

WATER PERMIT NO. 6369-3

Name of Applicant: US Fish and Wildlife Service

Address: PO box 25486, Denver Federal Center, Denver CO

Phone: 303 236-5321

Amount of Water Claimed: 82.12 AF

Total Acres: NA

Source of Water Supply: runoff

Water to be used for: fish & wildlife propagation

County: Hamlin

Type of Waste Disposal System:

Location: 2 miles south of Lake Norden

PRIORITY Date Received: 10-25-02

Application/License Fee: \$

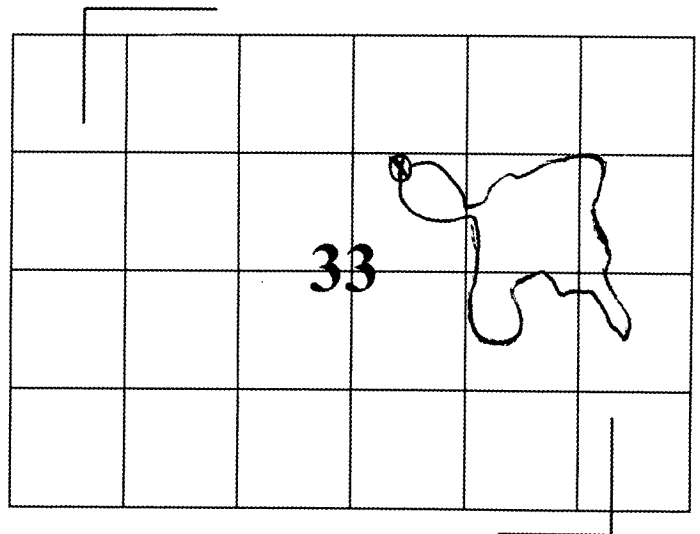
Corrected Application Received: 11-14-02

Period of Annual Use: January 1 – December 31

Remarks: filling in a man-made drainage and restoring a wetland to natural elevation

Diversion Point: SW ¼ NE ¼ Sec 33-T113N-
R53W

Water Impounded: SW ¼ NE ¼, SE ¼ NE ¼, NE
¼ SE ¼ Sec 33; SW ¼ NW ¼, NW ¼ SW ¼ Sec
34; all in T113N-R53W



Depth of Well: NA

Well Driller: : NA

Remarks:

Type of Map: topo

Prepared by: Noel Matson, USFWS

Reviewed and the Number Assigned on: 11-18-02

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6369-3**

Date of first receipt of application October 25, 2002.

Date of return to applicant for corrections, amendments or changes October 25, 2002.

Date of receipt of corrected application November 14, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6369-3 to US Fish and Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80225 authorizing the construction of the ditch plug and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6369-3 authorizes impoundment of 82.12 acre-feet of runoff by restoring a wetland area. A ditch plug will be located in the SW ¼ NE ¼ Section 33 and water impounded in the SW ¼ NE ¼, SE ¼ NE ¼, NE ¼ SE ¼ Section 33; SW ¼ NW ¼, NW ¼ SW ¼ Section 34; all in T113N-R53W.
2. The water appropriated shall be used for the purpose of fish and wildlife propagation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 6369-3 is January 27, 2003.
5. The date from which applicant may claim right is October 25, 2002.
6. One-fifth of the construction is to be completed on or before July 27, 2005.
7. All construction is to be completed on or before January 27, 2008.
8. Water is to be put to beneficial use on or before January 27, 2012.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

Water Permit No. 6369-3 authorizes installation of a ditch plug to restore a wetland with a storage capacity of 82.12 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.

WATER MANAGEMENT BOARD

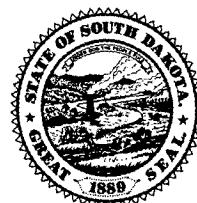
By: Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

MAR 13 2003

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	(office use only)
	No. <u>6369-3</u> Hydrologic Unit <u>10170201</u>
	Basin <u>Sioux River</u> Newspaper <u>Hamlin Co Herald Enterprise</u> <u>thayti</u>

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OCT 25 2002
WATER RIGHTS
PROGRAM

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

Check use(s) of water:

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

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

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

1. **Name of Applicant** United States of America
Fish and Wildlife Service Phone (303) 236-5321
(check one) ☐ Owner ☐ Tenant/lessee
- Mailing Address** P.O. Box 25486, Denver Federal Center, Denver State CO 80225
(Street, RR. or Box) (Zip Code)
2. **Amount of water claimed** _____ *CFS or _____ **GPM 82.12 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. **Source of water supply** Surface runoff of 364 acre watershed that flows into Lake John.
4. **Location of point of diversion** (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Hamlin 190x
NESWNE of Section 33, TWP 113N RGE 53W Water Impounded, SW1/4 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4
Sec 33, SW1/4 NW1/4, NW1/4 SW1/4 Sec 34, all T113N-R53W
Lat N44° 33' 14.9"/Long W97° 11' 42.1" County Hamlin
5. **County or counties where water will be used** Hamlin
6. **Annual period during which water is to be used** Jan 1 - Dec 31

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

The project consists of filling a man-made drainage, restoring a wetland to the natural overflow elevation. The existing excavation is 2.0 ft-2.5 ft. deep. Fill will be placed for 100 ft. along the drain. The maximum depth of fill will be 2.5 ft.

Disturbed areas will be seeded to grass. Ditch plug will be constructed to NRCS specs.

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)

STATE OF ~~SOUTH DAKOTA~~ COLORADO

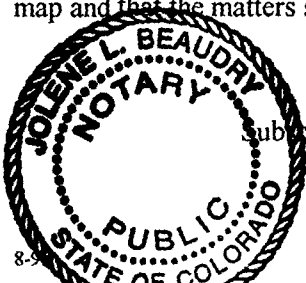
SS

County of Jefferson

I, Cheryl C. Williss (Agent), the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Cheryl C. Williss
Subscribed and sworn to before me this 22nd day of October 2002

Jolene L. Beaudry
Notary Public



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

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

2. Dugout Information

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

3. Water Storage Dams

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

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

Drain will be restored by USFWS using

NRCS Ditch Plug Construction Specifications

b) Freeboard N/A

c) Crest Width N/A

Crest Length N/A

d) Height N/A

e) Primary Outlet Capacity N/A

If pipe, diameter N/A

f) Secondary Spillway Capacity N/A

Spillway Width N/A

g) X & Y Slope

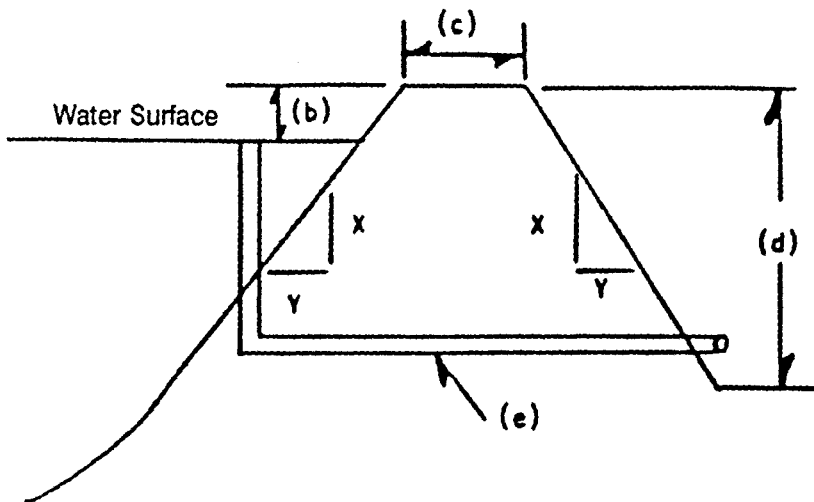
Upstream N/A

Downstream N/A

h) Surface Area of Impoundment 59.8 acrs

i) Storage 82.12 Acre Feet

j) Drainage Area above Dam 364 Acres



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

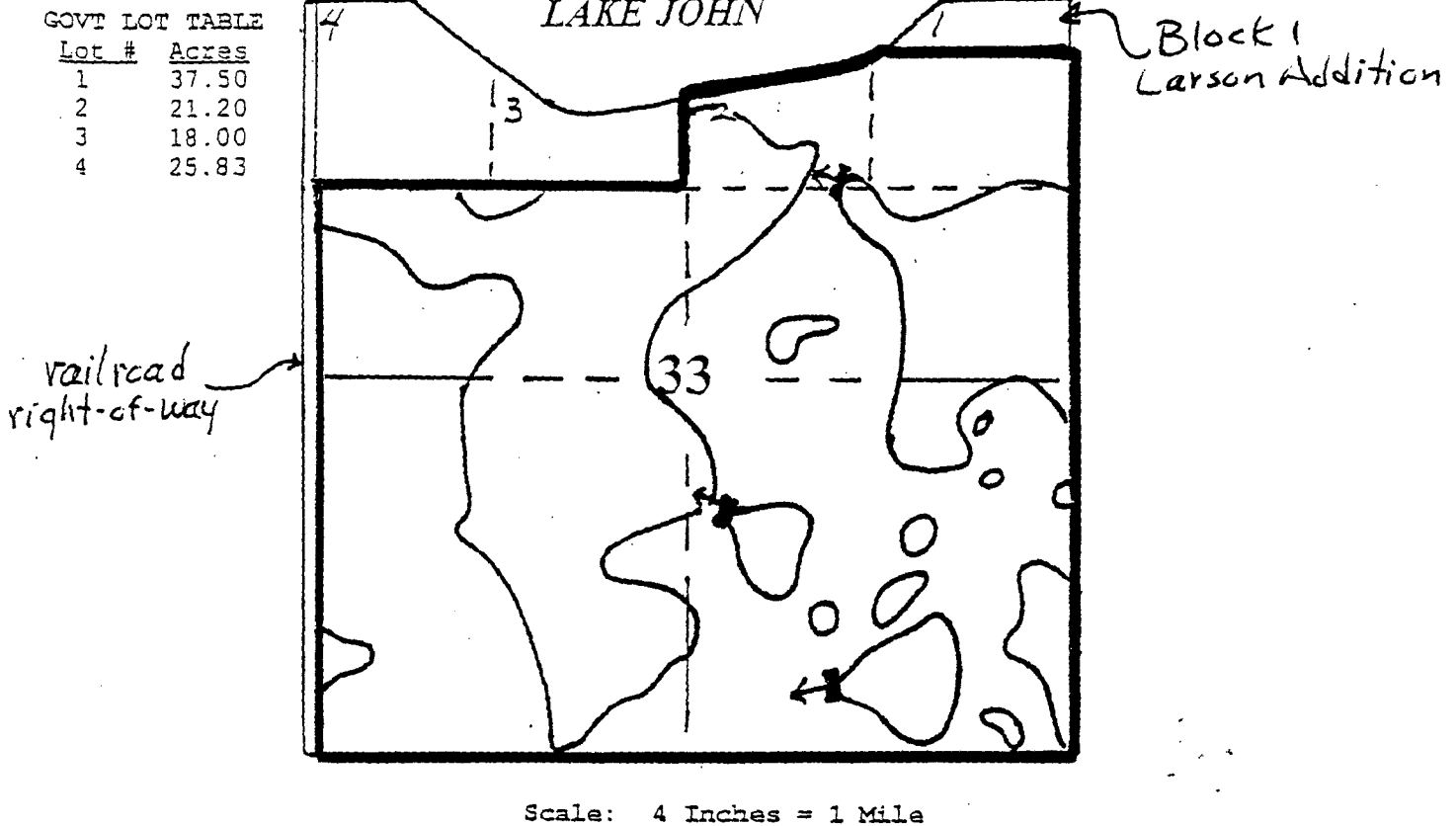
Larson et al, John C.

TRACT (190X,1)

MAP 2 of 2

WATERFOWL PRODUCTION AREA Hamlin COUNTY, STATE OF South Dakota
EASEMENT AUTHORIZED BY MIGRATORY BIRD HUNTING STAMP ACT OF MARCH 16, 1934, AS AMENDED.
T. 113 N., R. 53 W., Sch PRINCIPAL MERIDIAN

Section 33, Lot 1 EXCEPT Block 1 Larson Addition, Lot 2, S1/2NW1/4 less railroad right-of-way, S1/2NE1/4, SW1/4 less railroad right-of-way, SE1/4.



This map delineates wetlands referred to in the easement conveyance dated 11/7/2000 which the parties of the first part agree to maintain as a waterfowl production area. The lands covered by this conveyance include any enlargement of the delineated wetland areas resulting from normal or abnormal increased water.

Landowner Signatures

LEGEND

- Boundary of Easement Description
- Wetlands covered by provisions of the easement
- Open-ditch plug (wetland restoration structure)

John C. Larson

Shirley A. Larson

Kimell Larson

Shirley Larson

Prepared by: James Gropper, Realty Specialist

Date: 11/7/00

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

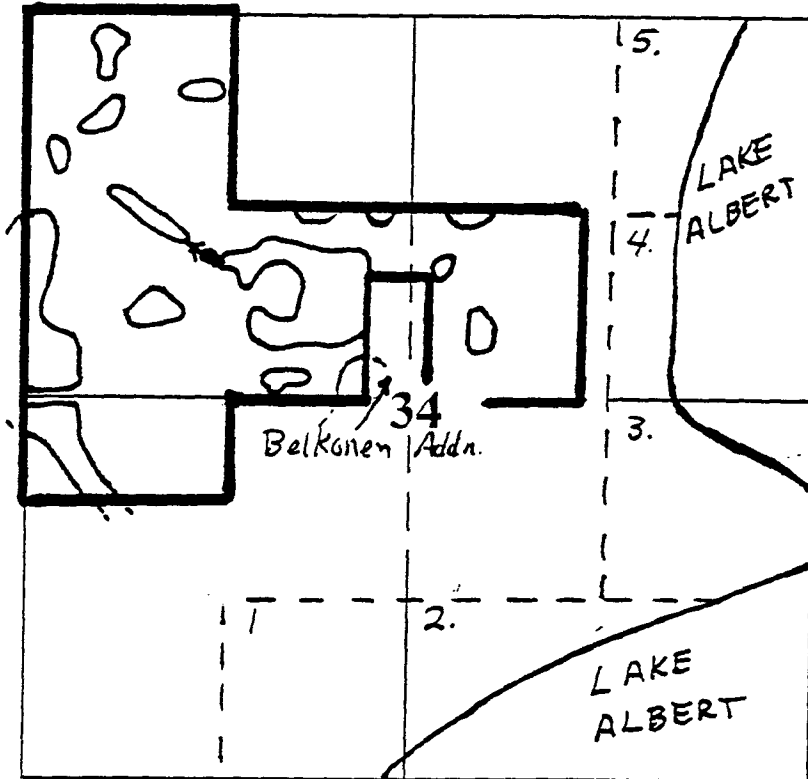
Coughlin, Michael D.

MAP 1 of 1

TRACT (188X)

WATERFOWL PRODUCTION AREA Hamlin COUNTY, STATE OF South Dakota
EASEMENT AUTHORIZED BY MIGRATORY BIRD HUNTING STAMP ACT OF MARCH 16, 1934, AS AMENDED.
T. 113 N., R. 53 W., 5th PRINCIPAL MERIDIAN

Section 34, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ EXCEPT portion of Belkonen Addition, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$
EXCEPT portion of Belkonen Addition and EXCEPT East 18 rods.



Lot Table

#	Acres
1	19.50
2	20.37
3	23.09
4	8.80
5	12.24

Belkonen Addn 9.8 ac.

Scale: 4 Inches = 1 Mile

This map delineates wetlands referred to in the easement conveyance dated 12/14/98 which the parties of the first part agree to maintain as a waterfowl production area. The lands covered by this conveyance include any enlargement of the delineated wetland areas resulting from normal or abnormal increased water.

[Signature]
Landowner Signature

[Signature]
Landowner Signature

Landowner Signature

Landowner Signature

Landowner Signature

Landowner Signature

LEGEND

Boundary of Easement Description

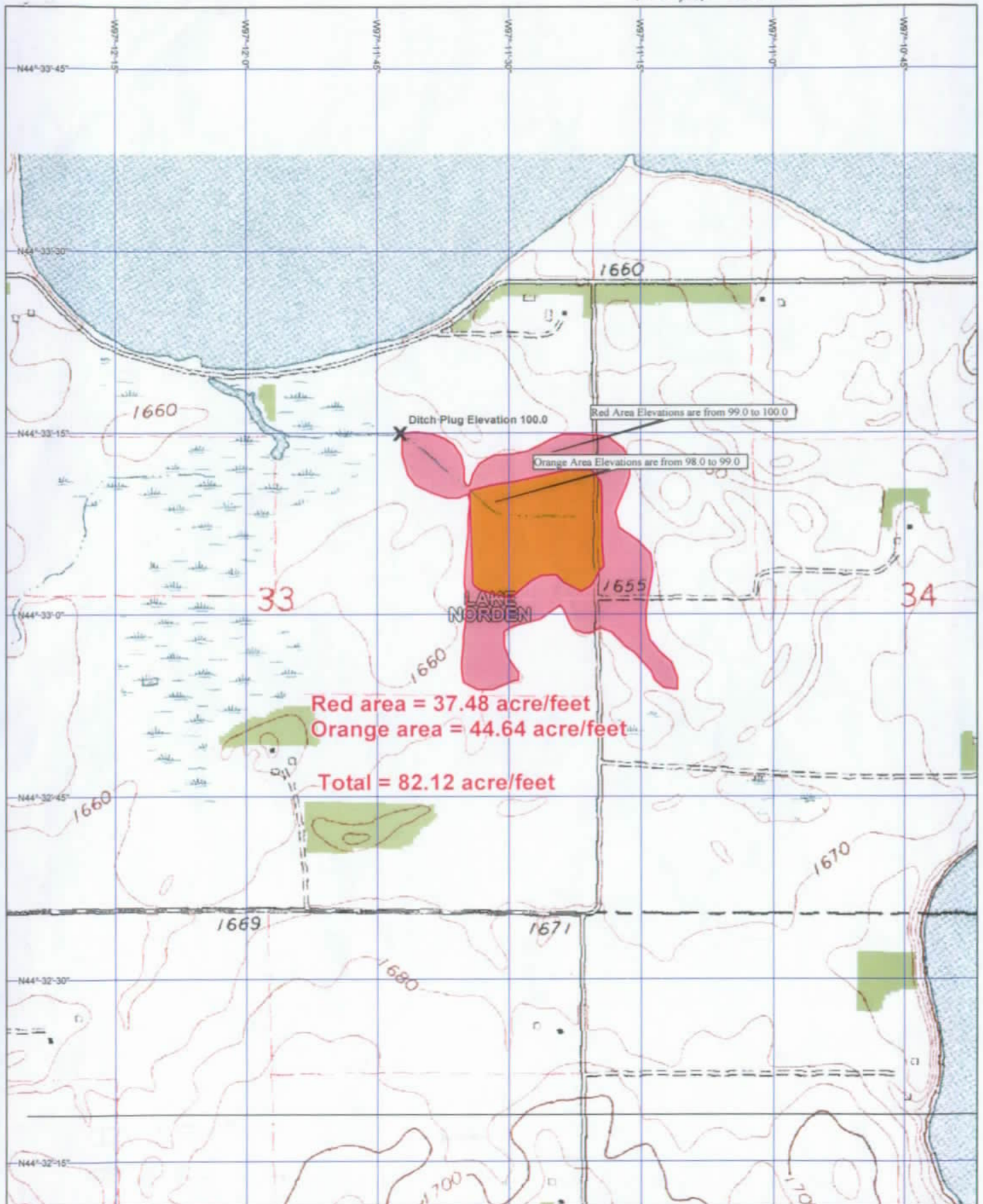
[Symbol] Restoration Structure



Wetlands covered by provisions of the easement
Restoration Structure

Prepared by: James Gropper

Date: 11/16/98

Andy A. Peterson

6369-3



**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. 20411-010603

Linda Coe
US Dept of Interior
PO Box 25486
Denver Federal Center
Denver CO 80225-0486

\$150 filing fee and \$50 inspection fee for Wetland Restoration on John Larson property, Hamlin
County South Dakota

\$200.00

PLEASE PAY THIS AMOUNT:

\$200.00



Karen Schlaak
Environmental Scientist
Water Rights Program



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

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OCT 25 2002

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IN REPLY REFER TO:

BA WTR
WR SD
Mail Stop 60189

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

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

OCT 22 2002

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

Dear Sir or Madam:

The Fish and Wildlife Service proposes to do a wetland restoration on the John Larson property, Hamlin County, South Dakota. The property is owned by Mr. John C. Larson, but is protected by a wetland conservation easement within the Madison Wetland Management District.

Enclosed are *Application for Permit to Appropriate Water Within the State of South Dakota, Forms 2 and 2A*; easements 188x and 190x, and filing map 6R-SD-627-WR-P-37.0. The \$150 filing fee and \$50 inspection fee have been submitted via electronic fund transfer.

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

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

Sincerely,

Cheryl C. Williss
Chief, Division of Water Resources

Enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 5, 2003

RECEIVED OF US Fish & Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO
80115-0486

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

Fee for Application for Permit No. <u>6369-3</u> to Appropriate Water, to construct and to put water to beneficial use	150.00
Fee for Application for Permit No. _____ to Appropriate Water for Future use	
Fee to retain Future Use Permit No. _____ after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6369-3</u>	50.00
Fee for Filing Transfer Form _____	
Fee for _____	
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____	
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____	
(Any Other Work Provided by Law)	
TOTAL	200.00

No.

000840

By

Darlene White
 Chief Engineer *gm*

Verhelst, Sandy

From: Beck, Eryln
Sent: Wednesday, February 05, 2003 1:38 PM
To: Verhelst, Sandy
Subject: FW: 1/30 wire

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

From: Tillman, Sandy
Sent: Thursday, January 30, 2003 12:11 PM
To: Beck, Eryln
Subject: 1/30 wire

FWS TREAS 312 MISC PAY 013003 463000364141600 RMT*IV*20411-010603 ** \$200.0001/30/2003

5220FWS TREAS 312 3121036500CCDMISC PAY
01300303013003021210365000000030
6220914085980000000017012697630000020000463000364141600SOUTH DAKOTA DEPT OF
G061121036500794118
705RMT*IV*20411-010603 *****INVOICE DATE: 01/06/03
\00010794118
822000000200091408590000000000000000000200003121036500
1210365000000030



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October 25, 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Linda Coe
US Fish & Wildlife Service
PO Box 25486
Denver Federal Center
Denver CO 80225-0486

Dear Ms. Coe:

Thank you for submitting the *Application for a Permit to Appropriate Water* for the proposed project in Hamlin County.

Enclosed is the topographic map submitted with the application. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Madison Wetland Management District
P.O. Box 48
23520 SD HWY 19
Madison, SD 57042
Telephone: (605) 256-2974
Fax (605) 256-9432
Email address: fw6_rw_madison@fws.gov

November 12, 2002

Karen Schlaak
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

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NOV 14 2002
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Dear Ms. Schlaak:

Enclosed you will find a signed topographic map that you requested for an Application for a Permit to Appropriate Water in Hamlin Co.

If you have any questions, please contact me.

Sincerely,

Noel Matson
Private Lands Specialist

P&S Review

12/9/02 TGS

Water Permit Application No. 6369-3
VS Fish & Wildlife Service

Ditch Plug - 2 to 2.5 ft high < 6 ft ∴

No P&S Required!

Storage Capacity = 82.12 Ac-Ft

NRCS Ditch Plug specs.

REPORT ON
WATER PERMIT APPLICATION NO. 6369-3
U.S. Fish & Wildlife Service
December 9, 2002

Water Permit Application No. 6369-3 has been filed by the U.S. Fish & Wildlife Service (USFWS) to impound 82.12 acre-feet of water from runoff by restoring a drained wetland area. The ditch plug will be located in the SW ¼ NE ¼ of Section 33-T113N-R53W, in Hamlin County. The application also requests impoundment of sufficient water to maintain water to the natural overflow elevation of the wetland. The water will be used for fish and wildlife production.

Discussion:

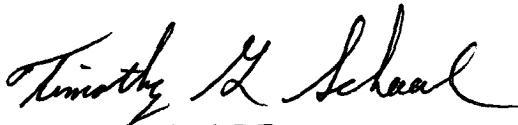
The proposed embankment will only be 2.0 to 2.5 feet high with a storage capacity of 82.12 acre-feet. Due to the small size of the embankment (less than 6 feet high), it is not considered to be a dam and the design of the structure is not subject to the requirements of the Safety of Dams Rules, Chapter 74:02:08.

The USFWS has restored many drained wetlands and this particular wetland restoration is similar to the other projects, except it is of sufficient size to require a water permit. The USFWS uses construction specifications developed by the Natural Resources Conservation Service (NRCS) for plugging drained wetlands.

The wetland restoration project will be located in the SW ¼ NE ¼ of Section 33-T113N-R53W on an unnamed tributary to Lake St John and approximately 1500 feet upstream of Lake St. John. The Department of Game, Fish and Parks holds Vested Water Right No. 1593-3 for 3600 acre-feet of water in Lake St. John. Approval of Water Permit No. 6265-3 should not have an adverse effect on Vested Water Right No. 1593-3.

Conclusion:

1. Water Permit Application No. 6369-3 should be approved since unappropriated water is available and approval should not have any adverse effect on existing Water Permits/Rights.
2. If approved, the low flow bypass requirement for domestic use should be a qualification on Water Permit Application No. 6369-3.



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

Approved by:



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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6369-3, US Fish and Wildlife Service**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6369-3. US Fish and Wildlife Service, c/o Cheryl Williss, PO Box 25486, Denver Federal Center, Denver CO 80225.

The Chief Engineer is recommending APPROVAL of Application No. 6369-3 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. 6369-3 authorizes installation of a ditch plug to restore a wetland with a storage capacity of 82.12 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.

See report on application for additional information.

Garland Erbele, Chief Engineer
December 12, 2002



United States Department of the Interior

FISH AND WILDLIFE SERVICE Mountain-Prairie Region

IN REPLY REFER TO:

BA WTR
WR SD
Mail Stop 60189

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

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

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

JAN 07 2003

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JAN 09 2003

WATER RIGHTS
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Dear Mr. Erbele:

The Fish and Wildlife Service has received the December 17, 2002, letter conveying the Chief Engineer's Recommendation for Water Permit Application No. 6369-3. The application is for a proposed wetland restoration on the John C. Larson property, Hamlin County, South Dakota. The property is owned by John C. Larson and the Service holds a perpetual easement.

The Service respectfully requests that you reconsider the proposed condition No. 2 which requires release of low flows as needed for downstream domestic use. This drained wetland would be restored to its historic condition by plugging the drainage ditch. Prior to construction of the drainage ditch, spring runoff was held in the wetland up to its natural overflow elevation, and only excess runoff spilled out of the marsh. It would be very difficult at this site to quantify any additional inflow after spring runoff, if it ever became necessary to release for downstream uses an amount of water equivalent to inflow.

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

Sincerely,

Cheryl C. Willis
Chief, Division of Water Resources



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**REVISED RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6369-3, US Fish and Wildlife Service**

Pursuant to SDCL 46-2A-2, the following is the revised recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6369-3. US Fish and Wildlife Service, c/o Cheryl Williss, PO Box 25486, Denver Federal Center, Denver CO 80225.

The Chief Engineer is recommending APPROVAL of Application No. 6369-3 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. 6369-3 authorizes installation of a ditch plug to restore a wetland with a storage capacity of 82.12 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.

See report on application for additional information.

for Eric Garland
Garland Erbele, Chief Engineer
January 14, 2002



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 15, 2003

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

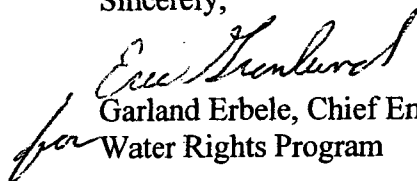
Dear Ms. Williss:

The Water Rights Program has received your request to remove the low flow bypass qualification proposed on my original recommendation for Water Permit Application No. 6369-3. This application is to impound runoff by restoring a drained wetland on the John C. Larson property in Hamlin County, South Dakota.

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

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

Sincerely,


Garland Erbele, Chief Engineer
Water Rights Program

enclosure

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hamlin) SS

I, LeeAnne Archer

certify that the attached printed Notice was taken

from the Hamlin County
Herald Enterprise

printed and published in Hayti

County of Hamlin and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

Jan. 8, 2003

Jan. 15, 2003

Cost of Printing \$ 39.67

LeeAnne Archer
(Signature)

Publisher
(Title)

1/15/2003
(Date Signed)

12

NOTICE OF APPLICATION NO.
6369-3 to Appropriate Water

Notice is given that U.S. Fish and Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80225 has filed an application for a water permit to impound 82.12 acre-feet of water of runoff by restoring a wetland area. A ditch plug will be located in the SW 1/4 NE 1/4, Section 33 and water impounded in the SW1/4NE1/4, SE1/4NE1/4. NE1/4SE1/4 Section 33; SW1/4NW1/4, NW1/4SW1/4 Section 34; all in T113N-R53W. This application requests impoundment of sufficient water to maintain water to the outlet elevation. The water is for fish and wildlife propagation.

Pursuant to SDCL 46-2A-2, the Chief of Engineer recommends APPROVAL of Application No. 6369-3 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 the 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 January 27, 2003.

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.

RECEIVED

JAN 17 2003

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 17, 2002

Hamlin Co Herald Enterprise
PO Box 207
Hayti SD 57241-0207

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6369-3 to Appropriate Water to be published twice. Please publish the first notice on January 8, 2003 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 US Fish and Wildlife Service, % Cheryl C Williss, PO Box 25486, Denver Federal Center, Denver CO 80225 (Ph # 303-236-5321).

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6369-3

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

Date _____

We are in receipt of your letter of December 16, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 6369-3 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.

December 17, 2002

US Fish and Wildlife Service
% Cheryl C Williss
PO Box 25486
Denver Federal Center
Denver CO 80225

Dear Ms Williss:

Water Permit Application No. 6369-3 for fish and wildlife propagation 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 Hamlin Co. Herald Enterprise printed at Hayti, SD (Ph # 605-783-3636). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

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

Instruction to Newspaper - Publish first Notice on January 8, 2003 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6369-3 to Appropriate Water

Notice is given that U.S. Fish and Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80225 has filed an application for a water permit to impound 82.12 acre-feet of water of runoff by restoring a wetland area. A ditch plug will be located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33 and water impounded in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 33; SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34; all in T113N-R53W. This application requests impoundment of sufficient water to maintain water to the outlet elevation. The water is for fish and wildlife propagation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6369-3 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 January 27, 2003.

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.



MAR 13 2003

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

US Fish & Wildlife Service
% Cheryl C Williss
PO Box 25486
Denver Federal Center
Denver CO 80225-0486

Dear Ms. Williss:

Enclosed is Water Permit No. 6369-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures



United States Department of the Interior

FISH AND WILDLIFE SERVICE Mountain-Prairie Region



IN REPLY REFER TO:

BA WTR
WR SD
Mail Stop 60189

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

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

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

MAY 20 2003

RECEIVED
MAY 22 2003
WATER RIGHTS
PROGRAM

RE: Water Permit No. 6279-3
Water Permit No. 6369-3

Dear Sir or Madam:

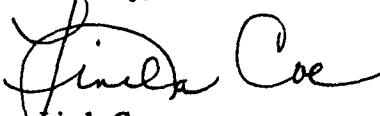
The Fish and Wildlife Service completed construction and put water to beneficial use under the following water permits located on the Madison Wetland Management District:

		<u>Beneficial Use</u>
6279-3, Reno Peterson Wetland Restoration Project	Moody County	May 13, 2003
6369-3, Larson Wetland Restoration Project	Hamlin County	May 12, 2003

Enclosed are completed *Notices of Completion of Works and Application of Water to Beneficial Use* forms. The \$50 water license fees were submitted previously by EFT. Please schedule an investigation so that water licenses may be issued.

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

Sincerely,


Linda Coe
Water Rights Specialist

Enclosures

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

Date May 20, 2003

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

RECEIVED**MAY 22 2003****WATER RIGHTS
PROGRAM**

FROM: UNITED STATES OF AMERICA
Fish and Wildlife Service
(name)
P.O. Box 25486, Denver Federal Center
(address)
Denver, CO 80225
(city, state, zip)

303-236-5322
(phone)

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

Water Permit No. 6369-3 states that the water use system is to be constructed by

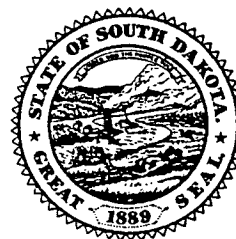
January 27, 2008 , and water is to be put to beneficial use by January 27, 2012
(date) (date)

The water use system was completed on April 14, 2003
(date)

Applying the water to beneficial use was completed on May 12, 2003
(date)

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

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



Permit No. 6369-3
Big Sioux River - Water District

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

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

I have this day, August 24, 2004, made a thorough examination of the water use system constructed by United States of America Fish & Wildlife Service of P.O. Box 25486, Denver Federal Center, Denver CO 80225 holder of Permit No. 6369-3, bearing the priority of October 25, 2002 authorizing the storage of 82.12 acre-feet of the waters of runoff for fish & wildlife propagation purposes, in Hamlin County.

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

A. Works used to divert the water:

A 2.5 ft. high ditch plug (Larson Wetland Restoration Project)

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

N/A

C. Works used to apply water to beneficial use:

A 2.5 ft. high ditch plug (Larson Wetland Restoration Project)

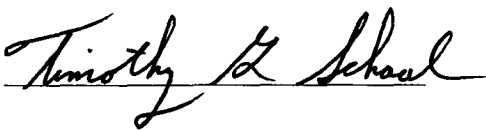
The system is in the following condition good. The point of diversion is located 1350 ft. south & 1500 ft. west of the NE corner of Sec. 33-T113N-R53W (SW ¼ NE ¼) (Lat. 44.55382, Long. -97.19492). The works are capable of storing 82.12 acre-feet of water which is to be used for fish & wildlife propagation. Water has been put to beneficial use to the maximum extent as follows:

A 2.5 ft. high ditch plug (Larson Wetland Restoration Project)

and the license should be issued for 82.12 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: February 2, 2005



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

REPORT ON INSPECTION OF PERMIT NO. 6369-3

DATE OF INSPECTION: August 24, 2004

NAME & ADDRESS OF PERMIT HOLDER: United States of America Fish & Wildlife Service,
P.O. Box 25486, Denver Federal Center, Denver Co 80225

DIVERSION POINT LEGAL LOCATION: 1350 ft. south & 1500 ft. west of the NE corner of
Sec. 33-T113N-R53W (SW ¼ NE ¼) (Lat. 44.55382, Long. -97.19492) .

DAM INFORMATION: Ditch Plug

- 1) Height to crest 2.5 feet
- 2) Crest width 100 feet
- 3) Approx. storage (Normal) 82.12 acre-feet
- 4) Date constructed: April 14, 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

Water Permit Application No. 6369-3



0 0.25 0.5 1 Miles



Timothy G. Schaal

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

2/02/05

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6369-3

(1) US Fish and Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80225 made Application No. 6369-3, October 25, 2002 for a water permit to impound 82.12 acre feet of water from runoff, Hamlin County, South Dakota for fish and wildlife propagation purposes. Permit No. 6369-3, with a priority date of October 25, 2002 was approved January 27, 2003 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 27, 2008 and for the application to beneficial use of water on or before January 27, 2012.

(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. 6369-3 is issued a license, bearing a priority date of October 25, 2002, to impound 82.12 acre feet of water for fish and wildlife propagation purposes for the Larson Wetland Restoration Project.

The location of the ditch plug is 1,350 feet south and 1,500 feet west of the northeast corner of Section 33-T113N-R53W (SW ¼ NE ¼).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6369-3, including the following now applicable qualification:

Water Permit No. 6369-3 authorizes installation of a ditch plug to restore a wetland with a storage capacity of 82.12 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.

Garland Erbele

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

APR 19 2005

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 19 2005

6369-3

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

Dear Sir:

Enclosed is Water License No. 6369-3. 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