

WATER PERMIT NO. 5829-3

Phone: 448-5556

Name of Applicant: Bonnie L. Tom Bonnie L. Buhl 448-2687 work
448-2503 home

Post Office Address: Box 255, Britton SD 57430

Amount of Water Claimed: 129 AF Total Acres: NA

Source of Water Supply: runoff & local springs

Water to be used for: fish and wildlife production County: Marshall

Location: 1 south and 5 west of Lake City

PRIORITY Date Received: 6-15-94 Fee: \$225.00

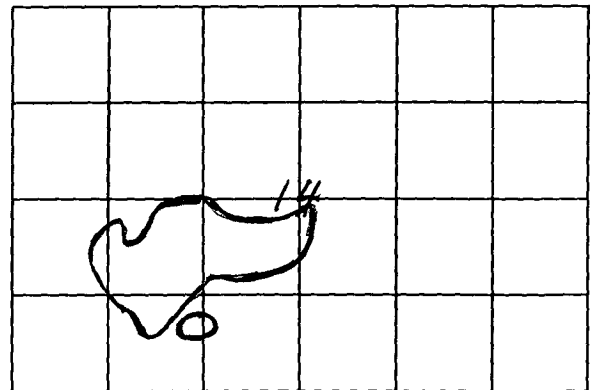
Corrected Application Received: _____ Period of Annual Use: Jan 1 - Dec 31

Remarks: _____

Diversion Point: NW 1/4 NW 1/4 Sec 14-T126N-R56W

Water Impounded: NW 1/4, NW 1/4 NE 1/4

Sec 14; NE 1/4 NE 1/4 Sec 15; all in T126N-R56W



Well Log: Driller: _____ Licensed: YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: plat Prepared By: Doug Lipetzky, P.E. Reviewed and the Number

Assigned on: 6-15-94 By: Karen Schlaak

No. 5829-3 Hydrologic Unit 10160010
 Map No. _____ Basin James River
 Newspaper Britton Journal, Box 69, Britton

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

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

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

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

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

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



1. Name of Applicant Bonnie L. Tom Phone No. (605) 448-5556

Post Office Address Box 255, Britton State SD 57430
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s.) 129 acre-feet @ Full Service Level (FSL) to maintain water level at 1810.2 feet msl

3. Source of water supply Inflows from local springs

4. Location of point of diversion NW 1/4 NW 1/4 of Section 14, T. 126 N., R. 56 W. (See attached map)

Water Impounded: NW 1/4, NW 1/4 NE 1/4 Sec 14; E 1/2 NE 1/4 Sec 15;

All in T126N-R56W County Marshall

5. Counties where water will be used Marshall

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

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

Under the US Fish and Wildlife Service "Partners for Wildlife Program", Bonnie Tom has agreed to restore two wetlands. Wetland #1 is a 67.3 acre wetland which will be restored with a 48" diameter CMP half-round riser with a 30" diameter CMP outlet. This structure will have removable stoplogs to provide variable control and drawdown capability.

Wetland #2 is a 4.5 acre drained wetland which will be restored using an earthen dike.

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

STATE OF SOUTH DAKOTA)
 County of _____)

I, Bonnie L. Tom 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 Bonnie L. Tom

Subscribed and sworn to before me this 14th day of June 1994

Cheryl Swanson
 Notary Public

**SOUTH DAKOTA
WATER PERMIT NO. 5829-3**

Date of first receipt of application June 15, 1994.

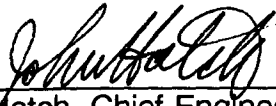
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5829-3 to Bonnie L. Tom, Box 255, Britton SD 57430 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5829-3 authorizes impoundment of 129 acre-feet of runoff and spring water by constructing two dams. The larger dam impounds 117 acre-feet of water located in the NW 1/4 NW 1/4 Section 14; with water impounded in the NW 1/4, NW 1/4 NE 1/4 Section 14 and the E 1/2 NE 1/4 Section 15; all in T126N-R56W. This permit authorizes impoundment of water sufficient to maintain the water level in the 117 acre foot dam at the outlet elevation of 1810.2 feet mean sea level. A 12 acre-feet dam located in the S 1/2 NW 1/4 Section 14-T126N-R56W will also be located adjacent to the larger dam.
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 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. 5829-3 is August 22, 1994.
5. The date from which applicant may claim right is June 15, 1994.
6. One-fifth of the construction is to be completed on or before February 22, 1997.
7. All construction is to be completed on or before August 22, 1999.
8. Water is to be put to beneficial use on or before August 22, 2003.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. Water Permit No. 5829-3 authorizes two dams with a total capacity of 129 acre-feet of water (117 acre-feet and 12 acre-feet) and sufficient water annually to maintain the water level to the outlet elevation. The outlet elevation for the 117 acre-feet dam is 1810.2 fmsl.

WATER MANAGEMENT BOARD

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

SEP 20 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 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

Ducks Unlimited Inc.,
3502 Franklin Ave
Bismarck, ND 58501

b) Freeboard 3 feet

c) Crest Width 12 feet

Crest Length 111 feet

d) Height 7 feet

e) Primary Outlet Capacity See attached curve
 H Pipe, diameter 30" CMP

f) Secondary Spillway Capacity NONE
 Spillway width _____

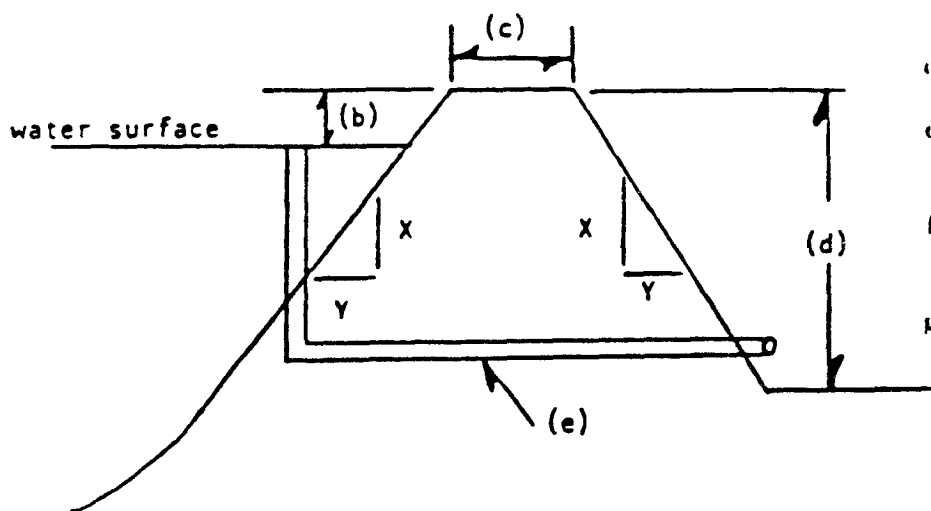
g) X & Y Slope
 Upstream 3:1

Downstream 3:1

Surface Area of Impoundment 71.3

Storage 129 ac-feet ac-feet

Drainage area above dam 342 acres



Signature of Applicant _____

RECEIPT

4142J1

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ June 15 _____, 19 94

RECEIVED OF Bonnie L. Tom, PO Box 255, Britton SD 57430-0255

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

Fee for Application for Permit No. <u>5E29-3</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 John Hatch
Chief Engineer **KAK JOHN HATCH** (KS)

84.0
T2147

Water Control
Structure

89L

83.6

T2147

NC

40.0 AC.
CRP
1981-1984

T2147

200

Bureau

of Reclamation

14 - 1214-56

T2131

Biol. Tech.
US Fish & Wildlife Service

T2147

T2147

161
5340
W

5829-3

DESIGN REPORT

June 3, 1994

PROJECT: SAMUEL BERGER MEMORIAL MARSH
SD-161-001

LOCATION: Section 14, T 126 N, R 56 W
5 miles west, 1 south of Lake City
Marshall County, South Dakota

MARSH DATA: Full Service Level (FSL) @ 1810.2
67 Surface Acres @ FSL
117 Acre-Feet Capacity @ FSL

Top of Compacted Embankment @ 1813.2
80 Surface Acres @ Top of Dam
368 Acre-Feet Capacity @ Top of Dam

PROJECT DESCRIPTION:

The project as proposed involves the restoration of two wetlands located on private land owned by Bonnie Tom. Since one of the restorations is a small $4\frac{1}{2}$ acre wetland that will store less than 25 acre-feet, it would appear only a location notice will be required for it. Therefore, this report will discuss only the larger 67-acre basin.

No public land or private land other than Ms. Tom's will be affected by the project. The U.S. Fish & Wildlife Service - Waubay NWR has signed a Wildlife Extension Agreement with Ms. Tom for the areas encompassing the wetland projects.

The new embankment for the 67-acre restoration is on an unnamed drainage in the upper reaches of the James River watershed. The contributing watershed consists of approximately 342 acres or 0.53 square miles. Inflows from local springs will help sustain the wetland.

PRELIMINARY RISK ASSESSMENT:

The project site is located in a rural area of Marshall County. No residences or other buildings are located immediately downstream adjacent to the outlet channel. A gravel surfaced section line road with a 30" diameter corrugated metal pipe (CMP) and approximately $8\frac{1}{2}$ feet of available head exists just downstream from the proposed embankment. A bituminous surfaced road crossing is located another 1500 feet downstream on the same drainage.

Based on information obtained in the field, data present on the U.S.G.S. quadrangular maps, the rural location of project and the relative small size of the watershed as compared to the capacity of the restored marsh, I believe there would be very little risk to the general public associated with the restoration of this wetland. No loss of life and minimal or no economic loss would be expected in the unlikely event of a dam failure. Therefore, per the classification criteria outlined in Chapter 74:02:08 "Safety of Dams," it is recommended that the proposed dam be classified as a small, low hazard, Category 3 dam.

The product of the maximum storage capacity (368 acre-feet) times the effective height (7 feet) is 2,576 which is less than 3,000. Therefore, the minimum spillway design flood is a 25-year frequency per 74:02:08:07.01 and must be passed through the spillway without overtopping the embankment.

DESIGN:

In accordance with South Dakota requirement 74:02:08:07.01, the minimum spillway design flood for the proposed dam is a 25 year frequency event. The proposed dam is designed to exceed the South Dakota requirements. The primary spillway will pass flows in excess of those produced by a 100-year 24 hour rainfall without overtopping the embankment.

A 48" diameter CMP half-round riser with a 30" diameter CMP outlet barrel is proposed as the primary spillway. The structure will have removable stoplogs to provide variable control and drawdown capability. The stoplog overflow crest elevation or full service level (FSL) is proposed at elevation 1810.2.

No emergency spillway is needed in this case as the watershed to basin size ratio is quite low. As stated, the primary spillway will pass the flows necessary to insure the embankment will not be overtopped for even the 100-year 24 hour design event.

In an effort to predict peak inflows, maximum water surface elevations and corresponding outflows, watershed information was analyzed and input data for the Soil Conservation Service (SCS) TR-20 model was determined. The model was run to determine peak inflows. In addition, regression equations provided in *Techniques for Estimating Flood Peaks, Volumes, and Hydrographs on Small Streams in South Dakota*¹ were used to develop flood peaks for comparing against the results obtained using the TR-20 model. Since the results were comparable, the initial data assumed and input into the TR-20 model was used for flood routing flows and determining the discharge at various reservoir stages with respect

¹Becker, Lawrence D., U.S. Geological Survey, Water Resources Investigations 80-80, September 1980.

to time. The TR-20 program uses accepted procedures to develop inflow and outflow hydrographs. The primary spillway capacity was calculated by comparing discharges developed by the weir flow formula and formulas for calculating head loss through corrugated metal pipe. A discharge curve for the proposed structure is attached.

The following is a relationship between peak inflows, corresponding outflows, and reservoir elevations using the previously-mentioned methods of analysis:

<u>EVENT</u>	<u>PEAK INFLOWS</u>	<u>MAXIMUM WATER SURFACE ELEVATION</u>	<u>FREEBOARD AVAILABLE</u>	<u>TOTAL DISCHARGE</u>
10 YR	157 CFS	1810.75	2.50 FT	4 CFS
50 YR	271 CFS	1810.95	2.25 FT	9 CFS
100 YR	328 CFS	1811.07	2.13 FT	11 CFS

Channel Bottom / Pipe Invert Elevations @ 1806.2

Primary Spillway Crest Elevation (FSL) @ 1810.2

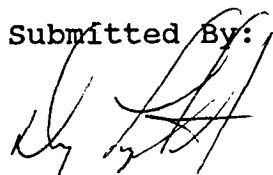
Top of Compacted Embankment Elevation @ 1813.2

As apparent in the above table, the structure as designed will successfully and safely pass sufficient flows to prevent overtopping of the embankment for all design events.

A preliminary set of plans is submitted with the Design Report. A set of standard construction specifications has previously been submitted to the Division of Water Rights for the purposes of permit review.

