

Considered: _____

WATER PERMIT NO. 5061-3

MAP No. same

Name of Applicant Battle Creek Campground

Post Office Address RR 1 Box 195 Canistota

Amount of Water Claimed 0.10 cfs Total Acres _____

Source of Water Supply Groundwater 1 well

Water to be used for com County McCook

About _____ miles _____ of _____.

PROOF OF PUBLICATION: Received 9-4-85 Not Received _____

APPLICATION: Approved 10-16-85 Subject to _____

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

PRIORITY Date Received 5-22-85 Fee \$50.00 Remarks _____

5-22-85 Map received 6-7-85

Corrected Application Received _____ Period of Annual Use May 1 To Sept. 30

WATER QUALITY APPROVAL RECEIVED N.A. APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS _____

Diversion Point SW4 SW4 sec. 34 T102N-R53W

Land to be Irrigated N.A.

	34				
⑩					

Well Log: Driller _____ Licensed YES _____ NO _____

Depth of Well 118' REMARKS No log available

Type of Map USGS Topo PREPARED BY Kevin Larson Reviewed and the Number

assigned on 6-13-85 By Kevin C. Larson

No. 5061-3 Hydrologic Unit 10170102
 Map No. same Basin Vermillion River
 Newspaper Canistota Clipper Box 128 (Thurs)

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use of water: Industrial ☐ Commercial ☒ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☒
 Domestic ☐ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

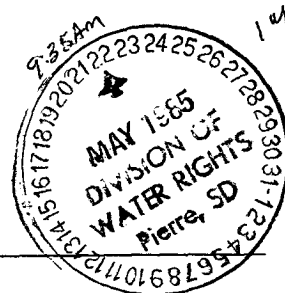
New ☒ Vested Right ☒ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant Battle Creek Campground Phone No. 296-3606Post Office Address RR #1 Box 195 Canistota SDak State 57012
(Street, RR or Box) Zip Code2. Amount of water claimed (c.f.s.) 0.103. Source of water supply Well4. Location of point of diversion Up on a hill overlooking lake
Vermillion, few trees, grassy SW⁴ SW⁴ sec. 34 T102N-R53W
County McCook5. Counties where water will be used McCook6. Annual period during which water is to be used May 1 to Sept

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

STATE OF SOUTH DAKOTA)
County of McCook)^{ss}I, Monica Stockwell the applicant, certify that I have read the foregoing application, 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

Monica StockwellSubscribed and sworn to before me this 21 day of May 1985Joan Matthaei
Notary Public (or other qualified officer)

WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 5061-3
Battle Creek Campground R.R. 1, Box 195, Canistota
(Applicant) (Post Office Address)
South Dakota 57012 With the following qualifications.
(State) (Zip Code)

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 May 22, 1985.
 Date of return to applicant for correction, amendments or changes required June 3, 1985.
 Date of receipt of corrected application June 7, 1985. Approved October 16, 1985.

The Water Management Board hereby approves this Water Permit No. 5061-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is May 22, 1985.
2. The equivalent of at least one-fifth of the specified work is to be completed on or before _____, 19____.
3. The whole of said work is ~~to be~~ completed ~~on or before~~ _____, 19____.
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is _____, 19____.
5. The water appropriated shall be used for the purpose of Commercial water supply
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 0.10 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 to which water is actually and beneficially applied for Commercial Use ~~on or before~~ _____, 19____; said water to be used during the following described annual period: May 1 to September 30

WATER MANAGEMENT BOARD
 By: John Hatch
Chief Engineer JOHN HATCH
 Division of Water Rights
 Dept. of Water and Natural Resources
 NOV 19 1985

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 6 in Depth 118 ft.
- b) Casing Type Steel Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ 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

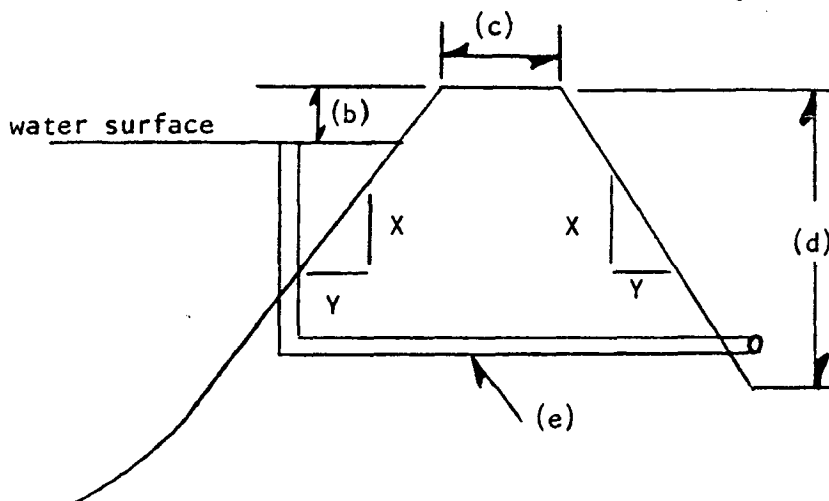
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

NA = nonapplicable

ID# 4600648

* W

Survey taken by Steve Naylor (SDSMIT)

Survey date 7-24-84

Is system active or inactive Active

If inactive, deactivation date NA

Deactivation reason NA

Location of NC PWS Exit 374 off I-90 then 5 miles south, SW side of Lk. Vermillion

Type of NC PWS (campground, motel, resort, etc.) Campground

Name of NC PWS Battle Creek Campground

NC PWS mailing address RR#1 Box 195, Canistota Telephone # 296-3606

Name of Operator/Manager Bruce & Monica Stockwell

Owner of NC PWS Bruce & Monica Stockwell

Owner's mailing address RR#2 Box 37, Parker

Type of owner: private (x) city () state () federal () other ()

County NC PWS located in McCook Seasonal operation dates 5-1 to 10-1

I would
guess $\leftrightarrow$
5-35
people

Number of people served: Average daily NEW owner No #'s Peak daily SAME

Comments on type of people (transient vs. permanent) trans. (campers fishermen)

Water source (well, spring, lake, river, other) WELL

Source name unknown

Visual inspection of water source (comments) NA

Observation of owner/operator making a turbidity test (if source is a surface supply). (comments) NA

Surface Area Characteristics Up on a hill overlooking Lk. Vermillion, few trees, grassy

Wells: drilled (x) bored () dug () driven ()

Well depth unknown

Casing material Steel

Casing diameter 5" outside dia Height casing top above ground 6"

Grouted unknown Grouted to what depth NA

Date of well construction 1969

Distance to: Septic tank 3 septic tanks closest is 200 ft Disposal field unknown

Is well situated in a pit or depression where it will be subject to flooding

No - Located in a flat area, the casing exits from a cement slab

Any known private sewage systems nearby NONE

Any known source of contamination NONE

Pump:

Well pump type Submersible Capacity unknown GPM

Number of service connections office/store, showerhouse,
Approx. 30 campsites with water

Pumphouse floor/ housekeeping OK - clean

Storage:

Size and type of storage underground cement storage
tank size unknown

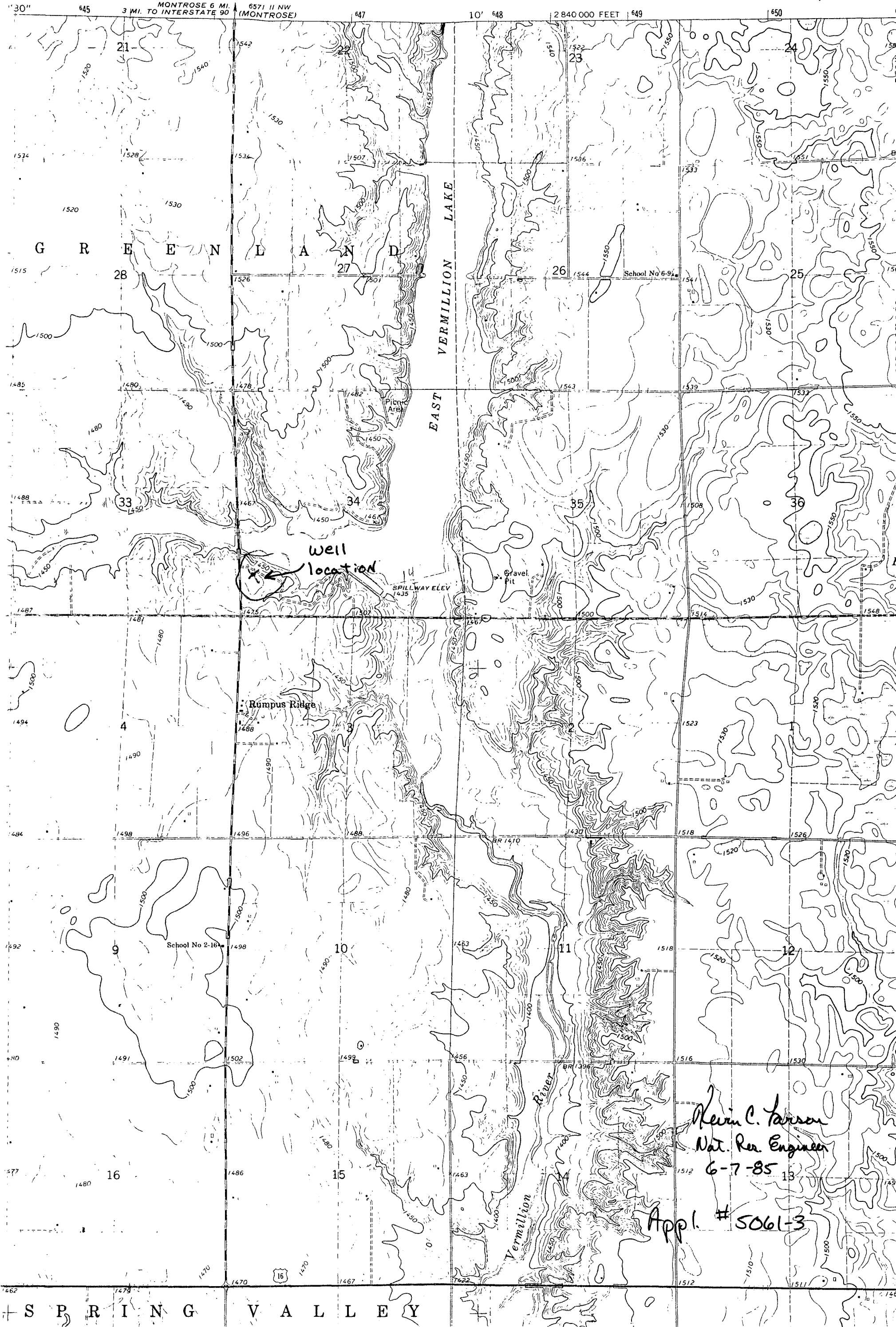
Cover/manhole conditions (overlapping cover?) No overlapping cover.
Lip of manhole is 5" above utility room (at showerhouse) floor

Overflow and vents screened NONE

Distance from pits/ contamination/ drainage OK

General condition OK

EAST VERMILLION LAKE QUADR
SOUTH DAKOTA
7.5 MINUTE SERIES (TOPOGRAPHIC)



Kevin C. Larson
Nat. Res. Engineer
6-7-85
App'l. # 5061-3

RECEIPT

Division of Water Rights

No 4 10048 -

South Dakota Department of Water and Natural Resources

Monica Stockwell

Pierre, May 22, 1985

Donald L. Sandstrom, Battle Creek Campground, RR#1, Box 195, Canistota, SD

RECEIVED OF

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

Fee for Application for Permit No. 5061-3 to Appropriate Water, to construct works and to put water to beneficial use

50 00

Fee for Application for Permit No. to Appropriate Water for Future Use

Fee to retain Future Use Permit No. after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No.

Fee for Filing Transfer Form

Fee for Filing Extension Request

Fee for Certified Copy of

Fee for Print Copy of Map

Fee for Certifying

Fee for

(Any Other Work Provided by Law)

Total

50 00

By

Chief Engineer

JOHN HATCH MS

July 22, 1981

Battle Creek Campground
% James Waechter
Canistota, South Dakota 57012

Dear Sir:

We are contacting all campground owners to advise them of the requirement and reasons for obtaining a water permit to use water from a well or surface supply for a commercial campground. If you obtain your water from a municipality, rural water system or other community system that already has water rights, you do not need a permit and this letter does not apply to your operation.

Enclosed are the application forms and instructions to apply for a water permit. Although State Law does require anyone using water for other than individual household domestic use or livestock watering to have a water permit, there are also several advantages to having a permit.

1. A water permit becomes a water right that entitles you to appropriate water for your commercial operation. The water right is also a property right that cannot be lost unless the water is not used.
2. In the event a large capacity well were to be authorized by a permit and pumped near your campground, you would have no protection if there were any adverse effects on your water supply. In fact, without a permit, the large capacity well owner would have seniority and you would have no rights to any water.
3. The State water rights system operates on the first in time is first in right basis. This means the senior water right has first call on the water except for domestic use. The non-domestic water user without a water right has no rights or protection in the event of water shortage conditions.

There are several commercial operations such as yours that have not established water rights. Normally there has been no problem even though the water user is operating without a permit. The reason being, the amount of water pumped is not large enough to adversely interfere with nearby domestic wells or existing rights. The difficulty occurs when we receive a legitimate complaint and it is necessary to shut down the water use operations that do not have permits. Since water use in South Dakota is increasing, the possibility of complaints or water

Battle Creek Campground
Page 2
July 22, 1981

supplies being fully appropriated is also increasing. The Water Management Board approves or denies all water permit applications. At almost each meeting, someone appears to protest an application. Upon questioning it has been determined in several cases that the person protesting is a non-domestic water user and thus he has no rights or legal standing even though he may have been using water for several years.

I would certainly suggest that you establish your water rights at this time. Such rights would provide future protection for continuing your operation and give you legal rights in the event of future large capacity well development in your area.

I believe you can get by for the one time minimum filing fee of \$150.00. Other costs will be for preparation of a map, advertising twice in the newspaper, and a one time \$50.00 final inspection fee.

If you have any questions or need any assistance, please let us know.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

Enclosure

a73202jh



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 27, 1984

Battle Creek Campground
RR. 1, Box 195
Canistota, SD 57012

Dear Mr. & Mrs. Stockwell:

The Division of Environmental Quality of this Department is conducting a survey of non-community public water supply systems. As a part of the survey, we have reviewed our records and we can not find any water rights on file for Battle Creek Campground.

A water permit is required pursuant to SDCL 46-1-15 to use water from a private source for commercial use. Any use of water, except for private domestic use, requires a water permit. Examples of commercial use are: truckstops, motels, restaurants, tourist attractions, commercial campgrounds and any other business operation. Examples of non-commercial use that require permits for private supplies are: churches, hospitals and nursing homes (any amount of water) and schools that pump more than 18 gallons per minute.

If you have a water permit that has been issued under another name or if you believe a permit has been issued under another name, please contact us. We are enclosing the necessary permit application forms and instructions, if you need a permit. Please complete and submit with a (see instructions) filing fee.

An existing business without a water right has no right to the use of water. Except for private domestic use, any water user without a water right is not entitled to receive protection in the event of well interference by a new or future user who has a water right. The new user with a water right will have the senior priority over an existing user without a water right. In South Dakota, the first in time (senior priority) is the first in right, except for individual domestic use. Individual household, farm or ranch use does not require a permit and has preference over all other users of water.

If you have any questions or need assistance with completion of the forms, please feel free to contact us.

Sincerely,

A handwritten signature in dark ink that reads "Kevin C. Larson". The signature is written in a cursive, flowing style.

Kevin C. Larson
Water Resources Engineer
Office of Water Rights
Phone: (605) 773-3352

Enclosures



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 24, 1985

NOTICE

Battle Creek Campground
RR 1, Box 195
Canistota, SD 57012

Dear Mr. & Mrs. Stockwell:

September 27, 1984 we notified you that State Law requires that a water permit be obtained for any use of water from a private source for use in a campground. We have not heard from you on this. Failure to comply with State Laws--SDCL 46-1-6(6), 46-1-15, 46-5-8.2, 46-5-9, and 46-5-10 and Water Management Board Rule ARSD 74:02:01:03--can result in an order to stop water use until an application for a water permit has been submitted and approved.

If you have questions or need another set of permit applications forms or if you believe you already have the required water permit or need assistance in completing the forms, feel free to contact us. Please submit the completed application forms prior to June 25, 1985.

Sincerely,

A handwritten signature in cursive script that reads "John Hatch". The signature is written in black ink and is positioned above the typed name and title.

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

S519.WR

WATER RIGHTS DIVISION
(605) 773-3352

June 3, 1985

Battlecreek Campground
Monica Stockwell
RR#1, Box 195
Canistota, South Dakota 57012

Dear Mr. Stockwell:

Thank you for submitting your water permit application. I am enclosing a copy of a U.S.G.S. Topographic map of the East Vermillion Lake area. Please mark the location of your well on it and return it to this office. Upon receipt of the map we will continue to process your application.

Thank you,

Kevin C. Larson
Natural Resources Engineer

KCL:ms
Enc.

REPORT ON APPLICATION NO. 5061-3

BATTLE CREEK CAMPGROUND

July 1, 1985

Application No. 5061-3, Battle Creek Campground proposes to utilize 0.10 cubic feet per second of ground water for use within a campground. The water will be withdrawn from one well 118 feet deep located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 34, T102N, R53W.

A well log was not submitted with the application. Information contained in Water Rights Division Drill log files indicate that a 118 foot well at the stated location would withdraw water from the Niobrara Marl (chalk rock).

The Niobrara Marl occurs in most of eastern South Dakota. The Niobrara directly underlies the glacial drift and in some areas the Niobrara has been eroded and channels have been cut by glacial activity and erosion. The Niobrara ranges in thicknesses from 40 feet in the northeast part of the state to 150 feet throughout most of the remainder of eastern South Dakota (Hedges, 1984). Water is obtained from the Niobrara thru fractures and solution cavities caused by weathering and glacial activity. Because fractures and weathering are very difficult to predict, a total amount of water in the formation cannot be predicted.

The well covered under Application No. 5061-3 has been in production for an unknown number of years. The Division of Water Rights has not received any complaints concerning the use of this well. With the small amount of water requested (0.10 cfs) and the large size of the Niobrara Marl, there should be no noticeable affects on existing water right holders.

Conclusions

1. The Niobrara Marl is a large aquifer with undetermined amount of water in storage.
2. The well is existing, has been utilized and no complaints have been received by the Water Rights Division.

Gale N Selken PE

GALE N SELKEN, PE.
Hydrologist

References

Water Right files, Dept of Water & Natural Resources, Division of Water Rights, Pierre SD, 1985.

Hedges, Burch, Iles, Barari, Schoon, Evaluation of Ground Water Resources, Eastern South Dakota and Upper Big Sioux Basin South Dakota and Iowa, SDGS, Vermillion, 1982.

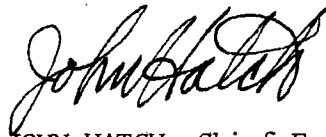
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION No. 5061-3, Battle Creek Campground

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. 5061-3, Battle Creek Campground, RR 1, Box 195, Canisota SD.

The Chief Engineer is recommending APPROVAL of Application No. 5061-3 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 the attached report for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", with a stylized, cursive script.

JOHN HATCH, Chief Engineer
July 25, 1985

Instruction to Newspaper - Publish first publication of the following Notice on or before **August 8, 1985** with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5061-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Rights No. _____~~

Notice is hereby given that Battle Creek Campground whose mailing address is
RR#1, Box 195, Canistota,, South Dakota has made an application for a permit

to appropriate 0.10 cubic feet per second from one existing well 118 feet deep
 located in the ~~SW1/4~~ Section 34, T102N, R53W. Water is used to supply a campground.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends
APPROVAL of Application No. 5061-3 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.

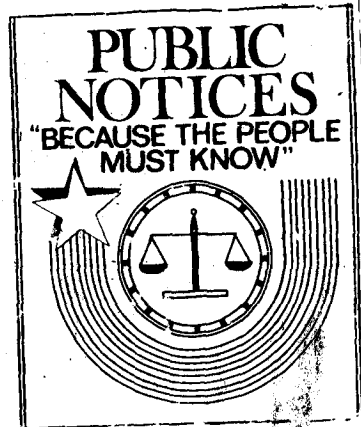
This application will be considered by the Water Management Board at Howard Johnson,
Nebraska Room, 3300 W. Russell, Sioux Falls, SD, October 16 1985 at 10:00 am.

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 October 4, 1985. 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 October 4, 1985.



NOTICE OF HEARING
ON APPLICATION NO. 5061-3 to
APPROPRIATE WATER

Notice is hereby given that Battle Creek Campground whose mailing address is RR #1, Box 195, Canistota, South Dakota has made an application for a permit to appropriate 0.10 cubic feet per second from one existing well 118 feet deep located in the SW1/4 SW1/4 Section 34, T102N, R53W. Water is used to supply a campground.

Pursuant to SDCL 48-2A-2 the Chief Engineer of the Water Rights Division recommends approval of Application No. 5061-3 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 Howard Johnson, Nebraska Room, 3300 W. Russell, Sioux Falls, S.D., October 16, 1985 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 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

Affidavit of Publication

STATE OF SOUTH DAKOTA)

:ss

COUNTY OF McCOOK)

The undersigned, being first duly sworn, on his oath says: THE CANISTOTA CLIPPER is a weekly newspaper of general circulation, printed and published in the City of Canistota, McCook County, South Dakota, by WENDELL ANDERSON, and has been such newspaper during the times hereinafter mentioned; that it has bona fide circulation of more than 200 copies weekly; that it has been published within said County of McCook in the English language and admitted to the United States mail under the second class mailing privilege for more than one year next prior to the publication of the notice hereinafter mentioned, and has been printed during such period and at the present time in part in an office maintained at the said place of publication; that I, the undersigned, am either "the publisher" or "an employee of the said publisher" of said newspaper, and have personal knowledge of all the facts stated in this affidavit; that the advertisement

headed *Notice of Hearing on*
Application No 5061-3 to
Appropriate Water

a printed copy of which is hereto attached, was printed and published in said newspaper for 2 successive weeks; that said notice was published in the issues of said paper on the dates as follows, to-wit:

The first publication being made on 8-8-85,
the second publication on 8-15-85,
the third publication on _____;
the fourth publication on _____;
the fifth publication on _____;
the sixth publication on _____;
the seventh publication on _____;
the eighth publication on _____;
the ninth publication on _____;

that 41.66 being the full amount of the fee for publication of the annexed notice, insures solely to the benefit of the publisher of the said newspaper; that no agreement or understanding for the division thereof have been made with any other person and that no part thereof has been agreed to be paid to any person whomsoever, and that said newspaper is a legal newspaper under the laws of the State of South Dakota.

Wendell Anderson

Subscribed and sworn to before me this 15

day of August, 1985

Bessie H. Haring

(SEAL) Notary Public, South Dakota



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 October 4, 1985. 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; 46-6-3, 46-6-3.1, 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;

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, S.D. (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 October 4, 1985. C8-8-2tc.

The Canistota Clipper
Thursday, August 8, 1985



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

5061-3

NOV 19 1985

Battlecreek Campground
Monica Stockwell
RR#1, Box 195
Canistota, South Dakota 57012

Dear Ms. Stockwell:

Enclosed is your Water Permit No. 5061-3 as approved by the Water Management Board authorizing the water diversion system and apply the water to beneficial use, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Hatch". The signature is written in a cursive, flowing style.

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

enclosure

Permit No. 5061-3Vermillion River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Battle Creek Campground
RR#1 Box 195 of Canistota, SD 57012 holder of
Permit No. 5061-3, bearing the priority of May 22 1985 authorizing
the diversion of .10 cu. ft. per second of the waters of groundwater
for commercial use purposes, in McCook County.

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

A. Works used to divert the water:

a submersible pump capable of 10gpm

B. Works used to transport water to place of use:

400' of 1 1/2" PVC

C. Works used to apply water to beneficial use:

The water is used for campground hookups
in the showers + restrooms. It is also used in the
main office building.

The system is in the following condition goodThe point of diversion is located 300' East and 860' North of the SW
corner Section 34 - T102N - R53WThe works are capable of diverting and conveying to the place of use .02cu. ft. per second of water which is to be used for commercial use

Water has been put to beneficial use to the maximum extent as follows: _____

comprising a total of N/A acres of land and the license should be issued for .02 cfsApplicable permit qualifications have been complied with X Yes No

Exceptions to compliance are: _____

Date 8/26/1991

Norma C. Tob
(signature)

LICENSE FOR PERMIT NUMBER 5061-3

1. Legal location of wells: SW 1/4 SW 1/4 Sec 34-T 102N-R 53W

dams & structures: _____

2. Well Information: Well Drilling Firm Fred Marguardt, Jr
well log not available

Completion Report Yes ___ No ___ No. of Wells 1 Depth 110

Casing a) diameter 4" Screen a) type Sioux Quartzite (aggr.)
b) length _____ b) length _____

c) type steel Static Water Level _____

Pump a) make Submersible Motor a) make _____

b) model _____ b) model No. _____

c) size _____ c) horsepower rating _____

d) capacity 10 gpm

e) turbine pump - no. of stages _____

f) operating PSI _____

3. Distribution lines or canals

a) size 1 1/2"

b) type PVC

c) length 400'

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of
sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
___	___	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
___	___	2. Special qualifications to permit being abided by?
___	___	3. All structures, wells and lands on map?
___	___	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
___	___	5. Is chemigation used?
___	___	6. If yes, does equipment comply with chemigation rules?

REMARKS:

T 933

Box of

99.2
1 HEL
SD

Dep of Parks
Game Fish & Birds

38-R

D-13

4

34

102-53

prepared by
Norma C. Job
Natural Resources Eng I
Division of Water Rights
9/11/1991

well

16.0
ft

T 55

8.4

8.6

11.9
3 HEL

49.8
1 HEL

T 909

8.0
2 HEL

5061-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 3, 1992

5061-3

Battle Creek Campground
RR 1, Box 195
Canistota SD 57012

Dear Sir:

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. 5061-3, 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,

Genny McMath /ks

Genny McMath
Natural Resources Analyst
(605) 773-3352

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 15, 1992

SECOND NOTICE

Permit No. 5061-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Battle Creek Campground
RR 1, Box 195
Canistota, SD 57012

Dear Sir:

On January 3, 1992, you were notified the final inspection fee of \$50.00 is due before Water License No. 5061-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Battle Creek Campground
RR 1, Box 195
Canistota, SD 57012

5. Signature (Addressee)

6. Signature (Agent)

4a. Article Number

P 757 566 256

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

6-17-92

8. Addressee's Address (Only if requested and fee is paid)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

413267

Pierre, June 29, 19 92

RECEIVED OF Battle Creek Campground & Bait Shop, RR 1 Box 195, Canistota SD 57012
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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>5061-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	50	00

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 7 1992

5061-3

Battle Creek Campground
RR 1, Box 195
Canistota, SD 57012

Dear Sirs:

Enclosed is Water License No. 5061-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413267 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. 5061-3, 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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5061-3

(1) Battle Creek Campground of RR 1, Box 195, Canistota, SD 57012 made Application No. 5061-3, May 22, 1985 for a water permit to appropriate 0.10 cubic feet of water per second from groundwater (one well), McCook County, South Dakota for commercial purposes. Permit No. 5061-3 with a priority date of May 22, 1985 was approved October 16, 1985 and issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

(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 0.02 cubic feet of water per second for beneficial use. The location of the diversion point is: 300'E and 860'N of the SW corner Section 34, T102N, R53W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to Section 46-5-30.1 Battle Creek Campground of RR 1, Box 195, Canistota, SD 57012 the holder(s) and/or owner(s) of Water Permit No. 5061-3 is issued a license to appropriate water, the right to use 0.02 cubic feet of water per second from groundwater (one well) with a priority date of May 22, 1985 from the location specified in (2) of this license. The water is to be used for the purpose of commercial use. This license is subject to any limitations or qualifications listed in Water Permit No. 5061-3 and subject to South Dakota State Law.

 AUG 7 1992
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

BATTLE CREEK CAMPGROUND
RR 1 BOX 195
CANISTOTA SD 57012

Address correction requested:

Battle Creek Store
45105 Quail Dr
Canistota SD 57012

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 5061-3. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: GROUNDWATER
Aquifer: NIOBRARA FORMATION
Management Unit: NOT APPLICABLE

County: MCCOOK
Pumping Pt. Legal: SEC 34-T102N-R53W
Type of Water Use: COMMERCIAL

- 1) Please estimate your year 2000 water use from the above water source: _____ gallons
2) If no water use in 2000, please list the reason(s) why in the comments section.

Comments: We had Rural Water installed
in Oct 2000. New ownership
on June 30, 2000. Therefore, we don't know
how much water was used. Sorry

Contact Person:

Dandy Fortman

Telephone No:

296-3606

Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.

Thank you for completing the 2000 water use questionnaire

Water Rights on the Web: www.state.sd.us/denr/wr

