

WATER PERMIT NO. 7094-3

Name of Applicant: **US Fish & Wildlife Service**

Address: **PO Box 25486, DRC, Denver CO 80225**

Phone: **605 236-5322**

Amount of Water Claimed: **2.67 cfs**

Total Acres: **NA**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **fish and wildlife propagation**

County: **Yankton**

Type of Waste Disposal System:

Location: **Gavins Point Fish Hatchery**

PRIORITY Date Received: **12-1-08**

Application/License Fee: **\$625**

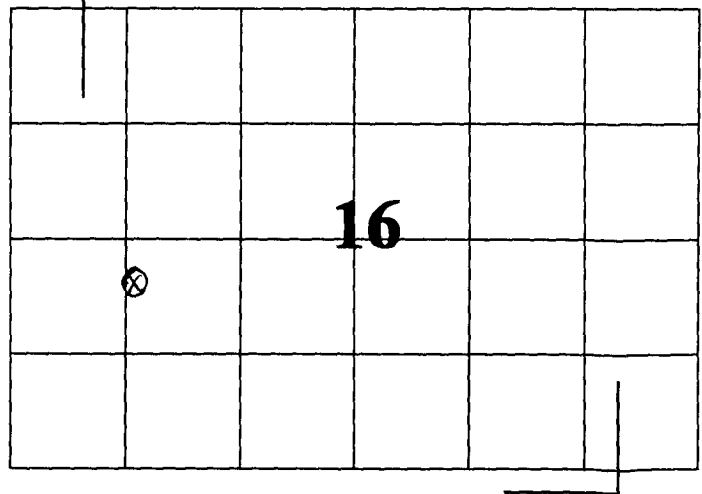
Corrected Application Received: **1-26-09**

Period of Annual Use: **January 1 – December 31**

Remarks:

Diversion Point: ^W~~NE~~ **¼ SW ¼ Sec 16-T93N-R56W**

Land to be Irrigated: **NA**



Depth of Well: **70 feet**

Well Driller:

Remarks:

Type of Map: **topo**

Prepared by: **Kenneth F Bottle, USFWS**

Reviewed and the Number Assigned on: **1-25-09**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7094-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Daily Press & Dakotan</u> <u>PO Box 56</u> <u>605-665-7811</u> <u>Yankton 57078</u>

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

Check use(s) of water:

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

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

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

- Name of Applicant 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 2.67 *CFS or 1200 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Groundwater
- 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
NW SW 16
- County or counties where water will be used Yankton
- 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)

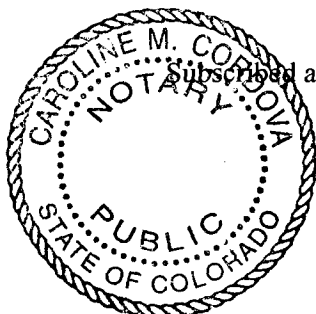
Gavins Point National Fish Hatchery needs to drill a new well to accommodate expanding fish production. The well should produce between 1000 - 1200 gpm to meet needs.

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, agent, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Megan A. Estep, agent
Subscribed and sworn to before me this 24 day of November 20 08



Caroline M. Carlson
Notary Public signature
135 Outman Street, Denver, CO 80219
Commission Expires September 28, 2012

SOUTH DAKOTA
WATER PERMIT NO. 7094-3

Date of first receipt of application December 1, 2008.

Date of return to applicant for corrections, amendments or changes December 1, 2008.

Date of receipt of corrected application January 26, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7094-3 to U.S. 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. 7094-3 appropriates 2.67 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 70 feet deep) located in NW 1/4 SW 1/4 Section 16-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. 7094-3 is April 6, 2009.
5. The date from which applicant may claim right is December 1, 2008.
6. One-fifth of the construction is to be completed on or before October 6, 2011.
7. All construction is to be completed on or before April 6, 2014.
8. Water is to be put to beneficial use on or before April 6, 2018.
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. 7094-3 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

MAY 22 2009

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 16-24 inches Depth 70 feet
- b) Casing Type PVC Diameter 16 inches Thickness 3/8-1/2inch
- c) Screen Type PVC Slotted Diameter 16 inches Thickness 3/8-1/2inch
- d) Gravel Pack Washed Length of Gravel Pack 20-80 feet
- e) Depth to Top of Water Bearing Material approximately 20 feet
- f) Depth to Water (ground surface to water level) 18-20 feet
- g) Distance to nearest existing domestic well:
On applicants property 150 feet On property owned by others No

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

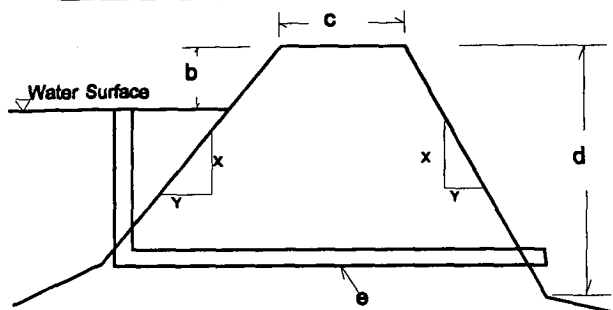
3. Dugout Information

- 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.

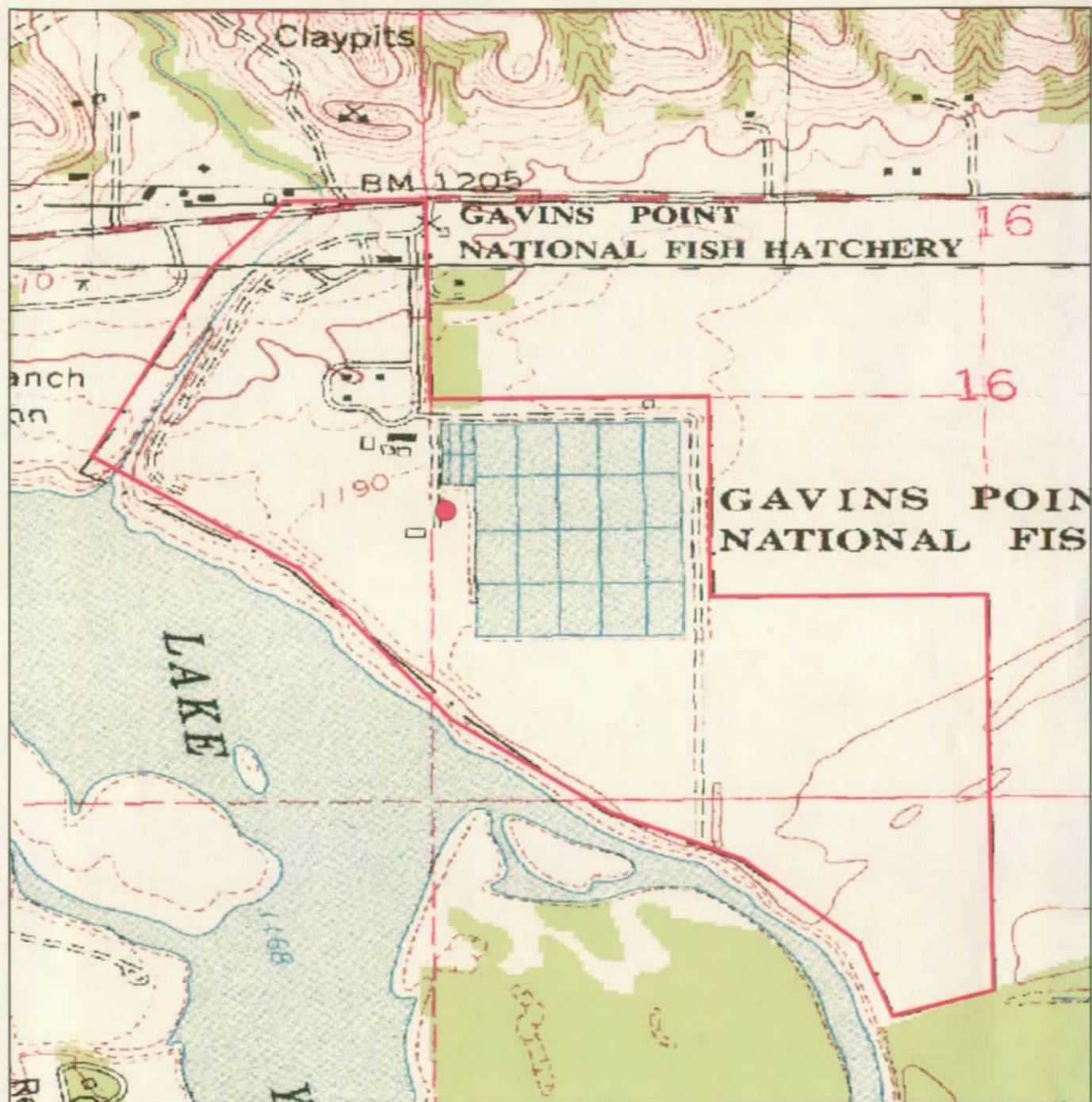
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- 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



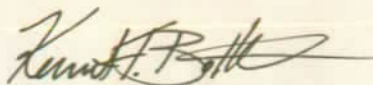
Well Permit Application



Geographic Coordinate System, NAD83

Drawing No. 6R-SD-492-WR-P-41.0

This map correctly represents the
works for the accompanying application


Kenneth F. Bottle
Hydrologist/GIS Specialist



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500 1,000 2,000
Feet

WATER RIGHTS
PROGRAM



Gavins Point NFH



Proposed New Well

PRODUCED BY:
U.S. FISH & WILDLIFE SERVICE
WATER RESOURCES DIVISION, REGION 6
LAKEWOOD, COLORADO
303-236-5322

November 20, 2008



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

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

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**WATER RIGHTS
PROGRAM**

NOV 24 2008

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:

The Service has enclosed two completed copies of an Application for Permit to Appropriate Water (Forms 2 and 2A) for a new well and a map signed by a government employee who prepares maps as part of his assigned duties. 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 at 303-236-5399 for payment of the filing fee and inspection fee via credit card in the amount of \$625 or if you have any questions or require further information. Thank you for your assistance in this matter.

Sincerely,

Megan A. Estep
Chief, Water Resources Division

Enclosures

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, December 01, 2008 11:34 AM
To: Young, Priscilla
Subject: Invoice for US F&WS

Attached is an invoice for the application/license fee for US Fish & Wildlife Service. I called Carrie Cordova with that office and she will be touch with you regarding the credit card payment. Sandy Verhelst with our dept, said you should email/call her to get the correct coding. If you could send me a copy of the credit card receipt as well, that would be helpful.

I haven't done this for awhile, so if something isn't right or you need additional info, please let me know.

Karen Schlaak
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

* INVOICE *

Invoice No. 20411-120108

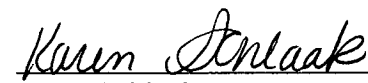
ATTN: Carrie Cordova

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

Application / License filing fee for Gavins Point National Fish Hatchery

\$625.00

PLEASE PAY THIS AMOUNT: \$625.00



Karen Schlaak
Water Rights Program
605 773-3352

BANKCARD SALES SLIP 2 PT.

59082

DO NOT WRITE

ABOVE THIS LINE

US FISH & WILDLIFE SERVICE
CARRIE CORDOZA

EXPIRATION
☒ DATE
CHECKED

XXXX XXXX XXXX 0091

10/11

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 ↑					
1	INV 20411-120108			625.00	
APPLICATION FEE					
DATE 12/01/08		AUTHORIZATION 081020		SUB TOTAL 625.00	
REFERENCE NO. 001			SERVER	TAX	
ID-FOLIO/CHECK NO./LIC. NO. STATE		REG./DEPT.	CLERK	TIP	MISC.
  5462468				TOTAL 625.00	

SALES SLIP
ORIGINAL

Recieved from Sandy Verhelst
1/26/09

GL POSTED ENTRY QUERY 222

NEXT FUNCTION: ACTION:
NO MORE TRANSACTIONS FOR THIS SELECTION

PAGE F/B: PAGE NO: 1
COMPANY: 3072

DISPLAY	ACCOUNT	CNTR	EFF	SOURCE	TRANSACTION
FULL			DATE	CODE	AMOUNT
4299802	2020000800		01/01/2009	M209092	125.00
4299802	2020000800		01/09/2009	C209107	375.00 CR
4299802	2020000800		01/16/2009	C20G0212	625.00
4299802	2020000800		01/16/2009	C20G0212	625.00 CR
4299802	2020000800		01/16/2009	C20G0212	625.00 CR
4299802	2020000800		01/22/2009	C209115	500.00 CR

ACCUM TOTALS DR: 750.00 CR: 2,125.00

Gronlund, Eric

From: Carrie_Cordova@fws.gov
Sent: Thursday, February 05, 2009 11:37 AM
To: Gronlund, Eric
Subject: Re: SD water permit application for new well at Gavins Point National Fish Hatchery



Gavin map.pdf (863 KB)

Eric,

Sorry it has taken me so long to get back to you. The map is correct, it was a mistake on my part, I should have double checked my legal description. on Item 4 of the application.

Carrie Cordova
Water Rights Specialist
303-236-5399

<Eric.Gronlund@state.sd.us>

01/27/2009 09:55 AM

<Carrie_Cordova@fws.gov>

To

cc

Subject
SD water permit application for new well at Gavins Point National Fish Hatchery

Carrie - the SD Water Rights Program received USFWS's application for this new well. The application states the well is to be located in the NE 1/4 SE 1/4 of Section 17 which is the legal description of the other wells used for the facility. However, the map submitted with this application appears to show that this well will be located in the NW 1/4 SW 1/4 Section 16. Do you concur? The proposed well is very close to the section line and this may be splitting hairs, but we'd like to get it right.

Eric Gronlund
Water Rights Program, DENR
Phone: (605) 773-3352
Fax: (605) 773-4068
Email: eric.gronlund@state.sd.us
Web: www.state.sd.us/denr
(See attached file: Gavin map.pdf)



**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. 7094-3, United States 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. 7094-3, United States Fish and Wildlife Service, c/o Megan Estep, Chief, Water Rights Division, US Fish and Wildlife Service, PO Box 25486, DFC, Denver CO 80225.

The Chief Engineer is recommending APPROVAL of Application No. 7094-3 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 well authorized by Permit No. 7094-3 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
March 4, 2009

**Report on Water Permit Application No. 7094-3
for U.S. Fish and Wildlife Service
February 19, 2009**

Application No. 7094-3 proposes to appropriate 1,200 gallons per minute (2.67 cfs) from one well approximately 70 feet deep to be completed into the Missouri Elk Point aquifer located in the NW ¼ SW ¼ of Section 16-T93N-R56W for fish and wildlife propagation use at the Gavins Point National Fish Hatchery in Yankton County. The annual period during which water will be used is January 1 through December 31.

AQUIFER: Missouri Elk Point

This report will address the availability of unappropriated water from the Elk Point management unit of the Missouri aquifer.

WATER AVAILABILITY

Aquifer Characteristics:

The Missouri Elk Point aquifer is an alluvium mantled outwash (sand and gravel) that is under predominantly water table conditions in the area of this application. The aquifer underlies 45,000 acres and contains an estimated 675,000 acre-feet of recoverable water in storage in Yankton County (Hedges, 1982). The aquifer extends into Union County to the south-east, into Clay County to the east, blends into the Lower Vermillion Missouri directly to the east of the application location and is hydraulically connected to the James, Vermillion and Missouri Rivers. Ground water movement is from northwest to southeast and locally toward the Missouri River.

Review of Existing Water Permits/Rights/Water Use:

Records of irrigation use from the Missouri aquifer, which includes the Peoria management unit, the Pierre management unit, the Greenwood management unit and the Elk Point management unit date back to 1979. The Elk Point management unit typically includes the majority of irrigators; irrigators in the other management units typically total less than ten.

Table 1 shows the number of appropriations, the total amount of water appropriated, and the reported amount of water pumped for each year. The average number of appropriations is just over 301, with the average annual appropriation being nearly 148,000 acre-feet and the average annual pumpage reported at over 17,000 acre-feet.

IRRIGATION USE (ac-ft/yr) M			
Year	Number of Appropriations	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2007	368	140746.6	31052.03
2006	355	137411.6	28874.29
2005	337	130966.6	24176.62
2004	323	127635.8	24515.85
2003	315	126059.8	27161.56
2002	316	126235.8	24105.36
2001	314	126217.4	19451.93
2000	310	125532.2	27070.99
1999	308	125225.6	14748.02
1998	313	127862.6	11127.24
1997	305	126518.2	17182
1996	296	124606.2	9412.78
1995	292	121644.25	18320.24
1994	297	123656.75	10323.94
1993	299	125656.3	1475.2
1992	296	125336.68	1881.95
1991	301	126551.68	18798.6
1990	299	128458.33	19694.5
1989	294	126847.33	25941.9
1988	283	124014.13	28756.35
1987	282	124104.33	13439.7
1986	288	125842.47	6451.6
1985	284	125068.47	13983.5
1984	283	126743.35	9194.3
1983	274	121895.73	10834.04
1982	272	123559.28	18822.35
1981	302	136318	14233
1980	267	126362	15205
1979	265	124828	10377
AVERAGE	301.31	126962.26	17124.55
MAXIMUM	368	140746.6	31052.03
MINIMUM	265	121644.25	1475.2

Table 1. Irrigation usage from the Elk Point management unit of the Missouri aquifer (Water Rights, 1979-2008).

There are nine existing water permits/rights located within two miles of this application with the nearest being less than 400 feet to the west of this application. Interference could occur during times of pumping and water levels do fluctuate as a result of area pumping but this does not affect the availability of water from the aquifer.

Conclusions:

1. Water is available from the Elk Point management unit of the Missouri aquifer.
2. The aquifer appears to be under water table conditions at this location. Drawdown will result from pumping. Interference could occur due to the close proximity of nearby wells.

3. If the well covered by this Permit depletes the domestic supplies or interferes with prior water rights, restrictions, to the extent necessary, of the capacity of the well or periods of operation or other arrangements may be required to protect these water supplies.
4. This well must be constructed in accordance with SD Well Construction Standards.



Hayes Haas
Natural Resources Engineer

Bibliography:

Hedges, L.S. et al, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for the U.S. Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD 57069

Water Rights, 2008, Irrigation Records for the Missouri Elk Point Aquifer, SD DENR, Division of Water Rights, Pierre, SD, 57501

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APR - 8 2009

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AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

DENR

PMB 2020

523 E Capitol, Joe Foss Bldg
Pierre, SD 57501-3182

3+20+27

NOTICE OF APPLICATION
NO. 7094-3
to Appropriate Water

Notice is given that the US Fish & Wildlife Service, c/o Megan A Estep, PO Box 25486, Denver Federal Center, Denver CO 80225 has filed an application for a water permit to appropriate 2.67 cubic feet of water per second from one well to be completed into the Missouri Elk Point Aquifer (approximately 70 feet deep) located in NW 1/4 SW 1/4 Section 16-T93N-R56W 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. 7094-3 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 this 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 this application. Notice of the hearing will be given to the applicant and any person filing a petition.

2009 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 April 6, 2009.

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.

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

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE NEWSPAPER ON THE 27th DAY OF March 2009 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT \$41.33 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: 3/20, 3/27/2009

FILED ON: 4/6/2009

SUBSCRIBED AND SWORN TO BEFORE ME THIS 6th DAY OF April

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2009



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2009

Daily Press & Dakotan
PO Box 56
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7094-3 to Appropriate Water to be published twice. Please publish the first notice on March 20, 2009 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 & Wildlife Service, c/o Megan Estep, 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. 7094-3

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

Date _____

We are in receipt of your letter of March 5, 2009 enclosing Notice to Appropriate Water by Application No. 7094-3 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.**

March 5, 2009

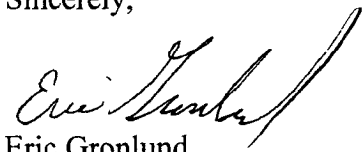
US Fish & Wildlife Service
c/o Megan Estep
PO Box 25486 – Denver Federal Center
Denver CO 80225

Dear Ms. Estep:

Water Permit Application No. 7094-3 for fish and wildlife propagation use at the Gavins Point National Fish Hatchery 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 recommendations of the Chief Engineer and reports on the applications 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 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 March 20, 2009 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7094-3 to Appropriate Water

Notice is given that the US Fish & Wildlife Service, c/o Megan A Estep, PO Box 25486, Denver Federal Center, Denver CO 80225 has filed an application for a water permit to appropriate 2.67 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 70 feet deep) located in NW ¼ SW ¼ Section 16-T93N-R56W 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. 7094-3 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 this 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 this 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 April 6, 2009.

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

MAY 22 2009

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

Dear Sir:

Enclosed is Water Permit No. 7094-3 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



7094-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 18, 2010

Megan A. Estep, Chief
Water Resources Division
US Fish and Wildlife Service
PO Box 25486, DFC
Denver CO 80225-0486

Dear Ms. Estep:

I am writing in regard to the request to change the location of the well authorized by Water Permit No. 7094-3.

Water Permit No. 7094-3 appropriates 2.67 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer located in the NW ¼ SW ¼ Section 16, T93N, R56W. The water is used for fish and wildlife propagation at Gavins Point National Fish Hatchery.

Upon review of the request and pursuant to SDCL 46-5-13.1, the change in the well location is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. If the peak rate diverted from the new well exceeds the authorized amount of 2.67 cubic feet of water per second, a new water right permit will need to be obtained.

The abandoned well shall be plugged or properly capped in accordance the South Dakota Well Construction Standards.

If you have any questions, please contact Eric Gronlund at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

Approval of a Change of Diversion Point

NAME: US Fish and Wildlife Service

ADDRESS: PO Box 25486, DFC, Denver CO 80225-0486

DATE: May 18, 2010 **COUNTY:** Yankton **TELEPHONE:**

BACKGROUND:

Water Permit No. 7094-3 appropriates 2.67 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer located in the NW ¼ SW ¼ Section 16, T93N, R56W. The water is used for fish and wildlife propagation at Gavins Point National Fish Hatchery. This permit was approved April 6, 2009 with a date to complete construction of April 6, 2014. No petitions to intervene were filed in response to the public notice of the application in 2009.

The US Fish and Wildlife Service (USFWS) has filed a request to change the location of the well approximately 100 yards south of the current location. The production from the originally drilled well is insufficient to meet their needs. If this request is approved, the current well will be abandoned according to state requirements.

AUTHORITY:

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

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

The water source authorized by Water Permit No. 7094-3 is the Missouri:Elk Point Aquifer. The proposed replacement well will be completed into this source at a depth of 70 feet.

No additional appropriation of water is requested. The existing water permit authorizes a total diversion of 2.67 cfs from the well. USFWS states that the well they drilled did not yield sufficient quantity to meet their needs and therefore want to drill a replacement well. No additional water will be appropriated by the change of the existing well location. The time to complete construction or place water to beneficial use has not expired so the permit is not limited to the diversion capability of the present well.

- **Review of Existing Diversions**

A review of domestic wells and existing water rights in the surrounding sections was conducted.

Based on the Water Rights Program's well log database, there are eleven domestic wells in the sections neighboring Section 16 with all but one likely completed into the Missouri:Elk Point Aquifer. There are also 9 wells that have been drilled for geothermal purposes but it appears that these well are completed to a depth of around 200 feet.

A review of water rights in the area was also conducted. There are five active irrigation water rights on file in neighboring sections whose source is the Missouri:Elk Point Aquifer. The closest is Water Right No.

5490-3 appropriating 40 gpm from a well located approximately 1240 feet west of the USFWS well. The next closest is 6,000 feet east and is an irrigation water right. Changing the USFWS well 100 yards south of its present location will not increase the potential for interference.

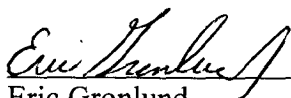
The close proximity of the well to the Missouri River to which the aquifer is hydraulically connected lessens the potential for drawdown due to pumping.

CONCLUSION

- The change in the well location does not appropriate additional water.
- The replacement well is to be completed in the Missouri:Elk Point Aquifer.
- Interference is not expected to be a concern.
- Existing domestic wells will not be adversely impacted by authorizing this change in well location.
- The well to be abandoned must be plugged or properly sealed in accordance with Well Construction Standards

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the change of diversion point of well location be authorized.

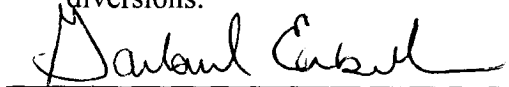


Eric Gronlund

Water Rights Program

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

This change of diversion point does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer

Water Rights Program



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

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

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

APR 22 2010

RECEIVED

APR 26 2010

WATER RIGHTS
PROGRAM

Ref: Water Permit No. 7094-3

Dear Mr. Gronlund:

Per discussions with Kurt Schilling and Carrie Cordova, enclosed are Forms 2 and 2A to request a well location change under the referenced permit. The Service drilled the well and the production is insufficient for our needs. We are requesting to move the well approximately 100 yards south from its current location, enclosed is a picture and map of the new location. The current well will be abandoned according to state requirements if the change is approved by your office.

Please notify Carrie Cordova of my staff at 303-236-5399, if publication of this application will be necessary or if you have any questions. Thank you for your assistance in this matter.

Sincerely,

Megan A. Estep
Chief, Water Resources Division

Enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

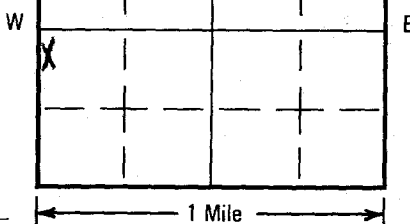
7094-3

07-92

Location NW 1/4 SW 1/4 Sec 16 Twp 93 Rg 56W

County Yankton

Please mark well location with an "X"



Well Completion Date

4-1-10

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1300 ft. from septic tank (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	DIAMETER	FROM	TO	HOLE DIAMETER
<u>160</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>30</u> FT	<u>28</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	<u>12</u>	_____ lb./gal	<u>0</u> ft	<u>30</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure gravel grouted

SCREEN:

☒ Perforated pipe
 ☐ Manufactured
 Diameter 16 IN Length 40 FEET

Material PVC

Slot Size 085 Set From 30 Feet to 70 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☐ YES
 ☒ NO

If so, what material? _____

DISINFECTION:

Was well disinfected upon completion?

Laboratory sent to for water quality analysis _____

☒ YES, How: chlorine
☐ NO, Why Not? _____

Well Owner: Lewis Point Fish Hatchery

Business Name: _____

Address: _____

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>top + brown clay</u>	<u>0</u>	<u>27</u>
<u>med sand</u>	<u>27</u>	<u>35</u>
<u>coarse gravel + ROCKS</u>	<u>35</u>	<u>70</u>

STATIC WATER LEVEL

28

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
 ☐ Bailed
 ☐ Other

Describe: Tested w/ turbine

pump + engine

Pumping Level Below Land Surface

55 ft. After 2 Hrs. pumped 700 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

JAN 28 2011

WATER RIGHTS PROGRAM

This well was drilled under license # 444

And this report is true and accurate.

Drilling firm Chapman Well & Irrigation

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 1-24-11

FORM 2: Application for uses other than irrigation
(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only)	
	No. _____	Hydrologic Unit _____
	Basin _____	
	Newspaper _____	

RECEIVED

APR 26 2010

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. 7094-3		

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

Change point of diversion location under SDCL 46-5-13.1. Will not appropriate any additional water under what is permitted. Understand that the fee is waived.

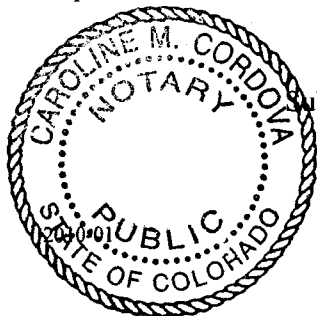
- Name of Applicant U.S. Fish & Wildlife Service Phone (303)236-5322
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address P.O. Box 25486, Denver Federal Center Denver CO 80225
(Address) (City) (State) (Zip Code)
- Amount of water claimed *CFS or 1200 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Groundwater
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Yankton
One well at NW1/4 SW1/4 Section 16 T93N-R56W
- County or counties where water will be used Yankton
- 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)
Gavins Point National Fish Hatchery: Proposes to move location of well permitted under Permit No: 7094-3 approximately 100 yards south.

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

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

I, Megan A. Estep, agent, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.Applicant's signature Megan A. Estep, agentSubscribed and sworn to before me this 22 day of April 20 10

My Commission Expires September 28, 2012


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

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 16 - 24 inches Depth 70 feet
- b) Casing Type PVC Diameter 16 inches Thickness 3/8-1/2 inch
- c) Screen Type PVC Slotted Diameter 16 inches Thickness 3/8-1/2 inch
- d) Gravel Pack washed Length of Gravel Pack 20 - 80 feet
- e) Depth to Top of Water Bearing Material approximately 20 feet
- f) Depth to Water (ground surface to water level) 18 - 20 feet
- g) Distance to nearest existing domestic well:
- On applicant's property 300 ft 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

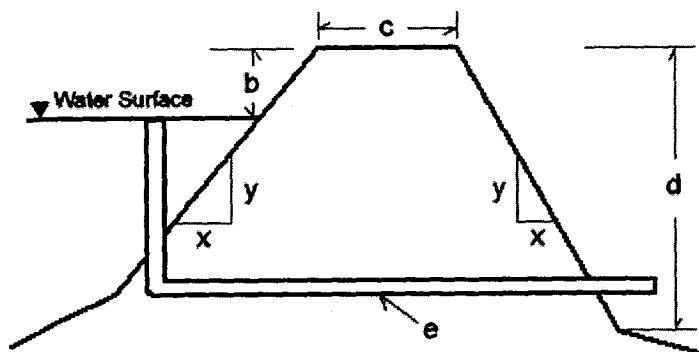
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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:

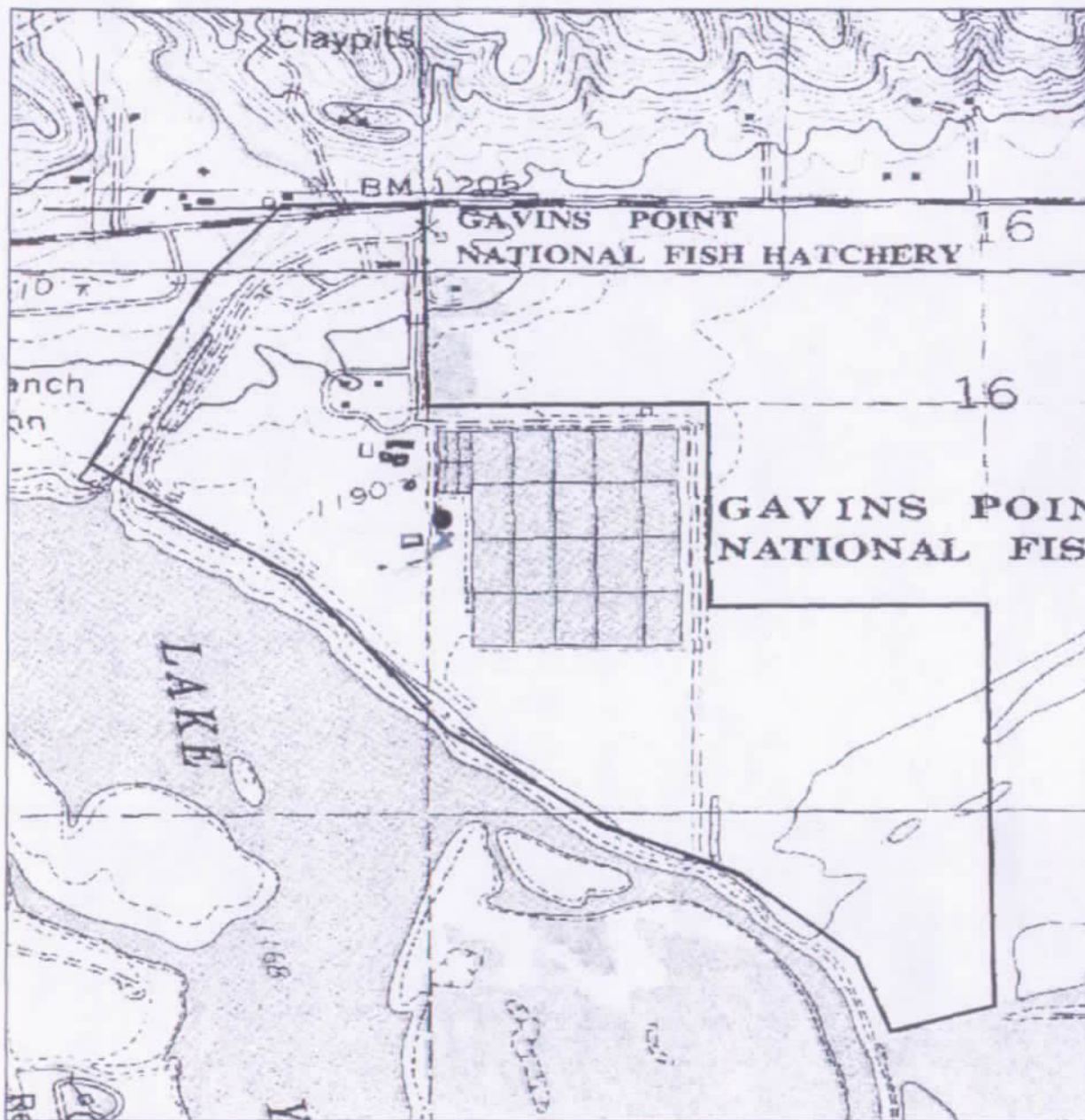
- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres





U.S. Fish & Wildlife Service
Gavins Point National Fish Hatchery

Well Permit Application



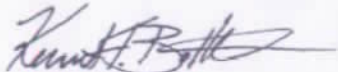
Geographic Coordinate System, NAD83

Drawing No. 6R-SD-492-WR-P-41.0

This map correctly represents the
works for the accompanying application



0 500 1,000 2,000
Feet


Kenneth F. Bottle
Hydrologist/GIS Specialist

 Gavins Point NFH

 Proposed New Well

 *proposed relocation*

PRODUCED BY:
U.S. FISH & WILDLIFE SERVICE
WATER RESOURCES DIVISION, REGION 6
LAKEWOOD, COLORADO
303-236-5322

November 20, 2008

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APR 26 2010

WATER RIGHTS
PROGRAM

Gavins Point National Fish Hatchery

Proposed relocation site

Approx location
of new well

North

RECEIVED

APR 26 2010

WATER RIGHTS
PROGRAM

7094-3



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

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

RECEIVED

DEC 20 2010

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

DEC 16 2010

Ref: Water Permit No. 7094-3

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 a completed Notice of Completion of Works and Application of Water to Beneficial Use form. The \$50.00 water license fee was paid by credit card on December 1, 2008 (Invoice No. 20411-120108). Please schedule an investigation to ensure the issuance of a water license.

Thank you for your assistance in this matter. If you have questions or require further information, please contact me at (303) 236-5399.

Sincerely,

Carrie Cordova
Water Rights Specialist

Enclosure

DEC 20 2010

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate December 16, 2010TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: 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.

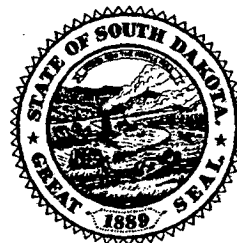
Water Permit No. 7094-3 states that the water use system is to be constructed by
April 6, 2014 , and water is to be put to beneficial use by April 6, 2014
(date) (date)

The water use system was completed on June 15, 2010
(date)

Applying the water to beneficial use was completed on August 15, 2010
(date)

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

[Signature]
(signature)





IN REPLY REFER TO:

BA WTR
WTR SD
Mail Stop 60189

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



7094-3
RECEIVED
APR 18 2016
WATER RIGHTS
PROGRAM

Jeanne Goodman, Chief Engineer
South Dakota Department of Environment
and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

APR 13 2016

Ref: Water Permit No. 7094-3 – Request to Change Point of Diversion

Dear Ms. Goodman:

Enclosed are Forms 2 and 2A requesting a point of diversion change for the referenced water permit. The water quality of the existing well is no longer satisfactory for hatchery purposes. We have also enclosed a map that depicts both the existing and new well locations. If our request is approved, the existing well will be abandoned per state requirements once the new well is constructed and operational.

Please notify Carrie Cordova of my staff at 303-236-5399, if you have any questions or require further information. Thank you for your assistance in this matter.

Sincerely,

Megan A. Estep
Chief, Water Resources Division

Enclosures

RECEIVED
APR 18 2016
WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. _____ (office use only) Hydrologic Unit _____
	Basin _____
	Newspaper _____

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

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☐ Commercial	☒ Fish & Wildlife	☐ Geothermal
☐ 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. <u>7094-3</u>		

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

1. Name to Appear on Water Permit U.S. Fish & Wildlife Service

Mailing Address P.O. Box 25486, Denver Federal Center Denver CO 80225
(Address) (City) (State) (Zip Code)

Phone 303-236-5322 Mobile _____ Email _____

2. Amount of water claimed _____ *CFS or 1200 **GPM and _____ ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply Groundwater

4. Location of point of diversion NE1/4SE1/4 Section 17-T93N-R56W County Yankton
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No

If "Yes," where will water be used? _____
(example - NW1/4 section 12-T104N-R53W)

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)

Gavins Point National Fish Hatchery: request to move well location approximately 120 yards to the west and 36 yards to the south. The existing, permitted well will be capped once the new well is constructed and operational.

I, Megan A. Estep _____ agent _____, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

Supplemental Information

(type or print)

1. Well Information

(check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 1 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

For either Existing or Proposed Wells:

c) Well Depth (required) 70 Depth to Top of Water Bearing Material 20' Depth to Water from Surface 18-20'

d) Distance to nearest domestic well on applicant's property 300 feet 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 (e.g. 3 to 1 is a typical slope)

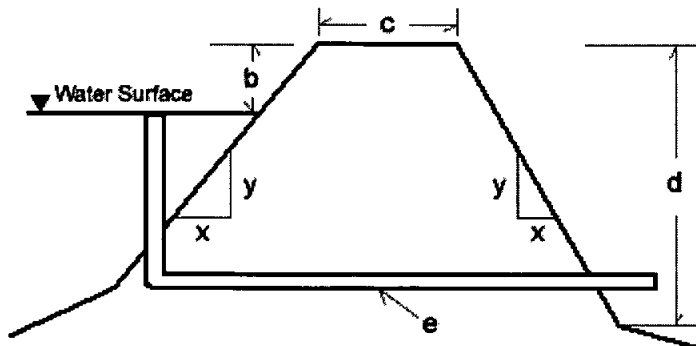
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres

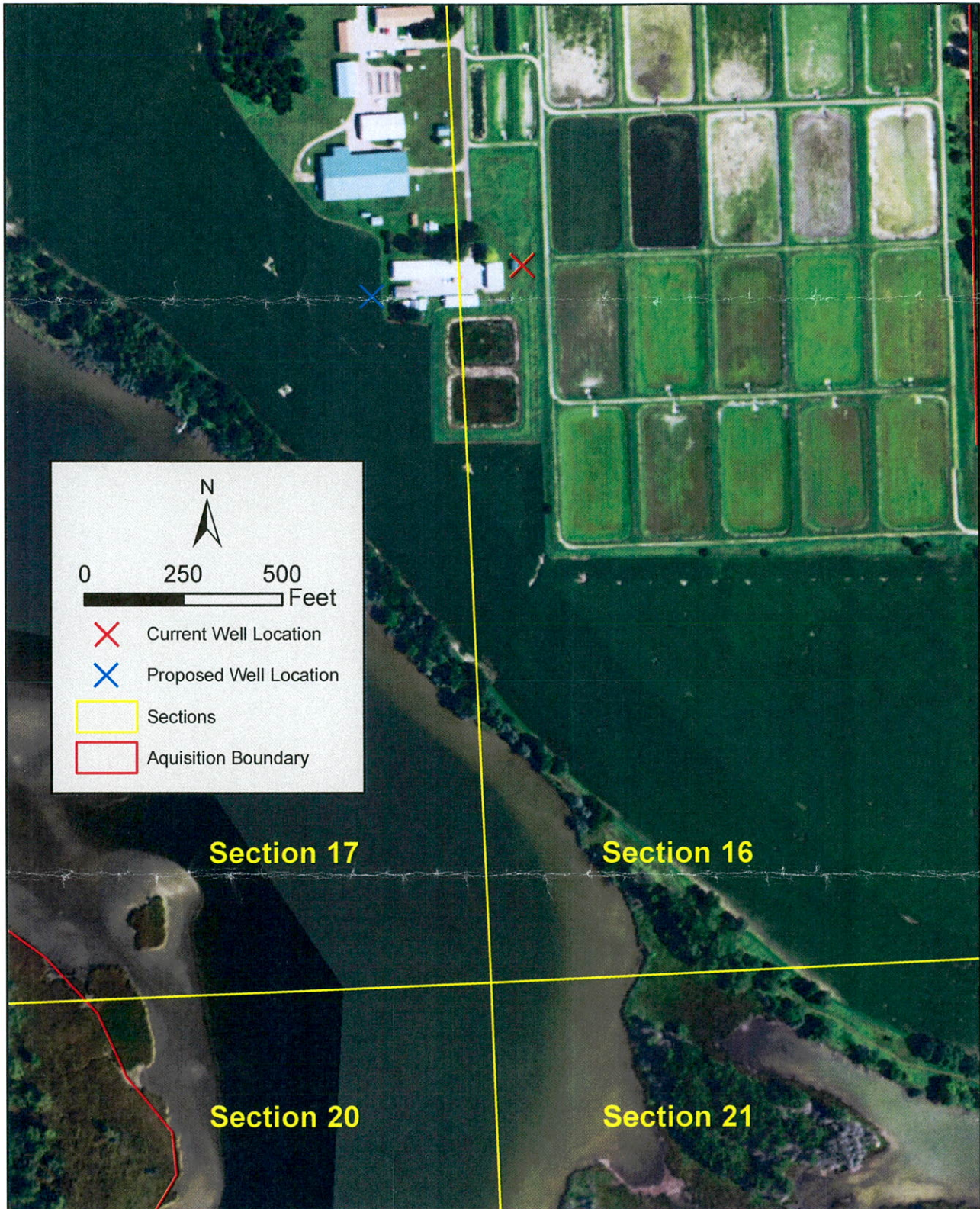




U.S. Fish & Wildlife Service

Well Permit Application No. 7094-3
Yankton, South Dakota

Gavins Point NFH



RECEIVED
APR 18 2016
WATER RIGHTS
PROGRAM

Township 93N Range 56W

USFWS
Water Resource Division
Lakewood, CO
303-236-5322
April, 1, 2016

Sources: South Dakota PLSS, Esri Aerial Imagery
Coordinate System: NAD 1983 StatePlane South Dakota South FIPS 4002 Feet
Projection: Lambert Conformal Conic
Datum: North American 1983

Approval of Change of Diversion Point

NAME: Water Permit No. 7094-3, US Fish and Wildlife Services

ADDRESS: PO Box 26486, DFC, Denver CO 80225-0486

DATE: May 5, 2016 **COUNTY:** Yankton **TELEPHONE:** 303 236-5399

BACKGROUND:

Water Permit No. 7094-3 appropriates 2.67 cubic feet of water per second from one well completed into the Missouri:Elk Point aquifer located in the NW ¼ SW ¼ Section 16, T93N, R56W. The water use is for the purpose of fish and wildlife propagation at Gavins Point National Fish Hatchery. The permit has a priority date of April 6, 2009. A change of diversion point was authorized to move the well location about 300 feet south in May of 2010.

On April 13, 2016, Megan Estep, Chief of the Water Resources Division of the US Fish and Wildlife Service filed another request for a point of diversion change. The well is to be replaced by a new well located approximately 376 feet west of its present site. The new well is to be located in the NE ¼ SE ¼ Section 17, T93N, R56W. The request states the water quality of the existing well is no longer satisfactory for hatchery purposes. The new well is planned to be 70 feet deep and no increase in the diversion rate is requested.

AUTHORITY:

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

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

The water source authorized by Water Permit No. 7094-3 is the Missouri:Elk Point aquifer. The new well is proposed to be 70 feet deep which is the same depth as the existing well. The water source is the same.

No additional appropriation of water is requested. The water permit is limited to a diversion rate of 2.67 cfs which equates to 1,200 gallons per minute. The request for the change in well location does not request greater diversion rate authority.

Review of Existing Diversions

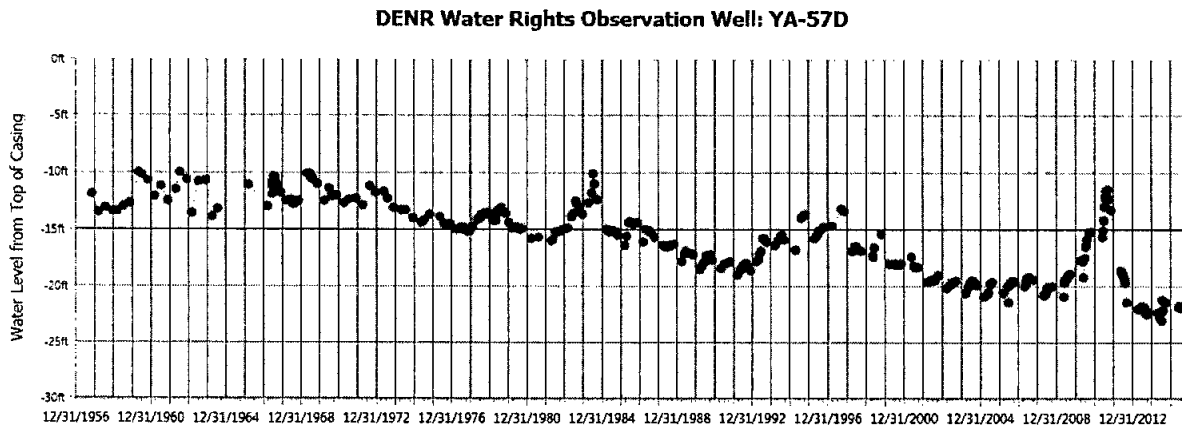
The well completion report and water rights database were reviewed for the nearest domestic wells and water rights on file.

The nearest well for a water permit completed into the Missouri:Elk Point aquifer outside of the Gavins Point National Fish Hatchery complex is located approximately 4,800 feet to the southeast of the existing well authorized by Water Right No. 7094-3. It is Water Permit No. 8010-3 held by Ryan Rusher to appropriate 0.1 cfs for irrigation of 2.5 acres of turf grass. The next nearest water permit in this aquifer is approximately 6,000 feet to the east. This is Water Right No. 3964-3 appropriating 2.11 cfs to irrigate 158 acres by center pivot

While there are a number of domestic wells completed into the Missouri:Elk Point aquifer, the nearest domestic well on the database is just over 3,100 feet to the east. In the case of the existing water rights and

domestic wells, this change of diversion point moves the well authorized by Permit No. 7094-3 further away for neighboring wells.

The nearest observation well completed in the Missouri:Elk Point aquifer is located about ten miles to the east. Below is a hydrograph for Observation Well YA-57D.



Hydrographs of observation wells completed into the Missouri:Elk Point aquifer show a slight decline in the water table over the period of record. This has been attributed to entrenching of the Missouri River and a strong hydraulic connection between the river and the aquifer.

CONCLUSION

- The change in well location does not seek to appropriate additional water.
- The well will be completed into the Missouri:Elk Point aquifer.
- Given the distance from domestic and existing water rights and the aquifer's strong hydraulic connection to the Missouri River, interference is not expected to be a concern.
- The authorization of the change of well location shall include that the total diversion rate shall not exceed 2.67 cfs.

RECOMMENDED ACTION

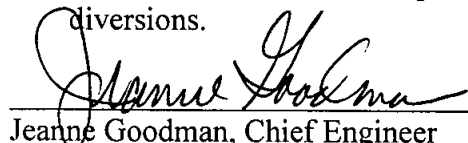
Based on the above criteria, it is recommended that the change of diversion point location be authorized under Water Permit No. 7094-3



Eric Gronlund
Water Rights Program

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

The change of diversion point does not increase the potential for adverse effects to existing diversions.



Jeanne Goodman, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 18, 2016

Megan A Estep, Chief
Water Resources Division
PO Box 25486, DFC
Denver CO 80225-0486

Dear Ms. Estep:

Water Permit No. 7094-3 appropriates 2.67 cubic feet of water per second from one well completed into the Missouri:Elk Point aquifer located in the NW ¼ SW ¼ Section 16, T93N, R56W. The water use is for the purpose of fish and wildlife propagation at Gavins Point National Fish Hatchery. The permit has a priority date of April 6, 2009. A change of diversion point was authorized to move the well location about 300 feet south in May 2010.

The US Fish and Wildlife Service filed a request for authorization to change the well location approximately 376 feet to the west into the NE ¼ SE ¼ Section 17, T93N, R56W. The request states the water quality of the existing well is no longer satisfactory for hatchery purposes.

Upon review of the request and pursuant to SDCL 46-5-13.1, the change of well location is authorized without application or publication of a notice of hearing pursuant to SDCL 46-2A-4. No increase in the authorized diversion rate of 2.67 cfs (1,200 gpm) from the Missouri:Elk Point aquifer is authorized. If the total diversion rate increases above 2.67 cfs, a new water right permit will need to be obtained.

The existing well if abandoned or forfeited must be plugged in accordance with South Dakota well construction standards. If the existing well is removed from service and not permanently abandoned it may be temporarily abandoned by sealing the top with a watertight cap.

If you have any questions, please contact Eric Gronlund at (605) 773-3352.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program

7094-3

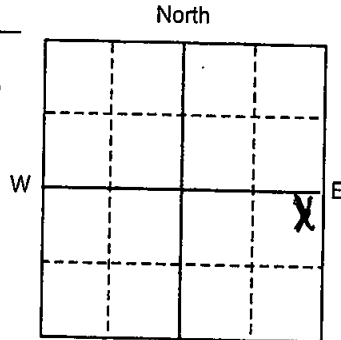
SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 SE 1/4 Sec 17 Twp 93N Rg 56WCounty Yankton

Please mark well location with an "X"



Well Completion Date

5-23-17Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
500 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT 160 LB/FT DIAMETER 160 IN FROM 48 FT TO 0 FT HOLE DIAMETER 28 IN

LB/FT IN FT FT IN

LB/FT IN FT FT IN

GROUTING DATA:

Grout Type Cement No. of Sacks 50 Grout Weight 0 Lb/gal From 0 Ft To 20 Ft

Lb/gal Ft Ft

Describe grouting procedure

pumped down w/ grout pump

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 16 Inches Length 13 Feet

Material Stainless Steel

Slot Size .050 Set From 48 Feet to 61 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION:

Was well disinfected upon completion?

☒ Yes, How? Chlorine
☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner:

Avins Point Fish Hatchery

Business Name:

Address:

City, State, Zip:

Yankton SD

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Black topsoil</u>	<u>0</u>	<u>8</u>
<u>brown clay</u>	<u>10</u>	<u>22</u>
<u>very silty fine sand</u>	<u>22</u>	<u>30</u>
<u>med sand - dirty</u>	<u>30</u>	<u>40</u>
<u>med to coarse sand</u>	<u>40</u>	<u>50</u>
<u>coarse sand - some gravel</u>	<u>50</u>	<u>56</u>
<u>coarse sand + gravel - ROCKS</u>	<u>56</u>	<u>67</u>
<u>rusty gravel</u>	<u>67</u>	<u>70</u>

STATIC WATER LEVEL

21

FEET

If flowing: closed in pressure

PSI

GPM flow

through

Inch pipe

Controlled by

☐ Valve

☐ Reducers

☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: pumped w/ turbine pump
☐ Bailed

☐ Other

Pumping Level Below Land Surface

52

Ft. After

1

Hrs. pumped

900

GPM

52

Ft. After

2

Hrs. pumped

900

GPM

If pump installed, pump rate:

GPM

REMARKS

Missouri: Elk Point AMThis well was drilled under license # 4444

and this

report is true and accurate.

Drilling firm:

Christensen Wells Drilling

Signature of License Representative:

Collyer W. Christensen

Signature of Well Owner or Equitable Property Holder:

RECEIVED

JAN 24 2018

Date:

12-28-17

WATER RIGHTS PROGRAM

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 7094-3**

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. 7094-3, bearing the priority of December 1, 2008, authorizing the diversion of 2.67 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) 70 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 48 feet
- 3) Type PVC

Screen:

- 1) Type Stainless Steel
- 2) Diameter 16 inches
- 3) Length 13 feet
- 4) Static water level 21 feet

Pump:

- 1) Make Goulds
- 2) Model 12-CHC
- 3) Capacity 1,300 GPM

Motor:

- 1) Make US Motors
- 2) Model No. BF39B
- 3) Horsepower rating 30hp

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 No
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period NA
- 3) Exceptions to compliance are: The pump is rated for 1,300 gpm instead of 1,200 gpm.

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:
The well is 230 feet west and 3,620 feet south of the northeast corner of Section 17-T93N-R56W (Latitude 42.870144, Longitude -97.477011 – NE1/4 of the SE1/4).
2. The works are capable of diverting and conveying to the place of use 2.89 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 2.67 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 1,300 gpm instead of 1,200 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 believes that the pump is actually putting out about 900 gpm (2.0 cfs).

Keith DeJong

Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: September 23, 2019

Water Right No. 7094-3



Keith DeJong

Keith DeJong, PE
Staff Engineer
September 23, 2010



7094-3

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,

A handwritten signature in black ink that reads "Jeanne Goodman". The signature is written in a cursive, flowing style.

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7094-3**

(1) The US Fish & Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80225 made Application No. 7094-3, December 1, 2008 for a water permit to divert 2.67 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. 7094-3, with a priority date of December 1, 2008 was approved April 6, 2009 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 6, 2014 and for the application to beneficial use of water on or before April 6, 2018.

In May, 2010, a change in diversion point location was authorized to move the well location 300 feet south of its original site. The permit holder submitted another request to change the well location 376 feet to the west due to water quality issues. In May, 2016, pursuant to SDCL 46-5-13.1, the Chief Engineer approved the request to move the diversion point to the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, T93N, R56W.

(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 2.67 cubic feet of water per second for beneficial use. The diversion point is located:

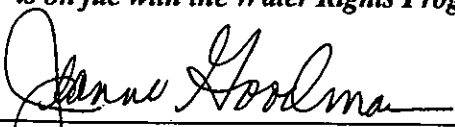
- 230' W and 3,620' S of the NE corner of Section 17, T93N, R56W (NE $\frac{1}{4}$ SE $\frac{1}{4}$)
Latitude 42.870144, Longitude -97.477011

(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 the US Fish & Wildlife Service, PO Box 25486, Denver Federal Center, Denver CO 80225 the holder and/or owner of Water Right No. 7094-3 is issued a license to appropriate water, the right to use 2.67 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with a priority date of December 1, 2008 from the location specified in (2) of this license for fish & wildlife propagation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7094-3 and subject to the following qualifications:

- 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.
- The well authorized by Permit No. 7094-3 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 in May, 2017 by Christensen Well & Irrigation. 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