Dated: June 3, 1994

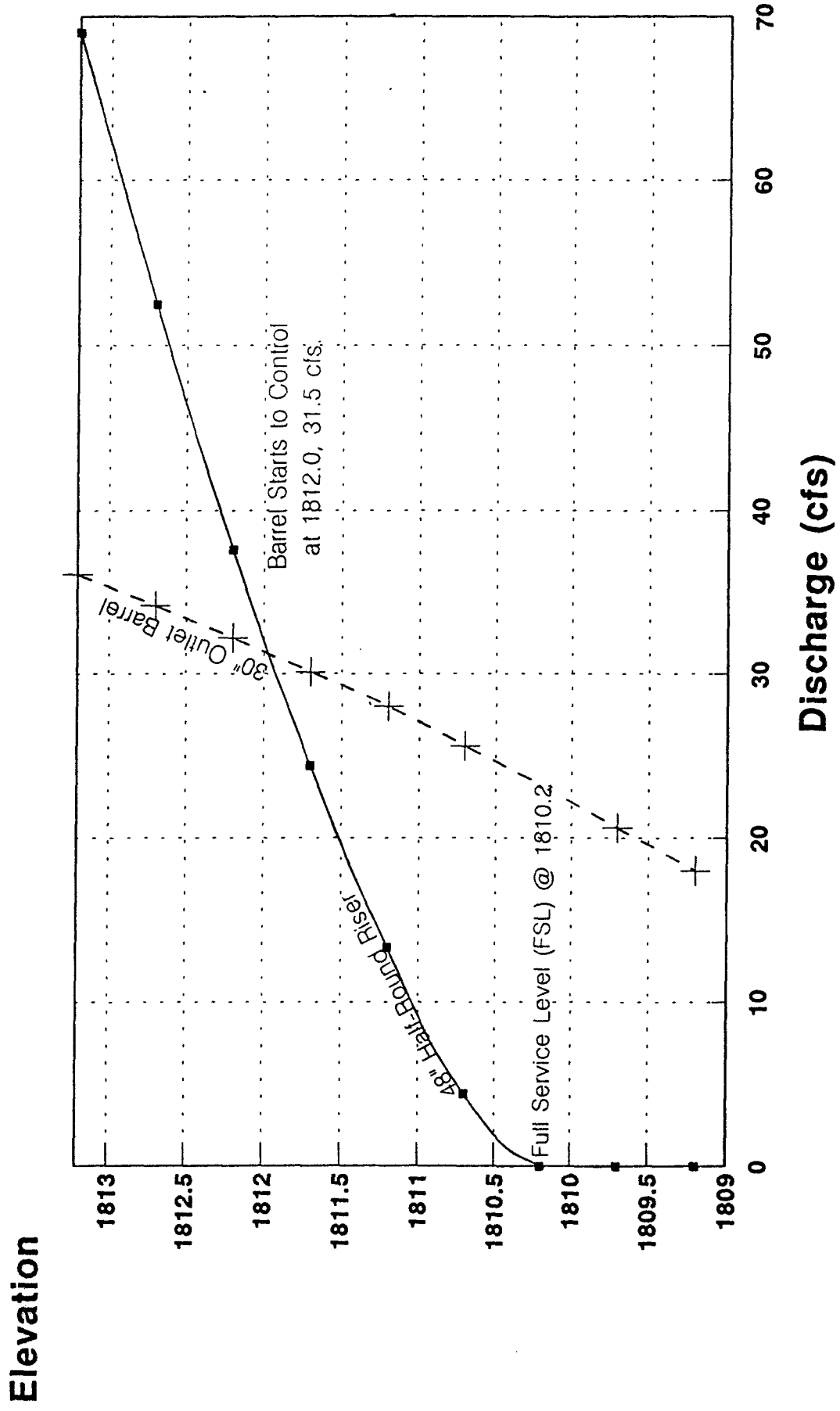
Submitted By:



Doug Lipetzky, P.E
PE-4499

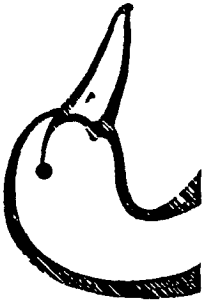
SAMUEL BERGER MEMORIAL MARSH

Discharge Curve



— 48" Half-Round Riser — 30" CMP Outlet Barrel

5829-3



DUCKS UNLIMITED

PROJECT

SAMUEL BERGER MEMORIAL MARSH

SECTION 14, T 126 N, R 56 W, MARSHALL CO., SOUTH DAKOTA
IN COOPERATION WITH

U.S. FISH & WILDLIFE SERVICE

SPECIFICATIONS

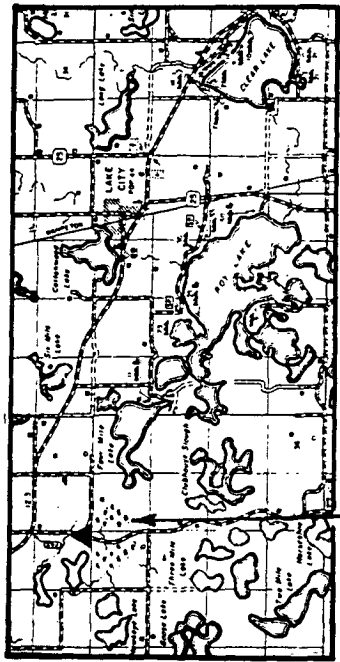
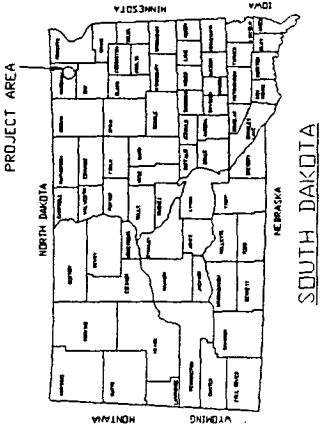
- 101 GENERAL CONDITIONS
- 202 MOBILIZATION
- 203 SITE PREPARATION
- 204 EXCAVATION
- 205 EMBANKMENT CONSTRUCTION
- 206 WATER CONTROL
- 206A STRUCTURE INSTALLATION
- 207 WATER CONTROL STRUCTURE & CULVERT APPURTENANCES
- 208 CULVERT INSTALLATION
- 209 CAST-IN-PLACE
- 208 REINFORCED CONCRETE
- 209 RIPRAP PLACEMENT

PLAN INDEX

- 1 VICINITY MAP
- 2 NORTH MARSH SITE PLAN
- 3 NORTH MARSH PLAN & PROFILE
- 4 STRUCTURE DETAILS
- 5 SOUTH MARSH SITE PLAN
- 6 SOUTH MARSH PLAN & PROFILE

QUANTITIES

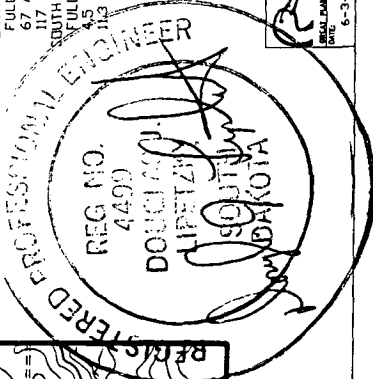
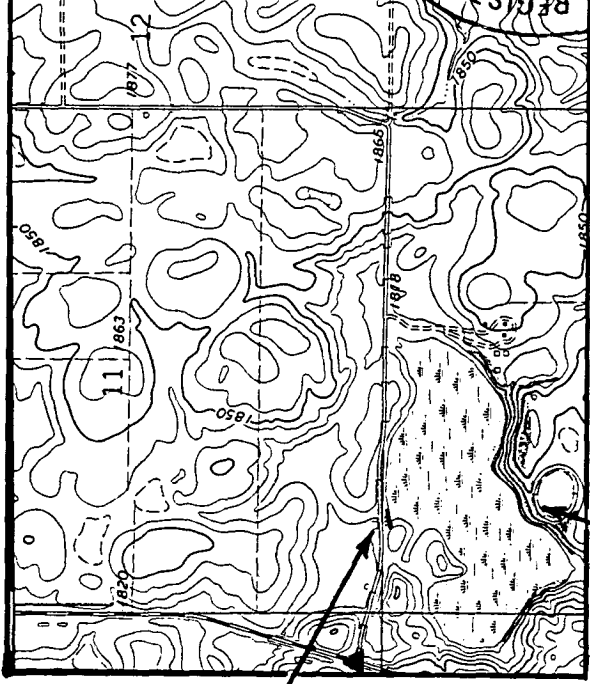
- MOBILIZATION
- SITE PREPARATION
- EMBANKMENT CONSTRUCTION
- 219 C.Y.-P
- 631 C.Y.-S
- 3 M-GAL.
- 1 L.S.
- 1 INC.
- 46 L.F.
- 30% CIP
- 1 INC.
- 5 C.Y.-P



