

Considered: 4-25-84

WATER PERMIT NO. 5005-3

MAP No. 5005-3

Name of Applicant Karts West

Post Office Address 405 Harpel Drive, Sioux Falls, S.D. 57105

Amount of Water Claimed 3.5 ac ft storage Total Acres -

Source of Water Supply two dugouts and 95' deep well

Water to be used for COM County Minnehaha

About 4½ miles west of Sioux Falls

PROOF OF PUBLICATION: Received lt 3-21-84 Not Received

APPLICATION: Approved 4-25-84 Subject to

F.F. & C.L. Adopted Not Approved Deferred

PRIORITY 8/19/83 Date Received 8/19/83 Fee 150.00 Remarks

well to pump water into the two retention ponds in later
summer to maintain water levels for boat use

Corrected Application Received Karts West Amusement Center
1/20/84 Period of Annual Use 5/1 to 9/30
log found in our files

WATER QUALITY APPROVAL RECEIVED APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES NO REMARKS not applicable

Diversion Point

NE¼ SE¼ Sec. 36-T101N-R51W

Land to be Irrigated

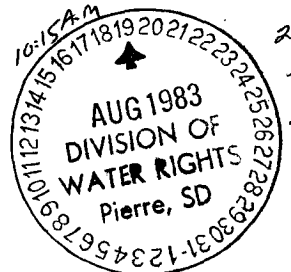
	36				
		x			

Well Log: Driller Sioux well drilling Licensed YES xx NO

Depth of Well 95' deep REMARKS

Type of Map drawn PREPARED BY Van De Malle & Assoc.
Sioux Falls Reviewed and the Number

assigned on 1/27/84 By BJ Westlund



No. 5005-3
 Map No. 5005-3 Water Division No. 3 SIoux RIVER District SR
 Above for Office Use 10170203

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 _____

1. Name of Applicant Karts West Phone No. 339-4429
 Post Office Address 405 Harpel Drive Sioux Falls State South Dakota 57105
 (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 _____

4. Amount of water claimed (cubic feet per second) 3.5 acre feet storage (two dugouts)5. Source of water supply two dugouts and a well

6. Location of point of diversion See attached Site Plan. Spot marked "X" in red,
between "Pitch 'n Hit" and "Bumper Boat Pond" is where well is to
be located. (NE SE - 76-101-51) County Minnehaha

7. Annual period or periods during which water is to be used May 1 - September 308. 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 _____

