

WATER PERMIT NO. 8286-3

Name of Applicant: Wink Family LLP

Address: 330 Dakota Dunes Blvd, Dakota Dunes SD 57049

Phone: 605 809-7251

Amount of Water Claimed: 320 acre-feet

Total Acres: NA

Source of Water Supply: trib to Big Sioux River

Water to be used for: recreational and fish & wildlife

County: Brookings

Type of Waste Disposal System:

Location: 1/2 mile west of Bruce

PRIORITY Date Received: 5-4-17

Application/License Fee: \$ 1150

Corrected Application Received: 5-18-17

Period of Annual Use: April 15 – October 31

Remarks: Wetland conservation project

Diversion Point: NE 1/4 Sec 11-T111N-R51 W

Land to be Irrigated: NA

Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 5-18-17

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

			11		

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

Mail to: DENR - Water Rights 523 E Capitol Ave. Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8286-3</u> (office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Brookings Register</u>

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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.** _____

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

1. Name to Appear on Water Permit Wink Family, LLP

Mailing Address 330 Dakota Dunes Blvd Dakota Dunes SD 57049
(Address) (City) (State) (Zip Code)

Phone (605) 809-7251 Mobile _____ Email Jeff@northcentralmitigation.com

2. Amount of water claimed 9.4 *CFS or 320 **GPM and 320 ***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 Unnamed ditch conveying water from unnamed stream tributary to the Big Sioux River

4. Location of point of diversion NE1/4 Section 11, T111N, R51W County Brookings
(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? _____

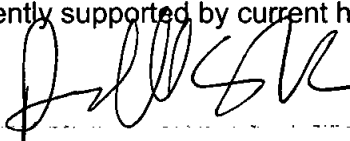
(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Brookings

6. Annual period during which water is to be used April 15 - October 31

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

The project is a wetland conservation area in floodplain of Big Sioux River near Bruce. The water will be used for support of wetland plants, and in support of recreational uses of the property. Water is already sheet flowing across the property, but the water right will ensure investment in wetland restoration will be permanently supported by current hydrologic inputs.



I, Randy Wink Managing Partner, 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.

SOUTH DAKOTA
WATER PERMIT NO. 8286-3

Date of first receipt of application May 4, 2017.

Date of return to applicant for corrections, amendments or changes May 5, 2017.

Date of receipt of corrected application May 18, 2017.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8286-3 to Wink Family LLP, c/o Randy Wink, 330 Dakota Dunes Blvd, Dakota Dunes SD 57049 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. 8286-3 appropriates up to 320 acre-feet of water annually at a peak diversion rate of 9.4 cubic feet of water per second (cfs) for a wetland conservation area in the floodplain of the Big Sioux River near Bruce. The source of water is an unnamed ditch conveying water from an unnamed tributary to the Big Sioux River. Water is directed into a ditch in the northwest corner of Section 11, T111N, R51W and follows an easterly direction along the northern section line. Water then is directed through a 14 inch culvert at a rate up to 9.4 cfs to the NE 1/4 Section 11, T111N, R51W. This quarter section is being restored and will be maintained as wetland habitat. The project requires up to 320 acre feet of water annually which is two feet of depth per acre but spread over the entire period of use of April through October. Of this volume, about 45 acre feet will be detained in a one foot deep depressional wetland constructed on 45 acres within the quarter section. There will also be water detained in other small wetlands throughout the NE 1/4 Section 11, T111N, R51W.
2. The water appropriated shall be used for the purpose of recreational and fish and wildlife use 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: April 15 – October 31 (diversion from unnamed ditch) and January 1 – December 31 (water impounded in NE 1/4 Section 11).
4. The date of approval of Permit No. 8286-3 is August 7, 2017.
5. The date from which applicant may claim right is May 4, 2017.
6. One-fifth of the construction is to be completed on or before February 7, 2020.
7. All construction is to be completed on or before August 7, 2022.
8. Water is to be put to beneficial use on or before August 7, 2026.
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. Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be bypassed.

(continued)

2. Water Permit No. 8286-3 authorizes a total diversion of 320 acre feet of water annually.
3. The diversion of water under Permit No. 8286-3 shall be controlled such that water directed through the 14 inch diameter culvert remains on the land in the NE ¼ Section 11, T111N, R51W and does not flow across or flood neighboring property.
4. The NE ¼ Section 11, T111N, R51W was at one time irrigated from wells under Water Right No. 2701A-3. The two wells associated with Water Right No. 2701A-3 located in the NE ¼ Section 11, T111N, R51W shall be plugged in accordance with South Dakota Well Construction Standards prior to inundation of land for the wetland conservation project.

WATER MANAGEMENT BOARD

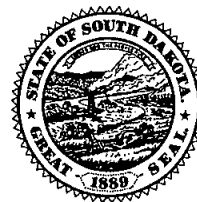
By: _____

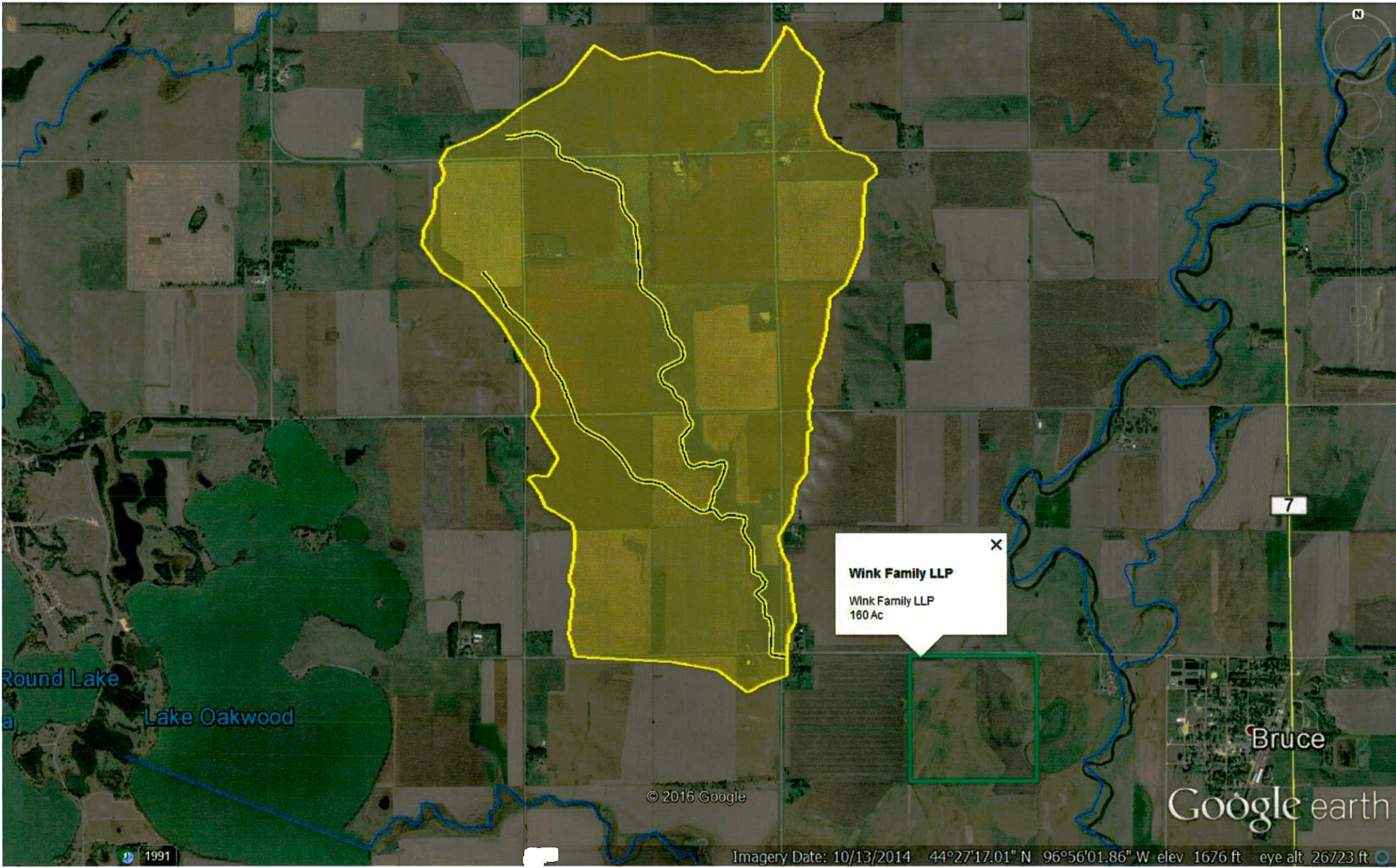
Jeanne Goodman
Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

AUG 09 2017

date



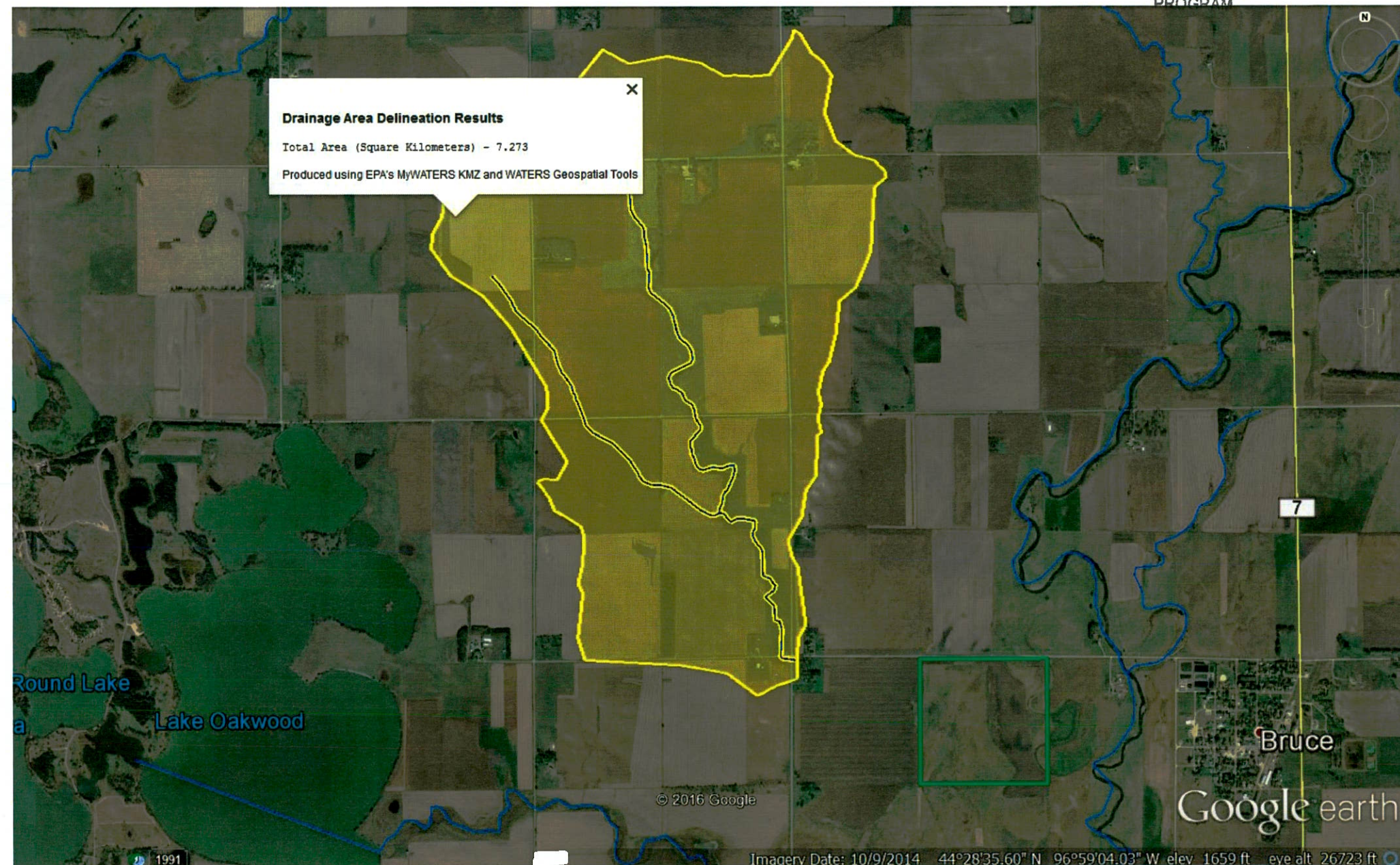


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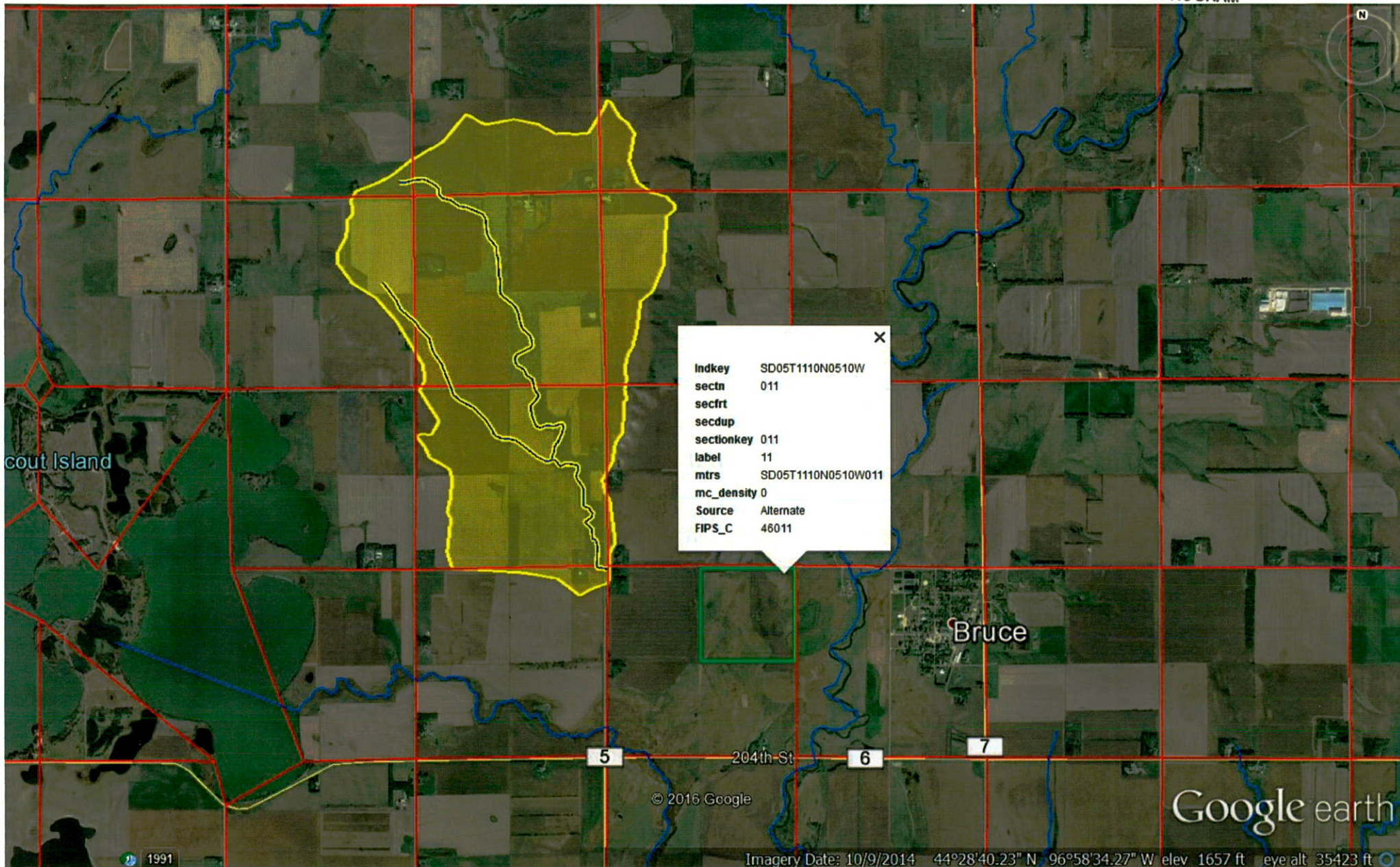
Drainage Area Delineation Results
Total Area (Square Kilometers) - 7.273
Produced using EPA's MyWATERS KMZ and WATERS Geospatial Tools



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N

Surfacewater Feature:
Streams

Description	Value
Shape	Line
Name	Big Sioux River
Type	StreamRiver
In Network	Yes

[\(More about this Surfacewater Feature\)](#)

Tools:

- [Upstream/Downstream Search Service](#)
- [Drainage Area Delineation](#)
- [Watershed Characterization Report](#)

7

Bruce

Google earth

© 2016 Google

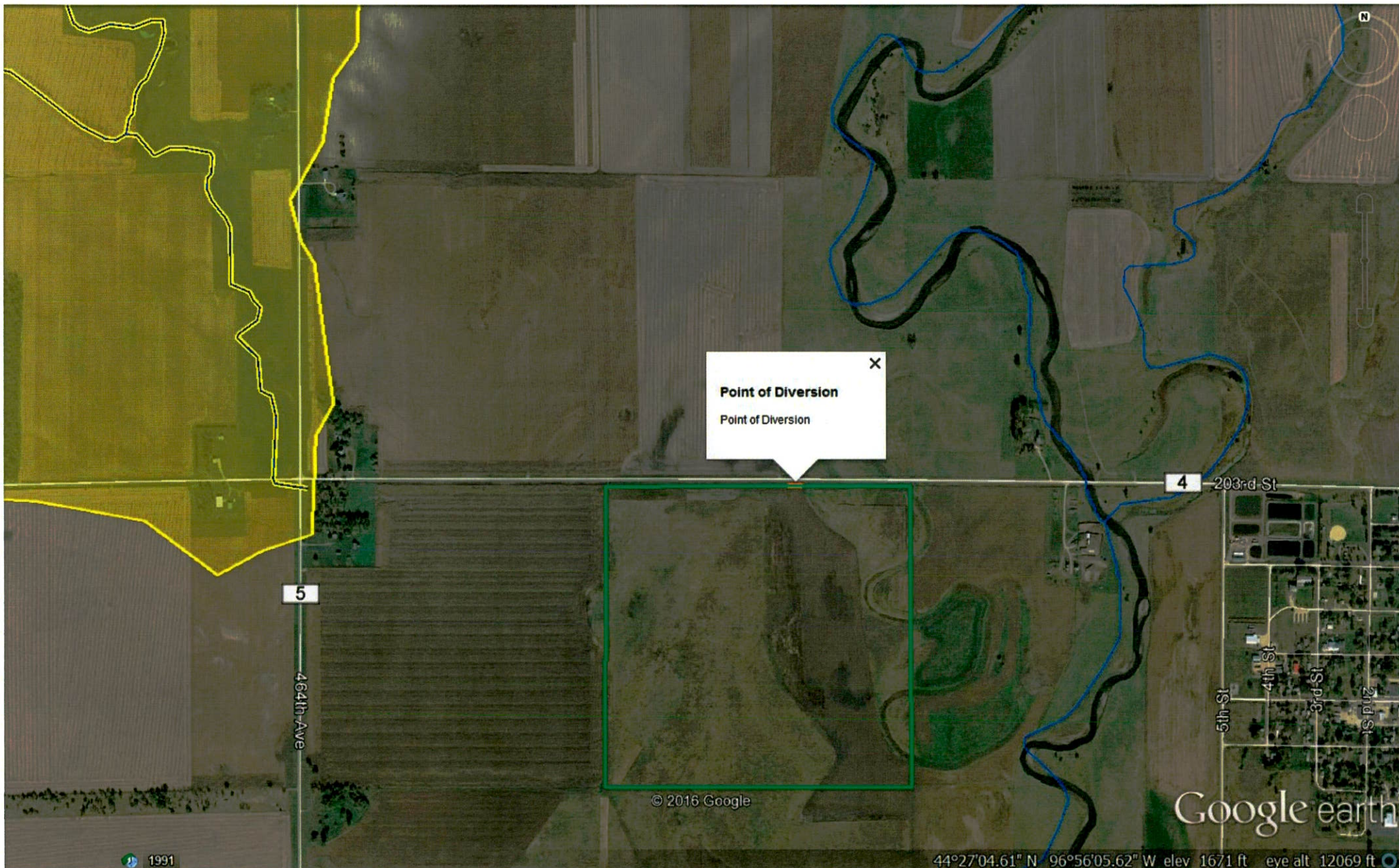
Imagery Date: 10/13/2014 44°27'17.01" N 96°56'01.86" W elev 1676 ft eye alt 26723 ft

1991

Round Lake
Lake Oakwood

MAY - 4 2017

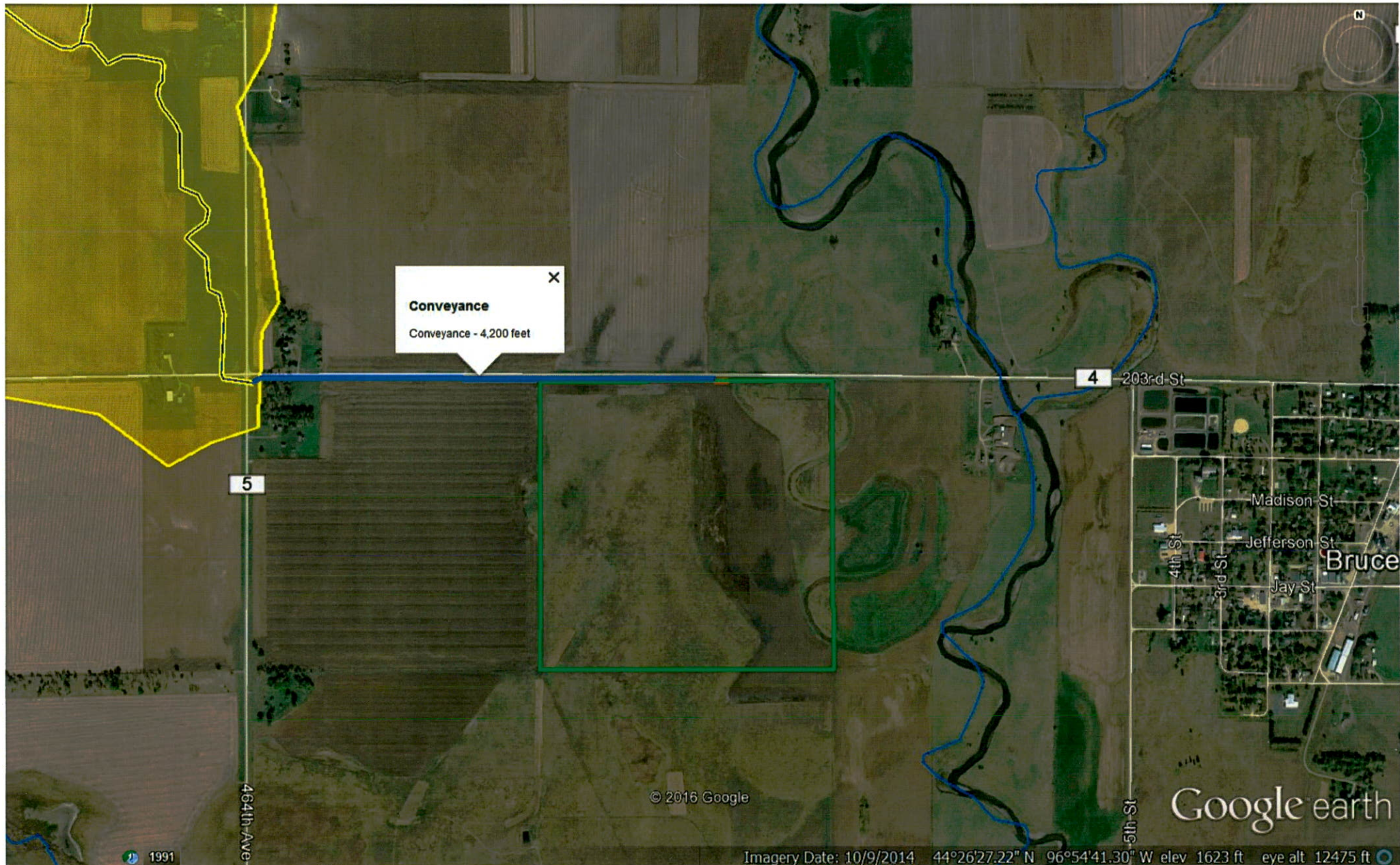
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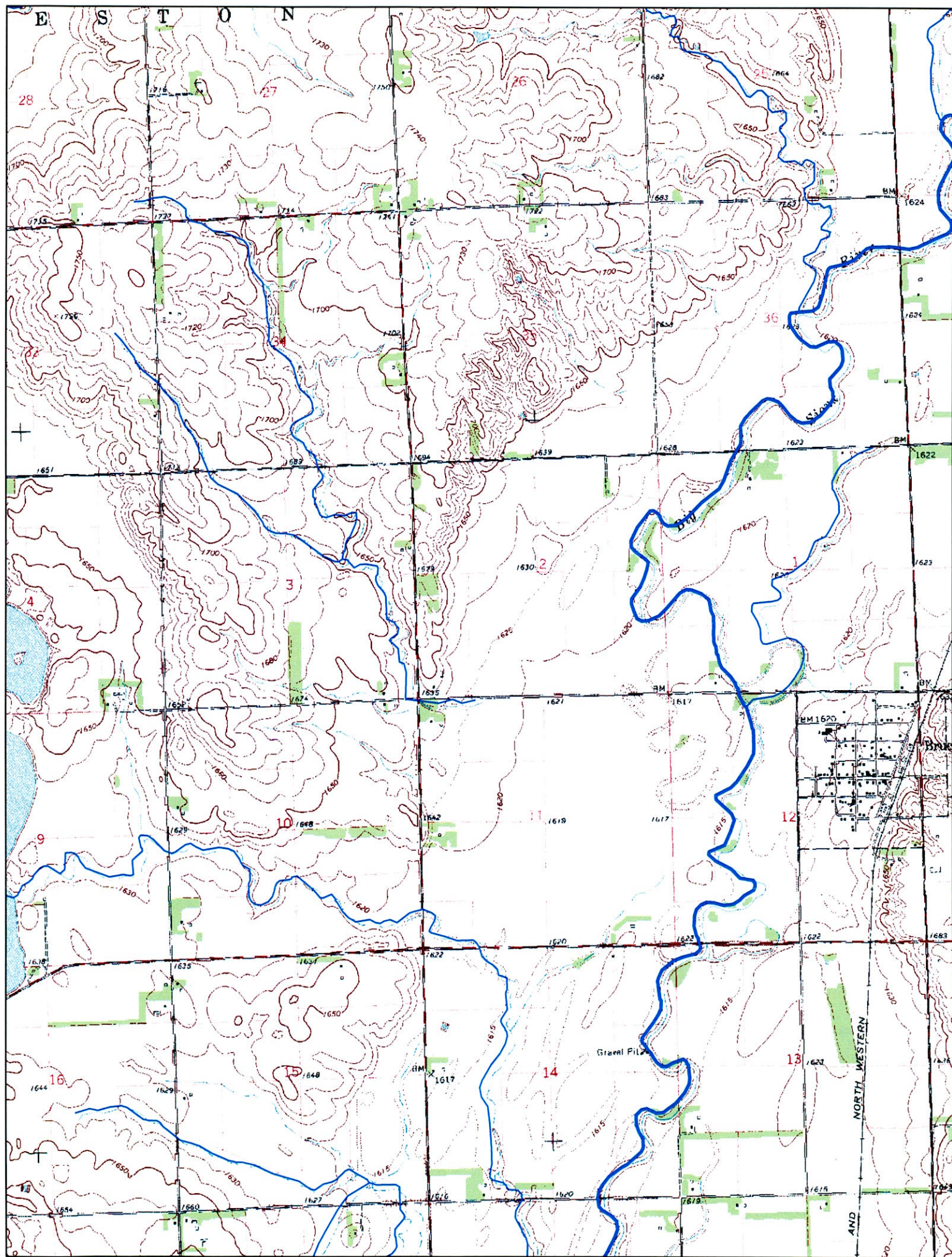
Project Layout



Black contours are existing
White contours are proposed

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RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/4, 20 17

RECEIVED OF North Central Mitigation LLC 401 E 8th St # 211 Sioux Falls SD 57103

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

Fee for Application for Permit No. <u>8286-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	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>8286-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1150 00

No. **08243**

By *Joanne Goodman*
Chief Engineer

April 28, 2017

DENR – Water Rights
523 E. Capital Ave.
Pierre, SD 57501-3182

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**WATER RIGHTS
PROGRAM**

RE: Water Right Application
NE ¼ Section 11, T111N, R51W
Near Bruce, Brookings County, SD

To Whom It May Concern:

Attached please find a completed application with maps describing a wetland conservation project in the above-referenced location. Because the project is being developed under the federal Clean Water Act, a water right is required to ensure the ecological functions being established will have good and sufficient hydrology over the long-term. Also enclosed is a check for \$850.00 to cover the fee associated with the requested 320 Ac-ft of water right volume used annually.

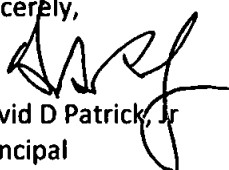
Briefly, the quarter section is in the floodplain/flats of the Big Sioux River approximately one mile west of the town of Bruce. The project area contains 45 acres of cropped ground, 85 acres of CRP and 30 acres of existing wetlands and other natural habitat. The project development strategy calls for shallow excavation (< 1 foot) of the 45-acre field and development of a perimeter ATV access path around the quarter section for access. The current equipment driveway and 14-inch pipe at the northwest corner of the quarter section will be moved 1,320 feet east to the "point of diversion", roughly midway along the north boundary of the quarter section.

Current hydrology for the quarter section is seasonal flooding from an unnamed tributary flowing from the northwest of the site and along a ditch on along the north boundary of the quarter section (south side of the county road). The ditch fills to bank full seasonally and overtops, spilling to the south and across the entire section and the adjacent section to the east. That hydrology will not be changed by the project.

The site has been identified by the NRCS as a possible candidate for the Wetland Reserve Program, but the owners (Wink Family, LLP) have decided to instead utilize the property for recreation, fish and wildlife purposes under a program authorized by Section 404 of the Clean Water Act. This particular program requires that long-term hydrology for the wetland conservation area be assured via a water right permit issued by the state.

North Central Mitigation, LLC is working with Wink Family, LLP is the development of this conservation project. Please let us know if you have any questions about the project or the application materials.

Sincerely,


David D Patrick, Jr
Principal



South Dakota Secretary of State
SHANTEL KREBS

Filing Information

Name: **WINK FAMILY, LLP**

General Information

SOS Business ID DR001757
Filing Type: Limited Liability Partnership - Domestic
01/13/2016
Delayed Effective Date: 01/13/2016 10:31 AM
Status: Good Standing
Duration Term: Perpetual

Registered Agent Address

RANDALL S WINK
330 DAKOTA DUNES BOULEVARD # 100
DAKOTA DUNES, SD 57049

Principal Address

330 DAKOTA DUNES BOULEVARD #100
DAKOTA DUNES, SD 57049

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
01/13/2016	Initial Filing (Delayed Date 01/13/2016)	DR001757



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

May 10, 2017

David P Patrick, Jr
North Central Mitigation, LLC
PO Box 2009
Sioux Falls SD 57101

Dear Mr. Patrick:

Thank you for submitting the *Application for a Permit to Appropriate Water* for a wetland conservation area near Bruce SD. After a review of the application a few questions arise.

1. As I understand the accompanying letter, the ditch along the North line of the section currently exists. I presume it is the roadway ditch. The equipment driveway near the N ¼ line will be moved east about 1,320 feet and the water from the ditch directed to the south into the wetland area.
2. Item No. 2 (amount of water claimed) states 9.4 cfs. How was this rate determined? Is it the capacity of the conveyance ditch or the anticipated yield of the drainage?
3. Also on Item No. 2 (amount of water claimed) the application lists an annual volume of 320 acre feet of water. How did you determine this to be the annual volume of water for the wetland/impoundment?

The cover letter states a shallow excavation of (<1 foot) of the 45 acre field. If this was a square box one foot deep that would be 45 acre feet of water. The requested 320 acre feet is 7 fold more than that. Is the application including the other 30 acres of existing wetlands? Even with that, the amount does not approach the requested annual volume.

DENR will not begin processing of the application until we hear back from you. If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Water Rights Program
605 773-3352
eric.gronlund@state.sd.us

Schlaak, Karen

From: Gronlund, Eric
Sent: Tuesday, May 16, 2017 1:57 PM
To: Schlaak, Karen
Subject: FW: water permit application for Wink Family LLP

Spoke with David Patrick on this application.

Item No. 2 – this is the capacity of the culvert that will direct water to the wetland area.

Item No. 3. – although the constructed depression will be 45 ac-ft, the entire quarter section will receive water flowing over it. Basing it on 2 feet over the quarter section (160 acres) is how they came up with seeking protection for 320 ac-ft of water.

From: Gronlund, Eric
Sent: Friday, May 05, 2017 11:28 AM
To: 'jeff@northcentralmitigation.com'
Cc: Schlaak, Karen
Subject: water permit application for Wink Family LLP

Mr. Oyen:

The Water Rights Program received the water permit application filed for Wink Family LLP for a wetland conservation area near Bruce SD. A few questions arise.

1. As I understand the accompanying letter, the ditch along the North line of the section currently exists. I presume it is the roadway ditch. The equipment driveway near the N ¼ line will be moved east about 1,320 feet and the water from the ditch directed to the south into the wetland area.
2. Item No. 2 (amount of water claimed) states 9.4 cfs. How was this rate determined? Is it the capacity of the conveyance ditch or the anticipated yield of the drainage?
3. Also on Item No. 2 (amount of water claimed) the application lists an annual volume of 320 acre feet of water. How did you determine this to be the annual volume of water for the wetland/impoundment?
 - The cover letter state a shallow excavation of (<1 foot) of the 45 acre field. If this was a square box one foot deep that would be 45 acre feet of water. The requested 320 acre feet is 7 fold more than that. Is the application including the other 30 acres of existing wetlands. Even with that the amount does not approach the requested annual volume. The applicant is likely wanting to claim sufficient water to maintain the wetland, I'm just not sure how the annual volume was arrived at.

Thanks and please let me know if you have questions.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

Schlaak, Karen

From: Gronlund, Eric
Sent: Wednesday, May 17, 2017 2:42 PM
To: Schlaak, Karen
Subject: FW: [EXT] Water Rights for Bruce, SD wetland conservation site
Attachments: Response letter.pdf

From: David Patrick [<mailto:david@northcentralmitigation.com>]
Sent: Wednesday, May 17, 2017 2:40 PM
To: Gronlund, Eric
Cc: Jeff Oyen; Paul Heiberger
Subject: [EXT] Water Rights for Bruce, SD wetland conservation site

Hi Eric,

Thanks so much for your time discussing our water rights application for the Wink Family LLP wetland conservation project in Brookings County. Attached please find our letter in response to your request for more information (email of May 5th, letter of May 10th). Please don't hesitate to let me know if you need additional information in support of the application.... Cheers, dp

*David Patrick, Principal
North Central Mitigation, LLC
PO Box 2009
Sioux Falls, SD 57101
605.809.7251*



MAY 18 2017

WATER RIGHTS
PROGRAM

North Central Mitigation, LLC
PO Box 2009
Sioux Falls, South Dakota 57101
(605) 809-7251 (office)

May 17, 2017

DENR – Water Rights Program
ATTN: Eric Gonlund
523 E. Capital Ave.
Pierre, SD 57501-3182

RE: Water Right Application
NE ¼ Section 11, T111N, R51W
Near Bruce, Brookings County, SD

Mr. Gonlund:

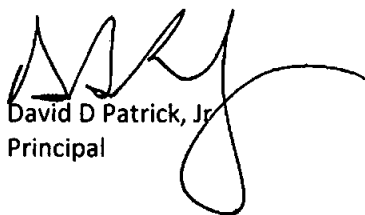
Thanks for your feedback regarding our application for a surface water right associated with our wetland conservation project in the above referenced locations. Following are our responses to your questions and request for clarification. Please let us know if you have additional thoughts on the project.

1. As I understand the accompanying letter, the ditch along the North line of the section currently exists. I presume it is the roadway ditch. The equipment driveway near the N ¼ line will be moved east about 1,320 feet and the water from the ditch directed to the south into the wetland area. **THIS IS CORRECT**

2. Item No. 2 (amount of water claimed) states 9.4 cfs. How was this rate determined? Is it the capacity of the conveyance ditch or the anticipated yield of the drainage? **THIS AMOUNT IS THE CAPACITY OF THE 14" CULVERT IN THE DITCH UNDER THE DRIVEWAY (DITCH CAPACITY IS GREATER), AND THEREFORE 9.4 CFS IS THE FLOW WHICH HAS BEEN HISTORICALLY COMING TO THE PROPERTY. PRECIPITATION RUNOFF FROM THE DRAINAGE IS JUST OVER 14,000 AC-FT/YR (MODELED BASED ON AVERAGE ANNUAL PRECIPITATION OVER THE CONTRIBUTING WATERSHED AND ASSOCIATED RUNOFF COEFFICIENTS). THE 14" CULVERT SERVES AS THE CONSTRICTION POINT FOR THE VOLUME THAT GETS TO THAT POINT, RESULTING IN SHEET FLOW TO THE SOUTH OVER THE QUARTER SECTION.**

3. Also on Item No. 2 (amount of water claimed) the application lists an annual volume of 320 acre feet of water. How did you determine this to be the annual volume of water for the wetland/impoundment? **THE ENTIRE QUARTER SECTION (NE ¼ OF SECTION 11, T111N, R51W – 160 ACRES) IS BEING RESTORED AND WILL BE MAINTAINED AS WETLAND HABITAT. DURING THE PERIOD OF USE (APRIL – OCTOBER), WE WILL REQUIRE THIS VOLUME TO MAINTAIN THE WETLAND HABITAT (2 FEET OF DEPTH PER ACRE BUT SPREAD OVER THE ENTIRE PERIOD OF USE). OF THIS VOLUME, ABOUT 45 AC-FT WILL BE DETAINED IN THE DEPRESSIONAL WETLAND BEING CREATED IN THE EXCAVATED CROP FIELD, ALONG WITH OTHER SMALL WETLANDS THROUGHOUT THE QUARTER SECTION.**

Sincerely,



David D Patrick, Jr.
Principal

Project Layout





Flow Statistics Ungaged Site Report

Date: Mon June 19, 2017 9:56:11 AM GMT-5

Study Area: South Dakota

NAD 1983 Latitude: 44.4419 (44 26 31)

NAD 1983 Longitude: -96.9243 (-96 55 28)

Drainage Area: 2.85 mi²

Peak Flows Region Grid Basin Characteristics			
100% Subregion A (2.85 mi ²)			
Parameter	Value	Regression Equation Valid Range	
		Min	Max
Contributing Drainage Area (square miles)	2.85	0.14	983
S Dakota Precipitation Intensity Index (inches)	1.03	0.79	1.3

Peak Flows Region Grid Statistics						
Statistic	Value	Unit	Prediction Error (percent)	Equivalent years of record	90-Percent Prediction Interval	
					Min	Max
PK2	63.4	ft ³ /s	59	4.5	25.7	156
PK5	171	ft ³ /s	54	6.1	74.4	394
PK10	272	ft ³ /s	54	7.8	118	626
PK25	430	ft ³ /s	56	9.8	182	1020
PK50	565	ft ³ /s	58	11	232	1380
PK100	713	ft ³ /s	61	12	282	1800
PK500	1090	ft ³ /s	69	13	393	3030

<http://pubs.water.usgs.gov/wri98-4055/> (<http://pubs.water.usgs.gov/wri98-4055/>)

Sando, Steven K., 1998, A Method for Estimating Magnitude and Frequency of Floods in South Dakota: U.S. Geological Survey Water-Resources Investigations Report 98-4055, 48 p.

Accessibility FOIA Privacy Policies and Notices

U.S. Department of the Interior | U.S. Geological Survey
 URL: http://streamstatsags.cr.usgs.gov/v3_beta/FTreport.htm
 Page Contact Information: StreamStats Help
 Page Last Modified: 08/09/2016 13:34:10 (Web1)

Streamstats Status News



2008 Water Management Board Irrigation Questionnaire

Please fill out and return before **December 1, 2008**

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 (605) 773-3352
or send your form(s) electronically over the internet at <https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

Permit No. 2701A-3

DUANE C PANKRATZ
44130 279TH ST
FREEMAN SD 57029 5800

Any address/ownership corrections?

Telephone No. _____

1. Did you irrigate in 2008? *yes ☐ **no ☒
*If yes, _____ acres were irrigated out of
the 420.00 acres covered by Permit No. 2701A-3

**If no, check reason(s) for not irrigating:
sufficient moisture ☐ no water available ☐
system not constructed ☐ use abandoned ☒
enrolled in CRP ☐, through what year? _____
other ☐, please explain in the Comment Box:

2. If your answer to question No. 1 is "no," you are done!
If you answered "yes," please complete Nos. 3, 4 & 5.

3. Did you apply chemicals or fertilizer through the
system in 2008? yes ☐ no ☐

4. If more than one water source is listed below, circle
each source used. **A. GROUNDWATER**

5. Provide your water use on the back of this form.

Comment Box



NWNW	NENW	NWNE	NENE
NW		NE	
SWNW	SENW	SWNE	SENE
NWSW	NESW	NWSE	NESE
SW		SE	
SWSW	SESW	SWSE	SESE

1 square mile

Office use only

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Acreage permitted for irrigation under No. 2701A-3 (see above section map for help reading legal descriptions)

sec 11-T111N-R51W, NW1/4NE1/4 - 33.00 acres
sec 11-T111N-R51W, NE1/4NE1/4 - 33.00 acres
sec 11-T111N-R51W, SE1/4NE1/4 - 33.00 acres
sec 11-T111N-R51W, SW1/4NE1/4 - 33.00 acres
sec 11-T111N-R51W, NW1/4SE1/4 - 34.00 acres
sec 11-T111N-R51W, NE1/4SE1/4 - 34.00 acres
sec 11-T111N-R51W, SE1/4SE1/4 - 22.00 acres
sec 11-T111N-R51W, SW1/4SE1/4 - 33.00 acres
sec 11-T111N-R51W, NW1/4SW1/4 - 32.00 acres
sec 11-T111N-R51W, NE1/4SW1/4 - 35.00 acres
sec 11-T111N-R51W, SE1/4SW1/4 - 33.00 acres
sec 11-T111N-R51W, SW1/4SW1/4 - 2.00 acres
sec 12-T111N-R51W, NW1/4NW1/4 - 32.00 acres
sec 12-T111N-R51W, SW1/4NW1/4 - 31.00 acres

Please provide your 2008 water use to irrigate the above acreage on the REVERSE side of this form.

For an example of a completed questionnaire, please refer to the reverse side of your cover letter.

Temperature - Precipitation - Sunshine - Snowfall

US Climate Data on  

Home United States South Dakota Enter a location

Monthly Daily History Geo & Map Weather Forecast

You are here: United States > South Dakota > Brookings

Climate Brookings - South Dakota

°C | °F

	Jan	Feb	Mar	Apr	May	Jun
Average high in °F:	23	28	39	55	67	77
Average low in °F:	3	8	21	33	45	55
Av. precipitation in inch:	0.35	0.39	1.14	2.13	2.95	4.29
Days with precipitation:	-	-	-	-	-	-
Hours of sunshine:	-	-	-	-	-	-
Average snowfall in inch:	5	6	6	4	0	0

	Jul	Aug	Sep	Oct	Nov	Dec
Average high in °F:	82	80	71	58	40	26
Average low in °F:	59	57	47	34	21	7
Av. precipitation in inch:	3.27	3.07	3.19	2.05	0.94	0.47
Days with precipitation:	-	-	-	-	-	-
Hours of sunshine:	-	-	-	-	-	-
Average snowfall in inch:	0	0	0	1	5	6

Climate data for brookings 2 ne, Longitude: -96.7686, Latitude: 44.3252
Average weather Brookings, SD - 57006 - 1981-2010 normals

Jan: January, Feb: February, Mar: March, Apr: April, May: May, Jun: June, Jul: July, Aug: August, Sep: September, Oct: October, Nov: November, Dec: December

Brookings weather averages

Annual high temperature:	53.8°F
Annual low temperature:	32.5°F
Average temperature:	43.15°F
Average annual precipitation - rainfall:	24.24 inch
Days per year with precipitation - rainfall:	-
Annual hours of sunshine:	-
Av. annual snowfall:	33 inch

G+1

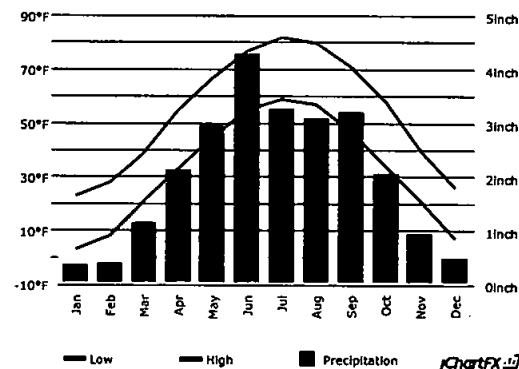
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Brookings Climate Graph - South Dakota Climate Chart

[Climategraph of Brookings on your website](#)

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*When used as directed
in the rinse cycle.

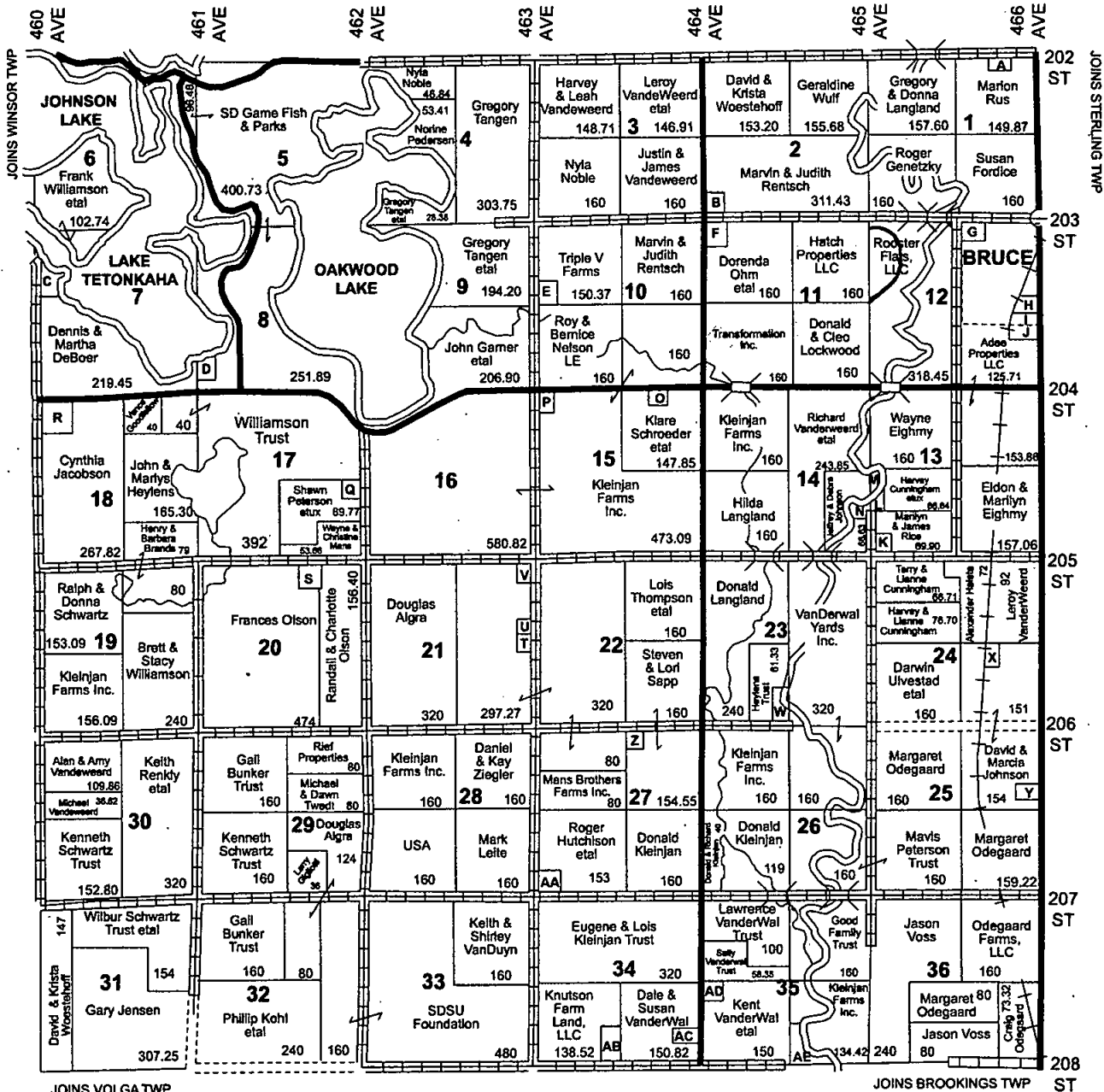
OAKWOOD TWP

LAND OWNER

R 51 W

JOINS PRESTON TWP

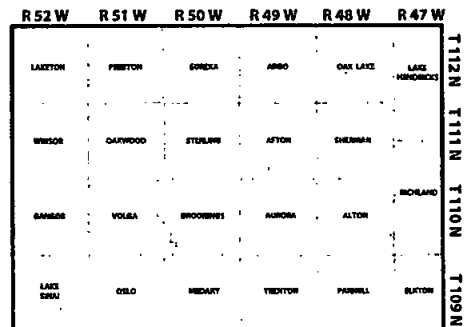
T 111 N



Small Tracts

- Section 1 A Stephanie Oeltjenbruns - 10.13
- Section 2 B Lynette Kerlin - 8.57
- Section 7 C Roger & Marilyn Bommersbach - 13.91
- Section 8 D Joy Ater - 8.57
- Section 10 E Greg & Cheryl Derynch - 9.63
- Section 11 F Jason & Ladonna Mariette - 11.22
- Section 12 G Oswald Properties LLC - 11.10
- H Eldon & Marilyn Elghmy - 8.77
- I Gerald Skovlund - 10.10
- J Leland Reppe et al - 11
- Section 13 K Michael & Heather Westendorf - 10.10
- L Terry & Tracy Cunningham - 5.20
- M Jeffrey & Debra Johnson - 7.96
- Section 14 N Harvey & Liane Cunningham - 6.52
- Section 15 O Alan & Jane Perry - 12
- P Wayne & Bruce Fryer - 6.91
- Section 17 Q Gary Mans - 16.57
- Section 18 R Chad & Amanda Bjerke - 36.12

- Section 20 S Keith & Sueann Hesby - 6
- Section 21 T Jason Young - 5
- U Manuel Langstraat - 8.60
- V Jason Young - 10
- Section 23 W Thomas Heylens - 18.67
- Section 24 X City of Bruce - 8
- Section 25 Y Jason & Malorie Hansen - 6
- Section 27 Z Oscar & Midred Sapp - 5.45
- AA Tyler Holderby - 7
- Section 34 AB Ronald & Karen Knutson - 21.48
- AC VanderWal Yards Inc. - 9.18
- Section 35 AD Dean & Pauline VanderWal - 10
- AE Duane Walburg - 25.58



7/6/17

TGS

Wetland Permit Application No 8286-3 Wink Family LLP

Wetland Conservation Area

NE 1/4 Sec. 11 - T11N-R51W.

Brawlings Co Soil Survey

Soils

Ee - Estelline silt loam - B
 Hd - Hansburg silt loam - B
 Ke - Krensburg silt loam - B
 Ba - Brawlings silty clay loam - B

Use CN = 74

NRCS Annual Yield

DIT = 2.85 mi.² = 1824 Ac
 CN = 74 ISD = 2 1/2

80% chance = 0.15
 0.15 x 1824 Ac = 273 Ac-ft

50% chance = 0.42
 0.42 x 1824 Ac = 644 Ac-ft

10% chance = 2.0
 2.0 x 1824 Ac = 3648 Ac-ft



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8286-3, Wink Family LLP**

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. 8286-3, Wink Family LLP, c/o Randy Wink, Managing Partner, 330 Dakota Dunes Blvd, Dakota Dunes SD 57049

The Chief Engineer is recommending APPROVAL of Application No. 8286-3 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. Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be bypassed.
2. Water Permit No. 8286-3 authorizes a total diversion of 320 acre feet of water annually.
3. The diversion of water under Permit No. 8286-3 shall be controlled such that water directed through the 14 inch diameter culvert remains on the land in the NE ¼ Section 11, T111N, R51W and does not flow across or flood neighboring property.
4. The NE ¼ Section 11, T111N, R51W was at one time irrigated from wells under Water Right No. 2701A-3. The two wells associated with Water Right No. 2701A-3 located in the NE ¼ Section 11, T111N, R51W shall be plugged in accordance with South Dakota Well Construction Standards prior to inundation of land for the wetland conservation project.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
July 18, 2017

NOTE: Please be aware that runoff from this unnamed tributary to the Big Sioux River may not be a reliable water source capable of consistently producing the quantity of water annually that is requested.

(continued)

Recommendation

Application No. 8286-3

Page 2

Water Right No. 2701A-3 appropriated water from four wells to irrigate the E ½ and SW ¼ of Section 11 and the W ½ NW ¼ of Section 12; all in T111N, R51W. DENR records indicate irrigation has not occurred since 1991. The water right will be scheduled for cancellation. Notice will be provided scheduling the water right for cancellation.

This water permit may not be afforded protection under water rights law in the event there is county approved drainage in the drainage area supplying the wetland conservation project. Authorization for drainage is under county jurisdiction.

Report on
Water Permit Application No. 8286-3
Wink Family LLP, c/o Randy Wink
July 6, 2017

The Wink Family LLP, c/o Randy Wink, Managing Partner, has filed Water Permit Application No. 8286-3 to appropriate up to 320 acre-feet of water annually at a peak diversion rate of 9.4 cubic feet of water per second (cfs) for a wetland conservation project in the floodplain of the Big Sioux River near Bruce, in Brookings County.

Discussion

The source of water is runoff from an unnamed tributary to the Big Sioux River. The runoff is diverted into a road ditch in the northwest corner of Section 11-T111N-R51W and then it follows in an easterly direction along the north section line. It will then be directed through a 14 inch culvert at a rate up to 9.4 cfs onto the NE ¼ of Section 11-T111N-R51W. This quarter is being restored and will be maintained as wetland habitat. The applicant is requesting 320 acre feet of water annually, which is 2 feet of depth per acre spread over the entire period of use April thru October. Of this volume, about 45 acre feet will be detained in a one foot deep depressional wetland.

The drainage area for this project is about 2.85 square miles or 1824 acres. The Natural Resources Conservation Service (NRCS) Annual Surface Yield procedure was used to calculate expected runoff. Using a Curve Number (CN) value of 74, the annual yield for this drainage area with an 80 percent chance of occurrence, or 8 out of 10 years, is expected to be 23 acre-feet. The annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 64 acre-feet. The annual yield with a 10 percent chance of occurrence, or 1 out of 10 years, is expected to be 304 acre-feet. The applicants request for 320 acre-feet of water annually will be limited and will occur on a less than once every 10 year period.

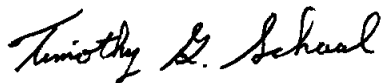
There have been several old Water Rights issued for irrigation of land in the NE ¼ of Section 11-T111N-R51W and surrounding property. Applicable portions of Water Rights Nos. 2559-3, 2559A-3, 4239-3, and 2701-3 have been incorporated into Water Right No. 2701A-3 for irrigation of land in the NE ¼, SE ¼, SW ¼ of Section 11-T111N-R51W and the NW ¼ of Section 12-T111N-R51W from four wells. Two wells are located in the NE ¼ and two wells are located in the SE ¼ of Section 11-T111N-R51W. These Water Rights were issued to Duane Pankratz, who later in 2009 indicated their use had been abandoned; therefore, Water Right No. 2701A-3 is subject for cancellation. Since then, the ownership of this property has been divided and changed several times. Contacting the correct owner for cancellation has been difficult.

SDCL 45-6-18 states that any abandoned or forfeited well shall be plugged by its owner so that no leaking of its waters occurs underground or over the surface. The owner of property on which an abandoned or forfeited well is located is deemed to be the owner of the well. SDCL 45-6-27

states that if the owner of an existing well drills a replacement well and if the owner has no plan to use the existing well, the existing well is considered abandoned. The well owner shall plug the abandoned well within thirty days after the new well is ready for use. Any well that is being used or is not considered abandoned shall be sealed or capped at the surface. With the applicants plan to flood the NE ¼ of Section 11-T111N-R51W for wetland development, they should indicate whether the irrigation wells have been properly plugged or capped at the surface.

Conclusions:

1. Water Permit Application No. 8286-3 should be approved for the requested diversion rate since unappropriated water is available; however, the volume of water available is limited and less than the application requests. Approval should not have any adverse effects on existing Water Rights.
2. Water Right No. 2701A-3 should be scheduled for cancellation due to abandonment and the applicant must show that the irrigation wells have either been properly plugged or capped before the wetlands are inundated.
3. If approved, the low flow bypass requirement for domestic use should be a qualification on Water Permit Application No. 8286-3.



Timothy G. Schaal, P.E.
Engineer IV
SD DENR, Water Rights Program

References:

South Dakota Engineering Field Manual, U.S. Department of Agriculture Soil Conservation Service, 1969, Huron, South Dakota.

Soil Survey of Brookings County, South Dakota, U. S. Department of Agriculture Soil Conservation Service, January 1959.

Water Rights, 2017 Water Rights Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

RECEIVED

AUG 07 2017

WATER RIGHTS PROGRAM

Affidavit of Publication

State of South Dakota

ss

County of Brookings

Katherine Foiles of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed that the

Leg# 673 App. 8286-3, Wink Family LLP

same was published, is hereto attached marked Exhibit said newspaper for _____ 1 times, to-wit:

July 26, 2017

said Exhibit "A" inures to the sole benefit for the publishers of said newspaper; that no agreement or 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; that the fees charged for the publication thereof are:

Thirty-Three Dollars and Eighty-Seven Cents \$33.87

AARON JORENBY

NOTARY PUBLIC
SOUTH DAKOTA

August

1 day of

2017

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires February 22, 2020.

Legal 673, 1x, 7/26
NOTICE OF APPLICATION NO. 8286-3 to
Appropriate Water
Notice is given that Wink Family LLP, c/o Randy Wink, Managing Partner, 330 Dakota Dunes Blvd, Dakota Dunes SD 57049 has filed an application for a water permit to appropriate up to 320 acre-feet of water annually at a peak diversion rate of 9.4 cubic feet of water per second (cfs) for a wetland conservation area in the floodplain of the Big Sioux River near Bruce. The source of water is an unnamed ditch conveying water from an unnamed tributary to the Big Sioux River. Water is directed into a ditch in the northwest corner of Section 11, T111N, R51W and follows an easterly direction along the northern section line. Water then is directed through a 14 inch culvert at a rate up to 9.4 cfs to the NE 1/4 Section 11, T111N, R51W. This quarter section is being restored and will be maintained as wetland habitat. The project requires up to 320 acre feet of water annually which is two feet of depth per acre but spread over the entire period of use of April through October. Of this volume, about 45 acre feet will be detained in a one foot deep depressional wetland constructed on 45 acres within the quarter section. There will also be water detained in other small wetlands throughout the NE 1/4 Section 11, T111N, R51W. The water use is for recreational and fish and wildlife use. Pursuant to SDCL 46-

2A-2, the Chief Engineer recommends APPROVAL of Application No. 8286-3 with qualifications because 1) inappropriate 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below. 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 August 7, 2017. 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. If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$33.87.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, July 18, 2017 11:13 AM
To: registerclassifieds (registerclassifieds@brookingsregister.com)
Subject: 8286-3, Wink Family LLC
Attachments: 8286-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on July 26, 2017.

Wink Family LLC, c/o Randy Wink, Managing Partner, 330 Dakota Dunes Rd, Dakota Dunes SD 57049 (605 809-7251) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

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

July 18, 2017

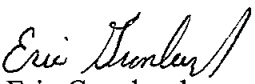
Wink Family LLC
c/o Randy Wink, Managing Partner
330 Dakota Dunes Blvd
Dakota Dunes SD 57049

Dear Mr. Wink:

Water Permit Application No. 8286-3 for recreation and fish and wildlife use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Brookings Register printed at Brookings SD (Ph # 605-692-6271). 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 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 from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

Enclosures

C: David Patrick. North Central Mitigation LLC, PO Box 2009, Sioux Falls SD 57101

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.

NOTICE OF APPLICATION NO. 8286-3 to Appropriate Water

Notice is given that Wink Family LLP, c/o Randy Wink, Managing Partner, 330 Dakota Dunes Blvd, Dakota Dunes SD 57049 has filed an application for a water permit to appropriate up to 320 acre-feet of water annually at a peak diversion rate of 9.4 cubic feet of water per second (cfs) for a wetland conservation area in the floodplain of the Big Sioux River near Bruce. The source of water is an unnamed ditch conveying water from an unnamed tributary to the Big Sioux River. Water is directed into a ditch in the northwest corner of Section 11, T111N, R51W and follows an easterly direction along the northern section line. Water then is directed through a 14 inch culvert at a rate up to 9.4 cfs to the NE 1/4 Section 11, T111N, R51W. This quarter section is being restored and will be maintained as wetland habitat. The project requires up to 320 acre feet of water annually which is two feet of depth per acre but spread over the entire period of use of April through October. Of this volume, about 45 acre feet will be detained in a one foot deep depressional wetland constructed on 45 acres within the quarter section. There will also be water detained in other small wetlands throughout the NE 1/4 Section 11, T111N, R51W. The water use is for recreational and fish and wildlife use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8286-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 August 7, 2017.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.



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AUG 09 2017

Wink Family LLP
c/o Randy Wink
330 Dakota Dunes Blvd
Dakota Dunes SD 57049

Dear Mr. Wink:

Enclosed is Water Permit No. 8286-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

A 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 information 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,

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

enclosures

c: David Patrick, North Central Mitigation