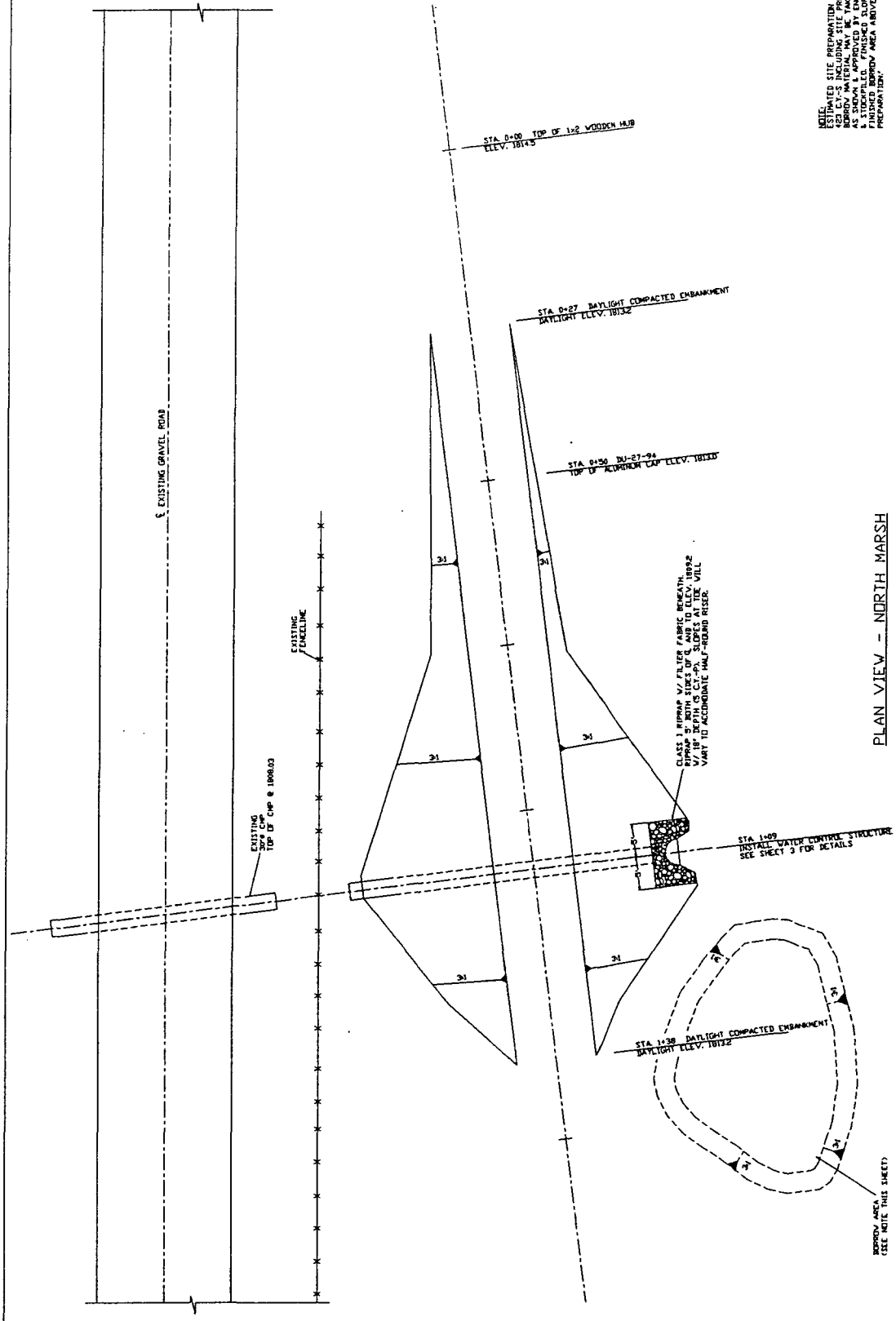
MARSHALL COUNTY

MAP POINT "A" IS 6 MILES WEST OF LAKE CITY, SD
ON HWY. 10, THEN 1 MILE SOUTH

MARSH DATA
NORTH MARSH:
FULL SERVICE LEVEL (FSL) @ 1810.2
67 ACRES @ FSL
117 ACRES-FEET @ FSL
SOUTH MARSH:
FULL SERVICE LEVEL (FSL) @ 1832.0
4.5 ACRES @ FSL
113 ACRES-FEET @ FSL



PROJECT NO. SD-161-01	DESIGNED BY: D.J.D.
DUCKS UNLIMITED INC.	CHECKED BY: S.
SAMUEL BERGER MEMORIAL MARSH	APPROVED BY: S.
VICINITY MAP	DATE: 6-3-94
1 OF 6	APPENDIX: S.

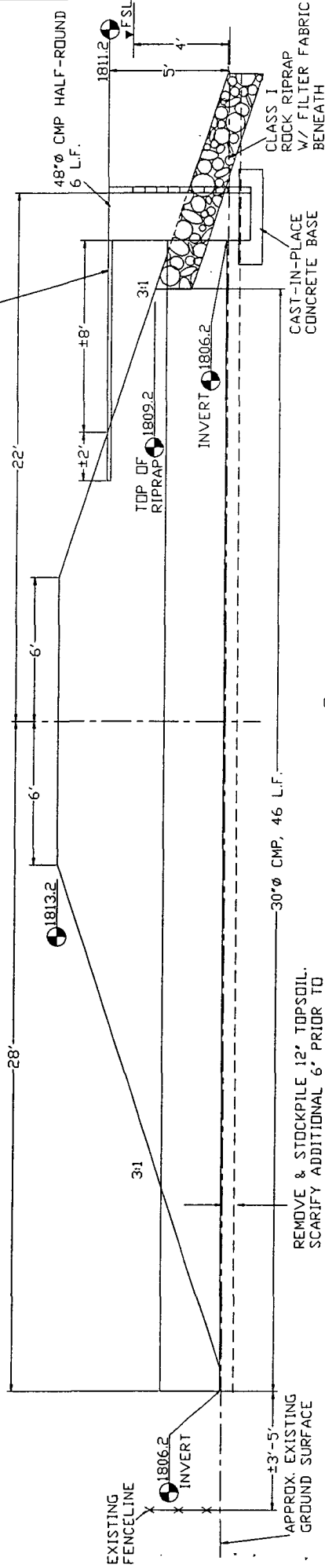


NOTE: EXISTING SITE PREPARATION IS 100 CY. PERMANENT REQUIRES APPROXIMATELY 420 CY. INCLUDING SITE PREPARATION, QUANTITY FOR BORROW MATERIAL MAY BE TAKEN FROM HILLSIDE & MARSH BOTTOM. ELEV. OF STRUCTURE SHALL BE 10130. FINISHED SLOPES SHALL BE 3:1 ON FLAT. REPAIRS TO EXISTING FINISHED BORROW AREA ABOVE FILL. COST OF TOPSOIL WORK IS INCIDENTAL TO SITE PREPARATION.

