

WATER PERMIT NO. 6733-3

Name of Applicant: US Fish & Wildlife Service

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

Phone: 605 236-5322

Amount of Water Claimed: 2.89 cfs

Total Acres: NA

Source of Water Supply: Groundwater

Water to be used for: fish & wildlife propagation

County: Yankton

Type of Waste Disposal System:

Location: near Gavins Point Dam

PRIORITY Date Received: 6-7-06

Application/License Fee: \$675

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: For use at the Gavins Point National Fish Hatchery

Diversion Point: NE ¼ SE ¼ Sec 17-T93N-R56W

Land to be Irrigated: NA

Depth of Well: 70 feet

Well Driller:

Remarks:

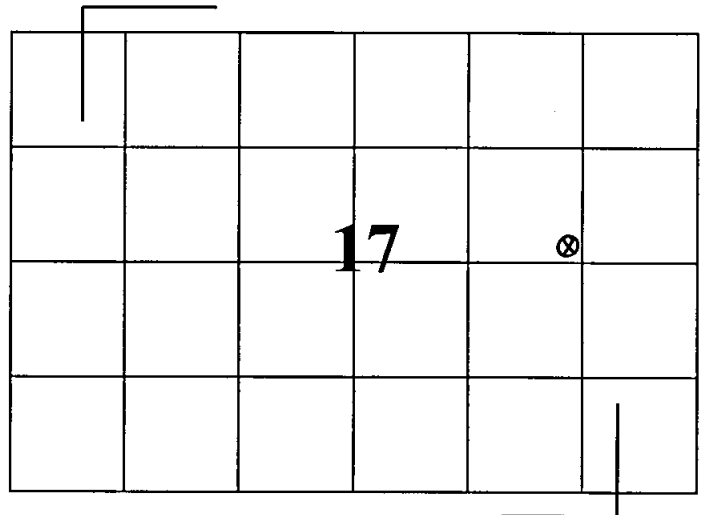
Type of Map: topo

Prepared by: Ernest Husmann, PE

Reviewed and the Number Assigned on: 6-12-06

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



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>6733-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Daily Press & Dakotan, Yankton</u>

RECEIVED
JUN - 7 2006
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:
(check one)

☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ 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 U.S. Fish and Wildlife Service Phone (303) 236-5322
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 25486, Denver Federal Center, Denver State CO 80225
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 2.89 *CFS or 1300 **GPM ***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 Groundwater
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Yankton
NE1/4 SE1/4 Section 17-T93N-R56W
5. County or counties where water will be used Yankton
6. Annual period during which water is to be used January 1 - December 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)

To supply water to the Gavins Point National Fish Hatchery for fish and wildlife propagation.

STATE OF SOUTH DAKOTA)

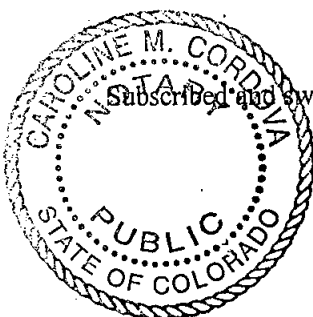
County of Jefferson SS

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, Mcgan A. Estep, 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 Mcgan A. Estep, agent

Subscribed and sworn to before me this 2nd day of June 20 06



Caroline M. Cordova
Notary Public signature
135 Quinman Street
Denver CO 80219

SOUTH DAKOTA
WATER PERMIT NO. 6733-3

Date of first receipt of application June 7, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6733-3 to US Fish & Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80225 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6733-3 appropriates 2.89 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 70 feet deep) located in the NE ¼ SE ¼ Section 17-T93N-R56W.
2. The water appropriated shall be used for the purpose of fish and wildlife propagation use at the Gavins Point National Fish Hatchery 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. 6733-3 is September 5, 2006.
5. The date from which applicant may claim right is June 7, 2006.
6. One-fifth of the construction is to be completed on or before March 5, 2009.
7. All construction is to be completed on or before September 5, 2011.
8. Water is to be put to beneficial use on or before September 5, 2015.
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. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6733-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

NOV 03 2006
date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 16 inches Depth 70 feet
- b) Casing Type SDR26 Diameter 16 inches Thickness 0.5 inches
- c) Screen Type SDR26 .085 slot Diameter 16 inches Thickness 0.5 inches
- d) Gravel Pack armor coat or clear road gravel Length of Gravel Pack 20 to 80 feet
- e) Depth to Top of Water Bearing Material approximately 20 feet
- f) Depth to Water (ground surface to water level) approximately 22 feet
- g) Distance to nearest existing domestic well: No domestic well on site.

