

WATER PERMIT NO. 6854-3

Name of Applicant: US Fish & Wildlife Service

Address: 2004th St SW, Rm 309, Huron SD 57350

Phone: 605 352-5892

Amount of Water Claimed: 260 AF

Total Acres: NA

Source of Water Supply: runoff

Water to be used for: fish & wildlife propagation

County: Hyde

Type of Waste Disposal System:

Location: 7 miles southwest of Highmore

PRIORITY Date Received: 3-30-07

Application/License Fee: \$300

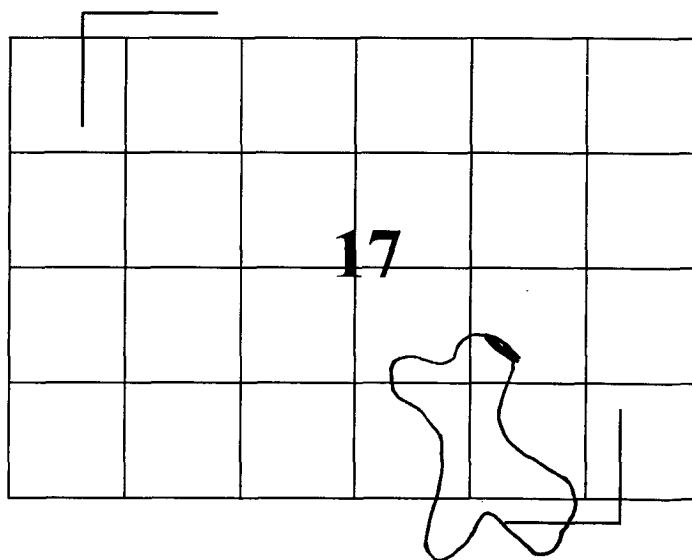
Corrected Application Received: 5-2-07

Period of Annual Use: January 1 – December 31

Remarks: Cowan Project

Diversion Point: NE ¼ SE ¼ Sec 17-T111N-R72W

Water Impounded: SE ¼ Sec 17, N ½ NE ¼ Sec 20; all T111N-R72W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: plat

Prepared by: Dave Konechne, PE

Reviewed and the Number Assigned on: 5-2-07

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

(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>6854-3</u>	Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Higmore Herald</u>	<u>PO Box 435</u> <u>Higmore 57345</u>
<u>605-852-2927</u>		

RECEIVED

JUL 11 2007

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. _____		

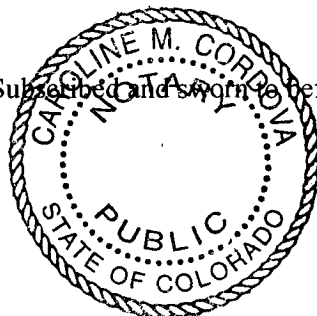
Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

- Name of Applicant U.S. Fish & 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)
- Amount of water claimed _____ *CFS or _____ **GPM 260.0 ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Runoff
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Hyde
NE1/4SE1/4 Section 17-T111N-R72W ~~to be located in SE1/4 Section 17-T111N-R72W~~
Water Impounded: SE1/4 Section 17-T111N-R72W; N1/2NE1/4 Section 20-T111N-R72W
- County or counties where water will be used Hyde
- Annual period during which water is to be used January 1 - December 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)

Cowan Project - See attached information

STATE OF ~~SOUTH DAKOTA~~ COLORADO SS
County of Jefferson

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

I, Megan 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 Megan A. Estep, agent
Subscribed and sworn to before me this 9 day of July 20 07

Caroline M. Corbina
Notary Public signature
135 QUITMAN STREET
DENVER CO 80219

My Commission Expires
09/28/2008

**SOUTH DAKOTA
WATER PERMIT NO. 6854-3**

Date of first receipt of application March 30, 2007.

Date of return to applicant for corrections, amendments or changes April 3, 2007.

Date of receipt of corrected application May 2, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6854-3 to US Fish & Wildlife Service, Box 25486, Denver Federal Center, Denver CO 80225-0486 authorizing the construction of a ditch plug and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6854-3 authorizes impoundment of 260 acre-feet of water from runoff by constructing a ditch plug to restore a large drained wetland known as the Cowan Project located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17 with water impounded in the SE $\frac{1}{4}$ Section 17 and the N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 20; all in T111N-R72W.
2. The water appropriated shall be used for the purpose of fish and wildlife propagation and livestock water purposes 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. 6854-3 is July 2, 2007.
5. The date from which applicant may claim right is March 30, 2007.
6. One-fifth of the construction is to be completed on or before January 2, 2010.
7. All construction is to be completed on or before July 2, 2012.
8. Water is to be put to beneficial use on or before July 2, 2016.
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. 6854-3 authorizes impoundment of 260 acre feet of water and sufficient water annually to maintain the water level to the natural overflow elevation of the wetland by placement of a ditch plug to restore a drained wetland.

WATER MANAGEMENT BOARD

By: Garland Erbele

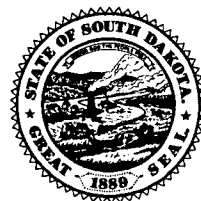
Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

JUL 31 2007

date



Supplemental Information

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

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

2. Wastewater Disposal System Information

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

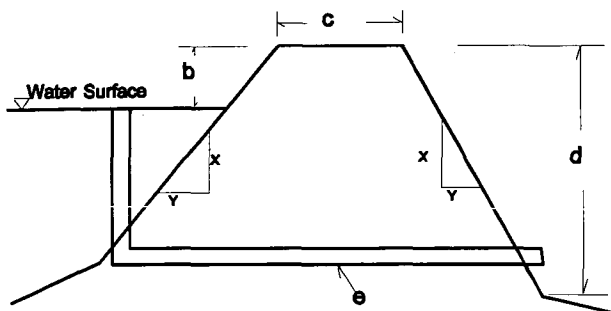
3. Dugout Information

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

4. Water Storage Dams

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

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



- b) Freeboard _____ 3
- c) Crest Width _____ 12
- Crest Length _____ 100'
- d) Height _____ 5.6
- e) Primary Outlet Capacity _____ N/A
- If pipe, diameter _____
- f) Secondary Spillway Capacity _____ Natural
- Spillway Width _____ Natural
- g) X & Y Slope _____
- Upstream _____ 3:1
- Downstream _____ 3:1
- h) Surface Area of Impoundment _____ 64.9
- i) Storage _____ 260.0 _____ Acre Feet
- j) Drainage Area Above Dam _____ 711.0 _____ Acres



EARTHWORK COMPUTATION SHEET
SD-ENG-32

11/99 Rev
Sheet 1 of 4

Owner: Cowan Ditch Plug

County: Hyde

Field Office:

Practice:

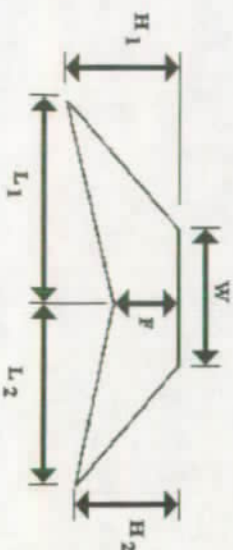
Computations By: Dave Konechne

Date: 12-Oct-05

Legal Description: See 16-17, T111N, R72W

Checked By:

Date: _____

[illegible]

POND FILL, (yd³) = 230.2

OVER-FILL @ 5% SHRINKAGE (yd³) = 11.5

POND STRIPPING (yd³) = 52.0

POND CUT (yd³) = 0.0

CORE TRENCH (yd³) = 128.6

TOTAL EXCAVATION (yd³) = 0.0TOTAL FILL (yd³) = 422.2

Client : FWS - Cowan
 County : Hyde
 Practice: Wetland restore

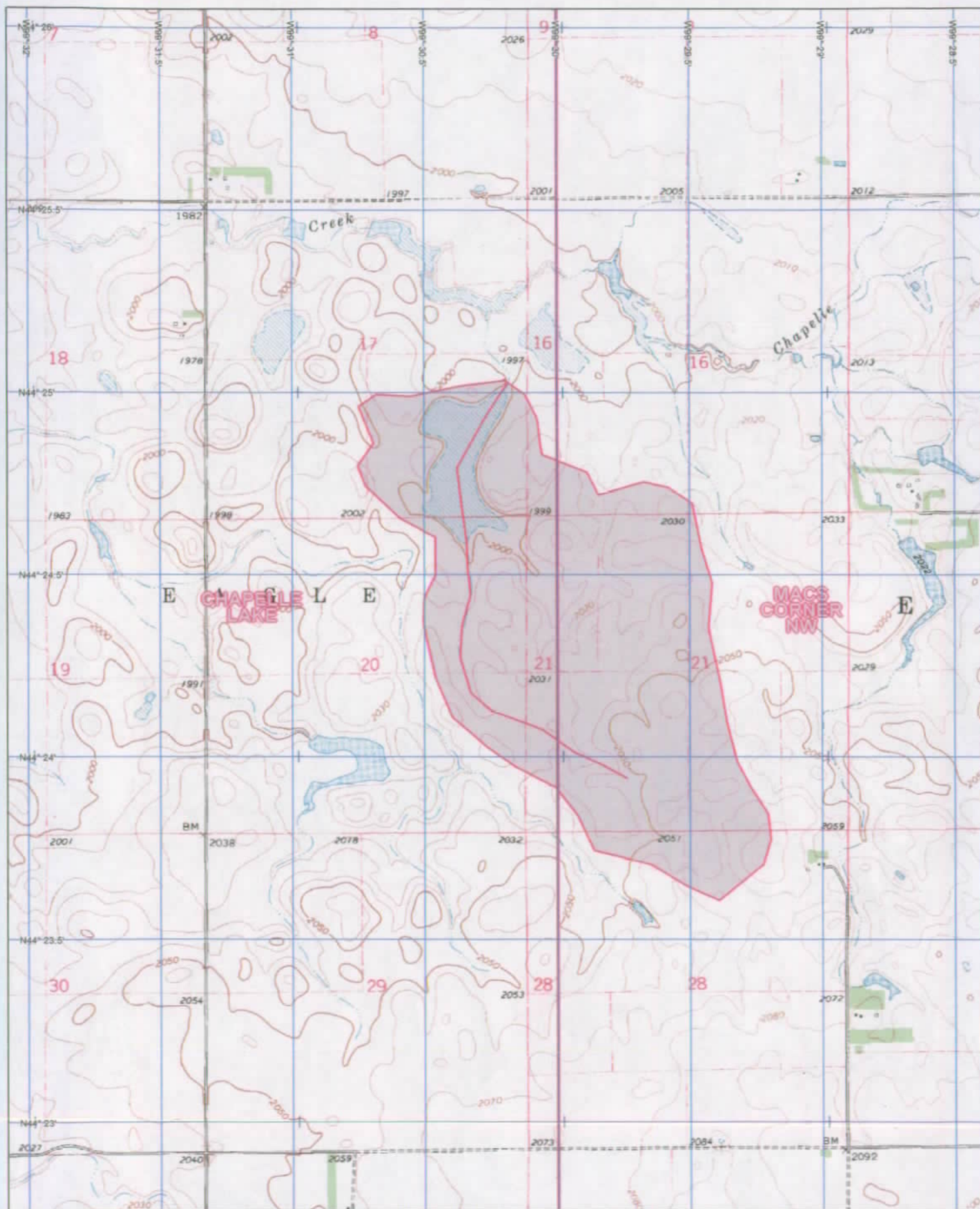
State: SD

By: DFK
 Checked: _____

Date: _____
 Date: _____

Drainage Area : 723 Acres
 Curve Number : 70
 Watershed Length : 8448 Feet
 Watershed Slope : .6 Percent
 Time of Concentration: 5.03 Hours
 Rainfall Type : II

Storm Number	1	2	3	4	5	6	7
Frequency (yrs)	1	2	5	10	25	50	100
24-Hr Rainfall (in)	1.8	2.2	3	3.6	4.1	4.6	5.2
Ia/P Ratio	0.48	0.39	0.29	0.24	0.21	0.19	0.16
Runoff (in)	0.17	0.32	0.71	1.07	1.40	1.74	2.19
Unit Peak Discharge (cfs/acre/in)	0.114	0.131	0.148	0.154	0.158	0.161	0.163
Peak Discharge (cfs)	14	30	76	119	159	203	258

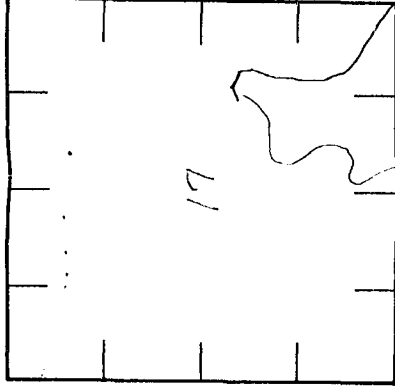


STRUCTURE DATA

DRAINAGE AREA	ANNUAL YIELD	PEAK RUNOFF	EMERG. SPLWY. CAPACITY	WATER DEPTH	SURFACE AREA	SEDIMENT STORAGE	TOTAL STORAGE
ACRES	AC.FT.	25-YR.	C.F.S.	FEET	ACRES	AC.FT.	AC.FT.
711	1066	103	227	4	64.9	-	260

Estimate TABLE OF QUANTITIES

ITEM	UNIT	QUANTITY
Earth Fill	cu yd	230
5% overfill	cu yd	12
Stripping	cu yd	52
Cone Trench	cu yd	128
Total	cu yd	422



Em. Spill

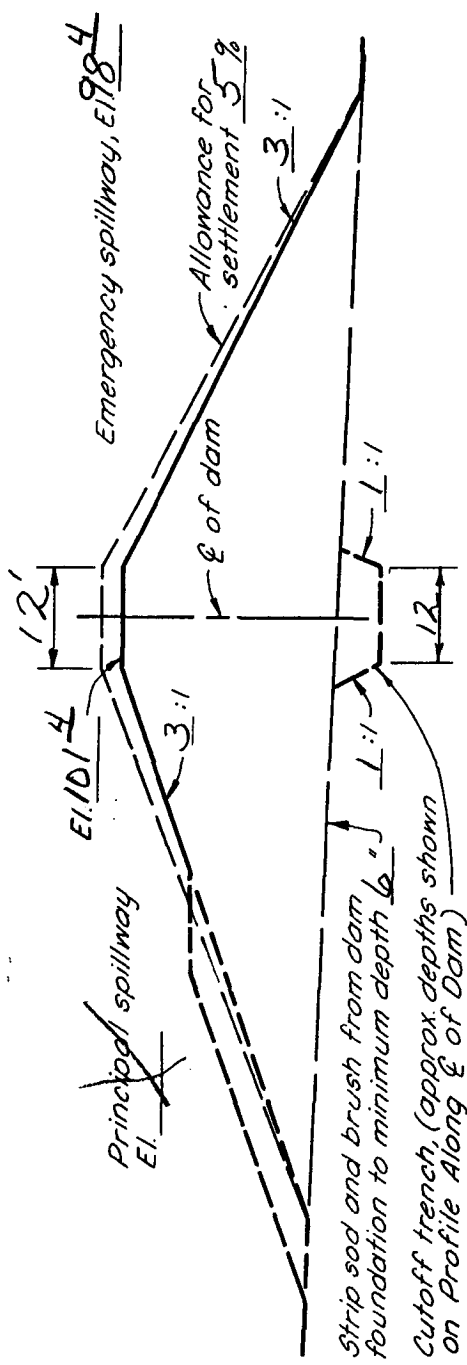
Surface Area 49.7 Ac

Surface Area 15.2 Ac

LOCATION

Sec 17

Sec 20



TYPICAL CROSS SECTION OF DAM

S.D. CONSTRUCTION AND MATERIAL SPECIFICATIONS:

SD-2 Clearing & Grubbing

SD-7s Earth Fill

EARTH DAM

OPERATOR: Cowan Ditch Plug

CONSULTANT: PROFESSIONAL ENGINEER

REG. NO. 3208

DAVID E. COWAN

REGISTERED PROFESSIONAL ENGINEER

DESIGNED: [Signature]

DRAWN: [Signature]

TRACED: [Signature]

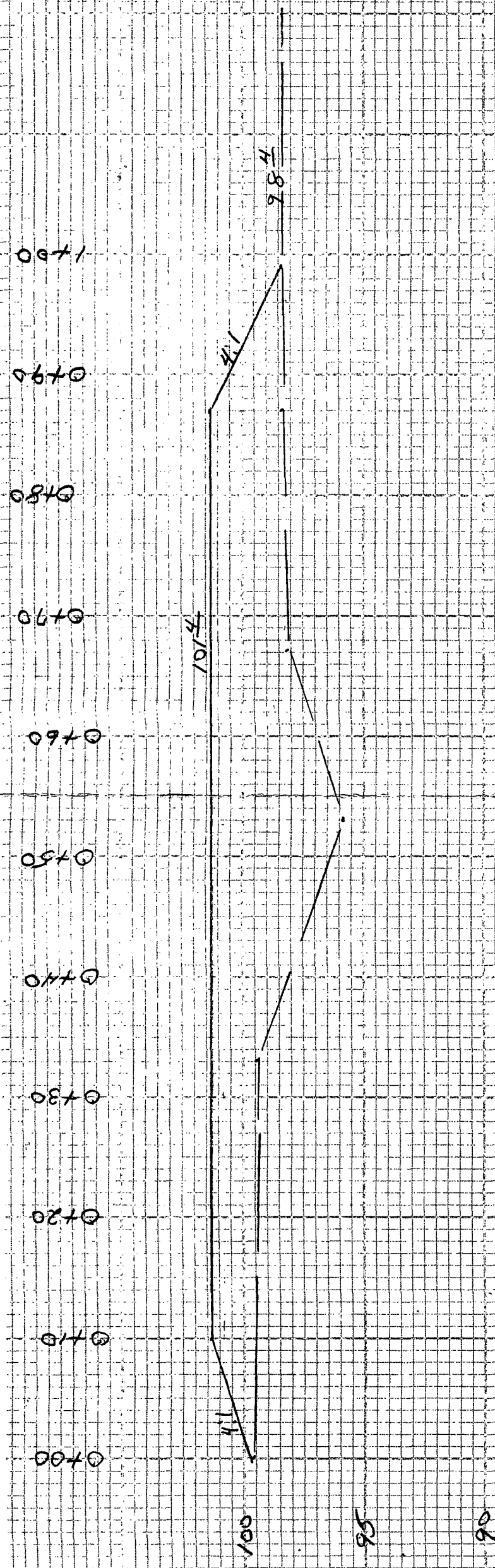
CHECKED: [Signature]

SKETCH PLAN OF DAM AND RESERVOIR AREA

Approximate scale 1" = Not to Scale

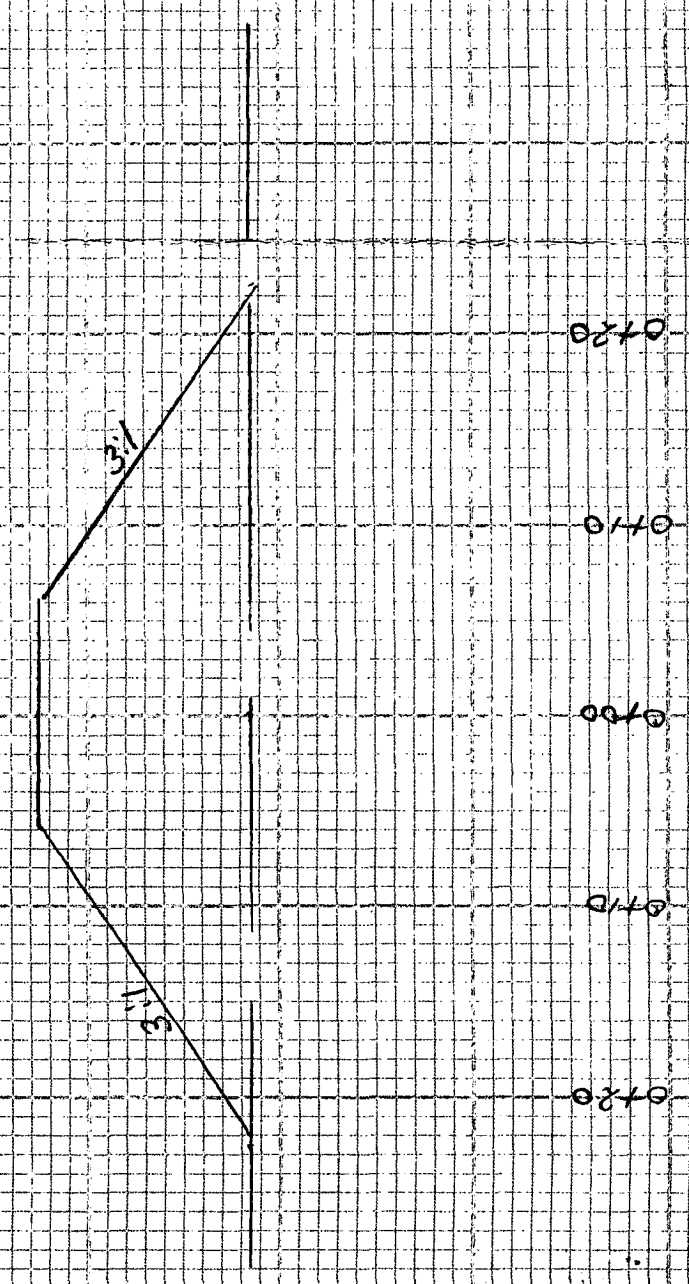
REFERENCE: GUIDE PLAN NO. 1.0

JOB PLAN NO. 1.0



CROSS SECTION AT CREST OF EMERGENCY SPILLWAY AND PROFILE ALONG E OF DAM

ST2 0153



Water Permit Application No. 6854-3
US Fish & Wildlife Service

Cowan Ditch Plug

$$\left. \begin{array}{l} \text{Top of Dam Elev.} - 101.4 \\ \text{P. Spillway Elev.} - 98.4 \\ \text{D/S Emb. Top Elev.} - 95.8 \end{array} \right\} - \underline{\text{Emb. Ht.} = 5.6 \text{ ft.}}$$

Since the Embankment Height is only 5.6 ft. and less than 6 ft high, it does not meet the definition of a dam according to SD Safety of Dams Rules Chapter 74:02:08 - therefore
No Pis Required

$$\begin{aligned} Q_{25} &= 148 CA^{.584} P_{II}^{.730} \\ &= 148 (1.11)^{.584} (0.8)^{.730} \\ &= 148 (1.0628) (.8497) \\ &= \underline{135 \text{ cfs}} \end{aligned}$$

$$\begin{aligned} Q_{100} &= 275 CA^{.625} P_{II}^{.742} \\ &= 275 (1.11)^{.625} (0.8)^{.742} \\ &= 275 (1.0674) (.8474) \\ &= \underline{250 \text{ cfs}} \end{aligned}$$

Secondary Spillway Flow

$$\begin{aligned} Q &= CLH^{3/2} \\ &= 2.6(100 \times 3)^{1.5} \quad \begin{array}{l} C=2.6 \\ L=100 \text{ (Assumed)} \\ H=3 \end{array} \\ &= \underline{1350 \text{ cfs}} \end{aligned}$$

$$\begin{array}{l} \text{NRCS Annual Yield} \\ DA=710 \quad ISO=2 \quad CN=60 \end{array}$$

$$\begin{aligned} 60\% \text{ chance} &= 0.26 \\ 0.26 \times 710^{1/2} &= \underline{15 \text{ Ac-Ft}} \end{aligned}$$

$$\begin{aligned} 50\% \text{ chance} &= 0.66 \\ 0.66 \times 710^{1/2} &= \underline{39 \text{ Ac-Ft}} \end{aligned}$$

$$\begin{aligned} 10\% \text{ chance} &= 2.5 \\ 2.5 \times 710^{1/2} &= \underline{148 \text{ Ac-Ft}} \end{aligned}$$



United States Department of the Interior

Fish and Wildlife Service
Huron Wetland Management District
Room 309, Federal Bldg.
200 4th Street SW
Huron, SD 57350
605/352-5894 Fax: 605/352-6709
Internet: R6RW_HUR@FWS.GOV



March 29, 2007

Water Rights Div., DENR
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED
MAR 30 2007
WATER RIGHTS
PROGRAM

Dear Sir or Madam:

Enclosed you will find an application for two water rights permits for projects located in Hyde County, SD. The Harter Pond consists of building a new embankment across a dry draw and the Cowan Project will construct a ditch plug to restore a large drained wetland. You will find enclosed a copy of the plans for each project as drawn by Dave Konechne, Konechne Engineering, Pierre, SD.

Please contact me if any corrections are needed with the application and when the permit is approved. ~~Payment of costs associated with filing these permits will be paid through Purchase Order #645417M435.~~ Please contact Cindy Loban, 605-352-5894 xt 0 for more information.

10

Thanks for your time.

Sincerely,

Charles Pyle
Wildlife Biologist

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 2, 2007

RECEIVED OF US Fish & Wildlife Service 200 4th St SW Huron SD 57350 COWAN PROJECT

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

Fee for Application for Permit No. <u>6854-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	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>6854-3</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. _____		
Electronic Fund Transfer		
(Any Other Work Provided by Law)		
TOTAL	300	00

No.

03045

By

Harold Erbe

Chief Engineer



**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 ***

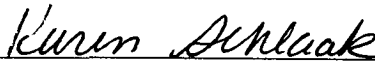
Invoice No. 20411-040307

US Fish & Wildlife Service
Huron Wetland Management District
Room 309, Federal Bldg
200 4th St SW
Huron SD 57350

Purchase Order # 645417M435

Water permit/license application fee – Harter Pond located in Hyde County	\$275.00
Water permit/license application fee – Cowan Project located in Hyde County	300.00

PLEASE PAY THIS AMOUNT: \$575.00



Karen Schlaak
Water Rights Program
(605) 773-3352

Schlaak, Karen

From: Verhelst, Sandy
Sent: Wednesday, May 02, 2007 8:34 AM
To: Schlaak, Karen
Subject: Wire

FWS TREAS 312 MISC PAY 041207 466000364141600 RMT*IV*20411-040307 **

575.00

05/02/2007



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 4, 2007

Chuck Pile
US Fish & Wildlife Service
200 Fourth St. SW, Room 309
Huron, SD 57350

Dear Mr. Pile:

We have reviewed the plans and specifications for the Harter Pond Project located in the NW ¼ SW ¼ of Sec. 19-T111N-R72W, in Hyde County. The plans and specifications for the construction of dam are approved. Approval of the plans and specifications does not authorize construction of the dam. The construction of the dam may not begin until Water Permit No. 6855-3 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 dam will be classified as a small size Category 3, Low Hazard dam with a dam height of 9 ft. and a normal storage capacity of 181 acre-feet and a maximum storage capacity of 245 acre-feet.

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

Sincerely,

Timothy G. Schaal, P.E.
Natural Resources Engineering Specialist
for Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

c: Dave Konechne, Konechne Engineering



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

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JUL 11 2007

WATER RIGHTS
PROGRAM

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

JUL 09 2007

Ref: Water Applications 6854-3 & 6855-3

Dear Mr. Gronlund:

In March 2007, the Huron Wetland Management District office submitted two Applications for Permit to Appropriate Water for the Cowan Project and Harter Pond located in Hyde County. The U.S. Fish & Wildlife Service requires such applications be submitted by the Water Resources Division located in Denver. We are resubmitting the applications with the correct contact information for the referenced applications. We apologize for the oversight and any inconvenience this may cause.

If you have questions or require further information, please contact me at (303) 236-4491.

Sincerely,

Megan A. Estep
Chief, Water Resources Division

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6854-3, U. S. Fish & Wildlife Service**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6854-3, U. S. Fish & Wildlife Service, 200 4th Street SW, Room 309, Huron SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 6854-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

1. Water Permit No. 6854-3 authorizes impoundment of 260 acre feet of water and sufficient water annually to maintain the water level to the natural overflow elevation of the wetland by placement of a ditch plug to restore a drained wetland.

See report on application for additional information.

Garland Erbele, Chief Engineer
June 1, 2007

REPORT ON
WATER PERMIT APPLICATION NO. 6854-3
U.S. Fish & Wildlife Service
May 30, 2007

Water Permit Application No. 6854-3 has been filed by the U.S. Fish & Wildlife Service (USFWS) to impound 260 acre-feet of water from runoff by restoring a drained wetland area. The ditch plug will be located in the NE ¼ SE ¼ of Section 17-T111N-R72W, in Hyde 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 and livestock water purposes.

Discussion:

The proposed embankment will only be 5.5 feet high. Due to the small size of the embankment, it does not meet the Safety of Dams Rules, Chapter 74:02:08 definition of a dam and the design of the structure is not subject to the requirements of that Chapter.

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 NE ¼ SE ¼ of Section 17-T111N-R72W on an unnamed tributary in the upper reaches of Chapelle Creek, about 3 miles upstream of Chapelle Dam. The Department of Game, Fish and Parks holds Vested Water Right No. 716-3 for storage of 345 acre-feet of water in the Chapelle Dam. Chapelle Dam has approximately 40 square miles of drainage area, compared to the 710 acres of drainage above the drained wetland. Approval of Water Permit No. 6854-3 should not have an adverse effect on Vested Water Right No. 716-3.

Conclusion:

1. Water Permit Application No. 6854-3 should be approved since unappropriated water is available and approval should not have any adverse effect on existing Water Permits/Rights.



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

RECEIVED

JUN 29 2007

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hyde) SS

I, Mary Ann Morfordcertify that the attached printed Notice was
takenfrom the Highmore Heraldprinted and published in HighmoreCounty of Hyde andstate of South Dakota. The notice was
published

in the newspaper on the following two dates:

June 14, 2007June 21, 2007Cost of Printing \$55.65

Mary Ann Morford
(Signature)

Publisher
(Title)

6-28-07

(Date Signed)

NOTICE OF APPLICATION
NOS. 6854-3 AND 6855-3 TO
APPROPRIATE WATER

Notice is given that the U.S.
Fish & Wildlife Service, 200 4th
Street SW, Rm 309, Huron, SD
57350 has filed the following
applications for a water permit.

Application No. 6854-3 requests
to impound 260 acre-feet of water
from runoff by constructing a
ditch plug to restore a large
drained wetland known as the
Cowan Project located in the NE
1/4 SE 1/4 Section 17 with water
impounded in the SE 1/4 Section
17 and the N 1/2 NE 1/4 Section
20; all in T111N-R72W. This
application requests impoundment
of sufficient water to maintain
water to the outlet elevation.
The water is for fish and wildlife
propagation and livestock water
purposes.

Application No. 6855-3 requests
to impound 181 acre-feet of water
from runoff by constructing a dam
known as Harter Pond located in
the NW 1/4 SW 1/4 Section 19
with water impounded in the SW
1/4, W 1/2 SE 1/4 Section 19; all
in T111N-R72W. This application
requests impoundment of
sufficient water to maintain water
to the outlet elevation. The water
is for fish and wildlife propagation
and livestock water purposes.

Pursuant to SDCL 46-2A-2,
the Chief Engineer recommends
APPROVAL of Application No.
6854-3 and 6855-3 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 these applications, as
recommended, unless a petition
is filed opposing the applications
or the applicant files a petition
contesting the Chief Engineer's
recommendation. If a petition
opposing the applications or
contesting the recommendations
is filed, then a hearing will
be scheduled and the Water
Management Board will consider
these applications. Notice of
the hearing will be given to the
applicant and any person filing a
petition.

Any person interested in opposing or supporting these applications or recommendations 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 57501-1605 (605-773-8352) and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 2, 2007.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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
EPNO 42 LPNO 43



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 6, 2007

Highmore Herald
PO Box 435
Highmore SD 57345

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 6854-3 & 6855-3 to Appropriate Water to be published twice. Please publish the first notice on June 14, 2007 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.

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, 200 4th St SW, Room 309, Huron SD 57350 (Ph # 605-352-5894).

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-----

Nos. 6854-3 & 6855-3

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

Date _____

We are in receipt of your letter of June 6, 2007 enclosing Notice to Appropriate Water by Application No. 6854-3 & 6855-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

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

June 6, 2007

US Fish & Wildlife Service
200 4th St SW Rm 309
Huron SD 57350

Dear Sirs:

Water Permit Application Nos. 6854-3 & 6855-3 for fish and wildlife use have 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 Highmore Herald printed at Highmore SD (Ph # 605-852-2927). 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 report on the application is 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 applications.

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 June 14, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6854-3 and 6855-3 to Appropriate Water

Notice is given that the U.S. Fish & Wildlife Service, 200 4th St SW, Rm 309, Huron SD 57350 has filed the following applications for a water permit.

Application No. 6854-3 requests to impound 260 acre-feet of water from runoff by constructing a ditch plug to restore a large drained wetland known as the Cowan Project located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17 with water impounded in the SE $\frac{1}{4}$ Section 17 and the N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 20; all in T111N-R72W. This application requests impoundment of sufficient water to maintain water to the outlet elevation. The water is for fish and wildlife propagation and livestock water purposes.

Application No. 6855-3 requests to impound 181 acre-feet of water from runoff by constructing a dam known as Harter Pond located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 19 with water impounded in the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 19; all in T111N-R72W. This application requests impoundment of sufficient water to maintain water to the outlet elevation. The water is for fish and wildlife propagation and livestock water purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6854-3 & 6855-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations 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 July 2, 2007.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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

JUL 31 2007

Megan Estep
US Fish & Wildlife Service
Denver Federal Center
PO Box 25486
Denver CO 80255-0486

Dear Ms. Estep:

Enclosed are Water Permit Nos. 6854-3 and 6855-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10s, *Notice of Completion of Works and Application of Water to Beneficial Use*, are enclosed. Please return this completed forms after you have finished the systems and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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

6854-3



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE Mountain-Prairie Region



MAILING ADDRESS:
P.O. Box 25486, DFC
Denver, Colorado 80225-0486

STREET LOCATION:
134 Union Boulevard
Lakewood, Colorado 80228-1807

BA WTR
WR SD
Mail Stop 60189

JAN 29 2008

Garland Erbele, Chief Engineer
Water Rights Program
South Dakota Department of Environment and
Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3182

RECEIVED

FEB - 4 2008

WATER RIGHTS
PROGRAM

Ref: Water Permit Nos. 6854-3 & 6855-3

Dear Mr. Erbele:

The Cowan Project and Harter Pond located at the Huron Wetland Management District under Water Permit Nos. 6854-3 & 6855-3 are complete. Enclosed are Notices of Completion of Works and Application of Water to Beneficial Use forms for each permit. At this time, the Service requests an inspection so Water Licenses can be issued. The inspection fees were paid in advance; please refer to Receipts 03044 and 03045.

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

Sincerely,

Carrie Cordova
Water Rights Specialist

Enclosures

RECEIVED

FEB - 4 2008

WATER RIGHTS
PROGRAM

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

Date 1-14-08

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

FROM: US Fish + Wildlife Service
Huron WMD

(name)

200 4th ST. SW, Room 309

(address)

Huron, SD 57350

(city, state, zip)

605-352-5894

(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.

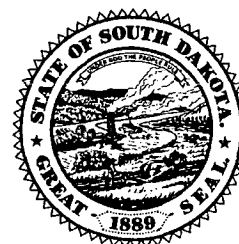
Water Permit No. 6854-3 states that the water use system is to be constructed by
1-2-2012 , and water is to be put to beneficial use by 7-2-2016
(date) (date)

The water use system was completed on 1-14-08
(date)

Applying the water to beneficial use was completed on 1-14-08
(date)

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

James J. Hunter
(signature)
Project Leader



Permit No. 6854-3
Missouri 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, November 10, 2009, made a thorough examination of the water use system constructed by US Fish & Wildlife Service of 2004th St. SW Rm 309, Huron, SD 57350 holder of Permit No. 6854-3, bearing the priority of March 30, 2007 authorizing the storage of 260 acre-feet of the waters of runoff for fish & wildlife propagation purposes, in Hyde County.

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

A. Works used to divert the water:

A 5.6 ft. high earthen dam with a normal storage capacity of 260 acre-feet of water

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

N/A

C. Works used to apply water to beneficial use:

A 5.6 ft. high earthen dam with a normal storage capacity of 260 acre-feet of water

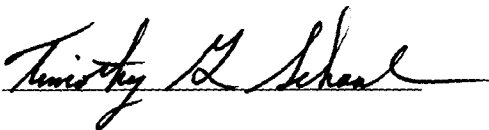
The system is in the following condition good. The point of diversion is located 2250 ft. north & 250 west of the SE corner of Sec. 17-T111N-R72W (NE ¼ SE ¼) (Lat. 44.417131, Long -99.503397). The works are capable of storing 260 acre-feet of water which is to be used for fish & wildlife propagation use. Water has been put to beneficial use to the maximum extent as follows:

A 5.6 ft. high earthen dam with a normal storage capacity of 260 acre-feet of water

and the license should be issued for 260 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: March 2, 2010



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

REPORT ON INSPECTION OF PERMIT NO. 6854-3

Other permit(s) associated with the project: 6855-3

DATE OF INSPECTION: November 10, 2009

NAME & ADDRESS OF PERMIT HOLDER: US Fish & Wildlife Service, 2004th St. SW, Rm 309,
Huron, SD 57350

DIVERSION POINT LEGAL LOCATION: 2250 ft. north & 250 ft. west of the SE corner of
Sec. 17-T111N-R72W (NE ¼ SE ¼) (Lat. 44.417131, Long. -99.503397)

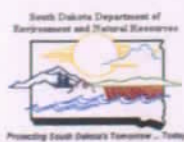
DAM INFORMATION:

- 1) Height to crest 5.6 feet
- 2) Height to primary spillway 3.6 feet
- 3) Height to secondary spillway N/A feet
- 4) Crest width 12 feet
- 5) Crest length 410 feet
- 6) Spillway length XXX feet
- 7) Spillway width 100 feet
- 8) Approx. storage (Normal) 260 acre-feet
- 9) Approx. storage (Maximum) N/A acre-feet
- 10) Date constructed: 2007

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. 6854-3



Timothy G. Schaal 3/2/10
Timothy G. Schaal, P.E.
Natural Resources Engineering Specialist
SD DENR, Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

APR 23 2010

6854-3

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

Dear Ms. Estep:

Enclosed is Water License No. 6854-3. Water License No. 6854-3 is the final document which completes the process of obtaining a water right. Also included with the license is a copy of the map prepared by the staff engineer who conducted the field investigation.

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

Sincerely,

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

enclosures

c: US Fish & Wildlife Service, 200 4th St SW Room 309, Huron SD 57350 w/attachments

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6854-3

(1) US Fish & Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80225 made Application No. 6854-3, March 30, 2007 for a water permit to impound 260 acre feet of runoff by constructing a ditch plug to restore a large drained wetland known as the Cowan Project in, Hyde County, South Dakota for fish and wildlife propagation and livestock watering purposes. Permit No. 6854-3, with a priority date of March 30, 2007 was approved July 2, 2007 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 2, 2012 and for the application to beneficial use of said water on or before July 2, 2016.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on February 4, 2008. The "*Notice*" stated the project was completed and water placed to beneficial use on January 14, 2008.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion project and is entitled to impound 260 acre feet of water for beneficial use.

- The earthen dam (ditch plug) is located 2,250 feet north and 250 feet west of the SE corner of Section 17, T111N, R72W (NE ¼ SE ¼).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 the US Fish & Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80225 the holder and/or owner of Water Right No. 6854-3 is issued a license to appropriate water, the right to impound 260 acre feet of water from runoff with a priority date of March 30, 2007 from the location specified in (2) of this license for fish and wildlife propagation and livestock watering purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6854-3 and subject to the following qualification:

- Water Right No. 6854-3 authorizes impoundment of 260 acre feet of water and sufficient water annually to maintain the water level to the natural overflow elevation of the wetland by placement of a ditch plug to restore a drained wetland.



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

APR 23 2010

date

