

WATER PERMIT NO. 5961-3

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

Address: P.O. Box 25486, DFC, Denver, CO 80225

Phone: (303) 236-5322

Amount of Water Claimed: 200 ac-ft

Total Acres: N/A

Source of Water Supply: draw which drains into West Branch of Skunk Creek

Water to be used for: fish and wildlife

County: Minnehaha

Type of Waste Disposal System: N/A

Location: 8 miles north and 2 miles west of Humboldt

PRIORITY

Date Received: Oct. 15, 1996

Fee: \$225

Corrected Application Received: XX

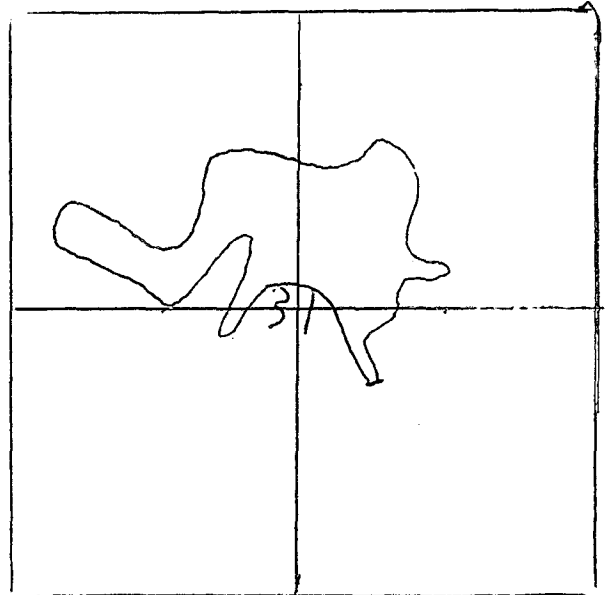
Period of Annual Use: Jan 1 - Dec. 31

Remarks:

XX

Diversion Point: NW1/4 SE1/4 Section 31, T104N, R52W

Impoundment: a portions of the N1/2, NE1/4 NW1/4
and NW1/4 SE1/4 Section 31, T104N, R52W



Depth of Well: N/A Well Driller: N/A Remarks: N/A

Type of Map: Plat Prepared by: Doug Lipetzky (PE # 4499)

Reviewed and the Number Assigned on: Oct. 15, 1996

By: Eric Gronlund

Notice of Hearing - date to intervene:

FORM 2: Application for uses other than irrigation

(type or print)

Mail to:

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

No. 5961-3 Hydrologic Unit 10170203
Basin Big Sioux River
Newspaper Argus Leader, Sioux Falls, 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 _____
(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.) _____

- Name of Applicant Department of the Interior, U.S. Fish & Wildlife Svc Phone 303-236-5322
Mailing Address P.O. Box 25486, DFC, Denver State CO 80225
(Street, RR, or Box) (City) (Zip Code)
- Amount of water claimed _____ *CFS or _____ **GPM 212 ***AF 2000
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet – storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Unnamed Tributary to West Branch Skunk Creek to Big Sioux River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
SW NW SE Sec 31 T104N R 52 W
County Minnehaha
- County or counties where water will be used Minnehaha
- Annual period during which water is to be used January 1 to December 31
- 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)
See attached design report

*See attachment No. 1

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

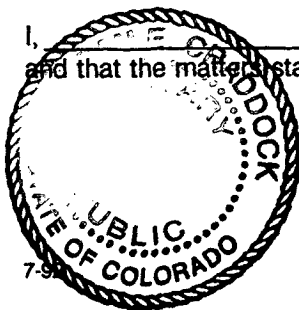
STATE OF ~~SOUTH DAKOTA~~ Colorado

County of Jefferson ^{SS}

I, _____, 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 Cheryl Williams, Agent
Subscribed and sworn to before me this 8th day of October 19 96

Susan E. Craddock
Notary Public
my Commission Expires Aug. 5, 1997.



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____

2. Dugout Information

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

3. Water Storage Dams (Embankment)

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

Ducks Unlimited, Inc.

Great Plains Regional Office

3502 Franklin Ave.

Bismarck, ND 58501-0761

b) Freeboard _____ 0

c) Crest Width 150'

Crest Length 40'

d) Height _____ 4'

e) Primary Outlet Capacity _____ 33-43 cfs

Spillway

If pipe diameter 30' x 150'

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

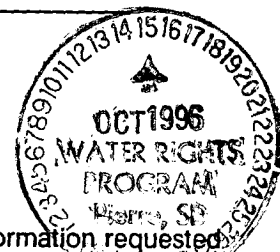
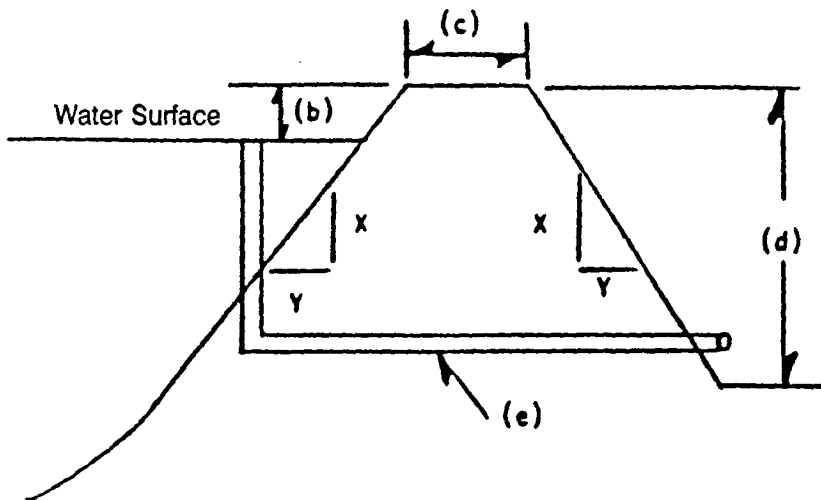
Upstream _____ 3:1

Downstream _____ 4:1

h) Surface Area of Impoundment _____ 63.1

i) Storage _____ 144.6 _____ Acre Feet

j) Drainage Area above Dam _____ 448 _____ Acres



Attachment #1

VERNELL JOHNSON/K&G PARTNERSHIP WETLANDS
MINNEHAHA COUNTY, SOUTH DAKOTA

144.6 AF Storage
+ 54.9 AF Seasonal *
= 199.5 AF Total rounded to 200 AF

* From the Sioux Falls Weather Service Field Office, Airport (WSFO AP), 34.75 inches evaporation and 24.35 inches precipitation, for a total of 10.4 inches or .87 feet over the 63.1 surface acre marsh is 54.9 acre feet annual seasonal use.



SOUTH DAKOTA
WATER PERMIT NO. 5961-3

Date of first receipt of application October 15, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5961-3 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. 5961-3 appropriates 212 acre feet of water annually by construction of two impoundments to restore wetlands. The north impoundment will be located in the NW 1/4 SE 1/4 Section 31 with water impounded in portions of the N 1/2, NE 1/4 SW 1/4 and the NW 1/4 SE 1/4 Section 31-T104N-R52W. The north structure will impound 145 acre feet of water with an additional 55 acre feet of water annually to be appropriated to offset evaporation and maintain a pool elevation of 1736.5 feet mean sea level (fmsl). The south impoundment will be located and impound water in the SW 1/4 SE 1/4 Section 31-T104N-R52W. The south structure will impound 8 acre feet of water with an additional 4 acre feet of water appropriated to offset evaporation and maintain a pool elevation of 1729.5 fmsl.
2. The water appropriated shall be used for the purpose of supplying habitat for fish and wildlife propagation and may not exceed the amount of water needed for beneficial use for fish and wildlife propagation purposes.
3. The water is to be used during the following described annual period: January 1 - December 31
4. The date of approval of Permit No. 5961-3 is November 25, 1996.
5. The date from which applicant may claim right is October 15, 1996.
6. One-fifth of the construction is to be completed on or before May 25, 1999.
7. All construction is to be completed on or before November 25, 2001.
8. Water is to be put to beneficial use on or before November 25, 2005.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Water Permit No. 5961-3 authorizes two wetland structures with storage capacity of 153 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation of 1736.5 feet mean sea level (north wetland) and 1729.5 feet mean sea level (south wetland).

(continued)

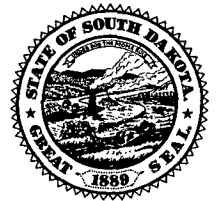
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

WATER MANAGEMENT BOARD

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

DEC 26 1996

date



Water Permit Application No. 5961-3
U.S. Fish & Wildlife Service

North Embankment

Top of Emb. Elev - 1736.5
Emb. Height - 4 ft.
Normal Capacity - 145 Ac-Ft.

South Embankment

Top of Emb. Elev. - 1729.5
Emb. Height - 3 ft.
Normal Capacity - 8 Ac-Ft.

Safety of Dams Review

Both Embankments are less than 6 ft high; therefore, they Do Not need Safety of Dams Review. If they did they would need to have the spillway capacity to pass a 25 year frequency event. Ducks Unlimited uses the NRCS TR-20 model to route runoff events through the embankments. Both embankments pass events between a 25 and 50 year event.

SCS Annual Yield

Drainage Area = $0.73 \text{ mi}^2 = 470 \text{ Acres}$

Isogram #3

Krantzburg-Parnell Soils B/D

Use CN = 72

Use CN = 80

50% chance = 0.42

$0.42 \times 470/12 = 16 \text{ Ac-Ft.}$

50% chance = 1.0

$1.0 \times 470/12 = 40 \text{ Ac-Ft.}$

100% chance = 2.2

$2.2 \times 470/12 = 86 \text{ Ac-Ft.}$

100% chance = 3.6

$3.6 \times 470/12 = 141 \text{ Ac-Ft.}$

DESIGN REPORT

for

VERNELL JOHNSON/K&G PARTNERSHIP WETLANDS

SD-0202-001



July 18, 1996

Prepared by:
Ducks Unlimited, Inc.

PROJECT: Vernell Johnson/K&G Partnership Wetlands
SD-0202-001

LOCATION: Section 31, T 104 N, R 52 W
8 miles north and 2 miles west of Humboldt
Minnehaha County, South Dakota

MARSH DATA: North Wetland
Full Service Level (FSL) @ 1736.5
63.1 Surface Acres @ FSL
144.6 Acre-Feet Capacity @ FSL

South Wetland
Full Service Level (FSL) @ 1729.5
4.4 Surface Acres @ FSL
7.8 Acre-Feet Capacity @ FSL

TOTAL PROJECT
67.5 Surface Acres @ FSL
152.4 Acre-Feet Capacity @ FSL

PROJECT DESCRIPTION:

The project as proposed involves the restoration of two wetlands located on private land owned by Mr. Vernell Johnson and K & G Partnership. No other private or public land will be affected by the project. Restoration of the 63 acre north wetland will occur by construction of an embankment across a man-made drainage channel. Discharge flows from the north wetland enter the south wetland which will also be restored via construction of an embankment across the channel. The drainage eventually discharges into the West Branch Skunk Creek which flows into the Big Sioux River.

Since the wetlands will be covered by a U.S. Fish & Wildlife Service perpetual easement, the Service has requested that the two constructed embankments have a top width of approximately 150 feet to provide a perpetual-type plug. Essentially, the ditches will be filled to the FSL elevation and water will flow over the embankments. Riprap will be installed on the downstream end to

prevent erosion/headcutting. The north wetland is divided into two areas with a short channel between the two basins. A 20' wide earthen embankment with a 48" diameter culvert will be constructed across the connecting channel to provide landowner access to such property on both sides of the channel. Culvert inverts will be set at the existing channel bottom elevation 1734.0.

The contributing watershed to the north wetland consists of approximately 448 acres or 0.70 square miles. An additional 22 acres of watershed contributes to the south wetland.

PRELIMINARY RISK ASSESSMENT:

Based on the definition of a "dam" in Chapter 74:02:08, "Safety of Dams," it appears the north and south wetland embankments would not be governed by the requirements of Chapter 74:02:08 since the maximum height of both are less than 6 feet (actual maximum height is 4 feet for the north embankment and 3 feet for the south embankment). Therefore, it appears only a "Location Notice for Dam/Dugout" need be filed regarding the embankments.

The storage capacity of the south wetland is 7.8 acre-feet, thus, no water appropriation permit is needed for it. However, the north wetland will store 144.6 acre-feet at the full pool level which exceeds the 25 acre-feet permit limit. Therefore, a water appropriation permit will be needed for the north wetland.

The project site is located in rural Minnehaha County. There are no residences or other buildings located downstream prior to entering West Branch Skunk Creek that would be in any danger in the unlikely event of a dam failure. As stated, the discharge from the north wetland will flow through an existing channel to the south wetland, then continue through the existing channel to a gravel road crossing a few hundred feet downstream. The channel dissects a second gravel road crossing prior to entering West Branch Skunk Creek. Based on information obtained in the field, data present on the U.S.G.S. quadrangular maps, the rural location and the small size and capacity of the restored wetlands, 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.

DESIGN:

Since the project was designed to allow water to flow over the embankments, the level sections had to be sized to pass design flows with minimal bounce so as not to impact upstream property. As designed, the two spillways will pass flows produced by an approximate 25 to 50-year, 24-hour rainfall event while satisfying the design criteria.

The north wetland will have a 30 foot wide by 150 foot long spillway with the level crest at elevation 1736.5. The south wetland spillway will be 20 feet wide by 150 feet long with the crest at elevation 1729.5.

The National Resource Conservation Service (NRCS) TR-20 Hydrology program 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 spillway capacity was calculated using Technical Release No. 39 *Hydraulics of Broad-Crested Spillways* developed by the NRCS.

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

NORTH WETLAND HYDRAULIC SUMMARY

<u>EVENT</u>	<u>PEAK INFLOWS</u>	<u>MAXIMUM WATER SURFACE ELEVATION</u>	<u>TOTAL DISCHARGE</u>
5 YR	141 CFS	1737.13	17 CFS
10 YR	183 CFS	1737.25	23 CFS
25 YR	245 CFS	1737.41	33 CFS
50 YR	301 CFS	1737.54	43 CFS
100 YR	348 CFS	1737.65	52 CFS

30' Wide Earthen Spillway Crest Elevation . . @ 1736.5

Elevation of Low Point on West Fence Line . . @ 1737.5

SOUTH WETLAND HYDRAULIC SUMMARY

<u>EVENT</u>	<u>PEAK INFLOWS</u>	<u>MAXIMUM WATER SURFACE ELEVATION</u>	<u>TOTAL DISCHARGE</u>
5 YR	19 CFS	1730.30	17 CFS
10 YR	24 CFS	1730.44	24 CFS
25 YR	34 CFS	1730.60	34 CFS
50 YR	45 CFS	1730.76	44 CFS
100 YR	54 CFS	1730.89	54 CFS

20' Wide Earthen Spillway Crest Elevation . . @ 1729.5
 Natural Ground Overflow on West Side @ 1730.8

As shown by the results in the table and as previously discussed, the north wetland spillway will pass design flows with minimal bounce so as not to impact upstream property. The low point at the west property line (fence) is at elevation 1737.5. As designed, the spillway will pass 25 to 50-year design flows before the water surface approaches that elevation. The south wetland spillway will also pass 50-year design flows before the water surface approaches an elevation that would overflow natural ground to the west (approximate elevation 1730.8). 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.

Dated: July 18, 1996

Submitted By:


 Doug Lipetzky, P.E.
 PE-4499



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 26 1996

U.S. Fish and Wildlife Service
%Cheryl Williss
P.O. Box 25486
Denver Federal Center
Denver, CO 80225

Dear Ms. Williss:

Enclosed is Water Permit No. 5961-3 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.

RECEIPT

Division of Water Rights

415148

South Dakota Department of Environment and Natural Resources

Pierre, _____, October 15, 19 96

RECEIVED OF US Fish & Wildlife Service, P.O. Box 25486, DFC, Denver, CO 80225-0486

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

Fee for Application for Permit No. <u>5961-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

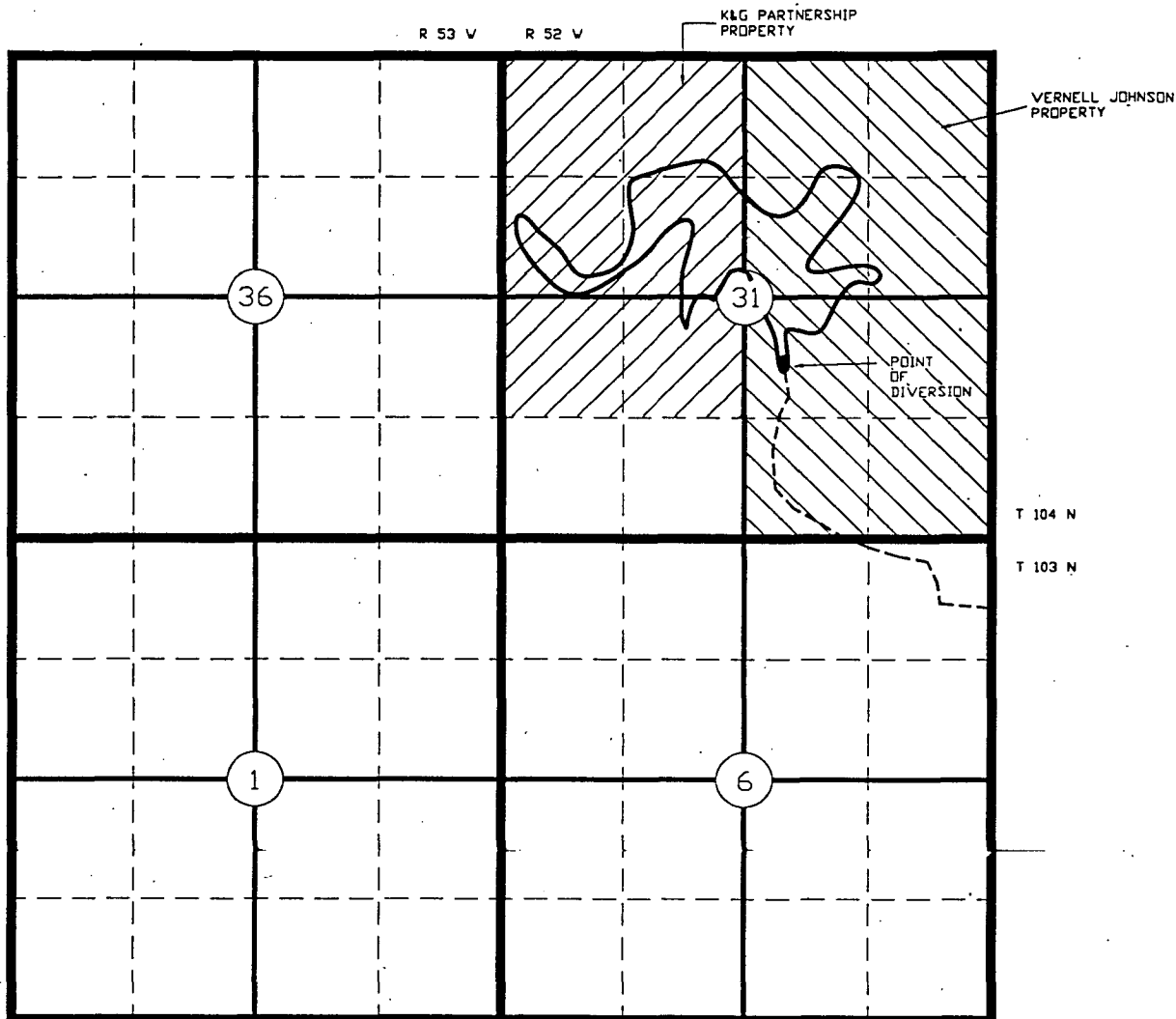
(Any Other Work Provided by Law)	Total	225 00

By

Chief Engineer

John Hatch 

SURFACE WATER SOURCE



SCALE: 1"=2000'

STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAHA

APPROVED: _____
STATE ENGINEER

I, DOUGLAS J. LIPETZKY (P.E. # 4499)
OF BISMARCK, ND DO HEREBY STATE THAT THIS MAP WAS
MADE FROM DATA FROM A QUADRANGLE, AN ACTUAL TOPOGRAPHIC SURVEY
OR A PHOTOGRAMMETRIC SURVEY MADE BY ME ON 9-18-96 AND THAT
IT CORRECTLY REPRESENTS THE WILDLIFE HABITAT WORKS DESCRIBED IN
THE ACCOMPANYING APPLICATION, TOGETHER WITH A MEANDER OF STREAMS,
AND SHOWS ACCURATELY THE LOCATION AND THE AREA OF THE LANDS
PROPOSED TO BE DEVELOPED IN EACH SECTION.

Douglas J. Lipetzky P.E.
ENGINEER/SURVEYOR



MAP TO ACCOMPANY
APPLICATION
NO. _____ FOR

VERNELL JOHNSON
K&G PARTNERSHIP
WETLANDS

U.S. Fish & Wildlife Service
Filing Map No.

6R-SD-742-WR-P-33.0

VERNELL JOHNSON
(LANDOWNER)
APPLICANT



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Mountain-Prairie Region

IN REPLY REFER TO:

BA WTR

WR SD

Mail Stop 60189

MAILING ADDRESS:

Post Office Box 25486

Denver Federal Center

Denver, Colorado 80225-0486

STREET LOCATION:

134 Union Blvd.

Lakewood, Colorado 80228-1807



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

OCT 08 1996

Dear Mr. Hatch:

Please find enclosed the following documents pertaining to the Vernell Johnson/K&G Partnership Wetlands in Minnehaha County, South Dakota:

- (1) Forms 2 and 2A, Application for Permit to Appropriate Water Within the State of South Dakota, with attachment;
- (2) Ducks Unlimited, Inc., Engineer's Design Report;
- (3) Ducks Unlimited, Inc., set of standard construction specifications;
- (4) Filing Map No. 6R-SD-742-WR-P-33.0; and
- (5) Money Order in the amount of \$225.00 to cover filing fees.

The subject lands are covered under Easement for Waterfowl Purposes and will be provided upon request.

Please notify this office of the newspaper selected, prior to publication of Notice of Hearing, so that the Authorizations of Advertisement can be forwarded to them.

If you have any questions regarding the specifications, please contact Doug Lipetzky at Ducks Unlimited, Inc. at (701) 258-5599. Should you have any questions or require further information pertaining to the application, please contact Ginger Price of our Water Resources Division at (303) 236-5321.

Sincerely,

Cheryl C. Williss
Chief, Water Resources Division

Enclosures (5)

REPORT ON
WATER PERMIT APPLICATION NO. 5961-3
US Fish and Wildlife Service
October 21, 1996

Water Permit Application No. 5961-3 has been filed by the US Fish and Wildlife Service to appropriate 212 acre-feet of water annually by restoring two wetlands. The north embankment will be 4 feet high and located in the NW 1/4 SE 1/4 of Section 31-T104N-R52W with water impounded in portions of the N 1/2, NE 1/4 SW 1/4 and NW 1/4 SE 1/4 of Section 31-T104N-R52W. The structure will impound 145 acre-feet of water and the applicant has requested an additional 55 acre-feet of water to be appropriated annually to offset evaporation and maintain a pool elevation of 1736.5 feet mean sea level. The south embankment will be 3 feet high and located and impound water in the SW 1/4 SE 1/4 of Section 31-T104N-R52W. The structure will impound 8 acre-feet of water and the applicant has requested an additional 4 acre-feet of water to be appropriated annually to offset evaporation and to maintain a pool elevation of 1729.5. The water will be used to provide habitat for fish and wildlife propagation.

Discussion:

Due to the small size of the project embankments, design of the structures are not subject to the requirements of the Safety of Dams Rules, Chapter 74:02:08. The project has been designed by Ducks Unlimited, Inc. and the plans and specifications have been reviewed; however, construction of the embankments can not begin until Water Permit Application No. 5961-3 is approved.

The embankments will be only 3 and 4 feet high and will function as channel plugs designed to be overtopped. The structures will be 20 to 40 feet wide and 150 feet long, with the toe and downstream slopes riprapped to prevent backcutting. They have been designed to pass an event between a 25 and 50 year event, with a 100 year event raising the reservoirs only 1.15 feet for the north embankment and 1.39 feet for the south embankment.

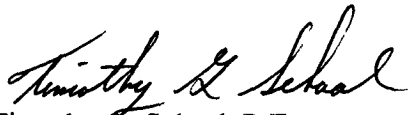
The wetlands restoration project will have a total drainage area of 470 acres, or 0.73 square miles. The annual yield for this drainage area with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 40 acre-feet. The annual yield with a 10 percent chance, or 1 out of 10 years, is expected to be 141 acre-feet.

The Vernell Johnson-K&G Partnership wetlands project will be located on an unnamed tributary to the West Branch of Skunk Creek, which eventually flows into the Big Sioux River about 25 miles downstream of the project. There are no existing Water Permits/Rights located on the West Branch of Skunk Creek; therefore, approval of Water Permit Application will have no adverse effects on existing Water Permits/Rights.

Water Permit Application No. 5961-3
US Fish and Wildlife Service
Page 2

Conclusions:

1. Water Permit Application No. 5961-3 should be approved since unappropriated water is available and approval should not have any adverse effects on existing Water Permits/Rights.
2. If approved, the low flow bypass requirement for downstream domestic use should be a qualification on Water Permit Application No. 5961-3.



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

Approved by:



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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5961-3, 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. 5961-3, U. S. Fish and Wildlife Service, c/o Cheryl Williss, P.O. Box 25486, Denver Federal Center, Denver, CO 80225.

The Chief Engineer is recommending APPROVAL of Application No. 5961-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. Water Permit No. 5961-3 authorizes two wetland structures with storage capacity of 153 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation of 1736.5 feet mean sea level (north wetland) and 1729.5 feet mean sea level (south wetland).
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
October 23, 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.

October 24, 1996

U.S. Fish and Wildlife Service
%Cheryl Williss
P.O. Box 25486
Denver Federal Center
Denver, CO 80225

Dear Ms. Williss:

Water Permit Application No. 5961-3 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 Argus Leader printed at Sioux Falls, SD (Ph # (605) 331-2200). 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

October 24, 1996

Argus Leader
P.O. Box 5034
Sioux Falls, SD 57117-5034

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5961-3 to be published twice. Please publish the first notice on November 7, 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, %Cheryl Williss, P.O. Box 25486, Denver Federal Center, Denver, CO 80225 (Ph # (303) 236-5322).

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

NOTICE OF HEARING on Application No. 5961-3 to Appropriate Water

Notice is given that the U.S. Fish and Wildlife Service, c/o Cheryl Williss, P.O. Box 25486, Denver Federal Center, Denver, CO 80225 has filed an application for a water permit to appropriate 212 acre feet of water annually by construction of two impoundments to restore wetlands. The north impoundment will be located in the NW1/4 SE1/4 Section 31 with water impounded in portions of the N1/2, NE1/4 SW1/4 and the NW1/4 SE1/4 Section 31, T104N, R52W. The north structure will impound 145 acre feet of water and the applicant has requested an additional 55 acre feet of water annually to be appropriated to offset evaporation and maintain a pool elevation of 1736.5 feet mean sea level (fmsl). The south impoundment will be located and impound water in the SW1/4 SE1/4 Section 31, T104N, R52W. The south structure will impound 8 acre feet of water with an additional 4 acre feet of water appropriated to offset evaporation and maintain a pool elevation of 1729.5 fmsl. Water will be used to provide habitat for fish and wildlife propagation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5961-3 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 November 25, 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.

CUSTOMER NUMBER

INVOICE NUMBER

Argus Leader

P.O. Box 5034, Sioux Falls, S.D. 57117-6034

US FISH & WILDLIFE
c/o Cheryl Willis
PO Box 25486
Denver Fed Center
Denver CO 80225

AMOUNT DUE

93.45

078200

11/14/96

178 lines

DETACH THIS STUB AND RETURN WITH PAYMENT

PAYMENT DUE UPON RECEIPT

AFFIDAVIT OF PUBLICATION

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA,

COUNTY OF MINNEHAHA

SS.

D. REICHER

being duly sworn, says: That the Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota, by Sioux Falls Newspapers, Inc.; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Thursday, the 7 day of November, 19 96.

Thursday, the 14 day of November, 19 96.

, the day of , 19 .

, the day of , 19 .

, the day of , 19 .

, the day of , 19 .

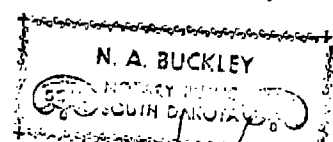
, the day of , 19 .

and that \$ 93.45 was charged for publishing the same including a \$2.00 affidavit fee.

D. Reicher

Subscribed and sworn to before me, 19 .

N. A. Buckley
Notary Public, South Dakota



My commission expires 2/12/2001 20 .

11-25
Cavey took
VISA

Miscellaneous**NOTICE OF HEARING**
on Application No. 5081-3
to Appropriate Water

Notice is given that the U.S. Fish and Wildlife Service, c/o Cheryl Willis, P.O. Box 25486, Denver Federal Center, Denver, CO 80225 has filed an application for a water permit to appropriate 212 acre feet of water annually by construction of two impoundments to restore wetlands. The north impoundment will be located in the NW1/4 SE1/4 Section 31 with water impounded on portions of the N1/2, NE1/4 SW1/4 and the NW1/4 SE1/4 Section 31, T104N, R52W. The north structure will impound 145 acre feet of water and the applicant has requested an additional 55 acre feet of water annually to be appropriated to offset evaporation and maintain a pool elevation of 1736.5 feet mean sea level (msl). The south impoundment will be located and impound water in the SW1/4 SE1/4 Section 31, T104N, R52W. The south structure will impound 5 acre feet of water with an additional 4 acre feet of water appropriated to offset evaporation and maintain a pool elevation of 1729.5 msl. Water will be used to provide habitat for fish and wildlife propagation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5081-3 because 1) unappropriated water is available, 2) existing rights will not be unreasonably 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 of 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 opposing the chief engineer's recommendation. The chief engineer's address is "Water Rights Program, First Building, 503 E. Capitol, Pierre, SD 57501 (605) 776-3352" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 23, 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. Notice H. Myers, Secretary, Department of Environment and Natural Resources 12058 Nov. 7, 1996





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Mountain-Prairie Region



WTR BA
WR SD
Mail Stop 60189

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

STREET LOCATION:
134 Union Blvd.
Lakewood, Colorado 80228

MAILED 2 1000



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

Dear Sir or Madam:

Enclosed is a completed *Notice of Completion of Works and Application of Water to Beneficial Use* form for Water Permit No. 5961-3, Johnson/K&G Partnership Wetlands, located in Minnehaha County.

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

Sincerely,

Cheryl C. Williss
Chief, Division of Water Resources

Enclosure

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date MAR 24 1999

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

FROM: UNITED STATES OF AMERICA
Fish and Wildlife Service P.O. Box 25486, Denver Federal Center
(name) (address)

Denver CO 80225 (303) 236-5321
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5961-3.

Water Permit No. 5961-3 states that the diversion system is to be constructed by 11-25-2001, and that the water is put to beneficial use by
(date)

11-25-2005
(date)

The diversion system was completed on 06-27-1997
(date)

Applying the water to beneficial use was completed on 05-01-1998
(date)

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

Cheryl C. Williss
(signature)

Cheryl C. Williss, Agent



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

5961-3

Cheryl C Williss
U.S. Fish & Wildlife Service
PO Box 25486
Denver Federal Center
Denver CO 80225-0486

Dear Ms. Willis:

On May 29, 2002 the investigation of the water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5961-3, was completed by Tim Schaal, a staff engineer with our program. Water Permit No. 5961-3 authorizes the impoundment of 153 acre feet of water in two structures located in the SE ¼ Section 31-T104N-R52W, Minnehaha County. The final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Enclosed in an invoice. We are assuming the fee will be paid via electronic transfer of funds. Upon receipt of the \$50.00 fee, we will complete processing the water license.

The licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

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

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

* INVOICE *

Invoice No. 20411-5961-3

Cheryl C Williss
US Fish & Wildlife Service
PO Box 25486
Denver Federal Center
Denver CO 80225-0486

investigation and issuance of water license No. 5961-3

\$50.00

PLEASE PAY THIS AMOUNT:

\$50.00

Glenda Marks
Secretary
Water Rights Program
(605) 773-3352



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO:

WTR BA
WR SD
Mail Stop 60189

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

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

SEP 25 2002

RECEIVED

SEP 27 2002

WATER RIGHTS
PROGRAM

Ms. Karen Schlaak
Department of Environment and
Natural Resources
Water Rights Program
523 East Capitol
Pierre, South Dakota 57501-3182

RE: Water Permit No. 5961-3

Dear Ms. Schlaak:

In response to your letter dated September 5, the \$50 water license inspection fee under Water Permit 5961-3, Johnson/K&G Partnership Wetlands, Minnehaha County, has been forwarded via electronic fund transfer. Upon receipt of payment, please complete processing of the water license.

If you have questions or require further information, please contact me at (303) 236-5321 extension 227.

Sincerely,

Linda Coe
Water Rights Specialist

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 18, 2002

RECEIVED OF US Fish & Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO

80225-486

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	50.00	
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. <u>5961-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
<u>Electronic Transfer</u>		
(Any Other Work Provided by Law)	TOTAL	50.00

No.

000072

By

Warland Ebel

Chief Engineer

gm

Permit No. 5961-3
Big Sioux River - Water District

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

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

I have this day, May 29, 2002, made a thorough examination of the water use system constructed by U.S. Fish & Wildlife Service of P.O. Box 25486, Denver Federal Center, Denver, CO 80225 holder of Permit No. 5961-3, bearing the priority of October 15, 1996 authorizing the storage of 212 acre-feet of the waters of runoff for fish & wildlife purposes, in Minnehaha County.

(The north structure will impound 145 acre-feet with an additional 55 acre-feet of water annually to be appropriated to offset evaporation and maintain a pool elevation of 1736.5 fmsl. The south structure will impound 8 acre-feet with an additional 4 acre-feet of water annually to be appropriated to offset evaporation and maintain a pool elevation of 1729.5 fmsl.)

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

A. Works used to divert the water:

Two ditch plugs, the north structure is 4 ft. high, 30 ft. wide and 150 ft. long and stores 145 ac.-ft. of water; the south structure is 3 ft. high, 20 ft. wide and 150 ft. long and stores 8 ac-ft of water.

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

N/A

C. Works used to apply water to beneficial use:

Two ditch plugs, the north structure is 4 ft. high, 30 ft. wide and 150 ft. long and stores 145 ac.-ft. of water; the south structure is 3 ft. high, 20 ft. wide and 150 ft. long and stores 8 ac-ft of water.

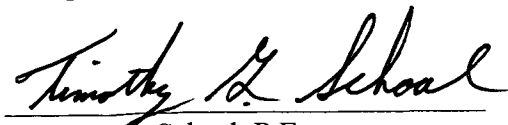
The system is in the following condition good. The point of diversion is located North structure--2100 ft. north & 2200 ft. west of the SE corner of Sec. 31-T104N-R52W (NW 1/4 SE 1/4) and South structure--500 ft. north & 1850 ft. west of the SE corner of Sec. 31-T104N-R52W (SW 1/4 SE 1/4). The works are capable of storing 212 acre-feet of water which is to be used for fish & wildlife propagation.. Water has been put to beneficial use to the maximum extent as follows:

Two ditch plugs, the north structure is 4 ft. high, 30 ft. wide and 150 ft. long and stores 145 ac.-ft. of water; the south structure is 3 ft. high, 20 ft. wide and 150 ft. long and stores 8 ac-ft of water.

and the license should be issued for 212 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: August 28, 2002



Timothy G. Schaal, P.E.

Natural Resources Engineer Specialist

DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 5961-3

DATE OF INSPECTION: May 29, 2002

NAME & ADDRESS OF PERMIT HOLDER: U.S. Fish & Wildlife Service, P.O. Box 25486, Denver
Federal Center, Denver, CO 80225

DIVERSION POINT LEGAL LOCATION: North embankment--2100 ft. north & 2200 ft. west of the
SE corner of Sec. 31-T104N-R52W (NW 1/4 SE 1/4) and South embankment -- 500 ft. north & 1850
ft. west of the SE corner of Sec. 31-T104N-R52W (SW 1/4 SE 1/4).

DAM INFORMATION: (Ditch plugs)	<u>North</u>	<u>South</u>
1) Height to crest <u>XXX</u> feet	4 feet	3 feet
2) Height to primary spillway <u>XXX</u> feet		
3) Height to secondary spillway <u>XXX</u> feet		
4) Crest width <u>XXX</u> feet	30 feet	20 feet
5) Crest length <u>XXX</u> feet	150 feet	150 feet
6) Spillway length <u>XXX</u> feet		
7) Spillway width <u>XXX</u> feet	30 feet	20 feet
8) Approx. storage (Normal) <u>XXX</u> acre-feet	145 acre-feet	8 acre-feet
9) Approx. storage (Maximum) <u>XXX</u> acre-feet		
10) Date constructed: <u>June 27, 1997</u>		

PERMIT QUALIFICATIONS AND REGULATIONS:

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

Water Permit Application No. 5961-3



0.5 0 0.5 1 Miles



Timothy G. Schaal
Timothy G. Schaal, P.E. 8/28/02
Natural Resources Engineer Specialist
Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5961-3

(1) U.S. Fish and Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80225 made Application No. 5961-3, October 15, 1996 for a water permit to impound *212 acre feet of water from runoff, Minnehaha County, South Dakota for fish and wildlife propagation purposes. Permit No. 5961-3, with a priority date of October 15, 1996 was approved November 25, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 25, 2001 and for the application to beneficial use of water on or before November 25, 2005.

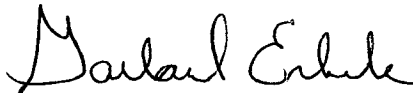
* North structure impounds 145 acre feet of water with an additional 55 acre feet of water to offset evaporation. South structure impounds 8 acre feet of water with an additional 4 acre feet of water to offset evaporation. Total storage capacity for the two structures is 153 acre feet.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 5961-3 is issued a license, bearing a priority date of October 15, 1996, to impound 212 acre feet of water.

The location of the two impoundments are: North structure – 2,100 feet north and 2,200 feet west of the southeast corner (NW ¼ SE ¼) and South structure – 500 feet north and 1,850 feet west of the southeast corner (SW ¼ SE ¼); of Section 31-T104N-R52W.

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 5961-3, including the following qualifications:

- Water Permit No. 5961-3 authorizes two wetland structures with storage capacity of 153 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation of 1736.5 feet mean sea level (north wetland) and 1729.5 feet mean sea level (south wetland).
- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.



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

NOV 04 2002

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 04 2002

5961-3

US Fish and Wildlife Service
Attn: Linda Coe
PO Box 25486
Denver Federal Center
Denver CO 80225

Dear Ms. Coe:

Enclosed is Water License No. 5961-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 000323 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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

Sincerely,

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

enclosures



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO:

BA WTR
WR SD
Mail Stop 60189

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

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

JAN 07 2003

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

RECEIVED

JAN 10 2003

WATER RIGHTS
PROGRAM

Dear Mr. Erbele:

The Fish and Wildlife Service received Water License No. 5961-3, Johnson/K&G Partnership Wetlands, Minnehaha County, on November 4, 2002. The water license covers the restoration of two wetlands located on private land owned by Mr. Vernell Johnson and K & G Partnership. The Service holds a perpetual easement.

The Service respectfully requests that you reconsider Condition No. 3 which requires release of low flows as needed for downstream domestic use. The embankments were designed to function as channel plugs across a man-made drainage channel. Prior to construction of the drainage ditch, spring runoff was held in the wetland up to its natural overflow elevation, and only excess runoff spilled out of the marsh. It would be very difficult at this site to quantify any additional inflow after spring runoff, if it ever became necessary to release for downstream uses an amount of water equivalent to inflow.

I would be happy to answer any questions you may have concerning this request. I can be reached at (303) 236-5321, extension 223.

Sincerely,

Cheryl C. Williss
Chief, Division of Water Resources



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2003

Cheryl Williss, Chief
Division of Water Resources
US Fish and Wildlife Service
PO Box 25486
Denver Federal Center
Denver CO 80225-0486

Dear Ms. Williss:

I received your request to reconsider Qualification No. 3 to Water License No. 5961-3 for the Service's water right at the Johnson/K&G Wetlands in Minnehaha County.

In the recent past, the Service has requested revision of the recommendation to remove the low flow by-pass qualification from water permits. These requests have been made during the publication process prior to approval of the permit. Water License No. 5961-3 is based on a water permit obtained in 1996. This water permit was conditioned with the low flow qualification. The qualification can not be administratively removed at this point in time. A qualification amendment must be brought before the Water Management Board for consideration.

In addition, the situation to remove this qualification is somewhat different compared to recent revisions to the recommendations for Water Permit Application Nos. 6369-3 and 6265-3. In those cases there were large water bodies (Ness Chain Lake and Lake St. John) directly below the wetland restoration project. In this instance, prior to constructing the ditch plugs water flowed into the West Branch of Skunk Creek and travelled approximately 25 miles before confluencing with the Big Sioux River. Under certain circumstances this water may be relied upon for domestic uses such as livestock watering. As you are aware, domestic use of water in South Dakota takes precedence over all appropriative rights. Therefore, the low flow by-pass qualification is a standard condition on surface water permits to protect domestic uses of water.

If the Service would like to pursue an amendment to the qualification, please let us know and a hearing will be scheduled before the Water Management Board. Please contact Eric Gronlund or myself at (605) 773-3352 if you would like to discuss this matter further.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program, DENR

DUCKS UNLIMITED

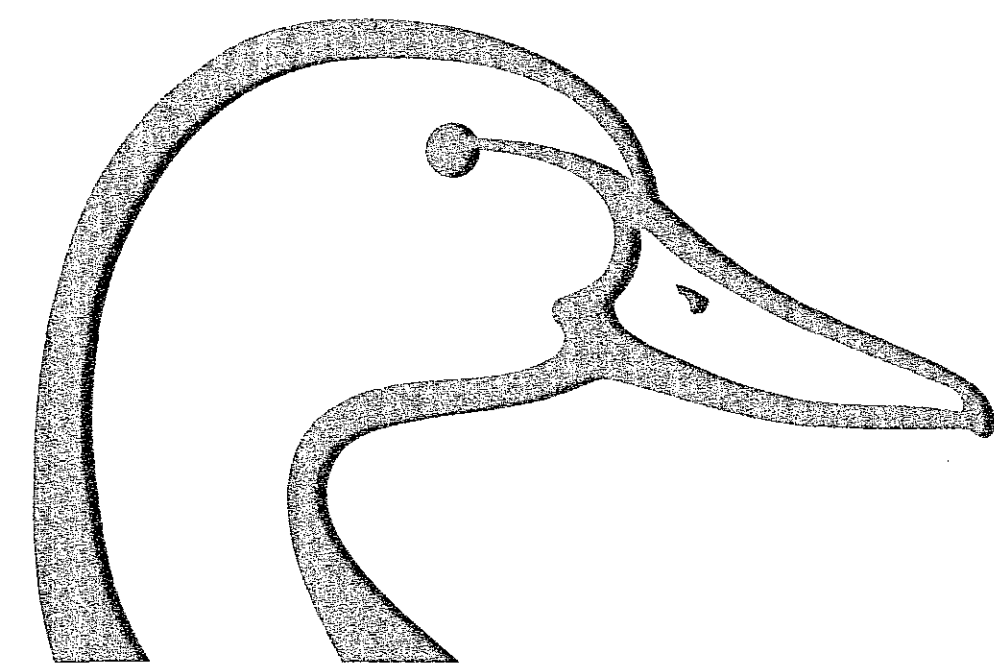
PROJECT

VERNELL JOHNSON— K&G PARTNERSHIP WETLANDS

SECTION 31, T 104 N, R 52 W,
MINNEHAHA COUNTY, SOUTH DAKOTA

IN COOPERATION WITH

U.S. FISH & WILDLIFE SERVICE



DUCKS UNLIMITED

SPECIFICATIONS

GENERAL CONDITIONS	101
MOBILIZATION	201
SITE PREPARATION	202
EMBANKMENT CONSTRUCTION	204
WATER	205
CULVERT INSTALLATION	207
RIPRAP PLACEMENT	209

PLAN INDEX

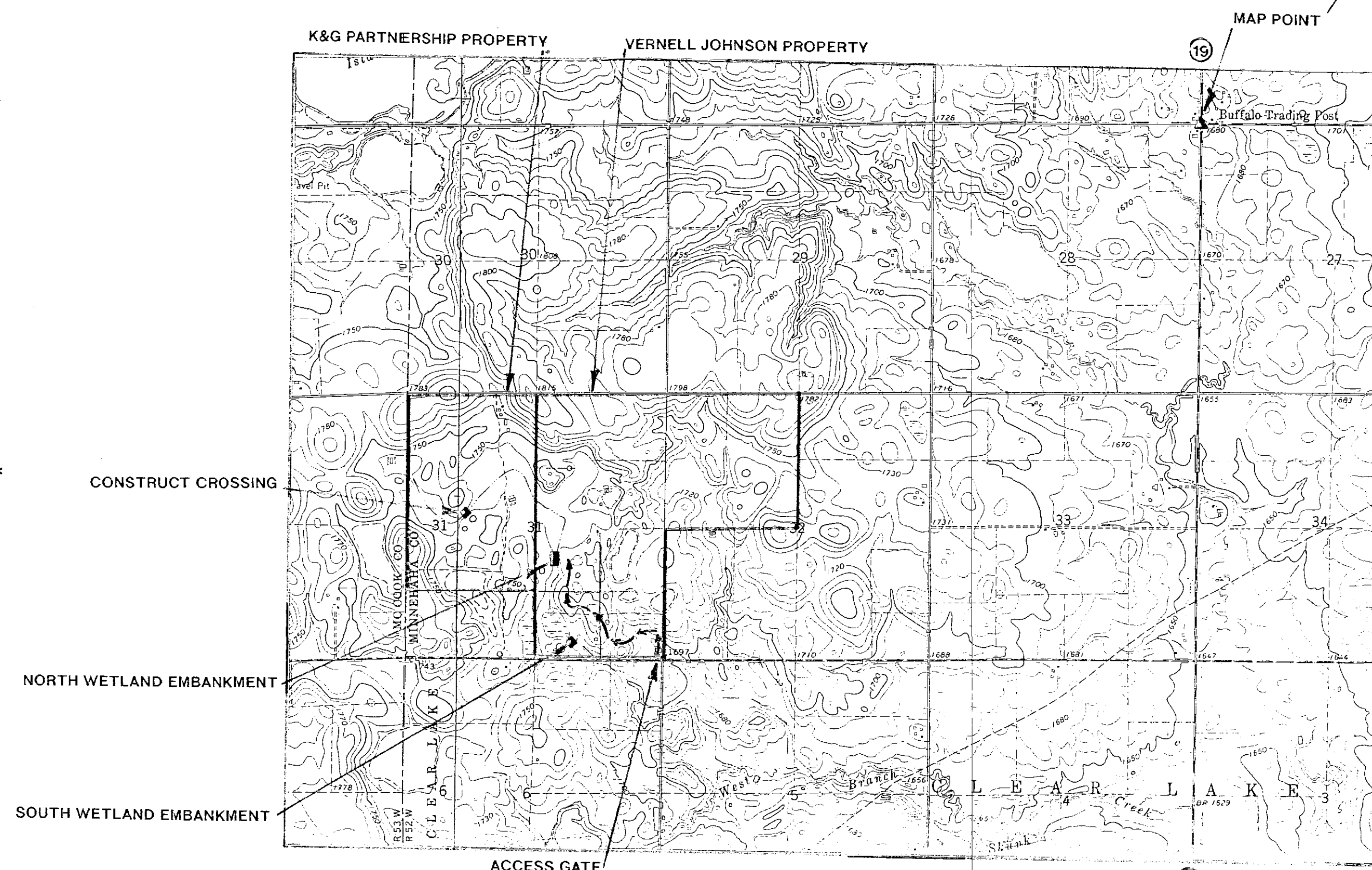
VICINITY MAP	1
PROJECT TOPOGRAPHY	2
MAIN MARSH PLAN & DETAILS	3
SOUTH MARSH PLAN & DETAILS	4

QUANTITIES

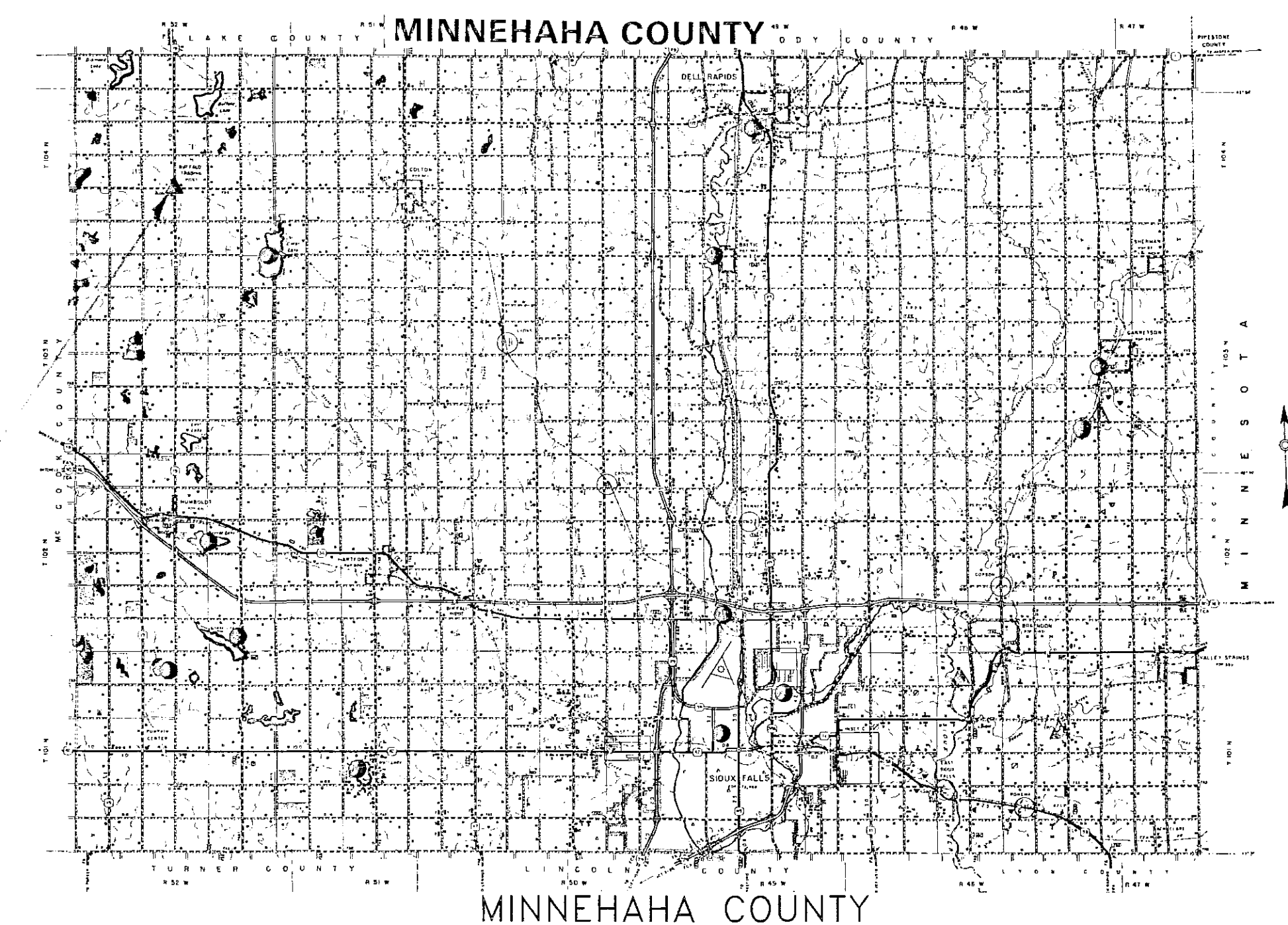
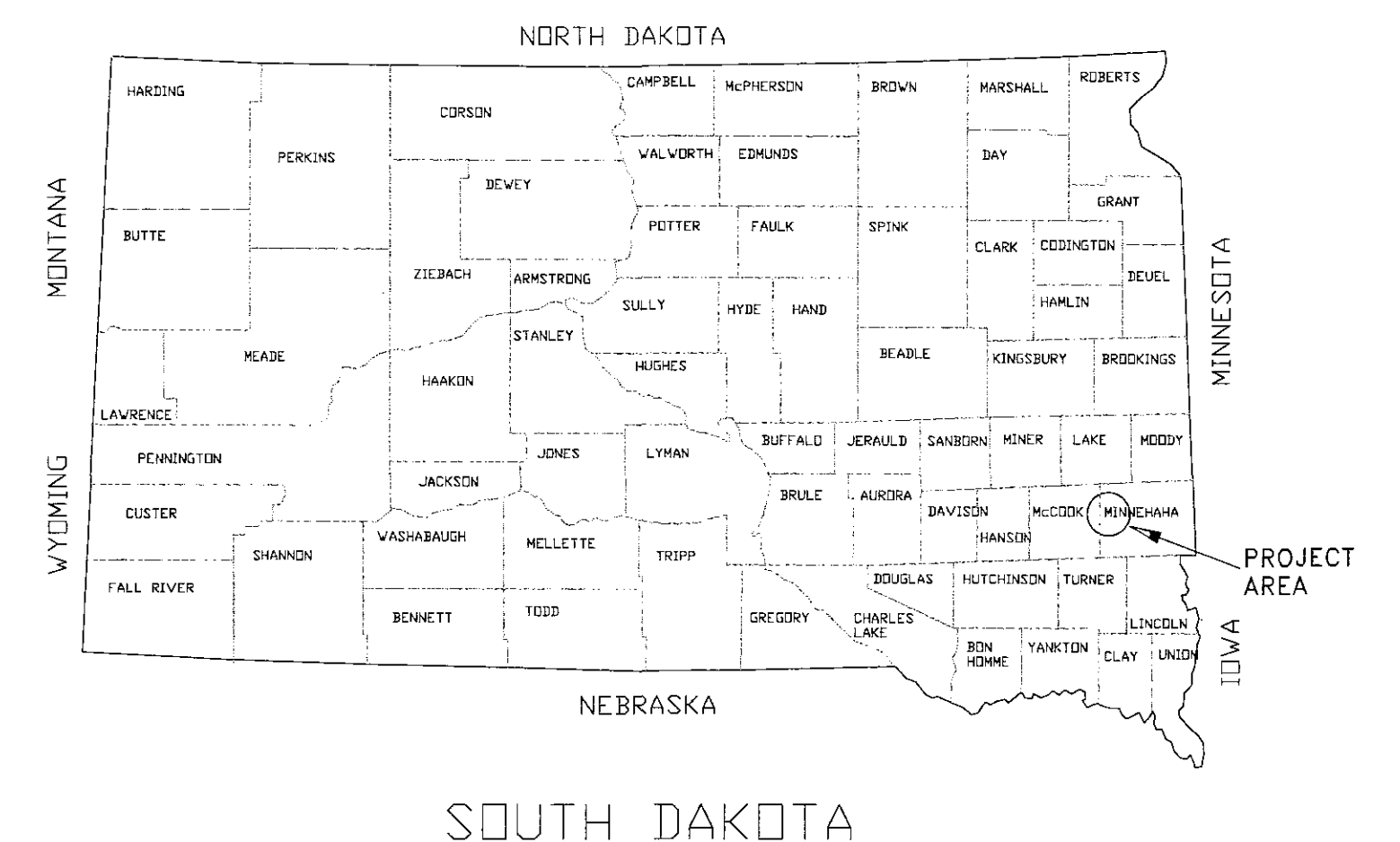
MOBILIZATION	1 L.S.
SITE PREPARATION	212 C.Y.-P
EMBANKMENT	1136 C.Y.-S*
WATER	1 M-GAL.**
CULVERT INSTALLATION	
48"Ø CMP	56 L.F.
RIPRAP	
CLASS I (3"-18"Ø)	12 C.Y.-P
CLASS II (9"-24"Ø)	157 C.Y.-P

*INCLUDES 15% FOR SHRINKAGE

**BASED ON 1 GAL./C.Y., HOWEVER, ONLY
ACTUAL QUANTITY USED WILL BE PAID FOR.



VICINITY MAP
SCALE 1"=100'

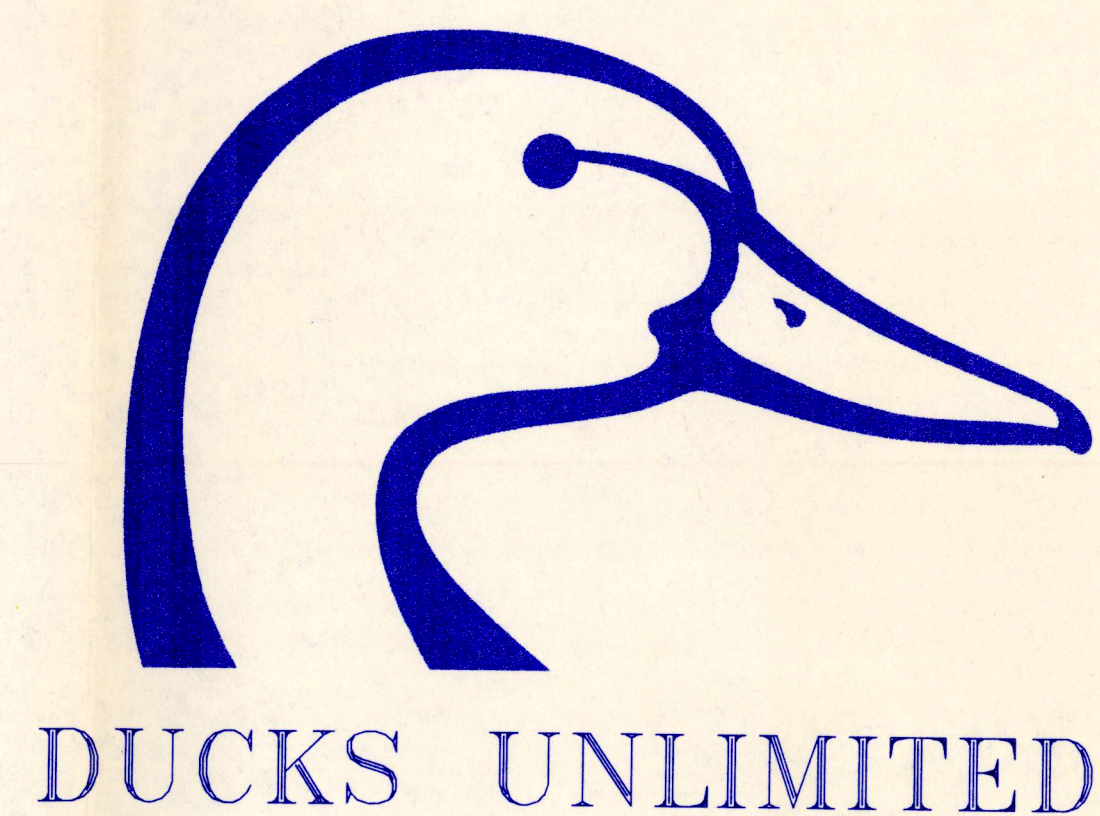


App'l 5961-3
PROJECT SIGNING

DESIGNED BY: D.J.L.
DRAWN BY: B
CHECKED BY:

AGENCY CONTACT:
TOM TURNOW
MADISON WETLAND
MANAGEMENT DISTRICT
MADISON, SD 605/256-2974
LANDOWNERS:
VERNELL JOHNSON
K&G PARTNERSHIP

DUCKS UNLIMITED INC. GREAT PLAINS REGIONAL OFFICE	PROJECT NO. SD-0202-001	DESIGNED BY: D.J.L.
	VERNELL JOHNSON— K&G PARTNERSHIP WETLANDS	DRAWN BY: B
DATE: 8-16-96	SHEET NO. 1 OF 4	CHECKED BY:
APPROVED BY: [Signature]		APPROVED BY:



DUCKS UNLIMITED

PROJECT

VERNELL JOHNSON— K&G PARTNERSHIP WETLANDS

SECTION 31, T 104 N, R 52 W,
MINNEHAHA COUNTY, SOUTH DAKOTA

IN COOPERATION WITH

U.S. FISH & WILDLIFE SERVICE

SPECIFICATIONS

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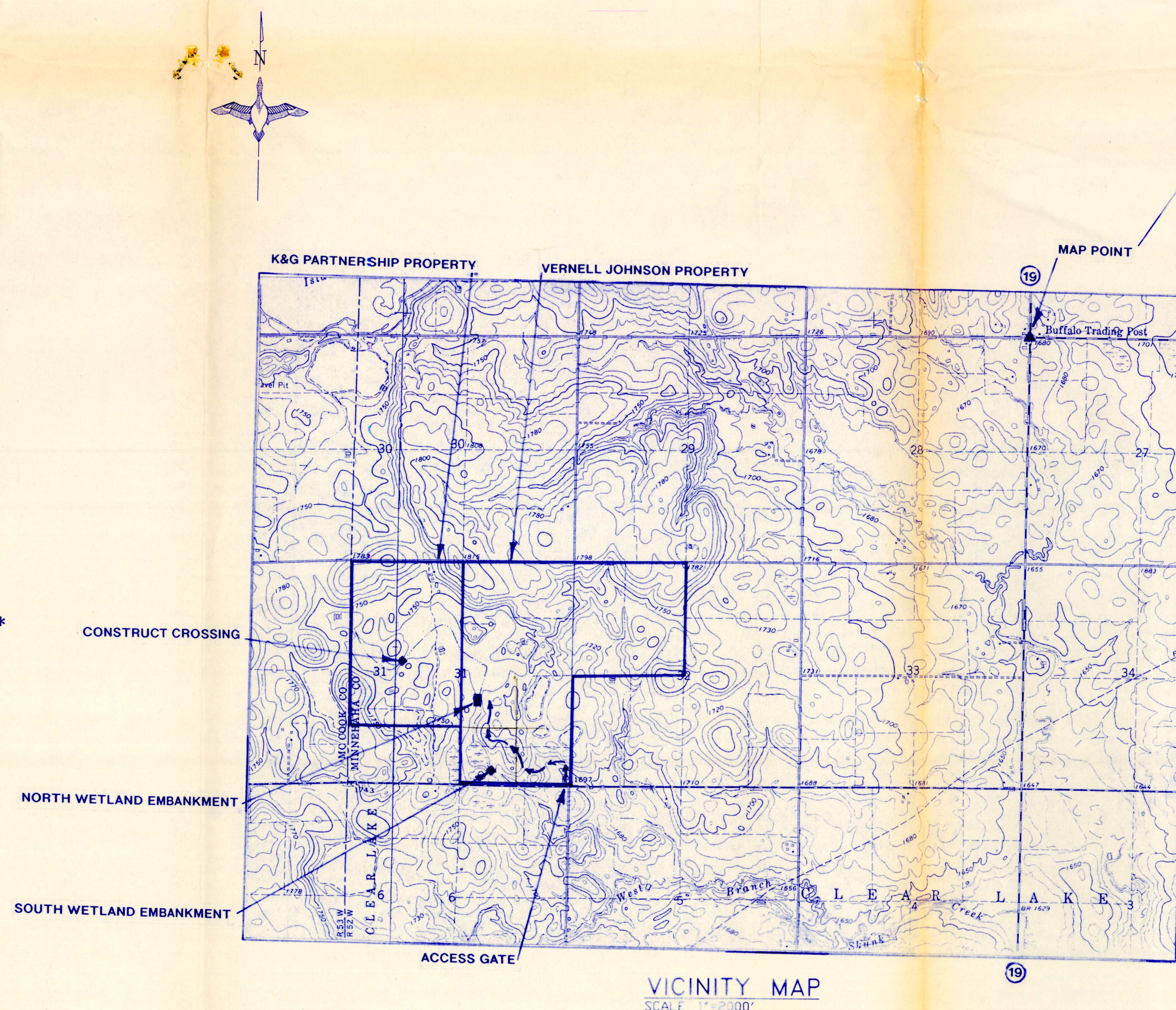
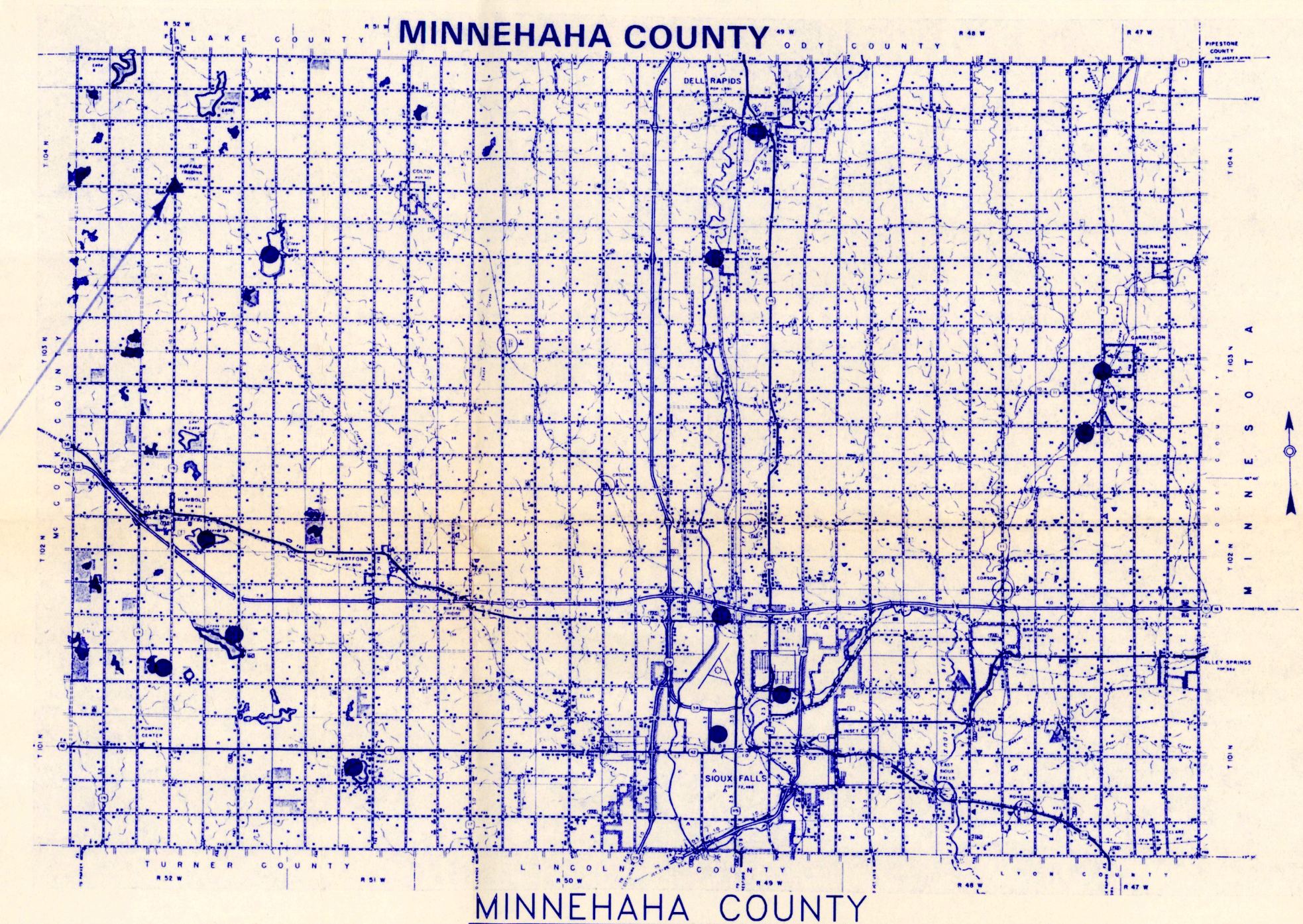
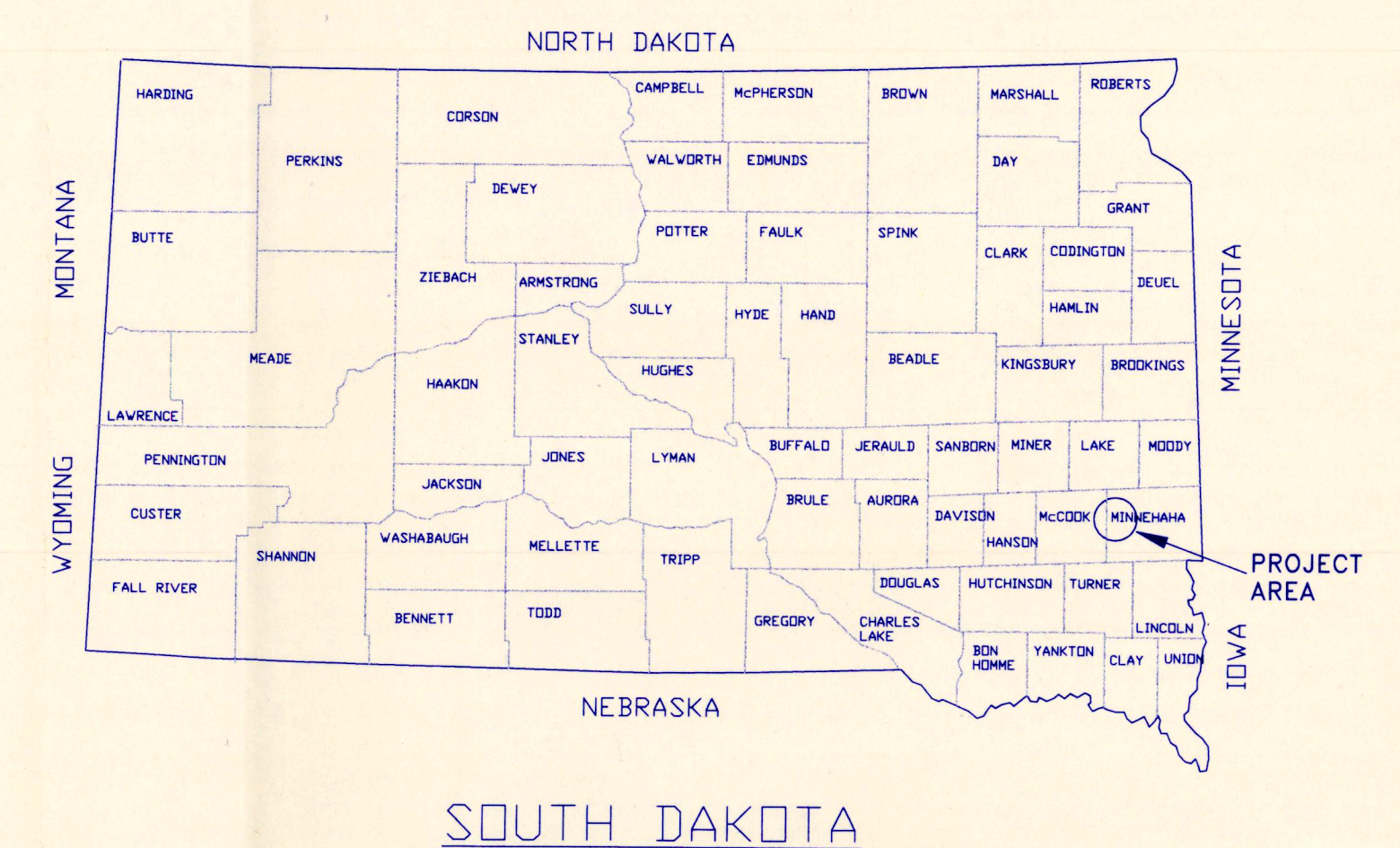
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QUANTITIES

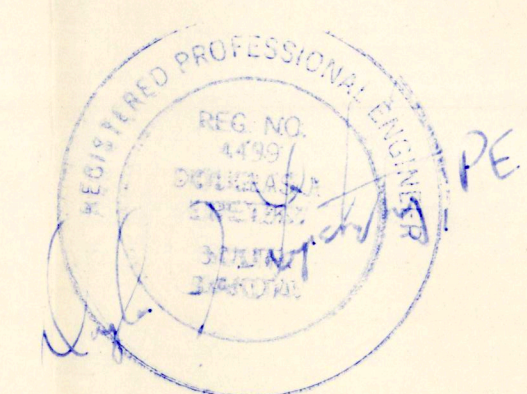
MOBILIZATION	1 L.S.
SITE PREPARATION	212 C.Y.-P
EMBANKMENT	1136 C.Y.-S*
WATER	1 M-GAL.**
CULVERT INSTALLATION	
48" ø CMP	56 L.F.
RIPRAP	
CLASS I (3"-18" ø)	12 C.Y.-P
CLASS II (9"-24" ø)	157 C.Y.-P

*INCLUDES 15% FOR SHRINKAGE

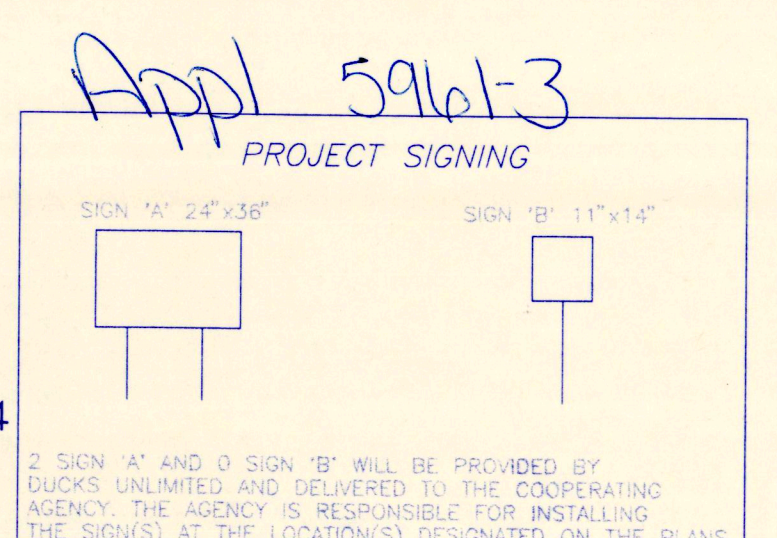
**BASED ON 1 GAL./C.Y., HOWEVER, ONLY
ACTUAL QUANTITY USED WILL BE PAID FOR.



VICINITY MAP
SCALE 1"=2000'



AGENCY CONTACT:
TOM TURNOW
MADISON WETLAND
MANAGEMENT DISTRICT
MADISON, SD 605/256-2974
LANDOWNERS:
VERNELL JOHNSON
K&G PARTNERSHIP

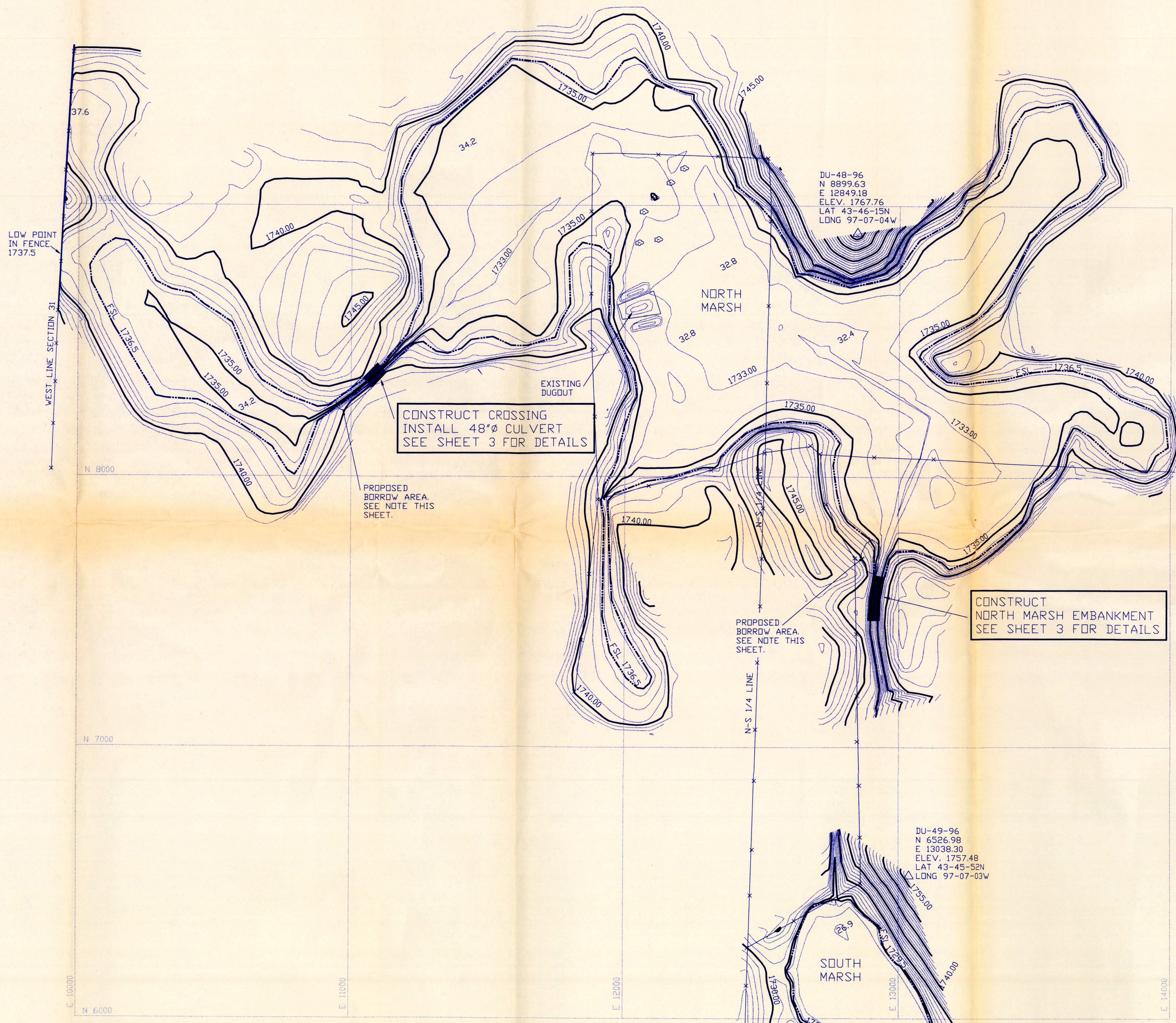


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	VERNELL JOHNSON— K&G PARTNERSHIP WETLANDS	DRAWN BY: S
GREAT PLAINS REGIONAL OFFICE	VICINITY MAP	SURVEYED BY:
DATE: 8-16-96	SHEET NO. 1 OF 4	CHECKED BY:
	APPROVED BY: [Signature]	APPROVED BY:

△ DU-47-96
N 10000
E 10000
ELEV. 1785.0
LAT 43-46-23N
LONG 97-07-46W

DU-48-96
N 8899.63
E 12849.18
ELEV. 1767.76
LAT 43-46-15N
LONG 97-07-04W

DU-49-96
N 6526.98
E 13038.30
ELEV. 1757.48
LAT 43-45-52N
LONG 97-07-03W



BORROW AREA NOTE:
SUITABLE MATERIAL FROM THE PROPOSED BORROW AREAS SHOWN & APPROVED BY THE FIELD ENGINEER SHALL BE USED TO CONSTRUCT THE EMBANKMENT. STRIP 6\"/>

AREA-CAPACITY DATA

SOUTH MARSH ELEVATION	AREA (ACRES)	CAPACITY (ACRE-FEET)
1726.9	0	0
1728.0	3.37	1.85
1729.0	4.12	5.60
FSL 1729.5	4.38	7.79
1730.0	4.64	9.98

NORTH MARSH ELEVATION	AREA (ACRES)	CAPACITY (ACRE-FEET)
1731.6	0	0
1732.0	0.23	0.05
1733.0	8.6	4.5
1734.0	28.2	22.9
1735.0	46.6	60.3
1736.0	58.8	113.0
FSL 1736.5	63.1	144.6
1737.0	67.3	176.1

TOTAL PROJECT:
67.5 ACRES @ FSL
152.4 ACRE-FEET @ FSL

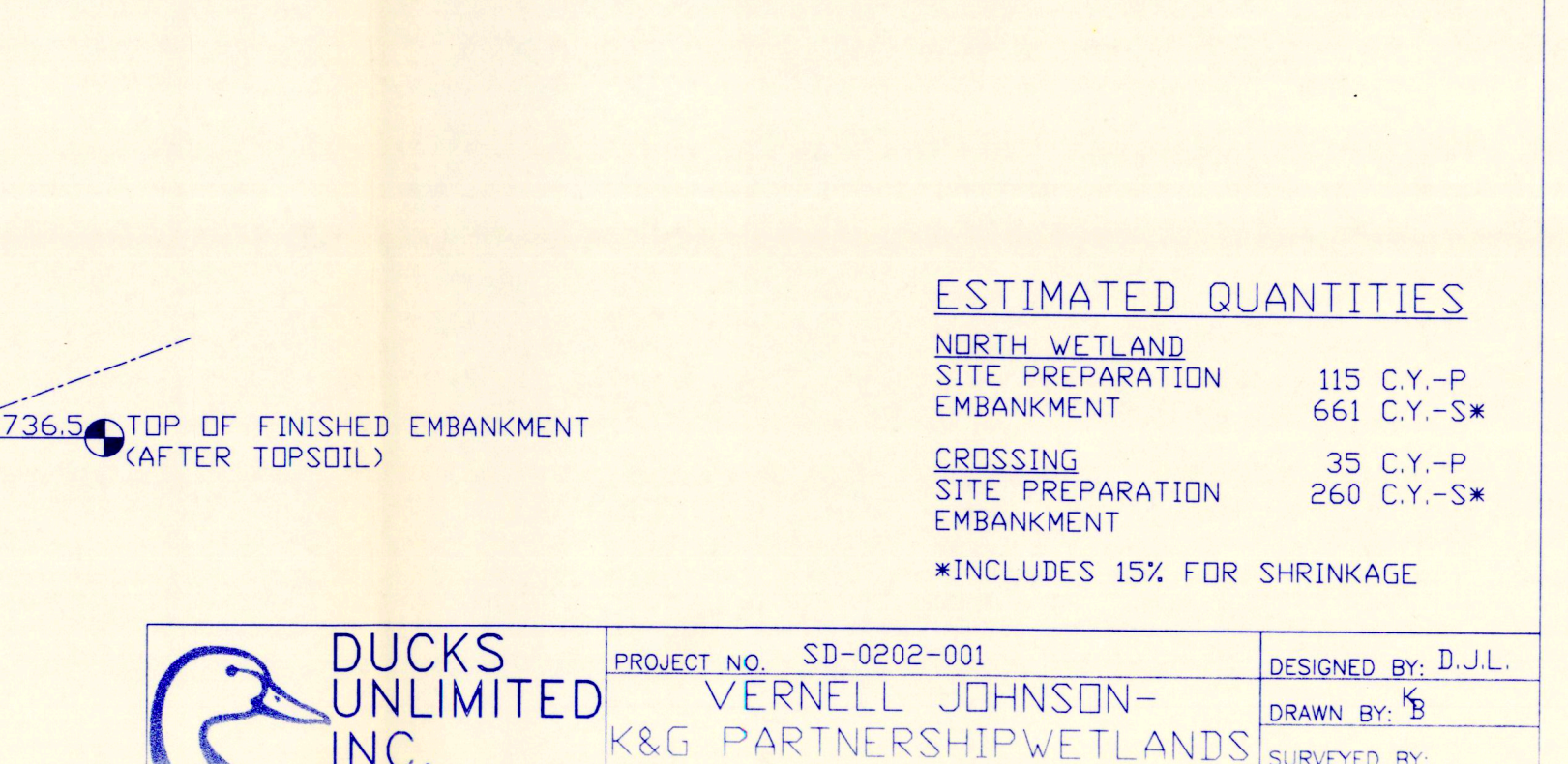
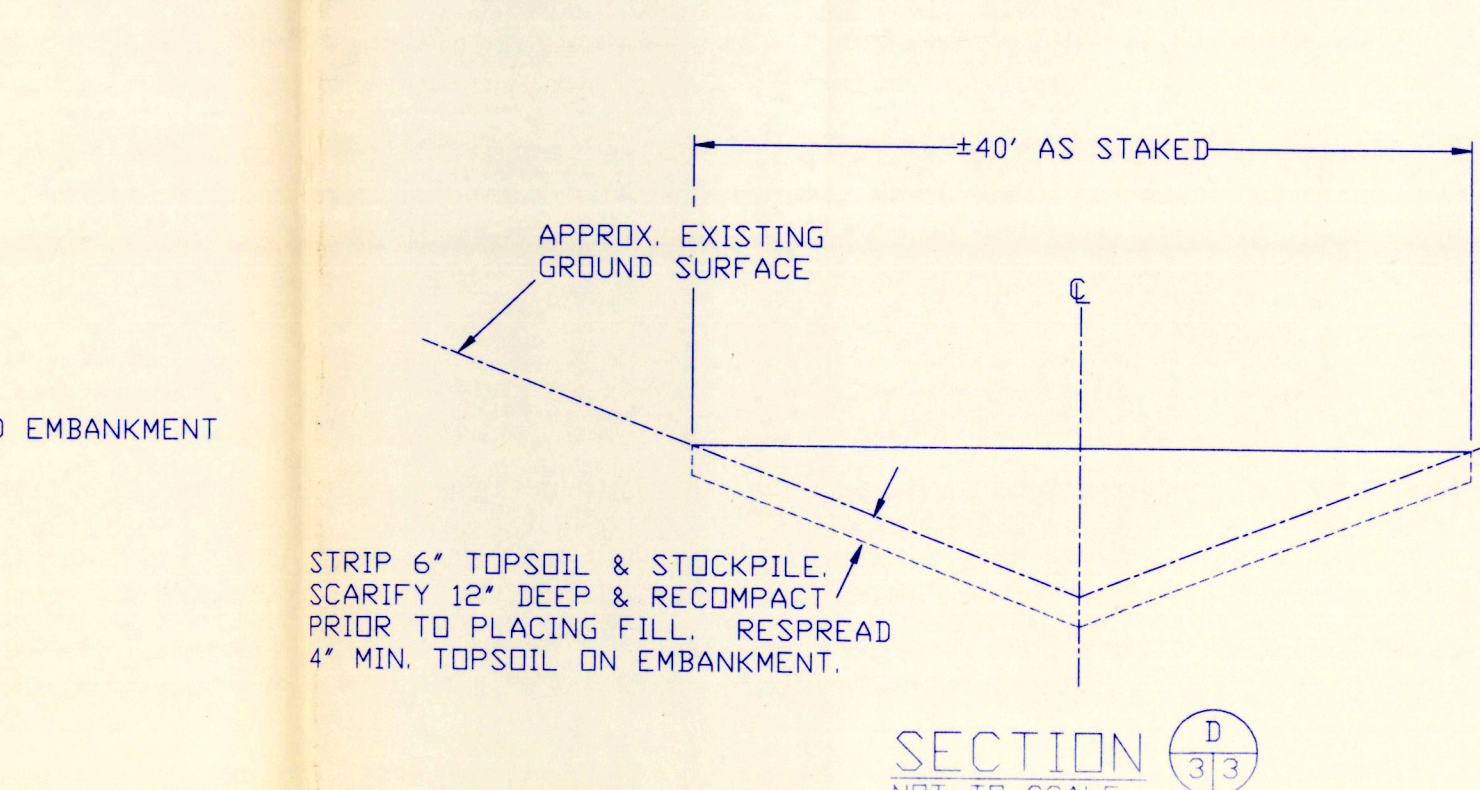
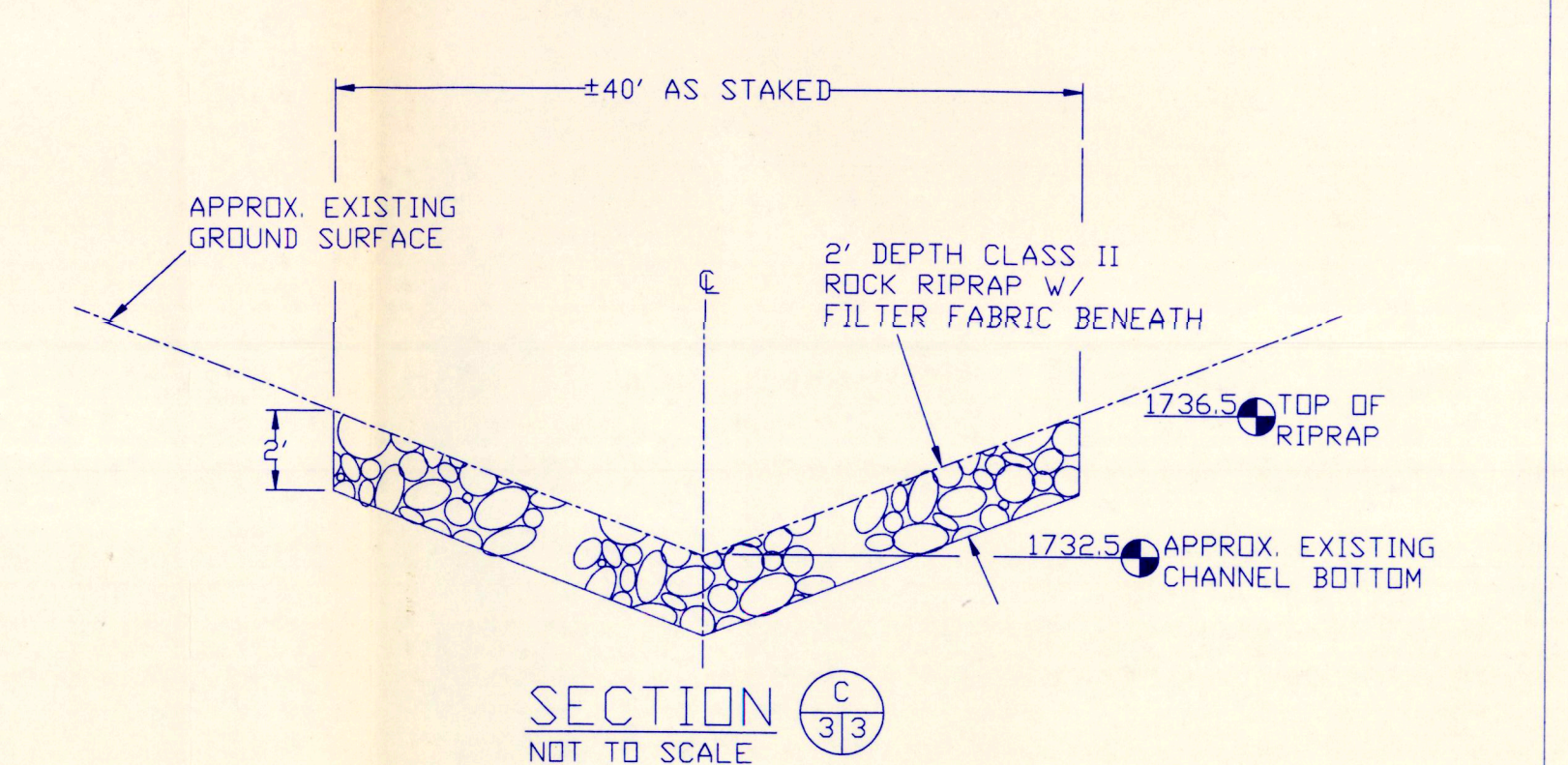
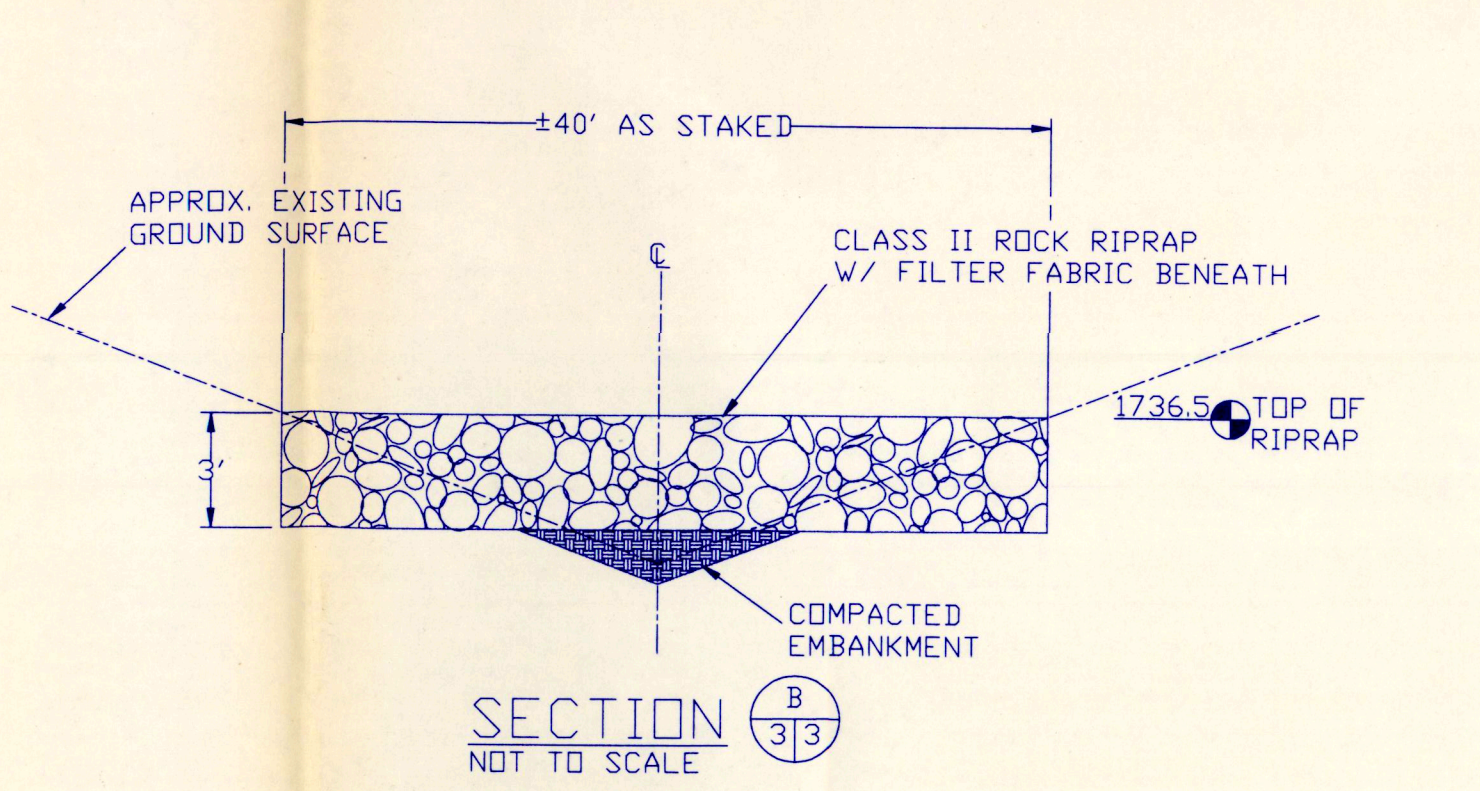
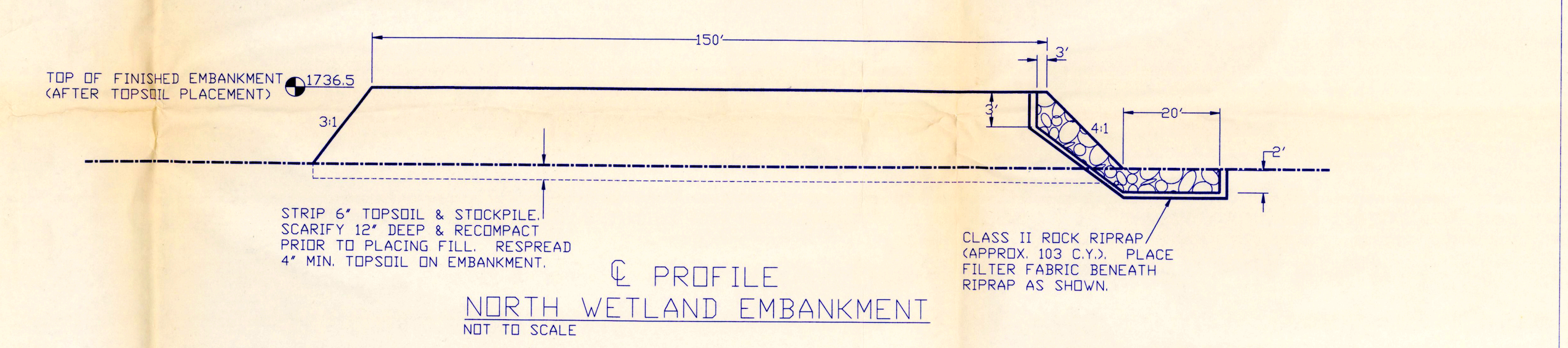
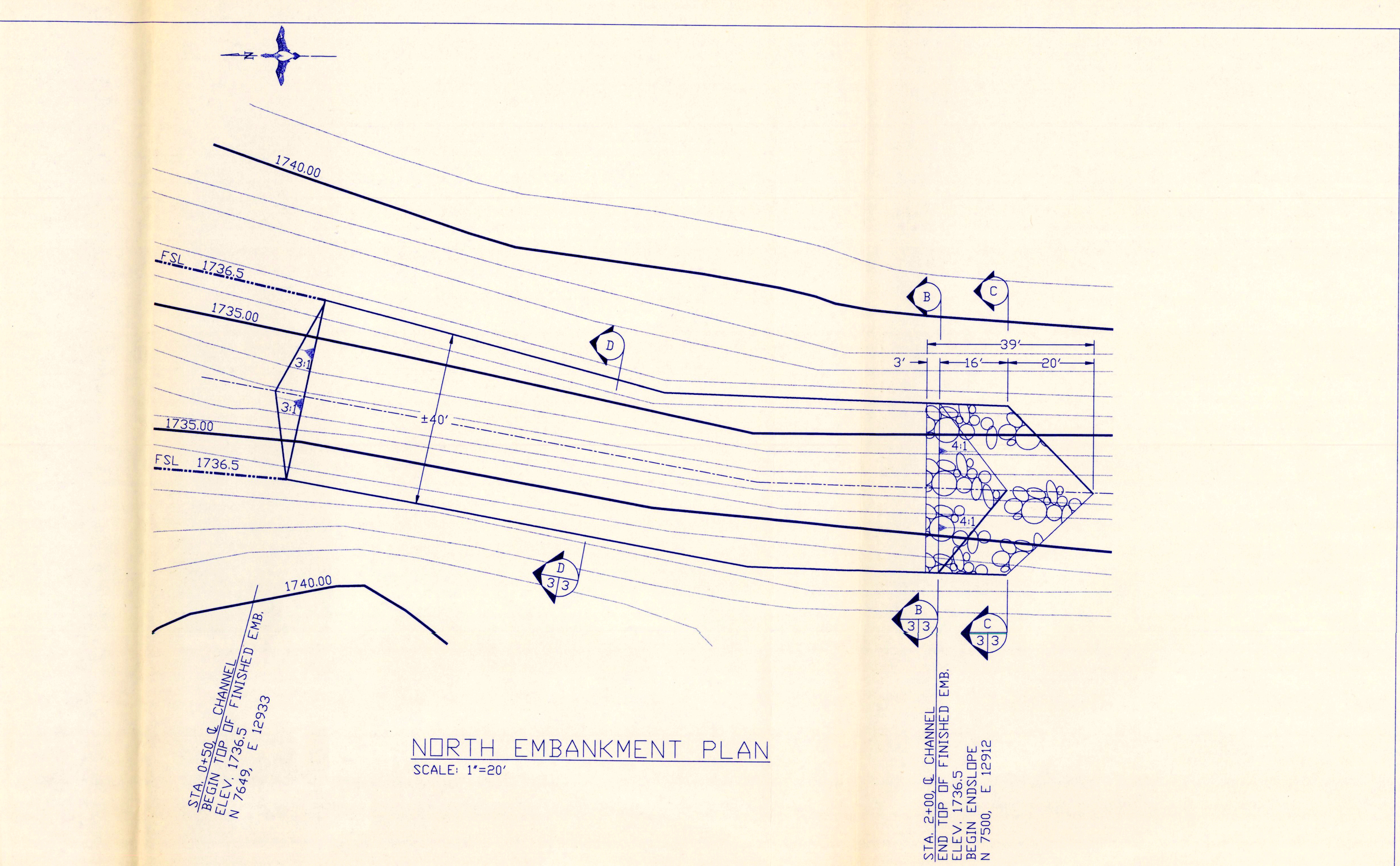
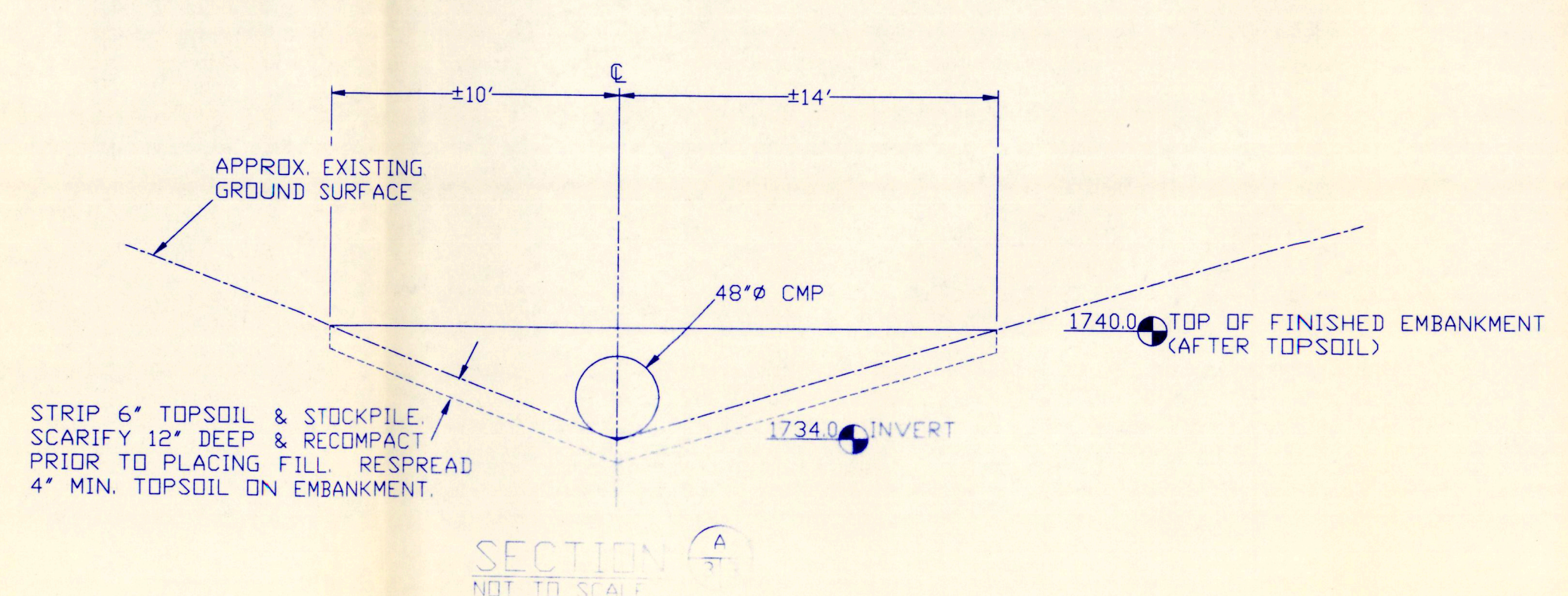
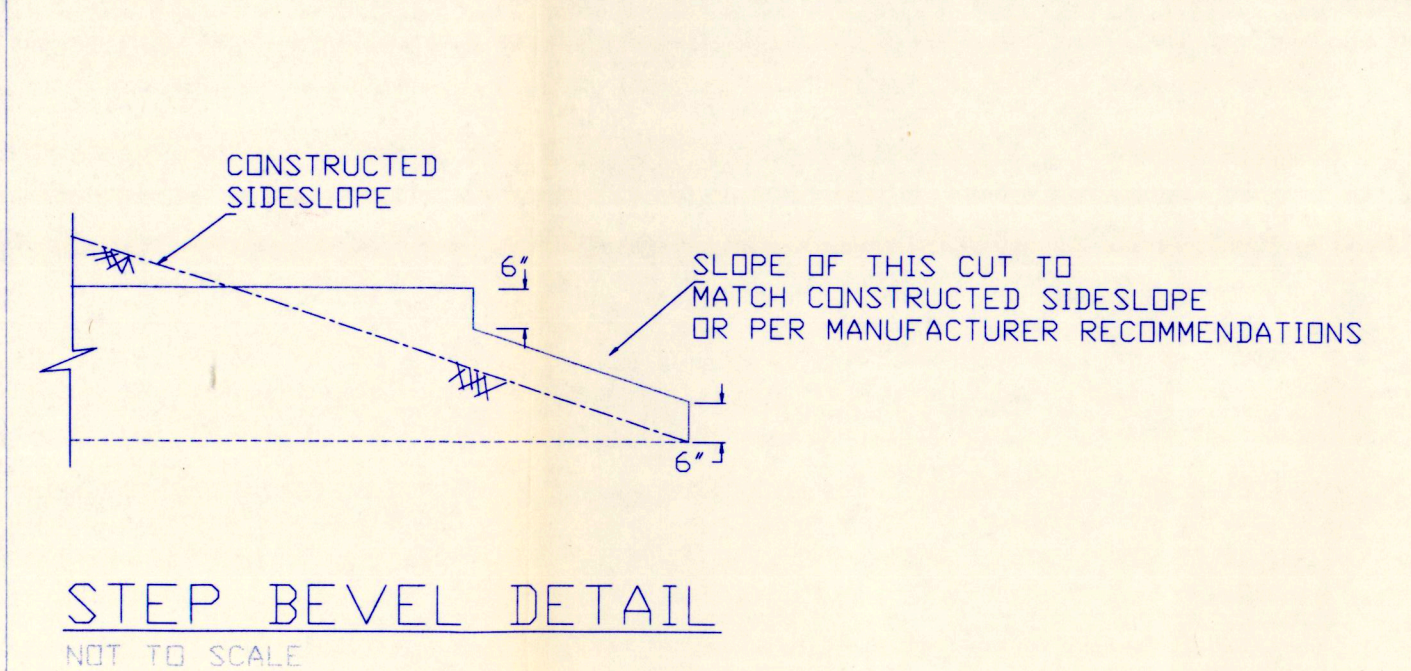
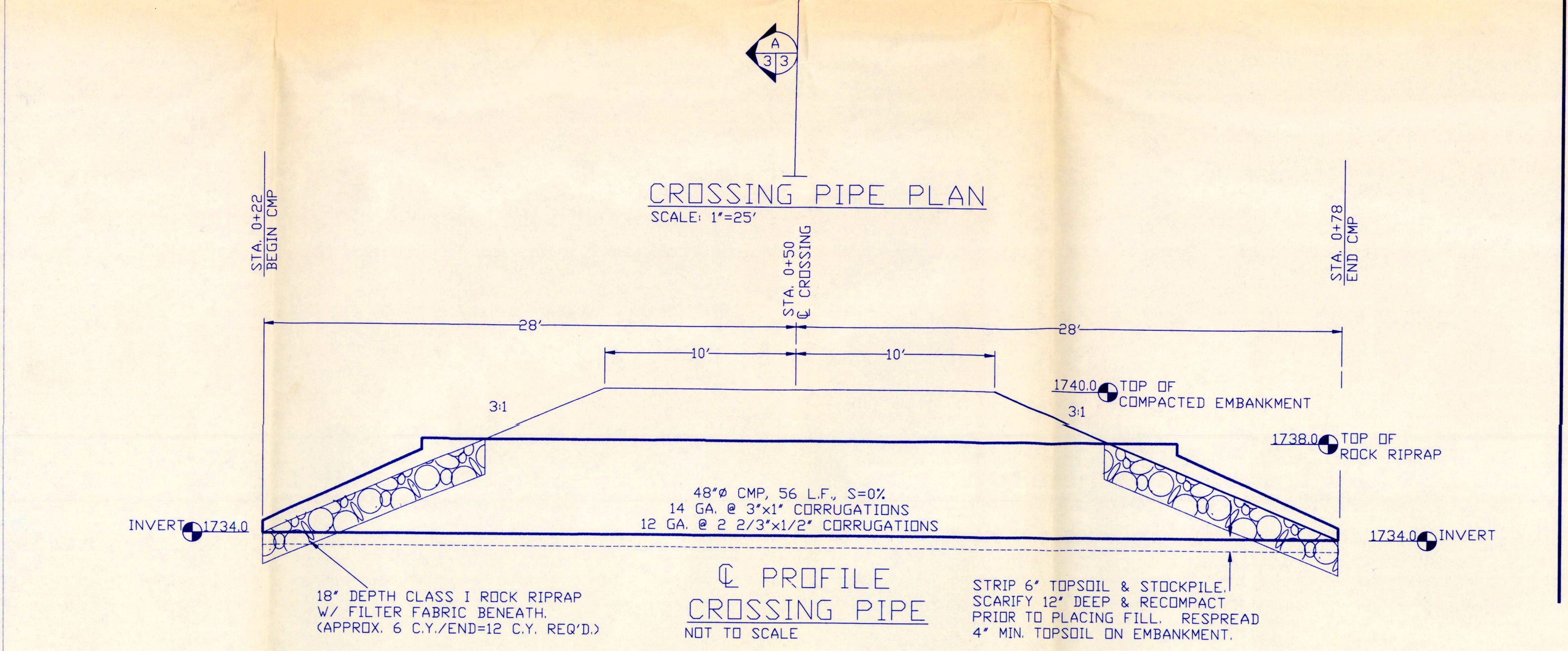
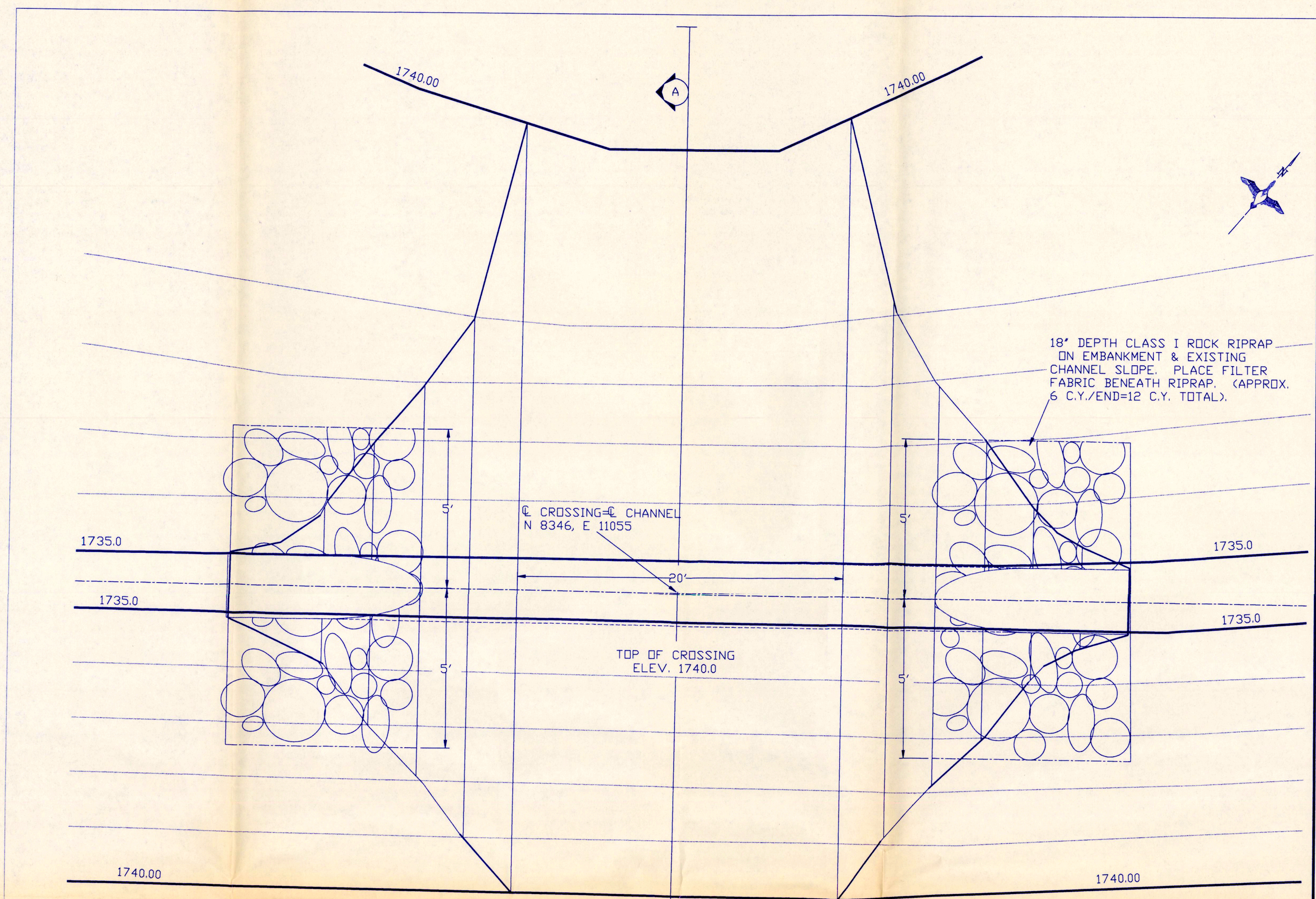
PROJECT TOPOGRAPHY
SCALE: 1\"/>

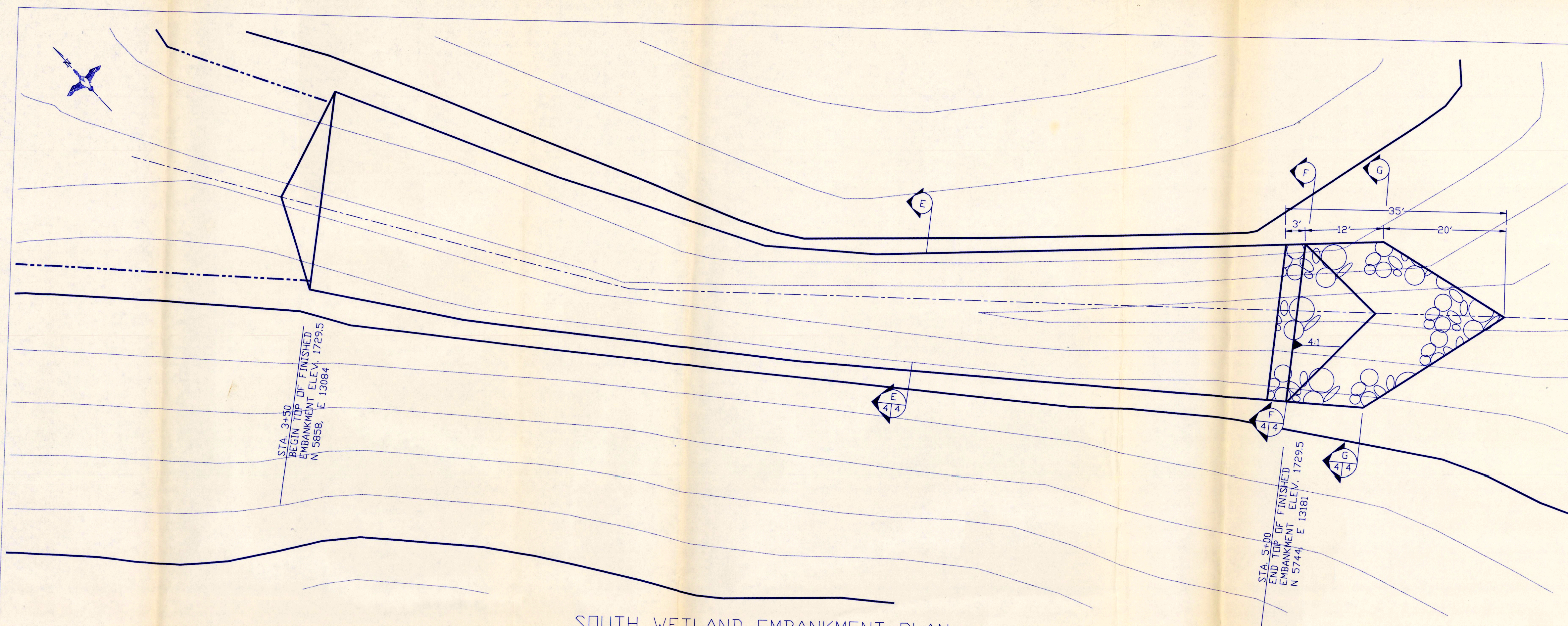
- LEGEND**
- △ DU CONTROL POINT
 - #5 REBAR CAPPED & STAMPED
 - ⇒ TREES/BRUSH
 - ✕ EXISTING FENCELINE
 - FULL SERVICE LEVEL (FSL)

CONSTRUCT SOUTH MARSH EMBANKMENT
SEE SHEET 4 FOR DETAILS

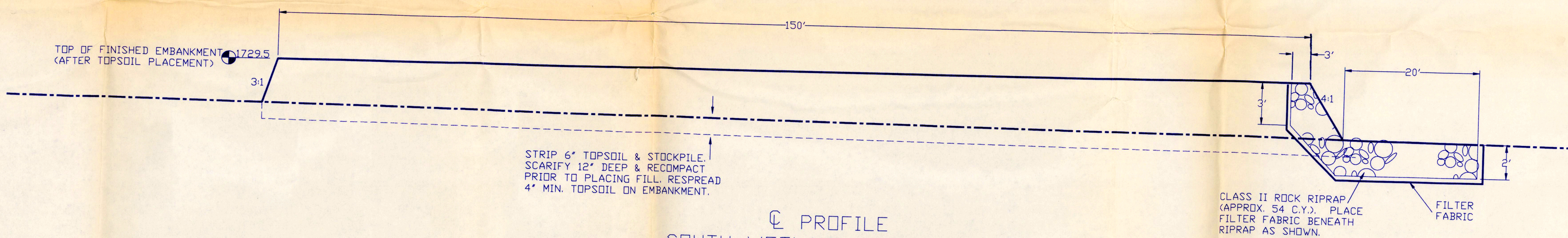
VERTICAL CONTROL:
ESTABLISHED FROM THE QUAD SPOT ELEVATION AT THE NW CORNER OF SECTION 31 AS ELEVATION 1783. (NO BENCHMARKS IN AREA).
HORIZONTAL CONTROL:
LOCAL DU COORDINATES WITH REFERENCE TO TRUE NORTH WITH A BRUNTON COMPASS WITH 9\"/>

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	PROJECT TOPOGRAPHY SURVEYED BY:
	CHECKED BY: APPROVED BY:

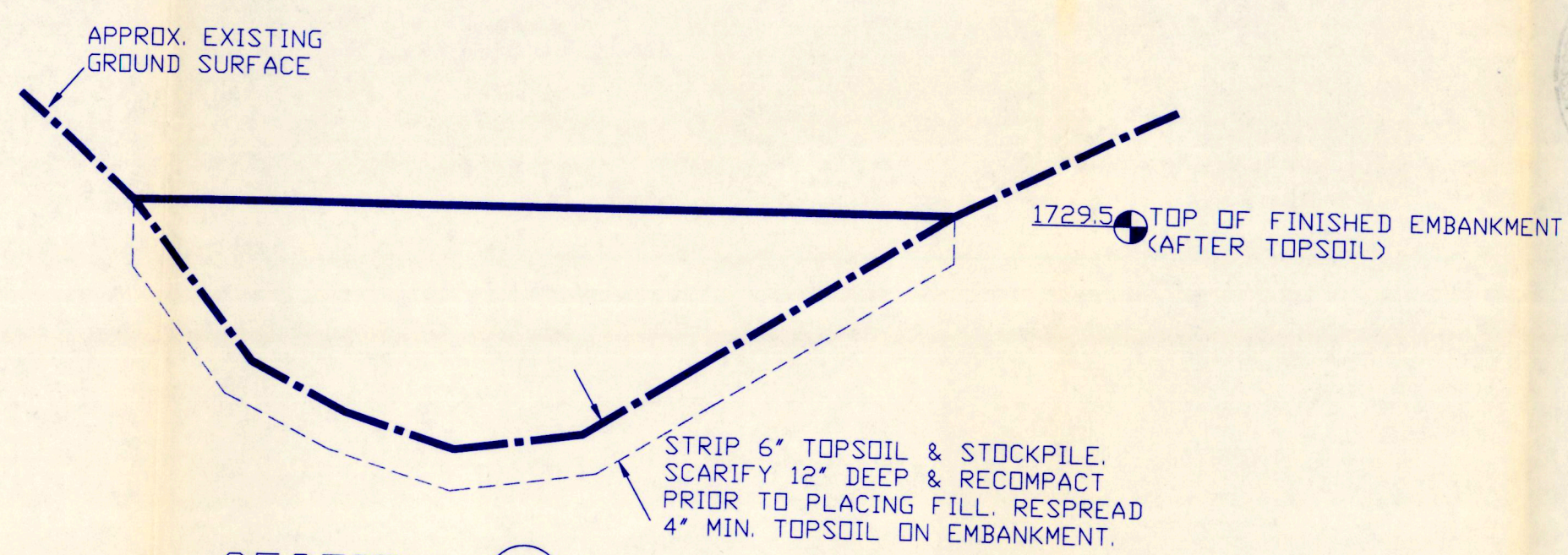




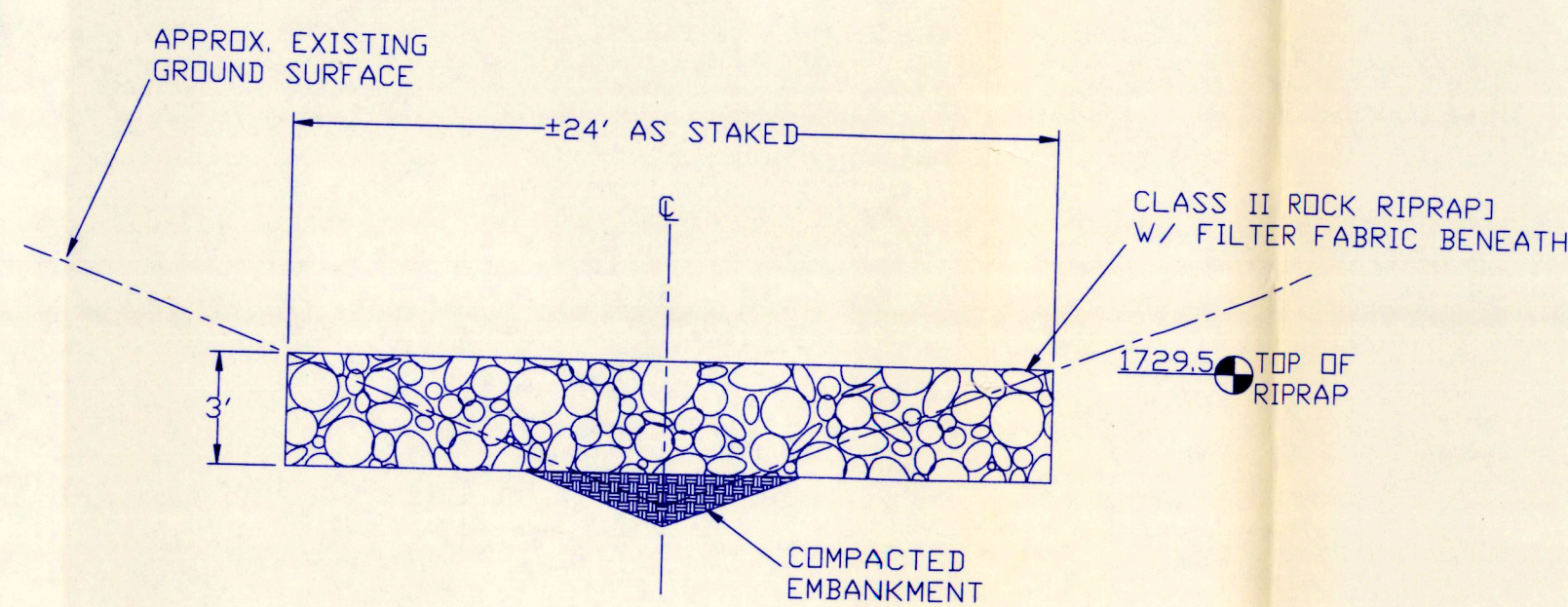
SOUTH WETLAND EMBANKMENT PLAN
SCALE: 1"=10'



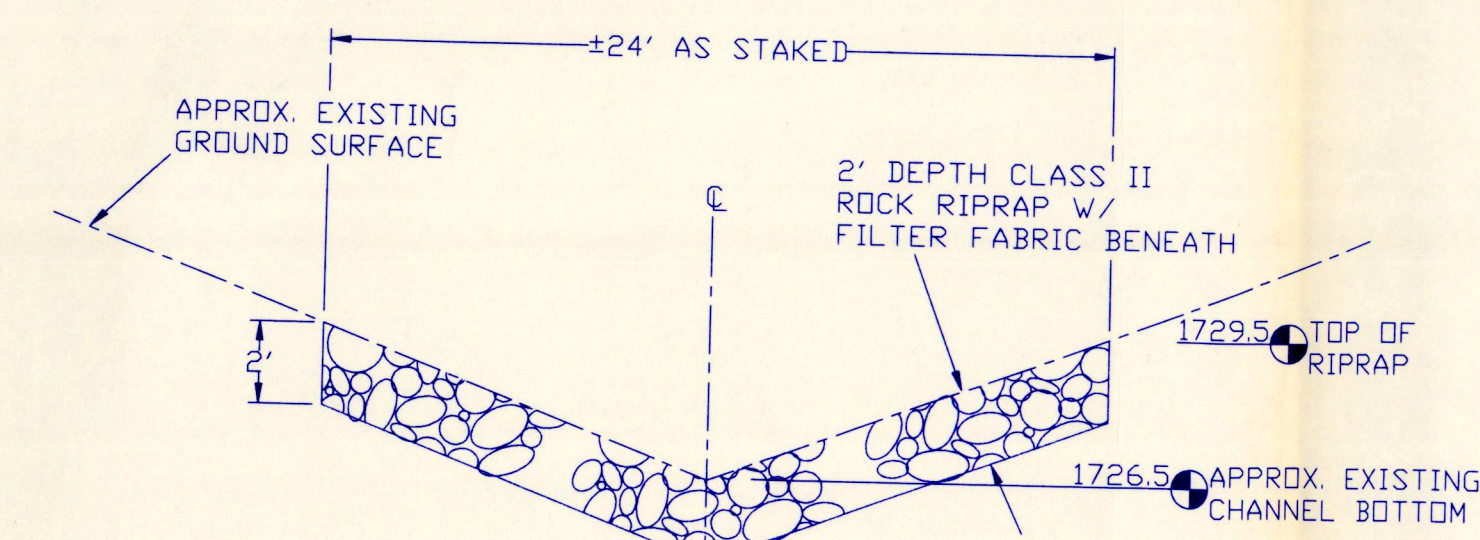
PROFILE
SOUTH WETLAND EMBANKMENT
NOT TO SCALE



SECTION F 4/4



SECTION F 4/4



SECTION G 4/4

ESTIMATED QUANTITIES	
SITE PREPARATION	62 C.Y.-P
EMBANKMENT	215 C.Y.-S*
*INCLUDES 15% FOR SHRINKAGE	

DUCKS UNLIMITED INC. GREAT PLAINS REGIONAL OFFICE DATE: 8-16-96	PROJECT NO. SD-0202-001 VERNELL JOHNSON-K&G PARTNERSHIP SOUTH MARSH PLAN	DESIGNED BY: D.J.L. DRAWN BY: B SURVEYED BY: CHECKED BY:
	APPROVED BY:	APPROVED BY: