

Considered: _____

WATER PERMIT NO. 5714-3

Phone: 303 236-5321

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

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

Amount of Water Claimed: 172 AF Total Acres: NA

Source of Water Supply: runoff

Water to be used for: wildlife & livestock watering County: Hamlin

About 4 miles East, 1 North of Bryant

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

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

PRIORITY Date Received: 9-28-92 Fee: \$225.00 Remarks _____

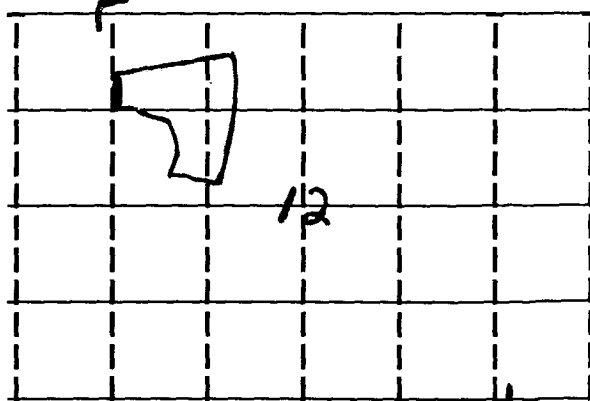
Corrected Application Received 10/5/92 Period of Annual Use January 1 - Dec 31

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

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

Diversion Point: NW 1/4 NW 1/4 Sec 12-T113N-R55W

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 10-5-92 By Karen Schlaak

523 E. Capitol
Pierre, SD 57501
(605) 773-3352
 No. 5714-3 Hydrologic Unit 10170201
 Map No. _____ Basin Big Sioux
 Newspaper The Bryant Dakotan, Box 127

Bryant, SD

Permit To Appropriate Water Within The State Of South Dakota
 Check one: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☐ (above 18gpm) Other ☒ (Wildlife and Livestock watering)

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. _____1. Name of Applicant United States of America
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) 172 acre-feet (64.0 acre-feet storage plus 108.0 seasonal use)
with an overflow set to maintain the water level at elevation3. Source of water supply 330 acre watershed around the wetland. 1781.60 feet.4. Location of point of diversion NW1/4
SW1/4NW1/4 of Section 12, T. 113N., R. 55WCounty Hamlin5. Counties where water will be used Hamlin County6. Annual period during which water is to be used January 1 thru December 31

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

The Fish and Wildlife Service has a perpetual wetland easement for lands to be inundated. Structure will raise the water level 2 feet to the natural level before the wetland was drained. This water is to be used for wildlife and livestock watering purposes.

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

 STATE OF ~~KENTUCKY~~ 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 [Signature]
 ACTING REGIONAL DIRECTOR
Subscribed and sworn to before me this 24th day of September 19 92
Susan E. Craddock
 Notary Public
 My Commission Expires Aug 5, 1993

**SOUTH DAKOTA
WATER PERMIT NO. 5714-3**

Date of first receipt of application September 28, 1992.

Date of receipt of corrected application October 5, 1992.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5714-3 to US Fish and Wildlife Service, PO Box 25486, Denver Federal Center, 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. 5714-3 appropriates 172 acre-feet of runoff water annually (64 acre-feet storage plus 108 acre-feet of seasonal use to offset evapotranspiration) by constructing a dam to be located in the NW 1/4 NW 1/4 Section 12-T113N-R55W. Water will be impounded in the NW 1/4 Section 12-T113N-R55W.
2. The water appropriated shall be used for the purpose of supplying water for wildlife habitat and livestock watering and may not exceed the amount of water needed for beneficial use for wildlife habitat and livestock watering purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 5714-3 is December 29, 1992.
5. The date from which applicant may claim right is September 28, 1992.
6. One-fifth of the construction is to be completed on or before June 29, 1995.
7. All construction is to be completed on or before December 29, 1997.
8. Water is to be put to beneficial use on or before December 29, 2001.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

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

MAR 17 1993
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

U.S. Fish & Wildlife Service
P.O. Box 48
Madison, SD 57042

b) Freeboard 2 feet

c) Crest Width 10 feet

Crest Length 150 feet

d) Height 4.5 feet

e) Primary Outlet Capacity N/A
If Pipe, diameter N/A

f) Secondary Spillway Capacity 170 cfs
Spillway width 37 feet

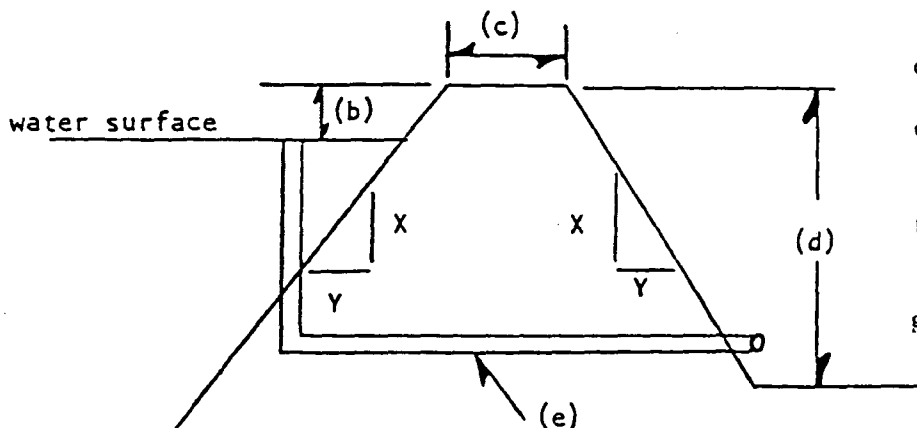
g) X & Y Slope
Upstream 3:1

Downstream 3:1

Surface Area of Impoundment 51.2 Acres

Storage 64.0 acre feet

Drainage area above dam 330 acres



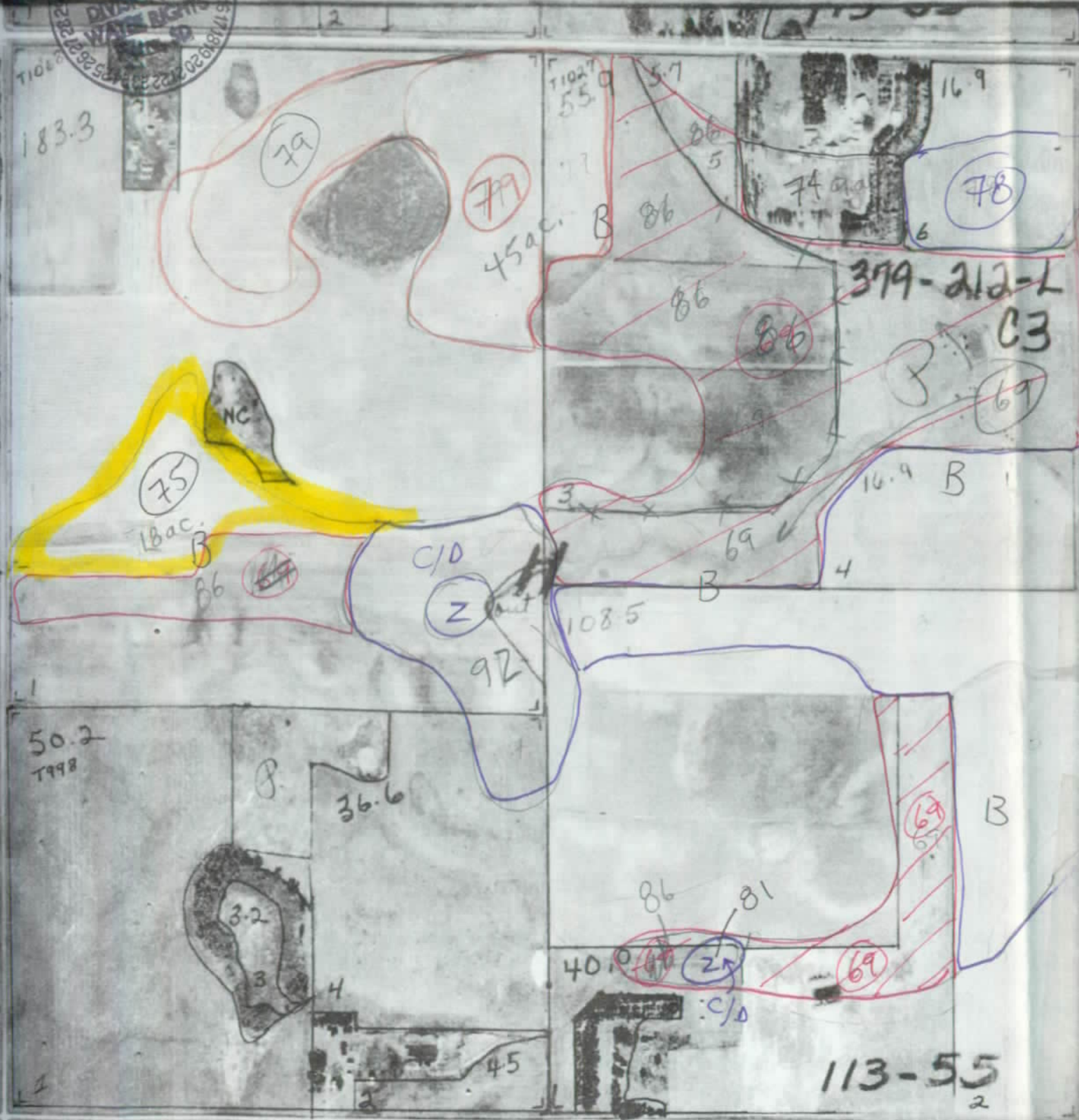
Signature of Applicant

REGIONAL DIRECTOR

ACTING

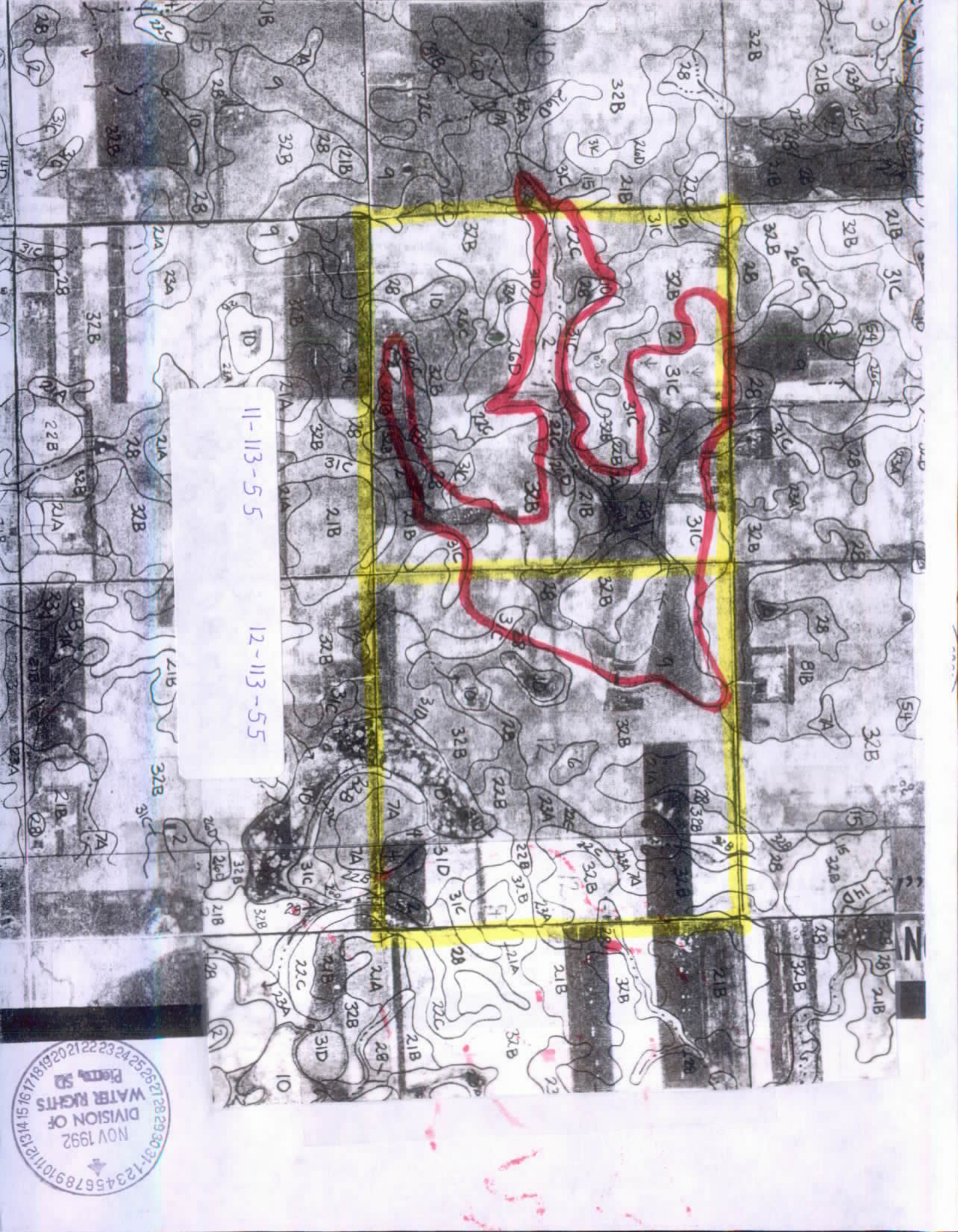


NOT TO SCALE



NOT TO SCALE





11-113-55

12-113-55

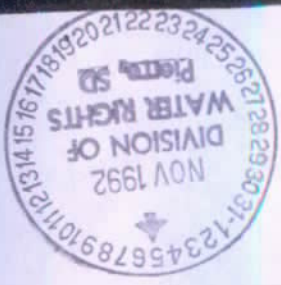


TABLE 1 - SOIL INTERPRETIVE GROUPS
HAMLIN COUNTY, SOUTH DAKOTA



USDA:SCS

Sec. 11-A

Map Symbol	Map Unit Name		% Slope	tg	Cap. Class	Range Site	Past. Group	Wbrk. Group	WEG(I)	K	T	Hyd. Group
37A-ArA	Arvilla sandy loam	ND0007	0-2	e	IIIs-3	SwG	D2	6G	3(86)	0.20	3	B
54-Ba	Badger silty clay loam	SD0475	0-2	e	IIw-1	Ov	A	2W	7(38)	0.28	5	C
BaB	Barnes clay loam	ND0119	2-6	e	IIe-2	Sl	F	3	6(48)	0.28	5	B
26B-BbB	Barnes-Buse loams		2-6									
	Barnes	ND0119	2-6	e	IIe-2	Sl	F	3	6(48)	0.28	5	B
	Buse	MN0317	3-6	e	IIe-6	TU	G	8	4L(86)	0.28	5	B
26C-BbC	Barnes-Buse loams		6-9									
	Barnes	ND0119	6-9	e	IIe-1	Sl	F	3	6(48)	0.28	5	B
	Buse	MN0317	6-9	e	IVe-2	TU	G	8	4L(86)	0.28	5	B
BcD	Barnes-Buse-Svea loams		2-15									
	Barnes	ND0119	2-15	e	IVe-1	Sl	F	3	6(48)	0.28	5	B
	Buse	MN0317	9-15	e	VIe-3	TU	G	8	4L(86)	0.28	5	B
	Svea	ND0231	2-6	e	IIe-1	Sl	K	1	6(48)	0.28	5	B
26A-BnA	Barnes-Vienna complex		0-2									
	Barnes loam	ND0119	0-2	e	I-2	Sl	F	3	6(48)	0.28	5	B
	Vienna silt loam	SD0231	0-2	e	I-2	Sl	F	3	6(48)	0.32	5	B
121A-BrA	Brandt silty clay loam	SD0450	0-2	e	I-2	Sl	F	3	7(38)	0.28	5	B
121B-BrB	Brandt silty clay loam	SD0450	2-6	e	IIe-3	Sl	F	3	7(38)	0.28	5	B
87A-Bs	Brookings silty clay loam	SD0160	0-2	e	I-3	Ov	K	1	7(38)	0.28	5	B
26D-BtD	Buse-Barnes loams		9-20									
	Buse	MN0317	9-20	e	VIe-3	TU	G	8	4L(86)	0.28	5	B
	Barnes	ND0119	9-20	e	IVe-1	Sl	F	3	6(48)	0.28	5	B
72C-BuC	Buse-Barnes loams, very stony 1/		2-15									
	Buse	MN0310	2-15	e	VIIIs-1	TU	NS	10	8(0)	0.20	5	B
	Barnes	ND0120	2-9	e	VIIIs-1	Sl	NS	10	8(0)	0.20	5	B
72E-BuE	Buse-Barnes loams, very stony 2/		9-40									
	Buse	MN0310	9-40	e	VIIIs-1	TU	NS	10	8(0)	0.20	5	B
	Barnes	ND0120	9-25	e	VIIIs-1	Sl	NS	10	8(0)	0.20	5	B
140-BvD	Buse-Lamoure, channeled, complex		0-40									
	Buse loam	MN0317	2-40	e	VIIe-1	TU	NS	10	4L(86)	0.28	5	B
	Lamoure silty clay loam, channeled	SD0176	0-2	e	VIw-1	Sb	B1	2W*	4L(86)	0.28	5	C
71E-BxE	Buse-Langhei complex		15-40									
	Buse loam	MN0317	15-40	e	VIIe-1	TU	NS	10	4L(86)	0.28	5	B

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TABLE 1 - SOIL INTERPRETIVE GROUPS
HAMLIN COUNTY, SOUTH DAKOTA



USDA:SCS

Sec. 11-A

Map Symbol	Map Unit Name		% Slope	tg	Cap. Class	Range Site	Past. Group	Wbrk. Group	WEG(I)	K	T	Hyd. Group
	Langhei clay loam	MN0476	15-40	e	Vile-1	TU	NS	10	4L(86)	0.32	5	B
31C-ByC	Buse-Poinsett complex		6-9									
	Buse loam	MN0317	6-9	e	IVe-2	TU	G	8	4L(86)	0.28	5	B
	Poinsett silty clay loam	SD0180	6-9	e	IIIe-2	Si	F	3	7(38)	0.32	5	B
31D-ByD	Buse-Poinsett complex		9-15									
	Buse loam	MN0317	9-15	e	VIe-3	TU	G	8	4L(86)	0.28	5	B
	Poinsett silty clay loam	SD0180	9-15	e	IVe-1	Si	F	3	7(38)	0.32	5	B
4-Ca	Castlewood silty clay	SD0478	0-1	e	IIIw-3	WL	A	2W	4(86)	0.28	5	C/D
27-Co	Colvin-Oldham silty clay loams		0-1									
	Colvin, undrained	ND0002	0-1	e	IVw-3	Sb	A	10	4L(86)	0.32	5	C/D
	drained	ND0002	0-1	e	IIw-2	Sb	A	2W*	4L(86)	0.32	5	C/D
	Oldham, undrained	SD0174	0-1	e	Vw-2	WL	B1	10	4(86)	0.28	5	C/D
	drained	SD0174	0-1	e	IIIw-1	WL	A	2W*	4(86)	0.28	5	C/D
28-Cu	Cubden-Badger silty clay loams		0-3									
	Cubden silty clay loam	SD0497	0-3	e	IIIs-4	LSb	F	1*	4L(86)	0.28	5	C
	Badger silty clay loam	SD0475	0-2	e	IIw-1	Ov	A	2W	7(38)	0.28	5	C
28A-Cx	Cubden-Tonka silty clay loams		0-3									
	Cubden	SD0497	0-3	e	IIIs-4	LSb	F	1*	4L(86)	0.28	5	C
	Tonka, undrained	ND0229	0-1	e	IVw-2	WM	B2	10	7(38)	0.32	5	C/D
	drained	ND0229	0-1	e	IIw-4	WM	A	2W	7(38)	0.32	5	C/D
51-Dv	Divide loam	ND0011	0-3	e	IIIs-4	LSb	D1	1*	4L(86)	0.28	4	B
40B-EgB	Egeland-Embsen complex		2-6									
	Egeland sandy loam	SD0140	2-6	e	IIIe-7	Sy	H	5	3(86)	0.20	5	B
	Embsen fine sandy loam	ND0218	2-6	e	IIIe-7	Sy	H	1	3(86)	0.20	5	B
90B-EmC	Egeland-Maddock sandy loams		6-9									
	Egeland	SD0140	6-9	e	IVe-3	Sy	H	5	3(86)	0.20	5	B
	Maddock	ND0192	6-9	e	IVe-3	Sy	H	5	3(86)	0.17	5	A
89A-EsA	Estelline silt loam	SD0206	0-2	e	IIIs-3	Si	D1	6G	6(48)	0.32	4	B
89B-EsB	Estelline silt loam	SD0206	2-6	e	IIe-5	Si	D1	6G	6(48)	0.32	4	B
114-Fa	Fairdale loam, channeled	ND0014	0-2	e	VIw-1	Sb	K	2W	5(56)	0.32	5	B
20A-FdA	Fordville loam	SD0178	0-2	e	IIIs-3	Si	D1	6G	6(48)	0.24	4	B
20B-FoB	Fordville-Renshaw loams		2-6									
	Fordville	SD0178	2-6	e	IIe-5	Si	D1	6G	6(48)	0.24	4	B

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	Renshaw	SD0142	2-6	e	IVs-2	SwG	D2	6G	6(48)	0.28	3	B
36A-HeA	Hetland silty clay loam	SD0496	0-2	e	I-2	Si	F	4L	4(86)	0.28	5	C
36B-HeB	Hetland silty clay loam	SD0496	2-6	e	IIe-3	Si	F	4L	4(86)	0.28	5	C
81A-KrA	Kranzburg-Brookings silty clay loams		0-2									
	Kranzburg	SD0161	0-2	e	I-2	Si	F	3	7(38)	0.32	5	B
	Brookings	SD0160	0-2	e	I-3	Ov	K	1	7(38)	0.28	5	B
81B-KrB	Kranzburg-Brookings silty clay loams		1-6									
	Kranzburg	SD0161	2-6	e	IIe-3	Si	F	3	7(38)	0.32	5	B
	Brookings	SD0160	1-2	e	I-3	Ov	K	1	7(38)	0.28	5	B
46-La	La Prairie loam	ND0109	0-3	e	I-1	Ov	K	1	6(48)	0.28	5	B
12-Ld	LaDelle silt loam	SD0145	0-2	e	I-1	Ov	K	1	6(48)	0.28	5	B
16-Lm	Lamoure silty clay loam, undrained	SD0176	0-2	e	IVw-3	Sb	B1	2W*	4L(86)	0.28	5	C
	drained	SD0176	0-2	e	IIw-3	Sb	A	2W*	4L(86)	0.28	5	C
14-Lr	Lamoure-Rauville silty clay loams, channeled											
	Lamoure	SD0176	0-2	e	VIw-1	Sb	B1	2W*	4L(86)	0.28	5	C
	Rauville	SD0177	0-2	e	Vw-1	WL	B1	10	4L(86)	0.28	5	D
11-Lw	Lowe loam	SD0455	0-2	e	IIIw-3	Sb	A	2W*	4L(86)	0.28	5	B
13-Ma	Marysland loam	MN0588	0-2	e	IVw-3	Sb	B1	2S	4L(86)	0.28	4	B/D
25-MbA	Mauvais clay loam	ND0247	0-2	e	IIIw-3	Sb	A	10	4L(86)	0.32	5	C
88-Mc	McIntosh-Badger silty clay loams		0-3									
	McIntosh	MN0074	0-3	e	IIIs-4	LSb	F	1*	4L(86)	0.28	5	C
	Badger	SD0475	0-2	e	IIw-1	Ov	A	2W	7(38)	0.28	5	C
43-Mn	Minnewaukan loamy sand	ND0144	0-3	e	IVs-1	Sb	A	2S	2(134)	0.17	5	A/D
3-Mz	Moritz-Lamoure complex		0-2									
	Moritz clay loam	SD0454	0-2	e	IIw-2	LSb	A	1*	4L(86)	0.28	5	B
	Lamoure silty clay loam, undrained	SD0176	0-2	e	IVw-3	Sb	B1	2W*	4L(86)	0.28	5	C
	drained	SD0176	0-2	e	IIw-3	Sb	A	2W*	4L(86)	0.28	5	C
9-Oh	Oldham silty clay loam, undrained	SD0174	0-1	e	Vw-2	WL	B1	10	4(86)	0.28	5	C/D
	drained	SD0174	0-1	e	IIIw-1	WL	A	2W*	4(86)	0.28	5	C/D
99-Or	Orthents, gravelly 3/	SD3003	0-15	e	VIIIIs-IVSw		NS	10	5(56)	0.20	3	A
2-Pa	Parnell silty clay loam, undrained	MN0035	0-1	e	Vw-2	SM	B2	10	7(38)	0.28	5	C/D
	drained	MN0035	0-1	e	IIIw-1	SM	A	2W	7(38)	0.28	5	C/D
15-Pm	Playmoor silty clay loam	SD0170	0-2	e	IVw-4	SSb	J	10	4L(86)	0.28	5	C/D

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Sec. 11-A

Map	Symbol	Map Unit Name	% Slope	tg	Cap. Class	Range Site	Past. Group	Wbrk. Group	WEG(1)	K	T	Hyd. Group
22B-PoB		Poinsett-Buse complex	2-6									
		Poinsett silty clay loam	SD0180	2-6	e	Ile-3 Si	F	3	7(38)	0.32	5	B
		Buse loam	MN0317	3-6	e	IIIe-6 TU	G	8	4L(86)	0.28	5	B
32B-PsB		Poinsett-Buse-Waubay complex	1-6									
		Poinsett silty clay loam	SD0180	1-6	e	Ile-3 Si	F	3	7(38)	0.32	5	B
		Buse loam	MN0317	1-6	e	IIIe-6 TU	G	8	4L(86)	0.28	5	B
		Waubay silty clay loam	SD0259	1-2	e	I-3 Ov	K	1	7(38)	0.28	5	B
22C-PsC		Poinsett-Buse-Waubay complex	2-9									
		Poinsett silty clay loam	SD0180	2-9	e	IIIe-2 Si	F	3	7(38)	0.32	5	B
		Buse loam	MN0317	2-9	e	IVe-2 TU	G	8	4L(86)	0.28	5	B
		Waubay silty clay loam	SD0201	2-9	e	Ile-1 Si	K	1	7(38)	0.28	5	B
21A-PwA		Poinsett-Waubay silty clay loams	0-2									
		Poinsett	SD0180	0-2	e	I-2 Si	F	3	7(38)	0.32	5	B
		Waubay	SD0259	0-2	e	I-3 Ov	K	1	7(38)	0.28	5	B
21B-PwB		Poinsett-Waubay silty clay loams	1-6									
		Poinsett	SD0180	2-6	e	Ile-3 Si	F	3	7(38)	0.32	5	B
		Waubay	SD0259	1-2	e	I-3 Ov	K	1	7(38)	0.28	5	B
47-Ra		Rauville silty clay loam	SD0177	0-1	e	Vw-1 WL	B1	10	4L(86)	0.28	5	D
17A-ReA		Renshaw loam	SD0142	0-2	e	IIIs-3 SwG	D2	6G	6(48)	0.28	3	B
17B-ReB		Renshaw loam	SD0142	2-6	e	IVs-2 SwG	D2	6G	6(48)	0.28	3	B
33C-RnC		Renshaw-Brandt complex	3-9									
		Renshaw loam	SD0142	3-9	e	IVs-2 SwG	D2	6G	6(48)	0.28	3	B
		Brandt silty clay loam	SD0450	3-6	e	Ile-3 Si	F	3	7(38)	0.28	5	B
17C-RsC		Renshaw-Sioux complex	6-9									
		Renshaw loam	SD0142	6-9	e	IVe-4 SwG	D2	6G	6(48)	0.28	3	B
		Sioux gravelly loam	S00052	6-9	e	VIIs-3 VSw	NS	10	8(0)	0.20	2	A
18D-SaD		Sioux-Renshaw complex	9-15									
		Sioux gravelly loam	S00052	9-15	e	VIIs-3 VSw	NS	10	8(0)	0.20	2	A
		Renshaw loam	SD0142	9-15	e	VIe-6 SwG	D2	6G	6(48)	0.28	3	B
10-So		Southam silty clay loam	N00248	0-1	e	VIIIw-1(NA)	NS	10	4(86)	0.37	5	D
45-Sp		Spottswood loam	SD0251	0-3	e	IIIs-3 Ov	F	1	6(48)	0.24	4	B
82B-StB		Strayhoss silt loam	SD0509	2-6	e	Ile-2 Si	F	3	6(48)	0.28	5	B
6-To		Tonka silty clay loam, undrained	N00229	0-1	e	IVw-2 WM	B2	10	7(38)	0.32	5	C/D

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LRA 102A

Rev. 16-Jul-92

TABLE 1 - SOIL INTERPRETIVE GROUPS
HAMLIN COUNTY, SOUTH DAKOTA



USDA:SCS

Sec. II-A

Map			%	Cap.	Range	Past.	Wbrk.				Hyd.	
Symbol	Map Unit Name		Slope	tg	Class	Site	Group	Group	WEG(1)	K	T	Group
	drained	ND0229	0-1	e	IIw-4	WM	A	2W	7(38)	0.32	5	C/D
LVB	Vienna-Brookings complex		0-2									
	Vienna silt loam	SD0231	0-2	e	I-2	Sl	F	3	6(48)	0.32	5	B
	Brookings silty clay loam	SD0160	0-2	e	I-3	Ov	K	1	7(38)	0.28	5	B
VB	Vienna-Brookings complex		1-6									
	Vienna silt loam	SD0231	1-6	e	IIe-2	Sl	F	3	6(48)	0.32	5	B
	Brookings silty clay loam	SD0160	1-3	e	I-3	Ov	K	1	7(38)	0.28	5	B
VnC	Vienna-Buse complex		6-9									
	Vienna silt loam	SD0231	6-9	e	IIIe-1	Sl	F	3	6(48)	0.32	5	B
	Buse loam	MN0317	6-9	e	IVe-2	TU	G	8	4L(86)	0.28	5	B
Wa	Waubay silty clay loam	SD0259	0-2	e	I-3	Ov	K	1	7(38)	0.28	5	B

(NA) - Not Assigned

* These soils are highly calcareous and silver maple is not suited.

1/ If stones picked, use interpretations for BbC.

2/ If stones picked, use interpretations for BtD or BxE depending on slope.

3/ Interpretations may vary due to thickness of topsoil replaced, slope, soil texture and water table depth.

5714-3 US Fish + Wildlife 11/3/92 GCS

Annual Surface Yield

Pg 2-83 from SCS Field Engineering Manual

- Determines vol of runoff for a 12 mo. period, a given percent of the time.

Data required:

Isogram Number - Various conditions affecting surface runoff yield are related to a specific locality.
(Exhibit 2-10)

Soil Cover Complex Number - Composite of soil cover index numbers for sub-areas within. (Exhibit 2-2)

Size of Contributing Area - Acres of drainage area; includes only area which will drain to the point of design under the most adverse conditions.

Dependency Required - ^{Determined by} SCS design standards or good judgement based on the need. E.g. → 80% chance occurrence curve is the vol of runoff which the area can be depended upon yielding 80 yrs / in every 100. or 80% chance every year that much vol. of runoff or more will be available.

Mathison's

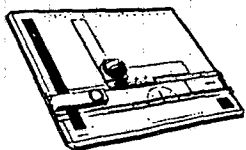
1213 NP Ave. Box 333, Fargo, ND 58107 (701) 232-8971
 112 N. 4th St. Box 1256, Bismarck, ND 58502 (701) 258-5060
 109 Indiana Box 31, Sioux Falls, SD 57117 (605) 336-2437
 2928 Gordon Dr. Box 1646, Sioux City, IA 51102 (712) 274-2650

Toll-Free: 1-800-437-4744
 Fax: (701) 280-9106

1/2

* Use Exhibit 2-2a Pg 2-13
 Runoff Curve Nos.

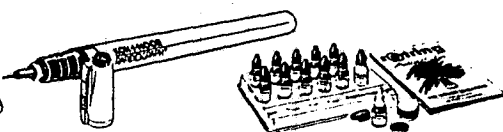
HYDROLOGIC SOIL GROUP	Land Use	*CN	Fraction of Total Acres	Weighted CN
B	Pasture - Natural. Fair condition	69	(59ac) .163	11.20
B	Farmstead	74	(9ac) .0249	1.84
B	Row Crops - Contoured good condition	75	(18ac) .0497	3.73
B	Straight row Crops - Good condition	78	(139ac) .384	30.0
C/D	Pasture Natural Fair condition	81	(6acres) .0166	1.34
B	Fallow - straight row	86	(62acres) .171	14.7
C/D	Fallow - straight row	92	(24ac) .0663	6.10
B	Contoured - poor condition	79	(45ac) .124	9.82
			362 total acres	78.7



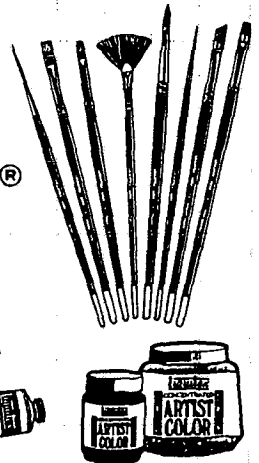
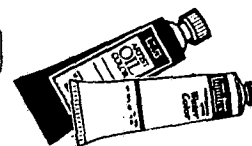
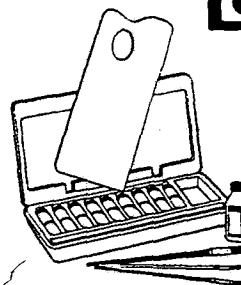
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Mathison's

1213 NP Ave. Box 333, Fargo, ND 58107 (701) 232-8971
112 N. 4th St. Box 1256, Bismarck, ND 58502 (701) 258-5060
109 Indiana Box 31, Sioux Falls, SD 57117 (605) 336-2437
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Toll-Free: 1-800-437-4744
Fax: (701) 280-9106

2/2

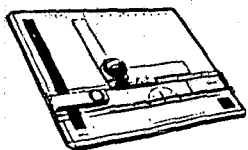
Weighted CN = 78.7 for 362 acre drainage area (in Area 2 1/2)
For state of 50

Use Figure 2-10

Pg 286 SCS Engineering Field Manual

① Use 50% chance occurrence (see attached sheet)
Obtain $0.74 \frac{\text{acre-inches}}{\text{acre}} \times 362 \text{ acres} = 268 \text{ acre-inches}$
12"/ft

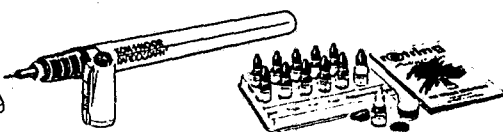
Annual runoff = 22.3 ac-ft
yield
(50% chance occurrence)



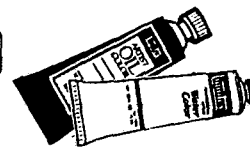
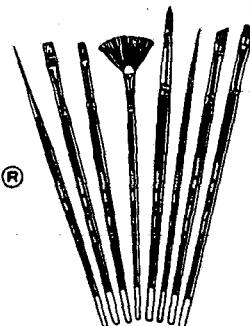
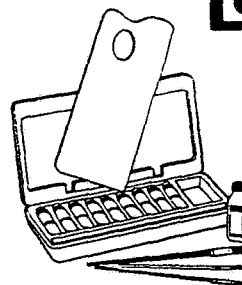
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RUNOFF CURVE NUMBERS FOR HYDROLOGIC SOIL GROUPS
(Antecedent Moisture Condition II)

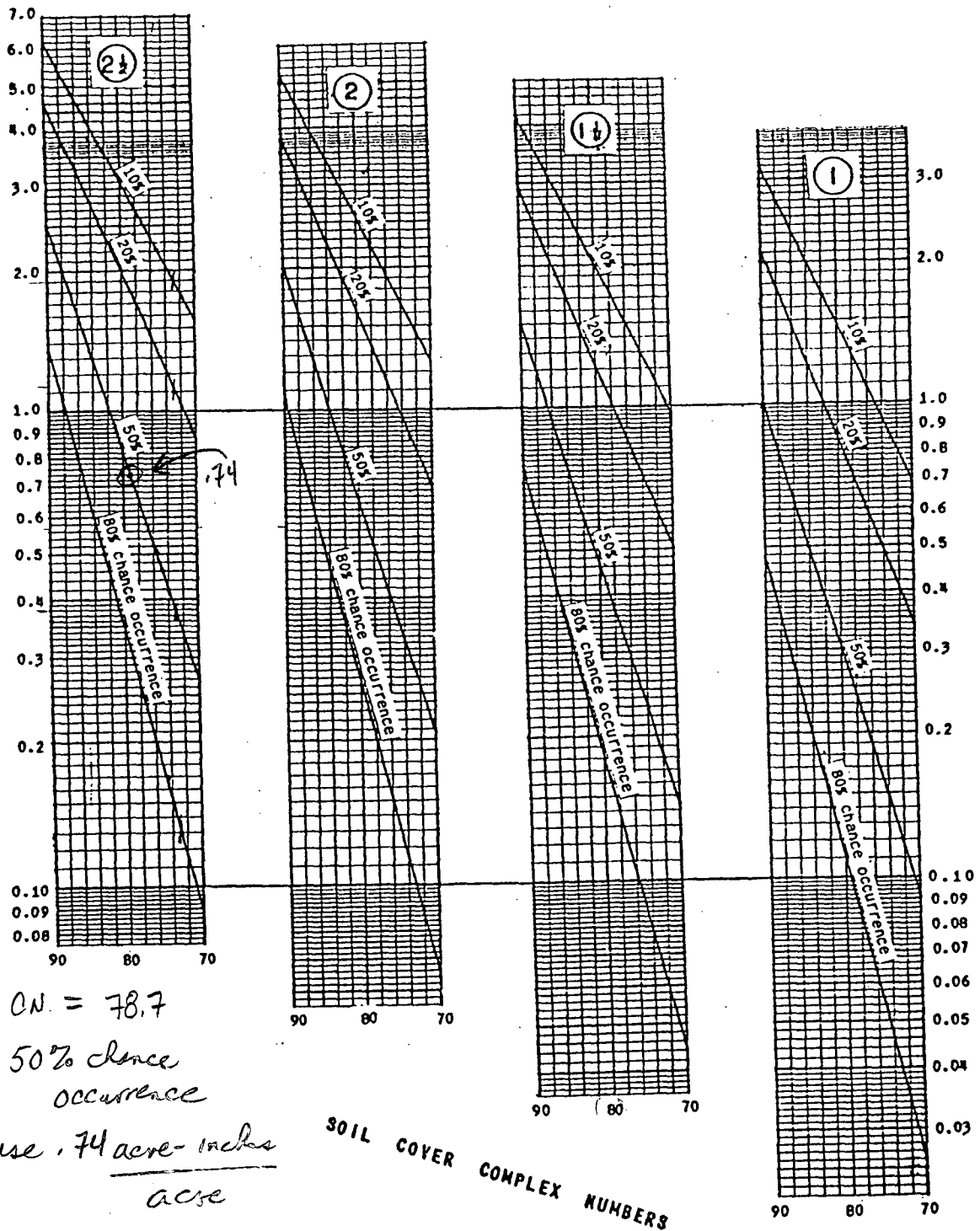
Agricultural Areas:

Land Use, Treatment and Hydrologic Condition	Hydrologic Soil Group			
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
<u>Fallow</u> - Straight Row	77	86	91	94
<u>Row Crops:</u>				
Straight row - poor condition	72	81	88	91
Straight row - good condition	67	78	85	89
Contoured - poor condition	70	79	84	88
Contoured - good condition	65	75	82	86
Contoured and terraced - poor condition	66	74	80	82
Contoured and terraced - good condition	62	71	78	81
<u>Small Grain:</u>				
Straight row - poor condition	65	76	84	88
Straight row - good condition	63	75	83	87
Contoured - poor condition	63	74	82	85
Contoured - good condition	61	73	81	84
Contoured and terraced - poor condition	61	72	79	82
Contoured and terraced - good condition	<u>59</u>	70	78	81
<u>Close Seeded Legumes^{1/} or Rotation Meadow</u>				
Straight row - poor condition	66	77	85	89
Straight row - good condition	<u>58</u>	72	81	85
Contoured - poor condition	<u>64</u>	75	83	85
Contoured - good condition	<u>55</u>	69	78	83
Contoured and terraced - poor condition	<u>63</u>	73	80	83
Contoured and terraced - good condition	<u>51</u>	67	76	80
<u>Pasture or Range:</u>				
Natural - poor condition	68	79	86	89
Natural - fair condition	<u>49</u>	69	79	84
Natural - good condition	<u>39</u>	61	74	80
Contoured - poor condition	<u>47</u>	67	81	88
Contoured - fair condition	<u>25</u>	<u>59</u>	75	83
Contoured - good condition	<u>6</u>	<u>55</u>	70	79
<u>Meadow:</u> Good condition	<u>30</u>	<u>58</u>	71	78
<u>Woods:</u> Poor condition	<u>45</u>	66	77	83
Fair condition	<u>36</u>	60	73	79
Good condition	<u>25</u>	<u>55</u>	70	77

Note: The underlined CN's are below the values in ES-1027 charts. Use CN 60 for these conditions.

^{1/} Close-drilled or broadcast.

Use this Curve



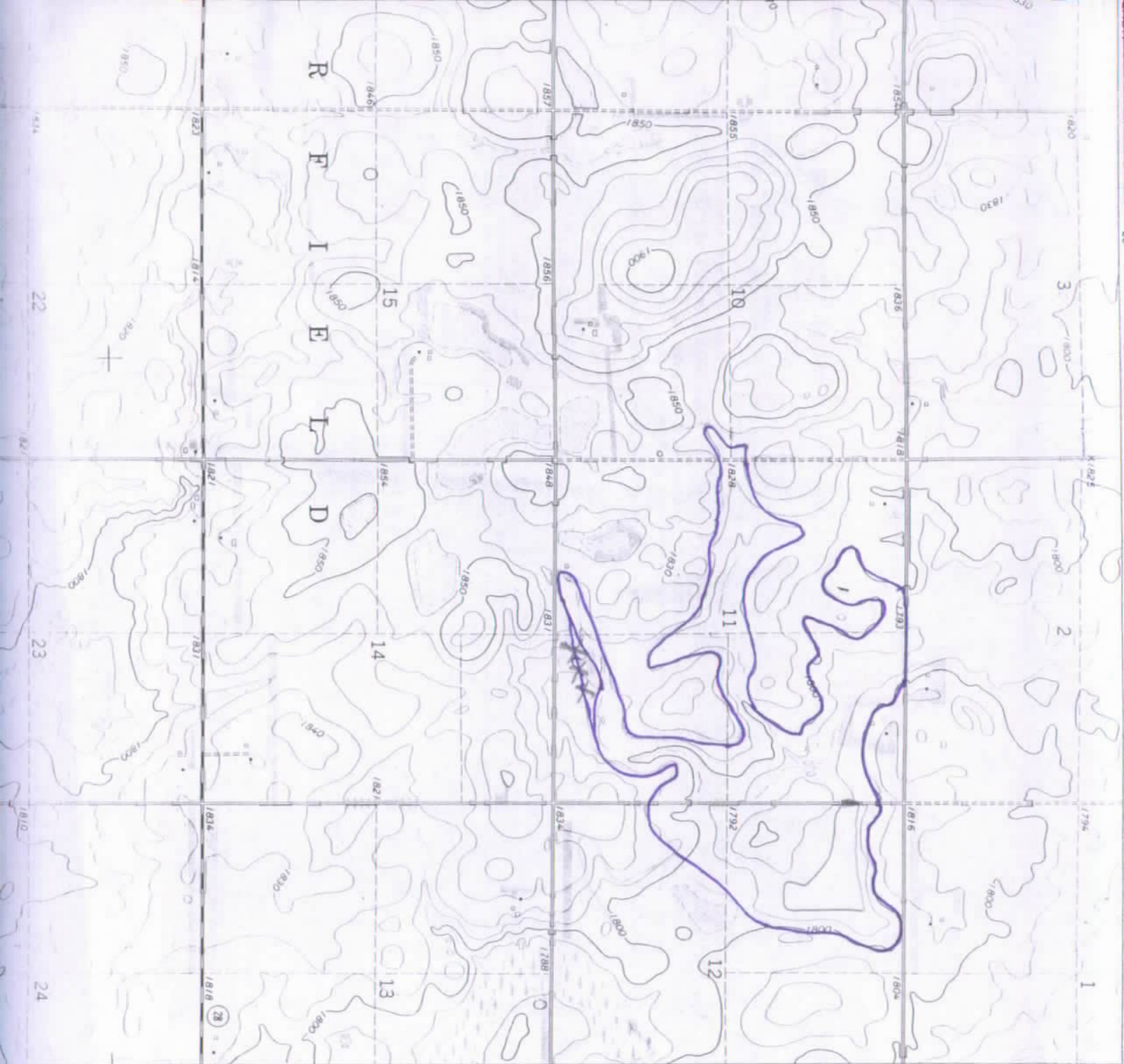
wd CN = 78.7

@ 50% chance
occurrence

Use .74 acre-inches
acre

SOIL COVER COMPLEX NUMBERS

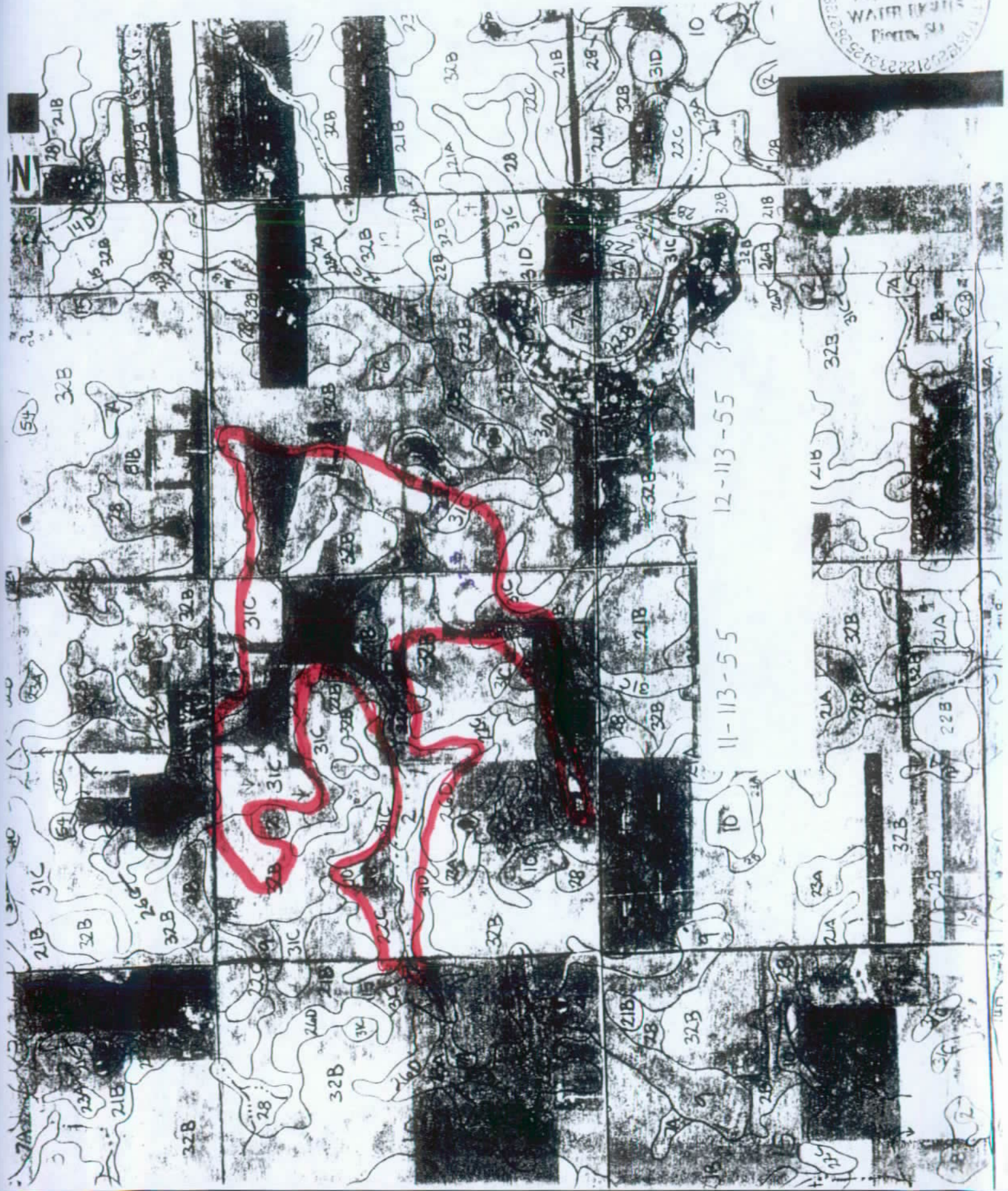
FIGURE 2-10(cont'd.)



LAKE NORDEN 7 MI.
ESTELLINE 24 MI.

290 000
FEET

No. 5714-3
US Fish + Wildlife
Drainage area
~ 362 acres



RECEIPT

413453

Division of Water Rights

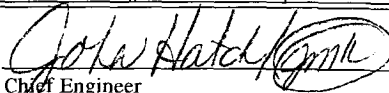
South Dakota Department of Environment and Natural Resources

Pierre, _____ October 1, 19 92

RECEIVED OF USFWS, (Hamlin Co WPA, Madison WMD), DFC, PO Box 25486, Denver, CO 80225
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>5714-3</u> to Appropriate Water, to construct 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 _____		

(Any Other Work Provided by Law)	Total	225 00

By 
Chief Engineer



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

SEP 24 1992



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

Dear Sir or Madam:

The Fish and Wildlife Service proposes to restore a natural wetland by raising the water level two feet. The restoration project is located within the Madison Wetland Management District, Hamlin County, South Dakota.

Enclosed are the following documents pertaining to the project:

1. Form 2, Application for Permit to Appropriate Water (in duplicate);
2. Form 2A, Supplemental Information (in duplicate);
3. Filing Map No. 6R-SD-627-WR-P-25.0; and
4. Money Order in the amount of \$225.

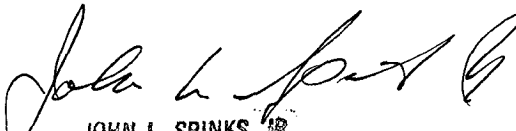
Please advise this office of the name and address of the newspaper selected to publish the Notice of Hearing so that we can forward the required Authorization of Advertisement prior to publication. We request that you allow at least 10 days for the Service to properly review and prepare the necessary documentation before notifying the newspaper of the need to publish.

South Dakota Department of
Environment and Natural Resources

2

If you have any other questions or require further information, please contact Cheryl Williss in our Engineering Division, Water Rights Branch, at (303) 236-5321. Also, please direct any correspondence concerning this project to the attention of the Division of Engineering.

Sincerely,

A handwritten signature in dark ink, appearing to read "John L. Spinks, Jr.", written in a cursive style.

JOHN L. SPINKS, JR.
~~Acting~~ Regional Director

Enclosures

HAMLIN COUNTY WPA
MADISON WMD



The Mean Annual Precipitation of 20.93 inches and the Mean Annual Evaporation of 46.2 inches results in a loss of 25.27 inches or 2.11 feet annually. Over the 51.2 surface area, this results in a net loss of 108.03 annual seasonal use.

$$\begin{array}{rcl} 46.2" & \text{Evaporation} & \\ - \underline{20.93"} & \text{Precipitation} & \\ = 25.27" & / 12 \text{ (conversion to feet)} = 2.11 \text{ feet} \times 51.2 & \\ & \text{surface area} = 108.03 \text{ Annual Seasonal Use} & \end{array}$$

Conversation or File Documentation

NAME OF PERSON OR FILE: Linda Cor - U.S Forest ServiceADDRESS: Denver Co. COUNTY HamlinDATE: 10-5-92 TELEPHONE _____RE: Pending application

COMMENTS:

Mrs Cor stated the location of the point of diversion on the application should be the NW¹/₄ NW¹/₄ Sec 12 - T113N - R55W instead of the SW¹/₄ NW¹/₄ Sec 12 - T113N - R55W. She checked the easement and it was for the NW¹/₄ NW¹/₄ as shown on the map. I told her we'd make the appropriate changes on the application

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: Karen Schmitt

Report on Application No. 5714-3
U.S. Fish and Wildlife Service
October 19, 1992

Water Permit Application No. 5714-3 proposes to permanently impound 64 acre-feet of runoff water with an additional 108 acre-feet of water lost annually due to evaporation (172 acre-feet total) by constructing a structure to be located in the NW1/4 NW1/4 of Section 12-T113N-R55W. Water will be impounded in the NW1/4 Section 12-T113N-R55W. Water is to be used for wildlife habitat and livestock watering.

Discussion

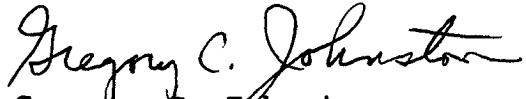
The structure will be 4.5 feet high, and Administrative Rules of South Dakota (ARSD) 74:02:08 (7) states, ". . . A barrier is not considered a dam for the purpose of this chapter if the height does not exceed 6 feet regardless of the storage capacity . . ." Therefore, the Dam Safety Rules do not apply to this dam. The structure will impound 64 acre-feet permanently and 108.0 acre-feet will be lost due to evaporation annually (172 acre-feet total) with an overflow set to maintain the water level at elevation 1781.60 feet (mean sea level). The area where the water is impounded was once a wetland, and the U.S. Fish and Wildlife Service intends to raise the water level two feet (the natural water level before the wetland was drained) with the structure.

The structure will be located on an unnamed drainage located 1 mile north and 4 miles east of Bryant, South Dakota. The drainage area supplying water to the proposed structure is estimated to be 362 acres. Using the Annual Surface Runoff Yield from the SCS Field Engineering Manual, an estimated 22.3 acre-feet (50% chance occurrence) would be available for storage behind the proposed structure. There are no other water permits or rights in the vicinity of the proposed application.

Conclusions

1. An estimated 22.3 acre-feet (50% chance occurrence) is available from the drainage area for storage annually.
2. Existing Water Rights will not be impaired.

3. Because of the height of the structure, the Dam Safety Rules do not apply to this dam.



Gregory C. Johnston
Natural Resources Engineer II

Approved by:



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

BIBLIOGRAPHY

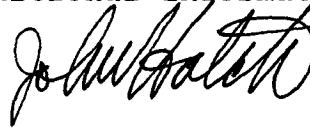
SCS Engineering Field Manual for Conservation Practices, Annual
Surface Yield (Method A), p. 2-83, USDA, Huron, SD

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5714-3, 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 Environment and Natural Resources concerning Water Permit Application No. 5714-3, U.S. Fish and Wildlife Service, c/o John L. Spinks, PO Box 25486, Denver Federal Center, Denver, CO 80225.

The Chief Engineer is recommending APPROVAL of Application No. 5714-3 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) it is in the public interest.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
November 13, 1992



**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.

November 17, 1992

John L. Spinks
U.S. Fish and Wildlife Service
Denver Federal Center
PO Box 25486
Denver, CO 80225

Dear Mr. Spinks:

Water Permit Application No. 5714-3 for wildlife habitat and livestock watering 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 Bryant Dakotan printed at Bryant, SD (Ph # 628-2551). 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.

cc: Cheryl Williss, U.S. Fish & Wildlife Service, Denver, CO 80225



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 17, 1992

The Bryant Dakotan
Box 127
Bryant, SD 57221

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5714-3 to be published twice. Please publish the first notice on December 2, 1992, 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 80225 (Ph # 303-236-5321).

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 December 2, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5714-3 to Appropriate Water

Notice is given that the U.S. Fish and Wildlife Service, PO Box 25486, Denver Federal Center, Denver, CO 80225 has filed an application for a water permit to appropriate 172 acre-feet of runoff water annually (64 acre-feet storage plus 108 acre-feet of seasonal use to offset evapotranspiration) by constructing a dam to be located in the NW 1/4 NW 1/4 Section 12-T113N-R55W. Water will be impounded in the NW 1/4 Section 12-T113N-R55W. Water is to be used for wildlife habitat and livestock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5714-3 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 December 21, 1992. 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. 5714-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for December 29, 1992, 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 December 29, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board 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 December 29, 1992, 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 December 21, 1992.

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 Eric Gronlund by December 21, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, 46-2A-20, 46-2A-21; 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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

Public Notice

NOTICE OF HEARING ON APPLICATION NO. 5714-3 TO APPROPRIATE WATER

Notice is given that the U.S. Fish and Wildlife Service, PO Box 25486, Denver Federal Center, Denver, CO 80225 has filed an application for a water permit to appropriate 172 acre-feet of runoff water annually (64 acre-feet storage plus 108 acre-feet of seasonal use to offset evapotranspiration) by constructing a dam to be located in the NW 1/4 NW 1/4 Section 12-T113N-R55W. Water will be impounded in the NW 1/4 Section 12-T113N-R55W. Water is to be used for wildlife habitat and livestock watering.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5714-3 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 December 21, 1992. 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. 5714-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for December 29, 1992, 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 December 29, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board 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 December 29, 1992, 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 December 21, 1992.

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 Eric Gronlund by December 21, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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, 46-2A-20, 46-2A-21; 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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources

12-2-2x

Affidavit of Publication

State of South Dakota

:SS

County of Hamlin

Linda M. Walters, of Day County, being duly sworn on oath says, that she is the publisher of The Bryant Dakotan, a weekly newspaper published in Bryant, in said County of Hamlin, South Dakota, and has full and personal knowledge of all the facts herein stated, that said newspaper is a legal newspaper and has bona-fide circulation of at least two hundred copies weekly, for fifty-two successive weeks prior to the publication of the notice herein mentioned, and was and is published wholly in an office maintained at said place of publication; that the advertisement headed

Public Notice
Hearing on Applic #5714-3
to appropriate water

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper once each week for 2 successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

12-2-1992

12-9-1992

19

19

that the full amount of the fee charged for the publication of said Notice accrues to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever and that the fees charged for the publication thereof are: \$62.73

Linda M. Walters

Subscribed and sworn to before me, this 9 day of Dec. A.D. 1992.

Dorothy K. Moore

Notary Public

Hamlin County, South Dakota

My commission expires: January 26, 2000



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 17 1993

John L. Spinks
U.S. Fish and Wildlife Service
PO Box 25486
Denver Federal Center
Denver, CO 80225

Dear Mr. Spinks:

Enclosed is Water Permit No. 5714-3 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.



United States Department of the Interior

FISH AND WILDLIFE SERVICE Mountain-Prairie Region

IN REPLY REFER TO:

WTR BA
WR SD
Mail Stop 60189

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

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

JUN 08 1998



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

Dear Sir or Madam:

Enclosed are Notices of Completion of Works and Application of Water to Beneficial Use forms for the following water permits:

5714-3	Hamlin County WPA
5855-3	Bullis WPA (Dry Lake)
5882-3	Bolstad WPA
5938-3	Big Slough WPA, and
5945-3	Dry Lake

Also enclosed is FedSelect Check in the amount of \$250 to cover the inspection fees and issuance of the Water Licenses.

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

Sincerely,

Cheryl C. Williss
Chief, Division of Water Resources

Enclosures

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

415794

Pierre, June 11, 19 98

RECEIVED OF USFWS, P.O. Box 25486, Denver, CO 80225-0486
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. 5714-3

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

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date JUN 08 1998

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: UNITED STATES OF AMERICA
Fish and Wildlife Service P.O. Box 25486, Denver Federal Center
(name) (address)
Denver, CO 80225 (303) 236-5321
(city) (state) (zip) (phone)

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. 5714-3.

Water Permit No. 5714-3 states that the diversion system is to be constructed by 12-29-97, and that the water is put to beneficial use by 12-29-2001.
(date) (date)

The diversion system was completed on 10-03-96.
(date)

Applying the water to beneficial use was completed on 04-11-97.
(date)

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

Cheryl C. Williss
(signature)
Cheryl C. Williss, Agent

Permit No. 5714-3
Big Sioux River - Water District

Contact Person & Address: Colleen Kolbeck, US FWS, PO Box 48 Madison SD 57042

Report Of Examination Of Works

On, May 24, 2000, I made a thorough examination of the water use system constructed by US Fish and Wildlife Service of PO Box 25486, Denver Federal Center, Denver CO 80225 holder of Permit No. 5714-3, bearing the priority of September 28, 1992 authorizing the storage of 64 acre-feet **at an elevation of 1781.0 fmsl** with an additional 108 acre-feet annually to offset evaporation of the waters of surface water for **providing habitat for fish and wildlife production** purposes, in Hamlin County.

The system is in the following condition good. The point of diversion is located NW ¼ NW ¼ Section 12 T113N-R55W with a longitude of -97.38789 and latitude of 44.61431. The works are capable of storing 64 acre-feet with an additional 108 acre-feet annually to offset evaporation which is to be used for **providing habitat for fish and wildlife production**. Water has been put to beneficial and the license should be issued the storage of 64 acre-feet with an additional 108 acre-feet annually to offset evaporation.

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) Exceptions to compliance are: none

Report On the Specifics of the System

Dam Information:

- | | |
|--|---|
| 1) Height to crest <u>5</u> feet | 2) Height to primary spillway or outlet <u>3</u> feet |
| 3) Height to secondary spillway <u>NA</u> ft | 4) Crest width <u>10</u> feet |
| 5) Crest length <u>150</u> feet | 6) Spillway length <u>50</u> feet |
| 7) Spillway width <u>40</u> feet | 8) Approx. storage <u>64</u> ac-ft |
| 9) Outlet tubes: | |
| a) type <u>None</u> | |

COMMENTS: The original map adequately describes the project and will be used for licensing.



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

2-12-01

Date

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5714-3

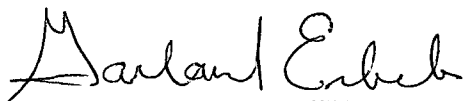
(1) US Fish & Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80225 made Application No. 5714-3, September 28, 1992 for a water permit to impound 64 acre-feet of water from runoff, Hamlin County, South Dakota for fish & wildlife propagation and livestock watering purposes. Permit No. 5714-3, with a priority date of September 28, 1992 was approved December 29, 1992 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 29, 1997 and for the application to beneficial use of said water on or before December 29, 2001.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on June 11, 1998. The *Notice* stated the diversion system was completed on October 3, 1996 and the water placed to beneficial use on April 11, 1997.

(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 64 acre-feet of water for beneficial use with sufficient water annually to maintain the water level to the outlet elevation of 1781.6 feet mean sea level. The location of the storage dam (spillway) is NW ¼ NW ¼ Section 12-T113N-R55W.

(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 & Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80225 the holder and/or owner of Water Right No. 5714-3 is issued a license to appropriate water, the right to impound 64 acre-feet of water from runoff with sufficient water annually to maintain the water level to the outlet elevation of 1781.6 feet mean sea level with a priority date of September 28, 1992 from the location specified in (2) of this license for fish & wildlife propagation and livestock watering purposes. This license is subject to any limitations or qualifications listed in Water Right No. 5714-3 and subject to South Dakota State Law.



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

APR 04 2001

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 04 2001

5714-3, 5855-3, 5882-3, 5938-3, 5945-3

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

Dear Ms. Willis:

Enclosed are Water License Nos. 5714-3, 5855-3, 5882-3, 5945-3 and 5938-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed are Receipt Nos. 415794, 415795, 415796, 415798 and 415797 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