

WATER PERMIT NO. 5794-3

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: 560 ac-ft Total Acres: _____

Source of Water Supply: runoff

Water to be used for: fish & wildlife production County: Beadle

About 12 miles east of Huron

PRIORITY Date Received: 10-18-93 Fee: \$300 Remarks: _____

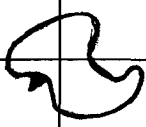
Corrected Application Received: 11-8-93 Period of Annual Use: Jan 1 - Dec 31

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

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

Diversion Point: NE 1/4 NW 1/4 Sec 32-T111N-R59W

Land to be Irrigated: _____

	30	29	28		
					
	31	32	33		

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: 11-9-93 By: Karen Schlaak

FORM 2: Application for Uses other than Irrigation

(type or print)

Mail to:

Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 5794-3 Hydrologic Unit 10160006
Basin James River
Newspaper The Plainsman, Box 1278, Huron
(office use only)

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

Check use of water:

☐ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☐ Commercial ☒ Fish & Wildlife ☐ Geothermal Heat
☐ Domestic ☐ Industrial ☐ Other _____
(over 18 gpm)

Type of Application: ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

United States of America

1. Name of Applicant Fish and Wildlife Service Phone (303) 236-5321
(check one) ☒ Owner ☐ Tenant/lessee

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

2. Amount of water claimed _____ *CFS or _____ **GPM 560 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Runoff Unnamed tributaries that eventually drain into Pearl Creek.

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
NE1/4NW1/4 of Section 32, T. 111 N., R. 59 W., 5th P.M. Water Impounded:
SE1/4 SW1/4, SW1/4 SE1/4 Sec 29 and the
NE1/4 NW1/4, NE1/4 Sec 32; all in T111N-R59W County Beadle

5. County or counties where water will be used Beadle

6. Annual period during which water is to be used January 1 - December 31

7. Give a description of the 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 U.S. Fish and Wildlife Service owns the lands to be inundated (Bauer Waterfowl Production Area). The structure will restore the water level back to its natural level before the wetland was drained.

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF ~~SOUTH DAKOTA~~ Colorado

County of Jefferson)^{ss}

I, Wilbur Ladd, 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

Acting REGIONAL DIRECTOR

Subscribed and sworn to before me this 13th day of October, 19 93

Quinn A. Eglite
Notary Public
My Commission Expires November 25, 1996

**SOUTH DAKOTA
WATER PERMIT NO. 5794-3**

Date of first receipt of application October 18, 1993.

Date of return to applicant for corrections, amendments or changes October 19, 1993.

Date of receipt of corrected application November 8, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5794-3 to U.S. 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. 5794-3 to impound 560 acre-feet of runoff water by constructing a dam in the Bauer Waterfowl Production Area. The structure is to be located in the NE 1/4 NW 1/4 Section 32 and water will be impounded in portions of the SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 29 and the NE 1/4 NW 1/4, NE 1/4 Section 32; all in T111N-R59W. Water is to be stored annually to an approximate elevation of 1,346 feet mean sea level.
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 fish and wildlife production use.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 5794-3 is February 7, 1994.
5. The date from which applicant may claim right is October 18, 1993.
6. One-fifth of the construction is to be completed on or before August 7, 1996.
7. All construction is to be completed on or before February 7, 1999.
8. Water is to be put to beneficial use on or before February 7, 2003.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

Approval of Permit No. 5794-3 authorizes storage of up to 560 acre-feet of water to an elevation of 1,346 feet mean sea level.

WATER MANAGEMENT BOARD

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

MAR 9 1994

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

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

3. Water Storage ~~Dams~~ Ditch Plug

If the proposed water use system contains one or more storage ~~dams~~ ^{ditch plugs}, please furnish the information requested below for each ~~dam~~ ^{ditch plug}. The locations of the dams need to 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~~ ^{ditch plug}, please give their name and address:

Huron Wetland Management District
Rm 113, Federal Building
200 4th Street S.W.
Huron, SD 57350

b) Freeboard _____ N/A

c) Crest Width _____ 10 ft

Crest Length _____ 50 ft

d) Height _____ 5 ft

e) Primary Outlet Capacity _____ N/A

If pipe, diameter _____

f) Secondary Spillway Capacity _____ N/A

Spillway Width _____ N/A

g) X & Y Slope

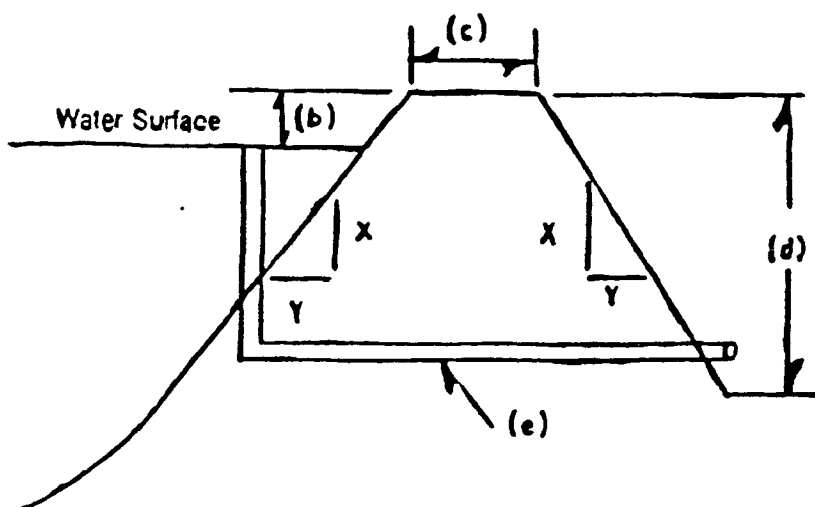
Upstream _____ 3:1

Downstream _____ 4:1

h) Surface Area of Impoundment _____ 100 acres

i) Storage 560 (210 before + 350 from Acre Feet restoration)

j) Drainage Area Above Dam 5760 Acres



RECEIPT

413921

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, October 18, 19 93

RECEIVED OF Katherine E Buckhouse, US Fish & Wildlife Service, PO Box 25486, DFC, Denver CO
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>5794-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	300	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	300 00

By Karen Schlegel for
Chief Engineer

John Hatcher



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

OCT 13 1993



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 wetland restoration of the Bauer Waterfowl Production Area, Beadle County, South Dakota. The structure will restore the water level back to its natural level before the wetland was drained.

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; and
4. Money Order in the amount of \$300.

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.

If you have questions or require further information, please contact Cheryl Williss, 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,


Regional Director

Enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 19, 1993

US Fish and Wildlife Service
c/o Cheryl Williss, Engineering Division
PO Box 25486
Denver Federal Center
Denver CO 80225

Dear Ms. Williss:

In regard to the water permit application received on October 18, 1993, for the Bauer Waterfowl Production Area, the following information needs to be submitted and clarified in order to process the application.

1. Enclosed is the map submitted with the application. The map 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.
2. From the map, it appears that water will be impounded in the SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 29 and the NE 1/4 NW 1/4, NE 1/4 Section 32; all in T111N-R59W. Do you agree? Also, what is the pool level elevation in mean sea level?

Upon receipt of the above, further processing of the application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Mountain-Prairie Region

IN REPLY REFER TO:

BA EN

WR ND

Mail Stop 60190

MAILING ADDRESS:

Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225

STREET LOCATION:

134 Union Blvd.
Lakewood, Colorado 80228

NOV 4 1993



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

Dear Ms. Schlaak:

Enclosed is a new filing map which should meet the processing requirements for the Bauer Waterfowl Production Area application which you received on October 18, 1993. The legal description of the impounded area is correctly described in your October 19 letter, and the pool level elevation will be 1,346 feet msl.

Sincerely,

William A. Godby
Regional Engineer

Enclosures

SCS Annual Yield

Drainage Area = 5760 Acres
= 9 mi²

Soils - Beadle & Beadle-Dudley - Well drained, Nearly level to gently
Rolling glacial till on uplands

50% Row Crop
50% Pasture

Hv - Hyd. Group D - Heavy silt loam
DKA - " " D - Dudley - Terric silt loam
DsA - " " C - Dudley - Sticky silt loam
BaA - " " C - Beadle loam
BaB - " " C - Beadle loam
BdA - " " C - Beadle-Dudley Complex

Curve Number

Row Crop - 85-89 say 87 Use 82
Pasture - 74-80 77

Isoqram No = 2 1/4 - Use 2 & 2 1/2 Ave.

Iso. No. 2	80% - 0.34	Iso. No. 2 1/2	80% - 0.42
	50% - 0.80		50% - 1.0
	20% - 1.90		20% - 2.3
	10% - 2.90		10% - 3.5

Iso. 2 1/4	80% - 0.38	Ac. In/Acre x 5760 Ac =	2188 Ac-Ft	% 12 =	182 Ac-Ft
	50% - 0.90	"	= 5184 Ac-Ft	"	= 432 Ac-Ft
	20% - 2.10	"	= 12,096 Ac-Ft	"	= 1008 Ac-Ft
	10% - 3.20	"	= 18,432 Ac-Ft	"	= 1536 Ac-Ft

REPORT ON
WATER PERMIT APPLICATION No. 5794-3
U.S. FISH & WILDLIFE SERVICE
December 13, 1993

The U.S. Fish & Wildlife Service has filed Water Permit Application No. 5794-3 to impound 560 acre-feet of runoff in the Bauer Waterfowl Production Area by constructing a ditch plug in the NE 1/4 NW 1/4 of Section 32-T111N-R59W, in Beadle County. The water will be impounded in portions of the SE 1/4 SW 1/4, SW 1/4 SE 1/4 of Section 29-T111N-R59W and the NE 1/4 NW 1/4, NE 1/4 of Section 32-T111N-R59W. The water is to be stored annually to an approximate elevation of 1346 feet mean sea level and is to be used for wildlife production.

Discussion:

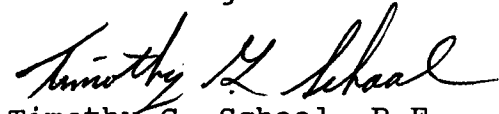
The U.S. Fish and Wildlife Service proposes to construct a dam (ditch plug) in the outlet of the Bauer Waterfowl Production Area to restore the wetland. The USFWS purchased the Bauer Waterfowl Production Area in the mid 1970's, the outlet blockage washed out naturally sometime in the mid 1980's. The dam will be 5 feet high with a crest width of 10 feet and a crest length of 50 feet. The dam will store an additional 350 acre-feet of water in the Bauer Waterfowl Production Area for a total storage of 560 acre-feet of water at elevation 1346 msl.

The ditch plug does not meet the Safety of Dams Rules, Chapter 74:02:08 minimum requirements to be classified as a dam; therefore, review and approval of plans and specifications is not required.

The Bauer Waterfowl Production Area is located on a tributary of Pearl Creek approximately 15 miles upstream of the confluence of Pearl Creek with the James River. There are no existing Water Permits/Rights on this portion of Pearl Creek. The Bauer Waterfowl Production Area has a drainage area of approximately 9 square miles. Using the SCS Annual Surface Yield method with a runoff curve number of 82, this drainage area would produce approximately 432 acre-feet of runoff 50 percent of the time, and approximately 182 acre-feet of runoff 80 percent of the time.

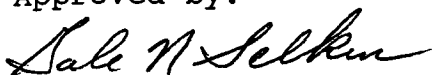
Conclusion:

1. Water Permit Application Number 5794-3 should be approved since unappropriated water is available and approval of Water Permit Application Number 5794-3 will have no adverse effects on existing Water Permits/Rights.



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

Approved by:



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

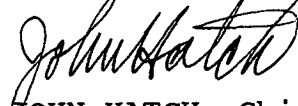
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5794-3, U.S. Fish and Wildlife Service

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. 5794-3, U.S. Fish and Wildlife Service, c/o Wilbur Ladd, PO Box 25486, Denver Federal Center, Denver, CO 80225.

The Chief Engineer is recommending APPROVAL of Application No. 5794-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualification:

Approval of Permit No. 5794-3 authorizes storage of up to 560 acre-feet of water to an elevation of 1346 feet mean sea level.

See report on application for additional information.



JOHN HATCH, Chief Engineer
December 20, 1993



**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.

January 3, 1994

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

Dear Mr. Ladd:

Water Permit Application No. 5794-3 for fish and wildlife production use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of The Plainsman printed at Huron, SD (Ph # 352-6401). 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.

c: Cheryl Williss, U.S. Fish and Wildlife Service, Denver, CO 80225



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 3, 1994

The Plainsman
Box 1278
Huron, SD 57350

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5794-3 to be published twice. Please publish the first notice on January 19, 1994, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is U.S. Fish 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 January 19, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5794-3 to Appropriate Water

Notice is given that U.S. Fish and Wildlife Service, Po Box 25486, Denver Federal Center, Denver, CO 80225 has filed an application for a water permit to impound 560 acre-feet of runoff water by constructing a dam in the Bauer Waterfowl Production Area. The structure is to be located in the NE 1/4 NW 1/4 Section 32 and water will be impounded in portions of the SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 29 and the NE 1/4 NW 1/4, NE 1/4 Section 32; all in T111N-R59W. Water is to be stored annually to an approximate elevation of 1,346 feet mean sea level and 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. 5794-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 February 7, 1994.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Russell L. Stone, Acting Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss
 County of Beadle)

I, Mary Walz

certify that the attached printed Notice was
 taken from the Huron Plainsman

printed and published in Huron

County of Beadle and State of

South Dakota. The notice was published in
 the newspaper on the following two dates:

January 19, 1994

January 26, 1994

Cost of Printing: \$81.94

Mary B. Walz
 (Signature)

Business Manager
 (Title)

January 27, 1994
 (Date Signed)



F.P. 1-19-94 L.P. 1-26-94
NOTICE OF APPLICATION
NO. 5794-3
to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5794-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting 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 February 7, 1994.

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. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Russell L. Stone Acting Secretary, Department of Environment and Natural Resources.

No. 14 (adv.)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 9 1994

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

Dear Mr. Ladd:

Enclosed is Water Permit No. 5794-3 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.

c: Cheryl Williss, U.S. Fish and Wildlife Service, Denver, CO
80225



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 28, 2000

5794-3

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

Dear Mr. Ladd:

On May 24, 2000, the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5794-3, 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,

Cheryl F. Frost
Secretary
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 20, 2000

REMINDER NOTICE

5794-3

Wilbur Ladd
US Fish & Wildlife Service
Denver Federal Center
PO Box 25486
Denver, CO 80225

Dear Mr. Ladd:

On May 24, 2000, we advised you that a \$50.00 fee was due for the completed investigation of your Water Permit No. 5794-3. The fee also covers issuance of your water license which is the final document in obtaining and perfecting a water permit.

Water Permit No. 5794-3 authorizes storage of water for the Bauer Waterfowl Production Area in Beadle County. Stacy Johnson was the staff engineer who completed the investigation of the area.

To date, we have not received the fee and therefore can not issue the water license. 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 any 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. The check or money order for the fee should be made payable to the "Water Rights Program".

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

INVOICE

Invoice No. 20411-9-27

US Fish & Wildlife Service
Denver Federal Center
PO Box 25486
Denver CO 80225

Fee for investigation and issuance of Water License No. 5794-3 (Bauer Waterfowl Production Area)	\$50.00
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Please pay this amount:	\$50.00
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Genny McMath
Water Rights Program
(605) 773-3352

Verhelst, Sandy

From: Tillman, Sandy
Sent: Thursday, October 05, 2000 10:36 AM
To: Verhelst, Sandy
Subject: 10/4 FWS Wire

FWS TREAS 312 MISC PAY 100400 466000364141600 RMT*IV*20411-9-27 ** 50.00

-----Original Message-----

From: Verhelst, Sandy
Sent: Wednesday, September 27, 2000 10:05 AM
To: Tillman, Sandy
Subject:

We are expecting a wire transfer from US Fish & Wildlife for \$50.00. Please e-mail when it's in and I'll do a cash receipt. Thanks.

Permit No. 5794-3
James River- Water District

Report Of Examination Of Works

On, May 24, 2000, I made a thorough examination of the water use system constructed by U.S. Fish and Wildlife Service of PO Box 25486, Denver Federal Center, Denver, CO 80225 holder of Permit No. 5794-2 bearing the priority of October 18, 1993, authorizing the impoundment of 560 acre ft waters for **Waterfowl Production Area by constructing a ditch plug located in the SE ¼ SW ¼, SW ¼ SE ¼ of Section 29 T111N-R59W and the NE ¼ NW ¼, NE ¼ of Section 32 T111N-R59W. The water is to be stored annually and is to be used for wildlife production purposes, in Beadle County.**

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

A. Works used to divert the water:

Ditch plug

B. Works used to apply water to beneficial use:

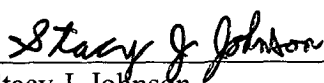
Wildlife production

The system is in the following condition **good**. The point of diversion is located **from the NW corner of section 32 T111N-R59W 2047 feet east and 404 feet south** longitude of **-97.946052** and a latitude of **44.381916**. The works are capable of diverting, conveying, and storing 560 acre-feet of water that is to be used for **fish and wildlife production purposes**. Water has been put to beneficial use to the maximum extent:

and the license should be issued for 560 acre-feet of storage.

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

Exceptions to compliance are: **none**



Stacy J. Johnson
Natural Resources Engineer
DENR, Water Rights Program

6-13-00

Date

REPORT ON INSPECTION OF PERMIT NO. 5794-3

DATE OF INSPECTION: May 24, 2000

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

Contact Person & Address: Mark J. Heisinger, Huron Wetland Management District,
Rm113, Federal Building, 200 4th Street S.W., Huron, SD 57350

DIVERSION POINT LEGAL LOCATION: from the NW corner of section 32 T111N-
R59W 2047 feet east and 404 feet south

Longitude: -97.946052 **Latitude:** 44.381916

WATER SUPPLY Source: James River

DAM INFORMATION:

- 1) Height to crest 5 feet
- 2) Height to primary spillway or outlet 5 feet
- 4) Crest width 10 feet
- 5) Crest length 30 feet for ditch plug itself. 120 feet for total length of dam.
- 6) Outlet tubes: none

PERMIT QUALIFICATIONS AND REGULATIONS:

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

COMMENTS: Good vegetation growth on the dam. On the south side of the ditch plug there are some dead trees in unnamed drainage.

Stacy J. Johnson

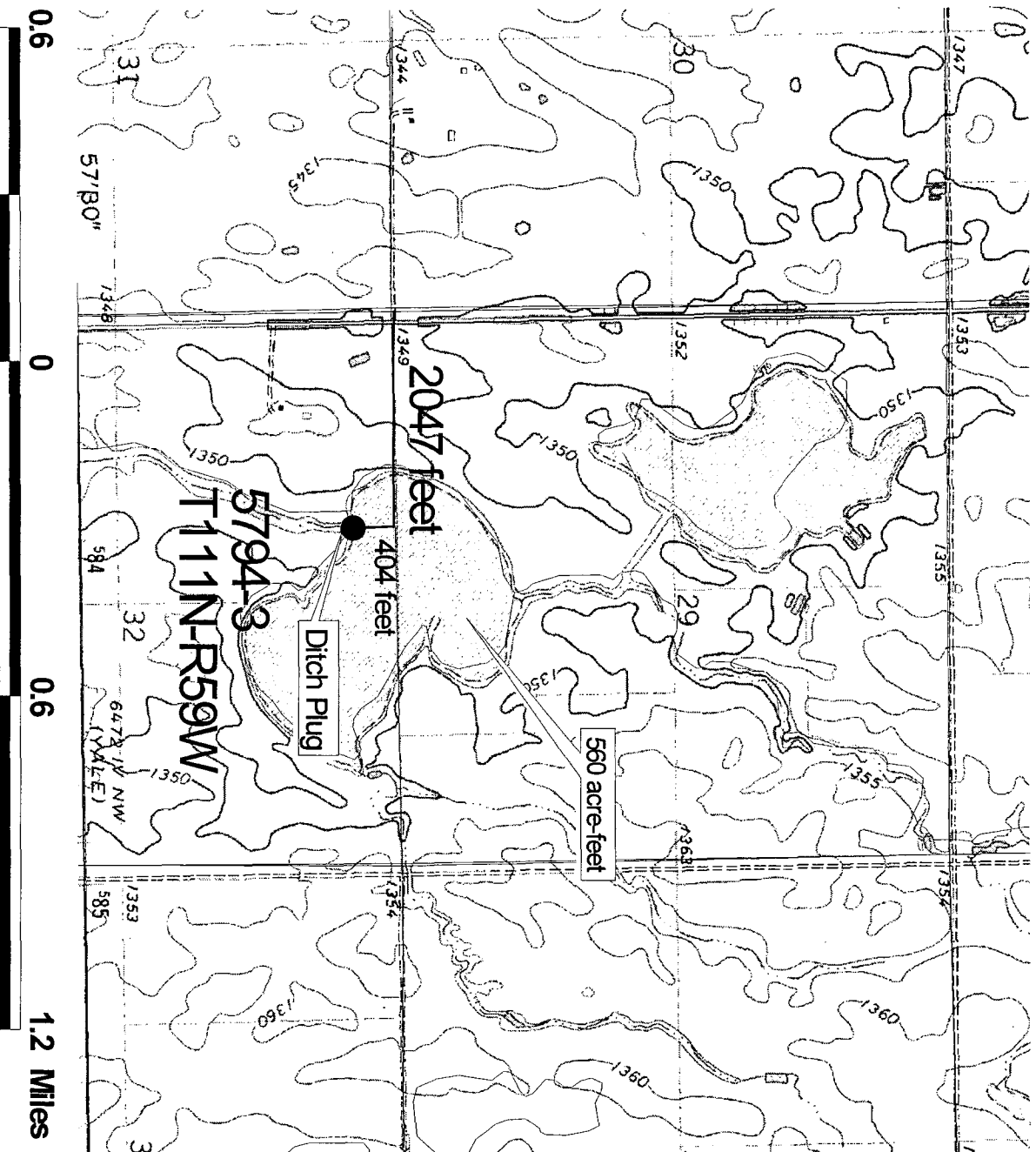
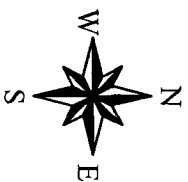
Stacy J. Johnson

Natural Resources Engineer

DENR, Water Rights Program

6-13-00

Date



Stacy J. Johnson 6-1-00
Stacy J. Johnson
Natural Resources Engineer
SD DENR Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5794-3

(1) The US Fish & Wildlife Service, PO Box 25486, Denver Federal Center, Denver, CO 80225 made Application No. 5794-3, October 18, 1993 for a water permit to impound 560 acre feet of runoff water by constructing a dam in the Bauer Waterfowl Production Area, Beadle County, South Dakota for fish and wildlife production purposes. Permit No. 5794-3, with a priority date of October 18, 1993 was approved February 7, 1994 and issued to the applicant for diversion of water with construction of the impoundment to be completed on or before February 7, 1999 and for the application to beneficial use of said water on or before February 7, 2003.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of construction of the impoundment and is entitled to impound 560 acre feet of water for beneficial use with sufficient water annually to maintain the water level to the outlet elevation of 1,346 feet mean sea level. The location of the storage dam (spillway) is 2,047'E and 404'S of the NW corner of Section 32, T111N, R59W (NE ¼ NW ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 the US Fish & Wildlife Service, PO Box 25486, Denver Federal Center, Denver, CO 80225 the holder and/or owner of Water Right No. 5794-3 is issued a license to appropriate water, the right to impound 560 acre feet of runoff water in the Bauer Waterfowl Production Area with sufficient water annually to maintain the water level at the outlet elevation of 1,346 feet mean sea level from the location specified in (2) of this license. The water will be stored in place for the purpose of fish and wildlife production. This license, bearing a priority date of October 18, 1993 is subject to any limitations or qualifications listed in Water Right No. 5794-3 and subject to South Dakota State Law.

Garland Erbele

Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

OCT 10 2000

date





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and NATURAL RESOURCES**

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

OCT 10 2000

5794-3

Wilbur Ladd
US Fish & Wildlife Service
Denver Federal Center
PO Box 25486
Denver CO 80225

Dear Mr. Ladd:

Enclosed is your Water License No. 5794-3 authorizing storage of water for the Bauer Waterfowl Production Area. Water License No. 5794-3 is the final document which completes the process of obtaining a water right.

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

Sincerely,

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

enclosure