100 yards



GREAT FACES. GREAT PLACES.

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 25, 1991

Roger D. Melius
Rt 2, Box 14
Faulkton SD 57438

Dear Mr. Melius:

In regard to your water permit application received on June 24, 1991, the following information needs to be submitted and clarified in order to process your application.

1. The application must be signed and notarized.
2. After reviewing the maps submitted with the application, it would appear that the location of the points of diversion and areas impounded (Item No. 4 on the application) would be as follows:

S 1/2 NW 1/4 Section 4-T118N-R68W
SW 1/4 NW 1/4, NW 1/4 SW 1/4, SE 1/4 NE 1/4 Section 5-T118N-R68W
NW 1/4 Section 6-T118N-R68W
SW 1/4 Section 31-T119N-R68W

3. The maps must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office). If the U.S. Fish and Wildlife Service has a design report for the area, please submit a copy of the report also.
4. The application filing fee, based on the 200 acre-feet seasonal use would be \$225.00. Enclosed is the check in the amount of \$150.00

Please let us know if you concur with the locations of points of diversion. Upon receipt of the above, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak
Natural Resources Analyst
605 773-3352
enclosures

REPORT ON WATER PERMIT APPLICATION NO. 5563-3
ROGER D. MELIUS
AUGUST 21, 1991

Application No. 5563-3, Roger D. Melius, proposes to use 200 acre-feet of water annually (98 acre-feet storage) by constructing a series of small dams to restore marsh areas. The dam sites and areas impounded are to be located in the S 1/2 NW 1/4 Section 4; SW 1/4 NW 1/4, NW 1/4 SW 1/4, SE 1/4 NE 1/4 Section 5; NW 1/4 Section 6; all in T118N-R68W and the SW 1/4 Section 31-T119N-R68W. Water is to be used to provide habitat for fish and wildlife production.

Water Source

The source of water is from local runoff. There is a dry draw beginning in Section 5-T118N-R68W that drains east and joins the South Fork-Snake Creek. The South Fork Snake Creek is an indirect tributary to the James River.

Review of Existing Water Rights/Permits

Existing water rights/permits in the immediate vicinity are not anticipated to be adversely affected by this application.

Conclusions

1. Water is available from annual rainfall.
2. No adverse interference is expected from this application.
3. The Fish and Wildlife Service has a wildlife extension agreement for the lands to be flooded. The ditch plugs will restore drained marshes.

Norma C. Job

NORMA C. JOB
Natural Resources Engineer I

Approved by:

Delvin D. Brosz

DELVIN D. BROSZ, PE
Natural Resources Engineer IV

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5563-3, Roger D. Melius

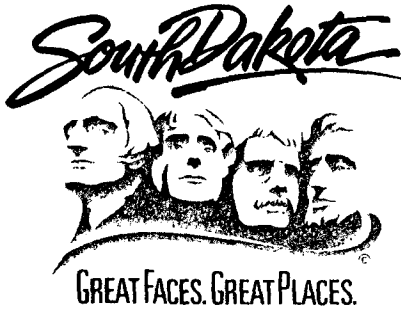
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5563-3, Roger D. Melius, Rt 2 Box 14, Faulkton, SD 57438.

The Chief Engineer is recommending APPROVAL of Application No. 5563-3 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:

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

See report on application for additional information.


JOHN HATCH, Chief Engineer
August 23, 1991



**DEPARTMENT of ENVIRONMENT
and 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.

August 29, 1991

Roger D. Melius
Rt 2 Box 14
Faulkton, SD 57438

Dear Mr. Melius:

Water Permit Application No. 5563-3 for wildlife propagation 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 Faulk County Record printed at Faulkton, 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.



August 29, 1991

Faulk County Record
Box 68
Faulkton, SD 57438

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5563-3 to be published twice. Please publish the first notice on September 4, 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 Roger D. Melius, Rt 2 Box 14, Faulkton, SD 57438.

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

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on September 4, 1991, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5563-3 to Appropriate Water

Notice is given that Roger D. Melius, Rt 2 Box 14, Faulkton, SD 57438 has filed an application for a water permit to use 200 acre feet of water annually (98 acre feet storage) by constructing a series of small dams to restore marsh areas. The dam sites and acres impounded are to be located in the S 1/2 NW 1/4 Section 4; SW 1/4 NW 1/4, NW 1/4 SW 1/4, SE 1/4 NE 1/4 Section 5; NW 1/4 Section 6; all in T118N-R68W and the SW 1/4 Section 31-T119N-R68W. Water is to be used to provide habitat for fish and wildlife production.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5563-3 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 September 23, 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.

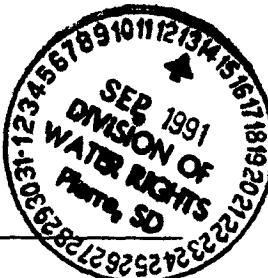
If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application on October 1, 1991, at 10:00 am, Embassy 1 & 2, Holiday Inn City Centre, 100 West 8th Street, Sioux Falls, SD. If a hearing is held, 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. The October 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 September 23, 1991.

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.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
 County Faulk)



I, Jody Moritz

certify that the attached printed Notice was taken
 from the Faulk County Record

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

State of South Dakota

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

Wednesday, September 4, 1991

Wednesday, September 11, 1991

Jody Moritz
 (Signature)

Publisher
 (Title)

Sept. 11, 1991
 (Date Signed)

Cost of Printing: \$49.30

Notice of Hearing

on Application No. 5563-3 to
 Appropriate Water

No. 228, Sept. 4 & 11, 1991

Notice is given that Roger D. Melius, Rt 2 Box 14, Faulkton, SD 57438 has filed an application for a water permit to use 200 acre feet of water annually (98 acre feet storage) by constructing a series of small dams to restore marsh areas. The dam sites and acres impounded are to be located in the S 1/2 NW 1/4 Section 4; SW 1/4 NW 1/4, NW 1/4 SW 1/4, SE 1/4 NE 1/4 Section 5; NW 1/4 Section 6; all in T118N-R68W and the SW 1/4 Section 31-T119N-R68W. Water is to be used to provide habitat for fish and wildlife production.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5563-3 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 September 23, 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.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application on October 1, 1991, at 10:00 am, Embassy 1 & 2, Holiday Inn City Centre, 100 West 8th Street, Sioux Falls, SD. 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. The October 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 September 23, 1991.

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.



FEB 27 1992

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Roger D Melius
Rt 2 Box 14
Faulkton, SD 57438

Dear Mr. Melius:

Enclosed is Water Permit No. 5563-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

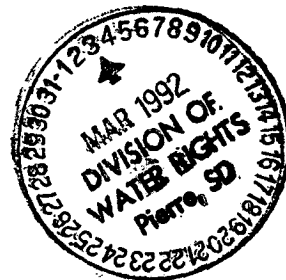
Very truly yours,

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

enclosures

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

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



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

Date Feb. 28 1992

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

FROM: Roger D. Melius RR2 Box 14 Faulkton SD
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. 5563-3.

Water Permit No. 5563-3 states that the diversion system is to be constructed by Oct. 1, 1996, and that the water it put to beneficial use by Oct. 1, 2000.

The diversion system was completed on June 1, 1991.
Applying the water to beneficial use was completed on June 1, 1991.

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

Roger D. Melius
signature

Permit No. 5563-3
James River - Water District

Other permit/license(s) associated with project: none

Contact Person & Address: Roger Melius, 16198 355th Ave, Faulkton, SD 57438

Report Of Examination Of Works

On, June 26, 2001, I made a thorough examination of the water use system constructed by Roger Melius of 16198 355th Ave, Faulkton, SD 57438 holder of Permit No. 5563-3, bearing the priority of June 24, 1991, authorizing the storage of 200 acre-feet of water annually (98 acre-feet of storage) of the waters of runoff for wildlife propagation purposes, in Faulk County. A series of small dams are used to restore marsh areas with a storage capacity of 98 acre-feet.

The system is in the following condition good. Dams and water impoundment areas include S ½ NW ¼ and SW ¼ NE ¼ of Section 4, SW ¼ NW ¼, and NW ¼ SW ¼ of Section 5, and NW ¼ of Section 6 all in T118N-R68W. Dam and water impoundment area include SW ¼ of Section 31 T119N-R68W. These dams are a series of small dams used to restore marsh areas.

The license should be issued for 192.2 acre-feet of water annually (90.2 acre-feet of storage).

Review of 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 NA
- 4) Exceptions to compliance are: none

COMMENTS: The change in the annually water use amount is because the dam located in the SE ¼ NE ¼ of Section 5 T118N-R68W has washout and is not going to be rebuilt at all.

Stacy J. Johnson

Stacy J. Johnson

Natural Resources Project Engineer

DENR, Water Rights Program

9-5-01

Date



3.8 Acre-feet

12.8 Acre-feet

Section 4 T118N-R68W

Stacy J Johnson 9-5-01
Stacy J Johnson
Natural Resources Engineer
SD DENR Water Rights Program

0.4 Miles

0

0.4



Acre-feet



13.8 Acre-feet

18.4 Acre-feet

3.8 Acre

Section 5 T118N-R68W

Section

0.4 0 0.4 Miles

Stacy J Johnson 9-5-01
Stacy J Johnson
Natural Resources Engineer
SD DENR Water Rights Program

1.2 Acre-feet

13.3 Acre-feet

12.7 Acre-feet

Section 6 T118N-R68W



0.4 Miles

0

0.4



Stacy J Johnson 9-5-01
Stacy J Johnson
Natural Resources Engineer
SD DENR Water Rights Program



Section 31 T119N-R68W

9.1 Acre-feet

5.1 Acre-feet

Acre-feet

0.4 0 0.4 Miles

Stacy J Johnson 9-5-01
Stacy J Johnson
Natural Resources Engineer
SD DENR Water Rights Program

STATE OF SOUTH DAKOTA

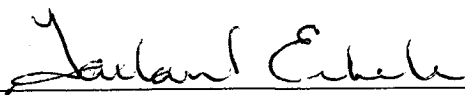
WATER LICENSE NO. 5563-3

(1) Roger D Melius, 16198 355th Ave, Faulkton SD 57438 made Application No. 5563-3, June 24, 1991 for a water permit to impound 200 acre-feet of water annually (98 acre-feet of storage) from runoff, Faulk County, South Dakota for fish & wildlife propagation purposes. Permit No. 5563-3, with a priority date of June 24, 1991 was approved October 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 October 1, 1996 and for the application to beneficial use of said water on or before October 1, 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 a series of small dams and is entitled to impound a total of 192.2 acre-feet of water annually (90.2 acre-feet of storage) for beneficial use with sufficient water annually to maintain the water level to the outlet elevations. The location of the storage dams and water impoundment areas include: S ½ NW ¼ and SW ¼ NE ¼ Section 4, SW ¼ NW ¼ and NW ¼ SW ¼ Section 5, NW ¼ Section 6; all in T118N-R68W and SW ¼ Section 31-T119N-R68W.

(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 Roger D Melius, 16198 355th Ave, Faulkton SD 57438 the holder and/or owner of Water Right No. 5563-3 is issued a license to appropriate water, the right to impound 192.2 acre-feet of water annually (90.2 acre-feet of storage) from runoff with sufficient water annually to maintain the water level to the outlet elevation with a priority date of June 24, 1991 from the location specified in (2) of this license for fish & wildlife propagation. This license is subject to any limitations or qualifications listed in Water Right No. 5563-3 and subject to South Dakota State Law.


Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 07 2001

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 6, 2001

5563-3

Roger Melius
16198 355th Ave
Faulkton SD 57438

Dear Mr. Melius:

On June 26, 2001 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5563-3, was completed by Stacy J Johnson, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires 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 complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
(605) 773-3352

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

No 416935

Pierre, October 12, 20 04

RECEIVED OF Roger Mellus, 16198 -355th Ave, Faulkton, SD 57438
the following amount 16198 -355th Ave 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. 5563-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By Darland Ebele
Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 07 2001

5563-3

Roger D. Melius
16198 355th Ave.
Faulkton, SD 57438

Dear Mr. Melius:

Enclosed is Water License No. 5563-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416935 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures