

WATER PERMIT NO. 6143-3

Name of Applicant: Paul Mammenga

Address: 12345 396th Ave, Columbia SD 57433

Phone: 605 396-2381

Amount of Water Claimed: 33.4 acre-feet

Total Acres: NA

Source of Water Supply: runoff and Elm River flood flows

Water to be used for: fish and wildlife propagation

County: Brown

Type of Waste Disposal System: NA

Location: ½ mile south of Columbia

PRIORITY

Date Received: 5-19-1999

Fee: \$150.00

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: SE ¼ Sec 32-T125N-R62W

Water Impounded:

Depth of Well: NA

Well Driller:

Remarks:

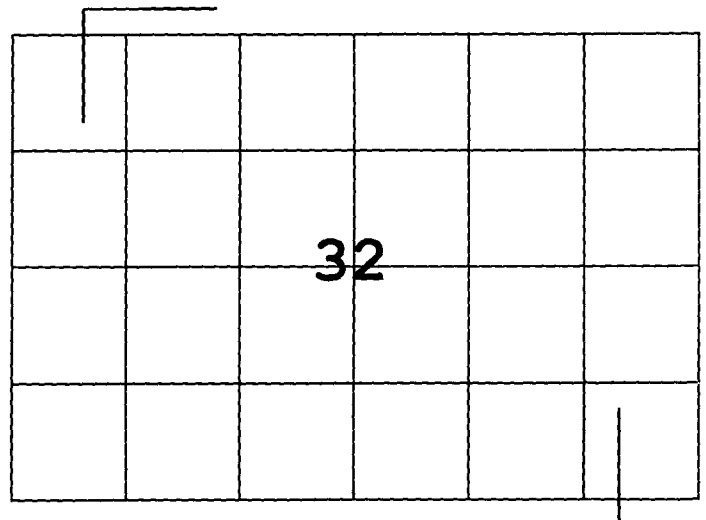
Type of Map: topo

Prepared by: Roger Smith, PE

Reviewed and the Number Assigned on: 5-19-1999

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 6143-3**

Date of first receipt of application May 19, 1999.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6143-3 to Paul Mammenga, 12345 396th Ave, Columbia SD 57433 authorizing the construction of the embankment and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6143-3 authorizes impoundment of 33.4 acre-feet of water from runoff and Elm River flood flows. The project authorizes constructing an embankment located in the SE ¼ Section 32-T125N-R62W to create a subimpoundment within an existing marsh. This marsh is currently influenced by a dike system along the Elm River. A 24 inch pipe with a control structure will be constructed in the NW ¼ SE ¼ Section 32-T125N-R62W to allow Elm River water to be diverted into the subimpoundment during periods of high flows. A second 12 inch pipe with check valve will be placed in the newly constructed embankment to allow water from the existing marsh to gravity flow to the subimpoundment when sufficient head is available.
2. The water appropriated shall be used for the purpose of supplying water for fish and wildlife propagation purposes 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 of approval of Permit No. 6143-3 is August 9, 1999.
5. The date from which applicant may claim right is May 19, 1999.
6. One-fifth of the construction is to be completed on or before February 9, 2002.
7. All construction is to be completed on or before August 9, 2004.
8. Water is to be put to beneficial use on or before August 9, 2008.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

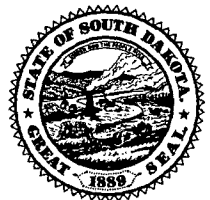
QUALIFICATIONS

1. Water Permit No. 6143-3 authorizes a dam with storage capacity of 33.4 acre-feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed. This permit does not authorize diversion of water from the Elm River at any time when the river flow is low, unless at least 110 cfs is flowing past the James River Gauging Station at Columbia, or written orders have been issued by the Chief Engineer.

WATER MANAGEMENT BOARD

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

SEP 3 1999
date



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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6143-3</u>	(office use only) Hydrologic Unit <u>10160004</u>
	Basin <u>James River</u>	
	Newspaper <u>American News, Aberdeen, SD</u>	



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

Check use(s) of water:

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

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

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

1. Name of Applicant Paul Mammenga Phone (605) 396-2381
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 12345 396 th Ave. Columbia State SD 57433
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed _____ *CFS or _____ **GPM 33.4 ***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 Annual runoff and also capturing flood water from the Elm River

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) _____
SE1/4 of Sec. 32 T125N R62W water impounded: _____
County Brown

5. County or counties where water will be used Brown

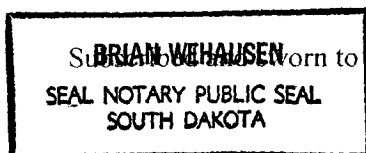
6. Annual period during which water is to be used Year-round January 1 - December 31

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

STATE OF SOUTH DAKOTA)
County of Brown SS

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)

I, Paul Mammenga, 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.



Applicant's signature Paul Mammenga
Subscribed and sworn to before me this 4 day of May 19 99
Brian Wehausen
Notary Public signature

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 _____ 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. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

3. Dugout Information

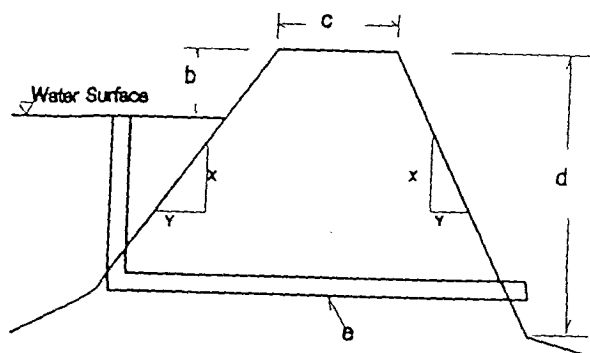
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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.
3502 Franklin Ave.
Bismark, ND 58501



- b) Freeboard _____ 3 ft. _____
- c) Crest Width _____ 12 ft. _____
Crest Length _____ 904 ft. _____
- d) Height _____ 5 ft. _____
- e) ~~Primary Outlet Capacity~~ _____
Controlled Inlet _____
If pipe, diameter _____ 12 in. _____
- f) Secondary Spillway Capacity _____ NA _____
Spillway Width _____ NA _____
- g) X & Y Slope _____
Upstream _____ 3:1 _____
Downstream _____ 3:1 _____
- h) Surface Area of Impoundment _____ 19.85 _____
- i) Storage _____ 33.4 _____ Acre Feet
- j) Drainage Area Above Dam _____ NA _____ Acres

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416127

Pierre, _____ May 19, 1999

RECEIVED OF US Fish & Wildlife Service, 39650 Sand Lake Dr., Columbia, SD 57433
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6143-3</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. <u>6143-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	200 00

By John Hatch
Chief Engineer

DESIGN SUMMARY

PROJECT: Mammenga Wetland
SD -0258-01

LOCATIONS: SE ¼ SECTION 32 TWP. 125N RGE. 62W
Harding County, South Dakota

MARSH DATA: Full Service Level (FSL) @ 1289.0 (mean sea level)
19.85 Surface Acres @ FSL
33.4 Acre-Feet Capacity @ FSL
Maximum Depth - 3 feet

PROJECT DATA: Minimum Top of Dam - elevation 1291.0
Top Width - 12'
Side Slopes - 3 (horizontal): 1 (vertical)
Primary Spillway - Not applicable
Emergency Spillway - Not applicable



PROJECT DESCRIPTION: The Project as proposed involves the construction of an embankment to create a subimpoundment within an existing marsh. The existing marsh is natural in nature but is influenced by the construction of a dike system along the Elm River, a tributary to the James River. The existing marsh receives surface runoff from a contributing watershed, and will eventually drain to the elevation of a 12" gated (flap gate) pipe. Presently flood waters from Elm River cannot enter the marsh except that the dike be overtopped which happens infrequently. The project will create a subimpoundment, receiving floodwater from Elm River via a 24" cmp with a canal gate. The project will be managed so that the canal gate will be opened when the Elm River is high and closed as river levels begin to recede. A second structure, a 12" PVC pipe with a check valve, will allow flow from the existing marsh to enter the subimpoundment when positive head is available. It is the goal of the project to fill the subimpoundment, by gravity, to as high a level as possible without jeopardizing the existing dike system. As part of the project, portions of the existing dike will be reconstructed in order to maintain a consistent elevation. By the construction of the project, the operation of the existing marsh outside of the subimpoundment, will not change. Drainage of the existing marsh will not be significantly hindered or improved.

CLASSIFICATION: Based on the definition of a "dam" in Chapter 74:02:08 "Safety of Dams," it does in appear that the proposed project will constitute constructing a dam. ("A barrier is not considered a dam for the purpose of this chapter if the height does not exceed 6 feet regardless of storage capacity.") The project will only allow water into the subimpoundment when positive head is available from the river or existing marsh. A small local watershed will contribute minimal surface water. Any supplemental water sources, i.e. pumping, is not considered a part of the project.

IMPACTS TO SURROUNDING PROPERTY: The planned construction and subsequent reservoir will be contained within land owned by Paul Mammenga (or another family member) and managed by the US Fish & Wildlife Service through a Cooperative Wildlife Agreement (CWA). The CWA will be with the legal landowner.

Dated: April 9, 1999

Submitted By:

Roger Smith, P.E (PE-4325)
Regional Engineer
Ducks Unlimited
Great Plains Regional Office

REPORT ON WATER PERMIT APPLICATION NO. 6143-3

Paul Mammenga

July 12, 1999

Application No. 6143-3, Paul Mammenga, proposes impound 33.4 acre-feet of water from runoff and Elm River flood flows. The project proposes to construct an embankment in the SE1/4 of Section 32, T152N-R62W to create a subimpoundment within an existing marsh. A 24 inch pipe with a control structure will be installed through an existing river levee located in the NW1/4 SE1/4 of Section 32, T125N-R62W to allow Elm River water to be diverted into the subimpoundment during periods of high flows. A second 12 inch pipe with check valve will be placed in the newly constructed embankment to allow water from the marsh to gravity flow to the subimpoundment when sufficient head is available. The water will be used for fish and wildlife propagation purposes. The proposed project is located just south of the town of Columbia in Brown County.

Review of the Proposed Project and Existing Water Rights

The source of water for the proposed project is from the Elm River, a tributary to the James River, and from local runoff. This project is located approximately 1 mile upstream from the confluence with the James River. There are no existing water rights located on the Elm River downstream from this project. There are 57 existing water rights appropriating 118.cfs located on the James River downstream to Huron. Included in these is Water Right No. 5027-3, Lake Byron Watershed District and is authorized to divert 12.0 cfs only when 60 cfs is bypassed after diversion during April 1 – June 30 of each calendar year.

The project consists of constructing a subimpoundment within an existing marsh. The subimpoundment is to be bordered on the north and west sides by an existing reconstructed river levee system along the Elm River. A newly constructed embankment is to border the project on the east side with high ground to act as the border on the south. The applicant is proposing to divert flood flows from the Elm River through the existing levee through a gated 24 inch pipe into the subimpoundment. A second 12 inch pipe with a check valve is to be placed in the embankment to allow water from the existing marsh to enter the subimpoundment when sufficient head is available.

This project will be taking flood flows from the Elm River. The Elm River is a tributary to the James River. This project is similar to a project that Sand Lake Refuge completed on the James River in the early 1990's which is approximately 12 river miles upstream from the Elm and James river confluence. That project, authorized by Water Right 5516-3, is allowed to take water during high flow times only when 110 cfs or more is flowing in the river as measured at the Columbia Gauging Station just above the confluence point with the Elm River. There are no other existing water rights located on the James River between the diversion point for the Sand Lake Refuge project and the confluence with the James River. The effect on downstream James River water rights from this proposed project would be similar to that of the US Fish and Wildlife Service project. If approved this water permit should include a similar qualification to Water Right No. 5516-3. The proposed qualification would be:

Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed. This permit does not authorize diversion of water at any time when river flow is low, unless at least 110 cfs is flowing past the James River Gauging Station at Columbia, or written orders have been issued by the Chief Engineer. Diversion under this permit shall be in accordance with any written orders issued by the Chief Engineer.

This qualification would protect Lake Byron Watershed District's right to divert water during spring high flows.

Conclusions

1. This application proposes to create a subimpoundment within an existing marsh to impound 33.4 acre-feet of water from runoff and Elm River flood flows.
2. The source of water for the proposed project is from the Elm River, a tributary to the James River, and from local runoff.
3. The project is similar to a Sand Lake National Wildlife Refuge project authorized by Water Right No. 5516-3.
4. If this project is approved it should contain the following qualification to protect existing downstream water rights and domestic use:

Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed. This permit does not authorize diversion of water at any time when river flow is low, unless at least 110 cfs is flowing past the James River Gauging Station at Columbia, or written orders have been issued by the Chief Engineer. Diversion under this permit shall be in accordance with any written orders issued by the Chief Engineer.



Mark D. Rath
Natural Resources Engineer III

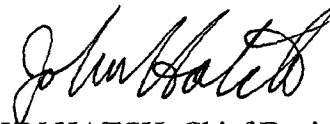
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6143-3, Paul Mammenga**

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. 6143-3, Paul Mammenga, 12345 386th Ave, Columbia SD 57433.

The Chief Engineer is recommending APPROVAL of Application No. 6143-3 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) it is in the public interest with the following qualifications:

1. Water Permit No. 6143-3 authorizes a dam with storage capacity of 33.4 acre-feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed. This permit does not authorize diversion of water from the Elm River at any time when the river flow is low, unless at least 110 cfs is flowing past the James River Gauging Station at Columbia, or written orders have been issued by the Chief Engineer.

See report on application for additional information.



JOHN HATCH, Chief Engineer
July 12, 1999



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

July 13, 1999

Paul Mammenga
12345 396th Ave.
Columbia, SD 57433

Dear Mr. Mammenga:

Water Permit Application No. 6143-3 for fish and wildlife propagation 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 American News printed at Aberdeen, SD (Ph # (605) 225-4100). 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 /ks
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
www.state.sd.us/denr

July 13, 1999

American News
P.O. Box 4430
Aberdeen, SD 57402-4430

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6143-3 to Appropriate Water to be published twice. Please publish the first notice on July 21, 1999, 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 Paul Mammenga, 12345 396th Ave., Columbia, SD 57433 (Ph # (605) 396-2381).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

No. 6143-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of July 13, 1999, enclosing Notice of Hearing to Appropriate Water by Application No. 6143-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

NOTICE OF APPLICATION NO. 6143-3 to Appropriate Water

Notice is given that Paul Mammenga, 12345 396th Ave, Columbia SD 57433 has filed an application for a water permit to impound 33.4 acre-feet of water from runoff and Elm River flood flows. The project proposes constructing an embankment located in the SE ¼ Section 32 T125N-R62W to create a subimpoundment within an existing marsh. This marsh is currently influenced by a dike system along the Elm River. A 24 inch pipe with a control structure will be constructed in the NW1/4 SE1/4 Section 32, T125N- R62W to allow Elm River water to be diverted into the subimpoundment during periods of high flows. A second 12 inch pipe with check valve will be place in the newly constructed embankment to allow water from the existing marsh to gravity flow to the subimpoundment when sufficient head is available. The water is to be used for fish and wildlife propagation purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6143-3 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 August 9, 1999.

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 is given that Paul Mamenga, 12345
396th Ave, Columbia SD 57433 has filed an
application for a water permit to impound 33.4
acre-feet of water from runoff and Elm River
flood flows. The project proposes constructing
an embankment located in the SE 1/4 Section
32 T125N-R62W to create a subimpoundment
within an existing marsh. This marsh is cur-
rently influenced by a dike system along the
Elm River. A 24 inch pipe with a control struc-
ture will be constructed in the NW 1/4 SE 1/4
Section 32, T125N-R62W to allow Elm River
water to be diverted into the subimpoundment
during periods of high flows. A second 12 inch
pipe with check valve will be placed in the
newly constructed embankment to allow water
from the existing marsh to gravity flow to the
subimpoundment when sufficient head is
available. The water is to be used for fish and
wildlife propagation purposes.

Pursuant to SDCL 46-2A-2, the Chief Engi-
neer recommends APPROVAL of Application
No. 6143-3 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 recom-
mended, unless a petition is filed opposing the
application or the applicant files a petition con-
testing the Chief Engineer's recommendation.
If a petition opposing the application or con-
testing the recommendation is filed, then a
hearing will be scheduled and the Water Man-
agement Board will consider the application.
Notice of the hearing will be given to the appli-
cant and any person filing a petition.

Any person interested in opposing or sup-
porting 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 Engi-
neer's recommendation. The Chief Engineer's
address is "Water Rights Program, Foss Build-
ing, 523 E Capitol, Pierre, SD 57501 (605 773-
3352)" and the applicant's mailing address is
given above. A petition filed by either an inter-
ested person or the applicant must be filed by
August 9, 1999.

The petition may be informal, but must
include a statement describing the petitioner's
interest in the application, the petitioner's rea-
sons for opposing or supporting the applica-
tion, and the signature and mailing address of
the petitioner or the petitioner's legal counsel.
If legal counsel is obtained, Contract Eric
Gronlund at the above Water Rights Program
address to request copies of information pertai-
ning to this application. Nettie H. Myers,
Secretary, Department of Environment and
Natural Resources.

Publication Fees \$ _____

Received Payment, _____

Aberdeen News Co. _____

By _____

AFFIDAVIT OF PUBLICATION RIGHTS

STATE OF SOUTH DAKOTA

COUNTY OF BROWN

ss.

Alice Rents BEING DULY SWORN, ON HIS OATH SAYS:
That the ABERDEEN AMERICAN NEWS is a DAILY newspaper of
general circulation, printed and published in Aberdeen, Brown County,
South Dakota, by the Aberdeen News Company, a corporation, and has
been such a newspaper during the times hereinafter mentioned, that
affiant is an employee and principal clerk of said publisher and has
personal knowledge of all the facts stated in this affidavit; that the
advertisement headed Notice of Application

Legal # 51539

a printed copy of which is hereto attached, was printed and publish-
ed in the regular and entire issue of said newspaper, and not in a sup-
plement thereof, once each Week for 2 successive Weeks
The first publication being made on the 21 day of July
The second publication being made on the 28 day of July
The third publication being made on the _____ day of _____
The fourth publication being made on the _____ day of _____
The fifth publication being made on the _____ day of _____
The sixth publication being made on the _____ day of _____
The seventh publication being made on the _____ day of _____
The eighth publication being made on the _____ day of _____
The ninth publication being made on the _____ day of _____

That said newspaper is a legal newspaper, being published five days or
more each week, having a bona fide circulation of more than two
hundred copies daily, having been published in the English language
within the said County of Brown for more than one year next prior
to the first publication of said notice, and is printed in whole in an of-
fice maintained at the place of publication of said newspaper. That the
whole amount of the fee paid for the publication of the annexed notice
is \$ 65.00, which inures solely to the benefit of said publisher;
that no agreement or understanding for a division thereof has been
made with any other person, and that no part thereof has been agreed
to be paid to any person whomsoever.

Subscribed and sworn to before me this 28 day of

July

1999

My Notary Public, Brown County, S. D.

My commission expires 8/29/2002

Daily Circulation 19930



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 3 1999

Paul Mammenga
12345 396th Ave.
Columbia, SD 57433.

Dear Mr. Mammenga:

Enclosed is Water Permit No. 6143-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *?Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Very truly yours,

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

enclosures

NOTICE OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Date 10-3-2000

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

FROM:

Paul Mammenga
(name)

12345 396th Ave
(address)

Columbia, SD 57433
(city, state, zip)

605-396-2381
(phone)



I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6/43-3 states that the water use system is to be constructed by

8-9-2004, and water is to be put to beneficial use by 8-9-2008
(date) (date)

The water use system was completed on 9-30-2000
(date)

Applying the water to beneficial use was completed on 9-30-2000
(date)

You may schedule an investigation so that the water license may be issued.

Paul Mammenga
(signature)



Permit No. 6143-3
James River - Water District

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

Contact Person & Address: Paul Mammenga, 12345 396th Ave, Columbia SD 57433

Report Of Examination Of Works

On, June 5, 2001, I made a thorough examination of the water use system constructed by Paul Mammenga of 12345 396th Ave, Columbia SD 57433 holder of Permit No. 6143-3, bearing the priority of May 19, 1999, authorizing the storage of 33.4 acre-feet of the waters of runoff and Elm River flood flows for fish and wildlife propagation purposes, in Brown County.

The system is in the following condition good. The point of diversion is located from the SE corner of Section 32 T125N-R62W it is 1547 feet west and 1328 feet north with a longitude of -98.317172 and a latitude of 45.592562. The works are capable of diverting and conveying to the place storing 33.4 acre-feet of water that is to be used for fish and wildlife propagation purposes.

The license should be issued for 33.4 acre-feet of storage.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period n/a
- 4) Exceptions to compliance are: none

Report On the Specifics of the System

Dam Information:

- | | |
|---|---|
| 1) Height to crest <u>6</u> feet | 2) Height to primary spillway or outlet <u>n/a</u> feet |
| 3) Height to secondary spillway <u>n/a</u> ft | 4) Crest width <u>15</u> feet |
| 5) Crest length <u>844</u> feet | 6) Spillway length <u>n/a</u> feet |
| 7) Spillway width <u>n/a</u> feet | 8) Approx. storage <u>33.4</u> ac-ft |
| 9) Outlet tubes: | |
| a) diameter <u>12</u> inches | b) type <u>PVC</u> |
| c) valved <u>yes</u> | d) valve type <u>Check</u> |

9) Elm River Dike System:

a) diameter 12 inches

b) type CMP

c) valved yes

d) valve type Flapgate

a) diameter 24 inches

b) type CMP

c) valved no

d) valve type none

Stacy J. Johnson

Stacy J. Johnson

Natural Resources Project Engineer

DENR, Water Rights Program

7-17-01
Date

6143-3

Section 32 T125N-R62W

From the SE corner the center of the embankment is located 1547 feet west and 1328 feet north



Area of impoundment of water = 33.4 Acre-feet

Center of Embankment

0.3 0 0.3 Miles

Stacy J Johnson 7-9-01
Stacy J Johnson
Natural Resources Engineer
SD DENR Water Rights Program

6143-3

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6143-3

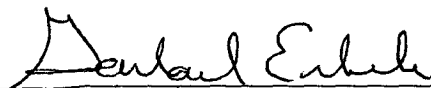
(1) Paul Mammenga, 12345 396th Ave, Columbia, SD 57433 made Application No. 6143-3, May 19, 1999 for a water permit to impound 33.4 acre feet of water from runoff and Elm River flood flows, in Brown County, South Dakota for fish and wildlife propagation purposes. Permit No. 6143-3, with a priority date of May 19, 1999 was approved August 9, 1999 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 9, 2004 and for the application to beneficial use of said water on or before August 9, 2008.

A "*Notice of Completion of Works and Application or Water to Beneficial Use*" was submitted by the permit holder on October 4, 2000. The "*Notice*" indicated the water use system was completed and water placed to beneficial use on September 30, 2000.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction and is entitled to impound 33.4 acre feet of water for beneficial use with sufficient water annually to maintain the water level to the outlet elevation. The location of the embankment is 1,547 feet west and 1,328 feet south of the SE corner of Section 32, T125N, R62W. Water is impounded in the SE ¼ Section 32, T125N, R62W.

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Paul Mammenga, 12345 396th Ave, Columbia, SD 57433 the holder and/or owner of Water Right No. 6143-3 is issued a license to appropriate water, the right to impound 33.4 acre feet of water from runoff and Elm River flood flows with sufficient water annually to maintain the water level to the outlet elevation, with a priority date of May 19, 1999 from the location specified in (2) of this license. The water is impounded for fish and wildlife propagation purposes. This license is subject to any limitations or qualifications listed in Water Right No. 6143-3 and subject to South Dakota State Law.



Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

JUL 23 2001

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 23 2001

6143-3

Paul Mammenga
12345 396th Ave.
Columbia, SD 57433

Dear Mr. Mammenga:

Enclosed is Water License No. 6143-3. This is the final water right document completing your process of obtaining a Water Right.

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

Sincerely,

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

enclosures

cc: US Fish and Wildlife Service

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
MUSKRAT WIRE PLACEMENT	504

PLAN INDEX

VICINITY MAP	1
PROJECT TOPOGRAPHY	2
SITE PLAN	3
STRUCTURE PLAN & DETAILS	4

QUANTITIES

MOBILIZATION	1	L.S.
SITE PREPARATION	1,226	C.Y.-P
EMBANKMENT CONSTRUCTION	5,819	C.Y.-S*
WATER	29	M-GAL.**
WATER CONTROL STRUCTURE		
HEADWALL & GATE	1	L.S.
APPURTENANCES	1	INC.
CULVERT INSTALLATION		
24"Ø CMP	64	L.F.
12"Ø PVC	44	L.F.
RIPRAP PLACEMENT		
CLASS I	8	C.Y.-P
MUSKRAT WIRE	1152	S.F.-P

*INCLUDES 15% FOR SHRINKAGE
**BASED ON 5 GAL./C.Y.

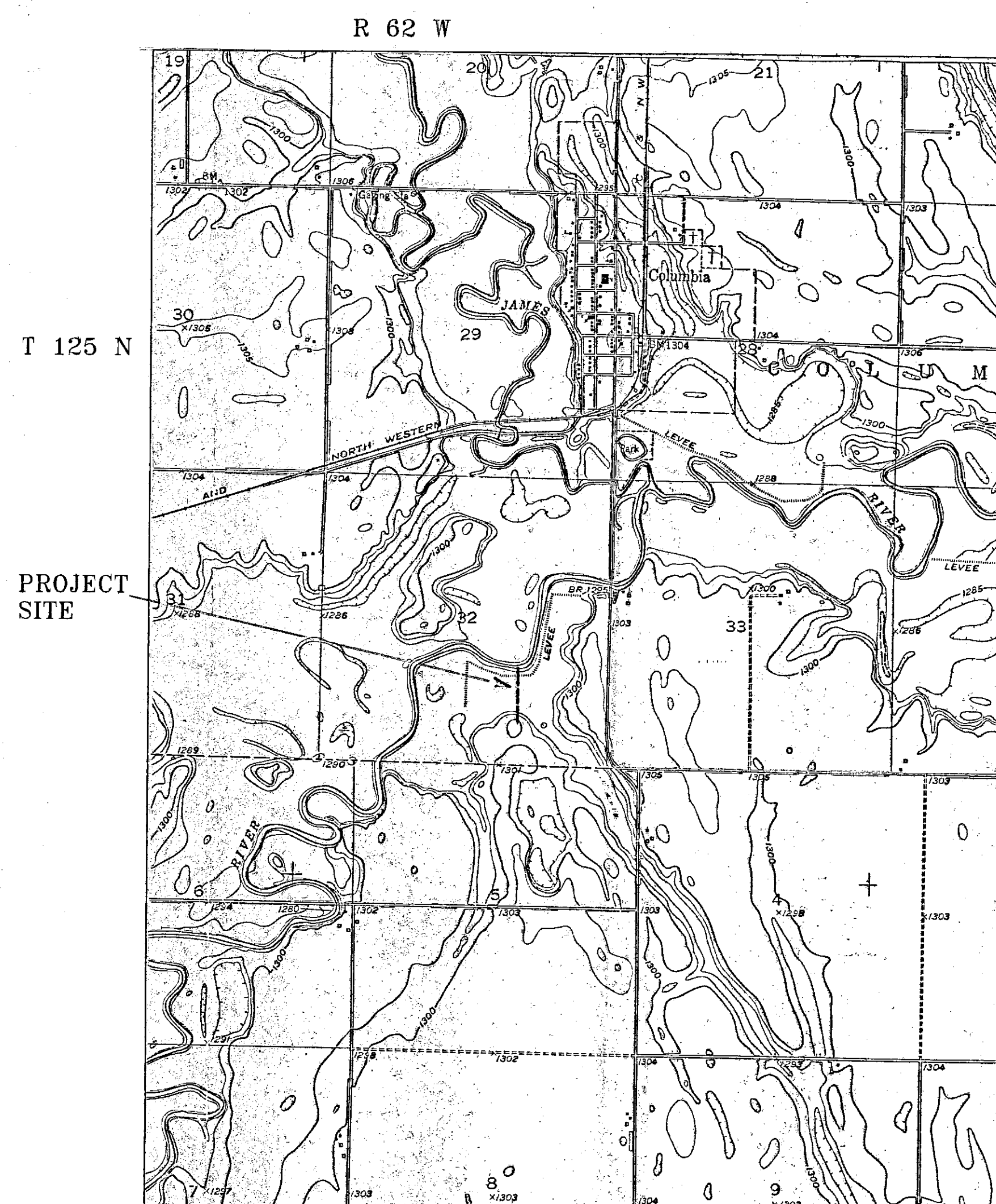
Staked quantities listed above are estimated quantities for design and bidding purposes. Final as-staked quantities derived from the construction staking data will establish quantities for final payment. Project construction staking and final as-staked quantity calculations have not been completed prior to the bid solicitation.

DUCKS UNLIMITED

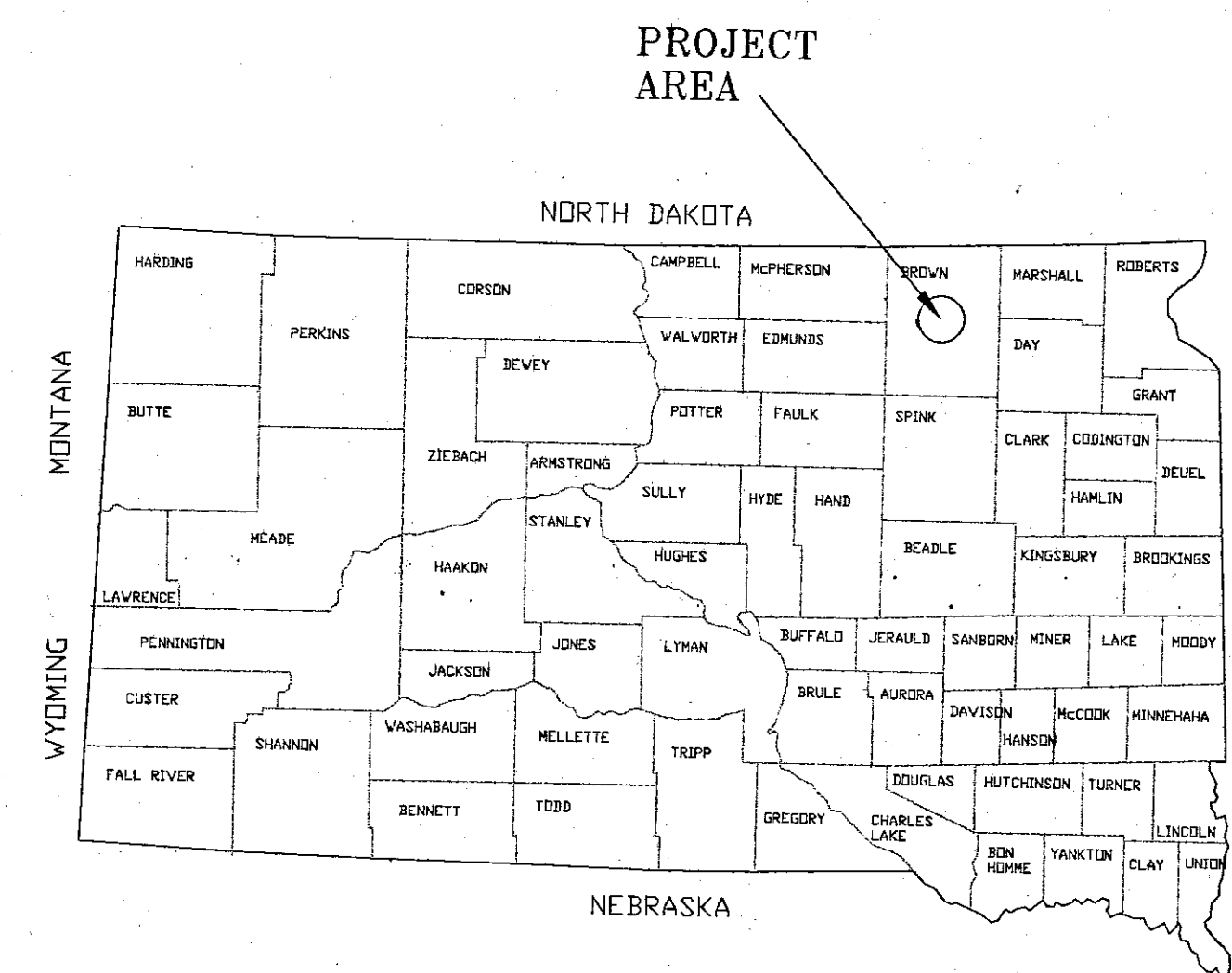
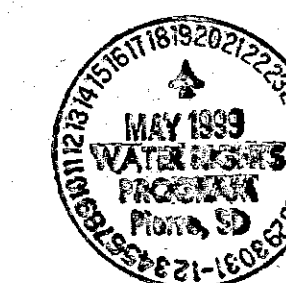
PROJECT

MAMMENGA WETLAND
SECTION 32, T 125 N, R 62 W,
BROWN COUNTY, SOUTH DAKOTA

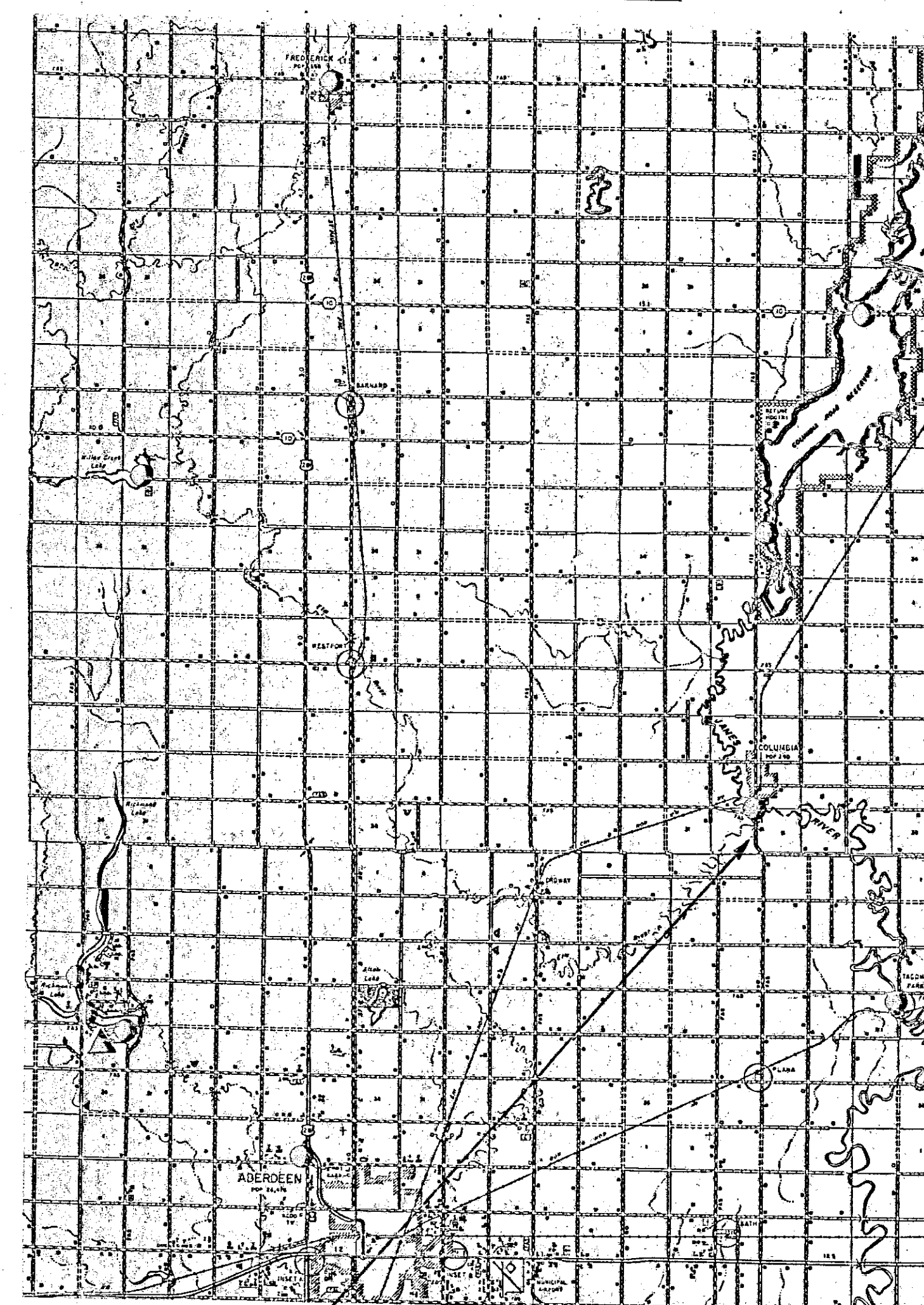
IN COOPERATION WITH
U.S. FISH AND WILDLIFE SERVICE



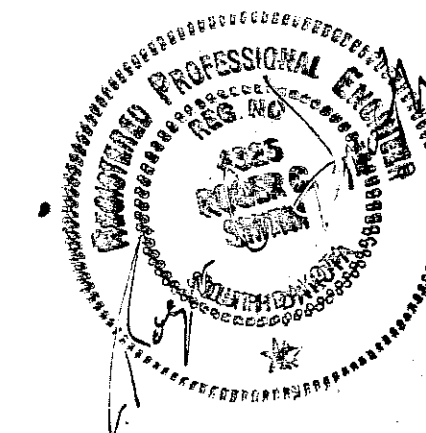
VICINITY MAP



SOUTH DAKOTA



PROJECT LOCATION BROWN COUNTY



AGENCY CONTACT:
BRIAN WEHAUSEN
USFWS
605/885-6320

LANDOWNER CONTACT:
PAUL MAMMENG
605/396-2381

PROJECT SIGNING

SIGN 'A' 24"x36"

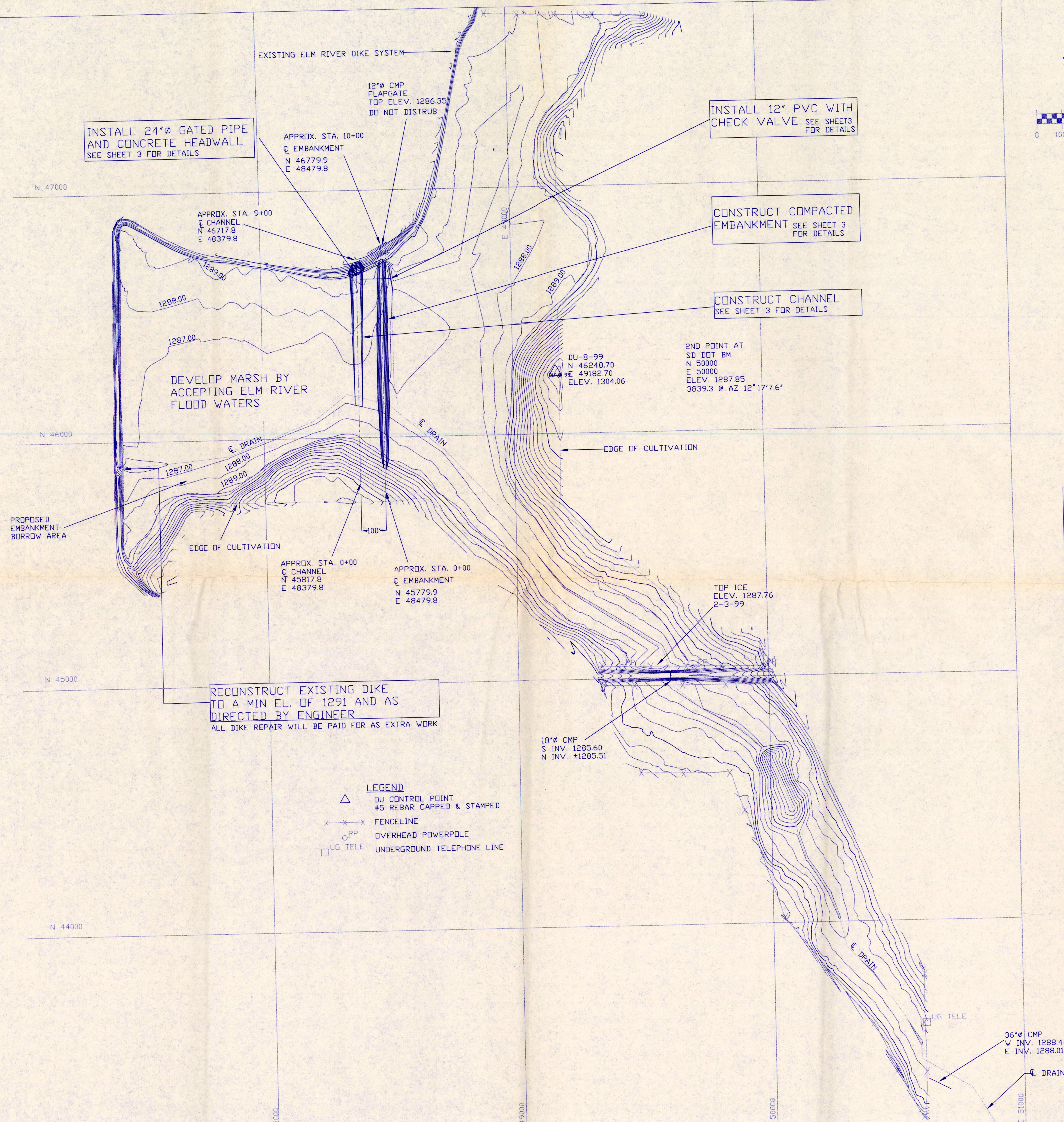
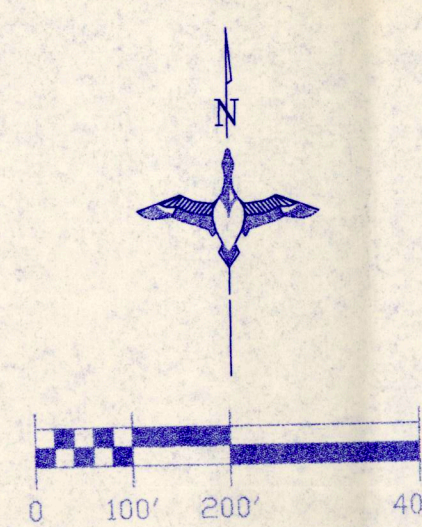
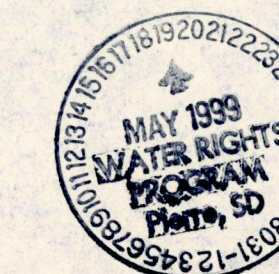


SIGN 'B' 11"x14"



— SIGN 'A' AND — SIGN 'B' WILL BE PROVIDED BY DUCKS UNLIMITED AND DELIVERED TO THE COOPERATING AGENCY. THE AGENCY IS RESPONSIBLE FOR INSTALLING THE SIGN(S) AT THE LOCATION(S) DESIGNATED ON THE PLAT.

	DUCKS UNLIMITED INC.		PROJECT NO. SD-0258-001	DESIGNED BY: R.C.
	GREAT PLAINS REGIONAL OFFICE		MAMMENGA WETLAND	DRAWN BY: JS
DATE: 4-5-99	SHEET NO. 1 OF 4	VICINITY MAP		SURVEYED BY:
		APPROVED BY: <i>[Signature]</i>	CHECKED BY: B.R.	
			APPROVED BY: 6143-	



PROJECT CONCEPT:

THE CONSTRUCTION OF THE NORTH /SOUTH DIKE WILL ALLOW MANAGERS TO CAPTURE ELM RIVER FLOOD WATERS WITHIN THE WEST PORTION OF THE EXISTING MARSH. AFTER ELM RIVER FLOOD WATERS RECEDE, THE MARSH WILL BE MAINTAINED AT AN ELEVATION AT OR NEAR 1289. SURFACE WATER CONTRIBUTING TO THE EXISTING WATERCOURSE EAST OF THE DIKE WILL CONTINUE TO DRAIN THROUGH THE EXISTING 12" CMP. DRAINAGE WILL NEITHER BE HINDERED NOR IMPROVED BY THE CONSTRUCTION OF THE PROJECT.

RECONSTRUCT EXISTING DIKE TO A MIN EL. OF 1291 AND AS DIRECTED BY ENGINEER
ALL DIKE REPAIR WILL BE PAID FOR AS EXTRA WORK

- LEGEND**
- △ DU CONTROL POINT #5 REBAR CAPPED & STAMPED
 - x—x— FENCELINE
 - PP OVERHEAD POWERPOLE
 - UG TELE UNDERGROUND TELEPHONE LINE

AREA CAPACITY DATA

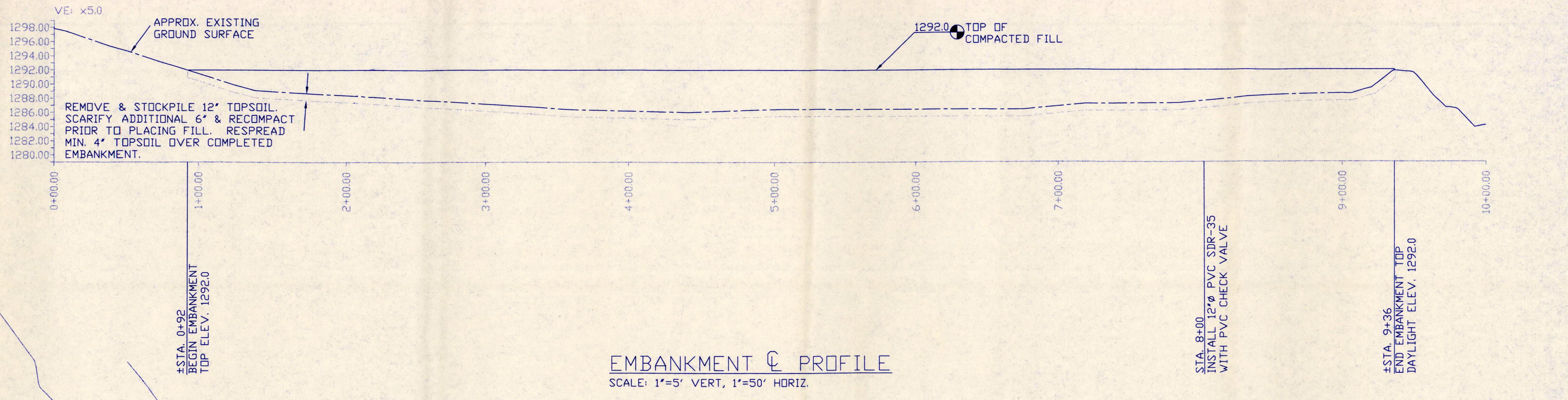
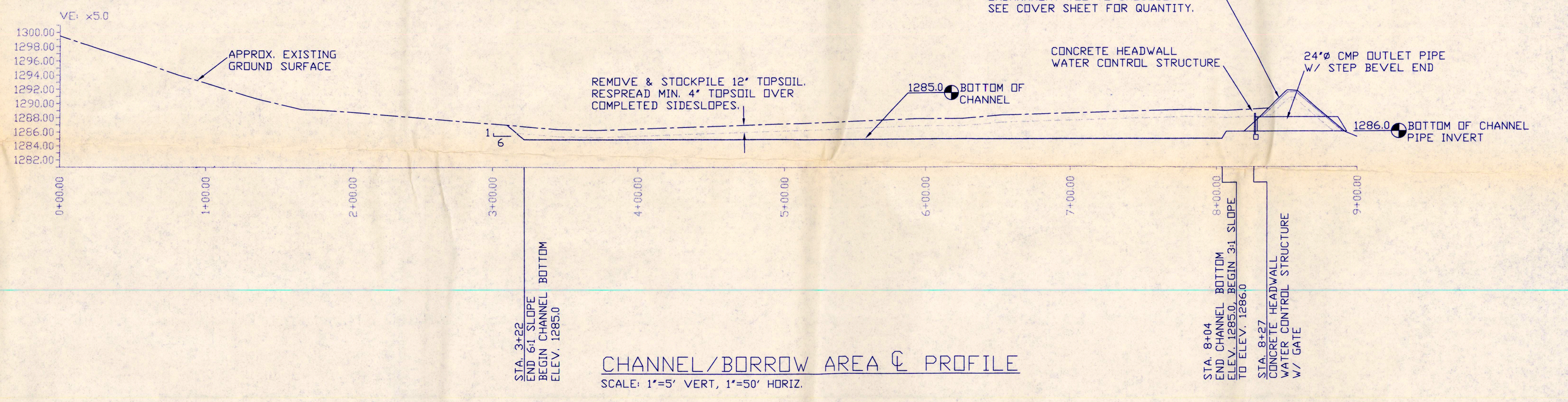
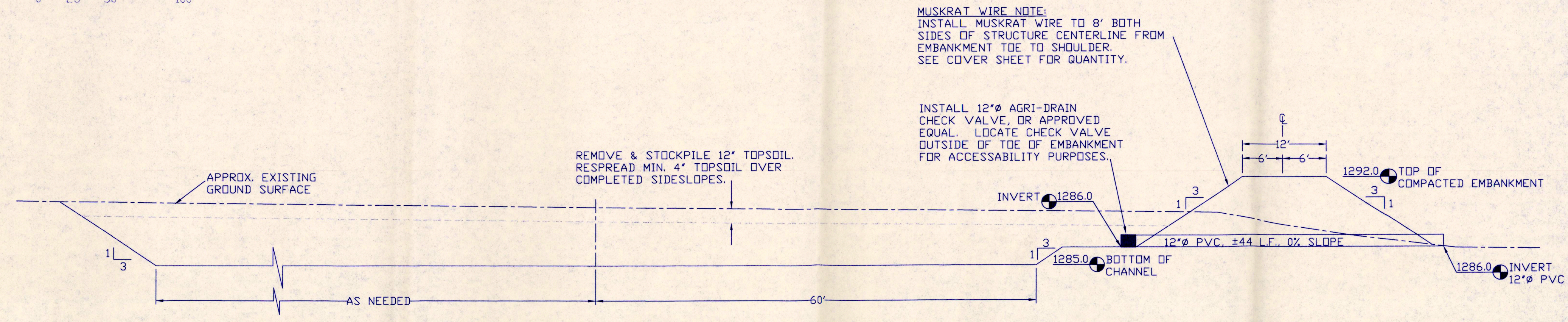
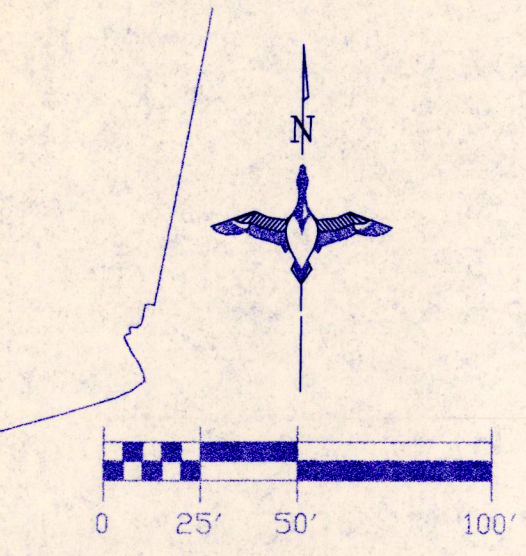
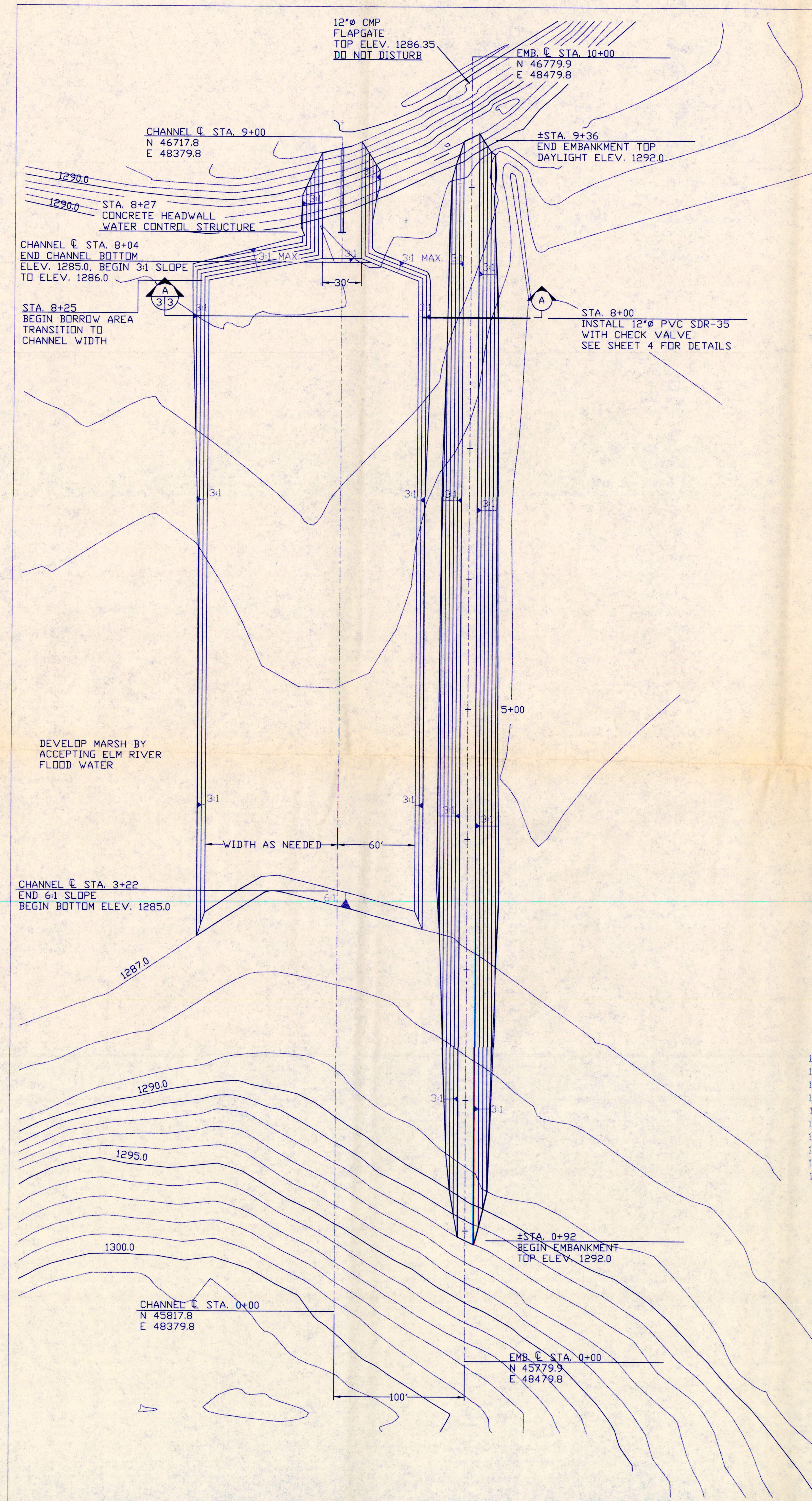
ELEVATION	ACRES	ACRE-Feet
1286	0.16	0.0
1287	8.95	4.6
1288	14.47	16.3
MAX. ELEVATION OF MARSH 1289	19.85	33.4
1290	21.59	54.1
MINIMUM TOP OF DIKE AFTER RECONSTRUCTION 1291	22.48	76.1
1292	23.08	98.9

NOT SHOWN ON MAP
CULVERT AT NEXT UPSTREAM
ROADWAY CROSSING

24" CMP
N INV. 1290.76
S INV. 1290.59

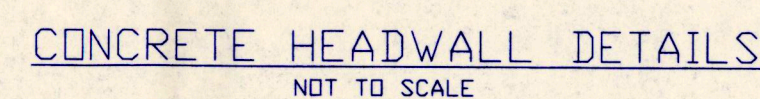
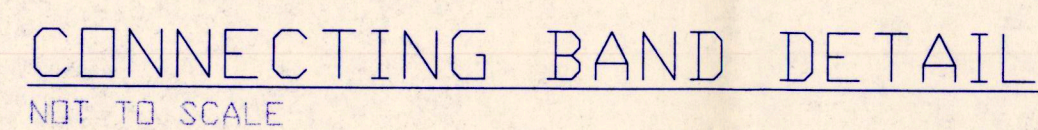
DUCKS UNLIMITED INC. GREAT PLAINS REGIONAL OFFICE	PROJECT NO. SD-0258-001 PAUL MAMMENG WETLAND	DESIGNED BY: _____ DRAWN BY: <u>PS</u> SURVEYED BY: G.L.J. CHECKED BY: B.R.K.
	PROJECT TOPOGRAPHY	
DATE: 4-5-99	SHEET NO. 2 OF 4	APPROVED BY: _____

6143-3



DUCKS UNLIMITED INC.		PROJECT NO. SD-0258-001	DESIGNED BY: R.C.S.
GREAT PLAINS REGIONAL OFFICE		PAUL MAMMENG WETLAND	DRAWN BY: B
DATE: 4-5-99	SHEET NO. 3 OF 4	APPROVED BY:	CHECKED BY: B.R.K.
SITE PLAN & PROFILES		APPROVED BY:	CHECKED BY: B.R.K.

A circular ink stamp from the "WATER RIGHTS PROGRAM" in "Pierre, SD". The date "MAY 1999" is stamped in the center. Around the perimeter of the circle are numbers 1 through 25, likely representing different water rights or sections. A small star symbol is positioned above the date.

[illegible]

 DUCKS UNLIMITED INC.	PROJECT NO. SD-0258-001	DESIGNED BY: R.C.S.
	MAMMENGA WETLAND	DRAWN BY: K
	STRUCTURE PLAN & DETAILS	CHECKED BY: SURVEYED BY: B.R.K.
GREAT PLAINS REGIONAL OFFICE DATE: 4-5-99 SHEET NO. 4 OF 4 APPROVED BY: APPROVED BY:		