

Water Right No. 4917-3

Corrected Application received _____ Period of Annual Use 1/1/ to 12/31

Received yes _____ no _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application-yes _____ no _____ Remarks _____

Disapproved _____ Returned _____

Diversion Point NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33-T113N-R80W

Land to be irrigated _____

Driller Dakota Boring Company Licensed - yes 234 no
Depth 64' well

Remarks PIU (~~GLASS HANGER~~) GRAY GOOSE (JAG)

MAP Map No. 4117-3 Map located in Water Right X Map file X
 Type of Map Aerial and drawn Prepared by Olerking

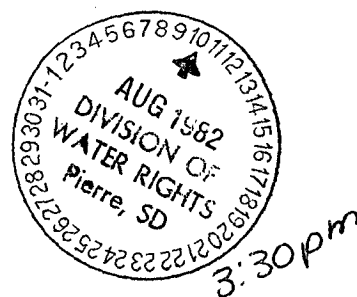
REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

10/14/82

Bette Westlund
 (Signed)

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
 F.F. & C. Final Decision, including F.F. & C. of Law were adopted _____
 OF LAW, Date
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
 DECISIONS adopted _____
 ETC. Remarks _____



No. 4917-3
 Map No. 4117-3 Water Division No. 3 MISSOURI RIVER District
 Above for Office Use 10130105

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____ (Cow Creek Lodge)

1. Name of Applicant Oahe Guide Associates, Inc. Phone No. 224-5150
 Post Office Address Star Rt A, Box 139, Pierre State SD 57501
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) _____

3. Name of diversion work Cow Creek Lodge4. Amount of water claimed (cubic feet per second) 0.115. Source of water supply groundwater

6. Location of point of diversion 1700'N & 560'E of the W 1/4 corner, Section 33,
T113N, R80W (BB)

County Hughes SULLY7. Annual period or periods during which water is to be used continuous8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) commercial

9. For irrigation use, Total number of acres to be irrigated _____

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.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water CAPITOL JOURNAL
Pierre SD

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.
well, pump & motor

B. Works proposed to transport water to place of use.
pressure system mainline & hydrants

C. Works proposed to apply water to beneficial use.
operation of Lodge & duplex units
possible hookups

Estimated Total Cost \$ _____

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)
) ss.
 County of Hughes)

I, Bob Millette 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.

Signed Bob MilletteSubscribed and sworn to before me this 10th day of August, 1982Karen Schlaak

(or other qualified officer)

KAREN SCHLAACK, Administrative Sec.
 Water Rights Division

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4917-3

COAHE GUIDE ASSOCIATES, INC.

STAR ROUTE A, Box 139, Pierre

(Applicant)

(Post Office Address)

South Dakota 57501

(State)

With the following qualifications

The ~~well~~ well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The ~~well~~ well owner, under this Permit, shall control his ~~withdrawals~~ withdrawals so there is not a reduction of needed water supplies in adequate domestic wells.

Date of first receipt of application August 10, 1982

Date of return to applicant for correction, amendments or changes required _____, 19____

Date of receipt of corrected application _____, 19____

Approved December 9, 1982, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. 4917-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4917-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is August 10, 1982

2. The equivalent of at least one-fifth of the work above specified is to be completed on or before June 9, 1985

3. The whole of said work is to be completed on or before December 9, 1987

4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is December 9, 1991

5. The water appropriated shall be used for the purpose of Commercial use
COW CREEK LODGE

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 0.11 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 use~~ ~~and if for irrigation purposes said appropriation must be limited to not more than 8 acre foot per year and be limited to not more than one seventh (1/7) of one cubic foot per second of water for each acre of land to which water is actually and beneficially applied~~ used for commercial purposes

~~for irrigation~~ on or before December 9, 1991; said water to be used during the following described

annual period: January 1st thru December 31st

Witness my hand this 14th day of December, 1982

THE WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Water Rights

JOHN HATCH

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

D Well Information

- (1) Drill Hole, Diameter 4", Depth 64'
- (2) Casing, Type plastic, Diameter 4, Thickness _____
(wood, concrete, steel, etc.)
- (3) Screen, Type slotted, Diameter 4", Length 10'
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Attach a copy of test well log) see attached log

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

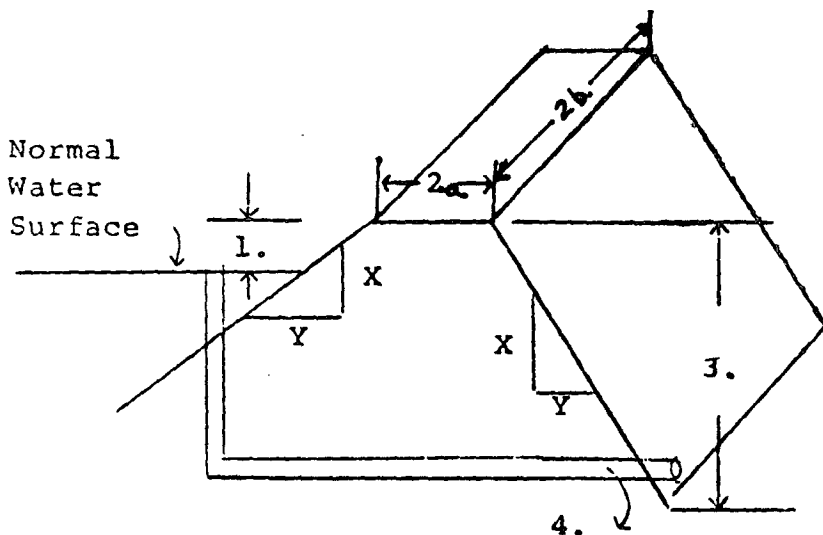
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property none rds.

On property owned by others 1 mile XXX rds.

G Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____
- 2a Crest width b. length _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
- Surface area of impoundment _____
- Drainage area above dam _____

Bob Millott

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8938

PIERRE, August 10, 1932

RECEIVED OF Safe Water Associates, Inc., Box 20, Box 15, Pierre SD

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

Fee for Application for Permit to Appropriate Water No. 4917-S (examination, processing, recording and filing) -----	1.00	00
Fee for inspecting Construction, and issuing Cert. of Construction No.-----		
Fee for inspecting Beneficial Use, and issuing Water License No.-----		
Fee for issuing Location Certificate-Dry Draw, No.-----		
Fee for filing -----		
Fee for certified copy of -----		
Fee for Print copy of map -----		
Fee for Certifying -----		
Fee for ----- (any other work as provided by law)		
TOTAL	1.00	00

WATER RIGHTS COMMISSION

By Chief Engineer, Executive Officer

PLEASE COMPLETE
ENTIRE FORM

WELL DRILLERS REPORT
Division of Water Rights
Department of Water & Natural Resources

6/60

This well has been plugged.
Lynn B. 1-3-94

Well Owner:
Name Bert Miller
Address Pierre S.D.

Water Level Information:

Static water level 30 ft below land surface

If flowing: closed in pressure PSI
rate of flow GPM

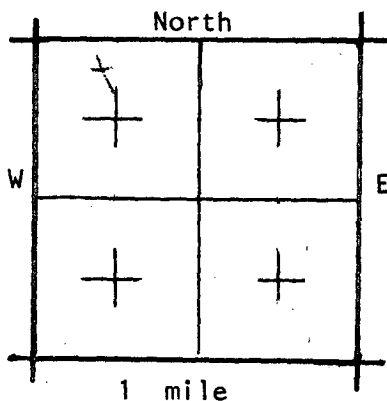
Controlled by:

☒ Valve ☐ Reducers ☐ Other

If other; specify

Well Location:

Mark location
with an "X"



County Sully
N 1/4 Sec. 33 Twp. 113 Rg. 80

Well Test Data:

☒ Pumped

☐ Bailed

Describe:

☐ Other

Pumping Level Below Land Surface

39 ft. After 1 1/2 Hrs. pumped 15 GPM
" " " " " "
" " " " " "

Proposed Use:

☒ Domestic ☐ Municipal ☐ Test
Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

☒ Forward Rotary ☐ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Well Construction:

Diameter of Hole 4"
Depth 24'
Casing ☐ Steel ☐ Concrete
☒ Plastic ☐ Other
If other, specify

Was casing end left open NO
Was a well screen installed YES
Describe Well Screen
Diameter 4" Material plastic
Slot size .010
Was well gravel packed YES
Was well grouted NO
Was water sample taken YES

Remarks:

Well Log:

Formation	Depth	
	From	To
<u>Top Soil</u>	<u>0</u>	<u>1</u>
<u>Yellow Clay</u>	<u>1</u>	<u>25</u>
<u>Sand & gravel</u>	<u>25</u>	<u>62</u>
<u>Shale</u>	<u>62</u>	<u>80</u>

(Use Back if Necessary)

Date Completed: 8-5-80

Driller:

Dakota Drilling Co. 234
Driller's or Firm's Name License NO.

Pierre S.D.
Address

Wesley B. Bann

Signed By

8-5-80

Date

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

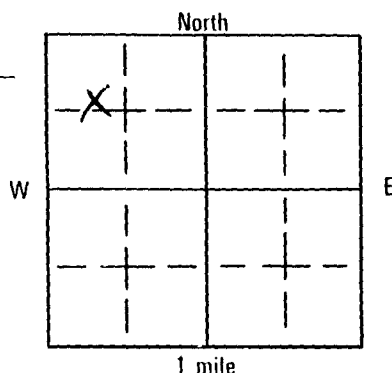
Location ~~7~~ Sec. 33 Twp. 113 Rg. 80

SE-NW-NW

County

Sully

Please mark well location with an "X"

Well Completion Date April 22, 1991

PROPOSED USE:

- ☒ Domestic ☐ Municipal ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Mud Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>200</u> LB/FT	<u>4</u> IN	<u>53</u> FT	<u>63</u> FT	<u>6 1/2</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 50 FEETWhat is grouting material? Bentonite 28'-50' Cement 0'-28' If cement, number of sacks? 10 sacksDescribe grouting procedure Pumped in through 1" Pipe.

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 4 IN Length 10 FEETMaterial PVCSlot Size .010 Set From 0 Feet To 53 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain HTHBacteriological analysis ☐ YES ☐ NOLaboratory sent to Pierre

Well Owner:

Name Cow Creek LodgeAddress HCR 27 Box 134 Pierre, SD,

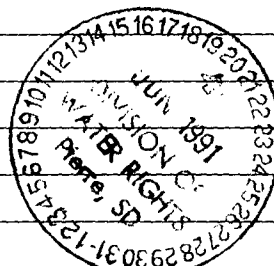
Well Log:

Depth

Formation

From

To

Top Soil01Yellow Clay125Sand - Gravel2562Shale62-STATIC WATER LEVEL 50 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped☐ BailedDescribe: Submersible☐ Other

Pumping Level Below Land Surface

60 ft. After 2 Hrs. pumped 12 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 234

And this report is true and accurate.

Drilling firm Dakota Boring Co.

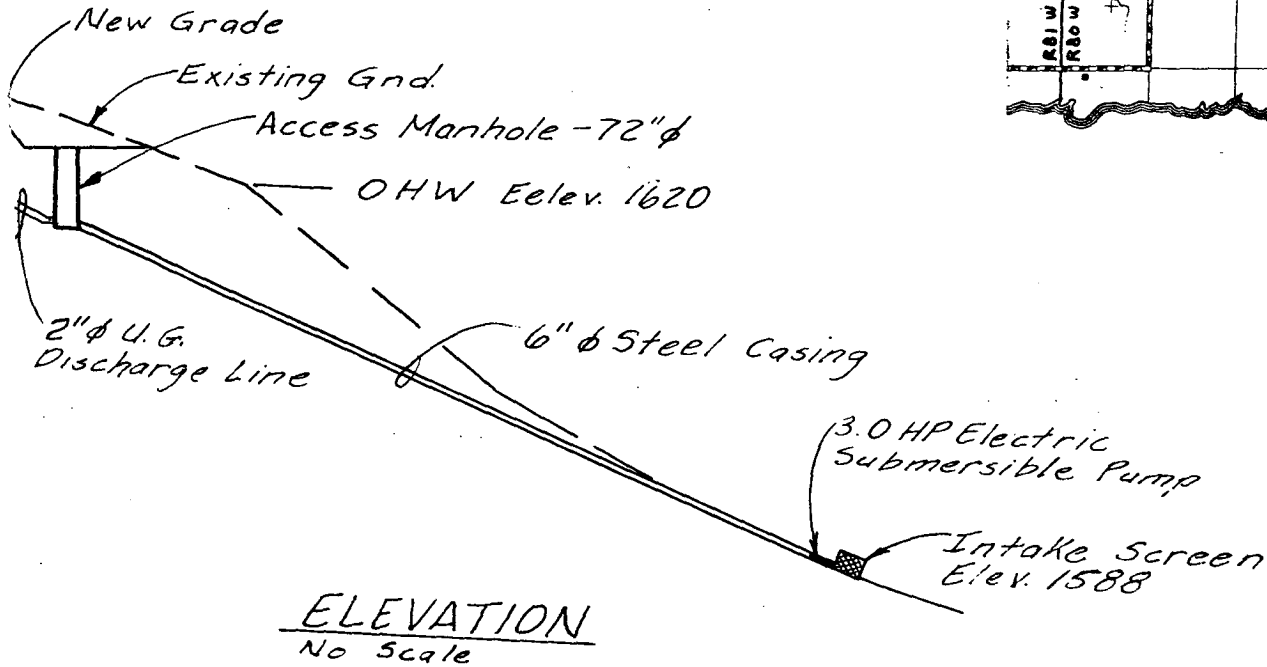
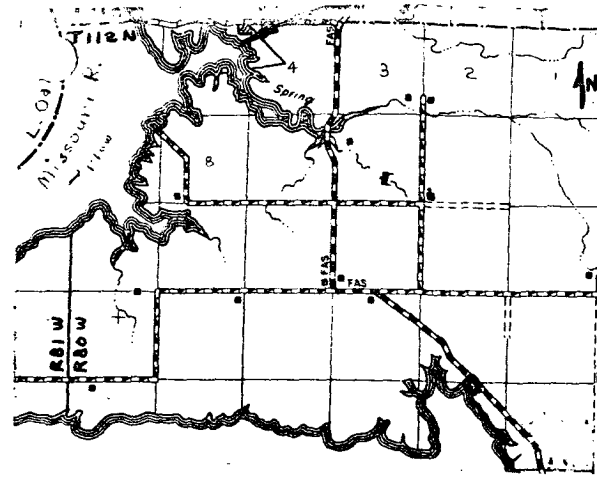
Signature of License Representative:

[Signature]

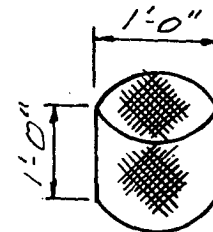
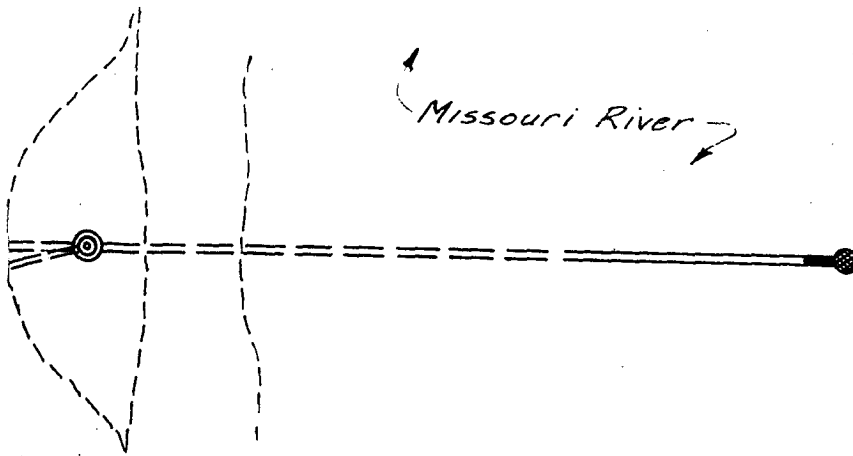
Signature of Well Owner:

[Signature]Date May 10, 1991

The well owner is sending in a sample

Notes:

1. Total Screened Area = 3.92 ft.²
2. Total Open Area = 2.27 ft.²
3. % of Open Area = 58%
4. Intake Velocity = .04 f.p.s.



SCREEN DETAIL
No Scale

PURPOSE: Intake Structure

DATUM MSL

ADJACENT PROPERTY OWNERS:

1 U.S. Government

2

Sec. 5, T. 112 N., R. 80 W.
IN Missouri River
AT Mile 1088.306

COUNTY OF Hughes

STATE S.D.

APPLICATION BY John Nystrom

SHEET 1 OF 1 DATE 9-28-82

Comments received after the public notice expiration date will not be considered.

A permit, if granted, will be under Section 10 of the River and Harbor Act of 3 March 1899 (30 Stat. 1151; 33 USC 403), and under the provisions of Section 404 of the Clean Water Act.

A drawing showing the location and extent of the work is attached to this notice.

Attachment
As stated

A handwritten signature in cursive script, appearing to read "Ralph J. Miller".

RALPH J. MILLER
Chief, Regulatory Functions Branch
Operations Division

Water Rights Division
605 773-3352

October 6, 1982

4917-3

Oahe Guide Associates, Inc.
Star Route A
Box 139
Pierre SD 57501

Dear Sir:

It was discovered at our Staff meeting that your Application No. 4917-3 was advertised in the wrong County paper. The project is in Sully County and must be advertised in the Onida Watchman.

Our office will take care of the advertisement notice. The next meeting will be December 9, 1982 in Aberdeen SD.

If you have any questions please contact this office.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW:ks

cc: Jim Oehlerking
Morris Irrigation
Ft. Pierre SD



US Army Corps
of Engineers
Omaha District

Public Notice

Reply to:
Permits Branch
PO Box 5
Omaha, NE 68101

Application No: SD 2SB OXT 3 004960
Date: 6 October 1982
Expiration Date: 4 November 1982

MROOP-N-1

30-DAY NOTICE

John Nystrom

Intake Structure

Missouri River Mile 1088.30L (Lake Oahe)

NOTICE OF PERMIT PENDING

The application of John Nystrom, Oahe Lodge, Rural Route 3, Pierre, South Dakota 57501, for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Engineer District, Omaha, Nebraska.



The applicant requests permission to install an intake structure in the Missouri River at mile 1088.30L located in Section 5, Township 112 North, Range 80 West, Hughes County, South Dakota.

The work will consist of excavating approximately 10 cubic yards of material below the ordinary high waterline to provide a trench 2 feet wide for the installation of a 6-inch diameter pipe encasing a 3-horsepower electric pump. The intake screen will be a 1-foot diameter cylinder shape with $\frac{1}{4}$ -inch openings and have 58 percent of its area open (see the attached drawing). The intake velocity at the screen will be .04 foot per second. After the installation is complete the trench will be backfilled and returned to its original line and grades.

The purpose of the project is to supply water for commercial and domestic use in the area.

The State of South Dakota has waived its right to certify compliance with applicable water quality standards required under the provisions of Section 401 of the Clean Water Act. Accordingly, certification that the proposed project will not violate applicable water quality standards has been requested from the Regional Administrator, Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295.

In compliance with the National Environmental Policy Act of 1969 and Section 106 of the National Historic Preservation Act of 1966, as amended, the National Register of Historic Places and current supplements have been consulted. There are no sites included or which have been determined eligible for inclusion therein which will be affected by the proposed project. The left bank of Lake Oahe in South Dakota was investigated for cultural resources in 1978 by the University of Nebraska. Two sites were located near the project area: 39HUL75 (stone circles) and 39HUL76 (rock cairns). The South Dakota area archeologist visited the area on 5 August 1982. No cultural resources will be impacted by the intake structure.

In compliance with the Endangered Species Act, our review indicates that the proposed activity will not affect species designated as threatened or endangered pursuant to the Endangered Species Act or their critical habitat.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R., Part 230).

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reason for holding a public hearing. The request must be submitted to the District Engineer, Omaha District, Corps of Engineers, P.O. Box 5, Omaha, Nebraska 68101.

Any interested party (particularly officials of any town, city, county, state, federal agency, or local association whose interests may be affected by the proposed work) is invited to submit to this office written facts, arguments, or objections on or before 4 November 1982. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this permit application.



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
(605) 773-3352

No. 4917-3

October 20, 1982

Watchman
Box 9
Onida, South Dakota 57564

Dear Editor:

Enclosed is a Notice of Intent to Appropriate Water by Oahe Guide Associates, Inc.

Application No. 4917-3, in Sully County, South Dakota. Please publish this notice once each week for two consecutive weeks in your paper. The first

publication should be on, or before October 28, 1982.

^{Two}
~~The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. The applicant is to pay the cost of publication and should make the necessary arrangements with you to pay these costs.~~ *Bill this office for advertising. Ben*

Please receipt for this notice IMMEDIATELY after first publication attaching thereto a copy of the first publication so that it may be compared with the records. For your convenience, you may use the printed form below for this purpose.

After final publication, please complete and mail to this office, the enclosed Form 8 to furnish Proof of Publication. The permit to appropriate water cannot be issued until this proof of final publication is received. This Proof of Publication must be filed within 60 days of this notice for the applicant to retain his priority.

For the Water Management Board,

BW:ms

Encl: Forms 6 & 8

cc: Applicant

BETTY WESTLUND, Water Rights Specialist

No. _____

Date _____

TO: Water Rights Division
Joe Foss Building
Pierre, SD 57501

We are in receipt of your letter of _____, 19____ enclosing Notice of Proposed Appropriation of Water, as proposed in Application No. _____ which was first published in our issue of _____, 19____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

NAME _____

NEWSPAPER _____

No. 4917-3

Publish first publication, on or before October 28, 1982

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 20, 1982

Notice is hereby given the Oahe Gulde Associates, Inc. whose post office

address is Star Route A, Box 139, Pierre, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-41 (ground) 46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, (Future use) 46-5-38; (transfer lands) ~~46-5-33 thru 46-5-35~~ and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, (Future use) ~~74:02:01:23 thru 74:02:01:26 (10,000 AFA)~~ ~~74:02:07:01 thru 74:02:07:03~~, for a permit to appropriate for beneficial use

0.11 cubic feet of water per second of time from groundwater (one well) through the Cow Creek Lodge, the point (S) of diversion which is (are) to be located in the NW1/4

of Section 33, Twp. 113N, Range 80W. Said water to be used for purpose of providing ~~irrigation on portions of the following described land:~~

water supplies for commercial use

This Application No. 4917-3 will be considered by the Water Management Board at Dakota Room Sheraton Inn, Aberdeen, South Dakota upon the 9th day of December, 1982

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNr, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

For the Water Management Board

BW :ms
cc: applicant

BETTY WESTLUND, Water Rights Specialist

WNR-806-2/82

No. 4917-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Sully) ss.

I, Parker Knox hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Onida Watchman

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

City of Onida

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

Thurs., Oct. 28, 1982

Thurs., Nov. 4, 1982

(Signature)

(Title)

11/4/82
(Date Signed)

Cost of Printing: \$ 19.13

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER

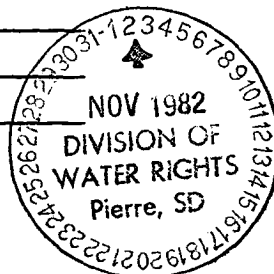
Notice is hereby given the
Oahe Guide Associates, Inc.
whose post office address is Star
Route A, Box 139, Pierre, South
Dakota, has made an application
in accordance with the provi-
sions of SDCL 46-1-1 thru
46-1-9; 46-1-12 thru 46-1-14;
46-2-9 thru 46-2-11, 46-2-13;
46-5-1 thru 46-5-8, 46-5-10 thru
46-5-22, 46-5-25, 46-5-41 46-6-3
thru 46-6-5, 46-6-6.1, 46-6-10,
46-6-13, 46-6-14, and Board
Rules ARSD 74:02:01:01 thru
74:02:01:15, for a permit to
appropriate for beneficial use
0.11 cubic feet of water per
second of time from ground-
water (one well) through the
Cow Creek Lodge, the point of
diversion which is to be located
in the NW 1/4 NW 1/4 of Section 33,
Twp. 113N, Range 80W. Said
water to be used for purpose of
providing water supplies for
commercial use.

This Application No. 4917-3
will be considered by the Water
Management Board at Dakota
Room Sheraton Inn, Aberdeen,
South Dakota upon the 9th day
of December, 1982 at 10 A.M.
The Board is authorized to make
a determination on this applica-
tion at the hearing. All interest-
ed persons may appear and be
heard. Any person who may be
affected by a Board decision who
desires to present evidence or
cross-examine witnesses accord-
ing to SDCL 1-26 may notify the
Board in writing prior to the
hearing or orally at the hearing.

This hearing is an adversary
proceeding. Any person 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 at the hearing. Deci-
sions of the Board may be
appealed to the Circuit Court
and the State Supreme Court as
provided by law.

Any handicapped person wish-
ing to attend this hearing can
contact the Water Rights Divi-
sion, DWNr, Joe Foss Building,
Pierre, SD, prior to the hearing
date for assistance to assure
access to the hearing.

For the Water
Management Board
s/Betty Westlund
BETTY WESTLUND,
Water Rights Specialist
40-41



Permit No. 4917-3
Missouri River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

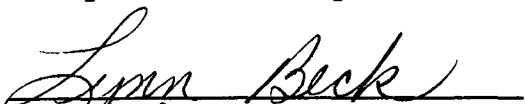
I have this day made a thorough examination of the water use system constructed by Oahe Guide Associates, Inc. (Crow Creek Lodge) of HCR 37, Box 134, Pierre, SD 57501 holder of Permit No. 4917-3, bearing the priority of August 10, 1982 authorizing the diversion of 0.11 cu. ft. per second of the waters of Grey Goose Aquifer for commercial purposes, in Sully County.

I have to report on the conditions of the same as follows:

- A. Works used to divert the water:
63' deep well with 53' of pvc casing and 10' of pvc screen. Franklin Electric Submersible motor, model no. 2443070117, 0.75 hp; submersible pump with a capacity of 32 gpm.
- B. Works used to transport water to place of use:
1500' of 2" black plastic.
- C. Works used to apply water to beneficial use:
Commercial use for restaurant and cabins.

The system is in the following condition good. The point of diversion is located 715' E and 1525' N of the W 1/4 corner Sec. 33-T113N-R80W. The works are capable of diverting and conveying to the place of use 0.07 cu. ft. per second of water which is to be used for operation of the Lodge and duplex unit hookups. The license should be issued for 0.07 cfs. Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: none Date: 7-27-92


Lynn Beck
Natural Resources Engineer
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 4917-3

DATE: 7-27-92

Other permit(s) associated with the project: none

DIVERSION POINT LEGAL LOCATION: 715' E and 1525' N of the W 1/4 corner Sec. 33-113-80

WELL INFORMATION:

- 1) Well Drilling Firm: Dakota Boring Company
- 2) No. of Wells 1
- 3) Depth(s) 63 feet
- 4) Well log is available Y
- 5) Comment: There is another well, drilled in 1982, in the NW 1/4 NW 1/4 Sec. 33-113-80 which has been plugged.

Casing:

- 1) Diameter 4 inches
- 2) Length 53 feet
- 3) Type pvc

Screen:

- 1) Type pvc
- 2) Length 10 feet
- 3) Static water level 50 feet

Pump:

- 1) Make Submersible
- 2) Model
- 3) Size
- 4) Capacity 32 GPM

Motor:

- 1) Make Franklin Electric Submersible
- 2) Model No. 2443070117
- 3) Horsepower rating 0.75 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type black plastic 2) Size 2 inches 3) Length 1500 feet

SYSTEM TYPE: Commercial use for restuarant and cabins.

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A

NOT TO SCALE

113-80 A-4

Carol Anderson Rev. Tr.

E.M. Young

OT - Hughes - 1990

Well

715'

T-123

1525'

100.7'

A-3

33

Prepared by

Lynn Beck

Natural Resources Engineer
DENR, Water Rights Division

3/4/93

Lynn Beck

52
76.5

36
81.2

47

2.6

113-80

A-4

58
18.9

100-L

4917-3

Conversation or File Documentation

NAME OF PERSON OR FILE: John Hatch - DENR, Water Rights Div.

ADDRESS: _____ COUNTY _____

DATE: 3-5-93 TELEPHONE _____RE: Licensing of Permit 4917-3.

COMMENTS:

Permit 4917-3 appropriates water for Cow Creek Lodge / Restaurant. They have received a notice for poor water quality. Dale Selken and myself spoke with John Hatch to see if we should hold up on the licensing until their water quality problem had been addressed. Mr. Hatch felt that we should go ahead and license the Permit and the proper authorities would deal w/ the water quality issue.

The property for which Permit 4917-3 appropriates water is in the process of being purchased by Tom Olson. Before licensing, I will send a transfer of ownership form and wait to receive the completed forms.

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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

March 8, 1993

Tom Olson
2513 Marson Drive
Sioux Falls, SD 57103

Dear Mr. Olson:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 4917-3. The water is currently listed in the name of Oahe Guide Associates, Inc.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

The inspection report for licensing will be completed after the transfer of ownership form and information of how much water is actually used is received. Particular information needed is the gallons per minute of water used by the lodge/restaurant under Permit No. 4917-3 and make and model of the pump, if known.

If you have any questions, please contact me.

Sincerely,

Lynn Beck
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

No. _____

TO: Chief Engineer
Water Rights Division, DWR
523 East Capitol
Pierre, SD 57501-3181

Date: 4-28-93I, We request that Water Permit/~~Right~~ No. 4917-3formerly owned by: Oahe Guide Associates, Inc.be transferred to: (name & address) Tom Olson 2513 Marson Drive, Sioux Falls, SD 57103New Address HCR 37 Box 134, Pierre S.D. 57501 (telephone No.) (605) 334-4154

Title to the following described land(s)/property has been transferred as described above:

Sully County, the SE 1/4 of the NW 1/4 of the NW 1/4 of Section 33,
Township 113 N., Range 80 W of the 5th P.M.

I/We understand that the validity of Water Permit/Right No. 4917-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

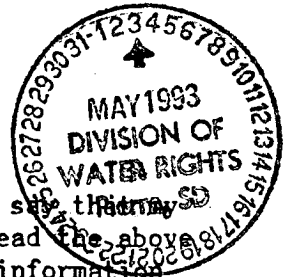
You are requested to file this "Notice of Transfer" in the appropriate file at the Division of Water Rights, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Hughes)

I/We Thomas Olson being first duly sworn on my oath depose and say that the relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.



Thomas Olson
(Signed)

Subscribed and sworn to before me this 30th day of April, 19 93.

Mary K. Carter
(Notary Public)

My commission expires 7/17/93

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a water right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

May 3, 1993

4917-3

Tom Olson
HCR 37, Box 134
Pierre, SD 57501

Dear Mr. Olson:

We are in receipt of your completed "Notice of Transfer of Ownership" form for Water Permit/Right No. 4917-3, but have not received the required \$2.50 fee. Before we can proceed with the transfer of ownership, we must be in receipt of this fee.

Your immediate response is appreciated, and if you have any questions, please feel free to contact Genny McMath at (605) 773-3352.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

May 13, 1993

No. 4917-3

Tom Olson
HCR 37, Box 134
Pierre, SD 57501

Dear Mr. Olson:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Permit No. 4917-3.

Our records now show you as the owner of Water Permit No. 4917-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

413768

Pierre, May 12, 19 93

RECEIVED OF Outpost Lodge, HCR 37 Box 134, Pierre, SD 57501

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
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. _____		
Fee for Filing Transfer Form <u>Water Permit No. 4917-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatel (Signature)
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

January 10, 1994

4917-3

Tom Olson
HCR 37, Box 134
Pierre, SD 57501

Dear Mr. Olson:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 4917-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

414053

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, February 22, 19 94

RECEIVED OF Jill Olson, Outpost Lodge, HCR 37 Box 134, Pierre, SD 57501

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
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>4917-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By _____
Chief Engineer

John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

NOV 14 1994

4917-3

Tom Olson
HCR 37, Box 134
Pierre, SD 57501

Dear Mr. Olson:

Enclosed is Water License No. 4917-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414053 in the amount of \$50.00 which you paid for the inspection 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. 4917-3, 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 Division
(605) 773-3352

rd
enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4917-3

(1) Oahe Guide Associates, Inc. of Pierre SD 57501 made Application No. 4917-3, August 10, 1982 for a water permit to appropriate 0.11 cubic feet of water per second from groundwater (one well), Sully County, South Dakota for commercial purposes. Permit No. 4917-3, with a priority date of August 10, 1982 was approved December 9, 1982 and issued to the applicants for diversion of water with construction of the described water supply system completed on or before December 9, 1987 and the application to beneficial use of said water completed on or before December 9, 1991.

Water Permit No. 4917-3 was transferred on May 3, 1993 to Tom Olson.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.07 cubic feet of water per second for beneficial use. The location of the diversion point is 715 feet E and 1525 feet N of the W 1/4 corner Section 33-T113N-R80W (NW 1/4 NW 1/4).

(3) Pursuant to South Dakota Water Law 46-5-30.1 Tom Olson of HCR 37, Box 134, Pierre SD 57501 the holder and/or owner of Water Permit No. 4917-3 is issued a license to appropriate water, the right to use 0.07 cubic feet of water per second from groundwater (one well) with a priority date of August 10, 1982 from the location specified in (2) of this license. The water is to be used for commercial use purposes. This license is subject to any limitations or qualifications listed in Water Permit No. 4917-3 and subject to South Dakota State Law.



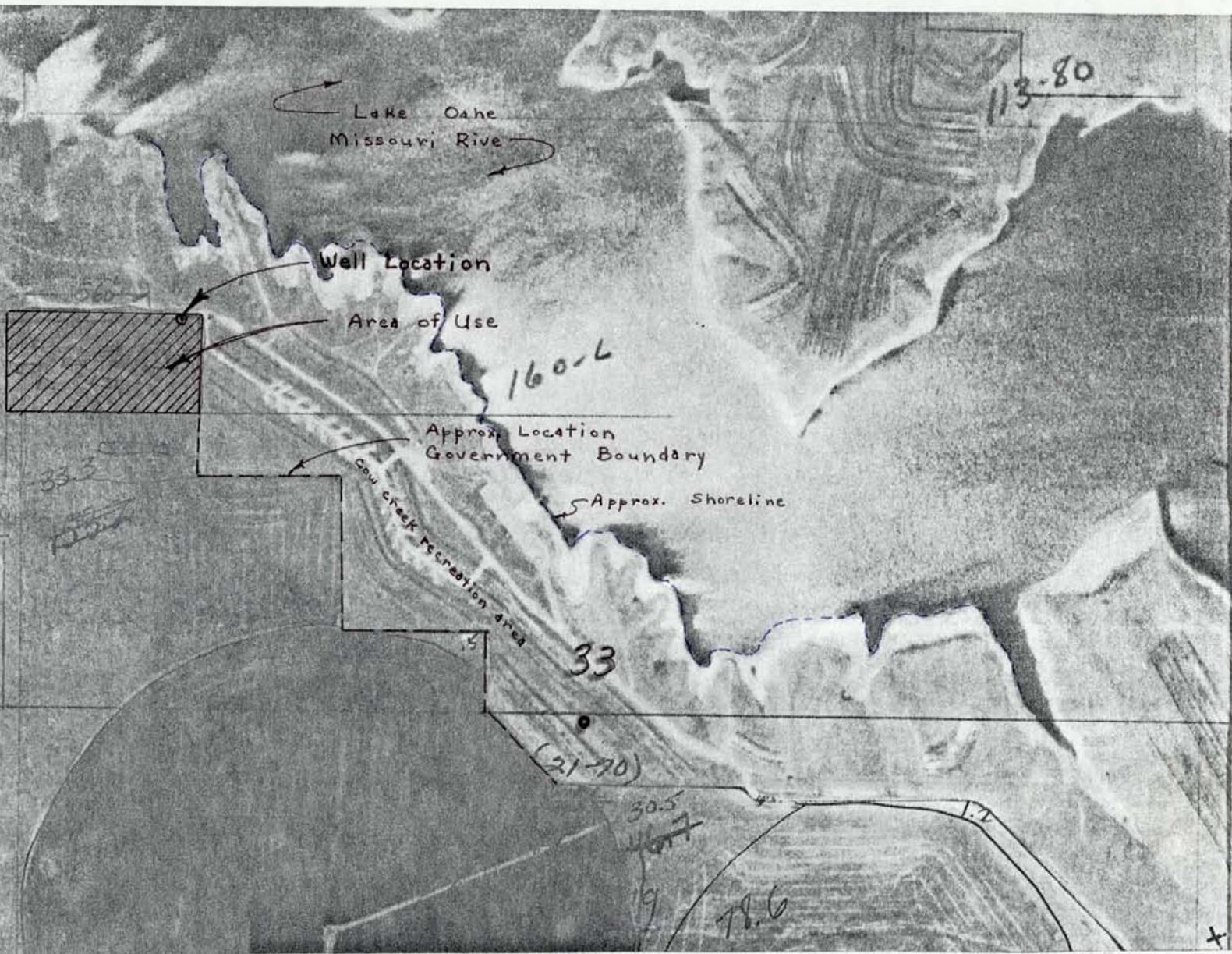
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

NOV 14 1994

date

OAHE GUIDE ASSOCIATES, INC.

COW CREEK LODGE



State of South Dakota) ss
County of Stanley)

Section 33, T113N,
R 80 W.

I, M. James Oehlerking, Registered Professional Engineer No. 2722, in the State of South Dakota do hereby certify that at the request of Ron Anderson, [REDACTED] I have shown the lands proposed to be developed within said boundaries on August 10, 1982, for which application for Appropriative Water Right is made and that this map is a true representation thereof.

Witness my hand and seal this 10th day of Aug. 1982.

M. James Oehlerking
Professional Engineer

received
Aug 13th, 1982

MAP #4117-3

APPL-4917-3