

WATER PERMIT NO. 6265-3

Name of Applicant: **U.S. Fish & Wildlife Service**

Address: **PO Box 25486, Denver Federal Center, Denver CO**

Phone: **303 236-5321**

Amount of Water Claimed: **39 AF**

Total Acres: NASource of Water Supply: runoff

Water to be used for: fish & wildlife propagation

County: Miner

Type of Waste Disposal System:

Location: 16 miles west of Canova

PRIORITY

Date Received: ~~5-29~~-2001

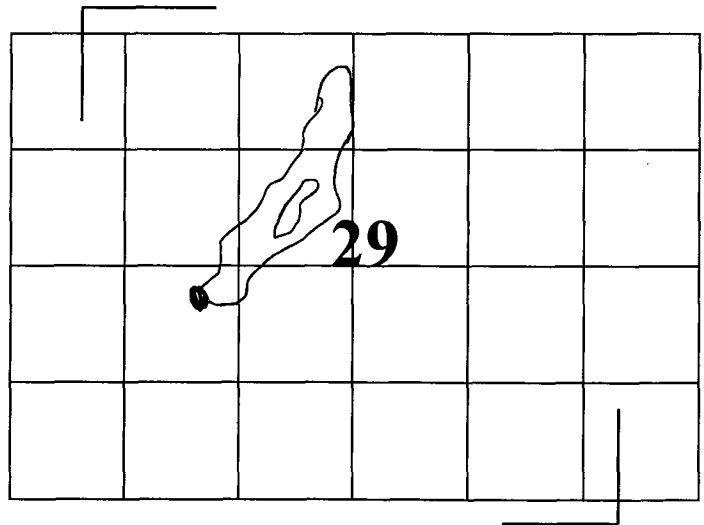
Fee: **\$150**

Corrected Application Received::

Period of Annual Use: **January 1 – December 31**

Remarks: restoring a drained wetland

Diversion Point: NW ¼ SW ¼ Sec 29-T105N-
R58W

Land to be Irrigated: NADepth of Well: NA

Well Driller: :

Remarks:

Type of Map: topo

Prepared by: **Roger C Smith, P.E.**

Reviewed and the Number Assigned on: **5-29-2001**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 6265-3

Date of first receipt of application June 6, 2001.

Date of return to applicant for corrections, amendments or changes June 14, 2001.

Date of receipt of corrected application June 19, 2001.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6265-3 to U.S. Fish & Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80225 authorizing the construction of the ditch plug and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6265-3 authorizes impoundment of 39 acre-feet of water from runoff by restoring a drained wetland located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29 with water impounded in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 29; all in T105N-R58W. This permit authorizes impoundment of sufficient water annually to maintain water to the natural overflow elevation of the wetland.
2. The water appropriated shall be used for the purpose of supplying water for fish and wildlife propagation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 6265-3 is September 24, 2001.
5. The date from which applicant may claim right is June 6, 2001.
6. One-fifth of the construction is to be completed on or before March 24, 2003.
7. All construction is to be completed on or before September 24, 2006.
8. Water is to be put to beneficial use on or before September 24, 2010.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

Water Permit No. 6265-3 authorizes restoration of a wetland with a storage capacity of 39 acre feet of water and sufficient water annually to maintain the water level to the natural overflow elevation of the wetland.

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

NOV 07 2001

date



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



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6265-3</u> (office use only)	Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>	
	Newspaper <u>Miner Co. Pioneer, Howard</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 USA, Fish and Wildlife Service Phone 303-236-5321
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 25486, Denver Federal Center, Denver State CO 80225
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed _____ *CFS or _____ **GPM 39 ***AF
(Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Surface runoff from a 325 ac watershed
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NW 1/4 SW 1/4 SEC 29 TWP 105 N RGE 58 W. Water Impounded: NW 1/4 SW 1/4, SW 1/4 NW 1/4,
Lat 43° 52' 13.0" / Long 97° 49' 41.0" County Miner County
E 1/2 NW 1/4 Sec 29-T105N-R58W
- County or counties where water will be used Miner
- Annual period during which water is to be used Year around 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)

The project consist of filling a drained wetland restoring the natural overflow elevation. The existing excavation is 1.5' - 2.0' deep. Fill will be placed for the length of the drain. Disturbed areas will be reseeded to grass. The maximum depth of fill will be 2.0'. See attached design summary submitted by Ducks Unlimited.

STATE OF COLORADO)

SS

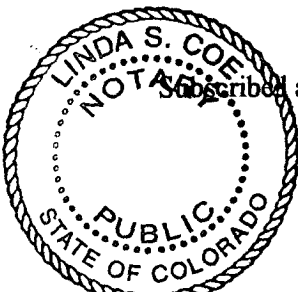
County of Jefferson

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

I, Cheryl C. Williss (Agent), 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 Cheryl C. Williss

Subscribed and sworn to before me this 1st day of June 20 01



Linda S. Coe
Notary Public signature

My Commission Expires Nov. 10, 2001

(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

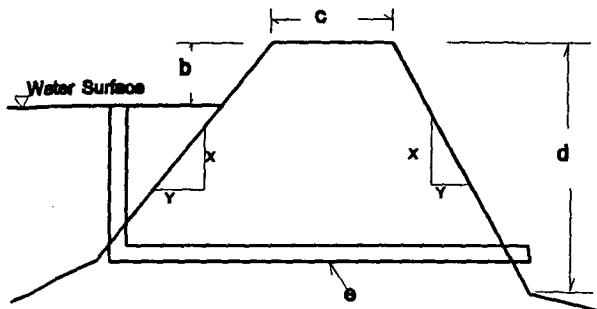
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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:

**Drain will be restored by US FWS using
NRCS Ditch Plug Construction
Specifications**
See attached project description.



- b) Freeboard N / A
- c) Crest Width N / A
Crest Length N / A
- d) Height N / A
- e) Primary Outlet Capacity N / A
If pipe, diameter N / A
- f) Secondary Spillway Capacity N / A
Spillway Width N / A
- g) X & Y Slope N / A
Upstream N / A
Downstream N / A
- h) Surface Area of Impoundment 31 acres
- i) Storage 39 Acre Feet
- j) Drainage Area Above Dam 325 Acres

(type or print in ink)

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- c) Connected to the City of _____ Sanitary System _____

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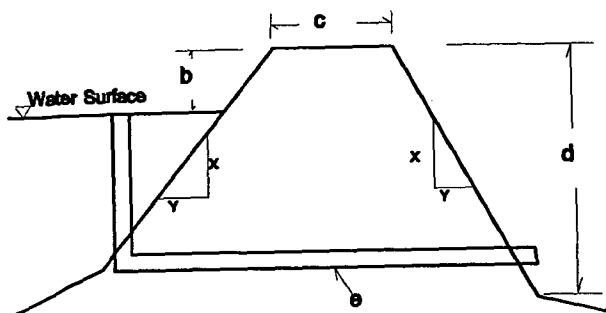
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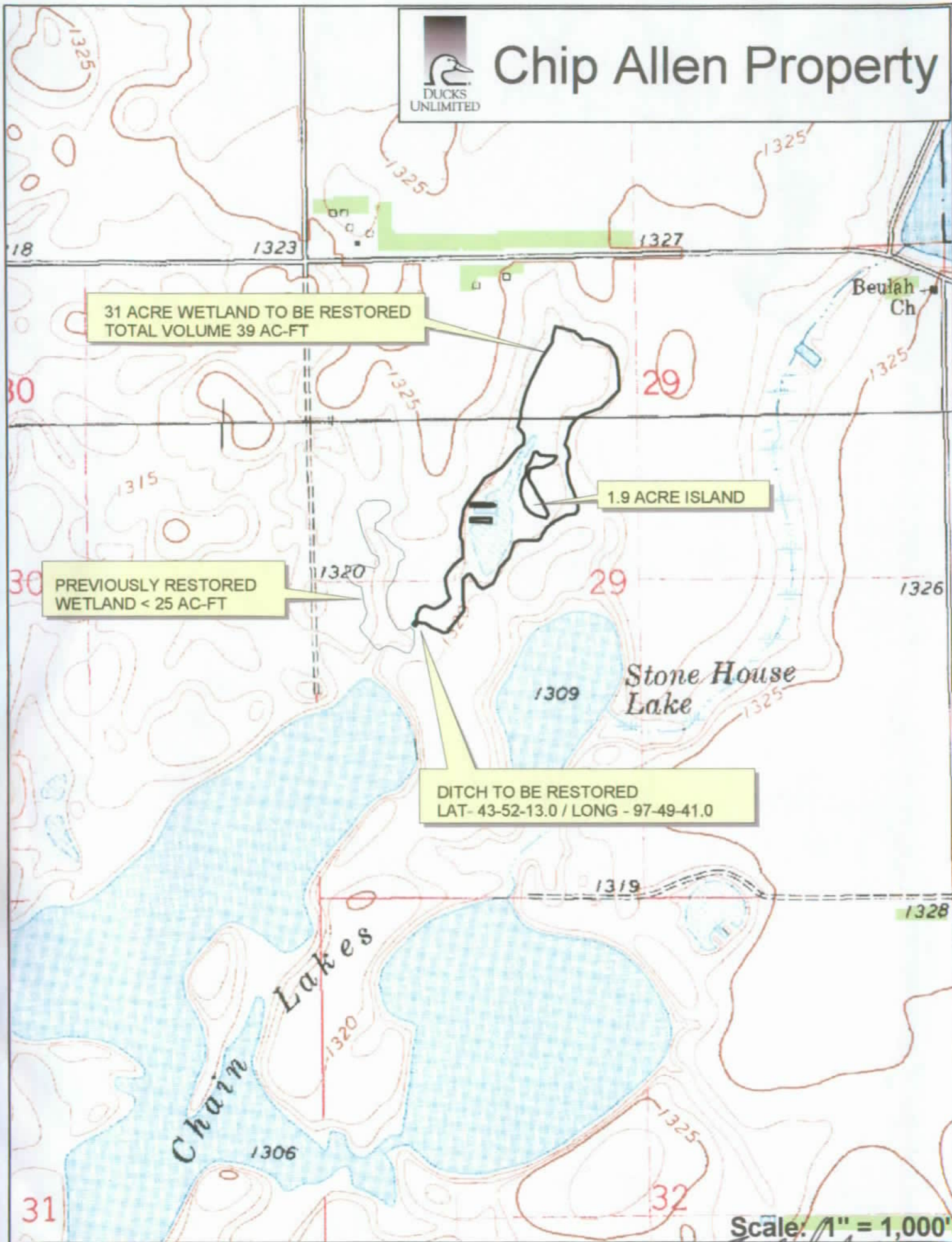
Water Permit Application No 6265-3
US Fish & Wildlife Service

This is a Ducks Unlimited and US Fish & Wildlife Service
Wetland Restoration Project. The "Ditch Plug" will
be only 2 feet high.

Plans & Specifications are not required!



Chip Allen Property

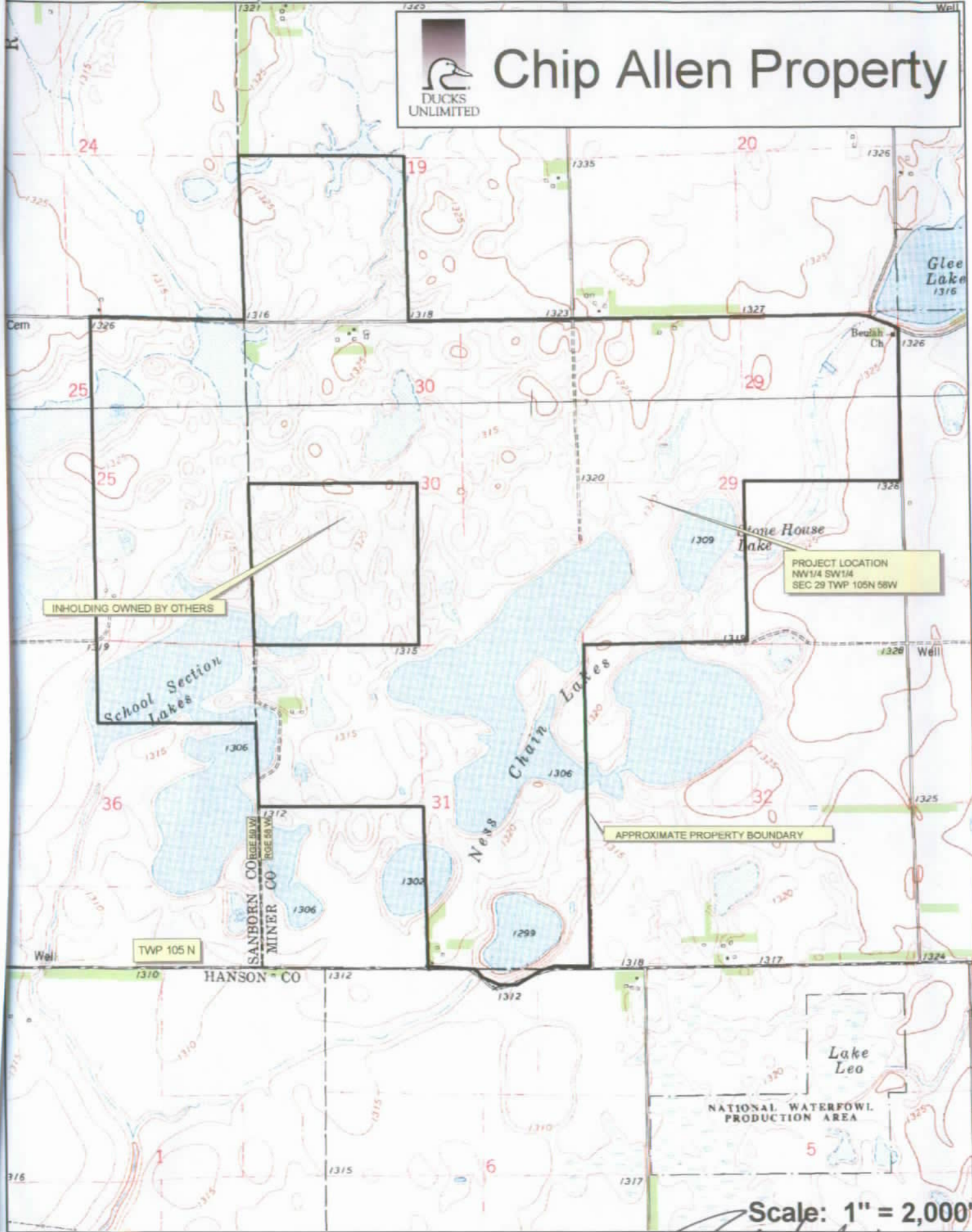


Scale: 1" = 1,000'

Robert C. Smith P.E.
6265-3



Chip Allen Property



Scale: 1" = 2,000'

Chip Allen P.E.

DESIGN SUMMARY

PROJECT: Chip Allen Wetland Restoration
SD -0245-01

LOCATIONS: NW¼, SW¼ SECTION 29, TWP. 105 N RGE. 58 W
Lat 43° 52' 13.0" / Long 97° 49' 41.0": Miner County, South Dakota

MARSH DATA: 31.0 Surface Acres @ restored natural overflow elevation
39 Acre-Feet Capacity @ restored natural overflow elevation
Area and capacity estimated from ground survey performed by Ducks Unlimited, Inc.

CLASSIFICATION: Based on the classification criteria outlined in Chapter 74:02:08, the fill required to fill the drain responsible for lowering the level of the marsh would not be considered a dam. The maximum height of fill is 2.0'.

PRELIMINARY RISK ASSESSMENT: Restoring the drained wetland by filling the drain to its natural overflow elevation does not pose any risk other than risks associated with minor erosion to areas which may carry flows prior to the establishment of vegetation.

PROPOSED PROJECT: The US Fish & Wildlife Service has restored numerous drained wetlands on the property, all of which were below 25 acre-feet. The property is owned by Ducks Unlimited, Inc. and known as the Chip Allen Properties. This particular site is no different than the other wetland restorations except that the wetland is of sufficient size to require a water permit. The US FWS uses construction specifications developed by the NRCS for plugging drained wetlands. In this case the entire drain will be filled to a level representing the natural overflow elevation.



View to the right is looking downstream. The marsh shown in the background was created by a restoration completed in 2000'.

The view to the left is looking upstream. The spoil on the left (west) side of the ditch will be used to fill the ditch to the natural overflow elevation. The upstream marsh is not visible on the photo but was at the restored elevation due to the water levels of the downstream marsh, shown below.



Submitted by:

Roger Smith, P.E (PE-4325)
Regional Engineer

Ducks Unlimited
Great Plains Regional Office

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

416842

Pierre, MAY 29, 20 01

RECEIVED OF Roger C Smith, Ducks Unlimited Inc., 2525 River Rd., Bismark, NE 58503
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>4465-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4465-3</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	700 00

By

Darland Erbe

Chief Engineer

gm

Water Rights Program
South Dakota Department of Environment and Natural Resources

416968

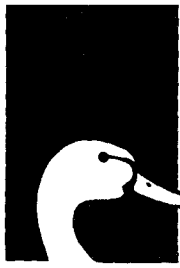
Pierre, July 23, 20 01

RECEIVED OF US Fish & Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80225
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6265-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6265-3</u> _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____ <u>payment was made electronically</u>		

(Any Other Work Provided by Law)	Total	200 00

By *David Erbe*
Chief Engineer *gm*



DUCKS
UNLIMITED
INC.

GREAT PLAINS REGIONAL OFFICE

2525 River Road
Bismarck, North Dakota 58503-9011
(701) 355-3500
(701) 355-3575 Fax

May. 23, 01

Tim Schall
Water Rights Division
SD Dept Water & Natural Resources
523 E. Capitol
Pierre, SD 57501



Re: Chip Allen Properties – wetland restoration

Dear Mr. Schall:

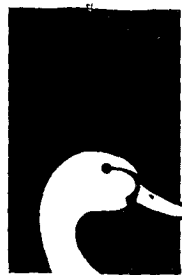
Enclosed is a water right application for a wetland restoration on property owned by Ducks Unlimited, Inc., and referred to as the Chip Allen Properties.

I have included the application, maps, and a payment of \$200. I included 2 copies of form 2A. This particular proposed facility is not well described on that form so I included a Design Summary. If you have any questions please feel free to contact me.

Sincerely,

Roger Smith, P.E.
Regional Engineer
Great Plains Regional Office

Cc: Tom Tornow



DUCKS
UNLIMITED
INC.

GREAT PLAINS REGIONAL OFFICE

2525 River Road
Bismarck, North Dakota 58503-9011
(701) 355-3500
(701) 355-3575 Fax

June 1, 2001

Tim Schall
Water Rights Division
SD Dept Water & Natural Resources
523 E. Capitol
Pierre, SD 57501

Re: Chip Allen Properties – wetland restoration

Dear Mr. Schall:

You have received a water right application for a wetland restoration on property owned by Ducks Unlimited, Inc., and referred to as the Chip Allen Properties. Please withdraw that application. The Fish and Wildlife Service will be resubmitting the application and associated fee. Please retain and attach the Design Summary and accompanying maps to the new application.

Also, please either refund or send back the cashiers check submitted with the original application.

Sincerely,

Roger Smith, P.E.
Regional Engineer
Great Plains Regional Office

Cc: Tom Tornow



June 1, 2001

Tim Schall
Water Rights Division
SD Dept Water & Natural Resources
523 E. Capitol
Pierre, SD 57501

Re: Chip Allen Properties – wetland restoration

Dear Mr. Schall:

You have received a water right application for a wetland restoration on property owned by Ducks Unlimited, Inc., and referred to as the Chip Allen Properties. Please withdraw that application. The Fish and Wildlife Service will be resubmitting the application and associated fee. Please retain and attach the Design Summary and accompanying maps to the new application.

Also, please either refund to send back the cashiers check submitted with the original application.

Sincerely,

Roger Smith, P.E.
Regional Engineer
Great Plains Regional Office

Cc: Tom Tornow

PAYMENT REQUEST FORM

PAYEE: Roger C Smith
Ducks Unlimited Inc.
2525 River Rd
Bismark, ND 58503

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund for \$150.00 application fee and \$50.00 fee for issuing Water License.

Applicant has requested withdrawal of application.

AMOUNT: \$200.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Paul E. Erbe

6/4/01

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



United States Department of the Interior

FISH AND WILDLIFE SERVICE Mountain-Prairie Region



IN REPLY REFER TO:

**BA WTR
WR SD
Mail Stop 60189**

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

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

Mr. Tim Schall
Department of Environment
and Natural Resources
523 East Capitol
Pierre, South Dakota 57501-3181

JUN 1 2001



Dear Mr. Schall:

The Fish and Wildlife Service, in cooperation with Ducks Unlimited, Inc., propose wetland restoration on the Chip Allen properties, Miner County, South Dakota. The property is owned by Ducks Unlimited, Inc., and the Service holds a perpetual easement.

Enclosed are *Application for Permit to Appropriate Water Within the State of South Dakota, Forms 2 and 2A*. The \$150 filing fee has been submitted via electronic fund transfer. The design summary and filing map were previously submitted by Ducks Unlimited and are being held by your office awaiting resubmission of this application (see enclosed letter.)

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

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

Sincerely,

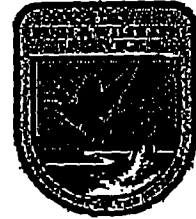
Cheryl C. Williss
Chief, Division of Water Resources

Enclosures

cc: Ducks Unlimited, Inc.
Great Plains Regional Office
3502 Franklin Ave.
Bismarck, ND 58501

FAX TRANSMITTAL FORM

U.S. FISH AND WILDLIFE SERVICE
PO BOX 25486, DFC
DENVER, CO 80225



FAX: (303) 236-4791

DATE 6/13/07

TO Water Rights Attn: Sandy

PHONE # _____

FAX # 1205-773-4068

FROM: KRISTIN BABERS, 303-236-5412 X 224

PAGES (INCLUDING COVER) 9

MESSAGE:

Our order # is 60181-1-P504. Order is for
application and licensing fee. Pls. send
invoice to block # 21.
Any questions, pls call.

Thank You -
Kristin

I found your account
in our system.

ORDER FOR SUPPLIES OR SERVICES

PAGE 1 OF 8 PAGES

IMPORTANT: Mark all packages and papers with contract and/or order numbers.

1. DATE OF ORDER 06/13/2001		2. CONTRACT NO. (If any)		6. SHIP TO: Water Resources	
3. ORDER NO. 601811P504		4. REQUISITION/REFERENCE NO. WT010040		a. NAME OF CONSIGNEE US Fish and Wildlife Service, MS 60189	
5. ISSUING OFFICE (Address correspondence to) US Fish and Wildlife Service, CGS PO Box 25486, MS 60181 Denver CO 80225				b. STREET ADDRESS 134 Union Blvd, Wtr Res.	
				c. CITY Lakewood	d. STATE CO
				e. ZIP CODE 80228-1807	
7. TO: a. NAME OF CONTRACTOR				f. SHIP VIA	
b. COMPANY NAME SD Environment and Nat. Res.				8. TYPE OF ORDER	
c. STREET ADDRESS 523 East Capitol Ave.				☒ a. PURCHASE REFERENCE YOUR: Please furnish the following on the terms and conditions specified on both sides of this order and on the attached sheet, if any, including delivery as indicated.	
d. CITY Pierre		e. STATE SD		☐ b. DELIVERY - Except for billing instructions on the reverse, this delivery order is subject to instructions contained on this side only of this form and is issued subject to the terms and conditions of the above-numbered contract.	
f. ZIP CODE 57501					
9. ACCOUNTING AND APPROPRIATION DATA 2001 - - 60189 - - 252E - - - - 12810000 - - - -				10. REQUISITIONING OFFICE US Fish and Wildlife Service, MS 60189	

11. BUSINESS CLASSIFICATION (Check appropriate box(es))			
☐ a. SMALL		☒ b. OTHER THAN SMALL	
☐ c. DISADVANTAGED		☐ d. WOMEN-OWNED	
12. F.O.B. POINT Destination		14. GOVERNMENT B/L NO. N/A	15. DELIVER TO F.O.B. POINT ON OR BEFORE (Date) 06/14/2001
13. PLACE OF a. INSPECTION b. ACCEPTANCE		16. DISCOUNT TERMS 10 days % 20 days % 30 days % days %	

17. SCHEDULE (See reverse for Rejections)

ITEM NO. (a)	SUPPLIES OR SERVICES (b)	QUANTITY ORDERED (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)	QUANTITY ACCEPTED (g)
SEE LINE ITEM DETAIL						
SEE BILLING INSTRUCTIONS ON REVERSE	18. SHIPPING POINT		19. GROSS SHIPPING WEIGHT		20. INVOICE NO.	
	21. MAIL INVOICE TO: Kristin E. Babers					17(h) TOT. (Cont. pages)
	a. NAME US Fish and Wildlife Service, CGS					
	b. STREET ADDRESS (or P.O. Box) PO Box 25486, MS 60181					
	c. CITY Denver					
		d. STATE CO	e. ZIP CODE 80225		\$200.00	17(i) GRAND TOTAL

22. UNITED STATES OF AMERICA BY (Signature)

Kristin E. Babers

23. NAME (Typed)

Kristin E. Babers

TITLE: CONTRACTING/ORDERING OFFICER

ORDER FOR SUPPLIES OR SERVICES
SCHEDULE - CONTINUATIONPAGE NO.
3 of 8

IMPORTANT: Mark all packages and papers with contract and/or order numbers.

DATE OF ORDER

06/13/2001

CONTRACT NO.

ORDER NO.

601811P504

ITEM NO. (a)	SUPPLIES OR SERVICES (b)	QUANTITY ORDERED (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)	QUANTITY ACCEPTED (g)
	TIN: 466000364					
0001	APPLICATION FOR PERMIT TO APPROPRIATE WATER WITHIN THE STATE OF SD Reference Requisition: WT010040 Extended Description: CHIP ALLEN PROPERTIES MINER COUNTY, MADISON WMD Delivery Date 06/14/2001	1.00	Fee	150.000	150.00	
0002	LICENSE FEE FOR APPLICATION FOR PERMIT TO APPROPRIATE WATER WITHIN THE STATE OF SD Reference Requisition: WT010040 Extended Description: CHIP ALLEN PROPERTIES MINER COUNTY, MADISON WMD Delivery Date 06/14/2001	1.00	Fee	50.000	50.00	

TOTAL CARRIED FORWARD TO 1ST PAGE (ITEM 171) ➡ \$200.00

**Contract Level
Funding Summary**

Document Number

601811P504

Title

APPLICATION AND LICENSE FEE

Page

4 of 8

2001 - - 60189 - - 252E - - - - 12610000 - - - - -

\$200.00

Reference Requisition: WTD10040

Total Funding: \$200.00

	Document No. 601811P504	Document Title APPLICATION AND LICENSE FEE	Page 5 of 8
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COMMERCIAL CLAUSES

1 52.252-02 CLAUSES INCORPORATED BY REFERENCE

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this/these address(es):

For FAR clauses: <http://www.arnet.gov/far>

For DOI clauses: <http://www.doi.gov>

Clause	Title	Date
52.212-04	Contract Terms and Conditions--Commercial Items	May 1999
52.225-13	Restrictions on Certain Foreign Purchases	July 2000

2 52.212-05 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS--
COMMERCIAL ITEMS. AUGUST 2000

(a) The Contractor shall comply with the following FAR clauses, which are incorporated in this contract by reference, to implement provisions of law or executive orders applicable to acquisitions of commercial items:

(1) 52.222-3, Convict Labor (E.O. 11755).

(2) 52.233-3, Protest after Award (31 U.S.C. 3553).

(b) The Contractor shall comply with the FAR clauses in this paragraph (b) which the contracting officer has indicated as being incorporated in this contract by reference to implement provisions of law or executive orders applicable to acquisitions of commercial items or components:

[Contracting Officer shall check as appropriate.]

___ (1) 52.203-6, Restrictions on Subcontractor Sales to the Government, with Alternate I (41 U.S.C. 253g and 10 U.S.C. 2402).

___ (2) 52.219-3, Notice of Total HUBZone Small Business Set-Aside (Jan 1999).

___ (3) 52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Jan 1999) (if the offeror elects to waive the preference, it shall so indicate in its offer).

___ (4)(i) 52.219-5, Very Small Business Set-Aside (Pub. L. 103-403, section 304, Small Business Reauthorization and Amendments Act of 1994).

___ (ii) Alternate I to 52.219-5.

___ (iii) Alternate II to 52.219-5.

___ (5) 52.219-8, Utilization of Small Business Concerns (15 U.S.C. 637 (d)(2) and (3)).

___ (6) 52.219-9, Small Business Subcontracting Plan (15 U.S.C. 637(d)(4)).

___ (7) 52.219-14, Limitations on Subcontracting (15 U.S.C. 637(a)(14)).

	Document No. 601811P504	Document Title APPLICATION AND LICENSE FEE	Page 7 of 8
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___ (8)(i) 52.219-23, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323) (if the offeror elects to waive the adjustment, it shall so indicate in its offer).

___ (ii) ___ Alternate I of 52.219-23.

___ (9) 52.219-25, Small Disadvantaged Business Participation Program--Disadvantaged Status and Reporting (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).

___ (10) 52.219-26, Small Disadvantaged Business Participation Program--Incentive Subcontracting (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).

___ (11) 52.222-21, Prohibition of Segregated Facilities (Feb 1999)

___ (12) 52.222-26, Equal Opportunity (E.O. 11246).

___ (13) 52.222-35, Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era (38 U.S.C. 4212).

___ (14) 52.222-36, Affirmative Action for Workers with Disabilities (29 U.S.C. 793).

___ (15) 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era (38 U.S.C. 4212).

___ (16)(i) 52.223-9, Estimate of Percentage of Recovered Material Content for EPA-Designated Products (42 U.S.C. 6962(c)(3)(A)(ii)).

___ (ii) Alternate I of 52.223-9 (42 U.S.C. 6962(i)(2)(C)).

___ (17) 52.225-1, Buy American Act--Balance of Payments Program--Supplies (41 U.S.C. 10a -10d).

___ (18)(i) 52.225-3, Buy American Act--North American Free Trade Agreement--Israeli Trade Act--Balance of Payments Program (41 U.S.C. 10a - 10d, 19 U.S.C. 3301 note, 19 U.S.C. 2112 note).

___ (ii) Alternate I of 52.225-3.

___ (iii) Alternate II of 52.225-3.

___ (19) 52.225-5, Trade Agreements (19 U.S.C. 2501, et seq., 19 U.S.C. 3301 note).

___ (20) 52.225-13, Restriction on Certain Foreign Purchases (E.O. 12722, 12724, 13059, 13067, 13121, and 13129).

___ (21) 52.225-15, Sanctioned European Union Country End Products (E.O. 12849).

___ (22) 52.225-16, Sanctioned European Union Country Services (E.O. 12849).

___ (23) 52.232-33, Payment by Electronic Funds Transfer--Central Contractor Registration (31 U.S.C. 3332).

___ (24) 52.232-34, Payment by Electronic Funds Transfer--Other than Central Contractor Registration (31 U.S.C. 3332).

___ (25) 52.232-36, Payment by Third Party (31 U.S.C. 3332).

___ (26) 52.239-1, Privacy or Security Safeguards (5 U.S.C. 552a).

___ (27)(i) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (46 U.S.C. 1241).

___ (ii) Alternate I of 52.247-64.

(c) The Contractor shall comply with the FAR clauses in this paragraph (c), applicable to commercial services, which the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or executive orders applicable to acquisitions of commercial items or components:

	Document No. 601811P504	Document Title APPLICATION AND LICENSE FEE	Page 8 of 8
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[Contracting Officer check as appropriate.]

___ (1) 52.222-41, Service Contract Act of 1965, As Amended (41 U.S.C. 351, et seq.).

___ (2) 52.222-42, Statement of Equivalent Rates for Federal Hires (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).

___ (3) 52.222-43, Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiple Year and Option Contracts) (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).

___ (4) 52.222-44, Fair Labor Standards Act and Service Contract Act—Price Adjustment (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).

___ (5) 52.222-47, SCA Minimum Wages and Fringe Benefits Applicable to Successor Contract Pursuant to Predecessor Contractor Collective Bargaining Agreement (CBA) (41 U.S.C. 351, et seq.).

___ (6) 52.222-50, Nondisplacement of Qualified Workers (Executive Order 12933).

(d) Comptroller General Examination of Record. The Contractor shall comply with the provisions of this paragraph (d) if this contract was awarded using other than sealed bid, is in excess of the simplified acquisition threshold, and does not contain the clause at 52.215-2, Audit and Records—Negotiation.

(1) The Comptroller General of the United States, or an authorized representative of the Comptroller General, shall have access to and right to examine any of the Contractor's directly pertinent records involving transactions related to this contract.

(2) The Contractor shall make available at its offices at all reasonable times the records, materials, and other evidence for examination, audit, or reproduction, until 3 years after final payment under this contract or for any shorter period specified in FAR Subpart 4.7, Contractor Records Retention, of the other clauses of this contract. If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for 3 years after any resulting final termination settlement. Records relating to appeals under the disputes clause or to litigation or the settlement of claims arising under or relating to this contract shall be made available until such appeals, litigation, or claims are finally resolved.

(3) As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of form. This does not require the Contractor to create or maintain any record that the Contractor does not maintain in the ordinary course of business or pursuant to a provision of law.

(e) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c) or (d) of this clause, the Contractor is not required to include any FAR clause, other than those listed below (and as may be required by an addenda to this paragraph to establish the reasonableness of prices under Part 15), in a subcontract for commercial items or commercial components--

(1) 52.222-26, Equal Opportunity (E.O. 11246);

(2) 52.222-35, Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era (38 U.S.C. 4212);

(3) 52.222-36, Affirmative Action for Workers with Disabilities (29 U.S.C. 793);

(4) 52.247-64, Preference for Privately-Owned U.S. Flag Commercial Vessels (46 U.S.C. 1241) (flow down not required for subcontracts awarded beginning May 1, 1996); and

(5) 52.222-41, Service Contract Act of 1965, As Amended (41 U.S.C. 351, et seq.).



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 14, 2001

Kristen Babers
US Fish & Wildlife Service
PO Box 25488, MS 60181
Denver, CO 80225

RE: Water permit application

Dear Ms. Babers:

Enclosed is the invoice for payment of the Application for a Permit to Appropriate Water filed by U.S. Fish and Wildlife Service. After the electronic payment has been made, further processing of the application will continue.

We will contact you prior to publication of the application so the necessary arrangements can be made. If you have any questions, please contact me.

Sincerely,

Eric Gronlund
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

* INVOICE *

Invoice No. 20411-61401

United State Department of Interior
Fish and Wildlife Service
PO Box 25488, MS 60181
Denver, CO 80225

New application and License fee (Chip Allen Property)
US FWS PO No. 601811P504

\$200.00

PLEASE PAY THIS AMOUNT: \$200.00

Eric Gronlund
Water Rights Program
(605) 773-3352

3115

I'm expecting another wire from US Fish & Wildlife Service, Denver for \$200.00. Thanks.

REPORT ON
WATER PERMIT APPLICATION NO. 6265-3
U.S. Fish & Wildlife Service
August 10, 2001

Water Permit Application No. 6265-3 has been filed by the U.S. Fish & Wildlife Service (USFWS) to impound 39 acre-feet of water from runoff by restoring a drained wetland located in the NW ¼ SW ¼ of Section 29-T105N-R58W, in Miner County. The application also requests impoundment of sufficient water to maintain water to the natural overflow elevation of the wetland. The water will be used for fish and wildlife production.

Discussion:

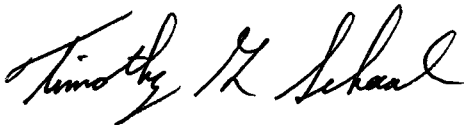
The proposed embankment will only be 1.5 to 2 feet high with a storage capacity of 39 acre-feet. Due to the small size of the embankment, it is not considered to be a dam and the design of the structure is not subject to the requirements of the Safety of Dams Rules, Chapter 74:02:08.

The USFWS has restored several drained wetlands on this property, owned by Ducks Unlimited, Inc., and commonly know as the Chip Allen Property. This particular wetland restoration is similar to the other projects, except it is of sufficient size to require a water permit. The USFWS uses construction specifications developed by the Natural Resources Conservation Service (NRCS) for plugging drained wetlands.

The wetland restoration project will be located in the NW ¼ SW ¼ of Section 29-T105N-R58W on an unnamed tributary to the James River and approximately 200 to 300 feet upstream of the Ness Chain Lakes system which are approximately 10 miles upstream of the James River. There are no existing Water Permits/Rights located on the unnamed tributary between the Ness Chain Lakes and the James River. The Department of Game, Fish and Parks holds Vested Water Right No. 1854-3 for 270 acre-feet of water in the Ness Chain Lakes. The Ness Chain Lakes system has more than 10 square miles of drainage area, compared to the 325 acres of drainage above the drained wetland. Approval of Water Permit No. 6265-3 should not have an adverse effect on Vested Water Right No. 1854-3.

Conclusion:

1. Water Permit Application No. 6265-3 should be approved since unappropriated water is available and approval should not have any adverse effect on existing Water Permits/Rights.
2. If approved, the low flow bypass requirement for domestic use should be a qualification on Water Permit Application No. 6265-3.



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

Approved by:



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



Revised 9/26/2001

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6265-3, U. S. Fish & Wildlife Service**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6265-3, U. S. Fish and Wildlife Service, c/o Cheryl Williss, PO Box 25486, Denver Federal Center, Denver CO 80225.

The Chief Engineer is recommending APPROVAL of Application No. 6265-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Water Permit No. 6265-3 authorizes restoration of a wetland with a storage capacity of 39 acre feet of water and sufficient water annually to maintain the water level to the natural overflow elevation of the wetland.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 21, 2001



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 21, 2001

Miner Co. Pioneer
PO Box 220
Howard, SD 57349

ATTENTION: Legal Public Notice

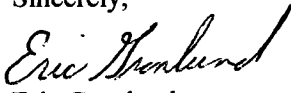
Enclosed is a Notice of Hearing on Application No. 6265-3 to Appropriate Water to be published twice. Please publish the first notice on September 6, 2001 with the second publication 7 days later.

The applicant must verify to you that the notice is to be published, before you make the first publication **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is U.S. Fish & Wildlife Service, Attn: Cheryl C. Williss, PO Box 25486, Denver Federal Center, Denver, CO 80225 (Ph # 303-236-5321).

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. 6265-3

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

Date _____

We are in receipt of your letter of August 21, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 6265-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

August 21, 2001

USA, Fish and Wildlife Service
Attn: Cheryl C. Williss
PO Box 25486
Denver Federal Center
Denver, CO 80225

Dear Ms. Williss:

Water Permit Application No. 6265-3 for fish and wildlife use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Miner Co. Pioneer printed at Howard, SD (Ph # 605-772-5644). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 also 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.

Instruction to Newspaper - Publish first Notice on September 6, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6265-3 to Appropriate Water

Notice is given that the U.S. Fish & Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80225 has filed an application for a water permit to impound 39 acre-feet of water from runoff by restoring a drained wetland located in the NW ¼ SW ¼ Section 29 with water impounded in the NW ¼ SW ¼, SW ¼ NW ¼, E ½ NW ¼ Section 29; all in T105N-R58W. This application request impoundment of sufficient water to maintain water to the natural overflow elevation of the wetland and is to be used for fish and wildlife propagation purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6265-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 24, 2001.

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

**NOTICE OF APPLICATION
NO. 265-3 TO
APPROPRIATE WATER**

Notice is given that the U.S. Fish & Wildlife Service, PO Box 25486, Denver Federal Center, Denver, CO 80225 has filed an application for a water permit to impound 39 acre-feet of water from runoff by restoring a drained wetland located in the NW 1/4 SW 1/4 Section 29 with water impounded in the NW 1/4 SW 1/4, SW 1/4 NW 1/4 E 1/2 NW 1/4 Section 29; all in T105N-R58W. This application request impoundment of sufficient water to maintain water to the natural overflow elevation of the wetland and is to be used for fish and wildlife propagation purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6265-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In according with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 24, 2001.

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

Steven M. Pirner
Secretary, Department of
Environment and

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Miner: ss.

Danny Schwans of said County and State, being duly sworn, on his oath says: That the Miner County Pioneer is a legal newspaper of general circulation, printed and published in Howard, said County and State, by Danny Schwans, and has been such newspaper during the time hereinafter mentioned; and that I, Danny Schwans, the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement or notice

headed Notice of Application No 6265-3
To appropriate Water

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, once each week for ... 2 ...

successive weeks, the first publication being made on the 6th day of Sept ... 2001

and the last publication on the 13th day of Sept ... 2001

The first publication being made on the day of 19....

The second publication being made on the day of 19....

The third publication being made on the day of 19....

The fourth publication being made on the day of 19....

The fifth publication being made on the day of 19....

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies weekly, and has been published within the County of Miner, for more than fifty-two successive weeks next prior to the first publication of said notice, and is printed in an office maintained in Howard, South Dakota, the place of publication of said newspaper. That the full amount of fees for publication of the annexed notice is \$46.13 and inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any person whomever.

Danny Schwans

Subscribed and sworn to me this 17th day of Sept ... 2001

Brent Rump

My Commission expires the 14th day of May ... 2002



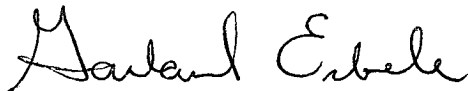
**REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6265-3, U. S. Fish & Wildlife Service**

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. 6265-3, U. S. Fish and Wildlife Service, c/o Cheryl Williss, PO Box 25486, Denver Federal Center, Denver CO 80225.

The Chief Engineer is recommending APPROVAL of Application No. 6265-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

Water Permit No. 6265-3 authorizes restoration of a wetland with a storage capacity of 39 acre feet of water and sufficient water annually to maintain the water level to the natural overflow elevation of the wetland.

See report on application for additional information.

A handwritten signature in cursive script, reading "Garland Erbele".

Garland Erbele, Chief Engineer
September 26, 2001



United States Department of the Interior

FISH AND WILDLIFE SERVICE Mountain-Prairie Region

IN REPLY REFER TO:

BA WTR
WR SD
Mail Stop 60189

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

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

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

SEP 21 2001

Dear Mr. Erbele:

The Fish and Wildlife Service has received the August 21, 2001, letter conveying the Chief Engineer's Recommendation for Water Permit Application No. 6265-3. The application is for a proposed wetland restoration on the Chip Allen property, Miner County, South Dakota, in cooperation with Ducks Unlimited, Inc. The property is owned by Ducks Unlimited and the Service holds a perpetual easement.

The Service respectfully requests that you reconsider the proposed condition No. 2 which requires release of low flows as needed for downstream domestic use. This drained wetland would be restored to its historic condition, when spring runoff was held in the wetland up to its natural overflow elevation, and only excess runoff spilled out of the marsh. It would be very difficult at this site to quantify any additional inflow after spring runoff, if it ever became necessary to release for downstream uses an amount of water equivalent to inflow. And, immediately downstream is a previously restored wetland which would receive any released inflow. As Mr. Schaal's report noted, the wetland is located only 200 to 300 feet upstream of the Ness Chain Lakes system, with a drainage area of more than 10 square miles; an area far greater than the estimated 325-acre drainage area of the proposed wetland restoration project.

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

Sincerely,

Cheryl C. Williss
Chief, Division of Water Resources

cc: Ducks Unlimited, Inc.
Great Plains Regional Office
3502 Franklin Ave.
Bismarck, ND 58501





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 27, 2001

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

Dear Ms. Williss:

The Water Rights Program has received your request to remove the low flow bypass qualification proposed on my original recommendation for Water Permit Application No. 6265-3. This application is to impound runoff by restoring a drained wetland known as the Chip Allen property in Miner County, South Dakota.

Upon review of this wetland restoration project, I have revised my recommendation to delete qualification No. 2. The decision to delete the low flow bypass qualification is based on the fact that immediately downstream of this project is a wetland and the Ness Chain Lake System. A copy of the revised recommendation is enclosed.

If you have any questions on this recommendation, please contact Eric Gronlund or myself at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

enclosure



NOV 07 2001

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

U.S. Fish and Wildlife Service
Attn: Cheryl Williss
PO Box 25486
Denver Federal Center
Denver, CO 80225

Dear Ms. Williss:

Enclosed is Water Permit No. 6265-3 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



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

RECEIVED

OCT 11 2002

WATER RIGHTS
PROGRAM

IN REPLY REFER TO:

BA WTR
WR SD
Mail Stop 60189

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

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

OCT 07 2002

Water Rights Division
Department of Environment and
Natural Resources
523 East Capitol
Pierre, South Dakota 57501-3181

RE: Water Permit No. 6265-3

Dear Sir or Madam:

The Fish and Wildlife Service completed construction and put water to beneficial use on May 15, 2002, under Water Permit No. 6265-3, located on the Madison Wetland Management District in Miner County. Enclosed is *Notice of Completion of Works and Application of Water to Beneficial Use*. The \$50 water license fee was paid by EFT on July 23, 2001. Please schedule an investigation so that the water license may be issued.

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

Sincerely,

Linda Coe
Water Rights Specialist

Enclosure

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate OCT 07 2002TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED

OCT 11 2002

WATER RIGHTS
PROGRAMFROM: UNITED STATES OF AMERICA
Fish and Wildlife Service
(name)P.O. Box 25486, Denver Federal Center
(address)Denver, CO 80225
(city, state, zip)303-236-5322
(phone)

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

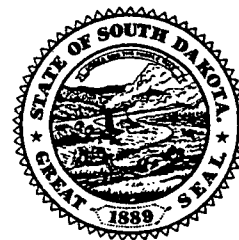
Water Permit No. 6265-3 states that the water use system is to be constructed by September 24, 2006, and water is to be put to beneficial use by September 24, 2010.
(date) (date)

The water use system was completed on November 19, 2001.
(date)

Applying the water to beneficial use was completed on May 15, 2002.
(date)

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

Cheryl C. Williss
(signature)
Cheryl C. Williss, Agent



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6265-3

I have this day, July 15, 2021, made a thorough examination of the water use system constructed by US Fish & Wildlife Service, PO Box 25486, Denver Federal Center, Denver, CO 80225 of Permit No. 6265-3, bearing the priority of June 6, 2001 authorizing the storage of 39 acre-feet of the waters of runoff for fish & wildlife propagation purposes, in Miner County.

A. Works used to divert the water:

Dam Information:

- 1) Drainage ditch was filled in up to surrounding ground surface.
- 2) Date constructed: May 15, 2002

D. Compliance with Permit Requirements:

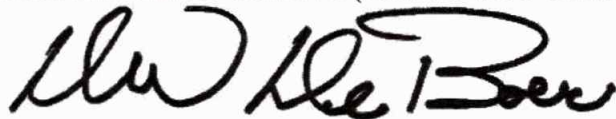
- 1) Permit qualifications being abided by Y
- 2) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: From the NW corner of Sec 29 T105N R58W, 430 ft E & 3230 ft S, Lat 43.87030 Long -97.82805 (NW SW Sec 29)
2. The works are capable of storing 39 acre-feet of water which is to be used for fish & wildlife propagation.
3. All structures, wells and lands on map Y

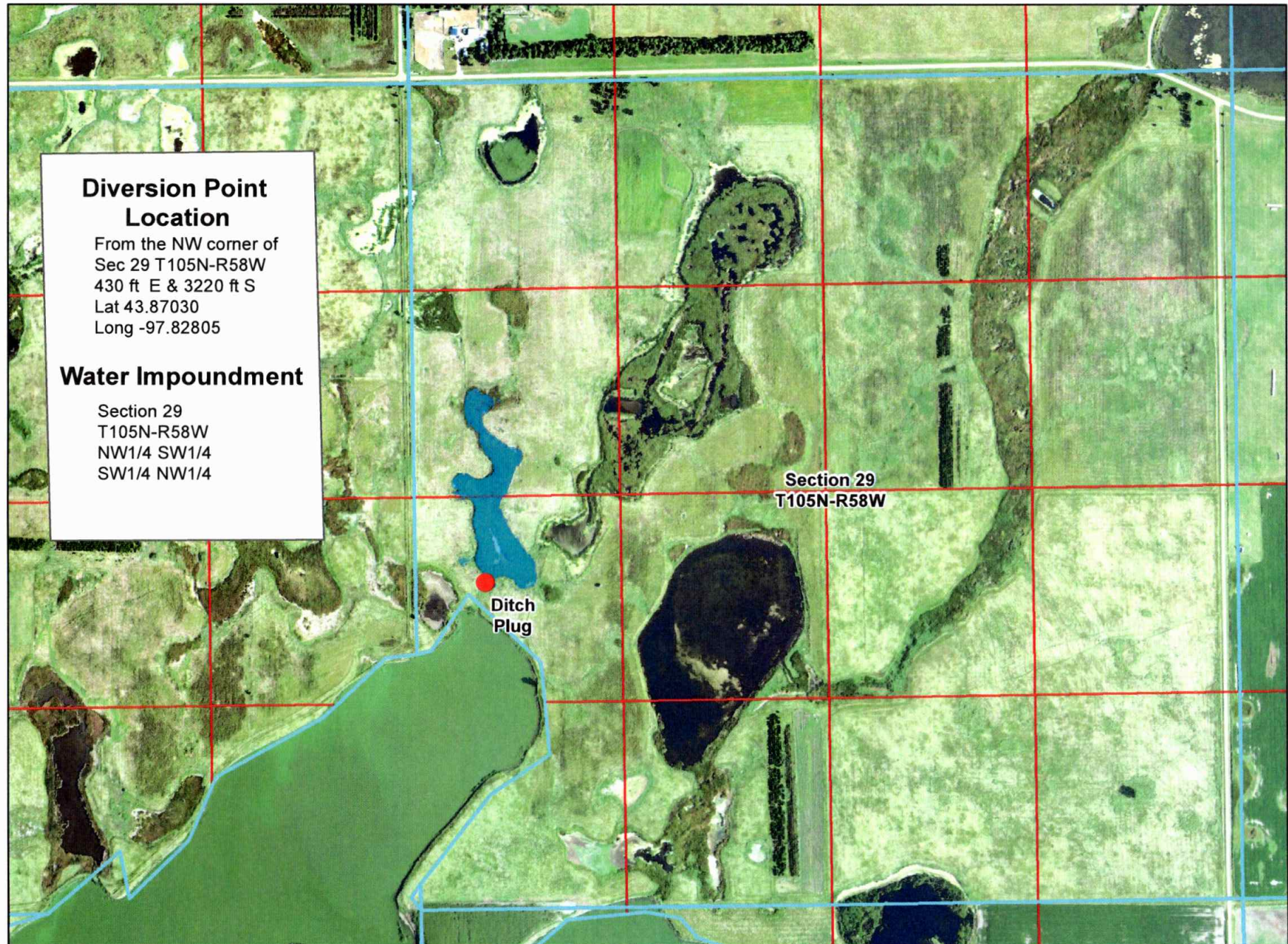
F. Comments or other permit(s) associated with the project:

Current contact folks are Bryan Shultz (605/256-2974 Office & 605/480-1853 Cell) at the Madison, SD Office and Carrie Cordova (303/236-5399 Office) at the Denver regional office.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: July 16, 2021



0 625 1,250 2,500 3,750 5,000 Feet



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

JUL 26 2021

6265-3

Carrie Cordova
US Fish & Wildlife Service
Denver Federal Center
PO Box 25486
Denver CO 80225

Dear Ms. Cordova:

Enclosed is Water License No. 6265-3. This is the final water right document completing the process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6265-3

(1) The US Fish & Wildlife Service, PO Box 25486, Denver CO 80225 made Application No. 6265-3, June 6, 2001 for a water permit to impound 39 acre feet of water from runoff by restoring a drained wetland located in Miner County, South Dakota for fish and wildlife propagation purposes. Permit No. 6265-3, with a priority date of June 6, 2001 was approved September 24, 2001 and issued to the applicant for impoundment of water with construction of the described water supply system to be completed on or before September 24, 2006 and for the application to beneficial use of said water on or before September 24, 2010.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to impound 39 acre feet of water with sufficient water annually to maintain water to the natural overflow elevation of the wetland for beneficial use.

The location of the ditch plug is:

- 430'E and 3,230'S of the NW corner of Section 29, T105N, R58W (NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 29)
Latitude 43.87030, Longitude -97.82805

Water is impounded in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 29

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 the US Fish & Wildlife Service, PO Box 25486, Denver CO 80225 the holder and/or owner of Water Right No. 6265-3 is issued a license to impound 39 acre feet of runoff water with a priority date of June 6, 2001 from the location specified in (2) of this license for fish and wildlife propagation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6265-3 and subject to the following qualifications:

- Water Right No. 6265-3 authorizes restoration of a wetland with a storage capacity of 39 acre feet of water and sufficient water annually to maintain the water level to the natural overflow elevation of the wetland.



Eric Gronlund, Chief Engineer

Water Rights Program

Department of Agriculture and Natural Resources

JUL 26 2021

date

