

WATER PERMIT NO. 5907-3

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

Address: PO Box 25486, Denver CO

Phone: 303 236-5321

Amount of Water Claimed: 1.56 cfs (add'l)

Total Acres: NA

Source of Water Supply: groundwater (two wells)

Water to be used for: fish and wildlife

County: Yankton

Type of Waste Disposal System: NA

Location: Gavins Point National Fish Hatchery

PRIORITY Date Received: 1-26-96

Fee: \$425

Corrected Application Received: 2-8-96

Period of Annual Use: January 1 - December 31

Remarks: Increases the diversion rate authorized by Permit No. 4224-3 (1.11 cfs) and Water Right No. 953-3 (1.11 cfs) by 1.56 cfs for a total of 3.78 cfs

Diversion Point: NE 1/4 SE 1/4 Sec 17-

T93N-R56W

Land to be Irrigated: NA

Depth of Well: 70 feet & 67 feet

Well Driller: Nicholas Well & Pump Co.
and Thorpe Well Co.

Remarks:

Type of Map: aerial

Prepared by: Ken Buhler

Reviewed and the Number Assigned on: 2-8-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

		17		00	

FORM 2: Application for uses other than irrigation
(type or print)



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>5907-3</u> Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Daily Press & Dakotan, Yankton, SD</u>

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

Check use(s) of water:

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

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.)

To increase the diversion rate authorized by Water Permit No. 4224-3 and Water Right No. 953-3 by 1.56 cfs

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

Mailing Address PO Box 25486, Denver State CO 80225
(Street, RR. or Box) (Zip Code)

2. Amount of water claimed 1.56 add'l *CFS or add'l **GPM add'l ***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 Groundwater

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
2 wells in the NE 1/4 SE 1/4 Sec.17, T93N-R56W

_____ County Yankton

5. County or counties where water will be used Yankton

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)

To increase the diversion rate authorized by Water Permit No. 4224-3 and Water Right No. 953-3 by 1.56 cfs. for use by the Gavins Point National Fish Hatchery

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~~

SS

County of Jefferson

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.

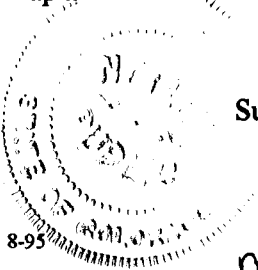
Signed Wilbur Ladd

Subscribed and sworn to before me this 19th day of January 19 96

Finola S. Coe

Notary Public

My Commission expires 11/10/97



SOUTH DAKOTA
WATER PERMIT NO. 5907-3

Date of first receipt of application January 26, 1996.

Date of receipt of corrected application February 8, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5907-3 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. 5907-3 appropriates 1.56 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Right No. 953-3 and Water Permit No. 4224-3. Water Right No. 953-3 and Water Permit No. 4224-3, combined, appropriate 2.22 cfs from two wells located in the NE 1/4 SE 1/4 Section 17-T93N-R56W. This permit increases the water appropriation from the two wells, from 2.22 cfs to 3.78 cfs.
2. The water appropriated shall be used for the purpose of supplying water to the Gavins Point National Fish Hatchery and may not exceed the amount of water needed for beneficial use for fish and wildlife propagation.
3. The water is to be used during the following described annual period: January 1 - December 31
4. The date of approval of Permit No. 5907-3 is March 21, 1996.
5. The date from which applicant may claim right is January 26, 1996.
6. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

WATER MANAGEMENT BOARD

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

JUL 2 1996
date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 20, 1995

Mark Drobish
Gavins Point National Fish Hatchery
Gavins Point Dam
Yankton, SD 57078

Dear Mr. Drobish:

Thank you for your assistance with my July 31, 1995, inspection of the Water Right and Water Permit which authorize the use of two wells by the Gavins Point National Fish Hatchery. Water Permit No. 4224-3 authorizes the diversion of 500 gpm (1.11 cfs) from the "west well", and Water Right No. 953-3 authorizes the diversion of 500 gpm (1.11 cfs) from the "east well".

The field investigation showed that the system was not developed as originally permitted., the west well is capable of producing 800 gpm and the east well is capable of producing 900 gpm. As we discussed, the maximum diversion rate of the wells must be covered by a permit. Enclosed please find a partially completed "Application For Permit to Appropriate Water Within the State of South Dakota", to increase the authorized diversion rate from the two wells by 700 gpm (1.56 cfs). Please review the application , have it signed and notarized and return the application with the required \$275.00 filing fee.

Water Permit No. 4224-3 will be licensed after this application is processed and a permit it obtained to reflect your current water use. The issuance of a license for Water Permit No. 4224-3 will require a \$50.00. This fee will apply to both Water Permit No. 4224-3 and the new permit. Once the new application is approved, we can incorporate the Water Permits and the existing Water Right and issue the license.

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

Very truly yours,

Ken Buhler
Natural Resources Engineer
Water Rights Program
(605)773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

*** INVOICE ***

Invoice No. 20211-28-11/22/95

Mark Drobish
Gavins Point National Fish Hatchery
Gavins Point Dam
Yankton, SD 57078

Application fee for a Permit to appropriate water within the State of South Dakota (\$275) and
final inspection fee for issuance of the Water License (\$50).

PLEASE PAY THIS AMOUNT:

\$325.00

CHERYL F. FROST

Secretary

Water Rights Program

(605) 773-3352



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Mountain-Prairie Region

IN REPLY REFER TO:

BA WTR
WTR SD
Mail Stop 60189

MAILING ADDRESS:

Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225

STREET LOCATION:

134 Union Blvd.
Lakewood, Colorado 80228

JAN 19 1996



Mr. Ken Buhler
Natural Resources Engineer
Department of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Mr. Buhler:

Enclosed is an Application for Permit to Appropriate Water Within the State of South Dakota, Gavins Point National Fish Hatchery, to increase the authorized diversion rate from two wells covered under Water Permit No. 4224-3 (1.11 cfs) and Water Permit No. 953-3 (1.11 cfs).