PLAN VIEW - NORTH MARSH

	PROJECT NO. SD-101-1	DESIGNED BY D.J.L.
	SAMUEL BERGER	DRAWN BY
	MEMORIAL MARSH	SUPERVISOR BY
	NORTH MARSH SITE PLAN	CHECKED BY
SHEET NO. 2 OF 6		APPROVED BY
6-0-94		

CATWALK
TREATED 3"x12" PLANKS
OR APPROVED EQUAL
3 @ 10' = 30 L.F. REQ'D.



STRUCTURE & PROFILE

REMOVE & STOCKPILE 12" TOPSOIL.
SCARIFY ADDITIONAL 6" PRIOR TO
PLACING COMPACTED EMBANKMENT.
RESPREAD MIN. 4" TOPSOIL OVER
COMPLETED EMBANKMENT.

RIPRAP NOTE:
INSTALL 5 C.Y.-P CLASS I ROCK RIPRAP,
18" DEPTH. EXTEND RIPRAP OUT TO
5' BOTH SIDES OF STRUCTURE.

APPROX. EXISTING
GROUND SURFACE

1813.2 TOP OF
COMPACTED EMBANKMENT

1811.2 TOP OF HALF-ROUND
1810.2 FSL

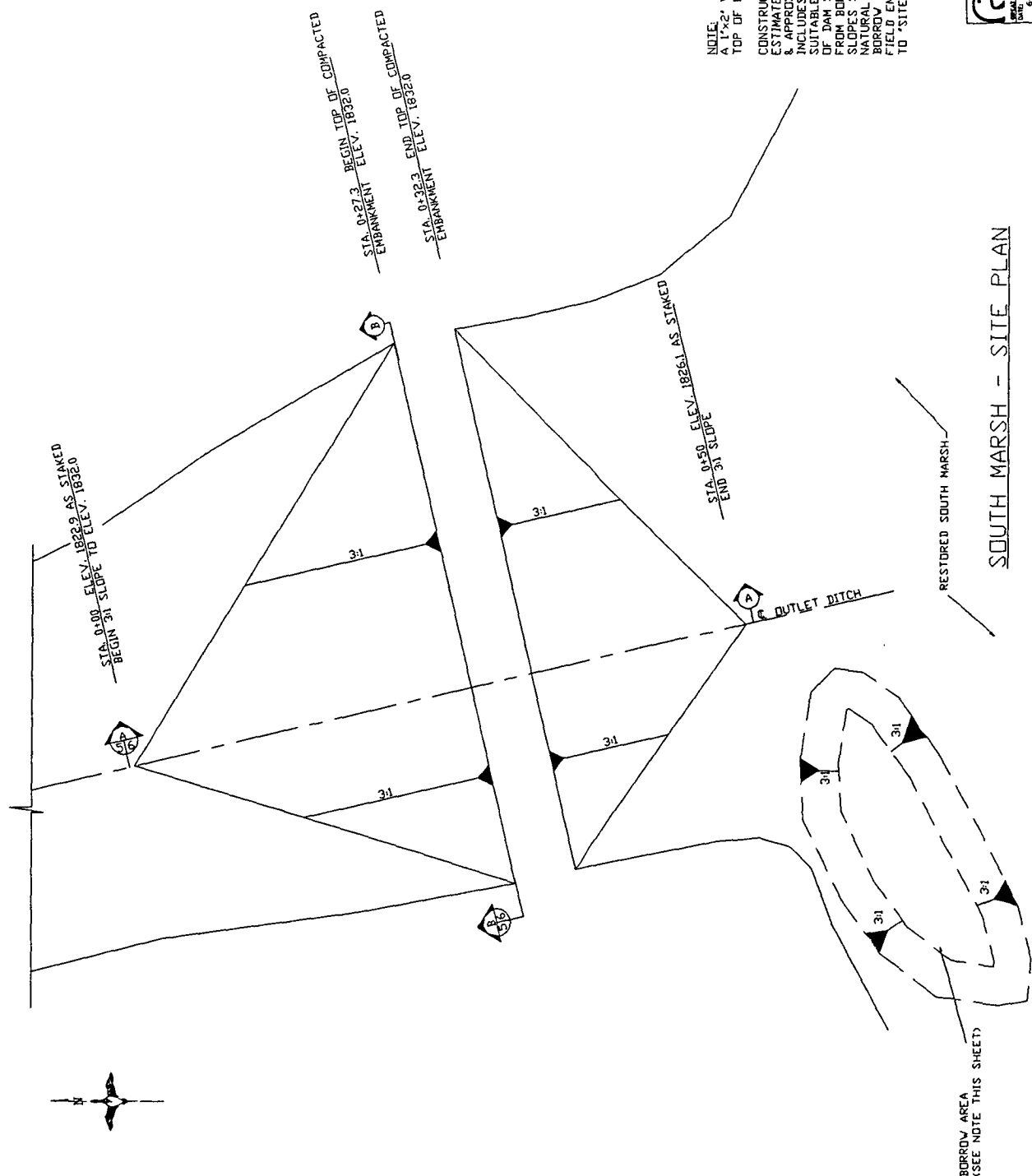
1806.2 CHANNEL BOTTOM & INVERT
1805.2 BOTTOM OF HALF-ROUND

CAST-IN-PLACE
CONCRETE BASE

EMBANKMENT/STRUCTURE UPSTREAM ELEVATION

REMOVE & STOCKPILE 12" TOPSOIL.
SCARIFY ADDITIONAL 6" PRIOR TO
PLACING COMPACTED EMBANKMENT.
RESPREAD MIN. 4" TOPSOIL OVER
COMPLETED EMBANKMENT.

 DUCKS UNLIMITED INC.	PROJECT NO. SD-161-01	DESIGNED BY: D.J.L.
	SAMUEL BERGER MEMORIAL MARSH HALE BOUND DETAILS	DRAWN BY: K.B.
GREAT PLAINS REGIONAL OFFICE	DATE: _____	PROJECT BY: _____
DATE: _____	BY: _____	CHECKED BY: _____



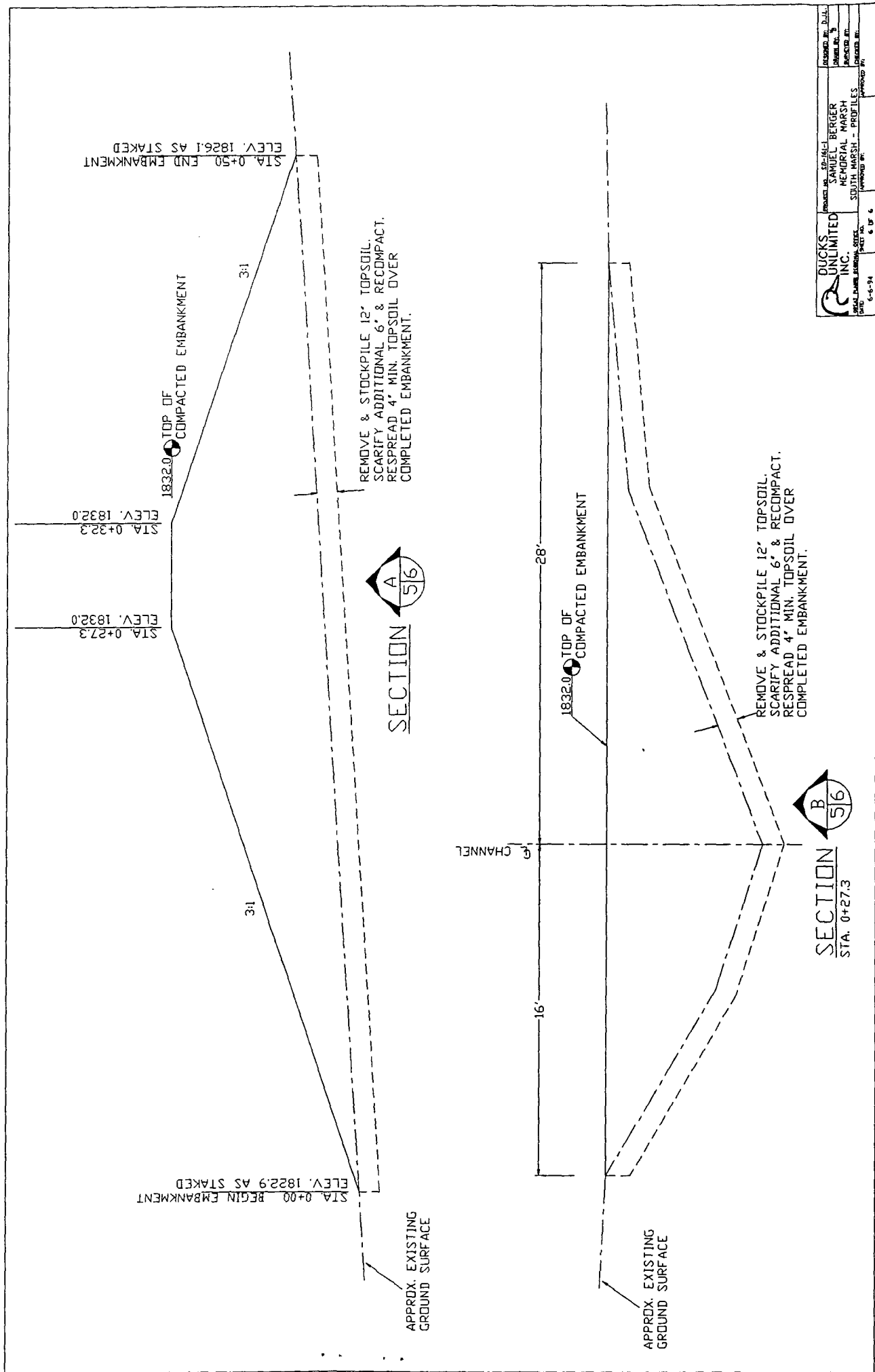
NOTE:
 A 1"x2" WOODEN HUB EXISTS ON-SITE AS TBM.
 TOP OF HUB IS AT ELEV. 1832.37

CONSTRUCT EARTHEN EMBANKMENT TO RESTORE WETLAND.
 ESTIMATED SITE PREPARATION AT THIS SITE IS 46 CY-P
 & APPROXIMATE EMBANKMENT QUANTITY IS 208 CY-S WHICH
 INCLUDES SITE PREPARATION QUANTITY & 15% FOR SHRINKAGE.
 SUITABLE MATERIAL FROM BORROW AREA ON UPSTREAM SIDE
 OF DAM SHALL BE USED. STRIP & STOCKPILE TOPSOIL
 FROM BORROW AREA & RESPREAD ON AREA WHEN COMPLETED.
 SLOPES SHALL BE 3:1 OR FLATTER. MAINTAIN 10' MIN.
 NATURAL GROUND BERM BETWEEN BORROW AREA & EMBANKMENT.
 BORROW AREA DIMENSIONS MAY VARY AS APPROVED BY THE
 FIELD ENGINEER. COST OF TOPSOIL WORK IS INCIDENTAL
 TO 'SITE PREPARATION'.

 DUCKS UNLIMITED INC.	DESIGNED BY	SARUEL BERGER	DATE	6-4-94
	CHECKED BY	MEMORIAL MARSH	DATE	6-4-94
PROJECT NAME		SOUTH MARSH SITE PLAN		
SHEET NO.		1 OF 6		
APPROVED BY				

SOUTH MARSH - SITE PLAN

BORROW AREA
 (SEE NOTE THIS SHEET)



DUCKS UNLIMITED INC. 1000 LAMAR AVENUE, SUITE 100 HOUSTON, TEXAS 77057 281-461-1111 6-4-94	PROJECT NO. 97-16-1 SAMUEL BERGER MEMORIAL MARSH SOUTH MARSH - PROFILES	DESIGNED BY: D.J.L. DRAWN BY: S CHECKED BY: APPROVED BY:
	SHEET NO. 6 OF 6 6-4-94	PROJECT NO. SHEET NO. CHECKED BY: APPROVED BY:

Water Permit Application No. 5829-3
Bonnie L. Tom

Ducks Unlimited Project
Samuel Berger Memorial Marsh
NW1/4 NW1/4 Sec. 14-T126N-R56W

Top of Dam Elev - 1813.2 } 3. Ft Freeboard Cat. 3 - Low Hazard Dam
P. Spillway - 1810.2
Channel Bottom - 1806.2
Dam Height - 7 ft.

Normal Capacity @ P. Spillway - 117 Ac.-Ft.
Maximum Capacity @ Top of Dam - 368 Ac.-Ft.

$$368 \times 7 = 2576 < 3000 \therefore \text{25 year flood Min. Design}$$

$$DA = 342 = 0.53 \text{ mi.}^2 \quad Q_{fs} = 83.4 A^{.6} S^{.44} S_i^{-.72}$$

$$\text{Slope} \approx 75'/\text{mi}$$

$$SI = 3.70$$

$$= 83.4 (.53)^{.6} 75^{.44} 3.70^{-.72}$$

$$= 83.4 (.68) (6.68) (0.39)$$

$$= 150 \text{ cfs}$$

DV uses TR-20 to route $Q_{100} = 328 \text{ cfs}$ thru dam with Max. Elev = 1811
leaving 2 feet of Freeboard

Section 74:02:08:09

1. Topo Maps - OK
2. Dam Axis Profile - OK
3. Max. X-Sec. - OK
4. Area Capacity Data - OK
5. Outlet Drawings - NA-OK
6. Spillway Rating Curve - OK
7. Spillway Details - OK
8. Spec. - std. - OK
9. EPP - Cat. 3 - OK

Annual Yield - SCS

Hyd. Soil Group - B-Foreman Soils
Pasture Good/Fair - use $CN=70$
Isogram No. = 24c

50% chance - 0.27 Ac-In/Ac.

$$0.27 \times 342 \text{ Ac} = 92.34 \text{ Ac-In} =$$

$$= 7.7 \text{ Ac.-Ft.}$$

10% chance - 1.6 Ac-In/Ac

$$1.6 \times 342 / 12 = 45.6 \text{ Ac.-Ft.}$$



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 25, 1994

Doug Lipetzky, P.E.
Ducks Unlimited Inc.
3502 Franklin Ave.
Bismarck, ND 58501

Dear Mr. Lipetzky:

We have reviewed the plans and specifications for the Samuel Berger Memorial Marsh Dam (Bonnie Tom) located in the NW 1/4 NW 1/4 of Section 14-T126N-R56W, in Marshall County. The plans and specifications as submitted are approved. Approval of the plans and specifications does not authorize construction of the project. No construction may begin until Water Permit Application No. 5829-3 is approved.

Our review was to determine compliance with the requirements of the Water Management Board Safety of Dams Rules, Chapter 74:02:08. Approval of these plans and specifications does not release Bonnie Tom, as owner of the dam, from the responsibility for operating and maintaining the dam in good repair to ensure the safety of the dam.

The Samuel Berger Memorial Marsh Dam will be classified as a small size Category 3 dam with a dam height of 7 feet and a normal storage capacity of 117 acre-feet and a maximum storage capacity of 368 acre-feet.

If you have any questions, please feel free to contact us.

Sincerely,

Gale N. Selken, P.E.
Natural Resources Engineer IV
for John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

c: Bonnie Tom

REPORT ON
WATER PERMIT APPLICATION No. 5829-3
BONNIE L. TOM
July 13, 1994

Water Permit Application No. 5829-3 has been filed by Bonnie L. Tom to impound 129 acre-feet of water by constructing two small dams. One of the dams will be located in the NW 1/4 NW 1/4 of Section 14-T126N-R56W and will store 117 acre-feet of water, the other will be located in the S 1/2 NW 1/4 of Section 14-T126N-R56W and will store 12 acre-feet of water. The water will be used to provide habitat for fish and wildlife production.

Discussion:

This project is a cooperative effort between Ducks Unlimited, Inc., the U.S. Fish and Wildlife Service, and Bonnie L. Tom. The project involves the restoration of two wetlands by constructing two small dams to create the Samuel Berger Memorial Marsh. One of the dams only stores 12 acre-feet of water; therefore, it does not meet the Safety of Dams Rules, Chapter 74:02:08 definition of a dam and does not require plans and specifications review and approval. The other dam does and will be referred to as the Samuel Berger Memorial Marsh Dam.

The Samuel Berger Memorial Marsh Dam will be classified as a small size Category 3, Low Hazard dam. It has been designed by Ducks Unlimited, Inc. and the plans and specifications have been approved; although, construction can not start until Water Permit Application No. 5829-3 is approved.

The Samuel Berger Memorial Marsh Dam will be 7 feet high with a normal storage capacity of 117 acre-feet with a reservoir level at the primary spillway elevation, and a maximum storage capacity of 368 acre-feet with the reservoir level at the top of dam elevation. A dam of this size and hazard classification is required to have a minimum spillway design capable of passing a 25 year frequency event.

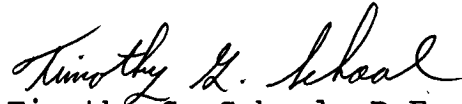
The Samuel Berger Memorial Dam is designed to have a 48 inch diameter CMP half-round drop inlet with a 30 inch diameter barrel as the primary spillway. The dam has a drainage area of 342 acres or 0.53 square miles. Ducks Unlimited uses the Soil Conservation Service TR-20 Hydrology program to route the runoff through the dam. They route a 100 year-24 hour frequency event with a peak inflow of 328 cfs through the dam with 2.0 feet of freeboard.

The annual yield for this drainage area with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be approximately 8 acre-feet of water. The annual yield with a 10 percent chance of occurrence, or 1 out of 10 years, is expected to be approximately 46 acre-feet of water.

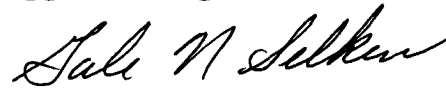
The Samuel Berger Memorial Marsh Dam is located in the upper Crow Creek (kettle lakes) area of Marshall County and should have little effect on other lakes or existing Water Permits/Rights in this area. The nearest existing Water Permit/Right is No. 5066A-3, which is located about 2 miles downstream in Section 3 & 4-T126N-R56W. This is a Ducks Unlimited and Department of Game, Fish and Parks project on Black Slough.

Conclusions:

1. Water Permit Application No. 5829-3 should be approved since there is unappropriated water available and approval will not have any adverse effects on existing Water Permits/Rights.
2. If approved, the low flow bypass requirement for downstream domestic use should be a qualification on Water Permit Application No. 5829-3.


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

Approved by.


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

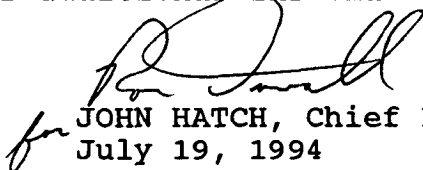
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5829-3, Bonnie L. Tom

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. 5829-3, Bonnie L. Tom, Box 255, Britton, SD 57430.

The Chief Engineer is recommending APPROVAL of Application No. 5829-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. Water Permit No. 5829-3 authorizes two dams with a total capacity of 129 acre-feet of water (117 acre-feet and 12 acre-feet) and sufficient water annually to maintain the water level to the outlet elevation. The outlet elevation for the 117 acre-feet of water dam is 1810.2 fmsl.

See report on application for additional information.


for JOHN HATCH, Chief Engineer
July 19, 1994



**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.

July 25, 1994

Bonnie L. Tom
Box 255
Britton, SD 57430

Dear Ms. Tom:

Water Permit Application No. 5829-3 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 Britton Journal printed at Britton, SD (Ph # 605-448-2894). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 25, 1994

Britton Journal
Box 69
Britton, SD 57430-0069

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5829-3 to be published twice. Please publish the first notice on August 3, 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 Bonnie L. Tom, Box 255, Britton, SD 57430 (Ph # 605-448-5556).

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 August 3, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5829-3 to Appropriate Water

Notice is given that Bonnie L. Tom, Box 255, Britton, SD 57430 has filed an application for a water permit to impound 129 acre-feet of runoff and spring water by constructing two dams. The larger dam impounds 117 acre-feet of water located in the NW 1/4 NW 1/4 Section 14; with water impounded in the NW 1/4, NW 1/4 NE 1/4 Section 14 and the E 1/2 NE 1/4 Section 15; all in T126N-R56W. This application authorizes impoundment of water sufficient to maintain the water level in the 117 acre-foot dam at the outlet elevation of 1810.2 feet mean sea level. A 12 acre-foot dam located in the S 1/2 NW 1/4 Section 14-T126N-R56W will also be located adjacent to the larger dam. The water is to be used to provide habitat for fish and wildlife production.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5829-3 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 August 22, 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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

2T(Aug. 3-10)

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Marshall) ss



I, Charles L. Card

certify that the attached printed Notice was
 taken from the Britton Journal

printed and published in Britton

County of Marshall and State of

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

August 3, 1994

August 10, 1994

Cost of Printing: \$34.65

Charles L. Card
 (Signature)

publisher

(Title)

8/10/94

(Date Signed)

NOTICE OF APPLICATION

No. 5829-3

to Appropriate Water

Notice is given that Bonnie L. Tom, Box 255, Britton, SD 57430, has filed an application for a water permit to impound 129 acre-feet of runoff and spring water by constructing two dams. The larger dam impounds 117 acre-feet of water located in the NW 1/4 NW1/4 Section 14; with water impounded in the NW1/4, NW1/4NE1/4 Section 14 and the E1/2NE1/4 Section 15; all in T126N-R56W. This application authorizes impoundment of water sufficient to maintain the water level in the 117 acre-foot dam at the outlet elevation of 1810.2 feet mean sea level. A 12 acre-foot dam located in the S1/2NW1/4 Section 14-T126N-R56W will also be located adjacent to the larger dam. The water is to be used to provide habitat for fish and wildlife production.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5829-3 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.

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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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 20 1994

Bonnie L. Tom
Box 255
Britton, SD 57430

Dear Ms. Tom:

Enclosed is Water Permit No. 5829-3 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 4, 2005

5829-3

Bonnie Buhl
11334 435th Ave
Lake City SD 57247

Dear Mrs. Buhl:

On August 25, 2005 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5829-3, was completed by Tim Schaal, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law require that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your 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 the permit requirements.

Also, enclosed is a partially completed *Notice of Transfer of Ownership* form. We are aware that the ownership did not change, but completion of this form is necessary to change a name on a water right. The form needs to be reviewed, signed by the owner, notarized and returned with a \$2.50 filing fee. The check or money order for the fees (\$52.50) should be made payable to the "Water Rights Program".

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

Sincerely,

Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 18, 20 05

RECEIVED OF Berrie Euhl, 11334 435th ave., Lake City SD 57247-6110

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5829-3</u>	50	00
Fee for Filing Transfer Form <u>5829-3</u>	2	50
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	52.50

No.

001765

By

Berrie Euhl

Chief Engineer

gm

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 5829-3

Date: 2-17-05

I/We request that Water Right/Permit No. 5829-3

formerly owned by: Bonnie L Tom

be transferred to: (name & address) Bonnie Buhl, 11334 435th Ave, Lake City SD 57247

Telephone No. 448-2503

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

North embankment (117 acre-feet storage) NW ¼ NW ¼ Section 14-T126N-R56W

South embankment (12 acre-feet storage) SW ¼ NW ¼ Section 14-T126N-R56W

I/We understand that the validity of Water Right/Permit No. 5829-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Bonnie Buhl, the new owner, certify that the above information is true and correct.

Bonnie L Buhl
(Signed by new owner)

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

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

Bonnie Steiner, Notary

By Notary Public License 64-27-2008

RECEIVED
FEB 18 2005
WATER RIGHTS
PROGRAM

Permit No. 5829-3
James River - Water District

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

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

I have this day, August 25, 2004, made a thorough examination of the water use system constructed by Bonnie Buhl of 11334 435th Ave., Lake City, SD 57247 holder of Permit No. 5829-3, bearing the priority of June 15, 1994 authorizing the storage of 129 ac-ft (North embankment 117 ac-ft & South embankment 12 ac-ft) of the waters of runoff for fish & wildlife production purposes, in Marshall County.

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

A. Works used to divert the water:

Two small embankments with a combined storage capacity of 129 ac-ft creating the Samuel Berger Memorial Marsh

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

N/A

C. Works used to apply water to beneficial use:

Two small embankments with a combined storage capacity of 129 ac-ft creating the Samuel Berger Memorial Marsh

The system is in the following condition good. The point of diversion is located North embankment—100 ft. south & 1100 ft. east of the NW corner of Sec. 14-T126N-R56W (NW ¼ NW ¼) (Lat. 45.73203, Long. -97.52146); South embankment (ditch plug)—1600 ft. south & 1000 ft. east of the NW corner of Sec. 14-T126N-R56W (SW ¼ NW ¼) (Lat. 45.72765, Long. -97.52146). The works are capable of storing 129 acre-feet of water which is to be used for fish & wildlife production. Water has been put to beneficial use to the maximum extent as follows:

Two small embankments with a combined storage capacity of 129 ac-ft creating the Samuel Berger Memorial Marsh

and the license should be issued for 129 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: February 3, 2005



Timothy G. Schaal, P.E.
Natural Resources Engineer Specialist
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 5829-3

DATE OF INSPECTION: August 25, 2004

NAME & ADDRESS OF PERMIT HOLDER: Bonnie Buhl, 11334 435th Ave., Lake City, SD 57247

DIVERSION POINT LEGAL LOCATION: North embankment—100 ft. south & 1100 ft. east of the NW corner of Sec. 14-T126N-R56W (NW ¼ NW ¼) (Lat. 45.73203, Long. -97.52146); South embankment (ditch plug)—1600 ft. south & 1000 ft. east of the NW corner of Sec. 14-T126N-R56W (SW ¼ NW ¼) (Lat. 45.72765, Long. -97.52146).

DAM INFORMATION: North embankment

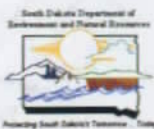
South embankment (ditch plug)

- | | |
|---|------------------|
| 1) Height to crest <u>7</u> feet | <u>9 ft.</u> |
| 2) Height to primary spillway <u>4</u> feet | |
| 3) Height to secondary spillway <u>N/A</u> feet | |
| 4) Crest width <u>12</u> feet | <u>5 ft.</u> |
| 5) Crest length <u>111</u> feet | <u>44 ft.</u> |
| 6) Spillway length <u>XXX</u> feet | |
| 7) Spillway width <u>30 in CMP</u> | |
| 8) Approx. storage (Normal) <u>117</u> acre-feet | <u>12 ac-ft.</u> |
| 9) Approx. storage (Maximum) <u>368</u> acre-feet | |
| 10) Date constructed: <u>1994</u> | <u>1994</u> |

PERMIT QUALIFICATIONS AND REGULATIONS:

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

Water Permit Application No. 5829-3



Timothy G. Schaal

2/03/05

Timothy G. Schaal, P.E.
Natural Resources Engineer Specialist
DENR, Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5829-3

(1) Bonnie L Tom made Application No. 5839-3, June 15, 1994 for a water permit to impound 129 acre feet of water from runoff, Marshall County, South Dakota for fish and wildlife propagation purposes. Permit No. 5829-3, with a priority date of June 15, 1994 was approved August 22, 1994 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 22, 1999 and for the application to beneficial use of water on or before August 22, 2003.

On February 18, 2005, Water Permit No. 5829-3 was transferred to Bonnie Buhl, 11334 435th Ave, Lake City SD 57247.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 5829-3 is issued a license, bearing a priority date of June 15, 1994, to impound 129 acre feet of water for fish and wildlife propagation purposes in the Samuel Berger Memorial Marsh.

The location of the storage dams are: North embankment (117 acre-feet storage) – 100 feet south and 1,100 feet east of the northwest corner Section 14-T126N-R56W (NW ¼ NW ¼) and South Embankment (12 acre-feet storage) – 1,600 feet south and 1,000 feet east of the northwest corner of Section 14-T126N-R56W (SW ¼ NW ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5829-3, including the following now applicable qualifications:

- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
- Water Permit No. 5829-3 authorizes two dams with a total capacity of 129 acre-feet of water (117 acre-feet and 12 acre-feet) and sufficient water annually to maintain the water level to the outlet elevation. The outlet elevation for the 117 acre-feet dam is 1810.2 fmsl.



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

APR 19 2005

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

APR 19 2005

5829-3

Bonnie Buhl
11334 435th Avenue
Lake City SD 57247-6110

Dear Ms. Buhl:

Enclosed is Water License No. 5829-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 001765 in the amount of \$52.50 which you paid for the investigation and issuance of the Water License and the transfer of Water License No. 5829-3 into the name of Bonnie Buhl.

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