

WATER PERMIT NO. 6277-3

Name of Applicant: Jerry L Moench

Address: 207 E 29th St, Sioux Falls SD 57105

Phone: 605 334-5937

Amount of Water Claimed: 122 AF

Total Acres: NA

Source of Water Supply: runoff

Water to be used for: fish & wildlife propagation

County: Hanson

Type of Waste Disposal System:

Location: 4 miles south of Alexandria

PRIORITY Date Received: 8-9-2001

Fee: \$225

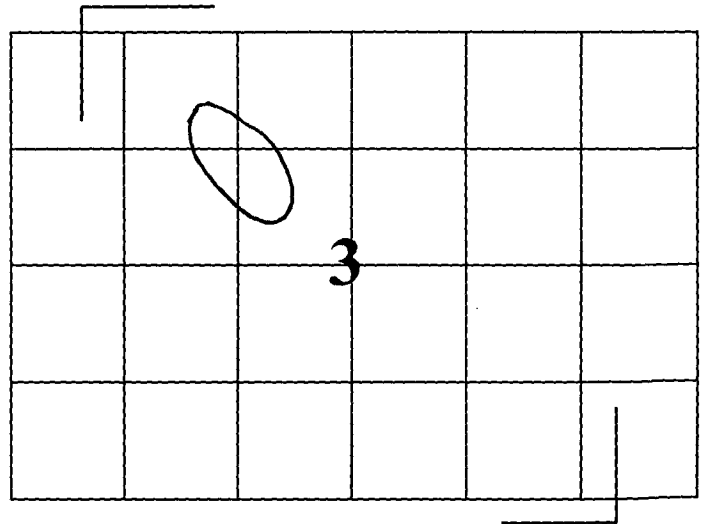
Corrected Application Received:: 8-15-2001

Period of Annual Use: Jan 1-Dec 31

Remarks: wetland restoration project

Diversion Point: ~~NE~~ ¼ NW ¼ Sec 3-T101N-R58W

Water Impounded: NW ¼ Sec 3-T101N-R58W



Depth of Well: NA

Well Driller: : NA

Remarks:

Type of Map: topo

Prepared by: Roger Smith, DU

Reviewed and the Number Assigned on: 8-23-2001

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 6277-3

Date of first receipt of application August 9, 2001.

Date of return to applicant for corrections, amendments or changes August 9, 2001.

Date of receipt of corrected application August 21, 2001.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6277-3 to Jerry L Moench, 207 E 29th St, Sioux Falls SD 57105 authorizing the construction of the dam and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6277-3 authorizes impoundment of 122 acre-feet of water from runoff by constructing a dam on the headwaters of Bloom Creek located in the SE ¼ NW ¼ Section 3 with water impounded in the NW ¼ Section 3; all in T101N-R58W.
2. The water appropriated shall be used for the purpose of fish and wildlife propagation in a wetland restoration project 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. 6277-3 is October 22, 2001.
5. The date from which applicant may claim right is August 9, 2001.
6. One-fifth of the construction is to be completed on or before April 22, 2004.
7. All construction is to be completed on or before October 22, 2006.
8. Water is to be put to beneficial use on or before October 22, 2010.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Water Permit No. 6277-3 authorizes a dam with a storage capacity of 122 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation of 1,308.0 feet mean sea level.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
3. Prior to construction of the dam, flood easements shall be obtained for property in the SW ¼ NW ¼ of Section 2, T101N, R58W and the portion of the east/west watercourse within the SW ¼ of Section 34, T102N, R58W, near the south section line, below elevation 1,311.0 feet mean sea level.

WATER MANAGEMENT BOARD

By: Garland Erbele

Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

DEC 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>6277-3</u>	(office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>	
	Newspaper <u>Alexandria Herald, Alexandria</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 Jerry L. Moench Phone (605) 334-5937
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 207 E. 29th Street, Sioux Falls State SD 57105
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed *CFS or **GPM 122 ***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
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
NW1/4, NE1/4 Section 3 T101N-R58W Water Impounded NW1/4 Sec 3 - T101N-R58W
SE1/4 NW1/4 County Hanson
- County or counties where water will be used Hanson
- Annual period during which water is to be used March - November 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)

See attached Design Report (Jerry Moench Wetland SD-332) by Ducks Unlimited, Inc.

Included with application is a final set of construction plans stamped by Roger C. Smith P.E. (PE-4325)

STATE OF SOUTH DAKOTA)
County of Minnehaha) SS

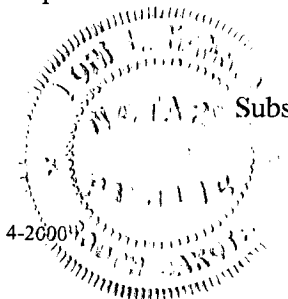
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, JERRY L. MOENCH, 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 [Signature]

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

[Signature]
Notary Public signature



(type or print in ink)

1. Well Information - Proposed Construction

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

2. Wastewater Disposal System Information

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

3. Dugout Information

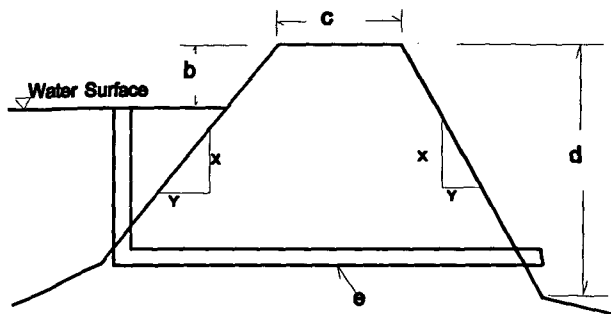
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

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

Ducks Unlimited, Inc. (Roger Smith, P.E.)
2525 River Road, Bismarck, ND
701-355-3556



- b) Freeboard **3'**
- c) Crest Width **12'**
Crest Length **444'**
- d) Height **11'**
- e) Primary Outlet Capacity **82 cfs**
If pipe, diameter **36" CMP**
- f) Secondary Spillway Capacity **1262 cfs**
Spillway Width **2 totaling 230'**
- g) X & Y Slope **3:1**
Upstream **3:1**
Downstream **3:1**
- h) Surface Area of Impoundment **52.4**
- i) Storage **122** Acre Feet
- j) Drainage Area Above Dam **4960** Acres

Water Permit Application No 6277-3

Jerry L. Moench

Top of Dam Elev. - 1311
 2nd Spillway Elev. - 1309
 P. Spillway Elev. - 1308
 D/S Toe Elev. - 1300

Cat. 3 - Low Hazard Dam

Ht = 11 ft

Normal Storage Capacity = 122 Ac-Ft
 Int. Storage Capacity = 174
 Max Storage Capacity = 310

Int. Capacity x Est Ht. = $174 \times 9 = 1566 < 3000 \therefore 25 \text{ yr}$
Minimum Spillway Design

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

DA = 4960 Ac = 7.75 mi.²
 Slope = 10 ft/mi.
 S = 3.33

$$Q_{25} = 83.4 A^{.60} S^{.44} S^{-.72}$$

$$= 83.4 (7.75)^{.6} (10)^{.44} (3.33)^{-.72}$$

$$= 83.4 (3.42) (2.75) (0.4206)$$

$$= \underline{330 \text{ cfs}}$$

$$Q_{100} = 132 A^{.65} S^{.46} S^{-.67}$$

$$= 132 (7.75)^{.65} (10)^{.46} (3.33)^{-.67}$$

$$= 132 (3.78) (2.88) (0.4466)$$

$$= \underline{642 \text{ cfs}}$$

Secondary Spillway Flow

$$Q = CLH^{3/2} \quad C = 2.6$$

$$= (2.6)(230)^{1.5} \quad L = 230$$

$$= \underline{1691 \text{ cfs}} \quad H = 2$$

NRCS Annual Yield

CN=70 ISO=3 DA=4960

Section 74:02:08:09

1. Topo Map - OK
2. Dam Axis Profile - OK
3. Dam X-Sec. - OK
4. Area Capacity - OK
5. Outlet Details - OK
6. Spillway Rating - OK
7. Spillway Details - OK
8. Specs - Std DU - OK
9. EPP - N/A Cat. 3 - OK

80% chance = 0.12
 $0.12 \times 4960/12 = \underline{50 \text{ Ac-Ft}}$

50% chance = 0.35
 $0.35 \times 4960/12 = \underline{145 \text{ Ac-Ft}}$

10% chance = 2.0
 $2.0 \times 4960/12 = \underline{825 \text{ Ac-Ft}}$

DESIGN REPORT

For

**JERRY MOENCH
WETLAND RESTORATION**

HANSON COUNTY, SD (SD-0332-01)

July 23, 2001



Ducks Unlimited, Inc.
2525 River Road
Bismarck, ND 58501

DESIGN REPORT

PROJECT: Jerry Moench Wetland
SD -0332-01

LOCATIONS: NE ½ SECTION 3, TWP. 120 N RGE. 58W
Hanson County, South Dakota

MARSH DATA: Full Service Level (FSL) @ 1308.0
52.4 Surface Acres @ FSL
122 Acre-Feet Capacity @ FSL
Maximum Depth -6'

PROJECT DATA: Top of Dam - elevation 1311.0
Primary Spillway - elevation 1308.0
Emergency Spillway - elevation 1309.0
Upstream Berm - 10' wide @ elevation 1308.0
Side Slopes - 3 (horizontal): 1 (vertical)

CLASSIFICATION: Based on the classification criteria outlined in Chapter 74:02:08 "Safety of Dams," it is recommended that the proposed reconstructed dam be classified as a small, Category 3 dam. No loss of life and minimal economic loss is expected should failure occur. The product of the "maximum storage capacity" times the "effective height" is 2790. (310 acre-feet x 9.0')

PRELIMINARY RISK ASSESSMENT: The proposed dam planned on the headwaters of a creek referred to on USGS topography maps as Bloom Creek, a tributary to the James River. The proposed dam site is 3300' upstream of the first unimproved roadway crossing. There are a total of 3 unimproved roadway crossings between the dam site and the James River, located 4.5 miles downstream. Drainage through the portion of the creek where the project is proposed has been improved by snagging, clearing, and channel excavation. Below the property boundary, entering the south ½ of section 3, no recent improvements have been made. The channel is choked with timber and has a 6" drop from the outlet pipe to the existing 36" CMP 3300' downstream at the first unimproved roadway crossing (see picture below right). The difference between the roadway top and the invert of the 36" culvert is 5.5'. Due to the physical restrictions below the property boundary, a wetland has formed in the north ½ of the section. Failure of the proposed dam may result in the roadway immediately downstream being overtopped if channel restrictions are not so severe as to impede flows (below left).



PROPOSED PROJECT: The project consists of constructing a dam across the creek and two dikes to contain the resulting reservoir on the property. The dam will contain a primary spillway with variable level drawdown capabilities. Two separate natural spillways will carry flows not passed by the primary spillway. Embankment material will be compacted to 95% of the Standard Proctor at -1% to +3% of optimum moisture. The dam will be constructed having a top width of 12' and having a 10' berm at the upstream full service level. All slopes will be constructed to a 3:1 slope.

PRIMARY SPILLWAY: The structure will have fixed level water control capabilities at elevation 1308.0. Variable level water control will be provided by a separate structure having the capability of retaining water at 4" increments between elevations 1301.7 and 1308.0. The riser, acting, as a circular weir will be a 72" 12 gage corrugated metal pipe. The outlet barrel will be a 36", 14 gage corrugated metal pipe at a 0% slope at elevation 1300.0. All corrugated metal pipe will be coated with a 10-mill polymeric film laminate both inside and outside. A protected plunge pool will be located at the discharge end of the outlet pipe.

EMERGENCY SPILLWAY: Two natural emergency spillways will carry flows not carried by the primary spillway. Each will outflow at approximately the same time, just above elevation 1309.0. One spillway will be developed on the north abutment and the other is a natural swale. Both spillways offer well vegetated, gradual outlet slopes

HYDROLOGY / HYDRAULICS: A hydrologic analysis of surface water runoff was performed using two methods. A peak discharge was determined from regression equations developed in WATER-RESOURCE INVESTIGATIONS REPORT 80-80 USGS. The NRCS TR-20 METHOD was used to determine the inflow hydrograph. The hydraulic curve number used in the TR-20 METHOD was manipulated to create peak discharges similar to those developed from the regression equation. Other assumptions made in developing inflow hydrographs by the TR-20 METHOD were:

Rain Duration = 1.00

Rain Table # = 1

Antecedent moisture condition = 2

Inflow hydrographs developed from the TR-20 METHOD were routed through the primary and emergency spillways. This yielded outflow hydrographs revealing peak discharges at maximum reservoir elevations corresponding to various runoff events. The following table is a summary of that printout:

PARAMETERS:

WATERSHED – 7.75 SQ MI

TIME OF CONCENTRATION – 6.0 HOURS (increased to account for u/s storage)

CURVE #'s – 60 (5 yr) 62 (10 yr) 64 (25yr) 68 (100 yr)

Event frequency	Rainfall (in)	Runoff (ac-ft)	Peak Inflow (cfs)	Peak Discharge (cfs)	Max WSP (elevation)	Freeboard* (ft)	Flow in E.S.(s) (cfs)
5 yr	3.4	128	110	85	1309.06	1.94	0
10 yr	3.95	219	203	163	1309.25	1.75	<10
25yr	4.6	347	349	292	1309.53	1.47	210
100 yr	5.78	365	703	654	1309.94	1.06	621

*Calculated from top of compacted fill, excluding topsoil. The primary spillway capacity was calculated by

comparing discharges developed by the weir flow formula and formulas for calculating head loss through corrugated metal pipe. The emergency spillway capacity was estimated from FLOWCOMP, a computer-aided hydraulic program analyzing gradually varied flow profiles in prismatic open channels using the standard step method.

DROUGHT ANALYSIS: The frequency in which there will be adequate runoff was not an important criteria to project sponsors. Using NRCS methods, the 80% and 50% annual runoff will generate 50 and 145 acre-feet respectively. The annual requirement assuming an evaporative loss of approximately 3.0 feet is 96 acre-feet. There is evidence that inflows will be supplemented from subsurface contributions. There are numerous wetlands upstream of the project making it difficult to predict annual runoff volumes.

SOIL INVESTIGATION: As of this writing a soil investigation has not been completed. A preliminary investigation determined that suitable quantities of acceptable material are likely. A soil investigation report, to be completed in the near future, will be available upon request. The plans will be modified to show the approved borrow areas as well as any other modifications recommended by the geotechnical consultant.

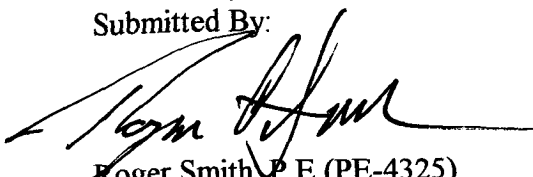
IMPACTS TO SURROUNDING PROPERTY: The planned construction and subsequent reservoir at the full service level will be contained within land owned by Jerry Moench and managed by Ducks Unlimited through a Wildlife Extension Agreement. The picture to the left below shows a view standing on the east property boundary looking south. Runoff from snowmelt is still in progress. A 12" CMP exists in the trail at an elevation of 1310.5, or .5 feet below the top of the dam. Land to the east (left) of the trail is not owned by Mr. Moench. The picture on the right is at the north boundary. Both pictures show that present drainage patterns are sluggish. Land outside of Mr. Moench's ownership is below the elevation of the top of the proposed dam. Ducks Unlimited will not proceed with construction given a protest from either of the adjoining landowners. It is the intent of Ducks Unlimited to secure a signed Wildlife Extension Agreement from both parties prior to construction.

LOOKING SOUTH



Dated: July 23, 2001

Submitted By:


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

Ducks Unlimited
Great Plains Regional Office



United States Department of the Interior

FISH AND WILDLIFE SERVICE
LAKE ANDES NATIONAL WILDLIFE REFUGE COMPLEX
38672 291st Street
LAKE ANDES, SOUTH DAKOTA 57356-6838
605-487-7603



Water Rights Program

August 8, 2001

Attn: Karen

Joe Foss Bldg., 523 E. Capitol
Pierre, SD 57501-3181

Karen,

Enclosed is an application for permit to appropriate water. The proposed project is located on private land owned by Jerry Moench in Hanson County. Project design has been completed by Ducks Unlimited, Inc. Copies of the survey plans and design report are included. Project partners at this time are Jerry Moench, Ducks Unlimited, Inc., and the U.S. Fish & Wildlife Service.

The proposed project is to be located on what is known as Drainage Ditch #2. The Hanson Co. Registrar's office has documentation pertaining to the establishment of the ditch in 1910, although no official documents were ever "filed" with their office. The landowner, Jerry Moench, and Roger Smith, DU Engineer, are scheduled to meet with the Hanson Co. Commission the morning of Tuesday, August 21 to discuss the proposed project. The County Commission also serves as the Drainage Board. Neighboring landowners will also be invited to attend the meeting with hopes that all concerns can be addressed at this time.

If possible, I would like to submit the fee using electronic payment. If I understand the system correctly, you will invoice U.S. Fish & Wildlife Service for \$275. We then issue a purchase order and the payment is made electronically. Diane Von Eschen will take care of the purchase order here at the Lake Andes National Wildlife Refuge. If this is incorrect or if you require additional information, please give me a call at 487-7603.

Sincerely,

Steven D. Spawn
Biological Technician



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 9, 2001

Diane Von Eschen
US Fish & Wildlife Service
Lake Andes Nat'l Wildlife Refuge
38672 291st St
Lake Andes SD 57356-6338

Dear Ms. Von Eschen:

As requested, enclosed is an invoice for the application/license fee regarding the *Application for a Permit to Appropriate Water* for the Jerry L Moench project in Hanson County.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

* INVOICE *

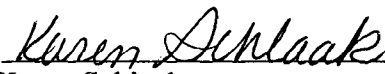
Invoice No. 20411-8901

United State Department of Interior
Fish and Wildlife Service
Lake Andes National Wildlife Refuge
38672 291st St
Lake Andes, SD 57356-6838

New application /License fee

\$275.00

PLEASE PAY THIS AMOUNT: **\$275.00**


Karen Schlaak
Water Rights Program
(605) 773-3352

Verhelst, Sandy

From: Tillman, Sandy
Sent: Wednesday, August 15, 2001 2:40 PM
To: Verhelst, Sandy
Subject: RE: Wire

FWS TREAS 312 MISC PAY 081401 466000364141600 RMT*IV*LAKE ANDES REFUGE **
\$275.00 08/14/2001

5220FWS TREAS 312 3121036500CCDMISC PAY
08140101081422621210365000000103
622091408598000000017012697630000027500466000364141600SOUTH DAKOTA DEPT OF
061121036504328309
705RMT*IV*LAKE ANDES REFUGE *****INVOICE DATE: 08/10/01
\00014328309

-----Original Message-----

From: Verhelst, Sandy
Sent: Friday, August 10, 2001 9:41 AM
To: Tillman, Sandy
Cc: Verhelst, Sandy
Subject: Wire

We are expecting 2 wires.
Both are from the United States Dept of Interior
\$275.00 and \$200.00
Thanks

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 416897

Pierre, August 21, 2001

RECEIVED OF US Fish & Wildlife Service, Lake Andes National Wildlife Refuge, 38672 291st St.

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

Lake Andes, SD 57356-6838

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____	225	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____ payment was an electronic transfer		

(Any Other Work Provided by Law)	Total	275 00

By

Darland Elvik
Chief Engineer

gm



United States Department of the Interior

FISH AND WILDLIFE SERVICE
LAKE ANDES NATIONAL WILDLIFE REFUGE COMPLEX
38672 291st Street
LAKE ANDES, SOUTH DAKOTA 57356-6838
605-487-7603



Date: 8/14/01

To: Tim Schaal

From: Steve Spawn

Subject: Jerry Moench Project, Hanson Co.
Drainage Ditch #2 Information



Tim,

Enclosed is all documentation I could find at the Hanson Co. Register of Deeds Office concerning Drainage Ditch #2. Thanks for the guidance concerning this project.

Sincerely,

Steven D. Spawn

NOTICE OF DRAINAGE ASSESSMENT.

TO WHOM IT MAY CONCERN:

Notice is hereby given that the board of county commissioners of Hanson county, South Dakota, did on the ~~first~~^{fourth} day of October A. D., 1910, make and levy an assessment upon the property benefited for the establishment and construction of Drainage Ditch NO. 2, in said county and state and that a certified copy of said assessment will be filed in the office of the county treasurer of Hanson county, South Dakota, on November first, 1910.

You are further notified that said assessment will become delinquent on the 11th day of November A. D., 1910, and that on and after said last named date, a penalty of 5 per cent will attach thereto and that on and after said last named date, interest on said assessment will begin to run from October 1, 1910, at 6 per cent per annum.

The following is a description of the property assessed, the name of the owner as appears in said assessment, the amount of each assessment together with the amount assessed against the townships of Wayne and Beulah, all the property hereafter described being included within the drainage area of said drainage ditch.

Description	Section	Township	Range	Owner	Units	Amount
West half Southwest quarter	35	102	58	George Gordon	2.05	\$851.95
East half Southwest quarter	35	102	58	Anna Twamley	1.01	419.75
West half Southeast quarter and southeast quarter	35	102	58	Hume Twamley	.86	357.40
South half Southeast quarter	27	102	58	Frank J. Weeks	.31	128.83
Northeast quarter	34	102	58	Ernest Hamann	1.24	515.32
South half Southwest quarter						

Description	Section	Township	Range	Owner	Units	Amount
Southeast quarter	34	102	58	Henry Montgomery	1.73	718.95
East half						
Northeast quarter and Northwest quarter Northeast quarter	2	101	58	Mathias Michels	.61	253.51
Northwest quarter	2	101	58	Daisy Whitney	.07	29.10
West half						
Northwest quarter	2	101	58	George E. Letcher	.44	182.86
Northeast quarter	3	101	58	J. J. August Knepper	1.00	415.58
East half						
Northwest quarter and Southwest quarter Northwest quarter	3	101	58	Mayner J. Hicks	1.21	502.86
West half				Lizzie		
Southeast quarter	3	101	58	Tunnicliff	.19	78.96
Southwest quarter	3	101	58	William S. Hill	.82	340.78
North half						
Northwest quarter	10	101	58	David Lowry	.32	132.98
Northwest quarter	11	101	58	Ailt Edzards	.18	74.80
Northwest quarter						
Southwest quarter	11	101	58	Freerd Edzards	.05	20.78
East half						
Northeast quarter and Northwest quarter Northeast quarter	10	101	58	Jeremiah Shade	.17	70.65
Northwest quarter	34	102	58	R. C. Gingles	.06	24.94
Wayne Twoship, Hanson county, South Dakota						800.00
Beulah Township, Hanson county, South Dakota						580.00
					12.32	\$6600.00

Reference is hereby made to the assessment on file in the office of the county auditor of said Hanson county, South Dakota for further particulars.

Dated at Alexandria, South Dakota, October 1, 1910.

BOARD OF COUNTY COMMISSIONERS OF
HANSON COUNTY, SOUTH DAKOTA

BY

C. R. Radabaugh

CHAIRMAN.

ATTEST:

Matt Voh

AUDITOR .

NOTICE OF DRAINAGE ASSESSMENT

To Whom It May Concern:

Notice is hereby given that the board of county commissioners of Hanson county, South Dakota, did on May 7, 1910, make and levy an assessment upon the property benefitted, for the establishment and construction of Drainage Ditch No. 2 in said county and that a certified copy of said assessment will be filed in the office of the county treasurer of said Hanson county, on June 7, 1910.

You are further notified that said assessment will become delinquent on June 18, 1910, and that on and after said last named date, a penalty of 5 per cent will attach thereto, and that on and after said last named date interest on said assessment will begin to run from May 7, 1910, at 6 per cent per annum.

The following is a description of the property assessed, the name of the owner as appears in said assessment and the amount of each assessment together with the amounts assessed against the townships of Wayne and Beulah, all the property hereinafter described being included within the drainage area of said drainage ditch.

Description	Section	Township	Range	Owner	Units	Amount.
West half Southwest quarter	35	102	58	George Gordon	2.06	\$160.09
East Half Southwest quarter	35	102	58	Anna Twamley	1.01	78.87
West half Southeast quarter and southeast quarter southeast quarter	35	102	58	Hume Twamley	.86	67.16
South half Southeast quarter	27	102	58	Frank J. Weeks	.31	24.21
Northeast quarter	34	102	58	Ernest Hamann	1.24	96.83
South half Southwest quarter and south half Southeast quarter	34	102	58	Henry Montgomery	1.73	135.10
East half Northeast quarter and Northwest quarter Northeast quarter	2	101	58	Mathias Michels	.61	47.64

Description	Section	Township	Range	Owner	Units	Amount
Northeast quarter						
Northwest quarter	2	101	58	Daisy Whitney	.07	5.47
West half						
Northwest quarter	2	101	58	George E. Letcher	.44	34.36
Northeast quarter	3	101	58	J. J. August		
				Knepper	1.00	78.08
East half						
Northwest quarter						
and Southwest						
quarter Northwest						
quarter	3	101	58	Mayner J.		
West half				Hicks	1.21	94.49
				Lizzie		
Southeast quarter	3	101	58	Tunnicliff	.19	14.83
Southwest quarter	3	101	58	William S.		
				Hill	.82	64.04
North half						
Northwest quarter	10	101	58	David Lowry	.32	24.99
West half						
Northwest quarter	11	101	58	Ailt Edzards	.18	14.06
Northwest quarter						
Southwest quarter	11	101	58	Freerd Edzards	.05	3.90
East half						
Northeast quarter						
and Northwest						
quarter Northeast						
quarter	10	101	58	Jeremiah Shade	.17	13.28
East half						
Northwest quarter	34	102	58	R. C. Gingles	.06	4.69
Wayne Township, Hanson county, South Dakota						200.00
Beulah Township, Hanson county, South Dakota						145.00
					12.32	\$1307.09

Reference is hereby made to the assessment on file in the office of the county auditor of said Hanson county, South Dakota for further particulars.

Dated at Alexandria, South Dakota, May 10, 1910.

THE BOARD OF COUNTY COMMISSIONERS
HANSON COUNTY, SOUTH DAKOTA

By

C. V. Radabaugh

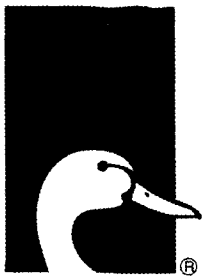
Chairman.

Attest:

Matt Voh

County Auditor.

(SEAL)



DUCKS
UNLIMITED
INC.

GREAT PLAINS REGIONAL OFFICE

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

August 23, 2001

Tim Schaal, P.E.
Natural Resources Engineer
Water Rights Program
523 E Capitol
Pierre SD 57501



Re: Jerry Moench Wetland Development (DU-SD-332-1)

Mr. Schaal:

Enclosed is an amended Design Report for the proposed Jerry Moench Wetland Project. The original report was amended to include information obtained in a recent survey of neighboring lands. The amendment was specifically to the section addressing *Impacts To Private Property*. You are also receiving a revised sheet 2 of the plans that shows important elevations on surrounding property.

Jerry Moench and myself were present at a Hanson County Commissioners meeting on August 21, 2001 at the Hanson County Courthouse where the project was explained. We committed that Steve Spawn, FWS, had investigated county courthouse records and could not find evidence showing that the drain through Mr. Moench's property was part of cooperative drainage project. The commissioners encouraged project sponsors to seek comments from area landowners. That request is currently being honored.

I have recommended that project sponsors secure a flood easement on certain lands within the NW ¼ Section 2 Twp 101N Rge 58W and the SE ¼ Section 34 Twp 102N Rge 58W. There are actually no impacts to Section 2 from the proposed project. See *Impacts To Private Property* in the report for more information.

If I can be of assistance on technical matters please feel free to contact me.

Sincerely,

Roger Smith, P.E.
Regional Engineer

Cc: Jerry Moench
Steve Spawn, FWS

DESIGN REPORT

For

**JERRY MOENCH
WETLAND RESTORATION**

HANSON COUNTY, SD (SD-0332-01)

August 22, 2001



Ducks Unlimited, Inc.
2525 River Road
Bismarck, ND 58501

DESIGN REPORT

PROJECT: Jerry Moench Wetland
SD -0332-01

LOCATIONS: NE ½ SECTION 3, TWP. 101 N RGE. 58W
Hanson County, South Dakota

MARSH DATA: Full Service Level (FSL) @ 1308.0
52.4 Surface Acres @ FSL
122 Acre-Feet Capacity @ FSL
Maximum Depth -6'

PROJECT DATA: Top of Dam - elevation 1311.0
Primary Spillway - elevation 1308.0
Emergency Spillway - elevation 1309.0
Upstream Berm - 10' wide @ elevation 1308.0
Side Slopes - 3 (horizontal): 1 (vertical)

CLASSIFICATION: Based on the classification criteria outlined in Chapter 74:02:08 "Safety of Dams," it is recommended that the proposed reconstructed dam be classified as a small, Category 3 dam. No loss of life and minimal economic loss is expected should failure occur. The product of the "maximum storage capacity" times the "effective height" is 2790. (310 acre-feet x 9.0')

PRELIMINARY RISK ASSESSMENT: The proposed dam planned on the headwaters of a creek referred to on USGS topography maps as Bloom Creek, a tributary to the James River. The proposed dam site is 3300' upstream of the first unimproved roadway crossing. There are a total of 3 unimproved roadway crossings between the dam site and the James River, located 4.5 miles downstream. Drainage through the portion of the creek where the project is proposed has been improved by snagging, clearing, and channel excavation. Below the property boundary, entering the south ½ of section 3, no recent improvements have been made. (See picture right)



The channel is choked with timber and has a 6" drop from the outlet pipe to the existing 36" CMP 3300' downstream at the first roadway crossing (see picture left). The difference between the roadway top and the invert of the 36" culvert is 5.5'. Due to the physical restrictions below the property boundary, a wetland has formed in the north ½ of the section. Failure of the proposed dam may result in the roadway immediately downstream being overtopped if channel restrictions are not so severe as to impede flows.

PROPOSED PROJECT: The project consists of constructing a dam across the creek and two dikes to contain the resulting reservoir on the property. The dam will contain a primary spillway with variable level drawdown capabilities. Two separate natural spillways will carry flows not passed by the primary spillway. Embankment material will be compacted to 95% of the Standard Proctor at -1% to +3% of optimum moisture. The dam will be constructed having a top width of 12' and having a 10' berm at the upstream full service level. All slopes will be constructed to a 3:1 slope.

PRIMARY SPILLWAY: The structure will have fixed level water control capabilities at elevation 1308.0. Variable level water control will be provided by a separate structure having the capability of retaining water at 4" increments between elevations 1301.7 and 1308.0. The riser, acting, as a circular weir will be a 72" 12 gage corrugated metal pipe. The outlet barrel will be a 36", 14 gage corrugated metal pipe at a 0% slope at elevation 1300.0. All corrugated metal pipe will be coated with a 10-mill polymeric film laminate both inside and outside. A protected plunge pool will be located at the discharge end of the outlet pipe.

EMERGENCY SPILLWAY: Two natural emergency spillways will carry flows not carried by the primary spillway. Each will outflow at approximately the same time, just above elevation 1309.0. One spillway will be developed on the north abutment and the other is a natural swale. Both spillways offer well vegetated, gradual outlet slopes

HYDROLOGY / HYDRAULICS: A hydrologic analysis of surface water runoff was performed using two methods. A peak discharge was determined from regression equations developed in WATER-RESOURCE INVESTIGATIONS REPORT 80-80 USGS. The NRCS TR-20 METHOD was used to determine the inflow hydrograph. The hydraulic curve number used in the TR-20 METHOD was manipulated to create peak discharges similar to those developed from the regression equation. Other assumptions made in developing inflow hydrographs by the TR-20 METHOD were:

Rain Duration = 1.00

Rain Table # = 1

Antecedent moisture condition = 2

Inflow hydrographs developed from the TR-20 METHOD were routed through the primary and emergency spillways. This yielded outflow hydrographs revealing peak discharges at maximum reservoir elevations corresponding to various runoff events. The following table is a summary of that printout:

PARAMETERS:

WATERSHED - 7.75 SQ MI

TIME OF CONCENTRATION - 6.0 HOURS (increased to account for u/s storage)

CURVE #'s - 60 (5 yr) 62 (10 yr) 64 (25yr) 68 (100 yr)

Event frequency	Rainfall (in)	Runoff (ac-ft)	Peak Inflow (cfs)	Peak Discharge (cfs)	Max WSP (elevation)	Freeboard* (ft)	Flow in E.S.(s) (cfs)
5 yr	3.4	128	110	85	1309.06	1.94	0
10 yr	3.95	219	203	163	1309.25	1.75	<10
25yr	4.6	347	349	292	1309.53	1.47	210
100 yr	5.78	365	703	654	1309.94	1.06	621

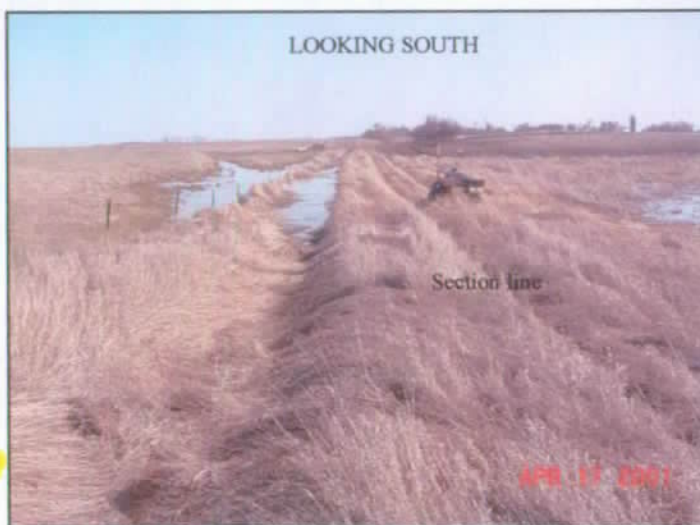
**Calculated from top of compacted fill, excluding topsoil. The primary spillway capacity was calculated by comparing discharges developed by the weir flow formula and formulas for calculating head loss through corrugated metal pipe. The emergency spillway capacity was estimated from FLOWCOMP, a computer-aided hydraulic program analyzing gradually varied flow profiles in prismatic open channels using the standard step method.*

DROUGHT ANALYSIS: The frequency in which there will be adequate runoff was not an important criteria to project sponsors. Using NRCS methods, the 80% and 50% annual runoff will generate 50 and 145 acre-feet respectively. The annual requirement assuming an evaporative loss of approximately 3.0 feet is 96 acre-feet. There is evidence that inflows will be supplemented from subsurface contributions. There are numerous wetlands upstream of the project making it difficult to predict annual runoff volumes.

SOIL INVESTIGATION: As of this writing a soil investigation has not been completed. A preliminary investigation determined that suitable quantities of acceptable material are likely. A soil investigation report, to be completed in the near future, will be available upon request. The plans will be modified to show the approved borrow areas as well as any other modifications recommended by the geotechnical consultant.

IMPACTS TO SURROUNDING PROPERTY: The planned construction and subsequent reservoir at the full service level will be contained within land owned by Jerry Moench and managed by the Fish & Wildlife Service through a Wildlife Extension Agreement. It is evident that drains have been constructed through Mr. Moench's property. The county courthouse does not have any record showing that the drainage was part of cooperate drainage project.

Runoff enters Section 3 from watercourses in Section 2 (east) and Section 34 (north). The NW¼ of Section 2 is owned by James Simmionar (sp). The watercourse entering the property from Section 2 enters the Mr. Moench's property through a 12" CMP having an invert elevation of 1310.5, or .5 feet below the proposed top of the dam. A survey conducted on August 16, 2001 found that the elevation of the channel east of the property boundary rose to 1311.47 immediately upstream of the culvert invert. There were no elevations below 1311.0 upstream of the culvert. Downstream of the culvert, on Mr. Moench's property, channel elevations were found to be above 1312. The drainage within Section 2 is sluggish as shown in the picture to the right. *The proposed project will not add additional hindrance to drainage.* Elevations downstream of the described culvert are higher than some of the channel bottom elevations in Section 2 and therefore affecting drainage. For this reason, it is recommended that a flood easement be taken on property within the SW¼, NW¼ Section 2 Twp. 101N Rge. 58W.



Runoff enters Section ³2 from the SW¼ Section 34, owned by Margorie Lasegard. A channel exists just north of the section line running approximately east and west. The bottom elevation of the channel remains below 1311.0 for approximately 300'. All channel bottom elevations are above the full service level 1308.0.

When a runoff event is utilizing the primary or emergency spillways water levels within the channel will be affected on Mrs. Lasegard's property. No land outside of the channel will be affected. This channel presently control levels in a large marsh to the east. The survey did not attempt to find the control elevation for this marsh but did determined that it is above elevation 1312.0. Because there is land having an elevation below the proposed top of dam (elevation 1311.0) it is recommended that a flood easement be taken on that portion of the property affected. The description of the land to be placed under easement can be described as "the portion of the east / west watercourse within the SW¼ of Section 34 Twp. 102N Rge. 58W, near the south section line, below elevation 1311.0." The impacts to land within Section 34 will be minimal and will not effect any farming operations.



Jerry Moench and Roger Smith, Ducks Unlimited were present at Hanson County Commissioners meeting on August 21, 2001 at the Hanson County Courthouse where the project was explained. The commissioners encouraged project sponsors to seek comments from area landowners. That request is currently being honored.

Dated: August 22, 2001

Submitted By:

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 24, 2001

Jerry L. Moench
207 E. 29th Street
Sioux Falls, SD 57105

Dear Mr. Moench:

We have reviewed the plans and specifications for your dam project located in the NW 1/4 of Section 3-T101N-R58W, in Hanson County. The plans and specifications as submitted are approved. Approval of the plans and specifications does not authorize construction of the dam. The construction may not begin until Water Permit Application No. 6277-3 is approved.

Our review was to determine compliance with the requirements of the Water Management Board Safety of Dams Rules, Chapter 74:02:08. Approval of these plans and specifications does not release you, as owner of the dam, from the responsibility for operating and maintaining the dam in good repair to ensure the safety of the dam.

The Moench Dam will be classified as a small size Category 3, Low Hazard dam with a dam height of 11 feet and a normal storage capacity of 122 acre-feet and a maximum storage capacity of 310 acre-feet.

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

Sincerely,

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

c: Steve Spawn, USFWS
Roger Smith, Ducks Unlimited, Inc.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
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www.state.sd.us/denr

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6277-3, Jerry L. Moench**

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. 6277-3, Jerry L. Moench, 207 E. 29th Street, Sioux Falls SD 57105.

The Chief Engineer is recommending APPROVAL of Application No. 6277-3 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. 6277-3 authorizes a dam with a storage capacity of 122 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation of 1,308.0 feet mean sea level.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
3. Prior to construction of the dam, flood easements shall be obtained for property in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, T101N, R58W and the portion of the east/west watercourse within the SW $\frac{1}{4}$ of Section 34, T102N, R58W, near the south section line, below elevation 1,311.0 feet mean sea level.

See report on application for additional information.

Garland Erbele, Chief Engineer
September 24, 2001

REPORT ON
WATER PERMIT APPLICATION NO. 6277-3
Jerry L. Moench
September 20, 2001

Water Permit Application No. 6277-3 has been filed by Jerry L. Moench to impound 122 acre-feet of water from runoff by constructing a dam located in the SE 1/4 NW 1/4 of Section 3-T101N-R58W, in Hanson County. The application also requests impoundment of sufficient water to maintain water at the outlet elevation of 1308.0 feet mean sea level. The water will be used for fish and wildlife production in a wetland restoration project.

Discussion:

The dam will be classified as a small size, Category 3, Low Hazard dam. The Ducks Unlimited, Inc. (DU) has designed the dam. The plans and specifications have been reviewed and will be approved; however, construction of the dam can not begin until Water Permit Application No. 6277-3 is approved.

The Moench Dam will be 11 feet high with a normal storage capacity of 122 acre-feet with a reservoir level at the primary spillway elevation, and a maximum storage capacity of 310 acre-feet with a reservoir level at the top of dam elevation. A dam of this size and hazard classification is required to have a minimum spillway design capable of passing a 25-year frequency event.

The dam has a drainage area of 4960 acres or 7.75 square miles. A 25-year frequency event for this drainage area produces a peak runoff of approximately 330 cfs. A 100-year frequency event produces a peak of approximately 642 cfs. The dam is designed to have a 72 inch diameter CMP riser and an 36 inch diameter CMP barrel with 3.0 feet of available freeboard as the primary spillway, and two natural swales acting as secondary spillways with 2.0 feet of available freeboard and a combined width of 230 feet. The two secondary spillways will have a combined capacity of approximately 1690 cfs.

The annual yield for this drainage area with an 80 percent chance of occurrence, or 8 out of 10 years, is expected to be 50 acre-feet. The annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 145 acre-feet and the annual yield with a 10 percent chance, or 1 out of 10 years, is expected to be 825 acre-feet.

The Moench Dam will be located in the SE 1/4 NW 1/4 of Section 3-T101N-R58W near the headwaters of a tributary to Bloom Creek about three miles upstream of the confluence of the unnamed tributary and Bloom Creek. Bloom Creek is a tributary to the James River and the proposed dam will be about 4.5 miles upstream of the confluence of Bloom Creek and the James River. There are no existing Water Permits/Rights located on the unnamed tributary or Bloom Creek between the proposed dam and James River. However, the proposed dam will be located on the portion of Bloom Creek that was establish as a drainage ditch, Drainage Ditch No.2, in 1910. The proposed dam and wetland restoration project was discussed with the Hanson County

Page 2

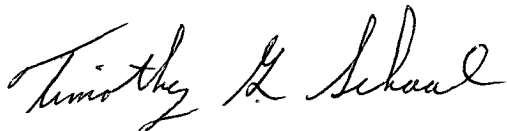
Application No. 6277-3

Jerry L. Moench

Commissioners on August 21, 2001. There was some question as to the operation of the drainage ditch, since the flow is restricted by trees, brush and sediment. Ducks Unlimited explained that the proposed project will not add additional hindrance to the upstream drainage. However, they recommended that flood easements be obtained for property in the SW 1/4 NW 1/4 of Section 2-T101N-R58W and "the portion of the east/west watercourse within the SW 1/4 of Section 34-T102N-R58W, near the south section line, below (the top of dam) elevation 1311.0."

Conclusions:

1. Water Permit Application No. 6277-3 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 downstream domestic use should be a qualification on Water Permit Application No. 6277-3.
3. Flood easements for the above mentioned property must be obtained and on file with the Water Rights Program before the project can be developed.



Timothy G. Schaal, P.E.

Natural Resources Engineer Specialist

Approved by:



Gale N. Selken, P.E.

Natural Resources Engineer Director

Affidavit of Publication

STATE OF SOUTH DAKOTA.

COUNTY OF HANSON

Alexandria (SD) Herald, October 11, 2001, Page 11

PUBLIC NOTICE

NOTICE OF APPLICATION NO. 6277-3 to Appropriate Water

Notice is given that Jerry L Moench, 207 E 29th St, Sioux Falls SD 57105 has filed an application for a water permit to impound 122 acre-feet of water from runoff by constructing a dam on the headwaters of Bloom Creek located in the SE 1/4NW 1/4Section 3 with water impounded in the NW 1/4 Section 3; all in T10N-R58W. This application requests impoundment of sufficient water to maintain water at the outlet elevation of 1308.0 feet mean sea level. The water is to be used for fish and wildlife propagation in a wetland restoration project.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6277-3 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 October 22, 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.

TERRY JANSEN, Publisher, of said County and State, being first duly sworn on his oath, says the ALEXANDRIA HERALD is a weekly newspaper of general circulation, printed and published in Alexandria, in Hanson County, State of South Dakota, by himself and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper, that it has a bona-fide circulation of more than 200 copies weekly, that it has been published within said County of Hanson for more than fifty-two consecutive weeks prior to the publication of the notice hereinafter mentioned and has been printed during said period and at the present time, in whole or in entire manuscript in said place of publication; and that I, the undersigned, am publisher of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all facts in this affidavit; that the advertisement headed

Notice of Application to Appropriate Water

a printed copy of which is hereto annexed, was printed and published in the said newspaper for 2 weeks; that said notice was published in the issues of said paper on the dates as follows, to-wit: The first publication being made

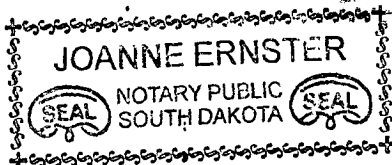
the first publication on Oct. 4 2001
the second publication on Oct. 11 2001
the third publication on 2001
the fourth publication on 2001
and the last publication on 2001

that \$ 63.64 being the full amount of the fee for publication of the annexed notice, inures wholly to the benefit of the publisher of the said newspaper; 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 by any person other than the publisher.

Terry Jansen
Subscribed and sworn to before me this 24th

day of October 2001

Notary Public, Hanson County
My Commission Expires 8-16-2006



Instruction to Newspaper - Publish first Notice on October 3, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6277-3 to Appropriate Water

Notice is given that Jerry L Moench, 207 E 29th St, Sioux Falls SD 57105 has filed an application for a water permit to impound 122 acre-feet of water from runoff by constructing a dam on the headwaters of Bloom Creek located in the SE ¼ NW ¼ Section 3 with water impounded in the NW ¼ Section 3; all in T101N-R58W. This application requests impoundment of sufficient water to maintain water at the outlet elevation of 1308.0 feet mean sea level. The water is to be used for fish and wildlife propagation in a wetland restoration project.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6277-3 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 October 22, 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 25, 2001

Alexandria Herald
Box 450
Alexandria, SD 57311-0450

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6277-3 to Appropriate Water to be published twice. Please publish the first notice on October 3, 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 Jerry L. Moench, 207 E. 29th Street, Sioux Falls, SD 57105 (Ph # 605-334-5937).

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. 6277-3

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

Date _____

We are in receipt of your letter of September 25, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 6277-3 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.

September 25, 2001

Jerry L. Moench
207 E 29th Street
Sioux Falls, SD 57105

Dear Mr. Moench:

Water Permit Application No. 6277-3 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 Alexandria Herald printed at Alexandria, SD (Ph # 605-239-4521). 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

cc: Steve Spawn, USFWS
Roger Smith, Ducks Unlimited

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 07 2001

Jerry L. Moench
207 E 29th St.
Sioux Falls, SD 57105

Dear Mr. Moench:

Enclosed is Water Permit No. 6277-3 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
LAKE ANDES NATIONAL WILDLIFE REFUGE COMPLEX
38672 291st Street
LAKE ANDES, SOUTH DAKOTA 57356-6838
605-487-7603



Eric Gronlund, DENR
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

November 13, 2002

Eric,

Enclosed are 2 flowage easements which are connected to the Jerry Moench/DU wetland restoration project in Hanson Co. The U.S. Fish & Wildlife Service bought the easements from the adjacent landowners upon recommendation from DU Engineer, Roger Smith, and as a condition of Water Permit Application # 6277-3. If possible, could you please send me a copy of the approved water permit for my file. Thanks!

Sincerely,

Steven D. Spawn
Wildlife Biologist, Private Lands

RECEIVED

NOV 14 2002

WATER RIGHTS
PROGRAM



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Mountain-Prairie Region

IN REPLY REFER TO:

MAILING ADDRESS:

Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225

STREET LOCATION:

134 Union Blvd.
Lakewood, Colorado 80223

LA-South Dakota W.A.

Hanson

Lassegard, Marjorie L. (95K)

MAIL STOP 60135

AUG 13 2002

CERTIFIED MAIL # 7001 0320 0002 9989 6970
RETURN RECEIPT REQUESTED

Marjorie L. Lassegard
501 E. 3rd Ave.
Mitchell, SD 57301

Dear Ms. Lassegard:

On December 31, 2001, you executed an easement to the United States of America for the preservation of waterfowl production habitat in Hanson County, South Dakota for a consideration of \$500.00. The easement includes a provision that it might be accepted by the United States within 9 months.

We are pleased to inform you that the easement was accepted by the United States of America. It is now a binding contract and we have forwarded the easement for recording. Copies of the easement document and map(s) showing the lands covered by the easement are attached for your personal records. Please examine them and notify our office immediately if you find that they do not reflect the understanding reached between you and our negotiator.

You are responsible, now and in the future, for informing your tenants, land managers, and farm operators of the terms of the easement. If you plan to sell this land, you should inform prospective purchasers of the terms of the easement.

A United States Treasury check for payment of this easement consideration will be requested after the abstracter returns the recorded easement.

Attached are instructions for filing a claim for reimbursement as authorized by Public Law 91-646 when land or interest in land is sold to the United States. It is not necessary to return this form unless you wish to claim any expenses incurred in the conveyance of land, such as those listed on the form. If you have any questions concerning items of eligibility under this Act, or any questions concerning this transaction, please feel free to contact our Wetlands Acquisition Office in Huron (telephone 352-7014).

Page 2.

As stated in the enclosed Involuntary Conversion Information Sheet, you may wish to contact your tax advisor or the Internal Revenue Service to determine if you will benefit as a result of this easement interest to the United States.

Sincerely,

/S/ HARVEY L. WITTMER

Chief, Division of Realty

Attachments

UNITED STATES DEPARTMENT OF THE INTERIOR

U.S. FISH AND WILDLIFE SERVICE

CONVEYANCE OF FLOWAGE EASEMENT

THIS INDENTURE, by and between **Marjorie L. Lassegard, a single person, of Mitchell, South Dakota,**

parties of the first part, and the UNITED STATES OF AMERICA, acting by and through the Secretary of the Interior or his authorized representative, party of the second part.

WITNESSETH;

WHEREAS, the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended by the Act of August 1, 1958 (72 Stat. 486, 16 U. S. C., sec. 718d) authorizes the Secretary of the Interior to acquire certain lands or interests therein;

AND WHEREAS, acquisition of an interest in the lands described below has been determined necessary in furtherance of that Act;

NOW THEREFORE, for and in consideration of the sum of Five Hundred (\$500.00) Dollars, the parties of the first part do hereby convey to the party of the second part, commencing with the acceptance of this indenture by the Secretary of the Interior or his authorized representative which acceptance must be made within 9 months of the execution of this indenture by the parties of the first part, or any subsequent date as may be mutually agreed upon during the term of this option, a perpetual right, power, privilege and easement to overflow, flood the land identified on the attached Exhibit A, said lands are located within the following described lands:

Township 102 North, Range 58 West of 5th P.M., Hanson County, South Dakota
Section 34, S1/2S1/2SW1/4SE1/4

The parties of the first part, for themselves and for their heirs, successors, and assigns, expressly waive and release the party of the second part from any and all claims they may have for the damages which may have occurred or which in the future may occur by reason of construction, building or maintenance of dams or spillways on lands owned or controlled by the party of the second part or by reason of flooding, overflow, or the depositing of material resulting from said flooding or overflow.

Subject, however, to all existing rights-of-way for highways, roads, railroads, pipelines, canals, laterals, electrical transmission lines, telegraph and telephone lines, cable lines and all outstanding mineral rights.

SPECIAL PROVISIONS

1. This indenture shall not be binding upon the party of the second part until accepted by the Secretary of the Interior or his authorized representative, although this indenture is acknowledged by the parties of the first part to be presently binding upon them and to remain so until the expiration of said period for acceptance, as hereinabove described, by virtue of the payment to parties of the first party, by the party of the second part, the sum of One Dollar, the receipt of which is hereby expressly acknowledged by the parties of the first part.

2. Notice of acceptance of this agreement shall be given to parties of the first part by certified mail addressed to: Ms. Marjorie L. Lassegard, 501 E. 3rd Ave., Mitchell, SD 57301 and such notice shall be binding upon all parties of the first part without sending a separate notice to each.

3. It is further mutually agreed that no Member or Delegate to Congress, or Resident Commissioner shall be admitted to any share or part of this contract, or to any benefit to arise thereupon. Nothing, however, herein contained shall be construed to extend to any incorporated company, where such contract is made for the general benefit of such corporation or company.

4. Payment of the consideration will be made by a United States Treasury check after acceptance of this indenture by the Secretary of the Interior or his authorized representative and after the Field Solicitor of the Department of the Interior shall have approved the easement interest thus vested in the United States.

IN WITNESS WHEREOF the parties of the first part have hereunto set their hands and seals this

31st day of December, 2001.

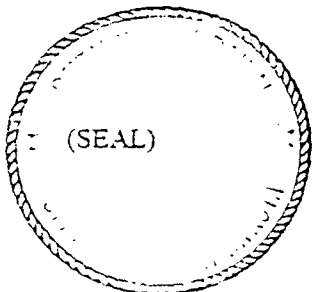
Marjorie L. Lassegard
Marjorie L. Lassegard

ACKNOWLEDGEMENT

STATE OF SOUTH DAKOTA)

COUNTY OF Davison)ss

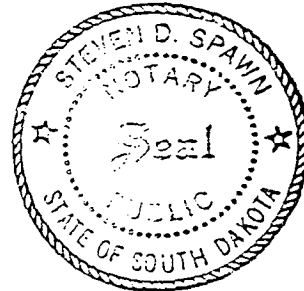
On this 31st day of December, in the year 2001, before me personally appeared Marjorie L. Lassegard, a single person, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that she executed the same as her free act and deed.



Steven D. Spaw
Notary Public

My Commission expires: July 30, 2007

ACCEPTANCE



The Secretary of the Interior, acting by and through his authorized representative, has executed this agreement on behalf of the United States this _____ day of _____, 2001.

AUG 13 2002

THE UNITED STATES OF AMERICA

By /s/ HARVEY L. WITTMER

Title CHIEF, DIVISION OF REALTY
U.S. Fish and Wildlife Service

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
EXHIBIT "A"

MAP 1 of 1

TRACT (95F)

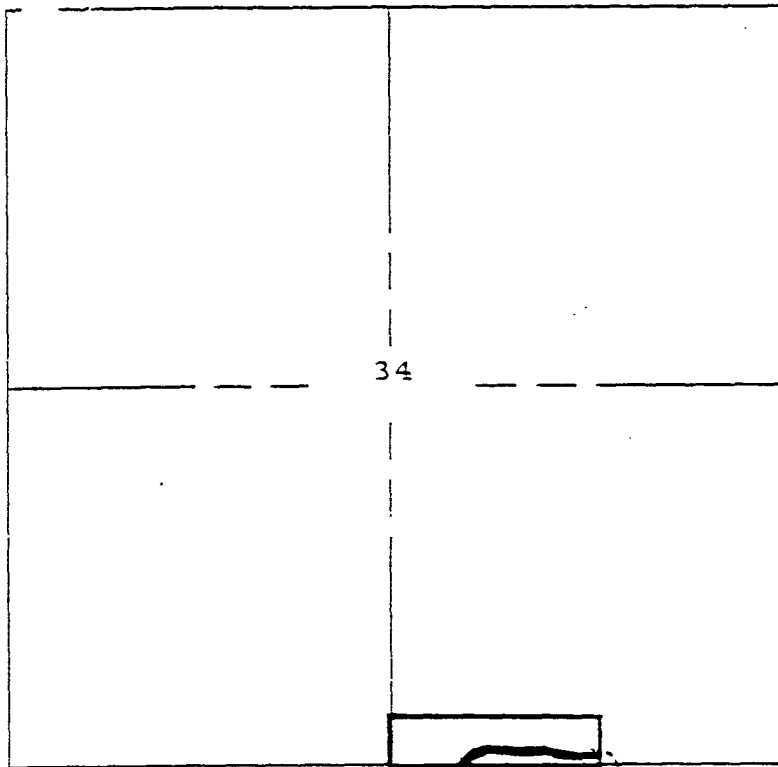
Lassegarad, Marjorie

FLOWAGE EASEMENT Hanson COUNTY, STATE OF South Dakota

EASEMENT AUTHORIZED BY MIGRATORY BIRD HUNTING STAMP ACT OF MARCH 16, 1934, AS AMENDED.

102 N., R. 58 W., 5th PRINCIPAL MERIDIAN

Section 34, S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$.



Scale: 4 Inches = 1 Mile

This map delineates the area referred to in the easement conveyance dated December 31, 2001 which the parties of the first part agree to allow flooding by means of Dams, spillways, and water control structures.

LEGEND

Boundary of Easement Description

Area covered by the provisions of the flowage easement

Prepared by: Danna C. Hughes Date: 10-25-2001

Landowner Signatures

Marjorie L. Lassegarad



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Mountain-Prairie Region

IN REPLY REFER TO:

MAILING ADDRESS:

Post Office Box 25486
Denver Federal Center
Denver, Colorado 80225

STREET LOCATION:

134 Union Blvd.
Lakewood, Colorado 80228



LA-South Dakota W.A.

Hanson

Simmermon et al, James L. (96F)

MAIL STOP 60135

NOV 5 2002

CERTIFIED MAIL # 7001 0320 0002 9989 7786

RETURN RECEIPT REQUESTED

James L. Simmermon
38804 292nd St.
Lake Andes, SD 57356

Dear Mr. Simmermon:

On January 14, 2002, you and others executed a flowage easement to the United States of America for the preservation of waterfowl production habitat in Hanson County, South Dakota for a consideration of \$500.00. The easement includes a provision that it might be accepted by the United States within 9 months.

We are pleased to inform you that the easement was accepted by the United States of America. It is now a binding contract and we have forwarded the easement for recording. Copies of the easement document and map(s) showing the lands covered by the easement are attached for your personal records. Please examine them and notify our office immediately if you find that they do not reflect the understanding reached between you and our negotiator.

You are responsible, now and in the future, for informing your tenants, land managers, and farm operators of the terms of the easement. If you plan to sell this land, you should inform prospective purchasers of the terms of the easement.

A United States Treasury check for payment of this easement consideration will be requested after the abstracter returns the recorded easement.

Attached are instructions for filing a claim for reimbursement as authorized by Public Law 91-646 when land or interest in land is sold to the United States. It is not necessary to return this form unless you wish to claim any expenses incurred in the conveyance of land, such as those listed on the form. If you have any questions concerning items of eligibility under this Act, or any questions concerning this transaction, please feel free to contact our Wetlands Acquisition Office in Huron (telephone 352-7014).

Page 2.

As stated in the enclosed Involuntary Conversion Information Sheet, you may wish to contact your tax advisor or the Internal Revenue Service to determine if you will benefit as a result of this easement interest to the United States.

Sincerely,

/s/ HARVEY L. WITTMER

Chief, Division of Realty

Attachments

UNITED STATES DEPARTMENT OF THE INTERIOR

U.S. FISH AND WILDLIFE SERVICE

CONVEYANCE OF FLOWAGE EASEMENT

THIS INDENTURE, by and between **James L. Simmermon and Bonnie J. Simmermon, his wife, of Lake Andes, South Dakota and J. Dale Schroeder and Patricia Schroeder, his wife, of Alexandria, SD**

parties of the first part, and the UNITED STATES OF AMERICA, acting by and through the Secretary of the Interior or his authorized representative, party of the second part.

WITNESSETH;

WHEREAS, the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended by the Act of August 1, 1958 (72 Stat. 486, 16 U. S. C., sec. 718d) authorizes the Secretary of the Interior to acquire certain lands or interests therein;

AND WHEREAS, acquisition of an interest in the lands described below has been determined necessary in furtherance of that Act;

NOW THEREFORE, for and in consideration of the sum of **Five Hundred (\$500.00) Dollars**, the parties of the first part do hereby convey to the party of the second part, commencing with the acceptance of this indenture by the Secretary of the Interior or his authorized representative which acceptance must be made within 9 months of the execution of this indenture by the parties of the first part, or any subsequent date as may be mutually agreed upon during the term of this option, a perpetual right, power, privilege and easement to overflow, flood the land identified on the attached Exhibit A, said lands are located within the following described lands:

Township 101 North, Range 58 West of 5th P.M., Hanson County, South Dakota
Section 2, W1/2SW1/4SW1/4NW1/4.

The parties of the first part, for themselves and for their heirs, successors, and assigns, expressly waive and release the party of the second part from any and all claims they may have for the damages which may have occurred or which in the future may occur by reason of construction, building or maintenance of dams or spillways on lands owned or controlled by the party of the second part or by reason of flooding, overflow, or the depositing of material resulting from said flooding or overflow.

Subject, however, to all existing rights-of-way for highways, roads, railroads, pipelines, canals, laterals, electrical transmission lines, telegraph and telephone lines, cable lines and all outstanding mineral rights.

SPECIAL PROVISIONS

1. This indenture shall not be binding upon the party of the second part until accepted by the Secretary of the Interior or his authorized representative, although this indenture is acknowledged by the parties of the first part to be presently binding upon them and to remain so until the expiration of said period for acceptance, as hereinabove described, by virtue of the payment to parties of the first party, by the party of the second part, the sum of One Dollar, the receipt of which is hereby expressly acknowledged by the parties of the first part.

2. Notice of acceptance of this agreement shall be given to parties of the first part by certified mail addressed to: **James L. Simmermon, 38804 292nd St. Lake Andes, SD 57356** and such notice shall be binding upon all parties of the first part without sending a separate notice to each.

3. It is further mutually agreed that no Member or Delegate to Congress, or Resident Commissioner shall be admitted to any share or part of this contract, or to any benefit to arise thereupon. Nothing, however, herein contained shall be construed to extend to any incorporated company, where such contract is made for the general benefit of such corporation or company.

4. Payment of the consideration will be made by a United States Treasury check after acceptance of this indenture by the Secretary of the Interior or his authorized representative and after the Field Solicitor of the Department of the Interior shall have approved the easement interest thus vested in the United States.

4a. Vendors agree that payment will be made to James L. Simmermon.

IN WITNESS WHEREOF the parties of the first part have hereunto set their hands and seals this

14th day of January, 2002

James L. Simmermon
James L. Simmermon
J. Dale Schroeder
J. Dale Schroeder

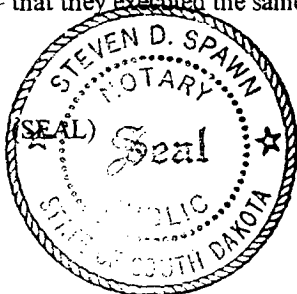
Bonnie J. Simmermon
Bonnie J. Simmermon
Patricia Schroeder
Patricia Schroeder

ACKNOWLEDGEMENT

STATE OF SOUTH DAKOTA)

COUNTY OF Charles Mix)^{ss}

On this 14th day of January, in the year 2002, before me personally appeared James L. Simmermon and Bonnie J. Simmermon known to me to be the persons described in and who executed the foregoing instrument and acknowledged to me that they executed the same as their free act and deed.



Steven D. Spawn
Notary Public

My Commission expires: July 30, 2007

ACCEPTANCE

The Secretary of the Interior, acting by and through his authorized representative, has executed this agreement on behalf of the United States this _____ day of _____, 200__.

9/10/02

THE UNITED STATES OF AMERICA

By /s/ HARVEY L. WITTMIER

Title CHIEF, DIVISION OF REALTY
U.S. Fish and Wildlife Service

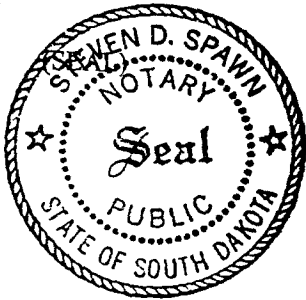
ACKNOWLEDGEMENT

STATE OF SOUTH DAKOTA)

COUNTY OF Hanson)ss

On this 1st day of April, in the year 2002, before me personally appeared

Patricia Schroeder and J. Dale Schroeder
known to me to be the persons described in and who executed the foregoing instrument and acknowledged to me
that they executed the same as their free act and deed.



Steven D. Spawn
Notary Public

My Commission expires: July 30, 2007

UNITED STATES DEPARTMENT OF THE INTERIOR
FISH AND WILDLIFE SERVICE
EXHIBIT "A"

MAP 1 of 1

TRACT (96F)

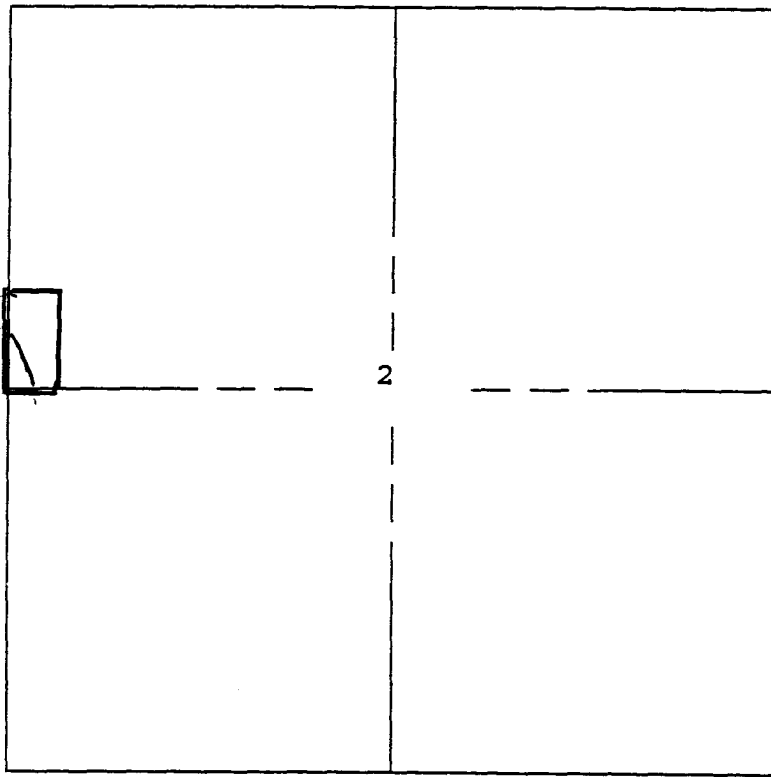
Simmermon et al, James L.

FLOWAGE EASEMENT Hanson COUNTY, STATE OF South Dakota

EASEMENT AUTHORIZED BY MIGRATORY BIRD HUNTING STAMP ACT OF MARCH 16, 1934, AS AMENDED.

T. 101 N., R. 58 W., 5th PRINCIPAL MERIDIAN

Section 2, $W\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$.



Scale: 4 Inches = 1 Mile

This map delineates the area referred to in the easement conveyance dated 1-14-02 which the parties of the first part agree to allow flooding by means of Dams, spillways, and water control structures.

James L. Simmermon Bonnie L. Simmermon
Jack Schroeder Patricia Schroeder
LEGEND Landowner Signatures

 Boundary of Easement Description
 Area covered by the provisions of the flowage easement

Prepared by: Tonna C. Hughes Date: 10-25-2001

Permit No. 6277-3
James River - Water District

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

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

I have this day, May 18, 2004, made a thorough examination of the water use system constructed by Jerry L. Moench of 207 E 29th St., Sioux Falls, SD 57105 holder of Permit No. 6277-3, bearing the priority of August 8, 2001 authorizing the storage of 122 acre-feet of the waters of runoff for fish & wildlife propagation purposes, in Hanson County.

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

A. Works used to divert the water:

An 11 foot high earthen dam with a normal storage capacity of 122 acre-feet

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

N/A

C. Works used to apply water to beneficial use:

An 11 foot high earthen dam with a normal storage capacity of 122 acre-feet

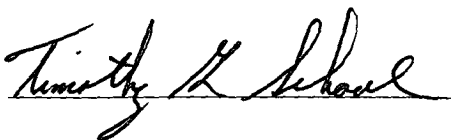
The system is in the following condition good. The point of diversion is located 1550 ft. South & 1320 ft. east of the NW corner of Sec. 3-T101N-R58W (S ½ NW ¼). The works are capable of storing 122 acre-feet of water which is to be used for fish & wildlife propagation. Water has been put to beneficial use to the maximum extent as follows:

An 11 foot high earthen dam with a normal storage capacity of 122 acre-feet

and the license should be issued for 122 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: June 28, 2004



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

REPORT ON INSPECTION OF PERMIT NO. 6277-3

DATE OF INSPECTION: May 18, 2004

NAME & ADDRESS OF INSPECTION CONTACT/ Mrs. Moench

NAME & ADDRESS OF PERMIT HOLDER: Jerry L. Moench, 207 E. 29th St., Sioux Falls, SD 57105

DIVERSION POINT LEGAL LOCATION: 1550 ft. South & 1320 ft. east of the NW corner of Sec. 3-T101N-R58W (S ½ NW ¼).

DAM INFORMATION:

- 1) Height to crest 11 feet
- 2) Height to primary spillway 8 feet
- 3) Height to secondary spillway 9 feet
- 4) Crest width 12 feet
- 5) Crest length 444 feet
- 6) Spillway length XXX feet
- 7) Spillway width 230 feet
- 8) Approx. storage (Normal) 122 acre-feet
- 9) Approx. storage (Maximum) 310 acre-feet
- 10) Date constructed: 2003

PERMIT QUALIFICATIONS AND REGULATIONS:

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

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Jerry L. Moench

ADDRESS: 207 E. 29th St., Sioux Falls, SD 57105

DATE: June 28, 2004

COUNTY: Hanson

TELEPHONE: (605) 334-5937

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**

Yes

- **If irrigation, no new land is irrigated**

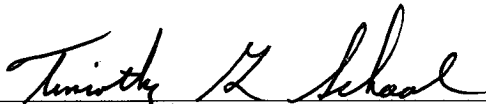
N/A

- **Review of Existing Diversions**

Water Permit Application No. 6277-3 advertised the Diversion Point in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 3-T101N-R58W with the Water Impounded in the NW $\frac{1}{4}$ Sec. 3-T101N-R58W; however, the correct legal location for both should be Diversion Point in the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 3-T101N-R58W and Water Impounded in the N $\frac{1}{2}$ of Sec. 3-T101N-R58W.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.

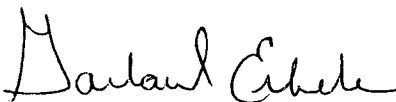


Timothy G. Schaal, P.E.

Natural Resources Engineer Specialist
Water Rights Program

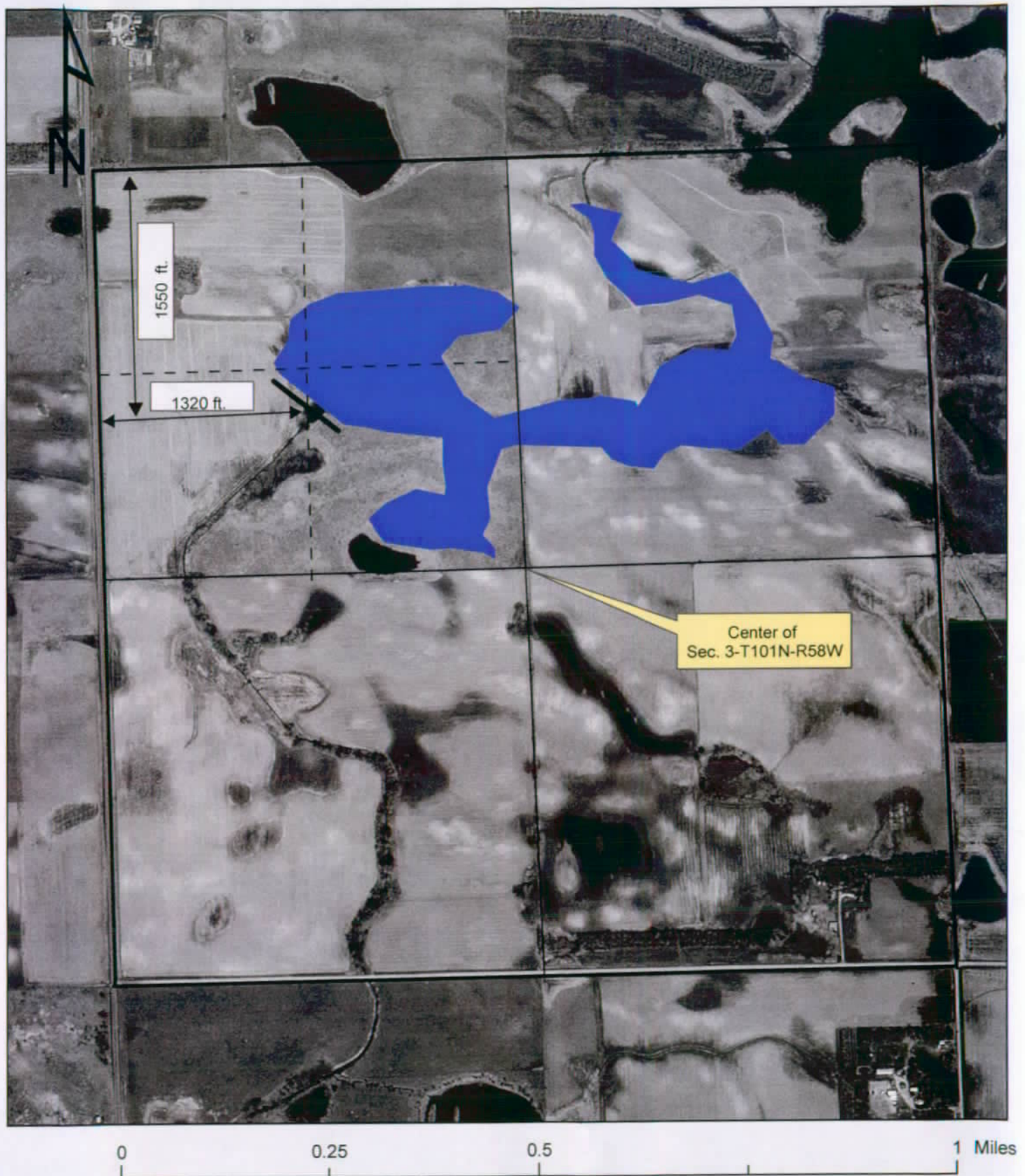
The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program

Water Permit Application No. 6277-3



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6277-3

(1) Jerry L Moench, 207 E 29th St, Sioux Falls SD 57105 made Application No. 277-3, August 9, 2001 for a water permit to impound 122 acre feet of water from the headwaters of Bloom Creek, Hanson County, South Dakota for fish and wildlife propagation purposes. Permit No. 6277-3, with a priority date of August 9, 2001 was approved October 22, 2001 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 22, 2006 and for the application to beneficial use of water on or before October 22, 2010.

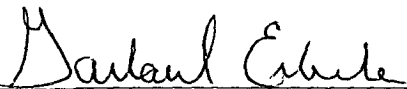
An investigation conducted for licensing purposes found the location of the dam under Water Permit No. 6277-3 was not in the location authorized by the permit. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the change in location of diversion point does not increase the potential for interference with existing water rights.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6277-3 is issued a license, bearing a priority date of August 9, 2001, to impound 122 acre feet of water.

The location of the storage dam (spillway) is 1,550 feet south and 1,320 feet east of the northwest corner of Section 3-T101N-R58W (S ½ NW ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6277-3 including the following now applicable qualifications:

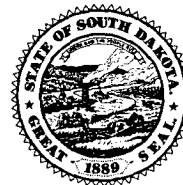
- Water Permit No. 6277-3 authorizes a dam with a storage capacity of 122 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation of 1,308.0 feet mean sea level.
- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
- Flood easements shall be obtained for property in the SW ¼ NW ¼ of Section 2-T101N-R58W and the portion of the east/west watercourse within the SW ¼ of Section 34-T102N-R58W, near the south section line, below elevation 1,311.0 feet mean sea level.



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

JUL 27 2004

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 27 2004

6277-3

Jerry L Moench
207 E 29th St
Sioux Falls SD 57105

Dear Mr. Hansen:

Enclosed is Water License No. 6277-3. This is the final water right document completing your process of obtaining a Water Right.

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

Sincerely,

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

enclosures



DUCKS UNLIMITED

DUCKS UNLIMITED

MOENCH WETLAND RESTORATION

SECTION 3, T-101-N, R-58-W
HANSON COUNTY, SOUTH DAKOTA

IN COOPERATION WITH

JERRY MOENCH
(PRIVATE LANDOWNER)

SPECIFICATIONS

- 101 GENERAL CONDITIONS
- 102 SUPPLEMENTAL CONDITIONS
- 201 MOBILIZATION
- 202 SITE PREPARATION
- 203 EXCAVATION
- 204 EMBANKMENT CONSTRUCTION
- 205 WATER
- 206 WATER CONTROL STRUCTURE INSTALLATION
- 206A WATER CONTROL STRUCTURE AND CULVERT APPURTENANCES
- 207 CULVERT INSTALLATION
- 208 CAST-IN-PLACE REINFORCED CONCRETE
- 209 RIPRAP PLACEMENT

PLAN INDEX

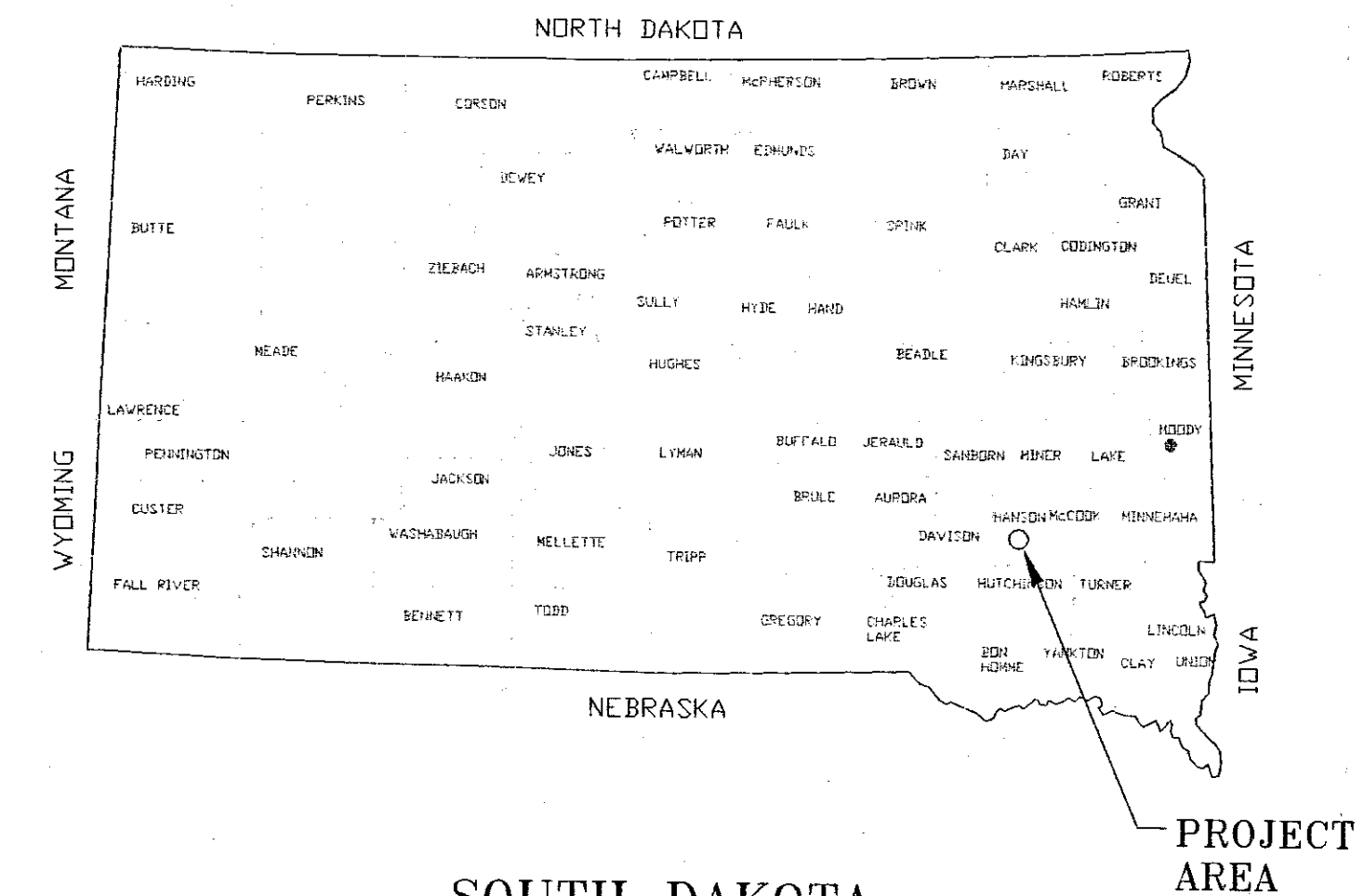
- 1 LOCATION MAPS
- 2 PROJECT TOPOGRAPHY
- 3 EMBANKMENT - PLAN & PROFILE
- 4 WATER CONTROL STRUCTURE - PLAN & PROFILE
- 5 EMBANKMENTS - PLAN & PROFILE
- 6 WATER CONTROL STRUCTURE - DETAILS

QUANTITIES

MOBILIZATION	1 L.S.
SITE PREPARATION (6")	848 CY-P
EMBANKMENT CONSTRUCTION	7447 CY-S
WATER CONTROL STRUCTURE INSTALLATION	
72"Ø CMP RISER	1 EA.
AGRI-DRAIN INLINE DRAWDOWN STRUCTURE	1 EA.
WATER CONTROL STRUCTURE APPURTENANCES	INC.
CULVERT INSTALLATION	
36"Ø CMP	54 L.F.
12"Ø PVC	24 L.F.
RIPRAP PLACEMENT (CLASS I)	57 CY-P

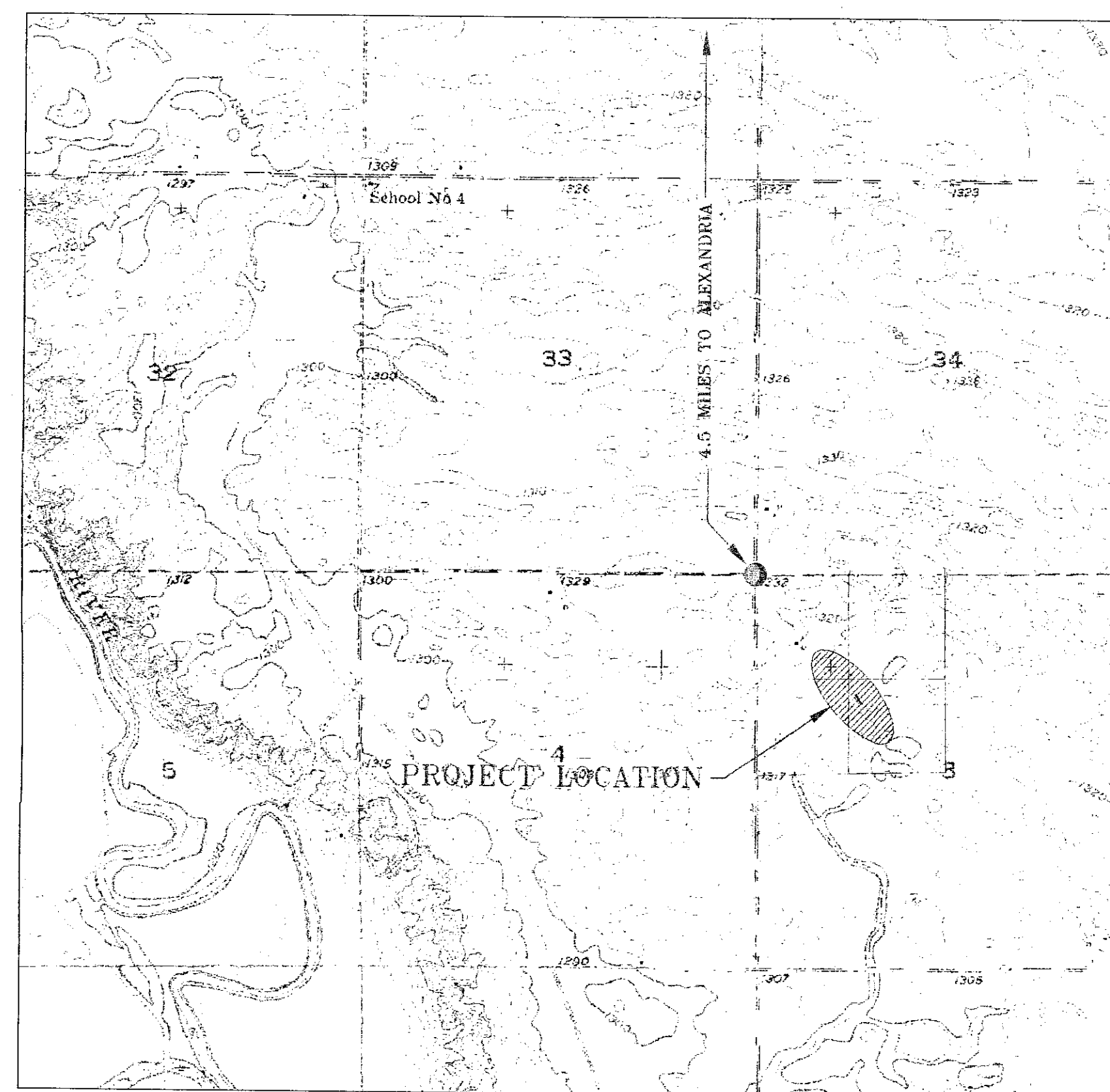
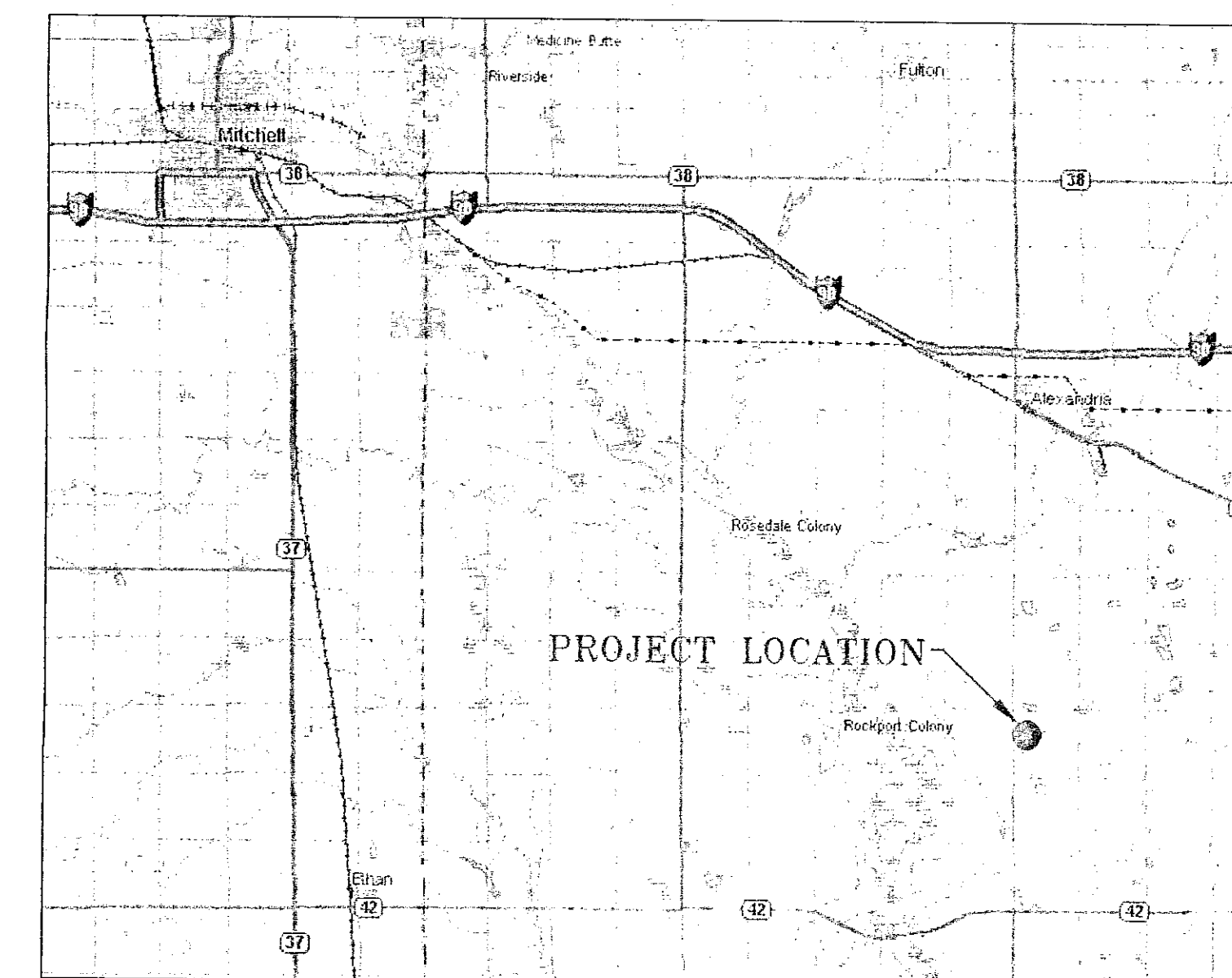
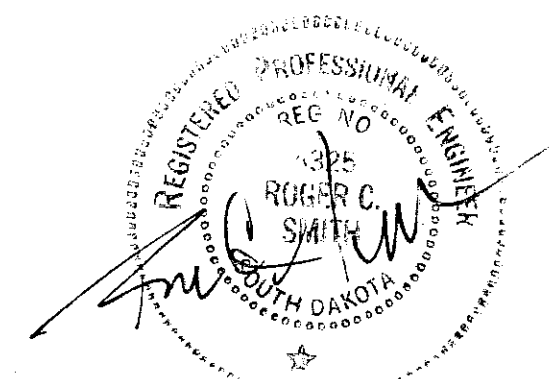
NOTES TO CONTRACTOR:

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



SOUTH DAKOTA

PROJECT AREA

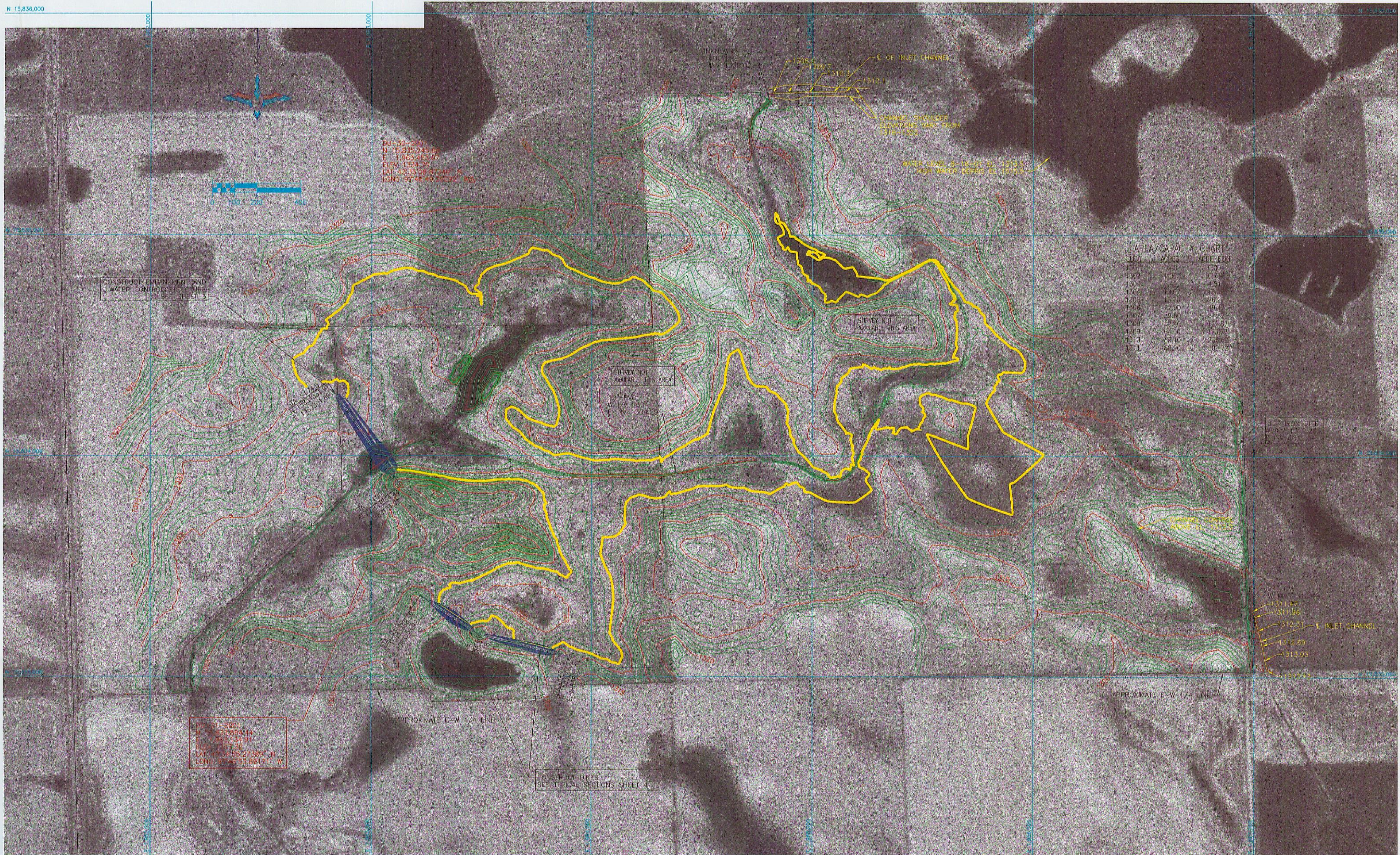
PROJECT LOCATION MAP
NOT TO SCALEPROJECT LOCATION MAP
NOT TO SCALE

AGENCY CONTACT
STEVE SPAWN US FISH & WILDLIFE SERVICE
LAKE ANDES NWR 605-487-7603

LANDOWNER:
JERRY MOENCH
(605)-362-9612

DUCKS UNLIMITED INC. GREAT PLAINS REGIONAL OFFICE DATE: 7-19-2001	PROJECT NO. SD-0332-01 MOENCH WETLAND LOCATION MAPS SHEET NO. 1 OF 5	DESIGNED BY: RCS DRAWN BY: TSP SURVEYED BY: GLJ CHECKED BY:
	APPROVED BY: <i>[Signature]</i>	APPROVED BY:

N 15,836,000



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HORIZONTAL CONTROL:
COORDINATES ARE AUTONOMOUS UTM ZONE 14 COORDINATES IN US FEET. THEY WERE ESTABLISHED FROM THE WGS84 ELLIPSOID WITH INFORMATION FROM TRIMBLE 4400 AND 4700 GPS RECEIVERS ON APRIL 17, 2001.

VERTICAL CONTROL:
WAS ESTABLISHED FROM THE 99 GEOID CONUS AND CALIBRATED TO SDDT BENCH MARK STAMPED "1 90 344.3" WHICH IS A FIRST ORDER CLASS II BENCH MARK WITH A PUBLISHED ELEVATION OF 1357.14 FEET ON THE NAVD 88.

GREAT PLAINS REGIONAL OFFICE	PROJECT NO. SD-0332-001	DESIGNED BY: RS
	MOENCH WETLAND	DRAWN BY: DAK
	PROJECT TOPOGRAPHY	SURVEYED BY: GLJ
	APPROVED BY:	CHECKED BY:
DATE: 7-24-2001	SHEET NO. 2 OF 5	APPROVED BY:

6277-3



6277-3

6277-3



DUCKS UNLIMITED

DUCKS UNLIMITED

PROJECT

MOENCH WETLAND RESTORATION

SECTION 3, T-101-N, R-58-W
HANSON COUNTY, SOUTH DAKOTA

IN COOPERATION WITH

JERRY MOENCH
(PRIVATE LANDOWNER)

SPECIFICATIONS

- 101 GENERAL CONDITIONS
- 102 SUPPLEMENTAL CONDITIONS
- 201 MOBILIZATION
- 202 SITE PREPARATION
- 203 EXCAVATION
- 204 EMBANKMENT CONSTRUCTION
- 205 WATER
- 206 WATER CONTROL STRUCTURE INSTALLATION
- 206A WATER CONTROL STRUCTURE AND CULVERT APPURTENANCES
- 207 CULVERT INSTALLATION
- 208 CAST-IN-PLACE REINFORCED CONCRETE
- 209 RIPRAP PLACEMENT

PLAN INDEX

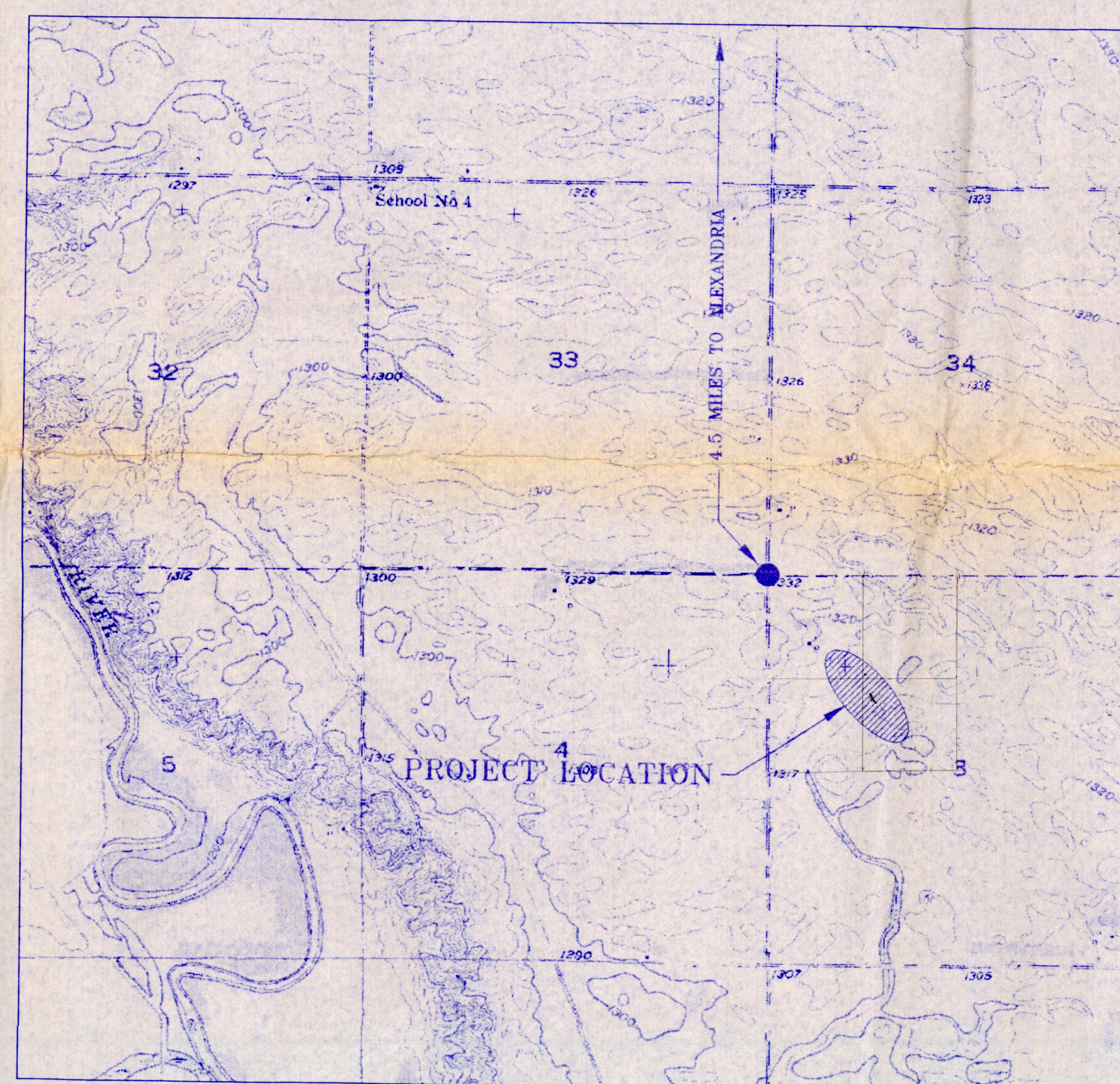
- 1 LOCATION MAPS
- 2 PROJECT TOPOGRAPHY
- 3 EMBANKMENT - PLAN & PROFILE
- 4 WATER CONTROL STRUCTURE - PLAN & PROFILE
- 5 EMBANKMENTS - PLAN & PROFILE
- 6 WATER CONTROL STRUCTURE - DETAILS

QUANTITIES

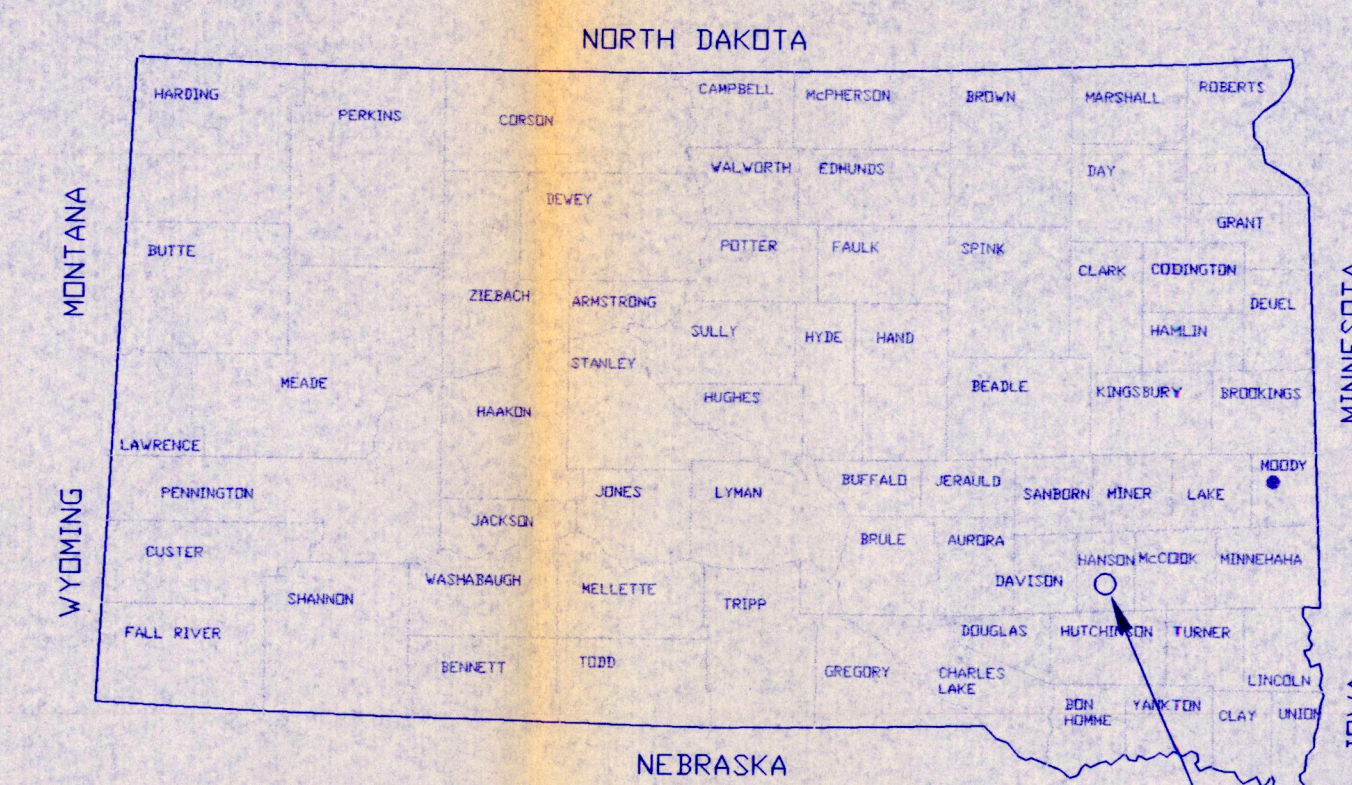
MOBILIZATION	1 L.S.
SITE PREPARATION (6")	848 CY-P
EMBANKMENT CONSTRUCTION	7447 CY-S
WATER CONTROL STRUCTURE INSTALLATION	
72"Ø CMP RISER	1 EA.
AGRI-DRAIN INLINE DRAWDOWN STRUCTURE	1 EA.
WATER CONTROL STRUCTURE APPURTENANCES	INC.
CULVERT INSTALLATION	
36"Ø CMP	54 L.F.
12"Ø PVC	24 L.F.
RIPRAP PLACEMENT (CLASS 1)	57 CY-P

NOTES TO CONTRACTOR:

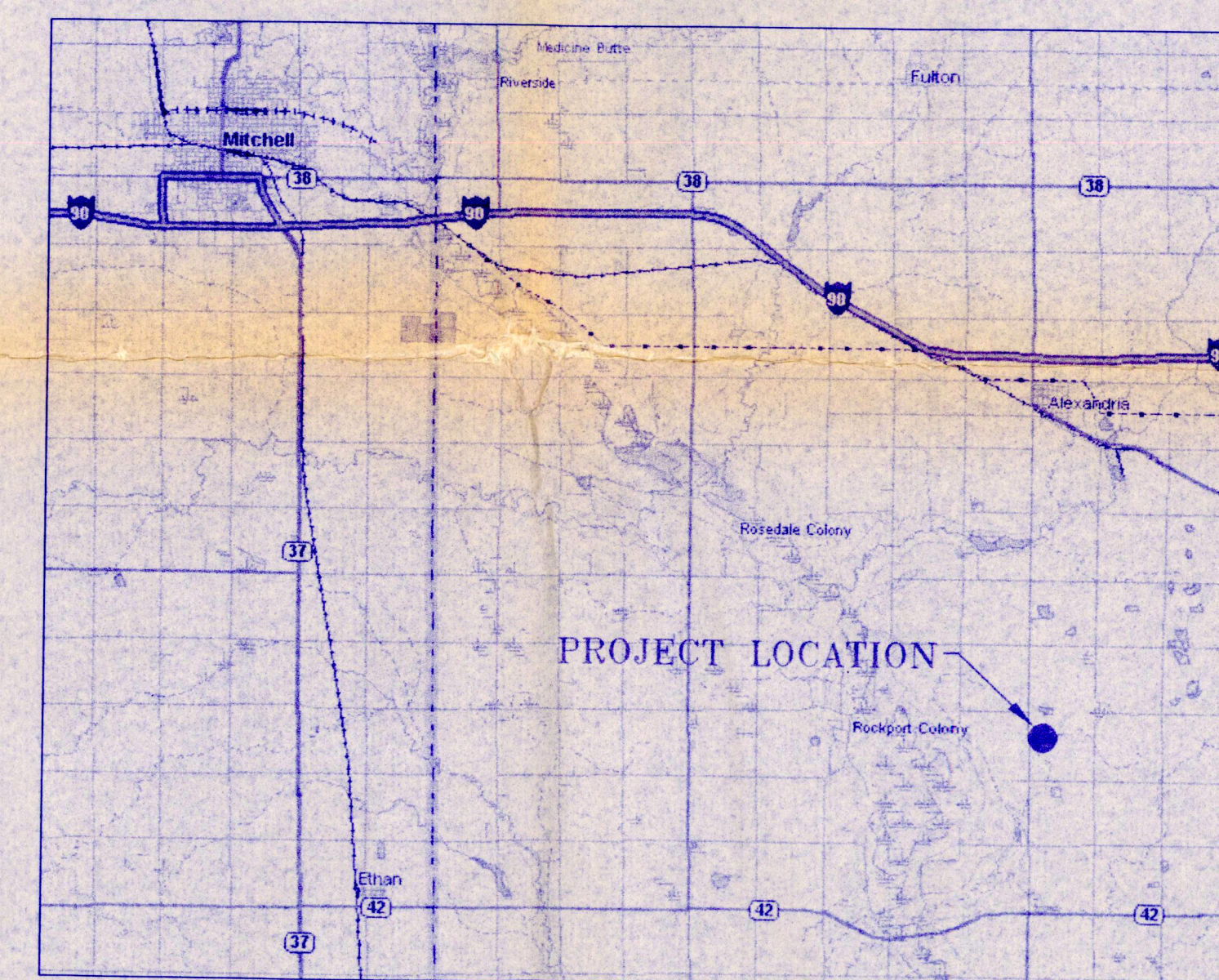
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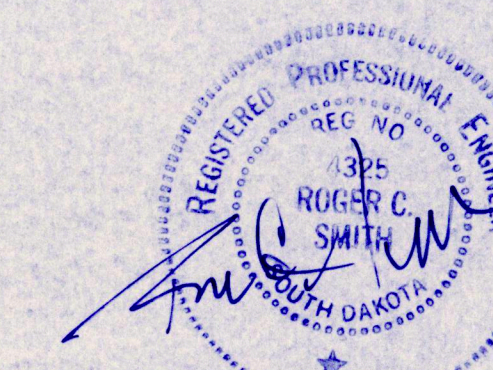
PROJECT LOCATION MAP
NOT TO SCALE



SOUTH DAKOTA
PROJECT AREA



PROJECT LOCATION MAP
NOT TO SCALE

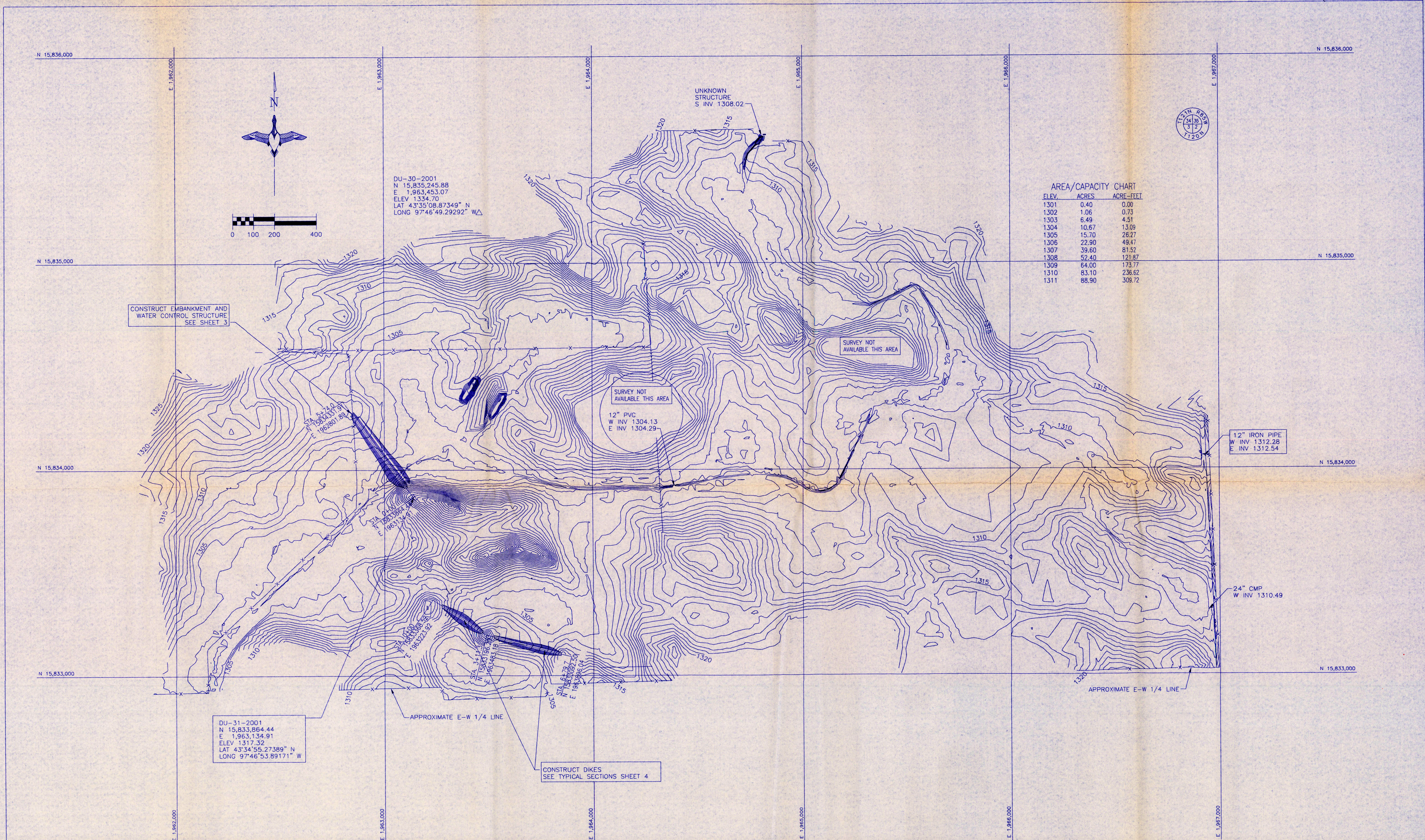


AGENCY CONTACT
STEVE SPAWN US FISH & WILDLIFE SERVICE
LAKE ANDES NWR 605-487-7603

LANDOWNER:
JERRY MOENCH
(605)-362-9612

DUCKS UNLIMITED INC. GREAT PLAINS REGIONAL OFFICE DATE: 7-19-2001	PROJECT NO. SD-0332-01 MOENCH WETLAND LOCATION MAPS	DESIGNED BY: RCS DRAWN BY: TSP SURVEYED BY: GLJ
	SHEET NO. 1 OF 5 APPROVED BY:	CHECKED BY:

6277-3

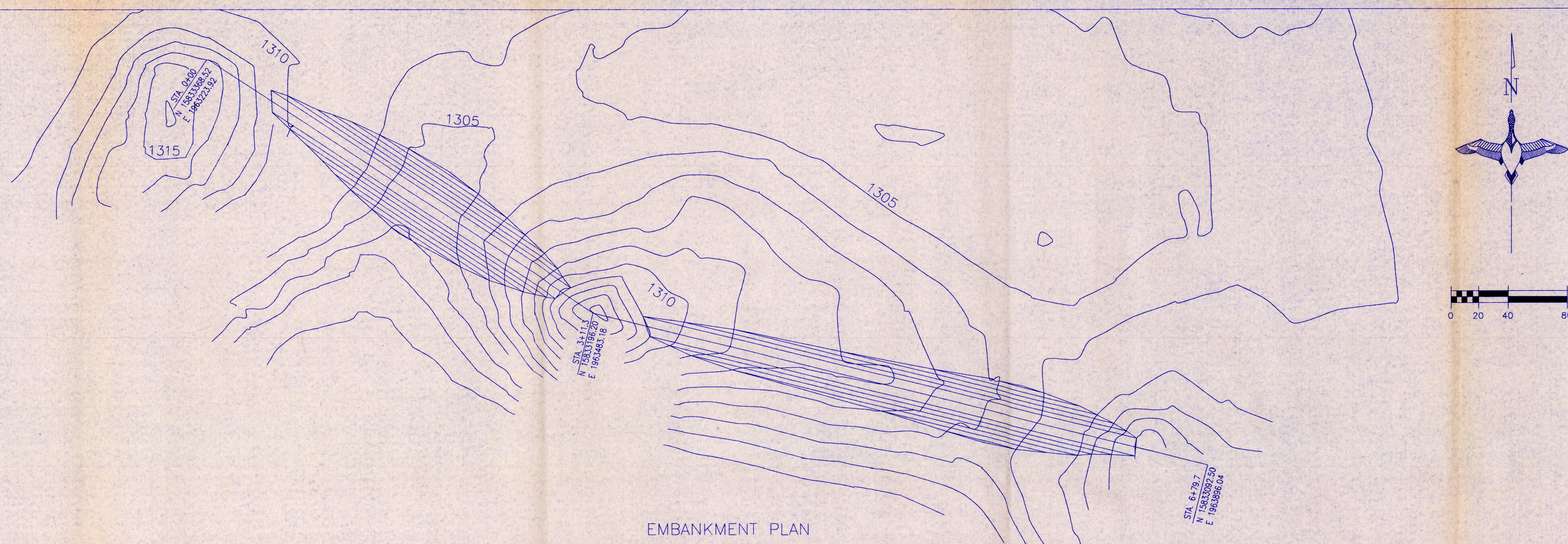


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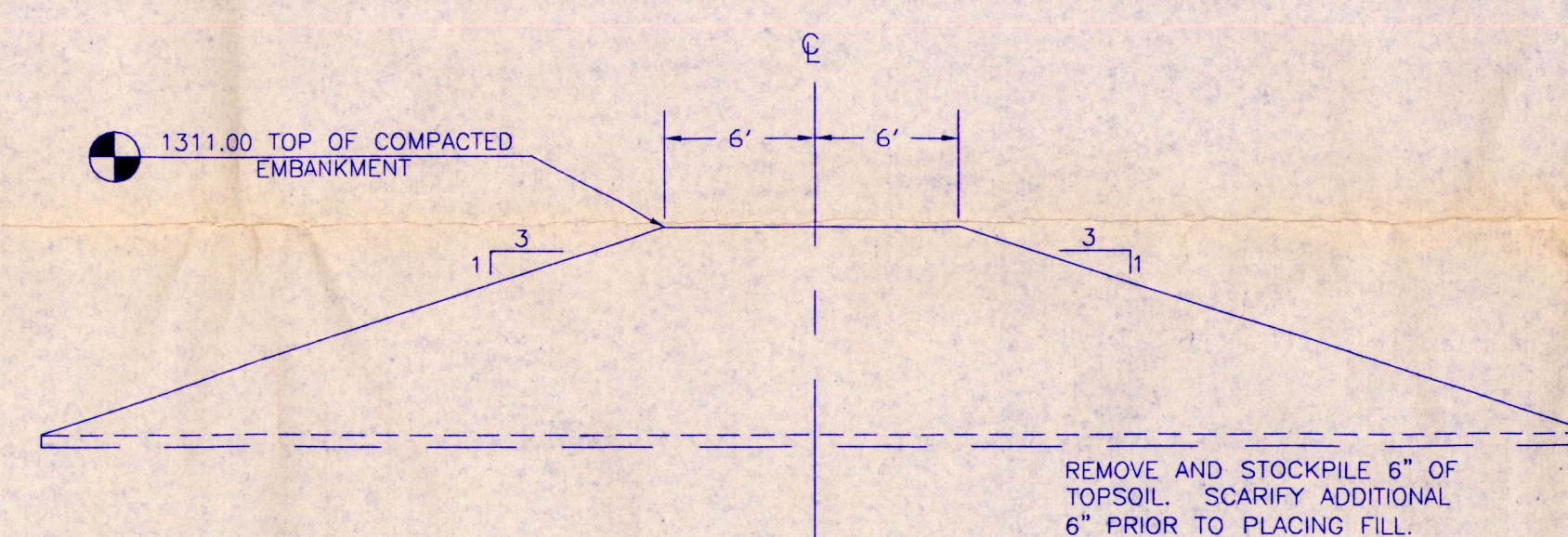
VERTICAL CONTROL:
WAS ESTABLISHED FROM THE 99 GEDID CONUS AND CALIBRATED TO SDDT BENCH MARK STAMPED "1 90 344.3" WHICH IS A FIRST ORDER CLASS II BENCH MARK WITH A PUBLISHED ELEVATION OF 1357.14 FEET ON THE NAVD 88.

 GREAT PLAINS REGIONAL OFFICE	PROJECT NO. SD-0332-001	DESIGNED BY: RS
	MOENCH WETLAND	DRAWN BY: DAK
	PROJECT TOPOGRAPHY	SURVEYED BY: GLJ
	CHECKED BY:	
DATE: 7-24-2001	SHEET NO. 2 OF 5	APPROVED BY:



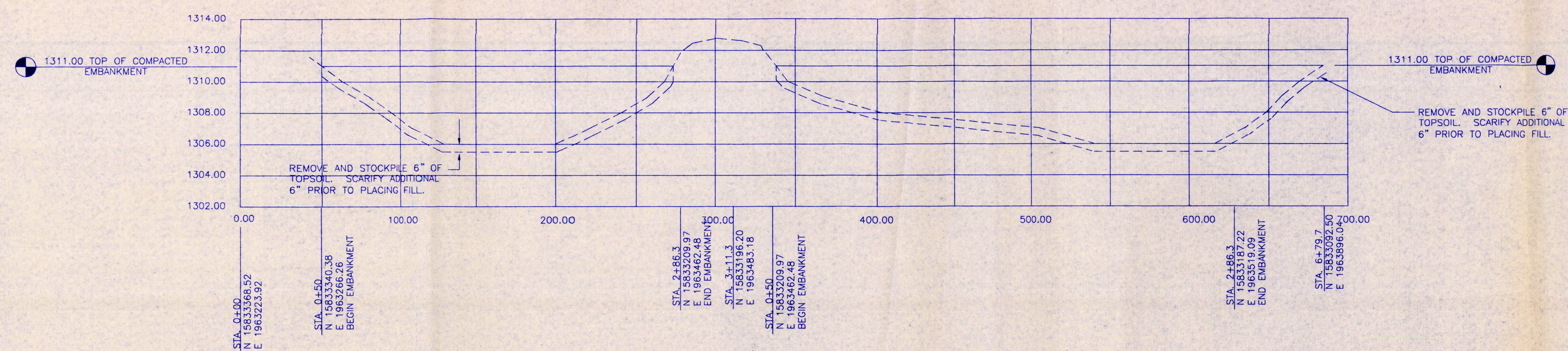
EMBANKMENT PLAN

1" = 40'



TYPICAL EMBANKMENT SECTION

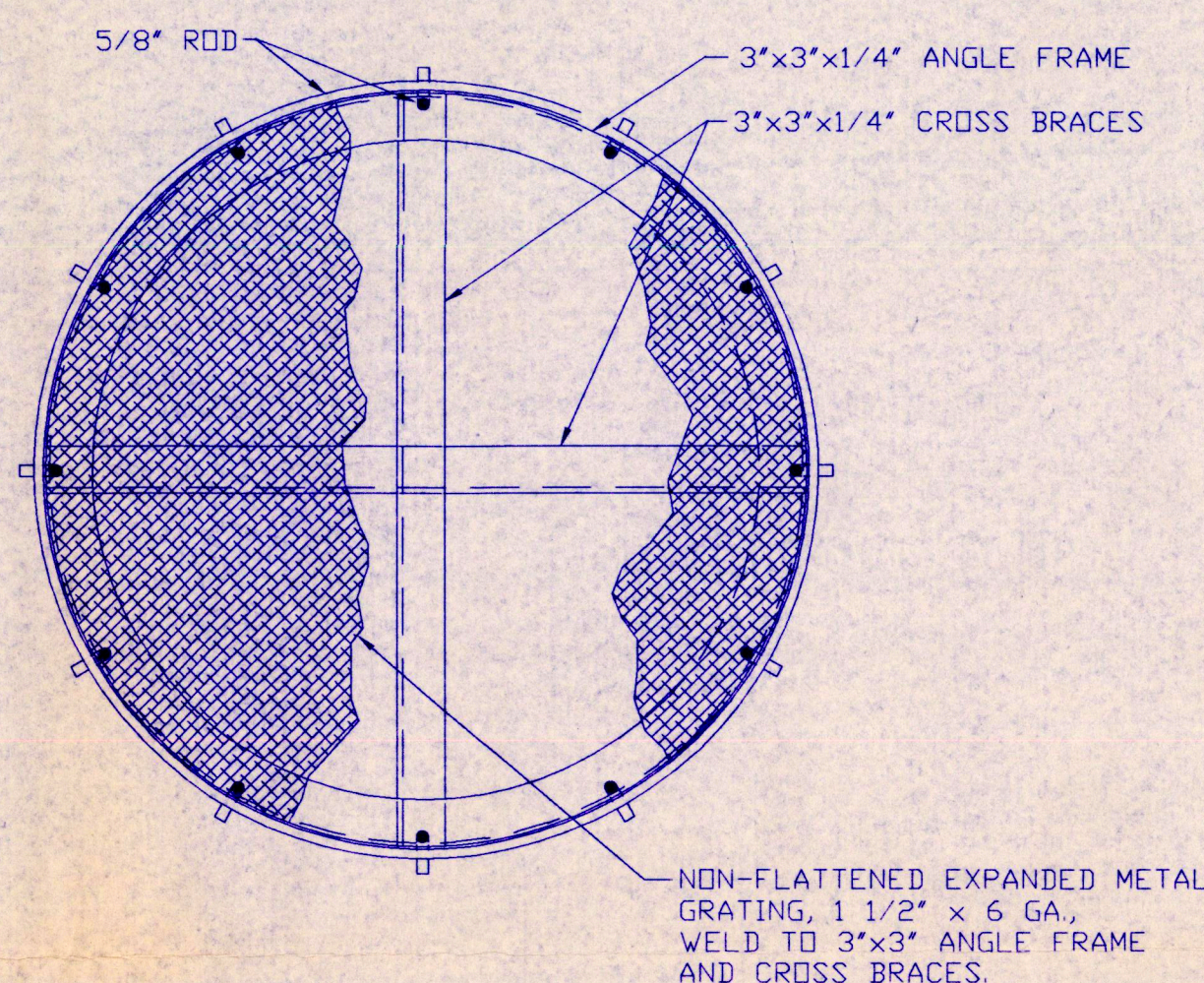
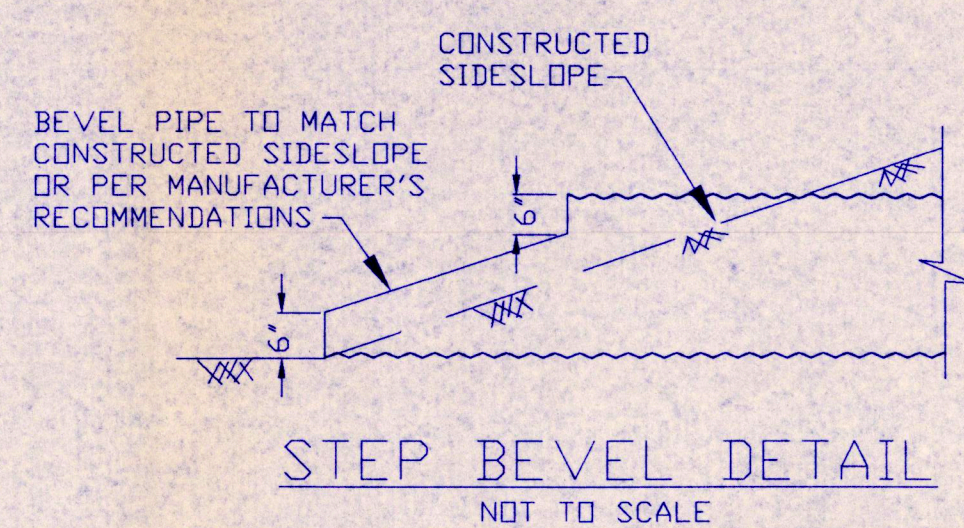
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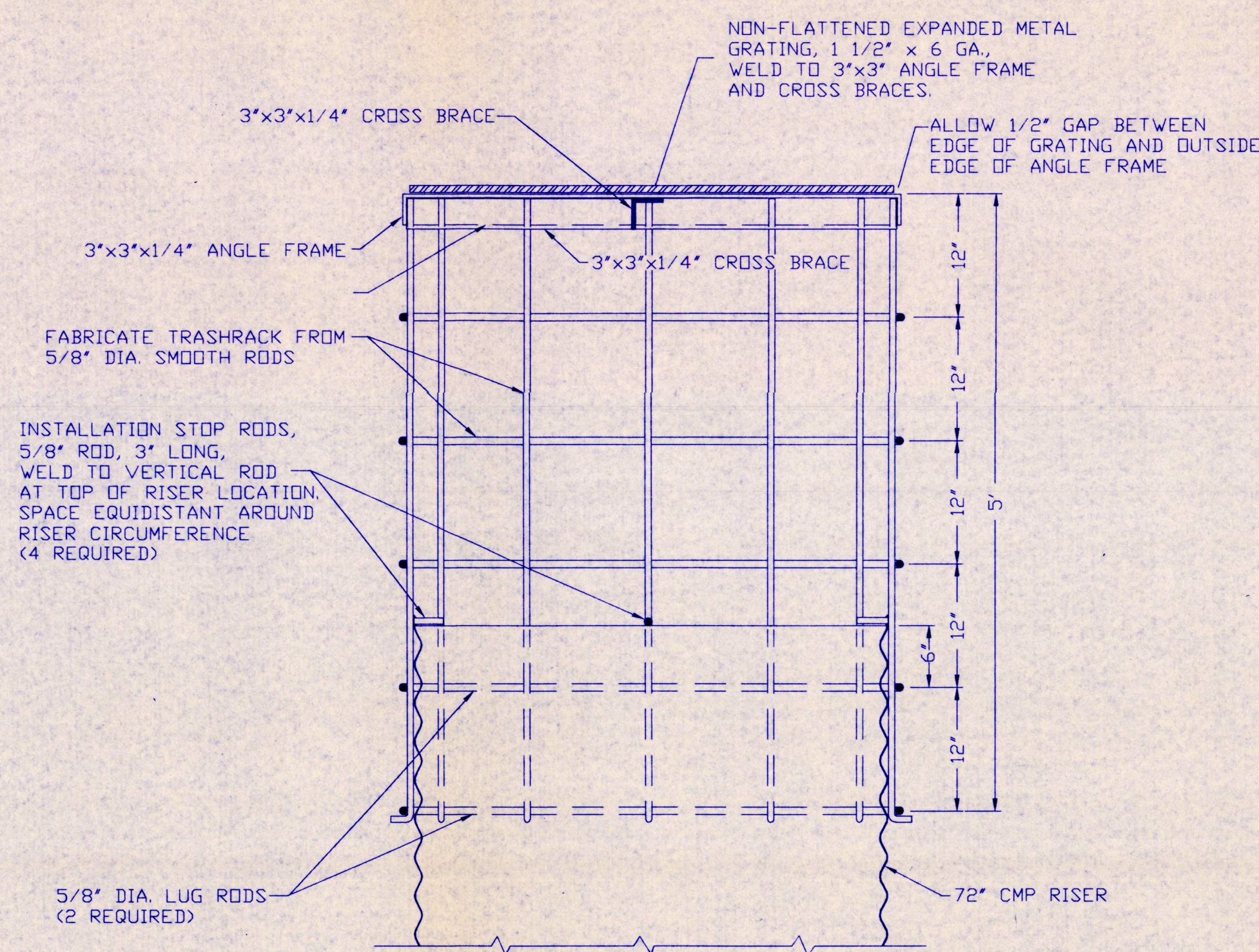
EMBANKMENT PROFILE

NOT TO SCALE

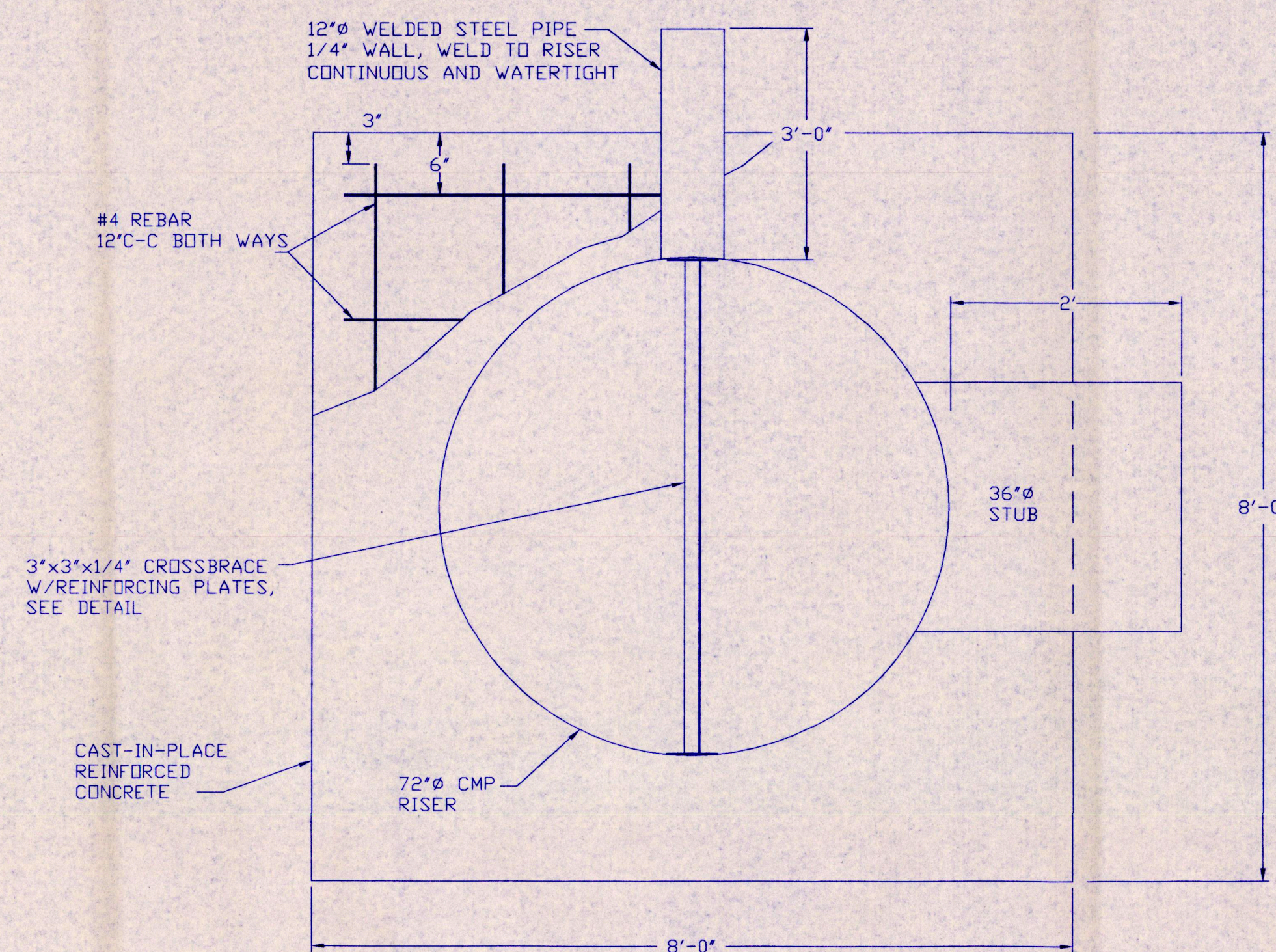
	PROJECT NO. SD-G332-001		DESIGNED BY: RS
	MOENCH WETLAND		DRAWN BY: JK
	DIKE PLAN & PROFILE		SURVEYED BY: GLJ
	GREAT PLAINS REGIONAL OFFICE		CHECKED BY:
DATE: 7-24-2001	SHEET NO. 4 OF 5	APPROVED BY:	APPROVED BY:



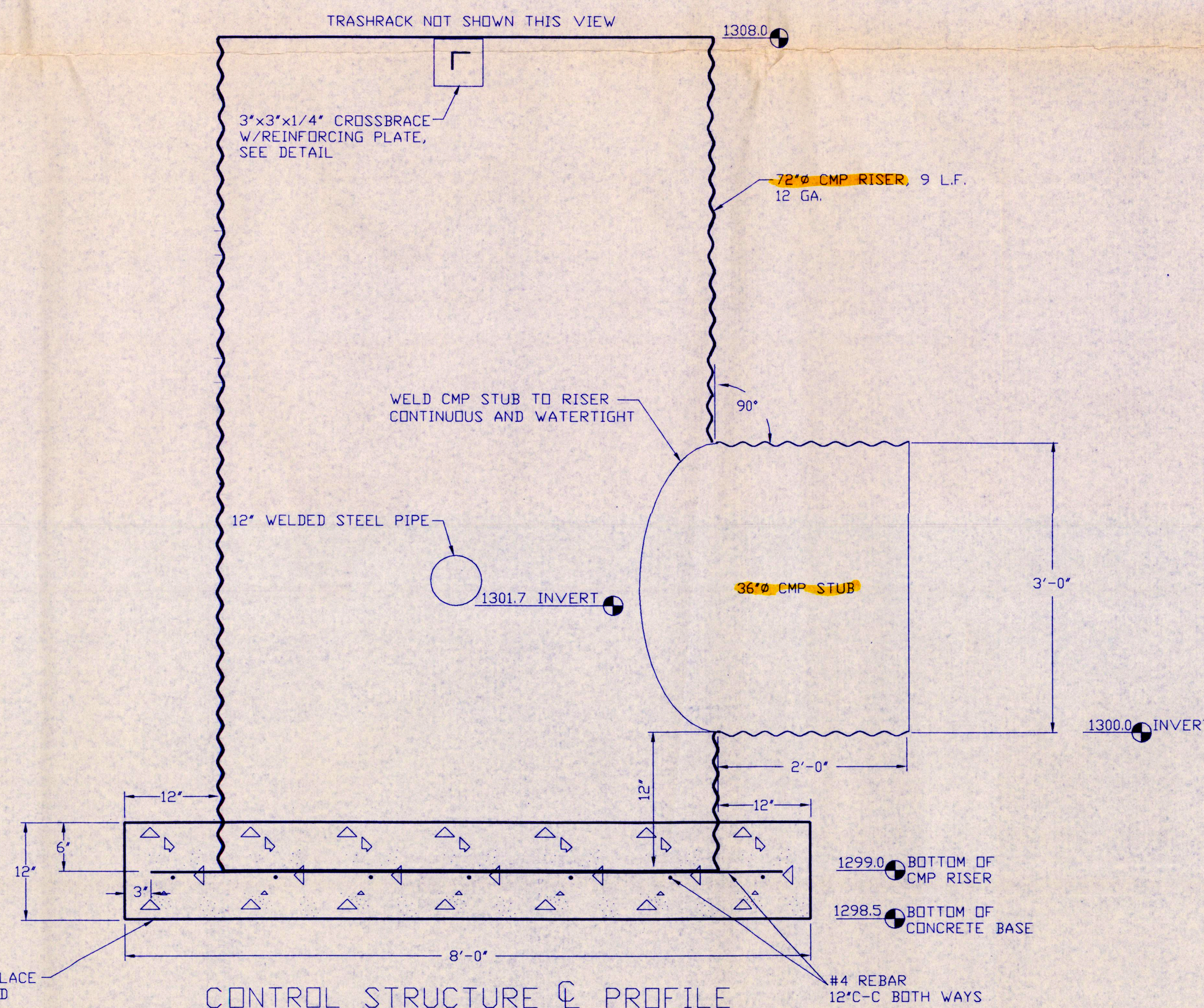
NOTE TO SUPPLIER:
TRASHRACK TO BE PAINTED INSIDE AND OUT,
CONSISTING OF ONE SHOP COAT OF ZINC BASE
PRIMER WITH TWO COATS OF ALKYD ENAMEL
FLAT BLACK PAINT.



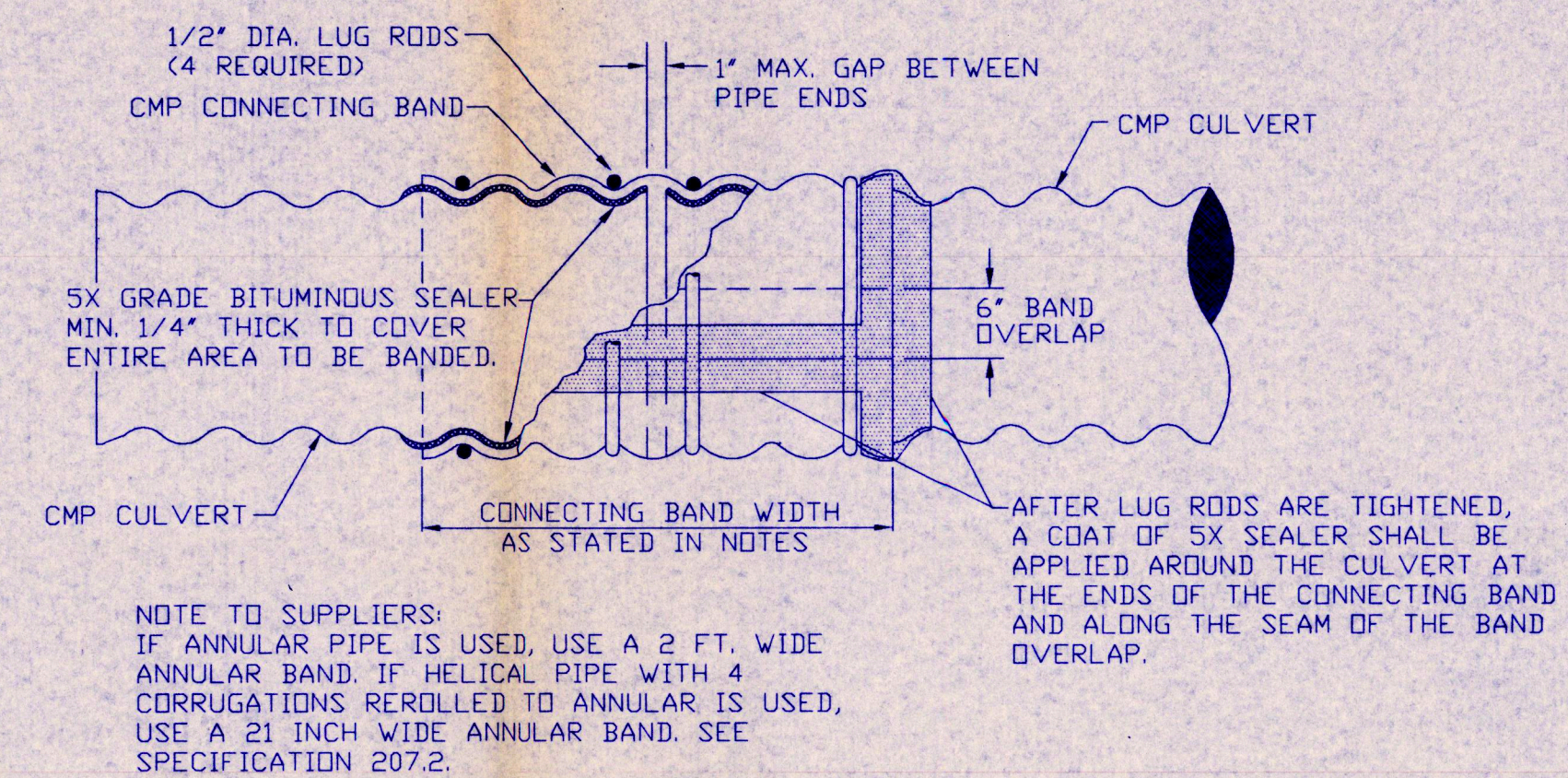
TRASHRACK DETAIL
NOT TO SCALE



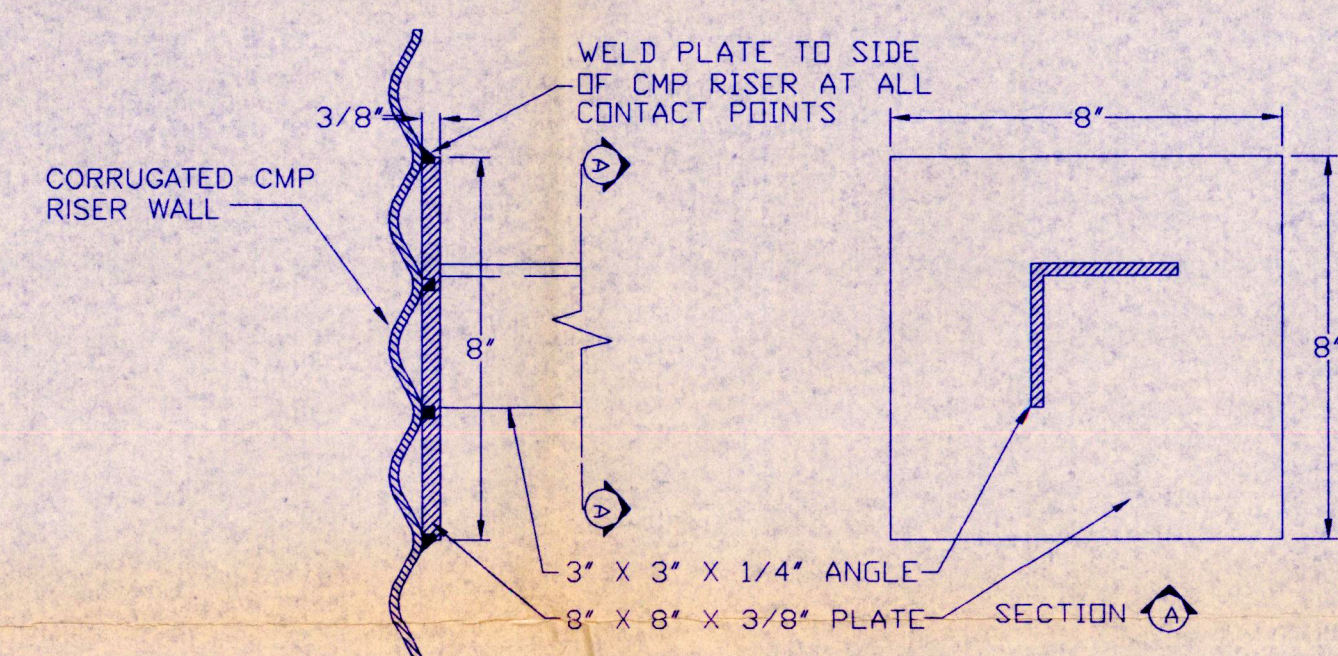
CONTROL STRUCTURE PLAN
NOT TO SCALE



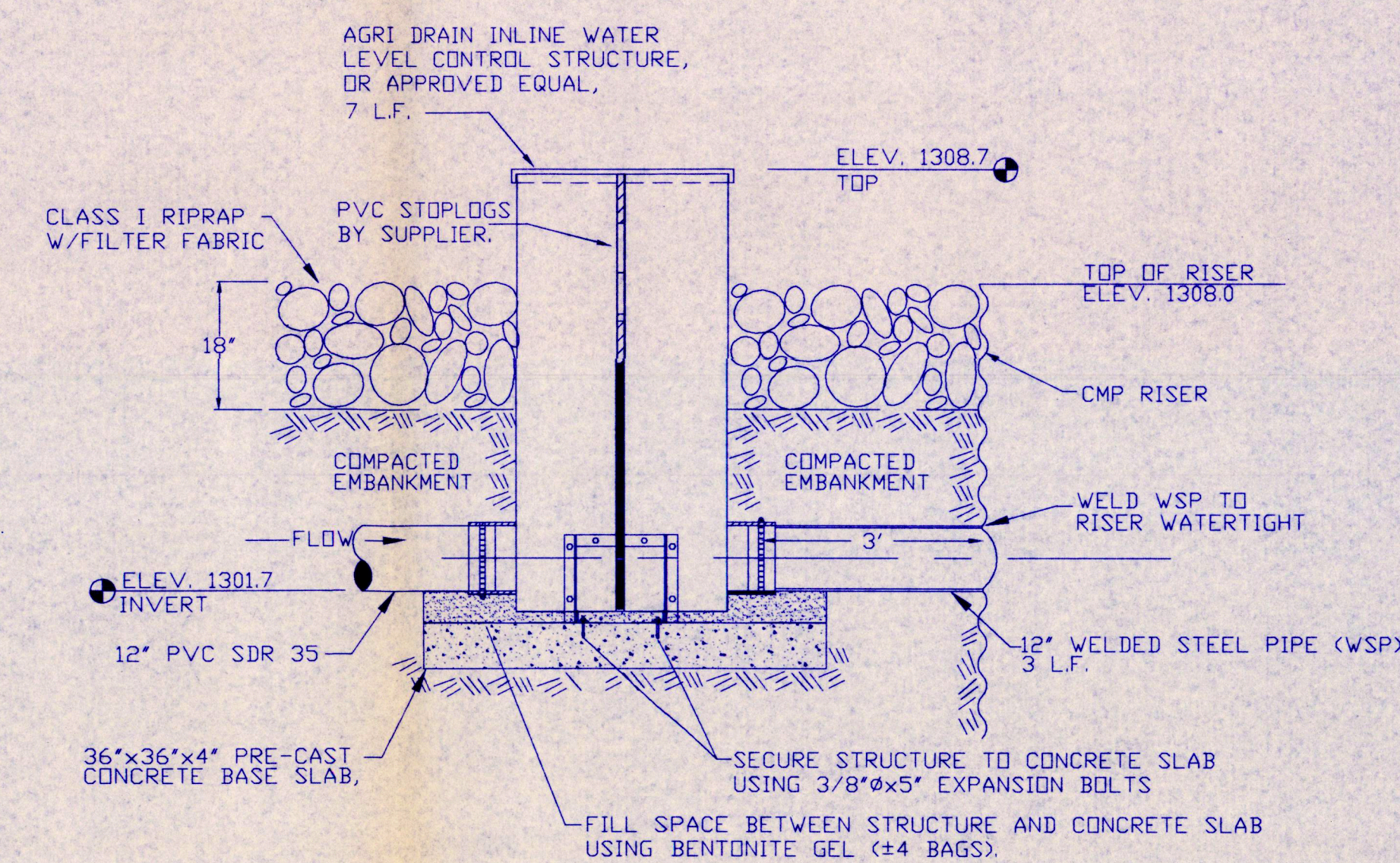
CONTROL STRUCTURE & PROFILE
NOT TO SCALE



CONNECTING BAND DETAIL
NOT TO SCALE



CROSS BRACE REINFORCING PLATE
NOT TO SCALE



INLINE DRAWDOWN STRUCTURE PROFILE
NOT TO SCALE

	PROJECT NO.	SD-0332-001	DESIGNED BY: RS
	DRAWN BY: TP		
GREAT PLAINS REGIONAL OFFICE DATE: 7-23-2001	SHEET NO.	5 OF 5	CHECKED BY:
	APPROVED BY:		APPROVED BY: