

WATER PERMIT NO. 5908-3

Name of Applicant: John Batteen

Address: HC 1, Box 67A, Cresbard SD 57435

Phone: 324-3282

Amount of Water Claimed: 37.1 acre-feet

Total Acres: NA

Source of Water Supply: unnamed drainage

Water to be used for: recreation, livestock, fish and wildlife

County: Faulk

Type of Waste Disposal System: NA

Location: 3 miles north and 1 east of Cresbard

PRIORITY

Date Received: 2-20-96

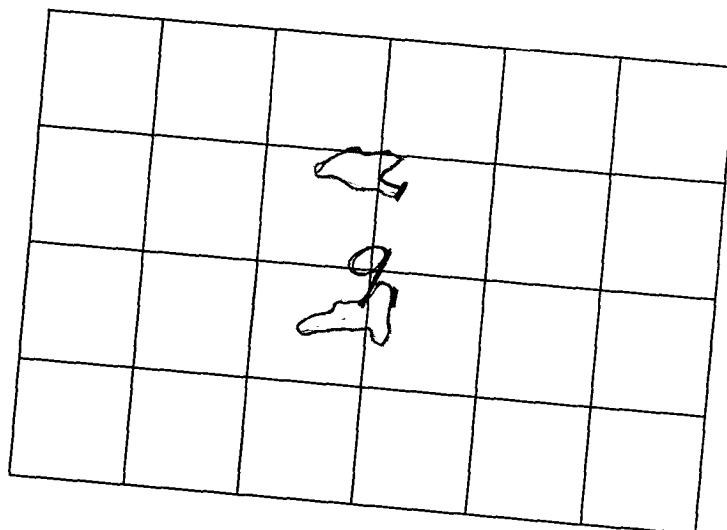
Fee: \$150.00

Corrected Application Received: NA

Period of Annual Use: January 1 - December 31

Remarks: For 2 structures - north wetland 31.6 AF storage capacity; south wetland 5.5 AF storage capacity

Diversion Point: North wetland - SW 1/4 NE 1/4 with water impounded - SW 1/4 NE 1/4 & SE 1/4 NW 1/4; South wetland - NW 1/4 SE 1/4 with water impounded - NW 1/4 SE 1/4 and NE 1/4 SW 1/4; all in Sec 9-T120N-R67W



Depth of Well: XX

Well Driller: XX

Remarks: XX

Type of Map: topo

Prepared by: Douglas Lipetzky, P.E.

Reviewed and the Number Assigned on: 2-20-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 5908-3

Date of first receipt of application February 20, 1996.

The Water Management Board approved Water Permit Application No. 5908-3 on May 1, 1996 for Jon Batteen, HC 1 Box 67A, Cresbard SD 57435 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. 5908-3 authorizes impoundment of 37.1 acre-feet of water by constructing two impoundments on a unnamed drainage. The north wetland will be located in the SW 1/4 NE 1/4 and will impound 31.6 acre-feet of water located in portions of the SW 1/4 NE 1/4 and the SE 1/4 NW 1/4 Section 9-T120N-R67W. The south wetland will be located in the NW 1/4 SE 1/4 and will impound 5.5 acre-feet of water located in the NW 1/4 SE 1/4 and NE 1/4 SW 1/4 Section 9-T120N-R67W. This permit authorizes impoundment of water sufficient to maintain water at the outlet elevation of 1430.0 feet mean sea level on the north wetland and 1428.5 feet mean sea level on the south wetland. Both impoundments will be across an unnamed drainage that eventually discharges into Preachers Run Creek.
2. The water appropriated shall be used for the purpose of supplying water for recreational use, livestock watering and fish & wildlife propagation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date from which applicant may claim right is February 20, 1996.
5. One-fifth of the construction is to be completed on or before November 1, 1998.
6. All construction is to be completed on or before May 1, 2001.
7. Water is to be put to beneficial use on or before May 1, 2005.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Water Permit No. 5908-3 authorizes two impoundments with a combined storage capacity of 37.1 acre feet of water and sufficient water annually to maintain the water level to outlet elevations of 1,430.0 and 1,428.5 feet mean sea level, respectively.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

WATER MANAGEMENT BOARD

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

JUN 26 1996

date



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

page ①

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

No. 5908-3 Hydrologic Unit 10140008
Basin James River
Newspaper Faulk Co. Record, Faulkton, SD
(office use only)



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

Check use of water:

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

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

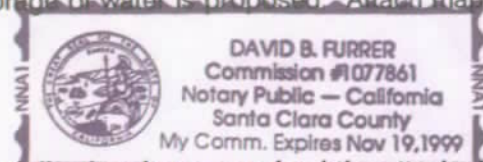
Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) _____

1. Name of Applicant JOHN BATTEN Phone _____
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address HC-1 Box 67A Cresbard State SD 57435
(Street, RR, or Box) (City) 37.1 (Zip Code)
2. Amount of water claimed _____ *CFS or _____ **GPM 31.6 ***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 unnamed drainage
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) North Wetland - SW 1/4 NE 1/4
59 T 120 N R 67 W SE 1/4 of the NW 1/4
South Wetland - NW 1/4 SE 1/4 Water Impounded: NW 1/4 SE 1/4
and NE 1/4 SW 1/4; all in sec. 9-T120N-R67W County Faulk
5. County or counties where water will be used Faulk
6. Annual period during which water is to be used JAN. 1 - DEC. 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)

Construct 2 earthen embankments to enhance 2 seasonal wetlands. 11.6 acres of additional wetland will be created.

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 CALIFORNIA
County of Santa Clara ^{SS}



I, JOHN BATTEN, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed [Signature]
Subscribed and sworn to before me this 13 day of February 1996

David B. Furrer

Notary Public

↑
please sign here

RECEIPT

414804

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 20 _____, 19 96

RECEIVED OF Jon Batteen, RR 1, Box 67A, Cresbard. SD 57435

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

Fee for Application for Permit No. <u>5908-3</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
Chief Engineer

DESIGN REPORT

for

JON BATTEEN WETLANDS PROJECT

SD-0193-001



January 9, 1996

Prepared by:
Ducks Unlimited, Inc.

PROJECT: JON BATTEEN WETLANDS
SD-193-001

LOCATION: Section 9, T 120 N, R 67 W
3 miles north and 1 mile east of Cresbard
Faulk County, South Dakota

MARSH DATA:

North Wetland
Full Service Level (FSL) @ 1430.0
19.5 Surface Acres @ FSL
31.6 Acre-Feet Capacity @ FSL

Emergency Spillway Crest @ 1431.0
26.8 Surface Acres @ E.S. Crest
54.8 Acre-Feet Capacity @ E.S. Crest

Top of Compacted Embankment @ 1432.5
37.8 Surface Acres @ Top of Dam
103.2 Acre-Feet Capacity @ Top of Dam

South Wetland
Full Service Level (FSL) @ 1428.5
6.6 Surface Acres @ FSL
5.5 Acre-Feet Capacity @ FSL

Top of Compacted Embankment @ 1429.0
9.7 Surface Acres @ Top of Dam
9.5 Acre-Feet Capacity @ Top of Dam

TOTAL PROJECT
26.1 Surface Acres @ FSL
37.1 Acre-Feet Capacity @ FSL

PROJECT DESCRIPTION:

The project as proposed involves the restoration of two wetlands located on private land owned by Jon Batteen. No other private or public land will be affected by the project. Restoration of the 19.5 acre north wetland will occur by construction of an embankment across an unnamed drainage. The unnamed drainage discharges into Preachers Run Creek which eventually makes its way into South Scatterwood Lake. The contributing watershed to the north wetland

consists of approximately 466 acres or 0.73 square miles. The south wetland will be restored by constructing a low-head (1.5' high) embankment across the outlet. The watershed contributing runoff into the south wetland is approximately 150 acres or 0.23 square miles.

PRELIMINARY RISK ASSESSMENT:

Based on the definition of a "dam" in Chapter 74:02:08, "Safety of Dams," it appears the south wetland embankment would not be governed by the requirements of Chapter 74:02:08 since the maximum height is considerably less than 25 feet (actual maximum height is 1.5 feet) and the maximum storage capacity at the crest of the dam is less than 50 acre-feet (actual is 9.5 acre-feet). The required "Location Notice for Dam/Dugout" will be filed regarding the south wetland embankment. It should be noted that a natural overflow section does exist for the south wetland that will direct any exit flows back into the same outlet that now exists.

The remainder of this report will refer specifically to the north wetland. The project site is located in rural Faulk County. There are no residences or other buildings located downstream that would be in any danger in the unlikely event of a dam failure. The discharge from the north wetland will flow through an existing channel approximately 4000' before reaching a gravel section line road. An 18" diameter corrugated metal pipe (CMP) with a total available head of 2.4' allows flows to continue down the drainage. The drainage intersects three other gravel section line roads before combining with Preachers Run Creek about 5 miles downstream from the proposed project site. The area is quite rural with the gravel roads receiving infrequent use. Based on information obtained in the field, data present on the U.S.G.S. quadrangular maps, and the small size and capacity of the created marsh, it appears the general public would be in no danger in the unlikely event of a dam failure. No loss of life and minimal or no economic loss would be expected.

The product of the intermediate storage capacity of the north wetland (54.8 acre-feet) times the effective height (6 feet) is 329 which is less than 3000. Therefore, the minimum spillway design flood is a 25-year frequency per 74:02:08:07.01 and needs to be passed through the spillway without overtopping the embankment. The dam as designed will easily meet these requirements.

DESIGN:

As designed, the primary spillway will pass flows in excess of those produced by a 10-year, 24-hour rainfall event without using the emergency spillway. In addition, the primary and emergency spillways will pass flows in excess of those produced by a 100-year, 24-hour rainfall without overtopping the embankment.

A 48" diameter CMP overflow riser with a 30" diameter CMP outlet barrel is proposed as the primary spillway. The riser overflow crest elevation or full service level (FSL) is proposed at elevation 1430.0. A 100 foot wide emergency spillway with the level crest at elevation 1431.0 will assist in passing infrequent high flows.

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 design purposes. The Natural Resource Conservation Service (NRCS) TR-20 Hydrology program was then calibrated by adjusting the curve number to produce a peak inflow for the various design events similar to those determined using the regression equations. The calibrated TR-20 model was used to determine the discharge at various reservoir stages with respect to time. The 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. The emergency spillway capacity was calculated using Technical Release No. 39 *Hydraulics of Broad-Crested Spillways* developed by the NRCS. A total discharge curve for the proposed dam is attached.

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

The following is a relationship between peak inflows, corresponding outflows, and reservoir elevations for the north wetland 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>
2 YR	17 CFS	1430.30	2.20 FT	9 CFS
5 YR	40 CFS	1430.57	1.93 FT	18 CFS
10 YR	65 CFS	1430.86	1.64 FT	25 CFS
25 YR	102 CFS	1431.16	1.34 FT	41 CFS
50 YR	136 CFS	1431.35	1.15 FT	59 CFS
100 YR	175 CFS	1431.56	0.94 FT	85 CFS

Primary Spillway (Riser) Crest Elevation . . @ 1430.0
 100' Wide Emergency Spillway Crest @ 1431.0
 Top of Compacted Embankment Elevation. . . . @ 1432.5
 *Freeboard Before 4" Topsoil Placement

As shown by the results in the table and as previously discussed, the north wetland embankment would easily meet the design requirements of a small, low hazard, Category 3 dam outlined in Chapter 74:02:08. No property other than Mr. Batteen's will be affected by the project. In addition to providing important habitat to waterfowl and other wildlife, flood storage and water quality benefits will also exist as a result of the project.

A 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.

Dated: January 9, 1996

Submitted By:

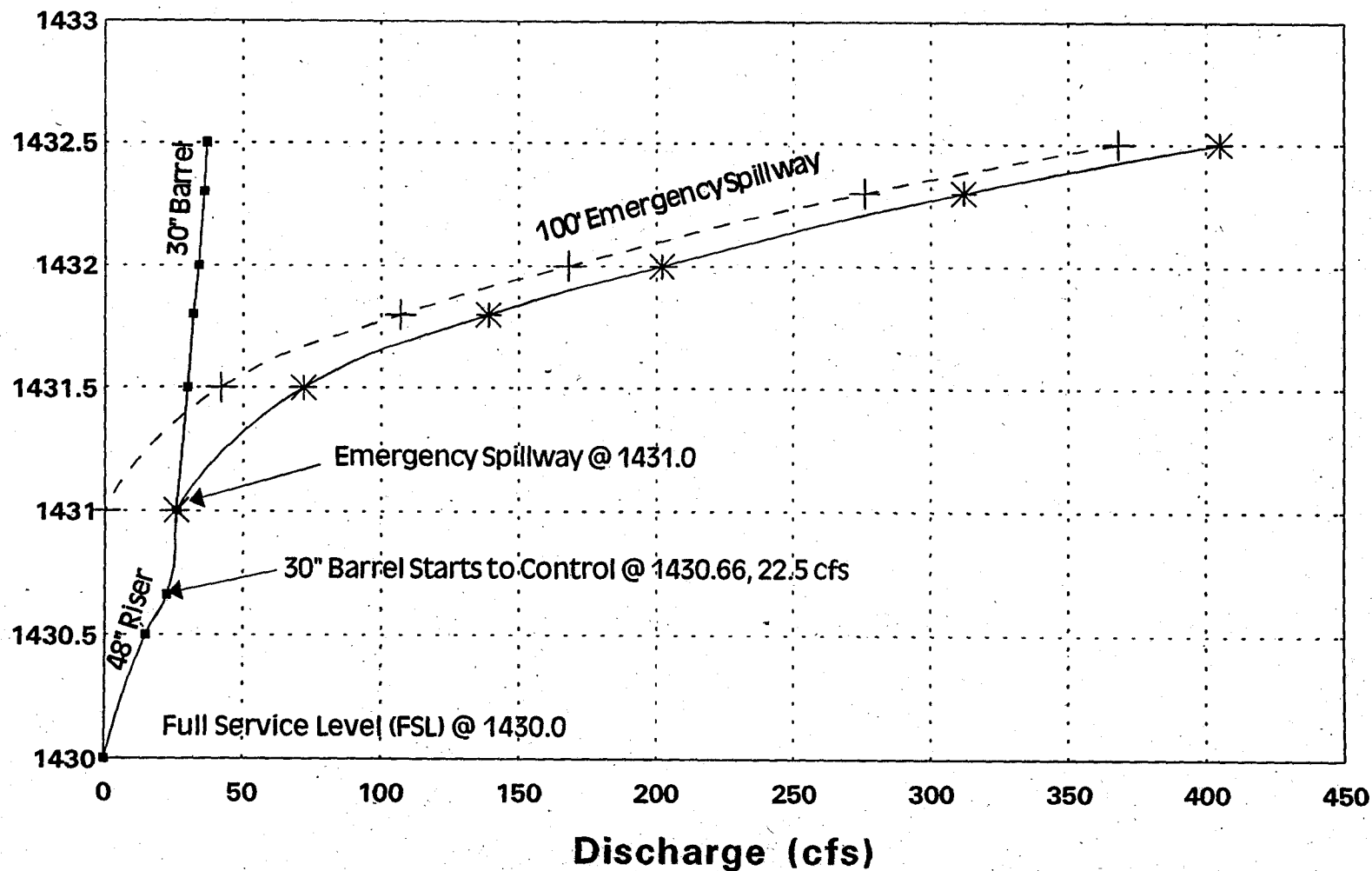


Doug Lipetzky, P.E.
 PE-4499

JOHN BATTEEN NORTH WETLAND

Discharge Curve

Elevation



■ 48\"/>

Water Permit Application No. 5908-3

Jon Batteen

Embankment "A" - North

Top of Dam Elev. - 1432.5
 P. Spway Elev. (FSL) - 1430.0
 2nd Spway Elev. - 1431.0
 Bottom Elev. - 1424.0

7.5 ft.

Normal Capacity - 31.6 Ac-Ft
 Intermediate Capacity - 54.8 Ac-Ft
 Max. Capacity - 103.2 Ac-Ft

Cat. 3 - Low Hazard Dam

Embankment "B" - South

Top of Dam Elev. - 1429.0
 P. Spway Elev. (FSL) - 1428.5
 Bottom Elev. - 1427.5
 Normal Capacity - 5.5 Ac-Ft
 Max. Capacity - 9.5 Ac-Ft

1.5 ft.

Embankment "A" - Eff. Ht. x Int. Capacity = 6' x 54.8 = 328 < 3000 ∴ Min.
Spillway Design = 25yr. Frequency

Embankment "B" - 1.5 ft high ∴ Max. Capacity = 9.5 Ac-Ft. ∴ Too Small - NOT A DAM

From USGS WRI 80-80 - "Tech. for Estimating Flood Peaks... in SD"

Embankment "A" - DA = 200 Ac = 0.31 mi.², Slope = 25 ft/mi., SI = 3.16

$$Q_{25} = 83.4 A^{.60} S^{.44} S_i^{-.72}$$

$$= 83.4 (.31)^{.60} (25)^{.44} (3.16)^{-.72}$$

$$= 83.4 (0.50) (4.12) (0.44)$$

$$= \underline{76 \text{ cfs}}$$

$$Q_{100} = 132 A^{.65} S^{.46} S_i^{-.67}$$

$$= 132 (.31)^{.65} (25)^{.46} (3.16)^{-.67}$$

$$= 132 (0.47) (4.40) (0.46)$$

$$= \underline{125 \text{ cfs}}$$

Spillway Capacity - Emb. "A" will have 100 ft. wide 2nd Spway w/ 1.5' head
 $Q = CLH^{3/2}$
 $= 2.6(100)(1.5)^{3/2} = \underline{475 \text{ cfs}}$

Ducks Unlimited uses TR-20 to route $Q_{25} = 102 \text{ cfs}$ thru the dam with 1.34 ft of freeboard and $Q_{100} = 175 \text{ cfs}$ with 0.94 ft freeboard

Section 74:02:08:09

1. Topo Map - OK
2. Dam Axis Profile - OK
3. Max X-Section - OK
4. Area - Capacity - OK
5. Outlet Detail - OK
6. Spillway Rating - OK
7. Spillway Detail - OK
8. Specs. - OK
9. EPP - Cat. 3 N/A - OK

SCS Annual Yield

DA = 200 Ac, CN = 74, Iso = #2

50% chance - 0.32 Ac-In/Ac
 $0.32 \times 200 / 12 = \underline{5 \text{ Ac-Ft.}}$

10% chance - 1.65 Ac-In/Ac
 $1.65 \times 200 / 12 = \underline{27.5 \text{ Ac-Ft.}}$



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 1996

Doug Lipetzky, P.E.
Regional Engineer
Ducks Unlimited, Inc.
3502 Franklin Avenue
Bismarck, ND 58501-0761

Dear Mr. Lipetzky:

We have reviewed the plans and specifications for the Jon Batteen Wetland Development Project located in Section 9-T120N-R67W, in Faulk County. The plans and specifications as submitted are approved. Approval of the plans and specifications does not authorize construction of the dam. Construction may not begin until Water Permit Application No. 5908-3 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 Mr. Batteen as owner of the dam from the responsibility for operating and maintaining the dam in good repair to ensure the safety of the dam.

Embankment "A", the north embankment of the Batteen Wetland Development, will be classified as a small size Category 3, Low Hazard dam with a dam height of 7.5 feet, a normal storage capacity of 31.6 acre-feet and a maximum storage capacity of 103.2 acre-feet.

The storage capacity of Embankment "B", the south embankment, has been included on Water Permit Application No. 5908-3 for a total storage capacity of both impoundments equal to 37.1 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 Program
(605) 773-3352

c: Jon Batteen, landowner
Don McCrea, Department of Game, Fish & Parks

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5908-3, Jon Batteen**

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. 5908-3, Jon Batteen, HC 1, Box 67A, Cresbard, SD 57435.

The Chief Engineer is recommending APPROVAL of Application No. 5908-3 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 qualifications:

1. Water Permit No. 5908-3 authorizes two impoundments with a combined storage capacity of 37.1 acre feet of water and sufficient water annually to maintain the water level to outlet elevations of 1,430.0 and 1,428.5 feet mean sea level, respectively.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

See report on application for additional information.



JOHN HATCH, Chief Engineer
March 11, 1996

REPORT ON
WATER PERMIT APPLICATION NO. 5908-3
Jon Batteen
February 27, 1996

Water Permit Application No. 5908-3 has been filed by Jon Batteen to appropriate 37.1 acre-feet of water annually by restoring two wetlands. Embankment "A", the north embankment, will be located in the SW 1/4 NE 1/4 of Section 9-T120N-R67W and will impound 31.6 acre-feet of water at the primary spillway elevation of 1430.0 feet mean sea level. Embankment "B", the south embankment, will be located in the NW 1/4 SE 1/4 of Section 9-T120N-R67W and will impound 5.5 acre-feet of water at the primary spillway elevation of 1428.5 feet mean sea level. Both embankments will be across an unnamed drainage that eventually discharges into Preachers Run Creek and then into South Scatterwood Lake, in Faulk County. The water will be used for recreational use, livestock watering, and to provide habitat for fish and wildlife propagation.

Discussion:

The Batteen Wetland Development Project involves construction of two impoundments, Embankment "A", the north embankment, and Embankment "B", the south embankment. Embankment "B" will be only 1.5 feet high and have a maximum storage capacity of 9.5 acre-feet of water. Due to the small size of Embankment "B", design of the structure is not subject to the requirements of Safety of Dams Rules, Chapter 74:02:08. Embankment "A" will be classified as a Category 3, Low Hazard dam. It has been designed by Ducks Unlimited, Inc. and the plans and specifications have been reviewed and approved; however, construction of the dam can not begin until Water Permit Application No. 5908-3 is approved.

Embankment "A" will be 7.5 feet high with a normal storage capacity of 31.6 acre-feet with a reservoir level at the spillway elevation, and a maximum storage capacity of 103.2 acre-feet with a 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.