12. Principal Features of the Proposed Water Supply System.

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

Two dugouts and a well. Well will be used to maintain water level in dugouts

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

Pipeline from well to dugouts

C. Works proposed to apply water to beneficial use.

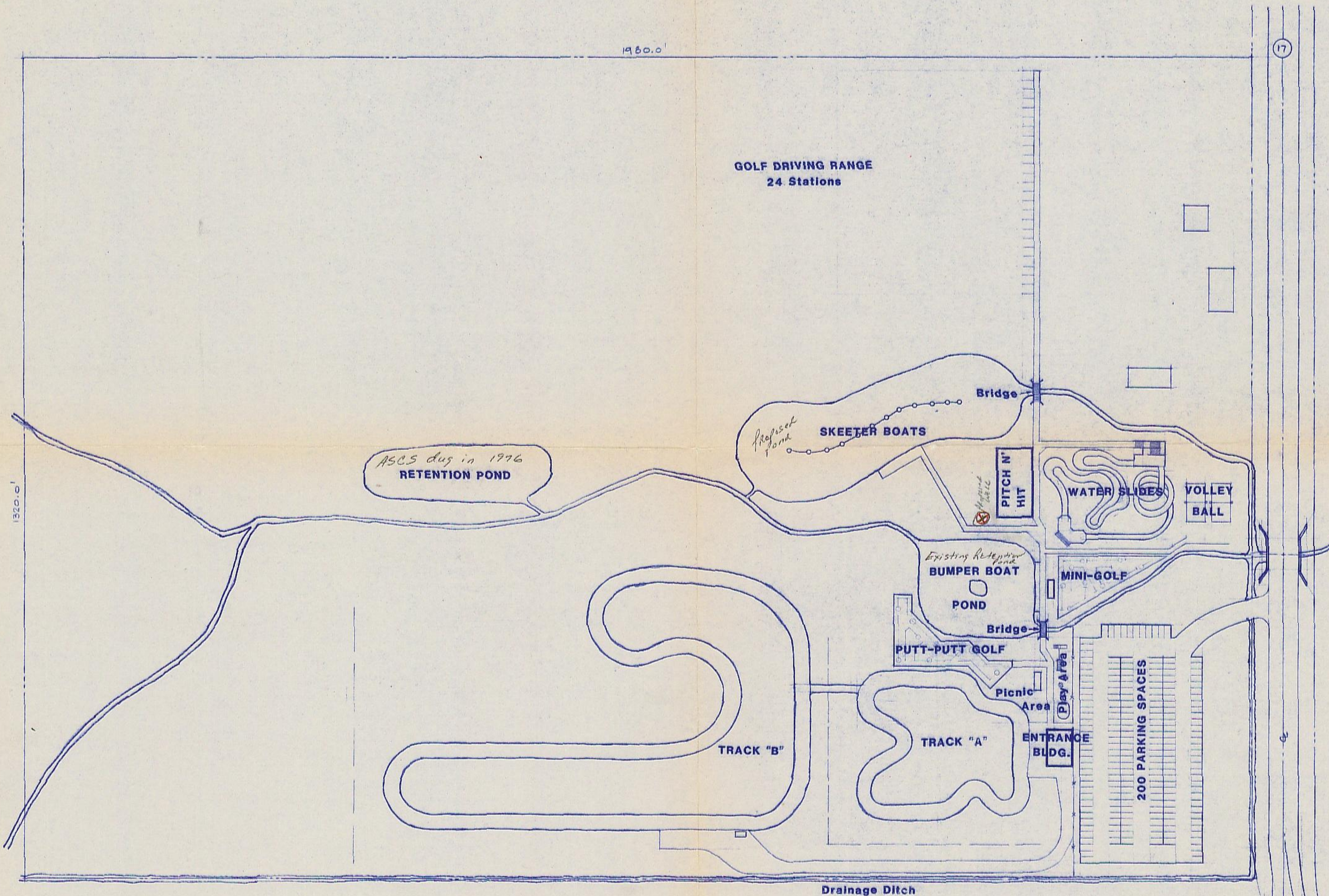
Estimated Total Cost \$ _____

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 Minnehaha)

I, FRANK Alvise 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 Pauline Hooper
 Subscribed and sworn to before me this 18th day of August, 1983
Pauline Hooper
 Notary Public (or other qualified officer)



X Well Location
 David E Erickson
 Van DeWalle and Associates

SITE PLAN

SCALE: 1" = 100'



KARTS WEST
 SIOUX FALLS, S. D.

Van De Walle and Associates
 Architects and Planners
 Suite 311 - 101 South Main Avenue - Sioux Falls, South Dakota 57102
 Phone: (605) 339-4411

12 AUG. 1983

8325

Appl. & Map # 5005-3

WATER RIGHT APPLICATION APPROVAL



The Water Management Board hereby approves Water Right Application No.

5005-3

Karts West

(Applicant)

405 Harpel Drive

Sioux Falls

(Post Office Address)

South Dakota

(State)

With the following qualifications.

The well approved under this Permit is located near domestic 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.

Date of first receipt of application August 19, 1983

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

Date of receipt of corrected application , 19

Approved April 25, 1984, Recorded in Book Page

WATER RIGHT PERMIT NO. 5005-3

The Water Management Board hereby grants and issues this Water Right Permit No. 5005-3 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 19, 1983
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before September 25, 1986
3. The whole of said work is to be completed on or before April 25, 1989
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is April 25, 1993
5. The water appropriated shall be used for the purpose of Commercial

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 3.5 acre feet annually ^{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 irrigation purposes said appropriation must be limited to not more than 2 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 April 25, 1993; said water to be used during the following described annual period: May 1st to September 30

Witness my hand this 3rd day of May, 1984

THE WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued , 19

Water License Issued , 19

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 7 inch Depth 95 Feet
- b) Casing Type PVC Diameter 6 inch Thickness sch. 80
- c) Screen Type PVC Diameter 6 inch Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth of Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should 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) Outlet Dimensions:
Pipe diameter _____

Spillway width _____

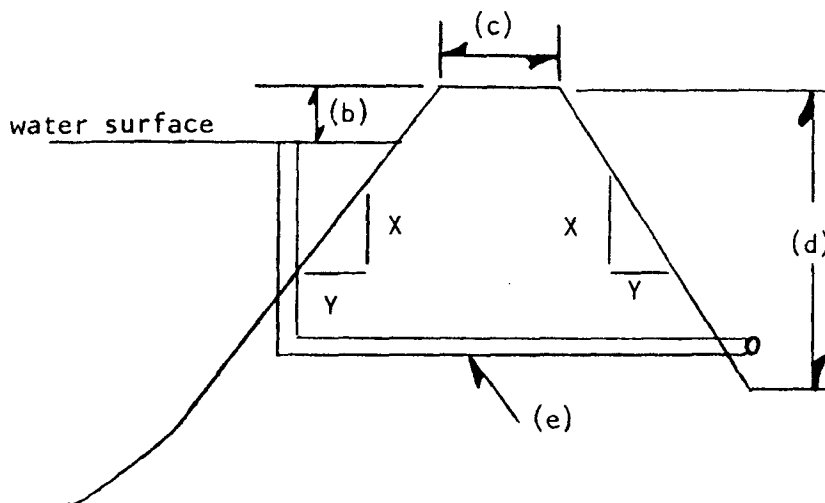
f) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Karts West

Signature of Applicant

D. Well Information

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

E. Dugout Information or Estimates

- (1) Surface dimensions, #1 150' x 100' 36"
#2 400' x 75' 40"

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

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

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

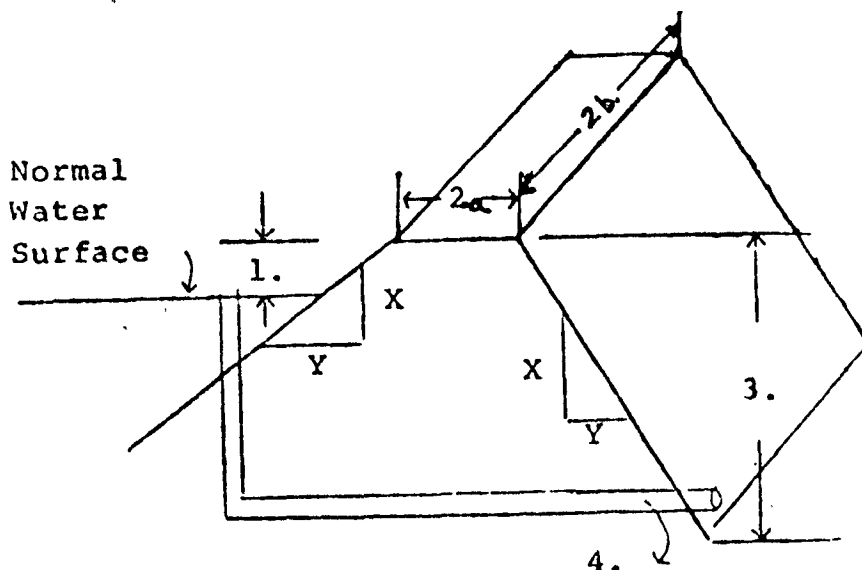
- (2) Distance to nearest existing household or livestock watering well

On same owner's property _____ rds.

On property owned by others _____ 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.



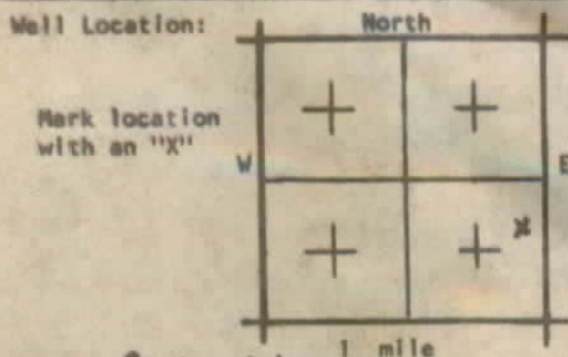
1. Freeboard _____
- 2a Crest width _____ b. length _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
- Surface area of impoundment _____
- Drainage area above dam _____

WELL DRILLERS REPORT
SOUTH DAKOTA WATER RIGHTS COMMISSION

4-78

Well Owner: Frank Elmer
 Name Frank Elmer
 Address Living Falls, S.D.

Water Level Information:
 Static water level 51 below land surface
 If flowing: closed in pressure PSI
 rate of flow GPM
 Controlled by:
☐ Valve ☐ Reducers ☐ Other
 If other; specify



County Minnesota
NE 1/4 SE 1/4 Sec. 36 Twp. 101N Rg. 51W

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
 Depth
 Casing ☐ Steel ☐ Concrete
☐ Plastic ☐ Other
 If other, specify

Was casing end left open
 Was a well screen installed
 Describe Well Screen
 Diameter Material
 Slot size
 Was well gravel packed
 Was well grouted
 Was water sample taken

Remarks:
Customer has applied for permit to pump in excess of 18 GPM.

Well Test Data:
☐ Pumped
☐ Bailed Describe:
☐ Other
 Pumping Level Below Land Surface
 ft. After Hrs. pumped GPM
 " " " " "
 " " " " "

Well Log:

Formation	Depth	
	From	To
top soil	0	1
yellow clay	1	18
grey clay	18	80
sand & clay	80	84
stratified	84	95

(Use Back if Necessary)

Date Completed: 20 August

Driller: Erwin Shell Drilling License No. 129
 Driller's or Firm's Name

1401 E 63N
 Address

Wayne H. Wagner 26 Aug 83
 Signed By Date



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9318

PIERRE, August 19, 1983

RECEIVED OF Karts West, 405 Harpel Drive, Sioux Falls, SD 57105

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

Fee for Application for Permit to Appropriate Water No. 5005-3 (examination, processing, recording and filing)	150	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	150	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH/ms

Aug. 23, 1983

Mr. Winterton
Dept. of Water and Natural Resources
Pierre, S.D. 57101

Mr. Winterton;

We have in our possession the applications for permission for a well on our property from which Karts West Amusement Center is operated. Property description is; E1/2 NW 1/4 SE1/4 & NE1/4 SE1/4 (Ex H-1) 36 101 51 Wall Lake Twp. Because the application does not appear to apply to our usage proper filing is unclear. We have Minnehaha rural water for our consumption needs.

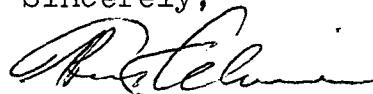
We have operated a Go Kart Park on this site for the last 5 years, a seasonal business open from May through Sept. The last two Springs have brought severe flash flooding resulting in considerable loss of equipment and operational days. In an attempt to divert the flooding we had a retention pond dug in the Fall of 1982 with permission from the planning commission for the purpose of using the dirt to help elevate parts of the low land and parking lot. After the pond was dug, 150' x 100' x 36" we discussed ways of using it rather than let it sit idle. In April we purchased Bumper Boats to run in the pond as an added attraction to our growing amusement park. Again in May we had a repeat flood and it was apparent that we needed yet more dirt elevation for protection. Our intention is to dig another retention pond, 400' x 75' x 40" to further control the flooding situation with the dirt and also to run skeeter boats as another attraction. We have a considerable investment in two asphalt tracks, concession building and batting machines and feel that these measures to control flooding and prevent the tracks from washing out are necessary.

The purpose for the request for a well is to pump water into the two retention ponds towards the end of our operational season, to maintain water levels for the purpose of running the boats until closing the end of Sept. yearly. We have found that the water level drops very slowly by mid August, however, we would like to have a well close by to allow us to maintain an operational water level thru Sept. Because of the small surface area the water will simply drain back into the ground with minimal water loss through evaporation. The water from the well will not be used for any other purpose.

With this information please advise us as to how to fill out the applications and what the application fee will be.

Enclosed is an architectural design of the completed park complex which we hope will be functional by Spring 1984. Thank you for your prompt reply.

Sincerely,



Frank Alvine, Owner

405 Harper Drive
Sioux Falls
SD
57105



Alvin,
Can you help
him?
Alvin

REPORT ON WATER PERMIT APPLICATION No. 5005-3

KARTS WEST

March 2, 1984

Water Permit Application No. 5005-3 requests 3.5 acre feet of storage per year from surface runoff and supplementary diversion of 0.17 cfs from one 95 foot deep well for commercial use in Minnehaha County (Section 36, T101N, R51W). The groundwater source is an unnamed glacial aquifer.

Discussion

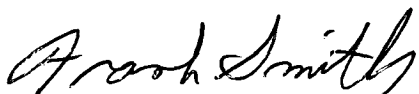
Frequent flooding of a small, intermittent stream which runs through Karts West Amusement Park has made it necessary to excavate two retention ponds, and fill low lying portions of the park area to raise the ground level. The two retention ponds store 3.5 acre feet of water. Karts West management has decided to use the two retention ponds as attractions, with boat rides and other water related amusements.

The primary source of water for the two ponds will be flood water from the creek. In order to maintain the water level in the ponds during dry periods, the applicant has also requested a well which will pump 75 gpm or less from an unnamed glacial formation.

There are no irrigation permits within several miles of this application. The proposed diversion rate of 75 gpm should not cause interference problems with any nearby domestic wells.

Conclusions

1. The primary source of water for Application No. 5005-3 is flood water from an unnamed creek.
2. The proposed groundwater diversion rate will not interfere with domestic use or existing water rights.
3. There is a reasonable probability that unappropriated water is available for Application No. 5005-3.



FRANK SMITH

Water Resources Engineer

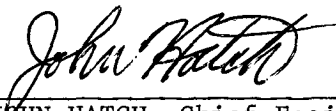
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5005-3, Karts West

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5005-3, Karts West, 405 Harpel Dr., Sioux Falls SD.

The Chief Engineer is recommending APPROVAL of Application No. 5005-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

The well approved under this Permit is located near domestic 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.

See attached report for additional information.



JOHN HATCH, Chief Engineer
March 6, 1984

Conversation or File Documentation

NAME OF PERSON OR FILE: Siony Well Drilling
ADDRESS: Siony Falls COUNTY Ma
DATE: 3/7/84 TELEPHONE _____
RE: Karts West well

COMMENTS:

called to request proposed well construction.
they said they drilled the test hole but
Karts West isn't sure of their plans and Siony
Well Drilling doesn't have a contract to drill
the well. He did say it would probably
be a 6" w/screen.

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: Betty Westlund

Instruction to Newspaper - Publish first publication of the following Notice on or before March 12, 1984 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5005-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Rights No.~~

Notice is hereby given that Karts West whose mailing address is 405 Harpel Drive, Sioux Falls, South Dakota has made an application for a permit

to appropriate 3.5 acre: feet annually for storage, to be used for commercial purposes in two ponds with a 95 foot deep well being used to supplement water in the ponds. The diversion points are all located in the NE 1/4 SE 1/4, Section 36, T101N, R51W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends

Approval of Application No. 5005-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Room 216, Joe Foss Building, 523 E Capitol, Pierre, South Dakota on April 25, 1984 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by April 13, 1984. The petition may be informal, but it must include a statement describing the petitioners interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; ~~(ground)~~ 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; ~~(future use)~~ 46-5-38 thru 46-5-40; ~~(transfer lands)~~ ~~46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA)~~ 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; ~~(future use)~~ 74:02:01:24 thru 74:02:01:25; ~~(10,000 AFA)~~ ~~74:02:01:15:02 thru 74:02:01:15:05.~~

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by April 13, 1984.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Minnehaha) ss.

I, Roxy Deutscher hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Argus Leader

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 Sioux Falls of _____

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

Monday, March 12, 1984

Monday, March 19, 1984

Roxy Deutscher
(Signature)
Controller

(Title)

March 19, 1984

(Date Signed)

Cost of Printing: _____

15 3/4" @ \$4.55/inch = \$71.67

State Notices

NOTICE OF HEARING
on Application No. 5005-3
to Appropriate Water

Notice is hereby given that
Karis West whose mailing ad-
dress is 405 Harpel Drive, Sioux
Falls, South Dakota has made an
application for a permit to appro-
priate 3.5 acre feet annually for
storage, to be used for commer-
cial purposes in two ponds with a
95 foot deep well being used to
supplement water in the ponds.
The diversion points are all locat-
ed in the NE 1/4 SE 1/4, Section
36, T101N, R51W.

Pursuant to SDCL 46-2A-2 the
Chief Engineer of the Water
Rights Division recommends Ap-
proval of Application No. 5005-3
because 1) unappropriated water
is available, 2) will be no lawful
impairment of existing rights, 3)
is beneficial use of water and 4) is
in the public interest.

This application will be consid-
ered by the Water Management
Board at Room 216, Joe Foss
Building, 523 E. Capitol, Pierre,
South Dakota on April 25, 1984, at
10:00 a.m.

The recommendation of the
Chief Engineer is not final or
binding upon the Board and the
Board is authorized to make a de-
termination on this application
after it reaches a conclusion
based upon facts presented at the
public hearing. Any interested
person who may be affected by a
Board decision and who intends to
participate in the hearing before
the Board and present evidence
or cross-examine witnesses ac-
cording to SDCL 1-26, must file a
written petition with BOTH the
Applicant and the Chief Engineer
by April 13, 1984. The petition may
be informal, but it must include a
statement describing the peti-
tioner's interest in the application,
the reason for the petitioner's op-
position to or support of the appli-
cation, and the signature and
mailing address of the petitioner
or his legal counsel if legal coun-
sel is obtained. The applicant
need not file a petition.

This application is made pursu-
ant to the provisions of SDCL 46-1-
1 thru 46-1-9, 46-1-12 thru 46-1-15;
46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-
2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-
5-25, 46-5-30.2, 46-5-31, 46-2A-1 thru
46-2A-10, 46-2A-12; 46-6-3, 46-6-3.1,
46-6-6.1, 46-6-10, 46-6-13, 46-6-14.

This hearing is an adversary
proceeding. The applicant or any
person, after filing a petition, 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 exer-
cised. Decisions of the Board may
be appealed to the Circuit court
and the State Supreme Court as
provided by law.

Any person wishing a copy of
the Chief Engineer's recommen-
dation, further information on
this application or to assure ac-
cess to the hearing by the handi-
capped can contact the Water
Rights Division, DWRN, Joe Foss
Bldg., Pierre, SD (605-773-3352)
for assistance prior to the hearing
date. The time of the hearing will
be automatically extended for at
least twenty days upon written re-
quest of the applicant or any per-
son who has filed a petition to
oppose or support the application.
The request for extension must be
filed with the Chief Engineer by
April 13, 1984.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION

May 4, 1984

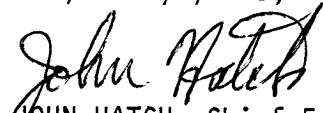
Karts West
405 Harpel Drive
Sioux Falls, South Dakota 57105

Dear Sir:

Enclosed herewith is your Water Permit No. 5005-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 5005-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

Karts WestNOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office

Sioux Falls

Date

6/10/84

TO: Water Rights
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No.

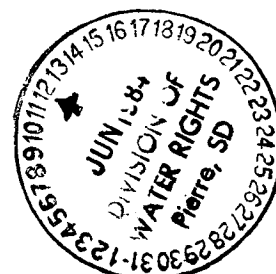
5005-3.

Water Right Permit No. 5005-3 states that the diversion system is to be constructed by Sioux Well Drilling & Jerke Constr. and that the water is put to beneficial use by KARTS WEST.

The diversion system was completed on 6-1-84. Applying the water to beneficial use was completed on 6-10-84.

You may schedule an inspection so that ~~the Certificate of Construction and/or~~ the Water License may be issued, thus completing my acquisition of a water right.

J. J. Keim
(Signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 9, 1992

5659-3
5005-3

Dan Stock
Wild Water West
809 W 10th Street
Sioux Falls, SD 57104

Dear Mr. Stock:

I am contacting you in regard to your telephone conversation with Karen Schlaak concerning transfer and licensing of Water Permit Nos. 5005-3 and 5659-3. You indicated the permits should be listed in the name of Wild Water West.

Enclosed are two "Notice of Transfer of Ownership" forms. Both permits will need to be transferred prior to licensing. Please check over the forms for accuracy, complete them where necessary, and then sign them in the presence of a notary. Upon completion, return the transfer forms to our office with a required filing fee of \$2.50 each.

As Karen indicated, the permits are ready to be licensed upon receipt of a \$50.00 license fee. Enclosed is a copy of our November 30, 1992 letter requesting the license fee. The letter had been sent to Mr. Alvine instead of Wild Water West. Upon licensing, the applicable portions of Water Permit No. 5005-3 will be incorporated into Water License No. 5659-3.

Please return the completed transfer forms and a total of \$55.00 (\$5.00 for the transfers and \$50.00 for licensing) as soon as you can. If you have any questions, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181



No. 5005-3

Date: December 14, 1992

I\We request that Water Permit No. 5005-3

formerly owned by: Karts West, % Frank Alvine, 405 Harpel Drive, Sioux Falls, SD 57105

be transferred to: (name & address) WILD WATER WEST WATERPARK, LTD, 809 West 10th Street
Sioux Falls, SD 57104 (Telephone No) 605-339-2837

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

(dugout locations) NE 1/4SE 1/4 Section 36, T101N, R51W

I\We understand that the validity of Water Permit No. 5005-3 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 Minnehaha)

I\We Marilyn Alvine being first duly sworn on my oath depose and say that my 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.

Marilyn Alvine
(Signed)

Subscribed and sworn to before me this 14th day of December, 19 92.

Gunda Hovse
(Notary Public)
Commission expires March 12, 1997

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 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.



January 6, 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

No. 5005-3
5659-3

Marilyn Alvine
Wild Water West Waterpark, LTD
809 West 10th Street
Sioux Falls, SD 57104

Dear Ms. Alvine:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 5005-3 and 5659-3.

Our records now show Wild Water West Waterpark, LTD as the owner of Water Permit Nos. 5005-3 and 5659-3.

Sincerely,

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

enclosure

RECEIPT

413546

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ December 16, 19 92

RECEIVED OF Wild Water West Waterpark, 809 W 10th St Ste B, Sioux Falls, SD 57104-3573
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. 5005-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hadd / gmr
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 8 1997

5659-3

Marilyn Alvine
Wild Water West Waterpark, Ltd.
809 West 10th St.
Sioux Falls, SD 57105

Dear Ms. Alvine:

Enclosed is Water License No. 5659-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413544 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. 5659-3, 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 No. 5005-3 have been incorporated into this Water License No. 5659-3.