

WATER PERMIT NO. 2566-2

Name of Applicant: **Chamberlain Country Club**

Address: **PO Box 56, Chamberlain SD 57325**

Phone: **605 734-4451**

Amount of Water Claimed: **0.33 cfs**

Total Acres: **104**

Source of Water Supply: **groundwater**

Water to be used for: **irrigation**

County: **Lyman**

Type of Waste Disposal System:

Location: **½ mile northwest of Oacoma**

PRIORITY

Date Received: **6-6-05**

Application/License Fee: **\$275**

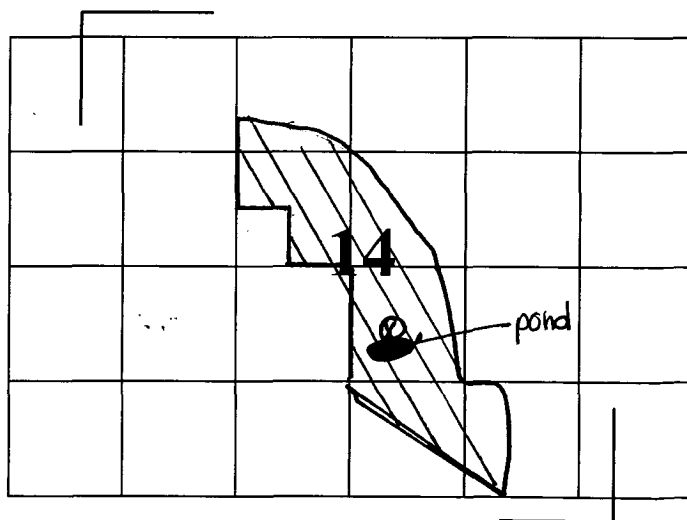
Corrected Application Received: **8-29-05**

Period of Annual Use: **April 1 – October 31**

Remarks:

Diversion Point: **NW ¼ SE ¼ Sec 14-T104N-R72W**

Land to be Irrigated: **E ½ NW ¼, SW ¼ NE ¼, SE ¼ Sec 14-T104N-R72W**



Depth of Well: **900**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Gene McMonney, Lyman Co. FSA**

Reviewed and the Number Assigned on: **8-29-05**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2566-2</u> (office use only)	Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Lyman Co. Herald, Presho</u>	

contact
person:
Val Moore
734-4455

RECEIVED

Application For Permit To Appropriate Water For Irrigation

JUN - 6 2005

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955) WATER RIGHTS PROGRAM

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

- Name of Applicant Chamberlain Country Club Phone (605) 734-4451
(check one) ☐ Owner ☒ Tenant/lessee
Mailing Address P O Box 56 Chamberlain State SD 57325
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.33 *CFS or 150 **GPM ***AF Total Acreage 104
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Dakota Formation
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Lyman
Pond located in S1/2SE1/4-Section 14-T104N-R72W
NW1/4
- County or counties where water will be used Lyman
- Annual period during which water is to be used April 1 - October 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>S</u> NE1/4NW1/4-14-T104N-R72W	10	SW1/4SE1/4-14-T104N-R72W	12
SE1/4NW1/4-14-T104N-R72W	20	SE1/4SE1/4-14-T104N-R72W	12
SW1/4NE1/4-14-T104N-R72W	20		
NW1/4SE1/4-14-T104N-R72W	30		

- Give a description of the project. (Attach sheet if more space is needed)

Nine hole public golf course. Irrigated fairways and greens.

STATE OF SOUTH DAKOTA) SS
County of Lyman

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)

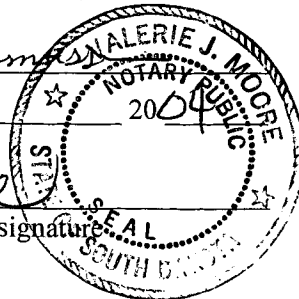
I, Rich Rasmussen, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Rich Rasmussen

Subscribed and sworn to before me this 2nd day of June

Valerie J. Moore

Notary Public signature



SOUTH DAKOTA
WATER PERMIT NO. 2566-2

Date of first receipt of application June 6, 2005.

Date of return to applicant for corrections, amendments or changes June 6, 2005.