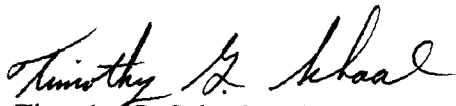
Embankment "A" of the Batteen Wetland Development Project is designed to have an 48 inch diameter CMP riser with a 30 inch diameter CMP barrel with 2.5 feet of available head as the primary spillway and a 100 foot wide earthcut emergency spillway with 1.5 feet of available head. Embankment "A" will have a drainage area of 200 acres (0.31 square miles). Ducks Unlimited uses the Soil Conservation Service TR-20 model to route a 25-year frequency event peak of 102 cfs through the embankment with 1.34 feet of freeboard remaining. A 100-year frequency event peak of 175 cfs is routed through the embankment with 0.94 feet of freeboard remaining.

The annual yield for this drainage area with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 5.0 acre-feet. The annual yield with a 10 percent chance, or 1 out of 10 years, is expected to be 27.5 acre-feet.

The Batteen Wetland Development Project will be located on an unnamed drainage that eventually discharges into Preachers Run Creek and then South Scatterwood Lake, which is located about 10 miles downstream. The Department of Game, Fish and Parks holds Vested Water Right Claim No. 1857-3 for the storage of 931 acre-feet of water annually in South Scatterwood Lake. Approval of Water Permit Application No. 5908-3 should have little effect on the water levels of South Scatterwood Lake. There are no other Water Permits/Rights located on the unnamed drainage or Preachers Run Creek between South Scatterwood Lake and the Batteen Wetland Development Project.

Conclusions:

1. Water Permit Application No. 5908-3 should be approved since unappropriated water is available and approval should not have any adverse effect 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. 5908-3.



Timothy G. Schaal, P.E.

Natural Resources Engineer III

Approved by:



Gale N. Selken, P.E.

Natural Resources Engineer IV



**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.

March 14, 1996

Jon Batteen
HC 1, Box 67A
Cresbard, SD 57435

Dear Mr. Batteen:

Water Permit Application No. 5908-3 for recreation, livestock, 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 Faulk Co. Record printed at Faulkton, SD (Ph # (605) 598-6525). 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

March 14, 1996

Faulk Co. Record
Box 68
Faulkton, SD 57438-0068

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5908-3 to be published twice. Please publish the first notice on March 27, 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 Jon Batteen, HC 1, Box 67A, Cresbard, SD 57435.

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 27, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5908-3 to Appropriate Water

Notice is given that Jon Batteen, HC 1, Box 67A, Cresbard, SD 57435 has filed an application for a water permit to impound 37.1 acre-feet of water by constructing two impoundments on a unnamed drainage. The north wetland will be located in the SW 1/4 NE 1/4 and will impound 31.6 acre-feet of water located in portions of the SW 1/4 NE 1/4 and the SE 1/4 NW 1/4 Section 9-T120N-R67W. The south wetland will be located in the NW 1/4 SE 1/4 and will impound 5.5 acre-feet of water located in portions of the NW 1/4 SE 1/4 and NE 1/4 SW 1/4 Section 9-T120N-R67W. This application requests impoundment of water sufficient to maintain water at the outlet elevation of 1430.0 feet mean sea level on the north wetland and 1428.5 feet mean sea level on the south wetland. Both impoundments will be across an unnamed drainage that eventually discharges into Preachers Run Creek. Water is to be used for recreational use, livestock watering and fish and wildlife propagation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5908-3 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 April 15, 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.



Notice

No. 112, March 27, April 3, 1996
Notice of Application No. 5908-3
to Appropriate Water

Notice is given that Jon Batteen, HC 1, Box 67A, Cresbard, SD 57435 has filed an application for a water permit to impound 37.1 acre-feet of water by constructing two impoundments on a unnamed drainage. The north wetland will be located in the SW 1/4 NE 1/4 and will impound 31.6 acre-feet of water located in portions of the SW 1/4 NE 1/4 and the SE 1/4 NW 1/4 Section 9-T120N-R67W. The south wetland will be located in the NW 1/4 SE 1/4 and will impound 5.5 acre-feet of water located in portions of the NW 1/4 SE 1/4 and NE 1/4 SW 1/4 Section 9-T120N-R67W. This application requests impoundment of water sufficient to maintain water at the outlet elevation of 1430.0 feet mean sea level on the north wetland and 1428.5 feet mean sea level on the south wetland. Both impoundments will be across an unnamed drainage that eventually discharges into Preachers Run Creek. Water is to be used for recreational use, livestock watering and fish and wildlife propagation.

Pursuant to SDCL 46-2A-2, the chief Engineer recommends APPROVAL of Application No. 5908-3 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 April 15, 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.

Affidavit of Publication

State of South Dakota

County of Faulk

§

James B. Moritz of said county, being first duly sworn, on oath says that he is the publisher of the **Faulk County Record**, a weekly newspaper printed and published in Faulkton in said County of Faulk and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of a least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

Notice of Application No. 5908-3 to Appropriate Water

a printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

Two (2)

successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

Wednesday, March 27, 1996
Wednesday, April 3, 1997

that the full amount of the fees for the publication of the annexed notice is \$ 43.45 (paid)

James B. Moritz

Subscribed and sworn to before me this

11th day of April, 1996

My Commission Expires
Sept. 16, 2000

Notary Public
Faulk County, South Dakota

PARTIES OF RECORD
WATER PERMIT APPLICATION NO. 5908-3, JON BATTEEN

Applicant

Jon Batteen
HC 1, Box 67A
Cresbard, SD 57435

Attorney for Opposition

Carlyle E. Richards, P.C.
Richards & Oliver, Attorneys at Law
P.O. Box 114
Aberdeen, SD 57402-0114

Representing:

L. R. Corporation
305 Capitol Building
Aberdeen, SD 57401

Brent Gabler
HCR 2, Box 30
Faulkton, SD 57438

In the Matter of the Application)
of JON BATTEEN (No. 5908-3) for) PETITION IN OPPOSITION
a Permit to Impound Water.) TO APPLICATION NO. 5908-3



TO THE CHIEF ENGINEER, WATER MANAGEMENT BOARD, DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES:

Comes now The L. R. Corporation, a South Dakota Corporation, with its principal office at 305 Capitol Building, Aberdeen, South Dakota 57401, and Brent Gabler, HCR 2, Box 30, Faulkton, South Dakota 57438, by and through their attorney, Carlyle E. Richards, P.C., and represent to John Hatch, Chief Engineer, Water Management Board, Department of Environment and Natural Resources, and to applicant Jon Batteen as follows:

1. Petitioner The L. R. Corporation is the fee title owner of the West Half (W½) and the Northeast Quarter (NE¼) of Section 10, Township 120 North of Range 67, Faulk County, South Dakota;
2. Petitioner Brent Gabler is the tenant or lessee of the farmland described above and owned by Petitioner The L. R. Corporation;
3. That the farmland owned by Petitioner The L. R. Corporation lies directly east of Section 9, Township 120, Range 67, owned by Applicant John Batteen and for which the water permit is sought;
4. That the natural direction of drainage from said Section 9 is through the West Half (W½) of Section 10 by means of two draws. One draw crosses the road between Sections 9 and 10, approximately 800 feet from the northwest corner of Section 9, through a culvert and then meanders south and southeast to the south boundary of Section 9, and on towards Snake Creek. This draw is normally dry and can be crossed with farm machinery so as to be able to farm that portion of Section 10 west of said draw;
5. That another draw crosses over from the Southeast Quarter (SE¼) of Section 9 to the Southwest Quarter (SW¼) of Section 10 approximately 800 feet north of the southwest corner of Section 10 and then it meanders in a southeasterly direction (after joining the first described draw) towards Snake Creek. This second draw is normally dry and can be crossed with farm machinery so as to be able to farm the southwest portion of Section 10, southwest of the draw.

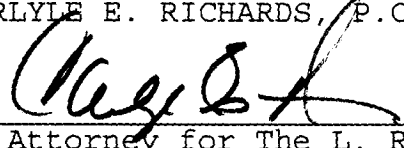
That both Petitioners, namely The L. R. Corporation and Brent Gabler appear in opposition to, and do resist the Application (No. 5908-3) of Jon Batteen for a water permit to impound 37.1 acre feet of water on Section 9 (T. 120, R. 67) for the following reasons:

1. Petitioners must have unhampered access to all farmland owned and rented by them in the West Half of Section 10, Township 120, Range 67, Faulk County, South Dakota.
2. Unhampered access to all farmland in the West Half of Section 10 means the ability to move heavy farm equipment and machinery across the above described draws without hindrance except in seasons of heavy rain or snow runoff.
3. Applicant plans to impound 37.1 acre feet of water by means of two dams across the draws running through Petitioners' farmland, thereby disturbing the natural and historical drainage from this area.
4. Applicant does not expressly state how the two impoundments will be filled; Petitioners are apprehensive that Applicant will use previously trapped artesian water to fill both impoundments and that thereafter a steady and constant discharge into the above described draws will occur.
5. Petitioners will therefore be unable to farm the westerly portion of Section 10 without recompense for the loss of use of such farmland.

WHEREFORE, Petitioners respectfully oppose the Application of Jon Batteen (No. 5908-3) and request that a hearing be scheduled before the Water Management Board for consideration of the said Application.

Dated this 11th day of April, 1996.

CARLYLE E. RICHARDS, P.C.

By 

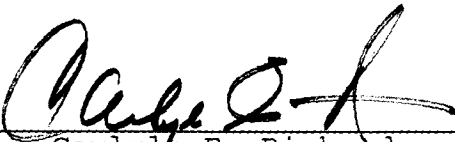
Attorney for The L. R.
Corporation and Brent Gabler
222 Midwest Building
P. O. Box 114
Aberdeen, SD 57402-0114

CERTIFICATE OF MAILING

Carlyle E. Richards, attorney for The L. R. Corporation and Brent Gabler, hereby certifies that on the 11th day of April, 1996, a true and correct copy of the foregoing Petition in Opposition to Application No. 5908-3 was mailed by certified mail, return receipt requested, to the following:

Mr. John Hatch
Chief Engineer
Water Rights Program
Foss Building
523 E. Capitol Avenue
Pierre, SD 57501

Mr. Jon Batteen
HC 1, Box 67A
Cresbard, SD 57435



Carlyle E. Richards



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 12, 1996

NOTICE

TO: Jon Batteen
HC 1, Box 67A
Cresbard, SD 57435
and Parties of Record (see attached sheet)

FROM: *John N. Selken*
for John Hatch, Chief Engineer
Water Rights Division
605 773-3352

SUBJECT: Notice of Hearing on Contested Water Permit Application No. 5908-3, Jon Batteen

A petition in opposition to Application No. 5908-3 has been filed in response to the Notice of Intent to appropriate water published March 27 and April 3, 1996, in the Faulk Co. Record. Application No. 5908-3, filed by Jon Batteen, proposes to appropriate 37.1 acre-feet of water by restoring two wetlands. One wetland embankment will be located in the SW1/4 NE1/4 of Section 9, T120N, R67W and will impound 31.6 acre feet of water at the primary spillway elevation of 1430.0 feet mean sea level. The other wetland embankment will be located in the NW1/4 SE1/4 of Section 9, T120N, R67W and will impound 5.5 acre-feet of water at the primary spillway elevation of 1428.5 feet mean sea level. The water is for recreational use, livestock watering, and to provide habitat for fish and wildlife propagation. Because a petition in opposition to the application has been filed, pursuant to 46-2A-23, the Chief Engineer must provide notice of a hearing before the Water Management Board to all parties of record.

The Water Management Board will conduct a hearing to consider Application No. 5908-3 at 1:00 pm, on May 1, 1996, in the Education Center on the Third Floor of the First Dakota National Bank, 225 Cedar Street, Yankton, SD 57078. Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing. The agenda time is an estimate. The actual time of hearing may be later than 1:00 pm due to prior agenda items.

Pursuant to SDCL 46-2A-2, the Chief Engineer has recommended APPROVAL of Application No. 5908-3 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. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on evidence and record of the public hearing. Contact Eric Gronlund by April 22, 1996, at the Water Rights Program, 523 E. Capitol, Pierre SD 57501 or call (605 773-3352) to request copies of information pertaining to this application, to assure access to the hearing by the handicapped, or to obtain an interpreter for the hearing impaired.

April 12, 1996

Notice of Hearing on Application No. 5908-3

Page 2 of 2

This hearing is an adversary proceeding. Any party of record and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The May 1, 1996, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any party of record opposing or supporting the application. The Chief Engineer's address is the Water Rights Program, Joe Foss Building, 523 E. Capitol Ave., Pierre, SD 57501. The request for an automatic delay may not be filed later than April 22, 1996.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-23; 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

c: Diane Best, Assistant Attorney General
Doug Lipetzky, Ducks Unlimited
Don McCrea, SD Game, Fish and Parks

PARTIES OF RECORD
WATER PERMIT APPLICATION NO. 5908-3, JON BATTEEN

Applicant

Jon Batteen
HC 1, Box 67A
Cresbard, SD 57435

Attorney for Opposition

Carlyle E. Richards, P.C.
Richards & Oliver, Attorneys at Law
P.O. Box 114
Aberdeen, SD 57402-0114

Representing:

L. R. Corporation
305 Capitol Building
Aberdeen, SD 57401

Brent Gabler
HCR 2, Box 30
Faulkton, SD 57438

CERTIFICATION

I hereby certify that on April 12, 1996, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 12, 1996, along with a copy of the Parties of Record List, regarding Notice of Hearing on Contested Water Permit Application No. 5908-3, Jon Batteen, addressed as stated on the attached Notice, Parties of Record List, and as stated below:

A copy of the above described Notice and attachment was mailed to:

Doug Lipetzky, P.E., Regional Engineer, Ducks Unlimited, Inc., Bismarck, ND 58501-0761.

A copy of the above described Notice and attachment was sent inter-office to:

Diane Best, Assistant Attorney General, Capitol Building.

Don CrCrea, South Dakota Department of Game, Fish & Parks, Joe Foss Building.


Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of April, 1996




Notary Public

JOHN HATCH, Notary Public
My Commission Expires
April 1, 2001

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Jon Batteen

ADDRESS: HC 1, Box 67A, Cresbard SD 57435

COUNTY: Faulk

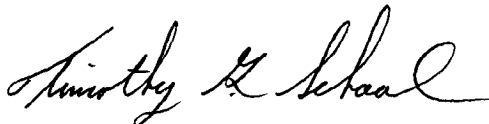
DATE: April 26, 1996

TELEPHONE: 324-3282

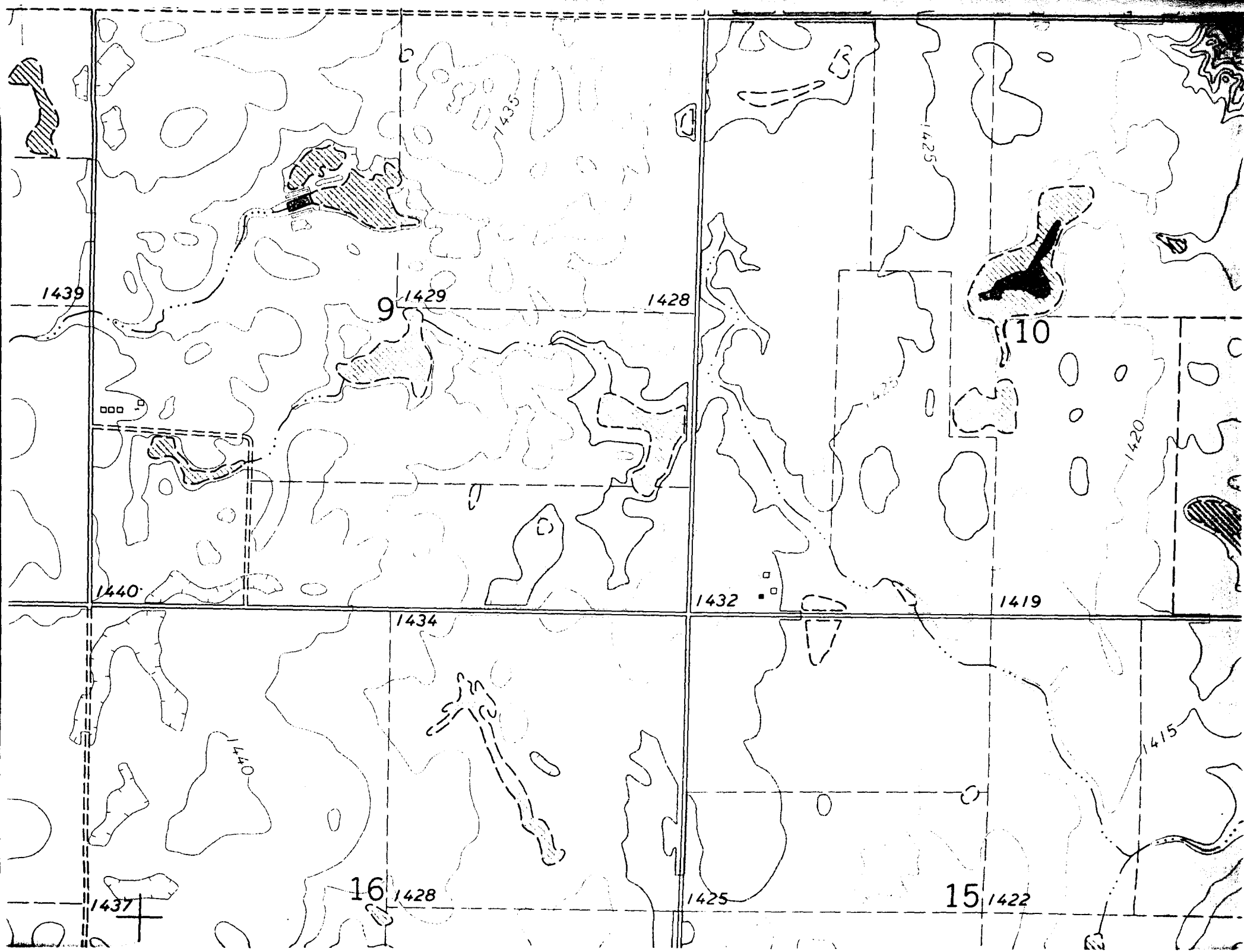
RE: Investigation of Petition in Opposition

On April 25, 1996, I talked to both Brent Gabler and Jon Batteen concerning Water Permit Application No. 5908-3 and the petition in opposition that was filed. Brent Gabler said he, as tenant, and The R.L. Corporation, as owners, of the downstream property were concerned with the flowing well Mr. Batteen uses with his heat pump to heat and cool his house. They thought the flow from the well would be increased to fill the impoundments and cause a continues flow through their property in the W 1/2 of Section 10-T120N-R67W. I told both Mr. Gabler and Mr. Batteen that the flowing well and Application No. 5908-3 were separate issues and the well could not be used to fill the impoundments since the use of the well was not included on Application No. 5908-3. Mr. Batteen said he does not intend to increase the flow from the well. The flow is set at 10 gpm for his heat pump system and the discharge runs into a dugout area just south of his house and forms a small wetland around the dugout. It did not appear that the flow from the well would make it to the south wetland associated with Application No. 5908-3. The drainage in the W 1/2 of Section 10-T120N-R67W had already been farmed through this spring. There is a wetland located in the E 1/2 SE 1/4 of Section 9-T120N-R67W that is partially impounded by the section line road. This wetland is located downstream of the proposed south impoundment and also receives flow from the NE 1/4 of Section 16-T120N-R67W.

Mr. Gabler said he was meeting with their attorney yesterday afternoon and it sounded like they may withdraw their opposition.



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





Wet land
SE $\frac{1}{4}$ Sec. 9
T120N - R67W
Looking South



Jon Batteen
Flowing Well
Overflow



APR 24 1964

Jon Batteen
Flunking Well
Over flow



APR 19 1964

Jon Batteen
Flowing Well



Jon Batteen
Flowing Well



Drainage
SW 1/4 Sec. 10
T120N-R67W
Looking East

File No. Application No. 5908-3

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Jon Batteen

ADDRESS: HC 1, Box 67A, Cresbard SD 57435

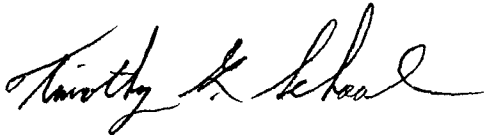
COUNTY: Faulk

DATE: April 29, 1996

TELEPHONE: 324-3282

RE: Withdrawal of Petition in Opposition

I talked to Mr. Carlyle E. Richard, Attorney for Opposition, today and he said they would be withdrawing their opposition to Water Permit Application No 5908-3. He will be faxing us a paper copy of their withdrawal today.



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

Richards & Oliver
Attorneys at Law



Carlyle E. Richards, P.C.
Harvey A. Oliver, Jr. *

222 Midwest Building
P.O. Box 114
Aberdeen, SD 57402-0114

Telephone
(605) 225-1200
Facsimile
(605) 229-7530

* Also Licensed in
North Dakota
Minnesota

June 17, 1996

Mr. John Hatch
Chief Engineer
Water Rights Program
Foss Building
523 E. Capitol
Pierre, SD 57501-3181

Re: Application No. 5908-3
(Jon Batteen)

Dear Mr. Hatch:

Reference is made to my letter to you dated April 29, 1996, a copy of which is enclosed.

When I visited with Mr. Batteen, I asked him to send me a letter agreeing that the discharge of his artesian well would not be increased. He agreed to do so.

Having heard nothing I reminded Mr. Batteen, on May 17, 1996, of his promise. All I want is simply a note stating that the artesian well discharge on Section 9-120-67 will not be increased without consent of my client or order of your department.

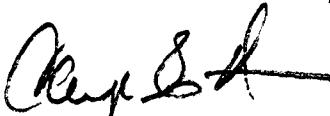
My client is adamant about this written assurance and is now suspicious that there may be some reason why it is not forthcoming. I will have to petition to reopen the issue with your office if Mr. Batteen does not follow through on his promise.

Can you help bring this matter to a close?

Thank you.

Very truly yours,

CARLYLE E. RICHARDS, P.C.

By 

CER/jea
Enclosure
pc: The L. R. Corporation
Jon Batteen



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 28, 1996

Carlyle E. Richards
Richards & Oliver
P.O. Box 114
Aberdeen, SD 57402-0114

Dear Mr. Richards:

I am writing in response to your letter regarding Jon Batteen's artesian well. Your client's concern is that the flow from the well will be increased to maintain the water level of two impoundments and cause water to drain across their farmland. The impoundments are authorized by Water Permit No. 5908-3 that was approved by the Water Management Board on May 1, 1996.

The use of 18 gallons per minute (gpm) or less for geothermal use for a single household is a domestic use of water, and does not require a water permit. However, Mr. Batteen must reduce the flow to the amount needed or to a minimum when not being used to operate the heat pump system. Additionally, Water Permit No. 5908-3 does not authorize use of the well to maintain the water level in the impoundments.

Tim Schaal an engineer with the Water Rights Program, conducted an investigation of Mr. Batteen's project in preparation for the hearing on the water permit application. The well flows at 10 gpm to supply the heat pump system. Unless the system is altered, there is no reason for the well's flow to be increased. The discharge flows into a dugout near Mr. Batteen's home. Mr. Schaal did not believe flow at the current rate will drain into the impoundments authorized by Water Permit No. 5908-3.

Although I understand your client's concerns, the issue of a letter of assurance is between your clients and Mr. Batteen. If you have information that indicates Mr. Batteen is in violation of the water rights law or his permit, we will investigate and take appropriate action to ensure compliance.

Mr. Richards, thank you for writing. However, I must tell you that unless there is a violation of law or the permit I do not see a reason for further action at this time. You may still petition the board to reopen this case. A hearing will then be scheduled for a future board meeting.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Program
(605) 773-3352

Richards & Oliver
Attorneys at Law

Carlyle E. Richards, P.C.
Harvey A. Oliver, Jr. *

222 Midwest Building
P.O. Box 114
Aberdeen, SD 57402-0114

Telephone
(605) 225-1200
Facsimile
(605) 229-7530

* Also Licensed in
North Dakota
Minnesota

July 1, 1996

Mr. John Hatch
Chief Engineer
Water Rights Program
Foss Building
523 E. Capitol
Pierre, SD 57501-3181

Re: Application No. 5908-3
(Jon Batteen)



Dear Mr. Hatch:

On June 17, 1996, I wrote you regarding the above matter. A copy of that letter is enclosed for easy reference.

I have not heard from you about this matter. Please advise.

Very truly yours,

CARLYLE E. RICHARDS, P.C.

By 

CER/jea
Enclosure
pc: The L. R. Corporation

Richards & Oliver
Attorneys at Law

Carlyle E. Richards, P.C.
Harvey A. Oliver, Jr. *

* Also Licensed in
North Dakota
Minnesota

222 Midwest Building
P.O. Box 114
Aberdeen, SD 57402-0114

Telephone
(605) 225-1200
Facsimile
(605) 229-7530



April 29, 1996

VIA FACSIMILE

Mr. John Hatch
Chief Engineer
Water Rights Program
Foss Building
523 E. Capitol
Pierre, South Dakota 57501-3181

Re: Application No. 5908-3
(Jon Batteen)

Dear Mr. Hatch:

You will recall that I represent Brent Gabler and The L. R. Corporation. On behalf of those clients, I previously, on April 11, 1996, served a petition opposing the above described application.

After visiting with people in your department and Mr. Batteen, I have been directed to withdraw my clients' opposition to the application. Mr. Batteen has assured us that an artesian well on his property will not be permitted to discharge more water than is currently being discharged.

Therefore, Mr. Gabler and The L. R. Corporation are not going to oppose the granting of Mr. Batteen's application. Therefore, unless there is other objection, the meeting in Yankton is unnecessary.

Thank you.

Very truly yours,

CARLYLE E. RICHARDS, P.C.

By 

CER/jea

pc: The L. R. Corporation
Brent Gabler



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 26 1996

Jon Batteen
HC 1, Box 67A
Cresbard, SD 57435

Dear Mr. Batteen:

Enclosed is Water Permit No. 5908-3 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.

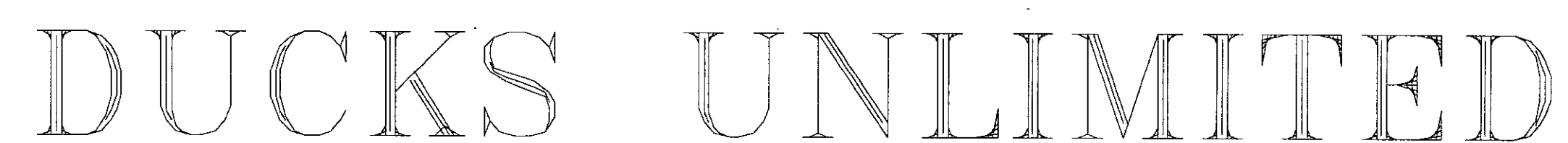
Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.



JON BATTEEN
SMALL WETLAND DEVELOPMENT

SECTION 9, T 120 N, R 67 E
FAULK COUNTY, SOUTH DAKOTA

IN COOPERATION WITH

S.D. DEPT. GAME, FISH & PARKS

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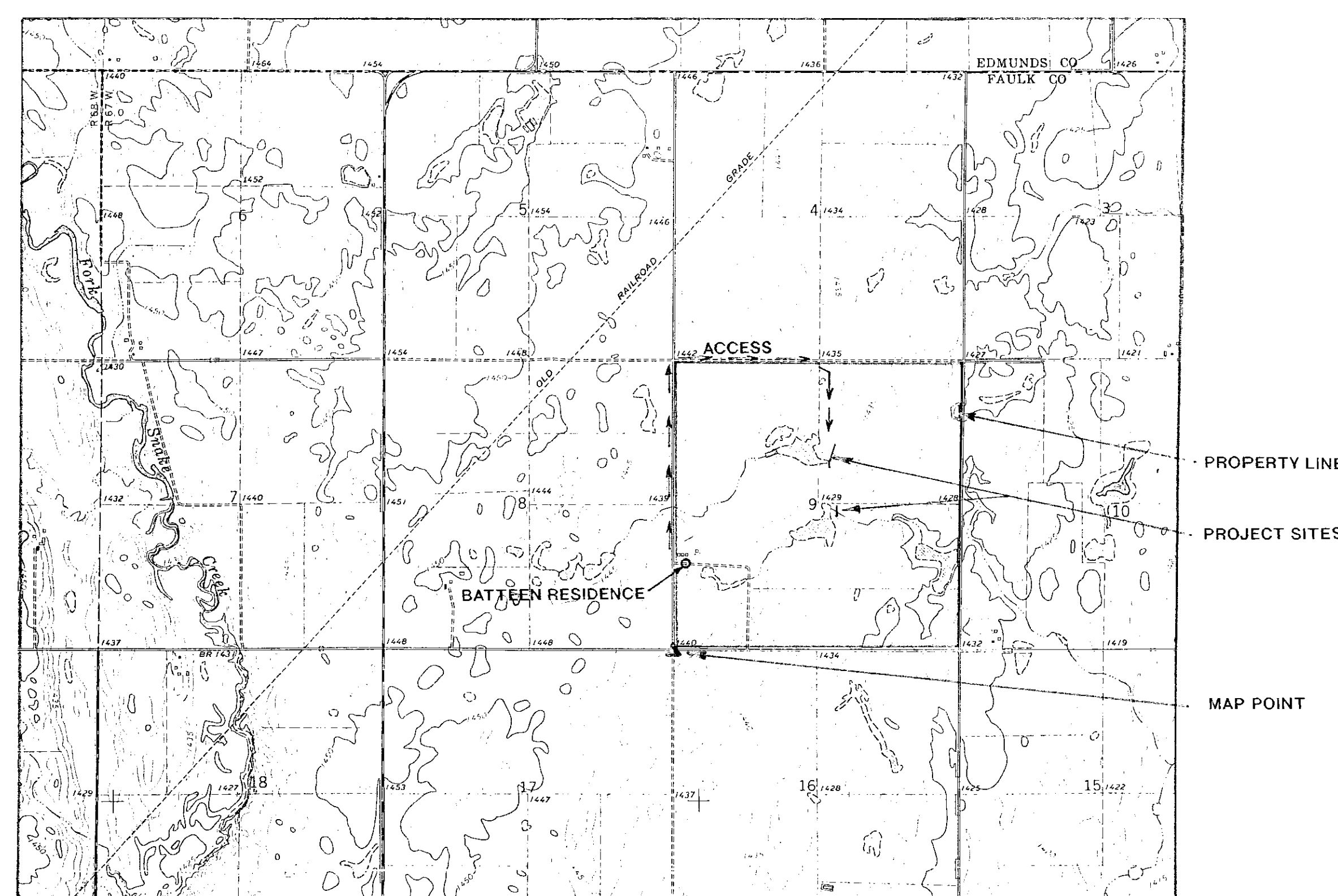
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STRUCTURE DETAILS	5
EMBANKMENT "B" PLAN & PROFILE	6

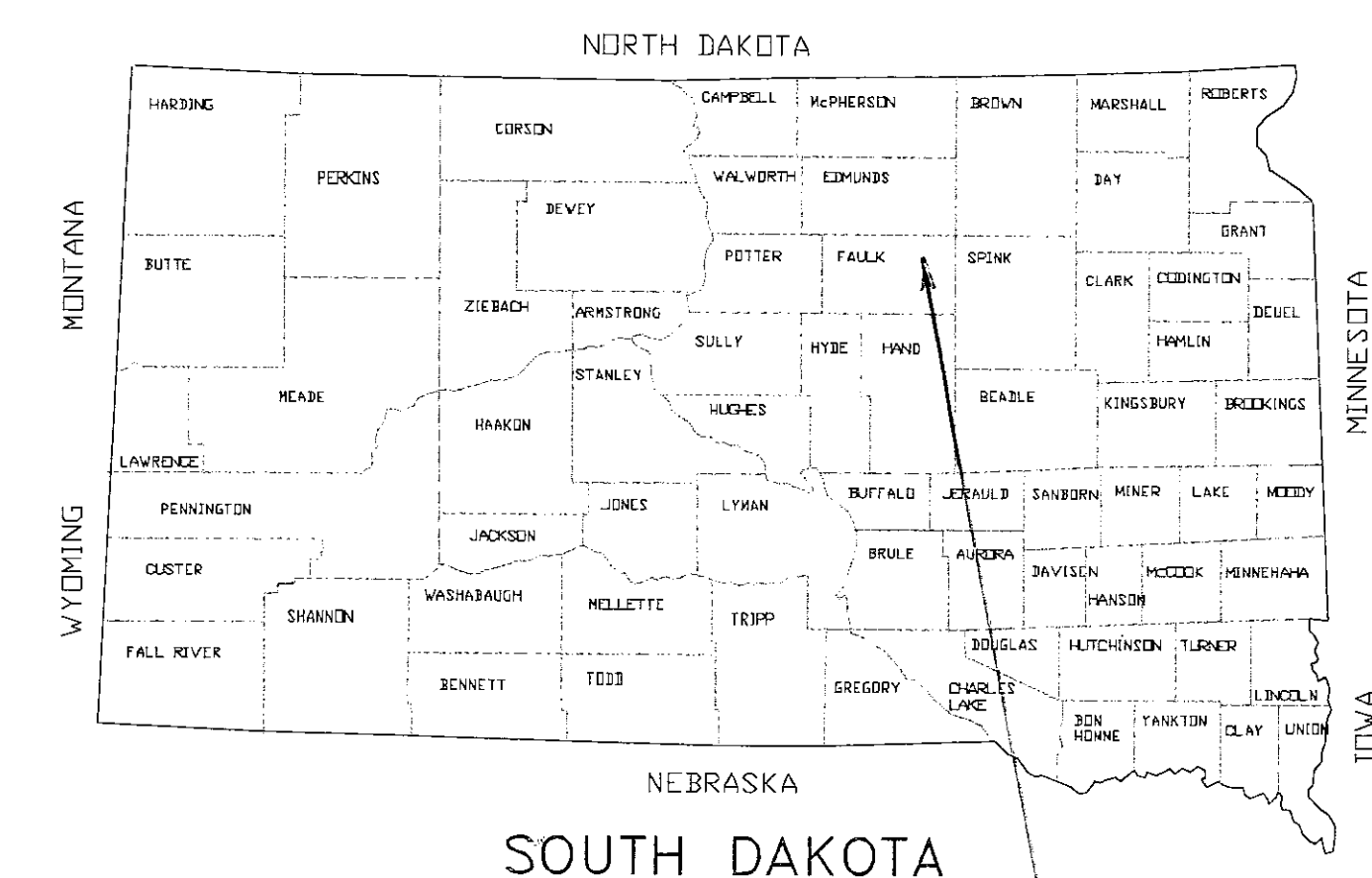
ESTIMATED QUANTITIES

MOBILIZATION	1	L.S.
SITE PREPARATION	725	C.Y.-P
EMBANKMENT	2183	C.Y.-S*
WATER	5	M-GAL.**
WATER CONTROL STRUCTURE	1	L.S.
APPURTENANCES	1	INC.
CULVERT INSTALLATION		
30"Ø CMP	35	L.F.
CLASS I RIPRAP	14	C.Y.-P

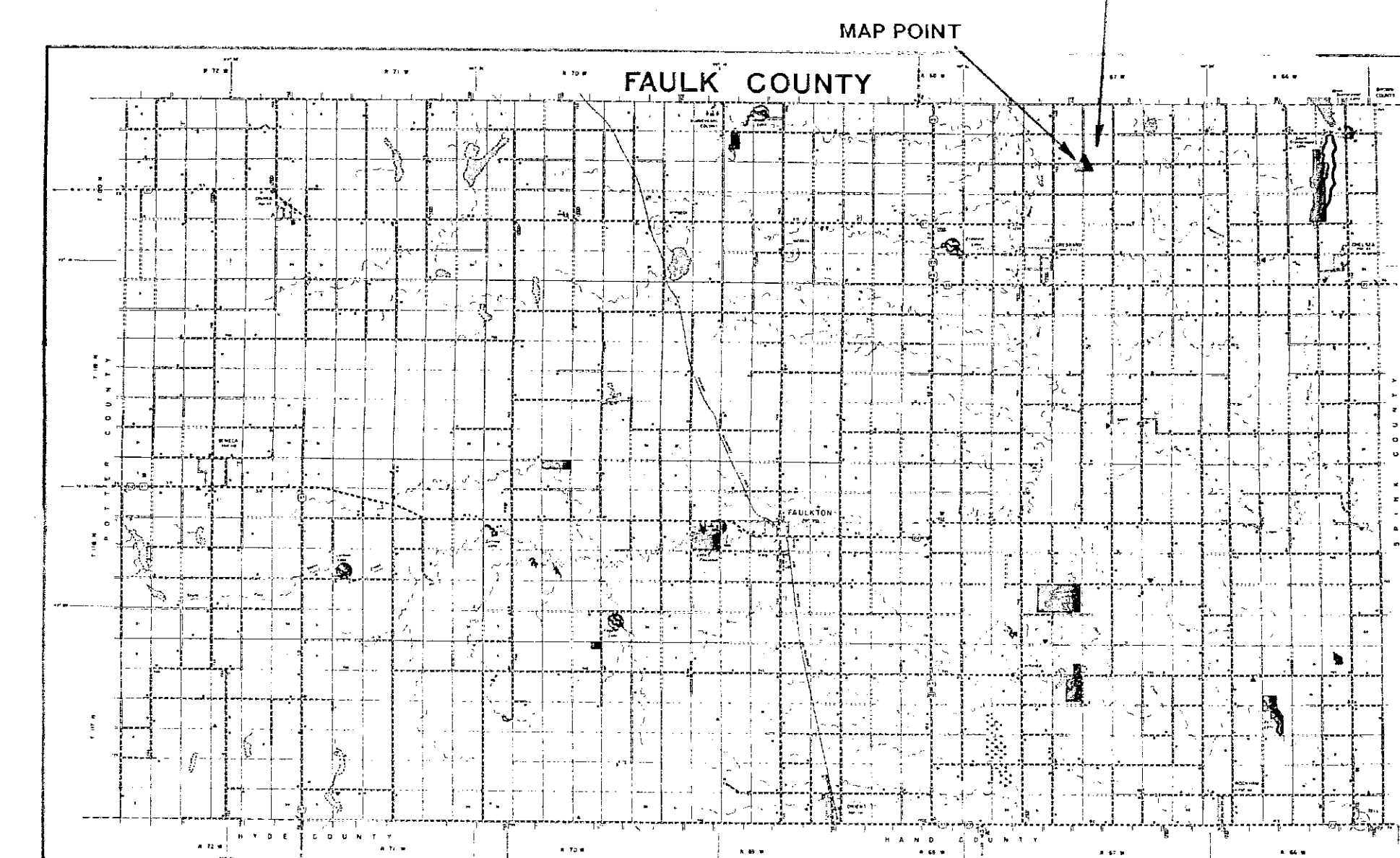
*INCLUDES 15% FOR SHRINKAGE
**BASED ON 2 GAL/C.Y., HOWEVER, ONLY
ACTUAL QUANTITY USED WILL BE PAID FOR.



VICINITY MAP
SCALE: 1"=2000'



PROJECT LOCATION



FAULK COUNTY

MAP POINT  IS 3 MI. N & 1 MI. E OF CRESBARD OR 12 MI. S OF JCT OF HWYS 45 & 12 @ IPSWICH, 5 MI. E, 2 MI. S, 1/4 MI. W, 2 MI. S, & 1 MI. E

AGENCY CONTACT:
PAUL COUGHLIN
605/854-9105
DON McCREA
605/773-3658
LANDOWNER CONTACT:
JON BATTEEN
605/324-3282

605/773-3658
LANDOWNER CONTACT:
JON BATTEEN
605/324-3282

PROJECT SIGNING

SIGN 'A' 24'x36" SIGN 'B' 11'x16"

1 SIGN "A" AND 1 SIGN "B" WILL BE PROVIDED BY
DUCKS UNLIMITED AND DELIVERED TO THE COOPERATING
AGENCY. THE AGENCY IS RESPONSIBLE FOR INSTALLING
THE SIGNS AT THE LOCATIONS DESIGNATED ON THE

D	PROJECT NO. SD-0193-001
	JON BATTEEN SMALL WETLANDS VICINITY MAP
	APPROVED BY

DESIGNED BY: D.J.L.
DRAWN BY: 
SURVEYED BY:
CHECKED BY: B.R.K.

DATE: 1-6-96

1 OF 6

APPROVED BY:

APPROVED BY:

5908.3

MIDWEST TESTING LABORATORY

1800 Corners St. • P.O. Box 204 • Warren, North Dakota 58079
 (701) 244-2433 • Fax (701) 244-2437

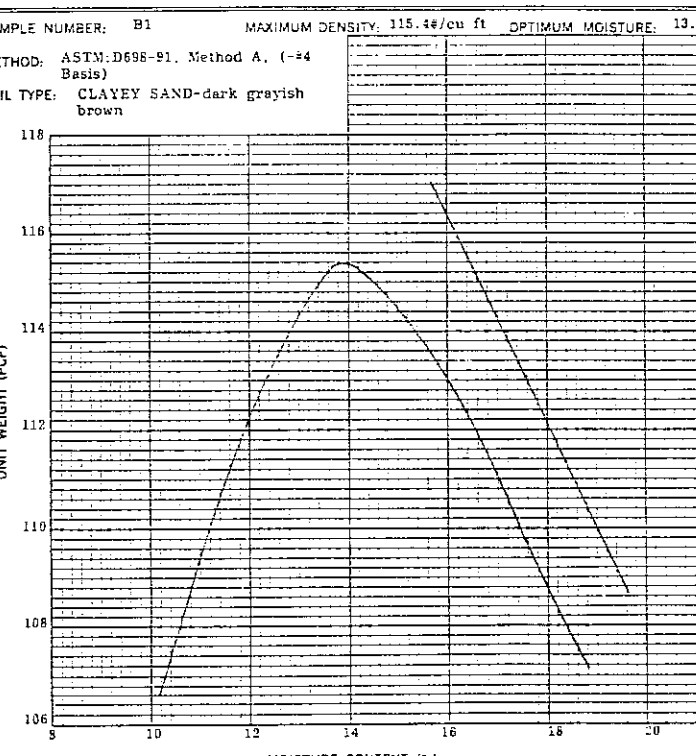
REPORT OF TESTS OF SOILS
 PROJECT: Batton Wetlands
 FAULK COUNTY, SOUTH DAKOTA
 DATE: November 8, 1995
 REPORTED TO: Ducks Unlimited, Inc.
 2007 Franklin Ave.
 Bismarck, ND 58501-0761
 PROJECT NO.: B4863

SAMPLE NUMBER: 81
 LOCATION: Bore hole #1, depth 1-3'
 CLASSIFICATION: CLAYEY SAND
 COLOR: Dark grayish brown
 PARTICLE DISTRIBUTION (see attached curves)
 Gravel (No. 10): 1
 Sand (No. 20 to 60): 2
 Silt (No. 60 to 200): 43
 Clay (No. 200 and finer): 54
 Liquid Limit (LL): 25
 Plastic Limit (PL): 11
 Shrinkage Limit (SL): 11
 Liquid Limit (LL): 25
 Plastic Limit (PL): 11
 Shrinkage Limit (SL): 11
 LABORATORY MOISTURE-DENSITY RELATIONS (see attached curves)
 Method: ASTM D2938-91, Method A
 Maximum Moisture (w_p): 13.9
 Maximum Density (ρ_d): 1.009
 AS RECEIVED MOISTURE CONTENT (w): 15.0
 REMARKS: Samples were submitted to and received here at the laboratory for test on November 3, 1995.

SIGNED: *Eric J. Smith*

MIDWEST TESTING LABORATORY

REPORT OF MOISTURE-DENSITY RELATIONS OF SOIL
 PROJECT: Batton Wetlands
 FAULK COUNTY, SOUTH DAKOTA
 DATE: November 8, 1995
 REPORTED TO: Ducks Unlimited, Inc.
 2007 Franklin Ave.
 Bismarck, ND 58501-0761
 PROJECT NO.: B4863 (Bore hole #1, depth 1-3')



SIGNED: *Eric J. Smith*

MIDWEST TESTING LABORATORY

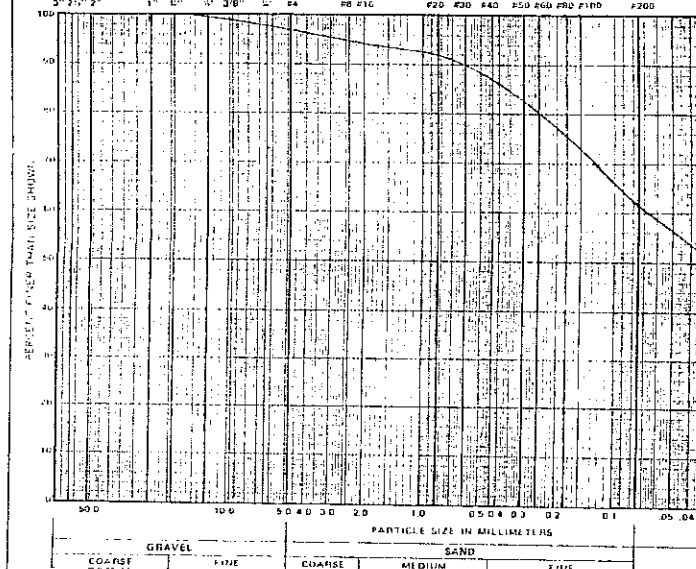
REPORT OF TESTS OF SOILS
 PROJECT: Batton Wetlands
 FAULK COUNTY, SOUTH DAKOTA
 DATE: November 8, 1995
 REPORTED TO: Ducks Unlimited, Inc.
 2007 Franklin Ave.
 Bismarck, ND 58501-0761
 PROJECT NO.: B4863

SAMPLE NUMBER: 83
 LOCATION: Bore hole #3, depth 0-3'
 CLASSIFICATION: SANDY LEAN CLAY
 COLOR: Brown
 PARTICLE DISTRIBUTION (see attached curves)
 Gravel (No. 10): 0
 Sand (No. 20 to 60): 3
 Silt (No. 60 to 200): 2
 Clay (No. 200 and finer): 95
 Liquid Limit (LL): 25
 Plastic Limit (PL): 11
 Shrinkage Limit (SL): 11
 Liquid Limit (LL): 25
 Plastic Limit (PL): 11
 Shrinkage Limit (SL): 11
 LABORATORY MOISTURE-DENSITY RELATIONS (see attached curves)
 Method: ASTM D2938-91, Method A
 Maximum Moisture (w_p): 13.9
 Maximum Density (ρ_d): 1.009
 AS RECEIVED MOISTURE CONTENT (w): 13.4
 REMARKS: Samples were submitted to and received here at the laboratory for test on November 3, 1995.

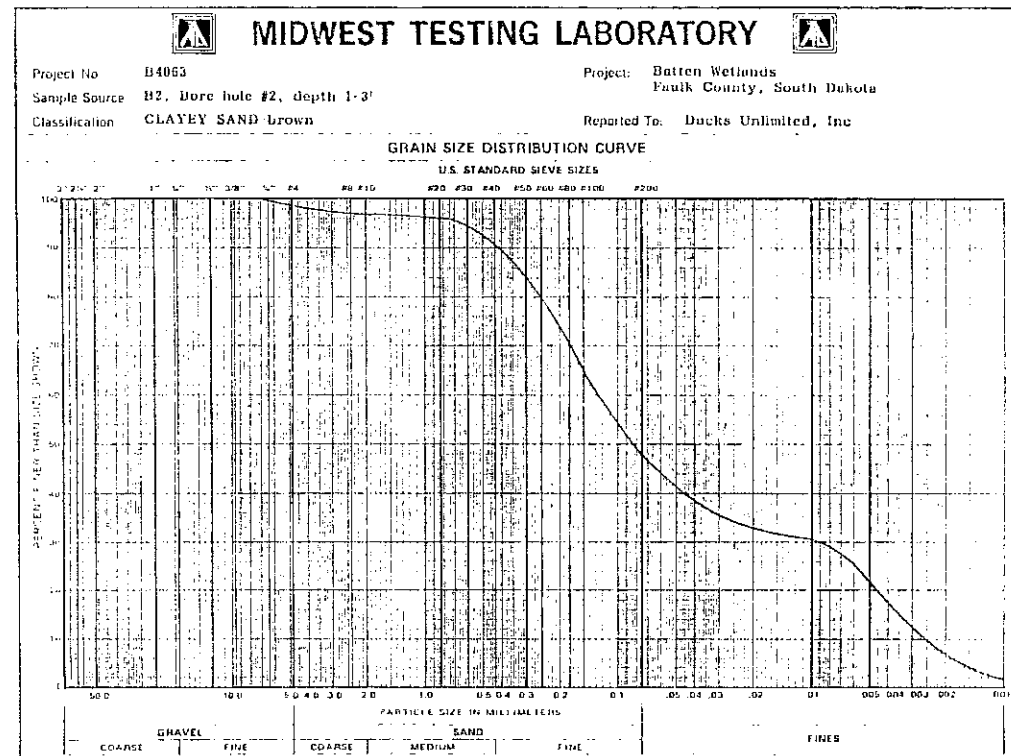
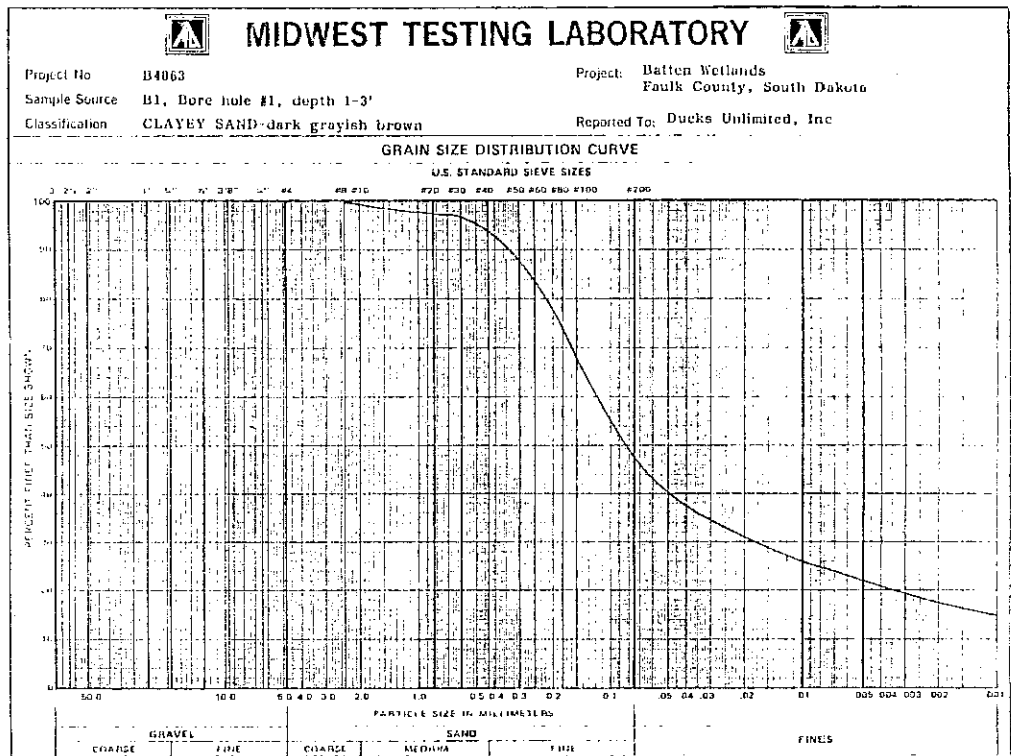
SIGNED: *Eric J. Smith*

MIDWEST TESTING LABORATORY

REPORT OF TESTS OF SOILS
 PROJECT: Batton Wetlands
 FAULK COUNTY, SOUTH DAKOTA
 DATE: November 8, 1995
 REPORTED TO: Ducks Unlimited, Inc.
 2007 Franklin Ave.
 Bismarck, ND 58501-0761
 PROJECT NO.: B4863



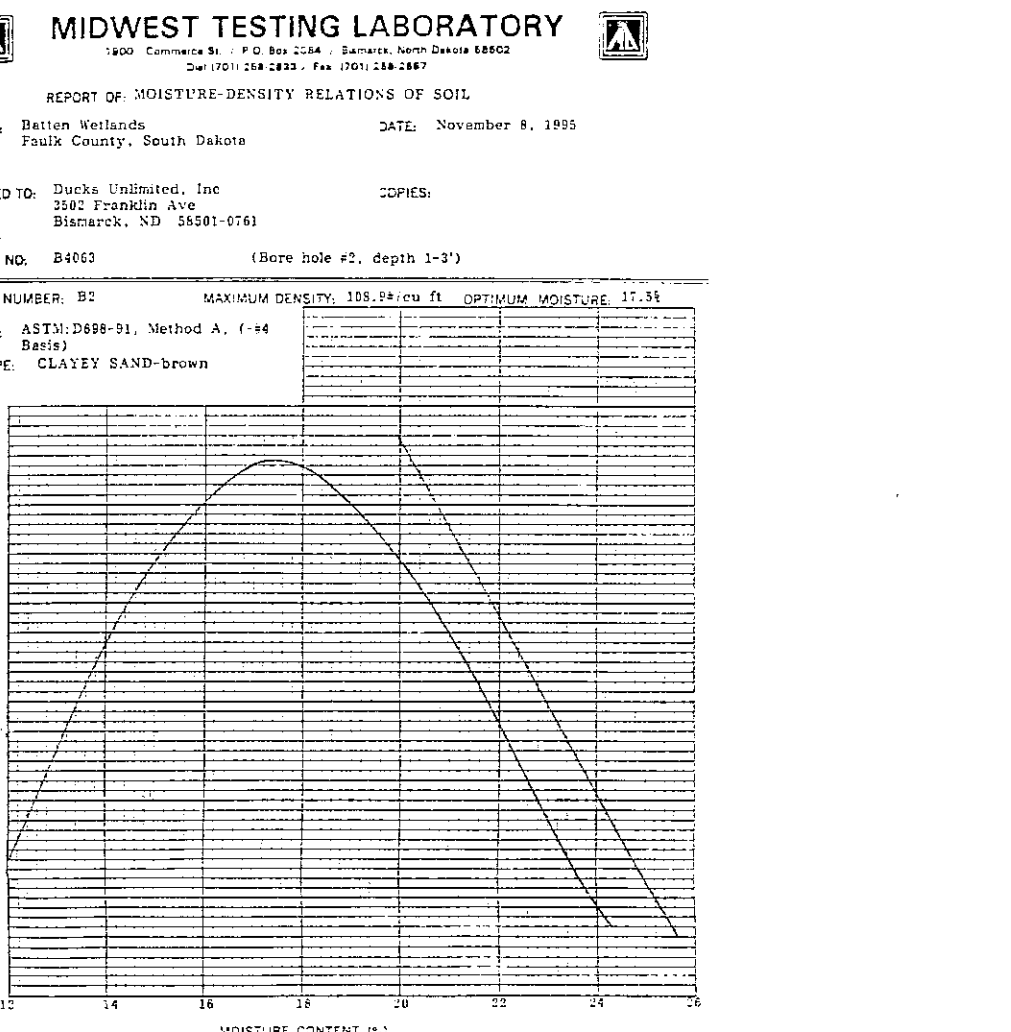
SIGNED: *Eric J. Smith*



SIGNED: *Eric J. Smith*

MIDWEST TESTING LABORATORY

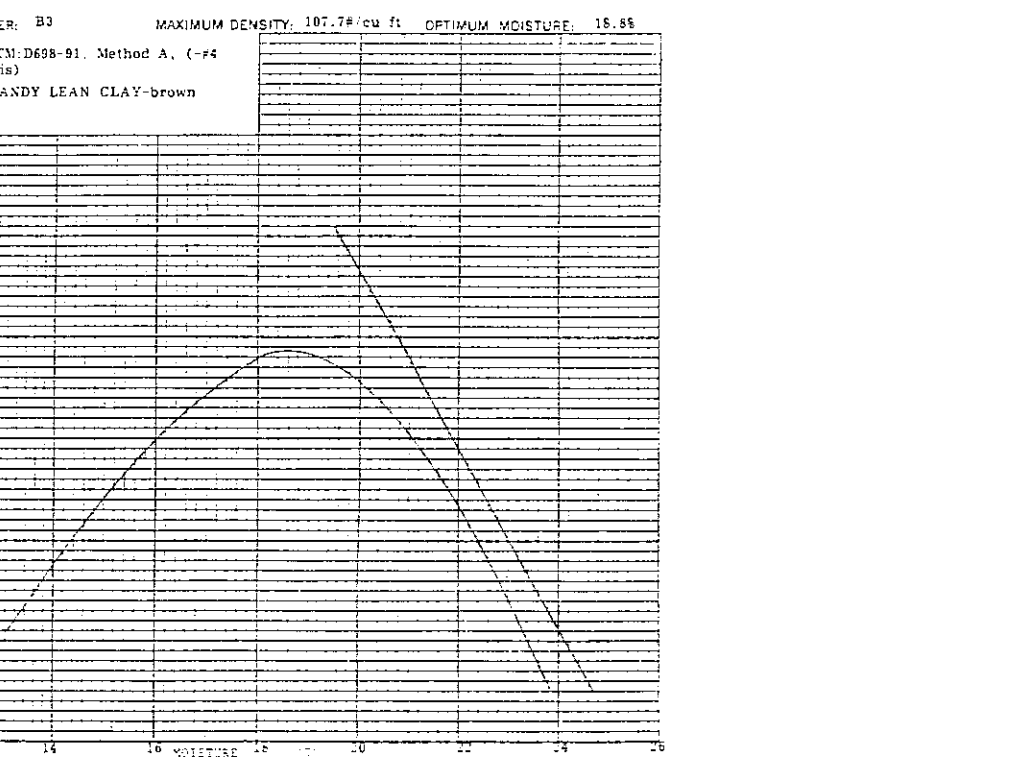
REPORT OF MOISTURE-DENSITY RELATIONS OF SOIL
 PROJECT: Batton Wetlands
 FAULK COUNTY, SOUTH DAKOTA
 DATE: November 8, 1995
 REPORTED TO: Ducks Unlimited, Inc.
 2007 Franklin Ave.
 Bismarck, ND 58501-0761
 PROJECT NO.: B4863 (Bore hole #2, depth 1-3')



SIGNED: *Eric J. Smith*

MIDWEST TESTING LABORATORY

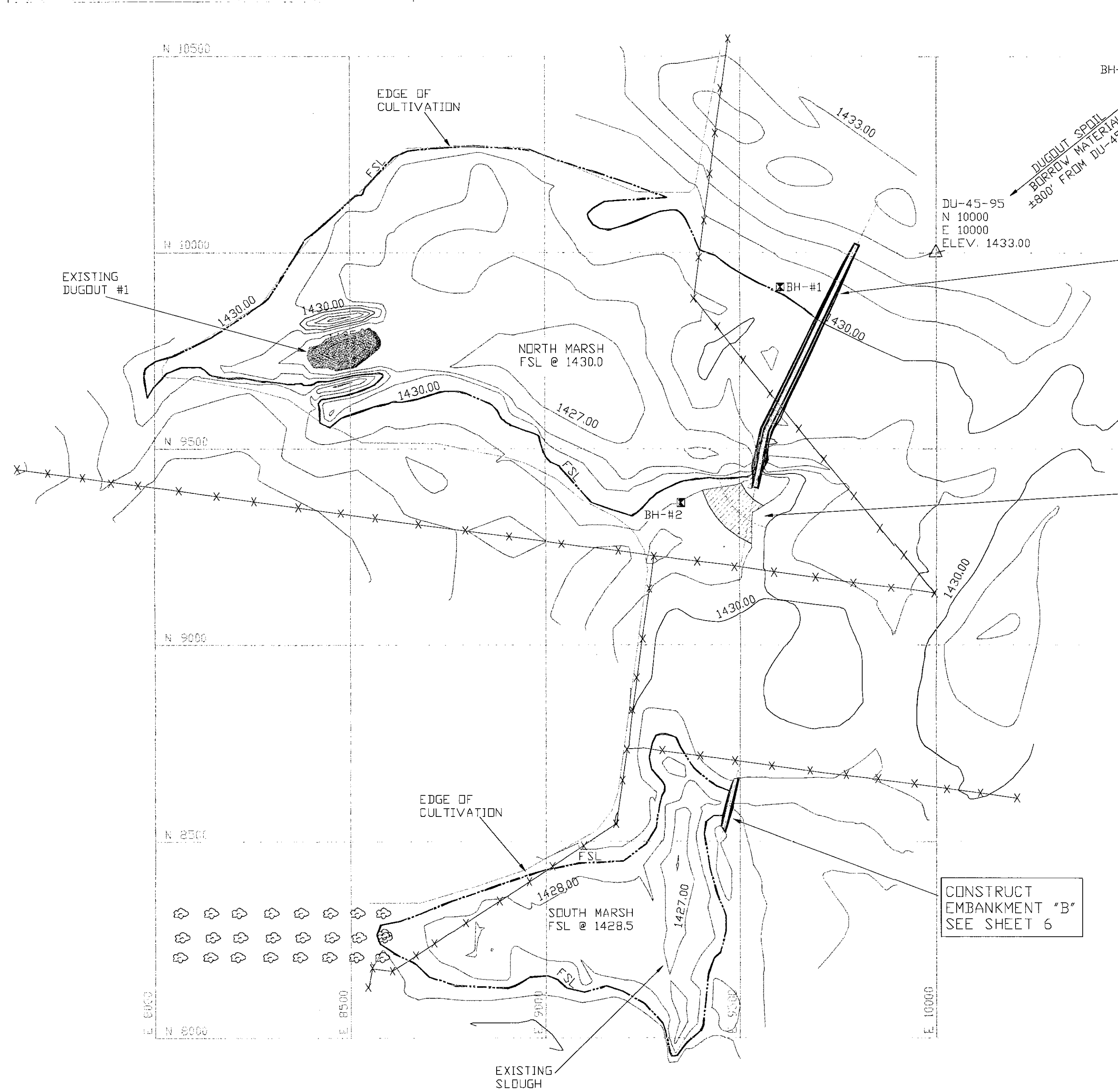
REPORT OF MOISTURE-DENSITY RELATIONS OF SOIL
 PROJECT: Batton Wetlands
 FAULK COUNTY, SOUTH DAKOTA
 DATE: November 8, 1995
 REPORTED TO: Ducks Unlimited, Inc.
 2007 Franklin Ave.
 Bismarck, ND 58501-0761
 PROJECT NO.: B4863 (Bore hole #2, depth 1-3')



SIGNED: *Eric J. Smith*

THE BORINGS DONE ON THIS PROJECT REPRESENT THE SOILS FOUND AT THE LOCATIONS OF THE BORINGS ONLY. SOILS MAY VARY BETWEEN LOCATIONS AND OTHER AREAS OF THE PROJECT SITE NOT DRILLED.

THE CONTRACTOR WARRANTS THAT SITE CONDITIONS HAVE BEEN EXAMINED AS REQUIRED BY SECTION 101.203 EXAMINATION OF SITE CONDITIONS OF THE GENERAL CONDITIONS PRIOR TO BIDDING OR CONSTRUCTING THIS PROJECT. NO ADJUSTMENTS TO THE CONTRACT WILL BE MADE DUE TO CHANGED SITE CONDITIONS.



PROJECT TOPOGRAPHY
 SCALE: 1"=200'

AREA-CAPACITY DATA			MARSH DATA	
ELEVATION	AREA (ACRES)	VOLUME (AC-FT.)		
NORTH MARSH			FULL SERVICE LEVEL (FSL) @ 1430.0	
1426.6	0.0	0.0	19.5 ACRES @ FSL	
1427.0	2.0	0.4	31.6 ACRES @ FSL	
1428.0	7.3	5.0	FULL SERVICE LEVEL (FSL) @ 1428.5	
1429.0	13.2	15.3	6.6 ACRES @ FSL	
FSL 1430.0	19.5	31.6	5.5 ACRES @ FSL	
1431.0	26.8	54.8	TOTAL PROJECT	
1432.0	34.1	85.2	26.1 ACRES @ FSL	
1435.0	56.0	220.4	37.1 ACRES @ FSL	
SOUTH MARSH				
1426.0	0.0	0.0		
1427.0	0.6	0.3		
1428.0	4.3	2.7		
FSL 1428.5	6.6	5.5		
1429.0	9.7	9.5		
1430.0	15.7	22.2		

VERTICAL CONTROL: ESTABLISHED FROM USGS 7 1/2 MINUTE TOPOGRAPHIC MAP SPOT ELEVATIONS AT THE SE & E 1/4 CORNERS OF SECTION 9.
 HORIZONTAL CONTROL: LOCAL DU COORDINATES WITH REFERENCE TO TRUE NORTH WITH A BRUNTON COMPASS WITH 10 1/2" OF MAGNETIC DECLINATION ACCOUNTED FOR.

EXISTING DUGOUT #2

BH-#3

DU-45-95
N 10000
E 10000
ELEV. 1433.00

CONSTRUCT EMBANKMENT 'A' & INSTALL WATER CONTROL STRUCTURE SEE SHEETS 3-5

EXCAVATE EMERGENCY SPILLWAY SEE SHEET 3

CONSTRUCT EMBANKMENT 'B' SEE SHEET 6

FENCE NOTE:
CONTRACTOR SHALL REMOVE & SALVAGE FENCE IN CONSTRUCTION AREA. REINSTALLATION OF FENCE IS LANDOWNER'S RESPONSIBILITY.

BORROW NOTE:
EXISTING SPOIL MATERIAL FROM DUGOUT #2 SHALL BE USED TO CONSTRUCT THE EMBANKMENT. ANY SPOIL REMAINING AFTER EMBANKMENT COMPLETION SHALL BE GRADED FOR A SMOOTH FINISH AS IT EXISTS NOW. WATER FROM DUGOUT MAY BE USED IF NECESSARY IN EMBANKMENT CONSTRUCTION.

DESIGNED BY: D.J.L.
 DRAWN BY: B
 SURVEYED BY: GJ TE
 CHECKED BY: B.R.K.

PROJECT NO. SD-0193-001
 JOHN BATTEEN
 SMALL WETLANDS
 PROJECT TOPOGRAPHY

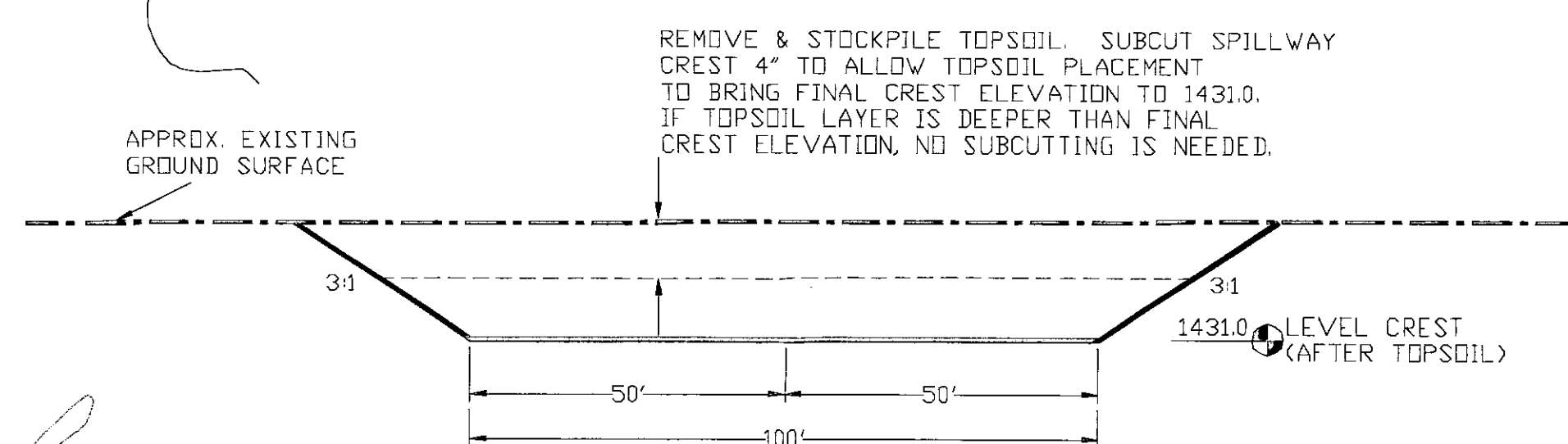
GREAT PLAINS REGIONAL OFFICE
 DATE: 1-6-96
 SHEET NO. 2 OF 6
 APPROVED BY: APPROVED BY:



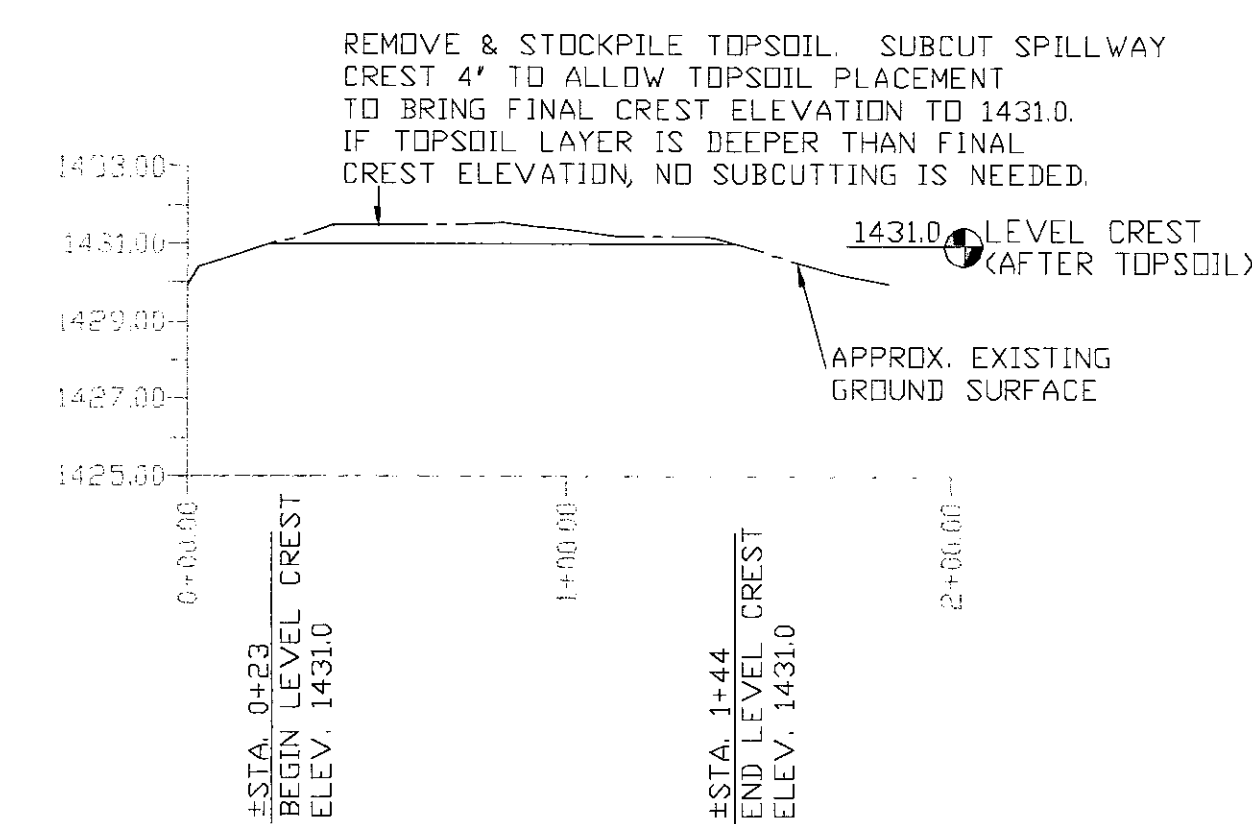
FENCE NOTE:
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BORROW NOTE:
EXISTING SPOIL MATERIAL FROM DUGOUT SHALL BE USED TO CONSTRUCT THE EMBANKMENT. ANY SPOIL REMAINING AFTER EMBANKMENT COMPLETION SHALL BE GRADED FOR A SMOOTH FINISH AS IT EXISTS NOW. WATER FROM DUGOUT MAY BE USED IF NECESSARY IN EMBANKMENT CONSTRUCTION.

EMBANKMENT/EMERGENCY SPILLWAY NOTE:
EMERGENCY SPILLWAY EXCAVATION (APPROX. 150 C.Y.-P) SHALL BE CONSIDERED INCIDENTAL TO "EMBANKMENT CONSTRUCTION". SUITABLE MATERIAL MAY BE USED IN THE EMBANKMENT AS APPROVED BY FIELD ENGINEER. ADDITIONAL EMBANKMENT MATERIAL NEEDED SHALL BE OBTAINED FROM DUGOUT #2 SPOIL PILES.



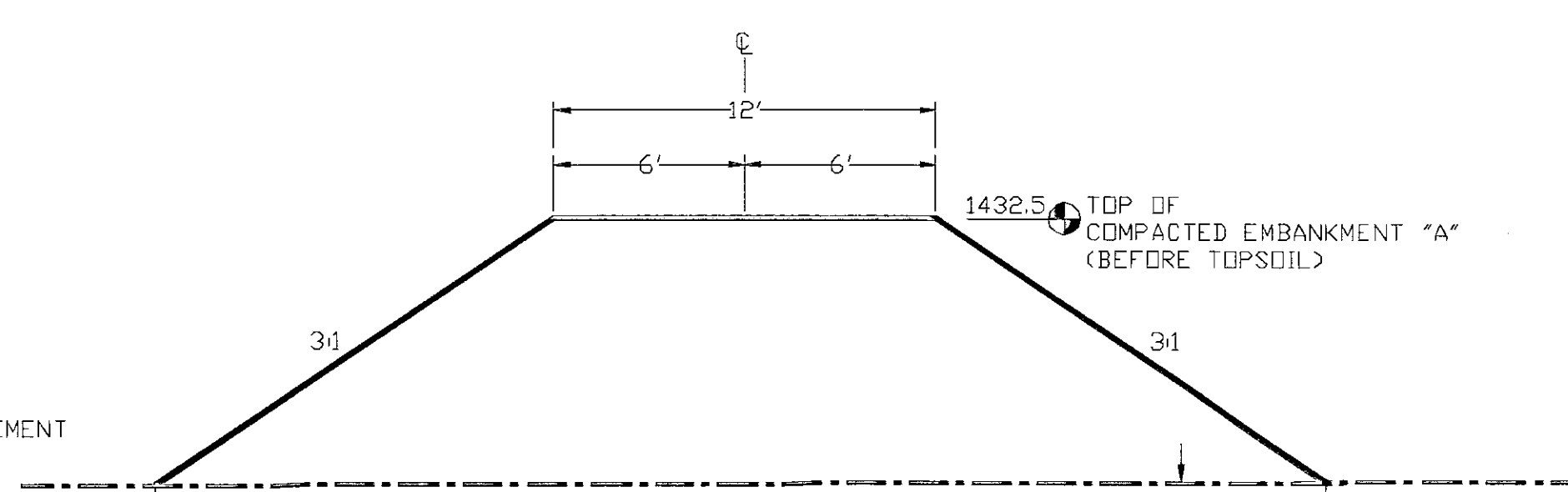
EMERGENCY SPILLWAY X-SECTION
NOT TO SCALE



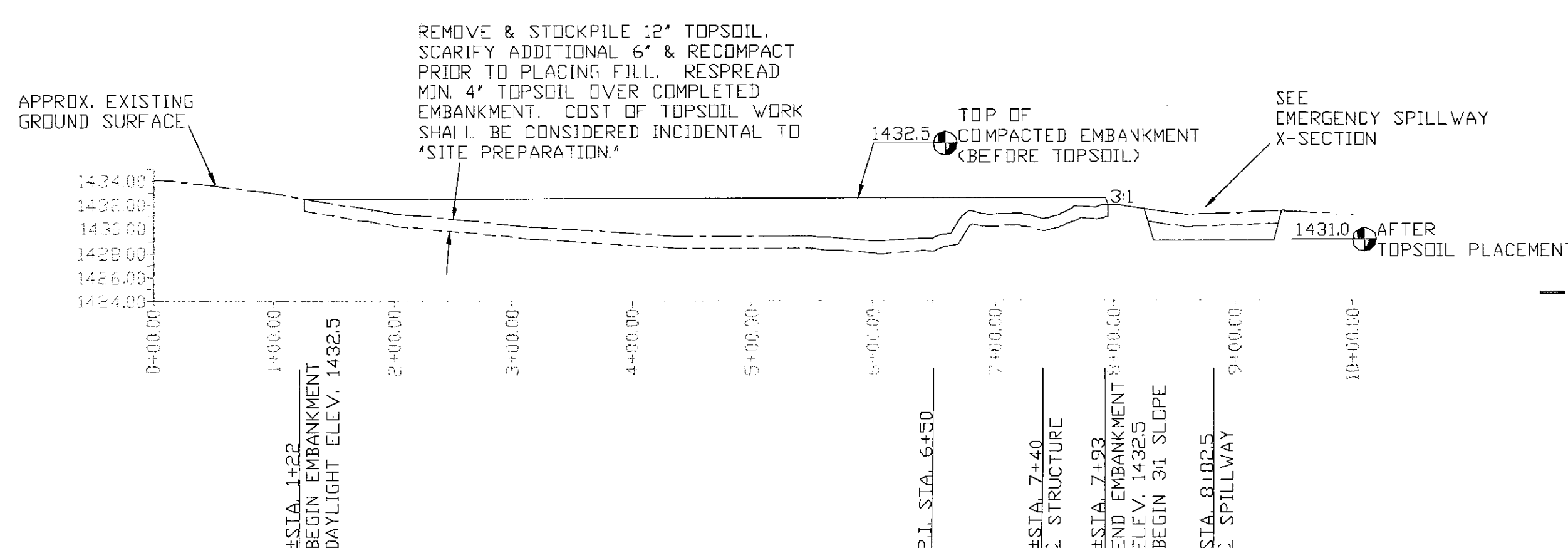
EMERGENCY SPILLWAY
C PROFILE
NOT TO SCALE

- LEGEND
- △ DU CONTROL POINT #5 REBAR CAPPED & STAMPED
 - FULL SERVICE LEVEL (FSL)
 - X-X-X EXISTING FENCELINE
 - ⊗ TREES/BRUSH
 - ⊠ APPROXIMATE SOIL BORING (SEE THIS SHEET FOR DETAILS)

EMBANKMENT "A" SITE PLAN
SCALE: 1"=100'



EMBANKMENT "A" X-SECTION
NOT TO SCALE



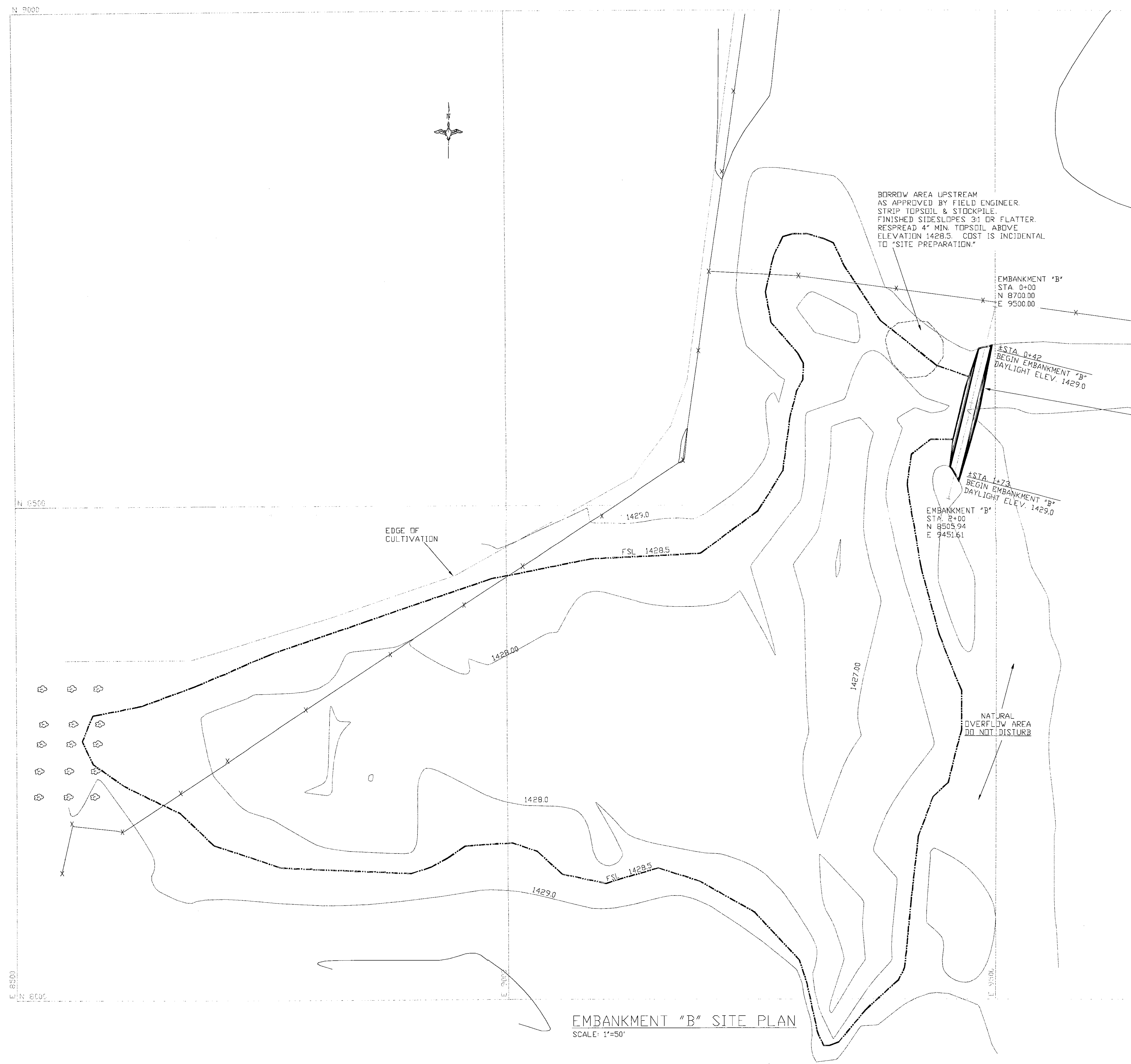
EMBANKMENT "A" C PROFILE
NOT TO SCALE

REMOVE & STOCKPILE 12" TOPSOIL. SCARIFY ADDITIONAL 6" & RECOMPACT PRIOR TO PLACING FILL. RESPREAD MIN. 4" TOPSOIL OVER COMPLETED EMBANKMENT. COST OF TOPSOIL WORK SHALL BE CONSIDERED INCIDENTAL TO "SITE PREPARATION."

ESTIMATED QUANTITIES-EMBANKMENT "A"
SITE PREPARATION 656 C.Y.-P
EMBANKMENT 2063 C.Y.-S*

*INCLUDES 15% FOR SHRINKAGE

 GREAT PLAINS REGIONAL OFFICE DATE: 1-22-96	PROJECT NO. SD-0193-001 JOHN BATTEEN SMALL WETLANDS EMBANKMENT "A" SITE PLAN	DESIGNED BY: D.J.L. DRAWN BY: J.B. SURVEYED BY: CHECKED BY: B.R.K.
SHEET NO. 3 OF 6	APPROVED BY:	APPROVED BY:



BORROW AREA UPSTREAM
AS APPROVED BY FIELD ENGINEER.
STRIP TOPSOIL & STOCKPILE.
FINISHED SIDESLOPES 3:1 OR FLATTER.
RESPREAD 4" MIN. TOPSOIL ABOVE
ELEVATION 1428.5. COST IS INCIDENTAL
TO "SITE PREPARATION."

EMBANKMENT "B"
STA. 0+00
N 8700.00
E 9500.00

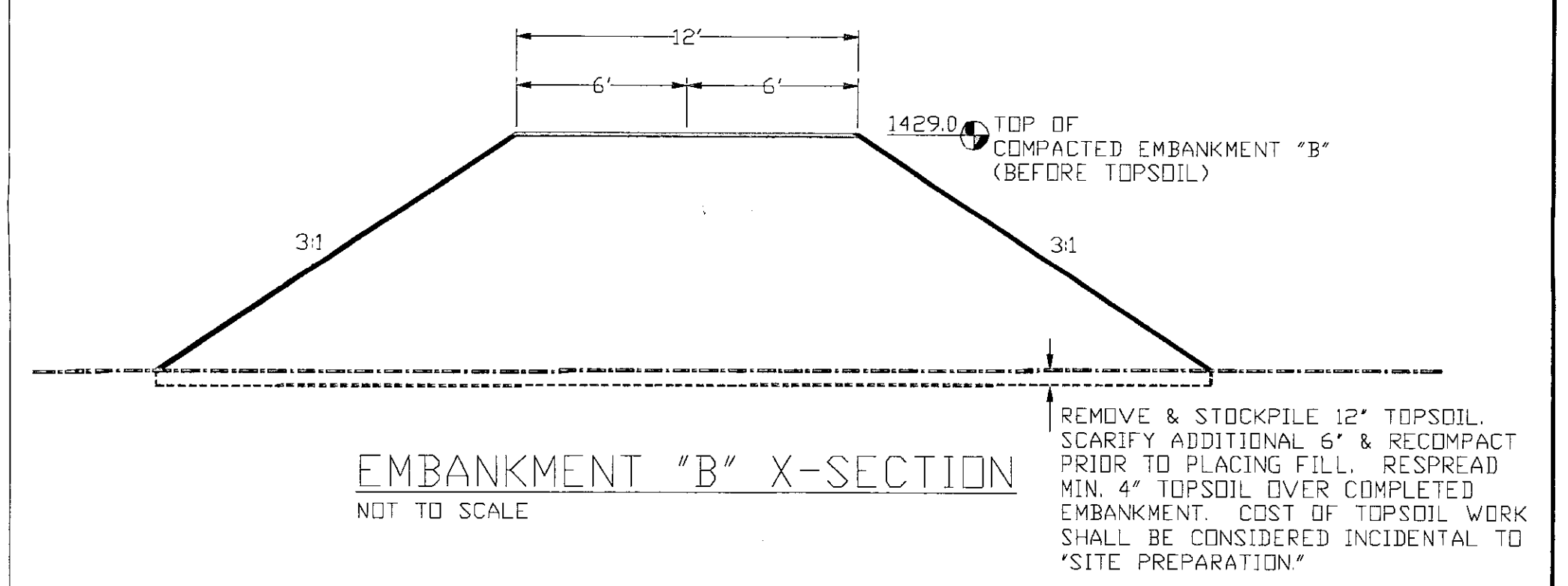
STA. 0+42
BEGIN EMBANKMENT "B"
DAYLIGHT ELEV. 1429.0

STA. 1+73
BEGIN EMBANKMENT "B"
DAYLIGHT ELEV. 1429.0

EMBANKMENT "B"
STA. 2+00
N 8505.94
E 9451.61

NATURAL
OVERFLOW AREA
DO NOT DISTURB

CONSTRUCT
EMBANKMENT "B"



LEGEND

- FULL SERVICE LEVEL (FSL)
- EDGE OF CULTIVATION
- X-X-X-X EXISTING FENCELINE
- ⊗ TREES/BRUSH

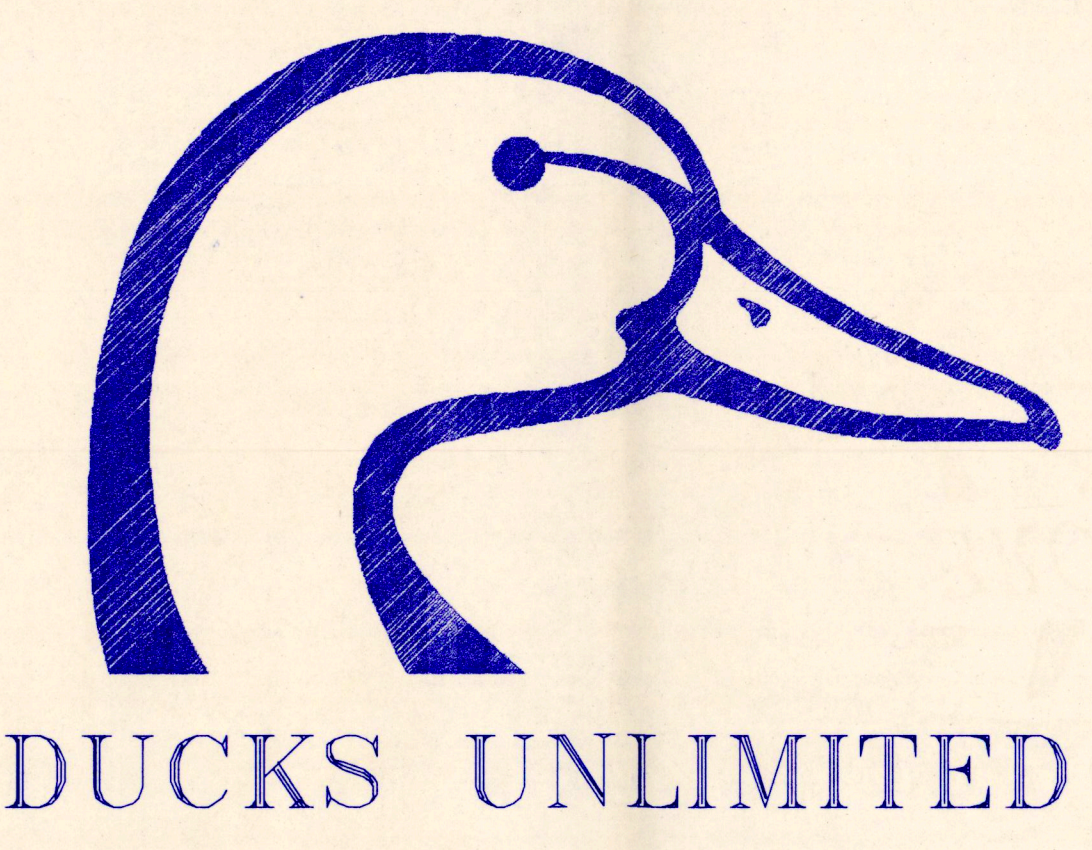
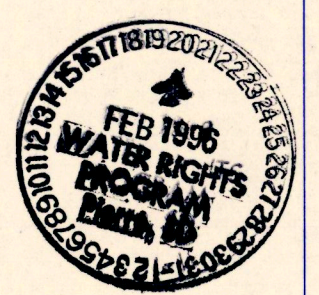
ESTIMATED QUANTITIES-EMBANKMENT "B"
SITE PREPARATION 69 C.Y.-P
EMBANKMENT 120 C.Y.-S*
*INCLUDES 15% FOR SHRINKAGE

FENCE NOTE:
CONTRACTOR SHALL REMOVE & SALVAGE FENCE IN CONSTRUCTION AREA.
REINSTALLATION OF FENCE IS LANDOWNERS RESPONSIBILITY.

EMBANKMENT "B" SITE PLAN
SCALE: 1"=50'

 GREAT PLAINS REGIONAL OFFICE DATE: 1-22-96	PROJECT NO. SD-0193-001 JOHN BATTEEN SMALL WETLANDS EMBANKMENT "B" SITE PLAN SHEET NO. 6 OF 6	DESIGNED BY: D.J.L. DRAWN BY: K SURVEYED BY: CHECKED BY: B.R.K. APPROVED BY:

5908-3



DUCKS UNLIMITED

PROJECT

JON BATTEEN SMALL WETLAND DEVELOPMENT

SECTION 9, T 120 N, R 67 E
FAULK COUNTY, SOUTH DAKOTA

SPECIFICATIONS

GENERAL CONDITIONS	101
MOBILIZATION	201
SITE PREPARATION	202
EXCAVATION	203
EMBANKMENT CONSTRUCTION	204
WATER	205
WATER CONTROL	
STRUCTURE INSTALLATION	206
WATER CONTROL STRUCTURE	
& CULVERT APPURTENANCES	206A
CULVERT INSTALLATION	207
CAST-IN-PLACE	
REINFORCED CONCRETE	208
RIPRAP PLACEMENT	209

PLAN INDEX

VICINITY MAP	1
PROJECT TOPOGRAPHY	2
EMBANKMENT "A" PLAN & PROFILE	3
STRUCTURE PLAN & PROFILES	4
STRUCTURE DETAILS	5
EMBANKMENT "B" PLAN & PROFILE	6

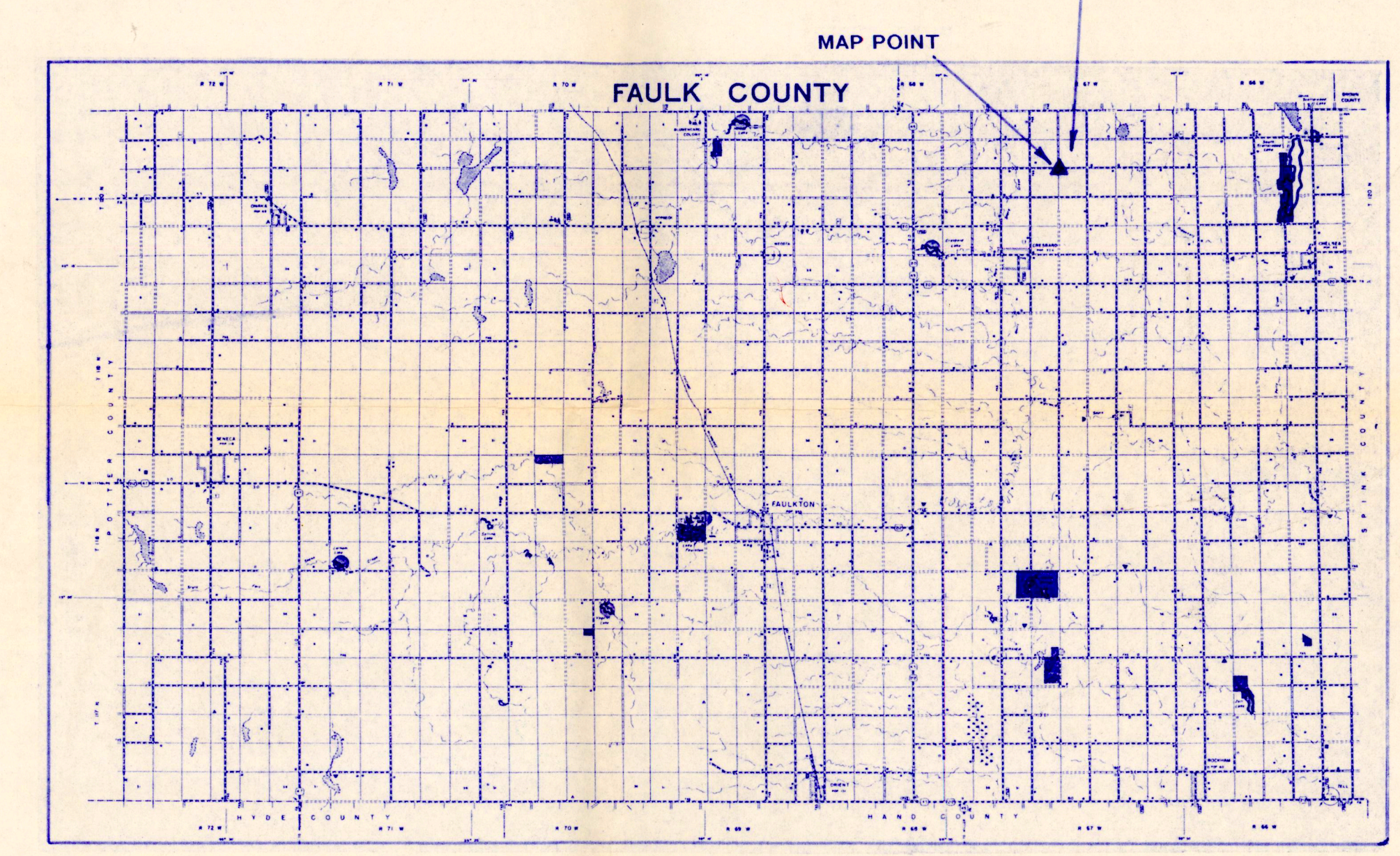
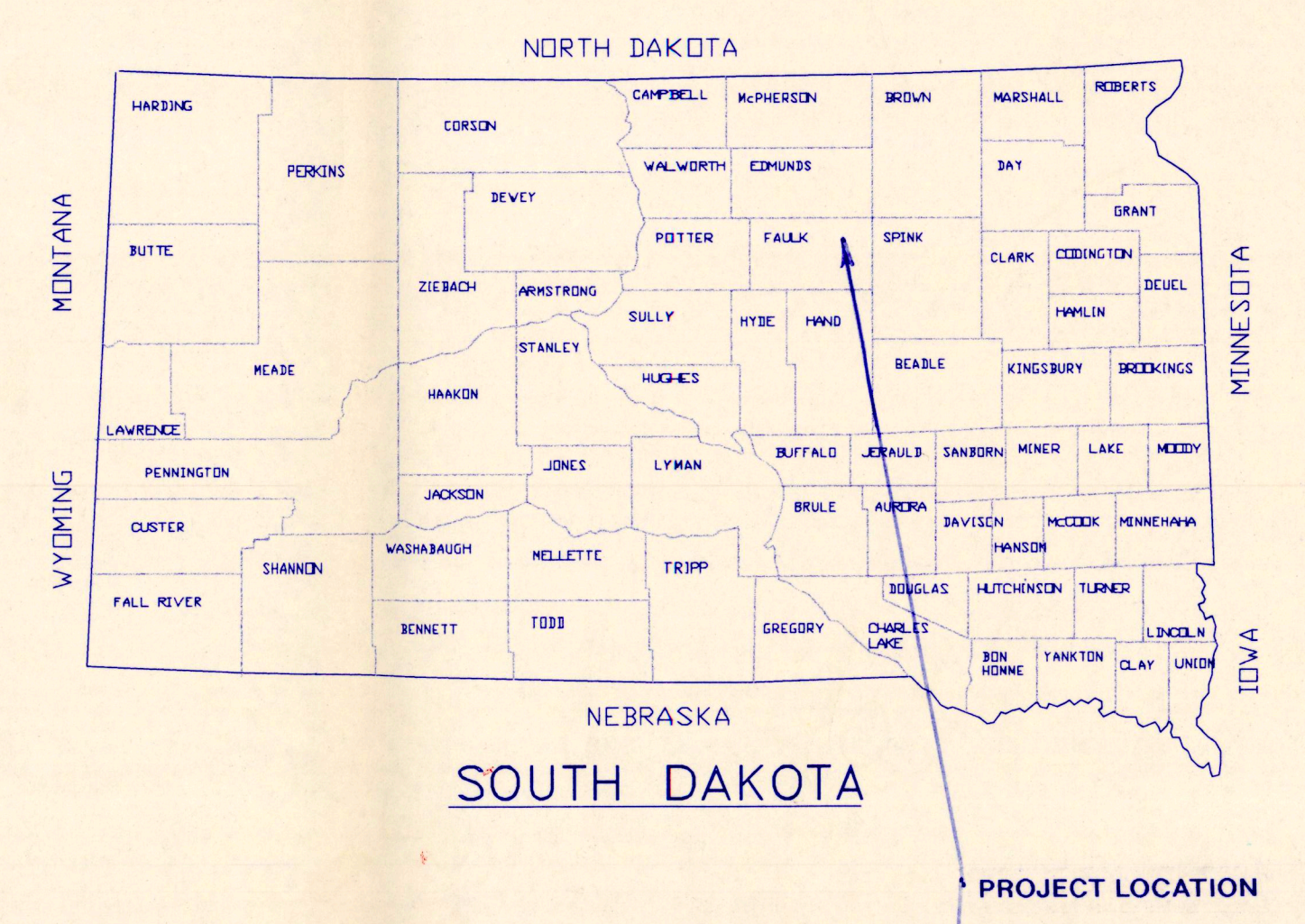
ESTIMATED QUANTITIES

MOBILIZATION	1	L.S.
SITE PREPARATION	725	C.Y.-P
EMBANKMENT	2183	C.Y.-S*
WATER	5	M-GAL.**
WATER CONTROL STRUCTURE	1	L.S.
APPURTENANCES	1	INC.
CULVERT INSTALLATION		
30"Ø CMP	35	L.F.
CLASS I RIPRAP	14	C.Y.-P

*INCLUDES 15% FOR SHRINKAGE
**BASED ON 2 GAL/C.Y., HOWEVER, ONLY
ACTUAL QUANTITY USED WILL BE PAID FOR.

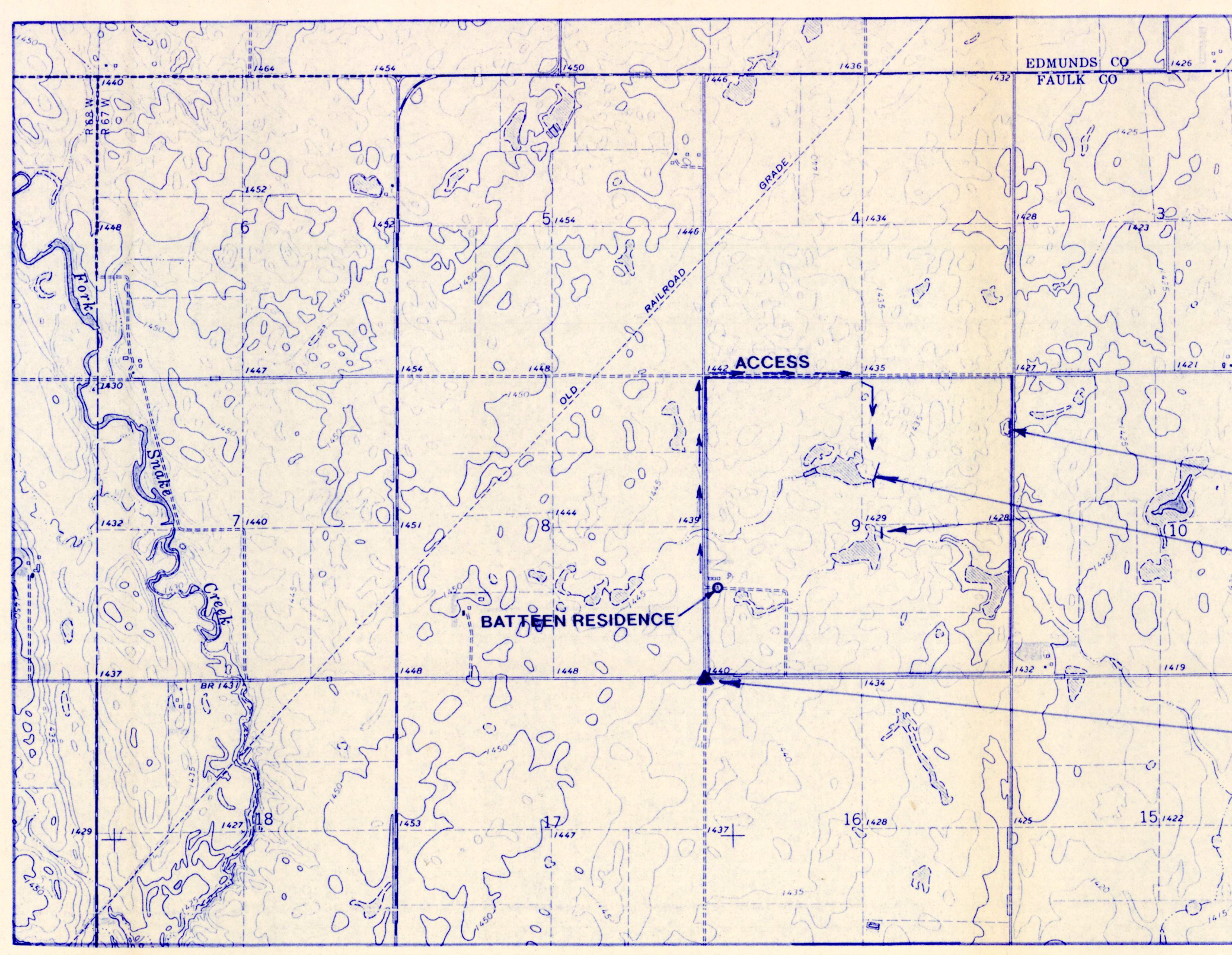
IN COOPERATION WITH

S.D. DEPT. GAME, FISH & PARKS

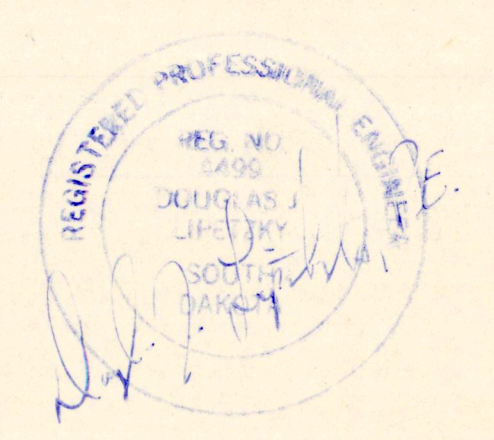


FAULK COUNTY

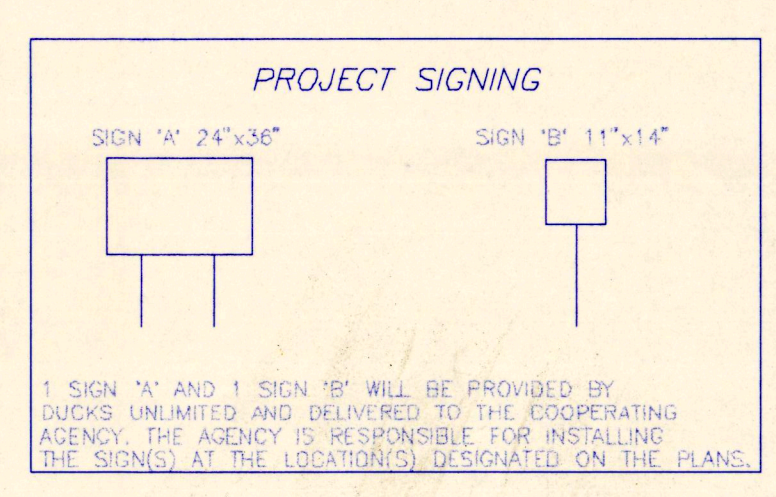
MAP POINT▲ IS 3 MI. N & 1 MI. E OF CRESBARD OR 12 MI. S OF JCT OF HWYS 45 & 12 @ IPSWICH, 5 MI. E. 2 MI. S. 1/4 MI. W. 2 MI. S. & 1 MI. E



VICINITY MAP
SCALE: 1"=2000'

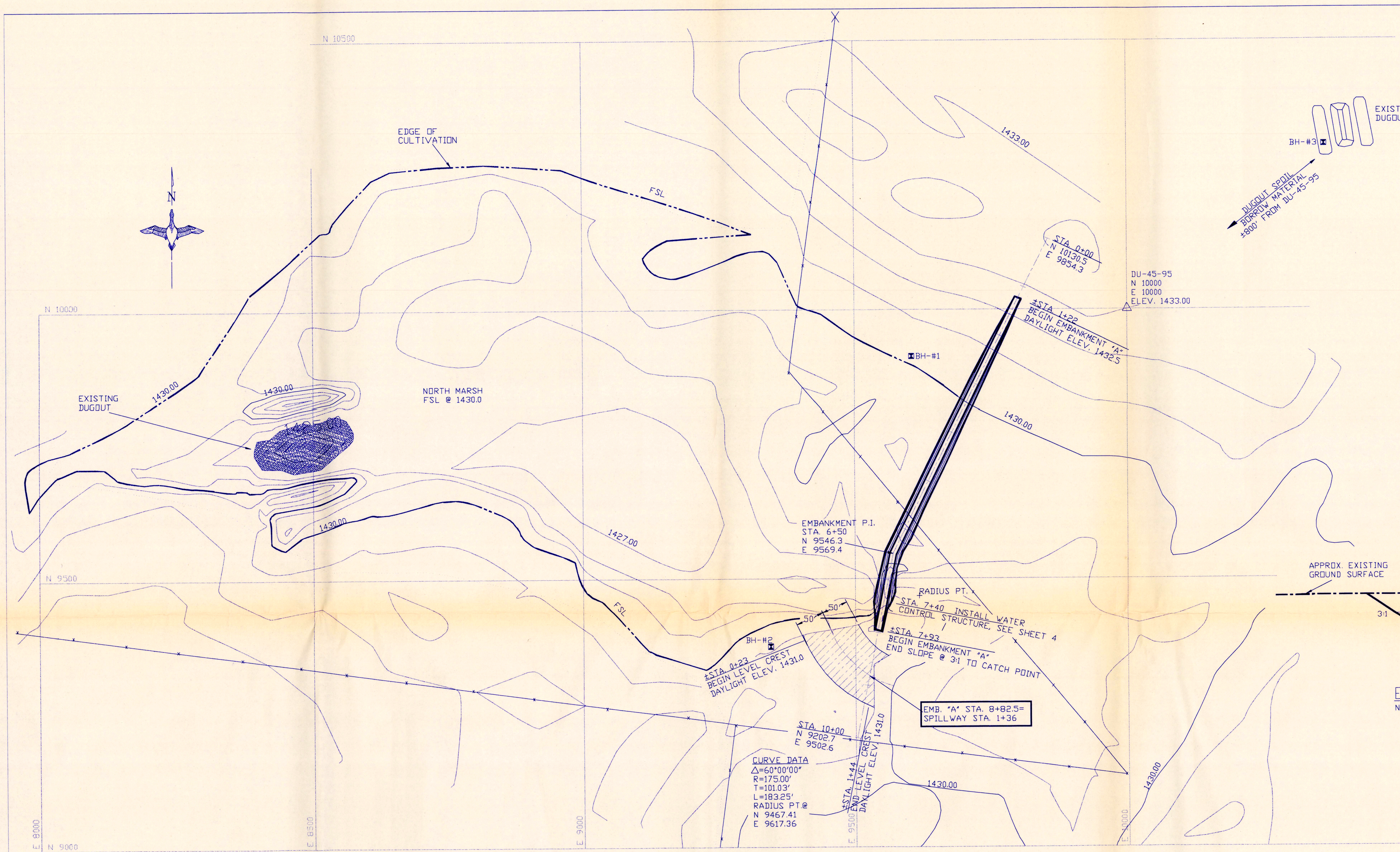
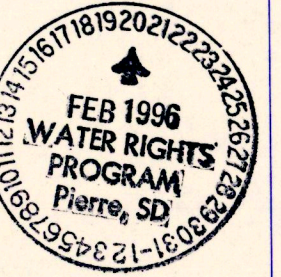


AGENCY CONTACT:
PAUL COUGHLIN
605/854-9105
DON MCCREA
605/773-3658
LANDOWNER CONTACT:
JON BATTEEN
605/324-3282



	PROJECT NO. SD-0193-001	DESIGNED BY: D.J.L.
	JON BATTEEN	DRAWN BY: E
	SMALL WETLANDS	SURVEYED BY:
	VICINITY MAP	CHECKED BY: B.R.K.
GREAT PLAINS REGIONAL OFFICE	DATE: 1-6-96	APPROVED BY:
SHEET NO. 1 OF 6	APPROVED BY:	5908-3

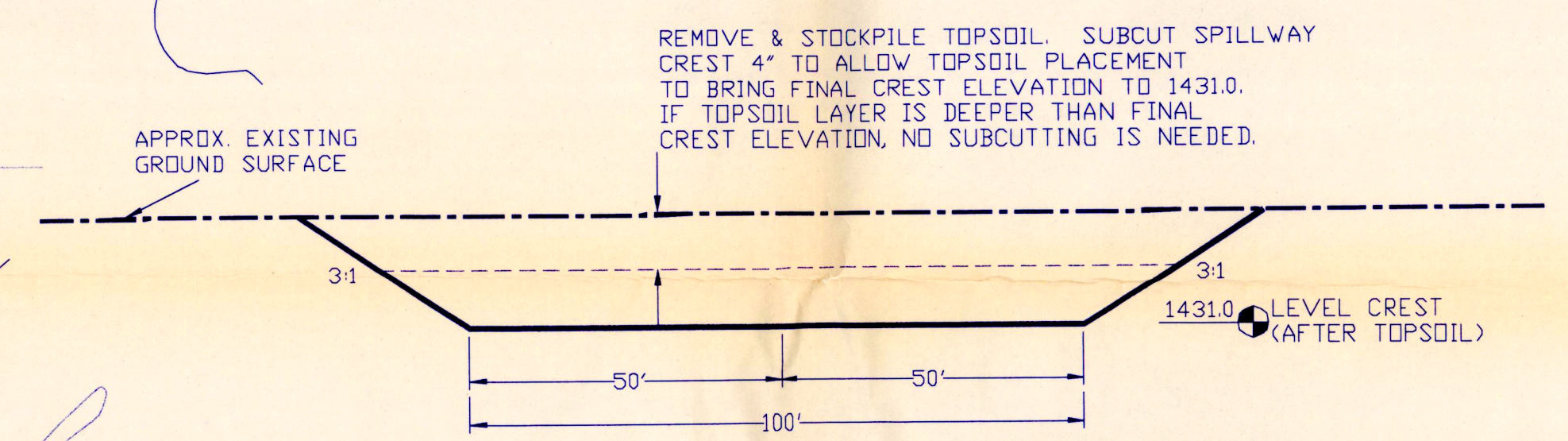
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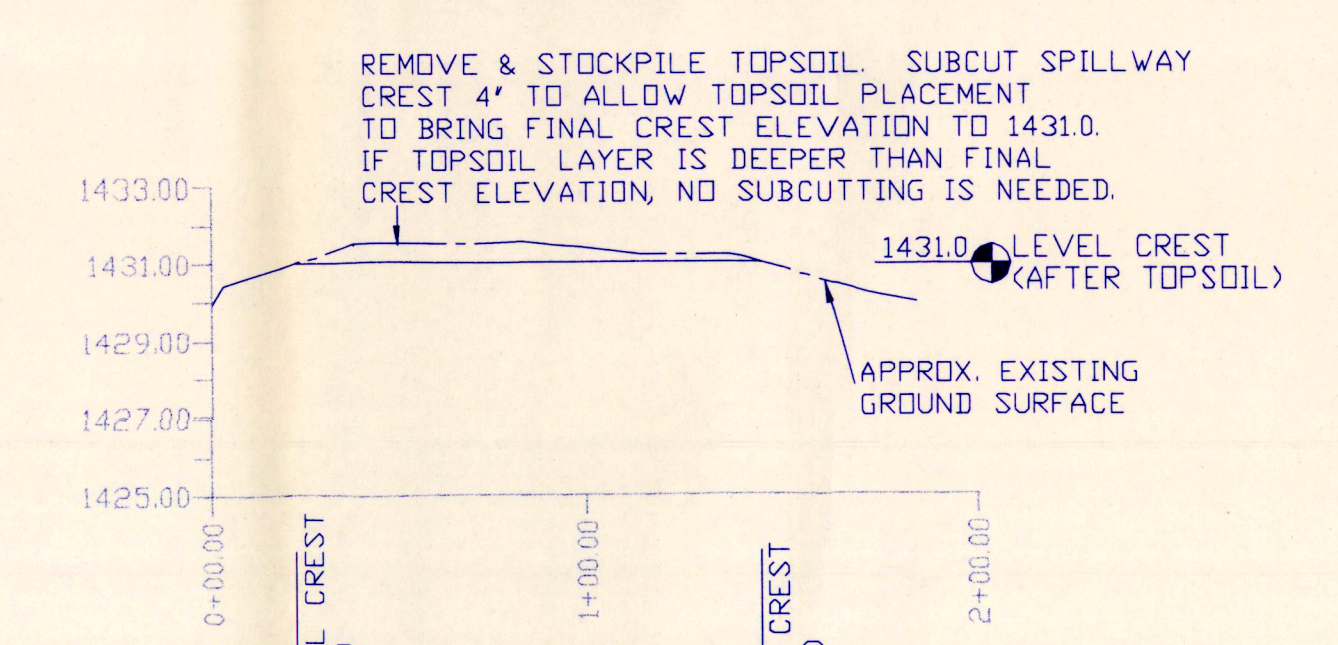
FENCE NOTE:
CONTRACTOR SHALL REMOVE & SALVAGE FENCE IN CONSTRUCTION AREA. REINSTALLATION OF FENCE IS LANDOWNER'S RESPONSIBILITY.

BORROW NOTE:
EXISTING SPOIL MATERIAL FROM DUGOUT SHALL BE USED TO CONSTRUCT THE EMBANKMENT. ANY SPOIL REMAINING AFTER EMBANKMENT COMPLETION SHALL BE GRADED FOR A SMOOTH FINISH AS IT EXISTS NOW. WATER FROM DUGOUT MAY BE USED IF NECESSARY IN EMBANKMENT CONSTRUCTION.

EMBANKMENT/EMERGENCY SPILLWAY NOTE:
EMERGENCY SPILLWAY EXCAVATION (APPROX. 150 C.Y.-P) SHALL BE CONSIDERED INCIDENTAL TO 'EMBANKMENT CONSTRUCTION'. SUITABLE MATERIAL MAY BE USED IN THE EMBANKMENT AS APPROVED BY FIELD ENGINEER. ADDITIONAL EMBANKMENT MATERIAL NEEDED SHALL BE OBTAINED FROM DUGOUT #2 SPOIL PILES.



EMERGENCY SPILLWAY X-SECTION
NOT TO SCALE

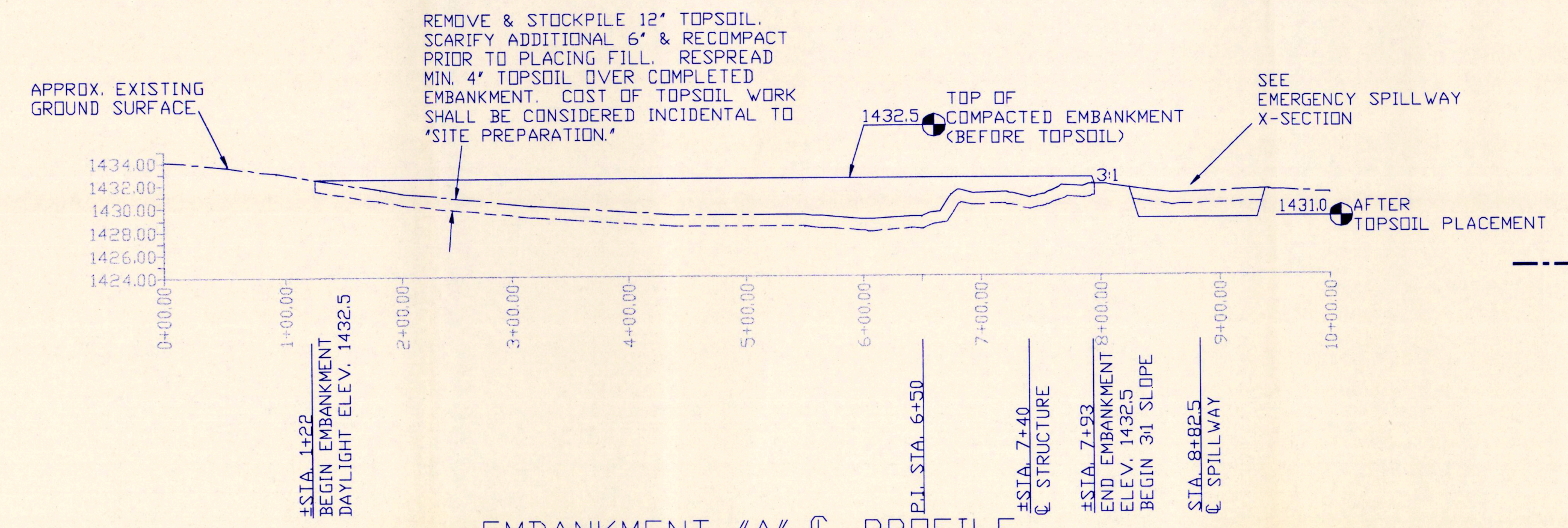


EMERGENCY SPILLWAY
Q PROFILE
NOT TO SCALE

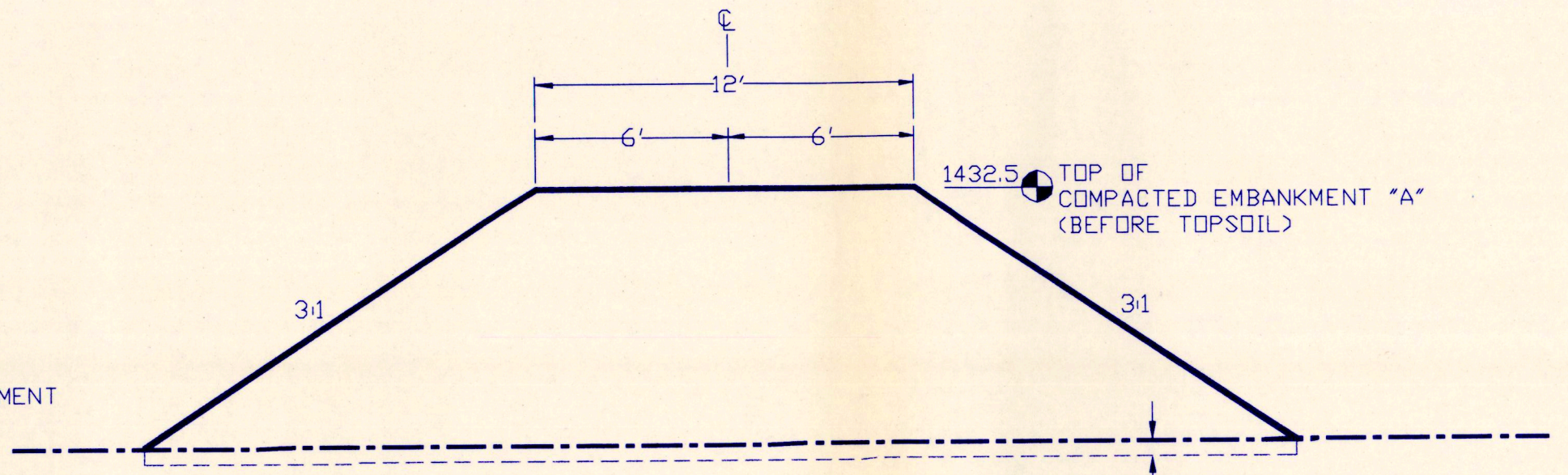
ESTIMATED QUANTITIES-EMBANKMENT 'A'
SITE PREPARATION 656 C.Y.-P
EMBANKMENT 2063 C.Y.-S*
*INCLUDES 15% FOR SHRINKAGE

- LEGEND**
- △ DU CONTROL POINT
 - #5 REBAR CAPPED & STAMPED
 - FULL SERVICE LEVEL (FSL)
 - EXISTING FENCELINE
 - ⊗ TREES/BRUSH
 - ⊠ APPROXIMATE SOIL BORING (SEE THIS SHEET FOR DETAILS)

EMBANKMENT "A" SITE PLAN
SCALE: 1"=100'



EMBANKMENT "A" Q PROFILE
NOT TO SCALE

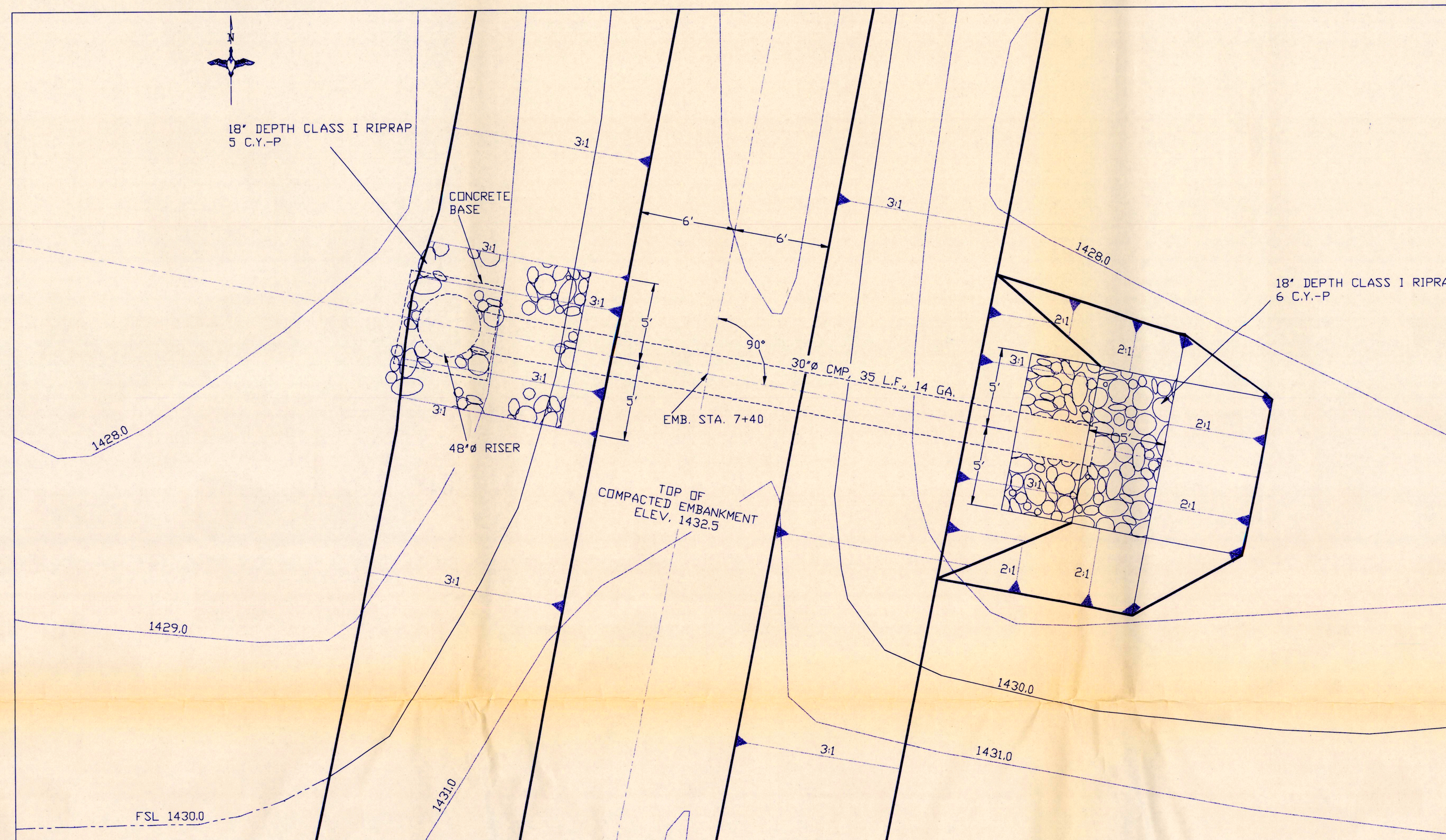
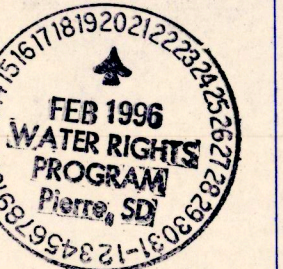


EMBANKMENT "A" X-SECTION
NOT TO SCALE

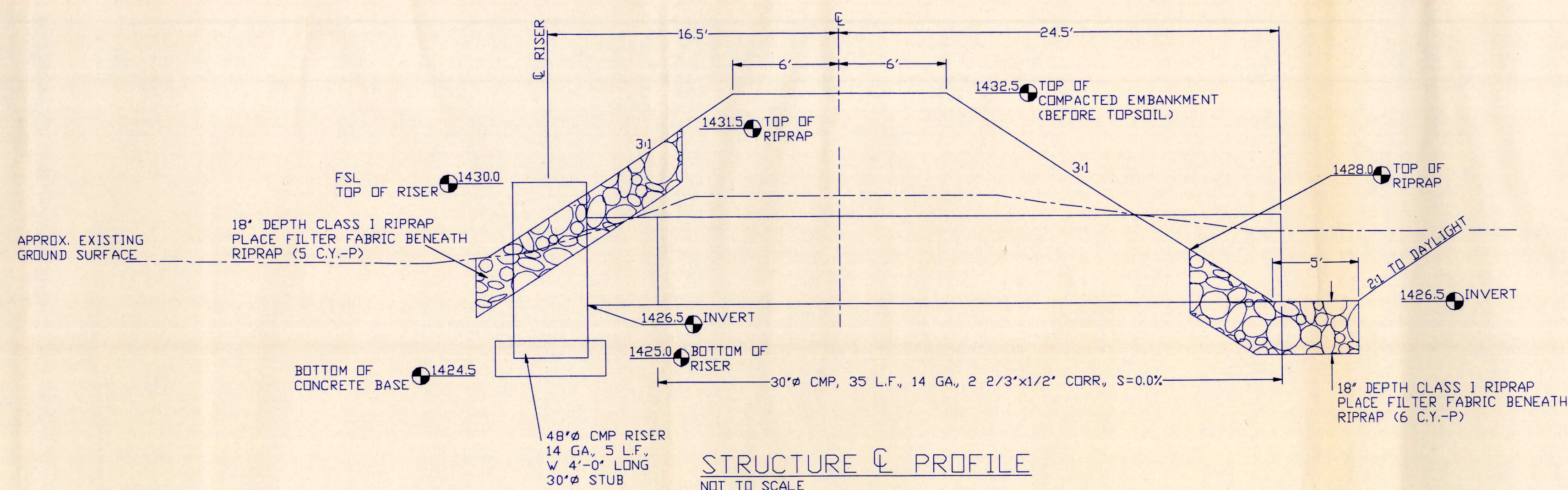
REMOVE & STOCKPILE 12' TOPSOIL. SCARIFY ADDITIONAL 6" & RECOMPACT PRIOR TO PLACING FILL. RESPREAD MIN. 4" TOPSOIL OVER COMPLETED EMBANKMENT. COST OF TOPSOIL WORK SHALL BE CONSIDERED INCIDENTAL TO 'SITE PREPARATION'.

	PROJECT NO. SD-0193-001	DESIGNED BY: D.J.L.
	JOHN BATEEN	DRAWN BY: B
GREAT PLAINS REGIONAL OFFICE	SMALL WETLANDS	SURVEYED BY:
	EMBANKMENT "A" SITE PLAN	CHECKED BY: B.R.K.
DATE: 1-22-96	SHEET NO. 3 OF 6	APPROVED BY:

59083

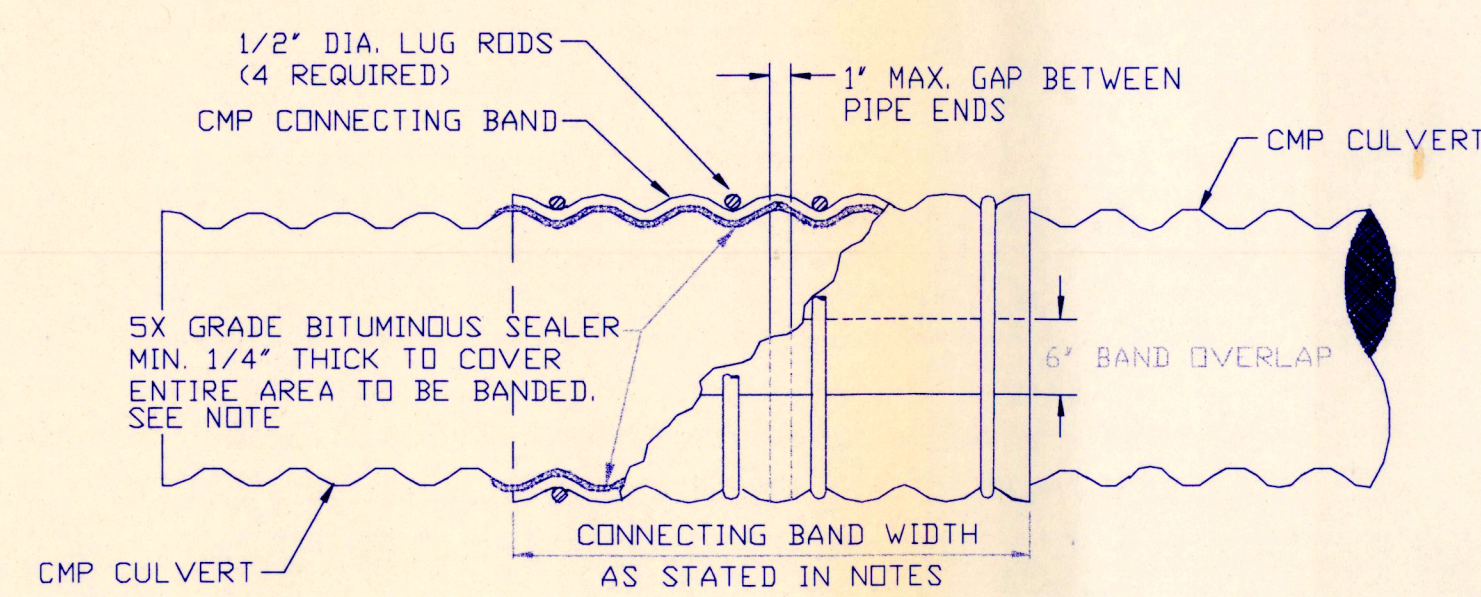
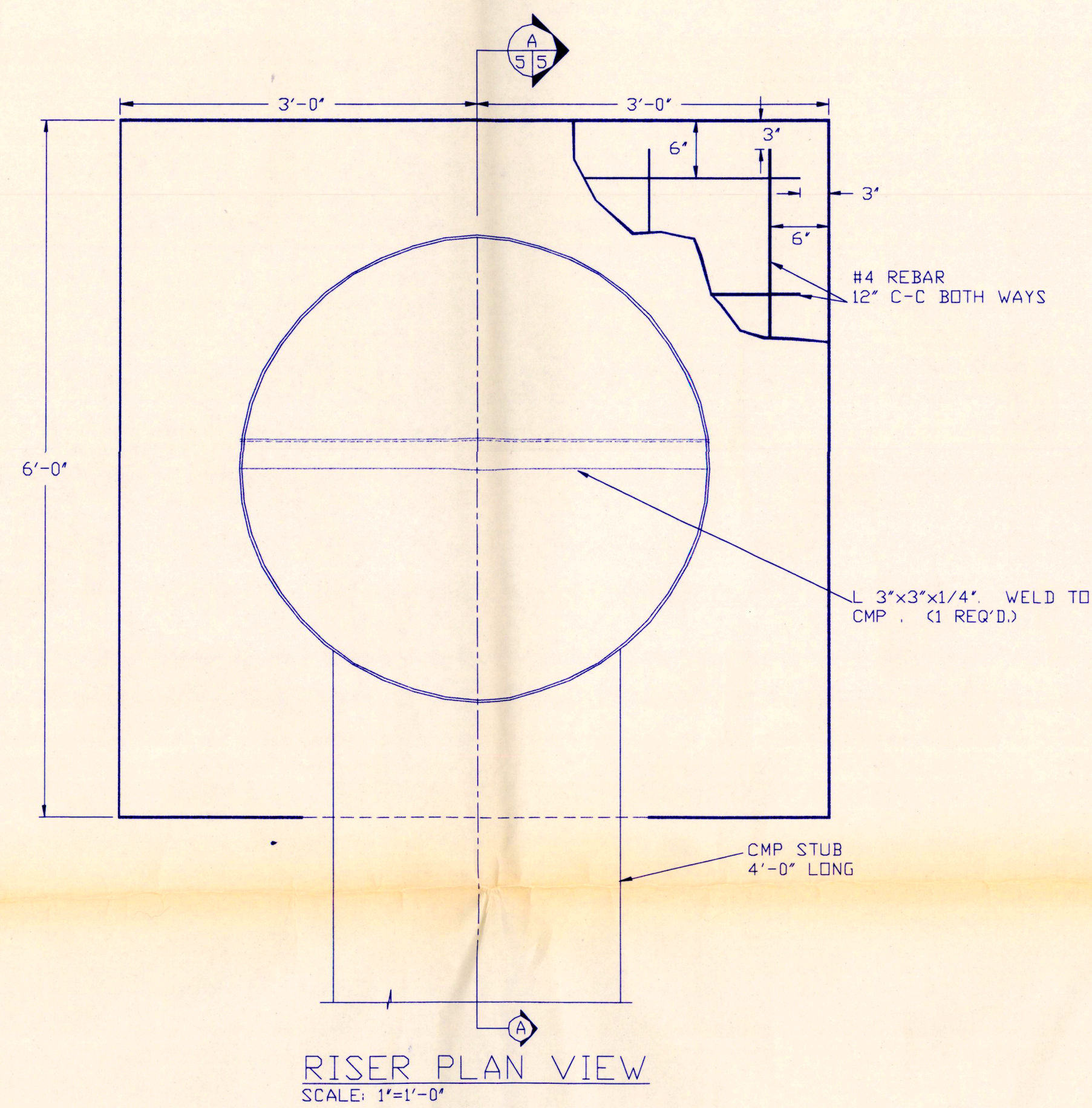


STRUCTURE SITE PLAN
SCALE: 1"=5'



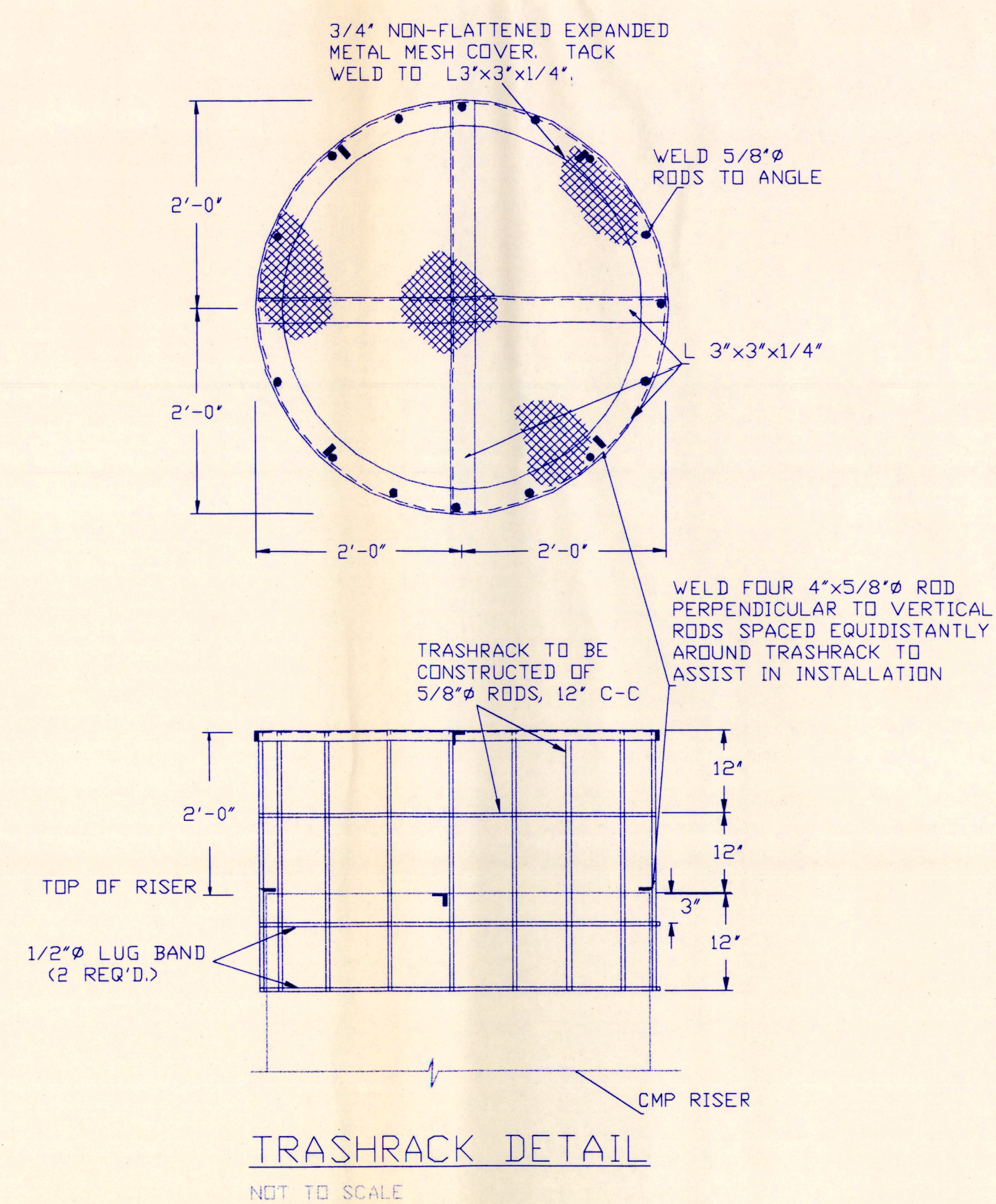
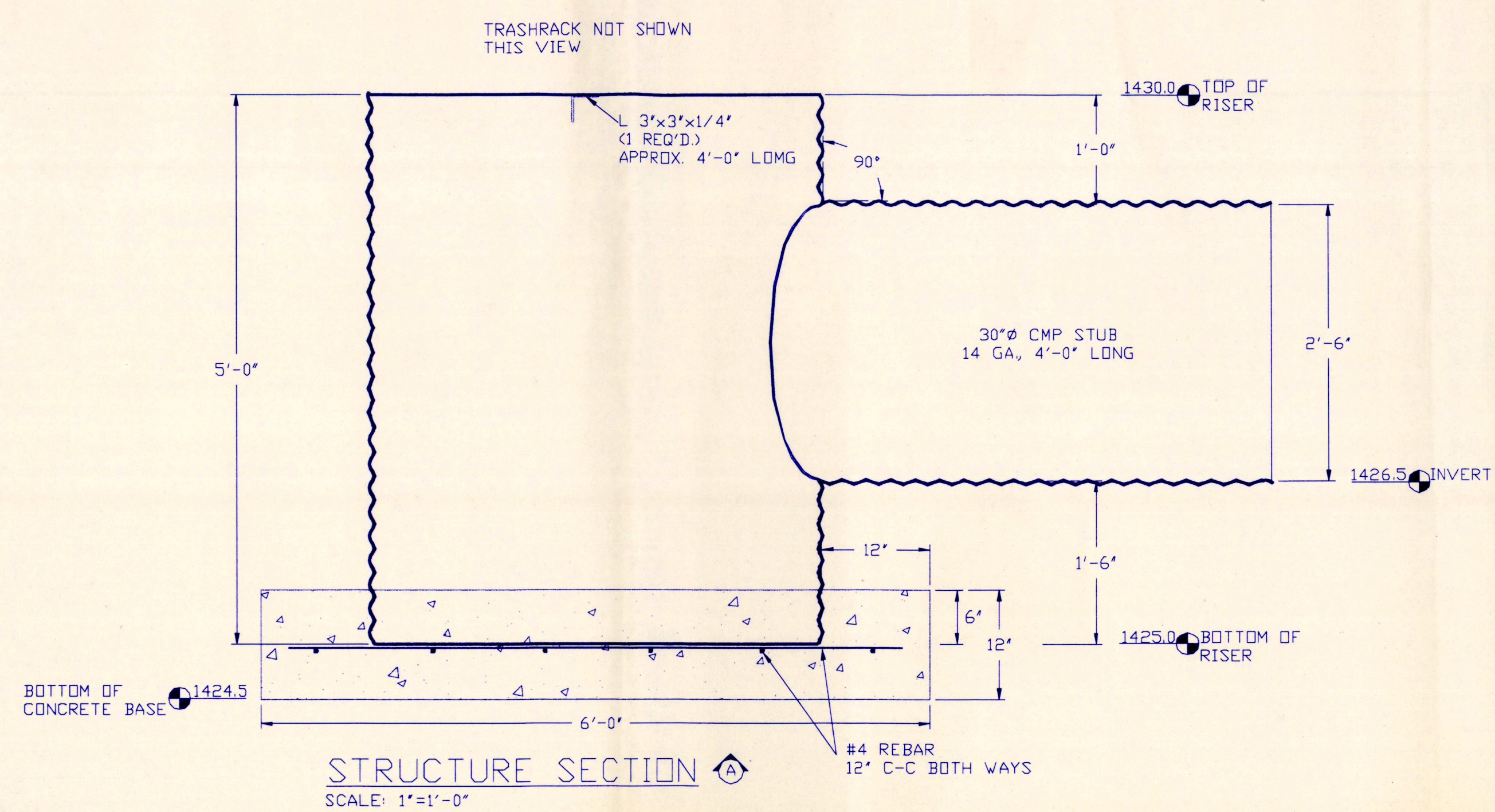
STRUCTURE C PROFILE
NOT TO SCALE

	PROJECT NO. SD-0193-001		DESIGNED BY: D.J.L.
	JOHN BATTEEN		DRAWN BY: B
	NORTH MARSH		SURVEYED BY:
	STRUCTURE SITE PLAN		CHECKED BY: B.R.K.
GREAT PLAINS REGIONAL OFFICE	SHEET NO.	APPROVED BY:	APPROVED BY:
DATE: 1-22-96	4 OF 6		

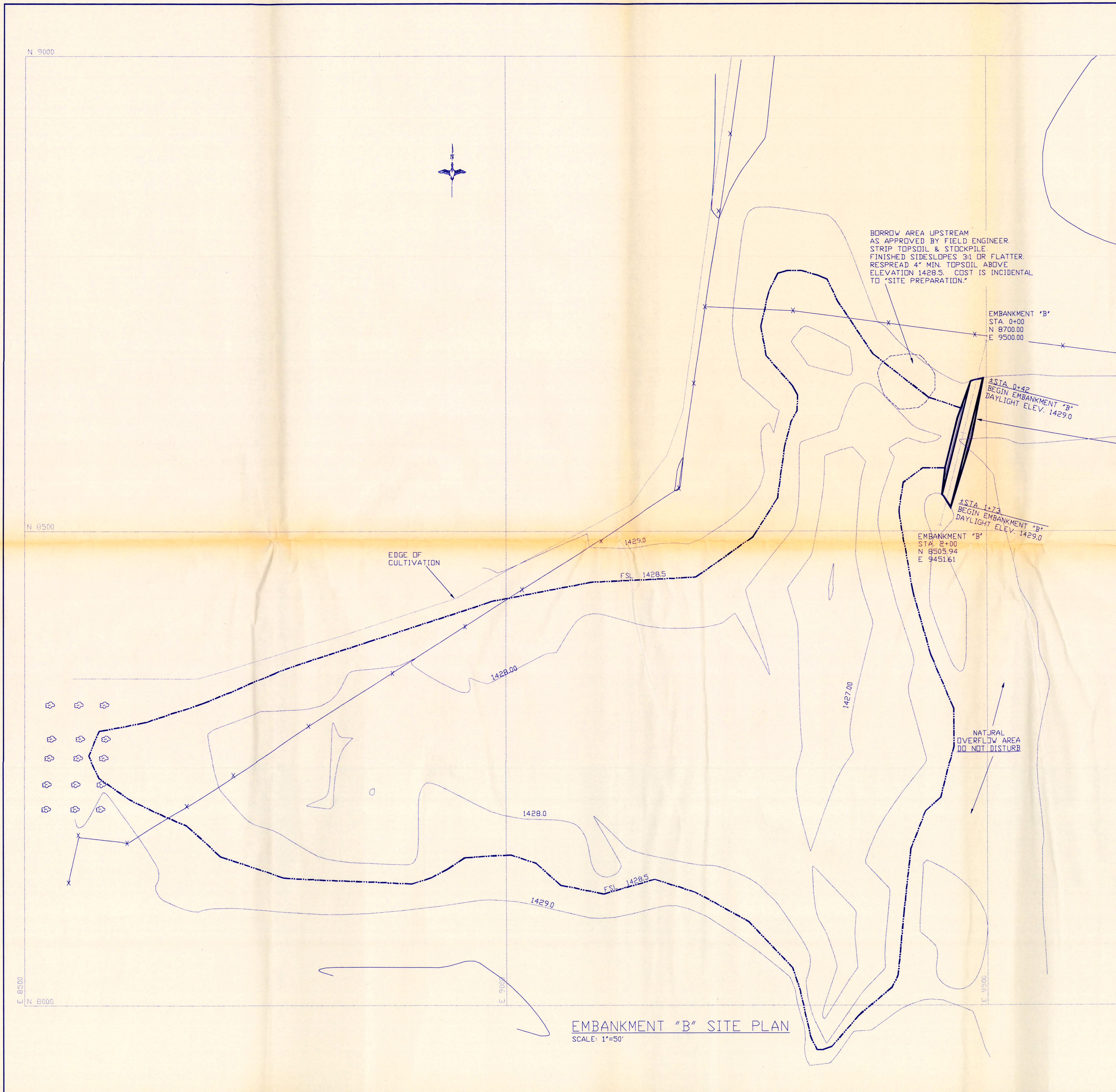
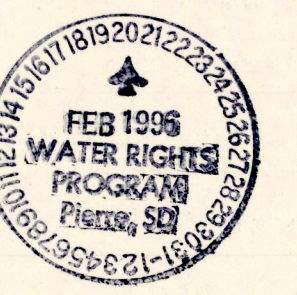


AFTER BANDS HAVE BEEN TIGHTENED, A COAT OF 5X SEALER SHALL BE APPLIED AROUND THE CULVERT AT THE ENDS OF THE CONNECTING BAND AND ALONG THE SEAM OF THE BAND OVERLAP.

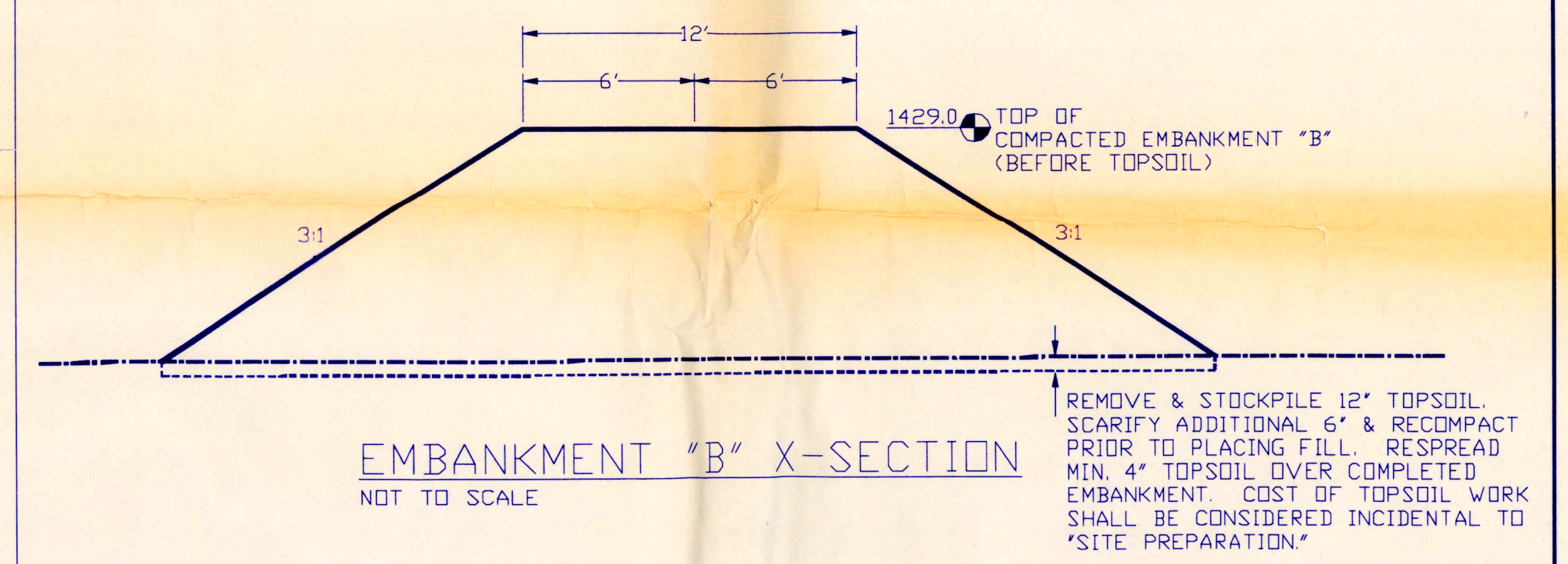
NOTE TO SUPPLIERS:
IF ANNULAR PIPE IS USED, USE A 2 FT. WIDE ANNULAR BAND. IF HELICAL PIPE WITH 4 CORRUGATIONS ROLLED TO ANNULAR IS USED, USE A 21 INCH WIDE ANNULAR BAND. SEE SPECIFICATION 207.2.



	DUCKS UNLIMITED INC. GREAT PLAINS REGIONAL OFFICE	PROJECT NO. SD-0193-001 JOHN BATTEEN NORTH MARSH STRUCTURE DETAILS	DESIGNED BY: D.J.L. DRAWN BY: B SURVEYED BY: CHECKED BY: B.R.K.
DATE: 1-22-96	SHEET NO. 5 OF 6	APPROVED BY:	APPROVED BY:



CONSTRUCT EMBANKMENT "B"



- LEGEND**
- FULL SERVICE LEVEL (FSL)
 - - - EDGE OF CULTIVATION
 - x-x-x EXISTING FENCELINE
 - ⊗ TREES/BRUSH

ESTIMATED QUANTITIES-EMBANKMENT "B"

SITE PREPARATION	69 C.Y.-P
EMBANKMENT	120 C.Y.-S*

*INCLUDES 15% FOR SHRINKAGE

FENCE NOTE:
CONTRACTOR SHALL REMOVE & SALVAGE FENCE IN CONSTRUCTION AREA.
REINSTALLATION OF FENCE IS LANDOWNERS RESPONSIBILITY.

	PROJECT NO. SD-0193-001	DESIGNED BY: D.J.L.		
	JOHN BATTEEN	DRAWN BY: JS		
	SMALL WETLANDS	SURVEYED BY:		
	EMBANKMENT "B" SITE PLAN	CHECKED BY: B.R.K.		
GREAT PLAINS REGIONAL OFFICE	DATE: 1-22-96	SHEET NO. 6 OF 6	APPROVED BY:	APPROVED BY: