

WATER PERMIT NO. 6855-3

Name of Applicant: US Fish & Wildlife Service

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

Phone: 605 352-5892

Amount of Water Claimed: 181 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: 8 miles southwest of Highmore

PRIORITY Date Received: 3-30-07

Application/License Fee: \$275

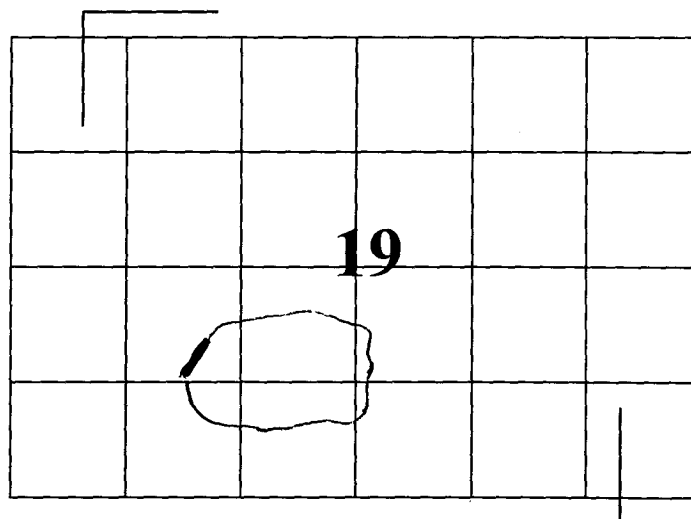
Corrected Application Received: 5-2-07

Period of Annual Use: January 1 – December 31

Remarks: Harter Pond

Diversion Point: NW ¼ SW ¼ Sec 19-T111N-R72W

Water Impounded: SW ¼, W ½ SE ¼ Sec 19-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: _____

SD E-Form - 1585 V2
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>6855-3</u> (office use only) Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Higley Herald</u> <u>PO Box 435</u>
	<u>605-852-0292</u> <u>Higley 57345</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.)

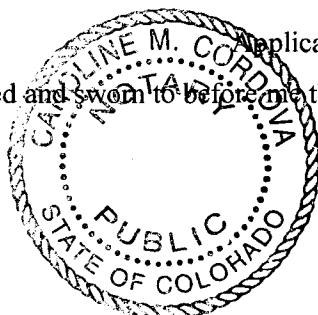
- Name of Applicant U.S. Fish & Wildlife Service Phone (303) 236-5322
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 25486, Denver Federal Center Denver State CO 80225
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed _____ *CFS or _____ **GPM 181.0 ***AF
(*Cubic Feet per 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
Embankment: NW1/4SW1/4 Section 19-T111N-R72W
Water Impounded: SW1/4, W1/2, SE1/4 Section 19-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)
Harter Pond - 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. Cordova
Notary Public signature



**SOUTH DAKOTA
WATER PERMIT NO. 6855-3**

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. 6855-3 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. 6855-3 authorizes impoundment of 181 acre-feet of water from runoff by constructing a ditch plug 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.
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. 6855-3 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. 6855-3 authorizes impoundment of 181 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.

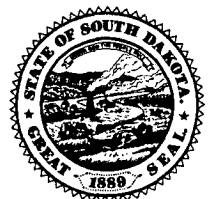
WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUL 31 2007

date



(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

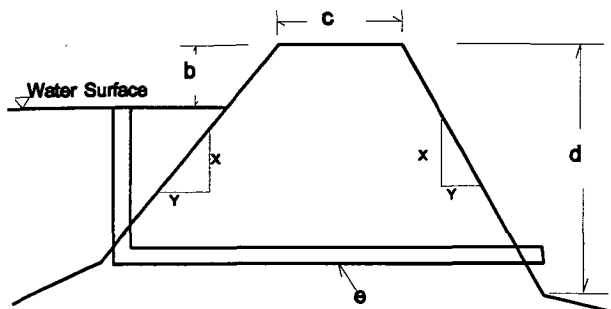
3. Dugout Information

- 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 _____ 410'
- d) Height _____ 9
- 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 _____ 66
- i) Storage _____ 181.0 Acre Feet
- j) Drainage Area Above Dam _____ 660.0 Acres

Harter Dam Sec 19, T111N, R72W Surface Area Hyde Co.



sheet 4 of 5

Harter WPA - Hyde
OA- 660 A
17- 6125

Drainage Area

S = 12



Sheet 5 of 5

Water Permit Application No. 6855-3
US Fish & Wildlife Service

Top of Dam Elev. - 96 } Cat. 3 - Low Hazard Dam
P. Spillway Elev. - 93 }
Dts Emb. Toe Elev. - 85 } Ht = 9 ft.

Normal Storage Capacity - 181 A.-Ft
Max Storage Capacity - 245 A.-Ft

Ht x Max Capacity = $9 \times 245 = 2205 < 3000 \therefore$ 25 year
Minimum Spillway Design

From USGS WRI 98-4055 "Tech for Est Peak Flows ... in SD"
DA = 660 Ac = 1.03 mi.² P_B = 0.8
Region B

$$\begin{aligned} Q_{15} &= 148 CA^{.584} P_{IT}^{.730} \\ &= 148 (1.03)^{.584} (0.8)^{.730} \\ &= 148 (1.0174) (0.8497) \\ &= \underline{128 \text{ cfs}} \end{aligned}$$

$$\begin{aligned} Q_{100} &= 275 CA^{.625} P_{IT}^{.742} \\ &= 275 (1.03)^{.625} (0.8)^{.742} \\ &= 275 (1.0486) (0.8474) \\ &= \underline{240 \text{ cfs}} \end{aligned}$$

Secondary Spillway Flow

$$\begin{aligned} Q &= CLH^{3/2} \quad C = 2.6 \\ &= 2.6 (40)^{1.5} \quad L = 80 \\ &= \underline{1080 \text{ cfs}} \quad H = 3 \end{aligned}$$

Section 74:02:08:09

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

NRCS Annual Yield

$$DA = 660 \text{ Ac } ISO = 2 \quad CN = \frac{80}{20}$$

$$\begin{aligned} 80\% \text{ chance} &= 0.26 \\ 0.26 \times 660/12 &= \underline{15 \text{ A.-Ft}} \end{aligned}$$

$$\begin{aligned} 50\% \text{ chance} &= 0.66 \\ 0.66 \times 660/12 &= \underline{36 \text{ A.-Ft}} \end{aligned}$$

$$\begin{aligned} 10\% \text{ chance} &= 2.5 \\ 2.5 \times 660/12 &= \underline{138 \text{ A.-Ft}} \end{aligned}$$

DENR

Concerning Harter Pond in Hyde Co., Sec 19, T111N, R72W

This project is placing a fill at the outlet of a wetland to increase the surface area to 66 acres and storage to 181 Ac-Ft. The drainage area is 660 acres which would only yield 75 Ac-Ft with a 10 year frequency storm. Therefore the structure is designed without a principal spillway and a hydrology routing has not been performed, sheet 3 of 5 gives the estimates for runoff and discharge.

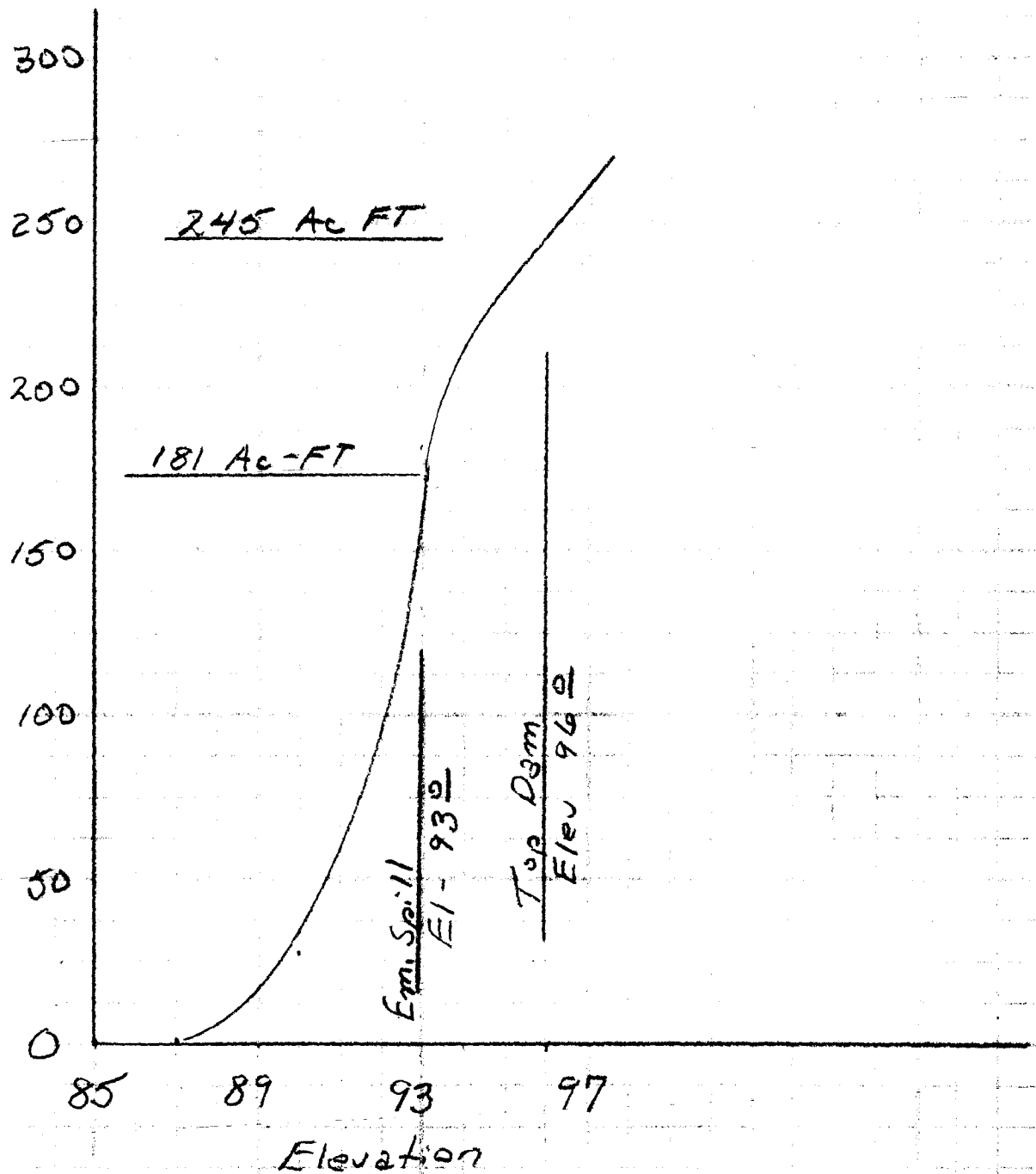
The emergency spillway would be a natural swale on the south side of the dam. The maximum fill height would be 9 ft and the dam would have 6 ft of water at the fill and 3 ft near the center of the pond area.

Konechne Engineering

Sec 19, T 111 N, R 72 W

D. Konechna

Harter Dam - Stage Storage



Client : Harter WPA
 County : Hyde
 Practice: pond

State: sd

By: dfk
 Checked: _____

Date: _____
 Date: _____

Drainage Area : 660 Acres
 Curve Number : 75
 Watershed Length : 6125 Feet
 Watershed Slope : 1 Percent
 Time of Concentration: 2.62 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	0.37	0.30	0.22	0.19	0.16	0.14	0.13
Runoff (in)	0.29	0.48	0.96	1.37	1.74	2.13	2.61
Unit Peak Discharge (cfs/acre/in)	0.210	0.237	0.258	0.267	0.273	0.277	0.282
Peak Discharge (cfs)	40	76	164	242	314	390	485

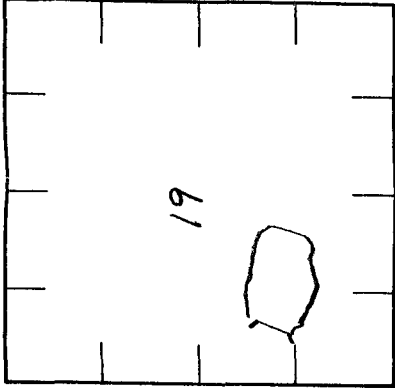
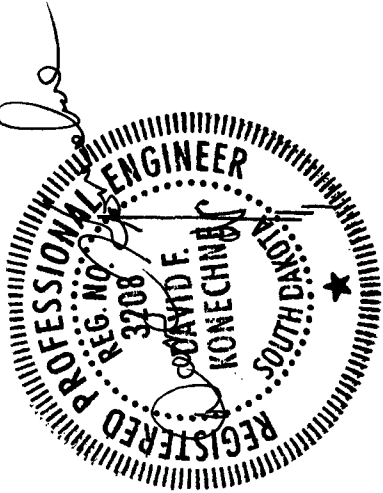
$$2 \text{ yr yield} = \frac{0.48 \times 660}{12} = 26.4 \text{ Ac-Ft}$$

$$\text{Storage at Em. Spill (Elev. 93.0)} = 181 \text{ Ac-Ft}$$

Princ. Spillway not needed

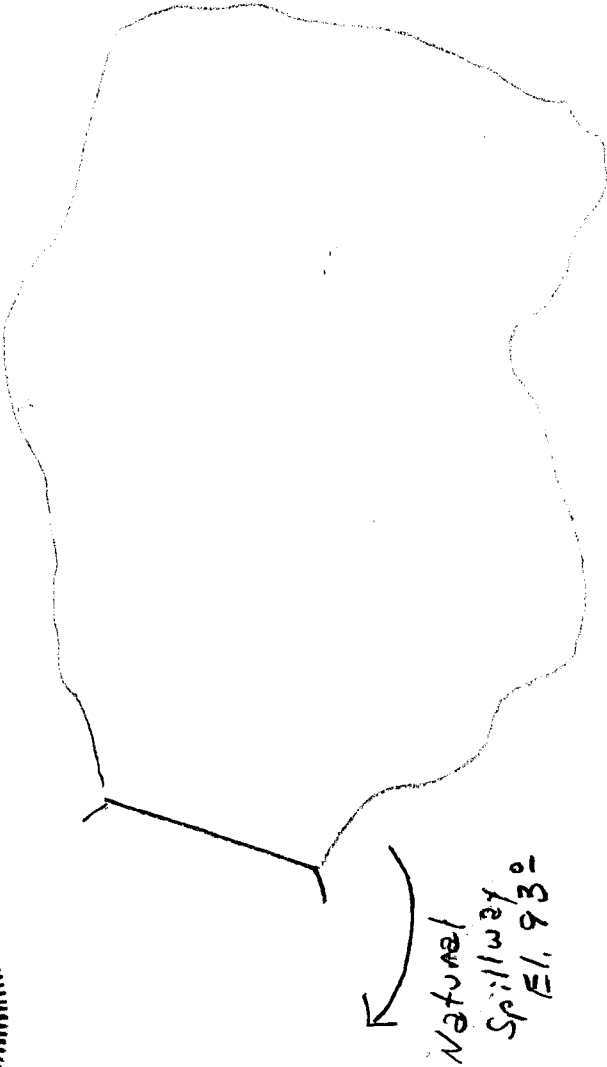
STRUCTURE DATA

DRAINAGE AREA	ANNUAL YIELD	PEAK RUNOFF	EMERG. SPLVY. CAPACITY	WATER DEPTH	SURFACE AREA	SEDIMENT STORAGE	TOTAL STORAGE
ACRES	AC. FT.	25-YR.	C. F. S.	FEET	ACRES	AC. FT.	AC. FT.
660	16	96	485	6	66	-	181



Sec. 19 T. 11N R. 72W
Hyde County

LOCATION



Natural
Spillway
El. 93.0

Elev (Ft)	Storage (Ac-F)
93.0	181
96.0	245

NOTE: Construction Specifications can be found at [www.sd.nrcs.usda.gov/technical/Eng Specifications](http://www.sd.nrcs.usda.gov/technical/EngSpecifications)

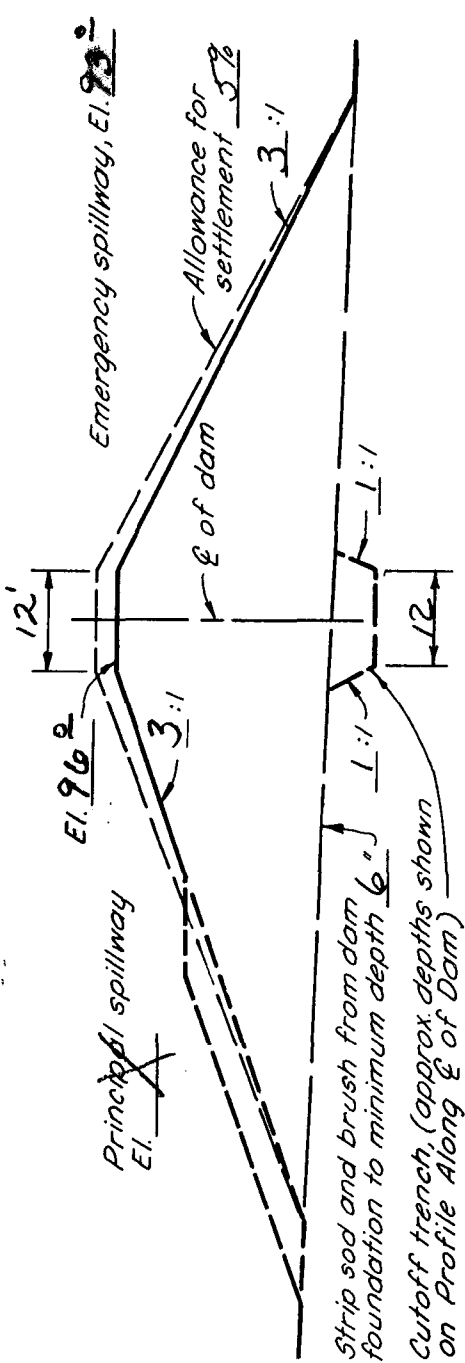
SKETCH PLAN OF DAM AND RESERVOIR AREA

Approximate scale 1" = 1/4"

REFERENCE: GUIDE PLAN NO. 1.0

TABLE OF QUANTITIES

ITEM	UNIT	QUANTITY
Earth Fill	cu yd	2523
-Strippage (5%)	cu yd	126
-Stripping	cu yd	341
-Core trench	cu yd	647
Total	cu yd	3637



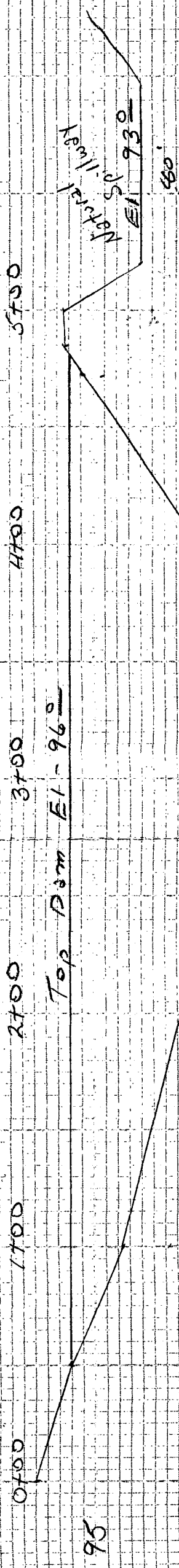
TYPICAL CROSS SECTION OF DAM
CLASS A HAZARDOUS EARTH DAM

S.D. CONSTRUCTION AND MATERIAL SPECIFICATIONS:

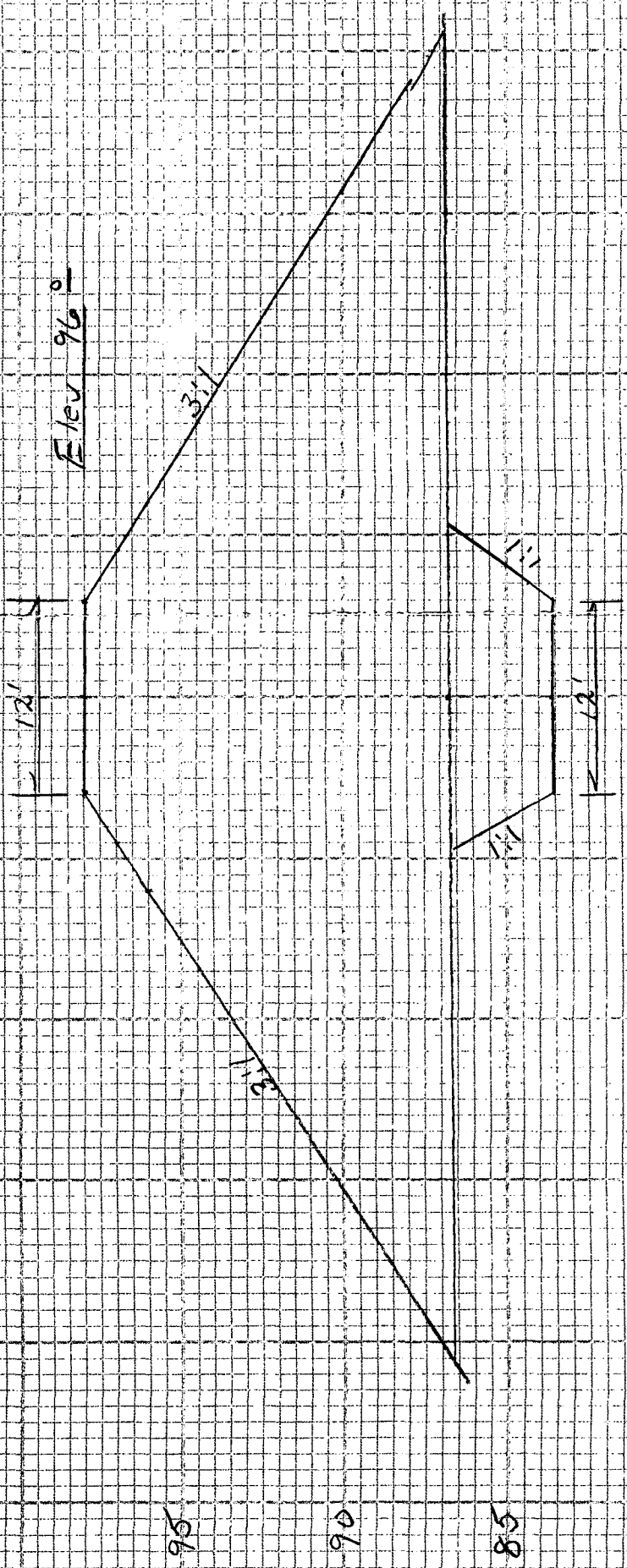
SD-75 Earth Fill

OPERATOR: Harter Dam
CONSERVATION DISTRICT: Hyde

Designed by D. Konechne	Date
Drawn	Title
Traced	Sheet No.
Checked	Drawing No.



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



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date MAY 2, 20 07

RECEIVED OF US Fish & Wildlife Service 200 4th St SW Huron SD 57350 HARTER POND

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

Fee for Application for Permit No. <u>6855-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6855-3</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	275 00

No.

03044

By David 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
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

Water Rights Division -DENR
Conversation or File Documentation

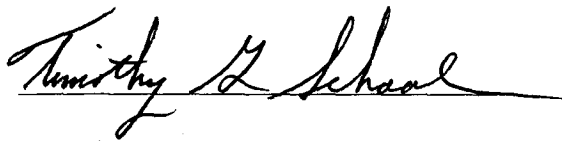
NAME OF PERSON OR FILE: US Fish & Wildlife Service

ADDRESS: XXXXXXXXXXXXXX COUNTY: Hyde

DATE: May 4, 2007 TELEPHONE: XXXXXXX

RE: location of dam

I talked to Dave Konechne today about the location of the dam for Water Permit Application No. 6855-3. He said the dam was located in the NW ¼ SW ¼ of Sec. 19-T111N-R72W as indicated on his plan sheet and NOT the NW ¼ NW ¼ as indicated on the application. I told him we would make the changes.

A handwritten signature in black ink, reading "Timothy G. Schaal", written over a horizontal line.

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



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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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 Applicatons 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. 6855-3, 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. 6855-3, U. S. Fish & Wildlife Service, 200 4th Street SW, Room 309, Huron SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 6855-3 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. 6855-3 authorizes impoundment of 181 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. 6855-3
U.S. Fish & Wildlife Service
May 30, 2007

Water Permit Application No. 6855-3 has been filed by the U.S. Fish & Wildlife Service (USFWS) to impound 181 acre-feet of water from runoff by constructing a dam and enlarging a wetland area. The dam will be located in the NW ¼ SW ¼ of Section 19-T111N-R72W, in Hyde County. The application also requests impoundment of sufficient water to maintain water to the outlet elevation. The water will be used for fish and wildlife production and livestock water purposes.

Discussion:

The dam will be classified as a small size, Category 3, Low Hazard dam. The dam has been designed by Konechne Engineering. The plans and specifications have been reviewed and will be approved; however, construction of the dam can not begin until Water Permit Application No. 6855-3 is approved.

The dam will be 9 feet high with a normal storage capacity of 181 acre-feet with a reservoir level at the primary spillway elevation, and a maximum storage capacity of 245 acre-feet with a reservoir level at the top of dam elevation. A dam of this size and hazard classification is required to have a minimum spillway design capable of passing a 25-year frequency event.

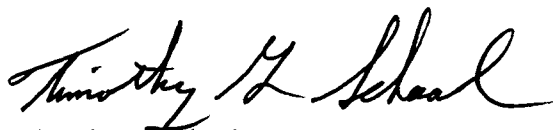
The dam has a drainage area of 660 acres or 1.03 square miles. The dam is designed to have a natural swale, approximately 80 foot wide, as the primary spillway with three feet of freeboard. A 25 year frequency event produces a peak runoff of approximately 130 cfs and a 100 year frequency event produces a peak runoff of approximately 240 cfs. The natural swale spillway will have a capacity of approximately 1100 cfs.

The annual yield for this drainage area with an 80 percent chance of occurrence, or 8 out of 10 years, is expected to be 15 acre-feet. The annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 36 acre-feet and the annual yield with a 10 percent chance, or 1 out of 10 years, is expected to be 138 acre-feet.

The Harter Pond Dam is located in the NW ¼ SW ¼ of Section 19-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 345 acre-feet of water in the Chapelle Dam. Chapelle Dam has approximately 40 square miles of drainage area, compared to the 660 acres of drainage above the proposed dam. Approval of Water Permit No. 6855-3 should not have an adverse effect on Vested Water Right No. 716-3.

Conclusions:

1. Water Permit Application No. 6855-3 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

Form 8

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JUN 29 2007

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hyde) SS

I, Mary Ann Morford

certify that the attached printed Notice was
taken

from the Highmore Herald

printed and published in Highmore

County of Hyde and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

June 14, 2007

June 21, 2007

Cost 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 (605-773-3852)" 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

FPNO 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

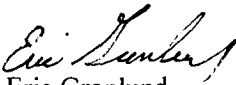
Enclosed is a Notice on Application Nos. 6854-3 & 6855-3 to Appropriate Water to be published twice. Please publish the first notice on June 14, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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

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.

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

6855-3



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

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

RECEIVED

FEB - 4 2008

WATER RIGHTS
PROGRAM

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. 6855-3 states that the water use system is to be constructed by

7-2-2012

(date)

, and water is to be put to beneficial use by

7-2-2016

(date)

The water use system was completed on

1-14-08

(date)

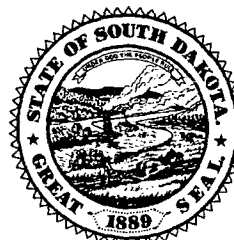
Applying the water to beneficial use was completed on

1-14-08

(date)

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

[Signature]
(signature)
Project Leader.



Schaal, Tim

6855-3

From: Schaal, Tim
Sent: Monday, February 04, 2008 3:00 PM
To: 'dave konechne'
Cc: chuck_pyle@fws.gov; Gronlund, Eric
Subject: RE: Harter Pond

Probably--since there is quite a bit of difference in storage capacity between the "as built" (95 acre-feet) and the permit application (181 ac-ft). Maybe just a cross section with elevations and capacity table/curve.

Tim

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

From: dave konechne [mailto:dkonechne@pie.midco.net]
Sent: Monday, February 04, 2008 1:45 PM
To: Schaal, Tim
Cc: chuck_pyle@fws.gov
Subject: Harter Pond

Tim, The final water level for the Harter pond was constructed at elevation 92.0. The emergency spillway was lowered one foot to accomplish this. I assume the top of dam elevation was left at Elevation 96. Storage at elevation 92 is 95 Ac-Ft. Do you need any plan revision for your files.

Dave Konechne

02/06/2008

Sec 19, T111N, R72W

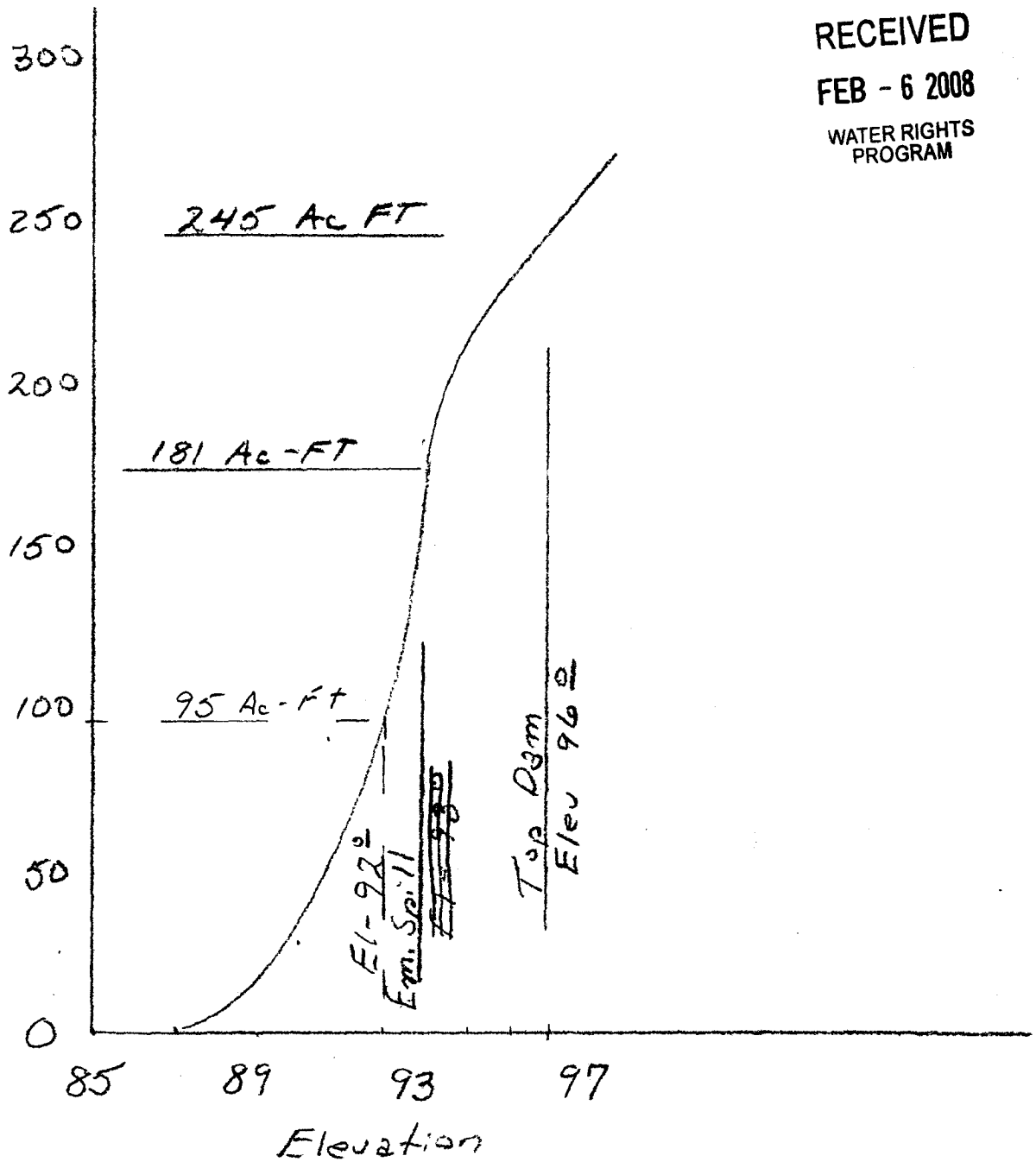
D. Konechna

Harter Dam - Stage Storage

RECEIVED

FEB - 6 2008

WATER RIGHTS
PROGRAM



~~Sheet 2 of 3~~

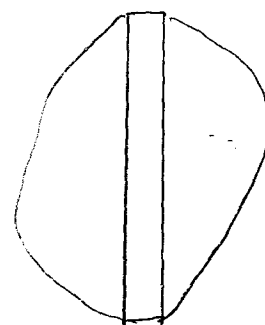
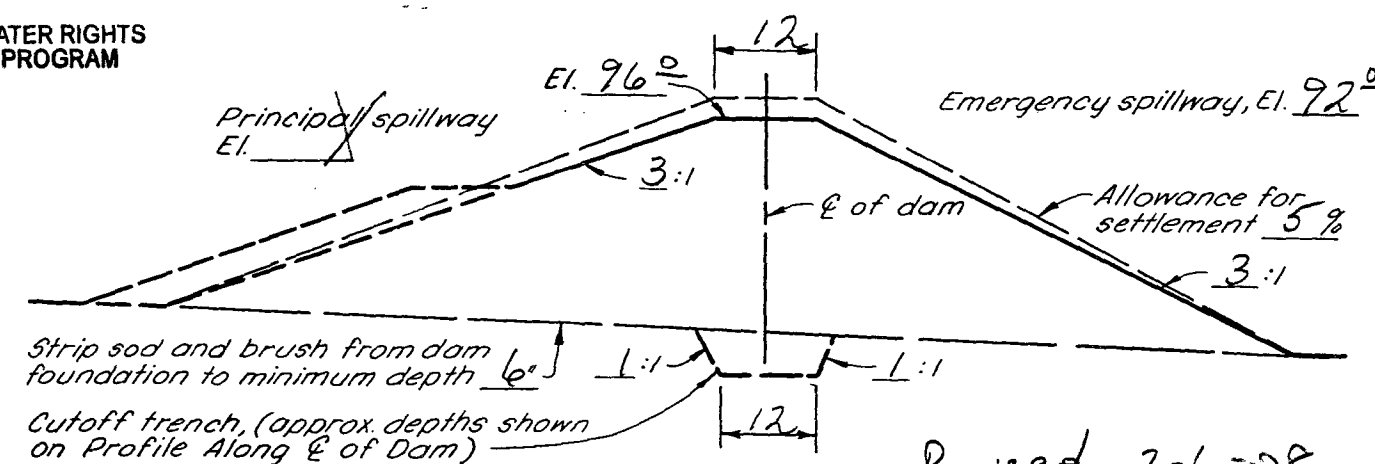
DRAINAGE AREA	ANNUAL YIELD	PEAK RUNOFF	EMERG. SPLWY. CAPACITY	WATER DEPTH	SURFACE AREA	SEDIMENT STORAGE	TOTAL STORAGE
ACRES	AC. FT.	25-YR.	C. F. S.	FEET	ACRES	AC. FT.	AC. FT.
6660	16	96	485	5	6	—	95

Sec. 19 T. 111 N R. 72 W
Hyde County

N 44° 24.196'
W 099° 32.450'

**WATER RIGHTS
PROGRAM**

Em
Spillway

[illegible]

Revised 2-6-08.

TYPICAL CROSS SECTION OF DAM OK

S.D. CONSTRUCTION AND MATERIAL SPECIFICATIONS:

SD-2 clearing & Grubbing
SD-7s earth Fill

EARTH DAM

OPERATOR: Harter FF & WK

CONSERVATION DISTRICT: _____

Class "A" Hazard

	Date	Approved by
Designed		Title
Drawn		Title
Traced		Sheet / Drawing No.
Checked		No

SKETCH PLAN OF DAM AND RESERVOIR AREA

Approximate scale 1" =

REFERENCE: GUIDE PLAN NO. 1.0

JOB PLAN NO. 1.0

(Rev. 4-73) 5, N-29, 073.1a(1.

6855-3



2-6-08

Permit No. 6855-3
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. **6855-3**, bearing the priority of **March 30, 2007** authorizing the storage of **181** 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 9 ft. high earthen dam with a normal storage capacity of 181 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 9 ft. high earthen dam with a normal storage capacity of 181 acre-feet of water

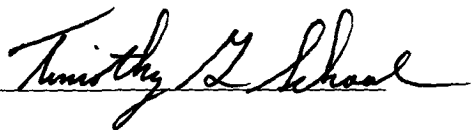
The system is in the following condition **good**. The point of diversion is located **2100 ft. north & 250 east of the SW corner of Sec. 19-T111N-R72W (NW ¼ SW ¼) (Lat. 44.402245, Long. -99.540791)**. The works are capable of storing **181** acre-feet of water which is to be used for **fish & wildlife propagation use**. Water has been put to beneficial use to the maximum extent as follows:

A 9 ft. high earthen dam with a normal storage capacity of 181 acre-feet of water

and the license should be issued for **181** 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. 6855-3

Other permit(s) associated with the project: 6854-3

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: 2100 ft. north & 250 ft. east of the SW corner of Sec. 19-T111N-R72W (NW ¼ SW ¼) (Lat. 44.402245, Long. -99.540791)

DAM INFORMATION:

- 1) Height to crest 9 feet
- 2) Height to primary spillway 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 80 feet
- 8) Approx. storage (Normal) 181 acre-feet
- 9) Approx. storage (Maximum) 245 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. 6855-3



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

JUL 28 2010

6855-3

Megan Estep
US Fish & Wildlife Service
PO Box 25486
Denver Federal Center
Denver CO 80225 0486

Dear Ms. Estep:

Enclosed is Water License No. 6855-3. The license is the final document which completes the process of obtaining a water right. Included with the license is a map of the area as 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. 6855-3

(1) US Fish & Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80225-0486 made Application No. 6855-3, March 30, 2007 for a water permit to impound 181 acre feet of water annually from runoff, Hyde County, South Dakota for fish and wildlife propagation and livestock watering purposes. Permit No. 6855-3, 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.

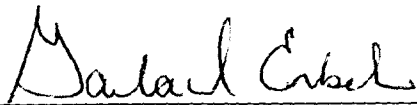
(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the project and is entitled to impound 181 acre feet of water annually for beneficial use. The location of the impoundment (ditch plug) is 2,100 feet north and 250 feet east of the SW corner of Section 19, T111N, R72W (NW ¼ SW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use by constructing a ditch plug known as Harter Pond.

(4) Pursuant to South Dakota Water Law 46-5-30.1 US Fish & Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80225-0486 the holder and owner of Water Right No. 6855-3 is issued a license to appropriate water, the right to impound 181 acre feet of water annually from runoff with a priority date of March 30, 2007 from the location specified in (2) of this license for fish & wildlife propagation and livestock watering purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6855-3 and subject to the following qualification:

- Water Permit No. 6855-3 authorizes impoundment of 181 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

JUL 28 2010

date