Date of receipt of corrected application August 29, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2566-2 to Chamberlain Country Club, PO Box 56, Chamberlain SD 57325 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. 2566-2 appropriates 0.33 cubic feet of water per second from one well to be completed into the Dakota Aquifer (approximately 900 feet deep) located in the NW ¼ SE ¼ Section 14 to irrigate up to 104 acres located in the SE ¼ NW ¼, NE ¼ SW ¼, SW ¼ NE ¼, W ½ SE ¼, SE ¼ SE ¼ Section 14; all in T104N-R72W. The permit also authorizes a pond (approximate 1 acre foot storage capacity) located in the NW ¼ SE ¼ Section 14-T104N-R72W. Water from the well may be diverted directly for irrigation or pumped to the pond prior to application to the golf course.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is August 29, 2005.
4. The date of approval of Permit No. 2566-2 is December 19, 2005.
5. One-fifth of the construction is to be completed on or before June 19, 2008.
6. All construction is to be completed on or before December 19, 2010.
7. Water is to be put to beneficial use on or before December 19, 2014.
8. 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. 2566-2 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.
3. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JAN 26 2006
date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 7 7/8" Depth 900'
- b) Casing Type Steel/PVC Diameter 5"/3" Thickness .258"/Sc80
- c) Screen Type PVC Diameter 3" Thickness Sch 80
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material 750'
- f) Depth to Water (ground surface to water level) _____ Flowing Well _____
- g) Distance to nearest existing domestic well:
On applicants property 1/8 mile On property owned by others 1/2 mile

2. Wastewater Disposal System Information

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

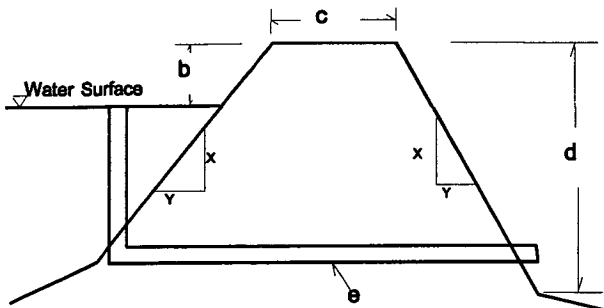
3. Dugout Information

- 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 6, 20 05

RECEIVED OF Chamberlain Country Club Inc., PO Box 56, Chamberlain SD 57325

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

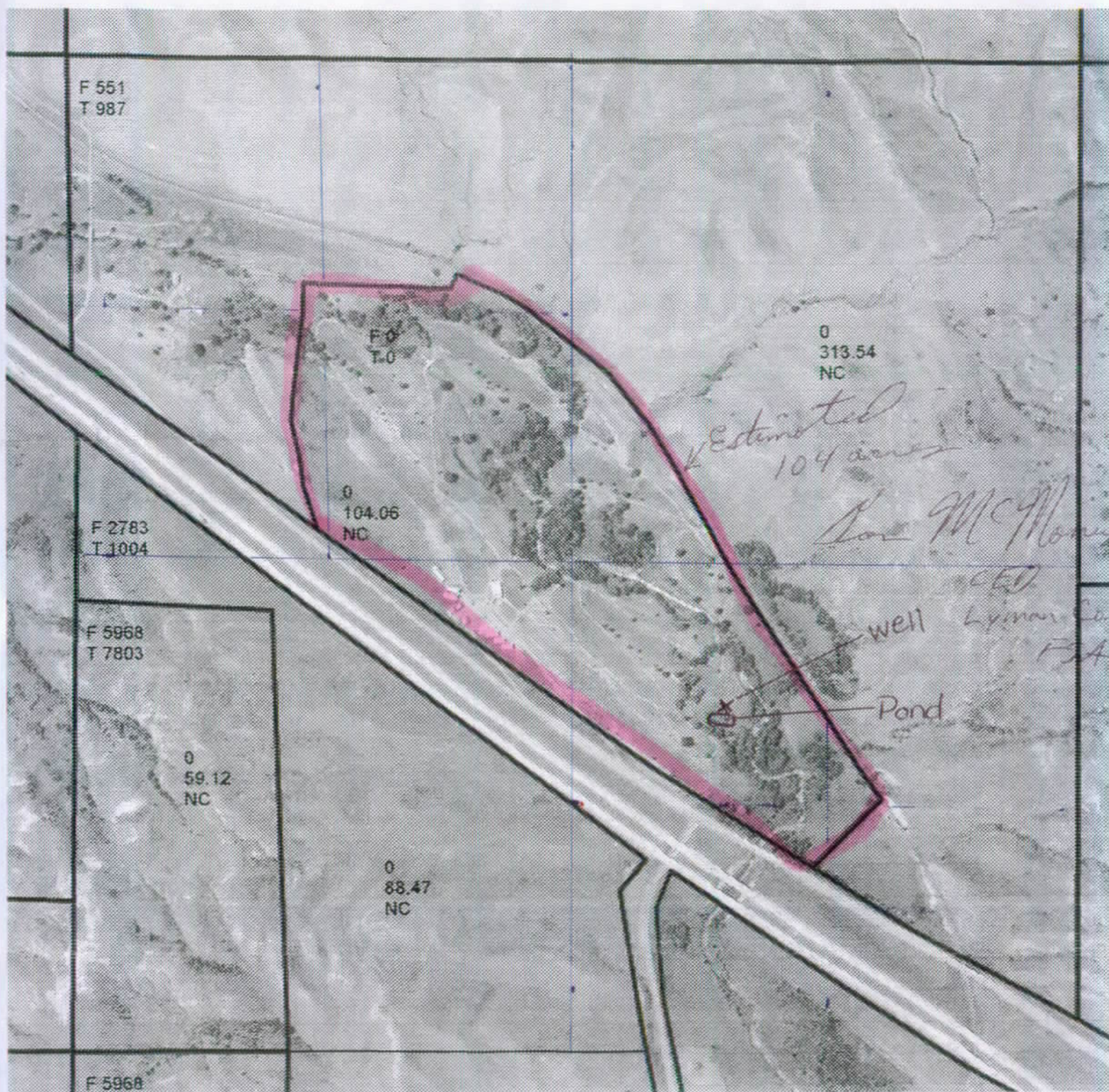
Fee for Application for Permit No. <u>2566-2</u> to Appropriate Water, to construct and to put water to beneficial use	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2566-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	275.00

No.

001877

By

Darland White
Chief Engineer *gm*



Map Not to Scale
No Official Wetland Determination

Lyman County, South Dakota

Sec-Twp-Rng: 14-104N-72W

Map Printed: May 24, 2005





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 6, 2005

RECEIVED
JUN 23 2005
WATER RIGHTS
PROGRAM

Val Moore
Chamberlain Country Club
PO Box 56
Chamberlain SD 57325

Dear Ms. Moore:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation of the golf course. In order to complete the application the following is required.

- Please mark the location of the well on the map. *done*
- What is the approximate storage capacity of the pond? *50' x 150' x 10' deep*
- If available, please submit a well log or test hole log signed by a licensed South Dakota well driller.
** not available*

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

Valerie Moore
8/25/05

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 17, 2005

Val Moore
Chamberlain Country Club
PO Box 56
Chamberlain SD 57325

Dear Ms. Moore:

On June 6, 2005, an *Application for Permit to Appropriate Water Within the State of South Dakota* was submitted for Chamberlain Country Club. You were notified what additional information was required to complete the application. A copy of that letter is enclosed. To date, we have not received the required information.

Obtaining a water permit that accurately reflects water use ultimately benefits the country club by protecting it's right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352
karen.schlaak@state.sd.us

enclosures

WATER PERMIT APPLICATION NO. 2566-2
CHAMBERLAIN COUNTRY CLUB
OCTOBER 19, 2005

Water Permit Application No. 2566-2 proposes to appropriate 0.33 cubic feet per second (cfs) from one well to be completed into the Dakota Formation (approximately 900 feet deep) located in the NW¼ SE¼ Sec. 14, T104N-R71W, Lyman County. The water will be used to irrigate up to 104 acres located in the SE¼ NW¼, NE¼ SW¼, SW¼ NE¼, W½ SE¼, SE¼ SE¼ Sec. 14, T104N-R72W. The application also proposes to authorize a storage pond (approximately one acre-foot storage capacity) located in the NW¼ SE¼ Sec.14, T104N-R72W.

AQUIFER: Dakota Sandstone (DKOT)

AQUIFER CHARACTERISTICS:

The Dakota aquifer consists of the permeable beds of sand and sandstone contained in the Cretaceous aged Dakota Formation. The lithology of the Dakota Formation is quite variable both laterally and vertically, consisting of interbedded sand, sandstone, and shale. It has been postulated that the explanation for this is that the Dakota was deposited in a fluvial environment. The Dakota underlies 1.07 million acres and contains an estimated 28.27 million acre-feet of recoverable water in storage in Lyman County (Allen and others, 1985). The Dakota Formation is areally extensive underlying most of South Dakota (66,500 square miles of the 77,047 total square miles that constitute the State) (Schoon, 1971). The Formation is expected to be around 400 feet thick in this area (Schoon, 1971). A well completed into the Dakota aquifer at this location is expected to flow at the land surface or have a shut in pressure of around 100 psi.

DISCUSSION:

SDCL 46-6-3.1 requires that an application to appropriate groundwater may not be approved if, "according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of the water to the groundwater source". Average annual recharge has not been quantified for the Dakota aquifer and estimates are not expected to be ascertained in the near future. The best information available to evaluate development as it relates to recharge, is historical records and data from observation wells. The difference between withdrawal from an aquifer and recharge is reflected by the water level of the aquifer. If the water level of an aquifer continues to decline, it may suggest that withdrawals exceed recharge. However, withdrawals from confined aquifers such as the Dakota affect water levels over a relatively large area. Water levels will continue to decline as the result of withdrawals until a dynamic equilibrium is established and water levels stabilize.

Since the first wells were completed into the Dakota Aquifer there has been a noticeable decline in the artesian head. Rothrock, (1938) reported that "There has been a pronounced decline in the artesian head since the first wells were drilled in the area. The decline has not proceeded uniformly but has varied from place to place, depending upon the local draft. It has been greatest in the eastern part of the area, especially in eastern Stanley county in the vicinity of Pierre and in eastern Lyman county in the vicinity of Chamberlain." In fact, records indicate that water levels in the Chamberlain Area have declined over 230 feet since 1891, see Figure 1 (Water Rights, 2005)

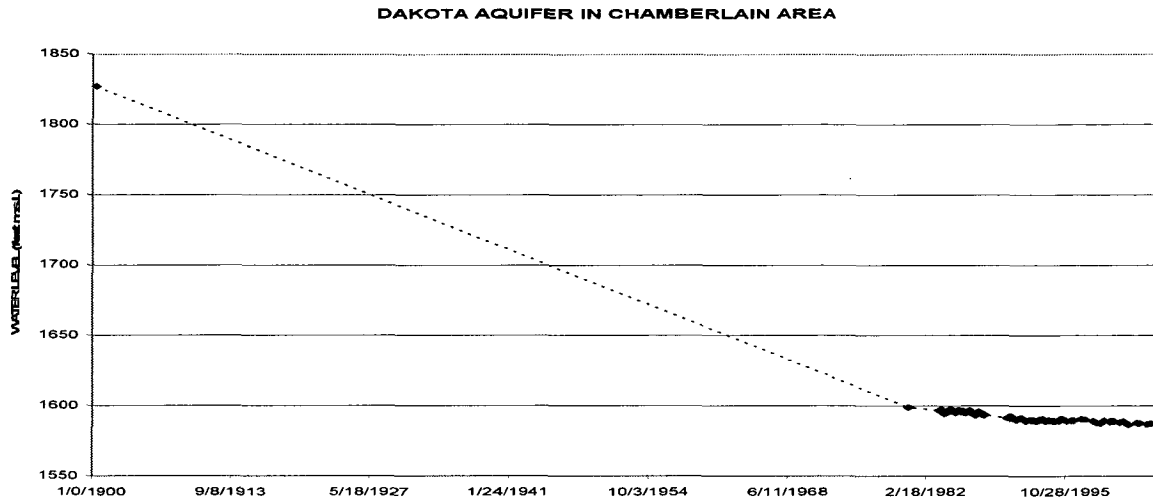


Figure 1. Historic water levels in the Chamberlain Area

The primary reason for declines in the Dakota Formation head pressure is due to water being discharged without beneficial use through uncontrolled flowing wells. The casings for many of the uncontrolled flowing Dakota wells have deteriorated or no longer exist and many such wells are not visible at the ground surface. Discharges from these wells are to either groundwater formations above the Dakota or to the surface at various distances from the original well casing. Such discharges can not be quantified, and most can not be controlled. The Water Management Board and the Water Rights Program are actively enforcing the statutes to require uncontrolled flowing wells to be controlled or plugged where practical.

The Water Rights Program monitors a number of observation wells that are completed into the Dakota aquifer. The nearest Water Rights' Observation Well that is completed into the Dakota Aquifer is located approximately six miles south east of the site proposed by this application. (BL-83A). A hydrograph of water level measurements taken from this well is shown in figure 2.

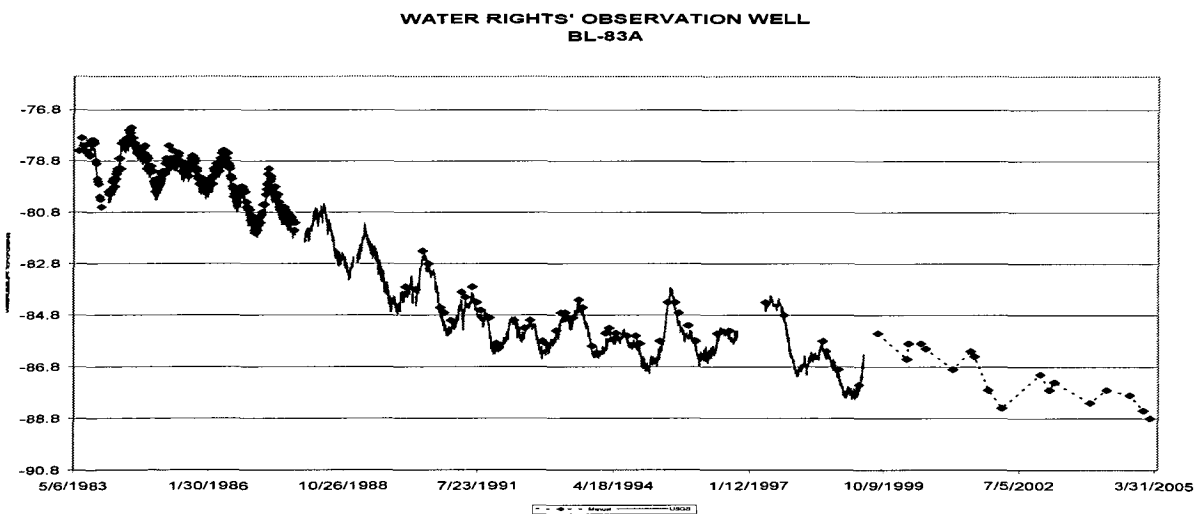


Figure 2. Hydrograph of Water Rights Observation Well completed into the Dakota aquifer approximately six miles from 2566-2

Examination of the hydrograph identifies a decline of head pressure of approximately ten feet since the well was completed in 1983. It should be noted that the source of the data used to construct both Figures 1 and 2, for the period of 1983 to present was measurements from Water Rights' Observation Well BL-83A. From a historic perspective (see figure 1), a decline of artesian head pressure of only ten feet in the last twenty two years can actually be considered insignificant, and suggests the aquifer is nearing equilibrium.

Although SDCL 46-6-3.1 does not allow "mining" of an aquifer, which would be evidenced by declining water levels; SDCL 46-6-6.1 does not require the artesian head pressure to be protected. However, the Courts have determined that the Board must consider and balance the effect of a limitation of a loss of artesian head pressure as one of the factors under the public interest determination.

The quantity or volume of water in the Dakota Aquifer that is related to head pressure is only a small percentage of the total water in storage. The quantity of water represented by the decline in head pressure is a fraction of the small percentage of water related to head pressure. Denial of this application will not preserve the head pressure, because head pressure declines are primarily due to discharges from uncontrollable flowing wells and not due to beneficial use of Dakota Aquifer water. In fact, additional appropriations for beneficial use could serve to lessen wasteful discharges.

REVIEW OF EXISTING WATER RIGHTS:

There are a number of domestic wells and three existing Water Rights obtaining water from the Dakota aquifer within six miles of this well site. Water Rights include:

PERMIT NO	NAME	USE	CFS
4599-3	ST JOSEPH'S INDIAN SCHOOL	GEO	2.22
4829-3	KOA CAMPGROUND	COM	0.02
2357-2	VALU PACT PROPERTIES, LLC	GEO	0.11

In addition, Water Permit Application No. 2564-2, James K. or Carol Hutmacher, is currently pending approval for a Dakota aquifer appropriation from a well approximately two and one-half miles east of this proposed well site.

In 1981, when the Water Management Board considered Water Permit Application No. 4599-2 for St. Joseph's Indian School, considerable concern was expressed about the declining head pressure of the Dakota in the Chamberlain area. The school evaluated several options to address the issue of declining head pressure, including establishing a secondary use for the water or reinjecting the water after its use for geothermal purposes. Ultimately, St. Joseph's Indian School offered to plug up to 1,000 gallons per minute of flowing Dakota wells to address the Board's concern. Water Right No. 4599-3 was approved with a qualification stating:

"The permit holder will identify and have agreements to control or plug wells in the area with a total volume of 1000 gpm by May 30, 1981, that in the event that it is not feasible to enter into agreements to plug the wells by may 30, 1981, that they then abandon that option and turn to reinjection of the volume similar to what they are using back into the Dakota Formation".

The school eventually plugged six Dakota aquifer wells in the area that had a combined flow of 1,040 gallons per minute.

There have been four water permit applications appropriating water from the Dakota aquifer approved in Lyman County and eleven in nearby Brule County since the St. Joseph Indian School Water Right was approved. None of these subsequent Dakota aquifer appropriations, including Water Right No. 2357-2, Valu Pact Properties, LLC., which was a geothermal use, have included a similar “control or plug wells in the area ” qualifications.

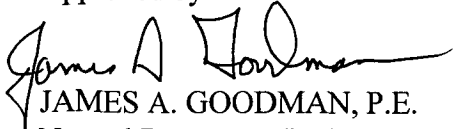
CONCLUSIONS:

1. The Dakota aquifer is a viable aquifer in this area.
2. The average annual recharge rates to the Dakota aquifer has not been quantified and is not expected to be ascertained in the near future. The best information available to determine the availability of unappropriated water is historical data and observation well records.
3. Water levels (head pressure) have declined in the Dakota aquifer. However, whether withdrawals exceed the average estimated annual recharge can not be determined based solely upon a decline in head pressure.
4. In theory, the Dakota aquifer head pressure is stabilizing relative to withdrawals and recharge.
5. Each new diversion from the Dakota will theoretically cause an additional effect on the head pressure of the aquifer. The affects of the withdrawal proposed by this application upon the Dakota Aquifer head pressure will not have a significant affect upon the decline or stabilization of head pressure in the Dakota aquifer.
6. The Water Management Board is not required to protect artesian head pressure as a means of diversion. However, the Board must consider and balance the effect of a limitation or a loss of artesian head pressure as one of the factors under the public interest determination.
7. The principal reason for declines in the Dakota aquifer head pressure is due to water being discharged without beneficial use through uncontrolled flowing wells. Denial of this application will not preserve the head pressure. In fact, additional appropriations for beneficial use should serve to lessen wasteful discharges from the aquifer.
8. Any wells constructed for this permit must be constructed in accordance with SD Well Construction Standard 74:02:04:28. The alternative well construction requirement described in SD Well Construction Standard 74:02:04:35 is not acceptable for this water use.



KEN BUHLER
Natural Resources Engineer

Approved by



JAMES A. GOODMAN, P.E.
Natural Resources Engineer

REFERENCES:

Allen, J.C., Iles, D.L., and Petres, A.K., 1985, Analysis of Groundwater and Streamflow Data Western Dakotas Region of South Dakota, Tasks 3A.B.C. and 4A.B.: Groundwater Resource Inventory: South Dakota Department of Water and Natural Resources

Rothrock, E.P, 1938, Artesian Conditions in Western Central South Dakota, South Dakota Geologic Survey Report of Investigations No. 26, Vermillion SD

Schoon, R.A., 1971, Geology and Hydrogeology of the Dakota Formation in South Dakota, South Dakota Geologic Survey Report of Investigations No. 104, 55 p.

Water Rights Program, 2005, "Observation Well Files", SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD, 57501

Water Rights Program, 2005, "Water Permit Files", SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD, 57501



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2566-2, Chamberlain Country Club**

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. 2566-2, Chamberlain Country Club, c/o Val Moore, PO Box 56, Chamberlain SD 57325.

The Chief Engineer is recommending APPROVAL of Application No. 2566-2 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. 2566-2 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.
3. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
November 18, 2005

Publisher's Affidavit of Publication

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF LYMAN)

Lucy Halverson, of said county and state being duly sworn on her oath says: The Lyman County Herald is a weekly newspaper of general circulation and published in Presho, Lyman County, and State of South Dakota; and has been such newspaper during the times hereinafter mentioned; That said newspaper is a legal weekly, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said County of Lyman more than fifty-two successive weeks next prior to publication of the notice hereinafter mentioned and maintained at the place of publication; That I, the undersigned am editor of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; that the advertisement headed:

Notice of Water Application

a printed copy of which is hereto attached and published in the said newspaper for 2 consecutive week(s).

The first publication of said notice in said newspaper aforesaid was on Wednesday, the 30 day of Nov, A.D., 2005 and that the succeeding publications were severally
Wednesday, the _____ day of _____ A.D., 2005
Wednesday, the _____ day of _____ A.D., 2005
Wednesday, the _____ day of _____ A.D., 2005
Wednesday, the _____ day of _____ A.D., 2005
Wednesday, the _____ day of _____ A.D., 2005
Wednesday, the _____ day of _____ A.D., 2005
Wednesday, the _____ day of _____ A.D., 2005
Wednesday, the _____ day of _____ A.D., 2005

and the last publication on Wednesday, the 7 day of Dec, 2005, that the full sum of fees charged for publishing the same, to-wit; the sum of \$ 44.93 insures solely to the editor of The Lyman County Herald. That no agreement or understanding for any division thereof had been made with any other person, and that no part thereof has been agreed to be paid to any person whatsoever.

Lucy Halverson
Renelle Utthe
Notary Public

Subscribed and sworn to before me this 30 day of Dec, 2005

My Commission expires _____
RENELLE UTTHE
NOTARY PUBLIC - SOUTH DAKOTA
My Commission Expires
September 20, 2007

December 7, 2005

Public

NOTICE OF APPLICATION NO. 2566-2 to Appropriate Water

Notice is given that Chamberlain Country Club, c/o Val Moore, PO Box 56, Chamberlain SD 57325 has filed an application for a water permit to appropriate 0.33 cubic feet of water per second from one well to be completed into the Dakota Aquifer (approximately 900 feet deep) located in the NW 1/4 SE 1/4 section 14 to irrigate up to 104 acres located in the SE 1/4 NW 1/4, NE 1/4 SW 1/4, SW 1/4 NE 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4 Section 14; all in T104N-R72W. The application also proposes to authorize a pond (approximate 1 acre foot storage capacity) located in the NW 1/4 SE 1/4 Section 14-T104N-R72W. Water from the well may be diverted directly for irrigation or pumped to the pond prior to application to the golf course.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2566-2 because 1) unappropriated water is available, 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 the 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 the 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 December 19, 2005.

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. Pimer, Secretary, Department of Environment and Natural Resources.

307

RECEIVED
DEC 21 2005
WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

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

November 18, 2005

Chamberlain Country Club
% Val Moore
PO Box 56
Chamberlain SD 57325

Dear Ms. Moore:

Water Permit Application No. 2566-2 for irrigation use 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 Lyman Co. Herald printed at Presho, SD (Ph # 605-895-6397). 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 a 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, 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 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 18, 2005

Lyman County Herald
PO Box 518
Presho SD 57568

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 2566-2 to Appropriate Water to be published twice. Please publish the first notice on November 30, 2005 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 Chamberlain Country Club, % Val Moore, PO Box 56, Chamberlain SD (Ph # 605-734-4451).

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. 2566-2

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

Date _____

We are in receipt of your letter of November 18, 2005 enclosing Notice to Appropriate Water by Application No. 2566-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on November 30, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2566-2 to Appropriate Water

Notice is given that Chamberlain Country Club, c/o Val Moore, PO Box 56, Chamberlain SD 57325 has filed an application for a water permit to appropriate 0.33 cubic feet of water per second from one well to be completed into the Dakota Aquifer (approximately 900 feet deep) located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14 to irrigate up to 104 acres located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14; all in T104N-R72W. The application also proposes to authorize a pond (approximate 1 acre foot storage capacity) located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14-T104N-R72W. Water from the well may be diverted directly for irrigation or pumped to the pond prior to application to the golf course.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2566-2 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 the 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 the 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 December 19, 2005.

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**

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JAN 26 2006

Chamberlain Country Club
% Valerie Moore
PO Box 56
Chamberlain SD 57325

Dear Ms. Moore:

Enclosed is Water Permit No. 2566-2 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



2566-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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www.state.sd.us/denr

January 26, 2007

NOTICE

TO: CHAMBERLAIN COUNTRY CLUB, VALERIE J MOORE, PO BOX 56, CHAMBERLAIN,
SD 57325 0056

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2566-2. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2566-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2566-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **March 1, 2007**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

2566-2

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Label/Receipt Number: 2301 3460 0000 8516 2371

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- Delivered, February 13, 2007, 4:47 pm, CHAMBERLAIN, SD 57325
- Notice Left, January 27, 2007, 8:30 am, CHAMBERLAIN, SD 57325
- Acceptance, January 26, 2007, 11:05 am, PIERRE, SD 57501

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Postal Service Signature Confirmation Receipt	
SIGNATURE CONFIRMATION NUMBER: 2301 3460 0000 8516 2371	CHAMBERLAIN COUNTRY CLUB VALERIE J MOORE PO BOX 56 CHAMBERLAIN SD 57325 0056
	Waiver of Signature ☐ YES ☐ NO
	Postmark Here
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**DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

February 15, 2007

2566-2

Valerie J Moore
Chamberlain Country Club
PO Box 56
Chamberlain SD 57325

Dear Ms. Moore:

I am writing to acknowledge receipt of your 2006 irrigation questionnaire. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Permit No. 2566-2.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,


Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

TO: CHAMBERLAIN COUNTRY CLUB, TREVOR MCDONALD, PO BOX 56, CHAMBERLAIN, SD 57325 0056

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2566-2. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2566-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2566-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq/aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

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- Notice Left, January 23, 2010, 8:30 am, CHAMBERLAIN, SD 57325
- Arrival at Post Office, January 23, 2010, 7:21 am, CHAMBERLAIN, SD 57325

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CHAMBERLAIN COUNTRY CLUB
TREVOR MCDONALD
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Waiver of Signature ☐ YES ☐ NOPostmark
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PS Form 3800, July 2002

Not picked up, however questionnaire info was received and no follow-up is necessary.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 5, 2010

2566-2

Chamberlain County Club
c/o Trevor McDonald
PO Box 56
Chamberlain SD 57325

Dear Mr. McDonald:

I am writing to acknowledge receipt of your 2009 irrigation questionnaire. You may disregard the January 22, 2010, "Notice" concerning reporting requirements for Water Permit No. 2566-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

It is our understanding that the Dakota well authorized by Water Permit No. 2566-2 has not been completed. Enclosed are partially completed application forms to amend No. 2566-2 for an extension of time. SDCL 46-5-26 states a permit may be amended by extending the time for the completion of construction, or for application to beneficial use, for a reasonable time, but only on account of delays due to physical or engineering difficulties which could not have been reasonably anticipated, due to operation of law beyond the power of the applicant to avoid, or due to other exigent circumstances identified by the water management board. The date to complete construction of works for Permit No. 2566-2 is December 19, 2010. To qualify for an extension, the application needs to be filed prior to this date, preferably by October 1st.

The application forms need to be reviewed, signed and notarized. Based on the above criteria, please submit an explanation of why you are requesting the extension of time. The application fee will be \$100.00.

In your phone conversation with Genny McMath, you mentioned an existing well on the golf course property. If this existing well is being used to supply water on the country club's property, please contact us. Your project may require an additional permit in addition to extending the time for Water Permit No. 2566-3.

If you have any questions, please contact Eric Gronlund or me.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure



2566-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: CHAMBERLAIN COUNTRY CLUB, TREVOR MCDONALD, PO BOX 56, CHAMBERLAIN,
SD 57325 0056

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2566-2 & 2566A-2. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2566-2 & 2566A-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 7, 2012** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2566-2 & 2566A-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 23, 2012

2566-2
2566A-2

(via email)
Greg Powell, City Engineer
City of Chamberlain
715 N Main
Chamberlain SD 57325

RE: Chamberlain Country Club

Dear Greg:

I am writing to acknowledge receipt of the information needed for the 2011 irrigation questionnaires for the country club. Thank you for taking care of this for them.

A notice was sent January 24, 2012, to **"Trevor McDonald, Chamberlain Country Club, PO Box 56, Chamberlain SD 57325-0056"** concerning reporting requirements for Water Permit Nos. 2566-2 and 2566A-2. The notice was sent by certified mail – signature confirmation requested. As of today's date, the package had not yet been signed for or delivered.

Since the questionnaire information is now on file, the issue has been removed from the agenda for the upcoming board meeting. At your request, future questionnaires for the country club will be directed to your attention. Should a change be needed in the future, please contact me.

Sincerely,

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

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



2566-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 13 2013

2566-2
2566A-2

Greg Powell
Chamberlain Country Club
715 N Main
Chamberlain SD 57325

Dear Mr. Powell: *Greg*

Enclosed is Water License No. 2566A-2. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2566A-2, 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 License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

Note: The applicable portions of Water Permit No. 2566-2 have been incorporated into Water License No. 2566A-2.