On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

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

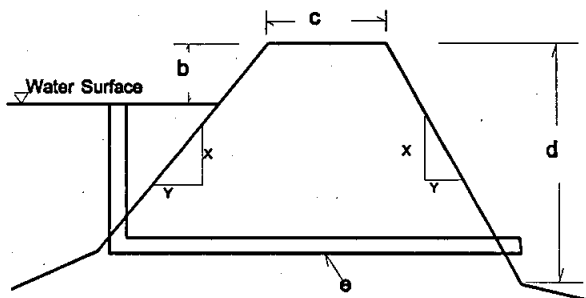
3. Dugout Information

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

4. Water Storage Dams

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

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



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



Topographic map showing the Gavins Point National Fish Hatchery and Lake Yoho. The map includes a blue grid area, a red boundary, and various geographical features. Text labels include "GAVINS POINT NATIONAL FISH HATCHERY", "LAKE YOHO", "BM 1205", and "16". A red dashed line runs horizontally across the map. A red solid line runs vertically and then horizontally to the right. A blue grid is located in the center-right. A red boundary is located in the center-left. A blue area is located in the bottom-left. A green area is located in the bottom-right.

Geographic Coordinate System, NAD83

A horizontal scale bar with a black background and white markings. The markings are labeled '0', '500', '1,000', and '2,000' in white text. The word 'Feet' is written in white at the right end of the bar.



June 2, 2006



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

* INVOICE *

Invoice No. 20411-6706

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

Application/License filing fee

\$675.00

PLEASE PAY THIS AMOUNT:

\$675.00

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

DO NOT WRITE		ABOVE THIS LINE	
CAROLYN M. CORDOVA		EXPIRATION: ☒ DATE	
US FISH & WILDLIFE SERVICE		CHECKED	
XXXX XXXX XXXX 9256		10/07	
SIGN HERE			
X			
The issuer of the card identified on this item is authorized to pay the amount shown as TOTAL upon proper presentation. I promise to pay such TOTAL (together with any other charges due thereon) subject to and in accordance with the agreement governing the use of such card.			
↑ PLEASE DO NOT WRITE ABOVE THIS LINE ↑			
QTY	CLASS	DESCRIPTION	AMOUNT
1		INV. NO. 20411-6706	675.00
		APPLICATION/LICENSE FILING	
		FEE	
DATE	AUTHORIZATION	SUB	TOTAL
06/09/06	049984		675.00
REFERENCE NO.	SERVER	TAX	
001			
ID-FOLIO/CHECK NO./LIC. NO. STATE	REG./DEPT.	CLERK	TIP
			MISC.
  5462729			TOTAL
			675.00

SALESLIP ORIGINAL COPY



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mountain-Prairie Region

IN REPLY REFER TO:

BA WTR
WTR 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

JUN 02 2006

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

Dear Mr. Erbele:

We are requesting permission to drill a test well at Gavins Point National Fish Hatchery. The well is located in Township 93 North, Range 56 West, Section 17 (NE1/4SE1/4) or also described as Latitude: North 42°52.267 feet, Longitude: West 97°28.583 feet.

Concurrently, we have enclosed two copies of the Application for Permit to Appropriate Water (Forms 2 and 2A) for the said test well and a map signed by a registered professional engineer. We will provide a well log or driller's test log as soon as it is available.

Please notify this office of the newspaper selected, prior to publication of Notice of Application, so payment arrangements can be made.

Please contact Carrie Cordova for payment of the filing fee and inspection fee via credit card in the amount of \$650. If you have any questions or require further information, please Carrie Cordova of my staff at 303-236-5399. Thank you for your assistance in this matter.

Sincerely,

Megan Estep
Chief, Division of Water Resources

Enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 7, 2006

Megan Estep, Chief Division of Water Resources
United States Department of Interior
Fish and Wildlife Service
Mountain-Prairie Region
PO Box 25486
Denver, CO 80225-0486

Dear Ms. Estep:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, Gavins Point national Fish Hatchery is authorized to construct a test well prior to approval of a water permit. The test well is to be completed into the Missouri: Elk Point aquifer in Sec. 17, T93N-R56W. The test well must be constructed by a licensed well water well driller, in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

A SD Water Permit must be obtained before water from this well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Very truly yours,

JAMES A. GOODMAN, P.E.
Natural Resources Engineer
for GARLAND ERBELE, Chief Engineer
Water Rights Program
(605) 773-3352

REPORT ON WATER PERMIT APPLICATION NO. 6733-3
For U.S. Fish and Wildlife
July 24, 2006

Application No. 6733-3 proposes to appropriate 2.89 cubic feet of water per second (cfs) from one well to be completed into the Missouri: Elk Point Aquifer (approximately 70 feet deep) located in the NE ¼ SE ¼ Section 17, T93N R56W. The water is for fish and wildlife propagation use at the Gavins Point National Fish Hatchery.

AQUIFER – MISSOURI ELK POINT (M:EP)

The Missouri Elk Point aquifer is composed of alluvium and glacial deposits ranging from fine sand to very coarse gravel. The aquifer represents an unconfined condition with water table characteristics in the area of this application. The aquifer underlies 45,000 acres and contains an estimated 675,000 acre-feet of water in storage in Yankton County (Hedges, 1982). The aquifer is hydraulically connected to both the James and Missouri Rivers. Ground water movement is from northwest to southeast and locally toward the Missouri River.

The Water Rights Program monitors an observation well (YA-57D) which is completed into the Missouri Elk Point aquifer and located approximately 10 miles east of this application. Water levels for this well show good correlation with climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. Figure 1 illustrates the hydrograph for this observation well and is located below (Water Rights, 2006).

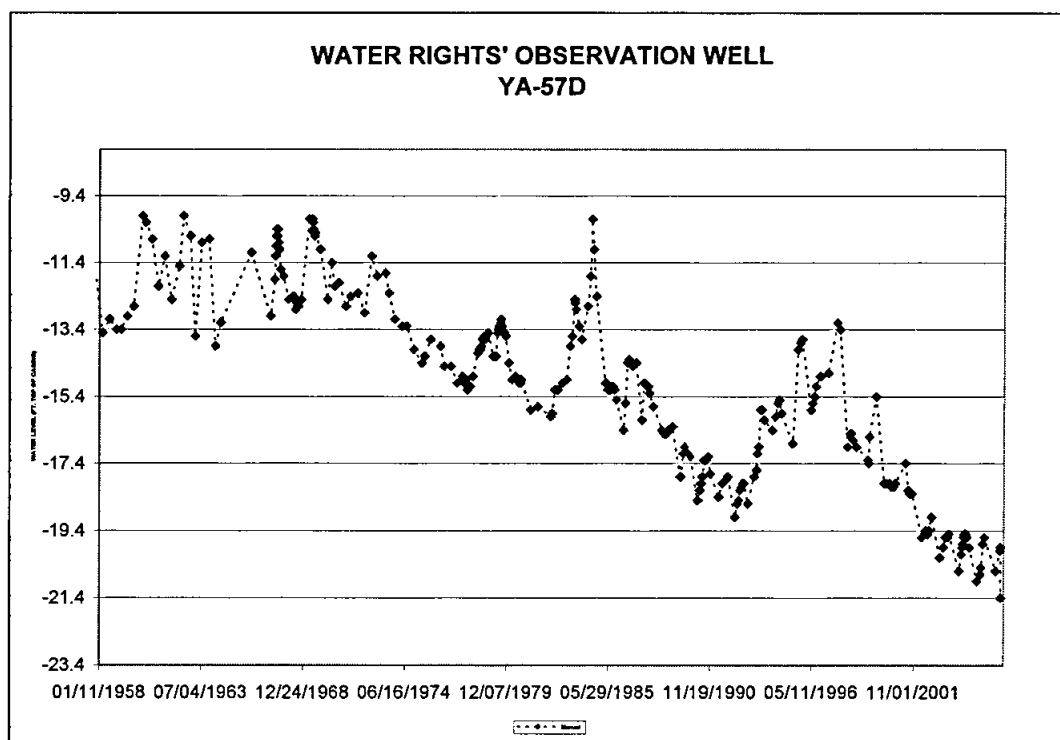


Figure 1. Hydrograph of observation well YA-57D.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

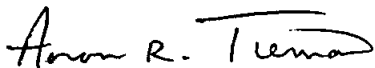
There are several existing Water Rights appropriating ground water within a two mile radius of this application. A list is included with this report and labeled as Table 1. There are two existing Water Rights located within the immediate area of this application. Interference is not expected to be a problem. The wells are close enough to create overlapping drawdown, but the wells have been in use for many years with no reported problems.

Table 1. Table identifying water rights within a two mile radius of the application.

PERMIT NO	LAST NAME	AQUIFER	USE	CFS
437-3	KAISER	M: EP	IRR	1.08
1879-3	HEINE	M: EP	IRR	8.63
3964-3	HEINE FARMS	M: EP	IRR	2.11
5490-3	US GEOLOGICAL SURVEY	M: EP	FWP	0.09
5907-3	US FISH/WILDLIFE SERVICE	M: EP	FWP	3.78

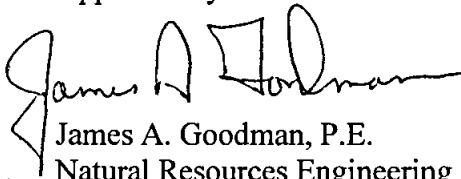
CONCLUSIONS

1. The Missouri Elk Point aquifer is a viable groundwater source and water is available for this appropriation.
2. The aquifer is unconfined and under water table conditions. The aquifer is highly productive and historically the water levels do not fluctuate significantly in this area.
3. The well authorized for this application must be completed in accordance with SD Well Construction Standards.



Aaron R. Tieman
Natural Resources Engineer

Approved by



James A. Goodman, P.E.
Natural Resources Engineering Director

BIBLIOGRAPHY

Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DWR, SDGS, Vermillion, SD, 57069.

Water Right, 2005, Unpublished Observation Well Data for the Missouri Elk Point Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 6733-3, U. S. 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. 6733-3, U. S. Fish and Wildlife Service, c/o Megan Estep, Chief, Division of Water Resources, Mountain-Prairie Region, PO Box 25485, Denver Federal Center, Denver, CO 80225-0486.

The Chief Engineer is recommending APPROVAL of Application No. 6733-3 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. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 6733-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 7, 2006

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

US fish & Wildlife Service
PO Box 25486
Denver, CO 80225

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF THE YANKTON
PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE
PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL
DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON,
SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF
THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE
ANNEXED Notice of Application No.6733-3

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 23rd DAY OF August, 2006.
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$39.40 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 8/16/06, 8/23/06

FILED ON: 8/28/2006

SUBSCRIBED AND SWORN TO BEFORE ME THIS 28 DAY OF August, 2006.

Donna D. Schell
NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2009

RECEIVED

SEP 11 2006

WATER RIGHTS
PROGRAM

8+16+23

NOTICE OF APPLICATION NO. 6733-3 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 appropriate 2.89 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 70 feet deep) located in the NE 1/4 SE 1/4 Section 17-T93N-R56W. The water is for fish and wildlife propagation use at the Gavins Point National Fish Hatchery.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6733-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 5, 2006.

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 Groeland



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

August 8, 2006

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

Dear Ms Estep:

Water Permit Application No. 6733-3 for fish & wildlife propagation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Daily Press & Dakotan printed at Yankton, SD (Ph # 605-665-7811). 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 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. 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 8, 2006

Daily Press & Dakotan
PO Box 56
Yankton SD 57078-0056

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6733-3 to Appropriate Water to be published twice. Please publish the first notice on August 16, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

Please BILL the APPLICANT for the cost of publication. The APPLICANT is US Fish & Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80225 (Ph # 303-236-5322).

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. 6733-3

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

Date _____

We are in receipt of your letter of August 8, 2006 enclosing Notice to Appropriate Water by Application No. 6733-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on August 16, 2006 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6733-3 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 appropriate 2.89 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 70 feet deep) located in the NE ¼ SE ¼ Section 17-T93N-R56W. The water is for fish and wildlife propagation use at the Gavins Point National Fish Hatchery.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6733-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 5, 2006.

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**

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

NOV 03 2006

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

Dear Sir:

Enclosed is Water Permit No. 6733-3 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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

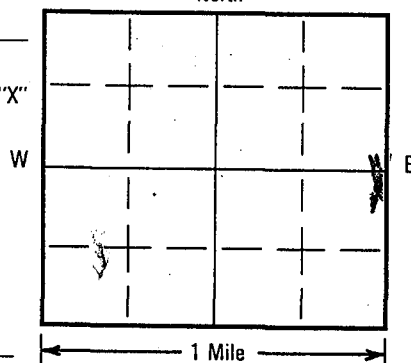
6733-3

07-92

#1 well

Location NE 1/4 SE 1/4 Sec 17 Twp 93N Rg 56W
 County Sydney

Please mark well location with an "X"



Well Completion Date

7-27-06

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? _____ ft. from _____ (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☒ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT 160 LB/FT DIAMETER 16 IN FROM 0 FT TO 40 FT HOLE DIAMETER 28 IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUTING DATA

Grout Type Concrete No. of Sacks _____ Grout Weight _____ lb./gal From 20 ft To 30 ft
 _____ lb./gal _____ lb./gal 0 ft 20 ft
 Describe grouting procedure pressure grout pump

SCREEN:

☒ Perforated pipe ☐ Manufactured
 Diameter 16 IN Length 20 FEET
 Material PVC
 Slot Size 085 Set From 40 Feet to 60 Feet
 Other information _____

WAS A PACKER OR SEAL USED?

☐ YES ☒ NO

If so, what material? _____

DISINFECTION:

Was well disinfected upon completion? ☒ YES, How: chlorine
 _____ NO, Why Not? _____

Laboratory sent to for water quality analysis _____

Well Owner: _____

Business Name: Leaving Point Fish Hatchery

Address: 134 Union Blvd

Sydney, SD 57078

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>top soil</u>	<u>0</u>	<u>2</u>
<u>med sand</u>	<u>8</u>	<u>32</u>
<u>ROCK + Gumbo mud</u>	<u>32</u>	<u>55</u>
<u>med sand</u>	<u>55</u>	<u>60</u>

STATIC WATER LEVEL

22' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped

Describe: turbine pump for

☐ Bailed

☐ Other

Pumping Level Below Land Surface

44 ft. After 2 Hrs. pumped 1000 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 1000 GPM

REMARKS

This well was drilled under license # 444

And this report is true and accurate.

Drilling firm Christensen Well & Drilling

Signature of License Representative: W. Christensen

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

RECEIVED
JAN 22 2007
 WATER RIGHTS
 DIVISION

1-22-07

6733-3



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

RECEIVED
MAY 24 2007
WATER RIGHTS
PROGRAM

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

MAY 22 2007

Ref: Water Permit No. 6733-3

Dear Mr. Erbele:

The Fish and Wildlife Service completed construction and put water to beneficial use under the referenced water permit located on the Gavins Point National Fish Hatchery.

Enclosed is the completed Notice of Completion of Works and Application of Water to Beneficial Use form. The \$50 water license fee was paid by credit card on June 12, 2006. Please schedule an investigation so that water license may be issued.

If you have questions or require further information, please contact me at (303) 236-5399.

Sincerely,

Carrie Cordova
Water Rights Specialist

Enclosure

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

Date May 22, 2007

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

RECEIVED

MAY 24 2007

**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. 6733-3 states that the water use system is to be constructed by

March 1, 2007

(date)

, and water is to be put to beneficial use by

March 1, 2007

(date)

The water use system was completed on March 1, 2007

(date)

Applying the water to beneficial use was completed on March 1, 2007

(date)

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

Megan A. Estep, agent
(signature)

Megan A. Estep, Agent





6733-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

FEB 28 2020

6733-3
7094-3

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

Dear Mr. Caruso:

Enclosed are Water License Nos. 6733-3 and 7094-3. They are the final water right documents completing your process of obtaining Water Rights. Included with each license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water Licenses, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6733-3**

(1) US Fish & Wildlife Service, PO Box 25486, Denver Federal Center, CO 80225 made Application No. 6733-3, June 7, 2006 for a water permit to divert 2.89 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer), Yankton County, South Dakota for fish and wildlife propagation purposes. Permit No. 6733-3, with a priority date of June 7, 2006 was approved September 5, 2006 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 5, 2011 and for the application to beneficial use of water on or before September 5, 2015.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.11 cubic feet of water per second for beneficial use. The diversion point is located:

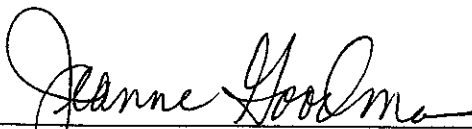
- 30' W and 3,240' S of the NE corner of Section 17, T93N, R56W (NE ¼ SE ¼)
Latitude 42.871189, Longitude -97.476303

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use at the Gavins Point National Fish Hatchery.

(4) Pursuant to South Dakota Water Law 46-5-30.1 US Fish & Wildlife Service, PO Box 25486, Denver Federal Center, CO 80225 the holder and/or owner of Water Right No. 6733-3 is issued a license to appropriate water, the right to use 1.11 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of June 7, 2006 from the location specified in (2) of this license for fish and wildlife propagation purposes.

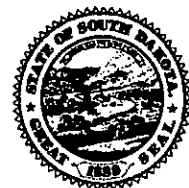
This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6733-3 and subject to the following qualifications:

- The well approved under this Water Right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 6733-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled by Christensen Well & Irrigation in July 2006. A copy of the well completion report is on file with the Water Rights Program.*



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 28 2020
date



**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 6733-3**

I have this day, September 19, 2019, made a thorough examination of the water use system constructed by US Fish & Wildlife Service, PO Box 25486, Denver Federal Center, Denver, CO 80225, holder of Permit No. 6733-3, bearing the priority of June 7, 2006, authorizing the diversion of 2.89 cu. ft. per second of the waters of groundwater (Missouri: Elk Point Aquifer) for fish and wildlife propagation use at the Gavins Point National Fish Hatchery in Yankton County.

Inspection contact: Jeffrey Powell

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Christensen Well & Irrig.
- 2) No. of Wells 1
- 3) Depth(s) 60 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 40 feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Diameter 16 inches
- 3) Length 20 feet
- 4) Static water level 22 feet

Pump:

- 1) Make Goulds
- 2) Model 11CLO
- 3) Capacity 500 GPM

Motor:

- 1) Make US Motors
- 2) Model No. BF34
- 3) Horsepower rating 20hp

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

- 1) Type PVC
- 2) Size 10 inches
- 3) Length Unknown feet

C. Works used to apply water to beneficial use:

- 1) Fish tanks.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:
The well is 30 feet west and 3,240 feet south of the northeast corner of Section 17-T93N-R56W (Latitude 42.871189 Longitude -97.476303 – NE1/4 of the SE1/4).
2. The works are capable of diverting and conveying to the place of use 1.11 cu. ft. per second of water which is to be used for fish and wildlife propagation use at the Gavins point National Fish hatchery. Water has been put to beneficial use to the maximum extent at the facility in the NE1/4 of the SE1/4 and the SE1/4 of the NE1/4 of Section 17-T93N-R56W, and the license should be issued for 1.11 cfs.
3. All structures, wells and lands on map Yes

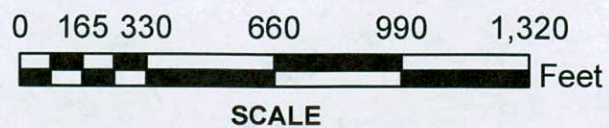
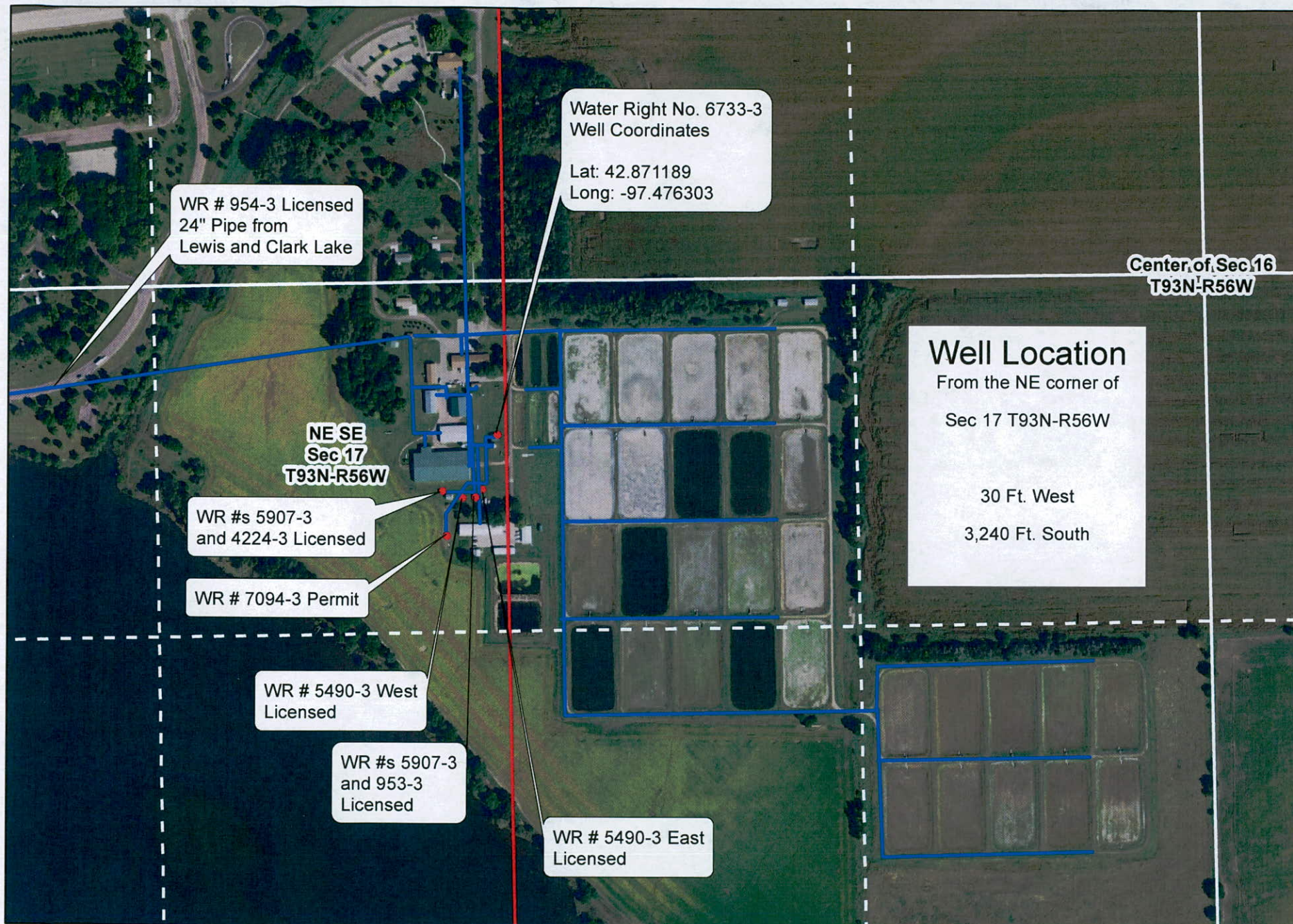
F. Comments or other permit(s) associated with the project: The pump for the well is rated for 500 gpm instead of 1,300 gpm. The pump information was obtained from Christensen Well & Irrigation since there was not a visible plate on the pump. The motor information was from the plate on the motor at the site. Mr. Powell stated that he believes that the pump is actually putting out about 250 gpm (.557 cfs).

Keith DeJong

Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: September 23, 2019

Water Right No. 6733-3



Keith DeJong

Keith DeJong, PE
Staff Engineer
September 23, 2010