Also enclosed is a money order in the amount of \$325 which covers the application fee for the Permit (\$275) and final inspection fee for issuance of the Water License (\$50).

If you have any questions or require further information, please contact either Linda Coe or Ginger Price, of our Water Resources Division at (303) 236-5321.

Sincerely,

~~Acting~~ Regional Director

Enclosures (2)

File No.

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Herb Bollie

ADDRESS: Gavins Point National Fish Hatchery, Gavins Point Dam, Yankton, SD

DATE: January 26, 1996 TELEPHONE: (605)665-3352

RE: Correction of Filing Fee for New Permit Application

COMMENTS:

I contacted Herb Bollie, in Mark Drobish's absence to discuss the filing fee required for the application to increase the diversion rate authorized for Water Permit No. 4224-3 and Water Right No. 953-2. We discussed the November 20, 1995 letter to the Hatchery, in which I mistakenly quoted a total increase of diversion rate of 300 GPM and a filing fee of \$275.00. We also discussed that on November 22, 1995 Mr. Bollie contacted me to inform me that there was a typo in my November 20, 1995 letter and the total increase of diversion rate should be 700 GPM. We both changed our copies of the letter at that time but did not recalculate the filing fee.

The filing fee for 700 GPM should be \$425.00. Mr. Bollie informed me that we should contact him on the fiscal matters related to this permit application. He requested that we fax him a copy of our fee schedule and that we contact Linda Coe (303)236-5321 to discuss correcting the filing fee. (I tried contacting Ms. Coe but she will not be in the office until January 29, 1996.)



Ken Buhler

Natural Resources Engineer

File No.

**Water Rights Division
File Documentation**

NAME OF PERSON OR FILE: Linda Coe

ADDRESS: US Fish and Wildlife, Denver, CO

DATE: January 29, 1996 TELEPHONE: (303)236-5321 ext 227

RE: Correction of Filing Fee for New Permit Application

COMMENTS:

I contacted Ms Coe to inform her that the filing fee quoted for the new permit application for Gavins Point Fish Hatchery was incorrect. The filing fee should have been \$425.00 instead of \$275.00. Ms. Coe requested Water Right's submit an invoice to her for \$150.00. Upon receipt of the invoice she will submit the additional fee.



Ken Buhler
Natural Resources Engineer

RECEIPT

414770

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ January 29, 1996

RECEIVED OF U.S.F.W.S., P.O. Box 25486, DFC, Denver, CO 80025-0486

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

Fee for Application for Permit No. <u>5907-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	275	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	275 00

By John Hatch, C.E.
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

* INVOICE *

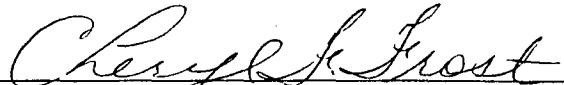
Invoice No. 20211-28-1/30/96

Linda Coe
U.S. Fish & Wildlife Service
P.O. Box 25486
Denver Federal Center
Denver, CO 80025-0486

Corrected application fee for a permit to appropriate water with the State of South Dakota
(Gavins Point National Fish Hatchery - Yankton County).

PLEASE PAY THIS AMOUNT:

\$150.00


CHERYL F. FROST
Secretary
Water Rights Program
(605) 773-3352



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Mountain-Prairie Region

IN REPLY REFER TO:

BA WTR
WTR SD
Mail Stop 60189

MAILING ADDRESS:

Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225

STREET LOCATION:

134 Union Blvd.
Lakewood, Colorado 80228



JAN 31 1996

Mr. Ken Buhler
Natural Resources Engineer
Department of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Dear Mr. Buhler:

Per our telephone conversation of January 29, enclosed is \$150 money order covering the remaining balance due for filing fees on Application for Permit to Appropriate Water Within the State of South Dakota, Gavins Point National Fish Hatchery, to increase the authorized diversion rate from two wells covered under Water Permit No. 4224-3 (1.11 cfs) and Water Permit No. 953-3 (1.11 cfs).

A money order in the amount of \$325 was previously submitted as requested, covering part of the application fee for the Permit (\$275) and final inspection fee for issuance of the Water License (\$50).

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

Sincerely,

Linda Coe
Water Rights Technician

Enclosure

RECEIPT

414782

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 8, 1996

RECEIVED OF U.S.F.W.S., P.O. Box 25486, Denver Federal Center, Denver, CO 80225

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

Fee for Application for Permit No. <u>5907-J</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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	150 00

By John Hatch (Signature)
Chief Engineer

REPORT ON WATER PERMIT APPLICATION NO. 5907-3

for US Fish and Wildlife Service

February 15, 1996

Application No. 5907-3 proposes to appropriate 1.56 cfs (700 gpm) by increasing the diversion rate authorized by Water Right No. 953-3 and Water Permit No. 4224-3. Water Right No. 953-3 and Water Permit No. 4224-3, combined, appropriate 2.22 cfs from two wells located in the NE 1/4 SE 1/4 of section 17, T93N R56W in Yankton County. This application proposes to increase the water appropriation from the two wells, from 2.22 cfs to 3.78 cfs. The water is for use at the Gavins Point National Fish Hatchery.

AQUIFER - MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) unconfined aquifer in this area. The aquifer underlies 45,000 acres and contains an estimated 675,000 acre feet of recoverable water in storage in Yankton County (Hedges, 1982). The aquifer is hydraulically connected to the Lower James Missouri aquifer to the north, the Missouri Elk Point aquifer to the east in Clay County and to the Missouri River. This well is located directly below Gavins Point Dam and is within 1/4 mile of the Missouri River.

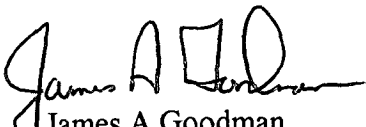
The Water Rights Program monitors seven observation wells completed into the Missouri Elk Point aquifer in Yankton County. The nearest observation is approximately 10 miles east of this application. Water levels for the aquifer do not fluctuate very much and do correlate well with climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of additional withdrawals (Water Rights, 1996).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing water permit No. 5490-3 in the immediate area. Interference is not expected to be a concern. The wells are close enough to create overlapping drawdown. These wells have been in use for many years with no apparent problems and are used at the same facility.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is unconfined and under water table conditions. Interference is not expected to be a concern. These are existing wells and have been in use for many years.
3. There is insufficient information available to determine if these wells are completed in accordance with SD Well Construction Standards.
4. This facility is not required to have a surface water discharge permit.


James A Goodman
Natural Resources Engineer

Hedges, L.S., et al, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1996, Unpublished Observation Well Data for Yankton County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5907-3, U.S. Fish and Wildlife Service

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5907-3, U.S. Fish and Wildlife Service, %Wilbur Ladd, Jr., P.O. Box 25486, Denver, CO 80225.

The Chief Engineer is recommending APPROVAL of Application No. 5907-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been 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:

The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

See report on application for additional information.



JOHN HATCH, Chief Engineer
February 20, 1996



**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.

February 21, 1996

Wilbur Ladd
U.S. Fish and Wildlife Service
P.O. Box 25486
Denver, CO 80225

Dear Mr. Ladd:

Water Permit Application No. 5907-3 for fish and wildlife 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 Daily Press and Dakotan printed at Yankton, SD (Ph # (605) 665-7811). 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: Mark Drobish, Gavins Point National Fish Hatchery, Gavins Point Dam, Yankton, SD 57078.

c: Linda Coe, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver, CO 80225.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 21, 1996

Daily Press & Dakotan
P.O. Box 56
Yankton, SD 57078-0056

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5907-3 to be published twice. Please publish the first notice on March 4, 1996, 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, P.O. Box 25486, Denver, CO 80225 (Ph # (303) 236-5321).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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 Program
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 March 4, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5907-3 to Appropriate Water
and to Amend Water Permit No. 4224-~~3~~³ and Water Right No. 953-3

Notice is given that the U.S. Fish and Wildlife Service, P.O. Box 25486, Denver, CO 80225 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Right No. 953-3 and Water Permit No. 4224-3. Water Right No. 953-3 and Water Permit No. 4224-~~3~~³, combined, appropriate 2.22 cfs from two wells located in the NE 1/4 SE 1/4 Section 17-T93N-R56W. This application proposes to increase the water appropriation from the two wells, from 2.22 cfs to 3.78 cfs. The water is for use at the Gavins Point National Fish Hatchery.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5907-3 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 Program, 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 March 21, 1996.

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 Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Yankton) SS

I, Don S. Smith

certify that the attached printed Notice was
taken from the Yankton Daily Press
and Dakotan

printed and published in Yankton, SD

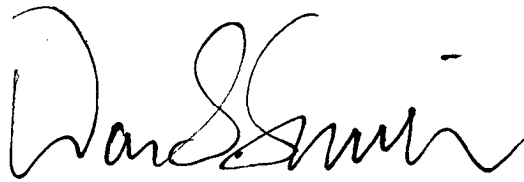
County of Yankton and State of

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

March 4, 1996

March 11, 1996

Cost of Printing: \$46.32



(Signature)

Publisher

(Title)

2/12/96

(Date Signed)

3+4+11
NOTICE OF APPLICATION NO. 5907-3
to Appropriate Water and to Amend
Water Permit No. 4224-3 and
Water Right No. 953-3

Notice is given that the U.S. Fish and Wildlife Service, P. O. Box 25486, Denver, CO 80225 has filed an application for a water permit to appropriate 1.56 cubic feet of water per second (cfs) by increasing the diversion rate authorized by Water Right No. 953-3 and Water Permit No. 4224-3. Water Right No. 953-3 and Water Permit No. 4224-4, combined, appropriate 2.22 cfs from two wells located in the NE 1/4 SE 1/4 Section 17-T93N-R56W. This application proposes to increase the water appropriation from the two wells, from 2.22 cfs to 3.78 cfs. The water is for use at the Gavins Point National Fish Hatchery.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5907-3 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 hearing will be given to the applicant and any person filing a petition.

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Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



ADVERTISING ORDER

60181-6-5034

ORDER NUMBER

DEPARTMENT OR ESTABLISHMENT, BUREAU OR OFFICE

Dept. of the Interior, Fish and Wildlife Service

DATE

2/22/96

The publisher of the publication named below is authorized to publish the enclosed advertisement according to the schedule below provided the rates are not in excess of the commercial rates

charged to private individuals with the usual discounts. It is to be set solid, without paragraphing, and without any display in the heading unless otherwise expressly authorized in the specifications.

NAME OF THE PUBLICATION ADVERTISED IN

Daily Press & Dakotan, P.O. Box 56, Yankton, SD 57078-0056

Attn: Olivia

SUBJECT OF ADVERTISEMENT

Notice of Hearing, Application 5907-3

EDITION OF PAPER ADVERTISEMENT APPEARED

NUMBER OF TIMES ADVERTISEMENT APPEARED

Two Times

DATE(s) ADVERTISEMENT APPEARED

SPECIFICATIONS FOR ADVERTISEMENT

Notice of Application No. 5907-3 to Appropriate Water and to Amend Water Permit No. 4224-3 and Water Right No. 953-3, Gavins Point NFH

COPY FOR ADVERTISEMENT

See Attached



AUTHORITY TO ADVERTISE

NUMBER

DATE

SIGNATURE OF AUTHORIZING OFFICIAL

Maellario L. Alarid

INSTRUMENT OF ASSIGNMENT

NUMBER

DATE

2-22-96

TITLE

Contracting Officer

INSTRUCTIONS TO PUBLISHERS

Extreme care should be exercised to insure that the specifications for advertising to be set other than solid be definite, clear, and specific since no allowance will be made for paragraphing or for display or leaded or prominent headings, unless specifically ordered, or for additional space required by the use of type other than that specified. Specifications for advertising other than solid and the advertisement copy submitted to the publisher will be attached to the voucher. The following is a sample of solid line advertisement set up in accordance with the usual Government requirements.

DEPARTMENT OF HIGHWAYS & TRAFFIC,
D.C. Bids are requested for first spring 1966 cement concrete repair contract, including incidental work, Washington, D.C., Invitation No. C-5576-H, consisting of 11,000 sq. yds. PCC Class BB sidewalk repair and 2,000 cu. yds. PCC Class A pavement, alley, & driveway repair, both cut repairs only. Bidding material available from the Procurement Officer, D.C. Sealed bids to be opened in the Procurement Office at 3:00 p.m., November 15, 1965.

NOTE ↓↓↓
Your bill for this advertising order should be submitted on the "Public Voucher for Advertising" form, which is printed on the reverse of this form, immediately after the last publication of the advertisement. If copies of the printed advertisement are not available, complete the affidavit provided on the voucher. Submit the voucher and a copy of the printed advertisement to U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, CO 80225.

Attn: 6-5034

IMPORTANT

Charges for advertising when a cut, matrix, stereotype or electrotype is furnished will be based on actual space used and no allowance will be made for shrinkage.

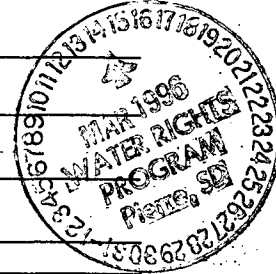
In no case shall the advertisement extend beyond the date and edition stated in this order.

PUBLIC VOUCHER FOR ADVERTISING

PUBLIC VOUCHER FOR ADVERTISING		For Agency Use Only
DEPARTMENT OR ESTABLISHMENT, BUREAU OR OFFICE Department of the Interior, Fish and Wildlife Service		VOUCHER NUMBER
PLACE VOUCHER PREPARED	DATE PREPARED 2/22/96	SCHEDULE NUMBER
NAME OF PUBLICATION Daily Press & Dakotan		PAID BY
NAME OF PUBLISHER OR REPRESENTATIVE		
ADDRESS (Street, room number, city, State, and ZIP code) P.O. Box 56 Yankton, SD 57078-0056		

CHARGES

TYPEFACE	(size of type)	POINT PER	(inch, square, word, or folio)
Line Rates			
	NUMBER OR LINES (Indicate counted or space)	COST PER LINE	TOTAL COST
FIRST INSERTION		\$	\$
ADDITIONAL INSERTIONS GIVE NUMBER ▶			
TOTAL			\$
Other Rates			
	NUMBER OF UNITS (Indicate inch, square, word, folio)	COST PER UNIT	TOTAL COST
FIRST INSERTION Mar. 4	6"	\$3.86	\$23.16
ADDITIONAL INSERTIONS GIVE NUMBER ▶ 1-Mar. 11	6"	3.86	23.16
TOTAL			\$46.32
Attach one copy of advertisement (including upper and lower rules) to each copy of voucher here. If copy is not available sign the following affidavit.		TOTAL LINE RATES AND OTHER RATES	46.32
		LESS DISCOUNT AT %	
		BALANCE DUE	\$46.32
		VERIFIED (Initials)	TS



AFFIDAVIT

This represents a true billing for the attached advertising order, with specifications and copy, which has been completed.

SIGNATURE OF PUBLISHER OR REPRESENTATIVE

Conny M. Schild

TITLE

DATE

3-12-96

FOR AGENCY USE ONLY

ADVERTISEMENT PUBLISHED IN	DATE PUBLISHED
I certify that the advertisement described above appeared in the named publication and that this account is correct and eligible for payment.	
SIGNATURE AND TITLE OF CERTIFYING OFFICER	DATE
SIGNATURE AND TITLE OF AUTHORIZING OFFICER	DATE
ACCOUNTING CLASSIFICATION	PAID BY CHECK NUMBER

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, July 31, 1995, made a thorough examination of the water use system constructed by U.S. Fish and Wildlife Service of Denver, CO holder of Permit No. 4224-3, and Water Right No. 953-3 bearing the priority of February 8, 1978 and December 21, 1961, respectively, each authorizing the diversion of 1.11 cu. ft. per second of the waters of groundwater for Fish Hatchery purposes, in Yankton County.

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

A. Works used to divert the water:

Water is diverted from two wells located 740' S11°W and 764' S18°W respectively from the 1/4 corner of Sec.16 & 17, T93N-R56W. The east well uses a Mid-American, 10 inch, 1 stage, turbine pump, (No. 16638-93); powered by a US Electric 20 horsepower motor, (ID# F415AVO7V164RO17F). The west well uses a Mid-American, 10 inch, 1 stage, turbine pump, (no. 16636-93); powered by a US Electric 20 horsepower motor, (ID#F415AVO7V175R149F).

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

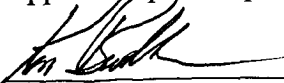
Water is transported through 15 feet of 10-inch diameter PVC pipe above ground and 400 feet of buried 10-inch diameter PVC pipe from the east well to a 20,000 gallon storage tank. Water is transported from the west well to a Tee in the 10-inch diameter pipe through 10 feet of 8-inch diameter steel pipe above ground and 100 feet of buried 8-inch diameter PVC.

C. Works used to apply water to beneficial use:

Water from the tank is applied to beneficial use in the aquarium, hatchery building and raceways at the Gavins Point National Fish Hatchery. A buried 6-inch diameter PVC pipe transports water to the hatchery building; a buried 4-inch diameter transite pipe transports water to the aquarium; a buried 6-inch diameter PVC pipe transports water to 8 raceways; a buried 6-inch PVC pipe transports water to the "Sturgeon Building"; a buried 8-inch PVC pipe transports water to the Fish Culture Building.

The system is in the following condition good. The point of diversion is located 740' S11°W and 764' S18°W respectively from the east 1/4 corner of Sec.17, T93N-R56W (NE¼SE¼). The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water from the west well and 2.00 cu. ft. per second of water from the east well. The license should be issued for 1.11 cfs with a December 21, 1961 priority date, for 1.11 cfs with a February 8, 1978 priority date, and 1.56 cfs with a January 26, 1996 priority date (total 3.78 cfs).

Applicable permit qualifications have been complied with: Yes



Ken Buhler
Natural Resources Engineer
DENR, Water Rights Program

11/17/95

Date

REPORT ON INSPECTION OF PERMIT NO. 4224-3/ 953-3

DATE OF INSPECTION: July 31, 1995

Other permit(s) associated with the project:

DIVERSION POINT LEGAL LOCATION:

West Well: 764' S18°W of the 1/4 corner of sections 16 & 17 T93N-R56W , NE 1/4 SE 1/4
Sec.17, T93N-R56W

East Well: 740' S11°W of the 1/4 corner of sections 16 & 17 T93N-R56W , NE 1/4 SE 1/4
Sec.17, T93N-R56W

WELL INFORMATION:

WEST WELL

- 1) Well Drilling Firm: Nicholas Well & Pump Co.
- 2) No. of Wells 1
- 3) Depth(s) 70 feet
- 4) Well log is available Yes

EAST WELL

- 1) Well Drilling Firm: Thorpe Well Co.
- 2) No. of Wells 1
- 3) Depth(s) 67 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 12 inches
- 2) Length 50 feet
- 3) Type PVC

- 1) Diameter 12 inches
- 2) Length 49 feet
- 3) Type Steel

Screen:

- 1) Type Stainless Steel
- 2) Length 20 feet
- 3) Static water level 18 feet

- 1) Type Everdur
- 2) Length 20 feet
- 3) Static water level 18 feet

Pump:

- 1) Make Mid-American (Welline)
- 2) No. MA-16636-93
- 3) Type 10M

- 1) Make Mid-American
- 2) No. MA-16638-93
- 3) Type 10M

- 4) Stage 1 12KH
- 5) GPM 1000
- 6) Head Feet 68
- 7) Set 60

- 4) Stage 1 12KH
- 5) GPM 1000
- 6) Head Feet 68
- 7) Set 60

Motor:

- 1) Make US Electric Motor
- 2) Frame 256TPA Type AU DP
- 3) ID F415AVO7V175R149F
- 3) Horsepower rating 20 hp

- 1) Make US Electric Motor
- 2) Frame 256TPA Type AU DP
- 3) ID F415AVO7V164R617F
- 3) Horsepower rating 20 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Steel 2) Size 8 inches 3) Length 10 feet
- 2) Type PVC 2) Size 8 inches 3) Length 100 feet
- 3) Type PVC 2) Size 10 inches 3) Length 415 feet

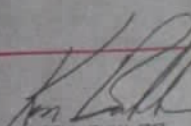
PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Yes
- 2) All structures, wells and lands on map Yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period
NA

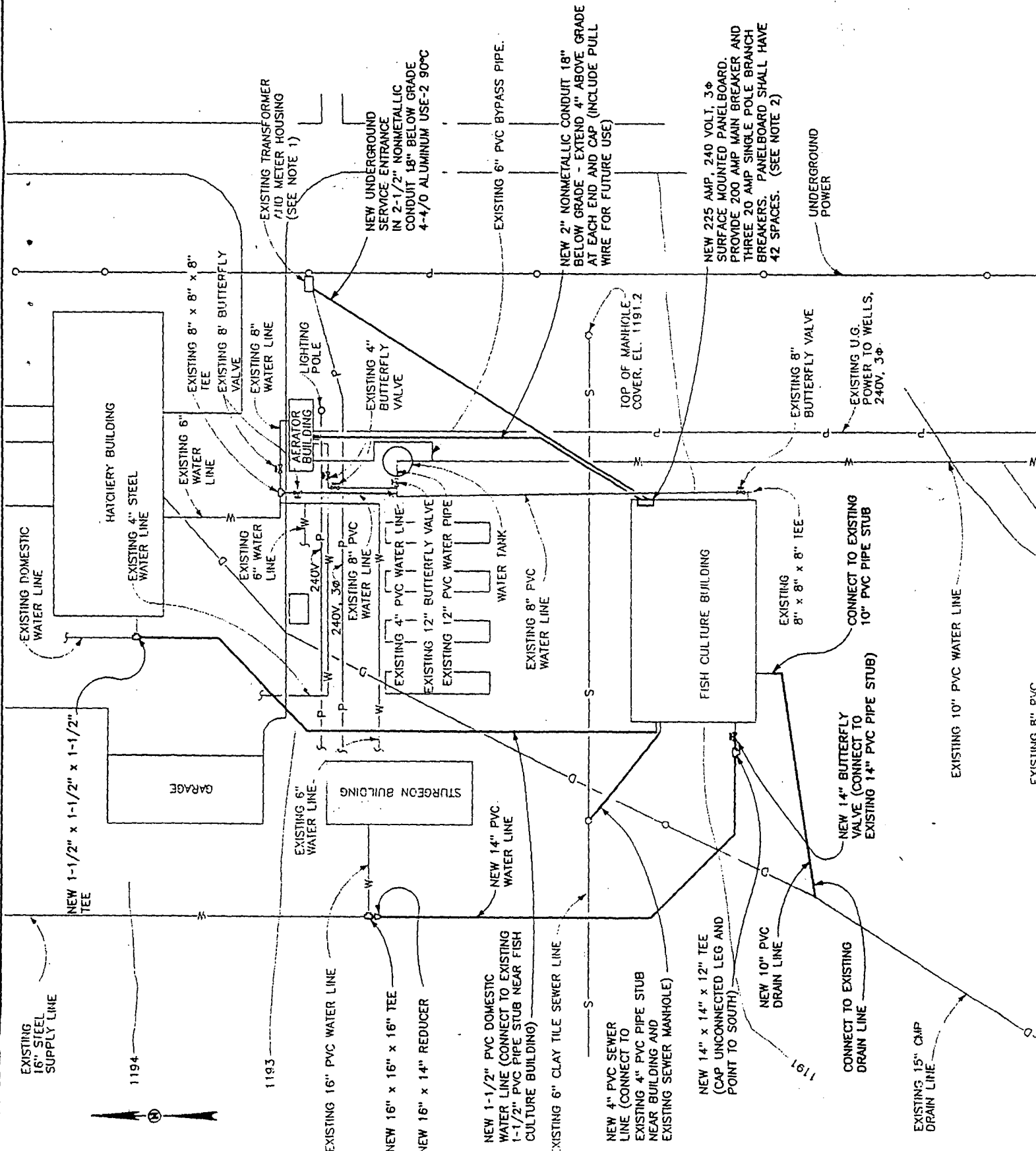
NOT TO SCALE 1993

SEC 17, T93N-R56W

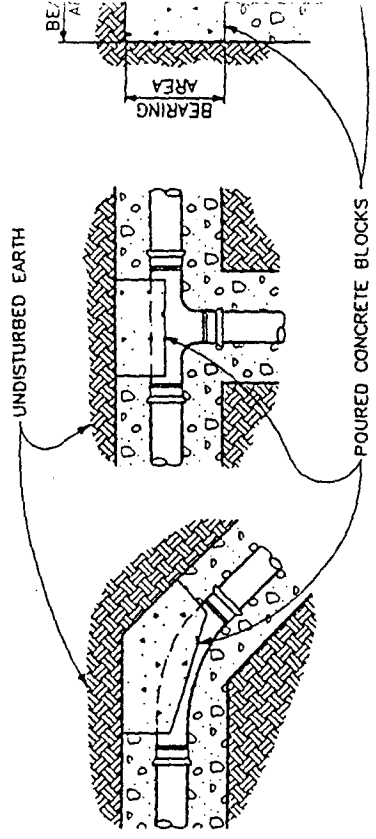



 KEN BUHLER
 NATURAL RES. ENGINEER
 DENR - WATER RIGHTS

5907-3



BEARING AREA OF BLOCK IN SQUARE			
FITTING SIZE	TEE, IN-LINE VALVES, AND REDUCERS	90° BEND	45° BEND
14"	14.7	20.8	11.3



TYPICAL THRUST BLOCK DETAIL
NO SCALE

- NOTES**
- CONTRACTOR SHALL RUN NEW UG INSIDE OF EXISTING TRANSFORMER MAKE ALL HOOKUPS AND METER WORK WITH LOCAL UTILITY COMP
 - INSTALL #4 COPPER GROUNDING TO 3/4" x 10' GROUND ROD INS BUILDING STEEL AND METAL ENC ELECTRIC CODE.

RECEIPT

414771

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, January 29, 19 96

RECEIVED OF U.S.F.W.S., P.O. Box 25486, DFC, Denver, CO 80025-0486

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. <u>4224-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5907-3

(1) The U.S. Fish and Wildlife Service, Box 25486, Denver Federal Center, Denver CO 80225 made Application No. 5907-3, January 26, 1996 for a water permit to divert an additional 1.56 cubic feet of water per second (cfs) from groundwater (two existing wells), Yankton County, South Dakota for fish and wildlife propagation purposes.

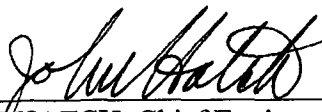
Permit No. 5907-3, with a priority date of January 26, 1996 was approved March 21, 1996 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Right No. 953-3, with a priority date of December 21, 1961, authorized diversion of 1.11 cfs from one well. Water Permit No. 4224-3, with a priority date of February 8, 1978, authorized diversion of 1.11 cfs from an additional well. The applicable portions of Nos. 953-3 and 4224-3 are incorporated into this Water License No. 5907-3.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 3.78 cubic feet of water per second for beneficial use. The location of the diversion points are: 740' S11° W and 764' S18° W from the east 1/4 corner of Section 17-T93N-R56W (NE 1/4 SE 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use at the Gavins Point National Fish Hatchery.

(4) Pursuant to South Dakota Water Law 46-5-30.1 the U.S. Fish and Wildlife Service, Box 25486, Denver Federal Center, Denver CO 80225 the holder and/or owner of Incorporated Water Permit No. 5907-3 is issued a license to appropriate water, the right to use 3.78 cubic feet of water per second from groundwater (two wells) with priority dates of December 21, 1961 (1.11 cfs), February 8, 1978 (1.11 cfs) and January 26, 1996 (1.56 cfs) from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of fish and wildlife propagation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5907-3 and subject to South Dakota State Law.


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

JUL 2 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 2 1996

5907-3

Linda Coe
Water Rights Technician
U.S. Fish and Wildlife Service
Box 25486
Denver Federal Center
Denver, CO 80225

Dear Ms. Coe:

Enclosed are Water Permit No. 5907-3 and Water License No. 5907-3. These documents complete the process of obtaining a Water Right. Enclosed is Receipt No. 414771 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5907-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

ks
enclosures

NOTE: The applicable portions of Nos. 953-3 and 4224-3 are incorporated into this Water License No. 5907-3.

c: Mark Drobish, Gavins Point National Fish Hatchery, Gavins Point Dam, Yankton, SD 57078



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

5907-3

IN REPLY REFER TO:

BA WTR
WTR 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

RECEIVED
JUN - 7 2006
WATER RIGHTS
PROGRAM

Mr. Garland Erbele
Chief Engineer
South Dakota Department of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

JUN 02 2006

Dear Mr. Erbele:

Per conversation between Eric Gronlund of your staff and me, the Service is requesting a replacement well under Water License No. 5907-3. A copy of the water license and permit are enclosed for your convenience. The replacement well is located in the Missouri Elk Point aquifer and the rate will not exceed the current permitted amount as stated by Water License 5907-3. Enclosed is a map showing the location of the replacement well. The location of the well is described as Township 93 North, Range 56 West, Section 17 (NE1/4SE1/4) or also described as Latitude: North 42°52.236 feet, Longitude: West 97°28.626 feet.

The existing well will be abandoned according to South Dakota Codified Law 46-6-18 and 46-6-27 and South Dakota Well Construction Standards Sections 74:02:0467 and 74:02:04:69.

If you have any questions or require further information, please contact Carrie Cordova of my staff at 303-236-5399. If payment is required, please contact her as well for payment via credit card. Thank you for your assistance in this matter.

Sincerely,

Megan Estep
Chief, Division of Water Resources

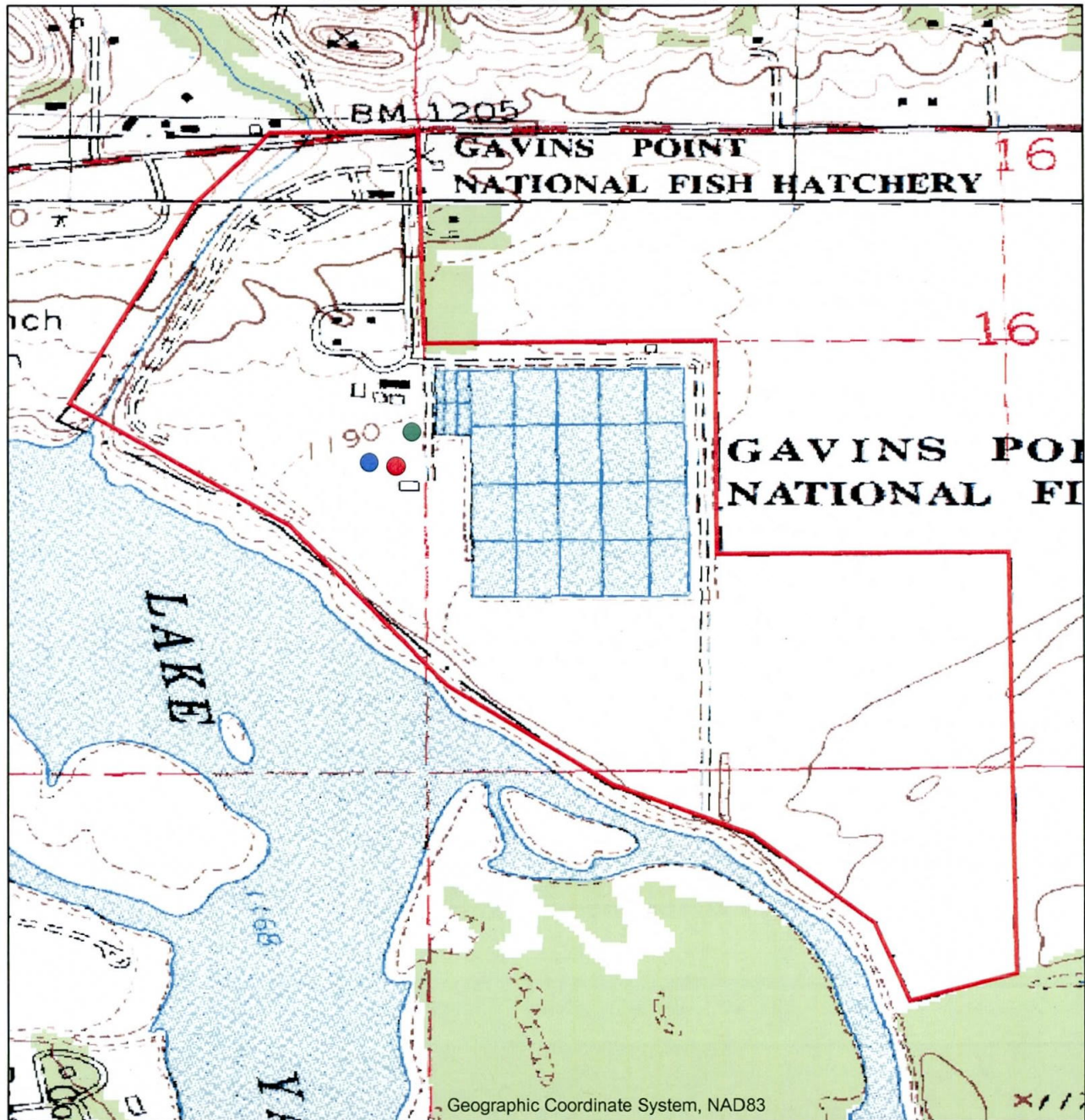
Enclosures



U.S. Fish & Wildlife Service

Gavins Point National Fish Hatchery

Well Replacement Water License Number 5907-3



This map correctly represents the
works for the accompanying application

Drawing No. 6R-SD-492-WR-P-38.0

0 500 1,000 2,000
Feet



Gavins Point NFH

Wells

- Proposed - New
- Replacement -
Lic. No. 5907-3
- Existing -
Lic. No. 5907-3



PRODUCED BY:
U.S. FISH & WILDLIFE SERVICE
DIVISION OF WATER RESOURCES, REGION 6
LAKEWOOD, COLORADO
303-236-5322

June 2, 2006

[Handwritten signature]

Approval of an Replacement Well

NAME: U.S. Fish and Wildlife Service

ADDRESS: PO Box 25486, Denver Federal Center, Denver CO 80225-0486

DATE: June 16, 2006 **COUNTY:** Yankton **TELEPHONE:**

BACKGROUND:

USFWS holds Water Right No. 5907-3 appropriating 3.78 cfs from two wells completed into the Missouri:Elk Point Aquifer located in the NE ¼ SE ¼ Section 17, T93N, R56W. One of the two wells is being plugged.

The USFWS submitted a request for authorization to construct a replacement well. The new well will also be located in the NE ¼ SE ¼ Section 17, T93N, R56E approximately 200 feet northeast of the abandoned well.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

The wells authorized under Water Right No. 5907-3 are constructed to the Missouri:Elk Point Aquifer and the request state the replacement will be completed into this aquifer.

The request states that no additional appropriation of water is requested. The original water permit appropriates 3.78 cfs from the two wells combined.

- **Review of Existing Diversions**

There are four domestic wells in the vicinity of this replacement well. The only other water rights in Section 17 is held by the Service and the U.S. Geological Survey. This is a request solely for a replacement well located approximately 200 feet away from the well to be abandoned and no effect to other wells is anticipated.

CONCLUSION

- This replacement well does not appropriate additional water.
- The replacement well must be constructed into the Missouri:Elk Point Aquifer which is the same water source as the wells authorized by Water Right No. 5907-3.
- Existing domestic wells will not be adversely impacted by authorizing this replacement well.
- There has been no record of any complaint on the Service's wells adversely impacting neighboring wells.
- The abandoned well must be plugged in accordance with SD Well Construction Standards.

RECOMMENDED ACTION

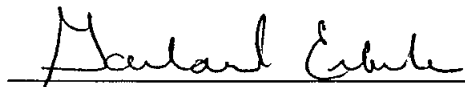
Based on the above criteria, it is recommended that the replacement diversion point to Water Right No. 5907-3 be authorized.



Eric Gronlund
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This replacement well will not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 19, 2006

Megan Estep, Chief
Division of Water Resources
U.S. Fish and Wildlife Service
PO Box 25486
Denver Federal Center
Denver CO 80225-0486

Dear Ms. Estep:

I am writing in regards to the U.S. Fish and Wildlife Service's request to replace one of the wells authorized by Water Right No. 5907-3.

Water Right No. 5907-3 appropriates 3.78 cfs from two wells completed into the Missouri:Elk Point Aquifer located in the NE ¼ SE ¼ Section 17, T93N, R56W. One of the existing wells is being abandoned and the Service intends to replace it with a new well to be located approximately 200 feet northeast of the present well. The new well shall be constructed into the same water source (Missouri:Elk Point Aquifer) as the existing wells. No additional water will be appropriated. The abandoned well must be plugged in accordance with well construction standards. The Service does have an application pending for an additional appropriation for another new well for the Gavins Point National Fish Hatchery.

Upon review of the request and pursuant to SDCL 46-5-13.1, the replacement well is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4.

If you have any questions, please contact Eric Gronlund at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

5907-3



United States Department of the Interior

FISH AND WILDLIFE SERVICE Mountain-Prairie Region



IN REPLY REFER TO:

BA WTR
WTR 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

RECEIVED

DEC 24 2007

**WATER RIGHTS
PROGRAM**

Mr. Garland Erbele
Chief Engineer
South Dakota Department of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

DEC 20 2007

Dear Mr. Erbele:

This letter is to inform you that the old well under Water License No. 5907-3 has been abandoned and enclosed is the South Dakota Well and Test Hold Plugging Report for your records.

If you have any questions or require further information, please contact Carrie Cordova of my staff at 303-236-5399.

Sincerely,

Megan A. Estep
Chief, Division of Water Resources

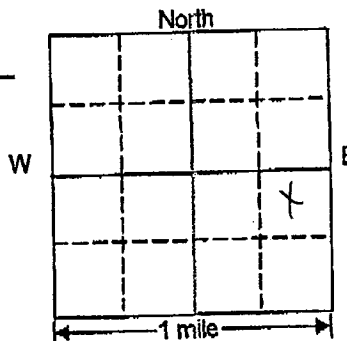
Enclosure

SOUTH DAKOTA WELL AND TEST HOLE PLUGGING REPORT

11-02

Location 11E 1/4 SE 1/4 Sec 17 Twp 93 Rg 56

County

YanktonPlease mark well
location with
an "X"Plugging Completion Date 11/29/07

Well Owner:

Name:

Gavins Point NFM

Address:

31227 436th Ave.Yankton, SD 57078-6364

City, State, Zip:

Comments:

CHECK APPROPRIATE BOX

EXISTING WELL ☒TEST HOLE ☐

Well depth

68'

Casing material

PVC

Casing size(s)

10"

Casing condition

GoodLicense # 5907-3

Hole depth

Hole size

Describe plugging procedure:

Washed gravel was placed in well to the top of the Aquifer approximately 25' from surface, Then placed bentonite in the hole to ground level, when that was completed there was a 18'x24' Concrete pad poured over the well, this was done because the well was inside of a building.

Describe grout or plugging material:

Washed gravel, BentoniteWell was plugged by Gavins Point NFM.

Type of non-slip plug:

This well or test hole was plugged under license # _____ and this report is true and accurate.

Drilling firm:

Signature of Licensed Representative:

Signature of Well Owner:

Robert A. McManis, Project Leader

Date:

12/13/07