

WATER PERMIT NO. 6147-3

Name of Applicant: Robert E Lee

Address: Rt 3 Box 121, Colman SD 57017

Phone: 605534-3176

Amount of Water Claimed: 150.7 acre-feet storage

Total Acres: NA

Source of Water Supply: runoff

Water to be used for: fish & wildlife propagation

County: Moody

Type of Waste Disposal System: NA

Location: about 10 miles northwest of Flandreau

PRIORITY Date Received: 7-14-99

Fee: \$225.00

Corrected Application Received:

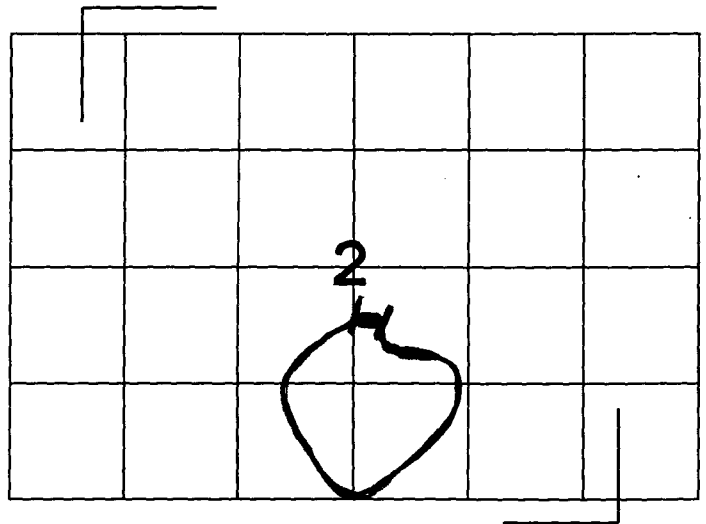
Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NW ¼ SE ¼ Sec 2-T107N-R50W

Water Impounded: W ½ SE ¼, E ½ SW ¼

Sec 2-T107N-R50W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: topo

Prepared by: Doug Lipetzky, PE

Reviewed and the Number Assigned on: 7-15-1999

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6147-3**

Date of first receipt of application July 14, 1999.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6147-3 to Robert E Lee, RR 3 Box 121, Colman SD 57017 authorizing the construction of the dam and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6147-3 authorizes impoundment of 150.7 acre-feet of water from runoff by constructing an earthen embankment located in the NW ¼ SE ¼ Section 2 with water impounded in the W ½ SE ¼, E ½ SW ¼ Section 2; all in T107N-R50W. This permit authorizes impoundment of sufficient water annually to maintain water at the outlet elevation of approximately 1646.0 feet mean sea level.
2. The water appropriated shall be used for the purpose of supplying water for fish and wildlife propagation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 6147-3 is August 30, 1999.
5. The date from which applicant may claim right is July 14, 1999.
6. One-fifth of the construction is to be completed on or before February 28, 2002.
7. All construction is to be completed on or before August 30, 2004.
8. Water is to be put to beneficial use on or before August 30, 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. 6147-3 authorizes an earthen embankment with a storage capacity of 150.7 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.

WATER MANAGEMENT BOARD

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

SEP 7 1999
date



Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

No. 647-3 Hydrologic Unit 10170203
Map No. _____ Basin Sicte River
Newspaper Moody Co. Enterprise, Flandreau, SD

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

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

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐

☐ Amend Permit No. _____ with old priority date retained

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

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

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

1. Name of Applicant Robert E. Lee Phone No. 605-534-3176

Post Office Address R. Rte. #3, Box 121 Colman State SD 57017
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) ~~36 cfs~~ 150.7 acre-feet storage

3. Source of water supply 755 acres of watershed runoff

4. Location of point of diversion _____

NW-1/4 of SE-1/4 ~~at SE~~ corner of Section 2, T 107 N, R 50 W
Water Impounded: W 1/2 SE 1/4, E 1/2 SW 1/4 Sec. 2 - T107N-R50W

County Moody

5. Counties where water will be used Moody

6. Annual period during which water is to be used ~~Spring, Summer and Fall~~ Jan 1 - Dec 31

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

See attached

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

STATE OF SOUTH DAKOTA)
County of Moody) ss

I, Robert E. Lee 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.

NOEL N. MATSON
NOTARY PUBLIC
SOUTH DAKOTA

Signed Robert E. Lee

Subscribed and sworn to before me this 20th day of May 19 99

Noel N. Matson
Notary Public

My Commission expires 2-23-2001



Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

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

2. Dugout Information Estimates

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

3. Water Storage Dams

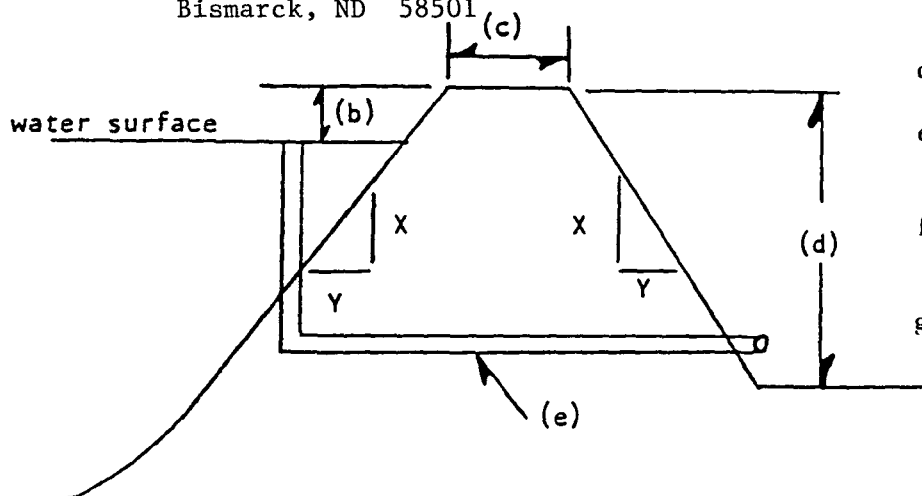
If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

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

Ducks Unlimited

Great Plains Regional Office

3502 Franklin Avenue
 Bismarck, ND 58501



b) Freeboard 2 ft.

c) Crest Width 12 ft.

Crest Length 320 ft.

d) Height 6.0 ft.

e) Primary Outlet Capacity 105CFS
 If Pipe, diameter 10 weir crest

f) Secondary Spillway Capacity 50cfs
 Spillway width 50 ft

g) X & Y Slope
 Upstream 3H:1V

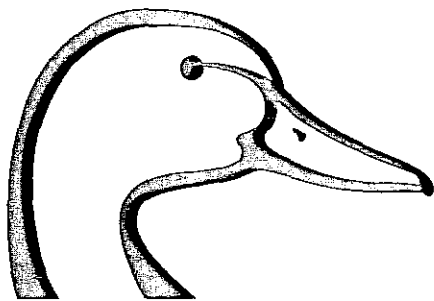
Downstream 3H:1V

Surface Area of Impoundment 61.5 AC

Storage 150.7 acre feet

Drainage area above dam 755 Ac

Robert C. L...
 Signature of Applicant



DUCKS UNLIMITED

SPECIFICATIONS

- 101 GENERAL CONDITIONS
- 201 MOBILIZATION
- 202 SITE PREPARATION
- 203 EXCAVATION
- 204 EMBANKMENT CONSTRUCTION
- 205 WATER
- 209 RIPRAP PLACEMENT
- 215 SHEET PILE INSTALLATION
- 215A SHEET PILE INSTALLATION-SPECIAL PROVISION
- 308 WATER PIPELINE INSTALLATION

PLAN INDEX

- 1 LOCATION MAPS
- 2 PROJECT SITE TOPOGRAPHY
- 3 EMBANKMENT PLAN AND PROFILE
- 4 STRUCTURE PLAN, PROFILE, & DETAILS

QUANTITIES

MOBILIZATION	1 L.S.
SITE PREPARATION	301 C.Y.-P
EMBANKMENT CONSTRUCTION	830 C.Y.-P*
WATER	1 M-GAL.**
RIPRAP PLACEMENT (CLASS I)	48 C.Y.-P
SHEET PILE INSTALLATION	400 S.F.-P***
TIMBER PILE CAP	1 L.S.
WATER PIPELINE INSTALLATION	
AGRI-DRAIN STRUCTURE	1 L.S.
12" PVC PIPE SDR-35	76 L.F.

*INCLUDES 15% FOR SHRINKAGE

**ONLY ACTUAL QUANTITY OF WATER USED WILL BE PAID FOR.

***VINYL SHEET PILE MATERIAL SHALL BE SUPPLIED BY
DUCKS UNLIMITED. SEE NOTE ON SHEET 4.

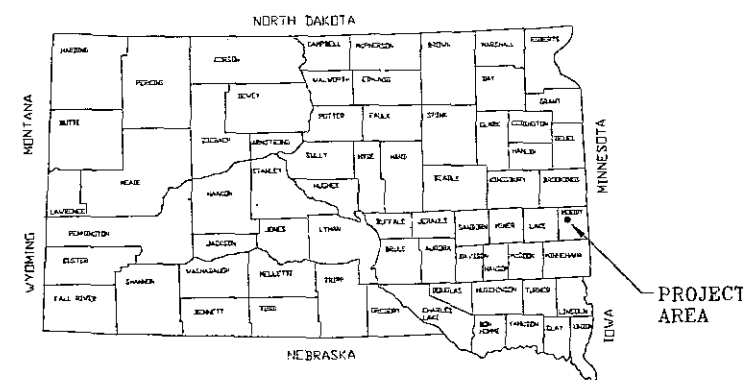
DUCKS UNLIMITED

PROJECT

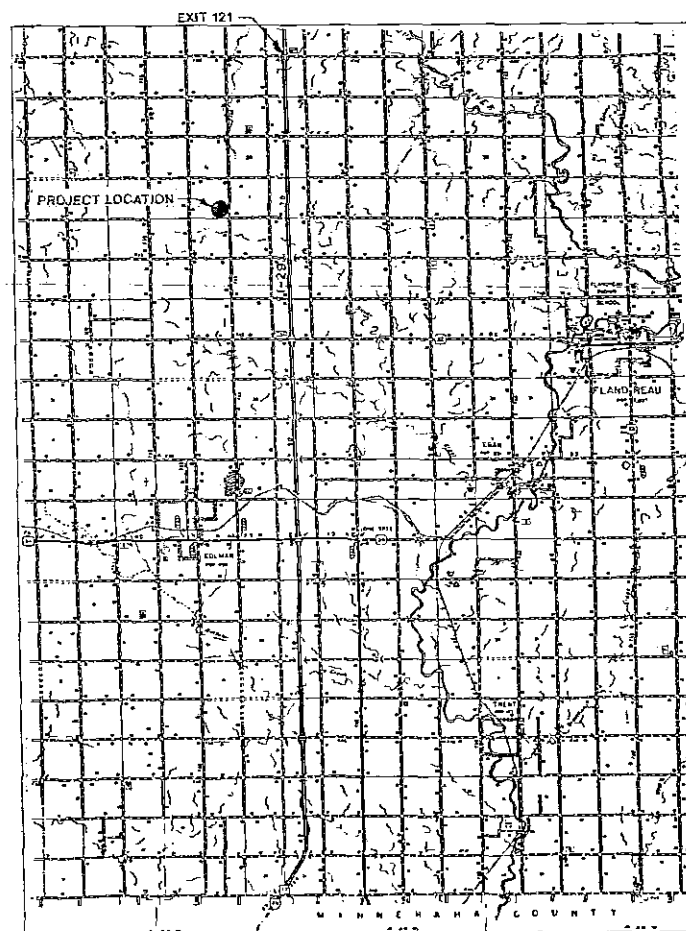
WETLAND RESERVE PROGRAM LEE WETLAND

SECTION 2, T 107 N, R 50 W,
MOODY COUNTY, SOUTH DAKOTA

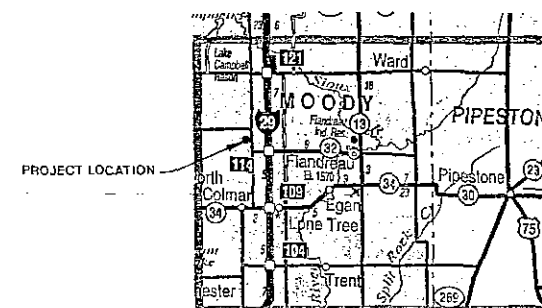
IN COOPERATION WITH
U.S. FISH AND WILDLIFE SERVICE



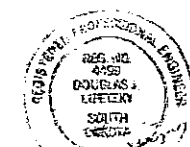
SOUTH DAKOTA



VICINITY MAP



MOODY COUNTY



AGENCY CONTACT:
NOEL MATTSOON
USF&WS - MADISON WMD
605/256-2974

	DUCKS UNLIMITED INC.	PROJECT NO. SD-0205-005	DESIGNED BY: D.J.L.
	WETLAND RESERVE PROG.	LEE WETLAND	DRAWN BY: TSP
LOCATION MAPS		SURVEYED BY: G.L.J.	CHECKED BY:
DATE: 4/17/2003		APPROVED BY:	APPROVED BY:

6147-3

NOT TO SCALE



OFFICIAL WETLAND
DETERMINATION
for High-Lighted Tracts Only

6147-2



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Madison Wetland Management District

P.O. Box 48

On Hwy. 19, 3/4 mile South of Hwy. 34 Junction

Madison, SD 57042

Telephone: (605) 256-2974

July 12, 1999

DENR Water Rights Division

Joe Foss Bldg.

523 E. Capital

Pierre, SD 57501



Dear Sirs:

Enclosed you will find an application for water rights for Mr. Robert E. Lee. Please send the bill for publishing and a copy of the receipt. To me at

U.S. Fish and Wildlife Service

% Noel Matson

P.O. Box 48

Madison, SD 57042

Sincerely,

Noel Matson

Bio. Tech.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416184

Pierre, _____ July 14, 19 99

RECEIVED OF Robert E. or Gladys R. Lee, Rt 3, Box 121, Colman, SD 57017
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6147-3</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. <u>6147-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	275 00

By _____
Chief Engineer

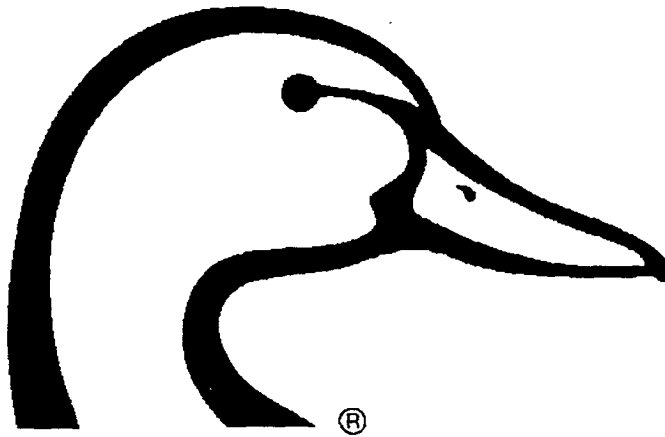
John H. Hester

DESIGN REPORT

for

LEE WRP PROJECT

SD-0205-005



March 10, 1999

Prepared by:

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

PROJECT: LEE WRP WETLAND
SD-0205-005

LOCATION: Section 2, T 107 N, R 50 W
9 miles west, 3 miles north of Flandreau
Moody County, South Dakota

MARSH DATA: Full Service Level (FSL) @ 1646.0
61.5 Surface Acres @ FSL
150.7 Acre-Feet Capacity @ FSL

Natural Emergency Spillway @ 1647.7
78.4 Surface Acres @ Emergency Spillway Crest
270.6 Acre-Feet Capacity @ Emergency Spillway

Top of Compacted Embankment @ 1648.5
85.4 Surface Acres @ Top of Embankment
335.0 Acre-Feet Capacity @ Top of Embankment

PROJECT DESCRIPTION:

The project as proposed involves the restoration of a wetland on private land enrolled in the Wetland Reserve Program and owned by Mr. Bill Lee. The restoration will include the construction of a small earthen embankment across a small, unnamed drainage. Project features will include the compacted embankment and a primary spillway structure. A natural emergency spillway exists around the west end of the proposed embankment.

No other landowners should be affected by the restoration work. Approximately 755 acres or 1.18 square miles of watershed contributes surface runoff to the wetland.

PRELIMINARY RISK ASSESSMENT:

The project site is located in a rural area of Moody County. The embankment site lies across a small, unnamed drainage that discharges into the Big Sioux River approximately 7 miles downstream from the project site. There are several section line road crossings between the project site and the Big Sioux River, but no residences or other buildings located directly downstream adjacent to the outlet channel.

The proposed embankment will not exceed six (6) feet in height, therefore, it is not considered a "dam" per the definitions in Chapter 74:02:08 "Safety of Dams" of the South Dakota Department of Environment and Natural Resources rules. However, based on information obtained in the field, data present on the U.S.G.S. quadrangular maps, the rural location of the site, downstream land use and the size of the impoundment, the general public should 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.

For informational purposes, the product of the intermediate storage capacity (270.6 acre-feet at the emergency spillway crest) for the wetland times the effective height (5.2 feet from the emergency spillway crest to the channel bottom) is 1,407 which is significantly less than 3000. Therefore, if the project were subject to Chapter 74:02:08 and in accordance with 74:02:08:07.01 of the South Dakota rules, the minimum spillway design flood would be to pass a 25-year frequency through the spillways without overtopping the embankment. The project as designed will pass the 100-year frequency design flood without overtopping the embankment.

The storage capacity at full service level (FSL) for the wetland is 150.7 acre-feet. Since that exceeds 25 acre-feet, a water right permit from the Water Management Board will be required. In addition, a Location Notice for the dam should be filed since it appears the project is not subject to Chapter 74:02:08.

DESIGN:

The embankment has been designed to allow desired water holding capability without affecting upstream or adjacent property owners. The proposed full service level (FSL) is at elevation 1646.0. The primary spillway will consist of a vinyl sheet pile, weir structure with a crest length of 10' at FSL. Also, an Agri Drain in-line water control structure with removable stoplogs will be installed to provide variable level control and total drawdown capability. 12" diameter PVC or PE pipe will be connected to the structure to facilitate water movement.

Regression equations provided in *Techniques for Estimating Flood Peaks, Volumes, and Hydrographs on Small Streams in South Dakota*¹ were used to develop flood peaks for design purposes. The Natural Resource Conservation Service (NRCS) TR-20 Hydrology program was then calibrated by adjusting the time of concentration to produce

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

a peak inflow for the various design events similar to those determined using the regression equations. The calibrated TR-20 model was then used to determine the discharge at various reservoir stages with respect to time. The program uses accepted procedures to develop inflow and outflow hydrographs. The primary spillway capacity was calculated using the weir formula. A total discharge curve for the proposed dam is attached.

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

<u>EVENT</u>	<u>PEAK INFLOWS</u>	<u>MAXIMUM WATER SURFACE ELEVATION</u>	<u>FREEBOARD AVAILABLE</u>	<u>TOTAL DISCHARGE</u>
2 YR	36 CFS	1646.54	1.96 FT	14 CFS
5 YR	88 CFS	1646.89	1.61 FT	37 CFS
10 YR	142 CFS	1647.09	1.41 FT	49 CFS
25 YR	237 CFS	1647.28	1.22 FT	69 CFS
50 YR	334 CFS	1647.47	1.03 FT	88 CFS
100 YR	446 CFS	1647.60	0.90 FT	105 CFS

Primary Spillway Crest Elevation @ 1646.0

Natural Emergency Spillway Crest @ 1647.7

Top of Compacted Embankment Elevation. . . . @ 1648.5

As indicated by the previous discussion and results in the table, the project will easily comply with all applicable State dam safety rules. In addition to providing excellent waterfowl and other wildlife habitat, the basin should provide some water quality benefits as well.

Construction plans have been drafted outlining project specifics. A set of standard construction specifications has previously been submitted to the Division of Water Rights.

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of South Dakota.

 P.E.

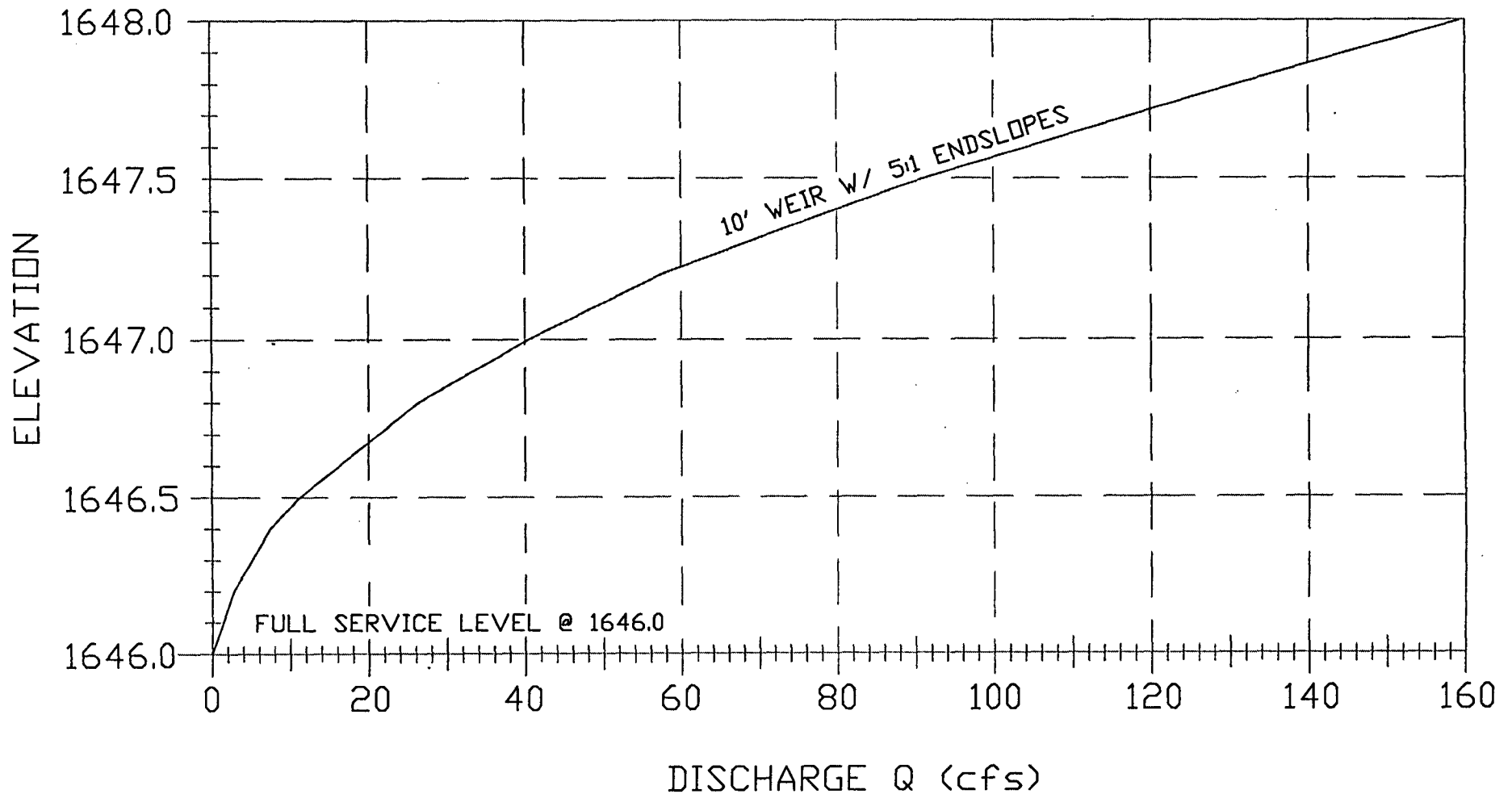
Douglas J. Lipetzky, P.E.
PE-4499

March 10, 1999

Date

LEE WRP WETLAND

DISCHARGE CURVE



NOTE:

THE PRIMARY SPILLWAY CONSISTS OF A VINYL SHEET PILE WEIR STRUCTURE WITH A 10' CREST LENGTH AND 5H:1V SLOPES. A NATURAL EMERGENCY SPILLWAY EXISTS AT APPROXIMATE ELEVATION 1647.7.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 27, 1999

Noel Matson
U.S. Fish and Wildlife Service
Madison Wetland Management District
P.O. Box 48
Madison SD 57042

Dear Noel:

Enclosed is a receipt for the water right permit application filing fee for Robert E. Lee's project.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

Water Permit Application #6147-3
Robert E. Lee

Top of Dam Elev. - 1648.5
2nd Spillway Elev. - 1647.7
P. Spillway Elev. - 1646.0
Emb. D/S Toe Elev. - 1642.5

Ht. = 6.0 ft * Does Not
Meet Safety of
Dams Rules - Chapter
74:02:08

* Chapter 74:02:08:01(7) Dam - A barrier is not considered a dam if the height does not exceed 6 ft regardless of storage capacity

Normal Storage Capacity - 150.7 Acre-Feet
Int. Storage Capacity - 270.6 Acre-Feet
Maximum Storage Capacity - 335.0 Acre-Feet

Int. Capacity x Eff. Height = $270.6 \times 5.2 = 1407 < 3000$ $\therefore$ 25 year
Min. Spillway Design

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

DA = $755 A_c = 1.18 \text{ mi}^2$
Slope = 60 ft/mile
SI = 3.33

$$\begin{aligned} Q_{95} &= 83.4 A^{.64} S^{.44} S_i^{-.72} \\ &= 83.4 (1.18)^{.64} (60)^{.44} (3.33)^{-.72} \\ &= 83.4 (1.10) (5.59) (0.42) \\ &= \underline{216 \text{ cfs}} \end{aligned}$$

$$\begin{aligned} Q_{100} &= 132 A^{.65} S^{.46} S_i^{-.67} \\ &= 132 (1.18)^{.65} (60)^{.46} (3.33)^{-.67} \\ &= 132 (1.11) (6.58) (0.45) \\ &= \underline{435 \text{ cfs}} \end{aligned}$$

Ducks Unlimited used the NRCS TR-20 model to route the inflow through the dam with a Q_{95} peak of 237 cfs leaving 1.22 ft of freeboard available, and a Q_{100} peak of 446 cfs leaving 0.90 ft of freeboard available.

NRCS Annual Yield

DA = 755 A_c
CN = 76
SI = 2 1/2

80% chance 0.2
 $0.2 \times 755/12 = \underline{12.5 \text{ Acre-Feet}}$

50% chance = 0.5
 $0.5 \times 755/12 = \underline{32 \text{ Acre-Feet}}$

10% chance = 2.3
 $2.3 \times 755/12 = \underline{145 \text{ Acre-Feet}}$

REPORT ON
WATER PERMIT APPLICATION NO. 6147-3
Robert E. Lee
July 26, 1999

Water Permit Application No. 6147-3 has been filed by Robert E. Lee to impound 150.7 acre-feet of water from runoff by constructing a small earthen embankment located in the NW ¼ SE ¼ of Section 2-T107N-R50E, in Moody County. The water will be used for fish and wildlife production.

Discussion:

The proposed embankment will only be 6 feet high with a normal storage capacity of 150.7 acre-feet with a reservoir level at the spillway elevation, and a maximum storage capacity of 335 acre-feet with a reservoir level at the top of dam elevation. Due to the small size of the embankment, the design of the structure is not subject to the requirements of the Safety of Dams Rules, Chapter 74:02:08. However, the minimum requirements for a small size, Low Hazard dam would be to have the spillway capacity capable of passing a 25-year frequency event without overtopping the embankment.

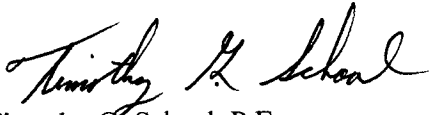
The Lee Wetland Project has been designed by Ducks Unlimited, Inc. It will have an upstream drainage area of 755 acres (1.18 square miles). It is designed to have a 10 foot wide sheet pile weir as the primary spillway, and a 50 foot wide natural earth channel as the secondary spillway. Ducks Unlimited uses the NRCS TR-20 model to route a 25-year frequency event peak of 237 cfs through the structure with 1.22 feet of freeboard remaining, and a 100-year frequency event peak of 446 cfs through the structure with 0.90 feet of freeboard remaining.

The annual yield for the drainage area above the dam with an 80 percent chance of occurrence, or 8 out of 10 years, is expected to be 12.5 acre-feet. The annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 32 acre-feet, and the annual yield with a 10 percent chance of occurrence, or 1 out of 10 years, is expected to be 145 acre-feet.

The Lee Wetland Project will be located in the NW ¼ SE ¼ of Section 2-T107N-R50E on an unnamed tributary to the Big Sioux River approximately 6 miles upstream of the confluence of tributary and the Big Sioux River. There are no existing Water Permits/Rights located on the unnamed tributary between the embankment and the Big Sioux River.

Conclusion:

1. Water Permit Application No. 6147-3 should be approved since unappropriated water is available and approval should not have any adverse effect on existing Water Permits/Rights.
2. If approved, the low flow bypass requirement for domestic use should be a qualification on Water Permit Application No. 6147-3.



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. 6147-3, Robert E. Lee**

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. 6147-3, Robert E. Lee, Route 3 Box 121, Colman SD 57017.

The Chief Engineer is recommending APPROVAL of Application No. 6147-3 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. 6147-3 authorizes an earthen embankment with a storage capacity of 150.7 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.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
July 29, 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.

August 3, 1999

US Fish & Wildlife Service
%Noel Matson
P.O. Box 48
Madison, SD 57042

Dear Mr. Matson:

Water Permit Application No. 6147-3 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 Moody Co. Enterprise printed at Flandreau, SD (Ph # (605) 997-3725). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

c: Robert E. Lee, Rt 3, Box 121, Colman, SD 57017



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 3, 1999

Moody Co. Enterprise
Box 71
Flandreau, SD 57028-0071

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6147-3 to Appropriate Water to be published twice. Please publish the first notice on August 11, 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 US Fish & Wildlife Service, %Noel Matson, P.O. Box 48, Madison, SD 57042 for the cost of publication.**

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. 6147-3

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

Date _____

We are in receipt of your letter of August 3, 1999, enclosing Notice of Hearing to Appropriate Water by Application No. 6147-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on August 11, 1999, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6147-3 to Appropriate Water

Notice is given that Robert E Lee, Rt 3 Box 121, Colman SD 57017 has filed an application for a water permit to impound 150.7 acre-feet of water from runoff by constructing an earthen embankment located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 2 with water impounded in the W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 2; all in T107N-R50W. This application requests impoundment of sufficient water to maintain water at the outlet elevation of approximately 1646.0 feet mean sea level. The water is to provide habitat for fish and wildlife propagation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6147-3 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 30, 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.

**PROOF OF PUBLICATION**

STATE OF SOUTH DAKOTA)
) SS
 County of Moody)

I, Angela Nibbelink

certify that the attached printed Notice was taken

from the Moody County

Enterprise

printed and published in Flandreau

County of Moody and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

August 11, 1999

August 18, 1999

Cost of Printing \$37.40

Angela Nibbelink
 (Signature)

Bookkeeper
 (Title)

8-18-99
 (Date Signed)

NOTICE OF APPLICATION NO. 6147-3 TO APPROPRIATE WATER

Notice is given that Robert E Lee, Rt 3 Box 121, Colman SD 57017 has filed an application for a water permit to impound 150.7 acre-feet of water from runoff by constructing an earthen embankment located in the NW 1/4 SE 1/4 Section 2 with water impounded in the W 1/2 SE 1/4, E 1/2 SW 1/4 Section 2; all in T107N-R50W. This application requests impoundment of sufficient water to maintain water at the outlet elevation of approximately 1646.0 feet mean sea level. The water is to provide habitat for fish and wildlife propagation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6147-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Nettie H. Myers, Secretary,
 Department of Environment
 and Natural Resources

(Aug. 11 & 18, 1999)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 7 1999

Robert E. Lee
RR 3, Box 121
Colman, SD 57017

Dear Mr. Lee:

Enclosed is Water Permit No. 6147-3 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

Permit No. 6147-3
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 28, 2002, made a thorough examination of the water use system constructed by Robert E. Lee of Rt. 3 Box 121, Colman, SD 57017 holder of Permit No. 6147-3, bearing the priority of July 14, 1999 authorizing the storage of 150.7 acre-feet of the waters of runoff for fish & wildlife propagation purposes, in Moody County.

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

A. Works used to divert the water:

6 foot high embankment (ditch plug) with PVC sheet pile weir

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

N/A

C. Works used to apply water to beneficial use:

6 foot high embankment (ditch plug) with PVC sheet pile weir

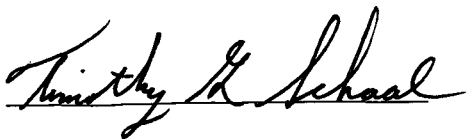
The system is in the following condition good. The point of diversion is located 2100 ft. north & 2550 ft. west of the SE corner of Sec. 2-T107N-R50W (NW 1/4 SE 1/4). The works are capable of storing 150.7 acre-feet of water which is to be used for fish & wildlife propagation. Water has been put to beneficial use to the maximum extent as follows:

6 foot high embankment (ditch plug) with PVC sheet pile weir that stores 150.7 acre-feet in the W 1/2 SE 1/4 & E 1/2 SW 1/4 of Sec. 2-T107N-R50W.

and the license should be issued for 150.7 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: June 6, 2002



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

REPORT ON INSPECTION OF PERMIT NO. 6147-3

Other permit(s) associated with the project: XXXX

DATE OF INSPECTION: May 28, 2002

NAME & ADDRESS OF INSPECTION CONTACT/ Robert E. Lee

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Robert E. Lee, Rt. 3 Box 121, Colman, SD 57017

DIVERSION POINT LEGAL LOCATION: 2100 ft. north & 2550 ft. west of the SE corner of Sec. 2-T107N-R50W (NW 1/4 SE 1/4).

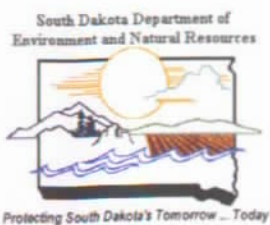
DAM INFORMATION:

- 1) Height to crest 6 feet
- 2) Height to primary spillway 3.5 feet
- 3) Height to secondary spillway 4.2 feet
- 4) Crest width 12 feet
- 5) Crest length 320 feet
- 6) Spillway length XXX feet
- 7) Spillway width 10 feet
- 8) Approx. storage (Normal) 150.7 acre-feet
- 9) Approx. storage (Maximum) 335.0 acre-feet
- 10) Date constructed: 1999

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. 6147-3



Timothy G. Schaal
Timothy G. Schaal, P.E. 6/6/02
Natural Resources Engineer Specialist
Water Rights Program

STATE OF SOUTH DAKOTA

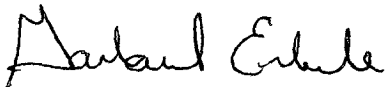
WATER LICENSE NO. 6147-3

(1) Robert E. Lee, Rt 3 Box 121, Colman SD 57017 made Application No. 6147-3, July 14, 1999 for a water permit to impound 150.7 acre-feet of water from runoff, Moody County, South Dakota for fish and wildlife propagation purposes. Permit No. 6147-3, with a priority date of July 14, 1999 was approved August 30, 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 30, 2004 and for the application to beneficial use of said water on or before August 30, 2008.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the storage dam and is entitled to impound 150.7 acre-feet of water for beneficial use with sufficient water annually to maintain the water level to the outlet elevation of 1646 feet mean sea level. The location of the storage dam (ditch plug) is 2,100 feet north and 2,550 feet west of the southeast corner of Section 2-T107N-R50W (NW ¼ SE ¼).

(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 Robert E. Lee, Rt 3 Box 121, Colman SD 57017 the holder and/or owner of Water Right No. 6147-3 is issued a license to appropriate water, the right to impound 150.7 acre-feet of water from runoff with sufficient water annually to maintain the water level to the outlet elevation of 1646 feet mean sea level with a priority date of July 14, 1999 from the location specified in (2) of this license for fish and wildlife propagation purposes. This license is subject to any limitations or qualifications listed in Water Right No. 6147-3 and subject to South Dakota State Law.



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

JUL 31 2002

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 31 2002

6147-3

Robert E. Lee
Rt 3 Box 121
Colman, SD 57017

Dear Mr. Lee:

Enclosed is Water License No. 6147-3. This is the final water right document completing your process of obtaining a Water Right.

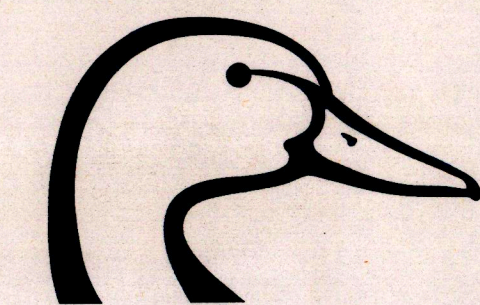
As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

A handwritten signature in black ink, appearing to read 'Garland Erbele', written in a cursive style.

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

enclosures



DUCKS UNLIMITED

SPECIFICATIONS	
101	GENERAL CONDITIONS
201	MOBILIZATION
202	SITE PREPARATION
203	EXCAVATION
204	EMBANKMENT CONSTRUCTION
205	WATER
209	RIPRAP PLACEMENT
215	SHEET PILE INSTALLATION
215A	SHEET PILE INSTALLATION-SPECIAL PROVISION
308	WATER PIPELINE INSTALLATION

PLAN INDEX	
1	LOCATION MAPS
2	PROJECT SITE TOPOGRAPHY
3	EMBANKMENT PLAN AND PROFILE
4	STRUCTURE PLAN, PROFILE, & DETAILS

QUANTITIES	
MOBILIZATION	1 L.S.
SITE PREPARATION	301 C.Y.-P
EMBANKMENT CONSTRUCTION	830 C.Y.-P*
WATER	1 M-GAL.**
RIPRAP PLACEMENT (CLASS 1)	48 C.Y.-P
SHEET PILE INSTALLATION	400 S.F.-P***
TIMBER PILE CAP	1 L.S.
WATER PIPELINE INSTALLATION	
AGRI-DRAIN STRUCTURE	1 L.S.
12" PVC PIPE SDR-35	76 L.F.

*INCLUDES 15% FOR SHRINKAGE
**ONLY ACTUAL QUANTITY OF WATER USED WILL BE PAID FOR.
***VINYL SHEET PILE MATERIAL SHALL BE SUPPLIED BY
DUCKS UNLIMITED. SEE NOTE ON SHEET 4.

DUCKS UNLIMITED

PROJECT

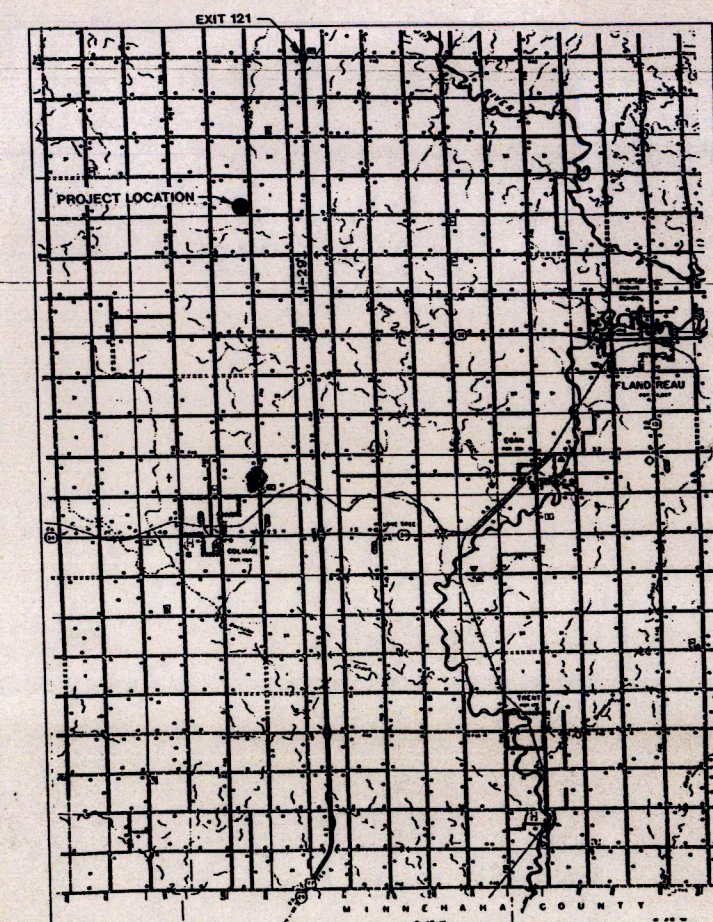
WETLAND RESERVE PROGRAM LEE WETLAND

SECTION 2, T 107 N, R 50 W,
MOODY COUNTY, SOUTH DAKOTA

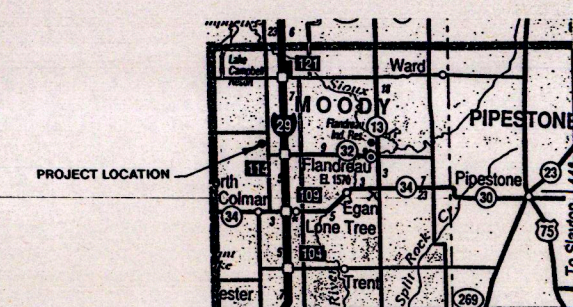
IN COOPERATION WITH
U.S. FISH AND WILDLIFE SERVICE



SOUTH DAKOTA



VICINITY MAP



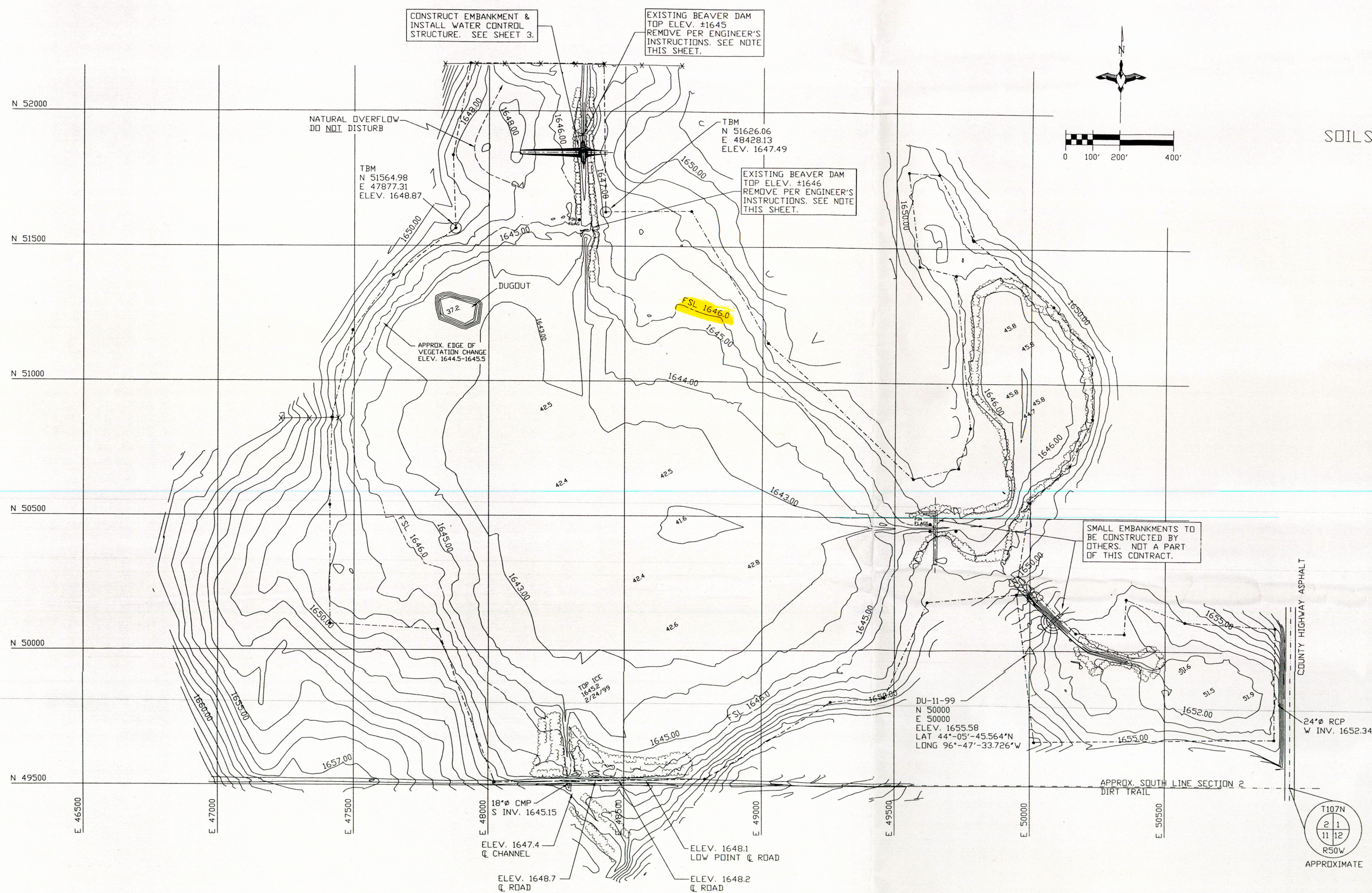
MOODY COUNTY

AGENCY CONTACT:
NOEL MATTSOON
USF&WS - MADISON WMD
605/256-2974

	DUCKS UNLIMITED INC.	PROJECT NO. SD-9205-005	DESIGNED BY: B.A.
	WETLAND RESERVE PROG.	LEE WETLAND	DRAWN BY: TSP
	LOCATION MAPS		SUPPLEMENTED BY: G.J.
			CHECKED BY:
			APPROVED BY:

6147-3

6147-3



SOILS INFORMATION WHEN AVAILABLE

- LEGEND**
- △ DU CONTROL POINT
#5 REBAR CAPPED & STAMPED
 - WRP EASEMENT CORNER
EXISTING IRON PIN WITH
YELLOW CAP "2961 RL3"
 - APPROX. WRP EASEMENT BOUNDARY
 - ☼ 2'-4' Ø COTTONWOOD TREES
 - ☼ EDGE BRUSH/WILLOWS
 - - - FENCE LINE

MARSH DATA

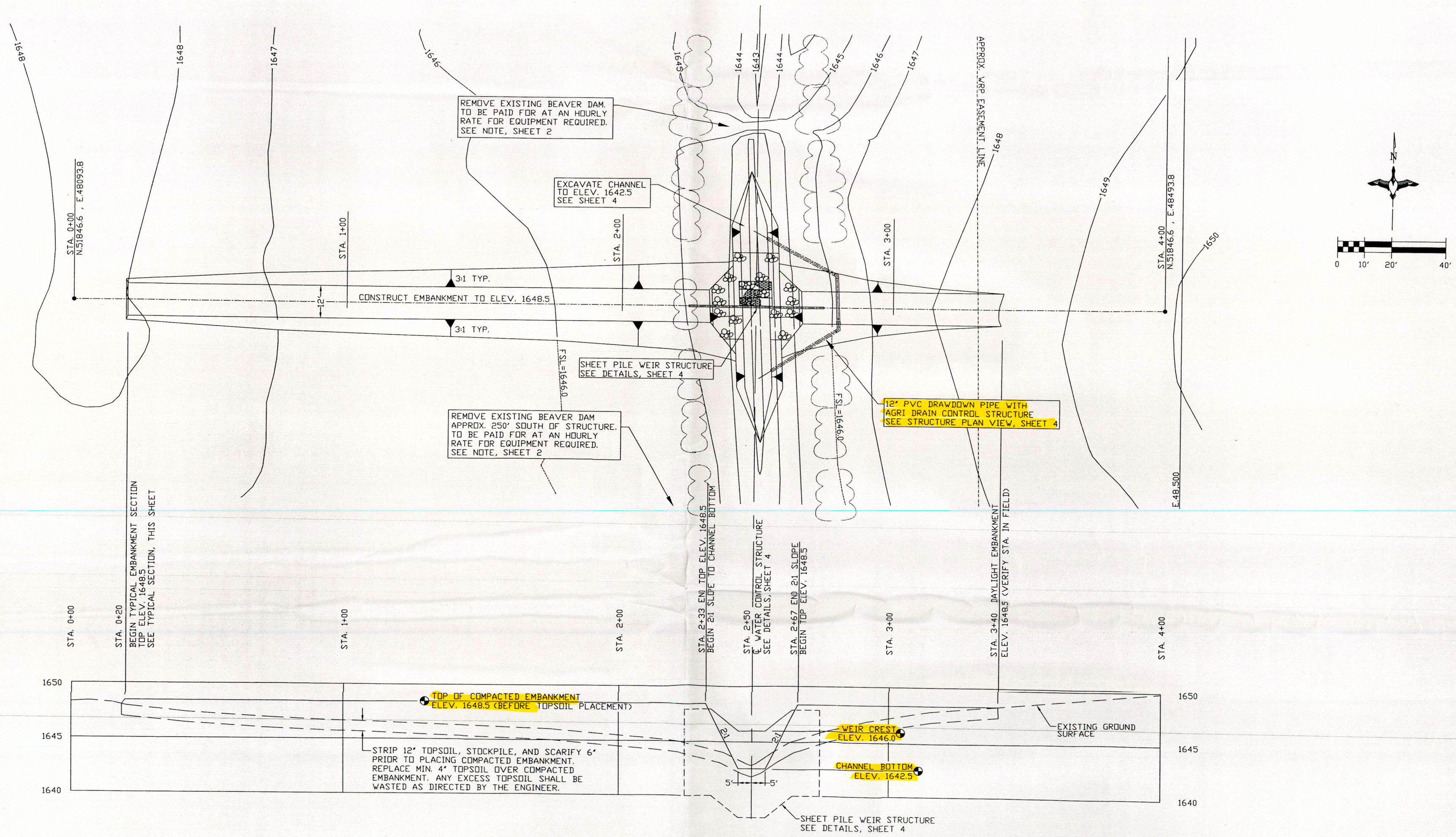
FULL SERVICE LEVEL (FSL) @ 1646.0
61.5 SURFACE ACRES @ FSL
150.7 ACRE-Feet CAPACITY @ FSL

BEAVER DAM REMOVAL:
CONTRACTOR SHALL REMOVE EXISTING BEAVER DAMS (2) AS INSTRUCTED BY THE DU FIELD ENGINEER. THE REMOVAL SHALL BE CONSIDERED "EXTRA WORK" AND SHALL BE PAID FOR AS SUCH, BASED ON THE CONTRACTOR'S STANDARD HOURLY RATE SCHEDULE FOR EQUIPMENT AND LABOR.

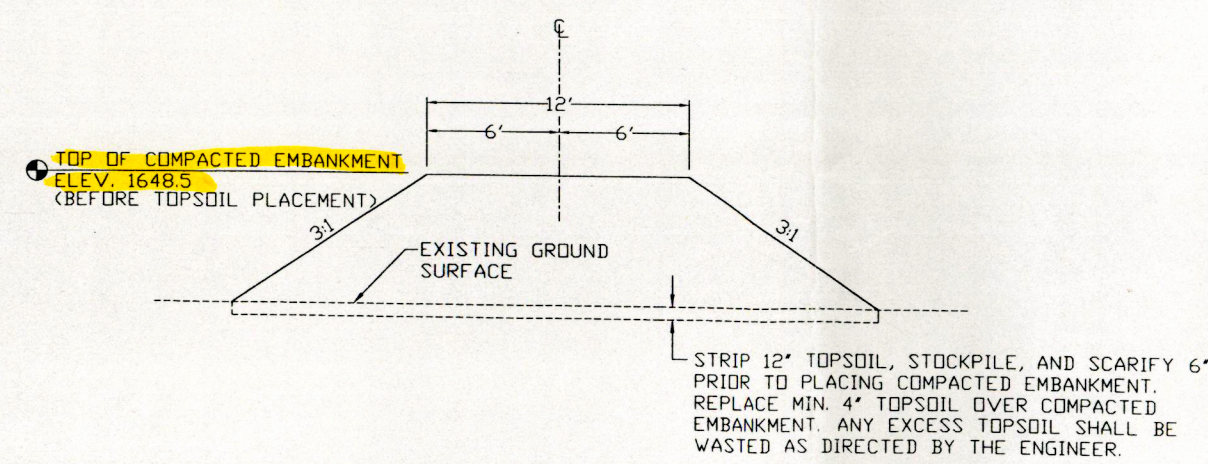
HORIZONTAL CONTROL:
LOCAL DU COORDINATES WITH AZIMUTH REFERENCED TO TRUE NORTH WITH INFORMATION FROM TRIMBLE 4400 GPS RECEIVERS ON FEBRUARY 23, 1999 FROM THE WGS84 ELLIPSOID.
VERTICAL CONTROL:
CALIBRATED FROM GPS INFORMATION TO NGS BENCH MARK STAMPED "J 451 1990" WHICH IS A FIRST ORDER CLASS II BENCH MARK WITH A PUBLISHED ELEVATION OF 1680.94 FEET ON THE NAVD 88.

DUCKS UNLIMITED INC. GREAT PLAINS REGIONAL OFFICE	PROJECT NO. SD-0205-005 WETLAND RESERVE PROG. LEE PROJECT SITE	DESIGNED BY: DJL DRAWN BY: ISP SURVEYED BY: GLJ CHECKED BY:
	DATE: 4-07-1999 SHEET NO. 2 OF 4 APPROVED BY: <i>[Signature]</i> APPROVED BY:	

6147-3



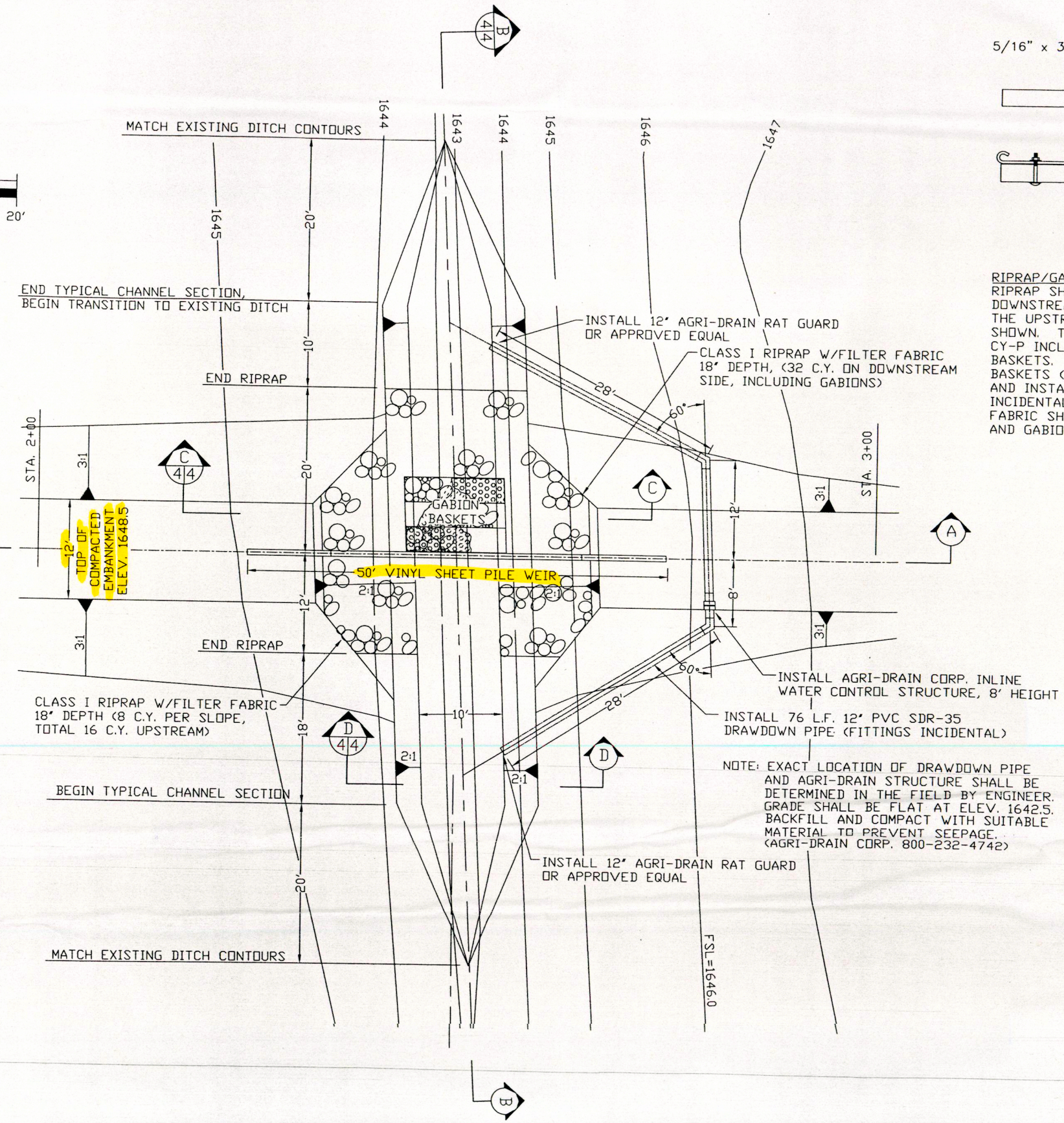
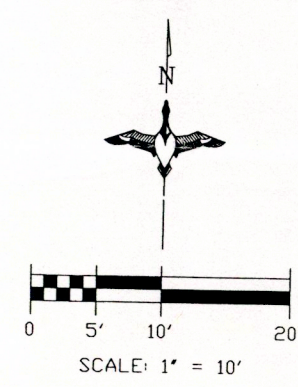
EMBANKMENT PLAN AND PROFILE
SCALE: 1" = 20' HORIZ.
1" = 5' VERT.



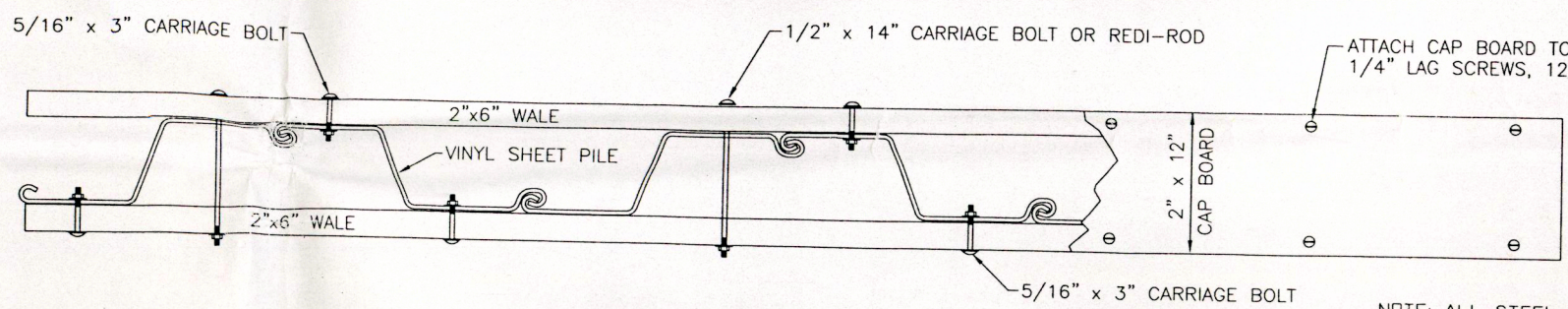
TYPICAL EMBANKMENT SECTION
NOT TO SCALE

DUCKS UNLIMITED INC. GREAT PLAINS REGIONAL OFFICE		PROJECT NO. SD-0205-005	DESIGNED BY: DJL
		WETLAND RESERVE PROG. LEE	DRAWN BY: TSP
DATE: 4-07-1999		SHEET NO. 3 (OF 4)	APPROVED BY:
		APPROVED BY:	CHECKED BY:

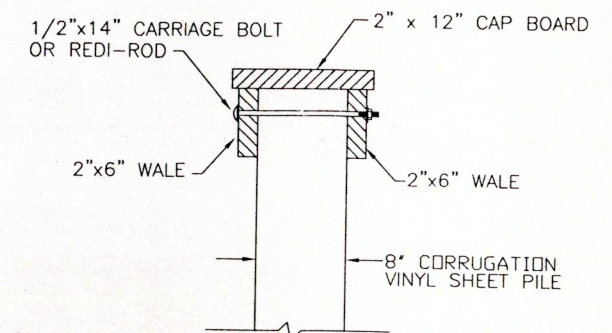
6147-3



WATER CONTROL STRUCTURE PLAN VIEW
SCALE: 1" = 10'

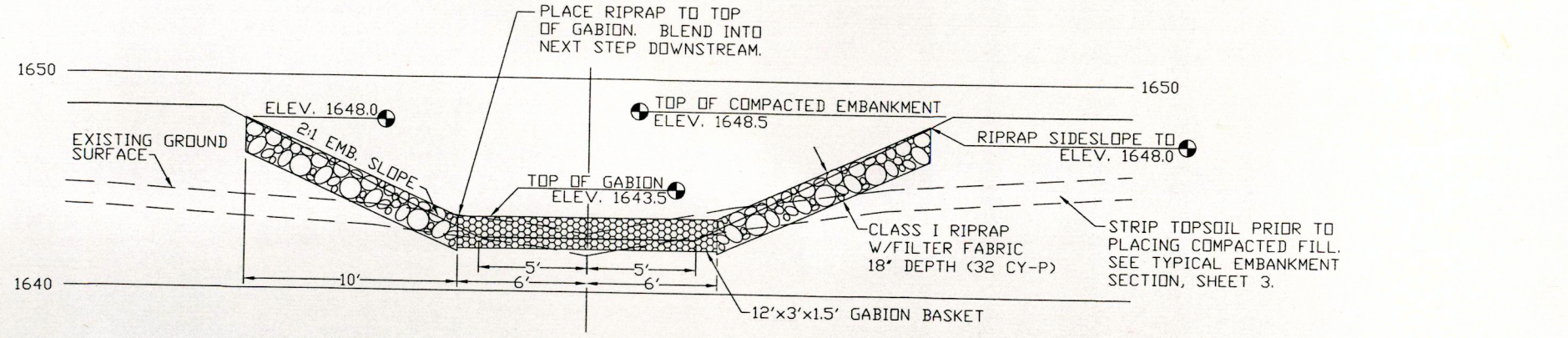


PLAN VIEW

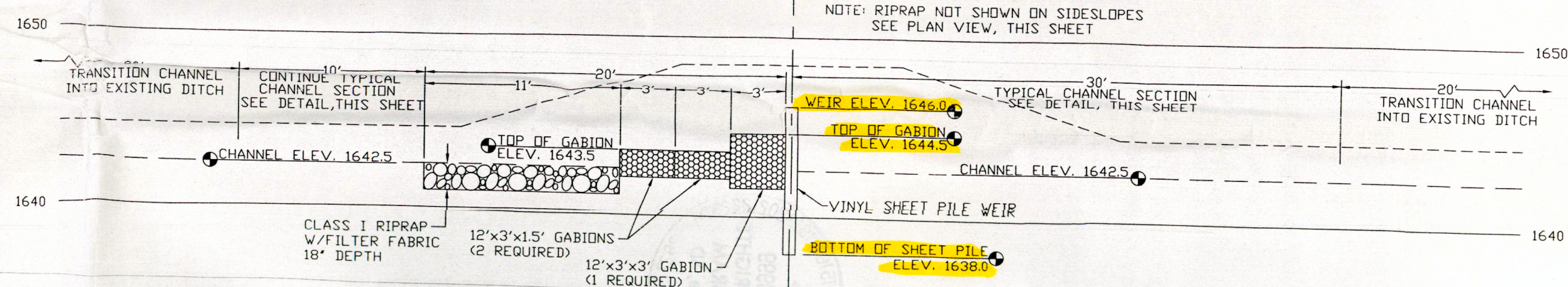


SECTION VIEW

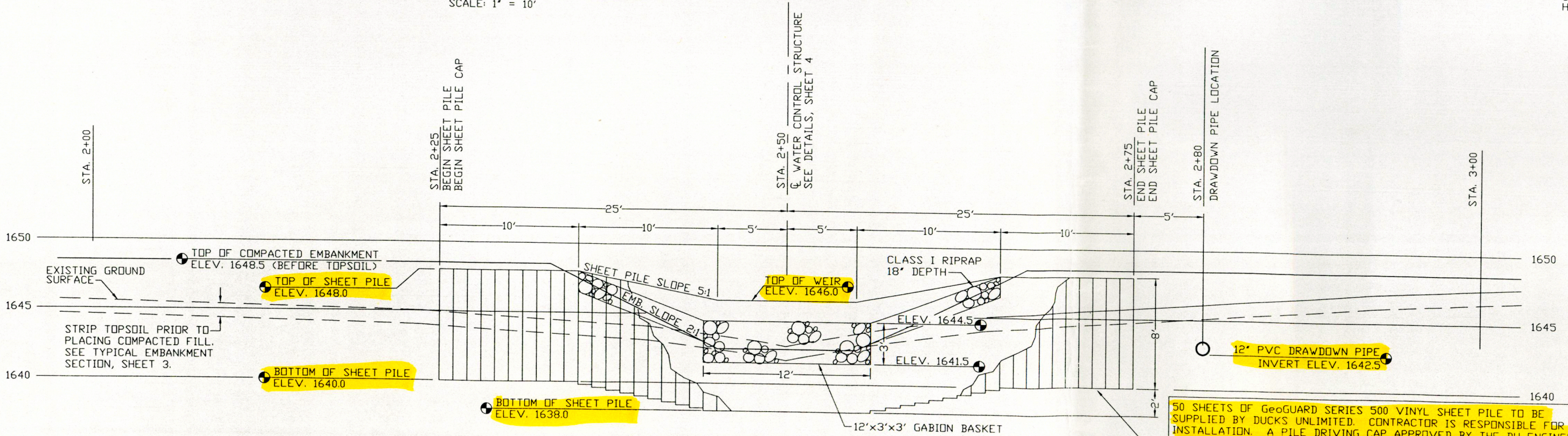
TIMBER PILE CAP DETAILS
NOT TO SCALE



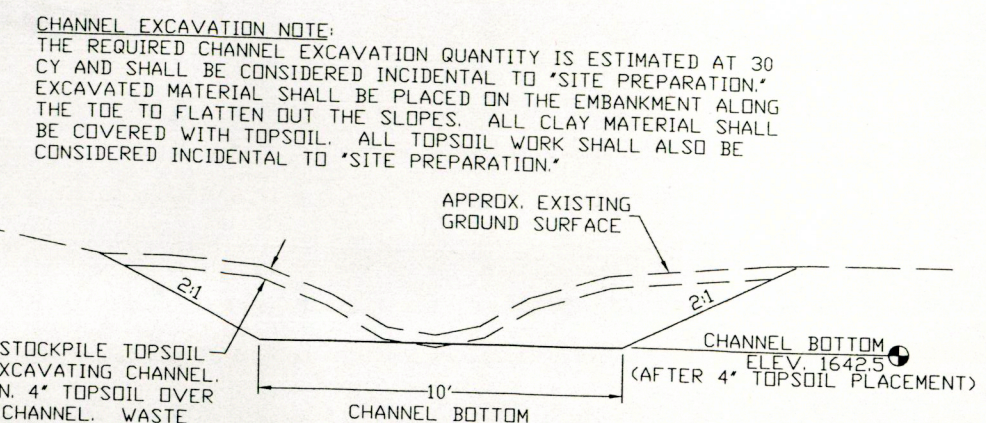
SECTION
SCALE: 1" = 5'
HORIZ. & VERT.



SECTION
SCALE: 1" = 5'
HORIZ. & VERT.



STRUCTURE PROFILE
SCALE: 1" = 5' HORIZ. & VERT.



TYPICAL CHANNEL SECTION
NOT TO SCALE

50 SHEETS OF GeoGUARD SERIES 500 VINYL SHEET PILE TO BE SUPPLIED BY DUCKS UNLIMITED. CONTRACTOR IS RESPONSIBLE FOR INSTALLATION. A PILE DRIVING CAP APPROVED BY THE DU ENGINEER SHALL BE USED WHEN INSTALLING THE SHEET PILE.

SERIES 500 SPECIFICATIONS:
NOMINAL THICKNESS 0.40 IN.
WEIGHT PER FOOT 5.0 LBS.
WIDTH PER PILE 12 IN.

 DUCKS UNLIMITED INC. GREAT PLAINS REGIONAL OFFICE DATE: 4-07-1999	PROJECT NO. SD-0205-005 WETLAND RESERVE PROG. LEE STR. PLAN, PROFILE, DETAILS	DESIGNED BY: DJL DRAWN BY: TSP SURVEYED BY: CHECKED BY:
	SHEET NO. 4 OF 4 APPROVED BY:	APPROVED BY: