

WATER PERMIT NO. 8306-3

Name of Applicant: Ducks Unlimited

Address: 2525 River Rd, Bismarck SD 58503

Phone: 701 355-3566

Amount of Water Claimed: 100 AF

Total Acres: NA

Source of Water Supply: runoff

Water to be used for: fish & wildlife propagation

County: Moody

Type of Waste Disposal System:

Location: 15 miles south of Brookings

PRIORITY Date Received: 8-21-17

Application/License Fee: \$ 700

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NE 1/4 Sec 2-T107N-R50W

Land to be Irrigated: NA

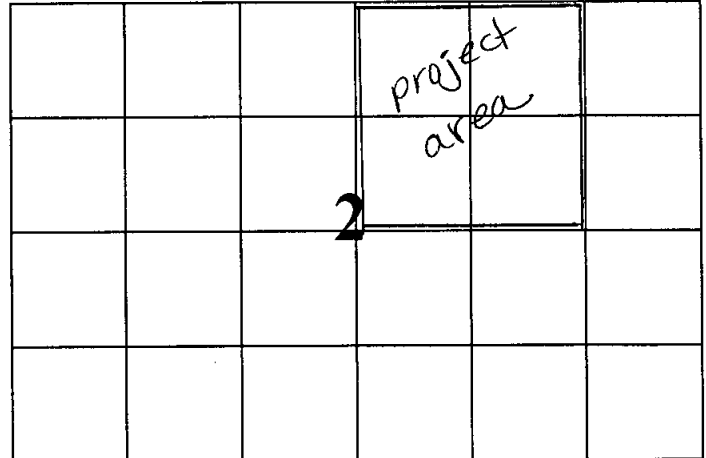
Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:



Reviewed and the Number Assigned on: 8-23-17

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SD EForm - 1585LD V5**FORM 2: Application for uses other than irrigation**
(type or print)**RECEIVED****AUG 21 2017****WATER RIGHTS
PROGRAM**

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8306-3</u> (office use only) Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Moody County Enterprise, Flandreau</u> <u>Brookings Register</u>

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 Ducks Unlimited

Mailing Address 2525 River Road Bismarck ND 58503
(Address) (City) (State) (Zip Code)

Phone 701-355-3566 Mobile _____ Email juwilliams@ducks.org

2. Amount of water claimed _____ *CFS or _____ **GPM and 100 ***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 surface runoff

4. Location of point of diversion S2 NE 1/4, T 107N, R 50W County Moody
(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 Moody6. Annual period during which water is to be used Jan 1 - Dec 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)

See attached.

I, Justin Williams Manager/Biologist, 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.

2015-10

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)

**SOUTH DAKOTA
WATER PERMIT NO. 8306-3**

Date of first receipt of application August 21, 2017.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8306-3 to Ducks Unlimited, 2525 River Road, Bismarck ND 58503 authorizing the construction of impoundments and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8306-3 authorizes the impoundment of 100 acre-feet of water from runoff in an existing wetland and by restoring nine wetland basins located in the NE 1/4 Section 2-T107N-R50W which is approximately 15 miles south of Brookings SD. This wetland restoration project will utilize ditch plugs, linear ditch fills, and micro-topography enhancement aimed at increasing water retention, velocity reduction and other functional benefits. Silt removal will be performed in various basins as appropriate.
2. The water appropriated shall be used for the purpose of fish and wildlife propagation 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. 8306-3 is October 2, 2017.
5. The date from which applicant may claim right is August 21, 2017.
6. One-fifth of the construction is to be completed on or before April 2, 2020.
7. All construction is to be completed on or before October 2, 2022.
8. Water is to be put to beneficial use on or before October 2, 2026.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

Water Permit No. 8306-3 authorizes a total diversion of 100 acre feet of water annually.

WATER MANAGEMENT BOARD

By: _____

Jeanne Goodman
Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

OCT 16 2017

date



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 ____ 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) ____ Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____
- d) Distance to nearest domestic well on applicant's property ____ 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:
Roger Smith, PE
Ducks Unlimited
2525 River Road
Bismarck, ND, 58503

b) Freeboard See attached.

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)

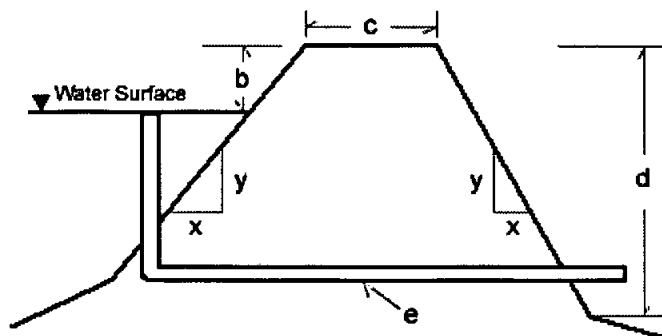
Upstream ____

Downstream ____

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres



-Wetland 2- Ditch plug in area currently draining towards Wetland 1. Linear ditch fill and erosion control to drainage feature east of Wetland 2.

-Wetland 3- Silt removal.

-Wetland 4-Ditch plug in area draining towards Wetland 2, silt removal.

-Wetland 5- Ditch plug in area draining towards Wetland 4, silt removal.

-Wetland 6-Ditch plug in area draining towards Wetland 7, silt removal.

-Wetland 7-Ditch plug in area draining towards Wetland 2, silt removal.

-Wetland 8- Ditch plug in area draining towards Wetland 9, silt removal.

-Wetland 9- Ditch plug in area draining towards west neighbor, silt removal.

A check for the \$700 fee will be mailed shortly per conversation with DENR. Please email the application number to Justin Williams ASAP so it can be referenced on the check from DU.

Please call or email with any questions,
Thank You,

Justin Williams
Manager of Conservation Programs
701-355-3566
Juwilliams@ducks.org

Enclosures:

1. Application For Permit To Appropriate Water Within The State Of South Dakota
2. Table 1-Specifications
3. Plan Set

Table 1-Specifications

Ducks Unlimited-Moody County Mitigation Project

Wetland #	type	Freeboard (ft)	Crest Width (ft)	Crest Length (ft)	Height (ft)	Spillway Width (ft)	Upstream Slope	Downstream Slope	Water Surface Area (acres)	Storage (AF)	Drainage Area (acres)
1a	excavation/ berm	0.5	16	500	2	50	10:1	10:1	1.2	1.9	50
1b	ditch plug	0.7	10	126	2	50	5:1	5:1	0.9	0.3	6
2	ditch plug	1.5	10	120	3	200	5:1	5:1	20.1	41.7	250
3	excavation	na	na	na	na	na	na	na	0.2	0.1	2.5
4	ditch plug	1	10	20	2	50	5:1	5:1	1.5	1.4	11
5	ditch plug	1	10	136	2	50	5:1	5:1	0.6	1.5	5
6	ditch plug	1	10	200	2	50	5:1	5:1	1.2	0.9	3
7	ditch plug	1	10	95	2	50	5:1	5:1	0.5	0.4	6
8	ditch plug	1	10	185	2	50	5:1	5:1	0.2	0.2	3
9	ditch plug	1	10	30	2	50	5:1	5:1	0.4	0.4	4



Map showing the location of the job site in Flandreau, SD. The job site is marked with a blue star and a red square, located north of the intersection of 230th St and SD-32/Pipestone Ave. The map includes labels for 230th ST, SD-32/Pipestone Ave, EXIT 114, and Flandreau, SD. A red dashed line indicates the route from the intersection to the job site. A black arrow points to the job site with the text "JOB SITE".

JOBSITE

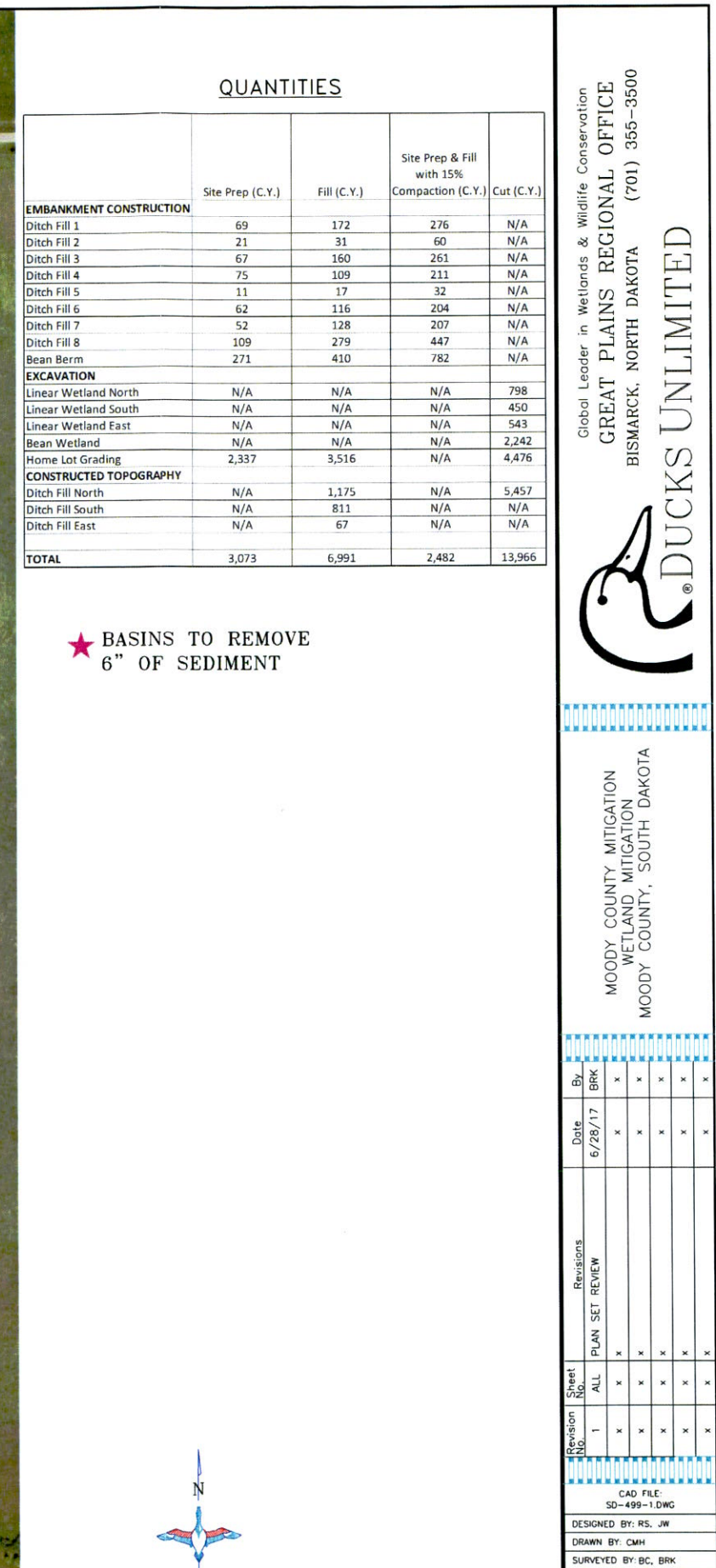
UPT

1. QUANTITIES, SPECIFICATIONS & CONTACT INFO
2. SITE OVERVIEW
3. NORTH LINEAR WETLANDS & FILLS
4. SOUTH LINEAR FILLS & EXCLUDED LOT
5. DITCH FILLS 1-4
6. DITCH FILLS 5-8

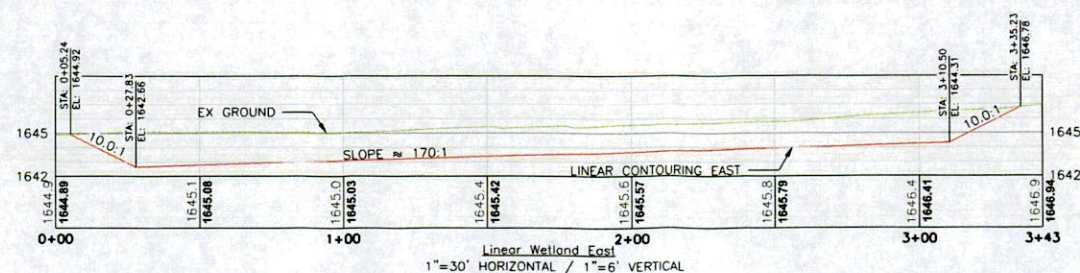
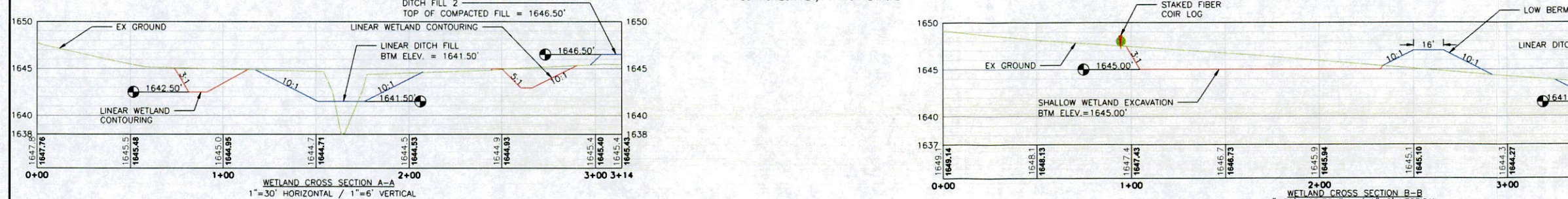
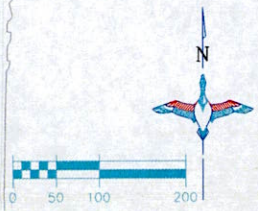
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CONTACT INFORMATION:
DUCKS UNLIMITED
2525 RIVER ROAD
BISMARCK, ND
701-355-3500
ROGER SMITH, P.E.
JUSTIN WILLIAMS, MITIGATION BIOLOGIST

Revision No.	Sheet No.	Revisions	Date	By
1	ALL	PLAN SET REVIEW	6/28/17	BRK
x	x	x	x	x
x	x	x	x	x
x	x	x	x	x
x	x	x	x	x
x	x	x	x	x
x	x	x	x	x
x	x	x	x	x
CAD FILE: SD-499-1.DWG DESIGNED BY: J.W. RS DRAWN BY: CMH SURVEYED BY: BC, BRK BOOK NO. - DATE: 7/28/2017 PROJECT NO: US-SD-499-2				
SHEET 1				



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[illegible]

CAD FILE: SD-499-1.DWG
DESIGNED BY: RS, JW
DRAWN BY: CMH
SURVEYED BY: BC, BRK
BOOK NO. -
DATE: 7/25/2017
PROJECT NO.: US-SD-499-2
SHEET 3

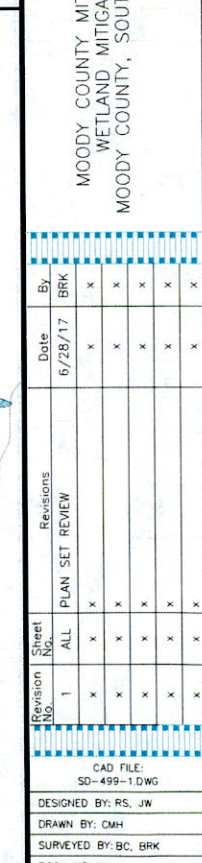
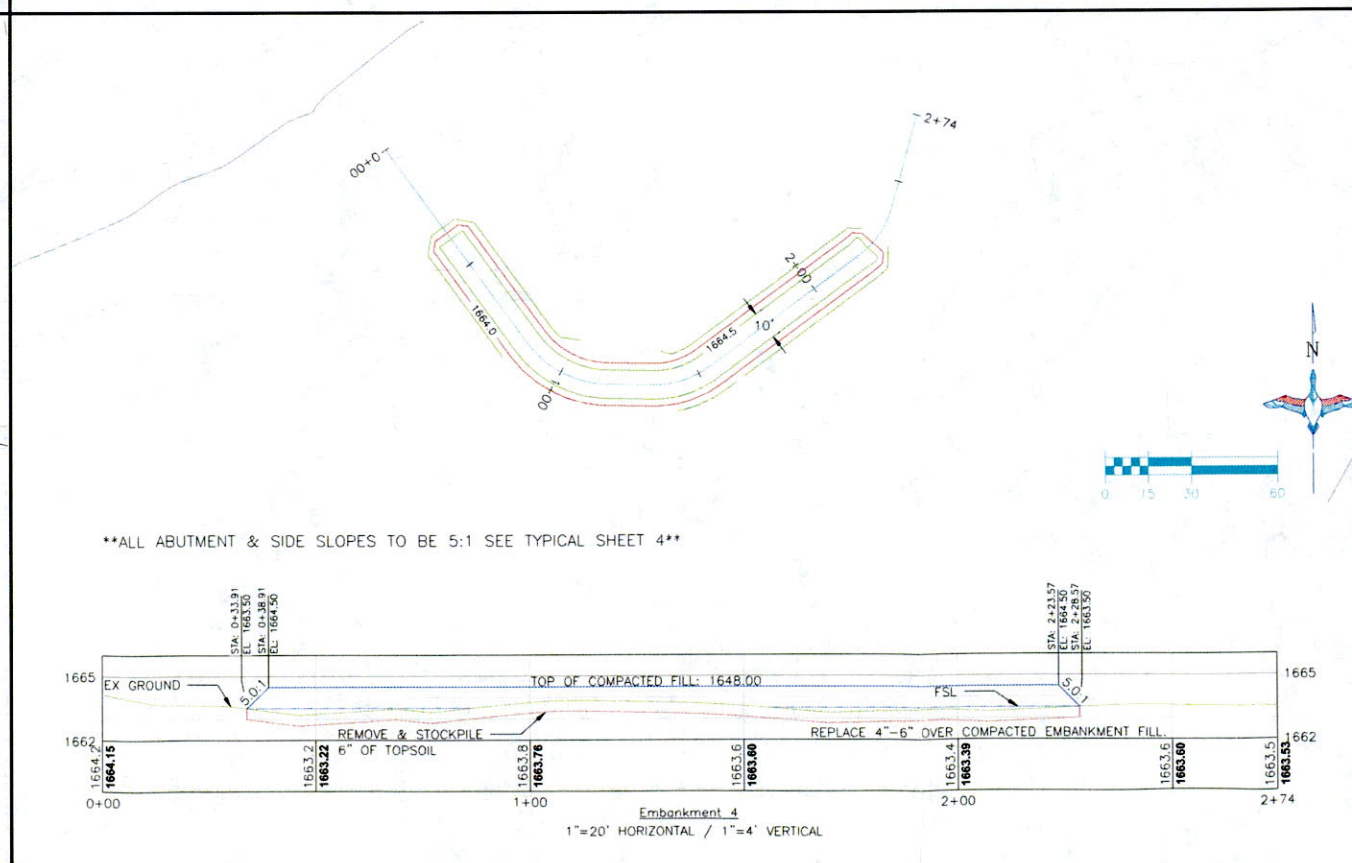
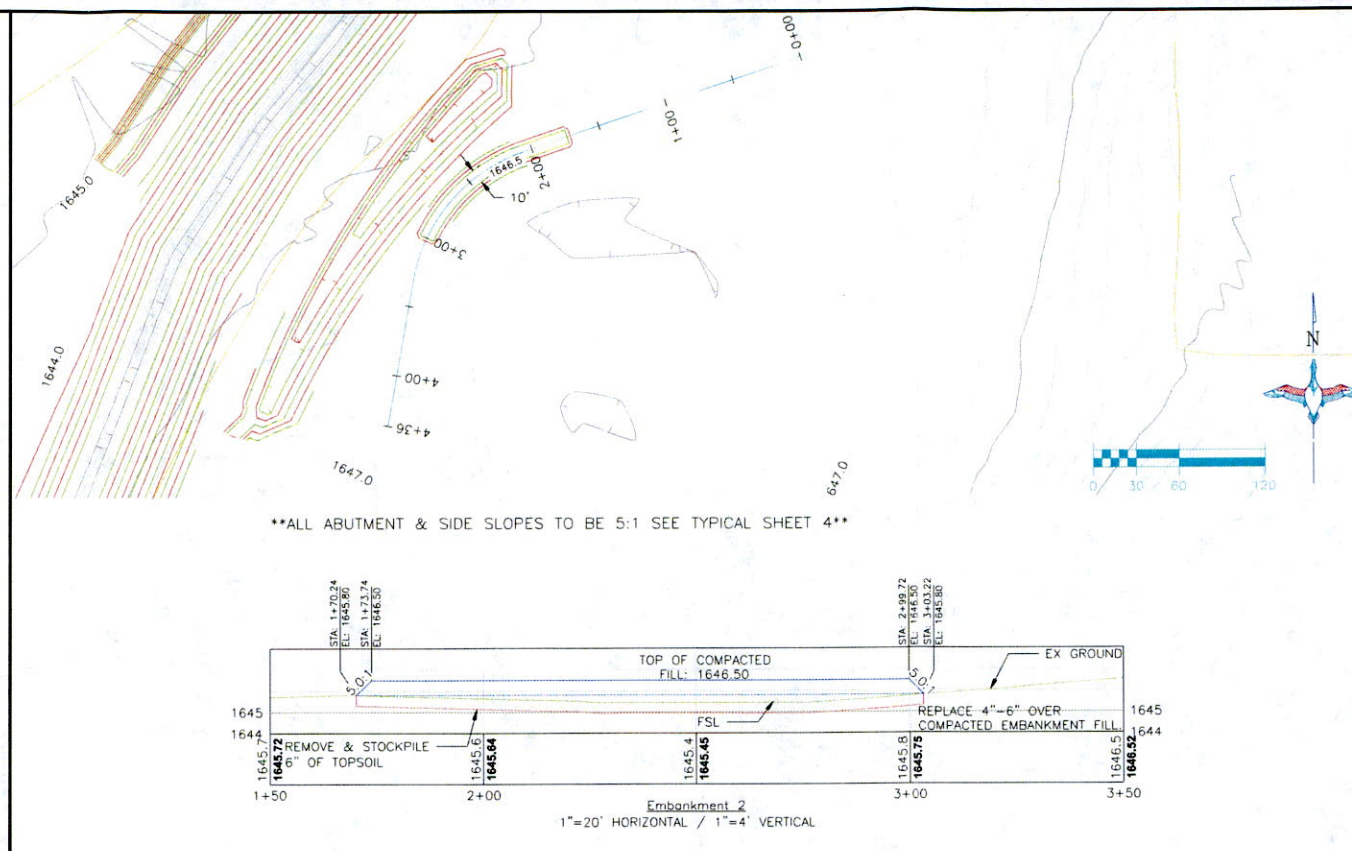
Global Leader in Wetlands & Wildlife Conservation
GREAT PLAINS REGIONAL OFFICE
BISMARCK, NORTH DAKOTA (701) 355-3500
S UNLIMITED

MOODY COUNTY MITIGATION
WETLAND MITIGATION
MOODY COUNTY, SOUTH DAKOTA

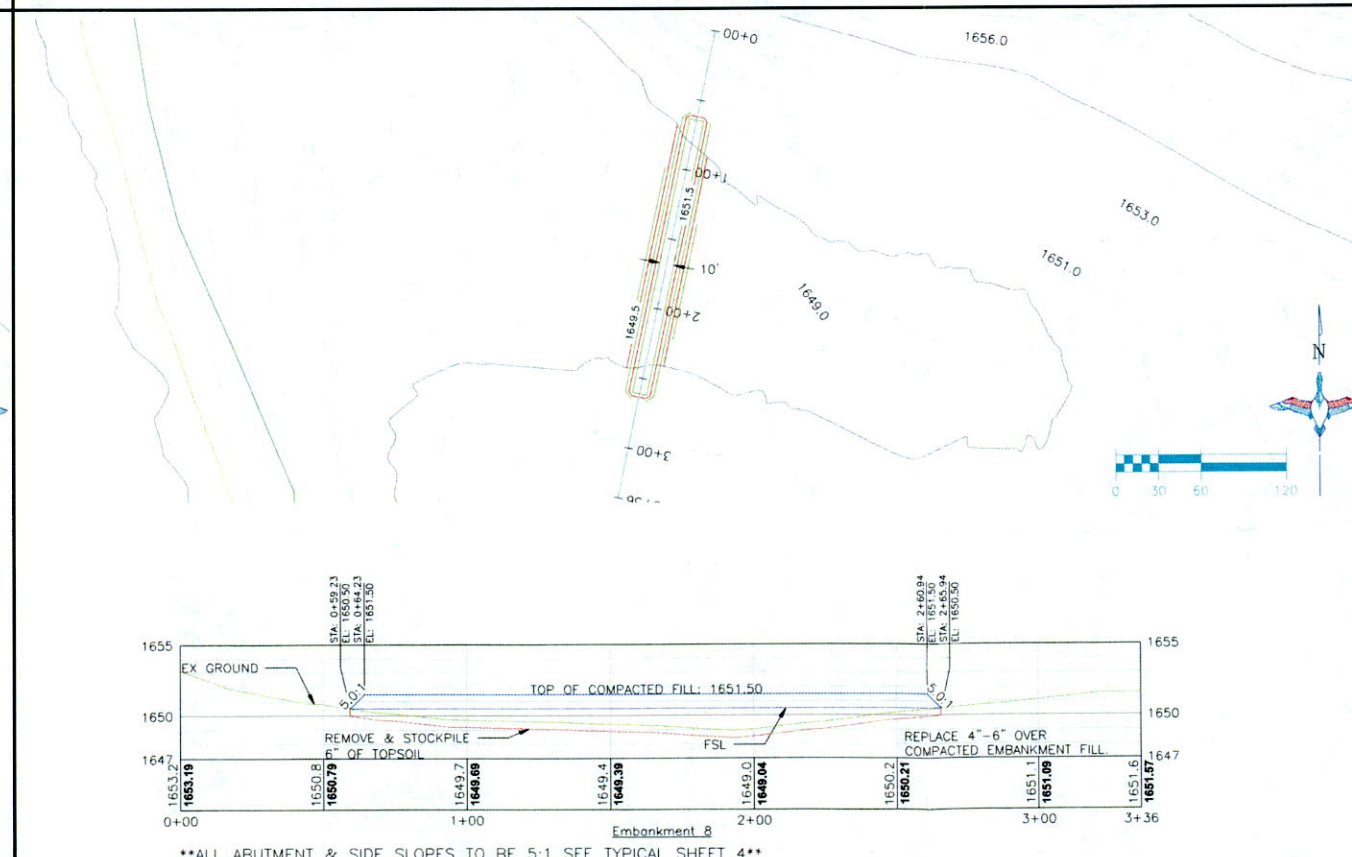
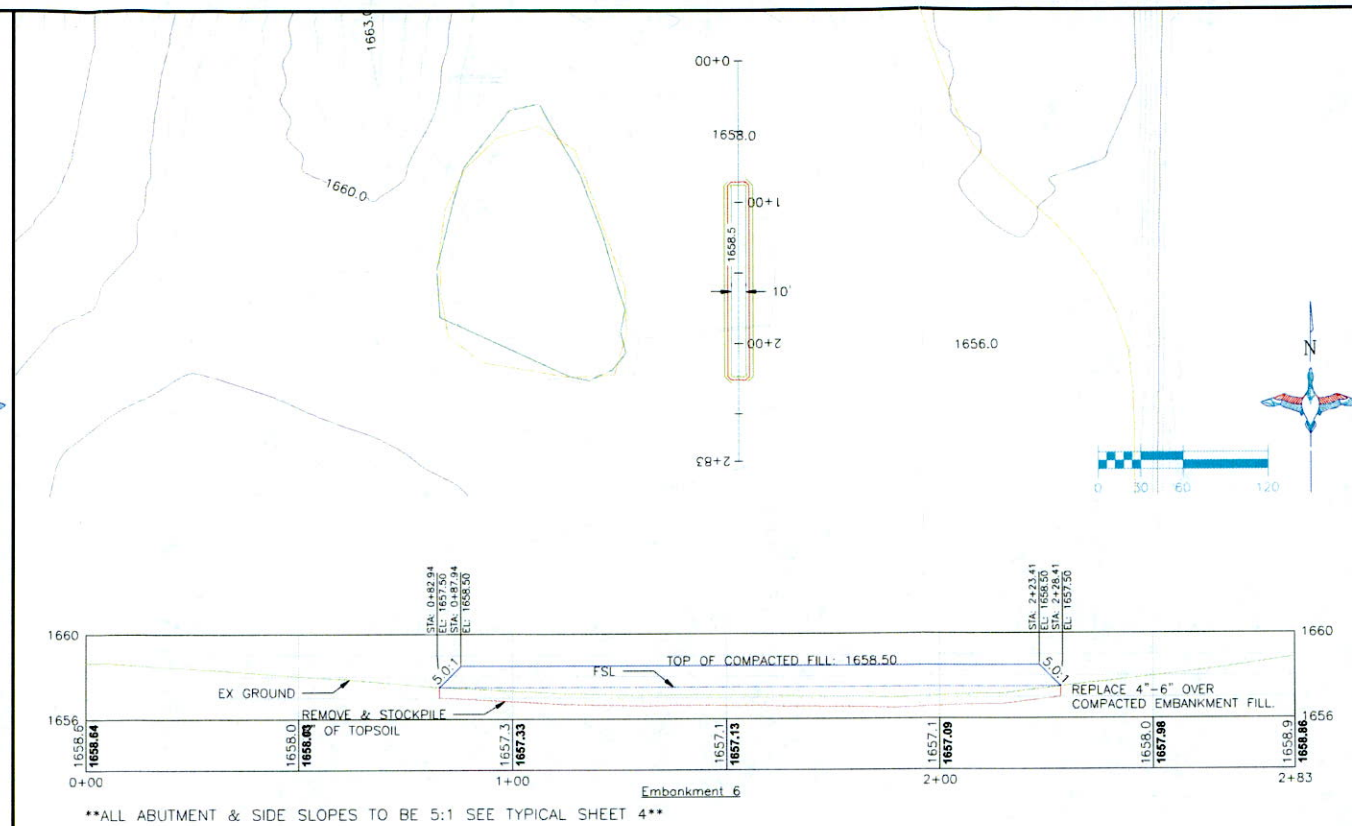


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BISMARCK, NORTH DAKOTA

DUCKS UNLIMITED



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[illegible]



RECEIVED

AUG 21 2017

WATER RIGHTS
PROGRAM

Great Plains Regional Office
2525 River Road
Bismarck, ND 58503-9011
(701) 355-3500; fax (701) 355-3575
www.ducks.org

August 18, 2017

To: South Dakota DENR
Water Rights
523 Capitol Ave
Pierre, SD 57501

RE: Moody County Mitigation Project-Water Rights Application

Greetings,

Please see the enclosed information regarding the Moody County Mitigation Project (DU Project# SD-499-2). We are requesting water rights for purposes of wetland restorations (wildlife habitat). Only one of the wetland restorations requires >25 acre feet of water storage (Wetland #2). The other wetland restorations would typically only require location notices but are included under this application per conversation with DENR. We are requesting a total of 100 AF to cover existing wetlands and restored wetlands.

Ducks Unlimited (DU) is proposing to restore several drained wetland basins and an impaired riverine wetland/stream complex on land owned by Wetlands America Trust (Ducks Unlimited subsidiary). The Moody County property is located approximately 15 miles South of Brookings, SD. The site contains wetland basins and a stream that have been hydrologically modified. The Moody County property is located approximately 15 miles south of Brookings. The legal description for the property is the NE ¼ of Section 2, Township 107 North, Range 50 West. In May of 2013 DU purchased the 154 acre Moody County Property through our affiliated non-profit organization, Wetlands America Trust.

Wetlands that are hydrologically-altered would be restored using ditch plugs, linear ditch fills, and micro-topography enhancements aimed at increasing water retention, velocity reduction, and other functional benefits. Silt removal would be performed in various basins as appropriate. Ditch plugs would be constructed with spillways over existing ground at both ends of the embankment. Specifications are provided in the attached Table 1. Erosional control practices (silt fence, biodegradable wattles, etc.) would be utilized as appropriate. The property would be planted with native prairie species. Wetland species would be planted in currently farmed areas and areas disturbed during construction being restored to wetlands. Upland prairie species would be planted in wetland buffer areas and across the remainder of the site. Additional details for proposed improvements are listed below ([see plan set Sheet 2 for wetland numbering](#)).

-Wetland 1- Linear fill along excavated ditch running SW to NE within Wetland 1 to raise bottom elevation of wetland/stream to more natural condition. The stream banks would be contoured to a more natural condition. A shallow basin would be excavated on the west side of the wetland (approximately 500 feet south of the northern property boundary). Ditch fill in depression on northeast side of wetland (Wetland 1b).

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 5, 20 17

RECEIVED OF

Ducks Unlimited One waterfowl way Memphis, TN 38120

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

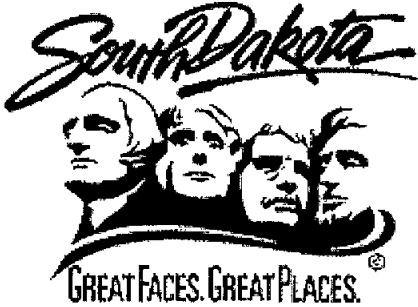
Fee for Application for Permit No. <u>8306-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8306-3</u>		
Fee for Filing Transfer Form _____		
Fee for <u>License</u>	200	00
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	700 00

No. **08327**

By

Jeanne Goodman
Chief Engineer

74m



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

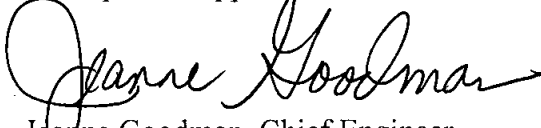
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8306-3, Ducks Unlimited**

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. 8306-3, Ducks Unlimited, c/o Justin Williams, 2525 River Rd, Bismarck SD 58503.

The Chief Engineer is recommending APPROVAL of Application No. 8306-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and, 4) it is in the public interest with the following qualification:

1. Water Permit No. 8306-3 authorizes a total diversion of 100 acre feet of water annually.

See report on application for additional information.


Jeanne Goodman, Chief Engineer
September 12, 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.

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. 8306-3
Ducks Unlimited
September 8, 2017

Water Permit Application No. 8306-3 has been filed by Ducks Unlimited to impound 100 acre-feet of water from runoff in an existing wetland and several restored wetlands that are currently drained. The wetland basins are located in the NE $\frac{1}{4}$ of Section 2-T107N-R50W, in Moody County. The water will be used for fish and wildlife propagation purposes.

Discussion

Ducks Unlimited (DU) is proposing to restore several drained wetland basins and an impaired riverine wetland/stream complex on land owned by Wetlands America Trust (a Ducks Unlimited subsidiary). The drained wetlands will be restored using ditch plugs that will be two to three feet high with earth spillways at each end of the embankments. The wetlands are being restored to increase water retention, provide velocity reduction, and other functional benefits. The specifications for the nine restored wetlands are listed in Table 1 of the August 18, 2017, Ducks Unlimited letter.

Water Permit Application No. 8306-3 is asking for impoundment of 100 acre-feet of water. The combined storage capacity for the nine restored wetlands from Table 1 is 48.8 acre-feet. The additional 51.2 acre-feet of storage is in an existing wetland located mostly in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2-T107N-R50W.

The source of water for this project is runoff from an unnamed tributary to the Big Sioux River. The project will be located in the NE $\frac{1}{4}$ of Sec. 2-T107N-R50W on an unnamed tributary to the Big Sioux River approximately 6 miles upstream of the confluence of the unnamed tributary and the Big Sioux River. There are no existing Water Permits/Rights located on the unnamed tributary and the proposed project.

Conclusion:

1. Water Permit Application No. 8306-3 should be approved since unappropriated water is available and approval should not have any adverse effect on existing Water Permits/Rights.

Eric Hunsland

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, September 12, 2017 8:53 AM
To: mce6@mcisweb.com
Subject: 8306-3, Ducks Unlimited
Attachments: 8306-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on September 20, 2017.

Ducks Unlimited, c/o Justin Williams, 2525 River Road, Bismarck ND 58503 (701-355-3566) 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



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, September 12, 2017 8:53 AM
To: registerclassifieds (registerclassifieds@brookingsregister.com)
Subject: 8306-3, Ducks Unlimited
Attachments: 8306-3public.short.docx; FORM8.FRM.doc

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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

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

denr.sd.gov

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

September 12, 2017

Ducks Unlimited
c/o Justin Williams
2525 River Road
Bismarck ND 58503

Dear Mr. Williams:

Water Permit Application No. 8306-3 for fish and wildlife propagation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Moody County Enterprise printed at Flandreau SD (Ph # 605-997-3725) and the Brookings Register printed at Brookings SD (Ph # 605-692-6271). You will need to contact the newspaper(s) 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) 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

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 the Notice on September 20, 2017. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8306-3 to Appropriate Water

Notice is given that Ducks Unlimited, c/o Justin Williams, 2525 River Rd, Bismarck SD 58503 has filed an application for a water permit to impound 100 acre-feet of water from runoff in an existing wetland and by restoring nine wetland basins located in the NE 1/4 Section 2-T107N-R50W which is approximately 15 miles south of Brookings SD. This wetland restoration project proposes using ditch plugs, linear ditch fills, and micro-topography enhancement aimed at increasing water retention, velocity reduction and other functional benefits. Silt removal will be performed in various basins as appropriate. The water is for fish and wildlife propagation purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8306-3 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 October 2, 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_____.

Affidavit of Publication

State of South Dakota

Exhibit "A"

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# 830 8306-3 to Appropriate Water

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

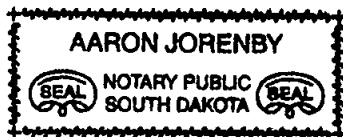
September 20, 2017

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:

Twenty-Eight Dollars and Six Cents \$28.06

Legal 830, 1x. 9/20
NOTICE OF APPLICATION NO. 8306-3 to
Appropriate Water
Notice is given that Ducks Unlimited, c/o Justin Williams, 2525 River Rd, Bismarck SD 58503 has filed an application for a water permit to impound 100 acre-feet of water from runoff in an existing wetland and by restoring nine wetland basins located in the NE 1/4 Section 2-T107N-R50W which is approximately 15 miles south of Brookings SD. This wetland restoration project proposes using ditch plugs, linear ditch fills, and micro-topography enhancement aimed at increasing water retention, velocity reduction and other functional benefits. Silt removal will be performed in various basins as appropriate. The water is for fish and wildlife propagation purposes. Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8306-3 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 October 2, 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 \$28.06.



September

25 day of

2017

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

Affidavit of Publication

STATE OF SOUTH DAKOTA
COUNTY OF MOODY) SS

MARY LYNN HEADRICK, of said county, being first duly sworn on oath says that she is the bookkeeper of the Moody County Enterprise, a weekly newspaper printed and published in said county of Moody and State of South Dakota, and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least 200 copies weekly, and has been published within said county for 52 consecutive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the advertisement headed:

Notice of Application
No 8306-3

a printed copy of which, taken from the newspaper in which the same was published, is attached to this sheet and is made a part of this affidavit, was published in said newspaper at least once in each week for 1 successful weeks, on the day of each week on which said newspaper was regularly published, to wit:

9-20-17

that the full amount of the fee charged for the publication of said Notice inures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever, and that the fees charged for the publication thereof are

\$ 29.64

M. L. Headrick bookkeeper
Subscribed and sworn to before me this

21st day of September AD 2017

Roger W. Janssen

Notary Public, County of Moody, South Dakota
ROGER W. JANSSEN
NOTARY PUBLIC
SOUTH DAKOTA
My commission expires 2/28/18

NOTICE OF APPLICATION NO. 8306-3 to Appropriate Water

Notice is given that Ducks Unlimited, c/o Justin Williams, 2525 River Rd, Bismarck SD 58503 has filed an application for a water permit to impound 100 acre-feet of water from runoff in an existing wetland and by restoring nine wetland basins located in the NE 1/4 Section 2-T107N-R50W which is approximately 15 miles south of Brookings SD. This wetland restoration project proposes using ditch plugs, linear ditch fills, and micro-topography enhancement aimed at increasing water retention, velocity reduction and other functional benefits. Silt removal will be performed in various basins as appropriate. The water is for fish and wildlife propagation purposes.

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Steven M. Pirner, Secretary,
Department of Environment and
Natural Resources.

Published once at the total approximate cost of \$30

RECEIVED
OCT 02 2017
WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

OCT 16 2017

Ducks Unlimited
c/o Justin Williams, Manager
2525 River Road
Bismarck ND 58503

Dear Mr. Williams:

Enclosed is Water Permit No. 8306-3 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

8306-3
RECEIVED

Form 10

AUG 09 2021

WATER RIGHTS
PROGRAM

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

Date 8/4/2021

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

FROM: Justin Williams (Ducks Unlimited)
(name)
2525 River Rd.
(address)
Bismarck ND 58503 ~~701~~ 701-202-7132
(city, state, zip) (phone)

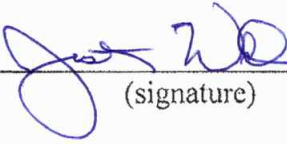
I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 8306-3 states that the water use system is to be constructed by Oct. 2 2022, and water is to be put to beneficial use by Oct. 2 2026.
(date) (date)

The water use system was completed on June 1 2018.
(date)

Applying the water to beneficial use was completed on June 1 2018.
(date)

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


(signature)





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

August 9, 2021

8306-3

Justin Williams
Ducks Unlimited
2525 River Rd
Bismarck, ND 58503

Dear Mr. Williams:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that the project authorized under Water Permit No. 8306-3 has been completed.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 8306-3

I have this day, August 27, 2021, made a thorough examination of the water use system constructed by Ducks Unlimited, 2525 River Rd, Bismarck, ND 58503 of Permit No. 8306-3, bearing the priority of August 21, 2017 authorizing the storage of 100 acre-feet of the waters from runoff for fish & wildlife propagation purposes, in Moody County.

Works used to divert the water:

- 1) Wetland restoration by filling drainage ditches: The three linear ditches; north, south, and east; were plugged by filling the drainage ditches back to original grade.
- 2) Wetland restoration by plugging drainage ditches: Eight earthen ditch plugs were constructed with crest heights of 2 to 3 feet across drainage ditches restoring several wetlands.

Compliance with Permit Requirements:

- 3) Permit qualifications being abided by Y
- 4) Exceptions to compliance are: None

Condition and Location:

1. The system is in good condition.
2. The works are capable of storing 100 acre-feet of water which is to be used for fish & wildlife propagation.

The license should be issued for 100 acre-feet of storage.

3. All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:

The map was produced with the aid of FSA maps and the ArcMAPS software.

There are eight (8) constructed ditch fills which help establish wetlands on the property.

The address and phone number found in the inspection materials are current.

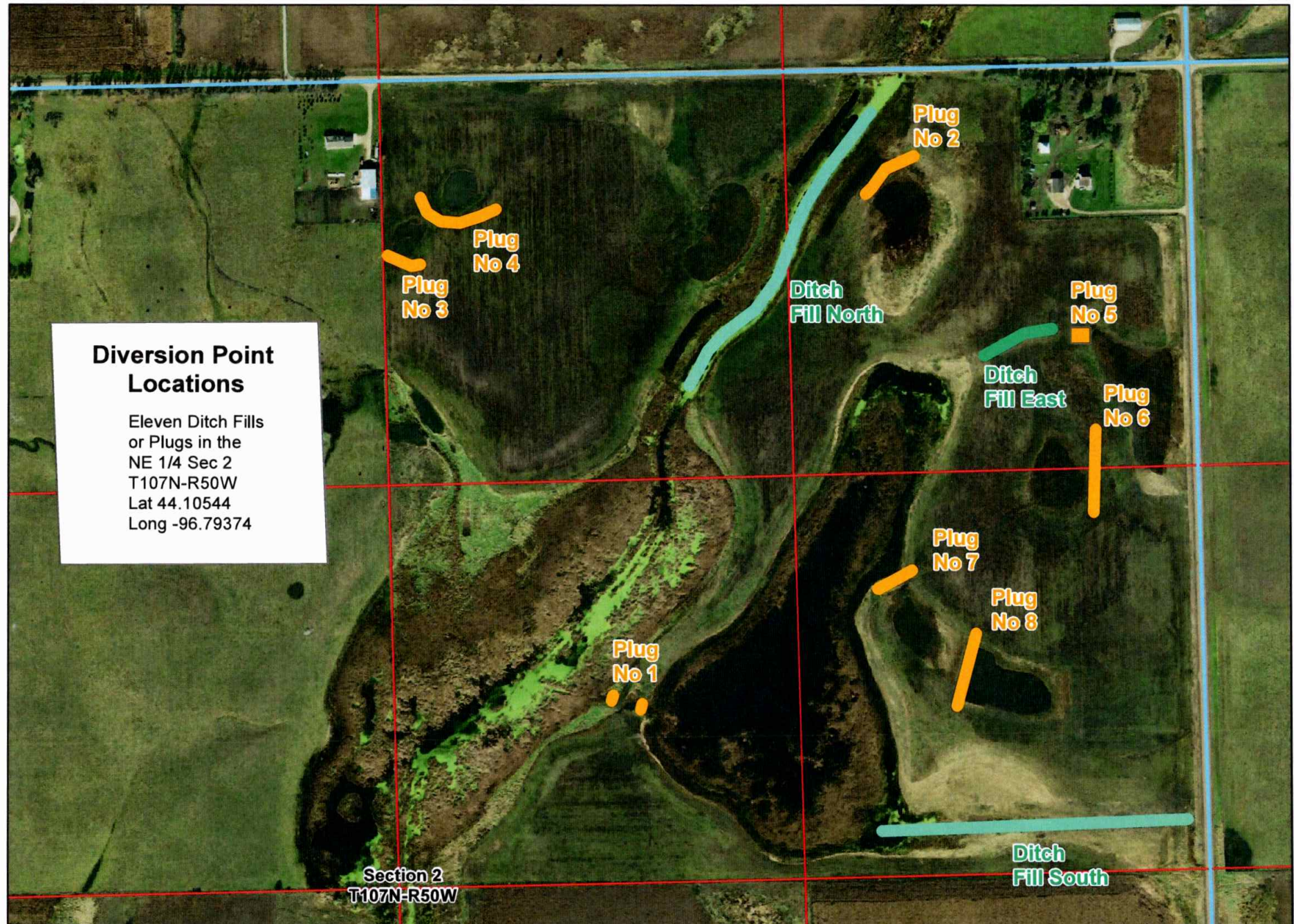


Looking southwest from the road that is the northern boundary of the property as indicated on the accompanying map.

A handwritten signature in black ink, appearing to read 'D W DeBoer', written in a cursive style.

Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **August 28, 2021**



0 320 640 1,280 1,920 2,560 Feet



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

SEP 27 2021

8306-3

Justin Williams
Ducks Unlimited
2525 River Rd
Bismarck ND 58503

Dear Mr. Williams:

Enclosed is Water License No. 8306-3. This is the final water right document completing the process of obtaining a Water Right. Included with the license is a map prepared by the staff engineer who conducted the field investigation.

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

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 8306-3

(1) Ducks Unlimited, 2525 River Rd, Bismarck, ND 58503 made Application No. 8306-3, August 21, 2017 for a water permit to impound 100 acre feet of water annually from runoff in an existing wetland, Moody County, South Dakota for fish and wildlife propagation purposes. Permit No. 8306-3, with a priority date of August 21, 2017 was approved October 2, 2017 and issued to the applicant for impoundment of water with completion of the project on or before October 2, 2022 and for the application to beneficial use of said water on or before October 2, 2026.

The Permit holder submitted a "Notice of Completion of Works and Application of Water to Beneficial Use" on August 9, 2021. The "Notice" stated the water use system was completed and water placed to beneficial use on June 1, 2018.

(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 impound 100 acre feet of water annually for beneficial use.

- The location of the eleven ditch fills and/or plugs are in the NE ¼ Section 2, T107N, R50W. The northern most ditch plug is located at Latitude 44.10544 and Longitude -96.79374.

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use. The three linear ditches (north, south and east) were plugged by filling the drainage ditches back to their original grade. Eight earthen ditch plugs were constructed to heights of 2 to 3 feet across drainage ditches restoring several wetlands.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Ducks Unlimited, 2525 River Rd, Bismarck, ND 58503 the holder and/or owner of Water Right No. 8306-3 is issued a license to appropriate water, the right to impound 100 acre feet of water annually from runoff with a priority date of August 21, 2017 from the locations specified in (2) of this license for fish and wildlife propagation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 8306-3 and subject to the following qualification:

- Water Right No. 8306-3 authorizes a total diversion of 100 acre feet of water annually.



Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

SEP 27 2021

date

