

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>6204-3</u>	(office use only) Hydrologic Unit <u>10160003</u>
	Basin <u>James River</u>	
	Newspaper <u>American News, Aberdeen</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.) _____

- Name of Applicant South Dakota Dep't of Game, Fish & Parks Phone (605) 773-3381
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 523 East Capitol Ave., Pierre State SD 57501
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed *CFS or **GPM 4319 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Crow Creek
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Inlet Diversion point at NW1/4, NW1/4
Outlet SW1/4 SW1/4 Section 18 T124N, R61W sec. 28, T125N, R61W
Brown County County Brown County
- County or counties where water will be used Brown County
- Annual period during which water is to be used year long Jan 1 - Dec 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)

Attached

STATE OF SOUTH DAKOTA) SS
County of _____

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)

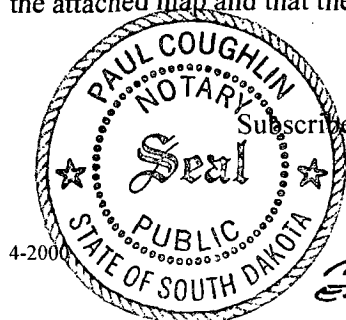
Hughes _____)

I, Tim Olson, 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 Tim Olson

Subscribed and sworn to before me this 10th day of May 20 00

[Signature]
Notary Public signature



MY COMMISSION
EXPIRES AUGUST 24, 2001

SOUTH DAKOTA
WATER PERMIT NO. 6204-3

Date of first receipt of application May 10, 2000.

The Water Management Board approved Water Permit Application No. 6204-3 on September 5, 2001 for the South Dakota Department of Game, Fish and Parks, 523 E Capitol, Pierre SD 57501 authorizing the construction of the outlet structure and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6204-3 authorizes storage up to 6,468 acre feet of water by constructing an outlet structure as part of a wetland restoration plan for an area known as Putney Slough. The outlet structure is to be located in the SW $\frac{1}{4}$ of Section 18, T124N, R61W. Water will be impounded in portions of Section 13 of T124N, R62W, Section 5, 6, 7, 8, 17, and 18 of T124N, R61W, and Sections 28, 29, 31 and 32 of T125N, R61W.
2. The water appropriated shall be used for the purpose of supplying water for fish and wildlife production and recreational use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date from which applicant may claim right is May 10, 2000.
5. One-fifth of the construction is to be completed on or before March 5, 2004.
6. All construction is to be completed on or before September 5, 2006.
7. Water is to be put to beneficial use on or before September 5, 2010.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Impoundment of water authorized by this permit may not impair the use of any lands adjoining Putney Slough including, but not limited to, causing a permanent pool elevation which exceeds 1,275.0 fmsl and/or specific alterations of plant species directly attributable to water use under this permit. Flooding of adjoining land in excess of pre-existing conditions above the elevation of 1,275.0 fmsl may occur only if a written flood easement is obtained from the property owner or owners.
2. Water Permit No. 6204-3 authorizes storage of up to 6,468 acre feet of water by constructing an impoundment structure on Putney Slough. The structure's outlet elevation is to be managed at 1,275.0 fmsl (4,319 acre feet of water). The outlet height is variable and may be adjusted from 1,273.0 fmsl to 1,276.0 fmsl for vegetation management purposes. Written authorization is necessary from the Natural Resource Conservation Service to deviate from the 1,275.0 fmsl.

(continued)

3. Water Permit No. 6204-3 is subject to any written orders issued by the Chief Engineer. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
4. Game, Fish and Parks shall, within one year of the time at which water in Putney Slough recedes to 1,275.0 fmsl, present to this Board and to the Water Rights Program, a study based on good scientific method of whether the operation of Putney Slough at 1275.0 fmsl causes seepage to any surrounding land.
5. The Water Rights Program shall, within one year of the date of these Findings, provide an update on the status of the Putney Slough project to this Board.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

DEC 07 2001

date



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

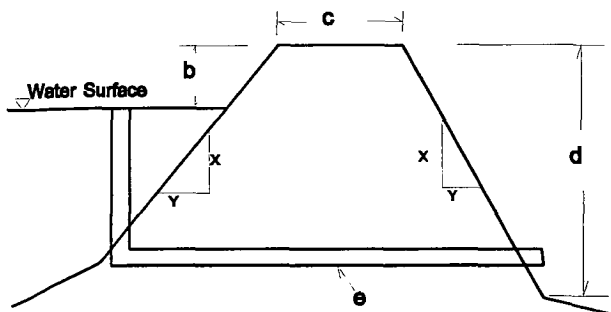
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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

- b) Freeboard 6'
- c) Crest Width 10'
Crest Length NA
- d) Height 9'
- e) Primary Outlet Capacity 2294 cfs @
1281' msl

If pipe, diameter NA

- f) Secondary Spillway Capacity NA
Spillway Width NA
- g) X & Y Slope _____
Upstream 2:1
Downstream 2:1
- h) Surface Area of Impoundment 2006
- i) Storage 4319 Acre Feet
- j) Drainage Area Above Dam 209,280 Acres



November 19, 1996
Bid Letting

STATE OF SOUTH DAKOTA
DEPARTMENT TO TRANSPORTATION

PLANS FOR PROPOSED

PROJECT NUMBER

ER 6426 (4)

BROWN COUNTY

BROWN COUNTY HIGHWAY No. 13

FLOOD DAMAGE REPAIR

PCEMS No. 299S

FED. HWY. ADMIN. NO.	STATE OF	PROJECT	SHEET NUMBER	TOTAL SHEET
8	SD	ER 6426 (4)	1	21

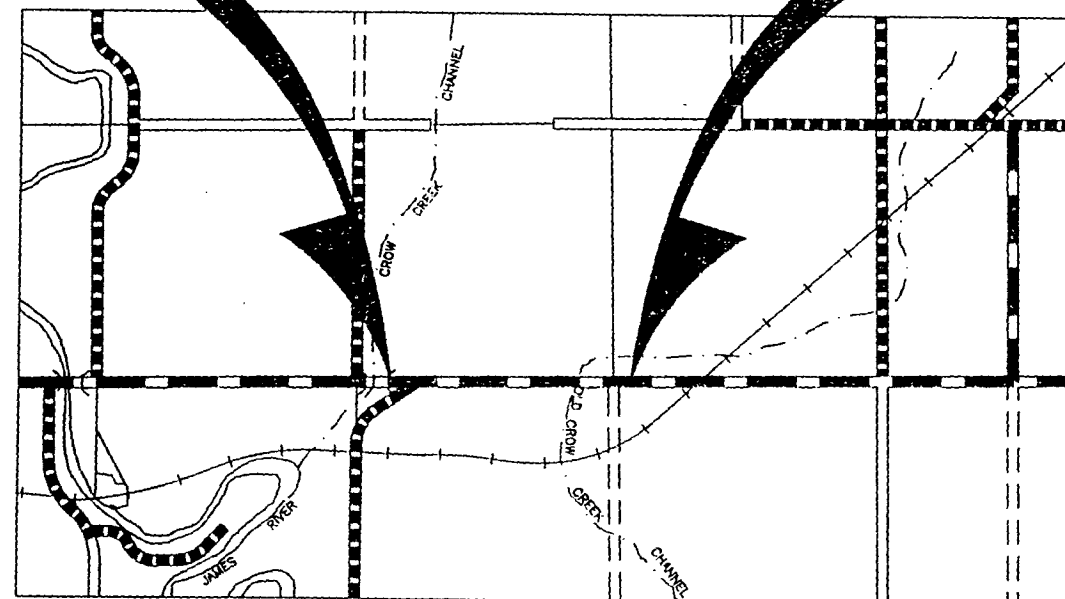
INDEX OF SHEETS

SHEET 1	TITLE SHEET & LAYOUT MAP
SHEET 2	GENERAL NOTES & ESTIMATE OF QUANTITIES
SHEET 3	OPTION BORROW AREA
SHEET 4	TYPICAL GRADING & SURFACING SECTIONS
SHEET 5	TRAFFIC CONTROL DETAIL
SHEET 6 thru 9	PLAN/PROFILE SHEETS
SHEET 10	FLOOD CONTROL DIKE
SHEET 11	DETAILS
SHEET 12 thru 16	STANDARD PLATES
SHEET 17 thru 21	CROSS SECTIONS

BEGIN ER 6426 (04)
(STATION 1+72)

END ER 6426 (04)
(STATION 56+00)

TRAFFIC DESIGN DATA	
ADT (1988)	260
ADT (2008)	276
DHV	47
D	60%
T DHV	3.9%
T ADT	8.6%
V	40 MPH



LEGEND

- BENCHMARK
- TELEPHONE PEDESTAL
- MAILBOX
- POWER POLE
- GUYWIRE
- DELINEATOR
- SIGNS
- DECIDUOUS TREE
- CONIFEROUS TREE
- TREE CLIMB
- OVERHEAD POWER
- WATERLINE
- TELEPHONE LINE
- BARBED WIRE FENCE
- CONCRETE SURFACING
- GRAVEL SURFACING
- ASPHALT SURFACING
- RIGHT-OF-WAY
- CATCH POINTS (WORK LIMITS)

SCALES:

LAYOUT:	1 INCH = 2000 FEET
PLAN:	1 INCH = 50 FEET
PROFILE:	HORIZONTAL: 1 INCH = 100 FT. VERTICAL: 1 INCH = 10 FT.
CROSS SECTIONS:	HORIZONTAL: 1 INCH = 20 FT. VERTICAL: 1 INCH = 10 FT.

GROSS LENGTH	5428	FEET	1.0280	MILES
LENGTH OF EXCEPTIONS	0	FEET	0	MILES
NET LENGTH	5428	FEET	1.0280	MILES
LENGTH OF GRADING	5428	FEET	1.0280	MILES
LENGTH OF BRIDGES	0	FEET	0	MILES



Survey by: CLARK ENGINEERING CORP.
1011 1st AVE. SE
ABERDEEN, SOUTH DAKOTA 57401

Plans by: CLARK ENGINEERING CORP.
1011 1st AVE. SE
ABERDEEN, SOUTH DAKOTA 57401

APPROVED _____ DATE _____

ADMINISTRATIVE ENGINEER, SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION

U.S. DEPT. OF TRANSPORTATION
FEDERAL HIGHWAY ADMIN.

APPROVED _____ DATE _____

DIVISION ADMINISTRATOR

CLARK ENGINEERING CORPORATION
CONSULTING ENGINEERS & LAND SURVEYORS
ABERDEEN / RAPID CITY, SOUTH DAKOTA

DRAWN BY: KJR	CHECKED BY: SAL	REVISIONS:	SCALE: AS SHOWN	PROJECT: BROWN COUNTY ER 6426 (04) FLOOD DAMAGE REPAIR	SHEET DESCRIPTION: TITLE SHEET & LAYOUT MAP	DATE: 3/96	SHEET
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SPECIFICATIONS TO BE USED ARE:

STANDARD SPECIFICATIONS FOR ROADS AND BRIDGES, 1990 EDITION AND REQUIRED SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION PROVISIONS, SUPPLEMENTAL SPECIFICATIONS AND/OR SPECIAL PROVISIONS AS INCLUDED IN THE PROPOSAL.

MAINTENANCE OF TRAFFIC

PRIOR TO CONSTRUCTION, EXISTING TRAFFIC SIGNS AND OTHER RELATED ITEMS WILL BE REMOVED BY THE BROWN COUNTY PUBLIC WORKS DEPARTMENT.

DETOUR SIGNING AND MAINTENANCE WILL BE THE RESPONSIBILITY OF THE BROWN COUNTY PUBLIC WORKS DEPARTMENT, EXCEPT AS NOTED. THE CONTRACTOR SHALL NOTIFY THE COUNTY PUBLIC WORKS DEPARTMENT FIVE (5) WORKING DAYS BEFORE WORK WILL BEGIN TO ALLOW THE PROPER SETUP OF THE DETOUR.

THE PROJECT SITE WILL BE CLOSED TO ALL TRAFFIC, EXCEPT LOCAL TRAFFIC, FOR THE DURATION OF THE PROJECT. THE WEST END OF THE PROJECT SITE SHALL BE OPEN TO ALLOW TRAFFIC ACCESS TO THE DETOUR ON TO COUNTY ROAD 18.

PERMANENT SIGNING OF THE PROJECT WILL BE DONE BY BROWN COUNTY AFTER THE COMPLETION OF WORK BY THE CONTRACTOR.

GRADING OPERATIONS

WATER FOR COMPACTION OF EARTH EMBANKMENTS IS INCLUDED IN THE ESTIMATE OF QUANTITIES AT THE RATE OF 10 GALLONS OF WATER PER CUBIC YARD OF EMBANKMENT.

THE ESTIMATED VOLUMES OF EXCAVATION AND/OR EMBANKMENT REQUIRED TO CUT DRAINAGE DITCHES, GRADE APPROACHES FROM INTERSECTING ROADS AND ENTRANCES AS INDICATED ON THE PLANS ARE INCLUDED IN THE ESTIMATE OF QUANTITIES.

THE REMOVAL AND DISPOSAL OF ALL BUILDINGS, FOUNDATIONS AND OTHER OBSTRUCTIONS NOT REMOVED UNDER INCIDENTAL WORK OR ON A UNIT BASIS SHALL BE CONSIDERED AS SUBSIDIARY WORK TO THE OTHER CONTRACT ITEMS AND NO SEPARATE PAYMENT WILL BE MADE.

WHERE MODIFIED SECTIONS ARE NECESSARY ON ACCOUNT OF SPECIAL DITCH GRADES, ETC., THE CONTRACTOR IS TO MOVE THE EXCAVATION AS CALLED FOR ON THE CROSS SECTIONS FOR STATION OR STATIONS FOR WHICH SUCH MODIFIED SECTIONS ARE SHOWN.

SHRINKAGE FACTOR USED = 35%

EXISTING SURFACE REMOVAL & SUBGRADE PREPARATION

ALTERNATE "A"

THE EXISTING ASPHALT CONCRETE MIX AND GRANULAR BASE MATERIAL (APPROXIMATELY 2" ASPHALT CONCRETE AND 6" OF GRANULAR BASE MATERIAL) SHALL BE PROCESSED AND STOCKPILED FOR USE AS BASE COURSE FOLLOWING THE STANDARD SPECIFICATIONS FOR SALVAGING, PROCESSING AND STOCKPILING ASPHALT CONCRETE MIX MATERIALS, SECTION 327. THE CONTRACTOR SHALL STOCKPILE THE MATERIAL AT A LOCATION PROVIDED BY THE CONTRACTOR AND APPROVED BY THE ENGINEER. THE BID ITEM TO SALVAGE AND STOCKPILE ASPHALT MIX AND GRANULAR BASE MATERIAL SHALL INCLUDE ALL LABOR, MATERIAL, EQUIPMENT AND INCIDENTAL COSTS TO SALVAGE, PROCESS, STOCKPILE, HAUL, PLACE AND COMPACT EXISTING ASPHALT MIX AND GRANULAR MATERIAL. QUANTITY WILL BE MEASURED AT THE TIME IT IS HAULED TO THE ROAD.

ALTERNATE "B"

THE EXISTING ASPHALT CONCRETE (APPROXIMATELY 2") WILL BE BROKEN UP, REMOVED AND WASTED. THE ASPHALT MATERIAL SHALL BE WASTED IN THE FILL SLOPE, UNLESS OTHER ARRANGEMENTS ARE APPROVED BY THE ENGINEER. THE ASPHALT USED IN THE EMBANKMENT SHALL BE THOROUGHLY BROKEN UP INTO ONE FOOT DIAMETER PIECES OR SMALLER. IT SHALL BE WASTED IN THE FILL SLOPES OUTSIDE THE SHOULDERS OF THE SUBGRADE AND HAVE AT LEAST ONE TO FIVE FEET OF COVER OVER IT. ASPHALT MATERIAL SHALL NOT BE PLACED WITHIN 10 FEET OF NEW OR EXISTING PIPE. QUANTITIES FOR REMOVAL OF THE ASPHALT MATERIAL ARE INCLUDED IN THE UNCLASSIFIED EXCAVATION.

SHALLOW EMBANKMENT SECTIONS, FILLS WHICH HAVE A HEIGHT OF LESS THAN TWO FEET MEASURED AT THE FINISHED SHOULDER'S GRADE, SHALL HAVE THE UPPER SIX INCHES OF THE SUBGRADE, BEFORE FILLING, SCARIFIED AND COMPACTED TO THE DENSITY SPECIFIED FOR THE SECTION BEING COMPACTED. ALL COSTS FOR SCARIFYING AND COMPACTING, INCLUDING LABOR, EQUIPMENT, MATERIALS AND INCIDENTALS SHALL BE ABSORBED INTO THE CONTRACT UNIT PRICE FOR UNCLASSIFIED EXCAVATION.

SALVAGED MATERIALS

ALL MATERIALS SALVAGED BY THE CONTRACTOR THAT ARE NOT TO BE INCORPORATED INTO THE PROJECT, UNLESS OTHERWISE NOTED, SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE DISPOSED OF TO THE SATISFACTION OF THE ENGINEER.

INCIDENTAL WORK

ALL MATERIALS REMOVED AS INCIDENTAL SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE DISPOSED OF TO THE SATISFACTION OF THE ENGINEER.

TABLE OF INCIDENTAL WORK

25+70 - 40' RT	REMOVE 24" CMP (EXACT LOCATION UNKNOWN)
44+98 - 40' RT	REMOVE 24" CMP (APPROX. 40')
46+33 - CENTERLINE	REMOVE 48" X 80' CMP
46+40 - CENTERLINE	REMOVE 48" X 80' CMP
49+00 - 48' LT	REMOVE 18" CMP (APPROX. 60')
51+85 - 40' LT	REMOVE 18" X 70' CMP

UTILITIES

ALL UTILITIES WITHIN THE LIMITS OF THE PROPOSED CONSTRUCTION ARE TO BE ADJUSTED BY THE OWNER UNLESS OTHERWISE INDICATED ON THESE PLANS.

THE FOLLOWING UTILITY COMPANIES HAVE UTILITIES WITHIN THE PROJECT CONSTRUCTION LIMITS: NORTHERN ELECTRIC CO-OPERATIVE (ELECTRIC), JAMES VALLEY COOPERATIVE TELEPHONE COMPANY, BDM RURAL WATER.

THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING SOUTH DAKOTA ONE-CALL (1-800-781-7474) 48 HOURS BEFORE DIGGING FOR THE LOCATION OF THE UTILITY LINES. ADDITIONAL CONSTRUCTION OF UTILITIES MAY HAVE OCCURRED FROM THE DATE OF SURVEY TO THE DATE OF CONSTRUCTION. THEREFORE, THE PLANS ARE NOT A GUARANTEE OF THE LOCATION OF ALL IN-PLACE UTILITIES. THE CONTRACTOR MUST VERIFY THE UTILITIES BY THE COMPANIES IN THE FIELD. ANY DAMAGE DONE TO THE UTILITIES DUE TO CONTRACTOR NEGLIGENCE WILL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.

MAILBOXES

BROWN COUNTY WILL BE RESPONSIBLE FOR REMOVING AND TEMPORARILY RESETTling THE MAILBOXES AT STA 51+77-18' L+ AND STA 54+80-18' L+. PRIOR TO THE START OF CONSTRUCTION, AND PERMANENTLY RESETTling THE MAILBOXES WHEN CONSTRUCTION IS COMPLETE.

CONSTRUCTION EASEMENTS

BROWN COUNTY WILL OBTAIN ALL NECESSARY RIGHT OF WAY AND CONSTRUCTION EASEMENTS. CARE SHALL BE TAKEN BY THE CONTRACTOR SUCH THAT PRIVATE PROPERTY LOCATED ADJACENT TO THE CONSTRUCTION EASEMENTS IS NOT DAMAGED DURING CONSTRUCTION OPERATIONS.

THE WORK LIMITS, WHICH CORRESPONDS TO THE EASEMENT LIMITS, VARY FROM LOCATION TO LOCATION AND ARE SHOWN ON THE PLANS. ALL PERMANENT ITEMS LOCATED IN THE EASEMENT, NOT INCLUDED IN THE ESTIMATE OF QUANTITIES FOR REMOVAL, SHALL REMAIN IN-PLACE AND THE CONTRACTOR SHALL PROTECT AND WORK AROUND SUCH ITEMS. ANY DAMAGE TO SUCH ITEMS SHALL BE REPAIRED OR REPLACED BY THE CONTRACTOR TO THE SATISFACTION OF THE ENGINEER AND THE PROPERTY OWNER, AND AT NO COST TO THE OWNER.

18" DRAINAGE GATE

THE CONTRACTOR SHALL FURNISH AND INSTALL AN 18" METAL FLAP TYPE DRAINAGE GATE AS SHOWN ON THE PLANS

THE DRAINAGE GATE SHALL BE DESIGNATED TO ALLOW FREE OUTFLOW AND PREVENT BACKFLOW FOR MAXIMUM SEATING HEADS OF 10 FEET. GATES SHALL BE WATERMAN MODEL F-10 OR EQUIVALENT.

THE FRAME SHALL BE CAST IRON OF FLATBACK OR SIGOTBACK DESIGN WITH SEATING SURFACE INCLINED FROM VERTICAL AT A MINIMUM OF 2.5 DEGREES TO ASSURE POSITIVE CLOSURE. THE CAST IRON COVER, WITH DISHED OR DOWED CONSTRUCTION TO WITHSTAND MAXIMUM SEATING HEAD, SHALL HAVE MACHINED SEATS, AND BE ATTACHED TO THE FRAME IN SUCH A MANNER AS TO ALLOW PROPER SEATING AND FULL OPENING OF COVER. SAFETY BAR OR BUILT IN STOPS SHALL BE PROVIDED TO PREVENT THE COVER FROM ROTATING SUFFICIENTLY TO BECOME WEDGED IN THE OPEN POSITION.

THE LINKAGE SYSTEM SHALL BE OF THE DOUBLE PIVOT TYPE, ATTACHED TO FIXED, BRONZE BRUSHED, PIVOT POINTS ON COVER AND FRAME. HINGE LINKS SHALL BE STRUCTURAL STEEL, WHICH ALONG WITH ASSEMBLY HARDWARE SHALL BE GALVANIZED.

CAST IRON FRAME AND COVER SHALL BE COATED WITH MANUFACTURER'S STANDARD SHOPCOAT PAINT. GALVANIZED STEEL DOES NOT REQUIRE FURTHER FINISH

MATERIALS:

FRAME AND COVER - CAST IRON PER ASTM A-128, CLASS B.
HINGE LINK - STRUCTURAL STEEL PER ASTM A-36, GALVANIZED PER ASTM A-123.
ASSEMBLY HARDWARE - STEEL PER ASTM A-307, GALVANIZED PER ASTM A-153.
BRONZE BUSHINGS COMMERCIAL BRONZE

SALVAGING, STOCKPILING AND PLACING OF TOPSOIL

ALL SOIL SUITABLE FOR USE AS TOPSOIL SHALL BE SALVAGED PRIOR TO CONSTRUCTION OPERATIONS. DEPTH OF SALVAGE SHALL BE AS DIRECTED BY THE ENGINEER.

ALL NEWLY GRADED AND DISTURBED AREAS WITHIN THE RIGHT OF WAY SHALL BE COVERED WITH 3" OF TOPSOIL. TEMPORARY EASEMENTS SHALL BE COVERED WITH 6" OF TOPSOIL. THE FLOOD CONTROL DIKE SHALL BE COVERED WITH 5" OF TOPSOIL.

SEE BORROW NOTE FOR DEPTH OF TOPSOIL SALVAGE AND PLACEMENT AT BORROW AREA.

PERMANENT SEEDING

THE AREAS TO BE SEEDDED COMPRISE ALL NEWLY GRADED AREAS WITH IN THE RIGHT-OF-WAY LIMITS, TEMPORARY EASEMENTS, BORROW AREA AND FLOOD CONTROL DIKE. EXCEPTIONS ARE TEMPORARY EASEMENTS UNDER CULTIVATION, AREAS TO RECEIVE RIPRAP AND THE TOP OF THE SUBGRADE.

THE SEED MIXTURE SHALL CONSIST OF THE FOLLOWING:

	PURE LIVE SEEDS (PLS) POUNDS PER ACRE
INTERMEDIATE WHEAT GRASS (OAH)	12
GREEN NEEDLE GRASS	8
TOTAL	20

DRILLS

SEEDING MAY BE DONE WITH DRILLS OTHER THAN PRESS DRILLS PROVIDING THAT ARE EQUIPPED WITH PACKER WHEELS WHICH FOLLOW DIRECTLY BEHIND DOUBLE FURROW OPENERS AND PROVIDE COMPACTION OF THE SEEDED DRILL ROWS SIMILAR TO THE COMPACTION OBTAINED BY A PRESS DRILL. ALL OTHER REQUIREMENTS AS SPECIFIED UNDER SECTION 730.3.0.3 SHALL APPLY.

FERTILIZING

A COMMERCIAL FERTILIZER WITH A MINIMUM GUARANTEED ANALYSIS OF 18-46-0, OR AN APPROVED ALTERNATIVE, SHALL BE APPLIED TO ALL AREAS DESIGNATED FOR PERMANENT SEEDING. THE APPLICATION RATE SHALL BE ONE HUNDRED (100) POUNDS PER ACRE.

MULCHING

FOLLOWING SEEDING, A NEW MULCH CONSISTING OF GRASS, HAY, OR STRAW SHALL BE BLOWN ON AND PUNCHED INTO ALL NEWLY SEEDDED AREAS OF PERMANENT SEEDING. THE APPLICATION RATE FOR MULCH SHALL BE 2 TON PER ACRE.

FLOOD CONTROL DIKE

THE REGRADING OF THE FLOOD CONTROL DIKE SHOWN ON THE PLANS SHALL BE CONSTRUCTED AS PART OF THIS PROJECT BUT THERE IS NO FEDERAL OR STATE PARTICIPATION.

DITCH ELEVATIONS & SHAPING

DUE TO THE HIGH WATER IN THE DITCHES AND ADJACENT LAND, FINAL ELEVATIONS & DITCH SHAPING SHOWN IN THE PLANS MAY NOT BE POSSIBLE. THE ENGINEER SHALL MAKE A DETERMINATION ON SITE AS TO AN ACCEPTABLE DEGREE OF SHAPING POSSIBLE GIVEN THE CURRENT MOISTURE CONDITIONS.

RIP RAP

THE RIP RAP SHALL BE PLACED AT THE SAME TIME AS THE SUBGRADE IS BEING SHAPED TO PREVENT ANY WAVE ACTION FROM DESTROYING THE COMPLETED WORK. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE TO ENSURE THE SUBGRADE IS ADEQUATELY PROTECTED WITH RIP RAP DURING CONSTRUCTION. ANY DAMAGE DONE TO THE SUBGRADE THAT COULD HAVE BEEN PREVENTED BY TIMELY PLACEMENT OF RIP RAP WILL BE RECONSTRUCTED BY THE CONTRACTOR AT THE CONTRACTOR'S OWN EXPENSE.

ESTIMATE OF QUANTITIES

BID ITEM	ITEM	QUANTITY	UNIT
009.0001	MOBILIZATION	LUMP SUM	L.S.
100.0006	CLEAR & GRUB TREES	LUMP SUM	L.S.
230.0001	PLACING TOPSOIL	300	C.Y.
250.0001	INCIDENTAL WORK	LUMP SUM	L.S.
320.0038	ASPHALT CONCRETE COMPOSITE	2243	TON
450.2908	18" CMP (16 GA.)-F&I	528	L.F.
450.0844	18" CI DRAINAGE GATE-F&I	1	EACH
450.3668	18" CMP SAFETY END NO BARS-F&I	13	EACH
634.0124	TEMPORARY PAVEMENT MARKING	1	MILE
730.0001	PERMANENT SEEDING	20	LB
731.0002	FERTILIZING	120	LB
732.0006	MULCHING	2	TON
ALTERNATE "A"			
120.0001	UNCLASSIFIED EXCAVATION	1000	C.Y.
120.0070	OPTION BORROW EXCAVATION	48138	C.Y.
120.0090	WATER FOR EMBANKMENT	493	MGAL
120.0091	WATER FOR GRANULAR MATERIAL	193.6	MGAL
260.0025	BASE COURSE	3185	TON
327.0009	SAL & STK ASPH MIX & GRAN BASE	6433	TON
ALTERNATE "B"			
120.0001	UNCLASSIFIED EXCAVATION	3400	C.Y.
120.0070	OPTION BORROW EXCAVATION	41520	C.Y.
120.0090	WATER FOR EMBANKMENT	450	MGAL
120.0091	WATER FOR GRANULAR MATERIAL	193.6	MGAL
260.0025	BASE COURSE	9618	TON
NON-PARTICIPATING			
120.0070	OPTION BORROW EXCAVATION	2225	C.Y.
120.0090	WATER FOR EMBANKMENT	130	MGAL
230.0001	PLACING TOPSOIL	22	C.Y.
690.0011	DRAINAGE FABRIC	6613	S.Y.
700.0008	RIPRAP CLASS II	4630	TON
730.0001	PERMANENT SEEDING	10	LB
731.0002	FERTILIZING	50	LB
732.0006	MULCHING	1	TON

BORROW

THE CONTRACTOR MUST USE THE OPTION BORROW AREA SHOWN ON THE PLANS FOR EMBANKMENT MATERIAL. THE FINAL BORROW PIT FLOOR AREA AND ELEVATIONS MUST BE IN ACCORDANCE WITH THE PLANS IN ORDER TO MEET THE WETLANDS MITIGATION REQUIREMENTS.

APPROXIMATELY 2.2 ACRES WILL BE INUNDATED WITH WATER AND WILL HAVE A BOTTOM ELEVATION OF 1279.0 WHICH IS APPROXIMATELY THE SAME AS THE ELEVATION OF THE ADJACENT WETLANDS. THE BOTTOM WILL BE FLAT AND ALL SLOPES WILL BE 10:1 OR FLATTER TO MEET THE EXISTING GROUNDLINE.

THE 10:1 SLOPE ON THE SOUTH EDGE OF THE PIT MAY BE ADJUSTED IF LESS MATERIAL IS NEEDED. IF MORE MATERIAL IS REQUIRED, THE NORTH AND EAST SLOPES MAY BE ADJUSTED FLATTER THAN 10:1. ANY OTHER ADJUSTMENTS MUST BE APPROVED BY THE ENGINEER.

THE TOPSOIL IN THE OPTION BORROW AREA VARIES BETWEEN 8" TO 12"±. ALL TOPSOIL SHALL BE STRIPPED FROM THE OPTION BORROW AREA AND STOCKPILED FOR LATER PLACEMENT ON THE BORROW AREA. THE COST FOR TOPSOIL STRIPPING AND PLACEMENT SHALL BE INCLUDED IN THE OPTION BORROW EXCAVATION BID ITEM.

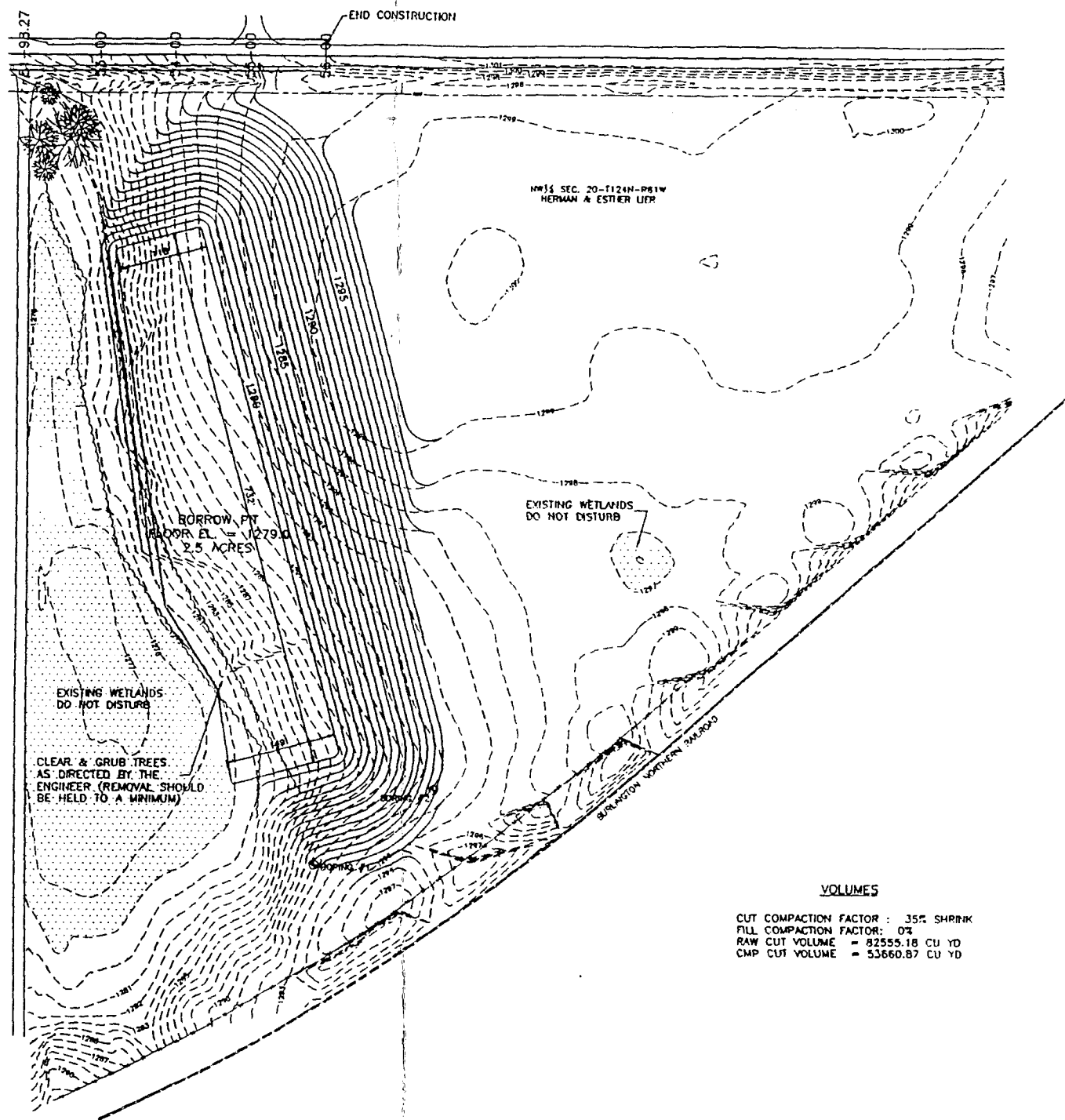
THE BID ITEM FOR OPTION BORROW EXCAVATION SHALL INCLUDE ALL COSTS FOR EXCAVATING, HAULING, PLACING & COMPACTING THE BORROW MATERIAL. THE BID QUANTITY FOR BORROW IS FOR PLACED & COMPACTED MATERIAL.

THE TREES SHALL BE CLEARED AND GRUBBED AS DIRECTED BY THE ENGINEER. TREE REMOVAL SHALL BE HELD TO A MINIMUM.

CLARK

ENGINEERING CORPORATION
CONSULTING ENGINEERS & LAND SURVEYORS
ABERDEEN / RAPID CITY, SOUTH DAKOTA

DRAWN BY: KJR	CHECKED BY: SAL	REVISIONS:	SCALE: N.T.S.	PROJECT: BROWN COUNTY ER 6426 (04) FLOOD DAMAGE REPAIR	SHEET DESCRIPTION: GENERAL NOTES & ESTIMATE OF QUANTITIES	DATE: 3/96	SHEET 2 OF 21
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VOLUMES

CUT COMPACTION FACTOR : 35% SHRINK
FILL COMPACTION FACTOR: 0%
RAW CUT VOLUME = 82555.18 CU YD
CMP CUT VOLUME = 53660.87 CU YD

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DRAWN BY: KJR	CHECKED BY: SAL	REVISIONS:	SCALE: 1" = 200'	PROJECT: BROWN COUNTY ER 6426 (04) FLOOD DAMAGE REPAIR	SHEET DESCRIPTION: BORROW AREA	DATE: 3/96	SHEET 3 OF 21
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FED. HWY. ADMIN. NO.	STATE OF	PROJECT	SHEET NO.	TOTAL SHEETS
8	S.O.	ER 6426(4)	4A	20

Revised 9-20-96 B

RATES OF MATERIALS

THE ESTIMATE OF SURFACING QUANTITIES IS BASED ON THE FOLLOWING QUANTITIES OF MATERIALS PER STATION. ALL OF WHICH ARE TO BE FURNISHED IN PLACE BY THE CONTRACTOR

MAINLINE STA 1+72 TO STA 55+50

AGGREGATE BASE COURSE: (1.8 TON/CY)

ALTERNATE 'A':
SALVAGED ASPHALT & GRAVEL MIX 118.5 TON
VIRGIN MATERIAL 59.25 TON

ALTERNATE 'B':
VIRGIN MATERIAL 177.75 TON

WATER FOR GRANULAR MATERIAL AT THE RATE OF 3.6 MGAL (20 GAL/TON).

ASPHALT CONCRETE COMPOSITE - 1" LIFT

ASPHALT CONCRETE COMPOSITE 17.6 TON

ASPHALT FOR PRIME-MC-70 APPLIED 42 FEET WIDE (RATE =0.30 GAL/SQ.YD.) .

BLOTTING SAND FOR PRIME APPLIED 42 FEET WIDE (RATE=10 LB/SQ.TD.).

EMULSIFIED ASPHALT SS-1h OR CSS-1h FOR TACK COAT APPLIED 30 FEET WIDE. (RATE =0.05 GAL/SQ.YD)

ASPHALT CONCRETE COMPOSITE - 1 1/2" LIFT

ASPHALT CONCRETE COMPOSITE 24.1 TON

EMULSIFIED ASPHALT SS-1h OR CSS-1h FOR TACK APPLIED 29 FEET WIDE (RATE = 0.05 GAL/SQ.YD.).

EMULSIFIED ASPHALT SS-1h OR CSS-1h FOR FLUSH APPLIED 29 FEET WIDE (RATE =0.05 GAL/SQ.YD.).

SAND FOR FLUSH SEAL APPLIED 24 FEET WIDE (RATE = 8 LB/SQ.TD.).

TABLE OF ADDITIONAL QUANTITIES

	BORROW UNCLASSIFIED EX	BASE COURSE
INT ROAD (2+50)	200 CY	140 TON
7 FARM AND FIELD ENTRANCES	1000 CY	400 TON
TOTALS	1200 CY	540 TON

THESE QUANTITIES ARE INCLUDED IN THE ESTIMATE OF QUANTITIES.

SURFACING THICKNESS DIMENSIONS

EXCEPT AS SHOWN HEREINAFTER, PLANS TONNAGE WILL BE APPLIED EVEN THOUGH THE THICKNESS MAY VARY FROM THAT SHOWN ON THE PLANS

AT THOSE LOCATIONS WHERE MATERIAL MUST BE PLACED TO ACHIEVE A REQUIRED ELEVATION. PLANS TONNAGE MAY BE VARIED TO ACHIEVE THE REQUIRED ELEVATION.

BASE COURSE (SALVAGED ASPHALT MIX)-ALT. 'A'

THE CONTRACTOR SHALL PLACE THE SALVAGED SURFACING PRIOR TO PLACING ANY VIRGIN MATERIAL. THE SALVAGED MIX AND GRANULAR BASE MATERIAL SHALL BE PLACED TO THE SAME SPECIFICATIONS AS THE VIRGIN MATERIAL. THE SALVAGE MATERIAL WILL BE MEASURED BY THE TON AT THE TIME IT IS HAULED FROM THE STOCKPILE TO THE ROAD.

SALVAGED AGGREGATE FOR BASE COURSE WILL BE ACCEPTED WITHOUT TESTING.

VIRGIN AGGREGATE FOR BASE COURSE SHALL BE CONTRACTOR FURNISHED AND CONFORM TO THE STANDARD SPECIFICATIONS.

1
BASE COURSE - ALT. 'B'

BASE COURSE SHALL BE CONTRACTOR FURNISHED.

AGGREGATE FOR BASE COURSE SHALL CONFORM TO THE STANDARD SPECIFICATIONS.

ASPHALT CONCRETE COMPOSITE

ASPHALT CONCRETE SHALL BE FURNISHED BY THE CONTRACTOR.

MINERAL AGGREGATE FOR ASPHALT CONCRETE SHALL CONFORM TO THE REQUIREMENTS FOR CLASS D TYPE 1.

THE ASPHALT CEMENT GRADE USED IN THE MIXTURE SHALL BE 120-150 PENETRATION ASPHALT CEMENT. THE ASPHALT CEMENT CONTENT WILL BE DETERMINED ON CONSTRUCTION BY THE ENGINEER.

THE JOB-MIX FORMULA SHALL BE PROVIDED BY THE CONTRACTOR WITH SUPPORTING MIX DESIGN DATA PRIOR TO PRODUCTION.

ASPHALT CONCRETE COMPOSITE SHALL BE COMPACTED BY THE SPECIFIED ROLLER COVERAGE METHOD.

ASPHALT CONCRETE SHALL INCLUDE ASPHALT FOR PRIME-MC-70 APPLIED AT THE RATE OF 0.30 GALLON PER SQUARE YARD, BLOTTING SAND FOR PRIME APPLIED AT THE RATE OF 10 POUNDS PER SQUARE YARD. EQUIPMENT, LABOR AND INCIDENTALS NECESSARY TO COMPLETE THE WORK.

ASPHALT FOR FLUSH SEAL SS-1h OR CSS-1h SHALL BE APPLIED AT THE RATE OF 0.05 GALLON PER SQUARE YARD AND SAND FOR FLUSH SEAL SHALL BE APPLIED AT THE RATE OF 8 POUNDS PER SQUARE YARD.

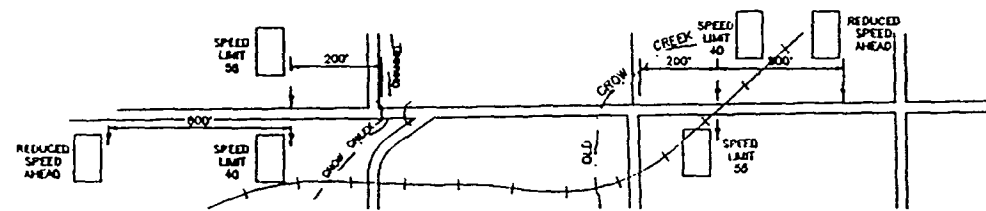
THE ENGINEER MAY REQUIRE THAT AN ACCEPTABLE SILICONE BE ADDED TO ASPHALT CEMENT IN STORAGE AT THE RATE OF APPROXIMATELY ONE (1) FLUID OUNCE PER FIVE THOUSAND (5000) GALLONS OF ASPHALT CEMENT.

THE COST OF THE SILICONE ADDITIVE SHALL BE CONSIDERED INCIDENTAL TO OTHER ITEMS. SEPERATE MEASUREMENT AND PAYMENT WILL NOT BE MADE.

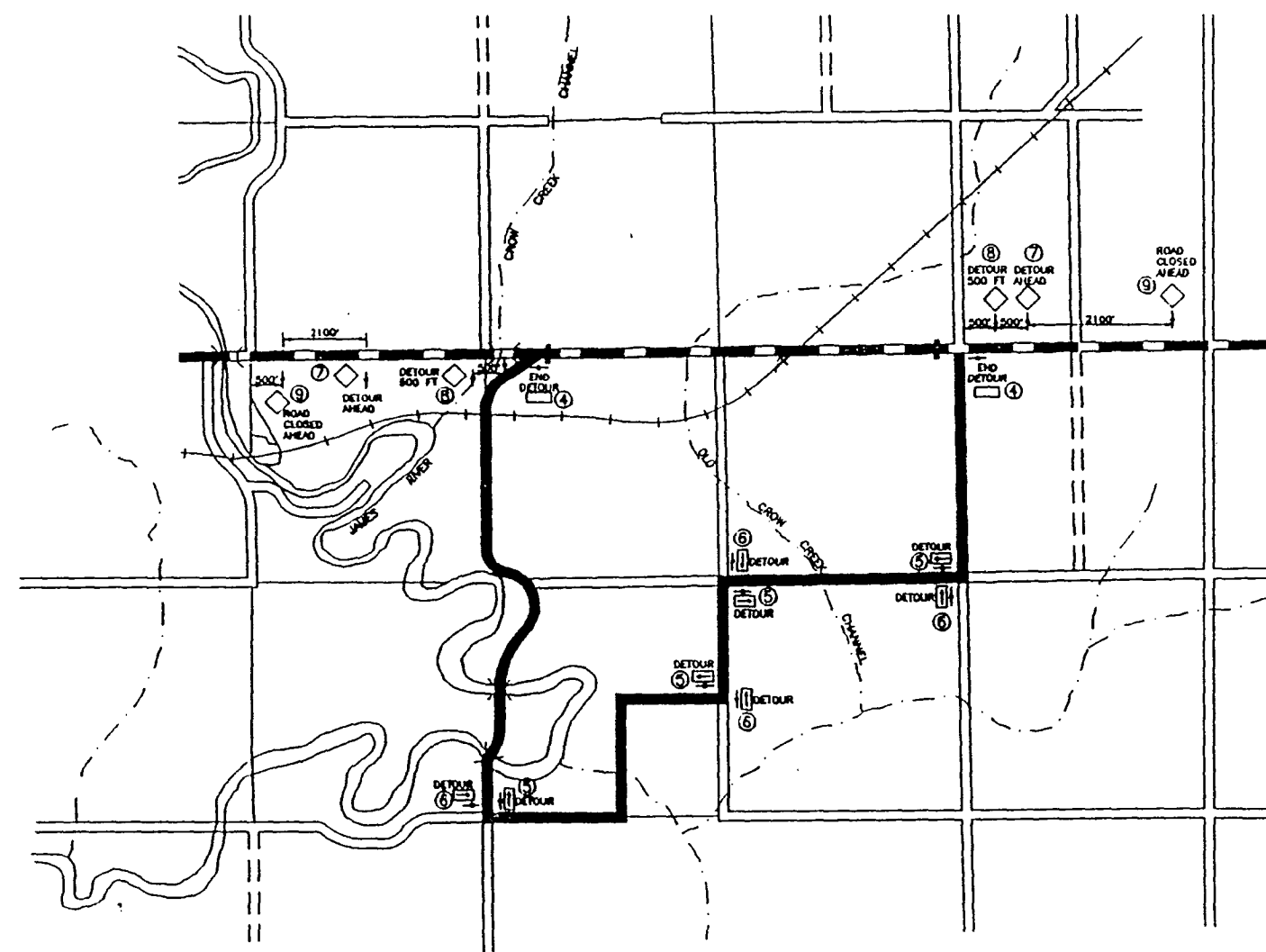
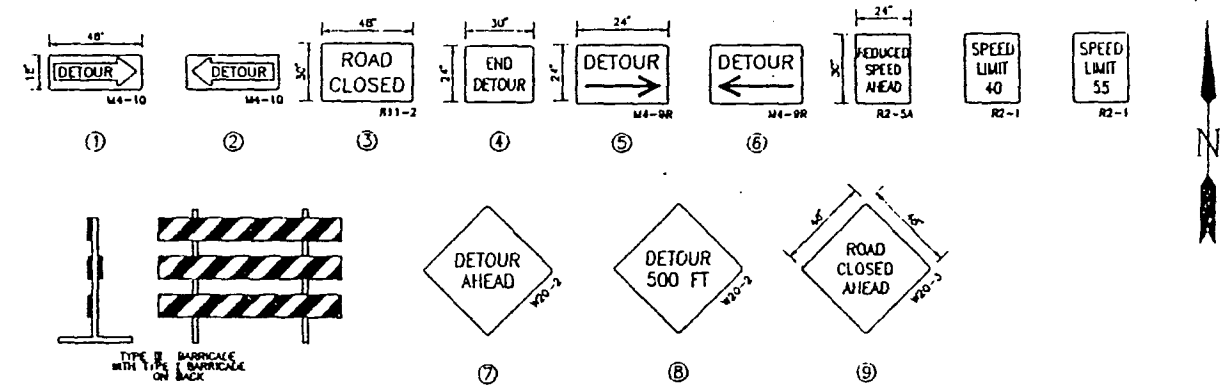
TEMPORARY PAVEMENT MARKING

TEMPORARY ROAD MARKERS SHALL BE USED ON THE TOP LIFT OF OF ASPHALT CONCRETE AND FLUSH SAND TO AVOID THE POTENTIAL OF TEMPORARY MARKINGS SHADOWING THROUGH AND CONFLICTING WITH PERMANENT MARKINGS.

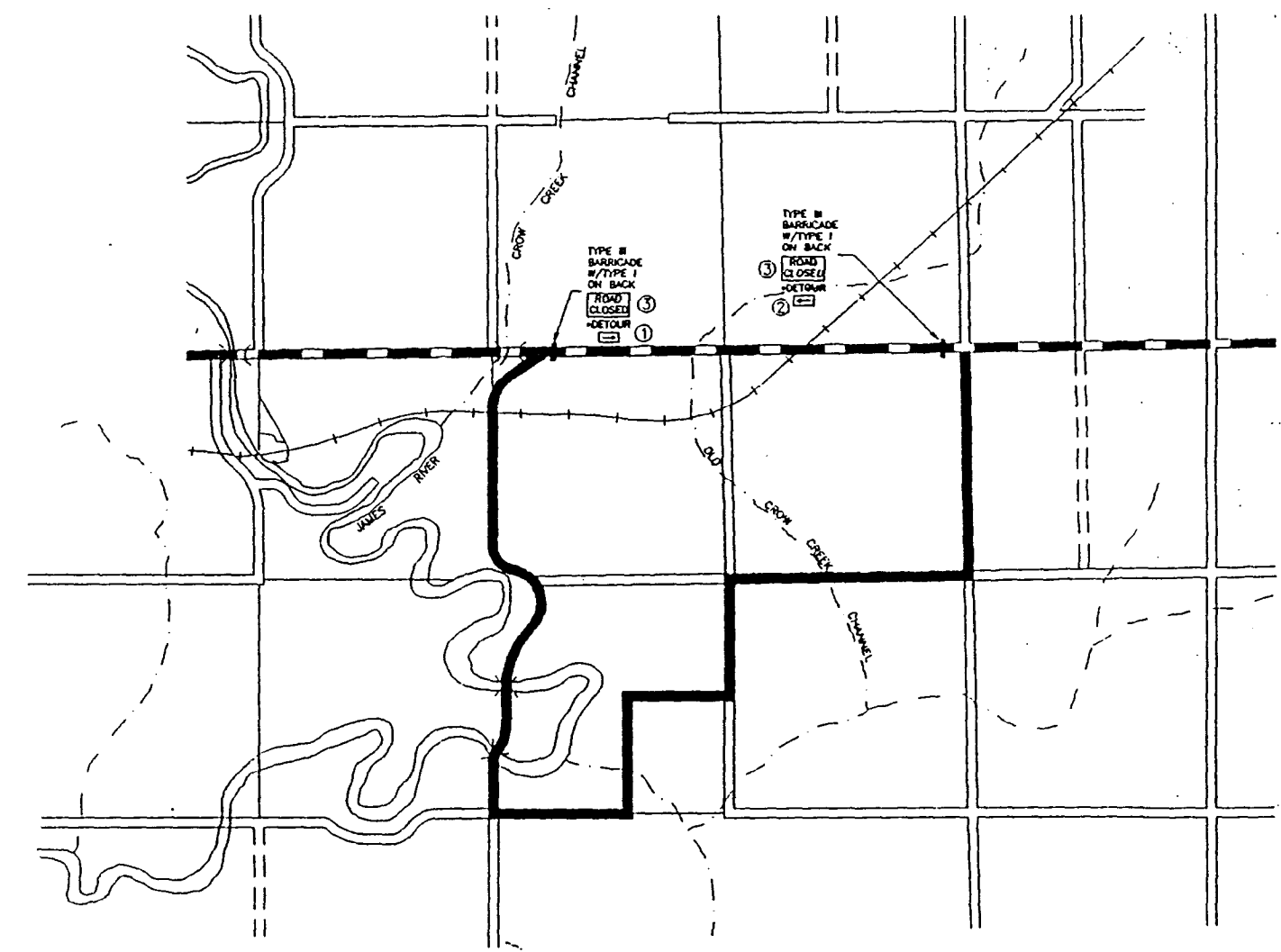
THE COST OF THE TEMPORARY PAVEMENT MARKINGS SHALL BE INCLUDED IN THE UNIT PRICE FOR TEMPORARY PAVEMENT MARKING. PER MILE IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS.



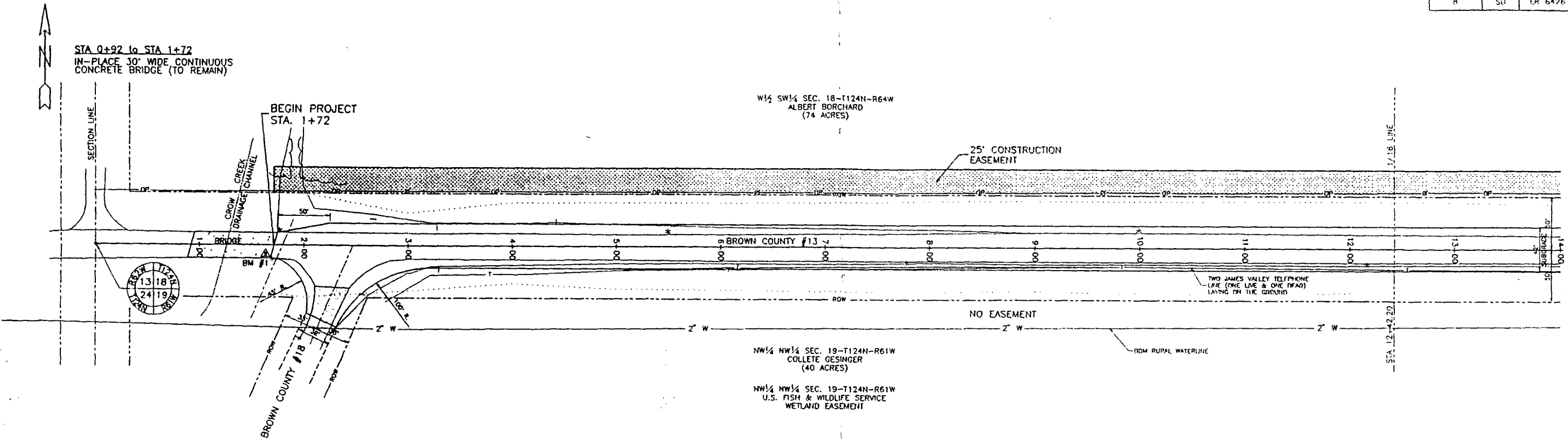
FINAL TRAFFIC CONTROL SIGNING
(PROVIDED BY BROWN COUNTY)



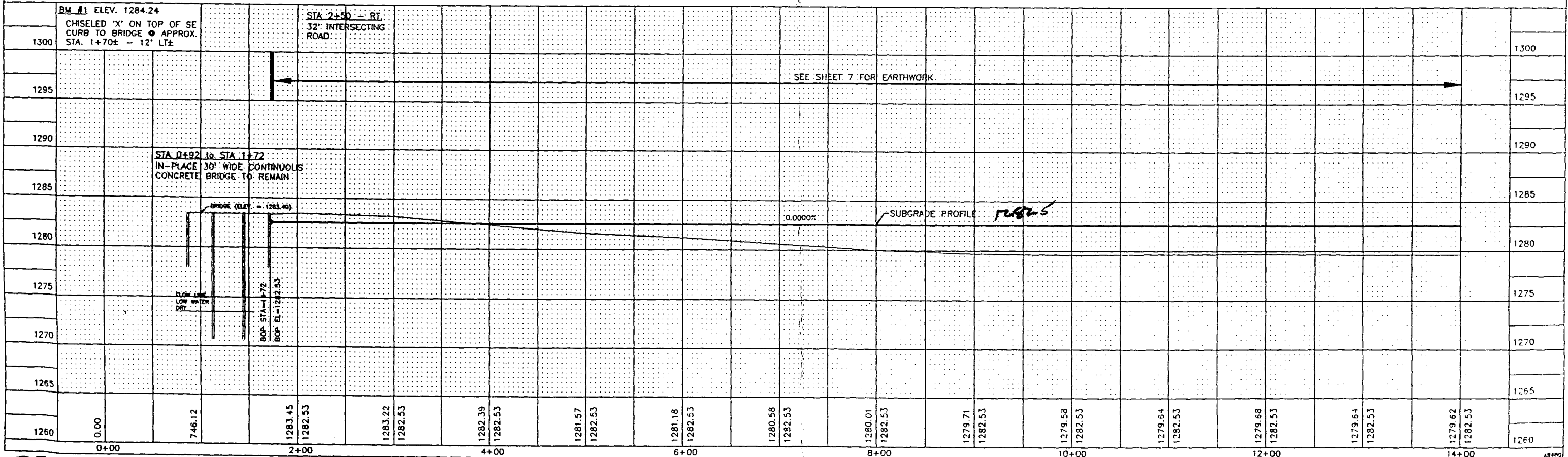
PROPOSED DETOUR & SIGNING
(PROVIDED BY BROWN COUNTY)



PROPOSED TRAFFIC CONTROL SIGNING
(PROVIDED BY BROWN COUNTY)



SCALES:
1" = 50' HOR
1" = 5' VER



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ABERDEEN / RAPID CITY, SOUTH DAKOTA

DRAWN BY: KJR	CHECKED BY: SAL	REVISIONS:	SCALE: HORIZ. 1"=100' VERT. 1"=10'	PROJECT: BROWN COUNTY ER 6426 (04) FLOOD DAMAGE REPAIR	SHEET DESCRIPTION: PLAN & PROFILE Sta 0+00 to 14+00	DATE: 3/96	SHEET 6 OF 21
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FED. HWY ADMIN. NO.	STATE OF	PROJECT	SHEET NUMBER	TOTAL SHEETS
8	SD	ER 6426 (4)	9	21

Revised 9-18-96 BS
Revised 11-14-96 BR

STA 51+85-LT
REMOVE EXISTING 18" CMP
STA 51+85-43' LT
F&I 74'-18" CMP
WITH 2 SAFETY ENDS

SW 1/4 SEC. 17-T124N-R61W
HERMAN & ESTHER UER

STA 55+00-LT
F&I 66'-18" CMP
WITH 2 SAFETY ENDS

END PROJECT
STA. 56+00

STA 54+22-RT
F&I 66'-18" CMP
WITH 2 ENDS

STA 52+00-RT
F&I 66'-18" CMP
WITH 2 SAFETY ENDS
OPTION BORROW AREA
(SEE SHEET 3)

STA 49+08-48' LT
F&I 100'-18" CMP
WITH 1 SAFETY END
& 1 18" FLAP GATE

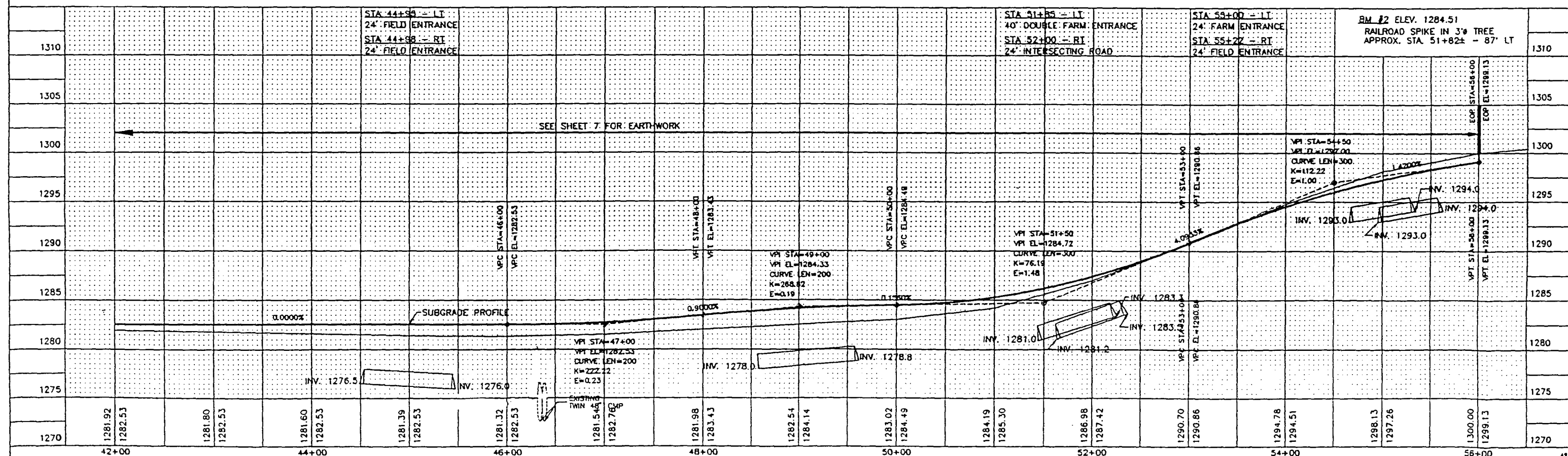
STA 46+33 & STA 46+40-CL
REMOVE EXISTING 48" CMP

STA 44+98-RT
REMOVE EXISTING 24" CMP

STA 44+98-48' RT
F&I 90'-18" CMP
WITH 2 SAFETY ENDS

SCALES:
1" = 50' HOR
1" = 5' VER

△ Denotes revision

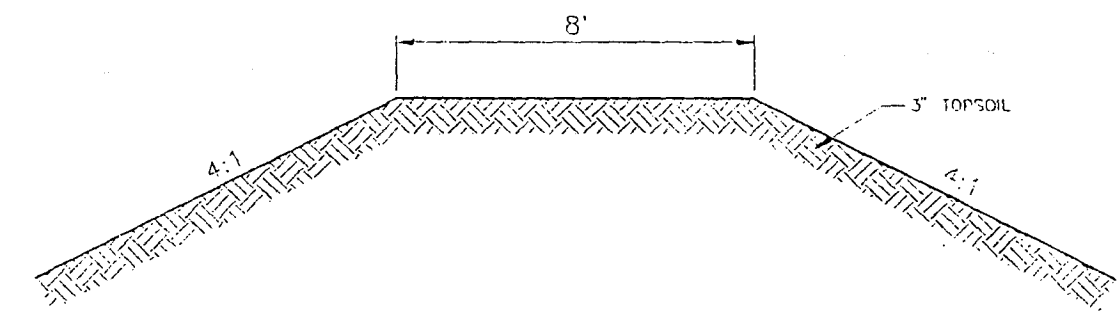
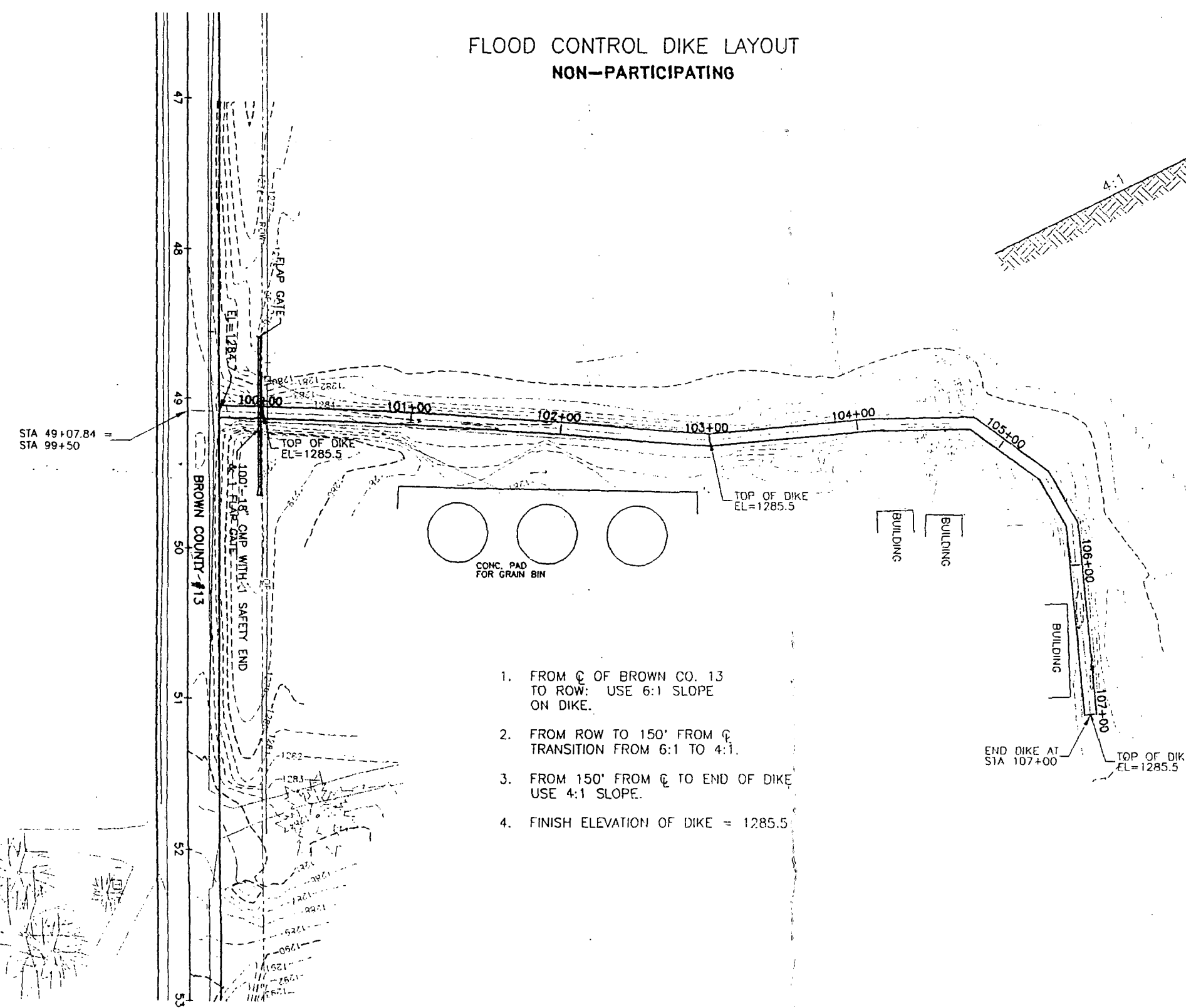


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ABERDEEN / RAPID CITY, SOUTH DAKOTA

DRAWN BY:	CHECKED BY:	REVISIONS:	SCALE:	PROJECT:	SHEET DESCRIPTION:	DATE:	SHEET
KJR	SAL		HORIZ. 1"=100' VERT. 1"=10'	BROWN COUNTY ER 6426 (04) FLOOD DAMAGE REPAIR	PLAN & PROFILE Sta 42+00 to 56+00	3/96	9 OF 21

revised 9-20-96

FLOOD CONTROL DIKE LAYOUT NON-PARTICIPATING



TYPICAL BERM SECTION
NO SCALE

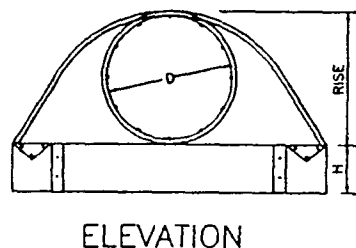
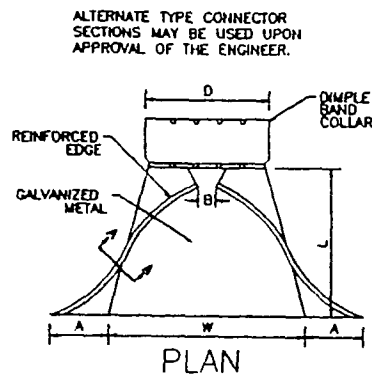
1. FROM C OF BROWN CO. 13 TO ROW: USE 6:1 SLOPE ON DIKE.
2. FROM ROW TO 150' FROM C TRANSITION FROM 6:1 TO 4:1.
3. FROM 150' FROM C TO END OF DIKE USE 4:1 SLOPE.
4. FINISH ELEVATION OF DIKE = 1285.5

END DIKE AT STA 107+00
TOP OF DIKE EL=1285.5

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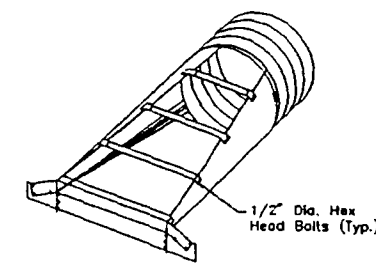
ENGINEERING CORPORATION
CONSULTING ENGINEERS & LAND SURVEYORS
ABERDEEN / RAPID CITY, SOUTH DAKOTA

DRAWN BY: KJR	CHECKED BY: SAL	REVISIONS:	SCALE: 1" = 30'	PROJECT: BROWN COUNTY ER 5426 (C4) FLOOD DAMAGE REPAIR	SHEET DESCRIPTION: FLOOD CONTROL DIKE (NON-PARTICIPATING)	DATE: 3/96	SHEET 10 of 21
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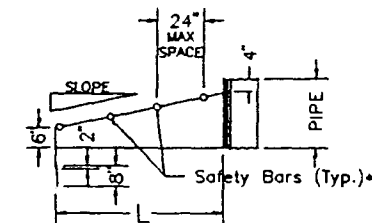


PIPE DIA. (D)	DIMENSIONS						APPROX. SLOPE	BODY
	GA.	A	B	H	L	W		
12"	16	8	6	6	21	24	2 1/2:1	1 PC.
15"	16	7	8	6	26	30	2 1/2:1	1 PC.
18"	16	8	10	6	31	36	2 1/2:1	1 PC.
21"	16	9	12	6	36	42	2 1/2:1	1 PC.
24"	16	10	13	6	41	48	2 1/2:1	1 PC.
30"	14	12	16	8	46	60	2 1/2:1	1 PC.
36"	14	14	19	9	51	72	2 1/2:1	2 PC.
42"	12	16	22	11	60	84	2 1/2:1	2 PC.
48"	12	18	27	12	69	90	2 1/4:1	2 PC.
54"	12	18	30	12	78	102	2:1	3 PC.
60"	12	18	33	12	84	114	3/4:1	3 PC.
66"	12	18	36	12	87	120	1 1/2:1	3 PC.
72"	12	18	39	12	87	126	1 1/3:1	3 PC.
78"	12	18	42	12	87	132	1 1/4:1	3 PC.
84"	12	18	45	12	87	138	1 1/6:1	3 PC.

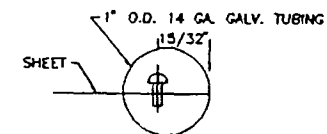
CIRCULAR C.M.P. SAFETY ENDS									
Pipe Diam. (in.)	Min. Thick. (in.)	Dimensions (Inches)					L Dimensions		
		Gage	A	H	W	Overall Width	Slope	Length (in.)	
15	.064	16	8	6	21	37	6:1	30	
18	.064	16	8	6	24	40	6:1	48	
21	.064	16	8	6	27	43	6:1	66	
24	.064	16	8	6	30	46	6:1	84	
30	.109	12	12	9	36	60	6:1	120	
36	.109	12	12	9	42	66	6:1	156	
42	.109	12	16	12	48	80	6:1	192	
48	.109	12	16	12	54	88	6:1	228	
54	.109	12	16	12	60	92	6:1	264	
60	.109	12	16	12	66	98	6:1	300	



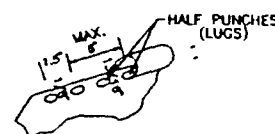
ISOMETRIC VIEW



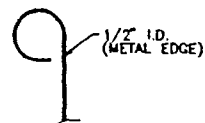
SIDE ELEVATION



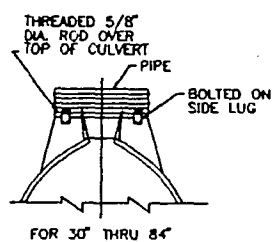
SECTION A-A TUBING ATTACHMENT DETAILS



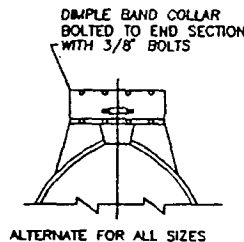
SECTION A-A (alternate)



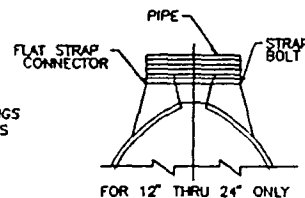
SECTION A-A (alternate)



FOR 30" THRU 84"

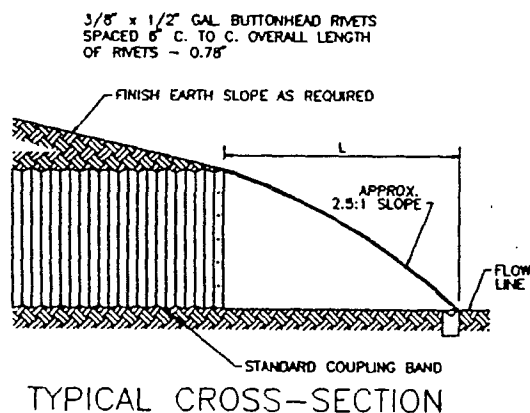


ALTERNATE FOR ALL SIZES



FOR 12" THRU 24" ONLY

STANDARD CONNECTIONS

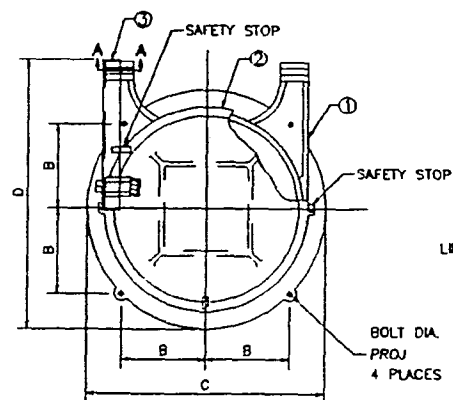


TYPICAL CROSS-SECTION

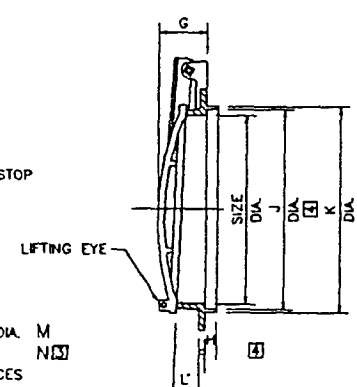
GENERAL NOTES:

ALL 3 PC. BODIES TO HAVE 12 GA. SIDES AND 10 GA. CENTER PANELS. WIDTH OF CENTER PANELS TO BE GREATER THAN 20% OF THE PIPE PERIPHERY. MULTIPLE PANEL BODIES TO HAVE LAP SEAMS WHICH ARE TO BE TIGHTLY JOINED BY 3/8" DIA. GALVANIZED RIVETS OR BOLTS. FOR 77" x 52" AND 83" x 57" SIZES, REINFORCED EDGES TO BE SUPPLEMENTED WITH GALVANIZED STIFFENER ANGLES. THE ANGLES WILL BE 2" x 2" x 1/4" FOR BOTH THE 77" x 52" SIZE AND THE 83" x 57" SIZE. THE ANGLES TO BE ATTACHED BY 3/8" DIA. GALVANIZED NUTS AND BOLTS. RIVETS AND BOLTS SHALL BE 3/8" DIA. MIN. FOR 10 GA. AND 12 GA. SHEET, AND 5/16" DIA. MIN. FOR 14 GA. AND 16 GA. SHEETS. TIGHTEN NUTS WITH TORQUE WRENCH TO 25LB. TORQUE.

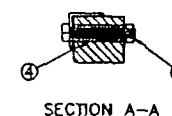
CMP FLARED ENDS



FRONT VIEW



SIDE ELEVATION



SECTION A-A

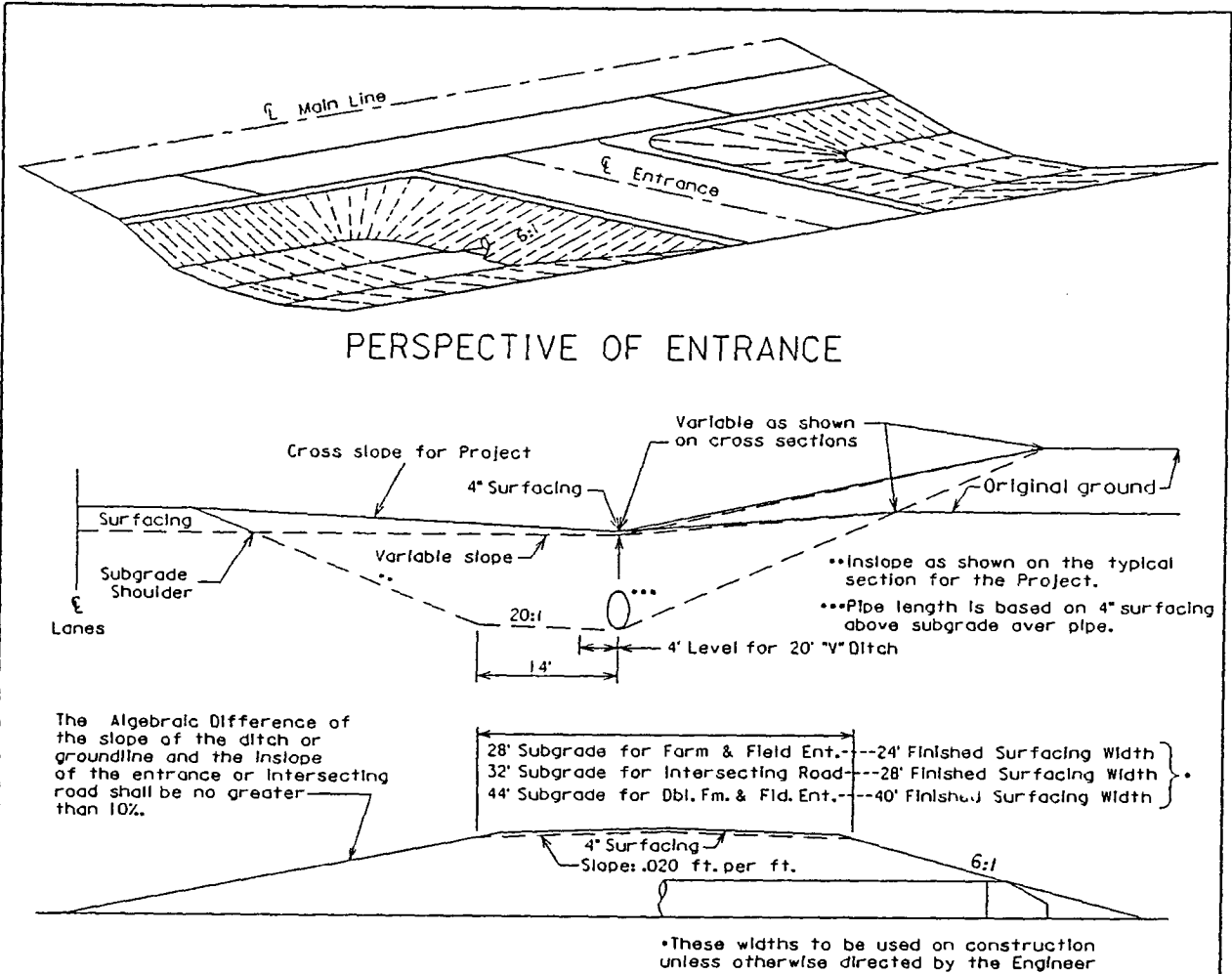
PARTS LIST	
No.	NAME
1	FRAME
2	COVER
3	HINGE LINK
4	HINGE BUSHING
5	HINGE BOLT & NUT

NOTES:

- FOR USE WITH SEATING HEADS TO 10 FEET.
- NOT RECOMMENDED FOR PUMP DISCHARGE USE.
- ADD CROUT PAD THICKNESS TO ANCHOR BOLT PROJECTION.
- APPLIES TO SPIGOT BACK GATE ONLY. SPIGOT SHOWN IN PHANTOM IS OPTIONAL.

FLAP GATE

GATE DIMENSIONS IN INCHES													
SIZE (in.)	B	C	D	F	G	H	J	K	L'	M	N		
4	2 1/4	6 3/8	8 1/2	3/8	4 1/8	2 1/4	5 1/8	5 3/8	5	1/2	1 3/8		
6	2 1/4	8 1/8	10	3/8	4 1/8	2 1/4	7 1/8	7 3/8	5	1/2	1 3/8		
8	3 1/2	10	12	3/8	4 1/4	2 3/8	9 1/8	9 3/8	5	1/2	1 3/8		
10	4 3/4	12 3/4	14 1/2	3/8	4 1/2	2 1/2	11 3/8	11 3/8	5	1/2	1 3/8		
12	5 1/8	15	17 1/8	3/8	4 1/2	2 1/8	13 1/8	13 3/8	5	1/2	1 3/8		
14	5 5/8	18 1/8	19 5/8	3/8	4 3/8	2 3/8	15 1/8	15 3/8	5	1/2	1 3/8		
15	6 1/4	18 1/8	20	3/8	5	2 1/4	16	16 3/8	5	1/2	1 3/8		
16	6 5/8	18 1/8	21 5/8	3/8	5	2 3/8	17	17 3/8	5	1/2	1 3/8		
18	7 1/8	21	24 3/8	3/8	5 3/8	2 3/8	19	19 3/8	5	1/2	1 3/8		
20	8 1/4	23 1/8	26 1/2	1/2	6	2 1/4	21 1/8	21 3/8	5	3/8	1 5/8		
21	8 1/4	24 1/8	27 1/2	1/2	7	2 1/4	22	21 3/8	5	3/8	1 5/8		
24	9 1/8	27 1/2	32	1/2	7 3/8	2 1/4	25	26 1/2	5	3/8	1 5/8		
30	12	34	39 3/8	3/4	8 1/2	2 3/8	31	32	2 1/2	3/4	2		
36	14 3/8	40 1/8	46	3/4	8	2 3/8	37	38	2 1/2	3/4	2		
42	16 1/4	47 3/8	55 3/4	3/4	8	2 1/2	43 1/8	44 1/8	2 1/2	3/4	2		
48	19 1/8	54 1/2	63 3/8	3/4	9 1/8	3	49 1/8	51	2 1/2	3/4	2		
54	22 1/8	60 1/4	71	3/4	9 3/4	3	55 1/4	57	2 1/2	1	2 3/4		
60	24 1/4	72	80 5/8	1	10 3/4	3	61 1/4	62 3/4	2 1/2	1	2 3/4		
72	29	83	95 1/2	1 1/8	11 1/2	3 1/8	74 3/8	76 1/2	2 1/2	1	2 3/4		



GENERAL NOTES:

When pipe is required, provide a 6:1 inslope. When no pipe is required, provide an inslope which will result in a 10% algebraic difference between the slope of the ditch or ground line and the inslope.

For ditch blocks, provide such inslopes that the algebraic difference between the slope of the ditch or ground line and the slope of the block will be no greater than 10%, unless otherwise indicated on the Cross Sections.

For field and farm approaches, provide the minimum practical radius between the approach inslope and mainline inslope.

For intersecting road approaches (unless otherwise stated on the plans), a theoretical 35' turning radius is to be provided.

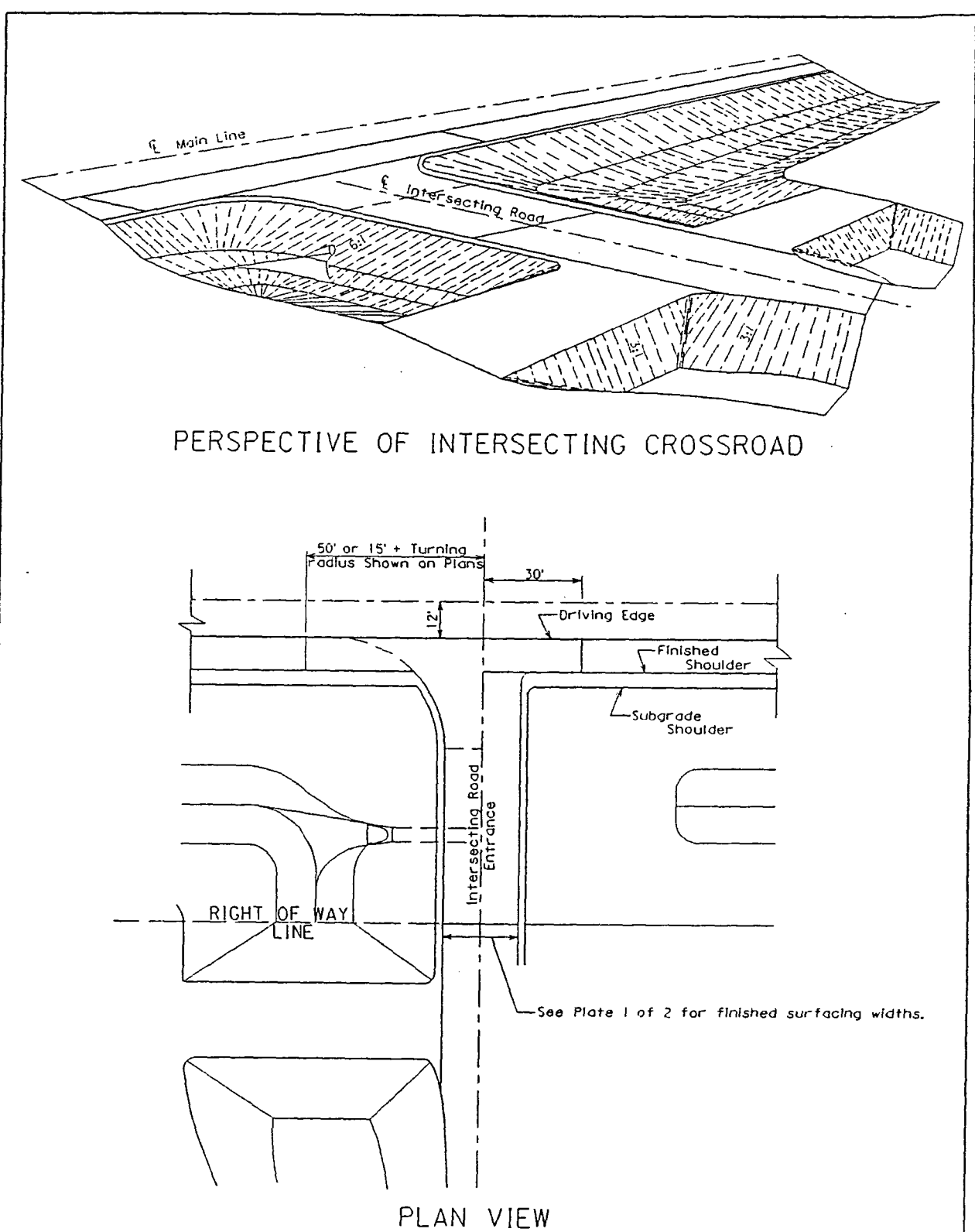
The subgrade radius is constructed as shown on this drawing. Variation in subgrade radius will result from variation in finished shoulder width and will be constructed as directed by the Engineer.

When a greater turning radius is called for, the surfacing will be extended accordingly.

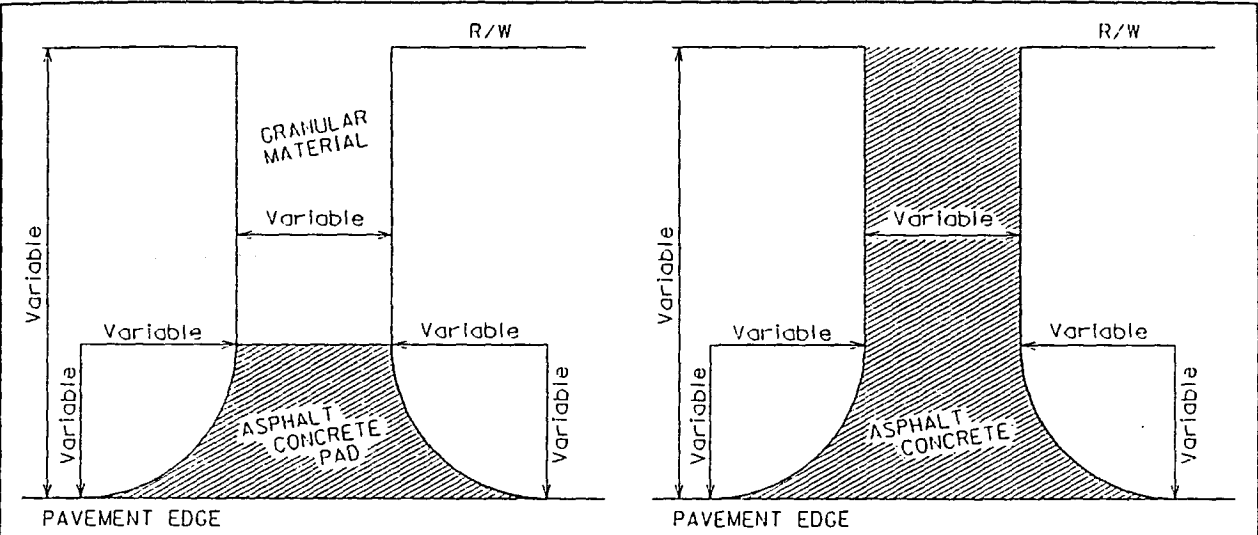
At locations where the new intersecting road approach ties into the existing road, it may be necessary to construct field entrances back and ahead on the intersecting road beyond the Mainline right of way in order to fit the flatter inslopes of the new approach to the steep inslopes of the existing roadway. At locations where these approaches have not been provided on plans, they may be added at the discretion of the Engineer in order to obtain a suitable transition to the existing section.

Quantities of material required are as shown on the plans. See typical sections on plans for shoulder dimensions.

SPECIFICATION REFERENCE NO. 120	STATE OF SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION INTERSECTING ROAD, FARM AND FIELD ENTRANCE, AND DITCH BLOCK	PLATE NUMBER 120.05 1 of 2

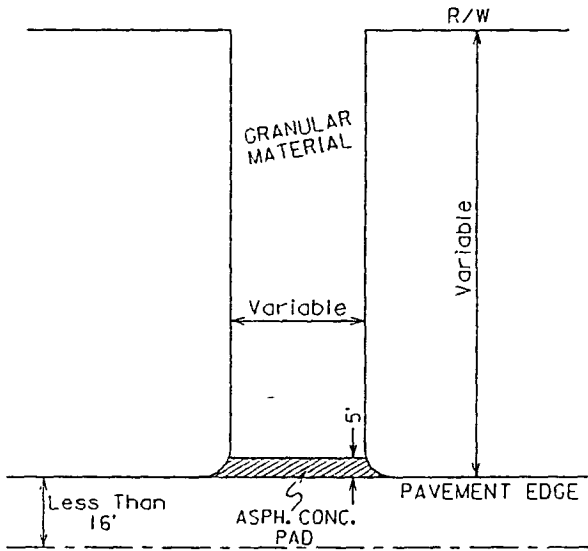


SPECIFICATION REFERENCE NO. 120.	STATE OF SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION INTERSECTING ROAD, FARM AND FIELD ENTRANCE, AND DITCH BLOCK	PLATE NUMBER 120.05 2 of 2



INTERSECTING ROAD
NO ASPHALT CONCRETE SURFACING
BEYOND R/W

INTERSECTING ROAD
ASPHALT CONCRETE SURFACING
BEYOND R/W



ENTRANCE

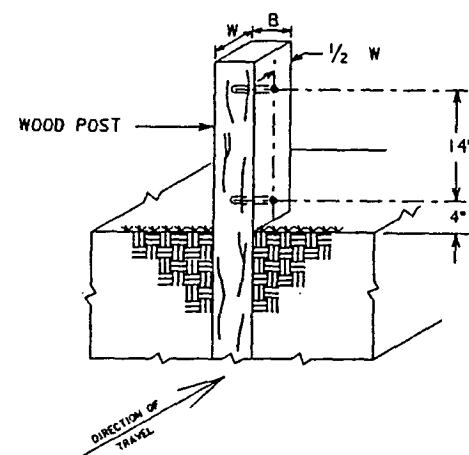
The surfacing details shown on this sheet are provided as a guide for surfacing these facilities. The precise construction limits for situations other than the standards shown will be determined by the Engineer, at the time of construction.

ROADWAY WITH OR WITHOUT SHOULDER

June 20, 1990

S D D O T	RESURFACING OF INTERSECTING ROADS AND ENTRANCES	PLATE NUMBER
		320.20
		Sheet 1 of 1

SIGN SUPPORT SAFETY FEATURES WOOD POSTS



DRILLING DETAIL

HOLE SIZE REQUIREMENTS

POST DIMEN.	1/2 W DIMEN. HOLE DIA.
B W	
4" X 6"	1 1/2" Ø
6" X 6"	2" Ø
6" X 8"	3" Ø

NOTE: All Posts 4" X 6" And Larger Shall Be Field Drilled In Accordance With The Above Breakaway Provisions. As An Added Requirement All 4" X 6" And Larger Posts Used In Two-Post Installations Shall Be Spaced 7' Or More Apart.

EXCEPTION: 4"x 6" Western Red Cedar Posts do not have to be drilled. 4"x 6" wood posts do not have to be drilled when post is installed with 6" wide section facing traffic.

MAY 23, 1995

DATE: 5-23-95	STATE OF SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION	PLATE NUMBER S1
APPROVED: [Signature] DIRECTOR OF TRANSPORTATION	BREAKAWAY SIGN SUPPORTS	

SIGN SUPPORT SAFETY FEATURES U-CHANNEL STEEL POSTS

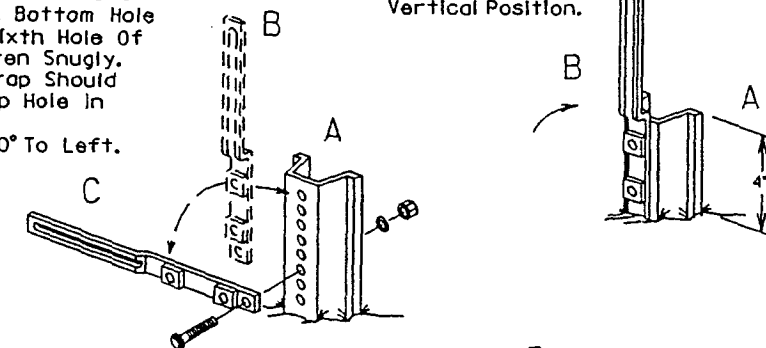
1. Remove A Minimum of 2" Of Soil From Area Where Base Post Is To Be Driven.

A. Drive 3.5 Foot Base Post To Within 12" Of Ground Level.

B. Attach Retainer-Spacer Strap With One Bolt, Nut And Star Washer Through Bottom Hole Of Strap and Sixth Hole Of Base Post. Tighten Snugly. Top Hole Of Strap Should Line Up With Top Hole In Base Post.

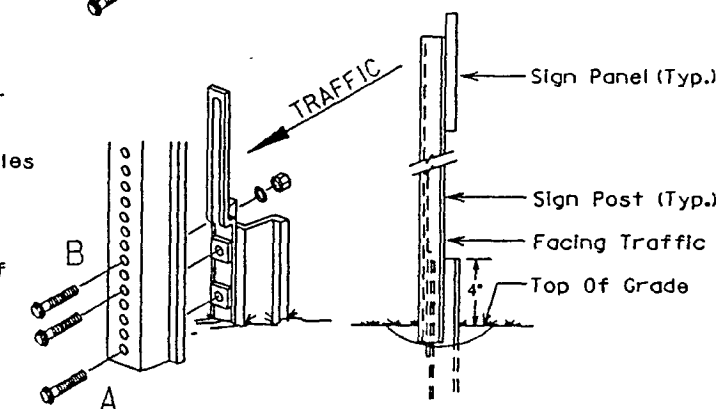
C. Rotate Strap 90° To Left.

2. A. Drive Post To Maximum Height Of 4" Above Ground.
B. Rotate Strap To Vertical Position.



3. A. Attach Sign Post With Two Bolts, Nuts and Star Washers In Bottom and Fifth Holes. (These Correspond With Small Holes In Strap.) Tighten Bolts Alternately To Insure Proper Nesting.

B. Insert One Bolt Through Sign Post and Bottom Of Long Slot In Strap. Tighten Snugly.



TYPICAL END VIEW
(FINISHED ASSEMBLY)

NOTE: Other Types of Steel Breakaway Sign Posts May Be Used When Such Posts Meet Current AASHTO Safety Criteria Requirements.

JULY '95, 1994

DATE: 1-30-95	STATE OF SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION	PLATE NUMBER S2
APPROVED: [Signature] DIRECTOR OF TRANSPORTATION	- F TYPE - BREAKAWAY SIGN SUPPORTS	

120.1
\$ LOAD
\$ G
IPARM
IPARM HALF

DATE:

CHECKED BY:

DATE:

DRAWN BY:

SIGN SUPPORT SAFETY FEATURES U-CHANNEL STEEL POSTS

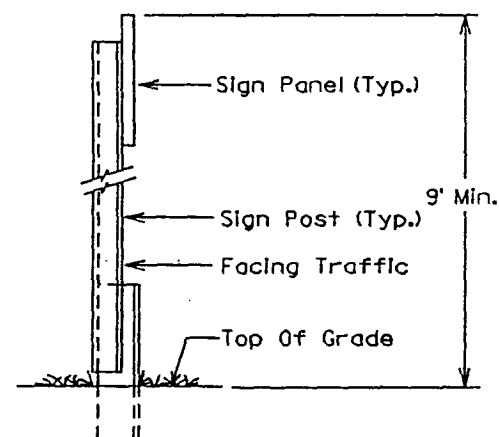
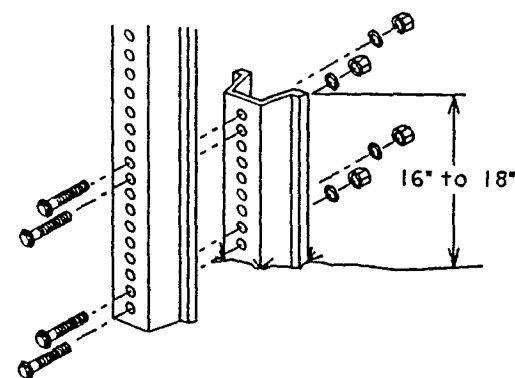
The Splice Lap Shall Be 16 to 18 Inches And Fastened By Four 5/16-Inch Diameter Galvanized A449 Bolts (SAE J429 Grade 5) Or Galvanized A325 Bolts, Two Bolts At Both Ends Of The Splice, Through The Holes Nearest The Ends Of The Splice.

Spacers (Short Pieces Of Pipe) Over The Bolts And Between The Spliced Pieces Of U-Channel Are Acceptable.

The Portion Of The Post Extending Upward From The Splice Is Located On The Back (Non-Impact) Side Of The Lower Portion Of The Post.

The Splice Should Not Extend Below The Ground.

The 4 foot Base And Sign Support Posts Shall Be 3 Lbs. per foot.



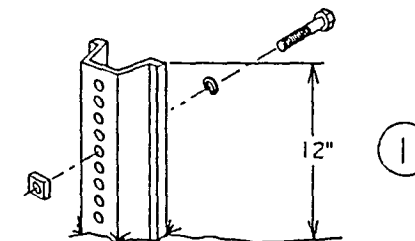
TYPICAL END VIEW
(FINISHED ASSEMBLY)

NOTE: Other Types of Steel Breakaway Sign Posts May Be Used When Such Posts Meet Current AASHTO Safety Criteria Requirements.

JULY 19, 1994

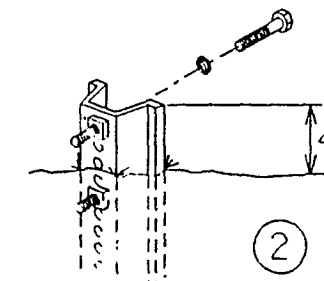
DATE: 1-30-95 APPROVED: [Signature] DIRECTOR OF TRANSPORTATION	STATE OF SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION BREAKAWAY SIGN SUPPORTS	PLATE NUMBER S3
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SIGN SUPPORT SAFETY FEATURES U-CHANNEL STEEL POSTS



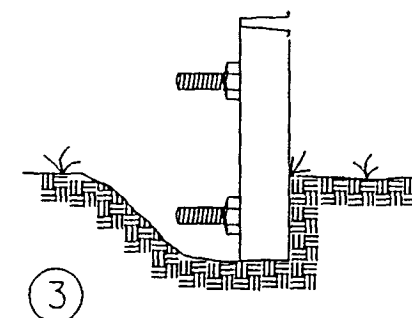
Drive 3.5 foot base post to within approximately 12 inches above ground level.

Place one bolt and cut washer in fifth hole from the end, and securely tighten threaded spacer onto bolt.



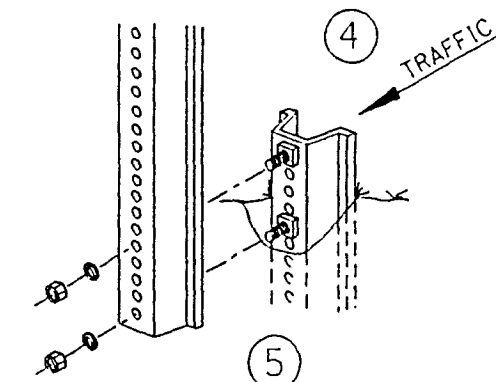
Drive base post to 4 inches above ground level.

Place remaining bolt and cut washer in first hole from the end, and securely tighten threaded spacer onto bolt.



Dig out approximately 2 inches from around back of ground post to allow room for top post to be attached.

Nest top post over protruding base post bolts, through the first and fifth holes of the top post.

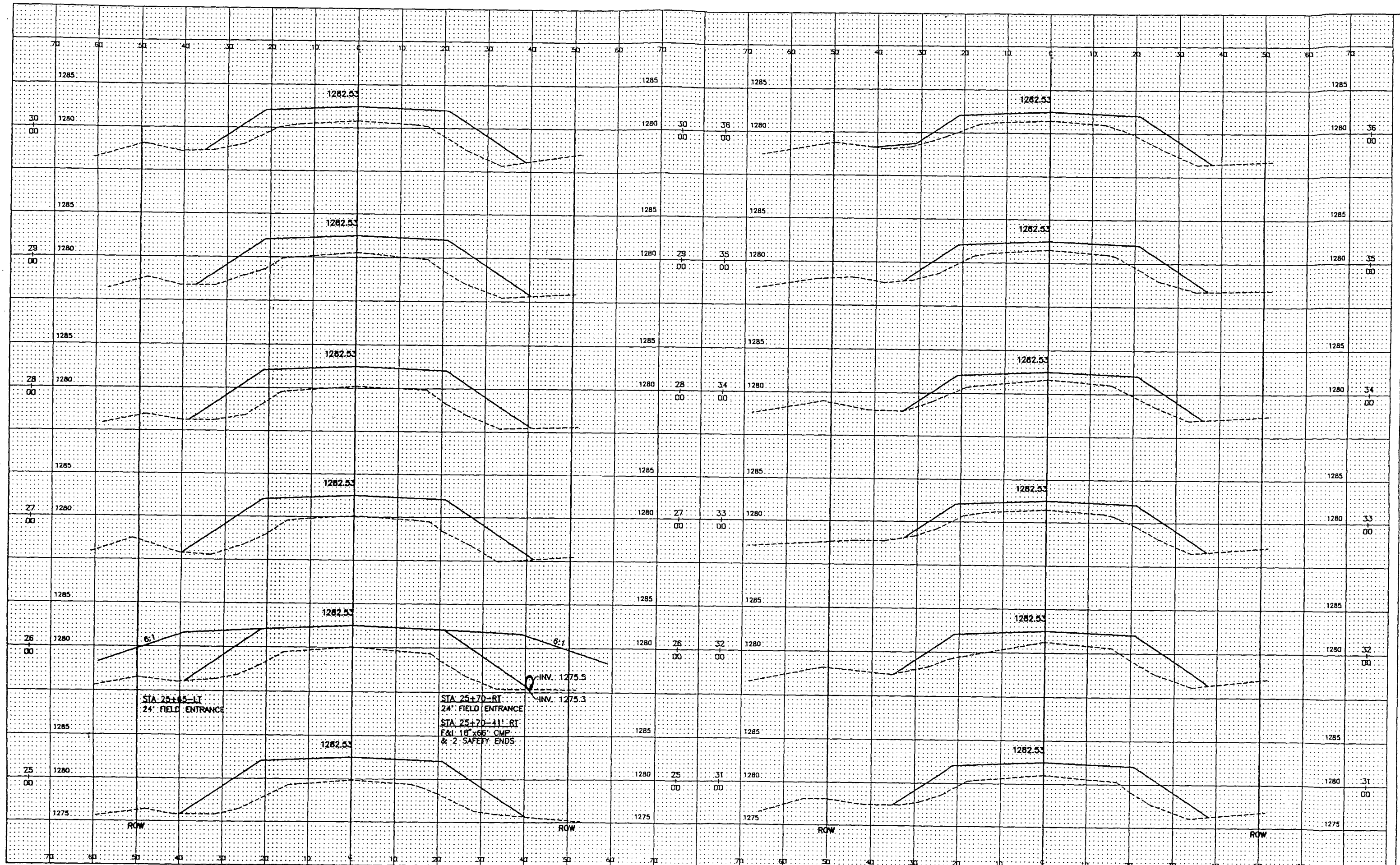


Place a lock washer and or lock nut on each bolt.

Tighten nuts and tamp earth around ground post firmly.

JULY 19, 1994

DATE: 1-30-95 APPROVED: [Signature] DIRECTOR OF TRANSPORTATION	STATE OF SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION - M TYPE - BREAKAWAY SIGN SUPPORTS	PLATE NUMBER S4
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CLARK

ENGINEERING CORPORATION
CONSULTING ENGINEERING & LAND SURVEYORS
ABERDEEN / RAPID CITY, SOUTH DAKOTA

DRAWN BY:
KJR

CHECKED BY:
SAL

REVISIONS:

SCALE:
HORIZ. 1"=20'
VERT. 1"=10'

PROJECT:
BROWN COUNTY ER 6426 (04)
FLOOD DAMAGE REPAIR

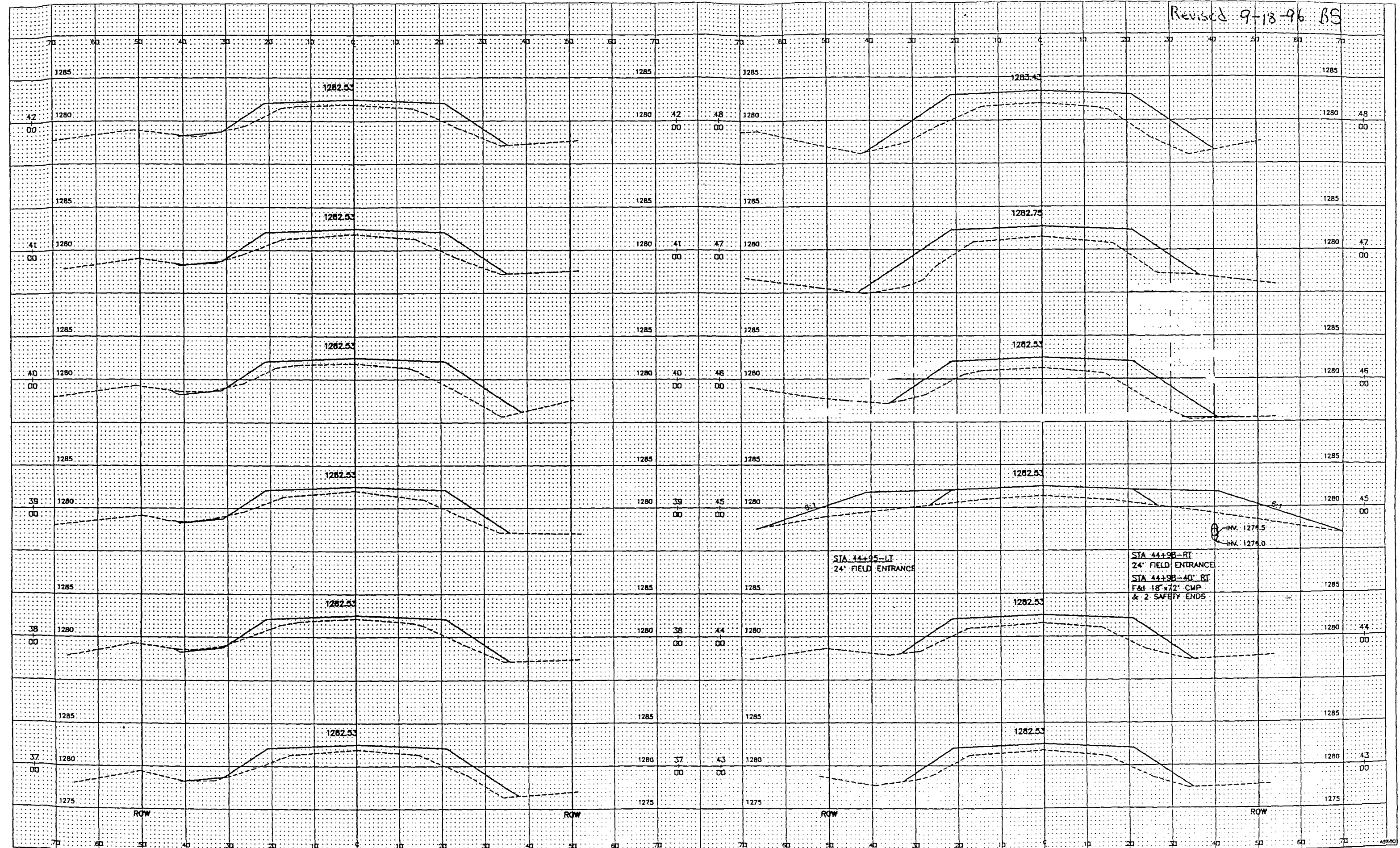
SHEET DESCRIPTION:
CROSS SECTIONS

DATE:
3/96

SHEET
19 OF 21

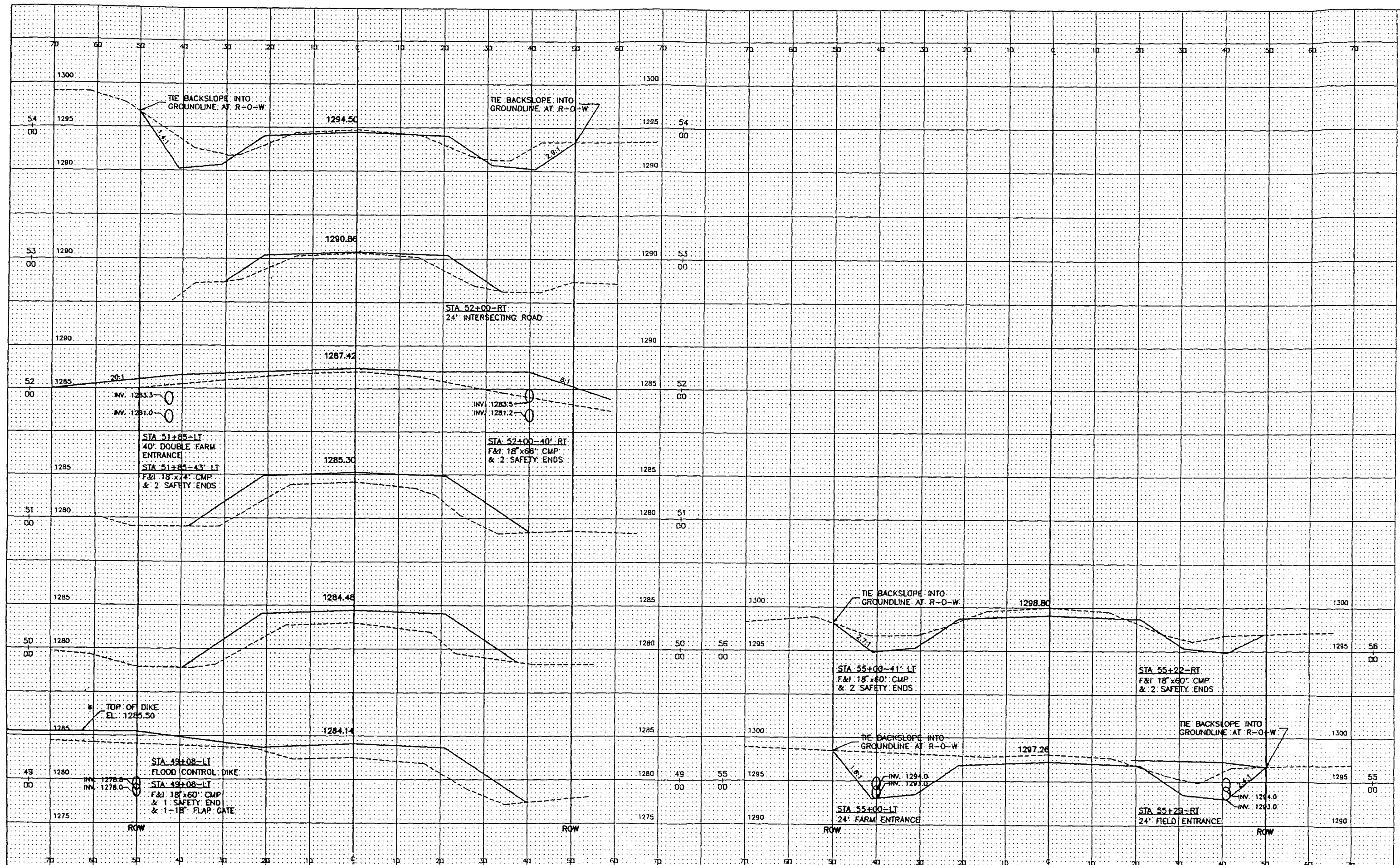
24 PROJECT RECORDS 001 210

Revised 9-18-96 BS



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CONSULTING ENGINEERING & LAND SURVEYORS
ABERDEEN / RAPID CITY, SOUTH DAKOTA

DRAWN BY: KJR	CHECKED BY: SAL	REVISIONS:	SCALE: HORIZ. 1"=20' VERT. 1"=10'	PROJECT: BROWN COUNTY ER 6426 (04) FLOOD DAMAGE REPAIR	SHEET DESCRIPTION: CROSS SECTIONS	DATE: 3/96	SHEET 20 OF 21
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CONSULTING ENGINEERING & LAND SURVEYORS
ABERDEEN / RAPID CITY, SOUTH DAKOTA

DRAWN BY: KJR	CHECKED BY: SAL	REVISIONS:	SCALE: HORIZ. 1"=20' VERT. 1"=10'	PROJECT: BROWN COUNTY ER 6426 (04) FLOOD DAMAGE REPAIR	SHEET DESCRIPTION: CROSS SECTIONS	DATE: 3/96	SHEET 21 OF 21
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S.D. DEPARTMENT OF GAME,
FISH AND PARKS

INLET STRUCTURE

PUTNEY SLOUGH RESTORATION PROJECT

C O L U M B I A

SLOUGH

PUTNEY

JAMES RIVER

OUTLET CONTROL STRUCTURE

Tacoma Park

6204-3



BROWN-MARSHALL COUNTY DRAINAGE PROBLEM REPORT
AND POSSIBLE REMEDY ALTERNATIVES

JUNE 8, 1994

Problem definition:

The Crow Creek drainage system, a network of stream channels and drainage canals, drains approximately 597 sqmi in Marshall and northeastern Brown counties. The headwaters of the eastern portion of the Crow Creek are located on the western slope of the Coteau des Prairies in an area known as the Sisseton Hills. The drainage system drains the Sisseton Hills area in a westerly direction dropping off sharply to a relatively flat lake plain area. At the Brown-Marshall County line, Crow Creek ditch water flows through Renziehausen Slough. The eastern branch of the ditch then joins up with the northern branch of the ditch system, which drains northeastern Brown County. The Crow Creek ditch follows a southwesterly course and eventually empties into the James River at a point just below Tacoma Park. (USACE, 1980).

The initial portion of the Crow Creek drainage ditch system was constructed in the late 1910's and early 1920's in the lake plain area, with additions and changes to the system constructed over the years. The system consists of natural stream channels, drainage ditches, laterals, a series of dikes, levees and gates. A set of gates and dikes located at the James River restricts river water from backing into the ditch and into Putney Slough from the James River during high river flow. The Crow Creek drainage ditch runs

along the west side of Putney Slough and is separated from the slough by a levee. At the north end of Putney Slough there is a road grade, known as Sullivan Grade, which acts as a dike. There is another set of gates on the ditch at the Sullivan Grade which separates Putney Slough and the lower portion of the ditch from the upper portion of the drainage basin. There is an elevation difference of only 3.0 feet in the lower 15 miles of the Crow Creek ditch (USSCS, 1967).

Several years ago (prior to 1958) a portion of the Mud Creek drainage basin (to be referred to as Hickman Lake basin) was rerouted so that it no longer discharged through Mud Creek to the James River but now discharges into the Crow Creek basin. This increased the total surface area of the Crow Creek drainage basin by 70 square miles (sqmi) and now accounts for approximately 12% of the total 597 sqmi of surface area. To complicate matters, a portion of the drainage basin located upstream of the Hickman Lake basin, under everything but extreme runoff conditions, would be considered to be non-contributing. Due to the large precipitation events of the past year this non-contributing basin which includes the Buffalo Lakes, the Red Iron Lakes, Roy Lake, Cattail Lake and several other lakes and sloughs, has been filling and could potentially begin to discharge into the Hickman Lake basin. This would add approximately 193 sqmi to the total drainage area.

The drainage problem in the Crow Creek basin has also been compounded by the construction of ditches, laterals and other

drainage changes that add to the system. These drainage changes increase the velocity and amount of water that must now be handled by the lower portion of the drainage system. Many of these changes have been completed over the past 75 years without the knowledge of, or regard for the problems they would cause, to the downstream landowners. The 1985 South Dakota Legislature passed legislation dealing with drainage. These statutes included in South Dakota Codified Laws (SDCL) chapters 46A-10A, 46A-10B and 46A-11 place jurisdiction over drainage matters with the respective county commissions. This local control allows the counties to take responsibility for making sure that additional drainage construction cannot occur that will adversely impact others.

The following alternatives address the drainage problem in the Crow Creek basin including the Hickman Lake basin and the surface water that drains from it. The alternatives also address some of the issues and ramifications that will need to be dealt with before a plan can be implemented. This document does not address all possible issues nor all possible alternatives. The discussion concerning drainage is made pursuant to SDCL 46A-10A-7. Consistent with that statute, neither the Division of Water Rights nor the Chief Engineer have decision making authority on drainage issues. The following is intended as a discussion list and should not be construed as a legal ruling or any type of final engineering plans and specifications.

Alternative 1 - Plug the ditch located in the SW1/4 of Section 7 T125N-R58W that reroutes the Hickman Lake drainage and remove all obstructions allowing the water to flow in the natural drainage towards the west.

Effect - This alternative will reduce the total drainage area of the Crow Creek basin by 70 sqmi to a total of 527 sqmi while increasing the Mud Creek basin by the same 70 sqmi area. Drainage water would be allowed to accumulate in the low lying areas in the northern portion of the basin. If enough water accumulates, water will begin to drain towards the southwest into Antelope Creek, past the town of Groton, into Mud Creek and eventually emptying into the James River.

Directing water down the natural drainage may decrease landowners access to property that the drainage way crosses. Water accumulating in the lower area may cause additional flooding problems and may limit access to that land. If enough water accumulates and begins draining to the southwest, additional flood damage may occur to road crossings not designed to handle the additional flow. The town of Groton may experience additional flood problems due to the extra water.

Possible legal consequences - Since this portion of the drainage basin was rerouted many years ago, private landowners receiving the benefit of the drainage may have acquired a prescriptive easement to have this land drained by this manmade change. Cases decided by

the South Dakota Supreme Court provide that a prescriptive easement may be obtained when:

- (a) The use involved was over 20 years.
- (b) The use was legally continuous.
- (c) The use was "notorious" or known by the person or group of persons affected.
- (d) No consent was given for the use (the consent issue would be covered by laws other than the prescriptive easement situation). *Heezen v. Aurora County* 157 N.W. 2d 26 (1968).

The county drainage law enacted in 1985 has continued to recognize that prescriptive easements may be acquired for drainage purposes (SDCL 46A-10A-67). Under SDCL 46A-10A-31, such rights were to be filed as vested drainage rights on or before July 1, 1992. If vested drainage rights have been filed and have not been contested, the prescriptive right may be absolute. On the other hand, if a "prescriptive right claim" was not filed, it may have been lost. Neither the statutes nor cases decided by the courts state whether a prescriptive right is lost, if it is not recorded as a vested drainage right under SDCL 46A-10A-31. The overall intent of the 1985 drainage law does, however, indicate that prescriptive rights were lost if they were not recorded pursuant to SDCL 46A-10A-31.

In reviewing this issue, we note that two groups of landowners appear to have benefitted by the manmade change. In addition to the landowners in the Mud Creek drainage area who have the immediate benefit from the manmade drainage, there are also

landowners who have benefitted when the water did not follow its natural drainage channel to the southwest towards Antelope Creek. Either group may have acquired legal rights to have their land drained. At the present time these issues are to be resolved by the county drainage boards or the courts, if the landowners cannot come to agreement.

Alternative 2 - Plug the ditch located in the SW1/4 of Section 7 T125N-R58W and construct a new drainage ditch through Sections 12, 11, and 10 T125N-R59W to direct the water to the lower area in the upper portion of the Mud Creek Basin.

Effect - This alternative will reduce the total drainage area of the Crow Creek basin by 70 sqmi to a total of 527 sqmi while increasing the Mud Creek basin by the same 70 sqmi area. Drainage water would be allowed to accumulate in the low lying areas in the northern portion of the basin. If enough water accumulates, water will begin to drain towards the southwest into Antelope Creek, past the town of Groton, into Mud Creek and eventually emptying into the James River.

Constructing a new ditch will bypass the land along the natural drainage way. There will be land on which the ditch will need to be constructed that will need to have easements. Potentially, the US Army Corps of Engineers (USACE) will need to be contacted to obtain a 404 permit for channelization of the waterway. The US

Soil Conservation Service (SCS) will need to be contacted concerning "swampbuster" provisions and the US Fish and Wildlife Service will need to be contacted concerning possible wetlands alterations. Water accumulating in the lower area may cause additional flooding problems and may limit access to land. If enough water accumulates and begins draining to the southwest, additional flooding damage may occur to road crossings not designed to handle the additional flow. The town of Groton and any low lying lands may experience additional flood problems due to the extra water. It may be possible, through agreement, to control releases from the Mud Creek drainage when channel capacity is available in the Groton area. Channelization of the creek to handle additional flows in the Groton area may also need to be considered.

Possible Legal Consequences - Since this portion of the drainage basin was rerouted many years ago, private landowners receiving the benefit of the drainage may have acquired a prescriptive easement to have this land drained by this manmade change. In addition, written easements would have to be acquired by purchase or condemnation in order to construct the new ditch. As noted above, review by federal agencies is required. Each of these agencies will have both legal and technical standards to meet.

Alternative 3 - (This alternative assumes that either alternative 1 or 2 is implemented.) Construct a drainage ditch from the lower

area, Section 10 T125N-R59W, in the upper portion of the Mud Creek Basin to Antelope Creek approximately 11.5 miles to the southwest in Section 26 T124N-R60W.

Effect - This alternative will limit the water held in the low lying area in the northern portion of Mud Creek basin. The high points will be bypassed and the drainage water will move "faster" towards the James River. However, the total elevation drop in the 11.5 miles is only about 10 feet.

Constructing a new ditch will require easements to be obtained. Again, the USACE will need to be contacted to obtain a 404 permit for the channelization of a waterway, the SCS will need to be contacted concerning "swampbuster" provisions and the USFWS will need to be contacted concerning possible wetlands alterations. A project of this size will require extensive plans and construction concerning ditch design and road crossings. This alternative will allow more water to move in a shorter period of time. Unless controls or other options are included, flooding damage may be increased at the town of Groton, on any low lying lands and to any structures not capable of handling the extra water.

Possible Legal Consequences - Since this portion of the drainage basin was rerouted many years ago, private landowners receiving the benefit of the drainage may have acquired a prescriptive easement to have this land drained by this manmade change. In addition, written easements would have to be acquired by purchase or

condemnation in order to construct the new ditch. As noted above, review by federal agencies is required. Each of these agencies will have both legal and technical standards to meet.

Alternative 4 - Continue to allow the Hickman Lake basin to drain into the Crow Creek basin, but concentrate on building storage dams to catch the runoff before it flows into the Crow Creek drain system.

Effect - this alternative will reduce the amount of runoff from the Hickman Lake basin and thus reduce the amount of water accumulating in the lower Crow Creek area. Obtaining easements for potential dam sites would need to be dealt with. These structures would be required to meet State of South Dakota safety of dams standards.

The required amount of total storage that will be needed to impound enough water to significantly affect the total runoff would need to be determined. A couple of options on dam design may need to be considered. First, many small dams versus fewer large dams to impound the same amount of water could be considered. Second, what happens if the storage is full and more runoff occurs. A consideration would be to have retention structures that catch runoff but continue to release it at a much slower rate. This would extend the release time so that water already in the drainage system can some how be dealt with.

Possible Legal Consequences - In addition to the foregoing concerns

the construction of dams does impose additional concerns. The state dam safety criteria must be met. Also, the issue of potential liability should be considered in reviewing the construction and management plan for dams. To the extent that lands are acquired for the dams, compensation may be required.

Alternative 5 - This alternative does not concentrate on the Hickman Lake basin but looks at the possible formation of a Crow Creek Basin Water Management Commission. This commission would have authority to address problems that originate in one county, but affect persons or property in another county. This commission could be a joint drainage board agreed to by the two counties which would operate under a joint powers agreement developed by the two counties pursuant to SDCL 46A-10A-9 and SDCL 46A-10A-10 as well as the joint powers statutes set forth in SDCL Ch. 1-24. In the alternative, a new entity, such as a watershed district, could be organized to address drainage issues in this area.

Effect - This alternative could provide for ongoing dispute resolution on drainage matters, provide for funding mechanisms for projects involving the drainage area, and allow for planning on a basis that would include the whole drainage basin or basins. Under an intercounty drainage plan or joint powers arrangement, funding would be obtained from the counties involved. Watershed districts derive their funding from assessments within the boundaries of the

district. Watershed districts are not formulated directly by the counties, but are created by the procedures set forth in SDCL Ch. 46A-14.

Possible Legal Consequences - A watershed district encompassing only the Crow Creek Drainage may not fully address the Hickman Lake situation since it originates in another drainage basin. The boundaries of the watershed district would determine this issue (SDCL 46A-14-6). Either option (intercounty drainage agreement or watershed district) would need to be developed in a manner that accommodates existing county drainage plans and ordinances. Also, vested drainage rights may only be regulated by watershed districts under certain conditions (SDCL 46A-14-46).

Alternative 6 - Construct containment structures with control gates on the separate branches of the Crow Creek drainage system, upstream from Section 28 T127N-R60W, to hold water behind each of the structures during wet periods. Water could then be released when and at a rate at which the James River will take it.

Effect - This alternative would provide for a "sharing" of the flooding problem between the upper and lower basin landowners. Land in the upper portion of the drainage system will be periodically flooded in order to relieve flooding pressures in the lower Crow Creek system. Potentially this would require that some land that had not been flooded previously, be flooded. This

alternative would require that a commission responsible for the operation and maintenance of the system be setup to manage gate operations and water release scheduling.

Possible Legal Consequences - Each landowner whose lands become flooded directly as a result of this project may expect to be compensated for the temporary loss of farmland. Regardless of whether counties undertake this effort by means of a joint powers agreement or whether a watershed district is formed, any governmental entity responsible could become involved in condemnation or settlement proceedings if land is "taken" by flooding caused as a result of this project. Even if flooding is temporary in nature, compensation commensurate with such a "temporary taking" may be required.

Alternative 7 - Create a "Green way" on the lower portion of the Crow Creek drainage system, from Section 18 T124N-R61W to Section 28 T127N-R60W, which would allow flooding to occur during wet periods.

Effect - This alternative requires either obtaining flood easements or obtaining land in the lower portion of the Crow Creek system to allow flooding to occur. This alternative would require that a large continuous tract of land be designated for this greenway. Piecing mealng floodable blocks of land with non-floodable private land would not be advisable.

Possible Legal Consequences - Again, the compensation issue may need to be addressed to the extent that farmland is no longer allowed to be used as a result of such a project. Also, in analyzing this issue, care should be undertaken to review the state statutes to determine whether a watershed district or a county joint powers agreement would be the mechanism to undertake the project. Review should involve consideration of whether amendments to state statutes would need to be made to accommodate the project.

An additional issue that needs to be addressed is the potential for the non-contributing Roy Lake basin adding runoff water to the Hickman Lake basin and ultimately the Crow Creek basin. As previously discussed, under normal conditions the Roy Lake basin would be considered a non-contributing basin, that is, runoff from precipitation would remain in the basin and not flow out. Under extreme circumstances when so much precipitation falls within this basin, runoff water will spill out of the basin into the next basin downstream, which is the Hickman Lake basin. This is a condition that could potentially occur in the near future. There are existing culverts through roads that could restrict flow out of the Roy Lake basin. Modification of these structures to either increase flow or restrict the flow out of the basin needs to be looked at.

Possible legal consequences - Once a structure has been installed, area landowners do develop some reliance on it. In this case, the area landowners whose property may be drained as a result of the

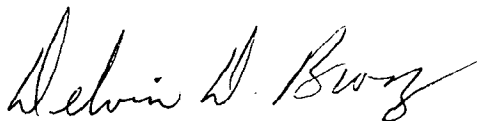
culvert undoubtedly have developed a reliance on the culvert as it currently exists. On the other hand, the culvert may not be large enough to effectively drain all the water in extremely wet years. To some extent these landowners may have developed a reliance on the fact that the limited size of the culvert controlled or restricted the flow of water on their property. Prescriptive rights may apply, depending on the length of time that the culvert has been in existence. As discussed previously, prescriptive right claims were required to be filed with the county as vested drainage rights under the 1985 law to the extent that they involve drainage - diffused surface water (widely spread or not concentrated surface water). If the vested drainage right claims have not been filed, the claims may have been lost. Any action by the county would need to accommodate vested drainage rights, if there are any in this circumstance. If there are any prescriptive rights or vested drainage rights, changes in the culvert may result in damages for which compensation may be required.



Mark D. Rath

Natural Resources Engineer III

Approved by,



Delvin D. Brosz, P.E.

Natural Resources Engineer IV

References

USACE. 1980. James River Basin, North and South Dakota Subregional Analysis, Technical Paper Flooding. US Army Corps of Engineers, Omaha District.

USSCS. 1967. Crow Creek Watershed - Suspension Report. US Soil Conservation Service. Huron SD.



District Conservationist
Aberdeen, SD

April 12, 2000

Dear Doug Farrand,

Find enclosed information regarding capacity of both the Natural Resources Conservation Service structure at the south west corner of **Putney Slough** and the structure with 4 gates at the James River which is down stream of Putney Slough, and one 9 ft. x 6 ft. arched CMP culvert.

Height above channel bottom	NRCS Structure at SW. corner of Putney Slough corresponding capacity		Existing Struc. At James River with corresponding capacity		Arched Culverts 9'-6" x 6'-5" CMP
(ft.)	(sq.ft.)	(cfs.)	(sq.ft.)	(cfs.)	cfs.
8	314 sq. ft. -	2294.2 cfs			280
7	232	1550.5			230
6	162	976.6	144 sq.ft.	1093 cfs.	175
5	104	557.9	120	831.8	130
4	58	279	96	595.2	88
3	24	128.9	72	386.6	64
2	16	70.1	48	210.4	-
1	8	24.8	24	74.4	-
0	0	0	0	0	0

Note:

- 1.) NRCS structure consists of an 8 ft. wide weir opening to three feet height (el. 1273 to el. 1276). Above el. 1276, there is a twenty eight foot wide bench with 6:1 sideslopes continuing up in height. Top of dike is el. 1281.71282
- 2.) The structure at the James River consists of 4 gates, 6 foot wide by 6 foot high gates.
- 3.) Weir capacity is based on the formula $Q = C * L * H^{1.5}$ (cfs.).
- 4.) Inlet at the north end of Putney Slough will allow approximately 1,800 cfs into Slough at maximum flow.
- 5.) The 9 ft.- 6 in. x 6 ft. 5 in. arched culvert is based on one CMP.

Keep in mind that Putney Slough acts as a temporary storage basin and thus does not need to handle the entire flow instantaneously. As you can see, the NRCS structure has more capacity than either the inlet end (north end), or the outlet at the James River. From the above chart, it will require in excess of eight 9' x 6' culverts to match the capacity of one NRCS sheet piling structure. The chart that I used listed culvert size as 9'-6" x 6'-5". The next size smaller culvert listed on my chart is an 8'-2" x 5'-9" culvert. It would take approximately 10 of these culverts to match the 2,294 cfs from the NRCS structure. I hope this will satisfy your appetite for changes relating to this structure. My chart does not publish results below 3 ft. of depth. Call me at 692-2344 with questions. Thank You,

Pete Anderson

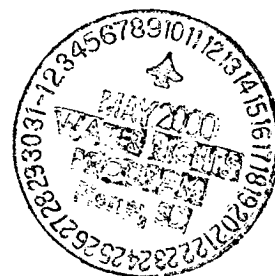
Pete Anderson, Ag. Engineer, PE



DEPARTMENT OF GAME, FISH AND PARKS

Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

COPY



May 9, 2000

Mr. Garland Erbele, Chief Engineer
Water Rights Program
SD Department of Environment and Natural Resources
Foss Building, 523 East Capitol Ave.
Pierre, SD 57501

RE: Application to Appropriate Water - Putney Slough Restoration Project

Dear Mr. Erbele:

Attached find application materials to appropriate water for the Putney Slough restoration project located in Brown County. As you are well aware, this project is the result of an extraordinary cooperative effort involving nearly twenty private landowners, South Dakota Department of Game, Fish and Parks, Ducks Unlimited, Natural Resources Conservation Service, FEMA, Lower Crow Creek Watershed District, Northeast Council of Governments, United States Fish and Wildlife Service, Pheasants Forever, Delta Waterfowl, and the Sportsmen's Club of Brown County. Monetary and in-kind project commitments made by this group exceed \$1.65 million. The efforts of SD Department of Transportation, Brown County and South Dakota Division of Emergency Management also have contributed to the success of this project.

The last administrative task necessary to complete restoration of Putney Slough is obtaining a water permit from your office prior to construction of the water control structure. Natural Resources Conservation Service engineers have designed the structure and we hope to build it this fall (see attached plans).

The NRCS holds Emergency Wetland Reserve Easements that they purchased from willing sellers for all the tracts of property affected by the restoration. Subsequent to purchase of these wetland restoration easements by NRCS, the Department of Game, Fish and Parks purchased fee title to approximately 2700 acres in the restoration area. GF&P will manage this property as a Game Production Area and is obligated to maintain the restored marsh at an elevation of 1275 ft. msl.

The current outlet structure plans include a stop log structure with a variable height from 1273 ft. msl to 1276 ft. msl. The structure will be located along the east Crow Creek ditch embankment just north of Brown County Highway #13 (SW1/4, SW1/4, sec. 18, T124N, R61W). Because the wetland easement on the property dictates that we manage the outlet at an elevation of 1275 ft. msl, deviations from that elevation may occur when there is a need to manage wetland vegetation growth (e.g. overly dense stands of cattail) using techniques such as drawdown, prescribed burns and flooding. Planning and written authorization from NRCS will be necessary to conduct such activities. In addition to construction of the outlet structure, two four foot culverts, with flap gates on the downstream end will be installed under Brown County Highway #11 to allow water to enter the upper end of the marsh. The current breach in the drainage ditch dike in this area will also be left open to allow additional flows into Putney Slough.

If you or your staff have any questions regarding this application, please contact me at 773-6208.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tim Olson".

Tim Olson
Water Resources Specialist

enc.



United States
Department of
Agriculture

Natural
Resources
Conservation
Service

14 FEB 2000

Field Support Office
520 Third Avenue
P.O. Box 626
Brookings, SD 57006-0626

SUBJECT: ENG - Wetland Restoration design approval

DATE: February 14, 2000

TO: Duane Klamm, P.E.
State Conservation Engineer
Casper, Wyoming

FILE CODE: 210-13

Enclosed for your review and approval are the design plans, and specifications for a water control structure on Putney Slough in Brown County, South Dakota. The site is located on the Putney Slough approximately seven miles north and eleven miles east of Aberdeen, SD. Dwight Hale, former SD SCE, originally approved this project. This revision is at the request of Doug Farrand, DC, Aberdeen. I have enclosed the original plans for comparison. I have made two major changes and several minor changes. The two major changes are, adding a 10-foot wide berm on either side of the weir and increasing the length of the 8-foot vinyl sheet piling to 9 feet. Doug Farrand requested that the 10-foot wide berms be added because of local political concerns. I decided to increase the sheet piling length because a site investigation was not possible due to a flooded site condition. Dwight Hale originally suggested installing one foot of sheet piling below ground for each foot of sheet piling above ground. As you can see, I have increased the below to above ground ratio of sheet piling because of the potential weakness of the foundation. The minor changes involved items such as relocating portions of text to better fit the page.

This project consists of sheet piling and accompanying minor items of work such as earth work and rock riprap. If you have any questions, please feel free to contact me at 605-692-2344, ext. 107. Thank you.

Pete Anderson, P.E.
Agricultural Engineer

Enclosures

cc (w/o encl.): Dennis Shoup, ASTC(FO), Pierre FSO
w/enclosures Doug Farrand, DC, Aberdeen FO

TABLE OF QUANTITIES & COST ESTIMATE

Cooperator Putney Slough
Address/Ph. -
Legal Des. SW 1/4, S 18, T 124, R 61
Designer Peter Anderson

Con. Distr. Brown Co.
Field Office Aberdeen
Date: 02/14/00

Item No.	Item	Unit	Quantity	Unit Cost	Total Cost
1	Site Preparation (approx. 60 cy.)	job	1.00	\$600.00	\$600.00
2	Vinyl sheet piling installed	sq.yd.	740.00	14.00	10,360
3	Timber w/hardware	bd.ft.	470	5	2350
4	Galvanized steel pipe 1-7/8" dia. X 3'-10" long & appurtance	each	2	40	80
5	Concrete (5,000 psi.)	cu.yd.	6.8	250	1700
6	Steel stop logs (rec. tubing)	lin.ft.	71.25	15	1068.75
7	Steel stop log guide	lin.ft.	6	20	120
8	Seeding	job	1	200	200
9	Rock riprap	cu.yd.	14	30	420
10	Dewatering	job	1	1500	1500
11	Sand & gravel bedding	cu.yd.	4.2	20	84
12	Core floor (2 @ 10 ft. long)	sq.ft.	40	10	400

Total Cost = \$18,883
Add 7% contingencies = **\$20,205**

Note: This is an estimate only. Actual cost will be determined by contractors bid and the staked and/or final quantities.

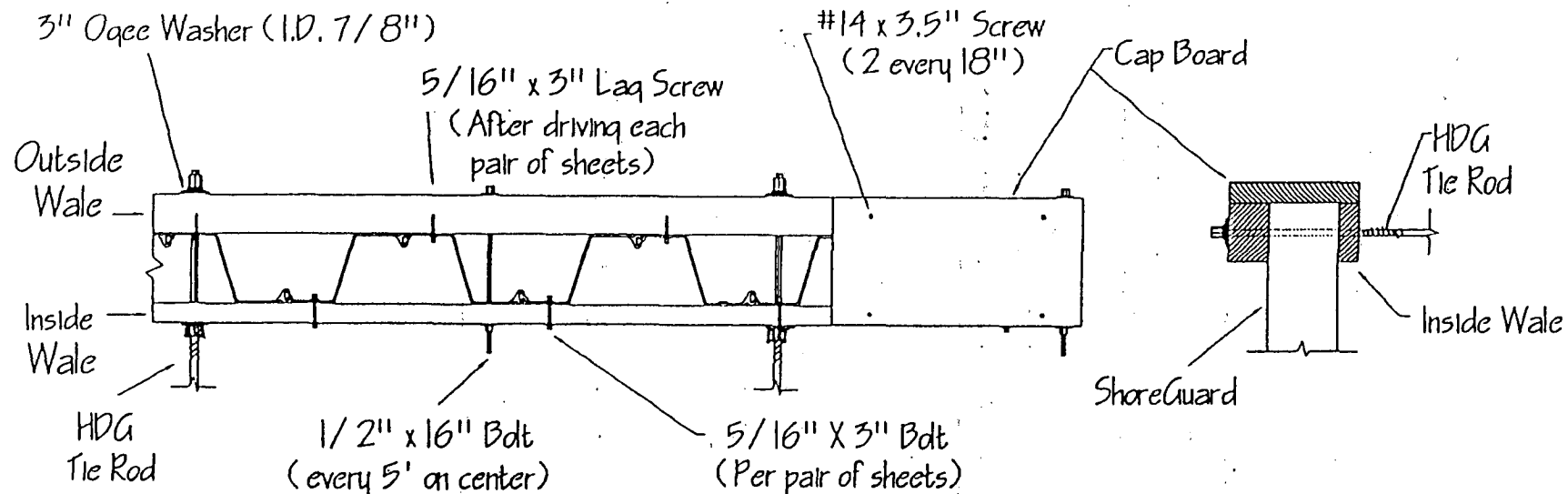
BID SCHEDULE

Cooperator Putney Slough
Address/Ph. _____
Legal Des. SW 1/4, S 18, T 124, R 61
Designer Peter Anderson

Con. Distr. Brown Co.
Field Office Aberdeen
Date: 02/14/00

Item No.	Item	Unit	Quantity	Unit Cost	Total Cost
1	Site Preparation (approx. 60 cy.)	job	1.0	_____	_____
2	Vinyl sheet piling installed	sq.yd.	740.0	_____	_____
3	Timber w/hardware	bd.ft.	470	_____	_____
4	Galvanized steel pipe 1-7/8" dia. X 3'-10" long & appurtance	cu.yd.	2	_____	_____
5	Concrete (5,000 psi.)	lin.ft.	6.8	_____	_____
6	Steel stop logs (rec. tubing)	lin.ft.	71.25	_____	_____
7	Steel stop log guide	job	6	_____	_____
8	Seeding	cu.yd.	1	_____	_____
9	Rock riprap	job	14	_____	_____
10	Dewatering	cu.yd.	1	_____	_____
11	Sand & gravel bedding	sq.ft.	4.2	_____	_____
12	Core floor (2 @ 10 ft. long)	sq.ft.	40	_____	_____

Total Cost =



PARTS LIST

- (21) 1/2" X 16" CARRIAGE BOLT W/ NUT/ WASHER
- (60) 5/16" X 3" CARRIAGE BOLT W/ NUT/ WASHER
- (60) 5/16" X 3" LAG HEX SCREW W/ WASHER
- (140) #14 X 3.5" S.S. PHILLIPS HEAD SCREWS

Materials shown on this sheet are for illustrative purposes. Materials of equal quality are acceptable.

IF YOU NEED ASSISTANCE PLEASE CALL (800) 256-8857 FROM 7:00AM TO 6:00PM (EST)

SHOREGUARD PARTS;
FOR 100 LINEAR FEET
OF WOOD CAP

Materials International, Inc.
4501 Circle 75 Parkway
Suite E-5370
Atlanta, GA 30339 USA
USA 800-256-8857
Fax 404-933-8363

Basic design information is provided as an aid to the engineer or architect in developing working plans for specific applications. No representations, warranties, or guarantees of any kind are made as to the suitability for particular applications or the results obtained therefrom.

DRAWN BY: **B. Victorica**

DATE: **01-25-95**

SCALE: **Not To Scale**

ShoreGuard Fastener Package



Materials International

SIZE
B

Drawing File Name
FSTNRS

SHEET **5** OF **5**

DIVISION

Marine

PRODUCT

ShoreGuard



District Conservationist
Aberdeen, SD

April 12, 2000

Dear Doug Farrand,

Find enclosed information regarding capacity of both the Natural Resources Conservation Service structure at the south west corner of Putney Slough and the structure with 4 gates at the James River which is down stream of Putney Slough, and one 9 ft. x 6 ft. arched CMP culvert.

Height above channel bottom (ft.)	NRCS Structure at SW. corner of Putney Slough corresponding capacity (sq.ft.) (cfs.)	Existing Struc. At James River with corresponding capacity (sq.ft.) (cfs.)	Existing Arched Culverts 9'-6" x 6'-5" CMP cfs. <i>Historical Ditch Capacity</i>
8	314 sq. ft. - 2294.2 cfs		280
7	232 1550.5		230
6	162 976.6	144 sq.ft. 1093 cfs.	175
5	104 557.9	120 831.8	130
4	58 279	96 595.2	88
3	24 128.9	72 386.6	64
2	16 70.1	48 210.4	-
1	8 24.8	24 74.4	-
0 (1273)	0 0	0 0	0

Larson gates # 2 N 8 & 13

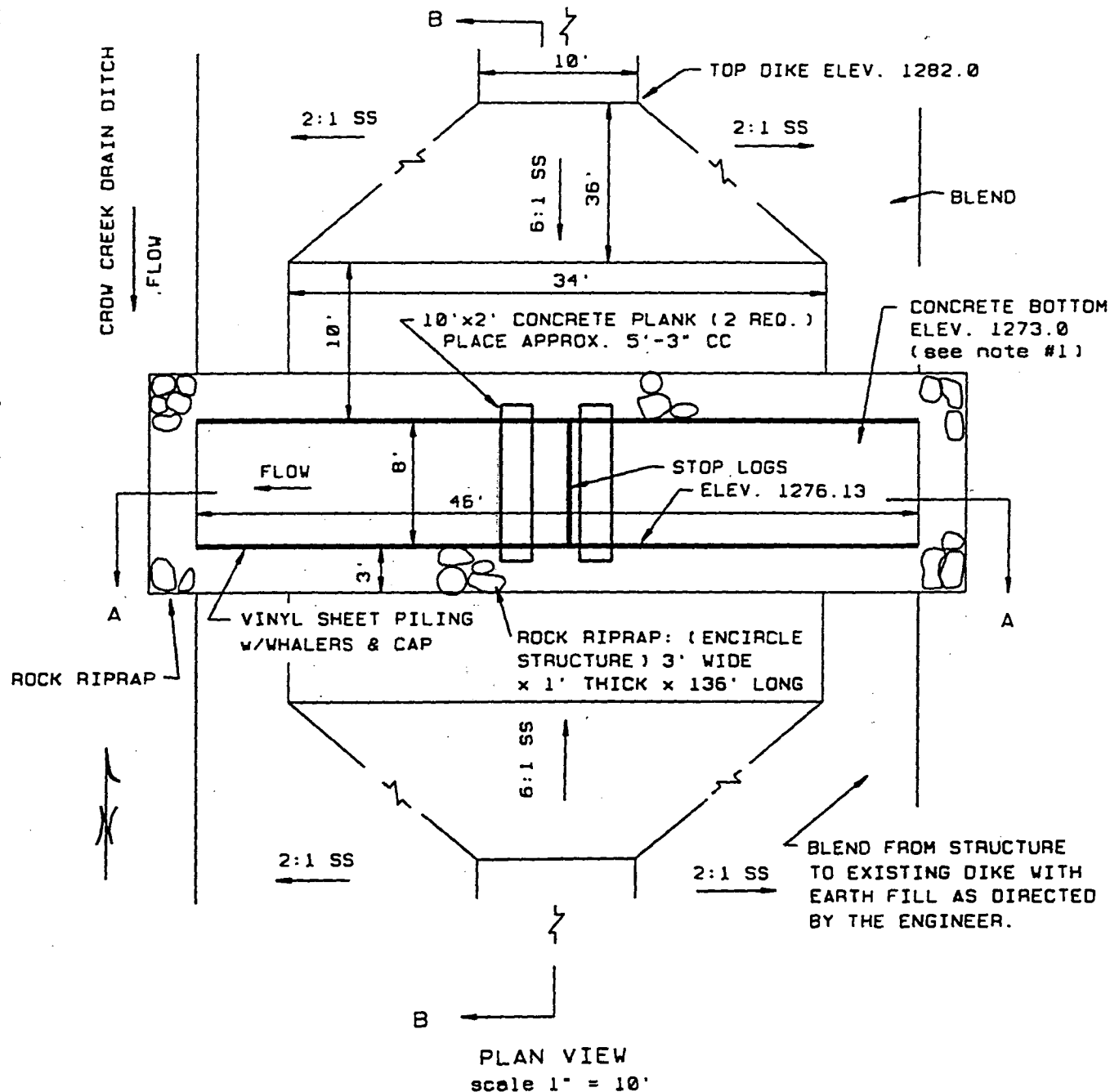
Note:

- 1.) NRCS structure consists of an 8 ft. wide weir opening to three feet height (el. 1273 to el. 1276). Above el. 1276, there is a twenty eight foot wide bench with 6:1 sideslopes continuing up in height. Top of dike is el. 1281.
- 2.) The structure at the James River consists of 4 gates, 6 foot wide by 6 foot high gates.
- 3.) Weir capacity is based on the formula $Q = C * L * H^{1.5}$ (cfs.).
- 4.) Inlet at the north end of Putney Slough will allow approximately 1,800 cfs into Slough at maximum flow.
- 5.) The 9 ft.- 6 in. x 6 ft. 5 in. arched culvert is based on one CMP.

Keep in mind that Putney Slough acts as a temporary storage basin and thus does not need to handle the entire flow instantaneously. As you can see, the NRCS structure has more capacity than either the inlet end (north end), or the outlet at the James River. From the above chart, it will require in excess of eight 9' x 6' culverts to match the capacity of one NRCS sheet piling structure. The chart that I used listed culvert size as 9'-6" x 6'-5". The next size smaller culvert listed on my chart is an 8'-2" x 5'-9" culvert. It would take approximately 10 of these culverts to match the 2,294 cfs from the NRCS structure. I hope this will satisfy your appetite for changes relating to this structure. My chart does not publish results below 3 ft. of depth. Call me at 692-2344 with questions. Thank You,

Pete Anderson

Pete Anderson, Ag. Engineer, PE



CONSTRUCTION & MATERIAL SPECS.

SD-5 EXCAVATION
SD-75 EARTH FILL CLASS "S"
SD-8 ROCK RIPRAP
SD-12A CONCRETE CLASS 5000
SD-13 STEEL REINFORCEMENT
SD-16 TIMBER FAB. & INSTALLATION
SD-17 METAL FAB. & INSTALLATION
SD-28 SEEDING
VINYL SHEET PILING
NEH-20-11 REMOVAL OF WATER
SD-100X MOBILIZATION & SITE PREPARATION

TABLE OF QUANTITIES

ITEM	UNIT	QUAN. AS BUILT
VINYL SHEET PILING	LIN.FT.	740
STEEL STOPLOG GUIDE (2 @ 3')	LIN.FT.	6
TIMBER (4"x6" WHALER @ 188 BF & 2"x6" @ 94 BF CAP @ 188 BDF. W/ GALV. HARDWARE)	BD.FT.	470
SITE PREPARATION	JOB	1
CORE FLOOR (2 @ 10')	SQ.FT.	40
CONCRETE	CU.YD.	6.8
ROCK RIPRAP	CU.YD.	14.0
SEEDING (ABOUT 0.1AC.)	JOB	1
GALV. STEEL PIPE (1 7/8" DIA. x 3'-6")	EACH	2
S & G BEDDING (BENEATH 8' WIDE CONCRETE)	CU.YD.	4.2
STEEL REC. TUBING (9 @ 7'-11")	EACH	9
SITE DEWATERING	JOB	1

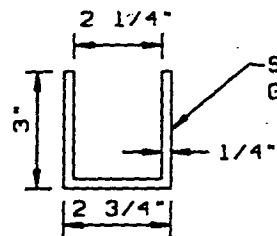
LOCATION: PROJECT IS LOCATED APPROXIMATELY.
100 FT. NORTH OF COUNTY RD. #13 ON THE SW.
CORNER OF PUTNEY SLOUGH. PUTNEY SLOUGH IS
LOCATED APPROX. 7 MILES NORTH OF US #12 AND
11 MILES EAST OF ABERDEEN.

Fn:putney5
LEVEL 1 2 3

PUTNEY SLOUGH WATER CONTROL STRUC.-VINYL SHT. PILING
SW 1, SEC 18, T 124 N. R 61 W BROWN CO.
NATURAL RESOURCES CONS. SVC. U.S. DEPT. OF AGRICULTURE

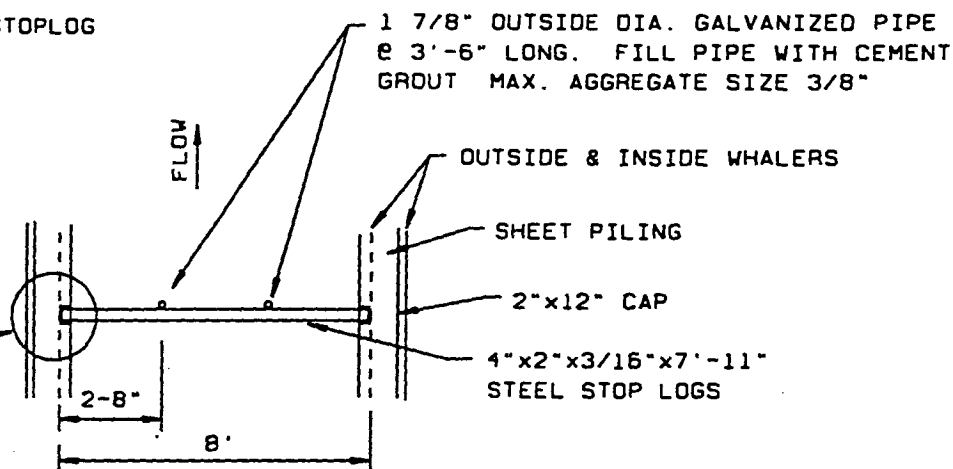
SHEET 1
OF 5

Designed: ANDERSON
Date: 2/98
Drawn: REVISED 10/98
Rev. 11/98 3/99 2/00
Checked: MICHELLE BURKE 2/00

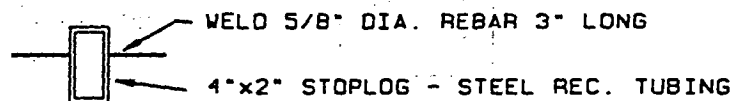


STOPLOG GUIDE DETAIL
scale 1" = 5"

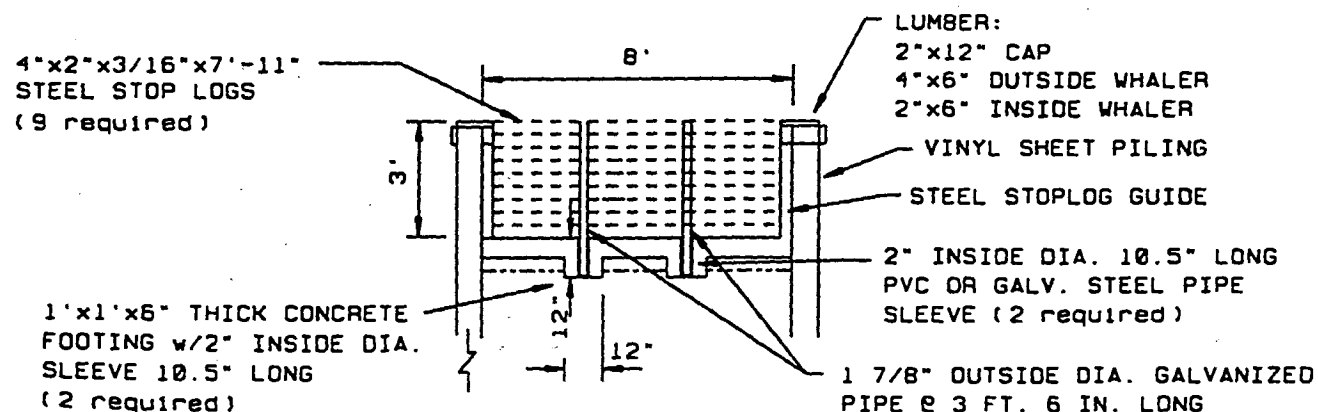
STEEL STOPLOG GUIDE
DETAIL (2 required
see above detail)



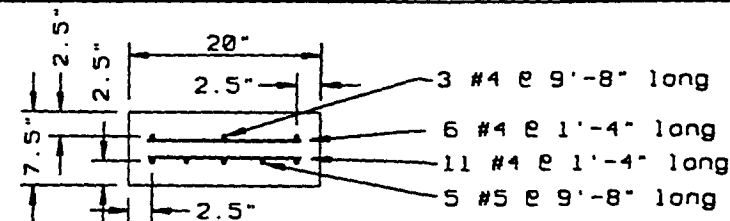
TOP VIEW OF STOP LOG
scale 1" = 5'



LIFTING TABS DETAIL
scale 1:10



STOP LOG ELEVATION VIEW
scale 1" = 5'



END VIEW CAST-ON-SITE PLANK
scale 1" = 2'

CONSTRUCTION NOTES:

- 1.) PLACE A PVC OR GALV. STEEL SLEEVE IN THE FLOOR AND FOOTING TO HOLD THE GALVANIZED PIPE. THE SLEEVE IS TO BE 10.5" LONG. LEAVE 1" OF CONCRETE COVER ON BOTTOM OF THE SLEEVE. DO NOT LOCATE A SLEEVE WITHIN 6" OF A CONCRETE JOINT.
- 2.) THERE SHOULD BE 1/8" TOTAL TOLERANCE BETWEEN THE OUTSIDE WALL OF GALVANIZED PIPE AND INSIDE OF THE SLEEVE.
- 3.) FASTEN STEEL STOPLOG GUIDE TO THE VINYL PILING WITH 1 1/2" DIA. GALV. BOLTS 8" CC. BOLT THE 2 3/4" SIDE TO THE VINYL. DOUBLE NUT EACH BOLT.
- 4.) CONTRACTOR SHALL SUPPLY TWO "CORE FLOOR" AT 10' LONG WITH A LOADING OF BEAM WGT. & 4000 LB PT. LOAD. AS SUPPLIED BY GAGE BROTHERS CONCRETE (ph. 336-1189) OR EQUAL (CORE FLOOR WGT 55 #/SF.). MAY SUBSTITUTE A CAST-ON-SITE PLANK @ 7.5" THICK x 20" WIDE x 10 FEET WITH REBAR AS SHOWN IN THE ABOVE END VIEW. CAST-ON-SITE PLANKS WEIGH APPROX. 1,600 LBS. EACH. TWO PLANKS ARE TO BE PLACED ACROSS THE TOP OF SHEET PILING AS DIRECTED BY THE ENGINEER. ACCURATELY PLACE THE CENTER OF THE LENGTH STEEL 2.5" FROM THE BOTTOM FACE USING "CHAIRS". ASK ENGINEER FOR FURTHER DETAILS REGARDING CONCRETE DETAILS. IF BEAM IS NOT PRECAST.
- 5.) WELD 4 LIFTING TABS (TWO PER SIDE) TO EACH STOPLOG. ATTACH 1.5 FT. FROM END OF LOG. FABRICATE FROM 5/8" DIA. REBAR OR EQUAL (SEE DETAIL AT LEFT).
- 6.) LEAVE OR CUT A 4" SPACE IN 4"x6" AND 2"x12" LUMBER TO FACILITATE THE REMOVAL OF THE STOP LOGS.

fn:putney5
level 1 30 31

PUTNEY SLOUGH WATER CONTROL STRUC.-VINYL SH. PILING
SV 4, SEC 18, T 124 N, R 61 W BROWN CO.
NATURAL RESOURCES CONS. SVC. U.S. DEPT. OF AGRICULTURE

SHEET 4
OF 5

Approved by:

Date:

2/98

Anderson

Drawn:

18/98

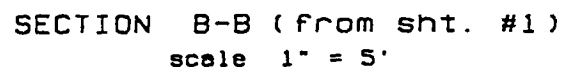
REV. 11/98

REV. 3/99

Checked:

2/88

Title:



Dr. MATERIALS INT. INC.
ENGINEERING STRUC. DIV.
4501 CIRCLE 75 PARKWAY, E-5370
ATLANTA, GEORGIA 30339
800-256-8857 FAX-404-933-8363

- 1.) THE CONCRETE CHANNEL MAY BE POURD IN PLACE OR PRECAST. PRECAST CONCRETE SHALL BE 8' x 2' x 6" WITH EXPANSION MATERIAL AND/OR SEALANT, DOW 888 OR EQUAL AT JOINTS. CAST-IN-PLACE CONCRETE SHALL HAVE 4 JOINTS. INTERRUPT STEEL AT JOINTS. CUT JOINTS AT 1.5" x 1/4" AND FILL WITH DOW 888 SEALANT OR EQUAL
- 2.) CONCRETE SHALL BE 5,000 PSI. TYPE II CEMENT 3" SLUMP. WITH 5-6% AIR ENTRAINMENT. MAX. SIZE AGGREGATE IS 1". MAX. CONCRETE DROP IS 5'.
- 3.) STEEL SHALL BE 60,000 PSI. USE #4 @ 6" BOTH WAYS IN FLOOR. TIE ALL STEEL BEING JOINED. PLACE STEEL ACCURATELY IN THE MIDDLE OF THE CONCRETE WITH USE OF BOLSTERS, SPACERS, ETC. STEEL TO BE CLEAN AND FREE OF RUST, OIL, DIRT, ETC.
- 4.) CONCRETE IS INTENDED TO BE USED AS A GUIDE WHILE ORIVING THE SHEET PILING.
- 5.) ALL LUMBER SHALL BE 60 GRADE TREATED LUMBER GRADE #1 KILN DRIED SPF (min Fb = 875 PSI.).
- 6.) SHEET PILING MATERIAL IS VINYL SHOREGUARD SERIES 500 OR EQUAL. FOLLOW MANUFACTURERS INSTRUCTIONS WHEN INSTALLING VINYL SHEET PILING. MATERIALS SHALL BE INSTALLED WITH QUALITY WORK-MANSHIP. SHEET PILING TO BE 0.4" THICK MINIMUM. AND 5 LBS/FT.
- 7.) CONSTRUCTED SLOPE SHALL BE FLUSH WITH THE EXISTING DIKE ON THE DITCH SIDE. STRUCTURE MAY EXTEND INTO THE SLOUGH.
- 8.) THERE SHALL BE CONCRETE IN THE "ZIG-ZAGS" OF THE SHEET PILING AT THE FLOOR.
- 9.) SURFACE WATER SHALL BE REMOVED FROM SITE TO ALLOW PROPER INSTALLATION OF PROJECT. CONTRACTOR SHALL REBUILD THE EXISTING DIKE TO PROJECT (i.e. the top to el. 1282.0 @ 10 ft. wide w/2:1 SS).

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fn:putney5
level 1 20 21
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PUTNEY SLOUGH WATER CONTROL STRUC.-VINYL SHT. PILING
SW 4, SEC 18, T 124 N, R 61 W BROWN CO.
NATURAL RESOURCES CONS. SVC. U.S. DEPT. OF AGRICULTURE

SHEET 3
OF 5

A 8 @ 4' = 32 LIN.FT.
B 8 @ 5' = 40'
C 8 @ 7' = 56'
D 6 @ 9' = 54'

SHEET PILING SCHEDULE

A	8 @ 4'	= 32 LIN.FT.
B	8 @ 5'	= 40'
C	8 @ 7'	= 56'
D	68 @ 9'	= 612'
TOTAL		= 740'

The diagram illustrates a cross-section of a sheet piling wall. The wall consists of a series of interlocking piles labeled A, B, C, and D. The total length of the pile row is 740 feet. The wall is supported by a system of steel stop logs (see Sheet #4) and timber whalers & caps. The invert elevation is 1273.0, and the level bottom is indicated. The top existing dike elevation is 1282.0, and the top treated lumber cap elevation is 1276.13. The top vinyl sheet piling elevation is 1276.0. The flow direction is indicated by an arrow pointing right. Details B and C are shown as circular callouts. Detail B shows a slope of 6:1 SS and a horizontal distance of 34'. Detail C shows a vertical dimension of 6".

SECTION A-A
scale 1" = 5'

ELEV. 1273.0

#4 REBAR, CENTER IN SLAB, 6" CC BOTH WAYS

6"x8'x(X)' CONCRETE
(NOTE: "X" MAY VARY 2' TO 10')

2" COVER ON STEEL

ORIGINAL GROUND

24"

SAND & GRAVEL BEDDING

NOTE:
THERE IS NO S & G WITHIN
24" OF END OF CONCRETE

DETAIL C
scale 1:10

DETAIL B
scale 1:10

PUTNEY SLOUGH WATER CONTROL STRUC.-VINYL SHT. PILING
SV 4. SEC 18. T 124 N, R 61 W BROWN CO.
NATURAL RESOURCES CONS. SVC. U.S. DEPT. OF AGRICULTURE

SHEET 2
OF 5

Designed: **ANDERSON** Date: **2/98**
 Drawn: **REVISED 10/98**
 REV. **11/98** REV **3/99**
 DIMENSIONS: **REVISED 2/00**

11

Schaal, Tim

From: Olson, Brian
Sent: Monday, June 26, 2000 9:07 AM
To: Schaal, Tim
Subject: ER 6426(4) - Brown Co. Putney Slough

Tim

Terry Jorgensen directed me to supply you with overtopping elevation of the raised roadway. Roadway surface elevation is 1283.41.

I will send a copy of the plans over today.

~~Brian Olson~~

Secondary Roads



United States
Department of
Agriculture

Natural Resources
Conservation
Service

520 Third Avenue
P.O. Box 626
Brookings, SD 57006-0626

Tim Schaaal
Water Rights Division
DENR
Pierre SD 57501



July 20, 2000

Dear Tim:

This letter is in response to our phone conversation regarding Putney Slough. I have enclosed a topographic map of the Putney Slough. The project involves constructing a weir structure to store approximately 3 to 4 feet of water and provide an outlet for Putney Slough. As you can see from the attached topographic map of the site, Putney Slough is approximately four miles long and two thirds of a mile wide. The functioning outlet for Putney Slough is an emergency breach in the east dike along the Crow Creek Ditch at the current time. There were two six foot diameter culverts in county road #13, also know as Tacoma Park Road, on the south side of the slough toward the eastern side. The culverts were installed low in an attempt to drain the slough but they did not function effectively for many years, as they are silted shut. The culverts were removed when the road was raised and not replaced based on the outlet structure being installed. At the present time, water that enters the upper end of the slough by culverts will evaporate, or leave the slough through breaches in the dike. In prior years, people wanting less water in the slough have used irrigation pumps to lower the water level.

There have been several attempts to obtain a design solution prior to this sheet piling design. This proposed sheet piling structure has been previously designed as a concrete sill, culverts, and gabion baskets.

There are multiple restrictions in the channel upstream of the NRCS weir structure, and there is also a restriction at the upper end of the slough. There are two separate sites, two miles above the outlet structure and at the upper end of the slough, where a single 6 1/2' x 9 1/2' CMP arched culvert allows 280 cfs (refer to attached letter dated 6/23/00) of flow to pass down Crow Creek Ditch. In the past, flow above this amount would flood adjacent agriculture ground. Now, excess water floods out into Putney Slough through dike breaches. As you can see, the structure at the James River will pass about 6.9 times the flow of the culvert restriction. The NRCS structure will pass 2,294 cfs, which is approximately 8.2 times the flowage at the culvert. I should also state that there are 5 - 18" diameter culverts, 2 - 48" culverts (planned), and 7 gates at the upstream end of the slough which will only allow approximately 1,462 cfs to pass downstream into Putney Slough. Thus it is evident that the NRCS structure, which will possess the largest capacity of any of the existing structures, will pose no threat of restricting flow in Crow Creek.

At no time was there ever an attempt to design this project as a dam. It would take a team of many design engineers several months, perhaps years, to complete a total flood routing of the watershed. SD Natural Resources Conservation Service does not have personnel available for such a large project. The slough dike is in disrepair and will cease to exist at some future point in time. In fact it is partially



United States
Department of
Agriculture

Natural Resources
Conservation
Service

520 Third Avenue
P.O. Box 626
Brookings, SD 57006-0626

breached already. This project is an attempt to salvage 3 - 4 feet of water in the slough for future generations of South Dakotans.

Also attached is a letter dated 4/12/2000, in which I stated the outflow from the NRCS weir structure and the Corp of Engineers gates, which are, located approximately ½ mile downstream of the structure. The letter was revised on 5/31/00, and revised again on 6/23/00 to include the flow through the 6 ½' x 9 ½' arched CMP culvert.

I hope that I have addressed all of your concerns. Please call me at 692-2344 ext. 107 with any questions or comments. Thank you.

Pete Anderson

Pete Anderson, PE, NRCS, Brookings

Cc: Doug Farrand, DC, Aberdeen
Michelle Burke, PE, NRCS, Brookings

District Conservationist
Aberdeen, SD

April 12, 2000
Rev. 5-31-00
Rev. 6-23-00

Dear Doug Farrand,

Find enclosed information regarding capacity of both the Natural Resources Conservation Service structure at the south west corner of **Putney Slough**, the structure with 4 gates at the James River which is down stream of Putney Slough, one 9.5 ft. x 6.5 ft. arched CMP culvert in Crow Creek Ditch, and the array of culverts at County Rd. #11 at the north end of Putney Slough.

Height above channel bottom (ft.)	NRCS Structure at SW. corner of Putney Slough @ County Rd. #13 (sq.ft.) (cfs.)		Existing Struc. At James River with corresponding capacity (sq.ft.) (cfs.)		Arched Culverts 9'-6" x 6'-5" CMP in Crow Ck. Ditch (cfs.)	Sullivan Grade Bridge North end of slough @ County Rd #11
11.5			144 sq.ft.	1941.8 @El.1282		5-18" dia. CMP culverts
11			144	1882.5 @El.1281.5		@ 11 cfs = 55 cfs.
10			144	1757.5		
9			144	1622.2		2-48" dia. CMP culverts
8	314 sq. ft. -	2294.2 @El.1282	144	1473.1	280	@ 126 cfs = 252 cfs.
7	232	1550.5	144	1303.5 @ El.1277	230	
6	162	976.6	144	1093.5 @ El.1276	175	7-5'x5' gates
5	104	557.9	120	831.8	130	7@165 = 1,155 cfs.
4	58	279	96	595.2	88	
3	24	128.9	72	386.6	64	Total = 55+252+1,155
2	16	70.1	48	210.4	-	= 1,462cfs.
1	8	24.8	24	74.4	-	
0	0	0 @ El. 1273	0	0 @ El.1270.5	0	

Note:

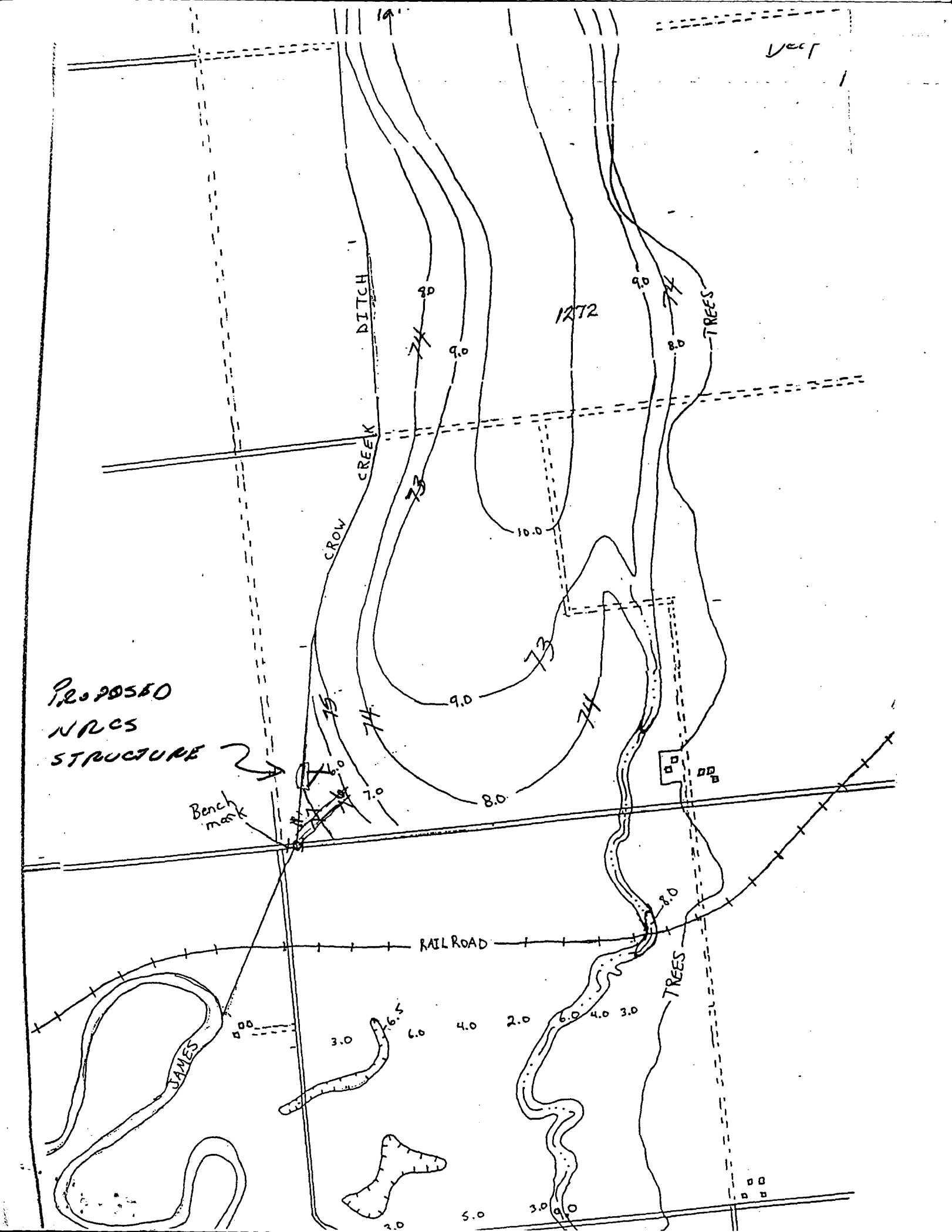
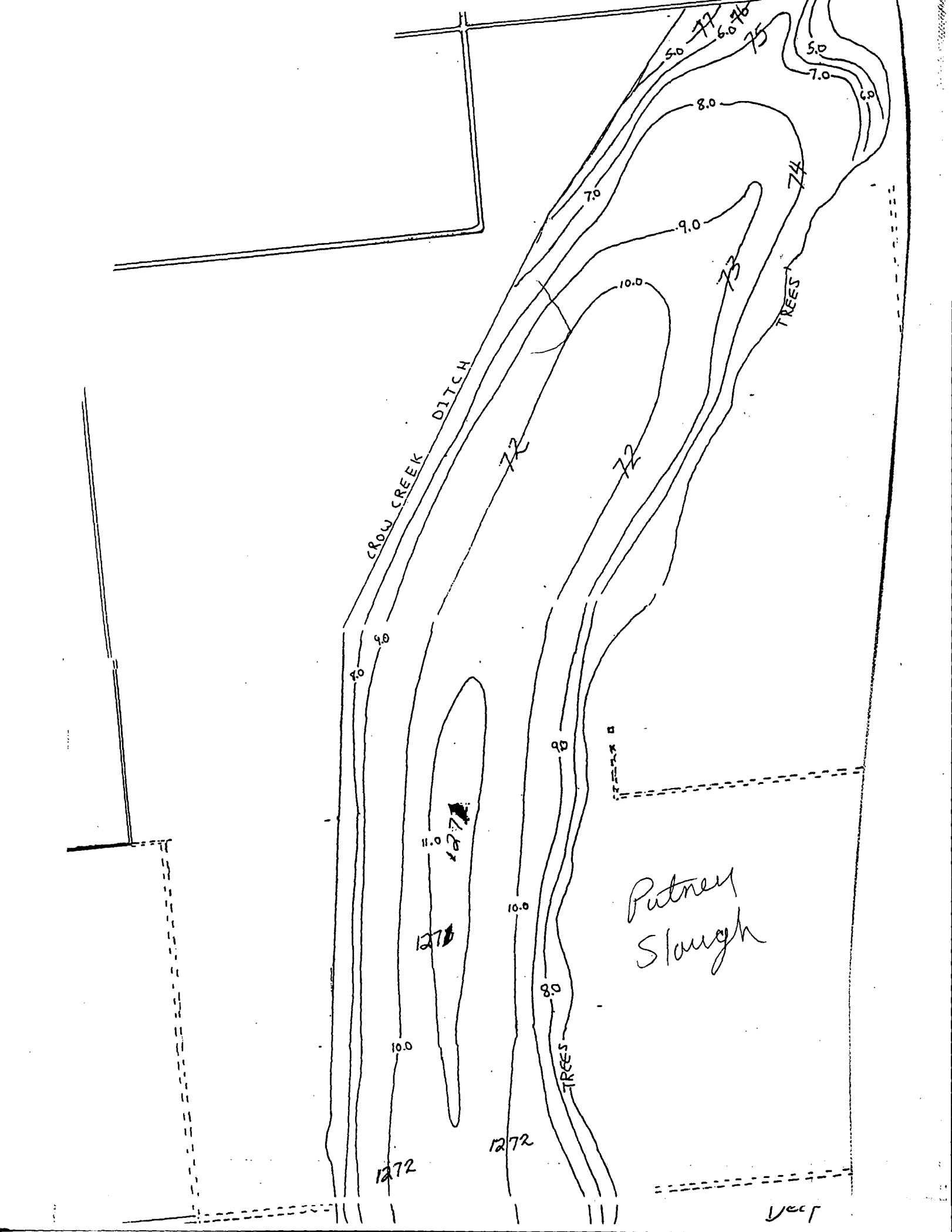
- 1.) NRCS structure consists of an 8 ft. wide weir opening to three feet height (el.1273 to el. 1276). Above el. 1276, there is a twenty eight foot wide bench with 6:1 sideslopes continuing up in height. Top of dike is El. 1282.0.
- 2.) The structure at the James River consists of 4 gates, 6 foot wide by 6 foot high gates.
- 3.) Weir capacity is based on the formula $Q = C * L * H^{1.5}$ (cfs.). @ $C = 3.1$ ref. "Handbook of Hydraulics" 6th ed. p5-24
@ El. 1276.5 $Q = 3.1 * 24 * 6^{1.5} = 1,093.5$ cfs @ el.1277.5 $Q = 3.1 * 24 * (7^{1.5} - 1^{1.5}) = 1,377.9 - 74.4 = 1,303.5$ cfs.
- 4.) Inlet at the north end of Putney Slough will allow approximately 1,462 cfs into Slough at maximum flow. The culverts (5@18" & 2@48") are computed from NRCS EFM. The 7 5'x5' gates are computed using type 4 culvert flow and assuming there is one foot of head differential from upstream to downstream of the bridge.
Formula used for 7 5'x5' gates is $Q = C_d * A_o * (2 * g * (h_1 - h_4))^{.5}$
- 5.) The 9 ft.- 6 in. x 6 ft. 5 in. arched culvert is based on one CMP.

Keep in mind that Putney Slough acts as a temporary storage basin and thus does not need to handle the entire flow instantaneously. As you can see, the NRCS structure has more capacity than either the inlet end (north end), or the outlet at the James River. From the above chart, it will require in excess of eight 9' x 6' culverts to match the capacity of one NRCS sheet piling structure. The chart that I used listed culvert size as 9'-6" x 6'-5". The next size smaller culvert listed on my chart is an 8'-2" x 5'-9" culvert. It would take approximately 10 of these culverts to match the 2,294 cfs from the NRCS structure. My chart does not publish results below 3 ft. of depth, which explains the blanks at one and two foot depths. Call me at 692-2344 with questions.

Thank You,



Pete Anderson, Ag. Engineer, PE





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 26, 2000

Pete Anderson, P.E.
Natural Resources Conservation Service
P.O. Box 626
Brookings, SD 57006-0628

Dear Mr. Anderson:

Thank you for your July 20, 2000, letter explaining your position regarding the proposed Putney Slough outlet and the Crow Creek Ditch. We have decided, since the Crow Creek Ditch dike along the west side of Putney Slough is breached in several places, the embankment height would be less than the required 6 feet for the project to be considered a dam. The proposed NRCS Putney Slough outlet structure does not need to meet the requirements of our Safety of Dams Rules, Chapter 74:02:08.

We will continue to process the Department of Game, Fish and Parks Water Permit Application No. 6204-3, and hopefully it will be scheduled for the next Water Management Board meeting.

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

Sincerely,

Gale N. Selken, P.E.
Natural Resources Engineer IV
for Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

c: Doug Farrand, NRCS Aberdeen
Michelle Burke, NRCS Brookings
Tim Olson, GF&P

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: G,F&P's Application No. 6204-3, Putney Slough

ADDRESS: COUNTY:

DATE: October 31, 2000 TELEPHONE:

RE: Call from Tim Olson, G,F&P

COMMENTS:

Tim Olson called me to indicate that he had talked to the Natural Resource Conservation Service (NRCS) regarding the storage capacity of the Putney Slough impoundment if the water level is at 1,276 fmsl. The NRCS had done that calculation and volume at 1,276 fmsl would be 6,468 acre feet of water.

Tim indicated that for vegetation management there may be times when the impounded elevation would need to be maintained at 1,276 fmsl. He said if that were to occur the pool elevation may be held at the elevation for an entire growing season.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Stenlund



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6204-3, South Dakota Department of Game, Fish and Parks**

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. 6204-3, South Dakota Department of Game, Fish and Parks, c/o John Kirk, 523 E. Capitol Avenue, Pierre SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 6204-3 with qualification 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. Use of water authorized by this permit may not impair the use of any lands adjoining Putney Slough including, but not limited to, flooding or specific alterations of plant species directly attributable to water use under this permit. Flooding of adjoining land may occur only if a written flood easement is obtained from the property owner or owners.
2. Water Permit No. 6204-3 authorizes storage of up to 6,468 acre feet of water by constructing an impoundment structure on Putney Slough. Normal operation of the structure's outlet elevation is to be managed at 1,275.0 fmsl (4,319 acre feet of water). The outlet height is variable and may be adjusted from 1,273.0 fmsl to 1,276.0 fmsl for vegetation management purposes. Written authorization is necessary from the Natural Resource Conservation Service to deviate from the 1,275.0 fmsl.
3. Water Permit No. 6204-3 is subject to any written orders issued by the Chief Engineer. 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.

Garland Erbele, Chief Engineer
November 1, 2000

Original

Recommendation

*Has been revised
SEP 4/12/2001 Notice*

REPORT ON WATER PERMIT APPLICATION NO. 6204-3
SD Department of Game, Fish and Parks
October 11, 2000

Application No. 6204-3, SD Department of Game, Fish and Parks (GF&P), proposes to store up to 6468 acre feet of water behind an impoundment at an elevation of up to 1276 feet mean sea level (fmsl). Normal operation will store 4319 acre feet at an elevation of 1275 fmsl. It is also proposed that a variable height outlet structure be installed which can be adjusted from elevation 1273 fmsl to 1276 fmsl for vegetation management. The impoundment structure is to be located in the SW1/4 of Section 13 T124N-R61W. The water will be used for fish and wildlife production. The proposed project is located approximately 12 miles NE of Aberdeen in Brown County.

Review of the Proposed Project

This proposed project is located within an existing drainage system and is part of the wetland restoration project for Putney Slough. Putney Slough is a low area approximately 5.5 miles long and 0.75 miles wide. It is bordered on the west side by a drainage ditch which is part of the Crow Creek drainage system, a series of drainage ditches that were constructed during the 1910's and 1920's to drain portions of NE Brown County and Marshall County. The drainage system terminates at the James River on the southwest side of Putney Slough. A gated control structure and a series of dikes along the James River allow drainage water to discharge to the river when water levels are low. When river flows are high, the gated structure is closed stopping river water from back flowing up the drainage system and flooding land.

In the summer of 1993, the area experienced extraordinarily high precipitation levels. The control structure was closed because of high river levels and drainage from the Crow Creek system into the river ceased. Because of large amounts of runoff water coming from Marshall County and northern Brown County, the drainage ditch overtopped and flooded several thousand acres of land on the lower end of the ditch system including the area known as Putney Slough which lies adjacent to the ditch. The wet cycle continued through the 1990's and the area remained flooded. In 1996, the Natural Resources Conservation Service (NRCS) purchased perpetual flood easements from the Putney Slough landowners. As part of this program, a wetlands restoration plan was developed for the Putney Slough area. SD Department of Game, Fish and Parks has since purchased approximately 2700 acres in the Putney Slough area that have the perpetual flood easements on them. The impoundment proposed by this application has been designed to meet the requirements for the wetland restoration plan.

The structure that is proposed as part of the restoration plan to impound water, will tie into the embankment of Brown County Highway No. 13 on the south and the Crow Creek Ditch dike on the west. Because the embankment height of the dike is less than 6 feet this structure does not need to meet Safety of Dams Rules, Chapter 74:02:08. The proposed outlet is a stop log structure with a variable height from 1273 fmsl to 1276 fmsl. It is the intent of the applicant to normally manage the structure at the elevation of 1275 fmsl. There may be cases when a

deviation from the normal 1275 fmsl may occur. This would happen when management of vegetation growth in the slough is needed. Under the restoration management plan, planning and written authorization from the NRCS is needed to conduct such activities. If the applicant holds the water level temporarily above the normal 1275 fmsl operating level, flooding of private land cannot occur unless easements are in place to allow for this.

Review of Existing Water Rights

There are several existing water rights/permits located on the James River downstream from this project. In order to address the occasions when senior downstream James River water rights would have claim for runoff water from the Crow Creek watershed, the permit if approved should contain the following qualification:

This water permit will be subject to written orders issued by the Chief Engineer.

Conclusions

1. Normal operation of this project will store 4319 acre feet of water behind an impoundment at an elevation of 1275 feet mean sea level (fmsl). However this may be increased to 6468 acre feet at an elevation of 1276 fmsl for vegetation control with written approval from the Natural Resource Conservation Service.
2. The applicant also proposes that a variable height outlet structure be installed which can be adjusted from elevation 1273 fmsl to 1276 fmsl to control vegetation.
3. If approved this permit will not allow water to be backed onto other people's land unless easements are in place to allow for this.
4. There are several existing water rights/permits located on the James River downstream from this project. If approved this permit should contain the following qualification to protect downstream existing water rights:

This water permit will be subject to written orders issued by the Chief Engineer.



Mark D. Rath
Natural Resources Engineering Specialist



**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.

November 1, 2000

Leslie Petersen
SD Dept. of Game, Fish and Parks
523 E Capitol
Pierre SD 57501

Dear Ms. Petersen:

Water Permit Application No. 6204-3 for fish & wildlife production and recreational 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 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
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: Tim Olson, Box 915, Huron SD 57350



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 1, 2000

American News
PO Box 4430
Aberdeen SD 57402-4430

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6204-3 to Appropriate Water to be published twice. Please publish the first notice on November 8, 2000 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 the South Dakota Dept. of Game, Fish and Parks, c/o Leslie Petersen, 523 E Capitol, Pierre SD 57501 (Ph # 605 773-3381).

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

-----CUT HERE-----

No. 6204-3

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

Date _____

We are in receipt of your letter of November 1, 2000 enclosing Notice of Hearing to Appropriate Water by Application No. 6204-3 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 November 8, 2000 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 6204-3 to Appropriate Water

Notice is given that the South Dakota Department of Game, Fish and Parks, 523 E. Capitol Avenue, Pierre SD 57501 has filed an application for a water permit proposing storage up to 6,468 acre feet of water by constructing an outlet structure as part of a wetland restoration plan for an area known as Putney Slough. The outlet structure is to be located in the SW $\frac{1}{4}$ of Section 18, T124N, R61W. The normal operating elevation of the structure will be 1,275 feet mean sea level (fmsl) with a storage volume of 4,319 acre feet of water. However, the outlet structure will be constructed with stoplogs enabling the outlet elevation to be adjusted from 1,273 fmsl to 1,276 fmsl. For vegetation management purposes, the applicant may deviate from the normal operating elevation of 1,275 during a season. At no time may the elevation of the structure exceed 1,276 fmsl (6,468 acre feet storage capacity). The project is located approximately 12 miles NE of Aberdeen in Brown County with water impounded in portions of Section 13 of T124N, R62W, Section 5, 6, 7, 8, 17, and 18 of T124N, R61W, and Sections 28, 29, 31 and 32 of T125N, R61W. The water will be used for fish and wildlife production and recreational purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6204-3 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.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 27, 2000. 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.

The Water Management Board will consider this application at 10:30 am on December 6, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre SD. The hearing time is an estimate and may be delayed due to prior agenda items. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The December 6, 2000 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 27, 2000.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 27, 2000, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA}

§

COUNTY OF BROWN}

Alice Rents being duly sworn, on his/her oath says: That the 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 facts stated in this affidavit; That the advertisement headed :

Notice of Hearing
Legal # 602467

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof, once each Week for 2 successive Weeks.
The first publication being made on the 8 day of NOV.
The second publication being made on the 15 day of NOV.
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 _____.
That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office 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 \$ 104.55, which insures solely to the benefit of said publisher; That no agreement or understanding for a division thereof had been made with any other person; and That no part thereof has been agreed to be paid to any person whomsoever.

Alice Rents

Subscribed and sworn to before me this 15 day of NOV, 2000.

Daily Circulation 19,000

Jay M Kusler

Notary Public, Brown County, SD.

My commission expires 8/29/2002

(No. 602467 - Nov. 8, 15 - 21)
NOTICE OF HEARING
on Application No. 6204-3
to Appropriate Water

Notice is given that the South Dakota Department of Game, Fish and Parks, 523 E. Capitol Avenue, Pierre, SD 57501 has filed an application for a water permit proposing storage up to 6,468 acre feet of water by constructing an outlet structure as part of a wetland restoration plan for an area known as Putney Slough. The outlet structure is to be located in the SW 1/4 of Section 18, T124N, R61W. The normal operating elevation of the structure will be 1,275 feet mean sea level (fmsl) with a storage volume of 4,319 acre feet of water. However, the outlet structure will be constructed with stoplogs enabling the outlet elevation to be adjusted from 1,273 fmsl to 1,276 fmsl. For vegetation management purposes, the applicant may deviate from the normal operating elevation of 1,275 during a season. At no time may the elevation of the structure exceed 1,276 fmsl (6,468 acre feet storage capacity). The project is located approximately 12 miles NE of Aberdeen in Brown County with water impounded in portions of Section 13 of T124N, R62W, Section 5, 6, 7, 8, 17, and 18 of T124N, R61W, and Sections 28, 29, 31 and 32 of T125N, R61W. The water will be used for fish and wildlife production and recreational purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6204-3 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.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if



SEAL

opposed to 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 27, 2000. 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.

The Water Management Board will consider this application at 10:30 am on December 6, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre, SD. The hearing time is an estimate and may be delayed due to prior agenda items. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The December 6, 2000 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for

an automatic delay must be filed by November 27, 2000.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions on the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 27, 2000, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

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

Steven M. Pirner, Secretary
Department of Environment and Natural Resources





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 2, 2000

TO: Roger Schuller
PO Box 7
Claremont SD 57432

Clark Moeckly
RR 2 Box 157
Britton SD 57430

John Koener
Sand Lake NWR
RR 1 Box 25
Columbia SD 57433

Doug Farrand
NRCS
1707 4th Avenue SE
Aberdeen SD 57401

Randy L. Stanley
James River WDD Director
RR 1, Box 17
Claremont SD 57432

Darrel Raschke
James River WDD
Box 849
Huron SD 57350

Maxine Taylor, Auditor
25 Market Street
Aberdeen SD 57401

FROM: Eric Gronlund *Eric Gronlund*
Water Rights Program
605 773 - 3352

I am writing in regard to Water Permit Application No. 6204-3 filed by the SD Dept. of Game, Fish and Parks for the wetland restoration project planned for Putney Slough. Enclosed is the report, recommendation and notice of hearing prepared on this application. The notice of hearing is to be published in the Aberdeen American News on November 8 and 15, 2000. This notice schedules a December 6th hearing before the Water Management Board in Pierre. Anyone desiring to participate in this hearing will need to file a petition by November 27, 2000, as set forth in the notice of hearing.

This information is being sent to you because of your involvement in this project. Please share this information with others that you believe may be interested.

If you have any questions, please feel free to contact Mark Rath at 605 773-3352.



United States
Department of
Agriculture

Natural
Resources
Conservation
Service

1707 4th Ave SE Suite 300
Aberdeen, SD 57401
Phone: (605) 226-3360 ext. 3
Fax: (605) 225-6433

November 14, 2000

Garland Erbele, Chief Engineer
Water Rights Program, Foss Bldg
523 E Capitol
Pierre SD 57501



RE: Water Rights Hearing on Application No. 6204-3

The USDA-Natural Resources Conservation Service (NRCS) respectfully requests to defer the hearing to a later date due to scheduling conflicts. NRCS has an associated interest in this application and would like the opportunity to reschedule to allow for people involved with this wetland restoration project to attend.

Thank you for your reconsideration. Feel free to contact me if you have any questions.

Sincerely,

Doug Farrand
District Conservationist

Cc: Mary Clawson, SD GFP, Aberdeen, SD
John Kirk, SD GFP, 523 E. Capitol Ave, Pierre, SD

November 17, 2000



South Dakota Department of Game, Fish and Parks
523 E. Capitol Avenue
Pierre, South Dakota 57501

Chief Engineer
Water Rights Program
Foss Building
523 E. Capitol
Pierre, South Dakota 57501

Dear Sirs:

NOTICE OF HEARING
on Application No. 6204-3
to Appropriate Water

This letter is to notify you that we are opposed to application No. 6204-3 to appropriate water in its present form.

We request the automatic delay described in the hearing notice be invoked and that this hearing, set for December 6, 2000, be delayed until a future date.

Our concerns include the size of the outlet structure proposed, the possible flooding of private property and the operating plan that will be enacted.

This letter is also to serve as notice that the Board of Directors of Lower Crow Creek Watershed District and the concerned landowners in our watershed district want the right to appear and give comments.

We are in hopes of working out our differences in the meantime by meeting directly with the applicant and other interested parties before the next hearing date is set.

Thank you.

Yours truly,

Roger A. Schuller

Roger A. Schuller
Director/Landowner - Lower Crow Creek Watershed
11456 410th Ave., Claremont, S. D. 57432

Randy Stanley
Randy Stanley
Director/Landowner - Lower Crow Creek Watershed
12109 406th Ave., Claremont, S. D. 57432

November 20, 2000



Chief Engineer
Water Rights Program
Foss Building
523 E Capitol
Pierre, SD 57501

Dear Sirs:

This is to notify you that we are opposed to application No. 6204-3 to appropriate water in the form that it is currently written.

We have concerns that include the water level that will be maintained in the management plan and also the size of the outlet structure.

The Board of directors of Upper Crow Creek Watershed District would like the opportunity to give comments at the hearing.

Thank you,

Yours truly,

Irwin Symens
41479 116 St.
Claremont SD 57432
Director-Landowner Upper Crow Creek Watershed

Clark Moeckly
41648 SD HWY 10
Britton SD 57430
Director-Landowner Upper Crow Creek Watershed

Brown County Commissioners

25 MARKET STREET
COURT HOUSE
ABERDEEN, S.D. 57401
Phone: 605-626-7109
Fax: 605-626-4010

November 21, 2000



South Dakota Department of Game, Fish and Parks
523 E Capitol Avenue
Pierre, South Dakota 57501

Chief Engineer
Water Rights Program
Foss Building
523 E Capitol
Pierre, South Dakota 57501

RE: NOTICE OF HEARING ON APPLICATION NO. 6204-3 TO APPROPRIATE WATER

Dear Sir:

This letter is to notify you that the Brown County Commission is opposed to Application No. 6204-3 to appropriate water in its present form.

The Brown County Commission requests the automatic delay described in the hearing notice be invoked and that this hearing, set for December 6, 2000, be delayed until a future date.

Our concerns include the size of the outlet structure proposed, the possible flooding of private property and the operating plan that will be enacted.

This letter also serves notice that the Board of Brown County Commissioners reserves the right to appear and give comments.

We are in hopes of working out our differences in the meantime by meeting directly with the applicant and other interested parties before the next hearing date is set.

Sincerely,

A handwritten signature in cursive script that reads "Deb Knecht".

Deb Knecht, Chairman
Brown County Commission

PARTIES OF RECORD

WATER PERMIT APPLICATION NO.

APPLICANT

John Kirk
South Dakota Department of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

PETITIONERS

Doug Farrand, District Conservationist Natural Resources Conservation Service 1707 4 th Avenue SE Suite 300 Aberdeen SD 57401	Roger A Schuller 11456 410 th Avenue Claremont SD 57543
---	--

Irwin Symens
41479 116th Street
Claremont SD 57432

Clark Moeckly
41648 SD Hwy 10
Britton SD 57430

Randy Stanley
12109 406th Avenue
Claremont SD 57432

Deb Knecht, Chairman
Brown County Commission
25 Market Street
Aberdeen SD 57401



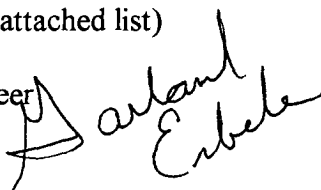
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 27, 2000

NOTICE

TO: John Kirk
South Dakota Department of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501
and Parties of Record (see attached list)

FROM: Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Automatic Delay of Hearing on Water Right Permit Application No. 6204-3, South Dakota Department of Game, Fish and Parks

In response to the public notice of hearing in the Aberdeen American News, petitions have been filed in the matter of Application No. 6204-3. This application is for the impoundment of water as part of the wetland restoration plan for an area known as Putney Slough. The petitions also requests an automatic delay of December 6, 2000, hearing before the Water Management Board. Therefore, the hearing on Application No. 6204-3 is automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5 and will not be held on December 6, 2000.

The hearing on Application No. 6204-3 will be scheduled for the February 28 and March 1, 2000 Water Management Board meeting in Pierre. Future notice of the exact date, time and place of the hearing for Application No. 6204-3 will be provided to all parties of record.

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

c: Diane Best, Assistant Attorney General
Leslie Petersen, SD GF&P
Tim Olson, SD GF&P

CERTIFICATION

I hereby certify that on November 27, 2000, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated November 27, 2000, regarding Automatic Delay of Hearing on Water Right Permit Application No. 6204-3, South Dakota Department of Game, Fish and Parks, addressed as stated below:

Doug Farrand, District Conservationist
Natural Resources Conservation Service
1707 4th Avenue SE Suite 300
Aberdeen SD 57401

Roger A Schuller
11456 410th Avenue
Claremont SD 57543

Irwin Symens
41479 116th Street
Claremont SD 57432

Clark Moeckly
41648 SD Hwy 10
Britton SD 57430

Randy Stanley
12109 406th Avenue
Claremont SD 57432

Deb Knecht, Chairman
Brown County Commission
25 Market Street
Aberdeen SD 57401

Tim Olson
Dept of Game, Fish & Parks
PO Box 915
Huron SD 57350

Hand Delivered to:

John Kirk
SD Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

Leslie Petersen
SD Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building



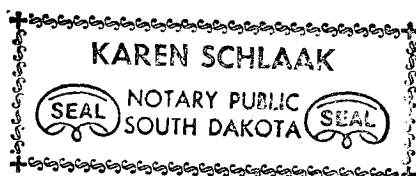
Eric S. Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 28th day of November, 2000.



Karen Schlaak
Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 12 2000

John Kirk
SD Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

Leslie Petersen
SD Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

Doug Farrand, District Conservationist
Natural Resources Conservation Service
1707 4th Avenue SE Suite 300
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12109 406th Avenue
Claremont SD 57432

Deb Knecht, Chairman
Brown County Commission
25 Market Street
Aberdeen SD 57401

Tim Olson
Dept of Game, Fish & Parks
PO Box 915
Huron SD 57350

Dear Ladies and Gentleman:

The recent notice sent to you regarding G,F&P's Water Right Permit Application No. 6204-3 at Putney Slough stated the hearing would be scheduled for the February 28th – March 1st Water Management Board meeting. At the recent Board meeting, the Board changed the meeting date to March 7 – 8, 2001. I wanted to drop you this short note so that you can mark this change on your calendar.

Future notice of the exact date, time and place of the hearing for Application No. 6204-3 will be provided to all parties of record.

Sincerely,

Eric Gronlund
Water Rights Program
(605 773-3352)

December 19, 2000

As members of the Lower Crow Creek Watershed District we oppose the Hecla drainage Permit unless the following conditions are met:

1. Drainage out of Putney Slough is at 1273 ft. and no structure is constructed. This project has never had approval of landowners affected by the buyout of Putney Slough.
2. If a structure must be built at 1273 ft. we insist that since we have already waited five years for approval of any plans, we wait until feasibly possible to work in the area and not have to fight the water. In other words, wait for much dryer conditions.
3. We insist that the Lower Crow Creek Watershed act immediately to take care of concerns of the residents of the watershed district.
4. Communications with Mark Rath of DENR and GF&P and NRCS should happen immediately. We request that LCCWD call for a meeting in Claremont, SD ASAP.
5. There is no reason to build a structure in Putney Slough, we already have a structure on the river.
6. A three man board appointed by LCCWD to monitor water in district if gates go in at Hecla, SD.

Dean Hinrichs
Ron Spencer
Lance Hansen

Claremont, S. Dak.
Houghton, S. Dak.

Columbia, S.D.



Eric Gronlund, Water Rights Program
Department of Environment and Natural Resources
Joe Foss Boulding
523 East Capitol
Pierre, South Dakota, 57501-3181



Re: Application No. 6204-3
Putney Slough, Section 19 -124-62, Section 24-124-63

Dear Mr. Gronlund,

My family owns land within the area historically known as Putney Slough.
We oppose the building of any structures that will trap water within the basin.

As you should be aware, a Court order, performed around 1918, established a drainage ditch system and a series of levees, the purpose being to augment the drainage through the area. The levee around the area known as Putney Slough was installed to allow the augmented drainage to pass around Putney Slough and not into the Slough's area. On that basis, the Putney Slough area was included in the benefited area of the project and was assessed as a benefited area of the project for many years including the year 2000.

Temporary flooding caused inundation of the area starting in 1993. Landowners within the Putney Slough area North of Highway 13 sold their interests in a joint venture of an Easement/Buyout, with participation of FEMA, NRCS, and the State of South Dakota, through GF+P, transferring title to the State of South Dakota.

Landowners to the South of Highway 13 were promised that they would be able to operate the drainage system as they did before. With this promise, we did not oppose the Easement/Buyout project.

It has been several years since the buyout has occurred, and we still suffer from intense groundwater disruption from the operation of the easement buyout area.

No attempt has been made to eliminate the detrimental effects of the water table. On the contrary, an attempt by our organization to eliminate the seepage problem by utilizing a CDBG grant was opposed and blocked by the GF+P. In an attempt to allow the project to continue, I have offered for sale, our land: Negotiations with the GF+P for damages to lands or a purchase of these lands have failed due to GF+P's failure to recognize a valid appraisal gained on our behalf.

We find that the seepage from the land north of highway 13 onto our property is a severe problem. We also understand that the subject permit intends to increase the elevation of the water, on a permanent basis. The permit information also alludes to placing water from the James River somehow. Other information inclines us to believe there are many insinuated damages, not obvious to us, but very much inherent to the project.

There are many questions that need to be answered on this project, especially concerning the PERMANANT nature of the intention of this project.

We temporarily suffered from flooding in our area for a few years, and did so without taking legal action, with "good will" for helping our neighbors rid their farms of floodwaters. The proposed project threatens our property on a PERMANENT basis, provides NO reimbursement to us, and effectively "takes" our land.

We oppose this project, and request information about the hearing scheduled, so we may take whatever action necessary to protect our interests.

Please forward to us, the information that you have on this matter so we may be properly prepared at this hearing.

Sincerely

John Ries
For himself and family members owning land and a farmsite within Putney Slough.
205 Spruce Ct.
Elk Point SD 57025



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2001

John Ries
205 Spruce Court
Elk Point SD 57025

Dear Mr. Ries:

I am writing in response to your request for information regarding Game, Fish & Park's Water Permit Application No. 6204-3. This application is for constructing an outlet structure as part of a wetland restoration plan for an area known as Putney Slough.

I am enclosing a copy of the staff report, recommendation and notice of hearing that was published November 8 and 15, 2000 in the Aberdeen American News. I have also included a copy of the application that was submitted by Game, Fish and Parks. The file also includes the affidavit of publication and other general file correspondence. If you would like copies of this other information, please let me know. There will be a copying charge if you want a copy of the entire file.

I want to make you aware that petitions to intervene in the hearing process were to be filed by November 27, 2000 (see notice of hearing). Therefore, the Water Management Board will have to rule whether to accept your late-filed petition prior to the hearing. The Board's ruling will determine whether you have party status which allows you to present testimony and cross examine witnesses.

The hearing on Application No. 6204-3 is to be scheduled before the Water Management Board at their next meeting on March 7 – 8, 2001 in Pierre. The agenda for this meeting has not been formalized, however, I will make sure you are provided notice of the exact time, date and location of the hearing.

Please feel free to contact me if you have any questions about the hearing process.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2001

John Ries
205 Spruce Court
Elk Point SD 57025

Dear Mr. Ries:

After your phone conversation with Mark Rath, he asked me to send you the enclosed copies from the file of Water Permit Application No. 6204-3. I am not sure whether you received these in the mailing that I sent to you on January 22, 2001.

Sincerely,

A handwritten signature in cursive script, which appears to read "Eric Gronlund".

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosures



DEPARTMENT OF GAME, FISH AND PARKS

Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

February 7, 2001

Garland Erbele, Chief Engineer
Water Rights Program, Foss Building
523 East Capitol Avenue
Pierre, SD 57501

Re: Water Rights Hearing on Application No. 6204-3

Dear Mr. Erbele:

The South Dakota Department of Game, Fish and Parks respectfully requests to defer the hearing on the above referenced water right to a later date. We are currently in the process of gathering additional information that would be beneficial to bring before the Water Management Board.

Thank you for your reconsideration. If you have any questions, please contact me at (605) 773-6208.

Sincerely,

Leslie Petersen
Aquatic Resource Coordinator





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 2001

James Robbennolt
Attorney at Law
117 E. Capitol Avenue
Pierre SD 57501

Dear Mr. Robbennolt:

As per your request, please find enclosed a copy of the administrative file for Water Right Permit Application No. 6204-3 filed by the SD Dept. of Game, Fish and Parks.

Enclosed is an invoice for \$11.80 to be paid for the cost of making the copies.

Please let me know if I may be of further assistance.

Sincerely,

Eric Gronlund
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. 20411-6204-3

February 6, 2001

59 copies

@ .20
11.80

PLEASE PAY THIS AMOUNT:

11.80



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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416760

Pierre, February 12, 2001

RECEIVED OF Olinger, Lovald, Robbennolt, MCCahren & Reimers, 117 E Capitol, Pierre SD 57501
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for 59 copies @ .20 6204-3

11 80

(Any Other Work Provided by Law)

Total

11 80

By Darland Erbe
Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 14, 2001

NOTICE

TO: John Kirk
South Dakota Department of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501
and Parties of Record (see attached list)

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Continuance of Hearing on Water Right Permit Application No. 6204-3, South Dakota
Department of Game, Fish and Parks

The South Dakota Department of Game, Fish and Parks has requested a continuance of the hearing before the Water Management Board on Application No. 6204-3 scheduled for March 7, 2001. This application is for the impoundment of water as part of the wetland restoration plan for an area known as Putney Slough. SD GF&P has asked for this continuance to allow them to gather additional information they believe will be beneficial at the time of hearing. I am granting this request for a continuance. Therefore, the evidentiary hearing on Application No. 6204-3 will not held at the March 7, 2001 meeting.

We have received an inquiry on a motion for late intervention. The Board will consider any prehearing motions at 1:00 PM in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre, SD. Any prehearing motions shall be filed with the Chief Engineer and all parties of record by February 26, 2001. If no prehearing motions are filed, there will be no motions hearing on March 7th.

It is anticipated that the evidentiary hearing on Application No. 6204-3 will now be scheduled for the May 2 and 3, 2001 meeting in Pierre. Future notice of the exact time, date and location of the hearing will be sent to all parties of record.

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

c: Diane Best, Assistant Attorney General
Leslie Petersen, SD GF&P
Tim Olson, SD GF&P
John Ries, 205 Spruce Court, Elk Point SD 57025
Dean Hinrichs, 40644 118th St., Claremont SD 57432
James Robbennolt, Attorney at Law, PO Box 66, Pierre SD 57501

PARTIES OF RECORD

WATER PERMIT APPLICATION NO. 6204-3, SD Dept. of Game, Fish and Parks

APPLICANT

John Kirk
South Dakota Department of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

PETITIONERS

Doug Farrand, District Conservationist
Natural Resources Conservation Service
1707 4th Avenue SE Suite 300
Aberdeen SD 57401

Roger A Schuller
11456 410th Avenue
Claremont SD 57543

Irwin Symens
41479 116th Street
Claremont SD 57432

Clark Moeckly
41648 SD Hwy 10
Britton SD 57430

Randy Stanley
12109 406th Avenue
Claremont SD 57432

Deb Knecht, Chairman
Brown County Commission
25 Market Street
Aberdeen SD 57401

CERTIFICATION

I hereby certify that on February 14, 2001, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated February 14, 2001, regarding Continuance of Hearing on Water Right Permit Application No. 6204-3, South Dakota Department of Game, Fish and Parks, addressed as stated below:

Doug Farrand, District Conservationist
Natural Resources Conservation Service
1707 4th Avenue SE Suite 300
Aberdeen SD 57401

Roger A Schuller
11456 410th Avenue
Claremont SD 57543

Tim Olson
Dept of Game, Fish & Parks
PO Box 915
Huron SD 57350

Irwin Symens
41479 116th Street
Claremont SD 57432

Clark Moeckly
41648 SD Hwy 10
Britton SD 57430

John Ries
205 Spruce Court
Elk Point SD 57025

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Deb Knecht, Chairman
Brown County Commission
25 Market Street
Aberdeen SD 57401

Dean Hinrichs
40644 118th Street
Claremont, SD 57432

James Robbennolt
PO Box 66
Pierre SD 57501

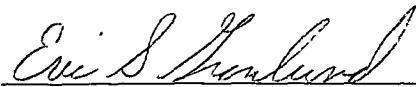
Hand Delivered to:

John Kirk
SD Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

Leslie Petersen
SD Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building



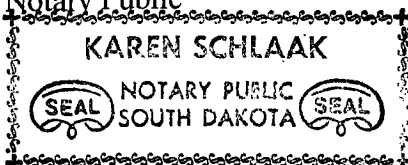
Eric S. Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of February, 2001.



Karen Schlaak
Notary Public



KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001

LAW OFFICES
OLINGER, LOVALD, ROBBENNOLT, McCAHREN & REIMERS, P.C.

117 EAST CAPITOL
P.O. BOX 66

PIERRE, SOUTH DAKOTA 57501-0066

RONALD D. OLINGER
JOHN S. LOVALD
JAMES ROBBENNOLT
LEE C. "KIT" McCAHREN
WADE A. REIMERS

TELEPHONE: 224-8851
AREA CODE 605
FAX: 605-224-8269

February 26, 2001

South Dakota Department
of Game, Fish & Parks
Foss Building
523 E Capitol
Pierre SD 57501

Re: In the Matter of the South Dakota Department of Game,
Fish & Parks - Application #6204-3 to Appropriate Water

To Whom It May Concern:

Enclosed please find original Motion for Late Intervention and
Notice of Hearing regarding the above-entitled matter.

Best Regards,

Wade A. Reimers
WADE A. REIMERS
Attorney at Law

WAR:lrd

enclosures

cc: Chief Engineer-Water Rights Program
Roger Schuller
John Koener
Randy L. Stanley
Maxine Taylor
Eric Gronlund
Clark Moeckly
Doug Farrand
Darrel Raschke



STATE OF SOUTH DAKOTA
BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF THE SOUTH DAKOTA)	
DEPARTMENT OF GAME, FISH AND PARKS)	MOTION FOR LATE
APPLICATION #6204-3 TO)	INTERVENTION
APPROPRIATE WATER)	

COMES NOW Petitioner John Ries by and through his attorney, Wade A. Reimers, and moves the Water Board for authorization to intervene and petition beyond the deadline set of November 27, 2000. Petitioner John Ries seeks late intervention to file a petition with this Board for the following reasons:

1. Your Petitioner did not see the Notice posted in the American News printed in Aberdeen, South Dakota, nor did he have any other notice of said hearing or deadline until after said deadline had passed.

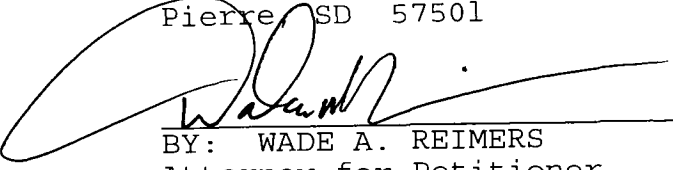
2. Your Petitioner opposes the Application #6204-3. Your Petitioner is a landowner, with land bordering said project. It is your Petitioner's position that this project will cause further damage and flooding to his property.

3. Your Petitioner currently is in negotiations with the South Dakota Department of Game, Fish and Parks in hopes that said department will purchase your Petitioner's property, however, the parties have been unable to arrive at a mutual acceptable price.

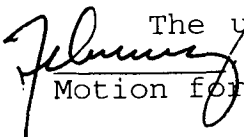
4. Your Petitioner's late intervention shall not prejudice the rights of any party involved and is not meant for the purposes of delay, harassment or otherwise, but rather is made in good faith.

Dated this 26th day of February, 2001.

OLINGER, LOVALD, ROBBENOLT,
MCCAHERN & REIMERS, P.C.
117 E. Capitol
PO Box 66
Pierre, SD 57501


BY: WADE A. REIMERS
Attorney for Petitioner

CERTIFICATE OF SERVICE

 The undersigned hereby certifies that on the 26th day of February, 2001, he mailed a true and correct copy of the foregoing Motion for Late Intervention to

South Dakota Department of
Game, Fish & Parks
523 E Capitol
Pierre SD 57501

Chief Engineer
Water Rights Program
Foss Building
523 E Capitol
Pierre SD 57501

Roger Schuller
PO Box 7
Claremont SD 57432

John Koener
Sand Lake NWR
RR 1 Box 25
Columbia SD 57433

Randy L. Stanley
James River WDD Director
R 1 Box 17
Claremont SD 57432

Maxine Taylor, Auditor
25 Market Street
Aberdeen SD 57401

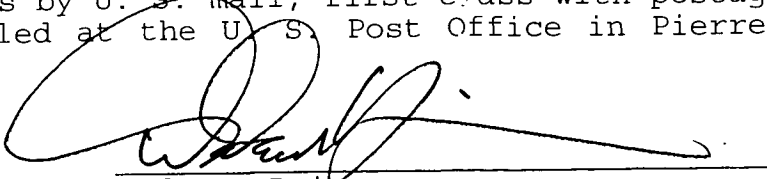
Eric Gronlund
Water Rights Program
Foss Building
523 E Capitol
Pierre SD 57501

Clark Moeckly
RR 2 Box 157
Britton SD 57430

Doug Farrand
NRCS
1707 4th Avenue SE
Aberdeen SD 57401

Darrel Raschke
James River WDD
Box 849
Huron SD 57350

and that said mailing was by U. S. mail, first class with postage thereon prepaid and mailed at the U. S. Post Office in Pierre, South Dakota.


Wade A. Reimers

STATE OF SOUTH DAKOTA
BEFORE THE WATER MANAGEMENT BOARD

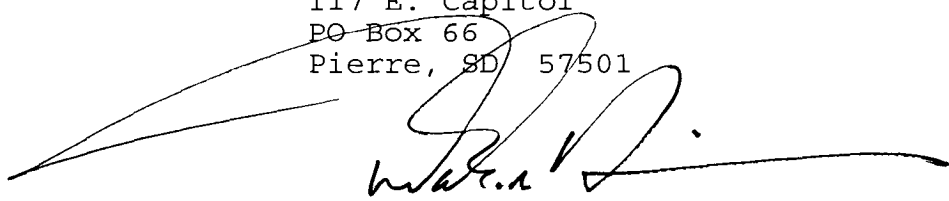
IN THE MATTER OF THE SOUTH DAKOTA)
DEPARTMENT OF GAME, FISH AND PARKS) NOTICE OF HEARING
APPLICATION #6204-3 TO)
APPROPRIATE WATER)

TO: South Dakota Department of Game, Fish and Parks, Chief Engineer Water Rights Program, Roger Schuller, John Koener, Randy L. Stanley, Maxine Taylor, Eric Gronlund, Clark Moeckly, Doug Farrand and Darrel Raschke

PLEASE TAKE NOTICE that John Ries intends to bring a Motion for Late Intervention at the Water Board on Wednesday, March 7, 2001, at the at the hour of 1:00 o'clock p.m. in the Floyd Mathews Training Center, Joe Foss Building, 523 E Capitol, Pierre, South Dakota.

Dated this 26th day of February 2001.

OLINGER, LOVALD, ROBBENNOLT
McCAHREN & REIMERS, P.C.
Attorneys at Law
117 E. Capitol
PO Box 66
Pierre, SD 57501


BY: WADE A. REIMERS
Attorney for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 26th day of February, 2001, he mailed a true and correct copy of the foregoing Motion for Late Intervention to

South Dakota Department of
Game, Fish & Parks
523 E Capitol
Pierre SD 57501

Chief Engineer
Water Rights Program
Foss Building
523 E Capitol
Pierre SD 57501

Roger Schuller
PO Box 7
Claremont SD 57432

John Koener
Sand Lake NWR
RR 1 Box 25
Columbia SD 57433

Randy L. Stanley
James River WDD Director
R 1 Box 17
Claremont SD 57432

Maxine Taylor, Auditor
25 Market Street
Aberdeen SD 57401

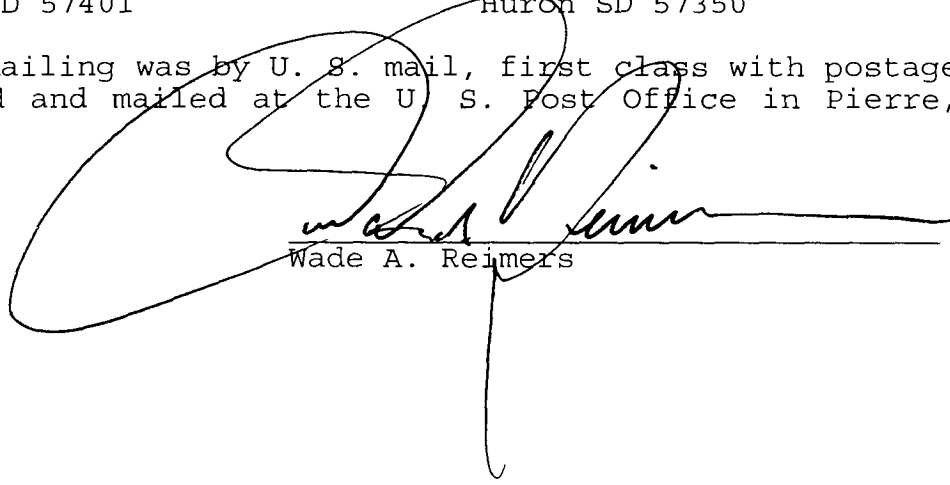
Eric Gronlund
Water Rights Program
Foss Building
523 E Capitol
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Clark Moeckly
RR 2 Box 157
Britton SD 57430

Doug Farrand
NRCS
1707 4th Avenue SE
Aberdeen SD 57401

Darrel Raschke
James River WDD
Box 849
Huron SD 57350

and that said mailing was by U. S. mail, first class with postage thereon prepaid and mailed at the U. S. Post Office in Pierre, South Dakota.



Wade A. Reimers



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6204-3, South Dakota Department of Game, Fish and Parks**

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6204-3, South Dakota Department of Game, Fish and Parks, c/o John Kirk, 523 E. Capitol Avenue, Pierre SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 6204-3 with qualification 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. Impoundment of water authorized by this permit may not impair the use of any lands adjoining Putney Slough including, but not limited to, causing a permanent pool elevation which exceeds 1,275.0 fmsl and/or specific alterations of plant species directly attributable to water use under this permit. Flooding of adjoining land in excess of pre-existing conditions above the elevation of 1,275.0 fmsl may occur only if a written flood easement is obtained from the property owner or owners.
2. Water Permit No. 6204-3 authorizes storage of up to 6,468 acre feet of water by constructing an impoundment structure on Putney Slough. The structure's outlet elevation is to be managed at 1,275.0 fmsl (4,319 acre feet of water). The outlet height is variable and may be adjusted from 1,273.0 fmsl to 1,276.0 fmsl for vegetation management purposes. Written authorization is necessary from the Natural Resource Conservation Service to deviate from the 1,275.0 fmsl.
3. Water Permit No. 6204-3 is subject to any written orders issued by the Chief Engineer. 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.

Garland Erbele, Chief Engineer
March 30, 2001



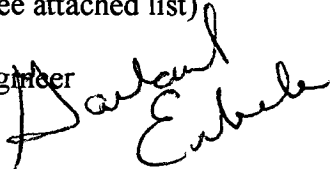
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 2, 2001

NOTICE

TO: John Kirk
South Dakota Department of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501
and Parties of Record (see attached list)

FROM: Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Scheduling of Hearing on Water Right Permit Application No. 6204-3, South Dakota
Department of Game, Fish and Parks

Water Permit Application No. 6204-3 proposes storage up to 6,468 acre feet of water by constructing an outlet structure as part of a wetland restoration plan for an area known as Putney Slough. The March 7, 2001 hearing before the Water Management Board was continued at the request of the applicant. However, the Board did grant John Ries and Jean Ries' motion for late intervention at the March 7th meeting.

The Water Management Board will now consider Application No. 6204-3 on May 2, 2001, at 1:30 PM, in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre, SD. The agenda time is an estimate and may be delayed due to prior agenda items. The hearing will likely continue on Thursday morning in order for the Board to consider all testimony. Parties should plan accordingly.

Applicable provisions of the Notice published November 8 and 15, 2000, in the Aberdeen American News will still apply at the May 2nd hearing before the Water Management Board. This hearing is an adversary proceeding. Any party of record has the right to be present and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

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

c: Diane Best, Assistant Attorney General
Leslie Petersen, SD GF&P
Tim Olson, SD GF&P
Dean Hinrichs, 40644 118th St., Claremont SD 57432
John Koerner, Sand Lake NWR, RR 1 Box 25, Columbia SD 57433

PARTIES OF RECORD

WATER PERMIT APPLICATION NO.

APPLICANT

John Kirk
South Dakota Department of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

PETITIONERS

Doug Farrand, District Conservationist
Natural Resources Conservation Service
1707 4th Avenue SE Suite 300
Aberdeen SD 57401

Roger A Schuller
11456 410th Avenue
Claremont SD 57543

Irwin Symens
41479 116th Street
Claremont SD 57432

Clark Moeckly
41648 SD Hwy 10
Britton SD 57430

Randy Stanley
12109 406th Avenue
Claremont SD 57432

Deb Knecht, Chairman
Brown County Commission
25 Market Street
Aberdeen SD 57401

John Ries
205 Spruce Court
Elk Point SD 57025

Represented by:
Wade Reimers
Attorney at Law
PO Box 66
Pierre SD 57501-0066

CERTIFICATION

I hereby certify that on April 2, 2001, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 2, 2001, regarding Scheduling of Hearing on Water Right Permit Application No. 6204-3, South Dakota Department of Game, Fish and Parks, addressed as stated below:

Doug Farrand, District Conservationist
Natural Resources Conservation Service
1707 4th Avenue SE Suite 300
Aberdeen SD 57401

Roger A Schuller
11456 410th Avenue
Claremont SD 57543

Tim Olson
Dept of Game, Fish & Parks
PO Box 915
Huron SD 57350

Irwin Symens
41479 116th Street
Claremont SD 57432

Clark Moeckly
41648 SD Hwy 10
Britton SD 57430

John Ries
205 Spruce Court
Elk Point SD 57025

Randy Stanley
12109 406th Avenue
Claremont SD 57432

Deb Knecht, Chairman
Brown County Commission
25 Market Street
Aberdeen SD 57401

Dean Hinrichs
40644 118th Street
Claremont, SD 57432

Wade Reimers
Attorney at Law
PO Box 66
Pierre SD 57501-0066

John Koerner
Sand Lake NWR
RR 1, box 25
Columbia SD 57433

Hand Delivered to:

John Kirk
SD Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

Leslie Petersen
SD Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

A copy of the above described Notice was sent Inter-office to:

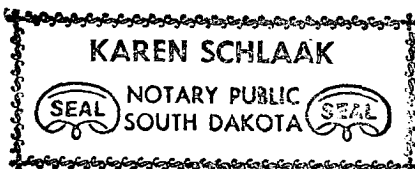
Diane Best, Assistant Attorney General, Capitol Building


Eric S. Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of April, 2001.


Karen Schlaak
Notary Public



My commission expires 4-1-07



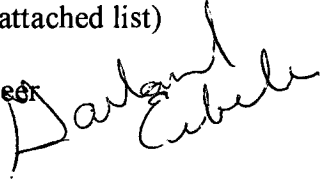
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 12, 2001

NOTICE

TO: John Kirk
South Dakota Department of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501
and Parties of Record (see attached list)

FROM: Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Revised Recommendation for Water Right Permit Application No. 6204-3, South Dakota
Department of Game, Fish and Parks

Enclosed is a copy of the revised recommendation to Water Right Permit Application No. 6204-3 filed by the SD Department of Game, Fish and Parks at Putney Slough. This revised recommendation was inadvertently omitted from the recent notice sent to you scheduling a May 2, 2001 hearing before the Water Management Board.

Please contact Mark Rath or Eric Gronlund at (605) 773-3352, if you have any questions.

c: Diane Best, Assistant Attorney General
Leslie Petersen, SD GF&P
Tim Olson, SD GF&P
Dean Hinrichs, 40644 118th St., Claremont SD 57432
John Koerner, Sand Lake NWR, RR 1 Box 25, Columbia SD 57433

PARTIES OF RECORD

WATER PERMIT APPLICATION NO.

APPLICANT

John Kirk
South Dakota Department of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

PETITIONERS

Doug Farrand, District Conservationist
Natural Resources Conservation Service
1707 4th Avenue SE Suite 300
Aberdeen SD 57401

Roger A Schuller
11456 410th Avenue
Claremont SD 57543

Irwin Symens
41479 116th Street
Claremont SD 57432

Clark Moeckly
41648 SD Hwy 10
Britton SD 57430

Randy Stanley
12109 406th Avenue
Claremont SD 57432

Deb Knecht, Chairman
Brown County Commission
25 Market Street
Aberdeen SD 57401

John Ries
205 Spruce Court
Elk Point SD 57025

Represented by:
Wade Reimers
Attorney at Law
PO Box 66
Pierre SD 57501-0066

CERTIFICATION

I hereby certify that on April 12, 2001, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated April 12, 2001, regarding the revised recommendation on Water Right Permit Application No. 6204-3, South Dakota Department of Game, Fish and Parks, addressed as stated below:

Doug Farrand, District Conservationist
Natural Resources Conservation Service
1707 4th Avenue SE Suite 300
Aberdeen SD 57401

Roger A Schuller
11456 410th Avenue
Claremont SD 57543

Tim Olson
Dept of Game, Fish & Parks
PO Box 915
Huron SD 57350

Irwin Symens
41479 116th Street
Claremont SD 57432

Clark Moeckly
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John Ries
205 Spruce Court
Elk Point SD 57025

Randy Stanley
12109 406th Avenue
Claremont SD 57432

Deb Knecht, Chairman
Brown County Commission
25 Market Street
Aberdeen SD 57401

Dean Hinrichs
40644 118th Street
Claremont, SD 57432

Wade Reimers
Attorney at Law
PO Box 66
Pierre SD 57501-0066

John Koerner
Sand Lake NWR
RR 1, box 25
Columbia SD 57433

Hand Delivered to:

John Kirk
SD Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

Leslie Petersen
SD Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building



Eric S. Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of April , 2001.



Karen Schlaak
Notary Public
My Commission Expires April 1, 2007



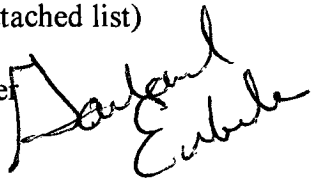
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 4, 2001

NOTICE

TO: John Kirk
South Dakota Department of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501
and Parties of Record (see attached list)

FROM: Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Hearing on Water Right Permit Application No. 6204-3, South Dakota
Department of Game, Fish and Parks

Water Permit Application No. 6204-3 proposes storage of up to 6,468 acre feet of water by constructing an outlet structure as part of a wetland restoration plan for an area known as Putney Slough. Testimony before the Water Management Board began on May 2, 2001, however, the hearing was continued at the end of that day until the July meeting.

At the conclusion of the May 2nd hearing, the Board established a procedural schedule for the exchange of exhibits prior to the July 12th hearing. **Parties that intend to offer exhibits at the July hearing shall provide a copy of those exhibits to all parties by July 2, 2001.** A list of the parties is attached.

The Water Management Board will reconvene to hear testimony on Application No. 6204-3 on July 12, 2001, at 8:30 AM, in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre, SD. The agenda time is an estimate.

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

c: Diane Best, Assistant Attorney General
Leslie Petersen, SD GF&P
Tim Olson, SD GF&P
Dean Hinrichs, 40644 118th St., Claremont SD 57432
John Koerner, Sand Lake NWR, RR 1 Box 25, Columbia SD 57433

PARTIES OF RECORD

WATER PERMIT APPLICATION NO. 6204-3

APPLICANT

John Kirk
SD Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

represented by:
Gary Richter, attorney
SD Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

PETITIONERS

Doug Farrand, District Conservationist
Natural Resources Conservation Service
1707 4th Avenue SE Suite 300
Aberdeen SD 57401

Roger A Schuller
11456 410th Avenue
Claremont SD 57543

Irwin Symens
41479 116th Street
Claremont SD 57432

Clark Moeckly
41648 SD Hwy 10
Britton SD 57430

Randy Stanley
12109 406th Avenue
Claremont SD 57432

Deb Knecht, Chairman
Brown County Commission
25 Market Street
Aberdeen SD 57401

John Ries
205 Spruce Court
Elk Point SD 57025

Represented by:
Wade Reimers
Attorney at Law
PO Box 66
Pierre SD 57501-0066

CERTIFICATION

I hereby certify that on June 4, 2001, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated June 4, 2001, regarding the July 12, 2001, Hearing on Water Right Permit Application No. 6204-3, South Dakota Department of Game, Fish and Parks, addressed as stated below:

Doug Farrand, District Conservationist
Natural Resources Conservation Service
1707 4th Avenue SE Suite 300
Aberdeen SD 57401

Roger A Schuller
11456 410th Avenue
Claremont SD 57543

Tim Olson
Dept of Game, Fish & Parks
PO Box 915
Huron SD 57350

Irwin Symens
41479 116th Street
Claremont SD 57432

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John Ries
205 Spruce Court
Elk Point SD 57025

Randy Stanley
12109 406th Avenue
Claremont SD 57432

Deb Knecht, Chairman
Brown County Commission
25 Market Street
Aberdeen SD 57401

Dean Hinrichs
40644 118th Street
Claremont, SD 57432

Wade Reimers
Attorney at Law
PO Box 66
Pierre SD 57501-0066

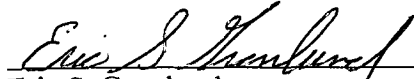
John Koerner
Sand Lake NWR
RR 1, box 25
Columbia SD 57433

Hand Delivered to:

John Kirk, SD Dept of Game, Fish & Parks, 523 E Capitol Ave, Pierre, SD 57501
Leslie Petersen, SD Dept. of Game, Fish and Parks, 523 E. Capitol Ave., Pierre, SD 57501
Gary Richter, Attorney, SD Dept. of Game, Fish & Parks, 523 E. Capitol Ave., Pierre SD 57501

A copy of the above described Notice was sent Inter-office to:

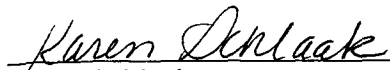
Diane Best, Assistant Attorney General, Capitol Building



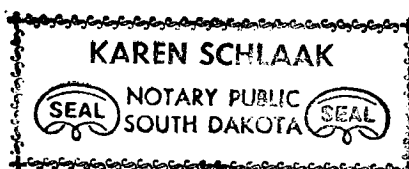
Eric S. Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of June, 2001.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 20, 2001

NOTICE

TO: John Kirk
South Dakota Department of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501
and Parties of Record (see attached list)

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Preparation of Findings of Fact, Conclusions of Law and Final Decision

The Water Management Board directed John Guhin, the Board's attorney, to prepare proposed Findings of Fact, Conclusions of Law and a Final Decision in the matter of Water Permit Application No. 6204-3 filed by SD Dept. of Game, Fish and Parks for the Putney Slough Wetland Project. The Board will consider the proposed Findings, Conclusions and Final Decision at 9:00 AM on September 5, 2001 in the Conference Room, Kelly Inn, 1607 E. Highwater 50, Yankton SD.

The Board requested that a copy of the proposed Findings, Conclusions and Final Decision be mailed to each Board member and Parties of Record (names listed above) by August 16, 2001. Written objections or comments in support of the proposed Findings, Conclusions and Final Decision, or alternative Findings, Conclusions and Final Decision are to be mailed to each Board member, the Board attorney (mailing list enclosed) and all Parties of Record by August 27, 2001.

Oral arguments by parties filing written comments in opposition or support of the proposed Findings, Conclusions and Final Decision, or alternative Findings, Conclusions and Final Decision may be made on September 5, 2001. The public hearing was completed July 12, 2001. No additional testimony will be received on September 5, 2001.

Enclosure

c: John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General
Leslie Petersen, SD GF&P
Tim Olson, SD GF&P
Dean Hinrichs, 40644 118th St., Claremont SD 57432

PARTIES OF RECORD

WATER PERMIT APPLICATION NO. 6204-3

APPLICANT

John Kirk
SD Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

represented by:
Gary Richter, attorney
SD Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

PETITIONERS PRESENTING TESTIMONY AT JULY 12, 2001 HEARING

Doug Farrand, District Conservationist
Natural Resources Conservation Service
1707 4th Avenue SE Suite 300
Aberdeen SD 57401

Roger A Schuller
11456 410th Avenue
Claremont SD 57543

John Ries
205 Spruce Court
Elk Point SD 57025

Represented by:
Wade Reimers
Attorney at Law
PO Box 66
Pierre SD 57501-0066

CERTIFICATION

I hereby certify that on July 20, 2001, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated July 20, 2001, regarding the preparation of findings of fact, conclusions of law and a final decision in the matter of Water Right Permit Application No. 6204-3, South Dakota Department of Game, Fish and Parks, addressed as stated below:

Doug Farrand, District Conservationist
Natural Resources Conservation Service
1707 4th Avenue SE Suite 300
Aberdeen SD 57401

Roger A Schuller
11456 410th Avenue
Claremont SD 57543

Tim Olson
Dept of Game, Fish & Parks
PO Box 915
Huron SD 57350

Wade Reimers
Attorney at Law
PO Box 66
Pierre SD 57501-0066

Dean Hinrichs
40644 118th Street
Claremont, SD 57432

John Ries
205 Spruce Court
Elk Point SD 57025

Hand Delivered to:

John Kirk, SD Dept. of Game, Fish and Parks, 523 E. Capitol Avenue, Pierre SD 57501
 Leslie Petersen, SD Dept. of Game, Fish and Parks, 523 E. Capitol Avenue, Pierre SD 57501
 Gary Richter, SD Dept. of Game, Fish and Parks, 523 E. Capitol Avenue, Pierre SD 57501

A copy of the above described Notice was sent Inter-office to:

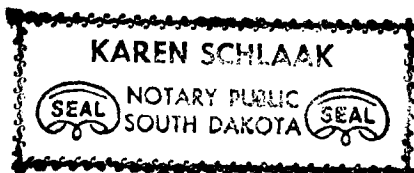
Diane Best, Assistant Attorney General, Capitol Building
John Guhin, Deputy Attorney General, Capitol Building


Eric S. Gronlund
Natural Resources Engineer
Water Right Program

[illegible]

Sworn to, before me, this 23rd day of July, 2001.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2007



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 416903

Pierre, August 27, 2001

RECEIVED OF Olinger, Iovald, Kobbenmolt, MC Cahren & Reimers, P.C., 117 E. Capitol, PO Box 66
the following amount in fees for services rendered as provided for by law: Pierre, SD 57501

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. _____

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for copies & tapes of WK Application #6204-3

42 60

(Any Other Work Provided by Law)

Total

42 60

By

Darland Erbele

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 07 2001

John Kirk
South Dakota Dept. of Game, Fish and Parks
523 E. Capitol
Pierre, SD 57501

Dear Mr. Kirk:

Enclosed is Water Permit No. 6204-3 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.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 2, 2002

John Ries
205 Spruce Court
Elk Point SD 57025

Dear Mr. Ries:

During a recent telephone conversation, you requested a copy of the tapes from the hearings held in 2001 regarding Water Permit Application No. 6204-3. This application was filed by the SD Dept. of Game, Fish and Park for their Putney Slough project.

Please find enclosed a copy of the tapes from the July meeting and the excerpt of the Board minutes for the May and July meetings. Our secretary was unable to find the tapes from the May Board meeting. I believe your attorney also requested a copy of the tapes, so you may want to check with him about obtaining the tape of the May hearing.

Enclosed is an invoice for the cost of making the July hearing tapes.

Sincerely,


Eric Gronlund
Water Rights Program
605 773-3352

enclosures



Department of Education and Cultural Affairs

SOUTH DAKOTA STATE LIBRARY TAPE DUPLICATION BILLING

DEPARTMENT DENR DIVISION Water Rights
ADDRESS Foss Bldg PHONE 773-3886
AUTHORIZED BY Brenda Binegar DATE 6-28-02

TITLE OF MATERIAL BEING DUPLICATED Water Management Board

___ CASSETTE(S) USED @ \$1.00 PER CASSETTE

___ REEL(S) USED @ \$1.00 PER REEL TAPE COST \$___

1/2 HOUR(S) LABOR @ \$ 16.00 PER HOUR LABOR COST \$ 8.00

___ CARDBOARD CONTAINER(S) USED @ \$.35
PER CONTAINER

___ PLASTIC CONTAINER(S) USED @ \$1.50
PER CONTAINER

MAILING
MATERIAL COST \$___

MAILED: UPS ___ PARCEL POST ___ LIBRARY RATE ___

SHIPPING COST \$___

TOTAL COST \$ 8.00



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. 20411-6204-3

John Ries
205 Spruce Court
Elk Point SD 57025

Copies of 6 tapes from July 2001 WMB tapes

\$8.00

PLEASE PAY THIS AMOUNT:

\$8.00

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



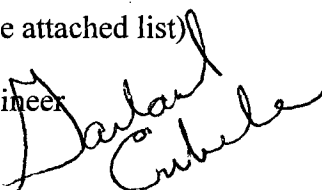
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 19, 2002

NOTICE

TO: John Kirk
South Dakota Department of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501
and Parties of Record (see attached list)

FROM: Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Scheduling of Update on the Status of the Putney Slough Project

The Water Management Board adopted Findings of Fact, Conclusions of Law and a Final Decision approving Water Permit No. 6204-3 at their September 5, 2001 meeting in Yankton. This permit authorizes storage of water by constructing an outlet structure as part of a wetland restoration plan for the area known as Putney Slough. The Board in adopting findings required the Water Rights Program to provide an update on the status of the Putney Slough project within one year.

The Water Rights Program will provide the Water Management Board an update on the Putney Slough project at 11:00 AM, September 25, 2002 in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue in Pierre, SD. The time is an estimate and may be delayed due to prior agenda items.

This update is intended to be informative on the conditions and activities of the past year. This is not an evidentiary hearing. This update is not intended to meet the condition placed on the permit requiring Game, Fish and Parks to complete a study within one year of the time at which water in Putney Slough recedes to 1,275.0 fmsl. This study is to determine whether the operation of Putney Slough at 1,275.0 fmsl causes seepage to any surrounding land.

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

c: Diane Best, Assistant Attorney General
Leslie Petersen, SD GF&P

PARTIES OF RECORD

WATER PERMIT APPLICATION NO. 6204-3

APPLICANT

John Kirk
SD Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

represented by:
Gary Richter, attorney
SD Dept. of Game, Fish and Parks
4500 S Oxbow Avenue
Sioux Falls SD 57106

PETITIONERS PRESENTING TESTIMONY AT JULY 12, 2001 HEARING

Doug Farrand, District Conservationist
Natural Resources Conservation Service
1707 4th Avenue SE Suite 300
Aberdeen SD 57401

Roger A Schuller
11456 410th Avenue
Claremont SD 57543

John Ries
205 Spruce Court
Elk Point SD 57025

Represented by:
Wade Reimers
Attorney at Law
PO Box 66
Pierre SD 57501-0066

CERTIFICATION

I hereby certify that on August 19, 2002, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated August 19, 2002, regarding scheduling an update on the status of the Putney Slough project as authorized by Water Right Permit Application No. 6204-3, South Dakota Department of Game, Fish and Parks, addressed as stated below:

Doug Farrand, District Conservationist
Natural Resources Conservation Service
1707 4th Avenue SE Suite 300
Aberdeen SD 57401

Roger A Schuller
11456 410th Avenue
Claremont SD 57543

Wade Reimers
Attorney at Law
PO Box 66
Pierre SD 57501-0066

John Ries
205 Spruce Court
Elk Point SD 57025

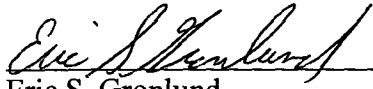
Gary Richter
SD Dept. of Game, Fish and Parks
4500 S Oxbow Avenue
Sioux Falls SD 57106

Hand Delivered to:

John Kirk, SD Dept. of Game, Fish and Parks, 523 E. Capitol Avenue, Pierre SD 57501
Leslie Petersen, SD Dept. of Game, Fish and Parks, 523 E. Capitol Avenue, Pierre SD 57501

A copy of the above described Notice was sent Inter-office to:

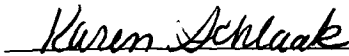
Diane Best, Assistant Attorney General, Capitol Building



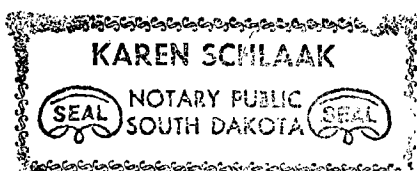
Eric S. Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 20th day of August, 2002.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





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. 20411-6204-3

Olinger, Lovald, Robbennolt, Mc Cahren & Reimers
% Loni
117 E. Capitol Ave.
Pierre, SD 57501

copies and tapes for WR Application # 6204-3
SD GF&P (Putney Slough)

Copy of Tape	\$14.00
143 Copies of Ries exhibits @ .20 each	\$28.60

PLEASE PAY THIS AMOUNT:

\$42.60

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



Department of Education and Cultural Affairs

SOUTH DAKOTA STATE LIBRARY TAPE DUPLICATION BILLING

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ADDRESS 523 E. Capitol PHONE 773-3886
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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 27, 2001

NOTICE

TO: John Kirk
South Dakota Department of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501
and Parties of Record (see attached list)

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and Final Decision

This is to notify you that the Final Decision, including Findings of Fact and Conclusions of Law, were adopted September 5, 2001, by the Water Management Board approving Water Right Permit No. 6204-3 filed by the South Dakota Department of Game, Fish and Parks. A copy of the signed Findings of Fact, Conclusions of Law and Final Decision is enclosed.

South Dakota statutes provide that decisions of the Board may be appealed to the Courts. Notice of appeal of the Board's decision must be filed within thirty days of this notice and be in accordance with procedures established in SDCL 1-26-31.

Enclosure

c: John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General
Leslie Petersen, SD GF&P
Tim Olson, SD GF&P
Dean Hinrichs, 40644 118th St., Claremont SD 57432

PARTIES OF RECORD

WATER PERMIT APPLICATION NO. 6204-3

APPLICANT

John Kirk
SD Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

represented by:
Gary Richter, attorney
SD Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

PETITIONERS PRESENTING TESTIMONY AT JULY 12, 2001 HEARING

Doug Farrand, District Conservationist
Natural Resources Conservation Service
1707 4th Avenue SE Suite 300
Aberdeen SD 57401

Roger A Schuller
11456 410th Avenue
Claremont SD 57543

John Ries
205 Spruce Court
Elk Point SD 57025

Represented by:
Wade Reimers
Attorney at Law
PO Box 66
Pierre SD 57501-0066

CERTIFICATION

I hereby certify that on September 27, 2001, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated September 27, 2001, regarding the adoption of findings of fact, conclusions of law and a final decision in the matter of Water Right Permit Application No. 6204-3, South Dakota Department of Game, Fish and Parks, addressed as stated below:

Doug Farrand, District Conservationist
Natural Resources Conservation Service
1707 4th Avenue SE Suite 300
Aberdeen SD 57401

Roger A Schuller
11456 410th Avenue
Claremont SD 57543

Tim Olson
Dept of Game, Fish & Parks
PO Box 915
Huron SD 57350

Wade Reimers
Attorney at Law
PO Box 66
Pierre SD 57501-0066

Dean Hinrichs
40644 118th Street
Claremont, SD 57432

John Ries
205 Spruce Court
Elk Point SD 57025

Hand Delivered to:

John Kirk, SD Dept. of Game, Fish and Parks, 523 E. Capitol Avenue, Pierre SD 57501
Leslie Petersen, SD Dept. of Game, Fish and Parks, 523 E. Capitol Avenue, Pierre SD 57501
Gary Richter, SD Dept. of Game, Fish and Parks, 523 E. Capitol Avenue, Pierre SD 57501

A copy of the above described Notice was sent Inter-office to:

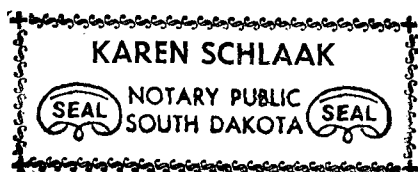
Diane Best, Assistant Attorney General, Capitol Building


Eric S. Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 1st ^{October} day of ~~July~~, 2001.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 2, 2001

NOTICE

TO: John Kirk
South Dakota Department of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501
and Parties of Record (see attached list)

FROM: Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Adoption of Findings of Fact, Conclusions of Law and Final Decision

It has come to our attention that some parties may not have received a complete set of adopted findings of fact, conclusions of law and final decision in the matter of Water Permit Application No. 6204-3 that was sent on September 27, 2001. This water permit is for the outlet structure as part of the wetland restoration plan for Putney Slough.

Enclosed is a copy of the adopted findings. Notice of appeal of the Board's decision must be filed within thirty days of this notice.

Enclosure

c: John Guhin, Deputy Attorney General
Diane Best, Assistant Attorney General
Leslie Petersen, SD GF&P
Tim Olson, SD GF&P
Dean Hinrichs, 40644 118th St., Claremont SD 57432

PARTIES OF RECORD

WATER PERMIT APPLICATION NO. 6204-3

APPLICANT

John Kirk
SD Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

represented by:
Gary Richter, attorney
SD Dept. of Game, Fish and Parks
4500 South Oxbow Avenue
Sioux Falls SD 57106-4114

PETITIONERS PRESENTING TESTIMONY AT JULY 12, 2001 HEARING

Doug Farrand, District Conservationist
Natural Resources Conservation Service
1707 4th Avenue SE Suite 300
Aberdeen SD 57401

Roger A Schuller
11456 410th Avenue
Claremont SD 57543

John Ries
205 Spruce Court
Elk Point SD 57025

Represented by:
Wade Reimers
Attorney at Law
PO Box 66
Pierre SD 57501-0066

CERTIFICATION

I hereby certify that on October 2, 2001, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 2, 2001, regarding the adoption of findings of fact, conclusions of law and a final decision in the matter of Water Right Permit Application No. 6204-3, South Dakota Department of Game, Fish and Parks, addressed as stated below:

Doug Farrand, District Conservationist
Natural Resources Conservation Service
1707 4th Avenue SE Suite 300
Aberdeen SD 57401

Roger A Schuller
11456 410th Avenue
Claremont SD 57543

Tim Olson
Dept of Game, Fish & Parks
PO Box 915
Huron SD 57350

Wade Reimers
Attorney at Law
PO Box 66
Pierre SD 57501-0066

Dean Hinrichs
40644 118th Street
Claremont, SD 57432

John Ries
205 Spruce Court
Elk Point SD 57025

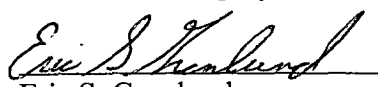
Gary Richter
4500 South Oxbow Avenue
Sioux Falls SD 57106-4114

Hand Delivered to:

John Kirk, SD Dept. of Game, Fish and Parks, 523 E. Capitol Avenue, Pierre SD 57501
Leslie Petersen, SD Dept. of Game, Fish and Parks, 523 E. Capitol Avenue, Pierre SD 57501

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building
John Guhin, Deputy Attorney General, Capitol Building

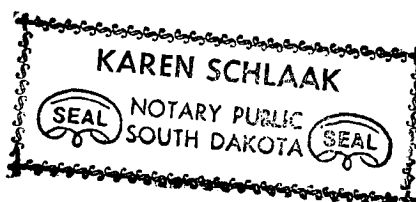


Eric S. Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd day of October, 2001.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



September 20, 2002

RECEIVED

SEP 23 2002

WATER RIGHTS
PROGRAM

South Dakota Water Management Board
Department of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501 - 3182

Subject: Update on Putney Slough Project
Water Permit No. 6204 - 3

Dear Board Members:

Although I have an interest in the update of the Putney Slough Project I will not be able to attend your September 25th meeting.

I still believe that the position taken by the Lower Crow Creek Watershed and myself was correct. A delay in granting the permit was in order until a comprehensive study be made available to the residents and landowners in the project area. As time goes on this major alteration to the court ordered drainage system will probably come under question.

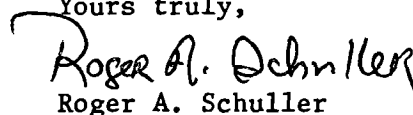
I do want to raise one point. The brief description of project structures and water flows was introduced as Schuller Exhibit #1. The section covering Sullivan Grade states that 2 - 48" culverts with bottom elevation of 1273 fmsl are to be installed.

These culverts have been installed. I was informed by the Brown County Highway Department that the bottom elevation on the culverts are 1275.64 fmsl and 1275.89 fmsl. This would be measured on the north side (inlet) of Sullivan Grade. This is approaching 3 feet higher than stated in the exhibit filed. This is a concern to landowners upstream from the culverts.

This Board did nothing for us when we asked for consideration except that we could hire attorneys to fight your decision. Since this project was implemented solely by your approval of water permit No. 6204 -3 what do we do now?

I would like a response from the Board not your attorney or support staff. You made the decision not them.

Yours truly,



Roger A. Schuller
Director - Lower Crow Creek Watershed
11456 410th Avenue
Claremont, South Dakota 57432

Attached: Schuller Exhibit #1

Crow Creek Ditch / Putney Slough Structure Comparison Information

Water Elevation	Sullivan Grade		Crow Creek Ditch 9'6"x6'5" CMP		Putney Slough Outlet Structure		Concrete Wall @ James River	
	(sq. ft.)	(cfs)	(sq. ft.)	(cfs)	(sq. ft.)	(cfs)	(sq. ft.)	(cfs)
1282	206	1344	50	547	409	3195	144	1942
1281	200	1289	50	485	314	2294	144	1882
1280	200	1289	50	440	232	1550	144	1758
1279	200	1289	50	365	162	977	144	1622
1278	200	1289	50	310	104	558	144	1473
1277	200	418	50	245	58	279	144	1303
1276	140	229	50	178	24	129	144	1093
1275	105	161	50	n/a	16	70	120	831
1274	70	93	50	n/a	8	25	96	595
1273	35	84	50	n/a	0	0	72	387
1272	0	0	0	0	0	0	48	210
1271	0	0	0	0	0	0	24	74
1270	0	0	0	0	0	0	0	0

Crow Creek Ditch / Putney Slough Structures

Sullivan Grade
7 5'x5' gates w/bottom elevation of 1272
5 18" arched CMP w/bottom elevation of 1281
2 48" CMP w/bottom elevation of 1273

Crow Creek Ditch Larson Gates & Twn Road 2 miles north of County 13
9' 6" x 6' 5" CMP w/fill over top equal to top of levee

Putney Slough Outlet Structure (proposed)

8' wide drop board structure from 1273 to 1276
10' level on each side of drop board opening
6:1 slope up to levee top (1282)

Concrete Wall @ James River

4 6' x 6' gates w/bottom elevation of 1270.5



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 6, 2002

NOTICE

TO: John Kirk
South Dakota Department of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501
and Parties of Record (see attached list)

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Rescheduling Agenda Time for Update on the Status of the Putney Slough Project

Due to changes in the agenda, the time for the update to the Water Management Board on the status of the Putney Slough project has been moved up on the agenda. The update to the Board will now take place on September 25, 2002, at 9:30 AM, in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave., Pierre SD. The time is an estimate and may be delayed due to prior agenda items.

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

c: Diane Best, Assistant Attorney General
Leslie Petersen, SD GF&P

PARTIES OF RECORD

WATER PERMIT APPLICATION NO. 6204-3

APPLICANT

John Kirk
SD Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

represented by:
Gary Richter, attorney
SD Dept. of Game, Fish and Parks
4500 S Oxbow Avenue
Sioux Falls SD 57106

PETITIONERS PRESENTING TESTIMONY AT JULY 12, 2001 HEARING

Doug Farrand, District Conservationist
Natural Resources Conservation Service
1707 4th Avenue SE Suite 300
Aberdeen SD 57401

Roger A Schuller
11456 410th Avenue
Claremont SD 57543

John Ries
205 Spruce Court
Elk Point SD 57025

Represented by:
Wade Reimers
Attorney at Law
PO Box 66
Pierre SD 57501-0066

CERTIFICATION

I hereby certify that on September 6, 2002, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated September 6, 2002, regarding rescheduling of the agenda time for the update on the status of the Putney Slough project as authorized by Water Right Permit Application No. 6204-3, South Dakota Department of Game, Fish and Parks, addressed as stated below:

Doug Farrand, District Conservationist
Natural Resources Conservation Service
1707 4th Avenue SE Suite 300
Aberdeen SD 57401

Roger A Schuller
11456 410th Avenue
Claremont SD 57543

Wade Reimers
Attorney at Law
PO Box 66
Pierre SD 57501-0066

John Ries
205 Spruce Court
Elk Point SD 57025

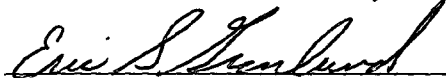
Gary Richter
SD Dept. of Game, Fish and Parks
4500 S Oxbow Avenue
Sioux Falls SD 57106

Hand Delivered to:

John Kirk, SD Dept. of Game, Fish and Parks, 523 E. Capitol Avenue, Pierre SD 57501
Leslie Petersen, SD Dept. of Game, Fish and Parks, 523 E. Capitol Avenue, Pierre SD 57501

A copy of the above described Notice was sent Inter-office to:

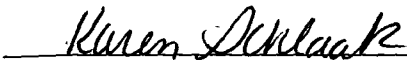
Diane Best, Assistant Attorney General, Capitol Building



Eric S. Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of September, 2002.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



STATE OF SOUTH DAKOTA

BEFORE THE WATER MANAGEMENT BOARD

IN THE MATTER OF THE	)	
APPLICATION FOR WATER PERMIT	)	FINDINGS OF FACT, CONCLUSIONS
NO. 6204-3, SOUTH DAKOTA	)	OF LAW, AND FINAL DECISION
DEPARTMENT OF GAME, FISH,	)	
AND PARKS.	)	

FINDINGS OF FACT

1. This is an application by South Dakota Game, Fish, and Parks, to store up to 6,468 acre feet of water behind an impoundment at an elevation of up to 1,276 feet mean sea level and at a location approximately 12 miles northeast of Aberdeen in Brown County. The normal operation of the project is proposed to be at an elevation of 1,275 feet mean sea level (fmsl) at which storage will be 4,319 acre feet. The application proposes that a variable height outlet structure be installed which can be adjusted from an elevation of 1,273 fmsl to 1,276 fmsl for vegetation management.

2. The purpose of the impoundment is for fish and wildlife production and recreation.

3. The water is purposed to be impounded in an area popularly known as Putney Slough.

4. The historic background of the Putney Slough area is important to an understanding of the issues.

5. First, the Board finds that the area was historically ponded. The Board makes this finding based upon the fact that the original soil survey of Brown County published in 1925 found two soils in Putney Slough. These were a maple silt loam at the

1,275 fmsl contour and a maple fine sandy loam, at the 1,276 fmsl contour. Both soils form under ponding. Moreover, a land survey map from the 1800's shows a basin drawn on the map at about the same area. The basin extends to 1,276 fmsl. Finally, it is noted that the area was previously known as Long Lake, as an undated but clearly older document in evidence indicates.

6. A second important fact creating certain of the factual and legal context for this matter arises out of the "Order Establishing Drainage" in the case entitled "In the Matter of a Petition of George H. Shank and others for a drainage extending into the counties of Brown and Marshall, South Dakota, (Fifth Judicial Circuit, September 18, 1918). DENR Exhibit 6. The "Order Establishing Drainage" addressed the then (1918) existing situation in which a drainage existed on the eastern side of Putney Slough. The Order, inter alia, provided for a drainage to be constructed on the western side of the slough and for gating both to the north and the south. The Order provided that the Brown County Commission had the authority to operate the gates for the purpose of controlling the flow of water through the ditches into the James River. The court referred the matter back to the Brown County Board of Commissioners for all further proceedings in relation to the construction and maintenance of said drainage system. The South Dakota Supreme Court affirmed the Order. In re Shank, 187 N.W. 537 (1922).

7. Since the establishment of the drainage by the court, a number of changes have occurred. The system, for example, went

into disrepair some time prior to the 1950's and a new assessment was made apparently to rehabilitate the system. The bridge to the north has been constructed so that water could flow over it, contrary to the court's decision. The testimony, which is unrebutted, is that the court order was not followed because the bridge required by the court order would have been very difficult to build.

8. When operating as intended in the past, the Crow Creek ditch would receive water from the north. This water would flow along the western edge of Putney Slough five or six miles from the north to the south. The slough itself would be drained by a series of laterals and by pumping. At the bottom or south end of the slough, the ditch would continue on through what is now the Ries property to a gate operated by Brown County. Brown County would allow the water to pass through to the James River when the James River could receive the water. In times in which the James River could not receive the water, both the upper and the lower gates would be closed so that water would not enter the ditch.

9. The most important blow to the operation of the drainage occurred in 1993. In 1993 the area experienced very significant precipitation events. The control structure to the south was closed because of high James River levels and drainage from the Crow Creek system into the James River ceased. Large amounts of run off water flowed into the area from Marshall County and northern Brown County. The drainage system overtopped and flooded several thousand acres of land on the lower end of

the ditch system, including the Putney Slough area which lies adjacent to the ditch.

10. At about this same time the ditch bank on the north edge of Putney Slough was cut. This allowed water to flow from the ditch into the slough. The ditch bank was also breached in the southern area of the Putney Slough to allow water to flow back into the ditch. Moreover, during the winter of 1994-95, one of the lower dikes was cut and water was allowed to flow freely out of the southern Putney Slough area into the James River.

11. The present effective outlet from Putney Slough is a Corps of Engineers authorized breach at approximately 1,275.5 feet. Culverts through Brown County Highway 13 in the area of the project are near 1,271 fmsl.

12. The wet conditions of 1993 persisted through the decade creating a situation in which the Putney Slough area remained flooded. It is this combination of events that lead to the present permit application.

13. The effort can be said to have been initiated by the Natural Resources Conservation Service (NRCS) which purchased perpetual flood easements from the Putney Slough land owners in 1996. The purchase of these flood easements obviously provided some financial relief to the people in the area. Game, Fish, and Parks, with NRCS, then took the next step. Game, Fish, and Parks purchased approximately 2,700 acres in the Putney Slough area that had been the subject of the perpetual easements. The Ries property is not subject to the NRCS flood easements. Brown

County and Lower Crow Creek Watershed District also collaborated in this effort.

14. The project the Game, Fish, and Parks proposes is for fish and wildlife production and recreational purposes. Game, Fish, and Parks proposes a normal outlet elevation of 1,275 fmsl with the ability to vary that elevation from 1,273 fmsl to 1,276 fmsl.

15. A Game, Fish, and Parks witness testified, without contradiction, that to use the slough as a waterfowl production facility, it would need a water elevation of at least 1,275 fmsl in some areas of the slough. At 1,275 fmsl, the deepest part of the slough will be five feet and the average level of water in the slough will be between 2 and 2 1/2 feet.

16. Uncontradicted testimony also established that if the slough were set at a lower level, in particular at 1,273 fmsl, the area would be choked with cattails and would be useless as a waterfowl production area.

17. The Applicant desires to provide for an occasional rise of water to 1,276 fmsl for vegetation management purposes. It will, in other words, be necessary, from time to time, to raise the water level to destroy certain undesirable vegetation. Under the permit as qualified, the applicant will not be allowed to raise the water level to 1,276 fmsl for any purpose without written consent of NCRS; nor can raising the level to 1,276 fmsl occur unless a written flood easement is obtained from any property owner or owners who may be flooded at that level.

18. The Board finds, based upon the evidence presented, that the use of the area for fish and wildlife production and recreational purposes is a beneficial use.

19. Due to its purchases, Game, Fish, and Parks now owns the property underneath the ditch and the levees on either side of the ditch. However, it does not own the Ries property to the south.

20. Under the plan as proposed by the Applicant, water will flow from Putney Slough through the outlet structure. It will then flow into the drainage ditch which has existed since the 1920's. The water will next flow through the ditch on land of Mr. John Ries, as it has always flowed, and into the river through the gates operated by Brown County. The opponents to the application have raised several issues which should be addressed by the Board.

21. The first issue raised by the opponents is that there is insufficient evidence available and that the matter therefore should be postponed for further study. The Board has carefully considered this request and finds it appropriate to deny it. The opponents to the permit have not demonstrated precisely how any information which might be developed would affect whether the permit should be granted or denied. Therefore, in the interest of judicial economy and of conserving the resources of all those who have participated in this hearing process (which has already consumed two hearings), the Board finds that it would be inappropriate to grant this request.

22. Next, the Board rejects any suggestion which may have been made that the permit should be denied outright because of potential damage to those north of Putney Slough. To the extent that the project will have an effect on the upstream areas, it appears to be beneficial. Putney Slough, under the proposed permit, and under normal conditions, will store 4,319 acre feet of water. Under some conditions, it will be possible to accept a limited amount of flood waters into Putney Slough; this will alleviate, at least to some small degree, flooding upstream. Moreover, the grant of the permit will not affect the operation of the gates to the north as these will remain in the control of Brown County. The Board finds the no adverse effect north of Putney Slough from grant of the permit.

23. Mr. John Ries testified that the Ries property had been farmed for many years until 1993 and it was quite productive. It should also be noted that John Ries is employed as a civil engineer.

24. The Board next considers whether the grant and utilization of the permit will harm the interests of John Ries and his family. Mr. Ries and his family own the property directly south of County Highway 13, which is the southern border of Putney Slough. The Board has carefully considered the lengthy oral and voluminous written testimony presented by Mr. Ries. The heart of Mr. Ries' claim is that, since 1993, when the old drainage system essentially failed and water flowed into Putney Slough, he has experienced problems which he did not experience

before. Mr. Ries testified, essentially, that from 1993 to the present his land has been essentially unfarmable and that it was not unfarmable before. He reasons that operations under the permit will cause similar adverse effects.

25. The issue for the Board is whether the conditions which have existed since 1993 in Putney Slough are responsible for Mr. Ries' position or whether other factors were the cause.

26. The Board first notes Mr. Ries' description of the farm operation prior to the 1990's. Mr. Ries describes his property, prior to the 1990's, as sub-irrigated. Mr. Ries testified, in fact, that he, and people in his area, farmed by removing water from the area by laterals and pumping.

27. After 1993, it was no longer possible to farm with these methods, according to Mr. Ries. Given the extreme amount of precipitation in the area, the Board finds it is more likely than not that the normal condition of Mr. Ries' property (i.e., property which could be farmed only if dewatered by pumping), combined with the very high precipitation in the area caused Mr. Ries' problems, not the water which began to be stored in Putney Slough after 1993.

28. The Board notes in particular that Mr. Ries charged that water had been flowing from Putney Slough, through the road through Highway 13, now rip rapped on both sides, to his property. Ries presented no scientific evidence to support his thesis nor did he testify that he actually directly observed seepage. Mary Clawson, a former Game, Fish, and Parks

Conservation Officer and now Assistant Regional Supervisor in the area, testified that the water levels on the north and south sides of the road did not equalize and implied from that the lack of seepage from the north to the south. While it is a close question, the Board finds insufficient evidence to conclude that significant seepage was occurring onto Mr. Ries' land such that it could cause the problems he articulated.

29. The Board notes further that Mr. Ries' had conveyed wetland easements to the United States in the 1980's at a place quite close to Highway 13. This implies that the land close to Highway 13 has, traditionally, held substantial amounts of water and that it did so prior to the 1993 events.

30. The Board notes, moreover, that the impoundment structure, as it is proposed under this Application, will normally impound water only to 1,275 fmsl. At that level, it is undisputed that the water will just touch the toe of the road bed and will not be banked up against the road bed itself. Moreover, at 1,275 fmsl the area on the southern part of the slough will be covered with cattails. The water depth will be approximately 1 foot down to no water at all. There should not therefore, be a significant problem with waves. Thus, the operation of the project and its planned levels should not cause any difficulty to the opponent with regard to seepage through the road.

31. Nonetheless, the Board, in an abundance of caution, has determined to grant this permit only with the inclusion of qualifications to protect Mr. Ries and those in his position.

One qualification will prohibit the impairment of any lands adjoining Putney Slough by causing specific alterations of plant species directly contributable to water use on the permit. Moreover, a second qualification will, require Applicant Game, Fish, and Parks to submit to the Water Rights Program and this Board, a report, based upon good scientific method, which analyzes whether land adjoining Putney Slough is subject to seepage at 1,275 fmsl. This report will be required within one year of the time the water in Putney Slough subsides to 1,275 fmsl.

32. The Board next considers the apparent claim that this water permit should not be granted because the Department has treated Mr. Ries unfairly by not offering him a fair amount to purchase his land, although it offered others in the main area of Putney Slough a fair amount. The uncontradicted evidence, however, is that Mr. Ries was offered \$683 per acre (excluding the buildings); and that dry land prices in the same area at the same time were just under \$700 per acre. Further evidence that Mr. Ries was not being treated unfairly, and specifically that his land was not treated as totally inundated, is found in the uncontradicted testimony that Game, Fish, and Parks ordinarily pays \$250 to \$300 per acre for wetlands.

33. The Board next considers the argument that the permit should not be granted because there has not been sufficient public notice. First, the Board notes that this hearing was public noticed. Second, the Board notes the testimony that there

has been ample public notice of what has occurred through the last few years through the CRM process, and through meetings with county commissioners, the Crow Creek Drainage District and other groups. The Board rejects this contention.

34. The Board next considers the apparent argument that the 1918 court order somehow inhibits this Board's action. The Board, in this regard, notes that the precise legal argument advocated by the opponents is unclear. However it appears that the property owners to the north of Putney Slough assert that the Crow Creek drain authorized by the 1918 Order provides them with a perpetual right to use the ditch as a means to hasten the flow of water through their property and on through the areas south of their property to the James River. They assert that GFP, as the new owner of the property, must honor this perpetual right and either reconstruct the ditch and levees or somehow otherwise guarantee that the project will pass all water flowing down the Crow Creek drain from upstream. However, the 1918 Order authorized a drain to be built by Brown County. The owners of the slough were not required to bear the whole burden of maintaining the ditch along the west side of the slough. Consistent with the respective property interests, Brown County or its successor in interests continues to have authority to rehabilitate and maintain the drain, and GFP, as the fee holder, does not bear this responsibility. This permit does not extinguish any easement of Brown County (or its successor in interest) to maintain this drain.

Even if Brown County or its successor in interest does not rehabilitate the drain and levees and that entity assumes that the Game, Fish and Parks project suffices as the sole flood control mechanism to implement the 1918 Order, the GFP proposal does not impair the historic rights held by the landowners to the north. The 1918 project used the ditch and levee system to attempt to free the slough from water and make it available for cultivation. The GFP plan would use this slough as an impoundment to store up to 4,319 acre-feet of water. This proposal to store water would accommodate drainage from the north during normal years as contemplated by the 1918 court, albeit in a different way. The objectors suggest that the proposed project will not provide fast enough flood relief in unusual years such as 1993. However, it is apparent that the existing ditch did not fulfill that purpose in an abnormal year, i.e. 1993. Moreover, if the project is not installed at all, water will continue to be impounded at 1,275.5 fmsl, a higher elevation than if the project is installed. The Board is therefore unable to find a legal harm caused by the grant of the permit.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter.
2. There is a reasonable probability that there is unappropriated water available for the Applicant's proposed use. The Board notes, in this regard, that there is ample evidence supporting this point and none to the contrary.

3. The Board concludes that the proposed diversion can be developed without unlawful impairment of existing rights. The Board in this regard notes the careful attention it has given to the evidence presented by Mr. Ries. The Board's finding and conclusion that the project can be developed without unlawful impairment is based upon those findings as supplemented by the permit qualifications regarding specific alterations of plant species and the requirement that a careful scientific study be made of seepage after the water level in Putney Slough recedes to 1,275 fmsl.

4. The proposed use of water for fish and wildlife enhancement and production and recreation is a beneficial use, as recognized by all the parties.

5. The proposed use is in the public interest. In this regard, the Board again notes that its public interest determination is dependent upon the adoption of the qualifications as set forth below. Moreover, in coming to its public interest determination, the Board notes that it has carefully weighed the potential to restore the situation to the condition it was prior to 1993 against the benefit of the proposed project. The Board has concluded that it is unlikely that the prior conditions could be recreated, given the massive transfers of property which have already occurred and given the extreme amounts of water which persist in the area. The Board has also carefully considered the question of whether water in Putney Slough has, in fact, caused harm to others to the north

and south and has been unable to conclude that it does. Finally, the Board has considered that this project can properly be considered as a restoration of a slough area, and cannot be seen as the imposition of a water regime which as never before existed.

FINAL DECISION

1. The application for Water Permit No. 6204-3, South Dakota Game, Fish, and Parks is GRANTED with the following conditions:

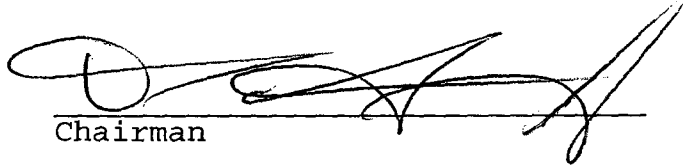
1. Impoundment of water authorized by this permit may not impair the use of any lands adjoining Putney Slough including, but not limited to, causing a permanent pool elevation which exceeds 1,275.0 fmsl and/or specific alterations of plant species directly attributable to water use under this permit. Flooding of adjoining land in excess of pre-existing conditions above the elevation of 1,275.0 fmsl may occur only if a written flood easement is obtained from the property owner or owners.
2. Water Permit No. 6204-3 authorizes storage of up to 6,468 acre feet of water by constructing an impoundment structure on Putney Slough. The structure's outlet elevation is to be managed at 1,275.0 fmsl (4,319 acre feet of water). The outlet height is variable and may be adjusted from 1,273.0 fmsl to 1,276.0 fmsl for vegetation management purposes. Written authorization is necessary from the Natural Resources Conservation Service to deviate from the 1,275.0 fmsl.
3. Water Permit No. 6204-3 is subject to any written orders issued by the Chief Engineer. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
4. Game, Fish, and Parks shall, within one year of the time at which water in Putney Slough recedes to 1,275 fmsl, present to this Board and to the Water Rights Program, a study based on good scientific method of whether the operation of

Putney Slough at 1,275 fmsl causes seepage to any surrounding land.

5. The Water Rights Program shall, within one year of the date of these Findings, provide an update on the status of the Putney Slough project to this Board.

Dated this 25th day of September, 2001.

BY THE BOARD:


Chairman

c-pld118.jpg In the Matter of Applic(clr)

Gronlund, Eric

To: Petersen, Leslie
Cc: Rath, Mark
Subject: PUtney Slough

FYI - we got a call from a James River irrigator last week. He had concerns whether impounding water in Putney Slough may impair his downstream prior right under certain conditions. We went over the water permit and qualifications with him. Explained that the permit included the standard low flow bypass condition for downstream domestic use and prior water rights. Told him if he thought he was being impaired at some time in the future to call Water Rights and we'd investigate. Also explained GF&P would not be required to bypass stored water. The condition to bypass is only applicable to the extent flow is coming into Putney Slough and that it if bypassed, the water would need to make it downstream to satisfy his or others prior rights (ie. the futile call argument).

Just thought I'd let you know this concern is out there.

Eric

SEEPAGE MONITORING PLAN

CLIENT:

Name: Ms. **Mary Clawson**, Regional Habitat Manager,
South Dakota Department of Game Fish and Parks, Region 4
District Office
Address: 5850 E. Hwy. 12, Aberdeen, SD 57401

CONSULTANT:

Name: **Dakota Environmental, Inc.**
Address: 1122 21st Street, PO Box 636, Huron, SD 57350.

Date: July 23, 2003

1. PROJECT LOCATION

The project is located in Sections 18 and 19, T124N, R61W, Brown County, 6 miles north and 5 miles west of Groton, South Dakota. The contact person is Ms. Mary Clawson, Regional Habitat Manager, SD Game Fish and Parks. Tel: 605-626-2392.

2. PLAN OBJECTIVE

The objective of the following seepage monitoring plan is to determine the extent or lack of seepage from Putney Slough, located partially in Section 18, T124N, R61W, Brown County, SD, to private land located in Section 19, T124N, R61W, also in Brown County, SD.

Five monitoring wells have been installed to be utilized for this purpose. These wells are located in Section 18 at locations which were determined by SD Game Fish and Parks.

3. PROCEDURES

Under normal conditions, Monitoring Wells 1 through 5 will be evaluated on a two week interval. The water levels in the wells must be measured from the top of the casing pipe to an accuracy of one hundredth of a foot.

The level of standing surface water in Putney Slough shall be measured concurrently with the monitoring wells. The same level of accuracy of measurement shall be used.

The level of standing surface water in the slough in Section 19 shall be measured at the same interval in two locations. The first shall be in the north half of Section 19 near Monitoring Well 2. The second monitoring location shall be in the south

half of Section 19 near Monitoring Well 5. The same level of accuracy of measurement shall be used.

All monitoring wells and surface water monitoring sites shall use a common datum or benchmark.

The measured water levels, as well as the name of the persons conducting the monitoring, the date of the monitoring, and any observations regarding the turbidity of the groundwater will be noted on the supplied form in the field. Data from the field forms shall be entered into spreadsheet format on an ongoing basis. The field forms shall be retained on file.

In the event that precipitation in excess of 1.5 inches is received in 24 hours or less, or a total of 3 inches or more is received over a period of three consecutive days, monitoring of all wells and sites shall be performed on a daily basis (normal working days only). This monitoring shall begin as soon as possible after the conclusion of the precipitation event and continue on a daily basis until one week after the conclusion of the precipitation event.

Under normal monitoring conditions, the results of the monitoring shall be transmitted to the CONSULTANT, either by mail or electronically, at the end of each month. If increased monitoring is necessitated as described above, the results of the monitoring shall be transmitted electronically to the CONSULTANT at the end of the week of daily monitoring. The CONSULTANT shall then review the data and determine whether the data justifies continued monitoring on a daily basis or a return to normal intervals.

The CONSULTANT will perform all analysis of the obtained data and provide a report of the data trends and any conclusions the data may support (if any) on a

quarterly basis. A summary of the obtained data will be provided in tabular and graphic form as part of the report.

The CONSULTANT will provide recommendations regarding the status of the monitoring program. These will include continuance, discontinuance, or modification of the program due to the achievement or non-achievement of defining conclusions.

4. TECHNICAL PERSONNEL ASSIGNED

CONSULTANT will assign **Jim White** and **Brian Friedrichsen** to review the obtained data and prepare reports and recommendations. Other personnel, such as other engineers and technicians may be involved with this project, particularly in the area of data manipulation.

PUTNEY SLOUGH MONITORING DATA:

Location	Date	Name	Water Level Measurement	Notes
MW1				
MW2				
MW3				
MW4				
MW5				
Putney Slough				
Section 19 N				
Section 19 S				
MW1				
MW2				
MW3				
MW4				
MW5				
Putney Slough				
Section 19 N				
Section 19 S				
MW1				
MW2				
MW3				
MW4				
MW5				
Putney Slough				
Section 19 N				
Section 19 S				
MW1				
MW2				
MW3				
MW4				
MW5				
Putney Slough				
Section 19 N				
Section 19 S				
MW1				
MW2				
MW3				
MW4				
MW5				
Putney Slough				
Section 19 N				
Section 19 S				

Putney Slough Monitoring Plan:

Water levels should be taken on a bi-weekly basis to determine any fluxuations in the groundwater. Additional water levels should be taken in the case of heavy precipitation in the area of concern:

The attached table requires the date of the water level monitoring event, the name of the person conducting the water level monitoring event, the water level measurement, and any notes regarding the turbidity of the groundwater.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 25, 2003

NOTICE

TO: John Kirk
South Dakota Department of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501
and Parties of Record (see attached list)

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Scheduling of Update on the Status of the Putney Slough Project

The Water Management Board adopted Findings of Fact, Conclusions of Law and a Final Decision approving Water Permit No. 6204-3 at their September 5, 2001 meeting in Yankton. This permit authorizes storage of water by constructing an outlet structure as part of a wetland restoration plan for the area known as Putney Slough.

The Water Rights Program gave an update of the project at the Board's September 25, 2002 meeting. The Board requested another update at their fall meeting in 2003 regarding the status of the study to assess whether maintaining Putney Slough at 1275 feet mean seal level causes seepage on the surrounding land.

The permit holder is to present an update to the Board on the Putney Slough project at 8:30 AM, October 1, 2003 in the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue in Pierre, SD.

This update is intended to be informative on the conditions and activities of the past year. This is not an evidentiary hearing.

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

c: Diane Best, Assistant Attorney General
Leslie Petersen, SD GF&P

PARTIES OF RECORD

WATER PERMIT APPLICATION NO. 6204-3

APPLICANT

John Kirk
SD Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

represented by:
Gary Richter, attorney
SD Dept. of Game, Fish and Parks
4500 S Oxbow Avenue
Sioux Falls SD 57106

PETITIONERS PRESENTING TESTIMONY AT JULY 12, 2001 HEARING

Doug Farrand, District Conservationist
Natural Resources Conservation Service
1707 4th Avenue SE Suite 300
Aberdeen SD 57401

Roger A Schuller
11456 410th Avenue
Claremont SD 57543

John Ries
205 Spruce Court
Elk Point SD 57025

Represented by:
Wade Reimers
Attorney at Law
PO Box 66
Pierre SD 57501-0066

CERTIFICATION

I hereby certify that on August 25, 2003, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated August 25, 2002, regarding scheduling an update on the status of the Putney Slough project as authorized by Water Right Permit Application No. 6204-3, South Dakota Department of Game, Fish and Parks, addressed as stated below:

Doug Farrand, District Conservationist
Natural Resources Conservation Service
1707 4th Avenue SE Suite 300
Aberdeen SD 57401

Roger A Schuller
11456 410th Avenue
Claremont SD 57543

Wade Reimers
Attorney at Law
PO Box 66
Pierre SD 57501-0066

John Ries
205 Spruce Court
Elk Point SD 57025

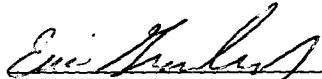
Gary Richter
SD Dept. of Game, Fish and Parks
4500 S Oxbow Avenue
Sioux Falls SD 57106

Hand Delivered to:

John Kirk, SD Dept. of Game, Fish and Parks, 523 E. Capitol Avenue, Pierre SD 57501
Leslie Petersen, SD Dept. of Game, Fish and Parks, 523 E. Capitol Avenue, Pierre SD 57501

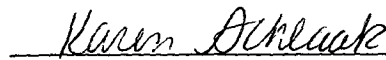
A copy of the above described Notice was sent Inter-office to:

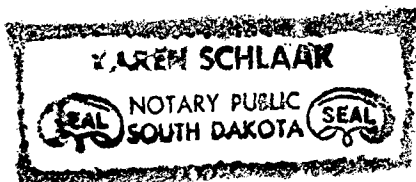
Diane Best, Assistant Attorney General, Capitol Building


Eric S. Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of August, 2003.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007





6204-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 4, 2004

NOTICE

TO: John Kirk
South Dakota Department of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501
and Parties of Record (see attached list)

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Presentation and Hearing on Seepage Study for Putney Slough Project

The Water Management Board adopted Findings of Fact, Conclusions of Law and a Final Decision approving Water Permit No. 6204-3 at their September 5, 2001 meeting in Yankton. This permit authorizes storage of water by constructing an outlet structure as part of a wetland restoration plan for the area known as Putney Slough.

The permit was approved with a condition directing Game, Fish and Parks to conduct a study on whether the operation of Putney Slough at 1275.0 fmsl causes seepage to any surrounding land. The study results will be presented to the Board at 2:00 PM on October 6, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre SD. The agenda time is an estimate.

Any party of record has the right to be represented by a lawyer and may present evidence relative to the seepage study or cross-examine witnesses according to SDCL 1-26.

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

c: Diane Best, Assistant Attorney General
Leslie Petersen, SD GF&P
Mary Clawson, SD GF&P

PARTIES OF RECORD

WATER PERMIT NO. 6204-3

APPLICANT

John Kirk
SD Dept. of Game, Fish and Parks
523 E. Capitol Avenue
Pierre SD 57501

represented by:
Gary Richter, attorney
SD Dept. of Game, Fish and Parks
4500 S Oxbow Avenue
Sioux Falls SD 57106

PETITIONERS PRESENTING TESTIMONY AT JULY 12, 2001 HEARING

Doug Farrand, District Conservationist
Natural Resources Conservation Service
1707 4th Avenue SE Suite 300
Aberdeen SD 57401

Roger A Schuller
11456 410th Avenue
Claremont SD 57543

John Ries
205 Spruce Court
Elk Point SD 57025

Represented by:
Wade Reimers
Attorney at Law
PO Box 66
Pierre SD 57501-0066

CERTIFICATION

I hereby certify that on August 4, 2004, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated August 4, 2004, regarding the presentation of the study to assess whether maintaining Putney Slough at 1275 feet mean seal level as authorized by Water Permit No. 6204-3 causes seepage on the surrounding land, addressed as stated below:

Doug Farrand, District Conservationist
Natural Resources Conservation Service
1707 4th Avenue SE Suite 300
Aberdeen SD 57401

Roger A Schuller
11456 410th Avenue
Claremont SD 57543

Wade Reimers
Attorney at Law
PO Box 66
Pierre SD 57501-0066

John Ries
205 Spruce Court
Elk Point SD 57025

Gary Richter
SD Dept. of Game, Fish & Parks
4500 S Oxbow Avenue
Sioux Falls SD 57106

Mary Clawson
Regional Habitat Manager
SD Dept. of Game, Fish & Parks
5850 E Highway 12
Aberdeen 57401-9534

Hand Delivered to:

John Kirk, SD Dept. of Game, Fish and Parks, 523 E. Capitol Avenue, Pierre SD 57501
Leslie Petersen, SD Dept. of Game, Fish and Parks, 523 E. Capitol Avenue, Pierre SD 57501

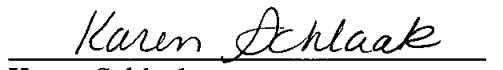
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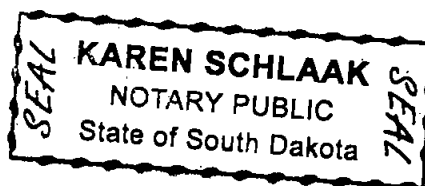
Diane Best, Assistant Attorney General, Capitol Building


Eric S. Gronlund
Natural Resources Engineer
Water Right Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 5th day of August, 2004.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



No. 6204-3



November 2008 - Erosion around south end of outlet at the Putney outlet structure SW $\frac{1}{4}$ Sec 18 T124N-R62W



December 2008 – Repaired breach at Putney outlet structure SW $\frac{1}{4}$ Sec 18 T124N-R62W

No. 6204-3



December 2008 – Repaired breach at Putney outlet structure SW ¼ Sec 18 T124N-R62W

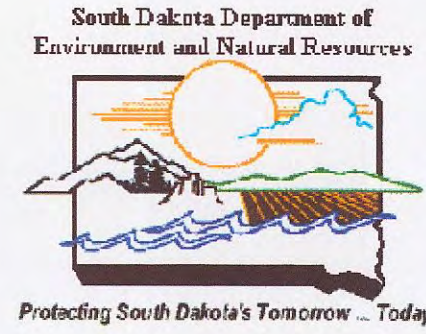


December 2008 – Repaired breach at Putney outlet structure SW ¼ Sec 18 T124N-R62W

Area Map for Water Permit No. 6204-3

EXHIBIT NO. 1
S. BACHAND

Map 2, 2001
Water Management
Land Use



0 230 460 920 1,380 1,840 Feet

