

2118-3 FISH LAKE COUNTRY CLUB, INC.

4-23-72 PLANKINTON, S.D. 57368

10-4-77 ...

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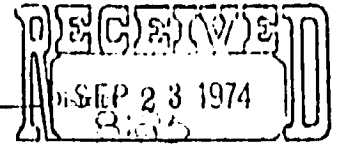
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5-27-70 ...

Water Right Number 2118-3

1. Considered NOVEMBER 13, 1972
2. Name of Applicant FISH LAKE COUNTRY CLUB, INC.
3. Post Office Address PLANKINTON
4. Amount of water claimed .69
5. Source of water supply FISH LAKE
6. Water to be used for IRRIGATION  
Acres to be irrigated 48.25
7. Water to be diverted and used in AURORA County  
about 5 Miles E of PLANKINTON
8. Proof of Publication Received 10-11-74  
Not received \_\_\_\_\_
9. Application Approved \_\_\_\_\_  
Subject to \_\_\_\_\_  
Not approved \_\_\_\_\_  
Action deferred \_\_\_\_\_

10. Remarks:



No. 2118-3  
 Map No. 1516-3 Water Division No. 3 JAMES RIVER  
 (Blanks to be Filled by the Engineer for the W. R. C.)

STATE WATER RIGHTS COMM.  
 PIERRE, SOUTH DAKOTA

# APPLICATION FOR PERMIT

## To Appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

- Name of Applicant Fish Lake Country Club, Inc.  
 Postoffice address Plankinton, State South Dakota  
 If a corporation show date and place of incorporation 1971 - Plankinton, S. Dak.
- Method of accomplishing work (contract, employment of others, or by direct labor) Employment of others
- Name of diversion work Fish Lake Country Club Irrigation Project
- Amount of water claimed (cubic feet per second) .69
- Source of water supply Fish Lake
- Location of point of diversion 180 rods NE of SW Corner of Sec. 16-103-63  
 \_\_\_\_\_ County Aurora
- Annual period or periods during which water is to be used April 1 - October 1
- Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
- For irrigation use, Total number of acres to be irrigated 48.25

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>SW 1/4-16-103-63 - Lot S-1</u>	<u>48.25</u>		

Attach sheet if more space is needed

- Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use Nine years.
- Choice of newspaper for Notice of Intent to Appropriate Water publication South Dakota Mail, Plankinton, S.D.
- Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Pumping station

B. Works proposed to transport water to place of use.

pipeline

C. Works proposed to apply water to beneficial use.

sprinklers

Estimated Total Cost \$ 10,000.00

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map. (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA )

County of Aurora )

I, R. L. Rewell, the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction

Fish Lake Country Club

Signed R. L. Rewell Pres.

Subscribed and sworn to before me this 21st day of September, 1974

ROGER D. [Signature]  
 Aurora County, South Dakota  
 My Commission Expires Nov. 10, 1981

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2118-3

FISH LAKE COUNTRY CLUB, INC. PLANKINTON  
(Applicant) (Post Office Address)

SOUTH DAKOTA 57368 With the following modifications:  
(State)

THIS PERMIT NO 2118-3 IS APPROVED FOR A DIVERSION RATE OF .11 CFS. TO IRRIGATE 4 ACRES OF TEES, GREENS & CLUBHOUSE AREA.

IF IN THE OPINION OF THE WATER RIGHTS COMMISSION, THE FISH LAKE WATER LEVEL LOWERS TO A CRITICAL LEVEL, THE DIVERSION OF WATER UNDER THIS PERMIT IS TO BE SUSPENDED UNTIL THE WATER LEVEL RAISES TO AN ACCEPTABLE LEVEL, IN ORDER TO PROTECT THE INTERESTS OF THE PUBLIC UNDER THE DEPARTMENT OF GAME, FISH & PARKS "VESTED RIGHT" FILING NO 800-3

*See also 4530-3*

Date of first receipt of application SEPTEMBER 23 19 74  
Date of return to applicant for correction, amendment, or changes required \_\_\_\_\_ 19 \_\_\_\_\_  
Date of receipt of corrected application \_\_\_\_\_ 19 \_\_\_\_\_  
Approved NOVEMBER 13 19 74, Recorded in Book 13 Page 120

WATER RIGHT PERMIT NO. 2118-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2118-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is SEPTEMBER 23 19 74
  2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 13 19 77
  3. The whole of said work is to be completed on or before NOVEMBER 13 19 79
  4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 13 19 83
  5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed .11 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before NOVEMBER 13 19 83; said water to be used during the following described annual period: APRIL 1 TO OCTOBER 1

Witness my hand this 22<sup>ND</sup> day of NOVEMBER 19 74

WATER RIGHTS COMMISSION

By: Donald W. Russell  
Chief Engineer, Executive Officer

Certificate of Construction Issued \_\_\_\_\_ 19 \_\_\_\_\_

Water License Issued \_\_\_\_\_ 19 \_\_\_\_\_



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Butte ) ss.

Edward Carl Sandberg hereby

certify that the annexed printed copy of Notice of Intent to Appropriate Water was taken from the South Dakota mail

A newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the \_\_\_\_\_

English language of Sioux Falls

County of Butte and State of South Dakota; that the said notice was published in said newspaper on the following two dates:

Oct. 3, 1974

Oct. 10, 1974

Edward Carl Sandberg  
(Signature)

Editor & Publisher  
(Title)

Oct. 10, 1974  
(Date Signed)

NOTICE INTENT TO APPROPRIATE WATER

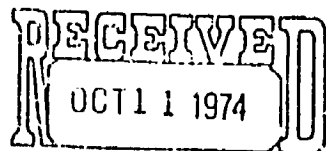
Pierre, South Dakota 57501  
September 30, 1974

Notice is hereby given that Fish Lake Country Club, Inc. whose post office address is Plankinton, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use .69 cubic feet of water per second of time from Fish Lake through the Fish Lake Country Club Irrigation project, the point of diversion of which is to be located in the SW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 16, Twp. 103N, Range 63W. Said water to be used for the purpose of providing irrigation on a portion of the following described land:

E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>, Section 16, T103N, R63W.

This application No. 2118-3 will be considered by the Water Rights Commission at its the Embassy Room No. 1 at the Downtown Holiday Inn at Sioux Falls, S. D. upon the 13th day of November, 1974, at 2:30 P. M. All interested persons may appear and be heard.

Water Rights Commission  
By: Burton F. Jones  
Water Rights Specialist  
21.0-10.



STATE WATER RIGHTS COMM.  
PIERRE, SOUTH DAKOTA

Publish first publication, on or before October 31, 1974

**NOTICE  
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

September 30, 1974

Notice is hereby given that Fish Lake Country Club, Inc.  
whose post office address is Plankinton, South Dakota, has made an application in accordance  
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use  
.69 cubic feet of water per second of time from the Fish Lake through the  
Fish Lake Country Club Irrigation Project, the point of diversion of which is to be located in the \_\_\_\_\_

\_\_\_\_\_ S1/4 SE1/4 \_\_\_\_\_  
of Section 16, Twp. 103N, Range 63W. Said water to be used for the purpose  
of providing irrigation <sup>of a portion of</sup> the following described land:  
E1/2 SW1/4, Section 16, T103N, R63W

This application No. 2115-3 will be considered by the Water Rights Commission at its office at  
Downtown Holiday Inn at Sioux Falls, S.D.  
upon the 13th day of November, 1974, at 2:30 P. M. All interested  
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

**BURTON F. JONES**  
Water Rights Specialist

BFJ/bw

cc: R.L. Newell, President, Fish Lake Country Club, Plankinton, S.D. 57368



# INTER-DEPARTMENT CORRESPONDENCE



## State of South Dakota

Robert L. Hanten  
Game, Fish & Parks

Dr. Driscoll  
Natural Resources

From Dept. of \_\_\_\_\_ To Dept. of \_\_\_\_\_  
Fish Lake Country Club Irrigation

Subject: Project \_\_\_\_\_ Date November 7, 1974

Dear Don:

Regarding the Fish Lake Country Club's request for 0.69 c.f.s. of water to irrigate 43 acres of golf course from Fish Lake, Aurora County, we have the following comments and recommendations.

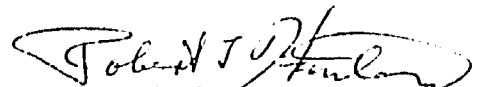
It is our understanding that this permit is primarily requested to irrigate tees and greens, however, the application covers the entire 48 acres of the golf course. The intent must be to eventually irrigate the entire golf course. If the permit is granted as requested, the Country Club could withdraw nearly 144 acre feet of water per year from the lake. ~~X~~ regardless of the primarily request, we must look at the application from the maximum amount of water that could possibly be taken.

Fish Lake is a 200 acre, shallow lake capable of sustaining fish life only during periods of relatively wet years. The maximum depth of the lake is about five foot and average depth about three feet. The lake is managed as a marginal fisheries water (sustains fish life three years out of five) and also for waterfowl, furbearers and associated upland and big game. Withdrawal of large volumes of water during the summer months, even during normal runoff and precipitation years, could cause serious problems concerning game and fish management and the survival of aquatic and wetland related species.

We recommend that if a permit is issued to the Fish Lake Country Club to irrigate portions of the golf course from Fish Lake that the permit be limited to only those acreages involved in their tees, greens, and lawn (immediately around the Club Houses) not to exceed four acres maximum and if in the opinion of the Department of Game, Fish and Parks the lake level falls below an acceptable level, the irrigation may be temporarily suspended until the lake reaches a level where pumping may be resumed.

If these recommendations are not acceptable to the Water Rights Commission or the Fish Lake Country Club, we suggest that the action on the permit be deferred until the Game, Fish and Parks Commission has an opportunity to review the request.

Sincerely,

  
Robert L. Hanten  
Fisherie. Staff Specialist

RLH/mt

cc: Warren Jackson, Director  
Melvin Brunken, Reg. Officer  
Gerald Heismeyer, C. O.

Roland Colony Water Right Application  
No. 2118-3 & No. 3-9-3  
Water Right Commission Hearings  
July 27-28, 1977

2118-3  
Maxine McKeown  
Cashnell, South Dakota

Dear Mr. Chairman and members of the Commission: Thank you for the opportunity to express my views on the matter of the Roland Colony permit. My name is Maxine McKeown, I am a farm wife. Our farm is very much involved in the granting of this water permit. My husband and I are not opposed to the judicious, reasonable use of water for irrigation. We are certainly not opposed to granting water to the Roland Colony and some people for the simple reason that the Colony is "apart" from our world. We are interested in conservation of water, of land, and obedience to the law. And the law states that water use shall be reasonable and beneficial.

We did not know that some of the land to be irrigated was on the same section as our land. This section is Vienna Loan, an excellent soil -- with a heavy clay substructure. My husband knew after farming this soil since 1927 that claypan is a problem--the soil is heavy-- it needs to maintain tiffth. I know from large gardening experience, that such very limited water application to this soil could cause serious problems. In regard to the ability of the soil to stand up under heavy applications of water, the following is important to know. The SE quarter of this section has quite a slope. Studies show that after 1 1/2 inches of water applied, to even a 5% slope of land, there is considerable problems of possible soil erosion, serious soil erosion.

One of the requirements of the granting of a water permit is information, we understand, from the SGS, showing the soil feasibility of irrigation. In contacting the local SGS for this information, I was told their office did not have the information we needed.

We offer these reservations to the granting of the permit for the Roland Colony. Just touching upon the matter of depletion of our well, we would state, that apparently we are not over any reservoir. Our 70 year old 240 foot deep well apparently taps a vein of water. Does this vein come out of the aquifer that is to be tapped? If so what is our situation? We have no artesian well heads. This well has supplied a sufficient amount of water to take care of the needs of cattle, hogs, and other needs for us. What is your thought on the SUFFICIENCY OF OUR WELL. Do we as a prior right DOMESTIC WELL USER have any protection under the law? If so, exactly what?

The water permit further west we see it did not possibly be denied to our neighbors, if permits have been granted to individual farmers. For the Colony represents many farmers. And the granting of this permit is a matter of equity. If use of water is reasonable, the soil will not be harmed, for we believe that its makeup is better adapted for irrigation.

Our reservations we repeat are based on the above questions. If the Commission says our prior domestic right is protected, if this Vienna Loan can be proved to hold up under long-term irrigation, and if the water application is limited to REASONABLE, SUPPLEMENTAL USE, we have no objections to the issuance of these permits.

Thank you.

Water Rights Division - DWIR  
Conversation or File Documentation

File No. 119-3

NAME OF PERSON OR FILE: High Lake Community Dist

ADDRESS: Pl. Kistal COUNTY Alameda

DATE: 9/7/90 TELEPHONE

RE: Dist. Board Proc. 1942-7538

COMMENTS:

*Handwritten notes in cursive script, mostly illegible due to bleed-through and fading. Some legible words include "water", "permit", "board", "action", "decision".*

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: \_\_\_\_\_



2118-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
www.state.sd.us/denr

SEP 8 1998

5947-3

Gary Kristensen, President  
Fish Lake Country Club, Inc.  
Box 413  
Plankinton, SD 57368

Dear Mr. Kristensen:

Enclosed are Water Permit and Water License No. 5947-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414810 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

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. 5947-3, 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.

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Program  
(605) 773-3352

ks  
enclosures

NOTE: The applicable portions of Water Permit Nos. 2118-3, 4530-3, 4530A-3 and 5657-3 have been incorporated into Water License No. 5947-3.